



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Sixty-second session

14 January – 1 February 2013

### Implementation of the Convention on the Rights of the Child

List of issues concerning additional and updated information related to  
the consideration of the second periodic report of Malta  
(CRC/C/MLT/2)

Addendum

Written replies of Malta\*

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

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## Replies to the issues raised by the Committee in the list of issues

### Part I

#### Reply to the issues raised in part I, paragraph 1 of the list of issues (CRC/C/MLT/Q/2)

1. It must be stated in the first place that the approach regarding the manner in which the Convention is to be implemented into Maltese law has been widely debated. There are two options how to do this - either the implementation of a comprehensive 'Children's Act' incorporating all the sectoral laws of whatever nature; or the implementation of the Convention through various laws as is the situation at present. The risks of lack of coherence in established laws that may result from the extraction of part of those laws for their transfer to another 'sectoral' law have to date deterred us from implementing a 'comprehensive law' in the area. However this is basically an issue of legal codification and it does not affect the incorporation of the substance of the Convention into Maltese law.

2. Moreover the Minister for Justice, Dialogue and the Family has publicly declared that the Government of Malta intends to incorporate the Convention into domestic law in the same manner as has been done with regard to the European Convention on Human Rights and other international Conventions. In this manner although a comprehensive sectoral Children's Act will not be enacted at least for the time being, the rights guaranteed by the Convention will become autonomously enforceable as Convention rights in the domestic courts.

3. Malta ratified the Convention on the Rights of the Child in 1990. The principles of the Convention are binding on Malta as part of an international obligation. Notwithstanding the fact that the Convention is not as yet incorporated within domestic law, the Maltese Courts have nonetheless on various occasions referred to the Convention in their judgements. In the case *Caruana v. Attorney General and Director of the Department for Social Welfare* (18/08/2012), the First Hall Civil Court in its constitutional jurisdiction stated that the obligations under article 8 of the European Convention on Human Rights, must be interpreted within the wider framework of international obligations relating to child abduction; that includes rights and obligations established in the Hague Convention, as well as, the Convention on the Rights of the Child. In a separate case, *Simon Gallard v. the Honourable Prime Minister*. Delivered on 21 October 2003, the same Court ruled that Maltese and foreign fathers were treated differently, and this was to the detriment of the interests of minors as outlined in the Convention on the Rights of the Child.

4. In a declaration on "current global issues", made in 2009 by the Ministry of Foreign Affairs, in a section devoted solely to children, the government declared: "Malta will continue to actively support the protection of the basic human rights of children in the world, particularly as laid out in the International Convention on the Rights of the Child" and that "Malta will continue to support international actions and policies that respect the rights of the unborn child and foster the best interests of children".

5. Malta's approach has thus been that of ensuring that domestic legislation, policies and practices are in compliance with the Convention. To this effect, the rights protected by the Convention have to a considerable extent been included into domestic legislation and are therefore enforceable as such in the domestic courts. Indeed, several articles of the Convention have in substance their counterparts in the Constitution of Malta, whilst others are reflected in principal and subsidiary legislation or else emanate from other international

treaties which have been incorporated into Maltese law such as the European Convention on Human Rights.

6. This 'sectoral' law reform approach focusing on the examination of legislation concerning different areas in order to identify and propose amendments to bring national legislation in conformity with the Convention has ensured that national legislation mirrors the principles of in the Convention. This will above all guarantee that children's rights identified in the Convention are inalienable, realisable and directly enforceable in Malta as provided for in the draft National Children's Policy published in November 2011.

7. In view of the above, it can safely be stated that the Convention influences domestic law and policy in the area of children's rights and the protection of the same. The establishment of a national Commissioner for Children in 2003 has been an essential step in determining a national approach to the obligations that Malta has contracted on an international level by ratifying the Convention.

8. In effect, Malta established the Commissioner for Children with statutory rights to protect children and their rights. The Commissioner for Children in Malta has since 2003 worked continuously to improve children's welfare and raise awareness on child-related issues. Articles 3 and 4 of the Commissioner for Children Act provide the basis for the Commissioner to be an independent, non-partisan and politically neutral institution. Although the Commissioner administratively falls under the jurisdiction of the Ministry responsible for Children, at present the Ministry for Justice, Dialogue and the Family, the Commissioner acts on the basis of her own individual judgement and is not under the direction or control of any other authority.

9. Additionally, in Malta, there also exists the Council for Children which has the role of advising and assisting the Commissioner in the performance of her functions and in the promotion of the welfare of children. The Council is also entrusted with monitoring compliance with the Convention on the Rights of the Child and with other international treaties, conventions or agreements relating to children, which Malta has ratified or acceded to. Three of the members of the Council are young persons.

10. One last important point that has to be emphasized is that the Minister responsible for Justice, Dialogue and the Family has publicly stated the Government's intention to incorporate this Convention into Maltese domestic law through an act of Parliament as has been the case for other international Conventions.

**Reply to the issues raised in part I, paragraph 2, of the list of issues**

11. The Department for Social Welfare Standards has been assigned the responsibility of regulating social welfare services in Malta. For many years the Department (formerly known as the Department of Family Welfare) has provided personalized Social Work services to persons in need. During the transitional process, the Department developed a framework within which to carry out its regulatory function and responsibilities.

12. The draft Legislation granting more powers and authority to the Department is presently being discussed at Ministerial level One such power which will be granted to the Department under this proposed law is the power to grant, suspend or revoke licenses such as those for the provision of child care services, and adoption and fostering agencies' services. Service regulation will require that assessments and audits are conducted in both state and private organizations. The Department will also manage a complaints mechanism to investigate any complaints or reports about service provision.

13. The Department for Social Welfare Standards is also responsible for implementing the Adoption Administration Act, 2008 (Chapter 495 of the Laws of Malta), the Foster Care

Act, 2008 (Chapter 491 of the Laws of Malta), and the Agency Accreditation Regulations (Adoption Administration Act) (Chapter 495 of the Laws of Malta).

14. The operations of the Department for Social Welfare Standards focus particularly on Child Day Care services. Standards developed for this sector in 2006 include the promotion of the Convention on the Rights of the Child such as the promotion and respect of children's dignity irrespective of race, religion, background, nationality etc (art. 2) or disability (art. 23), the respect for care and custody regulations (art. 9), respect to privacy (art.16), the promotion of healthy practices and activities that diminish the risk of spread of diseases/illnesses (art. 24), and the reduction of harm to children caused by abuse or neglect. A marked improvement in services provided within child day-care facilities is notably visible. The standards have assured that high quality childcare is provided. The Department also participated in an EU grant scheme to promote child care facilities and the use thereof.

15. Moreover, the Department for Social Welfare and Standards liaises with the National Commission for Persons with Disability for the implementation of the newly ratified Convention on the rights of persons with disabilities in its role as a regulatory entity.

16. The Department also drafted Occupational Standards for persons working in the social welfare sector, which promote (inter alia) familiarization with the Convention and other relevant legislation so that all those working in this sector are equipped to adequately promote children's rights.

17. Apart from this, the Department for Social Welfare Standards has published National Standards for Out of Home Care (which includes fostering) based on the Quality for Children Standards (which are also based on the Convention on the Rights of the Child). The scope of these standards and their implementation is to promote children's rights by providing adequate residential services (with a therapeutic function) to children who cannot be cared for by their families.

18. The Department for Social Welfare Standards does not legally regulate children's homes, however the publication of the standards has created a benchmark to which children's homes can aspire to reach. Those working within children's homes are now more aware of children's rights and of what is acceptable and unacceptable within the homes. The Department for Social Welfare Standards has also become a point of reference for social welfare service providers, whom they can consult and also receive guidance from.

**Table 1: Number of child care centres registered with the DSWS**

<i>Year</i>	<i>Number of centres</i>
2007	30
2008	38
2009	44
2010	46
2011	53
2012	53

*Source: Department for Social Welfare Standards*

**Table 2: The increase in child care facilities 0-3, 2007 (30) to 2011 (53) = 76% increase in number of children from 491 in 2006 to 1502 in 2011 (305.9%)**

<i>Year</i>	<i>Number of Children</i>
2006	491
2007	599
2008	333
2009	1048
2010	1147
2011	1502

**Reply to the issues raised in part I, paragraph 3, of the list of issues**

19. Through the setting up of the Office of the Commissioner for Children, the rights and interests of children in Malta are being further protected. In fact, as provided for in the Commissioner for Children Act of 2003, the Commissioner for Children ensures that legislation relating to the protection of children and investigation of alleged breaches of children's rights is in place. To this end, the Commissioner makes recommendations for changes to existing laws or for new laws to be enacted which will enhance the respect of the rights of children in Malta. Such recommendations are also published and disseminated just prior to an electoral campaign in the form of a Manifesto for Children. This is done in order to sensitize political parties about the importance of including measures conducive to the rights of children in their electoral programmes.

20. The Office of the Commissioner for Children promotes the rights of children also through activities aimed at educating people, mostly children themselves, and raising awareness about children's rights. Such activities take the form of specific publications targeting different age-groups of children. Among such publications commissioned by the Office one finds *Kiko and the Hand*, which was translated into Maltese. This educational tool created by Council of Europe aims at instilling in young children a practical awareness of their rights vis-à-vis sexual abuse; *Mark's Dream*, a publication in Maltese and English that deals with the realities faced by children whose parents have separate; comics, cartoons and videos about internet safety amongst other publications. Awareness-raising and education about children's rights is also carried out by means of the media through regular participation on radio and television programmes, as well as intensive socio-educational activities, like the Rights4U course, among small groups of teenagers.

21. Promotion of children's rights is also done through the commissioning of research studies that help to shed light on specific realities that impinge on the rights of children in Malta. Among the research studies carried out by the Office is a study on children with very challenging behaviour (published in 2006); a study on the outcomes in terms of child well-being of out-of-home care in Malta (completed in 2012); a research study on ethical issues surrounding children's exposure to and participation in commercial advertising and political electioneering (completed in 2012); and a study on leisure trends and perceptions of leisure among teenagers in Malta (still underway). All such studies contain recommendations on how the issues brought to light by the research can be addressed for the benefit of children.

22. The Office of the Commissioner for Children is thus committed to promote and protect children's rights, ensuring wider participation of children in society. It also monitors the provision of services for children in Malta.

23. While one acknowledges that there was an increase in the human resource capacity over the years, the need for further expansion is still felt in order to enable the

Commissioner to better fulfil her functions. This need is also reflected in the draft National Children's Policy which proposes that 'to strengthen the role of the Office of the Commissioner for Children, additional resources are required to ensure its better functioning.' (Chapter 4, p. 38) To this end, the Office has recently increased its staff complement through the recruitment of a Head of Office and a Case Officer.

24. Moreover, the budget allocation for the Office of the Commissioner for Children increased between the years 2007 to 2013 as follows:

**Table 3: Budget allocation for the Office of the Commissioner for Children**

<i>Year</i>	<i>Amount (in Euros)</i>
2007	58,234
2008	98,000
2009	100,000
2010	130,000
2011	150,000
2012	171,000

*Source: Office of the Commissioner for Children*

25. Another important step toward increasing the Office's resources has been the decision to move to larger premises. Such a move is a necessary precondition for the expansion of the Office's structure and for the better fulfilment of its functions. It will also enhance the accessibility of the Office to children and the general public, and should strengthen the perception and identity of the Commissioner's role as an autonomous entity.

#### **Reply to the issues raised in part I, paragraph 4, of the list of issues**

26. The Equal Opportunities (Persons with Disability) Act (Chapter. 413 of the Laws of Malta) covers all disabled people, regardless of age. This Act defines how a person is considered as discriminating against another person on the grounds of disability in any circumstances relevant for the purposes of any provision of this Act (Part II, articles 3-6), while the prohibition of disability discrimination is referred to in part III, articles 7-19 of the Act.

27. In Malta, the National Commission Persons with Disability (NCPD) deal with cases of discrimination that are referred to it by disabled individuals or their family members. Cases relating to children with disabilities generally have to do with inclusive education.

28. Furthermore, the National Commission for the Promotion of Equality (NCPE) works to raise awareness with children and to empower them on issues related to equality, discrimination and stereotypes. In fact, the Commission carries out training with different groups of stakeholders, including groups of children and students to disseminate information on this subject matter. These training sessions are adapted to the needs of the respective group receiving the training, thus training to children is delivered in ways that are attractive and of interest to children of different age groups.

29. The Foundation for Social Welfare Services through Agenzija SAPPORIT strives to prevent discrimination towards children with disability and its Services work towards assisting these children, particularly those with challenging behaviour and/or who are at risk of institutionalization, in enjoying equal rights like others. To this effect, the Social Work Services address any situation referred to them where children with disability are faced with barriers that impede full accessibility in society and they work together with the child and his/her family to access services and programmes that would help them achieve their goals. Through its Community Services, an individualized programme is designed for

the child with disability that meets his/her particular needs and reach his/her targets in life. The programmes would involve skill development that would aid the particular child enhance his/her quality of life and advance in life. Through its first residence for disabled minors at risk of institutionalization, the Residential Services will be providing an opportunity to children with challenging behaviour to move out of an institution where they are presently living and live in a community home, which would cater for their holistic wellbeing, be it developmental, social, educational, health, safety, recreational, spiritual needs.

30. Ever since the launch of the Inclusion Policy in 2000 the Ministry of Education has always implemented an inclusive culture in all mainstream schools in Malta. This policy had, as its main features, the setting up and function of the Statementing Moderating Panel in conjunction with an Appeals Board and the Individual Educational Plan (IEP) process. Through this policy after the Statementing Moderating Panel assesses the learners' needs it issues its recommendations of support. This support, which includes support given by Learning Support Assistant (LSA) aims to make education accessible to learners with Individual Educational Needs (IEN).

31. The IEP process ensures that the needs of learners with a statement are targeted in all areas of development and participation in all areas of school life is implemented. In 2004 the then Minister of Education, Youth and Employment appointed a working group to review inclusive and special education in Malta. In 2005 this same working group submitted its final report with the inclusion of a number of recommendations to ensure that learners with IEN benefit from mainstream education. All the recommendations submitted by this working have to date been implemented.

### **Inclusive and Special Education Review (2005): Recommendations and Implementation**

#### *Recommendation: Structure*

32. The Directorate for Student Services and International Relations should be restructured into a Directorate for Support Services, solely encompassing inclusive and special education, as well as other services, namely: school psychological services, school social work services, guidance and counselling and a Safe Schools Programme.

#### *Implementation*

33. At the end of 2005 an Inclusive and Special Education Network Coordinator was appointed to implement the recommendations of the Inclusive and Special Education Review document. In 2008 the Student Services Department was set up and to date this Department has under its responsibility four sections which include:

- Inclusive Education,
- Special Education and Resource Centres,
- Educational Psych- Social Services and
- Projects and Initiatives.

34. Each Section falls under the responsibility of a Service Manager and is housed under one roof at a specially created Centre that offers a one-stop shop experience for its clients.

35. The Special Education and Resource Centre Section is made up of services that are provided to learners with IEN in mainstream schools. These services also provide support to Teachers and Learning Support Assistants (LSAs) as well as senior management teams (SMTs). The services offered include:



- Early Intervention Service
- Teachers for the Hearing / Visual Impaired
- Autism Support Team
- Hospital Classes
- Home Tuition
- Social, Emotional and Behaviour Difficulties (SEBD) specialists
- Transition Organiser
- Access to Communication and technology Unit (ACTU)

#### *Inclusive Education Section*

36. The Inclusive Education Section is also responsible for sections that have been modelled to support Inclusive practices. Responsibilities under this section include:

- Learning Zones and Nurture Groups
- Learning Support Assistants and their training
- Inclusion Coordinators (INCOs) in primary/secondary schools
- Teachers for Unaccompanied Minors Asylum Seekers (UMAS)
- Youth Workers

#### *Educational Psycho-social Section*

37. The Educational Psycho-Social Section comprises the following Services / Unit that are assigned to each of the ten state Colleges in Malta and Gozo. These services are provided by a multi-disciplinary team that aims to support the learner receiving mainstream education:

- School Psychological Service
- Social Work Service
- Safe Schools Programme which incorporates the Child Safety Services, Anti-Bullying Unit and Substance-Abuse
- Career Guidance Service
- Education Medical Service
- Unit Għożża
- Counselling Service
- College Prefect of Discipline

#### **Recommendation: - Statementing Moderating Panel (SMP)**

*The provision of Learning Support Assistants (LSAs) for students with Individual Educational Needs*

#### **Implementation**

38. It is to be noted that in 2005, 2.75 per cent of learners out of the total student population had a statement of support and by year 2012 this percentage rose to 5.4 per cent

of learners. This indicates that more learners are being Statemented and more support is being provided.

**Table 4: Number of applications received between 2006 and 2012**

<i>Year</i>	<i>State</i>	<i>Church</i>	<i>Gozo</i>	<i>Independent</i>	<i>Totals</i>	<i>Statemented</i>
2006	264	81	36	4	385	385
2007	292	111	42	8	453	453
2008	323	125	53	3	504	437
2009	334	151	41	73	599	550
2010	321	128	46	56	551	548
2011	449	154	37	39	679	679
2012	501	172	48	59	780	485

*As at end of December 2012/Data kept by SMP*

39. Table 4 above shows the total number of referrals received between 2006 and 2012 and the number of statements issued by the Statementing Moderating Panel from applications received for each respective year. Table 5 below shows the number of children assessed each year between 2006 and 2012, the number of children given LSA support and the number of children that were given other types of support.

**Table 5: Children statemented between 2006 and 2012**

<i>Year</i>	<i>No. Statemented</i>	<i>State schools</i>	<i>Church schools</i>	<i>Independent Schools</i>	<i>Given Lsa support + other services</i>	<i>Given other support</i>
2006	299	223	72	5	222	77
2007	397	296	96	5	298	99
2008	434	336	97	1	305	129
2009	430	311	94	25	341	89
2010	590	381	158	51	468	122
2011	589	426	124	30	491	98
2012	1179	813	294	72	689	490

40. To date the number of learners being supported by an LSA is 3513 and the total number of Learning Support Assistants supporting these learners is 2308.

#### **Recommendation: - National Curriculum**

41. The working group also recommended that all learners with IEN have to be given the opportunity to access the National Curriculum.

#### **Implementation**

42. For this to happen, the Student Services Department (then known as the Inclusive and Special Education Network) was assigned the task of producing a set of syllabus supplements that would give guidance to teachers on how to apply subject syllabi to the curricular needs of ALL learners including those in Resource Centres (formally known as Special Schools). This was duly carried out and the set of syllabus supplements was published in 2007 under the umbrella of The Inclusive Education Project (2007).

43. This project, which included consultation and the involvement of various professionals and Education Officers of the various curricular subjects, produced a total of fifteen syllabus supplements in the different areas of the National Curriculum. The guidelines given in these supplements together with each school's learning resources and subject syllabi helped schools implement a curriculum that is inclusive because it:

- Sets suitable learning challenges
- Responds to learners' diverse learning needs
- Includes all learners by overcoming potential barriers to learning and assessment
- Provides a stimulus to revisit and revise existing schemes of work or a basis to develop new ones.

#### **Recommendation: - Training**

44. The working group also issued a number of recommendations stressing the importance and the need for training in the field of Inclusive and Special Education.

#### **Implementation**

45. Since its onset The Student Services Department (SSD) has implemented a number of training initiatives that include:

- Training of LSAs: - The Department organizes two sets of courses to ensure that LSAs have the appropriate knowledge and skills to be able to support students with IEN. A compulsory 10 week course is given to all Supply Learning Support Assistants (SLSAs) at the start of their employment. Up to now 1374 SLSAs have been awarded a certificate of attendance in Supporting Students with Individual Educational Needs. This course is funded by the Department itself and given free of charge to SLSAs.

46. A 20 week advanced course is also organized for LSAs who have completed the 10 week course. Up to now 506 LSAs have been awarded The Certificate in Education for LSAs, with 88 more currently in training. The University of Malta also offers a course for persons wishing to work as LSAs at a Diploma Level.

- Training of Inclusion Coordinators (INCOs): - 15 teachers were trained at the University of Malta to read for the Post-graduate Diploma in Inclusive Education. This training programme was co-funded by the Maltese Government and the European Social Funding (ESF). Successful candidates took up the role of INCOs in primary mainstream schools. These INCOs are now employed in the ten colleges in Malta and Gozo. Their role is to support inclusive practice in mainstream schools and ensure that all students with IEN are included.

47. Between 2009 and 2012 another group of teachers were trained, by the University of Malta through another ESF funded initiative, to take up the role of INCOs in Secondary Schools.

- Training of teachers and Senior Management Teams (SMTs) in Inclusive and Special Education: - the SSD has also, over the past few years, taken the initiative to train teachers and SMTs in the area of Special and Inclusive Education. This training consists of a number of in-services courses, professional development sessions and other specialized courses. These sessions include:

- Creating visual classrooms
- Working with learners with ASD
- Training in the use of AAC and AT
- Key word signing
- Working with Learners with SEBD

48. SMT members who are responsible for Inclusion in mainstream schools also attend a 10 day course organized and funded by the SSD. Apart from introducing these SMT members to the different services at the SSD, the course also tackles the IEP process, working with parents, the role of the teacher and LSA in inclusive settings and the role of the INCO. These courses are held every year at the beginning of each scholastic year to ensure that all new SMT members are well prepared to fulfil their role regarding the inclusion of ALL learners at their respective schools.

- Training of Professionals:- The SSD has also ensured that more personnel are trained in areas that include psychology, counselling, career guidance and SEBD. This it has done through University Courses that are held either in Malta or in other European countries; some of these courses were funded through ESF projects.

49. The SSD continuously organizes and/or funds courses both in Malta and abroad for its professional staff in its support services. Such courses include:

- Hanen
- Team Teach
- Sign Language
- Training in Augmentative Alternative Communication and Assistive Technology
- Picture Exchange Systems
- ADOS
- First Aid
- Training for Teachers of the Hearing Impaired

**Recommendation: - Provision of other support services in the field of Special Education**

50. The working group in its report recommended the enhancement of the already existing special education support services and the development of new initiatives.

**Implementation**

51. The Directorate of Educational Services, through the Student Services Department, has over the past four years employed a number of professionals and teachers to enhance existing services and develop new ones. These include:

- The Early Intervention Services which has been enhanced through the addition of Resource Workers who are professionally trained in the area of Early Years. This service has now been further developed to include group sessions such as baby and toddler groups and multi-sensory training, training for parents to help them communicate better with their children and whole school approaches in kindergarten classes.

- The setting up of an Autism Support Team. This team of teachers specializing in Autistic Spectrum Disorder (ASD) works with school staff and parents to ensure that students referred with ASD benefit from the mainstream school experience.
- The setting up of a Social, Emotional and Behavioural Difficulties (SEBD) specialists team. These professionals work with students experiencing SEBD, school staff and parents to support the student.
- The setting up of the Access to Communication and Technology Unit (ACTU). This Unit is made up of a team of speech and language pathologists and occupational therapists. These therapists, together, offer an assessment service and issue recommendations for the use of assistive technology and or communication devices for students who are experiencing difficulties in accessing communication and/or technology. They also support the implementation of recommended hardware and software both in the home and at school.
- The employment of youth workers to work in colleges with learners in secondary schools. Being experts in the area these professionals create initiatives for these students to enjoy and participate in.
- Education Officers (EOs) for Inclusion and Special Education – These EOs monitor inclusive practice and special education support in mainstream and resource centres.
- Learning Support Zones in Secondary schools and Nurture Groups in Primary schools that offer nurturing programmes within the school environment.
- Learning Support Centres – One for secondary school-aged girls, one mixed primary, one for secondary school-aged boys. These centres offer specialized programmes for students over a number of weeks/months (depending on each student's need) away from their school.

#### **Recommendation: - Special Schools**

52. The working group recommended that Special Schools were to be restructured and developed into Resource Centres.

#### **Implementation**

53. In 2010 the Reform for Special Schools was implemented and the 4 special schools in Malta were restructured and transformed into Resource Centres. These 4 Centres are:

- A Primary Education Resource Centre
- A Secondary Education Resource Centre
- A Secondary/Young Adult Education Resource Centre for Learners with PMLD
  - A Young Adult Education Resource Centre

54. The reform's main aim has been to provide quality education for all learners with IEN whether they attend Resource Centres or Mainstream schools. The way forward is for these centres, through the provision of resources and the expertise of the personnel working in the centres to become a resource to other learners with IEN in mainstream schools, their parents, school administrators, teachers and LSAs. The centres themselves have also been strengthened with new programmes. Structural changes at the Secondary Education

Resource Centre and The Young Adult Education Resource Centre have also been carried out to complement the change of programmes.

### **The Young Adult Education Resource Centre**

55. The programme at this Centre has been designed to provide an opportunity for learners with Individual Educational Needs (IEN) to further their studies at post-secondary level and prepares them for adult life. This programme helps learners to acquire the requisite competencies to satisfy these needs.

56. Learners attending the Centre are divided in groups within three age brackets, 16 – 18 years, 19 – 20 years and 21 – 22 years.

57. The content of the programme is based on 3 sections which include:

- Personal Development
- Vocational Preparation
- Functional Activities

58. During Personal Development all learners participate in the following sessions, always according to their own Individual Programme.

- PSD
- Numeracy
- Literacy
- Science
- Computer literacy (this is catered for both in the IT Lab and in the classroom)

59. During Vocational Preparation teachers will be targeting Employability skills, Vocational exploration, Awareness of support services with all learners according to their Individual Vocational Preparation Plan. Employability skills are targeted during sessions such as Handcrafts, Office-based activities and gardening sessions.

60. During Functional Activities the learners participate in centre-based activities which include:

- Daily living skills (Domestic)
- Music & Drama
- Physical Education

61. Community-Based Activities are designed to help learners practise skills learned through activities in the community.

62. Due to the diverse nature of needs that learners attending this programme also experience, specialized facilities including a Multi-sensory room and a Sensory perception room are also available and Sessions are included within the Learners' programme.

### **The Secondary Education Resource Centre**

63. With the Special Schools Reform the Centre now functions as a secondary provision. Learners between the ages of 11 and 16 follow a secondary curriculum and experience a secondary type provision and environment.

64. Some major changes have taken place to provide such an environment. Namely:

- Teachers are now subject teachers as opposed to class teachers,
- Lessons reflect such subjects as those given in secondary mainstream schools. These include:
  - (1) Literacy
  - (2) Numeracy
  - (3) Religion
  - (4) PE
  - (5) Science
  - (6) Food Technology
  - (7) ICT
  - (8) PSD
  - (9) Design and Technology
- Lessons such as ICT, Design and Technology and Science are given by teachers specialized in the subject areas and who also teach in mainstream schools
- Labs have also been set up

65. This Centre offers services to learners of a secondary school age in the mainstream schools. These learners can attend this Centre with a Learning Support Assistant for a Day programme. At present nine learners with IEN from secondary mainstream schools are attending the Centre on a weekly basis for day programmes.

66. A major refurbishment programme took place in the Centre so that it would be equipped to meet the educational needs of the students. For this Centre to function as a Secondary Centre an area was selected and converted into various types of laboratories which include:

- A science Lab
- An ICT Lab
- A Food Technology Lab
- A Design and Technology Lab and a multisensory area.

#### **The Primary Education Resource Centre**

67. This is the centre that needed the least number of changes. For a number of years it has been serving as a Resource Centre for learners with PMLD who are in mainstream school and pre-school children with PMLD. These learners and children receive services such as hydro therapy sessions, multisensory sessions, IT and cognitive sessions. These services are now also being extended to learners of primary school age who have learning disabilities.

68. To further fulfil its role as a Resource Centre, this Centre has also embarked on twinning projects with a number of mainstream primary schools in Malta. Through these projects ALL learners and teachers attending the centre and the school work together on skills designed to meet all manner of needs.

### **The Secondary/Young Adult Education Resource Centre**

69. This centre is the only one that specifically and solely caters for learners, with PMLD, between the age of 11 and 22. The Centre also offers services to secondary school aged learners with PMLD. The programme at this Centre makes full use of all available spaces including 7 classrooms, a multisensory room, a hydro therapy bath, a gym, a computer room, a soft play area, a physio-therapy room and an art room,

### **Service agreement with NGOs**

70. The Government of Malta also recognized the need for the provision of extensive and recognized programmes that were being provided by some NGOs in the area of Special Needs. These NGOs provide programmes that support Inclusion and cater for the individual needs of the learner and his/her family. In January 2010 the Directorate for Educational Services within the Ministry of Education, Employment and the Family signed a Service Agreement with INSPIRE. This was the first Service Agreement with this newly formed foundation. A study was done through a questionnaire that was sent to all schools in Malta and Gozo. When the results together with the records of Statements issued in previous years were analysed, it was revealed that the greatest need for services remains in the area of Autism. The new agreement, therefore, sought to address this need by purchasing services from INSPIRE in the form of units of service for the programme aiming at supporting children within the Autistic Spectrum. Another Service Agreement has also been signed with Equal Partners.

71. Learners with Hearing Impairment who are also signers also benefit from a Service Agreement for the provision of sign language interpreters. These interpreters offer support, in school, for these learners according to their requirements.

### **Membership in the European Agency for Special Needs Education**

72. The Ministry of Education and Employment became a full member of the European Agency for the Development of Special Needs Education in 2007. Malta has had observer status since 2005 after the publication of the Inclusive and Special Education Review document. Personnel working within the Ministry as well as other local experts in the field of Inclusive and Special Education participate actively in the study projects of the European Agency. Currently the Representative Board Member for Malta on the Agency also forms part of the Management Board of the European Agency for the Development of Special Needs Education. With all the above initiatives taking place in Inclusive and Special Education Malta today ranks high when compared to other European countries. 2009 statistics show that only 0.3 per cent of learners with individual educational needs attend Resource Centres the rest receive their education in mainstream classes.

### **Reply to the issues raised in part I, paragraph 5, of the list of issues**

73. It must be stated from the outset that any form of bodily harm is punishable under the Maltese Criminal Code. The Government understands that it is being contended that the reference to 'exceeding the bounds of reasonable chastisement' as an exception to the grounds on which a parent can be deprived of parental authority by the Civil court, means that Maltese law allows corporal punishment within the family scenario.

74. The Government does not accept this interpretation. First of all this is Civil law and any form of assault on the person or of bodily harm is prohibited by the Criminal law. In this regard the Government contends that 'the bounds of reasonable chastisement' referred to in the Civil Code cannot be understood as legalizing conduct which is prohibited by the Criminal code, such as corporal punishment of children. It is relevant that the Domestic Violence Act (Cap. 481 of the Laws of Malta) defines 'domestic violence' as 'any act of



violence, even if only verbal, perpetrated by a household member upon another household member and includes any omission which causes physical or moral harm to the other'. A 'household member' is then defined as including 'persons living in the same household as the offender' and 'parents and their children'. Consequently the Government contends that the words 'bounds of reasonable chastisement' do not cover corporal punishment but only includes other forms of discipline. However the Government is willing to clarify this point if need be.

75. Within the Ministry of Education and Employment, Child Safety Services form part of the Safe Schools Programme in the Education Psycho-Social Services, within the Student Services Department. Child Safety Services (CSS) is a specialized service working in the area of child abuse. It is an educational, coordinating and therapeutic service, offering intervention and preventive services to students, parents and staff in schools. It strives to offer effective and professional services catering for the needs of children who have experienced abuse, while also undertaking the following functions: prevention, consultation, monitoring of cases and coordination of services, training, intervention, research, tracing; and multidisciplinary team work.

76. **Prevention** - Prevention work is a continuous process in schools. This includes awareness raising sessions with parents and prevention sessions with students. Prevention programmes, are offered mainly to Year 4 students at the primary level and to Form 2 students attending State, Church or Independent schools. The programmes aim at equipping students with the necessary knowledge about child abuse and vital skills necessary to protect themselves from such a problem. During the parents' talk, personnel raise awareness about positive discipline and the negative effects of physical discipline. During the class interventions and follow up sessions with the students, the staff encourages students to talk to a trusted adult if they suffer physical abuse. Other personnel refer cases of physical abuse. Also, personnel inform teachers and all members of staff that they are bound by the National Policy to report any case of physical abuse.

77. **Training** - This function has been given high priority. Upon request, the Child Safety Services participate in staff development meetings in schools. Generally, the Unit presents the four forms of child abuse: physical, neglect, emotional and sexual. Members of staff are trained to identify as early as possible those students who are victims of any form of abuse. The Unit then outlines the main points of the National Policy for child protection, especially what a member of staff should do when a case of child abuse arises.

78. **Media Awareness** – Personnel have been participating in television programmes to raise awareness on prevention of child abuse and answer questions from the viewers. In addition, various seminars on positive child-rearing are held by the school counsellors and guidance teachers in the schools and colleges for parents at primary and secondary level. Topics which are normally addressed in such seminars include communication, understanding the adolescent, self-esteem, parenting skills, etc.

79. Moreover, the Foundation for Social Welfare Services has also embarked on a project to promote positive parenting, launched in May 2010 entitled the Blue Ribbon Campaign. The aim of this initiative is to create more awareness about the importance that children are provided with a positive upbringing in a family environment, where they are loved and respected, without any exposure to violence. This campaign is now a regular feature in the Foundation's initiatives and it has been coordinated every May since then. The symbol the Foundation uses for this campaign is the blue ribbon, which indicates the bruises children suffer as a result of abuse. Initiatives undertaken include: various media interventions (TV and radio programmes); production of an informative leaflet about positive parenting that is disseminated to parents in various settings; dissemination of informative booklet about abuse to children, mainly in schools; publication of articles in newspapers and magazines about positive parenting; talks within the community about

positive parenting; and training to FSWS staff and volunteers of the Supportline 179 service about positive parenting. The FSWS does not stop promoting or emphasizing on positive parenting once the campaign month is over. The topic is featured prominently in various media interventions and other settings throughout the year, mainly to support families.

**Reply to the issues raised in part I, paragraph 6, of the list of issues**

80. As indicated in the reply above to the issues raised in paragraph 2 of the list of issues, the Department for Social Welfare Standards within the Ministry for Justice, Dialogue and the Family, is responsible for regulating Child Day Care standards in Malta and Gozo.

81. The National Standards for Child Day Care Facilities published in July 2006 is an important step taken by the Government of Malta towards ensuring a better, safer, and healthier environment for children. In line with Government policy on Early Childhood Education and Care published in 2004 the said National Standards ensure good quality care in child day care service provisions for children aged 0-3years. The Standards provide a regulatory framework for service provider whilst it also empowers parents to take a more active role in ensuring that the services they are making use of are of good quality and fit for their children. The Standards promote the involvement of all stakeholders and all-important improvement of the childcare service provision in Malta and Gozo.

82. These National Standards were jointly presented by two Ministries, namely, the then Ministry for the Family and Social Solidarity and the then Ministry of Education, Youth and Employment, in view of the Government of Malta's commitment to synchronize the care and educational aspects involved in the provision of childcare services.

83. The Foundation for Education Services within the Ministry of Education and Employment, coordinates the operation of Government-run child day care centres. The foundation also co-manages child care centres in which the Government has a public-private partnership agreement. Childcare services are offered to children aged between three months and three years. A personalized service of quality care for all children is offered, most particularly to children at risk of social exclusion. The centres follow the National Standards for Child Day Care Facilities (2006). The operational hours of the childcare provision, during 2011, was extended from 2.00pm to 4.00pm, thus helping families attain a better work-life balance.

84. The service provision is based on the principle of Edu-care; activities are focused on all the areas of child development including social, emotional, physical, intellectual, communication and creativity. The caring and teaching given to our service users is based on best practices to ensure that children are prepared for school by providing them with a milieu where they will find enjoyment in learning new experiences through play. The emphasis is on enjoyment since they will be happy to come to the centre and in this way it would be more conducive to enjoyment of learning which is quintessential in the child's first five years of life.

85. The daily programme is balanced to include a wide variety of play activities that stimulate learning in a modern, safe and fully equipped environment. FES staff work together with parents/guardians to ensure that the full potential of each child is reached. Parents/guardians are welcome within FES childcare centres to discuss and plan their child's needs together with childcare staff.

**Reply to the issues raised in part I, paragraph 7(a), of the list of issues**

86. Agenzija SEDQA, which falls within the responsibility of the Foundation for Social Welfare Services, and as the national agency against drugs, alcohol and other addictive behaviours has been offering its prevention programmes in schools since 1994. These

programmes take place in both primary and secondary schools in cooperation and collaboration with the school authorities. These programmes aim to assist the teachers to communicate correct knowledge to the children in their classes, help the children to develop the skills needed not to start abusing harmful substances and support the parents in acquiring effective parenting skills.

87. **Consultation Services** - Focal Persons offer assistance to schools whenever cases of alleged substance abuse occur. The Service offers technical advice on matters of policy and procedures regarding school referrals. This is an integral part of the service because it strives to strike a balance between the needs of the alleged user and the safeguarding of the school.

88. Being part of the multi-disciplinary team, SEDQA offers both consultation services to teachers through various training opportunities it offers throughout the scholastic year and also to school management in individual cases where a student is suspected of using harmful substances both within school premises and outside it.

89. **Intervention** –Students may still abuse of harmful substances thereby, threatening his/her safety and well-being as well as that of others. Focal Persons assist individuals who are allegedly abusing or at risk of substance abuse. In some cases, where several professionals are involved, Focal Persons set up case conferences with all those involved: school administration, staff, Social Workers, INCO, Prefect of Discipline, counsellors/trainee counsellors, and guidance teachers amongst others; and discuss and agree on an action plan on how to help that particular student. The process of intervention involves an array of indirect and/or direct strategies which include classroom sessions, fora, seminars, staff development meetings and other preventive work. Other strategies involve sessions with abusers, parents and staff concerned in the case.

90. SEDQA cooperates fully with both the school authorities and Agenzija APPOGG which is the National Agency for Child Welfare Services which also falls under the responsibility of the Foundation for Social Welfare Services. This cooperation takes place in case of students who are found at immediate risk of abusing harmful substances. It does so through counselling (when indicated) and offering specialized advice to the various professionals involved.

**Coordination and monitoring - Personnel serve as a link between schools, other services and agencies.**

91. **Prevention and Dissemination of Information** - Personnel assist schools in developing preventive strategies focusing on substance abuse. Prevention work consists of performance-based group activities in collaboration with the drama unit, anti-substance team sessions in class and presentations by Drug Squad police. Work carried out by Focal Persons mainly aims to:

- Help students understand that information in the media that seeks to glamorize drugs does not reflect the reality of what life on drugs is really like;
- Help students understand why people take drugs;
- Analyse and reflect on the importance of self-esteem and self-concept;
- Educate students on the facts about drugs and its short- and long-term impact on a person's health and well-being both physical and psychological;
- Educate students how, through knowing the truth about drugs, they can make informed decisions;

- Give students confidence that they can deal with peer pressure.
- Inform students of how to further expand their knowledge about the negative impacts of drugs and to help others do the same;
- Help students understand that they can learn from the experiences of others who have taken drugs so they can avoid making the same mistakes;
- Raise awareness about the effect and the law relating to illegal drugs;
- Enhance students' understanding of why there are rules to cover people's actions;
- Help students understand that a very important starting point for healthy choices is valuing oneself and other people and to engage in anti-drug activities such as sports, get involved in hobbies, voluntary work and so on.

92. SEDQA's main interventions within the educational systems consist of age-specific primary (universal) prevention programmes both in the primary and secondary schools. These programmes take place both within school premises during formal teaching and also in other settings through informal learning. The programmes are delivered by SEDQA's staff, including professional facilitators and also by two teachers who are seconded by the Education Directorate. The latter compliment the lessons carried out by the Personal and Social Development teachers in both primary and secondary schools.

#### **Research - Personnel compile and research on the area to enhance our practice**

93. The European School Survey Project on alcohol and other drugs [ESPAD] uses standardized methods and instruments to measure drug and alcohol use among representative samples of school students who turn 16 years of age during the calendar year. In 2011, data was collected in 39 countries across Europe. The survey is conducted every four years with Form 5 students of state, church and non-state schools. Since 1995, SEDQA is the national counterpart in charge of organizing this research in Malta with the cooperation of the various secondary schools involved.

94. The Team, together with the Service Manager, Education Psycho-Social Services, and in collaboration with SEDQA, supported and was involved in the fifth study ESPAD research which took place on 2 February 2011. Results emanating from the survey help personnel to plan and focus their work accordingly.

95. Focal Persons working at the Anti-Substance Service follow the procedures mentioned in the National Policy issued in September 2001. 'Tackling Substance Abuse' Procedures for Schools is currently being revised.

96. **Media Awareness** - The staff recognize the importance of media to make people more aware of the services and of the current policy. Information on how to seek further assistance was also provided. Discussions on the major factors that might contribute to substance abuse were raised (such as low self-esteem, peer pressure, personal problems and the like).

97. As regards selective prevention in Malta, this is mainly provided for by APPOGG Agency within the Foundation for Social Welfare Services. The Initial Response Services and the Generic Services within this Agency have been restructured to include service provision and monitoring of groups of children with a history of abuse or who are at great risk of initiating abuse.

98. In Malta, the main target for indicative prevention is identifying as early as possible, young people already indulging in substance abuse. Particular attention is given to

vulnerable groups of young people within schools. Since 2010, the agencies APPOGG and SEDQA within the Foundation for Social Welfare Services, have jointly developed a project which aims at offering individual guidance and counselling to adolescents referred for support, either by schools or from within the community. SEDQA has been offering such service since 1994. Whenever the need arises, young people are also referred to dedicated treatment agencies for further and longer term support. Efforts are undertaken so that young people under the age of 16 can attend the service at times when it is less likely that they may associate with other, more seasoned drug users making use of the services.

99. An important tool which is also used as a resource by various teachers is SEDQA's website, [https://secure3.gov.mt/SOCIALPOLICY/SocProt/family/fsws/sedqa/sedqa\\_info.aspx](https://secure3.gov.mt/SOCIALPOLICY/SocProt/family/fsws/sedqa/sedqa_info.aspx). Besides general information of public interest, this site also contains downloadable pamphlets and other resources which are used regularly by teachers in their lessons.

100. During 2011, Legal Notice 208, established that outlets not registered as bars\pubs, are prohibited to sell alcoholic beverages after 9:00pm. This measure was taken with a view to prevent the public, especially young people, from purchasing inexpensive alcoholic products.

101. During 2012, a draft National Alcohol Policy was presented to Cabinet of Ministers and a series of meetings were held with relevant stakeholders to discuss the content of this policy document. While currently, it is illegal for any establishment to sell alcohol products to minors under the age of 17, the draft National Alcohol Policy proposes to increase the age limit to 18 years, as is the case for tobacco products which also cannot be sold to young people under the age of 18 years. The draft National Alcohol Policy will open to public consultation in the coming months.

#### **Reply to the issues raised in part I, paragraph 7(b), of the list of issues**

102. Through Servizz **Ghozza** (Service **Ghozza**), the Ministry of Education and Employment provides a support service and an educational programme to unmarried pregnant minors. The service seeks to achieve its objectives by promoting the psycho-social and emotional well-being of unmarried teenage mothers encouraging them to adopt a positive attitude towards motherhood, as well as emphasizing the importance of education and employment by empowering the girls to pursue their career paths. pending updates from MHEC.

103. **Adolescent Pregnancy** - The Adolescent Pregnancy programme uses a holistic approach that aims to empower the pregnant girl as it focuses on a combination of Personal and Social Development (PSD) sessions which deal with self-development, pregnancy issues, parenting skills, contraception, responsibility for one's own sexuality, sexual health during and after pregnancy, engaging in further promiscuity and its dangers, new sexual partners, reproduction and birth and other related topics.

104. Counselling is offered to the teenage pregnant, the partner and parents. Students who show symptoms of infection or sexual promiscuity with fear of STIs are referred to the CU clinic. If the student is over 16 years of age, she will be provided with the required information and advised to make use of the necessary services as necessary. Counselling is also requested by the teen mothers. They continue to be considered as clients of the unit until they get married.

105. Prevention Programme in Primary Schools: Nifhmu 'l Uliedna fil-Bidliet - The aim behind such an initiative is to inform parents of Year 5 and Year 6 students and make them aware of the physical, sexual and psychological changes that children experience when reaching puberty, and how these parents can identify such changes and deal with them

appropriately. These talks focus on the importance of building good communication skills with the children as well as enhancing the children's self-esteem and assertiveness skills.

106. Furthermore, it empowers parents to better deal with this sensitive issue despite the fact that children are usually exposed to such information during the PSD and Science lessons in their Primary and Secondary schools. The difference is that whereas teachers and other professionals provide factual information, parents pass on a message which promotes their values, responsibility, love and information, since they know their children better and can be relied upon to find the right time and method when to pass on such information.

107. **Media Awareness** - The Service Manager, Education Psycho-Social Services, participates in various TV and Radio programmes and even contributes to the publication of articles in local newspapers and magazines.

108. **Child Safety Services** - Child Safety Services (CSS) is a specialized service working in the area of child abuse that forms part of the Safe School Programmes. It is an educational, coordinating and therapeutic unit, offering interventive and preventive services to students, parents and school staff. CSS strives to offer effective and professional services catering for the needs of children who have experienced abuse.

109. Prevention work is a continuous process in schools. This includes awareness raising sessions with parents and prevention sessions with students and parents. Prevention programmes are offered mainly to Year four students at the primary level and to first/second/third/fourth formers. The programmes aim at equipping students with the necessary knowledge about child abuse and vital skills necessary to protect themselves. Year 4 pupils are helped to identify appropriate and inappropriate touches with special reference to their private body. In Form 2, students' programme address the following topics: What constitutes Sexual Abuse?; The grooming process; and How to identify an inappropriate or at risk dating relationship with special attention to power and control issues.

110. Also, various seminars are held by school counsellors and guidance teachers in the schools and in the respective colleges. Topics discussed include sex education, healthy relationships and sexual transmitted diseases.

111. Although SEDQA's remit is to focus especially on the abuse of harmful substances, in its interventions it has also touched upon issues of sexual health by discussing with adolescents the relationship between sexual health and abuse of harmful substances.

112. Measures have been taken by the Ministry of Health, the Elderly and Community Care, to facilitate adolescents' access to confidential reproductive health care and assistance, and to introduce comprehensive sexual and reproductive health education for adolescents, these measures include:

- Newly established GU clinic at Mater Dei Hospital since June 2012;
- Development of a sexual health website (in progress);
- Research studies including Chlamydia surveillance in the population for sexually active individuals aged 18 till 35 years;
- Education and training of health professionals to address the needs of adolescents;
- Education and training of teachers and youth workers in sexual health;
- Information pack for media prepared (to be launched soon)
- Direct interaction with health professionals on social media networks

- Screening for Hepatitis, HIV and syphilis is carried out in all pregnant teenagers;
- Printed leaflets, information booklets, outreach campaigns, use of media such as television and radio for the dissemination of sexual health information.

113. All the above measures are in line with the objectives of the set out in the National Sexual Health Policy (launched in November 2010) and the Sexual Health Strategy (launched in November 2011) which were formulated by the Ministry of Health, the Elderly and Community Care in consultation with various partners. The objectives of the strategy are:

- Determining and providing educational, social and support services that match the prevalent needs by an appropriately resourced, competent and skilled workforce working within a supportive environment
- Determining and providing adequate, accessible and equitable health services that match the prevalent needs by an appropriately resourced, competent and skilled workforce working within a supportive environment
- Identification of the role and contribution of the media as a tool to inform and educate all the members of the population on all aspects of sexual health, including the provision of an appropriate channel that can be used to help individuals to develop the skills needed to make informed choices
- Establishing pathways and implementing initiatives to conduct research, monitoring and surveillance to secure accurate data specifically pertaining to the Maltese islands. This will also involve the collation of information to be able to map the social, cultural and religious dimensions of sexuality, within our specific national context.
- Enhancing the capacity to project and plan to address the challenges of the future and developing further co-operation with other countries and partnerships with stakeholders

114. The principles guiding this strategy are underpinned by human rights and social justice principles; namely:

- Respect and care towards human life from its conception
- Individual rights and responsibilities in the context of the broader society
- Adequate, accessible and accurate information and education which is equally accessible to all members of the population, enabling informed choices
- Freedom from exploitation and abuse
- Freedom to express one's sexuality
- Psychological and physical expression of one's sexuality in the context of a sound family unit is valued as an essential cornerstone of a society while respecting diverse family structures and lifestyle choices

115. Further to the above, sexual health education is an ongoing initiative which is mainly coordinated by the Ministry of Health, the Elderly and Community Care and the Ministry for Education and Employment. In 2007, Government of Malta set-up an Education-Health Committee, made up of experts from the Ministry for Social Policy and the Ministry for Education, Culture, Youth and Sport. The committee meets regularly to discuss and co-ordinate school health activities, to review existing health programmes and

initiatives taking place in schools, to advise and put forward proposals for the Health content of the National Curriculum Framework for schools.

**Reply to the issues raised in part I, paragraph 8, of the list of issues**

116. As a result of the policy for inclusive education introduced in the Maltese educational system, 99.7 per cent of students with a disability in Malta attend mainstream schools. These students are supported by Learning Support assistants on a shared or a full-time basis according to their needs and as stipulated in their statement of needs. These students also benefit from Individual Educational Plans (IEPs) that are reviewed on a yearly basis or as the case may be. Each year plan focuses on the needs of the student and targets areas related to cognitive behaviour, self-help skills, communication, relationships, and physical development. These students, their parents and their schools, also benefit from the support of Services that are made up of professionals who are assigned to support students with a disability in accessing mainstream education. The current Inclusion Policy (2000) is also being reviewed.

117. To support inclusive education, 3,513 students are supported by 2,308 Learning Support Assistants. A compulsory ten-week course has to be followed by all newly employed supply Learning Support Assistants. The Learning Support Assistants undergo training by the Student Services Department and by the University of Malta. Two professional courses are provided respectively by the University of Malta at Diploma level and the Student Services Department at Certificate level.

**Reply to the issues raised in part I, paragraph 9, of the list of issues**

118. When a migrant reaches Malta and is clearly a minor, who is unaccompanied, he is detained until his medical screening is completed (since December 2011). This usually takes 1-2 days (since December 2011) and he or she is then accommodated in an open centre for unaccompanied minors (following the issue of an interim care order and medical clearance).

119. These recent timeframes were possible only because of the relative small number of cases. In 2008 there were 400 referrals for alleged unaccompanied minors asylum seekers (UMAS) in the space of a few weeks.

120. When a migrant claims to be a minor, unaccompanied, but it is not immediately evident that he is in fact a minor, he is given a medical screening in order for the real age to be verified. The age assessment begins with an assessment by AWAS' Age assessment team (AAT) which speaks to the migrant in order to determine age on the basis of the information given, physical characteristics and the person's behaviour. If that is inconclusive (as may be the case with older minors) bone tests are used which involve a hand and wrist X-Ray to remove any doubt as to the real age. Where the bone test is not required, the process of age determination by AWAS and the medical screening takes approximately 10 whereas if bone testing is required, the process may take longer. Once the person is determined to be an unaccompanied minor he is accommodated in an open centre dedicated to unaccompanied minors asylum seekers (UAM). When a person is determined to be a UAM, an interim care order appointing a guardian is immediately issued until a care order is issued. The appointment of a legal guardian is not automatic with the issue of an interim/care order. A request for the appointment of a legal guardian to the Children and Young Persons Advisory Board takes place in the first week following admission to a UMAS Centre. Since December 2011, AWAS (Agency for the Welfare of the Asylum Seekers) has requested the issue of an interim care order for such evident cases and continued its age assessment in the Open Centres. This is however not the order of the day. Age assessment is undertaken for all unaccompanied minors. An interim care order is



issued for cases where it is very evident that the person is a minor. For the majority of the cases a care order is issued in the first place.

121. Where a minor arrives with a parent/s, only a family unit or single mother/father with minor child/ren is entitled to fast tracking from closed to open centres. The whole family unit or single mother/father with minor child/ren stays together throughout the process.

122. As regards age assessment, an Age Assessment Team is in place for the conducting of psychological interviews. This is the primary means for age determination. Only dubious cases and cases to be granted the benefit of the doubt are referred to a medical x-ray. Legal Notice 243 of 2008 and Legal Notice 320 of 2005, Article 14 determine the procedure for age assessment. Age Assessment is initiated for persons claiming to be (both upon arrival and at any other stage) under the age of eighteen and unaccompanied. Table 6 below serves to highlight trends between 2007 and 2012.

**Table 6: Trends between 2007 and -2012**

<i>Year of arrival</i>	<i>Total Number of persons referred to the Age Assessment Team</i>	<i>Care Orders issued</i>	<i>Total number of people assessed as adult</i>
2007	403	64	339
2008	425	29	396
2009	184	50	134
2010	6	4	2
2011	109	25	84
2012	372	87	285

*Source: Agency for the Welfare of Asylum Seekers*

123. The table includes persons claiming to be minors immediately upon arrival and others who first claim to be adults but then change their date of birth at some stage in the process. Both groups undergo age assessment.

124. The Age Assessment methods used involve a multidisciplinary effort including police authorities, professionals from the caring professions and medical professionals. The interview tool being one of the main tools used for such assessment can be considered holistic in that it aims at capturing a systemic profile of the alleged minor as much as possible.

125. The following methods are used to determine age:

- Documents submitted;
- Age determination interview;
- Carpal (hand/wrist) x-ray (The Greulich and Pyle Method is used as a hand/wrist x-ray).

126. Age Assessment is the responsibility of the Agency for the Welfare of Asylum Seekers (Government entity). Age Assessment can be initiated by any individual/entity that comes into contact with someone claiming to be an unaccompanied minor. Cases are usually referred by immigration police immediately upon arrival and NGOs, UNHCR and the Office of the Refugee Commissioner at any other stage. When X-rays are used interpretation of the medical data is undertaken by the Health Authorities and is then passed to the Agency for the Welfare of Asylum Seekers (AWAS) to be considered within the holistic assessment.

**Reply to the issues raised in part I, paragraph 10, of the list of issues**

127. Malta's reception of unaccompanied minors must be understood within the islands' very particular context. Malta is located halfway along the route taken by thousands, mainly sub-Saharan Africans, travelling from Libya to Europe.

128. Since 2002, Malta has faced a steady large influx of irregular immigrants, as indicated hereunder in table 7. This very large, sudden, and unpredictable influx is not only a national challenge with financial, political, intercommunal and international ramifications. It has also significantly tested State-run reception services, as well as the services of NGOs and IOs.

**Table 7: Influx of irregular immigrants**

<i>Year</i>	<i>No. of arrivals</i>
2002	1686
2003	502
2004	1388
2005	1822
2006	1780
2007	1702
2008	2775*
2009	1475
2010	47
2011	1579
2012	1890

\*2,775 arrivals in one year, as was the case in 2008, in the EU's smallest country, with an area of 316 sq km, is equivalent to the arrival of 4.7 million arrivals in France in one year, considering that its area is 1,700 times that of Malta. Institutional and logistical capacity expanded gradually over the years.

129. The key Government policy document is titled 'Irregular immigrants, Refugees and Integration' (Ministry of Justice and Home Affairs and the Ministry of the Family and Social Solidarity 2005). The fundamental tenets of the policy have not changed over the years.

130. Government policy states that: "The detention of (unaccompanied) minors shall be no longer than what is absolutely necessary to determine their identity and health status"....."require the individual concerned to undertake an age verification test as soon as possible after arrival"....."Vulnerable persons such as (...) lactating mothers and pregnant women shall, where appropriate not be kept in detention but will be provided with alternative accommodation"....."Families shall, in the best interest of small children, be kept in detention for no longer than is absolutely necessary" (Irregular Immigrants, Refugees and Integration: Policy Document, 6).

**Office of the Refugee Commissions**

131. The first ever specific asylum-related legislation that has been enacted in Malta was the Refugees Act 2000, which provided for the establishment of the Office of the Refugee Commissioner and the Refugee Appeals Board.

132. The Office of the Refugee Commissioner opened its doors on a trial basis on 18 June 2001. Initially, cases continued to be referred to UNHCR for final determination. This

went on until the end of 2001. On 13 December 2001, Malta lifted its geographical reservation to the 1951 Geneva Convention. On 1st January 2002 the Office of the Refugee Commissioner became fully operational and started to deal with applications for recognition of refugee status completely on its own.

133. The Office of the Refugee Commissioner's main responsibility is to receive process and determine applications for asylum, as stipulated by the Refugees Act, amended in July 2008, and Legal Notice 243 of 2008 (Procedural Standards in Examining Applications for Refugee Status Regulations). This Office is also bound by the obligations assumed by Malta under the 1951 Geneva Convention relating to the status of Refugees and the 1967 Protocol, as well as its obligations under Council Directive 2004/83/EC Council Directive 2005/85/EC, and the Dublin Regulation.

134. The following is a comprehensive list of policy and legislation – directly or indirectly -relevant to the topic of “Children and Irregular Immigration in Malta”

- Laws of Malta, Cap.217.06, Family Reunification Regulations, Art 4.
- Laws of Malta, Cap.217.11, Agency for the Welfare of Asylum Seekers Regulations, Art 6.
- Laws of Malta Cap. 217.12, Common Standards and Procedures for returning illegally staying Third Country Nationals Regulations Art 10.
- Laws of Malta, Cap. 285, Children and Young Persons (Care Orders) Act.
- Laws of Malta, Cap. 420, Refugees Act, Art 13(3).
- Laws of Malta, Cap. 420.06, Reception of Asylum Seekers (Minimum Standards) Regulations, Art 2; Art 9; Art 12(3); Art 14; Art 15.
- Laws of Malta, Cap. 420.07, Procedural Standards in Examining Applications for Refugee Status Regulations, Art 14(2)(a); Art 14(2)(b); Art 15.
- Laws of Malta, Cap. 491. Foster Care Act.
- Laws of Malta, Cap. 495, Adoption Administration Act.

#### **The Agency for the Welfare of Asylum Seekers**

135. The Agency for the Welfare of Asylum Seekers (AWAS) has its origins as an office within the Ministry for Social Policy, eventually becoming the Organisation for the Integration and Welfare of Asylum Seekers (OIWAS) in February 2007, and then AWAS in July 2009 (Laws of Malta, Cap. 217.11).

136. The Agency is currently incorporated within the Ministry for Home Affairs. It oversees the operations of accommodation centres; provides services to persons identified as vulnerable according to current policies; provides information programmes to its clients in the areas of employment, housing, education, health and welfare services offered under national schemes; acts as facilitator with all public entities responsible for providing services to ensure that national obligations to refugees and asylum seekers are accessible; promotes Government's policy and schemes regarding resettlement and assisted voluntary returns; maintains data and draws up reports that are considered relevant for its own function and to provide statistics to appropriate policy-making bodies; advises the Minister responsible for immigration on new developments in its field of operation and proposes policy or legislation required to improve the service given and fulfil any legal obligations in respect of its service users; encourages networking with local voluntary organizations so as

to increase the service standards as well as academic research. AWAS currently operates the Age Assessment Team (AAT).

**Reply to the issues raised in part I, paragraph 11, of the list of issues**

137. In Malta the Young Persons (Employment) Regulations (Legal Notice 440 of 2003) under the Employment and Industrial Relation Act (Chapter 452 of the Laws of Malta) prohibit work by children while also regulating work by adolescents and young persons.

138. The Employment and Training Corporation is responsible for conducting inspections at establishments to identify persons who may have been employed by such establishments without the formal documentation, to identify persons who may be employed without an employment licence and to determine whether minors (persons below the employment age) are being employed illegally.

139. The results of spot inspections obtained from 2006-2011 are set out in the table below:

**Table 8: Results of spot inspections obtained from 2006-2011**

	<i>Oct - Sep</i>	<i>Oct - Dec</i>	<i>Jan-Dec</i>	<i>Jan-Dec</i>	<i>Jan-Dec</i>
	2006-7	2007-8	2009	2010	2011
Number of Infringements by Category					
Persons found working and registering	197	145	171	118	108
Employment of Minors	26	12	15	20	22
Employment of Foreigners	302	291	365	373	261
Employment not Reported to ETC	1,589	1,727	1,498	1,243	1,958
<b>Total</b>	<b>2,114</b>	<b>2,175</b>	<b>2,049</b>	<b>1,754</b>	<b>2,349</b>

140. In terms of updated information as regards labour law, it should be pointed out that in Malta, parental, maternal and urgent leave entitlement, apply to all part-timers (irrespective of hours of work worked) on a pro rata basis and to all fixed term employees (irrespective of the duration of the contract).

141. By virtue of the Protection of Maternity (Employment) Regulations (S.L. 452.91), female pregnant employees are entitled to 14 weeks maternity leave with full pay. From 1 January 2012, the female pregnant employee could also avail herself of 2 extra weeks of maternity leave (unpaid) and from 1 January 2013, the female pregnant employee could avail herself of 4 extra weeks (unpaid). If the female pregnant employee chooses to avail herself of these extra weeks entitlement, she would be entitled to maternity benefit of € 160 per week in terms of the Social Security Act. Maternity leave is to be availed of as follows:

- (a) Six weeks should be taken compulsorily after the date of confinement;
- (b) Four weeks of maternity leave to be availed of immediately before the expected date of confinement, unless agreed otherwise between the employer and the employee;

(c) The remaining balance of entitlement to be availed of, in whole or in part, either immediately before or immediately after the above periods, as the employee may request.

**Reply to the issues raised in part I, paragraph 12, of the list of issues**

142. The current provisions relating to the criminal responsibility of minors in Malta, which are dealt with in articles 35-37 of the Criminal Code (Chapter. 9 of the Laws of Malta), read as follows:

- “35. (1) Minors under nine years of age shall be exempt from criminal responsibility for any act or omission.
- (2) Minors under fourteen years of age shall likewise be exempt from criminal responsibility for any act or omission done without mischievous discretion.
- (3) Nevertheless, in any of the cases referred to in subarticles (1) and (2), the court may, on the application of the Police, require the parent or other person charged with the upbringing of the minor to appear before it, and, if the fact alleged to have been committed by the minor is proved and is contemplated by the law as an offence, the court may bind over the parent or other person to watch over the conduct of the minor under penalty for noncompliance of a sum of not less than eleven euro and sixty-five cents (11.65) and not exceeding two hundred and thirty-two euro and ninety four cents (232.94), regard being had to the means of the person bound over and to the gravity of the fact.
- (4) If the fact committed by the minor is contemplated by the law as an offence punishable with a fine (ammenda), the court may, in lieu of applying the provisions of subarticle (3), award the punishment against the parent or other person charged with the upbringing of the minor, if the fact could have been avoided by his diligence.
- (5) For the purpose of the application of the provisions of the preceding subarticles of this article, the parent or other person charged with the upbringing of the minor as aforesaid shall be required to appear, by summons, in accordance with the provisions contained in Book Second of this Code.
- 36. Saving the powers of the Minister under the Children and Young Person (Care Orders) Act, minors under the age of fourteen but over nine who, acting with a mischievous discretion, shall commit an offence, shall be liable on conviction to the punishments established for contraventions:
  - Provided that the court may instead of sentencing the minor to a punishment apply the provisions of article 35(3) or (4):
  - Provided also that where the court is of the opinion that, when it takes into account the age of the offender, his previous conduct, the gravity of the fact of which he has been convicted and the degree of mischievous discretion shown by the offender as it appears from his conduct by which the offence was committed and from all the other circumstances of the offence, the punishments established for contraventions would not be appropriate, the court may sentence the person convicted to the punishment laid down for the offence decreased by three degrees provided that in no case may the punishment exceed four years imprisonment.

- 37. If the offender has attained the age of fourteen but is under the age of eighteen years, the punishment applicable to the offence shall be diminished by one or two degrees.”

143. In November 2011 a bill (Bill 97) was published in order to amend this section of the Criminal Code. The Bill has already been presented to Parliament and a first reading has been carried out. The Bill proposes the following amendments to be introduced.

144. “Article 35 of the Code shall be substituted by the following new article:

- "35. Without prejudice to the powers of the Minister under the Children and Young Persons (Care Orders) Act, a minor under fourteen years of age shall be exempt from criminal responsibility for any act or omission."

#### **Repeal of article 36 of the Code**

145. Article 36 of the Code shall be deleted.

#### **Substitution of article 37 of the Code**

146. Article 37 of the Code shall be substituted by the following new article:

- "37. (1) The minor under sixteen years of age shall also be exempt from criminal responsibility for any act or omission done without any mischievous discretion.
- (2) In the case where the act or omission is committed by a minor who is aged between fourteen to sixteen years of age with mischievous discretion and in the case where the minor is aged between sixteen and eighteen years, the applicable penalty shall be decreased by one or two degrees."

147. The 2011 proposed amendment (Bill 97) proposed amendments aim to bring the Maltese legislation in line with the principles of the Convention by raising the minimum age of criminal responsibility from nine to fourteen years and they also serve to underscore that malicious intent must be demonstrated to prosecute minors between the ages of 14 and 16. It is also important to underscore the importance of the introduction of Chapter 518, The Protection of Minors (Registration) Act.

148. Work has also been on-going on restorative action. The Restorative Justice Act (Chapter 516), enacted through ACT XXI of 2011 (27 January, 2012), is a very positive recent development in the field of corrections in Malta and should help to facilitate the re-integration and improve the social inclusion prospects of persons, particularly young people who have come into contact with the Criminal Justice System. The Act also complements reforms to the prison system with a view to enhance the educational and vocational programmes of inmates, particularly of juveniles so as to enhance their rehabilitation and integration.

149. To further reduce crime and recidivism rates among youth offenders, Malta will be implementing measures to extend and consolidate restorative and community-based sanctions, and of developing therapeutic structures and diversionary measures to meet the needs of young people in lieu of imprisonment. Such measures are aimed at creating favourable conditions for youth to develop their skills, fulfil their potential and actively and positively participate and contribute in society.

## Part II

### Reply to the issues raised in part II of the list of issues

#### (a) Newly implemented policies, programmes and plans and their scope

150. The Maltese Government has in November 2011 published a draft National Children Policy that sets out to promote the well-being, rights and obligations, protection, active participation, inclusion, creativity and leisure of children. The draft Policy has further strengthened the idea of giving the child a voice to be heard and encourages active citizenship even among children, thereby minimizing the gaps between existing policy and practice. The draft National Policy was drawn up following an extensive period of consultation, including with children. Discussions are currently under way with a view to determining the way forward on the matter. A child-friendly version of the draft Policy was also published. The launch of the Draft Children's Policy is another step forward towards enhancing the respect for the rights of children in Malta.

151. Malta's National Report on Strategies for Social Protection and Social Inclusion for 2012 recognizes children living within particular contexts and situations as a vulnerable population, since their life experiences may place them at greater risk of poverty and social exclusion. Some categories of children and young people who have been identified as being at greater risk-of-poverty and social exclusion and thus merit particular social inclusion attention, include: Looked After Children, children living in institutions, children and young persons with a disability, early school leavers, children and young people with literacy difficulties, those with emotional, mental health or addiction difficulties, those living in jobless and single parent households, those witnessing domestic violence or abusive behaviour, teenage parents, immigrants and young people who are unemployed or inactive.

152. The first priority focus of the 2012 National Report on Strategies for Social Protection and Social Inclusion for 2012 focuses its strategic actions upon maximizing the potential of children and young people through a three-fold approach, by:

- Enhancing personal development through: measures which enhance prospects for educational attainment, employability, informal learning, active citizenship and engagement in sports and creativity;
- Enhancing well-being through: adequate housing, effective social welfare services and measures which create better conditions for families; and,
- Safeguarding the rights of children and young persons through: greater community mobilization and awareness and an enhanced juvenile justice system.

153. By focusing on the physical, emotional and psychological development of children and young persons, the measures outlined above do not only provide a holistic approach to social cohesion but also provide early intervention and prevention strategies, thus helping to prevent or reduce the risk of poverty and social exclusion.

154. In December 2012, the DSWS presented to the Ministry of Justice, Dialogue and the Family a draft policy paper titled 'Raising the Children of the State; a strategy for developing Malta's out of home care system'. This paper shall be the basis for a national strategy for all minors in all types of residential care including foster care.

155. The Department for Social Welfare Standards has also drafted Standards for the Adoption Process which are expected to be published for public consultation in the weeks ahead.

156. With regards to education the National Policy and Strategy for the Attainment of Core Competences in Primary Education was published in 2009. This policy aims to give renewed attention to the challenges surrounding the acquisition of core competences by all learners. For valid reasons shared globally it is regarded that literacy, e-Literacy and mathematics are considered to be at the core of qualitative education. Although much debate surrounds attempts to define quality education, there is consensus that quality must be seen in the light of how a society defines the purpose of education. The cognitive development of learners remains a priority within quality education. This policy attempts to address basic aspects of cognitive development which are essential for all learners.

157. It is also pertinent to note that in the coming weeks the Ministry of Employment and Education shall be launching a new National Curriculum Framework (NCF). The National Curriculum Framework document illustrates the importance of learning areas and general learning outcomes that will determine learning and assessment programmes, standards, criteria and profiles. The indication of the range of experiences in compulsory education provides students with key competences necessary for lifelong learning, employability and responsible citizenship. Children's diversity will be mirrored in pedagogical approaches that ensure attractiveness to learning by doing and learning by means of cognitive skills that support understanding, and give importance to problem solving and creative skills. This requires educators to regard this framework as a catalyst for innovation and change in the way of teaching and viewing children and young people.

158. In relation to Health issues, in April 2010, the Government of Malta launched 'A Strategy for the Prevention and Control of Non-Communicable Disease in Malta' to tackle mortality and morbidity resulting from these diseases. The overall goal of the NCD strategy is to develop an integrated inter-sectoral approach to NCD prevention and control by tackling common risk factors and by targeting actions both at population level and at high-risk groups.

159. The strategy aims to reduce the burden of NCD by targeting the major chronic diseases, namely cardiovascular disease, chronic obstructive pulmonary disease, mental ill-health and cancer (which is addressed in a more specific way in the National Cancer Plan published in XX); to reduce the burden of oral diseases and to improve the individual risks for NCD by focusing on four lifestyle related factors and four biological risk factors.

160. The above aims must be related to an improved socio-economic environment by focusing on the reduction of three major social determinants of NCD (poverty, unequal access to educational opportunities and unemployment and low pay employment) and hence the strategy foresees the collaboration between different sectors including among others the health, education, social, agricultural and economic sectors. In order to improve these social determinants, the following implementation strategies will be applied:

- Surveillance
- Policy Development
- Capacity Building
- Dissemination of Information based also on experience

161. The above processes will enable the formulation and application of clear strategic approaches to ensure effective Health Promotion actions by:

- Individual risk reduction aiming at high-risk individuals



- Population risk reduction aimed at preventable risk factors in society
- Appropriate and efficient use of health services
- An integrated referral system
- A robust health information system

162. Drawing upon the National Sexual Health Policy (launched in November 2010) and the outcomes of a series of workshops which complemented the referred policy, Government launched the Sexual Health Strategy in 2011. The principles of individual and social rights and responsibilities, stemming from the values of respect and dignity towards human life, are the cornerstones of the set of targets, goals, measures and deliverables regarding sexual health for Malta, presented in the strategy.

163. The objectives of the strategy are:

- Determining and providing educational, social and support services that match the prevalent needs by an appropriately resourced, competent and skilled workforce working within a supportive environment
- Determining and providing adequate, accessible and equitable health services that match the prevalent needs by an appropriately resourced, competent and skilled workforce working within a supportive environment
- Identification of the role and contribution of the media as a tool to inform and educate all the members of the population on all aspects of sexual health, including the provision of an appropriate channel that can be used to help individuals to develop the skills needed to make informed choices
- Establishing pathways and implementing initiatives to conduct research, monitoring
- Surveillance to secure accurate data specifically pertaining to the Maltese islands. This will also involve the collation of information to be able to map the social, cultural and religious dimensions of sexuality, within our specific national context.
- Enhancing the capacity to project and plan to address the challenges of the future and developing further cooperation with other countries and partnerships with stakeholders.

164. A Healthy Weight for Life: A National Strategy for Malta was published in 2012. The Strategy aims to halt the rising overweight and obesity rates and eventually to decrease the number of people suffering from this condition, subsequently reducing morbidity and mortality from related conditions and health care and productivity costs and aiming towards an improved quality of life. The Strategy recommends a significantly stepped up and co-ordinated multi-sectoral approach that must be adopted if the trend of increasing obesity and overweight within the Maltese population is to be stopped and reversed. This document discusses a number of possible economic and fiscal measures and targeted programmes directed at communities, schools, families, and workplaces. It also proposes wider environmental changes to facilitate increased physical activity and measures to improve nutrition to achieve and maintain a healthy weight throughout life. Specific services targeted at overweight and obese individuals are to be delivered by a multi professional team with a range of options available according to individual needs of both adults as well as children.

165. Further to the above, work is currently under way on a number of other policy/strategy documents. These include a National Plan on Rare Diseases, a National Health Systems Strategy, a Strategy on Eating Disorders and a policy on community

paediatric health-care services for all children particularly those at risk or with special health care needs.

**(b) Newly established institutions or institutional reforms and the respective mandates**

166. The National Commission for the Promotion of Equality (NCPE) was set up in 2004 with the aim of safeguarding equal treatment in society at large by virtue of Chapter 456 of the Laws of Malta – Equality for Men and Women Act. In 2012, this legislation was amended to extend the Commission’s remit to cover equal treatment on the grounds of sex or family responsibilities, sexual orientation, age, religion or belief, racial or ethnic origin, or gender identity in employment, education or training and banks or financial institutions. To this end, discrimination is described as: “discrimination based on sex or because of family responsibilities, sexual orientation, age, religion or belief, racial or ethnic origin, or gender identity and includes the treatment of a person in a less favourable manner than another person is, has been or would be treated on these grounds.”

167. On an organization level, the major change on the health front occurred in 2011, when the Ministry for Health, the Elderly and Community Care was restructured and the Superintendence of Public Health and the Office of the Chief Medical Officer were established with the aim of clearly delineating the health and long term care provision and regulation roles. In the same year, the office of the Commissioner for Mental Health and Older Persons was also set up. More recently, in August 2012, a Commissioner for Health was appointed and is directly accountable to Parliament.

168. In terms of care provision, the major changes have been registered in the area of access to health care. With the opening of Mater Dei Hospital (MDH) in 2007, an improvement in the quality of the care environment and that of the medical equipment and information systems technology was registered. All these changes contribute to improve access to health care, raise the quality of care and to promote and safeguard patients’ rights including children.

**(c) Newly developed training programmes for professionals working with children**

169. The following should be noted in relation action taken by the Ministry for Employment and Education:

- As from September 2009 to date, for the first time 12 trainee counsellors, 10 trainee career advisors, 12 trainee educational psychologists, three College Prefects of Discipline, two College Counsellors, two College Career Advisors, 10 Social Workers and 1 Principal Social Worker were employed with the Student Services Department. These professionals are giving their services to the colleges, where every professional is responsible of a college or a number of colleges. In the meantime, there are other professionals who are working in the colleges; hence each college has its multi-disciplinary team.
- All new recruited personnel are working on a 40 hour weekly basis all year round. Hence, for the first time in our schools there was a continuation of services even during the summer holidays, school holidays and even after school hours.
- The new recruitment has brought as well the implementation of the reform as regards the specialization of services. Through the employment of the College Counsellors, the College Career Advisors, the trainee counsellors and trainee career advisors, the two fields of discipline mainly personal counselling and career guidance is being provided. A new service was introduced in our schools through the College system. The main aim of the

Walk-In Service is that those services offered in schools throughout the scholastic year will continue throughout the summer months.

- The new recruitment has also brought on the continuous implementation of the reform with regards to tackling school absenteeism. Through the employment of the social workers cases of habitual absentees are being tackled with the help of the other support services including College, school and trainee counsellors, psychotherapists, psychologists and trainee psychologists. It is also the case that social workers are currently working on a joint project with the College and trainee Career Advisors with the aim of making contact with 5th formers who are habitual absentees to develop a tailor made programme for each student in relation to their career and future employment.

### **Career guidance**

170. The increase of personnel in the career guidance sector saw the implementation of various activities. A number of colleges organized various career-related initiatives, including job exposure / job shadowing initiatives, orientation visits.

171. In regards to Career Education, priority is being given to Form Four students. As the penultimate year of compulsory secondary schooling, Form Four has been identified by personnel within Education Psycho-Social Service as the year when students who are thinking of dropping out of school early actually tend to start disengaging themselves from lessons, even increasing their level of absenteeism. This is therefore considered to be a crucial year in raising student awareness towards adopting the right attitudes regarding the need to (a) exit secondary school with at least basic qualifications to meet EQF levels 1- 3 (b) the need for further education

172. The specialized Careers Team is also responsible for organizing, on a national scale, work-orientation visits to places of work (Form 4's) and visits to post secondary institutions. Other tasks of this team include supporting various regional colleges in week-long work exposure/shadowing initiatives for Form Four Students in various industrial sectors, as well as organizing two national week-long work-exposure initiatives in the Health and Financial sectors. The latter are organized in a way that simulates a job-seeking scenario, wherein interested students go through a formal and uniform selection process that takes into account their academic ability and personality. Consequently, these initiatives/visits would further serve to engage the students in their current studies through a realization of their relevance to the labour market.

173. The Education Psycho-Social Services in conjunction with the Ministry of Education, Employment and the Family organized a Learning Expo 2010, so as to promote Lifelong Learning and Further Education through the participation of Vocational and Post Secondary Schools/ Institutions and Training Institutions.

174. The Learning Expo included interactive stands featuring audiovisual material and professional career guidance professionals prepared to answer questions and point those seeking advice in the right direction. Educational organizations presented a variety of real life career options for people to choose from, whether in terms of a profession, a skill or a craft.

### **Nurture Groups and Learning Support Zones**

175. These groups were set up with the aim of sustaining identified learners with Social, Emotional, Behavioural Difficulties. The Nurture Groups cater for learners in the Primary Sector, while Learning Support Zones cater for the needs of learners in the Secondary Schools. These started being set up during scholastic year 2008 – 2009, 3 Nurture Groups

in Primary Schools and another 3 in Secondary Schools. During scholastic year 2009 – 2010 the number increased to 5 Nurture Groups in Primary Schools and 9 Learning Support Zones (LSZ) in Secondary Schools. An Induction Course was given to the staff in October 2009 and Guidelines were formulated so as all groups will work from the same base line while at the same time catering for the diverse needs of both the schools they operate in and the learners they support. 74 learners were supported in the Nurture Groups and 125 learners in the LSZs.

176. Scholastic year 2010 – 2011 saw yet again an increase in both sectors. Nurture groups have gone up to 7, while LSZ have gone up to 19.

177. Every group is supported by a teacher specialized in SEBD and a Learning Support Assistant.

178. The staff meets on a regular basis every month and there is an on-going discussion re service provision. An Induction Course was again offered this scholastic year for the new staff.

### **Youth workers**

179. During scholastic year 2009 – 2010 3 Youth Workers were employed with the Directorate for Educational Services to support the Learning Support Zones. These Youth workers are deployed within three colleges. They followed an Induction course offered by Student Service Department prior to starting their work within the colleges. The aim of the youth workers is to support young adults who are facing difficulties. The Youth workers work together with all the other professionals supporting the learners at risk. Programmes were held also during the summer holidays ensure continuity and support to the learners.

### **Reforms in special education**

#### *Early childhood intervention*

180. The positive affect on children's development when identification and intervention happens in the early stages of life is a well known fact. With this rationale, during 2010 The Early Intervention Service within The Student Services Department in the Directorate for Educational Services, was strengthened with the addition of Resource Workers who work on a 40 hour basis. The service was revamped with the aim of providing a family centred and comprehensive support system for children with developmental disabilities or delays and their families in the first five years (0-5) of life. The principle is to minimize the delays and maximize the chances of reaching typical milestones in development. It also supports and implements screening procedures to increase the early identification of difficulties and provide the family support as early as possible to families. Due to the increase of working hours the service will as from this year continue to be given during holidays and after school hours.

#### *Special schools reform*

181. In February 2010 the Special School Reform was formally launched and started to be implemented after a period of consultation. This reform provided a shift from the past scenario where students attended one special school for the whole of their school life, to allowing them to experience the different phases of school life as would their peers in mainstream education. To provide this experience the four special schools are now functioning as four Resource Centres catering for different age groups.

182. The reform also aims at providing quality education for all students with IEN whether they attend Resource Centres or Mainstream schools. The resources provided at the centres together with the expertise of the personal working in the centres are being made

available to offer the necessary support to students, parents, school administrators' teachers and Learning Support Assistants working with students with IEN in mainstream schools in Malta.

*Support for Social and Emotional Behaviour Difficulties*

183. Another reform involves the support given to students experiencing Social, Emotional Behaviour Difficulties (SEBD).

184. In 2010 the Directorate for Educational Services employed two SEBD specialists within Student Services to support schools to apply positive strategies when dealing with challenging behaviour.

185. The Services offered by these specialists include:

- Receiving of referrals from schools for consultation on situations of pupils who are encountering social, emotional and behavioural difficulties.
- Observing students in class so as to give hands on practical measures to the school staff on what positive strategies can be implemented within the class/school environment
- Considering offering the child temporary support in a Learning Support Centre.

186. Two new Learning Support Centres were opened in September 2010. A Primary Learning Support Centre caters for students (boys and girls) from 8 to 10 years of age, who are experiencing SEBD of a severe nature and who require a temporally specialized programme away from their mainstream school. A Secondary Learning Support Centre caters for girls of secondary school age who are also experiencing SEBD of a severe nature and who require a temporally specialized programme away from their mainstream school.

187. Apart from providing the core subjects of the primary and secondary curriculum these centres also offer a specialized programme that includes:

- (1) Nurturing
- (2) Social skills training
- (3) Anger management training
- (4) Consultation to mainstream staff in supporting students
- (5) Training to educational professional s working with the students in the area of SEBD
- (6) Parent/carer collaboration
- (7) Parental skills programmes
- (8) Support to parents
- (9) Self-esteem programmes
- (10) Conflict resolution

188. On completion of the programme, transition to the student's mainstream school is facilitated by the staff at the Centres who work with staff from the student's mainstream school to ensure a smooth and lasting transition into mainstream education.

189. The Department for Social Welfare Standards has issued Occupational Standards for child care personnel such as managers, carers and supervisors at centre-base level and sole workers at home-base levels. DSWS is also planning to issue similar Occupational

Standards for personnel in Children's homes. The Department has also drafted Standards for the adoption process, which are expected to be published for public consultation.

190. As part of the EU co-funded project VS/2009/0405 - Strengthening Equality Beyond Legislation, the National Commission for the Promotion of Equality organized training sessions through forum theatre with students aged between 9 and 17 years with the aim of empowering them to enhance and develop their creativity in challenging stereotypes and discrimination. Through this training, students had an active role and enjoyed themselves while learning more on the six grounds of discrimination, stereotyping, bullying and labelling. These training sessions challenged misconceptions and gave the students an opportunity to be creative, interact through various exercises and discuss subject matters related to equality.

**(d) Newly enacted bills and regulations**

191. The Department for Social Welfare Standards (DSWS) is responsible for implementing the:

- Adoption Administration Act, 2008 (Chapter 495 of the Laws of Malta),
- The Foster Care Act, 2008 (Chapter 491 of the Laws of Malta), and
- The Agency Accreditation Regulations (Adoption Administration Act) (Chapter 495 of the Laws of Malta).

192. It also contributes to the development of children's policy and in regulating childcare standards in Malta.

193. Since 2004, the Government of Malta has enacted a number of Legal Notices under the Tobacco (Smoking Control) Act (Chapter 315 of the Laws of Malta) regulating tobacco products, smoking in public places and labelling and advertising of tobacco products. The most significant pieces of regulations in the context of the protection of children and their rights are:

194. **The Smoking in Premises Open to the Public Regulations (L.N. 414 of 2004)** were introduced primarily to protect people from the negative effects of second-hand smoke that may lead to cancer and other diseases and made Malta the second EU Member State to introduce a ban on indoor smoking in public places.. These regulations banned smoking in public places and smoking was only allowed in indoors areas so long as they were ventilated and totally cut off from the rest of the establishment in the form of designated smoking rooms.

195. **The Smoking in Public Places Regulations, 2010 (L.N. 23 of 2010)** register a significant step forward in the fight against tobacco in that these regulations revoke the regulation issued in 2004 and ban completely smoking in public places including enclosed areas such as restaurants as from the 1st January 2013.

196. **The Smoking in Public Places (Amendment) Regulations, 2011 (L.N. 493 of 2011)** were issued with the aim of discouraging smoking in the presence of children and therefore bans smoking within the precincts of a play ground or public garden in which there is playing equipment for children.

197. **In December 2012, Government enacted the Mental Health Act, 2012 (Chapter XXII of 2012)** with a more patient-centred approach and enshrining patients' rights. A significant step with regards to children is the fact that for the first time, there is a section of the law dealing specifically with minors. The Act also establishes the Office of the Commissioner for Persons with Mental Disorders to promote and safeguard the rights of such persons.

**(e) Newly ratified human rights instruments**

198. The following instruments have been ratified:

- Processing of Personal Data (Protection of Minors) Regulations, 12 March, 2004 (through Legal Notice 125 of 2004);
- Firearms Practice Permits for Minors Regulations, 6 June 2008 (through Legal Notice 144 of 2008);
- Protection of Minors (Registration) Act, 20 January, 2012;
- Protection of Children (Hague Convention) Act, 14 December, 2010;
- Ratification of the Convention on the Rights of Persons with Disabilities and Optional Protocol, 19 November 2012.

199. It is also pertinent to note that Act VII of 2010 served to enable Malta to ratify and implement, inter alia, the following instruments:

- The Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse
- The Optional Protocols to the United Nations Convention on the Rights of the Child, namely the Optional Protocol on the sale of children, child prostitution and child pornography and the Optional Protocol on the involvement of children in armed conflict
- ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour
- The United Nations International Convention for the Suppression of Acts of Nuclear Terrorism, the Council of Europe Convention on Cybercrime

200. Moreover, Malta became the Central Authority for:

(a) The 1996 Convention on the Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of parental responsibility and measures for the Protection of Children;

(b) Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matter relating to maintenance obligations; and

(c) The Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance

**Part III****Data, statistics and other information, if available****Reply to the issues raised in part III, paragraph 1, of the list of issues**

201. The latest Malta population figures relating to children are the following (these figures may be subject to minor changes):

**Table 9: Population figures relating to children**

*Malta Final Population 2011 by sex and age (at end of year)*

Age	Males	Females	Total
	207,670	209,835	417,505
0	2,105	2,021	4,126
1	2,006	1,928	3,934
2	2,079	1,963	4,042
3	2,126	1,957	4,083
4	2,027	1,816	3,843
5	2,014	1,818	3,832
6	1,980	1,878	3,858
7	1,958	1,873	3,831
8	1,991	1,990	3,981
9	2,028	1,861	3,889
10	2,030	1,922	3,952
11	2,159	2,202	4,361
12	2,211	2,157	4,368
13	2,368	2,253	4,621
14	2,525	2,306	4,831
15	2,559	2,382	4,941
16	2,611	2,406	5,017
17	2,618	2,497	5,115

Source: National Statistics Office, Malta

**Reply to the issues raised in part III, paragraph 2, of the list of issues**

202. No specific budget allocations are provided for the implementation of the Convention for the years 2009-2012, but measures have been taken by the various Ministries and other entities for the protection and support of children and their rights as reflected in the Convention.

203. Information regarding the annual budget allocation of the Office of the Commissioner for Children is provided in the reply to the issues raised in part I, paragraph 3 of the list of issues.

204. The APPOGG Agency within the Foundation for Social Welfare Services had the following budget allocation for the years 2009-2012:

**Table 10: APPOGG Agency budget allocation for the years 2009-2012**

Year	Amount (in Euros)
2009	2,850,000
2010	3,250,000
2011	3,450,000
2012	3,457,500

Source: Foundation for Social Welfare Services



205. As regards expenditure on child benefits, data (in Euros) is set out in table 11 below.

**Table 11: Expenditure on child benefits**

<i>Type of Benefit</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>
Children's Allowance	29,100,000	40,200,000	39,100,000	15,900,000	36,900,000
Disabled Child Allowance	399,809	624,700	648,153	167,348	727,931
Foster Care Allowance	-	-	-	720,236	663,407
Orphan's Allowance	40,913	59,639	51,891	18,868	17,829

*Source: Department for Social Security*

**Table 12: Expenditure on education**

<i>Expenditure on Education</i>					
	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>
	<i>€</i>	<i>€</i>	<i>€</i>	<i>€</i>	<i>€</i>
Kindergarten to Higher Secondary Education					
Recurrent Expenditure	91,787,665	79,238,808	105,034,642	95,073,240	97,507,055
Capital Expenditure	1,538,791	1,189,486	1,077,670	1,700,833	1,671,929
Construction Programme of Schools	3,494,060	2,562,311	3,389,000	4,799,939	5,900,000
ITS					
Recurrent Expenditure	2,036,755	2,037,209	2,067,896	2,055,582	2,497,000
Capital Expenditure	46,587	46,588	4,675,002	44,702	45,000
MCAST					
Recurrent Expenditure	9,643,610	9,841,603	10,296,015	12,961,998	14,600,000
Capital Expenditure	1,385,977	1,674,455	2,299,054	2,214,353	1,500,000
University of Malta / Junior College					
Recurrent Expenditure	30,664,990	32,844,165	35,437,999	46,191,996	49,000,000

*Expenditure on Education*

Capital Expenditure	1,511,721	372,541	1,926,801	1,760,591	3,900,000
Students Maintenance Grants	18,931,179	19,268,747	19,445,122	21,015,934	21,450,000
Scholarships	239,788	445,586	447,287	403,856	666,000
Contribution to Church Schools	29,699,511	32,028,884	32,116,000	34,500,000	38,500,000
LSAs in Private Schools	-	-	-	17,762	200,000
Training / Employment ETC Programmes	1,945,027	1,998,602	2,255,000	2,602,000	3,315,000
Youth Special Training Scheme	-	-	-	-	500,000

*Source: Ministry for Education and Employment.*

206. Over the past five years there was an increase in recurrent expenditure in the education sector as part of a project of investment in education. This increase was both in recurrent and capital expenditures. Table 12 above analyses the expenditure on education for the period 2006-2010.

207. Table 12 also shows that expenditure on education and training has increased especially over the period 2008-2010 notwithstanding the international financial crisis which hit the local economy.

**Reply to the issues raised in part III, paragraph 3(a), (b), (c) and (d), of the list of issues**

208. A three-pronged research project concerning children in out-of-home care was commissioned by the Office of the Commissioner for Children from a team of established researchers led by Prof Angela Abela. This study was peer reviewed by Prof Jane Aldgate and Dr Maureen Cole. This study was a first in its kind for Malta and it aimed to provide the scientific basis on which a comprehensive national policy and strategy for out-of-home care in Malta could be built.

209. The three phases of the research project were the following:

- (i) The Effect of Institutional Placement for Children under five years of age;
- (ii) Mental Health needs of Children in Care;
- (iii) Exploring the long term outcomes of youth leaving care.

210. The study entitled 'Children in out of Home Care in Malta' was launched in 2012 during a day conference aimed at sharing the findings with various professionals working in the field. A summary of the study's key findings is available on the Office's website ([www.tfal.org.mt](http://www.tfal.org.mt)).

211. Various factors contribute to the separation of children from their families. It has been Malta's experience that drug and alcohol abuse, domestic violence, familial instability, prostitution of the mother, mental health problems, neglect, emotional, physical and sexual abuse and sexual exposure, are the main reasons behind such separations. It should be noted that when a child is at risk of being abused or exposed to domestic violence or gambling, these may also be considered as grounds for separation of the children from their families.

212. The following data refers to the total number of children who were protected by a Care Order between 2009 and 2012 and as a result were separated from their families.

**Table 13: Care Orders issued between 2009 and 2012**

	2009	2010	2011	June 2012
Total	37	36	51	23

213. These cases emanate out of the total number of cases referred to the Child Protection Services of Agenzija APPOGG within the same period as illustrated below. Agenzija APPOGG is the National Child Welfare Agency and falls within the responsibility of the Foundation for Social Welfare Services.

**Table 14: Cases referred to the Child Protection Services**

	2009	2010	2011	June 2012
January	77	81	84	75
February	80	75	80	62
March	83	109	61	75
April	70	105	64	80
May	105	105	77	76
June	116	86	70	73
July	101	71	41	-
August	64	87	43	-
September	47	38	32	-
October	112	89	53	-
November	106	81	76	-
December	92	77	47	-
Total	1053	1004	728	441

214. Various forms of placements are utilized in such circumstances, depending on the particularity of each individual case. Thus, placements with the non-abusive parent, three types of fostering (short term, long term and next of kin), adoption, residential care and an Out of Home Care Programme are all available as possible options for children in difficulty. These options also have the added advantage of affording a degree of flexibility in decision making for authorities in better addressing children's needs, based on the individual child's needs and background. It should be noted that the Foster Care Services and Adoption Services within APPOGG are the primary organizations which cater for foster care and adoptions in these circumstances. The State and the Catholic Church also run several residencies which cater for such children as well, while NGOs also run specific programmes.

215. It is common practice that most babies and/or toddlers up to the age of 5 are placed into foster care. However, in some cases when foster placements and/or specialized home

based care are not available, children may be sent into residential care. The same applies for older children. In Church homes, boys are placed in a different home at the age of 9/10 and at times siblings may be separated. Agenzija APPOGG, as the National Agency for Child Welfare Services, has agreements with some residential homes to keep minors until the age of 18 and beyond if necessary.

216. Therefore, although a number of children require long-term placements; foster care is considered as the way forward. This is because the vast majority of children needing to be removed from their home environment for a short or long term period still benefit from a family environment which foster care placements provide. The Fostering Service of Agenzija APPOGG within the Foundation for Social Welfare Services provides awareness of foster care, trains and assesses prospective foster carers, matches and supervises foster care placements so as to support foster carers.

**Reply to the issues raised in part III, paragraph 4, of the list of issues**

**Care orders and domestic violence**

217. The below statistics refer to cases of children on whom a care order has been issued, and in which domestic violence or exposure to domestic violence was reported.

**Table 15: Statistics on cases of children exposed to domestic violence**

	2009	2010	2011
Domestic Violence	1	10	5
Exposure to domestic violence	2		5

218. The above care orders were issued by the Child Protection Services within Agenzija APPOGG. The Child Protection Services work in collaboration with the Domestic Violence Services and Ghabex Emergency Shelter for Domestic Violence Victims. Both of these services fall under the remit of Agenzija APPOGG. All of these services are committed to the promotion of a society with zero tolerance to violence.

**Domestic Violence Services**

219. The Domestic Violence Services support adult victims of domestic violence and their children in abusive relationships. These Services provide specialized social work services to victims of domestic violence. A team of professional social workers, within the Domestic Violence Services provide support to victims of domestic violence and their children in times of crisis by helping the victims to develop a safety plan, whilst offering ongoing support (see data in table 16). In this regard, it is important to note that data referring to Domestic Violence Services does not reflect the number of children within the family but to adults who made use of the Domestic Violence Services.

**Table 16: Data on Domestic Violence Services support to victims of domestic violence**

<i>Case Turnover*</i>	
Year	Domestic Violence Services
2009	898
<i>Total number of cases worked with in the year**</i>	
Year	Domestic Violence Services (DVS)
2010	889

*Case Turnover\**

2011	803
2012 (up to June)	677

\* This is calculated as follows: Case turnover of the previous year, minus those cases closed in the previous year, plus those cases opened in the present year (e.g. Case turnover 2007 – Service Closing 2007 + Service Openings 2008 = Case Turnover 2008).

\*\* The number of cases which were new, re-contact or known in the reporting year. This does not indicate the number of individuals as some individuals could attend the service more than once in the same reporting year. For example, one individual may have re-contacted the service three times in the same year and would thus account for three cases worked with in the same year.

**Ghabex Emergency Shelter**

220. Ghabex Emergency Shelter offers refuge to women victims of domestic violence and their children for a period up to three months. Its aim is to provide an immediate safe environment to female victims of domestic violence and their children, who require immediate protection. The shelter programme is based on the belief that women and children have a right to protection from violence and abuse and that any woman, regardless of socio-economic, status and age may be subjected to abuse. The service offers a setting conducive to self healing to women and their children who suffer emotional, physical, sexual and any other form of domestic violence.

221. The women's stay at the shelter is for a maximum period of up to three months, after which service users, move on to a second stage shelter, or to any alternative accommodation that would have been identified during their stay at Ghabex. During these three months, staff at Ghabex support the women in their daily needs, and will also work with them to draw up an action plan for their future.)

**Table 17: Data on support to women provided by the Ghabex Emergency Shelter***Case Turnover\**

Year	Ghabex
2009	69

*Total number of cases worked with in the year\*\**

Year	Ghabex
2010	51
2011	46
2012 (June)	26

\* This is calculated as follows: Case turnover of the previous year, minus those cases closed in the previous year, plus those cases opened in the present year (e.g. Case turnover 2007 – Service Closing 2007 + Service Openings 2008 = Case Turnover 2008).

\*\* The number of cases which were new, re-contact or known in the reporting year. This does not indicate the number of individuals as some individuals could attend the service more than once in the same reporting year. For example, one individual may have re-contacted the service three times in the same year and would thus account for three cases worked with in the same year.

**Table 18: Total number of cases dealt with at Ghabex each year between January 2010 and June 2012 by number of children accompanying the mother in the shelter**

<i>Number of children</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
No children	29	33	10
1 child	8	7	7
2 children	6	3	1
3 children	7	3	0
4 children	1	0	0
Grand Total	51	46	18

222. It should be pointed out that the figures provided above are according to number of cases and not number of individual females. Therefore, the figures do not represent the number of individual children but the number of cases with children. Moreover, the above does not indicate the number of individuals as some individuals could attend the service more than once in the same reporting year.

**Table 19: Total number of children (all cases) who accompanied their mother in the shelter**

<i>Number of children</i>	<i>2010</i>	<i>2011</i>
Grand Total	45	22

\* This does not indicate the number of individuals as some individuals could attend the service more than once in the same reporting year

### Reply to the issues raised in part III, paragraph 5, of the list of issues

#### School dropouts

223. Currently, Eurostat defines Early School Leaving as the percentage of the population aged from 18 to 24 with at most lower secondary education and not in further education and training (ISCED 0, 1, 2 or 3c short). Based on this definition, school drop-outs in Malta in 2011 are at a rate of 34.2 per cent. This is an improvement of 20.2 points on 2001 when the rate of school drop-outs was at 54.5 per cent. For the year 2012, the indication is that these figures have further decreased, thus showing an improvement on the 2011 percentage.

224. Concerted efforts are being undertaken to further lower this rate, amongst which is added flexibility for students to achieve their Matriculation and Secondary Education Certificate examinations over a period of five years instead of having to undertake these examinations in one sitting. The National Commission for Further and Higher Education has also recently commissioned a detailed and scientific study on early school leavers, which will further assist Government to continue lowering the rate.

#### Absenteeism

**Table 20: Absenteeism by Nationality 2009 – 2010 (in State Schools)**

<i>Absenteeism by Nationality 2009 – 2010 (in State Schools)</i>								
Count of ABS days	Absent days							Grand Total
	nationality	41-60	61-80	81-100	101-120	121-140	141-160	
Bulgaria	1		1					2
Egypt	1							1
England	5		1	1	1	4		12

*Absenteeism by Nationality 2009 – 2010 (in State Schools)*

Eritrea					1			1
Ethiopia	2							2
France	1							1
Hungary					1			1
Ireland					1			1
Libya					2			2
Morocco		1		1				2
Pakistan	1	1				1		3
Poland				1		1		2
Romania							1	1
Russia	1							1
Somalia						1		1
Sweden	1			1				2
Syria	1							1
Tunisia		1						1
Turkey	1							1
United kingdom	3	3		2	1	1		10
Grand total	18	6	2	6	3	12	1	50

**Table 21: Absenteeism by Nationality 2010-2011(in State Schools)***Absenteeism by Nationality 2010-2011(in State Schools)*

Count of ABSENT days	Absent days							Grand total
	41-60	61-80	81-100	101-120	121-140	141-160	161+	
Nationality								
Belgium	1							1
Bulgaria	1		1			1		3
Chad	1							1
China	1							1
Congo				2				2
England	1	1	2	1				5
Eritrea	1					1		2
Ethiopia	2		1					3
Ireland		1	1	1				3
Latvia					1			1
Libya					1			1
Morocco	1		3					4
Poland						1		1
Republic of Serbia	1		2					3
Romania						1		1
Somalia		1	1			1		3
Sweden	1	1						2
Tunisia			1	1				2

*Absenteeism by Nationality 2010-2011 (in State Schools)*

Turkey	1							1
United kingdom	3	1		3	2	1		10
Grand total	15	5	12	8	4	6		50

**Table 22: Absenteeism by Nationality 2011-2012 (in State Schools)**

*Absenteeism by Nationality 2011-2012 (in State Schools)*

Count of ABS days	Absent days							Grand total
	41-60	61-80	81-100	101-120	121-140	141-160	161+	
Nationality								
Bulgaria	3	1	1					5
Egypt	1							1
England	2		1	1				4
Eritrea	1			2			2	5
Ethiopia		1					1	2
Germany			1	1				2
Ghana				1				1
Iceland						1		1
Iraq	1							1
Latvia			1	1		1		3
Libya				1				1
Morocco			1					1
Netherlands Antilles						1		1
Republic of Serbia	2		1	1	2			6
Romania		1						1
Sierra Leone	1	1						2
Somalia	1							1
Sweden		2						2
Syria	1							1
Ukraine	1							1
United kingdom	6	2		1		2		11
Grand total	20	8	6	9	2	5	3	53

*Absenteeism by Nationality 2011-2012 (in State Schools)*

Nationality	Count of ABS days	Absent days						Grand total
		41-60	61-80	81-100	101-120	121-140	141-160	
Bulgaria		3	1	1				5
Egypt		1						1
England		2		1	1			4
Eritrea		1			2		2	5
Ethiopia			1				1	2
Germany				1	1			2
Ghana					1			1



*Absenteeism by Nationality 2011-2012 (in State Schools)*

Iceland						1		1
Iraq	1							1
Latvia			1	1		1		3
Libya				1				1
Morocco			1					1
Netherlands Antilles						1		1
Republic of Serbia	2		1	1	2			6
Romania		1						1
Sierra Leone	1	1						2
Somalia	1							1
Sweden		2						2
Syria	1							1
Ukraine	1							1
United kingdom	6	2		1		2		11
Grand total	20	8	6	9	2	5	3	53

225. Further to the above tables, it should be noted that the rate of absenteeism for Maltese students is insignificant. Bearing in mind the thousands of Maltese students attending state schools, the days of absenteeism for the years 2009 – 2012 amounts to 856, on average.

**Table 23: Absenteeism by Age and Gender 2009-2010 (in State Schools)***Absenteeism by Age and Gender 2009-2010 (in State Schools)*

Count of ABS days	ABS days							Grand total	
	Age as at 01/03/2010	41-60	61-80	81-100	101-120	121-140	141-160		161+
Female	5	5	2	2			1	10	
	6	9	4	1			1	15	
	7	7	4	2			1	14	
	8	8	1	2	2			13	
	9	9	4	1		2		18	
	10	9	3	1	1		1	15	
	11	12	3	2	2	2		21	
	12	12	3	3	5	7	4	34	
	13	10	2	6	11	7	11	48	
	14	20	13	9	10	13	13	79	
	15	34	19	11	15	5	11	96	
	16	12	2	10	4		1	29	
	17		1	1	2			4	
Female Total		147	61	51	52	36	43	6	396
Male	5	6	6	2			1	15	
	6	7	7	3	3			20	
	7	3	5	1		1		11	
	8	6	2	1		3		13	

Absenteeism by Age and Gender 2009-2010 (in State Schools)

9	9	8			1	2		20
10	10	4		1	1			16
11	13	3	2	6	1	1		26
12	23	7	3	8	5	5		51
13	21	14	6	1	6	7		55
14	28	19	8	7	6	24	3	95
15	41	20	11	19	4	10	2	107
16	24	14	14	9		4	2	67
17	2	3	2	1				8
Male Total	193	112	53	55	28	54	9	504
Grand Total	340	173	104	107	64	97	15	900

Table 24: Absenteeism by Age and Gender 2010-2011 (in State Schools)

Absenteeism by Age and Gender 2010-2011 (in State Schools)

Count of absent days	Absent days								
	Age as at 01/03/2011	141-60	61-80	81-100	101-120	121-140	141-160	161+	Grand total
Female	5	5	2	2					9
	6	12	2	1	2				17
	7	6	2	2		1			11
	8	7	3	2		1			13
	9	7		3		1			11
	10	9	3	2	1		2	2	19
	11	9	5	1	1	3	2	1	22
	12	19	7	9	2	2	3		42
	13	21	5	7	2	11	8		54
	14	15	16	18	3	5	19		76
	15	25	14	29	14	4	6		92
	16	15	9	6	4		1		35
	17	3							3
	18		1						1
Female total		153	69	82	29	28	41	3	405
Male	5	5	3	3					11
	6	8	2	1	1	1	1	1	15
	7	10	2	4	1		1		18
	8	5	4				1	1	11
	9	8		3		1	4		16
	10	7	6	4	1	1		1	20
	11	16	1	4	2	1	1		25
	12	23	11	4	2	4	4		48
	13	26	13	14	6	5	7		71
	14	31	12	16	16	8	12		95
	15	34	18	29	22	5	13	1	122
	16	19	12	11	12		1		55

*Absenteeism by Age and Gender 2010-2011 (in State Schools)*

	17	1						1	
Male Total		193	84	93	63	26	45	4	508
Grand Total		346	153	175	92	54	86	7	913

**Table 25: Absenteeism by Age and Gender 2011-2012 (in State Schools)**

*Absenteeism by Age and Gender 2011-2012 (in State Schools)*

Count of ABS days		ABS days							Grand Total	
gender	Age as at 01/03/2012	41-60	61-80	81-100	101-120	121-140	141-160	161+		
Female	5	12	6			2			20	
	6	9	3	3	2				17	
	7	10	2						12	
	8	8	3	1	3				15	
	9	6	2	1	1	2			12	
	10	10	6	2	1	1			20	
	11	18	3	6	1	3	1		32	
	12	9	6	8	4	2	6		35	
	13	22	5	6	11	3	6		53	
	14	17	9	9	6	13	12		66	
	15	17	14	11	17	5	9		73	
	16	11	7	5	6	3	1		33	
	17		1	1	2				4	
	18	1							1	
	Female Total		150	67	53	54	34	35		393
	Male	5	8	4	1				1	14
		6	11	1	1	2			1	16
		7	10	2	4		1		2	19
8		10	2	1	1	1			15	
9		9	8	3	3		3		26	
10		14	4	4	1	1	1		25	
11		16	4	3	2	2			27	
12		19	12	5	1	1	3		41	
13		27	9	14	4	4	4		62	
14		25	18	11	10	16	14		94	
15		34	24	27	13	12	4	1	115	
16		18	8	11	15		2		54	
17			1	2	1				4	
18		1							1	
Male total			202	97	87	53	38	31	5	513
Grand total			352	164	140	107	72	66	5	906

226. These last three years, tackling absenteeism by strengthening the Education Psycho-Social Services within the Student Services Department at grass-roots level within the schools was given priority.

227. Social workers and social support workers are mainly working with students having a history of habitual absenteeism. Priority is given to primary pupils with the aim of intervening as early as possible and reduces absenteeism; in fact absenteeism at primary school level is almost insignificant. We are envisaging that in the coming five years the result of early intervention measures will also reflect in the attendance statistics of secondary students. Social workers are also following cases of habitual absenteeism with students of Form 1 and 2 classes; in fact the statistics reflect that the rate is not high either in the lower level of the secondary schooling. Since the main problem is with students attending the upper classes at secondary level, career guidance programmes are being implemented and the situation is being tackled by different professionals including career advisors, guidance teachers, social workers and social support workers together with other external agencies such as ETC. Since 2010 the social workers together with the career advisors are working on a project targeting 5th Formers who are habitual absentees. The aim is to initiate contact with the students and assist them in developing a tailor made programme in relation to their career and future employment. The target is that this project is aimed at Form 4 students as well during next scholastic year.

228. The social support workers are conducting home and other visits to communicate with target families identified by the college social worker so as to prevent minimize or eliminate absenteeism from school. They are supporting families by helping them in practical ways including teaching, home management, parenting and interpersonal skills.

229. Hence tackling absenteeism at early stage, the rate of absenteeism in compulsory education will be gradually reduced. This aim will be reached since different professionals are operating directly at all school levels, thus identification of social, emotional and behavioural problems leading to school absenteeism are tackled at an early stage and prevention programmes are implemented for both parents and students.

**Reply to the issues raised in part III, paragraph 6, of the list of issues**

230. Please refer to the reply to the issues raised in part I, paragraph 9 of the list of issues.

**Reply to the issues raised in part III, paragraph 7 of the list of issues**

231. It is understood that this question refers to human trafficking involving children. There are no such reported cases during the period 2009-2012.

**Reply to the issues raised in part III, paragraph 8, of the list of issues**

232. The next major milestone for the Government of Malta will be the finalization and implementation of the National Children's Policy. This Policy contains numerous policy recommendations which will further secure the rights of the Child in Malta and Gozo.

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