



Convention on the Rights of the Child

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Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the combined third to sixth periodic reports of Malta

Addendum

Replies of Malta to the list of issues*

[Date received: 18 April 2019]

* The present document is being issued without formal editing.

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Part I

1. Please provide further information on the contents of the Child Protection (Alternative Care) Act (Act No. III of 2017) and, in particular, whether it fully incorporates the principles and provisions of the Convention and its Optional Protocols. Please indicate whether it has already come into force

1. The Child Protection (Alternative Care) Act (Act No. III of 2017)¹ has now been substituted by the Minor Protection (Alternative Care) Act.² This Act is to safeguard, protect and give priority to the best interest of minors and to ensure, in the least possible time, the permanence of the care given to minors (Article 1 [2]) by providing for protection orders for minors, for alternative care and for suitable protection for those minors deprived of parental care or in the risk of being so deprived, and for ancillary matters (pg.1). The Act has passed through the Second Reading in Parliament and is currently at ‘Committee’ stage. The new Act consolidates the provisions of the previous Child Protection (Alternative Care) Act which replaced the Foster Care Act,³ the Children and Young Persons (Care Orders) Act⁴ and the Placing of Minors Regulations.⁵ Article 62 of the proposed Act indeed lists a number of rights in relation to minors in alternative care. In fact, Article 62 (3) (k) states that minors in alternative care shall, inter alia, have the rights mentioned in the United Nations Convention on the Rights of the Child.

2. The most significant changes provided for under this Act include:

- Different forms of protection orders, instead of the single type of order provided under the previous Care Orders Act;
- The issue of care orders is being transferred from the Minister responsible for social welfare onto the Juvenile Court or the Minors Care Review Board;
- The possibility of social contracts to resolve matters concerning minors’ needs for care and protection (article 11);
- Promoting the best interest and wellbeing of children in out-of-home care, including fostering,⁶ in so far as they can be freed for adoption;
- Extending the concept of open adoption to children of all ages, so that all children in out-of-home care may benefit from a family environment, while retaining contact with their biological family where possible (article 23 [1]); and
- The establishment of a therapeutic and secure centre for minors with serious behavioural difficulties (article 25).

3. Guided by the values enshrined in the UNCRC, the Act seeks to enhance the provision of services, the protection of children and their participation by giving them a greater voice in issues which have a personal impact on their daily lives.

4. Moreover, Malta is currently embarking on an exercise to fully incorporate the UNCRC by transposing it into national legislation.

¹ <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12620&l=1>.

² <https://parlament.mt/media/98927/bill-76-minor-protection-alternative-care-bill.pdf>.

³ <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8957&l=1>.

⁴ <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8773&l=1>.

⁵ <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9044&l=1>.

⁶ Foster carers can file an application to the Court of Voluntary Jurisdiction for adoption after five years (article 53 [1]).

2. Please provide detailed information on whether the National Children’s Policy (2017–2024) has been adopted and whether it covers all aspects of the Convention and its Optional Protocols and embraces all other sectoral and regional plans of action rather than complementing existing national policies and strategies. Please also provide information on the measures taken to strengthen the independence and resources of the Office of the Commissioner for Children, and to disseminate and raise awareness about the Convention

5. The National Children’s Policy that was launched and adopted forthwith in November 2017, presents Malta’s way forward for safeguarding and promoting the rights and general wellbeing of children. While placing the child at the centre of its attention, this Policy not only addresses the value and wellbeing of children in the here and now, but also acknowledges that investment in children is a precondition for the welfare and advancement of society.

6. Guided by the UNCRC, this Policy promotes the holistic development and wellbeing of children by comprehensively focusing on the physical, psychological and socioeconomic aspects in the life of the child through five main dimensions, namely: (i) home environment, (ii) social wellbeing, (iii) health and environment, (iv) education and employment; and (v) leisure and culture.

7. Whilst acknowledging children as a specific social group which demands specialised attention, this Policy highlights the uniqueness of each child. This Policy, which recognizes different developmental stages and adopts a lifecourse approach to wellbeing, places the child within the context of his/her personal background and wider environment, by taking into account one’s family, friends, communities as well as the natural and social environment.

8. In line with principles of protection, provision and participation, this Policy promulgates a series of objectives under each of the aforementioned dimensions of wellbeing with the aim of:

- Securing the safety of children and protecting them from danger and harm;
- Ensuring the availability and accessibility of quality services and support structures; and
- Promoting children’s involvement across all levels of society and spheres of social life.

9. Through its 110 policy actions, this Policy seeks to secure for all children greater visibility, understanding and consideration of children’s views, needs and interests, as well as enhanced awareness of their rights and wellbeing so that these are safeguarded and promoted by all. Moreover, it calls for more child-friendly interventions, and strongly recommends that national legislation, policies and service provision are compliant with the scope and objectives set out in this Policy.

10. The Office of the Commissioner for Children, which is committed to familiarize children with the provisions of this Policy⁷ and to encourage them on how this can be implemented effectively, has also been entrusted by Government with the ongoing monitoring, evaluating and reporting upon the progress achieved in the implementation of this policy. Furthermore, through the policy action of “provid[ing] children with access to remedy if there has been a breach of their rights as provided by the UN Convention on the Rights of the Child and promote awareness of the services provided by the Office of the Commissioner for Children” (p.53), this National Policy promotes and highlights the importance of the CFC.

⁷ A child-friendly version of the Policy has also been published by the CFC.

3. Please provide updated information on the process of setting up of the institutions and structures necessary for the implementation of the Child Protection (Alternative Care) Act, including the Office of the Director for Child Protection. Please inform the Committee which body is currently responsible for coordinating activities in the area of children's rights, including those of the Ministry for the Family, Children's Rights and Social Solidarity

11. The Minor Protection (Alternative Care) Act provides for various institutions and structures so as to ensure the implementation of the provisions of the Act. Amongst others, it:

- Consolidates the structure of Agenzija Appoġġ, this being the national Agency responsible for the wellbeing of minors and for the implementation of the relevant support services;
- Entrusts the issuance of care orders to the Juvenile Court or the Minors Care Review Board;
- Provides, under article 3, for the appointment of a Director (Protection of Minors) responsible for minors at risk, as set out under article 4 (2);
- Establishes, under article 35, the appointment of Director (Alternative Care) who shall be responsible for promoting the development and well-being of minors in alternative care;
- Provides for other important structures including the establishment of the: i) Fostering Board⁸ (article 37 [1]); ii) setting up of a Central Authority on Fostering (article 40 [1]⁹); and iii) Children's Advocate (article 24)¹⁰; and
- Provides for the appointment by the Director (Protection of Minors) of a key social worker whose responsibilities are set out in article 66 (2).

12. Some of these institutions and processes are already in place such as:

- Agenzija Appoġġ which is the main Government agency formally entrusted with safeguarding the well-being of children in Malta through specialized protection services for minors as well as therapeutic, community and generic services for children and families, besides immediate material support; and
- The Fostering Board whose functions include the examination of Home Study Reports and Review Reports; determining suitability of foster carers; keeping an updated register of foster carers; provision of official documentation to foster carers; and making recommendations to the Minister responsible for social policy.

13. The main national entity dealing with children's rights issues is the Office of the Commissioner for Children (CfC). This office was set up in terms of the Commissioner for Children Act of 2003 to promote the welfare of children and ensure that the rights

⁸ As per article 38 (1), the Fostering Board shall: (a) determine whether prospective foster carers and current foster carers are adequate; (b) specify the type of foster care each foster carer may provide; (c) keep an updated register of foster carers; (d) providing foster carers with the necessary official documentation; (e) review reports compiled by the Agency following a complaint against a foster carer, and taking any action as deemed fit in the circumstances; and (f) provide recommendations for improving the effective implementation of this Minor Protection (Alternative Care) Act and any regulation made thereunder.

⁹ The Central Authority upholds the role of the regulatory body for child protection, to ensure that a system of checks and balances is in place. The law also provides for appeal through the establishment of a Board of Appeal with a view of reviewing decisions taken by the Fostering Board, the Care Standards Authority and the Central Authority according to article 54 (1). Its operational procedures are regulated to ensure transparency and accountability.

¹⁰ The Children's Advocate shall: (a) provide legal assistance and advice to the minor; (b) submit the views of the minor in any court or with any administrative body as relayed to him by the key social worker or by an expert on minor protection as appointed by the Court for said purpose; (c) provide explanations to the minor on the possible consequences should they conform to his or her wishes; and (d) provide the minor with any relevant information on (b) and (c) only if the minor is deemed to have sufficient understanding.

enshrined in the UNCRC and other international documents, are complied with at national level.

14. Among other responsibilities, the CfC, which in the performance of its functions is advised and assisted by the Council for Children, is responsible to:

- Promote the rights and interests of children, and ensure that they are able to express their views and participate fully in society;
- Promote an understanding of the rights of children, gather information, and investigate any alleged breaches of such rights;
- Voice the rights, needs and interests of children, and ensure that child-related services meet required standards and are accessible, and responsive to children's individual needs; and
- Undertake regular initiatives to encourage children's participation in policy development and delivery with the aim that these take on board children's needs and wishes and provide a realistic and accurate picture of the situations being faced by children.

15. Besides the CfC, there are other formal structures that directly or indirectly safeguard and promote children's best interest. Amongst others, these include: the Social Care Standards Authority,¹¹ the Children and Young Person's Advisory Board, the Adoptions and Fostering Boards, the Commission for Domestic Violence and the Commission for the Rights of Persons with Disability.

16. Apart from these public bodies, Church and civil society organisations are also very active in supporting and promoting children's rights and wellbeing. Their contribution incorporates diverse actions ranging from preventive awareness raising and advocacy, to interventionist service delivery across all dimensions addressed by the National Children's Policy.

4. Please indicate whether a budgeting process has been established that has a focus on children's needs and leads to the adoption of a budget with clear separate allocations for children, specific indicators and a tracking system. Please also indicate whether mechanisms to monitor and evaluate the efficacy, adequacy and equitability of the distribution of financial resources for the implementation of the Convention and its Optional Protocols have been set up

17. The yearly budget provides for measures targeting children and their families.

18. Moreover, as it was stated above, in November 2017, the National Children's Policy was launched outlining the investment required for safeguarding and promoting the rights and general wellbeing of children in the coming years. Clear separate allocations for children are determined according to the basic principles of provision, protection and participation in line with the UNCRC and its Optional Protocols. Whilst targeting all children, the Policy puts emphasis on specific indicators by its policy actions spread across the five main dimensions of home environment, social wellbeing, health and environment, education and employment, and leisure and culture. To monitor, evaluate and report upon the progress sustained in the implementation of this Policy, the Office of the Commissioner for Children has been bringing together various Ministries through the setting up of an Inter-Ministerial Committee.

19. Besides offering various health services for children free of charge,¹² the Ministry for Health allocates an annual budget to run the Child Development Assessment Unit (CDAU) located in the old Hospital grounds at Gwardamangia.

20. The potential benefits of Early Childhood Education and Care (ECEC) for child development justify a quality assurance service. Locally, the service in question is equipped

¹¹ Acts as regulator on matters concerning children's services such as residential care and child-care standards.

¹² For some of them, a means test shall be fulfilled.

to monitor said quality, improve the system and implement new policies in accordance with research and other exigencies.

21. As from July 2016, ECEC responsibility is being shouldered by the Quality Assurance Department (QAD) within the Directorate for Quality and Standards in Education (DQSE) at the Ministry for Education and Employment (MEDE). The QAD is currently working on the 0–3 years sector by way of aligning the service to the National Quality Assurance Framework (NQAF). To this end, a pilot project will take place next year through an internal review exercise, thereby identifying opportunities for improvement. Furthermore, a recently established committee is drafting a policy to effectively meet SDG-4. The Nurture Care Framework (WHO, 2018) is also being consulted to reach this aim. Finally, new National Standards for Childcare are being drafted to revamp the current one. Improvement of the standards in question, together with the aforementioned internal review pilot project and policy drafting will ensure a more robust and internationally relevant childcare system to benefit our children.

5. Pursuant to the Committee’s previous concluding observations (see CRC/C/MLT/CO/2, paras. 36 and 37), please clarify what measures have been taken to eliminate all forms of corporal punishment of children in all settings without exception

22. Through Act III of 2014, the Government has amended Article 339 of the Criminal Code (Cap. 9 of the Laws of Malta) in such a way as to prohibit corporeal punishment without reservations. Article 339 (1) (h) now reads:

“Every person is guilty of a contravention against the person who being authorized to correct any other person, exceeds the bounds of moderation ... (p)rovided that, for the avoidance of any doubt, corporal punishment of any kind shall always be deemed to exceed the bounds of moderation.”

6. Please inform the Committee whether the single uniform database on suspected child abuse envisaged by the Child Protection (Alternative Care) Act has been set up. Please also provide information on the reporting procedures by Government authorities and professionals, investigations conducted, successful criminal prosecutions and sanctions imposed upon perpetrators of acts of child abuse, including sexual abuse, and remedies provided to child victims

23. As previously stated, the Child Protection (Alternative Care) Act has been amended and renamed Minor Protection (Alternative Care) Act. The latter, which is currently being discussed at Committee Stage (Parliament), provides for data collation mechanisms. For example, article 9 refers to the upkeeping by the Director (Protection of Minors) of all reports received in respect to significant harm.¹³ Article 57 also refers to the upkeeping of registers on prospective foster carers, current foster carers and professionals who are monitoring foster care placements and any other relevant information related to foster care. In addition, the law under article 66 (2) (e) provides for a detailed upkeeping of registers by social workers on minors under their care.

24. The law consolidates reporting under article 8. Whereas article 8(1) states that, “any person who has reason to believe that a minor, is suffering or is at risk of suffering significant harm, may report the circumstances according to which it holds such reason to the Director (Protection of Minors) or the Executive Police”, article 8 (2) makes it mandatory for Professionals to “immediately report an act which constitutes a criminal offence causing significant harm [to a minor] to the Director (Protection of Minors) or the Executive Police and no such reporting made in bona fide may constitute a criminal offence under any law whatsoever” Subsequently, under article 8 (3)¹⁴, the law provides for

¹³ The Minor Protection (Alternative Care) Act in article 8 (4) refers to “significant harm” as including abuse, neglect, harassment, ill treatment, exploitation, abandonment, exposure, and trafficking of any of the persons as mentioned in Sub-title VIII Bis of Title VIII of Part II of Book First of the Criminal Code.

¹⁴ “Any professional who omits to submit a report as mentioned in sub-article (2) shall be guilty of an offence and upon being found guilty shall be subject to imprisonment for a period of not less than

penalties against professionals who omit to report such offences, while article 9, sets out the procedure and action to be followed when a report is made. Reports can either be directly made to the Director responsible for the protection of the minor or directly to the Executive Police. The proposed law also caters for those instances when a report is made to another entity or institution other than the Director responsible for the protection of the minor and/or Executive Police. When such report is made this way, the law as per article 8 (2) binds the receiving entity/institution to report in writing to the Director responsible for the Protection of the Minor and/or the Police, within 24 hours from when the report was received. The Director (Protection of Minors) by virtue of article 9 (2) shall, within five working days from receipt of a report, determine whether there are sufficient grounds for further investigations to determine whether the minor is in need of care and protection. In the case where further investigations and evaluations are deemed necessary, the Director (Protection of Minors) is bound to conclude the investigation within 60 working days.¹⁵

25. Under article 10, the law provides for a wide range of investigative powers together with the necessary information. If it is decided that the minor needs care and protection, the law under article 9 (5) provides for a number of measures which may include: the provision of support services for the minor and his/her parents or guardians/primary carers, the issuing of parental responsibility guidelines, an application to the Court for an emergency order or a protection order, and the Executive Police undertaking investigations in cases of abuse or abandonment, or initiating criminal proceedings in cases of criminal offences.

26. As already stated in question 1, article 11 provides that the Director (Protection of Minors) shall have regard to the possibility of agreeing to a social contract when a minor is in need of care and protection, without the need of resorting to the Court to issue a protection order. In such case, a care plan is drawn up and a social worker is appointed to follow the development and interest of the minor and monitor the compliance of the parties with the social contract.

27. Article 17 provides for the procedure to be followed for the issue of protection orders. In such case, the Court shall appoint the application to be heard within 10 working days and appoint a Children's Advocate.¹⁶ Prior to its final decision on the application, which needs to be made within a period of 2 months, the Court shall hear all the necessary evidence and order the Director (Protection of Minors) to prepare a care plan.¹⁷

28. As per article 18, the Court may issue any one of these protection orders: care order, supervision order, treatment order and removal order. The law, under article 19, also provides for an emergency order by the Director (Protection of Minors) assisted by the Executive Police, in the case where the minor is suffering significant harm,¹⁸ so that immediate removal of the minor from the place in which such significant harm is occurring, is executed without the need of any form of authorisation. Any investigation according to this article shall be concluded within 30 working days.¹⁹

29. According to article 21 (1), a protection order shall remain in force until the minor reaches the age of 18 years or is revoked by the Court. The Court may also order an alternative permanency plan according to article 22.

three months and not more than nine months, or a to a fine (multa) of not more than five thousand euro (€5,000), or to both such fine and imprisonment.”

¹⁵ “Provided that said period may, for good reason, be extended by the Director (Protection of Minors) for an additional thirty working days.”

¹⁶ As per article 17 (5).

¹⁷ As per article 17 (5–8).

¹⁸ Or is at risk of such harm.

¹⁹ As per article 19 (9).

7. **With reference to the State party's report (CRC/C/MLT/3-6, para. 40) please provide additional information about the mandate and activities of the Police Vice Squad and the Police Victim Support Unit. Please clarify the contradictory data provided in the Annex in the State party report (paras. 27 (a) and 27 (c)) about the prevalence of child sexual exploitation**

30. The Police Vice Squad is responsible for law enforcement and prosecution of most cases in the areas of human trafficking, prostitution, child sexual abuse, pornography and drug trafficking, alcohol and gambling. In fact, cases involving less than a potential maximum of 10 years' imprisonment are prosecuted by Police officials. The Police Victim Support Unit, on the other hand, provides assistance and support to crime victims, including through referral to other organizations and professionals as necessary.

31. From Malta's point of view, there is no contradiction between the data in 27 (a) and (c). In this regard, we would like to point out that the data in (a) refers exclusively to child pornography, whereas the data in (c) refers to cases of violence against children and cases of sexual abuse.

8. **Please provide information on the criteria and procedure of placing a child in alternative care. In view of the information provided in the State party report that further capacity building within the Looked after Children service for 2018 was subject to the availability of social workers, please provide information on whether the State party has increased the number of social workers to ensure that the individual needs of each child are effectively addressed**

32. Minors are placed in alternative care when it is not in their best interest to continue living with their biological family members/carers. Although a protection order is issued as a last resort, yet, as outlined in reply to question 1, the Minor Protection (Alternative Care) Act provides for a number of protection orders for minors. The criteria for issuing a care order (article 18 [3]) include: (a) deficiencies in the life of the minor concerning everyday care, treatment and specialised care, personal contact and security needed according to his/her age, development and health status; and (b) the risk of the minor being abandoned or suffering significant harm.

33. According to article 18 (2), before the issue of any protection order, the Court is bound to consider: (a) the views of the minor,²⁰ parents, tutor and/or curator; (b) the capability of the parents to safeguard the well-being and harmonious development of the minor; (c) the nature and quality of the attachment between the minor and his family; (d) the harm that was suffered, that is being suffered or which may be suffered by the minor; (e) the length of time during which the family of the minor has been receiving support and treatment services; (f) the degree of vulnerability as well as the cultural, linguistic and religious background of the minor; and (g) the relationships of the minor with his siblings. Moreover, "in all cases where provision is made for the assignment of any parental responsibilities to any person other than the parents of the minor, the Court shall give preference to the family of the minor" (article 18 [4]).

34. Article 22 provides for the issue of an alternative permanency plan when this is in the best interest of the child. An alternative permanency plan aims at "reducing or revoking the effects of the minor's protection order and it shall provide for a permanency which is relational, physical and legal" (article 22 [3]). The procedure for the issue of an alternative permanency plan is established under article 22 (1-8). The law also provides that a minor subject to a protection order may be freed for adoption. Such adoption, which may be open²¹ and without age restrictions, can take place even without the consent of the child's parents (article 23). For such purpose, the law establishes the appointment of the Director (Alternative Care) who shall be responsible for promoting the development and well-being of minors in alternative care (article 35).

²⁰ When deemed to have sufficient understanding.

²¹ "Open Adoption" as defined in the Adoption Administration Act means an adoption made in accordance with Article 22 of this Act and Article 119 of the Civil Code, whereby a child maintains contact with his parents and/or natural family.

35. According to article 67 (1) of the Minor Protection (Alternative Care) Act, “when, due to a valid reason, the parents of a minor propose to make arrangements to place said minor under the care and custody of another person or entity, such other person or entity shall notify the Director (Alternative Care) of such a proposal”. The law refers to this as a voluntary placement since the parents sign a voluntary consent form for their children to move into foster care or a residential placement. In these cases, the social workers would have been offering support to the families, however unfortunately the parents would still be finding it difficult to care for their children.

36. In substituting the Foster Care Act, the Minor Protection (Alternative Care) Act facilitates the fostering of minors and consolidates existing fostering services. The new law provides for the possibility of adoption by foster carers who have had the care and custody of the minor for more than five years (article 53). Furthermore, where the placement of a minor in foster care is not in the best interest of the minor, such minor shall be accommodated in a home for residential care (article 59). The new law also stipulates the responsibilities of homes for residential care (article 60) and the rights of the minor in alternative care (article 62). As far as possible, the social workers match the needs/wishes of the minors and the ethos of the residential placement, to ensure more stability.

37. Every child living in an alternative care placement is followed by a social worker from the Looked After Children Service (LAC) within Aġenzija Appoġġ. When the minor is placed in fostering, the minor’s social worker liaises with the Fostering Service to make sure that both the minor and the foster carers are supported. The social worker supports the minors in their placement, monitors their situation, and liaises with other professionals who are involved in the case. The LAC social workers offer support to minors when they are finding it difficult to adjust in their out-of-home care placements.

38. The Foundation for Social Welfare Services (FSWS) offers over 50 services²² (including Aġenzija Appoġġ services to safeguard the well-being of children) which directly or indirectly benefit children. While abused children receive a more efficient and effective service from the Child Protection Services (CPS), children with other needs are also offered support services by Appoġġ, thus ensuring a more holistic and integrated child welfare service.²³

39. As at 2018, FSWS employed 244 social workers within its different services, out of which 191 are assigned to Aġenzija Appoġġ.

40. Between 2013 and 2018, a total of 141 social workers graduated from the University of Malta. FSWS contributes to the preparation of social workers by providing placements for the majority of social work students. Information sessions are held with social work students prior to starting their placement. Such information sessions also seek to attract final year students to take up employment with FSWS. However, notwithstanding the number of annual social work graduates and FSWS efforts to attract such social workers, not all newly qualified social workers choose to work for FSWS. This is understandable since not all social workers may be inclined to work with children and families, but may be more attracted to other employers whose operations are more in line with their preferred social work field.

41. Against this scenario, FSWS has come up with an effective alternative insofar that it has invested in a number of social support workers and executives to assist the professional social workers within the LAC.²⁴ Moreover, a new Collective Agreement negotiated in

²² FSWS also provides services in the area of gambling, alcohol and substance abuse through its Aġenzija Sedqa as well as outreach in the community through its regional and local LEAP centres.

²³ These services include the: Fostering Service; Looked After Children Service (LAC); Children’s Services; Court Services; Supervised Access Visits; High Support Service; Supportline 179 (a 24-hour free confidential support by telephone service); Out of Home Care Programme consisting of the specialised home-based care (a specialised fostering service), Co-Management of residential homes; Adoption Service; and a Hotline for the reporting of sexual abuse or exploitation on minors. Further to these specialised services, Appoġġ provides material support immediately for children in need, as well as therapeutic, community and generic services for children and families.

²⁴ These employees do not possess a Social Work degree but have obtained a qualification in a social related field. They assist the Social Workers within LAC.

2017, provides, amongst others, enhanced conditions for social workers which include an attractive salary package together with new career progression, as well as the introduction of a new allowance²⁵ and a new Continuous Professional Development (CPD)²⁶ allowance for all warranted professionals working with FSWS. Such improved conditions should contribute towards the retention of current social workers and the attraction of new ones.

9. Please provide information on any initiatives taken in the public health sector to develop dedicated services for children with disabilities. Please provide further information on sexual and reproductive health services for children, particularly safe and free abortion for girls who are victims of rape or incest

42. There were no cases of incriminations for illegal termination of pregnancy.

43. The Child Development Assessment Unit (CDAU) within the public health sector provides free comprehensive assessments and multidisciplinary interventions to all children and adolescents with various disabilities. General Practitioners doctors or pediatricians can refer patients to access the various services offered. Additionally, the Child Guidance Clinic offers assessment and management for mental disorders in young people. Besides these, the Public Health Sector is also responsible for the Juvenile Ward which aims at encouraging independent living and when severe disability preclude this, it offers the patient with a comfortable, safe and home environment. However, a principal foundation for children with disabilities is Inspire which helps everyone with disability attain their right to be equal and to be included in the rest of the community.

44. As for access to safe and free abortion for girl victims of rape or incest, kindly note the following interpretative statement made by Malta upon ratification of the UNCRPD:

45. [...] Pursuant to Article 25 of the Convention, Malta makes the following Interpretative Statement – Malta understands that the phrase “sexual and reproductive health” in Art 25 (a) of the Convention does not constitute recognition of any new international law obligation, does not create any abortion rights, and cannot be interpreted to constitute support, endorsement, or promotion of abortion. Malta further understands that the use of this phrase is intended exclusively to underline the point that where health services are provided, they are provided without discrimination on the basis of disability.

46. Malta’s national legislation considers the termination of pregnancy through induced abortion or even to help someone to commit abortion as illegal (Article 241 et seq of the Criminal Code).

47. As for dedicated services for children with disabilities, as mentioned in the replies to the UNCRPD Committee’s List of Issues last year, the Ministry for the Family, Children’s Rights and Social Solidarity (MFCS) also negotiates Public-Social Partnerships (PSPs) with a number of Non-Governmental Organizations (NGOs) and Service Providers, on a case-by-case basis. Ad hoc funding requests by organizations are similarly entertained on a case-by-case basis. In this regard, kindly view Table 1 in Annex 1. It is pertinent to note that these services are cross-cutting, and traverse the areas of health, education and social services, thus bringing together different professionals from various work settings to work together in the best interest of the child with disability.

48. On an administrative level, the setting up of inter-ministerial structures²⁷ to coordinate the holistic planning and provision of services based on an individual life course approach is envisaged to enhance the availability of adequate and timely services to cater for actual needs at different life stages of the individual. In this regard, the Planning and Development of Service Provision Needs Regulations (S.L. 413.02) empowers the sharing

²⁵ This allowance is an additional payment. It is over and above the warrant allowance already in place.

²⁶ Eligible warranted Professionals are entitled to a lump sum of money per year as Continuous Professional Development (CPD). This CPD allowance should be tied to training or training related material. It is imperative that the training has to be directly related to the profession and/or the work being carried out by the professional within FSWS.

²⁷ The Inter-Ministerial Administrative Committee on Disability (IACD), and the Inter-Ministerial Interdisciplinary Professional Board on Disability (IIPBD), and the Disability Unit which serves as the executive arm of the Committee and Board.

of information that is required to address service gaps, eliminate service overlaps, and promote medium- and long-term planning in the best interest of the individual, both in childhood as well as throughout the life course.

49. The new Gender Clinic is also physically accessible. However, it mainly services the needs of transgender persons who are transitioning and it is not known how disability-aware staff are. Persons who are not/not yet transitioning are still being catered for by the NGO sector, for example Rainbow Support Services (Malta Gay Rights Movement), which has a history of being disability-sensitive, including in the psychosocial (mental health) field. Furthermore, the fact that Malta no longer requires a psychiatric diagnosis of ‘gender dysphoria’ to access the clinic, makes accessing its services easier for all, but particularly for young persons with disabilities, who now face one less hurdle. However, persons with intellectual and developmental disabilities are still at a disadvantage, since relevant materials are still not being produced also in Easy Read versions.

50. Malta is currently attempting to participate in an EU-funded initiative, through the COST programme, that would, with partners from other countries, develop a Toolkit for persons with disabilities, including young persons, addressing gender-specific health matters, such as breast screening and cervical health. The Toolkit will be structured on best practices used in the UK National Health Service (NHS), and would be produced locally in English and Maltese, including in Easy Read versions.

10. Please inform the Committee about the results of the review of its reception and detention policies, in particular whether asylum-seeking children are still being detained and the conditions for access to education for unaccompanied asylum seeking children

51. Malta’s reception and detention legislation in respect of asylum applicants was reviewed in 2015 through amendments to the Immigration Act (Cap. 217) and the Reception of Asylum Seekers Regulations under the Refugees Act (Cap. 420). The amendments in question set out that an asylum seeker may be detained only so long as the reason for his or her detention subsist. Moreover, reasons for detention must be given in writing and detention decisions are subject to review and the provision of free legal aid. It should be noted that the review, which must be held within a period of 7 days, extendable by a further 7 days, must be conducted by the independent Immigration Appeals Board. The original detention decision is taken administratively by the Principal Immigration Officer.

52. As per the Strategy for the Reception of Asylum Seekers and Irregular Migrants,²⁸ issued in 2015, vulnerable persons, including children, are not being subject to migration detention, in view of the fact that the Principal Immigration Officer is not issuing detention orders in respect of such persons. This Government Policy also flanked the aforementioned legislative reform.

53. Moreover, asylum applicants and beneficiaries of international protection are given access to State education free of charge.

Please also provide information on the outcome of the study on all foreign children residing in the State party, including children in irregular migration situations, to assess their entitlement of rights and services commissioned by the Office of the Commissioner for Children

54. On the 28 March 2019, a research study entitled “A Passage to Malta, a Research study on the Health and Wellbeing of Foreign Children in Malta”, was launched by the Office of the Commissioner for Children in collaboration with the Centre for Resilience and Socio-Emotional Health within the University of Malta.

55. The study aimed to examine the physical and mental health, wellbeing and resilience of foreign children in Malta including their access to services, their school engagement, their inclusion in Maltese communities and attitudes of Maltese children towards foreign

²⁸ <https://homeaffairs.gov.mt/en/MHAS-Information/Documents/Migration%20Policy%20181215.docx>.

children living in Malta. The study focused on children under the age of 18 years who were born in or outside Malta to non-Maltese parents (or one parent in the case of single parents). All foreign children in Malta who could be identified through schools, homes, centres and agencies were invited to participate. This study consisted of four different phases, making use of quantitative and qualitative research designs.

56. In total, around 2,500 foreign and Maltese children participated in the research study. The main findings of the research study were that:

- Foreign children in Malta cannot be construed as one heterogeneous group as there are striking differences;
- The majority of foreign children in Malta enjoy positive physical and mental health, a high level of resilience and wellbeing, a stable family environment, a good quality of life, positive school experiences, good relationships with teachers and their peers as well as social inclusion;
- Foreign children can be a positive influence in the lives of Maltese children, not only in terms of the rich cultural diversity they bring with them, but also in encouraging Maltese peers to adopt healthier lifestyles;
- Many foreign children are living in overcrowded apartments and centres, struggling with language barriers, have problems when accessing services, have few Maltese friends and have limited open spaces in their community; and
- Whilst the majority of Maltese children hold positive views of foreign children and multiculturalism, a substantial percentage expressed hesitation and concern about multicultural integration.

57. Hence, recommendations arising through this study include:

- The creation of healthier physical and social spaces for diverse, intercultural communities;
- The promotion and provision of more accessible, sensitive and inclusive services for foreign children with an inclusive and multilingual educational system; and
- The removal of spaces which deepen difference and nurture prejudice and discrimination to enable the upcoming Maltese generation to harbour more tolerant, open inclusive attitudes towards cultural diversity and multiculturalism.

58. This study sheds light on the realities of a Maltese cosmopolitan society which brings together different people. The Ministry for the Family, Children's Rights and Social Solidarity will also be analysing the findings of the study in order to keep its policies related to children up to date. The research study will be presented during a National Conference on the 10 April 2019 with the primary aim of bringing key stakeholders together to discuss the findings.

59. Moreover, the Minor Protection (Alternative Care) Bill gives due attention to the particular situation of unaccompanied minors by specific provisions for their welfare, care and protection under article 20.

- 11. Please provide information on measures taken to implement the Committee's previous concluding observations (see CRC/C/MLT/CO/2, para. 66, and CRC/C/15/Add.129, para. 50), including raising the minimum age of criminal responsibility; extending the scope of its juvenile justice legislation to include all children under the age of 18 years; eliminating the criterion of "mischievous intent" for children between 14 and 16 years; abolishing its policy of co-accused minors; and introducing alternatives to detention and diversion possibilities**

Raising the minimum age of criminal responsibility

60. Through Act III of 2014 (An Act to further amend the Criminal Code), enacted on 14 February 2014, the age of criminal responsibility in Malta has been raised from 12 to 14 years. In line with Article 35(1) of the Criminal Code, a minor under fourteen years of age

shall now be exempt from criminal responsibility for any act or omission (and is thus now considered to be a *doli incapax*).

Extending the scope of its juvenile justice legislation to include all children under the age of 18 years

61. The Maltese Juvenile Court has jurisdiction with regards to persons under the age of 16 years.

Eliminating the criterion of “mischievous intent” for children between 14 and 16 years

62. Minors under sixteen years of age shall also be exempt from criminal responsibility for any act or omission done without any mischievous discretion according to Article 37(1) of Chapter 9 of the Laws of Malta. Apart from this, in line with Article 37(2) of the Criminal Code, 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.

Abolishing its policy of co-accused minors

63. The policy regarding co-accused minors has not been abolished.

And introducing alternatives to detention and diversion possibilities

64. In Malta, diversionary measures compliment the criminal justice system and run in parallel to each other rather than exclude one another. Therefore, various legal options and programs are available for young offenders who break society norms, while consideration to the age of the young person is the primary aim and that recourse to incarceration is taken as a last resort. Mainly by means of:

- Juvenile Court Act Chapter 287: Provides for the setting up of a Juvenile Court and to provide for matters relating to children and young persons. For the purpose of this act a child or young person means a person under sixteen (16) years of age. Article 6.(1) provides that “where in the course of any proceedings before the Juvenile Court it appears to the court that the person charged or to whom the proceedings relate has attained the age of sixteen years, the said court may, if it thinks it undesirable to adjourn the case and refer it to the competent Court of Magistrates, proceed with the hearing and determination of the case; if, however, the Juvenile Court thinks otherwise, it shall adjourn the case and refer it to the competent Court of Magistrates which shall take cognizance of the case as if the proceedings had been commenced before the said Court of Magistrates”. In terms of punishments meted out by this court, Article (3) states that “all the provisions of the Criminal Code and of any other law applicable to the Court of Magistrates shall, subject to the provisions of this Act, apply to the Juvenile Court”;
- The Criminal Code Chapter 9: Article 7 provides for punishments meted out in the Juvenile Court (vide Annex 2 below);
- The Probation and the Parole Services Chapter 446; young, first time offenders sentenced by the Juvenile Court and those under 18 years by the Valletta Court can benefit from provisions under this law;
- Prohibition of consumption of alcohol by minors; when a minor is caught consuming alcohol under the age of 17, can be formally warned by a Member of the Police Force that criminal proceedings will be taken against him if he is caught acting in breach of the same provisions of the law for a second time or more; and
- Drug Dependence Act Chapter 536; victims of substance misuse who are on the onset of their drug career are persons who require assistance rather than considered as enemies of society. Recidivism is considered as a sign and symptom of substance misuse and dependence which all the more needs treatment rather than incarceration. Therefore, this law provides for: (a) focus on support rather than punishment; (b) first time possession offenders face a Justice Commissioner rather than a Court of

Law; (c) offenders may be referred to a multidisciplinary board made up of experts in the field for assistance.

12. Please provide information on the measures taken to implement the Committee's previous concluding observations concerning the Optional Protocol on the involvement of children in armed conflict (see CRC/C/OPAC/MLT/CO/1 and CRC/C/MLT/CO/2, paras. 63–64)

65. The Agency for the Welfare of Asylum Seekers (AWAS) assesses minors for the possibility of having been involved in armed conflict during the age assessment procedure, which is the first assessment carried out with those claiming to be Unaccompanied Minor Asylum Seekers. If migrant children had indeed experienced armed conflict, they are followed closely by social workers and referred for physical and psychological assistance. The same care is provided to children accompanied by their parents.

66. Besides, AWAS has recently embarked on an EU co-funded project, whereby all individuals including children will be screened for possible signs of abuse, PTSD and similar conditions. Those individuals scoring high on the Harvard Trauma Questionnaire (assessment may change) will be offered counselling and other therapeutic services.

Part II

13. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to

(a) New bills or laws, and their respective regulations

- The Social Care Standards Authority Act, Cap 582 Act XV of 2018, as amended by Act II of 2019;
- CAP 581 by means of ACT XIII of 2018 the Istanbul Convention;
- CAP 557 – Persons with Autism (empowerment) Act;
- By means of Bill 96, 101 and 115 of 2015, CAP 413 – Equal and Opportunities (Persons with Disability) Act was further emended;
- By means of ACT XXXIII of 2014 and II of 2019, CAP 285 was further amended;
- The Minor Protection (Alternative Care) Act 2018; and
- Criminalisation of Corporal Punishment: By means of Act III of 2014, the Maltese Criminal Code was further amended to cater also for corporal punishment through article 339.

(b) New institutions (and their mandates) or institutional reforms

67. The role of the Social Care Standards Authority (SCSA) as a Regulatory Body is to improve quality and standards in social welfare services to protect and enhance the dignity, safety and welfare of all service users. This vision is to be achieved through support and regulation. Both service users and service providers will be actively involved in the ongoing process of standard development and improvement. The process of regulation is intended to be a positive experience, which is carried out through consultation, collaboration and dialogue. It is envisaged that through its operations, the Authority will positively influence social welfare practices and the qualitative development of services in the sector.

68. The Social Care Standards Authority (SCSA) was set up in accordance with the provisions of the Social Care Standards Authority Act, chapter 582.

69. The functions of SCSA are:

- To issue licences for social welfare service providers;
- To set regulatory standards for different areas of social welfare services; and

- To set quality tools to be used during the inspections in order to assess the quality of the services.

(c) **Recently introduced policies, programmes and action plans and their scope and financing**

70. Policies, programmes and action plans were recently introduced with regards to social policy and social services, health, education, culture, and crime.

Social Policy and Social Services

71. Besides the National Children’s Policy as presented under question 2, the National Strategic Policy for Poverty Reduction and for Social Inclusion 2014–2024,²⁹ which targets children and young people as one of its four main groups, provides for the setting up of a national structure to monitor and evaluate the progress sustained within the different policy areas of the strategy. An Inter-Ministerial Committee (IMC) set up by the Ministry responsible for social policy, brings together representatives from the key Ministries covering the six dimensions underpinning the vision and strategic direction of the policy. It meets on a quarterly basis and regularly compiles implementation updates.

72. The “Implementation and Evaluation Report 2014–2016”³⁰ has been compiled and published to take stock of the developments registered between 2014 and 2016 in the implementation of this policy. Indeed, this report includes the initiatives that have been undertaken between 2014 and 2016 to combat poverty and promote social inclusion among children, whilst also analysing their impact.

Health

73. During 2016, the entitlement for free monitors and blood sugar monitoring strips was extended to cover all patients with Type I diabetes irrespective of their age. Children with Type I diabetes will continue to be cared for even as adults. There are plans to introduce remote patient monitoring for diabetics in the near future. Diabetic patients are also entitled to free insulin, spectacles, antibiotics and dental care. Pediatric services for diabetic children are also being expanded in line with the Diabetes Strategy (2015–2020).³¹

74. In 2017, following staff training and education, heel-prick testing of neonates was introduced to replace the previous method of screening for neonatal hypothyroidism. This method of testing will be expanded as a national screening programme which can also be used to test for other diseases such as phenylketonuria, which screening test will be introduced in the near future.

75. In May 2018, a Health and Wellness Clinic for students at the University of Malta, was launched collaboratively by the Ministry for Health and the Ministry for Education. The Centre offers various services that were already available but also new services for better access to holistic and professional support. Counselling Services, Mental Health Services, Nutritional Advice, Tobacco Cessation Support, Sexual Health Clinic, and advice on Drug-Related issues are available at the Centre.

76. With respect to obesity prevention, amongst various other measures, a legal notice was enacted in 2018 to regulate the procurement of food and ensure the provision of drinking water in schools. Several meetings were carried out between the health and education authorities in this regard and regular inspections are held in school premises by environmental health officers to ensure its implementation.

²⁹ <https://family.gov.mt/en/Documents/Poverty%20Strategy%2014%20English%20Version.pdf>.

³⁰ <https://family.gov.mt/en/Documents/Poverty%20Booklet.pdf>.

³¹ The whole budget allocated for the implementation of the Diabetes Strategy was of €600,000 in 2018.

Education

Investment in Education Infrastructure

77. The Ministry for Education and Employment is investing heavily in education infrastructure and resources. Table 2 in Annex 1 shows the expenditure for education in 2018. A number of schools are undergoing substantial refurbishment while others are being extended to provide the right environment for present and future student generation. In the future, MEDE's priority is to have in place enough outdoor areas that enable children to be in contact with the natural environment. This would aim to foster an appreciation of the natural environment, develop environmental awareness, and provide a platform for ongoing environmental education.

78. Scholastic year 2019/2020 will also see the completion of a number of labs spread among the selected schools aimed to offer the best facilities for the teaching of vocational and applied subjects. The supplies for the labs are being co-financed by a European Social Fund Project.

79. In order to keep the staff-child ratios, the government is continuing to invest in a number of new childcare centres. Centres are now also focusing on quality especially as it is the only element of competition. Spot-checks are carried out to make sure that standards are maintained. If standards are not maintained the licence is withdrawn.

80. Also taking place is the enhancement of various sports facilities for the benefit of students and local communities.

81. Financial Support to children in education and care and their families/guardians:

- The Free Childcare Scheme is an initiative whereby the Maltese Government provides free childcare services to parents/guardians who are in employment or who are pursuing their education. As at end December 2018, a significant increase was recorded and a total of 131 registered childcare centres were benefitting from the scheme. Since the start-up of the scheme in April 2014 until December 2018, a total of 15,834 children have benefitted from this service at one point in time;
- Free Transport for Church and Independent Schools – The implementation of the project resulted in an improved quality of life for both students and parents, while also making a positive contribution to the environment by reducing the number of cars and congestion on the road. As from this scholastic year 2018/2019, a total of 28,000 students attending State, Church and Independent Schools started benefitting from the free transport scheme;
- Tablets in Primary Schools for Teachers and Students – The “One Tablet Per Child” (OTPC) scheme has been established to ensure that all children, whoever they are, wherever they come from, will be given a fair and equal opportunity to be closer to technology. In the third phase of the project, at the start of scholastic year 2018/2019, 4,515 new tablets were distributed to the new intake of Year 4, 5 and 6 students. As end of December 2018, 13,187 new tablets were distributed to Year 4, 5 and 6 students;
- Waiver of the MATSEC and SEC Examination Fees – Thanks to this measure, many obstacles would be removed as students would be given the opportunity to sit for as many exams as they see fit without putting a financial burden on their respective families. Besides the measure's financial benefits, it is being envisaged that the number of early school leavers would continue to decrease. This should come about by facilitating the educational assessment for students, hence further encouraging them to continue their studies beyond compulsory education. SEC Subjects registration for the 2019 sessions was 3.0% higher than that of the 2017 sessions. Since 2018, the past papers of O-Level and A-Level and MATSEC are accessible to the public free of charge.

Inclusive Education

82. A new Policy on Inclusive Education in Schools has been drafted. The aim is for this Policy to be launched during school year 2018/2019 (public consultation between 2 April and 10 May 2019) in conjunction with a National Inclusive Education Framework. The policy embraces the concept, values and principles of Inclusive Education into the realm of responding positively to all learners' diversity. It will aim to bring together all educators and practitioners, learners, families and community members who create colleges and schools that are conducive to learning, thereby giving all learners the education they are entitled to.

83. A Policy on Inclusive Education in Schools: Route to Quality Inclusion is developed within the context of the Framework for the Education Strategy for Malta 2014–2024 (MEDE, 2014a), the philosophy outlined in the National Inclusive Education Framework (MEDE, 2019) and the values promoted through the Respect for All Framework (MEDE, 2014b). The latter encompasses the four fundamental pillars of learning adopted from UNESCO (1996) which are key for teaching and learning and curriculum design for the 21st century: Learning to know, learning to do, learning to live together and Learning to be. These pillars will ensure that learners will attain the necessary knowledge of values and acquire the necessary skills for employability, to become active citizens and participate in the community.

84. A National Inclusive Education Framework is designed over ten central themes and invites schools to embark on a journey towards the development of high quality inclusion. Schools will be invited to implement, review and commit towards inclusive policies and practices. Thus, providing high quality education for all learners to embrace social equity and achieve an inclusive society. This framework embraces the principles of Ownership, Diversity, Autonomy, Planning and Research. The ten overarching themes presented in this framework present a route for the implementation of the four benchmarks presented in A Policy on Inclusive Education in schools: Route to Quality Inclusion.

85. Investment in the infrastructure of Resource Centres and the services offered form an integral part of the strategy to cater for students with different abilities, to have access to the learning that matches their technical skills and therefore ensuring that all students are engaged. In addition, the physical environment in mainstream education is undergoing further improvement to ensure the wellbeing of students with special needs through the introduction of multi-sensory rooms and other environment upgrades:

- Young People's Unit (YPU) – Due to mental health difficulties, behavioural problems or other difficulties that require psychiatric care, the unit offers support to these students;
- Learning Support Centres – Centers for pupils with social difficulties, emotional and behavioral;
- Servizz Għozża – Provides care, and education programs to girls under eighteen before and after the birth of their babies. Table 3 in Annex 1 gives more information on this service;
- Anti-Bullying Services – The purpose of this service is to offer help and support within schools in all areas of education at national level. Thus, students are helped to achieve of personal social and academic skills fulfilment. Violence and bullying of students based on gender identity and sexual orientation are not frequently encountered by the Anti-bullying Service. Table 4 in Annex 1 gives more information on this service.

Programmes for Talented Learners

86. Talented learners can easily turn into Early School Leavers unless they engage with learning programmes which are aligned to their need. The gifted and talented programme being developed by the Directorate for Learning and Assessment Programmes within the Ministry for Education and Employment is based upon teamwork, whilst providing learners with skills and competences to be active members of the community. It spreads across all the areas of the curriculum from Sciences to Arts, to Humanities, to Vocational and to Sport.

It aims to challenge gifted and talented students for deeper learning without their becoming isolated or too specialised. Table 5 in Annex 1 presents the number of children that have benefitted from this initiative during 2017–2019.

87. Each and every child and young person has potential and school such as The Malta Visual and Performing Arts School, and similarly the National Sports School, open the door for many to balance an academic education with their passion. We must engage young people to develop their potential and skills, no matter what that may happen to be.

88. In addition, the Ministry for Education and Employment has embarked on a range of initiatives, targeting gifted and talented students in both primary and secondary cycles. Some of these initiatives – The Junior Science Olympiad, the Mathematics Olympiad, the Robotics Olympiad, the Mathematics sessions for Gifted and Talented Students and the High 5 – Junior Mathematics Challenge – have become annual calendar events for primary and secondary schools.

89. Furthermore, a programme aimed at training teachers on how to identify, educate and counsel gifted students in primary, secondary and higher education was launched in Q4 2018 on a national level by the Education Ministry's Directorate for Learning and Assessment Programmes (DLAP).

Programmes for Integration

90. The Ministry for Education and Employment has undertaken numerous measures in connection with the implementation of the Integration strategy, such as:

- The Migrants Learners Unit;
- EU Funded Projects mainly through the Integration Fund (IF) & the European Refugee Fund (ERF);
- One Stop Shop within the MEDE;
- Resolving the issue of Stipends and Financial Grants in Assistance for Migrants;
- Integration Unit at MCAST;
- Learning Support Unit at MCAST; and
- Diversity and Integration Activities.

91. Within the Maltese educational system migrants are regarded as an asset for society. The MEDE's actions emanate from different national and international policies and are grounded in equity for all learners to access mainstream education and benefit from it. In the area of migrant education, the focus of building a cohesive society is paramount. Given the strong migratory trends that Malta has experienced in recent years and given that these trends have impacted the educational institutions and schools in multiple ways, there is a strong need for support for both the host community and the migrant. Of paramount importance is the psycho-social wellbeing of the children in school and their families without which children will be at risk not only of academic achievement but also effective social inclusion and contribution. Thus, capacity building and availability of resources for stronger home school links, cultural mediation as well as psycho-social support is needed.

92. MEDE has in place the Migrant Learners' Unit (MLU) which is set up within the MEDE and is present to equip itself with the knowledge and tools to best support schools, newcomer learner parents and their children in order to promote the inclusion of newly arrived learners into the education system.

Learning Provision

93. The Ministry for Education and Employment is proposing an equitable quality learning provision in secondary schools that respects all students' multiple intelligences and provides different learning programmes and different modes of learning assessments. This evolution is both inclusive and comprehensive, and challenges the current compulsory one-size-fits-all schooling system. The new secondary schooling system includes the provision of general academic education, vocational education and training, as well as applied

learning. It aims to extend and widen the learning experience through learning programmes that lead to qualifications at MQF Level 3.

94. In 2016 the Ministry for Education and Employment (MEDE), following the Framework for the Education Strategy 2014–2024,³² launched a school reform branded under the name My Journey – Achieving Through Different Paths Inclusive and Comprehensive Equitable Quality Learning Programmes'.³³ Through this initiative, secondary school students will be able to choose between academic, vocational, applied subjects or a combination of the three elements during the senior cycle of secondary education. This will involve moving from a 'one size fits all' system to a more inclusive and equitable programme which can specifically cater to each learner's individual talents. In this regard, Malta is set to introduce learning outcomes instead of prescribed syllabi. The aim here is to promote inclusion and respond to diversity by allowing students to choose from several education routes among general, vocational or applied subjects for their elective subjects (beyond the core curriculum). Table 6 and 7 in Annex 1 present a detailed view of the intake of vocational subjects as from 2014 to 2019.

95. In addition, as from the beginning of school year 2018/2019, new learning outcome programmes and syllabi have been introduced. Teaching will be more student-centred and all activities set in class will help to achieve the learning outcomes for that particular year programme.

The Alternative Learning Programme (ALP)

96. The Alternative Learning Programme (ALP) is aimed at students who are reaching the end of compulsory schooling, but who clearly demonstrate that they will not attain the desired qualification. This second chance programme has a strong vocational component and students are expected to continue their education or training in full-time higher education institution or in other lifelong learning institutions on a part-time basis. Personal, Career and Social Development, as well as Physical Education are also an integral part of this programme. Table 8 in Annex 1 presents the number of children that have benefitted from this initiative during 2016–2019.

97. Besides the ALP programme, two other programmes are offered to students who at the end of compulsory education manage to acquire no or minimum qualifications, giving the opportunity of a "second chance education". "Youth Inc." is an inclusive education programme based on applied learning offered by Malta's National Youth Agency to people between 16 and 21 years of age. It seeks to strengthen the complementary role of formal and non-formal learning, and to assist young person in gaining key competences and sectoral skills. The second programme offered is "GEM16+", launched by the Ministry for Education and Employment in October 2015. This programme is aimed at students who lack the necessary qualifications to continue their studies, and focuses on preparing its students in Maltese, English, mathematics and physics at SEC level. Table 9 in Annex 1 presents the number of children that have benefitted from this initiative from 2018 to date.

Improving Literacy³⁴

98. The National Literacy Agency (NLA), of the Ministry for Education and Employment, seeks to promote and enhance lifelong and life wide, high quality literacy practices among children, youth, adults, third country nationals and persons with learning difficulties. It strives also to improve literacy outcomes, resulting in inclusive practices, higher educational qualifications, and better job prospects. The Agency was established in mid-2014 to promote and ensure the delivery of the different aspects of the National Literacy Strategy for All in Malta and Gozo, and serve as a main driver in the field of literacy.

³² <https://education.gov.mt/en/resources/documents/policy%20documents%202014/booklet%20esm%202014-2024%20eng%2019-02.pdf>.

³³ <https://www.myjourney.edu.mt/>.

³⁴ <https://education.gov.mt/en/Documents/Literacy/ENGLISH.pdf>.

Culture

99. The recently launched Heritage Malta (HM) Passport scheme gives free access to all students from Year 1 to Year 11 (primary and secondary students – 6 years to 16 years of age) and any 2 accompanying adults to all Heritage Malta sites and museums.³⁵

100. In addition, over the years, Heritage Malta had in place a number of other measures involving free access to children and this also during the past 3 years:

- Children under 6 years of age are already granted free access;
- Heritage Malta has always been free of charge to students when visiting as part of an organized school visit, this scheme extends that free entry to the rest of the year;
- The education arm also offers free of charge activity to students that attend special resource schools such as Wardija Resource Centre, Helen Keller Resource Centre and Guardian Angel Resource Centre;
- Free of charge activities are organised for audiences with different disabilities;
- Heritage Malta hosts free of charge activities targeted at students in collaboration with the National Literacy Agency;
- Free of charge activities are also held for students that fall within the Core Curriculum Programme.

101. Access to all audiences, in particular children, is an integral part of Heritage Malta's corporate responsibility therefore there is no set limited budget for such activities.

102. Moreover, the Ministry of Tourism in collaboration with the Ministry for Justice, Culture and Local Government and the Ministry for Education and Employment, has planned and undertaken school visits linked to leisure and culture.

103. In 2018, 11,789 students visited as part of an organised school trip.

104. The number of students who visited HM Sites since the launch of the HM Passport Scheme on the 29th November 2018 – 40,000 students. This scheme gives free access to all students and two accompanying adults; there is no set budget for this scheme.

Crime

105. The Crime Prevention Strategy for the Maltese Islands – 2017–2021³⁶ has been issued for public consultation.

106. The 2018 Annual Report on the Crime Prevention Strategy also addresses the specific needs of children who belong to crime families.

(d) Recent ratifications of human rights instruments

107. With regard to the International Convention for the Protection of All Persons from Enforced Disappearance, Malta signed the Convention on 6 February 2007 and ratified it on 27 March 2015.

108. With regard to the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, Malta signed the Protocol on 18 April 2012. So far only 15 EU MS have ratified this Protocol, which entered into force on 14 April 2014.

109. With regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, while this Convention entered into force on 1 July 2013 none of the EU MS has so far signed or ratified this instrument.

³⁵ This scheme is valid for as long as the child is subject to compulsory schooling.

³⁶ <https://homeaffairs.gov.mt/en/media/Policies-Documents/Pages/Crime-Prevention-Strategy-for-the-Maltese-Islands---2017-2021.aspx>.

Part III

Data, statistics and other information, if available

14. **Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product**

110. In consultation with the National Statistics Office (NSO) and awaiting their terms of reply.

15. **Please provide, if available, updated statistical data disaggregated by age, sex, ethnic origin, national origin, and socioeconomic status, for the past three years, on**

- (a) **Xenophobic or racist acts against children**

111. During 2016–2018, there were no xenophobic or racist acts against children. As noted in Table 10 in Annex 1, no damage and bodily harm motivated by racial hate was reported to the police.

- (b) **Violence and bullying of children based on sexual orientation and gender identity**

112. Violence and bullying of students based on gender identity and sexual orientation are not frequently encountered by the Anti-bullying Service. However, one has to note that according to the Addressing Bullying Behaviour in Schools Policy (2014), all bullying cases are first dealt with at school level by the SMT³⁷ and the guidance teachers allocated to the particular school. Apart from interventions regarding cases, the Anti-bullying team and the Personal, Social and Career Development (PSCD) teachers also hold prevention lessons with various year groups. During such lessons, the importance of respect for all, especially minority groups is promoted. This same message is passed on during parents' and teachers' talks done by the team. All this together helps to promote a culture of tolerance and respect for all. Please find the requested statistics in the following table.

<i>Date</i>	<i>Age</i>	<i>Sex</i>	<i>Ethnic Origin</i>	<i>National Origin</i>	<i>Socio-economic Status</i>
18/10/2016	9.4 years	M	European	Bulgarian	Divorced Parents – low s/e status
13/10/2017	7.8 years	M	European	Maltese	Parents separated – normal s/e status
20/06/2018	8.9 years	M	European	Maltese	Parents married – normal s/e status

- (c) **Children living in families with lesbian, gay, bisexual, transgender or intersex parents**

113. There are no such official statistics. While the Human Rights and Integration Directorate is aware of several such instances, there is no body that collects such data.

- (d) **Parents stripped off their parental authority because of corporal punishment and other forms of violence, ill-treatment, abuse or neglect**

114. A total of 80 parents had their rights revoked through an issuance of a care order. 51 of these were mothers and 29 of these were fathers.

115. In total, the number of care orders issued was 75. 73 of these care orders concerned neglect and the remaining were on the basis of sexual abuse.

³⁷ Senior Management Team which is composed of Head of School, Assistant Heads and Subject Co-ordinators.

(e) The number of criminal accusations, prosecutions and convictions in relation to abuse, including sexual abuse, of children by members of the clergy and in public institutions

116. During these last three years, in Courts, there were 2 cases of sexual abuse by the clergy, one of them admitted³⁸ and the other case is still pending.³⁹

117. Apart from these cases, there have not been any cases registered in Court (Malta) of other forms of abuse of children by members of the clergy and in public institutions in the last 3 years, whereas Gozo Court do not keep such statistics.

(f) Children who are victims of domestic violence

118. In 2015, there were 2 female children, 1 of them Maltese and the other of an unknown nationality who were victims of domestic violence, while in 2016, there was 1 Maltese female child. In 2017, there was 1 Maltese female child who was a victim of domestic violence. During January to June 2018, there was 1 Maltese female child who was a victim of domestic violence.

119. During 2015 and June 2018, there were a total of 153 cases of domestic violence whose age was not specified, of whom 146 were females and 7 were males, and thus it may be the case that some of these cases involved children.

(g) Children who are victims of harmful practices, including child marriage or female genital mutilation/cutting, or who are at such risk

120. For the years 2015–2017, there were a total of 13,165 maternal deliveries in Malta and Gozo. 129 of these mothers (0.98%) were less than 18 years of age and from these, only 1 was a national of a country which WHO considers as practicing FGM as a tradition (Somalia) and she was not reported to have FGM.

121. Furthermore, of these 129 young mothers, 4 were reported as married – three being 17 years of age and 1 being 15 years old at time of delivery, these mothers were of Syrian, Russian and Somalian nationalities.

122. During 2016–2018, there were no bodily harm, damage, crimes against public peace, FGM,⁴⁰ enforced sterilization⁴¹ and forced marriage.⁴² With regards to stalking, during 2016–2018, arrests amounted to 5 males, with 3 being Maltese, 1 Italian and 1 Libyan, while arraignments included 8 males, with 6 being Maltese, 1 Italian and 1 Libyan. During 2016–2018, arrests for causing fear of violence involved 13 males (1 Italian, 5 Maltese, 1 Nigerian, 1 Mali, 1 Seychelles, 2 Libyan, 1 Macedonian, 1 Egyptian) and 1 female (Moroccan), while 50 males (40 Maltese, 4 Libyan, 3 Italian, 1 Ukrainian, 1 Palestinian, 1 Nigerian, 1 Eritrean, 1 Mali, 1 Hungarian, 1 Seychelles, 1 Tunisian, 1 Ethiopian and 1 Egyptian) and 4 females (2 Maltese, 1 Hungarian and 1 Moroccan) were arraigned. For more detailed information, please find below Table 10 in Annex 1, as collected and kept by the police, in accordance with national law.

123. Nevertheless, the Agency for the Welfare of Asylum Seekers reports that two cases of child marriage came to their knowledge. These cases are of two separated⁴³ children living in the community. They were Syrian nationals and the age of such girls was under 16

³⁸ Guilty of abuse regarding 1 child.

³⁹ Alleged abuse concerns 4 children.

⁴⁰ Article 251E of the Criminal Code (CAP 9).

⁴¹ Article 251F of the Criminal Code (CAP 9).

⁴² Article 251G of the Criminal Code (CAP 9).

⁴³ Separated children are children who arrive in Malta most of the time unaccompanied but meet their relatives (brothers/sisters/aunts/uncles/cousins) once they arrive here. Usually such minors are referred to us by the Refugee Commission as they go to apply for asylum. Usually these minors are called to come to our office so we can interview them and verify their age through the Age Assessment Process. After we assess and we confirm that they are minors we will do a home visit and meet with the relatives of such minor. For their best interest usually if there are no concerns the minors will keep on living with their relatives and we keep on monitoring the relationship and environment in which the minor is residing.

years and both were carrying a child. Separated children are children who arrive in Malta most of the time unaccompanied but meet their relatives (brothers/sisters/aunts/uncles/cousins) once they arrive here. Usually such minors are referred to us by the Refugee Commission as they apply for asylum. Usually these minors are directed to AWAS offices so that they can be interviewed to have their age verified through the Age Assessment Process. After we assess and we confirm that they are minors we will conduct a home visit and meet with the relatives of such minor. If there are no concerns the minors are allowed to live with their relatives and they are monitored.

(h) Children of incarcerated parents and children living in prison with their mothers

124. It is possible for incarcerated parents to make contact with their children by phone or through supervised visits. Such contact is possible regardless of the legal status of the child, i.e. whether he or she is subject to a Care Order, is in Out-of-Home Care or residing with the other parent or legal guardian. Such visits are supervised by Aġenzija Appoġġ officials, who accompany the child during the visits. It should also be noted that CCF has a Playroom intended to provide a child-friendly environment for visits as outlined above. Phone calls are also supervised by social workers, as phone calls are made from the social work office within CCF.

125. Furthermore, CCF takes action vis-à-vis the children of incarcerated persons. A basic measure taken in this regard is that of having all necessary information collected as soon as possible by all professionals involved, especially those professionals working with the children. In this way, CCF can work on addressing issues with inmates and prevent recurrence of past traumatic or negative events and influences on the children. Constant communication with both professionals working with the children and the Inter-Disciplinary Team working with inmate needs is held. The Inter-Disciplinary Team at CCF consists of: correctional officers; social workers; psychologists; doctors; psychiatrists; managers; assistant managers; the Education Unit and any other visiting professional/agency working directly with inmates. Thereafter, a care plan is established which takes into consideration both the inmate's and the child's priorities.

126. Supervised Access Visits may also be held outside prison, namely at Aġenzija Appoġġ or at other designated venues. Visits outside prisons can take place only once a month, in accordance with prison leave regulations. On the other hand, children may visit their parents at CCF on a more regular basis in accordance with CCF visiting hours.

127. In the case of mothers or prospective mothers, whether sentenced or under arrest, they would already have a social worker assigned to them either from MDH⁴⁴ or Aġenzija Appoġġ. Work is carried out in relation to the mother's and the baby's wellbeing before birth and after birth. Major issues usually relate to where the baby will stay upon birth, that is, whether a care order is needed and the legal rights of parents. Furthermore, regarding the practical issues and contact of parents with the baby, arrangements are made through the prison leave office for the baby's registration to take place.

128. In this context, Article 38 of the Prison Regulations stipulates that:

“(1) In the case of female prisoners with child, arrangements shall be made for prenatal care and for their transfer to a hospital for their confinement and the delivery of the child;

(2) The child of a female prisoner may be received and kept in the prison in order to be taken care of by the said prisoner until the child is one year old. Arrangements shall be made for the proper care and safety of a child kept in prison whenever the child is not in the care of the mother;

(3) No child older than one year shall be kept in prison unless the Director is satisfied that there are special reasons justifying a longer period; and

⁴⁴ Especially when substance abuse is present.

(4) If a child is born in prison the fact that the child is born therein shall not be mentioned in the act of birth and only the name of the locality within which the prison is sited shall be mentioned.”

129. When an inmate is pregnant during her incarceration, apposite meetings are held between the multidisciplinary team at CCF and professionals working outside the Facility (namely Aġenzija Appoġġ, including its social work unit at MDH). Case conferences are held to discuss and set a care plan for both parents/mother and baby. Lately, all mothers who gave birth at CCF have agreed that the child is raised and taken care of by family members or by signing a consensual voluntary admission in a care institution. At times, care and custody is also legally assigned to the guardians who will be taking care of the child. Aġenzija Appoġġ social workers would assess the family that the inmate would have indicated and if there are no concerns, the child would be given in care to them. On the other hand, if there are concerns or if the mother refuses to leave the child, further assessments are held to explore the parenting skills and adequacy of the mother to take care of the child.

130. In case where minors are detained in CCF, the authorities liaise and refer as necessary to community services. Meetings are held amongst professionals and with the parents of the minor concerned whenever necessary. Both male and female minors are admitted at the Young Persons Offenders Unit (YOURS), which is located outside prison precincts at Mtahleb. Minors are eligible for parole subject to conditions applying specifically to them.

131. Where minors are concerned, CCF collaborates with organisations like Aġenzija Appoġġ and residential homes, LEAP Centres/community services, the Agency for the Welfare of Asylum Seekers (AWAS), Embark for Life, Residential Homes (Boys; Girls; Domestic Violence Shelters-primary and secondary stage; Homeless Shelters), lawyers, Probation and Parole Department, family members and of course, the Police.

(i) Girls having undergone abortions, in particular unsafe abortions, and including having been criminally punished for doing so

132. There were no cases of incriminations for illegal termination of pregnancy involving minors.

(j) Children infected and affected by HIV/AIDS

133. Since 2016, there were 3 cases of HIV in children aged less than 14 years. Due to this small number, we cannot disclose further details.

(k) Children who use illicit drugs or substances or alcohol:

Children who use illicit drugs or substances or alcohol

<i>Year 2015</i>	<i>Year 2016</i>	<i>Year 2017</i>
Amount		
38 individuals under the age of 18 years	44 individuals under the age of 18 years	32 individuals under the age of 18 years
Gender		
9 females	8 females	5 females
29 males	36 males	27 males
Age of entering treatment		
Aged 13 years: 1 child	Aged 14 years: 1 child	Aged 13 years: 1 child
Aged 14 years: 3 children	Aged 15 years: 14 children	Aged 14 years: 1 child
Aged 15 years: 9 children	Aged 16 years: 13 children	Aged 15 years: 2 children

Children who use illicit drugs or substances or alcohol

<i>Year 2015</i>	<i>Year 2016</i>	<i>Year 2017</i>
Aged 16 years: 13 children	Aged 17 years: 16 children	Aged 16 years: 12 children
Aged 17 years: 12 children		Aged 17 years: 16 children
Socio-economic status		
26 students	28 students	20 students
6 employed	5 employed	1 on social benefits
5 unemployed	7 unemployed	5 unemployed
1 not known	1 on social benefits	11 not known
	3 not known	
Nationality		
All were Maltese.	All were Maltese.	All were Maltese.

(I) The number of children seeking asylum in the State party, including unaccompanied or separated children, and children who have left the Initial Reception Centers, the number of children who have been granted refugee status, and the number of children who have withdrawn their applications

134. During the year 2018, there were 89 unaccompanied minors asylum seekers (UMAS) or separated children at the Initial Reception Centre (IRC). 16 UMAS were relocated to other countries. The rest were accommodated at the reception center for UMAS and they are currently applying for asylum.

135. The following table presents information concerning minors who have been granted refugee status and the number of children who have withdrawn their applications.

136. “Explicitly Withdrawn” refers to when the applicant states that he or she is no longer interested in the application.

137. “Implicitly Withdrawn” refers to when the applicant does not indicate that he or she is withdrawing the application; however, he or she fails to follow up on any appointments, interviews, etc.:

Minor Withdrawn and Refugee 2016

<i>Gender</i>	<i>Total</i>	<i>Explicitly withdrawn</i>	<i>Implicitly withdrawn</i>	<i>Refugee</i>
Minor female	34	1	1	32
Minor male	52	3	3	46

Minor withdrawn and refugee 2017

<i>Gender</i>	<i>Total</i>	<i>Explicitly withdrawn</i>	<i>Implicitly withdrawn</i>	<i>Refugee</i>
Minor female	44	1	8	35
Minor male	52	4	9	39

Minor withdrawn and refugee 2018

<i>Gender</i>	<i>Total</i>	<i>Explicitly withdrawn</i>	<i>Implicitly withdrawn</i>	<i>Refugee</i>
Minor female	44	1	8	35
Minor male	52	4	9	39

(m) The number of unaccompanied or separated children placed in the Initial Reception Centers and the minimum and maximum duration of their stay

138. Currently there are 23 Unaccompanied Minor Asylum Seekers (UMAS) in the Initial Reception Centre. It is anticipated that a number of these minors will be relocated to other EU Member States. Furthermore, 21 alleged minors are in the age determination process.

139. It should be noted that migrants are required to stay at the IRC until such time as their medical clearance is issued by the Health authorities in accordance with applicable Health legislation.

140. The following information concerning all minor applications for refugee status in 2018, was supplied by the Office of the Commissioner for Refugees. No minors have entered by boat in 2016 and 2017:

<i>All Minors Applications</i>			
<i>January to December 2018</i>			
<i>Nationality</i>	<i>Minor female</i>	<i>Minor male</i>	<i>Total</i>
Bangladesh		3	3
Burkina Faso	1		1
Colombia		2	2
Cote d'ivoire (Ivory Coast)	5	1	6
Eritrea	14	11	25
Ethiopia	6	7	13
Ghana		1	1
Guinea-Bissau		2	2
Iran (Islamic Republic of)	1	1	2
Libyan Arab Jamahiriya (Libya)	45	42	87
Mongolia	2		2
Morocco	1	3	4
Nigeria	7	7	14
Pakistan	1	5	6
Palestinian territory, occ. (palestine/west bank)	7	3	10
Russian federation	1	3	4
Somalia	7	4	11
Sudan	3	2	5
Syrian Arab Republic (Syria)	81	117	198
Ukraine	4	2	6
Venezuela	3	4	7
Total	189	220	409

(n) The number of stateless children residing in the State party

141. In consultations with Identity Malta Agency and awaiting their terms of reply.

(o) The number of removal orders against children issued and executed

142. We never had any forced removal of a minor and when minors were removed, it was because they were removed with their adult parents. A removal order is issued for the adults and automatically for the minor children as members of the same family.

143. In 2016 and 2017, no children were issued with a Removal Order. In 2018, we had 5 children who were issued with a Removal Order together with a Parent. The following table includes the requested disaggregated data:

<i>Nationality</i>	<i>Gender</i>	<i>Age</i>
Serbia	Female Minor	11 years
Albania	Male Minor	3 years
Albania	Female Minor	8 years
Mongolia	Female Minor	5 years
Mongolia	Female Minor	3 years

(p) Children who are victims of trafficking and exploitation

144. The Police encountered (1) minor victim of human trafficking during 2018.

145. This was the first case ever encountered in Malta; therefore, there are no further statistics on this subject. In such cases, the Police are provided with a set of guidelines to help them identify trafficking indicators. As soon as a police officer suspects a case of human trafficking, including cases of child sexual exploitation, the police refer the case for further investigations to a specialized unit, namely the “Vice Squad”. All victims of crime will also be assisted by the Police Victim Support Unit (VSU), to be provided with the right support and ongoing assistance.

146. The Police Victim Support Unit provides a single point of contact for victims of crime, especially the most vulnerable ones such as children. The officers give the necessary support to victims of crime, depending on their needs at that particular time. This could vary from crisis counselling services, additional information or follow-up on their cases and assistance in facilitating effective and timely referrals to other support services, amongst others. The services offered within the Unit help to minimize the adverse emotional and psychological stresses of victims of crime and also caters for the various police obligations emanating from the Victims of Crime Act, Chapter 539 of the Laws of Malta.

16. Please provide data disaggregated by age, sex, ethnic origin, national origin and socioeconomic background regarding the situation of children deprived of a family environment, for the past three years, on the number of children

(a) Living in institutions

147. Primarily, Malta would like to highlight the difference between institutional care and residential care. Institutional care for children is not provided in Malta, but there are a number of residential homes for children that provide family-like settings, community-based care and specialist therapeutic services. These residential homes pertain to the Catholic Church in Malta. However, Aġenzija Appoġġ has a partnership with the Catholic Church in Malta for the Co-Management of Residential Homes.

148. The following data includes all children who are living in residential care.

149. The first table outlines four residences which fall under a particular foundation⁴⁵ within the Catholic Church and for which data disaggregated by age, sex and nationality is available. The data provided for this table is that of children currently residing in these homes (i.e. March 2019).

150. The second table outlines the rest of the Catholic Church residences which are run by certain religious orders including the Ursuline Sisters, the Salesians of Don Bosco, the Missionary Society of St Paul (M.S.S.P.), the Dominican Sisters and the Franciscans (OFM). The data provided for this table is that of resident children in 2017 and 2018.

⁴⁵ Fondazzjoni Sebh.

151. In addition, there are two minors⁴⁶ with downs' syndrome under a care order living in residential homes for persons with disability.⁴⁷

<i>Home</i>	<i>Ages (years)</i>	<i>Maltese</i>		<i>Non-Maltese</i>		<i>Total</i>
		<i>Males</i>	<i>Females</i>	<i>Males</i>	<i>Females</i>	
Fra Diego (Hamrun)	4–17	6	14	0	0	20
St Therese (Zurrieq)	0–3	4	0	0	0	4
	4–12	0	0	1	1	2
Sagra Familja (Zabbar)	3–16	4	3	3	1	11
St Francis (Birkirkara) ⁴⁸	N/A	0	0	0	0	0
Total		14	17	4	2	37

<i>Home</i>	<i>2017</i>	<i>2018</i>
Ursuline Sisters		
St Rita Home (Tarxien)	8	15
Creche (Sliema)	22	34
Fatima House (Sliema)	2	2
Angela House (Gwardmangia)	29	36
Salesians of Don Bosco		
Bosco House (Balzan)	4	3
St Patrick's (Sliema)	23	22
Osanna Pia (Sliema)	3	2
M.S.S.P.		
St Joseph Home (Santa Venera)	13	15
Dominican Sisters		
St Joseph Home (Zabbar)	6	8
Franciscans (OFM)		
Dar Frate Jacoba (Marsascala)	4	6

152. For a more detailed scenario, please find below tables with different disaggregated data of children living in residential care for these last two years.⁴⁹

By legal status and sex of the child

<i>2017</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
1 Voluntary	106	75	181
2 Care Order	140	161	301
3 Court order	12	9	21
4 Interim care order	1	0	1
5 Sole custody	10	8	18
6 Parental Joint Custody	42	33	75

⁴⁶ A 1-year-old male and a 1.5-year-old female. They are children of asylum seekers, with one of them having refugee status.

⁴⁷ One minor lives at Dar tal-Providenza in Siggiewi, Malta and the other one at Arka in Gozo.

⁴⁸ Please note that St Francis (Birkirkara) is currently being refurbished.

⁴⁹ The following data reports on individuals aged 0-18 years listed as being in care at the end of December.

2017	Male	Female	Total
7 Revoked care order	1	0	1
8 Adult*	8	5	13
Total	320	291	611

* Adults are those who are 18 years of age but still being followed by the service.

2018	Male	Female	Total
1 Voluntary	119	92	211
2 Care order	149	175	324
3 Court order	13	11	24
4 Interim Care order	8	3	11
5 Sole custody	15	13	28
6 Parental Joint Custody	36	35	71
8 Adult*	5	3	8
9 Tutorship	1	0	1
Total	346	332	678

* Adults are those who are 18 years of age but still being followed by the service.

By nationality and sex of the child

2017	Male	Female	Total
Maltese	296	284	580
Egyptian	1	0	1
Eritrean	14	1	15
Ethiopian	6	0	6
Gambian	1	0	1
Hungarian	0	1	1
Libyan	0	1	1
Nigerian	0	2	2
Romanian	0	1	1
Somalian	1	1	2
Syrian	1	0	1
Total	320	291	611

2018	Male	Female	Total
Maltese	314	314	628
British	0	1	1
Chinese	0	1	1
Eritrean	13	3	16
Ethiopian	7	0	7
German	2	1	3
Ghanian	1	0	1
Hungarian	1	1	2
Libyan	2	2	4
Nigerian	4	5	9

<i>2018</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Romanian	0	2	2
Somalian	1	1	2
Syrian	1	0	1
Tunisian	0	1	1
Total	346	332	678

By age and sex of the child

<i>2017</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Under 1	7	7	14
1	11	9	20
2	10	12	22
3	22	11	33
4	15	7	22
5	21	21	42
6	18	17	35
7	11	16	27
8	17	23	40
9	25	18	43
10	12	19	31
11	20	4	24
12	14	17	31
13	20	19	39
14	25	23	48
15	14	15	29
16	13	18	31
17	17	19	36
18	28	16	44
Total	320	291	611

<i>2018</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Under 1	14	9	23
1	14	10	24
2	10	10	20
3	11	21	32
4	23	13	36
5	19	13	32
6	22	22	44
7	20	15	35
8	17	17	34
9	18	26	44
10	27	22	49
11	16	21	37
12	22	9	31
13	16	23	39

<i>2018</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
14	23	20	43
15	23	29	52
16	11	17	28
17	19	18	37
18	21	17	38
Total	346	332	678

By placement type and sex of the child

<i>2017</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Adoption	3	1	4
Adult	1	2	3
Alone ⁵⁰	0	1	1
Fostering	80	116	196
In care at home	42	38	80
Other (minor) ⁵¹	8	5	13
Residential home	117	79	196
SHBC	15	7	22
Shelter	35	20	55
With family	5	4	9
With Friends	14	18	32
Total	320	291	611

* Adults are those who are 18 years of age but still being followed by the service.

<i>2018</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Fostering	87	116	203
In care at home	37	43	80
Other (minor)	10	7	17
Residential home	141	107	248
SHBC ⁵²	13	6	19
Shelter	42	33	75
With family	4	3	7
With Friends	12	17	29
Total	346	332	678

(b) Placed in foster care

In 2017, a total of 196 children were in foster care, of which 80 were males and 116 were females. In 2018, 203 children were in foster care, of which 87 were males and 116 were females.

⁵⁰ The minor was followed by LAC, however she had turned 18 and moved out of care to live on her own.

⁵¹ Minors who were having difficulties in their placement and their placement was on the verge of breakdown.

⁵² Specialised Home Based Therapeutic Services.

(c) Living in adoptive families

Since the setting up of the Malta Central Authority for both local and intercountry adoptions in 2012, a total of 395 court adoption decrees were processed. Below, please find a breakdown of these children by year of adoption and country of origin.

<i>Year</i>	<i>Country of Origin</i>	
2012	Russian Federation	20
	Cambodia	20
	Malta	14
	Ethiopia	5
	Philippines	2
	Ukraine	1
	Argentina	1
	Democratic Republic of Congo	1
Total		72 and 1 re-adoption*

<i>Year</i>	<i>Country of Origin</i>	
2013	Malta	23
	Cambodia	22
	Russian Federation	12
	Ukraine	3
	China	1
	Marocco	1
	Thailand	1
	Rumania	1
	Poland	1
Total		65

N.B. 20 children were adopted by their mothers with their husbands.

<i>Year</i>	<i>Country of Origin</i>	
2014	Malta	23
	Russian Federation	12
	Philippines	3
	Ethiopia	2
	Colombia	1
	Thailand	2
	China	1
	Libya	1
	Burkina Faso	1
	Kyrgyzstan	1
	Moldova	1
Total		47 and 1 re adoption

N.B. 25 children were adopted by their mothers with their husbands.

<i>Year</i>	<i>Country of Origin</i>	
2015	Malta	30
	Russian Federation	16
	UK	3
	Malaysia	1
	Ukraine	1
	Czech Republic	1
	Latvia	1
Total		53

N.B. 22 children were adopted by their mothers with their husbands.

<i>Year</i>	<i>Country of Origin</i>	
2016	Malta	17
	Thailand	4
	UK	3
	China	2
	USA	1
	Philippines	1
	Latvia	1
	Slovakia	1
	Italy	1
	Albania	1
	Ukraine	1
	Guadeloupe (an island in the pacific that forms part of France)	1
Total		37

N.B. 21 children were adopted by their mothers with her husbands.

<i>Year</i>	<i>Country of Origin</i>	
2017	Malta	21
	India	14
	Portugal	3
	UK	3
	Slovakia	3
	Philippine	2
	Nigeria	1
	Thailand	1
	Colombia	1
Total		47 and 1 re adoption*

N.B. 22 children were adopted by their mothers with her husbands.

* Means that the child was first adopted by a single parent and that, when such parent marries, the child is adopted by the other spouse.

<i>Year</i>	<i>Country of Origin</i>	
2018	Portugal	9
	Thailand	2
	India	42
	Malta	7
	Canada	1
	Philippines	6
	Slovakia	3
	Moldova	1
Total		71

N.B. 10 children were adopted by their mothers with her husbands.

(d) Internationally adopted

153. A total of 6, 27 and 58 Intercountry adoptions took place in 2016, 2017 and 2018 respectively. A total of 56 females and 45 males were internationally adopted between 2016 and 2018, with the majority being from India, Portugal and Slovakia. In 2016, there were also an adoption from Russia and another adoption from Albania, and in 2018, there was also an adoption from Thailand. Their age ranged from 8 months to 12 years. For more information, kindly see Table 11 in Annex 1.

17. Please provide data, disaggregated by age, sex, type of disability, and ethnic origin, for the past three years, on the number of children with disabilities

(a) Living with their families

154. Please find below an analysis of children aged 0-17 years in the Commission for the Rights of Persons with Disability (CRPD) Registry as at 16/02/2017, 16/02/2018 and 16/02/2019. Data is disaggregated by age, gender and impairment. We do not hold ethnic origin details.

<i>CRPD Registry to 16/02/17 – Children aged 0 to 17 years by gender and impairment</i>												
<i>Age</i>	<i>Physical</i>		<i>Hearing</i>		<i>Visual</i>		<i>Intellectual</i>		<i>Psychological</i>		<i>Total</i>	
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>
0	2	1	0	0	0	0	0	0	0	0	2	1
1	1	0	0	0	0	0	0	0	0	1	1	1
2	1	3	0	0	0	0	2	3	0	0	3	6
3	9	12	1	0	3	1	8	10	0	1	21	24
4	3	0	1	0	0	0	1	0	1	1	6	1
5	11	7	1	0	1	0	7	8	3	5	23	20
6	1	8	2	0	0	1	11	9	13	4	27	22
7	14	5	3	1	1	1	18	7	13	3	49	17
8	10	6	1	0	0	0	22	7	19	4	52	17
9	9	8	2	0	5	1	20	8	20	7	56	24
10	14	12	3	3	1	3	20	10	12	6	50	34
11	11	5	1	0	1	0	20	5	13	4	46	14
12	12	13	1	4	3	4	24	10	10	3	50	34
13	13	8	3	3	5	4	24	12	14	4	59	31
14	9	11	0	4	2	3	28	11	13	2	52	31
15	8	9	2	1	1	0	23	6	16	6	50	22

<i>CRPD Registry to 16/02/17 – Children aged 0 to 17 years by gender and impairment</i>												
16	7	8	2	4	1	1	16	8	9	3	35	24
17	11	7	2	3	2	1	21	14	13	6	49	31
Total	146	123	25	23	26	20	265	128	169	60	631	354

<i>CRPD Registry 16/02/18 – Children aged 0 to 17 years by gender and impairment</i>												
<i>Age</i>	<i>Physical</i>		<i>Hearing</i>		<i>Visual</i>		<i>Intellectual</i>		<i>Psychological</i>		<i>Total</i>	
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>
0	1	1	0	0	0	0	0	0	0	0	1	1
1	3	1	0	0	0	0	1	0	0	0	4	1
2	4	0	0	0	1	0	4	4	0	1	9	5
3	9	12	1	0	3	1	9	10	1	2	23	25
4	6	2	1	0	0	0	6	2	5	2	18	6
5	14	8	1	0	1	0	12	9	6	7	34	24
6	2	10	2	0	0	1	13	10	14	4	31	25
7	14	6	3	2	1	1	22	7	15	5	55	21
8	11	6	1	0	0	0	27	7	21	4	60	17
9	10	8	0	0	5	1	23	9	20	7	58	25
10	16	13	3	3	1	3	22	10	16	6	58	35
11	12	6	1	0	1	0	23	5	16	4	53	15
12	12	13	1	5	4	4	26	12	11	6	54	40
13	13	9	5	3	6	4	27	13	15	5	66	34
14	11	11	0	5	3	4	31	13	17	2	62	35
15	8	9	2	2	1	0	24	6	18	6	53	23
16	7	9	2	4	1	1	16	8	10	3	36	25
17	12	7	2	3	2	1	22	14	14	7	52	32
Total	165	131	25	27	30	21	308	139	199	71	727	389

<i>CRPD Registry 16/02/19 – Children aged 0 to 17 years by gender and impairment</i>												
<i>Age</i>	<i>Physical</i>		<i>Hearing</i>		<i>Visual</i>		<i>Intellectual</i>		<i>Psychological</i>		<i>Total</i>	
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>
0	3	2	0	0	0	0	2	1	1	0	6	3
1	6	5	0	0	0	1	3	2	0	1	9	9
2	7	11	0	0	2	1	6	7	3	1	18	20
3	11	12	1	0	4	1	12	10	9	2	37	25
4	11	4	2	1	1	0	17	6	10	6	41	17
5	22	9	1	0	2	0	23	10	17	8	65	27
6	7	15	3	0	1	1	27	19	26	8	64	43
7	16	10	3	2	1	1	31	14	21	10	72	37
8	18	8	3	3	0	1	40	9	33	6	94	27
9	18	11	1	1	9	2	35	15	26	9	89	38
10	19	21	3	5	3	4	33	16	22	10	80	56
11	16	10	1	0	1	0	35	10	22	7	75	27
12	15	19	2	6	4	5	34	16	17	8	72	54

<i>CRPD Registry 16/02/19 – Children aged 0 to 17 years by gender and impairment</i>												
<i>Age</i>	<i>Physical</i>		<i>Hearing</i>		<i>Visual</i>		<i>Intellectual</i>		<i>Psychological</i>		<i>Total</i>	
	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>	<i>M</i>	<i>F</i>
13	19	9	5	3	7	4	37	18	20	7	88	41
14	13	11	0	6	3	5	39	15	24	3	79	40
15	12	9	3	5	1	0	33	8	21	7	70	29
16	13	13	2	6	1	1	25	17	12	5	53	42
17	16	10	3	3	5	1	31	17	21	10	76	41
Total	242	189	33	41	45	28	463	210	305	108	1 088	576

155. As from the 20 February 2018, the gender option for this registration has been revised to offer a M/F/X choice, in line with amendments to other relevant national legislation. However, to date, none have expressed the X preference.

(b) Living in institutions, including children with disabilities whose families have been identified as being “unable” to take care for their children as per a Care Order issued under the Civil Code

156. During the past 3 years, there were 2 minors that have been taken due to a care order and who have a disability. One of the minors is a 1-year-old male with downs’ syndrome and the other minor is a 1.5-year-old female with downs’ syndrome. These two minors with disabilities currently live in residential homes.⁵³ They are children of asylum seekers, with one of them having refugee status.

157. There have been other children with disabilities whose families have been identified as being “unable” to take care for their children as per a Care Order issued under the Civil Code. Till June 2018, these children were not living in residential homes but in foster care families. The following statistics for children with a disability in foster care cover children within different disability categories, including psychosocial disability.

<i>No.</i>	<i>Name of Children</i>	<i>Date of Placement</i>	
1	Child 1	06.09.2010	
2	Child 2	08.06.2011	
3	Child 3	12.06.2009	
4	Child 4	01.08.2012	
5	Child 5	28.06.2001	
6	Child 6	13.02.2006	
7	Child 7	14.05.2013	
8	Child 8	23.10.2014	
9	Child 9	24.05.2012	
10	Child 10	09.02.2018	
11	Child 11	09.09.2014	
12	Child 12	31.12.2015	adopted in the process

Source: Aġenzija Appoġġ, Looked After Children Unit.

⁵³ One minor lives at Dar tal-Providenza in Siġġiewi, Malta and the other one at Arka in Gozo.

158. In addition, there were children with psychosocial difficulties residing at the Young Persons Unit (YPU).

159. As at 2017, there were a total of 143 females aged 9-17 years and a total of 148 males aged 7–17 years.

(c) Attending regular primary schools

160. The following table shows the number of children, including children with disabilities, attending primary schools:

<i>School Year</i>	<i>State</i>			<i>Church</i>			<i>Independent</i>		
	2018/9	2017/8	2016/7	2018/9	2017/8	2016/7	2018/9	2017/8	2016/7
Total in Primary Schools	N/A	15 236	14 623	7 794	7 828	7 796	3 493	3 422	3 569
Males	N/A	7 947	7 651	3 890	3 911	3 923	1 859	1 885	1 940
Females	N/A	7 290	6 973	3 904	3 917	3 873	1 634	1 537	1 629

161. Data for State School for scholastic year 2018/2019 will be available in May 2019.

(d) Attending regular secondary schools

162. The following table shows the number of children, including children with disabilities, attending secondary schools:

<i>School Year</i>	<i>State</i>			<i>Church</i>			<i>Independent</i>		
	2018/9	2017/8	2016/7	2018/9	2017/8	2016/7	2018/9	2017/8	2016/7
Total in Secondary Schools	N/A	10 898	10 763	7 118	7 467	7 437	2 200	2 526	2 365
Males	N/A	5 377	5 292	3 974	3 989	3 951	1 217	1 399	1 301
Females	N/A	5 528	5 472	3 144	3 478	3 486	983	1 127	1 064

163. Data for State School for scholastic year 2018/2019 will be available in May 2019.

(e) Attending special schools

<i>School Year</i>	<i>State</i>			<i>Church</i>			<i>Independent</i>		
	2018/9	2017/8	2016/7	2018/9	2017/8	2016/7	2018/9	2017/8	2016/7
Total in Resource Centres (Special)	N/A	193	189	-	-	-	-	-	-
Males	N/A	130	124	-	-	-	-	-	-
Females	N/A	63	66	-	-	-	-	-	-

164. Data for State School for scholastic year 2018/2019 will be available in May 2019.

(f) Out of school

165. There are no children with disabilities registered as out of school.

(g) Abandoned by their families

166. There were no abandoned children with disability by their families.

18. Please provide, if available, updated statistical data disaggregated by age, sex, type of offence, ethnic and national origin, and socioeconomic status, for the past three years, on children in conflict with the law who have been

(a) Arrested

167. Total number of minors registered per year is as follows:

<i>Year</i>	<i>Number of minors registered per year</i>
2016	87 persons
2017	45 persons
2018	47 persons

168. Arrested minors in 2016:

<i>No of minor males</i>	<i>No of minor females</i>
71	16

169. Reasons for arrest including the amount of minors arrested:

<i>Reason for arrest</i>	<i>No of persons arrested in this category (2016)</i>
Theft	26
Warrant of arrest	5
Drug related investigations	23
Sexual offence investigation	1
Domestic violence	3
Breach of court Bail.	1
Immigration	2
Escapee	1
Child Pornography	7
Crimes against Public Peace	1
Rape	2
Pornography	4
Defilement of minor	4
Insults and threats	1
Brawl	2
Greivous Bodily Harm	2
Violence against Public Officer	1
Traffic Offence	1
Total of Persons	87

170. The table below shows the nationalities pertaining to the minors arrested in 2016:

<i>Nationality</i>	<i>Amount of minors arrested</i>
Maltese	78
Lithuanian	1
Eritrean	1
Italian	1
Bulgarian	3

<i>Nationality</i>	<i>Amount of minors arrested</i>
Belarus	1
Norwegian	1
Albanian	1
Total	87 persons

<i>Minor males</i>	<i>Minor females</i>
41	4

171. Reasons for arrest including the amount of minors arrested in 2017:

<i>Reason for arrest</i>	<i>Number of minors arrested in 2017</i>
Violence against Public Officer	1
Warrant of arrest	7
Grievous Bodily Harm	2
Drug related investigations	11
Theft investigations	9
Child Pornography	6
Pornography	2
False Travelling documents	1
Insults and threats	2
Disturbing Public peace	1
Defilement of minor.	1
Sexual Offence investigation	1
Immigration	1
Total no. of persons	45

172. The table below shows the nationalities pertaining to the number minors arrested in 2017:

<i>Nationality</i>	<i>Amount of minors arrested</i>
Maltese	38
British	2
Italian	1
Albanian	1
Libyan	1
Syrian	1
Eritrean	1
Total	45 persons

173. Minors arrested in 2018:

<i>Male minors</i>	<i>Female minors</i>
38	9

Reasons for arrest including the number of minors arrested in 2018.

<i>Reason for arrest</i>	<i>Number of minors arrested in 2018</i>
Breach of Bail	1
Slight bodily harm	1
Drug related investigation	12
Violence against Public Officer	2
Theft	11
Violent indecent assault	2
Warrant of arrest	3
Fraud	1
Grievous Bodily Harm	4
Defilement of minor persons	3
Attempted Homicide	1
Traffic Offence investigation	1
Domestic violence	1
Pornography	3
Immigration	1
Total of Persons	47

174. The table below shows the nationalities pertaining to the minors arrested in 2018:

<i>Nationality</i>	<i>Amount of minors arrested</i>
Maltese	34
Italian	4
USA	1
British	1
Spanish	1
Northern Ireland	1
Polish	1
Senegalese	1
Syria	2
Serbia	1
Total	47 persons

(b) In detention, including serving prison sentences

175. In consultations with the pertinent Ministries and awaiting their terms of reply.

(c) In diversion programmes

- Juvenile Court Act Chapter 287: Vide Table 10 in Annex 1 for punishments meted out by Court;
- The Criminal Code Chapter 9: Vide Table 10 in Annex 1 below for punishments meted out in the Juvenile Court;
- The Probation and the Parole Services;
- Prohibition of consumption of alcohol by minors; and

- Drug Dependence Act Chapter 536: From September 2015 to April 2019, 198 children aged 14-17 years were appointed to Tribunal following cases of drug possession. Further disaggregated information can be found in Table 12 in Annex 1.

19. Please provide the Committee with an update of any data in the report that may have been outdated by more recent data collected or other new developments

176. As indicated above in replies to the previous questions, recent developments include the amendments to the Child Protection (Alternative Care) Act, progress in the implementation of the National Children’s Policy, the new Social Care Standards Authority (SCSA), the criminalization of corporal punishment, new schemes targeting access to culture and leisure for all children, introduced services for health and wellbeing in schools, dedicated services for children with disability, the new Gender Clinic for transgender persons (including children), specific measures to safeguard asylum-seeking children particularly those unaccompanied, amendments with regards to juvenile justice and drug dependence, and the ratification of certain human rights instruments.

177. Besides these, the following developments are also worth noting:

- The newly set up Social Determinants of Health Unit within the Health Ministry in collaboration with the Education Department developed a tool for the early detection and referral of children who are vulnerable together with training for teachers in the use of this tool;
- A draft Mental Health Strategy for Malta⁵⁴ was launched for public consultation at the end of 2018. Child and adolescent mental health is prioritised in this strategy;
- The Young People’s Residence (YPU) was recently refurbished to create a home environment⁵⁵ separate from adult hospital;
- Through the EEA Financial Mechanism 2014–2021, MFH in collaboration with MEDE is participating in a project entitled “Reduction in Social Inequalities in Health and the Burden of Disease”. The major part of this project is aimed towards the setting up of a Sensory Integration Therapy (SIT) centre in a mainstream school in an area of low social and economic background where a high number of immigrants are residing. This will also include the training of staff – Occupational Therapists, Physiotherapists, and Speech and Language Pathologists – to run this service. It is thought that the provision of SIT services with different levels of intensity would be able to reach around 800 children once the service is up and running. Total value of project dedicated to the SIT services amounts to €1.7 million;
- In 2016, there were no deaths in children due to road traffic accidents.⁵⁶ In 2017, there was 1 death among the female cohort aged 11–17 years.⁵⁷ There were no fatalities in children due to road traffic accidents in 2018.⁵⁸
- 2017 updates for The percentage of one-year-olds fully immunized for tuberculosis, diphtheria, pertussis, tetanus, polio and measles;

	2017
Pertussis (DPT3)	98
Tuberculosis	N/A

⁵⁴ https://deputyprimeminister.gov.mt/en/Documents/National-Health-Strategies/Mental_Health_Strategy_EN.pdf.

⁵⁵ It also includes a games room.

⁵⁶ https://nso.gov.mt/en/News_Releases/View_by_Unit/Unit_B3/Environment_Energy_Transport_and_Agriculture_Statistics/Documents/2017/News2017_019.pdf.

⁵⁷ https://nso.gov.mt/en/News_Releases/View_by_Unit/Unit_B3/Environment_Energy_Transport_and_Agriculture_Statistics/Documents/2018/News2018_050.pdf.

⁵⁸ https://nso.gov.mt/en/News_Releases/View_by_Unit/Unit_B3/Environment_Energy_Transport_and_Agriculture_Statistics/Documents/2019/News2019_029.pdf.

	<i>2017</i>
Diphtheria (DPT3)	98
Tetanus (DPT3)	98
Polio	98
Measles (MCV1)	91

- The legal age of sexual consent has been lowered from 18 years to 16 years of age, such that “Whosoever takes part in sexual activities with a person who has not completed the age of sixteen years shall, on conviction, be liable to imprisonment for a term from five to ten years” (Criminal Code, Article 204C);
- Through the Constitution of Malta and Various Electoral Laws (Amendment) Act (Act No. IV of 2018),⁵⁹ the age of voting in the General Elections and the European Parliament Elections was lowered from 18 years to 16 years of age. Following the lowering of voting age to 16 years, Aġenzija Żgħażaġħ drafted a non-formal education programme intended to increase students’ political awareness that facilitates their critical engagement in democratic processes.

20. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention

⁵⁹ <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=28960&l=1>.

Annex 1

Tables with further information

Table 1 corresponding to Question 9

<i>Public Social Partnerships (PSPs) – Disability</i>							
	<i>Budgetary Line Vote</i>	<i>Disbursed in Euros</i>					
		<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Fondazzjoni Arka	5790	321 661	114 122	309 154	444 563	358 984	363 007
Fondazzjoni Wenz	5790	158 413	46 000	262 543	286 268	369 425	356 419
Inspire	5790		35 999	270 602	276 098	300 780	300 780
Inspire	5790	310 000	193 125	265 225	273 382	401 396	217 500
Inspire	5790	-	-	-	-	-	-
Malta Autism Centre	5790		24 000			95 345	95 751
Dar Tal-Providenza	5790	106 835	156 177	202 795	289 704	286 800	205 944
Fondazzjoni Nazareth	5790	39 000	15 000	8 050	20 368	470 188	444 347
Foundation for Respite Care Services	5790	238 479	72 000		333 000	483 000	483 000
ALS Malta	5475						372 008
Other Agreements							
Fondazzjoni Hajja Indipendenti	5475						4 145
Xewkija Tigers FC Gozo	5841					7 500	2 655
Kercem Ajax Nursery Gozo	5841					3 500	5 000
Department of Translation & Terminology Studies	5841				-	5 400	4 000
Gozo Association for the Deaf				120		500	780
Malta Council for Science & Technology (MCST)							1 608
Malta Federation of Organisations Persons with Disabilities (MFOPD)	This request is at MFIN waiting for approval so that Government may fund Eur40,000 per annum.						

Table 2 corresponding to Question 13 (c): Education Expenditure in 2018

<i>Expenditure</i>	<i>Total</i>
Personal Emoluments	€237 701 808.80
Recurrent Expenditure	€26 304 488.25
Programmes and Initiatives	€165 473 910.56
Contribution to Entities ⁶⁰	€132 999 009.51
Capital Expenditure	€90 983 522.57

Table 3 corresponding to Question 13 (c): Unit Ghozza as scholastic year 2018/2019

<i>Students Under 16 years old</i>	<i>More 16 years old</i>	<i>Students between 16 and 18 years old</i>	<i>Cases</i>
14	7	41	62

⁶⁰ Some entities do not cater specifically for children.

Table 4 corresponding to Question 13 (c): Anti Bullying Sessions in 2018

<i>Anti Bullying Sessions</i>					
	<i>Individual Students</i>	<i>Students in Class</i>	<i>Parents/ Gardian</i>	<i>Teachers and other Professionals</i>	<i>SMT of schools</i>
State Schools	1 875	16	292	11	604
Church Schools	77	3	47	23	39
Independent Schools	11	5	23	924	8

Table 5 corresponding to Question 13 (c): Talented Learners

<i>St Thomas More College – Visual and Performing Arts School</i>		
<i>Year 2016/2017</i>	<i>Year 2017/2018</i>	<i>Year 2018/2019</i>
No data as school opened in scholastic year 2017/2018	46 students (3 classes)	46 students (3 classes)

Tables 6 and 7 corresponding to Question 13 (c): Intake of Vocational Subjects

	<i>2014/2015</i>	<i>2015/2016</i>	<i>2016/2017</i>	<i>2017/2018</i>	<i>2018/2019</i>	
Uptake of VET over 5 years of implementation 16% increase on 2017–18		327	794	1 550	2 388	2 759

<i>Intake of VET Subjects in Secondary Schools</i>	<i>2014/2015</i>	<i>2015/2016</i>	<i>2016/2017</i>	<i>2017/2018</i>	<i>2018/2019</i>	<i>% change (2018/2019/2017/2018)</i>
State	235	478	905	1 351	1 557	15%
Church	67	260	561	888	1008	14%
Independent	25	56	84	149	194	30%
Total	327	794	1 550	2 388	2 759	16%

Table 8 corresponding to Question 13 (c): The Alternative Learning Programme (ALP)

<i>The Alternative Learning Programme (ALP)</i>				
<i>ALP+</i>	<i>Intake of students 2016/2017</i>	<i>Intake of students 2017/2018</i>	<i>Intake of students 2018/2019</i>	<i>Apprenticeship</i>
ALP		194	191	
ALP+	25	59	80	5 ALP+ second Year apprenticeship
Erasmus +	27			

Table 9 corresponding to Question 13 (c): GEM 16+

<i>GEM 16+</i>	
January 2018 Onwards	90 students

Table 10: Table corresponding to Question 15 (g) and Question 18 (c)*Bodily Harm (2016–2018)*

Grievous Bodily Harm motivated by racial hate – NIL

Serious Bodily Harm motivated by racial hate – NIL

Damage (2016–2018)

Wilful damage motivated by racial hate – NIL

Crimes against Public Peace (2016–2018)

Incitement to racial hatred – One Male 31 years in year 2018 – Arrested & Arraigned

Crimes against peace to a group – NIL

Threats and Private Violence (2016–2018)

Female Genital mutilation – NIL

Enforced sterilization – NIL

Forced marriage – NIL

Stalking:

<i>Arrests</i>			<i>Arraignments</i>		
<i>2016</i>			<i>2016</i>		
<i>Gender</i>	<i>Age</i>	<i>Nationality</i>	<i>Gender</i>	<i>Age</i>	<i>Nationality</i>
Male	41	Italian	Male	41	Italian
Male	42	Maltese	Male	42	Maltese
Male	48	Maltese	Male	31	Maltese
Male	43	Maltese	Male	43	Maltese
			Male	49	Maltese

<i>Arrests</i>			<i>Arraignments</i>		
<i>2017</i>			<i>2017</i>		
<i>Gender</i>	<i>Age</i>	<i>Nationality</i>	<i>Gender</i>	<i>Age</i>	<i>Nationality</i>
Male	43	Libyan	Male	43	Libyan
			Male	44	Maltese

<i>Arrests</i>			<i>Arraignments</i>		
<i>2018</i>			<i>2018</i>		
<i>Gender</i>	<i>Age</i>	<i>Nationality</i>	<i>Gender</i>	<i>Age</i>	<i>Nationality</i>
NIL			Male	40	Maltese

Causing Fear of Violence:

<i>Arrests</i>			<i>Arraignments</i>		
<i>2016</i>			<i>2016</i>		
<i>Gender</i>	<i>Age</i>	<i>Nationality</i>	<i>Gender</i>	<i>Age</i>	<i>Nationality</i>
Male	41	Italian	Male	31	Maltese
Male	16	Maltese	Male	51	Maltese

<i>Causing Fear of Violence:</i>					
<i>Arrests</i>			<i>Arraignments</i>		
<i>2016</i>			<i>2016</i>		
<i>Gender</i>	<i>Age</i>	<i>Nationality</i>	<i>Gender</i>	<i>Age</i>	<i>Nationality</i>
Male	35	Nigerian	Male	41	Italian
			Male	38	Maltese
			Male	56	Libyan
			Male	28	Maltese
			Male	16	Maltese
			Male	40	Maltese
			Male	41	Maltese
			Male	60	Maltese
			Male	42	Maltese
			Male	54	Ukrainian
			Male	48	Maltese
			Female	39	Maltese
			Male	43	Maltese
			Male	35	Maltese
			Male	45	Maltese
			Male	51	Palestinian
			Male	31	Maltese
			Male	35	Nigerian
			Male	49	Maltese
			Male	39	Maltese

<i>Arrests</i>			<i>Arraignments</i>		
<i>2017</i>			<i>2017</i>		
<i>Gender</i>	<i>Age</i>	<i>Nationality</i>	<i>Gender</i>	<i>Age</i>	<i>Nationality</i>
Male	21	Maltese	Male	39	Maltese
Male	23	Maltese	Male	25	Eritrean
Male	43	Libyan	Male	34	Maltese
Male	34	Mali	Male	43	Libyan
Male	37	Seychelles	Female	32	Maltese
Male	26	Maltese	Male	34	Mali
			Male	44	Maltese
			Male	32	Maltese
			Male	71	Maltese
			Male	17	Maltese
			Male	32	Italian
			Male	33	Maltese
			Male	44	Maltese
			Male	43	Maltese
			Male	45	Maltese
			Male	15	Maltese

<i>Arrests</i>			<i>Arraignments</i>		
<i>2017</i>			<i>2017</i>		
<i>Gender</i>	<i>Age</i>	<i>Nationality</i>	<i>Gender</i>	<i>Age</i>	<i>Nationality</i>
			Male	39	Hungarian
			Female	34	Hungarian
			Male	37	Seychelles
<i>Arrests</i>			<i>Arraignments</i>		
<i>2018</i>			<i>2018</i>		
<i>Gender</i>	<i>Age</i>	<i>Nationality</i>	<i>Gender</i>	<i>Age</i>	<i>Nationality</i>
Female	44	Moroccan	Male	39	Maltese
Male	30	Libyan	Male	55	Maltese
Male	27	Macedonian	Male	40	Maltese
Male	20	Maltese	Male	63	Maltese
Male	51	Egyptian	Female	44	Moroccan
			Male	30	Libyan
			Male	20	Maltese
			Male	36	Maltese
			Male	25	Maltese
			Male	43	Tunisian
			Male	30	Ethiopian
			Male	51	Egyptian
			Male	30	Libyan

Table 11: Table corresponding to Question 16 (d)

<i>Intercountry adoptions</i>				
<i>2016</i>				
<i>Age</i>	<i>Gender</i>	<i>Ethnic origin</i>	<i>Country of origin</i>	<i>Socio-economic background</i>
1 year	Female	Indian	India	N/A
1 year	Male	Indian	India	N/A
Total				2
2 years	Female	Russian	Russia	N/A
Total				1
10 years	Female	Albanian	Albania	N/A
Total				1
4 years	Female	Slovak	Slovakia	
5 years	Male	Slovak	Slovakia	
Total				2
Grand Total				6

2017				
<i>Age</i>	<i>Gender</i>	<i>Ethnic origin</i>	<i>Country of origin</i>	<i>Socio-economic background</i>
2 years	Male	Indian	India	N/A
2 years	Female	Indian	India	N/A
3 years	Male	Indian	India	N/A
3 years	Female	Indian	India	N/A
1 year	Male	Indian	India	N/A
2 years	Female	Indian	India	N/A
2 years	Male	Indian	India	N/A
2 years	Female	Indian	India	N/A
1 year	Male	Indian	India	N/A
2 years	Female	Indian	India	N/A
3 years	Male	Indian	India	N/A
1 year	Male	Indian	India	N/A
2 years	Male	Indian	India	N/A
1 year	Male	Indian	India	N/A
1 year	Female	Indian	India	N/A
1 year	Female	Indian	India	N/A
11mths	Male	Indian	India	N/A
1 year	Female	Indian	India	N/A
2 years	Male	Indian	India	N/A
3 years	Male	Indian	India	N/A
2 years	Male	Indian	India	N/A
11mths	Female	Indian	India	N/A
1 year	Female	Indian	India	N/A
11mths	Female	Indian	India	N/A
1 year	Male	Indian	India	N/A
1 year	Male	Indian	India	N/A
3 years	Female	Indian	India	N/A
6 years	Female	Indian	India	N/A
5 years	Female	Indian	India	N/A
1 year	Male	Indian	India	N/A
10mths	Male	Indian	India	N/A
8mths	Female	Indian	India	N/A
11mths	Female	Indian	India	N/A
Total				33
12 years	Female	Portugese	Portugal	N/A

2017				
<i>Age</i>	<i>Gender</i>	<i>Ethnic origin</i>	<i>Country of origin</i>	<i>Socio-economic background</i>
10 years	Female	Portugese	Portugal	N/A
5 years	Female	Portugese	Portugal	N/A
11 years	Male	Portugese	Portugal	N/A
Total				4
Grand Total				37
2018				
<i>Age</i>	<i>Gender</i>	<i>Ethnic origin</i>	<i>Country of origin</i>	<i>Socio economic background</i>
1	Female	Indian	India	N/A
2	Female	Indian	India	N/A
2	Female	Indian	India	N/A
3	Male	Indian	India	N/A
2	Female	Indian	India	N/A
1	Female	Indian	India	N/A
2	Female	Indian	India	N/A
3	Male	Indian	India	N/A
2	Male	Indian	India	N/A
1	Male	Indian	India	N/A
2	Female	Indian	India	N/A
1	Female	Indian	India	N/A
4	Female	Indian	India	N/A
1	Female	Indian	India	N/A
1	Male	Indian	India	N/A
6	Female	Indian	India	N/A
1	Female	Indian	India	N/A
1	Male	Indian	India	N/A
1	Female	Indian	India	N/A
1	Female	Indian	India	N/A
1	Female	Indian	India	N/A
1	Female	Indian	India	N/A
1	Female	Indian	India	N/A
1	Female	Indian	India	N/A
1	Female	Indian	India	N/A
1	Female	Indian	India	N/A
3	Female	Indian	India	N/A
1	Female	Indian	India	N/A
1	Female	Indian	India	N/A

2018				
<i>Age</i>	<i>Gender</i>	<i>Ethnic origin</i>	<i>Country of origin</i>	<i>Socio economic background</i>
1	Male	Indian	India	N/A
2	Female	Indian	India	N/A
1	Male	Indian	India	N/A
1	Male	Indian	India	N/A
1	Male	Indian	India	N/A
1	Male	Indian	India	N/A
11 months	Male	Indian	India	N/A
10 months	Male	Indian	India	N/A
2	Female	Indian	India	N/A
1	Female	Indian	India	N/A
8	Female	Indian	India	N/A
Total				38
9	Male	Slovak	Slovakia	N/A
6	Male	Slovak	Slovakia	N/A
7	Male	Slovak	Slovakia	N/A
4	Male	Slovak	Slovakia	N/A
9	Male	Slovak	Slovakia	N/A
6	Male	Slovak	Slovakia	N/A
6	Female	Slovak	Slovakia	N/A
6	Female	Slovak	Slovakia	N/A
Total				8
8	Male	Portuguese	Portugal	N/A
12	Female	Portuguese	Portugal	N/A
11	Female	Portuguese	Portugal	N/A
11	Male	Portuguese	Portugal	N/A
9	Male	Portuguese	Portugal	N/A
6	Male	Portuguese	Portugal	N/A
10	Male	Portuguese	Portugal	N/A
9	Female	Portuguese	Portugal	N/A
8	Male	Portuguese	Portugal	N/A
7	Female	Portuguese	Portugal	N/A
5	Female	Portuguese	Portugal	N/A
Total				11

2018				
Age	Gender	Ethnic origin	Country of origin	Socio economic background
8	Female	Thai	Thailand	N/A
Total				1
Grand Total				58

Table 12: Table corresponding to Question 18 (c)

<i>Drug Possession Distinct Cases appointed to Tribunal from September 2015 to April 2019 by Age of Offender</i>							
Age At Offence	Malta		Malta Total	Gozo		Gozo Total	Grand Total
	Residents	Foreigners		Residents	Foreigners		
16	86	2	88		0		88
17	79	2	81	3	0	3	84
15	20	1	21		0		21
14	4	1	5		0		5
Grand Total	189	6	195	3	0	3	198

Annex 2

Further Information

Further information corresponding to Question 18 (c)

Criminal Code (Chapter 9): Punishments

35. (1) Without prejudice to the powers of the Minister under the Children and Young Persons (Care Orders) Act and any other law which from time to time provides for measures of protection, help, care and education of minor persons who would have been identified as persons who have committed crimes or contraventions, a minor under fourteen years of age shall be exempt from criminal responsibility for any act or omission.

(2) Nevertheless, in a case referred to in sub-article (1), 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 non-compliance of a sum of not less than one hundred euro (€100) and not exceeding two thousand euro (2,000), regard being had to the means of the person bound over and to the gravity of the fact.

(3) 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 sub-article (2), 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.

(4) For the purpose of the application of the provisions of the preceding sub-articles 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.

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.

Imprisonment*

Solitary confinement

Interdiction

Fine (multa)

*Minor up to 18 years – minimum punishment of imprisonment not more than 4 years

Contraventions

Detention*

Fine (multa)

Reprimand or admonition

*12. (1) Persons sentenced to detention shall be detained in the prison or in that part of the prison appointed for persons sentenced to that punishment.

(2) Where it is not otherwise specifically provided, no term of detention shall exceed two months.
