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COMMITTEE ON THE RIGHTS OF THE CHILD

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WRITTEN REPLIES BY THE GOVERNMENT OF MALTA

CONCERNING THE LIST OF ISSUES (CRC/C/OPAC/MLT/Q/1) RECEIVED

BY THE COMMITTEE ON THE RIGHTS OF THE CHILD RELATING

TO THE CONSIDERATION OF THE INITIAL REPORT OF MALTA

UNDER ARTICLE 8 (1) OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT

(CRC/C/OPAC/MLT/1)*

[Replies received on 7 August 2006]

*In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Optional Protocol on the involvement of children in armed conflict: List of issues to be taken up in connection with the consideration of the initial report of Malta (CRC/C/OPAC/MLT/Q/1)

Please provide disaggregated data (by sex, age groups, ethnic minorities, urban or rural areas) covering the period between 2003 and 2005 on the number and proportion of children under 18 recruited in the armed forces or in the police [and paramilitary forces].

As stated in the 2005 report submitted by the Government of Malta on the Optional Protocol on the Involvement of Children in Armed Conflict, the Armed Forces of Malta had no recruits under the age of 18 since it has been set up in 1970.

Likewise, the Police Act specifies that no recruitment in the police force takes place for persons under the age of 18.

There are no paramilitary forces in Malta.

For the above-stated reasons there is no statistical data related to children under 18 recruited in the armed forces or in the police.

2. Please provide data for 2004-2006 on budget allocations and trends (in percentages of the national and regional budgets or GDP) allocated to the implementation of the Protocol.

As mentioned above, in our local context, the optional protocol does not require a specific budget for its implementation. Yet, the Office of the Commissioner for Children is responsible to monitor the United Nations Convention on the Rights of the Child, including the optional protocols ratified by Malta. This Office has an annual budget of Lm25,000.

3. Please clarify which authority is in charge of the implementation of the Optional Protocol.

Since the implementation of the Optional Protocol involves different Government entities the Ministry for the Family and Social Solidarity is responsible for the coordination of its implementation. The Commissioner for Children and the Council for Children, in accordance to the Commission for Children Act (Chapter 462), have the function to promote and monitor compliance with the Convention on the Rights of Child as ratified by Malta and other international treaties, conventions or agreements relating to children.

4. Please clarify the meaning of “direct participation” in the hostilities in the legislation and practice of the State party.

In Malta persons under 18 years are not involved (directly or indirectly) in hostilities or in armed conflict.

5. Please provide information on measures adopted with regard to physical and psychological recovery of refugee and

migrant children entering Malta who may have been involved in armed conflict.

Over the past years, Malta developed a host of services, together with legislative and policy measures, to cater for the social phenomenon of irregular immigration and asylum seekers. Persons under 18 years reaching Malta may be classified in two main groups – unaccompanied minors and accompanied minors.

Unaccompanied minors are taken under the care and custody of the State, through the issuing of a Care Order, in accordance with the Children and Young Persons (Care Orders) Act. A care plan, responding to the needs of each child covered by a Care Order is drawn up. This plan includes the assessment of the physical, social, educational and psychological needs for each child. An implementation plan to complement this assessment is also drawn up.

“Dar is-Sliem” (Maltese translation of *“Home for Peace”*) is a residential setup offering shelter and services to unaccompanied asylum seekers who are under 18 years of age. *Dar is-Sliem* aims to integrate the residents into the Maltese community and provides them with social skills through various activities that will be beneficial for their future. This residential set-up also works closely with other social partners and volunteers.

Other irregular immigrants who are still minors, arriving in Malta together with their parents (accompanied minors) are also offered assistance and have access to free health care and education services.

6. Does Malta assume extra-territorial jurisdiction over war crimes which involved conscripting or enlisting children under the age of fifteen into the armed forces or using them to participate actively in hostilities. In the case that extra-territorial jurisdiction has been assumed, is there a requirement of double criminality for such offenses?

No, Malta does not assume extra-territorial jurisdiction over war crimes which involves conscripting or enlisting children under the age of fifteen into the armed forces or using them to participate actively in hostilities.

7. Also in relation to extra-territorial jurisdiction, please indicate whether there is any legal provision criminalizing the recruitment or involving in hostilities of a person under 18 if committed outside Malta by or against a Maltese citizen.

Vide reply to question 6.
