



Convention on the Rights of the Child

Distr.: General
22 May 2013
English
Original: French

Committee on the Rights of the Child Sixty-second session

Summary record of the 1762nd meeting

Held at the Palais Wilson, Geneva, on Thursday, 17 January 2013, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (*continued*)

Second periodic report of Malta on the implementation of the Convention on the Rights of the Child (CRC/C/MLT/2; CRC/C/MLT/Q/2; State party's written replies to the list of issues (document without a symbol, English only))

1. *At the invitation of the Chairperson, the delegation of Malta took places at the Committee table.*
2. **Mr. Borg** (Malta) said that Malta did not have a comprehensive child protection act, preferring instead to pass sectoral laws. However, the Government intended to incorporate the Convention into internal law shortly in order to make it directly applicable. Since 2010, the two Optional Protocols to the Convention and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse had been incorporated into national legislation. After an extensive consultation process, the Government had formulated a draft national policy on children in 2011 to promote children's rights, active participation and protection, focusing on their physical and psychological development. Established in 2003, the Office of the Commissioner for Children was responsible for ensuring that child protection laws were properly implemented as well as for making recommendations, conducting awareness-raising campaigns on children's rights and carrying out studies on various child-related issues, the results of which were used to guide policymaking on the subject. The Council for Children had been given the task of supporting the Commissioner's office in its functions and ensuring that national policies complied with the Convention.
3. In Malta, the Equal Opportunity (Persons with Disability) Act and the National Commission Persons with Disability provided for the protection of disabled persons. The ratification of the Convention on the Rights of Persons with Disabilities and its Optional Protocol by Malta in November 2012 demonstrated the Government's commitment to protecting such persons. Moreover, an act passed in 2012 provided for the appointment of a guardian to represent persons with disabilities and defend their rights.
4. The remit of the Department for Social Welfare Standards, which was responsible for regulating social services in Malta, would shortly be expanded to cover adoption issues, and complaints mechanisms for children would be strengthened. Standards for child day-care facilities had been improved and brought into line with the Convention in 2006. The Department also sought to train child professionals in the Convention and develop a set of rules for the care of children, especially in residential facilities for children without parental care.
5. Since 2007, the Government had been working actively to increase the number of childcare facilities in the country as well as to improve the quality of services offered and the training given to early childhood educators. Between 2007 and 2011, the number of children attending such facilities had almost doubled. Early childhood education was free and extracurricular, and afterschool services were offered to children between the ages of 3 and 16 in an environment suited to their development.
6. In Malta, efforts to combat drug addiction started with the early detection of at-risk young people and included prevention activities aimed at the most vulnerable groups. Since 2010, a programme implemented under the aegis of the Foundation for Social Welfare Services had offered individual support and help for adolescents with drug addictions. As part of the Safe Schools Programme information and awareness-raising sessions on drug addiction had been organized for students and parents.

7. In addition, a number of measures had been taken to improve the sexual and reproductive health of young people, including the introduction of subject-specific websites, the launch of information campaigns, the opening of a specialized medical facility and HIV testing among pregnant teenagers.

8. Following the introduction of the inclusive education policy in 2000, 99.7 per cent of students with disabilities in Malta were now educated in mainstream schools. Such students received personalized support through individual educational plans and were assisted by specialized teachers who had taken a compulsory training course.

9. Unaccompanied minors arriving in Malta received appropriate care and support and came under an order which automatically placed them in the care of the Minister for Social Policy once their age had been ascertained. Adolescents under 16 years of age were prohibited from working in Malta and employment conditions of minors aged 16 to 18 were strictly regulated to avoid any form of exploitation. Furthermore, the relevant authorities carried out regular checks to ensure compliance with youth employment legislation. A bill had been introduced in November 2011 raising the age of criminal responsibility from 9 to 14 years and providing for lesser penalties for minors in certain circumstances.

10. **Mr. Gurán** (Country Rapporteur) requested further information on the methods used to determine the age of unaccompanied minors intercepted on Maltese territory and the treatment such children received. He feared that the sectoral legislative approach did not allow for the full implementation of the provisions contained in the Convention and he invited the delegation to explain why Malta did not have a comprehensive child protection act. He also requested more information on the content of the draft national policy on children. Clarification was also required on the measures taken to promote sexual and reproductive health and gender equality. He further requested clarification on the rights and guarantees granted to migrant children in terms of social protection and integration and asked whether the Office of the Commissioner for Children was fully independent in accordance with the Paris Principles and able to receive complaints from children. Lastly, he requested further information on the role of the Council for Children and the right of children to be heard in the State party.

11. **Ms. Wijemanne** (Country Rapporteur) asked for clarification on the future implementation of the national policy on children at the local and national levels and the amount of funding to be allocated to the policy. She asked how children had been involved in awareness-raising initiatives on the Convention on the Rights of the Child and how professional groups working with children had been familiarized with the provisions of the Convention. She asked whether the birth of children born to foreign fathers or parents in an irregular situation could be registered and how the best interests of the child were taken into consideration in legal proceedings.

12. **Ms. Maurás Pérez** enquired what legal provisions had been put in place to protect children from sex tourism.

13. **Mr. Madi** said he feared that the requirement for the father to be present at the registration of a birth would prevent some children from being registered, particularly those born out of wedlock. He urged Malta to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

14. **Mr. Kotrane** asked whether Malta intended to ratify the Optional Protocol to the Convention on the Rights of the Child establishing a communications procedure, as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. He asked the delegation to clarify the definition of a child, as it seemed that from the age of 16 a child was considered to be an adult in certain areas, including social security, marriage and juvenile justice. He asked whether the law provided for children to participate in legal proceedings affecting them.

15. **Ms. Sandberg** asked whether the law permitted a child under the age of 18 to consult a doctor without parental consent and whether measures had been taken to prevent all forms of abuse. She asked for clarification of cases of child sexual exploitation.

16. **Mr. Cardona Llorens**, referring to the written replies, asked the delegation to clarify what was considered “reasonable chastisement”.

17. **Mr. Pollar** said he would like to know more about the way in which religious education was given in schools. He asked whether Malta provided equal funding to both religious and secular institutions.

18. **Ms. Al-Asmar** asked whether the Convention was taught at school and whether teachers received training on its provisions.

19. **Mr. Gastaud** enquired whether the preparation of the report had involved consultations with civil society and whether the Convention had already been invoked in the courts and cited in judicial decisions.

The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.

20. **Mr. Borg** (Malta) explained that the draft national policy on children complemented the sectoral approach so far adopted by Malta and had been the subject of extensive consultations with governmental and non-governmental actors and children. The results of the consultations were in the process of being evaluated.

21. Disabled children could be educated in a mainstream school as learning support assistants provided assistance. Such children received free school transport and measures had been taken to ensure they received fair treatment in examinations.

22. Reading out articles 2, 3.1 and 4 of the Act establishing the Office of the Commissioner for Children and guaranteeing its independence, he explained that the dialogue between the Office and the Ministry of Justice, to which it was attached, did not interfere with its independence.

23. He said that although no specific budget had been allocated to implement the Convention, several ministries had taken steps to protect the rights enshrined in the Convention.

24. As the State religion was Catholicism, religious instruction in schools took the form of catechism classes. Parents could refuse permission for their child to attend such classes, without having to justify their decision.

25. **Ms. Mizzi** (Malta) said that children born on Maltese soil to foreign parents acquired the nationality of their parents. However, if one of the parents was Maltese, the child would automatically acquire Maltese nationality.

26. The Civil Code set the age of majority at 18 years. That age, which corresponded to the age of sexual consent, had been incorporated into a number of laws including the Act ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. The legal age for alcohol consumption had been set at 17 years, while children aged 16 and above could open a bank account, write a will, work or marry subject to parental consent. The compulsory school leaving age was 16, which corresponded to the minimum age for employment.

27. **Mr. Kotrane**, recalling that, under the Convention a child meant every human being below the age of 18, said that young offenders should always be tried by juvenile courts, which did not always seem to be the case in Malta.

28. **Mr. Borg** (Malta) said that education was compulsory for all children aged between 5 and 16 years. The latest statistics showed that 83.7 per cent of young people continued

with their education beyond the age of 16, and many went to university. The Government had established a scholarship system to encourage students to pursue higher studies.

29. **Ms. Wijemanne** (Country Rapporteur) asked whether foster care placements were subject to regular review and whether young people who had left their foster family upon reaching majority received support.

30. The delegation might indicate whether all schools in the country were able to accommodate children with disabilities and whether teachers had the necessary skills to provide them with an appropriate education. Did specialized schools exist for children with special educational needs?

31. The delegation might also describe the measures taken to combat sexually transmitted infections (STIs) among young people as well as teenage pregnancies, since the law governing abortion was very strict. It would be interesting to know whether girls had access to health facilities where they could undergo an abortion in sanitary conditions.

32. **Mr. Gurán** (Country Rapporteur) asked whether sex education was included in primary and secondary school curricula. He requested further information on the methods used to determine the age of unaccompanied minors and wished to know specifically whether the process took into account the best interests of the child. Lastly, noting the many unaccompanied minors coming from sub-Saharan Africa, he asked whether the Maltese Government had tried to ascertain whether such minors had formerly been child soldiers and, if so, whether the Government had provided them with appropriate support.

33. **Mr. Koompraphant** asked for details of the socio-educational measures designed to encourage parents to assume their parental responsibilities and whether corrective steps had been taken in cases of negligence. He also wished to know which mechanisms had been put in place to identify child victims of sale, trafficking or abduction in order to provide such persons with assistance.

34. **Mr. Cardona Llorens** asked whether a study had been conducted to determine the root causes of the particularly high school dropout rate and to devise appropriate remedial measures. He asked whether children with disabilities had access to vocational training. He found it hard to understand how children could be held criminally responsible from the age of 9 when they did not always have access to justice to defend their rights and had no say on matters affecting them, especially in the case of adoption.

35. **Ms. Lee** asked whether corporal punishment was prohibited in schools as well as in the family setting. She wished to know whether the children themselves and professionals whose work brought them into contact with children were duly aware of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and whether the State party had set a minimum age for voluntary recruitment to the armed forces.

36. **Ms. Herczog** enquired what happened to preschool children whose parents worked and could not afford childcare and whether children whose parents were divorced had access to counselling services. She also wished to know whether a special hotline had been set up for use by child victims of sexual violence.

37. **Ms. Al-Asmar** asked whether the State party had made human rights teaching compulsory in schools and what measures had been taken to encourage women to breastfeed.

38. **Mr. Madi** asked how the Maltese authorities were able to identify unaccompanied minors who had served as child soldiers. He wished to know the exact number of such children coming to Malta, out of those who had arrived in the previous three years, and their country of origin.

39. **Ms. Sandberg** asked whether the State party had provided funds to ensure that the actions of guardians responsible for assisting child asylum seekers were more effective.

40. **Mr. Kotrane** requested further information on paragraph 125 of the periodic report, which stated that, in the event of a criminal offence being committed by a minor, the court could summon the parent [...] and bind over [the parent] to watch over the conduct [of the minor] “under a penalty for non-compliance”. He wished to know who exactly would be subject to the penalty, as to impose such a measure on a parent would involve finding the parent vicariously liable.

The meeting rose at 1 p.m.