

Mapping child protection systems in the EU (27)

Malta

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Contractor: aditus foundation

Author: Carla Camilleri

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1. Legislative and regulatory framework and policies

1.1. Overview of normative and regulatory framework

Please provide an overview of the normative legal and regulatory framework of the national and sub-national child protection system. Include information on the scope of the child protection system, the specific needs it addresses, the human and financial resources allocated, and any relevant cultural, social, and historical factors. Please indicate the current priority areas in child protection.

Child protection, under the umbrella of the Foundation for Social Welfare Services (FSWS)¹, falls within the portfolio of the Ministry for Social Policy and Children's Rights, the specific reference to children's rights was included as specific portfolio since 2017 and was retained further to the 2022 parliamentary elections. Child protection services are largely carried out by the [Directorate for the Protection of Minors](#) (CPS) and the [Directorate for Alternative Care](#) (DAC), that fall within the FSWS.

The protection of minors is regulated by the Minor Protection (Alternative Care) Act², which entered into force in 2020. The Act is only partially in force, as articles 26 to 30 that provide for the setting up of a therapeutic and secure centre for minors with serious behavioural difficulties are not yet in force. This new Act established the CPS with its main function the protection of minors, including development of care plans, and issuance of care orders, and the investigation of any suspicion of risk of harm to minors. The Act also introduced the criminal offence for failure of a professional to report any act which caused or may cause serious harm or constitutes a criminal offence on a minor or failure to report that a minor is in need for care and protection. In 2023, amendments to the Act introduced the concept of after care, which allows for young people in alternative care having their placement extended after attaining the age of majority if this is considered to be in their best interest and in the interest of the minors in the same placement. The law specifies that the placement needs to be one that is considered as one that offers a family-life environment. The after care is only offered to young people until the age of 21 who had been residing in the same placement for more than two years before turning 18.

A number of boards also fall within the purview of the Ministry for Social Policy and Children's Rights, such as the Adoption Board and the Adoption Board of Appeal, the Fostering Board and the Fostering Appeals Board and the Minors Care Review Board. As does the Council for Children, the Committee for Positive Parenting and the Strengthening of the Family, and the Social Work Professional Board.

In 2022, Child Protection Services was allocated €2 million in the national state budget. In addition, in 2022 the Ministry for Social Protection and Children's Rights allocated €5.5 million to various public social

¹ The [Foundation for Social Welfare Services](#) (FSWS) is the umbrella organisation that provides social welfare services. Services are provided through three agencies which include Agency Appogg, Agency Sedqa and Agency for Community and Therapeutic Services. Further services are provided by three directorates under the same umbrella, these are the Gozo Branch Services Directorate, the Directorate for the Protection of Minors (CPS), and the Directorate for Alternative Care (DAC).

² [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

partnerships geared towards child protection. This amounts to 0.1% of the Government's total recurrent expenditure³.

1.2. Legal provisions in constitutional, civil, criminal, and administrative law related to children in need of protection

Question	YES	NO	Comments
1.2.1. Does the constitution contain any provisions on children's rights and child protection?		x	The Constitution of Malta ⁴ does not contain any reference to the rights of the child nor to child protection. The Constitution does not contain a non-discrimination provision based on age.
1.2.2. Is there a single legal instrument devoted to child protection and child rights, e.g. a Children's Act?		x	The Minor Protection (Alternative Care) Act ⁵ is the single legal instrument that regulates child protection, alternative care, care orders and the juvenile court with civil competence. There is no legal instrument that is devoted solely to child rights such as a Children's Act.

1.2.3. Please provide an inventory of key child protection related legislation, including hyperlinks, date of adoption and the areas covered. Please include civil, criminal, and administrative legislation covering different areas of child protection (please add rows, as needed).

Legislation	Date passed	Child protection areas covered
The Minor Protection (Alternative Care) Act , CAP. 602 of the Laws of Malta	1 July 2020	Alternative care, foster care, adoption, care orders, protection orders, unaccompanied minors, children's advocate and juvenile court, rights of minors in care, social work with minors. In addition, offences relating to failure to report to child protection, use of force against alternative carer, aiding abscondment from care, and unauthorised provision of care.

³ Information provided by the Budget Affairs Division within the Ministry for Finance and Employment on the 20th February 2023.

⁴ [Constitution of Malta](#), 1964.

⁵ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

Children's House Regulations , S.L. 602.01	1 January 2022	Establishment of a child-friendly and safe location for child victims and witnesses of significant harm to give testimony and receive the necessary support to meet their best interest. Includes provision relating to interpreters, storing of data and medical examinations.
Commissioner for Children Act , CAP. 462 of the Laws of Malta	5 December 2003	Establishment and appointment of the Commissioner for Children with power to investigate breaches of child rights.
Criminal Code , CAP. 9 of the Laws of Malta	10 June 1824	Removal or retention of minor outside Malta who is under an order by Maltese court or care order without authorisation, Issuance of restraining orders against an offender after judgement; issuance of protection orders and temporary protection orders against any person charged or accused of an offence in order to protect the injured person or other individuals from harassment or fear.
Civil Code , CAP. 16 of the Laws of Malta	11 February 1870	Adoption, deprivation of parental authority, provisions in relation to the default of registering birth, foundlings, tutorship and guardianship.
Protection of Minors (Registration) Act , CAP. 518 of the Laws of Malta	20 January 2012	Registration of sexual offenders and other offenders who commit offences of serious violence on minors.
Social Care Standards Authority Act , CAP. 582 of the Laws of Malta	18 May 2018	Regulation of social welfare provided to individuals by public or private entities or any other entity or person and setting up of the authority.
Social Regulatory Standards on Adoption of Children Regulations , S.L. 582.01	24 December 2018	The standards to be adhered to during the process of the adoption of children.
Social Regulatory Standards for Residential Services for Children in Alternative Care , S.L. 582.07	25 February 2020	The standards to be adhered to by service providers of licenced residential services.
Social Regulatory Standards for Office Based Services for Children in Alternative Care , S.L. 582.08	25 February 2020	The standards to be adhered to by Agency Appogg responsible for the well-being of minors.
Adoption Administration Act , CAP. 495 of the Laws of Malta	1 May 2008	Regulates the administration of adoption proceedings.
Protection of Children (Hague Convention) Act , CAP. 507 of the Laws of Malta	14 December 2010	Ratification of the Hague Convention on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of

		parental responsibility and measures for the protection of children.
Child Abduction and Custody Act , CAP. 410 of the Laws of Malta	12 October 1999	Ratification of the Convention on the Civil Aspects of International Child Abduction and the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on the Restoration of Custody of Children.

1.3. Policy framework

Question	YES	NO	Comments
1.3.1. Is there a specific national or sub-national policy framework and/or a national or sub-national strategy on child rights and/or child protection? <u>If yes</u> , does it require an integrated approach to child protection?	x		The National Children’s Policy ⁶ addresses five dimensions in order to address the needs of children. These are the home environment, social wellbeing, health and environment, education and employment, and culture and leisure. The Policy recognises that coordination at different levels and across a multitude of sectors is a precondition of the wellbeing of children. In addition, it states that entities working with children should promote an integrated approach which would lead to more effective service provision. The Policy contains as one of its social wellbeing policy objectives, an action to “ <i>Encourage an integrated approach among all stakeholders which focuses on promoting and safeguarding the holistic development of the child</i> ”.
1.3.2. Are there national or sub-national plans for action or policies targeting specific groups of children or particular areas, e.g. children with disabilities, children in care?	x		The National Action Plan for a Child Guarantee ⁷ , aims to prevent and combat social exclusion amongst children through the implementation of various measures. These measures aim to cover social protection and provide effective and free access to high quality early childhood education and care, education and school-based activities, at least one healthy meal each school day and healthcare. Further measures will provide effective access to healthy nutrition and adequate housing. The Early Childhood Education and Care October 2021 (0–7 years) National Policy Framework for

⁶ [National Children’s Policy](#), Ministry for the Family, Children’s Rights and Social Solidarity, 2017.

⁷ [National Action Plan for a Child Guarantee \(2022 – 2030\)](#), Ministry for Social Policy and Children’s Rights, 2022.

			<p>Malta and Gozo⁸, aims to address children’s development with a focus on early childhood education and care systems through a number of goals. These are broadly accessibility to high-quality early education, qualified and diverse workforce, a curriculum for all children, monitoring and evaluation, and governance and financing.</p> <p>A Policy on Inclusive Education in Schools, published by the Ministry of Education</p> <p>The National Adoption Strategy for Children and their Families⁹ lays down the strategic vision on which the adoption framework will be implemented in various sectors, such as local adoptions and post-adoption services. The Strategy looks at a number of priority areas, such as attaining a client-centred approach, the professional development of adoption agencies and their staff, the establishment of an integrated approach, and an action plan to achieve these priorities.</p> <p>The Positive Parenting: National Strategic Policy 2016 - 2024 by the Maltese Ministry for the Family and Social Solidarity on building and sustaining a positive culture and infrastructure for parents and their children, including through the use of non-violent parental behaviour¹⁰.</p>
<p>1.3.3. Are there national or sub-national child protection policies regarding children in the digital space and when using online media?</p>		<p>x</p>	<p>Although there is no strategy document, the FSWS, the Office for the Commissioner for Children, the Directorate for Learning and Assessment Programmes and the Malta Police Force Cyber Crime Unit have formed a consortium to raise awareness and educate children, teens, parents and educators on the safe use of the internet through the Be Smart Online! Project¹¹.</p>

⁸ [The Early Childhood Education and Care October 2021 \(0–7 years\) National Policy Framework for Malta and Gozo](#), Ministry for Education, 2021.

⁹ [National Adoption Strategy for Children and their Families \(2019 – 2022\)](#), Social Care Standards Authority, 2021.

¹⁰ [Positive Parenting: National Strategic Policy 2016-2024](#), Ministry for the Family and Social Solidarity, 2017

¹¹ [Be Smart Online! Project](#), a consortium coordinated by the FSWS.

<p>1.3.4. Is there a (regular) child participation policy and/or mechanism and/or body related to child rights and/or other child-related governance at national or sub-national level to ensure children have a (direct) voice in or can indirectly influence policy making, e.g. children’s rights forum, child surveys, child participation platform? If <u>yes</u>, are appropriate child protection and safety measures in place?</p>	x	<p>The Council for Children is set up by Article 12 of the Commissioner for Children Act¹². The Council is composed of the Commissioner for Children, and six other members, appointed by the Minister responsible for children and the family, the Minister responsible for Health, the Minister responsible for Education, the Minister responsible for Home Affairs, the Minister responsible for Justice and the Chairperson of the Social Affairs Committee of the House of Representatives. The Council can co-opt up to seven other persons, who as far as possible should be children and people involved in the promotion of children’s rights. It is not obligatory for the Council for Children to include children into its structure however, it has always been the practice to co-opt children onto the Council¹³.</p> <p>The Council’s function is to monitor compliance with the Convention on the Rights of the Child and other treaties relating to children, to advise the Commissioner in the performance of his or her functions and on the promotion of the welfare of children. The Council is bound to maintain secrecy in respect of all personal matters that may come to its knowledge¹⁴. The Commissioner for children also has a Child Protection Policy in Place.</p> <p>The Office of the Commissioner for Children has also set up an Advisory Board made up solely of children so as to involve children in the work carried out by the Office (annual report 2022¹⁵)</p>
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1.4. Particular groups of children: information on legislative and policy developments (if any) related to their protection

Please report on any significant developments in the last five years and comment briefly.

When answering you should consider all relevant civil, criminal, and administrative legislation, including regulations, ordinances, codes, ministerial decisions. On policy developments please include any relevant action plan, protocol, procedure, or guidance issued by competent authorities. Please always specify how

¹² Article 12 of the [Commissioner for Children Act](#), CAP. 462 of the Laws of Malta.

¹³ Information given to us by the Ministry for Social Policy and Children’s Rights on the 16th November 2023.

¹⁴ Article 13 *ibid*.

(¹⁵) URL: <https://tfal.gov.mt/wp-content/uploads/2023/10/CFC-Annual-Report-2022.pdf>

children’s participation in any respective judicial (civil, criminal, and administrative) proceedings are regulated and supported (e.g. procedural safeguards to be in place, ensuring children’s right to be heard).

1.4.1. Children victims of abuse, exploitation, or neglect

In the areas of online and offline sexual abuse, pornography, exploitation and child labour, trafficking; domestic violence and gender-based violence including harmful practices, such as genital mutilation, child/forced marriage, honour-related violence; abuse or discrimination; ICT and cyber bullying; school bullying; neglect and children at risk of abuse and neglect, including street children (begging or selling things)

Policy developments	Legislative developments
<p>The Mandatory Reporting Guidelines for Professionals in terms of the Minor Protection (Alternative Care) Act document aims to support professionals in determining the need for a child protection inquiry based on the information available to them.</p>	<p>The new Minor Protection (Alternative Care) Act¹⁶ overhauled the Maltese child protection framework. Article 3 of the Act lays down the underlying assumption that a minor has sufficient understanding unless there is enough evidence to the contrary.</p> <p>The Act introduced the obligation of professionals to report to CPS or the police if a child has suffered or is at risk of suffering significant harm, or has knowledge that a minor is in need to care. Failure to report is a criminal offence. The act also sets up the CPS and makes provision for the issuing care plans. Article 19 provides for the issuing of a number of protection orders, such as supervision orders and welfare care orders, and obliges the CPS and the Juvenile Court to hear the minor. Article 20 allows for the issuance of emergency care orders which allow for the immediate removal of a minor from the place in which the harm is being occasioned, with the assistance of the police but without the need for prior judicial authorisation. The CPS is then obliged to file an application in court for either the validation or revocation of the removal order. Article 21 provides for orders relating to unaccompanied minors and will be explained in detail in 1.4.3 below.</p>
	<p>The Juvenile Court Act¹⁷ was amended to introduce a two-fold jurisdiction for the Court. In addition to its competence in criminal matters relating to child offenders, the court also has civil jurisdiction with regard to the taking cognizance of proceedings</p>

¹⁶ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹⁷ [Juvenile Court Act](#), CAP 287 of the Laws of Malta.

	relating to children and young persons in terms of the Minor Protection(Alternative Care) Act.
Malta's National Strategy on Gender-Based Violence and Domestic Violence 2021-2022 , includes an outline of a number of measures and actions to be taken. These include an evaluation of the legal practice on protection orders to examine the extent to which they are protecting the victims and their children, to provide a safe environment for victims, including children, through court accompaniment during investigations and court hearing, and to ensure that support services include age-appropriate psychosocial counselling for child witnesses of all forms of violence.	The Gender-Based Violence and Domestic Violence Act ¹⁸ , passed in 2018, makes provision for the inclusion of the Council of Europe Convention on prevention and combating of violence against women and domestic violence into Maltese law. Children have been included in the definition as also being possible victims of domestic violence. The Act establishes the Commission on Gender-Based Violence and Domestic Violence which shall be a co-ordinating body with the aim of offering a holistic response to gender-based violence and domestic violence.
	Article 90 and 154 of the Civil Code ¹⁹ introduces the right of the Court to restrict the rights of parents to parental authority over children born out of wedlock and in serious cases to exclude both parents entirely. Furthermore, the Court can now also restrict parental rights of parents over their children where one or both parents are convicted of crimes affecting the dignity of the person, including sexual offences, bigamy and prostituting of spouse or minor.
1.4.2. Children with disabilities	
Please include children with learning difficulties, autism, and mental health impairments / psycho-social disabilities, severe chronic illnesses that prevent them e.g. from attending onsite school or sports activities	
Policy developments	Legislative developments
One of the aims of the 2021 – 2030 National Strategy on the Rights of Disabled Persons is to set up the Family Unit within the Support Agency structure. This Unit would be responsible for supporting families and support networks of disabled persons, including disabled parents themselves. The Unit would offer training to professionals servicing existing programmes in Malta, such as the CPS. The setting up of this unit has to be completed within 9 years from the publication of the Strategy, and is not set up yet.	

¹⁸ [The Gender-Based Violence and Domestic Violence Act](#), CAP. 581 of the Laws of Malta.

¹⁹ [Civil Code](#), CAP. 16 of the Laws of Malta.

<p>The National Action Plan for a Child Guarantee specifies that small residential homes offer 24-hour support services to children with disability. These homes are of benefit to children who are under a care order or whose parents are unable to care to for them.</p> <p>Furthermore, the Action Plan lays down measures for all AROPE children with disability, including those children in alternative care. These measures include: a specialized unit offers speech /occupational therapy services, a scheme offering vouchers for private occupational therapy sessions to children with disabilities and Support specialized for children on the autism spectrum that facilitates the learning experience within the school environment.</p>	
<p>1.4.3. Children in the context of migration</p> <p>Specific thematic areas: unaccompanied-separated children from third countries and within the EU; children in undocumented – irregular migrant families; asylum seeking children; refugee children</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>Migrants arriving by boat and claiming to be minors are detained. If, upon initial visual assessment the Agency for the Welfare of Asylum-Seekers deems them to be children, they are detained in the Marsa Initial Reception Centre until health clearance is provided. If they are below sixteen years of age, they are subsequently accommodated in a specialised shelter – Dar il-Liedna – or, if sixteen years old or older, in a large reception centre with unrelated adults, Ħal Far Tent Village. Unaccompanied children whose minor age is disputed, following this initial visual assessment, are detailed with unrelated adults in Ħal Far Initial Reception Centre ('China House') until cleared by the health authorities. Then, they are moved to a newly created UAMs section at Safi Detention Centre pending final decision on the age assessment procedure²⁰.</p>	<p>Article 21 Minor Protection (Alternative Care) Act²¹ lays out the procedure to be followed when a person claims to be an unaccompanied child, requiring any person who comes in contact with a UAM to refer the minor to the Principal Immigration Officer (PIO). The PIO is then required to refer the child to the CPS for them to be registered and issued with an identification document within 72 hours. CPS is then required to initiate Court proceedings requesting the appointment of a representative to assist the child in their asylum' procedure, and the issuing of any measures for the child's care and custody. The entity charged with the child's care and custody and the representative are required to jointly ensure the child's best interest in all matters. At this stage, CPS may require an age assessment procedure to be conducted, on the basis of which the CPS would proceed to requesting the Court to issue a formal Protection Order, submitting a proposed Care Plan. In it's decision, the Court may give any instructions as to the child's well-being. No</p>

²⁰ ECRE, aditus foundation, [Asylum Information Database Country Report: Malta 2022 Update](#), April 2023.

²¹ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

	<p>hearings are required for this Court procedure. The case, including the Care Plan is forwarded to the Minors Care Review Board, similarly to the cases of all other children in alternative care.</p> <p>Amendments to the Reception Regulations in 2021²² incorporated into Maltese law further provisions of the EU asylum Directives. In relation to children, the Regulations stipulate that children who have been victims of ill-treatment should receive rehabilitation services in terms of national victims of crime legislation.</p> <p>Furthermore, the Regulations require that children are never to be detained in facilities for sentenced persons. The Regulations also state that children, including those pending age assessment procedures, may only be detained as a measure of last resort. Children pending age assessment procedures who's minor age claim is "<i>evidently and manifestly unfounded</i>" may be detained.</p> <p>The same Regulations also clarify the responsibilities of the Agency for the Welfare of Asylum-Seekers (AWAS) in relation to children, by complementing the provisions of the Minor Protection Act.</p>
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1.4.4. Children in alternative care

Specific thematic areas: residential – institutional care; foster care; adoption (including international adoption)

Policy developments	Legislative developments
<p>The National Strategic Policy for Positive Parenting 2016-2024, aims to also support adoptive and foster carers. This support includes training and therapeutic support for both adoptive and foster carers, and therapeutic support for the minor, including active support at school.</p>	<p>The new Minor Protection (Alternative Care) Act²³ established the Director for Alternative Care (Children and Youths). The Directorate for Alternative Care is tasked will supporting children in out of care home. This support includes the appointment of a social worker in cases of protection and emergency orders by the Court, and the regulation and monitoring of placements of minors in alternative care.²⁴ It also provides adoption and fostering support services. The Directorate is also tasked with maintaining registers of prospective foster</p>

²² [Reception Regulations \(Amendments\) Regulations](#), S.L. 420.06

²³ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

²⁴ Article 36A of the [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

	<p>carers and the professionals monitoring foster care placements.</p> <p>Article 24 allows for the Juvenile Court, on application of the CPS or any other person having an interest, to free up a minor subject to a care order for adoption without the consent of the parents. Any alternative carers shall be given preference as adoptees. The court is under an obligation to listen to the child to ascertain his or her views and wishes.</p> <p>Article 31 establishes the Minors Care Review Board which has as its function the periodical review of care plans and to make recommendations on the situation of the minor and his/her family and their capability of caring for the minor, amongst others. The Board is under an obligation to hear the minor.</p> <p>The Act, in Article 54, introduces the right of foster parents, who have been the carer of a minor for more than five years, to request the adoption of that minor to the Court of Voluntary Jurisdiction.</p> <p>Article 63 of the Act gives minors that are placed in alternative care, the rights to be consulted on any decision affecting them, the right to access information and the right to main relationship with their parents, unless it is against their best interest.</p>
<p>The Guidelines, Social Regulatory Standards - Residential Services for Children in Alternative Care define the responsibilities of those providing residential services towards children who are living in alternative care. These standards apply to all those residential care providers that have been licenced by the Social Care Standards Authority. The document also obliges the care providers to develop comprehensive policies and procedures that cover all areas of alternative care for children, such as admission policy, medical care policy, policies for staff and emergency procedures.</p>	<p>The Social Care Standards Authority Act²⁵ set up the Social Care Standards Authority which has as its aim to establish regulatory standards for social welfare services, to assist the service providers to achieve a higher quality of service and to enforce the standards and conditions set in the licences granted by the Authority to service providers.</p> <p>A number of regulations under the Social Care Standards Authority Act were published in relation to children in alternative care. These regulations set up the standards and indicators which are to be followed in the work of the specific agencies.</p> <p>The Social Regulatory Standards on Adoption of Children Regulations²⁶ lay down the standards to be adhered to by service providers of adoption services. The Social Regulatory Standards for Residential Services for</p>

²⁵ [Social Care Standards Authority Act](#), CAP. 584 of the Laws of Malta.

²⁶ [Social Regulatory Standards on Adoption of Children Regulations](#), S.L. 582.01.

	<p>Children in Alternative Care²⁷ lay down the standards to be adhered to by service providers of licenced residential services. Finally, the Social Regulatory Standards for Office Based Services for Children in Alternative Care²⁸ lay down the standards to be adhered to by Agency Appoġġ responsible for the well-being of minors.</p>
<p>The National Children’s Policy recognises that children have the right to be protected from abuse, violence and neglect. Children are likewise under the obligation to respect those rights enjoyed by other children. The policy recognises that out-of-care arrangements must offer stable and loving relationships and lays down as one of its objectives supporting the family and out-of-home care providers to provide such an environment. The policy states that where removal from the family is necessary, then family-based out-of-home placements are to be preferred over residential care. One of the policies objectives is to enhance out-of-home care and after care service provision, including the further investment in residential homes for unaccompanied minor asylum seekers.</p> <p>The policy calls for harsher punishments for crimes against minors and for training to strengthen enforcement mechanisms in child protection. The Policy calls for early detection, prevention and support for those symptoms of abuse that effect the health and development of children. Furthermore, the policy promotes the education of children on the use of social media and sexual health.</p>	
<p>1.4.5. Children affected by custody disputes, including parental abduction</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
	<p>Article 56A of the Civil Code²⁹ now provides that the Civil Court can decide that a parent is not fit to have custody of his or her minor children and that on the death of the</p>

²⁷ [Social Regulatory Standards for Residential Services for Children in Alternative Care](#), S.L. 582.07.

²⁸ [Social Regulatory Standards for Office Based Services for Children in Alternative Care](#), S.L. 582.08.

²⁹ [Civil Code](#), CAP. 16 of the Laws of Malta.

	<p>parent with custody, the other parent would not assume custody of the children without the authorisation from the Court. Domestic violence would be considered to be a grave reason for custody not to be assumed. Article 57 of the Civil Code was also amended to include a proviso that would allow for the suspension of the right of the parents to watch over the maintenance and education of their children, irrespective of who has custody, if this would put either the child or the other parent at risk. Furthermore, the same article provides that the right of access to children can be withdrawn by the Court if the parents granted the right of access fails to avail themselves of that right without reasonable cause.</p>
	<p>Amendments in 2020 to the Civil Court (Family Section), The First Hall of the Civil Court and the Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section) (Amendment) Regulations³⁰ introduced provisions regulating the function of the Children’s Advocate for family law related matters. The function of the children’s advocate is to provide legal assistance to minors, to act in the best interest of the minors, to submit the views of the minor in court including the filing of judicial acts and to provide information relating to the consequences of the minor’s wishes should the court accede to their requests.</p>
1.4.6. Missing children	
Policy developments	Legislative developments
/	/
1.4.7. Children at risk of poverty or social exclusion, or severely materially and socially deprived or living in a household with a very low work intensity (ARPE)	
Policy developments	Legislative developments
<p>The National Action Plan for a Child Guarantee, aims to prevent and combat social exclusion amongst children through the implementation of various measures. These measures aim to cover social protection and provide effective and free access to high quality early childhood education and care, education and school-</p>	

³⁰ [Civil Court \(Family Section\), the First Hall of the Civil Court and the Court of Magistrates \(Gozo\) \(Superior Jurisdiction\)\(Family Section\) Regulations, S.L. 12.20.](#)

<p>based activities, at least one healthy meal each school day and healthcare. Further measures will provide effective access to healthy nutrition and adequate housing.</p> <p>The National Action Plan for a Child Guarantee in Malta targets the children in precarious family situations with economic fragility.</p>	
<p>1.4.8. Children belonging to minority ethnic groups, e.g. Roma, Sami, etc.</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
<p>The National Children’s Policy published in 2017 aims to combat all forms of discrimination and intolerance amongst groups that are at risk of marginalisation, such as children from ethnic and religious minorities.</p>	<p>/</p>
<p>1.4.9. Children involved in judicial proceedings as victims or witnesses or parties</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
	<p>The Police Act³¹ was amended in 2018 to include the right of any minor to give evidence viva voce during the trial by contemporaneous television transmission.</p>
	<p>The Victims of Crime Act³² was amended in 2018 to include in the definition of victim those minors who are witnesses to forms of violence. Thus, granting them victimhood under the act.</p> <p>Furthermore, a new Article 14A introduced the right for minor victims of crime the right to be appointed a support person during the proceedings. This support person has the duty to guide and assist the minor during judicial proceedings, to give emotional support, to liaise with the minor’s parents, advocate and family, to advise the Court as to whether therapy is needed or as to whether protection orders should be issued. This support person would also monitor the adherence to</p>

³¹ [The Police Act](#), CAP. 164 of the Laws of Malta.

³² [Victims of Crime Act](#), CAP 539 of the Laws of Malta.

	<p>court orders by the perpetrators, and the relationship between the minor and the perpetrators.</p> <p>These support persons are appointed by the Minister responsible for justice who in his or her opinion have the necessary qualities to undertake the functions assigned to support person³³.</p> <p>A further amendment to the Victims of Crime Act in 2021, introduced the presumption of special protection needs for minors. Child victims would be subject to an individual assessment to assess to what extent they would benefit from special measures³⁴.</p>
<p>1.4.10. Children involved in judicial proceedings as suspects or accused persons</p>	
<p>Policy developments</p>	<p>Legislative developments</p>
	<p>In 2020, the Criminal Code³⁵ was amended to include further protections for minors who are suspects or accused of crime. Article 531(1) was amended to allow for the court to hold its sittings with closed doors in all cases involving minors.</p> <p>The same amending act introduced a new Title VII, Part I, Book Second of the Criminal Code on the rights of children who are suspects or accused persons. The new title provided for the transposition of Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings. The new articles 534AGA to 534AGQ cover, amongst others, the right to child suspects to information, medical examinations, lawyers and less coercive measures than deprivation of liberty.</p>
	<p>The Juvenile Court Act³⁶ was amended in 2021 to increase the age of applicability from 16 to 18. It allows for criminal cases involving children under the age of 18 to be tried in the Juvenile Court, including in those cases where the co-accused is an adult, following a specific procedure for the transfer of jurisdiction.</p>

³³ [Civil Court \(Family Section\), the First Hall of the Civil Court and the Court of Magistrates \(Gozo\) \(Superior Jurisdiction\)\(Family Section\) Regulations](#), S.L. 12.20.

³⁴ Article 14(4) of the [Victims of Crime Act](#), CAP 539 of the Laws of Malta.

³⁵ [Criminal Code](#), CAP. 9 of the Laws of Malta.

³⁶ [Juvenile Court Act](#), CAP 287 of the Laws of Malta.

	Children’s House Regulations, S.L. 602.01, established a child-friendly and safe location for child victims and witnesses of significant harm to give testimony and receive the necessary support to meet their best interest. The Regulations include provisions relating to interpreters, storing of data and medical examinations for procedures relating to minors ³⁷ .
1.4.11. Children at risk of harmful practices, including female genital mutilation; child /forced marriages, honour-related violence	
Policy developments	Legislative developments
/	The Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act ³⁸ prohibits and criminalises the performance of conversion practices on children under the age of 16 and other vulnerable persons.
	In 2018 the Gender Identity, Gender Expression and Sex Characteristics Act ³⁹ was amended to introduce the criminalisation of any medical or other professionals unlawfully carry out sex assignment treatment or surgical intervention on minors that can be carried out when such minor can give informed consent. Such interventions can take place when the minor gives informed consent through their parents.
	The Gender-Based Violence and Domestic Violence Act ⁴⁰ , makes provision for the inclusion of the Council of Europe Convention on prevention and combating of violence against women and domestic violence into Maltese law. These were introduced in the Criminal Code ⁴¹ with Article 251E relating to the prohibition of female genital mutilation and Article 251GA prohibiting the luring of a person from one state to another in order to marry. If any of these crimes is committed against a minor the punishment is increase by one or two degrees.
1.4.12. Children whose parents are in prison/custody	

³⁷ [Children’s House Regulations](#), S.L. 602.01 of the Laws of Malta.

³⁸ [Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act](#), CAP. 567 of the Laws of Malta.

³⁹ [Gender Identity, Gender Expression and Sex Characteristics Act](#), CAP. 540 of the Laws of Malta.

⁴⁰ [The Gender-Based Violence and Domestic Violence Act](#), CAP. 581 of the Laws of Malta.

⁴¹ [Criminal Code](#), CAP. 9 of the Laws of Malta

Policy developments	Legislative developments
/	Article 90 and 154 of the Civil Code ⁴² allows the Court to restrict parental rights of parents over their children where one or both parents are convicted of crimes affecting the dignity of the person, including sexual offences, bigamy and prostituting of spouse or minor.
1.4.13. Children who drop out of compulsory education and working children under the legal age for work	
Policy developments	Legislative developments
/	/
1.4.14. Please insert any other group of children that is not listed above, such as children with drug or alcohol addictions (<i>add rows as needed</i>)	
Policy developments	Legislative developments
The National Alcohol Policy (2018 – 2023) addresses the prevention of alcohol consumption among minors, as one of its main policy goals. It aims to do this through a number of measures, such as to effectively enforce legislation so as to limit the sale, purchase, consumption and supply of alcohol to persons under the age of 17 years, impose harsher penalties against sellers and distributors who are found guilty of contravening the law, and to provide access to effective and comprehensive education geared towards primary, secondary, sixth form, vocational educational levels as well as parents on the use of alcohol.	The Minor Protection (Alternative Care) Act ⁴³ provides for the issuing of a treatment order by the Juvenile Court for a child to receive treatment for the abuse of substances or alcohol abuse.

⁴² [Civil Code](#), CAP. 16 of the Laws of Malta.

⁴³ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

1.5. Contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards

Are there any contradictions, conflicts, or gaps between national legislation/policies on child protection and international / EU standards that have been pointed out by international bodies, national human rights institutions, ombudspersons, or civil society organisations? Please also refer to any contradictions within national and sub-national legislation.

In its [concluding observations](#) in 2019, the UN Committee on the Rights of the Child recommended that Malta strengthens its efforts to ensure the birth registration of children whose parents do not have personal documents and to establish an effective and efficient statelessness determination procedure, with an identification and referral mechanism for children who are undocumented and at risk of statelessness. It also recommended the formulation and implementation of a comprehensive strategy for preventing and combating violence against or abuse or neglect of children in all settings, addressing their root causes. It should be noted that many of their recommendations revolved around the then draft Minor Protection (Alternative Care) Act, which has since come into force. The Committee was also concerned about the insufficient data and awareness regarding sexual abuse and exploitation of children, and in particular about the cases of sexual abuse perpetrated by family members and religious personnel. In relation to alternative care, the Committee was concerned about the number of children still placed in residential homes, and that some of these centres accommodate children from a wide age range together, which may exacerbate the vulnerabilities of younger children, including vis-à-vis the older children. With regards to migrant children, the Committee was seriously concerned about the delays in authorizing the disembarkation in the nearest place of safety of rescued migrants and refugees, including children, leaves them stranded at sea, further exacerbating their vulnerabilities. The Committee highlighted that the detention of migrant children is still allowed under Regulation 14(1)(c) and that under Regulation 15(3) 16-year-olds can be placed in accommodation centers for adult asylum seekers in of the Reception of Asylum Seekers Regulations⁴⁴.

The detention of children was included in the [list of issues](#) by the Human Rights Committee, for Malta's reporting cycle on the International Covenant on Civil and Political Rights. During Malta's [Universal Periodic Review](#), the Human Rights Committee was concerned about the low number of prosecutions of perpetrators of violence against women and children.

The Council of Europe Commissioner for Human Rights's [2022 report on Malta](#) called on Malta to immediately end child detention, including during age assessment procedures, and to ensure that unaccompanied minors effectively benefit from the protection granted by law to all children.

The [Eurochild 2022 Report on Children in Need across Europe](#), found that despite the positive results achieved in terms of legislation, child participation is still often overlooked and fragmented at national level, and there is still room for improvement in terms of children's democratic engagement. Furthermore, it recommended further investment in the realisation of children's rights in practice, with a specific focus on affordable housing, environment, inclusion in cultural events, vulnerable school children, unaccompanied asylum seekers, and healthcare.

The [2022 European Semester Report on Malta](#) found that tackling child poverty and promoting the social inclusion of all children remain challenging. Furthermore, it found that Malta would benefit from fostering social inclusion of children. That children at risk of poverty or social exclusion declined to 22.6% in 2020.

⁴⁴ [The Reception of Asylum Seekers Regulations](#), S.L. 420.06.

However, some groups of children are at a greater risk of poverty and social exclusion, including those with single (50.7%) or low-skilled parents (42.7%).

1.6. Orientation/fragmentation of national child protection policy and legislation

Based on the above information please assess and explain if the national child protection policy and legislation is fragmented and if the child protection system is oriented towards prevention and/or intervention.

As mentioned above, the introduction of the Minor Protection (Alternative Care) Act⁴⁵ has presented a complete overhaul of the child protection system in Malta, in addition to consolidating some key pieces of legislation into one act. Whilst there are a number of agencies involved in the practical implementation of the protection framework, the legislation had reduced the fragmentation of previous years. Furthermore, new Gender-Based Violence and Domestic Violence Act⁴⁶ and the subsequent amendments to the Criminal Code⁴⁷ have also strengthened and harmonised the legislative measures aimed at protecting children at risk of harm. However, much of the legislation and policy is oriented towards the intervention aspect of child protection and less towards preventive measures and actions.

1.7. Development in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection legislation and policies in the past 8 years, incl. achievements and (persisting) gaps and challenges.

The coming into force of the Minor Protection (Alternative Care) Act⁴⁸ in 2020 marked a significant development in child protection. These changes introduced substantial legislative provisions and saw the creation of a new institutional framework. From an institutional angle, the Act introduced two new directorates under the FSWS umbrella: the Child Protection Service (CPS) and the Children in Alternative Care Directorate (DAC). From a legislative perspective we saw an overhaul of how protection orders are issued, with a shift from the Minister's sole power to issue care orders to the Juvenile Court. Furthermore, the Act introduced the legal responsibility of professionals to report a child who is being harmed or is at risk of harm. Failure to report constitutes a criminal offence. Significantly, the Act introduces the right for the minor to be heard during the issuance of the care order and the drawing up of the care plans. The child also has the right to be heard in foster and adoption proceedings.

In tandem with the reform being carried out in terms of child protection, the Social Care Standards Authority Act⁴⁹ set up the Social Care Standards Authority. This Authority was tasked establishing regulatory standards for social welfare services, to assist the service providers to achieve a higher quality of service

⁴⁵ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

⁴⁶ [The Gender-Based Violence and Domestic Violence Act](#), CAP. 581 of the Laws of Malta.

⁴⁷ [Criminal Code](#), CAP. 9 of the Laws of Malta.

⁴⁸ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

⁴⁹ [Social Care Standards Authority Act](#), CAP. 584 of the Laws of Malta.

and to enforce the standards and conditions set in the licences granted by the Authority to service providers.

Some challenges still exist primarily in the lack of resources, both financial and human. In the latter case, the problem is a lack of personnel trained specifically in relation to client protection. Furthermore, although there is coordination with the various departments implementing child protection legislation, there is less coordination at ministerial level between the various ministries, such as health, social welfare and police.⁵⁰

1.8. Promising practices

Please list and briefly describe any promising practice in child protection legislation and policies that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

Minor Protection (Alternative Care) Act⁵¹ Article 9(4): Any professional who has knowledge of an act causing or which may cause significant harm on a minor or has knowledge that a minor is in need of care and protection, and fails to take any action including the filing of a report shall be guilty of an offence. Upon being found guilty shall be subject to imprisonment for a period of not less than three months and not more than nine months, or a to a fine of not more than €5,000, or to both fine and imprisonment. To aid professionals the [Mandatory Reporting Guidelines](#) were published in order to assist professionals to identify and tackle any such situation. CPS then supported organisations that come into contact with children regularly to draft their own internal reporting guidelines, these included both public and church schools, scouts' groups, sporting associations and care homes⁵².

The Minor Care Review Board, established under the Minor Protection (Alternative Care) Act can refer any minor to psychosocial care, therapy or counselling. The cost of this treatment can be covered directly by the Government should there be difficulty with financial resources⁵³.

The setting up and use of the Children's House in those instances where a minor has to testify during court proceedings relating to domestic abuse or violence has been flagged as a good practice. The House was considered to be a safe child-friendly environment and staffed with adequately trained personnel for the interviewing of children involved in court proceedings. Furthermore, the building itself does not look like a typical court building but resembles more of a house, or home setting⁵⁴.

⁵⁰ Information given to by a representative of the Child Protection Service on the 14th March 2023.

⁵¹ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

⁵² Information given to by a representative of the Child Protection Service on the 14th March 2023.

⁵³ Ibid.

⁵⁴ Information given by the Office of the Commissioner for Children on the 24th February 2023.

2. Governance, coordination structures, and services

2.1. Primary institutions and main service providers responsible for child protection

Question	Yes	No	Comments
<p>2.1.1. Is there any lead institution/body (e.g. child protection agency, ministry, etc.) primarily responsible for child protection at the national level?</p> <p><u>If yes</u>, please provide the name in the comments box.</p>	X		The Child Protection Service is primarily responsible for child protection.
<p>2.1.2. Are there different structures sharing the primary responsibility (e. g. departments in the same or different ministries, different agencies etc.)?</p> <p><u>If yes</u>, please provide the name under the comments box and please also mention which body has the lead in coordinating child protection policies and actions.</p>	X		The Child Protection Service is tasked with investigating reports of child abuse or of children in need of protection, and of taking any steps to ensure the protection of such children. The Directorate for Alternative Care (Children and Youths) offer services relating to children in out-of-home care, adoption and fostering, and after care amongst others.
<p>2.1.3. Are there child focal points or similar in different ministries or agencies?</p> <p><u>If yes</u>, in which ministry are they located, what are they called, and what role/functions do they have? How do they coordinate?</p>		X	

Please provide in the table below a list of the national/regional/local bodies or authorities having certain responsibilities related to child protection, e.g. child ombuds institution.

Please note: For the regional and the local levels please indicate only the type of body, do not list all different bodies at regional/local level in the country.

Name of the body	Level (national/regional/local).	Area of responsibility and roles in child protection <i>(for example coordination, legislation, policy making, training, monitoring, financing, implementing)</i>	Comments <i>(for example in case of ombuds institution, compliance with the Paris Principles)</i>
Ministry for Social Policy and Children's Rights	National	Legislation, coordination, policy making	The Ministry for Social Policy and Children's Rights has a strong legislative and policy-making prerogative. The FSWS is an umbrella organisation under the Ministry.
Ministry for Finance and Employment	National	Financing	The Ministry for Finance draws up and monitors the national budget, including those allocated to various agencies and directorates.
Child Protection Service	National	Implementing, training	The CPS is a government agency headed by the Director of Child Protection who is appointed following a public call. Such person must have at least 5 years' experience in services relating to minors.

Directorate for Alternative Care	National	Implementing, training	The DAC is a government agency headed by the Director of Alternative Care who is appointed following a public call. Such person must have at least 5 years' experience in services relating to minors.
Commissioner for Children	National	Policy making, monitoring	The Commissioner for Children has the mandate to promote children's rights and to investigate any breaches or infringements of the rights of children. Although the office is set out in legislation ⁵⁵ , the office does not adhere to the Paris Principles in that the Commissioner is appointed by the Prime Minister and can be removed by the Prime Minister after consultation with the parliamentary committee for social affairs ⁵⁶ . The Commissioner can only issue recommendations for action or compliance note in relation to breach of children's rights or of the UN Convention on the Rights of the Child.
Council for Children	National	Policy, monitor	The Council is made up of the Commissioner for Children, the chairperson of the social affairs committee, and 6 other people each appointed by the Minister for social policy, health education, home affairs and Justice. The Council has the right to co-opt 7 other people, who should be children

⁵⁵ The [Commissioner for Children Act](#), CAP. 462 of the Laws of Malta.

⁵⁶ Child Participation Assessment Tool (CPAT), [Country Report Malta](#), 2020.

			in so far as this is possible. The Council has as its role to monitor compliance with the CRC, and to advise the Commissioner for Children. The Council does not adhere to the Paris Principles.
Fostering Board	National	Implementing, monitoring	The Fostering Board decides on whether prospective foster carers are adequate, to decide on complaints against foster parents, amongst other duties. The Members are appointed and removed directly by the Minister responsible for social policy, without a call for applications. A recent Malta Country report, published by the Malta Foundation for the Wellbeing of Society within a project on the Child Participation Assessment Tool spearheaded by the Council of Europe, called for the elimination of politically appointed people in roles that require qualified and competent people such as boards which determine the path for children's present and future ⁵⁷ .
Adoption Board	National	Implementing, monitoring	The Adoption Board decides on whether prospective adoption parents are adequate, to ensure that the placement is in the best interest of the child, amongst other duties. The Members are appointed and removed directly by the Minister responsible for social policy, without a call for applications A recent report called for the

⁵⁷ Malta Foundation for the Wellbeing of Society, Child Participation Assessment Tool (CPAT), [Country Report Malta](#), 2020.

			elimination of politically appointed people in roles that require qualified and competent people such as boards which determine the path for children's present and future ⁵⁸ .
Minors Care Review Board	National	Monitoring	The Minors Care Review Board is tasked with reviewing care plans, making recommendations to the Juvenile Court, and in making recommendations for the modification of the care plan. The Members are appointed and removed directly by the Minister responsible for social policy, without a call for applications. A recent report called for the elimination of politically appointed people in roles that require qualified and competent people such as boards which determine the path for children's present and future ⁵⁹ .
Agency for the Welfare of Asylum Seekers (AWAS)	National	Implementing, monitoring	AWAS, a government agency, cooperates with the CPS in relation to the care of unaccompanied minors (UAMs). It also provides alternative care home to UAMs. It is also responsible for the age assessment procedures of UAMs.
Juvenile Court	National	Implementing, monitoring	The Juvenile Court has two-fold function in its criminal jurisdiction to hear criminal charges

⁵⁸ Child Participation Assessment Tool (CPAT), [Country Report Malta](#), 2020.

⁵⁹ Child Participation Assessment Tool (CPAT), [Country Report Malta](#), 2020.

			against children and in its civil jurisdiction with regards to care orders and proceedings under the Minor Protection Act. The Court is presided over by a magistrate and assisted by two persons who are appointed by the President, on advice of the Prime Minister.
Children’s Advocate	National	Implementing	The Children’s Advocate’s role is to provide legal assistance and advice to minors, to submit the views of such minor to the courts and to provide information to the minor. There is no information as to how the Children’s Advocate is appointed. The list of Children’s Advocates is not publicly available. The number of Children’s Advocates is small and vacancies haven’t been issued for a significant amount of time ⁶⁰ .
Social Care Standards Authority	National	Monitoring, policy making	The Social Care Standards Authority is tasked with establishing regulatory standards for social welfare services, to assist the service providers to achieve a higher quality of service and to enforce the standards and conditions set in the licences granted by the Authority to service providers. The Board of Directors of the Authority are appointed by the Minister, as is the Chairperson of the authority. They are appointed directly by the

⁶⁰ Information given by the Office of the Commissioner for Children on the 24th February 2023.

			minister responsible for social we, without a call for applications.
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2.1.4. Please indicate if there were in the past five years any important changes concerning the child protection mandate/roles/responsibilities and outline what caused or influenced these changes (for example, a transfer of responsibility for child protection from one ministry to another ministry or a body or merging of responsibilities, etc. Please indicate notably if an integrated approach has been sought and/or achieved.

The coming into force of the Minor Protection (Alternative Care) Act⁶¹ in 2020 introduced substantial legislative provisions and saw the creation of a new institutional framework. From an institutional angle, the Act introduced two new directorates under the FSWS umbrella: the Child Protection Service (CPS) tasked with the protection of children and the Children in Alternative Care Directorate (DAC) that offers a number of services relating to the provision of and support in out-of-home care, fostering and adoption processes. From a legislative perspective we saw an overhaul of how protection orders are issued, with a shift from the Minister’s sole power to issue care orders to the Juvenile Court that issues protection orders on application of CPS.

2.1.5. Please indicate, in the table below, the major service providers at national level in the area of child protection. Include family support services /measures (i.e. counselling, financial assistance) that are part of the overall social protection/welfare system for children in risk.

Service providers	Type of services	Target groups	Funding
<i>(include the name and the type of institution i.e. public authority, NGOs, religious institutions, private)</i>	<i>(Include counselling, care institutions, day care centres, financial assistance, legal advice, rehabilitation services for victims, education awareness –training activities, etc.)</i>	<i>(For example, children with disability, children in risk of or living in poverty, immigrant children, children deprived form parental care, child victims of abuse or exploitation. When relevant, please indicate if third country nationals and irregular immigrants are entitled to such services)</i>	<i>(national budget, EU funded, other)</i>

⁶¹ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

Children's Advocate	Legal advice	Children in custody, separation and divorce proceedings, foster and adoption proceedings and care order procedures.	National budget
FSWS, Alternative Care, Adolescent Day Programme	Support to adolescents with challenging behaviour, school dropouts, young offenders, young people making use of illicit substances.	Adolescent youth.	National budget
FSWS, Alternative Care, Embark for Life	Support to adolescents at risk of social exclusion to support them to live independently and improve their standard of living.	Adolescent youth.	National budget
FSWS, Alternative Care, Looked After Children Healthcare	Paediatric medical care.	Children in care.	National budget
FSWS, Alternative Care, Youth in Focus	Professional interventions for youth experiencing difficulties, such as anger management, drugs and alcohol, criminal behaviour.	Adolescent youth.	National budget
Caritas, Tal-Ibwar Adolescent Therapeutic Centre	Day and residential therapeutic programmes for drug and alcohol abuse.	Children between the ages of 12-17.	National budget

AWAS, Hal-Far Tent Village	Residential and support services.	UAMs between 16-18 years.	Part EU-funds, part-national budget
Dar il-Liedna	Residential and support services.	UAMs under 16 years old.	National budget
FSWS, Għabex Emergency Shelter	Residential and support services.	Female victims of domestic violence and their children.	National budget
FSWS, Home-Based Therapeutic Services	Psychotherapy, family therapy, and counselling services.	Family with children up to the age of 18 years, and individuals.	National budget
SOS Malta, Kellimni	NGO-run online support services operated within the framework of Child Helpline International.	Children and adolescents.	National budget
Richmond Foundation, Kids in Development (KIDs)	Residential and therapeutic programme for children with severe emotional and behavioural difficulties.	Children aged between 7 and 10.	
Malta Gay Rights Movement, Rainbow Support Service - Youth Group	Support to LGBTIQ youth, drop-in services	Youth between 15 to 25.	NGO budget
Missionary Society of St Paul (MSSP)	Various residential homes.	Children in alternative care.	

Salesians Don Bosco	Various residential homes.	Children in alternative care.	
Fondazzjoni Sebħ	Various residential homes.	Children in alternative care.	
Ursuline Homes	Various residential homes.	Children in alternative care.	
Youth Alive Foundation	Various residential homes.	Children in alternative care.	
Conservatorio Vincenzo Bugeja	Various residential homes.	Children in alternative care.	
Child and Young People's Services (CYPS)	Provides assessment and management of mental ill health amongst young people, in collaboration with their care givers.	Children with mental health difficulties.	

2.1.6. Please indicate if any child participation or feedback mechanisms are part of child protection services.

There is no child participation or feedback mechanism within the child protection services⁶². However, CPS takes responsibility to offer every child to give feedback and voice concerns⁶³.

⁶² Information given to by a representative of the Child Protection Service on the 14th March 2023.

⁶³ Information given by representative of the Ministry for Social Policy and Children's Rights, 15th November 2023.

2.2. Civil society organisations active in the area of child protection. Please consider also including information on the role of religious institutions and groups active in the area of child protection.

Question	YES	NO	Comments
<p>2.2.1. Is there a registry of civil society organisations operating in the child protection area?</p> <p><u>If yes</u>, briefly provide information on the legislative-regulatory framework and the responsible authority.</p>		X	<p>There is no official registry solely listing civil society organisations that work in child protection. There is a list of all registered civil society organisations and there is a list of all registered entities that are licenced to provide services that relate to adoption and residential care for children, including those provided by civil society organisations.</p>
<p>2.2.2. Is there a legal obligation for the accrediting; licensing; registering; inspecting the activity of any type of civil society organisations, e. g. NGOs, charities, church organisations, etc. in the area of child protection?</p> <p><u>If yes</u>, which is the responsible authority? How frequent are reviews and inspections?</p>	X		<p>All entities providing services relating to adoption, fostering and alternative care are obliged to be licenced with the Social Care Standards Authority.</p> <p>The Authority also carries out announced and unannounced inspections. At a minimum, the inspectorate unit within the Social Care Standards Authority makes an unannounced visit once a year. Licensing visits are carried out at on-boarding stage and at renewal stage annually. Furthermore, other reviews are carried out to investigate complaints by service-users⁶⁴.</p>
<p>2.2.3. Are there cooperation agreements/partnerships between government and the civil society at national or local level?</p> <p><u>If yes</u>, What is the prevalence of this practice?</p> <p>Please provide <u>indicative examples</u> and information regarding the main areas covered, type of services targeted, and financial aspects of such partnerships (i.e. if done in view of accessing EU funds).</p>	X		<p>The FSWS has signed a number of Public Social Partnerships (PSPs) with NGOs that work in the sector to provide services for children in alternative care, amongst others⁶⁵. NGOs in the field usually run homes for children in alternative care or shelters for victims of domestic violence. There are also NGOs that provide mental health services.</p> <p>There is a significantly high prevalence of PSPs, and the Government allocated just over €19 million to such services⁶⁶.</p>

⁶⁴ Social Care Standards Authority, [Annual Report 2021](#), 2022.

⁶⁵ Foundation for Social Welfare Services, [Annual Report 2021](#), 2022.

⁶⁶ Ibid.

2.3. Inter-agency cooperation in the area of child protection

Question	YES	NO	Comments
<p>2.3.1. Is there <u>coordination between national, regional, or local authorities</u> in developing and implementing policies and legislation in the area of child protection?</p> <p><u>If yes</u>, how is this done? Please comment on the strengths and weaknesses.</p> <p><u>For example</u>, is this cooperation – coordination regulated by the legislative framework? Does cooperation take place ad hoc, e.g. addressing specific issues and on specific thematic areas of interest or is it a key feature of the system?</p>	X		<p>The legislative and policy prerogative in terms of child protection lie with central government, in specific the Ministry for Social Policy and Children’s Rights. In addition, the provisions of the Minor Protection (Alternative Care) Act⁶⁷ obliges the Minister responsible for the well-being of minors to launch a national strategy on the protection and rights of children together with the CPS and those entities or departments having responsibility for the protection, safeguarding and care of minors. The Act also dictate that regular meetings should be called by the CPS with representatives of the Education Department, the Department of Health, the Police and any other representative of any entity involved child protection that the CPS deems necessary to attend⁶⁸.</p> <p>Malta does not have any regional authorities, and the local councils are not involved in legislative or policy making processes.</p>
<p>2.3.2. Is there <u>inter-agency cooperation between the relevant actors</u> having responsibility in the area of child protection (including civil society organisations)?</p> <p><u>If yes</u>, please mention <u>how this is done</u> (for examples are there standing inter-agency committees or meetings, are digital tools used?). Which actor has a leading role?</p>	X		<p>Article 6 of the Minor Protection (Alternative Care) Act⁶⁹ obliges the CPS to hold regular meetings with the representatives of the Education Department, the Department of Health, the Police, and with any such other person or entity which the CPS deems as having responsibility for the protection of minors. This collaborative network should discuss the macro and micro of child protection work, and the ways in which the entities would work together. The setting up of this network is still under construction⁷⁰.</p> <p>CPS has a number of informal networks of cooperation depending on the issue at hand, for example with regards to UAMs, then CPS would work closely with AWAS.</p> <p>There are regular monthly meetings between the CPS and each college within the national education system. There are regular monthly meetings with</p>

⁶⁷ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

⁶⁸ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

⁶⁹ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

⁷⁰ Information given to by a representative of the Child Protection Service on the 14th March 2023.

		<p>the mental health entities and other medical entities so as to ensure that pregnant users are monitored. There is an ad-hoc strategy to meet with the executive police depending on the need, over and above the daily contact between the Vice Squad within the executive policy and the CPS. There are regular monthly meetings with the Multi-Disciplinary Team (MDT) and others with the Drug Tribunal⁷¹.</p> <p>CPS is the actor that would have the leading role.</p>
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2.3.3. What are the main challenges regarding effective cooperation and coordination? (For example, lack of clarity regarding responsibilities and roles of actors, overlaps of responsibilities, and communication between organisations is not adequately structured and resourced)?

The lack of financial resources is a challenge; however, it was felt that one of the biggest challenges is not having the human capital with enough specialised knowledge and training in the area. Due to the shortage of manpower and in order to ensure satisfactory levels of standards of services, many agencies tend to become less flexible due to the huge burden placed on their services⁷².

It was also reported one of the biggest challenges was operating within a system which is not always calibrated to fit the needs of children. Most systems are designed for adults, therefore, there may be certain impediments for the services to do what is needed for children⁷³.

Question	YES	NO	Comments
2.3.4. Are child protection authorities engaging in <u>transnational cooperation</u> in the area of child protection, for example with regards to missing children, parental abduction, or migrant children?		X	The FSWS engages in transnational cooperation through the International Social Services (ISS). The Director for Alternative Care and the Director for International Affairs within the FSWS are the contact persons with the ISS ⁷⁴ .

If yes, please briefly comment and include information on transnational agreements-protocols of cooperation as well as on the interaction between child protection authorities and other actors involved in transnational cooperation processes, for example law enforcement and judicial authorities, migration authorities, social services, Central Authorities under Brussels IIbis Regulation/Hague Convention, consular or diplomatic authorities. Are there any challenges relating to transnational cooperation? Are the challenges different for cross-border cases among EU countries or with third countries?

⁷¹ Information given to us by the Ministry for Social Policy and Children’s Rights on 19th May 2023.

⁷² Information given to by a representative of the Child Protection Service on the 14th March 2023, also confirmed by the Ministry for Social Policy and Children’s Rights on 19th May 2023.

⁷³ Information given to us by the Ministry for Social Policy and Children’s Rights on 19th May 2023.

⁷⁴ Information given to by a representative of the Child Protection Service on the 14th March 2023,.

Please provide information on main relevant agreements – cooperation schemes in two of the following areas: missing children, parental abduction, inter-country adoption, migrant children (family tracing-family reunification –return-relocation).

[Waiting for feedback from the Ministry for Social Policy and Children's Rights]

The Department of International Relations was set up in 2017 in order to bring together the different sectors dealing with foreign issues⁷⁵.

The Directorate for Alternative Care has regular contact with the International Social Services (ISS) and works on cases that are flagged by it. DAC, the social welfare arm of FSWS, is an active member of Eurochild, the International Society for the Prevention of Child Abuse and Neglect (ISPCAN), Euradopt and the British Association for the Study and Prevention of Child Abuse and Neglect (BASPCAN)⁷⁶.

2.4. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection governance, coordination structures, and services in the past 8 years, incl. achievements and (persisting) gaps and challenges

The coming into force of the Minor Protection (Alternative Care) Act⁷⁷ in 2020 marked a significant development in child protection governance structures. There is increased clarity in roles and the creation of the two main directorates, CPS and DAC, has resulted in better coordination and protection. The lack of human resources is still considered to be a main challenge⁷⁸, as is the judicial structure⁷⁹. There is an increasing backlog in court and in placements for children due to the slow nature of the system and the increasing number of cases. Lack of specialised training for the judiciary and lawyers working within the Juvenile Court is also seen as a major issue, as is the low number of Children's Advocates. The lack of enforcement powers and adherence to the Paris Principles of the Office of the Commissioner for Children and the fact that Malta has not signed the Optional Protocol to the Convention on the rights of the Child relating to individual complaints is also a major gap in protection⁸⁰.

2.5. Promising practices

Please list and briefly describe any promising practice in governance, coordination structures, and services that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

⁷⁵ FSWS, [Annual Report 2017](#), 2018.

⁷⁶ FSWS, Alternative Care, [International Social Service](#).

⁷⁷ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

⁷⁸ Information given to by a representative of the Child Protection Service on the 14th March 2023.

⁷⁹ Information given by the Office of the Commissioner for Children on the 24th February 2023.

⁸⁰ Ibid.

The setting up of the [Children House](#) which is intended to be an extension of the Courts of Malta. The function of the Children House is to serve as a child-appropriate setting where judicial investigations of violence which involve minors as victims or witnesses may be conducted. The aim is to make the judicial system more accessible to children. It is intended to promote safety, fairness, adequacy and fairness in order for them to receive the support they need and to access justice for ill-treatment they suffered.

3. Capacities (human and financial resources)

3.1. Information on budget allocation and funding

Question	YES	NO	Comments
3.1.1. Is budget allocation on child protection incorporated into legislative and policy instruments?		X	All budgets shown in the annual Financial Estimates of Government , including funding for child protection, are appropriated through the annual Appropriation Act and in terms of the Public Finance Management Act ⁸¹ , to be disbursed in terms of set policy ⁸² .
3.1.2. Is the budget allocated to child protection (alternatively on children’s rights or on social welfare) clearly specified in the annual national budget? Please refer to the specific budget item allocated to this in 2022?	X		The funding allocated for such purposes forms part of the annual budget provided by the Ministry for Finance to the FSWS. Specifically, under Item 6207 FSWS and Item 5790 Public Social Partnerships under Recurrent Vote 16 Ministry for Social Policy and Children’s Rights ⁸³ . In 2022 this amounted to €2.0 million.
3.1.3. What percentage of the total state budget was allocated to child protection in the last five years? If data is not available, please provide information on the budget allocated to social protection/social welfare in general.			
<p>The amounts allocated by FSWS under Item 6207 FSWS for the Child Protection Services along the years were as follows:</p> <p>2022: €7.5 million – 0.1% 2021: €1.7 million – 0.024% 2020: €1.3 million – 0.020% 2019: €1.2 million – 0.022% 2018: €1.1 million – 0.021%</p> <p>In 2022 (apart from previous years), the Ministry for Social Policy and Children’s Rights also provided €5.5 million for child protection, through various public social partnerships, payable under Item 5790 Public Social Partnerships. Thus, in 2022, the total amount budgeted for child protection amounted to 0.1% of Government’s total recurrent expenditure⁸⁴.</p>			
Question	YES	NO	Comments

⁸¹ [Public Finance Management Act](#), CAP. 06 of the Laws of Malta.

⁸² Information provided by the Ministry for Finance on 20th February 2023.1.3.

⁸³ Information provided by the Ministry for Finance on 15th and 20th February 2023.

⁸⁴ Information provided by the Ministry for Finance on 20th February 2023.

<p>3.1.4. Is the existing budget and funding of child protection services/institutions considered sufficient <u>and</u> sustainable (as compared to only project based for a limited period of time)?</p> <p><i>(Please consider available studies, reports at national level conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as the concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>	<p>X</p>	<p>Child protection falls under the budget allocation of the FSWS. The FSWS finances its operations by means of an annual subvention from the Ministry for Social Policy and Children’s Rights. This annual subvention has increased year on year for the last 10 years and mirrored the growth in the economy, the national budget and the ministry’s budget⁸⁵.</p> <p>In its concluding observations, the United Nations Committee on the Rights of the Child recommended that Malta should set up a budgeting process that includes a child rights perspective, using budget classification systems that allow expenditures related to the rights of the child to be reported, tracked and analysed.</p>
<p>3.1.5. Do EU funds play a substantial role in the funding of the national child protection system and/or related policies?</p> <p>Please provide information on the child protection areas and related services incl. providers that use EU funds (including what type of funds for which period of time).</p>	<p>X</p>	<p>Funding is mainly sourced through the national budget⁸⁶.</p> <p>The FSWS was lead Partner on the BeSmartOnline! Project funded by the Connecting Europe Facility (CEF) which aimed to protect children and teens in their online activity⁸⁷. In 2019 the FSWS offered several sponsorships for FSWS employees and government entities to attend training courses, job shadowing, conferences, seminars or workshops under an ESF project - Knowledge, Training, Communications, and Support Measures in Support of Vulnerable Groups⁸⁸. The same year also saw the start of an EEA funded project called OK Project (Opportunity Knocks) which sought to empower young people at risk to enhance their skills and lead them to employment⁸⁹.</p>

⁸⁵ Foundation for Social Welfare Services, [Annual Report 2021](#), 2022.

⁸⁶ Information provided by the Ministry for Finance on 20th February 2023.

⁸⁷ The BeSmartOnline Project page can be found [here](#).

⁸⁸ Foundation for Social Welfare Services, [Annual Report 2019](#), 2022.

⁸⁹ Ibid.

<p>3.1.6. Is corporate social responsibility developed at national level in relation to child protection services?</p> <p><u>If yes</u>, please provide information on major child protection national programmes and actions that are primarily funded by the private sector or by public-private schemes/synergies.</p>		X	<p>No evidence was found of any CSR initiatives or any child protection programmes funded through the private sector.</p>
<p>3.1.7. Has the involvement of the private sector in child protection recently significantly increased? Are there projects or programmes receiving governmental funding which outsource protection services for children? Please include civil society organisations and private companies contracted by government/local authorities to provide services.</p> <p><u>If yes</u>, please explain the changes and the reasons hereof. Please provide information on the legal provisions regulating this and on the main services / groups of children that are covered. Provide information based on indicative examples.</p>		X	<p>As mentioned above, the FSWS has a number of Public Social Partnerships (PSPs) signed with civil society organisations to provide either residential or support services to children in need of care. However, the PSP system has been in existence for a number of years in Malta. These are listed in 2.1.5 above.</p>

3.2. Information on human resources, qualification requirements, and training

Question	YES	NO	Comments
<p>3.2.1. Are the allocated human resources in the area of child protection at all levels sufficient? (services, institutions etc.)?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic</i></p>		X	<p>CPS has long-standing understaffing issues attributed to an overall shortage in the country's supply of social workers and competition with other institutions both public and private. An analysis on tackling child abuse in Malta by the National Audit Office in 2020 noted that there was a prevailing waiting list for cases referred to CPS.</p>

<p><i>community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>			
<p>3.2.2. Are the allocated human resources competent in the area of child protection and appropriately trained?</p> <p><i>(Please consider available studies, reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.)</i></p>		<p>X</p>	<p>In its concluding observations, the United Nations Committee on the Rights of the Child recommended that Malta should ensure that professionals working with and for children systematically should receive appropriate training on hearing and taking into account children’s views in all decisions affecting them and in accordance with the child’s age and maturity. More recently, it was reported that social workers were concerned that their duties were being carried out by unqualified individuals. The duties included case reviews, consultations, and sensitive risk assessments of vulnerable children⁹⁰.</p>
<p>3.2.3. Is there a <u>compulsory certification or licencing</u> process for social workers and other professionals who work for child protection?</p> <p><u>If yes</u>, briefly describe the process.</p>		<p>X</p>	<p>The social work profession in Malta is regulated by the Social Work Profession Act⁹¹, Cap 468 of the Laws of Malta. In order to work as a professional social worker, the individual needs to be issued with a warrant in accordance with the Act. A social worker must forward an application for a Maltese Social Work warrant by completing a form and forward it to the Social Work Profession Board. There is nothing that requires a social worker to have child-specific experience in order to be granted a social work warrant or to work in child protection.</p> <p>However, unwarranted social workers can start employment but cannot use the term “registered social worker”. They must inform the Social Work Profession Board of such professional status upon starting social work practise in order for them to be included in the Register of Unwarranted Social Workers.</p> <p>The Maltese Association of Social Workers flagged an issue of people being employed as</p>

⁹⁰ International Federation of Social Workers, [Social Workers in Malta Unite to Advocate for Their Profession](#), June 2023; Maltese Association of Social Workers, [Press Release Re: Employment of unqualified persons to act as social workers](#), 2022; The Time of Malta (2022), ‘[Social workers warn: unqualified people are doing our work](#),’ 18 December 2022.

⁹¹ [Social Work Profession Act](#), Cap 468 of the Laws of Malta.

		<p>'Social Welfare Professionals', who are carrying out the role of a social worker. Their main concerns are the use of the term 'professional' for employees who are not warranted and that such employees are not regulated by a law, code of ethics or professional board which protects the service users⁹².</p>
<p>3.2.4. Are there any <u>selection criteria</u> (for example qualification requirements) and <u>vetting procedures</u> for volunteers working with children in various areas?</p> <p><u>If yes</u>, please describe briefly.</p>		<p>Limitedly, as the only available mechanism relates to exclusion of volunteering rather than on setting minimum eligibility criteria. The Protection of Minors (Registration) Act⁹³ provides for the registration of individuals who commit specific crimes listed in the Act. These crimes are listed in Schedule I of the act, and relate to crimes committed on minors, including sexual offences. These individuals are ineligible for membership of, or any employment or other position with, any institution, establishment or organisation which involves the education, care, custody, welfare or upbringing of minors, whether such membership, employment or other position is against payment or voluntary.</p> <p>X Any relevant organisation which intends to entrust any person with a position within the entity must request the Courts for information which may be registered in the register with respect of that person.</p> <p>Employing or offering a volunteering role to a person on that register is a criminal offence.</p> <p>The Social Care Standards Authority monitor both staff and volunteers working in licensed facilities, including facilities providing alternative care for children. They ensure that they have the necessary clearances and any training for the volunteers as required by the institution they work in. This is done by carrying out sampling of 25% of the staff and volunteers to ensure the adherence to standards and qualification⁹⁴.</p>

⁹² Maltese Association of Social Workers, [MASW Administrative Report January 2021 – December 2021, 2022](#)

⁹³ [Protection of Minors \(Registration\) Act](#), CAP. 518 of the laws of Malta.

⁹⁴ Information provided by the Social Care Standards Authority on 17th April 2023.

<p>3.2.5. Is there <u>regular training</u> on issues related to the identification, referral, and intervention for children delivered to specialists involved in this area?</p> <p>If <u>yes</u>, please include information on the training of law enforcement officials (judges, persecutors, police), health and education personnel (doctors, nurses, teachers, school counsellors).</p> <p>Please provide information on the mandatory nature of training, its frequency, funding, if it relates to specific needs of children, etc.</p>		X	<p>There is no regular training, however organisations like the Maltese Association of Social Workers organises trainings on an <u>ad hoc basis</u> on various subjects.</p>
<p>3.2.6. Are child rights and child protection topics included in the curriculum of studies for professionals other than social workers and psychologists involved in child protection systems? (Please include information regarding law enforcement officials, judges, prosecutors, lawyers, health, and education personnel)</p> <p>If <u>yes</u>, please describe briefly.</p>	X		<p>Children’s rights and legal issues is taught to students studying early childhood and primary education.</p> <p>Child rights as a human right and child law is taught to law students at , who would eventually practice as prosecutors, lawyers or judges.</p> <p>There was no evidence of the provision of child rights and child protection topics to law enforcement officials and health personnel.</p>
<p>3.2.7. Are there <u>joint training activities</u> involving professionals and personnel from various disciplines in place?</p> <p>Please provide some examples.</p>		X	<p>There are no trainings.</p>
<p>3.2.8. Outline briefly the <u>main challenges and/ or gaps relating to human resources, qualification requirements and training</u> underlined the relevant authorities and/ or child protection civil society organisations.</p>	<p>As mentioned above, there is a shortage of social workers and a lack of specialised training for social workers working in child protection. This leads to an information gap with the information passed on to the child. Furthermore, a lack of specialised training for legal professionals and Children’s</p>		

	Advocates, in relation to soft skills when working with children in need of protection, was also noted ⁹⁵ .
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3.3. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection capacities in the past 8 years, incl. achievements and (persisting) gaps and challenges

Although the 2020 overhaul of the child protection system meant clearer governance structures, there is still a persistent lack of specialised social workers and an increase in general caseload of the FSWS. They reported an increase of 12.6% in 2021 and an overall increase of 57.4% over the previous 5 years of persons who sought the help of the Foundation ⁹⁶ .

3.4. Promising practices

Please list and briefly describe any promising practice in child protection capacities that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

N/A

⁹⁵ Information provided by Richmond Foundation on the 16th March 2023.

⁹⁶ Foundation for Social Welfare Services, [Annual Report 2021](#), 2022.

4. Care

4.1. Prevention measures and services

4.1.1. Please provide information on the interaction between the child protection system and the social welfare and social protection system in place. Is there an inherent coordination of measures and interventions? Are responsible authorities and service providers the same or different?

The FSWS is an umbrella organisation tasked with providing social welfare services nationwide through Appoġġ, in particular those relating to family welfare, and also child protection (CPS) and alternative care (DAC). It also provides services relating to drug and alcohol addiction. Appoġġ incorporates the Health Social Work Services, the Domestic Violence Service, the Homelessness Service the Intake and Family Support Service which include subteams on trafficking and sex work. The Intake and Family Support Services (IFSS) provide generic services and are the frontline workers who are, in most instances, the first contact with the client. The Intake and Family Support Service has ongoing interaction and communication with the CPS. Cases are referred both ways according to the needs of the particular case. The staff at IFSS would refer to more specialised services, such as CPS or DAC, within the FSWS if this is needed. At the same time, if the Child Protection Service (CPS) starts investigating a case and, according to their assessment, the primary caregivers need generic support, then they would refer the case to the Intake and Family Support service (IFSS). There are also cases in which the involvement of the Intake and Family Support service (IFSS) social workers is included in social contracts made by either the Child Protection Service (CPS) or the Looked After Children Service (LAC) in which the primary caregiver would have to agree to work with the IFSS on a set of established goals.⁹⁷

Another service provided by FSWS is the BeSmartOnline which is a collaborative project spearheaded by the Foundation for Social Welfare Services (FSWS) in conjunction with the Office of the Commissioner for Children, the Directorate for Learning and Assessment Programmes (DLAP), and the Malta Police Force - Cyber Crime Unit, among others. This consortium is supported by several strategic partners who contribute to the project through an Advisory Board. Co-funded by the European Union through HADEA, BeSmartOnline is part of INSAFE and INHOPE, the European network of Safer Internet Centres and hotlines, respectively. The primary objective of BeSmartOnline is to educate children, teenagers, parents, and educators on the safer use of the Internet, with the aim of empowering and protecting them from the various online risks such as cyberbullying, grooming, and non-consensual sharing of intimate images (sexting). The project also promotes a balanced use of technology to prevent excessive use. By advocating responsible and safe internet use, BeSmartOnline is committed to making the internet a safer place for everyone. The Foundation for Social Welfare Services operates the Maltese Internet Safety Centre. This centre is aimed at children, to help them understand how to use technology safely while

⁹⁷ Information given to us by the Ministry for Social Policy and Children's Rights on 19th May 2023.

educating them, parents, teachers and other professionals about the risks that exist online and how to protect minors from abuse that is carried out online. The same foundation has also created an online reporting system specifically for material that shows sexual abuse of minors that is being displayed online. One can report anonymously and confidentially photographs, videos and other material containing child sexual abuse material (CSAM), through www.childwebalert.gov.mt. Another service that the aforementioned foundation provides is the BeSmartOnline helpline. One can call 179 to receive support and assistance in cases where they are a victim of sexting, cyberbullying, or grooming. Through this service, one can also get more information on excessive use of technology.

Whilst, the various departments all fall under the FSWS, their remits and departments are different.

4.1.2. Is there evidence that families are supported in their role of primary caregivers? Is the primary position of families in child caregiving and protection recognised and supported through universal and targeted services and through every stage of the intervention, particularly through prevention? Which type of support (incl. financial, medical, psycho/social advice, legal advice, care staff, care equipment, guidance and training etc.) is available to families in need.

The Intake and Family Support Service primary aim is to support individuals and family that do not present an emergency situation or child protection, domestic violence or trafficking situations. It gives its services to the general public in relation to homelessness, financial difficulties, family relation issues and behavioural problems. The Intake service serves as a point of first contact for families that need assistance. The social workers assigned to this unit assess the client and either continue to work on the case themselves or refer the clients to more specialised services depending on the needs. The Intake service also offers workshops that support families that need to learn new skills, such as parenting skills, budgeting skills, communication and time management⁹⁸.

The Directorate for Alternative Care operates a programme, Homestart, which provides trained volunteers that visit vulnerable family's homes to support the needs of parents and children under the age of 5. The interventions carried out by the volunteers with the family members are intended to provide the necessary empowerment process so that the beneficiaries of the service will leap towards an independent life⁹⁹.

The Community Services form part of the Agency for Community and Therapeutic Services. Their practice is based on the principles of community development and primarily focus on:

- Improving the quality of life for all communities in Malta through sustainable social development;
- Supporting individuals and families to enhance their well-being within their communities;
- Co-producing care plans through collaboration between clients and professionals;

⁹⁸ Foundation for Social Welfare Services, [Intake & Family Support Services](#).

⁹⁹ Foundation for Social Welfare Services, [Home-Start Annual Report 2020](#), 2021.

- Adopting innovative and multi-disciplinary perspectives; and
- Using outcome measures.

The Community Services operate in different ways according to the various communities they serve in; however, they offer the services of Social Work and Mentoring in all communities where a service is provided¹⁰⁰.

4.1.3. When a child in need of care is identified, who coordinates support to the family and the child to ensure protection and prevent abuse and/ or placement of the child and how?

Any person that identifies a child in need is under an obligation to report to the CPS or to the Police. If a report is made to an entity other than the two mentioned above, then that entity must register the report in writing and shall within 24 hours refer the report to the CPS or to the Police¹⁰¹. The CPS would then make an assessment as to whether there are sufficient reasons to believe that the minor is in need of care and protection within 5 working days. If so, then the CPS would open an investigation and has 60 days within which to conclude such investigation and evaluation further to which can take any action that is deemed appropriate.

When such a case is identified from the IFSS and ACTS, the case is immediately referred to the CPS and both services will work together on the case by liaising constantly and intervening with both the child and the caregivers. In these instances, CPS takes a more investigative role in the case whereas the IFSS takes a more supportive role with the clients¹⁰².

4.1.4. What are the crisis emergency responses in place?

There is an [after-hours emergency service](#) which operates on an on-call basis. All entities within the FSWS can refer cases through this emergency service, and external entities, such as police and civil society organisation, can refer through a 179 Support Line or a public contact number. A team of social workers would be on call to intervene in emergency situations which require immediate assistance, as most cases are related to child protection, domestic violence and children in care. These social workers will also liaise with the Director responsible for Child Protection should there be the need of an emergency order to be issued after office hours with a view to safeguard the safety of the

¹⁰⁰ Information given to us by the Ministry for Social Policy and Children's Rights on the 16th November 2023.

¹⁰¹ Article 9(2) of the [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹⁰² Information given to us by the Ministry for Social Policy and Children's Rights on 19th May 2023 and on the 16th November 2023.

minor at the risk¹⁰³. The team operates between 5pm and 8 am on weekdays and on a 24-hour basis during weekends and public holidays¹⁰⁴.

4.2. Identification and reporting procedures

Question	Yes	No	Comments
<p>4.2.1. Is there an identification/reporting obligation foreseen in the legislation?</p> <p>If <u>yes</u>, please provide the relevant provisions and indicate authorities and/or individuals that have identification/reporting obligations.</p>	X		<p>Article 9(1) of the Minor Protection (Alternative Care) Act¹⁰⁵ 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 to the CPS or the Executive Police</p> <p>Article 9(2) obliges professionals to report to CPS or the police if they have knowledge of an act causing or which may cause significant harm on a minor or which constitutes a criminal offence on a minor, or has knowledge that a minor is in need to care. Failure to report is a criminal offence.</p>
<p>4.2.2. Please describe available national and/or sub-national reporting procedures for cases of abuse, exploitation, violence, harassment, discrimination, or neglect against children in <u>all available reporting mechanisms, including, helplines and hotlines</u>. Include the legislative and regulatory framework, actors involved (e.g. police, child protection centres, victims support organisations), and timeframe.</p> <p>Please provide details such as if there a common or different procedures or helplines/hotlines for specific issues. What is the profession of the staff receiving the reporting? Is the staff competent and trained for the purpose?</p>			<p>Supportline 179 is the national helpline, which offers support, and a referral service to callers who require assistance. It is also a national service for people who are in times of difficulty or crisis. Supportline 179 service provides immediate and unbiased help to those seeking information, support, and/or require a referral to social service agencies. The Supportline 179 is available on a 24/7 basis and all calls are free both from landlines and also from mobile phones. Supportline 179 receives calls on situations of child abuse, domestic violence, addiction problems, and homelessness, amongst others.</p>

¹⁰³ Ibid.

¹⁰⁴ Foundation for Social Welfare Services, [Annual Report 2021](#), 2022.

¹⁰⁵ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

Any person can also report child abuse and domestic violence online via the [FSWS webportal](#). The service is anonymous. Furthermore, any person can anonymously report child sexual abuse content online via the [childWebAlert](#) service.

Any person may file a police report online in relation to theft, damage or threats or give information on any criminal activity a via their [online system](#). Any person can also call the Crime Stop number 119 or the emergency number 112.

Question	Yes	No	Comments
<p>4.2.3. Do children have the right to report independently?</p> <p>If <u>yes</u>, please provide information on the availability of <u>age-appropriate and child-friendly</u> reporting procedures (to whom and how children can report child rights' violations and abuse). Is the anonymity and confidentiality of the child in the reporting protected? Please comment briefly.</p>	X		<p>Children can report to 179 and if capable, can file online reports through the FSWS webportal. There are no publicly available guidelines on procedures for reporting, or on issues relating to anonymity.</p>
<p>4.2.4. Are children informed of their right to report and how they can do it? If yes, by whom and how?</p>		X	<p>No evidence was found to show any recent public media or educational campaigns directed at children on the right to be report abuse. FSWS has a page that informs children that if they are not feeling fine to call 179.</p> <p>The Sedqa Prevention provides the T.F.A.L. 3 programme where a number of students are encouraged to disclose information. Throughout the sessions, children are encouraged to share their experiences, concerns, and feelings, whether feeling glad, mad, sad, or scared with the Aġenzija Sedqa professionals, school educators and the other students. The students are further provided information relating to the use of the National Support line 179.</p>
<p>4.2.5. What are the main challenges and/or gaps relating to identification and reporting procedures underlined by relevant authorities and/or child protection civil society organisations?</p>			

Whilst it is clear who needs to report and to whom, it was felt that there is a lack of clarity on who is responsible after the report has been made and which entity or professional would be responsible for the case management of a particular child, once a care plan has been set-up¹⁰⁶.

A performance audit by the National Audit Office¹⁰⁷ highlighted a serious unstaffing issue which then effected the waiting list for the cases referred to CPS. A case on the waiting list means that after a referral the case is not formally allocated to a social worker. The shortage in staff was felt to be mainly due to an overall shortage in the country's supply of social workers.

4.3. Referral procedures(s) and investigation and protection

4.3.1. Please describe the referral mechanisms in place following reporting and identification procedures.

In the answer please include the legislative and regulatory framework, interagency protocols and guidelines, the actors involved and their role and responsibilities, as well as the applicable timeline. Please also specify the procedure, if different, for other groups of children (e.g. with disabilities, migrant, victim of a particular form of violence etc.)

Following a report, the CPS is tasked with making an assessment as to whether there are sufficient reasons to believe that the minor is in need of care and protection within 5 working days.¹⁰⁸ If the CPS is of the opinion that there is a child protection issue then the CPS would open an investigation into the case. The CPS has 60 days within which to conclude such investigation and evaluation.

After the conclusion of the investigation and evaluation, the CPS can take any action that is deemed appropriate according to the circumstances of the case. The actions that can be recommended by the CPS include the provision of support service to the minor or the parents of the minor, the issuing of parental responsibility guidelines, applying to the Juvenile Court for an emergency order or a protection order, and identifying the provision of out-of-home care, including next-of-kin placement.

Any person who comes in contact with a UAM is under an obligation to refer the minor to the PIO¹⁰⁹. The PIO is then required to refer the child to the CPS for them to be registered and issued with an identification document within 72 hours. CPS is then required to initiate Court proceedings requesting the appointment of a representative to assist the child in their asylum' procedure, and the issuing of any measures for the child's care and custody. The entity charged with the child's care and custody and the representative are required to jointly ensure the child's best interest in all matters. At this stage, CPS may require an age assessment procedure to be conducted, on the basis

¹⁰⁶ Information provided by Richmond Foundation on the 16th March 2023.

¹⁰⁷ National Audit Office, [Performance Audit: Tackling Child Abuse](#), 2020.

¹⁰⁸ Article 10(2) of the [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹⁰⁹ Article 21, *Ibid.*

of which the CPS would proceed to requesting the Court to issue a formal Protection Order, submitting a proposed Care Plan. In its decision, the Court may give any instructions as to the child's well-being. No hearings are required for this Court procedure. The case, including the Care Plan is forwarded to the Minors Care Review Board, similarly to the cases of all other children in alternative care.

Question	Yes	No	Comments
4.3.2. Are there applicable standards in the form of legal provisions, guidelines, protocols, interagency agreements or regulatory frameworks regarding investigation and assessment procedures following reporting and identification procedures?	X		<p>Article 10 of the Act provides for the procedures that the CPS must take further to a referral. This would involve a fast initial investigation of not more than 5 days into whether there is sufficient reason for protection. If in the affirmative, a more in-depth investigation of not longer than 60 days in order to determine the steps that need to be taken by CPS.</p> <p>Article 21 of the Act provides that in the case of unaccompanied migrant children any entity coming into contact with them is required to refer them to the Principal Immigration Officer who, in turn, is required to refer them to the Director (Child Protection). The cooperation of AWAS with CPS in the exercise of his functions under this article is required by law.</p>
4.3.3. Is the assessment carried out by a multidisciplinary team of professionals?		X	<p>The assessment in Article 10(2) of the Act is carried out by the CPS which is supervised by a professional. Many times CPS requests information from third parties, however it is not considered to be a multidisciplinary action¹¹⁰.</p> <p>However, Article 21(4) of the Act permits the CPS to refer unaccompanied children to AWAS for their age assessment by a multidisciplinary team of professionals.</p> <p>Following the adoption of a care plan for a child, this plan should be presented before the Review Board for on-going review¹¹¹.</p>

4.3.4. Please provide information on who is responsible to investigate and assess the situation of the child and the family and how this is done. Please provide information and describe the role and responsibilities of judicial authorities in the reporting and referral procedure.

¹¹⁰ Information given to by a representative of the Child Protection Service on the 14th March 2023.

¹¹¹ Article 21(4) of the [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

Further to a report to the CPS, it is the CPS that carries out the investigation and assessment of the situation of the child and their family. The CPS can recommend a number of actions. These include the provision of support service to the minor or the parents of the minor, the issuing of parental responsibility guidelines, applying to the Juvenile Court for an emergency order or a protection order, and identifying the provision of out-of-home care, including next-of-kin placement. CPS can also inform the Police in order to further investigation for abuse or abandonment, or to initiate any criminal proceedings according to law¹¹².

When considering what action to take, CPS can consider agreeing to a social contract on the responsibility of the parents to resolve the matter without having to make an application in the Juvenile Court for a protection order. The contract may contain terms that include treatment for substance abuse or other vices, treatment of persons with abusive behaviour, therapeutic interventions, substance abuse testing, courses aimed at improving parental skills and provision of medical and educational assistance to the minor.

In the case of unaccompanied migrant children, the CPS is primarily responsible for investigations for the purpose of filing court applications to ensure the child’s care and custody. Age assessments may be requested from AWAS. Compiled case files (including age assessment results and proposed care plans) are filed in Juvenile Court in order for the Court to determine best measures to adopt for the child’s care and custody.

Question	Yes	No	Comments
4.3.5. Are the roles and responsibilities of the various actors and professionals involved in these procedures (including civil society organisations) clearly stated in the legislative and regulatory framework?	X		<p>The Minor Protection (Alternative Care) Act¹¹³ clearly lays down the roles and responsibilities of the CPS, the Juvenile Court, and AWAS, in the case of UAMs. The Act authorises CPS to enter into cooperation or delegated authority agreements with AWAS. CPS works closely with AWAS, however not through a formalised written agreement¹¹⁴.</p> <p>The Act states that the care plans are drawn up through a conference with professionals following the parents or the minor and any other person involved in the care of the minor, which could include civil society organisations providing residential and/or therapeutic care¹¹⁵.</p> <p>In addition, the Act states that in assessing the Director’s application for care and custody arrangements, the Juvenile Court shall hear all parties, including “any other person the Court deems appropriate”. This could include civil</p>

¹¹² Article 10 of the [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹¹³ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹¹⁴ Information given to by a representative of the Child Protection Service on the 14th March 2023.

¹¹⁵ Information provided by Richmond Foundation on the 16th March 2023.

			society actors, yet remains undefined and has not been relied upon in practice.
4.3.6. Are there any inter-agency cooperation protocols and agreements in place to strengthen cooperation between actors with responsibility in the referral procedure and enhance the efficiency of their actions?		x	Article 6 of the Minor Protection (Alternative Care) Act ¹¹⁶ obliges the CPS to hold regular meetings with the representatives of the Education Department, the Department of Health, the Police, and with any such other person or entity which the CPS deems as having responsibility for the protection of minors. This collaborative network should discuss the macro and micro of child protection work, and the ways in which the entities would work together. The setting up of this network is still under construction. Whilst there are Public Social Partnerships between civil society organisation and FSWS, there isn't direct collaboration with the former and CPS. CPS works in close collaboration with AWAS and detention services, however this is not formalised with written agreements ¹¹⁷ .
4.3.7. Is it likely that procedures will differ, depending on the migration – residential status of the child concerned? <i>Please also consider potential divergences depending on main actors involved.</i>	X		The situation of unaccompanied children in a migration context is specifically regulated by Article 21 of the Minor Protection (Alternative Care) Act. It may be said that, in these situations, the migration element of the child's identity tends to supersede the child's identity as a child, in terms of procedures, responsible entities and quality of care ¹¹⁸ .
4.3.8. Are affected children heard as part of the procedures? <u>If yes</u> , are the hearings child-sensitive and designed age-appropriately and in child-friendly language? Do children receive information and support by competent and trained professionals?	x		At the reporting and referral stage minors are not active participants. Once the report is made and the CPS begins its investigation, then the minor is spoken to. If CPS feels there is need for a protection order, it draws up a care plan with the participation of the minor. The professionals and officers who draw up a care plan must indicate the methodology used to establish the views and wishes of the minor and their recommendations thereon ¹¹⁹ . Consultation with the minor is only required when the minor is considered has having sufficient understanding. There is a presumption

¹¹⁶ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹¹⁷ Information given to by a representative of the Child Protection Service on the 14th March 2023.

¹¹⁸ ECRE, aditus foundation, Asylum Information Database [Country Report: Malta 2022 Update](#), April 2023.

¹¹⁹ Article 13(3) [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

		<p>in the Act under Article 3 that the minor has such a sufficient understanding unless the contrary becomes evident. At this stage the minor is assessed by employees of CPS, supported by external professionals if needed, including NGO staff¹²⁰.</p> <p>If a care order is requested by CPS, then this request is filed in the Juvenile Court. The hearings are held at the Children’s House, which is a child-friendly facility. The Court is obliged to take into consideration the wishes and views of the minor and ensure that the minor was provided with all the necessary information. The Court must also ensure that the person consulting such minors, if the Court does not consult with the minor itself, has the appropriate linguistic and cultural sensitivity. Furthermore, the Court must appoint a Child Advocate who will represent the minor and ensure protection of his/her rights. It was noted that external lawyers, the Children’s Advocate and also the judiciary were in need of training relating to soft skills and also specialised knowledge in child issues¹²¹.</p> <p>There are no provisions at law which impose age limits on the right to be heard.</p> <p>Unaccompanied migrant children are not active participants in the Court procedures regarding their care and custody. No hearings are held and the procedures conducted by the Director are largely based on documentation provided by other entities and not on engagement with the child¹²².</p>
<p>4.3.9. Are there mental health support services available for affected children?</p> <p><u>If yes</u>, how are services working together? How is it ensured that</p>	<p>X</p>	<p>The Child and Young People's Services, within the national healthcare system, is composed of child and adolescent psychiatrists, psychiatric trainees, nurses, psychologists, psychology practitioners, occupational therapists, social workers and a</p>

¹²⁰ Information given to by a representative of the Child Protection Service on the 14th March 2023 and Richmond Foundation on the 16th March 2023.

¹²¹ Information given to by a representative of the Office of the Commissioner for Children on the 24th February 2023 and Richmond Foundation on the 16th March 2023.

¹²² ECRE, aditus foundation, Asylum Information Database Country Report: Malta 2022 Update, April 2023.

<p>the child is informed and can make use of these services?</p>		<p>speech language pathologist. The CPS would refer any minor in need of this to this service¹²³.</p> <p>The Reception Regulations (Amendments) Regulations stipulate that children who have been victims of ill-treatment should receive rehabilitation services in terms of national victims of crime legislation. In practice, unaccompanied migrant children receive support from AWAS' Therapeutic Unit, usually following referrals¹²⁴.</p>
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4.3.10. What are the main challenges and gaps in the referral and investigation highlighted by relevant authorities, child protection, and civil society organisations? Briefly describe.

Whilst it is clear who needs to report and to whom, it was felt that there is a lack of clarity on who is responsible after the report has been made and which entity or professional would be responsible for the case management of a particular child, once a care plan has been set-up¹²⁵. Furthermore, the lack of resources, both financial and human, across various government agencies or directorates was felt to have an effect on the coordination and collaboration of this entities¹²⁶.

In practice, the procedures at law are not closely adhered to. Whereas disembarked unaccompanied migrant children who are, in AWAS' initial determination, children are sheltered in a reception centre. AWAS conducts their age assessment procedures and liaises directly with the Director, for the purposes of the Court procedures for the child's care and custody. However, disembarked unaccompanied migrant children who are not immediately deemed by AWAS to be minors are detained for protracted periods of time and throughout their age assessment procedures. During these procedures they are generally treated as adults in detention centres that are not licenced to provide out-of-care accommodation for children . This initial AWAS determination tends to be based on visual assessments during the disembarkation procedures, generally being quick and superficial due to the urgent nature of the disembarkation stage¹²⁷.

4.4. Placement decisions – care orders

4.4.1. Following the investigation and assessment of the child's situation, who is responsible to decide upon issuing a care order/decision and the placement of the child in alternative care?

¹²³ Information given to by a representative of the Child Protection Service on the 14th March 2023

¹²⁴ ECRE, aditus foundation, Asylum Information Database [Country Report: Malta 2022 Update](#), April 2023.

¹²⁵ Information provided by Richmond Foundation on the 16th March 2023.

¹²⁶ Information given to by a representative of the Child Protection Service on the 14th March 2023

¹²⁷ ECRE, aditus foundation, Asylum Information Database [Country Report: Malta 2022 Update](#), April 2023.

Once the procedure for the issuing of a care order has been initiated it is the Juvenile Court that would decide whether to issue the care order or not. The request by the CPS would include the facts, a report containing the evaluation the investigations, and indication of another available form of care. The Court can issue any provisional measure it deems necessary. When the application is for a care order, the Court may summon and consult with the [Director Alternative Care \(DAC\)](#) to determine the premises in which the minor shall reside while the care plan is being prepared.¹²⁸

In those instances of an emergency removal order, the Juvenile Court shall inform the DAC immediately of its decision. The DAC would then place the minor in alternative care for such period as other investigations are pending¹²⁹. The DAC is not involved in the placing of UAM's in alternative care, as this would be the responsibility of AWAS.

The Minors Care Review Board makes periodical revisions of care plans, and makes commendations to the Juvenile Court on the situation of the minor and his family, inclusive of the capability of the family to take care of the minor, so that the Court may decide, in the best interests of the minor, whether the re-integration of the minor with his family is possible or not¹³⁰.

Under the Adoption Administration Act, when a child to be adopted through an open adoption has attained the age of eleven years of age and if it is in his best interest, the accredited adoption agency must hear the child when drawing up the agreement of adoption¹³¹. An open adoption means an adoption whereby the child maintains contact with the parents and, or natural family.

Question	Yes	No	Comments
<p>4.4.2. Are there legislative and or regulatory provisions clearly stating the criteria that should be taken into consideration in the assessment of the situation and in the decision-making process?</p> <p>Are there provisions specifying the criteria that should be considered when deciding to remove the child from its family? Are the principles of necessity and appropriateness considered?</p>	X		<p>When the CPS decides that the minor needs care and protection:</p> <ul style="list-style-type: none"> (a) All efforts should be made to keep a minor mother and her child together and to keep siblings together; (b) In the case of an emergency order file a report to the Court in which he explains which action he believes is necessary in relation to the minor and the reasons therefore. <p>In issuing a protection order, the Court must consider the following:</p> <ul style="list-style-type: none"> (a) the views of the minor, when deemed to have sufficient understanding;

¹²⁸ Article 18 [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹²⁹ Article 18 [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹³⁰ Article 32 [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹³¹ Article 22(4) of the [Adoption Administration Act](#), CAP.495 of the Laws of Malta. Article 119(4) of the [Civil Code](#), CAP.16 of the Laws of Malta.

		<ul style="list-style-type: none"> (b) the views of the parent or parents of the minor depending on the circumstances of the case; (c) the views of the tutor and, or curator; (d) the capability of the parents to safeguard the well-being and harmonious development of the minor; (e) the nature and quality of the attachment between the minor and his family; (f) the harm that was suffered, that is being suffered or which may be suffered by the minor; (g) the length of time during which the family of the minor has been receiving support and treatment services; (h) the degree of vulnerability of the minor; (i) the cultural, linguistic and religious background of the minor; and (j) the relationships of the minor with his siblings¹³². <p>The key social worker appointed by the DAC to follow a minor must report on the appropriateness of the alternative care decided on for the minor¹³³.</p>
<p>4.4.3. Are there provisions requiring that the views of the child should be taken into consideration in the decision-making process?</p> <p><u>If yes</u>, please specify if this is mandatory or left to the discretion of the responsible authorities, and if there are age-related requirements.</p>	X	<p>The Court must listen to the views of the minors when they are considered to have sufficient understanding¹³⁴. There is no age-related requirement and the threshold is whether the minor is considered to have sufficient understanding. The determination of such is left to the discretion of the court.</p> <p>However, the Act obliges the Court to take into consideration the wishes and views of the minor, including consulting with the minor unless it is contrary to the best interests of such minor. The Court is obliged to give the minor the opportunity of express his or her views and consider them. If the Court appoints a third party to consult with the minor, then this person must prepare a report and file it in the acts of the proceedings. The views of the minor taken by the Court, or when such views</p>

¹³² Article 19(2) [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹³³ Article 67(1) [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹³⁴ Article 17 and 19(2)(a) [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

			cannot be determined must also be noted in the proceedings.
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4.5. Types of care with focus on alternative care

Types of care existing in the country	Yes	No	Who is offering such services? (State, regional, local authorities, civil society, religious institutions)	Please make differences between the different types of care explicit
Foster care	X		The DAC offers fostering service by placing children who cannot live with their biological family with private individuals who are interested in acting as foster parents.	
Residential – institutional care	X		State, religious institutions and civil society organisations provided out-of-home residential care for minors who cannot live with their biological parents. One civil society organisation offers residential care for minors with mental health or behavioural issues ¹³⁵ . These are all coordinated and monitored by DAC by the Directorate Alternative Care.	
Other forms of family-based or family-like care placements		X		
Supervised independent living arrangements for children	X		The state provides community-based homes accommodating young people.	
Question	Yes	No	Comments	
4.5.1. Is there data available on the number of children in care (disaggregated by type of care,	X		The number of minors in out-of-home placements can be found in recent DAC statistical reports ¹³⁶ . These include minors in foster care and those in residential placements. The data is disaggregated by age, gender, district and new/re-contact cases.	

¹³⁵ Information provided by Richmond Foundation on the 16th March 2023.

¹³⁶ Directorate Alternative Care [Yearly Statistical Report](#), 2023, and Directorate Alternative Care [Yearly Statistical Report January to December 2021, 2022](#).

gender/age, length of placement, etc)?

In 2022 the CPS worked with 2720 individuals in total, including children in care. Of those 2720, 506 were Looked After Children (these include children in out-of-home care and in fostering), 13 in High Support Service (out-of-home children who are particularly challenging) and 42 in Community Home Service (alternative accommodation for children & young adults who cannot live with either their birth families or in foster care).

Between January and December 2022, the Directorate for Alternative Care worked with 589 cases of children and youth who at some point during the year, lived in an alternative care placement. These 589 children and youth cases came from 362 different families. In total there were 589 active placements recorded (because some children and youth may have more than one placement during the same year).

Between January and June 2023, the Directorate for Alternative Care worked with 504 cases of children and youth who at some point during the year, lived in an alternative care placement. These 504 children and youth cases came from 306 different families. In total there were 504 active placements recorded (because some children and youth may have more than one placement during the same year).

<https://fsws.gov.mt/en/Pages/Statistical-Reports.aspx>

In 2022, CHS worked with 42 cases and 42 individuals. Between January and June 2023 CHS worked with 43 cases and 42 individuals.

In 2022, HSS worked with 13 cases and 13 individuals. Between January and June 2023 HSS worked with 16 cases and 16 individuals.

Active Placements by Placement type	2022	Jan- June 23
Fostering	299	280
Residential care	172	130
Community Homes (CHS)	61	54
Residential Programmes	20	18
Residential Care for disabilities	17	16
CCF	8	2

			<table border="1"> <tr> <td>Aftercare Community Flat</td> <td>0</td> <td>3</td> </tr> <tr> <td>Temporary respite agreements</td> <td>5</td> <td>0</td> </tr> <tr> <td>Shelter</td> <td>3</td> <td>1</td> </tr> <tr> <td>Adoptive families</td> <td>3</td> <td>0</td> </tr> <tr> <td>Pre-adoption</td> <td>1</td> <td>0</td> </tr> <tr> <td>Total:</td> <td>589</td> <td>504</td> </tr> </table> <p>Statistics found in the following link: https://fsws.gov.mt/en/Documents/StatisticalReports%20by%20Agency/AlternativeCare/ALTCARE%20HYearly%20report%202023%20%28f%29.pdf</p> <p>With regards to Looked After Children on average over the past 5 years the largest age group reported was children between 1 and 5 years old. On the other hand, on average over the past 5 years there were more 6 to 10 year olds who were provided with the High Support Service. Whilst 11 to 15 year olds were the largest group on average over the past 5 years to be in Community Home Service.</p> <p>The ages with the highest percentage out of cases worked with:</p> <p><u>LAC = 11-15</u></p> <table> <thead> <tr> <th>LAC</th> <th>2019</th> <th>2020</th> <th>2021</th> <th>2022</th> <th>Jan-Jun 2023</th> </tr> </thead> <tbody> <tr> <td>11-15</td> <td>31%</td> <td>32%</td> <td>30%</td> <td>32%</td> <td>32%</td> </tr> </tbody> </table> <p><u>HSS = 11-15</u></p> <table> <thead> <tr> <th>HSS</th> <th>2019</th> <th>2020</th> <th>2021</th> <th>2022</th> <th>Jan-Jun 2023</th> </tr> </thead> <tbody> <tr> <td>11-15</td> <td>39%</td> <td>55%</td> <td>71%</td> <td>62%</td> <td>50%</td> </tr> </tbody> </table> <p><u>CHS = 11-15</u></p> <table> <thead> <tr> <th>CHS</th> <th>2019</th> <th>2020</th> <th>2021</th> <th>2022</th> <th>Jan-Jun 2023</th> </tr> </thead> <tbody> <tr> <td>11-15</td> <td>45%</td> <td>43%</td> <td>39%</td> <td>45%</td> <td>40%</td> </tr> </tbody> </table>	Aftercare Community Flat	0	3	Temporary respite agreements	5	0	Shelter	3	1	Adoptive families	3	0	Pre-adoption	1	0	Total:	589	504	LAC	2019	2020	2021	2022	Jan-Jun 2023	11-15	31%	32%	30%	32%	32%	HSS	2019	2020	2021	2022	Jan-Jun 2023	11-15	39%	55%	71%	62%	50%	CHS	2019	2020	2021	2022	Jan-Jun 2023	11-15	45%	43%	39%	45%	40%
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care that disappeared and/or went missing from residential care institutions?			
4.5.3. Is there a <u>national registry of foster care families</u> ? How many children can be fostered in one family?		X	No official data specifying how many children can be fostered in one family. The DAC is now tasked with maintaining one or more registers which will have lists of prospective foster carers, of foster carers and of the professionals who are monitoring every foster care placement ¹³⁷ .

4.5.4. How and by whom foster families are recruited, vetted, and trained? Provide information on the legal framework and responsible authorities, recruitment requirements, selection criteria, reimbursement of costs, etc.

Agenzija Appoġġ, within the FSWS, is the only accredited fostering service in Malta. Under the Minor Protection (Alternative Care) Act¹³⁸, the [Children Directorate \(Alternative Care\)](#) is responsible to train prospective foster carers, evaluate suitability of carers, draw up a home study report and forward this report to the Fostering Board for approval or otherwise.

In order to draw up the home study report, the social worker must carry out visit, some of which can be unannounced, to the ordinary residence of the foster parents. The report must include:

- (a) a conduct certificate issued by the Commissioner of Police;
- (b) a report made by a registered doctor on the state of health of the prospective foster carer;
- (c) register of the meetings that the social worker had with the family;
- (d) a recommendation by the social worker on whether the prospective foster carer is suitable or otherwise, and the reasons therefor; and
- (e) any other information as the Fostering Board may reasonably require.

Applicants are obliged to attend training and are also obliged to provide evidence or otherwise, of employment and tax paid of the previous year and two character references. Furthermore, the social worker carries out the necessary checks with the Protection of Minor (Sex Offenders) Register, through Court¹³⁹.

The foster carer is entitled to a [Children in Care Allowance – Foster Care Service](#) issued by the Department of Social Security.

¹³⁷ Article 36D of the [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹³⁸ Article 49 of the [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹³⁹ [Journey of Fostering](#), FSWS webpage.

4.5.5. Are any types of care (foster homes, residential care, other form of care arrangements) monitored once children are placed therein? If so, provide information on the applicable legislative provisions on monitoring procedures. Please specify the difference between the monitoring of different types of care. How frequently are they monitored, how and by whom?

The inspectorate unit within the Social Care Standards Authority monitors every entity, including out-of-care residential homes for minors¹⁴⁰. In order to do this it makes an unannounced visit once a year. Licensing visits are carried out at on-boarding stage and at renewal stage annually. Furthermore, other reviews are carried out to investigate complaints by service-users¹⁴¹.

Once a child is in foster care the DAC designates a social worker to monitor a foster carer. The social worker shall prepare a Review Report at least once every year for the first 3 years in which the minor is in foster care and every 2 years following the first 3 years¹⁴².

Question	Yes	No	Comments
4.5.6. Are children placed in foster care homes geographically <u>close to their biological families</u> , school, friends, and/or community?			Given the geographical size of Malta, placements of children in foster care homes may be close ¹⁴³ .
4.5.7. Is there a <u>national registry</u> of residential institutions for children? <u>If yes</u> , please provide information regarding the existent number of residential institutions and their capacity (beds).	X		The Social Care Standards Authority publishes a <u>list</u> of all licenced institutions, including those that provide out-of-home care to minors. The bed capacity is not included in the information provided.
4.5.8. Are there <u>accreditation and licensing procedures</u>			The Social Care Standards Authority Act ¹⁴⁴ set up the Social Care Standards Authority which is tasked with establishing regulatory standards for social welfare services, to assist the service providers to achieve a higher quality of service

¹⁴⁰ Article 22 [Social Care Standards Authority Act](#), CAP. 582 of the Laws of Malta.

¹⁴¹ Social Care Standards Authority, [Annual Report 2021](#), 2022.

¹⁴² Article 52 of the [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹⁴³ Information given to us by the Ministry for Social Policy and Children's Rights on 19th May 2023.

¹⁴⁴ [Social Care Standards Authority Act](#), CAP. 584 of the Laws of Malta.

<p>for residential institutions in place?</p> <p>If <u>yes</u>, please provide information on the legislative framework, the responsible authority and procedure.</p>		<p>and to enforce the standards and conditions set in the licences granted by the Authority to service providers. The Guidelines, Social Regulatory Standards - Residential Services for Children in Alternative Care define the responsibilities of those providing residential services towards children who are living in alternative care. These standards apply to all those residential care providers that have been licenced by the Social Care Standards Authority.</p>
<p>4.5.9. Are there <u>national applicable standards</u> relating to the operational framework of such institutions (requirements or quality standards related to the personnel, the infrastructures, the living conditions, and daily care of children)?</p>		<p>A number of regulations under the Social Care Standards Authority Act were published in relation to children in alternative care. These regulations set up the standards and indicators which are to be followed in the work of the specific agencies. The Social Regulatory Standards for Residential Services for Children in Alternative Care¹⁴⁵ lay down the standards to be adhered to by service providers of licenced residential services. Finally, the Social Regulatory Standards for Office Based Services for Children in Alternative Care¹⁴⁶ lay down the standards to be adhered to by Agency Appoġġ responsible for the well-being of minors.</p>

4.5.10. How is the residential care staff recruited, vetted, and trained?

The Protection of Minors (Registration) Act¹⁴⁷ provides for the registration of individuals who commit specific crimes listed in the Act. These crimes are listed in Schedule I of the act, and relate to crimes committed on minors, including sexual offences. These individuals are ineligible for any employment or other position with, any institution, establishment or organisation which involves the education, care, custody, welfare or upbringing of minors, whether such membership, employment or other position is against payment or voluntary. Any relevant organisation which intends to entrust any person with a position, including employment, within the entity must request the Courts for information which may be registered in the register with respect of that person. Employing or offering a volunteering role to a person on that register is a criminal offence.

In addition to the above, each residential home would employ their own recruitment practices and HR policies depending on the type of employee that is needed¹⁴⁸.

Question	Yes	No	Comments
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¹⁴⁵ [Social Regulatory Standards for Residential Services for Children in Alternative Care](#), S.L. 582.07.

¹⁴⁶ [Social Regulatory Standards for Office Based Services for Children in Alternative Care](#), S.L. 582.08.

¹⁴⁷ [Protection of Minors \(Registration\) Act](#), CAP. 518 of the laws of Malta.

¹⁴⁸ Information provided by Richmond Foundation on the 16th March 2023.

<p>4.5.11. Are children placed in alternative care allowed to <u>lodge complaints</u> against the personnel /foster parents and care workers and report abuse or violations of their rights? Are these procedures child-friendly and respective of confidentiality?</p> <p><u>If yes</u>, briefly describe to whom and how children can lodge complaints.</p>	<p>X</p>	<p>The law provides that the Social Care Standards Authority has the responsibility to receive, acknowledge, investigate and take any necessary action in relation to any complaints against the DAC, any agency purporting to act as such, or against any minor residential care service¹⁴⁹. The Social Care Regulatory Standards provide that “<i>Children shall be supported to raise concerns</i>”¹⁵⁰. The Fostering Board has the task to review any complaints received by the DAC against any foster carer ¹⁵¹.</p> <p>Each child is followed by a social worker (independent of the home or foster carer) and they are free to lodge a complaint should they feel that there were any violations. The DAC within the FSWS also holds regular consultation groups with various children in care¹⁵².</p> <p>However, there are no further guidelines on how to lodge a complaint, whether such are child-friendly or otherwise.</p>
<p>4.5.12. What is the <u>assistance available to adolescents that leave alternative care</u> to live independently?</p> <p>(e.g. financial, housing, vocational, educational, employment, life skills, mental health services, social or emotional)?</p> <p>Briefly describe who is responsible for such assistance?</p>		<p>Young adults are, in general, and if this does not pose a risk to themselves or the other residents, offered the opportunity to remain living in the same place (alternative care) until they are ready to move towards independence¹⁵³.</p> <p>In 2023, amendments to the Act introduced the concept of after care, which allows for young people in alternative care having their placement extended after attaining the age of majority if this is considered to be in their best interest and in the interest of the minors in the same placement. The law specifies that the placement needs to be one that is considered as one that offers a family-life environment. The after care is only offered to young people until the age of 21 who had been residing in the same placement for more than two years before turning 18¹⁵⁴.</p> <p>Residential Home Services within the DAC provides support to young people living in community-based homes. It provides a safe environment for adolescents who cannot</p>

¹⁴⁹ Articles 37(c) of the [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹⁵⁰ [Social Regulatory Standards for Residential Services for Children in Alternative Care](#), S.L. 582.07, and [Social Regulatory Standards for Office Based Services for Children in Alternative Care](#), S.L. 582.08.

¹⁵¹ Articles 39(1)(f) of the [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹⁵² Information given to us by the Ministry for Social Policy and Children’s Rights on 19th May 2023.

¹⁵³ Ibid.

¹⁵⁴ Article 68B of the [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

		<p>live in alternative care. Groups of siblings can continue living together whenever possible and is in their best interest. Young people can enter these community-based homes voluntarily, as well as through a care or court order.</p> <p>Throughout the programme, young people are empowered to engage in the educational system, with an individualised plan that accommodates their needs. Young people are also encouraged to involve themselves in employment. This ensures that they earn a living and eventually prepare themselves for independent living.</p>
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4.5.13. What assistance is provided to families - while the child is placed to alternative care - to support the return of the child in the family? By whom? Who coordinates the assistance? Please briefly describe.

The IFSS, in conjunction with the Looked After Children Services (LAC), and the Community Service within the FSWS work jointly with the family whilst the minor is in alternative care in order to help them prepare for reintegration should this would be the case. The IFSS helps the family to work on issues such as parenting skills, stability, such as finding appropriate housing and also accompanying clients to housing authority meetings, having a stable income and accompanying clients to social services, seeking for work including help with CVs, preparing for interviews, accompanying clients to Jobsplus, helping clients with budgeting and house-keeping skills and accompanying clients for medical/psychiatric appointments.

The IFSS also updates the child’s primary work from the Looked After Children about the work being done with the family and if any improvement would have been noticed from the family. A report is also presented from the IFSS social worker to the Minors Care Review Board so that when the latter takes decisions, it would also be in a position to take into consideration the work that is being carried out together with the parents¹⁵⁵.

4.5.14. Is any <u>assistance provided to children and families upon return of the child in the family?</u> Briefly describe. Who is responsible for such assistance?		<p>The family and the children can continue to benefit from the services of the IFSS for a smooth reintegration. The DAC offers support by the specialised re-integration service, set up to support families in this particular time. The Agency for Community and Therapeutic Services (ACTS) also offers therapeutic interventions, when necessary, to support in this transition¹⁵⁶.</p>
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¹⁵⁵ Information given to us by the Ministry for Social Policy and Children’s Rights on 19th May 2023.

¹⁵⁶ Ibid.

<p>Is there any monitoring and follow-up of such cases?</p> <p>Who is coordinating assistance and support?</p>		
<p>4.5.15. Are decisions of placement in alternative care reviewed?</p> <p>If <u>yes</u>, please provide the applicable legislative provisions. How frequently is this done? By whom?</p> <p>Are the children's views taken into consideration?</p>	<p>X</p>	<p>Each case is reviewed internally every quarter by the DAC and presented to the Minor Care Review Board every year. Each party has the right to ask for an extra hearing at any given time¹⁵⁷.</p> <p>Article 31¹⁵⁸ Minor Protection (Alternative Care) Act, establishes the Minors Care Review Board which has as its function the periodical review of care plans and to make recommendations on the situation of the minor and his/her family and their capability of caring for the minor, amongst others.</p> <p>The first revision of the care plan shall be made by the Review Board not later than four months from the date of the protection order for the minor, and subsequent revisions shall be made at least once every six months after¹⁵⁹.</p> <p>Thee Review Board may hear the minor whenever it deems it in the best interests of the minor to do so, or whenever the minor expresses his wish to be heard by the Review Board to the key social worker or to any other person having contact with the minor.</p>
<p>4.5.16. Is there a <u>legal framework regarding adoption</u>? Briefly describe the core elements and responsible authorities, also considering differences between within-country and between-country adoptions. Is private adoption permitted in the country?</p>		
<p>Both local and intercountry adoptions are regulated by the Civil Code, the Adoption Administration Act and the Social Regulatory Standards on the Adoption of Children Regulation¹⁶⁰. The Civil Code lays down the requirements of the persons making the application for an adoption and the child or persons to be adopted. It also regulates the care of the child before the approval of the adoption decree and the regulation of consent or presumed consent of the parents. The Adoption</p>		

¹⁵⁷ Information given to us by the Ministry for Social Policy and Children's Rights on 19th May 2023.

¹⁵⁸ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹⁵⁹ Article 33, op.cit.

¹⁶⁰ [Civil Code](#), CAP. 16 of the Laws of Malta; [Adoption Administration Act](#), CAP. 495 of the Laws of Malta, [Social Regulatory Standards on Adoption of Children Regulations](#), S.L. 582.01.

Administration Act sets up and regulates the Adoption Board that has the function to approve or otherwise a prospective adoption. After the approval of the Adoption Board the Civil Court (Voluntary Jurisdiction Section) must issue a decree authorising the adoption of the child. In the case of intercountry adoptions, the recommendations of the Adoption Board shall be submitted to the [Central Authority](#) for its written approval prior to proceeding with the intercountry adoption. After the intercountry adoption has been authorised by the foreign competent authority, the adoptive parent must file an application to the court requesting recognition of the intercountry adoption. The Court has the power to determine whether such intercountry adoption is to be treated as a local adoption, to direct the public registry to make the appropriate entries in the applicable registers and acts, and also the power to revoke an intercountry adoption if it goes contrary to public policy.

The Minor Protection (Alternative Care) Act allows for the Juvenile Court, on application of the CPS or any other person having an interest, to free up a minor subject to a care order for adoption without the consent of the parents. Any alternative carers shall be given preference as adoptees. The court is under an obligation to listen to the child to ascertain his or her views and wishes.

Adoption services are provided by both private and public entities. However, all entities providing services relating to adoption, fostering and alternative care are obliged to be licenced with the Social Care Standards Authority. Private adoptions are not permitted.

The Civil Code allows for the adoption by single persons of either sex, and on the application of two different-sex or same-sex spouses, civil union partner or registered cohabitants¹⁶¹.

4.5.17. What are the main challenges encountered and gaps at the policy and legislative level in relation to alternative care? *Please consider available studies reports at national levels conducted by public or private institutions, child protection organisations, civil society, human rights institutions, academic community, and other sources such as concluding observations of the United Nations Committee on the Rights of the Child on country reports etc.*

In its [Concluding Observations](#) in 2019, the UN Committee on the Rights of the Child remained concerned at the high number of children still placed in “residential homes”, and that some of these centres accommodate children from a wide age range together, which may exacerbate the vulnerabilities of younger children, including vis-à-vis the older children. The Committee recommended Malta to improve its policies to reduce the placement of children in residential care, including residential care run by faith-based organizations. Furthermore, it recommended that Malta facilitates family-based care for children and develops a framework for the reunification of children separated from their families with their families, taking into account the best interests of the child and providing psychosocial and economic support to the families where necessary.

Unaccompanied children are generally accommodated alone in the designated part of Ħal Far Tent Village (HTV), an open reception centre, or at Dar il-Liedna, an AWAS-run centre for UAMs under 16 years of age. Regulation 15 of the Reception Regulations specifies that unaccompanied children aged 16 years or over may be accommodated with adult asylum seekers, and, in practice, this has been the case for UAMs living in Ħal Far¹⁶². In January 2021, the CoE Commissioner for Human Rights published the [report](#) following her visit in October 2021. In the report it was noted that most of the unaccompanied minors stated that they were not attending school and were not involved in

¹⁶¹ Article 114(1) and (2) of the Civil Code, op. cit.

¹⁶² Asylum Information Database, [Country Report: Malta](#), 2021, aditus foundation and ECRE.

other meaningful activities. While the minors confirmed that they were being assisted by the social services, they had difficulties in understanding their situation at the time and their future prospects. Whilst Dar il-Liedna is licensed by the Social Care Standards Authority to provide residential care for UAMs, the Hal Far centre is not.

4.6. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of the child protection care system in the past 8 years, incl. achievements and (persisting) gaps and challenges

The coming into force of the Minor Protection (Alternative Care) Act¹⁶³ in 2020 marked a significant development in child protection. These changes introduced substantial legislative provisions and saw the creation of a new institutional framework. From an institutional angle, the Act introduced two new directorates under the FSWS umbrella: the Child Protection Service (CPS) and the Children in Alternative Care Directorate (DAC). These changes saw a clear delineation of responsibilities from enforcement by the CPS to care by the DAC, whilst introducing the judicial oversight of the Juvenile Court.

From a legislative perspective we saw an overhaul of how protection orders are issued, with a shift from the Minister's sole power to issue care orders to the Juvenile Court. Furthermore, the act introduced various types of care-orders, including emergency care orders, with an inbuilt system of checks and balances between CPS, the Juvenile Court and the Review Board. The legislative framework also established and clarified the roles of the key social worker and the Children's Advocate within the system of the development of care plans, the issuance of protection orders and the review of both with the participation of the child.

Persistent problems present themselves in a lack of financial and human resources, a lack of specialised training of various stakeholders and the lack of familial support of parents of children in care. It was felt that more effort should be put into focusing on supporting and working with the parents on children in care in order to tackle the root problems¹⁶⁴.

4.7. Promising practices

Please list and briefly describe any promising practice in the child protection care system that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

N/A

¹⁶³ [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹⁶⁴ Information provided by Richmond Foundation on the 16th March 2023.

5. Accountability, data collection, and monitoring mechanisms

5.1. Accountability mechanisms

5.1.1. Are there accountability mechanisms in place regarding the functioning of the child protection system? Is there any independent monitoring or reporting mechanisms on the performance of the child protection system? What is the role of child's ombudspersons, child commissioners or other independent national human rights institutions in monitoring child protection?

There are no accountability mechanisms within the child protection system. The Social Care Standards Authority carries out annual monitoring visits and also reviews during the annual licence renewal process.

5.1.2. How is the implementation of national action plans and strategies or other policy actions on child protection monitored? Briefly describe the established procedures and mention the actors involved and their roles.

No national action plans or strategies relating specifically to child protection were identified. The National Children's Policy's aim is to address five dimensions pertaining to the wellbeing of children, namely the home environment, social wellbeing, health and environment, education and employment and culture and leisure. Whilst it does not specifically refer to child protection, it has as its policy objectives the home environment and social wellbeing, including the safeguarding and wellbeing of children.¹⁶⁵ The Office of the Commissioner for Children is tasked with monitoring, evaluating and reporting on the progress of the policy. The policy also states that at the end of the period covered by the policy an independent evaluation of the overall impact will be undertaken. Although the period covered by the policy is not specified in the document itself, it was reported that 2024 is the general timeframe for the implementation of all the policy actions¹⁶⁶.

The National Action Plan Child Guarantee which sets down existing lays down that the Ministry for Social Policy and Children will monitor the objectives on a bi-annual basis with the collaboration of Ministries involved in the development and provision of relevant services¹⁶⁷. The National Action Plan lays down that Ministries are expected to provide the necessary information and updates in the form of reports. A national Child Guarantee Coordinator, within the Ministry for Social Policy and Children, serves as a centralised contact point that is tasked with liaising with relevant entities for the collation of all reports. The reports from the Ministries will be compiled, analysed and interpreted into a report to be submitted to the Commission every two years. The report submitted to the Commission will outline the progress sustained, as well as any gaps for potential consolidation of policies and services for vulnerable children.

¹⁶⁵ National Children's Policy, 2017.

¹⁶⁶ [First National Children's Policy to be implemented by 2024](#), The Malta Independent, December 2017.

¹⁶⁷ National Action Plan for a Child Guarantee 2022 – 2030, Ministry for Social Policy and Children, 2022.

Question	YES	NO	Comments
<p>5.1.3. Is there a child rights assessment existing or foreseen? Please note that child rights' assessment stands for the measurement of the impact of proposed or adopted legislation on children as a group. It is usually done at the parliamentary or ministerial level.</p>		<p>X</p>	<p>There is no child rights assessment that measures the impact of proposed or adopted legislation on children as a group.</p>
<p>5.1.4. Are there quality standards for child protection services set in the legislation (including prevention programmes)? (e.g. number of cases per case workers, requirements regarding infrastructures of residential care and number of personnel, performance, and fiscal accountability mechanisms) Please describe.</p>			
<p>The Social Regulatory Standards on Adoption of Children Regulations and accompanying Guidelines¹⁶⁸ lay down the standards to be adhered to by service providers of adoption services. The Social Regulatory Standards for Residential Services for Children in Alternative Care and accompanying Guidelines¹⁶⁹ lay down the standards to be adhered to by service providers of licenced residential services. Finally, the Social Regulatory Standards for Office Based Services for Children in Alternative Care and accompanying Guidelines¹⁷⁰ lay down the standards to be adhered to by Agency Appogg responsible for the well-being of minors.</p> <p>However, these standards do not lay down the number of cases per case workers, requirements regarding infrastructures of residential care and number of personnel, performance, and fiscal accountability mechanisms.</p> <p>The Social Care Standards Authority has a dual role in relation to the regulatory standards. It licenses entities providing child protection services and ensures that amongst other requirements, the entity being licenced adheres to the regulatory standards on application and during its annual licensing renewal. Furthermore, the Authority has a monitoring function and carries out ad hoc unannounced</p>			

¹⁶⁸ [Social Regulatory Standards on Adoption of Children Regulations](#), S.L. 582.01 and [Guidelines Social Regulatory Standards Adoption Of Children](#), Social Care Standards Authority, 2018.

¹⁶⁹ [Social Regulatory Standards for Residential Services for Children in Alternative Care](#), S.L. 582.07 and [Guidelines Social Regulatory Standards Residential Services for Children in Alternative Care](#), Social Care Standards Authority.

¹⁷⁰ [Social Regulatory Standards for Office Based Services for Children in Alternative Care](#), S.L. 582.08 and [Guidelines Social Regulatory Standards Office Based Services for Children in Alternative Care](#), Social Care Standards Authority.

monitoring visits to ensure adherence to the licencing conditions, including adherence to the regulatory standards¹⁷¹.

Question	YES	NO	Comments
<p>5.1.5. Is consultation with children and families foreseen and/or taking place in the process of the evaluation of services and measures and in the development of child protection policies and legislation?</p> <p><u>If yes</u>, at what level is this done? Please provide indicative examples.</p>		X	<p>It was reported that the CPS is an investigative entity and not an advocacy entity and therefore it does not carry out any consultations.¹⁷²</p>
<p>5.1.6. Is the responsibility for data collection on child protection determined in the legislative framework?</p>		X	<p>However, the CPS is obliged to keep a register of reports received relating to a minor at risk of harm. Residential homes are also obliged to keep a register of minors placed under their care.</p>
<p>5.1.7. Is there a single authority responsible for monitoring data collection and centralised coordination and data sharing at national level?</p> <p><u>If yes</u>, Is there a national database (a joint database for monitoring and tracking children) for collecting data in the child protection area at the national, regional, or local level?</p>		X	<p>However, the FSWS publishes combined statistical data of the services provided by all its agencies and directorates. Each agency then publishes its individual statistical data annually and half-yearly.</p>
<p>5.1.8. Are there common indicators in place to monitor the performance</p>	X		<p>There is no formal monitoring or auditing in place. However, CPS developed an internal 'key performance structure' for their goals and objectives which is reviewed every three months¹⁷³.</p>

¹⁷¹ Information provided by the Social Care Standards Authority on 17th April 2023.

¹⁷² Information given to us by the Ministry for Social Policy and Children's Rights on 19th May 2023.

¹⁷³ Information provided by Child Protection Services on the 26th May 2023.

of the child protection system?		
5.1.9. Are there data protection protocols in place and adhered to?	X	<p>The CPS, DAC, the Review Board, the Fostering Board and the Board of Appeal in their capacity as data controllers are obliged to process personal data in accordance with the Data Protection Regulation 2016/679¹⁷⁴. These same entities are under an obligation to implement appropriate technical and organisational measures to ensure adequate security.</p> <p>The CPS and DAC in processing information about data subjects under the Minor Protection (Alternative Care) Act may restrict the rights and obligations provided for in Articles 14 to 20 and Article 34 of the Data Protection Regulation 2016/679. These restrictions are only allowed when they are considered to be necessary and proportionate. The reasons for the restrictions must be documented and made available to the Information and Data Protection Commissioner.</p> <p>The FSWS has an internal Data Protection Procedure which all directorates have to adhere to¹⁷⁵.</p>
<p>5.1.10. Are there any gaps in the data collection system related to child protection in the country, which have been identified by relevant child protection authorities/institutions, civil society organisations or other institutions active in the child protection field? Is there a systematic and consistent collection of data related to child protection at national, regional, or local level? Please mention if efforts are made to address these gaps.</p>		
<p>In its Concluding Observations in 2019, the UN Committee on the Rights of the Child recommended that Malta continue to improve its data collection system, and regularly collect and analyse data covering all areas of the Convention and its Optional Protocols, disaggregated by age, sex, disability, ethnic and national origin and socioeconomic background in order to facilitate analysis on the situation of all children, particularly those in situations of vulnerability. There is no formal data collection system gathering data on the numbers and situation of stateless children¹⁷⁶.</p>		

5.2. Developments in the past years: achievements, gaps, and challenges

Based on the output of the 2014 mapping exercise, please briefly describe the development of child protection accountability in the past 8 years, incl. achievements and (persisting) gaps and challenges.

¹⁷⁴ Article 73A of the [Minor Protection \(Alternative Care\) Act](#), CAP. 602 of the Laws of Malta.

¹⁷⁵ Information provided by Child Protection Services on the 26th May 2023.

¹⁷⁶ European Network on Statelessness, [Statelessness Index – Malta](#).

The publication of the Social Regulatory Standards and accompanying Guidelines by the Social Care Standards Authority are a step forward.¹⁷⁷ However, it was felt that there was need to include child rights assessment within the national legislative process for further accountability¹⁷⁸. In the same vein, the need for clear and public guidelines on how to determine the best interests of the child in any and all decision-making processes, including in the area of migration was reported.¹⁷⁹ The same report noted a lack of human rights education, including child rights, has also been identified as a gap resulting in a low level of human rights awareness in Malta. Furthermore, Malta has still not ratified the Optional Protocol to the Convention of the Rights of the Child (CRC-OP-IC) relating to individual complaints procedures. Finally, the need to strengthen the remit, power and independence of the Office of the Commissioner for Children was noted. It was suggested to empower the Commissioner with investigative functions relating to rights and interests of children, with the power to initiate inquiries, and with the right to make representations on behalf of a child in certain sectors.¹⁸⁰

5.3. Promising practices

Please list and briefly describe any promising practice in child protection accountability that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

N/A

¹⁷⁷ [Social Regulatory Standards for Residential Services for Children in Alternative Care](#), S.L. 582.07 and [Guidelines Social Regulatory Standards Residential Services for Children in Alternative Care](#), Social Care Standards Authority. [Social Regulatory Standards for Office Based Services for Children in Alternative Care](#), S.L. 582.08 and [Guidelines Social Regulatory Standards Office Based Services for Children in Alternative Care](#), Social Care Standards Authority.

¹⁷⁸ Information provided by the Office of the Commissioner for Children on the 24th February 2023.

¹⁷⁹ Platform of Human Rights Organisations in Malta (PHROM), [Submission to the Committee on the Rights of the Child 81st Sessions 2019](#), April 2019.

¹⁸⁰ Ibid.

6. General education, promotion, and awareness raising

6.1. Education on child rights

6.1.1. Does education on child rights form part of the (national) formal school curricula? If yes, please provide details such as in which types of school and targeting which grade(s) (age group), as part of which school subject and for how many periods in a pupil's school career.

There is no compulsory component in the educational curriculum on the child rights. It was found that independent ad hoc initiatives and information events are generally channelled through schools and thus incorporated into scholastic year activities¹⁸¹.

6.1.2. Please provide an overview of the most important national and/or sub-national implemented programmes and activities aiming at educating children, parents, teachers, and/or society at large about child rights and/or child protection at national or sub-national level. By which actors were those commissioned, funded, and implemented?

Whilst there is a recognition of the need to generate awareness on child rights and child protection¹⁸², no national programmes or activities were found to be aimed at educating children, parents, teachers, and/or society at large were identified. Some ad hoc initiatives were identified on promoting awareness on specific topics, such as domestic violence¹⁸³ and publication of a booklet on children's rights written in child-friendly language in both Maltese and English¹⁸⁴. This booklet is not available in any minority languages.

6.2. Promotion and awareness raising

6.2.1. Please provide information on awareness raising and/or promotion campaigns or relevant activities on child rights (possibly including on the EU Charter of Fundamental Rights) and/or protection issues targeting the general public or children in general at national or sub-national level. Please provide information on the most recent and representative awareness raising campaigns, including information on the target groups, the thematic areas covered, the actors involved, funding, the method of dissemination chosen and the impact of the campaign, if assessed.

The Ministry for Social Policy and Children's Rights launched a booklet for children that raises awareness about domestic violence. With the help of parents, teachers, and professionals, the book aims to give children the right words to talk about domestic violence and to make them comfortable

¹⁸¹ Child Participation Assessment Tool (CPAT), [Country Report Malta](#), 2020.

¹⁸² [National Children's Policy](#), Ministry for the Family, Children's Rights and Social Solidarity, 2017.

¹⁸³ [Booklet for little children to raise more awareness about domestic violence](#), 2022, Ministry for the Family, Children's Rights and Social Solidarity.

¹⁸⁴ [My Rights](#), Office of the Commissioner for Children.

to talk about what they went through. The booklet will be available in all national libraries in Malta and Gozo¹⁸⁵.

Children's Rights Observatory Malta (CROM) was launched in 2021 as a joint initiative between the Malta Foundation for the Wellbeing of Society and the University of Malta. CROM emerged from the needs which were highlighted and identified through various processes with children through the Child Participation Assessment tool (CPAT)¹⁸⁶ and DG JUST projects. CROM published a children's manifesto with contributions from over twenty thousand children and young people¹⁸⁷.

The Office of the Commissioner carries out various initiatives and campaigns to create awareness about children's rights amongst children themselves and the public at large. In 2022, on the occasion of World Children's day, all children of school age (i.e. children between the age of 3 and 16) received age appropriate information regarding the UN Convention on the Rights of the Child.¹⁸⁸

No awareness raising relating to the EU Charter have been found throughout the desk research.

6.2.2. Are there any awareness raising activities regarding complaint mechanisms at national or sub-national level, e.g. for the Optional Protocol to the Convention on the Rights on a communications procedure¹⁸⁹? Please briefly describe.

None.

6.2.3. Are there any awareness raising or training activities at national or sub-national level on digital literacy, privacy and online safety for children, parents, teachers, and other relevant professionals?

The [BeSmartOnline!](#) project was launched through a collaboration by the Foundation for Social FSWS), the Office of the Commissioner for Children, the Directorate for Learning and Assessment Programmes (DLAP) and the Malta Police Force - Cyber Crime unit. The aim of the project is to raise awareness and educate children and teens, parents/carers and educators about online safety. The project also operates a hotline [ChildWebAlert](#) to take reports from internet users on illegal content.

The Directorate for Digital Literacy and Transversal Skills organises digital literacy workshops for students. The workshops aim to provide an opportunity to students and to use innovative technologies, to provide models for class teachers and learning support educators and enable them to handle latest and innovative technologies, to enable educators to integrate technologies in teaching and learning in a meaningful way, to prepare students in table mediated teaching and learning, and to enable students to experience the future classroom based on the European Schoolnet future classroom lab. The Directorate has also developed guidelines for online teaching and for educators and school leadership team and school activities for safer internet day. For more

¹⁸⁵ [Booklet for little children to raise more awareness about domestic violence](#), 2022, Ministry for the Family, Children's Rights and Social Solidarity.

¹⁸⁶ Child Participation Assessment Tool (CPAT), [Country Report Malta](#), 2020.

¹⁸⁷ [Children's Manifesto 2021](#), Children's Rights Observatory, University of Malta, the Malta Foundation for the Wellbeing of Society.

¹⁸⁸ Commissioner for Children, URL: <https://tfal.gov.mt/children-young-people/?lang=en>

¹⁸⁹ URL: <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-communications> [12/12/2022].

information see the organisation's website on [guidelines for online teaching](#) and [safer internet day 2021](#).

6.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child rights and/or child protection outreach activities/measure targeting relevant groups of society or society at large that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The lack of a component on child rights in the educational curriculum for children during compulsory education presents a big challenge at targeting both children and their parents. Furthermore, the use of ad hoc initiatives to raise awareness, as opposed to a well-established sustained national programme has also been identified as a major gap.

7. Child participation and community engagement

7.1. Complaint procedures

Question	YES	NO	Comments
7.1.1. Are there independent child complaints procedures (e.g. an ombuds institution) that are fully compliant with the Paris Principles ¹⁹⁰ in place, with an ability to hear, review and enforce individual complaints from children?		X	<p>There is no specific independent child complaints procedure which is complaint with the Paris Principles.</p> <p>The Commissioner for Children has the mandate to promote children’s rights and to investigate any breaches or infringements of the rights of children. Although the office is set out in legislation¹⁹¹, the office does not adhere to the Paris Principles in that the Commissioner is appointed by the Prime Minister and can be removed by the Prime Minister after consultation with the parliamentary committee for social affairs. The Commissioner can only issue recommendations for action or compliance notes and does not have any enforcement power.</p>
7.1.2. Are there specialised Courts and compliant procedures with international standards in place for children in contact with the law and for children to access justice and seek redress and remedies for violations of the child protection rights?		X	<p>The Juvenile Court Act¹⁹² has a two-fold and in addition to its competence in criminal matters relating to child offenders, the court also has civil jurisdiction with regard to the taking cognizance of proceedings relating to children and young persons in terms of the Minor Protection (Alternative Care) Act. It does not have jurisdiction to hear applications relating to violations of the child’s protection rights.</p> <p>The Juvenile Court is determined by the Minister for Justice in the Government Gazette and is currently located in the Family Court in Valletta for Malta. The Family Court houses both tradition Court Rooms, and mediation rooms which is where child advocates can speak to children when ordered to do so by the court. And in the NGO Centre in Gozo for the hearing of charges</p>

¹⁹⁰ URL: [https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20\(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness](https://ganhri.org/paris-principles/#:~:text=The%20Paris%20Principles%20(%27Principles%20Relating,are%20pluralism%2C%20independence%20and%20effectiveness) [12/12/2022]

¹⁹¹ The [Commissioner for Children Act](#), CAP. 462 of the Laws of Malta.

¹⁹² [Juvenile Court Act](#), CAP 287 of the Laws of Malta.

			against children and young persons which the Court of Magistrates, as a court of criminal judicature and as a court of inquiry. The Court of Justice and/or the NGO Centre in Gozo is the Juvenile Court for proceedings relating to child protection issues.
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7.2. Feedback mechanisms

Question	YES	NO	Comments
7.2.1. Are there government support fora such as children’s groups established at local/community level, and is a formal mechanism in place through which national/sub-national/local government receive and respond to the feedback and ideas from children and children’s groups who have received child protection services?		X	<p>The Office of the Commissioner for Children occasionally receives and responds to feedback from children who have received child protection services but it is not a formal mechanism nor is it specifically for children or children’s groups who have received child protection services¹⁹³.</p> <p>The Council for Children is made up of the Commissioner for Children, the chairperson of the social affairs committee, and 6 other people each appointed by the Minister for social policy, health education, home affairs and Justice. The Council has the right to co-opt 7 other people, who should be children in so far as this is possible. The Council has as its role to monitor compliance with the CRC, and to advise the Commissioner for Children.</p>
7.2.2. Are community-based mechanisms functional across the country where necessary and per applicability and per protocols and procedures? Is their effectiveness monitored by independent accountability mechanisms?		X	

¹⁹³ Information given by the Office of the Commissioner for Children on the 24th February 2023.

7.3. Promising practices

Please list and briefly describe any challenges and promising practice regarding child participation and community engagement that you come across. (if available please include references to documents or URLs in case of online tools/mechanisms)

The [Children and Young Persons Council](#) by the Malta Foundation for the Wellbeing of Society was set up in 2016 to promote the participation of children to community life. In 2020, the Gozo Children's Council was set up with an aim to ensure the participation of children from the island of Gozo. In 2021, the Council published the Children's Manifesto¹⁹⁴ with the support of the Children's Rights Observatory Malta, within the Faculty for Social Wellbeing at the University of Malta, and with the input of children from Malta. Pillar 5 of the Manifesto directly relates to child' rights and active participation, and calls to incorporate provisions of the CRC into Maltese law, to raise awareness nationally on children's rights, and calls to make it a norm to receive complaints from children themselves by developing child-friendly, safe, and effective complaint procedures and feedback mechanisms across the board with no age limitations, amongst others¹⁹⁵.

In 2021, the Ministry for National Heritage, Arts and the Local Government collaborated with the Malta Foundation for the Wellbeing of Society to carried out a consultation process with children on the local government policies. The consultation was aimed at giving children the right to have their voices heard and given due weight. This consultation resulted in the publication of the main findings in a comprehensive report¹⁹⁶.

The Office of the Commissioner for Children holds various outreach sessions so as to listen to children's ideas, experiences and concerns. In 2019, the Office visited 25 primary and secondary schools in Malta and Gozo so as to incorporate children's views in the monitoring of the implementation of the National Children's Policy. The recommendations made by children during these workshops were also included in the Manifesto for Children developed in collaboration with the Office's Youth advisors which was presented to all political parties before the 2022 General Election.¹⁹⁷

¹⁹⁴ [Children's Manifesto 2021](#), Children's Rights Observatory, University of Malta, the Malta Foundation for the Wellbeing of Society.

¹⁹⁵ [Children's Manifesto 2021](#), Children's Rights Observatory, University of Malta, the Malta Foundation for the Wellbeing of Society.

¹⁹⁶ [Findings from the consultation process with children](#), Local Government Policy Report 2021, Malta Foundation for the Wellbeing of Society, Ministry for National Heritage, Arts and the Local Government

¹⁹⁷ [Children's Manifesto 2021](#), Children's Rights Observatory, University of Malta, the Malta Foundation for the Wellbeing of Society.