

**ENOC 15<sup>th</sup> ANNUAL CONFERENCE**

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*“The respect of the rights of children and young people in institutional care”*

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14, 15 and 16<sup>th</sup> September 2011  
Warsaw, Poland

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PRESENTATION OF THE INSTITUTION  
&  
SUMMARY OF ACTIVITIES

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Name of the member institution : Office of the Commissioner for Children, Malta

Current Ombudsperson: Helen D'Amato

**I.Role and structural organization**

- Legal framework

- Chapter 462, the Commissioner for Children's act, as amended by Legal Notice 427 of 2007.

- Principal functions as defined by law

The main function of the Commissioner for Children , as defined by Article 9 of the Commissioner for Children's Act, is to promote the rights and interests of all children ensuring that children are not only given the opportunity to voice their opinions but also to ensure that these opinions are taken into consideration. These rights and interests must be properly taken into account by all the authorities concerned when taking decisions on policies that affect children.

It is also the function of the Commissioner for Children to promote the highest standards of health, education, social welfare, leisure, play and recreational facilities for children and to ensure that all possible measures are taken to prevent and remedy poverty and social exclusion among children, protecting them at all times from all harm and neglect. Family unity must also be protected and parents given adequate support to bring up their children.

Alternative care with emphasis on fostering/adoption should be further developed in the case of children who need such care.

The Commissioner for Children must also ensure compliance with the UN Convention on the Rights of the Child as well as any other international treaties and agreements as ratified by Malta.

- Structural organization

The Office is presently composed of: Commissioner for Children; Task Manager; Policy Officer; Project Officer; Teacher; Principal; Office secretary; Driver/Office Hand; Case Officer – part-time basis; and an Accounts Officer – part-time basis.

#### Council for Children

The Council for Children is made up of: The Commissioner as Chairperson; Five other members appointed by different Ministers; Chairperson of the Social Affairs Committee of the House of Representatives; two other members co-opted by the Commissioner for Children and approved by the Council; and five young persons co-opted by the Commissioner for Children and approved by the Council.

The Role of the Council for Children is to advise and assist the Commissioner in the performance of her functions, and in the promotion of welfare for children as stipulated in the Commissioner for Children Act.

### **II. Individual complaints (if the institution has a competence to handle individual complaints)**

The Office of the Commissioner for children handles individual complaints in order to ameliorate the child's situation. These complaints are received by the Office and are referred to the appropriate agencies if the need arises. All cases are closely monitored and followed up. As part of the procedure in handling complaints the Commissioner for Children lobbies with the relevant authorities to change policies and legislation where necessary and possible.

180 complaints were received during 2010 and a further 140 complaints were received between January and August 2011. Most of the complaints received were initiated by parents, teachers, social workers, nurses, midwives, lawyers and priests. The average age of the children concerned was between 11 and 12. The complaints received related to Family, School, Court, Sports/Culture and Alleged Abuse. The complaints received by the Office of the Commissioner for Children, are handled by the Commissioner herself and the Case-Officer who works on a part-time basis.

### **III. Expressed opinions, statements, policy recommendations and/or proposals for legislative and/or other reforms**

- Reflection of the UNCRC in Maltese legislation

The Office of the Commissioner for Children is working closely with the Office of the Attorney General and various Ministries in order to ensure that the rights enshrined in the UN Convention on the Rights of the Child are all reflected in Maltese legislation. In this way any lacunae which may still exist in domestic legislation may be addressed.

- National Children's Policy

The Office of the Commissioner for Children was invited by the Ministry for Education, Employment and the Family to form part of a focus group, aimed at formulating a National Children's Policy. This step was welcomed by the Commissioner's Office, particularly due to the fact that the lack of such a policy had regularly been cited as a concern to the Office in the past.

- Standards for Playgrounds

In 2010, the Office of the Commissioner for Children contributed towards the drafting of national standards for public playgrounds, spearheaded by the Malta Standards Authority. The Office of the Commissioner for Children formed part of a working group which also included representatives from the Local Councils Association, the Local Government Department, the Environmental Health Department, the Malta Environment and Planning Authority, the National Commission for Persons with Disability, and the Malta Playing Fields Association. The National Standards with respect to the management and safety of public playgrounds specified the minimum requirements for any public playground facility.

- Transport Guidelines

In 2010 the Office of the Commissioner for Children received various complaints with regards to school transport. It is for this reason that the Office of the Commissioner for Children together with Transport Malta is in the process of drafting a set of guidelines with regards to school transport for operators, drivers, students, parents and schools.

- Children in Conflict with the Law

A Task Force was set up in February, 2011 following the submission of a report by the Board of Inquiry that had been set up by the Commissioner for Children in September 2010 to look into the case of two minors accused of theft who were detained in the mainstream correctional facility pending the outcome of their request for bail.

The aim of the Task Force is to draw up concrete policy proposals on the implementation of the recommendations included in the Inquiry Report. The proposals that are being made by the Task Force and the recommendations on which they are based deal with the issue of minors and their particular needs from a wider perspective and identify challenges that go beyond the scope of the case which had prompted the inquiry.

To date, the Task Force has made five concrete proposals to the Government for the setting up and/or the review of distinct therapeutic structures and programmes that can address the serious social and psychological problems of some minors, whether or not they come in conflict with the law. These proposals are being discussed with the relevant Ministries.

The Task Force is guided by the principles of the United Nations Convention on the Rights of the Child and by the general notion that cases involving minors should always be dealt with in a way that is appropriate to the age of the minors involved. The Task Force is chaired by the Commissioner for Children and is made up of representatives from the Office of the Prime Minister, the Ministry of Education, Employment and Family, the Ministry of Justice and Home Affairs, the Ministry of Health, Elderly and Community Care, and from the Department of Youth Studies within the Faculty of Education of the University of Malta.

#### **IV. Research, investigation, studies**

- Research on Looked After Children

In 2007, the Commissioner for Children embarked on a three year project concerning children in Out-of-Home care. This project was intended to lay down the foundations for a national policy and a national strategy for Out-of-Home Care in Malta, based on comprehensive research which would answer the most pertinent questions relating to this sector. A focus group was set up with the aim of guiding this project,

and this led to the initiation of a comprehensive research study which is to be used as an effective lobbying tool in this sector.

The research project was split up into three phases:

- The Effect of Institutional Placement for Children under 5 (based on international research)
- Mental Health needs of Children in Care (using the Child Behaviour Checklist, Strengths and Difficulties questionnaire, and case file studies)
- Exploring the long term outcomes of youth leaving care (through case files, interviews, and other data)

The first phase was a review of international research on the Effect of Institutional Placement for Children under 5. The second phase of the project was a quantitative study on the psychological and behavioural needs of all Maltese children in out of home care. The third phase of the project was on the long term outcomes of children leaving care. The studies are being concluded and should be published by October 2011.

- Research on Leisure

After consulting with the young members of the Council for Children, the Office of the Commissioner for Children has embarked on a research project on leisure. This research project is being carried out in collaboration with the National Youth Agency with the aim of identifying what young people's perception of leisure is and what leisure activities are actually available in Malta.

The research team have drafted a questionnaire which shall be carried out with 500 young people between the ages of 13 and 30. A report on the findings for young people aged between 13 and 17 shall be published at the end of 2011.

## **V. Communication, Promotion and Publications**

- Rights 4U

Every year the Office of the Commissioner for Children organises a Children's Rights Course, entitled Rights 4U, for young people aged between 13 and 15. The live-in course takes place over three days and takes between 35 and 45 participants each time. Each year, this course proves to be a success amongst the young participants in attendance as they also have fun and meet new friends. As of last year the Commissioner for Children decided to hold two courses every year in order to accommodate for more young people due to the great interest shown.

Every year, the Rights 4U course tackles a particular theme throughout the sessions. This year's courses were dedicated to Voluntary work in light of the European year dedicated to voluntary organisations. The interactive programme of the Rights 4U course includes various activities during which the young people not only learn about their rights, but also actively explore and engage in discussions about them. The participants are also given the tools to be able to stand up for their rights and to participate in matters of social concern to a higher degree, in such a way that they are empowered as active and independent members of society.

The Rights 4U course also focuses on personal development, in that the participants develop critical thinking skills, build social ties, and practically implement the concepts which they learn about during the course such as respect for self and others, inclusion and independence. This year the young participants were also given the opportunity to personally experience voluntary work with young children as well as the elderly.

- Staff Development Seminars

During 2010 and 2011 the Office of the Commissioner for Children organised seminars for teachers upon request. These seminars create more awareness about children's rights and also create a better understanding of how activities can be incorporated into the curriculum and deal with children's rights.

- Ninvestigaw – We Investigate

In 2010 a series of 12 television programmes entitled 'Ninvestigaw' was co-produced by the Office of the Commissioner for Children together with a local television station. The aim of the series was to target teenagers in order to increase their awareness and to gain a deeper appreciation of children's rights. Every week, two young presenters, investigated a number of issues in the area of children's rights. This was done through fictitious scenarios or case-studies aimed at stimulating discussion and encouraging a more in-depth understanding of children's rights issues.

Following this, young persons, experts and practitioners in the field of children's rights were invited to participate and to discuss the salient issues put forward during each particular programme. Themes investigated included education, leisure, health, environment, media, culture, family values, gender equality, drug abuse, violence, democracy, and youth poverty at Christmas time.

- Directory of Services

The Office of the Commissioner for Children has created an online directory of services available for children and young people. Through this directory parents and professionals in the field will be able to find out which services are available and who they can contact if they need. This directory includes all the services which are given free of charge by government agencies and entities. It is currently being designed in order to make it as user friendly as possible through a specific website that will be entitled *servizzi tfal* (Services for Children).

- Niccelebraw Flimkien – Celebrating Together

An event entitled *Niccelebraw Flimkien* was organized by the Office of the Commissioner for Children at Verdala Palace, (the summer residence of the President of Malta) in November 2010. The event marked the 20th anniversary of Malta's ratification of the UN Convention on the Rights of the Child.

A number of Government departments, agencies, and other entities which offer services to children and young people in the health, education, social protection, sports and cultural sectors were present and put up stands and disseminated relevant information to members of the public.

This was an enjoyable event and various fun activities were also held. In this way children together with their parents learnt more about their rights whilst enjoying a family day out. H.E. Dr George Abela, the President of Malta and the Junior Minister for Youth and Sport were also present during the event.

- Il-Kompetizzjoni – The Competition

Il-Kompetizzjoni is a book which was written for young people between the ages of 11 and 13 in order for them to learn more about the UNCRC. The story line is based on a competition between two schools on who knows the most about the Convention. Through this book the young readers will be able to obtain more information about the various rights which are found in the Convention.

- Training of Police Cadets

In 2011 the Commissioner for Children was asked to deliver seminars on the UNCRC to cadets training to become Police officers. Through this seminar the cadets will become more familiar with the Convention and they can use it when they have to work with minors.

- Children's Rights Book Prize

This year the Office of the Commissioner for Children launched the Children's Rights Book prize which aims to encourage children to stand up for the rights of others. Schools have been asked to nominate children from primary and secondary schools who have in one way or another stood up for the rights of their school friends. Once the student is nominated they are given a book prize as well as child-friendly material on the UNCRC.

## **VI. Other activities**

- Innovative projects/good practices

- BeSmartOnline!

In 2009 a project proposal was submitted to the Safer Internet Plus Programme, under the title *Be Smart Online! - A Safer Internet Centre for Malta*. The proposal, spearheaded by the Malta Communications Authority and incorporating agencies such as the Social Welfare Agency - Aġenzija Appoġġ, the Directorate for Educational Services, the Directorate for Catholic Education, the Cyber Crime Unit, and the Office of the Commissioner for Children as partners, aimed to set up a Safer Internet Centre in Malta, which includes an awareness node, hotline and helpline.

This project has since been accepted, and has been running since October 2010, with the aim of raising awareness, fighting illegal content on the Internet, and empowering and protecting children online. Through this project, stakeholders will establish and maintain partnerships and promote dialogue and exchange of information within this sector on both a national and European level, and adopt an active approach towards increasing safe access to new technologies for children.

The Office of the Commissioner for Children, as a partner in this project, holds the responsibility of leading national co-operation amongst stakeholders. The Commissioner is responsible for co-ordinating the advisory board meetings for the transmission of information, to raise awareness and to act as a channel of communication amongst the stakeholders and the Safer Internet Centre and the youth panel.

The Commissioner for Children also took the initiative to work closely with MCAST Institute for Art and Design, where the students of Art and Design produced various resources for children and young people in order to create more awareness about using the internet safely. These resources include: Comic books, activity books, video clips and cartoon animations.