



Convention on the Rights of the Child

Distr.: General
21 May 2019

Original: English

Committee on the Rights of the Child Eighty-first session

Summary record of the 2376th meeting*

Held at the Palais Wilson, Geneva, on Wednesday, 15 May 2019, at 3 p.m.

Chair: Mr. Pedernera Reyna

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* No summary record was issued for the 2375th meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Combined third to sixth periodic reports of Malta (CRC/C/MLT/3-6; CRC/C/MLT/Q/3-6 and CRC/C/MLT/Q/3-6/Add.1)

1. *At the invitation of the Chair, the delegation of Malta took places at the Committee table.*
2. **Mr. Grima** (Malta) said that his country was honoured to participate in the Committee's eighty-first session. He wished to reiterate the importance that Malta attached to the protection and promotion of human rights in general and the treaty body system in particular. The Government's commitment to the Convention was unwavering, and it would endeavour to give effect to the recommendations made by the Committee in its concluding observations.
3. The issues covered by the Convention were not within the purview of a single government institution. As a result, preparations for the delegation's appearance before the Committee had involved considerable coordination and the delegation itself was representative of a broad range of government institutions.
4. **Ms. Marisa Scerri** (Malta), introducing her country's combined third to sixth periodic reports (CRC/C/MLT/3-6), said that, in Malta, no effort was spared to ensure the well-being of children. The inclusion of the words "children's rights" in the title of one of the Government ministries and the ongoing development of relevant laws, policies and measures attested to those unstinting efforts.
5. Children in Malta were growing up in a society characterized by rapid change. Communities were under pressure to adapt. Life expectancy was increasing; postponement of marriage and childbearing were contributing to a decline in fertility rates; and migration flows were further reshaping the make-up of the country's population. Children were also growing up in more diverse family structures, and those changing structures, coupled with an increase in women's participation in the labour force and active ageing, had reduced the availability of informal childcare. Innovative approaches to promoting the rights of all children in the face of those emerging social and demographic realities were clearly necessary.
6. The priority given to children in Malta was reflected in a number of laws, including the Gender Identity, Gender Expression and Sex Characteristics Act, in which the right to gender identity for adults and minors alike had been recognized. Ensuring the well-being of children was the major objective of strategies and initiatives developed under the umbrella of the National Children's Policy 2017–2024. Children also featured prominently in the National Reform Programme, the National Report on Strategies for Social Protection and Social Inclusion and the National Strategic Policy for Poverty Reduction and Social Inclusion 2014–2024. Malta was committed to ensuring that no child living in a household in which at least one parent was in full-time employment and earned at least the minimum wage lived in poverty.
7. The National Strategic Policy for Positive Parenting 2016–2024, supported by policies and strategies specific to health, education and other sectors, underpinned the country's efforts to promote the well-being of its children. Alongside universal child-related services, there were targeted services focused on children whose life circumstances placed them at increased risk of disadvantage. The Catholic Church, voluntary organizations and autonomous bodies such as the Office of the Commissioner for Children and the Malta Foundation for the Well-being of Society played a role complementary to that of the State in the provision of child-related services and the promotion of their rights.
8. The Government had recently launched a number of social welfare initiatives that would contribute to the well-being of children. For example, families caring for disadvantaged children were now receiving additional benefits to supplement the universal Children's Allowance and family-friendly measures had been introduced to help working parents reconcile family life and employment. The newly created Social Care Standards Authority, which had replaced the Department for Social Welfare Standards, would ensure

that standards for the provision of social services were met, and work was under way to develop a child participation assessment tool that would empower children to exercise their rights and freedoms.

9. Access to health care was free and universal. Medication was provided free of charge to all eligible persons, including children. The health and education authorities had worked together to optimize child development services and measures had been taken to address the social determinants of health, childhood obesity and the consumption of alcohol and tobacco. A national vaccination strategy was being developed, and the finishing touches were being put on a national mental health strategy that had a particular focus on children and young people.

10. Various steps had been taken to improve children's prospects for educational attainment: the education system had been modernized; early childhood education had been made more accessible; the work-based learning and apprenticeship system had been reformed; and education had been made more inclusive. The Framework for the Education Strategy for Malta 2014–2024 aligned all the country's education policies and strategies.

11. Tax deductions and other incentives had been introduced to support children's participation in a wide range of activities, including cultural and sporting events, and to encourage their enrolment on courses. Malta was committed to providing safe and inclusive places for all children to learn and play.

12. The Office of the Commissioner for Children had recently published the findings of a study of the situation of foreign children in Malta. Unaccompanied minors seeking asylum in Malta, minors involved in criminal proceedings and child victims of trafficking in persons were afforded protection by a number of legal safeguards. A crime prevention strategy that included a range of proposals of relevance to minors and young offenders had been launched, and laws on migration, detention and asylum had been amended. Vulnerable persons, including children, were not placed in migration detention and the police and other government stakeholders continued to receive training on how to deal with child victims of human trafficking.

13. There were still challenges to ensuring that the children of Malta had every opportunity to reach their full potential, particularly, for example, with regard to the availability of affordable and decent housing, the promotion of inclusive education and the integration of migrant children. The interactive dialogue with the Committee would help Malta to build on its achievements and strengthen its commitment to meeting those remaining challenges.

14. **Mr. Madi** (Coordinator, Country Task Force), welcoming the increase in the age of criminal responsibility, the prohibition of corporal punishment and other measures taken by the State party, said that the Committee nonetheless had a number of questions regarding general measures of implementation. It would be interesting to know, for instance, when the Minor Protection (Alternative Care) Act was expected to enter into force and what steps had been taken to adopt a comprehensive act on children's rights that fully incorporated the principles of the Convention and the Optional Protocols thereto, as had been recommended by the Committee in its concluding observations on the second periodic report of Malta ([CRC/C/MLT/CO/2](#), para. 11). The State party should also consider ratifying the Optional Protocol on a communications procedure.

15. He would like to know what steps had been taken to ensure that sufficient resources were made available to implement the National Children's Policy 2017–2024 and to strengthen the institution responsible for coordinating efforts to give effect to the Convention's provisions; what measures were being, or would be, taken to guarantee the independence of the Office of the Commissioner for Children; and whether the State party intended to establish a national human rights institution that was fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

16. He would welcome an explanation of the measures that had been taken to identify and separate the budgets allocated for child- and children's rights-related initiatives in specific areas of activity. It would be useful to know, for instance, the percentage of

national budget expenditure accounted for by education, children's health and other public endeavours. It would also be interesting to learn what mechanisms were used to monitor and evaluate the efficacy and equitability of the distribution of financial resources for the implementation of the Convention and the Optional Protocols thereto.

17. He wondered whether the Government had included compulsory courses on human rights, including the Convention, in school curricula. He asked whether any measures had been taken to protect children from violations of their rights arising from tourism or to develop a legal framework that would ensure that businesses operating in, or managed from, the State party, especially in the tourism sector, could be held accountable for any such rights violations. In addition, he would welcome information on efforts made to ensure that the search operations that civil society organizations conducted in a bid to rescue migrants in distress at sea were not criminalized.

18. **Ms. Khazova** (Country Task Force) said that she wished to know whether the State party had any plans to eliminate the exception that allowed children of 16 years old to marry with parental consent. In that connection, she wondered who had the authority to provide such consent for children in residential care.

19. As the State party indicated in its report that the Child Protection (Alternative Care) Act was informed by the principle that the best interests of the child should be the primary consideration in all actions concerning children, she wondered whether it had defined specific criteria for determining a child's best interest in particular circumstances or helping judges and other authorities to make such determinations. Similarly, it would be interesting to know whether the courts referred to the best interests of the child in their rulings; whether they were aware of the Committee's general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3 (1)); and whether the best interests of the child were the primary consideration in migration matters.

20. She wondered whether the Public Registry issued birth certificates for children, including those born at sea, whose parents lacked the required supporting documentation; how the State party dealt with the issue of stateless children; and whether it planned to ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of the Statelessness. In addition, she wished to know whether *Genovese v. Malta*, a case in which the European Court of Human Rights had found against Malta, had led to legal amendments that would allow children born out of wedlock to a Maltese parent to obtain Maltese citizenship on an equal footing with children born in wedlock.

21. As children born in Malta with the help of assisted reproductive technologies were entitled to learn the truth about their origins, she wondered whether psychological support was offered to help them to deal with the information they received. In view of the rise in international surrogacy arrangements, she wished to know what would happen to a child born abroad to a surrogate mother who was then brought back to Malta, where surrogacy was banned, by its parents. Who, in the eyes of Maltese law, would the child's legal parents be?

22. **Ms. Todorova** (Country Task Force) noting the Human Rights and Equality Commission's efforts to tackle stereotyping based on gender, ethnicity and nationality, said that the Committee welcomed the steps taken to amend the country's legal framework to include sexual orientation, gender identity and religion as prohibited grounds for discrimination. However, according to various sources, including alternative reports, racist and xenophobic attitudes towards non-Christian religious groups, refugees and asylum seekers persisted. While such behaviours did not appear to target children specifically, they did not contribute to a healthy environment in which to educate children in democratic attitudes. She would therefore like to know what was being done to ensure the full implementation of legislation on xenophobia, racism and racial discrimination; to combat hate speech against foreign nationals, particularly refugee and migrant children; to promote a culture of tolerance; and to ensure that victims of discrimination had access to all necessary legal remedies.

23. She would appreciate clarification regarding the content of paragraph 28 of the report, which suggested that, although the Office of the Commissioner for Children firmly believed that children should be heard in all judicial and administrative proceedings, in

practice children had no automatic right to legal representation and were assigned an advocate only at their parents' request, and then only at the judge's discretion. There was no indication that the pending Minor Protection (Alternative Care) Act would change that practice.

24. She would like to know what legal provision was made for children to participate in decision-making within the family. Were parents encouraged to consult children on matters concerning them? Furthermore, were there sufficient child-friendly mechanisms for hearing children in vulnerable situations?

25. Since nearly all local independent schools apparently had school councils, she would like to know whether such councils also existed in non-independent schools. She also wondered whether children had been involved in drafting the country's very progressive policies on bullying and gender equality in schools. More generally, she would like to know whether they were involved in discussions on the curriculum and school discipline and took part in school management structures.

26. Noting that training on child-friendly communication was provided for professionals working with children, particularly those in vulnerable situations, she asked whether there were any regulations or tools to help them in that work, and whether there was any legal obligation to hear children in special child-friendly settings.

27. Although the Committee welcomed the inclusion of an express prohibition of corporal punishment in the amended Criminal Code, it was concerned that certain laws had not yet been brought into line with that change. The Civil Code, for example, retained the concept of "reasonable chastisement". She wondered, therefore, whether a clear legal prohibition would also be introduced to the Civil Code. She would also like to know how the State party intended to eliminate corporal punishment in practice, for example, through awareness-raising campaigns to inform children, parents and teachers about the ban.

28. She would like to know whether children were covered by the gender-based violence and domestic violence strategy and whether a specific strategy to prevent and combat violence against children was in the pipeline. Although Malta had ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, some alternative reports indicated that the new bill on gender-based violence and domestic violence did not properly define gender-based violence, raising doubts as to the efficacy of the protection that girls might receive were the bill to be enacted. The delegation's comments on that concern would be appreciated.

29. An explanation of the reasons behind the replacement of the Children and Young Persons (Care Order) Act by the still pending Minor Protection (Alternative Care) Act, and, in particular, the decision to substitute a reference to minors for the reference to children included in the earlier law's title would be appreciated. Furthermore, was the subject of the Act protection or alternative care? She would likewise be interested to know what obstacles the Government had encountered in introducing the new legislation, which, she noted, contained an obligation to report abuse and violence. In that connection, could the delegation clarify whether reporting violence was already mandatory and whether the obligation also applied, or would also apply, to the clergy and other church officials? Noting also that, according to a recent survey, 50 per cent of immigrant girls in Malta – mainly girls from countries where female genital mutilation was practised – were at high risk of being subjected to that procedure notwithstanding the State party's efforts to eliminate it and their generally positive results, she said that more information about the measures taken to effectively protect girls would be helpful.

30. Malta had introduced progressive legislation regarding the treatment of intersex children. There were nevertheless some concerns as to whether the law was actually being implemented in accordance with the principles of the Convention. For example, were the best interests of the child properly taken into account in establishing the sex of the child? According to information received, non-urgent and irreversible interventions frequently took place before children had reached an age at which they could provide informed consent, which could be regarded as unlawful. In some cases, operations that were in breach of the law had been carried out abroad. She wondered whether such cases were prosecuted and whether the doctors involved were sanctioned. She would appreciate more

information on the subject, including on the measures taken to properly implement the law in the best interests of the children.

The meeting was suspended at 3.50 p.m. and resumed at 4.20 p.m.

31. **Ms. Marisa Scerri** (Malta) said that the National Children's Policy had been drafted following extensive consultations with children. The Ministry of Education had used special age-appropriate survey techniques to elicit children's views and ensure that they were spontaneous and free of third-party influences. Older children had been given a questionnaire in school to which they were asked to reply, in class, within a certain time: parents had not been involved. Younger children had been asked to draw pictures. There had also been extensive public consultations.

32. As was customary with policy implementation in Malta, a special interministerial committee had assigned responsibility for the different actions, in accordance with each ministry's remit, and met quarterly to discuss outcomes to date. Overall supervision of implementation was the responsibility of the Office of the Commissioner for Children, to whom the ministries were required to make recommendations on an annual basis in order to obtain the necessary budget resources for the measures to be implemented.

33. **Ms. Giordimaina** (Malta) said that the word "child" had been replaced by the word "minor" in the title of the Minor Protection (Alternative Care) Act because in Maltese law a minor was recognized as a human being under the age of 18, reflecting the definition given in article 1 of the Convention. Moreover, "child" implied attribution to a parent, while "minor" reflected the independence of the human person. The new title was therefore more inclusive, embracing, for example, unaccompanied minors.

34. **Ms. Marisa Scerri** (Malta) said that in 2017 the two functions of the State that targeted children in particular, namely education and social protection, had received allocations of 13.9 per cent and 31.7 per cent, respectively, of the total State budget. The Social Care Standards Authority was an independent body responsible for regulation and standard-setting across all social services including those relating to children, with a view to ensuring that real needs were met. As to the independence of the Office of the Commissioner for Children, she said that, like other regulatory bodies, the Office had no funds of its own and did not generate any. The Government was therefore its sole source of income, but it did not interfere in its operations. In January 2019 a procedure had been launched to incorporate the Convention into domestic law. An analysis was under way to verify that all legislation was in line with the provisions of the Convention.

35. With regard to intersex persons, she said that the Gender Identity, Gender Expression and Sex Characteristics Act had been drafted by the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties in consultation with the LGBTIQ Consultative Council. The law aimed to safeguard all Maltese citizens' right to gender identity and to protect them from violations of their right to bodily integrity and physical autonomy.

36. The Intersex International Organization (OII) had been consulted prior to the bill's presentation in Parliament. The bill had received unanimous support and Transgender Europe had hailed the new law as a historic breakthrough for the rights of trans and intersex persons in Malta and Europe. OII had pointed out that, for the first time in history, intersex individuals would no longer be forced to undergo arbitrary surgical procedures based on sociological factors. It had encouraged other Governments to look to Malta as an example of legislative good practice in that regard. The Act had subsequently been amended to introduce fines and prison terms for offenders, thereby tying it more closely to the framework applying to female genital mutilation. The law allowed for both civil and criminal redress but to date there had been no cases of unnecessary medical or surgical interventions carried out locally on intersex minors or any such cases referred for intersex surgery abroad in breach of the law.

37. As a result of her Government's efforts, parents were increasingly aware of variations in sex characteristics: it was noteworthy that several trans children at primary school had changed gender without incident.

38. **Ms. Vella** (Malta) said that, in order to promote the interests of children and ensure that they were able to express their views and participate fully in society, the Office of the Commissioner for Children was advised and assisted by the Council for Children. In order to increase public awareness of children's rights and the principles and provisions of the Convention, as well as of the National Children's Policy, the Office had conducted a series of workshops in schools, at which participants had given their ideas on how the Policy could be implemented more effectively. The Office also planned to work with art students to create videos and other materials that would be used to promote the Convention.

39. **Ms. Vincenti** (Malta) said that the health-care system was moving away from the customary medical model of intersex genital mutilation. A transgender service had been set up in close consultation with civil society, physicians and patients. The new approach had reportedly been successful to date and took all needs into consideration. As there were very few cases, they were monitored by just one paediatric endocrinologist, who had helped, together with other experts, to formulate the applicable legal provisions. An interministerial committee was currently being established to oversee their implementation.

40. Information regarding surrogacy and assisted reproductive technologies would be provided to the Committee in due course. Support was provided to the children concerned but information was not released until they reached the age of maturity, unless urgent medical conditions so required.

41. **Ms. Damato** (Malta) said that if an application for asylum submitted by an unaccompanied minor, pursuant to the administrative procedure currently in force, was found not to meet the requisite criteria for international protection, the application was rejected. However, the Office of the Commissioner for Refugees could offer temporary humanitarian protection until the applicant reached the age of majority. Maltese legislation already contained provisions applicable to cases of statelessness. However, the authorities were currently considering the possibility of ratifying the 1954 Convention relating to the Status of Stateless Persons. The legislation in force specified the circumstances in which a person was eligible or would become eligible for citizenship. Birth in Malta did not entitle a person to citizenship unless one of the parents was a Maltese national. However, as family unity was respected under the law and in practice, the children of beneficiaries of international protection were entitled to remain in the country and enjoyed the right to free education and other services.

42. **Ms. Scerri Ferrante** (Malta) said that the best interests of the child was a well-founded principle in Malta. It was enshrined not only in the recent Child Protection (Alternative Care) Act but also in other legislation. It was taken into account, for example, under article 661 of the Civil Code concerning divorce, which enabled the court to appoint a children's advocate. Article 39 of the Civil Code, which dealt with cases of separation, also referred to the best interests of the child.

43. Regulation 14 contained in subsidiary legislation 420.06 on the reception of asylum seekers prohibited the detention of minors and referred to the best interests of the child, including family reunification, the minors' well-being, social development, safety and security, and the views of minors in accordance with their age and maturity. Another regulation provided for minors' access to preparatory language classes to facilitate their incorporation into the education system. The law provided for appeals concerning age assessment, which were heard by a quasi-judicial board of appeal. The board had cited fundamental human rights enshrined in the Convention and the Charter of Fundamental Rights of the European Union in its decisions, for instance consideration of the best interests of the child, the right of non-discrimination, the right to preserve one's identity, the right to express one's views freely and to be heard, and respect for the child's dignity and integrity. Children were guaranteed the right to an effective remedy in all cases and no financial costs were incurred for an appeal. All children were automatically entitled to an advocate to represent them and to an interpreter if necessary.

44. **Ms. Marisa Scerri** (Malta) said that child-related issues were addressed by 185 qualified psychologists, 525 qualified social workers and 44 qualified youth workers. The 25 probation officers were not formally qualified but it was a regulated profession.

45. The Malta College for Arts, Science and Technology issued diplomas to students planning to work in care settings, for instance on behalf of children, persons with disabilities and older persons. Sixty-one students had enrolled in studies for the Advanced Diploma in Children's Care, Learning and Development in 2018 and 55 had enrolled in 2019; 41 students had enrolled in studies for the Higher Diploma in Advanced Studies in the Early Years, which addressed children's needs, in 2018 and 59 had enrolled in 2019; 126 students had enrolled in studies for the Diploma in Health and Social Care in 2018 and 89 in 2019; and 29 students had enrolled in studies for the Advanced Diploma in Health and Social Care in 2018 and 40 in 2019.

46. **Ms. Todorova**, noting that judges decided in judicial proceedings whether or not an advocate was to be assigned to children, asked whether judges also determined whether children should be heard personally or through a representative in cases concerning divorce or custody or in disputes regarding parental responsibility.

47. **Ms. Scerri Ferrante** (Malta), confirming that judges did indeed decide whether it was appropriate or necessary for children to be heard, in accordance with the law, said that, in some instances, they were heard by the judge in chambers on account of their vulnerability. Videoconferencing was also legally permissible in such circumstances.

48. **Ms. Mousu** (Malta) said that staff were specially trained to deal with children's rights in the justice system. The European Judicial Network run by the European Union organized conferences and seminars on civil and criminal matters relating, inter alia, to children's rights. Such events provided lawyers and prosecutors with the opportunity to interact with their counterparts in other member States and to acquaint themselves with good practices. The Network also organized training courses for the judiciary. At the national level, the Judicial Studies Committee provided training courses. In October 2018, for instance, it had held a training seminar on the Convention for the judiciary in collaboration with the Commissioner for Children.

49. A bill had been drafted to implement European Union Directive No. 2016/800 on procedural safeguards for children who were suspects or accused persons in criminal proceedings. The bill would be discussed when the Parliament was reconvened following local and European Union elections.

50. **Ms. Marisa Scerri** (Malta) said that the professionals dealing with child-related issues also included playworkers and other educational support workers who provided ancillary services to formal educators.

51. **Ms. Khazova** said that she would be interested in hearing whether professionals were trained to assess the child's best interests in diverse circumstances. The Committee's general comment No. 14 listed the general criteria that should be applied.

52. **Ms. Marisa Scerri** (Malta) said that she would consult the relevant educational institutions and report back to the Committee. A commendable dimension of most courses was the exposure of students to real-life situations.

53. **Ms. Erika Scerri** (Malta) said that the Education Act required every school to have a council composed of three educators and three other adult members who, in the case of primary education, were mostly parents or guardians. In secondary education the councils could also include students who were at least 16 years of age. Two separate councils composed solely of students were also involved in the day-to-day running of schools and other matters pertaining to their education and well-being.

54. All public policy documents on education were discussed with children through focal groups, questionnaires and classroom discussions. Children's rights formed part of the curriculum for social studies and were discussed in classes concerning personal and social development.

55. **Ms. Damato** (Malta) said that the principles of restorative justice were being introduced into the education system in connection with the issue of bullying. Both the bully and the bullied child were given the opportunity to express their views, and information sessions were held to provide guidance for parents, staff and students. Several

projects to introduce restorative justice practices in all schools and colleges were being implemented with financial support from the European Union.

56. **Mr. Silvio** (Malta) said that the European Union co-financed projects aimed at promoting the best interests of children, especially vulnerable children. It was currently co-financing a project to install lifts in places of social accommodation. Training was being provided for children with disabilities, and a centre where vulnerable children could obtain guidance would shortly be opened. Employment training courses were also offered to children who had just finished secondary school.

57. **Ms. Damato** (Malta) said that the Trafficking in Persons Report published each year by the United States invariably opened with a statement concerning sex tourism in Malta. Her country found the statement unacceptable because no statistics were provided and it always raised a challenge concerning the source, but no replies had been forthcoming to date.

58. **Mr. Silvio** (Malta) said that the delegation would appreciate clarification as to the information sought concerning potential abuse by companies and its possible impact on children.

59. **Mr. Madi** said that, in raising the issue of business accountability, his aim had been to highlight the need to take account of general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights: no specific violations had been reported to the Committee. With regard to violations of children's rights arising specifically from tourism, he would appreciate an update on the measures taken to comply with the recommendations made in the Committee's previous concluding observations (paras. 24 and 25).

60. **Ms. Khazova**, referring to paragraph 142 of the State party's replies to the list of issues ([CRC/C/MLT/Q/3-6/Add.1](#)), said that she would welcome clarification as to whether, in an emergency, the Maltese authorities were able to remove children from the care of their parents because their safety was under threat; what procedure was applied if they were; and which body made the final decision. Referring to paragraph 35 of the replies, she asked what would constitute valid reasons for parents to voluntarily place their child with another person or entity; and what legal rights the parents retained over the child in that situation. It was unclear whether there were any residential homes not run by the Catholic Church, and whether the homes were subject to State supervision. She wondered whether children who lived in residential homes remained in contact with their families; whether they were able to lodge complaints about any violations of their rights, and, if so, to which authority; and whether the protection of complainants was guaranteed. She also wished to know what the Government was doing to increase the appeal of foster care.

61. The report lacked detailed information about the procedures in place to ensure that undocumented, unregistered and stateless children could access free health care and that all schools had mental health professionals on hand to whom children could turn quickly, easily and confidentially for support. She would like to know how behavioural problems such as attention-deficit hyperactivity disorder were treated; what strategies were used to combat obesity and eating disorders; and whether those strategies had yielded positive results. Examples of strategies for achieving continuing improvements on the State party's excellent results in combatting drug and alcohol abuse would likewise be welcome, as would details of any plans to address the harmful effects of air pollution on child health.

62. She wished to know whether there was any chance that the State party would decriminalize abortion, at least in cases involving rape and incest. With the age of consent having been lowered to 16 years, she wondered whether contraception was now easily accessible to adolescents: it was unclear whether minors still needed parental permission in order to access reproductive health services and whether children systematically received sex and health education.

63. **Ms. Todorova** said that she would like to know how the Government interpreted and applied the human rights-based approach to disability assessment and whether parents and children were consulted in decisions concerning the methods it used. It was unclear whether any early detection and intervention mechanisms were in place and what assistance

was available for parents caring for children at home, particularly if their children had intellectual disabilities. Details of measures being used to remove obstacles to the social integration of children with disabilities would also be appreciated.

64. Welcoming the State party's efforts to increase inclusivity in education, she said that information about achievements made and challenges faced in that area would be helpful. She would particularly like to know about any changes made to educational provision for children with intellectual disabilities and the support they received, and what efforts, if any, were being made to reverse the tendency for children with disabilities of that kind to abandon their schooling at an early age.

65. It was unclear why minors over the age of 16 years were considered adults for criminal justice purposes and why the "co-accused" rule, whereby minors under the age of 16 years who were facing charges together with a person over 16 years old could be subject to criminal proceedings, had not yet been revised. An explanation of the specific diversionary measures used to keep minors in conflict with the law outside the criminal justice system and prevent their incarceration would likewise be useful. She would also appreciate the State party's comments on its approach to status offences, which penalized children for actions that would be perfectly lawful for an adult; the lengthy pretrial detention periods that some children had to endure; and the lack of segregation between minors and adults in detention facilities. Lastly, she would like to know whether children had the right to legal aid, and, if so, on what grounds; whether they also had a right to information, compensation and other forms of protection; and what specific procedural safeguards, such as videoconferencing, were in place to protect victims and witnesses.

66. She would like to know whether abuse by Catholic priests was a major problem. Since it was unclear whether the Safeguarding Commission, established by the Archdiocese of Malta to investigate cases of abuse, could be impartial, it was especially important that the impartiality of judges acting in cases concerning abuse within the Church could be guaranteed. How did the State party ensure that was the case? Details of any measures taken to increase the number of successful prosecutions would be useful in that respect. Furthermore, was there a mechanism, such as a helpline, enabling children themselves to report abuse?

67. **Mr. Madi** said that he would like to know what action the Government had taken in response to the findings of the study conducted by the Early School Leaving Unit in 2016. More detail about action taken to facilitate access to educational institutions for children with disabilities would also be welcome, as would information about measures to address bullying, on and offline, and measures to integrate asylum-seeking, refugee and migrant children into mainstream schools and guarantee them prompt access to a high-quality education. Further information about the human rights curriculum taught in school at all levels would likewise be appreciated.

68. The early identification system described in paragraphs 65 and 66 of the replies to the list of issues was a positive development but the Committee was still awaiting concrete responses to the other issues related to children in armed conflict that had been raised in its previous concluding observations (paras. 63 and 64). It also regretted that Malta had not yet submitted its initial report under the Optional Protocol on the sale of children, child prostitution and child pornography, which had been due in 2012.

69. The Committee had serious concerns about the severity of the charges brought against three teenagers who, having been rescued off the Libyan coast in March 2019, had been involved in the alleged hijacking of the *Elhiblu 1* and detained on arrival in Malta. Could the delegation explain why those teenagers, two of whom were minors, had been held in the high-security wing of an adult prison? It was unclear whether the other migrants on board the vessel, many of whom had been dehydrated and exhibiting signs of torture, were still being held in the initial reception centre.

70. **Mr. Gudbrandsson** (Country Task Force) said that, while many aspects of the Government's policy on asylum-seeking children were commendable, more consistent implementation of the policy was recommended. He would like details of the age assessment procedures followed, including, in particular, the person or authority responsible for the final decision and the possibilities, if any, of appeal. It was unclear

whether asylum-seeking children were still being detained and, if they were, on what legal basis: the Government should either improve reception conditions for migrant children or desist from detaining them. He would like to know whether the social workers appointed as legal guardians of asylum-seeking children had asylum-related experience; on what grounds minors were deemed to be sufficiently mature – and therefore entitled – to apply for international protection or asylum independently of their parents; and what arrangements were in place for bringing asylum-seeking children back into education and supporting them once they were in school.

71. He would welcome the delegation's further comments as to the veracity of the information about trafficking victims in Malta contained in the Trafficking in Persons Report published by the United States Department of State. He would also appreciate information about efforts to combat online sexual abuse and an update on progress towards opening the Children's House, which would provide shelter and support for child victims of abuse.

The meeting rose at 6:05 p.m.