

ADVANCE UNEDITED VERSIONDistr.: General
31 May 2019Arabic, Chinese, English, French,
Russian and Spanish only**Committee on the Rights of the Child****Concluding observations on the combined third to sixth reports of Malta*****I. Introduction**

1. The Committee considered the combined third to sixth periodic reports of Malta (CRC/C/MLT/3-6) at its 2376th and 2377th meetings (see CRC/C/SR.2376 and 2377), held on 15 and 16 May 2019, and adopted the present concluding observations at its 2400th meeting, held on 31 May 2019.

2. The Committee welcomes the submission of the combined third to sixth periodic reports of the State party and the written replies to the list of issues (CRC/C/MLT/Q/3-6/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress made by the State party in various areas, including the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance in 2015, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 2019, and the Council of Europe Convention on preventing and combating violence against women and domestic violence in 2014.

4. The Committee also notes with appreciation the legislative measures adopted to implement the Convention, in particular the amendment to article 35 (1) of the Criminal Code, which increases the age of criminal responsibility of children from 9 to 14 years old; and the amendment to article 339 of the Criminal Code aimed at prohibiting all forms of corporal punishment.

5. The Committee also welcomes the adoption of institutional and policy measures related to children's rights since its last review, including the National Children's Policy (2017-2024), the National Strategic Policy for Positive Parenting (2016-2024), the National Youth Policy Towards 2020, Addressing Attendance in Schools Policy (2014), Addressing Bullying Behaviour in Schools Policy (2014), Healthy Eating and Physical Activity Policy (2015), and the National Literacy Strategy (2014-2019).

* Adopted by the Committee at its eighty-first session (13 – 31 May 2019).



III. Main areas of concern and recommendations

6. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: children's rights and the business sector (para. 17), birth registration and nationality (para. 23), harmful practices (para. 29), education, including vocational training and guidance (para. 39), asylum-seeking, refugee and migrant children (para. 42), and administration of juvenile justice (para. 45).

7. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and its Optional Protocol on the involvement of children in armed conflict and Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

8. **The Committee recommends that the State party expedite the adoption of the Minor Protection (Alternative Care) Bill, and take all necessary measures to ensure its coming into force and effective implementation in full compliance with the Convention, in particular by establishing the necessary structures for its implementation. It also recommends that the State party ensure that the human, technical and financial resources for its implementation are adequate.**

Comprehensive policy and strategy

9. **The Committee welcomes the adoption of the National Children's Policy (2017-2024), and recommends that the State party develop, on the basis of its policy, a strategy with clear objectives and coordinated plans of action for the implementation of the Convention, and allocate adequate human, technical and financial resources for their implementation, monitoring and evaluation.**

Coordination

10. **While commending the State party for including the rights of the child in the nomenclature of the Ministry for the Family, Children's Rights and Social Solidarity, the Committee recommends that the State party ensure that the Ministry is provided with a clear mandate and adequate human, technical and financial resources to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels.**

Allocation of resources

11. **With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party set up a budgeting process that includes a child-rights perspective, specifies clear allocations to children, and includes specific indicators and a tracking system to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated for implementation of the Convention, including by:**

(a) **Setting performance targets linking child-related programme goals to budget allocations and actual expenditures, to allow monitoring of the outcomes and of the impacts on children, including those in vulnerable and marginalized situations;**

- (b) Developing detailed budget lines and codes for all planned, enacted, revised and actual expenditures that directly affect children;
- (c) Using budget classification systems that allow expenditures related to the rights of the child to be reported, tracked and analysed;
- (d) Ensuring that the fluctuation or reduction in budget allocations for the delivery of services does not reduce the existing level of engagement towards children's rights;
- (e) Strengthening audits to increase transparency and accountability with regard to public expenditure across all sectors, and strengthening institutional capacities to effectively detect, investigate and prosecute corruption, taking note of target 16.5 of the Sustainable Development Goals.

Data collection

12. With reference to its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party 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.

Independent monitoring

13. With reference to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee reiterates its previous recommendation (CRC/C/MLT/CO/2, para. 19) that the State party take appropriate measures to strengthen the independence of the Office of the Commissioner for Children, by ensuring that it is provided with adequate specific and separate human, technical, and financial resources as well as the immunities required for it to effectively carry out its function, including dealing with complaints from or for children in a child-sensitive and expeditious manner.

Dissemination, awareness-raising and training

14. Recognizing the efforts made by the State party to carry out awareness-raising programmes, including children's rights courses at schools, and training of persons working for and with children, the Committee recommends that the State party:

- (a) Intensify its efforts to disseminate information on the Convention and its Optional Protocols, including by conducting awareness raising programmes, to children, in a child-friendly manner, to families, the general public, faith-based organizations, legislators and judges;
- (b) Periodically conduct specific training sessions on the Convention and the Optional Protocols for all professionals working for and with children.

Cooperation with civil society

15. The Committee is deeply concerned by instances of criminalising search and rescue operations for refugees and migrants, including children, carried out by some civil society organizations in the Mediterranean Sea. The Committee urges the State party to guarantee the rights and freedom of action of civil society and to ensure that the rescue of migrants is not considered a crime.

Children's rights and the business sector

16. The Committee is concerned at the lack of information on measures taken to implement its previous recommendations concerning children's rights and the business sector (CRC/C/MLT/CO/2, para. 25). It is concerned in particular at the lack of information on measures taken against sexual exploitation of children in the context of travel and tourism.

17. With reference to its general comment No. 16 (2013) on the impact of the business sector on children's rights and to the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, the Committee recommends that the State party:

(a) Review and adapt its legislative framework to ensure that business enterprises and their subsidiaries operating in or managed from the State party's territory do not negatively affect children's rights, and to explicitly prevent and aim to eliminate child sexual exploitation, especially in travel and tourism;

(b) Establish monitoring mechanisms for the investigation and redress of such abuses, with a view to improving accountability, transparency and the prevention of violations to the Convention and its Optional Protocol on the sale of children, child prostitution and child pornography;

(c) Undertake awareness-raising programmes with the tourism industry and the public at large to change attitudes, encourage reporting of abuse, and widely disseminate the World Tourism Organization global code of ethics for tourism among travel agents in the tourism industry;

(d) Strengthen its international cooperation against sexual exploitation of children in the context of travel and tourism through multilateral, regional and bilateral arrangements for its prevention and elimination.

B. Definition of the child (art. 1)

18. With reference to the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014), the Committee recommends that the State party amend its Marriage Act and the Civil Unions Act to remove all exceptions that allow marriage and entering into a civil union under the age of 18 years.

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

19. The Committee welcomes the amendments made to the Equality for Men and Women Act and to the Criminal Code to include sexual orientation, gender identity and religion as prohibited grounds of discrimination. Taking note of target 10.3 of the Sustainable Development Goals, the Committee recalls its previous recommendations (CRC/C/MLT/CO/2, para. 29) and recommends that the State party:

(a) Adopt and implement a comprehensive strategy addressing all forms of discrimination, including awareness-raising and educational programmes targeting children, families, the general public and faith-based organizations;

(b) Strengthen its efforts to combat racism, racial discrimination, xenophobia and related intolerance that negatively affects children, especially asylum-seeking, refugee and migrant children;

(c) Take affirmative action for the benefit of children and in particular children in vulnerable and marginalized situations, such as asylum-seeking, refugee and migrant children; children with disabilities; and children born to unmarried parents.

Best interests of the child

20. While noting that the principle of the best interests of the child is incorporated in the Minor Protection (Alternative Care) Bill, the Committee recommends, with reference to its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, that the State party:

- (a) Ensure that this right is also incorporated in all legislation that is relevant to and has an impact on children, including the Immigration (Amendment) Act;
- (b) Develop criteria for determining the best interests of the child in every area and for giving it due weight as a primary consideration, and ensure that all relevant persons in authority, are trained on how to effectively assess the child's best interests when a decision concerning a particular child is made.

Respect for the views of the child

21. While recognizing the State party's efforts to ensure respect for the views of the child, in particular through the mandate of the Commissioner for Children, the Committee recalls its previous concluding observations (CRC/C/MLT/CO/2, para. 33) and recommends, with reference to its general comment No. 12 (2009) on the right of the child to be heard, that the State party:

- (a) Strengthen its efforts to ensure respect for the right of all children to be heard in all matters affecting them, in the family, at schools, in the courts and in all relevant administrative and other processes, including children in vulnerable and marginalized situations, such as children with disabilities, asylum-seeking, refugee and migrant children, and ensure that due weight is given to their views in accordance with their age and maturity;

- (b) Ensure that professionals working with and for children systematically 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;

- (c) Conduct awareness raising programmes, including campaigns, to promote the meaningful and empowered participation of all children within the family, the community and schools, including within student councils, with particular attention to children in vulnerable and marginalized situations;

- (d) Ensure the adoption and effective implementation of the Council of Europe Child Participation Assessment Tool in order to standardize participation of and consultation with children on issues that affect them.

D. Civil rights and freedoms (arts. 7, 8, and 13-17)

Birth registration and nationality

22. While recognizing the amendments made to the Civil Code to enable children who were born at sea on board of unregistered vessels to be registered in the State party for humanitarian reasons, the Committee is seriously concerned at the cases of children, including asylum-seeking, refugee and migrant children, who are not provided with birth registration and are at risk of statelessness.

23. Taking note of target 16.9 of the Sustainable Development Goals, the Committee strongly urges the State party to:

- (a) Strengthen efforts to ensure the birth registration of children whose parents do not have personal documents;

- (b) Strengthen efforts to establish the nationality of children with undetermined citizenship, under the Civil Code and the Maltese Citizenship Act;

- (c) Establish an effective and efficient statelessness determination procedure, with an identification and referral mechanism for children who are undocumented and at risk of statelessness;

- (d) Expedite accession to the Convention relating to the Status of Stateless Persons of 1954, and consider ratifying the Convention on the Reduction of Statelessness of 1961, the 1997 European Convention on Nationality and the 2009 Council of Europe Convention on the avoidance of statelessness in relation to State succession;

(e) Seek technical assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF) among others, for the implementation of these recommendations.

Right to Identity

24. The Committee welcomes the amendments to the Embryo Protection Act that provide for the right of children born through assisted reproduction technologies to have access to information about their origins. The Committee recommends that the State party continue its efforts to ensure that children born through assisted reproduction technologies have their best interests taken as a primary consideration and, in doing so, consider providing parents with appropriate counselling and support.

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment

25. Welcoming the amendment to article 339 of the Criminal Code that explicitly prohibits all forms of corporal punishment, the Committee recommends, with reference to its general comment No. 8 (2006) on corporal punishment, that the State party:

(a) Ensure that the prohibition of corporal punishment is enforced in all settings, namely in the home, schools, childcare institutions, including early childhood care institutions, alternative care settings, and in the administration of justice;

(b) Strengthen and expand its efforts to raise the awareness of parents, professionals working with and for children, and the public in general to the harm caused by corporal punishment;

(c) Promote positive, non-violent and participatory forms of child-rearing and discipline.

Abuse and neglect

26. While recognizing the prevention and intervention measures and training programmes undertaken to combat abuse and neglect of children, in particular under the Respect for All Framework (2014), and the Safe School Programmes, the Committee, with reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals, recommends that the State party:

(a) Expedite the coming into force of the Minor Protection (Alternative Care) Bill and enforce its child protection measures against violence, abuse or neglect;

(b) Formulate and implement a comprehensive strategy for preventing and combating violence against or abuse or neglect of children in all settings, addressing its root causes;

(c) Establish a national database on all cases of violence against or abuse or neglect of children, including cases of domestic violence, and undertake a comprehensive assessment of their extent, causes and nature;

(d) Take all measures necessary to fully operationalize the Children's House concept, encourage courts to make use of the child-friendly and multiagency arrangement for obtaining testimonies from children, and provide it with adequate human, technical and financial resources;

(e) Ensure the availability of services for the rehabilitation and reintegration of child victims such as in the Children's House, as well as appropriate compensation schemes;

(f) Ensure the allocation of adequate human, technical and financial resources to the Office of the Director responsible for Child Protection to enable it to follow-up and investigate reports of children suffering harm.

Sexual exploitation and abuse

27. **The Committee is concerned about cases of sexual abuse of children committed within their family and or by persons in their circle of trust, including by religious personnel of the Catholic Church. It remains concerned about the insufficient data and awareness on sexual abuse and exploitation of children in the State party. The Committee urges the State party to:**

(a) **Conduct awareness-raising activities on the phenomenon of child sexual abuse including in the home as well as in the online context; and combat the stigmatization of victims of sexual exploitation and abuse;**

(b) **Establish accessible, effective, confidential, child-friendly mechanisms, procedures and guidelines to ensure mandatory reporting and referral of cases of child sexual abuse and exploitation;**

(c) **Protect children from further abuse by, inter alia, ensuring that persons convicted are prevented and deterred from having contact with children, in particular in their professional capacity;**

(d) **Ensure the transparent and effective investigation of all cases of sexual abuse, the criminal prosecution of alleged perpetrators, and the adequate criminal punishment of those found guilty;**

(e) **Establish an independent and impartial commission of inquiry to examine cases of sexual abuse reportedly committed by the religious personnel of the Catholic Church, and ensure the criminal prosecution of alleged perpetrators, and the adequate criminal punishment of those found guilty;**

(f) **Collect disaggregated data on sexual abuse of children, and on the number of complaints, prosecutions and convictions.**

Harmful practices

28. While welcoming the State party's efforts to eliminate harmful practices against children, including the amendment to article 251 of the Criminal Code that criminalizes female genital mutilation, forced sterilization and forced marriage, and the adoption of the Gender Identity, Gender Expression and Sex Characteristics Act that provides for the recognition of gender identity on person's self-identification rather than harmful medical and surgical requirements, the Committee remains concerned that:

(a) **Child marriage and female genital mutilation is prevalent among migrant communities and remains underreported; and that between 39% and 57% of 486 girls originating from countries where female genital mutilation is practised are reported at risk of female genital mutilation;**

(b) **There are cases of intersex children allegedly subjected to surgical and other procedures, which were medically unnecessary, without their consent to such procedures, which often entail irreversible consequences and can cause severe physical and psychological suffering; and the lack of redress and compensation in such cases.**

29. **With reference to its joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014) and taking note of target 5.3 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Strengthen its awareness-raising programmes, including campaigns, on the harmful effects of child marriage and female genital mutilation on the physical and mental health and well-being of children;**

(b) **Provide systematic training for civil servants, teachers, judges, prosecutors, law enforcement officers and social workers, on the identification and referral to adequate services of potential victims of child marriage and female genital mutilation;**

(c) Strengthen protection schemes and care programmes for actual and potential victims of child marriage and female genital mutilation;

(d) Ensure that intersex children are not subjected to unnecessary medical or surgical procedures during infancy or childhood, and guarantee the bodily integrity, autonomy and self-determination of the children concerned, and provide families with intersex children with adequate counselling and support;

(e) Effectively investigate incidents of surgical and other medical treatment of intersex children without informed consent and provide redress to victims of such treatment, including adequate compensation and rehabilitation.

F. Family environment and alternative care (arts. 5, 9-11, 18 (1) and (2), 20-21, 25 and 27 (4))

Children deprived of a family environment

30. The Committee welcomes the State party's efforts to improve its system of alternative care for children left without parental care, particularly by strengthening the capacity of the Aġenzija Appoġġ and promoting the foster care for children who cannot stay with their families. It remains concerned, however, about the number of children still placed in "residential homes", and that some of these centres accommodate children in a wide age range together, which may exacerbate the vulnerabilities of younger children, including vis-à-vis the older children. It draws the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), and recommends that the State party:

(a) Continue to review its policies on alternative care for children deprived of their family environment to reduce placement of children in residential care, including those run by faith-based organizations;

(b) Ensure that children are removed from the family only as a measure of last resort and only after an appropriate assessment of the best interests and the views of the child, and ensure that placement is appropriate to meet the needs of the child, and that younger children are not placed with older children in the same "residential home";

(c) Support and facilitate family-based care for children, and strengthen the foster care system for children who cannot stay with their families;

(d) Develop a framework for 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.

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)-(3) and 33)

Children with disabilities

31. With reference to its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights model of disability and:

(a) Organize the collection of data on children with disabilities and develop, with the participation of organizations of persons with disabilities, including children with disabilities, an efficient system for disability assessment, which is necessary for putting in place appropriate budget, policies and programmes for children with disabilities;

(b) Adopt national minimum standards on early childhood care and education and on educational staff qualification and training that are suited to the rights and educational needs of children with disabilities;

(c) Develop and implement a deinstitutionalization strategy ensuring sufficient alternative family- and community-integrated care including appropriate assistance for parents to care for children with disabilities;

(d) Strengthen the implementation of the Policy on Inclusive Education in Schools, with specific measures to ensure that students with disabilities, including students with intellectual or psychosocial disabilities, are provided with reasonable accommodation; and train specialized teachers and professionals to provide individual support and all due attention to children with learning difficulties;

(e) Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children.

Mental health

32. Taking note of target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Continue to increase the availability and accessibility of child and adolescent mental health services and programmes, in particular for asylum-seeking, refugee and migrant children;

(b) Allocate adequate human, technical and financial resources to mental health services and programmes to ensure that the number of qualified medical professionals, including child psychologists and psychiatrists, is sufficient to meet children's needs;

(c) Ensure that children who are diagnosed with ADHD/ADD and who are exhibiting behavioral problems are thoroughly examined, that prescription of drugs is used as a measure of last resort and only after an individualised assessment of the best interests of that child, and that children and their parents are properly informed about the possible side effects of this medical treatment and about non-medical alternatives.

Adolescent health

33. While recognizing the State party's efforts to provide guidance, support and counselling services to pregnant girls, the Committee notes with concern that abortion remains a criminal offence under the Criminal Code with no exception, including in cases when the pregnant girl's life or health is at risk or when the pregnancy is a result of a criminal act such as rape or incest. With reference to its general comment No. 4 (2003) on adolescent health and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:

(a) Develop and implement a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at both adolescent girls and boys, with special attention on preventing early pregnancy and sexually transmitted infections;

(b) Ensure that adequate sexual and reproductive health services are available for adolescents, in particular access to modern contraception methods;

(c) Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as part of the decision-making process.

Drug and substance abuse

34. Taking note of target 3.5 of the Sustainable Development Goals, and welcoming the adoption of the Drug Dependence (Treatment not Imprisonment) Act and the National Alcohol Policy (2018-2023), the Committee recommends that the State party continue to take measures to address alcohol, drug and tobacco use among adolescents,

including by providing children and adolescents with accurate and objective information and life skills education on preventing substance abuse and develop accessible and youth-friendly drug dependence treatment and harm-reduction services.

Nutrition

35. The Committee welcomes the measures taken to implement the Healthy Eating and Physical Activity Policy (2015), and recommends that the State party intensify its efforts in promoting healthy lifestyles and raising awareness of healthy nutrition, and particularly in combatting child obesity.

Breastfeeding

36. The Committee welcomes the National Breastfeeding Policy and Action Plan (2015-2020), and recommends that the State party fully implement the International Code of Marketing of Breast-milk Substitutes and the Baby-friendly Hospital Initiative, and strengthen its efforts to promote and support breastfeeding, including through campaigns to promote the long-term benefits of breastfeeding to mother and child and providing support to mothers through counselling structures at hospitals and clinics.

Environmental health

37. The Committee is concerned about the harmful effects of the high level of air pollution in the State party, particularly from road transport, on the climate and on children's health. Taking note of target 3.9 of the Sustainable Development Goals, it recommends that the State party:

(a) Ensure the effective implementation of its regulatory framework, and expedite the implementation of plans to reduce air pollution levels, including the National Air Quality Plan, especially in areas near schools and residential areas;

(b) Place the rights and participation of children at the centre of national and international climate change adaptation and mitigation strategies.

H. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

38. While recognizing the State party's efforts to reduce school drop-outs after the completion of compulsory education at 16 years of age, to address bullying behaviour in schools, and to integrate asylum-seeking and refugee children into mainstream education, the Committee notes with concern that children in vulnerable and marginalized situations, such as asylum-seeking, refugee and migrant children and children with disabilities continue to face barriers in their access to quality education, including owing to delays in the registration of the asylum applications or to the lack of reasonable accommodation for children with disabilities in mainstream schools. It is also concerned about the phenomenon of bullying and cyberbullying, in the school environment and beyond.

39. Taking note of targets 4.5 and 4.A of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Take measures necessary to improve accessibility and the quality of education, including for children in vulnerable and marginalized situations, such as asylum-seeking, refugee and migrant children and children with disabilities, and implement a human rights-based approach to the entire educational system that is more inclusive and supports all children's aspirations;

(b) Further strengthen and allocate adequate human, technical and financial resources for the implementation, monitoring and evaluation of the Framework for the Education Strategy (2014-2024);

(c) **Continue its efforts to implement the Alternative Learning Programme, and further promote quality vocational training to enhance the skills of children and young people, especially those who drop out of school;**

(d) **Strengthen measures to combat bullying and raise awareness of its harmful effects, with particular emphasis on combatting cyberbullying, including through ensuring the effective implementation of the Safe Schools Programme and allocating adequate human, technical and financial resources to the Child Safety Service and the Anti-Bullying Unit;**

(e) **Revise the curricula and the educational methodology to place further emphasis on the value of education, critical thinking, accepting differences, embracing diversity and building social cohesion.**

Human rights education

40. **The Committee recommends that the State party develop and implement a national plan of action for human rights education, as recommended in the framework of the World Programme for Human Rights Education.**

I. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d), 38, 39 and 40)

Asylum-seeking, refugee and migrant children

41. The Committee welcomes the legislative and policy measures taken to improve the safeguards and procedures relating to asylum-seeking, refugee and migrant children, such as amendments to the Immigration Act in 2015 and adoption of the Strategy for the Reception of Asylum-Seekers and Irregular Migrants in 2016. It notes with appreciation that the State party has put an end in 2015 to automatic detention of asylum-seekers and refugees, including children. It also welcomes the granting of temporary humanitarian protection status to unaccompanied children. However, the Committee is seriously concerned that:

(a) The delays in authorising the disembarkation in the nearest place of safety of rescued migrants and refugees, including children, leaves them stranded at the sea, further exacerbating their vulnerabilities;

(b) The age assessment procedure is not multidisciplinary, and there are shortcomings relating to transparency, independence, appointment of guardians, and the application of the principles of the best interests of the child and the benefit of the doubt;

(c) The guardianship system for unaccompanied children does not have adequate human, technical and financial resources, and is not sufficiently independent, which may lead to a conflict of interest and hinder the best interests of the child;

(d) The Reception of Asylum Seekers Regulations under the Refugees Act still provide for the possibility of placing asylum-seeking and refugee children in detention as a measure of last resort under article 14 (1), and of placing unaccompanied children aged sixteen years or over in accommodation centres for adult asylum-seekers, under article 15;

(e) The temporary humanitarian protection status for unaccompanied children and the rights and benefits attached to it, are not regulated by law.

42. **With reference to its General Comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, and joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families / No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee urges the State party to:**

(a) **Continue to review relevant laws, regulations, policies and practices to ensure they do not create, exacerbate or increase the vulnerabilities of asylum-seeking, refugee and migrant children, including by applying a human rights-based, gender- and disability-responsive, and age- and child-sensitive approach;**

(b) Implement a uniform protocol on age determination methods that is multidisciplinary, respectful of children's rights and used only in cases of serious doubt about the claimed age and in consideration of documentary or other forms of evidence available, and ensure access to effective appeal mechanisms;

(c) Ensure that unaccompanied children are assigned a competent guardian, who has the necessary expertise and is free from any potential conflict of interest, immediately upon their arrival at the border and ensure that best interest determination procedures are carried out at all stages of the national asylum procedure;

(d) Process cases involving asylum-seeking and refugee children, including unaccompanied children, in a positive, humane and expeditious manner as a means of identifying durable solutions, ensuring full respect for the principle of non-refoulement and facilitating access to the asylum procedures for children in need of international protection in line with articles 6, 22 and 37 of the Convention;

(e) Ensure that child protection authorities are promptly informed and assigned to participate in procedures for the determination of the best interests of the child once an unaccompanied or separated child arrives in the State party, in accordance with international law, including by training border officials on the rights of the child and child-sensitive procedures;

(f) Prohibit the immigration detention of migrant, asylum-seeking and refugee children in law and ensure that legal prohibition is implemented in practice, and ensure effective alternatives to detention so as to allow children to remain with family members and/or guardians in non-custodial, community-based contexts, consistent with their best interests;

(g) Prioritize the immediate transfer of asylum-seeking children and their families out of the Initial Reception Facility, and adopt permanent and sustainable resettlement options for refugees, particularly children and their families;

(h) Transform the policy of granting temporary humanitarian protection to unaccompanied children into law so as to ensure their rights and best interests are protected even if they are not found to be in need of international protection.

Sale, trafficking and abduction

43. Noting that children in the most vulnerable and marginalized situations, including asylum-seeking, refugee and migrant children, are at particular risk of being trafficked for the purposes of sexual or economic exploitation, the Committee recommends, with reference to its general comment No. 13 on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals, that the State party:

(a) Integrate a comprehensive child-rights perspective into the next action plan on combating trafficking of children, with particular focus on children in the most vulnerable and marginalized situations;

(b) Review its Victim Referral Mechanism and Standard Operating Procedures and establish adequate and coordinated mechanisms to identify and protect child victims of trafficking and sexual exploitation, including systematic and timely information-sharing among relevant officials;

(c) Further strengthen the capacity of police officers, border guards and social workers to identify and protect child victims of trafficking;

(d) Promptly prosecute and try suspects of child trafficking and duly sanction perpetrators and ensure redress and rehabilitation for each child victim.

Administration of juvenile justice

44. While welcoming the amendment to article 35 (1) of the Criminal Code, which increases the age of criminal responsibility of children to 14 years of age, the Committee remains concerned that:

- (a) Children co-accused with persons older than 16 years of age are treated as adults;
- (b) Children between 16 and 18 years of age are subject to criminal law and criminal courts for adults;
- (c) There are cases where children are held with adults in detention facilities;
- (d) Children who allegedly hijacked the vessel that had rescued them off the coast of Libya in March 2019 are charged with terrorism before the Court of Magistrates and not before the Juvenile Court, and were initially placed at the high security division at the adult's prison in Corradino Correctional Facility;
- (e) Existing provisions of alternatives to deprivation of liberty are not being fully implemented.

45. **With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee urges the State party bring its juvenile justice system fully into line with the Convention and other relevant standards. The Committee recalls its previous recommendations and urges the State party to:**

- (a) **Review its legislation to ensure that all children below 18 years of age are treated as children, and referred to the juvenile justice system when in conflict with the law, including in cases where they are co-accused with adults; and to further limit the use and length of pre-trial detention of children;**
- (b) **Ensure that detention is used as a measure of last resort and for the shortest possible period of time and that it is reviewed on a regular basis with a view to its withdrawal;**
- (c) **In cases where detention is unavoidable, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education and health services;**
- (d) **Promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, the use of non-custodial sentences for children, such as probation or community service.**

Follow up to the Committee's previous concluding observations on the Optional Protocol on children in armed conflict

46. The Committee regrets the lack of information on the implementation of its concluding observations of 17 October 2006 on the State party's initial report under the Optional Protocol to the Convention on the involvement of children in armed conflict (CRC/C/OPAC/MLT/CO/1).

J. Ratification of the Optional Protocol on a communications procedure

47. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

K. Ratification of international human rights instruments

48. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

49. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the sale of children, child prostitution and child pornography, the report of which is overdue as of 28 October 2012.

L. Cooperation with regional bodies

50. The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other Council of Europe member States.

V. Implementation and reporting

A. Follow-up and dissemination

51. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined third to sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

B. National Mechanism for Reporting and Follow-up

52. The Committee recommends that the State party establish a national mechanism for reporting and follow-up as a standing government structure that is mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms, as well as with coordinating and tracking national follow-up to and implementation of the treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the Office of the Commissioner for Children and the civil society.

C. Next report

53. The Committee invites the State party to submit its seventh periodic report by 29 October 2024 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

54. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.