

| UN CRC | Ratification Date | Care-Related Concluding Observations |
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| <p>CRC/C/MLT/CO/2</p> <p>Concluding observations on the second periodic report of Malta, adopted by the Committee at its sixty-second session (14 January–1 February 2013)</p> | <p>30 Sep 1990</p> | <p>18 June 2013</p> <p>http://www2.ohchr.org/english/bodies/crc/crcs62.htm</p> <p>E.Violence against children (articles 19, 37(a) and 39 of the Convention)</p> <p>Corporal punishment</p> <p>36. The Committee notes as positive the Foundation for Social Welfare Services “Blue Ribbon” campaign to promote positive parenting that was launched in 2010. However, the Committee regrets that notwithstanding its previous recommendation (CRC/C/15/Add.129, para. 30, 2000) to explicitly prohibit corporal punishment, the State party continues to lack legislation explicitly prohibiting corporal punishment in all settings. The Committee is particularly concerned that corporal punishment is permitted and prevalent in the home and alternative care contexts as so-called “reasonable chastisement” under articles 229 and 339 of the State party’s Criminal Code and article 154 of its Civil Code.</p> <p>37. The Committee recommends that the State party take all appropriate measures to explicitly prohibit corporal punishment in all settings and ensure that the prohibition is adequately monitored and enforced. Furthermore, it recommends that the State party strengthen and expand awareness-raising and education campaigns, in order to promote positive and alternative forms of discipline and respect for children’s rights, with the involvement of children, while raising awareness about the adverse consequences of corporal punishment on children.</p> <p>E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)</p> <p>Family environment</p> |

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| | | <p>43. The Committee welcomes the State party's efforts to better support families through, inter alia, provision of early childhood care for children under the age of three years and subsidies in cases where it is not affordable. However, the Committee is concerned that the availability of such child care remains inadequate and the support services for families are still insufficient.</p> <p>44. The Committee recommends that the State party intensify its efforts to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities with timely responses at the local level, including increasing the availability of early childhood care and support facilities to parents.</p> <p>Children deprived of a family environment</p> <p>45. The Committee welcomes the increased availability of foster care service and placements in lieu of institutional care in the State. However, the Committee is concerned that the availability of alternatives to institutional care remains insufficient, with continuing placements of children in institutions, which are not in the best interests of the child, due to insufficient foster care capacity. Furthermore, while noting that there are some examples of measures for supporting children in their transition to independent living as adults after they leave institutional care, the provision of such support is not an integral and standard feature of all residential homes for children in the State party.</p> <p>46. The Committee calls upon the State party to:</p> <ul style="list-style-type: none">(a) Facilitate and support family-based care for children and give priority to alternative care which is in the best interests of the child wherever possible;(b) Increase the number of social workers to ensure that the individual needs of each child can be effectively addressed;(c) In addition to the above, further strengthen its national system for foster care and ensure the provision of adequate funding and support for foster families; |
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| | | <p>(d) Adequately prepare and support young people prior to their leaving care by providing for their early involvement in the planning of transition as well as by making assistance available to them following their departure;</p> <p>(e) Provide all the necessary human, technical and financial resources required for improving the situation of children in alternative care placements; and,</p> <p>(f) In doing so, take into full account the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009.</p> <p>F.Disability, basic health and welfare (arts. 6, 18 (para.3), 23, 24, 26, 27 (paras. 1-3) of the Convention)</p> <p>Mental health</p> <p>47. The Committee notes that the State party has only one special unit providing residential psychiatric care to children up to the age of 17. The Committee is concerned that the capacity for meeting the needs of children with mental health needs remains limited, with additional support from non-governmental organisations being required for meeting existing needs for mental health services.</p> <p>48. The Committee recommends that the State party further develop and expand its mental health care system for children and young people to ensure adequate and accessible prevention, treatment of common mental health problems in a primary health care framework as well as specialized care for more serious disorders, with particular attention to children most at risk, including children deprived of parental care.</p> <p style="text-align: center;">Country Report</p> <p>CRC/C/MLT/2</p> <p>5 March 2012</p> <p>http://www2.ohchr.org/english/bodies/crc/docs/CRC.C.MLT.2.pdf</p> |
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| OPSC to CRC | Ratification Date | Care-Related Concluding Observations |
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| | 28 Sep 2010 | |
| OPAC to CRC | Ratification Date | Care-Related Concluding Observations |
| | 9 May 2002 | |
| ICCPR | Accession Date | Care-Related Concluding Observations |
| | 13 Sep 1990 | |
| ICESCR | Ratification Date | Care-Related Concluding Observations |
| | 27 May 1971 | |
| CEDAW | Accession Date | Care-Related Concluding Observations |
| | 8 Mar 1991 | |
| CRPD | Ratification Date | Care-Related Concluding Observations |
| CRPD/C/MLT/CO/1 | 10 Oct 2012 | 17 October 2018 https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fMLT%2fCO%2f1&Lang=en III. Principal areas of concern and recommendations B. Specific rights (arts. 5–30) |

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| | | <p>Children with disabilities (art. 7)</p> <p>11. The Committee is concerned about the institutionalization, through care orders issued under the Civil Code (chap. 16), of some children with disabilities whose families have been identified as being “unable” to take care of their children. It is also concerned about the lack of information on the involvement of children with disabilities in measures taken by the Commissioner for Children to hear the views of children on the matters that concern them, such as the Council for Children convened by the Commissioner in accordance with article 12 of the Commissioner for Children Act (chap. 462).</p> <p>12. The Committee recommends that the State party:</p> <ul style="list-style-type: none">(a) Reintegrate children with disabilities who are currently institutionalized (under care orders issued under the Civil Code) into communities as expeditiously as possible, so that they can enjoy living in family settings and gain access to education and other services within the community, on an equal basis with others;(b) Adopt measures to fulfil the right of children with disabilities to be consulted on all matters that affect them, and to guarantee that they have disability and age-appropriate support to realize that right, including in measures taken by the Commissioner for Children. <p>Liberty and security of the person (art. 14)</p> <p>23. The Committee is concerned that some legislation in place is not in line with the Convention, particularly the Mental Health Act (chap. 525), which allows the involuntary detainment and non-consensual psychiatric treatment of persons with disabilities, on the grounds of psychosocial or intellectual disabilities. It also notes with concern the continued hospitalization of persons with psychosocial or intellectual disabilities without their consent.</p> <p>24. The Committee recommends that the State party revise and repeal the legal provisions that legitimize forced internment and non-consensual psychiatric treatment on the grounds of psychosocial and intellectual disabilities, and fully harmonize their provisions with article 14 of the Convention and the Committee’s guidelines on the right to liberty and security of persons with disabilities (A/72/55, annex).</p> |
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| | | <p>Freedom from exploitation, violence and abuse (art. 16)</p> <p>27. The Committee notes with concern that:</p> <ul style="list-style-type: none">(a) Persons with disabilities, in particular women and girls with disabilities, are subject to violence and abuse, including domestic violence, and that laws in this regard, including the Gender-based Violence and Domestic Violence Act (chap. 581), lack a disability perspective and monitoring mechanisms to detect, prevent and combat violence within and outside the home, especially in cases that are not reported;(b) Shelters for persons exposed to violence are not fully accessible, including a lack of information in accessible formats and care for persons with disabilities, particularly persons with psychosocial or intellectual disabilities, in the shelters. <p>28. The Committee recommends that the State party:</p> <ul style="list-style-type: none">(a) Review the Gender-based Violence and Domestic Violence Act to ensure that it has a disability perspective, to enact other relevant legislation, such as the planned bill on the protection of vulnerable older persons and adult persons with disabilities, and to ensure that the perpetrators of violence and abuse are prosecuted and given penalties commensurate with the gravity of their acts;(b) Ensure the availability of accessible and inclusive support services for the psychological and physical recovery of persons with disabilities subjected to violence. <p>Living independently and being included in the community (art. 19)</p> <p>29. The Committee is concerned that the State party continues to institutionalize persons with disabilities and has not yet adopted national legislation incorporating the legal provisions of article 19 of the Convention, so that they become directly justiciable, or provided tools for their enforcement. The Committee is also concerned at the limited financial support to persons with disabilities to employ personal assistance that would allow them to live independently and the lack of professionals who provide skills training to support persons with disabilities in the community.</p> |
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| | | <p>30. The Committee recommends that the State party take into account its general comment No. 5 (2017) and:</p> <p>(a) Ensure that existing residential institutions that contribute to the isolation of persons with disabilities are closed and that the provision of appropriate community-based services is strengthened;</p> <p>(b) Ensure that all projects supported by public funds are carried out in a community setting, do not contribute to isolation of persons with disabilities, are monitored by organizations of persons with disabilities and are provided with sustainable continuous funding;</p> <p>(c) Adopt the legal and other measures, such as the planned bill on personal autonomy and the bill on the Convention, necessary to make article 19 of the Convention justiciable;</p> <p>(d) Ensure that financial and other measures are in place to allow persons with disabilities to be provided with personal assistance and that personnel supporting persons with disabilities in the community are appropriately trained, if necessary.</p> |
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| UPR | Date of Consideration | Link to Page |
| | 6 May 2009 | http://www.ohchr.org/EN/HRBodies/UPR/PAGES/MTSession5.aspx |
| Hague Inter-country Adoption | Accession Date | Link to Country Profile |
| | 13 Oct 2004 | http://www.hcch.net/index_en.php?act=states.details&sid=53 |

Acronyms and Abbreviations:

CEDAW Convention on the Elimination of All Forms of Discrimination against Women
 CRC Convention on the Rights of the Child/Committee on the Rights of the Child

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| CRPD | Convention on the Rights of Persons with Disabilities |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OPAC to CRC | Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict |
| OPSC to CRC | Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography |
| UN | United Nations |
| UPR | Universal Periodic Review |