



The Lisa Maria  
Foundation

SAFEGUARDING CHILDREN AND THE YOUNG

# Recommendations for the refinement of legislation and policy for the increased safeguarding of children and youth in Malta and Gozo

Recommendations for:

## **Children's Policy Framework 2024-2030 Ministry For Social Policy and Children's Rights**

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The Lisa Maria Foundation has been set up to devise strategies and plans which contribute towards the promotion of the well-being of children and young people and safeguarding them from harm. Through cooperation and networking with interested stakeholders, the foundation aims to act as a catalyst to bring about the necessary changes in the policies and practices relevant to the welfare of children and young people. It is in this light that the Foundation is making recommendations to the Ministry For Social Policy and Children's Rights in relation to the Children's Policy Framework 2024-2030.

- The use of The Children's House should be made mandatory for any situations where a child/youth is required to give a statement or testify, irrelevant of whether the case is being investigated by CPS or Vice squad.
- When a child is displaying suicidal ideation, medical support at emergency services should be faster and child centred.
- Financial security should be set up for children leaving care, in order to ensure a smoother transition to adulthood and to compensate for a lack of resources that the youth may have available to them. Children and youth in alternative care, should be set up with a trust fund where a monthly allowance is deposited for their future.
- When considering children in alternative care, secure plans, support and accommodation should all be extended through young adulthood, until the age of 25, to limit vulnerabilities. The additional disadvantages and vulnerabilities that these youth are at risk of, should be properly assessed and countermeasures should in turn be implemented.
- There is currently a large gap in services for 12-18 year olds who require specialised residential support when recovering from trauma and who are displaying aggressive behaviours. This is especially concerning when the

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highest reports of incidents of violence against children are in the 11-15 year age groups as quoted in this policy paper. This requires:

- Specialised residential services with a fixed programme for treatment and not punishment
  - More trauma informed training for any people working with children and youth
  - No children should be taken to correctional facilities without a criminal conviction. This option should never replace the aforementioned gap in services.
- Safeguarding training should be made compulsory for all staff, volunteers, self employed individuals who work with children or youth.
  - All laws and policies should reflect that minors are under the age of 18, and not until 16. This could potentially minimise vulnerabilities of youth in the 16-18 age gap, making them more susceptible to ongoing abuse.
  - Youth between 16-18 years old need to be better protected, especially when differentiating between sexual consent and compliance. Although a 16 year old can consent to sex, services and professionals must be sensitive to vulnerabilities that this may cause, especially when considering possible grooming.
  - More enforcement is required on grooming and more knowledge and sensitivity around this form of abuse, to ensure red flags are not missed.
  - Professionals to receive training on the sexual development of children, to gain a better understanding, more consistency with less personal bias and to avoid underreporting and over reporting of sexualised behaviours.
  - The creation of specialised residential programmes for children exhibiting HSB/TA-HSB, where necessary. This will ensure early and timely

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interventions to reduce recidivism and for the child in question to get the right support, and it will also increase safeguards of other children who may be at risk of exposure.

- Principle 1.4.1.1 (Pg.17) should also include sexual abuse and grooming specifically.
- In some instances of domestic violence, there is a need for the rights of the child to be better enforced and to take precedence over the parental rights. In instances where the child is exposed to further violence and abuse through access visits, the best interest of the child should top the non custodial parents right to access.
- All professionals working with children, irrelevant of setting, to be offered training to have a better understanding of trauma informed care.
- Increased support to families for reintegration, where possible and safe for the child. Reintegration should always remain the aim and due attention and support should be provided to families when in the best interest of the child, both prior and after the issuing of a care order.
- Enforcement of no use of cannabis in public areas with hefty fines for those smoking in areas where children are present.
- More training for educators in relation to situations and realities faced by children in alternative care. This aims to increase sensitivity and reduce stereotypical judgements. A child in care remains a victim and should not be seen in any other way.
- Children residing in shelters should not be pressured to change schools due to transportation issues. Stays in shelters are temporary and school often provides consistency for the child in these turbulent times. Logistics should always be adapted to the best interest of the child, with



understanding and alternative solutions provided surrounding special circumstances.

- For children and youth migrants who are under a care order, status security should also be granted once the child turns 18. It is unfair that they lose all access to healthcare, education and other rights as soon as they turn 18, making them vulnerable youths.
- Healthcare should be offered to all children irrespective of status.
- In line with policy recommendations for the inclusion of migrant children, unaccompanied minors should be integrated within the alternative care system as opposed to being segregated. This is more likely to support their integration, inclusion and adaptation early on.
- The statute of limitations of adults coming forward regarding childhood abuse should be removed. Research shows the effects of trauma and how these may delay a child disclosing abuse, and a time frame should not be placed on a perpetrator being made accountable for abuse.
- Amendments are urgently required to the Protection of Minors (Registration) Act to strengthen the protection of children and youth in organisations and the timely and effectiveness of vetting those allowed to work or volunteer with them.
- Court should be able to overrule parental rights when a parent refuses to allow a child suffering from trauma to be able to access psychological support. This should be regarded as severely as a child being denied physical health aid when needed.
- In relation to measure 1.4.7, due attention should be paid to the use of the term 'parental alienation' when there are cases of domestic violence, to

ensure that the court system is not being used to further abuse and possibly expose the child to further abuse.

- In relation to measure 1.4.10, to include domestic violence cases in the list as the lengthy durations of these cases severely delay women and children escaping violence and abuse from moving on with their lives.
- In line with measure 1.4.11, harsher sentences should be revised for all forms of child abuse and not just for child sex offenders and this should consciously include grooming.
- The child's physical environment outlined on Pg. 29 should also include educational and recreational spaces considering the amount of time that children and youth spend within these physical spaces.
- The issue of how children's time is allocated should be addressed - we manage to fill up, organise and structure children's lives to deny them time to spend in recreational spaces.
- The design/layout of spaces should draw on children's voices/ contributions and experiences of what they would like to see or have access to.
- SAVs to require that the non-custodial parent is to arrive 15 minutes prior to the child and custodial parent and to leave 15 minutes after. This will limit the meeting of both parents and in turn limit the child's ongoing exposure to arguments, hostility and abuse. It will also limit opportunities for stalking where relevant.
- In relation to measure 2.1.7, a lot of research already exists in relation to ACE's (Adverse Childhood Experiences'). This research and these tools could be better incorporated into service provision and for implementing counterbalances to support children affected by these.



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- Measure 2.1.9 should be analysed from a domestic violence perspective to ensure that this option is safe for the child, that the child is not being used as a 'weapon' and that this would in fact provide stability to the child in the long term.
- There is a need for a national safeguarding strategy to ensure a minimum standard across Malta and Gozo.

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