Malta input - Report on the rights of the child and violations of the human rights of children in armed conflicts - Human Rights Council Resolution 55/29

(1) Nature and extent of violations: Please provide information on the human rights violations that children experience in armed conflict situations both in the territory of your country and in all other territory over which your government exercises effective control.

Nil.

(2) Best interests of the child in State actions: Please provide information on how effectively your government is upholding the right of the child to have his or her best interests taken as a primary consideration in their actions and policies related to armed conflict. Please provide examples of legal and institutional frameworks, policies and programmes, including military and other national security policy and operational frameworks, integrating this principle.

Nil.

(3) Adequacy of current protections and remedies:
Please provide information on the sufficiency of the protections and remedies planned or implemented to support and protect child victims of armed conflict.
Please provide details on gaps in protection or promising practices and include examples of specific protection measures implemented or planned, such as risk assessments, the delivery of humanitarian aid, and availability and accessibility of lifesaving services, that have proven effective in respecting children's right to life, survival and development in situations of armed conflict.

Malta, though geographically small, has been involved in providing protection to children affected by armed conflict, particularly through its role in hosting refugees, asylum seekers, and migrants, many of whom are children fleeing war-torn regions. The country is not a direct participant in armed conflicts but plays an important role in addressing the protection needs of child victims of conflict through its humanitarian actions and legal frameworks. Malta provides asylum protection for children fleeing conflict zones such as North Africa, the Middle East, and other countries.

According to Maltese law, such children are entitled to special protection under both **national law** and **international conventions**, including the **United Nations Convention on the Rights of the Child (CRC)**. Malta prioritizes the best interests of the child during the asylum process; this means that unaccompanied minors are given priority and special care, including the appointment of a legal guardian and child protection services.

Reception centres operate to provide the children with access to basic services including food, healthcare, and education. This being one of the main challenges due to the limited resources available. Unaccompanied minors are placed in dedicated facilities where they are given specialized care; provided with educational programs, psychological support, and a professional to oversee their well-being and development.

(4) Challenges to upholding the right of the child to have his or her best interests taken as a primary consideration:

Please provide information on the challenges encountered, achievements and promising practices of your government in fully prioritizing children's best interests in all conflict-related decisions and operations.

As an EU member, Malta follows the EU directives that ensure the protection of these children which include -

1. Legal guardianship whereby they are assigned a legal guardian who is responsible for ensuring the child's wellbeing, education, safety, and access to health services. This is done between the Directorate for Child Protection Services (DCPS) and the Agency for the Welfare of Asylum Seekers (AWAS).
2. Shelters and care facilities that are dedicated shelters for children to be housed receiving individualized care, education, and counselling according to one's needs.

Several Maltese NGOs, mostly AWAS, work closely with the government to support migrant children, particularly those coming from conflict zones. These organizations provide legal representation, psychosocial support, and educational assistance, when needed. Support services and integration programmes are established to provide a safety net for the children with a positive outcome to attend school and build relationships with Maltese peers. The DCPS work closely with international services to provide family reunification, whenever possible.

One of the challenges of Malta, being a small country, is the growing number of migrant children, this puts a strain on Malta's resources. There can sometimes be tension regarding the integration of migrant children due to language and cultural barriers, which may complicate efforts to ensure that the children receive all the support needed. Many unaccompanied minors face long periods of uncertainty in terms of their legal status. This can create stress and anxiety, affecting their mental health. Other challenges that are faced are when migrant children living in centres are reported missing after possibly leaving the island, and although the child protection services report to the necessary authorities, there is no continuum of communication about the children's whereabouts.

(5) Recommendations for strengthening protections and remedies: What specific actions should States parties to the Convention on the Rights of the Child take to improve the protection of children's human rights and ensure that the best interests of the child are central to all conflict-related decisions and operations and in ensuring accountability for violations of their human rights? Please provide examples of measures implemented or planned by your government:
(i) To monitor, document and report on the violations of the human rights of children in armed conflict considering the direct and indirect, immediate and long-term impacts of armed conflict on children.
(ii) To provide remedies and reparations to child victims of human rights violations committed by State and non-state actors during conflicts.
(iii) To hear and consider the views of children in conflict-related accountability processes.

States can also consider Children and Armed Conflict (CAAC) as a priority during their international engagements.

During Malta's two-year term on the UN Security Council, CAAC was a priority area for Malta. During this time, Malta chaired the Security Council Working Group on CAAC, which is tasked mainly with reviewing and following up the UN Secretary General (UNSG)'s reports on grave violations against children affected by armed conflict committed by parties that are listed in the annexes to the UNSG's report on CAAC and drawing up conclusions with recommendations.

Malta played a pivotal role in negotiating 11 CAAC conclusions over the two years. Moreover, during its term, 19 formal meetings and numerous informal consultations of the Working Group were organised, along with two field visits to Nigeria (July 2023) and Colombia (December 2024), which demonstrated its commitment to reinforcing international efforts to protect children affected by armed conflict.

Moreover, UN Security Council Resolution 2764[1] penned by Malta was unanimously adopted on 20 December 2024, strengthening the international community's response to the grave violations against children in armed conflict. It reaffirms the importance of safeguarding children during peace operation transitions and the need for sustainable child protection capacities. The resolution calls for a responsible handover of child protection responsibilities to the UN country teams and reaffirms the critical role of child protection advisers in mission mandates. It also highlights the necessity of tailored approaches to address the specific needs of girls and boys affected by conflict. The text was co-sponsored by 111 UN MS, making this Resolution the third most widely sponsored UNSC Resolution. Initiatives such as the resolution, ensure greater safeguarding of children's human rights even in the absence of UN Peacekeeping missions.

Finally, Malta firmly believes that capacity building on child protection in conflict is key and would ensure that children's human rights are guaranteed. Following the success of the pilot Virtual Summer School on Child Protection and the Prevention of Grave Violations against Children in Armed Conflict, organised together with the Office of the Special Representative of the Secretary-General (SRSG) for Children and Armed Conflict that took place in the Summer of 2022, Malta continued its collaboration with the Office of the SRSG in 2024 to launch the CAAC Primer, a self-paced online introductory course on children and armed conflict that is freely available through the web page of the United Nations System Staff College. The Primer has been very well received - to date 1068 individuals from 126 duty stations worldwide had enrolled for the course, with 275 having been certified for completing the course. First available only in English, the Primer is to be also translated into French (with Malta's funding), and into Arabic (with Qatari funding). An online 'Advanced Training on Children and Armed Conflict' course, complementary to the Primer, and likewise financed by Malta, has also been launched in collaboration with the Office of the SRSG, which commenced in November 2024 until the end of January 2025. This 8-week online training with live participation is progressing smoothly, with more than half of the sessions already delivered.

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[1] https://digitallibrary.un.org/record/4069987/files/S_RES_2764_%282024%29-EN.pdf