**­­Questionnaire on the rights of the child and family reunification**

Input from the Republic of Malta

1. **a. How are the human rights of children separated from their families upheld in your country?**

In cases of children who arrive in Malta alone and without parents, such children are immediately taken under the care of the State. Depending on the age, these children are placed in units that are designed for the care of minors. A protection order is immediately established to provide guardianship for the minor. In cases of children who have been separated from the parent as a result of abduction, the provisions of the 1980 Hague Convention are followed. Social services conduct assessments on behalf of the court and take care of any practical logistics that are required for the transfer of the minor back to the parent who has legal custody. Moreover, unaccompanied minors are accommodated at dedicated Open Centres managed by the Agency for the Welfare of Asylum Seekers and have access to free State education.

1. **b. What are the priorities to strengthen global and national frameworks for the prevention of family separation?**

Separated and unaccompanied children should be provided with adequate care, family tracing (provided that this does not pose the risk of refoulement) and reunification services, while children at risk of separation should receive preventive support services. Coordinated action by relevant national and international authorities and organizations should be provided to reduce separation and endeavor to keep children as close to their parents, relatives, and community as possible. Community education should be undertaken when the possibility of separation can be anticipated. Families should be alerted to the risks of separation and encouraged to take precautions. Such precautions may include ensuring their child has undergone birth registration, teaching children their full names and addresses, encouraging children to wear name tags at all times, agreeing on a meeting place in case of separation, and making sure children are accompanied by a known adult whenever possible. This is particularly important when there are high risks of sexual violence, abduction, and trafficking. In circumstances where the evacuation of a population is necessary, family groups should be moved together. Children should not be evacuated on their own. Agencies should endeavor to avoid unnecessary separation by ensuring that households have adequate basic provisions. All services such as food aid, health services, and emergency care, should be reviewed to ensure that they do not encourage the separation or abandonment of children.

**2. a. How can the right to family life be upheld for children in cross-border situations, particularly migrant children who are separated from their families (taking into consideration Article 10 of the Convention on the Rights of the Child)?**

Malta recommends that easily accessible databases of all individuals who are residing in Europe are maintained which may be accessed by the pertinent authorities caring for children in the EU which would facilitate the reunification of families. Malta believes that having the availability of free DNA testing for this specific purpose would be a convenient and efficient way to confirm parentage. This facility would speed up the process of settling doubts about the veracity of claims. Migrant families who reach Malta irregularly are accommodated in the same facilities, so that family unity is maintained at all times.

**b. How can the best interests of children separated from their families in cross-border situations, in particular migrant children, be more effectively upheld without discrimination?**

The appointment of a representative, the tracing of family members as soon as possible, and for the welfare of children to be taken into account at all stages of the process, are crucial principles to uphold the rights of unaccompanied minors. Malta is in favour of efforts to reinforce guardianship systems in Member States, the holistic assessment and determination of the best interests of the child, the definition of family, the criteria for obtaining international protection, and immediate access to education. We consider that our current system, outlined, to be non-discriminatory.

**3. a. What are the main human rights concerns for children living in conflict, children in detention or whose parents are detained, or children allegedly associated with terrorism or terrorist groups, regarding their right to be reunited with their families?**

Children in these situations are increasingly vulnerable to neglect, violence, abuse, and exploitation (including abduction and trafficking), while also at risk of being displaced or stateless, not having access to the main key services (such as adequate housing, education, healthy nutrition, and healthcare) and living in poverty or social exclusion. Family members with children are not issued with Detention Orders in terms of the Reception Conditions Regulations. The freedom of such persons may only be restricted for health reasons, i.e. quarantine or pending medical clearance. These persons are not separated, which means that family unity is maintained. So far, Malta has not experienced issues with the families of terrorist offenders.

**b. How can the best interests of children separated from their families in these situations be more effectively upheld without discrimination?**

As per reply to 3a. Moreover, the best interests of children in these situations necessitates robust child protection systems, nationally as well as internationally, while ensuring access to communication with their families (in situations where they can be contacted) and the main key services. All children should be offered an equal opportunity and protection.

**4. What are the main gaps and strategic priorities to strengthen international cooperation on upholding the rights of children in cross-border situations who are separated from their families?**

The main strategic priorities should be the upholding of human rights, non-discrimination, and assistance and protection from harm. The legal structures at national law and international treaties must be respected in the different possible cases of unaccompanied minors. Reunification measures should be strengthened to offer effective and timely solutions. The scope of family members may be broadened to include other family members if this is in the best interest of the child. Finally, frameworks for the sharing of information may also assist to strengthen international cooperation.

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