



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 8 (1) OF THE OPTIONAL PROTOCOL TO THE  
CONVENTION ON THE RIGHTS OF THE CHILD ON THE  
INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

**Initial reports of States parties due in 2004**

**MALTA**

[9 November 2005]

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This is the first report pursuant to the ratification by Malta on 9 May 2002 of the Optional Protocol to the United Nations Convention on the Rights of the Child on the involvement of children in armed conflict.

### Article 1

1. The Malta Armed Forces Act, chapter 220 of the Laws of Malta, provides under Title 1 that it shall be lawful for the President of Malta to raise by voluntary enlistment and maintain an armed force, consisting of a regular and of a territorial force.
2. Under Title 11, a person offering to enlist in the regular force shall be given a notice in the prescribed form setting out the questions to be answered on attestation and stating the general conditions of engagement to be entered into by him. The recruiting officer shall not enlist any person in the regular force unless satisfied by that person that he has been given such a notice, understands it and wishes to be enlisted. A recruiting officer shall not recruit a person under the appropriate minimum age. In terms of law the appropriate minimum age means the age of 17 years and 6 months. If the person is still under the appropriate minimum age then consent to the enlistment has to be given in writing by the father of such person. If such person is not subject to paternal authority, then written consent is to be given by the mother or by any person in whose care (whether in law or in fact) the person offering to enlist may be.
3. Recruits may, in pursuance of regulations made under article 4, be enlisted for service in particular corps, but save as may be provided by such regulations recruits shall be enlisted for general service. The competent military authority shall as soon as practicable appoint a recruit, if enlisted for service in a corps, to that corps, and if enlisted for general service, to such corps as the competent military authority may think fit: **Provided that a recruit enlisted for general service before attaining the age of 18 years need not be appointed to a corps until he attains that age.** The term of engagement of a person enlisting under 18 years of age expires on reaching 18 years of age and enlistment has to be renewed. It is a mandatory condition for enlistment of potential recruits to produce a birth certificate from the National Civil Status Office to attest their age.
4. In practice the Armed Forces of Malta do not recruit and have not since 1970 recruited persons under the age of 18 years. Regulations under the Malta Armed Forces Act provide for a Junior Leaders Scheme whereby persons under the age of 17 years and 6 months could be recruited for training but in a non-combatant position, however no such recruitment has taken place since 1970. Moreover, upon ratification of the Optional Protocol to the Convention and in accordance with article 3 (2) the Government of Malta declared that if in the future recruitment of persons under 18 years of age were made, such members of the armed forces will not take part in hostilities.

### Article 2

5. In Malta there are no statutory provisions for conscription or any form of compulsory military service. As reported under article 1 above, the Armed Forces Act provides only for voluntary recruitment for persons who have reached the appropriate minimum age.

A copy of the Armed Forces Act (Cap 220) can be downloaded from:

[http://docs.justice.gov.mt/lom/legislation/english/leg/vol\\_5/chapt220.pdf](http://docs.justice.gov.mt/lom/legislation/english/leg/vol_5/chapt220.pdf).

### **Article 3**

6. Since ratification of this Optional Protocol there have been no legislative changes, or any regulations issued that would change the legal provisions as explained under articles 1 and 2 above. While no recruits under the age of 18 years have been engaged; since 1970 it is not intended to set up any incentive schemes for such recruitment. The Armed Forces of Malta do not operate or control any educational institution.

### **Article 4**

7. As per article 3.

### **Article 5**

8. Malta has ratified the United Nations Convention on the Rights of the Child on 30 September 1990.

### **Article 6**

9. Under the portfolio of the Ministry for the Family and Social Solidarity a number of government-financed entities have been established viz:

- Appogg - an organization responsible for the welfare of children, the family and the community;
- The Department for Social Welfare Standards;
- The Foundation for Social Welfare Services;
- The National Commission for the Family.

10. Malta has a number of statutory enactments that ensure protection to children:

- Civil Code (chapter 16);
- Children and Young Persons (Care Orders) Act (chapter 285);
- Juvenile Court Act (chapter 287);
- Social Security Act (chapter 318);
- Education Act (chapter 327);
- Child Abduction and Custody Act (chapter 410);
- Refugees Act (chapter 420);
- Widows' and Orphans' Pensions Act (chapter 58).

11. Moreover, in terms of the provisions of the above-mentioned Acts a number of Legal Notices (Regulations) have been issued that consolidate further the legal protection of children.

12. Malta is also a party to the Hague Convention on the Protection of Children and to cooperation in respect of the Intercountry Adoption of 29 May 1993.

**Article 7**

13. Malta has never requested or offered any technical cooperation or financial assistance for the implementation of this Optional Protocol.

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