**Malta Input - Gender dimension of the sale and sexual exploitation of children and the importance of integrating a human rights-based and a non-binary approach to combating and eradicating sale and sexual exploitation of children**

1. Existing societal norms, practices/behaviours (cultural, social, traditional or other) that may explicitly or implicitly involve and/or manifest sale and sexual exploitation of children, include the following:

* A lack of positive parenting and parental understanding, family quality time and/or an inadequate home environment (especially in terms of relationships within the home) can drive children to seek other relationships, subjecting children to the risk of having relationships with perpetrators of abuse and exploitation. A lack of peer support in children's lives may also put children at risk or reinforce risks. To counteract such risks, the Ministry for Social Justice and Solidarity, the Family and Children’s Rights (MSFC) has published and is implementing the National Strategic Policy for Positive Parenting 2016-2024[[1]](#footnote-1) and the National Children’s Policy[[2]](#footnote-2). The National Strategic Policy for Poverty Reduction and for Social Inclusion 2014-2024[[3]](#footnote-3) is also being implemented, particularly with regards to children and young people at-risk of poverty or social exclusion who are one of its four main target groups, in order to promote their social inclusion prospects through outreach and youth hubs, adequate prevention and intervention to abuse, support in and after alternative care, as well as promoting social participation and facilitating the transition of youth from education to the labour market.
* A lack of positive parenting, and in particular parents who are not aware of (or are unaware of how to address) the present online and offline risks that their children, especially adolescents, may face.

a) The National Children's Policy addresses the gender and gender identity by :

Promoting the values of respect, one’s personal expression of sexuality and gender identity, as well as freedom from exploitation and abuse through age appropriate methods and health services in synergy with the ‘National Sexual Health Policy.’

Combating all forms of discrimination and intolerance primarily among groups that are at greater risk of marginalisation (including LGBTIQ+ children).

Additionally, the National Children's Policy has numerous policy actions within the dimensions of home environment, social wellbeing, health and environment, education, and leisure and culture, which are aimed at addressing abuse and its root causes among all children, irrespective of gender and gender identity.

b) Challenges persist when it comes to the inclusion of a gender perspective in the drafting of new legislation, policies and practices. Gender mainstreaming ensures the effective achievement of other social and economic goals and that both women and men can influence, participate in and benefit from development processes.

1. The Minor Protection (Alternative Care) Act (Chapter 602 of the Laws of Malta) provides for the protection of children against all forms of abuse, and irrespective of their gender and gender identity.
2. Please vide reply to question 1.
3. Research suggests that most victims are generally girls. However, higher rates for boys in residential settings have been registered. When gender identity does not conform to traditional norms, the probability of exploitation tends to be higher.
4. The Child Protection Directorate within the Foundation for Social Welfare Services (FSWS) investigates all cases of child abuse, which also include any reports about sexual exploitation of minors.

*Besmartonline!* In 2010, Agency Appoġġ, which is the main social work agency in Malta, within FSWS under the Ministry for Social Justice and Solidarity, the Family and Children’s Rights, together with the Malta Communications Authority, the Office of the Commissioner for Children and the Ministry for Education, applied for EU Funds in order to establish a safer internet centre in Malta. Since 2010, Agency Appoġġ is responsible for the Hotline and Helpline within the safer internet centre, through which cases of child sexual abuse material, cyber bullying, sexting, grooming and other internet related violence, are tackled.

The Hotline and Helpline are members of worldwide networks INHOPE and INSAFE and staff attend various trainings, seminars and conferences, in order to continue to share knowledge and best practices.

Moreover, in addition to the reporting of CSAM (Child Sexual Abuse Material) online and with one-to-one cases, the Hotline team members also act as consultants to other teams within the same agency such as the Domestic Violence Unit and the Child Protection Services, when there are issues of clients within the mentioned teams who are also encountering online violence.

The Hotline entered into a Memorandum of Understanding with the Malta Police Force and has a good working relationship with the Cyber Crime Unit. Joint training with the Cyber Crime Unit are held for both parties in order to strengthen the working relationship and to offer a better service.

The Besmartonline!, which is the name of Malta’s Safer Internet Centre, also works towards awareness and prevention of online violence. Awareness sessions about online risks, including online violence against women and girls, are held in primary and secondary schools for the students, their parents and guardians and other caregivers and educators. Such sessions are also held in different locations such as football nurseries, scouts and girl guide groups, local parishes and places of work.

In order to raise more awareness about online sexual exploitation, the Agency also holds information days in shopping malls or during events held in the community by Local Councils and participates in the media interviews on television, radio and print media.

Furthermore, the Besmartonline! project has organised various training sessions for professionals and volunteers working in the social sector and also organizes seminars for the judiciary.

1. The Minor Protection (Alternative Care) Act (Chapter 602 of the Laws of Malta) and the National Children's Policy sets measures and safeguards to prevent, prohibit and protect (and also provide early intervention) children from all forms of abuse and exploitations, including sale and sexual exploitation. These measures ensure a child-friendly, timely and effective reporting mechanism of abuse, as well as multiple policy actions put forward by the Policy across all the dimensions of home environment, social wellbeing, health and environment, education, and leisure and culture, which are aimed at addressing abuse/exploitation and its root causes among all children. An integrated approach, encompassing the involvement of all stakeholders and sectors, both for the purposes of prevention and intervention, is warranted.[[4]](#footnote-4)

To date, Cyber Violence against women and girls (VAWG) has not been fully conceptualised, defined or legislated at EU level. The following actions in this regard are being recommended.

* Adopting common terminology when referring to Child Sexual Abuse and Child Sexual Exploitation Online and no longer referring to it as Child Pornography since pornography implies an adult actor giving his/her consent to participate in such activities, whilst children can never give their consent and are therefore, victims.
* During the COVID-19 pandemic there was an increase in self-generated content, from children, especially adolescents. This gave way to further sexual exploitation of children online and made access easier to view and distribute Child sexual abuse material.
* As a Hotline, FSWS already holds educational sessions on the subject to raise more awareness in schools for children, parents and educators. However, FSWS believes that children, adolescents, their carers and educators need to be further trained on the subject and more awareness needs to be raised about the risk factors and legal implications involved in creating and distributing such content, in the light that a lot of minors are unaware of the risks that they encounter and also the legal implications that they could face when they take their own indecent photos/videos and distribute them to others (friends, etc).
* FSWS also believes that training on Cyber VAWG with a gender perspective should be introduced in police responses to Cybercrime. Law enforcement and other public officials working in the field should receive the necessary training in order to be able to respond in a timely and effective manner to the needs of women and girls who have been subjected to online violence. According to the Human Rights Report published in 2016: “When victims are encouraged to report cases, alongside timely investigations and the prosecution of offenders, public confidence in the law is boosted and access to justice is bolstered.”
* Moreover, there should be more awareness campaigns educating women and girls about Cyber VAWG, their legal rights and available support services.
* Continue to challenge misogynist discourse on social media, and through the education system including bystanders who are aware of these criminal acts but do not report them.
* Maintain good practice.

1. N/A.

External factors associated with the dimensions of home environment, social wellbeing, health and environment, education, and leisure and culture (identified within the National Children's Policy), can exacerbate the prevalence and/or magnitude of sale and sexual exploitation of children. For example:

socio-economic disadvantages of parents/primary caregivers (within the home environment) such as financial strain, disability, mental health challenges, etc.;

a lack of safe open spaces for leisure and play, where socio-economic status and increased digitalization also play a significant role.

factors of abuse, discrimination or lack of respect and equal treatment at home, school or in other places such as those of leisure (these are mentioned in all dimensions according to the sector);

children being part of a minority, primarily migrant and unaccompanied, can exacerbate risks if adequate protection is not provided; and

* Digitalization.

Furthermore, digitalization risks were exacerbated during the pandemic due to children’s increased use as means of education, socialization and leisure alternatives.

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1. Accessed at: <https://family.gov.mt/en/Documents/National%20Parenting%20Policy%20English%208.02.17.pdf> [↑](#footnote-ref-1)
2. Accessed at: <https://family.gov.mt/en/Documents/National%20Children%27s%20Policy%202017.pdf> [↑](#footnote-ref-2)
3. Accessed at: <https://family.gov.mt/en/Documents/Poverty%20Strategy%2014%20English%20Version.pdf> [↑](#footnote-ref-3)
4. These policy actions can be viewed at: <https://family.gov.mt/en/Documents/National%20Children%27s%20Policy%202017.pdf>. [↑](#footnote-ref-4)