

Annual Report



**SAFEGUARDING
COMMISSION**

safeguarding.mt

Foreword

The Safeguarding Commission was established in 2015 by the Maltese Episcopal Conference and the Conference of Major Religious Superiors, building on the work previously carried out by the Church's former Response Team. The Safeguarding Policy adopted by the Church in Malta and Gozo in 2024 articulates its mission and function; namely, to promote and oversee safe environments within the Church. Its responsibilities include the development and implementation of preventive practices, the receipt and management of complaints, the care and advocacy of victims, and the monitoring of wellbeing services provided to subjects of complaints.

Since 2022, the Commission's remit has been exclusively focused on the Archdiocese of Malta and on the Religious provinces present in Malta. In 2025, the Safeguarding Commission, in collaboration with the Pastoral Formation Institute, delivered 36 training sessions to 1,111 Church personnel. During the same year, the Safeguarding Commission submitted 122 applications to the Courts of Malta to check whether Church Personnel appeared on the Offenders' Register under the Protection of Minors (Registration) Act (POMA). The applications included a total of 4,508 Church personnel.

In 2025, the Safeguarding Commission received 47 referrals involving 44 subjects of complaint. Forty-three cases were concluded and six were Substantiated.

Three of the six Substantiated cases were Historical because the cases allegedly took place more than 10 years ago. The 43 concluded cases involved 40 individuals and two entities. One individual was involved in more than one case. From the 40 individuals, one was a diocesan priest, four were Religious, 32 were lay people and three were unknown, as the persons were not identified by the complainants.

The Safeguarding Commission was pleased to mark a milestone in 2025 – organising the first Safeguarding Conference in Malta, which was hosted by the Archdiocese of Malta. The shared mission of safeguarding was a central theme of the conference, explored through panel discussions involving a range of social stakeholders. The keynote address was delivered by Bishop Ali Herrera, Secretary of the Pontifical Commission for the Protection of Minors (Tutela Minorum) at the Holy See.

In 2025, the Commission for the Protection of Minors issued its Annual Report, which heaped praise on the Malta Church's Safeguarding Commission for its "exemplary" guidelines, and recommended that other Episcopal Conferences around the world adopt similar standards.

In 2025, the Safeguarding Commission also provided support to various NGOs, different faith communities in Malta, and dioceses worldwide in the development and implementation of their safeguarding structures and policies.



MARK PELLICANO

Head of Safeguarding

Structure of the Safeguarding Commission

The Safeguarding Commission is composed of various boards, offices and teams.

The Head of Safeguarding is Mark Pellicano. Natalie Kenely chairs the Safeguarding Advisory Board which is composed of six members, and Nadia Delicata chairs the Safeguarding Review Board which constitutes two other members. Three teams form the Safeguarding Office that include a Lead Safeguarding Officer and five Safeguarding Officers.

Meetings with the Church

Throughout the year, the Head of Safeguarding engaged in extensive consultations with a wide range of Church leaders and stakeholders to strengthen and advance safeguarding practice.

These meetings included Archbishop Charles Scicluna, Gozo Bishop Anton Teuma, Provincials of the Conference of Major Religious Superiors, parish priests and clergy, the Rector of the Seminary of the Archdiocese of Malta, and lay leaders of Church entities, groups and movements.

Regular meetings were also held with Fr Andre Zaffarese, the Episcopal Vicar for Pastoral Coordination and the Director of the Pastoral Formation Institute, with Fr Noel Vassallo, the Episcopal Vicar for Clergy, and with Ian Mifsud, Director General for the Secretariat for Catholic Education.

Meetings were also regularly held with victims, secondary victims, and subjects of complaint, to ensure that safeguarding efforts remained informed by lived experiences of all those involved in safeguarding processes.

Collaboration with entities outside the Church

Several entities outside the Church sought the support of the Safeguarding Commission in establishing safeguarding structures within their organisations. These included NGOs, regulatory authorities, diverse faith communities, professional associations, and sports entities.

The Safeguarding Commission participated in panels and delivered talks in different seminars hosted by various entities and organisations, including the Authority for Integrity in Maltese Sport, Maltese Association of Psychiatry, Malta Association for the Counselling Profession, Malta Dementia Society, and Bbrave.



International Collaboration

The Safeguarding Commission engaged in various collaborations with international stakeholders. Meetings were held with the Pontifical Commission for the Protection of Minors (Tutela Minorum) to discuss safeguarding initiatives, research and best practices.



The Head of Safeguarding delivered lectures at the Pontifical Gregorian University to second-year students addressing the topic of 'Safeguarding Codes of Conduct'. The Pontifical Gregorian University assigned one of its Licentiates in Safeguarding students to undertake a three-month practicum at the Safeguarding Commission in Malta.

Members of the Safeguarding Commission attended conferences and seminars including those organised by the Pontifical Gregorian University in Rome and by the Pontifical Commission for the Protection of Minors.



Different Episcopal Conferences consulted with the Safeguarding Commission of the Church in Malta for guidance to establish safeguarding structures and to assist them with developing their own safeguarding policies.

Media Engagement and Public Awareness

The Safeguarding Commission engaged with a variety of media outlets, including television programmes, radio shows, and newspaper articles. The Head of Safeguarding conducted several interviews with journalists on topics related to abuse and the need for comprehensive safeguarding legislation in Malta.



A new radio show programme on safeguarding was launched on RTK103, broadcasting 12 episodes that highlighted and discussed the various functions of the Safeguarding Commission.

In addition, the Safeguarding Commission carried out a proactive online media campaign, regularly publishing posts across all social media platforms to raise public awareness on safeguarding issues.

The Role of Bystanders

Here's how **YOU** can make a difference:

- Recognize the signs** - Fear, injuries, sudden behaviour changes.
- Listen & support** - Believe them. Don't judge.
- Speak up safely** - Stop harmful behaviour if you can.
- Report concerns** - Alert safeguarding officers or authorities.
- Advocate for change** - Promote awareness & protection.

🚨 If you see something, say something. 🚨

Abuse of Power

When an individual uses one's position of trust to cover up abuse, avoid or interfere with justice, or to bully, coerce, undermine, intimidate, manipulate, or abuse a minor and/or vulnerable adult who view that individual as someone to be trusted.

The Safeguarding Commission is dedicated to creating a safe haven within our church. If you have concerns, please reach out.

MISCONCEPTION VS FACT

- Misconception**
"I don't need training to recognize safeguarding issues."
- Fact**
Training equips individuals with the knowledge to identify warning signs and respond appropriately to safeguarding concerns.

What is a Church Entity?

Any organisation, association, foundation, entity, commission, voluntary organisation, group, society, congregation, order, formation entity, fraternity, community, educational entity, fellowship, forum, residential home, institute, parish, delegation, network, movement, office, secretariate, tribunal or chapter that officially forms part of the Catholic Church in Malta and Gozo.

The Safeguarding Commission is dedicated to creating a safe haven within our church. If you have concerns, please reach out.

First Safeguarding Conference in Malta

The Safeguarding Commission held the first Safeguarding Conference in Malta on November 13, 2025. The conference was hosted by the Archdiocese of Malta in collaboration with Newsbook Malta.

It focused on the collective mission of safeguarding, featuring panel discussions with representatives from diverse social and professional sectors. The keynote address was delivered by Bishop Ali Herrera, Secretary of the Pontifical Commission for the Protection of Minors (Tutela Minorum).



The Safeguarding Conference was supported by the Digital Presence Office within the Archdiocese of Malta.

Training in Safeguarding

In collaboration with the Pastoral Formation Institute, the Safeguarding Commission delivered 36 sessions attended by 1,111 Church personnel. The training sessions were held at Ta' Mlit in Mosta and at the premises of the various Church entities that requested training.

New specialised training programmes were designed with the intention to start providing them in the coming year.



Vetting of Church personnel

In fulfilling its vetting responsibilities, the Safeguarding Commission submitted **122 applications** to the Courts of Malta to verify whether candidates for positions within Church structures appeared on the Offenders' Register under the Protection of Minors (Registration) Act (POMA).

These applications encompassed a total of **4,508** Church personnel. The Safeguarding Commission also reviewed **32** applications for visiting clergy undertaking temporary pastoral work in the Archdiocese of Malta, ensuring that no prior safeguarding concerns were present.

New Premises

Multiple coordination meetings were conducted with the Archdiocese of Malta in relation to the redevelopment of a facility in Floriana designated to accommodate the Safeguarding Commission's new offices and drop-in service.

The property was selected on the basis of its strategic location in close proximity to the Archbishop's Curia, the Police Headquarters, and the Courts of Justice. It also benefits from good public transport links, ensuring ease of access by those using the service of the Safeguarding Commission.

Projects

The Safeguarding Commission is currently working on several projects. Some of these were initiated in 2025, while others are scheduled to commence during the course of 2026.

Listening Spaces is the Commission's first outreach pilot project, which aims to listen to lived experiences, strengthen advocacy, and inform future expansion of the work of the Commission.

Another project, IMPACT, is being carried out by Victim Support Europe in collaboration with the Victim Support Agency. The project's objective is to strengthen victim support systems through collaboration, knowledge exchange, and capacity-building activities. This includes practical initiatives such as webinars on various themes and coordination within victim support services.

In another project organised by the Pontifical Commission for the Protection of Minors (Tutela Minorum), the Safeguarding Commission of the Church in Malta has been selected to represent Europe in an initiative focused on raising awareness about online abuse.

In addition, the Safeguarding Commission has developed a safeguarding assessment toolkit to assist Church entities in ensuring compliance with safeguarding policies.

Further research projects are being carried out by Discern in collaboration with the Safeguarding Commission. These include a project focused on the wellbeing of subjects of complaint, examining an area that remains underexplored in safeguarding practice. An upcoming project in collaboration with Discern will focus on the evaluation of safeguarding training.

The Safeguarding Advisory Board

The Safeguarding Advisory Board met on 10 occasions throughout the year to discuss and advise the Head of Safeguarding on Church safeguarding policies, prevention and training, victim care and advocacy, preliminary investigations and risk assessments, and the wellbeing of subjects of complaint.

The Safeguarding Review Board

The Safeguarding Review Board was presented with three preliminary investigations and risk assessments to review the procedures, conclusions and recommendations.

The Safeguarding Review Board confirmed the outcome and recommendations of one case presented to them. Another case was referred to the Review Board and is currently being reviewed. Another case reviewed by the Safeguarding Review Board was concluded with a recommendation for re-assessment and a preliminary investigation, which is currently being conducted.

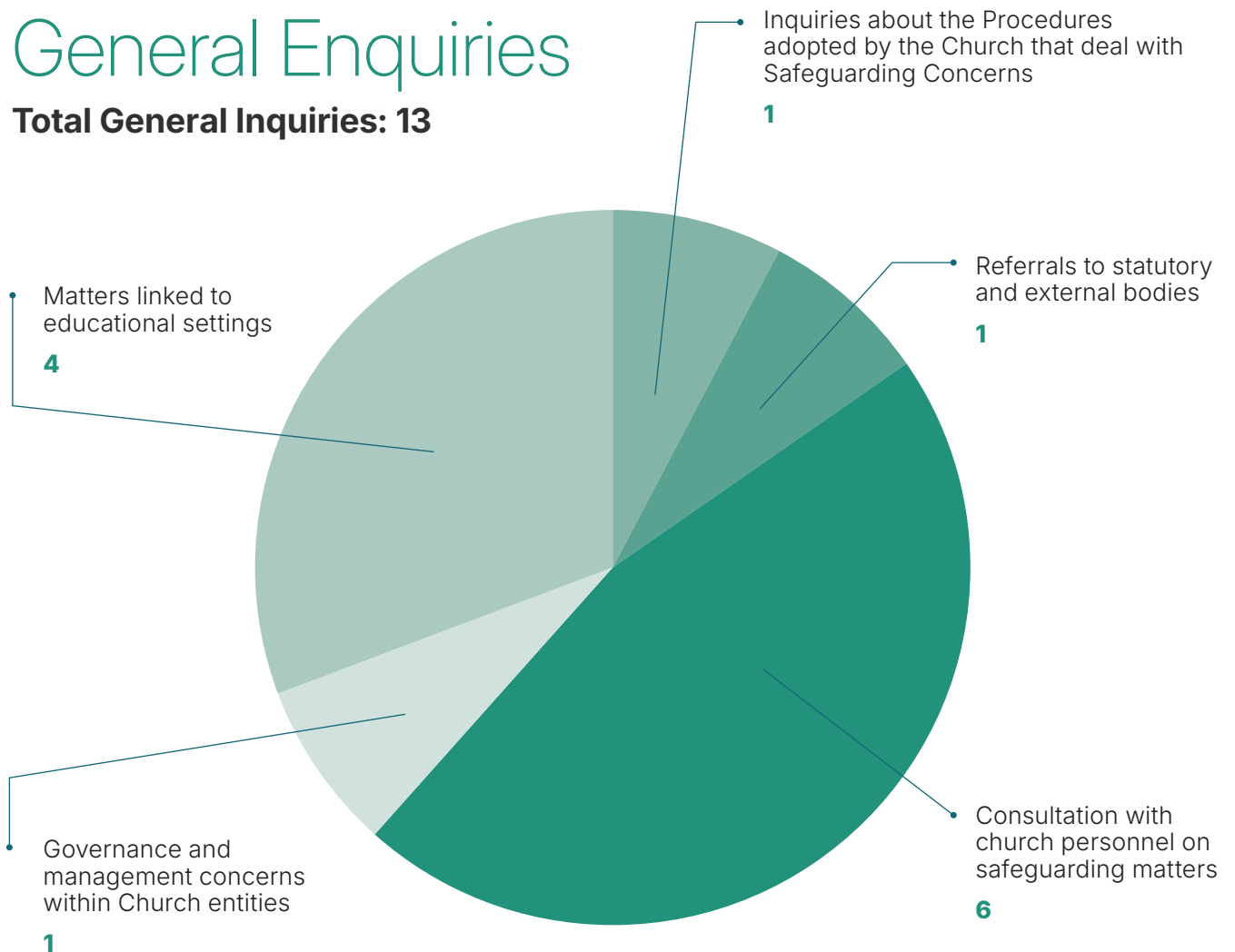
In another case reviewed in the previous year, a re-investigation was recommended. This was duly carried out by the Safeguarding Investigation and Assessment Team and was concluded as Substantiated by the Safeguarding Advisory Board. A suspension from exercising pastoral ministry was recommended for the subject of complaint.

Statistics of General Enquiries Addressed in 2025

The Safeguarding Commission dealt with **13** enquiries related to safeguarding. These covered a broad range of matters including procedural clarifications, case consultation, referrals to statutory and external bodies, governance and management concerns within Church entities, and matters linked to educational settings.

General Enquiries

Total General Inquiries: 13



Referrals Received in 2025

The Safeguarding Commission received 47 referrals involving 44 subjects of complaint. A total of 23 of the 47 referrals involved minors under the age of 18, while 24 of the referrals involved adults.

Of the 47 referrals, five cases were historical, because the alleged incidents took place more than 10 years ago. Four of the five historical cases involved minors and another involved an adult.

Of the 23 referrals involving minors, two concerned diocesan priests, three Religious priests/nuns, 16 lay people, and two unknown as the persons were not identified by the complainants.

Of the 24 referrals involving adults, five involved diocesan priests – one of whom involved in two cases – while seven involved Religious - one of whom was involved in three cases – and 12 concerned lay people.

| REFERRALS 2025 | | | |
|---|----|---|----|
| Minors | 23 | Diocesan priests | 2 |
| | | Nuns/Religious priests | 3 |
| | | Lay people | 16 |
| | | Unknown | 2 |
| 4 out of 23 were Historical cases | | | |
| Vulnerable Adults | 24 | Diocesan priests, one of whom faced two allegations | 5 |
| | | Nuns/Religious priests, one of whom faced three allegations | 7 |
| | | Lay people | 12 |
| 1 out of 24 was a Historical case | | | |
| TOTAL REFERRALS RECEIVED IN 2025 | | | 47 |
| TOTAL NUMBER OF SUBJECTS OF COMPLAINT IN 2025 | | | 44 |

The Safeguarding Commission received another referral which was anonymous. The referral was looked into by the respective Ordinary and was concluded as Unsubstantiated.

Cases concluded in 2025

In 2025, the Safeguarding Commission concluded **43** cases concerning 40 individuals and two entities. One of the 40 individuals was involved in more than one case. A total of **28** of the 43 cases concluded involved minors and **15** of the cases involved vulnerable adults.

Among the cases concluded in 2025, 35 had been referred to the Safeguarding Commission in recent years and eight cases which all involved minors were Historical, because the incidents allegedly took place more than 10 years ago.

| CASES CONCLUDED IN 2025 | | | |
|-------------------------|-------------|-------------------|-------------|
| | Minors | Vulnerable Adults | TOTAL |
| Total Cases Concluded | 28 | 15 | 43 |
| Historical Cases | 8 out of 28 | 0 out of 15 | 8 out of 43 |

Among the 40 individuals whose cases were concluded in 2025, one involved a diocesan priest, four involved Religious, 32 were lay people and three were unknown as the persons were not identified by the complainants.

| ROLES OF SUBJECTS OF COMPLAINT IN CONCLUDED CASES | TOTAL |
|---|-----------|
| Diocesan priest | 1 |
| Nuns/Religious priests | 4 |
| Lay people, one involved in two cases | 32 |
| Unknown | 3 |
| TOTAL | 40 |

CONCLUDED CASES CONCERNING MINORS

The 28 concluded cases concerning minors involved 27 individuals since one of the subjects of complaint was involved in two cases.

From the 27 subjects of complaint in cases involving minors, three were Religious, 22 were lay people and two were unknown as the persons were not identified.

Eight (8) of the cases involving minors were Historical cases.

Five (5) of the concluded cases concerning minors were Substantiated. Three of the five Substantiated cases were Historical because they allegedly took place more than 10 years ago.

Six (6) were Unsubstantiated, five were investigated internally by the relevant organisation. Nine (9) cases did not require further action. Four of the nine cases that did not require further action were Historical cases. Three (3) were not a safeguarding concern. One of the three incidents that were not a Safeguarding concern was a Historical case.

CONCLUDED CASES CONCERNING VULNERABLE ADULTS

The 15 concluded cases concerning vulnerable adults involved 13 individuals and two entities.

Of the 13 subjects of complaint involving vulnerable adults, one was a diocesan priest, one was Religious, 10 were lay people, and one unknown as the persons were not identified.

Regarding the 15 cases concerning vulnerable adults, one (1) case was found to be Substantiated. Seven (7) cases were not a Safeguarding concern. Two (2) of these included reports about entities. Five (5) cases were investigated internally by the relevant organisation, and two (2) cases did not require further action.

SUMMARY OF OUTCOMES ON CONCLUDED CASES

| OUTCOMES | | | |
|---|------------------|-------------------|-------------------|
| | Minors | Vulnerable Adults | Total Cases |
| Substantiated | 5 (3 Historical) | 1 | 6 (3 Historical) |
| Unsubstantiated | 6 | 0 | 6 |
| Investigated internally by the organisation | 5 | 5 | 10 |
| No further action required | 9 (4 Historical) | 2 | 11 (4 Historical) |
| Not a safeguarding concern | 3 (1 Historical) | 7 | 10 (1 Historical) |

SUBSTANTIATED COMPLAINTS CONCERNING MINORS

In the five Substantiated cases involving minors, one involved a Religious and four involved lay people. The case concerning a Religious involved sexual abuse, which was a Historical case because the incident took place more than 10 years ago. The subject of complaint was prohibited from working within the Church.

In the cases involving lay people, one incident involved a breach of professional boundaries, where the person was restricted until s/he undergoes training and supervision. This individual is no longer engaged with the Church. Another case involved physical abuse, and this person was restricted from working with minors. The two other cases, both of a Historical nature, involving lay people involved sexual abuse. Both individuals were prohibited from working within the Church.

SUBSTANTIATED COMPLAINTS CONCERNING MINORS

| Role of Subject of Complaint | Diocesan Priests | Nuns/Religious Priests | Lay People | | | |
|--|------------------|--|----------------|-----------------------------------|--------------|--|
| | | | | | | |
| Number of Cases | 0 | 1 | 1 | 1 | 1 | 1 |
| Allegation | N/A | Sexual Abuse | Physical Abuse | Breach of Professional Boundaries | Sexual Abuse | Sexual Abuse |
| Recommendation of restriction | N/A | Prohibition | Restriction | Restriction | Prohibition | Prohibition |
| Historical case because the case happened more than 10 years ago | N/A | Yes | No | No | Yes | Yes |
| Was the alleged victim an adult at the time of the referral? | N/A | Yes | No | No | Yes | Yes |
| Case referred to civil authorities? | N/A | No* | Yes | Yes | Yes | No* |
| *Reason for no referral to civil authorities | N/A | The Safeguarding Commission offered the victim, who was an adult at the time of referral, to be accompanied to the police, but the victim did not want to report | N/A | N/A | N/A | The Safeguarding Commission offered the victim, who was an adult at the time of referral, to be accompanied to the police, but the victim did not want to report |

SUBSTANTIATED CASES CONCERNING VULNERABLE ADULTS

The Substantiated case concerning vulnerable adults involved a lay person as a subject of complaint. The incident involved breach of professional and sexual boundaries. The individual was restricted. The Safeguarding Commission, through the Victim Care and Advocacy Officer, offered to assist the victim with filing a police report but the victim did not wish to proceed further.

| SUBSTANTIATED COMPLAINTS CONCERNING VULNERABLE ADULTS | | | |
|--|------------------|------------------------|---|
| Role of Subject of Complaint | Diocesan Priests | Nuns/Religious Priests | Lay People |
| Number of Cases | 0 | 0 | 1 |
| Allegation | N/A | N/A | Breach of professional and sexual boundaries |
| Recommendation of restriction | N/A | N/A | Restriction |
| Historical case because the case happened more than 10 years ago | N/A | N/A | No |
| Case referred to civil authorities? | N/A | N/A | No* |
| *Reason for no referral to civil authorities | N/A | N/A | The Safeguarding Commission offered the victim to be accompanied to the police, but the victim did not want to report |

Glossary

SAFEGUARDING COMMISSION

| TERM | DESCRIPTION |
|------------------------------------|--|
| Head of Safeguarding | Oversees and coordinates the work of the Safeguarding Commission within the established parameters of Safeguarding Policies. |
| Safeguarding Advisory Board | A board within the Safeguarding Commission consisting of professionals who meet regularly to discuss and advise the Head of Safeguarding on Church safeguarding policies, prevention and training, victim care and advocacy, preliminary investigations and risk assessments, and the wellbeing of subjects of complaint. The board is also responsible to approve or otherwise the conclusions and recommendations of the report which is to be presented to the Ordinary following a preliminary investigation or risk assessment. |
| Safeguarding Commission | The entity founded by the diocesan Bishop and the Conference of Major Religious Superiors responsible for promoting safe environments in the Church mainly through preventive practices and training, victim care and advocacy, handling of complaints, preliminary investigations and risk assessments, and follow up on the wellbeing of the subjects of complaint. |
| Safeguarding Office | An office within the Safeguarding Commission, consisting of professionals employed by the Church to offer day-to-day service within the Safeguarding Teams responsible for Prevention and Training, Victim Care and Advocacy, and Investigation and Assessment. |
| Safeguarding Review Board | A board within the Safeguarding Commission consisting of professionals which, upon a request of an Ordinary, reviews the procedures, conclusions or recommendations of a preliminary investigation or a risk assessment. |

Glossary

TYPES OF SAFEGUARDING CONCERNS

| TERM | DESCRIPTION |
|-----------------------------|---|
| Abuse of Power | When Church personnel uses one's position of trust to cover up abuse, avoid or interfere with justice, or to bully, coerce, undermine, intimidate, manipulate, or abuse a minor and/or vulnerable adult who view that Church personnel as someone to be trusted. |
| Breach of boundaries | When Church personnel crosses an emotional or physical line that must be maintained in order to ensure order, safety, transparency, and predictability within the Church. |
| Cyberbullying | When Church personnel engage in any form of bullying that occurs through and within the digital realm. |
| Emotional | When Church personnel emotionally or psychologically mistreat a minor and/or vulnerable adult through deliberate acts of humiliation, scare tactics, threats, ignoring, isolating, or other similar actions. |
| Exploitation | When Church personnel take advantage of an imbalance of power to control, coerce, manipulate, deceive, or simply take advantage of a minor and/or vulnerable adult. |
| Grooming | When Church personnel form a connection, builds trust, and establishes an emotional bond with a minor and/or vulnerable adult with the intention of manipulating, exploiting, or abusing them, even if that abuse, in whatever form intended, does not actually take place. |
| Harassment | When Church personnel engage in a course of conduct which can be reasonably be deemed as unwelcoming behaviour, which makes a minor and/or vulnerable adult feel offended, humiliated, degraded, or intimidated. |

Glossary

TYPES OF SAFEGUARDING CONCERNS

| TERM | DESCRIPTION |
|----------------------|---|
| Neglect | When Church personnel repeatedly fail to meet the physical and emotional needs of a minor and/or a vulnerable adult under one's care and responsibility. |
| Online Abuse | When Church personnel engage in any type of abuse that happens through and within the digital realm, including cyberbullying, emotional abuse, grooming, sexting, sexual conversations, sexual abuse, or sexual exploitation. Such abuse can occur anywhere within the digital realm, including but not limited to, social media platforms, text messaging and messaging apps, emails, online chats, online gaming, live-stream sites, etc. |
| Physical | When Church personnel physically maltreat in any way a minor and/or vulnerable adult. |
| Poor practice | When Church personnel do not meet the expected behaviour set out in this Safeguarding Policy and/or the particular policies of Church entities. |
| Sexual | When Church personnel lead, persuade, coerce or intimidate a minor and/or a vulnerable adult into engaging in a sexual activity that involves nonphysical, physical non-penetrative and/or physical penetrative contact. |
| Spiritual | When Church personnel engage in a systematic pattern of coercive, harmful, or controlling behaviour in a spiritual or religious context. This may include but is not limited to manipulation and exploitation, superiority or elitism, coercion to conform, control through the use of sacred texts or teachings, isolation as a means of punishment, or the requirement of obedience to or by that Church personnel, suggesting that the Church personnel has some kind of 'divine' authority. |

Glossary

CONCLUSION OF A COMPLAINT

| TERM | DESCRIPTION |
|--|---|
| Investigated internally by the organisation | When a safeguarding concern is investigated by the HR unit of the organisation or through a formal disciplinary procedure. |
| No further action | The case does not require further action or recommendations by the Safeguarding Advisory Board after the case is presented to them. |
| Not a safeguarding concern | When the case presented to the Advisory Board is deemed as not falling within the remit of the Safeguarding Commission. |
| Substantiated | Evidence was able to prove that on a balance of probabilities that the alleged incident took place, or that the risk of future safeguarding concerns is probable. |
| Unfounded | Evidence was able to establish that the allegation was false. |
| Unsubstantiated | Insufficient evidence to establish whether the alleged incident did or did not take place, or that the risk of future safeguarding concerns is not probable. |

OTHER DEFINITIONS

| TERM | DESCRIPTION |
|-------------------------|--|
| Church Personnel | Any member or members of the clergy (bishops, priests, deacons), of consecrated life or of an equivalent status, of societies of apostolic life, of the faithful who enjoy a dignity or perform an office or function within the Church, including lay people duly appointed or commissioned to work in the areas of administration, pastoral ministry and care, employees and volunteers engaged in all the various activities within Church entities, staff members engaged with a Church entity through another entity, or seminarians and religious students in formation. |

Glossary

| | |
|--|--|
| Minor | Any person under the age of 18. Equivalent to a minor is any person who has the developmental age of a child or habitually lacks the use of reason. |
| Prohibition | A recommendation to suspend permanently Church personnel from all pastoral activity. |
| Protection of Minors Act (POMA) Court Application | A request from the Voluntary Jurisdiction Section of the Civil Court (First Hall) for information which may be registered in the Register in respect of any applicant, or person who is employed, or holds any position with the same institution, establishment or organisation whether such employment or position is against payment or otherwise. This is regulated by the Protection of Minors (Registration) Act of the Laws of Malta Chapter 518. |
| Restriction | A temporary or permanent recommendation to suspend or prohibit Church Personnel from some or all pastoral activities. |
| Safeguarding training Subject of | Training to raise awareness of the responsibility of Church personnel to identify signs of abuse and report concerns. The training also gives tools to personnel to create a safe environment for minors and vulnerable adults. |
| Complaint | A person against whom a safeguarding concern has been raised. |
| Vulnerable adult | Any person over the age of 18 in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally limits their ability to understand or to want or otherwise to resist the offence. |



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