



# General Assembly

Distr.: General  
23 August 2018

Original: English

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Thirty-first session**  
5–16 November 2018

## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Malta**

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## I. Introduction

1. The advancement and protection of human rights is an inherent aspect of Maltese politics, legislation and way of life. Malta continues to uphold the fundamental values enshrined in the universal declaration of human rights, and its subsequent covenants. These values are deeply enshrined in Maltese society, secured in the Constitution and protected by the various bodies entrusted with the protection and promotion of human rights. Malta continues to do its utmost to further the implementation of human rights instruments and to widen their reach, with a view to ensuring universal respect for and protection of human rights.

2. Malta is party to numerous human rights Conventions<sup>1</sup> that bolster its position in protecting and promoting human rights. The Maltese Government has, over the years, also taken various legislative initiatives aimed at further safeguarding the implementation of particular human rights by instituting new legislation addressing various human rights aspects such as the protection of minors, the rights of persons with disabilities and rights pertaining to equality. A number of specialised National Commissions, Commissioners and Authorities are entrusted with specific mandates to protect vulnerable groups and guarantee the protection of their rights. These include, inter alia, the National Commission for the Promotion of Equality; the National Commission Persons with Disability; the Ombudsman; the Commissioner for Children; the Refugee Commissioner; the National Employment Authority and the Commissioner for Voluntary Organisations.

3. Since its last Universal Periodic Review Malta has consistently worked towards improving its Human Rights situation and track record by embarking on a number of initiatives. This report outlines the status of human rights in Malta and the progress that was achieved since the last review. The last Universal Periodic Review of Malta was held in 2013, at the start of the legislature of a new administration, whose term was renewed by the electorate in 2017. Since 2013, in seeking to strengthen human rights and freedoms, particularly civil and political rights, a topmost priority on a national level, Malta has made substantial advances in various areas of human rights. This report outlines the significant developments that were registered since the last review while also focusing on the recommendations that emanated from that session and how these recommendations were addressed.

4. The Government of the Republic of Malta welcomes the scrutiny and open dialogue fostered by this exercise and believes in the constructive approach that underpins the UPR process as being key to further promote and safeguard the implementation of human rights.

## II. Methodology and consultation process

5. Malta's national report was coordinated and compiled by the Ministry for Foreign Affairs and Trade Promotion (MFTP), in consultation with several line Ministries and official commissions relevant to the UPR. These line Ministries and official commissions were closely involved in all stages of the compilation of the national report, from inception to multiple drafting sessions to formal submission, and also through the holding of one-to-one meetings, as necessary, with the MFTP team. The full list of Ministries and official commissions involved is found at Annex I.

6. MFTP fulfilled the functions and responsibilities of a National Coordinating Committee. Likewise, in close liaison with the relevant line Ministries and official commissions, MFTP followed-up and coordinated the implementation of the international human rights recommendations received by Malta during the 2<sup>nd</sup> cycle of the Universal Periodic Review in 2013, fulfilling the functions and responsibilities of a National Mechanism for Review, Implementation and Follow-up of these Recommendations.

### III. Implementation of recommendations from the previous cycles

#### International instruments (recommendation 1)

7. Malta ratified Protocol 12 of the European Convention on Human Rights in December 2015. By removing the limitation in the application of Article 14 of the Convention, which limits the prohibition of discrimination to enjoying only those rights provided by the Convention itself, this Protocol extends the Convention's non-discrimination Article to a right in itself. The enjoyment of any right set forth by law is thus secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. It guarantees citizens protection from discrimination from any public authority on any such grounds. This Protocol entered into force in April 2016.

8. In August 2014, Malta became one of the first fourteen countries to ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence, known as the *Istanbul Convention*. The Convention was incorporated into domestic legislation through the enactment of the Council of Europe Convention on Prevention and Combating of Violence against Women and Domestic Violence (Ratification) Act (Cap. 532). An inter-ministerial committee was also set up to prepare a report on actions needed to work towards Malta's compliance with the legally-binding Convention.<sup>2</sup> In September 2016, the *Gender Based Violence and Domestic Violence Bill* was published. The Bill passed to second reading in Parliament in November 2017. The Bill will recast the 'Domestic Violence Act', and amend the Criminal Code to be in line with the Istanbul Convention.

#### Institutional matters (recommendations 28, 29, 30, 31, 32)

##### *Establishing a national human rights institution*

9. In 2013, the National Commission for the Promotion of Equality (NCPE) submitted its proposal for a legal framework that strengthens the Maltese equality legislation and transforms the National Commission for the Promotion of Equality (NCPE) into a Human Rights and Equality Commission (HREC) with sanctioning powers, responsible for both equality and human rights. Following the presentation of two draft Bills for public consultation in December 2015 – the *Equality Bill* and the *Human Rights and Equality Commission Bill* - by the Ministry for European Affairs and Equality the Bills were presented to Parliament for their first reading in December 2016.

10. The Parliamentary Ombudsman has also been actively engaged in promoting the need to set up a National Human Rights Institution in Malta as such an institution plays a crucial part in promoting and monitoring the effective implementation of international human standards at national level. In 2013 the Ombudsman published a document entitled "The setting up of a National Human Rights Institution" expounding this proposal in detail.

11. In February 2014, Government launched a Scoping Consultation laying out Government's vision and its intention to strengthen the human rights and equality framework, stating that the remit of the National Commission for the Promotion of Equality (NCPE) would be strengthened and widened to cover human rights and that the NCPE would in fact become a National Human Rights and Equality Commission. In December 2014 Government published a White Paper meant to encourage further discussion before the enactment of the final legislation.

12. In July 2015, the Parliamentary Ombudsman published reflections on this White Paper where he expressed his positive reception of the suggestions contained therein. He further set out concrete proposals intended to develop the White Paper's rationale, thereby ensuring that eventual legislation will be suitable to and compliant with the administrative environment in Malta so that the White Paper's objectives are fully achieved, well planned-out, institutionally coherent and implemented successfully.

13. The new Commission will be in line with the Paris Principles. It is envisaged that one of the functions of the new Commission will be to coordinate and articulate the work of different specialised bodies in the sector.

## **Thematic areas**

### **Equality**

14. The Ministry for European Affairs and Equality is currently drafting a Human Rights and Equality Commission Act and an Equality Act. These will streamline and strengthen equality by prohibiting discrimination in various spheres of life and by establishing a body responsible for the promotion and protection of human rights including the right to equal treatment.

### **Cohabitation legislation (recommendation 26)**

15. In 2013, the National Commission for the Promotion of Equality (NCPE) proposed the enactment of legislation that sets the legal basis for the regulation of cohabitating couples when such relations break up either by separation or death, in order to avoid persons falling into poverty or being unjustly treated when in a dependent position. A draft Bill was presented for public consultation in April 2016 by the then Ministry for Social Dialogue, Consumer Affairs and Civil Liberties. Subsequently, the Cohabitation Act<sup>3</sup> came into force in April 2017 making provision for couples who wish to register their cohabitation, and legally recognising their rights and responsibilities. The Act protects vulnerable parties, and provides for the recognition of a wide range of possibilities for cohabiting couples recognising that couples have different preferences of how they wish to regulate themselves.

### **Eradicate gender discrimination and traditional stereotypes through awareness raising campaigns in the education field (recommendation 51)**

16. The NCPE regularly delivers training to stakeholders working in the educational sector, as well as students, in order to raise awareness on how to pro-actively address traditional roles and stereotypes. Educators are also trained in carrying out a gender mainstreaming exercise in their work. Categories trained include: students undergoing child-care courses, educational officers, teachers, lecturers, primary and secondary school students, and University students.<sup>4</sup>

17. The NCPE carried out a set of initiatives in 2016–2017 to combat gender stereotypes aimed at increasing awareness on the importance of men's role in gender equality.<sup>5</sup> The following activities were held with different groups of students to raise awareness on sharing, caring and domestic duties in the family, challenging traditional gender stereotypes and educating students on work-life balance measures:

- A drama activity entitled '*Theatre in Education*' reaching over 2,000 secondary school students through 22 performances;
- An event for post-secondary and tertiary students entitled '*Equality beyond Uni*' held at the University of Malta in November 2017 including the screening of the movie '*Burning Bikinis*', a photo exhibition and music;
- A roving van situated in 6 post-secondary and tertiary schools in Malta and Gozo between February and May 2017 whereby male students were asked for their feedback on the topics of the project which was subsequently uploaded on NCPE's Facebook page. In total, 900 students were reached.

18. A pilot study was conducted in four schools<sup>6</sup> (2 primary and 2 secondary schools) throughout 2014, developing training modules and lesson plans on equality and non-discrimination, to serve as useful tools of good practices for teachers, making them the 'ambassadors for change' within the education system. The pilot study has shown that integrating equality, diversity and mainstreaming in teaching is possible and can be successful at both content and skills level.

19. In March 2014, training on equality mainstreaming was provided to teachers and teachers in training<sup>7</sup> to sensitise educators on equality and non-discrimination issues, covering different grounds of discrimination including gender, to encourage them to apply equality mainstreaming in their lessons. This training delineated definitions and effects of equality mainstreaming; provided practical examples and further resources and tools that can be utilised in this regard.

#### **Promote gender equality in employment (recommendations 52, 55)**

20. Various initiatives were carried out to encourage women to enter or remain in the labour market (vide Annex II for the full list). These initiatives contributed to the increase in the employment rate of women in the labour force by 5.9%, from the first quarter of 2014 (47.1%)<sup>8</sup> to the first quarter of 2017 (53%).<sup>9</sup>

21. NCPE awards the Equality Mark to companies that truly foster gender equality in their work policies and practices by implementing measures that go beyond what is required by legislation. Companies are assessed according to set criteria and provided with the necessary assistance to strengthen their commitments in this sphere. By October 2017, there were 80 certified organisations with over 21,300 employees working in certified conditions.

22. NCPE works to combat gender stereotypes through a number of initiatives aimed at increasing awareness on the importance of men's role in gender equality and on the benefits of family-friendly measures.<sup>10</sup> Sharing of family and domestic responsibilities and awareness of various types of family-friendly instruments are being accentuated:

- A Business Breakfast was organised for employers to discuss family friendly measures and flexible working arrangements;
- Training was provided to employers with the aim of raising awareness on the benefits of family-friendly measures to both employers and employees and the need for the implementation of an inclusive policy that does not discriminate in the recruitment procedure and offers equal opportunities to both women and men employees;
- An open air event was organised for the general public with the aim of counteracting gender stereotypes in the Maltese language.

23. In November 2017, NCPE organised a short campaign PayM€qually in line with the European Equal Pay Day to raise awareness on the gender pay gap. Throughout this campaign NCPE participated in TV and radio programmes, issued regular posts on the social media, and published articles on the topic.

24. NCPE created the Directory of Maltese Professional Women<sup>11</sup> to give further visibility to professional women and their competences, qualifications and experiences in various fields. This is aimed at enhancing their opportunities of being appointed to decision-making positions. NCPE also implemented a number of initiatives to raise awareness on this Directory through NCPE's social media<sup>12</sup> and newsletter<sup>13</sup> as well as through a circulation in the Government's internal mail. By October 2017, more than 250 professional women registered on this Directory.

25. NCPE conducted other initiatives to empower more women to participate in decision-making positions.<sup>14</sup> The following were concluded in December 2015:

- Thirty women who aspire to hold decision-making positions participated in a mentoring programme by professionals who occupy high-level jobs to acquire relevant knowledge and skills related to leadership. Training was also provided to the mentees on topics such as leadership and supervisory skills, decision-making, assertiveness and communication skills;
- Two research studies were carried out on gender-balanced representation in economic and political decision-making positions; and on gender quotas and other measures that enhance the gender-balance in decision-making.

### **Combat discrimination on sexual orientation and gender identity (recommendations 64, 65, 66)**

26. The Civil Unions Act, which was enacted in 2014, grants same-sex couples in a civil union the same rights enjoyed by married heterosexual couples. It established equality on the basis of sexual orientation in all social and legislative spheres.<sup>15</sup> By April 2017, 163 couples married in civil union and there was a case of adoption by a same-sex couple.<sup>16</sup>

27. The *Gender Identity, Gender Expression and Sex Characteristics Act* of 2015 introduces a right to gender identity for all persons and allows for amendments of gendered characteristics on all official documents or certificates. It also establishes a positive obligation on government entities so that their services ensure equal treatment for trans persons. With regard to sex characteristics, it provides parents with the possibility to postpone the entry of a gender marker on their children's birth certificate and introduces a right to bodily integrity and physical autonomy for all persons.<sup>17</sup>

28. The *Trans, Gender Variant, and Intersex Students in Schools Policy* helps translate in practice the principles and objectives contained in the aforementioned Act. The policy aims to foster a school environment that is inclusive, safe and free from harassment and discrimination as well as promotes the learning of human diversity that is inclusive of trans, gender variant and intersex students, thus promoting social awareness, acceptance and respect.<sup>18</sup>

29. In 2015, 'Gender expression' and 'sex characteristics' were added to the grounds on which discrimination is prohibited in Chapter 456 *Equality for Men and Women Act*.<sup>19</sup>

30. The *Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act* was enacted in 2016. This law criminalises conversion practices - any practice which aims to change, repress or eliminate a person's sexual orientation, gender identity or gender expression, by imposing fines and jail terms on those advertising, offering, performing or referring an individual to such practices. In addition, the Act affirms that no sexual orientation, gender identity or gender expression constitutes a disorder, disease or shortcoming of any sort.<sup>20</sup>

31. A *Trans, Gender Variant and Intersex Inmates Policy* document was launched and is being implemented in the Corradino Correctional Facility (CCF) to affirm respect for human rights, equality and inclusion, and the recognition of inmate diversity.<sup>21</sup>

32. A policy on gender-neutral toilets in Government buildings was also introduced. The aim of these facilities is to ensure a non-judgmental or exclusive environment for all. By December 2016, 47% of all toilets in Government buildings were gender-neutral.<sup>22</sup>

33. In the 2017 Budget speech, it was announced that a consultation process will be launched regarding blood donations by gay, lesbian and bisexual persons.<sup>23</sup>

34. Since April 2015 trans people are able to change their legal gender on official documents. By February 2017, 67 trans people have benefitted from this measure.<sup>24</sup> Furthermore, in September 2017 Government rolled out non-binary X gender passports and ID cards.

35. In July 2017, the Maltese Parliament approved the Marriage Equality Bill that modernised marriage law through the mainstreaming of equality for all. LGBTIQ persons are free to contract a marriage with their loved ones, be they of the same or a different sex, and also to parent children without having unnecessary references to their gender or biological make-up on their children's birth certificates.<sup>25</sup>

36. A structured dialogue between Health authorities and the LGBTIQ community, has led to the introduction of a number of transgender services, as well as legislative changes which include the provision of free hormone treatment. In April 2018, the Ministry for Health launched a consultation document on transgender healthcare presenting proposals for the development of transgender health care services in Malta.

## **Temporary special measures in areas where women are underrepresented (recommendation 54)**

### **Increase quantity and quality of participation of women in political life (recommendation 98)**

37. One of the proposals in the 2017 Government Programme entails a debate on positive measures to increase female representation in Parliament. Discussions are underway at a national level on the introduction of quotas in politics to address the current democratic deficit.

38. The Maltese Government is committed to promote gender-balanced representations in political and public life. In fact, proposals in the 2017 Government Programme delineate various measures that seek to address the under-representation of women in these spheres by: discussing positive measures to increase female representation in Parliament; promoting balanced representation of women and men in televised debates; and ensuring that boards within major entities in the public administration are made up of a minimum of 40% of both sexes.

39. Various initiatives have been recently undertaken by different stakeholders:

- Discussions are underway at a national level on the introduction of quotas in politics to address the current democratic deficit;
- Agreement is expected between the two main political parties on changing the working hours of Parliament to ensure that parliamentarians and staff work in a more family-friendly environment;<sup>26</sup> and,
- The Speaker of the House of Representatives plans a child-care centre for Members of Parliament, ministerial aides and staff employed by the parliament.<sup>27</sup>

40. In the light of Malta's low female participation in the political sphere, NCPE prepared a research paper highlighting recommendations on the way forward. Subsequently, NCPE published various articles and Press Statements to raise awareness with respective stakeholders (vide Annex III for the full list).

## **Combating discrimination**

### **Protecting vulnerable groups from all forms of discrimination (recommendation 40)**

#### **Combat all forms of discrimination (recommendation 50)**

41. Malta ratified Protocol 12 of the European Convention on Human Rights in December 2015. By removing the limitation in the application of Article 14 of the Convention, which limits the prohibition of discrimination to enjoying only those rights provided by the Convention itself, this Protocol extends the Convention's non-discrimination Article to a right in itself. The enjoyment of any right set forth by law is thus secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. It guarantees citizens protection from discrimination from any public authority on any such grounds. This Protocol entered into force in April 2016.

42. The NCPE Commissioner is empowered to initiate investigations on the receipt of a complaint in writing as well as to initiate ex-officio investigations on matters related to its remit. After carrying out an investigation, the NCPE Commissioner can dismiss the complaint or else find that the complaint is proven. In the latter case, where the action complained of constitutes an offence, the NCPE Commissioner makes a report to the Commissioner of Police for action on his part; or where the action complained of does not constitute an offence, NCPE Commissioner calls upon the person against whom the complaint is directed to redress the situation, and mediate between the complainant and such person to settle the matter.

43. In 2016, NCPE's remit was widened through the coming into force of Legal Notice 173 of 2016 *Exercise of Rights Conferred on Workers (Freedom of Movement) Regulations*.

The purpose of this legislation is to implement Directive 2014/54/EU of the European Parliament on measures facilitating the exercise of rights conferred on workers, in the context of freedom of movement for workers, which lays down provisions facilitating the uniform application and enforcement of EU regulations in this regard.

44. NCPE carried out a set of initiatives<sup>28</sup> (2013–2014) to strengthen its internal knowledge capacity; create further awareness on equality and non-discrimination; and to empower stakeholders through training:

- Training was provided to NCPE staff on non-discrimination, equality mainstreaming and diversity management;
- A pilot study in schools and training to teachers on non-discrimination (*as explained in reply to Recommendation 102.51*);
- ‘Celebrating Diversity’ (Anti-Racism) Theme Day and training to employers on diversity management (*as explained in reply to Recommendations on racism below*);
- The ‘Have Your Say’ campaign<sup>29</sup> where citizens had the opportunity to expose discrimination on different grounds and to share their views on the effects of discrimination and/or the benefits of equality through a roving booth. Following this campaign, NCPE developed a video clip with these experiences to raise further awareness on rights and responsibilities related to equal treatment, including racial equality.

45. Other activities<sup>30</sup> were carried out (2013–2015) to raise further awareness on NCPE’s remit and enhance NCPE’s knowledge capacity:

- Training to NCPE staff on psycho/social skills; different training methods and tools; equality and diversity management audit and evaluation tools; and communication tools;
- Training to different stakeholders including: equality and non-discrimination to clerical grades and local councils; carrying out equality performance appraisals for public employees; and grounds of discrimination and mainstreaming for NGOs and social partners;
- Three research studies were conducted: *Equality Bodies' Good Practices in the Field of Non-Discrimination*, highlighting good practices by equality bodies. The *Mapping Study Report* reviewed NCPE’s operational strategies in comparison to the Ombudsman for Equal Treatment (Austria) and the Equality Commission for Northern Ireland. Moreover, *Public Employees Perception Survey* captured the progress attained in the knowledge and awareness of public employees following the implementation of training and awareness raising carried out as part of this project.

46. NCPE disseminates information on its remit and on rights and responsibilities related to equal treatment through participation in programmes in the broadcast media; the publication of articles and press statements in the printed media; as well as NCPE’s website. NCPE also utilises social media to pass on targeted messages to a wide range of audiences.

**Strengthen NCPE’s capacity to address racial violence and discrimination  
(recommendations 33, 34, 35)**

**Efforts to combat racism, racial discrimination and xenophobia  
(recommendations 57, 59)**

**Efforts to combat racism, racial speech in the media and hate speech by politicians  
(recommendations 58, 60, 61, 62, 63)**

47. NCPE’s work addresses various aspects related to racism, racial discrimination, xenophobia and related intolerance. As established by Chapter 456 of the Laws of Malta, as well as Legal Notice 85 of 2007, it is within the remit of the NCPE to investigate any complaints lodged for alleged discrimination on the grounds of race and ethnic origin in employment, education, banks and financial institutions, goods and services.

48. NCPE reviews proposed policies and legislation and where necessary gives contributions aimed at integrating the issues and concerns of different groups of persons from different racial/ethnic backgrounds in any proposed action.

49. NCPE conducted a study entitled '*Cultural Diversity in the Maltese Public Service: Approaches to Diversity Management*'<sup>31</sup> which sought to understand existing Human Resources practices related to cultural diversity as well as to assess the potential of implementing systematic diversity management. This study, which used nationality as an indicator of cultural diversity, entailed a statistical overview of cultural diversity levels in the Public Service; and qualitative research among managers in the Public Service analysing the management's views on cultural diversity and its impact on team dynamics, service delivery and policy development as well as Public Service's approaches to diversity recruitment and management.

50. Diversity management training for employers was carried out in March 2014<sup>32</sup> to further empower them to foster equality in their practices at work. This training provided further information on equal treatment legislation; the concepts of diversity and equality; the goals for diversity management; management structures and management systems; areas for action such as recruitment, retention and external contacts; and steps to promote equality, take account of diversity and eliminate discrimination within organisations.

51. In March 2014, NCPE organised a day of multicultural activities entitled '*Celebrating Diversity*'<sup>33</sup> aimed at celebrating and promoting diversity and at promoting equality, particularly with regards to race and ethnic origin. Through this activity, which was held in Valletta, NCPE disseminated further messages to foster cultural diversity through music, entertainment, children's games and activities for all the family.

52. NCPE published an article in 2017 to raise awareness on the effects of hate speech on targeted groups of individuals and on how hate speech runs counter to the promotion of equality, inclusion, and diversity.

#### **Promote a culture of non-discrimination among citizens towards migrants (recommendation 110)**

53. Eight 2-hour training sessions were given to approximately 150 asylum-seekers from different nationalities residing in state-run open centres in April and May 2016 on Maltese equality legislation and the different grounds of discrimination. The rights and obligations emanating from equality legislation in Malta were explained and discussed with the participants, highlighting examples of discrimination at the workplace and in the provision of goods and services. Participants were also given the opportunity to share and discuss personal experiences. Information was also given on how to lodge a complaint with NCPE.

54. Starting from 2014, regular training on equality and diversity was also provided to employees working in open centres for asylum-seekers as well as to Detention Service staff.

### **Eradication of violence**

#### **Addressing violence against women (recommendations 69, 71)**

55. In August 2014, Malta became one of the first fourteen countries to ratify the Convention on Preventing and Combating Violence against Women and Domestic Violence, known as the *Istanbul Convention*. Moreover, the Convention was incorporated into domestic legislation through the enactment of the Council of Europe Convention on Prevention and Combating of Violence against Women and Domestic Violence (Ratification) Act (Cap. 532). An inter-ministerial committee<sup>34</sup> was also set up to prepare a report on actions needed to work towards Malta's compliance with the legally-binding Convention. In September 2016, the *Gender Based Violence and Domestic Violence Bill* was published.<sup>35</sup> The Bill passed to second reading in Parliament in November 2017.<sup>36</sup> The Bill will recast the 'Domestic Violence Act', and amend the Criminal Code to be in line with the Istanbul Convention.

56. NCPE worked on a set of initiatives with the aim of raising further awareness on violence against women and girls,<sup>37</sup> addressing distinct forms of violence against women. Research studies were carried out on female genital mutilation (FGM) in Malta; on violence on older women and men; and on violence, harassment and bullying in schools. Tools were also developed following these studies and awareness was raised on the subject through video and radio clips, bus shelter adverts, and a seminar on violence against women. Training was also provided to multidisciplinary professionals and legal experts. In January 2014, through an amendment to the Maltese Criminal Code, Malta also implemented specific legislation to include a specific article on FGM, making it illegal and punishable by imprisonment.<sup>38</sup>

57. NCPE also works to raise awareness on sexual harassment as delineated in its remit. Training on the subject is given to employers, employees and other stakeholders on request. NCPE also investigates the complaints of persons who are sexually harassed as per its remit.

58. In 2015, NCPE developed a poster to reiterate the illegality of sexual harassment and NCPE's role in this regard. This poster was disseminated to local councils, to entities and departments within the public administration, and to relevant stakeholders.

### **Protecting the rights of migrants, refugees and asylum seekers**

59. Since 2002, when over 1,600 persons reached Malta's shores on board unregistered craft, Malta has experienced heavy influxes of irregular immigration from North Africa. Although the trend of boat arrivals has decreased, Malta is still faced with heavy influxes of migrants, who reach Malta through various ways and proceed to apply for international protection. Furthermore, the asylum recognition rate in Malta has consistently exceeded 50% over the past years.

60. In 2017, Malta received 1,619 first-time applications. This phenomenon places a significant challenge on Malta's financial and human resources especially because although in absolute terms these numbers may not seem impressive, they take a different significance in the context of Malta's small size and its very high population density. With a population of around 450,000 and covering no more than 316 square kilometres, Malta's population density stands at 1,300 persons per square kilometre, making Malta by far the most densely populated EU Member State and one of the most densely populated countries in the world.

61. In December 2015, the Ministry for Home Affairs and National Security published the Strategy for the Reception of Asylum Seekers and Irregular Migrants following a public consultation process.<sup>39</sup> This Strategy was flanked by legislative amendments to the Immigration Act (Cap. 217) and the Reception of Asylum Seekers Regulations (Cap. 420.06). The primary objective of the Strategy was to ensure compliance with the European Union's Reception Conditions Directive 2013/33/EU and relevant jurisprudence relating to the European Convention on Human Rights.

62. The Strategy established a reception system based on three different stages of accommodation for asylum seekers and irregular migrants, namely: Initial Reception Centres (IRCs); Closed (Detention) Centres; and, Open Centres. The objective of the Initial Reception Facility is to accommodate newly arrived irregular migrants in a contained environment in order for such migrants to be medically screened and processed by the pertinent authorities, including the Agency for the Welfare of Asylum Seekers (AWAS) and Police officials. Irregular migrants are to be accommodated in this Facility separately from any other irregular migrants and only until the required medical clearances are obtained. The period of stay at the Initial Reception Facility is ordinarily to be limited to no more than 7 days; although the period of stay may be longer if health-related considerations so dictate. Asylum seekers released from the Initial Reception Facility or from Detention are, if no alternative accommodation arrangements are available to them, offered accommodation at Open Centres. Such persons shall be accommodated at the Open Centres for not more than 12 months unless humanitarian considerations dictate otherwise; provided that irregular migrants may be required to leave Centres earlier.

63. Since March 2014, Government has committed itself not to detain children. The detention requirement has also been waived with respect to vulnerable persons, including families with children, pregnant women and unaccompanied minors in line with **recommendation 118**. Malta has also introduced alternatives to detention, such as:

- Reporting at an assigned place within specified timeframes;
- Residence at an assigned place;
- Deposit or surrender of documents;
- Placing of a one-time guarantee or surety.

64. In line with **recommendation 89** on detention conditions, detention Centres provide for the separate accommodation of single males, single females and family units that do not comprise minors. Moreover, the Centre currently in operation also has a clinic, medical isolation facilities and telephone facilities among others. Currently, parts of the accommodation areas are being refurbished, and initial stages has started with a view to setting up new interview rooms and computer rooms.

65. Furthermore, there has also been the introduction of regular reviews of the Detention Order, which ensures that individuals are not deprived of their liberty more than necessary. A Detention Order issued to an asylum seeker is reviewed within 7 days by the independent Immigration Appeals Board, and if the person is still in detention, the Detention Order is reviewed after 2 months and every 2 months thereafter.

66. All asylum seekers whose application is being processed at first instance by the Office of the Refugee Commissioner, have the right to access legal assistance at any stage of the procedure. Many NGOs are active in providing assistance in legal proceedings, and this complements the free legal aid provided by the State for proceedings before the Refugee Appeals Board in line with **recommendation 122**. The legal adviser representing the applicant at appeals stage is given access to the applicant's file upon request.

67. In line with **recommendation 125**, Malta has successfully and fully carried out its commitments stemming from the two September 2015 European Union Council Decisions.<sup>40</sup> In all, Malta relocated 168 asylum applicants – 67 from Italy and 101 from Greece.

68. As part of the joint EU effort under the July 2015 scheme, Malta successfully resettled 14 Syrian nationals from Turkey. In order to maintain family unity, the number was eventually increased to 17. All 17 persons were resettled in Malta in October 2017.

69. In response to the Commission's Recommendation of 27 September 2017 for the resettlement of 50,000 persons, Malta has pledged to resettle another 20 persons – 15 from Libya and 5 from Egypt. Preparations are ongoing.

70. In relation to **recommendation 6**, Malta currently does not envisage ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC). The main reason lies in the broad nature of this Convention, particularly in terms of the broad definitions it adopts, and therefore, its potentially far-reaching scope, granting, as a result, extensive rights to an excessively broad category of migrant workers, making it difficult to assess its impact. In view of this, ratification of the MWC by Malta is currently not viewed as feasible, both from a practical and a sustainability point of view.

## Human trafficking

71. Malta remains committed to combat human trafficking through several initiatives, including the development of victim assistance services, training of government officials, and raising of public awareness. In January 2017, the Monitoring Committee<sup>41</sup> tasked with overseeing Malta's implementation of human trafficking related measures approved the Fourth National Action Plan against Human Trafficking, which covers the period January 2017 to December 2019. The implementation of this Action Plan aims to ensure the implementation of international commitments by Malta, including the objectives of the EU

and other international organisations, thereby confirming Government's commitment in this sphere. The Action Plan provides inter alia for the enhancement of victim identification, including child victims and the updating of human trafficking indicators. New research on the migrant population in open centres is also envisaged.

72. In line with **recommendation 82**, to improve identification of victims of trafficking, a victim referral procedure had been agreed to by the stakeholders concerned in 2012; and this is supported by written Standard Operating Procedures. Several training events have been held to keep officers concerned informed of relevant developments.

73. A memorandum of understanding was signed between the Malta Police Force and the then Ministry for Social Policy to continue developing and expanding a framework of cooperation between both entities for the provision of social support services in cases of potential victims of trafficking in human beings. Subsidiary legislation enacted under the Immigration Act provides for the legal process of identification, granting a reflection period to potential victims in order for them to consider cooperation with the Police.

## **Refugees**

### **Ensure that the best interests of the child, as spelled out in the Convention on the Rights of the Child, is the primary consideration in all asylum proceedings involving children (recommendation 126)**

74. This is catered for through the following guarantees:

(a) Following the submission of an application by an unaccompanied minor, he or she is provided with a representative, appointed by the competent authorities. In this regard it is important to note that before the Office of the Refugee Commissioner can proceed with the asylum procedure, a representative needs to be appointed to ensure that the unaccompanied minor is provided with the necessary assistance. Moreover, a personal interview will only take place with the presence of the applicant's representative;

(b) The Office of the Refugee Commissioner takes all possible measures to ensure that personal interviews and decision making involving unaccompanied minors are done by staff specifically trained in child related matters. To this effect, the Office of the Refugee Commissioner regularly sends staff to participate in relevant EASO training modules, including the module 'Interviewing Children';

(c) In case it is established that an unaccompanied minor does not meet the criteria to be granted international protection, the Office of the Refugee Commissioner would grant him/her Temporary Humanitarian Protection till s/he reaches the legal age of 18, so as to avoid that an unaccompanied minor is deported back to his or her country of origin;

(d) In the case of accompanied minors, they are generally not interviewed, unless a request is made directly by the adult responsible for him/her, by the minor himself/herself, or it is established that a personal interview would be in the best interest of the child.

### **Ensure that unaccompanied migrant children receive free legal representation (recommendation 127)**

75. According to national legislation, while all applicants have the right to legal assistance and representation, as well as to consult UNHCR, free legal assistance is only provided at appeals stage. Considering the guarantees that exist in case of an application for international protection by unaccompanied minors (listed above), there is no need for free legal assistance and representation throughout all stages of the asylum procedure, since this would only lead to an unnecessary lengthening of the asylum procedure, something which would not be in the best interest of the child.

**Implement without delay the proposals for improved procedures and modalities as regards its asylum policy and to review its detention policy and that such review include how to ensure that children are not detained pending age determination (recommendation 133)**

76. The Asylum Procedures Directive 2013/32/EU, was transposed into national legislation in 2015. Moreover, between 2014 and 2017, the Office of the Refugee Commissioner undertook considerable steps to further improve the asylum system in Malta, including by:

- (a) Ensuring that the Office is, as much as possible, well-staffed to effectively deal with the current and future workload;
- (b) Strengthening the internal structure of the Office through the introduction of new managerial posts, with the aim of further enhancing the day-to-day running of the Office;
- (c) Tapping into Asylum, Migration and Integration Funds (AMIF) to take over the day-to-day running of the Dublin Unit and increase its efficiency in order to effectively and swiftly deal with applications in a Dublin procedure;
- (d) Tapping into AMIF funds to improve the interpretation services offered by the Office. This will be done through the provision of training for interpreters working with the Office, the possibility of conducting language analysis to determine the country of origin of asylum seekers and the provision of interpretation services through online video/voice calling.

#### **IV. Other developments in the context of the human rights situation in Malta**

##### **Women's rights**

77. In November 2017, the Council for Women's Rights was set up to strengthen the dialogue between the government and civil society. The Council is made up of 23 representatives from registered organisations who work on women's rights. The aim is to mainstream equality in all aspects of government's processes, to serve as a think-tank, raising policy ideas and pointing out shortcomings in current laws, and strengthen the dialogue between civil society and the government.

##### **Health**

78. During 2017, a new method using the heel-prick test for neonatal screening for Congenital Neonatal Hypothyroidism (CHT) was introduced. This test, which has a much lower recall rate will replace umbilical cord testing for this condition. This method of testing also allows for the introduction of further screening tests (e.g. screening for Phenylketonuria). A screening programme for nerve deafness is also being consolidated.

79. Medical checks are systematically carried out for every irregular migrant and asylum seeker on arrival. EU migrants, refugees and migrants with subsidiary protection status have access to free health care and non-EU migrants contributing to national insurance are entitled to free healthcare.<sup>42</sup>

80. A migrant health liaison office within the Ministry for Health coordinates the training and provision of cultural mediators who assist where necessary within the health system.

81. In 2017, a multi-sectoral Advisory Council on Healthy Lifestyles was set up according to the Healthy Lifestyle Promotion and Care of Non-Communicable Diseases Act enacted in 2016.

## **Sexual and reproductive health and rights**

82. The Government of the Republic of Malta is committed to the promotion of sexual and reproductive health. This includes the protection of the right of women to have control over and decide freely and responsibly on matters related to their sexuality, the timing and number of children, free from coercion, discrimination and violence. In that respect, Government is also committed to ensuring access to information on effective methods of family planning.

83. Health education is an ongoing initiative which is mainly coordinated by the Ministry of Health. Personal Social and Career Development (PSCD) lessons that focus on a variety of areas including gender issues, racism, migration, religious diversity, disability and sexual orientation (in an age-appropriate way) are given both in primary as well as secondary schooling. Guidelines for sexuality and relationship education<sup>43</sup> were launched in this respect in September 2013. Further to this, the Health Promotion Directorate has ongoing education and awareness campaigns towards a holistic approach to sexual and reproductive health, including prevention of teenage pregnancies and sexually transmitted infections.

84. A number of sexual and reproductive health-care services are freely available within the national public healthcare system. These include family planning; safe motherhood including high quality gynaecological, prenatal, delivery and postpartum care; infertility treatment of both partners; assisted reproduction; prevention, confidential testing, diagnosis and treatment of reproductive tract infections, STIs and HIV/AIDS; prevention and treatment of reproductive cancers and maternal morbidities.

85. Malta continues to sustain that the right to life is an inherent right of every human being and that this right also includes the unborn child, from its conception. Abortion is thus a direct contradiction to the right to life and is illegal in Malta. The Government of the Republic of Malta recalls that according to the International Conference on Population and Development (ICPD), in no case should abortion be promoted as a method of family planning.

86. Where the life of a mother is at risk, a medical intervention to save her life, even if this could result in the death of the child, is not precluded. With regard to the prevention of pregnancy resulting from rape, it is to be noted that in December 2016 Malta has licensed the sale of the morning after pill, which is available without medical prescription since this date at pharmacies.

87. The current Embryo Protection Act which was enacted in December 2012 allows heterosexual couples access to Assisted Reproductive Technology and thus benefit from medically assisted procreation. Amendments to this act presented in Parliament in April 2018 aim to also allow access to same sex couples and single women, as well as offering gamete donation, embryo freezing and adoption to all.

## **Migration**

88. One of the major issues of fundamental rights in Malta and across Europe refers to matters related to migration, the treatment of migrants and migrant children and the detention of asylum seekers.

89. In 2017 the Ministry for Foreign Affairs and Trade Promotion launched the Migration Media Award jointly with the International Centre for Migration Policy Development (ICMPD). The Migration Media Award is based on the belief that a balanced narrative of migration is essential to sound policy-development, and thus to the integration of migrants. It seeks to explore ways in which this cooperation can be broadened to focus on the local dimension of integration and human rights of migrants.

90. The International Centre for Migration Policy Development (ICMPD) has been working closely with Malta on regional and national issues since 2001. In 2016, ICMPD opened its Regional Coordination Office for the Mediterranean in Malta. The excellent

relations with the Ministry for Foreign Affairs and Trade Promotion, and with the Ministry for Home Affairs and National Security, led to cooperation in a number of initiatives.

91. Since 2015, ICMPD has led the implementation of the EU-funded Mediterranean City to City Migration (MC2CM) project from its Regional Office for the Mediterranean in Malta, in partnership with UN-Habitat, United Cities and Local Governments and UNHCR. Through this project, the local dimension and implications of migration in nine major urban areas in Europe and the Mediterranean were explored. The project looked at the provision of services to migrants and wider populations as well as opportunities for urban development and cohesion related to the increasing diversity and inclusion of migrants.

92. The second phase of this project, supported by the European Union and Swiss Agency for Development and Cooperation, will see the scaling up of the network and activities as well as focusing on new priority themes such as balancing the narrative of migration at local level.

93. The ICMPD also runs a Mediterranean traineeship programme on migration governance bringing future migration professionals from all over the Euro-Mediterranean region to gain practical experience on inter-institutional cooperation and coordination between the various migration stakeholders.

94. Since Malta's last review in 2013, the Office of the Parliamentary Ombudsman has continued to contribute to the protection of human rights of those seeking shelter and international protection through the investigation of a number of cases which refer to basic personal rights such as:

(a) The right to marriage – The Office of the Parliamentary Ombudsman has been requested to intervene in regard to the registration of marriages entered into by refugees or those enjoying international protection who were married in the traditional family way or in hiding and who thus have no documentation to prove their married status. The Office of the Parliamentary Ombudsman was also asked to intervene on behalf of persons whose applications for refugee status were rejected and who encountered difficulties when filing a request at the Marriage Registry for the publication of the banns so that they could marry in Malta;

(b) The right to family life – the intervention of the Office of the Parliamentary Ombudsman is sometimes requested to aid refugees who want to reunite with their families who are still not living in Malta;

(c) The right to be provided with basic documentation such as a birth certificate - The Office of the Parliamentary Ombudsman was asked by the local Emigrants' Commission to intervene in connection with a lacuna which existed in local legislation regarding the registration of infants born at sea on unregistered vessels who were eventually brought into Malta.

## **Integration of migrants**

95. In November 2015, the Human Rights and Integration Directorate was set up as a new structure within the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, specifically tasked with the advancement of the areas of civil liberties, foreign communities, integration and minority rights. In the ensuing period it kicked off several initiatives, which were consolidated and expanded upon, such as by the establishment of the Forum for Integration Affairs, the holding of meetings of the Inter-Ministerial Committee on Integration, and the establishment of a strong collaborative relationship with the Migrant Learners Unit within the Ministry for Education and Employment. Following the legislative elections of June 2017, the integration portfolio was confirmed within the remit of the Ministry for European Affairs and Equality, with the Human Rights and Integration Directorate being incorporated within this Ministry.

96. Government has given priority to two primary aspects related to the integration of migrants. Firstly, the setting-up of integration governance structures, such as the Integration Unit, as well as the Inter-ministerial Committee on Integration, and a Forum for

representatives of migrant communities. Secondly, the introduction of an Integration Request which entitles participants to benefit from language and cultural orientation learning, being followed by an integration officer, as well as support to access the labour market, and other mainstream services.

97. Currently in its first year of operations, the Integration Unit is endeavouring to address all government services and programmes in order to make them as integration-friendly as possible. Cross-cutting all structures and programmes is the increased engagement with stakeholders across a very wide spectrum, and which will be increasing as more resources are dedicated to the sector. This is based on the “*Integration = Belonging. Migrant Integration Strategy & Action Plan (Vision 2020)*”<sup>44</sup> that was launched by the Minister for European Affairs and Equality, Hon. Dr Helena Dalli, on December 15, 2017. The launch of this first integration strategy by Malta was described by Office of the United Nations High Commissioner for Refugees as “*a landmark achievement*”.

### **Rights of the child**

98. Malta signed the United Nations Convention on the Rights of the Child on 26<sup>th</sup> January 1990. Following its ratification on 30<sup>th</sup> September 1990, Malta has worked to improve the conditions and the rights of children through various measures and initiatives, as can be attested by previous periodic reports submitted by Malta. Successive Governments in Malta have always paid particular attention to child and adolescent issues, thereby ensuring that these cohorts of the population enjoy utmost respect and support in Maltese society. Given the size of the country, child policies and budgeting have often been mainstreamed or combined with other related policies, such as family policies, in order to provide a more rational and holistic approach to child development and wellbeing. It is therefore no coincidence that the present administration has decided to give even more impetus to this sector, as evidenced by the change in nomenclature of the Ministry mainly responsible for this area, to that of Ministry for the Family, *Children’s Rights* and Social Solidarity. Indeed, this change is reflective of an intensification of efforts and focus by the Government and an acknowledgement of the increasing importance of child policy initiatives and actions.

99. Since Malta’s last review in 2013, numerous measures were introduced in various areas such as education, health, welfare support and so forth, many of which are based on the recommendations put forward by this Committee and others resultant from socio-cultural changes taking place in Malta.

100. In this regard, two key initiatives are currently underway. These initiatives have the potential of greatly impacting, while simultaneously focusing the Government’s efforts in giving children and adolescents more visibility and participation in society. They also guarantee better protection and improved opportunities for their growth and development. The first of these initiatives is the Child Protection (Alternative Care) Act, which was enacted by Parliament in January 2017. The second key initiative being currently undertaken is the drawing up of a National Children’s Policy, work on which is at a very advanced stage following an extensive consultation process with all the relevant stakeholders, including children themselves, in line with the objectives set out in the United Nations Convention on the Rights of the Child.

101. Besides these two important and far-reaching initiatives, Government has, in recent years, also progressively rolled out a number of other initiatives covering a wide spectrum of child-related issues. Greater emphasis was laid on the physical and mental wellbeing of children, especially those who are more vulnerable or in need of help through measures in various areas of public service delivery. The following submissions by Malta are intended to provide an update on the previous periodic report as well as to address the issues that the Committee highlighted in its observations to the Maltese Government.

102. Malta is in the process of strengthening the legal basis in this particular area through several legislative acts. Indeed, in December 2016, the Equality Bill and the Human Rights and Equality Commission Bill were presented to Parliament for their first reading following their presentation by the Ministry for Social Dialogue, Consumer Affairs and Civil

Liberties<sup>45</sup> for public consultation in December 2015.<sup>46</sup> These Bills aim to restructure and strengthen Malta's legal framework on human rights and discrimination through the transformation of the National Commission for the Promotion of Equality into a Human Rights and Equality Commission answering to Parliament with a wider remit.

103. More specifically, in January 2017, the Child Protection (Alternative Care) Act (Act No. III of 2017) was enacted. As stated in the Act itself, the principal aim of this legislation is to safeguard, protect and give priority to the best interest of the child in all instances and to guarantee permanency of the children's future in the shortest possible time. The Act covers various aspects of Child Protection, including a review of the childcare system, protection of children during judicial procedures and the availability of children's advocates and issues related to foster care, amongst other things. Considering that the Act envisages the establishment of different provisions necessary for its enforcement, Government is presently in the process of implementing this Act by setting up the necessary structures.

104. Furthermore, a National Children's Policy (2017–2024) consultation document was launched for public feedback on 19<sup>th</sup> September 2016 to present Malta's way forward for safeguarding and promoting the rights and general wellbeing of all children. Following this consultation exercise, the National Children's Policy (2017–2024) was launched in November 2017. The drafting of this policy, which was guided by the United Nations Convention on the Rights of the Child, aims at placing children's rights and wellbeing at the forefront of the national agenda through enhanced awareness-raising, child-led participation and evidence-based practice, as well as the mainstreaming of child-related issues and increased cooperation with other policy structures. This Policy should also help to consolidate more concrete action in the field, through the promotion and protection of the rights of the child in the home, social sphere, health, urban and natural environment, education, employment, leisure and culture. This Policy complements various other national reports, policies and strategies that directly or indirectly promote children's prospects.

105. On the initiative taken by the Malta Police Force, in November 2017 the Commissioner for Voluntary Organizations coordinated a campaign with the Malta Council for the Voluntary Sector and the Commissioner for Children, to address the case of voluntary organisations that involve adult volunteers working with children, which involved the creation of an ethical code of conduct for volunteers, promoting awareness of the appropriate law (Protection of Minors (Registration) Act), and of the responsibilities and liabilities of administrators of voluntary organisations under this law, and introducing the requirement for such organisations to inform the Commissioner for Voluntary Organizations of the measures being taken to ensure the protection of minors in their charge.

## **Persons with disability**

106. In 2013, the post of a Parliamentary Secretary (Junior Minister) for Persons with Disability was established, within the Ministry for the Family, Children's Rights and Social Solidarity. It also incorporates a national focal point for the implementation of the UN Convention for the Rights of Persons with Disabilities (UN CRPD). This mechanism, in line with Article 33(1) of the UN CRPD, is currently being restructured into the Office for Disability Issues (ODI). Its responsibilities are indicated in Annex IV.

107. Malta is committed towards the upholding of rights and dignity of persons with disability - favouring the empowerment of persons with disability, rather than their protection - through the Equal Opportunities (Persons with Disability) Act (EOA) (Cap. 413), as well as through disability-specific legislation, such as the Persons with Disability (Employment) Act (Cap. 210), the principal provisions of which were activated in 2015, the Maltese Sign Language Recognition Act (Cap. 556), also making LSM (Maltese Sign Language) an official language, and the Persons within the Autism Spectrum (Empowerment) Act (Cap. 557), both adopted in 2016. Changes were made to the EOA in 2016 which saw the introduction of a Bill of Rights, highlighting 14 specific rights. The definition of 'disability' was aligned with the UN CRPD, as was that of 'reasonable

accommodation’, while new definitions for ‘language’ and ‘communication’ were introduced. A new section covering Health-related rights was also introduced. Furthermore, the amendments formally designated the national Commission, CRPD, as Malta’s independent monitoring mechanism in terms of Article 33(2) of the UN CRPD, and in line with the Paris Principles.

108. A National Policy on the Rights of Persons with Disability was promulgated in 2014, through the convening of a Fair Society Action Council, also composed of representatives of DPOs (Disabled Persons’ Organisations) and other civil society representatives involved in the disability sector. On the basis of this, a National Disability Strategy is being finalised, as earlier described. Furthermore, specific rights were bolstered through the adoption of impairment-specific legislation mentioned earlier, through the Parking Concessions for Persons with Disability Act (Cap. 560), and through the Trusts and Trustees (Protected Disability Trusts) Regulations (S.L. 331.08), promulgated in terms of the Trusts and Trustees Act (Cap. 331).

109. In terms of Accessibility for persons with disabilities, the Planning Authority’s Development Control Design Policy Guidance and Standards, promulgated in 2015, insist that development proposals need to adhere to the policies and standards established by CRPD, through the ‘Access for All’ Guidelines promulgated by the Commission. These Guidelines were further strengthened through the adoption of National Standards by the Malta Consumer and Competition Affairs Authority (MCCAA), responsible for standardisation matters, also in 2015. Bearing reference SM 3800, the ‘Access for All in the Built Environment’ Standards added on to the Guidelines’ criteria. These Standards also bind Transport Malta, the national Transport authority, which is tasked with implementing them through its Road and Infrastructure Directorate. The Malta Tourism Authority (MTA) and CRPD also issued the Tourism for All Design Guidelines in 2016, and worked on an Accessible Beaches initiative. Tourist accommodation establishments also have to provide specific rooms which comply with the 2010 ‘Facilities providing accommodation for the public’ guidance, in relation to the number of rooms being proposed. In the educational sector, accessibility of schools must be ensured by the Foundation for Tomorrow’s Schools (FTS), while the Ministry for Education and Employment (MEDE) also has an Access to Communication and Technology Unit (ACTU). Malta’s Foundation for Information Technology Accessibility (FITA) is responsible for implementing accessibility in the ICT field, including supranational obligations such as those stemming from Directive (EU) 2016/2102 (Web Accessibility Directive).

110. As Malta’s national disability rights regulator, and independent monitoring mechanism in terms of the UN CRPD, CRPD set up an Accessibility Team to assess that public places are rendered accessible for all, and to carry out its obligations as to vetting development planning applications towards this end. It also established an Equal Opportunities Compliance Unit (EOCU) to tackle cases opened following complaints received from the general public on the basis of disability-based discrimination. The law is further being amended to formalise the creation of an Enforcement Unit, to equip the Commission with tools towards enforcement of rights, including the ability to issue fines. CRPD has also set up a unit focusing specifically on the monitoring of the implementation of the UN CRPD, as well as on raising awareness about it. These mechanisms are without prejudice to the rights of any Maltese resident to seek redress in terms of the Optional Protocol to the UN CRPD, which Malta also ratified. CRPD’s UN CRPD Unit continually organises Disability Equality Trainings (DETs), delivered by persons with disabilities, for various public and private entities, and is also working on a national awareness campaign, targeting every State school, for the 2018/19 scholastic year. In carrying out its monitoring role, as well as that of stakeholder involved in consultations concerning the drafting of national legislation and policies, CRPD engages persons with disabilities, in terms of Articles 4(3) and 33(3) of the UN CRPD, through its Council for the Rights of Persons with Disability set up by law, as well as through its DPO (Disabled Persons’ Organisations) Forum, and its Council for the Rights of Persons with Intellectual Disability (KCC).

## Freedom of expression and the protection of journalists

111. The Media and Defamation Act (Act 11 of 2018) was passed by the House of Representatives on the 17<sup>th</sup> of April 2018 and assented to by the President of Malta on the 24<sup>th</sup> of April 2018. This Act repeals the 1974 Press Act (Chapter 248 of the Laws of Malta) and mainly aims at updating and re-writing the Maltese law on libel and slander in a manner which strengthens respect for the right to freedom of expression in a substantial manner. The right to freedom of expression is the basis of all media activity and is also one of the main pillars of the democratic system. Previous amendments to the Criminal Code (enacted by Act 37 of 19 July 2016) have already widened the freedom of artistic expression. The Act on Media and Defamation widened freedom of journalistic expression extensively. The main changes introduced by this Act are listed in Annex V.

## V. Conclusions / looking ahead

112. This report highlights the significant progress achieved in the field of the promotion and protection of human rights. During the period under review, the country has experienced great economic and social progress, resulting in the adoption of specific legislative and political measures designed to ensure the full and effective enjoyment of human rights.

113. Malta remains committed to a strong and effective multilateral human rights system that impartially monitors the implementation by all States of their human rights obligations. Malta will vigorously defend the universality of human rights and will continue to lend its voice against human rights violations worldwide.

114. Malta believes that the UPR process is critical to further human rights around the world. The Government of the Republic of Malta fully supports the objectives of international monitoring mechanisms such as the Universal Periodic Review in providing an added incentive to strengthen the universal commitment to the promotion and protection of human rights.

115. Malta is determined to continue in its efforts to safeguard human rights, is committed to continue working for the further promotion of these rights and to raise awareness through education on human rights.

### Notes

- <sup>1</sup> International Convention on the Elimination of All Forms of Racial Discrimination; International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights and its Optional Protocols; Convention on the Elimination of All Forms of Discrimination against Women; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; Convention on the Rights of the Child and its Optional Protocols; Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance, Convention on Preventing and Combating Violence against Women and Domestic Violence, European Convention on Human Rights.
- <sup>2</sup> April 2016, Press Release – An Overhaul of the legislation regarding domestic violence and violence against women recently launched by the government will address all areas that fall under the Istanbul Convention, including female genital mutilation.
- <sup>3</sup> <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12651&l=1>.
- <sup>4</sup> 9 training sessions were held with these stakeholders in 2014; 7 training sessions in 2015; 9 training sessions in 2016; and 12 training sessions in 2017.
- <sup>5</sup> These initiatives are carried out as part of the EU co-funded project *Equality beyond Gender Roles JUST/2014/RGEN/AG/GEND/7785*.
- <sup>6</sup> This pilot study was carried out as part of the EU co-funded project *Enhancing Equal Rights JUST/2012/PROG/AG/3717*. The report is available on: [http://ncpe.gov.mt/en/Pages/Projects\\_and\\_Specific\\_Initiatives/Enhancing\\_Equal\\_Rights.aspx](http://ncpe.gov.mt/en/Pages/Projects_and_Specific_Initiatives/Enhancing_Equal_Rights.aspx).
- <sup>7</sup> This training was carried out as part of the EU co-funded project *Enhancing Equal Rights JUST/2012/PROG/AG/3717*.

- <sup>8</sup> [https://nso.gov.mt/en/News\\_Releases/Archived\\_News\\_Releases/Documents/2014/News2014\\_121.pdf](https://nso.gov.mt/en/News_Releases/Archived_News_Releases/Documents/2014/News2014_121.pdf)
- <sup>9</sup> [https://nso.gov.mt/en/News\\_Releases/View\\_by\\_Unit/Unit\\_C2/Labour\\_Market\\_Statistics/Documents/2017/News2017\\_103.pdf](https://nso.gov.mt/en/News_Releases/View_by_Unit/Unit_C2/Labour_Market_Statistics/Documents/2017/News2017_103.pdf).
- <sup>10</sup> These initiatives are carried out as part of the EU co-funded project *Equality beyond Gender Roles JUST/2014/RGEN/AG/GEND/7785*.
- <sup>11</sup> This Directory was developed as part of the EU co-funded project *ESF 3.196 Gender Balance in Decision-Making*.
- <sup>12</sup> <https://www.facebook.com/NCPE.Malta/photos/a.246842948681680.67062.180224712010171/1729393687093258/?type=3&theater> AND <https://www.facebook.com/NCPE.Malta/photos/a.246842948681680.67062.180224712010171/1737253356307291/?type=3&theater>.
- <sup>13</sup> [http://ncpe.gov.mt/en/Documents/News\\_and\\_Events/Newsletter/NCPE%20Newsletter\\_Special%20Edition\\_Summer%202016.pdf](http://ncpe.gov.mt/en/Documents/News_and_Events/Newsletter/NCPE%20Newsletter_Special%20Edition_Summer%202016.pdf).
- <sup>14</sup> These initiatives were carried out as part of the EU co-funded project *ESF 3.196 Gender Balance in Decision-Making*.
- <sup>15</sup> Laws of Malta, 2014, *Chapter 530 Civil Unions Act*.
- <sup>16</sup> <http://www.gov.mt/en/Government/PRess%20Releases/Pages/2017/April/15/PR170964.aspx>.
- <sup>17</sup> Government of Malta, April 2015, Malta to have Europe's most comprehensive Gender Identity, Gender Expression and Sex Characteristics Act, Press Release Reference Number: PR150698.
- <sup>18</sup> Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, December 2015, Public Consultation launch on a draft Bill that criminalises harmful conversion therapies, Press Release Reference Number: PR152855. <https://education.gov.mt/en/resources/Documents/Policy%20Documents/Trans,%20Gender%20Variant%20and%20Intersex%20Students%20in%20Schools%20Policy.pdf>.
- <sup>19</sup> Parliamentary Assembly – Council of Europe, April 2015, Resolution 2048 (2015) Discrimination against transgender people in Europe.
- <sup>20</sup> Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, December 2016, *Press Release: Another step forward in civil liberties. Malta criminalises conversion practices and depathologises sexual orientation, gender identity and gender expression*.
- <sup>21</sup> Corradino Correctional Facility (CCF), August 2016, *Trans, Gender Variant & Intersex Inmates Policy*: <https://meae.gov.mt/en/Documents/TRANS%20GENDER%20VARIANT%20and%20INTERSEX%20INMATES%20POLICY/Trans%20Gender%20Variant%20and%20Intersex%20Inmates%20Policy.pdf>.
- <sup>22</sup> Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, December 2016, *Press Release: 47% of all toilets in Government buildings are now gender neutral*.
- <sup>23</sup> Ministry for Finance, October 2016, *Budget Speech 2017 (English)*, p. 127.
- <sup>24</sup> <http://www.gov.mt/en/Government/Press%20Releases/Pages/2017/February/23/pr170450.aspx>.
- <sup>25</sup> <https://www.gov.mt/en/Government/Press%20Releases/Pages/2017/July/12/pr171689.aspx>.
- <sup>26</sup> <https://www.gov.mt/en/Government/Press%20Releases/Pages/2017/June/06/PR171409en.aspx>.
- <sup>27</sup> [https://www.maltatoday.com.mt/news/national/79608/speaker\\_plans\\_parliamentary\\_childcare\\_centre#.W20mgtIzbIU](https://www.maltatoday.com.mt/news/national/79608/speaker_plans_parliamentary_childcare_centre#.W20mgtIzbIU).
- <sup>28</sup> These initiatives were carried out as part of the EU co-funded project *Enhancing Equal Rights JUST/2012/PROG/AG/3717*.
- <sup>29</sup> This campaign was carried out as part of the EU co-funded project *Enhancing Equal Rights JUST/2012/PROG/AG/3717*.
- <sup>30</sup> These activities were carried out as part of the EU co-funded project *Developing a Culture of Rights through Capacity Building ESF 4.220*.
- <sup>31</sup> NCPE was engaged by the People and Standards Division (P&SD) to conduct this study which was then presented during the European Public Administration Network (EUPAN) Working Level and DGs meetings that held during the 2017 Maltese Presidency of the Council of the EU.
- <sup>32</sup> This training was carried out as part of the EU co-funded project *Enhancing Equal Rights JUST/2012/PROG/AG/3717*.
- <sup>33</sup> This initiative was carried out as part of the EU co-funded project *Enhancing Equal Rights JUST/2012/PROG/AG/3717*.
- <sup>34</sup> Press Release: PR 141746 – Ratification of the Istanbul Convention.
- <sup>35</sup> April 2016, Press Release – An Overhaul of the legislation regarding domestic violence and violence against women recently launched by the government will address all areas that fall under the Istanbul Convention, including female genital mutilation.
- <sup>36</sup> PR172508. 8 Nov 2017. *Gender-based violence and domestic violence bill passes to second reading*.
- <sup>37</sup> These activities will be carried out as part of the EU co-funded project *Forms of Violence in Malta – A Gender Perspective JUST/2012/PROG/AG/VAW*.
- <sup>38</sup> Laws of Malta. Criminal Code. Cap 9. Article 251E.

- <sup>39</sup> PR152933. 30 December 2015. New migration strategy draws a balance between human rights and security. <https://gov.mt/en/Government/Press%20Releases/Pages/2015/Dec/30/pr152933eng.aspx>.
- <sup>40</sup> <http://data.consilium.europa.eu/doc/document/ST-12098-2015-INIT/en/pdf>.  
<http://data.consilium.europa.eu/doc/document/ST-11161-2015-INIT/en/pdf>.
- <sup>41</sup> The Monitoring Committee is made up of high-level officials including Permanent Secretaries of the various ministries concerned, the Attorney General, and the Commissioner of Police amongst others.
- <sup>42</sup> Laws of Malta. *Subsidiary Legislation 35.28 Healthcare (Fees) Regulations (5)*.
- <sup>43</sup> <https://education.gov.mt/en/resources/Documents/Policy%20Documents%202014/Guidelines%20on%20Sexuality%20booklet.pdf>.
- <sup>44</sup> <https://meae.gov.mt/en/Documents/migrant%20integration-EN.pdf>.
- <sup>45</sup> As from June 2017, the name of this Ministry has changed to Ministry for European Affairs and Equality.
- <sup>46</sup> [http://socialdialogue.gov.mt/en/Pages/Media/Press\\_Releases/PR162837.aspx](http://socialdialogue.gov.mt/en/Pages/Media/Press_Releases/PR162837.aspx).
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