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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Malta

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document is being issued without formal editing.



Introduction

1. Malta received 232 recommendations during its UPR review on 31 January 2024.
2. Malta accepted/partially accepted 191 recommendations. A table containing Malta's position on the individual recommendations is enclosed. These recommendations will be implemented by the relevant ministries over the course of the coming years.
3. Malta takes note of the remaining 41 recommendations.
4. This document provides some additional comments by Malta on a few of the recommendations.

International instruments

5. Since Malta has already acceded to the 1954 Statelessness Convention, as listed in the updated annex document available on the UPR website, it therefore accepts the part relating to this Convention in Recommendations **123.4** and **123.5**.

National Human Rights Institution (NHRI)

6. The Equality Bills establishing a NHRI in Malta are currently being reviewed, as the European Commission had issued proposals for the standards of Equality Bodies. These Bills will be subject to a process of public consultation prior to being tabled in Parliament.

Health

7. Malta would like to explain the use of the term 'Partially Accepted' in the following Recommendations:
 - **Rec. 123.110:** Malta accepts the segment of the recommendation relating to the development of a sexual and reproductive health policy for adolescents. A Sexual Health Strategy is currently being updated.
 - **Rec. 123.116:** Malta accepts the segment of the recommendation relating to the legal, timely and effective access to contraception.
 - **Rec. 123.125:** Malta accepts the segment of the recommendation relating to the strengthening of women's sexual and reproductive rights by embedding comprehensive sexual education into the national curriculum and expanding access to contraception.
 - **Rec. 123.153:** Malta accepts the segment of the recommendation relating to addressing gender inequalities in the workplace across all sectors.
8. Furthermore regarding **Rec. 123.122**, Malta accepts this recommendation with the understanding that such services are in line with national legislation and do not include the provision of abortion services.
9. Additionally, Malta accepted Recommendations **123.123, 123.124, 123.126, 123.127, 123.128, 123.129, 123.130, and 123.131** and highlights that actions on these recommendations are ongoing. For **Rec. 123.186**, Malta would like to clarify that involuntary admissions are harmonised and ample safeguards are already in place in Articles 8-14 of the Mental Health Act.

Migrants, refugees and asylum seekers

10. With regard to the partially accepted recommendation **123.216**, Malta accepts the part relating to the improvement of conditions in detention centres. In relation to detention policy, please see our comment under **123.52**.

11. Malta would like to provide some information on detention, mentioned in recommendation **123.52** where Malta accepts the segment dealing with non-arbitrariness of detention. A detention order is not issued arbitrarily but only following an individual assessment and is used as a last resort, after having established that other less coercive alternative measures cannot be applied effectively. A detention order is subject to an automatic review within a maximum period of 14 days and to regular reviews every 2 months thereafter to ensure its continued legality. Minors may be detained in certain circumstances but confirmed unaccompanied minors who are in the asylum procedure are not placed in closed centres, but in an open centre administered by the Agency for the Welfare of Asylum Seekers (AWAS), while receiving all the required support from professionals. The grounds for detention are clearly listed in national law and are fully in line with EU legislation. Furthermore, there is no automatic detention.

12. On the rescue of migrants at sea, the Maltese authorities have always fulfilled their obligations in accordance with applicable international laws and conventions. The work of the Maltese authorities in this regard has contributed to the rescue of thousands of lives over the years. It is pertinent to note that Malta has often ended up assuming more responsibilities on a humanitarian basis (including migrant medical evacuations outside its area of responsibility), than those strictly imposed by the applicable Conventions. All notifications received are investigated, assessed, prioritised, and action is taken accordingly.

13. Malta will continue to provide for family reunification only for beneficiaries of refugee status in line with relevant international and EU legislation. Families with minors who are in the asylum procedure are placed in an open centre.

14. Malta already provides access to services, legal protection as well as integration measures in line with relevant EU legislation. Migrants in reception centres are provided with various services by CSO's including legal assistance, religious services, and leisure activities.

15. All personnel at the closed/open centres are being provided with mandatory training on various topics including international protection, cultural barriers, mental health, and the identification of drug or substance abuse. AWAS has its own Migrants Advisory Unit that provides the necessary information to Asylum seekers to equip them with the tools to minimize the risk of exploitation.

16. UNHCR, legal professionals and other migration agencies conduct regular visits and disseminate information about the asylum process and rights pertaining migrants.

17. A system of return counselling is available on a regular basis with information provided on return opportunities including pre-departure, in transit and post arrival, in cash and in-kind assistance.

18. Living conditions at closed/open centres have improved significantly in recent years due to the large-scale refurbishment process of all the compounds in 2021. During the pandemic two new Blocks were constructed, and since 2021 many blocks in the Safi Centre have been totally renovated. The Migrant Health Service (MHS) was officially launched in February 2021 and operates round the clock in each centre. A welfare officer who specializes in mental health, and a General Practitioner who focuses entirely on the Migrant Health Service are available along with a charge nurse. Other specialists are also available, including, ophthalmic, psychiatric and GU specialist. Additionally, new television and telephone systems were also installed over the past two years. Within the first 24 hours of arrival in a closed centre, detainees are assisted in contacting their relatives and are provided with a phone voucher. New meeting facilities were also built and have been equipped with an open phone line system for lawyers, NGO representatives, interpreters, family members and other visitors.

Safety of journalists and media freedom

19. Malta would like to explain the use of the term 'Partially Accepted' in the following Recommendations:

- **Rec. 123.60:** Malta would like to point out that freedom of the press is, and has long been, guaranteed in Malta and therefore accepts the part in relation to continue working on the reform. The Maltese Government has tabled three Bills in Parliament aimed at strengthening the fourth pillar of democracy. These Bills will *inter alia* introduce provisions intended to further protect the democratic way of life and the rule of law; to strengthen the fundamental rights of freedom of expression, privacy and media freedom; and to safeguard journalists and other media professionals against strategic lawsuits against public participation (SLAPP suits). Malta has also already publicly expressed that it will be transposing the recently adopted anti-SLAPP directive to bring these latter-mentioned standards in line with European ones. Malta is also committed to issue a white paper, to offer the opportunity for all stakeholders to further discuss the Media Experts Committee recommendations on the bills tabled by the Government. Finally, when referring to the reform being undertaken in the context of the Freedom of Information Act, it would be opportune to refer to the updates given when referring to recommendation 123.61.
- **Rec. 123.61:** Malta is committed to continue its reforms in this area and is currently in the process of evaluating any possible legislative changes to be undertaken to the Freedom of Information Act. Moreover, Malta is also investing in a new online Case Management System which will provide a more user-friendly interface for citizen and public officers alike allowing for a smoother experience. A new functionality will also include a direct communication tool (on individual requests) for both parties, doing away with the need to resort to other communication channels that may lengthen the process. It is envisaged that the system will be concluded by end of 2024 and is expected to go live during the first quarter of 2025. Whilst affirming its confidence in the UNESCO recommendations, Malta cannot however fully accept this recommendation unreservedly since it cannot guarantee a priori without discussion that the changes in the field of freedom of information will be limited to, or will be a wholesale transposition of, what was “recommended by UNESCO”.

20. To date all suspected persons in the murder of Daphne Caruana Galizia, were charged in Court. Three have already been sentenced: one for 15 years imprisonment whilst two others were jailed for 40 years each.

21. The 2021 report of the Public Inquiry into the murder of Daphne Caruana Galizia, outlined two recommendations to the Police, namely (1) to increase police awareness of the role of journalists in society and (2) to establish a dedicated unit within the Malta Police Force (MPF) dealing with the protection of journalists. The Malta Police engaged with foreign counterparts, particularly the UK National Crime Agency who provided training and assisted in the development of a Standard Operating Procedure titled *Managing and Responding to Threats to Life* which has been in place for the past two years.

22. Moreover, since November 2021, the Malta Police incorporated media relations training within its in-service training, in collaboration with the Institute for Maltese Journalists. The aim is to enhance awareness amongst police officers on the role and work of Journalists and Media Actors, and measures that can be taken to enhance the protection of their rights. These weekly sessions seek to highlight the risks to journalists and problems they encounter in their work, as well as the potential threats and attacks they face, both in a physical and digital space. The aim of this continuous joint training program is to improve police-media relations through the upholding of police values, particularly accountability, fairness, openness, and respect.

Intersex children

23. Regarding **Recommendation 123.202** on intersex children, Article 14 of the Gender Identity, Gender Expression and Sex Characteristics Act (Chapter 540 of the Laws of Malta) enacted in 2015, prohibits normalising surgeries and medical interventions on intersex children without their informed consent. Malta was the first UN Member State to introduce such provisions in its legislation. The Act also provides for a revision of the protocol regulating sex assignment treatment and/or surgical interventions on the sex characteristics

of a person, as well as for the setting up of an interdisciplinary team to assist medical professionals in providing support and guidance to intersex individuals and their families.

Persons with disabilities

24. Malta would like to submit information in relation to recommendations **123.13**, **123.14** and **123.15** – specifically on reservations on CRPD articles 29(a)(i) and (iii). Discussions are ongoing with the Electoral Commission and other stakeholders locally, to resolve the matter of Malta’s reservations, further to Action 11.1 of Malta’s 2021-2030 National Disability Strategy. Meanwhile, several measures have been undertaken over past years, to ensure accessibility of polling stations, offer the possibility to vote using Braille ballots or playback devices, and amend the format of ballot papers, in respect of font used, and inclusion of candidates’ photographs. Accessibility of election campaigns and electoral broadcasts have been improved through the use of sign language interpretation and closed captioning. Several candidates with disabilities on various Party lists have been presented over the years. For several years, persons with disabilities served as Members of the House of Representatives, up until the present day. These measures contribute towards the participation of persons with disabilities in different aspects of public and social life.

Environment and climate change

25. Malta transposed Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, and is compliant with the requirements on monitoring, reporting and policy. Malta’s updated air quality plan went through a public consultation and is in the process of acquiring final approvals for it to be published, following which, discussions on implementation of the relevant measures will commence. More information is available here: <https://era.org.mt/public-consultation-air-quality-plan/>.
