

Input to the Universal Periodic Review of Malta (4th cycle)

MALTA REFUGEE COUNCIL



July 2023

1A Rhea Building, Triq is-Santissima Trinitá, Ħamrun MRS 2280, Malta
+356 20106295 | maltarefugeecouncil@gmail.com | www.maltarefugeecouncil.org.mt

Malta Refugee Council

The Malta Refugee Council is a network of Maltese non-governmental organisations working for the promotion of the fundamental human rights of persons in forced migration. The Council's mission is to advocate for legislation, policies and practices that are in accordance with Malta's international obligations and best practice in the sector. Furthermore, the Council seeks to foster an environment that is welcoming and inclusive of refugees. The Council understands that these goals are best met through the concerted and coordinated efforts of its Members.

This input to the UPR process is a joint submission made by the 12 NGOs forming the Malta Refugee Council.

Composition

The Malta Refugee Council is composed of the following NGOs:

- aditus foundation
- African Media Association (Malta)
- Blue Door Education
- Integra Foundation
- Jesuit Refugee Service (Malta)
- KOPIN
- Migrant Women Association (Malta)
- Migrants Commission
- MOAS
- SOS Malta
- SPARK15
- Sudanese Community in Malta

Search and rescue of persons in distress at sea

Titles: 110.106, 111.38

1. Malta recently toughened its stance on search and rescue, including with the implementation of activities contrary to Malta's human rights obligations. Since May 2020 and throughout 2021, the Armed Forces of Malta drastically decreased its coordination of sea rescue of persons in distress. In the vast majority of reported incidents, no rescue operation is initiated, and no information is made publicly available as to the decision-making process leading to the decision not to engage.
2. In particular, Malta adopts a harsh attitude towards NGOs rescuing people in distress at sea. By refusing to describe the operations as rescue operations - on the basis of either a restrictive understanding of 'distress' or a policy approach - Malta fails to designate a port of safety for the disembarkation of the rescued persons.
3. Malta has been accused of seeking to prevent boats entering its Search and Rescue zone, relying on the May 2020 Memorandum of Understanding with Libya. This MOU foresees the creation of a coordination unit in each country to assist in operations "to combat human trafficking".
4. A May 2021 OHCHR report confirmed numerous incidents of pushbacks orchestrated by the AFM and the Malta's failure to render prompt assistance to migrants in distress in the central Mediterranean.
5. The Council of Europe Commissioner for Human Rights made the same observations following her visit to Malta in October 2021. In her report published in January 2022, the Commissioner stresses the need to step up Malta's capacities and ensure effective coordination of search and rescue operations, stating that "*disagreements with other member states about disembarkation responsibilities should never be allowed to put human rights – including the right to life – at risk or exempt the authorities from their non-refoulement obligations.*"
6. In her report, the Commissioner once more underlined that Libya is not a safe place for disembarkation and called on the Maltese authorities to review their co-operation with the Libyan authorities to curb irregular migration, which is of grave concern, as it leads to returns of refugees and migrants to Libya or contributes to other human rights violations. On the topic, the Commissioner stated that "*Such cooperation activities must be suspended until clear guarantees of their human rights compliance are in place.*"

Moreover, accountability must be ensured for any returns to Libya occurring as a result of action by the Maltese authorities."

Floating prisons on the high seas and pushback to Libya

7. In April 2020, Malta effectively shut its sea borders to those arriving by sea and in need of international protection. The government issued a statement indicating that, in light of COVID-19 and the logistical and structural problems for health services associated with the pandemic, Malta could no longer “*guarantee the rescue of ‘prohibited immigrants’ on board of any boats, ships or other vessels, nor to ensure the availability of a ‘safe place’ on Maltese territory to any persons rescued at sea*”. It then chartered private vessels just outside Malta’s territorial waters in order to detain people rescued at sea.
8. NGOs, and even UNHCR were prevented from accessing the people on said boats, despite relentlessly calling on the government to disembark people and stop the de facto detention of asylum-seekers in inhumane conditions. On 6 June 2020, the Maltese government finally announced that the 425 persons detained were authorised to disembark.
9. In October 2021, a case was filed in front of the Constitutional Court by aditus foundation and JRS Malta on behalf of 32 asylum-seekers that were detained on these boats. The applicants claim breaches of the Maltese Constitution, the ECHR and the EU Charter on Human Rights.
10. In November 2020, fifty asylum-seekers filed constitutional proceedings against Malta, calling for an effective remedy for the alleged breach of rights they suffered in a pushback to Libya in April of the same year.

Selection of incidents of concern

11. In January 2021, the NGO Alarm Phone accused the AFM of refusing to rescue 90 people in the Maltese SAR zone. The NGO reports that the RCC Malta either does not pick up or hangs up their calls immediately. The same happened in February 2021, when Alarm Phone accused Malta of refusing to rescue 77 migrants at risk of drowning spotted on 20 February. The same had happened on the 19 February for a group of 173 people in two dinghies, which were in Maltese territorial waters.

12. In April 2021, after it was reported that a group of 110 people may be unaccounted for, the emergency hotline NGO Alarm Phone accused the Armed Forces of Malta of ordering a rescue vessel to leave the scene of the drifting boat the migrants were in. Following these developments, thirty-seven civil society organisations issued a statement over the fate of the 100 persons in distress. The 37 organisations noted that these people were in distress in Malta's search and rescue zone in the past days and that a ship that was willing to rescue them was prevented from doing so by Malta. The AFM later issued a statement that all migrants reportedly stranded at sea had safely reached Italian territory. The AFM insisted that all allegations of boats sinking, left adrift or rescues being hindered were "*false and unfounded*". The group of NGOs responded that the incident further underlined the lack of information sharing from Maltese authorities, which seemed to have known about the location of the boat since the start. Alarm Phone claimed that the AFM had already been caught in the past providing fuel to vessels in distress, for them to be able to reach the Italian territory.
13. On 17 June 2021, a group of 86 migrants narrowly avoided being taken back to Libya when the charity boat Nadir which picked them up in Malta's SAR zone refused to hand them over to the Libyan coastguard. Malta's Rescue Coordination Centre told the Nadir that a merchant vessel was in the vicinity and on its way to support it, but the vessel never arrived, and the Libyan Coastguard showed up instead. The Libyan Coastguard vessel eventually left, and the Maltese RCC instructed Nadir to take the migrants to the closest port. However, the 19-metre sailing boat could not handle 86 people, and it continued to request support from Maltese authorities. The migrants were later transferred to an Italian patrol vessel which took them to Italy.
14. On 2 July 2021, authorities in Malta allegedly did not respond to a call to rescue a group of migrants in distress at sea, that included a child with a disability.
15. In August 2021, Sea Watch identified 332 people in distress in the Maltese SAR Zone, 26 persons were rescued by the NGO vessel Sea-Watch 3 and disembarked in Italy, and 115 persons were rescued by the Italian authorities or arrived independently in Lampedusa, Italy. The outcome for 9 boats in distress, with around 191 persons, remains unknown. The AFM participated in one rescue operation in Libyan SAR zone, rescuing 43 people. 6 boats in distress, with around 302 persons, in the Libyan SAR zone were intercepted and pulled back to Libya by the Libyan Coast Guard.
16. SeaWatch reported that, on 13 September 2021, Frontex likely coordinated an interception and pushback to Libya carried out by the Libyan Coast Guard. The NGO observed the track of Frontex's drone and noticed that it was orbiting in the Libyan SAR zone near the Maltese SAR competence area. Around one hour later, SeaWatch found the Libyan Coast Guard's patrol boat in the vicinity with around 200 persons on the deck, heading at full speed towards Tripoli. People on the boat were hence likely pushed back to Libya.

17. In October 2021, SeaWatch reported that 87 people were rescued by the Italian Coast Guard in the Maltese SAR zone, while 137 others were intercepted and pulled back by the Libyan Coast Guard before reaching the Maltese SAR zone. No rescues were carried out by the AFM.
18. In September 2022, a group of people were in distress in the eastern part of Malta's SAR zone. Following days of ignored calls for assistance, the Greek authorities intervened to rescue the people in distress, but this came too late. A four-year-old girl, airlifted with her mother, died of thirst on the way to hospital.

Recommendations

19. Do not relinquish search and rescue responsibilities to the Libyan Coast guard, and do not return any rescued persons to Libya.
20. Create safe and legal pathways for refugees to reach Malta such as resettlement, humanitarian visa routes and family reunification.
21. Be transparent about decisions relating to persons in distress at sea.
22. Launch public inquiries into incidents in Malta's Search and Rescue zone that result in loss of life.
23. Enshrine the principle of *non-refoulement* in criminal law, rendering it a punishable offence to return any person to a place where their life or security would be at risk.

The case of the El Hiblu

24. In March 2019, a group of 108 migrants escaping Libya were rescued by the merchant vessel El Hiblu 1. At first, the ship continued towards Libya but changed its course shortly before reaching the Libyan coast and headed instead towards Europe. A Maltese special operation unit boarded the ship and disembarked the migrants in Malta. Upon arrival, the authorities arrested five asylum-seekers and subsequently charged three of them – all teenagers - with extremely serious crimes, including involvement in terrorism.

25. The case is followed closely by the Office of the UN High Commissioner for Human Rights which urged Malta to reconsider the severity of the charges, and by Amnesty International which publicly stated that *“the severity of the nine charges currently laid against the three youths appears disproportionate to the acts imputed to the defendants and do not reflect the risks they and their fellow travellers would have faced if returned to Libya. The use of counter-terrorism legislation is especially problematic”*.

26. To date, the three young men still await the Attorney General to file the bill of indictment.

Recommendations

27. Drop the charges against the El Hiblu 3.

Criminalisation of refugees using false documents to enter Malta

28. Refugees entering Malta with fake documents are brought before the Magistrates Court (Criminal Judicature) and in most cases condemned to serve a prison sentence. The prosecutions are based on the Maltese Criminal Code and the Immigration Act, which foresee the use of false or forged documents as invariably constituting a criminal offence, with no exception for refugees in law, practice or jurisprudence.

29. In the past years, several refugees have been imprisoned under these laws, including cases of very young individuals and survivors of torture and violence. Just throughout 2021, 34 migrants were convicted to prison sentences on the basis of these Articles. This number however does not include minors, as information on this regard is not made public.

Recommendations

30. Introduce a legal measure decriminalising use of false documents by refugees to enter Malta.

Administrative detention

Titles: 110.106, 110.111, 110.40, 111.38, 111.19, 111.2, 111.21, 111.36

Automatic detention following rescue and disembarkation

31. For a number of years, Malta has been imposing an automatic and mandatory detention on all persons rescued at sea. The application of this policy knows no exception as every single person is detained, including children and other vulnerable persons.
32. This detention period is justified on public health grounds, yet no legal regime or public authority authorises this de facto detention. The distributed 'Restriction of Movement Order' is not systematically given to all persons. Furthermore, it confirms that this de facto detention has no basis in law, is not the result of an individualised assessment, and provides no information on the possibility of review or appeal.
33. When recently questioned in Court about this detention period, Immigration Police representatives confirmed that they do not order or regulate it whilst Public Health officials denied any involvement in its arrangement.
34. During this detention period, generally from two to six weeks, detained persons are held incommunicado. Their phones are confiscated for the entirety of their detention, and they are unreachable by phone. Interestingly, although these isolation measures are allegedly based on public health considerations, representatives of the Government's voluntary return programme frequently visit newly-arrived persons to encourage them to the programme.
35. This 'public health' detention is a recent development, clearly highlighting that the rules and the isolation are becoming increasingly harsh with the intention of breaking people's spirit, of making detention ever more difficult to bear.

Interference in the right to seek asylum

36. As mentioned, even before a person has applied for international protection, public officials visit newly-arrived people to provide intentionally discouraging information aimed at dissuading them from seeking protection and applying for voluntary return. These meetings are often held before any other person or entity meets them, and never in the presence of a legal advisor.

37. It is inconsonant with the right to seek asylum that this information is the only information provided, particularly within a detention context. In addition to guaranteeing effective access to lawyers or organisations providing legal information and services, it is Malta's duty to make available information about the right to seek asylum and how this is exercised in Malta.
38. The one session occasionally held by UNHCR, where the Agency provides general information to groups of people, is evidently insufficient to meet this legal obligation. Indeed, we have received reports that – instead of providing information on how to reach lawyers or organisations offering legal support – officials are often instructed by their superiors to refrain from referring persons to NGO services.

Detention based on group considerations

39. Following this initial detention period, and only once the public health authorities provide health clearance, the Immigration Police assess whether to restore freedom or to impose detention supposedly on the basis of the EU Reception Conditions Directive. Consistent practice shows that detention is generally imposed on the basis of a person's nationality: the likelihood of being granted international protection and the chances of forced or voluntary return.
40. The European Court of Human Rights and the Court of Justice of the European Union have both repeatedly defined the strict criteria that must be met in order for administrative detention to comply with legal norms. In particular, both Courts stressed that group determinations in the context of detention decision-making are not permitted as detention must be based on an individualised assessment, that detention must only be imposed as a means of last resort when other less coercive alternatives are not available.

Limited access to legal services

41. During the initial public health detention period, the Detention Services do not permit any access to legal services. Once in Safi Barracks, detained persons face a series of obstacles to obtain basic information on their legal situation and to be granted access to legal services. Nobody provides names and contact numbers of organisations or lawyers. The Immigration Police confiscate personal mobile phones, and the detention centre phones are unable to make out-going calls, saving in exceptional individual situations.
42. Again, people are held incommunicado in a clear attempt to deprive them of important information and services. Under current policy, lawyers alone are allowed to visit detained persons, and, in such cases, these must be clients identified by name, surname

and immigration number. Without information on new arrivals, and no possibility for detained persons to call family or lawyers, NGOs carry out logistical somersaults to set appointments with identified clients. Due to these rules and restrictions, NGO lawyers are only able to meet up to six to eight persons per week respectively.

43. As a consequence, most detained persons attend their asylum interview without ever having spoken to a lawyer or counsellor. This includes LGBTIQ+ persons, victims of violence, persons with mental health problems and others for whom such basic information and services are crucial for their asylum process.

44. They are unable to question or challenge the legality of their detention and vulnerable people are neither identified nor referred to needed support services.

Solitary confinement, harassment, living conditions

45. We also note the arbitrary and cruel use of solitary confinement/isolation of particular persons. In our experience, these tend to be persons with mental health problems and whose behaviour might be challenging to manage by the Detention Service officers.

46. We have also seen persons being placed in solitary confinement as a mode of punishment and/or coercion. So keen are public authorities on pushing persons towards the voluntary return route, that the Detention Services have recently placed rejected asylum-seekers approaching the maximum detention period of 18 months, in solitary confinement and visited regularly by immigration officials urging them to sign voluntary return forms.

47. Living conditions in detention remain awful and inhumane. The issues identified by the Council of Europe's Committee for the Prevention of Torture remain unaddressed, with detained persons facing intentional serious material deprivation. Furthermore, NGOs have also filed several complaints regarding abuse and harassment occurring in Safi Barracks. Detained persons, including children, are constantly being bullied, insulted, humiliated and – at times – physically assaulted.

48. The Home Affairs Ministry failed to acknowledge, provide feedback or act on such complaints, and complainants remain living in constant fear.

Detention of children

49. As mentioned above, Malta includes children in its application of its detention regime. Following the initial period of detention for public health reasons, distinctions are indeed made between various children on the basis of which some are detained, and others released. Yet, these initial distinctions are not based on clear criteria or procedures but on quick visual assessments made when persons are disembarked.
50. Children who are deemed to be ‘visibly’ children do not continue to be detained once medically cleared, yet children in respect of whom an age assessment procedure is required remain detained.
51. Contrary to clear jurisprudence from the European Court of Human Rights and from international human rights bodies, children pending age assessment procedures are treated as adults by Malta’s detention regime. Despite minor improvements in this regard, namely the establishment of a ‘child space’ in Safi Barracks, the situation remains extremely worrying.
52. Many children detained in this ‘child space’ complain about constant bullying by Detention Services officials. They mention that, since they are claiming to be children, the DS officials insist that they watch cartoons on TV. Although they do have access to a yard and playing cards, no educational or child-appropriate activities are organised. All windows have bars, and none have blinds.

Detention of vulnerable persons

53. In terms of national policy, individuals considered vulnerable should also not be detained. However, increasingly in the past two years, individuals with serious mental and/or physical health problems are being held for prolonged periods in detention. The treatment of these persons in detention continues to be of great concern.
54. In principle, the Agency for the Welfare of Asylum-Seekers, being the public entity responsible for the identification, assessment and care of vulnerable persons, conducts assessment of asylum-seekers’ individual needs. However, unacceptable delays and lack of effective follow-up, including release and accommodation in appropriate facilities, continue to hamper the identification and support of vulnerable individuals in Safi Barracks.
55. Once an assessment is conducted, and an individual is identified as vulnerable, days or weeks pass before any intervention is conducted or before a vulnerable individual is able to access services.
56. As mentioned above, there are reports of isolation being used to ‘manage’ vulnerable detainees, a practice which is unacceptable and exacerbates the vulnerability of

detainees, particularly those with mental health challenges.

57. We acknowledge the introduction of a primary health service within Safi Barracks a significant improvement, which has facilitated access to basic health care. However, in our experience, over-reliance on the availability of this service has often resulted in a delay when a referral to an in-patient facility is sorely needed. In more than one case, this has resulted in the detainee's health deteriorating to the point that they become a danger to themselves or others. Once transferred to the in-patient facility, detainees are constantly monitored by DS staff and handcuffed when being moved between wards. The fact that they are detained also limits the possibility of accessing outdoor spaces as part of treatment, without having handcuffs on.

No effective remedy

58. The provided legal remedy to challenge administrative detention, the Immigration Appeals Board (IAB), does not meet relevant international or European standards established for judicial entities tasked with reviewing the legality of detention measures.

59. Supposedly an independent and impartial entity, the IAB falls within the same Ministry as the Immigration Police and the Detention Services, making it dependent on the Ministry for its budget, administrative support and overall functioning. The Home Affairs Minister is responsible for the appointment of its members, with the members all having direct connections to the Labour Party and little or no expertise in the vast range of issues brought before the Board.

60. To date, the IAB has a strong track record of neither questioning nor overturning detention decisions. It fails to adopt decisions on applications for Preliminary References to the Court of Justice of the European Union, refuses to appoint experts for complex matters such as age and vulnerability assessments and, when faced with complicated situations, it simply does not reach any conclusions or adopt decisions.

Recommendations

61. Ensure that immigration detention is only used as a means of last resort and where less coercive alternatives may not be relied upon, following an individualised assessment.

62. Refrain from detaining children and vulnerable persons.

63. Provide detained persons with material living conditions respectful of their human dignity.

64. Allow NGOs and other stakeholders access to all persons in detention.
65. Ensure a swift, independent and impartial review of detention decisions with access to quality free legal aid.
66. Provide all detained persons with accurate and clear information on their rights, including on the right to seek asylum.

Integration and life in Malta

Titles: 110.106, 111.36

67. On 31 May 2023, the Parliamentary Secretariat for Reforms and Equality launched a public consultation for the second integration strategy and action plan, calling on the public, civil society and other actors to submit their views on the proposed document. The Malta Refugee Council welcomes the initiative of launching a second National Integration Policy and Action Plan. It is worth noting that the previous strategy 'expired' in 2020, so this new document, planned to cover from 2024-2027, comes somewhat delayed.
68. The public consultation document is generic in nature and contains no concrete measures beyond general principles, thus it remains to be seen what the action plan will contain.
69. Malta has done quite a lot in terms of integration, in particular with the 'Integration=Belonging: Migrant Integration Strategy and Action Plan, Vision 2020', which was launched in 2017. Being Malta's first integration policy, it finally put the integration of migrants and refugees clearly within Malta's policy frameworks. It acknowledged the lived reality of thousands of persons who, for various reasons, were living and interacting in Malta, and gave an official dimension to conversations that civil society organisations had been having for several years. It also gave birth to the 'I Belong Programme' (which includes classes in English, Maltese and cultural orientation), an essential initiative. It was a necessary initiative which the Directorate in charge of it has committed to continue running.
70. Another important initiative was the Cultural Mediator Diploma, which was delivered by the University of Malta, to help bridge the gap of the lack of adequately trained interpreters and cultural mediators in Malta.
71. Importantly, the 2017 initiative was premised on the idea of integration governance, thereby underlining the need for migrant and refugee integration to be wholly incorporated into national law- and policy-making. Integration governance also stresses the need for an approach that is sustainable, therefore requiring not only real political commitment but also the allocation of required resources to ensure effective implementation and successful achievement of goals and targets.
72. The establishment of key Government structures, such as the Inter-Ministerial Committee on Integration, the Forum on Integration Affairs and the Integration Unit (now the Anti-Racism and Intercultural Unit), was a bold step in the right direction. By way of preliminary comment, we stress the importance of maintaining and

strengthening these structures, particularly in a manner that allows them to operate independently of casual and unpredictable project funding.

73. Although already in 2017 Malta was hosting a multitude of communities of non-Maltese persons, in 2023 Malta is a very different place. As underlined by the Parliamentary Secretary for Reforms and Equality in her Foreword to the Public Consultation document, the country is now a country brimming with a diversity permeating all sectors and communities. Yet, it is also a country that has recently witnessed a worrying degeneration in the treatment of migrants and refugees. Malta increasingly relies on an economic model that almost invites the exploitation of migrant workers and seems unable to effectively monitor or regulate the manner in which migrants are treated at the workplace or in the context of housing and accommodation.
74. The country has also hardened its approach towards persons fleeing war and persecution, with the adoption of a series of laws and policies either limiting their access to international protection or rendering their integration a challenging experience. Furthermore, recent episodes of hate crimes stress the urgent need for Malta to step up its efforts at combating racism, including by securing a robust integration strategy focusing on social inclusion.
75. On employment, asylum-seekers and rejected asylum-seekers (as well as those with protection) have the right to work and can access the labour market legally. However, it is worth noting that work permits for asylum-seekers and rejected asylum-seekers are tied to a particular job and a particular employer. Furthermore, the validity is 6 months for asylum-seekers and 3 months for a rejected asylum-seeker. Not only does this mean extensive bureaucratic requirements but the work permit being tied to the employer can often lead to exploitation for workers, making it difficult to change jobs and improve conditions.
76. With regard to education, the Malta Refugee Council stresses that all children should be in school as soon as possible after their arrival in Malta. This needs to be guaranteed to all children, irrespective of their or their parents' immigration status, educational or linguistic background. We also feel that, after years of providing a needed and valuable service, a thorough assessment of the impact of the Migrant Learners' Unit is needed. Whilst it is acknowledged that hundreds of children have benefitted from the Unit's services, we fear that the Unit might run counter to the very idea of mainstreaming.
77. Alternatives that promote peer socialisation could be explored, such as offering additional support to children whilst attending regular primary and secondary education classes. NGOs are the main service-providers of free language classes for adults. This approach is unsustainable and places a huge burden on the organisations providing these services. The reality that a large percentage of newly-arrived persons are unable to afford private tuition in either Maltese or English needs to be acknowledged as a

reality feeding into policy-making and resource-allocation.

Recommendations

78. Revise Public Service rules to allow beneficiaries of international protection to join the public service.
79. Shorten the number of years required for refugees to be eligible for Maltese citizenship and enable access to Maltese citizenship for beneficiaries of subsidiary protection.
80. Grant the right to family reunification to beneficiaries of subsidiary protection.
81. Establish conditions to grant an autonomous residence permit to family members of international protection beneficiaries, whether arriving before or after the recognition of status.
82. Adopt equality legislation that is comprehensive and inclusive of all discrimination grounds, across all sectors, and introduce complaints procedures that are accessible, effective and speedy.
83. Establish criteria for refugees to be granted voting rights and the possibility to stand for elections.
84. Provide immediate access to education to all children in Malta, irrespective of any other consideration.
85. Remove the blanket ban on access to marriage for asylum-seekers and replace it with appropriate individual assessments.
86. Ensure that public cultural activities, including broadcasting, incorporates migrants and refugees as active participants, and not simply for migration-related news items.
87. Support the inclusion of migrants and refugees as active participants in private sector cultural activities.

Discrimination against migrants and refugees

Titles: 110.106, 110.103, 110.112, 110.106, 111.1, 111.15, 111.19

88. In September 2021, the Government launched and began implementing the Anti-Racism Strategy 2021-2023, Malta's first national action plan against racism and xenophobia. This Strategy aims to confront and eliminate racism in all its forms, individual, systemic, and societal and to stimulate and support intercultural inclusion.
89. The document comprises 22 measures which were born from a public consultation period in 2020, in which respondents gave suggestions on various issues such as research, law enforcement, education, employment and housing. In 2018, an Integration Unit was set up as part of the Human Rights Directorate, which was then changed to the Intercultural and Anti-Racism Unit some years later, strengthening the anti-racism aspects of the Directorate's work.
90. Part of the work on the implementation of the anti-racism strategy has included the setting up of an anti-racism platform composed of members of civil society, NGOs and migrant community organisations, who take part in different activities and engage in the design of programmes and initiatives.
91. Delays in the implementation of equality legislation persist, including the establishment of the Human Rights and Equality Commission. The Equality Bill - Bill No. 96, introduced in 2015, is still being debated in 2021. The Equality Bill, which was supposed to provide a single source for equality and non-discrimination legislation, has come to a halt after spending more than a year in the Adjunct Committee for the Consideration of Bills (second reading). Similarly, Bill No. 97 - Bill on the Commission on Human Rights and Equality is currently in its second reading in Parliament. The Commission will directly report to the Maltese Parliament and serve a tripartite role: (i) Consultative (ii) Reporting (iii) Investigative on potential cases of human rights maltreatment.
92. There have been some concerning incidents with regard to institutional racism that must be noted in this regard, that go beyond discrimination.
93. On 9 October 2022, police constables were arraigned in Court, charged with abducting and committing violent acts against foreign nationals. They were also charged with committing crimes against human dignity. It was also suggested that protocols were not being followed, such as use of bodycams, and that reports of the violence had been filed by some of the victims, only to be ignored or shelved.

94. Importantly, we note that little or no support was provided to the identified victims, including legal assistance in the judicial process and psychological support in relation to the trauma suffered. We also suspect that no efforts were made to identify and support past victims of institutionalised racism and violence.

Recommendations

95. Introduce comprehensive protection from discrimination for all persons in all sectors.

96. Adopt legislation creating a National Human Rights Institution in accordance with the Paris Principles.

97. Introduce measures to eradicate racism from within the Malta Police Force and the Armed Forces of Malta.