

The State of the World's Human Rights; Malta 2023

Sexual and reproductive rights

In June, parliament amended the criminal code making it lawful for a doctor to terminate a pregnancy if the pregnant person's life was at immediate risk and before "fetal viability". Doctors were allowed to refer pregnant people whose health was in grave jeopardy to a medical panel to be granted access to an abortion. Cases of grave risk to health that were "not life-threatening" were excluded from the amendment, and abortion remained illegal in all other circumstances.¹

Refugees' and migrants' rights

Approximately 380 people disembarked in Malta after being rescued at sea. Continuing concerns over Malta's failure to give, or delaying of, assistance to, people in peril at sea in its search and rescue region, were compounded by a lack of transparency about rescue operations and the response to calls for rescue.

In May, the Tareq Ben Zeyad armed group affiliated with the Libyan Arab Armed Forces intercepted and brought back to Libya a boat carrying about 500 people. The Armed Forces of Malta (AFM) denied involvement in this forced transfer. Rescue NGOs had alerted Malta to the boat's position in the Maltese search and rescue region. The AFM stated that no boat had been found at the reported position and they had not coordinated a rescue. UN agencies in Libya reported the arrival of a boat carrying about 500 people two days later in Benghazi.

In July, at a constitutional court hearing of a case brought by 32 asylum seekers for breach of their rights, the prime minister claimed their detention aboard ferries had been related to managing the Covid-19 pandemic. Between late April and early June 2020, Malta arbitrarily detained more than 425 people rescued at sea in substandard conditions aboard ferries positioned outside territorial waters. The case was ongoing at year's end.

In October, in *A.D. v Malta*, the European Court of Human Rights ordered Malta to pay EUR 25,000 to an Ivorian asylum seeker who, aged 17, had been arbitrarily detained in inhuman and degrading conditions and without access to effective remedies. The court noted that Malta's migration detention system was hindering human rights protection in these areas and that measures at a national level were required in execution of the judgment.

In November, three asylum seekers known as the El Hiblu 3, who had opposed attempts to unlawfully return them to Libya in 2019 when two of them were still children, were indicted on charges including acts of terrorism. The three men faced life imprisonment.²

Right to truth, justice and reparation

The trial of a businessman accused of commissioning the 2017 killing of journalist Daphne Caruana Galizia had yet to start. In September, the Council of Europe Commissioner for Human Rights (commissioner) expressed concern at the delay in ensuring that all those responsible for the killing were brought to justice.

Freedom of expression

In September, the commissioner noted that legislative proposals to strengthen freedom of expression were inadequate and that civil society and the media community had not been consulted on the amendments. Furthermore, concerns remained about journalists' access to information.

In July, a report by the European Commission criticized the review of the Freedom of Information Act and the obstacles faced by the media and citizens when requesting access to information held by public authorities.

Right to a healthy environment

Malta was vulnerable to the impacts of global heating, including on agricultural productivity, health and availability of water. With 92% of its energy derived from fossil fuels, a report in June by NGO Friends of the Earth claimed that the government's proposed Melita TransGas pipeline connecting Malta and Italy would lock Malta into a future of fossil fuel use that was contrary to EU targets to refrain from investing in new fossil fuel projects. In 2021, Malta had negotiated with the European Commission a target of reducing carbon emissions by 19% by 2030 compared with 2005 levels. This was less than the 36% reduction proposed by the commission.
