

Council of Europe contribution for the 45th UPR session (January-February 2024) regarding Malta

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Prevention of torture (CPT)

The CPT's report on the 2020 ad hoc visit to Malta:



CPT_inf_2021_1_Malt
apdf

During the visit, the CPT's delegation examined the conditions of detention for, and treatment of, migrants deprived of their liberty, including families with young children and unaccompanied and separated minors. It visited various places where migrants are being held, notably the detention and reception centres, as well as two police stations.

Government response:



CPT_Inf_2021_2_Malt
apdf

The Committee intends to examine the treatment of persons deprived of their liberty in [Malta](#) in 2023, during its 9th periodic visit. The date has not yet been announced.

Council of Europe Commissioner for Human Rights

On 19 September 2019, the Commissioner published a [letter](#) addressed to the Prime Minister of Malta, in which she called on the Maltese authorities to withdraw the pending posthumous defamation lawsuits against the family of journalist Daphne Caruana Galizia. She stressed that the continuation of the lawsuits put unjustified pressure on the family, was perceived as an intimidation against them and raised questions about the authorities' commitment to bringing to justice those responsible for the journalist's death. The Commissioner recommended that Maltese legislation should allow the reversal of the burden of proof in defamation cases, which lies with the respondents. She noted that this not only placed an excessive burden on the respondents but may have also amounted to undue interference with the right to protection of journalistic sources. The Commissioner also recommended the repeal of the provisions allowing the passing of civil defamation cases to heirs.



CommDH(2019)25 -
Letter Maltese PM_E

On 29 November 2019, the Commissioner published a [letter](#) addressed to the Prime Minister of Malta, concerning the investigation into the murder of journalist Daphne Caruana Galizia. She expressed concern regarding alleged political interference in the investigation and called on the

Maltese government to refrain from any action which would prevent the investigation from being or from being seen as fully independent. The Commissioner recalled the Council of Europe standards regarding effective investigations and stressed the need to ensure the independence of the investigation in order to bring justice to the journalist's family and to Maltese society as a whole.



**CommDH201932 -
Letter to Prime Minister**

On 11 May 2020, the Commissioner published a [letter](#) addressed to the Prime Minister of Malta, in which she urged Malta to meet its obligations to save lives at sea, ensure prompt and safe disembarkation, and investigate allegations of delays or non-response to situations of distress. The Commissioner called on Malta's government to refrain from any action that would result in returns to and disembarkations in Libya and to ensure accountability for situations in which action by Maltese authorities has led to such returns. She also called on the authorities to ensure that the human rights of those rescued were not endangered by disagreements among states about disembarkation and that humanitarian considerations always prevailed. The Commissioner underlined the need for all Council of Europe member states to seek co-operation with civil society, in particular NGOs engaged in search and rescue activities and in the monitoring and defence of the human rights of migrants at sea.



**CommHR_letter_PM
Malta_05052020.pdf**

On 15 February 2022, the Commissioner published her [report](#) following a visit that she had carried out to Malta from 11 to 16 October 2021. The report focused on media freedom, the protection of the rights of refugees, asylum seekers and migrants, and women's rights.



**CommHR_visit report
Malta_Oct2021.pdf**

The Commissioner called on the Maltese authorities to ensure accountability for the murder of journalist Daphne Caruana Galizia and prioritise reforms to fully implement the recommendations of the public inquiry report which found the state responsible for her assassination; comply with international standards; involve civil society and ensure accountability and transparency throughout this process; ensure freedom of information; and adopt legislation against SLAPPs (strategic lawsuits against public participation).

Furthermore, the Commissioner urged Malta to increase its capacities and ensure effective co-ordination of search and rescue operations; review its co-operation activities with Libya on migration and suspend any such activities until clear guarantees of their human rights compliance are in place; and ensure accountability for any returns of migrants to Libya resulting from the Maltese authorities' actions. She also urged the authorities to prevent the detention of vulnerable asylum seekers and migrants and arbitrary detention; immediately end the detention of migrant children; protect detained migrants from ill-treatment; allow independent monitoring

of the detention places; improve reception conditions; prevent homelessness and destitution among asylum seekers; and ensure the effective protection of unaccompanied minors.

To enhance women's rights and gender equality, the Commissioner called for the adoption of the new draft equality laws under preparation at the time of her visit, complemented by a comprehensive policy to overcome patriarchal attitudes and stereotypes; increased support for awareness raising; and measures to improve women's employment situation, reduce the gender pay gap, and advance women's participation in decision making. She urged the authorities to decriminalise abortion, develop comprehensive regulation of women's access to legal and safe abortion, improve the availability of sexual and reproductive health services, and guarantee equality for all women in the enjoyment of sexual and reproductive health and rights, including by ensuring the availability and affordability of modern contraceptive services and safeguarding access to health care in the light of refusals to provide care on grounds of conscience.

On 6 October 2022, the Commissioner published a [letter](#) to the Prime Minister of Malta, urging the Maltese authorities to ensure that legislative work launched following the public inquiry report into the assassination of Daphne Caruana Galizia complied with international standards and was fully open to public scrutiny and participation. She called on the authorities to ensure broad public consultation on draft legislation concerning the media sector and strategic lawsuits against public participation (SLAPPs); strengthen the protection of journalists' safety; increase efforts to identify and bring to justice all those responsible for Daphne Caruana Galizia's murder; avoid measures impinging on media freedom and the right to access information of public interest; and set out a defined plan to implement the recommendations of the public inquiry report and communicate it clearly to the public.



CommHR letter PM
Malta_23092022.pdf

Fight against racism and intolerance (ECRI)

Conclusions on Malta (adopted on 30 March 2021 / published on 18 May 2021)



ECRI_2021_17_Malta.
pdf

Fifth-cycle report on Malta (adopted on 21 March 2018 / published on 15 May 2018) + Government comments



ECRI_2018_19_Malta.
pdf



ECRI_Malta_Gov'svie
wpoint.pdf

Protection of minorities

Framework Convention for the Protection of National Minorities

The Advisory Committee on the Framework Convention adopted its 5th Opinion on Malta on 5 October 2020.



ACFC_OP_V_2020_0
03_Malta.pdf

The CM/ResCMN(2021)10 on the implementation of the Framework Convention for the Protection on National Minorities by Malta was adopted by the Committee of Ministers on 15 April 2021 at the 1401st meeting of the Ministers' Deputies.



Resolution
CM_ResCMN_2021_1

European Charter for Regional or Minority Languages

n/a

Malta has signed the European Charter for Regional or Minority Languages (ETS No. 148) on 5 November 1992 but not yet ratified it.

Action against trafficking in human beings (GRETA)

The most recent, third, GRETA report was published on 10 November 2021:



GRETA_Evaluation
report_Malta.pdf

On the basis of GRETA's report, the Committee of the Parties to the Convention adopted a recommendation to Malta on 17 December 2021:



Recommendation
CP_Rec_2021_06_GRI

Malta is expected to report back to the CoP by 17 December 2023 on measures taken to comply with this recommendation.

Preventing and combating violence against women and domestic violence (GREVIO)

Malta ratified the Convention in 2014. GREVIO published its [first baseline evaluation report on Malta](#) in 2020 (the Executive summary can be found in pp. 7-9). The Committee of the Parties to the Convention issued its [Recommendation](#) in respect of Malta, based on GREVIO's findings, in December 2020. The Government of Malta was requested to report to the Committee of the Parties on the measures taken to implement the CoP Recommendation, by 15 December 2023.



GREVIO_Evaluation
report_Malta.pdf

Protection of children against sexual abuse (Lanzarote Convention)

Malta ratified the Lanzarote Convention on 6 September 2009 and it entered into force in its respect on 1 January 2011.

1st thematic monitoring round: Protection of children against sexual abuse in the circle of trust

The 1st monitoring round of the Lanzarote Convention was carried out between 2013 and 2018 and focused on the protection of children against sexual abuse in the circle of trust. The round led to the adoption of two implementation reports, one related to the [legal framework](#) and the other to the [strategies](#) to tackle the phenomenon. The information submitted by Malta in the context of the 1st monitoring round is available [here](#).



Lanzarote
committee_legal frame



Lanzarote
Committee_strategies

The recommendations requiring Malta to take steps to implement the Lanzarote Convention effectively in the context of this monitoring round are as follows:



lanzarote
Committee_Malta_ap

Urgent monitoring round: Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse

To respond to the urgent migrant and refugee situation in Europe, the Lanzarote Committee decided in 2016 to address the protection of children affected by the refugee crisis from sexual exploitation and sexual abuse through an urgent monitoring round. This resulted in a [special report](#) published in March 2017. The information submitted by Malta in the context of this round is accessible [here](#).



Lanzarote
Committee_special re

The recommendations requiring Malta to take steps to implement the Lanzarote Convention effectively in the context of this urgent monitoring round are as follows:



lanzarote
Committee_Malta_ap

Fight against corruption (GRECO)

Malta was evaluated in 2018 under the Fifth Evaluation Round on “Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies”. The corresponding 5th Round Evaluation Report was adopted by GRECO Plenary and made public in 2019. GRECO’s 5th Round Compliance Report, assessing the implementation of the recommendations, was published in 2022 and additional information from the authorities was due by 31 March 2023.



GrecoEval5Rep(2018
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GrecoRC5(2021)5_M
alta.pdf

Concerning the Fourth Evaluation Round on “Prevention of corruption in respect of members of parliament, judges and prosecutors” the 4th Round Second Addendum to the Second Compliance Report was published in 2023 and terminated the compliance procedure in respect of Malta.



GrecoRC4(2022)22_
Malta.pdf

Execution of judgments and decisions of the European Court of Human Rights



CoE_UPR_45th_Appen
dix_Execution of Jud

Social and Economic Rights (ECSR)



ESC_Factsheet_Malta.
pdf

Venice Commission

CDL-AD(2021)021 English 05/07/2021 - Public

Malta - Urgent Opinion on the reform of fair trial requirements related to substantial administrative penalties, issued pursuant to Article 14a of the Venice Commission’s Rules of Procedure on 1 June 2021, endorsed by the Venice Commission at its 127th Plenary Session (Venice and online, 2-3 July 2021)



CDL-AD_2021_021_
Malta.pdf

CDL-AD(2020)019 English 08/10/2020 - Public

Malta - Opinion on ten Acts and bills implementing legislative proposals subject of Opinion CDL-AD(2020)006, adopted by the Venice Commission at its 124th online Plenary Session (8-9 October 2020)



CDL-AD_2020_019_
Malta.pdf

CDL-AD(2020)006 English 19/06/2020 - Public

Malta - Opinion on proposed legislative changes, adopted by the Venice Commission on 18 June 2020 by a written procedure replacing the 123rd Plenary Session



CDL-AD_2020_006_
Malta.pdf

CDL-AD(2018)028 English 17/12/2018 - Public

Malta - Opinion on Constitutional arrangements and separation of powers and the independence of the judiciary and law enforcement, adopted by the Venice Commission at its 117th Plenary Session (Venice, 14-15 December 2018).



CDL-AD_2018_028_
Malta.pdf

CDL-AD(2018)014 English 23/06/2018 - Public

Malta - Opinion on the draft act amending the Constitution, on the draft act on the human rights and equality commission, and on the draft act on equality, adopted by the Venice Commission at its 115th Plenary Session (Venice, 22-23 June 2018)



CDL-AD_2018_014_
Malta.pdf