

# The State of the World's Human Rights; Malta 2024

## Sexual and reproductive rights

Abortion remained illegal in most circumstances, except where the pregnant person's life was at immediate risk and before "fetal viability".

In August, the UN Human Rights Committee (HRC) expressed concern about the "continued criminalization of abortions of pregnancies that may cause substantial physical or psychological pain and suffering, including pregnancies resulting from rape or incest".

## Refugees' and migrants' rights

At year's end, 238 people had arrived in Malta by sea. Concern persisted about Malta's failure to, or delay in, responding to distress calls from refugees and migrants at sea. In March, at least 60 people were reported to have died on a boat that had departed from Libya. They had been adrift for days despite all relevant maritime authorities, including those in Malta, having been informed by both the EU Border and Coastguard Agency (Frontex) and NGOs of a boat in distress in a specified area. Eventually, the NGO rescue ship *Ocean Viking* reached the boat and rescued 25 survivors.

Malta continued to cooperate with the Libyan authorities to intercept people in the Maltese search and rescue region and take them back to Libya, which was not a safe country for the disembarkation of people rescued at sea. Cases in February and April involved more than 200 people in total. In August, the UN HRC expressed concern at Malta's failures in responding to distress signals, at investigating "possible unlawful deprivations of life" at sea, and at the lack of human rights safeguards in the memorandum of understanding signed with Libya in May 2020 to combat irregular migration.

Malta continued to automatically detain people arriving irregularly by sea on public health grounds. In some cases, children were detained with adults, in violation of international law. In August, the UN HRC recommended that all detention orders based on public health grounds comply with the principles of necessity and proportionality and be subjected to independent oversight. It also recommended that effective remedies be provided to people found to have been arbitrarily detained. In October, the European Court of Human Rights found that Malta had unlawfully detained a group of children, in conditions amounting to inhuman and degrading treatment and without an effective remedy.

In June, the European Commission against Racism and Intolerance expressed concern at the government's decision in 2020 to discontinue regularizing the stay of unsuccessful asylum seekers who could not be returned to their countries of origin and had remained in Malta for many years.

In March, the criminal court of Valletta started hearing the case of two asylum seekers, who – together with a third one – had opposed attempts to unlawfully return them to Libya in 2019 when two of them were still children. They were indicted on charges including acts of terrorism and faced life imprisonment. The third man involved in the case was missing and the legal proceedings against him were suspended.

In March, the Constitutional Court dismissed on procedural grounds a case brought by asylum seekers who were unlawfully returned to Libya in 2020 by a commercial ship contracted and instructed by the government, in what became known as the "Easter Monday push back".

## **Freedom of peaceful assembly**

In August, the UN HRC expressed concern at the disproportionate requirements and criminal penalties contained in the Public Meetings Ordinance of 1931, including that of prior written notice, which could be imposed on individuals exercising their right to peaceful assembly. The UN HRC was also concerned at the lack of legal safeguards for demonstrators against the use of excessive force by the police.

The UN HRC in addition expressed concern at the “mass” prosecution of migrants who protested against the conditions in which they were held in the Hal Far detention centre in 2019.

## **Right to truth, justice and reparations**

The trial of a businessman accused of commissioning the 2017 killing of journalist Daphne Caruana Galizia had yet to start.