

Amnesty International Report 2022/23; The State of the World's Human Rights; Malta 2022

Recommendations of the public inquiry into the killing of journalist Daphne Caruana Galizia were not fully implemented. A total ban on abortion remained in place, while parliament discussed a proposal to decriminalize abortion when needed to protect the life or health of a woman from grave jeopardy. Delays in coordinating sea rescue operations of refugees and migrants persisted. The unlawful detention of asylum seekers, including children, continued. Three asylum seekers were still waiting to know whether they would face trial on terrorism-related and other charges for opposing their unlawful pushback to Libya.

Right to truth, justice and reparation

In October, two of the three men accused of making, planting and detonating the car bomb that killed Daphne Caruana Galizia in 2017 were sentenced to 40 years' imprisonment each. A third man implicated in the killing had been sentenced to 15 years' imprisonment in 2021. The trial of the businessman accused of having commissioned the killing had yet to start. In September, the Council of Europe (CoE) Commissioner for Human Rights reiterated her call to step up efforts to bring all those responsible to justice. The Commissioner noted that journalists continued to face challenges to access freedom of information requests and recommended greater involvement of civil society and the journalism community to strengthen legislative proposals concerning the media sector and restrictions on the use of Strategic Lawsuits Against Public Participation (SLAPPs).

In July, the Daphne Caruana Galizia Foundation and Article 19 Europe criticized the failure of the government to implement recommendations published in July 2021 by the independent inquiry into the killing of the journalist and concluded that journalists and media freedom remained inadequately protected.

Sexual and reproductive rights

In November, the government proposed an amendment to the Criminal Code aimed at freeing doctors and pregnant women from the threat of criminal prosecution when the termination of a pregnancy is carried out to protect the life or health of a pregnant woman from grave jeopardy. Abortion in all other circumstances would remain illegal. The government's proposal was being discussed by parliament at year's end.

The move followed the case, in June, of a US national in the process of a miscarriage who was denied an abortion, despite the risk of infection and impact on her mental health. She was eventually airlifted to Spain where she was able to terminate the pregnancy.

Also in June, a Maltese women's rights NGO petitioned the authorities on behalf of 188 people of child-bearing age, demanding the legalization of abortion. The petition, known as a "judicial protest" in Maltese law, articulated the discriminatory aspects of the abortion ban and its multi-faceted impact on the health and dignity of those who had or could need the procedure.

Refugees' and migrants' rights

By the end of the year, 450 refugees and migrants had reached the country by sea.

The authorities continued to pursue a deadly policy of deterrence, ignoring or responding slowly to distress calls from refugees and migrants at sea.

In September, a four-year-old Syrian girl died of dehydration on board a fishing boat which had been drifting for days in the Maltese search and rescue region before the Armed Forces of Malta coordinated the rescue. The CoE Commissioner for Human Rights' October 2021 report, published in February, called on the government to ensure effective search and rescue operations and to suspend its cooperation on migration control with Libya, which resulted in returns of people to torture and other violations.

The Commissioner also recommended that Malta stop detaining children and vulnerable adult refugees and migrants and end arbitrary detention. The government continued to arbitrarily detain asylum seekers, including unaccompanied children, beyond permissible legal periods and without adequate access to a remedy. Some unaccompanied children were detained with adults upon arrival. In January, three men and three children were released from the detention centre at Safi barracks following a court action. In March, following an appeal to the Immigration Appeal Board, three teenage asylum seekers from Bangladesh were moved from Safi barracks to separate facilities for unaccompanied children in an open centre, after nearly three months of being detained with adults.

Three asylum seekers known as the "El Hiblu 3", who had opposed attempts to unlawfully return them to Libya in 2019, were still awaiting a decision on whether to take the case to trial. The lengthy magistrate's inquiry into the case closed in November. The three men faced charges, including under counterterrorism legislation, punishable by life imprisonment.¹

1. ["Malta: A textbook example of all that is wrong with EU institutions and member states' migration policies in the Central Mediterranean", 14 March](#)

Malta

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Austrian Red Cross
Austrian Centre for Country of
Origin and Asylum Research and
Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041
Wien
T +43 1 589 00 583
F +43 1 589 00 589
info@ecoi.net

Contact
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F.A.Q.
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