

Amnesty International Report 2021/22; The State of the World's Human Rights; Malta 2021

An independent inquiry into the killing of journalist Daphne Caruana Galizia found that the state had failed to protect her and had created a climate of impunity that facilitated her killing. A total ban on abortion remained in place. Asylum seekers and migrants continued to be unlawfully detained in appalling conditions. Three asylum seekers remained on trial for opposing their unlawful pushback to Libya after surviving a shipwreck.

Background

In June, the intergovernmental Financial Action Task Force placed Malta on the so-called “grey list” of countries with weak safeguards against money-laundering and the financing of terrorist activities, effectively discouraging international investment.

Right to truth, justice and reparation

In July, the final report of the independent inquiry into the 2017 killing of journalist Daphne Caruana Galizia was published. The inquiry found that the authorities had failed to recognize the imminent risks to her life and to take steps to protect her; and that the prime minister and other officials at the highest levels had created a climate of impunity which facilitated her killing. The inquiry recommended the continuation of investigations into all aspects of the killing and systemic reforms to strengthen the rule of law and the protection of journalists. In August, a former businessman suspected of ordering her killing was indicted. Two men accused of planting the bomb which killed her were awaiting trial, while a third, who pleaded guilty, was sentenced in February to 15 years' imprisonment.

Sexual and reproductive rights

A total ban on abortion remained in place, preventing people from accessing the procedure even in cases where their health was at risk. In May, a member of parliament presented a bill to decriminalize abortion, the first time such a proposal had been tabled in parliament. However, opponents of the proposal prevented its discussion from taking place.

Refugees' and migrants' rights

By the end of the year, 832 refugees and migrants reached Malta by sea, many after being rescued by the Maltese armed forces. By the end of September, when arrivals by sea had reached 464 people, a quarter of them were unaccompanied children and most were Syrian, Sudanese and Eritrean nationals. In 2020, 2,281 people had reached Malta by sea in search of safety.

In March, the Council of Europe (CoE) Commissioner for Human Rights criticized Malta for ignoring or responding slowly to distress calls from refugees and migrants at sea and for instructing private vessels to return rescued people to Libya.

In May, the OHCHR also expressed concern about the lives of people at sea being endangered by Malta and other EU states delaying rescues and shifting responsibilities for rescue onto Libyan authorities, resulting in people being returned to abuse in Libya.

Asylum seekers continued to be detained arbitrarily in sub-standard, unsanitary conditions. Both the CoE Commissioner and the European Committee for the Prevention of Torture (CPT) expressed concerns over the legality and length of detention for numerous asylum seekers. In March, the CPT published the report of the visit it carried out in various centres, including the Hermes Block and Safi Detention Centre, in September 2020. The CPT described a system of “institutional mass neglect”, inhuman and degrading treatment, and reports of ill-treatment and excessive use of force. It urged

Malta to reconsider its immigration detention policy. In October, the CoE Commissioner for Human Rights also visited Safi Detention Centre. She urged the authorities to immediately ensure dignified conditions there and to consider alternatives to immigration detention.

In March, the European Court of Human Rights, in the case of *Feilazoo v. Malta*, found that Malta had violated the rights of a Nigerian national by holding him in prolonged isolation in inadequate conditions and detaining him unnecessarily with people in Covid-19 quarantine.

In March, the European Commission against Racism and Intolerance expressed concern that Malta had no plans to introduce a form of regularization for people who had resided there for many years and could not be returned to their countries of origin.

The survivors and the relatives of some of those who died during the so-called "Easter Monday" pushback to Libya, carried out in April 2020 by a merchant vessel contracted by the Maltese government, sued Malta for denying their right to asylum. At a hearing in May, a former senior official confirmed organizing several pushbacks, including the "Easter Monday" one.

In October, 32 men sued the government for their unlawful detention in ferry boats, positioned outside territorial waters to circumvent human rights obligations, between late April and early June 2020. They were among over 400 people detained by the government in boats unequipped for long stays, without being provided with legal grounds for their detention.

Three asylum seekers remained on trial for opposing their unlawful return to Libya, with over 100 other people, by the captain of the ship that rescued them at sea. Witnesses described how the young men, known as the "El Hiblu 3", were only trying to mediate between the survivors and captain. They faced charges, including under counter-terrorism legislation, punishable by life imprisonment.¹

1. [Malta: The El Hiblu 3 Case – Update. The Long Wait for Justice \(Index: EUR 33/3884/2021\), 26 March](#)

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