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Republic of Malta

Head of state: **Marie-Louise Coleiro Preca**

Head of government: **Joseph Muscat**

Malta maintained a restrictive interpretation of search and rescue obligations at sea. The authorities continued to automatically detain asylum-seekers and migrants, in breach of international standards, and to deny them effective remedies to challenge their detention. Same-sex couples were granted the same rights as heterosexuals in a civil marriage. Constitutional protection was extended to cover discrimination on grounds of sexual orientation and gender identity. Abortion remained prohibited under all circumstances.

Refugees and asylum-seekers

Malta experienced a drop in irregular boat arrivals of refugees and migrants due to Italy's Operation Mare Nostrum during which refugees and migrants were being rescued at sea and disembarked on Italian territory. By the end of September, 565 people had been rescued and brought to Malta (compared to 2,008 people in 2013). Malta continued to apply a restrictive interpretation of search and rescue obligations at sea, aimed at limiting disembarkation of refugees and migrants in its territory.^[1]

The authorities continued to automatically detain undocumented migrants, often for up to 18 months, and asylum-seekers, for up to 12 months, in breach of Malta's international human rights obligations. On 30 March, the Prime Minister publicly pledged to end migrant children's detention.

However, children and other vulnerable people continued to be routinely detained as well as unaccompanied minors detained alongside adults while awaiting the outcome of their age or vulnerability assessment.^[2]

Appeal procedures to challenge the length and lawfulness of detention remained in breach of international human rights standards, leaving asylum-seekers and migrants exposed to the risk of arbitrary detention.

Conditions in detention centres remained sub-standard, with many asylum-seekers and migrants experiencing lack of privacy and poor recreation and leisure facilities.

The government refused to disclose information about the search and rescue operation regarding a trawler carrying over 400 people, mostly Syrian families, which sank on 11 October 2013. Survivors' testimonies and available data indicated that rescue may have been delayed due to failures by Maltese and Italian authorities.

In December, after a two year delay, the government published the findings of the inquiry into the death of Mamadou Kamara, a 32-year-old Malian national, who died in custody in June 2012. He had attempted to escape from Safi Barracks detention centre and was allegedly severely ill-treated when recaptured. The inquiry report recommended a review of the asylum-seekers and migrants detention system.

Rights of lesbian, gay, bisexual, transgender and intersex people

On 14 April, the Parliament passed the Civil Unions Act, granting same-sex couples the same rights as heterosexual couples in a civil marriage. Partners in a civil union were also allowed to jointly adopt children, with the same rights and obligations as parents in a civil marriage.

On the same day, Parliament amended the Constitution to include protection from discrimination on grounds of sexual orientation and gender identity.

Sexual and reproductive rights

Abortion remained prohibited under all circumstances, including to save the life of the woman. In October, the UN Human Rights Committee, considering Malta under the ICCPR, raised concern about the compatibility of the prohibition with the right to life.

¹. Lives adrift: Refugees and migrants in peril in the central Mediterranean (EUR 05/006/2014) www.amnesty.org/en/library/info/EUR05/006/2014/en

². Lives adrift: Refugees and migrants in peril in the central Mediterranean: Executive summary (EUR 05/007/2014) www.amnesty.org/en/library/info/EUR05/007/2014/en

