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Chair: Ms. Abdo Rocholl

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Third periodic report of Malta (CCPR/C/MLT/3; CCPR/C/MLT/QPR/3)

1. *At the invitation of the Chair, the delegation of Malta joined the meeting.*
2. **A representative of Malta**, introducing his country's third periodic report (CCPR/C/MLT/3), said that he wished to reaffirm his Government's unwavering commitment to the fundamental principles of human rights, which were enshrined in the Constitution and reflected the country's dedication to equality, dignity and justice. International instruments such as the Covenant served as the foundations of the country's robust legal framework for the promotion of human rights. The Government continued to refine that framework and, as part of that effort, would be reviewing the reservations of Malta to the Covenant; where appropriate, such reservations would be withdrawn.
3. Malta had worked hard to shape an inclusive society. Its record of legislating to protect the rights of LGBTIQ+ persons, for example, had earned Malta the highest ranking on the Rainbow Europe Index of the International Lesbian and Gay Association every year since 2016.
4. The Government was in the process of establishing a national human rights institution in full compliance with the Paris Principles, as it had pledged to do at the high-level event held in December 2023 to mark the seventy-fifth anniversary of the Universal Declaration of Human Rights. The legislation authorizing the establishment of the new institution would incorporate the latest European Union directives and would consolidate and enhance Maltese anti-discrimination laws.
5. The Government was drafting its second anti-racism strategy, which would focus on addressing hate speech, hate crimes and the racial discrimination faced by minority and vulnerable groups. In June 2024, Malta had joined the International Holocaust Remembrance Alliance as an observer country. In addition, his Government had provided anti-racism training to over 650 State officials, including police officers, and was also conducting a broader campaign to raise awareness of the issue.
6. In 2023, an independent reviewer had been appointed to identify provisions in Maltese laws that differentiated needlessly between men and women. As of late 2023, the National Commission for the Promotion of Equality had awarded the Equality Mark to 136 organizations, which had a total of almost 31,000 employees. Paid parental leave and carers' leave had been introduced in 2022, and almost 9,000 children were benefiting from free childcare at nearly 190 centres across Malta. Between 2015 and 2023, the proportion of seats on the boards of directors of the country's largest companies occupied by women had increased from 4.5 to 17.5 per cent, while the proportion of leadership roles in the civil service held by women had climbed from 30 to 44 per cent. A gender equity mechanism that had first been put in place in the 2022 general election had boosted the share of woman members of the legislature from 15 to 28 per cent since the previous election.
7. In 2022, femicide had been classified as an aggravated offence in Maltese law, and use of the argument that it had been a crime of passion was no longer admissible as grounds for a finding of mitigating circumstances. Under the Domestic Violence Prevention Act, a person was entitled to obtain a record of her or his partner's history of convictions for gender-based or domestic violence. The National Strategy on Gender-based Violence and Domestic Violence 2023–2028 was based on the four pillars of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and on the 2020 recommendations of the Group of Experts on Action against Violence against Women and Domestic Violence. Legislative and procedural measures were being introduced to reduce the courts' backlog of gender-based violence and domestic violence cases; improve risk-assessment and intervention strategies; and ensure that legal aid reached those in the greatest need. The State helped non-governmental organizations (NGOs) to provide essential services to victims. With a view to enhancing multidisciplinary responses to gender-based violence, training was offered to members of the judiciary, media

professionals and teachers. Pilot programmes had been launched in State schools in 2022 that focused on preventing violence in intimate relationships between adolescents. In addition, surveys had been conducted to gather data on gender-based violence and sexual harassment.

8. The Government had implemented a rights-focused standard operating procedure in respect of police officers' treatment of persons who were detained or on bail. The mandatory use of body cameras was a central element of the procedure, with officers who failed to activate their cameras facing disciplinary sanctions.

9. A first national strategy and action plan against human trafficking for 2024–2030 had been developed and was nearly ready for launch. Centred around prevention, protection, prosecution and partnerships, it incorporated a rights-focused, gender-sensitive, interdisciplinary and cross-sectoral approach. In relation to the asylum and migration system, a number of benefits had resulted from significant investments, legislative reforms and cooperation with European Union agencies, including improved conditions in all migrant reception centres, which now followed care-oriented practices; streamlined, fairer processes that had reduced application backlogs; and a greater emphasis on humane and sustainable returns. The International Protection Agency had granted asylum to LGBTIQ+ persons from designated safe countries of origin who had demonstrated a threat of persecution or serious harm if they were to return. The age assessment procedure had been significantly expedited for unaccompanied minors, who were, like families, never placed in detention; all individuals, detained or otherwise, underwent vulnerability assessments.

10. The national strategies on the rights of persons with disabilities and with autism, both of which covered the period 2021–2030, had been complemented by legislative measures based on the Convention on the Rights of Persons with Disabilities. In addition, new measures had been adopted to ensure the fairness and broader coverage of disability benefits, while the collection and disaggregation of related data had been stepped up. Electoral reforms had been introduced to benefit persons with disabilities, in particular visual impairments, while online service delivery mechanisms that had originated during the coronavirus disease (COVID-19) pandemic were being maintained.

11. In response to the brutal murder of Daphne Caruana Galizia, which had left an indelible mark on Maltese society, the Government had introduced new legislation to protect journalists and was working with a variety of international partners, including special procedure mandate holders, to ensure effective action in that regard. In addition to the 15-year prison sentence handed down in 2021 to an accomplice to that murder, 40-year sentences had been given to the two individuals convicted of Ms. Caruana Galizia's murder in 2022.

12. **Mr. Carazo** said that he wished to know what specific measures had been taken to make judges, prosecutors and lawyers more aware of the Covenant and more prepared to apply the principles that it enshrined. He would appreciate examples of recent judicial proceedings in which direct reference had been made to the Covenant. It would be useful to know how the State party ensured that courts at all levels applied the principles set forth in the Covenant consistently. He was eager to hear more about the refinements to the human rights legal framework that the Government was introducing. He wondered whether the effectiveness of the human rights training received by judges and prosecutors had been evaluated and whether the Government planned to introduce a structured approach in assessing the alignment of new legislation with the Covenant.

13. He was curious about how the State party ensured broad awareness of the Covenant and its optional protocols among the general public and, in particular, whether they had been translated into Maltese. He would welcome examples of initiatives to raise awareness of the Covenant among civil society organizations.

14. He would be interested to hear the specific reasons why the State party had not yet withdrawn its reservations to articles 13, 14 (2) and (6), 19, 20 and 22 of the Covenant and whether any review of legislative and policy measures had been conducted to reassess the relevance of those reservations. He wondered how the State party planned to involve stakeholders in discussions on the possibility of lifting those reservations and whether it had conducted any consultations to gauge public and expert opinion about them. He was curious as to whether the State party considered the reservations to have had a positive or negative impact on the enjoyment of human rights in Malta.

15. He would welcome an indication as to when the human rights and equality commission bill might be adopted. It was unclear to him how the new commission would coordinate its work with such existing bodies as the Ombudsman. He would be interested to learn what measures the State party was taking to ensure the new commission's independence and effectiveness, in accordance with the Paris Principles, and what challenges it had faced in aligning domestic legislation and the commission's future mandate with the Principles. He would appreciate details of the areas of authority and responsibility that the commission was to have. Lastly, he wondered how the State party planned to provide sufficient financial and human resources to enable the new commission to operate effectively.

16. **Mr. Quezada Cabrera** said that he would welcome information on measures taken since the report's submission, in November 2021, to combat corruption, in particular by senior officials and members of the judiciary. He also wished to repeat the Committee's request for data on the number of prosecutions of government officials for corruption, in particular high-level corruption. In that connection, he was keen to learn about the situation of a number of officials and former officials, including a former Prime Minister, who were reportedly facing criminal charges pertaining to an agreement on the privatization of three State hospitals. It would be useful to have an update on how the change strategy of the Malta Police Force for 2020–2025 had contributed to efforts to combat corruption within the police force and other State institutions. He wished to know whether specific steps had been taken to protect persons who reported instances of corruption and to monitor State officials, members of the House of Representatives and members of the judiciary, including prosecutors, on an ongoing basis in order to detect any signs of corruption.

17. He would appreciate details of the measures taken in the context of the COVID-19 pandemic in respect of persons deprived of their liberty between the report's submission, in November 2021, and the declaration by the World Health Organization (WHO) of the end of the public health emergency of international concern, in May 2023; information about the State party's assessment of those measures would also be appreciated. In relation to persons deprived of their liberty, in particular those in high-risk groups, he wished to know whether the State party had taken into account the WHO recommendations on the vaccination of the population against COVID-19.

18. **Mr. Yigezu** said that he would be grateful for information on the status of the equality bill (No. 96 of 2019), on the possible timeline for its adoption and on its content. He would like to know what steps the State party planned to take to raise awareness of the framework for countering racism and discrimination among stakeholders, in particular minority communities, and to provide equality and victim-support organizations with adequate resources. He would welcome the State party's comments on allegations of institutionalized racism, hate speech and hate crimes, in particular when directed against migrants, refugees and asylum-seekers, and of the reported failure to take legal action against the perpetrators of such offences in many instances. He wished to know how the State party planned to address the persistence and underreporting of such offences. In addition, he would appreciate statistical data on the number and types of cases of hate speech and hate crimes that had been brought before the courts, on subsequent convictions and on the sentences handed down in those cases, including whether they had provided for measures of redress for the victims.

19. He would be interested to know what measures the State party planned to take to prevent the ill-treatment of migrants and asylum-seekers deprived of their liberty and ensure that the use of force, including in places of deprivation of liberty, was resorted to only when it was strictly necessary and proportionate to the specific situation, in accordance with international standards and article 7 of the Covenant. He would welcome data on the number of investigations, prosecutions and convictions in cases of excessive use of force over the past five years and on the sentences imposed on the perpetrators. He wondered whether the State party planned to introduce clear criteria in an effort to limit the use of force by law enforcement officers in line with international standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the principles of legality, necessity and proportionality. He was also keen to learn what steps it planned to take to establish accountability mechanisms to address cases of excessive use of force or other potential human rights violations by law enforcement officers.

20. He would like to know what measures the State party had taken to improve the living conditions of migrants and asylum-seekers by ensuring that they were housed in suitable, well-maintained, sanitary and non-punitive facilities, rather than in prisons.

21. **Mr. Soh** said that he wished to know how the State party ensured that all initiatives and quotas introduced to achieve gender equality, in particular in political life, were fully implemented and would like to learn more about the specific measures that had been taken to increase the representation and participation of women, including in decision-making positions, at all levels of government. When it came to the private sector, he wondered what specific barriers prevented women from advancing to management positions and how the State party intended to address them; to what extent the “Prepare the Ground for Economic Independence” project and equal pay initiatives had helped to bridge the economic gender gap; and what additional measures were envisaged to address gender disparities in terms of labour participation, wages and pensions. He would be interested to know what specific challenges the State party had encountered in its efforts to address entrenched patriarchal attitudes and gender stereotypes and what action it had taken to overcome them. More information on the objectives and implementation of the National Strategy and Action Plan on Gender Equality and Mainstreaming and on the measurement and monitoring of progress made in its application would be gratefully received.

22. **Ms. Šurlan** said that she wished to know what the results of the Second National Strategy on Gender-based Violence and Domestic Violence had been and what, if any, improvements had subsequently been made in the third iteration of the strategy; what the selection criteria for appointing members of the Commission on Gender-based Violence and Domestic Violence were; and whether a mechanism for the systematic collection of statistical data on gender-based violence against women, covering the police and justice sectors, had been established. She would welcome data on the number of investigations, prosecutions and convictions in cases of gender-based violence over the past five years and on the sentences imposed on perpetrators.

23. She wondered whether the State party had taken any measures to encourage women to report incidents of domestic violence and what action had been taken to influence men’s behaviour, in particular to address patriarchal patterns of behaviour and promote respect for women at home, at work and in the public sphere. She would appreciate more information on the relevant standard operating procedures for police officers and on the training for judges, prosecutors and advocates relating to the sensitive treatment of victims of violence, in particular domestic violence.

24. In the light of the Committee’s general comment No. 36 (2018) on the right to life, in accordance with which abortion came under the scope of that right when pregnant women and girls had to resort to unsafe methods of abortion that put their lives in danger, she would be interested to know how the State party reconciled the ban on abortion in cases of pregnancy as a result of rape or incest, which was likely to cause serious psychological harm, trauma and even endanger the life of the mother, with the duty to protect the right to life of the mother. It would be useful to know what help was provided by the State party to assist mothers in raising children born as a result of rape or incest; what legislative measures had been taken to ensure that the fathers of those children were obliged to contribute financially to their children’s upbringing; what support was provided to women who, as a result of having to continue a pregnancy in such circumstances, experienced temporary or permanent physical or mental harm; and, in the event of their death, what assistance was provided to their families. Was the fact that no such cases had been brought to trial since 2014 an indication that there was a de facto moratorium on abortion-related criminal prosecutions?

25. She welcomed the amendments that had been made to the Embryo Protection Act of 2018 and wondered whether, in the light of the decision of the European Court of Human Rights in the case of *Lia v. Malta*, the age limit for women wishing to undergo assisted fertilization had also been revised.

The meeting was suspended at 4 p.m. and resumed at 4.30 p.m.

26. **A representative of Malta** said that the Government was endeavouring to review its reservations to the Covenant, in particular with regard to the possible withdrawal of the reservations to article 14 (2), on the presumption of innocence, a fundamental legal principle

that was fully recognized in the Constitution of Malta; article 20, on incitement to racial hatred, which was prohibited under the Criminal Code; and article 22, on freedom of association, which was a fundamental freedom already enshrined in the Constitution.

27. **A representative of Malta** said that, during the process of drafting a bill, including one aimed at tackling discrimination, hate speech and hate crimes, an internal impact assessment involving various ministries was conducted to ensure alignment with existing national statutes and the country's international obligations, the Covenant among them. This was followed by a second assessment by the Office of the State Advocate, whereupon the bill would be transmitted to the Cabinet and, later, to the legislature for adoption, as appropriate.

28. **A representative of Malta** said that the bill to establish the national human rights institution was at an advanced stage and was expected to be adopted by the legislature in 2025. The institution would not replace existing bodies, such as the Ombudsman, that played a constitutional role.

29. **A representative of Malta** said that the new national human rights institution – to be known as the Human Rights and Equality Commission – would coordinate with existing bodies through a permanent consultative council, the membership of which would include various human rights stakeholders, such as the Commissioner on Gender-based Violence and Domestic Violence and the Commissioner for Children. To ensure the institution's independence, the bill on its establishment expressly provided that it would not be subject to the direction or control of any person; it would be answerable only to the Parliament; and its commissioner would be appointed through a public call for suitable candidates and could be removed only by the President of Malta following a resolution adopted by a two-thirds majority of Parliament.

30. The competencies and functions of the national human rights institution would include promoting human rights and equality, submitting opinions and recommendations to the Government, monitoring the implementation of national policies, participating as an *amicus curiae* in cases relating to equality issues and launching investigations *ex officio* or on the receipt of complaints. The current budget and staff of the National Commission for the Promotion of Equality for Men and Women would be transferred to the new institution.

31. **A representative of Malta** said that the Judicial Studies Committee had been set up to oversee the training of the judiciary. It reported to the Chief Justice and was headed by a retired judge. The Committee had a dedicated budget line item and a manager to assist in the organization of conferences, seminars and study abroad opportunities. It had organized training sessions and seminars on a wide range of subjects, including on means of obtaining electronic evidence during the investigation and prosecution of crimes; the crime-terrorism nexus; justice and freedom of expression; fighting environmental crime; and cybercrime. Regarding gender-based violence against women, members of the judiciary had received training on topics ranging from the dynamics of domestic violence, including the concepts of power, control and psychological violence; understanding the experience of victims, including child victims; and working with convicted persons to prevent recidivism.

32. **A representative of Malta** said that concerted efforts were being made to combat corruption, including through various legal amendments and unprecedented levels of investment to enhance the institutional framework and strengthen the Government's capacity to address corruption. The Government had, for example, created a separate prosecution service to handle corruption cases, amended relevant provisions of the Constitution, joined the European Public Prosecutor's Office and abolished the statute of limitations for corruption offences committed by elected officials. Among other measures, it had consulted the European Commission for Democracy through Law for guidance on proposed reforms to improve governance and build institutional capacity and had increased the staffing of several entities, including the Permanent Commission Against Corruption and the Office of the Attorney General. The budgets allocated to various other entities, such as the Office of the Ombudsman, had been rising steadily over the past five years.

33. Recent high-level cases of corruption had put the country's institutional and legal framework to the test. A number of persons of interest, including politically exposed persons and high-ranking officials, had been identified in the course of a magisterial inquiry into a

case of alleged corruption involving a deal to privatize a number of public hospitals. Several of those persons had subsequently been charged with offences such as corruption, bribery, influence-peddling and fraud. The resulting court cases were naturally attracting extensive media coverage, thereby ensuring public scrutiny. The situation served to show the extent to which the Government had strengthened the relevant institutional checks and balances.

34. **A representative of Malta** said that the Malta Police Financial Crimes Investigations Department, which was responsible for investigating corruption cases, had benefited from an 81 per cent increase in its staff and a 260 per cent increase in its funding between 2018 and 2023. Specialized officers had been recruited, ongoing training was being provided and cooperation with other agencies at the international level was reinforcing the Department's effectiveness. The Department prioritized its investigations based on a national risk assessment that aligned its resources with the most pressing threats. Cognizant of the complex nature of corruption investigations and as a way of adjusting to newly introduced restrictions, the Department had adopted a number of new techniques, such as the "follow-the-money" approach for identifying abnormal wealth creation. That approach opened the way for bringing charges of money laundering when there was insufficient evidence for corruption charges. The Department worked closely with various agencies, including the Financial Intelligence Analysis Unit and the tax authorities, and used an array of specialist software. It was in the process of recruiting civilian analysts and additional officers.

35. Approximately 50 corruption investigations had been launched since 2020, with roughly half of those cases involving public officials, although some had not met the threshold for corruption charges and had been downgraded; 24 individuals had been charged with facilitating corruption. Work on the implementation of the change strategy of the Malta Police Force had been under way for the previous three years. Although the strategy had initially been met with some resistance, it had improved the morale of police officers and increased the public's trust in the Force. Public trust had also been enhanced through improved communication and the introduction of good governance principles, including an anti-fraud and corruption policy and an anonymous reporting system, an internal audit department and a code of ethics.

36. **A representative of Malta** said that, during the COVID-19 pandemic, a task force had been established to evaluate the pandemic's impact on persons with disabilities and make recommendations in that connection to the Government. That task force continued to contribute to the Government's emergency planning process and would help coordinate future emergency efforts when necessary. During the pandemic, many NGOs and public agencies had provided services to persons with disabilities via the Internet. Persons with intellectual disabilities had received information on the pandemic in easy-to-read formats, and staff members of homes for persons with disabilities had taken up residence there so that they could provide the necessary care. Sign-language interpretation had been provided for televised briefings, and persons with disabilities had been prioritized in the roll-out of COVID-19 vaccines.

37. **A representative of Malta** said that persons with disabilities would be prioritized in the voluntary COVID-19 vaccination programme planned for 2025 as well.

38. **A representative of Malta** said that, thanks to the actions of the Correctional Services Agency and the Detention Services, which had included testing, vaccination, contact tracing and mental health support for persons in isolation, no COVID-19-related deaths had been reported among persons in detention. COVID-19 testing and vaccination efforts were ongoing.

39. **A representative of Malta** said that, in order to increase women's historically low level of political representation, a mechanism had been introduced whereby, if fewer than 40 per cent of elected Members of Parliament were of a given sex, their number could be increased by up to 12 Members. Thanks to that mechanism, women's representation had been boosted to 28 per cent following the 2022 general election. The law under which the use of that mechanism was authorized would be in force for 20 years. Under the same law, the Electoral Commission had to have at least four members of each sex. The presence of women in the Cabinet had risen from 8 to 20 per cent since 2021. More than 45 per cent of judges, and almost 70 per cent of magistrates, were women.

40. Women's representation in decision-making positions in public bodies had climbed to almost 45 per cent over the previous eight years, while their representation on the boards of large companies had increased by 13 per cent in the same period. It was, however, recognized that more progress was required in that regard. Similarly, further effort was needed to boost employment among women, which had, nevertheless, increased in recent years thanks to improvements in childcare and measures to enhance work-life balance. The Equality Mark was a voluntary scheme, and the Equal Pay Tool allowed companies to assess their adherence to the principle of equal pay for men and women workers for work of equal value. The gender pay gap in Malta was just over 10 per cent, although that percentage rose to almost 45 per cent among workers aged over 65 years, since, in the past, women had commonly assumed domestic responsibilities rather than entering the labour market. A similar pattern was seen in the pension gap, although it had narrowed slightly, and the Government therefore paid contributory grants to persons with insufficient State pension contributions.

41. Awareness-raising, education and training activities on the subject of gender equality were undertaken on a regular basis. Under the Gender Equality and Mainstreaming Strategy and Action Plan, direct measures aimed at achieving full equality included targeted mechanisms for ensuring equal access to employment, enhancing women's economic independence and strengthening gender equality in education.

42. **A representative of Malta** said that the implementation of most of the actions planned under previous national strategies for combating gender-based and domestic violence had paved the way for the recent adoption of a third such strategy. The new strategy focused particularly on intersectionality and thus provided for several awareness-raising and other initiatives addressing persons with disabilities, migrants and the LGBTIQ+ community. An interministerial committee was to facilitate coordination of those efforts.

43. The strategy, which drew on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and feedback from the Group of Experts on Action against Violence against Women and Domestic Violence, provided for concrete actions in the areas of policy coordination, prevention, victim protection and support, and prosecution. Those activities included training for the relevant professionals, research into intersectionality and the establishment of a centralized system to monitor the observance of protection orders. The strategy provided for programmes for men and boys who committed gender-based and domestic violence, and it addressed a broad range of forms of violence, such as child marriage and economic violence. It also provided for educational activities for parents and educators, including a recent training session for teachers on research into child abuse in Malta.

44. A campaign had been organized jointly by civil society and public sector organizations to encourage victims, their relatives and bystanders to report incidents of gender-based and domestic violence. The Gender-based Violence and Domestic Violence Commission was working to make its services more accessible; in fact, the new national strategy included a review of the accessibility of all relevant services. Reporting was also being facilitated by a newly established gender-based and domestic violence unit within the police force, which was staffed by around 60 officers and had developed guidance for victims. A recently opened victims' hub provided an enabling, supportive environment for victims who wished to report violent incidents, as well as an area for children. The Gender-based Violence and Domestic Violence Commission trained front-line professionals from numerous agencies in areas relating to the legislative framework and disability, while the police force provided ongoing training to its officers. Legislative efforts to combat gender-based violence included amendments to the Criminal Code concerning forced sterilization and virginity testing; the adoption of the Femicide Act; and the abolition of the "crime of passion" defence.

45. **A representative of Malta** said that the presence of the gender-based and domestic violence unit of the police force had led to an increase in reports of domestic violence of some 55 per cent over the past four years. In 2023, 75 per cent of the reports had concerned psychological violence.

46. Police officers received special training, some of which was based on the use of virtual reality simulators, in how to handle cases of domestic violence and deal with victims. The standard operating procedures for law enforcement officials clearly outlined the roles and responsibilities of district officers, first responders and members of the motorcycle police squad when dealing with domestic violence cases. The presence of an element of hate as a motive in the commission of any crime constituted an aggravating circumstance.

47. **A representative of Malta** said that, following the judgment of the European Court of Human Rights in the case of *Lia v. Malta*, the maximum age for free medically assisted procreation treatment had been raised from 42 to 45 when using fresh ova and from 42 to 48 when using cryopreserved ova or cryopreserved embryos.

48. The law had also been amended to decriminalize medical termination of pregnancy in cases where the mother's life was at risk. The drop in the number of proceedings involving illegal termination of pregnancy since 2014 was associated with improved access to the morning-after pill. It had also become easier to obtain medical services for the termination of a pregnancy abroad.

49. Support for rape victims had been stepped up using a multisectoral approach that brought together the Ministry of Health, the police, social services and NGOs. Victims who became pregnant as a result of rape also received support.

50. **A representative of Malta** said that the grounds for the detention of asylum-seekers and the available remedies were established by law. Subsidiary Legislation 420.06 on the reception of asylum-seekers mirrored the provisions of the European Union Reception Conditions Directive (2013/33/EU); allegations of the mass detention of migrants in closed reception centres were baseless. Statistics clearly showed that not all asylum-seekers and migrants in an irregular situation were detained. Detention orders were based on individual assessments and used as a measure of last resort where less coercive alternatives could not be applied effectively. The Principal Immigration Officer was in charge of deciding whether migrants in an irregular situation who were filing for international protection should be placed in detention. Alternatively, the applicant might be required to report at a police station within specified time frames; reside at an assigned location; surrender certain documents; or deposit a one-time guarantee or surety with the Principal Immigration Officer. The lawfulness of detention was reviewed after a maximum period of 14 days; if the applicant remained in detention, reviews of the lawfulness of detention were conducted by an independent board every two months. Applicants were entitled to free legal aid and interpretation services.

51. **A representative of Malta** said that a series of measures had been taken to improve the living conditions at the Hal Far Hangar Open Centre and the Safi Detention Centre, and there had been no further riots in those centres since 2021. Three new units had been opened to address the problem of overcrowding, and the Hermes Block had been closed down at the end of 2021. All living quarters had been renovated, facilities had been upgraded, outdoor areas had been improved and staffing had been increased. A mental health professional had been appointed as head of the Detention Services, and detention centre staff were trained in humanitarian topics and mental health first aid. Security cameras had been installed in all accommodation blocks and in all personal transport vehicles used by the Detention Services to support accountability on the part of staff and clients. A complaints mechanism had been introduced, and a protocol on communication with the outside world was being implemented. There had been no reports of ill-treatment in 2022, and two allegations of ill-treatment lodged in 2023 had been dismissed for lack of evidence; no ill-treatment had been reported in 2024 to date. Use-of-force protocols and a central register had been introduced to enhance accountability. During its visits in October 2023, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe had not noted any instances of institutional neglect or other issues in the detention centres. The Primary HealthCare Department provided migrant health services at local health centres and had been in charge of managing the response to COVID-19 in migrant detention centres. At the outset of the pandemic, the country had seen an unprecedented influx of migrants, and the Ministry of Health, in cooperation with other State agencies and civil society organizations, had worked to curb new infections in detention centres and minimize the death toll among migrants.

52. **Ms. Šurlan** asked whether the bill on femicide that would amend the provisions of the Criminal Code had been enacted.

53. More specific information would be appreciated on the way in which the State party addressed situations of rape-related pregnancy in law and practice and on the type of support made available to women who were forced to continue with such pregnancies and give birth to the child. It would also be useful to hear about the legal provisions governing the parental responsibilities of men who had fathered a child through rape and the registration of births resulting from rape. It was not her intention to advocate the legalization of abortion, but rather to draw attention to circumstances in which the right to voluntary termination of pregnancy was linked to rights protected by the Covenant.

54. **Mr. Carazo** said that it would be useful if the State party reviewed the reservations it had entered in respect of articles 13, 14 (paragraphs 2 and 6), 19, 20 and 22 of the Covenant with a view to their withdrawal. He wondered whether the State party had carried out an assessment of the way in which those reservations might affect the enjoyment of human rights by different population groups residing in the State party or ascertained whether the original grounds for entering those reservations continued to apply.

55. **Mr. Quezada Cabrera** said that he would welcome information on specific measures taken to protect whistle-blowers who exposed corruption. The State party had indicated that, aside from the institution of proceedings against officials implicated in the corruption case linked to three of the country's hospitals, additional measures had been taken. Could the delegation kindly elaborate on the nature of those additional measures?

56. **Mr. Yigezu** said that it remained unclear when the equality bill was to be adopted. It would be helpful to obtain additional information on action taken to address hate speech, hate crimes and the underreporting of such offences, including relevant statistics. It was also unclear how the State party had dealt with allegations of institutionalized racism directed at migrants, refugees and asylum-seekers.

57. He would appreciate further clarification on the responses provided to his questions about unlawful detention of migrants and ill-treatment of persons deprived of their liberty. Was the State party denying reports received by the Committee and saying that there were no problems of any sort with conditions or ill-treatment in migrant detention centres?

58. **Mr. Gómez Martínez** asked how many judges and prosecutors were working in the State party.

59. **A representative of Malta** said that the equality bill would be put to public consultation in the forthcoming weeks. It would be submitted to Parliament in the fourth quarter of 2024 and was expected to be enacted in 2025. The statistical data requested by members would be provided in writing.

60. **A representative of Malta** said that hate as a motive was considered to be an aggravating circumstance, and all hate crimes were prosecuted under the relevant provisions of the Criminal Code. In 2022, 38 cases of hate speech had been reported, and charges had been brought against 33 individuals. In 2023, there had been 30 reported cases of hate speech, and 19 persons had been indicted. In the current year to date, 10 persons had been investigated and charged in connection with such crimes. Statistics on hate crimes would be provided in writing. Two persons had been charged with femicide since the enactment of the bill on that offence in 2022.

61. **A representative of Malta** said that in 2021 the definition of hate crime had been expanded to include older persons and persons with disabilities in the category of protected groups. The authorities engaged in fruitful cooperation with civil society organizations and the media to address hate speech and provide redress to victims. Measures taken to raise awareness of disability issues included disability training for migrants, interpreters and cultural mediators funded by the Ministry for Inclusion and the Voluntary Sector.

62. **A representative of Malta** said that a national campaign was currently being rolled out to raise awareness of hate speech, hate crimes and avenues for reporting such crimes. In 2023, training had been provided to migrant communities to tackle the issue of underreporting. Those efforts would be enhanced further under the second national action

plan against racism and xenophobia, which provided for additional training for law enforcement officers, civil servants and the general public. Specific training on hate crime was also delivered to the police and the judiciary. A working group had been established in 2023 to improve data collection; any recommendations emanating from the group would be included in the Malta Digital Justice Strategy, which had been developed in close consultation with human rights bodies and other stakeholders. Media companies would be supported in the implementation of a media code of conduct and in training journalists, editors and online content moderators to report and combat hate speech online.

63. **A representative of Malta** said that the Government would review the country's reservations to the Covenant, in particular those pertaining to article 13, to assess whether the grounds for those reservations remained applicable and report back to the Committee. The Government was aware of the potential implications of those reservations for the enjoyment of certain rights protected by the Covenant, and his delegation would engage closely with the Committee to resolve any relevant issues.

64. **A representative of Malta** said that article 4 of the Protection of the Whistle-blower Act provided that a whistle-blower who made a protected disclosure was not liable to any civil, criminal or disciplinary proceedings for having done so. That protection was not withdrawn if the whistle-blower making the disclosure was, in good faith, mistaken about its import or if any perceived threat to the public interest on which the disclosure was based had not materialized. The protection could also be extended to facilitators, third persons who were connected with the reporting persons and legal entities owned by the reporting person or persons.

The meeting rose at 6.05 p.m.