



# International Covenant on Civil and Political Rights

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## Human Rights Committee 141st session

### Summary record of the 4119th meeting

Held at the Palais Wilson, Geneva, on Thursday, 4 July 2024, at 10 a.m.

*Chair:* Ms. Abdo Rocholl

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*The meeting was called to order at 10.10 a.m.*

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

*Third periodic report of Malta (continued) (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**, resuming the delegation's replies to questions posed the previous day (see [CCPR/C/SR.4118](#)), said that there were 27 judges, 29 magistrates and 70 prosecutors in Malta.
3. **A representative of Malta** said that an independent investigation conducted in line with the standards of the European Committee for the Prevention of Torture had determined that there had not been any verifiable allegations of ill-treatment of detainees since 2021. The last case, involving a private security guard, had been in 2020 and remained before the courts. It should be noted that private security guards no longer worked with detained migrants. Upon admission, detained persons were screened for injuries and, if possible ill-treatment was detected, the case was referred to the police and investigated. The same procedure applied in the event of allegations of ill-treatment while a person was in the facilities of the Detention Services Agency.
4. While the national courts had found detention on public health grounds to be lawful, in October 2023 the European Court of Human Rights had ruled that current legislation failed to provide sufficient legal certainty in relation to detention on such grounds; accordingly, amendments were being drafted to correct that shortcoming. The screening of migrants continued to be conducted under the Prevention of Disease Ordinance, but the process had been expedited by means of further investments in infrastructure and was now completed within a week of a person's arrival. Following disembarkation, all migrants were screened and were then taken to an initial reception centre and given information on their rights, including the possibility of requesting asylum in Malta. They were subsequently referred to the asylum procedure or the return procedure, depending on whether they had applied for international protection.
5. **A representative of Malta** said that the police code of ethics addressed the use of force, including the use of firearms, tasers and pepper spray, and was in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Use of force was governed by the principles of legality, necessity and proportionality, must be documented and was subject to review. Body cameras had been introduced for the purposes of evidence collection, transparency and monitoring. The Malta Police Force provided ongoing training in de-escalation techniques, conflict resolution and the appropriate use of force, periodically reviewed its protocols, encouraged the use of non-lethal weapons and offered psychological and stress management support to officers. The Independent Police Complaints Board handled complaints involving the use of force by the police.
6. **A representative of Malta** said that the case of high-level corruption in connection with the privatization of some hospitals was being thoroughly investigated; six new proceedings had been initiated the previous day, and there was a possibility that European and international arrest warrants would be issued in the case. The police force had an internal mechanism which officers and staff could use to report suspected violations to their supervisors, the integrity office or the Professional Standards Office. Cases could also be reported anonymously via a dedicated section of the extranet. The police commissioner was immediately notified of serious corruption cases. Reports were followed up within 48 hours.
7. **A representative of Malta** said that the amendments enacted in 2023 permitted the termination of pregnancy only in cases where the woman's life was in imminent danger or where her health was at grave, potentially fatal, risk. The Government partnered with non-governmental organizations (NGOs) to provide psychological support to victims of sexual assault and various types of prenatal and post-partum assistance to women. Those services were offered in addition to public services, such as free childcare and education, which were universally available to everyone living legally in Malta.

8. **Mr. Quezada Cabrera** said that, amid the concerns repeatedly raised by NGOs that Malta failed to conduct operations to assist vessels in distress in its search and rescue region and the State party's dismissal of those concerns, he would welcome the delegation's comments on the case in September 2022 where the Maltese authorities had refused to respond to the distress calls of a vessel carrying more than 60 persons from Syria, Lebanon and Palestine that remained adrift for at least 10 days, leading to the death of a 4-year-old girl and an 8-month-old fetus; the case in June 2023 of a dinghy carrying 14 people to which the Maltese authorities had provided fuel and water but had denied other assistance and had even instructed a nearby merchant ship not to intervene, an incident in which one person had fallen overboard and died; and the case in February 2024 of a vessel carrying refugees, asylum-seekers and migrants that had capsized during the search and rescue operation in Maltese territorial waters, killing five young people, including a pregnant woman.

9. Similarly, he would welcome further details on the May 2020 memorandum of understanding between Malta and Libya designed to reduce the number of sea crossings and relieve pressure on the reception and asylum system, together with an explanation as to whether or not that instrument was compatible with the State party's obligations regarding human rights and refugees. Was it true that the State party cooperated with the Libyan coast guard to ensure that persons rescued in the Maltese search and rescue region did not disembark in Malta? Did the State party consider Libya to be a safe country of return and, if so, on what basis had it made that determination or, if not, what were the terms of its cooperation with the Libyan coast guard?

10. Noting that the State party had not provided a direct response in its third periodic report to the question posed in paragraph 16 of the list of issues on the penalization of NGOs that conducted search and rescue operations, he would appreciate an update on the status of the so-called El Hiblu Three, two of whom had been minors at the time of their rescue at sea and who had subsequently been indicted on serious and, according to humanitarian organizations, disproportionate charges, including terrorism.

11. It would be useful to know what had happened in the remaining 45 libel cases that had been pending at the time that the Media and Defamation Act had entered into force and whether defamation had been decriminalized alongside libel. The delegation was invited to comment on reports that the media and the public encountered obstacles in accessing information from government bodies and that there had been a significant increase in the number of strategic lawsuits against public participation (SLAPP) being filed against demonstrators, journalists and civil society organizations.

12. **Mr. Yigezu** said that he wished to know how many trafficking victims had been identified during the reporting period, including among vulnerable population groups, and how many had been referred to appropriate services, such as shelters and medical facilities. In addition, he would welcome information on the investigation and prosecution of trafficking cases, including the penalties handed down to convicted traffickers; on the provision of legal aid and interpretation services to victims; and on the remedies available to them.

13. He invited the State party to clarify what legal frameworks and guidelines were in place to protect the right to peaceful assembly, whether those frameworks ensured that any restrictions placed on that right were necessary, proportionate and subject to independent judicial review, how such reviews were carried out, what measures were in place to safeguard the physical and psychological integrity of participants in peaceful gatherings and what support was provided to organizers of peaceful gatherings.

14. With reference to the event at the Parliament at which more than 4,000 participants had called for the resignation of a public official and the event at the Hal Far migrant reception centre where more than 100 people had protested their living conditions, both of which had taken place in 2019, the Committee would appreciate detailed information on the training programmes for law enforcement personnel and reception centre staff regarding the management of peaceful assemblies through the use of non-violent means and observance of the principles of necessity and proportionality. Information would also be welcome on the mechanisms in place for investigating and responding to reports of violations of the right to peaceful assembly by State authorities and on the nature and outcomes of any investigations

and judicial proceedings in cases of alleged excessive use of force by law enforcement officials during peaceful assemblies.

15. **Mr. Soh** said that, against the backdrop of concerns over the frequent recourse to detention for migrants and asylum-seekers, in particular under the Prevention of Disease Ordinance, he would welcome updated statistical data on the detention of migrants and the use of alternatives to detention, as well as information on plans to explicitly make detention a measure of last resort and on the plans and timeline for amending the provisions permitting detention on public health grounds that had been mentioned by the delegation.

16. Information would also be welcome on the measures taken to avoid detaining unaccompanied minors, to appoint a legal guardian for them in a timely manner, to expedite the age assessment procedure and to ensure that it was initiated only where necessary and in the best interests of the child. Were reports that lawyers were not permitted to attend age assessment interviews accurate?

17. Turning to the right to privacy, he wished to know whether the State party would consider giving judges the power to issue warrants rather than having that power lie solely with the competent minister or the Prime Minister. He would also like to know how many complaints had been filed regarding abuses by the Security Services during the reporting period, what the outcome of the investigations had been and what remedies had been available to the complainants. He was interested in hearing about the progress achieved in implementing the recommendations made by the Special Rapporteur for the right to privacy in 2019, in particular the recommendation to establish a security service oversight board, and progress in reviewing and amending the regulatory framework governing the Security Services to clarify the definitions used in that framework and align it with the Covenant.

18. With regard to the question of freedom of expression, he noted that the State party had fallen 38 places in the World Press Freedom Index since 2017 and that its civic space ratings had worsened from “open” to “narrowed”. Against that backdrop and in the light of the reportedly hostile environment that existed for journalists, he would welcome information on steps taken to address the erosion of civic space; any new measures in place or envisaged to establish a formal protection protocol for threatened journalists, including early and rapid response mechanisms; and any specific training provided to police officers in handling attacks and intimidation against journalists.

19. Lastly, on the 2017 murder of journalist Daphne Caruana Galizia, the delegation was invited to describe the steps being taken to finalize the investigation into the core motives behind the murder and expedite the judicial proceedings, the measures taken to ensure the transparency and impartiality of the investigation, the extent to which the recommendations made in the public inquiry report had been implemented and the timeline for implementing the recommendations made in that report that had not yet been acted upon. Information on the findings of the report of the Committee of Experts on Media regarding the state of media freedom in Malta would also be of interest.

20. **Mr. Carazo** said that he wished to know what additional measures the State party might consider taking to improve access to free legal aid for victims of domestic violence and children in conflict with the law. It would be useful to know what steps were taken to ensure that the legal aid system met the needs of vulnerable groups during all stages of legal proceedings. He would also like to know whether there were any plans to make free legal aid available around the clock for vulnerable groups other than victims of domestic violence.

21. In general, he wished to know what impact the State party’s free legal aid programmes had had on the accessibility and quality of legal aid services in Malta. He would welcome statistical data or specific examples that might demonstrate how effective legal aid reform had been in protecting the rights of vulnerable individuals. It would also be helpful to know what steps were currently being taken to address any remaining shortcomings in the legal aid system.

22. **Ms. Šurlan** said that it was established in the International Protection Act that an application for asylum would be rejected as manifestly unfounded if it was submitted by a person from a safe country of origin. She wished to know what steps were taken to ensure that each application was considered on its individual merits, since there were a number of

reasons why a person from an otherwise safe country might still require international protection. The delegation might also like to provide further clarification on the circumstances in which an application for asylum could be rejected as manifestly unfounded because the applicant had stayed too long in Malta before submitting the application. It would be useful to hear what steps were taken to ensure that members of the International Protection Appeals Tribunal who were not trained lawyers had the capacity to decide on points of law and, in general, what measures had been put in place to ensure that all officials dealing with the asylum procedure were trained in human rights law.

23. As members of the judiciary were appointed by the President from a shortlist of three candidates chosen by the Judicial Appointments Committee, she would like to know how many members of the Committee were required to vote in favour of a candidate in order for him or her to be placed on the shortlist. The delegation might like to indicate whether any other steps were taken to ensure that the three members of the Committee elected by political bodies did not have the power to nominate a candidate for inclusion on the shortlist without the support of the other members. It would also be interesting to know whether a candidate who had either not been included in the shortlist or not been appointed by the President could appeal those decisions, whether before the Constitutional Court or by using a separate appeal mechanism. She wished to know how the Committee evaluated each candidate with respect to the selection criteria set out in the Constitution, which included demonstrating strong knowledge of the law, court procedures and the judicial code of ethics. She wondered whether a specific body had been set up to provide potential candidates with additional training on court procedures and the code of ethics.

*The meeting was suspended at 10.55 a.m. and resumed at 11.15 a.m.*

24. **A representative of Malta** said that the Government could not comment on delays in judicial proceedings as the judicial branch was fully independent from the executive.

25. **A representative of Malta** said that the public inquiry into the murder of Daphne Caruana Galizia had recommended that action should be taken to increase police awareness of the role of journalists in society and that a dedicated unit dealing with the protection of journalists should be established within the Malta Police Force. Following consultations with foreign law enforcement agencies, the police force had introduced a new standard operating procedure titled Managing and Responding to Threats to Life. Under that procedure, a person at risk, whether a journalist or not, received an appropriate level of protection on the basis of a risk assessment. Since November 2021, police personnel had received weekly training to raise their awareness of the role and work of journalists and media actors, the legitimacy of their presence during protests and assemblies, and measures that could be taken to strengthen the protection of their rights. Those sessions also included training on the risks that journalists encountered in the course of their work and the potential threats and attacks they faced in both the physical environment and online. Journalists who felt at risk now had access to a dedicated point of contact within the police force. In cases where there was a genuine and immediate threat to the safety of a journalist or other member of the media, the police took appropriate action to mitigate the risk, investigate the alleged crime, carry out a risk assessment and offer advice to the person at risk on the nature of the threats.

26. Three persons had already been sentenced to prison for their role in the murder of Daphne Caruana Galizia, and their appeal had failed. The trial of the person believed to have been the mastermind of her killing had yet to commence, and three other individuals were also scheduled to stand trial for allegedly procuring the explosives used in the attack. Generally speaking, the Malta Police Force responded in a timely manner to all information requests received from journalists.

27. **A representative of Malta** said that the provision of legal aid for vulnerable persons, in particular victims of gender-based violence and children in conflict with the law, was a priority for the Government. Measures had therefore been taken to ensure that those groups enjoyed effective access to legal aid. Efforts had also been made to provide migrant detainees with better access to legal assistance. The Detention Services Agency had introduced a visitors' protocol to facilitate meetings between migrant detainees and their legal representatives, and dedicated rooms had been built at detention centres to ensure that such meetings could be held in privacy. Upon arrival at their place of detention, migrant detainees

were given an information booklet in a language they understood containing information from various State agencies, Legal Aid Malta, the Malta Red Cross Society and the Office of the United Nations High Commissioner for Refugees. Visits with legal counsel for detainees facing a tight deadline for appeal were given priority. During the first five months of 2024, the Detention Services Agency had facilitated 35 visits by legal professionals to places of deprivation of liberty, during each of which four or five private meetings had been held with detainees.

28. **A representative of Malta** said that the effectiveness of his country's efforts to broaden the criteria for eligibility for free legal aid had not been evaluated, but the Government would consider putting an impact assessment mechanism in place.

29. **A representative of Malta** said that the grounds for processing an application for asylum under an accelerated procedure that were set out in Maltese law, including the rules that applied to applicants from safe countries of origin, were the same as those specified in Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast). The International Protection Agency issued a substantive decision regarding all applications that were examined on their merits, and migrants whose applications were processed under the accelerated procedure enjoyed the same procedural guarantees as candidates considered under the normal asylum procedure. The Agency interviewed all applicants and carried out a thorough assessment of their protection needs.

30. The automatic reviews of the Agency's decisions carried out by the International Protection Appeals Tribunal constituted a legal appeal. The Tribunal had access to the applicant's full file, including an audio recording of his or her interview. The review system provided asylum-seekers with an effective remedy, since there had been a number of cases where the Tribunal had overturned the Agency's decision to reject an application. The Tribunal's review of the Agency's decision had an automatic suspensive effect on return proceedings. Should the asylum-seeker not agree with the Tribunal's decision, he or she could bring the case to court or file a constitutional complaint. According to the relevant law, the Tribunal's members must include at least one lawyer with seven years of professional experience and at least one person well versed in migration matters.

31. **A representative of Malta** said that the Security Service Act contained provisions on the issuance of warrants and authorizations for surveillance and the interception of communications. Furthermore, although online surveillance was not explicitly mentioned in the Act, the definitions set out were sufficiently broad to encompass online activities. Such activities were not subject to judicial authorization but rather required a warrant issued by the minister responsible for the Security Service or the Prime Minister. The decision to issue the warrant was reviewed by an independent commissioner. The Act provided for safeguards designed to limit the extent of the information disclosed as a result of the interception of communications. Those measures were designed to ensure that surveillance activities were conducted within legal boundaries and adhered to the principles of legality, proportionality and necessity.

32. In 2025, the Government planned to bring national legislation into line with the European Union regulation of 2024 establishing a common framework for media services in the internal market, which sought to safeguard media independence and pluralism and regulate the use of intrusive surveillance software.

33. **A representative of Malta** said that the Public Meetings Ordinance served as the main legal framework for peaceful assemblies. Appropriate risk assessments were systematically carried out prior to an event, and the police provided assistance to ensure the safety of participants in all cases. With regard to the specific events in 2019 mentioned by the Committee, no serious incidents had been reported during or following the protest in front of the Parliament building and no criminal charges had been brought against the demonstrators. The second event, which had taken place at the migrants' facility in Hal Far, could more accurately be described as a riot. A total of 107 persons had been arrested for their involvement, and a number of them had later been arraigned in court.

34. Although the Independent Police Complaints Board was responsible for investigating all reports and complaints concerning the conduct of police officers, the Professional

Standards Office was tasked with investigating cases of the alleged excessive use of force. The Office had the authority to impose strict disciplinary measures on officers found to have used excessive force. At the same time, the Academy for Disciplined Forces provided in-service training to police officers on a range of topics, including fundamental human rights and hate crime.

35. **A representative of Malta** said that significant legislative measures had been taken in recent years to safeguard freedom of expression and protect journalists, including the adoption of the Media and Defamation Act and the Protection of the Whistle-blower Act. The latter protected employees in both the public and private sectors. The Government was also working on transposing the European Union directive on the protection of persons who reported breaches of European Union law into domestic legislation and was currently assessing the administrative arrangements that would be required to ensure its effective implementation.

36. Malta was committed to working closely with institutions such as the Council of Europe to create a safer environment for journalists. The Government was resolved to combat impunity, see to it that justice was done and deter all violence against journalists. Following the removal of the provision on criminal libel from the Criminal Code, there were no longer any pending criminal libel cases. The Government also intended to incorporate the provisions of the new European Union directive on SLAPP into domestic legislation over the coming months in order to protect citizens against manifestly unfounded claims or abusive civil lawsuits.

37. Public access to information from State bodies was regulated by the Freedom of Information Act. Under that legislation, eligible persons were entitled to submit requests for information to all public authorities. The denial of such requests by an authority had to be substantiated and, where possible, the applicable provisions of the Act had to be cited. Any decision to refuse to disclose information could be appealed before the Information and Data Protection Commissioner, the Information and Data Protection Appeals Tribunal and, in the last instance, the Court of Appeal.

38. **A representative of Malta** said that a comprehensive national strategy for combating trafficking in persons, developed in collaboration with the Council of Europe and incorporating recommendations from European and international agencies, would soon be launched. Border guards, immigration officers working in the field, front-line workers and investigators received ongoing training in the identification of signs of trafficking, cultural sensitivity and the use of trauma-informed interview techniques. The Foundation for Social Welfare Services was the primary provider of assistance to victims and potential victims of trafficking. It had a subunit that addressed trafficking in persons for purposes of sexual exploitation, operated a safe house for victims, ran outreach activities and collected data on potential and former victims. The Foundation's child protection services were the point of referral for cases involving children and ensured effective collaboration with the police in investigations. Jobsplus, the public employment service, identified jobseekers at risk of exploitation and announcements of job vacancies that might be linked to trafficking; it also provided training and had its own data collection system. The Victim Support Agency had introduced the 111006 hotline, which was accessible to all victims and potential victims, and organized outreach sessions. A comprehensive national campaign to raise awareness of the hotline, as well as of indicators of human trafficking and how to report suspected cases, had garnered a positive response from stakeholders. The assessment team of the Agency for the Welfare of Asylum-Seekers used a list of indicators to screen asylum-seekers for vulnerability and signs of human trafficking.

39. Between 2017 and 2020, 16 investigations into human trafficking cases had been conducted, 9 regarding labour exploitation and 7 regarding sexual exploitation; 12 new investigations had been opened in 2022, 5 regarding labour exploitation and 7 regarding sexual exploitation. The Office of the Attorney General had become the main prosecutor for trafficking cases in 2021 and had initiated criminal proceedings against six suspects of trafficking for sexual exploitation in 2022 – an increase compared to the three previous years – and against two suspects of trafficking for purposes of labour exploitation in 2023. Combined charges of labour and sexual exploitation and money-laundering had been brought against three persons in May 2024. Between 2017 and 2020, judgments had been issued in

five trafficking cases, most of which had ended in acquittals. In 2023, the Court of Appeal had found two persons guilty of trafficking for purposes of labour exploitation and sentenced them to prison terms, and the Criminal Court had found two persons guilty of trafficking for purposes of sexual exploitation, among other offences, and sentenced them to 9 and 10 years of imprisonment. Legal aid lawyers and interpreters were provided for victims of human trafficking.

40. **A representative of Malta** said that the Maltese authorities investigated and acted on distress calls from persons at sea on a daily basis, in full accordance with international law, including the United Nations Convention on the Law of the Sea and the International Convention of Maritime Search and Rescue. Malta had rescued more than 28,500 migrants in distress over the past 20 years and had a large refugee community compared to the size of its population. His country often assumed more responsibilities than those imposed on it by international law and had developed robust frameworks for processing asylum claims. Given that its location and small size exposed it to migratory pressures, the State party was calling for a balance to be struck between solidarity and a fair sharing of responsibility among European Union member States and for increased efforts to prevent irregular migration, including through the identification and dismantlement of smuggling networks.

41. Under international law, disembarkations within the Maltese search and rescue region should be made at the closest place of safety, which could be in Tunisia, Sicily or Malta, and Malta was not responsible for autonomous interceptions on the high seas. The Maltese authorities always rendered immediate assistance to vessels in distress in international waters through coordination with public and private vessels and with coastal States capable of providing assistance. The implication that Malta was failing to meet its search and rescue obligations was therefore unsubstantiated. Furthermore, not all migrant boats required rescue, and authorities could not intervene in cases of autonomous landings. Malta was also well aware that other States were responsible for exercising border control and enforcing immigration law within the areas for which they were responsible.

42. Search and rescue regions formed part of international waters and, as such, persons in distress in the Maltese search and rescue region were not in Maltese territory or under the effective control of Malta, and Malta had neither *de jure* nor *de facto* jurisdiction over them. The exercise of jurisdiction was a prerequisite for a State to attract responsibility for external missions imputable to it, and there had been no cases of collective expulsion or pushback of migrants by Malta towards Libya or any other State.

43. The memorandum of understanding signed with the Libyan Government in May 2020 was publicly available online. It dealt with the establishment of coordination centres in Tripoli and in Malta and increased collaboration in combating irregular migration in the Mediterranean region. It also included a commitment by the Maltese Government to support Libya in securing European Union funding, which would be used to procure the equipment and technology needed to dismantle organized crime networks and secure the southern Libyan borders as part of the fight against human smuggling and trafficking. It was the duty of Malta, and in the collective interest of States, to work with the Libyan authorities and assist them in managing their borders and improving reception conditions. The collaboration ensuing from the memorandum of understanding had considerably reduced the loss of lives in the Mediterranean.

44. The intentional misuse of search and rescue conventions to facilitate irregular migration to and disembarkations in Malta and Italy was unacceptable. NGO vessels should have a disembarkation plan in place with their flag State for any interception conducted on the high seas, yet they often resorted to switching between ports as they decided which would best serve them. They had full autonomy to proceed to several different ports that qualified as places of safety, including their home port, but instead loitered for days between Malta and Sicily, waiting for the situation on board to deteriorate enough to force disembarkation nearby. Malta was under no obligation to assign a place of safety for migrants intercepted autonomously by the vessels of NGOs in international waters; the primary responsibility for coordinating disembarkation in such cases lay with the flag State. Although applicable conventions obligated all Governments, coastal States, flag States, shipowners and the relevant authorities to work together to find a place of safety for migrants, disembarkations by NGO vessels had been conducted only in Malta and Italy; no other coastal State had been



requested to allow disembarkations from NGO vessels. The delegation could not comment on the El Hiblu case, as it was still before the courts, although she could say that the asylum claims of all three migrants involved had been rejected.

45. **A representative of Malta** said that there had been four trafficking cases in 2018 involving 35 victims and 12 traffickers, two cases in 2020 involving 4 victims and 2 traffickers, and two cases in 2022 involving 5 victims and 6 traffickers; thus far, cases in 2024 had involved 2 victims and 3 traffickers. All cases were pending before the courts.

46. **A representative of Malta** said that the Correctional Services Agency collaborated with the Foundation for Social Welfare Services to offer group sessions and individual counselling to victims of human trafficking. The Agency also held group sessions, during which interpretation was available, to inform persons in detention of indications that they might have been victims or potential victims of trafficking and of the social, therapeutic, medical and legal services available to them. Upon their release, safe housing was provided to ensure their continued protection and support. The Agency worked closely with the Malta Police Force to identify traffickers using a multi-agency approach that ensured comprehensive support for victims. Correctional officers were trained to identify and provide support in cases of human trafficking.

47. **A representative of Malta** said that legislation concerning the restriction of movement on public health grounds was being drafted. Since the decision issued in the relevant case by the European Court of Human Rights in 2023, no person had been detained solely for reasons of disease prevention. Alternatives to detention had been offered to 187 persons in 2022 and to 83 persons in 2023.

48. Age assessments of unaccompanied minor asylum-seekers were completed in just a few days and, having been designed by the European Union Agency for Asylum and the Agency for the Welfare of Asylum-Seekers, were considered best practice. Persons claiming to be unaccompanied minors but who appeared to be adults or who had a birth date as noted in their documentation which indicated that they were an adult could be detained during the age assessment, in line with European directives, as it was in the best interest of children not to house minors with adults. Detention facilities did not cater for confirmed minors; persons awaiting the outcome of the age assessment or an appeal could be detained but were held separately from adults and monitored by a migrant health service and the Agency for the Welfare of Asylum-Seekers. Appeals regarding the outcome of the age assessment were heard by the Immigration Appeals Board, and legislation was being amended to expedite the appeals process.

49. Interim care orders were issued by child protection services, and a representative was appointed until the age assessment was completed. Full care orders were requested for persons confirmed to be unaccompanied minor asylum-seekers; such persons were released immediately and placed in open centres administered by the Agency for the Welfare of Asylum-Seekers. Minors who were not entitled to international protection and could not be returned to their country of origin were granted protection until adulthood by the International Protection Agency. The Agency for the Welfare of Asylum-Seekers provided psychosocial support to those minors and, as they neared adulthood, support for their transition to that status, which also involved moving them to an open centre for adults.

50. **A representative of Malta** said that, in recent years, the composition of the Judicial Appointments Committee had been modified to remove the Attorney General and ensure that a majority of members were from the judiciary, rather than political appointees. Under article 96 (a) of the Constitution, the Committee consisted of the Chief Justice, two members elected for a period of four years by judges of the Superior Courts from among their own members, one member elected for a period of four years by the magistrates of the lower courts from among their own members, the Auditor General, the Commissioner for Administrative Investigations (Ombudsman) and the President of the Chamber of Advocates. The Constitution stipulated that Committee members must not be subject to the direction or control of any person or authority. Committee decisions regarding the appointment of judges or magistrates could not be appealed, but article 101 (c) of the Constitution provided that the removal of a judge or magistrate could be appealed before the Constitutional Court. On 26 January 2024, in a case before the Constitutional Court, article 96 (a) of the Constitution

regarding the Judicial Appointments Committee had been found not to breach fundamental human rights.

51. Following the report on the public inquiry into the death of the journalist Daphne Caruana Galizia, the Government had submitted three bills to the House of Representatives in October 2022 regarding the establishment of a committee to make recommendations concerning the adoption of measures for the protection of journalists and other media actors, amendments to the Constitution and other provisions for the protection of journalists and members of the media in general. As recommended by the inquiry board, a committee of media experts had been established in January 2022 to analyse and make recommendations on the journalism and media sector in Malta and to comment on legislative amendments on the subject drafted by the Government. In October 2023, that committee had submitted a report to the House of Representatives evaluating the results of public consultations on the government bills. A white paper on proposed media reform laws based on that report would be issued in mid-2024.

52. **Mr. Yigezu** said that he would appreciate clarification regarding allegations of systematic hate speech and hate crimes targeting migrants, asylum-seekers, black persons and Muslim persons and whether such crimes had been investigated and were subject to penalties. He wished to know whether conditions in some detention centres, including the Hal Far Hangar Open Centre, met international standards and whether there had been an excessive use of force during the riots that had taken place at the Hermes Block in 2020. He wondered what kinds of remedies and compensation were provided to victims of trafficking.

53. **Mr. Quezada Cabrera** said that he would be grateful if the State party could elaborate on the concept of citizen journalists. He would also like to confirm whether foreigners were required to have been resident in Malta for at least five years to be eligible to request access to information from State institutions.

54. **Ms. Šurlan** said that she would like to know whether a majority vote in the Judicial Appointments Committee corresponded to four or five votes. Regarding the appointment of the Chief Justice, she wondered how independence was preserved and undue political influence was averted given that the President and the Prime Minister were both involved in the selection process.

55. **Mr. Soh** said that, on the issue of the right to privacy, he would welcome further information on the investigations conducted by the Commissioner appointed pursuant to article 12, chapter 391, of the Security Service Act related to complaints concerning abuses by the Security Service, including the number and nature of complaints, their outcomes and any remedies provided.

56. The Committee would be interested in obtaining further details on the alleged involvement of high-ranking police officials and political figures in the Daphne Caruana Galizia murder case. He would like to know what steps the State party had taken to ensure that the impartiality and independence of the investigation was not undermined by political influence or interference. He would be grateful if the State party could elaborate on its plans to explicitly classify detention as a measure of last resort and clarify whether it limited free legal assistance to the first review of a detention order.

57. **Mr. Carazo** said that he would like to stress the importance of the withdrawal of the State party's reservations, particularly the reservation to article 20 of the Covenant, in order for the Government to tackle hate speech and the issue of impunity.

58. It would be of interest to the Committee to hear the delegation's comments on the efforts made by the human rights pillar of the United Nations to promote and protect the rights of Maltese citizens and to hear the delegation's views about how the United Nations could best strengthen its support and cooperation with the State party to that end.

59. **Mr. Santos Pais** said that the Committee did not entirely agree with the position expressed by the delegation with regard to rescue at sea. The denial of any type of responsibility for what was happening in international or jurisdictional waters did not help to save the lives of the people who were dying at sea almost every day.

60. **Mr. Gómez Martínez** said that he wished to know whether, as an interim measure, a judge could order a suspension of an expulsion order against an asylum-seeker who had brought legal proceedings to challenge the rejection of his or her asylum application by the administrative authorities.

61. **A representative of Malta** said that, under the Criminal Code, perpetrators of hate speech could be imprisoned for 6 to 18 months and therefore did not enjoy impunity. In 2022, 38 cases of hate speech had been reported and 33 persons had been investigated and subsequently prosecuted. In 2023, 30 cases had been reported and 19 persons had been investigated. In 2024, 19 cases had been reported and 10 persons had been investigated and prosecuted. Between 2022 and 2024, there had been 136 reports of hate crimes. The corresponding number of prosecutions would be submitted in writing.

62. **A representative of Malta** said that health-care services, including mental health services, were available to victims of human trafficking. Victims of violent international crime, including human trafficking, could benefit from a State compensation scheme. A maximum of €23,300 was available per claim and the scheme was open to Maltese citizens, naturalized citizens and habitual residents of Malta.

63. **A representative of Malta** said that riots such as the one that had taken place at the Hal Far centre were extremely rare.

64. **A representative of Malta** said that the Detention Service had a zero-tolerance policy on abuse and violence. Independent investigations had found no verifiable allegations of ill-treatment or abuse. All claims of ill-treatment were investigated and, if necessary, a police report was filed as a basis for a further independent investigation. The monitoring board for detainees had noted in its 2023 report that the majority of detainees who had been interviewed had made no allegations of ill-treatment and had shown appreciation towards custodial staff. The Lyster Barracks had been closed since the end of 2021.

65. **A representative of Malta** said that a person was eligible to make a freedom of information submission if he or she had been resident in Malta for at least five years.

66. While the Judicial Appointments Committee could recommend candidates for appointment as a judge or magistrate, it was the President who made the final decision on each appointment. In the case of the appointment of the Chief Justice, the President's decision must be supported by two thirds of the members of the House of Representatives.

67. More information on the citizen journalist concept would be provided in writing if desired, following consultation with an expert.

68. **A representative of Malta** said that detention was already established as a measure of last resort. The relevant law stipulated that less coercive measures should be applied wherever possible. Free legal aid was available at the appeal stage in cases of detention appeals, removal appeals, age assessments and negative asylum decisions in line with national and European Union legislation.

69. **A representative of Malta** said that, while appealing an expulsion order against an asylum-seeker did not automatically suspend the ruling, the person concerned could request an interim measure to suspend proceedings.

70. **A representative of Malta** said that, in relation to the murder of Daphne Caruana Galizia, the allegations against high-ranking officials pertained to their alleged role in leaking information about the investigation. The magisterial inquiry into the matter had not yet been concluded. The motion filed by the alleged mastermind of the murder, Yorgen Fenech, to have the chief investigator disqualified and removed from the investigation had been denied and he had subsequently lodged an appeal.

71. **A representative of Malta** said that the majority in the Judicial Appointment Committee corresponded to four votes.

72. **A representative of Malta** said that his delegation greatly valued the opportunity to interact with the Committee and benefit from its members' expertise and insights. The present dialogue served an important purpose as a forum for analysing areas in which his country needed to make further improvements in order to guarantee the rights of all Maltese citizens

and other persons living in Malta. The Committee's concluding observations would be carefully analysed and taken into account in future legislative and policy deliberations.

*The meeting rose at 12.55 p.m.*