



# International Covenant on Civil and Political Rights

Distr.: General  
26 August 2024

Original: English

---

## Human Rights Committee

### Concluding observations on the third periodic report of Malta\*

1. The Committee considered the third periodic report of Malta<sup>1</sup> at its 4118th and 4119th meetings,<sup>2</sup> held on 3 July and 4 July 2024. At its 4140th meeting, held on 18 July 2024, it adopted the present concluding observations.

#### A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its third periodic report in response to the list of issues prior to reporting prepared under that procedure.<sup>3</sup> It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation during the constructive dialogue and for the supplementary information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the following legislative, policy and institutional measures taken by the State party:

- (a) The adoption of the Criminal Code (Amendment) Act to repeal the provisions on the crime of vilification of the Roman Catholic Apostolic Religion and other religions tolerated by law, in 2016;
- (b) The amendment of the Children and Young Persons (Care Orders) Act of 1980 through the adoption of the Minor Protection (Alternative Care) Act, in 2020
- (c) The adoption of the Criminal Code (Amendment No. 5) to prohibit virginity testing, in 2024;
- (d) The adoption of the National Action Plan on Human Trafficking 2020–2023;
- (e) The adoption of the National Strategy on the Rights of Disabled Persons 2021–2030;
- (f) The adoption of the Anti-Racism Strategy 2021–2023, in 2021;

---

\* Adopted by the Committee at its 141st session (1–23 July 2024).

<sup>1</sup> [CCPR/C/MLT/3](#).

<sup>2</sup> See [CCPR/C/SR.4118](#) and [CCPR/C/SR.4119](#).

<sup>3</sup> [CCPR/C/MLT/QPR/3](#).



- (g) The adoption of the Protection of the Whistleblower (Amendment) Act, in 2021;
- (h) The adoption of the Gender Equality and Mainstreaming Strategy and Action Plan 2022–2027;
- (i) The adoption of the third National Strategy on Gender-Based Violence and Domestic Violence 2023–2028.

## C. Principal matters of concern and recommendations

### Constitutional and legal framework within which the Covenant is implemented

4. While noting the training courses provided by the Judicial Studies Committee to judges, lawyers and prosecutors on the Covenant rights incorporated through domestic legal instruments, the Committee regrets the lack of information on cases in which provisions of the Covenant have been invoked or applied by domestic courts and on measures taken to raise awareness of the Covenant and its Optional Protocol among the public at large (art. 2).

5. **With reference to the Committee’s previous recommendations,<sup>4</sup> the State party should take all measures necessary to clarify the domestic status of the Covenant and the first Optional Protocol thereto with a view to ensuring its direct applicability. The State party should implement a thorough, accessible and regularly updated programme of training on the Covenant and the Optional Protocol for judges, prosecutors and lawyers through the Judicial Studies Committee. The State party should also take appropriate measures to raise awareness among the general public about the Covenant, its Optional Protocol and the mechanisms in place to submit individual complaints of violation of the Covenant to the Committee.**

### Reservations

6. While noting the renewed commitment of the State party to act upon the removal of its reservations to the Covenant, the Committee remains concerned that the State party maintains its reservation to article 13 on the basis that it cannot implement its provisions, and its reservations to articles 14 (2) and (6), 19, 20 and 22 on the basis that it reserves the right to limit those rights or to not take legislative measures to give effect to them. The Committee reiterates its concern that the reservations undermine the State party’s commitment to the Covenant, while in general have an adverse effect on its implementation. The Committee is concerned about the impact that the reservations have on the rights of all individuals (art. 2).

7. **With reference to the Committee’s previous recommendations,<sup>5</sup> the State party should consider withdrawing its reservations to articles 13, 14, 19, 20 and 22 of the Covenant, taking into consideration the adverse effects of the laws and policies adopted, in line with the State party’s reservations on the full and equal enjoyment of all of the rights enshrined in the Covenant, and ensuring the meaningful involvement of relevant stakeholders, civil society organizations and human rights experts.**

### National human rights institution

8. The Committee notes that the legislation establishing the National Commission for the Promotion of Equality and Human Rights in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) is expected to be enacted in 2025 (art. 2).

9. **With reference to the Committee’s previous recommendation,<sup>6</sup> the State party should expedite the adoption of legislative measures to establish the National Commission for the Promotion of Equality and Human Rights in full compliance with**

<sup>4</sup> CCPR/C/MLT/CO/2, para. 5.

<sup>5</sup> Ibid., para. 6.

<sup>6</sup> Ibid., para. 7.

**the Paris Principles, setting a clear and specific timeline for its establishment and ensuring the effective participation of civil society.**

#### **Anti-corruption measures**

10. The Committee appreciates the adoption of the Protection of the Whistleblower (Amendment) Act of 2021. The Committee notes the decision of the Attorney General in April 2024 to bring criminal charges against each of the individuals identified by the magisterial inquiry on the agreement among current and former public officials to privatize three public hospitals. While noting that between 2020 and 2024, 24 corruption cases involving public officials were investigated and prosecuted, the Committee is concerned that only three of the cases concerned public officials elected to high-level positions. The Committee regrets the lack of specific information on the number of cases and their outcomes, including the convictions and penalties, and on the measures taken to guarantee the independent and impartial investigation and prosecution of all cases of corruption, including cases concerning public officials accused of high-level corruption (arts. 2 and 25).

**11. The State party should take legislative and institutional measures to guarantee the protection of whistleblowers, in law and in practice, to ensure the independence, effectiveness, transparency and accountability of all anti-corruption bodies and to guarantee the prompt and timely investigation of all complaints of corruption, including those concerning high-level public officials accused of high-level corruption, to ensure that perpetrators are prosecuted and, if convicted, punished with sanctions appropriate for the seriousness of the offence.**

#### **Non-discrimination**

12. The Committee notes with appreciation that the State party has been ranked first on the International Lesbian and Gay Association Rainbow Europe Index, scoring 89 per cent on the basis of laws and policies that have a direct impact on lesbian, gay, bisexual and transgender persons' human rights. The Committee is concerned, however, that the draft Equality Bill, which is intended to provide a comprehensive anti-discrimination legal framework, has not yet been enacted into law and still awaits submission for Parliamentary consideration. The Committee is also concerned about the persistence of racial discrimination, hate speech and hate crimes, including verbal attacks, online hatred and physical violence, particularly against vulnerable and minority groups, including people of African descent or national origin, Muslims, migrants, refugees and asylum-seekers. The Committee is further concerned about reports that public officials and politicians have engaged in hate speech and incitement to violence, contributing to a climate of intolerance and hostility. The Committee is concerned that hate crimes and hate speech are not consistently investigated and prosecuted, leading to impunity for perpetrators (arts. 2, 20 and 26).

**13. With reference to the Committee's previous recommendation,<sup>7</sup> the State party should:**

- (a) Collect and publish disaggregated data on hate crimes and hate speech, including the number of reported cases, investigations, prosecutions and convictions;**
- (b) Expedite the adoption and entry into force of the draft Equality Bill, providing a comprehensive anti-discrimination legal framework;**
- (c) Enforce laws that prohibit and criminalize hate speech and incitement to hatred, including by public officials and politicians, ensuring accountability and appropriate sanctions;**
- (d) Improve measures to tackle the prevalence of online hate speech, in close cooperation with Internet service providers, social networking platforms and the groups most affected by hate speech;**

<sup>7</sup> Ibid., para. 9.

(e) **Provide adequate protection and support for victims of hate speech and hate crimes, including access to legal aid, psychological support and other necessary services, while ensuring that victims are aware of their right to effective remedies;**

(f) **Conduct awareness-raising campaigns among public officials and the general public aimed at promoting respect for human rights and diversity.**

#### **Gender equality**

14. The Committee appreciates the adoption of the Gender Equality and Mainstreaming Strategy and Action Plan 2022–2027, and the numerous measures undertaken to promote the equal participation of men and women in public and political affairs, in particular the introduction of temporary special measures through the Constitution of Malta and the General Elections (Amendment) Act of 2021. The Committee also acknowledges that women currently comprise 58 per cent of the judiciary, including 46 per cent of judges. The Committee remains concerned, however, about the persistence of gender bias and stereotypes concerning the roles and responsibilities of women and men in the family and society at large, which result, inter alia, in labour market inequalities, including a gender employment gap of 13.1 per cent and a gender pension gap for persons older than 65 years of 41.7 per cent (arts. 2, 3 and 25).

15. **The State party should intensify its efforts to ensure equality between men and women in all spheres in both the public and private sectors. In particular, the State party should:**

(a) **Adopt effective measures aimed at equality on the basis of disaggregated data on the representation of women and men in public or political affairs;**

(b) **Adopt measures, including temporary special measures, to address labour market inequalities, in particular those disproportionately affecting vulnerable groups of women, including older women, and promote the principle of equal pay for work of equal value;**

(c) **Raise public awareness of the principle of equality between women and men and the need to eliminate gender stereotypes.**

#### **Violence against women, including domestic violence**

16. The Committee appreciates the numerous legislative and institutional measures undertaken to end violence against women, including domestic violence, in particular the adoption of article 211A of the Criminal Code through Act No. X of 2022 on aggravating circumstances of femicide and the adoption of the third National Strategy on Gender-Based Violence and Domestic Violence 2023–2028. Notwithstanding the measures taken by the State party to address underreporting, including the Beat the Silence campaign, the Committee remains concerned that the number of prosecutions of perpetrators of violence against women remains low, even though domestic violence ranks as the second-most common crime. The Committee also regrets the lack of information on the remedies provided to victims (arts. 2, 3, 6, 7 and 26).

17. **The State party should:**

(a) **Guarantee in law and in practice that all forms of violence against women, including domestic violence, will be investigated, that perpetrators will be prosecuted and, if convicted, punished with appropriate sanctions and that victims will have access to effective remedies, receive full reparation, including compensation, and will have access to adequate protection and assistance;**

(b) **Establish and promote accessible and confidential reporting mechanisms, including online and third-party reporting, to encourage reporting by victims, family members and witnesses without fear of retaliation or stigma;**

(c) **Strengthen ordinary and specialized training for lawyers, judicial officials and law enforcement officials, placing special emphasis on combating gender bias and stereotypes and revictimization, and on ensuring respect for the privacy of victims;**

(d) **Ensure equal access for all women subject to its jurisdiction, including migrant women and women seeking asylum, to complaint mechanisms, protection measures, psychological support services and effective remedies;**

(e) **Raise public awareness of the availability of protection orders and other legal remedies;**

(f) **Conduct public awareness campaigns targeting both men and women to change societal attitudes and to eliminate patriarchal stereotypes that normalize violence against women.**

#### **Voluntary termination of pregnancy and sexual and reproductive rights**

18. The Committee notes the amendment to the Criminal Code through Act No. XXII of 2023, providing the exception to the general ban on access to abortion where the life or health of the pregnant woman is at risk. The Committee is concerned about:

(a) The continued criminalization of abortions of pregnancies that may cause substantial physical or psychological pain and suffering, including pregnancies resulting from rape or incest;

(b) The lack of information on the provision and scope of publicly funded services, such as psychological care or prenatal and post-abortion health services;

(c) The lack of guarantees, in law and in practice, for the provision of services by non-governmental organizations, including on the allocation of human, technical and financial resources;

(d) The lack of information on the accessibility of legal aid and fair trial guarantees for women being investigated, prosecuted, convicted or sentenced in relation to abortion, in addition to those previously sentenced (arts. 2, 3, 6 and 8).

19. **With reference to its previous recommendation<sup>8</sup> and its general comment No. 36 (2018), the State party should take all measures necessary to ensure that abortion is not regulated in a manner that runs contrary to its duty to ensure that women and girls do not have to undertake unsafe abortions. The State party in particular should:**

(a) **Evaluate laws and policies that may discriminate against women and girls who have recourse to abortion or arbitrarily interfere with their privacy;**

(b) **Amend its Criminal Code to guarantee safe, legal, unimpeded and confidential and effective access to abortion, where carrying a pregnancy to term would cause substantial physical or psychological pain and suffering, including where the pregnancy is the result of rape or incest or is non-viable;**

(c) **Ensure equal access to publicly funded health and social services, including social benefits and psychological care as well as high-quality prenatal and post-abortion health services;**

(d) **Ensure that women and girls do not have to undertake unsafe abortions, and effectively protect the lives of women and girls against the mental and physical health risks associated with such abortions;**

(e) **Develop comprehensive assistance programmes for women and girls who are forced by the State party's legislation to carry their pregnancies to term, targeting in particular those who have suffered temporary or permanent damage to their physical or mental health, or their families in the case of death, have large families, are forced to abandon their studies or jobs, live in poverty or belong to other vulnerable groups;**

(f) **Ensure the provision of legal aid and fair trial guarantees for women being investigated, prosecuted, convicted or sentenced in relation to abortion;**

(g) **Promote and protect equal access to affordable contraceptive measures and sexual and reproductive health awareness-raising programmes in the education**

<sup>8</sup> Ibid., para. 13.

system on the importance of using contraceptives and on the right to sexual and reproductive health, addressed to women, men and adolescents.

**Prohibition of cruel, inhuman or degrading treatment or punishment of persons deprived of their liberty and the use of excessive force**

20. The Committee acknowledges the infrastructural upgrades of detention centres and the efforts made by the State party to increase the monitoring of cruel, inhuman or degrading treatment or punishment of persons deprived of their liberty, including the screening of medical reports by the Migrant Health Service. The Committee is concerned, however, about:

- (a) The lack of comprehensive data on the detention of migrants and the use of non-custodial alternatives;
- (b) Reports of deteriorating living conditions and of inhumane treatment;
- (c) Reports of the excessive use of force against migrants and asylum-seekers in detention centres;
- (d) The lack of information on the effective remedies provided to migrants detained under the 1982 Prevention of Disease Ordinance following the decision of the European Court of Human Rights in *A.D. v. Malta*<sup>9</sup> (arts. 7 and 10).

21. **Referring to its previous recommendation,<sup>10</sup> the State party should:**

- (a) **Collect and publish comprehensive data on the detention of migrants and the use of non-custodial alternatives relating to them;**
- (b) **Guarantee, in law and in practice, the use of non-custodial alternatives, with the use of detention as a measure of last resort and for the shortest possible period of time;**
- (c) **Ensure that the principles of necessity and proportionality in the use of force are adequately reflected in legislation and policies and complied with in practice, in line with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**
- (d) **Improve the living conditions in reception and detention centres to comply with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) on a sustainable basis, including with regard to adequate health-care services and sanitary conditions, while ensuring the safe and humane treatment of all persons deprived of their liberty and independent monitoring of all penitentiaries and other detention facilities;**
- (e) **Guarantee that all detention orders based on the grounds of public health comply with the principles of necessity and proportionality, are subject to independent oversight and provide effective remedies for migrants or asylum-seekers found to have been arbitrarily deprived of their liberty;**
- (f) **Ensure that all instances of excessive use of force by law enforcement officials are promptly, impartially and effectively investigated, that those responsible are brought to justice and punished with appropriate penalties and that victims are provided with effective remedies.**

**Right to life and non-refoulement of migrants, asylum-seekers and refugees**

22. The Committee is deeply concerned about:

- (a) Reports of shipwrecks and boats in distress within the jurisdiction of the State party resulting in possible unlawful deprivations of life that have not been investigated, including those in which the State party did not respond to distress signals, responded to

<sup>9</sup> European Court of Human Rights, *A.D. v. Malta*, Application No. 12427/22, Judgment, 17 October 2023, arts. 7 and 10.

<sup>10</sup> [CCPR/C/MLT/CO/2](#), para. 18.

distress signals only after significant delay, directed merchant vessels not to respond or directed merchant vessels to intercept and reroute the boats;

(b) An interpretation of the principle of distress at sea that is not in line with the International Convention on Maritime Search and Rescue;

(c) The lack of human rights safeguards in the memorandum of understanding signed with Libya in May 2020 to combat illegal immigration;

(d) Reports of sanctions against non-governmental organizations conducting search and rescue operations, including a lack of or delayed response to distress calls initiated by them and the confiscation of their vessels;

(e) The lack of information on measures taken to ensure the proportionality and necessity of decisions of the International Protection Agency on asylum applications, in particular those found to be “manifestly unfounded”;

(f) The lack of free legal aid services provided to migrants, asylum-seekers and unaccompanied minors prior to the appeal of detention orders, removal orders, age assessments and negative asylum outcomes before the International Protection Appeals Tribunal and the Immigration Appeals Board;

(g) The lack of information on a meaningful right to appeal negative decisions of the International Protection Agency, such as to the International Protection Appeals Tribunal or an independent judicial body;

(h) The charges brought against the “El Hiblu 3”, who opposed an attempt by the authorities to return them to Libya in March 2019, which include charges of acts of terrorism under article 328A of the Criminal Code, which carry the penalty of life imprisonment (arts. 6, 7, 9 and 10).

23. **With reference to its previous concluding observations<sup>11</sup> and paragraph 63 of its general comment No. 36 (2018), the Committee recommends that the State party:**

**(a) Respect and protect the lives of all individuals who find themselves in a situation of distress at sea, in accordance with international obligations on rescue at sea;**

**(b) Take all measures necessary to ensure that individuals in distress at sea within the search and rescue zone of the area over which the State party exercises power or effective control are rescued without delay and disembarked at a place of safety, with full access to their right to asylum and protection, in accordance with the principle of non-refoulement, and a complete interpretation of “distress phase”, in accordance with the International Convention on Maritime Search and Rescue, for the purposes of determining whether boats carrying refugees, asylum-seekers or migrants are in distress;**

**(c) Adopt an approach to search and rescue operations that is in line with the Covenant and international obligations on rescue at sea, including during disembarkation, paying particular attention to the prompt identification of persons at heightened risk;**

**(d) Review the memorandum of understanding with Libya to ensure that the human rights of refugees and migrants moving by sea are safeguarded and protected;**

**(e) Guarantee access to justice for individuals and non-governmental organizations conducting search and rescue operations, including effective remedies for the lack of or a delayed response to distress signals, and ensure that all confiscations of vessels are subject to prior judicial authorization;**

**(f) Review the grounds for determining asylum applications deemed “manifestly unfounded”, guaranteeing that any restrictions are proportionate and necessary;**

<sup>11</sup> [CCPR/C/MLT/CO/2](#).

(g) **Ensure that all migrants and asylum-seekers, including unaccompanied minors, have access to free legal aid and adequate interpretation services from the outset of proceedings, ensure access to interim measures for detention or removal orders and a fair and full status determination procedure and ensure that the best interests of the child are taken into account in age assessments;**

(h) **Ensure fair and transparent trials for migrants facing criminal charges, such as the “El Hiblu 3”, including by providing free legal aid and effective interpretation services from the outset of proceedings.**

#### **Trafficking in persons**

24. While acknowledging the steps taken by the State party to improve the identification of and provision of services for victims of trafficking in persons, the Committee reiterates its concern about the low number of investigations and convictions relating to trafficking in persons. The Committee is concerned that the State party has not taken sufficient measures to ensure the rights of victims to receive full reparation, regardless of whether they cooperate with law enforcement authorities in investigations and criminal proceedings (art. 8).

25. **With reference to the Committee’s previous recommendation,<sup>12</sup> the State party should:**

(a) **Adopt measures based on disaggregated statistical data on cases concerning trafficking in persons, including the number of investigations, prosecutions and convictions;**

(b) **Provide continuous and comprehensive training programmes for police, immigration officers, border guards, prosecutors, judges, lawyers and other relevant stakeholders to improve their ability to identify, investigate and prosecute cases and to address the needs of victims of trafficking in persons effectively;**

(c) **Establish and clarify procedures for the identification and referral of victims of trafficking in persons to appropriate support services, ensuring their protection and access to medical, psychological, social and legal assistance;**

(d) **Guarantee adequate protection, reparation, compensation and rehabilitation for victims, including by ensuring the prompt investigation and prosecution of traffickers and access to legal aid.**

#### **Independence and impartiality of the judiciary**

26. The Committee notes the Constitutional amendment through Act No. XLIII of 2020, empowering the Judicial Appointments Committee to assume the previous role of the Prime Minister to advise the President on judicial appointments. The Committee also notes that, following the findings of the European Commission for Democracy through Law,<sup>13</sup> the State party undertook measures to reform the composition of the Judicial Appointments Committee by removing the role of the Attorney-General and to reform the Chief Justice appointment procedure. The Committee regrets, however, the lack of information on any additional steps taken to guarantee the independence and impartiality of the judiciary, including in relation to the composition of the Judicial Appointments Committee and on its decision-making procedure (arts. 2 and 14).

27. **The Committee recommends that the State party take additional steps, in line with the recommendations of the European Commission for Democracy through Law to guarantee the independence and impartiality of the judiciary, including legislative measures to review the composition of the Judicial Appointments Committee and its decision-making procedure. The Committee also recommends that the State party engage in meaningful consultations with relevant stakeholders, including the judiciary, the prosecution service and civil society, to ensure that the reforms are comprehensive and effective. The State party should also ensure that the procedures for the selection,**

<sup>12</sup> Ibid., para. 15.

<sup>13</sup> European Commission for Democracy through Law, Opinion No. 986/2020, 19 June 2020.



**appointment, promotion, suspension, transfer, removal and disciplining of judges comply with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary.**

#### **Right to privacy**

28. The Committee is concerned that the Malta Security Service Act of 1996 permits the Prime Minister to exercise the powers of the Minister responsible for the Security Service (art. 11), to appoint the Commissioner who oversees the Minister responsible for the Security Service (art. 4 (1)) and to hold a seat on the Security Committee (art. 14 (2)), which oversees the expenditures, administration and policies of the Security Service. The Committee is also concerned that, although the Act does not explicitly provide for the interception of online activities, “interception” has been broadly interpreted to include online communication activities. The Committee is concerned that a lack of specificity can result in overly broad interpretations and potentially arbitrary or excessive applications of surveillance powers, infringing on the right to privacy and other fundamental freedoms, without sufficient judicial oversight (art. 17).

**29. The State party should take all measures necessary to improve existing safeguards and to ensure that all decisions made by the Minister responsible for the Security Service comply with the principles of legality, proportionality and necessity, including legislative measures to review the powers afforded to the Prime Minister, guarantee independent oversight of the Security Service and ensure that all warrants for surveillance and other intrusive measures are subject to prior authorization by an independent judicial authority.**

#### **Freedom of expression**

30. The Committee notes with appreciation the adoption of the Media and Defamation Act in 2018, which decriminalized defamation. The Committee notes the completed and ongoing criminal proceedings concerning the unlawful killing of journalist Daphne Caruana Galizia and the steps taken by the State party to improve the safety of journalists, including the development of standard operating procedures entitled “Managing and responding to threats to life”. The Committee is concerned, however, about reports reflecting an increasingly hostile environment for media workers, journalists and human rights defenders, such as reports of smear campaigns and intimidation, including by means of strategic and unwarranted lawsuits, the non-recognition of non-State issued press cards and surveillance. The Committee is also concerned about the findings of the European Commission in 2023 that media outlets and citizens continued to face obstacles when requesting access to information through the public authorities and the Information and Data Protection Commissioner and about the delays in the review of the Freedom of Information Act of 2008 (art. 19).<sup>14</sup>

**31. In accordance with article 19 of the Covenant and the Committee’s general comment No. 34 (2011) on the freedoms of opinion and expression, the State party should:**

(a) **Ensure the prompt, independent and impartial investigation into all reported cases of violations of freedom of expression, including harassment, threats and violent attacks on journalists, media workers and human rights defenders, prosecute suspected perpetrators and, if found guilty, punish them with appropriate penalties and provide victims with effective remedies;**

(b) **Ensure the effective implementation of prevention and response frameworks in order to promote the safety of journalists, media workers and human rights defenders;**

(c) **Ensure the independence of regulatory institutions, including the Information and Data Protection Commissioner and the Information and Data**

<sup>14</sup> European Commission, *2023 Rule of Law Report* (SWD(2023) 818 final) (Brussels, 2023).

**Protection Appeals Tribunal, through the effective enforcement of the legal and regulatory framework;**

(d) **Ensure that safeguards are in place to prevent the use of strategic and unwarranted lawsuits to unduly target or restrict the activities of civil society organizations, media outlets, journalists and human rights defenders, including those excluded under the legislative measures taken to transpose the directive of the European Parliament on the prevention of strategic litigation against public participation;<sup>15</sup>**

(e) **Take all measures necessary to improve the working environment of journalists and guarantee access to information, including the right to promptly appeal negative decisions by the public authorities to the Information and Data Protection Commissioner, the Information and Data Protection Appeals Tribunal and the Court of Appeal.**

#### **Right to peaceful assembly**

32. While noting that the Commissioner of Police has permitted spontaneous demonstrations in the past, the Committee is concerned about the provisions of the Public Meetings Ordinance of 1931 on the requirements and criminal penalties imposed on individuals exercising their right to peaceful assembly, including the requirement of prior written notice from the Commissioner. In addition to article 15 (2), which provides for the use of force when other efforts of control by the police fail, the Committee is concerned by the lack of legal safeguards for demonstrators against the excessive use of force or reprisals. The Committee is concerned also by the charges made in October 2019 against and the arraignment en masse of migrants held in the Hal Far Reception Centre for their participation in a demonstration regarding their poor living conditions (art. 21).

33. **The State party should take the legislative and other measures necessary to ensure a safe and enabling environment in which to exercise the right to peaceful assembly. The State party should also review its legal framework on the right to peaceful assembly, holding consultations with relevant stakeholders, including civil society organizations and human rights experts, so as to guarantee that any restrictions of that right and any use of force comply with the principles of necessity and proportionality. It should improve living conditions for migrants and asylum-seekers held in reception or detention centres, while establishing effective complaint mechanisms and ensuring fair and transparent trials for migrants facing criminal charges in connection with demonstrations, including by providing free legal aid and interpretation services.**

#### **D. Dissemination and follow-up**

34. **The State party should widely disseminate the Covenant, the two Optional Protocols thereto, its third periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official languages of the State party.**

35. **In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 23 July 2027, information on the implementation of the recommendations made by the Committee in paragraphs 9 (national human rights institution), 15 (gender equality) and 23 (right to life and non-refoulement of migrants, asylum-seekers and refugees) above.**

<sup>15</sup> European Parliament and the Council of the European Union, Directive (EU) 2024/1069, 11 April 2024.

36. In line with the Committee's predictable review cycle, the State party will receive in 2030 the Committee's list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its fourth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2032.

---