**Malta Mid-term Universal Periodic Review report**

**October 2022**

**Table of Contents**

**List of abbreviations**………………………………………………………………………………………………………………………….3

**Introduction**5

**Methodology**5

**Way forward**…………………………………………………………………………………………………………………………………….6

**Table – Implementation of Malta UPR 3rd Cycle recommendations**………………………………………………….7

**List of abbreviations**

|  |  |
| --- | --- |
| AMAM | African Media Association Malta |
| AMIF | Asylum, Migration and Integration Fund |
| AML/CFT | Anti-Money Laundering/Combating the Financing of Terrorism |
| AMLD | EU Anti-Money Laundering Directives |
| ATNS | Anti-Trafficking National Strategy |
| AWAS | Agency for the Welfare of Asylum Seekers |
| CCF | Corradino Correctional Facility |
| CERV | Citizens, Equality, Rights and Values programme |
| CFR | Office of the Commissioner for Revenue |
| CRC | Convention on the Rights of the Child |
| CRPD | Commission for the Rights of Persons with Disabilities |
| DIER | Department for Industrial and Employment Relations |
| DS | Detention Service |
| DVS | Domestic Violence Services |
| EASO | European Union Agency for Asylum |
| ENAR | European Network against Racism |
| EPPO | European Public Prosecutor’s Office |
| EUAA | European Union Agency for Asylum |
| FCID | Financial Crimes Investigations Department |
| FCTF | Financial Crime Task Force |
| FGM | Female Genital Mutilation |
| FIAU | Financial Analysis Intelligence Unit |
| FSWS | Foundation for Social Welfare Services |
| GREVIO | Group of Experts on Action against Violence against Women and Domestic Violence |
| GU | Genitourinary |
| HRD | Human Rights Directorate |
| HRIU | Human Rights Initiatives Unit |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| IOM | International Organization for Migration |
| IPA | International Protection Agency |
| IRC | Initial Reception Centre |
| JRS | Jesuit Refugee Service |
| LEI | Learning – Exchanging - Integrating |
| MCAST | Malta College of Arts, Science and Technology |
| MFH | Ministry for Health |
| MHS | Migrant Health Service |
| MHSR | Ministry for Home Affairs, Security, Reforms and Equality |
| ML/TF | Money Laundering and Terrorist Financing |
| MPF | Malta Police Force |
| MSPC | Ministry for Social Policy and Children’s Rights |
| NCPE | National Commission for the Promotion on Equality |
| NGOs | Non-Governmental Organisations |
| NHRI | National Human Rights Institution |
| NPM | National Preventive Mechanism |
| NSO | National Statistics Office |
| OSCE | Organization for Security and Co-Operation in Europe |
| PSCD | Personal, Social and Career Development |
| SARs | Suspicious Activity Reports |
| SLAPP | Strategic Litigation Against Public Participation |
| SOGIGESC | Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics |
| SRE | Sexuality and Relationships Education |
| STEM | Science, Technology, Engineering and Mathematics |
| STRs | Suspicious Transaction Reports |
| THB | Trafficking in Human Beings |
| UMAS | Unaccompanied Minor Asylum Seekers |
| UNHCR | United Nations High Commissioner for Refugees |

1. **Introduction**

In 2019, Malta accepted the recommendation by UN High Commissioner for Human Rights Michelle Bachelet to all states undergoing the third cycle of the Universal Periodic Review, to submit a voluntary report Universal Periodic Review (UPR) report ahead of its fourth UPR review.

The Third Cycle of Malta’s Universal Periodic review took place during the thirty-first session of the Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, between 5 to 16 November 2018. The report on Malta was adopted by the Working Group on 14th November 2018. Out of the 157 recommendations received, Malta ‘*Supported’* 122 recommendations, *‘Partially supported’* 8 recommendations and *‘Noted’* the remaining 27 recommendations. Recommendations listed as *‘Supported’* are the ones that Malta accepted and committed to fulfil, the ones that are listed as *‘Noted’* are recommendations that Malta has taken note of but has not committed to fulfil, whereas recommendations listed as ‘*Partially supported****’*** are those that have an aspect that Malta will action and others that Malta does not intend to follow-up on.

Relevant Ministries and related entities, who were consulted in drawing up the report (see Methodology section), were involved in implementing recommendations from the UPR process as part of their efforts to ensure the mainstreaming of human rights across the board. Progress on various fronts achieved so far on addressing the recommendations that emanated from Malta’s Third Universal Periodic Review in 2018 are presented in table format in this report.

1. **Methodology**

This report was coordinated and compiled by the Ministry for Foreign and European Affairs and Trade (MFET), in consultation with several Line Ministries between 2021-2022, namely the Ministry for Home Affairs, Security, Reforms and Equality (MHSR); Ministry for Justice (MFJ); Ministry for Education, Sport, Youth, Research and Innovation (MEYR); Ministry for Finance and Employment (MFE); Ministry for Active Ageing (MFAA); Ministry for Inclusion, Voluntary Organisations and Consumer Rights (MIVC); Ministry for Social Policy and Children’s Rights (MSPC); Ministry for Health (MFH); Ministry for the Environment, Energy and Enterprise (MEEE) as well as the Department of Industrial Relations (DIER) within the Office of the Prime Minister (OPM). Each Ministry submitted an account of progress achieved on the recommendations to date.

Moreover, outreach was made to NGOs working in the field of human rights. Only one submission was received, namely from LGBT+ Gozo, that praised the advances Malta made on LGBT+ rights including through cooperation between the Government and NGOs, whilst echoing some of the recommendations made during Malta’s last UPR and called for measures to improve implementation of the Gender Identity, Gender Expression and Sex Characteristics Act of 2015 and easier access to sexual health medication such as HIV medication.

1. **Way forward**

Through this exercise, the Maltese Government has taken stock of the implementation of the recommendations made during the 3rd Cycle of Malta’s UPR review also in the particular context and circumstances of the COVID-19 pandemic which inevitably increased the challenges faced. The compilation of this report has enabled the identification of areas where progress has been registered, where work is ongoing or more action is needed. Malta remains committed to the Universal Periodic Review process and to fulfilling its implementation and reporting obligations, in order to contribute to guaranteeing the universality of human rights to all.

**Table – Implementation of Malta UPR 3rd Cycle recommendations**

| **Recommendation** | **Position** | **Assessment/comments on level of implementation** |
| --- | --- | --- |
| ***Theme: A12 Acceptance of international norms*** | | |
| 111.8 Consider acceding to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Italy);  **Source of position:** A/HRC/40/17/Add.1 - Para. 4 | Supported | Malta will consider accession to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR) but it cannot commit to it at this stage. |
| 111.1 Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Austria) (Croatia) (Spain);  **Source of position:** A/HRC/40/17/Add.1 - Para. 4 | Supported | Malta signed and ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 2019. |
| 111.7 Consider acceding to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Italy);  **Source of position:** A/HRC/40/17/Add.1 - Para. 4 | Supported | See response to 111.1. |
| ***Theme: A22 Cooperation with treaty bodies*** | | |
| 110.1 Bolster cooperation with the United Nations treaty bodies (Senegal);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Malta commits to submit periodic treaty body reports and continues to uphold its commitments in this regard. |
| ***Theme: A41 Constitutional and legislative framework*** | | |
| 110.28 Take measures to ensure the full implementation of legislation against xenophobia and discrimination, paying special attention to migrants (Chile);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Government is committed to presenting before Parliament a ‘legislative package’ giving new functions to the National Commission for the Promotion of Equality (NCPE), transforming it into Malta’s first National Human Rights Institution (NHRI), and creating new legal structures which offer effective and efficient remedies for victims of discrimination.  In the previous legislature, the Human Rights and Equality Commission Bill (Bill 97 of 2019) was tabled in Parliament. The Bill provides for the establishment of a body to be known as the Human Rights and Equality Commission in line with the principles relating to the Status of National Institutions (The Paris Principles) and European Union equality legislation, responsible for the promotion and protection of human rights including the right to equal treatment and non-discrimination in Malta. The bill dissolves NCPE and provides for the conferral of its functions to the Human Rights and Equality Commission, as Malta’s first NHRI.  The Equality Bill, Bill 96 of 2019, was discussed during the previous Parliamentary session. It brings together all equality provisions and elevates protection against all forms of discrimination to a wide variety of protected characteristics to an equal level. The Bill prohibits all forms of discrimination in various spheres of life, to promote equality and prevent discrimination, by imposing positive obligations on the State.  It is envisaged that the Human Rights and Equality Commission Bill as well as the Equality Bill will be re-tabled for Parliament’s consideration as per the current Government Programme.  Moreover, the Anti-Racism Strategy 2021-2023, which is Malta’s first national action plan against racism and xenophobia, was adopted by Cabinet on Wednesday 28 July 2021. It was officially launched on Thursday 30 September 2021, and it was presented to stakeholders and recipients in a conference on Friday 15 October 2021. It is a comprehensive policy document, which aims to confront and eliminate racism in all its forms, individual, systemic and societal and to stimulate and support intercultural inclusion. Through its 22 measures, it makes anti-racism and anti-discrimination both individual and collective responsibilities across all sectors of society – Government and the public sector, democratic and political institutions, the media, but also the private sector, civil society, and the general population. Malta’s Strategy is in line with the EU’s Anti-Racism Action Plan 2020-2025. The implementation phase began with the first meeting of the Anti-Racism Platform (Measure 3) last July and the Anti-Racism Strategy Stakeholders Conference on 15 October. The first report on progress shall be drafted in Q4 2022. A public consultation initially ran from 9th October to 9th November 2020 during which 61 respondents gave their suggestions for measures on various areas such as research, law enforcement, education, employment and housing, amongst others. From the outset, this process and its outcome aimed to improve Government’s response to and mainstreaming in policymaking of discrimination, racism and xenophobia whilst also addressing racism at the societal and individual levels through activities with key actors of democracy and social partners as well as awareness raising at the grassroots level. This would build upon the existing anti-racist and anti-discriminatory legislation. Maltese law condemns, and penalises, discrimination, hate crimes, as well as hate speech in all their forms: Article 45 of the Constitution of Malta, Criminal Code (Cap. 9), Police Act (Cap. 164), Extradition Act (Cap. 276), etc.  In addition, the Human Rights Directorate (HRD) within Ministry for Home Affairs, Security, Reforms and Equality (MHSR) is carrying out two EU-funded projects that further the implementation of the Anti-Racism Strategy 2021-2023:  *Equality for all in Malta* is a two-year project under the Rights, Equality and Citizenship funding programme, which having started in October 2020 will be concluding in September 2022. The aim of this project is to tackle the issue of under-reporting of cases of discrimination on the grounds of race/ethnic origin and belief/faith/religion. In partnering up with Aditus foundation and the European Network on Religion and Belief, training was provided to members of migrant communities to empower them to effectively enjoy their rights and the new remedies laid down in law. Three virtual training sessions were held in April and September 2021 and in February 2022. Almost 120 participants attended this training. A final conference will be held in Quarter 3 of 2022 and a manual will be published at this event showcasing the training material for further reach of migrant communities. Moreover, an awareness raising campaign on equality and non-discrimination was held between December 2021 and January 2022 through bus shelters, distribution of posters, videos, and the utilisation of social media. Another awareness raising campaign is being developed.  *Towards the Implementation of an Anti-Racism Strategy in Malta* is two-year project being funded by the Citizens, Equality, Rights and Values funding programme which started in March 2022. This project is aimed at improving Maltese public authorities’ responses to multiple and intersectional discrimination, racism and xenophobia. This project will bring change through:  -Building trust between communities and public authorities by establishing a civil society-led Anti-Racism Platform;  -Research aimed at deepening Government’s understanding of the experience of members of minority groups in Malta;  -The creation of a tool and the adoption of intra-ministerial action plans to ensure anti-racism mainstreaming in Government action and policymaking;  -Training of public officers in key sectors  -Fostering cooperation between key stakeholders to improve data collection practices on hate speech and hate crime;  -Adopting a national Anti-Rumours Strategy based on the thorough diagnosis and training of anti-rumour agents; and.  -An awareness raising campaign.  The consortium comprises of HRD, the European Network against Racism (ENAR), Diversit, Kopin, University of Malta and NCPE. The National Statistics Office (NSO) is an associated partner. |
| ***Theme: A43 Human rights policies*** | | |
| 110.16 Further guarantee the rights of groups, including migrants, women, children and persons with disabilities (China);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Malta’s Criminal Code (Chapter 9 of the Laws of Malta) criminalises any threatening, abusive or insulting words or behaviour, or the display of any written or printed material which is threatening, abusive or insulting, with intent thereby to stir up violence or hatred against another person or group of persons on the basis of the protected characteristics.  In respect of persons with disabilities, Malta adopted the United Nations Convention on the Rights of Persons with Disabilities Act (Chapter 627 of the Laws of Malta), and amendments to the Equal Opportunities (Persons with Disabilities) Act (Chapter 413 of the Laws of Malta), together with amendments to the Criminal Code (Chapter 9 of the Laws of Malta) extending hate crimes protections to disabled and older persons, and amendments to the Persons with Disability (Employment) Act (Chapter 210 of the Laws of Malta) in 2021. Additionally, Malta also adopted a National Disability Strategy and National Autism Strategy covering the period 2021-2030, and passed amendments to the Persons within the Autism Spectrum (Empowerment) Act (Chapter 557 of the Laws of Malta), to facilitate implementation of the latter Strategy.  In respect to migrants, Malta acceded to the 1954 Convention relating to the Status of Stateless Persons on 11 December 2019 and the Convention entered into effect for Malta on 10/03/2020 (subject to the reservations and declaration submitted by Malta).  Newly-arrived migrants residing at the Initial Reception Centre (IRC) are provided with information about the asylum process and asked whether they wish to apply for asylum. Practically all migrants rescued at sea apply for international protection. Visits by lawyers and NGOs, including United Nations High Commissioner for Refugees (UNHCR), are allowed at the open and closed centres to provide information about the process.  The right to appeal is also provided for in the International Protection Act (IPA) with the setting up of an International Protection Tribunal. The Tribunal has the power to hear and determine appeals against a decision of the International Protection Agency including appeals from decisions for the transfer of a third country national from Malta to another Member State in accordance with the provisions of Council Regulation 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or stateless person.  Malta abides by the principle of non-refoulement in accordance with its international obligations and the provisions of the International Protection Act. This principle applies in respect of all asylum seekers and beneficiaries of international protection.  Furthermore, the International Protection Agency (set up in 2020) is taking all necessary measures to ensure that as far as possible, applications are assessed within a reasonable period. This includes moving to new premises in March 2021 that are more adequate for the running of its operations, as well as the beefing up of human resources in line with the plans of the IPA. IPA have also extended their presence at Safi barracks; in 2021, IPA installed a set of new containers and between 2022-2024 IPA plan to continue improving the facilities there by installing new containers and replacing the old ones, with the support of the European Union Agency for Asylum (EUAA).  In total, there were 9 additional recruits in 2020 and 2021. These measures have resulted in:   * - Elimination of backlog of asylum seekers awaiting to submit their application for asylum * - Elimination of waiting time between the moment a migrant leaves the initial reception centre and applies for asylum. Applications are being registered immediately after asylum seekers are transferred from the initial reception centre to an open centre. The issuance of an Asylum Seeker’s Document (ASD) at such an early stage is giving more stability to the asylum seekers, particularly in terms of applying for a work permit. * The progress made within the IPA is manifested in the reduction in the pending applications. Notwithstanding the high number of applications received in 2019 and 2020, the IPA managed to reduce the backlog of applications from 3,574 in 2019 to 2,441 in June 2022. The backlog of applicants awaiting to submit their application have been addressed completely and asylum seekers are being issued with an Asylum Seeker’s Document (ASD) immediately before they leave the Initial Reception Centre. The availability of an ASD gives more stability to asylum seekers in the community as it serves as a means of identification and facilitates access to the labour market.   It should also be noted that applications are already assessed on an individual basis.  With regard to international protection, newly-arrived migrants residing at the Initial Reception Centre (IRC) and Open Centres are provided with information about the asylum process and asked whether they wish to apply for asylum through the newly established Migrants Advice Unit run by the Agency for the Welfare of Asylum Seekers (AWAS). The Migrants Advice Unit provides migrants residing at the IRC and Open Centres information about the asylum process and asked whether they wish to apply for asylum.  Moreover, visits by lawyers and NGOS, including UNHCR, are allowed at open and closed centres to provide information about the process. Free legal aid at appeals stage is provided by the Government.  The return of irregular migrants, including the detention of such migrants with a view to returning them, is regulated by Council Directive 2008/115 on common standards and procedures for returning illegally staying third-country nationals. The provisions of this Directive have been transposed into national legislation by the Common Standards and Procedures for Returning Illegally Staying Third Country Nationals Regulations, SL 217.12. It should also be noted that Return Decisions may also be appealed. Appeals are heard by the independent Immigration Appeals Board.  In January 2021, a Returns Unit was set up with the aim of stepping up the Government’s efforts in the return of failed asylum seekers, both forced and voluntary returns. Indeed, the Returns Unit introduced a system of return counselling, organises return outreach in reception centres and in the community, disseminates informational material on return opportunities, monitors and implements programmes on voluntary return and acts as a national focal point on return issues in relation to relevant stakeholders, including the International Organisation for Migration (IOM). The Returns Unit have provided return counselling to all irregular migrants who arrived in Malta after its creation, therefore ensuring that all these individuals have been provided adequate information about available return opportunities.  A new post of Director on Migration was newly set up within the Ministry for Home Affairs, Security, Reforms and Equality in 2022. The post will coordinate and oversee operational initiatives in the field of migration, with the overall aim of ensuring a fair and efficient asylum system for genuine asylum seekers who are truly in need of protection and at the same time facilitating the return, reintegration and readmission of failed asylum seekers.  In 2020 the Detention Service (DS) embarked on a transformation which is meant to reach a balance between security and welfare. A welfare officer who specialises in mental health was recruited and a General Practitioner who focuses entirely on the Migrant Health Service has also joined the DS. To address the issues related to staff shortages, over hundred Detention Service Officers were recruited. New recruits, as well as veteran officers, are being provided with mandatory training on various topics. These include international protection, cultural barriers, mental health, restraint, identification of drug or substance abuse, among others.  Works on two new compounds and a clinic has started at the Safi Detention Centre in 2020. These units, which were opened in 2021, were specifically designed to serve for detention purposes and therefore they are more secure and comfortable. The new clinic opened in 2021 increased the quality and efficiency of the medical services provided by doctors and nurses at the Safi premises and eliminated the reliance of the DS on the Government’s Primary Health Care. In 2020 MHSR also renovated the ground floor of the Hal Far Initial Reception Centre (HIRC) which could also serve as a quarantine facility for new admissions. A Close Monitoring Unit has also been created at the Safi premises to cater for detainees suffering from serious infectious conditions.  Extensive refurbishment works have also been undertaken on all the other compounds used for detention purposes in Hal Safi. These renovation works are meant to ensure that the living quarters are more secure, provide a more comfortable environment and all detainees have access to outdoor areas throughout the day. The changes have made it possible to the DS to house detainees according to their protection and socio-political needs. It also implemented a major upgrade to its CCTV system. All areas inside the detention centres and vehicles have been equipped with security cameras.  In 2022 DS concluded an agreement with the Government’s Mental Health Services for the provision of an in-house psychiatric clinic and a crisis service for urgent situations. Detainees are offered routine screening for psychological issues, and for other medical complaints such as ophthalmic problems, sexual health and other issues. During the same year, the DS signed a memorandum of understanding with the Malta Football Association (MFA) to provide weekly sport and fitness sessions to all detainees.  It is important to point that AWAS follows all matters concerning asylum seekers detained inside premises run by the DS. Moreover, all persons who lodge an asylum application undergo vulnerability assessments. AWAS is responsible for providing reception facilities to asylum seekers. The support provided by AWAS is not limited to accommodation in open centres; the Agency offers psychosocial services, information provision, financial assistance, support to enhance one’s employability and other services which are meant to help asylum seekers lead an independent life. AWAS runs a community outreach programme, whereby it makes its services also available to asylum seekers who do not necessarily reside in one of the centres run by AWAS.  As part of its effort to increase accountability and consistency in its internal procedures, the DS has introduced a set of standard operating procedures (SOPs) which regulate a wide range of procedures, such as the admission of detainees, the use of force, visits by third parties to detainees, prevention against transmission of communicable diseases and the complaint system, among others.  Women, if detained, are accommodated in separate areas to men. Minors, families and vulnerable groups are accommodated in specific open centres to cater for their needs and are not detained.  When an unaccompanied minor submits an application for asylum, he or she is provided with a representative, appointed by the competent authorities. In this regard, it is important to note that before the International Protection Agency can proceed with the asylum procedure, a representative needs to be appointed to ensure that the unaccompanied minor is provided with the necessary assistance. Moreover, a personal interview will only take place with the presence of the applicant’s representative. The International Protection Agency takes all possible measures to ensure that personal interviews and decision making involving unaccompanied minors are done by staff specifically trained in child related matters. To this effect, the International Protection Agency regularly sends staff to participate in relevant EASO training modules, including the module ‘Interviewing Children’. In case it is established that an unaccompanied minor does not meet the criteria to be granted international protection, the International Protection Agency would grant him or her Temporary Humanitarian Protection till s/he reaches the legal age of 18, so as to avoid that an unaccompanied minor is repatriated to his or her country of origin. In the case of accompanied minors, they are generally not interviewed, unless a request is made directly by the adult responsible for him/her, by the minor himself/herself, or it is established that a personal interview would be in the best interest of the child.  Irrespective of the status of their parents or their own status, all unaccompanied minors have access to State School education free of charge in line with the right to education. Whenever necessary, particularly with reference to linguistic needs, preparatory classes are made available to such minors at State Schools. Procedures to trace the family members of Unaccompanied Minors are initiated once such minors are accorded International Protection, in accordance with Regulation 18 of the Procedural Standards in Examining International Protection Regulations (SL 420.07). In the eventuality that family members are positively identified, further action would be taken, possibly with a view to reuniting the minor with his or her family members, provided that this is in the best interest of the child.  AWAS within the Ministry for Home Affairs, Security, Reforms and Equality have also initiated plans to develop specialised services for LGBTI persons. All AWAS employees will receive training on LGBTI issues, and a professional team will receive specialised training in supporting to LGBTI persons and to channel them to the right support services they require within the national entities and services already set up. A protocol is to be set up with local NGOs to be able to support LGBT+ persons better. As part of this project, to develop specialised services, dedicated accommodation will also be provided.  In 2020, the AWAS in coordination with EUAA (then EASO), have introduced a new team which is the Vulnerability Assessment Team. The team is assessing potential vulnerable persons who are at the Initial Reception Centre, closed centres and open centres. AWAS already has a history and extensive experience of carrying out vulnerability assessments. The added value of EASO’s support are a structured methodology for vulnerability assessments, support to carry out more assessments which go beyond AWAS’ capacity to do so. This was set up to ensure that vulnerable adults in the centres are assessed accordingly. Referrals can be internal, whereby service users can be referred by all teams within AWAS: coordinators in the centres, care team and therapeutic team. All other entities and NGOs who visit the closed and open centres can refer people by using a specific referral form.  An update in the Special Needs and Vulnerability Assessment (SNVA) Adult Referral Assessment Procedure ensures the early identification of people with special needs (vulnerable adults) in the Initial Reception Centres who are then assessed accordingly. The overall objective is to identify vulnerable applicants and their special needs at any stage of the asylum procedure and to ensure timely access to appropriate services in terms of special reception needs, as well as special procedural guarantees. In 2021, the Therapeutic team screened around 400 individuals whilst the EASO /AWAS team conducted 830 vulnerability assessments. These figures do not include social workers assessments, AWAS team of medical doctors’ assessments, Specialized services assessments and Genitourinary (GU) Clinic Assessments in cases of female genital mutilation (FGM).  In 2020, AWAS also established the Unaccompanied Minor Asylum Seekers (UMAS) Protection Service which is a dedicated team of Social Workers focusing solely on UMAS. In addition the number of social workers also increased through recruitment process.  In 2021, AWAS engaged three additional welfare officers to compliment the welfare coordinator within each centre. The role of these officers is to strictly follow the clients hand-in-hand with the residents’ social worker, welfare coordinator and psychosocial team. Additionally, AWAS plans to strengthen its team of vulnerability assessors by the recruitment of eight professionals in 2022. In order to provide a safe environment, men are accommodated in separate buildings in closed centres. Vulnerable persons, including minors are accommodated in specialised centres to cater for their needs.  In 2021, the Migrants Advice Unit provided 2,947 information sessions in all centres. Topics included Asylum procedure, Education, Employment, Health and Assisted Voluntary Return. These information sessions were carried out in conjunction with EUAA, and the content was developed and tested together.  In addition to the information provided in 110.28, HRD within MHSR is also encouraging migrant integration by providing the I Belong Programme, which falls under the ‘Learning - Exchanging – Integrating’ (LEI) Asylum, Migration and Integration Fund (AMIF) project. The Programme is designed in 2 stages, the first of which includes a Beginner’s course in Maltese, English and Maltese Culture, and with the second stage involving further learning in Maltese language and Culture. Foundation courses in Maltese and English are being offered to support students with literacy difficulties in coordination with Lifelong Learning. The programme is delivered by the University Malta and the Malta College of Arts, Science & Technology (MCAST). Upon completion, students are awarded recognized certifications in all three subjects, which can be used for entry into the labour market. In 2021 alone, 657 students graduated from Stage 1, with 409 more students awaiting Stage 1 certification. In 2021, the Directorate began working on ensuring the longevity of I Belong, given that further EU and national funds will need to be allocated for subsequent years after LEI’s conclusion at the end of 2022. Meanwhile, the Stage 1 contract with MCAST was extended until June 2022. The first MCAST Stage 2 Cohort began in April 2021.  Turning the Tables is a migrant-led initiative involving the organisation of conferences and publication of research based on integration-related topics, set up in collaboration between HRD and the UNHCR and led by the African Media Association Malta (AMAM). This initiative seeks to empower migrant and refugee communities to strengthen their own capacity to participate in the policymaking and legislative processes. Two seminars and meetings took place in 2021, where participants were encouraged to submit their proposals and policy recommendations on thematic issues, such as education, employment, documentation, political rights, and detention. Research will be carried out on these topics, with the result presented in publications. Two reports have been published with the research being aimed at supporting the empowerment of migrants to directly tackle integration related matters, namely those of Employment and Education.  Within the framework of Learning – Exchanging – Integrating (LEI), HRD implemented the Diploma in Education for Cultural Mediation, after this began to be delivered by the University of Malta in 2021. This course trains professionals in facilitating harmonious relations between migrants and citizens in the host country, promoting mutual exchange of knowledge and the establishment of positive relations between individuals of diverse cultural backgrounds and ethnic origins. |
| 110.92 Take measures to promote and ensure the full realization of all human rights and fundamental freedoms for young persons (Moldova);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | In 2010, the Government had established Aġenzija Żgħażagħ (the National Youth Agency), to promote and sustain the empowerment of young people, in particular through their active participation. Maltese National youth policy always promoted youth rights and the Government in 2017 lowered the voting age to 16 in all elections and referenda and in 2022 young people aged 16 and over voted in the national elections for the first time, after having voted in other elections.  In 2021 the Government launched a new *National Youth Policy: Towards 2030*. The policy emphasizes the notion of young people’s access to rights particularly through empowerment. Its principles state that the Government would strive to develop and promote projects and initiatives that support young people's understanding of citizenship, focusing on their rights and responsibilities within and towards their communities. The policy offers support to young people in their transition to adulthood and calls for the development and promotion projects and initiatives that support young people's understanding of citizenship, focusing on their rights and responsibilities within and towards their communities. Aġenzija Żgħażagħ launched its Civic Education Programme in all secondary schools through which young people are given the opportunity to discuss the issue of youth rights. |
| ***Theme: A45 National Human Rights Institution (NHRI)*** | | |
| 110.2 Intensify efforts to establish a national human rights institution, in accordance with the Paris Principles (Uganda);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Government is committed to presenting before Parliament a ‘legislative package’ giving new functions to the NCPE, transforming it into Malta’s first NHRI, and creating new legal structures which offer effective and efficient remedies for victims of discrimination.  Furthermore, the legal structure of the Parliamentary Ombudsman Institution is already an independent structure and does not need to be strengthened further, also in view of the forthcoming establishment of the Human Rights and Equality Commission. |
| 110.3 Establish a consolidated national institution with broad competence in the field of human rights, in accordance with the Paris Principles (Ukraine);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2. |
| 110.4 Establish a national human rights institution, in accordance with the Paris Principles (Cameroon);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2. |
| 110.5 Establish a national human rights institution, in accordance with the Paris Principles (Spain);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2. |
| 110.6 Establish, in full conformity with the Paris Principles, an independent national human rights institution (Finland);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2. |
| 110.7 Move towards the creation of a national institution with broad competence in the field of human rights (Chile);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2. |
| 110.8 Accelerate internal processes for the establishment of a national institution for human rights, in accordance with the Paris Principles, as recommended previously (Costa Rica);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2. |
| 110.9 Consider further necessary steps to establish a national human rights institution, in accordance with the Paris Principles (Nepal);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2. |
| 110.11 Strengthen efforts in establishing a national human rights institution, in accordance with the Paris Principles (Indonesia);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2. |
| 110.12 Establish a national human rights institution as an independent body in full conformity with the Paris Principles (Ireland);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2. |
| 110.13 Establish a consolidated national institution with broad competence in the field of human rights, in accordance with the Paris Principles (Portugal);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2. |
| 110.14 Establish a dedicated national human rights institution, in accordance with the Paris Principles (Republic of Korea);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2. |
| 110.15 Establish a body responsible for the promotion and protection of human rights, including the right to equal treatment (Greece);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2. |
| 110.10 Adopt the law on the establishment of the national human rights institution (Hungary);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Government is committed to presenting before Parliament a ‘legislative package’ giving new functions to the NCPE, transforming it into Malta’s first NHRI, and creating new legal structures which offer effective and efficient remedies for victims of discrimination. |
| ***Theme: A47 Good governance*** | | |
| 110.36 Strengthen its anti-corruption institutions, including the enforcement of anti-money-laundering regulations (Sweden);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Over the past years, the Government has introduced reforms to target corruption, through *inter alia* the enhancement and further improvement of the quality, independence and efficiency of the national justice system, the safeguarding of whistle-blowers, the removal of the prescriptive period over corruption offences committed by politicians, through the regulation of public appointments, the further regulation of judicial appointments and judicial accountability, as well as through the joining of the European Public Prosecutor’s Office’s (EPPO) establishment. Major investment was made through the increase in personnel at the Financial Analysis Intelligence Unit (FIAU), Police and Office of the Attorney General as well as the setting up of a National Coordinating Committee on Combating Money Laundering and Funding of Terrorism. Other major developments include the shifting of the decision to prosecute and prosecutions of Money Laundering and Terrorist Financing (ML/TF) offences from the Police to the Attorney General so that the Police remain responsible for investigation of these offences while the Attorney General prosecutes before the inferior courts. This has yielded major results with the arraignment of a number of physical and legal persons including intermediaries (professional enablers) facilitating ML offences.  Another milestone was achieved with the enactment of the Proceeds of Crime Act (Chapter 621 of the Laws of Malta) which introduced non conviction-based confiscation into national law. This is also an important step in the fight against money laundering. The Act provides for the identification, tracing, freezing and confiscation of proceeds of crime including laundered property, income and other benefits derived from such proceeds held by criminal defendants, property that is the proceeds of, or used in, or intended or allocated for use in the financing of terrorism, terrorist acts or terrorist organisations, for the setting up of the Asset Recovery Bureau as a body, independent of the Government, for the said purpose, for non-conviction based confiscation of proceeds of crime and other matters consequential or ancillary thereto. The Proceeds of Crime Act, which was published on the 19 February 2021, entered into force on the 12th March 2021.  To strengthen its ability to fight ML/FT and enhance its functions and effectiveness, the FIAU has gone through an intense process of transformation in the past few years, marked by a significant and rapid increase in personnel and resources. Indeed, a human resources plan agreed to between the Government of Malta and the FIAU has enabled the latter to grow from a team of 35 employees in 2017, to 130 employees as of 10th August 2022. The FIAU aims to further expand to 174 employees by the end of 2022, and to cater for such development, an investment of EUR 87.6 million (excluding VAT) has been made with a plan to relocate to new and larger premises by the end of Q2 of 2022. New systems are being developed to provide the necessary infrastructure systems for its operations. This involves the setup of the entire office network, security systems and connectivity requirements.  This increase in personnel and resources has enabled the FIAU to reorganise and strengthen its structure as well as policies and procedures in order to allow for a more specialised and targeted approach to combatting ML/FT. By way of example, in 2020, the then Supervision and Enforcement Section within the FIAU was segregated into two separate teams with dedicated personnel divided into sub-teams. In particular, a Risk Team was created within the now Supervision Section in order to coordinate more efficiently the risk assessment process of obliged entities, thereby enabling the application of a more frequent and intense supervision strategy to those sectors and obliged entities which pose the highest ML/FT risks (i.e. applying into practice, Risk Based Supervision (RBS)).  This overhaul has contributed to enhanced standards of supervisory as well as enforcement work. Indeed, between July 2019 and June 2020, the FIAU applied for the first time a new risk-based supervisory strategy, which saw a total of 167 compliance examinations being carried out. This is a sharp increase when compared to the 69 and 55 examinations carried out during 2019 and 2018, respectively. A further 145 examinations were also carried out during the second supervisory cycle (July 2020 to June 2021), and a further 154 examinations have been carried out from July 2021 to July 2022 together with 3 supervisory meetings.    The Enforcement Section has also stepped up its efforts in taking all the necessary actions against obliged entities found to be in breach of their Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) obligations. In 2020, the FIAU issued no less than 30 remediation directives (15 of which have been concluded as at 31/07/2022), 38 written reprimands, and 170 administrative penalties to obliged entities, amounting to a total of €4,654,311. In 2021 there was a near three-fold increase in the quantum of the administrative penalties imposed on obliged entities, reaching the amount of €12,376,088 spread over 174 administrative penalties. Other administrative measures imposed throughout 2021, were 19 Directives (2 of which have been concluded as at 31/07/2022) and 133 written reprimands. In 2022 (up until 31 July), the FIAU has imposed administrative penalties amounting to a total of €1,105,985, this on 48 obliged entities. In addition, the FIAU also imposed 12 Directives (1 of which has been closed as at 31/07/2022) and 6 written reprimands.  The above developments are a reflection of some of the major improvements resulting from the implementation of a comprehensive 138-point action plan implemented by the FIAU in close liaison with the AML Unit of the European Commission and the European Banking Authority (EBA), to fully overhaul its policies and procedures in AML/CFT supervision and enforcement.  Recognising the increasing importance of promoting compliance through outreach efforts, a Guidance and Outreach team was established in 2019 within the Legal Affairs Section of the FIAU to better focus on identifying and addressing the guidance needs of obliged entities. In response to the challenges brought about by the COVID-19 pandemic, the FIAU took advantage of the move towards digital work and regularly delivered webinars free of charge on various AML/CFT topics, which were attended by obliged entities across all regulated industries. Notwithstanding this, the FIAU still recognized the need for a hybrid training model and in the last quarter of 2021, live training events were cautiously re-introduced. Recordings of such webinars and live training sessions are available on the FIAU website for further use as training materials.  Through its Guidance and Outreach team, the FIAU also continued to work on its public private partnership programme through initiatives aimed at strengthening the overall compliance standards in Malta in the area of AML/CFT. Apart from hosting the AML/CFT Consultants Forum and the Joint Committee for the Prevention of Money Laundering and Funding of Terrorism, the FIAU launched a new form of public private partnership known as ‘AML/CFT Clinics’, with the aim of providing hands-on assistance to credit institutions to better understand their AML/CFT obligations and how such can be met, as well as assist them with certain granular specific difficulties they encounter in adhering to such obligations.  A higher level of awareness among obliged entities of their AML/CFT obligations, as well as increased supervision and enforcement efforts have also been attributed to an increase in the number of suspicious transaction reports or suspicious activity reports (STRs/SARs) received by the Intelligence Analysis Section of the FIAU. Indeed, in 2020, 5,175 STRs/SARs submissions were made by reporting entities to the FIAU. In 2020, 173 reports were disseminated to the Malta Police Force (MPF) which consisted of 71 analytical reports and a further 102 spontaneous disseminations for further investigations. A further 261 intelligence reports were also shared with competent and other authorities and a further 4,191 spontaneous intelligence reports were forwarded to foreign FIU counterparts. In 2021, these numbers continued to increase, with a total of 7,218 STRs/SARs received by the FIAU from reporting entities. Disseminations to the MPF increased to 328, consisting of 74 analytical reports, 140 additional intelligence reports and a further 114 spontaneous disseminations. During 2021, 703 spontaneous intelligence reports were also forwarded to the Commissioner for Revenue (CfR). The increase was also seen in the number of disseminations to foreign counterpart FIUs, which reached a total of 7,295 in 2021.  In 2022 (as at end of July 2022), the FIAU already received 5160 STRs/SARs from obliged entities, supervisory bodies, and other competent authorities. Disseminations to the MPF, as at end of July 2022 have totalled 222, consisting of 49 analytical reports, 117 additional intelligence reports and a further 56 spontaneous disseminations. During 2022 (as at end of July 2022), 238 spontaneous intelligence reports were also forwarded to the CFR, together with another 131 spontaneous disseminations to other national competent authorities. The number of disseminations to foreign counterpart financial intelligence units, has reached a total of 3,706.  In 2020, a dedicated team within the Intelligence Analysis Section was also established to carry out strategic analysis by using different sources at its disposal. A total of 8 strategic analyses were carried out and completed during 2020 by the said team, covering various areas of interest including cash usage, tax crimes, corruption and bribery, international elements, and remote gaming. A 24-month plan for strategic analyses and other projects was drawn up to focus on achieving a better understanding of ML/FT threats and vulnerabilities affecting the Maltese jurisdiction, while ensuring that the identification of operational cases is kept current with the Unit’s and the jurisdiction’s priorities. Several projects have been initiated in 2021, including strategic and tactical analyses, some of which are ongoing and being continued in 2022.    In addition, the Intelligence Analysis Section is also currently leading and chairing the Financial Crime Task Force and the InterAgency Committee of the Countering of Funding of Terrorism. These working bodies are aimed at enhancing cooperation between the FIAU and other stakeholders, including law enforcement bodies, thereby enabling the FIAU to provide continuous hands-on assistance in the investigation and prosecution of identified high profile cases. The Intelligence Analysis Section has also taken the initiative to engage in various public private partnerships in order to facilitate the collation of information and the performance of a more detailed analysis in relation to particular cases.  As part of the local transposition of the 5th EU Anti-Money Laundering Directive (AMLD), the FIAU was also vested with responsibility of establishing, managing, and administering the Centralised Bank and Payment Account Register (CBAR). This mechanism allows the FIAU’s Intelligence Analysis Section and other national competent authorities to have timely access to data on certain bank and payment accounts so as to increase the overall efficiency in their functions. Consequently, a new section (the CBAR Section) within the FIAU was established in 2020 (the CBAR Section was renamed as the Data Management & Analytics Section in 2022). The CBAR system officially went live in October 2020 for data collection purposes and was subsequently launched among competent authorities for data retrieval purposes by the same in 2021.  The FIAU also set up in 2021 a Cash Restriction Section, responsible for monitoring and ensuring compliance with the Use of Cash (Restriction) Regulations (S.L. 373.04). Through this section, the FIAU intends to inter alia carry out on-site or off-site inspections on notaries and traders in high-value goods to which the Regulations apply, and to issue binding procedures and instructions on how such traders and notaries are to comply with their obligations under the Regulations.  The FIAU has also invested significantly in the required IT infrastructure to enable its employees to carry out their work efficiently and effectively. In 2020, the FIAU acquired and successfully went live with the GoAML application which provides a new web portal for obliged entities to securely exchange information with the FIAU, as well as a more robust backend system. The system has drastically reduced the administrative efforts in processing reports and has allowed personnel to focus their efforts on the analysis of reports and cases.  The introduction of the CBAR also required technical investment and operational structure necessary to coordinate the development of such registry as well as to formulate the system’s functional requirements. Since its inception, the CBAR system has been enhanced to allow further reporting capabilities and has also been upgraded to ensure that it is kept up to date and that its security is not compromised.  Additionally, new Business Intelligence tools were implemented in 2021 to consolidate intelligence and generate the required reports in a timely manner. The FIAU is taking additional measures to train its staff members in extracting the required statistics from such systems for its reporting obligations.  The FIAU also successfully completed the digital transformation of its core business applications in 2021. This has enabled the Unit to expand its technology and integration capability to match the latest industry applications. A new set of communication and planning tools, including the rolling of Microsoft Office 365 package for FIAU staff, took place in 2021 to further enhance the productivity of the FIAU’s employees and facilitate the dissemination of information between FIAU staff and third parties in a more secure manner and on a larger scale.  It should also be noted that to enable the joint investigation of complex ML cases, in August 2021, a Tax-Dedicated Sub-Committee was set up to focus specifically on joint investigations relating to complex criminal tax cases and associated ML. The Tax Dedicated Sub-Committee is composed of the FIAU, the Malta Police, the Commissioner for Revenue (including Income Tax, VAT and Customs Department), with the Office of the Attorney General providing legal assistance and support and the Malta Security Services assisting with the provision of intelligence. This Sub-Committee (as is the case with the Financial Crime Task Force - FCTF) actually includes the involvement of certain foreign authorities, namely: the Guardia di Finanza (IT); HMRC & National Crime Agency (UK); Europol; Treasury, DOJ, and HSI (US); and the Federal Central Tax Office (DE), which facilitates on-going investigatory work by procuring the necessary information and intelligence to move forward cases with an international dimension and sharing expertise and best practices. |
| 111.18 Increase the number of investigations and, where appropriate, prosecutions in cases of corruption and financial crime (United States of America);  **Source of position:** A/HRC/40/17/Add.1 - Para. 49 | Supported | See response to 110.36.  Suffice to say that for the period 1st October 2020 till 1st March 2021, the Office of the Attorney General instituted 11 criminal cases involving money laundering offences. A total of 57 Money Laundering (ML) prosecutions were recorded in 2021, where 13 of these ML prosecutions were tax-related. This compares with a total of 21 ML prosecutions in 2020.  Furthermore, a financial crimes investigation department was set up within the Malta Police Force (MPF) and extensive recruitment took place during 2020 to improve and facilitate the investigation of corruption and financial crime. The Office of the Attorney General now has exclusive prosecutorial powers over the crimes of corruption and money laundering.  The MPF strengthened the Financial Crimes Investigations Department (FCID) with human resources. The staff complement of the Department as at end of April 2022, represents an increase of almost 82% in capacity. The strengthening of the FCID is a critical mission for the MPF and the State, hence, the MPF is committed to continue increasing the capacity of this department, the increase in investigators will be gradual according to the Human Resources plan.  In October 2020, the Fiscal Crime Unit was set up with the FCID to specifically focus on Tax investigations. The Fiscal Crime Unit is made up specifically of three teams, where Team 1 is composed of a police inspector and three investigative officers, Team 2 has a police inspector, and three investigative officers and Team 3 has a police inspector and two investigative officers. In June 2021, the International Unit was set up and is currently composed of one Inspector, a police sergeant and a police constable. The objective of this office is to render assistance to foreign counterparts including the mutual recognition of freezing orders, relaying back information and evidence to foreign jurisdictions.  The MPF has assigned an Inspector with the Asset Recovery Bureau (ARB) to review and assess the information and evidence received by the ARB concerning money laundering cases and coordinate with the MPF in targeting the proceeds of crime on a case-by-case basis.  In 2020 and 2021, there was a sharp increase in ML prosecutions when compared with the previous years. In 2021, there have been 57 cases related to money laundering, with 135 natural and legal persons prosecuted.  Until July 2019, as part of MPF’s commitment to meet its obligations, and be more proactive in the fight against criminal activities, the MPF issued guidelines and procedures for carrying out parallel financial investigations when conducting criminal investigations, which guidelines came into effect as from 1st June 2020. Conducting a parallel financial investigation of a predicate offence is being proactive as it identifies the proceeds of crime and the discovery of assets currently under investigation, leading to the issuance of an Attachment Order. This approach ensures that the assets will not dissipate / disappear and prevents the infiltration of illegal profits into the legal economy, thus, removing the instrument for committing future crimes.  When investigating major proceeds-generating offences, as a proactive approach, a parallel financial investigation is commenced, to pursue money laundering, associated predicate offences and terrorist financing. The aim of financial investigations is to identify and document the movement of money during the course of criminal activity, with the aim of confiscation, thus ultimately depriving criminal organisations from their sources of wealth and funds. When compared to previous years the highest number of parallel financial investigations commenced was in 2021, during which 71 cases were initiated.  The FCID prioritises the investigations according to the National Risk Assessment. The highest priority is given to tax related investigations, Organised Crime Groups (OCGs), drug trafficking, corruption and fraud. Money laundering of foreign proceeds of crime are also prioritised. Additionally, the crime typologies, that is, the additional six (6) risks assessments in relation to terror financing, use of legal persons and arrangements, proceeds of foreign predicate offences, cash and shadow economy, corruption and virtual financial assets are also included in the prioritization process. |
| 110.37 Strengthen measures in the fight against corruption and impunity so that every Maltese citizen enjoys the same rights and obligations before the law (Belgium);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.36.  Suffice to say that for the period 1st October 2020 till 1st March 2021, the Office of the Attorney General instituted 11 criminal cases involving money laundering offences.  Another milestone was achieved with the enactment of the Proceeds of Crime Act (Chapter 621 of the Laws of Malta) which introduced non conviction based confiscation into national law.  In June 2020, a new Police Commissioner was appointed in line with the recommendation made by the Venice Commission. Amendments to the Police Act and the Constitution of Malta by Act XIX of 2020 provided for a new appointment procedure. The Malta Police Force has launched a Transformation Strategy for the years 2020-2025, with one of the key strategic objectives being the strengthening of anti-corruption measures and safeguards. This would be done through screening of police officers, offering adequate protection to whistle-blowers and conducting regular drug testing of personnel.  The Malta Police Financial Crimes Investigation Department is undergoing a thorough ongoing reform, with additional personnel and training being provided to cater for the demands that are being placed on this sector.  An Anti-Fraud and Corruption Policy which provides a framework for identifying and preventing corruption within the Police force has been introduced. The aim of this policy is to prevent fraud and corruption within the MPF. This policy assists individuals and their supervisors in ensuring that their actions can withstand scrutiny. This policy also defines corruption and fraud within the context of policing. It provides a framework for identifying and preventing corruption and details what actions should be taken by an individual where corruption and/or fraud is suspected or has been committed by colleagues.  Amendments to the Attorney General Ordinance (Chapter 90) by way of Act XXV of 2019 provide for the taking over by the Office of the Attorney General of prosecutions of those crimes that carry a punishment of more than two years imprisonment, whilst the police will remain responsible for investigative work. The law provided for the possibility of transitory periods for this shift in duties from the Police Force to the Office of the Attorney General through a phased approach, by allowing the taking over of prosecutions of specific crimes on different dates. The implementation of this process started early in 2020 with the phased recruitment of around 20 new lawyers to the Office of the Attorney General in order to enable the said Office to handle the increased workload. The injection of human resources at the Office of the Attorney General is an ongoing process with additional resources being provided each year.  As of 1 October 2020, by virtue of the Prosecution of Offences (Transitory Provisions) Regulations, 2020 (L.N. 378 of 2020), the Attorney General took over the decision to prosecute and the institution of prosecutions of specified serious crimes. These include crimes such as homicide, terrorism, money-laundering, bribery, corruption, fraud and misappropriation where the financial loss caused is of at least fifty thousand euro (€50,000), and evasion of customs duty. By virtue of L.N. 367 of 2021, the Attorney General extended the decision to prosecute to include, inter alia, the following crimes: traffic of persons, piracy, sexual offences, offences on adults and elderly persons, computer misuse, wilful damage on cultural property and endangering safety at airports. It goes without saying that there is very close collaboration between the investigation (the Police) and prosecution teams especially during this transition phase. To this end, Standard Operating Procedure’s between the Police and the Attorney General’s Office are in place between the two entities.  An Anti-Fraud and Corruption Policy which provides a framework for identifying and preventing   corruption within the Police force has been introduced. The aim of this policy is to prevent fraud and corruption within the Malta Police Force. This policy assists individuals and their supervisors in ensuring that their actions can withstand scrutiny. This policy also defines corruption and fraud within the context of policing. It provides a framework for identifying and preventing corruption and details what actions should be taken by an individual where corruption and/or fraud is suspected or has been committed by colleagues. |
| ***Theme: A52 Human rights education - in schools*** | | |
| 110.71 Continue efforts to promote human rights education at all levels of the national education system (Viet Nam);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | At compulsory education level, Personal, Social, Career Development (PSCD) continues to be given paramount importance in the Maltese educational system, that promotes a human rights culture. Students develop skills and attitudes necessary for a complete integration of human rights. PSCD educators offer holistic learning that promotes the development of students’ intellectual, emotional, social, physical, artistic and creative potentials. PSCD also touches upon values clarification where students are given opportunities to identify, clarify and express their own beliefs and values and to confront them with others in a safe framework based on the dignity of every human being, freedom of thought and expression, and the respect for others' opinions.  From a higher education perspective, the holistic approach at MCAST is inclusivity and to ultimately promote human rights. In effect, from a higher education perspective, the holistic approach at MCAST is inclusivity and to ultimately promote human rights. In effect, MCAST primarily ensure that the subject of inclusion is included in several CPD sessions carried out to staff. MCAST also organised a Day of the Mediterranean activity which included human rights. The day commemorates the foundation of the Barcelona Process and calls upon the entire Mediterranean community to celebrate the lasting legacy of this age-old agora of cultural dialogue, wisdom and humanism. The student population at MCAST includes students from 16 Mediterranean countries.  As part of the Migrant Integration Strategy & Action Plan (Vision 2020), the 'I Belong’ Programme aims to provide a holistic approach to integration. The first step in this direction would be through the knowledge of the country’s official languages and cultural awareness. Together with MCAST and University of Malta, the Intercultural and Anti-Racism Unit offers Maltese and English language and Cultural Orientation courses at two stages. The language courses focus on daily use to facilitate a person’s integration into society. The cultural orientation covers the social, cultural, economic, and historical aspects of Malta and the constitution, law and democratic values. All courses are free of charge.  Additionally, MCAST inaugurated a Multifaith and Quiet Contemplation Room. MCAST is sending a clear message that embracing diversity is pivotal to the College vision. MCAST is espousing religious diversity by accommodating the spiritual needs of students not only through its staff and its activities, but also through the provision of an appropriate space for a variety of religious, spiritual, and ethical practices. This room communicates inclusivity and supports a religiously diverse student population. In addition, this room brings together religiously diverse students and values the spiritual practices of the student population. It is also inclusive of individuals who do not profess any faith by creating an opportunity for them to find time and space to reflect in a calm environment. MCAST also organised an online forum on multiculturism in collaboration with Aġenzija Żgħażagħ and the Student Council (KSM). |
| ***Theme: A61 Cooperation with civil society*** | | |
| 110.17 Ensure that, in the future, a consultative process for the drafting of the national report for the universal periodic review is established, and that meetings with civil society are organized in order to evaluate the outcomes of the review (Finland);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | In the drafting of the 2018 report, the Government consulted NCPE, as well as the Commissioner for Voluntary Organisations, the former Office of the Refugee Commissioner (RefCom) and the Commissioner for Children. Civil society organisations have been consulted during the drafting of the UPR Mid-term and will also be consulted for future UPR reports. |
| 110.18 Provide consultations with civil society organizations during the process of implementing the recommendations from the current review cycle and the drafting process of the report for the next cycle (Slovenia);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.17. |
| ***Theme: B31 Equality & non-discrimination*** | | |
| 110.23 Take further practical steps to ensure full implementation of anti-discrimination legislation and to combat all forms of discrimination, including on grounds of race, sexual orientation, gender identity and others (Czechia);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.16 and 110.28.  Also, the NCPE is carrying out a set of initiatives on the grounds of sexual orientation, gender identity, gender expression, and sex characteristics. To date, training was provided to NCPE employees on Maltese laws, underreporting, mainstreaming of LGBTIQ+ policies, and outreach. The NCPE participated in Malta’s 2021 Pride Week, and is currently working on a qualitative research study in fulfilment of its Empowerment for Diversity (E4D) project; and will also be carrying out workshops and a final conference. These initiatives are part of a project that is part-funded by the European Union’s Rights, Equality and Citizenship programme and is aimed at looking into the significant societal and cultural impacts that have resulted from legislative changes with respect to sexual orientation, sex characteristics and gender expression.[[1]](#footnote-2)  Between November 2019 and February 2022 the Sexual orientation, gender identity, gender expression and sex characteristics (SOGIGESC) Unit within the Human Rights Directorate (HRD) was engaged in the implementation of the TRANSFORM Project which aimed at addressing barriers to health care encountered by LGBTIQ persons. The project involved training of over 650 persons working in the health care sector; an extensive awareness raising campaign on mental health, sexual health and the services of the Gender Wellbeing Clinic aimed at LGBTIQ persons; and the website transhealth.gov.mt providing information on trans specific health care aimed at health practitioners.[[2]](#footnote-3)  Between April and May, the SOGIGESC Unit also provided training to all AWAS staff to ensure that their services are inclusive and take into account the needs of LGBTIQ asylum seekers.  The Maltese Government Guidelines on the Recognition of Sex, Sexuality and Gender were adopted in October of 2021 and provide guidance to the public administration on the correct interpretation of legislation relating to LGBTIQ equality when LGBTIQ persons access government services. |
| 110.32 Adopt a comprehensive policy aimed at ending traditional stereotypes (Belgium);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | The Government is committed to creating a fair and just society for all.  As mentioned earlier (see response to 110.28) the Government launched its first National Action Plan Against Racism and Xenophobia, to address racism, racial discrimination, xenophobia, stereotypes, and intolerance in Malta by means of effective, measurable actions in various spheres of life. |
| 110.108 Intensify measures aimed at raising the awareness of the population in order to eradicate stereotypes and discrimination against migrants and refugees, and to investigate and sanction acts of discrimination against them (Argentina);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.32. |
| 110.101 Create campaigns that promote tolerance and inclusion of migrants, refugees and asylum seekers, and apply legislation to combat all forms of discrimination (Mexico);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.32. |
| 110.30 Continue efforts to combat hate speech against foreigners and promote a culture of difference and tolerance (Tunisia);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Government is extending awareness on national legislation combatting incitement to racial hatred and other forms of hate speech, whether against foreigners or any other group. This should result in better enforcement of the law.  As mentioned earlier (see response to 110.28), through the Anti-Racism Strategy 2021-2023 and the [Citizens, Equality, Rights and Values programme (](https://ec.europa.eu/info/departments/justice-and-consumers/justice-and-consumers-funding-tenders/funding-programmes/citizens-equality-rights-and-values-programme_en)CERV)-funded project *Towards the Implementation of an Anti-Racism Strategy in Malta*, the Government is continuing its efforts to combat hate speech and promote equality and non-discrimination. |
| 110.31 Implement legal instruments against hate crimes and awareness-raising campaigns to promote respect and tolerance, and ensure that victims of discrimination have access to all the necessary legal remedies for expediting the investigation and punishment of those responsible (Spain);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Hate speech and hate crimes are already clarified as criminal offence in accordance with Malta’s Criminal Code. Government is currently studying the further extension of the present provisions to protect more characteristics.  As indicated in 110.28, Government has launched its first Anti-Racism Strategy, to address racism, racial discrimination, xenophobia, stereotypes, and intolerance in Malta by means of effective, measurable actions in various spheres of life.  In November 2020, the Victim Support Agency was established by means of Subsidiary Legislation 595.37. The Agency shall, *inter alia*, serve as a contact point for victims of crime, ensure that victims receive support in a timely manner. Through its multidisciplinary team, the Agency provides service users with updated information, legal guidance and emotional support services which are meant to help them out in overcoming their traumatic experiences. Moreover, the Agency’s approach tends to promote collaboration with other public and non-public entities working in the field of victims support services as a means to raise awareness and advocate towards Victims’ Rights. |
| 110.110 Ensure fair treatment to migrants, refugees and asylum seekers, in accordance with its international human rights obligations (Bolivarian Republic of Venezuela);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.16, and 110.28.  The envisaged Equality Bill will significantly promote and strengthen the rights of migrants and their protection from discrimination. Malta will continue making the necessary efforts to protect the rights of migrants in order to strengthen a culture of tolerance, diversity and non-discrimination.  All asylum seekers whose application is being processed at first instance by the International Protection Agency, have the right to access legal assistance at any stage of the procedure. Many NGOs are active in providing assistance in legal proceedings, and this complements the free legal aid provided by the State for appeal proceedings before the International Protection Appeals Tribunal.  The legal adviser representing the applicant at appeals stage is given access to the applicant's asylum file upon request, while the applicant is already in possession of a copy of the decision issued by the International Protection Agency, the interview transcript and the assessment pertaining to his/her application for international protection, where applicable. It is worth noting that the previous Office of the Refugee Commissioner has undergone a reform to its legal basis and also its internal structures to ensure more efficient operations.  Efforts in relation to improving the living conditions in open centres and closed centres are described in comments relating to recommendations 110.16 and 110.111 respectively. |
| 110.24 Continue efforts to combat racial discrimination and protect vulnerable groups and to disseminate a culture of non-discrimination against migrants (Libya);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See responses to 110.2 and 110.32. |
| 110.20 Increase awareness on equality and non-discrimination, particularly against persons in vulnerable situations, such as migrants, through the provision of training and programmes to relevant stakeholders (Egypt);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See responses to 110.32.  In 2019 the NCPE carried out training with women migrant interpreters on rights and responsibilities related to equality and non-discrimination emanating from Maltese equality legislation. |
| 110.112 Continue to combat discrimination against refugees and minors (Senegal).  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See responses to 110.2 and 110.32. |
| 110.104 Make further efforts to combat discrimination against foreigners and asylum seekers (Iraq);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See responses to 110.2 and 110.32. |
| 110.19 Continue to work towards streamlining and strengthening equality by prohibiting discrimination in various spheres of life (Greece);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See responses to 110.2 and to 110.21.  The Human Rights Directorate’s Gender Mainstreaming Unit also carried out various awareness raising campaigns during 2021 regarding several issues including the sharing of household and care responsibilities in the family; gender-based violence and domestic violence; women and girls in ICT; tackling gender stereotypes and norms; sexual violence in conflict; ending stigma surrounding menstruation; zero tolerance for FGM; the role of men in achieving gender equality; the gender pay gap and European Institute for Gender Equality (EIGE)’s Gender Equality Index.  See also responses to 110.28 and 110.16. Government is committed to strengthening equality through the elimination of discrimination. |
| 110.21 Continue to promote public awareness-raising campaigns and provide adequate training for public officials on the right to equality and non-discrimination (Bolivarian Republic of Venezuela);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2.  Awareness raising in one of the main roles of the National Commission for the Promotion of Equality (NCPE). In 2022, the NCPE organised a conference ‘Women and Intersecting Identities’ to mark International Women’s Day in view that some groups of people, particularly women, are more prone to intersectional discrimination. Different stakeholders participated and discussed obstacles and discrimination faced by women with different identities and the way forward.  In 2021, the NCPE sought to raise awareness on how the COVID-19 pandemic has affected the lives of women and men through a conference that marked International Women’s Day. The NCPE presented the findings of a research study on the impact of the pandemic on the distribution of household tasks between women and men. Moreover, different stakeholders including a panel with representatives from the health and employment sectors as well as academics discussed the way forward after the pandemic.  In 2020 and 2021 the NCPE organised online conferences which focused on highlighting the way forward to closing the gender pay gap and ensuring equal pay for women and men. The importance of closing the pay gap and ensuring equal pay, particularly by focusing on actions, models, and tools that can be effective in the Maltese context, as well as the role of different stakeholders in this regard was highlighted, emphasizing the importance of mandatory pay transparency.  Moreover, the NCPE seeks to promote public awareness through active participation in the traditional media and social media; the publication of a newsletter on equality; information on NCPE’s website and social media; regular campaigns as well as seminars and conferences on specific topics related to equality.  The NCPE is carrying out a set of initiatives on the grounds of sexual orientation, gender identity, gender expression, and sex characteristics. To date, training was provided to NCPE employees on Maltese laws, underreporting, mainstreaming of LGBTIQ+ policies, and outreach. The NCPE participated in Malta’s 2021 Pride Week, and is currently working on a qualitative research study in fulfilment of its *Empowerment for Diversity* (E4D) project; and will also be carrying out workshops and a final conference. These initiatives are part of a project that is part funded by the European Union’s Rights, Equality and Citizenship programme and is aimed at looking into the significant societal and cultural impacts that have resulted from legislative changes with respect to sexual orientation, sex characteristics and gender expression.[[3]](#footnote-4)  The NCPE continuously provides training to both private and public organisations, on different topics related to equality. These training sessions strengthen awareness and disseminate further information on rights and responsibilities related to equal treatment.  The SOGIGESC Unit within HRD conducted two awareness raising campaigns aimed at ensuring non-discriminatory access to health for LGBTIQ persons. The first involved the signposting of health settings as inclusive spaces for LGBTIQ persons seeking healthcare through the dissemination of posters and stickers; the second involved leaflets and animated video messages focusing on the themes of mental health, sexual health and the services of the Gender Wellbeing Clinic, aimed at LGBTIQ persons.  The SOGIGESC Unit continued in the provision of training to public officials on inclusive practices in relation to LGBTIQ persons in the field of health, education, policing, asylum and elderly care.  The Maltese Government Guidelines on the Recognition of Sex, Sexuality and Gender were adopted in October of 2021 and provide guidance to the public administration on the correct interpretation of legislation relating to LGBTIQ equality when LGBTIQ persons access government services. |
| 110.22 Introduce further effective measures to combat inequalities and uphold sustainable development (Viet Nam);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2. |
| ***Theme: B32 Racial discrimination*** | | |
| 110.25 Redouble efforts to combat all forms of racism, intolerance, stereotypes and discrimination (Indonesia);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.32. |
| 110.29 Take effective measures to prevent incitement to racial hatred in social networks and bring those responsible to justice (Belarus);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | In November 2020, the Victims Support Agency, a public agency, has been set-up to address the psychological and legal facets of criminal offences including hate crime and hate speech. In addition the Agency educates the public and raising awareness on the increasingly prominent phenomena of hate crime and hate speech and other crimes. The Agency is composed of a multi-disciplinary team profession in the psycho-social remit, legal professionals, as well as members of the Malta Police Force Victim Support Unit and the Probation and Parole Department to provide holistic services under one roof. The former Hate Crime Unit has been absorbed into this Agency.  The MPF investigate all notifications received related to possible online hate speech. The technical support unit within the MPF cybercrime unit immediately preserve contents of the post and any other relevant data that could help investigations. MPF also request the service provider, when possible, to remove the post. |
| 110.27 Adopt specific measures to address reports of racism and xenophobia, including racially motivated violence and racial discrimination in access to employment, housing and services (Botswana);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.2. |
| 110.109 Provide for the effective protection of migrants from manifestations of racism and xenophobia and guarantee to them and to asylum seekers their rights, in accordance with international standards (Belarus);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.110 with regards to newly-arrived migrants, and responses to 110.2 and 110.32. |
| 110.26 Continue efforts towards combating racism, racial discrimination, xenophobia and other forms of related intolerance (Egypt);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See responses to 110.2 and 110.32. |
| ***Theme: B8 Human rights & counter-terrorism*** | | |
| 110.34 Comply with the European Union’s anti-money-laundering and countering terrorism finance directive (United States of America);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Over the past years, the Government has introduced reforms to target corruption, through *inter alia* the enhancement and further improvement of the quality, independence and efficiency of the national justice system, the safeguarding of whistle-blowers, the removal of the prescriptive period over corruption offences committed by politicians, through the regulation of public appointments, the further regulation of judicial appointments and judicial accountability, as well as through the joining of the European Public Prosecutor’s Office’s (EPPO) establishment.  Malta has transposed all the EU anti-money laundering and counter terrorism directives. Between 2018 to 2020, Malta ensured that all provisions of the 4th and 5th EU Anti-Money Laundering Directives (“4AMLD” and “5AMLD” respectively), were transposed and enacted in a timely manner primarily through amendments to the Prevention of Money Laundering Act (“PMLA”) (Cap. 373 of the Laws of Malta) and the Prevention of Money Laundering and Financing of Terrorism Regulations (“PMLFTR”) (S.L. 373.01 of the Laws of Malta). Further amendments made to the PMLFTR (through the publication of Legal Notice 214 of 2020) also addressed technical compliance shortcomings identified by MONEYVAL assessors during the 5th Round Mutual Evaluation of Malta.  As part of the local transposition of the 5AMLD, the Centralised Bank and Payment Account Register Regulations (S.L. 373.03 of the Laws of Malta) were also enacted in 2020. The adoption of such regulations ensures compliance with, and full implementation of the 5AMLD, the transposition of certain provisions of EU Directive 2019/1153 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and also brings Malta in line with Moneyval Recommendations. In this context, the legislative framework in place for the prevention of money laundering and financing of terrorism (“ML/FT”) has been strengthened through the enhanced availability and access to financial information when it is a key part of an investigation for the prevention of the financial system from being used for ML/FT, as well as for the commission of serious crime.  During the same year, the Financial Intelligence Analysis Unit (“FIAU”) was also entrusted with the function of monitoring compliance with any restrictions on payments in cash introduced under the PMLA. To this effect, the Use of Cash (Restriction) Regulations (S.L. 373.04 of the Laws of Malta) were enacted in March 2021, which regulations inter alia prohibit any person from making or receiving payments, or from carrying out transactions in cash, equivalent to or exceeding EUR 10,000 in relation to specific high-risk goods. Although the enactment and implementation of such regulations stems from a government policy decision, the introduction of such a restriction is timely in view of ongoing plans at EU-level for the possible introduction of an EU-wide ceiling for large cash payments, as well as in view of the concerns expressed by MONEYVAL in Malta’s Mutual Evaluation Report on the use of cash and the introduction of possible mechanisms to ensure more visibility of this phenomenon.  EU Directive 2019/1153 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, was completely transposed and implemented in July 2021, in advance of the EU-set transposition deadline. This saw the enactment of various amendments to the PMLA and the Criminal Code through Act No XLIII of 2021, as well as amendments to the Prevention of Money Laundering and Financing of Terrorism Regulations (S.L. 373.01) through Legal Notice 313 of 2021 and the enactment of the Prevention of Money Laundering and Funding of Terrorism (Amendment No. 2) Regulations (S.L. 9.29) through Legal Notice 312 of 2021. Collectively, such acts and legal notices seek to inter alia further enhance the FIAU’s ability to share financial analysis and financial information in its possession with a number of authorities involved in taking action against serious criminal offences, as well as to request law enforcement information from such authorities in order to assist it in carrying out its functions at law. |
| 110.35 Ensure the full implementation of the European anti-money-laundering directives (France);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.34. |
| ***Theme: D21 Right to life*** | | |
| 110.38 Continue to uphold the right to life from conception to natural death (Holy See);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Malta reiterates that the right to life is an inherent right of every human being, including the unborn child, from its conception. |
| ***Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment*** | | |
| 110.39 Improve the work of national preventive mechanisms on torture, including by extending the mandates of the relevant councils to enable access to places of deprivation of liberty (Belarus);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | In 2016, Malta reviewed the relevant legislation of the two National Preventive Mechanisms (NPMs). The SL 260.03 amended by LN 15/2016 which deals with Corradino Correctional Facility (CCF) Monitoring Board, and the Monitoring Board for Detained Persons Regulations SL 217.08 as amended by LN 425/2015 address have sought to address the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)’s concerns.  The changes include increased accountability through better recording of visits and meetings, and the term of the Board would be increased from the current one year to two years. Moreover, the legislation would specify the professional and vocational background required for Board members, so as to ensure that those selected are able to fulfil their duties. It is also foreseen that pertinent NGOs would be represented on the Board. The amendments also note that the Director CCF is to ensure that all inmates are aware of the Board and its functions. Similar legislative amendments have also been made in relation to the Board of Visitors of Detained Persons.  S.L. 217.08 has also been amended to include references to the Optional Protocol to the Convention Against Torture (OPCAT). Para 3(f) indicates that the monitoring board is ‘act as the body of persons responsible for a National Preventive Mechanism for the prevention of torture, as provided for in the Optional Protocol to the United Nations Convention against Torture.’ Para 4.5 also states that all information is to be made available to the SPT. These are also reflected under the S.L.260.03 Article 103(f) and Article 105.5 respectively.  The Ministry for Home Affairs, Security, Reforms and Equality allocates financial and other resources, as necessary in order for the CCF Monitoring Board and theMonitoring Board for Detained Persons to fulfil their functions. |
| ***Theme: D26 Conditions of detention*** | | |
| 110.41 Take further measures to provide qualified health-care assistance to persons in places of pretrial detention (Belarus);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | The employment of another 4 full time and two part time nurses over the last year has strengthened the human resources available at the corrective facility. These nurses are available to address the medical needs of sentenced and pretrial inmates. In addition, a medical doctor has been employed at the Forensic Unit of the Correctional Services Agency. This medical doctor works in strong liaison with the psychiatrists to ensure that pretrial inmates have their medical needs addressed at the Forensic Unit. The total number of nurses per shift has increased to 10 nurses. An on-site night nurse to assist inmates should any complaints arise at night is also available. Number of psychiatrists clinics have increased. Podiatry clinics have increased to cater for on-site podiatric procedures. A medical clerk has also recent been employed so as to assist the health care professionals with paperwork, filing, organisation of hospital appointments etc. There has been a drastic increase in the number of care plan co-ordinators, psychologists and social workers after the last two years, so as to assist incoming inmates to address any psycho-social problems.  All nurses and doctors have been trained in Immediate Life Support and have received certification after assessment was performed. All doctors are trained and certified in Immediate Life Support & Advanced Life Support. Nurses and doctors at the Correctional Services Agency host a weekly educational session where scientific papers on latest evidence or medical topics are discussed. This weekly educational session was implemented in July 2020.  Heavy investment in medical equipment. The investment in: arterial blood gas machine (to objectively assess new incoming inmates with exacerbations of asthma and chronic obstructive pulmonary disease); point of care international normalized ratio (INR) machine - machine used to assess how 'thick' or 'thin' blood - used particularly for incoming inmates with a history of anticoagulant medication - which is relatively more common when compared to the rest of the population in view of the propensity for intravenous drug use; point of care troponin machine & point of care D-dimer machine - used in the context of clinical suspicion of myocardial infarcts, deep vein thrombosis and pulmonary embolism; and digital urinalysis machines, digital urine for toxicology machine, autoclave for sterilisation of surgical and dental equipment.  Standard operating procedures have been set up for new admissions to the Correctional Services Agency (for pre-trial or sentenced inmates). These ensured a standard approach for all inmates, whilst addressing individual medical needs.  A Triage system has been set up. Nurses visit every single division every morning at 8am. Apart from dispensing the morning medication, they allow inmates to present any medical complaints. The nurse would then discuss all these medical complaints with the on call medical doctor. Around 50 inmates are seen daily by the medical doctors. Inmates are seen with immediate effect for emergencies.  Infective Diseases profile for every admission (pre-trial & sentenced) - every admitted inmate is screened with a full blood profile, inclusive of a viral screen. They are routinely tested on the day of admission for Hepatitis B, Hepatitis C, HIV, syphilis and tuberculosis. Strong liaison with Maltese public health authorities, Maltese infectious disease department and Genito-urinary department allows for prompt referrals and treatment. |
| 110.42 Continue to improve living conditions in prisons (United States of America);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | The Care and Reintegration Unit is responsible for the psychosocial assessment of all inmates who are admitted to Correctional Services Agency (CSA). These include those inmates on remand and those who are sentenced. Following an in-depth assessment a correctional care plan is devised. These care plans attempt to balance the needs of rehabilitation, security and ultimately resettlement in the community. The assessment process and correctional care plans are informed from a multidisciplinary perspective to ensure that all the needs and risks that are identified are addressed through this care plan. A number of services and programmes are offered to the inmate to help mitigate for the risks identified in the assessment process. These services and programmes consist of interventions delivered both in-house through the use of psychology, education or social work services or else delivered by external stakeholders.  Within CSA, inmates are encouraged to attend individualised interventions. These include:   * Cognitive skills programme * Educational, sport and vocational opportunities * Sex offender treatment programme * Anger management programmes, both on a one-to-one basis and as groups * Reintegrative programme within Division 7 * Social work interventions.   RISe Foundation, Caritas, Sedqa and other external agencies also offer specialised interventions to help address offender needs and thus can be said to contribute to the completion of the inmate’s care plan. |
| ***Theme: D27 Prohibition of slavery, trafficking*** | | |
| 110.56 Intensify efforts to combat trafficking in persons (Iraq);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | The budget allocated for combating human trafficking and assisting victims of exploitation was increased significantly, covering measures which include the launching of a national public awareness campaign and an exit programme for victims of prostitution. Social welfare services in Malta have 4 premises in which there is a total capacity of 32 beds which are specifically used for human trafficking victims. The Government of Malta plans to work closely with civil society organisations on the operational side of its national anti-trafficking strategy. In October 2018, it also announced that it is considering including human trafficking education in the national education curriculum. Training for all relevant stakeholders and government officials has also already started.  The Maltese government embarked on a national consultation process in September 2019 as part of the country’s reform on human trafficking, intended to develop a five-year national strategy (2020-2024) against trafficking in persons with the following objectives:   * Develop more effective tools to identify potential victims of human trafficking and facilitate the provision of professional support through a fully-fledged national referral mechanism * Strengthen the country’s investigative and judicial arms against perpetrators of human trafficking and secure convictions of traffickers in a shorter time period * Set up preventive mechanisms and introduce regulations aimed at safeguarding the interests of vulnerable persons who face greater risks of human trafficking.   The Government of Malta sought to enhance its legislative framework to curb illegal employment especially of third country nationals who may be in a trafficking situation. Two new labour laws came into effect on 1st January 2019:   * Subsidiary Legislation 452.115- Annual Leave National Standard Order * Subsidiary Legislation 452.116- Itemised Payslip Regulations   The Government has also consulted on risk of exploitation and abuse faced by performers working at gentlemen’s clubs, massage parlours and has suggested that these establishments should be regulated by a specific law which safeguards performers.  By virtue of Subsidiary Legislation 452.106- Temporary Agency Workers Regulations, the Government aims at reducing the chances of labour exploitation, whilst envisaging the introduction of new obligations for temporary work agencies such as a requirement to obtain a licence, to further reduce the chances of exploitation.  In order to strengthen the current legal provisions in the relevant areas, Malta has deposited the instruments of ratification for the 2014 Protocol to the 1930 Forced Labour Convention.  Moreover, with a view to further strengthen legal provisions in the area of trafficking in persons for organ removal and organ trafficking, the Maltese Parliament published a new law on Human Organs, Tissues and Cells Donation Act (Chapter 558 of the Laws of Malta). Such Act made consequential amendments to the Criminal Code (Chapter 9 Laws of Malta): Article 248CA addresses measures related to the abuse of persons or abuse of organ harvesting for the purposes of exploitation. This article is intended to make provisions for substantive articles of the Council of Europe Convention against Trafficking in Human Organs and to ensure full compliance with the said Convention.  In 2021, the Human Rights Directorate (HRD) successfully applied for EU assistance under the Technical Support Instrument (TSI) in the drafting of a national strategy to combat THB. In this regard, the Council of Europe has been engaged by the European Commission to provide its expertise and assistance in the implementation of this project which enshrines a human-rights based approach and aims to develop a sustainable system for the early identification and comprehensive support for victims.  On 17 – 19 January 2022, the Special Representative of the Organisation for Security and Co-operation in Europe (OSCE) conducted an official visit to Malta. The purpose of the visit was to study Malta’s efforts in three main areas: policy development/co-ordination of anti-trafficking efforts, financial investigations into trafficking in human beings and prevention of labour exploitation in supply chains. The overarching aim was to provide targeted recommendations for future action. |
| 110.68 Continue investigations of trafficking in persons, keeping in mind the recommendation made by a human rights treaty body to intensify efforts to combat such trafficking (Japan);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.56. |
| 110.60 Step up efforts to combat trafficking in persons through legislation and implementation of measures under its Fourth National Action Plan on Combating Trafficking in Persons for the period 2017 to 2019 (Philippines);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.56.  The reform on human trafficking was initiated under the Parliamentary Secretary for Reforms, Citizenship and Simplification of Administrative Processes in 2019, when a public consultation has been launched to gather feedback on measures relating to Malta’s fight against trafficking in persons. The Human Rights Directorate (HRD) is presently leading the government’s reform on anti-human trafficking and acting as a coordinating body for stakeholders working in this field. As national Coordinator, the Human Rights Initiatives Unit (HRIU) within this Directorate, is entrusted with the drafting of an Anti-Trafficking National Strategy (ATNS). The ATNS Project shall seek the collaboration of national service providers in the field in order carry out extensive research, establish collaborative mechanisms, identify tools and resources and engage the necessary technical expertise with the aim of identifying the gaps which might exist within the legislative framework and ultimately initiate the drafting and launch of the ATNS by December 2022.  The ATNS aims to improve coordination between Ministries and stakeholders, increase the capacity of service providers, law enforcement and judiciary, create tools for data gathering, engage the necessary technical expertise, carry out research and training and streamline legislative frameworks and processes as necessary. This Strategy will adopt a human rights-based approach with the aim of developing a sustainable system for the early identification and comprehensive support for victims. It would also seek to adopt a victim-centred approach by ensuring the provision of timely and effective protection and access to justice, to provide victims with proper compensation for moral and material damages in accordance with the law.  In 2021, the HRIU held several meetings with national stakeholders including service providers. During these meetings various issues were raised including, inter-alia, the importance of enhancing a human rights-based approach in all actions and measures concerning cases of THB, the Principle of the best interest of the child when it comes to child victims of THB, and the importance of accurate and complete data gathering on the subject matter. In regards of the latter, the HRIU has furthered its collaboration with the National Statistical Office (NSO) in order to develop a more efficient and accurate data gathering mechanism. A report on the findings is currently underway by the unit.  Moreover, the HRD has also carried out an intensive study, on the 3Ps’ Paradigm which focuses on the prevention, prosecution and protection of (potential) and identified victims of human trafficking. The research includes reference to various important judgments on human trafficking, delivered both by National Courts, or by the European Court of Human Rights (ECHR). The HRIU also participated in various local and international meetings and conferences and contributed to reports under the auspices of Group of Experts on Action against Trafficking in Human Beings (GRETA), Drafting Committee on trafficking for the purpose of labour exploitation (DH-TET), the Organization for Security and Cooperation in Europe (OSCE) and others.  Initiatives under the Human Like You campaign have also raised public awareness of the issue of human trafficking and sought to increase sensitivity to signs of abuse. In 2021, Malta once again participated in the UN Blue Heart Campaign, where the Directorate called attention to the different forms of human trafficking and the devastating impact this crime has on victims, while also encouraging all individuals not only to stand up against this crime but also to listen and understand victims as they share their experiences. When it comes to capacity building, in 2021, a member of the HRIU has taken part in the International Visitor Leadership Programme (IVLP). The programme is sponsored and organised by the Government of the United States with the assistance of US embassies around the world. The programme is designed to give professionals working on human trafficking in their respective countries an opportunity to meet with counterparts from other countries and the United States, and to learn about the latest development in the US in the area of mutual professional interest. A representative of the Unit has also participated in Training workshops offered by the International Centre for Parliamentary Studies (ICPS) on Human Trafficking. These workshops were scheduled on the 12th, 13th, 15th and 16th July 2021. Due to the COVID-19 pandemic, training had to be arranged through online platforms.  Additionally, the Directorate successfully applied for financial and technical assistance under the European Union’s Technical Support Instrument for support in the design and implementation of a national strategy to combat trafficking in human beings. This assistance shall strengthen domestic capacity to enhance the Directorate’s coordination structures and draw up and implement an effective reform strategy that meets and exceeds international minimum standards. |
| 110.57 Increase efforts in the fight against corruption and trafficking in persons, including by improving the relevant legislation and law enforcement practices (Belarus);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.56.  The Human Rights Directorate is now responsible for the overall coordination of efforts to combat human trafficking, and will be launching several measures, including with a view to raising awareness. This is by way of follow up to past Action Plans coordinated by the Human Trafficking Monitoring Committee made up of high level representatives from several Ministries. Such actions included, inter alia, training initiatives and awareness raising campaigns.  As regards legislation, it should be noted that Criminal Code provisions on Human Trafficking are fully compliant with the Palermo Protocol and the EU’s Human Trafficking Directive.  Enforcement falls under the responsibility of the Malta Police Force, which has, over the years, apprehended several cases of human trafficking for labour exploitation and sexual exploitation.  Trafficking in persons and related corrupt practices can be committed by using legal entities, such as companies and corporations. In this regard, it should be noted that present legislative provisions under the Criminal Code already provide for punitive measures against individuals or companies that engage in human trafficking, thereby safeguarding against institutionalized corruption and related practices in these terms. Furthermore, due provision is made for cases when individuals or companies knowingly make use of the services provided by victims of THB.  Moreover, to strengthen international co-operation and seek technical assistance from international organizations, the Directorate has requested for technical assistance on the elaboration of Malta’s national strategy. In this regard, OSCE Special Representative on Combatting Human Trafficking, Mr Valiant Richey visited our country on the 17-19 January 2022 whereby a number of recommendations have been made to local authorities. Based on such findings, the Human Rights Directorate will be organizing a networking session for PDPI officials, EU and Global Affairs Coordinators to plan ahead and discuss further on the recommendations made. |
| 110.58 Ensure the implementation of the Fourth National Action Plan on Combating Trafficking in Persons to ensure increased convictions of cases of trafficking in persons (Botswana);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.56.  Every effort by government is made in order to implement the action plan including through the prosecution of offenders. |
| 110.59 Ensure sufficient resources are allocated for the effective implementation of the Fourth National Action Plan on Combating Trafficking in Persons, in particular to improve the support provided to child victims of trafficking (Singapore);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.56.  In November 2020, the Victim Support Agency was established by means of Subsidiary Legislation 595.37. The Agency shall, inter alia, serve as a contact point for victims of crime, ensure that victims receive support in a timely manner. Through its multidisciplinary team, the Agency provides service users with updated information, legal guidance and emotional support services which are meant to help them out in overcoming their traumatic experiences. Moreover, the Agency’s approach tends to promote collaboration with other public and non-public entities working in the field of victims support services as a means to raise awareness and advocate towards Victims’ Rights.  Each year the Ministry for Finance provides a budget to finance the implementation of measures contemplated by the current action plan including efforts towards awareness and capacity building on child trafficking. |
| 110.61 Conduct a review of the national action plan against trafficking in persons to strengthen the investigation and prosecution of trafficking-related crimes, while ensuring a victim-centred approach (United Kingdom of Great Britain and Northern Ireland);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.56.  Overall responsibility for the coordination of human trafficking efforts has been handed over to the Human Rights Directorate which is expected to have a more victim centred approach.  As stated above, in 2021 HRD successfully applied for EU assistance under the Technical Support Instrument (TSI) in the drafting of a national strategy to combat trafficking in human beings. The Council of Europe has been engaged by the European Commission to provide its expertise and assistance in the implementation of this project, which will involve coordination and drafting of the operational Strategy by the end of 2022. The key outputs and deliverables of this project will include the following:  1.Technical expert analysis of local and international scenario  2.Drafting and publication of expert’s strategic planning report  3.Drafting and launch of National Strategy to combat THB  4.Working visits  5.Technical and financial assistance in initial implementation and monitoring  6.Communication and events  The current National Action Plan will be reviewed as part of the ATNS project. |
| 110.62 Continue efforts aimed at protecting victims of trafficking in persons and ensure that legal remedies are offered to them (Algeria);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See responses to 110.56 and 110.59.  Various officials who are in contact with potential victims or victims of human trafficking are trained to encourage such vulnerable persons to report any offences to the Police in order for perpetrators to be investigated and prosecuted. Furthermore, training was specifically given regarding child victims. The system to identify victims dates back to 2016 and is to be reviewed in the current year.  A victim referral mechanism is also in place to assist such professionals to refer victims or potential victims of human trafficking in accordance with their needs. Referral depends on who initially encounters the victim. Aġenzija Appoġġ provides safe shelter and any other required service including social work assistance and psychological services. The Agency has its own assessment procedure in dealing with victims of human trafficking, whilst working together with law enforcement officials who assess the situation thoroughly. None of the victims or potential victims have ever been detained, placed in protective custody or arrested by law enforcement. |
| 110.63 Continue to combat trafficking in persons, including by developing victim assistance services, providing training for government officials and raising public awareness (Indonesia);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See responses to 110.56 and 110.59.  Training is continuously provided to a number of officials who are most likely to encounter a potential victim or a victim of human trafficking. One of the outcomes of such training has been victim identification procedures which are updated periodically. These procedures and training targets a number of stakeholders, including those working with vulnerable persons, such as migrants in accommodation centres. The training targets officials from Aġenzija Appoġġ who assist potential victims of trafficking and encourage them to report any offences to the Police in order for perpetrators to be investigated and prosecuted.  A victim referral mechanism is in place to assist professionals coming in contact with victims or potential victims of trafficking to refer them in accordance with their needs.   * Officials from the Vice Squad have attended training on human trafficking for law enforcement organised by OSCE. * MHSR and MFH co-funded a project ‘PROTECT’ (2014-2020) together with other 10 EU partner states for which 133 professionals attended the training led by the International Organisation for Migration.   Training on human trafficking was provided to Air Malta pilots and cabin crew instructors in line with the Guidance on Human Trafficking published by the International Air Transport Association (IATA).  FSWS, within MSPC provides two separate support services, one for human trafficking and a separate service for victims of sex work:  *Human trafficking*  The service to counter Human Trafficking was set up in 2008. A memorandum of understanding was established between the then Ministry of Social Policy (through Aġenzija Appoġġ) and the Malta Police Force, outlining the method of referrals regarding victims of human trafficking and the obligations of the two entities, with the focus on the agency being that of welfare service provision for these victims. A Liaison Person (LP) on Human Trafficking was designated within the agency so as to co-ordinate the above-mentioned service provision.  In line with the MOU, the Malta Police Force informs Aġenzija Appoġġ about each potential case of human trafficking which initially comes to their attention, and which may require social assistance. In such cases, Aġenzija Appoġġ provides social support through the professional social work intervention within the agency in which social workers interview, assess, counsel, and provide support, to the potential victims. Aġenzija Appoġġ also informs the police of cases of potential victims of Human Trafficking in the event that Aġenzija Appoġġ is the first point of entry.  If the victim approaches Aġenzija Appoġġ in the first instance for help, the professionals involved:   * Listen to their story and provide emotional support; * Assess for elements of trafficking to confirm the allegations; * Assess for the presence of trauma and risk; * Ensure the provision of sheltered accommodation if necessary and wanted by the victim; * Arrange for the provision of psychological/psychiatric assessments and or medical assessments, if required; * Arrange for legal representation as required; and * Follow-up issues related to work permit, residence permit, and alternative employment, or possible voluntary repatriation.   If the victim is referred to Aġenzija Appoġġ by the Malta Police Force, the above-mentioned course of action still applies.  The social work aspects of this service also target the basic needs of the victims who may often experience lack of food, shelter, clothing as well as other essential items.  Apart from having law enforcement representatives on board during the round tables, the FSWS Human Trafficking team also delivers training sessions to police cadets and also to all officers being promoted to the rank of Police Sergeant. Such sessions do not only enhance collaboration but also give these officials the necessary skills to identify signs of human trafficking during their course of work.  Between January and February 2019, training to achieve the Professional Certificate in Tackling Human Trafficking (UK) was organised in Malta, with the aim of providing those involved in the investigation, prevention, and mitigation, of the effects of Human Trafficking with a clear understanding of its nature, evolution and drivers, as well as the tools to tackle this issue. This course targeted various professions based in Malta who come in contact with victims of human trafficking and covered international efforts and agreements, the economics of trafficking, the protection, the prosecution aspects, and the evaluation and challenges faced.   * In July 2019, the FSWS organized an awareness raising conference as part of the International World Day Against Trafficking in Persons, with the participation of keynote speakers on various aspects of Human Trafficking.   In addition to the above-mentioned training, employees within the FSWS Human Trafficking service attended other training opportunities in 2021 and 2022 which are related to Human Trafficking. The training was provided by the US Embassy in Malta and also by the Salvation Army UK. In addition, the Annual Conference to raise awareness about the International World Day Against Trafficking in Persons was organized in 2020 and 2021.  In 2021/2022, the Awareness Sessions are being held with various frontliners who may be in contact with persons who are victims of trafficking, such as the doctors and nurses working within Primary Health Care, Mount Carmel Hospital, Mater Dei Hospital, Sir Anthony Mamo Oncology Centre (SAMOC), GU Clinic, workers at the Malta International Airport, CCF and Probation Services, Jobsplus, DIER, JRS, and ADITUS, amongst others. Bi-monthly round tables amongst these stakeholders are also held in which presentations have been delivered on the methodology of early identification. Sessions with vulnerable groups (primarily migrants and sex workers) are also planned to inform them about the risk of trafficking and to encourage potential victims to seek help.  The FSWS has also embarked on an awareness campaign which includes leaflets that are distributed at the airport and bus adverts which cover several routes around the Maltese Islands. Moreover, the Human Trafficking Services within FSWS are consolidating their online presence. A Facebook page was created with regular updates to create awareness and to encourage potential victims to reach out.     * *Sex work*   In 2020, an agreement between FSWS and the Human Rights Directorate was signed to offer support to sex workers who would be able to receive immediate and long-term support according to their needs. FSWS started the process to engage professionals to work within this new service and held preparatory meetings to start the operations of this service.  The ‘Sex Work Programme’ is aimed towards people working within the sex industry. The service advocates for the decriminalization of sex work and offers a free and confidential service for sex workers in all sectors of the sex industry. Through social work support, FSWS encourages safe work practices by providing its clients with harm reduction strategies, general support, and access to sexual, physical, and mental health services. The programme places sex workers’ wellbeing at the heart of its mission, which is to empower and provide care to sex workers, operating in Malta and Gozo. The sex work programme is flexible and dynamic, informed by the individual needs of the sex worker, both for individuals who wish to leave the industry and those who choose to remain.  With regard to the Sex Work Support Programme, FSWS has also started outreach sessions in streets together with the Community Police in areas where there is a concentration of street sex workers.  Both the Human Trafficking team within FSWS and also the workers within the Sex Work Support Programme provide two different platforms in which stakeholders who are working in the field can meet on a regular basis through round table conferences and exchange knowledge, trends, challenges and best practices. |
| 110.64 Further advance its efforts in assisting victims of trafficking in accordance with their needs (Georgia);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.62. |
| 110.65 Take further steps to assist the victims of trafficking, such as the provision of safe accommodation, adapted to the specific needs of victims (Ireland);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.63. |
| 110.67 Continue the fight against trafficking in persons by improving inter-agency interaction, enhancing victim assistance services, training government officials, raising public awareness and other relevant initiatives (Bulgaria);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.63. |
| 110.66 Improve the system for identifying victims of trafficking in persons, especially in the case of children, irregular migrants and asylum seekers (Spain);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See 110.56.  Training has been provided to stakeholders (including among others, the Police and Aġenzija Appoġġ) to identify victims of human trafficking. Moreover, IOM has been tasked with the updating of victims of human trafficking indicators.  The fight against human trafficking is by no means an easy one. Victims are often reluctant to speak out, as they would have been intimidated by their traffickers. Therefore, identification of victims of human trafficking remains one of the major challenges posed by this crime, be it in Malta or elsewhere.  The ATNS will adopt a human rights-based approach with the aim of developing a sustainable system for the early identification and comprehensive support for victims. This would also seek to ensure the provision of timely and effective protection and access to justice, to provide victims with proper compensation for moral and material damages in accordance with the law.  In January 2022, the Directorate had the opportunity to meet with OSCE Special Representative and Coordinator for Combatting THB Dr Valiant Richey. Exchange of best practices and issues related with the anti-trafficking reform in Malta were discussed in details and a report containing OSCE’s recommendations to Malta has been received accordingly. |
| ***Theme: D28 Gender-based violence*** | | |
| 110.81 Adopt measures to ensure full respect for and implementation of its international obligations relating to gender-based violence, including through appropriate training for the police force and the judiciary (Canada);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | In 2018, gender-based violence was fully integrated it into Maltese law, by means of several substantial amendments to principal codes, including the Criminal Code and the Civil Code, as well as the introduction of the Gender-based Violence and Domestic Violence Act (Chapter 581 of the Laws of Malta).  During 2022, the Commission on Gender-Based Violence and Domestic Violence and the Department of Justice signed a Memorandum of Understanding, which facilitates cooperation on training initiatives addressed at legal professionals related to gender-based violence and domestic violence. The [second national strategy on gender-based violence and domestic violence](https://stopviolence.gov.mt/en/Documents/Docs/20524%20-%20Second%20Strategy%20(another%20duplicate).pdf) (2021-2022) was launched in 2021. It was developed in view of Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO)’s recommendations which were issued during the previous year and in consideration of stakeholders’ communicated needs. It is a continuation of the previous strategy (2018-2020) which seeks to address the four pillars of the Istanbul Convention through policy measures aimed at preventing and combatting all forms of gender-based violence and domestic violence. The Commission on Gender-based Violence and Domestic Violence coordinates and monitors the implementation of the strategy through the Inter-Ministerial Committee which is made up of focal points from the various ministries and entities working in the field. The Inter-Ministerial Committee meets regularly to discuss policy development, strengthening of service provision, training needs for professionals as well as sharing of good practices. The Inter-Ministerial Committee also meets with non-governmental organisations working in the field every quarter to ensure that ties with civil society are maintained. Malta will continue to take necessary measures to protect women and children from violence, including through the stepping up of law-enforcement measures and offering training as necessary.  The Commission on Gender-based Violence and Domestic Violence is collaborating with the Ministry for Education on the implementation of an evidence-based dating violence prevention programme. The Safe Dates programme is being piloted with Year 10 students in four secondary state schools during Personal Social and Career Development lessons. The aim of the pilot study is to evaluate the effectiveness of the Safe Dates in changing attitudes and beliefs of students towards dating abuse and to gather feedback from the teachers delivering the programme on the implementation process.  In October 2020, the Malta Police Force also introduced a specialised unit to address reported cases of gender-based violence and domestic violence. Training for this unit is being reinforced through the delivery of *Full Cooperation: Zero Violence* training programme to officers who did not have the opportunity to attend the first time round. Applications for EU-funded projects further ensure that the police force’s training needs are well accounted for. The Commission has also coordinated training on the domestic abuse, stalking and harassment and honour-based violence (DASH) and the spousal assault risk assessment (SARA), two risk assessment tools, which improve first responses towards domestic violence and gender-based violence and provision of adequate support and protection.  The education sector collaborates with the office of the Commission on Gender-Based Violence & Domestic Violence to implement preventive educational programmes (especially in Social Studies and Personal Social and Career Development Subjects). The National School Support Service within the Ministry for Education, Sport, Youth, Research and Innovation, co-operated closely with the National Domestic Violence Services (DVS) to improve working relationships in relation to individual cases where minors were exposed to domestic violence.  The Academy for Disciplined Forces is committed to providing the In-Service Training Course for Police Sergeants and Constables. In-Service Training Courses are a continuation of the previous year in terms of the structure and content and partly focus on the prevention of sexual exploitation and abuse. As of January 2020, 299 officials from the Malta Police Force have received this training. Officials are also exposed to different units such as the Gender-Based Violence and Victims of Crime unit. This area introduces the officers to the responsibilities they have towards protecting and supporting victims of crimes, with lectures covering the basic communication skills of how to deal with traumatized victims and how the crime’s consequences may affect victims in different ways. Furthermore, officials receive training on the rights, support and protection of victims in line with Chapter 539 Laws of Malta (Victims of Crime Act). Case studies based on real-life experiences are also shared to better understand and analyse the significance of such duties.  The Academy also provides sessions on fundamental rights and ethics with the objective of raising awareness about the importance of ethical behaviour in day-to-day police work and to enhance respect towards fundamental rights in all levels of policing.  A series of other courses are also delivered up to the rank of Police Constables and Inspectors, covering fundamental rights, victims support, human trafficking and people smuggling. |
| 110.80 Fully implement legislative and practical efforts to address domestic and gender-based violence, including ensuring support for victims (Australia);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.81. |
| ***Theme: D43 Freedom of opinion and expression*** | | |
| 110.47 Take measures to strengthen the independence of the media, in particular by removing from the Media and Defamation Act the possibility of resorting to lawsuits as this constitutes a means of pressure and censorship on the freedom of the press (Belgium);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Malta increased its efforts to strengthen the independence of the media and reduce pressure and censorship imposed on it by enacting the Media and Defamation Act in 2018 and repealing the pre-existing media laws under the Press Act. This established a new legal framework for media law, libel, defamation and slander under Maltese law, following extensive consultation on the matter with the office of the OSCE Representative for Freedom of the Media. The legislation strengthened the right to freedom of expression through the abolition of criminal libel from Maltese media law and criminal law, the introduction of the new civil tort of slander, and the regulation of web-based news and current affairs services. In the case of actions brought for allegedly defamatory statements, a plaintiff must now bring proof of serious harm or a likelihood of serious harm. The new law provides in detail for a number of defences which were only scantily referred to under the old law which were developed and transformed through the judgments of the European Court of Human Rights. Among these is the defence of honest opinion. In an effort to eliminate the possibility of the institution of Strategic Litigation Against Public Participation (SLAPP) lawsuits, anti-SLAPP provisions were introduced in so far as actions of civil libel are started in Malta against media practitioners in Malta. In fact, it does away with the filing of precautionary warrants against journalists and the filing of multiple lawsuits against a journalist on the same facts. Malta would support any EU-wide initiative in order to curb SLAPP and libel tourism by the creation of common legislation.  Furthermore, since November 2021, the Malta Police Force introduced the inclusion of media relations training as part of the Malta Police in-service training. This is being delivered jointly by the MPF Communications Office and the Institute of Maltese Journalists.  Specifically on the protection of journalists, in 2021, the Malta Police Force (MPF) drafted a Standard Operating Procedure (SOP) titled *Protection of Journalists, Media Actors and Public Figures at Risk* which defines the terms ‘journalist’, ‘media actor’ and ‘public figure’ and established a protection provision process flow, including the setting up of a Committee for Recommendation of Measures composed of the Commissioner of Police or his representative, the Head of the Malta Security Service (MSS) or his representative and the Commander of the Armed Forces of Malta (AFM) or his representative.  Following a request for assistance, members of the MPF, AFM and MSS, including the respective heads of entities, attended a two-day training programme in February 2022 on the Management of Threats to Life delivered by experts from the UK National Crime Agency.  As a result of the training received, MPF acknowledged the need to re-examine the SOP and ensure that the necessary threat analysis is carried out centrally by the Malta Police Central Intelligence & Analysis Unit which shall act upon all intelligence received from multiple sources, including the MSS.  Once the new SOP is concluded, this will be communicated to journalists for them to have a better understanding on the way threats are classified, and the risks and actions taken to mitigate them.  Furthermore, the MPF has for the past months been seeking to partner with the Maltese Institute of Journalists and other relevant stakeholders, to carry out a generic questionnaire to better understand their subjective fear in relation to various types of journalistic works. |
| 110.49 Create a conducive environment for media pluralism and independence in Malta, ensure the effective safety of journalists and guarantee proper and impartial investigations (Czechia);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.47.  In 2020 the NCPE was part of a committee to draft guidelines to the media on ensuring fair and balanced gender representation in discussion programmes. The *Gender Representation Guidelines for Discussion Programmes* were published in 2021 and circulated among stakeholders. |
| 111.25 Take steps in order to further increase the protection of journalists (Greece);  **Source of position:** A/HRC/40/17/Add.1 - Para. 49 | Supported | See response to 110.47. |
| 111.26. Adopt effective measures to guarantee the safety of journalists and the exercise of freedom of expression, such as the creation of a national mechanism for the protection of journalists (Mexico);  **Source of position:** A/HRC/40/17/Add.1 - Para. 49 | Supported | See response to 110.47. |
| 110.48 Take all steps necessary to guarantee the full exercise of freedom of expression and of the press, as stipulated in the Constitution of Malta and in accordance with its international commitments in the field (Switzerland);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.47. |
| 110.45 Eliminate Title IV of the Criminal Code with a view to decriminalizing defamation and guaranteeing the full exercise of freedom of expression and freedom of the press, in addition to ensuring the physical and legal protection of journalists and human rights defenders (Spain);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.47. |
| 110.46 Enhance the safeguards of the exercise of freedom of speech, especially in cases in which the accountability of public officials and institutions is concerned (Holy See);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.47. |
| 111.27 Conduct a transparent investigation into the murder of Daphne Caruana Galizia and exercise all due diligence to ensure that justice is done (Switzerland);  **Source of position:** A/HRC/40/17/Add.1 - Para. 49 | Supported | A transparent investigation was immediately conducted in collaboration with key international institutions, and led to the arraignment of three persons in Court within 49 days. Another person was arraigned in 2019 charged with participation in the homicide of Ms Caruana Galizia. In February 2021 another two person were also charged with their participation in the homicide of Ms Caruana Galizia. In February 2021, Malta obtained a conviction relative to one of the three persons arraigned in December 2017. The criminal proceedings against the other persons as well as the investigation are ongoing.  A public inquiry was established, and the conclusions of the public inquiry were published in 2021. |
| 110.50 Investigate fully all threats, harassment and violence against journalists, bringing to justice not only the direct perpetrators, but also those who incited them to commit those deeds (Denmark);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.47. |
| 110.51 Investigate and prosecute cases of intimidation and violence against journalists (Australia);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Attacks against journalists are strongly and immediately condemned in Malta. The two main organizations in Malta which promote the interests of journalists are The Malta Institute of Journalists (IGM) and the Journalists Committee (Malta). The International Federation of Journalists (IFJ) and its European Group which is the European Federation of Journalists (EFJ) also deal with these issues. These organizations usually back calls made by the Institute of Maltese Journalists (IGM) for authorities to take action against those responsible for the attacks.  Attacks against journalists are investigated by the police and even by the Duty Magistrate who leads the investigation. Cases like these are considered to be very serious owing to the importance of the journalists’ freedom of speech which is linked to and is considered to be a safeguard to our democracy. The offenders are then arraigned in Court and prosecuted. With regards to the remedies, the punishments with regards to criminal offences are laid down in the basic law which is the Criminal Code (Chapter 9 of the Laws of Malta). The journalists can also sue the offenders for civil damages under the Maltese Civil Code (Chapter 16 of the Laws of Malta).  There are currently three separate criminal proceedings against persons charged with involvement in the murder of Daphne Caruana Galizia, namely “The Republic of Malta vs George Degiorgio, Alfred Degiorgio and Vincent Muscat”, “The Police vs Yorgen Fenech” and “Republic of Malta vs Adrian Agius et”. The former case is well under way, in that the compilation of evidence was concluded last year, with the formal Bill of Indictment filed on the 16th July 2019. From their end, the accused filed a large number of preliminary pleas, which pleas were debated before the Criminal Court and the Criminal Court delivered its judgment on the 30th October 2020 rejecting all the preliminary pleas filed by the accused. The accused have entered an appeal from the judgment and the Court of Criminal Appeal rejected the appeal. The trial by jury will be scheduled soon. In the second case, the Bill of Indictment was filed in August 2021. Mr Fenech has filed a number of preliminary pleas that need to be decided by the Criminal Court. The third case is still at compilation of evidence stage before the Court of Magistrates. Sittings are being held on a regular basis and evidence is being duly compiled.  An independent public inquiry was set up in accordance with the Inquiries Act (Chapter 273 of the Laws of Malta). In terms of article 4 (4), the Board is bound to carry out such functions and other duties, and in such manner and within such time, as may be specified in the instrument of appointment. The instrument of appointment established the terms of reference of the independent public inquiry, which was published by Government, outlining the scope of the public inquiry. The Board has issued its findings.  Also see response to 110.47. |
| 110.52 Ensure accountability through the conduct of independent, impartial, prompt, thorough, effective, credible and transparent investigations into all cases of violence, threats and attacks against journalists and media workers (Austria);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.47. |
| 110.54 In the light of the killing of the journalist Daphne Caruana Galizia, take all measures to protect and support journalists working to uncover corruption and other matters of the highest public interest (Iceland);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.47. |
| 110.53 Spare no efforts in fully investigating Daphne Caruana Galizia’s assassination with a view to identifying all those involved and ensuring that there is no impunity for this crime (Slovenia);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.47. |
| ***Theme: D51 Administration of justice & fair trial*** | | |
| 110.40 Ensure that all persons detained by the police can effectively benefit from access to a lawyer throughout their police custody, including during any police questioning, and that the relevant provisions of the Criminal Code are amended accordingly (Hungary);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | This mechanism is already in place. Persons detained upon arrest are immediately informed that they may consult with a lawyer of their choice both personally or by phone (both options are not dependable on the police). If the detained person wishes to refuse to consult with his lawyer, he must sign a waiver.  Moreover Article 355AUA of the Criminal Code [Cap 9] provide that:  (1) The suspect or the accused person shall have the right of access to a lawyer in such time and in such a manner so as to allow him to exercise his rights of defence practically and effectively.  (2) The suspect or the accused person shall have access to a lawyer without undue delay. In any event, the suspect or the accused person shall have access to a lawyer from whichever of the following points in time is the earliest:  (a) before they are questioned by the Executive Police or by another law enforcement or judicial authority in respect of the commission of a criminal offence;  (b) upon the carrying out by investigating or other competent authorities of an investigative or other evidence-gathering act in accordance with sub-article(8)(e);  (c) without undue delay after deprivation of liberty;  (d) where they have been summoned to appear before a court having jurisdiction in criminal matters, in due time before they appear before that court. |
| 110.43 Implement a targeted strategy to accelerate judicial processes to ensure decisions are reached within a reasonable time frame (United Kingdom of Great Britain and Northern Ireland);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | The Court Services Agency is currently building two new Halls. One in the Family Court and another one in the main Court building which will be fully equipped to host a trial by jury, thus making it possible for multiple juries to be celebrated contemporaneously.  Chapter 9 of the Laws of Malta is being revised in order to improve the current processes to deal with the length of proceedings.  The current number of the members of the judiciary is going to increase in order to tackle, primarily but not limited to, the backlog of superior appeals and domestic violence cases.  Discussions are to be held with a view of improving the system for notifications of acts.  The use of AI with regards to transcriptions from speech to text of all evidence is being explored. This will surely improve the overall length of proceedings. |
| 110.44 Ensure that crimes and offences are investigated thoroughly and court cases are concluded within a reasonable amount of time (Netherlands);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | The Malta Police Force has issued a strategy for 2020-2025 which aims to contribute to increased strategic orientation of the Malta Police Force, better management of external dynamics and stakeholders, increased operational efficiency and effectiveness, and optimisation of internal structures and human resources management.  Training has been provided on how to investigate in an effective manner.  Following the phased taking over of the decision to prosecute by the Attorney General from the Police it has been noted that cases that are being prosecuted before the courts of criminal jurisdiction by the Office of the Attorney General are being concluded in a less time. The Government has also publicly stated that reforms in the area of criminal justice in order to tackle the length of committal proceedings constitute a priority. |
| ***Theme: D6 Rights related to name, identity, nationality*** | | |
| 111.37 Promote the integration of migrants into Maltese society, reducing the time required for a person to reside in Malta before applying for citizenship, which is currently set at more than 18 years (Uruguay);  **Source of position:** A/HRC/40/17/Add.1 - Para. 16 | Supported | The time of residence required before applying for Maltese citizenship is currently set at 5 years and not the 18 years referred to in the recommendation. |
| ***Theme: D7 Right to participation in public affairs and right to vote*** | | |
| 110.55 Revise the legislation on the financing of political parties and the investigative powers of the Electoral Commission, in order to provide transparency with regard to donations to political parties and effective public control over the fulfilment of prerequisites for such donations (Germany);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported |  |
| ***Theme: E1 Economic, social & cultural rights - general measures of implementation*** | | |
| 110.33 Continue to promote sustainable economic and social development and to improve people’s living standards (China);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | As evidenced in the National Strategic Policy for Poverty Reduction and Social Inclusion (2014-2024) Implementation and Evaluation Report (2017-2019)[[4]](#footnote-5), poverty and material deprivation indicators have registered an improvement in the last few years.  The Agency for Community and Therapeutic Services (ACTS) within the Foundation for Social Welfare Services (FSWS) works with communities to create awareness and implement interventions towards attaining sustainable economic and social growth. All interventions are supported by an assessment which focuses on Community belonging and support, household stability, financial situation, present employment situation, and present educational abilities, amongst other things. Care plans are supported by Specific, Measurable, Achievable, Realistic, and Timely (SMART) goals, timescales, and ongoing evaluations to measure outcomes.  Malta Enterprise (ME) is the country’s economic development agency, tasked with attracting new Foreign Direct Investment (FDI) as well as facilitating the growth of existing operations. ME designs various support measures offering financial assistance to businesses which impact not only the economy but also contribute to the development of society. Although society is not directly linked to ME, their FDI efforts and drive to assist companies based in Malta to grow, indirectly develops society. The projects ME approve contribute towards standard of living, which is also included as part of their strategy. |
| ***Theme: E21 Right to an adequate standard of living - general*** | | |
| 110.69 Ensure that access to services for older persons is dignified, affordable and readily available (Australia);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | In the past three years, the Maltese Government has continued to improve older persons' access to services, and sustained such access as dignified, affordable and readily available, by restructuring the Department of Active Ageing and Community Care. As a result, the Government has facilitated access to community care through a variety of access points across primary and acute care sectors, ensured alternative community care settings to cater for the needs of older persons and guaranteed that beneficiaries of community care services have the opportunity to participate meaningfully in both service planning and provision, with consumer feedback being present at all levels. |
| ***Theme: E41 Right to health - General*** | | |
| 110.70 Continue to implement policies directed at improving access to health services and health education, with a particular focus on the needs of young persons (Moldova);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Health care in Malta is free at the point of use for all eligible persons including young people. Health promotion campaigns are ongoing including initiatives targeting young persons carried out in liaison with various entities and sectors e.g. Education department, SportMalta. All services, including mental health services, sexual and reproductive healthcare services, are freely available within the national public healthcare system. Various campaigns are organised to tackle areas of concern such as Obesity and Physical Activity, Mental Health, Sexual health education campaigns for the teaching profession (e.g. the Sexuality and Relationships Education campaign[[5]](#footnote-6))  In 2021, the policy on Inclusive Education in Schools was updated to also include goals related to healthy lifestyles.  Between November 2019 and February 2022 the SOGIGESC Unit at the Human Right Directorate implemented the Project TRANSFORM: Raising standards of healthcare service provision for LGBTIQ people. This included the training of over 650 persons working in health care settings; the rolling out of 3 awareness campaigns focusing on mental health; sexual health and the services of the Gender Wellbeing Clinic; and the development and launch of a website aimed at healthcare professionals focusing on trans health care – [www.transhealth.gov.mt](http://www.transhealth.gov.mt).  The treatment formulary for HIV was updated in December 2020 and rolled out over the following months. |
| ***Theme: E43 Access to sexual and reproductive health and services*** | | |
| 110.82 Invest appropriate resources to ensure the implementation of existing strategies related to sexual and reproductive health and rights, including ensuring access to safe, affordable and modern means of contraception, and information related to them (Canada);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | In furtherance to the enactment of the Gender Identity, Gender Expression and Sex Characteristics Act, 2015 and the Embryo Protection (Amendment) Act, 2018, the Government remains committed in its efforts to implement and raise awareness on sexual and reproductive health and rights in Malta, including for gender minorities. The Genitourinary Clinic (GU clinic) at Mater Dei hospital provides free preventive and screening services and treatment to all and is easily accessible by telephone appointments under strict confidentiality and anonymity. A similar service is also available in Gozo as part of the national health service. In 2018, the Embryo Protection Act was amended to allow access to in-vitro fertilisation to single women and same-sex couples. A Gender Wellbeing Clinic was also established and started operating in November 2018, offering multi-disciplinary services to trans, intersex and genderqueer individuals. |
| 110.83 Ensure women’s sexual and reproductive rights, including through education and family planning (Australia);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | The Maltese Health Care system provides preventive and primary care services relating to sexual and reproductive healthcare, which are freely available within the national public healthcare system. These include family planning, safe motherhood, infertility treatment, assisted reproduction, prevention, confidential testing, diagnosis and treatment of reproductive tract infections, Sexually Transmitted Infections (STIs) and HIV/AIDS, prevention and treatment of reproductive cancers and maternal morbidities.  In furtherance to the enactment of the Gender Identity, Gender Expression and Sex Characteristics Act, 2015 and the Embryo Protection (Amendment) Act, 2018, the Government remains committed in its efforts to implement and raise awareness on sexual and reproductive health in Malta.  The updated Policy on Inclusive Education in schools has specific goals related to Trans, gender variant and intersex learners. A comprehensive Sexuality and Relationships Education (SRE) is a statuary subject within the Personal, Social and Career Development Subject (PSCD) starting from year 4 up to year 11. The ‘A National Curriculum Framework for All’ (2012) and the ‘Guidelines on Sexuality and Relationships Education in Maltese Schools’ (2013) documents continued on this notion of inclusivity encouraging critical thinking and reflection about gender identities, gender-role stereotyping and different sexual choices and orientations.  The delivery of SRE lessons have been reinforced by the development and acquisition of different resources including reflective workbooks, clips and contraceptive kits to assist and provide PSCD teachers with reliable resources to address a range of outcomes related to SRE. The contraceptive kits also give PSCD teachers the opportunity to teach about condoms in a practical way, empowering students to practice safer sex in a controlled and safe environment rather than just having to go out and learn about it on their own, from their peers or the internet. This ‘modelling’ technique also makes it possible for students to talk about condoms and sexually transmitted infections and seek advice in a non-judgmental environment. |
| 110.84 Improve the availability of sexual and reproductive health services, including family planning (Iceland);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | The Government remains committed to improving the availability of sexual and reproductive healthcare services. These include family planning & transgender services. Furthermore, contraceptives are easily accessible in community pharmacies. Rapid testing for HIV was introduced at the Genito-Urinary Clinic in 2017. In 2017 Malta licensed over the counter sale of the morning after pill.[[6]](#footnote-7) A second Genito-Urinary Clinic was also set up in Gozo. |
| ***Theme: E44 Health awareness raising, access to information*** | | |
| 110.72 Continue efforts to put in place a system of comprehensive sexuality education (Austria);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | The Ministry for Health (MFH) works in collaboration with the Ministry of Education and organises Sexual education campaigns for the teaching profession, such as the Sexuality and Relationships Education campaign and others.[[7]](#footnote-8) In additional, a comprehensive SRE is a statuary subject within the PSCD subject starting from year 4 up to year 11. The PSCD Education Officers within the Directorate for Learning and Assessment Programmes have challenged the assumption that children with disabilities do not engage in sexual activities, are asexual or sexually uninhibited and has introduced an adapted SRE programme in special schools. Parents were involved during every stage of the implementation process.  Furthermore, various other media are used such as radio and TV, and working with civil society to target the educational messages. |
| ***Theme: E51 Right to education - General*** | | |
| 110.73 Continue implementation of the framework for the education strategy for the period from 2014 to 2024 in order to reduce the gaps in educational outcomes between boys and girls (Afghanistan);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | All career guidance initiatives and programs from an educational perspective, challenge stereotyping at different age groups.  Through the My Journey Options Exercise held with Year 8 students, which provides students with opportunities to choose from academic, vocational and applied subjects, all students, i.e. boys and girls are exposed to the different subjects on offer, regardless of their gender.    Visits to places of work/talks held by employers challenge stereotyping and encourage both boys and girls to take up non-traditional occupations.    Information sessions with all Year 11 students regarding post-secondary education opportunities are provided, with all students being exposed to both applied, vocational and academic routes.    Specific career guidance activities such as talks, and workshops are held to make sure that all students regardless of their gender are informed about Science, Technology, Engineering and Mathematics (STEM) subjects.    The National School Support Service within the Ministry for Education, Sport, Youth, Research and Innovation collaborates with private and public entities such as the Chamber of Engineers, The Malta Chamber, the Malta Employers’ Association, eskills Malta Foundation, amongst others, to ensure that its practitioners are kept up-to-date with developments in the area. These entities also participate in career fairs to inform students about career opportunities in the sector.    In April 2022, the Euroguidance Malta Centre organised a conference with the input of an expert from the Organisation for Economic Co-operation and Development (OECD) where the career aspirations of both boys and girls were analysed through the use of the Programme for International Student Assessment (PISA) 2018 results. |
| ***Theme: F12 Discrimination against women*** | | |
| 110.86 Collaborate closely with the private sector to formulate policies that support women in re-entering the workforce (Singapore);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Even prior to the COVID-19 pandemic, Malta held a positive labour market outlook characterised by sustained economic growth. Malta’s female labour market participation rate has increased by 31.5 percentage points from 40.9% in 2009 to 72.4% per cent in 2021 (source: Eurostat[[8]](#footnote-9)). In Q4-2021 Malta scored 3.8% more in the female labour market participation, when compared with the Euro Area (68.6%).  Additionally, more women are employed in full-time jobs. These efforts will increase once the Gender Equality Mainstreaming Strategy and Action Plan is adopted. Government is in the final stages of drafting this first Action Plan and Strategy, which will strategically address structural inequalities faced by women in Malta will work towards the mitigation of the gender pay gap (currently at 10%) which leads to the gender pension gap (currently at 39.3%), as well as on occupation segregation in the labour market. Focus is being put on ensuring equal pay for work of equal value for women and men. Differential pay between different jobs requiring different skills and competences will remain possible, The National Commission for the Promotion of Equality (NCPE) is developing an Equal Pay Tool that checks the organisations’ pay structure in the context of equal pay for work of equal value between women and men.  The increase in female employment is a direct result of the implementation of an integrated make-work-pay reform package consisting of a number of targeted active labour market policies designed to support gender equality by investing in human capital and supporting a better work-life balance. This includes the provision of the Free Childcare Scheme, implemented by Jobsplus (Malta’s Public Employment Services), and by ensuring collaboration between Government and childcare centre providers. The scheme provides free childcare services for children aged below three years for those whose parents/guardians are working or continuing education leading to a recognised qualification. The Scheme is also extended to parents who are not in employment or education due to terminal illnesses. Moreover, during the 2022 Budget speech the Maltese Government has acknowledged that one of the challenges being faced by the business sector is the shortage of employees due to a number of reasons, including workers whose respective hours of work would be in the evening, during weekends or organized in shifts. In order to address this challenge, the Maltese Government will be extending the free childcare service to employees who work such hours. Children coming from disadvantaged backgrounds, whose parents/guardians are not eligible for the Free Childcare Scheme are provided access through childcare centres, administered by the State, through the Foundation for Educational Services. This scheme has been particularly instrumental in enabling both women and men with family responsibilities to re-enter or stay in the labour market.  Incentives aimed at ‘making work pay’ such as the Klabb 3-16, the In-Work Benefit scheme and the Tapering of benefits together with the promotion of flexible work arrangements continue to encourage participation in the labour market, targeting females in particular.  In addition to the aforementioned policies, females returning to the labour market can also benefit from tax exemptions, subject to satisfying certain conditions.  Furthermore, Jobsplus, Malta’s Public Employment Services, has put in place a number of measures designed to enhance the capacity of workers irrespective of their gender which has been pivotal in further supporting gender equality within the workforce. These include a scheme designed to support individuals who are already in the labour market, unemployed or inactive through partial subsidies in order to up-skill through off-the-job training (Training Pays Scheme) and a scheme to incentivise employers through partial subsidies in order to train their staff (Investing in Skills scheme), thus supporting their enhanced adaptability. Free of charge training courses which are demand-driven and pegged to the Malta Qualifications Framework (MQF) remain available to all individuals (of working age) residing in Malta and who meet the eligibility criteria.  As for the more challenged amongst jobseekers and inactive persons, Jobsplus, through the Access to Employment Scheme, provides employment aid to enterprises to promote their recruitment.  Moreover, through the Bridging the Gap Scheme, Jobsplus supports registered persons with disabilities and people in disadvantaged situations who are unemployed in the transition period from unemployment to employment. The employer and Jobsplus enter into an agreement regarding the work exposure period, whereby the client is placed on the scheme with the prospect of employment.  These are examples of policies which entail close cooperation with the private sector to enhance Malta’s human capital, support productivity and labour market transitions for both men and women.  Furthermore, through the new National Employment Policy (2021-2030) which was launched in October 2021, the Maltese Government is addressing the reality of underemployment and other impacts of COVID-19. The policy puts forward 40 recommendations which were developed through a framework of consultation with key stakeholders and industry leaders. Upskilling and reskilling the workforce is at the centre of the way forward ensuring a level playing field among the working population as countries embark on the dual green and digital transitions. Moreover, the National Employment Policy highlights ways to tackle the disproportionate effects a disruption in economic activity can have on vulnerable groups such as women and persons with disabilities. Amongst other challenges, the National Employment Policy also seeks to address the issue of pay inequalities, the volume of TCNs workers in the Maltese economy, automation and other technological advancements and ways to deter the black economy and to strengthen the rights of workers and employers. In order to specifically address women, the National Employment Policy recommends incentivising industry-led training programmes for women who are re-entering the labour market with a focus on STEM careers as a means to both source the talent and skills needed for greater industry growth and to also help resolve the gender imbalance in such sectors. Moreover, the National Employment Policy puts forward a recommendation to launch female entrepreneurship schemes to address the gender employment gap and encourage more women to participate in the labour market. |
| 110.85 Continue initiatives aimed at promoting gender equality in employment and the participation of women in decision-making positions (Romania);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.86.  It is worth also mentioning that in 2015 a maternity trust fund has been set up in order to finance the provision of maternity leave salaries in the private sector and eliminate potential discrimination against females. Employers in the private sector are required to start paying a contribution of 0.3% of the basic wage of all their employees (both male and female). In return, employers will be able to get a refund, payable from the fund, of the first 14 weeks of maternity/adoption leave awarded to their employees.  The Maltese Parliament approved amendments to the national legal framework in 2021 to put in place a gender corrective mechanism through cross-party agreement. The mechanism seeks to address the current democratic deficit in the representation of women and men in Parliament by allocating additional parliamentary seats to the under-represented sex when one sex obtains less than 40% of the seats as from the 2022 general election. Following the application of the mechanism in March 2022, 12 seats were added for women resulting in a total of 22 women out of 79 Members of Parliament (28%).  The NCPE continued awarding the Equality Mark to organisations that make gender equality one of their values and whose management is based on the recognition and promotion of the potential of all employees, women and men and persons with caring responsibilities. By December 2021, there were 123 certified organisations employing over 29,250 individuals.  The NCPE carried out a set of initiatives to address the gender gaps across the life cycle (2018 – 2020). Two research studies: one on equal pay tools by which a similar tool for the national context has been developed; and another on how European Trade Union representatives embrace the principle of equal pay for women and men during collective agreement negotiations; the enhancement of the NCPE Equality Mark through the Equal Pay Tool, which was tailor-made for the Maltese context and will process inputted information from employers about their employees in order to identify unjustified pay discrepancies; awareness raising campaigns on the gender pay and pension gaps; train-the-trainers course to career advisors and career guidance teachers with the aim of empowering young students to make wise choices; and training to trade union representatives. These initiatives were part of the EU co-funded project ‘Prepare the Ground for Economic Independence’.  The NCPE also continued raising awareness on the Directory of Professional Women that seeks to give visibility to professionals to enhance their opportunities of being appointed to boards and other decision-making positions. By 2021, 267 professional women from different sectors were on the Directory. |
| ***Theme: F13 Violence against women*** | | |
| 110.78 Continue efforts to prevent violence against women (Tunisia);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.81. |
| 110.79 Continue to intensify actions to eradicate violence against women (Japan);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.81. |
| 110.76 Redouble efforts to eliminate violence against women and children, and put in place mechanisms that guarantee their access to justice (Algeria);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.81. |
| 110.74 Continue efforts to eliminate violence and discrimination against women (Maldives);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.81.  In 2022, the NCPE organised an online forum with academics and other stakeholders on femicide and gender equality. The discussion addressed topics such as the definition of femicide; the links between gender equality and violence against women and girls; the effects of patriarchy in society and the way forward. The online forum is available on NCPE’s social media.  The NCPE is empowered to investigate cases of alleged sexual harassment in employment, education as well as banks and financial institutions. In addition, the NCPE disseminates information on the rights and responsibilities related to sexual harassment through training to different stakeholders as well as through awareness on social and traditional media. |
| 110.77 Intensify efforts to eliminate violence against women and children and promote the participation of women in the public and private sectors (Mexico);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.81. |
| 110.75 Continue efforts aimed at the elimination of violence against women and children (Côte d’Ivoire);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.81.  In 2014, Malta ratified the Istanbul Convention and subsequently amended its legislation and policy to bring them in line with the Convention, particularly by adopting the Gender-Based Violence and Domestic Violence Act and a corresponding strategy and action plan. The strategy seeks to address the four main pillars under the Convention by implementing two projects – *Full Cooperation: Zero Violence* (2017-2018) and *Breaking the Cycle of Violence* (2018-2020). Malta will continue to take necessary measures to protect women and children from violence, by further developing law-enforcement measures and offering training as necessary.  The Foundation for Social Welfare Services (FSWS) offers various social welfare services in the area targeting vulnerable women and children. In 2019, Malta enacted the Minor Protection (Alternative Care) Act[[9]](#footnote-10), creating a new legislative framework for the following organisational structures to function. These include:   * An independent Child Protection Directorate * An independent Children’s House * A Judicial Mechanism to address Protection Orders * A Child Protection Network (similar to Multi-Agency Risk Assessment Meeting- MARAM) * An independent and specialised Directorate for the management of alternative care   In 2020, the Directorate for Child Protection Services was established by virtue of Chapter 602 of the Laws of Malta. Through a highly specialised forensic system, this multi-disciplinary team engages children and their families to determine the difficulties that hinder the well-being of minors.  The Directorate for Child Protection Services comprises of four (4) main services:   1. **The Child Protection Investigation unit**, which investigates reports of child maltreatment; that is, physical violence unto a minor, inappropriate sexual actions, neglect, emotional and psychological abuse, and children witnessing domestic violence. 2. **The court service** which services the Family Courts of Malta and Gozo, in providing assessments and recommendations in relation to child-related items stemming out of separation proceedings. Amongst other things, the Court services ensure the delivery of a rigorous assessment about the context of the child, which draws on evaluations of the family dynamics, practical elements of care, the psychology of the parents, and the openness of parents to collaborate in a coparenting agreement to the best interest of the child. All such assessments maintain the best interest of the child at the core. 3. **The Children’s House** which is intended to be an extension of the Courts of Malta. The function of this house is to serve as a child-appropriate setting where judicial investigations of violence which involve minors as victims or witnesses may be conducted. In principle, this house attempts to adjust the judicial system to become fairly accessible to children, who may have not yet developed the level of maturity to handle the more adult Court Process. It is intended to promote safety, fairness, adequacy, and fairness, in the benefit of children, so they may quickly receive the support they need, without jeopardizing their opportunity to gain justice for the ill-treatment they received. 4. **The International Dimension of Child Protection** which deals with child trafficking, abducted children, female genital mutilation, children who are forced into marriages, online abuse, and unaccompanied minors' asylum seekers.   Due to the mandatory reporting regulations under the aforementioned law, all professionals are obliged to report to the Child Protection Service any suspicions that a child is suffering, or is at risk of suffering, from significant harm resulting from physical, sexual, emotional abuse, neglect, and vicarious abuse.  In addition, as a response to this legislation, the Maltese Child Protection Services have revised their mission and put in place new services. New assessment tools, such as the Framework for the Assessment of Children in need and their families (2002), the National Risk Assessment Framework (Version 2), and the Structured Decision Making (SDM) manual and training for child protection workers were furthermore created.  There are ongoing collaborations between the Directorate for the Child Protection Services and the Commission for Gender Based Violence and Domestic Violence and the National Agency offering Domestic Violence services, to find gaps in procedure and systems, with the auspice of filling such gaps and reaching victims more quickly and more efficiently. The current focus is to remove barriers for access for therapy for the children experiencing Domestic Violence in their families.  Following the enactment of the new Minors’ Protection (Alternative Care) Act, Chapter 602, of the laws of Malta on 16th July 2019, the FSWS has set up a Directorate especially focused on children in Alternative Care (DAC). The DAC has reviewed its internal policies and holds a clear policy and vision that children should first and foremost be placed in foster care when needed, and should a placement not be available, and children be placed in residential care, all efforts should be ongoing to place children in foster care at the first possible placement. In fact, the DAC supports and facilitates family-based care for children, and continues to strengthen the foster care system for children who cannot stay with their families by ensuring that all foster placements are given all the necessary support, in its drive to attract more foster families. Government has also increased the benefit given to foster carers, for the second time round, in an attempt to further aid these families. In 2021, the 1778 helpline for foster carers was launched. The DAC also provides the Fostering Service.  In 2021, a new healthcare service for children in alternative care was set-up aiming to provide a holistic medical plan, ensuring all children are properly vaccinated, have proper dental care, and children’s emotional wellbeing is being adhered too. Minors living in alternative care often come from disadvantaged backgrounds and are known to be at a greater risk for health problems than the average minor. Thus, this measure is aimed to provide adequate and ongoing healthcare.  In 2021, the DAC started the After Care Service to offer more support to persons leaving care by facilitating their independent living and ensuring a good quality of life. Such service specifically focuses its work on supporting the persons in alternative care to transition into adulthood. The Service started in July 2021. Thus far, the Service worked with 74 persons. |
| ***Theme: F14 Participation of women in political and public life*** | | |
| 110.88 Adopt concrete measures to promote women’s full and equal participation in political and public life and accelerate women’s full and equal participation in elected and appointed bodies (Iceland);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.85 and 110.86.  In 2021 the NCPE published various articles and press statements on the gender corrective mechanism, the role of the political parties and the importance of a balanced representation of women and men in political decision-making. In addition, the NCPE Commissioner has also discussed the importance of equal participation of women and men in politics during TV and radio interviews.  In 2019 the NCPE carried out a campaign on women in politics in order to continue raising awareness on the importance of gender balance in politics through traditional and social media platforms. The campaign included four infographics on: the persistent underrepresentation of women in politics throughout the years; the current democratic deficit; the achievements of women in education; and the perspective that both women and men can become effective politicians. |
| 110.87 Take legislative measures and implement public policies to increase the participation of women in public life (Costa Rica);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.86. |
| ***Theme: F31 Children: definition; general principles; protection*** | | |
| 110.91 Continue the measures covering a wide spectrum of child-related issues in various areas, such as education, health, welfare support and so forth, aimed at guaranteeing better protection and improved opportunities for child development and well-being (Romania);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Malta reviewed the Child Protection Act, formally reforming practices in the childcare system, such as streamlining timeframes for the issuing of protection orders, as well as providing five different types of orders as opposed to the one available before.  The Child Protection (Alternative Care) Act was repealed with the introduction of the Minor Protection (Alternative Care) Act, Chapter 602 of the Laws of Malta. The latter Act was promulgated to provide for protection orders for minors, for alternative care and for suitable protection for those minors deprived of parental care or at risk of deprivation.  An Interim report (2018-2020) on the Implementation of the National Children’s Policy[[10]](#footnote-11) was published by the Commissioner for Children which outlines the implemented measures. The National Strategic Policy for Poverty Reduction and Social Inclusion 2014-2024[[11]](#footnote-12) also focused on children as a specific vulnerable group within the social spectrum. |
| 110.89 Continue efforts to strengthen policies and strategies aimed at promoting and protecting the rights of children and women (Lao People’s Democratic Republic);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.86.  Malta addresses a wide spectrum of child related issues in various areas.  An Interim report (2018-2020) on the Implementation of the National Children’s Policy has been published by the Commissioner for Children and outlines the measures implemented. The National Strategic Policy for Poverty Reduction and for Social Inclusion 2014-2024 has children and young people as a main vulnerable group. Malta is proactively taking measures to address issues relating to child poverty and children's social rights. Two prime examples of such measures are the National Children's Policy and the National Strategic Policy for Poverty Reduction and for Social Inclusion. In addition, Malta will be adopting the Council Recommendation Establishing the European Child Guarantee to further ensure that disadvantaged children have access to basic services. |
| 110.90 Continue its steps to further promote and protect the rights of the child, including addressing child abuse and sexual exploitation of children (Cameroon);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | The Agency for Community and Therapeutic Services (ACTS, FSWS) community-based therapeutic approach and parenting programmes support communities to host a safe, fair and enabling civic space for children, supports families, parents and care givers to build their families on respect and loving care, free from any kind of abuse and advocates for children’s positive growth and development. The Home Based Therapy Service (HBTS) and the Incredible Years Parenting Programme offer therapeutic, behavioural programmes and parenting interventions with multi-stressed families, as well as their children. Some of the issues addressed include children’s self-esteem, behaviour management, healthy coping skills, coherent development of identity and life story, strengthening of support networks, processing of traumatic incidents, improving family relationships as well as, independence. |
| ***Theme: F4 Persons with disabilities*** | | |
| 110.93 Take the necessary measures to move towards a human rights-based approach to protecting the rights of persons with disabilities and incorporate that approach in its national legislation and public policies (Argentina);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Malta adopted a series of legal acts to implement the Convention for the Rights of Persons with Disabilities (CRPD) in national law, and a National Policy on the Rights of Persons with Disability. Amongst these, the Commission for the Rights of Persons with Disability gained more competences and independence from Government, while persons with disabilities were legally included in governing bodies of public entities. In 2016, the Maltese sign language was established as a national language through the adoption of a dedicated Act, while an Act empowering persons on the autism spectrum was adopted. The Act was mentioned as a best practice example by the UN’s CRPD Committee in its 2018 Concluding Observations on Malta.  In respect of more recent developments, see response to 110.16. |
| 110.97 Continue efforts to promote the rights of persons with disabilities and provide the necessary support to the relevant national mechanisms (Jordan);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.93.  In order to ensure equal opportunities within the labour market, especially those vulnerable groups and people with registered disability, the Maltese Government has introduced various policies and measures. One of the policies introduced the enforcement of the 2% quota. Positive support measures to end underemployment of persons with disabilities are believed to be key to unlock job potential. In the Budget Speech for 2015, the Government committed to enforce the 2% quota, which denotes that for employers hiring more than 20 employees, at least 2% of the workforce must be persons with a disability. Employers who fail to adhere to this legislation are requested to make an annual contribution for every person with disability they should be employing. This contribution is capped at €10,000 per employer. The full yearly contributory amount has come into force in 2017.  Moreover, Jobsplus together with the Lino Spiteri Foundation, administers the VASTE Programme which is a €13 million project part financed by the European Social Fund (ESF). The project aims at bringing vulnerable persons, including individuals with registered disabilities, closer to the labour market through training and job exposures opportunities, which could lead to employment or self-employment. The project provides guidance service to tailor a personal training plan and employment exposure to the needs of the participants. The VASTE is composed of:   * Pre-Employment Training which is offered to four distinct groups (persons with intellectual difficulties, persons with physical/sensorial difficulties, persons with mental health challenges and other vulnerable individuals). Courses range from 50 to 100 hours of training depending on the training referred to. * Basic ICT Training which aims to provide clients with practical knowledge, skills and competences required to use ICT. Through this training programme, the client also learns to identify and apply the correct practices and habits to work with ICT equipment safely. * The Sheltered Employment Training which provides the opportunity to clients with intellectual or other severe disabilities to receive hands-on training in different tasks such as back office, assembly of products, packaging etc. The duration of this training is of 52 weeks, during which, clients work within groups assisted by Jobs Coaches. Skills such as work ethics, independent living, communication and social skills are embedded within this programme. The main objective of this initiative is to offer maximum opportunity to those with severe or multiple disabilities, possibly instigating achievement from sheltered to supported employment. * The Headstart programme, which is a six-month programme offered by the Lino Spiteri Foundation with the scope of increasing work prospects within the labour market. The aim of the programme is to assist individuals in enhancing their competences related to employment. It simulates a work setting and is structured in a manner that helps individuals to improve relationships and social skills, understand work-related skills and procedures and foster workplace ethics. Job Coaches are assigned to facilitate the integration of the individual at the place of work by the identification of a ‘work buddy’, who will volunteer to handhold the vulnerable individual on an ongoing basis to retain employment. |
| 110.96 Continue its commitment to promoting the empowerment of persons with disabilities to ensure that they enjoy equal opportunities (Lao People’s Democratic Republic);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.93 and 110.97. |
| 110.94 Take further steps to provide welfare services and assistance to all persons with disabilities, especially children (Bulgaria);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | Aġenzija Sapport introduced the Access to Communication and Technology (ACTU) service, the Sonia Tanti Independent Living Centre (STILC) service and also set up the Access and Intervention (A&I) service and age-appropriate community groups for children and adolescents.  Furthermore, the Social Security Act (Chapter 318 of the Laws of Malta) was also amended, to ensure better coverage of persons with disabilities of different ages. |
| 110.95 Continue efforts to promote inclusive education for children with disabilities (Cyprus);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.93.  The Government developed and launched a Policy on Inclusive Education in schools in 2019. It specifically seeks to create clarity around the concept of inclusion by widening the spectrum of concerns and discourses to all possible forms of diversity. It also fosters school cultures and environments that are safe, secure and motivating to all learners, as well as to members of the school community to further their development and well-being. This policy was further amended in 2020, becoming an overarching measure with various goals related to attendance, gender, promoting a healthy lifestyle and managing behaviour, as well as disability, aimed at addressing inequalities in schools. The policy adopts a whole-school approach philosophy on how schools are to develop conducive learning environments for all stakeholders supporting the United Nations (UN)’s Sustainable Development Goals (SDG) goal 4 on ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all.  Furthermore, several Autism Friendly measures were launched. These included an array of initiatives ranging from the compilation of autism friendly environment guidelines and toolkit, piloting the setting up of two autism units in middle schools, setting up of multi-sensory rooms in primary schools, training and support from a dedicated team, as well as early intervention and screening.  Professionals from Aġenzija Sapport collaborate with the educational services when it comes to the Inclusive Education Programme to ensure the continuation of educational programmes for service users who are minors. |
| ***Theme: G4 Migrants*** | | |
| 110.105 Provide effective protection of migrants (Cameroon);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.16 and 110.110. |
| 110.111 Ensure respect for the rights of migrants in irregular situations in detention camps (Senegal);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.16.  AWAS conducts ongoing maintenance work at the Initial Reception Centre and the Open Centres. Plans are in hand to build a new Open Centre with a view to providing improved accommodation services and to increase Malta’s Reception Capacity. The Maltese system already has specialised centres for vulnerable persons, including minors. Malta enacted legislation barring detention of children while providing the necessary assistance to unaccompanied minors. It further provided for legal assistance to asylum seekers regardless of age.  The conditions for detention are set out in the SL 420.06 Reception of Asylum Seekers Regulations. In order for an asylum seeker to be detained he or she would have to be issued with a Detention Order by Immigration Police, which Order informs the person concerned of the reason for detention in accordance with the Reception of Asylum Seekers Regulations (e.g. in order to verify identity or nationality; when protection of national security and public order so require) as well as of avenues of redress. The Detention Order is issued in a language the migrant is expected to understand. In cases of difficulty, an interpreter is provided to explain the contents and effects of this order to the person concerned.  Detention and Alternatives to Detention may only be imposed on persons who are not deemed vulnerable in terms of the Reception Conditions Regulations. Asylum seekers whose detention is confirmed by the Immigration Appeals Board have their detention reviewed again by the Board after a period of two months and, if they are still in detention, every two months thereafter. No asylum seeker may be detained for more than 9 months. Release from detention may also be ordered at any point by the Principal Immigration Officer if it is deemed that the reasons for detention no longer subsist.  All asylum seekers recognised as in need of international protection are released with immediate effect.  The Principal Immigration Officer may also order the detention of irregular migrants (failed asylum seekers, non-applicants) and overstayers, with a view to returning them to their country of origin. Such detainees are accommodated at a Detention Centre operated by the Detention Service. Detention may be ordered and subsist provided that the removal procedure is in progress and executed with due diligence. The Principal Immigration Officer reviews detention orders after a period of 3 months.  Reviews of detention are conducted by the Immigration Appeals Board on the 6th month and thereafter whenever necessary. However, a migrant is released from detention as soon as it is established that removal cannot be affected, e.g. for legal reasons.  The Principal Immigration Officer has the option to extend a migrant’s detention beyond 6 months, by a total of 12 months, if the migrant concerned does not cooperate or if there is a delay in obtaining travel documentation from the country of origin. However, release shall be immediate if there is no reasonable prospect of removal.  The Government of Malta has constantly remained committed to meeting its international obligations and to safeguard the minimum standards in the humane and safe reception of migrants. Such commitment is manifested in the significant investment being made in the regeneration of an open migrants’ facility in Hal Far which makes it possible to reduce drastically the number of migrants awaiting accommodation in the community and thus be able to offer a better environment within closed centres. Furthermore, a wide range of initiatives intended to improve the living conditions inside the closed centres and ensure all rights are safeguarded include:   * Providing access to outdoor and recreational areas to all migrants in closed centres * Communication with the outside world, especially international calls with family members, is possible * Despite the limitations caused by the high occupancy rate, refurbishing works have been ongoing to provide better and more spacious living conditions. * A system of alternative reception conditions has been designed and introduced to help migrants move into the community and move newly arrived migrants in open centres. * Regenerating the Hangar Open Centre to provide accommodation in open facilities in order to reduce the pressure on closed centres. * Increasing the efficiency of the asylum process, also through the support of EASO, to decrease the average processing time of the asylum process. This objective will help migrants integrate better in society and live independently. * persons held in closed centres may be visited by lawyers, NGOs and representatives of the communities. In fact, a new area has been designated in order to hold these visits in a confidential manner. * All migrants are provided with information and the opportunity to apply for asylum. NGOs assist in this process. * Ballun Project: A collaborative effort between the Detention Service (DS) and the Malta Football Association (MFA) back at the end of 2021 resulted in the creation of the Ballun Project. Through this initiative, all detainees are participating in a weekly structured sport activity delivered by professional coaches. * A medical clinic has also been set up in Safi providing for better and more efficient provision of health services, seeing to all ailments within the centre itself. * Increase in investment in human resources, not only through the recruitment of additional staff but also their training. New staff included professionals in the field of social work, support workers, reception facility officers, psychological officers, counsellors, welfare officers, and psychologists. * Security cameras are being set up, including in vans transporting migrants, to ensure accountability as well as increased safety and wellbeing. * In February 2021, the Migrant Health Service (MHS) was set up to offer specialised services to migrants living within the centres managed by the DS. These services now also include Ophthalmology Clinics and GU consultation clinics. In 2022, the service of medical doctors will continue to be increased. To date all new arrivals are seen by a health professional upon arrival and any issues are tended to by a General Practitioner immediately. This service has resulted in a decrease of around 80% of referrals to the emergency department. * In 2022 a collaboration between the DS and the GU clinic launched a voluntary screening program for all detainees. Furthermore, in April 2022, the DS has launched the Psychiatric service as part of the MHS. * Increase in investment in human resources, not only through the recruitment of additional Detention Officers but also their training. * Further investment in human resources is envisaged to take place in the coming months. These include professionals in the field of social work, support workers, counsellors, and welfare officers. * Following the recruitment and training of new Detention Officers in 2021, DS no longer has the need to make use of private security companies and such services have been stopped. * In 2021, all staff members (old and new recruits) followed a mandatory training program which focused on: Protection issues, the asylum process in Malta, Security, Mental health and Immediate First Aid. Training was delivered by different experts in the respective fields. Staff training shall continue in 2022. The training shall be mandatory, and it shall focus on welfare, literacy, and security. A tailor-made Basic Life Support course will be delivered to the Detention Service Officers (DSOs) by a recognised entity. * In 2021, the post of Welfare Officer was created within the DS in order to provide a holistic service, with a particular emphasis on the provision of a dedicated integrated health-care service for detained persons. * The uniform of the DS officials has been changed to beige rather than black to communicate that officials also have a welfare role and not just to enforce security. * The infrastructural upgrade of the control room continued in 2022. The system is now becoming all centralised with the Digital Video Recorders (DVRs) being gradually moved away from the compounds and in the control room. Apart from increasing accountability and decreasing the risk of tempering, this system is better to maintain. * The DS has also completed a major refurbishing project of several areas keeping in mind safety measures and better living conditions for persons living inside the centres. Works included plastering and painting works, creating divisions, and other alterations to the bathrooms and living quarters for increased comfort. |
| 110.98 Strengthen its mechanisms to protect and promote the human rights of migrants in the country (Uganda);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See responses to 110.110, 110.28 and 110.16. |
| 110.99 Strengthen efforts to eradicate stereotypes and discrimination against migrants, inter alia, by conducting public awareness-raising campaigns to promote tolerance and respect for diversity (Afghanistan);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.98, 10.28 and 110.16.  The Human Rights Directorate continued to carry out initiatives and awareness-raising campaigns aimed at eradicating stereotypes against migrants and promoting tolerance and respect for diversity.  These included:   * *Maltin Bħalek*, an online series of interviews with several young and renowned Maltese nationals of minority backgrounds, produced in collaboration with Malta Today and shared across this media house’s platforms. This series provided an insight into the experiences and challenges of black youth growing up in Malta, and was well-received by the public. * The Directorate also collaborated with digital media company Lovin Malta on the second season of the *Taħlita Perfetta* series, featuring several episodes of video content in which the host enjoyed informal discussions over lunch with individuals and couples resident in Malta and hailing from diverse backgrounds. This series championed the diversity one may find on the Maltese Islands through a journey of discovery of different cuisines and cultures. * The Directorate rolled out an extensive awareness raising campaign to promote the publication of the Anti-Racism Strategy 2021-2023. This included video content featuring interviews with social partners, an after-movie of the Anti-Racism Strategy Stakeholders’ Conference; an appearance by the Head of the Unit on a daily online talk show hosted by Lovin Malta; newspaper articles; as well as several social media posts. * Members of the Unit also participated in two television programmes - TVM’s Popolin and ONE’s Espresso – to promote the activities taking place under the *Equality for all in Malta* project, which aims to tackle underreporting of discrimination through various activities to promote anti-discrimination laws and raise awareness on the functioning of the Equality Body. |
| 110.100 Strengthen efforts to eradicate stereotypes and discrimination against migrants, inter alia, by conducting public awareness-raising campaigns to promote tolerance and respect for diversity (Portugal);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.98. |
| 110.102 Strengthen efforts aimed at the elimination of stereotypes and discrimination against migrants, in particular by carrying out awareness-raising campaigns to promote tolerance (Côte d’Ivoire);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.98. |
| 110.103 Continue to strengthen efforts to eradicate stereotypes and discrimination against migrants, by conducting public awareness-raising campaigns to promote tolerance and respect for diversity (State of Palestine);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.98. |
| 110.107 Continue to adopt effective measures to ensure the protection of the rights of all migrant workers (Nepal);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.98. |
| 111.36 Work to address the shelter needs of migrants and asylum seekers, and in particular improve living conditions in open centres (Canada);  **Source of position:** A/HRC/40/17/Add.1 - Para. 16 | Supported | See response to 110.16.  Despite that Malta carries the responsibility of the largest share of irregular migrants per capita in the EU, the Government of Malta has constantly remained committed to safeguard the minimum standards in the humane and safe reception of migrants. The following initiatives have been taken in order increase capacity in open centres:   * Regeneration of an open migrants’ facility in Hal Far Hangar Open Centre, which made it possible to reduce drastically the number of migrants awaiting accommodation in the       community. * A new cash incentive scheme to assist migrants to move out of open centres quicker; thereby aiming to increase the available spaces at the centres and also assist migrants to integrate faster within the Maltese community * Investment to increase capacity in existing open centre * Increase the efficiency of relocation and returns to alleviate the unprecedented pressure on Malta’s reception system.   The Agency for the Welfare of Asylum Seekers conducts ongoing maintenance work at the Initial Reception Centre and the Open Centres. The Maltese system already has specialised centres for vulnerable persons, including minors. Malta enacted legislation barring detention of children while providing the necessary assistance to unaccompanied minors. It further provided for legal assistance to asylum seekers regardless of age.  The following measures have been taken to improve living conditions of open centres:   * Increase in investment in human resources in open and closed facilities, not only through the recruitment of additional staff but also their training. New staff included professionals in the field of social work, support workers, reception facility officers, psychological officers, counsellors, welfare officers, and psychologists. AWAS increased its staff capacity from 89 in 2019, to 211 by end of 2020, to 253 by end of 2022. The process for the recruitment of additional staff is also ongoing. * Regular visits by spiritual directors take place regularly. Religious books, praying rugs and food associated with religious festivals are distributed during these visits. * A therapeutic team has been set up in 2019 consisting of Assistant Psychological Officers (APO), interpreters, counsellors, and a psychologist on a daily basis. They also provide their services in the open centres, detention centres and assess residents who are admitted at Mount Carmel Hospital. Interpreters are always present with the assessors. The aims of the assessment are to provide clients with a safe space to share their experiences, allowing the   team to make appropriate referrals to suit their individual needs. Assessments are conducted on a voluntary basis with asylum seekers who are sixteen years of age and over. * Medical Doctors and nurses were introduced in 2021 in the large centres. Apart from providing basic medical care, these medical professionals also link the asylum seekers with the general Health Services. * AWAS currently is working towards developing its own formal Assessment Team which will not only take care of the Vulnerability Assessment but the Age Assessment as well: * In 2021 AWAS changed and improved identification of the Vulnerability Assessment upon disembarkation * AWAS introduced Secondary checks mechanisms in order to monitor better the beneficiaries of the Community Program   Other measures included:  Digital Competency:   * Introduction of a case management system for AWAS Professionals to facilitate and document their work. * AWAS improved National Asylum Seekers Management System (NASMS) with the introduction of two new modules on UMAS & Vulnerable. This provides information to both immigration Police and IPA. * Introduction of a credit card based system for asylum seekers   New Services developed:   1. Relocations Unit:  Provides Assistance to MHSR regarding Member States Delegations and Relocations 2. Quality Assurance:  Complaints Mechanism and Service Audits for AWAS Services   Content:   * Production of a new Age Assessment Procedure together with EUAA * AWAS supported EUAA in producing a Welcome Information Pack. The Information Pack will be tested and then applied in other Member States. * Formulation of a Protocol with the National Child Protection Services regarding unaccompanied and separated children. * Protocol with GU Clinic for female clients suffering from female genital mutilation * In 2022 AWAS also applied for a Youth mentoring Team in order to tackle transition from Minority to Adulthood. |
| 110.106 Continue effectively to protect and guarantee the safety and fundamental human rights of migrants and refugees, especially minors (Holy See);  **Source of position:** A/HRC/40/17 - Para. 110 | Supported | See response to 110.110, 110.16 and 110.28.  The Foundation for Social Welfare Services is an equal opportunity entity, providing support to families, children and youths. Through its Aġenzija Appoġġ, SEDQA and the Agency for Community and Therapeutic Services (ACTS) as well as the Gozo Branch Services Directorate, Directorate for the Protection of Minors (CPS), Directorate for Alternative Care (DAC) and its back-office administration, the Foundation provides an array of 70 services ranging from domestic violence, human trafficking, child protection, alternative care, substance misuse, psychological services just to mention a few. The services are available to all residents in Malta, including migrants, refugees and their children. A procedure is followed when people come forward or require the Foundation’s services. An assessment is carried out to determine the needs of the person and assistance is provided especially when it comes to accessing basic needs such as accommodation, food, shelter and social support. If/when required, the case is referred to other professional services.  Malta seeks to protect the pertinent rights of all migrants, including those who reach the country illegally. In this regard, irregular migrants are informed of their rights, including the possibility to challenge detention and removal orders, as well as the right to file an asylum application. It is to be noted that practically all irregular migrants in Malta file an asylum application, which demonstrates that the system is readily accessible. Moreover, Malta has a consistently high asylum recognition rate, which attests to the fairness of the asylum system.  Free legal representation is provided as required in terms of relevant legislation, including in particular the International Protection Act. |
| ***Theme: G5 Refugees & asylum seekers*** | | |
| 111.21 Improve conditions in detention centres, including seeking alternatives to detention in accordance with international law, including human rights and refugee law, as well as existing European legislation (Sweden);  **Source of position:** A/HRC/40/17/Add.1 - Para. 16 | Supported | See response to 110.111. |
| ***Theme: A12 Acceptance of international norms*** | | |
| 111.13 Withdraw reservations to the Convention on the Elimination of All Forms of Discrimination against Women, which are incompatible with the principle of equality between men and women, and ratify the Optional Protocol to the Convention (France);  **Source of position:** A/HRC/40/17/Add.1 - Para. 5 | Supported/Noted | Malta ratified the Optional Protocol to CEDAW in 2019 but maintains the reservations to the CEDAW and takes note of the part of the recommendation relating to the withdrawal of its reservations to the CEDAW. |
| 111.2 Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and withdraw its reservations to the Convention (Albania);  **Source of position:** A/HRC/40/17/Add.1 - Para. 5 | Supported/Noted | See response to 111.13. |
| 111.3 Ratify the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women and to the Convention on the Rights of the Child and submit, as a matter of priority, all outstanding reports to the relevant treaty bodies (Czechia);  **Source of position:** A/HRC/40/17/Add.1 - Para. 5 | Supported/Noted | See response to 111.13.  Malta takes note of the second part of the recommendation relating to the ratification of the Optional Protocol to the Convention on the Rights of the Child. |
| ***Theme: A45 National Human Rights Institution (NHRI)*** | | |
| 111.15 Strengthen further the independence and mandates of the National Commission for the Promotion of Equality and the Parliamentary Ombudsman, with a view to making them compatible with the Paris Principles (Georgia);  **Source of position:** A/HRC/40/17/Add.1 - Para. 5 | Supported/Noted | The legal structure of the Parliamentary Ombudsman Institution is already an independent structure. Government is committed to presenting before Parliament a ‘legislative package’ giving new functions to the NCPE, transforming it into Malta’s first NHRI, and creating new legal structures which offer effective and efficient remedies for victims of discrimination. Thus, with respect to 111.15, Malta supports the part of the recommendation relating to the strengthening of the independence and mandate of the NCPE and its compatibility with the Paris Principles and takes note of the part relating to the Parliamentary Ombudsman Institution. |
| ***Theme: F12 Discrimination against women*** | | |
| 111.31 Continue efforts to achieve gender equality, especially in the labour market, and eliminate wage disparities (Tunisia);  **Source of position:** A/HRC/40/17/Add.1 - Para. 17 | Supported/Noted | See responses to 110.85 and 110.86.  The increase in female employment is a direct result of the implementation of an integrated make-work-pay reform package consisting of a number of targeted active labour market policies designed to invest in human capital and support a better work-life balance. Malta’s rapid increase in female labour market participation has been instrumental in achieving the largest employment growth rate in 2018 and for Malta to exceed the Europe 2020 national and EU-wide employment targets.  Malta’s employment rate has remained stable during the COVID-19 situation, largely due to a number of targeted measures put in place aimed at containing the negative impact of the crisis on employment.  In addition, in order to attract more women to the labour market and to find a better work-life balance, the Maltese Government has introduced the Free Childcare Scheme and the Klabb 3-16. Such schemes continue to encourage and support particularly female workers who would not need to forfeit years from their career and continue progressing in their career. This is accompanied with the promotion of flexible work arrangements.  Moreover, the Constitution of Malta guarantees same wages for female workers for same work as carried out by their male counterparts. The Employment and Industrial Relations Act regulates the equal pay for equal work provision and requires that employees in the same class of employment are entitled to same rate of remuneration for work of equal value. An employee as a private individual can institute action before the Industrial Tribunal when there is an alleged breach of the principle of equal pay for work of equal value.  Once the Gender Equality Mainstreaming Strategy and Action Plan is adopted, Malta will provide greater attention to the need to reduce the gender pay gap (10% in 2020) and horizontal and vertical segregation in the labour market. However, differential pay between different jobs requiring different skills and competences will remain possible. Thus, with respect to 111.31, Malta supports the first part of the recommendation (continue efforts to achieve gender equality, especially in the labour market) and takes note of the second part relating to the elimination of wage disparities. |
| ***Theme: F13 Violence against women*** | | |
| 111.32 Intensify its efforts to eliminate violence against women and children, duly investigate cases of violence against them, provide access to justice for all women, increase the number of shelters with adequate resources, and improve the training for the staff of legal institutions and the police force (Croatia);  **Source of position:** A/HRC/40/17/Add.1 - Para. 17 | Supported/Noted | The Domestic Violence Services within FSWS include the Domestic Violence Unit, the Domestic Violence Risk Assessment Service, the STOP! The Violence and Abuse Service, the Child to Parent Violence Service and Għabex (emergency shelter for women victims of domestic violence and their children). These services are committed to the promotion of a society with zero tolerance to violence.  - **Domestic Violence Unit**  The service is made up of a team of professionals, including social workers, who provide support to victims of domestic violence and their children. It aims at supporting victims at the time of crisis by providing them with immediate assistance to meet their immediate needs, carrying out a risk assessment with the victim, helping them develop a safety plan, as well as providing ongoing support.    **Domestic Violence Risk Assessment Service**  The team of professionals within this service is trained in the DASH Risk Assessment Tool so that victims who file a police report regarding violence and abuse, are assisted through an assessment of the level of risk they are in, due to the violence they are experiencing. This assessment is carried out in order to identify the appropriate support services and protection for the victim. This service works on a 24 hour basis. At the end of 2020, the risk assessments started taking place at the Police General Headquarters because the Police started a new service: the Malta Police Gender based violence and domestic violence unit.  **Għabex Emergency Shelter**  The Għabex Emergency Shelter was set up in October 2000. Its aim is to provide an immediate safe environment to female victims of domestic violence and their children, who require immediate protection. The service offers a setting conducive to self-healing to women and their children who suffer emotional, physical, sexual and any other form of domestic violence.  **STOP! The Violence and Abuse Service**  This service aims to assist perpetrators who are abusive in intimate relationships, to become aware of, understand and take responsibility for their behaviour, thus encouraging change. Prior to acceptance to the programme, perpetrators have individual sessions with a professional who assesses their suitability for the group. Through attendance in the programme, perpetrators are helped to change from being abusive to start being respectful in their beliefs and, subsequently, in their behaviour.  **Child to Parent Violence Service**  Child to parent violence is when a child or children are abusive towards their parents or primary care givers. They are supported by a social worker and other professionals in order to address the safety and protection of each member of the family. The Child to Parent Violence Service within FSWS aims to bring all members of the family towards the support services available. This service works in a systemic manner with the social worker of the parents or primary care givers, and other professionals or services that are working with the family in order to address the various traumas that the family would have experienced.  **MARAM**  MARAM stands for ‘Multi-Agency Risk Assessment Meeting.’ As part of the Gender-Based Violence and Domestic Violence Strategy and Action Plan, MARAM coordinates the intelligence and operations of different entities who work directly with victims of domestic violence and their children. The role of MARAM is to facilitate, monitor, and evaluate effective information sharing between entities, and to enable appropriate actions to be taken towards the reduction of harm risk to victims of domestic violence and to increase public safety.  Over the last two years, social welfare services in Malta increased their bed capacity for both victims of domestic violence and human trafficking. The number of shelters is not expected to increase prior to the next UPR review of Malta. In view of the above, with respect to 111.32, Malta supports the first and third parts of the recommendation relating to the intensification of its efforts to eliminate violence against women and children, due investigation of cases of violence against them, provision of access to justice for all women and improvement of the training for the staff of legal institutions and the police force, while it takes note of the second part relating to the increase of the number of shelters.  With regard to shelters, FSWS is currently planning the development of a ‘Transitional Housing Service’ for female victims of domestic violence and gender-based violence and their children, where they will be housed in a semi-independent programme following their stay at Għabex Emergency Shelter, with the aim to support victims of Domestic Violence to move towards independent living.  Malta recognises the need to empower victims of crime, and ultimately assist in their recovery from the consequences of crime. This can only be achieved through the protection of its citizens and the provision of the necessary support to a non-discriminatory access to Victims’ rights. As a result, the Victim Support Agency was established through Legal Notice 418 of 2020 (Subsidiary Legislation 594.37), as a multidisciplinary agency wherein members of the police, members of the probation and parole department, professionals from the Hate Crime and Speech Unit, legal professionals and other public officers were brought together under one governmental entity. As expressed in its mission statement, the Agency shall act as the national contact point for victims of crime and promotes a holistic approach towards needs and support for achieving a better quality of life for all victims of crime.  AWAS is working on two initiatives related to domestic violence. An information booklet is currently being developed containing information including information on Domestic Violence. AWAS also teamed up with the Jesuit Refugee Service (JRS) so that the latter will deliver information and presentations sessions in Sensitive centres exclusively on Domestic Violence. Further collaboration with Victim Support Malta is also being sought on the same matter. TAMA group is also providing free counselling and support groups within the Centres. For 2022 all AWAS staff working within the centres are receiving Conflict Management Training, which includes de-escalation techniques and LGBTIQ + sensitivity training.  The Academy for Disciplined Forces is committed to providing the In-Service Training Course for Police Sergeants and Constables. In-Service Training Courses also focuses on the prevention of sexual exploitation and abuse. As of January 2020, 299 officials from the Malta Police Force have received this training. Officials are also exposed to different units such as the Gender-Based Violence and Victims of Crime unit. This area introduces the officers to the responsibilities they have towards protecting and supporting victims of crimes, with lectures covering the basic communication skills of how to deal with traumatized victims and how the crime’s consequences may affect victims in different ways. Furthermore, officials receive training on the rights, support and protection of victims in line with Chapter 539 Laws of Malta (Victims of Crime Act). Case studies based on real-life experiences are also shared to better understand and analyse the significance of such duties.  The Academy also provides sessions on fundamental rights and ethics with the objective of raising awareness about the importance of ethical behaviour in day-to-day police work and to enhance respect towards fundamental rights in all levels of policing.  A series of other courses are also delivered up to the rank of Police Constables and Inspectors, covering fundamental rights, victims support, human trafficking and people smuggling. |
| 111.34 Intensify its efforts to eliminate violence against women and children, duly investigate cases of violence against them, establish a rehabilitation system for victims, provide access to justice for all women, increase the number of shelters with adequate resources, and improve training on the issue for the staff of legal institutions and the police force (Serbia);  **Source of position:** A/HRC/40/17/Add.1 - Para. 17 | Supported/Noted | Malta supports the parts of the recommendation relating to the intensification of its efforts to eliminate violence against women and children, due investigation of cases of violence against them, the provision of access to justice to all women, and the improvement of training on these issues for the staff of legal institutions and the police force, while it takes note of the parts relating to the establishment of a rehabilitation system for victims, and the increase in the number of shelters.  See also response to 111.32. |
| 111.33 Continue and intensify efforts to eliminate violence against women and children, by duly investigating cases of violence against them and establishing a rehabilitation system for victims (Cyprus);  **Source of position:** A/HRC/40/17/Add.1 - Para. 17 | Supported/Noted | Malta supports the first part of the recommendation (continue and intensify efforts to eliminate violence against women and children by duly investigating cases of violence against them) and takes note of the second part relating to the establishment of a rehabilitation system for victims.  See also response to 111.32. |
| ***Theme: A12 Acceptance of international norms*** | | |
| 111.9 Ratify the 1954 and 1961 statelessness conventions (Austria).  **Source of position:** A/HRC/40/17/Add.1 - Para. 6 | Noted | Malta acceded to the 1954 Convention relating to the Status of Stateless Persons on 11 December 2019, subject to the reservations and declaration submitted by Malta. |
| 111.10 Sign and ratify the Convention on the Reduction of Statelessness (Sweden).  **Source of position:** A/HRC/40/17/Add.1 - Para. 6 | Noted |  |
| 111.11 Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Costa Rica) (Côte d’Ivoire) (Montenegro).  **Source of position:** A/HRC/40/17/Add.1 - Para. 6 | Noted | See response to 111.9 with regards to the first part of the recommendation. |
| 111.5 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal) (Spain);  **Source of position:** A/HRC/40/17/Add.1 - Para. 6 | Noted | Malta will consider accession to the Optional Protocol to the ICESCR. |
| 111.4 Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, as recommended by Montenegro during the previous review cycle (Montenegro);  **Source of position:** A/HRC/40/17/Add.1 - Para. 6 | Noted | Malta intends to ratify Optional Protocol 3 to the Convention on the Rights of the Child (CRC) on communications procedure. |
| 111.6 Ratify the third Optional Protocol to the Convention on the Rights of the Child (Portugal) (Spain);  **Source of position:** A/HRC/40/17/Add.1 - Para. 6 | Noted | See response to 111.4. |
| 112.1 Consider acceding to and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Uruguay);  **Source of position:** A/HRC/40/17 - Para. 112 | Noted |  |
| 112.2 Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to complement its ongoing efforts in advancing migrants’ welfare (Philippines);  **Source of position:** A/HRC/40/17 - Para. 112 | Noted |  |
| ***Theme: A13 Reservations*** | | |
| 111.12 Withdraw the reservation to article 29 (a) (i) and (iii) of the Convention on the Rights of Persons with Disabilities and take the necessary steps to ensure that persons with disabilities can fully exercise their right to vote (Austria);  **Source of position:** A/HRC/40/17/Add.1 - Para. 6 | Noted | Internal discussions are ongoing to draw up a solution in partnership with interested stakeholders such as the Commission on the Rights of Persons with Disability and the Electoral Commission. |
| ***Theme: A22 Cooperation with treaty bodies*** | | |
| 111.14 Adopt an open, merit-based process to select national candidates for United Nations human rights treaty body elections (United Kingdom of Great Britain and Northern Ireland);  **Source of position:** A/HRC/40/17/Add.1 - Para. 6 | Noted |  |
| ***Theme: A41 Constitutional and legislative framework*** | | |
| 111.38 Ensure that migrants and refugees rescued at sea are promptly disembarked with full respect for their human rights, without arbitrary detention, and are given a genuine opportunity to seek asylum, and refrain from criminalizing persons involved in rescue activities at sea (Brazil);  **Source of position:** A/HRC/40/17/Add.1 - Para. 18 | Noted |  |
| ***Theme: B6 Business & Human Rights*** | | |
| 111.16 Develop a national action plan in accordance with the Guiding Principles on Business and Human Rights (Japan);  **Source of position:** A/HRC/40/17/Add.1 - Para. 6 | Noted |  |
| 111.17 Ensure that its policies, legislation, regulations and enforcement measures effectively serve to prevent and address the heightened risk of business involvement in abuses in conflict situations, which include situations of foreign occupation (State of Palestine);  **Source of position:** A/HRC/40/17/Add.1 - Para. 6 | Noted |  |
| ***Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment*** | | |
| 111.19 Ensure that the national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has the necessary powers and tools for its proper functioning, including human, financial and logistical resources, and that its mandate covers all places of deprivation of liberty and access to the corresponding documentation concerning allegations of ill-treatment (Czechia);  **Source of position:** A/HRC/40/17/Add.1 - Para. 6 | Noted | Malta already provides adequate human, financial and logistical resources to the National Preventive Mechanism under the OP-CAT. |
| ***Theme: D27 Prohibition of slavery, trafficking*** | | |
| 111.29 Continue to strengthen the mechanisms to combat trafficking in persons and to guarantee adequate protection, reparation and compensation to victims (Maldives);  **Source of position:** A/HRC/40/17/Add.1 - Para. 18 | Noted |  |
| ***Theme: D29 Domestic violence*** | | |
| 111.30 Include in the Gender-based Violence and Domestic Violence Bill an explicit mention of the link between gender inequality and violence against women, both in its preamble and in its implementation instruments (Chile);  **Source of position:** A/HRC/40/17/Add.1 - Para. 18 | Noted |  |
| ***Theme: D31 Liberty and security - general*** | | |
| 111.20 Put in place concrete measures to ensure that all cases of detention are subject to non-discriminatory judicial review (Republic of Korea);  **Source of position:** A/HRC/40/17/Add.1 - Para. 18 | Noted |  |
| ***Theme: D43 Freedom of opinion and expression*** | | |
| 111.23 Revise the legislation on public service media, including appointment procedures, in order to establish safeguards against political interference (Germany);  **Source of position:** A/HRC/40/17/Add.1 - Para. 50 | Noted |  |
| 111.24 Continue to reform legislation on media in order to better protect journalists (France);  **Source of position:** A/HRC/40/17/Add.1 - Para. 50 | Noted |  |
| 111.28 Guarantee that an independent and effective public inquiry into the killing of the journalist Daphne Caruana Galizia is carried out, and enhance policies aimed at ensuring the safety of journalists (Brazil);  **Source of position:** A/HRC/40/17/Add.1 - Para. 50 | Noted | An independent public inquiry was set up composed of three judges. The terms of reference of the public inquiry were published. The Board of the public inquiry concluded the public inquiry with a report dated 29th July 2021. The report was published. |
| ***Theme: D6 Rights related to name, identity, nationality*** | | |
| 111.39 Establish a national mechanism to identify stateless persons and guarantee their rights and protection (Mexico).  **Source of position:** A/HRC/40/17/Add.1 - Para. 18 | Noted |  |
| ***Theme: E41 Right to health - General*** | | |
| 112.3 Decriminalize abortion, preferably completely, but at least when the life or health of the mother is in danger, by bringing the law into line with obligations deriving from several human rights conventions (Netherlands);  **Source of position:** A/HRC/40/17 - Para. 112 | Noted | Malta reiterates that the right to life is an inherent right of every human being, including the unborn child, from its conception. Malta also believes in the intrinsic right to health, which can only be achieved through having access to health services. The right to sexual and reproductive health within the context of the right to health does not include the right to abortion as this goes against the right to life, which is paramount. |
| ***Theme: E43 Access to sexual and reproductive health and services*** | | |
| 112.4 Reform laws on abortion with a view to legalizing it and improving the provision of sexual and reproductive health services, in particular family planning (France);  **Source of position:** A/HRC/40/17 - Para. 112 | Noted | See response to 112.3. |
| 112.5 Amend the Criminal Code to decriminalize the termination of pregnancy in cases of rape, incest and severe foetal impairment, and eliminate all punitive measures (Denmark);  **Source of position:** A/HRC/40/17 - Para. 112 | Noted | See response to 112.3. |
| ***Theme: F12 Discrimination against women*** | | |
| 112.6 Take steps to increase the promotion and protection of women’s full enjoyment of their human rights, especially the ability to make decisions concerning their own bodies and reproduction, including the legalization of abortion (Sweden).  **Source of position:** A/HRC/40/17 - Para. 112 | Noted | See response to 112.3. |
| ***Theme: F34 Children: Juvenile justice*** | | |
| 111.22 Ensure that children between 16 and 18 years of age are tried by special juvenile courts, not ordinary courts (Spain);  **Source of position:** A/HRC/40/17/Add.1 - Para. 50 | Noted | The Juvenile Court has competence to hear all cases involving minors aged 14 up to the age of 16, while 16 to 18-year olds are heard and prosecuted before the formal ordinary courts. |
| ***Theme: F4 Persons with disabilities*** | | |
| 111.35 Ensure that persons with disabilities, particularly blind persons and persons with intellectual disabilities, have the right to vote by secret ballot (Republic of Korea);  **Source of position:** A/HRC/40/17/Add.1 - Para. 18 | Noted | A Braille system was implemented for blind persons who are Braille-literate. Internal discussions are ongoing to put in place the necessary structures for this voter eligibility procedure for the benefit of persons who are Braille-illiterate and those with intellectual impairment. |

1. <https://ncpe.gov.mt/en/Pages/Projects_and_Specific_Initiatives/Empowerment-for-Diversity---E4D.aspx> [↑](#footnote-ref-2)
2. https://humanrights.gov.mt/en/Pages/LGBTIQ%20Equality/Transform%20Project/About-the-Project.aspx [↑](#footnote-ref-3)
3. <https://ncpe.gov.mt/en/Pages/Projects_and_Specific_Initiatives/Empowerment-for-Diversity---E4D.aspx> [↑](#footnote-ref-4)
4. See: <https://family.gov.mt/wp-content/uploads/2021/05/NSP-Web.pdf> [↑](#footnote-ref-5)
5. See: <https://deputyprimeminister.gov.mt/en/health-promotion/Pages/campaigns/2015/sexuality-and-relationship-education.aspx> [↑](#footnote-ref-6)
6. Further information on Sexual health services provided by the Health Promotion & Disease Prevention Directorate  (HPDP) within the Ministry for Health can be accessed via the following link: <https://sexualhealth.gov.mt/> ; <https://www.facebook.com/Sexual-Health-Malta-102604634651092>; <https://www.instagram.com/sexualhealthmalta/> ; and  <https://twitter.com/SexualHealthMT> [↑](#footnote-ref-7)
7. See <https://deputyprimeminister.gov.mt/en/health-promotion/Pages/campaigns/2015/sexuality-and-relationship-education.aspx> and the aforementioned social media pages. [↑](#footnote-ref-8)
8. <https://ec.europa.eu/eurostat/databrowser/view/LFSI_EMP_Q__custom_2625509/default/table?lang=en> [↑](#footnote-ref-9)
9. See: https://legislation.mt/eli/cap/602/eng/pdf [↑](#footnote-ref-10)
10. See: <https://tfal.org.mt/en/publications/PublishingImages/Pages/Recommendations/Children%27s%20Policy%20Report%202020%20-%20online%20copy.pdf> [↑](#footnote-ref-11)
11. See: <https://family.gov.mt/wp-content/uploads/2021/05/NSP-Web.pdf> [↑](#footnote-ref-12)