

Responses to Recommendations

MALTA

Review in the Working Group: 6 May 2009
 Adoption in the Plenary: 23 September 2009

Malta's responses to recommendations:

In the Report of the Working Group:	In the Addendum:	During the plenary:	Recommendations pending responses:	Summary:
No response, all pending	4 REC rejected; 36 commented but no clear position given; 7 noted thus pending	No additional information provided	7 REC	Accepted: 0 Rejected: 4 No clear position: 36 Pending: 7

List of recommendations contained in Section II of the Report of the Working Group A/HRC/12/7:

“80. In the course of the discussion, the following recommendations were made to Malta:

NC - 1. Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) (Brazil, Algeria, Burkina Faso); comply with the principles of ICRMW and consider the possibility of eventual ratification (Mexico);

NC - 2. Take concrete measures to improve services for migrants and to ensure full respect of the human rights of migrants (Burkina Faso);

NC - 3. Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OP-SC) (France, Slovenia, Turkey, Argentina);

NC - 4. Ratify the Convention on the Rights of Persons with Disabilities (France, Italy, Jordan) and improve the integration of persons with disabilities in the education system (France);

NC - 5. Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Argentina);

NC - 6. Withdraw the reservations to articles 11,13,15 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Slovenia);

P - 7. Continue its efforts aimed at protecting and promoting human rights and fundamental freedoms and, in this regard, adopt all necessary measures to ensure better harmonization between its national legislation and the international instruments to which Malta is a party (Egypt, Nicaragua);

NC - 8. All measures and actions taken to effectively address concerns raised by the Office of the United Nations High Commissioner for Refugees (UNHCR), human rights treaty bodies and special procedures be in line with international human rights laws (Jordan);

P - 9. Accomplish progressively the human rights goals set forth in Human Rights Council resolution 9/12 (Brazil);

NC - 10. Study the possibility of establishing a national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (Algeria); take measures conducive to the creation of a national human rights institution in accordance with the Paris Principles (Mexico); consider establishing an independent and full-fledged national human rights institution in accordance with the Paris Principles (Jordan, Maldives, Spain, Bangladesh);

NC - 11. Ensure that its National Preventive Mechanism under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT-OP) is provided with the necessary human, financial and logistical resources to be able to carry out its preventive work effectively (United Kingdom, Czech Republic);

NC - 12. Strengthen the National Commission for the Promotion of Equality (Czech Republic);

NC - 13. Adopt further measures to fight discrimination and promote, including through awareness-raising campaigns, the realization of human rights by all persons belonging to minorities, including foreigners, refugees, persons with disabilities and persons of minority sexual orientation or gender identity (Czech Republic);

P - 14. Continue its efforts aimed at the promotion and protection of human rights (Ukraine);

P - 15. Continue resisting attempts to enforce any values or standards beyond the universally agreed ones; continue exercising its sovereign right of implementing its laws and legislation in conformity with the universally agreed human rights standards and norms (Egypt);

P - 16. Continue its process of consultation with civil society in its follow-up to this review (United Kingdom);

NC - 17. Strengthen efforts to submit all overdue reports to United Nations human rights treaty bodies (Brazil); strengthen efforts with regard to timely reporting to United Nations human rights treaty bodies, and especially submit its second report to the Human Rights Committee as soon as possible (Netherlands); to the extent possible, present the reports that are due to the various treaty bodies to which Malta is party (Mexico); submit as a matter of priority its delayed reports to treaty bodies (Czech Republic);

NC - 18. Strengthen its legal and institutional framework to combat racism and racial discrimination to ensure that all legal provisions are fully applied and ensure active monitoring of racism and racial discrimination (United Kingdom);

NC - 19. Broaden the scope and application of legal and institutional reforms to address all forms of discriminatory treatment against irregular migrants and asylum seekers with special focus on protecting the rights of vulnerable groups (Bangladesh);

NC - 20. Continue implementing policies to ensure equal opportunities in the job market with particular emphasis on reducing the existing wage gaps (Argentina);

NC - 21. Strengthen efforts to protect, in particular, children with disabilities against any form of discrimination, including by envisaging awareness-raising campaigns (Italy);

NC - 22. Do its utmost to combat all forms of discrimination, including discrimination based on sexual orientation (Belgium); take further measures to advance equality on the ground of sexual orientation and gender identity, using the Yogyakarta Principles, among others, as a guide for policy-making (Netherlands);

NC - 23. Provide for arrangements for same-sex couples to enjoy some of the rights and obligations enjoyed by non-same-sex couples (France);

P - 24. Continue and strengthen the ongoing efforts to combat all sorts of violence against women in society (Sweden);

NC - 25. Improve detention conditions by a variety of measures, including reducing overcrowding, separating men and women in facilities and ensuring that people have access to legal counsel (United States); take all necessary measures to guarantee dignified conditions of detention, corresponding to the level of development of the country (Nicaragua); strengthen efforts to improve the living conditions in detention centres (Argentina);

NC - 26. Take all possible measures to ensure that the detention regime is brought into line with international human rights law (Sweden); consider a reduction of the detention time of irregular migrants and asylum seekers (Argentina);

NC - 27. Explore alternative policies concerning asylum seekers and consider working with UNHCR to train its professionals who work with asylum seekers (Brazil);

NC - 28. Consider alternatives to the detention of asylum seekers (Nicaragua); avoid arbitrary and discretionary detention particularly of foreigners and adequately reduce the detention period particularly of asylum seekers (Nicaragua);

R - 29. Increase steps to prosecute traffickers and to identify, assist and protect victims of trafficking (United States);

R - 30. Introduce an explicit prohibition by law of the recruitment of children under the age of 15 into armed forces or armed groups (Germany);

NC - 31. Consider raising the age of criminal responsibility (Azerbaijan);

R - 32. Explicitly and entirely prohibit any kind of corporal punishment of children by law, even in cases of so-called "reasonable chastisement" within the family (Italy and Germany); and strengthen measures to prevent and combat child abuse and ill-treatment (Italy);

NC - 33. Provide and improve training programmes on human rights for the judiciary, law enforcement personnel and lawyers (Jordan);

NC - 34. Continue its policy in defence of the right to life (Holy See);

NC - 35. Continue its policy to protect the family as the natural and fundamental group unit of society based on the stable relationship between a man and a woman (Holy See, Bangladesh);

NC - 36. Pay more attention to solving the issue of under-representation of women, which subsists in many areas of society, including in decision-making (Azerbaijan); continue to offer programmes to train women in political leadership and implement awareness campaigns with respect to their political participation (Argentina); continue to work towards ensuring greater representation of women in high-level policy and decision-making institutions, especially in the national legislature and local government bodies (Bangladesh);

NC - 37. Carefully consider the implementation of the recommendations of the Committee on Economic, Social and Cultural Rights on women's reproductive health and rights (Finland);

NC - 38. Formulate a national policy on sexual education (Finland);

NC - 39. Put in place an adequate health education programme and ensure effective access to health advisory services, notably for matters related to sexuality and sexual and reproductive rights (Belgium);

R - 40. Consider updating its domestic law to suppress the term “prohibit immigrants” and avoid its legal consequences, particularly administrative detention, for all undocumented asylum seekers (Brazil);

NC - 41. Review its legislation and practice with a view to ensuring effective access to asylum procedures, upholding the principle of non-refoulement, and ensure the protection of all human rights of asylum seekers upon entry and also during the procedure, including by minimizing their detention, ensuring access to legal counsel and providing in particular all persons in detention with all procedural safeguards in compliance with international standards (Czech Republic);

NC - 42. Strengthen its efforts to make the legal system for asylum seekers effectively accessible, prevent delays and administrative obstacles and guarantee to asylum seekers the necessary procedural safeguards in detention according to international standards (Netherlands);

NC - 43. Continue efforts to ensure that those subject to administrative detention are provided free legal assistance (Sweden);

NC - 44. Take an active part in rescue operations at sea particularly for boat people and provide instant refuge for them (Turkey);

NC - 45. Deal with the influx of illegal migrants, taking a fair and humane approach, and treat these immigrants and asylum seekers, particularly the most vulnerable persons -- children and pregnant women -- in the most proper manner, especially by providing them with the medical and psychological assistance that they deserve and need (Palestine);

NC - 46. Continue to take steps to ensure the well-being and protection of migrants and their rights (Canada); implement measures to foster a climate of greater tolerance and acceptance towards immigrants, many of whom face persecution and/or civil strife in their home countries and are therefore unable to return (Canada);

P - 47. Continue to reinforce its jurisdiction in relation to the human rights of consumers in general and more particularly as applicable to the tourism sector (Morocco).

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