

2RP: Responses to Recommendations & Voluntary Pledges

MALTA

Second Review Session 17

Review in the Working Group: 30 October 2013
Adoption in the Plenary: 21 March 2014

Malta's responses to recommendations (as of 10.07.2014):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
No response, all pending	73 recs were accepted in full, 21 accepted in part (n° 1, 14-21, 33-35, 38, 41, 43, 58, 60-63 and 67 -> noted) and 40 were "not accepted" (-> noted)	No additional information provided	Accepted: 73 Noted: 61 Total: 134

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/25/17:

The following recommendations will be examined by Malta which will provide responses in due time, but no later than the twenty-fifth session of the Human Rights Council in March 2014:

N - 102.1. Continue its accession process to the core human rights treaties (Azerbaijan);

N - 102.2. Ratify the Convention for the Protection of All Persons from Enforced Disappearance and establish a national human rights institution which fully complies with the Paris Principles (Tunisia);

N - 102.3. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France);

- N - 102.4. Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);
- N - 102.5. Continue efforts carried out towards the ratification of CPED (Argentina);
- N - 102.6. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Nigeria);
- N - 102.7. Consider the possibility of ratifying ICRMW and CPED (Ecuador);
- N - 102.8. Consider ratifying the ICRMW (Philippines);
- N - 102.9. Consider acceding to ICRMW (Egypt);
- N - 102.10. Be a pioneer country in ratifying the ICRMW (Indonesia);
- N - 102.11. Accede to the ICRMW (Uruguay);
- N - 102.12. Recognize the competence of the Committee on Migrant Workers (Uruguay);
- N - 102.13. Ratify ICRMW, and adopt all necessary measures with the aim of improving the treatment of migrants and asylum seekers (Argentina);
- N - 102.14. Ratify the OP-CEDAW (Albania);
- N - 102.15. Accede to OP-CEDAW (Brazil);
- N - 102.16. Ratify the OP-CEDAW without reservations (Portugal);
- N - 102.17. Consider ratifying the OP-CEDAW (Belgium) (Spain);
- N - 102.18. Ratify the Optional Protocol to CEDAW as soon as possible (Austria);
- N - 102.19. Accede to the OP-CEDAW as well as review and withdraw the reservations to articles 11, 14, 15 and 16 of the CEDAW (Slovenia);
- N - 102.20. Remove the reservations from the CEDAW, incompatible with the principle of equality between men and women and ratify the optional protocol to CEDAW (France);
- N - 102.21. Withdraw its reservations to CEDAW (Iceland);
- N - 102.22. Ratify the third Optional Protocol to the Convention on the Rights of Child on a communications procedure (Montenegro);
- N - 102.23. Ratify the Optional Protocol to the ICESCR and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);
- N - 102.24. Consider ratifying the Optional Protocol to the ICESCR, putting thereby at the same level the protection of these rights with the political and civil rights (Spain);
- N - 102.25. Consider ratifying the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);

A - 102.26. Take swift action to further enhance equality legislation, particularly in the area of partnership and cohabitation, as proposed by the current Maltese Government (Austria);

A - 102.27. Consider aligning its domestic legislations and enacting new laws, as appropriate, in order to fully implement its human rights obligations, particularly those relating to combating trafficking in persons, especially women, girls and children (Philippines);

A - 102.28. Create a national human rights institution fully in conformity with the Paris Principles (Togo);

A - 102.29. Establish a national human rights institution which functions in accordance with the Paris Principles (Costa Rica);

A - 102.30. Establish a national human rights institution in line with the Paris Principles (Nigeria);

A - 102.31. Establish a national human rights institution fully compliant with the Paris Principles (Sierra Leone);

A - 102.32. Establish a national human rights institution in full conformity with the Paris Principles, which coordinates and articulates the work of different specialized bodies with competences over the extensive set of human rights (Uruguay);

N - 102.33. Provide the National Commission for the Promotion of Equality with adequate human, technical and financial capacity to handle racial violence and discrimination, and to institute legal proceedings (Sierra Leone);

N - 102.34. Enhance the capacity of the National Commission for the Promotion of Equality to follow-up and monitor responses in all cases of racial violence and discrimination (Trinidad and Tobago);

N - 102.35. Strengthen the capacity of the National Commission for the Promotion of Equality with regards to the follow up, investigation, and monitoring of cases of racial discrimination and violence, and initiate the corresponding legal actions, in order to combat impunity (Ecuador);

N - 102.36. Widen the mandate of the Parliamentary Ombudsman to address racial discrimination in public and private entities (Sierra Leone);

N - 102.37. Revise the mandate of the Parliamentary Ombudsman to enable it to address racial discrimination in the private sphere and not just racial discrimination involving the government and State entities (Nigeria);

N - 102.38. Work towards enhancing the status, powers and functions of the office of the Ombudsman to ensure full compliance with the Paris Principles (Hungary);

N - 102.39. Strengthen the rule of law and good governance as vital conditions for better protecting and promoting human rights and freedoms (Viet Nam);

A - 102.40. Intensify efforts and effective measures on social and economic development while protecting all vulnerable groups such as women, children, persons with disabilities and migrants, from all forms of discrimination (Viet Nam);

N - 102.41. Continue its efforts to protect the rights and interests of special groups, including migrants, women, children and people with disabilities (China);

A - 102.42. Place greater relevance to and adopt measures to ensure the realization of all economic, social and cultural rights for its population (Cuba);

N - 102.43. Continue its legal measures in further safeguarding the implementation of human rights (Azerbaijan);

A - 102.44. Move forward and finalize the draft national children policy (Indonesia);

A - 102.45. Continue to carry out awareness programmes for children and adolescents against substance abuse (Egypt);

A - 102.46. Continue its cooperation with neighbouring countries regarding rescue operations at sea particularly for irregular migrants entering the country (Azerbaijan);

N - 102.47. Adopt a comprehensive policy aimed at putting an end to traditional stereotypes (Belgium);

N - 102.48. Ensure cooperation and responsiveness of financial institutions in respect of claims for the recovery of funds of illicit origin (Tunisia);

N - 102.49. Continue to follow up on the implementation of conclusions and recommendations which resulted from the last visit of the Working Group on Arbitrary Detention, in 2009, and consider proposing a new mission by the referred special procedure (Brazil);

A - 102.50. Continue its efforts aimed at combating all forms of discrimination (Algeria);

A - 102.51. Continue taking measures to eradicate gender discrimination and to promote effective equality and the overcoming of traditional stereotypes, for instance through awareness raising campaigns or programs at the education field (Spain);

A - 102.52. Continue its efforts towards promoting equal opportunities between men and women, especially in regards to labour rights (Armenia);

N - 102.53. Further undergo awareness raising activities for overcoming the traditional stereotypes regarding the roles and responsibilities of women and men in the family and society, and for strengthening the principle of shared responsibility (Republic of Moldova);

A - 102.54. Consider putting in place temporary special measures in areas where women are underrepresented or disadvantaged and provide additional resources to accelerate the improvement of the status of women (Belgium);

A - 102.55. Take further steps to reduce gender-based discrimination in the workforce (Australia);

N - 102.56. Incorporate non-discrimination in its National Children policy, whilst expediting the process (Thailand);

A - 102.57. Redouble efforts to stem the development of racism and xenophobia (Togo);

N - 102.58. Intensify its efforts to stem the development of racism and xenophobia and to ensure that the materials which are published in media do not contribute to creating an atmosphere of hostility, intolerance and rejection towards migrants (Iran (Islamic Republic of));

A - 102.59. Carry out all possible efforts to combat racism, racial discrimination, xenophobia and other forms of related intolerance (Cuba);

N - 102.60. Intensify the initiatives to enforce its legislation aimed at combating racial discrimination and take measures to combat racist speech of politicians as well as manifestations of racism in the media, in particular by prosecuting those responsible (Costa Rica);

N - 102.61. Effectively enforce its legislation and other general and institutional measures to combat racial discrimination and adopt a comprehensive strategy to eliminate discrimination on any grounds whatsoever (Tunisia);

N - 102.62. Take measures to combat and condemn racism and hate speech by politicians and manifestations of racism in the media, particularly discriminatory and hate speech and the dissemination of ideas and racist remarks (Tunisia);

N - 102.63. Take concrete measures to stop racism and hate speech by politicians as well as racism in the media (Nigeria);

A - 102.64. Adopt further measures to combat all forms of discrimination, including discrimination based on sexual orientation and gender identity (Norway);

A - 102.65. Further progress in combating all forms of discrimination, including against LGBT persons, through the introduction and implementation of appropriate legislation, policy and practice (United Kingdom of Great Britain and Northern Ireland);

A - 102.66. Continue to strengthen its legislative and institutional frameworks to enhance the rights of LGBTI people (Australia);

N - 102.67. Proceed towards the criminalization of rape and violent attacks as crimes against physical and mental integrity of women and as a form of discrimination based on the grounds of sex and gender (Uruguay);

N - 102.68. Review the definition of rape so that the lack of consent has a central place in this criminal conduct (Uruguay);

A - 102.69. Develop and implement a comprehensive national strategy to address all forms of violence against women and children (Sierra Leone);

N - 102.70. Continue its fight against any form of violence against children, women, migrants, and persons with disabilities (Holy See);

A - 102.71. Step-up its measures in addressing violence against women, including ensuring protection for the victims of the violence (Malaysia);

A - 102.72. Prohibit and eliminate corporal punishment of children, as this is a key obligation under the Convention on the Rights of the Child and other international human rights instruments (Maldives);

A - 102.73. Continue its steps to further promote and protect the rights of the child, including addressing child abuse and sexual exploitation of children (Malaysia);

A - 102.74. Maintain protection of the right to life from conception to natural death (Holy See);

N - 102.75. Review legislation on abortion and ensure that women have access to legal abortion health services, especially in cases where their life or health is at risk (Belgium);

N - 102.76. Incite open, cognizant, public and expert discussions in Malta on introducing abortion legislation even though in limited cases where the mother's or child's life is at risk (Czech Republic);

N - 102.77. Consider exceptions from the general prohibition of abortion and remove punitive prohibitions for women who undergo abortion (Iceland);

N - 102.78. Decriminalize abortion, if not completely, at least when the life or the health of the mother is in danger, by bringing the law in line with obligations deriving from several human rights conventions (Netherlands);

N - 102.79. Fully implement the recommendations of the CEDAW and CRC on the decriminalization of abortion and on exceptions to the general prohibition of abortion for cases of therapeutic abortion and when the pregnancy is the result of rape or incest (Finland);

N - 102.80. Review legislation on abortion, as advocated by various treaty bodies, to which Malta is party; Consider creating exceptions to the general prohibition of abortion, including for medical reasons or in cases of pregnancy resulting from rape or incest; Remove repressive provisions for women who have recourse to abortion (France);

A - 102.81. Improve identification of victims of trafficking in human beings, by establishing an efficient inter-agency mechanism of identification and referral of such cases (Republic of Moldova);

A - 102.82. Strengthen efforts for providing appropriate assistance to victims of trafficking in human beings and disseminate information on their right to compensation and ways to access it (Republic of Moldova);

A - 102.83. Further develop laws and practices with regard to legal proceedings and identification of victims of human trafficking (Thailand);

A - 102.84. Strengthen efforts to proactively identify both domestic and international trafficking victims among vulnerable populations, particularly children and women in prostitution (United States of America);

A - 102.85. Apply a victim-centred approach towards victims of trafficking (Iran (Islamic Republic of));

A - 102.86. Amend the Criminal Injuries Compensation Regulations so that all victims of trafficking have access to State compensation (Iran (Islamic Republic of));

A - 102.87. Take further steps to improve the operation of the judicial process so as to ensure the conclusion of cases within a reasonable time (United Kingdom of Great Britain and Northern Ireland);

A - 102.88. Address concerns over detention conditions (United States of America);

A - 102.89. Improve the conditions in administrative detention centres and ensure that the open centres meet adequate standards of living at all times (Iran (Islamic Republic of));

A - 102.90. Strengthen the efforts to ensure that the conditions in detention centres meet international standards (Norway);

A - 102.91. Bring the juvenile justice system in line with the Convention on the Rights of the Child, the Beijing Rules, the Riyadh Guidelines as well as to La Habana Rules in order to increase the age of criminal responsibility, expressly excluding criminal proceedings for all children in conflict with the law under the age of 18 years, and therefore also eliminate 'the harmful intent' criteria currently in force (Uruguay);

N - 102.92. Raise the minimum age of marriage to 18 years (Albania);

N - 102.93. Raise the minimum age of marriage from 16 to 18 years (Iceland);

N - 102.94. Take steps to increase the minimum age of marriage from 16 to 18 years (Sierra Leone);

N - 102.95. Sustain its policy that recognizes the family, based on the stable relationship between a man and a woman, as the natural and fundamental unit of society (Holy See);

A - 102.96. Provide, in accordance with its obligations under international human rights law instruments, effective protection for the family as the fundamental and natural unit of society (Egypt);

A - 102.97. Ensure birth registration for all children born in Malta (Sierra Leone);

A - 102.98. Consider ways by which participation of women in political life be further increased, both in terms of absolute numbers but also in terms of quality of participation (Cyprus);

A - 102.99. Take concrete steps in ensuring comprehensive sexuality education for children and young people (Finland);

N - 102.100. Improve the availability of sexual and reproductive health services, including family planning (Iceland);

N - 102.101. Improve the availability of sexual and reproductive health services, including family planning (France);

N - 102.102. Take all necessary actions to guarantee to the population, especially women in vulnerable situations, safe access to reproductive and sexual health services, including family planning and education on the matter (Mexico);

A - 102.103. Continue its efforts to further eliminate barriers to the full and effective participation in mainstream society of disabled persons, including children, in particular with regard to education, independent living, accessibility to multimedia and full participation in political and public life (Hungary);

A - 102.104. Strengthen its efforts to promote direct funding and develop a range of living options for persons with disabilities (Maldives);

A - 102.105. Share its best practices in the field of education for children with disabilities (Oman);

A - 102.106. Noting the challenge presented to Malta's resources by irregular migration, the Government of Malta nonetheless should continue enhancing efforts to ensure that human rights of migrants are protected (Trinidad and Tobago);

A - 102.107. Pursue the implementation of programs of action aimed at slowing down and controlling the migration flow while continuing engaging with international efforts aimed at addressing the root causes of the illegal migration phenomenon (Morocco);

A - 102.108. Take measures to fully ensure the rights of migrants who arrive in the country (Cuba);

A - 102.109. Review periodically its migration policy in order to face the new challenges posed by this phenomenon (Nicaragua);

A - 102.110. Promote a culture of non-discrimination and solidarity among its citizens towards migrants (Nicaragua);

A - 102.111. Continue its efforts aimed at ensuring greater respect for the rights of migrants (Algeria);

A - 102.112. Examine additional ways to accelerate and strengthen the integration of migrants into Maltese society, including in the work place, to allow them to contribute fully to the well-being of the country (Canada);

A - 102.113. Further implement legislation and policies that protect and promote the health, legal, social, educational, economic and labour rights of migrants, refugees, and asylum seekers (Holy See);

A - 102.114. Continue its efforts to improve the living conditions of migrants in detention and to bring its immigration detention system in line with the international human rights law and standards (Tunisia);

A - 102.115. That further efforts should be taken to improve the detention regime, taking into consideration the recommendations in the UNHCR Position Paper (Norway);

A - 102.116. Make every possible effort in order to reduce the detention period of asylum seekers, especially regarding unaccompanied children and pregnant women, and treat them with most proper manner (Maldives);

A - 102.117. Consider less restrictive alternatives to blanket detention of migrants and guarantee to all migrants the right to seek judicial review of the lawfulness of their detention and to obtain a determination without delay and release if detention is determined unlawful (United States of America);

A - 102.118. Implement greater measures to guarantee in an effective manner the legal safeguards for all detained migrants, improve the detention and living conditions of migrants, in particular by modernizing detention centres (Uruguay);

A - 102.119. Continue efforts to improve the living conditions in immigration detention centres, especially for children victims of armed conflicts (Djibouti);

A - 102.120. Promote the access of persons placed in migration detention centres to free legal aid (Djibouti);

A - 102.121. Ensure that the conditions of detention of irregular migrants and asylum seekers do not constitute a degrading treatment. Limit the practice of detention of migrants, especially unaccompanied minors (France);

A - 102.122. Provide effective remedies to challenge a detention or expulsion in accordance with international law on human rights and refugees as well as with European standards (France);

A - 102.123. Seek effective ways of support and coordination with the European Union in order to deal with migrants within the international human rights law framework, regardless of their migrant status (Mexico);

A - 102.124. Reduce at minimum the administrative detention of migrants and asylum seekers, observing the legal safeguards for persons in vulnerable situations and respecting the principles of international law, also considering the provision of free legal assistance for detained migrant children (Mexico);

A - 102.125. Bring an end to the detention of migrant children as well as adults in a vulnerable situation, such as pregnant women and persons with disabilities (Togo);

A - 102.126. Ensure that the best interests of the child, as spelled out in the Convention on the Rights of the Child, is the primary consideration in all asylum proceedings involving children (Austria);

A - 102.127. Ensure that unaccompanied migrant children receive free legal representation (Norway);

N - 102.128. Review its migration and criminal procedure codes with a view of deleting the provisions allowing for detaining non-accompanied children (Egypt);

A - 102.129. Adapt the practice in which unaccompanied minors are being held in migrant detention together with unrelated adults, and give them the benefit of the doubt until their age has been determined (Netherlands);

A - 102.130. Take the necessary steps to end detention of unaccompanied minors, and pending such measures, ensure that they are detained separately from adults and receive adequate and free legal representation (Hungary);

A - 102.131. Review the law on protection of minors in order to deal with vulnerable situations of migrant children (Nicaragua);

A - 102.132. Continue to address the specific needs of children of migrants, refugees and asylum seekers and unaccompanied minors (Portugal);

A - 102.133. Implement without delay the proposals for improved procedures and modalities as regards its asylum policy and to review its detention policy and that such review include how to ensure that children are not detained pending age determination (Sweden);

A - 102.134. Abide by international human rights law pertaining to migrants, including with regard to detention (Sweden).

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