

## Responses to Recommendations

# Malta

## Session 31

Review in the Working Group: 16 November 2018  
Adoption in the Plenary: 18 December 2018

**Malta's responses to recommendations: (as of the 12<sup>th</sup> August 2019)**

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
Supported: 112 Noted: 6 Pending: 39 Total: 157	Out of the 39 recs left pending, 10 were accepted, 29 noted	No Additional Information provided	Accepted: 122 Noted: 35 Total: 157

*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/40/17:

**110. The recommendations formulated during the interactive dialogue/listed below have been examined by Malta and enjoy the support of Malta:**

S - 110.1 Bolster cooperation with the United Nations treaty bodies (Senegal);

S - 110.2 Intensify efforts to establish a national human rights institution, in accordance with the Paris Principles (Uganda);

S - 110.3 Establish a consolidated national institution with broad competence in the field of human rights, in accordance with the Paris Principles (Ukraine);

S - 110.4 Establish a national human rights institution, in accordance with the Paris Principles (Cameroon);

- S - 110.5 Establish a national human rights institution, in accordance with the Paris Principles (Spain);
- S - 110.6 Establish, in full conformity with the Paris Principles, an independent national human rights institution (Finland);
- S - 110.7 Move towards the creation of a national institution with broad competence in the field of human rights (Chile);
- S - 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);
- S - 110.9 Consider further necessary steps to establish a national human rights institution, in accordance with the Paris Principles (Nepal);
- S - 110.10 Adopt the law on the establishment of the national human rights institution (Hungary);
- S - 110.11 Strengthen efforts in establishing a national human rights institution, in accordance with the Paris Principles (Indonesia);
- S - 110.12 Establish a national human rights institution as an independent body in full conformity with the Paris Principles (Ireland);
- S - 110.13 Establish a consolidated national institution with broad competence in the field of human rights, in accordance with the Paris Principles (Portugal);
- S - 110.14 Establish a dedicated national human rights institution, in accordance with the Paris Principles (Republic of Korea);
- S - 110.15 Establish a body responsible for the promotion and protection of human rights, including the right to equal treatment (Greece);
- S - 110.16 Further guarantee the rights of groups, including migrants, women, children and persons with disabilities (China);
- S - 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);
- S - 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);
- S - 110.19 Continue to work towards streamlining and strengthening equality by prohibiting discrimination in various spheres of life (Greece);
- S - 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);
- S - 110.21 Continue to promote public awareness-raising campaigns and provide adequate training for public officials on the right to equality and nondiscrimination (Bolivarian Republic of Venezuela);

S - 110.22 Introduce further effective measures to combat inequalities and uphold sustainable development (Viet Nam);

S - 110.23 Take further practical steps to ensure full implementation of antidiscrimination legislation and to combat all forms of discrimination, including on grounds of race, sexual orientation, gender identity and others (Czechia);

S - 110.24 Continue efforts to combat racial discrimination and protect vulnerable groups and to disseminate a culture of non-discrimination against migrants (Libya);

S - 110.25 Redouble efforts to combat all forms of racism, intolerance, stereotypes and discrimination (Indonesia);

S - 110.26 Continue efforts towards combating racism, racial discrimination, xenophobia and other forms of related intolerance (Egypt);

S - 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);

S - 110.28 Take measures to ensure the full implementation of legislation against xenophobia and discrimination, paying special attention to migrants (Chile);

S - 110.29 Take effective measures to prevent incitement to racial hatred in social networks and bring those responsible to justice (Belarus);

S - 110.30 Continue efforts to combat hate speech against foreigners and promote a culture of difference and tolerance (Tunisia);

S - 110.31 Implement legal instruments against hate crimes and awarenessraising 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);

S - 110.32 Adopt a comprehensive policy aimed at ending traditional stereotypes (Belgium);

S - 110.33 Continue to promote sustainable economic and social development and to improve people's living standards (China);

S - 110.34 Comply with the European Union's anti-money-laundering and countering terrorism finance directive (United States of America);

S - 110.35 Ensure the full implementation of the European anti-moneylaundering directives (France);

S - 110.36 Strengthen its anti-corruption institutions, including the enforcement of anti-money-laundering regulations (Sweden);

S - 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);

S - 110.38 Continue to uphold the right to life from conception to natural death (Holy See);

- S - 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);
- S - 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);
- S - 110.41 Take further measures to provide qualified health-care assistance to persons in places of pretrial detention (Belarus);
- S - 110.42 Continue to improve living conditions in prisons (United States of America);
- S - 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);
- S - 110.44 Ensure that crimes and offences are investigated thoroughly and court cases are concluded within a reasonable amount of time (Netherlands);
- S - 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);
- S - 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);
- S - 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);
- S - 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);
- S - 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);
- S - 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);
- S - 110.51 Investigate and prosecute cases of intimidation and violence against journalists (Australia);
- S - 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);
- S - 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);
- S - 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);

S - 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);

S - 110.56 Intensify efforts to combat trafficking in persons (Iraq);

S - 110.57 Increase efforts in the fight against corruption and trafficking in persons, including by improving the relevant legislation and law enforcement practices (Belarus);

S - 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);

S - 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);

S - 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);

S - 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);

S - 110.62 Continue efforts aimed at protecting victims of trafficking in persons and ensure that legal remedies are offered to them (Algeria);

S - 110.63 Continue to combat trafficking in persons, including by developing victim assistance services, providing training for government officials and raising public awareness (Indonesia);

S - 110.64 Further advance its efforts in assisting victims of trafficking in accordance with their needs (Georgia);

S - 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);

S - 110.66 Improve the system for identifying victims of trafficking in persons, especially in the case of children, irregular migrants and asylum seekers (Spain);

S - 110.67 Continue the fight against trafficking in persons by improving interagency interaction, enhancing victim assistance services, training government officials, raising public awareness and other relevant initiatives (Bulgaria);

S - 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);

S - 110.69 Ensure that access to services for older persons is dignified, affordable and readily available (Australia);

S - 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);



S - 110.71 Continue efforts to promote human rights education at all levels of the national education system (Viet Nam);

S - 110.72 Continue efforts to put in place a system of comprehensive sexuality education (Austria);

S - 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);

S - 110.74 Continue efforts to eliminate violence and discrimination against women (Maldives);

S - 110.75 Continue efforts aimed at the elimination of violence against women and children (Côte d'Ivoire);

S - 110.76 Redouble efforts to eliminate violence against women and children, and put in place mechanisms that guarantee their access to justice (Algeria);

S - 110.77 Intensify efforts to eliminate violence against women and children and promote the participation of women in the public and private sectors (Mexico);

S - 110.78 Continue efforts to prevent violence against women (Tunisia);

S - 110.79 Continue to intensify actions to eradicate violence against women (Japan);

S - 110.80 Fully implement legislative and practical efforts to address domestic and gender-based violence, including ensuring support for victims (Australia);

S - 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);

S - 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);

S - 110.83 Ensure women's sexual and reproductive rights, including through education and family planning (Australia);

S - 110.84 Improve the availability of sexual and reproductive health services, including family planning (Iceland);

S - 110.85 Continue initiatives aimed at promoting gender equality in employment and the participation of women in decision-making positions (Romania);

S - 110.86 Collaborate closely with the private sector to formulate policies that support women in re-entering the workforce (Singapore);

S - 110.87 Take legislative measures and implement public policies to increase the participation of women in public life (Costa Rica);

S - 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);

S - 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);

S - 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);

S - 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);

S - 110.92 Take measures to promote and ensure the full realization of all human rights and fundamental freedoms for young persons (Moldova);

S - 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);

S - 110.94 Take further steps to provide welfare services and assistance to all persons with disabilities, especially children (Bulgaria);

110.95 Continue efforts to promote inclusive education for children with disabilities (Cyprus);

S - 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);

S - 110.97 Continue efforts to promote the rights of persons with disabilities and provide the necessary support to the relevant national mechanisms (Jordan);

S - 110.98 Strengthen its mechanisms to protect and promote the human rights of migrants in the country (Uganda);

S - 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);

S - 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);

S - 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);

S - 110.102 Strengthen efforts aimed at the elimination of stereotypes and discrimination against migrants, in particular by carrying out awarenessraising campaigns to promote tolerance (Côte d'Ivoire);

S - 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);

S - 110.104 Make further efforts to combat discrimination against foreigners and asylum seekers (Iraq);

S - 110.105 Provide effective protection of migrants (Cameroon);

S - 110.106 Continue effectively to protect and guarantee the safety and fundamental human rights of migrants and refugees, especially minors (Holy See);

S - 110.107 Continue to adopt effective measures to ensure the protection of the rights of all migrant workers (Nepal);

S - 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);

S - 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);

S - 110.110 Ensure fair treatment to migrants, refugees and asylum seekers, in accordance with its international human rights obligations (Bolivarian Republic of Venezuela);

S - 110.111 Ensure respect for the rights of migrants in irregular situations in detention camps (Senegal);

S - 110.112 Continue to combat discrimination against refugees and minors (Senegal).

**111. The following recommendations will be examined by Malta, which will provide responses in due time, but no later than the fortieth session of the Human Rights Council:**

S - 111.1 Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Austria) (Croatia) (Spain);

N - 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);

N - 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);

N - 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);

N - 111.5 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal) (Spain);

N - 111.6 Ratify the third Optional Protocol to the Convention on the Rights of the Child (Portugal) (Spain);

S - 111.7 Consider acceding to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Italy);

S - 111.8 Consider acceding to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Italy);

N - 111.9 Ratify the 1954 and 1961 statelessness conventions (Austria);

N - 111.10 Sign and ratify the Convention on the Reduction of Statelessness (Sweden);

N - 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);

N - 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);

N - 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);

N - 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);

N - 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);

N - 111.16 Develop a national action plan in accordance with the Guiding Principles on Business and Human Rights (Japan);

N - 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);

**S - 111.18 Increase the number of investigations and, where appropriate, prosecutions in cases of corruption and financial crime (United States of America);**

N - 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);

N - 111.20 Put in place concrete measures to ensure that all cases of detention are subject to non-discriminatory judicial review (Republic of Korea);

**S - 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);**

N - 111.22 Ensure that children between 16 and 18 years of age are tried by special juvenile courts, not ordinary courts (Spain);

N - 111.23 Revise the legislation on public service media, including appointment procedures, in order to establish safeguards against political interference (Germany);

N - 111.24 Continue to reform legislation on media in order to better protect journalists (France);

S - 111.25 Take steps in order to further increase the protection of journalists (Greece);

S - 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);

S - 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);

N - 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);

N - 111.29 Continue to strengthen the mechanisms to combat trafficking in persons and to guarantee adequate protection, reparation and compensation to victims (Maldives);

N - 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);

N - 111.31 Continue efforts to achieve gender equality, especially in the labour market, and eliminate wage disparities (Tunisia);

N - 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);

N - 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);

N - 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);

N - 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);

S - 111.36 Work to address the shelter needs of migrants and asylum seekers, and in particular improve living conditions in open centres (Canada);

S - 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);

N - 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);

N - 111.39 Establish a national mechanism to identify stateless persons and guarantee their rights and protection (Mexico).

**112. The recommendations formulated during the interactive dialogue/listed below have been examined by Malta and have been noted by Malta:**

N - 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);

N - 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);

N - 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);

N - 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);

N - 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);

N - 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).

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