



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to submission of the third periodic report of Malta*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on measures taken to implement the recommendations contained in the Committee's previous concluding observations (CCPR/C/MLT/CO/2) and its report on follow-up to the concluding observations of the Committee (CCPR/C/123/2, pp. 2–5). Please report on any other significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations.

B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. With reference to the Committee's previous concluding observations (para. 5), please report on measures taken to raise awareness of the Covenant and its Optional Protocol among judges, prosecutors, lawyers, parliamentarians and civil society, and provide examples of cases in which the provisions of the Covenant have been invoked in domestic litigation or legislation processes.

3. In light of the Committee's previous concluding observations (para. 6), please provide information on any progress made by the State party in withdrawing its reservations to articles 13, 14 (2) and (6), 19, 20 and 22 of the Covenant.

National human rights institution (art. 2)

4. With reference to the previous concluding observations (para. 7), please report on measures taken to establish a national human rights institution in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Anti-corruption measures (arts. 2 and 25)

5. Please report on measures taken to combat corruption effectively, including corruption among senior officials and in the judiciary. Please outline the steps taken to strengthen the institutional and operational capacity of prosecutors, judges and police to fight

* Adopted by the Committee at its 130th session (12 October–6 November 2020).



corruption and provide data on the number of prosecutions of officials implicated in corruption, including criminal law responses to high-level corruption.

Non-discrimination (arts. 2, 20 and 26)

6. With reference to the Committee's previous concluding observations (para. 8), please report on progress achieved in establishing a comprehensive anti-discrimination legal framework and on measures taken to combat effectively the continued discrimination, in particular against migrants and persons with disabilities.

7. With reference to the Committee's previous concluding observations (para. 9), please outline the measures taken to combat hate crimes, including hate speech and racially motivated violence, particularly against migrants, including the investigation and prosecution of such acts and the sanctions imposed on those responsible.

Gender equality (arts. 2–3 and 25)

8. Please report on progress made in achieving gender equality and on measures taken to address the reported persistence of gender stereotypes and patriarchal attitudes. With reference to the Committee's previous concluding observations (para. 11), please indicate the measures taken to ensure women's meaningful participation in the political, economic and social spheres of life, including in decision-making positions at all levels.

Violence against women, including domestic violence (arts. 2–3, 6–7 and 26)

9. With reference to the Committee's previous concluding observations (para. 12), please report on the progress made in investigating and effectively tackling the root causes of violence against women, including domestic and sexual violence. Please indicate measures taken to ensure the effective implementation of the Victims of Crime Act (Act No. IX of 2015) in relation to victims of violence against women, including domestic violence.

10. Please outline the measures taken to: (a) identify and address the barriers that prevent victims reporting such violence; (b) establish standard operating procedures for law enforcement officials to respond to cases of domestic violence; and (c) ensure that victims have effective access to free legal aid and adequately funded victim support services, including shelters, psychological support and counselling.

Voluntary termination of pregnancy and sexual and reproductive rights (arts. 6–8)

11. With reference to the previous concluding observations (para. 13), please provide information on measures taken to revise legislation governing access to abortion. Please comment on the impact of international travel restrictions imposed in relation to the coronavirus disease (COVID-19) pandemic on women having to undergo unsafe abortions due to the absolute ban on abortion in the State party, and include statistical data, covering the reporting cycle, on the number of unsafe abortions and abortions subject to criminal prosecution. Please report on steps taken to ensure access to sexual and reproductive health services and education.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of their liberty (arts. 7 and 10)

12. With reference to the Committee's previous concluding observations (paras. 14 and 18), please report on measures taken to prevent and combat ill-treatment of persons deprived of their liberty and excessive use of force by law enforcement officials, including in the context of migration governance, demonstrations and protests. Please respond to reports of overcrowding of detention centres for asylum seekers and other third-country nationals. Please also respond to reports of inadequate material and sanitary conditions in detention centres.

13. Please report on measures taken, in the context of the COVID-19 pandemic, to ensure the safety of persons deprived of their liberty and provide them with access to health care, services and information, including virus testing and treatment, in, inter alia, prisons,

detention centres for asylum seekers, hospitals and institutions for persons with disabilities, and care homes for older persons.

Trafficking in persons (art. 8)

14. Please provide relevant statistical data in relation to trafficking in persons, including for the purposes of sexual or labour exploitation. With reference to the Committee's previous concluding observations (para. 15), please report on measures taken to improve the identification of victims or potential victims among groups in situations of vulnerability, including migrants in transit and asylum seekers. Please provide information on the measures taken to ensure effective prosecutions and convictions for trafficking, and provide relevant data.

Migrants, asylum seekers and refugees (arts. 6–7 and 9–10)

15. Please provide information on the measures taken to ensure that migrants and asylum seekers in distress at sea who fall under the State party's jurisdiction are rescued without delay and allowed to disembark at a port of safety. Please respond to the reports of arbitrary delays in responding to distress calls emanating from ships at sea that fall under the State party's jurisdiction and in authorizing disembarkations of persons on such ships at a port of safety. Please provide information on investigations carried out and other legal measures that are available to ensure accountability in instances where migrants and asylum seekers in distress at sea who fall under the State party's jurisdiction are not rescued without delay, resulting in loss of their lives.

16. Please provide information on measures taken to ensure that non-governmental organizations conducting search-and-rescue operations in the Mediterranean Sea are not penalized for those activities, including through detention and seizure of their operating vessels.

17. With reference to the Committee's previous concluding observations (para. 16), please report on measures taken to ensure that the detention of migrants and asylum seekers is necessary and proportionate, lasts for the shortest possible period of time and is subject to periodic judicial review by an independent judicial body, and that alternatives to detention are available in law and implemented in practice. Please provide information on measures taken to ensure that children are not detained and to guarantee that they receive free legal assistance for the duration of the administrative proceedings. Please comment on the impact in practice on detention upon arrival of migrants and asylum seekers of the legislative amendments made in 2015 to transpose the European Union Reception Conditions Directive (2013/33/EU) into national legislation.

18. With reference to the Committee's previous concluding observations (para. 17), please report on measures taken to provide effective access to asylum procedures for all who intend to seek asylum in the State party and guarantee that asylum applications are assessed within a reasonable period, on an individual basis and with full respect for due process and the right to appeal. Please also provide information on the measures taken to guarantee adequate safeguards against refoulement and collective expulsions and ensure that the return of migrants is based on individual assessments and conducted safely, in a non-discriminatory manner and in compliance with international human rights standards.

Free legal aid (art. 14)

19. Please report on measures taken to ensure effective access to free legal aid, particularly for those in situations of vulnerability, such as victims of violence against women, including domestic violence, and children in conflict with the law.

Independence of the judiciary, administration of justice and right to a fair trial (art. 14)

20. Please report on progress made in undertaking reforms to ensure the full independence of the judiciary, including measures taken to ensure the independence of judicial appointments and removals from undue political interference. Please provide information on measures taken to ensure that the judiciary is not susceptible to political interference,

especially in high-profile cases. Please comment on the impact on judicial independence from the executive and legislative branches of the double role of the Attorney General both as adviser of the Government and as prosecutor.

Right to privacy (art. 17)

21. Please report on measures taken to ensure that all types of surveillance activities and interference with privacy, including online surveillance, are governed by legislation that is in full accordance with the Covenant, in particular its article 17, including with the principles of legality, proportionality and necessity. Please clarify whether surveillance and interception are subject to judicial authorization and to effective and independent oversight mechanisms.

Freedom of expression (art. 19)

22. Please report on measures taken to ensure the safety of journalists and protect them against attacks and intimidation and on the progress made regarding investigations and prosecutions in cases of violence against journalists. Please include information on the status of the case of the murder of journalist Daphne Caruana Galizia and comment on the concerns about the independence of the investigation.

23. Please report on measures taken to ensure that media law and criminal law, including defamation, libel and slander provisions, are not improperly used against journalists, members of the political opposition and others criticizing the Government. Please provide information on the implementation of the Media and Defamation Act (Act No. XI of 2018), including relevant statistical data on ongoing and discontinued cases of defamation, libel and slander.

Right to peaceful assembly (art. 21)

24. Please outline the measures taken to guarantee the right to peaceful assembly, particularly in the context of demonstrations and protests, including the anti-corruption demonstrations that took place in 2019 and 2020.
