

## **ADVANCE QUESTIONS TO MALTA**

### **CZECH REPUBLIC**

- According to the stakeholders report, a Cabinet subcommittee chaired by the Minister of Justice and Interior has established an emergency plan and set up a new detention centre for irregular migrants. Could the delegation provide details of these measures, including an update of the situation?
- What are the main challenges Malta faces while fulfilling its reporting obligations to UN Treaty Bodies?
- What measures has the Government of Malta taken to combat discrimination, in particular discrimination against minorities, gender based discrimination and discrimination against LGBTs?

### **GERMANY**

- UN Documentations highlight a persistence of traditional stereotypes regarding the roles and responsibilities of women and men in family and society. These stereotypes seem to be the underlying cause for, inter alia, an underrepresentation of women in employment and a persistent wage gap, as well as an underrepresentation in politics as well as decision-making positions. Germany would be interested to know more about policies of the Government to overcome these stereotypes and to positively promote the role of women in family and society.

### **SWEDEN**

- The Working Group on Arbitrary Detention, while noting in 2009 safeguards against arbitrary detention in Malta, expressed concern about the situation of detained immigrants, adding that the detention regime applied to them is not in line with international human rights law. A 2007 UNHCR report further noted that Malta's policy on detention of asylum seekers is at times applied to vulnerable persons, namely children, pregnant and lactating women, elderly persons, persons with disabilities and victims of torture/trauma. The UNHCR stated that the procedure for their fast track release often suffers from administrative hindrances, resulting in unnecessarily long detention and related negative consequences, a problem also noted by the Working Group on Arbitrary Detention.

- Could the Government of Malta elaborate on what measures it is taking to ensure respect for the human rights of asylum seekers and refugees, in compliance with international human rights standards?

- The Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) expressed concern about the persistence of traditional stereotypes in the roles and responsibilities of women and men in family and society which, despite women's generally high level of education, negatively affect full enjoyment of rights by both women and men. The Committee strongly recommended organizing awareness-raising campaigns. CEDAW was, further, concerned that, under the Criminal Code in Malta, the crime of rape must be

associated with violence and that rape as well as violent assault is considered in the Criminal Code under the title “Of Crimes against the Peace and Honour of Families and against Morals”. CEDAW called upon Malta to define the crimes of rape and violent assault as crimes against the physical and mental integrity of women and as a form of discrimination that seriously inhibits women's ability to enjoy human rights and fundamental freedoms in equality with men.

- What further measures is the Government of Malta taking to combat violence against women?

- Could the Government of Malta elaborate on the measures it is taking to bring the definition of the crimes rape and violent assault in line with its international human rights obligations?

### **THE NETHERLANDS**

- There are reports that the number of maritime incidents, where boat refugees were not given adequate help when in need, has been increasing in the last few years. At the same time there are some concerns of the increasing restrictive reception and treatment of refugees, arriving in Malta. No individual screening seems to be applied to these persons and all of them, also the most vulnerable such as pregnant women, elderly and children, seem to be occasionally detained for periods that can run up to three months or longer with very limited possibilities for recreation or education. What steps will the Government of Malta take to ensure that the situation of refugees improves in the short term?
- Malta denies same-sex couples the possibility to legalise or register their relationship. Malta also does not recognise same-sex marriages or registered partnerships in countries that allow such unions. National NGO's report that the denial of legal recognitions leads to discrimination in matters such as housing, inheritance, visitation rights and more. The Netherlands is furthermore concerned about reports indicating widespread discrimination against individuals based on their sexual orientation and gender identity. What will the government do to ensure equal treatment for all its citizens and prohibit all forms of discrimination, including discrimination based on sexual orientation and gender identity?
- How will Malta contribute to the fulfilment of Sexual Reproductive Health and Rights (also seen in the light of the recent ICPD) and implement recommendations of Human Right Treaty Bodies with regard to rights related to these issues?

### **UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

- Could you please elaborate further on the role civil society in Malta played in the preparation of your national report for this process?
- We understand that although the right to assistance from a lawyer during interrogation has been reflected in an amendment to the criminal code, this amendment has yet to be given legal force by the legislator. Could you expand on

any steps the government is taking to ensure that the right of access to a lawyer while in detention will be backed up by enforceable legislation?

- The UK welcomes the steps taken to speed up the judicial process in recent years. Are there any further plans to increase the speed and efficacy of Maltese justice, particularly for crimes which are relatively minor in nature?
- What plans do the Maltese Government have to monitor and combat prejudice and xenophobic stereotypes, and in particular racism and racial discrimination especially that directed towards migrants?
- What programmes / provisions have the Maltese Government have made for individuals to integrate into Maltese Society with regards to employment / housing / education, once they have been granted refugee status?
- Could you please elaborate on the existence of a national human rights institution in Malta and if it is in compliance with the Paris principles?

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