



General Assembly

Distr.: General
18 October 2023

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Forty-fifth session
22 January–2 February 2024

National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21*

Malta

* The present document is being issued without formal editing.



I. Introduction

1. Malta remains fully committed to the promotion and protection of human rights and welcomes the 4th UPR of its human rights record.
2. Human rights are enshrined at the highest level within Malta's legislation. The Constitution of Malta includes a robust commitment to human rights, safeguarding fundamental freedoms and liberties of individuals as outlined in Chapter I (Article 1) and Chapter IV titled Fundamental Rights and Freedoms of the Individual. These provisions reflect Malta's dedication to upholding the principles of equality, dignity, and justice.
3. Malta has a standing open invitation to Special Procedures. The latest visit was undertaken by the Working Group on Discrimination against Women and Girls in June-July 2023.
4. Malta's last UPR review was held in 2018. Since then, significant developments have taken place. Through this exercise, Malta has taken stock of the implementation of the recommendations made during the 3rd Cycle of Malta's UPR and has been able to identify areas where progress has been registered, and where work is ongoing or more action is needed.
5. This report must be read in conjunction with Malta's voluntary UPR mid-term report submitted in October 2022.

II. Methodology and consultation for the compilation of the national report

6. This report was compiled by the Ministry for Foreign and European Affairs and Trade, in close consultation with several Line Ministries, namely the Ministry for Home Affairs, Security, Reforms and Equality; Ministry for Justice; Ministry for Education, Sport, Youth, Research and Innovation; Ministry for Finance and Employment; Ministry for Active Ageing; Ministry for Inclusion, Voluntary Organisations and Consumer Rights; Ministry for Social Policy and Children's Rights; Ministry for Health; as well as the Department of Industrial Relations within the Office of the Prime Minister. Each Ministry submitted an account of progress achieved on the recommendations until August 2023.
7. Malta consulted with civil society, and the Office of the Ombudsman, during the compilation of this report.

III. International norms (recommendations 110.8, 111.1, 111.7, 111.13, 111.2–3, 111.9–10)

8. In 2019, Malta ratified the Optional Protocol to the convention on the Elimination of all forms of discrimination against women.

IV. Promotion and protection of human rights: Developments, achievements and challenges since the previous cycle

A. Legislative framework

National Human Rights Institution (Recommendations 110.2–110.15)

9. The Bill establishing a NHRI in Malta was presented in Parliament, however due to the general election in 2022, Parliament had been dissolved prior to its adoption into law. In the interim, the European Commission proposed two Directives that establish binding minimum standards for equality bodies. The national Bill is being reviewed in view of these proposals to ensure compliance once they are adopted at EU level prior to its reintroduction to Parliament. The legislative process will also include a public consultation.

The Ombudsman

10. The Office of the Ombudsman deals with several complaints which have a human rights dimension, in particular complaints by persons seeking/or who have been granted international protection, but also by third country (non-EU) nationals and by persons detained (whether on remand or after conviction) at the Corradino Correctional Facility. Issues raised include bureaucratic delays by Identity Malta,¹ problems with registering children to attend school (right to education) and issues as to general prison conditions.

11. The Office has been actively engaged in promoting the need for a National Human Rights Institution in Malta and contributed directly to Bill No. 97 of 2019 by also highlighting that the proposed institution should be more independent of the Executive.

Good governance (Recommendations 110.36, 111.18, 110.37, 110.34)*Anti-money laundering and countering terrorism financing*

12. Malta strengthened its ability to fight Money Laundering and Terrorist Financing (ML/FT). Further to being placed under the list of jurisdictions under enhanced monitoring in June 2021 (until June 2022), FATF² noted that 'Malta has strengthened the effectiveness of its AML/CFT regime to meet the commitments in its action plan regarding the strategic deficiencies that the FATF identified in June 2021.... Malta is therefore no longer subject to the FATF's increased monitoring process.

13. Since 2017, the FIAU³'s employees have increased from 35 to 139 (April 2023) and plans are in place to increase the workforce to 253 employees by end of 2026, involving an investment of EUR 87.6 million.

14. FIAU's 4-year strategy (covering 2023-2026), launched in November 2022 is based on 6 pillars.⁴ In recent years the former Supervision and Enforcement Section within the FIAU was split into two distinct Sections. A Risk Team was created within the Supervision Section to coordinate more efficiently the risk assessment process of subject persons (obliged entities). This risk assessment process is carried out through a bespoke-built IT-solution named CASPAR,⁵ which *inter alia* receives on an annual basis, REQs⁶ from all subject persons.

15. The Enforcement Section stepped up its efforts in taking necessary action against entities found to be in breach of their AML/CFT obligations. In 2022, the FIAU imposed administrative penalties totalling €3,355,443 on 180 subject persons and imposed 23 directives and 89 written reprimands. Between 1 January and 14 April 2023, FIAU imposed a total of €1,587,912 in administrative penalties on 50 subject persons, and a further 8 directives and 2 written reprimands.

16. FIAU continued to focus on identifying and addressing the guidance needs of obliged entities and in 2022 issued 7 guidance documents on adherence to AML/CFT obligations, with a further one issued in 2023. In 2022, the FIAU published the Implementing Procedures Part II for Accountants and Auditors which explains how accountants and auditors are expected to adhere to AML/CFT obligations.

17. Until April 2023, the FIAU received 2,620 STRs/SAR⁷s from subject persons, supervisory bodies, and other competent authorities.

18. As part of the transposition of the 5th EU Anti-Money Laundering Directive (AMLD), the FIAU was also responsible for establishing and managing the Centralised Bank and Payment Account Register (CBAR). To date, over 42,000 CBAR searches have been carried out by 48 designated users from competent authorities.

19. In 2021, the FIAU set up a Cash Restriction Section, responsible for monitoring and ensuring compliance with the Use of Cash (Restriction) Regulations using different sources to proactively identify transactions which carry a higher risk for further investigation. Educational/awareness campaigns for the public were also organised, especially traders that are directly affected by the restrictions.⁸

20. goAML⁹ was upgraded with additional enhancements planned for 2024. Additional security was introduced to ensure the confidentiality of the FIAU network also with its

international counterparts. FIAU, in coordination with MITA,¹⁰ and the European Commission, established new secure private links with the European Commission and EU Member States, to further mitigate the risk of cyber-attacks.

21. The introduction of the CBAR¹¹ also required technical investment, and numerous changes were carried out to enable the onboarding of users within the FIAU's Cash Restrictions Section. The submission of exceptions report was made accessible to reporting entities to speed up the file submission process. Lastly, several new triggers were developed to generate email notifications informing Reporting Entities of their file submissions' status.

22. To date, Malta has no outstanding issues with the transposition of EU anti-money laundering and counter terrorism directives and other ancillary Directives¹². In 2020 Malta amended its Prevention of Money Laundering and Financing Terrorism Regulations (PMLFTR) to address the technical compliance shortcomings identified by MONEYVAL¹³ assessors during the 5th Round Mutual Evaluation. In April 2021, MONEYVAL re-rated Malta's compliance with the technical standards, bringing Malta's AML/CFT framework in technical compliance with the FATF recommendations. Thus, Malta achieved a Largely Compliant or Compliant rating for all the recommendations. This led to Malta being one of the two countries under MONEYVAL as the FATF-Style Regional Body that has none of its technical recommendations rated as partially compliant.¹⁴

23. The Office of the Attorney General instituted 71 financial crime prosecutions between October 2020 and December 2022 where the charge was that of money laundering standalone (18) or money laundering accompanied by a predicate offence (53). Some of the 71 cases also involve corruption in the private sector, attempted bribery, attempted corruption and tax evasion, computer misuse and usury as predicate offences. During 2022 alone, the AG's Office obtained 11 convictions relative to financial crime prosecutions. Cases are also being concluded in a shorter period.

Whistleblower Act

24. The Protection of the Whistleblower Act (CAP 527) was amended to align with EU Directive 2019/1937 on the protection of persons who report breaches of Union law. Several substantial changes were included for wider protection:

- Protection now extends to "facilitators" / persons who assist the whistleblower in approaching internal reporting channels to make a disclosure;
- The definition of "employee" now also includes shareholders/persons who are in a pre-contractual relationship with the employer;
- Wrongdoings that can be reported fall under specific categories;¹⁵
- The definition of retaliation includes a number of actions ranging from dismissals to unjust referrals;
- "Work-related context" clarifies that past and current activities can be mentioned in a disclosure;
- Record keeping will be an added obligation on all employers within private/public sectors. Reports shall be stored for no longer than it is necessary and proportionate in compliance with the requirements imposed by this Directive, or other requirements such as the GDPR;
- Public Disclosures¹⁶ are a new layer of reporting which means that the reporting person can forego the initial two stages of reporting to make a public disclosure, if there is a risk of retaliation from External Disclosure, or an imminent/manifest danger to the public interest.

Other developments

25. From October 2022,¹⁷ the Attorney General took over from the Executive Police the decision to prosecute, inter alia, the following crimes: forgery of Government debentures, prostitution, female genital mutilation, explosions, arson, and illicit importation of

radioactive waste. Additionally, the Office of the Attorney General was also strengthened by additional staff.

B. Right to life, liberty and security

Combating domestic, sexual and gender-based violence (Recommendations 111.32–34, 110.76–79, 110.80–81)

Sexual and gender based violence

26. In 2018, the legal obligations enshrined in the Istanbul Convention were fully transposed into Maltese law, by amending existing legislation, and by introducing the Gender-based Violence and Domestic Violence Act.¹⁸ This Act expanded the remit and obligations of the former Commission on Domestic Violence, now Commission on Gender-Based Violence and Domestic Violence (CGBVDV).

27. The Act refers explicitly to the Istanbul Convention as its foundation. The national action plan on gender-based violence (GBV) and domestic violence acknowledges the link between gender inequality and violence against women.

28. In December 2022, the CGBVDV concluded a study on the prevalence of children witnessing violence in Malta, who were asked to report on possible childhood experiences of abuse/maltreatment, including witnessing intimate partner violence and family violence.

29. In 2022, the Commission began drafting the 3rd national strategy covering a 5-year timeframe. This seeks to address GREVIO's recommendations through a more encompassing approach, as well as any initiatives that were recommended by the stakeholders. Relevant NGOs were also consulted.

30. The CGBVDV is collaborating with MEYR on the implementation of an evidence-based dating violence prevention programme called the Safe Dates programme. This is being piloted with Year 10 students in four secondary state schools. The aim is to evaluate the effectiveness of the Safe Dates in changing attitudes and beliefs of students towards dating abuse and to gather feedback from the trainers. The data gathered is currently being analysed.

31. Act X of 2022 added Article 211A to the Sub-title Of Wilful Homicide in the Criminal Code. Labelled as "femicide", the Article does not include femicide as a separate offence, but it binds the Court, when pronouncing judgment, to give due consideration to whether a person convicted of the wilful homicide or attempted wilful homicide of a female should be disqualified from receiving any leniency in punishment. Art.211A is an effort to increase the likelihood of maximum accountability for perpetrators of femicides via a life sentence, punishing gender-based violence more severely.

Domestic violence

32. In May 2023, Malta adopted the Domestic Violence Prevention Bill which introduces a new preventive measure empowering persons at risk to make informed decisions on their personal safety and relationships. For the first time, a person can check whether their partner has ever been convicted of domestic violence. The Victim Support Agency has several criteria that need to be satisfied prior to providing the information, to ensure full respect to data protection.

33. The Malta Police Force (MPF) is establishing two regional hubs to address domestic violence. These hubs will be situated in the southern and northern regions of Malta, with the aim of offering improved services to victims of domestic violence in a more welcoming environment. Training is being reinforced through the delivery of *Full Cooperation: Zero Violence* training programme. Close coordination is carried out with the CGBVDV to organise multi agency training yearly on specific topics of relevance such as dealing with children, both as victims and as perpetrators, and parental alienation issue.

34. As part of the Gender-Based Violence and Domestic Violence Strategy and Action Plan, MARAM¹⁹ (Multi-Agency Risk Assessment Meeting) coordinates the intelligence and

operations of different entities who work directly with victims of domestic violence and their children.

Training and awareness raising

35. The CGBVDV raises awareness about GBV and domestic violence as part of its work on prevention. In 2022, the Commission implemented awareness raising campaigns, some of which addressed the intersectional element of GBV and domestic violence. This also involved engaging men and boys in violence prevention, the importance of consent, and the active bystander approach whilst providing more information on the services available to victims. Every year, the Commission coordinates the international 16 Days of Activism awareness-raising campaign on a national level by inviting all stakeholders to collaborate on initiatives to raise awareness about GBV and domestic violence.

36. In May 2023, the CGBVDV organised a seminar on GBV and domestic violence for members of the judiciary and delivered training to journalists on ethical reporting on domestic violence cases to prevent secondary victimisation. The Academy for Disciplined Forces is delivering In-Service Training Course for Police Sergeants and Constables which also focuses on the prevention of sexual exploitation and abuse. As of April 2023, 627 officials from the MPF received this training.

37. In 2023, a session of the NCPE's conference to mark International Women's Day focused on sexual harassment. Information on rights and responsibilities under Maltese legislation was provided and a panel discussion highlighted related challenges, the rights and duties of employers and workers and fostering safer workplace environments.

Female genital mutilation

38. In 2022, the Human Rights Directorate (HRD) embarked on several campaigns. The GMU²⁰ collaborated with the CGBVDV and the Migrant Women Association Malta for the International Day of Zero Tolerance for FGM. Information in various major languages prevalent among migrants was disseminated at centres hosting migrants to raise awareness on this issue.

39. In 2022 the Migrant Health Liaison Office organized 2 sessions on FGM for health professionals. Training on FGM is also planned for PSCD teachers and the Judiciary. The Migrant Health Liaison Office, together with paediatric consultants, provides medical certificates to girls examined for FGM, to prevent their return to FGM prevalent countries.

Trafficking in persons (Recommendations 110.56–110.68)

40. HRD is responsible for overall coordination of efforts to combat human trafficking, and is launching several measures, including awareness raising. The Fourth National Action Plan on Combating Trafficking in Persons 2022-2023 has been implemented.

41. The budget allocated for combating human trafficking and assisting victims of exploitation, covers a national public awareness campaign and an exit programme for victims of prostitution. Social welfare services in Malta have a safehouse for victims of human trafficking which is managed by Aġenzija Appoġġ.²¹ The housing authority also helps victims through rent subsidies on private rental arrangements and other forms of assistance as required.

42. The Council of Europe has been engaged by the European Commission to provide its expertise in the implementation of a joint project entitled 'Supporting Malta in the design and implementation of a new anti-trafficking strategy (2022-2024)', launched in December 2022. The Joint Project focusses on strengthening the identification of all victims, including children, protecting them better as soon as they are identified, and guaranteeing their access to justice. The project has the following objectives:

- Develop more effective tools to identify potential victims of human trafficking and facilitate provision of professional support;
- Strengthen the investigative and judicial arms against perpetrators of human trafficking and secure convictions of traffickers in a shorter time period;

- Set up preventive mechanisms and introduce regulations aimed at safeguarding the interests of vulnerable persons who face greater risks of human trafficking.

43. The Independent Experts of the Council of Europe produced two reports entitled ‘Investigations and Prosecutions Assessment Report with a Needs Analysis and Draft Recommended Improvement Measures’ and ‘Proposed SWOT Analysis of the Maltese Government’s Organisational Factors and Existing Tools to Address Trafficking in Human Beings.’ Online workshops were organised to discuss project deliverables in relation to the future National Anti-Trafficking Strategy. During March and June 2023, the Project Experts provided updated versions of the Assessment Reports on Three Strategic Pillars ‘Prevention’, ‘Protection’ and ‘Prosecution and Investigations’ which will then serve as working documents for the future Working Groups.

44. An Anti-Human Trafficking Inter-Ministerial Committee was set up in 2022 with focal points from all Ministries to identify and implement measurable actions within their purview and collaborate on shared challenges. The Committee aims to explore ways how ministries/departments could improve their coordination in the field of trafficking in human beings and will also serve as an essential tool for Malta’s efforts to meet its coordination, reporting and monitoring obligations under European and international frameworks. A technical Working Group on Criminal Justice and Legislative Amendments was set up in June 2023 composed of IMC²² Members and Legal Officers from MHSR, MFJ and MFET to address the necessary legislative amendments in fulfilment of the GRETA recommendations concerning Malta’s obligation to combat human trafficking.

45. The Criminal Code provides for punitive measures against individuals/companies that engage in human trafficking, thereby safeguarding against institutionalized corruption. Due provision is made for cases when individuals/companies knowingly make use of the services provided by victims of THB. Contracts Circulars N° 04/2023 and 05/2023²³ establish the Minimum Hourly Rates Payable to the Contractor in the case of a number of services.²⁴ The stipulated basic rates have been introduced in an effort to mitigate precarious working conditions vis-à-vis Contractor’s employees on public contracts.

46. Additionally, as part of the Eligibility Process through an integrated ESPD²⁵, the Economic Operator is duty bound to ‘confirm’ (or otherwise) that they or any person who is a member of its administrative/management/supervisory body or has powers of representation/decision/control, has not been the subject of a conviction by final judgment for child labour and other forms of trafficking in human beings, by a conviction rendered within the preceding five years or in which an exclusion period set out directly in the conviction continues to be applicable. Should an Economic Operator declare that they have been the subject of a conviction in this regard, they shall be excluded from participation in public procurement procedures.

47. In terms of national law, victims may also be issued with a residence permit if they are willing to cooperate with the police, even if they were residing irregularly.²⁶ This is a major element of protection given to individuals after they are identified as potential victims of trafficking and based on their willingness to cooperate with the authorities. Victims may also be given a two-month reflection period during which they are expected to detach themselves from the influence of the perpetrators of the offence.

48. In 2022, HRIU reached out to the Legal Aid Agency Malta to enhance collaboration between the two entities, particularly in relation to the Victim Compensation Scheme. The Legal Aid Malta Agency was also highlighted as a collaborator in the fight against trafficking and the protection of victims through the National Awareness Campaign on Human Trafficking.

49. In January 2023, HRIU attended the Regional Train the Trainer²⁷ focused on the methodology of the European Programme for the Training of Law Professionals in the Field of Human Rights (HELP), and on combating human trafficking. HRIU also attended training on criminal investigation, prosecution and adjudication of human trafficking cases, and strategic partnerships at Council of Europe. The aim of this training was to constitute a pool of regional multi-agency focal points from different countries to build and support a solid regional cooperation on combatting trafficking in human beings.

50. A study is in the pipeline to research and provide comprehensive legal and policy analysis of the situation of trafficking in human beings in Malta, with regards to the identification and protection of victims. This research, led by Council of Europe Experts as part of the ongoing TSI project, has been drafted and is currently being reviewed by the main stakeholders concerned.

51. The MPF has also allocated resources to provide ongoing specialized training to its officers in identifying the proceeds of crime. Furthermore, the MPF has strengthened its existing partnerships with key stakeholders such as Identity Malta, Jobs Plus, AWAS, DIER and Agenzija Apogg.²⁸

Awareness raising

52. An awareness Raising Campaign on Human Trafficking was launched in February 2023. The campaign mainly featured the Crime Stop Hotline '119' and the FSWS Support Line '179' and included various initiatives to promote the services available to ensure that the public is equipped to report any suspicious activity pertaining to trafficking and that victims are guided to the national support services. A conference was organised on 25 July 2023 as part of the UN Blue Heart Campaign, leading up to the UN World Day Against Trafficking in Persons, with the theme 'Reach Every Victim of Human Trafficking, Leave No One Behind'.

53. Other initiatives included family events in two Maltese towns intended to raise awareness among the public on trafficking in human beings and how it impacts society. Additionally, a focus session with migrants was organized as part of the Blue Heart Campaign in July 2023. Sessions on conflictual/abusive relationships, the risk of human trafficking in intimate relationships, and sexual exploitation and sex work were also organised for female migrants. Moreover, new initiatives to raise awareness among school children and the migrant community are being developed to further raise awareness on all aspects of human trafficking.

54. FSWS organised sessions with the MPF on outreach and identifying victims of trafficking, and on sexual exploitation. An information campaign for parents about online predators was also organised. Media campaigns were also delivered.

55. Between 2020 and 2022, FSWS implemented a project called *All Equal: Supporting Victims of Human Trafficking* which supported victims of human trafficking by providing accommodation, counselling, interpretation and cultural meditation. An awareness campaign was delivered through the media, conferences, leaflets in 11 different languages, awareness-raising videos, and bus adverts covering several routes.

56. A webinar on 'Preventing and combatting trafficking in human beings for the purpose of labour exploitation in Malta' was held in March 2023. The objective was to present and discuss the new Council of Europe Committee of Ministers' Recommendation²⁹. The webinar brought together up to 59 representatives of government departments, law enforcement, health-care professionals, social workers, the judiciary, labour inspectors, civil society organisations, trade unions, and the private sector.

57. Plans are currently underway for the preparation of awareness raising activities for EU Anti-Trafficking Day 2023. An IMC Meeting will be held on 18 October 2023 to commemorate the day.

C. Persons with disability (Recommendations 110.93, 110.97, 110.96, 110.94–95)

58. Malta adopted a series of legal acts to implement the Convention for the Rights of Persons with Disability (CRPD) into national law, and a National Strategy on the Rights of Persons with Disability. Among these, the Commission for the Rights of Persons with Disability's remit was expanded and its independence from Government enhanced, while the rights of persons with disability were given further prominence within legal and governing bodies of public entities.

59. MIVC liaises with CSOs, academia and the national disability equality body through ENGAGE, Malta's civil society participation mechanism in terms of Article 4(3) of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), further to article 6 of the United Nations Convention on the Rights of Persons with Disabilities Act (Chapter 627 of the Laws of Malta), and the ENGAGE Regulations (Subsidiary Legislation 627.02) adopted further to said Act.

60. Aġenzija Sapport³⁰ took on the Access to Communication and Technology Unit (ACTU) in 2019, widening service provision to adults with disability and offering Augmentative and Alternative Communication (AAC) and Electronic Assistive Technology (EAT) services. In 2019, it also took on the Sonia Tanti Independent Living Centre (STILC) providing wheelchair and seating assessments to minors and adults, to ensure optimal postural and seating support, and accessible mobility solutions that reflect their needs. Aġenzija Sapport also strengthened the Social Work services, with the team following and screening intakes, referring cases according to need, and acting as a link between service users and other intra/inter services that can assist them to reach their full potential and meet presenting needs. The Agency also introduced the Family Support Unit, which provides educational and emotional support to relatives of persons with disability. Amongst other services, the Occupational Therapy services support and enable persons with disability to participate in daily activities, whilst the Supported Independent Living Services enable persons with disability to live as independently as possible in the community, enhancing their inclusion and empowerment through person centred planning. Moreover, Aġenzija Sapport is diversifying the programmes, activities and opportunities offered within its Day Services to better address the current needs and interests of adults with disability. Community Services and the 'Way to Work Programme' aid service users to gain new skills and/or work opportunities to participate more independently in society.

61. Aġenzija Sapport is also collaborating with educational institutions to support minors according to their specific needs. Professionals, including Sign Language Interpreters, are present for minors' Individualised Educational Plan (IEP).

62. Aġenzija Sapport implemented three consultative committees to involve persons with disability, their relatives, and NGOs to consult on the Agency's current operations and future service planning, to further align its objectives with service users' needs and expectations.

63. Several Autism Friendly measures were launched including the compilation of autism friendly environment guidelines and toolkit, setting up two 'Reach autism' units and multi-sensory rooms in schools, training and support, and early intervention and screening. The implementation of the Lenti³¹ national screening programme helped identify developmental delays early and enabled the provision of corresponding support.

D. Human rights education (Recommendations 110.71, 110.73)

64. Malta has implemented compulsory education for all between the ages of 5 and 16 years for many decades ensuring that all school-age children are provided with a comprehensive education free of charge by the state. The National Curriculum Framework (NCF) 2012 introduces children in junior years to democratic values and respect of fundamental freedoms, human rights and diversity, which continues in secondary school.

65. Personal, Social, Career Development (PSCD), Ethics, and Social Studies remain important in the Maltese educational system and promote a human rights culture by helping pupils develop the necessary skills for an all-round human rights education. The Ethics syllabus covers the theme of Rights and Freedoms while Social Studies educators offer holistic learning that promote skills and attitudes to be future active citizens. Students have opportunities to identify and express their own beliefs and values and to discuss these with others in a safe framework based on the dignity of every human being, freedom of thought and expression, and the respect for others' opinions.

66. Furthermore, the University of Malta provides training and continuing professional development (CPD) to individuals working with vulnerable cohorts. The training prepares participants to educate and respond to the needs of pupils from different backgrounds.

Additionally, the training is designed to foster awareness of issues related to racism and racial discrimination and their harmful consequences. The University offers such study-units to organizations including the Active Ageing and Community Care Agency, and the Academy for Disciplined Forces. Moreover, the Institute for Education ensures that all its accredited degrees, certificates and diplomas have core modules on diversity, social justice, inclusion, and multiculturalism.

Children and youth (110.91)

67. Children and youth are a key demographic in society and are ideally placed to offer unique perspectives on legalisation and other government-led activities. For this purpose, in April 2023, the Cabinet Office received applications from young persons aged between 16 and 35 years to form part of the Youth Advisory Forum. This structure allows the Government to continuously consult with youths on laws, strategies, and plans of national importance.

**E. Equality, non-discrimination and combating hate speech
(Recommendations 110.23, 110.16, 110.28, 110.32, 110.108, 110.101,
110.30, 110.31, 110.110, 110.24, 110.20, 110.112, 110.104, 110.16, 110.19,
110.21, 110.89, 110.85–88, 110.78–79, 110.4–77, 111.31–34)**

Discrimination against women

68. Malta's Gender Equality and Mainstreaming Strategy and Action Plan (GEMSAP),³² adopted in November 2022, is the first framework that focuses on gender equality and gender mainstreaming. It was formulated following intensive consultations with all relevant stakeholders within government and CSOs, and also through a public consultation. GEMSAP focuses on eight strategic objectives.³³ One of the many measures included is the free provision of menstrual products in secondary school.³⁴

69. NCPE continued to work to ensure that society is free from discrimination as per its remit, through:

- Investigation of complaints of alleged discrimination.
- Dissemination of information on equality rights and responsibilities through training.
- Replying to requests for information, as well as awareness campaigns on social/traditional media.
- Promotion and awareness on gender mainstreaming, particularly through training to public officials, and the evaluation of the yearly reports by public entities and departments.
- Giving feedback to policies, laws and strategies that are published for public consultation to ensure that the circumstances and needs of different groups of women and men are adequately addressed.
- Assisting companies to safeguard gender equality through the Equality Mark Certification³⁵ – 136 organisations with over 31,000 employees are currently certified with the NCPEs Equality Mark.
- Publication of research studies.

70. In 2022 and 2023, NCPE delivered training sessions to over 2,500 public officials and Armed Forces personnel on different thematic areas, including gender equality, non-discrimination, harassment/sexual harassment, gender inclusive language, and diversity management at the workplace.

71. NCPE also assisted public entities in developing Gender Equality Plans, an eligibility criterion needed to access the Horizon Europe Funding.

72. In November 2022, the NCPE published a newsletter that explores the relationship between gender equality and climate change. It focused on how climate change impacts

women and girls, why gender equality is key to climate action, and why taking an intersectional approach is important.

Women's participation in public life

73. Act No. XX of 2021 was an important development on gender equality in political and public decision-making. It introduced³⁶ a corrective mechanism whereby if, following an election, the number of MPs identifying as the under-represented sex totals to less than 40% of all the elected Members of Parliament (MPs), there shall be an increase of up to twelve MPs of the under-represented sex across all parties represented in the House of Representatives. This mechanism has a sunset clause after twenty years, unless revoked or re-enacted (requiring a two-thirds majority). The same Act amended the General Elections Act³⁷ by increasing the number of members forming the Electoral Commission from eight to ten and requiring no less than four members of every sex. This mechanism was in place for the 2022 general election, and more than doubled the percentage of female Members of Parliament from 13% in 2020 to 28% in 2022.

Equal access to employment

74. One of GEMSAP's strategic areas is employment. GEMSAP aims to guarantee equal access to employment in all sectors, combat segregation and ensure equal pay for work of equal value. It addresses structural inequalities faced by women in Malta and will work towards the mitigation of the gender pay gap (currently at 10%) which leads to the gender pension gap (currently at 39.3%), as well as occupation segregation in the labour market. NCPE is developing an Equal Pay Tool that checks the organisations' pay structure in the context of equal pay for work of equal value between women and men.

75. Malta's female labour market participation rate has increased since the introduction of the Free Childcare Scheme in 2014, and other active labour market policies, which helped the uptake of employment by women with family/education responsibilities. The employment rate for women aged between 20-64 years increased by almost 23%³⁸ as indicated in the table below.³⁹ In 2022, Malta scored 4.8% points higher in women's labour market participation, when compared with the EU-27 average.

	YEAR	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
<i>Age class:</i>											
<i>From 20 to 64 years</i>	EU-27	61.6	62.4	63.2	64.3	65.4	66.4	67.2	66.5	67.6	69.3
	Malta	51.7	54.3	55.3	58.0	60.6	64.1	65.8	67.8	70.3	74.1

76. Jobsplus⁴⁰ adopted several measures designed to enhance worker's capacity, which have been pivotal in enhancing gender equality within the workforce, including free training courses to provide the working age population with the necessary skills needed to enter the labour market and enhance their adaptability to a changing world of work. Jobsplus also administers the Work Exposure Scheme which facilitates transition into employment by providing jobseekers with hands-on training to help them obtain skills and competences required to find and retain employment. This scheme is designed to mirror contemporary labour market demand, whereby the job preferences of the jobseekers are matched with employers' requests. Jobsplus intends to relaunch the scheme in the future under the new programming period 2021-2027. As for the more challenged amongst jobseekers and inactive persons, Jobsplus, through the Access to Employment Scheme, provides employment aid to enterprises to promote their recruitment. Through the VASTE Programme,⁴¹ implemented with LSF,⁴² Jobsplus aids vulnerable jobseekers, including persons with disability, women, migrants (asylum seekers, refugees, beneficiaries of subsidiary protection status, beneficiaries of temporary protection status), long-term unemployed, former prison inmates and substance abusers, to access the labour market. Multiple training options such as Pre-Employment Training, Basic ICT Training, Sheltered Employment Training, the Headstart Programme, Job Carving and Supported Employment (On-the-Job Coaching) are offered to the clients. The development of a Vocational Multi-Disciplinary Assessment Centre, to offer assessment services to the targeted individuals is also a priority.

77. LSF also liaises with private enterprises and provides recruitment services and facilitates access to incentives and schemes tailor-made for persons with disability by identifying tasks in existing work practices in the enterprise to design new job opportunities or workflows that can integrate a person with disability or a mixed-ability group of persons with disability.

78. Additionally, the following measures have been implemented:

(a) The establishment of the National Skills Council (2023);

(b) The extension of the Free Childcare Scheme to support childcare centres opening in the evening or at night to allow shift workers to send their children to early learning and care (2021);

(c) Tax incentives aimed at continued work after retirement, whereby the incomes of retired individuals (pension income + work income) will not be added together for tax purposes, therefore, any income derived from employment will not be added to pensions (2022);

(d) To encourage individuals to consider overtime work with their current employer, rather than seek a part-time employment with a separate employer, a 15% tax rate is charged on overtime work, capped on total annual overtime income not exceeding €10,000 (2022).

79. Since August 2022, the Maternity Trust Fund was adjusted to include the Work-Life Balance entitlements introduced that same year and renamed the Work Life Balance Fund to include reimbursement of wages during the paternity/parental paid leave in cases of birth and adoption. In the case of parental leave, the benefits are extended to fostering too.

80. In the case of parental leave, employees are entitled to 4 months of leave each per child, eligible to be taken until the child reaches 8 years of age. The same applies in case of fostering leave except this is availed of per parent and not per child.

81. Under this scheme, employers will pay a maximum of 8 weeks of Parental/Adoption/fostering Leave to their employees. They then apply for Refund of applicable benefit rates from the Department of Social Security when the employee returns to work.⁴³

82. Other work-life balance measures as of August 2022 include:

- An employee (father/equivalent second parent) is entitled to paid paternal leave immediately as from date of commencement of employment. In this case, employees have the right to 10 paid days of paternity leave.
- Carers' leave means leave from work to provide personal care or support to a relative/person who lives in the same household who needs support for a serious medical reason. Every worker is entitled to 5 days of unpaid carers' leave per year.
- Flexible working arrangements allow workers to work flexibly according to their personal needs for caring purposes. Flexible arrangements may include remote working, work on reduced hours, and flexitime.

83. NCPE continued raising awareness about the Directory of Professional Women that seeks to give visibility to professionals to enhance their opportunities of being appointed to boards and other decision-making positions. By June 2023, 275 professional women were on the Directory.

84. Malta provides women with free training and schemes aimed to upskill/reskill their current skillsets, such as the Training Pays Scheme and the Investing in Skills Scheme.⁴⁴ It also provides free childcare services through the Free Childcare Scheme, offered to children aged between three months up to 3 years of age⁴⁵ and has assisted parents/guardians in finding a better work-life balance whilst promoting female participation in the labour market. The scheme has been widened to include parents who are in education and parents/guardians who work atypical shifts. In addition, subsidised rates to parents/guardians who are unemployed were also given.

85. A team of dedicated Employment Advisors has been set up to offer guidance, upskilling and other professional support services to eligible migrants. The ‘*Supported Employment Services for Migrants*’ project was part-financed under the Asylum, Migration and Integration Fund (AMIF) 2014-2020 which ran until June 2023.⁴⁶ The project targeted asylum seekers, refugees, individuals granted subsidiary or humanitarian protection, individuals granted temporary protection status, and individuals having Specific Residence Authorisation (SRA). Under the project, Jobsplus aimed to enhance 2 services which facilitate the transfer and integration of migrants to employment namely:

(a) Guidance Services for Migrants – through employment guidance, basic training and additional support including interpreters and cultural mediators, and training of staff in contact with migrants.

(b) Job Brokerage Office – dedicated specifically to facilitating ad hoc short-term placement of migrants on work experience programs, creating a pathway towards integration of migrant workers in the formal economy following participation in the Job Brokerage scheme or language training. It also helps them obtain the necessary skills and competences to enter and retain employment. Migrants receive an hourly allowance.

86. Jobsplus also provides language training in basic Maltese and English for employment to assist migrants entering gainful employment and help their integration in Maltese society. Migrants enrolled in language training, also receive a training allowance.

87. Jobsplus administers the Access to Employment 2021-2027 Scheme. Through this Scheme, funds are awarded to employers for the recruitment of disadvantaged, severely disadvantaged, and of persons with disability. An employer who engages a person who is a registered person with a disability under national law, will be entitled to 156 weeks of subsidy.

88. Other initiatives are underway, such as the Malta Skills Survey, which will capture details on Malta’s human capital and employment skills and shed light on skills gaps which can then be targeted through policy development. The preliminary report has been published⁴⁷ and the results will be published by end of 2023. Moreover, data research will be used to study the volumes of economic migration, the extent of temporary, once only, or circular migration. The findings of the research will lead to the development of a national economic migration policy to propose the levels of economic migration that Malta can sustain and the benefits to be derived from circular migration.

89. Efforts to address challenges linked to integration and to combat exploitation continue, and the project “Online Pre-Departure Integration Measures in Malta,” was launched in July 2023. This 18-month project is funded by the EU⁴⁸, and implemented by IOM in cooperation with HRD and the Directorate for Structural Reform Support (DG REFORM). It aims to continue the reform of integration governance in Malta, specifically through the design and development of a sustainable national system in legal migration for pre-departure integration measures aimed at persons who will be granted the right to live and work in Malta. Delivery of services should commence in 2025. These measures may contribute to ease the process of labour migration and aim to provide the migrant population with critical information about Malta and help identify the skills and attitudes needed to successfully integrate. Therefore, the project aims to enable migrants to fully use their competencies and skills, become an asset to the country, and prevent labour exploitation.

Equal access to health

90. Health care in Malta is free at the point of use for all eligible persons. All services, including mental health services, sexual and reproductive healthcare services, are freely available within the national public healthcare system. All migrants rescued from the sea as well as third country nationals coming to seek work are provided with free medical care on arrival. Adults and adolescents are vaccinated against diphtheria, tetanus and polio, measles, mumps, and rubella. Children are provided with vaccines as per Malta’s national immunisation schedule. Vaccination against tuberculosis is also offered as needed. If required, migrants are also offered other medical assistance they may require.

91. In 2023 the Migrant Health Liaison Office organized a session on Family Wellness and Family Conflict to migrant women. The focus was on how to treat/be treated by family members respectfully and what to do in case of abuse within the family. In 2022, an educational session on Emotional Wellness was delivered to migrant women who expressed concern on their sense of belonging.

92. The Migrant Health Liaison Office is delivering Cultural Sensitivity in Mental Health Seminar with Mental Health professionals, to be completed by end October 2023. This office delivers training on Cultural Competence to Paediatricians working at the public hospital, and training on Cultural Diversity to newly recruited staff at Primary HealthCare.

Equal access to education

93. Irrespective of their status, all unaccompanied minors have access to state school education free of charge. When registering migrant learners in Malta's state schools, the Migrant Learners' Unit (MLU), offers its assistance in the application process.

94. MLU also supports newcomer migrant children to learn the languages of schooling in Malta⁴⁹ to assist their access to the mainstream curriculum. MLU also supports migrant children to overcome the challenges and barriers that would otherwise hamper their well-being and full inclusion within the local community. Migrants also benefit from the services of a team of Community Liaison Workers who can communicate in a range of foreign languages and who are knowledgeable about Malta's educational pathways and education opportunities available to migrant children.

95. Since 2011, MEYR has been involved in the Language Learning and Parental Support for Integration (LLAPSI and LLAPSI+) Projects which adopt a holistic approach to integration and language acquisition of migrants with several activities.⁵⁰

96. Migrant students continue to be supported through teaching and learning materials delivered to their homes and when possible, given internet access and digital hardware. This scheme was largely rolled out during the COVID-19 pandemic. Services like the free childcare scheme, before and after school clubs, such as the Breakfast Club, Klabb 3–16,⁵¹ continue to encourage and support particularly female workers, thus enabling them to continue progressing in their career, are also accessible for migrant families.

97. The 'Policy on Inclusive Education in Schools: Route to Quality Inclusion' and 'A National Inclusive Education Framework' also incorporates the 'Trans, Gender Variant and Intersex Students in School Policy'. This policy aims to create an inclusive and safe school environment, free from discrimination and harassment, for all members of the school community, regardless of sex, sexual orientation, gender identity, gender expression, and/or sex characteristics. It promotes a school climate that ensures the physical, emotional, and intellectual well-being of all students, including trans, gender variant, and intersex individuals. Additionally, the policy emphasises the importance of learning about human diversity and fostering social awareness, acceptance, and respect within the school community.

98. During the scholastic year 2022/2023, state school educators participated in trainings on various areas including, parenting skills, empowering Families with a Migrant Background, the Resettlement Process and the Role of the Local Community, Psycho-Social Effects of Migrants coming from Conflict Zones, teaching of English and Maltese as Foreign Languages in the context of migration, teaching methodologies and classroom techniques in induction classes into mainstream education.

99. Several initiatives support current teachers and community liaison workers with assisting migrant learners to understand, speak, read and write in English and Maltese, including through ongoing in-house training, awareness and information sessions. Groups of Educators have been involved in training specifically addressing teaching multicultural groups. The MOSAIC and MOSAIC + Erasmus projects have also included forms of training for staff working in multicultural schools. Several schools are identifying a "neutral" space, which can be utilized for prayer and reflection.

Equality

100. NCPE carried out a study to analyse the prevalence and persistence of stereotypes in Maltese society. The results of this research continue to shed light on the extent to which the patriarchal mentality is still present in society and the impacts it has on the opinions and attitudes of the Maltese population. Overall, participants upheld progressive gender role perceptions. Some traditional gender role expectations emerged, particularly in relation to caring for young children and elderly dependants, and social expectations on the gendered behaviour of women and men.

101. In 2022 and 2023, the NCPE delivered 2 training sessions on racism and xenophobia as well as equality and non-discrimination to newly recruited carers at the national hospital.

LGBTIQ+

102. Malta has placed first on the ILGA Rainbow Europe Index for the 8th consecutive year.

103. The LGBTIQ Consultative Council is an advisory body within MHSR. Set up in 2013, it advises government on issues which impact LGBTIQ persons and puts forward legislation, policies, and other measures to advance the rights of LGBTIQ persons.

104. In 2022, the NCPE concluded a set of initiatives⁵² addressing the grounds of sexual orientation, gender identity, sex characteristics and gender expression:

(a) *Study on LGBTIQ+ discrimination*: qualitative research analysing the discrimination faced by LGBTIQ+ persons in Malta, in various sectors of life, such as education, employment and in the access to/supply of goods and services.⁵³

(b) *Workshops with LGBTIQ+ Community*: Two workshops were held to discuss the issues faced by the community, identifying needs, and the deterrents resulting in underreporting.⁵⁴

(c) *Capacity Building for NCPE Staff*: Training on the laws of Malta; underreporting of discrimination cases; mainstreaming LGBTIQ+ equality policies; and outreach.⁵⁵

(d) *Awareness raising* on social and traditional media on the NCPE's remit and work and on the NCPE's participation in the Malta Pride March and Pride Week 2021.

105. Malta's Guidelines on the Recognition of Sex, Sexuality and Gender were adopted in October 2021 and provide guidance to the public administration on the correct interpretation of legislation relating to LGBTIQ equality when they access government services. Training sessions are also provided, including to around 2000 new Malta Police Force recruits, as of May 2023.

106. In October 2022, the SOGIGESC Unit within HRD, hosted a roundtable discussion with persons identifying as non-binary on the introduction of the X marker as a third legal gender to discuss the implications of its introduction and whether this would meet the needs and expectations.

107. In January 2023, a draft amendment was presented in parliament to the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act⁵⁶ in order to strengthen its measures to prohibit the promotion of conversion therapy practices of LGBTIQ+ persons. The amended Act was passed⁵⁷ and seeks to clarify what constitutes advertising of conversion practices for the benefit of victims of this offence, investigative authorities, and the struggle against this offence in general.

108. In March 2023, an official 'queer dictionary' was launched along with reporting guidelines to aid the media in reporting matters related to LGBTIQ+ issues. The Unit also participated in several local TV programmes to promote the use of respectful terminology.

109. On 17 May 2023, the International Day against Homophobia, Biphobia, and Transphobia, Malta introduced its third LGBTIQ+ Equality & Strategy Action Plan, covering 2023-2027. Formulated in partnership with LGBTIQ+ civil society and various stakeholders, the plan targets 10 core areas, incorporating over 90 actions. The drafting adopted an

intersectional approach, considering the multifaceted aspects of individual identities. While Malta remains steadfast in its commitment to champion LGBTIQ+ rights internationally, the action plan also addresses the challenges of disinformation and emphasises increased awareness. Concurrently, a panel discussion explored ways to make the Maltese language more inclusive for non-binary individuals.

110. Malta hosted EuroPride Valletta 2023 between 7-17 September 2023, showcasing over 60 events including artistic exhibitions, film screenings, cultural performances, discussions and conferences. The highlights were the Pride Marches in Malta and Gozo. During this period, an LGBTIQ+ Human Rights Conference delved into the issues faced by LGBTIQ+ individuals in the MENA region, addressing topics concerning trans & intersex persons, religion, disability, sports, family, and health. Additionally, community dialogues focusing on various human rights were held.

111. In collaboration with the LGBTIQ+ community, MEYR implemented measures to foster mutual tolerance and respect in education, irrespective of sexual orientation, specifically targeting the bullying of LGBTIQ+ pupils. The national policy⁵⁸ outlines the procedures to be followed. At the initial stage, the school's Senior Management Team (SMT) and designated guidance teachers handle any reported incidents of bullying. Additional support is also available as the case is then referred to the Anti-bullying team who assesses each case individually and, if necessary, collaborates with other services such as counsellors, psychologists, psychotherapists, social workers, and youth workers.

Hate Speech

112. Hate speech and hate crimes are already a criminal offence under Malta's Criminal Code. Studies are underway regarding the extension of the present provisions to protect more characteristics. Through the Anti-Racism Strategy 2021-2023⁵⁹ and the *Towards the Implementation of an Anti-Racism Strategy in Malta* project, work continues to combat hate speech and promote equality and non-discrimination.

113. The Victim Support Agency was established in 2021 as a national contact point for Victims of Crime. It is made up of a multidisciplinary team composed of Public Officers, Psycho-Social and Legal professionals, and members of the MPF. It incorporated the functions of a former unit⁶⁰ and provides three core services – Information, Legal advice, and Emotional Support. All services are delivered free of charge in a confidential manner. Recently it extended its services with the provision of Court Accompaniment to Witnesses and a notification mechanism known as 'Early Date of Release from Custody' wherein victims of crime are informed whenever a former aggressor is released from custody.

F. Migrants, refugees and asylum seekers (Recommendations 110.105, 110.111, 110.98–100, 110.102–103, 110.107, 111.36, 110.106, 111.21)

114. The International Protection Agency (IPA, set up in 2020) is taking all necessary measures to ensure that as far as possible, applications are assessed within a reasonable period. This includes beefing up of its processing capacity, including human resources, in line with management plans. In 2021, IPA installed a set of new mobile offices and will continue improving the facilities by installing new units and replacing the old ones, with the support of the European Union Agency for Asylum (EUAA). At the time of completion of this report, the recruitment process for ten additional protection officers is ongoing which will boost the offices' capacity.

115. Extensive refurbishment works have also been undertaken on all locations at the closed centre. These renovation works are meant to ensure that the living quarters are more secure, provide a more comfortable environment and that all individuals have access to outdoor areas throughout the day. The changes have made it possible to house individuals according to their protection and socio-political needs.

116. In 2020, the AWAS in coordination with EUAA, have introduced the Vulnerability Assessment Team. The team assesses potential vulnerable persons who are at the Initial Reception Centre, closed centres, and open centres. By the end of 2023, AWAS is also

planning to have its own Assessment Team which focuses on Age Assessments and Vulnerability Assessments.

G. Racism (Recommendations 110.25–29, 110.109)

117. NCPE is working on a set of initiatives as part of the EU co-funded project ‘Strengthening Knowledge on Integration and Non-Discrimination’. The project aims to identify the needs of, and discrimination faced, by minority groups:

- Focus groups to better understand the discrimination faced, leading to the publication of a Report and an Action Plan.
- Capacity-building sessions on discrimination on the grounds of race, ethnic origin, and religious belief, to strengthen the knowledge of the NCPE, and to create training content and tools for NCPE.
- Training to instil awareness, educate and empower trade union shop stewards, members from institutions/public entities, migrants. Topics will focus on racism, Islamophobia, Afrophobia, rights and responsibilities at work and NCPE’s role.
- An awareness-raising campaign on integration with a particular focus on racism, Afrophobia and Islamophobia.

118. A two-year project is underway since March 2022 as part of national implementation of the Anti-Racism Strategy. This project aims at improving Maltese public authorities’ responses to multiple and intersectional discrimination, racism, and xenophobia. As part of this project, training is ongoing for 500 public officers till 2024 under the END-RACISM-MT to assist public officers in mainstreaming anti-racism across all sectors and to support them in fostering change in Ministries.

119. An IMC⁶¹ on Anti-Racism (IMC-AR) was set up as part of Malta’s first National Action Plan against Racism. It is chaired by HRD and holds regular meetings to ensure a whole-of-government approach to anti-racism and intercultural inclusion thus reaching all policy fields and public services. NCPE is also participating in the IMC-AR and is reviewing and providing feedback to the Anti-Racism Action Plans that are being drafted by each Ministry. NCPE is developing an Anti-Racism Policymaking Tool to be implemented by the public sector. Furthermore, an Anti-Racism Platform was set up to bring together civil society actors in the field of anti-racism. Research on hate speech is being carried out by the University of Malta, a project partner, and will form the basis of an awareness-raising campaign on anti-racism during 2024. Technical meetings on hate crime data collection are ongoing with the participation of key public stakeholders and will lead to recommendations for the sector in mid-2024.

120. In the field of migrant integration, during June 2023, a public consultation was held in preparation for a second national integration governance framework, due in late 2023.

H. Freedom of opinion and expression and protection of journalists (Recommendations 110.45–54, 111.25, 111.26, 111.27)

Safety of journalists and media freedom

121. The investigations into the homicide of Daphne Caruana Galizia continue and in October 2022, two other convictions relative to the remaining two persons arraigned in 2017 were pronounced by the Court, with both individuals each sentenced to 40 years imprisonment.

122. Malta re-doubled its efforts to strengthen the independence of the media and reduce pressure and censorship imposed on it by enacting the Media and Defamation Act in 2018 and repealing the previous media laws under the Press Act. This established a new legal framework for media law, libel, defamation, and slander under Maltese law, following extensive consultation with the Office of the OSCE Representative for Freedom of the Media. The legislation strengthened the right to freedom of expression through the abolition of

criminal libel from Maltese media law and criminal law, the introduction of the new civil tort of slander, and the regulation of web-based news and current affairs services. In the case of actions brought for allegedly defamatory statements, a plaintiff must now bring proof of serious harm or a likelihood of serious harm. The new law provides in detail for several defences which were only scantily referred to under the previous law which were developed and transformed through the judgments of the European Court of Human Rights. Among these is the defence of honest opinion. To eliminate the possibility of the institution of Strategic Litigation Against Public Participation (SLAPP) lawsuits, certain anti-SLAPP provisions were introduced in so far as actions of civil libel are started in Malta against media practitioners in Malta. In fact, it does away with the filing of precautionary warrants against journalists and the filing of multiple lawsuits against a journalist on the same facts. In addition, on 4 October 2022, the Government tabled three Bills in the House of Representatives, namely:

- Bill 17: Committee for the Recommendation of Measures for the Protection of Journalists, other Media Actors and Persons in Public Life (Establishment) Bill;
- Bill 18: Constitution of Malta (Amendment) Bill;
- Bill 19: Protection of the Media and Journalists (Various Laws) (Amendment) Bill.

123. These Bills will *inter alia* introduce provisions intended to further protect the democratic way of life and the rule of law; to strengthen the fundamental rights of freedom of expression, privacy, and media freedom; and to safeguard journalists and other media professionals against strategic lawsuits against public participation.

124. In July 2023, the Government was presented with a report by the Committee of Experts on Media, which is part of an ongoing wider public consultation process preceding the next steps of the legislative process.

125. Since November 2021, the Malta Police Force introduced the inclusion of media relations training as part of the Malta Police in-service training. This is being delivered jointly by the MPF Communications Office and the Institute of Maltese Journalists.

I. Administration of justice (Recommendations 110.40, 110.43–44)

Acceleration of judicial processes

126. A new Hall in the Family Court is operational since 2023. MFJ launched a public consultation on the committal proceedings, whereby these are to be concluded within a maximum period of one year.

127. The current number of the members of the Judiciary has increased and as at end February 2023 the compliment stands at 1 Chief Justice, 25 Judges and 25 Magistrates. This represents a significant increase when compared to 2020.⁶² One of the newly appointed Magistrates was assigned to the Family Court so that the cases relating to domestic violence can be processed more efficiently and effectively.

128. Discussions will be held with a view to improving the system for notifications of acts. In the meantime, the Court Services Agency is working on a new Court Information Management System which will cater for more efficient methods of notification. This is part of the Digital Justice Strategy launched by MFJ.

129. Malta is in the process of finalising the last POC⁶³ version on the use of AI for transcriptions from speech to text of all evidence. Currently this POC is speeding up the process by 33-50%. In the area of criminal justice, the digitalization process is underway and criminal proceedings instituted as from 28 February 2023 are being sent to the Office of the Attorney General in digital format.

130. In April 2023, a public consultation was launched in relation to the reform of the committal proceedings which proposes that such proceedings be concluded within a maximum period of one year.

131. Following the phased transition of the decision to prosecute from the Police to the Attorney General, cases that are being prosecuted before the courts of criminal jurisdiction by the Office of the Attorney General are being concluded in shorter timeframe. Reforms in criminal justice to tackle the length of committal proceedings constitute a priority. To enhance specialisation, the Office of the Attorney General developed a revised internal structure whereby prosecutors handle specific areas of law on a consistent basis, moving away from a generalist approach. In order to bolster the training component of the Office, a training manager was engaged in 2023 to assess the training requirements of each prosecutor for tailor-made individual training. During February 2023, the Strategic and Operational Plan for the Office of the Attorney General was launched. The plan identifies and pragmatically addresses the causes of the challenges and provides a practical roadmap of measures to maximize efficiency and effectiveness.

J. Health (Recommendations 110.70, 110.82–84, 110.72)

ACT No. XXII of 2023

132. Until recently, the termination of pregnancy was illegal under all circumstances, so in the event of a medical intervention to save the life of a woman experiencing complications during pregnancy, both the mother and the doctors could have been subject to criminal proceedings under the interpretation of this law. In these cases, all efforts would be made to save both mother and child through the practice of double effect, however, no legal provisions were in place to protect the mother and attending doctors if a medical intervention was required to save a woman's life.

133. A bill voted on in Parliament in June 2023, amended the Criminal Code to provide an exception for circumstances where a doctor intervenes to save a woman's life experiencing complications during her pregnancy. The Bill foresees two separate scenarios:

- **Immediate risk:** In the case of a pregnant woman suffering from a medical complication which may put her life at immediate risk, the medical intervention is done immediately to save the woman's life. In such cases, if the foetus is determined to be viable, all efforts are undertaken to ensure safe delivery.
- **Health in grave jeopardy which may lead to death:** In cases where a woman is suffering from a medical complication that may put her life at risk or her health in grave jeopardy, which may lead to death. The emphasis on the word "may" is significant as health professionals will not have to wait until a woman is on the brink of death to intervene. This amendment will allow medical professionals to intervene to avoid that the woman's condition worsens, risking further complications. For the first time, medical professionals will be given full protection of the law to carry out such interventions.

Access to sexual and reproductive health and services⁶⁴

134. The Embryo Protection Act was further amended to allow more access to family planning for individuals that have a hereditary disease. The Act was updated to include nine monogenic conditions that can now undergo PGTM.⁶⁵ Thus, individuals who previously would not have planned a pregnancy as the disease runs in the family, can now have their oocytes or embryos tested for these nine conditions, and only have transfer of embryos that are free from the gene.

Sexuality and relationships education

135. A working group comprising stakeholders from health, education ministries and representatives from across the educational sectors are reviewing the current SRE taught in schools. A situation analysis of the sexuality and relationship education taught in Maltese primary and secondary schools is planned for end of 2023.

K. Older persons (Recommendation 110.69)

136. In January 2023, MFAA launched the National Strategic Policy on Active Ageing 2023-2030 which focuses on ensuring that all older persons in the community have dignified, affordable and readily available services. The Ministry is working with different entities on the implementation phase while establishing short, medium, and long-term goals for such measures.⁶⁶

V. Conclusion

137. This report highlights the significant progress achieved in the field of the promotion and protection of human rights.

138. Malta remains committed to a strong and effective multilateral human rights system that impartially monitors the implementation by all States of their human rights obligations.

139. Malta is determined to continue in its efforts to safeguard human rights and their universality and remains committed to continue working for the further promotion of these rights, and to raise awareness through education.

Notes

¹ Identity Malta is responsible for citizens' identity management and the implementation of migration processes. It offers a specialized public service in matters relating to acts of civil status, eID cards, epassports, visas, expatriates' affairs and the registration of public deeds.

² <https://www.fatf-gafi.org/en/publications/High-risk-and-other-monitored-jurisdictions/Increased-monitoring-june-2022.html#Malta>

³ FIAU – Financial Intelligence Analysis Unit.

⁴ More information on the FIAU Strategy document can be found here: <https://fiaumalta.org/wp-content/uploads/2022/11/FIAU-Strategy-2023-2026.pdf>

⁵ CASPAR – Compliance and Supervision Platform for Assessing Risk.

⁶ REQs – Risk Evaluation Questionnaires.

⁷ Suspicious Transactions Reports / Suspicious Activity Reports.

⁸ With respect to detection and investigation of potential breaches, the Cash Restriction Section set up secure channels to receive information about known/suspected breaches of the Regulations from subject persons through goAML as well as from external sources i.e. the general public through the online reporting mechanism available on the FIAU's website: <https://fiaumalta.org/report-suspicious-cash-transaction>

⁹ FIAU's core analytical system.

¹⁰ Malta Information Technology Agency.

¹¹ CBAR – Centralised Bank and Payment Account Register.

¹² Such as EU Directive 2019/1153.

¹³ Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism.

¹⁴ Malta's progress in strengthening measures to tackle money laundering and terrorist financing (fatf-gafi.org).

¹⁵ Public procurement; financial services, products and markets, and prevention of money laundering and terrorist financing; product safety and compliance; transport safety; protection of the environment; radiation protection and nuclear safety; food and feed safety, animal health and welfare; public health; consumer protection; protection of privacy and personal data, and security of network and information systems.

¹⁶ A public disclosure refers to a person disclosing information and making it available in the public domain, such as posting it on the internet.

¹⁷ L.N. 241 of 2022.

¹⁸ Chapter 581 of the Laws of Malta.

¹⁹ Launched in August 2023 and is coordinated by MSPC.

²⁰ GMU – Gender Mainstreaming Unit.

²¹ Aġenzija Appoġġ offers quality psycho-social welfare services to individuals and families inclusive of all diversities through empowering, advocating and safeguarding the well-being of these persons.

²² IMC – Inter Ministerial Committee.

²³ CC 04/2023: 'Award of Service Contracts and Pegged Rates (2023)' –

https://contracts.gov.mt/en/Circulars/2023/Documents/Circ04_2023.pdf,
 CC 05/2023: ‘Award of Service Contracts and Pegged rates (2023)-Salary Scales 19 and 20’ –
https://contracts.gov.mt/en/Circulars/2023/Documents/Circ05_2023.pdf. Pegged Rates Contracts
 Circulars are generally published yearly based on the agreed rates in the Public Service Collective
 Agreement, the Annual Cost-of-Living Adjustment (COLA) entailment of the Budget as well as any
 associated arrangements/increments announced by the Government of Malta. The applicable services
 are also updated as necessary.

- ²⁴ Including cleaning, street sweeping, health attendants, waste collectors, home helpers, care workers,
 nurses, receptionists, clerical workers, customer care support officers, tradesmen and security guards.
- ²⁵ ESPD is the European Single Procurement Document which consists of an updated self-declaration as
 preliminary evidence in replacement of certificates issued by public authorities or third parties
 confirming that the relevant economic operator fulfils the following conditions:
 (a) it is not in one of the situations referred to in Part VI in which economic operators shall or may be
 excluded;
 (b) it meets the relevant selection criteria that have been set out pursuant to regulation 217 [of SL
 601.03]; and
 (c) where applicable, it fulfils the objective rules and criteria that have been set out pursuant to
 regulation 237 [of SL 601.03].
- ²⁶ This is regulated by Subsidiary Legislation 217.17 of the Laws of Malta, which transposes EU
 Directive 2004/81/EU.
- ²⁷ Training organised by the “Fifth South Program South Programme and the Bodies Support Program”
 of the Council of Europe in Tunisia in January 2023.
- ²⁸ The latter is the designated local authority responsible for assisting identified and potential victims of
 human trafficking, regardless of whether they wish to file an official police report or not, by providing
 shelter and aid from a purely humanitarian perspective.
- ²⁹ CM/Rec(2022)21.
- ³⁰ Aġenzija Sapport is the National Agency that provides professional and innovative services to
 enhance the quality of life of persons with disability in Malta. It became an autonomous agency in
 2016 through a Legal Notice (L.N. 104 of 2016).
- ³¹ Lenti programme - <https://www.2iltd.com/projects/lenti/>
- ³² <https://humanrights.gov.mt/en/Documents/Gender%20Equality.pdf>
- ³³ 1. Strengthening of Institutional Mechanisms for Gender Mainstreaming & Gender Equality 2.
 Guarantee equal access to employment in all sectors, combat segregation & ensuring Equal Pay for
 Work of Equal Value 3. Enhancing women’s economic independence 4. Strengthening the principle
 of gender equality & mainstreaming in the education system and challenging gender stereotypes 5.
 Promoting co-responsibility & balance of work, private and family life 6. Achieving gender balance
 in political & public decision making 7. Promoting gender equality in social wellbeing & healthcare
 policies 8. Eliminate gender imbalance in the field of justice by addressing gender bias and gender
 stereotypes.
- ³⁴ The pilot project will commence during the 2023/2024 scholastic year.
- ³⁵ The Equality Mark is a certification awarded to companies / organisations that make gender equality
 one of their values and whose management is based on the recognition and promotion of the potential
 of all employees irrespective of their gender and caring responsibilities.
- ³⁶ Through Article 52A of the Maltese Constitution.
- ³⁷ (Cap. 354 of the Laws of Malta)
- ³⁸ from 51.7% in 2013 to 74.1% per cent in 2022.
- ³⁹ Eurostat-
https://ec.europa.eu/eurostat/databrowser/view/LFSA_ERGAN__custom_7189378/default/table?lang=en
- ⁴⁰ Malta’s Public Employment Services.
- ⁴¹ <https://secure.etc.gov.mt/teststagingenvironment/schemes-jobseekers/vaste>
- ⁴² LSF – Lino Spiteri Foundation.
- ⁴³ A claim for refund should be made for each individual employee/each child as follows:
- Fifty per cent (50%) or four (4) weeks of the entitlement paid for parental leave up to when the
 child is four (4) years of age.
 - Twenty-five per cent (25%) or two (2) weeks of the entitlement paid for parental leave up to when
 the child is between five (5) and six (6) years of age and
 - Twenty-five per cent (25%) or two (2) weeks of the entitlement paid for parental leave up to when
 the child is between seven (7) and eight (8) years old.
- ⁴⁴ Both schemes are currently closed but Jobsplus intends to reopen the schemes under the new
 programming period 2021-2027.
- ⁴⁵ Free Childcare is terminated once the child is eligible to enrol into Kindergarten 1 provided by the

- State.
- ⁴⁶ Notwithstanding the end of the project, job brokerage services, guidance, and job search assistance, will continue to be offered to migrants. Migrants who are interested in pursuing language training / work exposure will still be allowed to do so by following Jobsplus' ongoing courses/schemes.
- ⁴⁷ NSO Malta | Malta Skills Survey 2022: Preliminary Report – NSO Malta (gov.mt).
- ⁴⁸ via the Technical Support Instrument.
- ⁴⁹ Maltese and English.
- ⁵⁰ Activities include: 'Making Friends-Bringing Friends Clubs' – education against any forms of racism from an early stage; Language to Go' – Summer Intensive Language Courses for learners who are still struggling with languages of schooling in Malta; Recruitment of Community Liaison Workers who act as a bridge between home and school; The setting up of an online tool for learning Maltese as a foreign language and the refurbishment of premises to house the Migrant Learners' Unit where support services are provided; An induction programme to migrants who do not yet communicate in basic Maltese and English.
- ⁵¹ Klabb 3-16 is an after-school non-formal educational programme which operates also during school holidays.
- ⁵² These initiatives were part of the EU co-funded project 'Empowerment for Diversity (2020-2022).
- ⁵³ Information available at this link:
https://ncpe.gov.mt/en/Documents/Projects_and_Specific_Initiatives/Empower%20for%20Diversity/E4D_Research_report.pdf
- ⁵⁴ Analysis available here:
https://ncpe.gov.mt/en/Documents/Projects_and_Specific_Initiatives/Empower%20for%20Diversity/E4D_Workshops_report.pdf
- ⁵⁵ Report available here:
https://ncpe.gov.mt/en/Documents/Projects_and_Specific_Initiatives/Empower%20for%20Diversity/Capacity_Building_training_sessions_report.pdf
- ⁵⁶ Act LV of 2016 as amended by Act XIII of 2023.
- ⁵⁷ <https://www.parlament.mt/14th-leg/bills/bill-045-affirmation-of-sexual-orientation/>
- ⁵⁸ Addressing Bullying Behaviour in Schools - <https://migrantlearnersunit.gov.mt/wp-content/uploads/2023/01/Addressing-Bullying-Behaviour-in-Schools.pdf>
- ⁵⁹ <https://humanrights.gov.mt/en/Documents/Publications/english%20policy%20doc%20online.pdf>
- ⁶⁰ The Hate Crime Unit.
- ⁶¹ IMC - Inter-ministerial Committee. The IMC-AR is composed of high-level public officers from all nineteen ministries as well as NCPE and representatives of the Anti-Racism Platform, thus aiding in the establishment of frameworks for dialogue and co-operation with members of minority groups and their representative organisations.
- ⁶² 1 Chief Justice; 21 Judges; 21 Magistrates in January 2020.
- ⁶³ Proof of concept.
- ⁶⁴ Information on contraception and SRHR can be found here - <https://sexualhealth.gov.mt/> - and on social media sites run by the Health Promotion and Disease Prevention Directorate.
- ⁶⁵ PGTM – Pre-implantation Genetic Testing for Monogenic diseases.
- ⁶⁶ More information at: <https://mfaa.gov.mt/wp-content/uploads/2022/11/NSPActiveAgeing2023-30.pdf>
-