

Frnet National contribution to the Fundamental Rights Report 2023

Malta

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Policy and legal highlights 2022

Franet country study: policy and legal highlights 2022	
Issues in the fundamental rights institutional landscape	Infringement case for incorrect implementation of the EU Cybercrime Directive: On 19 May 2022, the European Commission opened an infringement procedure against Malta for not enacting the EU Directive effectively on attacks against Information Systems in regard to adequate offenses and penalties. Parliament discussed Bill No. 260, which would introduce specific punishments and improve protection for victims of cybercrimes. There was no official response regarding the infringement.
EU Charter of Fundamental Rights	The limited application of the EU Charter of Fundamental Rights: In 2022, the EU Charter of Fundamental Rights was relevant only in the Il-Pulizija vs Borg Stephen Et. case. The Court of Appeal mentioned the principle of proportionality as per Article 49 (3) of the Charter, overturning the first-instance court's decision and providing a different punishment.
Equality and non-discrimination	Paternity leave applies to same-sex couples: On 13 July 2022, the Maltese Government published the legal notice 201 of 2022 entitled "The Work-Life Balance for Parents and Carers Regulations." The wording chosen for Article 4 ("Fathers or equivalent second parents") does not define what constitutes a family, implying that traditional paternity leave applies to same-sex couples. Therefore, the provision also considers LGBTIQ+ families.
Racism, xenophobia & Roma Equality, and Inclusion	Discussion of Bill No. 259: In January 2022, the Parliament discussed Bill No. 259 , which lays out the duties of the Government and reins in the abuse of power. Part X of the Bill amends the constitution to recognise freedom of the media "as one of the pillars of good governance" and includes a paragraph on hate speech.
Asylum & migration	Developments in the area of centralised large-scale IT Systems: A legal notice to implement some of the provisions of the Schengen Information System (SIS) Regulations, coupled with amendments to the Criminal Code (Cap. 9 of the Laws of Malta) and the Extradition Act (Cap. 276 of the Laws of Malta) , have been finalised and are set to enter into force in December 2022.
Data protection and digital society	6-year new strategy implementation for digital justice: The Ministry for Justice and Governance has launched the Digital Justice Strategy 2022-2027 with the aim to improve the "quality and efficiency of justice through innovation". Furthermore, the strategy ensures compliance with data protection regulations and is overseen by the Office of the Information and Data Protection Commissioner (IDPC).

Rights of the child	<p>International Protection Act amendment for unaccompanied minors: On 7 May 2022, the Maltese Parliament presented Bill No.2 to amend the International Protection (Amendment) Act to entrust the Agency for the Welfare of Asylum Seekers (AWAS) with the role of guardianship of unaccompanied minors. AWAS is a government agency which oversees the implementation of national legislation and policy concerning the welfare of refugees and asylum seekers.</p>
Access to justice, including victims of crime	<p>Introduction of “femicide” into Maltese criminal code: Parliament has passed Act No. 10 of 2022 to amend the criminal code, presenting the concept of “femicide” as “<i>wilful homicide or the attempted wilful homicide of a victim of the female gender.</i>” Under the new provision, a crime of passion cannot be used as an excuse to attain a more lenient punishment in a case that involves femicide.</p>
Convention on the Rights of Persons with Disability	<p>Legal Notice to improve the implementation of European accessibility regulations: On 29 July 2022, the Maltese government published Legal Notice 214, ‘Accessibility Measures (European Accessibility Act) Regulations’, which transposes the European Accessibility Act directive into Malta’s legal system and establishes accessibility requirements. It also provides more accessible products and services to individuals with disabilities, particularly in transport and education.</p>

1. Equality and non-discrimination

1.1. Legal and policy developments or measures relevant to fostering equality and combating discrimination focusing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status, and physical appearance

On 13 July 2022, the Maltese Government published Legal notice 201 of 2022 entitled "The Work-Life Balance for Parents and Carers Regulations, 2022".¹ *"The scope of these regulations is to transpose the relevant provisions of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers."*² Article 4(1) of the Legal Notice introduces a new notion into Maltese law, providing that: "**Fathers or equivalent second parents**" are entitled to ten days of paid leave immediately after the birth or adoption of their child, without loss of wages.³ Before these new regulations, fathers were only entitled to one day of birth leave. The wording chosen for Article 4 does not define what constitutes a family, implying that traditional paternity leave applies to same-sex couples. Therefore, the provision on the existence of an equivalent second parent also considers LGBTIQ families.

In April 2022, the Ministry for Finance and Employment published the **Malta National Reform Programme**, which contains the policies adopted and envisaged by the Maltese Government to implement the recovery and resilience plan (RRP).⁴ Through its reforms and investments, this programme aims to contribute to several Sustainable Development Goals (SDGs) and promotes an inclusive social environment in line with the European Pillar of Social Rights.⁵

¹ Malta, Ministry for Employment and Industrial Relations (2022) [Legal Notice 201 of 2022 – The Work-Life Balance for Parents and Carers Regulations](#), Government Gazette of Malta, No. 20,890, 12 July 2022.

² Malta, Ministry for Employment and Industrial Relations (2022), [Legal Notice 201 of 2022 – The Work-Life Balance for Parents and Carers Regulations](#), Art. 2 (1), Government Gazette of Malta, No. 20,890, 12 July 2022.

³ Malta, Ministry for Employment and Industrial Relations (2022), [Legal Notice 201 of 2022 – The Work-Life Balance for Parents and Carers Regulations](#), Art. 4 (1), Government Gazette of Malta, No. 20,890, 12 July 2022.

⁴ Malta, Ministry for Finance and Employment (2022), [The National Reform Programme](#), April 2022.

⁵ Malta, Ministry for Finance and Employment (2022), [The National Reform Programme](#), p. 4, April 2022; European Association of Service Providers for Persons with Disabilities (EASPD) (2022), [The European Pillar of Social Rights](#), 30 September 2022.

The Malta Reform Programme 2022 lists different training and research projects designed to enhance LGBTIQ inclusion in public and private settings.

Several initiatives were taken to implement policies related to Principle 3 of the European Pillar of Social Rights (Equal opportunities). As part of the “*Transform Project*”, the Maltese Government organised awareness-raising campaigns aimed at LGBTIQ people on sexual health, mental health, and services offered by the Gender Wellbeing Clinic.⁶ The initiatives carried out in 2022 include posting banners on various social media platforms, a press briefing and the launch of the www.transhealth.gov.mt website.⁷ The latter is a platform for healthcare practitioners which provides information on the needs of transgender patients.⁸ The Government also implemented lectures on LGBTIQ legislation and policy for 80 police recruits.⁹

In addition to the mentioned initiatives, the Maltese Government also implemented measures to reduce inequalities under SDG 10 and SDG 5. For instance, the “*Empowerment for Diversity Project*”, managed by the National Commission for the Promotion of Equality (NCPE), focuses on sexual orientation, gender identity, sex characteristics, and gender expression.¹⁰ The activities conducted in 2022 include two workshops with the LGBTIQ community, the participation in several outreach events and the finalisation of a qualitative research study, presented on 24 November 2022.¹¹

The government allocated funds to continue training on the Guidelines on the Recognition of Sex, Sexuality & Gender for 300 individuals working in private and public organisations.¹² These guidelines came into force on 1 January 2022 and were produced after the introduction of the ground of “gender identity” in Article 45 of the Constitution of Malta in 2014, and the adoption of the Gender Identity,

⁶ Malta, Ministry for Finance and Employment (2022), National Reform Programme [Annex Table 3](#) Reporting on the implementation of the European Pillar of Social Rights: Description of Main Measures and their Estimated impact, p. 10, April 2022.

⁷ Malta, Ministry for Equality, Research and Innovation (2022), [Transform Final Report](#), pp. 32-33, February 2022.

⁸ Malta, Ministry for Equality, Research and Innovation (2022), [Transform Final Report](#), pp. 27-28, February 2022.

⁹ Malta, Ministry for Finance and Employment (2022), National Reform Programme [Annex Table 3](#) Reporting on the implementation of the European Pillar of Social Rights: Description of Main Measures and their Estimated impact, p. 10, April 2022.

¹⁰ Malta, Ministry for Finance and Employment (2022), National Reform Programmes [Annex Table 4](#) Reporting on SDGs: Description of Main Forward Looking Measures and their Estimated impact, p. 13, April 2022.

¹¹ Information request (2022), National Commission for the Promotion of Equality (NCPE), 22 November 2022.

¹² Malta, Ministry for Finance and Employment (2022), National Reform Programmes [Annex Table 4](#) Reporting on SDGs: Description of Main Forward Looking Measures and their Estimated impact, p. 8, April 2022; Malta, Human Rights Directorate (HRD) (2022), [Maltese Government Guidelines on the Recognition of Sex, Sexuality & Gender](#), 22 September 2022.

Gender Expression and Sex Characteristics Act in 2015.¹³ The Guidelines provide suggestions to Government departments and agencies on the collection, use, and amendment of gendered terminology in individual personal records or when communicating with service users. This initiative aims to increase LGBTIQ inclusion in facilities and workplaces and improve communication. Training sessions will be tailored to the specific organisation or company and will revolve around correct use of terminology, pronouns, and effective interaction with LGBTIQ individuals.

Between March and May 2022, the Agency for the Welfare of Asylum Seekers (AWAS), in collaboration with the Human Rights Directorate (HRD), held training sessions for its personnel working with beneficiaries of international protection.¹⁴ A total of 201 employees received training on key LGBTIQ terminology and concepts, LGBTIQ rights, the relevant legal framework, inclusive communication, and support services. The Human Rights Directorate delivered additional in-depth training to AWAS managers, social workers, counsellors, psychologists, and welfare officers. The sessions addressed how to support beneficiaries of international protection with specific SOGIESC needs. The Directorate also visited reception centres and assisted AWAS in updating policies and procedures to better accommodate LGBTIQ asylum seekers.¹⁵

Alongside training initiatives, the Malta National Reform Programme includes a research study on LGBTIQ well-being. The study will collect data on socio-economic issues that affect the LGBTIQ community and produce inequalities. Findings will influence the objectives of the LGBTIQ Equality Strategy & Action Plan 2023-2027.¹⁶ The Maltese Government, in collaboration with civil society, is also launching the LGBTIQ Hub, aiming to simplify the provision of services and specialised support for the LGBTIQ community.¹⁷

In September 2022, the Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIGESC) Unit issued the fourth Annual Report on the

¹³ Malta, Maltese Legislation (Legiżlazzjoni Malta), [Constitution of Malta, Chapter IV, Art. 45 \(5\)b](#), amended 17 April 2014; Malta, Maltese Legislation (Legiżlazzjoni Malta), [Gender Identity, Gender Expression and Sex Characteristics Act Chapter 540](#), 14 April 2015.

¹⁴ Malta, Ministry for Finance and Employment (2022), National Reform Programmes [Annex Table 4](#) Reporting on SDGs: Description of Main Forward-Looking Measures and their Estimated impact, p. 13, April 2022.

¹⁵ Information request (2022), Agency for the Welfare of Asylum Seekers (AWAS), 16 November 2022.

¹⁶ Malta, Ministry for Finance and Employment (2022), National Reform Programmes [Annex Table 4](#) Reporting on SDGs: Description of Main Forward-Looking Measures and their Estimated impact, p. 7, April 2022.

¹⁷ Malta, Ministry for Finance and Employment (2022), National Reform Programmes [Annex Table 4](#) Reporting on SDGs: Description of Main Forward-Looking Measures and their Estimated impact, p. 7, April 2022.

LGBTIQ Equality Strategy & Action Plan covering 2021-2022.¹⁸ This Unit is part of the Human Rights Directorate and collaborates with the Maltese Government to produce a Strategy Plan and improve "*civil liberties, equality and antidiscrimination*" for LGBTIQ persons.¹⁹ The Plan covers different thematic areas, spacing from the right to equality and freedom from discrimination to equality in sport. The activities in 2022 targeted the Malta Police Force and teachers in primary schools and are explained as follows. In February, the Malta Police Force adopted internal Standard Operating Procedures on the Wellbeing of Detainees & Police Bail that address gender identity issues and include policies to ensure transgender detainees receive fair treatment.²⁰ Aiming to combat hate crimes and hate speech, the Academy for Disciplined Forces offered training to 297 police sergeants and constables between 2021 and 2022. In total, 1,466 police officers have been trained since the LGBTIQ Equality Strategy and Action Plan was launched in 2018.²¹ Around 30 Physical Education (PE) primary school teachers attended training sessions aimed at ensuring that educational institutions provide a safe and inclusive environment for LGBTIQ learners. Following the General Election of 2022, the new Government has committed to reviewing and expanding the list of services provided through the National Health Service (NHS), including trans-specific health care.²²

In 2022, the Maltese government also secured funding to introduce measures addressing **discrimination on the grounds of socio-economic status**. A significant investment in this area comes from the European Social Fund Plus (ESF+), the European Union's main instrument for reinforcing human capital and strengthening employment, social, education, and skills policies. On 4 November 2022, the European Commission announced the approval of Malta's national programme for implementing the European Social Fund Plus (ESF+) in the period of 2021-2027. The largest share of the budget is dedicated to "*enhancing the quality and inclusiveness of education, training, and lifelong learning*". Part of the funds are allocated to create employment opportunities, with a focus on hiring

¹⁸ Malta, Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIGESC) (2022), [LGBTIQ Equality Strategy and Action Plan 2018-2022, Annual Report](#), 19 September 2022.

¹⁹ Malta, Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIGESC) (2022), [LGBTIQ Equality Strategy and Action Plan 2018-2022, Annual Report](#), p. 7, 19 September 2022.

²⁰ Malta, Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIGESC) (2022), [LGBTIQ Equality Strategy and Action Plan 2018-2022, Annual Report](#), p. 10, 19 September 2022.

²¹ Malta, Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIGESC) (2022), [LGBTIQ Equality Strategy and Action Plan 2018-2022, Annual Report](#), p. 19, 19 September 2022.

²² Malta, Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIGESC) (2022), [LGBTIQ Equality Strategy and Action Plan 2018-2022, Annual Report](#), p. 15, 19 September 2022.

incentives for vulnerable people experiencing socio-economic discrimination, such as the low-skilled and long-term unemployed.²³

The Ministry for Social Policy and Children's Rights further addresses socio-economic discrimination in the document "**A Social Vision for Malta 2035**". The Social Vision is the result of a public consultation on future policy goals to improve the well-being of society. The document states that the fight against poverty and social exclusion remains a priority, and outlines future objectives to tackle the issue. These include strengthening collaboration with relevant stakeholders, introducing education and training activities aimed at breaking the poverty cycle and promoting voluntary work.²⁴ Moreover, the Social Vision identifies ex-offender as a particularly vulnerable group. They often suffer poverty and social exclusion due to discrimination to access the labour market, low educational attainment and disqualification from certain social benefits.²⁵ Policy objectives for the successful reintegration of ex-offenders include addressing educational and skills gaps through initiatives that provide competences required in the local job market. According to the Social Vision, it is also necessary to provide appropriate support in the months following release and to encourage the receptiveness of the Maltese society through initiatives aimed at the general public.²⁶

1.2. Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status, and physical appearance

Each year, ILGA-Europe compiles a map that ranks 49 European countries based on their legal and policy practices for LGBTIQ people. In 2022, Malta scored 92% on the Rainbow Europe Map, ranking first on the list for the seventh consecutive year. Activities are tracked based on a wide range of indicators, including equality, family issues, hate speech, freedom of expression and asylum.²⁷ While Malta was at the top of the list, ILGA-Europe also included recommendations for improvement in the areas of healthcare and migration. In particular, Maltese blood

²³ European Commission (2022), [ESF+ invests nearly €205 million to reinforce Malta's human capital](#), 4 November 2022.

²⁴ Malta, Ministry for Social Policy and Children's Rights (2022), [A Social Vision for Malta 2035](#), p.34, 26 May 2022.

²⁵ Malta, Ministry for Social Policy and Children's Rights (2022), [A Social Vision for Malta 2035](#), p.54, 26 May 2022.

²⁶ Malta, Ministry for Social Policy and Children's Rights (2022), [A Social Vision for Malta 2035](#), p.56, 26 May 2022.

²⁷ European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe) (2022), Rainbow Europe [Malta](#), 30 September 2022.

donors should not be discriminated against because of their sexual orientation, gender identity, or the gender of their partners. The discriminatory restrictions for LGBTIQ blood donors were however lifted on 2 September 2022, when Health Minister Chris Fearne announced that men who have sexual relationships with other men would be able to start donating blood.²⁸ Facilities providing medication and specific health care to LGBTI people should be equally located across the island. ILGA-Europe also recommends monitoring and reporting LGBTIQ asylum seeker experiences.²⁹ Despite Malta being placed high in the rankings for positive legislative change, LGBTIQ asylum seekers face many difficulties and injustice.³⁰

On 5 January 2022, the Human Rights Directorate (HRD) discussed the report **“Mapping the Rainbow – Researching the diverse colours of the LGBTIQ community - Volume II”**³¹. The publication is a result of the Second LGBTIQ Research Symposium, held in April 2021 and organised by the Department of Gender and Sexualities of the University of Malta, the Europe Direct Information Centre and the Malta LGBTIQ Rights Movement. It features research papers by academics and students of the University of Malta, with a primary focus on LGBTIQ related issues. The first paper explores the experiences of transgender individuals when coming out and transitioning from the viewpoint of professionals. The qualitative study is based on interviews with three Maltese professionals working in different fields, namely psychology, social work, and activism. Participants stated that due to a lack of support from friends and families, the transition period can result in feelings of rejection and burden. On the contrary, transgender individuals who have an adequate support system feel open and comfortable to talk about their identity. The study thus highlights the importance of the holistic support provided by psychologists, social workers, and activists.³²

Also included in the “Mapping the Rainbow” report is a phenomenological qualitative study, based on semi-structured interviews with heterosexual men aged 18 to 30, which discusses men’s experiences having friendships with gay men. The findings showed comfort in the participants when addressing their

²⁸ Times of Malta, [Gay men can now donate blood, three years after ban was 'lifted'](#), 2 September 2022.

²⁹ European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe) (2022), Rainbow Europe [Rainbow Europe Malta](#), 30 September 2022.

³⁰ European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe) (2022), [Annual Review of The Human Rights Situation of Lesbian, Gay, Bisexual, Trans, and Intersex People in Malta covering the Period of January to December 2021](#), p. 7, February 2022.

³¹ Malta, Human Rights Directorate (HRD) (2022), [Mapping the Rainbow Volume II](#), 5 January 2022.

³² Malta, Human Rights Directorate (HRD) (2022), [Mapping the Rainbow Volume II](#), pp. 3-12, 5 January 2022.

friendships with gay men. This suggests a *"sociocultural shift in attitudes on homophobia, masculinity, and heterosexual-to-gay male friendships."*³³

Additionally, semi-structured interviews with eight stakeholders confirmed that the Maltese football community *"is not yet ready to accept male gay football players compared to accepting female, gay football players."*³⁴ Relevant causes are the *"macho culture and the conservative mentality embedded within the Maltese footballing community."*³⁵

The publication also reports results of an online survey which reached 100 participants aged between 20 and 60. To the question "In your opinion, is Malta an inclusive country?" 66% of the sample answered "Yes", while 34% answered "No".³⁶ In conclusion, the report demonstrates that, despite significant advances in LGBTIQ rights over the last decade, there are still gaps in policy and service provision that need to be addressed.

A similar picture emerges from a **qualitative research study on discrimination against LGBTIQ people**, published in November 2022 by the National Commission for the Promotion of Equality (NCPE), the Maltese national equality body.³⁷ The document illustrates the lived experiences of LGBTIQ people in Malta, focussing on discrimination in employment, access to goods and services, relationships with relatives and others, homophobic stereotypes, trans issues, knowledge of legislation, complaints of alleged discrimination, and redress.

Researchers collected data through semi-structured interviews with 46 members of the LGBTIQ community. Besides these results, a comparative analysis with a similar survey commissioned by the NCPE in 2011 sought to determine if recent legislative changes have impacted Maltese society. The analysis revealed significant improvements in most areas, however challenges persist in education, healthcare, complaints, and redress mechanisms.

When focusing on education, participants noted that although they revealed their sexual orientation after leaving school, they felt excluded and different from other students. Their feelings and behaviour were probably the results of a *"stigmatising social context at school."*³⁸ Interviewees stressed the need to implement social

³³ Malta, Human Rights Directorate (HRD) (2022), [Mapping the Rainbow Volume II](#), p. 168, 5 January 2022.

³⁴ Malta, Human Rights Directorate (HRD) (2022), [Mapping the Rainbow Volume II](#), p. 204, 5 January 2022.

³⁵ Malta, Human Rights Directorate (HRD) (2022), [Mapping the Rainbow Volume II](#), p. 204, 5 January 2022.

³⁶ Malta, Human Rights Directorate (HRD) (2022), [Mapping the Rainbow Volume II](#), p. 77, 5 January 2022.

³⁷ Malta, National Commission for the Promotion of Equality (NCPE) (2022), [A qualitative research study on LGBTQ+ Discrimination](#), 24 November 2022.

³⁸ Malta, National Commission for the Promotion of Equality (NCPE) (2022), [A qualitative research study on LGBTQ+ Discrimination](#), p. 59, 24 November 2022.

policies, especially by teachers in classrooms.³⁹ When accessing health care services, the interviewees reported positive interactions with practitioners but felt discriminated against by specific policies. For example, some participants regarded the prescribed period of abstinence from sexual activity for blood donations as discriminatory. There were also concerns about long waiting lists for appointments at the Genito-Urinary Clinic and communication issues. A trans participant claimed that *"healthcare practitioners often do not understand the specific needs of trans patients and do not know how to interact with us."*⁴⁰

Concerning mechanisms of complaint and redress, the study highlights the significant role covered by NGOs. Most respondents did not know the services offered by the National Commission for the Promotion of Equality (NCPE) and stated they would prefer to contact a trusted NGO or a friend if they were victims of discrimination.⁴¹ The study concludes that while there have been significant positive developments, especially in policy and legislation, LGBTIQ people in Malta still face stigma and prejudice in different spheres of life. Recommendations for further development include continued awareness raising for the general public and training for professionals and stakeholders on the needs of LGBTIQ people.⁴²

There are significant regional differences in discrimination towards LGBTIQ people between Malta and Gozo. A study by **LGBTI+ Gozo**, the only queer organisation on the island of Gozo, examined the thoughts, opinions, and demographics of LGBTIQ people in Gozo. The study consisted of an online survey comprising 30 questions about demographics, key issues faced by the LGBTIQ community, specific needs and access to information. Fifty-seven respondents completed the survey. Researchers then analysed the data by combining quantitative and qualitative methodologies. Results show that 64% of the participants perceived that *"it is difficult to be open in Gozo,"* with 77% feeling that Malta is different from Gozo in this respect.⁴³ LGBTI+ Gozo argues that these differences are due to the lack of anonymity and lack of support from society. LGBTIQ people experience a greater fear of being seen and judged when showing public affection. One of the reasons is stigmatisation, which is mainly the result of older generations and religious groups. The results of this study will be used to build an action plan based on the needs and experiences of its respondents. The activities

³⁹ Malta, National Commission for the Promotion of Equality (NCPE) (2022), [A qualitative research study on LGBTQ+ Discrimination](#), pp. 36-37, 24 November 2022.

⁴⁰ Malta, National Commission for the Promotion of Equality (NCPE) (2022), [A qualitative research study on LGBTQ+ Discrimination](#), p. 41, 24 November 2022.

⁴¹ Malta, National Commission for the Promotion of Equality (NCPE) (2022), [A qualitative research study on LGBTQ+ Discrimination](#), p. 10, 24 November 2022.

⁴² Malta, National Commission for the Promotion of Equality (NCPE) (2022), [A qualitative research study on LGBTQ+ Discrimination](#), p. 71, 24 November 2022.

⁴³ LGBTI+ Gozo (2022), [2021/2 Research Survey](#), 25 November 2022.

will include services and projects to create a safe space for the community and encourage compassion.⁴⁴

The occurrence of hate crimes in Malta also illustrates how stigma towards LGBTIQ people persists. Despite the lack of studies or surveys in 2022, the Malta Police Force has collected data regarding reported crimes. In the first half of 2022, eleven **hate crime incidents** were reported to the Maltese police on sexual orientation and gender identity.⁴⁵ Between January and September, the police registered 3 cases of online hate crime on the grounds of gender, gender identity and sexual orientation.⁴⁶

Alongside the stigmatisation of the LGBTIQ community, research shows that discrimination in Malta also occurs on multiple and intersecting grounds, specifically socio-economic and health status. This is illustrated in a report published on 9 August 2022 by the Aditus Foundation, a Maltese non-governmental organisation, and titled "**Documentation = Employability: Support Services for the Documentation of Various Communities**".⁴⁷ The document is the result of an evidence-based research project, relying on data, personal accounts and technical analysis. The methodologies used in the study include desk research and three consultation roundtables with stakeholders working in various areas, such as migration, LGBTIQ issues, and disability.⁴⁸ The report highlights how the difficulties in obtaining personal identity documents can hinder the right to access employment, education, and other services. Lack of documentation can therefore result in an increased risk of poverty, social exclusion, and discrimination for various communities. Among the affected groups are transgender and non-binary individuals, homeless persons and third country nationals with particular intersectional vulnerabilities stemming from *"old age, disability, extreme marginalisation, mental health, addiction or other medical conditions."*⁴⁹

⁴⁴ Information Request (2022), LGBTI+ Gozo, 25 November 2022.

⁴⁵ Malta, Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIGESC) (2022), [LGBTIQ Equality Strategy and Action Plan 2018-2022 Annual Report](#), p. 18, 19 September 2022.

⁴⁶ Information Request (2022), Malta Police Force, 17 October 2022.

⁴⁷ Aditus Foundation (2022), [Documentation = Employability: Support services for the documentation of various communities](#) Report, 9 August 2022.

⁴⁸ Aditus Foundation (2022), [Documentation = Employability: Support services for the documentation of various communities](#), 23 November 2022.

⁴⁹ Aditus Foundation (2022), [Documentation = Employability: Support services for the documentation of various communities](#) Report, p. 21, 9 August 2022.

2. Racism, xenophobia, and related intolerance

2.1. Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism, and hate crime

Several incidents of racism, xenophobia, and related intolerance were reported in 2022 in Malta. Between January and September 2022, the police registered 18 cases of hate crime, out of which 15 were categorised as incitement of racial hate.⁵⁰ On 8 October, three officers of the Malta Police Force were charged with excessive use of violence, abduction, maltreatment and causing grievous injuries to third parties. The victims were all foreign nationals and it appears that they had been chosen by the perpetrators “*on the basis of their skin colour and nationality.*”⁵¹ The National Commission for the Promotion of Equality (NCPE) argues that such incidents are never isolated cases and should be considered in a larger context of social inequality. The Commission calls for action by the Malta Police Force and other public institutions to address systemic racism in their own lines.⁵² In a statement, the Malta Police Force described the officers’ behaviour as unacceptable but omitted to specify that the crime was motivated by racism against migrant people.⁵³

In January 2022, The University of Malta conducted a **General Opinion Survey** to gather data on notions of intolerance and discrimination.⁵⁴ Researchers interviewed 600 Maltese residents over the age of 16. The interviews were stratified in accordance with the gender of the participants, districts, and age, as well as their relationship status, education, activity status, and income tax. The faculty explored issues such as crime, the effects of migration in Malta, and general trust in current governance. Based on the data collection, the findings show that 5.2% of the respondents consider themselves to be “very racist”, while 14% agree with being “slightly racist”.⁵⁵ The survey results show that 67,5% of the respondents think racial discrimination is a problem in Malta.⁵⁶

⁵⁰ Information request (2022), Malta Police Force, 17 October 2022.

⁵¹ National Commission for the Promotion of Equality (NCPE) (2022), [NCPE seriously concerned at the alleged assault of foreign nationals by police officers, press release](#), 12 October 2022.

⁵² National Commission for the Promotion of Equality (NCPE) (2022), [NCPE seriously concerned at the alleged assault of foreign nationals by police officers, press release](#), 12 October 2022.

⁵³ The Malta Police Force, [A sad day for us - arraigning a colleague is never easy](#), 9 October 2022.

⁵⁴ University of Malta (2022), [General Opinion Survey 2022](#), p.6, 22 September 2022.

⁵⁵ University of Malta (2022), [General Opinion Survey 2022](#), p.54, 22 September 2022.

⁵⁶ University of Malta (2022), [General Opinion Survey 2022](#), p.51, 22 September 2022.

The **National Commission for the Promotion of Equality (NCPE)** confirms in a press release that racial discrimination is a widespread issue in Malta, particularly regarding access to housing. As part of its mandate, the NCPE investigates reports of discrimination and harassment in the sphere of goods and services, including housing. The Commission emphasises that discrimination reflects a broader issue of structural and institutional racism and states that it is aware that many residents in Malta do not have access to housing due to their ethnic origin or religion. While encouraging victims to come forward, the Commission acknowledges that incidents of discrimination are often under-reported, due to a lack of public knowledge of rights and remedies, fear, and distrust in public institutions.⁵⁷

Research in the field of discrimination supports the statement of the NCPE, revealing that migrant victims of racism are not informed of protection measures or do not report abuses due to a general fear of Maltese authorities. In September 2022, the People for Change Foundation published a **report on the transposition and implementation of the EU anti-racism legal framework in Malta**, discussing the practical application of the Racial Equality Directive. The research is part of an EU-funded project called PRESERVERE, and uses both qualitative and empirical data. After analysing the legislation transposing the Directive, interviews with legal experts and frontline workers served to spot the gaps found between the letter of the law and its implementation. Findings show the "*fractured transposition*" of the Racial Equality Directive in multiple national acts makes it complicated for victims to understand their rights without legal assistance.⁵⁸ Providing minority communities with information about available aid is also crucial. Most frontline workers, legal professionals, and potential victims in Malta are unaware there are European Directives to fight discrimination. According to the research, the lack of knowledge hinders victims' access to services, while it also hampers the ability of legal professionals to provide adequate representation for their clients.⁵⁹

⁵⁷ The National Commission for the Promotion of Equality (NCPE) (2022), [Discrimination in the access to housing is both illegal and socially harmful](#), press release, 22 March 2022.

⁵⁸ The People for Change Foundation (PFC) (2022), Preservere: [The Transposition and Implementation of the EU Antiracism Legal Framework in Malta](#), p.7, 9 September 2022.

⁵⁹ The People for Change Foundation (PFC) (2022), Preservere: [The Transposition and Implementation of the EU Antiracism Legal Framework in Malta](#), p.9, 9 September 2022.

2.2. Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

There are no developments on **the implementation of the EU Anti-Racism legal Framework** in 2022. The Maltese Government planned to harmonise the national legislation in two Bills: The Equality Bill - Bill No. 96, and Bill No. 97 - on the Human Rights and Equality Commission Bill, which would provide a more organised implementation of the European Directives.⁶⁰ However, after their second reading in 2019, the Bills were never approved, and there is no information on the willingness to discuss them by the new Government.⁶¹

In January 2022, the Parliament discussed **Bill No. 259**, whose objectives are to lay out the duties of the Government and rein in the abuse of power. Part X of the Bill amends the Constitution to recognise freedom of the media “as one of the pillars of good governance” and includes a paragraph on hate speech.⁶² Regarding this amendment, the OSCE Representative on Freedom of the Media (RFoM) published an analysis in February 2022.⁶³ The paper criticises new Article 41, claiming that the wording of the Bill can be confusing. In detail, it is described as “*the protection of the reputation or rights of others*” in new paragraph 2 can be misleading and lacks a proper definition of hate speech. Furthermore, the choice of language in new paragraph 6 on the obligation to protect freedom of the press “*shall not be interpreted as protecting hate speech which incites violence or hatred such as racial, religious, ethnic, or gender hatred.*”⁶⁴ The OSCE Representative recommends Malta revise the language of the constitutional provision on hate

⁶⁰ Malta, Parliament of Malta (2022) [Bill N.96, Human Rights and Equality Commission Bill](#), 19 September 2022; Malta, Parliament of Malta (2022) [Bill N. 97 Human Rights and Equality Commission Bill](#), 19 September 2022.

⁶¹ People for Change Foundation (PFC) (2022), Preserve: [The Transposition and Implementation of the EU Antiracism Legal Framework in Malta](#), p. 8, 9 September 2022.

⁶² Malta, Parliament of Malta, [Bill N. 259, Constitution of Malta and Various Laws \(Amendment\) Bill](#), p. 48, 30 September 2022.

⁶³ Organization for Security and Co-operation in Europe (OSCE) (2022), [Legal Analysis on the Draft Laws of Malta to Implement Various Measures for the Protection of the Media and of Journalists](#), p. 3, February 2022.

⁶⁴ Organization for Security and Co-operation in Europe (OSCE) (2022), [Legal Analysis on the Draft Laws of Malta to Implement Various Measures for the Protection of the Media and of Journalists](#), p. 21, February 2022.

speech following *"the terms and criteria used by international law and other relevant international documents in this area"*.⁶⁵

With regard to new policies addressing issues of Racism and Xenophobia, the **Malta National Reform Programme** allocates funds for different initiatives described in Annex Table 4.⁶⁶ The Programme finances the expansion of the *"I Belong"* project, which is carried out in cooperation with the Malta College of Arts, Science and Technology and the University of Malta. The project aims to facilitate the integration process into Maltese society by providing relevant skills. This includes language courses in Maltese and English, as well as cultural orientation courses which focus on the social, economic, and institutional aspects of Malta. The goal is to fulfil all integration criteria for a long-term residency with a focus on providing a better understanding of Maltese society and skills of daily use.⁶⁷ The National Reform Programme also allocates funds for the 2021-2023 **Anti-Racism Strategy for Malta**, which is the *"first national action plan against racism, xenophobia and other forms of intolerance"*.⁶⁸ Funding is placed to design intra-ministerial anti-racism action plans (Objective one, measure two of the Anti-Racism Strategy).⁶⁹ The Human Rights Directorate (HRD), leader of the Strategy, confirmed that *"work commenced with each Ministry to have representatives nominated by their respective Permanent Secretary and create an Inter-Ministerial Committee (IMC). The IMC aims to harmonise the government approach to anti-racism and intercultural inclusion and reach all policy fields and public services. This includes mainstreaming anti-racism across all policy fields and public services, enabling peer support, mutual exchange, and stimulus for best practice."* The IMC also has bilateral meetings with public authorities. For instance, *"meetings with the Housing Authority have proved to be fruitful as work is underway to create an information sheet detailing the rights and obligations of tenants to reduce housing discrimination."*⁷⁰ Besides work at the inter-ministerial level, the HRD set up an Anti-Racism Platform composed of Civil society organisations, responsible for monitoring the ongoing implementation and impact

⁶⁵ Organization for Security and Co-operation in Europe (OSCE) (2022), [Legal Analysis on the Draft Laws of Malta to Implement Various Measures for the Protection of the Media and of Journalists](#), p. 4, February 2022.

⁶⁶ Malta, Ministry for Finance and Employment (2022), National Reform Programme [Annex Table 4](#) Reporting on SDGs: Description of Main Forward Looking Measures and their Estimated impact, April 2022.

⁶⁷ Malta, Ministry for Finance and Employment (2022), National Reform Programme [Annex Table 4](#) Reporting on SDGs: Description of Main Forward Looking Measures and their Estimated impact, p. 13, April 2022.

⁶⁸ Malta, Ministry for Finance and Employment (2022), National Reform Programme [Annex Table 4](#) Reporting on SDGs: Description of Main Forward Looking Measures and their Estimated impact, p. 13, April 2022.

⁶⁹ Malta, Ministry for Finance and Employment (2022), National Reform Programmes [Annex Table 4](#) Reporting on SDGs: Description of Main Forward Looking Measures and their Estimated impact, p. 14, April 2022.

⁷⁰ Information request (2022), Human Rights Directorate (HRD), 23 November 2022.

of the Strategy under the leadership of KOPIN, a local NGO (Objective one, Measure three of the Anti-Racism Strategy).⁷¹

To address the issue of underreporting (Objective four, measure 18 of the Anti-Racism Strategy), the Human Rights Directorate completed the EU-funded project "*Equality for All*". This project, which spanned over two years, saw the development and delivery of training to members of minorities, which included victims of discrimination based on religion or belief and race.⁷²

The challenge of under-reporting of discrimination is also discussed in the public consultation report "**A Social Vision for Malta 2035**". The document highlights that despite specific improvements in data collection methodologies, Malta faces a significant data gap on cases of hate crime and cybercrime. The report finds the cultural legacies of racism and xenophobia to be major contributors to the issue of underreporting.⁷³ To address the problem, the Social Vision establishes future policy goals, which include placing the victim at the centre of legislative and policy developments, fostering inter-disciplinary action and inter-agency collaboration, reducing barriers to reporting and addressing the root causes of violence.⁷⁴

⁷¹ Information request (2022), Human Rights Directorate (HRD), 23 November 2022.

⁷² Information request (2022), Human Rights Directorate (HRD), 23 November 2022.

⁷³ Malta, Ministry for Social Policy and Children's Rights (2022), [A Social Vision for Malta 2035](#), p. 63, 26 May 2022.

⁷⁴ Malta, Ministry for Social Policy and Children's Rights (2022), [A Social Vision for Malta 2035](#), p.65, 26 May 2022.

3. Roma equality and inclusion

3.1. Policy developments in regards to the implementation of national action plans

Development regarding the implementation of the action plans	
Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink.	Yes/No/Other (please specify)
How were Roma and Traveller civil society organisations consulted for the development of the action plan (please check with the competent national authorities and the most significant Roma organisations)?	
Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?	
Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.	Yes/No/Other (please specify)
Implications of the war in Ukraine on the situation of Roma	
Have Roma from Ukraine entered your country?	Yes/No
If Roma from Ukraine entered your country how was this communicated in the media?	Yes/No
Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war (inflation, food, or energy prices etc.) on Roma? If yes, provide reference.	Yes/No

3.2. Legal and policy developments or measures directly or indirectly addressing Roma/Travellers equality and inclusion

4. Asylum, borders, visas, migration, and integration

4.1. National legal framework on criminalisation of “humanitarian assistance” and domestic transposition of sanctions

EUMS	Implementation of Article 3 of Directive 2002/90/EC	
	How has your EUMS implemented Article 3 of Directive 2002/90/EU	Hyperlinked legal provision in EN and national language Maltese Immigration Act (No. 9 of 1970) (Cap. 217) EN & MT ; Malta has implemented Article 3 of Directive 2002/90/EU in the Immigration Act under 32 (1), regulating a possible fine for an offence related to Article 1 and 2. ⁷⁵
	Cases [incident numbers] of criminalisation of humanitarian assistance	
	Number of cases recorded by the police in 2022	Number and details of cases (if available) The police recorded no cases in 2022.
	Number of investigations initiated in 2022	Number and details of cases (if available) No investigations were initiated in 2022.

⁷⁵ Malta, Maltese Legislation (Legiżlazzjoni Malta), [Chapter 217 Immigration Act Art.32 \(1\)](#), p. 22, 21 September 1970.

	<p>Number of court decisions taken in 2022</p>	<ul style="list-style-type: none"> • Number and type of court decisions, information if decision is final. • Type of penalties imposed according to Article 1 2002/946/JHA: Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence • Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available)
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According to the Malta police Force, there were no investigations or cases related to the criminalisation of humanitarian assistance in 2022.⁷⁶ However, NGOs and civil society organisations argued in two instances that decisions and actions taken by Maltese Authorities are a form of criminalisation of humanitarian assistance of irregular migrants.

On 26 January 2022, the Constitutional Court dismissed a case filed by the sea rescue NGO Sea-Watch.⁷⁷ The NGO argued that Maltese authorities immobilised the Sea-Watch 3 vessel in the port of Malta "*without any reasons of fact or law*", thus violating Sea-Watch's right to property and freedom of movement and navigation.⁷⁸ In October 2021, the Civil Court dismissed Sea-Watch's original claim. The NGO appealed the sentence 29 days after the judgement, falling outside the legal timeframe for the application. The Constitutional Court observed that delay represented a legal issue and did not proceed with a judgement

⁷⁶ Information Request (2022), Malta Police Force, 27 September 2022.

⁷⁷ Malta, Constitutional Court (2022), Case 19/2019/1, [MIFSUD L-AVUKAT DR. CEDRIC NOE vs AWTORITA' GHAT-TRASPORT F'MALTA ET](#), ECLI:MT:KOS:2022:130215, 26 January 2022.

⁷⁸ Sea-Watch Legal Aid, [Unlawful detention of the Sea-Watch 3](#), 17 November 2022.

on the content of the case.⁷⁹ Sea-Watch argues that the dismissal of the appeal and the behaviour of Maltese authorities can be “*placed in a general trend towards the politically motivated criminalisation of maritime rescue organisations.*”⁸⁰

Several court hearings of the so-called El Hiblu 3 case took place in Malta in 2022. The case concerns three young men who fled Libya in 2019 and were rescued by a cargo ship when they were at risk of drowning. An aircraft of the European military operation Eunavfor Med instructed the vessel to bring the rescued back to Libya. After protesting their return and arriving in Malta, the three men were accused of terrorism because the captain claimed he was not in control of the vessel.⁸¹ In these recent hearings, multiple witnesses and survivors argued that the accused remained calm after panic arose and used their language skills to “*restore calm and bring about a peaceful solution.*”⁸² The El Hiblu 3 Freedom Commission, an alliance of human rights advocates, argues that “*the criminalisation of the El Hiblu 3 in Malta is yet another puzzle piece in a systematic attempt to oppress acts of solidarity.*”⁸³ The court proceedings are ongoing and have so far been without a judgement.

4.2. Use of the large-scale IT Systems in the area of asylum, migration and border control

No guidance, complaints, recommendations, or opinions about large-scale IT systems in the field of asylum, migration, and border control have been published by DPA’s or Human Rights Institutions in Malta in 2022.

According to the Office of the Information and Data Protection Commissioner, Malta is currently making multiple developments in the area of centralised large-scale IT Systems.⁸⁴ A legal notice to implement some of the provisions of the Schengen Information System (SIS) Regulations, coupled with amendments to the Criminal Code (Cap. 9 of the Laws of Malta) and the

⁷⁹ Malta, Constitutional Court (2022), Case 19/2019/1, [MIFSUD L-AVUKAT DR. CEDRIC NOE vs AWTORITA' GHAT-TRASPORT F'MALTA ET](#), ECLI:MT:KOS:2022:130215, 26 January 2022.

⁸⁰ Sea-Watch Legal Aid, [Unlawful detention of the Sea-Watch 3](#), 17 November 2022.

⁸¹ Free #ElHiblu3-Campaign, [The El Hiblu 3](#), 17 October 2022.

⁸² Information Request (2022), El Hiblu 3 Freedom Commission, 17 October 2022.

⁸³ El Hiblu 3 Freedom Commission (2021), [Freedom Commission calls on Malta to dismiss the trial of the El Hiblu 3](#), 21 November 2022.

⁸⁴ Information Request (2022), Office of the Information and Data Protection Commissioner, 18 November 2022.

Extradition Act (Cap. 276 of the Laws of Malta), have been finalised and are set to enter into force in December 2022.⁸⁵ The Maltese Parliament is further amending the Conduct Certificate Ordinance (Cap. 77 of the Laws of Malta) to implement the European Criminal Records Information System – Third Country Nationals (ECRIS-TCN).⁸⁶ The transposition of Article 20 of the Interoperability Regulation, as well as two separate legal notices for the introduction of the Entry/Exit System (EES) and European Travel Information and Authorisation System (ETIAS) are in their final stages.⁸⁷ Malta is planning to introduce the Electronic Travel and Information and Authorisation System (ETIAS) in November 2023. The system consists of an online application format, including personal and contact details, and travel itineraries. Every person must also provide information about criminal activities and health conditions.⁸⁸

To date, there have been no high court decisions or court rulings relating to implementing the right to an effective remedy in storing data in large-scale national databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2022.

⁸⁵ Malta, Maltese Legislation (Legiżlazzjoni Malta) (1854), [Criminal Code Chapter 9](#), 10 June 1854; Malta, Maltese Legislation (Legiżlazzjoni Malta) (1982), [Criminal Code Chapter 276](#), 1 February 1982.

⁸⁶ Malta, Maltese Legislation (Legiżlazzjoni Malta) (1934), [Criminal Code Chapter 77](#), 5 January 1934.

⁸⁷ [Regulation \(EU\) No. 2019/818](#) of the European Parliament and of the Council of 20 May 2019 concerning a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration, OJ 2019 L 135/85; Information Request (2022), Office of the Information and Data Protection Commissioner, 18 November 2022.

⁸⁸ European Travel Information and Authorisation System (ETIAS) (2022), [ETIAS for Malta](#), 30 September 2022.

5. Information society, privacy, and data protection

5.1. Initiatives in the use of artificial intelligence in both private and public sectors

Actor	Type	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government: Ministry for Justice and Governance	Report	<p>In December 2021 the Ministry for Justice and Governance launched the Digital Justice Strategy, which will be implemented in the period 2022-2027. One of the aims of the strategy is to strengthen the legislative framework necessary to lead the digital arena. To accomplish this, past and future IT initiatives will be coordinated in line with European good practices. The initiative is aligned with the ‘Malta Public Service 5-year Strategy Leading to a Service of Excellence’, seeking to act as a blueprint for the ICT initiatives that enable Malta to apply for future funds directed towards improving the efficiency of the Maltese justice system. The principles on the use of AI in judicial systems will be considered in accordance with the European Ethical Charter. The Artificial Intelligence Act will underpin the implementation of the strategy.</p>	<p>Yes</p> <ul style="list-style-type: none">• Right to a fair trial• Right to a Judicial Remedy	<p>Malta, Ministry for Justice and Governance (2022), Digital Justice Strategy Malta 2022-2027, 30 September 2022.</p>

		<p>Fundamental and strategic principles will shape the goals of the Digital Justice Strategy. Those fundamental principles are:</p> <ul style="list-style-type: none"> • Rule of Law • Independence of the Judiciary • Fair Trial • Right to a judicial remedy • Promoting Digital Inclusiveness • Removing Digital Divide 		
Minister for the Economy and Industry in conjunction with Malta Digital Innovation Authority (MDIA)	Other: Economic Funding	<p>On 11 January 2022, the Minister for the Economy and Industry, Silvio Schembri, announced the launch of the Artificial Intelligence Research Fund. The Initiative supports AI research through a fund amounting to €125.000 benefiting the public and private sectors. The Artificial Intelligence Research Fund is supervised by the Malta Digital Innovation Authority (MDIA), the public entity established “to keep Malta at the forefront of AI-based regulation to protect market integrity and consumer protection in line with EU directions”. This fund is open to applicants from educational institutions focused on research and private entities in collaboration with academia. The Minister emphasised that the Fund prioritises proposals that advance the</p>	Not explicitly	<p>Malta, Ministry for The Economy and Industry (2022) €125,000 fund for artificial intelligence research projects, press release, 11 January 2022.</p>

		progress of projects envisaged in the Malta AI Strategy , launched in October 2019.		
Government: Ministry for Equality, Research, and Innovation	Consultation document	In January 2022, the Minister for Equality, Research and Innovation, Owen Bonnici, published the Consultation Document of the new Malta National Space Strategy, which will replace the Malta National Space Policy published in 2017. The strategy, developed in conjunction with The Malta Council for Science and Technology (MCST), supports the activities planned in the policy document of the AI Strategy. The aim is to explore the possibility of collaboration between industry, the research community, and the public sector in space affairs. An example of this partnership is the introduction of a scholarship for students at the University of Malta wishing to pursue higher education in AI.	Not explicitly	Malta, Minister for Equality, Research and Innovation (2022), Malta's National Space Strategy , January 2022.
MTA (Malta Tourism Authority) VisitMalta and Reimagine. AI	Other: AI-powered Virtual Citizen	<i>VisitMalta</i> launched the first-ever Virtual Citizen, Marija, at a conference organised by the Ministry for Tourism and Consumer Protection on the Digital Tourism Roadmap 2030 in March. The goal of the project is to enhance the tourism experience by providing travellers with an information hub where they	Not explicitly	Visit Malta, Malta launches Marija , March 2022.

		can learn about Maltese history in a real-time interactive manner.		
Government: Ministry for Finance and Employment	Report: Strategic document	<p>In April 2022, the Maltese Government released the National Reform Programme to adopt measures that target a green and digital transition while enhancing the governance framework across all economic sectors, particularly the effectiveness of the justice system. The strategy stems from Malta's Recovery and Resilience Plan (RRP) initiated in 2021. The project seeks to contribute to a sustainable, green, and digital recovery effort and support the government's plan of promoting digital, research, and innovation investments.</p> <p>Following the launch of the National AI Strategy in 2019, six pilot projects included in the Digital Transition have been released to target different areas of the public sector in Malta. Out of these, the projects that focus on customer service and education are at an advanced stage and expected to be completed by the end of 2023. Those focusing on transport, tourism, and utilities are at an early</p>	<p>Yes</p> <ul style="list-style-type: none"> • Right to education • Human rights of people with disabilities 	Malta, Ministry for Finance and Employment (2022), The National Reform Programme , April 2022.

		stage of development, while the project on the healthcare sector has not yet been initiated.		
Government: UOM, MCAST and eSkills Malta Foundation	Other: professional AI training	The University of Malta, MCAST, eSkills Malta Foundation, the Institute of Public Service, and the Office of the Prime Minister signed an agreement for Artificial Intelligence training. The implementation of the training will run for the next three years, as part of the ' Investing in Quality ' theme for Public Service Week, and it came into effect upon its signing in May 2022. Its goal is to provide relevant competences to public service employees in order to increase the quality of the service and bring university researchers closer to public-sector personnel.	Not explicitly	eSkills Malta Foundation (2022), Training in Artificial Intelligence agreement signed between UOM, MCAST and eSkills Malta Foundation , 3 May 2022.
Government: Parliamentary Secretariat for Financial Services, Digital Economy and Innovation - Office of the	Other: AI in Education	The Parliamentary Secretary for Financial Services, Digital Economy, and Innovation introduced the Strategy and Vision for Artificial Intelligence in Malta 2030. The measures in the strategy outline a roadmap for Malta to become a global leader in artificial intelligence. One of the actions is an educational reform. The initial goal of the strategy is to identify early school leavers and help educators take preventative measures. The project aims to develop a personalised AI-powered adaptive learning system to assist in the performance of	Not explicitly	Malta, Parliamentary Secretariat for Financial Services, Digital Economy and Innovation (2019), Malta: the ultimate AI launchpad , October 2019. Malta, Office of the Permanent Secretary for the Ministry of Education and Sport (2022),

Prime Minister		students, while improving the education system.		EduAI - AI-Powered Projects In Education , 21 March 2022.
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5.2. Legal and policy initiatives on data protection and private life

The Ministry for Justice and Governance launched the **Malta Digital Justice Strategy 2022-2027**.⁸⁹ Throughout its 6-year implementation period, the aim of the strategy is *"Improving the quality and the efficiency of justice through innovation, digitalisation and new technology whilst fully respecting the rule of law and guaranteeing the substantial and procedural rights of all citizens."*⁹⁰

Besides raising concerns within the legal arena, the Strategy focuses on how sensitive data is used, processed, treated, and stored. The policy document promises compliance with national and international regulations on data protection and envisages cooperation with national authorities to ensure the integrity of all data-related activities.

Data protection will be based on two fundamental principles:

6. Data accuracy, collecting up-to-date, reliable, and verifiable data;
7. Data integrity and confidentiality will ensure the safety of all data subjects.

The Office of the Information and Data Protection Commissioner (IDPC) will maintain consistent and ongoing cooperation throughout the implementation of the strategy to ensure that the designed and implemented activities are in line with data

⁸⁹ Malta, Ministry for Justice and Governance (2022), [Digital Justice Strategy Malta 2022-2027](#), 30 September 2022.

⁹⁰ Malta, Ministry for Justice and Governance (2022), [Digital Justice Strategy Malta 2022-2027](#), p. 8, 30 September 2022.

protection regulations. For instance, the Commissioner will supervise digital projects through Data Protection Impact Assessments and will identify data retention timeframes tailored to justice-related data.⁹¹

On 19 May 2022, the European Commission opened an infringement procedure against Malta for incorrect implementation of the EU Cybercrime Directive on attacks against Information Systems.⁹² By implementing the EU cybercrime directive, Member States will introduce stronger national laws and more severe criminal penalties and improve cooperation between relevant authorities. Malta has failed to comply with the EU Cybercrime Directive because it did not enact effective dispositions, in particular regarding certain offences and the required penalty levels. The Maltese Government had two months to respond to the arguments raised by the Commission. However, communication notices are not published yet.⁹³ With regard to cybercrimes, in February 2022, the Parliament discussed in plenary session Bill No. 260, whose objectives are to amend the Criminal Code and introduce cyberstalking and cyberbullying as specific offences committed in cyberspace.⁹⁴ The Bill is still in its second reading but, if approved as a new amendment to the Criminal Code, will introduce specific punishments enhancing better protection for individual victims of cybercrimes.⁹⁵

⁹¹ Malta, Ministry for Justice and Governance (2022), [Digital Justice Strategy Malta 2022-2027](#), p. 12, 30 September 2022.

⁹² European Parliament (2013), [Directive 2013/40/EU of the European Parliament and of the Council of 12 August 2013 on attacks against information systems and replacing Council Framework Decision 2005/222/JHA](#), 12 August 2013.

⁹³ European Commission (2022), [May Infringements package: key decisions](#), press release, 19 May 2022.

⁹⁴ Malta, Parliament of Malta (2022), [No. 260, Criminal Code \(Amendment\) Bill](#), 4 February 2022.

⁹⁵ Malta, Parliament of Malta (2022), [No. 260, Criminal Code \(Amendment\) Bill](#), 4 February 2022.

6. Rights of the child

6.1. Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

Legislative changes	<p><i>e.g., any legislative development having an impact on children accessing health, education, social protection or other services</i></p> <p>On 7 May 2022, the Maltese Parliament presented Bill No.2 to amend the International Protection (Amendment) Act and improve the transposition of relevant articles of EU Directives on the reception and management of refugees.⁹⁶</p> <p>The Bill is currently in its first reading and, if approved, will amend Article 13 of the International Protection Act by entrusting the Agency for the Welfare of Asylum Seekers (AWAS) with the role of guardianship of unaccompanied minors.⁹⁷ AWAS is a government agency under the Ministry for Home Affairs and National Security, which oversees the implementation of national legislation and policy concerning the welfare of refugees and asylum seekers.⁹⁸ With regard to AWAS’s role, the</p>
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⁹⁶ Malta, Parliament of Malta (2022), [Bill No. 2 International Protection \(Amendment\) Bill](#), 7 May 2022.

⁹⁷ Malta, Parliament of Malta (2022), [Bill No. 2 International Protection \(Amendment\) Bill](#), p. C 14, 7 May 2022.

⁹⁸ Malta, [Agency for the Welfare of Asylum Seekers \(AWAS\)](#), 30 September 2022.

	<p>local NGO Aditus shared a technical opinion on the new Bill.⁹⁹ Aditus disagrees with entrusting the role of unaccompanied minors guardianship to AWAS. The NGO claims that <i>“the multiple roles and responsibilities of persons currently working as representatives for UAMs couples with limited capacity and resources may result in conflict of interest issues to the detriment of the minors.”</i>¹⁰⁰ Aditus welcomes the amendment but advises the government <i>“to explore alternative guardianship options that will ensure a quality and independent service with the child’s best interests in mind, including with the support of entities such as the European Guardianship Network”.</i>¹⁰¹</p>
Policy changes	<p><i>e.g., development of national action plan for the Child Guarantee, appointment of National Coordinator, etc.</i></p> <p>The Malta National Reform Programme, published in April 2022, includes policies aimed at reducing poverty among children and families. The main initiative consists of extending the current in-work benefit scheme, which applies to working parents with children under the age of 23 still living within the same household. According to the Ministry for Finance and Employment, this measure is estimated to create 7.000 new beneficiaries. The overall at-risk-of-poverty rate is further estimated to decline by 0.26 points.¹⁰²</p> <p>In June 2022, the Ministry for Social Policy and Children’s Rights issued its National Action Plan for a Child Guarantee (NAP) for the years 2022-2030¹⁰³, in line with the Council Recommendation establishing a European Child Guarantee.¹⁰⁴ The plan aims to improve social inclusion for children in need and break intergenerational cycles of poverty. Within this broad context, the National Action Plan focuses on children with precarious family situations. Before publishing the plan, the</p>

⁹⁹ Aditus Foundation (2022), [Technical comments on bill no. 2 of 2022, Malta](#), June 2022.

¹⁰⁰ Aditus Foundation (2022), [Technical comments on bill no. 2 of 2022, Malta](#), p. 10, June 2022.

¹⁰¹ Aditus Foundation (2022), [Technical comments on bill no. 2 of 2022, Malta](#), p. 11, June 2022.

¹⁰² Malta, Ministry for Finance and Employment (2022), [The National Reform Programme](#), p. 10, April 2022.

¹⁰³ Malta, Ministry for Social Policy and Children’s Rights (2022), [National Action Plan for a Child Guarantee 2022-2030](#), 30 September 2022.

¹⁰⁴ Council of the European Union (2021), [Council Recommendation establishing a European Child Guarantee](#), 4 June 2021.

Government consulted all relevant ministries and stakeholders and obtained input and feedback directly from children through a focus group. The National Action Plan details the services already in place and planned measures. It divides the policies into five categories: social protection, education, healthcare, nutrition, and housing. Social protection refers to the existing “safety net” which maintains child and family welfare.¹⁰⁵ It includes allowances, benefits and psychotherapeutic or psychoeducation services. Educational measures focus mostly on encouraging school attendance, providing additional learning support and material, improving the general quality of schools, and making extra-curricular activities accessible. Healthcare policies guarantee free access to all children for screening, a variety of vaccines and medicine for children suffering from chronic diseases. Furthermore, healthcare measures incorporate access to healthy nutrition. Policies regarding social housing include prioritising of families with children (especially minors with disabilities), financial assistance schemes and community homes. In addition to these services, the National Action Plan lists the planned measures for the next five years (2022-2027). The new policies focus on improving access to the internet, learning material and extracurricular activities.

To implement the Plan, the Government appointed a National Child Coordinator, as per recommendation 11 on governance and reporting.¹⁰⁶ The Coordinator will facilitate communication and implementation, monitoring by serving as a centralised contact point for all the relevant entities. The person who will serve as Coordinator is the Minister for Social Policy and Children’s rights, a position currently held by Michael Falzon. The Ministry for Social Policy and Children’s Rights pledged in a press release to allocate a total budget of €145 million for the period 2022-2027¹⁰⁷.

In the mentioned consultative document “A Social Vision for Malta 2035,” the Ministry for Social Policy and Children’s Rights sets medium-to-long term policy goals to improve social inclusion. The

¹⁰⁵ Malta, Ministry for Social Policy and Children’s Rights (2022), [National Action Plan for a Child Guarantee 2022-2030](#), p.11, 30 September 2022.

¹⁰⁶ Council of the European Union (2021), [Council Recommendation establishing a European Child Guarantee](#), p. 28, 4 June 2021.

¹⁰⁷ Malta, Ministry for Social Policy and Children’s Rights (2022), [Launch of a National Action Plan for the Guarantee of Children](#), press release (Maltese version only), 9 June 2022.

	<p>consultative document encompasses eleven themes, four of which concern children.¹⁰⁸ The first theme tackles poverty and social exclusion and aims to ensure a more decent and dignified life for all vulnerable individuals. The second theme is centred around family. It aspires to provide adequate family services, includes new forms of family arrangements, and offers recreational spaces for families. The third theme addresses childhood directly by highlighting the need to support families with appropriate policies and measures and to strengthen efforts providing health and education services. The document underscores the importance of having children’s opinions sought and considered at various levels of society. It further calls for initiatives aimed at educating both children and parents or guardians to achieve a safer physical and digital environment for children. The last theme, youth, focuses on improving the quality and accessibility of education, promoting active engagement in the community, and making the digital world a safer place. It encourages a healthy lifestyle, especially regarding nutrition and mental health.¹⁰⁹</p>
<p>Other measures or initiatives</p>	<p><i>e.g., income support to single-headed families or based on the number of children in the household; meals for children provided for free; other actions or measures linked to the implementation of the EU Child Guarantee.</i></p> <p>In 2022 the Government announced different initiatives to support low-income families. For instance, on 1 March 2022, the Ministry for Solidarity and Social Justice, the Family and Children’s Rights announced in a press release that they were increasing the annual income limit for employed couples, families with only one parent working, and single parents in gainful employment.¹¹⁰ This measure follows the policy established in the Malta National Reform Programme regarding income support for families with children, called the “<i>In-Work Benefit</i>” scheme.¹¹¹ However, several civil society organisations representing parents, carers, and workers, as well as those working to</p>

¹⁰⁸ Malta, Ministry for Social Policy and Children's Rights (2022), [A social vision for Malta 2035 - shaping the future of our society](#), p. 11, June 2022.

¹⁰⁹ Malta, Ministry for Social Policy and Children's Rights (2022), [A social vision for Malta 2035 - shaping the future of our society](#), p. 11, June 2022.

¹¹⁰ Malta, Ministry for Solidarity and Social Justice, the Family and Children’s Rights (2022), [Further social measures of the 2022 Budget entered into force](#) press release (Maltese version only), 1 March 2022.

¹¹¹ Malta, Ministry for Finance and Employment (2022), [National Reform Programme](#), p. 10, April 2022.

advance LGBTIQ+ rights, have criticised the new scheme. On 3 October 2022, the organisation Moviment Graffitti, with the support of other organisations urged the government to review the Work-Life Balance law.¹¹² This law, entitled “The Work-Life Balance for Parents and Carers Regulations” is the Legal Notice 201 of 2022, and the scope of its implementation is to transpose the EU Directive (2019/1158).¹¹³ The Directive aims to improve work-life balance for parents and carers by fostering a more equal share of caring responsibilities in couples, and allow women to have greater labour market accessibility. Yet, Moviment Graffitti complains that the Maltese Government did not consult civil society or relevant experts before publishing the legal notice. Moviment Graffitti further explains that the regulations will not be able to achieve their objective. For instance, parental leave should be better remunerated given that its current pay of €21.85 per day is an unrealistic subsidy for parents to subsist on.

On 24 October 2022, The Minister of Finance released the budget for 2023. For the upcoming year, the Minister laid out the Government’s focus on protecting vulnerable children through its commitment to the Child Guarantee contained in the National Plan. Malta’s Child Guarantee targets all children at risk of poverty and social exclusion, especially those children from vulnerable households. All the measures listed on next year’s budget are responding to global inflation and economic ambiguity arising from the effects of the pandemic and the war in Ukraine. The burden of the energy crisis has been notably present throughout the actions outlined in the Minister’s speech. One of the points discussed is the commitment to gradually increase the children’s allowance from €90 per child to €450 throughout their candidature. This measure will benefit 41,100 families with 62,000 children, with a cost of €5.6 million.¹¹⁴ The government plans also to increase grants for schools with the largest number of vulnerable students, to ensure that students are not deprived of necessities such as food or other basic needs. ¹¹⁵In May 2022, the European

¹¹² Moviment Graffitti (2022), [Improve the work-life balance now](#), 3 October 2022.

¹¹³ Malta, Ministry for Employment and Industrial Relations (2022) [201 of 2022 – The Work-Life Balance for Parents and Carers Regulations](#), No. 20,890, Government Gazette of Malta, 12 July 2022.

¹¹⁴ Malta, Minister for Finance and Employment (2022), [Budget Speech 2023](#), p. 27, 24 October 2022.

¹¹⁵ Malta, Minister for Finance and Employment (2022), [Budget Speech 2023](#), p. 29, 24 October 2022.

Social Network (ESN) published the results of the European Social Services Awards 2021, highlighting innovation and identifying best practices throughout Europe. The award nominated a Maltese initiative: a home-based therapeutic service (HBTS) run by the Foundation for Social Welfare Services, a governmental agency.¹¹⁶ The service aims at keeping families with complex needs together, by preventing placements of children outside of their families or supporting the children's return to their families.¹¹⁷ To achieve this end, teams of multidisciplinary professionals offer psychotherapy, family therapy, counselling services and parenting programmes. These services are provided directly at home and in the community, to better reach families who might not engage with office-based support. The initiative contributes towards the implementation of Article 24 of the EU Child Guarantee, which states that quality community-based or family-based care should be promoted, with the aim of the deinstitutionalisation of children.¹¹⁸

A safe environment for children is also the focus of the 'Youth Engage Scheme', part of the Youth Volunteer Scheme. The Minister for Inclusion, Volunteering and Consumer Rights launched the programme on 4 August 2022, together with the Minister for Social Policy and Children's Rights. The scheme aims to integrate fifteen young people with social difficulties into society by offering a paid work experience in six different voluntary organisations. The goal is to provide a safe space for participants to foster their self-esteem, confidence, and leadership qualities. The initiative will also improve their work experience, helping them to better integrate the job market of Malta.¹¹⁹

Besides the implemented measures, an initiative launched by the Malta Foundation for the Wellbeing of Society bodes well for future developments in children's rights. In a 2 March 2022

¹¹⁶ European Social Network (ESN), [Building Resilience In Social Services European Social Services Awards 2021](#), May 2022.

¹¹⁷ European Social Network (ESN), [Building Resilience In Social Services European Social Services Awards 2021](#), p. 26, May 2022.

¹¹⁸ Council of the European Union (2021), [Council Recommendation establishing a European Child Guarantee](#), p.12, 4 June 2021.

¹¹⁹ Malta, Ministry For Inclusion, Voluntary Organisations And Consumer Rights, [PR220689: New scheme to integrate young people with social difficulties back into society through volunteering](#) (PR220689: Skema ġdida biex zgħażaġh b'diffikultajiet soċjali jkunu integrati lura fis-soċjetà permezz tal-volontarjat), 30 September 2022.; Malta, Ministry for Social Policy and Children's Rights and Ministry for Inclusion, Voluntary Organisations and Consumer Rights (2022), [New scheme for young people with social difficulties](#), press release (Maltese version only), 24 May 2022.; Malta Council for the Voluntary Sector (2022), [Youth Volunteer Engage Scheme – YVS](#), 6 June 2022.

	<p>press release, the Foundation announced that it had successfully influenced several candidates to governmental elections to champion Children’s Rights.¹²⁰ Together with the Children’s Rights Observatory Malta (CROM) and the University of Malta, the Foundation lobbied candidates to sign a declaration. The document commits the candidates to foster children's participation in politics, actively listen to children’s opinion, and promote children’s rights. 39% of the 173 candidates have signed the declaration, an encouraging number.¹²¹</p>
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6.2. Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witnesses or suspects/accused in criminal proceedings.

Legislative changes	<p><i>e.g., reform of the criminal code, new law on violence against children with procedural safeguards.</i></p> <p>No legislative development in 2022.</p>
Policy developments	<p><i>e.g., guidance or training for law enforcement officers on the treatment of child suspects or victims; amendment of police academy curriculum; training of judges; developing indicators to monitor the situation of child suspects and improve data collection.</i></p>

¹²⁰ Malta Foundation for the Wellbeing of Society (2022), [68 electoral candidates commit to championing children’s rights](#), press release, 2 March 2022.

¹²¹ Malta Foundation for the Wellbeing of Society (2022), [68 electoral candidates commit to championing children’s rights](#), press release, 2 March 2022.

	<p>In 2022, the government has started to design a new National Strategy to Combat Trafficking in Human Beings (2024 onwards).¹²² This project falls under the EU Technical Support Instrument, which includes both technical and financial help.¹²³ The National Strategy has adopted a rights-based approach to developing a sustainable system that can offer comprehensive support for victims, timely and effective protection, and access to justice. The project builds on previous National Strategies and recommendations given by European and International agencies. It is based on four pillars, the 4Ps, Prevention, Protection, Prosecution, and Partnership. Its main practical objectives are to “<i>formally establish a national referral mechanism, build a system for data gathering, and establish the required reporting framework</i>”.¹²⁴ The Strategy must also include attainable measures to achieve more focused outcomes, like training or awareness-raising campaigns. The strategy is still in its designing phase, so no practical measure has been put in place. This Strategy further aims to put in place an Anti-Trafficking Inter-Ministerial Committee (IMC) that would be responsible for implementing the Strategy’s measures.¹²⁵ The Committee would be composed of representatives from each Ministry in order to adopt an interdisciplinary and cross-sectional approach to tackle human trafficking. In practice, this will allow to increase awareness of the different ministries on the subject, and to identify the most efficient means to collaborate in reducing human trafficking in Malta.</p>
<p>Other measures or initiatives</p>	<p><i>e.g., relevant activities to promote alternatives to detention; set-up of Barnahus houses or other specific programmes for children in the criminal system.</i></p> <p>On 26 May 2022, the Ministry for the Interior, Security, Reforms, and Equality announced in a press release that a new external facility would open for the Corradino Correctional Facility</p>

¹²² Malta, Human Rights Directorate, [National Strategy and Action Plan Against Human Trafficking \(2024 onwards\)](#), 30 September 2022.

¹²³ Malta, Ministry for Finance and Employment (2022), National Reform Programmes [Annex Table 4](#) Reporting on SDGs: Description of Main Forward Looking Measures and their Estimated impact, p. 18, April 2022.

¹²⁴ Malta, Human Rights Directorate, [National Strategy and Action Plan Against Human Trafficking \(2024 onwards\)](#), 30 September 2022.

¹²⁵ Malta, Human Rights Directorate, [National Strategy and Action Plan Against Human Trafficking \(2024 onwards\)](#), 30 September 2022.

(CCF) inmates.¹²⁶ The building will be a safe place where inmates can meet their children in a more welcoming setting compared to the usual prison visiting room. Since June 2022, the Commissioner for the Welfare and Development of Prisoners has organised the activities in the new facility in partnership with the NGO Mid-Dlam Għad-Daw.¹²⁷ The room is located outside the prison, and was designed to accommodate children's needs, for instance with the inclusion of board games and toys.¹²⁸ The initiative thus introduces child-friendly procedures for minors involved in the criminal justice system, not as witnesses, victims or suspects, but as family members of an incarcerated person.

In March 2022, the Ministry for Social Policy and Children's Rights announced the opening of a Therapeutic and Secure Centre for young people under 18 years old. The 24 minors who will benefit from the project will have either been sentenced by a Court or proven to suffer from an impaired emotional conduct or behavioural struggles. The Ministry describes the facility as *"another important link that will continue to join a chain of achievements brought about by the implementation of the Child Protection Law, which came into force by this Government in July of 2020"*. The Government invested €17 million to build the facility and plans to continue investing every year to ensure its success.¹²⁹ According to Article 26 (2) of the Minor Protection (Alternative Care) Act, the prerequisites for a minor to be placed within the Centre are that *"(a) the minor absconded or it is probable that he will abscond again and, if the minor so absconds it is probable that his physical, psychological and moral well-being be put at risk; or (b) it is probable that the minor behaves in such a manner as to possibly hurt himself; or (c) it is probable that the minor may cause harm to another person."*¹³⁰ The decision to place a

¹²⁶ Malta, Minister for Home Affairs, Security, Reforms, and Equality (2022), [Prisoners and their children will be able to start meeting in a special room away from the Kordin Correctional Facility](#), press release, 26 May 2022.

¹²⁷ Times of Malta (2022), [Prisoners to meet their children in a new external facility](#), 26 May 2022.

¹²⁸ Malta, the initiative was confirmed via a phone call by the representative of the NGO [Mid-Dlam Għad-Daw](#), 30 September 2022.

¹²⁹ Malta, Ministry for Social Justice and Solidarity, the Family and Children's Rights (2022), [Announcement of a project for a secure and therapeutic centre for young people](#), press release (Maltese version only), 22 March 2022.

¹³⁰ Malta, Parliament of Malta (2021), Chapter 602 Act No. XXIII of 2021 [Minor Protection \(Alternative Care\) Act](#), art. 26 (2), 9 March 2021.

minor in the Centre needs to be validated by a Court.¹³¹ However, any interested person can file an application to the Court and request the removal of the child from the Centre.¹³²

Similarly, the Ministry for Social Policy and Children's Rights shared the progress of initiatives carried out in the field of child protection for children victims or suspected in criminal proceedings.¹³³ One of those is the operation of the Children's house introduced by Article 15 of the MINOR PROTECTION (ALTERNATIVE CARE) ACT.¹³⁴ The Children's house is a child-appropriate setting alternative to the traditional Court, where authorities conduct judicial investigations of children involved in criminal proceedings. The Minister for Social Policy and Children's Rights Michael Falzon spoke about this during a conference praising how the Children's House is operating. These procedures are used during legal proceedings in the Juvenile Court, while the videos from the forensic interviews serve as evidence in the Criminal Court.¹³⁵

On the issue of child trafficking, the US Office to Monitor and Combat Trafficking in Persons wrote a report on the general situation in Malta. In its "*Trafficking in Persons Report: Malta*," the US Office gives a comprehensive review of the Maltese activities to fight trafficking in persons during 2022 and makes a list of recommendations. One of those recommendations advises the Maltese Government to "*Ensure relevant staff and officials proactively identify trafficking victims, including Maltese nationals, among vulnerable populations, particularly*

¹³¹ Malta, Parliament of Malta (2021), Chapter 602 Act No.XXIII of 2021 [Minor Protection \(Alternative Care\) Act](#), arts. 27 (4) – 28 – 30 (2), 9 March 2021.

¹³² Malta, Parliament of Malta (2021), Chapter 602 Act No.XXIII of 2021 [Minor Protection \(Alternative Care\) Act](#), art. 29, 9 March 2021.

¹³³ Malta, Ministry for Social Policy and Children's Rights (2022), [Greater Protection for vulnerable children](#), press release (Maltese version only), 20 July 2022.

¹³⁴ Malta, Parliament of Malta (2021), Chapter 602 Act No.XXIII of 2021 [Minor Protection \(Alternative Care\) Act](#), 9 March 2021.

¹³⁵ Malta, Ministry for Social Policy and Children's Rights (2022), [Greater Protection for vulnerable children](#), press release (Maltese version only), 20 July 2022.

*children...2.*¹³⁶ According to the study, the government did not report initiating any new prosecutions of suspected sex traffickers in 2021, indicating a decrease in law enforcement efforts compared to 2020. Although Malta did not meet the minimum standards for eliminating human trafficking in 2022, there are promising initiatives to improve victim protection for children. For instance, the US Office mentions the newly established Directorate for the Child Protection Services responsible for investigating reports of child abuse and taking appropriate action to coordinate redressing measures.¹³⁷ The Directorate has a multi-disciplinary team who engages with children and their families facing difficulties to develop a plan to restore a safe environment for the child.¹³⁸ The Directorate further offers court services through a Court expert who interviews all the involved parties and creates a report to submit to the Judge of the Family Court.¹³⁹

Besides structural changes to improve assistance and support to child victims, the Government also addressed the issue of human trafficking through awareness-raising initiatives. For instance, from 25 to 30 July 2022, Malta joined the worldwide Blue Heart Campaign against Human Trafficking.¹⁴⁰ By using multiple media resources, the Maltese Government organised events on the social media of the Secretariat for Reforms and Equality and of the Directorate for Human Rights among others, to raise awareness among the general public on the national fight against human trafficking.¹⁴¹

¹³⁶ United States of America, Office to Monitor and Combat Trafficking in Persons (US TIP Office) (2022), [2022 Trafficking in Persons Report: Malta](#), 30 September 2022.

¹³⁷ United States of America, Office to Monitor and Combat Trafficking in Persons (US TIP Office) (2022), [2022 Trafficking in Persons Report: Malta](#), 30 September 2022.

¹³⁸ Foundation for Social Welfare Services (2022), [Child Protection Services](#), 11 October 2022.

¹³⁹ Foundation for Social Welfare Services (2022), [Court Services](#), 01 December 2022

¹⁴⁰ Malta, Ministry for Home Affairs, Security, Reforms, and Equality (2022), [Press release](#), 11 October 2022.

¹⁴¹ Malta, Ministry for Home Affairs, Security, Reforms, and Equality (2022), [Press release](#), p.1, 11 October 2022.

7. Access to justice – Victims’ Rights and Judicial Independence

7.1. Legal and policy developments or measures relevant to the implementation of the Victims’ Rights Directive and the EU strategy for Victims’ Rights 2020-2025

There are no recent legal developments concerning the implementation of the Victims’ Rights Directive. In Malta, **the Victim Support Agency** is the Authority appointed to guarantee victims with appropriate support services, as established by the Victim Support Agency (Establishment) Order.¹⁴² Article 4 of the Order lists the functions of the Agency which serves as a “*point of contact for victims of crime*” and coordinates the service offered with other governmental and non-governmental organisations. The Agency conducts individual assessments of victims to ensure they have adequate support and monitors their progress after receiving assistance. The support provided also includes legal aid services such as Personal Statement to describe how the crime has affected the victims and guidance about what to expect in court. Besides personal support to victims, the Agency acts as a reporting and monitoring body to document the number of victims benefiting from victim support services and analyse local and international legal developments and best practices.¹⁴³ Worthy of note, Article 4A gives the Agency the power to request and obtain information on the release date of the sentenced person from the Correctional Services Agency and communicate it to the victims if directly relevant to them.¹⁴⁴

In the National Reform Programme of 2022, the government planned to increase the number of staff and professionals who work within the Victim Support Agency to “*improve its services across the various facets of victim rights.*”¹⁴⁵ The Reform

¹⁴² Malta, Maltese Legislation (Legizlazzjoni Malta) (2022), [Legal Notice 418 of 2020, as amended by Legal Notice 418 of 2021 - Subsidiary Legislation 595.37 Victim Support Agency \(Establishment\) Order](#), 3 November 2022.

¹⁴³ Malta, Maltese Legislation (Legizlazzjoni Malta) (2022), [Legal Notice 418 of 2020, as amended by Legal Notice 418 of 2021 - Subsidiary Legislation 595.37 Victim Support Agency \(Establishment\) Order](#), Art. 4, 3 November 2022.

¹⁴⁴ Malta, Maltese Legislation (Legizlazzjoni Malta) (2022), [Legal Notice 418 of 2020, as amended by Legal Notice 418 of 2021 - Subsidiary Legislation 595.37 Victim Support Agency \(Establishment\) Order](#), Art. 4 (a), 3 November 2022.

¹⁴⁵ Malta, Ministry for Finance and Employment (2022), National Reform Programmes [Annex Table 4](#) Reporting on SDGs: Description of Main Forward Looking Measures and their Estimated impact, p. 17, April 2022.

Programme also mentions other investments in legal aid services. On 14 February 2022, the Legal Aid Agency improved its online services by introducing the Legal Aid Referral System (LARS), available to individuals, government entities and NGOs. The new digital system allows prospective low-income clients to apply online for free legal aid and to receive information about whether or not they are eligible for the scheme.¹⁴⁶ According to Annex Table 4 of the Malta National Reform Programme, the measure will benefit an estimated 400 persons who request to be assisted with legal aid every year.¹⁴⁷

Besides public reforms designed to improve services for victims of crime, civil society organisations also introduced new measures in 2022. In particular, the NGO Victim Support Malta (VSM) and the Malta Football Association (Malta FA) launched initiatives to empower victims of crime, with a specific focus on vulnerable groups.

The NGO Victim Support Malta (VSM) held a seminar on 11 and 12 May 2022. This organisation provides support to victims of all types of crimes, from theft, to cybercrimes, to domestic violence and hate crimes.¹⁴⁸ It offers a broad range of services, such as emotional support to overcome trauma, information on criminal procedures or practical assistance in finding a lawyer. During the seminar, the discussion focused on different strategies to achieve resilience regarding the rights of victims at an individual, social, and structural level, with a focus on the empowerment of specific groups during Covid-19.¹⁴⁹ The seminar also hosted a conference, called "Age of Resilience", which gathered experts from the field, professors, and Commissioners from relevant units of the European Commission. The NGO also proposed 11 workshops, exploring different scopes of resilience strategies.¹⁵⁰

Another non-governmental organisation working to support the rights of victims is the "Football Social Responsibility" branch of the Malta Football Association (Malta FA). In August 2022, the Malta FA launched the EU funded project "Goalscore".¹⁵¹ This initiative aims to shine a light on domestic violence through a succession of short sessions, in order to raise awareness on the general principle acknowledged by the Directive 2012/29/EU in combination with the Istanbul Convention and the European Protection Orders.¹⁵² In other words, the project

¹⁴⁶ Malta, Servizz.Gov (2022), [New Legal Aid Service](#), 14 February 2022.

¹⁴⁷ Malta, Ministry for Finance and Employment (2022), National Reform Programmes [Annex Table 4](#) Reporting on SDGs: Description of Main Forward Looking Measures and their Estimated impact, April 2022.

¹⁴⁸ Victim Support Europe (2022), [Victim Support Malta](#), 28 September 2022.

¹⁴⁹ Victim Support Europe (2022), [Victim Support Malta Main Conference Programme](#), 11 May 2022.

¹⁵⁰ Victim Support Europe (2022), [Victim Support Malta Workshops Programme](#), 28 September 2022.

¹⁵¹ Malta Football Association (Malta Fa) (2022), [Malta Fa's Fsr Department Launches Goalscore](#), 17 August 2022.

¹⁵² Emprove Project (2022), [Domestic Violence](#), 28 September 2022.

focuses on providing tools for victims of domestic violence. The Malta FA plans to pursue this project for two years and directs the sessions towards football coaches of women's teams. The Malta FA will allow local football clubs as well as coaches in other sports to join the project.¹⁵³

7.2. Measures addressing violence against women

On 28 June 2022, the Maltese Parliament unanimously approved ACT No. X of 2022 to amend the criminal code and **introduce the concept of femicide as an aggravating offence to a homicide**. The new Act adds Article 211A to Title VIII, "Of crimes against the Person."¹⁵⁴ Article 211A of the Criminal Code lists **specific circumstances** the Court must consider before establishing the punishment for "a person convicted of the wilful homicide or the attempted wilful homicide of a victim **of the female gender**." Under the new provision, the offence is femicide if a woman is murdered or mistreated due to domestic violence, honour killings, misogynistic intentions, or religious practices such as genital mutilation.¹⁵⁵ **Most importantly**, the amendment includes a new provision in Article 227 (c), which lists the "Cases of excusable wilful homicide." From 2022, **a crime of passion is no longer an excuse to get a lenient punishment when the Judge rules on the case of femicide**.¹⁵⁶

In tandem with the new amendment, the awareness-raising "FEM-UnitED" campaign represents another step in the efforts to prevent femicide in Malta.¹⁵⁷ Launched in April 2022, FEM-United is an EU funded project coordinated by the Mediterranean Institute of Gender Studies (Cyprus) with partners from different European Member States. The participants in Malta are the University of Malta, through the Department of Gender and Sexualities, and the Women's Rights Foundation. The campaign targets front-line professionals, policymakers, and the general public to improve responses to intimate partner violence and domestic violence.¹⁵⁸ The initiative also aims to empower citizens to demand action from their state institutions. These two goals will be partially realised through the release of five awareness-raising videos emphasising the warning signs and risk

¹⁵³ Malta Football Association (Malta Fa) (2022), [Malta Fa's Fsr Department Launches Goalscore](#), 17 August 2022.

¹⁵⁴ Malta, Parliament of Malta (2022), [An ACT to further amend the Criminal Code, Cap. 9](#). ACT No. X of 2022, 28 June 2022.

¹⁵⁵ Malta, Maltese Legislation (Legizlazzjoni Malta) (1854), [Criminal Code Chapter 9 Art.221A](#), p. 114, 10 June 1854.

¹⁵⁶ Malta, Maltese Legislation (Legizlazzjoni Malta) (1854), [Criminal Code Chapter 9 Art. 227](#), p. 118, 10 June 1854.

¹⁵⁷ Womens Rights Foundation (2022), [FEM-UnitED: Launch of Awareness Raising Campaign to prevent Femicide](#), 26 April 2022.

¹⁵⁸ Women Rights Foundation (2022) [FEM - UnitED - United to prevent IPV/DV femicide in Europe](#), 28 September 2022.

factors associated with femicide, as well as denouncing the killings of women and girls due to their gender as a specific event called femicide.¹⁵⁹ By using a gender-specific victim-centred approach, the project seeks to foster multidisciplinary cooperation and capacity building to achieve effective policy change and prevent femicide.¹⁶⁰

Domestic violence was also the focus of a workshop organised in May 2022 by the NGO Victim Support Malta (VSM). The workshop introduced the *Triple R programme*, a short training course that lectures about trauma and domestic abuse. The programme consists of four modules - recognition, recovery, children, and resilience - conducted weekly for three months.¹⁶¹ The goals of the programme consist in helping the victims/survivors to recognise the abuse and its impacts on themselves and their children, to recover from the abuse, and to develop resilience. The training has also received positive feedback from the participants who acknowledged the supportive role of the presentations, videos and activities included in the modules of the programme.¹⁶²

The Commission on Gender-Based Violence and Domestic Violence, a unit under the Ministry for Home Affairs, Security, Reforms and Equality, carried out different activities to raise awareness on violence against women. On 18 March 2022, the Commission organised the *Engaging Men and Boys in Violence Prevention Conference 2022*. In collaboration with Men Against Violence, an organisation promoting the engagement of men and boys in preventing and ending all forms of violence, the Conference encouraged discussion on harmful cultural norms and gender stereotypes and attitudes in diverse spheres of society to change harmful cultural norms of the patriarchal society.¹⁶³ In May 2022, the Commission launched an online campaign named "*Consent matters. Stop sexual violence.*" The main aims of the campaign were to offer guidance to survivors of sexual violence on the available procedures, and to spread awareness among the general public on the notion of sexual consent.¹⁶⁴ The initiative used infographics and videos addressing the topic of consent, together with an active bystander intervention, and guidance on accessing the available services for survivors of sexual violence. On 22 September 2022, the Commission launched another campaign named "All Humans have Dignity: Respect! Protect!", in collaboration with the United Nation

¹⁵⁹ The Malta Independent (2022), [University and Women's Rights Foundation launch campaign for prevention of femicide](#), 26 April 2022.

¹⁶⁰ Women Rights Foundation (2022), [FEM - UnitED - United to prevent IPV/DV femicide in Europe](#), 28 September 2022.

¹⁶¹ Victim Support Europe (2022), [Victim Support Malta Workshops Programme](#), 28 September 2022.

¹⁶² Victim Support Europe (2022), [Victim Support Malta Workshops Programme](#), 28 September 2022.

¹⁶³ Malta, Commission on Gender-Based Violence and Domestic Violence (2022), [Engaging Men and Boys in Violence Prevention 2022](#), 3 October 2022.

¹⁶⁴ Malta, Commission on Gender-Based Violence and Domestic Violence (2022), [Consent Matters. Stop Sexual Violence](#), 3 October 2022.

High Commissioner for Refugees (UNHCR) of Malta¹⁶⁵. The goal of the initiative is to promote a zero-tolerance approach towards gender-based violence across different Maltese communities. The campaign uses posters showing graphic images representing different types of abuse, like female genital mutilations, domestic violence, or harassment. The posters also contain narratives informing the general public about the need to report and seek help if one is a victim of gender-based abuses.

Another measure dealing with violence against women is the “Women, Peace & Security Agenda: Malta’s National Action Plan for the implementation of UN Security Council Resolution 1325, 2020-2024”, which is overseen by the minister for Foreign and European Affairs.¹⁶⁶ In February 2022, the Ministry published the document “Malta’s Foreign Policy Strategy” and reiterated its willingness to implement the Agenda.¹⁶⁷ While the focus of this Agenda is on the disproportionate impact of armed conflict on women and girls, it also shines a light on the occurrence of gender-based violence in Malta. The report emphasises the commitment of the government to foster the inclusion of the gender perspective on peace and security measures through the implementation of UNSC Resolution 1325. The Resolution (S/RES/1325) urges all parties involved in hostilities to take the required measures to combat violence against women and girls, particularly those involving sexual abuse, in situations of armed conflict. Under the pillar on Prevention of all Forms of Violence, listed in Malta’s National Action Plan, Malta seeks to raise awareness on the gravity of sexual violations among others. The Commission on Gender-Based Violence and Domestic Violence is one of the key contributors to the implementation of the Agenda. The Commission plans to raise awareness of sexual and gender-based violence by delivering specific training on the prevention of sexual exploitation and implementing the Istanbul Convention.¹⁶⁸

¹⁶⁵ Malta, Commission on Gender-Based Violence and Domestic Violence, [Campaign - All Humans have Dignity: Respect! Protect!](#), 17 November 2022; Commission on Gender-Based Violence and Domestic Violence, [‘Facebook - All Humans have Dignity: Respect! Protect!’](#), 22 September 2022.

¹⁶⁶ Malta, Commission on Gender-Based Violence and Domestic Violence, [Women, Peace & Security Malta’s National Action Plan for the Implementation of United Nations Security Council Resolution 1325 2020-2024](#), p. 2, 3 October 2022.

¹⁶⁷ Malta, Ministry for Foreign and European Affairs (2022), [Malta’s Foreign Policy Strategy](#), February 2022.

¹⁶⁸ Malta, Commission on Gender-Based Violence and Domestic Violence, [Women, Peace and Security: Malta’s National Action Plan \(2020 – 2024\)](#), Retrieved 3 October 2022.

8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

8.1. CRPD policy and legal developments & implementation of the European Accessibility Act

On 29 July 2022, the Maltese government published the Legal Notice 214 of 2022, entitled “Accessibility Measures (European Accessibility Act) Regulations”.¹⁶⁹ The scope of these regulations is to transpose the directives of the European Accessibility Act (2019/882) into Malta’s legal system, which will come into force on 28 June 2025. The regulations aim to establish accessibility requirements for a list of key products, synchronising them with other requirements across the EU. Individuals with disabilities will benefit from more accessible products and services and fewer barriers, particularly when accessing transport and education. These products and services are detailed in Article 3. They include, among others, computers and operating systems, ATMs, ticketing and check-in machines, smartphones, tablets, e-readers, audio-visual media services, banking, e-commerce, websites, and mobile apps related to transport. The Regulations further impose specific rules for manufacturers, importers, and service-providers in Parts III to V. The rest of the legal notice mentions how the market will be monitored as well as enforcement measures and penalties. The Regulations also contain six annexes that cover additional questions regarding the practical implementation of the Accessibility measures. Annex 1 details the general acceptability requirements for products and services mentioned under Article 3. For instance, Article 1 of Annex 4 includes designing products “in such a way as to maximise their foreseeable use by persons with disabilities” *and making information on the product’s accessibility and functioning more easily available*. In practice, this means that the information has to be “presented in fonts of adequate size and suitable shape”, and “made available via more than one sensory channel”.¹⁷⁰ Annex 2 indicates ideas of

¹⁶⁹ Malta, Minister for Inclusion, Voluntary Organisations, and Consumer Rights (2022), 214 of 2022 [Accessibility Measures \(European Accessibility Act\) Regulations](#), Government Gazette of Malta, No. 20,899, 29 July 2022.

¹⁷⁰ Malta, Minister for Inclusion, Voluntary Organisations, and Consumer Rights (2022), [Accessibility Measures \(European Accessibility Act\) Regulations](#), Annex 1 Art.1(a)(iv), Government Gazette of Malta, No. 20,899, 29 July 2022.

solutions to meet the accessibility requirements. There are various examples which include writing in Braille for blind persons and repeating a word in a clear and logical structure for people with intellectual disabilities. Annex 3 details the aspects that a service provider should follow to create an accessible area to people with disabilities. Annexes 4 and 5 address the technical documentations that producers and service providers need to make to describe how they follow the requirements explained under the Regulations. The last annex concerns the criteria used to assess if the regulations put a disproportionate burden on a producer or service provider.¹⁷¹

On 18 August 2022, the Ministry for Inclusion, Volunteering and Consumer Rights announced in a press release the signature of a Memorandum of Understanding (MoU) with the Malta Competition and Consumer Affairs Authority (MCCAA) as part of the process in the implementation of the European Directive on Accessibility.¹⁷² This agreement aims for the CRPD to assist the MCCAA in controlling the Maltese market regarding whether the products follow the norms imposed by the European Accessibility Act and the related Maltese legislation (Legal Notice 214 of 2022).¹⁷³ Among other tasks, the Commission for the Rights of Persons with Disabilities will dedicate time to improve the skills of people working in the Technical Regulation Division and strengthen their IT system.

The Minister for Finance and Employment disclosed several policy changes regarding the implementation of the CRPD in Malta. These are contained in the budget speech for 2023.¹⁷⁴ The Minister announced an increase in grants for parents who provide full-time care to their children with a disability and who are unable to work due to this reason. From 2023, their grant will increase from €500 to around €4,500 per year.¹⁷⁵ In addition, the Government will also allocate a tax credit of €200 every year for every disabled child.¹⁷⁶ In regard to the means test for social subsidies given to people with disabilities, the budget 2023

¹⁷¹ Malta, Minister for Inclusion, Voluntary Organisations, and Consumer Rights (2022), [Accessibility Measures \(European Accessibility Act\) Regulations](#), Government Gazette of Malta, No. 20,899, 29 July 2022.

¹⁷² Malta, Ministry for Inclusion, Volunteering, and Consumer Rights (2022), [PR220821: MoU signed between MCCAA and CRPD to make more products accessible to persons with disabilities](#) (PR220821: Iffirmat MoU bejn l-MCCAA u s-CRPD biex aktar prodotti jkunu accessibbli għal persuni b'dizabilità), press release (Maltese version only), 18 August 2022.

¹⁷³ Malta, Minister for Inclusion, Voluntary Organisations, and Consumer Rights (2022), 214 of 2022 [Accessibility Measures \(European Accessibility Act\) Regulations](#), Government Gazette of Malta, No. 20,899, 29 July 2022.

¹⁷⁴ Malta, Minister for Finance and Employment (2022), [Budget Speech 2023](#), 24 October 2022.

¹⁷⁵ Malta, Minister for Finance and Employment (2022), [Budget Speech 2023](#), p.31, 24 October 2022.

¹⁷⁶ Malta, Minister for Finance and Employment (2022), [Budget Speech 2023](#), p.31, 24 October 2022.

will not consider disability allowances. This policy change positively impacts the procedures of housing allocation for people with disabilities.¹⁷⁷

In regard to legal measures to welcome displaced persons with disabilities fleeing Ukraine, the Maltese government provided them with national social assistance services.¹⁷⁸ Under the EU's Temporary Protection Directive (2001/55/EC), activated on 4 March 2022, Temporary Protection holders can benefit from social and welfare assistance and medical care, among other entitlements.¹⁷⁹ In Malta, social assistance can be awarded to the head of a household if they are incapable of working due to medical reasons or due to having care and custody of children if separated from the other partner. Moreover, if a couple is entitled to an Age Pension and the spouse has a Severe Disability assistance, the age pension eligibility will be calculated without including this monetary assistance.¹⁸⁰ In May 2022, the Inspire Foundation launched a support service for Ukrainian children with disabilities.¹⁸¹ The NGO created an eight-week programme offering educational, therapeutic and leisure services. For instance, disabled children could attend a weekly multi-sensory room session followed by hydrotherapy and swimming lessons.¹⁸² To access the services, disabled International Protection holders were provided with an online form.¹⁸³

On the new initiatives introduced to implement the CRPD, the signature of the "Letter of Understanding" officially led to the launch of the "EU-Arab Cooperation Forum on the Rights of Persons with Disabilities" in January 2022.¹⁸⁴ The Letter was signed by the United Nations Economic and Social Commission for Western Asia (ESCWA), the Ministry for Inclusion, Social Wellbeing and Voluntary Organisation (MIWV) of the Republic of Malta, and the UN Special Rapporteur on the Rights of Persons with Disabilities. This agreement aims to foster collaborative efforts in both regions to exchange policy initiatives, technical inventions, and research findings concerning the rights of persons with disabilities. This legal initiative works towards creating

¹⁷⁷ Malta, Minister for Finance and Employment (2022), [Budget Speech 2023](#), p.38, 24 October 2022.

¹⁷⁸ Malta, International Protection Agency (2022), [Temporary Protection Directive \(2001/55/EC\) - Ukrainian Nationals](#), 4 March 2022; Malta, Social Security (2022), [Social Security Benefits Eligibility for Ukrainian nationals holders of Temporary Protection in Malta](#), 12 April 2022.

¹⁷⁹ European Commission, [Migration and Home Affairs Temporary Protection](#), 3 October 2022.

¹⁸⁰ Malta, Servizz.gov (2022), [Social Assistance](#), 3 October 2022.

¹⁸¹ Inspire Malta, 'Free support for Ukrainian refugee children with disabilities', 12 April 2022.

¹⁸² Inspire Foundation, [Multi-Sensory Therapy](#), 30 November 2022.

¹⁸³ Information Request, Inspire Foundation, 01 August 2022; Inspire Foundation, 'Helping Ukrainian Children with disabilities - form', 12 April 2022.

¹⁸⁴ Malta, the Ministry for Inclusion, Voluntary Organisation, and Consumer Rights (2022), [EU-Arab: A new initiative to strengthen cooperation between AraSR77 Charter and EU countries on disability rights](#), press release, 3 October 2022.

the tools needed to implement the CRPD. For instance, the first initiative of the Forum concerns the creation of an 'Arab-EU research network on Disability'.¹⁸⁵

The Malta National Reform Programme, published in April 2022 by the Ministry for Finance and Employment, contains policies aimed at improving facilities and services for persons with disabilities.¹⁸⁶ In regard to children with disabilities, the programme focuses mainly on providing new financial benefits. One of the primary measures consisted in increasing the allowances for children with disabilities by €5 per week. Furthermore, parents quitting work to care for a disabled child over 16 years old received a €300 grant.¹⁸⁷ Similarly, parents who cannot work to take care of a severely disabled person saw their allowance increase from €300 to €500.¹⁸⁸

On 5 August 2022, the Ministry for Inclusion, Volunteering, and Consumer Rights announced in a press release the launch of a policy to make participation in cultural life more accessible to persons with disabilities.¹⁸⁹ The initiative is similar to the one implemented in the previous year, but with increased funding: the scheme has €100,000 allocated funds. The policy supports music societies in carrying out projects that can improve the participation of people with disabilities. It also promotes the inclusivity of traditional festivals in the Maltese and Gozitan villages.¹⁹⁰

On 10 August 2022, the Commission for the Rights of Persons with Disability launched a new project: it partnered with the NGO Prisms Malta to advocate for independence for children with a disability.¹⁹¹ The initiative seeks to provide a holistic and personalised set of skills and guidelines for people with intellectual disabilities to transition into independence. This project has multiple steps, with the first starting in May 2022, ultimately leading to a policy recommendation based on the project's

¹⁸⁵ United Nation Economic and Social Commission for Western Asia (2022), [Launch of the EU-Arab Cooperation Forum on the Rights of Persons with Disabilities](#), 24 January 2022.

¹⁸⁶ Malta, Ministry for Finance and Employment (2022), [The National Reform Programme](#), April 2022.

¹⁸⁷ Malta, Ministry for Finance and Employment (2022), [The National Reform Programme](#), p.31, April 2022

¹⁸⁸ Malta, Ministry for Finance and Employment (2022), National Reform Programmes [Annex Table 4](#) Reporting on SDGs: Description of Main Forward Looking Measures and their Estimated impact, p. 3, April 2022.

¹⁸⁹ Malta, Ministry for Inclusion, Volunteering, and Consumer Rights (2022), PR220786: Launch of the second scheme to make musical societies more inclusive (PR220786: Tnedija tat-tieni skema sabiex is-soċjetajiet mużikali jsiru aktar inklussivi), press release (Maltese version only), 5 August 2022.

¹⁹⁰ United Nations, [Convention on the Rights of Persons with Disabilities \(CRPD\)](#), 6 May 2022.

¹⁹¹ Commission for the Rights of Persons with Disabilities (2022), [Aid in the transition towards independence for young persons with intellectual disabilities, by creating a personalised independent living program](#), 10 August 2022.

research and results. Similarly, on 1 September 2022, the Ministry for Inclusion, Volunteering and Consumer Rights revealed the collaboration with the NGO Embrace Diversity. The partnership also consists of training for disabled children to become more independent.¹⁹² The initiative includes a daytime programme teaching children with disabilities about communication and providing them with tools to live more independently. The government invested €624,100 for three years, from 1 July 2022 until 30 June 2025. The programme is open to a maximum of fifty participants per week.

In 2021, the Maltese Government signed the Memorandum of Understanding, expressing the will to create an inclusive Malta Special Olympics by investing funds and resources.¹⁹³ Between 13 May and 18 May 2022, Malta hosted the competition, gathering 450 European and international athletes with or without intellectual disabilities to promote social inclusion.¹⁹⁴ The event provided each athlete with the most appropriate activity for their skill level and disability and raised awareness on the difficulties of disabled persons in the educational system.

8.2. CRPD monitoring at national level

On 22 July 2022, the Maltese government published Legal Notice 210 of 2022 entitled “ENGAGE Regulations”.¹⁹⁵ The regulation aims to establish a civil society participation mechanism within the Directorate for Disability Issues (DDI). The DDI has been established under Article 5 of the United Nations Convention on the Rights of Persons with Disabilities Act, which interprets the meaning of “disability” as enshrined in Article 1 of the Convention.¹⁹⁶ This Directorate has multiple roles: reporting to the

¹⁹² Malta, Ministry for Inclusion, Volunteering, and Consumer Rights (2022), [PR220929: Investment of €624,100 in agreement between Aġenzija Support and NGO Embrace](#) (PR220929: Investiment ta' €624,100 fi ftehim bejn l-Aġenzija Support u l-NGO Embrace), press release (Maltese version only), 1 September 2022.

¹⁹³ Special Olympics, [Full Steam Ahead for Special Olympics Invitational Games Malta 2022](#), 13 September 2022.

¹⁹⁴ Special Olympics, [Malta to Host First International Special Olympics Event in Europe Since Pandemic](#), May 2022.

¹⁹⁵ Malta, Ministry for Inclusion, Volunteering, and Consumer Rights (2022), [Engage Regulations - 2022](#), Government Gazette of Malta No. 20, 895, 22 July 2022.

¹⁹⁶ Malta, Leġiżlazzjoni Malta (Maltese Legislation) (2022), Art.5 of the [United Nations Convention on the Rights of Persons with Disabilities Act](#), 17 August 2021.

Permanent Secretary of the Ministry in charge of disability and being the national focal point for matters relating to the implementation of the Convention (within the meaning of Article 33 of the CRPD), among other tasks.¹⁹⁷ According to Article 6 of the same Act, the Minister shall set up ENGAGE, a participation mechanism within DDI. The Engage Regulations allow for the implementation of Article 6, and explain all the technicalities behind this new participation mechanism.¹⁹⁸ One interesting point to highlight is that, under Article 3 (a) of these Regulations, the “Chairperson of ENGAGE shall be a person with disability with a proven record of activism”.¹⁹⁹ Similarly, out of the twelve members of ENGAGE, four of them should be disabled persons representing themselves, or a voluntary organisation working in the sector.²⁰⁰ It is also stated that one of the members must be a parent of a child with a disability.²⁰¹ The ENGAGE Regulations are a positive development that specify the functioning and composition of a new civil society participation mechanism in line with Article 33(3) of the UNCRPD.²⁰²

The University of Malta contributes to equity, diversity, and inclusion by enacting internal policies and collaborating with the government in the field of research. For instance, the Senate of the University of Malta approved a new strategy plan entitled “Action plan for equity, diversity, and inclusion at UM 2022-2025” on 17 February 2022.²⁰³ The goal of this plan is to reduce any structural, cultural, and situational barriers that students may face, to accommodate everyone, including people with disabilities. The plan introduces a key development to the monitoring framework currently in place at the University, as it will set up an Equity Committee (EQC) and an Office for Equity (EQO). The Equity Committee will establish a detailed strategy to implement the Action Plan through an intersectional scope, discuss with various university stakeholders, and establish targets and strict timeframes. The Committee further features the chairs of the Access Disability Support Committee, yet it is not

¹⁹⁷ Malta, Leġislazzjoni Malta (Maltese Legislation) (2022), Art.5 of the [United Nations Convention on the Rights of Persons with Disabilities Act](#), 17 August 2021.

¹⁹⁸ Malta, Ministry for Inclusion, Volunteering, and Consumer Rights (2022), Art.6 of the [Engage Regulations - 2022](#), Government Gazette of Malta No. 20, 895, 22 July 2022.

¹⁹⁹ Malta, Ministry for Inclusion, Volunteering, and Consumer Rights (2022), Art.3(a) of the [Engage Regulations - 2022](#), Government Gazette of Malta No. 20, 895, 22 July 2022.

²⁰⁰ Malta, Ministry for Inclusion, Volunteering, and Consumer Rights (2022), Art.3(c)(i) of the [Engage Regulations - 2022](#), Government Gazette of Malta No. 20, 895, 22 July 2022

²⁰¹ Malta, Ministry for Inclusion, Volunteering, and Consumer Rights (2022), Art.3(c)(iii) [Engage Regulations - 2022](#), Government Gazette of Malta No. 20, 895, 22 July 2022.

²⁰² United Nations, Department of Economics and Social Affairs - Disability, [Article 33 National implementation and monitoring](#), 11 October 2022.

²⁰³ University of Malta (2022), [Action plan for equity, diversity and inclusion at UM 2022-2025](#), January 2022.

specified if people with disabilities will be included among its members.²⁰⁴ The Office for Equity is the executive cell of the Equity Committee. It oversees the implementation of the plan inside the University, it monitors and evaluates the progress regarding policy development by collecting data (on-site audits, etc). Therefore, the Equity Committee and Office for Equity allow for the creation of a framework that monitors the implementation of the CRPD by the University.

In March 2022, the Faculty of Social Wellbeing released a report commissioned by the Commission for the Rights for Persons with Disability, on "Intersectionality and Persons with Disability".²⁰⁵ This project aims to provide a better insight into how the experience of two minority identities, disability and LGBTIQ, can create double discrimination. The report is based on a qualitative study, which collected data through fourteen semi-structured interviews with five persons with disability who identify as LGBTIQ, five NGOs, three independent professionals and a service provider. Based on the findings, the report issues recommendations under six themes: disability, service, education, support, socialising, accessibility, visibility, and future research. For instance, a solution related to visibility is to ensure the involvement of persons with disability and who identify as LGBTIQ in decision-making. This means that persons with disabilities who identify as LGBTIQ should be represented in institutions that take decisions regarding policies and national laws on disability and LGBTIQ issues. The report further pinpoints that the National Autism Strategy 2021-2030 lacks measures related to LGBTIQ individuals with autism.²⁰⁶

The European Association of Service providers for Persons with Disabilities (EASPD), in collaboration with Aġenzija Sapport, has planned to put in place another initiative to strengthen the existing governmental monitoring framework. They co-hosted a conference on 13 and 14 October 2022 to discuss and improve the quality of assessment processes for the services proposed to persons with disabilities.²⁰⁷ EASPD explained that while legislations generally define service quality assessment, they do not specify the methodologies or indicators, what is meant by "quality", or how to measure it efficiently. The conference aimed to address these issues by inspiring support services to implement modern quality measurement models aligned with the UN CRPD principles. For instance, one of the activities in the conference was a training on the use of the mobile application

²⁰⁴ University of Malta, [Access Disability Support Committee](#), 3 October 2022.

²⁰⁵ University of Malta (2022), [Intersectionality and Persons with Disability Commissioned by the Commission for the Rights for Persons with Disability](#), March 2022.

²⁰⁶ Malta, Commission for the Rights of Persons with disabilities (2022), [Intersecting Identities: Disability and Sexuality](#), p.63, 7 September 2022.

²⁰⁷ Visit Malta (2022), [Quality of Life & Support Services: From Words to Action](#), 14 October 2022.

“Smart4Health”, which has been designed to help with digital accessibility.²⁰⁸ It is also important to note that persons with disabilities will be present at the conference to bring their points of view to the debate and identify the next steps.

²⁰⁸ Quality of Life & Support Services, Programme, 18 November 2022.

Annex 1 – Promising Practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
Title (original language)	TRANSFORM: Raising standards of healthcare service provision for LGBTIQ people
Title (EN)	TRANSFORM: Raising standards of healthcare service provision for LGBTIQ people
Organisation (original language)	The Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIGESC) Unit at HRD
Organisation (EN)	The Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIGESC) Unit at HRD
Government / Civil society	Ministry for Equality, Research and Innovation (MFER)
Funding body	80% co-funded by the REC Programme 2014-2020 of the EU and 20% through National Funds
Reference (incl. URL, where available)	Malta, Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics Unit (SOGIGESC) (2022), About the Project, accessed 11 October 2022. (https://humanrights.gov.mt/en/Pages/LGBTIQ%20Equality/Transform%20Project/About-the-Project.aspx)
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	From November 2019 to February 2022
Type of initiative	Educational trainings and campaigns
Main target group	Health care professionals

Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Health practitioners often exclude LGBTIQ+ people due to heteronormative and cisnormative assumptions. Misgendering and pathologising language can prevent trans and intersex people from seeking healthcare. The TRANSFORM project addresses these issues by raising the awareness and capacity of health practitioners to meet the specific needs of LGBTIQ+ people, with a focus on transgender individuals. It ultimately aims at ensuring that LGBTIQ+ persons can enjoy equal and non-discriminatory healthcare. For this purpose, the project conducted multiple training sessions and awareness-raising campaigns, complemented by a website where practitioners can find information on transgender patient healthcare. Additionally, the project provided resources to signpost services as LGBTIQ+ inclusive. The TRANSFORM initiative also informed LGBTIQ+ patients of their rights, specific health risks, and health services.
Highlight any element of the actions that is transferable (max. 500 chars)	Training sessions, awareness-raising campaigns, and a website about trans health are easily transferable to other contexts, with necessary adjustments to local contexts. The TRANSFORM project itself used and adapted training resources developed through the Health4LGBTI pilot project of the European Parliament.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Practitioners can apply newfound information and skills throughout their working life and transfer their knowledge to colleagues. Moreover, the website about trans persons' specific health needs remains accessible to healthcare professionals even after the project has ended.
Give reasons why you consider the practice as having concrete measurable impact	The impact of the practice can be estimated by looking at the following impressions (number of times users saw content related to the project on different social media platforms): 960,595 on Facebook, 261,897 on Twitter, 229,313 on LinkedIn, and 133,829 on Grindr.
Give reasons why you consider the practice as transferable to	The initiative deals with issues encountered in all European Member States. Since the project was a collaborative effort between multiple actors, it was not bound to the practices and protocols of a particular organisation, and it is, therefore, transferable to other settings. Furthermore, information on the project is

other settings and/or Member States?	available in English, making the practice easily transferable to other Member States by minimising the problem of language barriers.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The project promoted interaction between beneficiaries and stakeholders. Beneficiaries expressed experiences of discrimination towards the LGBTIQ+ community within the healthcare system and provided concrete suggestions to overcome these issues. The final conference brought together international stakeholders and created a network of knowledge. Its goal is to spread information about Transgender and LGBTIQ inclusive health care provisions and eventually lead to the application of the TRANSFORM training and practices in different countries.
Explain, if applicable, how the practice provides for review and assessment.	An evaluation form was filled by the participants after each training session.

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.
Title (original language)	The FSW-AFM partnership for social inclusion programme
Title (EN)	The FSW-AFM partnership for social inclusion programme
Organisation (original language)	Armed Forces of Malta (AFM) and Faculty for Social Wellbeing (FSW)
Organisation (EN)	Armed Forces of Malta (AFM) and Faculty for Social Wellbeing (FSW)

Government / Civil society	Government of Malta
Funding body	Government of Malta
Reference (incl. URL, where available)	Malta, Armed Forces of Malta - Faculty for Social Wellbeing Partnership for Social Inclusion (2022), Evaluation Report, April-June 2022. (https://www.um.edu.mt/library/oar/bitstream/123456789/100335/1/31%20FSW-AFM%20Evaluation%20Report_web.pdf)
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	From April 2022 to June 2022
Type of initiative	Psycho-educational training
Main target group	Armed Forces Malta personnel
Indicate level of implementation: Local/Regional/National	National level
Brief description (max. 1000 chars)	The programme aimed to create a non-judgmental space for personnel of the Armed Force of Malta to learn and reflect on the damaging effects of hate speech, incitement to hatred, and violence based on race, culture, or religion. It consisted of nine meetings for AFM First Responders and other participants, two specific sessions for Officers, and a session for trainers. The meetings combined discussion-led lectures delivered by experts with workshop-style reflective activities. During these sessions, the trainers used case studies and experiences of AFM personnel to inspire dialogue, together with up-to-date material regarding the local situation (newspaper articles, examples from social media, etc.). Participants were thus able to share their needs and concerns while simultaneously learning about concepts and practices that can promote growth in the area of social inclusion.

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The programme brought together scholars and army personnel to foster an exchange of knowledge on migration, radicalisation, and integration. It is, therefore, possible to replicate this approach in other situations where academia and professionals wish to collaborate. The content and methodology of the training sessions are easily transferable to different national and regional contexts and the professional situation of participants.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>During the programme, participants gained new skills and knowledge they can apply to their everyday jobs.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Participants answered a feedback questionnaire providing insight into how the programme impacted their opinions and feelings. 70,7% of respondents claimed they changed their perceptions on most topics covered in the training sessions. 52.2% of respondents said the sessions provided helpful content to apply in their work with the AFM.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Many Member States face similar challenges and issues targeted in the project. Organising a collaboration between the National Army and a University might be more challenging in some Member States, but the idea is worth exploring. Furthermore, the tools developed for this project can be adapted and reused in other settings.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and</p>	<p>Participants were involved in the project design, evaluation, and review. Their needs and interests led the discussions during training sessions, and they answered a feedback questionnaire after the last workshop. A list of recommendations based on their suggestions is included in the final evaluation report of the programme.</p>

implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	Participants were asked about the content and execution of the programme through feedback forms, which were distributed physically and online. The results of the questionnaire are summarised in the evaluation report.

Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion.
Title (original language)	No promising practice has been identified for this thematic area.

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to the topics addressed in the chapter, i.e., in relation to data protection, and/or artificial intelligence systems.
Title (original language)	Malta: The Ultimate AI Launchpad - AI in Education
Title (EN)	Malta: The Ultimate AI Launchpad - AI in Education
Organisation (original language)	Ministry for Education and Employment (MEDE)
Organisation (EN)	Ministry for Education and Employment (MEDE)
Government / Civil society	Parliamentary Secretariat for Financial Services, Digital Economy and Innovation - Office of the Prime Minister
Funding body	Government of Malta

Reference (incl. URL, where available)	Malta, Malta.AI Taskforce (2019), The Ultimate AI Launchpad, October 2019. (https://malta.ai/wp-content/uploads/2019/11/Malta_The_Ultimate_AI_Launchpad_vFinal.pdf)
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	October 2019 - 2022
Type of initiative	Educational reform
Main target group	Children, adult students and parents of child learners
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The proposed project seeks to reduce the gaps in educational outcomes between boys and girls, increase literacy, and science and technology proficiency. Furthermore, the initiative intends to support children from disadvantaged backgrounds and prevent early school leavers. The initiative develops in two parts: The first part of the initiative consists of a pilot project to develop an adaptive learning system that is assisted by Artificial Intelligence (AI). The objective of this initial phase is to aid students in strengthening their education outcomes through tailored strategies. This will further help teachers to better assist students according to their needs. The project was tested with 50 educators and 1,000 students across primary and secondary education in Malta.</p> <p>The second part of the project is an experimental trial aiming to build a data set powered by AI. The main purpose of this pilot study is to manage actions embedded in the education system. The initiative is centred around analysing the factors that drive students to leave school early. This feature can have a direct impact on the actions taken by educators to prevent early school dropout.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	The second part of the project concerning the identification of early school-leavers is a measure that applies to all education systems. This approach can help researchers identify trends that explain dropout rates among primary and secondary schools in different countries.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>This practice is sustainable because it uses developing technology to improve the education system. It involves different parties working together toward a common goal, which makes the project more likely to last. Given that it leaves stakeholders room to raise concerns, it is an attainable project.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The impact of the practice can be measured at the end of the school terms as it is reflected in the grades of the students and dropout rates.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>This project's layout is transferrable since the underlying concept can be applied to education systems based in other countries. The goals of reducing gaps between boys and girls in the educational system are widely shared, as are achieving literacy and decreasing the number of low achievers.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The Ministry for Education and Employment ensures student and parent engagement in the development, testing and deployment processes. Stakeholders can thus appreciate the benefits and the experimental nature of the project, while being able to raise their concerns.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The initiative is a pilot project, therefore it is closely monitored and it seeks results from its first implementation. After the completion of the project, an assessment can be performed based on results and feedback provided by the different stakeholders.</p>

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).
Title (original language)	Home-Based Therapeutic Services (HBTS) - Malta
Title (EN)	Home-Based Therapeutic Services (HBTS) - Malta
Organisation (original language)	Agency for Community and Therapeutic Services (ACTS)
Organisation (EN)	Agency for Community and Therapeutic Services (ACTS)
Government / Civil society	Ministry for Social Justice and Solidarity, The Family and Children's Rights
Funding body	The European Commission
Reference (incl. URL, where available)	Foundation for Social Welfare Services (2022), Agency for Community and Therapeutic Services. Accessed 2 November 2022. (https://fsws.gov.mt/en/acts/Pages/overview.aspx) European Commission (2022), Home-based service helps families in need to stay together. Accessed 2 November 2022. (https://ec.europa.eu/european-social-fund-plus/en/projects/malta-families-stay-together)
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	From 2017 to 2021
Type of initiative	Family support services
Main target group	Families experiencing issues related to violence, poverty, abuse, physical and mental illness, and concerns in relation to child abuse and neglect

Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The Home-Based Therapeutic Services (HBTS) encompass teams composed of professionals from multi-disciplinary backgrounds in the social and therapeutic fields. The project adopts the 'family preservation' model, which focuses on helping children to remain with their families, rather than being placed elsewhere. The services are person-centred and follow the goal of providing effective support to families and strengthening the family context. Given that families with complex needs do not often engage with office-based services, the therapists hold sessions within the family home, while also offering services at community centres. The team of therapists works closely with a parenting team under the HBTS initiative. The latter also organises parenting programs for families and groups.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	<p>Given the nature of the services, the needs of the families can be easily identified in order to allocate adequate support. Moreover, the parenting services do not require a specific resource centre, but they can rather take place in residential homes and community services willing to enforce the initiative. The 'family preservation model' used by the practice addresses risks to children directly, focusing on enhancing the family context instead of opting for their relocation, which is a transferable element due to its benefits to the community.</p>
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	<p>The implementation of this practice is inexpensive, and it is centred around providing tailored assistance to families who would otherwise not be able to benefit from in-office services. This increases the likelihood of vulnerable families engaging with the service. The strengthening of family dynamics is an approach that seeks to find long-term, durable and sustainable solutions to achieve stability..</p>
Give reasons why you consider the practice as having concrete measurable impact	<p>The service is effective in preserving family unity, as evidenced by the fact that Care Orders issued in Malta have decreased since the launch of the initiative. Users of the service have shown enthusiasm about the project and how it implements change.</p>
Give reasons why you consider the practice as transferable to other settings	<p>The project is based on care conducted with limited resources. This is an easily transferable feature given that it doesn't require a significant investment. The implementation of the initiative takes place through a transfer of knowledge which implies that other European Member States will not have to commit to the expenses of extensive training.</p>

and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	<p>HBTS uses outcome measures to assess improvements in family functioning over time. The clients were administered a specific score throughout the length of the therapy process. Furthermore, the families, HBTS professionals and referring services underwent progress interviews during the development of the project. This was a positive aspect of the process, evidenced by the interviewees reports of feeling supported and carefully advised throughout.</p> <p>In addition, the multidisciplinary approach of the practice creates a favourable environment for families and key actors to engage with. This approach ensures consistency in the outcomes, since a professional team can produce care plans that are tailored to the needs of the family.</p>
Explain, if applicable, how the practice provides for review and assessment.	<p>Due to the on-going clinical support and training provided to the home-based therapist and family, continuous review and assessment of the direct impacts of the tailored services can be addressed and monitored. Working closely with the family allows for constant evaluation based on the progress.</p>

Thematic area	ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women.
Title (original language)	(Un)silenced
Title (EN)	(Un)silenced
Organisation (original language)	SOAR unit of the Saint Jeanne Antide Foundation
Organisation (EN)	SOAR unit of the Saint Jeanne Antide Foundation
Government / Civil society	NGO

Funding body	APS Bank
Reference (incl. URL, where available)	Saint Jeanne Antide Foundation (2022), Events, Accessed 11 October 2022 (https://www.antidemalta.org/events.html)
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	12 May 2022 - 4 July 2022
Type of initiative	Art exhibition
Main target group	Victims of domestic violence and general public
Indicate level of implementation: Local/Regional/National	Local level of implementation (city of Birkirkara)
Brief description (max. 1000 chars)	The SOAR unit created a public exhibition named "(Un)silenced" to display art and poems around the theme of domestic violence and the resilience of victims. The goal of the project is to raise awareness among the general public on the severe impact of domestic violence, and to help victims by representing their struggles and inspiring liberation. The exhibition also aims to give survivors of domestic abuse a medium to express their feelings. It can function as a therapeutic tool and help them in their recovery process.
Highlight any element of the actions that is transferable (max. 500 chars)	The exhibition can easily be replicated in other countries, as the paintings can be transferred or re-created and all poems are translated in English. The idea to create an exhibition which allows victims to share their feelings and visitors to learn is a transferable element, which can also be applied to other social issues and challenges.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The exhibition can be classified as a 'one off activity' because it only lasted one month. However, it allowed the artists to be heard and to progress on their path of recovery and raised awareness among the general public, thus creating a long-term impact.

<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The practice does not have concrete measurable impact. No information could be found on the number of people who visited the exhibition.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The issue of domestic violence is present in all Member States and the idea of using an artistic initiative to raise awareness on this problem is transferable. Adjustments to a different cultural context can be easily implemented.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The artists participated in the design, planning, and implementation of the exhibition. As the artists themselves are survivors of domestic abuse, the practice has involved stakeholders during most of the process.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>No information found.</p>

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.
Title (original language)	INK Project
Title (EN)	INK Project
Organisation (original language)	Aġenzija Sapport (Department of Administration and Projects of the EU), in collaboration with a local partner, the Commission for the Rights of Persons with Disability, and an international partner, the Irish organisation KARE.
Organisation (EN)	Support Agency
Government / Civil society	Division of the Foundation for Social Welfare Services, a governmental entity.
Funding body	Co-financed with the Ministry for Finance and Employment and EU funds (under the European Social Funds 2014-2020)
Reference (incl. URL, where available)	Malta, Ministry for Inclusion, Volunteering, and Consumer Rights (2022), PR220817: 220 persons with disabilities benefit from INK project with investment of €2.1 million (PR220817: 220 persuna b'dizabilità jibbenefikaw mill-proġett INK b'investiment ta' €2.1 miljun) press release (Maltese version only), 5 August 2022. (https://inclusion.gov.mt/220-persuna-bdizabilita-jibbenefikaw-mill-progett-ink-binvestment-ta-e2-1-miljun-maltese-version-only/?lang=en) Times of Malta (2022), INK-reasing workability, 4 July 2019. (https://timesofmalta.com/articles/view/ink-reasing-workability.719050) Aġenzija Sapport (2022), Facebook page for the INK Project, accessed 11 October 2022. (https://www.facebook.com/INKprojectmalta/)

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2018 - August 2022
Type of initiative	(Paid) vocational training offered to people with disabilities
Main target group	People with disabilities
Indicate level of implementation: Local/Regional/National	National level
Brief description (max. 1000 chars)	The INK project provides support to people with disabilities by facilitating access to the Maltese job market and promoting inclusion. Through paid training, this people-centred initiative provides those with disabilities the opportunity to gain valuable work experience. The programme is part-time over 32 weeks and consists of theoretical classes, practical lessons, and transport training, followed by job placement with additional allowance. Furthermore, the project seeks to foster deeper understanding around disability needs. It includes free training for employers and front-line professionals in the field, as well as two discussion-based sessions, lasting three hours each, for parents and guardians of people with disabilities. These sessions are hosted by INK trainers and allow parents and guardians to share their concerns, as well as receive information on existing support services. Additionally, any sector supportive of the initiative will be provided with the tools to create an inclusive work environment.
Highlight any element of the actions that is transferable (max. 500 chars)	The initiative allows parents and/or guardians to share and discuss the difficulties they are facing when their children are attempting to enter the job market. This is a transferable element of the initiative, since a peer-to-peer approach can be used in different contexts and it can be valuable for multiple actors.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The practice is sustainable because it consists of several steps with a larger scope. The goal of the initiative is to achieve retention, which occurs when both the employer and the person with a disability have their needs matched. A lasting relationship is created, impacting the lives of the participants beyond the physical scenario where the project takes place. The practice also creates an educational framework for people around persons with disabilities (i.e. parents and/or guardians, professionals, and employers) which provides information with a durable impact.

<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>According to the Ministry for Inclusion, the initiative benefited 220 persons with disabilities, and 114 participants were able to complete a job placement. Moreover, during the five years of the implementation of the practice, the number of people with disabilities in the working sphere increased by 25%. Therefore, demonstrating the positive influence of the project.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The practice addresses the issue of disability and employment, a challenge shared across all EU Member States. The free training sessions for parents and/or guardians of people with disabilities can be easily transferable to other countries. The project collaborates with the international partner KARE, a leading disability support organisation in Ireland. It can therefore be reproduced by creating similar partnerships between KARE and local organisations in different EU Member States. The sessions for parents and/or guardians are based on the direct concerns of participants. This means that the initiative can be easily adapted to the local context and the experiences of the parents and/or guardians in the same.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The project was designed by Aġenzija Sapport based on past experiences working alongside people with disabilities. Through advocacy and expertise, the organisation aims to provide personalised support while enhancing the quality of life for those with disabilities. The beneficiaries of the project are those with disabilities, their parents and/or guardians, employers and front-line professionals and were not directly involved in the planning nor evaluation of the project. Only two stakeholders were consulted prior to the project initiation. One of them, Jobs Plus, was invited to discuss the project's aim with Aġenzija Sapport to improve efficiency as much as possible. Aġenzija Sapport valued their collaboration and the current leader confirmed that they receive regular feedback from Jobs Plus. The Commission for the Rights of Persons with Disability (CRPD) was a passive stakeholder and agreed with the execution of the project upon receiving information.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The project organisers were required to submit various reports during the implementation of the initiative. They will further submit a final closure report assessing the project for January 2023.</p>

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	29 September 2022
Reference details	Times of Malta (2022), Fr David Muscat to be charged in court with hate speech, 7 January 2022. Lovin Malta (2022), ' Justice Prevailed: Fr David Muscat Acquitted Of All Charges After Comparing Demon Possession To Being Gay ', 29 September 2022. The Malta Independent (2022), Fr David Muscat not guilty of hate speech, 29 September 2022. The sentence has not yet been published on eCourts.gov.mt
Key facts of the case (max. 500 chars)	
Main reasoning/argumentation (max. 500 chars)	
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The defendant was found not guilty of all crimes in September 2022.
Key quotation in original language and translated into English with reference details (max. 500 chars)	N/A

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
Decision date	1 May 2022
Reference details	Malta, Court of Criminal Appeal, 108/2022, The Police-vs Johan Grech , 26 May 2022.
Key facts of the case (max. 500 chars)	The appellant, a 41-year-old man, posted a discriminatory comment on Facebook against Community Officials (wardens). The Court charged the defendant with propagating hate speech against Community Officials under 82A of Chapter 9 of the Laws of Malta and sentenced him to a 1-year imprisonment. The defence claimed the punishment was too severe for the offence committed and asked for a lenient sentence.
Main reasoning/argumentation (max. 500 chars)	The Court of Criminal Appeal examined whether the defendant showed discrimination and hatred towards the Community Officials within the meaning of Article 82A of Chapter 9 of the Laws of Malta. The Article sanctions "Whosoever uses any threatening, abusive or insulting words or behaviour, or displays any written or printed material (...) against another person or group on the grounds of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or political or other opinion". The defence argued that the comments on Facebook made by the appellant do not constitute hate speech since they did not refer to a person or a group described in Article 82A. On the other hand, the Court affirmed that, despite the appellant not using threatening words, the comments were unfounded and not deserved, as directed to a group of workers employed to protect citizens. Furthermore, the appellant is not a "First-offender" as he had previously threatened and injured a Community Official, confirming his aversion to that specific group of people. Based on these considerations, the Court upheld the sentence, claiming it "falls within the parameters of the law in a 'safe and satisfactory manner'".
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The case assesses whether the use of language was discriminatory towards an individual or a group of persons, possibly leading to stricter sanctions.

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The Court of Criminal Appeal confirmed the decision of the Court of Magistrates, which saw the appellant convicted to a 1-year imprisonment sentence suspended for three years through the mechanism of Article 28 A of Chapter 9 of the Laws of Malta.</p>
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>“Nhar is-7 ta’ Frar, 2020 u/jew fil-granet ta' qabel f'dawn il-gzejjer 1. Uzajt kliem jew imgieba ta' theddid, abbuziv jew insolenti, jew esibixxejt xi materjal miktub jew stampat li kien ta' theddid, abbuziv jew insolenti, jew xort'ohra gibt ruhek b'dak il-mod, bil-hsieb li b'hekk tqajjem mibgheda jew vjolenza razzjali jew religjuza kontra xi persuna ohra jew grupp ta' persuni (i.e. Ufficjali tal-Kommunita) fuq bazi ta' generu, identita talgeneru, orjentazzjoni sesswali, razza, kulur, lingwa, origini etnika, religjon jew twemmin jew opinjoni politika, jew opinjoni ohra jew b'hekk hloqt il probabbilta` li, meta wiehed iqis ic-cirkostanzi kollha, titqajjem vjolenza jew mibgheda razzjali jew religjuza. Rat is-sentenza tal-Qorti tal-Magistrati (Malta) bhala Qorti ta’ Gudikatura Kriminali, ta’ nhar l-1 ta’ Marzu, 2022, fejn il-Qorti wara li rat Artikolu 7, 8 u 82 A tal-Kapitolu 9 tal-Ligijiet ta' Malta sabet lill-imputat hati u kkundannatu ghal sena (1) prigunerija li bis-sahha ta' l-Artikolu 28 A tal-Kapitolu 9 tal-Ligijiet ta’ Malta gew sospizi ghal 3 snin millum.”</p> <p>“On February 7, 2020 and/or on the preceding day in these islands 1. You used threatening, abusive or insolent words or behaviour, or exhibited any written or printed material that was threatening, abusive or insolent, or otherwise behaved in such a way, with the intention of thus inciting racial or religious hatred or violence against any other person or group of persons (i.e. Community Officials) on the basis of gender, gender identity, sexual orientation, race, colour, language, ethnic origin, religion or belief or a political opinion, or another opinion or thus created the probability that, when one considers all the circumstances, violence or racial or religious hatred will be raised. It saw the sentence of the Magistrates' Court (Malta) as a Court of Criminal Judicature, of March 1, 2022, where the Court after seeing Article 7, 8 and 82 A of Chapter 9 of the Laws of Malta found the defendant guilty and sentenced him to one year (1) imprisonment which by virtue of Article 28 A of Chapter 9 of the Laws of Malta was suspended for 3 years today.”</p>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	No caselaw has been identified for this thematic area.

Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).
Decision date	No caselaw has been identified for this thematic area.

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter (i.e. data protection, and/or artificial intelligence systems).
Decision date	29 April 2022
Reference details	Malta, Civil Court (Prim'awala) (2022), Hon. judge Dr. Miriam Hayman Il.d. (829/2021 MH), Decision , 29 April 2022.
Key facts of the case (max. 500 chars)	A Court of Criminal Inquiry requested a buccal swab from a witness of a crime in order to perform a DNA test.

	<p>The Applicant, however, did not consent to the procedure, claiming it was in violation of the right to private and family life guaranteed by Article 8 of the European Convention on Human Rights. The matter was thus deferred to the First Hall of the Civil Court.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The Civil Court acknowledges that according to Maltese legislation the Investigative Court is endowed with ample and wide powers to collect and compile evidence, including samples. However, citing previous judgements of the European Court of Human Rights, the Civil Court states that a buccal swab does constitute an interference with the right to privacy, because it is a compulsory medical intervention which encroaches on a persons' physical integrity. In order for this interference to not be considered a breach of Article 8 of the Convention, it must be justified as being in accordance with the law, pursuing a legitimate aim and being necessary in a democratic society to achieve the concerned aim.</p> <p>The Court establishes that the buccal swab is ordered pursuant to Article 397 of the Criminal Code, and is therefore in accordance with the law. It is also seeking a legitimate aim, namely the protection of society by the prevention of crime. As to whether the measure can be deemed necessary in a democratic society, the Court has to assess if there is a fair balance between the general interest of the community and the protection of the individual's right to private life. The Court notes that the taking of a saliva sample is a harmless procedure, and in this case it is necessary in the context of an investigation of rape, a serious crime. The Court thus finds that the principle of proportionality is respected.</p> <p>The Court concludes that submitting the witness to a buccal swab does not constitute a violation of Article 8 of the European Convention on Human Rights.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The case highlights the importance of having a legislative framework that accounts for any privacy concerns that may arise as a result of a Court order. The decision demonstrates a careful consideration of the law to ensure the protection of the individual's privacy.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Court establishes that the taking of a buccal swab from the witness does not constitute a violation of Article 8 of the European Convention on Human Rights.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>"Meqjus lir-reat li hu miġjub kontra l-imputat Tabone hu ta' stupru u lix-xhud imsejha reticenti hi mitluba biex tagħti buccal swab tagħha biex issaħħah o meno l-akkużi mressqa, meqjus ukoll kif ingħad supra illi it-teħid ta' saliva mhux xi att ikkonsidrat wieħed daqstant invasiv u li fuq kollox l-għan ta' tali invażjoni hu li jipproteġi l-interess nazzjonali u l-ordni pubbliku għax l-għan tal-kors tal-gustizzja huwa ukoll dan, allura l-fehma tal-Qorti hija illi dan l'hekk imsejjaħ indħil huwa ben proporzjonat għal l-iskop li hu meħtieġ. Tqies għalhekk illi dan jaqa' sewwa sew f'dak li tgħid il-kelma</p>

	<p>tal-konvenzjoni fl-artikolu 8(2) hu konsegwentement ix-xhud mhu se ssoffri ebda leżjoni jekk jittiehdilha l-buccal swab mitlub.”</p> <p>[Unofficial English translations:]</p> <p>“The Court is satisfied that the impugned measure was “in accordance with the law” within the meaning of Article 8 of the Convention. According to the Court’s established case-law, the expression “in accordance with the law” requires that the impugned measure should have some basis in domestic law, and also refers to the quality of the law in question, requiring that it should be accessible to the person concerned and foreseeable as to its effects (see <i>Rotaru v. Romania</i> [GC], no. 28341/95, § 52, ECHR 2000-</p> <p>The Court further considers that the interference pursued a “legitimate aim” – namely the protection of society by inter alia “the prevention of crime”, that concept encompassing the securing of evidence for the purpose of detecting as well as prosecuting crime (see <i>Van der Heijden</i>, cited above, § 54). The Court reiterates that public interest in the prosecution of crime involves, of necessity, putting in place effective criminal-law provisions to deter the commission of offences against the person, backed up by law-enforcement machinery for the prevention, suppression and sanctioning of breaches of such provisions. Indeed the duty of High Contracting Parties to deter or punish crime extends to other Convention provisions involving the active protection of individuals’ rights against harm caused by others (<i>ibid.</i>, § 62).</p> <p>“Considering that the charge brought against the defendant Tabone is rape and that the witness is asked to provide a buccal swab to strengthen or undermine the charges, also considering as mentioned above that the taking of saliva is not an act considered as invasive and that, above all, the aim of the interference is to protect the national interest and public order, and such is also the goal of justice, the view of the Court is that the so-called interference is proportional to its purpose. The Court therefore considers that this falls well within what the wording of the convention says in article 8(2) and that consequently the witness will not suffer any injury if the requested buccal swab is taken.”</p>
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Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision for the related topics addressed in the chapter.
Decision date	6 July 2022

Reference details	Malta Civil Court (Family Section), Final judgement No: 149/2018, ABC vs. DEF, e-court . 6 July 2022.
Key facts of the case (max. 500 chars)	A Maltese mother submitted an appeal to the Civil Court to tackle multiple issues regarding the role that the father of her child, her ex-partner, should play in the child’s upbringing. The applicant asked for sole custody over the child and authority over any decision relating to the child’s wellbeing. Additionally, she requested that any contact by the defendant with the child come under the supervision of the Support Agency. The applicant based her requests on the claim that the defendant was violent, suffered from drug and alcohol addictions, and was unstable throughout their relationship.
Main reasoning/argumentation (max. 500 chars)	<p>The Civil Court accepted all the requests made by the applicant, acknowledging that the father was incapable of fulfilling his parental duties. The reasoning behind the decision applies the principle of the best interest of the child found in Article 149 of the Civil Code. In the Court's opinion, Article 149 gives the Judge the power of discretion when the supreme interest of minors is concerned, regardless of strict procedural rules.</p> <p>The Court agreed that the mother could have the exclusive authority over the care and custody of her child. It noted that the care and custody of a minor can be entrusted to only one parent if it is for the minor’s supreme interest, following Article 56 of the Civil Code. The Court also granted sole authority over the child to the mother. It justified this decision through Article 131 and 154(1) of the Civil Code, which state that the Court can remove parental authority for multiple reasons, including if the parent’s behaviour can harm the upbringing of the child.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The case highlights the paramount importance of putting the best interest of the child at the core of each judicial decision that can affect them. The case further re-establishes that the children’s interests are overriding the rights of the parents. The decision demonstrates a careful consideration of the law and corroboration of the facts exposed by the applicant to ensure the child’s best interests and provide the child with a safe and stable environment to grow up.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Court decided that, in the best interest of the minor, the care and custody of the minor should be vested exclusively to the applicant. Parental authority would be vested to the mother, both for ordinary and extraordinary decisions (including the renewal of passport), and the minor should continue to reside with her. Lastly, the Court decided that the defendant would need to pay a monthly sum of €275, to rise every year according to the costs of living index, until the minor reaches 18 years old, or 23 years old if the minor continues post-secondary studies.

<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“illi l-Qorti “filwaqt li dejjem tagħti piz għad-drittijiet tal-ġenituri, l-interess suprem li zzomm quddiemha huwa dejjem dak tal-minuri, kif anke mgħallma mill-ġurisprudenza kostanti tagħna.”</p> <p>“Fil-fehma tal-Qorti l-Artikolu 149 tal-Kap 16 jagħmilha ċara illi fejn jikkonċerna l-interess suprem tal-minuri idejn il-Qorti m’hiex imxekkla b’reġoli stretti ta’ proċedura”</p> <p>“Il-Qorti għandha l-fakolta’ li abbazi tal-Artikolu 56 tal-Kodiċi Ċivili, saħansitra tafda l-kura u kustodja tal-minuri lil ġenitur wieħed biss u dan sabiex l-interess suprem tal-minuri jkun dejjem issalvagwardjat”</p> <p>“Bla ħsara ta’ kull piena oħra li għaliha jista’ jkun sugġett skont il-liġi, il-ġenitur jista’ jiġi mneħhi mill-qorti hawn fuq imsemmija, mill-jeddijiet kollha ta’ setgħa tal-ġenituri, jew minn biċċa minnhom [...] if the parent's behavior can harm the upbringing of the child.”</p> <p>[Unofficial English translations:]</p> <p>“While the Court always gives weight to the rights of the parents, the supreme interest that it keeps before it, is always that of the minor, as even taught by our constant jurisprudence.”</p> <p>“In the opinion of the Court, Article 149 of Chapter 16 makes it clear that where it concerns the supreme interest of the minor in the hands of the Court is not hindered by strict rules of procedure.”</p> <p>“The Court has even the power to, based on Article 56 of the Civil Code, entrust the care and custody of minors to only one parent, so that the supreme interest of the minor is always safeguarded.”</p> <p>“Without prejudice to any other punishment to which the parent may be subject according to the law, the parent can be removed by the aforementioned court, from all rights of parental authority, or from a part of them [...] if the parent's behaviour can harm the upbringing of the child.”</p>
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<p>Thematic area</p>	<p>ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women).</p>
<p>Decision date</p>	<p>19 May 2022</p>
<p>Reference details</p>	<p>Malta, Court of Criminal Appeal, 1/2020, The Republic of Malta vs. OMISSIS, 19 May 2022.</p>

<p>Key facts of the case (max. 500 chars)</p>	<p>A Maltese woman submitted a request to the Criminal Court to stop a criminal proceeding against her ex-partner. The applicant has started a process against her ex-partner on the 27th of June 2017, accusing him of repeated acts of domestic violence for three years, including beating, threatening with a weapon, and rape. The Court found the ex-partner guilty of the crimes committed. The applicant justified her request to withdraw the proceedings using Article 546 (e) and (f) of the Criminal Code, claiming that she did not want to continue to suffer from the psychological damages associated with the length of the proceedings.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The Court of Criminal Judicature first determined whether the request of the applicant was genuine by hearing her testimony in Court. The Court focused on understanding the reasoning lying behind the request of the victim through external sources. It used academic literature, including the Guideline on Gender-Sensitive Approach for Adjudicating Gender Based Violence Cases written by Gasimova, which mentions that victim safety and well-being are paramount goals of criminal justice response. The Court further referred to the Istanbul Convention and the ECHR, both of which highlight the need to respect the rights of the victim, and avoid secondary victimisation during the trials. The Court accepted the claim of the applicant based on her accounts of trauma deriving from the length of the proceedings. The Court verified that the applicant was suspending the proceedings at her own will, and not due to external pressure.</p> <p>The Court had two issues to consider; firstly, it raised concerns about the right of the accused to a fair trial, and contemplated whether the case could continue without involving the witness. The Court also assessed the impact of the cessation of the case on the interests of the Maltese society.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The key matter of this case comprises the wish of the victim to withdraw all charges against the accused, for which the Court had to ensure the understanding of the victim on the consequences of this action. The Court investigated the motives that drove the victim to decide on withdrawing the charges against the accused, and considered her best interests and those of third parties.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Court accepted the request of the victim and decided to stop the criminal proceedings initiated by virtue of the Indictment Act number 1 of 2020, cited as the Harassment, Harmful Communications and Related Offences Act 2020. Full consideration of the interests of the Republic of Malta, and the respect for the procedural rights of the accused were taken.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“L-Avukat Ġenerali kompliet tgħid li jekk il-parte civile tikkonferma li tixtieq li twaqqaf dawn il-proċeduri, hija kellha ssegwi l-proċedura msemmija fl- artikolu 543(e)(f) tal-Kodici Kriminali li jgħid li l-vitma ta’ reat li jinvolvi vjolenza domestika jew stupru tista’ tagħmel talba appozita lill-Qorti sabiex twaqqaf il-proċedura kontra l-allegat awtur indipendentement mill-fatt li l-proċeduri jkunu qegħdin jitmexxew ex officio. B’hekk jekk il-parte civile kienet se tagħmel din it-talba l-Avukat Ġenerali kienet tal-fehma li din il-Qorti kellha tistharreg ir-raġuni għalfejn il-parte civile kienet tixtieq li jitwaqqfu l-proċeduri kontra l-akkuzat filwaqt li l-Qorti tiegħu konsiderazzjoni tal-aħjar interessi tal-</p>

	<p>parte civile u ta' terzi oħra rilevanti meta tiġi biex tikkonsidra din it-talba fis-sensi tal- artikolu 543 (e)(f) tal-Kodiċi Kriminali.”</p> <p>[Unofficial English translations:]</p> <p>“The Attorney General went on to say that if the parte civile confirms that it wishes to stop these proceedings, it should follow the procedure referred to in article 543(e)(f) of the Criminal Code which states that the victim of a crime involving domestic violence or rape can make a specific request to the Court in order to stop the procedure against the alleged author regardless of the fact that the procedures are being conducted ex officio. Thus, if the parte civile was going to make this request, the Attorney General was of the opinion that this Court should investigate the reason why the parte civile wanted the proceedings against the accused to be stopped while that the Court takes into consideration the best interests of the parte civile and of other relevant third parties when it comes to consider this request in the sense of article 543 (e) (f) of the Criminal Code.”</p>
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Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	14 July 2022
Reference details	Malta, Civil Court, First Hall, 436/2019, Fleri Soler Daniel Et vs. Attard Montalto John Et , 14 July 2022.
Key facts of the case (max. 500 chars)	<p>A Maltese couple made a claim to the Civil Court to declare that their neighbours conducted a discriminatory action against them. The couple owns a third-floor apartment only accessible through stairs. She has a disability that impedes her ability to access her property by stairs, motivating the couple to construct an elevator in the building. However, the neighbouring couple disagreed with the project and the Civil Court granted them an injunction to halt construction temporarily. The spouse of the defendant also lives with a disability and argues that the construction of an elevator would reduce the width of the staircase, therefore impeding access to her property.</p> <p>Among the requests of the applicants, they maintain that Malta is under the obligation of the UN Convention on the Rights of Persons with Disabilities. They specifically cite Articles 9 (1) and (19) of the Convention which ensures the right of persons with disabilities to live independently, participate</p>

	<p>fully in every aspect of life, and inclusion in their community. The applicants maintain that without the elevator, the quality of life of the wife will be severely impacted as she suffers from a degenerative condition.</p> <p>They also requested the Court to give them the right to proceed with the installation works.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The Civil Court cited First Schedule of Chapter 627 and Art.8 (5) of Chapter 398 of the Laws of Malta to explain that the lift could only be installed if it did not cause serious prejudice to the defendants. The Court concluded that a significant reduction of the width of the stairs would create severe injustice against the defendants. The Court further explained that the defendants had protested against the lift installation, not based on a discriminatory motive but due to the serious prejudice this action would cause.</p> <p>Therefore, the Court granted the Applicants permission to proceed with the construction of the elevator under the condition that, if the width of the stairs after the installation works is less than 79 cm, the plaintiffs will need to obtain the consent of the neighbour's spouse to continue construction.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The case provides an example of what cannot be legally considered as a discriminatory act against someone with a disability. It further highlights the importance of accounting for potential prejudice against people with a disability when carrying out actions that alter the structure of a common space.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Civil Court decided that the installations of the lift did not justify an alteration of the common space. The Court based its decision on a previous judgment which found the construction of a lift to expose the defendants to serious prejudice. Thus, no disability discrimination was found, given that the defendants were in their rights to ask for the construction work to stop. Similarly, the Court rejected the remaining requests based on this argument, except for one of the requests. The applicants are allowed to continue with the installation of the lift considering that if the width of the stairs is to be reduced, the applicants must have the approval of the defendants before continuing the construction works.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“Illi, meħud in konsiderazzjoni dak li għadu kemm ingħad, il-Qorti hija tal-fehma li t-tnaqqis tataragħ għal 75 centimetri ma kienx ikkwalfika għal modifika raġonevoli hekk kif imfissra f’Kapitolu 627 tal-Liġijiet ta’ Malta u konsegwentement sa fejn l-allegazzjoni ta’ diskriminazzjoni hija msejsa fuq l-imsemmi Kapitolu din ser tiġi miċhuda.”</p> <p>“The Court is of the opinion that the reduction of the stairs to 75 centimeters did not qualify for a reasonable modification as defined in Chapter 627 of the Laws of Malta, and consequently the allegation of discrimination, based on the said Chapter is rejected.”</p>