

Franet National contribution to the Fundamental Rights Report 2022

MALTA

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Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	Delays in establishing the Human Rights and Equality Commission: Bill No. 97 – Bill on the Commission on Human Rights and Equality has been in its second reading in Parliament for more than a year, along with the respective Equality Bill – Bill No.96 . The establishment of said Commission, which will be the successor to the present National Commission for the Promotion of Equality for Men and Women, has come to a halt, mainly due to serious concerns raised by several actors on the mentioned Bill No.96.
EU Charter of Fundamental Rights	The limited application of the EU Charter of Fundamental Rights: The EU Charter of Fundamental Rights has been referred to in a limited manner in court cases in 2021, and it was not used to influence any decisions. It was not included in any new legislation or academic research. The Charter was also hardly referred to in light of legal scrutiny.
Equality and non-discrimination	Governmental project to foster LGBTIQ+ inclusiveness: The Empowerment for Diversity (E4D) focuses on studying and assessing the effects of the recent legislative changes Malta has adopted to combat LGBTIQ+ discrimination. The outcome envisaged is to raise awareness and increase knowledge on LGBTIQ+ inclusiveness.
Racism, xenophobia & Roma integration	The launch of Malta’s first national action plan against racism and xenophobia and other forms of intolerance: On 30 September 2021, the Ministry for Equality, Research and Innovation presented the 2021-2023 Anti-Racism Strategy . The strategy aims to confront and eliminate racism in all its forms: individual, systematic, and societal, and to stimulate and support intercultural inclusion.
Asylum & migration	Statistical data for 2021 pertaining to withdrawals of protection: A total of 13 refugee status withdrawals. A total of 50 subsidiary protection status withdrawals. A total of two withdrawals on the basis of Article 19(1) of the Qualification Directive Revocation of, ending of or refusal to renew subsidiary protection status. A total of one withdrawal on the basis of Article 19(3)(a) .
Data protection and digital society	The adoption of Act No. L of 2021 (ACT) titled Criminal Laws (Combating Terrorism): The ACT enables police to remove online terrorist content and adds the term “ <i>terroristic activities</i> ” to the harms inflicted to a natural person which render her/him victim of crime. One category of such activities could be the online terrorist activities.
Rights of the child	The adoption of Act No.XXIII of 2021: The Act amends the Minor Protection (Alternative Care) Act, Cap. 602 of the Laws of Malta. Under this new legislation, the Magistrate presiding over the Juvenile Court is now bound to nominate a Child’s Advocate at the start of the proceedings, who will be providing him legal advice and

	support throughout the court's proceedings.
Access to justice, including victims of crime	The adoption of ACT No. XVII of 2021: The ACT amends the Victims of Crime Act, Cap. 539 and transposes Directive 2012/29/Eu of the European Parliament and of the Council . The ACT provides victims of crime with the right to receive information, the right to challenge the court's decision not to provide an interpreter or translator, and the right to protection of victims with specific protection needs.
Convention on the Rights of Persons with Disability	The adoption of ACT No. LVIII of 2021 and ACT No. LIX of 2021 : Both ACTS' aim is to ensure the enforcement of the United Nations Convention on the Rights of Persons with Disabilities. ACT No. LVIII provides for the structure and functions of the Commission for the Rights of Persons with Disability, as regards its investigations, compliance, enforcement, and redress mechanisms, aiming at ensuring access to justice. ACT No. LIX provides for petition processes and civil remedies in cases of unequal treatment for disabled persons.

Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

In 2021, Malta has not made any notable progress in terms of legislative advancements. The [Equality Bill - Bill No. 96](#), introduced in 2015, is still being debated in 2021. The Equality Bill, which was supposed to provide a single source for equality and non-discrimination legislation, has come to a halt after spending more than a year in the Adjunct Committee for the Consideration of Bills (second reading).¹ The Bill is still being debated, since several parties have raised major concerns about its provisions. [Life Network Malta](#), a pro-life NGO, expressed concern on multiple fronts, mostly regarding freedom of expression and conscience. The [Pharmacy Council](#) says the Bill discriminates against health care professionals as the proposed law undermines their autonomy, moral convictions, and integrity in providing certain medical services on the grounds of religion or conscience.² The Catholic Schools Commission further claimed that the Bill would interfere with their recruitment processes and prevent them from employing only Catholic teachers, which is a key criterion for them.³ According to local news, the Ministry for European Affairs and Equality is attempting to address these issues and establish common ground by allowing some exemption provisions to meet the Church school concerns. These provisions would allow the selection process to be made on the grounds of religion, in some exceptional cases, as is the case with Catholic schools. In a nutshell, the Bill is a revised version of the 2015 Equality Bill ('the 2015 Bill'), which failed to become law. The Bill aims to prohibit discrimination in a variety of areas, as well as incorporate a number of relevant provisions of EU equality and non-discrimination laws that deal with issues of equal treatment in a variety of contexts. It also seeks to repeal the Equality for Men and Women Act (Chapter 456 of the Laws of Malta) and its subsidiary legislation, which mainly focus on gender discrimination.

Similarly, [Bill No. 97 - Bill on the Commission on Human Rights and Equality](#) is currently in its second reading in Parliament.⁴ The Act's primary scope is to establish the Human Rights and Equality Commission which will be the successor to the present National Commission for the Promotion of Equality for Men and

¹ Malta, Parliament of Malta, Bill N.96, [Human Rights and Equality Commission Bill](#), 1 November 2021.

² Times of Malta, [Pharmacists join call for conscientious objection in Equality Bill](#), 18 November 2021.

³ Archdiocese of Malta, [THE EQUALITY BILL AND RELIGIOUS FREEDOM](#), 18 November 2021.

⁴ Malta, Parliament of Malta, N.97 Bill, [Human Rights and Equality Commission Bill](#), 1 November 2021.

Women. In brief, the above Commission will directly report to the Maltese Parliament and serve a tripartite role: (i) Consultative (ii) Reporting (iii) Investigative on potential cases of human rights maltreatment. The above legislative texts are of major importance for Malta. According to the Minister for Justice, Equality and Governance Hon. Dr Edward Zammit Lewis, "the Bills will restructure and strengthen Malta's legal framework on human rights and discrimination with the transformation of the NCPE into a Human Rights and Equality Commission (HREC) answering to Parliament, with a wider remit and power to grant effective remedies to victims of discrimination".⁵

On the negative side of practices introduced, in early July 2021, the Maltese authorities issued the legal notice [301 of 2021 Travel Ban \(Extension to All Countries\) \(Amendment No. 4\) Order](#), which barred all non-vaccinated travellers from entering Malta, including those from several EU countries. All passengers intending to enter the country would be required to present a recognised COVID-19 vaccination certificate, while children aged five to 11 traveling with their parents would be required to present a negative PCR test result.⁶ However, the European Union expressed concerns that a ban applied to unvaccinated travellers who wish to enter Malta could be potentially discriminatory. The European Commissioner spokesperson Christian Wigand highlighted that any Coronavirus travel restriction established must be "*proportionate and non-discriminatory*". He stated "*We have concerns that these measures could discriminate against those persons who are not fully vaccinated*". He also pointed out that European Union countries could introduce measures to protect public health, but the Commission had asked Malta's authorities to explain their measures imposed to stop the virus.⁷ Following the European Commission's reaction, the Maltese government decided to revise its Travel Ban Order and allow unvaccinated travelers to enter Malta, introducing a 14-day quarantine instead.⁸

On 25 October 2021, the [European Parliament's Committee on Petitions](#) discussed Petition No. 0409/2021, reporting a possible breach of EU law in Malta as regards discriminatory practices based on nationality in accessing hospital treatments. The British petitioner notes that Mater Dei Hospital asks all EU citizens to provide their payslips as proof of social security contribution payments before receiving any treatment. On the other hand, Maltese citizens are only asked to present their ID cards, regardless of whether they are paying

⁵ The National Commission for the Promotion of Equality (NCPE) (2021), [NCPE's Online Annual Conference 2021](#), 5 November 2021.

⁶ Maltese Legislation, (2021) 301 of 2021 – Travel Ban (Extension to All Countries) (Amendment No. 4) Order, 2021 Government Gazette Of Malta No. 20,663– 13.07.2021, 13 July 2021.

⁷ SchengenvisaInfo, (2021) [EU: Malta's Travel Ban Could Be Discriminatory-SchengenVisaInfo.com](#), 1 November 2021.

⁸ The Superintendent of Public Health, [Travel Ban \(Extension to All Countries\) \(AmendmentNo.2\) Order, 2021.fm](#), 24 November 2021.

social contributions or not. The Committee confirmed the allegations and referred to [Regulation \(EC\) No 883/2004](#). Pursuant to Article 4 of said Regulation, "*non-Maltese EU, EEA or Swiss citizens should not be treated less favourably than the Maltese nationals are. The same conditions of eligibility for sickness benefits in kind as provided by the Maltese legislation apply to all insured persons regardless of their nationality.*" The Committee concludes that asking for payslips to assist European patients is discriminatory and violates the principle of equal treatment as per Article 4 of Regulation (EC) No 883/2004. The Committee inquired of the Maltese government about this issue and will inform the European Parliament on the progress made.

With regard to the LGBTIQ+ community in Malta, the [LGBTIQ Strategy and Action Plan \(2018-2022\)](#) is still in effect, aiming at guaranteeing substantive equality for LGBTIQ persons in practice. In terms of initiatives aimed at creating LGBTIQ+ inclusive societies, Malta organised for the 17th time in a row, the 2021 [Malta Pride Week](#), which took place between 10 and 22 September 2021.⁹ This year's Pride slogan was #YouAreIncluded and focused on the issue that equality cannot be achieved through a one-size-fits-all approach. In order to enhance awareness on diversity, an office for the LGBTIQ+ Gozo organisation was launched in Gozo, aiming at providing various services with the Gozitan members of the LGBTIQ+ community.¹⁰ In addition, the NCPE took part in the Malta Pride Week 2021, in an effort to maximise exposure of the services offered with the LGBTIQ+ community, and to widely circulate ED4's work and activities.¹¹

Furthermore, Malta's 10 year population [Census](#), entitled "Everyone matters" ("Kulhadd Jgħodd"), was launched in October 2021 and for the first time in its history it will collect information about sexual orientation. This will also allow the collection of disaggregated data for LGBT persons. The Director General of the Maltese National Statistics Office stated that the demographic data will allow the country to carry out more research on the thematic areas of sexual orientation, and the information gathered will serve as a base for future decision-making processes.¹² The first findings are expected to be published in April 2022.¹³

In 2021, the Human Rights and Integration Directorate launched the [TRANSFORM: Raising standards of health care service provision for LGBTIQ people](#) project. Using funds from the [EU Rights, Equality and Citizenship](#)

⁹ Malta Pride, (2021) [Malta Pride](#), 6 October 2021.

¹⁰ The National Commission for the Promotion of Equality, (2021) [Malta Pride 2021 - #YouAreIncluded](#), 15 September 2021.

¹¹ The National Commission for the Promotion of Equality (NCPE) (2021), [Empowerment for Diversity - E4D](#), 19 November 2021.

¹² Census2021, (2021) [Results - Malta Census](#), 1 November 2021.

¹³ Tvm, (2021) [Census to ask about sexual orientation, race and homeschooling for the first time](#), 11 November 2021.

[Programme](#), the project aims to improve the standard of medical care received by LGBTIQ individuals, with an emphasis on equality and non-discriminatory experiences. The program seeks to reduce incidents that cause LGBTIQ individuals to avoid using medical services, by providing healthcare staff with sensitivity training and highlighting the medical issues affecting LGBTIQ persons. These training sessions are organised in cooperation with national medical membership groups, government departments, and international advocacy groups. TRANSFORM also promotes awareness among the LGBTIQ community on specific health risks, informing them of their rights, and providing clear guidance on where they can seek relevant and LGBTIQ-inclusive services.

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people

In April 2021, the National Commission for the Promotion of Equality (NCPE) published its [13th newsletter](#) issue titled "Equality in Media". The NCPE reported that rapid development in media technologies and telecommunications can fuel hatred, stereotypes, and misinformation. Many disadvantaged and marginalised groups in society are vulnerable to these risks due to their sexual orientation, gender identity, gender expression, or sex characteristics. In their report, the NCPE states that since 2015, they have been empowered by [Chapter 456 of the Laws of Malta](#) to investigate complaints of alleged discrimination on the grounds of sexual orientation, gender identity, gender expression or sex characteristics in employment, education, and vocational training, as well as by banks and financial institutions. Yet, despite legislation aimed at ensuring that Maltese society is free of discrimination, inaccurate and prejudiced information about sexual orientation and gender identity persists. Meanwhile, stereotypical portrayals of LGBTIQ+ persons in the media continue to contribute to the shaping of negative attitudes. LGBTIQ+ persons have often been portrayed as a threat to the nation, religion, and traditional notions of gender and the family. The NCPE revealed that many LGBTIQ+ people fear that public knowledge of their sexual orientation and gender identity will lead to discrimination, harassment, rejection, or even violence. Furthermore, LGBTIQ+ people's invisibility in the media and the absence of a serious discussion about abuses of their human rights are recurring themes that the NCPE believe require more attention.¹⁴

In October 2021, the Ministry for Finance and Employment launched the [National Employment Strategy 2021-2030](#), reviewing its former 2014 Employment Policy. This is based both on a macro-economic and micro-foundational analysis of the employment relationship, by gauging the perceptions of both employers and employees. To ensure the reliability of the findings, both quantitative and qualitative research methodologies were used. The following findings were the most relevant to experiences of discrimination against EU citizens: Maltese citizens' average weekly wages grew at the fastest rate of 40.1% in 2021, compared to 10.6% for EU nationals.¹⁵ While the findings do not prove that discriminatory practices are to blame, they do point to some form of indirect discrimination against EU Citizens regarding their financial rewards.

¹⁴ The National Commission for the Promotion of Equality, (2021) [EQUALITY MATTERS](#), Issue No. 13, 13 April 2021.

¹⁵ The Ministry for Finance and Employment (2021), [The National Employment Policy 2021-2030](#), 1 October 2021.

In 2021, the [European Network of Equality Bodies \(EQUINET\)](#), which provides an overview of national equality bodies' work and best practices, produced a discussion paper titled "Freedom of Movement in Europe". The report highlighted that Malta's equality body (namely the NCPE) does not tackle discrimination based on nationality, instead classifying it as cases of discrimination on the basis of ethnic origin or national origin. This may serve, according to EQUINET, as a useful legal tool for many instances, but Malta should eventually be required to recognise nationality as a discrimination ground and provide the NCPE with the respective mandate to deal with such cases.¹⁶

With regard to sexual orientation, Malta is consistently ranking as one of the most LGBTIQ-friendly countries in the world and has ranked top of the [ILGA Europe Rainbow Index](#) for the past six years, with a score of 94% in 2021.¹⁷ The Rainbow Map and Index examine the laws and policies in 49 countries using 69 criteria divided into six categories: equality and non-discrimination; family; hate crime and hate speech; legal gender recognition and bodily integrity; society space; and asylum. It provides an annual review of the human rights situation of lesbian, gay, bisexual, trans, and intersex people in Malta covering the period of January to December 2020.

The Malta chapter includes the several findings on research studies and surveys on experiences of discrimination on the grounds of LGBTQI. ILGA Europe revealed that previous studies had found that the majority of LGBTQI students do not feel represented in the curriculum and feel unsafe at school.¹⁸ The European Union Agency for Fundamental Rights (FRA) LGBTI Survey II found that LGBTQI respondents in Malta had the lowest reported rate of threats and violence in the EU.¹⁹ According to an online survey by the Malta LGBTIQ Rights Movement (MGRM), over 50% of LGTBQI people felt unsafe in Malta's main nightclub hub, Paceville, and reported being denied entry into clubs or harassment, while 19% said they had faced aggression from bouncers.²⁰ In order to improve the legal and policy situation of LGBTI people in Malta, ILGA-Europe recommended that: All SOGIESC (sexual orientation, gender identity, gender expression, sex characteristics) grounds be specifically included in legislation prohibiting discrimination in education and goods and services.²¹

¹⁶ The European Network of Equality Bodies (EQUINET), (2021) [Discussion Paper: Freedom of Movement in the EU: Equality Bodies Tackling Discrimination of Union Workers](#), retrieved 10 November 2021.

¹⁷ Rainbow Europe, (2021) [Malta](#), 6 October 2021.

¹⁸ Rainbow Europe, (2021), Malta: ANNUAL REVIEW OF THE HUMAN RIGHTS SITUATION OF LESBIAN, GAY, BISEXUAL, TRANS, AND INTERSEX PEOPLE IN MALTA COVERING THE PERIOD OF JANUARY TO DECEMBER 2020, 2021.

¹⁹ The European Union Agency for Fundamental Rights, (2020) [EU-LGBTI II - A long way to go for LGBTI equality](#), 2020.

²⁰ Malta Today, (2020) [Majority of LGBTIQ persons don't feel safe in Paceville, study finds](#), 16 January 2020.

²¹ Rainbow Europe, (2021) [Malta](#), 6 October 2021.

Yet, despite Malta's high ranking on the ILGA Europe Rainbow Index, the press release for the [Empowerment for Diversity project](#) (ED4), published on 27 April 2021, reveals Maltese society's discomfort when it comes to LGBTIQ+. It notes that 80% of Maltese people believe there is something wrong with a sexual relationship between two persons of the same sex, while 20% disagree that gay, lesbian, and bisexual people should have the same rights as heterosexual people. Despite legislation ensuring that Maltese society is free of discrimination, the data reveals that more practices are required to attain complete LGBTIQ+ inclusion.²²

In July 2021, the Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIGESC) Unit within the Human Rights Directorate (HRD) released its third annual report on the ongoing [LGBTIQ Strategy and Action Plan \(2018-2022\)](#), which expresses Malta's commitment to continue to implement the necessary measures to guarantee substantive equality for LGBTIQ persons in practice.²³ The report touches upon ten thematic areas, namely the right to equality and freedom from discrimination; the right to education; the right to health; equality in sport; the right to private and family life; freedom from hatred; LGBTIQ civil society; the right to seek asylum; promotion of LGBTIQ equality on an international level; and other LGBTIQ measures, reviewing the most prominent developments in each respective field. More specifically, with regard to the right to equality and freedom from discrimination, the report appraises the developments regarding the approval of "The Sex, Sexuality and Gender Guidelines" which guide government departments and entities, as well as the Ministry for Health's revision of blood donation protocols and policies, enabling men who have sex with men (MSM) to donate blood following a one-year deferral. The report also discloses a prospective EU funded research study on LGBTIQ wellbeing, which will engage the Human Rights Directorate (HRD), the National Statistics Office (NSO), the University of Malta, and Malta Gay Rights (MGRM). The respective funding application is scheduled to be submitted in November 2021.

The [Empowerment for Diversity](#) (E4D) project is an example of a promising practice that tackles discrimination against LGBTI people in 2021. On 27 April 2021, the NCPE, in partnership with [Allied Rainbow Communities](#) (ARC), organised an online conference to launch the E4D project. The project focuses on discrimination based on SOGIGESC, and seeks to address the societal and cultural impact of considerable legal advances related to LGBTIQ+ that occurred in a very short period of time. In pursuit of this scope, the project envisages to

²² The National Commission for the Promotion of Equality (NCPE), (2021) [Press statement by the National Commission for the Promotion of Equality \(NCPE\) NCPE's E4D Online Launch Conference](#), 27 April 2021.

²³ Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIGESC), (2021) [LGBTIQ Equality Strategy and Action Plan 2018-2022, Annual Report](#), retrieved 1 November 2021.

carry out the following activities: (i) Qualitative research on the current situation in Malta regarding LGBTIQ+ discrimination (ii) Three workshops will be held with members of the LGBTIQ+ community to discuss the issues being faced by the community (iii) Capacity-building: The NCPE will receive legal training on the laws of Malta relating to SOGIGESC. The NCPE staff will also be trained on how to address underreporting, mainstreaming LGBTIQ+ policies, and outreach amongst others (iv) the NCPE and the ARC will launch an awareness-raising campaign, consisting of Facebook and Newspaper adverts. The project's overall results, conclusions, and suggestions, as well as the evaluation study, will be presented at a final conference.²⁴

In further detail, the qualitative research study on LGBTIQ+ discrimination for the E4D project (activity (i) above), will take the form of a comparative analysis with a similar research study conducted by the NCPE in 2011, entitled the '[LGBT Discrimination Research Report](#)'. It will also provide updates on recently-adopted legislation, such as the 2014 Civil Union Act, and the 2017 Marriage Equality Legislation.²⁵ The research study will also focus on the recently added grounds of discrimination in the NCPE's remit, namely gender identity, gender expression, and sex characteristics. What is more, it will also include discrimination faced by LGBTIQ+ persons in schools, education, and in the access to and supply of goods and services.²⁶

In terms of hate crime against LGBTIQ people, an interesting case was brought before the Maltese courts in 2021. The Court of Magistrates (Criminal Judicature) found two Maltese men guilty of anti-trans hate speech committed against a former Nationalist Party candidate. In June 2020, Angela Coleiro received, through her Facebook page, a series of hate comments that referred to her former male identity in an offensive and degrading manner. She first reported the fact to the Hate Crime and Hate Speech Unit within the Human Rights Directorate of the Ministry for Research and Innovation for further investigation. Following this, Ms. Coleiro filed a police report against the two men who were the original posters of the offensive comments. On 16 November 2021, the two men pleaded guilty, issued a public apology to Coleiro, and were fined €100 each by Magistrate Yana Micallef Stafrace.²⁷

²⁴ The National Commission for the Promotion of Equality (NCPE), (2020) [Empowerment for Diversity - E4D](#), 2020.

²⁵ The National Commission for the Promotion of Equality (NCPE), (2020) [Empowerment for Diversity - E4D](#), 2020.

²⁶ The National Commission for the Promotion of Equality (NCPE), (2021) [NCPE's E4D Online Launch Conference](#), 27 April 2021.

²⁷ LovinMalta, (2021) [Two Men Fined €100 For Anti-Trans Hate Speech Against Former PN Candidate Angela Coleiro](#), 18 November 2021. The sentence has not yet been published on eCourts.[gov.mt](#).

Chapter 2. Racism, xenophobia and related intolerance

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

In 2021, there were several manifestations against racism, xenophobia, and related intolerance. Demonstrations were held online at the beginning of 2021 due to COVID-19 constraints. On March 21, on the [International Day for Elimination of Racial Discrimination](#), Black Lives Matter, the African Media Association Malta, and Integra launched a campaign on social media to address racism in Malta. They held a live panel discussion on the role of youth in anti-racism, in keeping with the United Nations theme of "Youth standing up against racism."

On 28 September 2021, [Jaiteh Lamin](#), an injured migrant worker from Ghana, was left on the side of the road by his employer after falling two storeys from a construction site.²⁸ [Prime Minister Robert Abela](#) condemned the incident in a press conference, insisting this attitude will "not be tolerated under any circumstance".²⁹ The [NCPE](#) stated in a press release that the incident highlights the importance of addressing racism in society.³⁰ Meanwhile, on 4 October 2021, a week after the incident, demonstrations took place in Valletta. At the heart of their concerns were the ['safe countries' policy](#) introduced in May, and the revision of the [Specific Residence Authority](#) (SRA) policy last year. The 'safe countries' policy denies asylum seekers who come from a list of countries considered safe by the state, the right to work for up to nine months. While the SRA status as introduced in 2018 allows failed asylum seekers and holders of temporary humanitarian protection (THPN) who have lived in Malta for a number of years to get access to basic rights through documentation, amendments to the policy resulted in many children becoming undocumented, as both parents now need SRA status to pass it on to their children. These policies are thus said to strip migrants and their children of basic rights, preventing them from finding work legally, and pushing them to exploitation.³¹ On 30 October, a second protest was held in Valletta in response to the incident of Jaiteh Lamin, with the

²⁸ The Malta Independent, (2021) [UPDATED: Police questioning Maltese man on migrant worker allegedly dumped on pavement](#), 28 September 2021.

²⁹ The Malta Independent, (2021) ['This attitude will not be tolerated under any circumstances', Abela says after migrant incident](#), 28 September 2021.

³⁰ The National Commission for the Promotion of Equality (NCPE), (2021) [Construction worker's incident highlights the need to address racism and workers' exploitation](#), 29 September 2021.

³¹ The Times of Malta, (2021) ['We are humans, not cheap labour': migrants hold protest in Valletta](#), 4 October 2021.

message "[No us and them, just us](#)".³² On 30 September, the media reported that the building contractor who left Jaiteh Lamin on the side of the road, Glen Farrugia, was charged with causing grievous bodily harm, as well as several other charges.³³ However, on 30 October, after an eight hour bail hearing, magistrate Marseanne Farrugia released the accused on bail.³⁴

The way Jaiteh was left on the side of the road has reportedly angered the African Maltese community of foreign workers. A local newspaper spoke with five foreign workers residing in Malta in a video, and they said that this is not the first time they have seen something like this in Malta. They all voiced the possibility that it could have been them. The respondents said that they felt "*fearful, scared, afraid, and nervous*" about the incident.³⁵

In 2021, the media reported several incidents of racism, xenophobia, and related intolerance in Malta. On January 18, racist slurs were shouted at Maltese footballer [Maya Lucia](#) during the Women's Under-19 football match. The [Maltese Football Association](#) issued a statement saying it was in the process of gathering information from the clubs involved, and that the incident had been reported to police.³⁶ On May 16, [two Eritrean men](#) were attacked and assaulted in Marsa, according to a press release issued by the police. The police stated that they were conducting investigations and searching for the aggressors. It was not declared, however, whether this was a racist attack.³⁷ On July 17, a [Somalian man](#) was attacked and thrown into the sea in Gozo. The police confirmed with the Times of Malta that they were called to the Mggar harbour at 1am to respond to reports of an argument and that two men, a Maltese and a foreign national were being interrogated by the police and charges will be pressed against both of them. However, there was no mention of whether or not this was a racial attack.³⁸ On August 21, [St Kitts Nervis footballer Julani Archibald](#) was racially abused as he made his debut during a Premier League match for Santa Lucia, a local football team. The police told the Times of Malta that investigations were ongoing to identify the alleged people involved.³⁹ On August 31, [a Sudanese asylum seeker](#) was assaulted by four men in Marsa. The victim, who asked to remain anonymous, told the Times of Malta, that he had never seen the men before and does not know whether the attack was racially motivated. He went to the Marsa police station after the attack, but because of the language

³² The Times of Malta, (2021) ['No us and them, only us': activists demand equality for migrants](#), 30 October 2021.

³³ Malta Today, (2021) [\[WATCH\] Glen Farrugia charged with causing grievous bodily harm to 'dumped' migrant worker](#), 30 September 2021.

³⁴ Malta Today, (2021) [Contractor who dumped injured worker on road granted bail](#), 8 October 2021.

³⁵ Malta Today, (2021) [\[WATCH\] Living in fear: 'It could have easily been me'](#), 3 October 2021.

³⁶ The Malta Football Association, (2021) [Malta Football Association Statement](#), 17 January 2021.

³⁷ The Malta Police Force, (2021) [Two men attacked in Marsa](#), 16 May 2021.

³⁸ ACLED, (2021) [Regional overview: Europe, Caucasus, and Central Asia 17-23 July 2021](#), 29 July 2021.

³⁹ Malta Football Association, (2021) [Malta Football Association Statement](#), 16 August 2021.

barrier he did not file a police report. However, he said that he would be filing a report.⁴⁰

On 21 March 2021, [Black Lives Matter Malta](#) asked young people what they thought racism looked like in Malta.⁴¹ Respondents expressed concern that besides xenophobic comments, racial injustice could also be reflected in the way the country's institutions, such as Parliament and the court, were represented. The responses are listed below.⁴²

"Racism is the assumption that anyone darker-skinned is a sub-Saharan illegal immigrant - they could be professionals, diplomats, businessmen". "Racism in Malta has many faces" but also can be seen in passive comments with obvious racist undertones such as "she is pretty for a black girl" or "Mela jien iswed?" (What am I, black?). "Discrimination is feeling entitled just because you were born in Malta". "Racism is biased in the way individuals are taken into the law courts - juxtaposing white collar criminals with migrants accused of minor crimes for example". "In spite of Malta being home to a vast number of people with different skin tones and cultures, our parliament is composed entirely of white people".⁴³

The Times of Malta reported on International Day for the Elimination of Racial Discrimination that, according to statistics provided by the Home Affairs Ministry, a large majority of hate crimes reported to the police in the last two years were of a racial nature, with a significant number of complaints regarding hatred based on language. According to the data, between 2019 and 2020, 29 reports of racism were filed, 22 reports of language discrimination in 2020 alone, 10 reports based on colour, five reports based on religion/belief, and three reports on ethnic origin.⁴⁴

In June 2021, [Popolin](#), a television programme that offers a digital discussion platform with the aim of reaching various audiences, in collaboration with researcher Dr. Vincent Marmara, made a scientific analysis of what the Maltese think of racism in Malta. The survey was conducted among 600 Maltese. When asked if they think that the Maltese people are racist, 47% said yes, while 15% said no. When asked explicitly, the vast majority stated that they do not

⁴⁰ The Times of Malta, (2021) [Asylum seeker assaulted by four men in Marsa, warns of danger](#), 13 September 2021.

⁴¹ Black Lives Matter Malta, African Media Association Malta and Integra, (2021) [Live Panel: "International Day for the Elimination of Racial Discrimination: Youth Take the Lead"](#), 21 March 2021.

⁴² Black Lives Matter Malta, African Media Association Malta and Integra, (2021) [Live Panel: "International Day for the Elimination of Racial Discrimination: Youth Take the Lead"](#), 21 March 2021.

⁴³ Black Lives Matter Malta, African Media Association Malta and Integra, (2021) [Live Panel: "International Day for the Elimination of Racial Discrimination: Youth Take the Lead"](#), 21 March 2021.

⁴⁴ The Times of Malta, (2021) [Majority of hate crime police reports are of racial and political nature](#), 21 March 2021.

consider themselves to be racists, but when the same question was posed in a different way, the results revealed that individuals had a proclivity to discriminate across cultures. For example, 41% of people said they would not feel comfortable if their children were to have a relationship with or marry someone who is Arabic.⁴⁵

In June 2021, Malta Today brought out an online series sponsored by the Human Rights Directorate, called "[Maltin Bħalek](#)" which translates as "Maltese like you". The series is a one-on-one interview with black and minority ethnic Maltese, hosted by Omar Rababah, a social worker at the Migrant Learners Unit. The interviews explore the experiences and challenges of footballer Yannick Yankam, singers Ema and Maya from F.A.I.T.H, nurse Maali Boukadi, student activist Isaak Koroma, Malta U-19 women's football captain Maya Lucia, and call centre employee Omar Siam. Rababah explores the challenges as they navigate the cultural landscape of a predominantly white country that still finds it hard to reconcile its sense of identity with the diversity of a multicultural society.⁴⁶ The following are some of the questions asked: "Do you feel different? Do you ever feel that you have to justify yourself to feel that you fit in? There is a perception that the Maltese are racist, how do you feel about this? Have you ever experienced racism directed at you? There is often racist commentary on Facebook and social media. How do you feel about that?"

The replies to the question "Have you ever experienced racism directed towards you?" are presented below. Yes, Yannick, Ema, Maya, Issak, Maya, and Omar all said they had been subjected to racism. Both Yannick and Ema said they have been called the n-word. Yannick said football supporters often make sounds and comments like monkey chanting for example. "I think every girl and boy of colour will have experienced racism", Ema said. Maya recalls a girl in her ballet class telling her to "go back to your country" when she was younger. Issak explained it is in small subtle ways that you realise a person is weary of you. For example, people aren't cautious sitting next to a white person but when a woman sees a black man approaching you can see her checking her bag. Maya stated that she had experienced racism both on the football pitch and at school. It also sometimes comes in the form of a joke. Omar said that one of his colleagues at work said to him, in front of his manager, "Did you wash yourself with coal today?"

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

⁴⁵ TVM, (2021) [47% of the population believe that the Maltese are racist](#), 12 June 2021.

⁴⁶ Human Rights Directorate and Malta Today, (2021) [Maltin Bħalek](#), 18 June 2021.

The HRD in partnership with Aditus foundation, the European Network Against Racism, and the European Network on Religion and Belief, is currently working on an EU funded project entitled '[Equality for all in Malta](#)'. The project aims to tackle the issue of under-reporting cases of discrimination based on race and/or ethnic origin, religion, or belief. The project will target racial, ethnic, and religious minority organisations, and communities, as well as the general public in the following ways: (i) Development and delivery of training sessions (ii) Raising awareness of EU Directive and new national legislation on discrimination based on race and/or ethnic origin and religion or belief, intercultural understanding and equal opportunities, targeting the general public (iii) An outreach model will be developed to target the grassroots through local councils, to bring them on board in the fight against discrimination. Outreach to 68 local councils will help to develop further non-discrimination tools for action at the local level already utilised in a migrant integration setting.⁴⁷

Training sessions were held in April and September 2021 for 120 members of migrant communities, minorities, and local organisations, who may include victims of discrimination based on race, ethnicity, religion, or belief. These sessions aimed to empower people to exercise their rights and take advantage of the new remedies laid down in law. In this sense, individuals who participated in the training sessions were given the necessary tools to be able report incidences of discrimination to the equality body in Malta. These 120 representatives will also subsequently train around 20 members each in their own organisations (a total of 2,400 persons).⁴⁸ With regards to outreach, on 6 October 2021, the Local Integration Charter & Action Plan with the added Addendum was signed by the Local Councils' Association (LCA) which aims to respect and promote the principles of equality and non-discrimination, particularly race and/or ethnic origin and religion or belief. The Addendum also ensures that all initiatives carried out by the LCA, local councils, and local institutions such as band clubs and sports clubs contribute to the promotion of multiculturalism and diversity, anti-racism, and respect for religion or belief.⁴⁹

On 18 May 2021, the [European Commission against Racism and Intolerance](#) (ECRI) published its conclusions on the implementation of two of its recommendations made to Malta in its Fifth Monitoring Cycle report in 2018.⁵⁰ ECRI considers that the authorities have fully implemented its priority recommendation about establishing a mechanism for collecting data on hate crimes incidents and hate speech, recording the specific bias motivation and the

⁴⁷ The Human Rights Directorate, (2021) '[Equality for all in Malta](#)', 2021.

⁴⁸ The Human Rights Directorate, (2021) '[Equality for all in Malta](#)', 2021.

⁴⁹ Information Request, (2021) The Human Rights Directorate, 26 November 2021.

⁵⁰ The European Commission against Racism and Intolerance, (2018) [ECRI REPORT ON MALTA \(fifth monitoring cycle\)](#), 15 May 2021.

criminal justice response, and making this data accessible to the public. With regard to the other priority recommendation about continuing to allow persons who cannot be returned to their country of origin to stay legally in Malta, and considering a more permanent form of regularisation for those who have been residing in Malta for more than ten years, the ECRI considers that this recommendation has not been implemented.⁵¹

[The Maltese Department of Information](#) declared that as of July 1 2021, asylum seekers and third-country nationals are eligible for the COVID-19 vaccination. Previously, such individuals were unable to access the vaccine without a residence permit, but now only an identity document and provision of personal details is required in order to register for the vaccine. This change signifies an important development in improvement to the quality of life of asylum seekers and third-country nationals in Malta, given a vaccination certificate may become mandatory for purposes such as travel, employment, access to public events, and much more.⁵²

In July 2021, as part of the [Equality for All Project](#), Aditus, Integra, and the Human Rights Directorate asked people on social media to help them tackle the issue of the underreporting of discrimination.⁵³ Respondents were asked to complete an anonymous questionnaire on discrimination based on religion, belief, race, and ethnic origin.⁵⁴ The responses have not been made public due to their anonymity.

On 17 August 2021, the [Malta Football Association](#) approved new regulations to address the growing number of racist incidents at football matches. The new regulations are based on the Union of European Football Associations anti-racism Three Step-Procedure. First, if any racist or discriminatory behaviour is observed, the match official will ask for a public announcement to be made requesting that the behaviour stops. Second, if such behaviour persists after the game has restarted the referee will suspend the match for a few minutes. Third, if racist behaviour continues the referee can decide to terminate the match.⁵⁵

Furthermore, the population [Census 2021](#) also included one question on religion and another on "race" upon the recommendation of the [Advisory Committee on](#)

⁵¹ The European Commission against Racism and Intolerance, (2021) [ECRI CONCLUSIONS ON THE IMPLEMENTATION OF THE RECOMMENDATIONS IN RESPECT OF MALTA SUBJECT TO INTERIM FOLLOW-UP](#), 18 May 2021.

⁵² European Website on Integration, (2021) [Malta: COVID-19 vaccination now open to asylum seekers and third-country nationals](#), 13 July 2021.

⁵³ The Human Rights Directorate, (2021) ['Equality for all in Malta'](#), 2021.

⁵⁴ The Human Rights Directorate, (2021) [EQUALITY FOR ALL IN MALTA - Questionnaire on discrimination on the grounds of religion and/or belief, and race and/or ethnic origin](#), July 2021.

⁵⁵ The Malta Football Association, (2021) [Malta FA Executive Board approves anti-racism procedure](#), 17 August 2021.

[the Framework Convention for the Protection of National Minorities](#) (ACFC).⁵⁶ The government stated that the population census questions have been specifically designed to reflect the national context, and were guided by public consultations.⁵⁷ Race, religion, and language were all highlighted as important elements in the public consultation, and these will all be included in the 2021 census.⁵⁸

Malta's first national action plan against racism and xenophobia and other forms of intolerance, the [Anti-Racism Strategy](#), is an example of a promising practice to address racism and xenophobia in 2021. It was launched by the Ministry for Equality, Research, and Innovation, the Human Rights Directorate (HRD) on 30 September 2021. It is the first of a three-year anti-racism strategy as part of the EU's anti-racism action plan for 2020 to 2025. The strategy aims to confront and eliminate racism in all its forms: individual, systematic, and societal, and to support and stimulate intercultural inclusion. Through its 22 measures, it makes anti-racism and anti-discrimination both individual and collective responsibilities across all sectors of society – government and the public sector, democratic and political institutions, the media, but also the private sector, civil society, and the general population.⁵⁹

The Strategy contains four objectives, each of which is made up of specific measures that will be taken to achieve the objective. The first objective is *"to create an infrastructure to drive and sustain commitment to and engagement with the goals and objectives of the strategy"*. The HRD will thus be provided with human and other resources to assist continuous anti-racism and intercultural inclusion policy formation. The HRD will assemble a high-level inter-ministerial group, which will include the equality body, to meet on a regular basis. An Anti-Racism Platform will be created, with representatives from civil society, academia, and social partners. In order to inform the ongoing implementation and development of the strategy, a research programme will be devised, which will include: (i) Quantitative and qualitative research to better understand the situation and experience of minority groups, the impact of racism, and the requirements for intercultural inclusion (ii) Media monitoring, to understand existing narratives (iii) Qualitative research to better understand attitudes towards foreigners/immigrants, and to understand the experience of immigrants living in Malta (iv) Quantitative research to better understand how widespread certain attitudes are, even over time, in order to respond effectively.

⁵⁶ The Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), (2021) [Fifth Opinion on Malta](#), 18 February 2021.

⁵⁷ The People for Change Foundation, (2021) Public Consultation on Thematic Areas Underpinning Malta's National Post Pandemic Strategy. This public consultation is private.

⁵⁸ The Times of Malta, (2021) [Majority of hate crime police reports are of racial and political nature](#), 21 March 2021.

⁵⁹ The Government of Malta, Ministry for Equality, Research, and Innovation, (2021) [Anti-Racism Strategy 2021-2023](#), 2021.

There will also be implementation reporting, in which the HRD will update, in a publicly available report, during the three-year period of this Strategy.⁶⁰

The second objective is *“to achieve planned and systematic approaches to confronting racism and advancing intercultural inclusions across all policy fields and all sectors”*. By the end of 2021, each Ministry will design an intra-ministerial anti-racism action plan based on the goals, principles, approach, and objectives of the Strategy. As part of the inter-ministerial anti-racism action plan, the Ministry for Education (MFED) will support and enable institutional competence for anti-racism and intercultural inclusion among educational establishments at all levels, the Ministry for Health (MFH) among health and social care service providers, the Ministry for Finance and Employment (MFE) among training service providers, employment service providers and business support service providers, the Ministry for Social Accommodation (MSA) will promote and take action to prevent and eliminate racism and discrimination in the private rented sector. In addition, the HRD will work with social partners and private sector enterprises to build a national anti-racism and intercultural agreement. There will also be an effort to strengthen the relationship between law enforcement, immigration services, and members of minority groups.⁶¹

The third objective seeks *“to promote and advance informed public and political discourse characterised by the principles of intercultural inclusion”*. An anti-racist and intercultural code of practice will be drawn up for media organisations to set standards and address issues faced in reporting topics relating to minority groups, and issues such as diversity in journalism. To assist in its execution, related training will be designed and delivered. As part of a whole-of-society approach to anti-racism and intercultural inclusion, the HRD will construct a national anti-racism and intercultural pact with the media. Similarly, a political parties pact will pledge political parties to a zero tolerance policy to racist language, sanctionable by internal ethics and disciplinary boards. Political parties will further adopt the standard in the vetting of candidates, and will hold regular training for party administrations, officials, and candidates. Moreover, the Council of Europe’s *“anti-rumour”* strategy will be adapted to the local context to establish the truth from fiction programmes. The *‘Patriotism = anti-racism’* project will include activities to reframe the patriotism narrative at various levels, most notably at the grassroots levels.⁶²

⁶⁰ The Government of Malta, Ministry for Equality, Research, and Innovation, (2021) [Anti-Racism Strategy 2021-2023](#), 2021.

⁶¹ The Government of Malta, Ministry for Equality, Research, and Innovation, (2021) [Anti-Racism Strategy 2021-2023](#), 2021.

⁶² The Government of Malta, Ministry for Equality, Research, and Innovation, (2021) [Anti-Racism Strategy 2021-2023](#), 2021.

The fourth objective will “*tackle all forms of discrimination experienced by minority groups*”. It will address issues such as underreporting, housing discrimination, hate crime, and hate speech, illegal hate speech online, and addressing systematic discrimination.⁶³

Following the unveiling of the strategy, the Anti-Racism Platform has met four times, with the most recent meeting passing ownership to civil society. In the coming weeks, the Inter-Ministerial Committee, including the MFED, the MSA, the MFH, and the MFE, will hold their first meetings. In addition, the HRD has received an invitation letter for an EU-funded project entitled END-RACISM-MT, which will help to set up the strategy. It will enable the research programme, as well as aid in the establishment of inter-ministerial action, the creation of a national anti-racism intercultural agreement with social partners, and a law enforcement and immigration effort. It will kick-start the “distinguishing fact from fiction” project and the “Patriotism = Anti-Racism” project. It will further assist in the fight against housing discrimination, hate crime, and hate speech, among other things. Meetings are being held with stakeholders regarding the remaining measures.⁶⁴

A record number of people were charged with hate crimes in Malta in 2021. On 3 September 2021, [20 Facebook users](#) were found guilty of hate speech online. The accused posted inflammatory comments under a video depicting a man who had been assaulted by a gang of foreign nationals. Some of the comments expressed that “*bloody foreigners*” should all be “*chucked out before we start a war*”, with some being more violent, which said “*we should burn them all if they cross the line*”. Inspectors John Spiteri and Kylie Borg brought charges against Joseph Muscat, Raymond Lia, Brian Camilleri, Janis Slattery, Brenton Mercieca Frantz, Ryan Fenech, Antoine Vella, Walter Baldacchino, Roderick Mallia, Mark Micallef, Clyde Vella, Emanuel Cassar, Sinclair Vella, Steve Mallia, Pamela Desira, Malcolm John Vella, Ivan Cauchi, Ronald Mercieca, Jonathan Sciberras and Luca Gatt. The accused present for the sitting admitted to the charges, for which the magistrate convicted those who commented with suspended sentences ranging from 18 months to two years, as well as with fines ranging from €150 to €500 depending on the severity of the comment.⁶⁵

⁶³ The Government of Malta, Ministry for Equality, Research, and Innovation, (2021) [Anti-Racism Strategy 2021-2023](#), 2021.

⁶⁴ Information Request, (2021) The Human Rights Directorate, 26 November 2021.

⁶⁵ The Times of Malta, (2021) [Twenty Facebook users plead guilty to hate speech](#), 3 September 2021. The sentence has not yet been published on eCourts.[gov.mt](#).

Chapter 3. Roma equality and inclusion

Malta does not have a national Roma integration strategy, as no Roma are living on Maltese territory.⁶⁶ There are no further updates in this regard.

3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	
Please add a hyperlink if the strategy is publicly available.	Hyperlink
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	Yes/No/Other (please specify)
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	Yes Partially No
Was Roma civil society involved in the development of the strategy? Please provide examples?	Yes/No
Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	Yes/No

⁶⁶ The European Commission, (2018) [Roma inclusion in Malta](#), 7 October 2021.; European Commission against Racism and Intolerance (ECRI) (2018), '[ECRI Report on Malta \(fifth monitoring cycle\)](#)', 15 May 2018.

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

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons

The [International Protection Agency](#) (IPA) does not differentiate between revocation, ending of, and non-renewal of protection. All cases are listed as withdrawal of protection. In view of this, the IPA does not disclose the number of beneficiaries of international protection whose protection status was revoked in 2021. Without prejudice to the above, please find below the statistical data for 2021 pertaining to withdrawal of protection.⁶⁷

Withdrawn refugee status: A total of **13** withdrawals on the basis that protection has lapsed according to law, following the beneficiary's unequivocal renunciation of his/her protection status.⁶⁸

Withdrawn subsidiary protection status: A total of **50** withdrawals on the basis that protection has lapsed according to law, following the beneficiary's unequivocal renunciation of his/her protection status.⁶⁹

⁶⁷ Information Request, (2021), the International Protection Agency, 19 November 2021.

⁶⁸ Information Request, (2021), the International Protection Agency, 19 November 2021.

⁶⁹ Information Request, (2021), the International Protection Agency, 19 November 2021.

A total of **two** withdrawals on the basis of [Article 19\(1\)](#) of the Qualification Directive Revocation of, ending of or refusal to renew subsidiary protection status.⁷⁰ Concerning applications for international protection filed after the entry into force of this Directive, Member States shall revoke, end or refuse to renew the subsidiary protection status of a third country national or a stateless person granted by a governmental, administrative, judicial or quasi-judicial body, if he or she has ceased to be eligible for subsidiary protection in accordance with Article 16 (i.e. cessation).⁷¹

A total of **one** withdrawal on the basis of [Article 19\(3\)\(a\)](#) that Member States shall revoke, end or refuse to renew the subsidiary protection status of a third country national or a stateless person if:⁷² (a) he or she, after having been granted subsidiary protection status, should have been or is excluded from being eligible for subsidiary protection in accordance with [Article 17\(1\) and \(2\)](#) of the Directive.⁷³

⁷⁰ Information Request, (2021), the International Protection Agency, 19 November 2021.

⁷¹ European Database of Asylum Law, (2004), [Qualification Directive, Directive 2004/83/EC of 29 April 2004](#), Official Journal L 304, 30/09/2004 P. 0012 – 0023.

⁷² Information Request, (2021), the International Protection Agency, 19 November 2021.

⁷³ European Database of Asylum Law, (2004), [Qualification Directive, Directive 2004/83/EC of 29 April 2004](#), Official Journal L 304, 30/09/2004 P. 0012 – 0023.

4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?

In Malta, there is no national independent border monitoring mechanism. The [Commissioner of the Malta Police](#) is designated as [Principal Immigration Officer](#) under the [Immigration Act](#) of 1970. As a result, the Malta Police are responsible for all matters relating to legal and illegal immigration, as well as border control. The [Armed Forces of Malta](#) (AFM) is tasked with the control of Malta's maritime borders on behalf of the Principal Immigration Officer. Officers within the AFM have been given similar executive powers in order to be in a position to perform their role effectively.⁷⁴

To date, there have been no high court decisions or any court rulings relating to the implementation of the right to an effective remedy in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.

⁷⁴ FRONTEX, (2021) [Malta: Border Control Services](#), 2021.

Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

In April 2021, the Malta Financial Services Authority published a report to share the progress made during the application of its [Strategic Plan 2019-2021](#). One of the sections of the report refers to cybersecurity in the context of COVID-19 social distancing and remote working. The Authority has carried out a study assessing the level of cyber resilience across Malta and drafted a [report](#) outlining the applicable legal and regulatory framework to prevent cybersecurity risks.⁷⁵

On 15 May 2021, in a press release, the Office of the President announced that Malta “*stands to ensure human rights enjoyment and eliminate terrorist and violent extremist content online*”. The President of Malta claims that the Government is focusing on prevention measures based on a multi-stakeholder approach, in which the industry works in unison with the Call Community, partner-country governments, academia, and civil society, to prevent and counter acts inspired by radical and extremist motives. In the statement, the President asserts that: “*through its 'Prevent Network', it aims to create further resilience and strengthen its policy development on countering radicalisation and violent extremism in all forms by bringing together a good number of government and other civil entities to the fold*”.⁷⁶

On 30 October 2021, Maltese Member of the European Parliament Alex Agius Saliba, who was involved in the discussions on both the [Digital Services Act \(DMA\)](#) and a [Digital Markets Act \(DMA\)](#), gave an interview to the local press. He stated that the DSA and the DMA are essential to ensure that the “pursuit of profit does not endanger our democratic societies”; “Platforms are essential tools for the circulation of information and communication. Still, at the same time, they have also facilitated a flood of disinformation and of angry, hateful, fake, and polarising sensationalist content that erodes public trust,”; “Too

⁷⁵ Malta Financial Services Authority, (2021) [Strategic Update 2021](#), 12 April 2021.

⁷⁶ The Department of Information, (2021) [PRESS RELEASE BY THE OFFICE OF THE PRESIDENT: President affirms Malta’s firm stand to ensure human rights enjoyment and eliminate terrorist and violent extremist content online](#), 15 May 2021.

often, algorithms push disinformation content into virality to create traffic and monetisation for the platform,” he continued. Saliba concluded by commending the measures that these two proposals have already introduced, such as transparency and accountability of algorithmic and recommendation systems, along with advertising models. These tackle illegal content and subsequently combat misinformation indirectly.⁷⁷ Legislative and policy measures were also put in place with regard to online abusive content. On 23 July 2021, the Maltese Parliament adopted Act [No. L of 2021](#) (ACT) titled Criminal Laws (Combating Terrorism) (Amendment) Act, 2021. The Act consists of several amendments of the [Criminal Code](#), Chapter 9, and [Victims of Crime Act](#), Chapter 539, on issues related to online terrorist content. In particular, the ACT introduces Article 328C sub-article 7 and 8 of the Criminal Code, which enables the Maltese police to request the removal of “*online content hosted outside the territory of Malta, which content constitutes a public provocation to commit terrorist activities*”. The above request is addressed to the internet service providers hosting the content in question. Any decision taken by the police can be challenged in terms of article 469A of the Code of Organization and Civil Procedure.

Regarding the amendments in the Victims of Crime Act, the term “*terrorist activities*” was added to the Article 2 (a) enumerating the harms inflicted to a natural person which render her/him victim of crime. Before this amendment, only criminal offences were indicated. Thereby, this new amendment addresses more effectively, violations of rights caused by terrorist activities, including online terrorist activities.

In late 2019, the Information and Data Protection Commissioner (IDPR) launched an EU-funded project titled: “General Data Protection Regulation (GDPR) Awareness Campaign and Support to Business Organisations, in particular, small and medium-sized enterprises (SMEs) – GDPR Rights”. The project seeks to achieve the following two objectives: (i) Increase awareness amongst the Maltese general public and business stakeholders on data protection; and (ii) Assist SMEs, in particular, to facilitate compliance with their obligations under the GDPR with the development of an online tool.⁷⁸ In 2021 the project’s activities are still ongoing. The activities include: Multi-level Awareness Raising Campaign, targeting the general public to inform them of their rights under the GDPR; Development of a Compliance tool, to facilitate compliance by SMEs and Data

⁷⁷ LovinMalta, [Online Platforms Are Getting Out Of Control And It's Time For The EU To Step Up, MEPs Say](#), 25 November 2021.

⁷⁸ Malta, Information and Data Protection Commissioner (IDPR), (2021) [_GDPRights: GDPR awareness campaign and support to business organisations, in particular, SMEs](#), 5 November 2021.

Protection Officers; Dissemination and Exploitation Tool, through conferences and seminars across Malta and Gozo.⁷⁹ On 4 February 2021, the Information and Data Protection Commissioner (IDPR) embarked on an awareness campaign designed to increase public awareness on the data protection rights deriving from the GDPR. The IDPC's objective is to promote a culture of understanding the importance of safeguarding people's personal data, along with the importance of being well-informed on how to exercise their rights under the GDPR. As part of this campaign, two videos, one on the personal data contained in photographs uploaded to social media platforms, and one on the correct installation of CCTV cameras, have been produced and published. The project is co-financed by the European Rights, Equality and Citizenship Programme 2014-2020.⁸⁰

On 20 August 2021, the IDPR released a [Guidance Note on cookies consent requirements](#), aiming at providing directions to operators which make use of cookies in their on-line services, such as websites or mobile apps. The Guidance Note draws upon the provisions of the GDPR, and specifically the right to a lawful, fair and transparent process of personal data⁸¹, the right to withdraw consent⁸², and the right to ensure the confidentiality of data.⁸³

The EU Commission endorsed Malta's Recovery and Resilience Plan (RRP) on September 16, 2021. This plan sets out the reforms and public investment projects that Malta plans to implement in the wake of the Covid-19 pandemic, with the financial support of the Recovery and Resilience Facility (RRF).⁸⁴ Malta's RRP contains examples of promising practices related to the topics discussed in this chapter. Case in point, the Commission finds that Malta will use 26% of its total

⁷⁹ The Council of Europe, (2021) Consultative Committee Of The Convention For The Protection Of Individuals With Regard To Automatic Processing Of Personal Data, OPINION OF THE T-PD BUREAU, 5 November 2021.

⁸⁰ The Information and Data Protection Commissioner (IDPR), (2021), [IDPC Awareness Campaign](#), 22 November 2021.

⁸¹ The European Parliament and the Council Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), Article 5(1)(a).

⁸² The European Parliament and the Council Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), Articles 7(3) and 13(2)(c).

⁸³ The European Parliament and the Council Regulation (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), Article 14(2)(d).

⁸⁴ The European Parliament and of the Council (2021) Regulation (EU) 2021/241 of 12 February 2021 establishing the Recovery and Resilience Facility, L 57/17.

allocation to adopt measures that support the digital transition. This includes efforts to further digitalise the public administration and public services, such as the healthcare and judicial systems, as well as to strengthen initiatives related to digitalisation for the private sector.⁸⁵The European Commission published the Annex to “the Proposal for a Council Implementing Decision on the approval of the assessment of the RRP for Malta” on the same day. This document outlines the reforms and investments that will be implemented in the next few years. The Annex is divided into six sections, each with specific measures and reforms in different sectors. Component three on “Digitalisation” addresses the challenges of further digitalisation in the public and private sectors, as well as highlights the need for building a robust cybersecurity infrastructure that will ensure that e-government systems will operate in a safe and secure digital environment.

The investment further aims to digitalise the judiciary in order to improve its quality and efficiency. The project envisages remote conferencing for civil proceedings, electronic filing for criminal judicial acts, and judiciary system interoperability. The above activities will be complemented by digital training provided to public officers and awareness campaigns, particularly on cybersecurity. By following the target set out in component three, Malta's digital infrastructure should increase its cybersecurity level by the end of 2025, surpassing the present level four. Both the Malta Information Technology Agency (MITA) and an external expert group will assess the cybersecurity level against the indicators of the National Institute of Standards and Technology (NIST) cybersecurity framework.⁸⁶

On 26 October 2021, the IDPR revised the Guidelines on the processing of personal data for political campaigning purposes. The Guidelines provide a detailed and uniform interpretation of the applicability of the General Data Protection Regulation and the Data Protection Act (Chapter 586 of the Laws of Malta) in the political environment, where political parties and candidates process personal data to carry out political campaigning. The Guidelines address several political campaigning practices, including postal and telephonic communications, door-to-door canvassing, generalised political communication, electronic direct marketing, canvassing, and online canvassing, concerning the implementation of Article 5 of the [General Data Protection Regulation](#). In particular, political parties, candidates, and those involved in processing of personal data,

⁸⁵ The European Commission, (2021) [Press release: NextGenerationEU: European Commission endorses Malta's €316.4 million recovery and resilience plan](#), 9 November 2021.

⁸⁶ The European Commission, (2021) [Annex to the Proposal for a Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Malta](#), 9 November 2021.

should handle personal data in a lawful, transparent, and fair manner. In addition, the personal data controller should also consider how to respond to data subjects' requests, particularly those seeking to exercise their data protection rights (such as the right of access), in a timely and effective manner, at least within one month of receipt of the request.⁸⁷

On 30 November 2021, the Ministry for Justice, Equality and Governance issued the Legal Notice [L.N. 456 of 2021](#) that authorises Malta's director-general of law courts to "*determine whether a person has valid grounds to exercise the right of erasure of personal data in respect of the content of a court judgment published online on the website of the Court Services Agency*"⁸⁸. According to Article 4 of the new Regulations, "[t]he right of erasure of personal data from a court judgment published on the website of the Court Services Agency shall be given effect either by anonymising the judgment or any part thereof or by removing the judgment from the said website."⁸⁹ Local politicians, NGOs, and media have expressed serious concerns about L.N. 456. They claim that the Legal Notice lacks specific provisions, policies, or procedures, outlining the way someone exercises the right to content erasure. Since the right to be forgotten as enshrined in EU law is not absolute, the Courts' Director and other data controllers must consider whether the erasure of personal data truly serves the public interest. In response, a letter of complaint from a group of media organisations and NGOs was addressed to the Prime Minister. The letter states that "Legal Notice 456 compromises fundamental human rights as it denies ordinary citizens the right to know and inhibits access to information that is in the public interest. It also raises serious questions concerning the separation of powers between the judiciary and executive branches of government. The legal notice should be revoked".⁹⁰ On 6 December 2021, two members of the Maltese Parliament affirmed this stance and filed a parliamentary motion asking for L.N. 456's revocation.⁹¹

A landmark ruling was issued by the Civil First Hall of Malta (Constitutional Jurisdiction) concerning criminal investigations and the use of personal data on 19 October 2021. The phone taps used to convict two men suspected of killing journalist

⁸⁷ The Information and Data Protection Commissioner (IDPC) (2021), [Guidelines on the processing of personal data for political campaigning purposes](#) 29 November 2021.

⁸⁸ The Ministry for Justice, Equality and Governance, (2021) [L.N. 456 of 2021](#), 23 November 2021, Art. 3.

⁸⁹ The Ministry for Justice, Equality and Governance, (2021) [L.N. 456 of 2021](#), 23 November 2021, Art. 4.

⁹⁰ The Daphne Caruana Galizia Foundation, Lovin Malta, The Malta Independent, Access Info Europe, Times of Malta, The Shift, Newsbook, Malta Today, Institute of Maltese Journalists (IGM), (2021), [Statement on Legal Notice 456 Online Publication of Court Judgements](#), 2 December 2021.

⁹¹ The Parliament of Malta, (2021) [Parliamentary motion](#), 6 December 2021.

Daphne Caruana Galizia were declared unlawful by Judge Toni Abela. The accused filed on 20 August 2019, a judicial protest alleging that communication interceptions conducted by the Maltese Security Services, which were decisive to their prosecution for the assassination of the journalist Daphne Caruana Galizia on 16 October 2017, were illegal and therefore could not be used as evidence. The accused claimed that:

"The conduct of the respondents or any of them constitutes a violation of article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms incorporated into the Laws of Malta under Cap. 319 of the Laws of Malta". The Court found that the telephone interceptions were indeed not performed lawfully, as they were conducted without authorisation. In this regard, the judge claimed *"it is not clear how the respondent Chief's discretion is used and there are no safeguards against abuse."* The judge explicitly ruled that: *"to date, the Attorney General and the Commissioner of Police have failed to prove that if an interception was made, it was done following the law and not in violation of the law"*. Interestingly enough, the Judge cited the European Court of Human Rights in *Klass v Germany*, which held that while national authorities enjoy a certain margin of appreciation in choosing how to protect national security, there must also be adequate and effective safeguards against abuse. This judgment completely transforms the landscape in terms of intelligence-gathering rules and the role of judicial scrutiny concerning personal data use and process in criminal proceedings.⁹²

⁹² Malta Today, (2021) [Landmark ruling on Degiorgio taps reins in MSS but puts in doubt murder evidence](#), 2 November 2021.

5.2 Artificial intelligence and big data

MS	Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
MT	Government: Malta's digital innovation authority (MDIA) (finances the projects) and Academia: the University of Malta (conducts the relevant research).	Other projects: Two Machine-learning projects.	Concerning two projects which are related to text and speech processing of the Maltese language, have led to a cache of data that can be used in customer service and entertainment.	Not explicitly.	The Times of Malta, Local research set to help AI machines understand Maltese language better , 22 April 2021.

MT	DPA: Information and Data Protection Commissioner.	Other projects: Guidelines on employees' vaccination status.	The Guidelines concern the employers who act as controllers and intend to collect information about the COVID-19 vaccination status of their employees. The Guidelines describe the way the employers shall conduct an assessment on the impact of the prospective processing activities, in order to ensure adherence to the data protection principles of the GDPR (Art. 5) and overall compliance with data protection law.	Yes. 1) The right to personal data related to health vs the public interest in the area of public health 2) Protection against unfair or other discriminatory practices due to employee's vaccination status	Malta, Information and Data Protection Commissioner (IDPR), IDPC Guidelines Vaccination Status Employees , 29 April 2021.
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MT	Academia & Government: Centre for Literacy of the University of Malta, in conjunction with the Malta's digital innovation authority (MDIA).	Other projects: Pathfinder MDIA Digital Scholarship	Starting from June 2021, MDIA financially supported three projects being conducted within the University of Malta which are focusing on Speech Processing, Text Processing, and AI in Education. A €120,000 fund was made available through the Pathfinder Digital Scholarship aimed at students in Masters or Doctorate levels, furthering their studies on AI.	Not explicitly.	Malta, Malta's digital innovation authority (MDIA), https://mdia.gov.mt/pathfinder/ , 8 June 2021.
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MT	Government/ Parliamentary: National Commission for Promoting Equality (NCPE).	Other projects: Comments on the AI draft Regulation.	In its annual report for 2020, published in 2021 the NCPE included its input provided in March 2020 as regards the Consultation on the White Paper on Artificial Intelligence (AI). In this input, NCPE highlighted that the draft AI regulation should comprise provisions that i) ensure that equality is safeguarded by AI systems (ii) empower more women and girls to study, work and advance their career in AI (iii) provide training to AI	Yes. - Right to Equality. 6 Right to Equal Opportunity in Work and Education.	Malta, the National Commission for the Promotion of Equality (2021), NCPE Annual Report 2020 (online).pdf , retrieved 1 November 2021.
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			<p>professionals on equality (iv) address bias, stereotypes and discrimination (v) raise awareness on discrimination and AI (vi) provide information on how to analyse the outcomes of algorithms in terms of equality.</p>		
MT	<p>Academia & Government: Centre for Literacy of the University of Malta, in conjunction with the National Literacy Agency.</p>	<p>Other projects: EduAI.</p>	<p>In line with the National Strategy and Vision for AI in Malta 2030, the main purpose of this project is to develop and promote AI in education projects, engaging children (eight to ten year olds),</p>	<p>Not explicitly.</p>	<p>The University of Malta, EduAI Programme - Centre for Literacy - L-Università ta' Malta, retrieved 2 November 2021.</p>

			educators, and parents. The project's deliverable would be a school programme in AI, which would eventually be included in the curriculum.		
MT	Government: Malta's digital innovation authority (MDIA)	Other projects: Technology Assurance Sandbox.	In 2021, MDIA launched the Technology Assurance Sandbox (MDIA-TAS), an innovative concept for start-ups and smaller companies. The project will provide companies with a safe environment to develop innovative technological solutions. The	Not explicitly.	Malta, Malta's digital innovation authority (MDIA), https://mdia.gov.mt/sandbox/ , retrieved 25 November 2021.

			Sandbox guides the applicant to properly develop technological solutions in line with recognised International Guidelines and Standards and in line with existing regulatory and legal obligations, especially within the camps of Cybersecurity and Artificial Intelligence.		
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Chapter 6. Rights of the child

6.1 Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p>The Ministry for Finance and Financial Services released a report titled "2021 Pre-Budget Document" which includes a section dedicated to the National Policy Response to COVID-19. This chapter outlines a set of social measures to alleviate the impact of Covid-19 on the financial condition of households. One of these measures is the Parental Benefit Scheme. This financial scheme applied to parents whose children are under the age of 16 and for whom it was not possible to work from home during school closures. Parents were entitled to a payment of €800 per month if working full-time, or €500 per month if working part-time. The scheme ran between 9th March and 1st July. 4,500 parents benefitted from this scheme, with a total expense of €10.3 million.⁹³</p> <p>Malta saw the rise of promising practices when adjusting to the challenges the pandemic posed. On 29 March 2021, in a press release, the Minister for Education discussed how Malta has responded to these challenging times with creative initiatives to meet educational needs. The Minister claimed that the COVID-19 pandemic has given Malta the <i>"opportunity to strengthen Malta's digital preparedness and digital tools in order to improve the quality and inclusiveness therein. Free online resources have also been made available via a user-friendly website, containing a wealth of recorded lessons, and built expressly to help parents, guardians, students and educators to easily access distance learning resources and lessons."</i>⁹⁴</p> <p>The government used different measures to improve inclusiveness and ensure access to education during the pandemic. During the months when schools were closed, they provided free internet access and a laptop or tablet to students in need, to ensure that every student could study online. Measures to support the mental well-being of students during and after the pandemic were introduced as well. For instance, schools and educational institutions have been provided with guidelines catering to the psychosocial needs of students.⁹⁵</p> <p>In October 2021, the Ministry for Finance released the Budget 2022. Clyde Caruana, the Finance Minister announced that the</p>
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⁹³ The Ministry for Finance and Financial Service, [2021 Pre-Budget Document](#), 10 September 2020.

⁹⁴ The Department of information, [PRESS RELEASE BY THE MINISTRY FOR EDUCATION: Challenges brought about by the pandemic can be turned into opportunities](#), 29 March 2021.

⁹⁵ The Department of information, [PRESS RELEASE BY THE MINISTRY FOR EDUCATION: Challenges brought about by the pandemic can be turned into opportunities](#), 29 March 2021.

	<p>government will provide €10,000 per year to spend on food and other basic resources for vulnerable children from disadvantaged backgrounds. The scheme will cost €1 million and the funding will increase if necessary. Caruana said during his Budget speech, <i>"We will be doing this because we believe that if there is at least one starving child in our society, we have failed our moral obligations as human beings"</i>.⁹⁶</p>
<p>Measures to protect children from violence</p>	<p>In 2021, Domestic Violence Services continued their efforts to assist victims of domestic abuse. A new procedure is introduced to facilitate admissions in shelters of domestic violence for women victims and their children. The victims will first be tested for COVID-19, and then housed in a safe and secluded shelter until they know the result of the swab test. Upon a negative result, the victims will be transferred to the usual domestic violence shelter. Moreover, children staying at the domestic violence shelter were provided with computers to attend their classes online while schools were closed.⁹⁷</p> <p>On 17 June 2021, in a press release, Minister for Social Justice and Solidarity the Family and Children's Rights announced the launch of the <i>BeSmartOnline</i> project. Through this project, students receive specific lessons regarding the appropriate use of technology and how to handle dangerous and abusive situations while using the internet. The project seeks to prevent online abuse of children, adolescents, and adults through awareness campaigns.⁹⁸</p> <p>On 24 June 2021, in a press conference, the University of Malta in cooperation with the Faculty for Social Wellbeing and the Malta Foundation for the Wellbeing of Society agreed on the establishment of the Children's Rights Observatory Malta (CROM).⁹⁹ The Observatory aims to address the shortcomings and focus points in the implementation of children's rights. Through an evidence-based approach, the Observatory will protect and promote the rights of children in Malta and encourage the recognition of their rights in social institutions.</p> <p>The initiative originates from two research projects by the Malta Foundation for the Wellbeing of Society, including the Child Participation Assessment Tool (CPAT) introduced by the Council of Europe and implemented by the Family Ministry, and the 'DG Just' study on the participation of children in politics and</p>

⁹⁶ Government of Malta, (2021), [STATEMENT BY THE DEPUTY OFFICE PRIME MINISTER AND MINISTRY OF HEALTH AND THE MINISTRY OF FINANCE AND LABOR](#), 12 October 2021.

⁹⁷ The Council of Europe, (2021) [The COVID-19 pandemic and children: Challenges, responses and policy implications](#), 12 March 2021.

⁹⁸ The Ministry for Social Justice and Solidarity, (2021) Press Release by the Ministry for Social Justice and Solidarity, the Family and Children's Rights: Launch of another BeSmartOnline project, 17 June 2021.

⁹⁹ University of Malta Newspoint, [Observatory set up to champion Children's rights](#), 25 June 2021.

democracy. These studies demonstrated the obstacles children in all levels of society have to confront regarding their position at home, in schools, in court, and other institutions. It appeared that children did not feel in charge of making their own decisions because their parents often decide on their future plans. To address this lack of participation, children suggest personal representation so they are directly involved in matters of interest to them.

Based on these two previous projects, the Observatory monitors the experiences and ideas of youth, and connects these with academic research to improve current practices. The objective is for all children to feel understood and enjoy general freedom of expression - regardless of their background, gender, ethnicity, religion, and age - as follows from the United Nations Convention on the Rights of the Child.

The Observatory consists of five departments:

- An advisory board consisting of stakeholders such as Unicef
- A steering group
- A core team
- Platforms
- Focus groups of international and local NGOs and civil society organisations.¹⁰⁰

On 23 September 2021, the Commission on Gender-Based Violence and Domestic Violence and the Faculty of Social Well-Being concluded a Memorandum of Understanding on the establishment of offices for local research and training opportunities on gender-based and domestic violence in Malta. Within the Commission, university researchers and public authorities will collaborate on research concerning children who have witnessed gender-based violence and domestic violence in Malta. This initiative aims to break existing taboos and give victims a platform to speak up and ask for the help they need. Professor Saviour Zammit, Rector's Delegate for Major Projects, said *"This MoU will allow our researchers to study the effects that domestic violence is leaving on Maltese children and to come up with mitigating proposals to protect the most vulnerable in our society. The University of Malta must enter into more of these MOUs, with diverse government entities and NGOs, that allow our academics to perform research studies that benefit the whole of Maltese society."*¹⁰¹

On 4 October 2021, the Ministry for Justice and Social Solidarity, the Family and Children's Rights announced that a social agreement was reached to continue the use of two residencies that host victims of domestic violence and their family members.

¹⁰⁰ University of Malta Newpoint, [Observatory set up to champion Children's rights](#), 25 June 2021.

¹⁰¹ The University of Malta, (2021) [Newpoint: Faculty for Social Wellbeing supports the Commission on Gender-Based Violence and Domestic Violence](#), 24 September 2021.

	<p><i>Dar Merħba Bik</i> and <i>Dar Santa Bakhita</i> provide shelter to women and their children who are in dangerous situations due to domestic violence. In particular, <i>Dar Santa Bakhita</i> centre offers programmes of “semi-independent living”, which help to integrate these victims back into society and overcome traumatic experiences.¹⁰²</p> <p>Concerning the protection of children from violence, an interesting case was brought before the court in Malta in 2021. The case concerns female genital mutilation (FGM), which has never been discussed in Maltese courts before. The court prevented two girls on holiday in Malta from returning to Sudan because they were at high risk of female genital mutilation at home. In Malta, it is considered a crime to subject someone to the practice of female genital mutilation, whether this takes place inside the country or abroad. The children's mother had applied for international protection when the father took the family on holiday to Malta earlier this year. Her husband's family had been pressuring her to have her two daughters, aged three and five, to undergo Type III female genital mutilation in Sudan. When it came time to return home, the mother sought a prohibitory injunction because the decision of her asylum application was still pending. The Family Court upheld the order on the same day, preventing the children from being returned to Sudan. The woman was then escorted to a shelter with her children. Just over a month later, the Family Court issued a definitive judgement in favour of the mother and her children, including her infant son. In addition to the court decree, the mother has been granted refugee status based on Female Genital Mutilation.¹⁰³</p>
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6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	<p>In March 2021, Act No.XXIII of 2021 to amend the Minor Protection (Alternative Care) Act, Cap. 602 of the Laws of Malta, was adopted.¹⁰⁴ Under the new law, the Magistrate presiding over the Juvenile Court is now bound to nominate a Child’s Advocate at the start of the proceedings.</p> <p>Article 25 provides that the children’s advocate shall:</p> <p><i>“(a) provide legal assistance and advice to the minor;</i> <i>(b) submit the views of the minor in any court or with any administrative body as relayed to him by the key social worker or</i></p>
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¹⁰² The Ministry for Justice and Social Solidarity, the Family and Children’s Rights, (2021) [Press Release: More than one million euros for domestic violence victims](#), 4 October 2021.

¹⁰³ Times of Malta, (2021) [Young girls on holiday to remain in Malta as court notes genital mutilation risk, 29 August 2021](#), The sentence has not yet been published on eCourts.gov.mt.

¹⁰⁴ The Parliament of Malta, Act No.XXIII of 2021, (2021) [Minor Protection \(Alternative Care\) \(Amendment\) Act](#), 25 May 2021.

	<p><i>by an expert on minor protection as appointed by the Court for said purpose;</i></p> <p><i>(c) provide explanations to the minor on the possible consequences should they conform to his or her wishes; and</i></p> <p><i>(d) provide the minor with any relevant information.</i>"¹⁰⁵</p> <p>Following this new amendment, the Magistrate in Juvenile Court must consider the view of the Child's Advocate before taking any relevant decision that will influence the child's life.</p>
Policy developments	No policy developments in 2021.
Other measures or initiatives	There are no other measures or initiatives in this regard.

Chapter 7. Access to justice

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

In February 2021, the European Commission issued a reasoned opinion to Malta for the continued lack of adequate transposition of the EU Victims' Rights Directive (Directive 2012/29/EU).¹⁰⁶ As Malta had not responded to the 2019 infringement procedure, the Commission decided to take further measures to urge Malta to correctly transpose the Directive within its national legislative system. The main shortcomings concerned the right to be informed about the case proceedings, the right to support, and the right to protection.

In further detail, these are: (i) right to be informed about the case proceedings, provided in Article 6 (Right to receive information about their case) of Directive 2012/29/EU; (ii) the right to support, stipulated in Article 8 (Right to access victim support services) and Article 9 (Support from victim support services); (iii) the right to protection covered in Chapter 4 of the Directive, most generally Article 18. Malta has now responded to the reasoned opinion by amending the Victims of Crime Act.

¹⁰⁵ The Parliament of Malta, Act No.XXIII of 2021, (2021) [Minor Protection \(Alternative Care\) Act 25\(1\)](#), 25 May 2021.

¹⁰⁶ The European Commission, (2021) [February infringements package: key decisions](#), 18 February, 2021.

On April 16 2021, ACT No. XVII of 2021 was adopted to amend the Victims of Crime Act, Cap. 539. *“The objects and reasons of this Bill are to properly and fully transpose Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.”*

The first amendment concerns the addition of sub-article 4 to Article 6 of the Victims of Crime Act, on the right to receive information on the case. Sub-article 4, includes some safeguards for the victim during the criminal investigation. In particular: *“(a) interviews of victims shall be conducted without unjustified delay.” (b) “interviews shall be carried out only where necessary for the purposes of the criminal investigation.” (c) “Victims may be accompanied by their legal representative and a person of their choice [...] unless a reasoned decision has been made to the contrary by the investigating Police Officers.”*

In paragraph 7 of Article 7 of ACT No. XVII of 2021, the right to challenge the court’s decision not to provide an interpreter or translator is added. Two new provisions are included after Article 10, stipulating the right to reimbursement of expenses and the right to protection of privacy. Article 10A states that “without prejudice to the Criminal Injuries Compensation Scheme Regulations, victims who participate in criminal proceedings shall have the possibility to be reimbursed for the expenses incurred as a result of their active participation in criminal proceedings”. Article 10B stipulates that “appropriate measures to protect the privacy including personal characteristics of the victim” shall be taken into account during the criminal proceedings. This includes the findings of the individual assessment as provided for under Article 12.

Article 14B of ACT No. XVII of 2021 provides for the right to protection of victims with specific protection needs during criminal proceedings. These specific protection needs can be identified as a result of the individual assessment. However, “a special measure envisaged following the individual assessment shall not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings”.¹⁰⁷

The government also put in place other measures relevant to the implementation of the ACT No. XVII of 2021. On 22 April 2021, in a [press release](#), the Ministry for Home Affairs, National Security and Law Enforcement

¹⁰⁷ The Parliament of Malta, Bill 17 of 2021, (2021) [The Victims of Crime \(Amendment\) Act](#), 16 April 2021.

Byron Camilleri, and Victim Support Agency Chairperson Brian Farrugia announced the introduction of new services for victims of crime provided by the [Victim Support Agency](#).¹⁰⁸ The measures include psychological help, a care plan, legal services by agency officials who accompany victims in court hearings, and a follow-up on the current situation regarding aggressors. Minister Camilleri stated “it is our duty to ensure that we do not forget the victim and that a victim is not a victim twice. We need to give the victim all the necessary support after what they have suffered. I am convinced that the Agency will make the difference they have been waiting for so long”.¹⁰⁹

7.2 Measures addressing violence against women

In 2021, [Victim Support Malta \(VSM\)](#) launched a project called ‘[the Protection of Women’s Rights \(POW-R\): Empowering Survivors of Domestic Violence](#)’. The two-year project aims to combat discrimination and stigma against women, as well as support social justice and the inclusion of vulnerable women and children, by empowering this vulnerable group to improve their active citizenship. The project focuses on empowering victims of domestic violence and assisting with their recovery, resilience, and growth. The women will be helped through a therapy-based programme (Cognitive Behavioural Therapy (CBT) approach). The therapy aims to (i) Enable victims/survivors to **Recognise** abuse and its impacts on them and their children (ii) **Recover** from the abuse and support their children to do so (iii) Develop **Resilience** by building on the strengths of the victim/survivors and addressing challenges in order to build a better sustainable safe future.¹¹⁰ VSA acts on the urgent need for this programme, as numbers of domestic violence have progressively increased during the pandemic. The course will be delivered online, and individuals who enrol will be able to remain anonymous. The Active Citizens Fund is financing the services offered in this programme.¹¹¹

In March 2021, the Agenzija Appogg published a [Statistical Report](#) on the social welfare services offered in Malta. Statistics produced by the Domestic Violence Unit (DVU) show a significant increase in case activity of victims of violence compared to the 2019 numbers. Similarly, the [Stop! The Violence and Abuse Service \(S! TVA\)](#) has experienced a rise in cases compared to 2020. Interesting

¹⁰⁸ The Ministry of Interior, National Security and Law Enforcement, (2021) [Press release: Establishment of the Agency for Victims of Crime](#), 22 April 2021.

¹⁰⁹ The Malta Independent, (2021) [Victim Support Agency launched; more services for victims of crime](#), 22 April 2021.

¹¹⁰ The Victim Support Malta, (2021) [\(POW-R\) Protection of Women’s Rights: empowering survivors of domestic violence \(2021-2022\)](#), 2021.

¹¹¹ Active Citizens Fund, (2021) [Protection of Women's Rights: Empowering Survivors of Domestic Violence \(POW-R\)](#), 2021.

to note, figures illustrate that the sharpest increase comes from individuals already known by the system.¹¹² Because of these rising numbers, the [Commission](#) has provided facilities to address the heightened risk for people suffering from domestic abuse at home. For example, the [Ministry for Social Accommodation](#) extended its Private Rent Housing Benefit Scheme for victims of domestic violence. This provides the opportunity for people that suffer from domestic abuse to leave their homes, as opposed to remaining confined with their perpetrators. Moreover, the Commission has promoted national awareness-raising campaigns on violence against women, through the dissemination of informative material such as posters, leaflets, and business cards with the contact numbers of service providers displayed in public spaces such as pharmacies and supermarkets.¹¹³ The aim of these awareness-raising campaigns is to inform affected people of the services available to them to seek help.

On 13 March 2021, the Oversight Committee on the National Action Plan on Women, Peace, and Security convened for its first session.¹¹⁴ The Committee is tasked with monitoring and evaluating the implementation of [Malta's National Action Plan](#) (NAP).¹¹⁵ The NAP, which will run from 2020 to 2024, aims to achieve the goals outlined in the [United Nations Security Resolution 1325 on Women, Peace and Security](#) (UNSCR 1325). In brief, the objectives of the resolution emphasise the importance of women's participation and involvement in all efforts to maintain and promote peace and security. Resolution 1325 urges all actors to increase the participation of women and incorporate gender perspectives in all United Nations peace and security efforts.¹¹⁶ The NAP is designed and structured around the four pillars of the UNSCR 1325: Promotion, Prevention, Participation, and Partnership, in order to achieve the goals.

On 20 April 2021, in a [press release](#) during the Sexual Abuse Awareness Month, the Maltese government announced a partnership agreement with the NGO [Victim Support Malta](#). The Ministry for Solidarity and Social Justice, the Family and the Rights of the Child has signed this agreement to help victims of sexual violence. They will address cases which are more recent, as well as more outdated cases which are still unresolved.¹¹⁷ The government will cooperate with a specialist team within Victim Support Malta, called [The Care for Victims of](#)

¹¹² Foundation for Social Welfare Services, (2021) [Agenzija Appogg: Yearly Statistical Report](#), March 2021.

¹¹³ The Commission on Gender-Based Violence and Domestic Violence, (2021) [Annual Report 2020](#), 26 April 2021.

¹¹⁴ The Ministry for Foreign and European Affairs, (2021) [The Oversight Committee on Malta's National Action Plan on Women, Peace, and Security holds its first session](#), 18 March 2021.

¹¹⁵ The Ministry for Foreign and European Affairs, (2021) [Malta's National Action Plan for the Implementation of United Nations Security Council Resolution 1325: 2020-2024](#), 2021.

¹¹⁶ The United Nations, Office of the Special Advisor on Gender Issues and the Advancement of Women, (No date) [Landmark resolution on Women, Peace and Security](#).

¹¹⁷ The Ministry of Solidarity and Social Justice, the Family and the Rights of the Child, (2021) [Press release: Assistance to victims of sexual violence](#), 20 April 2021.

[Sexual Assault \(CVSA\)](#). This team provides assistance regarding: legal services, consultation services, psychiatric services, and crisis intervention services. Victim Support Malta will receive €300,000 from the government to continue providing care to victims and operate the four programs listed. This sum will be dispersed over the course of three years. Assistance will be provided 24 hours a day to victims free of charge, and additional support is offered to those closest to the victims.¹¹⁸

In June 2021, a [press release](#) by the National Commission for the Promotion of Equality (NCPE) revealed that gender-based cyber violence is a growing threat, especially for women and girls. With the development of online technologies, gender-based cyber violence has become the most common form of an aggressive act perpetrated through electronic communication and the internet. As a result, the Commission feels that more education and learning about cyber safety is necessary, given that children can be victims, witnesses, and perpetrators of violence. Moreover, both guardians and educators have an important role to play in addressing cyber violence, gender equality, and online communication with children, while policy makers should enforce legislation protecting girls and boys from all forms of gender-based cyber violence.¹¹⁹ Since there is currently no reference to online violence in national law, this could be a welcome addition to the [Gender-based Violence and Domestic Violence Act](#).¹²⁰

After a visit to Malta from 11 to 16 October 2021, the [Council of Europe Commissioner for Human Rights Dunja Mijatović](#) stated that reforms are needed to better protect women in Malta. Regarding women's rights, the Commissioner called on the Maltese authorities to step up measures to enhance equality between women and men. "In order to improve gender equality, the authorities must put in place comprehensive measures to overcome prejudices and traditions and all other practices based on the idea of the inferiority of women or on stereotyped roles for men and women. Awareness-raising among the general population and the introduction of mandatory comprehensive sexuality education are key". The Commissioner for Human Rights also stressed that Malta's legislation, which provides for a total ban on abortions, remains one of the most restrictive among Council of Europe member states. The Commissioner calls on Maltese authorities to urgently repeal provisions criminalising abortion, and ensure all women's access to sexual and reproductive health care, including safe and legal abortion care. She welcomed the developing debate on this issue but stressed that "the fact that abortion is still criminalised and stigmatised not only

¹¹⁸ The Ministry for Social Justice and Solidarity, the Family and Children's Rights, (2021) [Statement by the Ministry for Social Justice and Solidarity, the Family and Children's Rights: Assistance to victims of sexual violence](#), 20 April 2021.

¹¹⁹ The National Commission for the Promotion of Equality, (2021) [Addressing cyber violence against women and girls](#), 9 June 2021.

¹²⁰ The Government of Malta, (2021) [GENDER-BASED VIOLENCE AND DOMESTIC VIOLENCE](#), 14 May 2018.

puts Maltese women's health at risk, but also affects their equal enjoyment of other human rights".¹²¹

On 16 November 2021, the NCPE published a [press release](#) for their "16 days of awareness and activism against domestic violence and gender-based violence" initiative. This yearly campaign is held between 25 November (the World Day for the Elimination of Violence against Women), and 10 December (World Human Rights Day). In the press release, the NCPE reports that 1085 individuals in Malta were brought to court on charges related to domestic violence in the period between 1 January 2021 and 31 August 2021. They further highlight that of the 1085 charged, 821 were male. Also noted is the 24% increase (319 extra cases) in domestic violence incidents during the COVID-19 pandemic. On 3 December, as part of the "16 days" initiative, the Women's Rights Foundation Malta announced the launch of Malta's Observatory on Femicide. In addition, the Foundation agreed a Memorandum of Understanding with the Commission on Gender-Based Violence & Domestic Violence on creating a common approach to combat femicide in Malta.¹²² The Memorandum declares the groups' intent to support the Observatory. They aim to raise awareness, collect data, and conduct research to be able to address the causes of femicide. This data will then be used to draft new policies and educational campaigns.¹²³

The [Gender-Based Violence and Domestic Violence Strategy and Action Plan 2021-2022](#) is an example of a promising practice related to the topics addressed in this chapter. In June 2021, the Minister for Justice, Equality and Governance launched Malta's second national strategy. The Commission on Gender-Based Violence and Domestic Violence has developed this strategy in cooperation with the Interministerial Committee as a continuation to the 2018-2020 plan. Similar to the previous Strategy, the current Action Plan focuses on four pillars based on the Istanbul Convention: i) **prevention**, ii) **protection and support**, iii) **prosecution**, and iv) **integrated policies and data collection**. The Plan aims to increase awareness-raising and ensure faster prosecution of perpetrators. The pillars provide the framework to achieve these objectives. First, domestic violence will be **prevented** through the increasing public awareness initiatives directed to boys and men. The mobilisation of this group encourages active participation in countering domestic violence. Second, victims of domestic abuse are **protected and supported** by the support services offered by the Plan. The Strategy provides information on the services in place, in order to guarantee the

¹²¹ The Council of Europe, (2021) [Reforms needed to better protect journalists' safety and the rights of migrants and women in Malta](#), 18 October 2021.

¹²² Women's Rights Foundation Malta, [Launch of Malta's Observatory on Femicide](#), 3 December 2021.

¹²³ Commission on Gender-Based Violence & Domestic Violence, [16 days of activism](#), 3 December 2021.

rights of the victims at all stages of the investigation and judicial proceedings. Third, the Strategy ensures faster **prosecution** through better expertise and equipment of the police forces. This reduces the risk of secondary victimisation by protecting the rights and interests of victims. Finally, **integrated policies and data collection** aim to ensure that legislation sufficiently safeguards victims, and the data collection of the crime. This way, victims can immediately be assisted with support services.¹²⁴

In 2021, the murder of Daphne Caruana Galizia has highlighted both the issue of violence against women and access to justice in Malta. In February, this case regained attention after [Vincent Muscat](#) was finally sentenced to prison for the murder of the journalist in 2017.¹²⁵ The journalist was an anti-corruption activist, uncovering networks of corruption in Malta and abroad. Moreover, she expressed her concern with the Maltese government and accused politicians of corruption. The government was questioned about its role in the killing because of the criticism voiced by Daphne on state officials. In July 2021, one serving judge and two retired judges conducted an [independent inquiry](#) on the case. The report found the Maltese state responsible for the murder because it has created a “culture of impunity” (*kultura ta’ impunità*).¹²⁶ In a social media livestream, the government publicly responded to the independent inquiry. Prime Minister Robert Abela stated that it was up to him “to apologise for the state’s shortcomings”. He added that “the murder was a dark chapter in the history of Malta and it would be a shame if lessons are not learnt”.¹²⁷

On 1 December 2021, the Commission on Gender-Based Violence and Domestic Violence, in collaboration with the Ministry of Education, launched a pilot project titled “Safe Dates.” The project’s purpose is to educate youths about domestic violence. This educational program helps young people develop essential skills that will allow them to recognise early signs of relationship abuse and know what to do if they feel uncomfortable or in danger. The “Safe Dates” curriculum is piloted in four state schools (St. Ignatius College, St. Thomas More College, St. Clare’s College, and St. Nicholas College) in Personal, Social, and Career Development (PSCD) lessons for students in the Tenth Year. The Maltese Education Minister stressed that besides raising awareness, the campaign aims to normalise a violence-free mentality for children.¹²⁸ The main aim of this pilot study is to assess the effectiveness of the “Safe Dates” program in changing the beliefs and attitudes of children on domestic violence. The Commission on

¹²⁴ The European Social Policy Network, (2021) [ESPN Flash Report 2021/43: Malta renews its Strategy on Gender-Based Violence and Domestic Violence](#), July 2021.

¹²⁵ Malta, eCourts, (2021) Case 7/2019, [Ir-Repubblika Ta’ Malta vs Vincent Muscat](#), Omissis [2021] ECLI:MT:QK:2021:125567.

¹²⁶ Malta, Bord ta’ Inkjesta (2021) [Daphne Caruana Galizia](#), 29 July 2021.

¹²⁷ The Times of Malta, (2021) [Watch: Abela apologises for state’s shortcomings leading to Daphne murder](#), 29 July 2021.

¹²⁸ The Ministry for Education, (2021) [Studju pilota li jevalwa l-implimentazzjoni ta’ Safe Dates - Programm ta’ prevenzjoni mill-abbuż f’relazzjonijiet fiż-żgħożġja](#), 1 December 2021.

Gender-Based Violence and Domestic Violence, together with the Department of Family Studies, will evaluate the pilot program to consider further implementation in all schools in Malta.¹²⁹

In 2021, the Criminal Courts have dealt with several domestic violence cases. An interesting judgment was issued on 6 October 2021, by the Court of Magistrates (Criminal Judicature) in *Il-Pulizija vs Anthony Mifsud*. In this case, the defendant Anthony Mifsud, was accused of intimidating and voluntarily inflicting bodily harm to his wife using a knife. The Court sentenced the defendant to two years of imprisonment, while stressing in its decision that unfortunately such domestic violence incidents have proliferated, so much so “that a few years ago the legislator felt the need to amend the existing legislation, in order to inter alia provide more protection to the victim and increase the penalties”. Thereby, the Court decided to impose a rather strict penalty, as the judge considered herself obligated to send a message of justice’s determination to combat domestic violence.¹³⁰

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

8.1 CRPD policy & legal developments

In February 2021, the [European Disability Expertise \(EDE\)](#) published its [country fiche on disability equality for Malta](#). The EDE provides scientific support to the Commission’s policy Unit responsible for disability issues. This country report collects and analyses the existing barriers disabled people and their families have faced during the European Semester 2020-2021, and provides a set of recommendations addressed to the Maltese Government. In the executive summary it is explained that although the government has introduced various measures to assist people with disabilities, the pandemic has stalled these efforts, resulting in many disabled persons having lost their jobs. Data collection regarding how many disabled people benefited from various governmental social aid schemes, or whether Covid-19 affected disabled people’s employment rate, is scarce and inconsistent. Health-wise, the pandemic has also left its mark, as most health policies revolved around Covid-19, and the services available for

¹²⁹ The Ministry for Education, (2021) [Studju pilota li jevalwa l-implimentazzjoni ta' Safe Dates - Programm ta' prevenzjoni mill-abbuż f'relazzjonijiet fiż-żgħożija](#), 1 December 2021.

¹³⁰ Malta, eCourts, [Court of Magistrates \(Criminal Judicature\), Il-Pulizija Vs Anthony Mifsud, Case Ref. 467/2019](#), 22 November 2021.

disabled people were minimized due to the health emergency imposed by the pandemic.

Following this analysis, the European Disability Expertise makes a detailed list of recommendations explaining the rationale behind them:

- Expand implementation of the 2% quota for employment of disabled persons to small companies. As Malta is mainly composed of microenterprises, including a mandatory 2% quota in all the Maltese companies (big and small) would significantly increase opportunities for disabled people.
- Adopt the European Skills Agenda launched in July 2020 and use facility funds to target disability equality. The use of funds is essential for upskilling and retraining persons with disabilities, especially those who have become unemployed because of the COVID-19 pandemic.
- Involve disabled people in the government's plans to provide a home for adults with disabilities. The aim is to avoid creating institutionalised living arrangements even in accommodation intended to be community-based.
- Conduct comprehensive research about inclusive education in Malta. Given concerns and inconsistencies regarding the implementation of inclusive education in schools and higher education, there is an urgent need to obtain information on inclusionary education on all levels.
- Collect data and conduct further research on social inclusion to bridge the gap of the lack of data on social security and housing benefits made available during the COVID-19 pandemic.

Each recommendation underlines the necessity to implement European and international equality policies referring, in particular, to the UN Convention on the Rights of Persons with Disabilities (CRPD).¹³¹

Regarding the legislative reforms to implement the CRPD, on 17 August 2021, the Maltese parliament adopted two Bills: [Bill No. 223 - Equal Opportunities \(Persons with Disability\) \(Amendment\) Bill](#) and [Bill No. 224 - United Nations Convention on the Rights of Persons with Disabilities Act](#).

The European Network of Legal Experts in Gender Equality and Non-Discrimination explains the two Bills in a "[Flash Report](#)."¹³²

First, Bill No. 223 amends the Equal Opportunities (Persons with Disability) Act, Cap 413. The object of this Bill is *"to ensure fulfilment of Malta's obligations in terms of the United Nations Convention on the Rights of Persons with Disabilities*

¹³¹ The European Commission Department of Employment, Social Affairs and Inclusion, (2021) [European Disability Expertise: European Semester 2020-2021 country fiche on disability equality Malta](#), 2021.

¹³² European Network of Legal Experts in gender equality and non-discrimination, (2021) [Flash Report](#), 26 November 2021.

*and the United Nations Principles relating to the Status of National Institutions (the Paris Principles), and more specifically in relation to the structure and functions of the Commission for the Rights of Persons with Disability, in general and in respect of investigations, compliance and enforcement, redress mechanisms ensuring access to justice, as well as concerning the Commission's market surveillance function in relation to Directive (EU) 2019/882 on the accessibility requirements for products and services (European Accessibility Act).*¹³³

The amendments mainly aim to strengthen the powers of the CRPD. To achieve this, new Article 33B introduces the establishment of the so-called **UN CRPD Redress Panel**, which will be competent to hear petitioner claims of breaches of substantive rights stemming from the United Nations Convention on the Rights of Persons with Disabilities. The UN CRPD panel shall have exclusive jurisdiction over any substantive convention rights. The representation of the panel will be persons with disabilities or persons with experience of disability in their surroundings.¹³⁴ Bill No. 223 further set out an Investigations Unit to carry out investigations of complaints, and an Enforcement Unit with the authority to take measures against persons who breach the provisions of the ACT or fail to comply with the decisions taken by the Investigations Unit.¹³⁵

On the same day, the Maltese Parliament adopted [Bill No. 224](#) which establishes a new act of law aimed at safeguarding the substantive rights of the United Nations Convention on the Rights of Persons with Disabilities. The ACT's overall aim is *"to make provision for the possibility of civil actions based on claims alleging discrimination on the basis of disability in respect of the substantive Articles of the United Nations Convention on the Rights of Persons with Disabilities, as well as to provide for other matters in respect of the implementation of said Convention"*.¹³⁶

In detail, Article 3(1) introduces **the right to file a petition** before the said Redress Panel for any person who alleges discrimination based on disability. In addition, the second paragraph of Article 3 mentions the possibility for those

¹³³ The Parliament of Malta, Bill No. 223 of 2021, (2021) [Equal Opportunities \(Persons with Disabilities\) \(Amendment\) Bill](#), 13 July 2021.

¹³⁴ The Parliament of Malta, Bill No. 223 of 2021, (2021) [Equal Opportunities \(Persons with Disabilities\) \(Amendment\) Bill](#), 13 July 2021, Article 33B.

¹³⁵ The Parliament of Malta, Bill No. 223 of 2021, (2021) [Equal Opportunities \(Persons with Disabilities\) \(Amendment\) Bill](#), 22 June 2021, Article 32(4)(a)(b).

¹³⁶ The Parliament of Malta, Bill No. 224 of 2021, (2021) [United Nations Convention on the Rights of Persons with Disabilities Act](#), 22 June 2021.

discriminated due to disability “to avail themselves of a civil action” and seek a remedy of a pecuniary nature.¹³⁷

Article 5 introduces **the Directorate for Disability Issues (DDI)**, which will serve as the national focal point for the matters related to implementation of the CRPD. Article 5(4) specifies its functions and duties to “identify, establish and renew policies and national strategies, including the National Policy on the Rights of Persons with Disabilities and the National Strategy on Disability, directly or indirectly related to disability matters”.¹³⁸ Finally, Article 6 sets up a **civil society participation mechanism** within the new Directorate called EMPOWER.¹³⁹ This mechanism will serve as a participation platform in accordance with Article 4(3) of the CRPD on General obligations to ensure that “In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.”¹⁴⁰

The necessity of this new legislation proves its importance in light of the pandemic. The [Commission of the Rights of Persons with Disability \(CRPD\)](#) published a 2020 report on the [Impact of Covid-19 on Persons with Disability](#) which provides an interesting insight into the excessive negative effects on disabled people. The report emphasises the disproportionate burden on certain groups as “authorities have consistently focused on the high risk of vulnerable people, including elderly and persons with chronic illnesses, excluding persons with disability”.¹⁴¹ These findings show that the scarcity of resources in the health care sector has led to unequal treatment in the distribution of its services. Notably, financial support measures during the pandemic excluded the category of persons with disabilities. The Commission criticises the lack of prioritisation of the disability sector in the Maltese national response. Recommendations include providing psychological support for persons with disabilities, improving awareness amongst decision-makers, issuing directives specifically dealing with

¹³⁷ The Parliament of Malta, Bill No. 224 of 2021, (2021) [United Nations Convention on the Rights of Persons with Disabilities Act](#), 17 August 2021, Article 3(1) and (2).

¹³⁸ The Parliament of Malta, Bill No. 224 of 2021, (2021) [United Nations Convention on the Rights of Persons with Disabilities Act](#), 17 August 2021, Article 5(4).

¹³⁹ The Parliament of Malta, Bill No. 224 of 2021, (2021) [United Nations Convention on the Rights of Persons with Disabilities Act](#), 22 June 2021, Article 6.

¹⁴⁰ The United Nations, Convention on the Rights of Persons with Disabilities (2007), A/RES/61/106, [Convention on the Rights of Persons with Disabilities](#), 29 November 2021.

¹⁴¹ The Commission for the Rights for Persons with Disability (CRPD), [The Impact of Covid-19 on Persons with Disability](#), September 2020.

disability issues, and recruiting more resources and personnel to deal with periods of restrictive measures.¹⁴²

On 30 November 2021, the Minister for Social Inclusion and Wellbeing presented [Bill 235](#), amending the criminal code. The purpose of the Bill is to extend protection against hate crimes and crimes of incitement to violence to "*persons with disability and older persons, individually and as a group.*"¹⁴³ On December 24 2021, [ACT No. LXV](#) was published in the Government Gazette, enacting the Bill into law. Articles 82A and 82C of the Criminal Code will now provide for increased prison sentences ranging from six months to two years. Furthermore, according to the amended Article 83B:

*"The punishment established for any offence shall be increased by one to two degrees when the offence is aggravated or motivated, wholly or in part by hatred against a person or a group, on the grounds of gender, gender identity, sexual orientation, race, colour, language, national or ethnic origin, age, disability, citizenship, religion or belief or political or other opinion within the meaning of sub-articles (3) to (6), both inclusive, of article 222A".*¹⁴⁴

The proposed amendments have also been supported by the members of the Opposition. Once approved, the Bill will see physical or mental disability, as well as old age, added to the list of identifiers under the country's hate crime laws.¹⁴⁵

To address this unequal treatment, [the Faculty for Social Well-being at the University of Malta and Aġenzija Sapport](#) published [the Positive Parenting research project](#). This project aims to identify the specific needs of disabled parents and outline policy recommendations to address the needs identified.¹⁴⁶ The report consists of personal experiences and recommendations by disabled parents on how disability services and mainstream services for disabled parents can improve. Professionals who worked with parents with intellectual disabilities were also contacted by Aġenzija Sapport, to provide their input to the research. These findings revealed that disabled parents are being repeatedly ignored when policies and practices are designed or introduced. Interviews show that disabled parents experience social stigma and social invisibility, and disabled mothers face especially increased pressure as a result of the extensive responsibility they carry. For future purposes, the report highlights the need for more research on

¹⁴² The Commission for the Rights of Persons with Disability, (2021) [The Impact of Covid-19 on Persons with Disability](#), 21 September 2020.

¹⁴³ The Parliament of Malta, Bill 235 of 2021, [\(2021\) Criminal Code \(Amendment No. 6 Bill\)](#), 30 November 2021.

¹⁴⁴ The Parliament of Malta, ACT No. LXV of 2021, (2021), [Criminal Code \(Amendment No.8\) Act](#), 14 December 2021, Article 83B.

¹⁴⁵ The Parliament of Malta, [Plenary Session - Sitting No. 526](#), 30 November 2021.

¹⁴⁶ The Foundation for Social Welfare Services, (2021) [University of Malta Faculty for Social Wellbeing: Positive Parenting Project](#), 17 October 2021.

the topic to be conducted, the importance of disability equality and sensitivity training for professionals, and enhanced resources (e.g. housing, social benefits) for disabled parents.

In October 2021, reflecting on previous experiences, and with the aim of improving future practices in Europe, Maltese Member of Parliament Alex Agius Saliba published a report titled "[The Protection of Persons with Disabilities through Petitions: Lessons Learnt](#)". The report is based on petitions addressed by interested individuals to the Committee on Petitions, which comprises part of the European Parliament. The briefing emphasises the importance of raising awareness of the rights enshrined in the CRPD and stresses the need for promoting cooperation and exchanging of good practices between the Member States. Moreover, it encourages the active engagement of organisations of persons with disabilities in every phase leading to the adoption of measures.¹⁴⁷ Following this report, in a local press article Alex Agius Saliba praised the Maltese Government for including in the 2022 Budget measures focusing on increasing allowances for children with a physical or mental disability, and investing more in autism units, braille machines, and occupational therapy in schools.¹⁴⁸

Moreover, on 11 October 2021, the Minister for Finance and Employment presented the [Budget for 2022](#), outlining several measures focusing on persons with disabilities. In brief, the government seeks to foster independent living for persons with disabilities. More specifically, the envisaged measures include "vouchers for occupational therapy; improvements in the scheme on exemptions/deductions related to the vehicles of persons with disability; the removal of means testing in the allowance for severe disability and increases in the allowances for children with disability or family members who take care of adults with a disability".¹⁴⁹

On 11 November 2021, the Ministry for Inclusion and Social Wellbeing launched Malta's [2021 – 2030 National Autism Strategy](#). The Strategy's document is the outcome of the consolidated effort of academia, government, as well as a public consultation process. During the public consultation, persons on the autism spectrum were given the opportunity to make their voices heard on issues that directly concern them. The Strategy falls under Article 11 of the 2016 [Persons within the Autism Spectrum \(Empowerment\) Act](#), and is formulated as a series

¹⁴⁷ The European Parliament, [The protection of persons with disabilities through petitions: lessons learnt](#), 4 August 2021.

¹⁴⁸ The Malta Independent, [Committed to ensuring a barrier-free and inclusive Europe for all](#), 24 October 2021.

¹⁴⁹ The Commissioner on the Rights of Persons with Disability, (2021) [Budget 2022: Reaction of the Commissioner for the Rights of Persons With Disability to Budget 2022](#), 12 October 2021.

of direct responses to comments made during the public consultation. This is a prominent development for Malta, as it is the country's first-ever National Autism Strategy, and aims at socially integrating persons with autism, while empowering them to participate equally in every aspect of social and economic life. Goals and action plans in the Strategy are grouped according to seven thematic areas. The Strategy also recognises the diverse concerns of persons on the autism spectrum according to subgroups such as age, gender, or sexuality. This is reflected for example, in several commitments that all ultimately contribute to the goal of better healthcare practices. These include: awareness campaigns on how autism can manifest differently in girls and women, protecting individuals on the autism spectrum from medical violations of their reproductive health, and provisions for earlier diagnosis and intervention.¹⁵⁰

8.2 CRPD monitoring at national level

In 2021, the government released [Malta's 2021-2030 National Strategy on the Rights of Disabled Persons](#). The aim is to provide an approach to optimise the disability sector in 2030, the year identified to reach the UN Sustainable Development Goals. Malta's strategy, titled 'Freedom to Live' contains thirteen objectives. The main objectives concern measures on reforms and equality, awareness-raising, accessibility, education, health care, and employment. The strategy also addresses relationships and participation in everyday life. Each objective contains points of action for the final aim to be achieved and the timeframe in which the action needs to be completed.¹⁵¹ Within these objectives there are 63 action points which provide a more specific focus within their category, for example Accessibility of Road and Transport Infrastructure within the general Accessibility Objective. These action points must be completed in two, five, or nine years, depending on the time needed to complete the action. Most of the action points involve the drafting of new policies to govern the various objectives.

On 1 October 2021, in a [press release](#), the Minister for Inclusion and Quality of Life Julia Farrugia Portelli introduced a €100,000 scheme to aid persons with disabilities as part of the National Strategy. The funding will be divided accordingly between the different volunteer organisations, local councils, and other groups within the disability community to help strengthen the rights and opportunities of persons with disabilities. All organisations, excluding those

¹⁵⁰ The Ministry for Inclusion and Social Wellbeing, [Malta's 2021 – 2030 National Autism Strategy](#), 11 November 2021.

¹⁵¹ The Ministry for Inclusion and Social Wellbeing (Office for Disability Issues), (2021) [Malta's 2021-2030 National Strategy on the Rights of Disabled Persons: Proposed National Disability Strategy](#), 2021.

forming part of the Public-Social Partnership with the government in the disability sector, must apply for the scheme to be eligible to receive the funding. Minister Farrugia Portelli said that “in line with the principles of the Strategy and the United Nations Convention on the Rights of Persons with Disabilities on which it is based, the proposals to be presented for his - the scheme should aim to ensure the inclusion and participation of people with disabilities in the life of their local communities thus maximizing their freedom to live independently in such communities”.¹⁵²

Another initiative within the Strategy is the establishment of a Civil Society Participation forum for the disability sector. This forum, called ‘ENGAGE’, is part of the Directorate for Disability Issues and intends to give a voice to disabled people and civil society. It provides a unifying platform for disabled persons and their families, academics, NGO representatives, and the Commission for the Rights of Persons with a Disability (CRPD).¹⁵³

As mentioned previously in [Bill No. 224 - United Nations Convention on the Rights of Persons with Disabilities Act](#), a key development is the establishment of [the Directorate for Disability Issues \(‘DDI’\)](#) as the national focal point for matters related to the implementation of the Convention. The Directorate for Disability Issues is to establish within its structures the ‘UN CRPD National Coordination Mechanism’ to facilitate the necessary action in connection with the Act. Furthermore, the DDI shall carry out duties of public administration including updating national policies, undertaking disability-related research, compiling necessary feedback and statistics, encouraging self-advocacy by persons with disabilities, collaborating with all relevant stakeholders in the field of awareness-raising, and representing Malta’s interest.¹⁵⁴

Similarly, the Equal Opportunities (Persons with Disabilities) Act stipulates in the previous section that [the Commission for the Rights of Persons with Disability \(CRPD\)](#) is designed to act as the monitoring framework of Art. 33(2) of the UNCRPD to ensure adequate implementation of the Convention at the national level. The department of the Commission that is in charge of the monitoring is the Directorate for Investigations, Compliance, and Enforcement. The Directorate houses these three separate units. The CRPD is to ensure that the Equal Opportunities (Persons with Disability) Act is observed in a reasonable

¹⁵² The Government of Malta, [Press release: Statement by the Ministry for Inclusion and Quality of Life: a €100,000 scheme focusing on people with disabilities has been launched](#), 1 October 2021.

¹⁵³ The Times of Malta, (2021) [A pledge, a strategy and a future - Julia Farrugia Portelli](#), 8 October 2021.

¹⁵⁴ European Network of Legal Experts in Gender Equality and Non-Discrimination, (2021) [Flash report: United Nations Convention on the Rights of Persons with Disabilities Bill](#), 12 July 2021.

manner.¹⁵⁵ The [Investigations Unit](#) will investigate complaints made by persons with disabilities who feel that they are being discriminated against. Moreover, this unit is legally empowered to commence investigations into a case on its initiative.¹⁵⁶ The [Compliance Unit](#) is responsible for certifying projects in the urban planning of public spaces. The Unit works with architects and developers to ensure that the planned designs are also appropriate for disabled people. This also includes cooperation with the Test of Reasonableness Board. This Board evaluates measures on whether they can be considered “reasonable” within the framework of Article 20 of the Equal Opportunities Act.¹⁵⁷ The [Enforcement Unit](#) is not in full operation yet. However, once into function, it will ensure legal enforcement of CRPD decisions in a direct and faster way.¹⁵⁸

The New Hope Guarantee Scheme is an example of a promising practice related to programmes implementing the CRPD and promoting the rights of persons with disabilities. In September 2021, the Minister for Social Inclusion and Wellbeing, in a [press release](#), introduced the scheme. Under this New Scheme, persons with medical issues or disabilities can purchase their own home, while the government will be offering a guarantee that will cover a maximum loan of €250,000. The Scheme addresses the problematic situation that people with disabilities faced when they were attempting to obtain a life insurance policy—a prerequisite to obtain a loan for a residence purchase.¹⁵⁹

The case of Dr. Naged Megally is an exemplification of a person with a disability exercising his right to bring civil proceedings based on disability discrimination. In this recent [case before the Civil Court](#), a [doctor accused the Maltese authorities](#) of violating his human rights and discriminating against him in the workplace because of his physical disability. The applicant claimed that by being restricted to his wheelchair, he was unable to complete his training in obstetrics and gynaecology, which were required for the specialist job he applied to. When a doctor completes this training accordingly, this person can be registered as a specialist under Chapter 464 of the Laws of Malta. According to the doctor, the qualifications needed for the position in the fetu medical sector do not require the training he was unable to follow. Therefore, the requirement of having completed the necessary training and thereby being involved in the special register under Chapter 464 of the Laws of Malta, is discriminatory. The Court

¹⁵⁵ The Ministry for Inclusion and Social Wellbeing (Office for Disability Issues), [Malta’s 2021-2030 National Strategy on the Rights of Disabled Persons: Proposed National Disability Strategy](#), 2021.

¹⁵⁶ The Commission for the Rights of Persons with Disability, (2021) [Investigations Unit](#), 2021.

¹⁵⁷ The Commission for the Rights of Persons with Disability, (2021) [Compliance Unit](#), 2021.

¹⁵⁸ The Commission for the Rights of Persons with Disability, (2021) [Enforcement Unit](#), 2021.

¹⁵⁹ The Ministry for Social Accommodation (2021) [PRESS RELEASE BY THE MINISTRY FOR SOCIAL ACCOMMODATION: Minister for Social Accommodation meets with the first bank taking part in the New Hope Guarantee scheme](#), 3 September 2021.

does not elaborate extensively on the reasons for its decision. In its final judgment, the Court did not rule in favour of the applicant.¹⁶⁰

¹⁶⁰ eCourts, Malta, (2021) Case 1113/2021/1, [Megally Dr Naged vs Il-Ministru Tas Sahha ET](#), ECLI:MT:CIVP:2021:127933.

Annex 1 – Promising Practices

Thematic area	<p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one example of a practice to tackle nationality-based discrimination or discrimination against LGBTI people, 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 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	Empowerment for Diversity (E4D).
Title (EN)	Empowerment for Diversity (E4D).
Organisation (original language)	The National Commission for the Promotion of Equality (NCPE) in partnership with Allied Rainbow Communities (ARC).
Organisation (EN)	The National Commission for the Promotion of Equality (NCPE) in partnership with Allied Rainbow Communities (ARC).
Government / Civil society	Government and Civil society.
Funding body	European Union's Rights, Equality and Citizenship Programme (2014-2020) (80%) National Funds (20%)
Reference (incl. URL, where available)	The National Commission for the Promotion of Equality (NCPE) and the Allied Rainbow Communities (ARC), (2021) Empowerment for Diversity (E4D), 2021.

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	April 2020 – March 2022.
Type of initiative	A national plan for the equality body.
Main target group	The LGBTIQ+ community, the general public, the National Commission for the Promotion of Equality staff, and other relevant stakeholders.
Indicate level of implementation: Local/Regional/National	National.
Brief description (max. 1000 chars)	The project focuses on discrimination based on sexual orientation, gender identity, sex characteristics, and gender expression (SOGIGESC). The project seeks to address the societal and cultural impact of considerable legal and policy developments related to LGBTIQ+ individuals that occurred in a very short period in Malta. The project envisages to carry out the following activities: (i) Qualitative research on the current situation in Malta regarding discrimination against LGBTIQ+ persons (ii) Three workshops with members of the LGBTIQ+ community to discuss the issues being faced by the community (iii) Capacity-building: The National Commission for the Promotion of Equality will receive legal training on the laws of Malta relating to SOGIGESC. The National Commission for the Promotion of Equality staff will also be trained on how to address underreporting, mainstreaming LGBTQI+ policies, and outreach amongst others (iv) National Commission for the Promotion of Equality and Allied Rainbow Communities (ARC) will launch an awareness-raising campaign consisting of Facebook and Newspaper adverts, while a leaflet will be distributed, informing the general public

	on the Commission's remit and work The Allied Rainbow Communities' web page will be used as a platform to distribute resources and results of findings.
Highlight any element of the actions that is transferable (max. 500 chars)	The Qualitative research study of the situation of LGBTIQ+ community, the workshops with members of LGBTIQ+ community, the legal training on the laws relating to SOGIGESC, and the awareness-raising campaign, are all transferable. For example, regarding the qualitative research study, the Empowerment for Diversity could provide an interesting framework for other countries or institutions to adopt. Discrimination against the LGBTIQ+ community is a universal problem, although varying in the extent and the manner in which it happens.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The practice is sustainable as it is a two-year project from 2020 to 2022. The NCPE took part in the Malta Pride Parade 2021, with the aim of maximising their exposure towards the LGBTIQ+ community. Since the qualitative study will include a comparative analysis with a similar research study conducted by the NCPE in 2011, there is a possibility of designing a future comparative research project. The NCPE and the LGBTIQ+ community will hopefully establish long-lasting relations as a result of the three workshops with LGBTIQ+ community members, while the training given to the NCPE staff should have a long-term impact.
Give reasons why you consider the practice as having concrete measurable impact	First, the qualitative research on discrimination against the LGBTIQ+ community in Malta will inform the general public, the National Commission for the Promotion of Equality staff, and other stakeholders about the challenges that their community face, raising awareness on their obligations to address these challenges. Second, the workshops will open a dialogue between the Commission's staff and the LGBTIQ+ community, identifying the needs to be addressed. Third, training the Commission's staff will assist them in improving their knowledge in the area and adjusting their

	<p>approach to the LGBTQI+ community. Fourth, an awareness-raising campaign aims to educate the public about equality and discrimination against LGBTI people. All of these practices should have a concrete measurable impact in addressing discrimination against SOGIGESC.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The qualitative research study and its methodology, and the workshops with LBGTIQ+ community can be applied to other member states/settings. Further, the legal training on the laws relating to SOGIGESC and the awareness-raising campaign can be tailored to other member states/settings. In addition, a report on the outcomes of the workshops and training sessions will be produced, which will aid other member states in implementing their own practices. Furthermore, the project's overall results, conclusions, and suggestions will be presented in a final conference, which should be accessible to other member states. It's worth noting that the conference and reports will be conducted in English, making them more accessible. Finally, the templates of the equality and the sexual harassment policy will also be uploaded to the National Commission for the Promotion of Equality website for wider distribution and easier reference.</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 content of the awareness-raising campaign will be created by the National Commission for the Promotion of Equality with the cooperation of the Allied Rainbow Communities. Afterwards, the National Commission for the Promotion of Equality will evaluate the Empowerment for Diversity project's outreach, examining the impact of the awareness-raising campaign, providing an insight on the level of knowledge and awareness the activities had on the target groups, conducting impact assessment of all project's activities, and finally presenting the project's key findings and offering recommendations, in a final conference in March 2022.</p>
<p>Explain, if applicable, how the practice provides for review</p>	<p>The National Commission for the Promotion of Equality will review and assess the projects by compiling a report on the workshops with the LBGTQI+ community and the</p>

and assessment.	outcomes of the training sessions. The reports will thus allow them to assess whether the workshops and training were successful, whether more workshops and training are needed, and how to improve these projects in the future. A final conference will also be organised to present the overall findings, outcomes, and recommendations of the project, allowing the Commission to reflect on the project. In addition, a programme evaluation study will be conducted to assess the overall programme.
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Thematic area	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p>Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
Title (original language)	The Anti-Racism Strategy.
Title (EN)	The Anti-Racism Strategy.
Organisation (original language)	The Human Rights Directorate.
Organisation (EN)	Government of Malta, Ministry of Equality, Research and Innovation.
Government / Civil society	Government and the public sector, democratic and political institutions, the media, but also the private sector, civil society, and the general population.
Funding body	The Human Rights Engagement Fund, U.S. Embassy, Malta.
Reference (incl. URL, where available)	The Government of Malta, Ministry for Equality and Research (2021) Anti-Racism Strategy 2021-2023 , 2021.

<p>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</p>	<p>2021-2024. It is the first three-year anti-racism strategy as part of the EU's anti-racism action plan for 2020 to 2025.</p>
<p>Type of initiative</p>	<p>A national Anti-Racism Strategy.</p>
<p>Main target group</p>	<p>Minority groups.</p>
<p>Indicate level of implementation: Local/Regional/National</p>	<p>National.</p>
<p>Brief description (max. 1000 chars)</p>	<p>The Anti-Racism Strategy aims to 1) Confront and eliminate racism in all its forms: individual, systematic, and societal; 2) Stimulate and support intercultural inclusion. Through its 22 measures, it makes anti-racism and anti-discrimination both individual and collective responsibilities across all sectors of society – government and the public sector, democratic and political institutions, the media, but also the private sector, civil society, and the general population.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>There are various elements of the action that are transferable, such as the intra-ministerial action whereby each ministry will design an anti-racism strategy. The action plans include tasks to confront racism in policy-making, employment, and service provision functions applicable to the Ministry. The Ministry encourages the progress and implementation of their respective action plans by: 1) introducing frameworks for dialogue and co-operation with individuals of minority groups and</p>

	their representative organisations; and 2) Offering public officers anti-racism and intercultural training.
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<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The Anti-Racism Strategy is a three-year program that will run from 2021 to 2024. It is not a 'one-off' activity but rather one that aims to have a long-term impact to confront and eliminate racism in all its forms. It presents a sustainable action plan for all sectors of society. For example, the government will establish a high-level inter-ministerial committee and an Anti-Racism Platform, where each ministry will design their own anti-racism strategy—a code of conduct for media and political organisations.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The strategy seeks to advance a planned and systematic approach to confronting racism and advancing intercultural inclusion. This involves: an institutional competence across all sectors based on plans that set out actions to be taken; policies that establish the standards to be achieved; training to ensure the capacity required; and systems for dialogue with minority groups and their representative organisations.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>There are 22 different measures that address racism, some of which will already be included in anti-racism efforts in other member states and others of which will not. As a consequence, other member states can adopt measures to fit their circumstances. The measures address various forms of racism and fields where discrimination occurs. Although not every Member State has a Human Rights Directorate like Malta, similar national institutions could take the lead to implement and support these measures. The measures include a great variety of sectors in society such as housing, health, and employment, and the measures often do not require specific existing structures to implement the actions.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and</p>	<p>The practice involves a variety of different stakeholders in the planning and designing of the strategy. A Working Group was set up in April 2020 to draft the Anti-Racism Strategy including representatives of civil society. In October 2020, the participatory approach was reinforced through a public consultation held to gather</p>

<p>stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>feedback from all sectors of society. Representatives from civil society, as well as members of minority groups have responded to these calls for feedback.</p> <p>The Strategy also consults a wide range of stakeholders in its implementation. The government, the public sector, democratic and political institutions, the media, the private sector, civil society, and the general population have all been included. They each have their own measures to address to ensure a participatory approach to Anti-Racism.</p> <p>The Anti-Racism Platform which has been set up to review the government's implementation of the Anti-Racism Strategy, will further help to design the next strategy in 2023.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The first objective is to create an infrastructure that will encourage and sustain commitment to the goals and objectives of the Anti-Racism Strategy. To achieve this, the Human Rights Directorate will create a high-level inter-ministerial committee, which will include the equality body, and hold frequent and regular meetings to ensure a 'whole-of-Government approach' to anti-racism and intercultural inclusion to reach all policy fields and public services. In addition, an Anti-Racism Platform will be assembled, composed of representatives from civil society, academic, and social partners. It will serve to enable: (i) Shared leadership for the implementation of the strategy across all sectors; (ii) Ongoing dialogue with key partners on the content, direction, and impact of the strategy; (iii) Critical reflection on the ongoing implementation of the strategy to serve its ongoing evaluation as found to be required. Furthermore, the Human Rights Directorate will update, in a report made available to the public, progress in implementation and impact of the strategy.</p>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.
Title (original language)	<u><i>No promising practice has been identified for this thematic area.</i></u>

Thematic area	<p>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p>Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p>
Title (original language)	<p>Malta's Recovery and Resilience plan (RRP)/Investment C3-I1: Strengthening the resilience, security and efficiency of the government digital backbone and investing in appropriate digital solutions, devices and tools.</p> <p>(RRP)/Investment C6-I1: Digitalisation in the justice system.</p>
Title (EN)	<p>Malta's Recovery and Resilience plan (RRP)/Investment C3-I1: Strengthening the resilience, security and efficiency of the government digital backbone and investing in appropriate digital solutions, devices and tools.</p> <p>(RRP)/Investment C6-I1: Digitalisation in the justice system.</p>
Organisation (original language)	<p>Office of the Prime Minister (Parliamentary Secretariat for European Funds)/Leading Authority.</p> <p>Malta Information Technology Agency (MITA).</p>
Organisation (EN)	<p>Office of the Prime Minister (Parliamentary Secretariat for European Funds)/Leading Authority.</p> <p>Malta Information Technology Agency (MITA).</p>
Government / Civil society	<p>Government.</p>

Funding body	Next Generation EU.
Reference (incl. URL, where available)	The European Commission, (2021) Annex to the Proposal for a Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Malta , 16 September 2021.
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The investments shall be implemented by 31 December 2025.
Type of initiative	Public investment aiming at improving digital public services.
Main target group	People and businesses.
Indicate level of implementation: Local/Regional/National	National.

<p>Brief description (max. 1000 chars)</p>	<p>The overall scope of this investment is to address the challenges of digitalisation in the public and private sector, as well as highlight the need for building a robust cybersecurity infrastructure that will ensure that e-government systems will operate in a safe and secure digital environment.</p> <p>The investment further aims to digitalise the judiciary system in order to improve its quality and efficiency. The project envisages remote conferencing for civil proceedings, electronic filing for criminal judicial acts, and judiciary system interoperability. The above activities will be complemented by digital training provided to public officers, and awareness campaigns, particularly on cybersecurity.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The investment envisages to generally improve Malta's e-government, providing people with high-quality, readily accessible, and most of all, secure digital services. The deliverables of the investment, such as the implementation of a state-of-the-art Security Operations Centre, the public officials' training as regards cybersecurity, along with the adoption of emerging technologies such as artificial intelligence, are expected to be transferable to the private sector and to facilitate Malta's Research and Innovation (R&I) activities.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The investment is long-term and aims at improving the resilience and security of the government's digital backbone, and increasing the homogeneity, standardisation, and sharing of services across the government on a lasting basis.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The investment would have a direct impact on people's lives, as their everyday transactions with the public sector will be improved, putting an end to time-consuming and money-wasting processes. Moreover, judicial processes will be improved, as most processes and services will be digitized, enabling a faster and</p>

	more efficient judiciary system.
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<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The investment is comprehensive enough, and envisages to have positive effects on other settings as well. Artificial Intelligence will enhance Malta's performance in Research and Innovation, facilitating other scientific projects. Besides, the digitisation of the Maltese public sector will ensure that the private sector (namely the SMEs) will not face administrative hurdles and delays when performing their corporate activities. Lastly, the investments in cybersecurity will benefit the protection of all data categories, such as sensitive data, protected health information (PHI), personal information, intellectual property data, and governmental and industry information systems, enabling the private sector to use safe digital services.</p> <p>Those Member States which seek to have more effective and fast-paced public administration can take this investment as an example and adapt it into their systems.</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>Concerning the investment's assessment, Malta Information Technology Agency (MITA) will be the competent authority to monitor and evaluate the project's progress. As regards the investment's planning and design, no relevant information is available.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The investment comprises qualitative and quantitative indicators against which the competent authorities will assess the project's progress. In detail, Malta Information Technology Agency (MITA) will measure the percentage of uptime (total time that service is up, divided by the total number of hours during that period, excluding</p>

	<p>scheduled downtime) of the Government Network.</p> <p>Malta Information Technology Agency will also conduct an internal assessment report, certifying the level of cybersecurity achieved on each measure prescribed by the framework. An external body will audit and validate the said report.</p>
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Thematic area	RIGHTS OF THE CHILD Please provide a promising practice related to the topics addressed in the chapter.
Title (original language)	Challenges brought about by the pandemic can be turned into opportunities.
Title (EN)	Challenges brought about by the pandemic can be turned into opportunities.
Organisation (original language)	The Ministry for Education.
Organisation (EN)	The Ministry for Education.
Government / Civil society	Government.
Funding body	Government.
Reference (incl. URL, where available)	The Ministry for Education, (2021) Challenges brought about by the pandemic can be turned into opportunities , 29 March 2021.
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Start date: 15 th March 2021. End date: No information could be found.
Type of initiative	Education initiatives for COVID-19 pandemic.

Main target group	Educators, parents, and students.
Indicate level of implementation: Local/Regional/National	National.
Brief description (max. 1000 chars)	With the intent to improve inclusiveness and ensure access to education during the pandemic, the government took different measures. To ensure that every student could study online, free internet access and a computer/laptop or tablet were provided to students in need during the months when school was closed. Measures to support the mental well-being of students during and after the pandemic were introduced as well. For instance, schools and educational institutions have been provided with guidelines catering to the psychosocial needs of students, aiming at ensuring the mental well-being of all schoolchildren during the pandemic
Highlight any element of the actions that is transferable (max. 500 chars)	There are a number of elements of the actions that are transferable, such as investing in virtual schools, providing guidelines for students who have psychosocial needs, providing free internet access, and providing digital devices, for example, tablets.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>This initiative helps to deal with challenges (such as distance learning) which emerged during the pandemic, and at the same time, improves the level of digital literacy amongst Maltese students. For instance, students had better chances to communicate and access online resources. The government invested in virtual schools at all levels, to cater specifically to the students deemed most vulnerable. Free online resources have also been made available via a user-friendly website, containing a wealth of recorded lessons, and built expressly to help parents, guardians, students, and educators, to easily access distance learning resources and lessons. Thanks to the free, easy-to-use resources offered by the government, both parents and students improved their digital skills. In addition, the initiative aims to support another of the Ministry's efforts: to significantly reduce the percentage of early school leavers, with a targeted holistic approach aimed at enhancing the educational experiences of the children and young people, by moving away from a one-size fits all model of education, to one that supports individual talents and aspirations.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>During the COVID-19 lockdown, students are not able to attend lessons in-person. This initiative serves as an alternative that satisfies students' needs in terms of academic and personal development. In particular, it helps students, as well as educators, adapt to the distance learning environment. In addition, it strengthens Malta's digital preparedness and digital tools in order to improve the quality and inclusiveness therein.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Customisation is not required in most of the actions within this initiative. The online system is easy to replicate in other areas.</p>

Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Malta Union of Teachers, which represents educators, is asked to provide feedback regarding the implementation of the practice.
Explain, if applicable, how the practice provides for review and assessment.	No information could be found.

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice related to the topics addressed in the chapter.
Title (original language)	Children's Rights Observatory Malta.
Title (EN)	Children's Rights Observatory Malta.
Organisation (original language)	L-Università ta' Malta, Fakulta` għat-Tiŝiħ tas-Socjeta`, Fondazzjoni ta' Malta għall-Gid tas-Socjeta'.
Organisation (EN)	University of Malta, Faculty for Social Wellbeing, Malta Foundation for the Wellbeing of Society.
Government / Civil society	Civil Society.
Funding body	No relevant information could be found.
Reference (incl. URL, where available)	The University of Malta, (2021) Observatory set up to champion children's rights - Newspoint - University of Malta , 25 June 2021.
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Start date: 24 June 2021. End date: No information could be found.
Type of initiative	National observatory.
Main target group	Children from all classes of society.
Indicate level of implementation: Local/Regional/National	National.
Brief description (max. 1000 chars)	The Observatory facilitates the identification of shortcomings and key areas of concern in the implementation of children's rights. The aim is to establish a forum where children can offer their views for consideration in the public debate on children's rights. The Observatory brings these children together with activists and academics through evidence-based study. The gathered information and data are

	<p>then used to inform recommendations for practice and policy. The objectives of the Observatory's activities are the recognition of children's rights in social institutions, and the promotion of these rights. The guiding principle of The Observatory is inspired by Article 12 of the United Nations Convention on the Rights of the Child—that an ideal world is one in which children of all backgrounds can express their views, and that those views will not just be heard, but also given their due consideration.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The participation of young people in research is a core element of the Observatory. Researchers give them an opportunity to recount injustices they have experienced. The accounts given are then used by experts as they consider how to best implement children's rights.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The Observatory functions as an ongoing process of researching and documenting children's experiences in accessing their rights. Instead of a 'one-off activity', the Observatory will continue to develop and improve, based on its findings.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The Observatory's activities are guided by the genuine experiences of children, in addition to traditional academic policy research. Involving those parties which its activities affect (namely children), allows the Observatory to produce recommendations better suited to addressing the everyday burdens children face. As these recommendations are implemented, the effects can then be observed.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The establishment of the Observatory was influenced by the adoption of the first comprehensive Strategy on the Rights of the Child by the European Commission in March 2021. Although some Member States or settings already have a similar observatory in place, the Maltese initiative can be perceived as an example. The Observatory is transferable as it does not require any difficult methods or the knowledge of existing (national) frameworks. Member States can thus easily follow the methods of the Maltese Observatory to introduce it into their domestic system. Similarly, the practice is transferable to other settings. For example, an observatory for the rights of disabled people would benefit from the practice of this initiative, by including the voices of disabled persons themselves.</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 Observatory is composed of five departments: a core team, a steering group, platforms, an advisory board consisting of stakeholders such as Unicef, and focus groups of international and local NGOs and civil society organisations. The whole team is involved in the design, planning, and implementation of the practice. Their work identifies gaps and priority areas in the implementation of children's rights, advocating change, and bringing together children's experience and expert opinions. Furthermore, academic, interdisciplinary, and cross-sector contributions help advance children's rights.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>No relevant information could be found.</p>

Thematic area	ACCESS TO JUSTICE Please provide one example of a promising practice related to the topics addressed in the chapter.
Title (original language)	Women, Peace & Security: Malta's National Action Plan for the Implementation of United Nations Security Council Resolution 1325.
Title (EN)	Women, Peace & Security: Malta's National Action Plan for the Implementation of United Nations Security Council Resolution 1325.
Organisation (original language)	Ministry for Foreign and European Affairs and the Parliamentary Secretariat for Equality and Reforms.
Organisation (EN)	Ministry for Foreign and European Affairs and the Parliamentary Secretariat for Equality and Reforms.
Government / Civil society	Government.
Funding body	No information is found on the funding of the practice.
Reference (incl. URL, where available)	Malta, Ministry for Foreign and European Affairs, (2020) Malta's National Action Plan for the Implementation of United Nations Security Council Resolution 1325: 2020-2024 , 2020.
Indicate the start date of the promising practice and the finishing date if it	2020-2024.

has ceased to exist	
Type of initiative	A National Action Plan.
Main target group	Women.
Indicate level of implementation: Local/Regional/National	National.
Brief description (max. 1000 chars)	The Plan aims to implement the objectives outlined in the United Nations Security Resolution 1325 on Women, Peace and Security. It is designed and structured around four pillars: Promotion, Prevention, Participation, and Partnership, in order to achieve the objectives.
Highlight any element of the actions that is transferable (max. 500 chars)	The second pillar on Prevention of all Forms of Violence, including Gender-Based Violence (GBV) and Sexual Exploitation and Abuse (SEA) includes measures on human-trafficking. As human-trafficking is a cross-border issue, it is an interesting element for other Member States or other policy areas to consider.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	As this practice is part of a five-year strategy, there could be a greater incentive to invest in research and initiatives, and achieve goals underlining the projects in the long run. For instance, pillar three mentions the increased participation and representation of women at all decision-making levels. This goal could provide

	opportunities for women even after the National Action Plan ends.
Give reasons why you consider the practice as having concrete measurable impact	As the practice is part of the United Nations Security Council Resolution 1325, there is pressure on the Maltese government to provide a successful strategy. Compared to projects exclusively based on local/regional or national objectives, this Action Plan will have to satisfy obligations in the international field.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The National Action plan implemented by the Maltese government could be used as a reference for other countries that are still working on their national strategies.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The Minister for Foreign and European Affairs will appoint an Oversight Committee which will include representatives from government ministries, civil society, academia, and independent individuals with relevant experience and expertise. One of the responsibilities of the Oversight Committee includes using outreach and communication mechanisms to ensure regular dissemination of updates to the stakeholders and, in particular, make sure that the perspectives of women affected by conflict are incorporated into the ongoing work of the Committee.
Explain, if applicable, how the practice provides for review and assessment.	The Oversight Committee will revise existing actions and targets in light of emerging issues and police agendas on Women, Peace and Security, and in response to lessons learned, coupled with challenges identified in the monitoring process.

Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</p>
Title (original language)	Malta's 2021-2030 National Strategy on the Rights of Disabled Persons: Freedom to Live.
Title (EN)	Malta's 2021-2030 National Strategy on the Rights of Disabled Persons: Freedom to Live.
Organisation (original language)	Ministry for Inclusion and Social Wellbeing (Office for Disability Issues).
Organisation (EN)	Ministry for Inclusion and Social Wellbeing (Office for Disability Issues).
Government / Civil society	Government (+ Civil Society).
Funding body	Community Grants Scheme 2021 under Ministry for Inclusion and Social Wellbeing. (https://inclusion.gov.mt/pr211802/?lang=en)
Reference (incl. URL, where available)	Ministry for Inclusion and Social Wellbeing (Office for Disability Issues), Malta, Malta's 2021-2030 National Strategy on the Rights of Disabled Persons: Proposed National Disability Strategy , 2021.
Indicate the start date of the	2021 until 2030.

promising practice and the finishing date if it has ceased to exist	
Type of initiative	Proposal for a national disability strategy aimed to provide a roadmap for the Maltese disability sector over the next years, leading up to 2030, the target year for achievement of the UN's Sustainable Development Goals.
Main target group	Persons with disabilities.
Indicate level of implementation: Local/Regional/National	National.
Brief description (max. 1000 chars)	The 'Freedom to Live' strategy includes thirteen objectives. The main objectives concern measures on reforms and equality, awareness-raising, accessibility, education, health care, and employment. The strategy also addresses relationships and participation in everyday life. Each objective contains points of action for the final aim to be achieved and the timeframe in which the action needs to be completed. Overall, the Strategy aims to ensure the representation of disabled persons at all levels of policy and decision-making.
Highlight any element of the actions that is transferable (max. 500 chars)	One of the key objectives is accessibility. This objective involves ten different points of action. Some examples are: Accessibility of Road and Transport Infrastructure; Accessible Information Policy; Better Access to Books and other Material in Accessible Formats at Educational Institutions; Ensuring Accessibility of Buildings and Services; Guidelines on Presentation of Information in various Accessible Formats; Access to Justice.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The practice is part of a 2021-2030 strategy. For each objective, there are action plans to be completed within a specific period of time. For example, Objective 1 called "REFORMS AND EQUALITY" has three action plans:</p> <p>Action 1: Development and Reform of Base Legislation and Structures Action to be achieved within 2 years.</p> <p>Action 2: Further efforts by Working Group to Scrutinize Legislation and other key Documentation to be achieved within 2 years.</p> <p>Action 3: Disability Assessment and Programme Eligibility Reform to be achieved within 9 years.</p> <p>The outcome of these practices will help further develop a national approach towards inclusion and equality for people with disabilities.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Besides the relevance towards the 2030 UN Sustainable Development Goals, the Strategy makes references to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Moreover, it factors in major developments in disability rights, happening both locally and internationally, since the release of the 2014 National Policy on the Rights of Persons with Disability.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The roadmap of the objectives and corresponding actions cover a wide range of fields to help "disabled persons in shaping their future and taking control of their Freedom to Live". Every objective is well designed and provides an action plan.</p> <p>Other settings/or the other Member States might have similar practices and will be able to compare their initiatives. They might use the Maltese roadmap to re-evaluate which objectives they prioritise and how much time they will spend on them.</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>Many objectives include the involvement of stakeholders. For example, for the first objective (reforms and equality), the third action mentions Disability Assessment and Programme Eligibility Reform.</p> <p>The Directorate for Disability Issues (DDI) will continue discussions with key stakeholders, those being: DSS; CRPD; Agenzija Sapport; the Education Ministry; JobsPlus, the Health Ministry, Office of the Commissioner for Mental Health and civil society representatives; to ensure that different disability assessment systems operated by different entities are rolled into one holistic system, managed through a unit set up within Agenzija Sapport.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The Commission for the Rights of Persons with Disability is involved in many of the objectives for the review and assessment of its initiatives. It is unclear whether the CRPD also reviews the practice overall, and whether in that case it would provide a report about its findings.</p>

Annex 2 – Case Law

<p>Thematic area</p>	<p>EQUALITY AND NON-DISCRIMINATION</p> <p>Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.</p>
<p>Decision date</p>	<p>16 November 2021.</p>
<p>Reference details</p>	<p>Lovin Malta (2021), <u>Two Men Fined €100 For Anti-Trans Hate Speech Against Former PN Candidate Angela Coleiro</u>, 18 November 2021. The sentence has not yet been published on eCourts.gov.mt.</p>
<p>Key facts of the case (max. 500 chars)</p>	<p>In 2020, Angela Coleiro, a former Nationalist Party candidate, reported two men to the Hate Crime and Hate Speech Unit for making Facebook posts referencing her pre-transition gender identity. The Facebook posts included a series of sarcastic and condescending comments.</p> <p>Alleging an insufficient response by the Hate Crime and Hate Speech Unit, the applicant filed a police report. On 16 November 2021, the two men pleaded guilty in the Court of Magistrates to anti-trans hate speech. Magistrate Yana Micallef Stafrace ordered both men to each issue a public apology and pay a €100 fine.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The sentence has not yet been published on eCourts.gov.mt.</p>
<p>Key issues (concepts, interpretations) clarified</p>	<p>The sentence has not yet been published on eCourts.gov.mt.</p>

<p>by the case (max. 500 chars)</p>	
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>On 16 November 2021, the two men were found guilty of anti-trans hate speech against Angela Coleiro. They issued a public apology to Coleiro and were fined €100 each by Magistrate Yana Micallef Stafrace.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>The sentence has not yet been published on eCourts.gov.mt.</p>

<p>Thematic area</p>	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p>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.</p>
<p>Decision date</p>	<p>3 September 2021.</p>
<p>Reference details</p>	<p>The Times of Malta (2021), <u>Twenty Facebook users plead guilty to hate speech</u>, 3 September 2021. The sentence has not yet been published on eCourts.gov.mt.</p>
<p>Key facts of the case (max. 500 chars)</p>	<p>In 2020, a recording was posted on Facebook of a man being beaten and robbed by four individuals. The post included an allegation that the aggressors were all foreign nationals. This allegation prompted a string of xenophobic and nationalistic replies. These ranged in fervour, with some explicitly encouraging violence against foreign nationals. On 3 September, 20 Facebook users were convicted of hate speech online.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The sentence has not yet been published on eCourts.gov.mt.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The sentence has not yet been published on eCourts.gov.mt.</p>

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>All 20 individuals arraigned in court admitted to the charges, for which the magistrate considered suspended sentences ranging from 18 months to two years and fines varying from €150 to €500, based on the severity of the comments made. The magistrate concluded with a warning that further behaviour of the sort could land them "straight to prison".</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>"The things you have said here are very serious. It's okay to make comments and be critical but not to devolve into hate speech. For you, uttering a few words means nothing, but it could inspire other people and incite them to commit heinous acts. The country will be a much better place if we have less of this behaviour"</p> <p>"The next time you go online I urge you to spread messages of good news, spread love instead of spewing hate."</p>

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

<p>Thematic area</p>	<p>ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION</p> <p>Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the right to an effective remedy in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.</p>
<p>Decision date</p>	<p><u>No case law has been identified for this thematic area.</u></p>

<p>Thematic area</p>	<p>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p>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.</p>
<p>Decision date</p>	<p>19 October 2021.</p>
<p>Reference details</p>	<p>Malta, eCourts, (2021) <u>Case 198 / 19TA - Degiorgio George Vs L-Avukat Generali Et</u>, 19 October 2021.</p>
<p>Key facts of the case (max. 500 chars)</p>	<p>On 20 August 2019, Mr. George Degiorgio, argued that communication interceptions conducted by the Maltese Security Services during his prosecution were illegal and they couldn't be used as evidence. Degiorgio, one of the perpetrators involved in the assassination of the journalist Daphne Caruana Galizia, claims that there is an infringement of Articles 6 (right to a fair trial) and 8 (right to respect for private and family life) of the European Convention on Human Rights. In addition, Article 18 of Cap. 391 of the Laws of Malta violates Articles 6 and 8 of the European Convention on Human Rights.</p>

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The applicant relied on Article 6(2) of Cap. 391 of the Laws of Malta stipulating: “No interception of or interference with communications in the course of their transmission by post or by means of a radiocommunications or telecommunication system or by any other means shall be unlawful if it is authorised by a warrant issued by the Minister under this article.” The applicant also claimed violations of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, included in Maltese Laws under Cap 319 of the Laws of Malta. The Court ruled in favour of the applicant, saying that the Maltese Security Services lack the required warrants to intercept telephone calls.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>According to the First Hall Civil Court, presided over by Judge Toni Abela, the telephone interceptions were not performed lawfully as they were conducted without prior authorisation. Judge Toni Abela further reiterated “it is not clear how the respondent Chief’s discretion is used and there are no safeguards against abuse”; the judge explicitly ruled that: “to date, the Attorney General and the Commissioner of Police have failed to prove that if an interception was made, it was done in accordance with the law and not in violation of the law”.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Court held that the communication interceptions by the Maltese Security Services were conducted unlawfully. Therefore, the evidence presented to support the involvement of the defendant in the murder of Daphne Caruana Galizia was deemed inadmissible.</p> <p>The judge upheld the claims by the applicant that: 1) there is an infringement of Article 8 ECHR; 2) Chapter 391 of the Laws of Malta violates Article 8 ECHR. The judge did not find a breach of Article 6 ECHR, nor that Chapter 391 of the Laws of Malta violates Article 6 ECHR. The current judgement completely transforms the landscape in terms of intelligence-gathering rules and the role of judicial scrutiny</p>

	concerning the use of personal data within criminal proceedings.
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Key quotation in original language and translated into English with reference details (max. 500 chars)

Din il-Qorti tibda biex tosserva li l-materja dwar intercettazzjonijiet telefoniċi mis-Servizz tas-Sigurta' u l-użu tagħhom fi proċeduri penali, hija waħda taħraq u diskussa ħafna fil-kamp tal-ħarsien tad-drittijiet fundamentali tal-bniedem. Huwa rikonoxxut li l-liġijiet li jissanzjonaw dawn ix-xorti ta' investigazzjonijiet iridu jkunu fihom infushom karratteristikament nieqsa mit-trasparenza, altrimenti ma jkunx hemm skop għalihom. L-investigazzjonijiet li jagħmel is-Servizz tas-Sigurta' ta' kull pajjiż ma jkun sigrieta xejn jekk isiru b'mod ordinarju bħal fil-każ ta' reati ordinarji oħrajn. L-oġġettivi tal-liġi li tirregola din il-materja huma daww elenkati f'artikolu 3(2) u (3) tal-Kap 391 tal-liġijiet ta' Malta.

This Court begins by observing that the matter of telephone interceptions by the Security Service and their use in criminal proceedings, is a hot topic and much debated in the field of the protection of fundamental human rights. It is recognised that the laws sanctioning such investigations must in themselves be characteristically lacking in transparency, otherwise there would be no purpose to them. The investigations carried out by the Security Service of each country will not be secret at all if they are carried out in an ordinary way as in the case of other ordinary crimes. The objectives of the law governing this matter are those listed in Article 3 (2) and (3) of Chapter 391 of the laws of Malta.

The Court highlighted "This is an area where a balance has to be found between the State interest and individual privacy" as well as noted that "In this field the ECHR has been most influential and the ECHR in its jurisprudence has given extensive guidance on the balance between individual privacy and State interests." The Court has therefore to accept that the existence of some legislation granting powers of secret surveillance over the mail, post and telecommunications is, under

	<p>exceptional conditions, necessary in a democratic society in the interests of national security and/or for the prevention of disorder or crime." - Klass and others vs Germany.</p>
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Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	19 April 2021.
Reference details	The Times of Malta, (2021), <u>Young girls on holiday to remain in Malta as court notes genital mutilation risk</u> , 29 August 2021. The sentence has not yet been published on eCourts.gov.mt.
Key facts of the case (max. 500 chars)	A Maltese court awarded international protection to two girls after concluding they were severely at risk of female genital mutilation. When the father took the family on vacation to Malta earlier this year, the children's mother applied for international protection. The husband's family pressured the applicant to have her two daughters, aged three and five, undergo Type III female genital mutilation in Sudan. The mother sought a prohibitory injunction because the decision of her asylum application was still pending at the end of their holiday. The Family Court upheld the order, preventing the children from returning to Sudan.
Main reasoning/argumentation (max. 500 chars)	The sentence has not yet been published on eCourts.gov.mt.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The sentence has not yet been published on eCourts.gov.mt.

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>In Malta, it is considered a crime to subject someone to the practice of female genital mutilation, whether this takes place inside the country or abroad. As a result, the warrant of prohibitory injunction was upheld on April 12, 2021, the same day it was filed. The woman was then escorted to a shelter with her children. Just over a month later, the Family Court issued a definitive judgement in favour of the mother and her children, which included her infant son. In addition to the court decree, the mother has been granted refugee status based on Female Genital Mutilation.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>The sentence has not yet been published on eCourts.gov.mt.</p>

<p>Thematic area</p>	<p>ACCESS TO JUSTICE</p> <p>Please provide the most relevant high court decision related to the topics addressed in the chapter.</p>
<p>Decision date</p>	<p>23 February 2021.</p>
<p>Reference details</p>	<p>Malta, eCourts, (2021), <u>IR-REPUBBLIKA TA' MALTA vs VINCENT MUSCAT,OMISSIS</u>, 23 February 2021.</p>
<p>Key facts of the case (max. 500 chars)</p>	<p>On 16 October 2017, anti-corruption journalist Daphne Caruana Galizia was killed in a car bomb. Several perpetrators have been identified, all declaring their innocence. However, on 23 February 2021, one of the accused, Vincent Muscat, pleaded guilty and was convicted for manslaughter. The charges include: 1) Voluntary homicide of Daphne Caruana Galizia (FIRST (1) Cap.); 2) An explosion that caused the death of a person (SECOND (2) Cap.); 3) Possession of illegal explosives (THIRD (3) Cap.); 4) Association with a person or persons with intent to commit a crime (FOURTH (4) Cap.); 5) Promotion etc. of a union of two or more persons with a view to doing so criminal offences (FIFTH (5) Cap.); 6) Active participation in an association of two or more persons with a view to commit criminal offences (SIXTH (6) Cap.).</p>

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>Based on the charges, the Court came to several conclusions. Regarding the first and second allegations, the Court argued that the accused acted “willfully and with the intent to kill”, thereby highlighting that the crime was premeditated.</p> <p>Similarly, the third charge refers to the possession of the explosive substance for some time before the murder, implying that the murder was planned long in advance. Concerning the fourth, fifth, and sixth charges, the court considered the elements of organised crime, claiming that the accused actively participated in activities of a criminal association.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>Accused Vincent Muscat pleaded guilty to the charges, as part of a penalty agreement with the Prosecution. He received a lesser sentence because the parties entered into "sentence bargaining" (Article 453A criminal code) where they agreed that if he pled guilty he would receive a lesser sentence, and the Court accepted that agreement. The defender of the victim’s family confirms that the accused has adhered to the agreement. Because of these particular circumstances and the assistance and cooperation of the accused in the course of the investigation and prosecution of the case, the Court accedes to the joint request made by the parties.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>After considering Articles 17 (b) (h), 23, 23B, 23C, 31, 49, 50, 211 (1), 211 (2), 311, 312 (1), 313, 314, 48A (1), 48A (2), 48A (3), 48A (4), 83A (1) (a) (b), 83A (2), 467 (2) and 533 of the Criminal Code, the Court sentenced the accused Vincent Muscat to a period of fifteen years imprisonment, and ordered him to pay € 42,930.72. Vincent Muscat has pleaded guilty because of a sentence bargaining agreement with the prosecution. From the beginning of the proceedings, Muscat has assisted the authorities intending to initiate prosecution against third parties. The result of this trial could be influential for the course of proceedings for the</p>

	other accused who still await their trial.
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>GĦALDAQSTANT l-Avukat Ġenerali, f'isem ir-Repubblika ta' Malta, fl-isfond taċ-ċirkostanzi, żmien, lok, u fatti msemmija aktar 'l fuq f'dan il-Kap ta' l-Att ta' Akkuża, akkuża lill-imsemmija Omissis, Omissis, u Vincent MUSCAT ħatja ta' omiċidju volontarju, u cioe' talli nhar is-Sittax (16) ta' Ottubru tas-sena Elfejn u Sbatax (2017), f'dawn il-ġzejjer u senjatament fil-Bidnija, limiti tal- Mosta, għall-ħabta tat-tlieta ta' wara Nofsinhar (15:00pm), dolożament, bil-ħsieb li joqtlu lil Daphne Caruana Galizia jew li jqegħdu l-ħajja tagħha f'periklu ċar, ikkaġunawlha l-mewt.</p> <p>Therefore, the Attorney General, on behalf of the Republic of Malta and in light of the circumstances, time, place, and facts mentioned above in this Bill of Indictment, to the said Omissis, Omissis, and Vincent MUSCAT guilty of voluntary homicide, namely that on the 16th (16) of October of the year Two Thousand and Seventeen (2017), in these Islands and especially in Bidnija, limits of Mosta, at approximately three in the afternoon (15:00hrs), deliberately, with the intention of killing Daphne Caruana Galizia or putting her life in clear danger, caused her death.</p>

<p>Thematic area</p>	<p>MEASURES ADDRESSING VIOLENCE AGAINST WOMEN</p> <p>Please provide the most relevant high court decision related to the topics addressed in the chapter.</p>
<p>Decision date</p>	<p>6 October 2021.</p>
<p>Reference details</p>	<p>Malta, eCourts, <u>Court of Magistrates (Criminal Judicature), Il-Pulizija Vs Anthony Mifsud, Case Ref. 467/2019, 22 November 2021.</u></p>
<p>Key facts of the case (max. 500 chars)</p>	<p>James Mifsud, son of Antony Mifsud, informed the police at the Hamrun Police Station that his father had intimidated and voluntarily inflicted bodily harm on his mother using a knife. The Court was asked to treat this case as a domestic violence case, in terms of Chapter 581 of the Laws of Malta. The Court was also asked to request a protection order against the accused per Article 412C of Chapter 9 of the Laws of Malta, to provide for the security of the victim. Regarding the sentence, the Court took into account that the accused cooperated with the police and admitted his involvement in this incident. This led to a final decision of two years imprisonment and a three-year restraining order.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The defendant chose to testify in the court proceedings, admitting that he had intimidated and caused bodily harm to his wife using a knife. Although the woman suffered minor harm, the Court chose to impose a strict penalty to be paradigmatic and send a message of justice's determination to combat domestic violence.</p>

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Court in this case stressed the significant increase of domestic violence incidents in Malta in the last years. These developments highlighted the need to amend the legal framework on the protection of victims of violence, and provide stricter penalties on domestic abuse. Therefore, this Court believes that in principle, the penalty to be imposed is that of effective imprisonment, because it is the obligation of the Court to send a message of acknowledging the severity of domestic violence.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Court found Mr. Antony Mifsud guilty of causing grievous bodily harm and disruption of public order as follows from Articles 202 (h), 214, 215, 217, 221 (3), 222 (1), 251B, 338 (dd) and 339 (1) (e) of Chapter 9 and Article 6 of Chapter 480 of the Laws of Malta. Following these offences, the defendant was sentenced to two years of imprisonment, as well as subjected to a three-year Restraining Order preventing him from approaching his wife, whilst also ordered to pay the costs relating to the appointment of the experts.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Il-Qorti ġiet mitluba titratta dan il-każ bħala wieħed ta' vjolenza domestika, ai termini tal-Kapitolu 581 tal-Liġijiet ta' Malta.</p> <p>Pero min-naħa l-oħra din il-Qorti ma tistax tinjora l-gravita' ta' l-aġir tal-imputat – dan reat ta' ferita ħafifa u reat ta' kaġunar ta' biża' ta' vjolenza ta' mara minn żewġha, reat ta' vjolenza domestika, li sfortunament f'dawn l-aħħar snin dawn it-tip ta' każijiet qiegħdin isiru aktar frekwenti, tant li ftit tas-snin ilu l-legislatur ħass li kellu jemenda l-liġi f'dan ir-rigward sabiex inter alia tingħata iktar protezzjoni lill-vittma u jogħlew il-pieni. Għalhekk, il-Qorti hija tal-opinjoni li, in prinċipju, l-piena li għandha tiġi inflitta hija dik ta' piena karċerarja effettiva, għaliex huwa obbligu tagħha li tgħaddi messaġġ ta' determinazzjoni u severita' għall-vjolenza domestika.</p> <p>The court was asked to treat this case as a case of domestic violence, in terms of</p>

Chapter 581 of the Laws of Malta.

However, on the other hand, this Court cannot ignore the gravity of the defendant's conduct - this a crime of slight bodily harm and a crime which purports fear of violence by a woman from her husband, the offence of domestic violence, which unfortunately in recent years these types of cases are becoming more frequent, so much so that a few years ago the legislator felt he had to amend the laws in this regard to inter alia give more protection to the victim and increase the penalties. Therefore, the Court believes in principle the penalty to be imposed is that of effective imprisonment because it is the Court's obligation to send a message of determination and severity for domestic violence.

<p>Thematic area</p>	<p>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</p> <p>Please provide the most relevant court judgement, which quoted the CRPD or prominently referred to the CRPD in the reasoning.</p>
<p>Decision date</p>	<p>Date registered: 23 July 2021.</p> <p>Date Terminated: 03 August 2021.</p>
<p>Reference details</p>	<p>Malta, eCourts, (2021) <u>Case 113 / 2021 / 1 - MEGALLY DR NAGED vs IL-MINISTRU TAS-SAHHA ET</u>, 23 July 2021.</p> <p>https://ecourts.gov.mt/onlineservices/CivilCases/Detail/399847</p>
<p>Key facts of the case</p> <p>(max. 500 chars)</p>	<p>A Maltese doctor brought a case before the court concerning discrimination in the workplace based on his disability. The doctor applied for a new position within the hospital he worked for, requiring him to be listed in the Register of Specialists in line with Scheme V of Chapter 464 of the Laws of Malta, or have other special qualifications. As foeto-maternal medicine is not included as a specialisation in Chapter 464 of the Laws of Malta, Dr. Naged Megally was required to prove his specialism through other qualifications. However, to qualify for this personal registration, he needs to complete training which he is unable to do because of his disability.</p>

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>Dr. Naged Megally was unable to complete the necessary training since this included practising surgery, which is impossible for him, being a wheelchair user. Nonetheless, he continued to train and acquire qualifications, particularly in fetomaternal medicine. Given his qualifications, the doctor said he would like to be recognised as a specialist and work as a consultant in local hospitals. His application for the specialist post was refused, on the ground of not completing the training, however, he had been appointed Resident Specialist (Obstetrics and Gynaecology) at Mater Dei Hospital in 2008, even when the law remained unchanged. This is contradictory, as his position as a Resident Specialist would involve the same work requirements as for the new position he applied to.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The applicant claims that the requirements listed by the job position exclude the applicant from being considered for this position due to the inability of the applicant to register as a specialist under the law in force, even though the applicant has the qualifications in this specialised field of fetomaternal medicine. In addition, the alternative option to prove his specialism by mandatory training is equally discriminatory, as the doctor is limited by his wheelchair.</p> <p>The Court on the other hand interprets the registration as a specialist under Chapter 464 of the Laws of Malta, as a safeguard for the patients utilising this treatment. A patient cannot experience the repercussions of being treated by a doctor who is not fully qualified according to the job description.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The court did not decide in favour of the applicant in their final decision. The judgement does not elaborate on whether the law will be changed.</p>
<p>Key quotation in original</p>	<p>[il-Qorti] "tikkondividi ma' dak li jingħad fir-Risposta tal-intimati l- Ministru tas-</p>

<p>language and translated into English with reference details (max. 500 chars)</p>	<p>Saħħa et fejn jingħad illi:” ... fuq kollox anke li kieku għall-grazzja tal-argument il-liġi kellha tinbidel, ir-rikorrent ma għandu l-ebda garanzija li, li kieku applika, kien ser jintgħażel u jekk li kieku ma ntagħzilx u appella mid-decizjoni tal-appuntament jew fetaħ xi kawża l-eżitu kien ser ikun favorevoli għalih”.</p> <p>The Court agrees with what is stated in the defence purported by the defendants, the Minister of Health and Others in stating that:</p> <p>“Above all, even if, for the sake of the argument, the law had to be changed, the claimant has no guarantee that, if he did apply, he would be selected and if he had not been selected and appealed the decision of the appointment or opened a lawsuit, that the outcome would be favourable to him.”</p>
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