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Draft report of the Working Group on the Universal Periodic Review*

Malta

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its seventeenth session from 21 October to 1 November 2013. The review of Malta was held at the 16th meeting on 30 October 2013. The delegation of Malta was headed by Ms. Helena Dalli, Minister for Social Dialogue, Consumer Affairs and Civil Liberties. At its 19th meeting held on 1 November 2013, the Working Group adopted the report on Malta.
2. On 14 January 2013, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Malta: Kuwait, Peru and the Republic of Moldova.
3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Malta:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/17/MLT/1);
 - (b) A compilation prepared by OHCHR in accordance with paragraph 15 (b) (A/HRC/WG.6/17/MLT/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/17/MLT/3).
4. A list of questions prepared in advance by the Czech Republic, Liechtenstein, the Netherlands, Norway, Slovenia, Spain, Sweden and the United Kingdom of Great Britain and the Northern Ireland was transmitted to Malta through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation underlined the commitment of the new government towards safeguarding and furthering civil rights and equality. Malta continued to reaffirm the human rights enshrined in the Universal Declaration of Human Rights and other landmark documents, and to strive for the equal and inalienable rights of all despite numerous challenges on a global scale as well as the harsh reality of immigration and financial challenges at the national level. Respect for the fundamental rights and freedoms of the individual have been in fact enshrined in the first article of the Constitution of the Republic of Malta, therefore, placing them at the very core of Maltese society, governance and international commitment. Malta remained committed to the universal periodic review and considered it a strong mechanism addressing all human rights and being equally applied to all UN Member States without distinction or discrimination.
6. The delegation stated that the national report, which was based on the recommendations emanating from the 2009 review, was drafted after broad consultation with government entities and civil society. The dialogue with civil society had been critical to the preparation of the review having in mind the importance of civil society organisations, especially those working at grass roots level. Civil society representatives were given an opportunity to express their concerns and outline their positions on a number of contentious issues. The national report featured new and on-going initiatives.

7. Malta continued with its efforts to put the rights of the child at the top of its human rights agenda, and initiated policies and adopted legislation that extended the rights of the child. The delegation reiterated the Government's intention to continue its efforts in protecting and promoting the rights of children.

8. On the occasion of the International Day against Homophobia and Transphobia, the Government signed a declaration calling for a comprehensive policy approach - at European Union level and across the European Union - on LGBTI issues aiming at improving human rights and mainstreaming equality for LGBTI people.

9. The delegation stated that the new government was fully committed to the protection of the rights of LGBTI persons. A few weeks after being elected, the Government reached an out-of-court (ECHR) settlement with a transgender person who was previously prevented from marrying by Maltese law. Subsequently the civil code was amended to allow persons who undergo a legally recognised gender change to be recognised in the new gender acquired in the remaining areas hitherto not acknowledged. With regard to same-sex relationships, the Government presented a bill in Parliament aimed at the legal recognition of same-sex couples and once enacted, same-sex couples would be able to register their union and be granted equal marriage rights. The law would also provide for the recognition of civil marriages contracted by same-sex partners outside of Malta.

10. The drafting of the Civil Union Act was one of the tasks given to the newly founded Consultative Council on LGBTI rights, which was assigned to advise government and that was made up of NGOs representing the LGBTI community.

11. The delegation stated that the Agency for the Welfare of Asylum Seekers in collaboration with the United Nations High Commission for Human Rights had been finalising guidelines for the prevention, identification, intervention and follow-up of victims and perpetrators of sexual and gender-based violence.

12. An amendment to the Criminal Code was drafted in order to ensure that corporal punishment of any form on minors was considered a criminal offence. The amendment would expose the parent to criminal sanction in all cases of corporal punishment, irrespective whether it is minor or grave. The added 'sanction' of deprivation of parental authority would also apply in the case of corporal punishment exceeding the bounds of reasonable chastisement.

13. The same Bill included amendments to the Criminal Code to provide for an increase in the age of criminal responsibility of minors from that of nine years to fourteen years. Minors under the age of sixteen would also be exempt from criminal responsibility if the minors acted without mischievous discretion.

14. Malta experienced a significant irregular migratory influx since 2002. The numbers remained consistently high over the past years. This situation placed considerable challenges on the country's limited resources. The delegation stated that significant progress had been documented and yet, Malta still faced difficulties. Therefore, Government has repeatedly stressed a need for assistance from EU Member States, particularly via intra-EU relocation. Assistance was received from some of the Member States, as well as from the USA.

15. The overwhelming majority of irregular migrants arriving in Malta applied for asylum, which clearly demonstrated that the asylum system was accessible. The delegation referred to the UNHCR statistics of 2012 indicating that Malta received the largest number of asylum applications among the 44 industrialised countries, with 4.9 applications per 1,000 inhabitants. According to the UNHCR report, Malta received the largest number of asylum applications per 1,000 inhabitants for the period of 2008-2012. The delegation stated that the asylum recognition rate was high, at around 50% or over, and it reached to 90% in 2012.

16. The delegation stated that asylum seekers were given all the necessary information about the asylum procedures, including information on their rights and obligations during the entire process and were assisted by interpreters. Detainees were informed about the right to appeal their removal and detention order, and about the right to apply for asylum.

17. The Government ensured that refurbishment of closed and open centres was carried out regularly. Vulnerable persons such as unaccompanied minors, families and single parents with minor children and others were not subject to the detention requirement. Minors received the same rights as Maltese minors, including the right to attend state schools.

18. Malta continued to fully respect its international legal obligations regarding the rescue of persons in distress at sea, regardless of the provenance and legal status of the persons requiring rescue. [The delegation noted that a total of over 13,000 persons have been rescued by the Maltese authorities over the past decade.] The number of chambers in the Immigration Appeals Board and the Refugee Appeals Board were increased so that decisions are reached more expeditiously. In this respect, the delegation concluded that the developments outlined in the areas of search and rescue, irregular migration and asylum, illustrated that Malta approached these sensitive issues with a strong human rights focus.

19. The delegation pointed to a network of specialised entities covering a wide range of human rights. The Office of the Refugee Commissioner which was set up by the Refugees Act in 2000 has been responsible for receiving, processing and determining asylum applications. The Office has offered individual assistance in filling in registration forms and has provided information sessions to potential asylum seekers to inform them about their rights and obligations in relation to applying for asylum. Since 2009, the Office has upgraded its operations through the provision of additional staff and better equipped premises in order to process asylum applications in an efficient manner.

20. The National Commission for Persons with Disabilities has served as the watchdog on government initiatives on the rights of disabled persons with the capacity to suggest changes to legislation. It was mandated to investigate complaints and carry out needs assessment of persons with disabilities, their families and voluntary entities working in this field in order to feed into policy formulation.

21. The Commissioner for Children has been empowered to promote compliance with the UN Convention on the Rights of the Child and other international instruments that further the rights of the child.

22. The National Commission for the Promotion of Equality (NCPE) has worked to safeguard and promote equal treatment based on the grounds of sex/gender and family responsibilities, sexual orientation, age, racial or ethnic origin, religion or belief and gender identity in employment, banks and financial institutions as well as education and vocational training. It also worked to ensure equality based on racial or ethnic origin and gender in the provision of goods and services and their supply. It carried out training on equality and non-discrimination issues, investigated complaints and provided independent assistance to persons facing discrimination. Its role also extended to monitoring the implementation of national policies with respect to the promotion of equality for men and women through gender-mainstreaming. The delegation stated that the Government has been working to extend the remit of NCPE to a Human Rights Institution in accordance with the Paris principles.

23. The Parliamentary Ombudsman, an Independent Officer of the Parliament, was mandated to investigate complaints about any decision or action, or a lack of action by government departments and other public authorities. The Ombudsman may commence investigations on his own initiative.

24. The delegation indicated the Government's commitment to the promotion of sexual and reproductive health. This includes the protection of the right of women to have control over and decide freely and responsibly on matters related to their sexuality, the timing and number of children, free of coercion, discrimination and violence. In this respect, the Government was also committed to ensure access to information on effective methods of family planning. The launch of the National Sexual Health Policy in 2010 was followed by the introduction of the National Sexual Health Strategy which was formulated through widespread consultation with representatives of the society.

25. The delegation reiterated the Government's belief in the protection of the right to life including that of the unborn child. It expressed the view that as human life begins at conception, the termination of pregnancy through procedures of induced abortion at any stage of gestation, was an infringement of this right. Malta, therefore, could not recognize abortion or any other form of termination of pregnancy as a legitimate measure of family planning. Where the life of a mother is at risk, a medical intervention to save her life, even if that could result in the death of the child, is not precluded.

26. The delegation expressed appreciation for the sterling work carried out by the Office of the High Commissioner for Human Rights in general, and for the High Commissioner in particular, for their significant contribution as well as the support extended to the UPR mechanism in terms of both capacity building and assistance to States.

B. Interactive dialogue and responses by the State under review

27. During the interactive dialogue, 53 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

28. Thailand commended Malta's efforts eliminating discrimination and promoting equal opportunities, especially the participation of women in the labour market. It praised Malta's continued efforts to deal with irregular migrants, however it remained concerned that a number of women and children were still prey to illicit trafficking networks. It welcomed new legislation and the ratification and signing of Optional Protocols to the CRC. Thailand made recommendations.

29. Togo commended Malta's progress since its previous UPR in improving human rights protection through the adoption of new legal provisions and institutional structures. It praised efforts rescuing migrants attempting to cross the Mediterranean Sea, which had saved thousands of lives. Togo encouraged Malta to continue such efforts. Togo made recommendations.

30. Trinidad and Tobago noted with satisfaction the steps taken by Malta since its previous UPR to strengthen human rights, including the appointment of a Minister responsible for civil liberties, legislation addressing various human rights elements, the establishment of specialized National Commissions, Commissioners and Authorities to protect vulnerable groups and introduction of a draft National Children's Policy. It made recommendations.

31. Tunisia noted Malta's progress since 2009, particularly the ratification of several human rights instruments, the establishment of a ministry responsible for civil rights, various legislative initiatives and national mechanisms. It noted measures taken to combat racial discrimination, especially against migrants, refugees and asylum seekers and encouraged Malta to redouble its efforts to eradicate stereotypes of those groups. Tunisia made recommendations.

32. The United Kingdom of Great Britain and Northern Ireland welcomed progress in LGBT issues and urged Malta to reform its judicial system to minimize time spent in pre-

trial detention, and ensure equal application of the law. It encouraged the integration of beneficiaries of international protection, guaranteeing the wellbeing of vulnerable asylum seekers and migrants and ensuring the safety of migrants crossing the Mediterranean. It made recommendations.

33. The United States of America commended Malta's human rights record and commitment to the promotion of such rights, both domestically and internationally. It praised recent efforts to promote LGBT rights. It was concerned by the lack of a formal mechanism referring trafficking victims to appropriate services, the detention of young and vulnerable migrants and difficult detention conditions for some migrants. It made recommendations.

34. Uruguay noted Malta's establishment of relevant institutional and the ratification of several international instruments, including the Convention on the Rights of People with Disabilities and its Optional Protocol, and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and efforts to integrate people with disabilities in the education system. Uruguay made recommendations.

35. Viet Nam commended Malta's significant results regarding human rights over the previous four years. It noted its efforts to maintain a stable socio-economic development and welfare system, the strengthening of its legal system and the establishment of human rights institutions, including the ministry responsible for civil liberties. It commended Malta's measures ensuring gender equality and guaranteeing human rights for vulnerable groups. It made recommendations.

36. Albania commended Malta's legal coverage of all human rights. It noted Malta's commitment to the rights of vulnerable groups through its National Commissions and steps enhancing LGBT rights. It praised the amendment to the Civil Code introducing divorce as a legal remedy, and the amendment to the Equality for Men and Women Act and the "Unlocking the Female Potential" project. Albania made recommendations.

37. Algeria noted the progress made by Malta since 2009, including the appointment of a Minister responsible for civil liberties, the ratification of CRPD and an Optional Protocol to the CRC. It hoped that the establishment of various bodies, such as the National Commission for the Promotion of Equality, would contribute to the rights of vulnerable groups. Algeria made recommendations.

38. Argentina commended Malta's ratification of the Convention on the Rights of Persons with Disabilities and its efforts to increase gender equality. It noted the establishment of commissions, commissioners and national bodies to protect vulnerable groups and the enjoyment of their rights. It urged Malta to continue adopting necessary measures to achieve that objective. Argentina made recommendations.

39. Armenia welcomed the legislative and administrative changes made since the previous UPR to improve human rights, particularly the ratification of CRPD and Optional Protocols to the CRPD and CRC. It praised projects implemented to protect vulnerable groups and guarantee the protection of their rights. It welcomed efforts relating to non-discrimination, especially by promoting equality on the basis of sexual orientation, age, religion, gender and race. Armenia made recommendations.

40. Australia commended Malta's commitment to human rights and welcomed legislative steps to overcome discrimination and hate crimes based on gender identity and sexual orientation. It welcomed the extension of the mandate of the National Commission for the Promotion of Equality. It noted the growing participation of women in the workforce and at high level of government. Australia encouraged Malta to continue addressing the challenges of increasing irregular migration. Australia made recommendations.

41. Austria commended Malta's efforts since its previous UPR, particularly the establishment of a ministry responsible for civil liberties. It praised the provision of an efficient migration and asylum system but encouraged Malta to abolish detention for migrant children. It noted progress in the equality of LGBT individuals, but regretted that Malta had not ratified the Optional Protocol to the CEDAW. Austria made recommendations.
42. Azerbaijan welcomed Malta's appointment of a Minister responsible for civil liberties and its accession to several international human rights treaties. It noted its legislative initiatives to safeguard particular human rights, such as in the area of child protection, persons with disabilities and gender equality. It commended Malta's part in the rescue of irregular migrants. Azerbaijan made recommendations.
43. Belgium commended Malta's appointment of a Minister responsible for civil liberties and new initiatives to protect minors, the rights of people with disabilities and the right of equality. Belgium was concerned by the traditional gender stereotypes present in Maltese society and that women were still not fully integrated in political and economic life and suffered discrimination. Belgium made recommendations.
44. Brazil commended Malta's national report, which comprehensively addressed the issues raised during its previous UPR. It welcomed progress concerning LGBT rights, namely the designation of sexual orientation and gender identity as an aggravating circumstance in criminal offences and the extension of the definition of "discrimination" to include discrimination against LGBT individuals. Nonetheless detention conditions of migrants remained an issue of major concern. Brazil made recommendations.
45. Canada asked what measures Malta had implemented since its last UPR to improve the wellbeing of irregular migrants and the protection of their rights. It was concerned by reports that the application of Maltese immigration law failed to protect unaccompanied irregular migrant children from arbitrary detention. Canada made a recommendation.
46. Morocco commended the implementation of previous UPR recommendations, including new human rights institutional structures and ratification of international instruments. It welcomed Malta's commitment to combating discrimination and racism, protecting the rights of women, children and persons with disabilities, and resolving prison overpopulation. Morocco acknowledged the difficulties posed by clandestine immigration and commended Malta's shelter and hospitality towards African migrants. Morocco made a recommendation.
47. Costa Rica noted the progress made since Malta's previous UPR, including the ratification of international instruments, such as the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the creation of an Independent Living Centre, awareness campaigns to protect children with disabilities from all forms of discrimination and high levels of such children in education. Costa Rica made recommendations.
48. The Philippines welcomed the guarantees of the Maltese Constitution on fundamental rights and freedoms, as well as the enactment of domestic legislation promoting and protecting human rights. It commended the amendment to the Equality for Men and Women Act and ratification of several international human rights instruments since its previous UPR. It praised Malta's assistance of migrants, regardless of their immigration status. It made recommendations.
49. Cyprus asked Malta for an assessment of the extension of the remit of the National Commission for the Promotion of Equality to cover equal treatment on the grounds of gender and family responsibilities and gender identity in employment. It requested information on the results of the project aimed at improving women's access to employment and participation in the labour markets. Cyprus made a recommendation.

50. The Czech Republic commended Malta's establishment of institutions, such as the Independent Living Centre, providing advice to persons with a disability. Regarding its 2009 recommendation, it appreciated advances in human rights protection, including equal treatment on various grounds. It noted positively that divorce legislation had come into effect, but was concerned by the lack of a law allowing abortion when the mother's life was at risk. It made a recommendation.

51. Djibouti noted that Malta had implemented 19 recommendations through legislative initiatives and ratified several international instruments since its previous UPR. It welcomed Malta's commitment to combating racial discrimination through several measures and noted with satisfaction that, despite constraints, Malta took responsibility of migrants through the implementation of several initiatives. It urged the international community to support Malta in that regard. Djibouti made recommendations.

52. Ecuador congratulated Malta on its progress in human rights since its previous UPR, reflected in the adoption of legislative and administrative measures protecting human rights, for example regarding child protection, the rights of people with disabilities and gender equality. It commended the creation of commissions and national bodies protecting vulnerable groups and guaranteeing the enjoyment of their rights. Ecuador made recommendations.

53. Egypt commended Malta's commitment to human rights since its previous UPR. It welcomed the ratification of international instruments and noted new legislation, particularly on freedom of information, legal assistance and protection of minors. It praised Malta's protection of the right to life and, noting the challenges relating to the rights of migrants, encouraged it to continue its efforts in that regard via a human rights-based approach. Egypt made recommendations.

54. Finland appreciated the developments in sexual and reproductive health and rights, further to Malta's first UPR cycle. While welcoming the National Sexual Health Policy and the Sexual health Strategy, Finland asked about measures to further improve access to sexual and reproductive health and rights' services and information, noting that such universal access had decreased adolescent pregnancy. It shared concerns that abortion was illegal in all cases. Finland made recommendations.

55. France commended efforts to implement several recommendations made during the first cycle of the UPR. It applauded ratification of CRPD and OP-CRC-SC and the legalization of divorce. France made recommendations.

56. Germany commended strengthened human rights institutions and laws against arbitrary detention, but expressed concerns regarding the criminal justice system. It asked what would be done to speed up the asylum process and ensure targeted treatment of vulnerable asylum-seekers; and what changes would be made to the refugee policy to ensure human-rights-compliant standards in refugee camps and safeguard faster identification and better care of vulnerable refugees.

57. Holy See welcomed legislation to protect the rights of persons with disabilities, ratification of international conventions and standing invitations to all Special Rapporteurs. Despite improvements, challenges remained regarding correctional facilities, detention centres and situation of migrants, refugees and asylum-seekers. It commended efforts to rescue migrants and asylum-seekers, uphold the right to life of unborn children and improve prenatal and postnatal healthcare. It made recommendations.

58. Hungary noted ratification of CRPD and its Optional Protocol and efforts taken by the National Commission for Persons with Disabilities in the disability sector. Hungary commended efforts concerning irregular migrants' well-being and protection and the implementation of the Assisted Voluntary Return and Reintegration Programmes, expressing

concerns about unaccompanied migrant children being detained. It asked about the procedures to release vulnerable detainees. It welcomed the establishment of the Parliamentary Ombudsman. Hungary made recommendations.

59. Iceland applauded signature of the Council of Europe Convention on preventing and combating violence against women and domestic violence, but expressed concern regarding prevalence of gender-based violence. Iceland urged strengthened measures against trafficking. It welcomed the extended remit of the National Commission for the Promotion of Equality and encouraged policies to overcome traditional gender stereotypes, ensure equal employment opportunities and strengthen women's representation in decision-making. Iceland made recommendations.

60. Indonesia welcomed the appointment of the first-ever Minister for Civil Liberties. It welcomed development of a draft National Children Policy, and suggested the establishment of a National Human Rights Institution according to the Paris Principles. Indonesia indicated that there was room to improve legal frameworks relating to migration and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provided a solid ground for protection of migrants. Indonesia made recommendations.

61. Iran (Islamic Republic of) expressed concern about human rights violations, namely racism, racial discrimination and xenophobia against migrants and poor conditions in detention centres, as well as that most human trafficking cases being prosecuted were still pending and no victim of trafficking had received compensation. It made recommendations.

62. Kuwait noted progress achieved and that the appointment of a Minister for Civil Liberties demonstrated its commitment to human rights. The establishment of an Office of the Commissioner for Children ensured the protection of children's rights. Children were at the centre of Malta's national policies and Kuwait encouraged Malta to continue that work. It noted efforts to protect rights of migrant children through its policies.

63. Libya welcomed the comprehensive report which noted measures taken towards the protection of human rights, including economic, social and cultural rights. It commended efforts made regarding migration, including irregular migration and applications for asylum. It wished Malta success in the implementation of the goals it had set in the area of human rights.

64. Malaysia welcomed the consultative approach used to draft the National Report. Malaysia noted progress made since the first UPR cycle, including ratification of CRPD, and efforts to promote and protect rights of women and children, among others. The draft National Children Policy demonstrated the Government's commitment to promotion of the wellbeing, rights and obligations and protection of children. Malaysia made recommendations.

65. Maldives welcomed steps and policies to recognize and provide opportunities for persons with disabilities and to encourage their inclusion. However, the daily life of persons with disabilities could still be improved, namely by practical and financial support for independent living options to facilitate social inclusion and independence. Maldives made recommendations.

66. Mexico applauded efforts to protect and promote human rights of persons with a disability, including ratification of Convention on the Rights of Persons with Disabilities and its Optional Protocol. It noted efforts to combat the various forms of discrimination, racism and xenophobia, through awareness-raising programmes and the introduction of new legislation. Mexico made recommendations.

67. Montenegro welcomed Malta's serious consideration and implementation of recommendations from the first UPR cycle, including ratification of OP-CRC-SC, and

support for victims under that Optional Protocol. It asked about intended changes to the criminal law concerning the minimum age of criminal responsibility for children. It also asked why defamation had been left under provisions of the Criminal Code. It noted signature of OP-CRC-IC. It made a recommendation.

68. China appreciated Malta's efforts to implement accepted recommendations of the first UPR. It commended efforts to promote equality in terms of age, race, gender, religion and gender orientation and to protect the rights of vulnerable groups including women, children and persons with disabilities, as well as promoting health services. China made a recommendation.

69. The Netherlands commended the rescue at sea of migrants, and collaboration through the European Asylum Support Office in Valetta, noting the particular vulnerability of unaccompanied minors. It applauded progress made in fighting discrimination on grounds of sexual orientation and gender identity. The Civil Unions Bill, which would recognize same-sex partnerships, would be welcome. It expressed concern about criminalization of abortion in all cases. It made recommendations.

70. Nicaragua noted progress regarding refugees and asylum, pursuant to recommendations accepted during Malta's first UPR. It acknowledged the complex and challenging migratory situation in the Mediterranean requiring constant attention. While the protection of persons from discrimination was enshrined in the Constitution, there were concerns regarding Malta's migration policy, particularly about the detention of migrant children. Nicaragua made recommendations.

71. Nigeria welcomed Malta's presentation of its National Report, and commended efforts put into its preparation, particularly for involving relevant stakeholders, including civil society. Nigeria made recommendations.

72. Norway commended the Civil Liberties Law to allow equal rights for same-sex civil unions, pursuant to recommendations accepted during the first cycle of the UPR. Norway referred to recommendations to improve detention conditions for foreign nationals and proposals for improving the asylum system. It recalled efforts to move from punishment to reform in correctional facilities, but noted reports had expressed concern about conditions at the Corradino Facility. Norway made recommendations.

73. Oman congratulated Malta on its National Report demonstrating efforts to protect and promote human rights in line with international standards. It welcomed the signature and ratification of international human rights instruments, adoption and implementation of national legislation and programmes and the establishment of national human rights bodies. It commended efforts to promote the rights of the child and persons with disabilities. Oman made a recommendation.

74. Cuba recognized efforts to implement recommendations accepted during the first UPR, in particular in promoting equality and protecting persons with a disability. It noted that Malta had many human rights challenges ahead, noted in the National Report. Cuba made recommendations.

75. Portugal welcomed measures towards gender equality and non-discrimination against women, through the National Commission for the Promotion of Equality and the zero-tolerance approach to domestic violence and violence against women and encouraged continuation of that work. It commended enhanced protection of migrants, refugees and asylum-seekers and in that context referred to the particular situation of children. Portugal made recommendations.

76. The Republic of Moldova commended implementation of previous UPR accepted recommendations, including the adoption of the National Action Plan on combating trafficking in human beings and the establishment of the Human Trafficking Monitoring

Committee. While noting certain existing inequalities, it recognized actions to enhance women's participation in the labour market and to strengthen the National Commission for the Promotion of Equality. It encouraged adopting the National Children Policy. It made recommendations.

77. Sierra Leone commended progress made since the first UPR cycle, including appointment of a Minister for Civil Liberties, establishment of national institutions to protect vulnerable groups, signature and ratification of international instruments including CRPD and Council of Europe Convention on preventing and combating violence against women and domestic violence. It applauded efforts to combat racism and discrimination and address the right to development. It made recommendations.

78. Slovenia applauded Malta's commitment to the UPR process and its efforts to improve the human rights situation since the previous UPR. It noted that Malta had ratified the Optional Protocol to the Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Slovenia made a recommendation.

79. Spain commended Malta's commitment to human rights at the national and international levels, including within the EU framework, as reflected in the ratification of international instruments. It applauded efforts and policies to ensure greater participation of women in society, but noted steps should be taken to better protect and control gender-based discrimination. Spain made recommendations.

80. Sweden noted information about Malta's policy of long-term detention of asylum seekers and threats to send migrants back without granting the opportunity to seek asylum. Despite some improvements on the matter, the European Court of Human Rights recently ruled on human rights violations of asylum seekers. Sweden asked whether there was a need to review the asylum policy, and what the most urgent issues were. Sweden made recommendations.

81. In response to a number of comments on the establishment of a National Human Rights Institution, the delegation reiterated that the Government shall be extending the mandate of the National Commission for the Promotion of Equality to transform it into a national human rights institution to function in accordance with the Paris Principles. Malta would be in a position to report on progress during its next review in this regard.

82. As for the detention of migrants, the delegation confirmed that the detention requirement did not apply across the board, as vulnerable persons, including unaccompanied minors, parents with children, families, disabled persons and others have not been subject to detention. Medical checks had been systematically carried out for every immigrant upon arrival. Vulnerable migrants were provided with alternative accommodation as well as any special attention that they may need, including access to health care. Minors were entitled to the same rights as Maltese minors, including the right to attend public schools.

83. In response to comments on hate speech, the delegation stated that the Government condemned hate speech. All offences in the Criminal Code had an aggravation of punishment if made with racial or xenophobic motivation.

84. Responding to comments in relation to anti-trafficking measures, the delegation stated that Malta strengthened its legislation to combat human trafficking and that it started to implement its second Action Plan on Combating Trafficking in Human Beings for the period of 2013-2014.

85. The Immigration Act provided for a possibility of challenging decisions on detention of migrants. Furthermore, the Government has taken steps to amend its legislation to further strengthen the legal right to appeal decisions on detention. Measures have also been taken to ensure that the Immigration Appeals Board and the Refugee Appeals Board reach their decisions more expeditiously.

86. The delegation reaffirmed the Government's commitment to ensure the principle of non refoulment and recalled that an asylum seeker could not be returned as long as the asylum application is still pending, be it at first instance or on appeal.

87. Regarding the detention of asylum seekers, the delegation stated that the Maltese asylum policy and practice has progressed considerably since its last universal periodic review and that Malta has largely complied with the recommendations that were put forward on this issue. The Government considered that detention was a necessity in the context of Malta, particularly having in mind that all irregular migrants reached Malta undocumented, thereby already fulfilling one of the reasons why detention might be pursued in line with the recast Reception Conditions Directive, which will come into force in 2015. Having this in mind, Malta will be retaining the detention policy.

88. Extensive refurbishment projects have been undertaken to ensure appropriate conditions in detention centres, including Safi and Lyster Detention Centres. Efforts had been also made to provide access to educational, cultural and sports activities to migrants in detention canthers.

89. The delegation noted that the integration of migrants remained one of the main challenges. Integration-oriented projects have been undertaken by the Agency for the Welfare of Asylum Seekers, focusing in particular on access to employment and language skills. Notwithstanding these efforts, long-term integration for all those in need of international protection had been limited by the country's geo-social realities and thus, additional assistance to Malta was requested to meet the current needs. While assistance had been received from a number of states in the past, Malta is still in need of help to alleviate pressures being faced.

90. In response to questions on criminalisation of abortion, the delegation stated that Malta has made a declaration under article 16 of CEDAW and thus, it is not bound by an obligation to legalize abortion. However, in cases where the life of a mother was at risk, a medical intervention to save her life, even if that could result in the death of the child, was not precluded. The delegation highlighted that the right to life which is enshrined in the Constitution was an inherent right of every human being, including the unborn child as human life begins at conception. Therefore, Malta considered the termination of pregnancy through procedures of induced abortion an infringement of the right to life and thus, abortion or any other form of termination of pregnancy could not be considered as a legitimate measure of family planning.

91. The delegation reiterated Malta's commitment to the promotion of sexual and reproductive health and to the protection of the right of women to have control over and decide freely and responsibly on matters relating to their sexuality and the timing and number of children free of coercion, discrimination and violence.

92. Health education was an on-going initiative. The Government set up an Education-Health Committee, which discussed and coordinated school health activities; reviewed existing health programmes and initiatives in schools; and advised and put forward proposals for the sexual and reproductive health content of the National Curriculum Framework for schools.

93. A number of sexual and reproductive health care services were freely available within the national public health care system, including family planning. The Ministry for Health provided a clinic offering a confidential service of diagnosis and treatment of sexually transmitted infections, and counselling and testing for HIV.

94. In response to a question on lengthy court proceedings, the delegation stated that the new Government had put the problem to the fore of its agenda and that it had set up the Justice Reform Commission to draft a comprehensive set of proposals aimed at reforming

the justice sector, particularly minimizing the length of court hearings and devising a more expeditious criminal justice system. The Commission is expected to submit its final report in November 2013 putting forward proposals on possible reforms for the Government's consideration. Malta envisages that the implementation of the justice reform will entail the amendment of existing legislation, which will be embarked upon in 2014.

95. The delegation stated that efforts had been made to ensure that Maltese public and private services were accessible to EU and third-country nationals on the same terms as for Maltese nationals, avoiding discriminatory practice. In this respect, Malta constantly monitored its legislation to avoid any discrimination between its nationals and EU or third-country nationals. Any person who felt aggrieved by any legal enactment may also access the domestic courts to declare that a particular legislation was discriminatory. The courts, vested with constitutional jurisdiction, had the power to decide whether the law is in accordance with the Constitution.

96. From a health-care perspective, emergency medical care has always been provided to all persons visiting Malta irrespective of their country of origin. Since Malta's accession to the EU, accessibility to health services by EU citizens was in line with EU legislation. The enactment of the Health Act in October 2013 has provided a specific provision to ensure that there were no discriminatory practices.

97. The delegation reported that Malta has been working with the Execution Department of the European Court of Human Rights in order to submit its action report relative to the cases where a violation was found. With specific reference to the cases involving the finding of a violation to the right to property and to peaceful enjoyment of possessions, practical and general measures were implemented, which drastically reduced the number of premises subject to a requisition order.

98. In response to the question on same-sex couples, the delegation informed that the legislative initiatives were launched to provide for the possibility of a civil union between same-sex couples.

99. Noting a comment on domestic violence, the delegation stated that a specific law against domestic violence has been in place since 2006 and that various agencies have provided assistance to the victims of domestic violence.

100. As to gender equality, the National Commission for the Promotion of Equality has been working on various initiatives with the aim of increasing the number of women in decision-making positions; and supporting and advising policy makers on gender balance in decision-making through inter alia conducting research studies and putting forward specific recommendations.

101. In conclusion, the delegation expressed its appreciation for the input of the countries that participated in this interactive dialogue.

II. Conclusions and/or recommendations

102. The following recommendations will be examined by Malta which will provide responses in due time, but no later than the 25th session of the Human Rights Council in March 2014:

102.1. Continue its accession process to the core human rights treaties (Azerbaijan);

102.2. Ratify the Convention for the Protection of All Persons from Enforced Disappearance and establish a national human rights institution which fully complies with the Paris Principles (Tunisia);

- 102.3. **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France);**
- 102.4. **Consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);**
- 102.5. **Continue efforts carried out towards the ratification of CPED (Argentina);**
- 102.6. **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Nigeria);**
- 102.7. **Consider the possibility of ratifying ICRMW and CPED (Ecuador);**
- 102.8. **Consider ratifying the ICRMW (Philippines);**
- 102.9. **Consider acceding to ICRMW (Egypt);**
- 102.10. **Be a pioneer country in ratifying the ICRMW (Indonesia);**
- 102.11. **Accede to the ICRMW (Uruguay);**
- 102.12. **Recognize the competence of the Committee on Migrant Workers (Uruguay);**
- 102.13. **Ratify ICRMW, and adopt all necessary measures with the aim of improving the treatment of migrants and asylum seekers (Argentina);**
- 102.14. **Ratify the OP-CEDAW (Albania);**
- 102.15. **Accede to OP-CEDAW (Brazil);**
- 102.16. **Ratify the OP-CEDAW without reservations (Portugal);**
- 102.17. **Consider ratifying the OP-CEDAW (Belgium) (Spain);**
- 102.18. **Ratify the Optional Protocol to CEDAW as soon as possible (Austria);**
- 102.19. **Accede to the OP-CEDAW as well as review and withdraw the reservations to articles 11, 14, 15 and 16 of the CEDAW (Slovenia);**
- 102.20. **Remove the reservations from the CEDAW, incompatible with the principle of equality between men and women and ratify the optional protocol to CEDAW (France);**
- 102.21. **Withdraw its reservations to CEDAW (Iceland);**
- 102.22. **Ratify the third Optional Protocol to the Convention on the Rights of Child on a communications procedure (Montenegro);**
- 102.23. **Ratify the Optional Protocol to the ICESCR and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);**
- 102.24. **Consider ratifying the Optional Protocol to the ICESCR, putting thereby at the same level the protection of these rights with the political and civil rights (Spain);**
- 102.25. **Consider ratifying the Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**

- 102.26. **Take swift action to further enhance equality legislation, particularly in the area of partnership and cohabitation, as proposed by the current Maltese Government (Austria);**
- 102.27. **Consider aligning its domestic legislations and enacting new laws, as appropriate, in order to fully implement its human rights obligations, particularly those relating to combating trafficking in persons, especially women, girls and children (The Philippines);**
- 102.28. **Create a national human rights institution fully in conformity with the Paris Principles (Togo);**
- 102.29. **Establish a national human rights institution which functions in accordance with the Paris Principles (Costa Rica);**
- 102.30. **Establish a national human rights institution in line with the Paris Principles (Nigeria);**
- 102.31. **Establish a national human rights institution fully compliant with the Paris Principles (Sierra Leone);**
- 102.32. **Establish a national human rights institution in full conformity with the Paris Principles, which coordinates and articulates the work of different specialized bodies with competences over the extensive set of human rights (Uruguay);**
- 102.33. **Provide the National Commission for the Promotion of Equality with adequate human, technical and financial capacity to handle racial violence and discrimination, and to institute legal proceedings (Sierra Leone);**
- 102.34. **Enhance the capacity of the National Commission for the Promotion of Equality to follow-up and monitor responses in all cases of racial violence and discrimination (Trinidad and Tobago);**
- 102.35. **Strengthen the capacity of the National Commission for the Promotion of Equality with regards to the follow up, investigation, and monitoring of cases of racial discrimination and violence, and initiate the corresponding legal actions, in order to combat impunity (Ecuador);**
- 102.36. **Widen the mandate of the Parliamentary Ombudsman to address racial discrimination in public and private entities (Sierra Leone);**
- 102.37. **Revise the mandate of the Parliamentary Ombudsman to enable it to address racial discrimination in the private sphere and not just racial discrimination involving the government and State entities (Nigeria);**
- 102.38. **Work towards enhancing the status, powers and functions of the office of the Ombudsman to ensure full compliance with the Paris Principles (Hungary);**
- 102.39. **Strengthen the rule of law and good governance as vital conditions for better protecting and promoting human rights and freedoms (Viet Nam);**
- 102.40. **Intensify efforts and effective measures on social and economic development while protecting all vulnerable groups such as women, children, persons with disabilities and migrants, from all forms of discrimination (Viet Nam);**
- 102.41. **Continue its efforts to protect the rights and interests of special groups, including migrants, women, children and people with disabilities (China);**

- 102.42. Place greater relevance to and adopt measures to ensure the realization of all economic, social and cultural rights for its population (Cuba);
- 102.43. Continue its legal measures in further safeguarding the implementation of human rights (Azerbaijan);
- 102.44. Move forward and finalize the draft national children policy (Indonesia);
- 102.45. Continue to carry out awareness programmes for children and adolescents against substance abuse (Egypt);
- 102.46. Continue its cooperation with neighbouring countries regarding rescue operations at sea particularly for irregular migrants entering the country (Azerbaijan);
- 102.47. Adopt a comprehensive policy aimed at putting an end to traditional stereotypes (Belgium);
- 102.48. Ensure cooperation and responsiveness of financial institutions in respect of claims for the recovery of funds of illicit origin (Tunisia);
- 102.49. Continue to follow up on the implementation of conclusions and recommendations which resulted from the last visit of the Working Group on Arbitrary Detention, in 2009, and consider proposing a new mission by the referred special procedure (Brazil);
- 102.50. Continue its efforts aimed at combating all forms of discrimination (Algeria);
- 102.51. Continue taking measures to eradicate gender discrimination and to promote effective equality and the overcoming of traditional stereotypes, for instance through awareness raising campaigns or programs at the education field (Spain);
- 102.52. Continue its efforts towards promoting equal opportunities between men and women, especially in regards to labour rights (Armenia);
- 102.53. Further undergo awareness raising activities for overcoming the traditional stereotypes regarding the roles and responsibilities of women and men in the family and society, and for strengthening the principle of shared responsibility (Republic of Moldova);
- 102.54. Consider putting in place temporary special measures in areas where women are underrepresented or disadvantaged and provide additional resources to accelerate the improvement of the status of women (Belgium);
- 102.55. Take further steps to reduce gender-based discrimination in the workforce (Australia);
- 102.56. Incorporate non-discrimination in its National Children policy, whilst expediting the process (Thailand);
- 102.57. Redouble efforts to stem the development of racism and xenophobia (Togo);
- 102.58. Intensify its efforts to stem the development of racism and xenophobia and to ensure that the materials which are published in media do not contribute to creating an atmosphere of hostility, intolerance and rejection towards migrants (Islamic Republic of Iran);

- 102.59. Carry out all possible efforts to combat racism, racial discrimination, xenophobia and other forms of related intolerance (Cuba);
- 102.60. Intensify the initiatives to enforce its legislation aimed at combating racial discrimination and take measures to combat racist speech of politicians as well as manifestations of racism in the media, in particular by prosecuting those responsible (Costa Rica);
- 102.61. Effectively enforce its legislation and other general and institutional measures to combat racial discrimination and adopt a comprehensive strategy to eliminate discrimination on any grounds whatsoever (Tunisia);
- 102.62. Take measures to combat and condemn racism and hate speech by politicians and manifestations of racism in the media, particularly discriminatory and hate speech and the dissemination of ideas and racist remarks (Tunisia);
- 102.63. Take concrete measures to stop racism and hate speech by politicians as well as racism in the media (Nigeria);
- 102.64. Adopt further measures to combat all forms of discrimination, including discrimination based on sexual orientation and gender identity (Norway);
- 102.65. Further progress in combating all forms of discrimination, including against LGBT persons, through the introduction and implementation of appropriate legislation, policy and practice (United Kingdom of Great Britain and Northern Ireland);
- 102.66. Continue to strengthen its legislative and institutional frameworks to enhance the rights of LGBTI people (Australia);
- 102.67. Proceed towards the criminalization of rape and violent attacks as crimes against physical and mental integrity of women and as a form of discrimination based on the grounds of sex and gender (Uruguay);
- 102.68. Review the definition of rape so that the lack of consent has a central place in this criminal conduct (Uruguay);
- 102.69. Develop and implement a comprehensive national strategy to address all forms of violence against women and children (Sierra Leone);
- 102.70. Continue its fight against any form of violence against children, women, migrants, and persons with disabilities (Holy See);
- 102.71. Step-up its measures in addressing violence against women, including ensuring protection for the victims of the violence (Malaysia);
- 102.72. Prohibit and eliminate corporal punishment of children, as this is a key obligation under the Convention on the Rights of the Child and other international human rights instruments (Maldives);
- 102.73. Continue its steps to further promote and protect the rights of the child, including addressing child abuse and sexual exploitation of children (Malaysia);
- 102.74. Maintain protection of the right to life from conception to natural death (Holy See);

- 102.75. Review legislation on abortion and ensure that women have access to legal abortion health services, especially in cases where their life or health is at risk (Belgium);
- 102.76. Incite open, cognizant, public and expert discussions in Malta on introducing abortion legislation even though in limited cases where the mother's or child's life is at risk (Czech Republic);
- 102.77. Consider exceptions from the general prohibition of abortion and remove punitive prohibitions for women who undergo abortion (Iceland);
- 102.78. Decriminalize abortion, if not completely, at least when the life or the health of the mother is in danger, by bringing the law in line with obligations deriving from several human rights conventions (The Netherlands);
- 102.79. Fully implement the recommendations of the CEDAW and CRC on the decriminalization of abortion and on exceptions to the general prohibition of abortion for cases of therapeutic abortion and when the pregnancy is the result of rape or incest (Finland);
- 102.80. Review legislation on abortion, as advocated by various treaty bodies, to which Malta is party; Consider creating exceptions to the general prohibition of abortion, including for medical reasons or in cases of pregnancy resulting from rape or incest; Remove repressive provisions for women who have recourse to abortion (France);
- 102.81. Improve identification of victims of trafficking in human beings, by establishing an efficient inter-agency mechanism of identification and referral of such cases (Republic of Moldova);
- 102.82. Strengthen efforts for providing appropriate assistance to victims of trafficking in human beings and disseminate information on their right to compensation and ways to access it (Republic of Moldova);
- 102.83. Further develop laws and practices with regard to legal proceedings and identification of victims of human trafficking (Thailand);
- 102.84. Strengthen efforts to proactively identify both domestic and international trafficking victims among vulnerable populations, particularly children and women in prostitution (United States of America);
- 102.85. Apply a victim-centred approach towards victims of trafficking (Islamic Republic of Iran);
- 102.86. Amend the Criminal Injuries Compensation Regulations so that all victims of trafficking have access to State compensation (Islamic Republic of Iran);
- 102.87. Take further steps to improve the operation of the judicial process so as to ensure the conclusion of cases within a reasonable time (United Kingdom of Great Britain and Northern Ireland);
- 102.88. Address concerns over detention conditions (United States of America);
- 102.89. Improve the conditions in administrative detention centres and ensure that the open centres meet adequate standards of living at all times (Islamic Republic of Iran);
- 102.90. Strengthen the efforts to ensure that the conditions in detention centres meet international standards (Norway);

- 102.91. **Bring the juvenile justice system in line with the Convention on the Rights of the Child, the Beijing Rules, the Riyadh Guidelines as well as to La Habana Rules in order to increase the age of criminal responsibility, expressly excluding criminal proceedings for all children in conflict with the law under the age of 18 years, and therefore also eliminate ‘the harmful intent’ criteria currently in force (Uruguay);**
- 102.92. **Raise the minimum age of marriage to 18 years (Albania);**
- 102.93. **Raise the minimum age of marriage from 16 to 18 years (Iceland);**
- 102.94. **Take steps to increase the minimum age of marriage from 16 to 18 years (Sierra Leone);**
- 102.95. **Sustain its policy that recognizes the family, based on the stable relationship between a man and a woman, as the natural and fundamental unit of society (Holy See);**
- 102.96. **Provide, in accordance with its obligations under international human rights law instruments, effective protection for the family as the fundamental and natural unit of society (Egypt);**
- 102.97. **Ensure birth registration for all children born in Malta (Sierra Leone);**
- 102.98. **Consider ways by which participation of women in political life be further increased, both in terms of absolute numbers but also in terms of quality of participation (Cyprus);**
- 102.99. **Take concrete steps in ensuring comprehensive sexuality education for children and young people (Finland);**
- 102.100. **Improve the availability of sexual and reproductive health services, including family planning (Iceland);**
- 102.101. **Improve the availability of sexual and reproductive health services, including family planning (France);**
- 102.102. **Take all necessary actions to guarantee to the population, especially women in vulnerable situations, safe access to reproductive and sexual health services, including family planning and education on the matter (Mexico);**
- 102.103. **Continue its efforts to further eliminate barriers to the full and effective participation in mainstream society of disabled persons, including children, in particular with regard to education, independent living, accessibility to multimedia and full participation in political and public life (Hungary);**
- 102.104. **Strengthen its efforts to promote direct funding and develop a range of living options for persons with disabilities (Maldives);**
- 102.105. **Share its best practices in the field of education for children with disabilities (Oman);**
- 102.106. **Noting the challenge presented to Malta’s resources by irregular migration, the Government of Malta nonetheless should continue enhancing efforts to ensure that human rights of migrants are protected (Trinidad and Tobago);**

- 102.107. Pursue the implementation of programs of action aimed at slowing down and controlling the migration flow while continuing engaging with international efforts aimed at addressing the root causes of the illegal migration phenomenon (Morocco);
- 102.108. Take measures to fully ensure the rights of migrants who arrive in the country (Cuba);
- 102.109. Review periodically its migration policy in order to face the new challenges posed by this phenomenon (Nicaragua);
- 102.110. Promote a culture of non-discrimination and solidarity among its citizens towards migrants (Nicaragua);
- 102.111. Continue its efforts aimed at ensuring greater respect for the rights of migrants (Algeria);
- 102.112. Examine additional ways to accelerate and strengthen the integration of migrants into Maltese society, including in the work place, to allow them to contribute fully to the well-being of the country (Canada);
- 112.113. Further implement legislation and policies that protect and promote the health, legal, social, educational, economic and labour rights of migrants, refugees, and asylum seekers (Holy See);
- 102.114. Continue its efforts to improve the living conditions of migrants in detention and to bring its immigration detention system in line with the international human rights law and standards (Tunisia);
- 102.115. That further efforts should be taken to improve the detention regime, taking into consideration the recommendations in the UNHCR Position Paper (Norway);
- 102.116. Make every possible effort in order to reduce the detention period of asylum seekers, especially regarding unaccompanied children and pregnant women, and treat them with most proper manner (Maldives);
- 102.117. Consider less restrictive alternatives to blanket detention of migrants and guarantee to all migrants the right to seek judicial review of the lawfulness of their detention and to obtain a determination without delay and release if detention is determined unlawful (United States of America);
- 102.118. Implement greater measures to guarantee in an effective manner the legal safeguards for all detained migrants, improve the detention and living conditions of migrants, in particular by modernizing detention centres (Uruguay);
- 102.119. Continue efforts to improve the living conditions in immigration detention centres, especially for children victims of armed conflicts (Djibouti);
- 102.120. Promote the access of persons placed in migration detention centres to free legal aid (Djibouti);
- 102.121. Ensure that the conditions of detention of irregular migrants and asylum seekers do not constitute a degrading treatment. Limit the practice of detention of migrants, especially unaccompanied minors (France);
- 102.122. Provide effective remedies to challenge a detention or expulsion in accordance with international law on human rights and refugees as well as with European standards (France);

- 102.123. **Seek effective ways of support and coordination with the European Union in order to deal with migrants within the international human rights law framework, regardless of their migrant status (Mexico);**
- 102.124. **Reduce at minimum the administrative detention of migrants and asylum seekers, observing the legal safeguards for persons in vulnerable situations and respecting the principles of international law, also considering the provision of free legal assistance for detained migrant children (Mexico);**
- 102.125. **Bring an end to the detention of migrant children as well as adults in a vulnerable situation, such as pregnant women and persons with disabilities (Togo);**
- 102.126. **Ensure that the best interests of the child, as spelled out in the Convention on the Rights of the Child, is the primary consideration in all asylum proceedings involving children (Austria);**
- 102.127. **Ensure that unaccompanied migrant children receive free legal representation (Norway);**
- 102.128. **Review its migration and criminal procedure codes with a view of deleting the provisions allowing for detaining non-accompanied children (Egypt);**
- 102.129. **Adapt the practice in which unaccompanied minors are being held in migrant detention together with unrelated adults, and give them the benefit of the doubt until their age has been determined (Netherlands);**
- 102.130. **Take the necessary steps to end detention of unaccompanied minors, and pending such measures, ensure that they are detained separately from adults and receive adequate and free legal representation (Hungary);**
- 102.131. **Review the law on protection of minors in order to deal with vulnerable situations of migrant children (Nicaragua);**
- 102.132. **Continue to address the specific needs of children of migrants, refugees and asylum seekers and unaccompanied minors (Portugal);**
- 102.133. **Implement without delay the proposals for improved procedures and modalities as regards its asylum policy and to review its detention policy and that such review include how to ensure that children are not detained pending age determination (Sweden);**
- 102.134. **Abide by international human rights law pertaining to migrants, including with regard to detention (Sweden);**
103. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Malta was headed by Ms. Helena Dalli, Minister for Social Dialogue, Consumer Affairs and Civil Liberties composed of the following members:

- Mr Joseph Camilleri, Permanent Secretary, Ministry for Social Dialogue, Consumer Affairs and Civil Liberties;
 - Dr. Ray Busuttil, Superintendent of Public Health, Ministry for Health;
 - Dr. Victoria Buttigieg, Senior Lawyer at the Office of the Attorney General;
 - Mr. Alexander Tortell, Director Operations, Agency for Welfare of Asylum Seekers, Ministry for Home Affairs and National Security;
 - Ms. Renee' Laiviera, Commissioner, National Commission for the Promotion of Equality;
 - Ms. Christine Pace, Director Global Issues, Ministry of Foreign Affairs;
 - Mr. Cyrus Engerer, Chairperson of the Consultative Council for LGBT rights, Ministry for Social Dialogue, Consumer Affairs and Civil Liberties;
 - Mr. Joseph Vella, Private Secretary to Hon. Minister, Ministry for Social Dialogue, Consumer Affairs and Civil Liberties;
 - Ambassador John Paul Grech, Permanent Representative, Permanent Mission of the Republic of Malta in Geneva;
 - Ms. Deborah Maria Borg, First Secretary, Permanent Mission of the Republic of Malta in Geneva.
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