



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

Seventy-ninth session

8 August-2 September 2011

### Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

#### List of themes to be taken up in connection with the consideration of the fifteenth to twentieth periodic reports of Malta (CERD/C/MLT/15-20)\*

The following is a list of themes identified by the Country Rapporteur in connection with the consideration of the fifteenth to twentieth periodic reports of Malta. The list is meant to guide the dialogue between the State party delegation and the Committee and *does not require written replies*. This is not an exhaustive list as other issues will be raised in the course of the dialogue.

**1. The Convention in domestic law, institutional and policy framework for its implementation, programmes for combating racial discrimination, judicial recourse, and compensation (arts. 2, 4 and 6):**

(a) Implementation of the Criminal Code and other existing legislation to combat racial discrimination, in particular with regard to offences of a racist nature, racist remarks and racist speech by political leaders and in mass media, including through the Internet (paras. 22-29<sup>1</sup>);

(b) Measures taken to facilitate complaints by victims of racial discrimination in practice and the legal aid provided to such victims; to ensure the prosecution and punishment of those responsible, including police officers; and to ensure an adequate reparation for victims (para. 34);

(c) Measures taken to guarantee the absence of racial discrimination in the criminal justice system, including when applying the rules of release on bail to foreigners and Maltese citizens (para. 35);

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\* Late submission.

<sup>1</sup> Paragraph numbers in brackets refer to the State party report submitted to the Committee, published under symbol CERD/C/MLT/15-20.

(d) Results and follow-up to the Pasquale report following incidents that occurred in 2005, and further incidents that occurred between March 24 and April 8, 2008, at Safi Barracks;

(e) Further information on human rights institutions that guarantee, inter alia, gender equality, equal opportunities for persons with disabilities, and the rights of children, as well as information on the creation of a national human rights institution in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (para. 13).

**2. Human rights of migrants (art. 5):**

(a) Measures taken to improve the social and economic situation of non-citizens, in particular access to employment, education and housing, including private rental housing;

(b) Systematic administrative detention of all non-citizens entering the territory of the State party illegally, as well as the conditions of such deprivation of liberty in detention centres, including those of Lyster Barracks and El Safi (para. 44);

(c) Long periods of detention of immigrants in an irregular situation, including asylum-seekers; information about difficulties to effectively challenge the legality of such a detention in practice and to gain effective access to legal aid and effective remedies; and the inefficiency of the Immigration Appeals Board.

**3. Asylum-seekers and refugees (arts. 6 and 7):**

(a) Measures taken to clarify the asylum procedure; in particular conditions under which refugee status is granted;

(b) Measures taken by the State party to facilitate the integration of asylum-seekers and refugees;

(c) Measures taken to improve living conditions in accommodation centres for refugees and asylum-seekers in compliance with international standards.

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