

MALTA

CAT A/51/44 (1996)

163. The Committee considered the initial report of Malta (CAT/C/12/Add.7) at its 255th and 256th meetings, on 7 May 1996 (CAT/C/SR.255 and 256), and has adopted the following conclusions and recommendations:

Introduction

164. The Committee welcomes the submission of the initial report of Malta and thanks the Maltese delegation for the oral introduction, which gave rise to a frank and highly constructive dialogue with the Committee.

Positive aspects

165. The Committee notes with satisfaction Malta's firm commitment to the protection and promotion of human rights, as attested by its ratification of a number of relevant international treaties and by its recognition of the competence of the Committee to consider communications from States and individuals, in conformity with the provisions of articles 21 and 22 of the Convention.

166. The Committee expresses its satisfaction that the crime of torture has been incorporated in national legislation, in conformity with article 1 of the Convention.

167. The Committee notes with satisfaction Malta's adoption of a new interrogation code which contains provisions designed to ensure the prevention of torture and ill-treatment.

168. The Committee regards the abolition of the death penalty in Malta as a very positive development.

Factors and difficulties impeding the application of the provisions of the Convention

169. The Committee understands that Malta's unusual geographic and demographic situation poses certain obstacles to the full application of article 3 of the Convention.

Subjects of concern

170. The Committee is concerned that the available judicial remedies in the matter of return (refoulement) and expulsion are less than satisfactory.

171. The Committee is concerned at the absence from national legislation of the right of persons deprived of their liberty to immediate access to a lawyer.

Recommendations

172. The Committee recommends that the State party should introduce into its national legislation provisions permitting the full application of article 3 of the Convention.

173. The Committee would welcome a contribution by Malta, however symbolic, to the United Nations Voluntary Fund for Victims of Torture.

CAT A/55/44 (2000)

41. The Committee considered the second periodic report of Malta (CAT/C/29/Add.6) at its 393rd, 396th and 398th meetings on 9, 10, and 11 November 1999 (CAT/C/SR.393, 396 and 398) and adopted the following conclusions and recommendations.

1. Introduction

42. The Committee notes that the report had been submitted with a delay of two years, it was brief and it was not in complete conformity with the June 1998 guidelines for the preparation of periodic reports. However, the report, was supplemented by an extensive and informative oral presentation, updating it, by the representative of the State party, as well as by the complete answers to questions raised by the Committee members.

43. The Committee realizes the difficulties for small countries to comply with their reporting obligations, yet it wishes to emphasize that complete written information is necessary to facilitate its assessment of the implementation of the Convention.

2. Positive aspects

44. The Committee welcomes the following developments:

(a) The improvement of correctional facilities and, in particular, the arrangements for the housing of illegal immigrants in dormitories formerly used by police staff;

(b) The entrusting of the supervision of asylum seekers to the ordinary police instead of the Special Assignment Group;

(c) The ratification of the 1957 European Convention on Extradition;

(d) The inclusion of human rights in the training programme of the police academy;

(e) The completion and the expected presentation to Parliament of the new Asylum Act which provides, *inter alia*, for: (i) the removal of the geographical exception limiting the granting of asylum to European refugees; (ii) the appointment of a commissioner to decide asylum cases; (iii) the right to appeal the commissioner's decision before an independent appeals board; and (iv) the fact that asylum seekers cannot be deported before a final decision has been taken in their case.

3. Recommendations

45. The Committee recommends that:

(a) The State party ensure that the envisaged new Asylum Act is consistent with the provisions of the Convention;

(b) The State party ensure that victims of torture are not dissuaded from lodging a complaint by any intimidation or threats, including threats of legal measures being taken against them;

(c) The next periodic report of Malta, which was due on 12 October 1999, be submitted by December 2000 and be prepared in accordance with the guidelines established by the Committee.