

MALTA

CERD 27th No. 18 (A/8718) (1972)

72. The initial report of Malta, which was due in 1972, was considered at the 110th to 112th meetings. The members who participated in the discussion welcomed the statements contained in the report, to the effect that Malta was free of racial discrimination; that the Constitution nevertheless expressly provides for protection from racial discrimination and prohibits any legislation which is discriminatory either in itself or in its effects; that a Constitution Court exists, with powers to uphold the fundamental rights of the individual irrespective of race, colour or place of origin; and that that Court had never had occasion to pronounce on any allegation of racial discrimination because no case alleging such discrimination had been brought before it. Many members, however, regretted that more detailed information on the relevant provisions of the Constitution and other laws cited in the report had not been included in it. Some members expressed the opinion that the statement contained in the report, to the effect that, because of the “total absence” of racial discrimination, “the need has never been felt of promulgating legislation or issuing administrative directions to combat”, it failed to take cognizance of some of the provisions of the Convention which created mandatory obligations applicable to all States Parties, regardless of whether or not racial discrimination was practised on their territories. Other members, however, counselled greater caution in the implementation of those provisions.

73. In his statement before the Committee, at its 111th meeting, the representative of Malta provided some of the information requested by some members. He stated that his Government would not hesitate to introduce legislation to implement the Convention should the problems of racial discrimination ever arise in Malta and assured the Committee that the remarks made by members during the discussion of his Government’s report would be taken into consideration in the preparation of the next report of Malta.

74. With respect to the initial report submitted by Malta the Committee adopted, at its 112th meeting, a decision identical with the one it had adopted at the same meeting regarding the report of Nepal...

CERD 28th, No. 18 (A/9018) (1973)

280. The initial report of Malta, submitted on 14 July 1972, was considered by the Committee at its sixth session. It was considered unsatisfactory and additional information was requested. The supplementary report, submitted on 15 June 1973, was considered at the eight session (154th and 155th meetings).

281. Some members observed that the report under consideration filled some of the lacunae in the initial report, and noted that it also contained useful demographic information. Special note was taken of the statement that “the Maltese Courts, including the Constitutional Court, [had] never been seized of litigation arising out of racial discrimination”. It was observed that section 47 of the Constitution - which provides that any individual whose right to protection from racial discrimination, guaranteed by section 46, was transgressed upon could apply to the Civil Court in its superior jurisdiction for redress and therefrom appeal to the Constitutional Court - satisfied the requirements of article 6 of the Convention. It was observed also that the statement that “a review of Maltese laws and regulations [had] not revealed any which could be considered to be of a discriminatory nature” fulfilled the obligations of the reporting State under article 2, paragraph 1 (c), of the Convention.

282. Some members noted that the information contained in the report was confined to citation of the relevant provisions of the Constitution, while under article 9, paragraph 1, of the Convention States parties undertook to report on relevant “legislative, judicial, administrative, or other measures”. One member doubted that subsection 4 of section 46 of the Constitution of Malta was in conformity with the Convention.

283. Some members requested more detailed information regarding the statements that “the principles contained in articles 1, 2 and 3 of the Convention [had] been adhered to” and that “the undertaking contained in article 7 of the Convention [had] been adopted in theory and in practice at various states”. With respect to article 4, paragraphs (a) to (c), of the Convention, the report stated that, “though fully agreed to”, the provisions of those paragraphs “[had] not been put into practice as there [had] been no need for such action”, in this connection, some members recalled that the provisions of those paragraphs imposed an obligation on States parties to adopt appropriate legislative measures except where existing legislation satisfied the requirements of those provisions, and asked whether Malta already had such legislation and, if not, whether the Maltese Government intended to enact such legislation. One member asked about the scope of restrictions on the rights of non-citizens, under section 46 (4) (b) of the Constitution. Several members inquired about the status of the relations of Malta with the racist régimes in southern Africa.

284. While assuring the Committee that he would transmit the observations made by members to his Government and that further information would be provided in the next report, he gave the Committee some information on the numbers of small groups of new immigrants and refugees in his country and offered some examples of administrative measures which had been adopted in order to improve understanding between different ethnic groups. He assured the Committee that the information it had decided at the seventh session to request from States parties with respect to the implementation of article 4 of the Convention would be submitted by his Government by the

specified time. Regarding the obligations of States parties to enact anti-discrimination legislation where no such legislation already existed, he reminded the Committee that his Government, which had been elected only two years previously, had a very heavy legislative programme designed to effect improvements in the social, fiscal, economic and other fields; and he noted that it would be difficult for the Government to postpone urgently needed legislation in order to enact laws which were of purely academic interest, since there was no racial discrimination in the country. Regarding the limitations imposed on permanent residents of Malta who were not citizens, in accordance with section 46 (4) (b) of the Constitution, he asserted that those limitations affected the right to work or to take part in commercial or professional activities and the right to engage in political activity, and noted that the distinction was made between citizens and non-citizens only in the section of the Constitution dealing with protection from discrimination and not in those other sections dealing with individual rights and freedoms; and he explained that the Government would not have been able legally to place restrictions on the rights of non-citizens in respect of employment and political activities if the Constitution had not included a waiver in respect of non-citizens in section 46 (4) (b). With regard to relations with the racist régime in southern Africa; he stated that Malta had no diplomatic or consular relations with those régimes and that it enforced sanctions against trade with Southern Rhodesia; private trade with South Africa and Portugal was minimal.

285. The Committee decided to consider the report satisfactory and expressed the hope that the Government of Malta would continue to co-operate with the Committee and would take account, in the preparation of its second periodic report, of the observations made during the discussion.

CERD A/31/18 + CORR.1 (1976)

151. As the second periodic report of Malta was received shortly before the third periodic report of that country was due, the Committee agreed - at the request of the Government of Malta - to regard the second periodic report as a substitute for the third periodic report. The Committee took note of the information in the report, which was supplemented by the introductory statement made by the representative of the Government of the reporting state.

152. Most of the discussion revolved around section 46 of the Constitution of Malta and in particular around the question whether the provisions of subsection 4, paragraph (b), of that section were compatible with the provisions of article 1, paragraph 2, of the Convention - a question which had been extensively discussed at the eight session, when the Committee considered the supplementary report of Malta. ^{17/} Divergent views were expressed by members of the Committee about the interpretation of the provisions of the Maltese Constitution under reference, about the scope of article 1, paragraph 2, of the Convention, and a fortiori about the compatibility of the provisions under discussion of the two documents.

153. Regarding subsection 5 of section 46 of the Constitution of Malta, it was asked whether access to the public service was open to everyone on the same basis. With regard to subsection 8 of the same section, it was asked whether all Maltese citizens and all foreigners living in Malta had equal access to the courts, regardless of their race or origin.

154. Questions were asked about the relations of the reporting State with the racist régime in southern Africa and about the ethnic composition of the population.

155. The representative of Malta recalled that the interpretation of Malta's Constitution was the function of that country's constitutional court; he added that the legal authorities of his country would be informed of the views expressed in the Committee and, if they deemed it prudent to provide an interpretation, he was certain that they would do so. His Government could perhaps make available to the Committee the text of any laws which in their view were sanctioned by the provisions of the Constitution which had been discussed by the Committee. He reiterated the information already supplied to the Committee, that his Government had approved the application of sanctions against Rhodesia and that it had no diplomatic relations either with that country or with South Africa. Regarding statistical information on the composition of the Maltese population, he stated that, when a census was taken in his country, no questions were asked about race, colour or ethnic origin.

^{17/} Official Records of the General Assembly, Twenty-eight Session, Supplement No. 18 (A/9018), paras. 281 -284.

CERD A/32/18 (1977)

268. The supplementary report submitted by Malta as an addendum to its third periodic report, which had been considered by the Committee at its thirteenth session, contained detailed information on the implementation of article 7 of the Convention.

269. The Committee welcomed the initiative taken by the Government of Malta in submitting the additional information. It was pointed out that the importance attached by the Committee to the submission of detailed information pertaining to the application of article 7 of the Convention had recently been demonstrated by the adoption of general recommendation V at the fifteenth session. It was noted, however, that the supplementary report before the Committee had been submitted several weeks before the adoption of that general recommendation.

270. The Committee noted with satisfaction the wide range of measures adopted by the Government of Malta in fulfilment of its obligations under article 7 of the Convention, and the detailed information it furnished on those measures.

CERD A/37/18 (1982)

80. The fourth and fifth periodic reports of Malta, submitted in one document (CERD/C/65/Add.5) were considered by the Committee, together with the introductory statement made by the representative of the reporting State.

81. The members of the Committee commended the Government of Malta for submitting its report and for its co-operation with the Committee. It was observed however that the report had not been prepared in accordance with the Committee's guidelines and, like the previous ones, expressed general ideas without giving details. The report mentioned constitutional principles but not the provisions enacted for carrying them into effect. The Committee was very poorly informed about Maltese legislation connected with the implementation of the Convention and even though the Maltese Constitution clearly condemned discrimination, there had to be legal and administrative rules for applying the provisions of the Convention. It was also asked whether, after ratification by the Maltese Government, the Convention had been incorporated in national law and whether the constitutional provisions relating to human rights and racial discrimination were directly applicable.

82. Further information was requested in the next report with regard to the implementation of article 2 of the Convention, as the question was of particular importance due to the existence in Malta of a small minority of English, Italian, Indian and Jewish descent. It was asked, in particular, what their status was, whether they were citizens of Malta or aliens, how Maltese nationality or citizenship was acquired, what the percentage of aliens was, whether the provisions of section 46, subsection 9 of the Constitution also applied to persons or national minorities professing a faith other than that mentioned in the subsection 9, and whether national minorities enjoyed the right to form their own cultural associations and to publish their own journals and newspapers. Clarification was also requested on the policy of the Maltese Government with regard to the right to leave the country for job opportunities abroad, the requirements needed to qualify for a passport or exit visa and whether Malta had concluded any bilateral agreements with countries to which Maltese nationals had migrated, so as to protect their basic human rights.

83. In connection with article 3 of the Convention and General Recommendation III of the Committee, additional information was asked for on the status of present relations between Malta and the racist régime of South Africa.

84. Members of the Committee pointed out that one of the main questions raised by Malta's report related to article 4 of the Convention, the implementation of which required the adoption of positive measures, including provisions of a penal nature. Nevertheless, no legislation seemed to have been enacted in Malta to give effect to this article of the Convention, which called for compulsory adoption of measures to implement paragraphs (a), (b) and (c), even if no instances of racial discrimination had arisen so far. It was asked whether the Maltese Government considered the declaration it had made at the time of signature and ratification of the Convention to be a reservation. If it did not, the Government would be under an obligation to adopt legislative measures to give effect to the provision of article 4 of the Convention, all the more so because the Maltese Constitution condemned racial discrimination but no text laid down legal penalties for manifestations of such discrimination.

85. As regards the provisions of section 46, subsection 1, of the Constitution (implementing article 5 of the Convention), which allowed exceptions to the principle whereby no law could contain discriminatory provisions, some members requested specification as to which citizens could take advantage of the funds mentioned in the report or what circumstances, conditions or qualifications were required in that respect. In this connection, it was pointed out that the exceptions mentioned in the report went beyond what was permitted under article 29 of the Universal Declaration of Human Rights and that the adoption of special measures might be acceptable if they were reasonably justified in a democratic society and in special circumstances, but that there was no provision in the Universal Declaration which allowed for a derogation in the event of a public emergency. With reference to section 46, subsection 5 of the Constitution, one member asked whether access to public service was open to everyone on the same basis and whether all Maltese citizens and all foreigners living in Malta had equal access to the courts, regardless of their race or origin. Some members of the Committee also requested the text of any laws which were sanctioned by the provisions of the Constitution, particularly where section 46 was concerned.

86. With reference to article 6 of the Convention, it was asked what recourse procedure would be available if any individuals or groups felt that their fundamental freedoms had been violated, for instance, if they had been refused a job or a child of theirs had been denied admission to school. Further information was also required on how the Constitutional Court interpreted section 46 of the Constitution.

87. With regard to article 7 of the Convention, members of the Committee were interested to learn whether the school curriculum in Malta imparted any knowledge about other cultures and civilizations with a view to combatting prejudices that could lead to racial discrimination or whether the Government or any other agency propagated the principles embodied in the Charter of the United Nations.

88. Replying to the questions and comments of the members of the Committee, the representative of Malta stated that there was no discrimination of any kind in his country. The small minorities of English, Italian, Indian and Jewish descent were perfectly integrated in the life of the country, as could be seen from the number of mixed marriages. Minorities had the right to set up cultural associations to preserve their character and identity, and human rights were included in primary and secondary school curricula. Since no distinctions were drawn between the various religious faiths, the courts had never had to deal with any case of discrimination based on religion.

89. With reference to questions raised in connection with article 3 of the Convention, the representative stated that Malta maintained no consular or diplomatic relations with South Africa and had always supported the United Nations decisions concerning that country.

90. He assured the Committee that the comments made by the members would be conveyed to the competent authorities in his country, which would take them into account in the next report.

CERD A/38/18 (1983)

385. The sixth periodic report of Malta (CERD/C/90/Add.8, Add.9 and Add.11) was considered by the Committee after a brief introductory statement made by the representative of the reporting State, who supplemented some of the information given in the report.

386. Members of the Committee observed that the questions concerning Maltese legislation raised by the Committee in connection with the fifth periodic report of the Government had not been answered in the current report, which simply stated that the provisions of the Constitution were sufficient to combat discriminatory practices. They pointed out that although it appeared from the information provided that there was no racial discrimination in Malta, the Government was nevertheless under an obligation to submit reports on the enactment of laws to combat racial discrimination in accordance with the requirements of article 9, paragraph 1, of the Convention.

387. With reference to article 4 of the Convention, members of the Committee expressed the view that its provisions had not been taken into account in the preparation of Malta's report. It was observed that the articles of the Convention were preventive in character, since it could not be assured that a legal instrument which did not provide for penalties in the case of failure to comply with its provisions prohibiting racial discrimination sufficed to prevent the existence of discriminatory practices. In that connection, it was pointed out that article 46 of the Constitution of Malta did not mention discrimination practised by individuals and there were no other relevant penalties or laws. The Committee urged the Government of Malta to consider that question, which concerned compliance with a mandatory provision of the Convention.

388. Referring to the information provided on the implementation of article 7 of the Convention, members of the Committee noted with satisfaction that the measures adopted by the Government provided an example of the way in which young people could be educated in the spirit of internationalism, and that the Maltese schools celebrated a number of United Nations days and supplied their students with materials containing information about United Nations activities. It was also important that instructions relating to human rights issued were given in the secondary schools and that the syllabi included information about the less developed regions of the world and the role of international agencies in those regions.

389. In reply to questions raised by members of the Committee, the representative of Malta stated that since there was no racial discrimination in Malta, the Government considered it unnecessary to enact legislation on that subject and believed that it had complied with its obligations flowing from article 4 of the Convention.

CERD A/42/18 (1987)

126. The seventh periodic report of Malta (CERD/C/117/Add.6) was considered by the Committee at its 755th meeting on 6 March 1986 (CERD/C/SR.755).

127. In his introductory statement, the representative of Malta informed the Committee that no case of racial discrimination had come before the Constitutional Court. Malta had adopted General Assembly and Security Council resolutions condemning apartheid. On the national front, the Government had mobilized public opinion against racism. The Maltese educational system continually promoted racial equality and instilled a spirit of racial tolerance among students.

128. Members of the Committee congratulated the Government of Malta on its report, which, though succinct, answered questions raised during the Committee's consideration of the previous report, as well as on its policy for, and general attitude towards, eliminating racial discrimination. Reference was made to the lack of demographic information in Malta's reports.

129. In relation to article 3 of the Convention, members requested further information on measures taken by the Government to isolate the South African régime and to bring an end to apartheid.

130. With regard to the implementation of article 4 of the Convention, members of the Committee referred to discussions held at previous sessions between the Committee and representatives of Malta, which indicated that a difference of opinion subsisted. Members did not share Malta's interpretation of article 4. They were of the opinion that the Seditious Propaganda Act complied, to a large extent, with paragraph (a) of article 4, but did not cover paragraphs (b) and (c) of that article. The Maltese Government should review its legislation with a view to complying more fully with article 4. In connection with the Seditious Propaganda Act, several members expressed surprise at the far-reaching scope of some of its aspects, which might favour the suppression of legitimate dissent or differences of opinion. They wished to know how the Act was being implemented and interpreted by the public prosecutors and the courts. Particular reference was made to the inclusion in the definition of "seditious matter" of the promotion of "feelings of ill will and hostility between different classes or races". In this context, one member pointed out that comparable provisions existed in a number of former British colonies. The statutory definition of seditious matter specifically mentioned races and referred to all inhabitants of the country and not only citizens. The Act had been promulgated in 1932 in the context of some anti-British feeling and was designed to combat possible racial strife.

131. As far as article 5 was concerned, members wished to know how the various ethnic groups were represented in Parliament, Government and the civil service and how the educational system took account of the different linguistic groups.

132. Concerning article 7, additional information was requested about measures taken within the Maltese educational system with a view to implementing that article.

133. In replying to questions raised by members of the Committee, the representative of Malta said that he would convey to his Government the comments of members on article 4 and the Seditious

Propaganda Act. Only one case involving sedition had actually been tried in Malta. Any kind of material except pornography could be brought into the country for personal use. In the event of disagreement over interpretation of the Act, an individual could appeal to the courts or to the board of censors. Freedom of the press existed in Malta, and an individual could publish anything he wished at any time. He took note of members' comments regarding the lack of data on ethnic origin in his country's censuses. Concerning education, he said that schooling in Malta was compulsory between the ages of 6 and 16, and that it was free in both government and church schools. With regard to South Africa, he said that there had been no changes in Malta's policy. There were no diplomatic, consular, economic or social ties with that country. His Government abhorred apartheid and the younger generation was being educated about the evils of apartheid. His Government would fully outline its position on apartheid in the next periodic report.

134. Regarding article 7, he stated that Malta's third periodic report (CERD/C/R.88/Add.2 and 8) provided full details about what the authorities were doing in the area of education. Concerning racial harmony, he said that Maltese were marrying Indians as well as persons of other ethnic origins, all of whom were well integrated into Maltese society.

CERD A/46/18 (1991)

144. The eighth and ninth periodic reports of Malta, combined in a single document (CERD/C/171/Add.2), were considered by the Committee at its 897th meeting, held on 8 March 1991 (CERD/C/SR.897).

145. The reports were introduced by the representative of the State party, who said that racial discrimination was totally alien to the Maltese people and was condemned by the State. Efforts were being undertaken in the educational system to promote racial equality and tolerance. Since the compilation of the reports, no case of racial discrimination had been brought before the courts or reported in the media. Malta had recently ratified or acceded to five major international instruments, namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women.

146. Members of the Committee thanked the Maltese Government for its cooperation. Noting that no country was immune from acts of racial discrimination, they requested that information on the ethnic origins of the population be included in Malta's next periodic report. They also requested additional information about the preliminary report on constitutional reform that had been drafted by a parliamentary committee and which called in particular for measures to safeguard the independence of the judiciary.

147. With reference to article 2, members wished to know whether any perpetrator of an act of racial discrimination had ever been prosecuted under the Penal Code and whether all members of the public were aware that they were entitled to go to court if they considered themselves to have been victims of racial discrimination.

148. Concerning article 3, it was noted that Malta was a declared opponent of apartheid and that it had no diplomatic or other relations with South Africa.

149. With regard to the provisions of article 4, members of the Committee reported that, contrary to the view taken by the reporting State, these were of a mandatory character.

150. In connection with article 5, members noted that, while Maltese citizens had a de jure right to housing, work and education, political affiliations played an important role in employment, the public services and in the granting of import licences. It was asked in that connection what body, if any, had been established to investigate allegations of injustice or discrimination and what had been the outcome of such investigations.

151. In connection with article 6, members wished to know how Act No. XIV, under which the substantive articles of the European Convention for the Protection of Human Rights and Fundamental Freedoms had been incorporated into Maltese law, and Act No. XV, which had established a Commission for Investigation of Injustices, were being applied, and whether Malta was

giving any consideration to making the declaration provided for in article 14 of the Convention.

152. Replying to questions relating to the ethnic composition of the Maltese population, the representative indicated that such information was not included in the census but that an estimate would be included in the next report.

153. In reply to the comments raised with regard to article 4, the representative noted that his country was not the only one to have entered reservations on that article and reiterated his Government's scrupulous concern about preventing acts of discrimination.

154. With regard to article 6, the representative of the reporting State informed the Committee that the European Convention for the Protection of Human Rights and Fundamental Freedoms was frequently invoked in the courts.

155. The representative of the State party indicated that replies to other questions raised would be provided at a later stage either in writing or in the next periodic report.

Concluding observations

156. In the assessment made of the eighth and ninth periodic reports of Malta, the Committee noted that there had been a positive development since the presentation of Malta's previous report, and that the quality had improved. It appeared that the Committee and the Government of Malta continued to have a divergence of opinion over the mandatory nature of article 4. There was general agreement within the Committee that no State party could make a credible claim that its social or political system rendered racial discrimination impossible.

CERD A/51/18 (1996)

374. The Committee considered the eleventh and twelfth periodic reports of Malta (CERD/C/262/Add.4) at its 1161st and 1162nd meetings, on 7 and 8 August 1996 (see CERD/C/SR.1161-1162) and at its 1176th meeting, on 19 August 1996, adopted the following concluding observations.

Introduction

375. The Committee welcomes the report presented by the Government of Malta, which contains information about changes and developments that have occurred since the consideration of the previous periodic report. The Committee also welcomes the detailed answers to questions raised and concerns expressed during the consideration of the report. It expresses its appreciation for the dialogue with the delegation and for the answers given orally to the questions raised by members.

376. It is noted that the State Party has not made the declaration provided for in article 14 of the Convention. Some members of the Committee requested that the possibility of making such a declaration be considered.

Positive aspects

377. The fact that the State Party states in its report that it has been actively studying the possibility of enacting new ad hoc legislation to cover all forms of discrimination is an encouraging step towards the future implementation of article 4 of the Convention.

378. The willingness affirmed by the State Party during the oral dialogue to consider making a declaration under article 14 of the Convention is welcomed.

379. The recent establishment of the office of the Ombudsman, whose mandate includes the consideration of complaints submitted by individuals relating to all forms of racial discrimination, is also welcomed.

380. The recent organization by the State Party of various media campaigns against the negative effects of racial discrimination because of an increase in tourism and in the number of foreign students and refugees is a positive action.

Principal subjects of concern

381. The Committee is concerned that the Government of Malta maintains in its report its official position that it does not need to enact new ad hoc legislation to cover all forms of racial discrimination.

382. The Committee acknowledges that although certain provisions of existing legislation could be utilized to punish racial discrimination, nevertheless the Government of Malta has not implemented article 4 of the Convention. Nor has the declaration relating to this article made upon ratification

been withdrawn. The Committee reaffirms its opinion that no social system can fully guarantee the absence of racial discrimination.

383. It is regretted that not enough information has been provided by the State Party on certain economic and social rights under article 5 of the Convention or on recent measures taken to implement the provisions of article 7 of the Convention.

Suggestions and recommendations

384. The Committee recommends that the State Party comply fully with its obligations under article 4 of the Convention and take all necessary steps to amend the Criminal Code in that respect. Due account should be taken of the Committee's General Recommendation XV.

385. In connection with article 7 of the Convention, the Committee would welcome information on the effectiveness of teaching and public campaigns intended to prevent the spread of racial interpretations of social and political problems.

386. The Committee suggests that the Government continue its action taken to publicize the provisions of the Convention. In addition, the State Party should ensure the wide dissemination of its report and of the present concluding observations of the Committee, in both the English and Maltese languages.

387. The Committee also recommends that the next periodic report contain complete information on any complaints of racial or ethnic discrimination and judicial action subsequently taken.

388. The Committee recommends that the State Party comply fully with its obligations under the Convention and enact specific legislation to cover all forms of racial discrimination.

389. The Committee recommends that the State Party ratify at its earliest convenience the amendments to article 8, paragraph 6, of the Convention, adopted by the fourteenth meeting of States Parties.

390. The Committee recommends that the State Party's next periodic report, which was due on 8 January 1996, be updating in character and that it address all the points raised in these concluding observations.

CERD A/55/18 (2000)

120. The Committee considered the combined thirteenth and fourteenth periodic reports of Malta (CERD/C/337/Add.3) at its 1379th and 1380th meetings (CERD/C/SR.1379 and 1380), held on 8 and 9 March 2000. At its 1396th meeting (CERD/C/SR.1396), held on 23 March 2000, it adopted the following concluding observations.

1. Introduction

121. The Committee welcomes the submission of the report of Malta, which follows the general guidelines for the presentation of State party reports and contains an update of developments that have occurred since the consideration of the previous periodic report. The Committee expresses its appreciation to the delegation for the additional information provided during the dialogue.

2. Positive aspects

122. The Committee welcomes the amendments to the Press Act, as well as the measures envisaged by the State party to amend the Criminal Code and the Police Force Act, intended to cover aspects of article 4 of the Convention.

123. The Committee notes with satisfaction the amendment to the Citizenship Act which allows dual citizenship and entitles foreign spouses of Maltese nationals to be registered as nationals and the new law establishing procedures regarding refugees and asylum-seekers.

124. The Committee welcomes Malta's declaration in 1998 with respect to article 14 of the Convention.

3. Concerns and recommendations

125. The Committee is concerned that article 4 of the Convention is not fully covered by the legislation. The State party is recommended to take into account all aspects of article 4 in the elaboration of the new legislation and to review its declaration in relation to this article, made upon ratification of the Convention.

126. Although only a few cases of offences of a racial nature are reported, the Committee recommends that the State party investigate them carefully and take steps to prevent such incidents.

127. While noting the legislation covering many aspects of article 5 of the Convention, the Committee is concerned that the report does not sufficiently describe how this legislation is applied in practice and requests the State party to include such information in the next report.

128. It is noted with concern that there have been claims of racial discrimination in housing, particularly as regards rental accommodation. It is recommended that the State party review the situation of rental accommodation with a view to ensuring non-discrimination, and provide additional information on this matter in its next periodic report to the Committee.

129. Concern is expressed that the Employment Commission of Malta is empowered to consider only allegations of discrimination based on political opinion. It is recommended that the State party consider expanding the scope of the competence of the Commission to cover all aspects of racial discrimination.

130. The State party is encouraged to increase its efforts in disseminating information about the duties and responsibilities of the Ombudsman, as well as about the procedure for launching complaints concerning racial discrimination.

131. It is noted with concern that the new Police Code (Malta Police Force Act) provides that officers found to have treated persons in a discriminatory manner in the course of their duties are subjected to disciplinary action only. It is recommended that the State party take the necessary measures to ensure that criminal charges are brought against police officers for acts violating the provisions of the Convention.

132. The State party is invited to provide additional information on the criteria for granting temporary as opposed to permanent refugee status, specifically as regards European and non-European asylum-seekers. The State party is also invited to provide additional information on the implementation of the recently enacted legislation regarding refugees and asylum-seekers and the effect of the recent withdrawal by Malta of the geographical limitation clause relating to non-European refugees.

133. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6 of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States parties to the Convention.

134. The Committee recommends that the State party undertake all appropriate measures to ensure that the report and these concluding observations are widely distributed to the public. The Committee further recommends that the State party's next periodic report, due on 26 June 2000, be an updating report and that it address the points raised during the consideration of the combined thirteenth and fourteenth periodic reports.