



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the fourth periodic report of Malta at the Committee's forty-seventh session, held in October 2010. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/MLT/CO/4). You may recall that in the concluding observations, the Committee requested Malta to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraph 13 and in paragraph 37 of the concluding observations.

The Committee welcomes the follow-up report received with a 29-month delay in March 2015 (CEDAW/C/MLT/CO/4/Add.1) under the CEDAW follow-up procedure. At its sixty-first session, held in July 2015 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 13** of the concluding observations that the State party “expedite its efforts towards the withdrawal, within a concrete time frame, of its declaration to article 11, and its reservations to articles 13, 15 and 16, paragraph 1(e), of the Convention. The Committee recalls its position that reservations to article 16 are incompatible with the Convention and therefore impermissible”: The State party mentioned that its reservations to articles 11 and 15 could be removed. However, it indicated that its reservations to articles 13 and 16, paragraph 1 (e), could not be lifted, given that its present tax, social security, family and property laws have not been reformed or completely superseded yet, and that it cannot accept language that imposes an obligation on the State party to legalize abortion, as the termination of pregnancy through induced abortion is deemed illegal under the Maltese Criminal Code. The Committee acknowledges the State party's willingness to remove its reservations to articles 11 and 15. However, it notes that the State party is currently not in a position to withdraw its reservations to articles 13 and 16 as such action calls for a legislative reform which has not been carried out to date. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

His Excellency
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The Committee recommends that, in relation to paragraph 13 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to expedite its efforts towards the withdrawal, within a concrete time frame, of its reservations to articles 11 and 15, and consider the withdrawal of its reservations to articles 13 and 16, paragraph 1(e), of the Convention.

Regarding the recommendation made in **paragraph 37** of the concluding observations that the State party “introduce and to vigorously support legislation which permits divorce, allows women to remarry after divorce, and grants women and men the same rights to administer property during marriage and equal rights to property on divorce. It also recommends that women and men be granted equal rights to initiate divorce proceedings. The Committee encourages the State party to review its current legal system governing marriage and family relations with a view to extending existing legal provisions to couples living in de facto unions”: With regard to divorce legislation, the State party mentioned the adoption of the Civil Code Amendment Act in 2011, as well as of the Adaptation of Various Laws Order in 2012. Moreover, it indicated that the Civil Union Legislation has been enacted, and that the Cohabitation Act is also in discussion. The Committee notes the adoption or enactment of various relevant laws. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

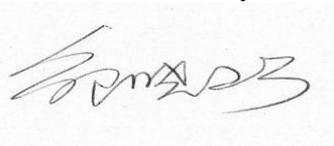
The Committee recommends that, in relation to paragraph 13 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Implement and vigorously support legislation which permits divorce, allows women to remarry after divorce, grants women and men the same rights to administer property during marriage and equal rights to property on divorce, as well as equal rights to initiate divorce proceedings; and
- 2) Review its current legal system governing marriage and family relations with a view to extending existing legal provisions to couples living in de facto unions.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Malta on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Xiaoqiao Zou
Rapporteur on follow-up
Committee on the Elimination of Discrimination against Women