

Mr. Chairman, distinguished members of the Committee,

It is my pleasure to be here today to introduce Malta's combined 15th to the 20th periodic report, which outlines the several commendable developments that have taken place in Malta since the presentation of the last report both in terms of law and practice to fight racism and xenophobia. These developments are reflective of Malta's continuing commitment to combat racial discrimination in all its forms, to eliminate the incidence of racial discrimination in all spheres of life and to enhance the fulfilment of its obligations under the Convention on the Elimination of all forms of Racial Discrimination.

I would like first of all to introduce my delegation composed of officials from the Ministry of Justice and Home Affairs, the Office of the Attorney General and the Ministry of Education, Employment and the Family who will assist me in the course of our interaction.

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Since Malta's last presentation before this Committee, the Maltese authorities have undertaken numerous initiatives with a view to fight racism and xenophobia, as well as with a view to further promote equal opportunities for all. These initiatives cover a range of legislative reforms as well as developments in several other sectors which consist, amongst other, in awareness-raising campaigns addressed towards different groups and the creation of a network of non-governmental organisations and civil society organisations and the provision of training to personnel engaged by entities, which directly deal with issues and the implications of racial discrimination.

The national legislative framework in place fully implements the provisions of the Convention on the Elimination of all Forms of Racial Discrimination.

The condemnation and elimination of racial discrimination have been pursued through the enactment of legislation, both in the criminal and civil statute books. Racial discrimination is prohibited by the Constitution, the European Convention on Human Rights, which has been incorporated into the Laws of Malta as well as other international conventions to which Malta has adhered. Various amendments to the Criminal Code and the enactment of the Equal Treatment of Persons Order, though Legal Notice 85 of 2007, which transposes the provisions of EC Directive 2000/43EC, contain important provisions which address recommendations made by CERD following the submission of our last report in 1999.

Provisions against racial hatred and violence were introduced into the Criminal Code in 2002 and 2009. The 2009 amendments introduced the specific offence of aiding, abetting or instigating offences relating to racial violence or hatred whether against an individual or group, an offence punishable by a term of imprisonment. This also applies to offences carried out during war or civil unrest directed against a group defined by reference to race, colour, religion descent or national or ethnic origin. These amendments also provide, amongst other, that bodies corporate can be held liable for such offences, with the minimum punishment being a fine and the maximum the compulsory winding up of the body corporate.

As far as the internet is concerned, Malta's legislative framework is in full compliance with the requirements of the Convention with regard to offences of a racist nature as well as those concerning racial discrimination committed through speech and mass media including the Internet. Articles invoked for prosecution of cases in question emanate from the Press Act, the Criminal Code and the Electronic Communications (Regulation) Act. (The threatening of and commission of a crime inducing racial hatred or discrimination via the internet, electronic mail, chat groups, etc., or through any other improper use thereof, shall be on conviction, liable to a fine not exceeding twenty-three thousand euro. Additionally if the offence continues, an additional fine of over four hundred euro shall be paid for each day thereafter.

The concept of aggravation of an offence including for offences against the person in the form of bodily harm when this is motivated by xenophobia was also introduced by the 2009 amendments. Any offence is aggravated and the relative punishment is increased by one degree if the perpetrator is a public officer. Moreover any intentional infliction of pain or suffering for any reason based on discrimination of any kind establishes a punishment of 5 to 9 years unless any other provision applies which establishes a higher punishment. Apart from the aforesaid, Public Officers, as well as members of the Police Force, may also be subjected to further disciplinary action.

Other legislative reforms of note were undertaken since 1999, including in particular the reversal of the burden of proof in civil proceedings involving racial discrimination by means of the Equal Treatment of Persons Order, as well as the introduction of the Immigration Appeals Board in the Immigration Act by means of Act XXIII of 2002, which enables migrants to appeal decisions by the Principal Immigration Officer.

Extensive reforms were also made in the asylum sector. The geographical reservation to the 1951 Geneva Convention was withdrawn in 2001, and an Office of the Refugee Commissioner became fully operational in 2002. The Refugees Act was originally published in the year 2000, and subsequently amended in 2004, 2007 and 2008. The Act is fully compliant with the provisions of the Geneva Convention and Protocol, as well as with the pertinent EU Directives.

Moreover in response to the recommendation made by CERD in paragraph 15 of CERD/C/304/Add.9, the competent local authorities are considering the possibility of a wider dissemination of the CERD report.

It is to be noted that with regard to access to tribunals and courts, there is no racial discrimination in relation to such access. The Code of Organisation and Civil Procedure which governs civil proceedings and the Criminal Code contain no provisions which make a distinction on grounds of race. Moreover, the right to equal treatment before organs administering justice is enshrined in Article 39 of the Constitution of Malta. The Constitution enforces non discrimination by allowing a redress to the Civil Courts. Although the Civil Court has the option to decline to be seized of the matter if it delivers an opinion that there are other alternatives of legal redress that are more suitable, a right of appeal from a decision in the Civil Court exists in the Constitutional Court.

As for Court cases, none related to Racial Discrimination were registered between 2001 and 2005, 2007 and 2010. Two cases were registered in 2006. In one case the defendant was not found guilty, whilst in the second case the defendant was found guilty. There was one case instituted in 2008 and

another one in 2009. In the former case the defendant was conditionally discharged, whilst the second case is still sub judice.

Compensation for victims is regulated by the Criminal Code which encompasses a generic provision through which the right of compensation can be claimed. Subsidiary legislation also provides for indemnity to victims for injuries, damages and losses. To date there have been no cases brought about by victims claiming compensation for racial discrimination.

Furthermore, in recognition of the advantages of restorative justice principles in criminal matters, and drawing on its wide use in many countries across the world, the Government is in the process of enacting the Restorative Justice Act. In line with the UN Resolutions (ECOSOC 2002/12), the provisions in the new law permit any person who feels aggrieved by any crime to participate actively in the resolution of matters arising from the transgression suffered. Reparation may include victim offender mediation, conciliation, restitution and community service, initiatives aimed at ensuring adequate reparation and reintegration for victim as well as the offender.

Every person accused of committing a crime is entitled to request bail. In Malta bail is mandatory if a bill of indictment has not been filed by the Attorney General or else if the accused has not been sent to be tried by the Court of Magistrates after a maximum of thirty (30) months. The Criminal Code furthermore establishes conditions for which bail may be refused.

The Court is obliged to examine an individual's request for bail in light of all the conditions that the law imposes and in this respect the same criteria and parameters are applied to all without any distinction being made between nationals and foreigners. All applicants are examined equally, neutrally and individually according to the facts of the case and the circumstances relating to the crime that they are charged with. No privileges, prejudices, positive or negative inferences are drawn based on nationality, race, creed or gender.

It should be noted however that one of the factors taken into account with respect to bail is the risk of absconding. It would have to be pointed out therefore, that whereas foreigners have the same rights as Maltese nationals before the Courts, the granting of bail to foreigners who have no long-term links with Malta would entail a more significant risk of absconding.

As stated in Malta's previous report, the Constitution and the European Convention on Human Rights grant civil and political rights to all and prohibit discrimination on grounds of race in relation to such rights. Therefore, any law deemed to be in any way discriminatory may be challenged with reference to the Constitution. Additionally, the 2007 Equal Treatment of Persons Order which I have already mentioned, implements the principle of equal treatment between persons irrespective of racial or ethnic origin.

In the light of the current legislation provisions in Malta which ensure non-discrimination include:

- Section 15 of the General Election Act which stipulates that a person shall be entitled to be registered as a voter for the election of Members of the House if, and shall not be entitled to be registered unless, he has the qualification required by section 57 of the Constitution and provided he is not so disqualified in terms of section 58 of the Constitution or in accordance with the provisions of this Act.
- Article 45 of the Constitution in its blanket prohibition of any laws that are discriminatory either of themselves or in their effect, in combination with article 32 thereof, is also relevant in this respect. This right is also guaranteed through article 3 of the Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms (which was also incorporated and is enforceable as part of the laws of Malta), combined with article 14 of the European Convention on Human Rights.

- Articles 44 and 45 of the Constitution guarantee the right to freedom of movement and a positive development in this respect is the deletion from the Codes of Malta of the Title on 'Impediment of Departure' as applicable to physical persons. Through articles 32 and 45 of the Constitution, the latter amendment is applicable in a non-discriminatory manner.
- Chapter III of the Constitution which contains provisions on the acquisition of Maltese Citizenship, and the Maltese Citizenship Act are applicable to all persons in a non-discriminatory manner.
- The right to marriage and choice of spouse is guaranteed through the provisions of the Marriage Act in combination with article 32 of the Constitution. The Marriage Act provides for the regulation of marriages and for matters connected thereto. The Act does not contain any provisions concerning marriage and choice of spouse that are discriminatory either of themselves or in their effect. The right to marriage without any form of discrimination is also provided for through article 12 of the European Convention on Human Rights, in combination with article 14 of the same Convention.
- The right to own property is guaranteed through article 37 of the Constitution in combination with article 32, together with article 1 of Protocol No. 1 to the European Convention on Human Rights, in combination with article 14 of the European Convention as incorporated into Maltese legislation.
- The right to inherit is indirectly guaranteed through article 32 of the Constitution, which guarantees the right to every person in Malta, whatever his race, place of origin, political opinions, colour, creed or sex, to life, liberty, security of the person, the enjoyment of property and the protection of the law. The provisions of the Civil Code are also relevant in this respect. In view of the provisions of article 15 of the Constitution and article 14 of the European Convention together with article 1 of Protocol No. 1 to the said Convention it is impossible to discriminate on the grounds of race in both testate and intestate succession.
- The right to freedom of thought, conscience and religion is guaranteed through article 40 of the Constitution, combined with article 32 of the same law, and article 9 of the European Convention on Human Rights combined with article 14 of the Convention, together with article 2 of Protocol No. 1 to the European Convention. Students in government schools may opt to decline instruction in Roman Catholicism.
- The right to freedom of opinion and expression is guaranteed through article 41 of the Constitution combined with article 32 of the same document, and article 10 of the European Convention on Human Rights in combination with article 14 and article 2 of Protocol No. 1 of the said Convention. In practice, an independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and press, including academic freedom, and this regardless of race.
- The right to freedom of assembly and association is guaranteed through article 42 of the Constitution in combination with article 32, together with article 11 of the European Convention on Human Rights combined with article 14.
- Although there is no specific provision in Maltese legislation which caters exclusively for the provision of the right of access to public facilities, article 32 of the Constitution is generic enough in its content to provide amply for such situations. The First Hall of the Civil Court has original jurisdiction to hear and determine any application made by a person who alleges that in his or her case the right of access to a public facility has been, is being or is likely to be contravened. The Constitutional court has jurisdiction to hear and determine appeals from the decisions of the Civil Court First Hall under section 4 of the Constitution.

Non-discrimination in the provision of and supply of goods and services, in both the public and private sectors, including social services, health coverage, the housing sector, and education are also addressed in the aforementioned 2007 Equal Treatment of Persons Order.

In effect, this order stipulates that no person, establishment or entity, whether in private or public sector, including public bodies, shall discriminate against any other person in relation to:

1. Social protection, including social security and healthcare;
2. Social advantages
3. Education
4. Access to and supply of goods and services which are available to the public, including housing; and
5. Access to any other service as may be designated by law for the purposes of this regulation.

As far as social security and health coverage is concerned, it should also be noted that Malta is also party to the European Convention on Social and Medical Assistance and as such it undertakes to ensure that citizens of state signatories who are lawfully present in its territory and who are without sufficient resources, are entitled to the same social and medical assistance as its own nationals.

Malta essentially has two basic social security schemes within the Social Security Act, contributory and non contributory. The basic eligibility requirement for entitlement of the former is that specific contribution conditions are satisfied, while the latter can be accessed if the conditions set by a means test are met. Hybrid schemes also exist mainly dealing with Family Benefits and Bonuses for social security pensioners and recipient of social assistance.

One aspect that should be emphasised here is that besides social assistance, the same person may be entitled to multiple social benefits which cater for diverse issues such as children's allowances, disabled children's allowances, housing allowances, sickness assistance, maternity benefits, medical aid grants and so on. Additionally, the Government also subsidizes social housing schemes.

The Maltese public health care system combines the principles of equity and solidarity together with universal coverage. The aforementioned Equal Treatment of Persons Order prohibits discrimination in access to healthcare.

A comprehensive basket of health services is provided for all persons who are lawfully resident in Malta and who are covered by the Maltese social security legislation. All the necessary care is provided to special groups such as irregular immigrants or foreign workers who have valid work permits. Such services are not provided against charge, except for some like elective dental services, which are means tested.

In the area of housing the Government enacts policies through the Housing Authority which are in conformity with Equal Treatment of Persons Order and are non-discriminatory. The Housing Authority is responsible for the allocation of Government owned units for rent.

Persons not living in decent accommodation may apply for alternative accommodation in the form of social housing. All applications are processed in terms of the eligibility criteria which exclude any form of discrimination under any guise. Each application is analysed individually and allocations of housing are prioritised according to the housing conditions and social situation of the applicant in line with the conditions of the scheme.

Moving on to the provision of Education, Malta endeavours to fulfil its obligations under this convention in various ways. Malta provides free compulsory education to children of EU citizens and

third country nationals who have acquired long-term resident status. Malta also ensures that all children, whether of regular or irregular migrants, have access to education with a view to fulfilling every child's right to education. Scholarships are open to EU and third country nationals in accordance with EU legislation, while persons who have refugee status are treated equally with respect to access to education.

The National Minimum Curriculum is based on a number of key principles, including among others 'Respect for Diversity' and 'An Inclusive Education', which help promote education, with the added aim of fostering tolerance, understanding, and respect among people, groups and individual persons. These are reflected in school programmes of study and pedagogy based on intercultural relations, interpersonal communication, and attitudes of openness to different life perspectives and experiences. Elements of human rights are integrated across the curriculum and are reflected in subjects like Social Studies, Personal and Social Development and European Studies. Examples of such programmes of study and learning approaches can be found in several diverse subjects, such as Personal and Social Development (PSD) and Social Studies.

With the arrival of immigrants from North African shores the 'valuing diversity' aspect has been emphasised in a number of schools where students are being enabled to develop a sense of respect, cooperation and solidarity among cultures. Positive measures and initiatives aimed at raising the awareness of the student population regarding culture, religion and history of immigrant refugees or minority groups have been included in the School Development Plan. Schools aim to instil in students the value of acceptance and respect towards diversity.

Malta actively participated in and is still running several awareness raising campaigns aimed at students and intended to foster greater understanding and inclusion. Some of these are based on the Council of Europe principles such as the 'Democratic Citizenship Schools' programme, which was in operation until 2008 or the Global Education Week celebrated in collaboration with the European Centre for Global Interdependence and the School Outreach Programme run by the Jesuit Refugee Service (JRS) Malta to raise awareness on issues associated with migration, discrimination, diversity and racism.

In Malta, the National Commission for the Promotion of Equality (NCPE) is responsible to safeguard equal treatment of persons in the access to and supply of goods and services and to safeguard against discrimination also on the grounds of race or ethnic origin.

Under the relevant provisions of the Equal Treatment of Persons Order, NCPE is empowered to investigate complaints lodged by the general public or by other entities, and to initiate ex officio investigations if it is aware of a breach in the law within its remit. Article 7 of the Order prohibits victimisation for having made a complaint to the lawful authorities or for having initiated or participated in proceedings for redress on grounds of alleged breach of the provisions of these regulations, or for having disclosed information, confidential or otherwise, to a designated public regulating body, regarding alleged acts of discrimination or discriminatory treatment.

Hence, NCPE assists persons who feel discriminated against on the grounds of race/ethnic origin in the access to or supply of goods and services. NCPE is also responsible for raising awareness and disseminates information related to equal treatment on the grounds of race or ethnic origin. To this end, NCPE also conducts training on issues related to equality and diversity to public entities, private companies, legal workers, management and directors and any other group which may request it.

NCPE has carried out various projects, amongst which:

- an EU co-funded project 'Voice for All VS/2007/0477' with the aim of empowering participants to challenge the learning and thinking processes which give rise to discrimination based

on race, sexual orientation, gender, age, religion and disability and to positively endorse diversity. 'Voice for All' sought to activate cooperation and promote dialogue whilst enabling participants to adopt an outlook which is based on awareness and understanding. This project targeted SMEs, public sector organisations, members of the media, NGOs, civil society, secondary schools, educators and the general public. The message was delivered through different mediums such as theatre, information dissemination in the capital, internet and TV campaigns and a number of publications which were distributed throughout the public and private sectors.

- Mosaic – One in Diversity was created with the aim of raising awareness on the six grounds of discrimination and addressing fears and misconceptions that lead to discrimination. The main component of this project was the creation of a network which linked non-governmental organisations and civil society organisations, which work in the sphere of equality and discrimination. Through the network, participants were provided with the opportunity of sharing experiences and discussing challenges in achieving de facto equality, while receiving training on equal treatment and non-discrimination issues.

In addition, NCPE seeks to raise awareness on equality and non-discrimination on the grounds of race or ethnic origin through various campaigns that address different stakeholders. A recent EU co-funded project carried out by NCPE, Strengthening Equality beyond Legislation – VS/2009/0405 sought to enhance the principle of equal treatment on various grounds of discrimination, including racial discrimination. Some of the project components entailed: the compilation of a National Action Plan on Race and Xenophobia; a pilot study on the type of media and communication that is most effective with the racial minority; and a study to analyse the reasons that prevent persons from reporting their discriminatory cases to responsible bodies or entities.

NCPE is also currently carrying out the EU co-funded project VS/2010/0569 Think Equal that aims at sensitising, training and empowering on issues of equality, non-discrimination and diversity on all grounds of discrimination, including race or ethnic origin. Through this project, research will be carried out to analyse the nature and extent of discrimination experienced by racial minorities in Malta in employment, and in access to and supply of goods and services.

NCPE also provides training to promote non-discrimination. To this effect it organised two, two-day seminars in order to promote anti-discrimination and diversity management. During the first seminar, employers' associations, private companies, SMEs and public entities were trained on the benefits and various implementation methods of Diversity Management. The second seminar included training to local NGOs and Trade Unions on diversity, racial discrimination and the respective local and European legislation.

Furthermore, training is provided to those entities that have to deal with racism on a regular basis. For example, new recruits at the Police Academy are given broad training that includes an overview of the pertinent legislation and focuses on issues and situations that are linked to their duties and responsibilities. One should also note that training sessions are also organised for both teachers and students, though in this case, such training sessions are targeted at the needs of particular audiences. However, the overarching objectives of these sessions remain the same, namely to address misconceptions or perceptions that may lead to racism and highlight the benefits of diversity and inclusion.

Hence, NCPE works to safeguard and promote the rights and responsibilities of persons who are at risk of being discriminated against on the grounds of race or ethnic origin in the access to and supply of goods and services. In effect, NCPE is committed to combat discriminatory attitudes and stereotypes as well as xenophobic perceptions to enhance equal treatment in society at large.

Apart from training NCPE is also involved in dissemination of information and the carrying out of programmes. Among NCPE's publications is a manual "Racial and Ethnic Origin Equality Manual" that serves as a toolkit for employers, human resource managers and providers of goods and services,

including information on related legislation, bodies that promote equality, the benefits of diversity, methods and strategies of positive action and the role of equality monitoring.

I will now move onto the area of migration and the asylum process. With reference to Malta's migration legislation, this applies to non-citizens in a uniform manner with reference to their status as EU Nationals or Third Country Nationals. Measures relating to asylum and to immigration apply to all persons arriving in Malta irrespective of racial considerations. Such persons are subject to Maltese laws in a non-discriminatory manner and benefit from all the provisions and remedies relating to protection against racial and other discrimination that are available in Malta.

Malta is a signatory to the 1951 Geneva Convention and the Protocol of 1967. Malta withdrew its geographical reservation to the Convention on 13th December 2001. The Office of the Refugee Commissioner, Malta's asylum determination authority, became fully operational on 1st January 2002. Malta has transposed into national legislation² the European Union's Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted, as well as Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status, thereby granting the relevant rights to both Convention Refugees and Beneficiaries of Subsidiary Protection.

Asylum applicants are entitled to remain in Malta until a final decision on their application has been given³. Therefore, where an appeal has been lodged, any removal order is suspended until such time as the decision is definitive.

Irregular entry into Malta is dealt with in accordance with Part IV (Prohibited Immigrants) of the Immigration Act to which I have already referred⁴,

Irregular immigrants in Malta are subject to a removal order, in accordance with Article 14 of the Immigration Act, and may be detained in custody in accordance with Article 14 (2) of the same Act.

Persons issued with a removal order or a detention order, are entitled to file an appeal from such orders with the Immigration Appeals Board in accordance with Articles 14 and 25A of the Immigration Act. A decision by the Board may also be appealed to the Courts on points of law.

As a matter of policy, the detention of prohibited immigrants is limited to a maximum of 18 months. Persons who enter the country irregularly and who also apply for asylum are subject to a maximum period of detention of 12 months.

While removal orders are issued under the Immigration Act in respect of every migrant who enters the country irregularly such orders are suspended pending a definitive decision on an asylum application, as also envisaged by the asylum legislation.

The principle of non-refoulement is enshrined in Maltese legislation by virtue of the provisions of the Refugees Act and the pertinent subsidiary legislation.

Malta has experienced a substantial influx of irregular immigrants, many of whom applied for international protection, since 2002. In 2008 and 2009 the proportion of irregular immigrants who applied for international protection was 98 and 90% respectively. Since 2002, the Office of the Refugee Commissioner has received a total of 10,881 applications. Up to February 2010 the Office of the Refugee Commissioner had recognised 6,601 as beneficiaries of international protection, with 237 being recognised as refugees, 5,082 as beneficiaries of subsidiary protection and 22 as beneficiaries of Temporary Humanitarian Protection (a national form of protection).

The UNHCR reports on Asylum Levels and Trends in Industrialised Countries classify Malta first in terms of asylum applications per capita received in 2008 (6.4 applications per thousand inhabitants) and second in 2009 (5.8 applications per thousand inhabitants).

Malta has fully complied with its obligations towards asylum seekers and beneficiaries of international protection; however, this entails significant challenges for the country, particularly from an integration point of view. This is due, in particular, to Malta's limited labour market, which is susceptible to saturation. In view of this, Malta has called for the resettlement of beneficiaries of international protection to other EU Member States and other countries

A number of EU Member States have responded bilaterally to Malta's call for assistance. In 2009 France has resettled 95 beneficiaries of international protection from Malta by means of a project co-financed by the European Refugee Fund Community Actions.

Moreover, 10 EU Member States, namely France, Germany, Hungary, Luxembourg, Poland, Portugal, Romania, Slovakia, Slovenia and the United Kingdom, have taken part in a Pilot Project for Intra-EU Resettlement of Beneficiaries of International Protection from Malta, co-financed by the European Union's European Refugee Fund Community Actions. The Project enjoys the full support and involves the participation of both the UNHCR and the IOM.

The United States has also responded to Malta's call for assistance, and has been running a programme for the resettlement of beneficiaries of international protection from Malta since 2007. 514 beneficiaries of international protection have so far been resettled between 2007 and mid-June 2010 by means of this programme, which is still ongoing.

Pursuant to the incidents in 2005, which gave rise to the Depasquale report, the Maltese authorities reviewed the structures relating to the management of detention facilities in Malta. In fact, later in the same year the Detention Service was established. The setting up of this specialised structure provides for an arrangement whereby personnel are recruited specifically to work at the Centres, whilst also providing for more specialised training. The Detention Service operates all three Closed Centres in Malta, being responsible for their day-to-day management, upkeep and security. It should also be noted that since the relevant incidents several refurbishment projects at the three detention facilities have been ongoing.

With regard to the 2005 incidents, the report concluded that the immigrants who protested were instigated by people outside the Centres, as well as that the protest was neither peaceful nor legitimate. The report featured several observations and recommendations, which were implemented by Government. Immediate action was taken with respect to the proposal to transfer those persons who were involved in the riot to a different and independent block 'even if they continue to refuse'.

The report stated that the Armed Forces of Malta may still continue to be involved in irregular immigration matters; however the soldiers concerned would have to be appropriately trained. This recommendation was also taken up, firstly through the establishment of the Detention Service. Moreover, since 2008 the Detention Service embarked on a tailor-made yearly training programme for detention officers and other personnel involved in giving a service in the Closed Centres. The training in question was organized by UNHCR and supported by the Detention Service itself as well as other organizations. The programme was undertaken with the participation of NGOs as partners as well as persons directly involved in providing services to irregular immigrants.

The recommendation in the report to allow the media into the Detention Centres was also adopted.

It should also be noted that the Depasquale report approved of the establishment of the Detention Service, stating that this was a step in the right direction.

The incidents in 2008 were sparked by migrants who requested their expeditious repatriation to their country of origin. Whereas the relevant repatriation procedures were at that point already ongoing, the migrants in question sparked the protest on the grounds that the process was proving too lengthy. The speed with which such process could be carried out depended on a number of factors, some of which were extraneous and out of the control of the Maltese authorities. It should however be noted that the detention of such migrants was within the limits imposed by legislation and policy in the area.

Pursuant to this incident the Maltese authorities continued upgrading and undertaking the necessary reforms within the Centres.

Discipline in the Centres is regulated in accordance with the Detention Centre Rules and Standing Instructions. The powers of the Commander Detention Service, including powers of discipline, as outlined in the Detention Centre Rules and Standing Instructions, are delegated by the Minister.

Regrettably, a riot at Safi Detention Centre broke out on Tuesday, 16th August. Pursuant to this riot, which resulted in damage to public property amounting to circa €1000, as well as injuries to public officers, 22 migrants were arraigned in Court. The riot broke out after the migrants concerned were informed that their request for international protection was turned down. All the migrants pleaded not guilty and were remanded in custody.

And finally, the area of Racial Discrimination and the Fight against Terrorism. Sub-title IV A 'Of acts of Terrorism, Funding of Terrorism and Ancillary Offences' in Title IX of the Criminal Code, defines terrorism and persons or groups involved in terrorist activity exclusively on the basis of the acts concerned. Article 328A (1) defines an 'act of terrorism' as an act committed wilfully, which may seriously damage a country or an international organization where committed. Arrest may only take place for the purpose of an investigation or charge relating to the offences established in the Criminal Code and it is therefore the elements of these offences, which are relevant and not ethnic or racial profiling.

With this I have come to an end of this overview of the developments that have taken place in Malta following the submission of its last report. Myself and my delegation will be glad to answer any other question you may have.