



**International Convention
on the Elimination
of all Forms of
Racial Discrimination**

Distr.
GENERAL

CERD/C/304/Add.14
17 September 1996

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-ninth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Malta

1. 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.

A. Introduction

2. 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.

3. 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.

B. Positive aspects

4. 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.

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

6. 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.

7. 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.

C. Principal subjects of concern

8. 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.

9. 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.

10. 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.

D. Suggestions and recommendations

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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 14th meeting of States parties.

17. 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.
