



## Suggested recommendations to Malta which is due to be considered during the 31<sup>st</sup> session of the Universal Periodic Review, 5-16 November 2018

### Linking the UPR and the Sustainable Development Goals (SDG) processes

States have noted the potential mutual benefits of creating stronger links between human rights mechanisms, particularly the UPR, and the SDG process, with a view to achieving both greater and more effective implementation of human rights obligations and commitments on the ground and increased accountability for delivering the Post-2015 Development Agenda. In so doing States have acknowledged that many SDG Targets and Indicators have a strong alignment with and foundation in their pre-existing human rights obligations.

In support of this, Amnesty International has identified below relevant links between the recommendations we suggest be made to States undergoing their UPR during the 31<sup>st</sup> session of the UPR Working Group in November 2018 and respective SDG and related Targets and Indicators.

In identifying these links, we have referred to Annex IV to the *Report of the Inter-Agency and Expert Group on Sustainable Development Goal Indicators*, E/CN.3/2016/2/Rev.1.

### SEARCH AND RESCUE AT SEA OF REFUGEES AND MIGRANTS

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS:** The commitments listed under Goal 10 are relevant to the recommendations listed below, in particular Target 10.7 and Indicator 10.7.2.<sup>1</sup>

- Immediately employ a broad definition of distress at sea aimed at maximizing the protection of life, including by applying to all search-and-rescue operations coordinated by the Malta Rescue Coordination Centre the provisions under Article 9.2.f of Regulation (EU) 656/2014<sup>2</sup> regarding the information and observations to be considered when determining a situation of distress;
- Ratify and implement the 2004 Amendments to the International Convention for the Safety of Life at Sea and to the International Convention on Maritime Search and Rescue;<sup>3</sup>

<sup>1</sup> **Goal 10, Target 10.7:** Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies, and **Indicator 10.7.2:** Number of countries that have implemented well-managed migration policies

<sup>2</sup> Regulation (EU) no 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32014R0656&from=EN>

<sup>3</sup> International Maritime Organization's Maritime Safety Committee (MSC) res., 153 (78) (2004), Adoption of amendments to the International Convention for the Safety of Life at Sea, 1974, as amended, available at [http://www.imo.org/blast/blastDataHelper.asp?data\\_id=15526&filename=153\(78\).pdf](http://www.imo.org/blast/blastDataHelper.asp?data_id=15526&filename=153(78).pdf); and Adoption of Amendments to the International Convention on Maritime Search and Rescue, 1979, as amended, Annex 5, Resolution MSC.155(78), MSC 78/26/Add.1 <http://www.imo.org/OurWork/Facilitation/IllegalMigrants/Documents/Resolution%20MSC.155-%2078.pdf>

- Seek an agreement with other EU states on regional disembarkation arrangements to render disembarkation predictable and consistent with international law and standards;
- Ensure that people rescued at sea are promptly disembarked in an appropriate place of safety, where their human rights are adequately protected, where they are free from arbitrary detention and where they have a genuine opportunity to seek asylum;
- Ensure that NGOs can contribute to saving the lives of refugees and migrants in the Mediterranean Sea, in compliance with international law and standards, and the Declaration on Human Rights Defenders;
- Refrain from misusing the criminal law against rescue NGOs to unduly hamper their life-saving activities;
- Ensure that refugees and migrants rescued at sea are not disembarked in Libya, where they are at risk of torture and ill-treatment, including by refraining from transferring to Libyan authorities the coordination of search-and-rescue operations in the central Mediterranean until the Libyan authorities demonstrate sufficient capacity and provide the necessary safeguards against the risk of human rights violations;
- Refrain from directing vessels carrying out rescues to seek instructions from the Libyan Coast Guard to avoid the risk of delays in rescue operations and that refugees and migrants are disembarked in Libya where they are at risk of human rights violations.

#### INVESTIGATION INTO THE KILLING OF JOURNALIST DAPHNE CARUANA GALIZIA

**CREATING SYNERGIES BETWEEN THE UPR AND THE SDGS: The commitments listed under Goal 16 are relevant to the recommendations listed below, in particular Target 16.10 and Indicator 16.10.1.<sup>4</sup>**

- Establish without delay an independent and effective public inquiry into the killing of journalist Daphne Caruana Galizia to probe whether her death could have been prevented and to learn lessons for the future. The public inquiry should have comprehensive and transparent terms of reference; ensure meaningful involvement of the deceased's family; ensure the protection of sources; and include public hearings.

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<sup>4</sup> **Goal 16, Target 16.10:** Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and **Indicator 16.10.1:** Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months