

Human Rights Council – 25th session – March 2014

Item 6: Consideration of Malta's UPR Outcome - Statement by Action Canada for Population and Development

This statement is also on behalf of the Sexual Rights Initiative.

We are deeply concerned about the standard of guaranteeing women access to reproductive health care services in Malta.

We are concerned about the legal provisions regulating the right to terminate a pregnancy in Malta. In Malta, women cannot access a legal termination under any circumstances and are subject to criminal charges if they decide to do so. A number of States have raised this issue and made recommendations that Malta review its abortion law – both in regard to the lack of legal opportunity for women to terminate a pregnancy under any circumstance and in regard to the criminalization of abortion and also in respect to punishing women who undergo these procedures.

The concern about jurisdictions that are shaped in such a way and which deny women basic human rights, have also been raised in a number of reports and outcomes of the Treaty Monitoring Bodies and Special Procedures of the Human Rights Council.

All ratifying states have obligations under The Convention on the Elimination of Discrimination Against Women to guarantee women equal access to health services. In this regard, access to safe and legal abortion is considered a key issue for guaranteeing that women can achieve equality in the area of health. The government of Malta refuses to acknowledge these positive obligations despite being urged to do so by the Committee itself and a number of Member States during the interactive dialogue.

The National Sexual Rights Policy and the National Sexual Rights Strategy prepared by the government of Malta contains no actual policies or strategies regarding women's access to legal abortion.

Additionally, the government of Malta has not referred to the critical issue of the criminalization of abortion that makes women subject to criminal charges if they decide to undergo a termination. Both the CEDAW Committee and the Committee on the Rights of the Child have recommended that Malta decriminalize abortion, especially with regard to women's possible criminal responsibility. As have a number of States during Malta's UPR review. The government of Malta must make this critical step if it is to guarantee the fundamental reproductive rights of women. We join the CEDAW and CRC Committees and a number of Member States in encouraging the government of Malta to consider taking this crucial step. We emphasize that laws that punish women for undergoing abortions are not accepted by international human rights institutions or mechanisms. It is especially emphasized in the reports of the Special Rapporteur on Torture and the Special Rapporteur on the right to the highest attainable standard of health, and in the outcome of the work by the Committee Against Torture.

We therefore strongly urge the government of Malta to recognize this as a critical human rights concern, to review its legislation regarding abortion and to, as a minimum, amend the law into the shape in which women are not criminally charged for undergoing illegal procedures.