

Do you think that human rights and equality are sufficiently protected and promoted in Malta? If not:

While Malta is by standards classified and recognized as a free and democratic state the protection and promotion of human rights as a pillar of democracy needs attention in so far as some basic rights are concerned for some recognizable categories of Maltese and non-Maltese residents.

a. Which human rights do you believe need further protection and promotion?

UN REFERENCE	United Nations-BASIC HUMAN RIGHT STATEMENT	NEED MORE PROTECTION	NEED MORE PROMOTION
Article 1	Right to Equality	YES	YES
Article 2	Freedom from Discrimination	YES	YES
Article 3	Right to Life, Liberty, Personal Security		
Article 4	Freedom from Slavery		
Article 5	Freedom from Torture and Degrading Treatment		
Article 6	Right to Recognition as a Person before the Law		
Article 7	Right to Equality before the Law	YES	YES
Article 8	Right to Remedy by Competent Tribunal	YES	YES
Article 9	Freedom from Arbitrary Arrest and Exile		
Article 10	Right to Fair Public Hearing	YES	YES
Article 11	Right to be Considered Innocent until Proven Guilty		
Article 12	Freedom from Interference with Privacy, Family, Home and Correspondence		
Article 13	Right to Free Movement in and out of the Country		
Article 14	Right to Asylum in other Countries from Persecution		
Article 15	Right to a Nationality and the Freedom to Change It		
Article 16	Right to Marriage and Family	YES	YES
Article 17	Right to Own Property		
Article 18	Freedom of Belief and Religion		
Article 19	Freedom of Opinion and Information	YES	YES
Article 20	Right of Peaceful Assembly and Association		
Article 21	Right to Participate in Government and in Free Elections	YES	YES
Article 22	Right to Social Security		
Article 23	Right to Desirable Work and to Join Trade Unions	YES	YES
Article 24	Right to Rest and Leisure		
Article 25	Right to Adequate Living Standard	YES	YES
Article 26	Right to Education		
Article 27	Right to Participate in the Cultural Life of Community		

Article 28	Right to a Social Order that Articulates this Document		
Article 29	Community Duties Essential to Free and Full Development		
Article 30	Freedom from State or Personal Interference in the above Rights		

b. How can Malta better protect and promote human rights and equality overall?

Malta can certainly do more with the adoption and implementation of a national policy and framework for implementation, evaluation and reviewing mechanisms and procedures to more effectively promote and protect human rights.

Very often, complaisance towards human abuses is a collective shortcoming tantamount to criminal complicity when people tend to tolerate as acceptable abuses that are committed against other individuals who are not considered or perceived as close enough.

1. Adopt assertive updated legally enforceable rules in line with Malta status as an EU and UN member state.
2. Create an institution with the necessary resources :
 - a. Human resources: individuals who are really committed to the respect of human rights and representative of the community at large, especially they must have the trust of those individuals and communities more at risk of human rights abuses ;) and
 - b. Authority and means with the powers to investigate and prosecute through legal channels:
 - i. To monitor instances of violations of human rights
 - ii. To receive complaints of individuals and communities victims of human rights abuses
 - iii. To provide effective avenues to challenge and obtain redress that must stress on the promotion of social cohesion by focusing on peaceful resolution and reconciliation rather than the confrontation through:
 1. Mediation chapter (Fair hearings of aggrieved parties and alleged perpetrators
 2. Legal channels in case of failure of mediation
3. Create mechanisms and procedures to effectively enforce the rules through legal channels

This will contribute to strengthen human rights and thus democracy in Malta.

c. Are there any models that you would propose that government should consider looking at in terms of legislation, institutional frameworks or both? If yes, what is especially good about such models?

- **There are no perfect models** when it comes to the protection and promotion of human rights. Notwithstanding the fact that each country has its specific circumstances, for a government, the best way to promote human rights is to protect human rights which are universal and thus indivisible.
- **However Malta needs not to reinvent the wheel:** even though their outcome could be better in the light of events and instances of abuses that seldom filter through the media, **a number of EU countries** (eg. Belgium, The Netherlands, Germany, Scandinavian countries –Sweden, Norway, Finland- etc), with a relatively higher degree of diversity in their social fabric and make up **have more experience with established policy and institutional framework to protect and promote human rights.**
- **The importance of these state sponsored institutions and their contribution to social peace and cohesion is established and recognized by mainstream political organizations and NGOs.** In line with and in addition to the operational national legal frameworks, there is an institutional and legal framework that is clearly defined and articulated in terms of national policy that individuals and institutions can use as reference and recourse in case of violation of human rights.