

Towards a Robust Human Rights and Equality Framework

Scoping consultation

Contribution by Joseph Licari*

The protection and promotion of the human rights of Maltese citizens, on a par with the protection of national security and the promotion of economic growth, are a continuing and overarching concern of government. They cannot be confined to any one institution. Their objectives can never be said to have been definitively attained.

The justice ministry, the courts and the constitution are central to the system as they guarantee the rule of law, fundamental freedoms and the equality of all citizens before the law. The education system makes an indispensable contribution to children's rights. Health institutions contribute to protecting the rights of all, in particular those of persons suffering from disabilities and the elderly. The social security system guarantees social rights which are a natural complement to human rights.

Despite considerable progress in recent decades, and new measures being taken regularly, much remains to be done to better protect and promote the human rights of Maltese citizens. Policy should adopt a three-pronged approach: education, legislation and detailed monitoring. The latter could be the function of a national human rights commission. However, the task is heavy, never-ending and onerous: probably 75% of the Maltese population can claim that their human rights can be better protected. But resources - in terms of time, money and qualified personnel - are limited. Therefore, the various aspects of human rights should be prioritized.

1. Priority should be given to women's rights. Women are half the population. Even with the strongest political will (including affirmative action), it will take one or two generations for mentalities to change radically enough to achieve gender equality. Education from a very young age is the key, for boys as well as girls, but it may not be sufficient if what children see at home is the opposite of what they are taught at school. The most urgent problem is domestic violence and the need for all police officers to understand that it is a crime and not a way of life. In addition, there are instances of inequality in many day-to-day situations; at a recent public discussion a representative of a women's organisation explained that it is more difficult for a woman entrepreneur to obtain a bank loan. Such situations should be actively identified and remedied.
2. A corollary is to remove what seems to be the only major instance of discrimination against men, namely, more extensive rights granted to women in separation and divorce cases. There is still a lurking presumption that such cases arise because a husband has abandoned his wife for a younger woman and that women are stay-at-home child carers unable to earn a living. Even-handedness should be actively sought.
3. Children's rights should continue to be the subject of continuous attention. Their rights seem to be generally respected but attention should focus on particular issues: paedophilia, adoptions, sex education, vocational training ...

4. Longer life expectancy is increasing the number of elderly persons. Their human rights are defended by trying to neutralise the disabilities that accompany old age. However, as pensionable age is inevitably pushed back in the course of this century, work patterns will evolve and innovative ways will have to be found to guarantee their right to work.
5. The protection of the rights of persons suffering from some disability is more complex and immediate. However, in the same way as protecting the rights of the elderly, it involves a determined policy to neutralise the effects of the disability and above all to empower the persons involved by providing appropriate work.
6. Education and day-to-day monitoring seem to be the main tools to protect the rights of persons having a minority sexual orientation. The main problem seems to be lack of understanding within the family and in the workplace with consequent cases of bullying.

Laïcité

The Catholic Church, known in Malta as “the” Church, has formed and formatted Maltese culture. Historically it was probably at the origin of such institutions as marriage, schools and hospitals. The downside is that it imposed its doctrine on the institutions it created and its influence has survived into an era when it has lost its monopoly on people’s beliefs and behaviour. In the last 100 years many factors have helped to wean off the State from “the” Church. Universal education is the main one. Others have been historical developments (two world wars, tourism, accession to the European Union ...) and means of communication (radio, cinema, television, the internet ...). Human rights in Malta can be further promoted if, while treasuring our Catholic culture, we make the State’s laws, institutions and policies more neutral as regards religious beliefs and non-beliefs.

Institutions

Many countries have set up a human rights commission. A Maltese commission should adopt and adapt what is most appropriate for Malta from several of them and not limit itself to any one model. The statutes of commissions in the English-speaking world (some Canadian provinces, Northern Ireland, New Zealand ...) could be examined to good effect.

Care should be taken to avoid duplication and encourage coordination with the Ombudsman and his office.

**Joseph Licari is a consultant economist. He was ambassador to the Council of Europe (1999-2013) and associate professor of economics at the University of Sorbonne-Paris IV (1997-2000).*