

Dear Sir/Madam,

Reference is made to the scoping consultation exercise launched by the ministry for social dialogue, consumer affairs and civil liberties. Hereunder please find a number of suggestions you might wish to take into consideration.

-a. Which human rights do you believe need further protection and promotion? Malta fares sufficiently well in terms of human rights nonetheless some areas still need attention and these concern mainly the rights of minorities. Specifically I am referring to the rights of asylum seekers and irregular migrants. More can also be done with regards to
(i) children with learning disabilities and people with disabilities.

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

Malta is party to numerous conventions and international instruments that oblige Malta to respect specific human rights. These conventions bind Malta with reporting obligations that in practise translate in Malta reporting regularly on specific human rights matters such as the rights of the child and the rights of women in Malta. These reports often include human rights recommendations made by the international community. By honouring its reporting obligations and commitments that emanate from these exercises, Malta can further its human rights commitment.

In terms of promoting human rights, reach out campaigns can be made with school children, young adults and the public at large. Presentations on human rights enshrined in the Constitution and international instruments that Malta is a signatory to can help the general public better understand human rights and what they entail. Information on the Office of the Ombudsman, on Commissioners and other bodies tasked with protecting/promoting human rights can also be disseminated, thus empowering the general public with relevant information on their human rights and other rights.

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

The sources of Malta's human rights commitments mainly arise from the Maltese constitution / legislation, from the United Nations, from the European Union and from other international organisations such as the Council of Europe.

Human rights commitments emanate from these sources continuously and any institutional framework should ideally focus on these sources and revolve its workings around them. To elaborate further, the EU for example launched the 'EU Action plan on human rights and democracy' in 2012. A number of commitments exists in that action plan and therefore a Maltese institutional framework should have the capacity to address these commitments and take appropriate action. In the case of the United Nations, Malta recently had its second Universal Periodic Review. More than 130 recommendations were made to Malta on that occasion. An institutional framework should take the acceptable recommendations on board and make sure

that they are adequately addressed. The same goes for a number of other UN conventions where recommendations to Malta are made on a regular basis.

-d Other points

NGOs and civil society organisations in Malta often raise the issue that they do not have access to government during policy formulation.

NGOs are often the people with the expertise on particular specific subjects and their input can be of added value. In view of this, a permanent communication channel can be established whereby via constructive dialogue and collaboration both the government and the civil society can benefit. A number of human rights civil society organisations exist in Malta and these can bring to the fore expertise and ideas that can be translated into value added when it comes to inter alia policy formulation and implementation.

In some countries, a human rights minister often forms part of the governing institutional framework. This shows true commitment to human rights at the highest political level possible. Malta could perhaps have such a minister whose remit not only covers civil liberties and equality (which are but a part of human rights) but a ministry that would cover human rights in total.

The establishment of a human rights commissioner can also be of added value. The commissioner, akin for example to the commissioner for children, can have a human rights portfolio and not only one limited to equality, and would act in an independently with the main aim to protect human rights in Malta.

I hope the points made above can provide added value to this consultation.

Regards,
Alessandro Giuliano