



GOVERNMENT OF MALTA

***Towards A Robust Human Rights
And Equality Framework***

Submissions Report

16th September 2016

*Ministry for Social Dialogue, Consumer Affairs and Civil Liberties
Barriera Wharf, Valletta VLT 1971*

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Executive Summary

Introduction and overview

1. In its bid to strengthen the human rights and equality framework in Malta, Government embarked on a process to restructure current legislation regulating the sector. The scope is to empower the institution which monitors the implements of the said legislation, and provide individuals with an effective mechanism against discrimination and other human rights breaches.

The national human rights institution is to be modelled on both the United Nations' Paris Principles, as well as the European Union's equality body model laid out in EU equality directives.

2. On 10 December 2015, International Human Rights Day, Minister Helena Dalli presented drafts of the two Bills for a final round of public consultation.

The aim and purpose of this consultation was to collect input from the general public, civil society organisations, interested parties and any others that would like to contribute towards this process.

3. This consultation sought views on the Bills that will become the *Equality Act* and the *Human Rights and Equality Commission Act*, which will strive to protect and affirm the rights enshrined within the Equality Bill, and restructure the current National Commission for the Protection of Equality into the national human rights institution as provided in the Human Rights and Equality Commission Bill.
4. This document is the Government Response to this consultation and sets out the Government's decisions on these matters.

Responses to the consultation and process used to seek stakeholder views

1. Consultation closed on 31 January 2016. The consultation document and the reply form were available online and responses were accepted electronically and on paper. In total, the MSDC received 12 submissions. These were received from civil society organisations and professionals in the sector.

A list of respondents can be found at Annex A.

2. The following is a summary of the consultation responses received. We would like to thank all those who took the time to respond to the consultation and participate in stakeholder meetings around the consultation exercise.

Summary of responses and decisions

1. Most submissions welcomed the measures proposed within the Bills and made many additional useful proposals to take into consideration with regards to drafting of the law and the correct functioning of the new Commission, whilst a few submissions were of the opinion that some legal definitions were to be clarified.
2. Having carefully reviewed the submissions on the Bills, Government has decided to finalise the Bills in question and proceed to the next step, which is their first reading in Parliament.

Implementation

1. Subject to Parliamentary approval, the Government aims to pass this law by Parliament by February 2017.

Contact Details

If you have any questions regarding this response, please contact:

onlineconsultations@msdc.gov.mt

Detailed overview of responses and the Government's response

The following section provides a brief summary of the initial proposals and the responses received, before setting out the final decision that has been made.

Overview and Main Outcomes from the Consultation Submissions

Most submissions welcomed the proposals presented in the Bills, that is, the restructuring of equality legislation and the creation of the independent human rights institution. The issues that arose included:

- i. The widening of the applicability of the EU directives within the Equality Bill;
- ii. Clarification of legal definitions within the Equality Bill;
- iii. The procedural aspects of the Human Rights Commission;
- iv. The remit of the cases investigated by the Human Rights Commission and the sanctions to be imposed;
- v. The relationship between the new Commission and the current Tribunals and Courts.

Conclusion and way forward

The outcomes of this consultation will feed into the following actions:

- A final rework of the proposed Bills, with all submissions taken into consideration;
- This Report on consultation submissions;
- Parliamentary approval of legislative proposals.

Annex A: List of respondents

Type of Submission	No. of Submissions	Name
Organisations	7	Malta Insurance Association General Retailers and Traders Union Malta Employers Association General Workers Union Union Haddiema Maghqudin Forum Union Maltin Chamber of Commerce
NGOs	3	International Organisation for Migration Aditus Foundation Platform Human Rights Organisations Malta
National Institutions	2	NCPE Office of the Commissioner for Mental Health