

## NEWS REPORT

<b>Date:</b>	17 December 2014
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<b>Title:</b>	Towards the Establishment of the Human Rights and Equality Commission: White Paper
<b>Country:</b>	Malta
<b>Context</b>	
<b>Issue at stake:</b>	The setting up of the Human Rights and Equality Commission, and updating the anti-discrimination and equality standards by the new Equality Act.
<b>Ground of discrimination:</b>	All grounds
<b>Source:</b>	Proposed legislation (White Paper)
<b>Field:</b>	All fields
<b>Legislative provisions:</b>	A White Paper awaiting consultation process titled 'Towards a Robust Human Rights and Equality Framework' presented in its final version on the 10 <sup>th</sup> December 2014.

### Content

**Proposed Law:** The White Paper presented on the 10<sup>th</sup> December 2014 by the Minister for Social Dialogue, Consumer Affairs and Civil Liberties Helena Dalli has launched a consultation process which will close on the 10<sup>th</sup> February 2015 and will discuss the following legislative initiatives being the main proposals emerging from the consultations carried out at the beginning of 2014 (See flash report MT-14):

a. The Equality Act is proposed to supersede the current Maltese Equality for Men and Women Act (Cap. 456) which no longer serves its purpose as its division in providing for different grounds created an un-wanted hierarchy of grounds. The new Equality Act is being proposed to present a less fragmented equality legal framework in Malta. The Act should contain a general provision against discrimination as well as positive equality duties and obligations. Additionally, a revised list of grounds of discrimination is to be included to ensure that all bases of discrimination are adequately included within one Act. Intersectional discrimination is also to be tackled with specific provisions within this proposed legislation. The provisions of this Act should cover all spheres of life, and shall include provisions that allow for NGOs to submit cases on behalf of victims, the possibility of class action suits and having cases of discrimination be able to be processed without the need of an individual victim. Finally, provisions allowing for dissuasive sanctions in cases of proven discrimination are also proposed. The ultimate aim of this proposed Equality Act is to have all the relevant provisions of the following EU Directives included within one, comprehensive act of legislation: Directive 2000/43/EC, Directive 2000/78/EC, Directive 2004/113/EC and Directive 2006/54/EC.

b. The proposed legislative framework for the Human Rights and Equality Commission which will address human rights issues and violations, monitor and advise on human rights priorities in Malta, focus on potential and occurring systematic violations of human rights, and contribute to prevent those violations

(based on the Paris Principles). The HREC should be accessible by raising public awareness of its role and the services it provides and also provide for accessible complaints procedures. The HREC is to have proper collaborations with different stakeholders, in its quest to establish the highest 'human standards' in Malta. The HREC will, nevertheless, remain independent and thus, shall manage its own budget which is to be allocated independently from government finances. The HREC will be established by the proposed Human Rights and Equality Commission Act, and will be a legal successor to the present National Commission for the Promotion of Equality (NCPE). The HREC will be directly responsible to Parliament which will also be responsible for the approval of the Members of the Commission. The HREC should be vested with the ability to issue opinions, make legislative and policy proposals and also criticise the government or any of its entities, on human rights and equality matters. Furthermore, it will be vested with the ability to perform human rights and equality investigations when it deems necessary. Finally, the complaints mechanism will be widened and will not rely fully on individual victims coming forward as it is presently within the NCPE. Therefore, the HREC will have the competence to research and analyse human rights issues, promote equal treatment, advise discrimination victims, create annual reports on human rights progress and challenges, and collaborate with other existing institutions that safeguard specific rights, such as the National Commission for Persons with Disability, and the Commissioner for Children.

**Internet link source and additional information:**

[http://socialdialogue.gov.mt/en/Public\\_Consultations/MSDC/Pages/Consultations/HumanRights.aspx](http://socialdialogue.gov.mt/en/Public_Consultations/MSDC/Pages/Consultations/HumanRights.aspx)