Diversity and social cohesion: The case of Malta

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Human rights are universal and indivisible, and therefore belong to all human beings indiscriminately. In view of this, politicians cannot allow themselves to selectively choose which rights they support publicly and which rights they would rather shelve. We are duty-bound to safeguard and promote the human rights of all, and show leadership in ensuring equal treatment in practice. This duty simply does not allow us to hide behind our own culture or tradition to justify unfair or unequal treatment of certain groups of people or individuals for no other reason than who they are.

LGBTI legislation

The government that I form part of was elected on an agenda that focuses on the enhancement of human rights and equality. During the first weeks in government, I tabled a bill amending the civil code to allow transsexual persons to marry a person of the opposite sex. This followed an out-of-court settlement of a case filed at the European court against Malta by a transsexual woman who had, until then, been denied her fundamental right to start a family.

In less than two years from the election of the new government, there has been a change in the Constitution of Malta prohibiting discrimination on grounds of sexual orientation and gender identity, as well as the introduction of the Civil Unions Act which allows same- and opposite-sex couples to enter into a union with the same rights and obligations as civil marriage. In October of this year I presented to parliament the first reading of the Gender Identity, Gender Expressions and Sex Characteristics Bill. This bill provides all persons with new rights to gender identity, bodily integrity and physical autonomy.

Apart from our legislative endeavours, we are in constant contact with national and international human rights civil society organisations (CSOs). My ministry has partnered with a number of these organisations on projects with varying scopes. A number of these projects are intended to encourage the integration of migrants and other minorities as well as providing social support to individuals suffering from discrimination. We strongly believe that CSOs have the necessary expertise to help us work on the right set of laws, policies and supporting structures. Indeed, we do our best to support non-governmental organisations (NGOs) and their work ‘on the ground’, and we believe that the partnership is providing good results to both sides as well as the ultimate beneficiary – the public.

For the coming year we plan to strengthen our human rights and equality institutional framework to ensure the promotion and adherence to our national and international human rights obligations. In fact, we will be setting up an independent Human Rights and Equality Commission (HREC) based on the UN’s Principles Relating to the Status of National Human Rights Institutions, widely known as the Paris Principles.

In February 2014 we initiated a thorough process of public consultation regarding this institution. We started with a scoping exercise inviting civil society organisations, government entities and individuals to propose methods on how Malta can better protect and promote human rights and equality overall. The scoping exercise also asked all stakeholders to propose the models of entities they considered best able to achieve this. Following this, exercise plans have been made to publish a white paper for further consultation prior to the formulation of the necessary legislation.

Clearly, we want the process to give us the best results and hence we have embarked on the widest possible consultation process. This is an opportunity to raise awareness on equality and human rights, and the challenges ahead. Ultimately, a country can have some of the best mechanisms, but if people do not know about their rights and remedies, injustice and discrimination is bound to continue. On the same lines, victims of discrimination and other human rights breaches need to have faith in the institutions and believe that the remedies that they can expect to receive are effective.

Unity in diversity: Services for integration

The government is also in the process of setting up its own department for integration to promote the protection of human rights, equality and integration. The purpose of this new structure will be to ensure that governmental services are in themselves streamlined for all, as well as encouraging greater social cohesion between all members of society, irrespective of their background or characteristics. Integration, in this sense, is a wide concept that transcends diversity and is meant to create the conditions for all individuals in Malta to feel that they are an integral part of Maltese society, and subsequently to meet their full potential. We will ensure that all persons enjoy the same rights, and are afforded the same legal and institutional protection.

We will ensure that this department takes concrete action through various projects and initiatives to promote integration, and also to ensure the proper mainstreaming of each person within its ranks. For this reason, we are adopting a horizontal approach to equality and providing equal status to all grounds of anti-discrimination in the law by improving protection on grounds that were previously lagging behind.

Furthermore, the department for integration will be working within government structures to help them deal effectively with minority issues. In particular, it will continuously work with the police and the armed forces to ensure best practices in the protection of all individuals, especially when dealing with cases of hate crime and gender-based violence.
The department for integration will also keep continuous contact with government departments, particularly to ensure that recent legal advances are fully implemented. It will be tasked with creating the necessary programmes, including training to help our government structures strengthen the integration of all.

The setups of the two structures I refer to above should help us drive forward our human rights and equality agenda. This is what we promised before entering government and this is what the government aims to deliver. The year 2015 will be another important one for the strengthening of human rights in Malta.

**The Commonwealth Summit 2015: A human rights opportunity?**

I have stressed the need to take concrete action in cases where individuals or a segment of society are denied the right to equal opportunities and the full protection of their human rights.

In November 2015 Malta will be hosting the Commonwealth Heads of Government Meeting, commonly known as the Commonwealth Summit. I augur that this would serve as an opportunity to raise the debate on human rights in general, particularly on women’s and LGBTI people’s rights.

As a human rights and equality minister, I look forward to personally contributing to this important meeting. First, we need to admit that, in the field of human rights, significant divergences exist within the Commonwealth member states’ national legislation and policy, in spite of the fact that each person’s intrinsic dignity and rights are the same irrespective of nationality or where they live. I believe that all countries have their own stories to tell and would benefit from the best practices of others in fields where their performance is not yet optimal. Dialogue will enrich all of us, and hopefully we will be able to agree on providing greater value to the Commonwealth Charter and its mission to enhance democracy, human rights and the rule of law.

My ministry, through its role in the Commonwealth People’s Forum, will seek to encourage dialogue on the matters I raised above. In fact, the People’s Forum will be an opportunity for fellow ministers and myself to interact with CSOs on matters that affect people the most – their liberty to exercise their citizenship rights free from discrimination or other human rights violations. Ultimately, it is these exchanges that make the Commonwealth and any other international organisation relevant.

I reiterate the call for change made by Prime Minister Joseph Muscat to all Commonwealth member states during his speech on the occasion of the 65th anniversary of the Commonwealth, at the London School of Economics and Political Science:

*Having history as our sole bond is clearly not enough in today’s world. In order to be relevant, the Commonwealth should be about the people rather than diplomats. [...] It should be about the future rather than the past.*

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