

Annex I List of Ministries and official commissions involved in the compilation of the National Report of Malta

I.1 Ministries

Ministry for Foreign Affairs and Trade Promotion

Portfolio: Relations with Foreign and Commonwealth Countries; Relations with International Organisations and Institutions; International Economic Relations; Maltese Communities Abroad; Trade Services

Ministry for Health

Portfolio: Health Services Regulation and Standards; Health Care Service Provision; Health Policy development and implementation

Ministry for Education and Employment

Portfolio: Childcare and Early Education; Compulsory Education; Higher Education; Life-long Learning; Examinations; Public Libraries; National Library; National Archives; Employment and Training; Youth; Sport and Sport Complexes; Non-Governmental and Voluntary Organisations

Ministry for the Family, Children's Rights and Social Solidarity

Portfolio: Social Policy; Family Policy; Child Policy; Social Security; Pensions; Solidarity Services; Social Housing; Inclusion of persons with Disability; Elderly; Community Care

Ministry for European Affairs and Equality

Portfolio: Civil Liberties; Foreign Communities and Integration; Minority Rights; Consultation; Industrial and Employment Relations; Occupational Health and Safety; Relations with the European Union; EU Internal Coordination; EU Funds and Programmes; Coordination of Planning, Policy and Priorities; Social Dialogue

Ministry for Home Affairs and National Security

Portfolio: Defence; Armed Forces; Police; Immigration; Airport Security; Correctional Services; Probation and Parole; Civil Protection

Ministry for Justice, Culture and Local Government

Portfolio: Courts of Justice; Attorney General's Office; Notary to Government; Public Broadcasting Services; Broadcasting; Cultural Heritage; Restoration; Culture and the Arts;

Theatres; Local Government; Local Enforcement; Communities; Valletta 2018; Data Protection; Competition and Consumer Affairs; Public Cleansing

I.2 Official Commissions

National Commission for the Promotion of Equality

The primary task of National Commission for the Promotion of Equality (NCPE) is to monitor the implementation of the relevant legislation concerning the equality of men and women, equal treatment of persons, access to goods and services, procedure for investigative regulations, and the exercise of rights conferred on workers. The Commission works to ensure that Maltese society is a society free from any form of discrimination based on: (i) sex/gender and family responsibilities, sexual orientation, age, religion or belief, racial or ethnic origin, and gender identity, gender expression or sex characteristics in employment; banks and financial institutions, as well as education; (ii) racial / ethnic origin and gender in the provision of goods and services and their supply; and (iii) freedom of movement for workers in the EU.

By virtue of Chapter 456 of the Laws of Malta – Equality for Men and Women Act, NCPE safeguards equality on the grounds of gender and family responsibilities, sexual orientation, age, religion or belief, racial or ethnic origin, and gender identity, gender expression or sex characteristics in employment, education as well as in banks and financial institutions. In particular, according to this legislation, the functions of NCPE entail:

- i. to identify, establish and update all policies directly or indirectly related to issues of equality;
- ii. to identify the needs of persons who are disadvantaged by reasons of their sex and to take such steps within its power and to propose appropriate measures in order to cater for such needs in the widest manner possible;
- iii. to monitor the implementation of national policies with respect to the promotion of equality;
- iv. to liaise between, and ensure the necessary coordination between, government departments and other agencies in the implementation of measures, services or initiatives proposed by Government or the Commission from time to time;
- v. to keep direct and continuous contact with local and foreign bodies working in the field of equality issues, and with other groups, agencies or individuals as the need arises;
- vi. to work towards the elimination of discrimination between men and women;

- vii. to carry out general investigations with a view to determine whether the provisions of this Act are being complied with;
- viii. to investigate complaints of a more particular or individual character to determine whether the provisions of this Act are being contravened with respect to the complainant and, where deemed appropriate, to mediate with regard to such complaints;
- ix. to inquire into and advise or make determinations on any matter relating to equality between men and women as may be referred to it by the Minister;
- x. to provide assistance, where and as appropriate, to persons suffering from discrimination in enforcing their rights under this Act;
- xi. to keep under review the working of this Act, and where deemed required, at the request of the Minister or otherwise, submit proposals for its amendment or substitution;
- xii. to perform such other function as may be assigned by this or any other Act or such other functions as may be assigned by the Minister.

Legal Notice 85 of 2007 - Equal Treatment of Persons Order extends NCPE's remit to include the promotion of equality on the grounds of race/ethnic origin in the access to and supply of goods and services. By virtue of this Legal Notice, NCPE ensures that no person, establishment or entity, whether in the private or public sector, discriminates against any other person in relation to:

- social protection, including social security and healthcare;
- social advantages;
- education;
- access to and supply of goods and services which are available to public, including
- housing; and
- access to any other service.

Moreover, NCPE is also responsible for enhancing equality between genders in the access to and supply of goods and services, as established by Legal Notice 181 of 2008 – Access to Goods and Services and their Supply (Equal Treatment) Regulations, 2008. Hence, NCPE also works to combat direct and indirect discrimination as well as sexual harassment on the grounds of gender in the access to and supply of goods and services. In effect, the functions of NCPE are extended to safeguard gender equality in this sphere, and specifically to:

- providing independent assistance to victims of discrimination in pursuing their complaints about discrimination;
- conducting independent surveys concerning discrimination; and
- publishing independent reports and making recommendations on any issue relating to such discrimination.

NCPE also covers freedom of movement for workers in the EU by virtue of Legal Notice 173 of 2016 - Exercise of Rights conferred on Workers (Freedom of Movement) Regulations. Persons who feel that they have encountered or are encountering obstacles to exercise, or have had or are having their right to free movement restricted without justification, shall have a right to file a complaint with the Commissioner even after the relationship in which the obstacle or restriction is alleged to have occurred has ended, and the Commissioner shall initiate the proceedings prescribed in the Act or in any other applicable law or regulation.

Office of the Ombudsman

The Office of the Ombudsman was established in 1995. The legislation conceived the Ombudsman as an Officer of Parliament enjoying the same rights, privileges and security of tenure as a Judge of the Superior Courts. The Ombudsman's autonomy and independence were guaranteed from the outset and s/he can only be removed from office following a two-thirds majority vote of the House of Representatives. The Ombudsman is accountable to the House of Representatives through the Speaker of the House, and the financing of his Office is specifically approved by Parliament.

The Ombudsman's objective is to contribute towards the development of a public service-culture characterized by fairness, dedication, commitment, openness, accountability and the promotion of the right to good public administration. His primary function is to defend individuals against acts of maladministration, injustice, improper discrimination and abuse of power by public authorities. His remit is to investigate and resolve grievances that individuals allege to have received from government departments and public authorities within his jurisdiction. He does this with fairness and justice applying laws and regulations and the rules of equity in a timely and efficient manner. His secondary but no less important function is to promote and develop a public service-culture that contributes towards the improvement of the quality of the Maltese public administration not only by recommending equitable redress for justified complaints, but also, by contributing towards the improvement of laws and administrative processes and procedures that are the source of injustice and hardship.

The Ombudsman's mandate is to investigate any action taken by or on behalf of:

- any government department or other authority of the Government, any Minister or Parliamentary Secretary and any other public officer;
- any statutory body and/or partnership or other body in which the government has a controlling interest including any director, member, manager or other official belonging to such organisation;
- local councils and any committees thereof, mayors, councillors and members of staff; and
- any other body or entity subjected by law to his jurisdiction.

The Ombudsman is empowered to conduct any such investigation on his own initiative or on the written complaint of any person, having an interest, who claims to have been aggrieved. The Ombudsman is autonomous and not part of Government. He is answerable to Parliament and like Parliament holds the Government accountable to the people for its actions. When the Ombudsman's investigation shows that the complaint is justified, he may recommend that complainant be given adequate redress.

The Office of the Refugee Commissioner

The Office of the Refugee Commissioner was set up by virtue of the Refugees Act (2000), and is responsible for receiving, processing and determining applications for international protection that are lodged in Malta. In this respect, according to national law, the Office is empowered to recommend two types of protection; Refugee Status and Subsidiary Protection Status.

In order to ensure a more efficient system, from the end of 2016 onwards, the Office of the Refugee Commissioner has adopted a new procedure wherein all applications for international protection that are made directly with the Office of the Refugee Commissioner are, wherever possible, being registered and lodged on the same day that the application was made. Information pertaining to the rights and obligations of an applicant for international protection is provided in written format and explained in a language the applicant understands or is reasonably supposed to understand to each and every applicant upon the lodging of an application. Furthermore, the Office has recently started to conduct an initial vulnerability assessment during the lodging of an application. This assessment is based on readily apparent signs or the applicant's own declarations, and is used for the sole purpose of identifying vulnerable persons that might be in need of possible procedural guarantees at the earliest stage possible.

In order to ensure that the Office's capacities are adequate to handle both current and future work-loads, throughout the past few years the Office of the Refugee Commissioner has embarked on a continuous recruitment process to beef up existing resources and further enhance the internal structure of the Office. The Office has also continued to strengthen and streamline its practices through the updating of existing Memos, SOPs and Guidelines, and the issuance of new ones.

Commissioner for Children

The Office of the Commissioner for Children was set up in terms of the Commissioner for Children Act of 2003, to promote the welfare of children and the compliance with the UN Convention on the rights of the child, as ratified by Malta on the 26th of January 1990, and such other international treaties, conventions or agreements relating to children as are or may be ratified or otherwise acceded to by Malta.

The work carried out by the Office focuses on: the protection of children, the promotion of children's rights, ensuring the provision of necessary services for children, and the

participation of children. The Office acts as a focal point which monitors the current social and cultural situation in relation to children, such that it can contribute substantially in the co-ordination that needs to take place across all sectors in order to have policies that are child oriented.

Commissioner for Voluntary Organisations

The Office of the Commissioner for Voluntary Organisations was set up in 2007 with the task to strengthen the voluntary sector through various initiatives with the specific aim of promoting the work of Voluntary Organisations as well as encouraging their role as partners with the government in various initiatives.

The ultimate mission of the Commissioner's office is to give more visibility to the voluntary sector as well as to guarantee transparency and accountability of the organisations that compose it in the carrying out of their important work. In view of this, the Office of the Commissioner is also the regulatory authority responsible for this sector with the aim of monitoring and supervising the activities of these organisations as well as supporting them.

Commission for the Rights of Persons with Disability

The Commission for the Rights of Persons with Disability (CRPD) is Malta's national disability rights regulator, and independent monitoring mechanism in terms of Article 33(2) of the UN CRPD, and in line with the Paris Principles. It is committed to rendering Maltese society an inclusive one, in a way that persons with disability reach their full potential in all aspects of life, enjoying a high quality of life thanks to equal opportunities. In fulfilling this mission, CRPD works in order to eliminate any form of direct or indirect social discrimination against persons with disability and their families while providing them with the necessary assistance and support.

It has the duty to raise awareness about the capabilities and contributions of persons with disability and combat prejudices or harmful behaviour in their regard stemming from stereotypes. Towards this end, the Commission continually organises Disability Equality Trainings (DETs), delivered by persons with disabilities, for various public and private entities. It is also expected to identify the needs of persons with disabilities, their families and voluntary bodies working in the field of disability and promote policies, encourage research and best practice as well as collaborate with local and international entities in order to achieve these goals. It is also responsible to monitor government initiatives addressing their needs, suggest changes in laws and coordinate initiatives taken by different departments.

The Commission implements the principle of 'Nothing About Us, Without Us' enshrined in the UN CRPD, by consulting with and involving persons with disabilities in its work, in line with Articles 4(3) and 33(3) of the UN CRPD. It does this through their involvement in the Council for the Rights of Persons with Disability, established by law, and through its DPO (Disabled Persons' Organisations) Forum, and its Council for the Rights of Persons with

Intellectual Disability (KCC). Such consultation happens equally when CRPD is fulfilling its role as a stakeholder, being involved or consulted in the drafting of national legislation or policies affecting the rights of persons with disabilities.

The law empowers CRPD to investigate complaints it receives about breaches of rights arising from discrimination. Towards this end, the Commission operates an Equal Opportunities Compliance Unit (EOCU), as well as an Accessibility Team, while the law is being amended to formalise the creation of an Enforcement Unit, to equip the Commission with tools towards enforcement of rights, including the ability to issue fines. CRPD is also tasked with monitoring the enforcement of such rights, as well as with promoting, protecting and monitoring the implementation of the UN CRPD. It is further responsible for vetting development planning applications to ensure compliance with accessibility standards, and for monitoring Guardianship Orders pronounced by the Guardianship Board.