

ADDRESS BY HER EXCELLENCY MARIE-LOUISE COLEIRO PRECA, PRESIDENT OF MALTA, TO THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE ON THE OCCASION OF THE 50TH ANNIVERSARY OF MALTA'S MEMBERSHIP OF THE COUNCIL OF EUROPE IN STRASBOURG

22ND JUNE 2015

Madame President,

Esteemed Members of the Parliamentary Assembly,

Ladies and Gentlemen,

It is both an honour and a pleasure for me to address this Parliamentary Assembly. It is a privilege as Malta's Head of State to be here to mark the 50th Anniversary of Malta's Accession to the Council of Europe. It is also a pleasure to be here, because I recall the memorable moments, in my long political career, as one of Malta's delegates to the Parliamentary Assembly.

The Parliamentary Assembly can be deemed as representing the main political movements in the Member States of the "*Greater Europe*"; thus, it is representative of the people of Europe. It is a gathering that functions as the symbol, as well as the mechanism, whereby civil society may truly share in the dialogue taking place in the Council of Europe through locally elected representatives.

Such wide-ranging regional representation, helps bring to the fore a European reality that advocates human rights, respect for human dignity, upholding the Rule of Law and democracy, as well as the fundamental freedoms, as the basic expression of its nature and reason of existence.

Today, I am proud to share with you, this *sense of Europe* as a reality, that not only pertains to Europeans and our geographical region, but to all people of good will, who firmly share the tenets of democracy and freedom, vested in the all embracing principle of Human Rights.

Indeed, by adopting the European Convention on Human Rights in 1950, Europe not only was making a statement in line with its inherent social and moral values, but also reaching a highly-sophisticated mechanism. A mechanism that represents, a coherent level of adherence with what is most conducive to change, and which ultimately lead to the 1959 establishment of the the European Court of Human Rights.

Malta reaffirms its commitments to the principles and measures set forth in Interlaken, Izmir, Brighton and, most recently, in Brussels.

I would like now to take the opportunity, to congratulate the outgoing Belgian Presidency, for successfully promoting the drafting and the adoption of the so-called Brussels Declaration, during the High-level Conference on the “Implementation of the European Convention on Human Rights, our shared responsibility” in March this year.

While Malta welcomes the conclusions adopted at the end of the 125th Session of the Commission of the Council of Europe, on the state of democracy, human rights and the rule of law in Europe, Malta is now looking forward to working with the Chairmanship of Bosnia Herzegovina during the next six months. In the current context, it is imperative that the human dimension remains central in our discussions, and provide the required thrust in conducting the business of the Council of Europe.

Madame President

As I have already remarked in my introduction, I am here to share with you the commemoration of a momentous occasion for my country. Soon after gaining Independence in 1964, Malta became the 18th full member of the Council of Europe.

It was on the 29th April 1965, that Malta acceded to the Council of Europe. Malta ratified the European Convention on Human Rights on the 23rd January 1967 and recognized the right of individual petition on the 1st May 1987. That very same year, the Convention on Human Rights, was incorporated into the Maltese Civil Code.

As a result, the rich case-law of the Strasbourg Court became part and parcel of our national human rights heritage.

I am pleased to note that Malta participates fully and actively in all the various organs, committees, conferences,

seminars, workshops and the programmes of the Council of Europe.

I will now dwell on some of my concerns which, I believe, are also of concern to many of you.

Malta fully supports all initiative taken by the Council of Europe to strengthen its relations with the Mediterranean region and to assist the region in overcoming the significant challenges it is facing, as it passes through an era of unparalleled changes, namely in the context of Migration and issues related to Radicalism and Extremism leading to unprecedented forms of Terrorism.

1. Migration

Migration is a global phenomenon that requires global solutions.

The most recent tragedies at sea have made us realise the risks faced by migrants crossing the Mediterranean. They have also highlighted the challenges faced by countries like Malta in responding to these emergencies being at the forefront of migratory pressures.

Within the context of the European Union, Malta along with other frontline Member States, called for effective action by the European Union in order to prevent further loss of life at sea and to tackle the root causes of migration in cooperation with the countries of origin and transit.

The decisions taken at the highest political level in the European Union on 23rd April 2015, as well as the set of proposed actions proposed by the Commission launched the European Agenda for Migration. These are timely and encouraging steps in the right direction.

While the need to strengthen operations to save lives at sea is now being addressed more intensely. At the same time, we need to work further, to address the root causes of

migration in closer cooperation with countries of origin and transit, in the Mediterranean and in Africa.

We need to work harder, to bring about an effective, comprehensive and holistic migration policy.

Conversely, within the context of the Council of Europe, I note with appreciation that in examination of the Parliamentary Assembly Resolution 2059 (2014), the Committee of Ministers, has recognised the mounting pressures on certain Council of Europe member states, including Malta, to cope with the irregular flows of migrants in the Mediterranean sea. Notably, the Committee of Ministers acknowledges too, that methods of solidarity and responsibility sharing are the way forward out of this impasse.

Malta believes that an international anti-human smuggling coalition, mandated by the United Nations, should be set up and given a mandate, to intervene and to

disrupt human traffickers, who are making a profit from the plight of these poor people.

Frankly speaking, I personally think, that we, as international community, have been quite passive for much too long in the face of such criminal activity. Now more than ever, passiveness should not be an option.

However, we need to keep in mind that no single measure will provide a comprehensive solution to the problem of migration. I reiterate that we need to design a holistic action policy on migration, which is the only way to ensure that people may live decently and enjoy productive lives.

It is said that advocating for migrants' rights is a risky business. I can attest to this as I often come under attack because I advocate in favour of migrants' rights. After all, migrants' rights are human rights; as embedded in the Convention for the Protection of Human Rights and Fundamental Freedoms and the number of European

Union regulations and frameworks that uphold human rights.

We need to think about ways how these people in peril are protected and their human rights upheld. We need to think long term, so that future generations are spared these tragedies and the loss of life is transformed into respect for diversity and inclusion at all levels.

Education is one asset we need to use as we facilitate education about the different cultures that exist beyond our borders. The more we know about each other's traditions, customs, culture, religions and more, the more we can understand each other and live in harmony.

Education can empower migrants. If education in specific skills is facilitated, migrants can become more empowered and employable. In consultation with migrants themselves, training can be provided in a variety of languages, professions and skills that will ultimately translate into more control of their future. By becoming

employed, pressure on the host states' financial assistance will be relieved. Migrants can become an asset to our economies.

Hence, migrants will not be considered a burden sharing but as an opportunity sharing that will impact positively on our depleting workforce in Europe, and subsequently, address our concerns regarding the sustainability of our welfare and pension systems.

Our children today are already benefiting from having migrant schoolmates. They can understand, in perhaps the most innocent and honest of ways, that their migrant companions are children like them. This instilled sense of inclusion needs to be highlighted and celebrated throughout the education systems, so that future generations see diversity as an asset, that adds value to the society we live in.

States and international and regional organisations, also need to fulfil their international legal obligations, and do

their part in tackling migration. Attention needs to be focused on the push-factors that are ultimately driving people away from their homelands. Where there is instability, war and conflict to the detriment of innocent people, states need to take concrete action and facilitate reconciliation and peace.

Where the push-factors are economic, the international community needs to do more so to facilitate trade and development. If the economic situation improves there will be more prosperity and therefore less incentive to leave. Assistance given needs to economically empower these countries so that their trade and their economies can develop and flourish, for the benefit of their people and our peoples.

In this context, the concept of South-South cooperation needs to be supported because it provides a viable path to balancing economic growth and equity that can ultimately promote prosperity for all.

Encouraging this kind of cooperation will help move toward sustainable development, that in time, will eradicate extreme poverty, inequality, malnutrition and an overall vulnerability that affects millions of migrants today.

Migration may also be the result of climate change with dwindling access to water, demolition of forests and rural areas and rising sea levels. Migrants must be helped to migrate with dignity in such circumstances.

Solutions must not only address the effects of migration or just provide hope. They need to be based on intelligent, cohesive policies that are comprehensive in nature and pinned on a human rights-based approach. The time has come when we should be looking at this evolving reality in terms of shared opportunities rather than shared burdens.

Madame President

2. Council of Europe Policy towards neighbouring regions

It is positive to note that the Council of Europe is further developing its policy towards our neighbouring countries, mainly those in North Africa, the Middle East and Central Asia. The fact that various instruments have been launched, such as the Neighbourhood Cooperation Instrument, is proof of added value, to the existing relationship between the Council of Europe, and these countries or regions.

We hope that such cooperation will not only lead to these countries embracing the values upheld by the Council of Europe, but at the same time, to ensure more stability and security, both within Europe as well as its neighbourhood and the world in general.

Like the Council of Europe, the European Union also follows closely the social, economic and political

development of its neighbourhood on its southern and eastern neighbours, through the European Neighbourhood Policy, and related programmes, such as the European Endowment for Democracy.

3. The Fight against Terrorism

On another note, the recent spate of urban terrorist attacks in Paris, Copenhagen, Tunis and other cities elsewhere, and the haphazard killing of innocent people, has once again highlighted the urgent need to seek and devise, an adequate and rapid response, to counter fully or at best, contain this alarming inhuman upsurge.

Malta would like to express its gratitude to the outgoing Belgian presidency for its initiative to focus on the fight against terrorism, in the Committee of Ministers Meeting held in Brussels in May.

Malta reiterates its solidarity with other Council of Europe members, and our neighbours, that have been deeply affected by these attacks.

Malta welcomes the adoption of the Additional Protocol supplementing the Council of Europe Convention on the Prevention of Terrorism, as it compliments other international efforts to prevent the recruitment and travelling of individuals that seek to travel to join a terrorist group.

Unfortunately, Europe has witnessed a marked increase in nationals that have sought to travel to join terrorist groups in Iraq and Syria.

Here, I ask: ‘Why are young people, born and bred in our democracies, choosing to risk their lives, rather than enjoying the benefits afforded by human rights? What has gone wrong? What has effected their choice in life? Who failed them? Was it our attitudes, prejudice or policies?’

Malta believes that we should seek to address this phenomenon, not only through legal instruments, but we should focus on empowering young people to build on

their values and find their scope in life through positive action.

Alternatively, we must also note the return of these radicalized fighters that may have potentially disastrous effects on their home countries.

I am pleased to note that, the International Institute on Justice and the Rule of Law that was established last year in Malta is providing rule of law-based training to lawmakers, police, prosecutors, judges, corrections officials, and other justice sector stakeholders, on how to address terrorism and related transnational criminal activities within a rule of law framework.

Given the geographic location, the institute is paying particular attention to supporting countries in transition, in North, West, and East Africa, and the Middle East. Such institutes are crucial to provide the training and expertise to states, that are working to develop their justice and security systems and institutions.

Thus such initiatives will help to contribute to the stability and could serve as a regional catalyst to counter terrorism, radicalisation and violent extremism.

Malta remains convinced that effective counter-terrorism strategies, and the promotion and protection of human rights, are reinforced and linked intrinsically with development.

Malta believes it is necessary to engage more with our partners in neighbouring regions that are negatively affected by terrorist activity. Addressing security threats emanating from terrorist activity within our borders also requires strong cooperation with countries particularly in North Africa and the Gulf.

Malta has also been doing its part in taking steps to combat terrorism at both international and domestic level. Initiatives such as the Money Laundering Bill and the Additional Protocol to Combat Terrorism are few of the salient measures taken in this direction.

Terrorism is not only evil and ruthless but very often it is devious and cowardly. It can hit and strike anyone, anytime and anywhere. The more innocent the victim, the greater is the terror. The greater the bloodshed, the more it delights in its misguided sense of glory. Our immediate concern however is to try and get to the root of this scourge to humanity and human values.

Madame President

4. Gender Equality

Gender Equality is a core value of European societies. Nobody in Europe would argue about that but the time is ripe to shift emphasis from mere political rhetoric to tangible action. Sustainable progress on gender equality requires the equal participation of women and men in all spheres of public and private life. Progress has been noted in the recent past in areas such as tertiary education, but gender gaps, remain in a number of vital areas.

I can identify immediately, at least three major systemic injustices against women are easily identifiable, although there are others: female under-representation in political bodies and in leadership roles, discrimination in the labour market, including different pay-scales to their disadvantage, and violations with respect to their bodily integrity.

To begin with, there are still too few women in leadership positions, not least so in the political arena. On account of a variety of reasons – be they societal, domestic, traditional, and even at times religious – women do not seem to be represented enough in national parliaments.

On an average, the imbalance can even be as high as two out of three in favour of men. Although, things seem to be moving in the right direction but the momentum remains rather slow.

Today, women are appreciably present in the labour market. One direct consequence of this positive

development is that women have become increasingly more independent financially. But there is no justifiable reason to feel comfortable about it. Women's employment rate in 2013 stood at 62.6% against 74.3% for men in Europe.

Across EU countries, labour statistics show that women still earn an average pay which is a staggering 16% less than that of men for performing the same job. Equally odd is the fact that studies show, that young women find it harder than young man to enter the labour market. The gender gap in Malta with regard to the work force in 2013 stood at 5.1% which is the second lowest figure in the European Union.

We should not be satisfied with this reality. Women are more likely than men to take up part-time employment or even interrupt their careers altogether to care for children or a sick or elderly parent. Even worse than this is, pension inequality which is to the detriment of women, as it is as much as 39% lower in certain cases.

The bottom line is that we need to keep up the momentum by way of improving upon existing conditions in the labour market. Equal pay for equal work is a fundamental principle of justice. The existence of a pay gap is a symptom of structural injustice that should be tackled much more forcefully than has been the case until now.

I now come to an issue which is close to my heart, and in which I have advocated most loudly.

Violence against women stands out as one of the most glaring examples of gender inequality and is without a doubt one of the most widespread human rights violation in Europe and beyond. Domestic violence, in particular, is today recognized as a grave human rights issue and authorities have a duty to take necessary action to prevent and punish this form of abuse.

As studies show, one in three women in the European Union experiences physical or sexual violence at some point in her life. It is simply unacceptable to refrain from

taking proper action on the flimsy pretext that such abuses are largely hidden and difficult to prove. If truly so, we should then stop and ask ourselves: why are there so few convictions on cases brought to court?

I believe that the answer lies in the final report which was published last year, by the Secretary General of the Council of Europe, Mr Thorbjørn Jagland, following the Vienna Ministerial Meeting in May 2014, when he reaffirmed that:

“The right to justice is an important component of gender equality. Several persistent barriers limit women’s opportunities in this area, including fear, shame, lack of awareness of procedures and assistance, economic dependence, concern for children, impact of austerity measures, lack of trust in the justice system, lengthy criminal proceedings, high attrition, corruption and low conviction rates. The Council of Europe works with member States to address such obstacles and facilitate women’s access to the justice system.”

Malta has sought to fill in the gap, wherever possible, in those areas where domestic abuse still persists by way of adopting prevention, protection, prosecution and coordinated policies.

In this respect, I am proud to have been responsible as Minister then, to start the Parliamentary process for the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, by presenting the first reading of the relevant bill in the Maltese Parliament.

The Istanbul Convention, as the Convention is more popularly referred to, represents the first legal instrument in Europe to provide a comprehensive set of legally binding standards.

It is therefore with great satisfaction that I note that our expert from Malta, Dr. Marceline Naudi, was elected to the Group of Experts on *Action Against Violence Against Women and Domestic Violence* on 4th May 2015.

Gender issues of course, go much further than violence against women. Gender stereotyping and sexism also hinder gender equality.

Sexist attitudes hold back the advancement of women and limit the development of both sexes. It is most encouraging to note that the Council of Europe promotes the training of a broad range of professionals with the aim of raising the general awareness of gender equality and address stereotyping.

Like other harmful practices, Female Genital Mutilation locks women and girls in a value system that is both unequal and detrimental to development and harmful to society as a whole. This practice has a profound, lifelong impact on health and wellbeing, and can even lead to death.

Malta is committed against Female Genital Mutilation, as a violation of human rights and children's rights. As a member of the European Union, Malta has been fighting

Female Genital Mutilation on various fronts as part of a global strategy to promote gender equality. Malta urges all countries to prohibit, punish and undertake appropriate action to change the social norms underpinning female genital mutilation by putting this issue high on the agenda.

Latching with this last reflection on training and general awareness, this also applies when speaking of LGBTIQ (Lesbian, gay, bisexual, transsexual, intersex and questioning) and their civil rights. Unfortunately a number of people in Europe and beyond continue to be stigmatised because of their actual or perceived sexual orientation and gender identity. Instances still prevail where these individuals are being deprived of their rights to education, health care, housing or work.

Some are harassed by the police or are left unprotected when attacked by extremists. Also, some of their representative organizations are denied registration or refused a permit to hold peaceful meetings and demonstrations.

We therefore believe that there is a need to promote policies and share good practices with respect to LGBTIQ Human Rights by raising awareness and greater recognition on this issue. It is also important to increase visibility of the Council of Europe standards in this area through the internet and social media.

Malta enacted the *Civil Unions Act* in April 2014, which grants the possibility to same-sex and different-sex couples to enter into civil unions. Couples in civil unions enjoy the same rights, responsibilities, and obligations as married couples, including the right to apply for joint adoption. So far, almost 50 couples have been regulated under this Act.

Furthermore, the protection afforded to trans, genderqueer and intersex persons in Malta is of the highest standard in the world. Indeed gender identity is included in the grounds stipulating anti-discrimination provided by the Constitution of Malta.

Additionally, following the enactment of the *Gender Identity, Gender Expression and Sex Characteristics Act* in April 2015, all persons in Malta have the right to their gender identity, and the right to their bodily integrity and physical autonomy secured by law.

These new set of legislations ensure that all population groups in Malta enjoy equal rights in all aspects of life.

5. Poverty

I would like to speak about another important issue that deters human beings from reaching their full potential and many a timeinders them from their rightful participation in our democracies.

Poverty is rampant throughout Europe. When I addressed a conference on poverty in Brussels last autumn, I noted that the overall figure for absolute and relative poverty in the EU alone stood at 80 million.

There was hope that the figure would be reduced substantially by 2020, according to an EU strategy meant to combat this scourge.

At that conference, however, outgoing EU Commission President José Manuel Durão Barroso told us in no uncertain terms that, rather than moving forward, Europe has been moving backwards in this regard.

I am under no illusion that poverty can be readily solved, given the society in which we live, the policies that inform it, and the economic interests that drive these policies.

Poverty is not only a matter of individual, family or community choice or deficiency; but is rooted in political, social and economic injustices.

Policymakers are mostly driven by overarching economic strategies, which many a time serve the people who devise

them. Nonetheless, these strategies also condition people's lives, and the various social systems that govern them.

We cannot afford to be complacent.

This terrible situation is not acceptable. A purportedly 'social Europe' needs to intensify its efforts to tackle this situation head on.

The issue of the 'long-term unemployed' and now the issue of the 'working poor' have been on Europe's agenda for a while. We need to revisit and revise some of the strategies used to combat them and explore their strengths and limitations.

I consider it a matter of urgency for the social partners to come together to discuss the issue of a social wage. Whatever avenue that Europe decides to follow, tackling poverty should be at the top of its priorities.

Poverty obstructs people from enjoying their rights and freedoms.

Poverty impedes people from participating in a democracy.

Poverty threatens the rule of law in our countries.

Poverty hinders justice.

Madame President

Then again, Malta is party to various international covenants and has signed numerous conventions that bolster its position in protecting and promoting human rights.

The Maltese Government has, over the years, also taken various legislative initiatives aimed at further safeguarding the implementation of particular human rights by instituting new legislation addressing various human rights aspects.

Malta will continue to uphold the fundamental values enshrined in the universal declaration of human rights, and its subsequent covenants. These values are deeply enshrined in the building blocks of Maltese society, starting in the Constitution all the way to the various bodies apt for the protection and promotion of human rights in all their facets.

As Head of State, I will continue to do my utmost to ensure that Malta will further its implementation of human rights instruments and widen their reach, with a view to ensuring universal respect for and protection of human rights.

The constant interaction among the three pillars of the Council of Europe, namely, human rights, democracy and the rule of law, give coherence and renewed strength to its whole system.

The Council's real strength also stems from its exalted goals and working methods, which are a blend of idealism and pragmatism. The achievements of the Council of Europe have been significant.

Every now and then, we chance to take a look back in order to learn from the past. As far as the Council of Europe is concerned, if we were to take a look back we would see how much progress has been made for the good of all. Malta is a vibrant example in this regard and today I have proudly shared some thoughts with you.

May we all succeed in continuing with our endeavours to bring about the necessary changes that will continue to make a difference in our peoples' lives, so as to ensure that Europe will be a truly and effective model that upholds the values and freedoms, that give humankind the dignity that all of us deserve, whoever we might be.

Thank you.