

Safeguarding equality for all citizens

The values underpinning both equality and human rights are shared values which have their origins in the 1948 Universal Declaration of Human Rights that states: *“All human beings are born free and equal in dignity and in rights”*. Moreover, in its preamble, the Declaration recognises the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Equality has been a matter of continuous discussions for many years. Laws and regulations safeguard it. Yet, years down the line, equality is still not recognised by everyone and not all individuals can say that they enjoy equality as a basic human right.

Equality is not only a fundamental human right, but it is a necessary pillar for a peaceful and sustainable world that enables everyone to reach their potential.

In the European Union a number of ‘Equality Directives’ oblige Member States to have at least one organisation as an equality body to promote equal treatment, provide assistance to victims and make recommendations to government to address such discrimination. Frans Timmermans, the First Vice-President of the European Commission, said that *“We need good laws and strong and independent equality bodies to defend our core principles and values so that victims of discrimination can right the wrongs they face.”*

Equality bodies are independent statutory bodies with the main aim to promote equal treatment on various grounds. In general, their mandate is to combat discrimination and address the situations and experiences of individuals and groups that are vulnerable to discrimination. In Malta, the National Commission for the Promotion of Equality (NCPE) was set up in 2004. 15 years ago, its remit covered equality between women and men in employment. Along the years, the remit was widened to strengthen the equality safeguards for other groups of persons in additional spheres of life. Equality in the provision of goods and services on the grounds of race as well as gender followed. NCPE’s remit was furthered widened in 2012 to cover equality based on sexual orientation, age, religion or belief, racial or ethnic origin and gender identity in employment, financial institutions as well as education and vocational guidance. Sex characteristics and gender expression were then included in 2015. In 2016, NCPE was also empowered to protect freedom of movement for workers in the EU.

Citizens who deem that they have been discriminated can lodge a complaint with NCPE for investigation. When discrimination is found to have occurred, NCPE Commissioner can mediate between the parties to settle the matter. If the case constitutes a criminal offence, a report is submitted to the Commissioner of Police for necessary action. If deemed necessary, the case may be referred to the Industrial Tribunal or to the competent court for redress.

Thus, the work of equality bodies strengthens equality, diversity and human dignity in society. NCPE raises awareness on its work with the various stakeholders including the general public through different means highlighting matters related to equal treatment. Such communication and awareness raising initiatives are crucial to establish and sustain a culture of common understanding on equality. Training is given to different groups, including employers, employees, students, teachers, and NGOs, when participants can widen their

knowledge on their rights and responsibilities and have the opportunity to question and discuss their concerns on discrimination.

Moreover, equality bodies have an impact on policy through their advisory function. In fact, NCPE provides feedback and input to policy and legislative proposals to strengthen equality mainstreaming. These contributions ensure equality provisions in all policies that have an impact on different groups of women and men in society.

In 2018, the European Commission (EC) called for stronger national equality bodies, by recommending a set of measures for Member States, to ensure effective protection for citizens. The Commission recommended that equality bodies should have greater independence through the administrative structure and budget allocation, as well as through legal assistance to be better able to handle complaints, provide assistance and represent victims. In addition, adequate resources and staffing as well as effective coordination and cooperation between equality bodies across the European Union and internationally have also been highlighted.

In order to strengthen the legislative framework on human rights and equality, Malta is in the process of setting up a national human rights institution in line with the Paris Principles, which are a set of international standards framing and guiding the work of national human rights institutions. Thus, it is envisaged, that the NCPE will become a Human Rights and Equality Commission (HREC) with a widened remit and enhanced sanctioning powers aimed at better addressing discrimination and human rights breaches.

The role of equality bodies is crucial to put equality at the top of every country's agenda. Awareness on equality is key to empower the general public and stakeholders to be aware and react to discrimination whilst assistance given to victims of discrimination contributes to restore justice. Equality bodies are a point of reference on matters related to equal treatment. Political support reinforces their standing in society for a more effective foundation which helps to protect rights and achieve further progress on equality in society.

European Commissioner for Justice, Consumers and Gender Equality, Věra Jourová stated that *"Discrimination has no place in the EU. We must ensure that our national equality bodies are independent, with the resources to do what they do best. They are the watchdogs of justice, ensuring all citizens are given equal rights and equal opportunities"*. It is in such a context that the 1948 Universal Declaration of Human Rights declaration *"All human beings are born free and equal in dignity and in rights"*, can truly become a reality for all.