



29 June 2009

RAP/RCha/MA/II/(2009)add

REVISED EUROPEAN SOCIAL CHARTER

REPLY TO SUPPLEMENTARY QUESTION

2nd report on the implementation of
the Revised European Social Charter

submitted by

THE GOVERNMENT OF MALTA

(for the period 1 January 2003 to 31 December 2007:
Articles 13§2)

Report registered at the Secretariat on 26 June 2009

CYCLE 2009

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ESC 112

22 June 2009

RD/JW

Secretariat General
Directorate of Monitoring
Head of the Department of the European Social Charter
Executive Secretary of the European Committee of Social Rights

Dear Mr. Brillat,

Reference is made to your letter of the 26th May 2009 and the question in respect of the 2nd report of Malta.

Article 13§2:

“LN 85 of 2007 Equal treatment of Persons Order” covers discrimination in political and social rights on the grounds of social status. In fact article 4 (1) inter alia states that “No person, establishment or entity, whether in private or public sector and including public bodies, shall discriminate against any other person in relation to:

- (a) social protection, including social security and healthcare;
- (b) social advantages;
- (c) education;
- (d) access to and supply of goods and services which are available to the public, including housing;
- (e) access to any other service as may be designated by law for the purpose of this regulation.

Therefore from the above it is amply clear that Malta is in conformity with the said article.

Yours sincerely,

Frank Micallef
Director (Benefits)
Social Security Division

APPENDIX

SECRETARIAT GENERAL

*DIRECTORATE GENERAL OF HUMAN RIGHTS
AND LEGAL AFFAIRS*

DIRECTORATE OF MONITORING

*HEAD OF THE DEPARTMENT
OF THE EUROPEAN SOCIAL CHARTER
EXECUTIVE SECRETARY
OF THE EUROPEAN COMMITTEE OF SOCIAL
RIGHTS*

*ESC 112
RD/JW*



Mr Franck Micallef
Director (Benefits)
Social Security Division
38 Ordnance Street
VALLETTA VLT 2000

Strasbourg, 26 May 2009

Dear Mr Micallef,

The European Committee of Social Rights is currently examining the 2nd Maltese report on the European Social Charter and has instructed me to forward to you the enclosed question concerning Article 13§2.

The Committee would be grateful if you could reply to these questions before 27 June 2009 in order to allow the information to be taken into account in Conclusions 2009.

Yours sincerely,

Régis Brillat

EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX



Question in respect of the 2nd report of Malta

Article 13§2:

Concerning Article 13§2, the report refers to "LN 85 of 2007 Equal treatment of Persons Order". The Committee asks whether this order covers discrimination in political and social rights on the grounds of social status, or, if this is not the case, whether constitutional or administrative law provisions exist that would prohibit discrimination in political and social rights against those in receipt of social and medical assistance.