



Strasbourg, 20 January 2014

Public
ACFC/SR/III(2012)002

**Statement made by M. Joseph Licari, Ambassador of Malta, at the
Rapporteur Group on Human Rights (GR-H) during its meeting on
19 January 2012**

“Malta ratified the Framework Convention in 1998 and made the following declaration:

“ ... Articles 24 and 25 ... are to be understood having regard to the fact that no national minorities in the sense of the Framework Convention exist in the territory of the Government of Malta. The Government of Malta considers its ratification ... as an act of solidarity in the view of the objectives of the Convention”.

The Maltese government ratified the Convention in good faith. But the Advisory Committee and its secretariat seem to assume that as Malta ratified the Convention it must have a national minority and they have apparently proceeded on the basis of this erroneous assumption.

The Committee’s opinion in 1999 noted that Malta had “experienced the phenomenon of immigration in recent years” and expected information about illegal immigrants. Everybody knows that recently arrived immigrants, whether legal or illegal, are not a national minority and do not fall within the personal scope of the Convention.

Nevertheless, the Advisory Committee found Article 6 of the Convention which speaks of “all persons living on their territory (that is, the state’s territory) irrespective of those persons’ ethnic, linguistic or religious identity”. The Explanatory Memorandum explains that this expresses the concern of the Vienna Declaration “on combating racism, xenophobia, anti-Semitism and intolerance”. Consequently, the subject falls squarely within the competence of ECRI, which is due to visit Malta again in April 2012.

It is, therefore, obvious that the Advisory Committee has been trying to expand its remit beyond the intention of the Convention’s drafters and signatories. This intention is clear from the Convention’s description by the Council of Europe’s treaty office which repeats the words “national minorities” several times but makes no reference whatsoever to ethnic, linguistic or religious minorities.

The Advisory Committee’s expansionist stance leads it to duplicate ECRI’s work. The avoidance of duplication is one of the aims behind the current reform, but some seem determined to make duplication a way of life.

The Advisory Committee’s President wrote to me on 16 November 2010: “A report by Malta ... could be brief and ... could be submitted by email or another convenient method ... would inform the Advisory Committee about any changes that may have occurred since the adoption of the Committee of Ministers’ Resolution ... or of the fact that no changes have occurred ...”.

I am authorised to inform the President of the Advisory Committee and the Rapporteur Group (GR-H) that no changes have occurred since 1998 when Malta, in ratifying the Convention, stated that “no national minorities in the sense of the Framework Convention exist in the territory of the Government of Malta”.

I hope that the Advisory Committee will not force my delegation to examine all the possible options that the Convention offers. I hope it will not send a message to member states that they should think a thousand times before signing conventions because they know what they sign today but they do not know how it will be interpreted in ten or twenty years' time.”¹

¹ This information has been communicated by the Ambassador of Malta to the attention of the Advisory Committee and the Rapporteur Group on Human Rights (GR-H) during its meeting on 19 January 2012. The Chair of the GR-H noted that it was agreed that this statement was recognised as constituting a state report and that the monitoring cycle could proceed accordingly.