

Malta clashes with Council of Europe over 'gender inequality'

Last updated at 18:59pm on 31st May 2007



Sunny Malta, but all is not well between the island and the Council of Europe

The Maltese government has clashed with the Council of Europe by shortlisting three male judges for European Court nominations even though the Council said one must be a woman.

Member states of the Council, a pan-European organisation that aims to protect human rights, nominate three people, one of whom is chosen to sit at the European Court.

Malta's present judge, a man, just turned 70 and will retire.

Last month a legal affairs committee of the Council of Europe proposed that one-gender short lists may be accepted in exceptional circumstances, but an Equal Opportunities Committee rejected the proposal.

Malta's list, submitted last summer, contains its three most senior judges. The Maltese government said its female applicants were not competent enough for the post and the Council of Europe rejected the list in March.

The Equal Opportunities Committee said Malta's explanation was insufficient, and that Malta had several competent female judges and magistrates in its judiciary.

"The true impediment to including a qualified woman candidate on the list submitted by Malta appears not to be a lack of qualified female candidates but a lack of respect for the principle of gender equality," the committee was quoted as saying by the Times of Malta newspaper.

Maltese Justice Minister Tonio Borg rejected the claim, telling the paper: "That's not true. I repeat, it is not true."

He said the Mediterranean island's list could not be rejected on grounds of gender and Malta would ask the Council's Committee of Ministers to send the matter to the European Court.

Legal experts said that while a judge in Malta needs to have practiced law for 12 years, there is no such

requirement to sit on the bench in the European Court.

Borg said he did not rule out nominating someone for having fewer years of experience, but he felt European Court judges should have as much experience as those in Malta, since they can overrule the Maltese courts.