His Excellency the President of Malta
Dr. Edward Fenech Adami

It seems strange that at a time when Human Rights and Fundamental Liberties are, one can say, universally recognised, the need is felt for a charter on the rights, protection and development of the unborn child from conception until birth. The need, however, is real.

The rights of the unborn child from conception until birth is seriously threatened by two attitudes. There are those who insist that the human person, to be recognised as such and have rights, must first acquire a measure of autonomous life. There are others who contend that the mother of the unborn child has the right to terminate her pregnancy as if the pregnancy itself is an aggressive act against her.

There is the need, therefore, to clear all this. The unborn child has rights from the moment of conception because as from that moment there is the beginning of life which, if left unhindered, will lead to the birth of the child.

It is a very good thing that a number of voluntary organisations have teamed up and drawn this Charter by means of which they are undertaking, individually and collectively, to do all that is possible to realise the aims of the Charter.

I wish them every success in their endeavours.
The Deputy Prime Minister of Malta and Minister of Justice and Local Affairs
Dr. Tonio Borg

This Charter contains a list of the rights of the unborn child from the moment of conception until birth. It contains a list, also, of the obligations of those who have responsibilities towards the unborn child.

Contrary to what some may say the protection of human life before birth is not a purely religious affair, as if to believe in the dignity of human life before birth one has to be a member of a religious faith. It is true that one’s religious persuasion leads one to a more sound conviction about the respect due to human life from the moment of conception. But it is not fair to label one a fundamentalist just because one protects life before birth and wishes to guarantee life before birth in the Maltese Constitution.

Even those who adhere to no religious persuasion can conclude that we ought to use all means at our disposal to protect human life and the well-being of the unborn child.

The Charter rightly insists on the highest standards of pre-natal health and efficient educational services about the value of life before birth. For what is the use of proclaiming our belief in the value of human life from the moment of conception if we do not provide the essential means so that life is afforded the best care possible from the moment of conception until birth? The Charter stresses the importance of the prevention of harm to the unborn child by the excessive use of alcohol and tobacco by parents before and during pregnancy.

It also appeals to the sense of responsibility of managers and employers to see that pregnant workers are not exposed to situations at places of work where they have to perform work which can be harmful to their health and the health of their unborn children.

One augurs that this Charter on the Rights of the Unborn Child will be much more than just a document; let it be a moral guide to all those who, in one way or another, have responsibilities towards the unborn child.
The Minister for the Family and Social Solidarity
Ms. Dolores Cristina

Since we firmly believe that children, irrespective of the stage of development they are in, are the backbone of our society, they have always been at the centre of my Ministry's legislative and policy-making initiatives and service provision. I am happy to note that this priority is shared by the Maltese society at large. This Charter is a confirmation of this.

The concept of children's rights, including those of the unborn child, has featured in a number of recent legislation enacted by the Maltese Parliament. For example, the Commissioner for Children's Act highlights the due importance that needs to be given to the promotion of the best standards possible to be provided to both pregnant women and children "both before and after birth". Moreover, the more recent Domestic Violence Act seeks to protect "the child conceived but yet unborn" from either intentional or non-intentional harm which could be caused by domestic violence. In the near future, it is envisaged that further legislation will be enacted by Parliament to address better the needs of children in our contemporary society. These include legislative amendments to the laws regulating adoptions and a new legislation regulating fostering.

As a member of the European Union, Malta is also an active member of various fora which seek to enhance international cooperation in favour of the rights of children and better provision of services addressed to them. From a service provision point-of-view, Agenzija APPQGG is at the forefront of children's services. This underlines the fact that Government strongly asserts the fact that children deserve every protection and respect even before they are born.

Supporting and protecting the unborn child can be achieved primarily through the provision of adequate support structures to the mother. The mother must feel supported during her pregnancy to ensure the best conditions for her baby. While most mothers get this support from within their families, others might need to be provided this support from other sources outside their immediate family. These may include state agencies, voluntary organisations and also neighbours and friends. Fathers also play a crucial role in the life of the unborn child and society at large should appreciate and encourage further the significant role played by fathers throughout the various developmental stages of their children. Addressing the psycho-social needs of parents, especially of those who are more vulnerable, is an important priority which merits the full cooperation of all the relevant stakeholders.

Finally, I wish to convey my best wishes to the organising bodies of this Charter and augur that this initiative will be another important link in the already existing chain of instruments to guarantee the best protection to our children. My Ministry is fully committed to continue to work together with all the relevant stakeholders, including the voluntary organisations, towards enhancing the well-being of children.
The Shadow Minister for Social Solidarity
Ms. Marie Louise Colerio Preca

In my view the Charter which defines, in a holistic way, the needs of our children with the main aim, not only to protect their material needs, but also to strengthen the respect and the dignity which Maltese society is in duty bound to extend to our children, is a very useful initiative which should be appreciated by all those who hold highly the inestimable value of human life.

Such a declaration supported by so many non-governmental organisations reflects the proactive stance of Maltese civil society. It is also another reaffirmation of the vast majority of the Maltese people about the value of human life.

The Charter is also a response to the new connotations about the real meaning of life being uttered at present by some others in Maltese society. These seem to want to change the spirit of the way of life, and the strong sense of love, which the Maltese people traditionally always had towards their children from the moment of conception, until birth, and after.

The formulation of this Charter, therefore, has come at a very opportune moment to strengthen further the voice of those who see a new threat to the cherished values of the Maltese people.
The Commissioner for Children
Ms. Sonia Camilleri

The Charter in front of us today is proof of an intensive campaign started by the Malta Movement for the Rights, Protection and Development of the Unborn Child from conception to birth.

The core-group within the Movement showed us all from the very beginning that it had very clear ideas as to what it set out to achieve. It listed its aims under three headings: Rights, Protection and Development of the Unborn Child.

Within a span of two years the group had organized five national conferences, took part in various programmes in the media, drawn up this Charter; and in the legislative field, its proposal to include a specific mention of the unborn child in the new Domestic Violence Act, was accepted.

One may ask: Is there a need for all these initiatives? Yes there is. In our hurried world, the rights of the vulnerable groups are easily forgotten, let alone the rights of those unborn children whom we cannot yet see or hear.

The Charter is pro-active in that it not only looks at the rights and the protection of the unborn child but also to its full and healthy development. This is an area where as a nation we still have much to learn.

I sincerely hope that this Charter will have the deserved effect of involving all stakeholders in this field, from the family to the media, to grow in their respect for the youngest of our children.
EUROPEAN COMMISSION
DIRECTOR GENERAL JUSTICE, FREEDOM AND SECURITY

Directorate C: Civil justice, rights and citizenship
Unit C4: Finicial support for justice, rights and citizenship

Brussels,

JLS/C/4/PT/MV/D/(2006)7639

Mr. Tony Mifsud,
Coordinator
Malta Movement for the Rights,
Protection and Development of
the Unborn Child
Via e-mail:
sas@socialassistance.org

Dear Sir,

Your letter of May 19, concerning the Charter on the Rights, Protection and Development of the Unborn Child in the Maltese Islands, has been transmitted to me by the Vice-President, Mr. Frattini, and has received my full attention.

As you know, the protection of the rights of the child is one of the Commission’s priorities. As a matter of fact, the Commission is currently finalising a communication focused on this issue, which is expected to be adopted very soon.

I would like to thank you for your interest in our activities in this field and assure you that your contribution will be duly considered I am also going to transmit the documentation you have sent us to DG Health and Consumer Protection, as some of your suggestions concern matters related to public health.

Yours faithfully,

[Signature]

Patrick Trousson,
Deputy Head of Unit

CC: Ms Isabelle Benoliel (DG SANCO)
Movement for the Rights, Protection and Development of the Unborn Child in the Maltese Islands

With the collaboration of the:
Ministry for Justice and Local Affairs,
Ministry for the Family and Social Solidarity,
Commissioner for Children.

Charter * on the Rights, Protection and Development of the Unborn Child

Quality Life for the Unborn Child in the Maltese Islands

1. The main aim of the Charter is for the organizations and institutions in the movement, and others outside the movement, to promote, in their own way, and by their own means, the rights, protection and development of all unborn children in the Maltese Islands.

2. Other aims are to increase awareness in the Maltese Islands,
   1. of the unique privilege, enjoyed by both parents as equal partners, in the conception of the unborn child;
   2. of the special opportunity for both parents to help the unborn child develop, from the moment of conception, its full potential and its personality;
   3. of the big responsibility of both parents, and of the political, medical, industrial, legal, social, educational and other agents, to protect the unborn child from all physical, mental and emotional harm until it is born.

3. This, as befits the respect and dignity due to all human beings, always and everywhere, from the moment of their conception, until born, and after.

* With the assistance of Magistrate Consuelo Scerri Herrera, LL.D. Dip. Trib. Eccl. Melit and Dr. Christopher Soler LL.D., Malta Association for Human Rights.
4. For these reasons the Charter aims to encourage all the organizations in the movement (see the list) as well as other organizations, to commit their respective organization, its individual members, and others, to promote, with all their means, the interests of all unborn children in the Maltese Islands and beyond.

5. The Movement believes that this initiative deserves to be, and can be, diffused beyond Maltese shores, amongst other societies, cultures, religions and civilizations. The unborn child has no frontiers and its dignity is respected everywhere and at all times.

6. Maltese Society is showing, repeatedly, in one social survey after another, and by means of official declarations in the Maltese Parliament, by the civil authorities and by civil society, that it values highly human life from the moment of conception and that it recognizes itself as a leading protector of the unborn child, and a veritable promoter of its interests in the local, european and world scene.

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The Core Group of the Movement

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Movement for the Rights, Protection and Development of the Unborn Child in the Maltese Islands.

With the collaboration of the:
Ministry for Justice and Local Affairs
Ministry for the Family and Social Solidarity
and the Commissioner for Children

Affiliated Organizations

01. Social Assistance Secretariat – Catholic Action
02. Cana Movement for the Family
03. University Students Council
04. St. Venera Local Council
05. Health Promotion Department
06. “Guzeppe Debono” Gozo - Church Home for Unmarried Mothers
07. Foundation for Social Welfare Services
08. Personal and Social Development - Education Division
09. “Ghoxxa” - Education Division - State Home for Unmarried Mothers
10. Association of Local Councils
11. Malta Medical Students Association
12. Malta Union of Midwives & Nurses
13. Malta Union of Teachers
14. National Council of Women
15. Union Haddiema Maghqudin
16. General Workers Union
17. Caritas Malta
18. College of Parish Priests - Malta
20. Diocesan Commission for the Family
21. “Discern” - Research Institute
22. Nationalist Party
23. Malta Labour Party
25. College of Parish Priests – Gozo
26. Youth Section, Ministry of Education, Youth and Employment
27. Forum for Lay Movements
29. National Comission for Persons with Disabilities
30. Malta Council for Persons with Disabilities
31. National Youth Council
32. Malta Union of Professional Psychologists
33. Association of Maltese Psychologists
34. Malta Association of Social Workers
35. Malta Midwives Association
36. Gift of Life Foundation
37. Central Office “Ejew Ghandi” (Children’s Homes)
38. In the Family Way – School of Pregnancy, Childbirth & Beyond
39. Malta Association for Human Rights
40. Diocesan Commission for Youth
41. Arka Foundation for the Disabled - Gozo
42. Couples for Christ
Charter
regarding the
Rights, Protection and Development
of the Unborn Child
in the Islands of Malta and Gozo.

Quality Life for the Unborn Child

This Charter is inspired by the Convention on the Rights of the Child, adopted and open
to signature, ratification and accession by resolution number 44/25 of the General
Assembly of the United Nations, dated 20th November 1989, which came into effect on
the 2nd September 1990, according to article 49.

Care – Department of Family Welfare, Malta, 20th November 1998 p.138-185

The signatories, in Malta and Gozo, to the Movement for the Rights, Protection and
Development of the Unborn Child, set up during 2004, declare that:

1. Considering that in accordance with the principles proclaimed in the Charter
   of the United Nations, recognition of the inherent dignity and of the equal and
   inalienable rights of all members of the human family is the foundation of
   freedom, justice and peace in the World.

2. Bearing in mind that the peoples of the United Nations have, in the Charter,
   reaffirmed their faith in the fundamental human rights and in the dignity and
   worth of the human person, and have determined to promote social progress
   and better standards of life in a larger freedom.

3. Recognising that the United Nations has, in the Universal Declaration of Human
   Rights and in the International Covenants on Human Rights proclaimed and agreed
   that everybody is entitled to all the rights and freedoms set forth therein, without
   distinction of any kind such as race, colour, sex, language, religion, political or other
   opinion, national or social origin, property, birth or other status.

4. Recalling that, in the Universal Declaration of Human Rights, the United Nations
   has proclaimed that childhood should be given special care and assistance.

5. Bearing in mind that the need to extend particular care to the child has been stated
   in the Geneva Declaration of the Rights of the Child of 1924, and in the Declaration
   of the Rights of the Child adopted by the General Assembly of the United Nations
   on the 20th of November 1959 and recognised in the Universal Declaration of Human
   Rights.

6. Bearing in mind that, as indicated in the Declaration of the Rights of the Child, “The
   child by reason of his physical and mental immaturity needs special safeguards
   and care, including appropriate legal protection, before as well as after birth”.

7. Recognising that in all countries in the world there are children living in exceptionally
difficult conditions and that such children need special consideration, and taking due
account of the importance of the traditions and cultural values of each people for the
protection and harmonious development of the child.

8. Recognising that the unborn child has no voice and is defenceless.
9. Recognising that through research it is known that the mother’s womb is the first environment of the child, and that the personality and formation of the child’s character are formed according to the mother’s love and acceptance of the unborn child in her womb, and that these dispositions make a decisive difference in what the unborn child feels, believes, dreams, thinks and eventually realizes throughout his life.

10. Considering that each human being, from the moment of conception in the mother's womb, deserves every respect and dignity, and all the necessary protection to develop his personality and full potential.

11. Convinced that the family, as the fundamental group of society and the natural environment for the growth and the well-being of all its members, and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.

12. Recognising that the child, for the full and harmonious development of his personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.

13. Knowing that both parents, as equal partners, are endowed with the privilege of giving life to their unborn child, and that both have a unique opportunity to help their child develop, from the moment of conception, his full potential and his personality.

14. Recalling the great responsibility of parents, of the mother and the father, and of the political, industrial, legal, social, educational and other agents to protect the unborn child from all physical, mental and emotional harm until born.

15. Recognising, through research, that alcoholic drinks, drugs, cigarettes and toxic substances, especially at places of work, cause great physical, mental and emotional harm to the unborn child for the rest of his life, and as well as cause harm to the mother, before and after pregnancy.

16. Recognising the importance of international cooperation for improving the living conditions of children in every country, in particular in developing countries.

17. Acknowledging the wise step taken by the Maltese Parliament in the law, enacted in July 2003, establishing the Commissioner for Children where, by Article 9H, it is one of the functions of the Commissioner “to promote the highest standards of health and social services for women during pregnancy and to promote special care and protection, including adequate legal protection, for children both before and after birth”;

18. Considering the very important call by the Maltese Minister for the Family and Social Solidarity, in February 2004, for an educational campaign on the good health of mothers during pregnancy and on the care and protection, including legal protection, for the unborn child.

19. Considering the written declaration of the 4th June 2004 of the Maltese Commissioner for Children “…that the Commissioner for Children stresses the importance that the unborn child has a right for a good quality life.”

20. Noting the very positive public position about human life from the moment of conception expressed by the three Maltese political parties and the main trade unions.

22. Knowing about the judgements delivered by the Maltese Courts in the last few years, especially those relating to inheritance rights of legitimate and illegitimate children, and the right to life to unborn children.

Have agreed as follows.
The Best Interests of the Child

Article 1
For the purposes of the present charter "a child" means the human person from the moment of conception.

Article 2
The guiding principle in this charter is "the best interest of the child" as befits the dignity due to all human beings.

Article 3
Organizations Parties in the Movement for the Rights, Protection and Development of the Unborn Child promote the view in Maltese society that the good upbringing of children starts from the moment of conception, and even before, by the good preparation for pregnancy by both parents.

Article 4
Organizations Parties, together or separately, undertake to involve their respective organization, and their members so that, as of right, all children in the Maltese Islands and beyond, from conception onwards, every year, will get quality life until birth and after.

Legal Rights to the Child at Conception

Article 5
Organizations Parties while noting that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights has proclaimed and agreed that "everyone" is entitled to all the rights and freedoms set forth therein, "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, birth or other status" will consider, as from the publication of this charter, that the conception of a human being is "another status" which entitles the unborn child to all the rights and freedoms as set forth in the United Nations Declaration and International Covenants.

The Dignity of Parenthood

Article 6
Organizations Parties, together and/or separately, will work to promote, with all their means, the dignity of both parents in the conception and wholesome development, until birth, of the unborn child.

Their love for each other is transmitted to their unborn child.

Love bonds all human relationships.
The Role of Parents

**Article 7**

Organizations Parties will endeavour to establish the principle that the child, for the full and harmonious development of his personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding. Both parents are equal partners and carry full responsibility in the conception, protection, care and the wholesome development of the unborn child. "The best interest of the child" should be their guiding principle. For these purposes they should:

a) adopt the best positive dispositions of love, affection, and warmth towards, and acceptance, of the unborn child.

b) abstain from consuming alcohol, tobacco and drugs before and after the birth of their child.

For this can make a decisive difference in everything the unborn child feels, hopes, dreams, thinks, and accomplishes throughout his life.

The Role of the State

**Article 8**

Organizations Parties consider that, in conformity with the very positive position about the beginning of life taken by the State of Malta in its Protocol on Abortion signed with the European Union in 2004, it is the prime responsibility of the State of Malta to take all the necessary measures, including legal as well as administrative measures, to ensure that, in Malta and Gozo, the State:

a) provides the highest standards of medical and social services to women during pregnancy,

b) provides, or assures the provision of, the highest standards of educational services:

i) in all state and non-state schools,

ii) on the means of communications,

about the value, beginning, protection, wholesome development and all that is necessary for human life to prosper from conception till birth.

c) ensures that all unborn children are protected from all physical, mental and emotional harm caused by the status, activities, expressed opinions, or beliefs of the child's parents, or the professional practices of those who advise parents, or help them to conceive children.
Article 9
To safeguard the overall interests of the unborn child state and non-state organisations which cater for the needs of the unborn child should be helped by the State to have the needed human, material and financial resources to carry out their functions and responsibilities towards the unborn child in the most efficient and effective way.

The Role of the Medical Profession

Article 10
Organizations Parties thank heartily and show their appreciation to the medical profession for the medical assistance of a very high calibre, including very beneficial surgical interventions, which the profession has always given, and still gives, everywhere, to mothers and their unborn children before, and during pregnancy, until birth, and after.

They also appeal to, and encourage, the medical profession to assure that its practice, always, everywhere and in all circumstances, is compatible with the absolute respect which should be shown to the dignity, and the fundamental rights of human life from its conception, in the mother’s womb or outside of it, until birth and after.

The Role of Operators of the Means of Communications

Article 11
Organizations Parties, together and/or separately, appeal to and encourage the operators of the means of communications to use all their means to promote the best education about the value, the beginning, the protection, the wholesome development and all that is necessary for human life to prosper from conception till birth.

The Role of Sellers of Alcohol

Article 12
Organizations Parties will work to sensibilize and convince the sellers of alcohol to do their utmost to demonstrate visibly and very clearly in their outlets that there should be no consumption of alcohol during pregnancy.

The Role of Manufacturers of Tobacco

Article 13
Organizations Parties will work to raise awareness amongst, and convince, the manufacturers of tobacco, especially in Malta, to demonstrate visibly, and very clearly, on their packets of cigarettes that smoking, before and during pregnancy, can do a lot of harm to the mother and her unborn child.

The Role of Employers and Managers at the Places of Work

Article 14
Organizations Parties will work to raise awareness amongst, and convince, employers and managers at places of work, trade union leaders and workers of both gender to see that would-be mothers and pregnant women are not exposed to chemical and toxic substances which could harm the pregnant mother and her unborn child at the places of work.
The Role of the Courts of Justice

**Article 15**

Organizations Parties while showing their appreciation to the Courts of Justice for the judicial decisions regarding inheritance rights of legitimate and illegitimate children and the protection of the lives of unborn children, especially in the recent past, appeal to the same Courts to continue to uphold the overall interests of unborn children through the existing and future laws of the land.

The Role of Maltese Institutions for Children

**Article 16**

Organizations Parties encourages all Maltese and Gozitan institutions for children to extend their work to defend the rights, including the legal rights, of the unborn child, to protect it from all harm and to work for its wholesome development.

The Role of Maltese Parliamentarians

**Article 17**

Organizations Parties appeal to all Members of the Maltese Parliament and the Maltese Members of the European Parliament, and insist with them, so that as representatives of the Maltese people who cherish greatly human life, they protect and promote human life, always and everywhere, from the moment of conception, till birth and death.

Burial with Dignity for the Dead Unborn Child

**Article 18**

Organizations Parties will continue to make representations to the civil and ecclesiastical authorities so that a proper and decent burial, as befits their dignity, is invariably given to all unborn children at death.

Collaboration at Local and International Levels

**Article 19**

Organizations Parties seek to extend collaboration between affiliated organisations in the Movement for the Rights, Protection and Development of the Unborn Child, with Government Institutions, and with other local and international organizations, fora and institutions to advance the cause of unborn children, in the Maltese Islands and beyond.
Malta Movement for the Rights, Protection and Development of the Unborn Child

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