



From Town To City:

Reflections on Civil Society,
Equality, Human & Civil Rights.



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Preface

'We can't solve problems by using the same kind of thinking we used when we created them.'

Albert Einstein

This Report is no easy read.

That is neither its pretence nor its preoccupation. Indeed, 'report' may be a misnomer since it not only collates and enumerates contemporary and, at times, controversial issues (abortion, right to die, drugs, and others), but it is also an attempt to bring introspection to the widest and deepest of considerations related to a range of concerns; though essentially focused on the implications for Gibraltar of human and civil rights from differing perspectives. We will outline and bring attention to issues that require to surface now; whilst leaving aside those which, though of equal import, are already well within the public's span of attention.

Distributed widely, as it will be (both within Gibraltar and to political, media and human/civil rights players internationally) this publication was germinated from the premise of providing a wide-angle snapshot across disparate questions, but quickly obviated the need for a bigger approach; one that trespasses to some degree into the realm of where this country and this People aspire and dare to position themselves.

Thus, Equality Rights Group (ERG) advances its primary aim as an independent, non-governmental organisation, of ensuring issues are raised and discussed, not avoided. Indeed, this publication may be Gibraltar's first serious attempt (though, hopefully, not the last) at laying out and quantifying many of the composites that signify human and civil rights in our country within the scale and breadth which is here attempted, and which only the reader is qualified to assess as to its success or breach.

In his opening article, Chairman Felix Alvarez develops specific issues which have inhabited a wider vision and marked this organisation's work and preoccupation; an exposition made as an offering to social dialogue and discussion. Later, Charles Trico, as ERG Secretary, addresses Gibraltar's past and future generations in his piece.

We have also been keen to invite independent contributions, opening terrain for reflection from eminent local names recognisable either for their expertise in matters of law at the highest professional level, or for their involvement in the active political life of this community. In several cases, we know them for both of the above. We thus appreciate and thank the Hon. Gilbert Licudi, QC, MP in his role as Minister for Justice; and are considerably appreciative of Frederick Martin in representation of one of Gibraltar's most prominent Civil Society voices, Unite the Union. Likewise the significant and notable personal contributions of Keith Azopardi, QC and

Robert Vasquez, QC suppose a debt of gratitude on our part which we thankfully acknowledge.

Readers will find references of interest annotated in numerical order within the text in order to facilitate fuller consultation in the Notes section. Additionally, a biographical summary for each contributing author can be found towards the end of this publication.

The views expressed in the articles contained herein (unless otherwise indicated) are personal to the author alone and not representative of the views of any other person or body. Equally, the inclusion of said contributions in a wider Report does not represent that the author supports views expressed in any other part of the same document.

While the above statement may appear overly legalistic, it's an important element in fomenting and securing autonomous, plural thinking. ERG respects and welcomes open discourse within the margins of legal, courteous and responsible expression. We have strictly refrained from any redaction of authors' content other than to minimally retain editorial control over typographical elements, but never substance.

This diversity of and objectivity in reflection has been important for this writing project in presenting the plural nature not only of our thinking in Equality Rights Group as a human and civil rights voice for this community of Gibraltar, but also because of its importance to the central tenets and principles of freedom of expression.

We trust you will admit this work with indulgence, and apologise to readers in advance for what will undoubtedly be our shortfalls; where our errors are so proven and brought to our attention, we shall be grateful for correction and will rightly render apology for any failings. We also trust and hope, nonetheless, that readers will receive these pages into their hands in the mutual conviction that there is little to recommend hiding or obfuscating any issue; and no legitimacy whatsoever to be claimed from under the dusty tufts of any convenient carpet.

It is in a glad spirit of openness that we publish, therefore, risking damnation and the hope of your accord.

'The thing about a good People and Society, is not only do we hold each other up when we fall, our falling is also a reason for our determination'

Gibraltar, June 2016



£overeignty

ISIS

No. 10

Spain: Instability

Syria

£

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Brexit

Zika

THE BORDER

NUCLEAR

Sexism

No. 6

Climate change

FCO

racism

Earthquake

\$

Corruption

In times of increasing uncertainty

Felix Alvarez, OBE

Chairman

Wherever you may see yourself on the ideological spectrum (Left, Centre, Right, or any variant or hue thereof) the voice of the citizen (individually or collectively) will matter to you. Not only because you have a personal, vested interest, but also because it is generally so for any person concerned with the development of a social, political discourse. Ever since this Rock has been British (longer than the United States has been independent), and its population moved from being mere servers to a military garrison to stakeholders in their own land, it is by and large to the old habit of co-dependence that we have turned. Political Parties today compete to be our governors. Politicians now strive to occupy most of the erstwhile space handed over from Her Majesty's representative in the 2006 Constitution. And while civil society has played a part from the earliest days in our struggles as a native collective, those who determine recorded history are often selective and, whether through design or inertia, either iconise a few, and/or quietly downplay (or simply subtract) the determining and active role of often significant, but less convenient civil society players. Furthermore, our system of Westminster enfranchisement has, to some degree, become less comfortable to us in the manner that a foot may outgrow a shoe. In an increasingly complex City society, the four-year electoral cycle may no longer be accountable enough, though much can still be done to improve the parliamentary framework itself. The strengthening and emergence of solidarity between civil society players is the lynchpin to the establishment of genuine checks and balances, constitutional separation of powers, accountability of all rule of law branches, and, ultimately, to the legitimacy of the claim that our goal is to be a free and equal society, that our peoplehood stands up to scrutiny, and that coherence and stability bear the mark of a singular (not proxy), recognisable identity in all its forms. All of that, as America would say, needs to be 'self-evident'. Nothing less will do, neither for us nor, importantly, internationally.

This is an invitation to a conversation

It is also both a way of documenting observations and thinking, garnered at street-level and through long hours of collegiate and solitary reflection. It facilitates being able to move beyond the periodic, rushed three minute news interview or debate tv shows, and the limitations of press releases, headlines and the occasional Op-Ed piece. It also goes some way to concentrating more on ideas than on the tiresome and contemporary ubiquity of image.

In the following, unapologetically dense pages, we address not only specific issues but also inevitably expose our broader ideas and vision. Not as a pseudo-Manifesto, nor as a political party would do, but as a method for rapport, discussion and criticism. In so doing, we propose not only the importance but the very need for a fully independent, genuine and sustainable human rights organisation in Gibraltar. We also hope it obviates how much we avoid talking about still; how much remains to be done and grappled with as we move through the decades; and how it takes Civil Society (with no political strings of ambition attached, and with the margins to be able to think and see beyond the four-year electoral cycles) to spur dialogue, progress and development. We sustain that Civil Society is, in fact, a fourth and necessary element to the Rule of Law (traditionally formulated as three separate functions: Executive, Legislature and Judiciary), and without which full participative democracy risks becoming merely compliant. We explain why such a proposal and premise are by no means secondary to our existence, survival and progress, but indeed central.

Thus insisting, we once more give prominence to our long-expressed belief that Sovereignty cannot be a rallying call for service to the State, and the State alone. The Sovereignty of the State only makes sense when inextricably coupled to the sovereignty of the individual. The rights of the State are only legitimate when the rights of the citizen are at the heart of its reason for being. Self-determination starts with the right of each individual to licitly determine themselves in society. We negligently err (and human history will not disagree) when we build the edifice from the top down.

Make no mistake, the foundation stone is you, is me.

In this respect we are fortunate because modern Gibraltar is still young, and still 'under construction'. It is still possible for us to learn the best lessons of history, to look at where others have gone wrong, as well as right. And to build for the future not only with our imagination, but also with a pragmatic eye.

Walk around many areas of Gibraltar today, and the almost matriarchal presence of the Rock is now much hidden behind the new architecture. These days, the sea is somewhere you must make an effort to feel. 'Gibraltar' is more and more the heritage centre of the past, down Main Street and the old town. At the same time 'el pueblo' melds into recent mini-suburbs. More and more we are walking away into a metropolis. A century from now, who knows what tales we will have to tell as we board our planes from the GibMed International Floating Airport, or catch the 'overway' to sprawling Isthmus New Town, its penthouse spires built partly on the site of an old 'aerodrome', to buy fresh produce from a wholly Government-owned company (MerkaGib), and supplied from sustainable marine and high-rise farms providing many tons of our annual fish and agricultural needs.¹

Foundations and Architecture

There's a longer and deeper analysis, but the shorter, more usual narrative satisfies, and goes something like this: 'human rights' arose out of the crisis of humanity following the atrocities of the Second World War. 'Never again' was the reason for being of the UN's *Declaration of Human Rights* in 1948; and similarly at European level via the setting up of the Council of Europe in 1949 to oversee the *European Convention of Human Rights* (1950) and its attendant judicial body, the European Court of Human Rights (not to be confused, as it so often is, with the EU and its European Court of Justice).

However, there's some validity to the claim that the story's not quite right: 'human rights as a concept effectively died for its first few decades...nobody cared about human rights until at least the 1970s, and there was certainly no strong international human rights movement' until then, says Professor Samuel Moyn ². Moyn argues that, with the rise of international human rights NGOs, the approach changed; henceforth a 'universalised' slant to people's rights was to command the field, with its disengagement from direct political activism in favour of non-partisanship in a post-ideological world. He thus bemoans, and with some justification, perhaps, that activists have been lured away from the work of change through conventional avenues and forsaken 'political organisation for single-issue, non-governmental groups unsullied by compromise.' This is an error Equality Rights Group has been scrupulous to avoid, though not without some difficulty. It has always been found more convenient to focus on ERG as a single-issue campaign (despite the fact its origins of solidarity, even during its early days as 'GGR', were always wide across all sectors, coverage of that breadth was not always acknowledged or projected by political authority or communications media); in the forlorn hope, one might suppose, that the irritant of a permanent and effective, questioning presence on issues of people's rights might disappear altogether; and, if possible, before the lexicon of non-discrimination and human rights permeated too indelibly into our social conscience and popular discourse! Though all of that is mere supposition.

One other corrective criticism of the field of human rights as it stands today, is the quasi accusation that it is an international law ideology with a clear New York-Geneva-London bias³; by which one takes the point to mean that it falls short of the defence of people's rights via definitions which do not conform to the political interests of the powerful. This may ring some bells for us in Gibraltar; for if one 'human rights' concern above all others resonates with us, it's our political entitlement to self-determination. Recent history suggests that Britain, while politically embarrassed and formally bound, is ever eager to find the formula that would relieve it of the burdens that Gibraltar may suppose, whilst conserving any benefits it could continue to derive. If the argument and obstacle to achieving our aspirations in the direction of self-determination rest on the perception, at an international level, that Gibraltar and Gibraltarians have not yet managed to transcend being mere historical leftovers and appendages, the work of establishing our own system, our own values, our

own character and viable, solid form of recognisable State- and Peoplehood lies substantially still ahead for us. Enter Human Rights with capital letters, providing as they do an unimpeachable international framework and 'character reference' when forging (as was the case with early, post-Apartheid South Africa) legitimacy and wide recognition, made more compelling in contrast with the sullied face of its clear moral opposite.

At operational level, no human rights organisation or activist worth their salt can ever be wholly comfortable. Their voice is always that of the questioning stranger, never habituated to conditions as they are, always asking 'why?' and/or 'why not?' Society does well to need them. It's a scientific fact ('the Dunning-Kruger effect') that people lacking a particular insight cannot, themselves, notice that lack. Societies and their machinery are no different.

It is not recommendable for political parties and politicians to ever be at ease with human rights organisations or their defenders. Nor vice-versa! Some healthy tension should always play a part in this particular relationship. In this respect, there are positive, hopeful signs (if experience over the past 5 years or so is an accurate, if very early, indicator). In stark contrast to the years 2000 to 2011, the present Administration has delivered on important human rights advances (in particular, though significantly, not exclusively) relating to sexual minorities. Many citizens today are enjoying freedoms they only dreamt of before, as a result.

So far so good.



Speaking Truth to Power: rose petal times, testing Government (and Opposition)

The real test we have been keen to observe has been what one might term 'the parting of the ways moment'. One thing is for government and civil society to work amicably on cordial terms where there is agreement, especially where the agenda also serves party political interests. While that may be an agreeable situation to be in, it's not necessarily a measure of democratic maturity. The important, and far more fundamentally significant trait is to continue the dialogue, the cordial relations, the stream of interchange and support towards mutual progress *even when the opposite conditions apply*. It's a learning curve for all concerned; but, thus far, the Picardo Administration has gone relatively (if, at times, falteringly) far in establishing that climate and political culture. We all still have a lot to learn. The transition from town to City is also an adjustment and readjustment of relationships, a re-balancing of powers between social players where all need to understand their respective role and function in the service of society.

While no politician or government is going to reject bouquets of public praise for a

promise delivered and for taking, at times, a calculated but still risky step forward, it's quite another thing when there is variance of position. Our assessment thus far is that, while it is overall true that the attitude of the present government has not significantly shifted negatively, indeed has been overwhelmingly supportive, the 'house welcome' is not as warm in the face of criticism or dissent as it was in rose petal times. Changing temperatures are to be expected. What can, nevertheless, be considered to be both positive and hopeful is that, unlike with the preceding Administration's sustained, decade-long unremittingly deaf attitude, today a conversation still remains. The shutters are not fully down on discussion. Where exchange is possible, it can still take place. Where it is difficult, possibilities still exist to meet and talk, even though some doors may have developed willful rust.

In Gibraltar's wider interests, it is always incumbent upon all parties to maintain open channels and listening ears; and it is therefore gratifying to report that there are early signs that the present official Opposition (Gibraltar Social Democrats) have opened to admitting the importance of an equality and human rights agenda (made evident in their recent unequivocal parliamentary intervention supporting Equal Marriage in the face of Government hesitations). Until now, such a GSD move would have proved an unthinkable development; but it is one we acknowledge, welcome and shall continue to encourage and assess as the future unfolds for the Party.

A human rights organisation lacking in either impartiality or the leadership qualities required to stand up and speak discomfort to the powerful when and if necessary, cannot presume legitimacy; moral or otherwise. Those ethical operational standards and characteristics must remain untouched and untouchable. ERG's ability to navigate the requirement for negotiation, maintain discussion even in the grey areas, or openly campaign in favour or against political agendas it deems to run counter to the interests of furthering its principles in a non-partisan manner, is central to its efficacy in society. There can be no public legitimacy for any human rights activist or body without that ethical grounding.

In a City-scale democratic State such as Gibraltar aspires to continue being, the role of Government will, perhaps, always be disproportionately central in comparison to other rule of law jurisdictions. Our tight economies of scale make life impractical on various important fronts; particularly on democratic elements we might consider neuralgic: the role of free, truly independent media, and that of a free, truly independent civil society and human rights voice. A role and function no Government or semi-Government body can credibly fulfil. Unlike in larger societies with populations of millions, our economy-of-scale conditions will probably never obtain to make viable the sole reliance on sales or subscriptions necessary to provide complete autonomy from the State. (The exception to this rationale being the case of humanitarian organisations and projects in the community, whose charitable framework may provide a very different basis for consideration). It is therefore incumbent upon our democratic system to accept that, due to the diminutive scale we experience in Gibraltar, we understand and implement support for fundamental pillars of the rule

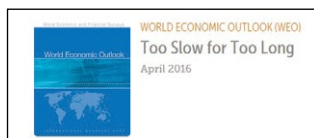
of law infrastructure. The political classes on the Rock must accustom themselves to living with the necessary inconvenience of an even more vibrant civil society in the interests of this society's future. The crux of the matter is the importance to everyone's progress; and whether we can develop a distinct solution, with our own stamp and identity impressed upon it; one that not only widens and enriches the social system we want to see for ourselves into the future, but also one that says to the world: this is the People of Gibraltar.

In times of increasing uncertainty all around, we can and will, nonetheless, always opt to proactively shape the agenda of our own destiny. It is the hallmark of a People.

A Rock with a View

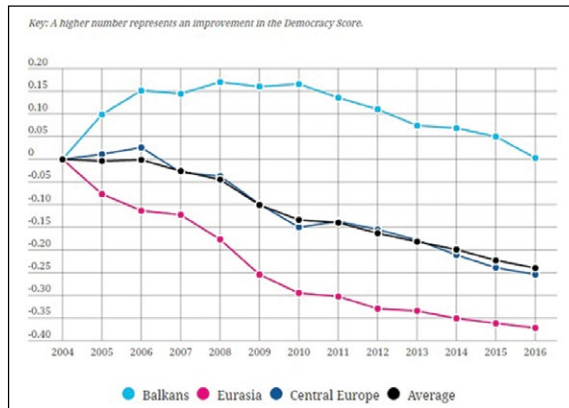
Notwithstanding our determination, we live in the world, and no-one can flee the realities that surround us: Europe (and more widely, Eurasia) is in a contemporary struggle to extricate itself from institutional and economic crises.⁴ The European Union block's future, so pivotal to political, cultural and economic stability beyond even its own frontiers, is increasingly questioned on a daily basis. Since 2008, a growing lack of confidence in the EU has plagued its institutions, prompted in its early stages by the failure to rein in the Eurozone's difficulties, brought on by factors beyond its initial control. Add to this palette the exploitative and virulent terror of ISIS and other malignant organisations, the massive flow of asylum seekers and economic migrants from the Middle East, North Africa and elsewhere, and, jointly or severally, emergencies in succession collude to make any response half-adequate or disjointed.

Were the instabilities that stare us in the face merely regional, we might be comforted by the containment. Yet there is no relief. In these interconnected times, the whole World economy is impeded by unimpressive growth; there is a deficit of trust among both consumers and business at large.⁵ The International Monetary Fund (IMF) is hardly more gleeful.⁶ Its global growth forecasts have been reduced yet again, and its Report on a stagnating World economy sub-titled 'Too Slow for Too Long'. We begin to wake up to the sensation that we may have been moving in the wrong direction for too long. Is forever growth a panacea at all?



The anxiety we breathe each time we watch the news or read the papers is full of the same continuing stories: emerging illiberal nationalism, man's inhumanity to man, falling oil prices exacerbating financial pressures, the regression of democracy in Central and Eastern Europe. It's no surprise, therefore, to find the *Nations in Transit*

Democracy Score index for Central and Eastern Europe (below) has declined twelve percent over the past decade. These are tidal cycles we have seen before: financial crisis coupled with a tightening of democracy and people's rights; a paradox, given that prosperity (economic and otherwise) depends on and requires greater, not lesser freedoms. Sad puppies do not a glad economy make!



For Gibraltar today, this all means that on 23 June 2016, much must begin to change. Brexit is a real possibility. But so is Bremain! Whichever way the dice rolls, the In/Out Referendum has to be a game-changer. It should be a point of departure for Gibraltar.

*We cannot allow ourselves to be exposed to such vulnerability ever again!
We all have some serious talking to do.*

Consolidating stability: the economy of human and civil rights

Small is increasingly beautiful.

Just as the historically late notion of 'Sovereignty' shows signs of receding⁷, consequently provoking early symptoms of withdrawal (eurosceptic and ultra-nationalist sentiment, in the main) the big blocks, the nation States, Big Business, have been waking up to the advantages of 'downsizing'; initiatives recognizing territorial autonomies, recognizing the role of 'regions', form part of this greater awareness of the advantages of smaller scales. The tension surrounding the dilemma between the competing economies of large blocks and decentralisation towards small-scale, localised autonomy is no more evident than in negotiations over the Transatlantic Trade and Investment Partnership (TTIP) which, perforce, have only been able to proceed in total secrecy.

Small scale States, however, must fully realise the nature of their own anatomy. Apples are not pears. Failure to understand our own characteristics can hinder our ability to see our way through, in a mistaken desire to copy/paste our sojourn into history.

This consciousness of scale, as we have seen, is important and impacts on many fronts. However, precisely how we guide those impacts is a matter for root economic concern; for the understanding that human and civil rights must form an integrally embedded part of economic theory and of development models is increasingly 'standard'. Statements such as 'Human rights add value when it comes to the quality of economic growth, and specifically the distribution of growth within a society'⁸ are no longer in the least surprising. It is indeed, not only mainstream today to acknowledge the correlation between the observance of people's fundamental human rights and economic development, but also to note that the same rights are often the necessary precursors to sustainable social wealth enhancement at all levels.⁹

Experience teaches us that the denial of people's rights often results in poverty, diminished human capital, social instability and conflict; precisely the conditions that undermine economic performance and the markets. Impoverished nations and their politicians too often relegate human and civil rights to a residual role in their strategic and economic thinking. It is a very expensive mistake.

Fortunately, Gibraltar is not an example of such extreme failure.

The Notion State

Nevertheless, as we physically construct Gibraltar, we are also building the State notionally (every new block, and each new extension to infrastructure, weaves a greater complexity in the fabric of governance). It is an edifice of different proportion to what we are used to. We are accustomed to measuring ourselves against buildings and institutions that did not out-scale us. Today, as in societies all over the world, the human figure is more and more diminished, with all that it implies. Doors that were always open, today must be double-locked. Neighbours that could once be relied upon, must now be replaced by panic buttons connected to a phone. On the other hand, goods, services, and a level and standard of access never before reached, lie at our fingertips.

This is the transition from town to City (with that capital 'C') that we are living; physically, psychologically, politically. With this increasing social complexity (and to our diminishing chagrin) anonymity and distance at all levels, but especially in governance, are in the inevitable ascendant today, and this is unlikely to change; indeed, they are both cause and effect for the almost chemical changes unfolding before us. Compensatory mechanisms of social organisation arise under such conditions: civil society is one such necessary and purposeful reflex.

Consequently, as the cotton wool of Empire wears thinner and scarcer, proactive citizenship in Gibraltar will significantly increase as naturally as survival into the future requires.

Silence! This is a Democracy!

We list and monitor

The rise and rise of Secularism

By now, most of us have noticed: more and more people do not live their lives by religious rules. That applies worldwide – which means, here in Gibraltar, too! In case you don't find reading pages of figures and tables entertaining, the eye-opener comes in the Census of Gibraltar 2012¹⁰ (Table M - *Percentage of Population by Religion, 1970 – 2012*). In the same way that we're all given official names soon after birth, the Census identifies the population by their birth religion, too. The surprise is not that the majority can be identified and categorised by religion; no, the revelation is that more and more people are actively opting out of being recognised as being of any religion whatsoever. This is so much the case that the number of people who made a point of putting themselves down as 'None' ('Count me out!') is very close (2,293) to being equivalent to the total number of Church of England identifiers (2,480); and surpasses those who count themselves as Jewish, Other Christian, Hindu, or Muslim.

1. Social Statistics					
Table 1: Population by Religion, 1970 - 2012					
	1970	1981	1991	2001	2012
Roman Catholic	18,113	18,742	21,541	21,470	21,773
Church of England	1,097	2,252	3,081	1,520	2,480
Other Christian	479	689	811	888	1,232
Muslim	1,889	2,124	3,850	1,102	1,156
Jewish	712	781	677	584	713
Hindu	285	301	515	891	848
None	n/a	n/a	n/a	788	2,293
Others (Not Stated)	542	678	478	250	409
TOTAL	24,077	26,478	31,703	27,493	32,194
Table 1A: Percentage of Population by Religion, 1970 - 2012					
	%				
	1970	1981	1991	2001	2012
Roman Catholic	77.1	74.6	76.9	76.1	72.1
Church of England	1.1	6.3	8.9	1.5	1.7
Other Christian	1.9	2.6	3.0	3.2	3.8
Muslim	8.1	8.0	6.9	4.0	3.6
Jewish	3.0	3.0	2.3	2.1	2.4
Hindu	1.2	1.5	2.1	2.9	2.0
None	n/a	n/a	n/a	2.9	7.1
Others (Not Stated)	1.4	2.6	1.8	0.9	1.3

The Census of Gibraltar 2012 is revealing!

While, according to this latest survey of Gibraltar's population, 7.1% do not hold religion as an identifier, the probability is that secularism is, in fact, a far larger social phenomenon today in contemporary Gibraltar than the figures reveal. It is difficult to tell how many of those showing as being of a given religion in the Census data (a significant 72% self-report as Roman Catholic for Census purposes) are actually 'cultural believers' (attending socially significant life events such as christenings,

communions, weddings, and funerals rather than firmly loyal to church attendance, or even, most crucially, to church dictates on key doctrinal issues such as contraception, abortion, or homosexuality to name but a few). If that's the case, denominational membership is unlikely to impact on the kinds of choices voters make. Consequently, the religions are likely to re-strategise their role in Society (Pope Francis has already started talking of accepting 'Secular Society' in a bid to carve out a new niche in the face of realities¹¹). Such efforts, in the coming years, could finally confront western Religion with an unpalatable truth: its failure to obtain concessions which had previously privileged it with the presumption of success, and which now stands testimony to its diminished negotiating muscle and political influence.

The presence of organisations in Gibraltar now actively campaigning and disseminating views on secular humanist questions, and, at times, hitting the news, is of some note. Another measure of the demographic rise and rise of secularism locally is the overwhelming and still increasing support which has been shown across the years on the question of minority sexualities; a development which has occurred in the face of major worldwide and local religious resistance against change in this arena. There is little doubt that the trend towards greater secularisation gives rise to a cascade of previously unthinkable social issues. We will touch on a number of these below.

It is no longer apt to call on politics and politicians to be aware that they must heed the still growing tide of change towards secular sentiment; they are, indeed, quite aware already. What Society needs to do now is to unstop and unblock open discussion on a range of previously 'taboo' subjects.¹² Especially since, the growing incidence of women in the workforce has, to some extent, loosened the traditional majority connections between them and Religion (see previous note 12 above for links to more information). It's a perhaps trite truism to note that economic emancipation and secularisation correlate importantly.

The research data available, however, is not to be read as all bad news for Religion. Contemporary approaches and reactions to Faiths and their adherents can, in fact, create an unnecessary tension between progressive human rights defenders and distinct creeds. It would be the irony of all ironies if the defence of rights and diversity led us towards less understanding and a standardised model of the acceptable. (In effect, this is much of what lies ostensibly behind the push back on the accusation of 'political correctness.' It is also difficult to ignore, however, that what the 'anti PC' advocates may nostalgically regret is the replacement of their own two-thousand year brand of political imposition upon societies that now insist on freely defining their own values).

Nevertheless, it is important to maintain an equitable and just ethics to human rights work at all times; for who can doubt that many religious believers find stability, consolation and purpose in the practice of their faiths? For many citizens, Religion is a fundamental part of who they are. Respect and protection of their private beliefs

is a fundamental human right that must sit equally and comfortably alongside other protected categories, and which should be held with consideration in any caring, democratic society. A concomitant respect for the separation between religion and secular society and State must also be understood.

Today, however, barriers to discussion can no longer be contained by old conventions of courtesy in silence. Below and following, we highlight a brief but pertinent list of issues:

• Abortion – Law or Outlaw?

It is always a sign that something is amiss when you smack up against a very solid wall of silence on any issue. Silence at least, if not in popular discussion, on an official or institutional level. Such is the case in Gibraltar on the question of abortion and the invisible big red sign that says ‘No Go Area’. Whether you are in favour or against the issue, the absence of political dialogue or open statistics is astounding. ‘Available statistics?’ you may rightly ask, noting there can be none, given the criminalisation of abortion (the *Crimes Act 2011* speaks of either ‘child destruction’ or ‘infanticide’ and considers these acts, depending on the circumstances, to respectively constitute either murder or manslaughter)¹³. This fact alone goes a long way towards explaining the difficulty in open and serious discussion on the subject.

For surely, Gibraltar cannot be the one society in the world where zero abortion occurs! And if it happens on the quiet, we’re all guilty of ignoring an issue that demands addressing¹⁴; if nothing else, to understand its dimensions: incidence, frequency, causes. A healthy society demands healthy debate. Engendering a social climate wherein abortion may, as happens elsewhere¹⁵, need to be disguised as ‘miscarriage’ through whatever means is no such engagement.

Another reason why open discussion on the subject may have been thin is, possibly, the existence of fairly widespread resistance to the very idea of abortion. As a family-oriented society with traditional religious roots, the issue of ‘child destruction’ is not only terminologically shocking, but understandably delicate. But is this any justification for not laying all the cards out clearly on the table? Even if a large majority of women and men do not personally agree with abortion in the face of medical and other arguments, should legislation be framed in such total terms as to prevent women who don’t hold those views from acceding to pregnancy termination, even under specified and controlled conditions? Apart from our inability to air the issues openly and sensibly, what are the consequences of continuing with such an approach to this social issue? How many women are having to leave Gibraltar to access pregnancy termination services elsewhere each year?

As a human rights organisation, ERG respects and upholds the law, social consensus and people’s right to decide on their lives; yet in the context of young women,

important international bodies such as the *United Nations' Committee on the Rights of the Child* have stated that abortion should be decriminalised '**under all circumstances**'.¹⁶ That same Committee made the following recommendations:

- (a) Decriminalise abortion in all circumstances and review its legislation with a view to ensuring children's access to safe abortion and post-abortion care services; and ensure that the views of the pregnant girl are always heard and respected in abortion decisions;
- (b) Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them;
- (c) Adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with special attention on preventing early pregnancy and sexually transmitted infections;
- (d) Take measures to raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention to boys and men.

It is not far-fetched or unreasonable to expect that adult women should also be worthy of the same consideration; and that must also include the right to know.



The BPAS provides information

Time to think?



- **Sexual health**
- or 'infection control'?

Is the Gibraltar Health Authority (GHA) dealing with sexual health issues? The answer is an unclear 'yes'. (We receive regular enquiries and complaints from confused people who find that the official GHA website avoids altogether mentioning or dealing with the topic). The Infection Control Department at the Hospital (go up in the lift, approach a closed door with no sign, press the special button to be allowed into the inner corridor and the 'Infection Control Office') does a reasonable job of keeping tabs on all infections, not just STIs (sexually transmitted infections).

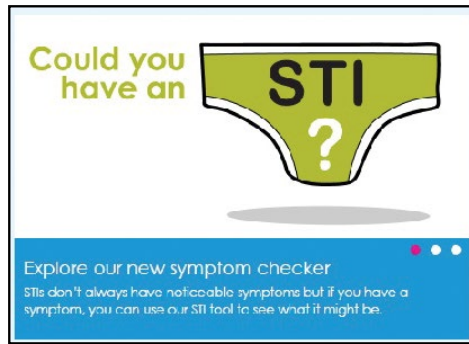
They see the referrals; they know the issues, the statistics, and the extent of the problems related to sexual health in our community. And (limiting ourselves to talking only of sexual disease) that includes the whole range of infections and illnesses, from genital herpes to chlamydia to human immunodeficiency virus (HIV), Aids, different types of viral hepatitis and so much more.

This is the description of their work from the official GHA website:

The Infection Prevention, Control & Immunisation Department comprises of two infection control nurses who offer a 24/7 on call service for advice to both GHA staff and public alike.

Main responsibilities are:

- Monitoring of healthcare acquired infections through audit and surveillance.
- Training and education of GHA personnel and other non-governmental agencies in infection prevention & control.
- Development of policies and protocols in Infection Prevention & Control, using evidence based practice guidelines.
- Outbreak management and contact tracing, for communicable disease control such as in cases of Norovirus, Swine Flu, TB etc..
- Providing advice and public health education on infection prevention issues such as hand hygiene and sexually transmitted infections.
- Liaise with environmental agencies in some cases of food outbreaks or contact tracing.
- Offer Sexual Health screening and advice to public.



Public information: Gibraltar needs to move!

Lock and key 'openness'

The problem is not that there is no sexual health service at all in Gibraltar. The problem is, if you were a person facing the possibility of a sexual infection, how encouraged would you be to be proactive and seek treatment? How friendly is it to reach the service and the professionals? How positive, open and amenable are we making it for young (and old) to reach medical help? And, above all, how much do you get to know about what the dangers are, and how prevalent they are out there in your community and elsewhere? Other than as an ultimate recourse, would you be more likely to consult and check into an open Sexual Health or Well Man/Woman Clinic, or an Infections Control Department or Office behind a special door? With your answer, you are likely to have understood the importance of prevention rather than only cure when it comes to sexual health issues in the various strata of our population.

Most people who speak to us on this subject lament a system which, despite doing a laudable professional job in the general ambit of infection control, and even despite itself perhaps, is secretive, difficult to reach, and transmits the opposite of a healthy cultural attitude towards prevention and treatment of a social reality. A social reality neither you nor I find it easy to assess as to its dimensions for lack of regular and open dissemination of public information and discussion. Like the question of drug use in the community, statistics and information are scarce, and mostly, under lock and key. Regardless of who's in power, our official attitudes and mentality remain subterranean, stigmatised, clandestine, and hardly seem to shift.

We can continue this way; but should we?

Sexual health care for all our community (regardless of gender, sexual orientation or age) needs a sane and sensible attitude to function, and it can only truly do so through leadership by example. It cannot work under a veil of shame. It needs to be science-led; the issues are medical, not judgemental, and the whole system must transmit

that. Open services, open information, and education; these are what it takes for us to claim we are actually succeeding in our sexual health policy. Complementing a real programme of open services with education and awareness building, furthermore, is the icing on the cake.

Without the medical, administrative, and political leadership to achieve openness of information, discussion and ready access to treatment, we will continue in obstinate denial; or worse still, in the foolish pretence that if the public don't 'see it', it doesn't exist!

Gibraltar needs a shame-free, open Sexual Health Clinic to address the medical and health issues of contraception, sexually transmitted infections (STIs), abortion and more. And it needed it yesterday! It needs it for women and men, for young and older people, for sexual minorities, and for sexual majorities.

We call on Government and Opposition to commit and deliver on this front. There is no place in any health policy for anything other than medical science.

Free & confidential information for under 25s

Focused proactive and open approaches

Time to think?

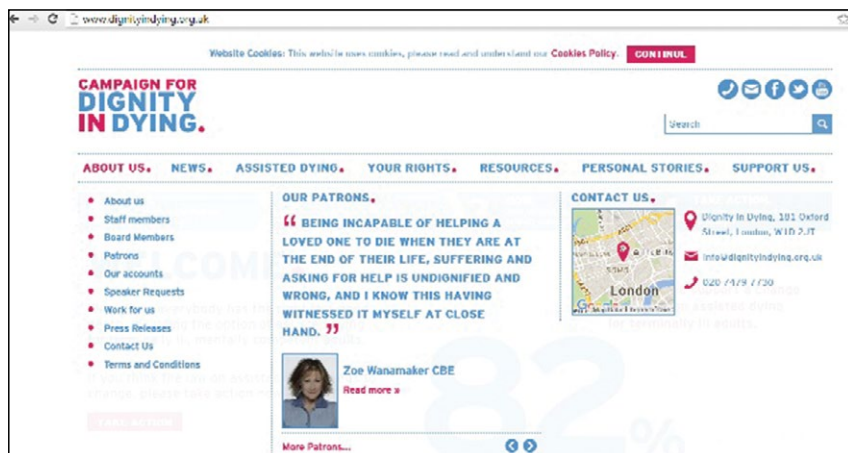
• The right to die: paying the ultimate respect?

The Diane Pretty case was an important and highly publicised British case on the question of assisted suicide. Having exhausted all legal remedies through the English courts, Ms. Pretty reached out to the European Court of Human Rights (ECtHR) for a decision. It's now fourteen years since a judgment upholding British legislation on this matter was handed down by Strasbourg in 2002. Fundamentally, the Court did not agree with Ms. Pretty's counsel, and found that a right to die could not be inferred from the European Convention on Human Rights recognition of the right to life (Article 1). Furthermore, in the ECtHR's view, continuing to live medical and psychological circumstances wherein the person concerned preferred assisted medical suicide did not, in its view, amount to disrespecting the fundamental rights of freedom from degrading treatment (Article 3), nor to respect for private life (Article 8); all important and fundamental Convention rights. As a result, the *Suicide Act 1961* of England and Wales remains unaltered, and anyone found to have assisted the suicide of another person is liable to fourteen years imprisonment.

The *Crimes Act 2011* is the relevant legislation for Gibraltar purposes. Section 158 deals with 'Suicide Pacts' and the following section addresses 'Complicity in Suicide'.

The criminal law is black and white on the issues, notwithstanding the fact that cases such as Diane Pretty's have exposed a wide range of difficult, greyer philosophical and medical issues around the area of 'the right to choose'.

The UK's Dignity in Dying¹⁷ organisation maintains that 82% of the British public support assisted dying for terminally ill patients. Despite public sentiment, Westminster refused to pass the *Assisted Dying Bill* in 2015, which would have allowed terminally ill, mentally competent adults to end their lives with medical supervision.



It is important to note that, in England and Wales, despite the fact that assisting suicide is a criminal act with severe penalties under the law, the Director of Public Prosecutions provides guidelines as to when a prosecution is, or is not, likely to happen. We have found no such guidance or clarity in Gibraltar. Indeed, the only guidance we have directly found is that available through common law precedent, with Lord Devlin's 1957 ruling in the infamous trial of Dr. John Bodkin Adams, in which causing death through administration of lethal drugs to a patient, if the intention is solely to alleviate pain, is not to be considered murder even if death is a potential or even likely outcome.

There are two routes to breaking the silence on this question: either through open social and political dialogue, or by forcing the issue through recourse to the courts on the grounds of incompatibility with the Gibraltar Constitution (problematic given the standing legal precedents, though not an impossibility).

Neither is an easy path to follow, but open conversations are surely the better option.

Time to think?

• LGBTI elderly: a room for all?

A sector of our population has recently started to assert itself. Lesbian, gay, bisexual, transgender and intersex people, so long silent on discrimination and second-rate treatment, are increasingly organised, vocal and reactive. A new generation is growing up in Gibraltar with the expectation of and demand for equal citizenship. However this is not only about the young. LGBTI people grow old, too! In social demands and focus, we can all too easily negligently ignore seniors; but all elderly citizens, regardless of their personal status, deserve to feel safe and cared for. Heterosexual society is specifically designed with this social aim partly in mind. In Gibraltar, being a generally caring, family-oriented society, we have tended to have an overall good record of care for people when they have reached an age when they have needed it. It is uncertain whether that social and demographic model will hold into the future. Yet the problems of isolation, loneliness, depression and reticence to confide in doctors and other professionals can be more acute among elderly LGBTI individuals.

In the coming years, the generation that has fought for greater openness and freedom, after decades of discrimination, will begin to assert their demands on our institutions. We at ERG are already concerned as to how best to help elderly LGBTI people transition to this new phase in their lives. We need to consider the needs of the individual but also of the system itself in dealing with a diversity of sexual identities. It is easy to brush this off and say they will be dealt with no differently 'to anybody else'; and that no distinctions will be made to discriminate between one person and another. But that is not quite the point; and, in fact, it obviates the need for greater understanding on the topic; and, pointedly, because the lessons learnt from dealing with one minority perspective is likely to overlap and assist our understanding of other client groups.

Place one LGBTI person in a typical 'institutional' environment, and that person can feel as at home as a porcupine in a balloon factory! Especially if they sense discriminatory attitudes from staff and/or other residents. Adapting to an institutional setting can be uncomfortable for many of us, but few will experience it from the prism of a minority individual. For more passive, silent generations past, this may appear to pose no problems to the institution itself: such individuals will do what they were always required to do, to keep quiet and 'not complain'. Future LGBTI individuals will feel conflicted between the open, self-validating life they have managed to carve out for themselves after much social struggle, and the sudden 'closet' of an institution that may not know how to cope with them.

Will this scenario happen? We are trespassing into speculative territory; but it does already occur elsewhere, in other countries; and it's starting to pose problems there. To our health services, to our care providers, and to our institutions we say: planning and forecasting are not only good on all fronts, they'll be good on this one too!

Time to think?

Media

The Media in Gibraltar is a vital dilemma; unto itself, and unto the rest of us.

Gibraltar is such a small market place that it's difficult, if not wholly impossible, for any outlet (printed or broadcast) to make it on their own¹⁸. Dependence on State funding whether direct (subsidies, grants, resources, special arrangements) or indirect (government advertising) is practically inevitable if we want to have television, radio and newspaper outlets, so vital for a modern democracy.

It all comes down to a problem we already touched on earlier on, and to which we promised to return. It's the problem of scale. It would not arise to the same degree in a country of readerships or audiences in the millions. And yet it is almost unanimously agreed throughout the 'free world' that anything less than total and hygienic independence from Government is intolerable if the media is going to be able to carry out its special functions in democracy.

And yet it would appear that, if discussions with editors of the main printed press, though perhaps not the profession itself (whose views we cannot gauge for lack of collective organisation) is anything to go by, the media themselves would seem to express overall satisfaction with the present arrangements. Our national broadcaster, GBC, has not acceded to discussing the topic with us thus far; and we have not, as yet, approached online news services for input.

Over the years, ERG has noted fluctuating cycles of public sentiment with respect to the functioning of media in Gibraltar, and this has been represented by private approaches to us on the subject. Not all the feedback has been negative by any means. Sometimes, discontent has centred on technical issues (more immediately noticeable in the case of GBC because of the nature of television and radio broadcasting); yet the majority of consistent criticisms over time centre around allegations of political bias. This is an item that can be difficult to quantify and measure objectively. Yet that is no excuse for not directing ourselves to verifying and dealing with the underlying causes of the perception.

The professionals within the media themselves are often between a rock and a hard place. They are not empty of personal views; but, as professionals, they are duty-bound to be as sanitary as possible in their approach to politically loaded content. It is the public that judges as to whether they succeed or not; with activists online and elsewhere arguing the case for or against.

Are we, perhaps, labouring under an unclear and unfair system and structure?

Let's recap: media depends on financing from Government. Media requires independence to be able to operate autonomously enough to at least attempt to do a

quality job. While structures exist for, at least, the appearance of fairness to apply (the Gibraltar Chronicle has its 'Charter', for example; the Gibraltar Regulatory Authority has rules on broadcasting), the sensation is that these are too much in the hands of those who, themselves, are in control (judge *and* jury) rather than providing neutral, 'honest broker' mediation between the consumer (the public) and the operators (editors and key operational heads).

We will use an example of our own as an illustration. On 22nd March 2016, the Gibraltar Chronicle carried a press release Equality Rights Group had sent. It was a piece with a critical headline, questioning the Chief Minister directly. Anyone who goes back over our organisation's press communiqués will have noted this was the first time since Mr. Picardo became Chief Minister in 2011 that we so directly publicly questioned his motivations. (Human and Civil Rights groups ask these sorts of open, if somewhat rude questions, at times). The headline, in Gibraltar terms, might be considered 'mildly strong', or, at the very least, impactful:



Despite its 'newsiness', the item was not carried by the Gibraltar Chronicle in its paper edition. We were approached by a number of people who had been struck by that fact. On questioning the paper regarding the reasons why this had occurred, we were politely advised that despite not being published in the street edition of the paper for that day, it was in fact, carried prominently in the online edition. It is unclear whether secondary news services with a targeted wider audience (such as the Google daily round-up for example) will carry and re-publish items that have not succeeded in making it to both the hard and/or online versions of the main Gibraltar press. While the status of online journalism is undoubtedly changing, there is little doubt that *gravitas* still tends to more attach to the traditional printed word rather than to digital versions of the news, even today. This may change over time.

Let's be quite clear: we ascribe neither conspiracy theories nor ill intention to the occurrence, though it did seem odd. Indeed, this organisation has had public occasion before now to award and acknowledge the key importance of our media and the high standards of its professionals. We stand unrepentantly by that view.

Yet the situation serves to illustrate the quandary that exists. The public is simply 'required' to accept the innate good faith of all those who have a hand in controlling the information which is disseminated in our country. Granted, they are professionals; and they have hard decisions to make each and every day; decisions of limitations of space, of competing news stories, of legalities and so much more. It's not easy. Yet in any rule of law society, checks and balances have to be sufficient. Is reliance on goodwill enough? Is it enough to satisfy a public which sees no third-party mechanism to be able to direct its suspicions or concerns to? Looking at the experience of other countries in this respect, it is not unreasonable to understand that citizens will always have their doubts. The BBC's coverage of local elections in May 2016, for instance, was widely dismissed as 'propaganda' by an audience which doubted that someone as close to Prime Minister David Cameron as Rona Fairhead (Chair of both the BBC Trust and board member of HSBC) could be confided in to act impartially in such an important position. Indeed, the Director of News and Current Affairs at the BBC (responsible for hiring news teams, presenters and journalists) is, controversially for reasons obvious to anyone who has followed the loud debacles around the mogul's relationship to British power, a former employee of the Murdoch Press (James Harding). Further academic research indicates that, whichever political party is in power, the BBC always tends to accord more airtime to the Conservatives than to any other political grouping.¹⁹ Is any of this applicable to us? Whatever the right answer may be, let us, at a minimum, understand that this is the context and point of view from the spectator outside.

But what about the media professionals themselves? Professionals in the field need the dignity of being able to work unimpeded in the task of informing the public truthfully and objectively. Political pressure, when and if it exists, will never be easy to prove. Again, what our present situation in Gibraltar asks of us is this, basically: trust us, editors and media managers know best; and politicians will swear on oath that they certainly wouldn't pressure the media!

In the context of a small society such as we live in, are media workers likely to risk telling us what, if anything, actually goes on in this respect? What guarantees and safeguards exist to dispel any concerns they might have? And if the media finds it must walk on eggshells, what hope is there for building the mature, democratic State we all, surely, strive to leave to future generations of Gibraltarians?

What does the available research tell us?

Hyperlocalised news services have been the subject of discussion and study. Gibraltar's media services fit the category neatly, if not perfectly. The University of Cardiff's research, built on content analysis of local news websites, while not directly corresponding to the subject of our discussion here, throws a great deal of relevant light on our own experiences.

Considerations such as

'Which people, or news sources, get quoted in the news has traditionally been an important indicator of social power in communities. Who gets to define news events can affect public opinion, bolster authority, and assign cultural meaning, and as such they're an indicator of the kinds of civic and political value created by community journalism,'²⁰

will ring familiar to many ears.

Hyperlocal news tends to depend on government, business and the police for its quoted sources; with politics at various levels accounting (within the study) for around 25% of news content. Furthermore, another very interesting characteristic of a hyperlocal news service, it seems, is 'the role afforded to members of the general public and to representatives of local community groups'. Here it is interesting and useful to scan our own experience. How different, if at all, is Gibraltar in this context? The study's wider findings indicate that news outlets of the localised sort we experience on the Rock tend to project a common image at the 'apolitical' end of things (celebrations, club activities, community humanitarian work) as opposed to socially-committed political activism – albeit even where 'political' means non-party political. In so doing, while they may obey an editorial desire to transmit a neutral reporting stance, and avoid perceptions of alliances with issues or views, they may, unconsciously, fail to report on and portray the full and proportionate reality around them, and thus generate the perception that a kind of excision is being deftly practised.

If not all the research data and findings of the Cardiff study can be directly correlated to our own experience in Gibraltar, there are certainly many areas of overlap to guide our discussions in terms of both the theory and the practical social effects of the way our journalism and media are structured. There is no doubt in our mind that this is a core issue of interest to anyone exercised with the direction and future of Gibraltar as a society. What is reflected in and who has access to information distribution is absolutely key to any notion of democracy.

Where are you sitting?

On many occasions, ERG has talked about the need for a media regulatory system to be put in place. We refer to it as 'regulation' for lack of a better term; but its aim must be to benefit both the public and the profession. The objective cannot be to constrain or restrain journalistic standards, but, in fact, to protect a key democratic interest; and in order to do so, safeguards for both professionals and public must be taken into account. Individual editors and journalists, operating within agreed social margins, must be free of threat or interference; and members of the public must be able to have recourse to the professionals' decisions and standards within a framework that is practical, fair to all and, at least in clarity, going beyond the written

but dustily, well-hidden Charters, which may be questioned in terms of their binding validity only when raised to the level of the Supreme Court (as is the case with the Gibraltar Chronicle Charter).

At the very least, improvements can be made. Closing a defensive ring around the issue will not make the tensions that do, undoubtedly, exist and periodically surface, disappear. It behoves us all, media and public alike, to consider in some depth many of these issues. The subjective view that 'we're ok – no need thank you' does not suffice. If 'regulatory' mechanisms are considered necessary in countries where the media are financially independent, how much more so in Gibraltar, where conditions are such that the media are always likely to depend, to a greater or lesser degree, on the State?

Noam Chomsky, the well-known linguist, author, academic and US public intellectual, identifies 'self-censorship' as an element of collusion from within the ranks of media professions.

The BBC's Andrew Marr confronted him with the question: 'How can you know if I am self-censoring?' defending the position that he had never been censored or told what to think or write. (A position not infrequently expressed by our own editors and journalists). Chomsky's response is worthy of some consideration:

*'I'm sure you believe everything you're saying, but what I'm saying is that if you believed something different, you wouldn't be sitting where you're sitting.'*²¹

The dignity and legitimacy of our Press, and the vitally important present and future interests of our society, are too acute to avoid this question any longer.

Time to think?

Drugs: better regulated than in the hands of criminals!

CRIMES ACT 2011		
Principal Act		
Act. No. 2011-23	Commencement (LN. 2012/185) Assent	23.11.2012 15.8.2011

In February 2016, local broadcast media reported that the Royal Gibraltar Police's Marine Section had recovered 'a total of 3.4 tonnes of cannabis resin with a total street value of £17 million.'²²

Statistics of the above sort serve to remind us that traffickers continue to profit from our collective social failure to effectively do little more than, from time to time, apprehend an intermittent supply of substances illegal under Part 21 and Schedule 5 of the *Crimes Act 2011*; or to punitively fine or put behind bars those found supplying or otherwise acting outside a law which, as it must, is thorough in all its aspects, and keeps dedicated treatment professionals and police tasked with ongoing, individualised social repairs in a self-perpetuating loop.

Lamentably, the statistics also emphasise that medical science still has a way to go to fully understand the complicated mechanisms of addiction; with both neuroscientific and sociological explanations (see Alexander's seminal *Rat Park Experiment* research on loneliness, alienation and addiction)²³ complicating what is, essentially, the old 'nature-nurture' debate.

Unfortunately, the 'War on Drugs' approach that country after country has adopted for many decades has failed. Illicit cannabis consumption alone has increased worldwide, and the global marketplace, driven underground, has profited the racketeers to the annual tune of an estimated \$150 billion worldwide, with another \$150 billion spent on the consumption of a range of other narcotics.²⁴ An annual gross global market worth \$300 billion!

Astounding facts such as these explain why legislatures around the world are debating reform of their laws on drugs. Countries as diverse as Belgium, Estonia, Australia, Mexico, Uruguay, the Netherlands and Portugal 'have adopted different models of decriminalisation'²⁵. British NGO *Release*²⁶ reports twenty-six countries and territories where drug law reform has taken place; the move towards change is only growing. The 'War on Drugs' has seen a global catastrophe of lost and wasted lives, an increase in crime, and the propagation of infection and ill-health has been no less than an immense tragedy for the whole world. In Gibraltar, too, we are trying to get a grip on the issues involved.

For our part, Equality Rights Group advocates the nuanced, differentiated, step-by-step introduction of decriminalisation and effective regulation of recreational drugs. It is for this reason that ERG has allied itself with *Transform*, a charitable UK think tank campaigning for the legal regulation of drugs both in the UK and internationally.²⁷

We need to turn the situation around; to move from penalisation to effective regulation, treatment and control of the market conditions and forces that feed a failed, losing and lost 'War on Drugs'. The issues are not easy, they are complex. Breadth and depth of expertise are needed at many levels to digest and understand the very many considerations that must be had when working towards a more effective *public health* approach to the questions involved.

ERG is willing to support a concerted and serious approach by using its resources to assist. We do not claim to, ourselves, be professionals in the field (Gibraltar already has dedicated expert stakeholders), but we respect and rely on a science-led, prudent organisation such as Transform. There will be many, many factors and elements to consider in depth (scientific, medical, licensing, marketing, distribution and pricing).

For instance, it is not correct or accurate to speak about or treat the wide range of narcotics consumed as if they were all one. They're not. Both the medical effects, treatment and legislative, regulatory approach must take account of the differences. Let us lay out some of the basic considerations that need to be surveyed, then; and, rather than reinvent the wheel, and with their permission, we reiterate Transform's view on the path to regulation:

What is regulation? ²⁸

The term 'legal regulation' is often used interchangeably with 'legalisation', however there is a subtle difference between the two. Legalisation is merely a process – essentially, of making something illegal, legal. The term therefore does not specify a policy endpoint. Legal regulation, on the other hand, does indicate a policy endpoint – namely a legal framework governing the production, supply and use of drugs. Any activity outside of this framework will remain prohibited.

Consequently, the term 'legal regulation' emphasises that drug policy reform is not aiming towards an unregulated free-for-all for drugs. (In reality, that is what we currently have under prohibition.) The term also indicates that reform advocates are not talking about a free market model of drug control. Indeed, if anything, the legal regulation of drugs involves bringing strict controls to bear on a policy area where there are currently none.

It is important to stress this point, given that supporters of prohibition present any steps towards a less punitive drug policy as 'radical', and therefore innately confrontational and dangerous. But the historical evidence demonstrates that, in

fact, it is prohibition that is the radical policy. The legal regulation of drug production, supply and use is far more in line with currently accepted ways of managing health and social risks in almost all other spheres of life.

Which drugs should be legally regulated?

Any drug will be safer if its production and availability is regulated rather than left in the hands of criminals. In theory, therefore, if a drug is being widely consumed, a pragmatic approach will always involve evidence-based regulation rather than repressive prohibitions that are likely to make matters worse. This rationale applies to the more risky drugs as well; drugs need to be regulated because they are dangerous, not because they are safe.

Regulation does not, however, necessarily mean making all forms of all drugs legally available. Regulation establishes parameters around markets, beyond which some prohibitions remain in place. For example, more potent preparations of certain drugs could be more heavily restricted or simply not made available for sale (just as there are limits on the alcohol and nicotine content in legally sold drinks and cigarettes).

For the most risky drugs – such as heroin or injected stimulants – registered dependent users would be able to obtain a strictly controlled, clean supply of them from doctors or pharmacists. In Switzerland, for example, dependent heroin users are able to acquire the drug on prescription and consume it in a supervised medical setting. The impact of this has been overwhelmingly positive, with the following outcomes observed:

Substantial decreases in levels of acquisitive crime, as users do not have to steal to get their fix.

Significant declines in rates of HIV and hepatitis stemming from unsafe injecting practices.

Reductions in rates of illicit drug use (including heroin use), as the stability and contact with medical professionals that comes with the programme has enabled some patients to make the transition to opioid substitution therapy or even abstinence.

Findings from other countries that have experimented with similar policies mean there is now a strong body of evidence that favours the implementation of heroin prescription programmes.

It is also important to recognise that in illicit drug markets there is an economic incentive to push supply towards increasingly potent and risky preparations of drugs, as they become more profitable per unit weight.

Just as under US alcohol prohibition the trade in beer gave way to more profitable and dangerous spirits, the trade in coca-based products has similarly been made more profitable and dangerous due to the war on drugs. Before its prohibition, the common forms of cocaine use involved low-risk coca leaf chewing and coca-based drinks, such as tea and wine. It was organised criminal networks created by prohibition that brought cocaine powder onto the streets in the first place, and ultimately introduced smokable crack cocaine.

If less potent preparations were made available, demand would likely move away from more risky preparations, just as patterns of alcohol use shifted back towards beers and wines when alcohol prohibition was repealed. Current legal structures do not allow for any such policy options to be explored even though the traditional consumption of low potency cocaine products is widespread in South America and is not associated with any serious public health issues.

Essentially, where a drug is potentially dangerous, and demand for it is high, the benefits of legal regulation will be the greatest, because there is the most to gain from managing their supply.

How should drugs be legally regulated?

Despite the widespread consensus that the war on drugs has failed, a major barrier to drug law reform has historically been the lack of clear alternatives to current policy. Transform's flagship publication, '*After the War on Drugs: Blueprint for Regulation*',²⁹ has sought to provide this necessary vision, outlining practical systems of regulation for each main type and preparation of currently illegal drug.

Written with the aim of establishing a regulatory system that prioritises the protection of public health and safety, the book's recommendations are based on evidence of what works from the regulation of legal drugs such as alcohol and tobacco, as well as legally available medical drugs. Ultimately, Transform proposes five models for regulating the supply of drugs, with the stringency of each model being relative to the level of potential risk associated with each key type of drug:

- Medical prescription and/or supervised venues – for the highest-risk drugs, injected drugs (such as heroin), and more potent stimulants (such as methamphetamine)
- Specialist pharmacist retail model – combined with named/licensed user access and rationing of volume of sales for moderate-risk drugs such as amphetamine, powder cocaine, and MDMA/ecstasy
- Licensed retailing – including tiers of regulation appropriate to product risk and local needs. This could be used for lower-risk drugs and preparations such as lower-strength stimulant-based drinks

- Licensed premises for sale and consumption – similar to licensed alcohol venues and Dutch cannabis “coffee shops”, these could potentially also be for smoking opium or drinking poppy tea
- Unlicensed sales – minimal regulation for the least risky products, such as caffeine drinks and coca tea

We can learn from the mistakes of alcohol and tobacco regulation. Levels of alcohol and tobacco use are the result of centuries of commercialised promotion, often in largely unregulated markets. With currently illegal drugs we can put in place the optimal regulatory framework from the start, controlling all aspects of the market.

How can legal regulation be achieved?

Change will come in increments over a number of years – a new ‘post-prohibition’ world will not spring into being overnight. However, a positive process of reform is *already underway* on many levels. Although driven by a range of motivations and local priorities, there is undoubtedly a global trend away from harsh, costly and counterproductive punitive enforcement, towards a greater emphasis on approaching drug use primarily as a public health management issue.

These changes around the world include decriminalisation and sentencing reform, regulation models for cannabis and ‘legal highs’, and innovative harm reduction interventions such as maintenance heroin prescribing. All these reforms are chipping away at the monolith of prohibition in different ways, but all demonstrate that principled and evidence-led reform is possible – even in sometimes hostile political environments.

The UN drug conventions present one of the most significant – but by no means insurmountable – obstacles to the legal regulation of drugs, yet there is now a growing consensus, even from within the UNODC itself, that these conventions need to be made “fit for purpose”.

However, the power of the UN drug treaties is built on the consensus of the member states that ratify and enforce them, and this consensus is rapidly collapsing as the global drug control regime consistently fails to deliver what it set out to do. The past few years have witnessed open dissent in the highest-level UN forums for the first time.

While challenges to, and defections from, the convention system by individual states have been and will remain important in forcing the reform debate onto the agenda, long-term reform is likely to result from a coalition of states highlighting the failings of the system and demanding remedies. They will not be seeking to “overthrow” the international drug control system. Rather, they will be seeking greater flexibility for individual states or regions to explore regulatory alternatives to prohibition, while at

the same time preserving the positive elements of the system – such as regulation of the international pharmaceuticals trade, and the consensus to minimise the harmful consequences of drugs and drug markets.

ERG advocates serious study towards a regulated change. It is an issue that has merited our calm attention for some time. With the Chief Minister having laudably announced his personal guiding interest in achieving progress on this social front, and along with community stakeholders and experts, the time is now ripe for a concerted and progressive drive forward.

The key policy question we must face is this: drugs - a War on whom and on what?
It's time to face it!

Time to think?



Justice

• Presumption of innocence and public interest

Crime, most of us will agree, is wrong; and abuse cannot and must not be tolerated. Yet when the victim is a child, it is especially hard to maintain composure, such is the pain we feel. At these times, it is hard to speak of fairness and justice without feeling anger. Yet speak about it we must; for presumption of innocence, under these circumstances, is the only barrier we can place between us and the inadmissible indictment of the lynch mob.

ERG asks for the *Criminal Procedure and Evidence Act 2011* (CPAE) to be amended (and, consequently, for the Gibraltar Regulatory Authority under s.22 (1) of the *Broadcasting Act 2012* to readjust its Codes of Practice). Why? Because the circumstances of living in a small community like Gibraltar need to be very seriously taken into account when Parliament drafts and approves legislation.

Man charged with attempted rape

S.204 (8)(b) of the CPAE permits publication of ‘the name, age, home address and occupation of each of the defendants’. In our view, it should be unlawful to publish or broadcast such details when the person concerned has still not been found guilty by a court of law! We argue not only in favour of such a defendant, but also in support of their innocent family; must they also be made to pay the finger-pointing price of judgement by notification before guilt has even been pronounced by the courts?

You may rightly ask, however, about the public interest; the right of the community to know and be aware of those who commit crime and infringe the law; and we agree: the public does indeed have a rightful interest; yet that interest is only licit once guilt has been firmly established! It is, in our view, a necessary and just fine-tuning of a general principle to fit the conditions of a tiny jurisdiction.

There is another sort of interest the public is entitled to: a sense of justice towards the innocent, and an interest in changing criminal behaviour to acceptable social actions. Penalties in law have a final aim: to repair and restore damage done to victims as far as possible; and to rehabilitate the wrongdoer, and reinsert them into worthy citizenship. Justice lives in those hopes, difficult as they may often be to realise.

A man accused of breaking into a woman's home and attempting to rape her has been remanded in custody following a court appearance yesterday morning. [REDACTED], 27, of [REDACTED], faces charges of attempted rape, trespassing with intent to commit a sexual offence and possession of a bladed article in a public place.

We strongly urge Government to review criminal legislation across the board in this regard.

Time to think?

• Visitation rights and long-term prisoners

Wikipedia paints a succinct picture of the question of 'conjugal visits' for prisoners.³⁰ Scroll down the page and you will quickly become aware how internationally established the idea and the practice have become. Now, not only with the establishment of a purpose-built prison, but also with the increased likelihood of longer term sentences which arises from a society growing not only in size but also in complexity, we would do well to consider the question for ourselves here in Gibraltar.

The issue emerges not out of some theoretical or abstract demand on the part of Equality Rights Group, but from requests for consideration. Let us, therefore, examine the rationale.

The provisions of the *Prison Act 2011* clearly lay out the general principles of our legislation in this regard. Under s.18 (e), it lays particular emphasis on the maintenance of 'relations between a prisoner and his family'. Of course, the reference is to relations of love and caring; the section does not explicitly address the issue of sexually affective or intimate contact between partners or spouses.

Yet can it be doubted that the maintenance of familial ties is bonded in the intimacy between established couples? S.18(f) states that *'every prisoner shall be encouraged and assisted to establish and maintain such relations with persons and agencies outside prison as may most properly promote the interest of his family and his own social rehabilitation.'* Again, it is unlikely that Parliament was specifically considering the question of conjugal visits when it drafted this section; but can its relevance be doubted?

The poignancy of constructing existing law to extend to the admission of conjugal visitation rights surely makes much sense in light of s.18(g), the aims of which read as follows:

'from the beginning of a prisoner's sentence consideration shall be given, in consultation with any appropriate after-care organisation, to the prisoner's future and the assistance to be given or available to him on and after his release'

While British law thus far has not moved towards the concession of conjugal visitation rights in HM's Prisons, Gibraltar values family life and the maintenance of relationship ties strongly. There is, in ERG's view, in the case of long-term prisoners, little deterrence or corrective value to placing obstacles to what can surely be a positive policy and philosophical approach in the deprivation of liberty.

Time to think?

• Defamation

Turning to defamation law as a remedy to perceived injury, it would seem, has been on the increase in the measure that social media has grown in popularity and importance in Gibraltar. In recent years, threats of action and actual, realised legal action have prospered across a wide spectrum of political and non-political views.

This trend cannot be healthy – if for no other reason than the inequality and disparity between the parties in conflict: those making social media comments have invariably been laywomen and men; and those taking umbrage have invariably been those with both the professional legal knowledge and financial resources to make litigation neither frightening nor financially worrisome. The disparities have been noticeable, as, indeed has the chilling effect such legal strategies have had on dampening voices critical on social and political affairs online.

That a legal remedy may function more in favour of one class of persons than of another should be a cause for some considerable concern in a democracy; placing free expression in a disproportionately fearing stance is another.



Reach for that Writ!

Sense and sensibility are always going to be a requirement if Rule of Law is going to be functional and not dysfunctional in our increasingly complex, increasingly sophisticated Society. People in the public eye must grow thicker skins when it comes to public criticism; it comes with the job! Cultures of political satire, cartooning and humour are standard in thriving democracies; and will more than likely see fruit in Gibraltar in due course, too, if we're lucky. However, online commentators must indeed engage with a measure of respect for the truth and sensitivity towards others, regardless who their object of comment may be. Freedom of expression is, necessarily, delimited by the rights of the other. Consequently, a legal framework to safeguard against unjust reputational injury will not go away.

It's a tightrope between freedom and protection; and we are required to walk it.

It is for this reason that Equality Rights Group advocates a modernisation of the Defamation Act 1960, our present statute. It is legislation which cries out for revision and review; it builds primarily on 18th and 19th century sources, and it shows: section 10 addresses women thus:

'Words spoken and published which impute unchastity or adultery to any woman or girl shall not require special damage to render them actionable'

In contrast to England and Wales, which revised and updated their defamation legislation in 2013, Gibraltar needs to refresh the law, especially to take into account important changes in society.

Foremost in any such revision should be the recognition of the importance of social media, and the manner in which citizens choose to express their democratic opinions. How that principle can be brought into accord with the parallel right of the individual to protection against slander or libel is the main challenge before us.

Other than the voluntary exercise of basic democratic courtesy, which allows fair comment, consideration ought to be given to the prevention of rapid escalation of situations from arising. That either side should find little recourse other than to 'reach for the gun' seems an unpalatable and, possibly, dysfunctional manner to handle such situations. Instead, rather than immediate and open recourse to the issuing of writs, legislation could be revised to require prior satisfaction before a judge that, balancing any reasonable and legitimate democratic public interest in the matter, the likelihood of a serious and substantial injury to the individual exists.

Interposing such a 'braking mechanism' could act as a means to mediation and de-escalation; and may well satisfy a) reasonable requirements to bring conflict to manageable proportions and/or conclusion and b) protect the free expression of criticism by citizens, particularly when dealing with principles of public policy in a democratic setting, but c) protect individuals from exposure to unfair comment or harm. The mechanism will not be an easy one, but that is why the law is requisite in governance. All parties must understand the rules apply both ways. Public figures and ordinary citizens both deserve the protection of the law.

We cannot, however, sacrifice democratic criticism and free expression at the altar of legal remedies weighted unfairly in favour of the professionally privileged or monied.

Time to think?



Removing financial barriers in Constitutional Rights cases

Dr Keith Azopardi, QC

Access to justice. A phrase often used and more often abused. Sometimes to the point that it loses its meaning and significance. That is the way of language. An innovative phrase is first a shining idea and then through overexposure and sometimes inappropriate use in mistaken contexts becomes discoloured, jaded and a blurred version of its former self.

So with access to justice. It should be a golden key to a forum for the determination of grievances, wrongs and rights. Instead it loses its meaning if it cannot deliver the most basic *raison d'être* for the banner headline.

It has not been helped by the fact that the amendments to Civil Procedure Rules in England & Wales (and subsequently Gibraltar) were acclaimed under the access to justice flag but have only served to layer in and front-load cost, legal bureaucracy and process that has made the courts an unaffordable destination for many families. Far from delivering access to justice it has prevented it and made it more difficult.

In Gibraltar the combination of the introduction of those Civil Procedure Rules, the failure over decades to deal radically with the need to raise eligibility thresholds in civil legal assistance and the spectre of adverse costs orders in litigation makes the prospect of running to a judge for a decision a daunting thought for many people. It is no accident that in Gibraltar we have experienced a fall in ordinary civil litigation. Cases now only really litigate if there is at least one party with high resources or parties are on legal assistance. And there are so few of these that it is hardly representative of the wider population. When there are parties that fall in neither category cases are not pursued for financial reasons which often have nothing to do with the merits of disputes. Settlement and mediation of disputes to achieve consensus outcomes is to be welcomed. People should try to resolve their disputes. On many occasions that should be possible. But sometimes it is not and if all else fails the law should provide a way that guarantees real access to a tribunal for the resolution of matters.

This is especially relevant if the State is a party or a prospective party. In a small community individuals or companies are sometimes reluctant to take on the might of the State in corporate or constitutional litigation in case there are repercussions when they come to deal with the Government on other unrelated administrative matters. While those fears may be unjustified they are still present in some cases. There is no law that can assist in dispelling such thoughts.

However we can as a community do more to guarantee real access to the courts.

One of the possible measures is to legislate to prevent the making of adverse costs orders when parties plead claims or counterclaims seeking constitutional relief. To the extent that the constitution is invoked in aid of a litigant an assertion is being made that there is, has been or there is likely to be a contravention of a fundamental right. That litigant should have unhindered access to a court for the determination of such claims without fearing that he will be penalised in costs if on balance the court feels that he may have been wronged but the wrong falls short of a breach of a constitutional right. The possibility of having to pay the other side [normally the State] massive financial damages is a dark cloud that can stifle the pursuit of otherwise totally legitimate constitutional claims.

Most of those claims would involve the State. They may span matters of immigration, housing, liberty of the individual, discrimination or confiscation of property. In all those cases the constitution sets out clear rights that people not only hold in law but should enjoy. Part of fully enjoying such rights is the ability to complain when such rights are being breached, to seek a declaration that they have been so breached and a remedy that alleviates the situation.

To do all that the individual or the company aggrieved needs access to the courts and a removal of the sword of Damocles that a possible costs order represents. That person may still need to seek legal assistance for his own costs or make arrangements with lawyers who may be prepared to do a case on conditional fee arrangements or even on a pro bono basis but the main worry of being penalised in costs if the outcome does not go his way will have been removed.

To the argument that this measure would unduly penalise defendants in such cases I say that it is a price worth paying to have constitutional security of fundamental rights. It is not enough to enshrine rights. They need preserving and securing by methods that allow the golden key in the door to the courts to turn. There are also ways that such a measure could be ameliorated. For example by only extending it to cases where the State is a defendant and by preserving the ability of the courts to make costs orders in frivolous or vexatious cases. But generally my view is that this way David will be protected from Goliath and a fight will be a fair fight.

We have come a long way as a community over the last few decades in terms of securing and developing rights. There are other isolated improvements that could now be made and that is no surprise because as society develops so the living breathing constitution that we hold dear also needs to evolve as a responsive document. But if I am asked to pick one far-reaching change it would be this one because it would influence all manner of cases that could come before the courts – cases on rights of migrant workers, refugees, to do with housing, medical conditions or the rights of parents or children. It would open the judicial door without fear of the financial skies falling in. When a family has life savings or modest income why should that be the price of the ticket of admission to the courts? We are not protecting our citizens if we are expecting them to stake their hard-earned life's work against the

State's resources in contests about human rights.

As a community we should reflect on how we ensure that the law protects our citizens' ability to recourse from the courts against alleged breaches of basic and fundamental human rights.



Serious about Equality

Hon. Gilbert Licudi, QC, MP

Minister with responsibility for Justice

To HM Government of Gibraltar equality really matters. We see it as important not only as a human right as a matter of principle but because we believe it to be a necessity as a matter of practice.

Everyone should not only have the right to be treated fairly and fulfil their potential but also to be protected from being discriminated against, from being excluded, from being overlooked and from being harassed simply because of their sexual orientation, gender, disability, religion or colour of their skin.

This Government's commitment to equality became immediately apparent when, on first taking office in 2011, we took the unprecedented step of appointing a Minister with dedicated responsibility for Equality. A new Government department for equality was also established to develop policies and strategies to improve the lives of those who are protected under equality categories.

The creation of this new Ministry and department marked the start of the introduction and enactment of legislation which is intended to ensure that equality remains a high priority and which looks to a future equal society which is cohesive and not scarred by prejudice and discrimination.

Each of those pieces of legislation is a milestone in our legislative process and it marks what this Government is all about: making the necessary changes in order to ensure Gibraltar is a fair society and to lay down the strongest possible foundations for it. Perhaps the most high profile of these milestones took place in 2014 when this Government enacted the Civil Partnership Act 2014; an Act that allowed, for the first time in Gibraltar, for the formal recognition of relationships between couples of the same sex and for two civil partners to apply to adopt children in the same manner as two parties to a marriage.

This Act represents a historic step on what has been a long journey for same sex couples, for respect and dignity and above all, recognition in Gibraltar of their right to enter into a relationship and for that relationship to be expressly recognised in the eyes of the law. We saw this as a natural progression towards an inclusive society. The concept of a civil partnership of course was not a new one, but our legislation went further towards equality by ensuring that not only same sex couples are entitled to enter into a civil partnership. We ensured that any two people, regardless of their gender, may enter into a civil partnership.

That Act was the most high profile achievement but not the only one that this Government has enacted to ensure that Gibraltar is well on the way to full equality. It is a fact that persons within equality categories are usually most at risk of being the victims of hate crimes and criminal harassment. For that reason this Government enacted the Criminal Justice (Amendment) Act which strengthened the criminal law relating to harassment, stalking and hate crimes.

That Act extended the scope of “hatred offences” to include hatred on the grounds of sexual orientation (something that had been omitted from the Crimes Act 2011 as passed by the previous administration) and made a new provision for the increase in sentences for racial aggravation and aggravation related to religious belief, sexual orientation, disability and age.

We also introduced two new offences of stalking and stalking involving fear of violence or serious alarm or distress and provided explicit powers for the Police to be able to conduct searches in relation to such crimes. Provision was also made to allow for the possibility of obtaining injunctions to protect persons from harassment, and the making of restraining orders by Courts even on the acquittal of a defendant when necessary. Furthermore an offence of harassment of a person in his home was created.

Additionally this Government-

- amended the Equal Opportunities Act so as to recognise transgender persons as part of an equal opportunities category and specifically legislating against discrimination on the grounds of gender reassignment;
- enacted the Employment (Bullying at Work) Act to move towards an end of all forms of harassment and victimisation in the workplace; and
- has introduced a Bill to allow for non-governmental organisations to make applications to the Supreme Court to question the constitutionality of Bills and Acts, something which was previously only open to Government Ministers.

This Government is not complacent and is very aware that even though we are now much further down the road to equality than we were in 2011 we are still not at the final destination.

It is for this very reason that this Government has made a number of commitments regarding equality in our most recent manifesto in this area. These include a programme to refurbish Government buildings to make them accessible where possible to do so, our seeking to extend the UN Convention on the Rights of Persons with Disabilities to Gibraltar and extending the provision of the Equal Opportunities Act to deal with the provision of goods and services so that all the categories that are protected from discrimination are fully covered. We will ensure that we meet all these commitments so that our vision of a truly equal society in Gibraltar may be achieved.

Achievements and challenges

Frederick Martin MSc (Hons) MCSP SRP

Secretary to the Gibraltar Executive

Convenor for the Health & Social Services

Unite The Union (Gibraltar)

The Gibraltar branch of Unite the Union, through its predecessor organisations, have helped shape Gibraltarian society in meaningful ways, and as a consequence, taken great pride and satisfaction in these contributions. 2019 will mark the organisation's 100th anniversary and it would be our desire to highlight the positive impact that trade unionism and particularly Unite, as the direct successor to the most prominent unions of our forefathers, have had locally. The anniversary would not only reflect our past achievements, but would be a rallying call for our current and future generations to take forth our torch and light the way to a more equitable, prosperous and healthier Gibraltar.

In these respects, Unite would like to highlight three objectives which have been prioritised to enjoy our fullest support given the potential they may have in transforming our society for the better. In the first instance, we will expand on the issue of employer led contributory pensions in the Private Sector.

Members of our community within the Private Sector may have the benefit of working for employers that have created a contributory pension scheme, where both the employer and employee contribute an amount towards a retirement pot based on the employee's wages. The amount the employer contributes into the pot is an extra amount above that of the weekly or monthly wages that an employee receives.

Unfortunately however, not all employers are sympathetic to the financial difficulties their employees might face when they come to the age of retirement. In fact, there are many employers in Gibraltar that do not provide employer led contributory pensions for their employees and thus, these members of the community face increasing challenges and vulnerabilities in their old age given their lack of economic means.

Unite has sought to tackle this problem by ensuring Government legislates in favour of employer led contributory pensions in the Private Sector because not having these pensions is a problem for all of Gibraltar. Without access to a pension pot, the economic shortcomings of these individuals would have to be met by our taxes (which could be put to better use by improving other areas or services in Gibraltar); all the while unscrupulous employers line their pockets with ever increasing profit margins.

It is true however that not all employers are unscrupulous but would yet find

difficulties in adjusting to this new framework. That is why Unite is working closely with the Government of Gibraltar, the Gibraltar Chamber of Commerce and the Gibraltar Federation of Small Businesses to identify these situations and arrive at solutions that ensure that employees working in the Private Sector get a better deal than they currently have. Once legislated however, employees would have a choice individually as to whether they want to participate in the scheme jointly with their employer or not.

We look forward to a future where all our citizens of retirement age are able to enjoy a dignified life, free from the economic pressures they would normally face as a consequence of leaving paid employment.

Secondly, Unite would like to concentrate on a subject which is practically always out of sight but which nonetheless has a tremendous amount of transcendental value to our community, particularly again to our brothers and sisters within the Private Sector.

During the past three years Unite has been highlighting the need for Government to introduce legislation for Trade Union Recognition in line with that of the UK. The need for official and legislated recognition has arisen as a result of the attitude of a number of employers in both the Finance and Gaming Industry which, whilst not impeding employees to affiliate to a Trade Union, as is their Human Right, they have opted not to recognise any and all trade unions when seeking to negotiate collectively on a workforce's behalf. We have raised this issue at various meetings and platforms, like that of May Day, but however to date there has been little progress on this front.

The scenario in the UK is one where if a trade union wants to negotiate with an employer on pay and working conditions on behalf of a group of workers (as a 'bargaining unit'), recognition would be guaranteed by that employer. Usually - and most simply - an employer recognises the union voluntarily, without recourse to any legal procedures, however, when employers and trade unions aren't able to reach a voluntary recognition agreement, the unions can make an application for statutory recognition.

Trade Union recognition is important because it is the first step to ensure that collective bargaining can take place. Without the collective bargaining process, unions wouldn't be able to look out for the best interests of employees. Collective bargaining provides union members with a voice to negotiate better wages, benefits and working conditions. Through give-and-take, unions are able to negotiate an agreement with employers that not only benefits the future of the business, but society as a whole because of its transcendental impact on employees' families and communities.

Thirdly, and in continuation of our 2009 campaign highlighting the plight of Moroccan workers in Gibraltar, some of whom had worked on our Rock for over 40 years without

then having access to public housing, full health care or the right to vote, Unite would seek for the Government of Gibraltar to develop reciprocal agreements of the type seen commonly between Morocco and other European countries in respects to the provision of healthcare for these members of our community who in their old age have chosen to move back to Morocco.

Old age often presents with a series of challenges that need to be met by both extended familial or social support networks and the health services. Many of us seek the comfort of family to see us through these most vulnerable of times, and in the context of our brothers and sisters of Moroccan descent where their families are in Morocco and are unable to reside in Gibraltar; little options are left other than to emigrate back to Morocco.

From a healthcare perspective some of these challenges are very serious, such as those pertaining to kidney failure requiring dialysis or the many variety of cancer types that require chemotherapy and/or radiotherapy. These services have to be accessed invariably through the GHA or outsourced clinics in Spain. As such, it is necessary to reside or travel to Gibraltar in order to access these services. In the context of a member of the Gibraltarian Moroccan community who now resides in Morocco with their family, the Moroccan Health Services are unable to meet the healthcare demands of these men and women because they never contributed into the system. As such, two choices are available, either they travel regularly to and fro to Gibraltar or they return and reside on their own in Gibraltar. As serious illness develops, the choice will have been made for them, where they will live out their last days in a hospital bed in the GHA without the comfort of having their loved ones close by.

These individuals within our community of Moroccan descent have paid into our healthcare system with the fruits of their labour and are therefore entitled to receive these treatments. What is not acceptable is for them to agonise and die on their own because their families are unable to join them in Gibraltar. Other European countries have resolved these very real human tragedies by entering into agreements with the Moroccan Health Services. Through these agreements individuals in the circumstances described above are seen within the Moroccan healthcare system and treatment is paid by the country the individual's contributions have paid into. If this mechanism were adopted in Gibraltar, these valued members of our community could look forward to an old age that is dignified, surrounded by those they love, as most of us would desire for ourselves.

The above constitutes just a few of the meaningful ways that Unite would seek to have a positive impact on members of our community, whether they share these aspirations or not.

During the previous Gibraltar General Election, Unite created a manifesto that sought to address issues that would have a direct impact on our society such as

those pertaining to statutory maternity and paternity leave, health and safety, and the creation of a Gibraltarian 'Living Wage' to replace the minimum wage. Over the coming months we will highlight the importance of these issues to the community and work diligently to bring them to fruition and in order to do so, we will put forth a rallying call to other Civil Society Organisations, to count on their support, and help us make Gibraltar a more equitable, healthier and solidary state.



To old and new generations

Charles Trico

Secretary, ERG

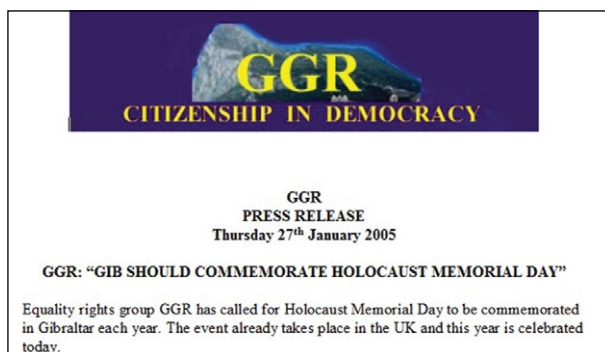
From its launch in September 2000, Equality Rights Group has been active across the board in bringing together people from different areas and concerns within our community.

The work has never been easy, but it has always been worthwhile. In particular because of the real, practical rewards that have been garnered. Rewards that, today, many are living and enjoying in their daily lives. ERG has been a prime mover in bringing a range of legislative and political measures in favour of human and civil rights to Gibraltar. The primordial focus on identity rights which sparked the coming together of this revindicative movement in Gibraltar has not only, to an inevitable extent, defined a sustained area of campaigning, but nurtured a sure widening of perspectives in our desire to build a human and civil rights movement and organisation that is sufficiently broad, serious, coherent and consistent to play a role in pointing towards development. For that, and because we all have something to contribute, we reach out to all generations in order to refresh and regenerate, so that the important and necessary work of equality, human and civil rights defence can continue for the benefit of both today's and future Gibraltar. You can play a part, too. Below is a list of goals achieved thus far; and, with your continuing support and approval, we trust we will be able to add to it in both number and breadth.

- *Equal Opportunities Act – effective pressure campaign for early transposition of EU Framework Employment Directive; first statutory mention of 'sexual orientation' in Gibraltar law*
- *Equal Opportunities Commission – pressure campaign to enact as a result of EU law obligations*
- *Same-Sex Housing policy change – landmark successful challenge to Government discriminatory housing policy through all Gibraltar courts and up to the Privy Council leading to first practical improvement for LGBTI citizens*
- *Equal Age of Consent – long-term campaign and successful Supreme Court challenge to discriminatory legislation. Equalisation introduced via amendment to Crimes Act 2011*
- *Protections against sexual abuse of minors and introduction of a Sex Offenders Register – sustained public pressure campaign and Petition by ERG successfully leading to new provisions in Crimes Act 2011*
- *Civil Partnership Act – sustained and successful 14 year public campaign leading to*

important advance via Act of Parliament, providing legal framework for same-sex relationships. One Civil Marriage Law for All remains a current campaign call ERG insists on in order to do away with any vestiges of unequal or separate treatment for the LGBTI community in Gibraltar

- *Hate Crime/Speech – sustained and successful public campaign for legal protections. Measures introduced via provisions in the Crimes Act 2011 and the Criminal Justice (Amendment) Act*
- *Same-Sex Adoption –successful judicial application which led to later incorporation into Civil Partnership Act*
- *Holocaust Memorial Day –In 2005, ERG (then GGR) instituted long-term public call for introduction, resulting in first commemoration in 2014*



- *Independent Civil Society Awards: initiated by ERG in 2013 as an annual event to highlight the role of solidarity in Democracy. Extended in 2016 to joint annual celebration with Unite the Union.*
- *Nice Strawberry/Sour Lemon Awards: established by ERG in 2016 as an annual award to highlight positive contributions by those in power; and to bring to public account 'less than positive' contributions by same. We reaffirm our conviction that those in power must be held permanently accountable by Civil Society. Starting 2017, nominations will be open to public participation.*
- *International Day Against Homophobia (IDAHO) – introduced by proper initiative from 2012*
- *Gibraltar Pride – introduction and celebration of the inclusive concept of Pride in 2014 to demonstrate solidarity in a localised context*
- *Official Gibraltar Diversity Flag – design, legal and administrative process of approval, recognition and introduction*

- *Individual and personalised ongoing casework: immigration and asylum advocacy, pro-bono referrals, assistance and representation on a range of related issues in partnership with Gibraltar lawyers*
- *Pro Bono Legal Scheme: We have called for the establishment of a system to complement the Legal Aid/Assistance Scheme. We continue in our efforts to negotiate with the legal community to provide a safety-net system for free representation in cases of merit where the only obstacle is cost. Access to the Courts to obtain legal relief is essential to our society.*

None of these are by any means 'minor' in nature. They have required a lot of determination to social dialogue in, at times, very difficult circumstances over almost 16 years. They have entailed a great deal of effort, personal sacrifice, single-mindedness and the ability to learn throughout. But who can doubt that they have succeeded where others have not in turning a society round on what appeared immovable social issues and attitudes?

It is not, however, a formula for satisfaction; but simply a cartel of experience. And it is for this reason that we aim to pass on that experience to others, so they can also benefit and develop this legacy. It would be a pity if we did not succeed in this paramount commitment on our part. And, indeed, we are actively but discreetly working to support and assist different efforts by civil society organisations to this end.

People of any and all ages with a passion for advancing Civil Society are a gift we must nurture from wherever we, ourselves, may be situated. Let's continue to build together!



Reducing the Effects of Corruption On Civil Rights

Robert M. Vasquez, QC

“Corruption is an enormous obstacle to the realisation of human rights – civil, political, economic, social and cultural, as well as the right to development ... The core human rights principles of transparency, accountability, non-discrimination and meaningful participation, when upheld and implemented, are the most effective means to fight corruption”; so says the Office of the Commissioner of Human Rights of the United Nations.³¹ Based on this simple conclusion, the value of the civil rights protections in the Constitution³² would be diminished, if corruption³³ was to exist in government³⁴ and so its existence, however remote, should be dealt with.

Dealing with the perception of corruption or actual corruption is important, also, because the image of a jurisdiction is much dependent on the image of its governments from time to time. It is not just realities but also perceptions that result in a good or bad image, so independent and objective measures should be put in place to dispel talk that can tarnish our image.

Talk of corruption plagues us but the reality is that very few persons have been convicted, let alone prosecuted, for corruption. Talk of corruption gives us a negative image, despite that there is rarely any confirmation of wrongdoing. The lack of criminal convictions does not show that corruption is non-existent; possibly, it shows that it is not detected and, consequently, no one is prosecuted. The need to diminish or eliminate talk of corruption or discover and deal with any actual corruption is one of the considerations that fuel the wisdom of introducing systemic, objective and independent measures and safeguards.

Establishing an independent anti-corruption body, even within the RGP, will go a long way to prevent wrong perceptions from causing a bad image or to uncover and deal with actual corruption, should it exist. Such a body would have the specialist knowledge required to investigate this type of crime and be provided with legislative incentives and penalties to protect confidentiality of information received. Additionally, there should be a review of laws dealing with corruption, which would spell out, specifically in relation to the provision of information on the subject of corruption, effective protection of whistleblowers and improved confidentiality protections and protection of witnesses at the stages of making a report, during the investigation and subsequently; such measures would encourage the making of reports.

Furthermore, our electoral and parliamentary systems have shortcomings that do not help to combat perceptions of corruption. The current systems do not have recognised checks and balances, which is one tool that would help to combat those perceptions and also any real corruption, should any exist. The lack of a separation of

powers between the government benches of the legislature and the Chief Minister and his Ministers, caused by our electoral and parliamentary system, due to an absence of backbenchers, is a shortcoming. This lack, in turn, hinders the perception that, transparent, accountable, non-discriminatory open, and good government with wide participation can be and is being delivered. That the government benches of the legislature is populated exclusively by the Chief Minister and Ministers fosters, also, a much reduced level of democracy that itself is contrary to western constitutional theories and civil rights.

Should democracy be limited to removing a Government every 4 years? No! Or, should ongoing checks and balances, as exist elsewhere, protect democracy and civil rights throughout the term of office of any Government? Yes!

In its 2011 manifesto the current GSLP/Liberal Government seemed to agree with much that is argued here. It promised, first, that it was, *“totally committed to a root and branch reform of the way our democracy works”* and, secondly, implicitly admitting the existence of corruption, that it would *“establish an independent Anti-Corruption and Anti Bribery Authority”*. In 2016 neither has been done but, to make matters worse, this Government’s policies on both these issues were reversed.

In its 2015 manifesto, there was no longer a promise to have a *“root and branch reform”* of our democracy but rather a statement that such reform has already been delivered. Where and when? Where is any electoral reform? Where is a separation of powers between the government benches of the legislature and the Chief Minister and his Ministers? Where are additional checks and balances? Has anyone noticed any significant difference? There are more meetings of Parliament, as currently elected and constituted, but this does not amount to a *“root and branch reform”*, especially as this continues to be in the gift of the Chief Minister.

There is a U-turn, also, in the intention to establish an anti-corruption authority, policy is now *“...that the RGP itself would carry out the role of the anti-corruption authority which the Government intended to create”*. Where are the historical and current investigations despite talk of corruption? Where are the historical or current prosecutions? Is there any evidence of the effectiveness of the RGP to improve civil rights that would be undermined by corruption or, importantly, counteract the adverse image of Gibraltar that talk of corruption creates? The need for different treatment of this crime arises because there is a reality about corruption, in that it is more amorphous, vague and unseen than others. It needs, consequently, a specialist body and specific measures to combat it, even if it is established within the RGP: the elements of most other crimes are more tangible, visible and obvious. They are, therefore, easier to spot and to be dealt with by a body like the current RGP.

Additionally, there are shortcomings in the dissemination of news and information to the public. These shortcomings are not attributable directly to any political party or grouping that has governed but thought should be given to how the dissemination

of independent information, news, editorial comment and analysis can and should be promoted and investigative journalism encouraged. A free and investigative press is an important ingredient in a democracy and a requirement for securing civil rights. It is with a free and informative press that the public can form independent views, democracy can function better and a further protective layer against corruption and abuse of civil rights is added. Any totalitarian administration or administration with pretensions in that direction, in any part of the world, tackles the press very early on in their quest for greater power and control; this is a prelude often to undermining civil rights.

Factors that fuel talk and perceptions of corruption are especially prevalent in a small society, where, invariably, close family and other interconnecting relationships and friendships exist. It is precisely in a small and close-knit community that there is a greater need for objective and independent safeguards to be created, these should include:

- systemic, objective and independent anti-corruption measures and a body to administer these;
- parliamentary and electoral reforms, aimed at instilling checks and balances that will safeguard against abuse and encourage a greater perception of fairness, openness, transparency, accountability, non-discrimination and meaningful participation; and
- encouraging more press and more press freedom, which is a more difficult issue but it may be possible to allocate funding to other press media, just as GBC is funded publicly, but in a manner that includes objective and independent safeguards against interference.

As admitted by our Government in its 2011 manifesto, something should be done to deal with much talked about and perceived corruption, albeit to disavow the credibility of such talk or deal with corruption, if it is found. The insidious effect on democracy and civil rights of talk of corruption or actual corruption will continue until systemic objective and independent safeguards are introduced. Let us hope that, soon, someone opens their ears, listens and acts appropriately. We seemed to be getting there in 2011, with the manifesto promise of the GSLP/Liberals, but that is no longer so.

Notes

In times of increasing uncertainty, Felix Alvarez, OBE, Chairman ERG:

- ¹ The technology and systems already exist! The Sky Greens project in Singapore is already reported to be producing one ton of vegetables per day, and there are also plans afoot for what may be called an 'Agropolis' (a self-sustaining all-in-one fish and agricultural built farm complex). See <http://ecowatch.com/2015/09/11/sky-greens-vertical-farm/> for more on the Singapore project. And closer to home, a specialist Spanish technology firm in the same line of work: www.smartfloatingfarms.com. (page 6)
- ² Moyn, Samuel Prof., The Invention of Human Rights, <https://ukhumanrightsblog.com/2010/08/25/the-invention-of-human-rights/> (page 7)
- ³ Hopgood, S., Human rights: past their sell-by date, <https://www.opendemocracy.net/openglobalrights/stephen-hopgood/human-rights-past-their-sell-by-date> (page 7)
- ⁴ Freedom House, Nations in Transit 2016, <https://freedomhouse.org/report/nations-transit/nations-transit-2016> (page 10)
- ⁵ Brookings Institute, Prasad & Foda, A recovery of sorts could prove fragile and fleeting <http://www.brookings.edu/research/opinions/2016/04/10-world-economy-fragile-fleeting-prasad-foda> (page 10)
- ⁶ International Monetary Fund, World Economic Outlook 2016: Too Slow For Too Long, <http://www.imf.org/external/pubs/ft/weo/2016/01/> (page 10)
- ⁷ Slowly emerging from the 13th century onwards, Sovereignty begins to find international legal expression with the treaties of the Peace of Westphalia in 1648, following the Thirty Years War. Cf. *From Kosovo to Kabul and Beyond: Human Rights and International Intervention*, David Chandler (Pluto Press, 2006) (page 11)
- ⁸ The World Bank, Nordic Trust Fund, Human Rights and Economics: Tensions and Positive Relationships: www.worldbank.org/nordictrustfund (page 12)
- ⁹ The Carnegie Council, Policy Innovations: Alfredo Sfeir-Younis, Human Rights Must be a Consideration for Economic Development Organizations: <http://www.policyinnovations.org/ideas/commentary/data/000002> (page 12)
- ¹⁰ Download at: https://www.gibraltar.gov.gi/new/sites/default/files/HMGoG_Documents/Full%20Census%20Report%202012%20FINAL.pdf (page 13)
- ¹¹ Catholic digital paper Crux, May 16 2016, in a piece entitled Pope's latest Q&A tackles sex abuse, secularism and deacons states thus: 'On secularism and the role of religion in public life, Francis said that a state "must be secular" because "denominational states end badly." However, he added that secularism has to be accompanied by a strong law guaranteeing religious freedom, because "we

are all equal,” and everyone should have the right to express their own faith.’ The remarks, studiously adopting the language of equality, were widely reported internationally. See: ‘<http://www.cruxnow.com/church/2016/05/16/popes-latest-qa-tackles-sex-abuse-secularism-and-deacons/>’ (page 14)

- ¹² Interesting research insights from the Religious Studies Center at <https://rsc.byu.edu/archived/latter-day-saint-social-life-social-research-lds-church-and-its-members/13-womens> , as well as worldwide surveys by the prestigious Pew Research Center at <http://www.pewforum.org/2014/09/22/public-sees-religions-influence-waning-2/> (page 14)
- ¹³ Our law allows for exceptions; for instance, under s.160 of the Crimes Act 2011, murder (child destruction) is reduced to manslaughter (infanticide) when it is proved that a mental imbalance occurred; and under s.161(2), preserving the life of the mother is a legitimate reason and defence for aborting a fetus. Abortion (child destruction), however, carries life imprisonment under s.161 (1) (page 15)
- ¹⁴ In *Whole Woman’s Health v. Hellerstedt*, US Supreme Court, the Court highlighted the absurdities that can arise; Seth Stephens-Davidowitz discusses the case in his New York Times article entitled *The Return of the DIY abortion* at <http://www.nytimes.com/2016/03/06/opinion/sunday/the-return-of-the-diy-abortion.html> (page 15)
- ¹⁵ See *Abortion in Europe: Women share their stories*: <http://www.nbcnews.com/storyline/europes-abortion-fight/abortion-europe-women-share-their-stories-n560001> (page 15)
- ¹⁶ The Committee was reacting to Ireland’s proposed Protection of Life During Pregnancy Act. See <https://www.ifpa.ie/Hot-Topics/Abortion/International-Human-Rights-Observations-on-Abortion-in-Ireland> (page 16)
- ¹⁷ See <http://www.dignityindying.org.uk/> (page 20)
- ¹⁸ Despite this, Gibraltar has a long interest in journalistic entrepreneurship, signaling a population with a historically serious engagement with its affairs (perhaps translated these days into social media involvement). Since 1801, Gibraltar has seen over 30 publications. For more details read *Gibraltar y su Prensa*, Francisco Tornay de Cozar, Diputacion de Cadiz, Undated, ISBN 84-87144-58-6 (page 22)
- ¹⁹ See <http://www.theguardian.com/media/2015/apr/16/bbc-election-coverage-david-cameron> (page 24)
- ²⁰ Williams, A., *The Value of hyperlocal news content*, University of Cardiff, 2013: <https://www.communityjournalism.co.uk/research/the-value-of-hyperlocal-news-content/> (page 25)

- 21 <http://www.thecanary.co/2016/05/06/the-abysmal-local-elections-coverage-shows-the-bbc-has-moved-beyond-bias-to-pure-propaganda/> (page 26)
- 22 <http://www.gbc.gi/news/17million-worth-cannabis-recovered-rgp-over-past-year-31598> (page 27)
- 23 Canadian psychologist's B.K. Alexander's seminal research on the effects of loneliness and alienation on the propensity to addiction can be found at <http://www.brucealexander.com/pdf/Rat%20Park%201981%20PB%26B.pdf> (page 27)
- 24 Figures from The Economist, The Right Way to do Drugs: <http://www.economist.com/news/leaders/21692881-argument-legalisation-cannabis-has-been-won-now-difficult-bit-right> (page 27)
- 25 <https://www.opensocietyfoundations.org/reports/quiet-revolution-drug-decriminalisation-policies-practice-across-globe> (page 27)
- 26 A quiet revolution: drug decriminalisation policies in practice across the globe; <http://www.release.org.uk/publications/drug-decriminalisation-2016> (page 27)
- 27 See Transform's website at <http://www.tdpf.org.uk/> (page 28)
- 28 <http://www.tdpf.org.uk/resources/legal-regulation> (page 28)
- 29 Download at <http://www.tdpf.org.uk/resources/publications/after-war-drugs-blueprint-regulation> (page 30)
- 30 https://en.wikipedia.org/wiki/Conjugal_visit (page 34)

Reducing the Effects of Corruption On Civil Rights, Robert M. Vasquez, QC:

- 31 For further reading see www.ohchr.org (page 49)
- 32 Gibraltar Constitution Order 2006, Chapter 1: http://www.gibraltarlaws.gov.gi/constitution/Gibraltar_Constitution_Order_2006.pdf (page 49)
- 33 Encompasses, not just bribery, but also dishonest and fraudulent conduct based on non-money favours, nepotism and cronyism (enchufes) and the use of extraneous dishonest criteria and considerations in decision making and the awarding of public contracts (page 49)
- 34 Used to include, throughout this piece, the legislature: Parliament, whose constitutional role is to make laws for "...peace, order and good government ..." and the executive: the Chief Minister, Ministers and public officers, administrators and bodies (page 49)

Contributors



Felix Alvarez, OBE

Politically involved in the Anti-Apartheid movement at University and in the early London Gay Liberation Front (GLF) movement of the 1970s, Felix Alvarez was also a Union Shop Steward with the Lambeth branch of NALGO (later merged into Unison). Social and community worker by training with a wide exposure to rights movements across the board. Founded Gib Gay Rights (GGR) in Gibraltar in September 2000 and elected Chairman, a post in which he continues. Advocating for solidarity across the whole community, Alvarez led the organisation to becoming a broad, dedicated human and civil rights NGO in Gibraltar: 'Equality Rights Group'. Involved in human and civil rights in the Middle East & North Africa region, among others. Alvarez holds University first degree, postgraduate and professional qualifications in Linguistics, Law, Social and Community Work, and Teaching. He argues strongly for the importance of an active, independent Civil Society as integral to a Rule of Law democracy. Alvarez was awarded the OBE in 2013.



Dr Keith Azopardi, QC

Holding a first degree in Law/History and a PhD in Constitutional Law from the University of Nottingham, Dr. Keith Azopardi was called to the Bar of England & Wales and the Supreme Court of Gibraltar in 1990, becoming a QC in 2012.

Former Deputy Chief Minister of the Government of Gibraltar [2000-2003], he served in Government for seven years holding various ministerial portfolios including that of financial services. He also led the Gibraltar negotiating team in intergovernmental constitutional talks with the UK Government [1998-9], was Vice-Chairman of the House Select Committee on Constitutional Reform [1999-2002] and was appointed to the Gibraltar delegation that negotiated the 2006 Constitution [2004-06]. Stepping down from Government, Azopardi co-founded the liberal conservative Progressive Democratic Party (PDP) in 2006, where he was chosen as Leader; a post he occupied until his resignation in June 2012. He is currently Chairman of the Bar Council having been elected in April 2015.



Hon Gilbert Licudi, QC, MP

A barrister by profession, Gilbert Licudi was called to the Bar in England & Wales and in Gibraltar in 1992. Minister Licudi has practised throughout his career with Hassan's, a reputable law firm in Gibraltar. He was made a partner of Hassan's in 1998, and was appointed Queen's Counsel in 2012. Licudi has been a member of the Gibraltar Socialist Labour Party since 1984. He first stood for election to the Gibraltar Parliament in 2007, winning a seat in the Opposition benches. Following the 2011 general elections, he was appointed Minister responsible for Education, Financial Services, Gaming, Telecommunications and Justice. He was re-elected to Office in 2015 and continues in his present capacity as Minister for Education, Justice and International Exchange of Information.

As Minister for Education, Licudi led the project to establish the University of Gibraltar, which was inaugurated in September 2015.



Frederick Martin, MSc

Frederick Martin is a Chartered Physiotherapist, Gerontologist, Unite the Union Convenor for the Health and Social Services, and Secretary to the Union's Gibraltar Executive. A graduate of the Universities of Keele in Physiotherapy and of Southampton in Gerontology, his interests within the Trade Union movement materialised upon his return from the UK whilst working within the then Elderly Care Agency. His professional interests lie in sports rehabilitation, gerontology, the calculation of a Gibraltarian Living Wage, and the promotion of Trade Unionism in the context of a changing 21st century workplace.



Charles Trico

When in the early 1990s, Britain pressed for decriminalisation of homosexuality (at the time, still punishable with up to life imprisonment) in Gibraltar, Charles Trico was among the voices publicly advocating in favour of change. Decriminalisation was eventually introduced in 1993. Seven years later, and several weeks after the launch of Gib Gay Rights (GGR) in September 2000, he joined and became a member of the organisation, where he was selected as Secretary. Trico continues in the role, and has supported the development of Equality Rights Group as a wide human and civil rights organisation for Gibraltar.



Robert Vasquez, QC

Widely known in Gibraltar for his contributions to thinking on Constitutional reform, and as an Executive member of the Gibraltar Social Democrats (GSD), Robert Vasquez is also a member of the Inner Temple and was called to the Bar in 1976 both in England and in Gibraltar. He was appointed Queen's Counsel in 2012. He is a former member of the Financial Services Commission and has previously held seats on the following bodies: Chairman of the General Council of the Bar in Gibraltar, Member of the Admissions and Disciplinary Committee, Gibraltar Deposit Guarantee Board, Gibraltar Finance Centre Council, Tax Reform and Revenue Working Group and Legislation Advisory Committee. He is also an active member of the Association of European Lawyers. Vasquez stood for election to the Gibraltar Parliament in 2015.



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