

# CONSERVATIVE CATHOLIC INFLUENCE IN EUROPE

AN INVESTIGATIVE SERIES

## Tonio Borg, LLD

### Born:

May 12, 1957<sup>1</sup>

### Family:

Married with 3 children<sup>2</sup>

### Education:

St Aloysius' College, Birkirkara and the University of Malta

### Professional Positions:

- Lecturer in public law, University of Malta
- 1990-1995, Member of European Committee for the Prevention of Torture
- 1992, Elected to Parliament, Nationalist Party
- 1992-1995, Council of Europe Parliamentary Assembly
- 1992-1995; 1996-98, Member, Joint Parliamentary Committee between European and Maltese parliaments
- 1995-1996; 1998-2008, Minister of Home Affairs
- 2003-2008, Minister of Justice
- 2004-2008, Deputy Prime Minister
- 2004-2012, Leader of the House of Representatives
- 2008-2012, Minister of Foreign Affairs

## TONIO BORG

**Tonio Borg**, Malta's foreign minister, **has been nominated** to replace John Dalli as the **European Commissioner for Health and Consumer Policy**. He will be questioned by the European Parliament's Committee on Environment, Public Health and Food Safety on 13 November and subject to a vote of the full parliament the week afterwards. **Borg's nomination raises concerns for a number of reasons, especially because of his trenchant antichoice positions and his opposition to equal rights for gay people and fair treatment for immigrants. His positions on these issues place him well outside the mainstream.**

Mr Borg has served in a variety of posts within the Maltese government since he was first elected to parliament in 1992. Before this he served on the European Committee for the Prevention of Torture. He has also held other positions within the Council of Europe and at the Joint Parliamentary Committee between the European and Maltese governments. Borg's statements and policies have not always harmonized with generally accepted European values, however.

Of particular concern are the blurry lines between Borg's personal antichoice beliefs and activities, on the one hand, and his role as a public servant on the other. **In 2005, Borg, who works closely with the antichoice Gift of Life movement, announced a proposal to include a ban on abortion in the Maltese constitution. The amendment, which would be more difficult to repeal than ordinary legislation, "had originally been recommended to the government by the Pro Life Movement."**<sup>3</sup> According to Jurgen Balzan of *Malta Today*, "Borg petitioned every single association on the island, bowls clubs and pyrotechnic associations, to see whether they agreed with the entrenchment."<sup>4</sup>

Borg takes his involvement with the Gift of Life movement seriously. He wrote a preamble for the Malta Charter on the Dignity, Rights, Protection and Development of the Unborn Child, a document which states that the antichoice movement "deserves to be, and can be, diffused beyond Maltese shores, amongst other societies, cultures, religions and civilizations" – meaning, "in the local, European and world scene."<sup>5</sup>

**Of particular concern are the blurry lines between Borg's personal antichoice beliefs and activities, on the one hand, and his role as a public servant on the other.**

**Mr Borg’s beliefs are more conservative than those of many of his fellow citizens: in 2011, he voted against the Divorce Bill, while the outcome of a popular referendum led to divorce being made legal.**

Indeed, **Mr Borg’s beliefs are more conservative than those of many of his fellow citizens:** in 2011, he voted against the Divorce Bill, while the outcome of a popular referendum led to divorce being made legal.<sup>6</sup>

On the subject of LGBT rights, **Borg has been criticized for delivering an “offensive, cynical and derisory”<sup>7</sup> statement before parliament about parity in cohabitation laws for same-sex couples. “We will only protect those who deserve protection,” he said,** absolving his party of the responsibility to include same-sex couples in cohabitation legislation.<sup>8</sup>

Tonio Borg’s record also reveals some questionable actions in relation to immigrants. **Amnesty International raised the alarm over Mr Borg’s decision as Minister of Home Affairs to send back Eritreans seeking asylum in Malta.**<sup>9</sup> Álvaro Gil-Robles, human rights commissioner for the **Council of Europe, reported in 2004 on the “shocking” conditions at a Maltese immigration detention centre,** which fell under Mr Borg’s oversight, and called for an end to the “humiliating” practice of handcuffing asylum seekers en route to medical treatment, even though they had not been accused of any crime.<sup>10</sup> In response, *Malta Today* reported Borg’s refusal to change the policy.<sup>11</sup>

## POSITIONS OF TONIO BORG

### Abortion

**Mr Borg’s views on reproductive rights are much more conservative than those commonly held in Europe, and he has stated that his opposition to abortion will be unmovable, no matter what the context.**

“Foreign Minister Tonio Borg said that in the context of an anti-life culture, Malta would not follow the rest of the world but retain its pro-life stance.”<sup>12</sup>

–David Schembri, *Times of Malta*

“His most conservative of campaigns was his unilateral support of pro-life group Gift Of Life’s mission—unsuccessful though it was—to entrench the Maltese criminal code’s provisions against abortion in the Constitution. Borg petitioned every single association on the island, bowls clubs and pyrotechnic associations, to see whether they agreed with the entrenchment.”<sup>13</sup>

–Jurgen Balzan, *Malta Today*

Gift of Life is an antichoice organization that appears in the 2006 government registry of events because it “handed a life-size model of a nine-week-old foetus to MPs on their way in to Parliament.... Foundation members also presented the parliamentarians with flyers promoting the granting of constitutional rights to unborn children and showed a graphic film featuring aborted fetuses.”<sup>14</sup>

“When protecting life at conception, it’s not just abortion that is an issue but you should be able to ensure care for the unborn child.”<sup>15</sup>

–Tonio Borg speaking at an antiabortion rally at St. John’s Cathedral in 2010, where MP Edwin Vassallo explained a proposed bill that would authorize legal care orders over fetuses.<sup>16</sup>

**Mr Borg’s views on reproductive rights are much more conservative than those commonly held in Europe, and he has stated that his opposition to abortion will be unmovable, no matter what the context.**

“Dr Tonio Borg said that the issue is not solely a faith driven belief, but that science backs up the truth that life begins at conception. He also said that the Government believes in protecting the unborn child from conception and that the matter is above politics.”<sup>17</sup>

–At an antichoice event in February 2008, as reported by Gift of Life, which characterized Tonio Borg’s presence as “representing the Government.”

“This Charter contains a list of the rights of the unborn child from the moment of conception until birth. It contains a list, also, of the obligations of those who have responsibilities towards the unborn child. One augurs that this Charter on the Rights of the Unborn Child will be much more than just a document; let it be a moral guide to all those who, in one way or another, have responsibilities towards the unborn child.”<sup>18</sup>

–Tonio Borg from a preamble to the Malta Charter on the Dignity, Rights, Protection and Development of the Unborn Child.

The charter lists numerous areas in which antichoice activities should be bound up with other state activities. Article 9 requests that “non-state organizations which cater to the unborn child,” which could mean antichoice advocacy groups, should be eligible for state funding.<sup>19</sup>

Article 17 says that parties to the charter “appeal to all Members of the Maltese Parliament and the Maltese Members of the European Parliament, and insist with them, so that as representatives of the Maltese people who cherish greatly human life, they protect and promote, always and everywhere, human life from the moment of conception till birth and death.”<sup>20</sup>

The charter further states that the antichoice movement “deserves to be, and can be, diffused beyond Maltese shores, amongst other societies, cultures, religions and civilizations,” which the text describes as including “in the local, European and world scene.”<sup>21</sup>

## LGBT rights

**Tonio Borg’s statement that he has no responsibility as a politician to protect same-sex couples is worrisome for the many Europeans who have more progressive views.**

“The Nationalist Party is not a liberal party; we are Christian Democrats. We will only protect those who deserve protection,’ [Tonio Borg] said, referring to the government’s rent reform proposals which have so far excluded protection of cohabiting and gay couples....

“That’s all we need now! After we’ve finally decided to limit inheritance to married couples and children, now we are expected to extend this protection to those who decide to go and live with someone of the same sex,’ he said in Parliament.

“Do you think we should create a register for those who are cohabitating?’ he suggested sarcastically, addressing the Labour Party.”<sup>22</sup>

–Christian Peregi, quoting Tonio Borg’s words before Parliament in the *Times of Malta*

**“Borg petitioned every single association on the island, bowls clubs and pyrotechnic associations, to see whether they agreed with the [constitutional ban on abortion].”**

**Tonio Borg’s statement that he has no responsibility as a politician to protect same-sex couples is worrisome for the many Europeans who have more progressive views.**

“Tonio Borg’s intervention in a recent parliamentary session when debating the rent reform highlights the contempt in which the government holds same-sex couples and how far they are from according them the rights and respect they enjoy in a number of EU countries.

“The minister also queried how one could verify the relationship of a cohabiting couple since no marriage certificate could be produced. He seemed to find the idea of registered partnerships for cohabiting couples, gay or straight, to be a ridiculous notion, despite this being common practice in many countries. I am certain that to many politicians in Europe it is the minister’s attitude that would be considered preposterous and out of sync with the times.”<sup>23</sup>

–Gabi Calleja, coordinator of the Malta Gay Rights Movement, commenting in the *Times of Malta* on Borg’s speech, which was characterized by MP Evarist Bartolo as “offensive, cynical and derisive.”<sup>24</sup>

“In his response the minister failed to acknowledge that the relevant clause in the Directive was incorrectly transposed. He emphasised that only third country nationals who are spouses had the right to enter Malta. This is in fact not in line with the spirit of the Directive, which states that EU countries should facilitate entry of third country nationals where a durable relationship can be duly attested such as through a civil partnership obtained in another EU country.”<sup>25</sup>

–Gabi Calleja, on Tonio Borg’s response when asked by the Malta Gay Rights Movement about what was being done to correct the wording of the Freedom of Movement Directive to include same-sex partners.

“Dr Borg said ... he understood [the family] primarily as monogamous, heterosexual marriages....”<sup>26</sup>

–David Schembri in the *Times of Malta*, repeating Tonio Borg’s words in reference to the government’s responsibility to strengthen the family unit.

### Divorce

**Borg voted against the Divorce Bill in 2011, which was approved by a 52-11 majority in the House of Representatives.<sup>27</sup> A referendum in May 2011 reflected that a majority (53.2 per cent) of Maltese supported legalizing divorce.<sup>28</sup>**

### Human Rights

**Tonio Borg has been criticized for the overall treatment of asylum seekers as well as the repatriation of a group of Eritreans, who were sent back to conditions where their human rights were likely to be endangered. Further, Borg rejected recommendations from a Council of Europe human rights commissioner to change harsh detention practices.**

“The Maltese government was obliged by international law to determine whether Eritrea could be considered a safe country for the repatriation of 220 Eritrean migrants back in September 2002, when the deportation met international protest from NGOs and organisations amidst warnings that Eritrea’s human rights picture was a desolate one.....

“Home Affairs Minister Tonio Borg has not been clear about his ministry’s role in ascertaining the safety of Eritrea, saying the eventuality of torture would have been impossible to predict—a statement not attuned to previous behaviour by the Maltese government, which in the past had refused to extradite an Egyptian national accused of murder in Turkey before it received assurances that he would not face the death penalty if found guilty when tried in a Turkish court.”<sup>29</sup>

—Matthew Vella of *Malta Today*,<sup>30</sup> referring to Tonio Borg’s decision to repatriate 220 Eritrean refugees despite warnings from Amnesty International.<sup>31</sup>

“In response to Amnesty International’s concern about the deportations, the Maltese government said that it was ‘not in possession of any evidence that any ill-treatment was afforded to the Eritreans repatriated from Malta.’

“As Amnesty International learned later, women, children and those over the conscription age limit of 40 years were released after some weeks in Adi Abeto prison but the rest of the Malta deportees—mostly army deserters—were kept in incommunicado detention and tortured.”<sup>32</sup>

—Amnesty International report, “Eritrea: ‘You have no right to ask’—Government resists scrutiny on human rights”

“Every migrant without leave whether he/she is irregular or an asylum seeker, is detained on the basis of an administrative decision as required by [Malta’s] Immigration Act.... Regarding asylum seekers, I would like first of all to insist that, in principle, they should not be detained when they have not committed any offence, and that States should take the necessary steps to avoid incarceration.... The difficult living conditions, prolonged confinement and absence of activity have resulted in at least fifteen migrants requiring psychological treatment. Finally, in addition to the overpopulation of the centre, the migrants are confronted with the deterioration of the sanitary installations, which are totally ill adapted to the number of people using them.”<sup>33</sup>

—A report released on February 12, 2004, by Álvaro Gil-Robles, human rights commissioner for the Council of Europe during Tonio Borg’s tenure as Minister of Home Affairs. The commissioner further stated regarding his visit to Malta’s Hal Far detention facility for migrants, “The overall situation is all more shocking if compared ... to entirely acceptable conditions to be found in the Corradino prison.”<sup>34</sup>

“We are going to retain our detention policy. We are sorry to inform the commissioner that the country’s detention policy will continue.... ”

—Tonio Borg, quoted in *Malta Today* on February 15, 2004, with his response to Álvaro Gil-Robles’ report.<sup>35</sup>

“Missing from the picture of Malta’s main foreign affairs representatives was one key person—foreign minister Tonio Borg—who instead chose to accompany the President of the Republic to the Vatican to meet the Pope, the same week he complained of immigration being ‘Malta’s biggest problem.’”

—David Darmanin of *Malta Today*, on the occasion of a European Commission visit to the Hal Far detention centre in 2009.<sup>36</sup>

**“I am certain that to many politicians in Europe it is the minister’s attitude [on gay rights] that would be considered preposterous and out of sync with the times.”**

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