

## **CEDAW 47th Session**

### **Introductory Statement by Malta**

Malta is relentlessly committed to promote gender equality and women's empowerment in all social and economic spheres of society. Various developments in legislation and policies enhance the rights and responsibilities in relation to gender equality at a national level. However, changes in the legal and political spheres alone are not enough for the effective implementation of such legislation and for the achievement of de facto equality in society at large. Hence, alongside such legal developments, awareness raising campaigns, training and other initiatives are being carried out to strengthen gender equality in all social and economic spheres.

Malta endorses the Convention on the Elimination of All Forms of Discrimination against Women, and welcomes its commitments to enhance gender equality in all social and economic spheres. In effect, Malta implemented various articles from this Convention. However, on a small number of issues Malta needs time to assess the reservations made concerning the ratification of the Optional Protocol. To this end, the legal and administrative repercussions need to be considered in this regards. Nonetheless, abortion is illegal in Malta under the Criminal Code of 1854 and procuring abortion is thus a criminal offence in Malta. To this end, Malta continues to not consider itself bound by sub-paragraph (e) of paragraph (1) of Article 16 of this Convention, in so far as the same may be interpreted as imposing an obligation on Malta to legalise abortion.

This statement delineates developments in legislation and policies that were carried out to bring about the advancement of women and safeguard gender equality; initiatives that enhance the implementation of gender mainstreaming in various spheres; as well as other measures that were carried out to promote the participation of women in political and decision-making positions and employment, and other developments in relation to the reconciliation of work and family life, education and health.

### **Legislation Developments**

One of the main legislative developments that enhance gender equality in Malta is Chapter 456 of the Laws of Malta – *Equality for Men and Women Act*. This legislation, which came into force in 2004, safeguards equal treatment in employment, education, and financial services on the grounds of gender and family responsibilities. By virtue of this legislation, the National Commission for the Promotion of Equality (NCPE) was set up with the aim of enhancing equal treatment in all social and economic spheres of Maltese society. Nevertheless, Malta constantly seeks to safeguard gender equality and the advancement of women through enhancing current legislation.

In fact, this legislation was further enhanced through Act IV of 2009 entitled *Equality for Men and Women (Amendment) Act, 2009*. This Act enhanced the protection on discrimination in cases when a person “is, has been or would be treated” less favourably on the grounds of gender and family responsibilities.

In addition, Act IV of 2009 enhances the independence of NCPE in relation to its functions as delineated in Chapter 456 – Equality for Men and Women Act. Indeed, by virtue of this legislation, NCPE: carries out general and independent investigations; gives independent advice on matters related to equality; independently investigates complaints of persons who feel discriminated against within its remit and responsibilities and provides independent assistance to persons who have been discriminated against. Moreover, NPCE also publishes, without revealing the identity or any personal data of the persons and entities in question, conclusions that emanate from the investigation of complaints in its Annual Report. Besides, NCPE also conducts independent research and publishes findings and recommendations, in relation to various aspects on equality and discrimination in Malta, and the progress done in these spheres.

Besides, further legislation has been put in force to enhance rights and responsibilities in relation to gender equality. In particular, *Legal Notice 181 of 2008 – Access to Goods and Services and their Supply (Equal Treatment) Regulations, 2008* has come into force in August 2008. Through this Legal Notice, the National Commission for the Promotion of Equality had its remit widened to safeguard gender equality in the access to and supply of goods and services. In fact, NCPE also works to prevent direct and indirect discrimination as well as sexual harassment on the grounds of gender in the provision of goods and services. Hence, as a result of this legal development, the functions of NCPE were extended to safeguard gender equality in this sphere, and specifically to:

- a. Providing independent assistance to victims of discrimination in pursuing their complaints about discrimination;
- b. Conducting independent surveys concerning discrimination; and,
- c. Publishing independent reports and making recommendations on any issue relating to such discrimination.

## **National Policy Development and Initiatives**

The promotion of active inclusion and equality of opportunity is a national priority, as highlighted in the National Report on Strategies for Social Protection and Social Inclusion 2008-2010. This report outlines the measures that are being taken to help those who are most disadvantaged or at risk-of poverty in society, including women. Increased involvement of women in the labour market; making work pay; promoting greater availability of adequate and affordable housing; and combating the intergenerational transmission of poverty and social exclusion; are amongst the key objectives in ensuring the promotion of active inclusion and the enhancement of equality opportunities.

## **Gender Equality**

Since its inception NCPE has contributed to various achievements in relation to gender equality. In particular, NCPE empowers various stakeholders as well as the general public on their rights and responsibilities through training and awareness raising campaigns. NCPE also provides policymakers with valuable information and data

through the research studies that are conducted. NCPE also assists persons who feel discriminated against by investigating their complaints. NCPE also promotes gender equality when giving feedback or advice on matters related to its remit. Throughout its commitments, NCPE fosters a good working relationship with non-governmental organisations, civil society organisations, trade unions, employers' associations, government departments and entities as well as other organizations that work to safeguard gender equality and to promote men's and women's rights. Indeed, members of these organizations are invited to give their opinions and to share their experiences in various consultation meetings, particularly when developing measures and initiatives as part of EU co-funded projects. Moreover, civil society organizations often partner NCPE when carrying out initiatives and projects on different spheres related to gender equality. In particular, two Trade Unions, an employers' association, a non-governmental organization and Malta's Public Employment Service are currently partnering NCPE in the project entitled *Unlocking the Female Potential* (details of which will be delineated in the following sections of this statement). The expertise, knowledge and experience of these civil society organizations in employment enhances the development and implementation of the awareness raising and research on gender equality in employment that are carried out as part of the project.

Accordingly, NCPE is relentlessly committed to safeguard rights and responsibilities in relation to gender equality and to continue empowering persons who are at risk of being discriminated against to recognise and combat discrimination and stereotypes. In fact, NCPE is also currently working on the EU co-funded project entitled *VS/2009/0405 Strengthening Equality beyond Legislation* where the reasons that prevent persons from reporting their discriminatory cases to responsible bodies or entities will be analysed. The aim is that of addressing underreporting of such cases and empowering more persons by raising awareness of their rights. This EU co-funded project seeks to enhance the principle of equal treatment on the six grounds of discrimination, as well as multiple discrimination. This project will reach out to sectors such as employers, educators, parents, students, mediators/arbitrators, media, police and army officers, amongst others. Also, research will be carried out not only to provide details on underreporting of cases of discrimination, but also to review the National Minimum Curriculum with the aim of mainstreaming equality; to compile a National Action Plan on Racism and Xenophobia; and to identify the type of media and communication that is most effective with persons of racial minority.

### **Gender Mainstreaming**

The Maltese Government has taken different measures to enhance gender mainstreaming and thus safeguard equal treatment for both genders in all policies and measures. In effect, through OPM Circular 30 of 10<sup>th</sup> December 2008, the Public Service and Public Sector were invited to identify discriminatory practices and policies in the provision of public services. This horizontal exercise, carried out in co-ordination with the National Commission for the Promotion of Equality (NCPE), was aimed at tackling such discriminatory legal, procedural and administrative policies and practices so as to standardize service provision in the Public Administration. This framework served at

mainstreaming gender equality and safeguarding equal treatment on the grounds of gender in the access to and supply of services that are available within the Public Sector.

In addition, NCPE set up an Equality Committee within every Ministry to promote equality throughout all Government departments and entities. The Equality Committees consist of officers from different departments within each Ministry who work together as a point of reference for employees to ensure that equality is mainstreamed in all the working processes of each Ministry. NCPE gives regular training to these officers in order to keep them updated with all the latest policy and legal developments in relation to equality, discrimination, harassment, diversity management, gender equality audits and impact assessments, work-life balance measures and other issues related to equality.

NCPE has also carried out various EU co-funded projects in order to promote gender mainstreaming. In particular, the initial project on gender mainstreaming, an EU co-funded project, entitled (*ESF 23*) *Gender Mainstreaming: the Way Forward* was launched in 2005. This project sought to raise awareness and carry out research on the benefits of the introduction of family-friendly provisions at the place of work; the gender pay gap; the career paths and conditions of work of University graduates; a teleworking pilot project; and gender mainstreaming at a national level.

As a follow up, the project (*ESF 48*) *Affirming Gender Mainstreaming at a National Level* was launched in May 2007. In effect, through this project, directors, policy makers, human resource managers and equality bodies were provided with the impetus to update policies and practices to meet the obligations of current EU and Maltese commitments towards the implementation of gender mainstreaming, through training and awareness raising.

Moreover, (*ESF 46*) *The Gender Aspect from a Legal Perspective* is another initiative, launched in July 2006, that was carried out with the aim of enhancing gender mainstreaming in the legal sphere. This EU co-funded project aimed at increasing the participation and advancement of women in the labour market primarily through the correction of structural barriers in Maltese legislation on the ground of gender. In particular, this study analysed the current employment and training, social security and taxation, education, criminal, civil and family legislation. In addition, training sessions for legislators, legal service providers, and human resource managers in both Public and Private Sectors on the principle of gender mainstreaming and relevant EU and Maltese legislation were carried out.

Besides, the EU co-funded project entitled *Living Equality (VS/2007/0442)*, that was launched in November 2007, sought to foster gender mainstreaming in both the Public Service and the Public Sector. Indeed, the activities delivered during this project were aimed at facilitating the concept of gender equality for the working staff within both branches of Public Administration, and at promoting the implementation of gender mainstreaming tools. In particular, various training sessions and seminars were carried out with managers and other employees giving a detailed overview of what is the

principle of gender mainstreaming, why gender mainstreaming is important at the workplace, and how to implement it through various gender mainstreaming tools.

In addition, NCPE continued to foster the importance of the implementation of gender mainstreaming in all social and economic spheres. In effect, NCPE developed another initiative and applied for funding through the PROGRESS Programme for another project (VP/2010/009) *Gender Mainstreaming – in Practice*. This project is aimed at strengthening the knowledge and understanding of gender mainstreaming with relevant stakeholders; producing tools for the effective implementation of gender mainstreaming; providing training and highlighting good practices on gender mainstreaming; and encouraging the replication of such good practices to enhance the implementation of this principle. Throughout this project, examples of national policies that are gender mainstreamed will be provided and a network of support will be created to continue empowering stakeholders on gender mainstreaming.

### **Political and public life**

Safeguarding equal treatment between men and women in political and decision making positions is fundamental to ensure equality of opportunities for both genders. Indeed, in Malta, the political system as such does not discriminate against female representation in politics in the Maltese Islands. Citizens who wish to contest local or national elections are confirmed or otherwise as candidates after a preliminary vetting by the respective parties. Moreover, in Malta gender balance in parliamentary and local council representation is generally fostered and acknowledged as an important element in decision-making institution. Yet, the research study “Perceived Obstacles to the Participation of Women in Decision-Making Positions”, carried out by the National Statistics Office Malta on behalf of the National Council of Women, determined that long hours and lack of support tend to be challenging obstacles for women to obtain a decision-making or managerial post.

Although women are underrepresented in the National Parliament (8.7% in 2008), the number of women elected in the Local Councils is on the increase. In fact, currently 19.8% of Local Councillors are female. Although there are no formal mechanisms in place to ensure that women are appointed to positions in national governments, very often elections at a Local Council level serve as a springboard to higher echelons in political life. Hence, the increase in female representation at Local Councils level is likely to bring about an increase in the number of female Members of Parliament in the longer term. Similarly the number of female candidates that participate in the Members of European Parliament election has also increased throughout the years, reaching 23.5% in 2009 from 7% of female candidates in 2004

In addition, the number of female legislators, senior officials, and managers is gradually increasing, reaching 22% in the first quarter of 2010. Consequently, in order to continue encouraging and empowering women to participate in decision making positions, NCPE will be carrying out a research as part of the EU co-funded project (*ESF 3.47) Unlocking the Female Potential*. This research will identify the reasons underlying the ‘glass

ceiling' and 'glass cliff' in the labour market, and will identify and analyse the main factors that hinder women from occupying managerial positions in employment. Moreover, as will be explained later on, through the 'Equality Mark', NCPE will encourage and empower more entities to foster equality of opportunities to both men and women to facilitate their career development so that they can advance to decision-making positions, irrespective of their family responsibilities.

## **Employment**

Similarly the female employment rate in Malta is gradually increasing, reaching 38.5% in the first quarter of 2010, and the majority of women participating in employment 72.5% have a full time job. Nonetheless, in order to motivate women to remain or return to the labour market, fiscal measures are available to female employees and inactive women. Indeed, fiscal advantages are available to more families, in particular mothers who return to the labour market after a five-year absence can benefit from a one-year exemption from income tax, for every child under the age of 16; and mothers already in employment or who have not been absent for five years, and who return to work after childbirth, benefit from a one-year exemption from income tax, for all children born from 2007 onwards.

In addition, in 2008, paid maternity leave was increased by another week to 14 weeks. This enhances the protection of pregnant workers, workers who have recently given birth and workers who are breastfeeding.

Moreover, NCPE is carrying out the EU co-funded project *ESF 3.47 – Unlocking the Female Potential* which also aims to improving access to employment and enhancing the participation and progress of women in the labour market. As part of this project, in-depth research will be carried out on various facets related to the female participation in the labour market. The respective findings and recommendations will be a valuable tool for policy makers in relation to policy formulation. This research will delve into the reasons underlying the inactivity of women in Malta & Gozo; the Glass Ceiling and Glass Cliff in Malta; the gender perspective in entrepreneurship; life prospects of teenage parents; and an inactive population skills study.

Moreover, through the 'Equality Mark' certification more entities will work to actively foster gender equality, and hence further awareness will be raised on the rights and responsibilities of employers, human resources managers, equality committees/representatives within the workplace and employees. In fact, following an assessment of the respective policies and measures, organizations whose management is based on the recognition and promotion of the potential of all employees irrespective of their gender and caring responsibilities will be awarded the 'Equality Mark'.

## **Work life balance**

Flexible working arrangements and special leave provisions help employees in the public sector to improve their quality of life by facilitating the reconciliation of work and private

life. In fact, *Legal Notice 312 of 2008 – Telework National Standard Order* sets out the general legal framework for telework. Working from home enables employees, particularly persons who are taking care of dependent persons, to better reconcile work and family responsibilities and remain active in the labour market.

In effect, family friendly measures promote equality of opportunity to both genders and enhance their economic and social inclusion. In effect, women and men who have caring responsibilities can avail themselves of such measures to be better able to participate in the labour market, and also to participate in family responsibilities and to care for children or other dependent adults. To this end, in 2009, the Management and Personnel Office published the Family-Friendly Measures Handbook so as to continue enhancing a family-friendly work environment and to promote social inclusion in all levels. Besides, in 2010, MPO Circular 36, 'Procedure for facilitating requests for family-friendly measures' reiterates the applicability, eligibility and procedure for the uptake of family-friendly measures by employees within the Public Service. Also, MPO Circular 18 of 2010 also clarified that work on reduced hours is also applicable to officers who are engaged in the top management category.

Child day care services, alongside family friendly measures, enhance women's social inclusion as employees and as full participants in society at large. In fact, child care services are available through Government regulated standards. Currently, there are more than 40 registered child care centres in Malta. Moreover, tax concessions are available for parents who send their children to childcare centres.

## **Education**

All school children have access to free education and share the same National Minimum Curriculum. Also, kindergarten (as from 3 years of age) is free of charge for children and constitutes part of the formal educational structures.

With regards to tertiary education, female graduates outnumber males since in 2008/9 female graduates numbered 59.4%. Courses which were once marked by a clear gender demarcation are now being broken down, where both sexes have the possibility to follow studies which were once thought to be traditionally female or male. Nonetheless, male students are more likely to opt for scientific and technical courses, whereas female students are more inclined to pursue studies in humanities, health and care-related subjects.

In this regards, NCPE gives training to students and teachers on gender equality and non-discrimination in education. During these training sessions, NCPE seeks to challenge gender stereotypes and to promote equality of opportunity to both genders through sensitizing participants on how and why one's gender should not influence the choice of school subjects and respective choices in personal and career development.

## **Health**

In relation to the sphere of health, a free delivery of health care is provided to both males and females. Besides, in 2007 the Health Care Services Division within the Ministry for Social Policy set up the Malta Breast Screening Programme with the aim of enhancing early diagnosis and treatment of breast cancer. To this end, women aged between 50 and 60 will be called for screening over the next three years.

In addition, Malta has a long-standing commitment to support initiatives aimed at reducing preventable maternal mortality and morbidity, while respecting the dignity and rights of both the mother and the unborn child. In fact, the Health Division offers comprehensive obstetric services ranging from antenatal care through delivery to the postpartum period. All services offered by the state are free and easily accessible to all mothers in Malta. In this regards, maternal mortality in Malta is low, having registered only 4 maternal deaths between 1998 and 2007.

## **Violence**

Malta pursues a zero-tolerance approach to violence and various initiatives have been undertaken in recent years to raise awareness and combat gender based violence. Particularly, the Domestic Violence Act (Cap. 481 of Laws of Malta), which came into force in February 2006, enhanced the protection of household members against domestic violence and set up the Commission on Domestic Violence. This Commission established a number of subcommittees to enable it to meet its functions. In particular, the Subcommittee on Service Development is working on improving service delivery to people experiencing and/or escaping violent relationships. The Subcommittee on Research and Data Collation works on research to inform social policy in the area, through which, in 2009, the Commission published a study it had commissioned on the Attitudes and Perceptions of the General Public on Domestic Violence in Malta. The Subcommittee for a National Publicity Campaign plans and co-ordinates media events on domestic violence; and the Subcommittee on Legal Issues, which is in the process of being set up, will be responsible for review in the monitoring and review of legislation and measures provided for by law.

## **Concluding remark**

As delineated throughout this report, various legal and policy developments safeguard equal treatment between genders and strengthen the national machinery for gender equality in Malta. In addition, such developments were also complemented by other initiatives to bridge the gap between de jure and de facto equality between genders. Such initiatives have led to significant progress and positive outcomes. Most notably, women in Malta are nowadays attaining higher levels of education, maintaining a higher presence in the labour market, and assuming a more active role in public life. Nonetheless, it is acknowledged that challenges to bridge the gap between de jure and de facto equality remain. In particular, culture and social changes occur at a gradual pace. Yet, continuous commitment and efforts to mainstream gender equality in all social and economic

policies and measures, alongside respective awareness raising on equality rights and responsibilities, are crucial to safeguard gender equality in society at large.

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