

NATIONAL COMMISSION FOR THE PROMOTION OF EQUALITY

**Questionnaire on Implementation of the Beijing Declaration
and Platform for Action (1995)**

and

**the Outcome of the twenty-third Special Session of the
General Assembly (2000)**

from the

UN Economic Commission for Europe (UNECE)

**For the preparation of regional review and appraisals in the
context of the 15th anniversary of the adoption of the Beijing
Declaration and Platform for Action (2010)**

PART ONE: HIGHLIGHT MAJOR OVERALL ACHIEVEMENTS AND OBSTACLES

Major Overall Achievements:

The Convention on the Elimination of Discrimination Against Women (CEDAW) has impacted Maltese society by targeting the focus of gender equality in both *de jure* and *de facto* compliance. CEDAW not only put forward targets and indicators to be able to evaluate gender equality across countries, but gave countries aims to work towards, in the mainstreaming and implementation of gender equality. Currently laws and policies are in place, the next step is to see tangible and long lasting results in equality.

Equality, and more specifically gender equality, is mainstreamed throughout most sections of Maltese society. It is in the legislation, policies and the overall working of the Government. In addition Gender Mainstreaming is a horizontal priority for the Maltese Government. However, there are many niches where the tangible results of equality still need to be encouraged.

De jure equality does not necessarily lead to *de facto* equality; in fact a cultural change needs to continue to take place before such equality can be seen in more concrete terms.

In the Key Challenges as reported in Malta's '*National Report on Strategies for Social Protection and Social Inclusion 2008-2010*', it is stated that there is a need of inclusion of 'women...within the labour market'¹, 'by raising female employment rate to 41% by 2013'², and 'securing more gender balance on government appointed boards and committees'³. However, as part two will show, there is also a need of an increase in equality in decision making positions as well as equality in the division of family responsibilities.

Having said that, since 2004, there have been a number of advancements in Malta. These include the setting up of the National Body for equality, numerous legislative and policy changes, increased monitoring of equality, an overhaul of Public Sector and Public Service administration to ensure non discrimination and the provision of a complaints service.

¹ National Report on Strategies for Social Protection and Social Inclusion 2008-2010' Pg 19

² National Report on Strategies for Social Protection and Social Inclusion 2008-2010' Pg 22

³ National Report on Strategies for Social Protection and Social Inclusion 2008-2010' Pg 23

National Body

In 2004, the National Commission for the Promotion of Equality was set up by virtue of Chapter 456, the *Equality for Men and Women Act* which covers non discrimination based on gender and family responsibilities at the place of work and in education. This law also delineates the illegality of sexual harassment. The Commission amalgamated the Department for Women in Society as well as the Commission for the Advancement of Women to become the national body responsible for issues of equality.

NCPE has many roles which emanate from the laws within its remit. Within the field of gender equality, NCPE's remit covers the provision of goods and services by virtue of Legal Notice 181/2008 *Access to Goods and Services and their Supply (Equal Treatment) Regulations* and employment, sexual harassment and family responsibilities by virtue of Chapter 456, the *Equality for Men and Women Act*.

The specific roles of NCPE include training; research; policy formation; receiving complaints; answering questionnaires; awareness raising; monitoring the printed media and giving feedback on EU/ National documents, legislation and directives, all of which will be discussed in further detail throughout this report.

Legislation and Policy Changes

Malta's Constitution enshrined equality and non discrimination in 1964, however, since joining the European Union in 2004, Malta has been implementing and monitoring the relevant legislation as emanating from EU Directives and has also made gender mainstreaming a horizontal priority throughout Public policies, documents and legislation.

Other Legislative and policy changes which have occurred since 2004 include:

Legal Notice 181/2008 – *Access to Goods and Services and their Supply (Equal Treatment) Regulations* - came into force, and extended NCPE's remit to non discrimination on the basis of gender in the provision of goods and services, which transposed EU Directive 2004/113/EC.

In an attempt to ensure that all aspects of Public Service and Public Sector are mainstreaming equality in the provision of goods and services, the Government of Malta has issued *Circular 30/2008* which requires every department to identify any legal/ procedural/administrative policies and practices which may be discriminatory and also to propose solutions and amendments.

NCPE had initiated research in Teleworking which, was taken on board by the Government of Malta's Management Personnel Office (MPO) and became a Public Administration Policy and further led to its legislation via Legal Notice 312 of 2008 - *Telework National Standards Order, 2008*.

Several amendments made in National policies and laws which cover other family friendly measures, such as for example an increase in paid Maternity leave for employed women from 13 to 14 weeks.

NCPE has implemented several EU co-funded projects since 2004; below is a list which will also be discussed in further detail throughout this questionnaire.

- **ESF 23 - Gender Mainstreaming: The Way Forward Project** emanated out of a specific objective, namely to help society better understand the current situation that women and men encounter while in or trying to enter the labour market. It also went a step further by researching good practices from other European countries.
- **Promoting Equal Opportunities through Empowerment (EQUAL No.4)** aimed at reaching out to the inactive segment of the Maltese population to encourage them to be part of, remain in and advance in the labour market by promoting the uptake of opportunities in different fields.
- The project titled **EMPOWER** was aimed at identifying methods that allow the removal of real and perceived barriers of marginalised and/or weak groups, especially targeting vulnerable women, by promoting equal opportunities for those groups entering the labour market.
- The project titled **Facilitating Equality through Education (FETE)** aimed at correcting the gender roles and stereotypes that form part of the educational system as well as developing a culture that allows both men and women full and free aspiration to a career as well as a private life.
- A UNESCO project titled **The Gender Gap in Science and Technology in Malta: Evaluating the Problem and Tackling the Issues** targeted the collation of coherent statistics and other information about the gender differences in the fields of science and technology as well as raising awareness about the subject amongst the general public especially young female students and their parents.
- NCPE was also a partner in the project **Gender News Good News** which worked with individuals from the media to identify and eliminate current stereotypes and raise awareness about the importance of work/ private life balance. It was hoped that such awareness raising with media specialists would then be reflected in the broadcasted, electronic and printed media.

- **ESF 46 - The Gender Aspect from a Legal Perspective** - A project which gender mainstreamed Acts and Codes of Maltese Legislation that directly or indirectly impact the sphere of employment and occupational prospects in relation to gender.
- **ESF 48 – Affirming Gender Mainstreaming at a National Level** – As a follow up from the ESF 23 project, this project was aimed at providing directors, policy makers, human resource managers and equality committees with the impetus to update policies and practices to meet the obligations of current EU and Maltese commitments towards the implementation of gender mainstreaming.
- A project titled **Women in Development** tackled issues faced by women searching for employment and gave training to aid them in finding employment.
- A project titled **Taking Gender Equality to Local Communities** aimed at assisting the community in looking at gender roles at the local level and encouraged a re-examination of the roles performed by women and men in order to develop a culture of equality and equal opportunities.
- **Anti - Discrimination and Diversity Training** - As the Maltese partners of this project, NCPE organised two, two-day seminars to promote anti-discrimination among local NGOs and Trade Unions and another one-day seminar to promote diversity management among employer’s organisations.
- The **MOSAIC – One in Diversity** project acted as an awareness programme for the general public with an aim of highlighting the six grounds of discrimination as recognised by the European Union. The project set up and worked with a network of organisations and governmental entities who work on the six grounds.
- **Voice for All** – This project aimed at empowering participants to challenge the learning and thinking processes which give rise to discrimination based on race, sexual orientation, gender, age, religion and disability discrimination and endorse diversity.
- **Living Equality** - Public officers were sensitised on gender mainstreaming, whilst being encouraged to make use of gender equality methodologies. They were also provided with training on gender sensitivity. Staff of ministries and departments responsible for policy and programmes, which are in decision-making positions, were trained on the use of gender mainstreaming tools.
- NCPE and the European Commission Representation in Malta organised a **National Campaign promoting Equal Opportunities for All**. This media campaign consisted of seven educational spots focusing on the six grounds of discrimination and one generic spot, all with the slogan '*Differenti u Indaqs*' (Different and Equal)

PART TWO: PROGRESS ON THE IMPLEMENTATION OF THE CRITICAL AREAS OF CONCERN (except H)

A Women and Poverty

Women suffer a higher risk of poverty compared to men. This is mainly due to low female employment rates. Many women are inactive or opt for part-time work due to their caring responsibilities. Consequently, they do not have secure work related entitlements to retirement pensions⁴. Hence, the Government has been aiming to increase female employment rates, mainly through financial measures, development and training programmes, as well as the provision of child care.

In 2004, the first *National Action Plan against Poverty and Social Exclusion (2004-2006)* was drafted. The main priorities were to increase the female employment rate, develop policies to make work pay, promote more and better jobs for inactive men and women as well recipients of social benefits. The Maltese Government worked on strengthening the welfare system so as to cater for persons in need and increasing social and affordable housing.

The *National Report on Strategies for Social Protection and Social Inclusion 2006-2008* aimed at raising the employment rate, particularly of women and those above the age of 55 years. In order to attract more women back to work, to encourage life-long learning and continuous development, and to balance family and work, the Government offered pension credits for parents with young children, as well as for students and workers who want to further their education and skills, including women.

Throughout the *National Report on Strategies for Social Protection and Social Inclusion 2008-2010*, the Government tackles poverty by promoting active inclusion and enhancing equality of opportunities. This is aimed at reducing the risk of poverty of persons with mental ill-health or dependency difficulties, those living in jobless and single parent households, those witnessing or being victim to domestic violence or abusive behaviour, teenage parents, unaccompanied minors and young people who are unemployed or inactive, in particular women. This will be achieved by increasing the overall employment rate, particularly through the inclusion of older workers, women and vulnerable groups within the labour market, making work pay; promoting greater availability of adequate and affordable housing; and combating the intergenerational transmission of poverty and social exclusion.

⁴ National Report on Strategies for Social Protection and Social Inclusion 2008- 2010.

B Education and Training of Women

All school children have access to free education and share the same National Minimum Curriculum. In primary and secondary education the percentage of representation of boys and girls in schooling is approximately equal. 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, females make up 60.8% of university graduates (2007/2008). Although this percentage clearly illustrates the significant change which has taken place over the last two decades where females only made up 20% of university students, males and females are not always equally represented in the various faculties and institutes making up the post-secondary, vocational and tertiary education.

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 exclusively male. However, women are still enrolling in the traditional 'caring' fields, such as teaching and nursing, humanities and social sciences while men still dominate the technical, engineering and science-based courses at post-secondary level. Nonetheless, Malta has seen a steady increase of female graduates in the fields of Maths, Science and Technology over the last 10 years.

'Facilitating Equality through Education', a project carried out by NCPE, aimed at attempting to correct the gender roles and stereotypes in the formal education process which often led primary and secondary school students to aspire for work and private life roles influenced by their gender rather than their interests and capabilities. To achieve this objective policymakers, teachers and students alike, were sensitised to the need of greater gender equality, a work/life balance with equal responsibilities and gender neutral language. This project disseminated material as well as organized a few activities aimed at children such as slots on children's television programmes, a competition for children, and the dissemination of educational material distributed to schools.

Another project carried out by NCPE, sponsored by the UNESCO Malta Commission was *The Gender Gap in Science and Technology in Malta*. This project aimed at collating coherent statistics and other information about the gender differences in the field of science and technology. Moreover, the project raised awareness about this subject matter among the general public, especially female students and their parents. The target groups were reached through meetings with female students from various secondary schools who were choosing their optional subjects. During these meetings students were informed about the various employment opportunities in

Malta and the EU. They also had the opportunity of leaning from first hand experiences of women already working in the science field.

C Women and Health

The delivery of health care is free to both males and females. Recognizing that quality health services contribute to the high level of healthy life expectancy enjoyed by both genders, the Government is committed to keep health services free of charge. The Government is also determined to continue facilitating access to services notably by providing better information on the available services as well as by reducing lengthy waiting time to access services⁵.

The Directorate for Health Information and Research will be seeking to identify and map out existing epidemiological health inequalities in Malta. According to the *National Report on Strategies for Social Protection and Social Inclusion 2008-2010* plans for the implementation of population-based organised breast cancer screening programme for women aged 50-59 years have reached an advanced stage.

Moreover, young women will be particularly targeted in ongoing anti-smoking campaigns. The introduction of mandatory pictorial warnings and the setting up of a tobacco control reporting unit are intended to help curb this important risk factor.

In the mental health sector, a female forensic unit is projected for development within Mount Carmel Hospital to better cater for the changing needs within this client group. A male forensic unit has already been established. This is aimed at promoting independent living among persons suffering from learning disabilities to the extent that they cannot live even with support in the community.

D Violence against Women

The *Domestic Violence Act* was enacted on the 28 February 2006 and addresses violence against women. The introduction of the protection, restraining and treatment order has helped to protect the victim as well as the perpetrator in dealing with this type of violence. Through this legislation

⁵ Malta's National Reform Programme 2008-2010. Ministry for Finance, the Economy and Investment, October 2008.

the Criminal Family Court is better able to provide protection for the safety of the violated woman, and to issue orders against the perpetrator.

In 2006, the Commission on Domestic Violence was set up as per Article 3 of the *Domestic Violence Act (CAP 481)*. The main role of the Commission is to advise the Minister responsible for social policy on all aspects of domestic violence including raising awareness and suggesting areas for research. In addition, the Commission on Domestic Violence is also responsible of liaising and collaborating with various stakeholders in its efforts to combat domestic violence.

There are various shelters within Malta and Gozo available to all women and their children seeking refuge within the Maltese Islands.

The Commission on Domestic Violence organized various awareness raising campaigns. These included activities to mark the International Day for the Elimination of Violence against women (art competitions (Nov, 2007), the White Ribbon Campaign (Nov, 2007), a bus shelter campaign (Jan, 2008), articles in the media, TV and Radio programmes, and a seminar entitled "*Working together to combat domestic violence*" to mark the international day on domestic violence.

The Malta Police Force has developed guidelines with regards to procedures in handling cases of domestic violence. This guideline was circulated to all officers in the *Malta Police – Circular no: 55/07*.

NCPE develops and coordinates policies and guidelines about sexual harassment at the workplace mainly by giving training to human resource managers and staff members in the Public and Private Sectors. Also, NCPE published: *Sexual Harassment: A Code of Practice*, and (in collaboration with MPO) *The Public Service: Guidelines on what constitutes sexual harassment and on the procedures to be adopted in cases of sexual harassment*, to disseminate information and educate employers and employees.

In addition, NCPE's Complaints Section processes any complaints regarding sexual harassment, which are then analysed and investigated by the Complaints Sub-Committee.

NCPE was a lead partner in '*Taking Gender Equality to Local Communities*', a project aimed at promoting gender equality and gender mainstreaming in local development. Throughout this project, the Public Sector and the general public were trained on what constitutes sexual harassment, and its effects; the legal framework and applicable penalties, and possible actions that can be taken by victims of sexual harassment.

In 2006, the *Criminal Law against trafficking of human beings and sexual exploitation* has been amended to increase the penalties for traffickers of women for prostitution. This legislation is also accompanied by social support structures that offer women the opportunity to break away from such a life.

E Women and Armed Conflict

While the Government of Malta has no experience of women and children involved in armed conflict, it condemns all forms of violations of women and girls' human rights including any situation of armed conflict where sexual violence is used as a strategic and tactical weapon of war. The Government calls for more effective programmes to decrease the negative impact of armed conflict while highlighting the importance of the contribution of women and girls in all stages of conflict resolution, peacemaking, peacekeeping, peace building and the reconstruction process. In particular, Malta gives importance to efforts and programmes that combat gender based violence, including sexual violence, sex trafficking, female genital mutilation and forced prostitution.

The Ministry of Foreign Affairs (MFA) drafted '*An Overseas Policy and a Framework for Humanitarian Assistance for Malta*'. Gender equality, democratisation and good governance are central to this policy. In addition, gender mainstreaming guides Malta's development of activities of assistance and cooperation. Hence, gender considerations feature in a cross cutting manner in all areas of assistance carried out by Malta in the framework of the development policy.

Following the current situation of irregular immigrants in Malta, the Government focuses on humanitarian assistance and assistance to refugees and displaced persons.

NCPE collaborates with the Armed Forces of Malta (AFM) in order to further introduce gender equality measures. As a result of this collaboration, a sexual harassment policy is already in place. NCPE also provides **training** to the AFM about sexual harassment and other equality issues.

F Women and the Economy

Legal Notice 86 of 2007, *Equal Treatment in Self-Employment and Occupation Order* provides the legal basis for equal treatment in relation to conditions for access to self-employment or to occupation, by laying down minimum requirements to combat discriminatory treatment.

Legal Notice 338 of 2007, *Equal Treatment in Employment* includes sex as a ground on which discrimination is prohibited and covered by the law. It introduces the notion of positive action as a lawful endeavour within Maltese legislation, and includes a provision on sexual harassment.

Even though the female participation in the labour market is gradually increasing⁶, women are still under represented. In actual fact, the female employment rate is 31.5%, in comparison to 61.7% for men⁷.

Consequently, Malta has one of the lowest gender pay gaps among the Member States. In 2004, the gender pay gap in Malta was 3.25%, while in 2005 and 2006 it was 4.26% and 2.53% respectively. Such a low gender pay gap is a reflection of a low participation of females in the labour market, in particular of a small proportion of low-skilled or unskilled women in the workforce⁸. The gender pay gap is consistent within all occupational groups, conferring advantages in remuneration on men. In the *National Reform Programme for 2005-2008* the gender pay gap is mentioned as a major issue and challenge which needs to be adequately addressed.

The Malta's *National Reform Programme 2008-2010* aims at increasing the female employment rate by training and engaging mothers absent from the labour market. Mothers can undertake occasional remunerated educational service work that will not disrupt their family routine and child rearing. In particular, three programmes respectively seek to train non-working mothers for occasional work as child-minders; train parents for educational leadership roles in schools and local communities; and to train parents to co-work with teachers at a community level.

Additionally, 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 has 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 onwards⁹.

Furthermore, the Malta's *National Reform Programme 2008-2010* promotes family friendly measures. Indeed the Employment and Training Corporation (ETC) carried out a number of initiatives which include training, awareness raising campaigns, research and the implementation

⁶ NSO, 2008, Gainfully Occupied Population: June 2008

⁷ NSO, 2008, Labour Force Survey: Q2/2008

⁸ Memo/07/297, Bridging the Gender Pay Gap, Brussels, 2007

⁹ Responsibility – Sustainability – Solidarity. Budget 2009

of various EU funded projects. The Employment and Training Corporation (ETC) is working on increasing female participation through more provision of childcare services at the workplace. The aim is to increase the supply of quality, accessible and affordable childcare service facilities at the place of work, enabling mothers to remain in the labour market, increase the female employment rate and the uptake of training. Moreover, ETC also offers new programmes for job seekers, persons in employment who wish to upgrade their skills and employers, including women. For instance, the *Employment Aid Programme* is intended to find jobs for disadvantaged persons, while subsidizing their wages over a five-year period. In addition, the *Training Aid Framework* provides subsidies to companies which provide training for their employees. In particular, small companies will benefit from an increased financial aid¹⁰.

The Foundation for Women Entrepreneurs (Malta) is working to make entrepreneurship an acceptable and positive way of earning a living. Some of the main aims of this Foundation include: establishing entrepreneurship as a culture and way of life for women, promoting initiatives that foster the creation of women entrepreneurial networks, creating awareness of the impact that women entrepreneurs can have on the national and regional economy, creating research and training infrastructures in various areas, assessing, evaluating and auditing female targeted initiatives and their effectiveness.

Through various EU co-funded projects, NCPE aims at encouraging women to participate in the labour market. *'Promoting Equal Opportunities through Empowerment (EQUAL No.4)'* sought to reach out to the inactive segment of the Maltese population, particularly women, and encourage them to be part of, remain and advance in the labour market by promoting the uptake of opportunities in different fields. *'EMPOWER'* identified methods for the removal of real or perceived barriers of marginalised and/or weak groups, particularly women, by promoting equal opportunities for disadvantaged women entering the labour market. Moreover, *'AGEndeR'* aimed at increasing the employment rate of senior people, particularly women, by promoting good practices in the area of gender equality and age management in Europe and locally.

NCPE gives training to persons registering for employment with ETC. This training includes an introduction to NCPE's remit and a run through of equality legislation related to the place of work, sexual harassment as well as discriminatory questions which may be asked during interviews and which may be against the law.

Child day care services, alongside family friendly measures, enhance women's social inclusion as employees and as full participants in society at large. Currently, there are 37 registered child care

¹⁰ Ibid.

centres in Malta¹¹. Moreover, the implementation of a *Childcare Subsidy Scheme*¹² will increase the availability and affordability of quality childcare. Accordingly, financial assistance will be provided to employed parents with children under the age of three to mitigate the cost of childcare.

Besides family friendly measures, special leave provisions facilitate the reconciliation of work and family life for mothers and fathers, as well as other male and female employees. Teleworking is the latest addition to family friendly measures in the Public Sector. In addition, L.N. 312 of 2008 – *Telework National Standard Order* sets out the general framework for telework in both private and Public Sectors.

G Women in Power and Decision Making

Women are under-represented within the legal, senior officials and management occupational group. Males occupy 82.26% of the decision-making and headship positions in the Public Sector¹³.

Moreover, female representation in Parliament has not changed much over the last years: 1999 – 9.2%, 2006 – 9.2%, and 2008 – 8.7%. On the other hand, in 2008 female councillors elected comprised 20% of all councillors. This increase at the Local Councils level will hopefully reflect itself in the number of female Members of Parliament as the Local Councils election tend to serve as a springboard for political life.

The political system per se 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.

In 2007, the National Council of Women (NCW) of Malta in collaboration with the National Statistics Office (NSO) published the report "*Perceived obstacles to the participation of women in decision-making positions*". The aim of the study was to identify obstacles for women in obtaining decision-making posts in political, economic and social sectors. It was identified that one of the main obstacles hindering women is the lack of a work/life balance imposed by accepted social obligations. As a follow up, the National Council of Women offered training in political decision making for women considering a political career.

¹¹ ETC, 2008. Last retrieved on 14th November 2008:

<http://www.childcaremalta.org/etc/content.aspx?id=43594>

¹² National Report on Strategies for Social Protection and Social Inclusion 2008-2010, Malta

¹³ Statistics gathered by NCPE, as at September 2008

I Human Rights of Women

The Constitution of Malta has always guaranteed equal access to justice for all. By virtue of the *European Convention Act* and the *Maltese Constitution*, an aggrieved individual can have recourse to the courts.

Equality for Men and Women Act (Chapter 456) delineates the illegality of discriminatory treatment, harassment and sexual harassment on the grounds of gender and family responsibilities by employers, banks and financial institutions, educational facilities (training / guidance), and in advertising.

Legal Notice 181 of 2008, *Access to Goods and Services and their Supply Regulations* lay down a framework for combating discrimination based on gender in the access to and supply of goods and services.

By virtue of *Equality for Men and Women Act (2003)*, NCPE ensures that Maltese society is free from any form of discrimination based on sex, and/or family responsibilities. NCPE promotes gender equality in all aspects of social life through various initiatives and projects and also advises the Government on policy-direction. NCPE also investigates complaints on gender discrimination.

In addition, NCPE set up an Equality Committee in every Ministry, to include the promotion of equality in the Public Sector, training officers, setting up initiatives, receiving complaints, and liaising with NCPE.

The role of civil society organisations is important, particularly women's organisations, in the defence and promotion of women's rights. Currently, there are two umbrella organisations for women: the *National Council of Women* and the *Malta Confederation of Women's Organisations* which play an active role in the national discussions and consultation processes.

J Women and the Media

In July 2007, the Broadcasting Authority has issued guidelines on '*Gender Equality and Gender Portrayal in the Broadcasting Media*'. These guidelines apply to all programmes, including news and advertisements, broadcast on radio and television stations and are intended to make the broadcasting media more sensitive to gender equality. The guidelines state that media images and

production should provide an equal representation of women and men in roles of authority, as well as in caring situations.

Various training sessions are organised both for the monitoring staff of the Broadcasting Authority and for staff from broadcasting stations. Lecturers from the University of Malta as well as NCPE have provided training for the Broadcasting Authority. The training provided by NCPE included an introduction to gender rights, media stereotyping, European and national law, and guidelines for gender equality.

The Institute of Maltese Journalists has provided training in gender mainstreaming during courses that it has organised through its foundation, the *Fondazzjoni Tumas Fenech għall-Edukazzjoni fil-Ġurnalizmu (FTFEG – Tumas Fenech Foundation for Education in Journalism)*, and has also published the proceedings of its conventions, in which gender mainstreaming was the subject of papers, in its journal.

In 2007 the Employment and Training Corporation (ETC) in collaboration with National Commission for the Promotion of Equality (NCPE) implemented *Gender News Good News* project. This project aimed to transfer knowledge and information on legislation to the mass media representatives and identify good and bad practices involved in the portrayal on TV of gender stereotypes and roles connected with the world of work and in relation to reconciliation of work and family responsibilities.

NCPE plays a crucial role to ensure that discriminatory advertising based on gender in employment and educational opportunities and financial services are not published. For this reason, NCPE has issued *guidelines for publishers and guidelines for its internal staff* for monitoring visual adverts.

Moreover, NCPE monitors newspapers and electronic sites on a daily basis to identify any discriminatory advertising based on gender in the areas of educational opportunities, employment opportunities and financial services. In the case of discriminatory advertising, the company issuing the advert, as well as the respective newspaper, are duly informed and amendments are suggested to the interested parties.

L The Girl-Child

In Malta, education is inclusive for both girls and boys. *The National Minimum Curriculum* established parameters within which every (State, Church and Independent) school is empowered to design and propose an educational provision that meets its particular needs.



LN 258 of 2007 *'Regulations as to Standards and Practice applicable to Participation in Media Programmes of Vulnerable Persons'* sets out broadcasting guidelines as regards children under 18 years of age.

Agenzija Appogg, the national social welfare agency for children and families in need, has set up a hotline service (Support Line 179), to report child abuse (abuse may be in the form of images, as in child pornography, or text as well as malicious contact in chat rooms) over the internet and promote internet safety.

PART THREE: INSTITUTIONAL DEVELOPMENT

The National Mechanism which exists in Malta for the promotion of gender equality is the National Commission for the Promotion of Equality (NCPE). However, there are two other Mechanisms which implement laws related to gender equality, the Department of Employment and Industrial Relations (DEIR) and the Employment and Training Corporation (ETC).

The National Commission for the Promotion of Equality's (NCPE) remit covers equality at the place of work, (on the basis of gender, family responsibilities and sexual harassment), in education and in the provision of goods and services. The functions of the Commission as outlined in Chapter 456, *Equality for Men and Women Act*, are as following:

- (a) to identify, establish and update all policies directly or indirectly related to issues of equality for men and women;
- (b) to identify the needs of persons who are disadvantaged by reasons of their sex and to take such steps within its power and to propose appropriate measures in order to cater for such needs in the widest manner possible;
- (c) to monitor the implementation of national policies with respect to the promotion of equality for men and women;
- (d) to liaise between, and ensure the necessary coordination between, Government departments and other agencies in the implementation of measures, services or initiatives proposed by Government or the Commission from time to time;
- (e) to keep direct and continuous contact with local and foreign bodies working in the field of equality issues, and with other groups, agencies or individuals as the need arises;
- (f) to work towards the elimination of discrimination between men and women;
- (g) to carry out general investigations with a view to determine whether the provisions of this Act are being complied with;
- (h) to investigate complaints of a more particular or individual character to determine whether the provisions of this Act are being contravened with respect to the complainant and, where deemed appropriate, to mediate with regard to such complaints;
- (i) to inquire into and advise or make determinations on any matter relating to equality between men and women as may be referred to it by the Minister;

(j) to provide assistance, where and as appropriate, to persons suffering from discrimination in enforcing their rights under this Act;

(k) to keep under review the working of this Act, and where deemed required, at the request of the Minister or otherwise, submit proposals for its amendment or substitution;

(l) to perform such other function as may be assigned by this or any other Act or such other functions as may be assigned by the Minister.

Employment and Training Corporation (ETC) handles issues related to employment and within this corporation there is a Gender Equality Unit which '*strives to work in the area of gender and employment to improve the situation of equality between men and women at the place of work*'. This is done through a number of initiatives and projects. Among these one finds a number of training sessions, research projects and media campaigns.¹⁴

The Department of Employment and Industrial Relations (DIER) handles all forms of discrimination at the place of work and breaches in employment conditions, including discrimination related to gender and sexual harassment. More specifically, the principal functions of the Department of Industrial and Employment Relations are: -

- The protection of interests of workers who are on employment contracts, particularly with regard to conditions of employment.
- The provision of support services for the Industrial Tribunal, Wages Councils, National Employment Authority and Cooperatives Board.
- The safeguarding and promotion of Occupational Health and Safety in Malta and Gozo.
- The provision of effective mediation and conciliation in order to reduce industrial actions and trade disputes.
- The promotion of good relationship between employers' and workers' representatives.¹⁵

The latest reform of the National Bodies took place in 2004, with the setting up of NCPE which amalgamated the Department for Women in Society as well as the Commission for the Advancement of Women. NCPE was set up by virtue of Chapter 456, the *Equality for Men and Women Act*. Since 2004, NCPE's remit has been extended to also cover non discrimination in the Provision of Goods and Services via Legal Notice 181/2008 *Access to Goods and Services and their Supply (Equal Treatment) Regulations*.

At a European level, NCPE is a member of EQUINET - the European Network of Equality Bodies.

¹⁴ As at <http://www.etc.gov.mt/site/page.aspx?pageid=2113> retrieved on 23.02.09

¹⁵ As at http://www.msp.gov.mt/documents/dier/dier_2000.pdf retrieved on 23.02.09

Equality Committees

Within each Ministry, an Equality Committee has been set up consisting of a number of Public Service employees representing different departments within the same Ministry.

These Committees are the points of reference for employees within each Ministry who feel they have suffered from discrimination or sexual harassment. The Committees have been trained by NCPE in gender mainstreaming as well as in sexual harassment issues and also act as the link between NCPE and the individual Ministries.

Monitoring

The National Commission for the Promotion of Equality (NCPE) set up by the *Equality for Men and Women Act, 2003*, is empowered by law to, inter alia,

- 'identify, establish and update all policies directly or indirectly related to issues of equality for men and women',
- 'identify the needs of persons who are disadvantaged by reasons of their sex and to take such steps within its power and to propose appropriate measures in order to cater for such needs in the widest manner possible',
- 'monitor the implementation of national policies with respect to the promotion of equality for men and women' and
- 'to liaise between, and ensure the necessary coordination between, Government departments and other agencies in the implementation of measures, services or initiatives proposed by Government or the Commission from time to time'.

Apart from generally monitoring that all practices, legislation and policies are non discriminatory, NCPE has carried out a specific audit on Legislation via the *ESF 46- The Gender Aspect from a Legal Perspective Project*. The overall objective of this project was to address structural barriers in Maltese legislations on the ground of gender. For this purpose, analysis of particular codes and acts was carried out.

In addition to the audit, three toolkits were produced and directed at the Private and Public Sectors, specifically human resource managers and employers, as well as legal service providers (including legal drafters) and law students. These have been widely distributed, specifically

targeting those who work in policy and legislation. The toolkits are a point of reference for issues related to gender mainstreaming and its implementation.

As discussed in Part 1 of this report, NCPE also monitors that all goods and services which are provided by the Public Service and Public Sector are not discriminatory. This is being tackled through the *Government Circular 30/2008 – 'Legal Notice 181 of 2008 - laying down a framework for combating discrimination based on gender in the access to and supply of goods and services'* which requests that all legal / procedural / administrative policies and practices which may be discriminatory to be amended .

Discriminatory Advertising

NCPE also monitors all printed media for any advertisements which are deemed to be discriminatory. One of the issues which is targeted is employment adverts discriminating between genders in the adverts' text or in the pictures accompanying the adverts.

Complaints Section

With the setting up of the Commission, as the body which ensures equal treatment and non discrimination in Malta, a complaints department was also set up within NCPE. The investigation of complaints is an important aspect of NCPE's work. All complaints submitted to NCPE are dealt with by the Complaints Section which is responsible for processing complaints, gathering information vis-à-vis complaints and answering requests for information. Apart from the Complaints Section, the Complaints Sub-Committee is the body within NCPE which is responsible for taking decisions with respect to complaints received or those which are initiated by NCPE. During the year, the Sub-Committee meets regularly in order to discuss the complaints received, to investigate particular matters, and also to conduct face-to-face meetings with concerned parties.

Information Dissemination

Training of various targeted groups and the general public, as well as project implementation of widespread media campaigns, leads to widespread information dissemination and awareness raising throughout Maltese society.

Awareness Raising

NCPE works on many awareness raising campaigns mainly via several projects. The format of the awareness raising campaigns changes according to the aims of the single project and always endeavours to complement one with the other.

Past campaigns have included issues related to gender equality, gender mainstreaming and the promotion of non discrimination. Campaigns use various media to publicise their message including television and radio Public Service Announcements, billboards, flyers, posters, websites, music and theatre.

Training

NCPE holds training and information sessions for Government departments, Ministries, private companies, equality committees, Public and Private Sector employees and management, sections of the Malta Police Force and the Armed Forces of Malta, trade unions, NGOs, CSOs and the general public. Training is provided on topics such as gender mainstreaming, sexual harassment, family responsibilities, legal provisions as well as non discriminatory practices.

Equality and Sexual Harassment Policy

The training offered also consists of giving guidance and advice in the drafting and implementing of both equality as well as sexual harassment policies. This service is offered to all Public Service and Public Sector departments as well as private companies, NGOs and CSOs. The policy is reviewed to ensure it is in line with equality legislation. Feedback is then given to the entity which requests it.

PART FOUR: KEY CHALLENGES AND CONSTRAINTS AND PLANS FOR FUTURE ACTIONS AND INITIATIVES

Priority Areas

NCPE believes that it is necessary to further implement gender mainstreaming, family friendly measures, equality at the place of work; combat gender stereotypes; empower women to take an active part in economic and political life and promote the importance of men's role in caring.

The National Commission for the Promotion of Equality's future policy direction will concentrate on the following objectives:

Promote equality through awareness raising campaigns regarding rights and obligations on all discriminatory areas as specified by the EU; NCPE's remit as well as promoting equality and non-discrimination. Awareness raising campaigns are therefore pivotal to reach the different sectors of society. NCPE has incorporated into all project proposals a component of awareness raising to educate, disseminate and highlight research results/findings, and promote equality etc

Empower individuals (general public) through the provision of information and assistance with regards to issues pertinent to NCPE's remit

Continue providing targeted training to Private and Public entities/companies as well as to those who will create a multiplier effect with regards to equality (gender and race), sexual harassment, gender mainstreaming, diversity and inclusiveness, and the other areas of discrimination as listed by the EU (race / ethnicity, sexual orientation, age, and religion)

Provide further **targeted training** for Ministries with regards gender and racial equality, sexual harassment, diversity management, equality policies and any other issues pertinent to NCPE's remit

Provide further (ongoing) training for **Equality Committees within each Ministry** in order to keep up to date with current best practices and legislation pertinent to equality

Implement and monitor the obligations emanating from LN181/2008 specifically related to the provision of goods and services and their supply by the Public Service / Sector

Continue monitoring all policies to ensure that they are in fact gender mainstreamed as mainstreaming itself is a strategic approach which aims to address discriminatory practices that are brought about by the relevant political, legal or administrative structures and are not directed at individuals themselves

Continue implementing EU obligations with regards to equality – monitoring and collating data for indicators identified by EU for all 27 Member States emanating from the '*A Roadmap for equality between women and men 2006-2010*' and the '*Beijing Platform for Action*'

Baseline, as well as targeted research is necessary to gauge different factors impinging on gender and racial equality. A number of **research initiatives will be undertaken** to help NCPE better understand the situation so as to come up with acceptable and feasible policy suggestions.

As NCPE's remit was widened both in 2007 and 2008 and new obligations have emanated from the implementation of EU Directives, NCPE continuously invests in the **capacity building** of its staff as well as the Equality Committees in all Ministries. In this manner NCPE will be better able to assist the general public and promote equality.

Widening the network both on a national and international level and strengthening links with civil society, social partners, NGOs, local councils, public and private entities etc.;

Monitoring, reviewing and suggesting amendments of laws as necessary and ensuring the implementation of an inclusion policy across all grounds in all areas of decision making (monetary, infrastructure, employment, health, education, and environment);

Further actions and initiatives

NCPE is planning to work on a number of new projects; one of which will be implemented in the near future and is titled '*Unlocking the female potential*'. This project will be researching what hinders females from entering and remaining in training and employment while providing incentives and support for equal access to employment.

Apart from this, NCPE submits regular applications for PROGRESS, ESF and other EU funds which target a reinforcement of equality and non discrimination specifically focusing on gender equality.

NCPE is currently researching and working on a *Positive Action Policy*, which will be made public for use in any issue pertaining to positive action.