



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

### List of issues and questions prior to the submission of the combined fifth to seventh periodic reports of Malta\*

#### General

1. Please provide information and statistics, disaggregated by sex, age, nationality, disability status, geographical location and socioeconomic background, on the current situation of women in the State party, to enable monitoring of the implementation of the Convention. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, please indicate how the State party intends to improve the collection and analysis of data pertaining to the areas covered by the Convention, so as to support policymaking and programme development and to measure progress towards the implementation of the Convention and the promotion of substantive equality between women and men, including with regard to the specific areas covered in the present document.

#### Women's rights and gender equality in relation to the coronavirus disease pandemic, recovery efforts and global crises

2. Please describe efforts made and mechanisms put in place to contend with the coronavirus disease (COVID-19) pandemic and its long-term impact and ways that those efforts and mechanisms may be applied in the State party's response to current and future crises, such as armed conflict, food insecurity, energy crises and other relevant areas, in line with the Committee's guidance note on the obligations of States parties to the Convention in the context of the COVID-19 pandemic. Please provide information on strategies taken to ensure that gender equality and the empowerment of women are fundamental requirements in addressing such crises and in elaborating adequate responses, including with regard to policies, the scope of essential services, assistance programmes, recovery efforts and the application of the rule of law. Please also provide information on measures taken to ensure the equal and meaningful participation of women in those processes and to ensure that such crises will not lead to a reversal of progress made in the protection and promotion of women's rights.

\* Adopted by the pre-sessional working group on 30 October 2024.



**Reservations**

3. In the light of the Committee's previous recommendations (para. 13),<sup>1</sup> please explain what steps the State party has taken towards the withdrawal of its declaration concerning article 11 and its reservations to articles 13, 15 and 16 (1) (e) of the Convention.

**Women and peace and security**

4. Please describe efforts to allocate sufficient human, technical and financial resources and develop effective tools to implement the national action plan on women and peace and security for the period 2020–2024 and to give the highest priority, in accordance with the State party's extraterritorial obligations, to the meaningful and inclusive participation of women at all stages and levels of peacebuilding, particularly in negotiations and decision-making at the national and international levels. Please provide information on the outcomes and achievements of the aforementioned action plan, as well as on how the results are being utilized to shape the next national action plan for the period 2025–2029.

**Women's access to justice**

5. Please provide information on efforts:

(a) To ensure that quality legal aid, which is sustainable, gender-responsive, accessible and inclusive, is provided in a timely, continuous and effective manner at all stages of judicial proceedings, including to women with disabilities, women in detention, stateless women and women who require translation services;

(b) To raise awareness among women and girls of their rights and of the remedies available to claim those rights;

(c) To provide mandatory capacity-building for the judiciary and legal professionals on eliminating gender and cultural bias in the legal system.

**National machinery for the advancement of women**

6. Please provide details on the Gender Equality and Mainstreaming Strategy and Action Plan 2022–2027, including the goals and objectives thereof and the resources allocated for its implementation. In the light of the Committee's previous recommendations (para. 15), please provide detailed information on steps taken:

(a) To ensure that sufficient and sustainable human, financial and technical resources are allocated for the work of the National Commission for the Promotion of Equality and the relevant ministries working on gender equality;

(b) To ensure coordination between the various components of the national machinery, by clearly defining their mandates and responsibilities and ensuring their representation at the regional and local levels, as well as collaboration with civil society organizations;

(c) To introduce and implement a policy on gender-responsive budgeting across all government departments.

**National human rights institution**

7. Please provide information on the steps taken to accelerate the establishment of a national commission for the promotion of equality and human rights as an

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the Committee's concluding observations on the fourth periodic report of the State party ([CEDAW/C/MLT/CO/4](#)).

independent and impartial national human rights institution, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with a specific mandate to address women's rights and gender equality and with adequate human, technical and financial resources to carry out its mandate.

### **Temporary special measures**

8. In the light of its previous recommendations (para. 17), please inform the Committee of the State party's efforts:

(a) To adopt and apply quotas and other forms of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, in all areas covered by the Convention where women are underrepresented or disadvantaged;

(b) To raise awareness among government officials and members of the parliament, the judiciary, political parties and the public of the non-discriminatory nature of temporary special measures.

### **Gender stereotypes and harmful practices**

9. In the light of the Committee's previous recommendations (para. 19), please provide information on the following:

(a) The development of a comprehensive strategy with proactive and sustained measures to eliminate and modify discriminatory gender stereotypes regarding women, including women with disabilities, minority women, refugee, asylum-seeking and migrant women and older women, by conducting awareness-raising campaigns directed at the public in general and at the media and advertising agencies specifically;

(b) Efforts to eliminate and prevent gender stereotypes through the introduction of gender studies in school curricula from an early age and the implementation of various projects and campaigns in the education system;

(c) Engagement with relevant actors, including public officials, church authorities, civil society and the media in the implementation of the above-mentioned strategy to eliminate and modify discriminatory gender stereotypes regarding women and in efforts to enhance a positive and non-stereotypical portrayal of women in the media and in advertising;

(d) Efforts to raise awareness among the general public of the contribution of women to art, science and culture;

(e) Measures to challenge discriminatory gender stereotypes, norms and beliefs that result in the systemic privileging of men and boys over women and girls.

### **Gender-based violence against women and girls**

10. Please describe measures taken by the State party to implement the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), ratified by the State party in 2014, including through the revision of national legislation that is inconsistent with the Istanbul Convention. Please also explain the linkages between the measures taken to implement the Istanbul Convention and the "Society's Concern" Gender-Based Violence and Domestic Violence Strategy and Action Plan 2017–2020, the third National Strategy on Gender-Based Violence and Domestic Violence 2023–2028 and the 2018 Gender-Based Violence and Domestic Violence Act. Please provide information on the human, technical and financial resources allocated for the

implementation of the aforementioned Act and strategies, as well as on the role of mechanisms such as the Commission on Gender-Based Violence and Domestic Violence in monitoring and assessing the implementation of strategies and actions plans to combat gender-based violence.

11. Please provide information on the goals set out in the above-mentioned plans and strategies on gender-based violence that have been achieved. Please also provide an estimate of the number of unreported cases of gender-based violence and an overview of the support measures in place for victims.

12. Recalling its previous recommendations (para. 23), please also provide the Committee with information on efforts:

(a) To ensure that female victims of violence have immediate protection, including the possibility of removing the perpetrator from the family home, effective recourse to accessible shelters for victims and access to quality legal aid and psychosocial and trauma counselling, and to ensure that the victims are not revictimized by the legal system;

(b) To educate and sensitize public officials, especially law enforcement officials, members of the judiciary, healthcare providers and social workers, on all the forms of violence against women;

(c) To establish a centralized database to collect data on all forms of gender-based violence against women and girls, disaggregated by sex, age, nationality and the relationship between the victim and the perpetrator, as well as on investigations, prosecutions, convictions, sentences imposed on perpetrators and reparations provided to victims with regard to such cases;

(d) To establish structures that provide rehabilitation and reintegration programmes to help female victims of gender-based violence to rebuild their lives, as well as help services for violent partners;

(e) To carry out awareness-raising campaigns through the media and public education programmes to combat gender-based violence and ensure that it is recognized as socially unacceptable;

(f) To analyse, identify and address the root causes of domestic violence.

13. Recalling the Committee's previous recommendations (para. 25), please indicate what steps have been taken to review the definition of rape in legislation so as to place the lack of consent at its centre and define rape and violent assault as crimes against the physical and mental integrity of women and girls and as a form of sex- and gender-based discrimination that prevents women and girls from enjoying their human rights and fundamental freedoms on an equal basis with men and boys.

14. In the light of reports that child marriage is prevalent among migrant communities and remains underreported, please describe what steps the State party is taking to remove all exceptions allowing marriage under the age of 18 years and to raise awareness among the general public, including migrant communities, of the harmful effects of child marriage.

#### **Trafficking and exploitation of prostitution**

15. Recalling the Committee's previous recommendations (para. 27) and its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration, please provide comprehensive information on the prevalence of trafficking in the State party. Please also provide details on the implementation of the National Strategy and Action Plan on Combating Trafficking in Human Beings in Malta 2024–2030. In particular, please provide information on measures taken:

(a) To establish a mechanism to ensure the effective investigation of trafficking cases, the early identification of trafficking victims and the referral of victims of trafficking, including refugee victims, in order for them to receive adequate support and protection;

(b) To combat all forms of trafficking in women and children, including through increased international, regional and bilateral cooperation with countries of origin;

(c) To prosecute and punish in a timely manner all cases of trafficking in women and girls and to ensure that the sentences imposed on the perpetrators are commensurate with the gravity of the crime;

(d) To ensure protection, recovery and remedies for victims of trafficking, regardless of their legal status in the territory of the State party;

(e) To ensure that women who are victims of trafficking, irrespective of their ethnic, national or social background and legal status, are not detained, charged or prosecuted for the unlawful activities that they have committed as a direct consequence of being trafficked and that, regardless of their ability or willingness to cooperate in the legal proceedings against traffickers, they receive effective protection and temporary residence permits;

(f) To collect and analyse data on all aspects of trafficking, disaggregated by age, sex and country of origin and form of exploitation, and to carry out a study to identify the root causes of trafficking and priority areas for action and to formulate relevant policies.

16. Please indicate what steps the State party is taking to ensure that women engaged in prostitution are protected from abuse, harassment and gender-based violence. Please also provide information on programmes for women and girls who wish to leave prostitution.

#### **Participation in political and public life**

17. In the light of the adoption, through Act No. XX of 2021 to amend the Constitution of Malta and the General Elections Act, of a 40 per cent quota for political representation of each sex in parliament and the Electoral Commission, please explain the continued underrepresentation of women at the national and local government levels and in ambassadorial positions in the diplomatic service. Recalling the Committee's previous recommendations (para. 29) and its general recommendation No. 40 (2024) on the equal and inclusive representation of women in decision-making systems, please describe efforts:

(a) To strengthen the representation of women in decision-making positions in political life, including in parliament, local councils, public administration and the diplomatic service, and in the private sector, in accordance with Act No. XX of 2021;

(b) To adopt targeted temporary special measures, such as statutory quotas for the representation of women on the electoral lists of political parties and a gender parity system for the accelerated recruitment and appointment of women to decision-making positions in public administration;

(c) To promote and secure women's roles, especially in leadership positions, within the church;

(d) To carry out awareness-raising campaigns for politicians, journalists, church leaders, teachers and members of the public on the fact that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of women's human rights;

(e) To put in place a comprehensive strategy with proactive and sustained measures to eliminate and modify the negative cultural attitudes and gender stereotypes faced by women in politics and to prevent hate speech against women in positions of power and female candidates.

### **Nationality**

18. According to information received by the Committee, children born prior to 31 July 1989 to a Maltese mother and a foreign father may be stateless, as the Maltese Citizenship Act contains discriminatory provisions limiting the ability of Maltese mothers to confer nationality on their children born outside Malta before that date. In the light of that, please explain what measures have been put in place to allow mothers the same right as fathers to confer their nationality on children born outside the territory of the State party before 31 July 1989. Please indicate what steps are being taken to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and to correct any discrimination against the offspring of women in acquiring nationality. Please also provide information on the naturalization options available for migrant and asylum-seeking women.

### **Education**

19. In the light of its previous recommendations (para. 31), please inform the Committee on:

(a) The State party's efforts to systematically monitor policies, structures and processes related to promoting gender equality identified in the national strategic plan that was developed for the implementation of the National Minimum Curriculum;

(b) The establishment of structures such as an education committee for gender equity and a monitoring committee;

(c) The specific outcomes related to the achievement of gender equality of the education committee for gender equity and the monitoring committee;

(d) Steps to revise the decision to remove technical vocational subjects from secondary-level education and to assess the impact thereof on female participation in technical courses at the Malta College of Arts, Science and Technology and female underrepresentation in the areas of science, mathematics, computing and engineering, manufacturing and construction;

(e) Specific measures taken to encourage the inclusion of girls and women in science, technology, engineering and mathematics disciplines;

(f) Efforts to ensure that age-appropriate comprehensive sexuality education is provided to girls and boys in public and private schools;

(g) Efforts to secure access to education for all girls and to prevent school dropout among girls, including girls with disabilities, girls living in poverty and asylum-seeking and refugee girls;

(h) The number of children, disaggregated by sex and age, enrolled in religious schools and measures taken to ensure that the educational curricula in those schools align with the provisions of the Convention.

### **Employment**

20. In the light of the Committee's previous recommendations (para. 33), please provide information on the following:

(a) Measures taken to review legislation with a view to eliminating barriers that women face in the labour market, including obstacles to the representation of women in managerial and senior decision-making positions, and the impact of such measures;

(b) Measures, including temporary special measures, to promote gender balance, foster supportive work environments and implement policies on work-life balance, in order to achieve substantive equality for women and men in the labour market and to close the wage gap between women and men, including for older women;

(c) The provision of skills training and incentives for women to pursue non-traditional career paths and efforts to eliminate horizontal and vertical occupational segregation in the public and private sectors;

(d) Efforts to strictly enforce the Equal Pay for Men and Women for Equal Work or Work of Equal Value (Amendment) Law of 2014, including through the development of a specific enforcement mechanism and the imposition of sanctions for non-compliance, and to adopt further measures to close the gender pay gap, including through gender-neutral analytical job classification and evaluation methods and regular pay surveys;

(e) Measures, including temporary special measures, such as the adoption of quotas and awareness-raising efforts, to accelerate the equal participation of disadvantaged groups of women in the labour market;

(f) Cases of sexual harassment in the labour market and their outcome;

(g) Measures taken to adopt the European Union directive on improving the gender balance among directors of listed companies and related measures (Directive (EU) 2022/2381).

## **Health**

21. In the light of its previous recommendations (para. 35), please inform the Committee about the following:

(a) Efforts to improve the availability of sexual and reproductive health services, including family planning, free contraception and emergency contraception, to mobilize resources for that purpose and to monitor the actual access to those services by women;

(b) Whether the National Policy on Sexual Health ensures that family planning is widely promoted and also targeted at girls and boys of reproductive age, with special attention to the prevention of early pregnancies among underage girls and the control of sexually transmitted diseases, HIV and AIDS;

(c) Steps to review and revise legislation on abortion, ensure access to legal abortion and post-abortion care, in line with the provisions of the Convention on non-discrimination and the autonomy of women and girls, and address challenges arising from women seeking services abroad due to the State party's severely restrictive abortion law;

(d) Measures to ensure the safety and free speech of human rights defenders promoting women's and girl's reproduction rights, bodily autonomy and access to reproduction-related information.

**Disadvantaged groups of women**

22. Please provide information on the National Strategic Policy on Active Ageing 2023–2030, adopted in 2023, and the impact thereof to date. In the light of its previous recommendations (para. 39), please inform the Committee about steps taken:

(a) To review and monitor the impact of legislation and policies on refugee, asylum-seeking and migrant women with a view to taking remedial measures that effectively respond to the needs of those women;

(b) To fully integrate a gender-sensitive approach throughout the process of granting asylum or refugee status, including in the application stage, by ensuring that female interpreters are available and that reception centres take into account the specific needs of refugees and asylum-seekers who may have been exposed to violence and trafficking in persons;

(c) To ensure that women and girls in distress at sea in the State party's search and rescue region are rescued without delay and disembarked in a place of safety, with full access to asylum procedures and protection against refoulement for those who express international protection needs;

(d) To accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

(e) To implement the memorandum of understanding between the State party and Libya with regard to refugees;

(f) To address the needs of older women, including the pension gap, and the impact of the steps taken;

(g) To prevent discrimination against women, especially mothers, with disabilities.

**Marriage and family relations**

23. Recalling its previous recommendations (para. 37), please inform the Committee of steps taken:

(a) To introduce and effectively implement legislation permitting divorce, allowing women to remarry after divorce and granting women and men the same rights to administer property during marriage and equal rights to property on divorce;

(b) To grant women and men equal rights to initiate divorce proceedings;

(c) To review its legislation governing marriage and family relations with a view to extending existing legal provisions to couples living in de facto unions;

(d) To take domestic violence into account in family law proceedings.

**Climate change and disaster risk reduction**

24. Please describe steps taken to ensure the equal and inclusive representation of women in the development and implementation of the National Energy and Climate Plan 2021–2030 and the work of the recently established Climate Action Authority, as well as to ensure the incorporation of a gender perspective into adaptation and mitigation efforts, in line with the Committee's general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change.

**Additional information**

25. Please provide any additional information deemed relevant with regard to legislative, policy, administrative and other measures taken to implement the provisions of the Convention and the Committee's concluding observations since the consideration of the State party's fourth periodic report ([CEDAW/C/MLT/4](#)) in 2010. Such measures may include recent laws, developments, plans, programmes and ratifications of human rights instruments, as well as any other information that the State party considers relevant. Please also provide information on the measures taken to integrate a gender perspective into all efforts aimed at achieving the Sustainable Development Goals. Please note that, further to the issues raised in the present document, the State party will be expected, during the dialogue, to respond to additional questions relating to areas covered by the Convention.

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