



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

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**Committee on the Elimination of Discrimination
against Women
Forty-seventh session**

Summary record of the 953rd meeting

Held at the Palais des Nations, Geneva, on Tuesday, 12 October 2010, at 3 p.m.

Chairperson: Ms. Pimentel (Vice-Chairperson)

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In the absence of the Chairperson, Ms. Pimentel, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Fourth periodic report of Malta (continued) (CEDAW/C/MLT/4; CEDAW/C/MLT/Q/4 and CEDAW/C/MLT/Q/4/Add.1)

1. *At the invitation of the Chairperson, the delegation of Malta took places at the Committee table.*

Articles 7 to 9

2. **Ms. Jaising** said that the State party's fourth periodic report (CEDAW/C/MLT/4) indicated that women had a very low rate of participation at the highest level of politics. The participation of women in political decision-making was central to their advancement and to the right to equality, yet there had been no increase in the number of women in Parliament in Malta since 1999 despite the improvement in their educational levels. The social, economic and political barriers acknowledged by the State party persisted in many countries, yet there were tried and tested methods for increasing the participation of women, such as quota systems and the legal obligation for each political party to have women candidates. She asked whether the State party had a policy concerning non-governmental organizations (NGOs) and their participation in public life; in particular, she wished to know what funding they received and to what extent they were consulted in decision-making processes.

3. **Ms. Belmihoub-Zerdani** said that, since the State party had not issued any reservations in respect of articles 7 and 8, it should not have any difficulty in ensuring that women participated in political life on equal terms with men. The Government should ensure that women were given the opportunity to stand in local elections, as that was a first important step towards election to Parliament. Greater efforts should then be made to improve the representation of women in Parliament itself. She noted that, while women from Malta had achieved some representation in European Union institutions, at the local level, only 8.8 per cent of women were mayors and only 20 per cent were councillors.

4. She questioned why women were underrepresented in the diplomatic service since a high proportion of women in Malta benefited from tertiary education and were therefore well qualified to undertake such posts. The State party should take action to ensure greater representation at the international level. Moreover, she was convinced that political parties would make greater efforts to implement quotas if subsidies received were conditional upon results in terms of the number of women elected to office.

5. The report did not give sufficient statistical information concerning the number of women magistrates. Further steps should be taken to ensure women's representation in trade unions and in the legal professions. Malta might well have gained independence more recently than many of its European Union counterparts, but that did not preclude the introduction of policies and legislation to promote women's representation in political life.

6. **Ms. Rasekh** said that, as a signatory to the Convention, Malta was required to provide opportunities for women to participate in public life, to represent their Government at the international level and to participate in the work of international organizations. According to the periodic report, the participation of women at the highest international levels remained very low. She wished to know what concrete measures the State party had taken since the submission of the previous report to increase the number of women in international posts, including public awareness-raising and capacity-building and training.

She sought up-to-date information on the number of women represented at high level in the diplomatic service and international organizations in the period 2005–2010.

7. She enquired whether the increase in the number of women candidates for election to the European Parliament reported by the delegation had achieved positive results since, according to the periodic report, there were no Maltese women members. She asked what action the Government was taking to remedy that deficit.

8. **Mr. Flinterman** said that, in his view, current legislation in Malta was in accordance with the requirements of article 9. Concerning the status of stateless women, he wished to know whether Malta intended to accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness. He asked whether there were any procedures in place in Malta to address the situation of stateless women.

9. **Mr. Zahra** (Malta) said that successive Governments had highlighted the importance of women in the electoral process. Political parties did not employ quota systems when identifying potential candidates for national or local elections and the Government did not influence decision-making in that area through the use of subsidies, since it did not subsidize political parties. Nevertheless, political parties had publicly stated that they wished to identify women candidates for national and local elections and the increase in the number of women councillors demonstrated that their efforts had met with success. Since those elected at the local level tended to pursue their careers at the national level at a later stage, it was likely that the number of women elected to Parliament would increase in the future. There was no consensus in Malta on the need to move from a process of gradually improving the representation of women to that of enforcing quotas. An increasing number of women were being nominated and appointed to represent Malta in the international sphere.

10. Malta had two women judges and eight women magistrates; the most recent appointees to the judiciary had been women – a trend he believed would continue. The State party had recently appointed 12 ambassadors and high commissioners. In some cases, candidates had indicated that it would not be possible for them to relocate to a foreign country.

11. In respect of representation at the European Parliament, he was convinced that an increasing number of women would come forward to contest the seats. It was encouraging that the political parties had put forward more female candidates for the European Parliament elections, even though none had been elected. With regard to NGOs, the Government made a concerted effort to engage social partners in structured decision-making processes concerning prospective legislation.

12. Discussions concerning accession to the conventions on stateless persons and statelessness were under way, since there were various legal, social and cultural issues to be taken into account.

13. **Ms. Bartolo** (Malta) said that the political system in Malta did not discriminate against the representation of women in politics, although more campaigns to encourage women to enter political life were needed. A campaign in respect of the recent European elections had encountered limited success, since it had brought forward very good women candidates who had not been elected. She hoped that the political parties would persevere in their search for such candidates. The number of women in the legislature, senior officials and managers was gradually increasing, and family-friendly policies, which had applied formerly only to those in senior positions, had been made available throughout the public sector.

14. **Ms. Scerri** (Malta) said that NGOs were also given a voice in monitoring projects funded by the European Union and they were therefore involved at the operational level as well as being consulted on legislation.

15. **Ms. Murillo de la Vega** said that the political agenda depended on the presence of women in Government and she wondered whether legislation had been envisaged to increase the number of women candidates. The periodic report stated that a quota system had not been introduced because the party in office preferred the system of proportional representation, but the present system in Malta failed to ensure the representation of women in Parliament.

16. **Ms. Rasekh** asked why no statistical data had been provided on women's representation at the international level.

17. **Ms. Jaising** said that she was concerned about the State party's reluctance to introduce a quota system because of fears that it would not ensure a level playing field. However, it was precisely due to there being no level playing field that special measures were needed to guarantee that women participated in political life on equal terms with men. She had not suggested that the election of women should be funded in some way by the State, but that the General Elections Act should be amended to make it a legal obligation for political parties to include a certain number of women candidates. How many women currently held high-level positions in political parties?

18. **Ms. Belmihoub-Zerdani** suggested that the State party should use statistical data showing that more women than men went to university as leverage to encourage women to aim for careers in the legal professions, Parliament or as Government representatives at the international level.

19. **Mr. Zahra** (Malta) said that the Government had no plans to amend the General Elections Act to establish a quota system because it was deemed more appropriate for individual political parties to find ways of encouraging women to put themselves forward as candidates. As for statistical information on the number of women magistrates, he said that up-to-date information was available on the Maltese judiciary websites. He informed the Committee that a woman was currently President of the National Party's Executive Council, which augured well for the future.

Articles 10 to 14

20. **Ms. Bailey**, while welcoming the establishment of the national minimum curriculum and the Strategic Plan (2001), which the State party saw as tools to strengthen gender equality, said that the success of the Plan depended on having a critical mass of persons with an understanding of gender issues to implement it systematically. She asked for information on measures in place at ministerial level to implement the Plan and on progress made to date. Furthermore, what steps were being taken to prevent traditional gender stereotypes being propagated through the education system? She requested clarification on reports that trade schools had been closed down in the 1990s, effectively removing the option for vocational training at secondary level. What was the impact of that decision on girls, especially given that the exclusion of girls from technical and vocational training was a contributory factor in the low representation of women in the labour market? At the tertiary education level, women were underrepresented in engineering, manufacturing and construction, which was reflected in few women occupying high-level managerial positions in the workplace. What specific measures were envisaged to increase female enrolment in those disciplines and to remove any structural barriers in the education system in order to correct the imbalance and eliminate stereotypes? She asked what steps were being taken to address the gap between high female achievement at university level and low numbers of women in the labour market, particularly in managerial positions.

21. **Ms. Patten** asked why no specific measures had been adopted to address the issue of low female employment in Malta, in particular initiatives to assist parents in the reconciliation of family and work responsibilities. Why was there resistance to the introduction of family-oriented policies such as granting parental leave? She enquired about the provision of childcare facilities, and about national targets set for increasing the number of childcare places for preschool children. What special measures were in place to help women return to work after maternity leave and to eliminate any obstacles they might face? She asked whether the Government monitored the private sector to ensure that there was no discrimination and that flexible working conditions were provided for women. She asked what steps were being taken to reduce the gender pay gap, address the segregation of women into lower-paid occupations, and ensure that female-dominated professions were not undervalued in comparison with those dominated by men performing different tasks and using different skills. Had wage structures in female-dominated professions been reformulated to raise status and earnings?

22. **Mr. Bruun** expressed concern that Malta was not making a serious attempt to eliminate discrimination in employment and stressed that it was not enough to hope that attitudes would change in the future. He urged the State party to do more to increase maternity leave, introduce paternity leave and guarantee adequate childcare facilities. How many childcare places were currently available for children under the age of 3? He requested information on the number of women migrants, refugees and European Union nationals living in Malta, whether their right to free movement was guaranteed and how they were faring on the labour market. He asked what steps were being taken to increase the number of women in managerial positions and to encourage self-employment. Lastly, he asked for information on the number of cases of sexual harassment in the workplace and on measures in place to combat the problem.

23. **Ms. Rasekh** requested statistical data on the prevalence of HIV/AIDS disaggregated by sex and age. Did the Government envisage adopting universal preventive measures to combat the spread of HIV/AIDS, including sex education, awareness-raising campaigns, the promotion of safe sex and provision of free condoms? She expressed concern that most children in Malta attended church schools, which strictly prohibited sex education, and that the Government's sex education programme focused on abstinence instead of on ways to prevent the transmission of HIV/AIDS and other sexually-transmitted diseases and unwanted pregnancies. She urged the State party to take advantage of the fact that there was a relatively low incidence of HIV/AIDS in Malta to establish effective preventive measures before it became an epidemic.

24. Turning to abortion, she asked whether the political will existed to change the current policy of prohibiting all abortions, especially since the ban on therapeutic abortion had serious consequences for the health of women and babies and was not in line with the policies of other European countries.

25. She asked for further information on the prevalence of depression and post-traumatic stress disorder among women and on the incidence of suicide and other kinds of self-harm. Did the Maltese health system offer adequate psychosocial therapy and counselling services to women in need?

26. **Ms. Arocha Dominguez** sought reassurance that Malta's health policies ensured equal treatment for everyone and that any discriminatory practices and policies in the provision of public services were being identified. She asked for statistical data on mortality rates disaggregated by sex and for more information on the prevalence of major diseases among women and on the principal causes of female mortality.

27. She sought reassurance that any discriminatory practices or policies in health-service provision for women in the lesbian, gay, bisexual and transgender (LGBT) community

were also being identified and that the services provided for that community were inclusive and confidential. What measures were in place to eliminate homophobic or lesbophobic attitudes or discrimination against the LGBT community identified in public health services?

28. Paragraph No. 20 of the list of issues had not received an adequate written response and she would like more detail about the national policy on sexual health drafted after a process of consultation. What was the scope of that consultation and who had participated? Was a written draft available? If not, could the delegation give advance indication of the likely content? With prevention vitally important in sexual and reproductive health policy and education, answers to those questions would be extremely helpful.

29. Alternative sources referred to relatively high rates of teenage pregnancy in Malta and the problem had been highlighted by the Committee on the Rights of the Child in 2004. She therefore sought an update on the current situation. On a related theme, noting the serious demographic problem that Malta faced due to its ageing population and declining fertility rate, she asked for information about any research to identify the underlying causes of that decline and any remedial measures planned or adopted.

30. Reiterating the serious consequences of the absolute ban on abortion that Mr. Flinterman had highlighted at the previous meeting, she said that in parts of the world where abortion was restricted, women with money tended to travel to neighbouring States where abortion was legal, while poorer women were forced to undergo terminations in illegal and often unsafe conditions. She asked whether the delegation could give the Committee any idea of the scale of illegal abortions in Malta, how the State party was dealing with the problem and whether there had been any related prosecutions. She also reiterated Mr. Flinterman's comments regarding the State party's interpretation of article 16, paragraph 1 (e), of the Convention, which they considered erroneous. The text in question simply recognized women's equal rights and responsibilities in family planning; it did not in any way imply an automatic right to terminate a pregnancy.

31. **Ms. Bailey** noted that women remained underrepresented in paid work despite the impressive list of measures cited in pages 87 to 90 of the report, which suggested that their effectiveness was limited. The focus of the measures appeared to be to give increased attention to the role of the father rather than to create any radical shift in the role of women. The introduction of parental leave for both parents was commendable, but the continuing pay gap in favour of men and the unpaid nature of that leave meant that in reality men were unlikely to take advantage. As a result, the provision simply re-entrenched women's traditional role as primary caregivers. Would the State party not therefore consider introducing paid parental leave? Noting the increasing incidence of single female-headed households, she also sought confirmation that the benefits described were available to all families and, more generally, that the measures and benefits were helping to achieve the stated goal of engineering a change towards a culture that promoted women's active participation in public and social life.

32. In view of the importance of small enterprises in the Maltese economy and the Government's efforts to encourage women entrepreneurs, she asked what was being done to guarantee women access to microcredit. She also asked about the nature of the barriers to female entrepreneurship reportedly identified, and how they were being addressed. Given the high number of women in unpaid work, particularly as caregivers, she would also like to know of any Government plans to assess those women's contribution to the economy and review their entitlements to social security and pension benefits accordingly.

33. With regard to measures to promote the participation of women in sporting activities, she asked what proportion of the stated Government budget was allocated to female-based activities and to what extent women were involved in the management of such activities. She also suggested that the figures for female membership of sports

organizations would be more instructive and useful if accompanied by the corresponding figures for men.

34. **Ms. Ara Begum** said that her earlier question regarding the proportion of the Government budget allocated to women's advancement and women-related activities had not been answered. She requested information about programmes to address poverty among single mothers and older women and, with regard to the latter group, about targeted health-care services including national screening programmes for cervical cancer, breast cancer and osteoporosis. Noting that pregnancy was often a cause of school dropout, she asked whether any schemes had been developed to enable young mothers to continue their education and, subsequently, to access full-time employment. She also asked what the Government was doing to ensure that older women, rural women and women with disabilities had access to sufficient, safe drinking water, given the serious water supply problems reported in Malta.

35. In view of the Government's focus on promoting work-life balance and women's access to paid work, she asked whether specific measures to encourage men to become more involved in everyday family life formed part of the strategy. Lastly, she observed that under the current system tax refunds were paid to the head of household, which generally meant the husband, and married women had to make tax and social security returns and contributions in their husbands' name, even if they were self-employed. That situation could be considered discriminatory.

36. **Mr. Zahra** (Malta) said that the national minimum curriculum was intended as a tool for the promotion of equality. A school development planning system involving education officers and representatives of educational institutions, including head teachers, had been established to oversee implementation of the curriculum and ensure that it was updated to reflect current priorities and realities.

37. He wished to emphasize that the decision to phase out trade schools had not left a vacuum in vocational training. The trade schools had been replaced by the Malta College of Arts, Science and Technology (MCAST), where approximately 9,800 pupils were currently enrolled. The transition to the new format had been very successful, with student numbers rising and graduates finding employment in private and public enterprise. Recent figures indicated that, overall, girls outnumbered boys at MCAST centres.

38. Women also outnumbered men in tertiary education but he acknowledged that some traditionally male or female areas of study remained gender-bound. However, the Government had been taking active steps to promote the take-up of science, technology and communications-related disciplines. That strategy should have positive results for students, who could expect wider opportunities and higher salaries in those fields, as well as for the country, ensuring the qualified labour essential to economic growth.

39. The rise in female participation in the labour force was perhaps less pronounced than was desired, but progress was encouraging. The situation was not as grim as some Committee members had indicated. The introduction of parental leave, even if unpaid, ensured that men and women alike could return to paid employment and continue their careers without having to start from zero. That represented an opportunity for female workers and was also in the country's economic interests, as it prevented skills wastage.

40. Free childcare for children aged 3 and over was available in State schools for all parents. Facilities for the under-threes had been described at the previous meeting. He reiterated that the measures to encourage female workers to return to work were bearing fruit. In addition, family-friendly measures, including flexible working hours, were now available to men and women at all levels of the public administration, including managerial levels.

41. Comprehensive sex education was available in church and private schools and was not biased to any particular belief or cultural dimension. All schools in Malta were required

to follow the national minimum curriculum irrespective of their funding or their religious or cultural philosophy. Malta's health system encompassed a very broad spectrum of services but not all of them were free.

42. Questioning observations that the success of the Government's family-friendly measures was limited, he wished to highlight that both mothers and fathers were taking unpaid parental leave. He was not aware of any plans to extend paid parental leave beyond the current provision. A change of that kind was improbable in the current climate, given the potential cost to industry and the economy and the extensive consultation among stakeholders that it would require. He confirmed that single mothers had access to the same services as other families.

43. He regretted that he could not provide the requested figures for investment in sports facilities specifically for women. However, the State party would endeavour to provide more meaningful numbers, particularly in light of Ms. Bailey's observation.

44. Traditional rural sectors such as agriculture and fishing were of limited importance in Malta, which was a small island with little rural land, all of it very close to urban areas. That situation facilitated policy development and implementation. He confirmed that Malta had a serious water problem in the sense that it had to produce most of the water it consumed through desalination and other measures. However, safe, drinking water was available throughout the country, including in Gozo.

45. **Ms. Bartolo** (Malta), replying to questions regarding sexual harassment and discrimination in the workplace, said that a study was under way to investigate the underreporting of cases of sexual harassment. Furthermore, in order to combat gender discrimination, the authorities monitored private companies to ensure that their policies and working conditions were non-discriminatory and family-friendly under the Equality Mark project. Companies that met the required standards were awarded Equality Mark certification and could legally claim that they were equal opportunities employers.

46. The maternal mortality rate in Malta was very low. According to statistics available, only four women had died in childbirth from 1998 to 2007. Cervical cancer was fairly uncommon in Malta (approximately 10 cases per year), although it was on the rise: greater sexual promiscuity among the younger generations led to increased risks. It would therefore become a public health problem in the foreseeable future and thus the inclusion of a cervical cancer screening programme was being considered under the current national cancer plan.

47. The National Commission for the Promotion of Equality had launched a project on gender-responsive budgeting, which analysed initiatives undertaken in other European countries with the aim of enhancing national capacity-building in the area. The findings of the project published recently highlighted problems with the implementation of gender-responsive budgeting in Malta and recommended solutions.

48. The Employment and Training Corporation had conducted research into the role of the father and analysed the experience of fathers who had taken parental leave. Very few men had taken advantage of such leave to date, but it was to be hoped that more would do so in the future. Research had also been conducted into the life prospects of single mothers in Malta.

Articles 15 and 16

49. **Ms. Halperin-Kaddari** said that the main issue was the fact that divorce was not permitted under Maltese law. While it was not in breach of article 16 of the Convention and applied equally to men and women, according to information received, in practice it affected women more seriously than men and constituted de facto discrimination against them. She noted with concern that under Maltese family law, the grounds for separation

were generally fault grounds, and that only in certain cases was separation allowed on the grounds of the irretrievable breakdown of the marriage.

50. She drew attention to a discrepancy between the information contained in the report and the written responses concerning the minimum legal age for marriage and requested clarification, pointing out that the minimum age recommended by the Committee of the Rights of the Child was 18 years. She asked the delegation to confirm reports that the trend among the younger generations was to cohabit rather than to enter into marriage. She asked whether there were any plans to recognize such de facto unions under law thereby guaranteeing the rights of the partners, including to State benefits.

51. From the State party's detailed responses she understood that the division of property following the separation of spouses was governed by the community of acquests system, which was in line with the Committee's relevant recommendations. However, she wondered whether the system also covered intangible assets. For example, were pension and employer insurance schemes and severance payments taken into consideration? She observed that in some States the potential earnings of the partners were even evaluated so that the spouses would separate on equal financial terms.

52. From paragraph 16.5 of the report, she understood that spousal maintenance allowances were obligatory after separation, in which case Malta was fulfilling its obligations under the Convention. Nevertheless, she enquired whether any empirical research had been done into the economic situation of women following separation. She requested more information on inheritance rights in the event of separation, particularly since paragraph 100 of the written responses implied that the renunciation of inheritance rights was voluntary.

53. **Ms. Coker-Appiah** said that, from the information provided by the State party it seemed that, in many respects, legal separation was like divorce: following separation all assets were divided in accordance with the law and the partners could start a new relationship, and even have children. She was aware that Malta was a very religious country, but still failed to understand why divorce proper was not allowed. In a sense, life after legal separation in Malta was a form of life imprisonment. Would it not be better for the parties concerned, if divorce was allowed and the new relationship was recognized by law?

54. **Mr. Zahra** (Malta) said that it must be made clear that the consequences of legal separation in Malta were not the same as divorce. There were certain restrictions, for example, a person who was separated was not free to remarry; so, it was not divorce under another name. The debate on divorce in Malta had gathered momentum in recent months following the introduction of a private member's bill by a member of the Government. At present the debate was focused on how best to deal with the issue, in other words, by popular referendum or through the House of Representatives.

55. **Ms. Bartolo** (Malta) said that separation was allowed on the ground of the irretrievable breakdown of marriage provided that the marriage had lasted four years. The legal age of marriage was 18 years; however, marriage was allowed as of 16 years with parental consent. The division of property following separation was governed by the community of acquests regime, which covered all assets at the time of separation. It did not cover future assets, which were a matter of succession rights. The difference between legal separation and divorce was that although following separation people could start another relationship, technically, they were still married. The clause in which the spouses renounced their inheritance rights was included in the separation contract by mutual consent and was binding on both parties.

56. **Ms. Coker-Appiah** said that her point was that people could not be prevented from entering into new relationships following separation – they were human beings after all. However, such relationships were not recognized under Maltese law.

57. **Ms. Arocha Dominguez** said that not all of her questions had been answered. She wished to know what progress had been made with the drafting of a national sex education policy. She enquired as to the training and qualifications of health-care professionals dealing with lesbian, bisexual and transgender women. She invited the delegation to comment on reports of widespread teenage pregnancies.

58. **Ms. Halperin-Kaddari** asked what economic protection was available for women in de facto unions.

59. **Ms. Bartolo** (Malta) said that one of the reasons for the current debate on divorce was precisely the fact that following separation people did form new unions and children were born of them. However, for the time being, it was necessary to await the outcome of that debate.

60. The national policy on sexual health covered all aspects of sexual health for all groups. Moreover, the promotion of sexual health was already addressed in a comprehensive manner in Malta and did not deal with sexually-transmitted diseases only.

61. She confirmed that the number of single mothers in Malta was on the increase. Relevant policies would need to be analysed with a view to identifying the factors giving rise to the phenomenon. Regarding the economic protection available to women, she said that under Malta's system of non-contributory benefits, no one was left on the street, even someone who had never worked. When a couple separated they could make provision for the payment of maintenance allowance in the deed of separation. In fact, women were usually advised to seek maintenance, even if they did not need it at the time of separation.

62. **Mr. Zahra** (Malta) thanked the Committee members for their comments and questions, which would help the authorities to improve the situation of women in Malta.

63. **The Chairperson** thanked the delegation for its frank report and dialogue with the Committee. She commended the State party for the Equality of Men and Women Act and other positive developments. She hoped that the constructive dialogue with the Committee would result in a deeper analysis of the causes underlying the inequalities affecting women's lives in Malta and include a thorough critique of patriarchal norms. It represented a challenge, but one that the State party must rise to in order to uphold human rights principles in general and those of the Convention in particular.

The meeting rose at 5.15 p.m.