

# Malta

## Apie

Gender equality is not enshrined in the Maltese Constitution and the discourse surrounding gender mainstreaming is relatively new. The first reference to the term in official documentation is the Office of the Prime Minister (OPM) Circular No. 24/2000 'Gender Mainstreaming' (issued in 2000). Previous documentation focuses on equality of the sexes and gender equality, but gender mainstreaming is now defined as the 'process of assessing the implications for women and men of any planned action and integrating them within the dimension of the design, implementation, monitoring and evaluation of the policies and programmes in all political, economic and social spheres'[1].

An EU report included Malta in the group of countries that '... are in the first phase of gender mainstreaming implementation. They have started to implement gender mainstreaming in strict relation to EU equal treatment directives and have little infrastructure for the implementation of gender mainstreaming. The integration of gender equality issues within national policies is mainly associated with membership in the EU' [2].

Malta itself 'reported that they have plans neither for gender equality policy nor for gender mainstreaming' [3] and its use of gender mainstreaming tools has declined since 2012. Malta has also asked for EU funding to implement and evaluate the current gender mainstreaming propositions, going so far as to suggest stricter supervision by the European Commission.

Despite this, Malta has a toolkit for training purposes, it uses gender impact assessment and has tried gender budgeting. Although 'there were specific resources in form of money or personnel for implementing gender mainstreaming'[4], it is generally viewed as a human resources issue within the country[5]. It appears, for instance, that the (limited) statistical data produced by different entities could benefit from greater coordination, a task that could be managed by the newly established Gender Mainstreaming Unit. An inter-ministerial committee that is to be launched could play a similar coordination role.

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## Legislative and policy framework

Although not legally bound to, the government has set itself the task of monitoring gender mainstreaming in its ministries. A de facto binding decision is defined in the circulars issued by the Office of the Prime Minister (OPM). The role of coordinating gender mainstreaming was allocated to the NCPE.

At present, Malta does not have a national strategy or action plan on gender mainstreaming. However, the country intends to adopt a Strategy and Action Plan in 2019, covering the years 2019-2022. On the occasion of Women's Day 2019, an online public consultation (OPC) process was launched in respect of the document, 'Towards a Gender Equality Mainstreaming Framework'. The consultation process ran until 8 April and feedback is still being evaluated. The Gender Mainstreaming Unit will then develop and implement 'the first national strategy and action plan in relation to gender equality mainstreaming, and the introduction of corresponding legislation'[6].

The consultation document states that an inter-ministerial committee on gender mainstreaming will be established to ensure coordination between the Human Rights and Integration Directorate (HRID) and the ministries to implement the forthcoming Strategy and Action Plan.

In its last concluding recommendations on the implementation of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)[7], the Committee on the Elimination of Violence against Women commended the work carried out by the NCPE and its numerous projects to raise awareness of gender equality. The Committee welcomed EU support for the projects, while noting a concern about the dependence of the institutional mechanisms for gender mainstreaming on EU funding.

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## Structures

### Government responsibilities

Equality measures in Malta are the responsibility of a cabinet minister, who can hold other competences at the same time. Gender equality is currently part of the Ministry for European Affairs and Equality (MEAE). The range of responsibilities (as established by law) includes equality, industrial relations, health and safety at work, EU funds and programmes, state aid, social dialogue and nuclear security. The powers of ministers and the cabinet are derived from the Constitution of Malta. The cabinet endeavours to operate on a consensus level, with ministers having the power and responsibility to take autonomous policy initiatives by presenting cabinet memos for endorsement. Cabinet meetings are generally private. A junior minister (parliamentary secretary and part of the cabinet) also has responsibility for reform, including the issue of gender balance in parliament within the context of constitutional reform, together with legal issues concerning prostitution. The parliamentary secretary is part of the OPM.

The MEAE has a number of entities that focus on women's issues. These include the National Commission for the Promotion of Equality (Il-Kummissjoni għall-Promozzjoni tal-Ugwaljanza, NCPE) (set up under Chapter 456 of the Laws of Malta), the Commission on Gender-Based Violence and Domestic Violence (Kummissjoni dwar il-Vjolenza tal-Generu u l-Vjolenza Domestika, set up under Chapter 581 of the Laws of Malta), the Inter-ministerial Committee on Domestic Violence, and the Consultative Council for Women's Rights (these latter are officially appointed bodies). The NCPE has managed various gender mainstreaming projects, either at EU level or commissioned by another international institution, including a report on gender responsive budgeting, which looks at the experience of five European countries[8]. The NCPE coordinates committees and acts as a contact point.

Under the MEAE is the Human Rights and Integration Directorate (HRID), which is the government's gender equality body and part of the civil service. The HRID was set up in 2015 and became fully functional in 2017. It appears to be more focused on human rights and the integration of minorities particularly since successfully spearheading legislation on LGBTQI+ issues in recent years. The HRID is not consulted on gender equality issues very often, in part because it is a new directorate, and work on gender equality and gender mainstreaming strategies remain in their infancy.

Although relatively small, the HRID has a broad remit, meaning that its limited workforce must follow several issues at a time. The tasks of the Directorate include: initiating and drafting legislation associated with gender equality; promoting the implementation of government decisions; monitoring, assessment and analysis of reform; drafting and coordinating anti-discrimination policy; conducting research on gender equality issues; engaging in related EU and international affairs; and providing information and training. All of these tasks will now be taken over by the Gender Mainstreaming Unit, which was established within the HRID in January 2019. This unit is at intermediate level within the Ministry.

The Gender Mainstreaming Unit will concentrate primarily on gender mainstreaming in all policy areas and will take an intersectional approach to gender equality. Although it does not have a legal basis, the Unit forms part of the general bureaucratic structure of the civil service. Together with the HRID, it will lead legislation on gender equality and gender mainstreaming later in 2019. The unit will need to grow if it is to deal with all issues involving gender equality and gender mainstreaming. It is also expected to need more resources if it is to drive ambitious reform in terms of gender mainstreaming.

## **Independent gender equality body**

The NCPE is the legally established independent equality body for the promotion of equal treatment without discrimination (Chapter 456 of the Laws of Malta, i.e. the Equality for Men and Women Act). The Act is dated 9 December 2003 and was amended by Legal Notice 427 of 2007 and Acts IV of 2009, IX of 2012, XVIII of 2014 and VII and XI of 2015.

The NCPE's mandate encompasses different types of discrimination, including 'discrimination based on sex or because of family responsibilities, sexual orientation, age, religion or belief, racial or ethnic origin, or gender identity, gender expression or sex characteristics and (...) the treatment of a person in a less favourable manner than another person is, has been or would be treated on these grounds'[9],.

Even though the Act does not provide for intersectionality, the NCPE may nevertheless take an intersectional approach to gender equality. The new Equality Bill, which is expected to be presented in parliament by the end of 2019, will take this into consideration. The NCPE is independent in its case assessments, situational analyses and decisions, and reports to the MEAE.

In addition to the NCPE, there is also a Consultative Council for Women's Rights, set up by MEAE in 2017, which does not have legal status but incorporates 22 NGOs/civil rights entities that deal with various women's issues. The Council aims to advise the government on women's issues, policies and other measures by engaging in continuous dialogue with the Minister. The Council is currently divided into several committees, covering the gender pay gap, the introduction of gender equality quotas for all government appointed boards, prostitution, more measures dealing with gender-based and domestic violence, equality legislation, and the proposed Work-Life Balance Directive.

## Parliamentary bodies

As regards representative elected bodies, ministries, departments and government entities are required to prepare annual reports that are then presented to parliament. The Labour Party is currently in government and its electoral manifesto became its action plan for the subsequent five years. Reports on the overarching measures and specific key performance indicators are discussed on a monthly basis in inter-ministerial meetings. Some entities also hold an annual conference, including the NCPE. However, there is no specific gender equality committee in parliament and therefore no regular reporting on the progress of gender equality. Other committees may discuss gender-related issues on an ad hoc basis.

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## Methods and tools

Note: the methods and tools listed under this section were the focus of EIGE's 2018-2019 assessment. If certain methods and tools are not mentioned in this section, this does not necessarily mean that they are not used at all by Malta.

As yet, Malta has little experience of gender mainstreaming tools, using gender stakeholder consultation and some sex-disaggregated data only on an irregular basis. Gender equality indicators are limited. Other tools such as gender impact assessment in drafting legislation, gender budgeting, gender audit (except in the case of MEAE in relation to its own legislative proposals) and gender planning in general are largely unknown concepts. The general government budget does not make any clear statement on gender-related objectives.

The coming years are likely to bring increased awareness of gender mainstreaming, given the forthcoming legislation and the new Gender Mainstreaming Unit. In view of these proposals, the HRID has already engaged in several evaluation processes to assess the current situation, although none of the reports commissioned are available to the public. Malta stands to gain significantly from the experiences of other countries in implementing gender mainstreaming.

## **Training and awareness-raising**

On 5 March 2019, the Permanent Secretary of the MEAE issued a circular on training sessions, in connection with the reporting obligations of government departments and entities. The training sessions deal with 'Gender Mainstreaming in Practice' and were offered by the NCPE on 27/29 March 2019. The initiative was likely a response to the concerns raised in the NCPE annual report, which noted that the public servants tasked with gender mainstreaming were not fully aware of the implications of their lack of commitment to this concept.

In the past three years, the NCPE has delivered several related training sessions. Data provided via email indicate that, in 2016, a total of 1,100 individuals participated in 48 training sessions on the role and remit of the NCPE, Malta's equality legislation, defining equality and non-discrimination, gender and equality mainstreaming, preventing/addressing sexual harassment, challenging stereotypes and adopting a diversity management approach. Trainees included students, teachers, asylum-seekers, employees and management personnel from the local councils, public and private sectors. During 2017, the number of participants increased to 1,300, with 63 training sessions in total. In 2018, the NCPE delivered 61 training sessions to 940 participants. Of these 61 sessions, seven dealt specifically with gender mainstreaming, with 75 participants attending. In view of the forthcoming legislation, more training is expected to be scheduled in 2019. This is particularly important given the persistent lack of knowledge of what gender mainstreaming in policy-making actually entails.

Awareness raising on gender issues is normally undertaken by the NCPE and may be related to EU projects. The past three years have seen two campaigns: the PayM€qually campaign on the gender pay gap, and the Equality beyond Gender Roles campaign. These campaigns used various media to reach the widest possible audience but no assessment of their impact is available. These campaigns are sporadic and need to be more regular if they are to be truly influential.

In October 2018, the NCPE conducted a seminar on 'Putting the Council of Europe Gender Equality Strategy 2018-2023 into action', which included several presentations by academics and other speakers from NGOs in the field of gender equality. One presentation focused on gender mainstreaming in Malta, where it reiterated that there is 'limited understanding of the concept of gender mainstreaming' and that there are 'few tangible actions aimed at implementing the gender mainstreaming strategy in policy making', indicating that 'both in-depth knowledge on implementing the strategy in practice, as well as a commitment to it, are lacking'[10].

## **Gender statistics**

There is no specific unit charged with promoting the production of sex-disaggregated data within the National Statistics Office (NSO). However, several sub-units (such as labour statistics, living conditions, education, population and migration) offer data disaggregated by gender. These are all coordinated by the Director of Social Statistics. This lack of data makes it impossible to quantify the numbers of persons/technicians actually engaged in gathering or processing sex-disaggregated data, or to estimate the budget related to the publication of such data. On International Women's Day (8 March), the NSO publishes several sex-disaggregated data. All news releases and publications are the responsibility of the Director General.

Certain gaps in sex-disaggregated data are evident across almost all sectors. For example, employment data are missing on women entrepreneurs, the numbers of people they employ, and the types of jobs women are in (such as mini jobs). Limitations also exist in terms of other data dealing with the economy in general, in finance, education and research, leadership and career trajectories.

Although the Commission on Gender-Based Violence and Domestic Violence collects data, non-reporting by victims suggests that under-reporting may be an issue. Some data on crime statistics are available from the police. The Health Information Survey is a regulated social survey that provides sex-disaggregated information on health issues. Sex-disaggregated data are provided as per EU regulations and each survey is designed to disaggregate by sex. Surveys are not the only source of data but the country lacks a comprehensive system of administrative registration: e.g. there are no registers for housing or skilled workers which significantly limits the availability of data.

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## Good practices

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## Endnotes

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