



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

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-seventh session

4 – 22 October 2010

### List of issues and questions with regard to the consideration of periodic reports

#### Malta

The pre-session working group examined the fourth periodic report of Malta (CEDAW/C/MLT/4).

#### General

1. Please provide information on the process of preparing the report. This information should indicate which Government departments and institutions were involved and the nature and extent of their participation, whether consultations were held with non-governmental organizations and whether the report was adopted by the Government and submitted to the Parliament. Please also indicate whether the concluding observations adopted by the Committee upon the consideration of the initial, second and third periodic report of Malta (A/59/38, paras. 88-123) were widely disseminated in Malta, in Maltese and English, in order to make the people, in particular government officials and politicians, as well as women's non-governmental organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women and of any further steps in this regard.
2. The report contains very limited updated statistical data disaggregated by sex on the situation of women in areas covered by the Convention. Please provide information on the status of data collection and analysis in the country in general, and to what extent such data collection takes place on a sex-disaggregated basis. Please indicate how the Government intends to improve the collection of data disaggregated by sex pertaining to all the areas of the Convention. How is such data used in policy and programme development and in monitoring progress towards de facto equality of women and men?

#### Constitutional, legislative and institutional framework

3. Please clarify the legal status of the Convention in Malta and, in particular, if its provisions are directly applicable in the courts. If so, please provide information on whether the provisions of the Convention have been invoked in national courts, and provide examples of any pertinent case law.

4. In its previous concluding observations, the Committee recommended the State party to take all necessary measures to ensure that the substantive provisions of the Convention are fully incorporated into domestic law. Please specify which efforts is the State party undertaking to comply with the Committee's previous recommendation. Please include updated information on any laws or measures aimed at eliminating discrimination against women that have been passed or that are under discussion since the last concluding observations of the Committee.

5. Please provide information on the steps taken to withdraw the reservations made by the State party to article 11, paragraph 1, articles 13 and 15, and article 16, paragraph 1 (e), of the Convention, as recommended by the Committee in its previous concluding observations.

#### **National machinery for the advancement of women**

6. Please provide more information on the National Commission for the Promotion of Equality, including information on its human and financial resources. Please also include information on whether these are sufficient to carry out its mandate and objectives. Please also provide detailed information on the impact of the work of the National Commission, which is the national entity responsible for gender equality issues, on the non-discrimination of women. Does its mandate include capacity to register complaints on grounds of discrimination against women?

#### **Programmes and action plans**

7. The report refers to the National Plan on Health and Long-term Care submitted by the Ministry of Health, the Elderly and Community Care (part III, sect. 12.14). Please provide additional information on this national plan, including detailed information on material and human resources that are allocated to it and whether indicators as well as time bound targets have been established to assess the implementation of the Plan in the country.

#### **Violence against women**

8. The report refers to the Commission on Domestic Violence established by the Domestic Violence Act in 2005 (part I, sect. 1.4). Please provide additional and updated information on the work of the Commission. Please include information on what strategies have been developed for it to effectively carry out its functions.

9. The report refers to Appogg as the State agency designated by the Government to ensure that services are provided to victims of domestic violence (ibid.). Please provide detailed and updated information on the status of this agency, the number of victims that have been assisted during the period under review and the type of services provided to them.

10. The report states that in 2005 about 800 cases of domestic violence were reported to Appogg (ibid.). Please provide updated information on how many perpetrators were prosecuted and punished during the same period. Please also provide updated statistical information on how many cases of violence against women have been reported during the period under review.

11. In its previous concluding observations, the Committee expressed concern that, under the Criminal Code, the crime of rape must be associated with violence and that rape, as well as violent assault was considered in the Criminal Code under the title "Of Crimes against the Peace and Honour of Families and against Morals" (A/59/38, para. 115). The Committee called upon the State party to define these crimes as a form of discrimination that seriously inhibits women's ability to enjoy their human rights and fundamental freedoms on a basis of equality with men. Please provide information on the present status

of the Criminal Code and whether this recommendation has been taken into account. Has the Government amended the Criminal Code in this regard? If negative, is the Government making any effort to amend it?

12. Please specify whether rape in marriage is considered a crime. If not, does the Government have any plans to criminalize it?

### **Trafficking and sexual exploitation of women**

13. The report refers to legislation that punishes criminal practices associated with trafficking in persons and the exploitation of prostitution (part I, sect. 6.2). Please provide detailed information on this legislation and statistical information, if any, on how many persons have been prosecuted and sentenced, during the period under review, for committing these crimes, as well as how many women have been identified as victims of trafficking and sexual exploitation. Please also specify the efforts that are being made in Malta to make women and girls aware of the importance of reporting as well as the efforts made to guarantee their security.

### **Political participation and participation in public life**

14. Please provide detailed information on what programmes and activities are being carried out in order to effectively address the under-representation of women in political decision-making. Are awareness raising campaigns being organized to promote the political participation of women in all areas of the public sector and in the judiciary? Please provide also updated information on the representation of women in local councils. Has the Government decided to take temporary special measures to achieve substantive equality between women and men, according to the Committee's previous recommendation (A/59/38, para. 108)? If so, please provide information on the measures taken as well as their impact.

### **Education**

15. The report refers to the National Minimum Curriculum, based on the Education Act (Cap. 327) and which is applicable to all State, Church and Independent schools (part III, sect. 10.2). Please provide detailed information on how its Objective 5, Strengthening of Gender Equality, is being effectively implemented (*ibid.*, p. 56). Please also provide additional information on how the minimal requirements of the Strategic Plan (2001) have been implemented.

### **Employment**

16. The report refers to the Employment and Training Corporation (ETC) which offers a number of courses addressed in particular to the segment of the population which is unemployed (part III, sect. 11.3). In its previous concluding observations, the Committee recommended the State party to undertake efforts to eliminate occupational segregation in the public and private sectors through skills training and encouraging women to work in non-traditional fields and by the utilization of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) (A/59/38, para. 110). Please provide detailed information on the implementation of this recommendation. Has the Employment and Training Corporation (ETC) developed any measure to encourage women to work in non-traditional fields?

17. In its previous concluding observations, the Committee urged the State party to provide more information on overall policies to assist parents in the reconciliation of family and work responsibilities through childcare facilities for children of all ages (A/59/38,

para. 114). Please provide detailed and updated information on the availability of such facilities and whether these meet the needs of working parents.

18. Please provide detailed information on the legal protection and entitlement to social benefits for women working part-time.

19. The report refers to sexual harassment as “unwelcome sexual conduct”, prohibited under The Equality for Men and Women Act and the Employment and Industrial Relations Act (part III, sect. 11.12). Please provide detailed information on the contents of these laws and whether they criminalize sexual offences. Please also provide information on how many cases have been brought to court and how many perpetrators have been prosecuted.

### **Health**

20. Do women have access to health advisory services? Please specify whether there are any programmes that provide sexual and reproductive rights information to women. Is the Government planning to develop a national policy on sexual education?

21. Please provide information on the legal status of abortion in Malta. Is therapeutic abortion legal? If so, under what circumstances? Please provide updated information on how many cases of abortion have taken place during the period under review.

22. The report does not provide any information on current rates of infected women with HIV/AIDS. Please provide statistical and updated information of women and girls infected with HIV/AIDS in the country, as well as information on any activities and initiatives carried out by the Government to combat this problem. Please also provide detailed and updated information on how many women and girls infected with HIV/AIDS have access to medical care in the State party.

### **Migrant women**

23. Please provide information on the situation of migration of women and girls in Malta, both internally and internationally, including information about the number and profile of migrant women and girls, and steps being taken to protect migrant women from abuse, exploitation and violence.

### **Marriage and family relations**

24. What is the minimum legal age for marriage? Is it the same for women and for men? Does it respect the minimum legal age established by article 1 of the Convention on the Rights of the Child which is 18 for both men and women?

25. The report states that divorce is not permitted under Maltese Law but that the personal separation of a married couple is authorized by the competent court (part III, sect. 16.1). Please indicate under what circumstances separation is authorized and what legislation governs children custody, alimonies and division of property when separation is granted. Please also provide information on the legal consequences for a woman who is separated when her husband dies.

### **Optional Protocol**

26. Please indicate any progress made with respect to ratification to the Optional Protocol to the Convention.

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