

GEMINI report on Gender Legislation, Measures and Actions – Malta

27 July 2023

This report will outline Malta's commitment to ensure that gender equality is a fundamental principle in all government policy and legislation. This report outlines the legislative background in the Constitution and Laws of Malta, the national strategy documents and the work carried out by various Ministries of the Government of Malta to ensure that there are concrete measures to improve the awareness on gender equality and equal opportunities for all.

Legislation

The principle of gender equality is enshrined in the Maltese Constitution. Article 14 of the Constitution states that 'the State shall promote the equal right of men and women to enjoy all economic, social, cultural, civil and political rights and for this purpose shall take appropriate measures to eliminate all forms of discrimination between the sexes by any person, organisation or enterprise; the State shall, in particular, aim at ensuring that women workers enjoy equal rights and the same wages for the same work as men.'

The Equality for Men and Women Act (Cap. 456 of the Laws of Malta) is the overarching legislative document that stipulates gender equality in Malta. Amongst its main principles, it includes the abolishment of discrimination in educational establishments or any other entity providing vocational training and guidance (Art. 8 Cap. 456). This principle is also reflected in the Article 3 of the Education Act (Cap. 605 of the Laws of Malta). As for the basic principles of non-discrimination (based on other characteristics as well, including gender and sex) can be found in the Maltese Constitution and the European Convention Act (Cap. 319).

The first legal gender recognition procedures were introduced through amendments to the Civil Code in 2004 (ACT XVIII of 2004). The provisions were repealed in 2015 and replaced with the Gender Identity, Gender Expression and Sex Characteristics Act (ACT XI of 2015 further amended by ACT XX of 2015).

The Act introduces a right to gender identity for all citizens of Malta and entitles them to:

- the recognition of their gender identity;
- the free development of their person according to their gender identity;
- be treated according to their gender identity and,
- be identified in that way in the documents providing their identity, and
- bodily integrity and physical autonomy.

The Gender Identity, Gender Expression and Sex Characteristics Act (Chapter 540 of the Laws of Malta) allows for the legal gender recognition of persons based on self-determination and bodily integrity.

Gender equality index

Malta has consistently scored positively on the Gender equality index due to the measures spearheaded by the Government and the current economic and social climate. Malta's ranking is the highest (5th among all Member States) in the domain of work, scoring 77.0 points out of 100. Within this domain, the country has the highest score in the sub-domain of participation at work (81.2 points)

Compared to other EU countries, Malta performs best in the sub-domain of segregation and quality of work in which it has held the second place since 2010 and currently scores 73.0 points.

Gender Equality and Mainstreaming Strategy & Action Plan (GEMSAP) 2022 – 2027

In 2022, Malta launched its first National Gender Equality and Mainstreaming Strategy & Action Plan (GEMSAP) 2022 – 2027. This Strategy identifies and eradicates those obstacles by strengthening the gender perspective at all levels and stages of policy making.

GEMSAP focuses on eight strategic objectives:

1. Strengthening of Institutional Mechanisms for Gender Mainstreaming and Gender Equality
2. Guarantee equal access to employment in all sectors, combat segregation and ensuring Equal Pay for Work of Equal Value
3. Enhancing women's economic independence
4. Strengthening the principle of gender equality & mainstreaming in the education system and challenging gender stereotypes
5. Promoting co-responsibility and balance of work, private and family life
6. Achieving gender balance in political and public decision making
7. Promoting gender equality in social wellbeing and healthcare policies
8. Eliminate gender imbalance in the field of justice by addressing gender bias and gender stereotypes

An inter-Ministerial Committee was set up in the beginning of the year to monitor and develop the GEMSAP Action Plan by all Government Ministries. The Human Rights Directorate within the Ministry for Home Affairs, Security, Reforms and Equality has been tasked with the coordinating and monitoring body.

The Ministry for Education, Youth, Sport, Research and Innovation

The Ministry of Education Youth, Sport, Research and Innovation will be leading various measures in the coming years and support other initiatives to ensure that gender equality is prioritised tackling specific areas where imbalance is still prevalent in society.

These are the following measures that will be led by the Ministry for Education, Youth, Sport, Research and Innovation:

- Strengthen positive gender representation in formal education of all subjects to tackle gender stereotypes and to ensure that the content of the curriculum includes values and attitudes of gender equality.
- Carry out gender equality audits in all schools and higher education institutions to assess the gaps in the present allocation of resources and the gender relations and representation within them.
- Ensure that the necessary resources are made available to ensure that gender equality is mainstreamed throughout the educational system, including the national curriculum, educational facility setups, as well as sports and STEM facilities.
- Address the gender dimension in the preparation of specific educational support and reinforcement programmes directed at vulnerable groups likely to experience multiple discrimination (such as the Ġużè Ellul Mercer educational programme and Alternative Learning Programmes)

- Provide relevant, up to date resources for schools and libraries, including resource packs for teachers, story books, fiction and non-fiction for children and adolescents.
- Introduce higher education training blocks divided into attainable steps (without stipulated timeframes), especially for women whose regular educational path was truncated.
- Review the sex education currently being given within formal education.
- Create information sessions specifically designed for girls and women interested in careers which are traditionally predominantly male.
- Promote and encourage women to make use of Recognition of Prior Learning programmes and institutions to recognise such programmes.
- Promote the reinforcement and implementation of gender equality and non-discrimination in sports, drama, art, music, and organisations offering non-formal education.
- Support sectoral women's rights organisations to implement a systematic programme concerning educational and professional networking events.
- Celebrate the International Day of Girls in ICT with an initiative led by the Directorate for Digital Literacy and Transversal Skills

Supporting measures which will be held in conjunction with other Ministries

- Extend free childcare services for employees who work in the evening, weekends and on a shift basis.
- Ensure that upskilling training and employment guidance programmes for women belonging to vulnerable groups are provided (namely, migrants, persons with a disability, the elderly and LGBTIQ people) for them to access, and remain in, the labour market, and be fully included in society.
- Establish an MoU between the Equality Ministry and Academic Entities, with the aim of identifying research areas related to equality and promoting these identified areas to their students and academics.
- Enhance awareness of the importance and positive aspects of STEM tertiary education for girls and women.
- Provide free menstruation products in schools to eliminate the stigma that exists around this issue.

The National Commission for the Promotion of Equality

The National Commission for the Promotion of Equality is an independent Equality Body entrusted by Chapter 456 of the Laws of Malta to safeguard equality on the basis of sex, family responsibilities, religion/belief, age, sexual orientation, race/ethnic origin and gender identity, gender expression and sex characteristics in employment as well as access to vocational/professional training or banks and financial institutions. The NCPE's remit is also established in the field of gender, as well as race/ethnic origin in access to and provision of goods and services, via two legal notices - namely Legal Notice 181 of 2008, Access to Goods and Services and their Supply Regulations and Legal Notice 85 of 2007, Equal Treatment of Persons Order. Legal Notice 173 of 2016, Exercise of Rights Conferred on Workers (Freedom of Movement) Regulations, establishes the NCPE's remit with regards to the freedom of movement for workers in the EU. The National Commission for the Promotion of Equality has published a number of research projects on various aspects of the impact of gender equality from the social, economic and political perspectives. A list of research projects can be accessed via this link: [https://ncpe.gov.mt/en/Pages/Our Publications and Resources/Research published by NCPE.asp](https://ncpe.gov.mt/en/Pages/Our_Publications_and_Resources/Research_published_by_NCPE.asp)

EU Pay Transparency Directive

Helena Dalli, Commissioner for Equality on 15 December 2022 said “Assuring equal pay contributes to women’s economic and financial justice and independence, which in times of multiple crises is more important than ever. Pay transparency is everyone’s business. It is a question of fairness. And it will also benefit the economy, as better work conditions will help bring and retain more women in the labour market. We need transparency to identify an end to pay discrimination.”

Malta is working steadily to implement the directive which comes into force in 2024. This Directive is also part of the bigger picture which is a multipronged approach that addresses the gender pay gap, reduces in-work poverty especially for single-parent households and increases work-life balance through the Work-Life Balance Directive and Directive on Improving Gender Balance on the boards of EU-listed companies. (In Malta, the Work-Life Balance Directive was implemented for Parents and Carers, entering into force on 2 August 2022.)

Gender representation in the Audiovisual Industry

The Broadcasting Authority has also worked extensively to promote good practice and awareness in the equal representation of gender in all television and radio broadcasting, with a specific focus on current affairs programming including news bulletins and discussion programmes by producing guidelines and conducting comparative studies with other countries to provide recommendations to voice the perspectives of all genders.

Conclusions

Gender equality is a fundamental principle that is embedded in all legislation and policy documents that are in force or are currently being drafted. Malta, like other member states is committed to challenge gender stereotypes and social and cultural norms through education and broadcasting in order to ensure equal opportunities for all.