

47th Session

Convention on the Elimination of All Forms of Discrimination Against Women

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Malta Confederation of Women's Organisations (MCWO)
Malta Gay Rights Movement (MGRM)

Madam Chair:

I am Anna Borg, who together with my colleague, Renee Laiviera, represent the Malta Confederation of Women's Organisations (MCWO) a network of 14 organisations. There will be a third speaker from Malta representing the Malta Gay Rights Movement.

Malta ratified the Convention in 1991 but it has not transposed it into Maltese Law. Neither has the Optional Protocol been ratified.

We have identified a number of important issues, which we have written about in our shadow report, however:

The urgent issues that we will be addressing today are:

1. Women in the labour market
2. Participation of women in political and public life
3. Domestic violence
4. Discrimination faced by women because of their sexual orientation and gender identity.

Women in the Labour Market

Of all the EU states, Malta has the lowest participation rate of women in the labour market. In spite of having close to 60% of female graduates only 38% of women work. In the last 10 years, the overall increase has been insignificant.

The low employment rate means that the vast majority of Maltese women are financially dependent on their partners or on social benefits (as in the case of single mothers). These are increasing, and now 1 in every 5 births is occurring outside marriage.

The slow increase in female employment rates is a clear indication of persisting structural and cultural hurdles that make it difficult for mothers to combine work with care. These include short school hours (typically 2pm), extremely long summer holidays (3 months) and low provisions of accessible and affordable childcare. Malta also has a short maternity leave period of 14 weeks and when women return to work in the private sector, legally they cannot ask to work flexibly.

To say the least, Government's approach to this problem has been fragmented and sporadic. Although in recent years government has given fiscal incentives and provided some rudimentary

services, we believe that these measures are neither sufficient nor tackle persisting structural problems in a holistic manner.

Since the last review in 2004 change has been very slow, so the type of recommendation we would like to see, have to be specific and time bound to permit better monitoring.

The things that will help more Maltese women to combine work with family are the following:

- a. The introduction of affordable and accessible, before and after school services and childcare compatible with typical working hours.
- b. The extension of paid maternity leave periods (without passing the cost on to the employers).
- c. An amendment to the Employment and Industrial Relations Act giving female workers the right to demand flexible working conditions.
- d. Finally we suggest that government should submit a follow-up report to CEDAW on developments in these areas of concern.

Participation of women in political and public life

Malta is the only country in the EU, which has not managed to elect a woman to the European Parliament in the last round of elections in spite of the fact that five very valid women contested. The number of women members in the national parliament remained the same as for the previous elections with just 8.7% of female MPs.

There are four (4) men for every woman in important decision-making positions. Although targets have been set for government appointments, very little, if anything, is being done by government to increase the participation of women in decision making.

Recommendations:

1. By June 2012, Government should introduce special temporary measures with specific targets for women and men:
 - i. 40% target for government appointed boards/committees/ commissions
 - ii. 30% target at management levels in the private and in the public sector
 - iii. 40% target for candidates in all political parties contesting European, national and local elections (these targets to be reached by the next round of elections)
2. The national machinery for equality should organise and be responsible for, within a set time frame:
 - i. Leadership training programmes of empowerment to women at least on a yearly basis
 - ii. National awareness campaigns on women's participation in decision-making
 - iii. Annual monitoring and reporting of all processes.
3. Government should submit a follow-up report to CEDAW on developments in this area of concern.

Domestic Violence

The Domestic Violence Act is gender blind. It is weak in certain aspects. Although the police were given the power to take action without the victim's consent, the courts were empowered to decide whether proceedings in domestic violence cases are to be continued or terminated according to the wish of the victim. The staying of proceedings is being enforced even when the perpetrator has admitted the offence and evidence is available.

Women still have to flee the matrimonial home because of aggressive partners. Others, who have nowhere to go for shelter, very often find themselves unprotected between the time of reporting the incident to the police and the first court hearing. The law does not permit the removal of the aggressor from the matrimonial home when a domestic violence report is submitted.

In spite of an increase in the number of reported incidents of domestic violence (25% in 2009), the Commission on Domestic Violence is allocated insufficient funds. In fact in 2010, the funds decreased from €47,000 to €27,000. Moreover, available statistics are meager and do not make it possible to correlate the hospital records to cases reported to the police. Furthermore, private hospitals/clinics do not have to report such cases to authorities.

Finally, Malta defines rape and violent assault as crimes against the honour of the family, which can be regarded as incongruous particularly since the introduction of the 2003 Domestic Violence Law.

Recommendations:

1. By June 2011, the Domestic Violence Act (2003) should be amended
 - a. To recognize the link between domestic violence and gender inequalities in society
 - b. To ensure that the Courts are empowered to continue hearing cases of violence irrespective of victim's wishes, in order that the aggressor answers for his crimes before society
 - c. To permit the removal of the aggressor from the matrimonial home
 - d. To make it mandatory that professionals in the field report all cases of domestic violence to the health authorities concerned as soon as received.
2. Once the law has been amended:
 - a) A national training programme should be implemented to embrace all professionals in the field in order to ensure effective implementation of the legal framework
 - b) National campaigns should be organised to raise awareness about the changes in the law and how they can influence culture and values within society.
3. Crimes of rape and violent assault should be legally defined as crimes against the physical and mental integrity of women and 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.
4. The Commission for Domestic Violence should at least double its current funds and resources.

Discrimination and violence faced by women on the basis of their sexual orientation and gender identity

Thank you Madam Chair. My name is Ruth Baldacchino and I'm representing the Malta Gay Rights Movement, the organisation that submitted the shadow report on discrimination and violence against women based on their sexual orientation and gender identity. The report itself lists a number of recommendations, which we would like to see the Committee to consider.

In Malta, the most evident form of discrimination against women coming from sexual minorities is the lack of visibility and the sheer silence of lesbian, bisexual and transgender women voices; both in the private and public spheres (including within the education system, healthcare services, employment and housing provisions). The systematic exclusion of women as a result of their sexual orientation and gender identity is strongly tied to cultural views on women's roles in general, and dominant religious views on women's sexuality.

In Malta, young girls are not protected from homophobic and transphobic bullying in schools contributing to the social exclusion of girls and women on the basis of their sexual orientation and gender identity.

No action has yet been taken by the State against violence or bodily harm, whether inflicted by government officials or by any individual or group towards women on the basis of their sexual orientation and gender identity. Maltese lesbian, bisexual and transgender women still experience physical violence however very few report these incidents to the police due to lack of trust and fear of homophobic reactions from the police force.

When it comes to transgender women, access to hormone and sex reassignment therapies is not available through the National Health Service. Transgender women avoid doing routine health checks, as they fear adverse reactions from healthcare professionals. Transgender women have to undergo a number of unnecessary procedures when seeking recognition of their gender identity: these include forced sterilisation and lengthy and costly surgical procedures. Moreover they have to undergo further physical tests by court-appointed experts to verify these surgeries.

This is cause for great embarrassment and humiliation to the woman concerned. This prolonged transition period combined with difficulties in accessing employment often have a degenerating effect on the quality of life and mental health of transgender women, with some seeing prostitution as the only resort.

In order to remain relevant to women today, it is crucial that the CEDAW convention recognises sexual rights as an integral and legitimate aspect of the human rights of **ALL** women, regardless of their sexual orientation and gender identity.