



# General Assembly

Distr.: General

22 April 2024

Original: English

---

## Human Rights Council

### Fifty-sixth session

18 June–12 July 2024

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## Visit to Malta

### Report of the Working Group on discrimination against women and girls\*

#### *Summary*

The Working Group on discrimination against women and girls conducted a visit to Malta from 26 June to 7 July 2023. In the present report, the Working Group assesses the situation of women's and girls' human rights, noting achievements, challenges, and pathways to progress. This assessment is made in the context of the country's current legal, institutional and policy framework for promoting gender equality and the participation and empowerment of women in the family and in economic, social, political and public life, paying attention to women's and girls' sexual and reproductive health and rights. The Working Group also makes recommendations for further progress in eliminating discrimination and promoting gender equality.

---

\* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in English only.



## Annex

### Report of the Working Group on discrimination against women and girls on its visit to Malta

#### I. Introduction

##### A. Visit

1. The Working Group, led by its Chair-Rapporteur, Dorothy Estrada-Tanck, and with the participation of expert member Elizabeth Broderick, visited Malta from 26 June to 7 July 2023 at the invitation of the Government. The Working Group expresses its appreciation to the authorities for their cooperation and the fruitful exchanges before and during the visit.

2. The experts met with representatives of central and local authorities and of women's and girls' rights organizations and with women and girls in Balzan, Birkirkara, Birżebbuġa, Cospicua, Hamrun, Paola, Safi, Santa Venera, Mrieħel, Msida, Valletta, Victoria (Gozo) and Żejtun. In Santa Venera, the experts met with representatives of the Ministry for Foreign and European Affairs and Trade. In Valletta, the experts met with representatives of the Ministry for Finance and Employment; the Ministry for the National Heritage, the Arts and Local Government; the Ministry for Health; the Ministry for Justice; the Ministry for Education, Sport, Youth, Research and Innovation; the Ministry for Social Policy and Children's Rights; the Ministry for Social and Affordable Accommodation; the Ministry for the Economy, European Funds and Lands; the Ministry for the Environment, Energy and Enterprise; the Ministry for Gozo; the Office of the Prime Minister; the Office of the Attorney-General; the Commissioner for Children; and the Parliamentary Secretary for Equality and Reform; and with magistrates, judges and parliamentarians. The experts also met with the National Commission for the Promotion of Equality; Community Malta Agency; Identity Malta Agency; the Victim Support Agency; and the Agency for the Welfare of Asylum Seekers. The experts met with local council authorities from Naxxar, Bormla, Msida, Cospicua and Birżebbuġa. In addition, the experts met with civil society organizations working on women's and girls' rights, academics, and representatives of the United Nations. In Cospicua, the experts met with a female Head of a public school. In Msida and in Victoria (Gozo), the experts visited public hospitals – Mater Dei Hospital and Gozo General Hospital respectively. In Paola, the experts visited the female wing of the Corradino Correctional Facility. In Safi, the experts visited a closed detention centre for migrants, and in Birżebbuġa, two open centres for migrants. The experts also met with police at a police station and visited shelters for women and child survivors of domestic violence.

3. The Working Group expresses its sincere appreciation to all its interlocutors for their engagement and valuable input. The experts would also like to thank all the courageous activists who shared their powerful testimonies and enlightening insights with them during the visit.

##### B. Context

4. With a rich historical legacy as a Mediterranean island at the crossroads of different civilizations, Malta gained independence in 1964 and became a State Member of the United Nations in the same year and of the European Union in 2004. In 2023, Malta attained a non-permanent membership in the Security Council. During its term, Malta has prioritized the women, peace and security agenda.

5. At the international level, Malta ranked seventieth out of 146 countries in the 2023 Global Gender Gap Index.<sup>1</sup> At the regional level, Malta ranks fourteenth out of 27 European

<sup>1</sup> World Economic Forum, *Global Gender Gap Report 2023* (2022).

Union member States in gender equality and in recent years has made some of the most significant advancements compared to other European Union member States.<sup>2</sup>

6. The Working Group's visit came at a critical juncture, amidst a vibrant debate surrounding gender equality, particularly the crucial issue of women's sexual and reproductive health rights. While Malta has made significant strides in several aspects of gender equality, especially women's economic participation as well as educational attainment, it still faces considerable challenges. These shortcomings encompass various dimensions, including deep-rooted gender stereotypes, the persistent underrepresentation of women in leadership positions, the need for improved work-life balance, the prevalence of violence against women, and the existence of a gender and pension pay gap.

7. Malta stands at a unique moment, offering an opportunity to accelerate progress on gender equality and women's and girls' human rights while simultaneously strengthening the economy. It is imperative to prioritize the full and equal participation of women and girls in shaping the country's future. Achieving this goal, however, hinges on dismantling existing gender stereotypes that currently restrict opportunities for both women and men in all their diversity. By challenging and transcending harmful traditional gender roles and expectations, Malta can unlock the potential of all persons and create a society where equality thrives.

## **II. Legal, policy and institutional frameworks**

### **A. Ratification of international instruments and cooperation with human rights mechanisms**

8. Malta has a good record of ratification of international human rights instruments and collaboration with human rights mechanisms and the Government has expressed commitment to implementing the 2030 Agenda for Sustainable Development. Malta also took the crucial step in July 2014 of ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), and in 2019 it acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. It also acceded to the Convention and the Protocol relating to the Status of Refugees, in 1971, and to the Convention relating to the Status of Stateless Persons, in 2019. However, it has yet to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as to the International Labour Organization (ILO) Violence and Harassment Convention, 2019 (No. 190) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Convention on the Reduction of Statelessness. Malta acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 1991, with reservations to articles 13, 15 and 16 1 (e). The experts share the opinion expressed by the Committee on the Elimination of Discrimination against Women that reservations to article 16 are incompatible with the object and purpose of the Convention, and reiterate the importance of States withdrawing their reservations in order to ensure gender equality.

### **B. Constitutional and legal framework**

9. Malta has strong guarantees in its Constitution for equality between men and women and for the right to equal pay for work of equal value, as stated in article 14: "the State shall promote the equal right of men and women to enjoy all economic, social, cultural, civil and political rights", "eliminate all forms of discrimination between the sexes" and "aim at ensuring that women workers enjoy equal rights".<sup>3</sup>

<sup>2</sup> European Institute for Gender Equality, Gender Equality Index, available at <https://eige.europa.eu/gender-equality-index/2023/country/MT>.

<sup>3</sup> Constitution of Malta, available at <https://legislation.mt/eli/const/eng/pdf>.

10. The experts note with appreciation the wide-ranging legislative frameworks for equality established in Malta transposing and implementing European Union directives. These include the Work-Life Balance for Parents and Carers Regulations (2022),<sup>4</sup> the Marriage Equality Act (2017),<sup>5</sup> the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act (2016),<sup>6</sup> the Gender Identity, Gender Expression and Sex Characteristics Act (2015),<sup>7</sup> the Civil Unions Act (2014)<sup>8</sup> and the Equality for Men and Women Act (2003).<sup>9</sup>

### C. Policy and institutional framework

11. The Government's commitment to gender equality is visible through the adoption of numerous gender equality policies, in line with the Council of Europe's Gender Equality Strategy 2018–2023<sup>10</sup> and the European Commission's Gender Equality Strategy 2020–2025,<sup>11</sup> including the first Gender Equality and Mainstreaming Strategy and Action Plan, for 2022–2027,<sup>12</sup> the first Women, Peace and Security National Action Plan for the Implementation of United Nations Security Council Resolution 1325, for 2020–2024,<sup>13</sup> and the third LGBTIQ+ Equality Strategy and Action Plan, for 2023–2027.<sup>14</sup>

12. The Working Group also expresses its appreciation for the establishment of specialized institutional mechanisms for the implementation of gender equality, namely the creation of the Gender Mainstreaming Unit in the Human Rights Directorate under the Ministry for Home Affairs, Security, Reforms and Equality, in 2019, the Consultative Council for Women's Rights under the Ministry for Home Affairs, Security, Reforms and Equality, in 2017, and the National Commission for the Promotion of Equality, in 2004.

13. Although Malta has a comprehensive legal, policy and institutional framework for the protection and promotion of women's and girls' human rights, it lags in implementation. The lack of comprehensive available disaggregated data and strong monitoring capacity is a key barrier to identifying gender equality challenges and measuring progress.

14. The former Ministry for European Affairs and Equality has been replaced by equality units within the Human Rights Directorate of the Ministry for Home Affairs, Security Reforms and Equality, under the leadership of the Parliamentary Secretariat for Reforms and Equality. The Working Group considers that, in principle, this is a positive change, and hopes that, with this new structure, gender mainstreaming at all levels is truly implemented and ensured. The experts also recognize the importance of the strong leadership of the Parliamentary Secretary for Reforms and Equality, who was pivotal in building momentum for advancing gender equality in the country, including through the launch of the first national Gender Equality and Mainstreaming Strategy and Action Plan.

15. While the National Commission for the Promotion of Equality has been a key driving force in the progress achieved, the Working Group notes with regret the lack of a fully fledged and independent national human rights institution in compliance with the principles relating

<sup>4</sup> See <https://legislation.mt/eli/ln/2022/201/eng>.

<sup>5</sup> See [https://humanrights.gov.mt/en/Documents/Marriage Equality.pdf](https://humanrights.gov.mt/en/Documents/Marriage%20Equality.pdf).

<sup>6</sup> See [https://humanrights.gov.mt/en/Documents/Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act.pdf](https://humanrights.gov.mt/en/Documents/Affirmation%20of%20Sexual%20Orientation,%20Gender%20Identity%20and%20Gender%20Expression%20Act.pdf).

<sup>7</sup> See [https://humanrights.gov.mt/en/Documents/Gender Identity, Gender Expression and Sex Characteristics Act.pdf](https://humanrights.gov.mt/en/Documents/Gender%20Identity,%20Gender%20Expression%20and%20Sex%20Characteristics%20Act.pdf).

<sup>8</sup> See <https://legislation.mt/eli/act/2014/9/eng/pdf>.

<sup>9</sup> See <https://legislation.mt/eli/cap/456/eng>.

<sup>10</sup> See <https://coe.int/en/web/genderequality/gender-equality-strategy>.

<sup>11</sup> See <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0152>.

<sup>12</sup> See [https://humanrights.gov.mt/en/Documents/Gender Equality.pdf](https://humanrights.gov.mt/en/Documents/Gender%20Equality.pdf).

<sup>13</sup> See <https://foreign.gov.mt/publications/women-peace-security-maltas-national-action-plan-for-the-implementation-of-united-nations-security-council-resolution-1325/>.

<sup>14</sup> See [https://humanrights.gov.mt/en/Documents/LGBTIQ Equality Strategy and Action Plan 2023 %E2%80%93 2027 EN.pdf](https://humanrights.gov.mt/en/Documents/LGBTIQ%20Equality%20Strategy%20and%20Action%20Plan%202023%20-%202027%20EN.pdf).

to the status of national institutions for the promotion and protection of human rights (the Paris Principles),<sup>15</sup> and commends existing efforts towards achieving this.<sup>16</sup>

### III. Family and culture

16. Maltese society has undergone considerable transformation in the past 15 years, allowing for positive change. The culture and norms of Malta are firmly rooted in religious tradition. The right to divorce was introduced through a referendum in 2011, with Malta being one of the last countries in the world to do so. Malta has signed nine concordats with the Holy See regulating aspects of family law and education.<sup>17</sup> The fact that preferential treatment is given by the State to the Roman Catholic Apostolic Religion, as endorsed in article 2 of the Constitution, can complicate the expressions of religious pluralism and the enjoyment of fundamental women's and girls' rights, which are on occasion perceived as not complying with religious doctrine.

17. Malta is a conservative society with a patriarchal structure that often holds women and girls back from finding a genuinely equal place in various areas of life. Until 1989, only Maltese men could transmit their nationality to their children. Moreover, married women were not allowed to work until 1980. In addition, until 2021, women (and men) faced potential difficulties in accessing divorce, with a four-year period of separation required before parties could apply for divorce.<sup>18</sup> The Working Group welcomes these changes to the legislation, together with the introduction of same-sex marriage in 2017, a crucial step forward for LBTQI+ women. While the construction of the family has undergone major changes in the past years, the Working Group notes with concern that discriminatory gender-based roles, stereotypes, beliefs, practices and norms still predominate, and subjugate women and girls, starting from within the family, with Maltese women bearing a disproportionate burden of household and care duties and family responsibilities.

18. During the visit, some interlocutors pointed out that Malta had a limited population, concentrated on a small island, which created a proximity among the Maltese where "everyone knows everyone". In this environment, some women find it difficult to thrive, held back by community pressure and cultural expectations of how a woman should behave, often silencing women who do not necessarily conform to the imposed gender roles.

19. While the experts were told that the country was changing and progressing, they also heard that patriarchal views implying that women were less fit to lead still had a considerable impact on women's ability to participate in public, political, economic and social life.

### IV. Public and political life

#### A. Political participation and representation in public institutions

20. Women's participation in public and political life lags behind European standards. Among the indicators used in the 2023 Gender Equality Index by the European Institute for Gender Equality, Malta ranks the lowest in this domain, signalling the need for improvement.<sup>19</sup>

21. In 2021, a 40 per cent quota for political representation of each sex was introduced via constitutional amendment.<sup>20</sup> This gender-corrective electoral mechanism ensures that if one sex gets less than 40 per cent of the seats in Parliament, up to 12 seats can be added, with

<sup>15</sup> See <https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris>.

<sup>16</sup> Human Rights and Equality Commission Bill, Bill No. 97, available at <https://www.parlament.mt/13th-leg/bills/bill-no-097-human-rights/>.

<sup>17</sup> See [https://www.iusciangreg.it/accordi\\_santa\\_sede.php?lang=EN](https://www.iusciangreg.it/accordi_santa_sede.php?lang=EN).

<sup>18</sup> Act No. XXV of 2021, available at <https://legislation.mt/eli/act/2021/25/eng>.

<sup>19</sup> See <https://eige.europa.eu/gender-equality-index/2023/country/MT>.

<sup>20</sup> Act No. XX of 2021, available at <https://parlament.mt/13th-leg/acts/act-xx-of-2021/>.

six seats for each party. This mechanism has a sunset clause of 20 years from its coming into force, unless revoked or re-enacted (which would require a two-thirds majority vote). The number of members forming the Electoral Commission was also increased from eight to ten, with no less than four members (40 per cent) of every sex.

22. Due to the first implementation of the gender-corrective electoral mechanism in the 2022 general election, the percentage of women parliamentarians increased from 13.4 per cent in 2021, the lowest share of women in a national Parliament in Europe, to 27.9 per cent in February 2024, with women currently occupying 22 out of 79 seats. The percentage of women in Parliament in Malta is above the global average (26.7 per cent), but it remains behind the European average (31.4 per cent).<sup>21</sup>

23. Furthermore, the percentage of women ministers is low, with only 2 women out of 19 (10.5 per cent) and 5 women out of 27 members (18.5 per cent) of the Cabinet, which is below the European Union average of 33 per cent.<sup>22</sup> Overall, there are 20 per cent of women in the Government. At the local level, women are also underrepresented, with only 11 women mayors out of 68 local councils (i.e. 16 per cent). In this regard, the experts highlight the transformative potential of locally elected female politicians, who can play a critical role in shifting attitudes around gender, thanks to their proximity to the population. The total share of women in the diplomatic service is a more encouraging 49 per cent, yet only 28 per cent of women are ambassadors.<sup>23</sup>

## B. The public service and the judiciary

24. Women are well represented in the judiciary. The first female magistrate was elected in 1991 and the first female judges were elected in 2006. Fifty-five per cent of judges are female.<sup>24</sup> The experts welcome the appointment in 2020 of the first female Attorney General, and her positive commitment to gender equality.

25. Women are underrepresented in law enforcement (32 per cent overall), with only 21.5 per cent women police officers<sup>25</sup> and 22.5 per cent women prison officials.<sup>26</sup>

26. Public decision-making remains male-dominated. Women in positions of power are more heavily scrutinized and criticized than men in positions of power. They also experience gender-based hate speech and discrimination. Some of the public officials that the experts spoke to said that they had received inappropriate comments in the media and on social media. As one interlocutor noted: “They think they have a right to criticize you because you are a woman.”

27. Additional measures should be adopted to encourage and support women to run for public office at both the national and the local level and to support women candidates to have a better chance of success. This would also assist in disrupting harmful gender stereotypes. The Working Group has found that the most significant increase in the number of women in national parliaments over the years has been in countries where special measures, such as gender quotas, have been implemented effectively.<sup>27</sup>

<sup>21</sup> See [https://data.ipu.org/women-averages?month=8&year=2023&op=Show+averages&form\\_build\\_id=form-JQz8XfKV7rJPSZkLfpiJUrAZhuvhO2gBsITp\\_040-QQ&form\\_id=ipu\\_\\_women\\_averages\\_filter\\_form](https://data.ipu.org/women-averages?month=8&year=2023&op=Show+averages&form_build_id=form-JQz8XfKV7rJPSZkLfpiJUrAZhuvhO2gBsITp_040-QQ&form_id=ipu__women_averages_filter_form); and <https://data.ipu.org/women-ranking?month=8&year=2023>.

<sup>22</sup> Eurostat, “1 in 3 parliament and government members are women”, 7 March 2021, available at <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/edn-20210307-1>.

<sup>23</sup> Data received from the Government.

<sup>24</sup> Data received from the Courts Service Agency.

<sup>25</sup> Eurostat, “Police, court and prison personnel statistics”, April 2023, available at [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Police,\\_court\\_and\\_prison\\_personnel\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Police,_court_and_prison_personnel_statistics).

<sup>26</sup> Data received from the Correctional Services Agency and the Police Department.

<sup>27</sup> See [A/HRC/23/50](#).

28. Under article 7 of the Committee on the Elimination of Discrimination against Women, the State has the obligation to remove all barriers to women's equal participation in its institutions and take affirmative measures to increase women's political representation at all levels and branches of government. Considering the structural constraints to equal participation faced by women in the country, training and assistance for campaigning is needed to help raise women candidates' profiles and visibility and to facilitate their outreach capacity.

### **C. Women and girl human rights defenders and journalists**

29. Malta benefits from a vibrant civil society which needs to be further supported. Women's and girls' organizations play a key role in advancing efforts to end discrimination. Their activities include awareness-raising, education and training on gender equality, sexual and reproductive health rights, and prevention of gender-based violence, providing shelter, support, rehabilitation and reintegration services for victims/survivors, and supporting migrant, asylum-seeking and refugee women and girls, women and girls with disabilities and LBTQI+ women and girls. These organizations welcome the opportunity to work collaboratively with and to be supported by the Government.

30. However, the Working Group is concerned about the intimidating environment surrounding the debate on sexual and reproductive health rights, and particularly about online and offline attacks against women activists. These include gender-based threats and hate speech on social media, smear campaigns, attempts at blackmail, intimidation, and stigmatization, with comments such as "Here come the troublemakers". The experts also heard of one instance of physical attack and two instances of online death threats.

31. Moreover, the Working Group expresses concern about restrictions of media freedom and intimidation of journalists in Malta in recent years, with reports of frequent use of strategic lawsuits against public participation to deter or silence journalists. The experts also note with concern that the recommendations of the public inquiry into the 2017 killing of journalist Daphne Caruana Galizia have not yet been fully implemented by the Government.<sup>28</sup> The Working Group is also alarmed at reports of harassment against Galizia's family.<sup>29</sup>

32. The experts wish to recall that independent women's and girls' organizations and networks play a critical role in ensuring a healthy democracy and the fulfilment of human rights, in Malta and across the world. They should be granted adequate resources, be able to carry out their work without fear of reprisals and be included in policymaking. Any harassment of activists, as well as journalists, must be prevented and duly sanctioned.

## **V. Economic and social life**

### **A. Women's participation in the labour force**

33. In the past decade, Malta has made notable strides in women's economic empowerment. The country has implemented various policies aimed at improving women's employability and increasing their participation in the labour market. This effort has resulted in a 13 per cent increase in women's labour force participation,<sup>30</sup> but significant disparities

<sup>28</sup> Amnesty International, "Malta 2022", available at <https://www.amnesty.org/en/location/europe-and-central-asia/malta/report-malta/>; communication MLT 1/2018, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23952>; and communication MLT 2/2017, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23395>.

<sup>29</sup> Reporters without Borders, 2023 World Press Freedom Index: Malta, available at <https://rsf.org/en/country/malta>.

<sup>30</sup> European Institute for Gender Equality, Gender Equality Index 2020: Malta, available at [https://humanrights.gov.mt/en/Documents/factsheet\\_gei\\_2020.pdf](https://humanrights.gov.mt/en/Documents/factsheet_gei_2020.pdf).

between male and female labour force participation persist. Currently, the women's labour force participation rate stands at 56.9 per cent, while the rate for men is 72.9 per cent.<sup>31</sup>

34. Despite progress, women still face challenges related to unpaid domestic work and an inability to progress in their careers due to family commitments. While national data on the overall participation of women in the country's informal labour market (including domestic work, cleaning, and care for the elderly and children) are currently lacking, European Union data show that women and girls in Malta spend significantly more time on unpaid work compared to men. In 2021, 37 per cent of women compared to only 14 per cent of men reported taking care of children aged 0–11 years for more than four hours a day – the lowest share for men across the European Union. The share of women reducing their working time to take care of children and/or other relatives was the highest across the European Union – twice the European Union average of 8 per cent.<sup>32</sup>

35. To address these issues, the Government, through JobsPlus, has implemented initiatives under the Making Work Pay programme, which focuses on increasing women's participation in the labour market.<sup>33</sup> These initiatives include the Free Childcare Scheme, improved over time. Other programmes, such as In-Work Benefit, Tapering of Benefits, tax exemptions, and childcare services for vulnerable children, have also been introduced to attract more women to the workforce. Malta has also recently introduced paid in vitro fertilization leave. Moreover, female-owned enterprises may apply for tax credits through the Micro Invest programme. These efforts have contributed to a significant increase in the female employment rate.

36. As with other countries, Malta has faced challenges related to the gender pay gap, with women historically earning less than men for equal or comparable work. However, improvements have been made, and Malta now has a narrower gender pay gap of 10 per cent, lower than the European Union average of 13 per cent.<sup>34</sup>

37. Malta does, however, have a significant pension pay gap of 44.5 per cent for the 65+ age cohort, higher than the European Union average of 25.3 per cent.<sup>35</sup> The Working Group is pleased to hear about the Carers' Grant scheme and other initiatives aimed at closing the pension pay gap.

38. The experts are also pleased to hear about various initiatives to encourage women and girls into science, technology, engineering and mathematics, and programmes addressing gender stereotypes concerning employment.

39. The Working Group is pleased to note that 50 per cent of the heads of public hospitals are women. However, women are still underrepresented in management roles in most sectors, with 28 per cent of women holding such positions, falling behind the European Union average of 34 per cent.<sup>36</sup> There is also a gender imbalance in presidents, board members and employee representatives of the largest listed companies whereby in 2020 the percentage of women stood at 10.8 per cent when compared to the European Union average of 30.6 per cent.<sup>37</sup> Although the European Union Directive on Gender Balance on Corporate Boards for 40 per cent representation was adopted in 2022, it has not yet been transposed into Maltese law (the transposition deadline is December 2024).

<sup>31</sup> World Bank, Gender Data Portal: Malta, available at <https://genderdata.worldbank.org/countries/malta>.

<sup>32</sup> European Institute for Gender Equality, Gender Equality Index: COVID-19 in Malta, available at <https://eige.europa.eu/gender-equality-index/thematic-focus/covid-19/country/MT>.

<sup>33</sup> See <https://jobsplus.gov.mt/>.

<sup>34</sup> European Commission, "The gender pay gap situation in the EU", available at [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/equal-pay/gender-pay-gap-situation-eu\\_en#differences-between-the-eu-countries](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/equal-pay/gender-pay-gap-situation-eu_en#differences-between-the-eu-countries).

<sup>35</sup> Eurostat, "Gender pension gap by age group – EU-SILC survey" (2022), available at [https://ec.europa.eu/eurostat/databrowser/view/ILC\\_PNP13\\_\\_custom\\_6780254/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/ILC_PNP13__custom_6780254/default/table?lang=en).

<sup>36</sup> Eurostat, "Women remain outnumbered in management", 5 March 2021, available at <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/edn-20210305-2>.

<sup>37</sup> Gender Equality and Mainstreaming Strategy and Action Plan 2022–2027.

40. Addressing this underrepresentation requires a comprehensive approach, including mandatory interventions, reporting and publishing data on women's leadership, promoting gender diversity, eliminating biases, providing mentorship, fostering supportive work environments, and implementing work-life balance policies.

41. Overall, while Malta has made significant strides in women's economic empowerment, there are still challenges to overcome to achieve full gender equality in economic life. Continued efforts and comprehensive strategies are necessary to address the remaining discrimination and create a more inclusive and equitable work environment. The Working Group notes that women have lower employment rates and a lower wage and pension share over their lifecycle. Consequently, they depend more on social assistance and have less savings. Women are at greater risk of poverty, and are particularly vulnerable in an economic crisis.<sup>38</sup>

## B. Education

42. Girls have equal access to education at all levels in Malta, including primary, secondary and tertiary education. The educational system in Malta is co-educational in public schools and in most private schools, although in many religious schools the education is single-sex. The Working Group was impressed by the commitment of the public school administrators and teachers they met during the visit towards empowering girls and eliminating harmful traditional gender roles and stereotypes through education.

43. Malta has implemented policies and initiatives to ensure equal educational opportunities for girls. They demonstrate high rates of enrolment and completion of primary and secondary education. Since 2017, female graduates have outnumbered male graduates in all levels, from upper secondary to doctoral. A significant number of girls continue their education beyond compulsory schooling, pursuing higher education at universities, colleges and vocational institutions. As of 2020, 32.5 per cent of women aged between 25 and 64 years have a tertiary level of education, while the percentage of men stands at 28.9 per cent.<sup>39</sup> Malta has more recently been introducing microcredentialling, particularly in vocational areas, and this is providing opportunities for migrant women.

44. In addition to enabling women and girls to achieve their potential, quality education can be a key site to shift rigid gender norms and stereotypes. Education on gender equality and gender norms starts in the family, continues at school, in the workplace and through society at large. During the visit, the experts learned from authorities in disadvantaged areas about the many challenges faced by families living in poverty, where girls face heightened obstacles to completing higher education and then university, including due to teen pregnancies, lack of prioritization of education by their own families, and prevalent gendered expectations and care roles. Many interlocutors talked about the persistence of patriarchal attitudes and stereotypes and considered that an increased focus on gender equality in education was a significant preventative measure. The Working Group identified some promising practices in the schools it visited, including the provision of one-on-one individual coaching of girls and their parents about sexuality education and contraception, in addition to the class courses provided.

45. In relation to gender equality education in the school curriculum, the experts were pleased to learn that there is a stream on personal, social and cultural development, which focuses on human rights broadly and also specifically examines gender equality, sexuality and relationships education, including respect for different sexual orientations and gender identities. Many interlocutors described the difficulties for some teachers in properly teaching this programme, particularly where the teacher holds conflicting views to the content being taught, or where teachers do not have the tools and understanding to deliver the content effectively.

<sup>38</sup> See [A/HRC/26/39](#) and [A/HRC/53/39](#).

<sup>39</sup> Central Bank of Malta, "Trends in educational attainment in Malta", *Quarterly Review* 2022, No. 1 (2022), pp. 40–45, available at <https://www.centralbankmalta.org/site/Reports-Articles/2022/Trends-in-educational-attainment.pdf?revcount=8190>.

46. Promising practices observed by the Working Group in other countries include a “whole school approach”, where human rights education, including gender equality, is embedded into the main curriculum throughout all subjects. Gender equality education, as part of human rights education, is indispensable at the youngest appropriate age, for shifting problematic gender stereotypes which hold back both women and men, and also for addressing gender-based violence, including sexual harassment.

## VI. Health

### A. Access to health care

47. The Working Group during its visit was pleased to note that quality free health care is provided to anyone who is a Maltese citizen or has been working legally in Malta for at least a month. Public insurance can be complemented by private insurance plans. According to the authorities, emergency care is provided to everyone, including all migrants, asylum-seekers and refugees. The experts also welcome the free-of-charge distribution of menstrual hygiene and educational products for Year 5 students in State schools for the past ten years, as well as the regular free-of-charge breast screenings offered to women aged between 50 and 69 and free cervical screenings offered to women aged between 25 and 41.

48. Several stakeholders have expressed concerns about increased reports of deteriorating mental health for women (and men), especially among youth. The experts heard that there was widespread social stigma around mental health issues, which were still seen as taboo. The Working Group welcomes the Government’s efforts in this area, including through the launch of the Mental Health Strategy for Malta 2020–2030,<sup>40</sup> following European Union and World Health Organization (WHO) directives.<sup>41</sup> However, the Working Group regrets the lack of comprehensive data on mental health in Malta.

49. Several of the Working Group’s interlocutors have also voiced concerns about the serious health and societal impact of drugs on younger generations, among whom drug use is more prevalent in Malta.<sup>42</sup> Women (and men) seeking services for mental health issues combined with substance use disorder, termed “dual diagnosis”, are on the rise, with an estimated third to a half of patients entering psychiatric hospital in Malta having this diagnosis. The Working Group welcomes the Government’s efforts in reducing the use of drugs through the development of the National Drug Policy 2023–2033.<sup>43</sup>

50. The experts express concern over high obesity rates in Malta. As of 2022, Malta has the second-highest prevalence of overweight and obesity among adult females in the region (59.6 per cent). Girls might be particularly at risk of being obese, as they report being physically active in lower numbers than boys. The Working Group welcomes recent legislation tackling obesity, including by regulating advertising and food provision in schools, promoting physical activity, and strengthening prevention by training health professionals.<sup>44</sup>

<sup>40</sup> See [https://health.gov.mt/wp-content/uploads/2023/04/Building\\_Resilience\\_Transforming\\_Services\\_A\\_Mental\\_Health\\_Strategy\\_for\\_Malta\\_2020-2030\\_EN.pdf](https://health.gov.mt/wp-content/uploads/2023/04/Building_Resilience_Transforming_Services_A_Mental_Health_Strategy_for_Malta_2020-2030_EN.pdf).

<sup>41</sup> European Commission, Communication on a comprehensive approach to mental health, 7 June 2023, available at [https://health.ec.europa.eu/publications/comprehensive-approach-mental-health\\_en](https://health.ec.europa.eu/publications/comprehensive-approach-mental-health_en); WHO, “European framework for action on mental health 2021–2025” (Copenhagen, WHO Regional Office for Europe, 2022).

<sup>42</sup> European Monitoring Centre for Drugs and Drug Addiction, “<http://Malta>, country drug report 2019” (2019).

<sup>43</sup> See <https://familja.gov.mt/wp-content/uploads/2023/06/National-Drugs-Policy-2023-2033.pdf>.

<sup>44</sup> WHO *European Regional Obesity Report 2022* (Copenhagen, WHO Regional Office for Europe, 2022); and Organization for Economic Cooperation and Development and European Observatory on Health Systems and Policies, “State of health in the EU: Malta – country health profile 2021” (2021).

## B. Sexual and reproductive health

51. The Working Group welcomes the extremely low maternal mortality rate (3 per cent) in Malta<sup>45</sup> and the efforts led by the Ministry of Health towards providing some level of information on sexual and reproductive health, including via the Sexual Health Malta website and the European Health Interview Survey 2019–2020.<sup>46</sup> The experts were also informed that a National Sexual Health Survey had been completed in 2023 and that an updated National Sexual Health Strategy was anticipated to be launched for public consultation in 2024.

52. The country's rate of caesarean sections (31.9 per cent of total births) is higher than the European median (26.0 per cent).<sup>47</sup> The experts recall that, according to WHO guidelines, caesarean sections should only be carried out if there is medical need, as unnecessary surgical procedures can be harmful for women and babies.<sup>48</sup>

53. Many stakeholders expressed concerns about the very low contraceptive prevalence rate in the country. Malta has one of the lowest rates of access to contraception in the region (51.6 per cent), substantially lower than other European countries.<sup>49</sup> The Working Group notes with concern the lack of national data on the contraceptive prevalence rate.

54. As contraceptives are not covered by the State health insurance, not even for the youngest or the most marginalized persons in society, a vast number of women choose not to use contraceptives and some of them opt for coitus interruptus (commonly known as withdrawal practice), which is unreliable and should not be promoted as a contraceptive method. In that regard, it is crucial that the Ministry of Health step up its efforts in communicating clearly more reliable contraceptive methods, and eliminate from the Sexual Health Malta website any potentially misleading information.<sup>50</sup>

55. Emergency contraception was only legalized in 2016 and is available (for between €25 and €40), unless the pharmacist is a conscientious objector. Some interlocutors regretted that, in practice, emergency contraception was not always easily accessible. Some women reported being subjected to inappropriate interviews behind the counter before being able to obtain emergency contraception. The Working Group commends the Government's consideration of making contraceptives available free of charge to certain age groups, and encourages Malta to follow positive practices of other European Union countries that provide free contraceptive methods to women and girls under 26, as well as free condoms for marginalized groups and youth.

56. While overall national rates are declining,<sup>51</sup> according to stakeholders met, teen pregnancy remains of concern, especially in socioeconomically marginalized areas. The experts encourage the Government to conduct localized and targeted surveys to ensure a better assessment of this disconcerting phenomenon. In this regard, the Working Group recalls that comprehensive sexuality education, together with the provision of contraceptive products for boys and girls, is central to preventing teenage and unwanted pregnancies, sexually transmitted diseases, and gender-based violence.

57. Until June 2023, Malta was the only European Union country with an absolute ban on abortion, forbidding the termination of a pregnancy under any circumstance, even when the life of a woman was at risk. On 30 June 2023, Parliament passed a bill amending the Criminal

<sup>45</sup> World Bank, "Maternal mortality ratio (modelled estimate, per 100,000 live births) – Malta, European Union", available at <https://data.worldbank.org/indicator/SH.STA.MMRT?locations=MT-EU>.

<sup>46</sup> Marika Borg, Kathleen England and Neville Calleja, *European Health Interview Survey (EHIS) 2019/2020: Health Determinants Report* (Directorate for Health Information and Research, Ministry for Health, 2023).

<sup>47</sup> Euro-Peristat, *European Perinatal Health Report* (2019).

<sup>48</sup> WHO, "Caesarean section rates continue to rise, amid growing inequalities in access", 16 June 2021.

<sup>49</sup> European Parliamentary Forum for Sexual and Reproductive Rights, "Contraception policy atlas Europe" (2023), available at [https://www.epfweb.org/sites/default/files/2023-02/Contraception\\_Policy\\_Atlas\\_Europe2023.pdf](https://www.epfweb.org/sites/default/files/2023-02/Contraception_Policy_Atlas_Europe2023.pdf).

<sup>50</sup> "Withdrawal methods" are currently listed as "contraception" on the Government's website, "Sexual Health Malta", available at <https://sexualhealth.gov.mt/content/sexual-reproductive-health>.

<sup>51</sup> World Bank, "Adolescent fertility rate (births per 1,000 women ages 15-19) – Malta", available at <https://data.worldbank.org/indicator/SP.ADO.TFRT?locations=MT>.

Code and decriminalizing abortion only when the woman's life is at immediate risk, further to the assessment of a medical team (three doctors).<sup>52</sup> The experts regret the dismissal of a previous version of the bill which was broader in its scope (including risks for the woman's health). Some medical professionals that the experts met did not consider the reference to a team of three doctors as being problematic in practice. Other stakeholders, including doctors, considered this legislative step as a regression.

58. According to surveys conducted by some civil society organizations, public sentiment is changing, with indications that younger people are increasingly favouring the decriminalization of termination of pregnancy. Several civil society organizations see it as a positive step that now women's reproductive rights and termination of pregnancy are being talked about in the public domain.

59. While the experts welcome the increased national dialogue about women's reproductive rights, they are deeply concerned that Malta continues to have the most restrictive abortion law in the European Union.

60. The experts are also greatly concerned at the case of a woman victim of domestic violence who was charged in court on 1 June 2023 for having a medical abortion at home. She was conditionally discharged by the court.

61. In accordance with international human rights standards, the experts recall that the right to terminate a pregnancy is at the core of women's and girls' fundamental rights to equality, dignity, autonomy, bodily integrity, respect for private life, and the highest attainable standard of physical and mental health, including sexual and reproductive health, without discrimination, as well as the right to freedom from torture and cruel, inhuman or degrading treatment. Data from WHO have demonstrated that criminalizing termination of pregnancy does not reduce the number of abortions. Countries where women have the right to terminate pregnancy, and are provided with access to information and to all methods of contraception, have the lowest rates of termination of pregnancy. As per one of its thematic reports to the Human Rights Council,<sup>53</sup> and on the basis of existing good practices in most European Union countries and beyond, the Working Group recommends safe and legal access to abortion on request during the first trimester of a pregnancy and beyond where justified.

62. While the Working Group is committed to upholding freedom of religion or belief as a human right to be protected, it regrets the challenges to women's and girls' rights and gender equality in the name of religion. The experts join other international human rights expert mechanisms in reiterating that freedom of religion or belief should never be used to justify discrimination against women and girls.<sup>54</sup>

## **VII. Gender-based violence against women and girls**

### **A. General prevalence**

63. Malta has demonstrated a strong commitment to addressing gender-based violence. Sadly, violence against women and girls, which is the most brutal manifestation of gender-based discrimination, remains pervasive. In the words of one interlocutor: "There is a pandemic of violence against women in Malta." The lack of data on the prevalence of gender-based violence against women and girls is a primary concern. In the 2023 Gender Equality Index by the European Institute for Gender Equality, no score was given to Malta in the domain of violence, due to a lack of comparable European Union-wide data.<sup>55</sup>

64. The most frequent form of gender-based violence against women and girls in Malta is domestic violence, which constitutes over half of all gender-based violence reports received by the police in 2022. The experts heard that domestic violence was often

<sup>52</sup> Act No. XXII of 2023, available at <https://parliament.mt/14th-leg/acts/act-xxii-of-2023/#/>.

<sup>53</sup> See [A/HRC/32/44](#).

<sup>54</sup> See [A/HRC/29/40](#) and [A/HRC/38/46](#).

<sup>55</sup> See <https://eige.europa.eu/gender-equality-index/2023/country/MT>.

normalized and accepted. They also heard that cases of domestic violence against older women committed by their adult offspring were on the rise, often in combination with mental health and drug use issues.

65. Data collected by the country's National Statistics Office in 2021 show that 3,295 survivors made use of different services available to those experiencing domestic violence, in a 12.9 per cent increase from the previous year. The vast majority of those using the services were women (78.9 per cent).<sup>56</sup> According to various stakeholders, there are sufficient shelters for women and girl survivors of domestic violence, one State-run, and three run by non-governmental organizations. In 2022, 43 women stayed in the public shelter, rising from 37 in 2021. However, the experts heard that the real needs of women survivors might not be fully covered and that there were some cases of spillovers from domestic violence shelters into homeless shelters.

66. The Malta Observatory on Femicide reports that 17 women and girls in Malta have been killed by intimate partners in the last 10 years. The Working Group notes with profound sadness that in 2022, there were three cases of femicide.

67. The experts were also informed that sexual harassment on the streets, in schools, on public transportation and at the workplace was pervasive, normalized and accepted.

68. The Working Group applauds the strong network of civil society organizations working in this field who support and complement the Government's efforts in this regard.

## **B. State response to gender-based violence and access to justice**

69. The Working Group welcomes the positive changes that have taken place in the past years in the administration of justice, and in particular, through the incorporation into domestic law of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention),<sup>57</sup> including by the adoption in 2023 of the Domestic Violence Prevention Act,<sup>58</sup> which institutes a procedural framework whereby individuals may formally submit an application through the Victim Support Agency to examine whether their partners have a documented history of domestic violence convictions and, if so, receive a risk warning from the police; the launch of the third National Strategy on Gender-based Violence and Domestic Violence (2023–2028);<sup>59</sup> and the modification of the Criminal Code in June 2022 to include murder “with femicidal intent”. The experts also welcome the establishment of specialized courts, the Victim Support Agency, the Gender-based and Domestic Violence Unit within the Police, tailored social services provided by the APPOGG Agency, sexual assault response teams in hospitals, as well as the very recently established Multi-Agency Risk Assessment mechanism established to ensure a coordinated and timely response to serious cases of domestic violence, and the recent inauguration, in February 2024, of a domestic violence hub in the southern region of the island, which is intended to serve as an exclusive workspace for Gender-based and Domestic Violence Unit officers and survivors, with another domestic violence hub scheduled for inauguration in the northern region in 2024.

70. However, the experts have heard consistently from various stakeholders that women face many obstacles in their path to justice, with delays, cumbersome procedures, and an inconsistent response based on who they encounter in the system. The experts have also heard about the fragmentation of the State response to gender-based violence as one of the major obstacles to sustained progress.

71. These barriers, together with the fear of further trauma, lead to a situation in which many women abandon their quest for justice. Interlocutors regretted the considerable backlog and delays in courts due to the lack of magistrates and judges. The experts heard that “the

<sup>56</sup> See <https://nso.gov.mt/domestic-violence2021/>.

<sup>57</sup> Gender-based Violence and Domestic Violence Act, *Laws of Malta*, chap. 581, available at <https://legislation.mt/eli/cap/581/eng>.

<sup>58</sup> *Laws of Malta*, chap. 636.

<sup>59</sup> See <https://www.stopviolence.gov.mt/wp-content/uploads/2023/11/VIOLENCE-STRATEGY-ENG.pdf>.

perpetrator abuses the woman the first time and the system abuses the woman the second time". The experts were also told by some women that "it is better to be beaten up rather than going through this". Indeed, it can take years for the justice system to resolve a case. The fact that women are financially highly dependent on their partner also prevents them from seeking access to justice. The Working Group welcomes the positive practice of police and magistrates who request the presence of social workers throughout the justice process and who do not necessarily accept the requests from certain victims to withdraw their complaint before the case is heard. The Working Group also welcomes the new approaches being piloted in the Office of the Public Prosecutor to address some of the delays by prioritizing certain sexual violence and rape cases.

72. Victims expressed that the reporting process was often lengthy and inadequate, as they were forced to describe their cases multiple times. This leads to re-victimization and can also have a dissuasive effect in terms of pursuing a complaint. Interlocutors involved in cases of domestic violence insisted that improvements still had to be made in the whole complaint procedure and hoped that the project to open two additional hubs dedicated to gender-based violence cases would help. They further pointed to the lack of a unified data collection system between the various entities and authorities involved (health and social workers, police and justice). In addition, experts heard that social workers were understaffed and overworked. Importantly, without tackling the root causes of this pervasive violence, the patriarchal culture of male domination, and the lack of strong prevention initiatives, no sustained progress can be achieved.

73. It was mentioned by victims and high-level officials that both police and magistrates sometimes use discriminatory language in cases of gender-based violence (for instance, "What were you wearing?"; "Did you provoke him?"). While the experts were informed that members of the judiciary and police officers received training, several stakeholders insisted that the training given was neither sufficient nor adequate. The experts also met with committed police officers, judges and magistrates who expressed the need for increased support by the State in their endeavours.

74. The experts welcome the availability of free legal aid and the facilitation of interpretation services where necessary. However, the experts heard that the quality of legal aid is not always optimal and that training on women's human rights and cultural diversity should also be provided to members of the legal profession to address and eliminate gender bias in decision-making.

75. The enforcement of protection orders in cases of gender-based violence remains problematic and represents a major shortcoming in the protection chain. The 2022 femicide of Bernice Cassar, who had a protection order and had presented her latest report before the police the day preceding the crime, exemplifies the serious systemic issues which remain. This case galvanized the community into advocating for justice for gender-based violence. Senior officials told the Working Group: "We want to see more changes. We need a better system to support us."

## **VIII. Women and girls facing multiple and intersecting forms of discrimination**

76. Women and girls experience marginalization and intersecting forms of discrimination that reinforce and sustain each other. All women are affected by gender-based discrimination, with differing levels of intensity and disparate consequences, while some women and girls are disproportionately affected and face multiple barriers.

### **A. Migrant, asylum-seeking, refugee and stateless women and girls and women and girl survivors of trafficking in persons**

77. Migrant, asylum-seeking, refugee and stateless women face significant structural challenges to fully exercise their human rights. Many migrant women escape poverty, arrive in Malta and become care providers, domestic workers or health workers, often to provide

for their accompanying children or those children still in their country of origin. They exemplify the draining of care resources from poorer nations through global care chains.

78. The Working Group welcomes the positive “I Belong” initiative by the Intercultural and Anti-Racism Unit of the Human Rights Directorate under the Ministry for Home Affairs, Security, Reforms and Equality. Nevertheless, the experts note that administrative and labour requirements in relation to employment relationships of migrant women, such as the single work permit and the extremely short grace period of 10 days to obtain and to inform about a new employer in the case of loss of employment, place women at heightened vulnerability to forced labour and exploitation. Such strict and often impracticable rules, as well as the fact that work permits both for migrant and asylum-seeking women are tied to a specific employer, make women, especially single mothers and women providing the main source of income of their families, more vulnerable and more likely to be trapped in the cracks of the legal migratory and administrative framework, often with no money, language barriers and insufficient information about their rights. Job precariousness and fear of deportation often push women into clandestine conditions of subsistence. In situations of gender-based violence, such factors also provoke a fear of reporting and following through with the full judicial process.<sup>60</sup>

79. The experts are also concerned by the difficult paths towards naturalization for women, as well as men. The fact that apart from the criteria stipulated in the law, there are criteria added in internal policies of the Citizenship Office, which are neither published nor made public, raises concerns about the rule of law in a democratic society as experienced by persons seeking (or possibly unknowingly eligible for) citizenship. The experts learned that there was often no explanation or legal foundation and justification given for the decisions denying citizenship, and that there was neither administrative nor judicial recourse to challenge such decisions. A decision on naturalization, and any review, is dependent on the discretion of the Minister, on a case-by-case basis.<sup>61</sup>

80. The experts also voice concerns about difficulties for women seeking asylum. Malta ranked fourth-lowest among European Union member States with respect to the share of positive first decisions on applications in 2021, as it rejected 77.8 per cent of the asylum applications it processed. Malta rejected all appeals on first instance decisions that it processed in the same year. At the end of 2021, there were 4,013 pending decisions on applications for asylum, a decrease of 21.9 per cent from the previous year.<sup>62</sup>

81. The Working Group welcomes the positive steps taken by the Agency for the Welfare of Asylum Seekers and Identity Malta. Asylum-seeking women residing in the Hangar and Hal Far open centres seemed pleased about the support provided and the opportunity to work. However, the experts observed that the premises and living conditions were basic. Also, children of third country nationals without regular status, for example rejected asylum-seekers, experience or are at risk of experiencing statelessness.

82. While the Working Group acknowledges that Malta must comply with applicable European Union law, including on reception, return, the single work permit, qualifications, and asylum, based on European Union primary law and jurisprudence, it is also bound to respect international law, including on gender equality and prohibition of discrimination. As such, the experts stress the need for gender-responsive implementation of and changes in the laws and policies pertaining to migrant, asylum-seeking, refugee and stateless women, many of whom are already integrated into the community and who do not feel attached to any other country. This will create the conditions for the enjoyment of their rights and freedoms, including their right to be free from violence, to work, and to access to justice, and the rights of their children.

<sup>60</sup> Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011, available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32011L0098>; and Council of the European Union, “Legal migration: Council and Parliament reach deal on a single permit directive”, 20 December 2023, available at <https://www.consilium.europa.eu/en/press/press-releases/2023/12/20/legal-migration-council-and-parliament-reach-deal-on-a-single-permit-directive/>.

<sup>61</sup> Maltese Citizenship Act, *Laws of Malta*, chap. 188, available at <https://legislation.mt/eli/cap/188/eng>.

<sup>62</sup> See <https://nso.gov.mt/world-refugee-day-20-june-2022/>.

83. Several stakeholders expressed concerns about the lack of implementation of existing protocols for identifying women survivors of trafficking in persons. The Working Group welcomes the Government's ongoing efforts to address trafficking in persons for the purposes of sexual exploitation as part of its National Strategy on Gender-based Violence and Domestic Violence, and also understands that the Government will release the first national strategy on human trafficking in 2024. The experts recall the State's obligation of early identification, support, protection and rehabilitation of trafficking survivors,<sup>63</sup> in collaboration with civil society organizations and to take into consideration the needs and views of survivors themselves. The Working Group also encourages the State to address trafficking of women and girls for other purposes than sexual exploitation. The experts are concerned by the limited attention provided to other forms of trafficking, in particular for labour exploitation, and its negative impact on migrant women, who are particularly at risk of trafficking in sectors such as domestic work and care work. The Working Group is also concerned by the conflation of trafficking with sex work, which ultimately harms sex workers.

84. The experts express concern that female genital mutilation and child marriage are present among some migrant communities and remain underreported. The experts also heard worrying reports of "virginity testing" and polygamy among some migrant communities. While female genital mutilation, polygamy and forced marriages are prohibited under the criminal law of Malta, the experts regret the lack of specific mention and prohibition of child marriage.<sup>64</sup> As stressed in the Working Group report on family life<sup>65</sup> and in joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, child marriage is a violation of girls' human rights. Forced and child marriage have consequences that are unique to women and girls, presenting risks to their physical and mental health, and affecting their development and their equality of opportunities in social and economic life. The Working Group welcomes the approval by Parliament of legislation criminalizing the harmful practice of "virginity testing", on 11 March 2024.<sup>66</sup>

## **B. Women and girls deprived of liberty**

85. The Working Group thanks the authorities for having facilitated access to the only prison in the country and for the frank exchanges. At the prison, out of a total incarcerated population of 642 persons, 67 are women (approximately half of them foreigners). Over 30 per cent of the women currently detained were charged with drug-related offences, with many of them serving harsh sentences of up to 19 years.

86. The experts recognize that drugs represent a major health and societal issue in Malta and create human harm. However, as stressed in a recent joint statement by United Nations human rights experts, States are urged to review their current drug-related policies to ensure alignment with the principles of a comprehensive, restorative and reintegrative justice approach, together with community-based preventive measures.

87. The women deprived of liberty met by the experts in the prison did not refer to unsuitable, unhealthy or detrimental living conditions. The number of staff in the prison has considerably increased in recent years. In terms of training opportunities provided, the experts encourage their expansion to integrate gender responsiveness, including through online education. The detainees acknowledged the improvements made concerning their conditions of incarceration and, in particular, the health care provided, including mental health services. The experts encourage the authorities to consider options to relieve the detainees from the extreme heat endured in summer months, which can become unbearable. The Working Group welcomes the possibility for detainees to communicate virtually with

<sup>63</sup> [A/HRC/41/46](#).

<sup>64</sup> Art. 251E and art. 251G of the Criminal Code of Malta, available at <https://legislation.mt/eli/cap/9/eng/pdf>.

<sup>65</sup> [A/HRC/29/40](#).

<sup>66</sup> Art. 251EA of the Criminal Code.

their relatives, in particular for foreigners who would otherwise not be able to be in contact with their families.

88. The experts are deeply concerned by the fact that nearly half (41.7 per cent) of the women currently detained are awaiting trial, often for many years. The experts were informed that children could stay with their incarcerated mother until 12 months of age. In this regard, the Working Group recalls that according to international standards, the State should consider system-wide alternatives to detention for women, in particular for those who have dependent children.<sup>67</sup>

89. At the closed immigration detention centre, women spoke of dignified conditions and treatment. Women detained at the centre often have limited possibility for successfully challenging a deportation order and seeking judicial recourse. In line with previous recommendations of the Working Group on Arbitrary Detention,<sup>68</sup> the Working Group encourages Malta to consider alternatives to immigration detention and in any case determine detention based on a judicial decision, and to facilitate and adopt judicial review of immigration-related decisions that also applies a gendered perspective.

90. In Malta, as loitering and living off the earnings of sex work is still illegal, sex work is de facto criminalized. Women are most affected, as they represented 76 per cent of persons charged with the crime of “prostitution” in 2020–2022. The experts welcome ongoing discussions on the decriminalization of sex work.<sup>69</sup>

91. While in 2020–2022 the vast majority of crimes within the national police system were committed by men, the number of female perpetrators highly surpassed that of males for the crime of child abandonment (78.5 per cent). The Working Group expresses alarm at the potential linkages between the number of women committing child abandonment and the restrictions on women’s access to sexual and reproductive health rights.

## C. Women and girls with disabilities

92. The experts welcome the improvements made in terms of access to social services for women and girls with disabilities but regret the remaining challenges they continue to face. The experts heard about women with disabilities’ lack of accessibility to health services, to police services as victims of gender-based violence, and to employment and housing. The experts also regret the absence of research and data on women with disabilities.

93. The experts were informed that women with disabilities faced considerable discrimination, in particular as mothers. While the traditionally expected role for a woman in Malta is to take care of her children, according to the testimonies of interlocutors, some women with disabilities are considered incapable of being mothers and are therefore seen as asexual. In addition, they face additional barriers to accessing contraceptives.

## D. LBTQI+ women and girls

94. The Working Group congratulates Malta for its achievements as European champion for the promotion and protection of LBTQI+ rights.<sup>70</sup> The experts were pleased to observe the successful inclusion of transgender women in women’s shelters, as well as their dignified treatment as women in female prisons and detention centres.

95. However, the experts were informed that on occasion LBTQI+ women and girls faced stigma and obstacles in accessing employment opportunities, due to persisting transphobia and homophobia, as well as implementation gaps. In particular, some interlocutors pointed

<sup>67</sup> See United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

<sup>68</sup> See [A/HRC/13/30/Add.2](#) and [A/HRC/33/50/Add.1](#).

<sup>69</sup> See [A/HRC/32/44](#) and [A/HRC/WG.11/39/1](#).

<sup>70</sup> International Lesbian, Gay, Bisexual, Trans and Intersex Association Europe, “Rainbow Europe map and index 2022”, 12 May 2022, available at <https://www.ilga-europe.org/report/rainbow-europe-2022/>.

out that LBTQI+ women sex workers were heavily targeted, stigmatized and discriminated against.

## **IX. Conclusions and recommendations**

### **A. Conclusions**

96. The visit of the Working Group to Malta has raised a number of key challenges, but also immense opportunities. Since becoming a member of the European Union in 2004, Malta has achieved remarkable advancements in gender equality. There exists a unique opportunity to accelerate positive developments in women's rights while fostering concomitant economic growth. Nevertheless, in 2024, the country also confronts continuing discrimination against women and girls.

97. There has been increasing recognition of the need to challenge harmful traditional gender roles and promote gender equality. The Government, civil society organizations, and advocacy groups in Malta have been working towards creating a more inclusive and equitable society, through initiatives to challenge gender stereotypes that impede the equality of women and girls, to promote women's empowerment, and to support better work-life balance. Women's and girls' human rights are universal, interdependent and interrelated. Without tackling the root causes of all forms of gender-based discrimination, there can be no sustained progress.

98. The State has an important role in challenging cultural beliefs and practices that promote or allow discrimination based on gender. The traditional patriarchal family structure reinforces these inequalities and limits the potential of women and girls. International human rights law and standards have long promoted equality in all areas of life, including culture and family. It is crucial to shift from outdated norms and promote a more equal society. To do this effectively, the State requires system-wide national data to track improved responses. Data collection should also address intersectional discrimination, so that policymakers can understand the experiences of the most marginalized women and girls and ensure the enjoyment of their rights.

99. Independent and well-resourced women's and girls' organizations and networks play a critical role in a healthy democracy. Malta benefits from a vibrant civil society which should be supported and consulted. The authorities in Malta must ensure that all women activists are safe and can work without fear of reprisals.

100. The Working Group hopes that the State of Malta, together with all generations and all sectors of society, will engage in the transformative actions necessary to continue to bring about positive change for women's and girls' human rights for the benefit of the whole of society.

### **B. Recommendations**

101. Regarding legal, policy and institutional frameworks, the Working Group recommends that the State:

(a) Accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the ILO Violence and Harassment Convention, 2019 (No. 190) and Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Convention on the Reduction of Statelessness;

(b) Raise the minimum legal age of marriage to 18 in accordance with the Convention on the Rights of the Child and include specific provisions against child marriage under the Criminal Code;

(c) Withdraw reservations to articles 13, 15 and 16 (1) (e) of the Convention on the Elimination of All Forms of Discrimination against Women;

(d) Establish a fully fledged and independent national human rights institution in compliance with the Paris Principles;

102. Regarding public and political life, the Working Group recommends that the State:

(a) Increase the representation and meaningful participation of women at all levels of government, with a view to achieving gender parity;

(b) Continue implementing temporary special measures to increase representation of women;

(c) Recognize the important and legitimate work of women's and girls' organizations in advancing human rights and fundamental freedoms. Grant them adequate resources, allow them to carry out their work without fear of reprisals, and include them in policymaking;

(d) Investigate acts of intimidation and harassment of women activists, journalists and human rights defenders in order to ensure accountability, justice and compensation.

(e) Empower and fully equip local council representatives to become advocates for gender equality and to support positive transformative change.

103. Regarding economic and social life, the Working Group recommends that the State:

(a) Adopt a comprehensive approach to address the underrepresentation of women and create a more inclusive and equitable work environment, including mandatory interventions, reporting and publishing data on women's leadership, promoting gender diversity, eliminating biases, providing mentorship, fostering supportive work environments, and implementing work-life balance policies;

(b) Continue evaluating the effectiveness of the current school curriculum in relation to gender equality education, with a view to strengthening it so it is delivered in a systematized manner;

(c) Review the administrative and labour requirements concerning employment relationships of migrant and asylum-seeking women. In particular, extend the 10-day period for migrant women to obtain and to inform about a new employer to the longest possible legal period, giving due consideration to gendered vulnerabilities.

104. Regarding health, the Working Group recommends that the State:

(a) Review its legal framework to ensure the right of a woman to terminate a pregnancy in accordance with international standards. As per existing good practices in most countries of the European Union, the Working Group recommends access to safe and legal abortion on request during the first trimester of pregnancy and beyond as justified;

(b) Consider making all contraceptive methods accessible and available free of charge to teenage girls and women under 26 and provide free condoms for marginalized groups and youth, following positive practices in other European Union countries;

(c) Continue to conduct thorough surveys on the use and barriers faced by women and girls in accessing contraceptives;

(d) Review its sexual and reproductive health rights awareness-raising strategies and youth-friendly services to ensure that they disseminate scientifically based information in compliance with international standards and that comprehensive sexuality education for both boys and girls is systematically included in all school curricula (public and private), with a thorough monitoring of its implementation;

(e) Extend regular free-of-charge breast and uterus screening to every woman residing in the country;

(f) Continue to strengthen its efforts in terms of effective disease prevention strategies, and support services concerning obesity, drug use and mental health issues, especially among younger generations;

105. Regarding gender-based violence, the Working Group recommends that the State:

(a) End the impunity for gender-based violence, including femicide and domestic violence;

(b) Centralize and strengthen the current integrated services for victims of gender-based violence provided by the Victim Support Agency, gathering in one place medical, psychosocial, police and legal services, following promising practices observed in other countries;

(c) Set up a unified centralized data collection system between the various entities and authorities involved (health and social workers, police and justice) and expand the data collected by the National Statistics Office through a regular State-wide survey;

(d) Ensure adequate implementation, monitoring and enforcement of protection orders;

(e) Provide compulsory continuous gender-responsive training based on international and regional human rights standards and jurisprudence, with a focus on women's and girls' human rights, cultural diversity and the detrimental role of gender biases, to all actors (including police, health services, social services and the judiciary);

(f) Sensitize local councils to the critical issue of pervasive gender-based violence and encourage them to be part of a sustained prevention strategy as key actors for transformative change in their communities.

106. Regarding women and girls facing multiple and intersecting discrimination, the Working Group recommends that the State:

(a) Adopt sustained strategies and measures to address the needs of marginalized groups of women and girls, including migrant, asylum-seeking, refugee and stateless women and girls and women and girl survivors of trafficking in persons, women and girls deprived of liberty, women and girls with disabilities, and LBTQI+ women and girls, ensuring a human rights-based and intersectional approach;

(b) Apply European Union law in line with international legal obligations on gender equality, including through gender-responsive implementation of and/or changes in laws and policies pertaining to migrant, asylum-seeking, refugee and stateless women, to create the conditions for the enjoyment of their and their children's human rights and freedoms, and promote these positions in the State's participation in European Union institutions;

(c) Deploy all possible efforts to address the judicial backlog of women deprived of liberty awaiting trial, in accordance with the international and regional commitments of Malta;

(d) Strengthen the quality and resourcing of legal aid available for women deprived of liberty, ensuring also that interpretation and translation services are provided to foreigners;

(e) Consider system-wide alternatives to detention for women, in particular for those who have dependent children, according to United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);

(f) Decriminalize the actions of women engaging in sex work, including LBTQI+ women, and include them in the ongoing debate on the decriminalization of sex work.