



Quality in Gender+ Equality Policies

European Commission Sixth Framework Programme
Integrated Project

Sophie Lauwers and Femke van der Wal

Report Analysing Intersectionality in Gender Equality Policies for Malta and the EU

Institute for Human Sciences (IWM)
Vienna
2008

Preferred citation: Lauwers, Sophie and Van der Wal, Femke (2008): *Report Analysing Intersectionality in Gender Equality Policies for Malta and the EU*, QUING Project, Vienna: Institute for Human Sciences (IWM), available at http://www.quing.eu/files/results/ir_malta.pdf.

TABLE OF CONTENTS

1. Introduction	
2. Literature review: introducing country specific questions based on theoretical and/or policy literature and debates	
3. The range of meanings concerning gender equality in gender+ equality policies	
4 .the range of intersecting inequalities and the naming, framing and practice of intersectionality	
5. Implications of the naming and practice of intersectionality for the meaning and practice of gender + equality policies	
6. Answering the questions raised in the literature review	
7. Conclusions	
References	

LIST OF TABLES

Table 1: QUING issues, sub-issues and chosen topics for Malta
Table 2: Relevance of gender equality per type of document and per issue
Table 3: transformative visions and/or strategies regarding gender equality according to type of document and issue.....
Table 4: Inequality strands mentioned in the analysed policy documents, by issue (total number of occurrences/ No. of documents).....
Table 5: Range of different versions by which policies pay attention to gender and (its relation to) other inequalities.....

1. INTRODUCTION

This report researches (the appearance of) intersectionality in Maltese gender+ equality policies. The key question of this report is:

- What are the implications of different versions and forms of intersectionality for the quality of gender+ equality policies?

The research questions for the overall STRIQ-activity in QUING as listed in the Annex to the Contract are:

- How are inequalities and their intersections conceptualised in terms of their structure and mechanisms?
- To what extent does context matter in the (re)production of inequalities across Europe?
- What attention must be paid to other structural (in)equalities in the making and implementing of European gender equality policies?

In addition, we will identify some country specific questions that relate to intersectionality on the basis of a review of theoretical and policy literature and debates. This literature review can be found in **chapter 2** and focuses on the influence of the EU on gender+ equality policies that pay attention to intersectional or multiple inequalities.

Throughout this report, different aspects of the four STRIQ questions and of the country specific questions will be discussed and researched. The focus in **Chapter 3** is on gender equality. It provides an account of the naming of gender equality, the range of definitions of gender equality policy (which topics are being related to gender equality), and the range of meanings concerning gender equality (among other things: for whom gender equality policy is meant, is gender seen as social or biological, is gender equality seen as an end in itself, is there a focus on transformation, which frames are visible within gender equality policies) in the four QUING-issues: general gender equality policies, non-employment, intimate citizenship, and gender based violence. In **chapter 4** a similar thing will be done, but this time for 'intersectionality'. This chapter gives an account of the range of (intersecting) inequalities that receive attention in the four QUING-issues and of the way in which intersectionality is named and framed in the Maltese gender equality policy context. In **chapter 5** the implications of the way intersectionality is present in Maltese gender+ equality policies and policy making for the meaning and practice of gender equality policies will be discussed. In the concluding **chapter 6** the general implications of our findings for the key STRIQ question will be discussed. Finally, some tentative answers to the questions raised in the literature review (chapter 2) are provided.

This report mainly builds upon data material that was collected earlier on in the QUING project: the Country Context studies (deliverable 41), the Issue Timelines (deliverable 19), and the results of the frame and voice analysis of selected documents in each of the four QUING-issues. The data that stems from the document analysis is prioritised. Also, some additional sources, for instance the strategic policy directions of the NCPE (National Commission for the Promotion of Equality between men and women) or the gender equality action Plan of the ETC (Employment and Training Corporation), will be used.

Because the document analysis data is regularly referred to in this report it is important to describe the process of document selection and the exact topics on which documents were selected. Each of the four issues that are studied within QUING – general gender+ equality policies, non-employment, intimate citizenship, gender based violence – consists of several prioritised sub-issues. For each country, the responsible researcher had to decide – on the basis of previously written Issue Timelines (deliverable 19) – on what topics within each sub-issue documents were to be selected. Which topic had been of relevance in the country? For each sub-issue researchers then selected if possible: a law, a policy plan, a parliamentary debate (split into several voices/speakers) and a civil society text. In table 1 the exact topics covered by the selection of the Maltese documents are shown. A list of all the selected documents with explanation of the choice can be found in Deliverable 33 and in the Country Studies (deliverable 40).

Fixed Issues	Fixed sub-issues	Topics chosen for Malta
General gender+ equality policies (GGE)	<p>Sub-issue 1: General gender+ equality legislation</p> <p>Sub-issue 2: General gender+ equality machinery</p>	<p>Sub-issue 1: Equality between Men and Women Act</p> <p>Sub-issue 2: tasks and remit of National Commission for the Promotion of Equality between men and women (NCPE)</p>
Non-employment (NE)	<p>Sub-issue 1: Tax-benefit policies</p> <p>Sub-issue 2: Care work</p> <p>Sub-issue 3: Policies for the reconciliation of work and family life in employment</p> <p>Sub-issue 4: Gender pay gap and equal treatment in employment</p>	<p>Sub-issue 1: pensions</p> <p>Sub-issue 2: urgent family leave & childcare & Maltese Church on motherly care</p> <p>Sub-issue 3: reconciliation issues (in general) & part-time work (in specific)</p> <p>Sub-issue 4: equal treatment in employment & equal pay</p>
Intimate citizenship (IC)	<p>Sub-issue 1: Divorce, marriage and separation</p> <p>Sub-issue 2: Sexual orientation discrimination and partnering</p> <p>Sub-issue 3: Reproduction including abortion, and assisted reproduction</p>	<p>Sub-issue 1: family court & divorce</p> <p>Sub-issue 2: sexual orientation discrimination</p> <p>Sub-issue 3: reproduction & protection and development of the unborn child</p>

<p>Gender based violence (GBV)</p>	<p>Sub-issue 1: Domestic violence</p> <p>Sub-issue 2: Sexual assault</p> <p>Sub-issue 3: Forced marriage, female genital mutilation, 'honour' crimes and trafficking for sexual exploitation</p>	<p>Sub-issue 1: Domestic Violence Act</p> <p>Sub-issue 2: sexual harassment</p> <p>Sub-issue 3: Criminal Code amendment on trafficking in persons</p>
------------------------------------	--	---

Table 1: QUING issues, sub-issues and chosen topics for Malta

2. LITERATURE REVIEW: Introducing country specific questions based on theoretical and/or policy literature and debates

As concluded in the State of the Art study for Malta, that mapped all titles on gender equality policies in Malta: “it is remarkable that no titles date from before 1999, except for one study by Farrugia (annotation no 4, section 3.1). It seems likely that the process of becoming a member of the EU has given a huge impetus towards writing on gender related issues.” (Lauwers 2007, p.5) The literature review for this study made it clear that there are very few studies that deal with intersectionality (in the widest sense). There are only a couple of studies that address discrimination of specific groups within the category of women (see Attard 2006). Only the shadow report for ENAR addresses multiple discrimination. Therefore we cannot expect to derive any specific questions for Malta on specific Maltese debates on intersectionality.

We can however derive some questions from this absence. The first is that we expect that if Malta has gender (+) equality policies that are intersectional or pay attention to multiple inequalities they will predominantly be EU-driven. This expectation is based on theoretical thinking that sees several aspects of political opportunity structures as crucial in explaining the nature of policy (Hausman and Sauer 2007). Firstly, they consider the so-called *national opportunity structure* of a country to be a key factor in explaining the development (or non-development) and the presence (or non-presence) of national intersectional (gender equality) policies. This can be (struggles around) political cleavages and social movements activism/pressure (does the country have a history of class struggle, a history of feminist struggle, or a history of competing inequality grounds?), access of social movements to political institutions, and the pre-existing national policy framework/legacy. According to Ferree (2009), law - one could also say policy in a broader sense - by its very nature is a system of dispute. Without opposing interests there would have been no need for regulations and decisions. As soon as (new) laws or policies are in place they will not only change the material conditions, but also change the ‘discursive opportunity structures’ for present times. Discursive opportunity structure here means that the framework for political debate (and with that for social movement activism) is given by authoritative policy texts, since these texts offer an “[institutionalized] framework of connections made among people, concepts and events [...] that shapes the opportunities of political actors by making some sorts of connections appear inevitable and making others conspicuously uncertain [...]”. (Ferree, forthcoming 2009: 3-4). Secondly, the *international opportunity structure* is an important factor when we want to explain national intersectional gender policies: international/EU policies and norms (which can be an outcome of international social movement activism themselves) also change discursive opportunity structures around gender politics in a given country as they can open up possibilities for national and international actors (of framing certain issues in a certain way) that were non-existent before. Also, *interplays between national and international factors* can be key in explaining changes in national legislation and policies: *simultaneous pressure* from below (e.g. national/regional social movements activism) and from above (e.g. pressure to comply with international/EU agreements) is identified in literature as being able to bring about a particularly strong pressure on unwilling governments to change their policies/legislation. In such cases, governments are entrapped in a sort of pincer mechanism (Anna van der Vleuten, 2005).

Our own overall assumption is that if one or more of the above mentioned factors are not in place in a country the influence of the other factors will be of greater importance, e.g. if the national opportunity structure is less present, the importance of the international opportunity structure will be stronger.

If we want to explain the presence or absence of intersectional (gender equality) policies in Malta, we can state, on the basis of the context study and issue history (deliverable 41 and deliverable 19), that there are no known political cleavages. Furthermore, Maltese social movements are neither very loud, nor strong or powerful, nor large in Malta; they hardly make intersectional demands on the government and are generally not organised around the intersection of multiple inequalities. Malta does not have a long history of feminist struggle either. Moreover, before Malta became an EU member, Malta hardly had any policy/law legacy in the field of gender (+) equality. That is why our expectation is that if Malta currently has (intersectional) gender (+) equality policies, EU legislation/pressure/obligations will be the decisive factor that explains the existence and content/form of such policies. Although simultaneous pressure from above (international/EU) and from below (national/regional social movement activism) is quite unlikely to have had big influence (since social movements are not very developed and powerful in Malta) it might be the case that the EU-Directives in the gender equality/anti-discrimination field have provided certain civil society actors (the ones that are in favour of gender (+) equality) with a stronger voice. So in theory, simultaneous pressure from civil society actors (bottom up) and from EU institutions (top-down) on the Maltese government could have occurred in Malta. However, it is to be expected that in case of such simultaneous pressure the content and form of Maltese gender (+) equality policies will still be decisively dictated by EU gender equality legislation because EU legislation potentially gives Maltese civil society actors an (extra) means of putting pressure on the Maltese government.

Our *first expectation* is therefore that in Malta the framing of gender equality will stick close to the EU framing. This means that we expect an emphasis on non-discrimination/equal treatment in the employment area and a move from addressing gender equality to addressing multiple inequalities in an anti-discrimination frame. We also expect that the range of inequalities and the way inequalities and their intersections are conceptualised will also more or less reflect EU-policy. This means that the same inequality grounds are covered in legislation and policy and the inequality grounds are treated as separate strands: multiple inequalities but not intersecting inequalities.

A *second expectation* is linked to this, and expects EU Directives on gender equality to change the national (discursive) opportunity structure that civil society actors are faced with. Previously, gender equality was hardly a legitimised issue to debate/talk about in the political arena. With Malta's accession and subsequent membership to the EU this has changed. Gender equality as a political issue gained more legitimacy by means of the EU. It has a (higher) place on the political agenda now than prior to EU membership. Our expectation is that this will offer already *existing* civil society actors that are organised in the field of one of the EU 'recognised' inequalities and are in favour of changes demanded by EU whole new opportunities for activism. They could also gain more standing. This empowerment will, however, be mostly confined to employment. At the

same time, there will be an impetus for *new* social movements/civil society organisations that favour the 'EU path' to arise.

When 'testing' our first expectation we have to be attentive to whether Malta has literally copied EU Directives or whether it has translated it into its own wordings (in what way), whether certain aspects of the EU Directives were left out or whether Malta has added something of its own to the 'original' text of the EU Directives. In recent years quite a sizeable literature has developed around the issue of transposition of and compliance with EU directives by old (in earlier studies) and new (in later studies and mostly focussed on central and eastern European member states) member states (Europeanization literature). Central questions are: Under which conditions will states comply with or transpose EU Directives? When will this process be swift and when will it be slow? A large part of this literature specifically focuses on the (legal) transposition phase only i.e. the phase in which EU Directives are laid down/transposed/incorporated into national law. The 'goodness of fit hypothesis' or the ideas of 'misfit' and 'adaptational pressure' are quite prominent in this literature (Knill and Lenschow, 1998; Cowles et al., 2001; Borzel, 2000; Heritier et al., 2001; Risse et al., 2001). Transposition however, does not guarantee real implementation. In the Europeanization literature, non-transposition, non-enforcement and non-application are analytically distinguished as being different forms of non-compliance (Falkner, Treib, Hartlapp, and Leiber, 2005). Some authors go beyond the mere transposition phase as to for example make claims on when transposition will merely lead to rhetorical implementation or when it will move beyond the rhetorical (Van der Vleuten, 2005) or by paying attention to problems with enforcement and application of the European Directives (Treib and Falkner, 2007). We think that this 'looking beyond transposition' is particularly interesting and important for the case of Malta as well.

The 'goodness of fit' or 'misfit' hypothesis departs from the idea that the greater the adaptational pressure is (in other words: the higher the incompatibility between the EU policy to be transposed and the pre-existing national policies, preference, ideologies and institutional and regulatory traditions¹), the slower or more difficult the transposition process will be. One may expect a smooth implementation process if a Directive solely requires small changes to already existing domestic arrangements (Falkner, Treib, Hartlapp, Leiber, 2005). But what will such misfit hypothesis do with new member states like Malta that are almost 'virgin-like' or 'blank' in the field of gender (+) equality and anti-discrimination policies? New member states are asked to have transposed the majority of the EU (gender equality) acquis before they become member of the EU or soon afterwards (i.e. in a very short time frame). Limiting our focus to the EU acquis in the field of gender (+) equality/anti-discrimination and basing ourselves on the data on transposition gathered in the Country Context Study on Malta it seems that Malta has largely complied with this demand. We wonder, however, whether such transposition based mainly on the strong incentive to become an EU member and to build up a good reputation as new member state, will not retroactively show during the enforcement and/or application phases?

Intuitively, it is hard for us to believe that a country like Malta which almost has no legacy of being supportive of gender equality, let alone sexual orientation equality, where traditional ideas regarding gender equality still thrive and have (at least until recently) barely been disputed

¹ This list is not exhaustive and it depends on the theoretical point of departure of an author – e.g. rationalist institutionalism, sociological/constructivist institutionalism, historical institutionalism - which kind of misfits he/she considers key in explaining smoothness of transposition.

or contested (no feminist struggle history, hardly any gay and lesbian struggle etc.), would without problems transpose, enforce and apply EU legislation in this field. We therefore expect that difficulties most likely will show up when the transposed EU legislation has to be realised in practice and that implementation (initially) will be mainly rhetorical rather than real, because the country has not yet 'internalised' norms that underlie the transposed legislation. Translating this to intersectional policies: If Malta transposed EU legislation on multiple inequalities, what does this really mean? Will the Maltese legislation that results from transposition of EU gender equality/anti-discrimination acquis really be implemented or will the legislation be no more than 'dead letters' (Treib and Falkner, 2007)?

Within the Quing project we mainly study policy documents and not so much whether what is laid down on paper is really being implemented in practice. Therefore we neither have time nor resources to analyse in any profound and structural manner what it means (or does not mean) that Malta has transposed the EU Directives in the gender (+) equality field. Moreover, it may also be a bit too early for this (with Malta becoming an EU member only in 2004). What we can do in this report, however, is to ask ourselves some smaller and manageable questions on the basis of certain ideas found in literature with regard to rhetorical action/implementation and problems with enforcement and application in new member states.

Anna van der Vleuten, analysing the implementation of EU gender equality policies in the 'old' member states France, Germany, and the Netherlands between 1958 and 2000, concludes that "the willingness to implement depends on the economic and ideological costs of policy change and on the amount of pressure exercised by societal actors" (van der Vleuten, 2005, p.1). When costs are high, governments prefer to not implement a policy. Van der Vleuten concludes, on the basis of her case studies, that this changed when two mechanisms were present: 1) the influence of the European Commission and European Court of Justice monitoring and enforcement procedures on its prestige, and; 2) when the state is "squeezed between pincers", put under pressure by supranational and domestic actors simultaneously" (van der Vleuten, 2005, p.1). Van der Vleuten however adds that when the member states' concerns about prestige were not matched by domestic pressure, the implementation was predominantly rhetorical only. So prestige and supranational pressure seem to be necessary conditions for implementation, but they are not sufficient conditions. Only if domestic pressure is present as well, will implementation move beyond mere rhetorical implementation. A second aspect that is important in calculating the ideological costs is the match or mismatch between the principles or ideas upon which domestic policies have been built and the principles or mismatch on which EU policy is build. To establish domestic pressure to comply with the EU Directives, Van der Vleuten takes into account to what extent domestic groups exert opposed pressure, to what extent domestic groups exert pressure in favour and whether national courts request preliminary decisions (is counted as supporting those who mobilise in favour of implementation). To measure the extent to which the prestige of a state is at risk, Van der Vleuten takes into account the European Commission's critical reports and infringements procedures. Depending on its identity a state may value its prestige to a larger or smaller extent. Following van der Vleuten, in order to find out whether rhetorical implementation is to be expected in Malta with regard to the EU's gender and anti-discrimination acquis, we would have to answer (at least) three questions:

- Are high economic or ideological costs involved?
- If yes, does/did non-compliance bring Malta's prestige at risk?
- Is Malta simultaneously put under domestic and EU pressure to comply with the gender acquis?

Therefore, we intend to reflect on a last question *regarding whether implementation will be predominantly rhetorical or not*. Since the ideological costs are high (mismatch between principles/ideas), since Malta is reluctant to risk its reputation/prestige because of its status as a new member state (one has to build up a good reputation and does not want to become known as 'non-compliance' country), and since EU pressure is present but domestic pressure is limited and domestic pressure opposing implementation will outweigh domestic pressure favouring implementation, it is likely that implementation of EU gender(+) equality Directives in Malta is predominantly rhetorical.

As stated above, we cannot analyse in a profound way the extent to which practical implementation takes place in Malta. However, certain aspects that point towards rhetorical implementation can at least be measured. While we have to leave non-application out of consideration, we can partly measure non-enforcement. According to Falkner et al. (2005) non-enforcement includes 'no monitoring', as well as 'no sanctions'. Anna van der Vleuten also points towards laws that do not include any sanctions in the context of 'rhetorical implementation'. Therefore we will ask the question: Did Malta include any sanctions in the legislation by means of which it transposes EU gender (+) equality Directives?

3. THE RANGE OF MEANINGS CONCERNING GENDER EQUALITY IN GENDER+ EQUALITY POLICIES

A relevant and debatable question is whether attention to intersectionality within gender equality policies will have a positive or negative influence on the 'feminist project'. The implications of attention to intersectionality on the quality of gender (+) equality policies are examined in chapter 5. However, to determine the possible impact of attention to intersectionality on gender(+) equality policy, we first need to examine the range of meanings concerning gender equality in gender(+) equality policies. This will be done in this chapter. First, the definitions of gender equality are discussed. Next, different meanings/constructions of gender and gender equality are described; is gender equality construed as relevant to the policy discussed, is gender (equality) to a certain extent hidden, is gender seen as social or as biological, and does gender equality policy have transformative visions/strategies. In the third paragraph it is described which actors are involved; for whom and by whom should gender equality be achieved. In paragraph 4 we will see if adjacent frames (other than an equality frame) are found in Maltese gender equality policy. In chapter 4 the range and meaning of *intersectionality* will be analysed.

3.1 Defining gender equality

In this paragraph, the definitions of gender equality in the Maltese gender equality policy are discussed; how is gender equality named? What is regarded as part of gender equality (policy)

when looking at the four issues? For this section we will use several sources; the Equality for men and women Act; the strategic policy directions of the National Commission for the Promotion of Equality Between Men and Women (NCPE)²; the Gender Equality Action Plan of the Employment and Training Corporation (ETC) and the documents that were coded for all four issues (general gender equality, non-employment, intimate citizenship, gender based violence).

In Malta gender equality is embedded in an anti discrimination frame. Within this frame gender equality is most often named 'equality for/between men and women' or 'equal rights for men and women'.³

For the issue *general gender equality*, the Equality for men and women Act; the strategic policy directions of the NCPE⁴ and the (remaining) coded documents are analysed on their definition of gender equality policy. For the three issues *non-employment*, *intimate citizenship* and *gender based violence* it is somewhat more problematic to answer this question, because some policy documents construe gender equality to be relevant and other documents do not construe gender to be relevant. If gender equality is not construed to be relevant to the policy, it is somewhat difficult to regard the topics that such policy document cover to be part of what is defined as 'gender equality policy'. Still, these documents were selected for frame and voice analysis because they do in fact have an impact on (achieving) gender equality. For the issue non-employment the emphasis will firstly be on the gender equality action Plan of the ETC, because it is explicitly recognised as part of (the definition of) gender equality policy. Secondly, the policy topics that are covered by the documents that were analysed for the three issues with use of frame and voice analysis can also be regarded as part of (the definition of) gender equality policies, because despite the fact that some of them do not explicitly mention gender equality as being relevant, they do give an indication of what the core gendered topics in Maltese policy debates for each sub-issue are (see earlier overview of chosen policy topics per issue on p. 5).

Definitions of gender equality in the general gender equality policies issue

Concerning the *general gender (+) equality policy* issue, it is stated on the website of the Ministry for the Family and Social Solidarity that the Equality for men and women Act is meant to provide a sound basis for ensuring equality between men and women in all sectors of Maltese society. In reality, the provisions of this Act are mainly confined to the employment area. It prohibits direct and indirect discrimination in employment (on the basis of sex and family responsibilities). It includes provisions on the illegality for banks and financial institutions to discriminate against any person on the basis of sex, on fair compensation entitlements for participation of spouses in the activities of a self-employed partner, on sexual harassment at the place of work. It prohibits gender discrimination with regards to access to all types of vocational guidance and training. It prohibits the publishing/display of discriminatory advertisements. So gender equality here means non-discrimination on basis of sex and family responsibility in the field of employment.

Further, in the 2004-2006 strategic policy directions of the NCPE⁵, the policy directions are split up into a section on 'promoting gender equality in economic life' and one on 'promoting gender equality in representation and civil life'. Issues that are mentioned concerning the

² http://www.equality.gov.mt/filebank/imagebank/wordbank/strategic_policies.pdf

³ Issue history, p 2-4

⁵ http://www.equality.gov.mt/filebank/imagebank/wordbank/strategic_policies.pdf No more recent policy plan has been published by the NCPE

promotion of gender equality in representation and civil life are: reinforcing gender mainstreaming; adequate gender representation at executive, decision-making and representational levels; tackle gender awareness in university courses, scientific research, and medical services; encourage NGO to promote gender equality; promote change of gender roles and eliminate stereotypes through educational and media campaigns. Issues that are mentioned concerning the promotion of gender equality in economic life are more numerous; affordable and reliable childcare, flexible working hours and increased employment opportunities, learning and training opportunities, sensibility and realisation of financial worth of loyal female employees, reduce disincentives in income tax and social benefits for women to enter the labour market, give benefit to married women who are main breadwinners, promote entrepreneurship and self-employment opportunities for women, protect interests of women and men who manage homes and family but have no earned income. In the NCPE programme the importance of the EU in the field is explicitly expressed.

In the above an indication about the meaning of general gender (+) equality policy is given. Below, more specific definitions of gender equality for the issues non-employment, intimate citizenship and gender based violence are described.

Definitions of gender equality in the non-employment issue

Concerning the non-employment issue, the main aim of the gender equality action Plan 2005-2007⁶ of the ETC (Employment and Training Corporation) is to increase the labour participation of women. Several issues that need to be improved are mentioned: career break possibilities should be improved, more flexible and innovative working hours, better childcare, better education possibilities for women and men, decrease the wage gap.

Definitions of gender equality in the intimate citizenship and gender based violence issue

As was said earlier, the three sub-issues within intimate citizenship that were chosen for the frame and voice analysis, are quite sensitive due to strong religious sentiments in Malta and the strong position that the Maltese Church holds. This explains why several topics never even reach the Maltese political agenda. No topics from the intimate citizenship issue are mentioned in any general gender equality policy plan. Regarding the issue gender based violence, no specific plans are found that indicate that topics from this issue can be seen as gender equality policy. Also, no mentioning of topics from the gender based violence issues are mentioned in general gender equality policy or law.

3.2 Gendering and degendering

Besides focusing on the content of gender equality policy (as is done in the above), it is also important to describe how gender and gender equality policy is construed; is gender equality seen as relevant to the policy discussed, is gender (equality) hidden, is gender in gender equality policy seen as social relations, structures or biological and do the Maltese gender equality policies have transformative visions/strategies? The answers to these questions give an indication of the 'quality' of gender equality policy.

⁶ <http://etc.gov.mt/docs/Gender%20Equality%20Action%20Plan%202005-2007.pdf>

Relevance of gender equality

To examine how gender and gender equality is seen, it is first necessary to take a look at whether the coded laws, policy plans, parliamentary debates and civil society texts see gender equality as relevant to the policy discussed. In table 2 it is shown that a significant part of the coded documents (20 of 56 documents) do not construe gender equality as relevant to the policy discussed. In the issue intimate citizenship, the majority of the documents do not construe gender equality as relevant to the policy discussed.

	Gender equality construed as relevant for policy discussed					Gender equality not construed as relevant for policy discussed				
	GGE	N-E	IC	GBV	Total	GGE	N-E	IC	GBV	Total
Laws	2	2	-	1	5	1	4	2	2	9
Policy plans	2	2	-	2	6	-	2	1	1	4
Parliamentary debates	4	6	-	2	12	-	-	2	1	3
Civil society texts	4	5	1	2	12	-	1	3	-	4
Other			1		1					0
Total	12	15	2	7	36	1	7	8	4	20

Table 2: Relevance of gender equality per type of document and per issue

Looking at the different type of documents, it is the parliamentary debates and civil society texts that most often construe gender equality as relevant to the policy discussed, while laws construe gender equality least often as relevant for the policy discussed.

Hidden gender (equality)

Construing gender equality as relevant for the policy discussed does however not always have to be (very) visible. Gender and gender equality can be hidden in certain documents, if documents are more or less de-gendered. The coded documents and the summary codes of the coded documents are used for this section.

Out of the twelve documents that were analysed for the *general gender + equality policies* issue in which gender equality is seen as relevant for the policy discussed, more than half of the documents is to some extent degendered. There are two different ways in which the documents are de-gendered. Firstly, we find degendering in several documents that speak constantly about 'policies to create equality for men and women'. Although it would seem that this is constructed in a gendered manner, not specifying which gender is in fact suffering from the problem or for whom

gender policy is needed to address a problem, may be regarded as a way of 'de-gendering'. Secondly, terms like 'victims' of sexual harassment or discrimination, 'persons being subjected to acts of physical intimacy' and 'perpetrators' of sexual harassment point to de-genderedness. One third of the coded documents for the general gender+ equality policies issue are *dominantly* de-gendered. It concerns the equality for Men and Women Act, the White paper on gender equality legislation, the part on equality machinery within the Equality for Men and Women Act and the Beijing + 10 report. In these documents gender equality is largely made invisible, by not specifying which gender (male/female) that is suffering from the problem and for whom gender policy is needed to address the problem.

Of the fifteen documents in the *non-employment* issue that construe gender equality as relevant, more than one third of the documents are to some degree degendered. This part of documents that is degendered is however lower than the percentage of degendered documents in the general gender + equality policy issue. A minor part of the documents where gender equality is present, are dominantly de-gendered; the Equal treatment in employment regulation (Legal Notice 461) and the section on discrimination related to employment in the Employment and Industrial Relations Act. In these documents gender equality is largely made invisible. A minor part of the documents is *marginally* de-gendered. These documents speak predominantly of persons or employees suffering from sexual harassment or being discriminated against on the basis of for instance pregnancy or marital status. Other de-gendered actors mentioned are victims, 'those who do unpaid work', single parents, and part-time employees. Still, the majority of documents are gendered.

There are only two documents for the issue *intimate citizenship* that construe gender equality as relevant for the policy discussed. Of these two documents, one is marginally de-gendered and one is gendered. The marginally de-gendered document speaks of the rights of 'clients' to choose contraception.

Almost half of the documents where gender equality is seen as relevant in the *gender based violence* issue is to a certain degree degendered. The part of the Equality for Men and Women Act on sexual harassment is the only document that is completely de-gendered, while gender equality is relevant. The governmental policy plan of the NCPE on sexual harassment is dominantly de-gendered, just as the civil society text of Germaine Grech on sexual harassment. These documents speak mostly of persons or employees suffering from sexual harassment. Other de-gendered actors are 'victims of sexual harassment' and 'alleged harasser'. Gender equality is (largely) made invisible in these documents.

Of all four issues, non-employment is the least de-gendered issue. Gender equality is most clearly visible in this issue. It is remarkable that the issue general gender equality is degendered to a large extent. This can be explained, because it is often stated that gender equality is needed for men and women, without specifying which gender is in fact suffering from the problem or for which gender policy is needed to handle the problem.

Gender as social/biological

Next, we will be looking at whether gender in gender equality policy is seen more as a social or as a biological category/inequality. In more than one third of the documents gender is seen, to a certain extent, as a social construction, while in only a minor part gender is seen, to a certain

extent, as biological.⁷ It should be noted however that in the majority of the coded documents, it is not always possible to say if gender is seen as social or as biological, because there are only simple references to categories of women and/or men without further reflection.

In the 2004-2006 strategic policy directions of the NCPE, gender is explicitly mentioned as a social construct a few times, for example when it is stated that the change of gender roles should be promoted and that gender stereotypes should be eliminated by means of educational and media campaigns.

Transformation

After describing how many documents that construe gender equality as relevant for the policy discussed (see table 2 on page 13), the next step is to examine if documents that DO construe gender equality as relevant, also have transformative visions or strategies. When looking specifically at the laws and policy plans in the Maltese case, more than half of the analysed policy plans and laws do not construe gender equality as relevant to the policy at hand. Examining the policy plans and laws that DO construe gender equality as relevant shows us that only a few of them (two documents) have a (partly) 'transformative' strategy and/or vision regarding gender equality. In these two cases gender equality is always seen as both 'vision' and 'strategy'. Moreover, the 'strength' of this transformative vision or strategy is once 'marginal' and once 'significant'. The two documents that conceptualise gender equality partly as transformative are both from the non-employment issue. See table below.

When comparing civil society documents with policy plans, they have the same relative amount of documents containing transformative aims and strategies. Also, for both types of texts these strategies and aims can be found in the non-employment issue.

Using 36 of 56 doc.*	General gender equality	Non-employment	Intimate citizenship	Gender based violence	Total no. of documents containing transformation
Laws	0	0	0	0	0 (out of 5 documents)
Policy plans	0	2	0	0	2 (out of 6 documents)
Parliamentary debates	1	0	0	0	1 (out of 12 documents)
Civil society	0	4	0	0	4 (out of 12 documents)
Other	-	-	0	-	0 (out of 1 document)
Total no. of documents containing transformation	1 (out of 12 documents)	6 (out of 15 documents)	0 (out of 2 documents)	0 (out of 7 documents)	

⁷ Only those documents are taken into considerations that construe gender equality as relevant to the policy discussed.

Table 3: transformative visions and/or strategies regarding gender equality according to type of document and issue

* Only those documents that construe gender equality to be relevant for the policy discussed are taken into consideration

By taking another look at whether or not policy is overtly gendered, whether gender is seen as social, as biological, or if this is unclear and if the texts are de-gendered, we might be able to say something about the transformative *potential* of *all* laws and policy plans, not only those that construe gender equality as relevant. Our assumptions are that:

A) if a policy is completely gender blind⁸, whereas it is generally felt (by gender experts, by feminists) that the subject of the policy is in fact highly relevant as regards gender equality (and therefore it was included in our selection of texts to be analysed), then this can be regarded as an indicator of 'low' transformative potential. A gender blind text does not show any awareness of the fact that the policy at hand has gendered effects and should in fact pay attention to this in order to counter gender inequalities from continuing or from increasing. Contrary to gender blind texts, in de-gendered texts such awareness can in fact be included, but then it is more hidden.

B) if gender is explicitly seen as 'social' then in principle there seems to be more room for transformation than is the case when the policy is gender blind or when gender is seen as 'biological' (but see remark below on 'biological'). If the government makes explicit in the policy documents that it regards gender as socially constructed then this brings along the 'promise' that inequalities between the genders cannot be regarded as a naturally given fact and that they can also be 'undone'/transformed.

C) If reference is made to gender as biological categories it is not possible to attach conclusions as regards the 'transformative potential' of policies to it in any straightforward way on the basis of solely the answer to summary question 6. That gender is seen as biological in a policy document can namely have quite diverse meanings. If the document deals with, for example, maternity leave, in vitro fertilisation or abortion, gender will (at least partly) be seen as biological difference/categories, but in such case this will not necessarily be an indicator of 'low transformative potential'. If a document claims, however, that women and not men should take care of their children, because this is their natural/biological given role, then the implications as regards the transformative potential of such policy are of course different.

D) If for the analysed policy it is not possible to say whether gender is seen as biological or as social, then we can conclude that at the very least the policy is not gender blind, but that it does not make explicit in what way gender is regarded. This makes it more difficult to attach any conclusions regarding the 'transformative potential' of such policies.

Based on these assumptions, what can we say about the transformative potential of the Maltese policies? In the Maltese case, there are 13 (out of 24) policy plans and laws that are not (overtly) gendered. However, the documents concerned are not all gender blind. The majority (9 documents) are de-gendered, while the minority (4 documents) are gender blind. Except for one policy plan within the issue of intimate citizenship, the gender blind texts are laws (in non-employment issue and in general gender equality issue).

⁸ This is the case when the answer to summary question 5 is 'no', and question 6 is left unanswered. A text that is completely de-gendered would give 'no' for summary question 5 and 'solely de-gendered' for summary question 6.

Looking at whether gender is seen as social, it shows that only three texts regard gender (partly) as social. These texts are policy plans and gender is never solely seen as 'social'; it is combined with other ways of gendering the policies (de-gendered and/or it is unclear whether statements refer to biological or social categories). One policy plan is the White Paper on the reform of the pension system, the other one is a report from the National Family Commission on balancing labour and care, and the last one is a White Paper on domestic violence.

Reference is made to gender as biological categories in only two of the policy plans and laws. This happens once in the sub-issue of domestic violence (policy plan) and once in the sub-issue equal treatment in employment. In these two cases it seems that reference to gender as biological is not used in a conservative way.

The analysed policies are most frequently (solely or dominantly) de-gendered. When the policy is only partly de-gendered, it is almost always 'not possible to assess whether reference is made to gender as social or as biological categories'. For the Netherlands (the other country that we research) we have argued that documents that are unclear as to whether gender is regarded as social or biological, can be assumed to be 'inclined' towards viewing gender as social. However, in the case of Malta we are not so sure what to make of this. There does not seem to be a clear transformative potential visible in Maltese laws and policy plans.

Conclusion

A significant part of the coded documents does not construe gender equality as relevant for the policy discussed, especially in the intimate citizenship issue. Gender and gender equality are most visible in the non-employment issue. It is remarkable that gender and gender equality are hidden to such a significant extent in the general gender equality issue. The reason for gender being hidden is that the documents do not specify whether it is women or men who suffer from a problem, or whether it is for women or men a policy to tackle the problem is needed. Gender is more often seen as social than as biological in Malta. Transformative aims and strategies can almost solely be found in policy plans and civil society documents in the non-employment issue.

3.3 The actors involved

To get a better understanding of the range of meanings of gender equality policy this section will describe more closely for whom and by whom gender equality should be achieved.⁹ When examining for whom and by whom gender equality should be achieved, only those persons that are *related to objectives that have 'equality as underlying norm'*, are taken into account, the reason being that we want to make sure that the goal is indeed related to achieving (gender) equality. This will be described for the four issues - general gender equality policies, non-employment, intimate citizenship, gender based violence - separately by using the coded documents and the summary codes of the coded documents. Besides a comparison between the four issues, there will also be a comparison between governmental documents and civil society documents to determine if there are any differences in the diversity of persons for whom gender equality should be achieved.

⁹ Although institutional actors overall make up a significant part of the target groups, these actors are left out when determining for whom gender equality should be achieved, because it is not probable that gender equality is to be achieved for this group.

General gender equality policies issue

The policy issues set out in the 2004-2006 strategic policy directions of the NCPE are sometimes specifically for women. For instance; reduce disincentives in income tax and social benefits for women to enter the labour market, give benefit to married women who are main breadwinners, promote entrepreneurship and self-employment opportunities for women. However, gender equality is most often described as equality between women and men.

When examining the coded documents, the persons most often mentioned as the target groups are 'women' or 'men' or 'females' or 'males'. Men/males are only mentioned *together* with women/females. Women are predominantly mentioned together with men, and sometimes mentioned separately. 'Every citizen' is mentioned once as target group.

Based on the summary codes of the coded documents, the state is (partly) responsible for the implementation, monitoring or evaluation of gender equality policy in all documents. Semi-state or semi-civil society organisations are involved more than one third of the documents. Civil society is involved in implementation, monitoring or evaluating gender equality policy in almost one third of the documents. According to the coded documents, the majority of the actors that are responsible for gender equality policy are institutional actors. The majority of the institutional actors are state actors (mainly government) or semi-state actors (National Commission for the Equality between Men and Women, the NCPE). A small minority of the institutional actors are civil society actors, of which most are market actors (banks, financial institutions, insurance companies, companies in general). NGOs are not mentioned as responsible actors. Looking at responsible actors that are people (which make up a minor part of all responsible actors), the actors that are mentioned most often are employers, self-employed, persons responsible for a work place/ educational establishment that offers facilities to the public/entities that provide vocational training, alleged perpetrators or defendants of discrimination/sexual harassment and alleged victims or plaintiffs of discrimination/sexual harassment.

Non-employment issue

Almost half of the persons that are mentioned as target group for whom gender equality should be achieved in the *non-employment* issue are women (mostly women in general, but also women with children) and almost half of them are men (men in general and fathers). In one third of the cases women and men are mentioned together, in two thirds either men or women are mentioned. Society and families are marginally mentioned as the target groups for which gender equality should be achieved.

In all documents, the state is mentioned as (partly) responsible for the implementation, monitoring or evaluation of gender equality policy. In one third of the documents semi-state or semi-civil society organisations are also mentioned as responsible actors. A civil society organisation is construed as the responsible actor in only one document.

Intimate citizenship issue

It is somewhat difficult to determine for whom *gender* equality should be achieved for the issue *intimate citizenship*, because equality in this issue can mean gender equality, but can just as well 'equality for homosexuals'. The majority of the target groups are LGBT (Lesbians, Gay, Bisexuals and Transgender people), the gay and lesbian community, and friends and family of LGBT (these target groups are, however, only to be found in the two civil society texts by the Malta Gay Rights Movement). Fathers are mentioned once as target groups.

Only two documents construe gender equality as relevant to the policy discussed. One document does not mention any actors responsible for implementation, monitoring or evaluation of gender equality policy and the other document mentions civil society and semi-civil society/semi-state actors as responsible.

Gender based violence issue

In the issue *gender based violence*, few persons are mentioned for whom gender equality should be achieved. Almost half of them are women (including victims of domestic violence), one third are men (including perpetrators) and one third is the 'general public'. Women and men are nearly always mentioned together. When including employers and employees, there is an almost even distribution of persons for whom gender equality must be achieved between employers, women, men, employees and the general public.

The majority of the documents that construe gender equality as relevant to the policy discussed indicate that the state is (partly) responsible for the implementation, monitoring or evaluation of gender equality policy. In almost half of the documents, semi-state or semi-civil society organisations are mentioned as responsible actors. Civil society is mentioned as the responsible actor in a minority of the documents.

Civil society versus government

Looking at the difference between governmental documents (laws and policy plans) and civil society texts, there is a noticeable difference in the diversity of target groups. A significant part of the target groups mentioned by civil society are women (including lesbian women, victims of domestic violence). Men are more significantly present (including fathers and gay men). Other groups mentioned are society and family and friends of LGBT. The governmental documents only mention women and men (together) as target groups.

Conclusion

Gender equality in Malta is to be achieved first and foremost for women (including women with children, victims of domestic violence and lesbian women) and men (including perpetrators, fathers and gay men). Women and men are mentioned together in the majority of documents in the general gender equality issue and in the gender based violence issue. Women and men are mentioned separately more often than together in non-employment. The state (mostly government) is mentioned as the most important actor being responsible for implementing, monitoring or evaluating gender equality policy, followed by semi-state/semi-civil society organisations (mostly the NCPE). Civil society organisations are mentioned the least.

3.4 Adjacent frames

Even when gender equality is the major frame, the document can always include additional frames. It can be that a policy which has an impact on (achieving) gender equality is not construed as such – which means an absence of a gender equality frame – and is therefore completely construed by adjacent frames. This section will, based on the summary codes, take a closer look at these adjacent frames, (see table 5).

Two thirds of the documents for the issue *general gender + equality policies* see gender equality as an end in itself. A minor part of the documents balances gender equality between an end in itself and as a means to another policy goal. A minority of the documents see gender equality solely as a means to another policy goal. Equality is the dominant frame in this issue. It can be found in every document and is often sole frame. It is remarkable that the second largest frame is 'crime and justice', which occurs in almost two thirds of the documents, although this frame is 'minor' or 'marginal'. Other frames that are found, albeit to a limited extent, are 'economic development' (in one third of documents, but always marginal), 'human rights' (in a minor part of the documents), 'capabilities and well-being', and 'health' (in a few documents and always a marginal frame).

More than one third of the documents that construe gender equality as relevant for the policy discussed in the *non-employment* issue construe gender equality as balanced between an end in itself and as a means to another policy goal. Gender equality as a means to another policy goal is 'major' in one third of the documents, while gender equality as an end in itself is 'minor'. A minor part of the documents see gender equality solely as an end in itself and a marginal part of the documents see gender equality solely as a means to another policy goal. The equality frame is the most important frame in non-employment. It can be found in the majority of the documents and the occurrence of the frame ranges from significant to sole. Next to the equality frame, the 'capabilities/well being' frame is the most important adjacent frame. It can be found in more than half of the documents and is often of significant importance. The 'economic development' frame can also be found in more than half of the documents, but is often of minor importance. The human rights frame is of minor importance and the 'crime and justice' frame is used a very few times.

The only two documents that construe gender equality as relevant for the policy discussed in the *intimate citizenship* issue see gender equality solely as a means to another policy goal. In this issue, equality is again the most important frame. However, it most often does not concern gender equality but equality for gays and lesbians. Linked to this is the anti-heteronormative frame, which has some importance. Another frame that is of importance is the catholic moral frame. Furthermore, there are several different frames that are of minor importance, for example human rights and health. The frames that are only found a few times are: 'economic development', 'capabilities/well being' and 'crime and justice'.

Of the documents that construe gender equality as relevant for the policy discussed in the issue *gender based violence*, almost half see gender equality solely as an end in itself and almost half see gender equality as balanced between means to another policy goal and an end in itself. A marginal part sees gender equality 'major' as an end in itself and 'minor' as a means to another policy goal. Crime and justice is the most important frame for the gender based violence issue and can be found in all documents. In most documents the 'crime and justice' frame is at least significant. Equality is the second most import frame, followed by health and human rights. The economic development and capabilities/well being frames can only be found a few times.

	No. of documents for General gender equality	No. of documents for Non-employment	No. of documents for Intimate citizenship	No. of documents for Gender based violence	Total no. of doc.
Equality	13	18	7	8	47
Human rights	3	7	3	5	18
Economic development	4	13	2	3	22
Capabilities/ well being	3	13	3	2	21
Crime and justice	8	2	1	11	22
Health	1	-	3	6	10
Other	2 (divers)	2	6 (catholic values and anti-heteronormative ideology)	-	10
Total no. of documents coded	13	22	10	11	56

Table 5: Use of frames per issue

Overall, more than a third of all documents see gender equality solely as an end in itself. It is mainly the case in the general gender + equality issue and the gender based violence issue. The non-employment issue and especially the intimate citizenship issue see gender, to an important extent, as a means to another policy goal.

Comparing civil society documents with governmental documents, there is no great difference in the 'ranking' of the importance of frames.. However, the equality frame in civil society texts is more clearly the most important frame, with the other frames (crime and justice, capabilities/well being and economic development) being of less importance than they are in the governmental documents.

Equality is the most important frame in all issues except for in gender based violence issue is equality. Economic development and capabilities/well being are the most clearly found frames in the non-employment issue, crime and justice is found in the general gender + equality issue and in the gender based violence issue.

3.5 Summary and comparison

To determine the meaning of gender equality in gender + equality policy, this chapter examined the definition of gender equality, if gender equality is hidden, what actors are involved with gender + equality policy and what frames that can be found in policy that influences gender equality. Across issues, gender equality is predominantly construed by an anti-discrimination and equality frame. This is also because non-employment related topics can be seen as the most important in Maltese gender equality policy. For the issues intimate citizenship and gender based violence there is not very much policy made in the QUING period. Intimate citizenship topics are not often even on the political agenda and they are often not seen as relevant for gender equality. In the issue general gender (+) equality policies there is strong emphasis on non-employment. Gender equality should predominantly be achieved for women and men together. However, by constantly stating that it should be achieved for women and men, gender equality seems to be hidden to a certain extent, when not specifying which gender category is in fact suffering from the problem or for which gender category policy is needed to handle the problem.

The state (mostly government) is mentioned as the most important actor being responsible for implementing, monitoring or evaluating gender equality policy.

In the general gender + equality issue and the gender based violence issue, gender equality is more seen as an end in itself, while topics in the non-employment issue and especially the intimate citizenship issue see gender, to an important extent, as a means to another policy goal.

Equality is not the most important frame in all issues except for in gender based violence. A clear difference exists in the importance of adjacent frames between issues, but these adjacent frames are closely connected to the specific issues; economic development within the non-employment issue, crime and justice and health in the gender based violence issue.

4. THE RANGE OF INTERSECTING INEQUALITIES AND THE NAMING, FRAMING AND PRACTICE OF INTERSECTIONALITY

The previous chapter of this report discussed and analysed the meanings and definitions of 'gender equality' in the Maltese gender+ equality policies. This chapter will discuss the meanings and definitions of 'intersectionality'.

A distinction is commonly made in the literature between structural intersectionality and political intersectionality. Structural intersectionality has to do with how inequalities and their intersections are experienced or 'lived' by people in society, whereas political intersectionality denotes how inequalities and their intersections are relevant in a political way: civil society's and social movement's intersectional organisation/activities/(power) struggles; the way intersecting inequalities appear and are (strategically) addressed in the political arena, and whether intersecting inequalities are included or excluded in the political arena. Structural intersectionality on the level of society is not QUING's research focus. Some attention has been paid to it in the Country Context Studies (deliverable 41). The main focus of this part of the report will therefore be political intersectionality. Most of the data that we have gathered within QUING stem from the policy documents and civil society texts that we have analysed by using frame and voice analysis. This underlines, once more, that the main focus in this part of the report is on the range and the naming, framing and practice of intersectionality *in policy (documents) and by civil society actors*. In the Country Context Study (deliverable 41), in the Issue Timelines (deliverable 19), and in the State of the Art reports (deliverable 8) all necessary contextual information was gathered on machinery, issue histories, political system of the country, gender regimes, equality laws, mapping the civil society landscape and so on.

This chapter is structured as follows: *first*, the (intersecting) inequalities that receive attention in Maltese gender equality policy, machinery and civil society are discussed in section 4.1. However, knowing something about which inequalities and intersections appear most often in gender equality policies, does not tell us much about *the way intersectionality is done*. Hence, *secondly*, we look at how intersectionality is named (which terms are used to indicate intersectionality or intersecting axis), how it is framed and practiced (what is the meaning of intersectionality, i.e. which version/approaches towards it are discernible in the analysed documents), and what is the importance of intersectionality to Maltese gender+ equality policies and policy making. Section 4.3 pays specific attention to the practice and meaning of intersectionality in civil society. In the next chapter of the report (chapter 5) intersectionality (chapter 4) will be connected to gender equality (chapter 3): How do the definitions and practice of gender equality and the definitions and practice of intersectionality relate? Do the meanings of intersectionality change the meaning of gender equality? The implication of the way intersectionality is present in Maltese gender+ equality policies and policy making for the meaning and practice of gender equality policies will be discussed and analysed.

4.1 Range of (intersecting) inequalities

The range of (intersecting) inequalities will first be discussed issue-wise. Data from the document analysis will primarily be used here, but for the issue of 'general gender equality policies' we will also look at the equality legislation and machinery (taken from the Country Context Study). Next, it is analysed whether there is a tendency for intersectionality to be present in particular types of documents. Finally, the range of (intersecting) inequalities that can be found in Maltese civil society is discussed (on the basis of Country Context Study).

In order to grasp the range of inequalities and intersections that are present in the analysed documents for each issue, we started by making a table with the help of the QUING software that visualises prominence, absence and presence. In table 6 below information is gathered on the intersections of gender with other inequalities (see 2nd column), on the prominence of inequalities and whether they intersect or not (see 3rd column) and on intersectional actor categories (see 4th column). Each column is based on another source of data/information:

The second column is based on summary question 12, which for each of the analysed document asks if and to what extent gender is seen to be intersecting with other inequalities/strands. References to gendered or de-gendered intersectional categories were also taken in consideration when answering this question. The visibility of intersections was decided upon by 'integrating' how many times the intersection occurred in the issue (how many documents) with the strength/relevance that was connected to these occurrences (major or minor). Summary question 12 does not provide information on the intersection of multiple inequalities where gender is not one of the inequality strands. This summary question does not enable us to see whether gender intersects with one or with more than one inequality axis. Besides, summary question 12 does not give any insight in how many times gender is referred to as single inequality axis as compared to the number of times that gender intersects with another inequality axis.

The 'dimensions of gender and intersectionality' can fill these 'gaps' and we used these dimensions to construct the third column of the table. For each document it has been coded when it mentions actor groups that are related to one or more inequality axes or when the objectives or problems in the text are linked to one or more inequality axes. It has been coded which inequality axes is/are mentioned and whether they intersect or not. By using the 'search for codes' application in the QUING software we can first of all gain insight into what the range of inequalities that are mentioned per issue is, and what their relative relevance/prominence, based on occurrence, is. This is called 'prominence of different inequalities' in table 6. Furthermore, we can, by analysing the 'dimensions of gender and intersectionality' (intersectionality: yes or no) in the software, see how often documents refer to intersecting inequality axes as compared to how often documents refer either to a single inequality axis or to multiple but not intersecting inequality axes. Finally, we can also see how often gender is one of the intersecting axes.

The fourth column maps information about intersectional actors. In the Country Study Report (deliverable 40) a short note was written for each issue and for each separate actor group (in diagnosis: active actors, passive actors. In prognosis: target group, responsible actor). With the use of the software (search for codes) it was then calculated how many of the actors that are intersectionalised people, how this varies between the type of actor (active, passive, responsible

or target group), and which intersectional categories are mentioned and if gender is always one of the strands.

Table 6: Summarizing table on intersectionality in QUING frame analysis data Malta

Issue	Intersections with gender (summary question 12)	Range of inequalities and presence of intersectionality in the supertexts		Intersectionalised actors	
		DIAGNOSIS	PROGNOSIS	DIAGNOSIS	PROGNOSIS
All	<p><i>Most visible*</i>: G ▣ FS <i>Middle</i>: G ▣ A <i>Least visible</i>: G ▣ R-B G ▣ C G ▣ SO G ▣ D <i>Absent</i>: G ▣ E-R G ▣ CS</p>	<p><i>Prominence of the different inequalities**</i>: G FS, A, C R-B, D, SO E-R, CS (negl)</p> <p><i>Intersecting or not?***</i> Almost half intersecting (gender one of the axes: 90% #)</p>	<p><i>Prominence of the different inequalities</i>: G FS, A C D, SO E-R, R-B, CS (negl)</p> <p><i>Intersecting or not?</i> One third intersecting (gender one of the axes: 95%)</p>		
GGE	<p><i>Most visible</i>: G ▣ FS <i>Least visible</i>: G ▣ A <i>Absent</i>: G ▣ E-R G ▣ R-B G ▣ C G ▣ SO G ▣ D G ▣ CS</p>	<p><i>Prominence of the different inequalities</i>: G FS E-R All others (absent)</p> <p><i>Intersecting or not?</i> One third intersecting (gender one of the axes: 100%)</p>	<p><i>Prominence of the different inequalities</i>: G FS A E-R, CS (negl) D, R-B, C, SO, C (abs)</p> <p><i>Intersecting or not?</i> One third intersecting (gender one of the axes: 100%)</p>	<p><i>Active Actors</i>: None</p> <p><i>Passive Actors</i>: Hardly any</p>	<p><i>Responsible actors</i>: None</p> <p><i>Target groups</i>: Hardly any</p>
NE	<p><i>Most visible</i>: G ▣ FS <i>Middle</i>: G ▣ C G ▣ A <i>Least visible</i>: G ▣ R-B G ▣ SO <i>Absent</i>: G ▣ E-R G ▣ D G ▣ CS</p>	<p><i>Prominence of the different inequalities</i>: G FS, C A SO E-R, D, CS, R-B (negl.)</p> <p><i>Intersecting or not?</i> More than half intersecting (gender one of the axes: 90%)</p>	<p><i>Prominence of the different inequalities</i>: G FS C, A D, SO E-R, CS, R-B (negl)</p> <p><i>Intersecting or not?</i> Two fifth intersecting (gender one of the axes: 95%)</p>	<p><i>Active Actors</i>: A minor part G ▣ FS</p> <p><i>Passive Actors###</i>: One third 1. G ▣ FS 2. G ▣ SO, or G ▣ A</p>	<p><i>Responsible actors</i>: None</p> <p><i>Target groups</i>: A minor part 1. G ▣ FS 2. G ▣ SO</p>

IC	<i>Most visible:</i> G ∩ SO <i>Least visible:</i> G ∩ R-B <i>Absent:</i> G ∩ A G ∩ FS G ∩ E-R G ∩ C G ∩ D G ∩ CS	<i>Prominence of the different inequalities:</i> G, SO FS, R-B A, D, C, E-R CS (abs) <i>Intersecting or not?</i> One third intersecting (gender one of the axes: 75%)	<i>Prominence of the different inequalities:</i> G, SO FS A E-R, D, R-B CS, C (abs) <i>Intersecting or not?</i> One third intersecting (gender one of the axes: 75%)	<i>Active Actors:</i> Hardly any <i>Passive Actors:</i> Almost half 1. G ∩ SO	<i>Responsible actors:</i> None <i>Target groups:</i> A minor part G ∩ SO
Issue	Intersections with gender (summary question 12)	Range of inequalities and presence of intersectionality in the supertexts	Intersectionalised actors	Issue	Intersections with gender (summary question 12)
GBV	<i>Almost equally present (only in one or two out of 11 texts)</i> G ∩ R-B G ∩ C G ∩ SO G ∩ A G ∩ D G ∩ FS <i>Absent:</i> G ∩ E-R G ∩ CS	<i>Prominence of the different inequalities:</i> G A D, FS R-B (negl) E-R, C, SO, CS (abs) <i>Intersecting or not?</i> One fifth intersecting (gender one of the axes: 85%)	<i>Prominence of the different inequalities:</i> G A D FS, SO, C, R-B (negl) E-R, CS (abs) <i>Intersecting or not?</i> One fifth intersecting (gender one of the axes: 85%)	<i>Active Actors:</i> None <i>Passive Actors:</i> Hardly any	<i>Responsible actors:</i> Hardly any <i>Target groups:</i> Hardly any

G = gender, E-R = ethnicity/race, A = age, C = class, D = disability, SO = sexual orientation, CS = citizenship/migrant status, FS= family/marital status, R-B = Religion/belief, R = regional
∩ = 'intersects with'
Negl= negligible, abs = absent

* Visibility of intersections as compared to the other intersections. Within each category (most visible, middle, or least visible) the intersection first mentioned is more visible than the intersection that. That a particular intersection is categorised as 'most visible' does not necessarily imply that this intersection was a relevant aspect in *all* or *most* of the analysed documents for the issue. To give an example, the 'most visible' intersection G ∩ FS (all issues) was a relevant aspect in 24 out of the total of 57 coded texts. The weight of the intersections has been 'decided' upon by taking into consideration: a) in how many documents an intersection plays a role and b) the relevance of this intersection in each of the document in which it appears (major or minor?). This was coded in the supertexts.

** Ordered from most occurrences to least occurrences (in diagdimensions and in progdimensions)

*** Which part of the coded diagdimensions/ progdimensions refers to *intersecting* inequality axes (instead of to a single strand or to multiple but separate strands)?

Which part of the coded diagdimensions /progdimensions that refer to intersecting inequalities involve gender as one of the inequality axes?

This should be read as: One third of the passive actors (that are people) are constructed in an intersectionalised way, with gender intersecting with marital status being most prominent and gender/age or gender/sexual orientation being less prominent. Intersections that only appear exceptionally are not included in this table.

Throughout this section some additional tables are included that single out aspects that are not covered in table 6. For example: in how many documents certain intersections occur; are they spread or are they centred in only a few documents?

4.1.1 General gender equality policies and machinery

Document coding

Table 6 shows that the most visible intersection is gender and family status. The intersection of gender with age is least visible. These are the only intersecting categories found in the general gender equality issue. The inequality axes that are most prominent in this issue are gender and after that family status. Ethnicity/race and age are of minor importance. The other inequality axes are negligible or absent. While the first two columns of table 6 indicate the relative presence of intersections and inequalities (in relation to other intersections and inequalities), the third column indicates how many actors (that are people), out of all actors (that are people) are constructed intersectionally. Looking at this third column, it becomes clear that there are hardly any actors constructed in an intersectionalised manner. There are no intersecting active actors or responsible actors mentioned, and hardly any passive actors and target groups. Although not explicitly, the passive actors and target groups 'men' and 'women' may, in a few cases, implicitly refer to intersectionalised actors, because the Act does not only define discrimination as discrimination on the basis of sex, but also as discrimination on the basis of family responsibilities. Moreover, the Act also defines 'men' and 'women' to include all males and females irrespective of age. The large number of invisible or absent intersections in the first column indicates the scarcity of intersectionality in the general gender equality issue.

While the picture sketched above provides a rough first impression, it is at the same time quite dry and abstract and totally stripped of any 'issue narrative'. It is not sensitive to some other aspects, for example: is the visible intersectionality spread across all documents or is it located in only a few specific documents? If a category is spread across all documents it seems of greater relevance than when it is found in only a few documents. What is the spread of specific intersecting categories in the issues? What is the spread of inequality strands across documents per issue?

Table 7 below shows how often intersectionality occurs per issue and across how many documents these occurrences are spread (data from diagdimensions and progdimensions)

combined). The table does not indicate which inequalities intersect. For the issue of general gender equality it appears that the occurrences of intersectionality are spread over a little more than half of the total number of analysed documents. Regarding the treatment of intersectionality across the two sub-issues, a rather clear (and quite expectable) pattern is visible. Gender intersecting with other inequalities is predominantly present in the sub-issue 'general gender equality legislation' while almost absent from the sub-issue 'general gender equality machinery'. This can be explained by the fact that the documents on machinery are of some more technical nature and also (or because of that) by the fact that the emphasis in these documents is on institutions and not on people categories.

	Occurrences / No. of docs		Total no. of analysed documents
GGE	19	7	13
NE	66	16	22
IC	8	4	10
GBV	15	7	11
All issues	108	34	56

Table 7: presence of intersectionality in coded policy documents and debates in Malta, by issue (occurrences/no. of documents taken from 'Dimension of gender and intersectionality sections' of the supertexts, with use of the software)

In contrast to table 7, table 8 below IS sensitive to the type of intersectionality. It appears that in the general gender equality issue, gender is found to intersect with family/marital status in all 7 of the documents in which intersectionality occurs. This means that the intersection gender-marital/family status can be found in all documents from the sub-issue 'general gender equality legislation' (and it can be found in more than half of all of the coded documents for the general gender equality issue)

Intersection	GGE	NE	IC	GBV	All issues
	No. of docs				
Gender-Ethnicity	-	-	-	-	-
Gender-Religion	-	1	1	1	3
Gender-Class	-	4	-	1	5
Gender-Sexual orientation	-	1	2	1	4
Gender-Age	3	5	-	2	10
Gender-Disability	-	-	-	-	2
Gender-Marital/family status	7	15	0	2	24
Gender-Migrant/citizenship status	-	-	-	-	-
Gender-other inequalities	-	1	-	-	1
Total No. of documents analysed	13	22	10	11	56

Table 8: the number of documents in which gender intersects with one of the other inequality axes, by issue on the basis of summary question 12

Note: the relevance – minor or major – is not taken along in this table. The relevance was taken along in the column on summary code 12 of table 6.

Table 9 differs from table 7 and 8 because it maps the occurrence and spread across documents of the inequality strands (whether they appear ‘alone’ or intersects with another inequality strand). Looking at the issue of general gender equality, gender is clearly the most important inequality. The family/marital status category occurs most often after gender and is spread over almost half of the coded documents. Whether one is married or not matters a lot in Malta. The categories age, ethnicity/race and citizenship status are only found a few times in a limited amount of documents.

Inequality	GGE		NE		IC		GBV		All issues	
	Occurrences/	No. of docs								
Age	4	3	20	9	3	2	28	5	55	19
Citizenship status	1	1	2	1	-	-	-	-	3	2
Class	-	-	32	4	1	1	1	1	34	6
Disability	-	-	6	4	2	1	5	3	13	8
Ethnicity/ race	2	1	2	1	2	1	-	-	6	3
Gender	51	12	122	20	10	5	74	11	257	48
Marital/family status	14	6	52	18	6	3	3	2	75	29
Religion or belief	-	-	3	2	4	3	2	1	9	6
Sexual orientation	-	-	6	2	10	4	1	1	17	7
Total no. of documents analysed	13		22		10		11		56	

Table 4: Inequality strands mentioned in the analysed policy documents, by issue (total number of occurrences/ No. of documents)

Equal treatment law and equality machinery (special focus: general gender equality)

There are several laws and legal notices in Malta that prohibit discrimination based on different grounds, the most important ones are here described. The *Equality for men and women Act* prohibits discrimination on the basis of gender or family status. The two strands are treated separately. The *Equal Treatment in Employment Regulations (Legal Notice 461)* puts into effect

the principle of equal treatment in relation to employment, combating discriminatory treatment on the grounds of religion or religious belief, disability, age, sex, sexual orientation, and racial or ethnic origin. These multiple grounds are treated as separate, so they do not intersect. The *Equal Treatment of Persons Order (Legal Notice 85)* prohibits discrimination on the basis of race and/or ethnic origin. All these laws are EU driven.

The only equalities machinery that can be found in Malta is the *National Commission for the Promotion of Equality (NCPE)*. It was set up by the Equality for Men and Women Act in 2003, and originally covered 'gender' and 'family status'. Recently its remit has been widened to include discrimination on basis of race and/or ethnic origin. Currently no equality machinery covers the inequalities religion or religious belief, disability, age and sexual orientation, which are mentioned in the Legal Notice 461. Therefore, legislation and machinery are not completely consistent. It is however envisaged that the remit of NCPE will be broadened to cover discrimination on all the grounds stipulated in the Treaty of Amsterdam, thereby also covering discrimination based on sexual orientation, age, disability and religion.

The Maltese Country Context Report indicates that it seems that sex and race/ethnicity are treated as separate discrimination grounds by the NCPE. Whether or not the same applies to family status and race/ethnicity is unclear. The NCPE has received some training on multiple discrimination in the past, but during several interviews held in Malta with experts in the field of Maltese gender equality policy (June 2007), it was underlined that hardly any expertise on intersecting inequalities (or on race as a ground of discrimination as such) is present as of yet within the NCPE. Also, the change is so recent that not a lot of activity could have taken place on the intersection of race/ethnicity and gender anyway. During NCPE's fourth annual conference (held in February 2008) a 'Racial and Ethnic Origin Equality Manual-Toolkit' was launched.¹⁰ This toolkit does, however, not make any reference to race/ethnicity intersecting with other inequalities. The gender/equality machinery does not use the concept of intersectionality, nor other terms that would indicate intersectionality.

4.1.2 Non-employment

Document coding

Table 6 (see table in section 4.1.1) shows that in the analysed documents gender and family status is the most visible intersection. Gender intersecting with class and gender intersecting with age are somewhat less visible. Least visible is gender with religion/beliefs and gender with sexual orientation. Other intersections with gender are absent. The inequality axis that is most prominent in the non-employment issue is gender, followed by family status, followed by class, followed by age. A look at the intersecting actors shows that none of the responsible actors are intersectionalised actors. A minority of the active actors, passive actors and target groups are intersectionalised, predominantly through the intersection of gender and family status. However, a minority of the passive actors and target groups constitutes a combination of gender and sexual orientation. What table 6, however, does not show is in how many of the analysed documents these inequality strands actually appear. Are they spread or are they centred in only a few

¹⁰ <http://www.equality.gov.mt/page.asp?p=8655&l=1> (NCPE's website, accessed on 20 June 2008) and http://www.equality.gov.mt/filebank/Racial%20and%20Ethnic%20Origin%20Equality%20Manual_Toolkit.pdf (the toolkit document)

documents? Our assumption is that the importance/prominence of an inequality strand or intersection of gender with another inequality strand increases when it appears in a larger proportion of the analysed documents.

Table 7 (see table in section 4.1.1) shows how often intersectionality occurs per issue and across how many documents these occurrences are spread. For the issue non-employment the table shows that intersectionality is present in 16 out of the total number of 22 analysed documents. This is much higher than the relative number of documents containing intersectionality in the general gender equality issue. The occurrence of intersectionality in the non-employment issue (66 times in 16 documents) is relatively high compared to the occurrence of intersectionality in the general gender equality issue (19 times in 7 documents). Regarding the treatment of intersectionality across the four sub-issues, it is remarkable that intersectionality is the least present in the sub-issue of 'equal pay and equal treatment in employment'. Documents that target different inequality grounds (especially the 2004 Equal Treatment in Employment Regulations), place the grounds next to each other but divide them. Looking at the other three sub-issues, intersections of gender with marital/family status are quite strongly present in all three of them (in all documents on tax-benefit policies and in most of the documents on reconciliation policies and care work).

In contrast to table 7, table 8 (see table in section 4.1.1) is sensitive to this kind of intersectionality; it shows the number of documents in which gender intersects with each of the other inequalities (based on summary code 12). It appears that in the issue of non-employment the intersection of gender with family status is spread the most evenly, by occurring in 15 of the 22 documents that were analysed. Gender intersecting with family status is spread over more documents in the non-employment issue than in the general gender equality issue. Gender intersecting with age and gender intersecting with class can be found in a minority of the documents.

Table 9 (see table in section 4.1.1) differs from table 7 and 8 because it maps the occurrence and spread across the analysed documents of the 'individual' inequality strands (whether they appear 'alone' or in intersection with another inequality strand). It shows that in the issue of non-employment, gender is clearly the inequality axis that is mentioned most often, in almost all documents. Family/marital status is found much less often than gender, but can still be found in the majority of the coded documents. Age and class are the categories that are found the most often after gender and family status. Class is however only found in a few documents.

Looking at the prominence of the separate inequality axes and at the intersections with gender, table 6 shows a clear resemblance between the issues of general gender equality and non-employment. One reason might be that general gender equality in Malta is almost totally about gender equality in non-employment (see Issue History and Country Context Study). In comparison with the other issues, (intersecting) categories are most frequently mentioned in the non-employment issue.

Intersectionality and employment rates (statistics)

Concerning the issue non-employment, the focus is on the other categories that are mentioned when speaking of employment rates amongst women and men. How is this framed?¹¹ To determine this, yearbooks on emancipation, the emancipation monitor, the emancipation policy plans in the period 1995-2008 and the Social Atlas for Ethnic minority women are used.

The National Statistics Office (NSO) is responsible for the collection, compilation, analysis and publication of a wide range of statistical information which is made available to the government, the parliament and society.¹² The NSO does not focus on different employment rates among women by ethnicity or religion. There is a focus on different employment rates among women and men by age and by working hours (part-time or full-time employment). For the rates on inactive persons (persons who are not classified as employed or unemployed) there is a focus on gender with marital status and gender with disability. The statistical reports of the NSO do not contain analysis; therefore there is no clear framing of the different intersecting inequalities.

The ETC's Gender Unit (the ETC being an officially appointed body that falls under the Ministry for Education, Youth and Employment) has written a Gender Equality Action Plan 2007-2008¹³ that mentions gender and working hours (part-time or full-time employment) and gender and age. There is no focus on different employment rates among women by ethnicity or religion. There is no clear form of framing, because it is merely a description of the numbers.

Gender combined with age, and gender combined with working hours are the two intersecting categories that are mentioned when talking about employment rates. Marital status and disability are mentioned with gender when talking about 'inactivity'. Nowhere is a clarification given on these employment rates and therefore no frames can be distinguished.

4.1.3 Intimate citizenship

Document coding

The general picture for this issue is that the intersection of gender and other inequality grounds rarely, if ever, occurs. The intersection of gender and sexuality/sexual orientation appears to be relevant in two civil society texts (both texts are from the sub-issue 'sexual orientation discrimination and partnering'). It is important to note that within this issue references to an inequality axis are extremely limited (even more limited than was the case in 'general gender equality policies'). When we look at the relative importance/presence of different axes of inequality we see that in diagnosis the inequality axes referred to are , in order of importance: gender (25%¹⁴) and sexual orientation (25%), marital/family status and religion/belief (both 15%),

¹¹ The questions answered in here are: Is there a focus on different employment rates amongst women by minority ethnic or religious group? If so, how is this framed (e.g. choice, discrimination) and by whom (e.g. equality body, government)? Is there a focus on different employment rates amongst women and amongst men by ethnicity, religion, sexual orientation (or family status), disability (or mobility, strength, physical features), age (or social/employment status) etc.? If so, how is this framed (e.g. choice, discrimination) and by whom (e.g. equality body, government)?

The specific way of answering the questions can be found in the annex

¹² http://www.nso.gov.mt/themes/theme_page.aspx?id=77

¹³ <http://etc.gov.mt/docs/ETC%20Gender%20Equality%20Action%20Plan.pdf>

¹⁴ The 25% means that in 25% of the total number of times that reference is made to an inequality axis in the analysed documents for the issue of intimate citizenship (gender, or race, or age and so on; thus not taking into account whether the inequality axis intersects with other inequality axes or not) 'gender' is the inequality axis that is being referred to.

age and disability and class and ethnicity/race (both 5%). Migrant status is absent. In prognosis the inequality axes referred to are, in order of importance: gender and sexual orientation (both 28%), marital/family status (17%), age (11%), ethnicity/race and religion/belief and disability (both 5%). Migrant status and class are both absent. Do these inequality axes intersect or not? One third of the diagnostic statements that refer to an inequality axis concern *intersecting* inequalities and in those cases gender is often (75%) one of the inequality axes involved. In the remaining cases, where diagnostic statements refer to a single or to multiple inequality axes but where there is no intersectionality, gender is the single inequality axis a few times, other single axis referred to are marital status, sexual orientation, religion /belief. Largely the same picture can be observed in the prognosis.

In diagnosis only a marginal part of the active actors (that are people and not institutions) are constructed in an intersectionalised manner. Gender only intersects with sexuality, and can be found in the sub-issue 'sexual orientation discrimination and partnering'. Almost half of the persons that are passive actors are constructed in an intersectionalised way. Again, as with the active actors, gender mostly intersects with sexuality, although this happens far more often than in the active actors' category. Sexuality intersects with marital status once. Gender intersecting with sexuality can be found in the sub-issue 'sexual orientation discrimination and partnering'. In prognosis, none of the responsible actors are intersectionalised. Only a minor part of the person target groups are 'intersecting'. Again, gender intersects with sexuality most often, while gender with marital status and sexuality with marital status are both mentioned only once.

Special focus: intersections in intimate citizenship

The focus of this section is how gender is used, where it can be found and if it is constructed with other categories.¹⁵

It must be stressed again that for the issue intimate citizenship the least documents are found to code. Not all issues studied in QUING are explicitly on the agenda in Malta, and sometimes there just was not any law, or any policy plan, or any debate in Parliament or any civil society text on a sub-issue. In every sub-issue there is a 'gap': either a law, policy plan, parliamentary debate or civil society text was not found. This indicates that gender is a central inequality in intimate citizenship.

Gender is completely absent in the sub issue divorce, marriage and separation, a sub-issue that concerns the establishment of a family court, the Marriage Act and divorce. In the sub issue sexual orientation discrimination and partnering half of the documents coded on sexual orientation discrimination do not invoke gender. The other half of the documents does invoke gender, but gender equality is not seen as relevant to the policy discussed. Gay and lesbian persons are always mentioned together, which indicates that although gender intersects with sexual orientation, sexual orientation is prioritised. In the sub-issue reproduction gender is found in all three documents. In two of the three documents gender equality is seen as relevant to the policy. Gendered persons mentioned in this sub issue are pregnant women and fathers. Gender intersects with family status.

¹⁵ The questions answered are: Where is gender in the issue of intimate citizenship? How is gender constructed in these debates: gay men, male homosexuality, lesbians, others? Does race, class, age, disability, class figure? Regarding which issue, and by whom? Have issues been discussed in relation to immigration, i.e. the axis of race? Does "race" figure elsewhere as well? Are marriage/partnership policies framed relating to any category? Which one? With which effects? E.g. class and divorce/separation regulations, race and immigration? Are there discussions around the legitimacy of the legal recognition of intimacy, as in "fake marriage"? Which categories are raised?

Overall, gender is rarely present in the intimate citizenship issue. Gender is primarily constructed as gay men, lesbians, homosexual couples and lesbian couples. Gender as an important category (for equality) is rarely present in the issue of intimate citizenship.

Race, class, age and disability rarely figure in Maltese gender equality texts. Legal Notice 297 on equal treatment in employment (law text) prohibits discrimination on several grounds, including race, age and disability. Race is therefore relevant in one law document, but is not related to immigration. Age is relevant in the issue of the protection of the unborn child (civil society). Class is mentioned by an NGO in the issue of divorce.

Class is only mentioned in relation to marriage policies. It concerns a civil society document where it is stated that people from a lower social class do not have the same opportunities as people from upper social classes to obtain a divorce outside of Malta.

Same sex, or opposite sex, partnerships does not exist in Malta. While the Malta Gay Rights Movement tries place legal recognition for same sex partnerships on the policy agenda, so far, this is not (seriously) discussed in the policy arena.

Issue such as fake marriage or forced marriage are not on the political agenda.

4.1.4 Gender based violence

Document coding

The presence of intersectionality within the issue of gender based violence is quite minimal. The intersections of gender with ethnicity and of gender with nationality/migrant status are absent. Looking at the treatment of intersectionality across the three sub-issues, gender intersecting with marital status is only present in the sub-issue of domestic violence. Gender intersecting with disability is only found in the sub-issue of sexual harassment (and only in the parliamentary debate). Gender intersecting with sexual orientation is (marginally) present in the sub-issue of sexual harassment. Gender intersecting with class is marginally present in the sub-issue of domestic violence. Gender intersecting with age is found to be important in the sub-issue of trafficking.

Looking at the number of times that an inequality axis is referred to the issue of gender based violence takes a middle position (in non-employment this number is twice as high, while in the issues of general gender equality and intimate the number is much lower). When we look at the relative importance/presence of difference axis of inequality we see that in diagnosis the inequality axes referred to in the analysed documents are, in order of importance: gender (57%¹⁶), age (32%), disability and marital/family status roughly equally (about 4-5%). Religion/belief is negligible, while ethnicity/race, class, sexual orientation and migrant status are absent. In prognosis the inequality axes referred to in the analysed documents are, in order of importance: Gender (72%), age (18%), disability (3%). Marital status, sexual orientation, class and religion/belief are negligible, while ethnicity/race and migrant status are absent. One fifth of the diagnostic statements that refer to an inequality axis concern *intersecting* inequalities; gender is involved in most of those intersections (85%). In the remaining cases, where diagnostic statements refer to a single or to multiple inequality axes but where there is no intersectionality,

¹⁶ The 57% means that in 57% of the total number of times that reference is made to an inequality axis in documents analyzed for the issue of gender based violence (gender, or race, or age and so on; thus not taking into account whether the inequality axis intersects with other inequality axes or not) 'gender' is the inequality axis that is being referred to.

gender or age is often the single inequality axis. The same picture is observed when looking at prognosis.

In diagnosis, active actors (that are people) are not constructed in an intersectionalised way. Passive actors are hardly constructed in an intersectionalised way. Only in a few cases mention intersectional categories. Intersections of gender with age, of gender with marital status, and of age with disability are found. In prognosis, intersectional categories of responsible actors are practically absent. 'Lesbians' and 'gay men' are mentioned once (together). But given the total number of responsible actors identified, this is almost negligible. Except for 'women victims not gainfully occupied' (gender intersecting with class), target groups are not constructed in an intersectionalised way.

Special focus: intersections in gender based violence

This section specifically focus on the definition of gender violence; the construction of victim and perpetrator; and if the causes of specific forms violence are seen as related to specific categories¹⁷.

Domestic violence is the issue that receives the most attention in Malta within the broader issue of 'gender based violence'. It seems that violence against women is often limited or equated to domestic violence. The Domestic violence Act defines domestic violence not only as violence between intimate partners but as violence between family members in a wider sense. Domestic violence is not seen as a consequence of structural unequal power relations between men and women in Maltese society. The official line is a 'de-gendered' one.

Next to domestic violence, *sexual harassment* has received the most attention in the QUING period. The attention can be attributed to the obligation to implement the EU acquis into domestic law. Issues such as trafficking and pornography received minor attention (an extra section on trafficking in persons and pornography was added to the Criminal Code). Several issues are non-issues (or at least not politicised), such as marital rape, sexual assault and prostitution, forced marriage, honour crimes and FGM.

While the relevant articles in the Criminal code and the Domestic Violence Act are formulated in gender neutral language, the services provided by the government concerning domestic violence generally view women as victims and men as perpetrators. However the Maltese NGO 'National Council of Women' states that it is more difficult for men than for women to come forward with problems of domestic violence due to the stigma attached.

There are no specific inequalities that feature around certain types of violence. The actors that are mentioned in the coded documents hardly contain any inequality (except for gender, which most often is framed in a degendered way).

¹⁷ The questions answered here are: Where does gender violence begin? What is defined as gender violence in which country, and in which policy context, and by whom? Who is discussed as victim or perpetrator of which kind of gender-based violence? E.g. are men (when?) victims? Are women perpetrators and when? Are causes of violence related to specific categories, e.g. racialised? Are services around gender based violence directed at specific groups, people related to categories? Which ones?

More specifically, which inequality feature around which type of violence, like trafficking, prostitution, forced marriage, honour crimes, FGM, domestic violence, rape, sexual assault, harassment ? Do your findings on intersectionality support or contradict Crenshaw's analysis?

There are several organisations that offer services concerning the issue of gender based violence. The *NCPE* does not pay attention to specific groups when speaking about sexual harassment. Gender is the only category mentioned. The *Commission on Domestic Violence* does not offer services directed at specific groups. Again, only gender is mentioned. The Domestic Violence Unit (DVU), part of *APPOGG* (Part of the Foundation for Social Welfare Services) aims to provide specialised social work services to victims of domestic violence. Only women are mentioned. A Perpetrators Programme (also offered by APPOGG) deals with male adults who engage in abusive behaviour towards their partner.

Overall, no organisation mentions specific categories (except men and women) in offering services concerning gender based violence.

It is difficult to determine whether intersections that are absent in Malta, are absent because of an existing stigma or because intersectionality is seen as irrelevant to the actors involved.

4.1.5 The different types of documents and the presence of intersectionality

All issues taken together

If we look at whether the presence of gender intersecting with other axes of inequalities differs across the types of document, the first striking observation is that references to gender intersecting with other inequalities are rare in Malta. Having said this, gender intersecting with other inequalities is least present in law texts. Out of the remaining three types of documents (civil society texts, parliamentary debate voices, and policy plans), there is not so much difference as regards in which of these text references to intersectionality are more/less present. There are however some differences/similarities in *which* intersections receive attention. In civil society texts and in policy plans the same axes are absent/present (one exception is that religion is marginally present in policy plans, while absent in civil society texts). Intersections of gender with class, with sexual orientation, with age, and with marital status are present. Intersection of gender with marital status is the most visible. But the intersection of gender with sexual orientation is more visible in civil society texts than in policy plans. In parliamentary debates gender intersecting with marital status is the most visible. In addition, intersections of gender with religion, with age, and with disability are marginally visible.

General gender equality

Intersectionality with gender hardly occurs. References to intersections are scarce in Malta and gender intersecting with ethnicity/race or religion, or class, or sexual orientation or disability or nationality/migrant status is absent in *all types of documents*. The intersection of gender and age is only present in some of the civil society texts and in some law texts. For each type of text, one or a few documents refer to intersectionality of gender with marital status/family status.

Non-employment

Intersectionality with gender hardly occurs. Intersectionality is more present in civil society texts and in parliamentary debates than in governmental reports or laws.

Intimate citizenship

Intersectionality with gender hardly occurs. Only two civil society texts makes the intersection of gender and sexuality visible, both from the sub-issue 'sexual orientation discrimination and partnering'.

Gender based violence

Intersectionality with gender hardly occurs. Intersectionality of gender with ethnicity and gender with nationality/migrant status is absent in all types of documents. It seems that in parliamentary debates intersectionality features relatively more often (gender with religion, gender with sexual age, gender with disability, and gender with marital status). In one of the civil society texts (domestic violence) gender intersects with class (in the other civil society texts intersectionality of gender with other axes of inequality is absent). In one of the law texts (sexual harassment) gender intersects with age. In the other law texts gender does not intersect with other axes of inequality. In one of the government reports (sexual harassment) the intersectionality gender/sexual orientation is found (only minor). In another government report (white paper domestic violence) gender intersects with marital status. All in all, in civil society texts gender only intersects with class, in law texts gender only intersects with age. Gender intersecting with marital status is found both in the parliamentary debate and in government reports.

4.1.6 Summary and comparison

All four issues together

The most visible intersection with gender is gender/family-marital status. This intersection is a relevant aspect in 24 out (out of the total number of 57) texts that have been subject to frame analysis. In the majority of these cases (20 texts) the relevance of the intersection is major. It is striking that all other intersections of gender with another inequality are much less visible. The intersection gender/age is a relevant aspect in 10 of the analysed texts. The intersections gender/religion and gender/class and gender sexual orientation and gender/disability are a relevant aspect in 5 or less than 5 texts. The intersection gender/citizenship-migrant status is absent. When discussing intersectionality in each separate issue below, we will get an idea of how these intersections are spread over the issues (are they predominantly located in one or two of the issues or not?)

In diagnosis the inequality axes referred to in the analysed documents, in order of importance, are: gender (50%¹⁸), marital/family status (16%), age (13%), class (10%), religion/belief and disability and sexual orientation are roughly equally present (about 3%), while ethnicity/race and migrant status are negligible. In prognosis the inequality axes referred to in the analysed documents are, in order of importance: gender (58%), marital/family status (16%), age (11%), class (5%), disability and sexual orientation are roughly equally present (around 3%), while ethnicity/race and religion/belief and citizenship status are negligible. Do these inequality axes intersect or not? Some less than half of the diagnostic statements that refer to an inequality axis concern *intersecting* inequalities and in those cases gender is almost always (90%) one of the inequality axes involved. In the remaining cases, where diagnostic statements refer to a single or

¹⁸ The 50% means that in 50% of the total number of times that reference is made to an inequality in documents analyzed for the issue of general gender equality (gender, or race, or age and so on; thus not taking into account whether the inequality axis intersects with other inequality axes or not) 'gender' is the inequality axis that is being referred to

to multiple inequality axes but where there is no intersectionality, gender is the single inequality axis in the majority of cases. In prognosis one third of the prognostic statements that refer to an inequality axis concern *intersecting* inequalities and in those cases gender is almost always (95%) one of the inequality axes involved. In the remaining cases, where diagnostic statements refer to a single or to multiple inequality axes but where there is no intersectionality, gender is the single inequality axis in the majority of cases.

Although we analysed the ‘most’ visible intersections of gender in Maltese policies/laws, on a more general level it must be stated that the little intersectional thinking that is observable in Malta mainly seems to be EU-driven. And then again, we can doubt the extent to which the EU policy really addresses *intersectionality*. While EU’s gender equality policies lately have been stretched to include other inequalities as well, it is foremost *multiple inequalities* (treated as separate strands) instead of *interdependent/intersecting inequalities* that the EU addresses.

Under EU obligations, Malta (that became a member of the EU in 2004) had to include in its law the different inequality strands addressed by the EU equal treatment Directives. It is mainly since the joining of the EU that awareness about multiple inequalities (but not necessarily about the *intersection* between them) has been raised a bit. In the Netherlands (the other country we analyse within QUING) a longer history of ‘thinking intersectional’ is visible and therefore the questions on intersectionality seem to be better applicable to the case ‘the Netherlands’ than to the case ‘Malta’.

4.2 The naming, framing and practice of intersectionality

There is not much talk about intersectionality in Maltese policy plans/laws/ parliamentary debates and civil society texts, and when there is reference to more than one inequality, most of the time it is about multiple but separate strands or inarticulate.

One can differentiate between ways in which attention is paid to ‘intersecting inequalities’ in policy documents. Such attention can take a more explicit, articulate, conscious, theoretical, reflective, and in-depth form. Or it can take a more implicit, less articulate, less reflective form. In this case it is still possible to deduce from the policy texts that attention is in fact paid to intersecting inequalities (for example because intersectional actor categories are mentioned) but the conceptualisation of how the inequalities relate to each other is missing or at least less articulate.

To get to grips with such different framings of intersectionality, we (QUING Radboud University Team) have developed a table (see table 11 below) that visualises a range of different versions by which policies/documents might pay attention to gender and (its relation to) other inequalities. Some of them can be labelled a form of ‘true’ intersectionality, while some of them do not involve intersectionality or it is ambiguous whether or not this is the case. We will use this categorisation as a ‘helping device’, which enables us to make sharper observations about the different manifestations of intersectionality in Dutch gender+ equality policies. The table has been developed on the basis of what we thought – while working on the STRIQ report - would be the different ‘appearances’ that (non-)intersectionality can take.

Version	description	Form of intersectionality yes/no?
Single minded	Attention to one strand. Can be gender, can be another inequality. If other: shift?	NO
Multiple, but separate strands	Attention to multiple strands, but treated separately from each other	NO
Additive inequalities	On top of one discrimination/disadvantage groups or persons are seen to suffer from an 'extra' discrimination/disadvantage originating in (an)other inequality/inequalities	In principle: no (because no <i>interaction</i>), but often seems to originate in lack of expertise/knowledge about how interaction looks like/works. Therefore: SETTING THE STAGE for intersectionality
Interacting inequalities	Attention to the <i>interaction</i> of multiple inequalities	YES
Genderedness of structural mechanisms	Attention to the genderedness of structural mechanisms like racism, ethnocentrism, heteronormativity and/or for structural power differences that originate in intersecting inequalities	YES
Inarticulate intersectional categories/ inarticulate mentioning of multiple inequality strands	Intersectional categories or multiple inequality strands are mentioned, but unaccompanied by any articulate vision or conceptualisation of how the inequalities relate to each other (separate? additive? Interacting?)	AMBIGUOUS Difficult to categorize in one of the 'versions' included in this table because of 'inarticulateness'. Once intersectional categories are accompanied with vision/conceptualisation, then it is possible to categorise them.

Table 5: Range of different versions by which policies pay attention to gender and (its relation to) other inequalities

4.3 Civil society and the naming and meaning of intersectionality

The most important finding is that civil society organisations in Malta rarely address intersectionality. Civil society organisations are mostly organised by strand. There are no organisations that are explicitly organised around multiple inequalities. I can only think of the gender committees within the two big trade unions, where the gender/class intersection features, but these are not autonomous organisations. There is the (quite marginal) Association for Men's Rights Malta, which can be said to be organised on the interface of gender and family/marital status. However, this organisation can be classified as rather anti-feminist. Maltese women's organisations do not actively engage with other intersecting inequalities and they do not specifically have good alliances with organisations representing other inequalities. There are no organisations of minoritised women.

In Malta there is not a question about some combinations of equality strands being more common than others, because combinations of strands are uncommon. If we look at separate equality strands and civil society organisations that are organised around those strands, I think that organisations with a religious basis are the most common. Generally, they are also financially the 'strongest'.

Since attention to intersecting inequalities or even for groups at intersections is really marginal in Malta, one might say that neither the state nor civil society is 'good' at 'doing intersectionality'. So far, there are not a lot of signs that civil society groups are trying to force intersectionality onto the policy agenda. The analysed documents are ordered according to type of document to cluster all laws, policy plans, parliamentary debates and civil society texts. Summary codes 12a-i are examined for the presence of intersectionality. Gender intersecting with other inequalities is least present in law texts. Of the remaining three types of documents, there is not so much difference as regards in which of the text references to intersectionality are more/less present.

We analysed to what extent reference is made to intersectional civil society organisations and/or to civil society organisations active in field of gender equality, and how this differs between issues. Our assumption was that the existence of more references points to more openness for civil society voices.

To answer this question we have searched through the coded 'references' per issue to see whether women's movements or intersectional and other civil society organisations that are active in the field of gender equality are referred often or not in the government documents (laws, policy report, parliamentary debates) that were subjected to frame analysis. We have not only looked for 'actors' but also for 'documents' written by such civil society actors. We also had a separate look at references made in the coded civil society documents, to see whether or not they refer more often to other civil society actors (active in field of gender equality) than governmental documents do.

In *general gender equality policies*, only a few references are made to women's movements or (intersectional) civil society actors active in field of gender equality in the analysed governmental documents (in this case it are two women's activists and the women's study group of Malta University). In civil society documents that were coded no such references are made.

In *non-employment*, only a few references are made to women's movements or (intersectional) civil society actors active in field of gender equality in the analysed governmental documents (in

this case it concern the major trade unions and the Malta Employers Organisation, actors that cannot be labelled part of women's movement easily. However they are referred to because they have pressed for more gender equality on labour market). In civil society documents, there are hardly any such references.

In *intimate citizenship*, the analysed governmental documents made no references to women's movements or (intersectional) civil society actors active in field of gender equality. This is the same for the analysed civil society texts.

In *gender based violence*, the analysed governmental documents only a few references are made to women's movements or (intersectional) civil society actors that are active in field of gender equality (reference is made to women shelters). In the analysed civil society texts no such references are made.

Conclusion

Based solely on the references made in governmental documents, the openness for civil society voices that lay at the origin of (or are currently striving for) gender equality policies is low. However, it might be the case that government documents refer to consultation rounds instead of naming separate civil society actors. In addition, it is important to look 'outside' what has been coded through the frame analysis of documents. Important questions to ask then are: what is the countries' policy on consulting women's movement and other civil society voices? Does consultation take place in a systemic structured way or only on ad-hoc basis? Does it happen often or only sometimes? Does the country have a 'tradition' of consultation or not?

It is notable that less reference is made to civil society voices in civil society documents than in governmental documents. No reference is made to the National Council of Women (NCW). Being the only women's organisation that has survived since 1964 until today, this might be thought of as the voice 'par excellence' that 'lays at the origin of Maltese gender equality policies'. This absence is remarkable.

We also analysed to what extent the analysed documents refer to consultation with civil society and if these consultations are inclusive of women's organisations. A quarter of all the analysed texts (laws, policy plans, voices in parliamentary debates, and civil society texts) refer to processes of policy development that involved consultation with civil society. From the texts that do refer to consultation processes, more than half mention that the consultations were inclusive of women's organisations (it might of course well be the case that women's organisations were in fact consulted more often but that this is not explicitly mentioned in the texts that refer to consultation processes. However, by not mentioning them, they are given less 'standing').

Looking at variations across issues: Texts analysed for the issue of 'general gender equality policies' refer to consultations most often. Texts analysed for the issue of 'intimate citizenship' refer least often to consultations with civil society. In the issues of general gender equality and gender based violence the texts that refer to consultations almost always in one way or the other make mentioning of the fact that the consultations were inclusive of women's organisations. This is much less so in non-employment issue. There are no references to consultations with women's organisations in the analysed texts for intimate citizenship issues,

Looking at variations across document type: Policy plans most often make mentioning of consultation with civil society, while this is absent in law texts. After policy plans, mentioning of consultation is most often made in parliamentary debates. In two thirds of the cases in which civil society texts or parliamentary debates refer to consultations, it is made clear that women's organisations were included. This is less clear in policy plans.

The status of NGOs is rather weak in Malta. NGOs are at present not regulated by any legislation in Malta. Currently, legislation is being prepared by government (Ministry for the Family and Social Solidarity) that should provide a legal basis for NGOs. At this moment all NGOs have the status of foundation or voluntary organisation. The legislation should provide for rules on accountability and for the setting up of a register of NGOs. The legal basis it provides would, among other things, enable NGOs to apply for EU funding, which they currently cannot apply for because of this lack of legal status. In July 2005 the White Paper titled 'Strengthening the Voluntary Sector' (Ministry for the Family and Social Solidarity, 2005) was published. Although the Ministry itself talks about NGOs, the term used in the draft Bill included in this white paper prefers the term 'voluntary organisation' instead of non-governmental organisation. Such legislation has long been in the pipeline and women's organisations in particular have been inputting into government discussions and lobbying government. Because of the relevance that the EU attaches to consultation, Malta has been trying to enhance its consultation processes in recent years. In the introduction of the White Paper, reference is made to the importance the EU attaches to dialogue and cooperation with civil society. The White Paper and the attached draft legislation propose a framework that will help NGOs to play a bigger role in society and encourage public support for them.

Currently, consultation processes in Malta are not very transparent processes. On White Papers there are always consultation rounds. While everybody is free to react, only some NGOs, experts and professionals are formally being asked to provide recommendations. The criteria on the basis of which these groups are selected are unclear. Some groups/people react only through the media. There is usually no list of the groups/people that reacted to consultation and the reactions are not gathered and published together as a public document. In addition, the time available for consultation is sometimes so short that it cannot properly be called a consultation process. This was, for example, the case with the Equality Between Men and Women Act. Small feminist groups were unable to muster enough power and resources to have their positions heard during the too brief period that was allowed for consultation. Only the National Council of Women was able to mobilise a voice (Darmanin, 2006). In the Maltese Beijing + 5 Report it is explicitly stated that the role of NGOs in post-Beijing action in Malta has been minimal. The government states in this report that in general there is much scope for further fostering of collaboration between the government and civil society in Malta.

The size of Malta also seems to influence consultation processes and the extent to which citizens can express radical voices/positions. Because of Malta's size informal networks between governmental actors and civil society are easily established. This means that consultation in Malta probably takes place partly via informal channels, which cannot be easily traced by researchers. Besides, several of the respondents I have interviewed, mentioned that being radical in such a small country is not very easy, because it is impossible to stay anonymous.

Within the government some entities/bodies that provide an arena for consultation exist. The Malta Council for Economic and Social Development Act (2001) provides for the setting up of

a Civil Society Committee (CSC) within the Malta Council for Economic and Social Development (MCESD). The CSC is made up of a core representation of civil society which at least must include the chairpersons of the following organisations (most of them are autonomous government councils): the Local Councils Association, the National Youth Council, the National Council for the Elderly, the Consumers' Association, the National Commission Persons with Disability and the National Council for the promotion of equality between men and women (NCPE). Based on recommendations by the CSC, the MCESD approved the inclusion of the following NGOs to sit on the CSC: The Federation of Professional Bodies, the *National Council of Women*, Alliance of Pensioners' Organisations, a representative of the island of Gozo, and a representative of the Environmental Groups. Other NGOs may be invited to sit on the CSC. To date there are no organisations working for the rights of gay, lesbian or bisexual persons on the CSC.

We also analysed to what extent women's organisations or (intersectional) civil society organisations otherwise active in the field of gender equality are regarded as responsible actors in the coded documents. Our assumption was that if these organisations are more often named as bearing part of the responsibility for policy implementation, monitoring or evaluation, they are somehow taken more seriously and are somehow seen as important to the success of gender equality policies.

NGOs or individual civil society actors are not named at all as responsible actor in the issues General Gender Equality Policies and Intimate Citizenship and Non-Employment. In the issue of Gender Based Violence, the Domestic Violence Act speaks about institutions that are to be designated to provide services to victims and perpetrators of domestic violence. These might be (semi) civil society actors. But if so, hardly any of the responsible actors are civil society actors active in field of gender equality.

5. IMPLICATIONS OF THE NAMING AND PRACTICE OF INTERSECTIONALITY FOR THE MEANING AND PRACTICE OF GENDER + EQUALITY POLICIES

This paragraph links the two previous sections. Do, and if so in what way, the naming and practice of intersectionality in Malta have an impact on the meaning, practice and quality of gender equality policies? Has attention for intersectionality lead to shifts in the gender equality policies from more transformative frame to an inclusion frame (or was their never transformative framing in gender equality policy)?

As there is no mentioning of intersectionality in Maltese documents, the implications to think through are mainly the implications of intersectional thinking being rare or absent. In Malta, only those categories are mentioned that are described in the EU, or are inarticulate. Intersectionality is marginal and EU-driven (therefore the focus is mainly on inequality axes *separately* and not on their *intersection*).

There are hardly any active actors mentioned in any of the four issues where intersecting multiple inequalities are visible. There seems to be no awareness on the possibilities of describing different categories in combination with gender. This means that gender equality policies is very much limited to only gender. The absence of intersections does not seem to be caused by the fear of increasing stigmatisation of already marginalized people, or axis, e.g. gender-based violence in Crenshaw's analysis. Although the gender/sexual orientation intersection in particular is quite 'silenced' in Malta (indeed there seems to exist a stigma around this), it is indeed the NGOs that try to put the issue of sexual orientation on the political agenda, so Crenshaw's analysis regarding gender based violence does perhaps not apply here.

The most often found intersectionality in the Maltese documents is gender with marital or family status. This can be explained by the emphasis on the family, which could be due to the influence of the Catholic Church.

It is rather difficult to make clear statements whether or not there is a tendency to de-gender when there is a focus on other intersecting inequalities, because the number of intersecting persons is rather small for Malta. The tendency to de-gender combined with the visibility of other inequalities is only present in the issue of general gender equality. The issues non-employment and gender based violence show the opposite: there are relatively more men and women described in a de-gendered manner when gender does not intersect with another inequality, than when gender does intersect.

In the interviews held in Malta, it was remarked that no more inequality strands should be placed under the responsibility of the equality machinery, because it already has so little resources. Apparently there is no expectation that resources will be increased when adding other inequalities.

6. Answering the questions from the literature review

Our *first expectation* was that the Maltese framing of gender equality would stay close to EU framing.

In *general gender (+) equality policies*, the summary codes of the coded documents indicate that the demands for gender equality in the majority of the documents are coming from the EU and the national level. The pressure from the EU is predominantly high, while pressure from the national level is predominantly low. Leaving aside the content of the references for a moment, most references are national (more than half of the references). More than one third of the references are European. International references are hardly made. If we do take the content of the references into consideration, i.e. whether the reference is made to indicate some kind of pressure coming from the referenced actor (codefield: modality), there are as many references to national actors/documents/events as to EU actors/documents/events. The clearest pressure is coming from the EU level by stating that these are obligations that need to be followed. National references mostly refer to actors/events/documents that state that something needs to be taken into consideration.

In the NCPE programme¹⁹ the importance of the EU in the field is explicitly expressed and this can have affected why so much priority is attached to economic priorities. They state that the EU accession process has highlighted and accelerated the need for legislation and policies to address particular issues that are hampering the promotion of equality, such as: the low participation rate of Maltese women in the labour market when compared to the EU average, and the very low rate of women in decision-making and representative positions. (NCPE. Strategic Policy Directions 2004-2006)

In the documents for *Non-employment*, the demands for gender equality are, in a majority of the documents, coming from the EU level, which is predominantly high pressure. In half of the documents pressure is also coming from the national level, but this pressure is less strong than the pressure from the EU.

No pressure/demand for gender equality is mentioned in the documents for *Intimate citizenship*.

In the documents for *Gender based violence*, the pressure for change is predominantly coming from the national level. This pressure is present in almost all documents. The pressure from the EU level occurs in almost one third of the documents. International pressure only occurs marginally.

Overall, the most (extensive) pressure is coming from the EU level. Almost two thirds of the documents indicate that pressure is coming from the EU level, of which the majority is high pressure. Two thirds of the documents indicate that pressure is also coming from a national level, but this pressure is mostly of a medium or low level. Only in the issue gender based violence more pressure is coming from the national level than from the EU level. International pressure occurs only in a minor part of the documents.

Our *second expectation* anticipates EU Directives on gender equality to change the national (discursive) opportunity structure faced by civil society actors. Our expectation is that this will offer already *existing* civil society actors that are organised in the field of one of the EU

¹⁹ http://www.equality.gov.mt/filebank/imagebank/wordbank/strategic_policies.pdf

'recognised' inequalities and are in favour of changes demanded by EU whole new opportunities for activism. They could also gain more standing. This empowerment will, however, be mostly confined to employment. At the same time, there will be an impetus for *new* social movements/civil society organisations that favour the 'EU path' to arise.

In July 2002 the MGRM (Malta Gay Rights Movement) held a meeting with officials of the European Commission's Directorate-General for Enlargement in which they expressed their concerns. This meeting was a turning point in that shortly thereafter it started being felt that the Commission was putting more pressure on the local authorities to implement the Directive. In May 2003 the Director-General for Employment and Social Affairs, Odile Quintin, visited Malta. During her stay, she identified the anti-discrimination legislation of the EU as one of the areas in which a lot of work still needed to be done in Malta. The Maltese government eventually softened its position when it published Legal Notice 297 of 2003: The Employment and Industrial Relations Act Interpretation Order. This Legal Notice instructed the Industrial Tribunal to take into account the provisions of the Directive when applying the anti-discrimination provisions of the Employment and Industrial Relations Act. Even though this Interpretation Order referred to sexual orientation as a protected ground, it was still deemed insufficient by both MGRM and the European Commission, on grounds of legal certainty. When Malta joined the EU in May 2004, the position was still far from adequate: most of the protections in the Directive were not transposed. In fact, in its final report on Malta prior to accession, the Commission had recognised that enhanced efforts were required in the implementation of the anti-discrimination acquis. In October 2004 the government published further regulations through Legal Notice 461 of 2004: The Equal Treatment in Employment Regulations. These regulations adopted a 'cut and paste' approach to implementation, practically reproducing the provisions of the Directive 2000/78/EC. They constituted the most comprehensive implementation of the Directive to date (MGRM 2007)²⁰.

Interestingly, the EU influence on strengthening NGOs is not only an indirect one. As explained, legislation is currently being prepared by the government (Ministry for the Family and Social Solidarity) that should provide a legal basis for NGOs. At this moment all NGOs have the status of foundation or voluntary organisation. The legal basis it provides would, among other things, enable NGOs to apply for EU funding, which they currently cannot apply for because of this lack of legal status. In July 2005 the White Paper titled 'Strengthening the Voluntary Sector' (Ministry for the Family and Social Solidarity, 2005) was published. Because of the relevance that the EU attaches to consultation, Malta is trying to enhance its consultation processes in recent years. In the introduction of the White Paper reference is made to the importance that the EU attaches to dialogue and cooperation with civil society. The White Paper and the attached draft legislation propose a framework that will help NGOs to play a bigger role in society and encourage public support for them. So, the EU influence is also directly on creating legal space for NGOs.

Having seen that gender equality policies in Malta are largely EU driven, what can be said about the future implementation of these policies, especially of those policies that transpose EU Directives on other inequalities than gender? There are some elements of Maltese transposition that shed doubts on the future implementation. A good example is the "Subsidiary legislation 452.95 Equal treatment in employment regulations. Legal Notice 461 of 2004, as amended by Legal Notices 53 and 338 of 2007". One objective mentioned is to put into effect the principle of

²⁰ Malta Gay Rights Movement. 2007. 'Council directive 2000/78/EC and sexual orientation discrimination – the transposition process in Malta'. Internal paper sent to Sophie Lauwers by representative of Malta Gay Rights Movement.

equal treatment employment by laying down a minimum anti-discrimination requirement on the grounds of religion and religious belief, disability, age, sex, sexual orientation, and racial and ethnic origin. This legal text is to give effect to the provisions of Directives 76/207/EEC, 2000/78/EC, 2000/43/EC, and 2006/54/EC. The law frames equal treatment in employment, in all stages of human resources from recruiting conditions to training and promotions and equal remunerations. Conditions of employment should also be founded on equal treatment and membership to professional organisations should also respond to this principle. There is a special attention for discrimination against sex and for the obligation to provide reasonable accommodations for disabled persons. Remarkably, however, some strong exceptions are also present in this law, mainly for employers with an ethos based on religion or religious belief. It allows them to allow difference of treatment, to require that work is carried out by a person with a particular religion or religious belief, to require to act in good faith, and most importantly, to require to act with loyalty to the organisation's ethos. It is not hard to see that this provision can be used by Catholic organisations to 'discriminate' on the basis of e.g. sexual orientation.

7. CONCLUSIONS

- **Presence and Biases:** Overall, it must be underlined that the attention paid to intersectionality and to inequality axes other than gender are **scarce** in the analysed Maltese policy documents. This can be deduced from the large number of intersections that are ‘least visible’ or ‘absent’ and from the inequalities that are negligible or absent. First and foremost, the lack of intersectionality and multiple inequalities, become the most evident when examining ‘intersectionalised actors’. In many cases, the *relative* presence of intersections and inequalities (in relation to other intersections and inequalities), and the number of intersectionalised actors are ‘none’ or ‘hardly any’. This signals that the overall presence of intersectionality in the documents is limited. When comparing Malta to our other analysed case, the Netherlands, it once again becomes visible that intersectional attention and attention for other inequalities is rather scarce in Malta. Gender is the most prominent axis (which is not surprising given the fact that we have analysed a representative selection of texts for each of the four issues that all somehow might be labelled ‘gender (+) equality policies’). With some exceptions (diagnosis and prognosis in IC and GBV), the inequality axis ‘family/marital status’ seems most visible, after ‘gender’. In GBV the relevance of family/marital status is quite low, while in IC the relevance of sexual orientation and gender are equally visible, second is family/marital status. Looking at the overall picture (‘all issues’), the third most visible inequality axis (after gender and marital/family status) is age, followed by class and sexual orientation, although their relevance clearly varies across the different issues. Age is most visible in the GBV issue, while class is visible in NE and sexual orientation in IC. When we analyse the *intersections* of gender with other inequalities, an almost identical picture appears, although the presence of family/marital status intersecting with gender seems less prominent than when we look at the family/marital status separately. In the IC issue the intersection of gender with sexual orientation is the most visible. In GBV gender intersects with a number of different inequalities, but these intersections are overall not very visible.
- **Absences:** absences are rather omnipresent in the case of Malta. Analysing intersections with gender, the intersections of gender and ethnicity/race and gender and citizenship/migrant status are absent in all four issues. The intersections gender/disability, and gender/religion are either absent or almost absent. The intersection gender/class is absent or hardly visible, except for in NE. The intersection gender/sexual orientation is absent or hardly visible except for in IC. Looking at the prominence of the separate inequality axes in the super-texts (in diagdimensions and in progdimensions) we see that the inequality axes that are ‘negligible’ or ‘absent’ largely show the same pattern.
- **Striking observations vs. observations to be expected:** The prominence and absence of the separate inequality axes and at the intersections with gender show almost the same results for the issues of GGE and NE. A reason might be that GGE in Malta is almost exclusively about gender equality in non-employment (see Issue History and Country Context Study).
Sexual orientation is more visible than family/marital status in the issue of IC, which is quite surprising because sexual orientation issues are not prioritised on the political agenda of Catholic Malta. The issue seems to be largely avoided in the political arena (see Issue History and Country Context Study). The most probable explanation for this, is that very little attention is paid to intersections and inequalities other than gender. In the two texts written by

the Malta Gay Rights Movement the sexual orientation axis is central and it sometimes intersects with gender, while in the governmental texts coded for the issue of IC hardly any attention is paid to intersections and inequalities other than gender.

Intersections of gender with religion-belief or reference to religion-belief are absent or hardly visible in all four issues. Only in IC the prominence of religion/belief axis is quite high (but hardly intersecting with gender).

- **Diversity of inequalities that receive (intersectional) attention:** The diversity of inequalities that receive attention in Maltese gender equality documents is not very high. This conclusion is strengthened when we compare Malta with the Netherlands. It is mainly family/marital status and to a lesser extent age, class and sexual orientation that receives some attention.
- **What does this tell us about inclusiveness and transformative potential?** Although this answer only provides us with some first rough information about inclusiveness (and transformativeness) of Maltese gender equality policies, the fact that absence is quite high in Malta and that the diversity of inequalities that are 'included' in the policy documents is quite low, seems to point towards a low level of inclusiveness (and potential for transformation).
- **Is civil society better than the government with regard to attention for intersectionality?** Since attention for intersecting inequalities or even for groups at the point of intersections is really marginal in Malta, one might say that neither state nor civil society is 'good' at 'doing intersectionality'. So far, there are not a lot of signs that civil society groups are trying to force intersectionality onto the policy agenda.
- **Is gender+ equality policy EU driven?** The gender+ equality frames in Malta resonate strongly with the EU frames (dominance of non-discrimination, strong focus on employment, if attention for other inequalities then as separate strands), but this resonance is weaker when it is about intersectionality. The exceptions created for employers (based on religious ethos) can harm future implementation.
- **What is the space given to civil society?** The resonance also impacts on the space given to civil society organisations, with the EU accent on the importance of consultation and democracy leading to a development that increases the space for civil society organisations, directly through creating a legal base, and indirectly by legitimising NGOs that work on issues that were not seen as legitimate before, e.g. sexual orientation.

References

- Attard, Christian. 2006. *Shadow report 2005. Racism in Malta*. Brussels: ENAR
- Borzel, Tanja A. and Thomas Risse. 2000 "When Europe Hits Home: Europeanisation and Domestic Change", *European Integration online Papers (EIoP)* 4:15; <http://eiop.or.at/eiop/texte/2000-015a.htm>.
- Cowles, Maria Green, James Carporaso and Thomas Risse eds. 2001. *Transforming Europe. Europeanization and Domestic Change*. Ithaca, NY/London: Cornell University Press.
- Hausman Melissa, and Birgit Sauer (2007) *Gendering the State in the Age of Globalization: Women's Movements and State Feminism in Post-industrial Democracies*. Rowman & Littlefield
- Heritier, Adrienne and Christoph Knill. 2001. "Differential Responses to European Policies: A Comparison," in *Differential Europe. The European Union Impact on National Policymaking*.
- Heritier, Adrienne et al., Lanham, Maryland: Rowman & Littlefield Publishers, pp. 257-94.
- Falkner G., Treib, O., Hartlapp, M. and S. Leiber (2005) *Complying with Europe: EU Harmonisation and Soft Law in the Member States* Cambridge University Press: Cambridge
- Falkner, G. and O. Treib (2007) *Making Dead Letters Live: Strategies to Improve the Effectiveness of EU Legislation in Central and Eastern Europe* (2007). Conference paper.
- Ferree, Myra Marx (forthcoming 2009), Inequality, intersectionality and the politics of discourse: Framing feminist alliances. In: E. Lombardo, P.Meier and Mieke Verloo *The discursive politics of gender equality. Stretching, bending and policy making*. Routledge: London.
- Knill, and A. Lenschow (1998) Coping with Europe: the Impact of British and German Administration on the Implementation of EU Environmental Policy. *Journal of European Public Policy*, 4. 595-614.
- Lauwers, S. (2007) *QUING Deliverable No. 8: LARG - state of the art and mapping of competences report: Malta*. QUING: Vienna.
- Lauwers, Sophie with contributions of Frances Camilleri-Cassar and Mieke Verloo. (2008). *Deliverable No. 41: Series of WHY country context studies*, QUING: Vienna.
- Vleuten, Anna van der (2005) 'Pincers and Prestige. Explaining Implementation of EU Gender Equality Legislation', in: *Comparative European Politics*, Vol 3 (4), 464-488