



Quality in Gender+ Equality Policies

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Integrated Project

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State of the Art and Mapping of Competences Report: Malta

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This State of the Art report is part of the comparative research project QUING that is financed by the European Commission. QUING will answer two important questions: What are actually gender equality policies in the practice of national and European policy making? And also: What is the quality of these current policies, especially in terms of their transformative potential, their attention for other inequalities and their openness for voices of the movements that lay at its origin? QUING studies all 27 EU-countries plus Croatia and Turkey. QUING will present results from January 2009 on, and will be finished in 2011.

For its analysis, QUING has chosen three gender equality relevant issues: non-employment, intimate citizenship and gender based violence. The comparative study will enable a better understanding of differences and similarities, and of the quality of gender+equality policies. This comparative analysis is the heart of QUING that will generate new theory, that will be relevant to the whole of Europe. These parts of QUING are named LARG and WHY. In a related part, named STRIQ, the project will further develop theories on intersectionality, on the relationship between gender inequalities and inequalities originating in ethnicity, class, religion or sexuality, and describe and analyze to what extent and how intersectionality is incorporated in gender equality policies with across Europe. Additionally, QUING will also be preparing the ground for comparative research on the history of feminist ideas in Europe. In this part, named FRAGEN, QUING will start with the construction of a database that will 'open' selected core feminist texts to researchers by storing original second wave feminist texts in the database together with an analytic description of these texts in English. QUING will open this database to the research community in its last year. In its last two years, QUING will also be very active with its fifth part, named OPERA, actively translating its knowledge in gender training for all actors in policy making, and it will develop high quality standards for such training, that will be tested in practice. For a more extensive presentation of the QUING project please consult the website at www.quing.eu.

This State of the Art report has the goal of assuring that the QUING researchers start their research using the knowledge that is already available on gender equality policies in a country. In this sense, the State of the Art is a classic literature review, relevant to the different parts of the QUING project (LARG, WHY and STRIQ). Added to this, some information is asked for that facilitates the preparation of the activities in FRAGEN.

This report is structured as follows. In the first part a short assessment is made of the annotated bibliography that can be found in the second part of this report. In the second part of the report one will find the actual annotated bibliography. This part maps the most important relevant academic studies and other policy related literature (reports by IO, INGOs, experts etc.) about each country. The annotated bibliography has been divided into four separate sections. One section covers studies relating to gender equality policies, the following one is on non-employment related articles, the next one is on intimate citizenship related articles and the final one is on gendered violence related articles. In all sections, the accent is on studies that focus on the *gender equality aspects* of policies relating to these issues. The four sections itself have been divided into country language studies and English language studies. Comparative studies can be found under a separate heading within these language groups. Next to the bibliography, this part also contains a section relating to the OPERA part of the QUING project in which the most relevant gender training literature that has been produced in the country (e.g. gender equality manuals, gender mainstreaming manuals, gender impact assessment guides) is listed. There is a section related to the FRAGEN part in the QUING project listing the archives or documentation centres specialized in gender equality policies on national level.

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Introduction

Literature on general gender equality policies and on the three specific issue areas – non-employment, intimate citizenship and gendered violence – that are studied in the framework of QUING is rather scarce in Malta. To avoid the risk of ending with a too small number of titles, a not too rigorous selection has been made in order to decide which articles were to be included in the annotated bibliography and which were to be excluded.

In spite of this lack in richness of material, while making the selection, two dimensions were nonetheless taken into account. On the one hand studies vary as to the distance that researchers have to the government, ranging from a position of research done by government institutions or semi-government institutions (insider research), that is less relevant in this State of the Art report, to a position of research done by independent academics (outsider research), that has a higher chance of containing systematic analyses. Somewhere in between these extremes, lies research commissioned by a government or semi-government institute while executed by independent academics and research done by NGO's. On the other hand studies vary also in the subject chosen for analysis, ranging from a 'minimal' position of articles that purely deal with the issue at stake (for example an article that explains what domestic violence is and what causes domestic violence) and as such can still contribute to our broader understanding of the issue to a 'maximal' position of articles that focus on the *gender equality aspects of policies* relating to the issue (for example an article that critically assesses the Maltese policies regarding domestic violence from a gender equality point of view). Somewhere between these extremes are studies that contain a section or chapter on policy.

In the case of Malta, aiming for a selection of titles that merely involves ideal-type studies (that means: written by independent academics on the gender related aspects of policies relating to the involved issue) would not be a realistic goal. Since less than ideal titles can still increase our understanding of the gender-related aspects of the three issues studied within QUING, we adapted our selection standards accordingly. However, studies done by the government institutions or semi-government institutions are not included in the bibliography. Also, master theses have been excluded. Moreover, this state of the art report does not include studies in Maltese. Yet, judging from the articles written in English by Maltese authors that are included in the annotated bibliography, almost no references are made to Maltese studies. It thus seems that including studies in Maltese would probably not have considerably enlarged our bibliography.

Some general remarks and observations can be made on the entire annotated bibliography on Malta. Firstly, a majority of titles are of a rather descriptive nature. There seems to be a general lack of comprehensive academic studies and position papers on the issues being studied within the framework of QUING. Next to this, 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. Furthermore, the distribution of studies across the three issues (non-employment, intimate citizenship and gendered violence) is very uneven. Most of the studies found relate to the issue of non-employment, whereas only a few were found that relate to

the other two issues. This could be connected to the fact that the current EU (gender equality) acquis for a large part consists of regulations/directives relating to the issue of non-employment. Also, the few titles that were found on gendered violence and intimate citizenship mainly relate to gender issues in an indirect way (gender is not the central topic of the article), while this is true for the non-employment titles to a much lesser extent. Besides, most studies (except for some of the comparative ones) are written by authors from Maltese origin. Finally, the majority of titles in the bibliography have not been written to be published in an academic journal, but have been written in the framework of (European) research projects, of European research networks or by NGO's (Maltese NGO's and NGO's that have developed around the EU institutions).

General (gender) equality policy related articles

Which studies have been included in this section? Firstly, articles on Malta's gender equality policies. Next to this, articles on equality in a broader sense (e.g. on anti-discrimination policies) have been included. In general, there seems to be a lack of (independent non-governmental) research on Malta's gender equality policies and there is almost a total absence of critical evaluations of Malta's gender equality policies in academic journals. Most of the titles in this section deal with anti-discrimination/equality policies in the field of racism and sexual orientation.

Non-employment related articles

One part of the studies in this section describes the current state of affairs regarding the transposition of EU-Directives dealing with gender and employment. Another part of the studies describes the state of affairs regarding the gendered division of labour in Malta. Yet another part consists of some more critical studies in which the author identifies problems, obstacles or bottlenecks and formulates recommendations (for example, Anna Borg, Josann Cutajar 2005 and 2006, Marceline Naudi and Romina Bartolo)

The range of issues that is being dealt with in the non-comparative section are: reconciliation of work and private life, female labour market participation, social security system/policies, gender equality in employment policies, transposing EU-Directives, teenage mothers who study and/or work, caring, sexual orientation discrimination and the Employment Framework Directive, national action plan on employment and part-time employment. Issues that are dealt with in the comparative studies are: making work pay from a gender perspective, reconciliation of work and private life, poverty and social exclusion, fathers on parental leave and social security system. Most comparative studies are reports written in the framework of a European research project (partly) funded by the EU.

Intimate citizenship related articles

In view of the lack of studies on the issue of intimate citizenship two studies on the Maltese social security system that are included in the non-employment section, have also been included in the intimate citizenship section, because the social security system of a country (for example measures on retirement pensions) can

enhance are understanding of gender inequality linked to partnership. Other issues that are being dealt with are: IVF, marriage, and divorce.

Gender-based violence related articles

In view of the lack of studies on gendered violence three studies that do not score very highly on the two dimensions explained in the introduction have nonetheless been included in this section, because these studies can provide us with an idea of the extent to which this issue is currently debated or positioned on the political agenda in Malta. The lack of studies on gendered violence is connected to the absence of this country in the WAVE (Women Against Violence Europe) network.

However, future publications can be expected, since Malta is currently involved in three projects in the framework of the European Commission's Daphne II program. One is on date rape cases amongst young women and the development of good practices for support and prevention, executed by the Mediterranean Institute of Gender Studies. The other one is a sensitisation campaign on promoting integrated European policies on missing and sexually exploited minors executed by the European Centre for Missing and Sexually Exploited Children. The last one concerns an extension of the Childscope's interactive directory of NGO's working in the field of missing and sexually exploited children to – among other countries – Malta.

Annotated Bibliography

1 General Gender Equality Policy

1.1 English sources

- 1) Attard, Christian. 2006. *Shadow report 2005. Racism in Malta*. Brussels: ENAR (European Network Against Racism).
http://www.enar-eu.org/en/national/malta/Malta_2005.pdf . EN

Keywords: anti-discrimination legislation, religious discrimination, racial discrimination, EU Directive, transposing EU acquis, civil society, NGO's, Malta

This shadow report by ENAR highlights the main legal, political and social developments in relation to racial and religious discrimination in Malta throughout 2005. Attention is also being paid to migration, family reunion and asylum policies. Due to the almost total lack of data on the extent of racial discrimination and violence, which to a degree is due to the fact that overt manifestations of racism are a new reality in Malta, the report relies heavily on media reports throughout the year in question, as well as individual cases. The views of civil society and NGO's are also presented. These were compiled through meetings held with NGO officials throughout the course of writing. In their work, NGO's reported coming across various cases of disabled, Muslim, elderly or gay immigrants or refugees. Due to the lack of documented cases, they could not assess the extent of multiple discrimination against these groups, but especially in the case of women and the elderly, they held that obviously these constituted further obstacles to them accessing the labour market.

- 2) Attard, Christian. 2005. Sexual Orientation Discrimination in Malta – The Employment Framework Directive and Beyond. In *Anti-discrimination, inclusion and equality in Malta*, ed. Peter G. Xuereb, 225-236. Msida: The European documentation and research centre, University of Malta.
http://home.um.edu.mt/edrc/CD_CSP1/pdf/30.pdf . EN

Keywords: sexual orientation discrimination, EU Directive 2000/78, anti-discrimination legislation, Malta Gay Rights Movement, transposing EU acquis, equal opportunities, Malta

The author represents the Malta Gay Rights Movement. According to the author Malta's accession to the European Union has undoubtedly given a huge impetus to equal opportunities legislation and policies to be introduced locally. In the context of sexual orientation discrimination, it has resulted in the enactment of the first anti-discrimination measures in the field of employment due to Malta's obligations under Directive 2000/78/EC. Whereas the enactment of anti-discrimination legislation is a first step towards ensuring equal treatment, much more needs to be done to achieve this objective in practice. The author stresses that government, employers, trade unions and NGO's all have to play a role in ensuring that the anti-discrimination measures are used by those who are most vulnerable. The author observes that the local gay, lesbian and bisexual (LGB)

community is slowly starting to organize itself into a lobby that pushes for legislative changes. The paper mainly deals with two questions: first of all it analyses whether the provisions on sexual orientation contained in the above mentioned Directive have been adequately transposed into Maltese law. Secondly, it will delve into the question of how local equal opportunities measures should be further strengthened and developed, and how it can be ensured that they are made effective in practice.

- 3) Camilleri, Carla. 2005. Discrimination on Grounds of Sexual Orientation – The European View. In *Anti-discrimination, inclusion and equality in Malta*, ed. Peter G. Xuereb, 213-224. Msida: The European documentation and research centre, University of Malta. http://home.um.edu.mt/edrc/CD_CSP1/pdf/29.pdf . EN

Keywords: anti-discrimination law, EU Directives, sexual orientation, EU member states, implementation of EU acquis, Malta

The author describes how member states have all in a different way implemented the EU Directive having to do with equal treatment. Because this article is about discrimination on grounds of sexual orientation Directive 2000/78 establishing a general framework for equal treatment in employment and occupation receives most attention. Although the article is not limited to Malta and, as a consequence, only a few passages deal with Malta, some relevant information about the way Malta deals with discrimination on grounds of sexual orientation can be found. For instance: although Malta has implemented the Directive in national law, it does not have any other legislation that recognizes other familial and socio-economic rights for homosexuals that go beyond employment. The author argues this is customary in predominantly religious countries, such as Malta, Cyprus and Poland, where homophobic statements by church leaders are common and where the church holds considerable political power.

- 4) Darmanin, Mary. 2005. Equal opportunities in Malta: a southern European perspective. Paper presented at the ESRC Seminar 'Mainstreaming equality and diversity in different national context: implications for policy and practice', June, Edinburgh, the United Kingdom. http://www.creid.ed.ac.uk/events/ESRCSeminar2/ESRCSeminar2_PaperMDarmanian.doc EN

Keywords: descriptive, historical developments, gender equality, equality mainstreaming, disability mainstreaming, equality policies, disability movement, women's movement, Malta

The current equality mainstreaming strategy can be divided into two. The first strategy is the continuation of the modernist project of establishing rights through legislation and other means. The second strategy seems to be more in line with a post-modernist emphasis on identity and on personalised services. Attention is given to making visible equality issues, to encouraging the participation of women and of persons with a disability in civil society, in work and in policy making. There has been a move away from the needs approach of the early egalitarian model to a rights or individualistic perspective. The possibility for legal equality exist, but the measures needed to achieve equality of outcome, which would include even

indirect ones, such as a strengthening of the local economy such that employers would not hesitate to employ women and persons with a disability, are rarely considered. If the disability movement and the women's lobby can gather enough momentum and resources, there is certainly the space now to push for further mainstreaming of equality, at least at this formal level of rights. Because enforcement of the law is weak and often depends on the relative strength of a complainant, it is unlikely that there will be much change in the short term. Indirect discrimination remains strong, and individuals are hard put to challenge it, even with the new provisions in the two Equality Acts.

- 5) Ellul, Tonio. 2005. *Report on measures to combat discrimination. Directives 2000/43/EC and 2000/78/EC. Country report Malta*. Brussels: European Network of Legal Experts in the non-discrimination field.
http://ec.europa.eu/employment_social/fundamental_rights/pdf/legnet/mtrep05_en.pdf . EN

Keywords: anti-discrimination legislation, transposing EU acquis, EU Directives, Malta

This report has been drafted for the European Network of Legal Experts in the non-discrimination field in preparation of the comparative report titled 'Equality, diversity and enlargement. Report on measures to combat discrimination in acceding and candidate countries' (see annotation no 15 of this section). This network concentrates on non-discrimination on the grounds of race or ethnic origin, age, disability, religion or belief and sexual orientation. Accordingly sex/gender is not included. However, in this report the whole Maltese legal system is sifted on measures to combat discrimination and while the focus is not in the first place on measures in the field of discrimination on grounds of sex, the report nevertheless provides information that is relevant to this field. For example, at the end of the report a table is included on key national anti-discrimination legislation in which discrimination on grounds of sex is also included. The table lists relevant measures and clarifies what grounds are covered, what the scope of the measures is and what the principle content is. Besides, a table on international instruments is included, which records whether Malta has signed and ratified and what reservations relevant to equality and non-discrimination Malta has opted for. The CEDAW Convention is also included. Regarding multiple discrimination, the author states that as yet there is no designated body to address the issue of multiple discrimination. However, it is planned that the National Commission for the Promotion of Equality for Men and Women, set up in terms of the Equality for Men and Women Act, 2003, will also be designated as the national authority which will be designated to promote equality of treatment for all persons without discrimination on the grounds of racial or ethnic origin as well as to address issues of multiple discrimination.

- 6) Grech, Alfred. 2005. Religion, tolerance and discrimination in Malta. In *Anti-discrimination, inclusion and equality in Malta*, ed. Peter G. Xuereb, 195-212. Msida: The European documentation and research center, University of Malta.
http://home.um.edu.mt/edrc/CD_CSP1/pdf/27.pdf . EN

Keywords: religion, constitution article 2, discrimination, tolerance, minority groups, Malta

This article relates (state) religion in Malta with discrimination and tolerance. Taking into account that Malta has a dominant (state) religion, the author wonders to what extent the fundamental right to freedom of conscience is safeguarded when the State decides how far and to what extent a ruling religion or the religion of the state determines or interferes with the political life of the country? In such cases state religion interferes with, if it does not determine the political agenda. Article 2 of the Maltese Constitution is on religion and states that (1) the religion of Malta is the Roman Catholic Apostolic Religion; that (2) the authorities of the Roman Catholic Apostolic Church have the duty and the right to teach which principles are right and which are wrong; and that (3) religious teaching of the Roman Catholic Apostolic Faith shall be provided in all State schools as part of compulsory education. This article of the Constitution could be interpreted as giving the Catholic Church the monopoly in religious affairs. In the interrelationship of law and morality, the ethical and the legal, which are both necessary for the State to maintain law and order, it would appear that only the Roman Catholic Apostolic type of morality could be enforced in this country, to the exclusion of all others. Focusing mainly on the influence of religion on the political, this article at times shows how deeply ingrained religion is in many issue fields that are being analysed in the framework of QUING. For example Malta remains one of only two nations in the world (next to The Philippines) that have not admitted divorce. And with regard to gender equality the author states that article 3 of the Equality for Men and Women Act that entered into force in 2003 specifically provides that nothing in that Act shall be construed as affecting any rule relating to religious practice, access to priesthood or membership in any religious order or other religious communities.

- 7) Xuereb, Peter G. 2005. Implementation of the gender acquis of the Union in Malta. In *Anti-discrimination, inclusion and equality in Malta*, ed. Peter G. Xuereb, 61-86. Msida: The European documentation and research centre, University of Malta. http://home.um.edu.mt/edrc/CD_CSP1/pdf/12.pdf . EN

Keywords: implementation of EU Directives, EU gender acquis, Malta

In this article the author describes how Malta has implemented the various EU Directive regarding gender. Next to this, the author describes the Maltese gender equality body which consists of the National Commission for the Promotion of Equality. After that, there is a section on how to put rights into practice, a section on positive action and whether this is needed. The last section is on exclusions and exceptions in Maltese law compared to the EU Directives.

- 8) Cutajar, J.A. 2003. Malta. in *Women in Europe* ,ed. L. Walter, 433-442. Green Bay: Greenwood.

Keywords: women's issues, gender equality, policies, Malta

This chapter on Malta is part of the Greenwood Encyclopaedia of Women's Issues Worldwide. Each contributor is chosen for his/her expertise on women's

issues in the country they write about. Contributors are asked to discuss a range of contemporary issues that belong to the topics of education, employment and the economy, family and sexuality, health, politics and law, religion and spirituality, and violence and to highlight issues of special concern to women in the country. For Malta, the author argues that caring responsibilities are keeping women out of the labour market. Domestic and caring chores are still seen as women's responsibilities. Since Maltese citizenship rights are based on an individual's participation in the public sphere, women's low participation in this sphere means that their rights are derived through their relationship to men and/or the state. Non-governmental organizations and political leaders are concerned at women's low presentational level in the labour market and trying to envisage ways of ensuring that more women participate in this sphere. The church is still powerful and is consulted when social policies relating to family and marriage are being devised. Both church and state start from the premise that women are biological reproducers and nurturers of future generations, which in turn affects policies and official statements. Although legally women have the same rights as men within the Maltese Islands, more work needs to be done before they can have access to the same resources and privileges. As long as caring responsibilities are socially relegated to women, women cannot partake on the same level as men within the social structure.

- 9) Malta Gay Rights Movement. 2003. *Sexual orientation discrimination in Malta. A report on discrimination, harassment and violence against Malta's gay, lesbian and bisexual community*. Malta: Malta Gay Rights Movement.
<http://www.maltagayrights.org/pdf/sexual-orientation-discrimination-in-malta.pdf;jsessionid=1EA254827D3F4637B32D1D9710B11B12> EN

Keywords: survey, gay rights movement, discrimination, sexual orientation, acceptance of diversity, Malta

This survey report aims at giving an indication of the extent of discrimination, harassment and violence against gay men, lesbians and bisexuals in Maltese society and in this respect it is the first of its kind in Malta. The findings of the survey do not portray a very positive picture of the Maltese society's acceptance of diversity. The history of the gay movement in Malta may be said to be a direct reflection of social attitudes towards homosexuality, and the way in which these have evolved over the past decades. It is only in the past year or so that the local gay community has started to make its voice heard on a united front, as the tight fist of prejudice starts loosening its grip and more and more gay men and lesbians find the courage to talk publicly about their homosexuality. However, in spite of the general improvement that has been recorded during the 1990's, homophobia and intolerance still prevail in Maltese society. This hostile social environment is mirrored in the laws of our country: No anti-discrimination legislation exists that provides the gay community with express protection from discrimination. Even the new Employment and Industrial Relations Act fails to make explicit reference to sexual orientation discrimination in its definition of "discriminatory treatment", and neither does it provide for protection from harassment at the workplace. In other areas, discrimination is reflected in the lack of legal recognition of gay and lesbian couples, in the heterosexism that permeates every aspect of the educational system, and in the lack of political will shown by the authorities in the fight against

discrimination. The report is addressed to the Maltese Government and Parliament as well as to the local gay community and the public at large. The presenters hope that it will raise awareness on the social exclusion that the local gay, lesbian and bisexual community is subjected to, that it will initiate a serious debate about this problem and that, by implementing the recommendations contained in this report, the authorities will start addressing this important issue.

- 10) Abela, Anthony, M. 2002. *Women's welfare in society*. Valetta: Commission for the Advancement of Women. EN

Keywords: women's welfare, welfare organizations, welfare services, disadvantaged groups of women, recommendations for policymakers, Malta

Women's Welfare in Society reports findings from a national research study undertaken by Professor Anthony M. Abela for the Commission for the Advancement of Women. It examines the structures of major welfare organizations and the main constraints and facilitating factors in the provision of welfare services for women in difficult circumstances. Existing services are confronted with the current actual needs of women in society. Special attention is given to disadvantaged groups including older women, women living in abusive relationships, lone mothers, unmarried mothers and separated women with or without dependent children. The knowledgebase in this publication posits a number of recommendations for the attention of policymakers, welfare workers, coordinators of state agencies and non-governmental organizations, voluntary workers, welfare clients and the general public. On this basis, policymakers and their social partners are in a better position to develop welfare structures with due attention to women in difficult situations.

- 11) Cutajar, Josephine Ann. 1999. Gender, ethnicity and education in Malta. *Convergence* 32: 70-82. EN

Keywords: discrimination, gender, ethnicity, minority groups, educational policies, Malta

The author's objective in this article is to find out how educational practices might be discriminatory for whom and on what basis, within the Maltese Islands. Her main concern is in finding how girls and women, as well as individuals deriving from the Gozitan ethnic group, are faring within the Maltese educational system. Her objective in analysing Maltese educational policies and practices is to render visible those ideological conditions which both stimulate and legitimize discriminatory practices. The author's premise is that, in the drawing up and implementation of policies and practices, those social groups who have not been consulted end up experiencing the myriad national formations and citizenship in different ways. In the first part of the article, the author sets out to locate the Maltese state within the world order. A state's position within the world order has an impact on the kind of political, economic and cultural policies it adopts and implements. In the second part of the article the author takes a short look at the history of educational policies in the Maltese Islands, how these policies came to be implemented and with what effect for which social groups. Her main preoccupation with state practices, structures and discourses is that these

abstracted, extra-local relations are aimed at producing standardized local states of affairs corresponding to standardized texts. The author's concern here is whether abstract methods of ruling respond to the particular concerns and needs of different minority groups or whether these needs are treated as extraneous to the well-being of the nation.

- 12) Naudi, Marcelina. Year? Unequal opportunity: The feminine predicament, in *Malta Human Development Report*, ed. J. Inuanez, 65-71. Malta: Media Centre Print. EN

This entry has so far not been annotated, because the text has not been found yet.

1.1.2 Comparative studies

- 13) Bell, Mark and Janet Cormack. 2005. *Developing anti-discrimination law in Europe, the 25 member-states compared*. Brussels: European Network of Legal Experts in the non-discrimination field.
<http://www.humanconsultancy.com/comparative%2001.%20Engels.pdf> EN.

Keywords: comparative report, non-discrimination laws, 25 EU member states

The objective of this report is to compare and contrast the anti-discrimination laws in the 25 EU member states, as comprehensively described in the country reports written by the European Network of Legal Experts in the Non-discrimination Field and summarised in this publication. Trends and commonalities between various countries in the implementation of Racial Equality Directive (2000/43/EC) and Employment Equality Directive (2000/78/EC) are identified. The grounds of discrimination listed in the Directives – racial and ethnic origin, religion and belief, age, disability and sexual orientation – will be considered individually and collectively. It should be recalled that the purpose of this report is to provide an overview of national laws across the EU. Chapters of the report are on: the grounds of discrimination, the definition of discrimination, the reasonable accommodation duty, the personal and material scope of national provisions, exceptions to the principle of equal treatment and positive action, remedies and enforcement, equal treatment bodies and implementation and compliance. Although the focus in this report is on discrimination on racial or ethnic, religion or belief, age, disability and sexual orientation grounds, gender as a ground for discrimination is not entirely absent. It is often mentioned to point out differences or similarities between anti-discrimination legislation regarding gender and anti-discrimination legislation regarding the other grounds of discrimination.

- 14) Loudes, Christine and Iain Gill, eds. 2004. *Meeting the challenge of accession, surveys on sexual orientation discrimination in countries joining the European Union*. Etterbeek: ILGA-Europe (The European region of the International Lesbian and Gay Association). www.ilga-europe.org/content/download/428/1933/file/2004%20Challenge%20of%20accession%20English.pdf EN

Keywords: comparative report based on national survey reports, sexual orientation discrimination, LGB people, European Convention of Human Rights, EU acquis, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia, Romania

This report is a comparative summary of national reports written in ten countries, of which nine are new member states (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia) and one (Romania) candidate for accession to the European Union (EU). The Malta National report was written by the Malta Gay Rights Movement and titled '*Sexual orientation discrimination in Malta a report on discrimination, harassment and violence against Malta's gay, lesbian and bisexual community*' (please see annotation no. 9 in this section). The comparative report highlights the violence and discrimination some people face in different areas of their life because of their sexual orientation. The data and statements collected by national organisations show that discrimination on grounds of sexual orientation affects several areas of the life of lesbian, gay and bisexual (LGB) people. Different forms of discrimination exist in the family, in education, in the workplace, in the army, in health services, in housing and in the church. Those range from direct and indirect discrimination to harassment and physical violence. The ultimate aim of the report is to place the fight against discrimination on the ground of sexual orientation at the core of the "acquis communautaire" and to reinforce the instruments dealing with discrimination. To achieve this, the report puts forward some recommendations to the new member states and to the EU institutions. At national level, these recommendations concern primarily a general ban of discrimination on grounds of sexual orientation coupled with the establishment of equality bodies to monitor and prevent discrimination. At EU level, the Commission needs to ensure that the framework directive is implemented properly and that legislation and policies go beyond the field of employment to extend to access to goods, facilities and services as it is the case for race anti-discrimination.

15) Bell, Mark, ed. 2003. *Equality, diversity and enlargement. Report on measures to combat discrimination in acceding and candidate countries (prior to the enlargement of the EU in 2004)*. Luxembourg: Office for Official Publications of the European Communities.

http://ec.europa.eu/employment_social/fundamental_rights/pdf/arc/stud/eden_en.pdf . EN

Keywords: comparative report based on descriptive country reports, anti-discrimination law, transposing EU acquis, EU directives, 13 candidate member states, ethnicity and race, religion and belief, age, disability, sexual orientation

This publication is based on national reports on measures to combat discrimination in the 13 candidate countries, overseen by a team of international experts. The author of the Malta report is Tonio Ellul. The report seems to partly overlap with the 2005 comparative report by the European Network of Legal Experts in the non-discrimination field which was titled 'Developing anti-discrimination law in Europe, the 25 member-states compared', although in this report 13 candidate countries are compared (Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia,

Turkey). Ten of them became a member to the EU in 2004 and these same countries are also covered by the above mentioned 2005 report. This report was commissioned by the European Commission in the framework of the European Community action programme to combat discrimination (2001-06). Two EC Directives banning discrimination on grounds of racial or ethnic origin, religion or belief, age, disability and sexual orientation were adopted in 2000. These Directives present profound challenges to the existing approaches to combating discrimination across Europe. All Member States of the European Union – both existing and future – have been required to review their existing legislation and to make the necessary changes to comply with the Directives' requirements. This report focuses on the legal situation in the candidate countries for EU membership. Although the focus in this report is on discrimination on racial or ethnic, religion or belief, age, disability and sexual orientation grounds, gender as a ground for discrimination is not entirely absent. It is often mentioned to point out differences or similarities between anti-discrimination legislation regarding gender and anti-discrimination legislation regarding the other grounds of discrimination. Part one contains the comparative section of the report, while part two contains of small section summarizing the more detailed analyses set out in the individual country reports. These summaries all consist of five sections: main legislation, main principles and definitions, material scope, equality bodies, and enforcing the law. The original country reports are based on answers to a common questionnaire that examines each part of the two Directives.

- 16) Greif, Tatjana and Adrian Coman, eds. 2001. *Equality for lesbians and gay men. A relevant issue in the EU accession process*. Etterbeek: ILGA-Europe (The European region of the international lesbian and gay association). http://ilga-europe.org/europe/publications/non_periodical/equality_for_lesbians_and_gay_men_a_relevant_issue_in_eu_accession_process_2001 EN

Keywords: sexual orientation discrimination, lesbian people, gay people, bisexual people, transgender people, EU accession process, EU accession countries, Bulgaria, the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, and Turkey

This project is a response to the lack of accurate information about the status of lesbian and gay citizens in the accession countries. In filling this gap, it provides a concrete step towards the identification of areas in need of reform, and points to the strategies available for improving the situation for LGBT (lesbian, gay, bisexual and transgender) people in the target countries in the context of European Union Enlargement. In so doing, it provides a framework both for empowering the LGBT communities and NGOs in the candidate countries to increase the effectiveness of the civil dialogue with national governments and the European Union, and for enhanced networking at local, national and international level. All 13 accession countries are represented with individual reports: Bulgaria, the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia, and Turkey. A further chapter presents the European Union's legislation and policies that are relevant to the rights of lesbians and gays in the accession countries, policies which have developed very significantly in the recent past. To assure the structural and thematic integrity of the country reports, a common structure was used in collecting and reporting the

information, based on the main issues relevant to the discrimination experienced by LGBT people: the criminal law, antidiscrimination provisions, family and partnership legislation, adoption rights and donor insemination, asylum law, employment, education, the health service, military service, migration and asylum seekers. The authors of the country reports also tried to cover social factors which clearly mirror the above mentioned legal factors e.g. public opinion, homophobia, the approach of the media, violence against gays and lesbians, and the influence of churches and religions. Positive developments and information on the infrastructure of the LGBT community and culture are also reported, together with recommendations for improving the legal and social status of lesbians and gay men. However, not all authors have observed these structural and thematic guidelines. The individual report on Malta is very minimal. It only contains a section on the legal situation and a section on the social situation, together covering 2 pages.

- 17) Abela, Anthony M. 2000. *Values of women and men in the Maltese islands: A comparative European perspective*. Valetta: Commission for the Advancement of Women, Ministry for Social Policy. EN

Keywords: comparative analyses, values of women, values of men, gender perspective, Malta, Belgium, Bulgaria, Croatia, Czech Republic, France, Italy, Netherlands, Romania, Russia and Spain

This volume compares and contrasts the values of women and men in Malta and ten other European countries over a period of fifteen years. It draws on four waves of the European Values Studies (EVS) carried out in Malta and comparable data from the most recent surveys in ten other European countries. This book undertakes a comparative analysis of values from a gender perspective. It develops theoretical considerations from the international literature and tests hypotheses scientifically in a comparative European perspective. It examines similarities and differences between women and men on the values of leisure, religion, the family, the work ethic, voluntary work, solidarity, politics, parenting, morality and contemporary social issues. It takes into consideration specific groups of women and men in diverse social conditions and settings: single, home-makers, married mothers and fathers with dependent children, working mothers, widows, separated, women and men of different educational levels, social class, age and other social variables. The investigation makes use of comparable data from ten other European countries: Belgium, Bulgaria, Croatia, Czech Republic, France, Italy, Netherlands, Romania, Russia and Spain. Together they represent member and non-member countries of the European Union, as well as applicant and non-applicant countries from Southern and Eastern Europe. Results for Malta are compared with the average for all eleven countries taken together and where appropriate by a breakdown for each separate country. Understanding what women and men want is central to determine how the current priorities of the Government are able to affect people and meet their needs. The study of changing values, as differentiated by gender and other social groupings, allows policy makers to identify trends in Maltese society in comparison to other countries. It contributes to the development of gender-attuned social policies that have as an objective the inclusion of all women

and men in society. Similar on-going research is an indispensable exercise for new directions in social policy.

2 Non-employment

2.1 English sources

- 1) Civil society conference. 2006. Family values in the European Union and Malta. Workshop reports, September 19, Malta. EN

Keywords: conference report, reconciliation work and family life, women, family, Malta

The Civil society conference 2006 was organised as part of the civil society research project titled '*The Family, Law, Religion and Society in the European Union and Malta*'. The different workshop titles were: The Family and the Law in Malta, Ethical Issues in the European public Sphere, Work/life Balance, and Women and the family in the Mediterranean Region. The workshop report on work/life balance could be of relevance with regard to the non-employment issue studied in QUING.

- 2) Borg, Anna. 2006. Gendered roles and gendered organisations and their effect on work and private life. In *The family, law, religion and society in the European Union and Malta*, ed. Peter G. Xuereb, 185-204. Msida: The European documentation and research centre, University of Malta.
http://home.um.edu.mt/edrc/CD_CSP2/pdf/clam-aborg.pdf . EN

Keywords: position paper, work-life balance, gender, socially constructed gender roles, traditional gender values, the ideal worker, family responsibilities, family friendly policies, gender equity, Malta

With a focus on work-life balance, Anna Borg points to the prevailing social and corporate culture centred on the 'male bread-winner' model. She emphasizes that in order to challenge socially constructed gender roles and the gendered nature of organizations, parallel changes may need to be happening on a personal, domestic, political, social and religious level. In this paper the author argues that traditional gender values have a strong impact on the decisions that are taken regarding work and private life. Likewise, organisations also operate around gendered beliefs and practices which glorify workers who can work as though they have no life, interests or responsibilities outside work. These values and assumptions create difficulties especially for women who cannot fit into the template of the 'ideal' worker who is normally a man. However, organisations which offer family friendly policies find that men are often reluctant to make use of them because of gendered decisions. Finally, she argues that in the absence of demand for gender equity on the home front especially by women, it may be more difficult to achieve it on the organisational side as long as organisations continue to find women and men who are able to work as though they have no life or family commitments outside it.

- 3) Grech, Charmaine. 2006. Reconciliation of work and family. In *The family, law, religion and society in the European Union and Malta*, ed. Peter G. Xuereb, 205-210. Msida: The European documentation and research centre, University of Malta. http://home.um.edu.mt/edrc/CD_CSP2/pdf/clam-cgrech.pdf .EN

Keywords: standpoint General Worker's Union, work-life balance, single parent family, women's labour market participation, flexible labour market, social partners, Malta

In this article, the author addresses the issue of work-life balance. She explains the policy of the General Worker's Union. She writes that the Union recognizes the single parent family as 'family'. Labour market participation of women with family responsibilities affects the concept of the traditional family, paid work and welfare state patterns. She asks how society, including the General Worker's Union, can help the evolution of working life without compromising family stability. According to the author, one of the answers to the dilemma lies in the creation of a flexible labour market and it is up to all social partners to promote a flexible working environment that will facilitate the reconciliation of work and family life. It is only through sensitizing people through education that change in mentality can be achieved and there is still much work to be done in this area.

- 4) Cutajar, JosAnn. 2006. Teenage mothers - The right to work and study. In *The family, law, religion and society in the European Union and Malta*, ed. Peter G. Xuereb, 211-234. Msida: The European documentation and research centre, University of Malta. http://home.um.edu.mt/edrc/CD_CSP2/pdf/clam-jcutajar.pdf .EN

Keywords: teenage mothers, unmarried mothers, mothers and work, mothers and study, poverty, welfare state policies, private sphere, policy recommendation, Malta

The main focus of this paper is on unmarried teenage mothers and how lone parenthood at a young age might affect access to education, employment and general welfare. The paper gives a cursory glance at some of the research carried out on this topic in the Maltese Islands and abroad to find out how differential access to education, employment and social services impact young unmarried mothers, with what consequences. Although young unmarried mothers are often taken as a category, social factors and circumstances tends to render them heterogeneous. This means that policies, programmes and services need to be constructed and implemented to cater for the different needs of this social category. Moreover, the author argues that the state has the obligation to find collective solutions to enable its citizens to become economically active while juggling with family responsibilities. The Roman Catholic Church and the Maltese welfare state are conjoined in their complicity of relegating women to the private sphere, but in doing so they are forcing poverty on them. Legislative and policy changes need to be looked into to enable women, especially those with caring responsibilities, to enjoy the social, political and economic rights their unencumbered counterparts benefit from. To ensure that single mothers as a category do not lose out, the author formulates a number of policy recommendations at the end of the paper.

- 5) Caruana, Kevin. 2006. Female labour market participation in Malta: a Lisbon agenda perspective. *Bank of Valetta review* 33:15-32. EN

Keywords: female labour market participation, equality of opportunity, Lisbon agenda, EU, policy implications, Malta

Malta's female labour supply increased substantially over the last two decades. However, female participation in Malta remains much lower than that of males and is also the lowest compared to other EU countries. Higher female labour market participation is a top priority for the European Union in order to promote equality of opportunity, higher productivity, and a higher standard of living for all. In this respect, the Lisbon Agenda proposes that Member States strive to increase female participation rates to targets set for 2010. This paper describes the factors that are likely to affect the size of the female labour force and explains the results of a time-series analysis of female labour market participation rates in Malta carried out by the present author. On the basis of these results, the paper derives a number of policy implications relating to female participation in the labour market.

- 6) Rizzo, Saviour. 2006. *The dual worker family in Malta*. Msida: University of Malta, Centre for Labour Studies and Fiedrich Ebert Stiftung. EN

This entry has so far not been annotated, because the text has not been found yet.

- 7) Attard, Grace and Doris Bingley. 2005. Gender equality in employment in the EU and Malta: An overview by the National Council of Women. In *Anti-discrimination, inclusion and equality in Malta*, ed. Peter G. Xuereb, 9-20. Msida: The European documentation and research centre, University of Malta.
http://home.um.edu.mt/edrc/CD_CSP1/pdf/10.pdf . EN

Keywords: descriptive study, EU acquis, equal treatment men and women, gender equality, employment, Maltese legislation, implementation, Malta

The authors of this article firstly describe the EU acquis on the equal treatment of men and women and on gender equality in Employment. Next, she describes Maltese legislation in this area.

- 8) Bartolo, Romina 2005. Participation of women in employment in Malta – The position of UHM. In *Anti-discrimination, inclusion and equality in Malta*, ed. Peter G. Xuereb, 105-110. Msida: The European documentation and research centre, University of Malta. http://home.um.edu.mt/edrc/CD_CSP1/pdf/15.pdf . EN

Keywords: women's participation on labour market, non-employment, care commitments, flexible working, traditional values, taxation system, education, Malta

In this article the author discusses the various causes of the low participation rate of women on the Maltese labour market. Malta has a high percentage of inactive persons. Inactivity refers to that section of society who are neither employed nor

unemployed. 70.9 % of this inactive population consists of women. The main reasons women often stay out of the labour market are the child-care and family commitments they have. The lack of child-care and day-care centres, the lack of flexible working arrangements and the lack of laws and structures that protect women who opt for atypical jobs, traditional values that causes a stigma around working mothers and the way the Maltese taxation system functions are identified as major obstacle hindering an increase in women's labour market participation. Women do increasingly participate in further education; however the author regrets it that in many cases this investment gets lost.

- 9) Borg, Roselyn. 2005. Gender equality – Some proposals by The Malta Employers Association. In *Anti-discrimination, inclusion and equality in Malta*, ed. Peter G. Xuereb, 111-114. Msida: The European documentation and research centre, University of Malta. http://home.um.edu.mt/edrc/CD_CSP1/pdf/16.pdf . EN

Keywords: recommendations, women and employment, employers, gender equality legislation, Malta

In this short article, the author formulates some recommendations for employers in order to give them some guidance on how to put legislation on gender equality into practice. She concludes with stating that real gender equality is not possible unless efforts to endorse it are established on the historical and cultural environment that have shaped perceptions about maleness and femaleness, and how these work together in the family, working life, politics and, not least, in the academic world. Initiating a discussion on gender equality in terms of workplace culture and organisational logic may pose the greatest challenge of all in the forthcoming quest for equal opportunity. It will require cultural change and the learning process this involves as well as the enhancement of skills within the organisation.

- 10) Borg, R. 2005. *Reconciliation of work and private life in Malta – Maltese national report*. Manchester: European Commission's Expert Group on Gender, Social Inclusion and Employment. EN

This entry has so far not been annotated, because the text has not been found yet.

- 11) Borg, R. 2005 *Social inclusion, gender and disadvantaged groups – the Maltese national report*. Manchester: European Commission's Expert Group on Gender, Social Inclusion and Employment. EN

This entry has so far not been annotated, because the text has not been found yet.

- 12) Cutajar, JosAnn. 2005. A note on caring and Maltese social security legislation. In *Anti-discrimination, inclusion and equality in Malta*, ed. Peter G. Xuereb, 121-128. Msida: The European documentation and research centre, University of Malta. http://home.um.edu.mt/edrc/CD_CSP1/pdf/18.pdf . EN

Keywords: position paper, social security legislation, caring, gender equality, women and work, direct and indirect discrimination, Malta

In this article, the author departs from a gender equality point of view when identifying problems and proposing solutions regarding the Maltese social security system. According to her the Maltese Social Security law still discriminates directly and indirectly against women.

13) Grech, Germaine. 2005. Gender equality: Main issues – The General Worker's Union perspective. In *Anti-discrimination, inclusion and equality in Malta*, ed. Peter G. Xuereb, 93-104. Msida: The European documentation and research centre, University of Malta. http://home.um.edu.mt/edrc/CD_CSP1/pdf/14.pdf . EN

Keywords: gender and employment, gender equality, EU acquis, transposing EU Directives, General Worker's Union, Malta

Malta's entry in the European Union in May of 2004 brought about a whole new array of legislation dealing with gender equality. Although most of the rights protected by the transposed Directives were already protected by other pieces of Maltese legislation these new laws amalgamated them into clear and comprehensive legislation. This report focuses on the manner in which some key provisions of Directives 75/117 (equal pay) and 76/207 (equal treatment) have been transposed into Maltese law by virtue of the Employment and Industrial Relations Act (EIRA), which deals specifically with employment, and the Equality of Men and Women ACT (EMWA) whose ambit is wider. Successively, attention is paid to definitions, education and vocational training, working conditions and dismissal, harassment and sexual harassment, access to justice and remedies, analyses of implementation of the Directives, culture change, gender and other grounds, positive action and actions by the General Worker's Union to promote gender equality.

14) Naudi, Marceline. 2005. *Increasing the employment of women through flexible work arrangements: Statements and Comments*. Msida: University of Malta. EN

Keywords: employment of women, traditional gender roles, family values, traditional family, policy, Malta

On the basis of a description of existing research, statistics and laws in the field of employment of women in Malta the author makes some critical comments about for example the conflicting expectations the Maltese society is directing to women. Society seems to be still expecting women to shoulder the responsibility of caring within the family whilst at the same time increasingly accepting that they work outside the home, without the corresponding support structures in place to facilitate this process. With Malta having a relative short history of gender equality being on the agenda, and with some still strongly traditional attitudes towards the gender roles in general, the author finishes her note advocating for a policy-led strategy in the Maltese case. Changes in policy towards more 'family friendly' working conditions should go a long way towards making both employment and mothering (or parenting?) possible. Making this possible in the first place increases the chances of it becoming probable.

- 15) Borg, R. 2004. *Making work pay debates from a gender perspective – the Maltese national report*. Manchester: European Commission's Expert Group on Gender, Social Inclusion and Employment (EGGSIE). EN

This entry has so far not been annotated, because the text has not been found yet.

- 16) Borg, Roselyn. 2004. *Assessment of the 2004 national action plan for employment from a gender perspective*. Malta. Manchester: University of Manchester, European Work and Employment Research Centre, EC's Expert Group on Gender, Social Inclusion and Employment (EGGSIE).
[http://ec.europa.eu/employment_social/gender_equality/docs/2005/malta-
napemp_en.pdf](http://ec.europa.eu/employment_social/gender_equality/docs/2005/malta-
napemp_en.pdf) EN

Keywords: gender assessment, National Action Plan on Employment, gender mainstreaming, Malta

As the title of this report already indicates, the author assesses the Malta National Action Plan on Employment 2004 from a gender perspective. In the first part of the report a short description of the economic, employment and policy context in Malta is given. In the second part the three overarching objectives and the 10 guidelines of the NAP are assessed. When assessing the 10 guidelines the primary aim is to examine whether the guidelines have been gender mainstreamed. In the third part of the report the authors give a response to the recommendations and governance issues of the NAP. At the end of the report the author formulates the following summary statement: Keeping in mind that for Malta gender issues is recent, the NAP, (even though not throughout the whole NAP), did take into account gender issues. Needless to say that there is always room for improvement. The NAP lacks focus/policies on encouraging men to make use of entitlements such as parental leave. There is also still the need to introduce pre-and after school childcare in harmony with working hours.

- 17) Troisi, Joseph and Marvin Formosa. 2004. *Services for supporting family carers of elderly people in Europe: Characteristics, coverage and usage. National background report for Malta- EUROFAMCARE*. Hamburg: EUROFAMCARE.
http://www.uke.uni-hamburg.de/extern/eurofamcare/documents/nabares/nabare_malta_rc1_a4.pdf.
EN

Keywords: family carers, elderly people, social security policy, Malta

Care of the elderly in the community has, especially during the past two decades, become the policy of the Maltese government. Community care services, by providing care and support where the family and the individual are unable to manage alone, help to maintain the elderly in the community and, at the same time, enable families to cope, thus preventing or at least delaying the need of institutionalisation. A wide range of services have been created in this regard. It is important to note that such services complement rather than substitute for or replace care from family, friends or neighbours. However important the supporting role of the State, it is

equally important to recognise the fact that family members, especially women, are the main players in caring for their elderly members. Given the rapid changes which Maltese society is undergoing, carers are becoming more vulnerable than before and are being subjected to a lot of strain. It is high time to place the role and function of informal carers as well as their needs and problems, on current policy directions. Care giving tasks should not be assumed to be a natural part of family life to be done with little or no support.

18) Abela Anthony M. and Gordon Cordina and Natasha Muscat Azzopardi. 2003.

Study on the social protection systems in the 13 applicant countries. Malta country study. Brussels: European Commission – Employment and Social Affairs DG http://ec.europa.eu/employment_social/social_protection/docs/malta_final.pdf
EN

Keywords: descriptive, social protection system, pension system, poverty and social exclusion, health care, Malta

There appear to be conflicting pressures on the social protection system in Malta. In this respect, this report evaluates relevant issues in terms of the factors that have contributed to the development of the social security system in Malta as it stands today. The report is structured as follows: It starts with a chapter describing the economic, financial, social and demographic background. Next, there is a chapter that overviews the social protection system. After this, a chapter on the Maltese pension system is included. The following chapter is on poverty and social exclusion. The last chapter is on health care. The aim of this report is not to assess the social security system using an explicit gender approach, but it does give valuable information that can contribute to our understanding of non-employment in Malta. At the same time, the report is certainly not entirely gender blind either. To give an example, when the authors in the second chapter give a summary of the main principles and mechanisms of the social protection system, they deem it relevant to point out that certain gender discrimination remains in the system. The beneficiaries of contributory benefits, most notably retirement pensions, are mainly males who had contributed during their working lives. Women who did not perform market work, and hence did not contribute in their name, would be excluded. This may put housewives at a disadvantage, if families are broken, especially later in life. The wife can claim part of the social security benefits accruing to the husband only by instituting court proceedings, which may be costly and lengthy. Another gender discrimination is present in the fact that the higher non-contributory benefits payable in the case of married persons are available only to men.

19) Baldacchino, Godfrey. 2003. *Factors affecting women's formal participation in the Malta labour market: results of a research project.* Msida: University of Malta, Worker's participation development centre.

http://www.mfss.gov.mt/documents/wis/malta_labour_market.pdf EN

Keywords: alternative explanations testing, women's participation in the labour market, non-employment, demand side factors, supply side factors, survey questionnaire, in-depth interviews, Malta

This research was commissioned by the Department for Women in Society (ministry for social policy). With a female participation rate hovering at around 33%, Malta ranks lowest on this score amongst all 28 EU member states, accession states and candidate countries. This persisting state of affairs has been recognized and addressed in a number of policy documents and research studies over recent years. However, it is generally assumed that women may be lured to participate in the Malta labour market by means of suitable support measures like the introduction of affordable quality child care, the availability of flexible working arrangements and the protection of rights of workers who work part-time as their principal employment, most of whom are women. Yet, these measures assume that women *want* to join the formal workforce. So: how strong will the effect of any such support measures prove to be in practice? Is women's share of the Malta labour supply significantly dependent on the improvement of what are essentially 'demand side' (market-based) factors? Or is it also, perhaps primarily, a 'supply side' (attitude-driven) issue? If it is the latter, then one may argue that vigorous and substantial investment in demand-enhancing techniques (such as improved working conditions and more family friendly policies) will not – certainly by themselves - have the (desirable) effect of drawing women out into the formal economy, and certainly not to a significant extent. In spite of some redress in discriminatory practices and improvements in work/life conditions, official statistics suggest only a very slow increase in women's labour market participation rate. That is why the author wants to explore alternative explanations in this research. This research proposal takes its cue from seven distinct hypotheses which deliberately question the 'demand side' paradigm. They are located in a cultural, family and fiscal framework and are totally and deliberately unrelated to labour market trends and/or to the provision of 'family-friendly' conditions of employment. In order to find out whether and to what extent each of the seven hypotheses apply to women of working age a representative sample of 998 women was drawn in April 2002. Methods used are a survey questionnaire, telephone appointments and in-depth, face-to-face interviews.

- 20) Vassallo, M. and L. Sciriha and M. Miljanic Brinkworth. 2002. *The unequal half. The underused female potential in Malta*. Valetta: Commission for the Advancement of Women, Ministry for Social Policy. EN

This entry has so far not been annotated, because the text has not been found yet.

- 21) Buttigieg, Miriam. 1999. *Part-time employment in the EU: a challenge for Malta*. Msida: University of Malta, European Documentation and Research Center. EN

Keywords: part-time work(ers), full-time work(ers), discrimination, EU Framework Agreement on part-time work, Malta

The Council Directive 97/81/EC concerning the Framework Agreement on part-time work lays down the latest developments in EU law regarding part-time work. The aim of this directive was to establish a general framework for the elimination of discrimination against part-time workers and to assist the development of opportunities for part-time working on a basis acceptable to employers and workers. In this working paper the author first describes the contents of the

Framework Agreement. After that, the author explores the Maltese legal situation concerning full-time and part-time work and compares it to the European law. She concludes that because of the fact that the definition of the part-time worker is considerably narrower under Maltese law than under the Framework agreement, there still exists discrimination between full-time and part-time workers in Malta. Lastly, the author looks at the implementation of the Directive in the various member states of the EU. She concludes by stating that there have been attempts at reducing the discrimination between full-time and part-time workers in Malta, but these have been insufficient and not wholly appropriate. The author recommends adopting the Nordic tendency of viewing part-time work simply as full-time work with reduced hours.

2.1.1 Comparative studies

- 22) Fagan, Colette, Gail Hebson, Daniele Meulders and Aleksandra Kanjo-Mrčela. 2006. *Making work pay. Debates from a gender perspective: a comparative review of some recent policy reforms in thirty European Countries*. Luxembourg: Office for Official Publications of the European Communities.
http://ec.europa.eu/employment_social/gender_equality/docs/2005/exp-group_2005annreport_en.pdf EN

Keywords: European Union, social security, integration into employment, return to employment

This report is based on the national reports prepared by the 30 national experts in the EGGsIE network. In section 1 the authors review some of the recent national reforms or policy debates in relation to the 'making work pay' agenda from a gender perspective. This draws on reports for the 15 pre-2004 member states and the 5 non-EU countries included in this network. The national experts for the 10 new member states did not contribute to this part of the report because they had the additional task of preparing an evaluation of the gender mainstreaming of the first National Action Plans on Social Inclusion submitted by their governments. Sections 2-5 draw on material from all 30 countries. In section 2 the authors review maternity and parental leave provisions in relation to the employment integration of mothers and fathers. The impact of parental leave or extended labour market absence for childcare on eligibility for active labour market measures and other training provisions is discussed in section 3. The development of childcare services as a key social infrastructure for supporting parents' employment is reviewed in section 4. Conclusions are drawn in section 5, which also raises demand-side considerations about job quality and hence employment sustainability for the main care (typically mothers) in low-income households.

- 23) Fagan Colette, Peter Urwin, Kathryn Melling, Daniele Meulders and Aleksandra Kanjo-Mrčela. 2005. *Gender inequalities in the risk of poverty and social exclusion for disadvantaged groups in thirty European countries*. Luxembourg: Office for Official Publications of the European Communities.
http://bookshop.eu.int/eubookshop/FileCache/PUBPDF/KE7606201ENC/KE7606201ENC_002.pdf EN

Keywords: European Union, gender inequality, social exclusion, poverty, unemployment, one-parent family, ethnic groups, migrants, violence

Gender mainstreaming is specified as a key requirement in the Social Inclusion Process; however, this approach to policy design and monitoring is still under-developed and often absent from National Plans. The aim of this report is to inform and help develop the gender mainstreaming of the Social Inclusion Process, drawing on national reports for 30 European countries. It reviews gender differences and inequalities in the risks of poverty and social exclusion, followed by chapters which focus on selected examples of disadvantaged groups to illustrate the relevance of gender mainstreaming for social inclusion policy.

24) Mackeviciute, Indre, ed. 2005. *Fathers on parental leave. A joint report based on qualitative research with fathers on leave, employers and decision makers in Lithuania, Iceland, Denmark and Malta*. Vilnius: Centre for equality advancement, EUGrimas Publishing House.

<http://www.jafnretti.is/D10/Files/Fathers%20Parental%20Leave.pdf> EN

Keywords: qualitative research, fathers on parental leave, masculine identity, fatherhood, men as caregivers, childcare, innovative gender equality strategies, hegemonic gender identities, Malta, Denmark, Iceland, Lithuania.

Currently researchers of gender studies and family sociologists are paying considerable attention to the study of masculinities. Fatherhood in particular is a phenomenon that gives rise to a wide range of theoretical and empirical research. The empirical studies on masculinity point to the fact that, in contemporary societies, the role of men within the family sphere - particularly with regard to childcare - is becoming a more and more significant part of the masculine identity. In this context fatherhood and masculinity are analysed as dynamic phenomena in an ongoing process of development. The formulation of fatherhood and masculinity practices is to a large extent determined by social traditions, values and norms. Consequently fatherhood and masculinity are viewed as something that is formed and transformed by a variety of social institutions and discourses including, the government, the legal system, medicine and public health, the mass media and the educational system. Institutions and discourses reflect deeply engrained values, influence public policy and affect the lives of many men. By analysing the empirical data collected in Denmark, Iceland, Lithuania and Malta, this project sets out to grasp the complexity of practising a masculine identity while at the same time engaging in parental leave. This report is a fusion of four national summary reports. Besides summarizing the findings of each report, this joint report is dedicated to presenting the results from a broader perspective. The main objective of the project is to develop and sustain innovative gender equality strategies in relation to parental leave. This is understood in terms of creating sustainable change in gender identities by encouraging men in general to embrace new and modern gender roles as well as by overcoming gender stereotypes. By using parental leave as a means to challenge hegemonic gender identities, the way is being paved for new images of men as caregivers to come into being. In the concluding chapter the analytical implications of each country's

findings will be presented as a line of recommendations for fathers, employers and society in general.

- 25) Plantenga, Janneke, Chantal Remery, Petra Helming, Daniele Meulders and Aleksandra Kanjo-Mrčela. 2005. *Reconciliation of work and private life: a comparative review of thirty European countries*. Luxemburg: Office for Official Publications of the European Communities.
http://ec.europa.eu/employment_social/publications/2005/ke6905828_en.pdf EN

Keywords: comparative study, Integration into employment, social integration, equal rights of men and women, child care, working time, maternity leave, parental leave, thirty European countries

The increasing labour market participation of women, changing family forms and the demographic pressure from an ageing population have made the reconciliation of work and family one of the major topics on the European social agenda. Yet countries differ in their policy responses, sometimes stressing the need for more flexible working hours, sometimes encouraging the supply of public and private services and sometimes focusing on a more equal distribution of paid and unpaid work. This report contains an overview of policies targeted towards the reconciliation agenda of the 25 EU Member States. In addition, information is provided for three EEA countries, Iceland, Norway and Liechtenstein, and two Candidate countries, Bulgaria and Romania. An innovative element of this study – besides the scope – is that the focus is not only on national, public strategies. If possible, complementary provisions emerging at sector or company level are included as organizations may either supplement or substitute public provisions. In fact, it is at the organisational level where the details of the reconciliation of work and family life are worked out.

- 26) Pieters, Danny. 2003. *The social security systems of the states applying for membership of the European Union: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey*. Antwerpen: Intersentia. EN

Keywords: descriptive study, social security systems, Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey.

This book gives a description of the social security systems of the applying states for EU membership. One chapter is devoted to each individual country. These country chapters all have exactly the same structure. Successively, the following subjects are being discussed: concept and sources of social security law, administrative organization, personal scope of application, risks and benefits, old age, death, incapacity for work, unemployment, health care and long-term care, family, need, financing and judicial review. There is no comparative introduction or closing chapter. No specific attention is being paid to gender equality related issues, but by purely describing the social security system as it is the chapter on Malta might nevertheless give valuable information that can contribute to our understanding of non-employment in Malta.

3 Intimate Citizenship

3.1 English sources

- 1) Sansone, Kurt. 2005. Doctor opposes limiting in-vitro fertilization to married couples. *Malta Today*, February 27.
<http://www.maltatoday.com.mt/2005/02/27/t19.html> EN

Keywords: newspaper article, IVF, restrictive law, married couples, injustice, morning after pill, Malta

Doctors who assist infertile couples fear that Parliament may pass a very restrictive law that would make it virtually impossible for couples to resort to in-vitro fertilisation. One of the issues doctors feel strongly about is the possibility that Parliament restricts the use of reproductive medical technology only to the treatment of married couples. Given that Malta has no divorce legislation, separated individuals are left with no option but to cohabit and doctors feel that declining medical treatment for infertility to such couples would be an injustice. There are other issues at stake which the new legislation would have to tackle such as when the human person comes into being.

- 2) Abela Anthony M. and Gordon Cordina and Natasha Muscat Azzopardi. 2003. *Study on the social protection systems in the 13 applicant countries. Malta country study*. Brussels: European Commission – Employment and Social Affairs DG http://ec.europa.eu/employment_social/social_protection/docs/malta_final.pdf EN

Keywords: descriptive, social protection system, pension system, poverty and social exclusion, health care, Malta

There appear to be conflicting pressures on the social protection system in Malta. In this respect, this report evaluates relevant issues in terms of the factors that have contributed to the development of the social security system in Malta as it stands today. The report is structured as follows: It starts with a chapter describing the economic, financial, social and demographic background. Next, there is a chapter that overviews the social protection system. After this, a chapter on the Maltese pension system is included. The following chapter is on poverty and social exclusion. The last chapter is on health care. The aim of this report is not to assess the social security system using an explicit gender approach, but it does give valuable information that can contribute to our understanding of intimate citizenship with a focus on partnership in Malta. At the same time, the report is certainly not entirely gender blind either. To give an example, when the authors in the second chapter give a summary of the main principles and mechanisms of the social protection system, they deem it relevant to point out that a certain gender discrimination remains in the system. The beneficiaries of contributory benefits, most notably retirement pensions, are mainly males who had contributed during their working lives. Women who did not perform market work, and hence did not contribute in their name, would be excluded. This may put housewives at a disadvantage, if families are broken, especially later in life.

The wife can claim part of the social security benefits accruing to the husband only by instituting court proceedings, which may be costly and lengthy.

- 3) Cutajar, J.A. 2002. *Widowhood in the island where time stands still: Gender, ethnicity and citizenship in the Maltese islands*. PhD diss., University of Toronto. EN

This entry has so far not been annotated, because the text has not been found yet.

- 4) Farrugia, Ruth. 1995. International marriage and divorce regulation and recognition in Malta. *Family law quarterly* 29: 627-634. EN

Keywords: marriage regulation, divorce regulation, Roman Catholic Church, civil law, canon law, Malta

In this article the author provides us with an overview of the Maltese marriage and divorce regulations and recognition. In Malta, marriage forms part of the body of laws referred to as civil law and, until 1975, was regulated by canon law. The very fact that until such a late date marriage was under the legal regimen of the Roman Catholic Church indicates the strong ties between church and state, ties which have surfaced again in 1995 with the advent of a new act regulating annulments according to both civil and canon law. In this context, it will come as no surprise to find that in Malta it is not possible to divorce. The very idea of divorce is unacceptable within the Roman Catholic religion and the state has consistently maintained its supportive stance of the church position on this subject. There is no divorce law. The only means of dissolving marriage is by annulment. However, proving grounds is no easy task and an increasing number of couples each year opt to separate from their partners in civil courts. This does not permit the option of remarriage and the divorce lobby in Malta is growing more vociferous. The article consists of three sections. The first section is an overview of marriage laws, the second an overview of divorce, dissolution, annulment and separation laws and the third section is on recognition of transnational marriage and divorce, annulment and separation. The author pays no specific attention to gender equality related issues, but by purely describing the Maltese legal system regarding marriage and divorce as it is this article might nevertheless give valuable information that can contribute to our understanding of the issue of intimate citizenship.

3.1.1 Comparative studies

- 5) Pieters, Danny. 2003. *The social security systems of the states applying for membership of the European Union: Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey*. Antwerpen: Intersentia. EN

Keywords: descriptive study, social security systems, Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey

This book gives a description of the social security systems of the applying states for EU membership. One chapter is devoted to each individual country. These country chapters all have exactly the same structure. Successively, the following subjects are being discussed: concept and sources of social security law, administrative organization, personal scope of application, risks and benefits, old age, death, incapacity for work, unemployment, health care and long-term care, family, need, financing and judicial review. There is no comparative introduction or closing chapter. No specific attention is being paid to gender equality related issues, but by purely describing the social security system as it is the chapter on Malta might nevertheless give valuable information that can contribute to our understanding of non-employment in Malta.

- 6) Abela, Anthony M. 2001. Who wants divorce? Marriage values and divorce in Malta and Western Europe. *Revue internationale de sociologie* 11. EN

Keywords: marriage values, divorce, catholic European countries, secularisation, France, Italy, Spain, Portugal, Ireland

This is a comparative study of marriage values and divorce in Malta and five other catholic European countries through an analysis of data from the Maltese (1984, 1990, 1995, and 1999) and European (1981, 1990) Values Studies. It explores likely outcomes for the introduction of divorce in Malta on a western European model that fits most closely to the local situation. It examines Malta's position within the catholic family of nations. The paper tests the hypothesis of an expected relation between permissive divorce and secularisation, left political ideology, women's participation in the labour market and decline in fertility. It examines the significance of a catholic family culture for the upkeep of a restrictive morality on marriage values and divorce. What Maltese respondents think to be sufficient reasons for unsuccessful marriage and divorce - foremost domestic violence, unfaithfulness, failure in love and alcohol abuse - are compared to results obtained from other European societies having similar cultural, religious and historical traditions. The justification and support of divorce are differentiated by socio-demographic characteristics. In the Euro-Mediterranean city-island Malta of late modernity, the observed shift in the values of marriage and the family, the secularisation of sexuality and an increase in the incidence of unsuccessful marriages is still accompanied by a strong Catholic family culture that resists the civil settlement of marriage failure by divorce. In contemporary Maltese society, divorce can possibly be legalised if the needs of a significant minority are given greater importance over the rule of a catholic majority which excludes them.

4 Gender-based Violence

4.1 English sources

- 1) Ameen, Juan. 2007. Tackling violence in the home. *The Malta Independent Online*, January 29. EN

Keywords: domestic violence, Domestic Violence Commission, Malta

This article reports on an interview the author had with Marceline Naudi about domestic violence in Malta and about the (legislative, societal and institutional) measures that are taken in order to combat domestic violence. In December 2006 Naudi was appointed chairman of the Domestic Violence Commission. This Commission was only set up in March 2006.

- 2) Vakili-Zad, Cyrus. 2006. Counting the homeless in Malta. *Journal of housing and the built environment* 21:141-158 EN

Keywords: homelessness, social housing, homeless shelter, domestic violence, children's homes, subsidiarity

There are no visible signs of homelessness in Malta similar to what can be seen on the streets of many North American or European cities, yet there are few hundred homeless who stay in shelters and another few thousand households that are at risk of being homeless. There is, however, no official recognition of homelessness, no definition and thus, no program to alleviate the problem—the problem is hidden under the facade of strong family ties, community cohesion and the benevolent state. This paper has two major objectives: (1) an attempt to define and suggest a framework in counting the homeless in Malta; (2) identify and examine major contributing factors to homelessness in Malta. Although, the quantitative data is small and more cases would be needed to give an appropriate overview, it is hoped that the two issues that are identified (domestic violence and children in homes) would generate discussion. Focussing on homelessness, domestic violence is not the central theme of this paper. However, something that recurs several times within this article is the fact that homelessness in Malta largely is a gendered problem. The majority of the homeless in Malta are women and children who come from broken and dysfunctional families. They can be divided in two groups. On the one hand children and youth who are victim to abuse or neglect. On the other hand, women are fleeing domestic violence.

- 3) Borg, R. 2005. *Social inclusion, gender and disadvantaged groups – the Maltese national report*. Manchester: European Commission's Expert Group on Gender, Social Inclusion and Employment. EN

This entry has so far not been annotated, because the text has not been found yet.

- 4) Rosso, Marc. 2005. Domestic violence. *Malta Medical Journal* 17: 46-51. EN

Keywords: Guideline for GP's, domestic violence

This paper suggests a line of interventions which the GP could take in a situation of domestic violence. Such situations often require protected time and subsequent consultations may be necessary especially if the initial consultation occurs during a busy surgery. Training in interviewing and listening skills and working in the context of a multidisciplinary approach is most necessary for the success of these interventions. Much can be achieved in this potentially frustrating situation by simply recognizing the reality of a victim's situation, endurance and courage. This can be the beginning of rebuilding a woman's confidence and putting her in touch with agencies who can provide detailed advice, practical help and refuge.

4.1.1 Comparative studies

- 5) Fagan Colette, Peter Urwin, Kathryn Melling, Daniele Meulders and Aleksandra Kanjuo-Mrčela. 2005. *Gender inequalities in the risk of poverty and social exclusion for disadvantaged groups in thirty European countries*. Luxembourg: Office for Official Publications of the European Communities.
http://bookshop.eu.int/eubookshop/FileCache/PUBPDF/KE7606201ENC/KE7606201ENC_002.pdf EN

Keywords: European Union, gender inequality, social exclusion, poverty, unemployment, one-parent family, ethnic groups, migrants, violence

Gender mainstreaming is specified as a key requirement in the Social Inclusion Process; however, this approach to policy design and monitoring is still under-developed and often absent from National Plans. The aim of this report is to inform and help develop the gender mainstreaming of the Social Inclusion Process, drawing on national reports for 30 European countries. It reviews gender differences and inequalities in the risks of poverty and social exclusion, followed by chapters which focus on selected examples of disadvantaged groups to illustrate the relevance of gender mainstreaming for social inclusion policy. The eighth chapter of this report is on 'violence and sexual abuse against women – domestic violence, human trafficking and prostitution'. The part that deals with domestic violence focuses, next to Bulgaria, Cyprus, Greece, Lithuania, Norway, Poland and Romania, on Malta.

5 OPERA – Gender training books and manuals

- 1) National Commission for the Promotion of Equality (NCPE). 2007 (forthcoming). *Gender sensitivity manual directed towards educators, counsellors, and Heads of Schools*. The manual will be made available later on in the year 2007.

Keywords: gender sensitivity manual, education

Topics covered in this manual: historical background, gender beliefs and attitudes, nature/nurture debate, gender identity, gender role, the role of educators as agents in the sensitisation of gender issues, teachers' attitudes, the root of the problem – sex stereotypes, textbooks, the curriculum, society's preference for boys, guidelines for eliminating sexism from textbooks, eliminating gender bias and a checklist: What is appropriate?

- 2) Employment and Training Corporation (ETC). 2006. *Manual for employers: making work better for organisations and for employees*. Malta: ETC.
<http://etc.gov.mt/docs/manual%20content.pdf> EN

Keywords: manual for employers, anti-discrimination, flexible work arrangements, equality legislation, samples of equal opportunities policy and harassment prevention policy

This manual has been prepared for those employers and HR managers who wish to improve their business through having fair and equal organisations, as well as introducing flexible work arrangements. The manual contains: A checklist to avoid discrimination including examples of good and bad practices, updated information on equality legislation of relevance to the labour market, a sample of an equal opportunities policy, a sample of a harassment prevention policy, a glossary of terms and useful links.

- 3) National Commission for the Promotion of Equality (NCPE). 2005. *Sexual Harassment: A Code of Practice*.
http://www.msp.gov.mt/documents/wis/sexual_%20harass_practice.pdf EN

Keywords: manual on sexual harassment, employers, employees, general public

This Code of Practice is intended to disseminate information to employers, employees and the general public about the meaning of the term 'sexual harassment' and the relative rights and obligations of employers and employees. In particular, it is meant to ensure that sexual harassment at the workplace is prohibited and that it is clearly understood that it can give rise to serious consequences if it does in fact subsist. However, this code is not merely a sensitization document; it is also a 'code of practice, since the document ends with a specimen sexual harassment policy that could be used in practice by employers.

- 4) Employment and Training Corporation (ETC). 2004. *Manual for Gender Sensitive Vocational Guidance*. Malta: ETC.

<http://etc.gov.mt/docs/Manual%20for%20Gender%20sensitive%20vocational%20guidance.pdf> EN

Keywords: manual for gender sensitive vocational training, education

Research shows that gendered roles still largely shape the vocational development of both sexes and unless assumptions about gender roles are challenged they risk being perpetuated. For this reason ETC felt it necessary to produce this manual which will help teachers to check and move away from biases based on traditional roles which can limit choices and hamper aspirations. In this manual they touch upon how gender impacts on our development, and how gender tends to shape our expectations of ourselves and of others throughout our life in the family, at school and at work. They also provide facts about the local labour market that may serve to provoke thought, as well as guidelines for practical use. ETC hopes that this manual for gender sensitive vocational guidance will be a useful tool which can be consulted and used time and time again by those who believe in the potential of persons without gender impositions and limitations.

- 5) Callus, Angela and Miriam Mamillieri. 2000. *Gender mainstreaming in the Malta Public Service. A manual for action*. Malta: Commission for the Advancement of Women, Government Printing Press.

http://www.msp.gov.mt/documents/wis/manual_gend_mainst.pdf EN

Keywords: gender mainstreaming manual

The manual was disseminated to public officers during training programmes on the inclusion of a gender perspective in the work of the Public Service. The areas covered in this document include: gender mainstreaming, responsibility for action, prerequisites for successful implementation, and proposals for action. The appendices cover two OPM circulars, one on gender mainstreaming and the other on sex equality. Other appendices include performance management programme, training, guidelines on gender impact assessments, monitoring and evaluation and guidelines on annual reports on gender equality initiative.

6 FRAGEN

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The NCPE was founded in 2004 and has incorporated the Department for Women in Society and the Commission for the Advancement of Women. The National Commission is responsible for updating, encouraging, and promoting policies regarding gender equality in all spheres of Maltese life. The commission also deals with equality issues nationally and internationally. The department has seven staff members. It also functions as a documentation centre where people can lend publications or do literature research.

Its collection consists of: articles, books (4.500), databanks (15), dossiers on subjects (35), periodicals (16), press cuttings and videotapes. Top ten subjects: emancipation, politics, economics, sociology, education, childcare, violence, sexual harassment, legislation, human rights.