

UN Working Group on discrimination against women and girls

VALLETTA (7 July 2023)- The expert delegation comprising Dorothy Estrada-Tanck and Elizabeth Broderick, conducted a 12-day mission to Malta holding meetings with a diverse range of stakeholders in Valletta, Cospicua, Birżebbuġa and Victoria (Gozo). They shared their preliminary findings in the following statement:

“We wish to extend our sincere appreciation to the Government of Malta for the invitation to undertake this official visit and for its extraordinary support in preparation and during the mission. We would also like to thank all our interlocutors for the fruitful exchanges: the public officials, parliamentarians, judges, magistrates and lawyers, health and schools professionals, the personnel of the prison, of the immigration detention centre and open centres, women residents and detainees, representatives of civil society organisations, including faith-based, and academia, journalists, girls and women from different communities and victims/survivors of gender-based violence. We particularly thank all the courageous activists who shared their powerful testimonies and enlightening insights.

Context: Gender equality in Malta - balancing achievements and challenges

With a rich historical legacy as a Mediterranean island at the crossroads of different civilizations, Malta gained independence in 1964 and became a member of the United Nations in the same year and of the European Union in 2004. In 2023, Malta attained a non-permanent membership in the UN Security Council. During its term, Malta has prioritised the Women, Peace and Security agenda.

At the international level, Malta ranks 85th out of 146 countries in the 2022 Global Gender Gap Index. At the EU level, Malta ranks 13th in gender equality and in recent years has made some of the most significant progress compared to other EU Member States. We also congratulate Malta for its achievements as regional leader in the area of LGBTIQ+ rights.

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

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

Legal, policy and institutional framework

Malta has a good record of ratification of international human rights instruments and collaboration with human rights mechanisms and is committed to the implementation of the 2030 Agenda for Sustainable Development. Malta also took the critical step in July 2014 to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and in 2019 acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

However, Malta has yet to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as to ILO Conventions No. 190 concerning the elimination of violence and harassment in the world of work, No. 189 concerning domestic workers and No. 143 concerning migrant workers. We recommend the State accede to these important instruments and where applicable to continue its existing efforts

for accession. We also recommend that Malta raise the minimum legal age of marriage to 18 as per the Convention on the Rights of the Child and withdraw its reservations to CEDAW.

Malta has strong constitutional guarantees for equality between men and women and the right to equal pay for work of equal value¹. We note with appreciation the impressive and wide-ranging legislative and institutional frameworks for equality established in Malta transposing and implementing EU Directives², as well as the specialized institutional mechanisms established for the implementation of gender equality³. Numerous gender equality plans and policies have been introduced, in line with the Council of Europe's Gender Equality Strategy 2018-2023 and the EU Commission's Gender Equality Strategy 2020-2025⁴.

Despite its comprehensive legal, policy and institutional framework for the protection and promotion of women's and girls' human rights, many of our interlocutors have pointed out that Malta lags in implementation. The lack of comprehensive available disaggregated data and strong monitoring capacity is a key barrier to identifying gender equality challenges and measuring change.

We note that the former Ministry for European Affairs and Equality has been replaced by equality units within the Human Rights Directorate of the Ministry for Home Affairs, Security Reforms and Equality which some stakeholders consider as downgrading and detrimental to ensuring genuine gender mainstreaming across the Government. At the same time we recognise the importance of the strong leadership of the Parliamentary Secretary for Reforms and Equality.

While the National Commission for the Promotion of Equality has been a key driving force in progress achieved, we recommend the establishment of a fully-fledged and independent national human rights institution in compliance with the Paris Principles and commend the existing efforts in this area.

Family and cultural life

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

During our visit, we have consistently heard from interlocutors that Malta is a conservative society with a patriarchal structure holding back women and girls from finding a genuinely equal place. Indeed, until recently only Maltese men could transmit their nationality to their children. We welcome the changes to the legislation which grant equal rights to women in the transmission of nationality. While the construction of the family has undergone major changes in the past years, discriminatory gender-based stereotypes and beliefs still predominate. We heard from women: "We have not yet managed to leave behind practices where boys are more deeply valued and preferred to girls." Practices subjugating women continue. We were told that "it all starts in the family where women are expected to cook, clean and to take care of the children" and that "most women have internalised that they are the main carer".

Some interlocutors pointed out that Malta has a limited population concentrated on a small island which creates a proximity among the Maltese where "everyone knows everyone". In this environment, some women find it difficult to thrive, held back by community pressure and cultural expectations of how a woman should behave, often silencing women who do not necessarily conform to the imposed gender roles. As in any country, Maltese culture is not monolithic and women and girls from different socio-economic, ethnic and cultural backgrounds experience diverse realities.

¹ Article 14: "the State shall promote the equal right of men and women to enjoy all economic, social, cultural, civil and political rights", "eliminate all forms of discrimination between the sexes" and "aim at ensuring that women workers enjoy equal rights".

² Work-Life Balance for Parents and Carers Regulations (2022), the Marriage Equality Act (2017), the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act (2016), the Gender Identity, Gender Expression and Sex Characteristics Act (2015), the Civil Unions Act (2014), and the Equality for Men and Women Act (2003).

³ Establishment in 2019 of the Gender Mainstreaming Unit (GMU) in the Human Rights Directorate under the Ministry for Home Affairs, Security, Reforms and Equality; the Consultative Council for Women's Rights (CCWR) in November 2017 under the Ministry for Home Affairs, Security, Reforms and Equality; the National Commission for the Promotion of Equality for Men and Women (NCPE) in 2004

⁴ These include the first national framework on gender equality and gender mainstreaming, the Gender Equality and Mainstreaming Strategy and Action Plan 2022-2027, the Women, Peace & Security: Malta's National Action Plan for the Implementation of United Nations Security Council Resolution 1325: 2020-2024, and the LGBTIQ Action Plan 2018-2022

Some senior officials were pleased to note that the country is changing, with the younger generation studying abroad and more exposure to the global community, accelerating progress. They added “we need to change the mentalities.” Some officials admitted for instance that “more could be done to value women’s contribution in the arts and sciences”. We were also told that patriarchal views implying that women are less fit to lead have a considerable impact on women’s ability to participate in the public and political life of the country while also restricting their participation in economic and social life. The State could do more to implement sustainable transformative strategies towards gender equality⁵, in particular through formal education for children and awareness raising programs for adults.

Public and political life

Elected and appointed positions

In 2021 a 40% quota for political representation of each sex was introduced, resulting in a significant increase in women’s participation in Parliament. This corrective mechanism was meant to ensure that if one sex gets less than 40% of the seats in Parliament, up to 12 seats can be added, with six seats for each party. Thanks to the first implementation of the quota in 2022, the percentage of women parliamentarians increased from 13.4% in 2021, the lowest share of women in a national Parliament in Europe, to 27.8% today with women currently occupying 22 out of 79 seats.

Women’s participation in public and political life lags European standards. Among the indicators used in the 2022 Gender Equality Index by the European Institute for Gender Equality (EIGE), Malta ranks the lowest (19th) in this domain, signalling the need for improvement. Indeed, in the 2022 elections, only 4 women were directly elected out of 65 seats. An additional 12 women (6 for each party) were appointed through the new quota system but the percentage of women parliamentarians remains below the 40% threshold.

Furthermore, the percentage of women Ministers is low, with only 2 women out of 20 (10%) and 5 women out of 25 members (20%) of the Cabinet, which is below the EU average of 33%. Overall, there are 20% of women in the Government. The percentage of women mayors is 16%. The total share of women in the diplomatic service is 49% of which 22% are Ambassadors. We encourage Malta to continue to implement temporary special measures to increase representation of women at the highest levels of public life recalling that gender parity (50:50) is a key indicator of gender equality.

The Public Service and Judiciary

We welcome the appointment in 2020 of the first female Attorney General, and her positive commitment to gender equality. Women are well represented in the judiciary. The first female magistrate was elected in 1991 and the first female judges were elected in 2006. There are 55% female judges. Nevertheless, public decision-making remains male-dominated. Our interlocutors have pointed out that women in positions of power are more heavily scrutinised and criticised than men in positions of power, and experience gender-based hate speech and discrimination more often. Some of the public officials we spoke to said they received inappropriate comments in the media and on social media. As one interlocutor noted “They think they have a right to criticize you because you are a woman.”

Additional measures should be adopted to encourage and support women to run for public office at both the national and local level and support women candidates to have a better chance of success, disrupting harmful gender stereotypes.

Women and girls human rights defenders

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

However, we are concerned about the intimidating environment surrounding the debate on sexual and reproductive health rights, and in particular, online and offline attacks against women activists. These include gender-based threats and hate speech on social media, smear campaigns, blackmail, intimidation and stigmatization, with comments such as “Here come the troublemakers”. We also heard of one instance of physical attack and two instances of online death threats.

⁵ We would like to remind the Government’s obligation under article 5 of CEDAW to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or stereotyped gender roles.

Independent women's and girls' organisations and networks play a critical role in ensuring a healthy democracy and the fulfilment of human rights. They should be granted adequate resources, be able to carry out their work without fear of reprisals and be included in policy-making. Any harassment of activists must be prevented and duly sanctioned.

Economic and social life

Women's labour force participation

In the past decade, Malta has made notable strides in women's economic empowerment. The country has implemented various policies aimed at improving women's employability and increasing their participation in the labour market. This effort has resulted in a 13% increase in women's labour force participation, but significant disparities between male and female labour force participation persist. Currently, the women's labour force participation rate stands at 54.5%, while the rate for men is 71.8%.

Despite progress, women still face challenges related to unpaid domestic work and an inability to progress in their careers due to family commitments. Women and girls spend significantly more time on unpaid work compared to men. In 2021, 37% of women compared to only 14% of men reported taking care of children aged 0–11 for more than four hours a day - the lowest share of men across the EU. The share of women reducing their working time for this reason was the highest across the EU, twice the EU average of 8%.

To address these issues, the Government through JobsPlus has implemented initiatives under the Making Work Pay program, which focuses on increasing women's participation in the labour market. These initiatives include the Free Childcare Scheme, improved over time. Other programs, such as In-Work Benefit, Tapering of Benefits, tax exemptions, and childcare services for vulnerable children, have also been introduced to attract more women to the workforce. Malta has also recently introduced paid IVF leave. These efforts have contributed to a significant increase in the female employment rate.

As for other countries, Malta has faced challenges related to the gender pay gap, with women historically earning less than men for equal or comparable work. However, improvements have been made, and the gender pay gap has decreased. In 2018, Malta had the highest gender pay gap in Europe, but it has since improved and now has a narrower gender pay gap of 10%, lower than the EU average of 13%. Malta does however have a significant pension pay gap of 41.8% for the age cohort of 65+. We were pleased to hear about a Carers Grant scheme and other initiatives and recommend that the Government take further action to close this gap. We were also pleased to hear about various initiatives to encourage women and girls into Science, Technology, Engineering and Mathematics and programs addressing gender stereotypes concerning employment.

We are pleased to note that 50% of the heads of public hospitals are women. However, women are still underrepresented in management roles in most sectors, with 28% of women holding such positions, falling behind the EU average of 34%. Addressing this underrepresentation requires a comprehensive approach, including mandatory interventions, reporting and publishing data on women's leadership, promoting gender diversity, eliminating biases, providing mentorship, fostering supportive work environments, and implementing work-life balance policies.

There is also a gender imbalance in presidents, board members and employee representatives of largest listed companies whereby in 2020 the percentage of women stood at 10.8% when compared to the EU average of 30.6%. Although the EU Directive on Gender Balance on Corporate Boards for 40% representation was adopted in 2022, it has not yet been transposed into Maltese law.

Overall, while Malta has made significant strides in women's economic empowerment, there are still challenges to overcome to achieve full gender equality in economic life. Continued efforts and comprehensive strategies are necessary to address the remaining discrimination and create a more inclusive and equitable work environment.

Education

Girls have equal access to education at all levels in Malta, including primary, secondary, and tertiary education. The educational system in Malta is co-educational in public schools although in many church and independent schools the education is single sex. We were impressed by the commitment and expertise of the public school administrator and teachers we met.

Malta has implemented policies and initiatives to ensure equal educational opportunities for girls. They demonstrate high rates of enrolment and completion of primary and secondary education. Since 2017, female graduates have outnumbered male graduates in all levels, from upper secondary education to Doctoral level

education. A significant number of girls continue their education beyond compulsory schooling, pursuing higher education at universities, colleges, and vocational institutions. As of 2020, 46.5% of women aged between 30 and 34 years have a tertiary level of education, while the percentage of men stands at 34.1%. Malta more recently is introducing micro credentialling particularly in vocational areas and this is providing opportunities for migrant women.

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

In relation to gender equality education in the school curriculum, we were pleased to learn that there is a stream on Personal, Social and Cultural Development (PSCD) which focuses on human rights broadly and also specifically examines gender equality, sexuality and relationships education, including respect for different sexual orientations and gender identities. Many interlocutors described the difficulties for some teachers in properly teaching this program, particularly where the teacher holds conflicting views to the content being taught, or where they do not have the tools and understanding to effectively deliver the content. We believe it would be valuable for the Government to evaluate the effectiveness of the current curriculum with a view to strengthening it so it is delivered in a systematized manner.

Promising practices observed in other countries include a ‘whole school approach’ where human rights education, including gender equality, is embedded into the main curriculum throughout all subjects. We would encourage the strengthening of approaches where gender equality is prioritized as a core value of the educational institution and guidance is provided to teachers on the teaching of gender equality issues. Gender equality education as part of human rights education, is indispensable at the youngest appropriate age for shifting problematic gender stereotypes which hold back both women and men and also for addressing gender-based violence, including sexual harassment.

Health care

General access to health care

We were pleased to note that quality free healthcare is provided to anyone who is a Maltese citizen or working legally in Malta for at least a month. Public insurance can be complemented by private insurance plans. According to the authorities, emergency care is provided to everyone, including all migrants, asylum-seekers and refugees. We also welcome the proposed free of charge distribution of menstrual hygiene products in all schools and the regular free of charge breast and uterus screening offered to women. We hope that such screening measures can be extended to every woman residing in the country.

Several stakeholders have expressed concerns about increased reports of deteriorating mental health for both women and men, as well as the serious health and societal impact of drug abuse on younger generations. In that regard, we recommend that the Government continue to strengthen its efforts in terms of effective prevention strategies.

Sexual and reproductive health

We welcome the extremely low maternal mortality rate in Malta and the efforts led by the Ministry of Health towards providing some level of information on sexual and reproductive health. According to most stakeholders, the contraceptive prevalence rate in the country is very low, but there seems to be a lack of reliable and updated data in this area. As contraceptives are not covered by the State health insurance, even for the youngest or the most marginalised persons of society, a vast number of women choose not to use contraceptives and many interlocutors tell us that some women would rather opt for *coitus interruptus* (commonly known as withdrawal practice, which is unreliable and should not be promoted as a contraceptive method). To accurately assess the

contraceptive needs of women and teenage girls in Malta, the Government should continue to conduct thorough surveys on the use and barriers faced by women and girls in accessing contraceptives.

Emergency contraception was only legalised in 2016 and is available (between 25€ and 40€) unless the pharmacist is a conscientious objector. Some interlocutors regretted that, in practice, emergency contraception is not easily accessible. Some women reported being subjected to inappropriate interviews behind the counter before being able to obtain emergency contraception. We commend the Government's consideration of making contraceptives available free of charge to certain age groups. We call on the Government to explore the option of making all contraceptive methods accessible and available free of charge to teenage girls and women under 26 and to provide free condoms for marginalised groups and youth. We have observed this positive practice in other EU countries. We also recommend a thorough review by the Government of its awareness raising strategies to ensure that they disseminate scientifically based information in compliance with international standards and that comprehensive sexuality education⁶ for both boys and girls is systematically included in all school curricula (public and private) with a thorough monitoring of its implementation. Comprehensive sexuality education is central to preventing teenage and unwanted pregnancies but also in the prevention of sexually transmitted diseases and gender-based violence. While overall national rates are declining, according to stakeholders met, teen pregnancy remains of concern especially in socio-economically marginalised areas.

We are encouraged that the issue of women's reproductive rights has more recently become a topic of discussion in Malta and particularly during our visit. Until very recently, Malta had an absolute ban on abortion, forbidding the termination of a pregnancy under any circumstance, even when the life of a woman was at risk. On 28 June, the Parliament passed a bill which amends the Criminal Code decriminalising abortion only when the woman's life is at immediate risk, further to the assessment of a medical team (three doctors). We regret the dismissal of a previous version of the bill which was broader in its scope (including risks for the woman's health). Some medical professionals that we met did not consider the reference to a team of three doctors as being problematic in practice. Other stakeholders, including doctors, considered this legislative step as a regression. While we welcome the increased national dialogue about women's reproductive rights, we are deeply concerned that Malta continues to have the most restrictive abortion law in all of Europe. According to surveys conducted by some CSOs, public sentiment is changing, with indications that younger people are increasingly favouring the decriminalization of the termination of pregnancy. Several CSOs see as a positive step that now women's reproductive rights and termination of pregnancy are being talked about in the public domain.

We are also greatly concerned at the recent case of a woman victim of domestic violence who was detained for choosing to terminate her pregnancy by medication. She was conditionally discharged by the court. In accordance with international human rights standards, the right to terminate a pregnancy is at the core of women's and girls' fundamental rights to equality, to dignity, autonomy, bodily integrity, respect for private life, and the highest attainable standard of physical and mental health, including sexual and reproductive health, without discrimination, as well as the right to freedom from torture and cruel, inhuman or degrading treatment. [World Health Organization](#) data has demonstrated that criminalizing termination of pregnancy does not reduce the number of abortions. Countries where women have the right to termination of pregnancy and are provided with access to information and to all methods of contraception, have the lowest rates of termination of pregnancy. We recommend the Government of Malta to review its legal framework to ensure the right of a woman to terminate a pregnancy in accordance with international standards.

While we are committed to upholding freedom of religion or belief as a human right to be protected, we regret the challenges to gender equality in the name of religion. We join other international human rights expert mechanisms in reiterating that freedom of religion or belief should never be used to justify discrimination against women and girls⁷.

Gender-based violence against women and girls

General prevalence

Malta has demonstrated a strong commitment to addressing gender-based violence. Sadly, violence against women and girls, which is the most brutal manifestation of gender-based discrimination, remains pervasive. In the words of one of our interlocutors, "There is a pandemic of violence against women in Malta." The lack of data on the prevalence of gender-based violence against women and girls is a primary concern. In the 2022 Gender Equality Index by EIGE, no score was given to Malta in the domain of violence, due to a lack of comparable EU-

⁶ [A Compendium on Comprehensive Sexuality Education](#)

⁷ [A/HRC/38/46](#); [A/HRC/29/40](#)

wide data. To accurately assess the national prevalence rates of gender-based violence including domestic violence, the Government should expand the data collected by the National Statistics Office (NSO) through a regular State wide survey.

The most frequent form of gender-based violence against women and girls in Malta is domestic violence which constitutes half of all gender based violence reports received by the police in 2022. Data collected by Malta's NSO in 2021 shows that 3,295 individuals made use of different services available to those experiencing domestic violence. This represented a 12.9% increase from the previous year. The majority of those using the services were women (78.9%). According to various stakeholders, there are sufficient shelters for women and girl survivors of domestic violence, one State-run and two NGO-run, but this level of reporting and referral might not cover all the real needs of women victims. We were also informed that sexual harassment on the streets, in schools, public transportation and at the workplace is pervasive, normalised and accepted. We note with profound sadness that in 2022, there were three cases of femicide. The latest one in November galvanized the community. According to the Malta Observatory on Femicide, seventeen women and girls in Malta have been killed by intimate partners in the last 10 years.

We applaud the strong network of civil society organizations working in this field who support and complement the Government's efforts in this regard.

State response to gender-based violence and access to justice

We welcome the positive changes which have taken place in the past years in the administration of justice, in particular, through the incorporation into domestic law of the Istanbul Convention, including the modification of the Criminal Code in June 2022 to include murder 'with femicidal intent', the establishment of specialised courts, the Victim Support Agency, the Gender-based and Domestic Violence Unit within the Police (GBDVU), tailored social services provided by APPOGG, sexual assault response teams in hospitals as well as the very recently established Multi Agency Risk Assessment mechanism established to ensure a coordinated and timely response to serious cases of domestic violence. However, we have heard consistently from various stakeholders that women face many obstacles in their path to justice, with delays, cumbersome procedures, and an inconsistent response based on who they encounter in the system. We have also heard about the fragmentation of the State response to gender based violence as one of the major obstacles to sustained progress.

These barriers, together with the fear of further trauma, leads to a situation where many women abandon their quest for justice. Interlocutors regretted the considerable backlog and delays in courts due to the lack of magistrates and judges. We heard that "the perpetrator abuses the woman the first time and the system abuses the woman the second time". We were also told by women "It is better to be beaten up rather than going through this". Indeed, it can take years for the justice system to resolve a case. The fact that women are financially highly dependent on their partner also prevents them from seeking access to justice. We welcome the positive practice of police and magistrates who request the presence of social workers throughout the justice process and who do not necessarily accept the requests from certain victims to withdraw their complaint before the case is heard. We also welcome the new approaches being trialled in the Office of the Public Prosecutor to address some of the delays by prioritising certain sexual violence and rape cases.

Victims expressed that the reporting process is often very long and inadequate, and that the victim already had to describe her case at a district police station before being re-directed to the GBDVU. This leads to the re-victimization of the woman and can also have a dissuasive effect in terms of pursuing a complaint. Stakeholders involved in cases of domestic violence insisted that improvements still had to be made in the whole complaint procedure and hoped that the project to open two additional hubs dedicated to gender-based violence cases would help. They further pointed to the lack of a unified data collection system between the various entities and authorities involved (health and social workers, police and justice). We recommend that such a centralised data system be set up as soon as possible. Importantly, without tackling the root causes of this pervasive violence, that is to say, the patriarchal culture of male domination, and strong prevention initiatives, no sustained progress can be achieved. Local Councils, should be sensitized to the critical issue of pervasive gender-based violence and be encouraged to be part of a sustained prevention strategy as key actors close to communities who could be a driving force towards transformative change.

It was mentioned by victims and also high level officials that both police and magistrates sometimes use discriminatory language in cases of gender-based violence (for instance, "what were you wearing?"; "did you provoke him?"). While we were informed that members of the judiciary and police officers benefit from training, several stakeholders insisted that the training given is not sufficient or adequate. We also met with very committed police officers, judges and magistrates who expressed the need for increased support by the State in their

determined endeavours. To address the various shortcomings in the prevention and protection chain, we recommend that compulsory regular gender-responsive training based on international and regional human rights standards and jurisprudence be provided to all actors. On the basis of promising practices observed in other countries, we recommend that the current integrated services for victims of gender-based violence provided by the Victim Support Agency be strengthened and centralised (gathering for instance in one place, health, psycho-social, police and legal services).

We welcome the availability of free legal aid and the facilitation of interpretation services where necessary. We heard that the quality of legal aid is not always optimal and that training on women's human rights and cultural diversity should also be provided to members of the legal profession to ensure that gender and cultural bias can be overcome.

The enforcement of protection orders remains problematic and represents a major shortcoming in the protection chain. The latest femicide in December 2022, involving a victim with a protection order who had presented her latest report before the police the day preceding the crime, exemplifies the serious systemic issues which remain. Senior officials told us: "We want to see more changes. We need a better system to support us".

Women and girls facing multiple and intersecting forms of discrimination

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

Migrant, asylum seeking, refugee women and survivors of human trafficking

Migrant women, asylum-seekers and refugees face significant structural challenges to fully exercise their human rights. Many migrant women come from poverty, migrate to Malta and become care providers, domestic workers, or health workers and they are often providing for their accompanying children or those children still in their country of origin. They exemplify the draining of care resources from poorer nations through global care chains. Whilst we welcome the positive initiatives like "I Belong", administrative and labour requirements in relation to employment relationships of migrant women, such as the single work permit and the extremely short time of 10 days to obtain and inform of a new employer, place women at heightened vulnerability to forced labour and exploitation. Such strict and often impracticable rules, as well as the fact that work permits both for migrant and asylum-seeking women are tied to a specific employer, make women more likely to be trapped in the cracks of the legal migratory and administrative framework, often with no money, language barriers and insufficient information about their rights. We recommend the extension of the 10 day period to prevent women becoming irregular residents.

Job precariousness and fear of deportation often push women to clandestine conditions of subsistence. In situations of gender based and domestic violence, such elements also provoke a fear of reporting and following through the full judicial process.

We are also concerned by the difficult paths towards naturalisation for women. The fact that apart from the criteria foreseen in the law, there are criteria added in internal policies of the Citizenship Office, which are not published nor public, raises concerns about the rule of law in a democratic society as experienced by persons seeking (or possibly unknowingly deserving) citizenship. We were surprised to learn that there is often no explanation or legal foundation and justification given for the decisions denying citizenship, and that there is no administrative nor judicial recourse to challenge such decisions. The decision on naturalisation and any review is dependent on the discretion of the Minister on a case-by-case basis.

Asylum seeking women residing in open centres seemed pleased about the support provided and the opportunity to work. However, we observed that the premises and living conditions were basic. Also, children of third country nationals who do not enjoy regular status, for example, rejected asylum-seekers, experience or are at risk of experiencing statelessness.

While we welcome the positive steps taken by the Agency for the Welfare of Asylum Seekers and Identity Malta, we recommend gender-responsive changes in the laws pertaining to migrants, asylum-seekers and refugee women, many of whom are already integrated into the community and who do not feel attached to any other country. This will create the conditions for the enjoyment of their rights and freedoms, including their right to be free from violence, their right to work, their right of access to justice and the rights of their children.

Several stakeholders expressed concerns about the lack of implementation of existing protocols for identifying women survivors of human trafficking. We understand the Government will release the first national strategy on human trafficking in 2024. We also recall the State's obligation of early identification, support, protection and rehabilitation of trafficking survivors, in collaboration with civil society organisations and to take into consideration the needs and views of survivors themselves.

Women deprived of liberty

We thank the authorities for having facilitated with total transparency our access to the only prison in the country and for the frank exchanges. At the prison, out of a total incarcerated population of 642 persons, 67 are women (approximately half of them foreigners), most often undergoing harsh sentences for drug-related offences (for example, 19 years). We recognise that drugs represent a major health and societal issue in Malta and create human harm. However, as stressed in a recent [joint statement](#) by UN Human Rights experts, States are urged to review their current drug-related policies to ensure alignment with the principles of a comprehensive, restorative and reintegrative justice approach, together with community-based preventive measures.

The women deprived of liberty in the prison spoke to did not refer to unsuitable, unhealthy or detrimental conditions. The number of staff in the prison has considerably increased in the past years. In terms of training opportunities provided, we would recommend their expansion, including through online education. The detainees acknowledged the improvements made concerning their conditions of incarceration and, in particular, praised the health care provided, including mental health services. We would encourage the authorities to consider options to relieve the detainees from the extreme heat endured in summer months which can become unbearable. We welcome the possibility for detainees to communicate virtually with their relatives, in particular for the non-Maltese and foreigners who would otherwise not be able to be in contact with their families.

We recommend strengthening the quality and resourcing of legal aid, ensuring also that interpretation and translation services are provided to foreign offenders. We are deeply concerned by the fact that about half of the women detained are awaiting trial, often for many years. We recommend deploying all possible efforts to address the judicial backlog, in accordance with Malta's international commitments.

We were informed that children can stay with their incarcerated mother until 12 months of age. In this regard, we would like to recall that according to international standards⁸, the State should consider system-wide alternatives to detention for women, in particular for those who have dependent children.

At the closed immigration detention centre, women referred to dignified conditions and treatment. Women detained at the centre seemed to have a limited possibility for successfully challenging an order of deportation and no judicial recourse. In line with previous recommendations of the UN Working Group on Arbitrary Detention, we recommend that Malta considers alternatives to immigration detention and in any case determines detention on the basis of a judicial decision and adopts judicial review of immigration related decisions.

In Malta, as loitering and living off the earnings of sex work/prostitution is still illegal, sex work/prostitution is de facto criminalized. We welcome ongoing discussions on its decriminalization, and recommend the inclusion of all women involved in sex work/prostitution, including LGBTIQ+ persons, in the debate. We reiterate our position that women should not be criminalised for engaging in sex work/prostitution.⁹

Women with disabilities

We welcome the improvements made in terms of access to social services for women with disabilities but regret the remaining challenges they continue to face and the absence of research and data. We were informed that women with disabilities face considerable discrimination, in particular as mothers. We heard about the lack of accessibility to health services, to police services as victims of gender-based violence as well as lack of access to employment and housing. While the expected role for a woman is to take care of her children, according to the testimonies we heard, some women with disabilities are considered incapable of being mothers and seen as asexual. They therefore face additional barriers in accessing contraceptives.

⁸ [2010/16 United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders \(the Bangkok Rules\)](#)

⁹ [A/HRC/32/44](#)

LBTIQ+ persons

We welcome Malta's position as European champion for the promotion and protection of LBTIQ+ rights. We were pleased to observe the successful inclusion of trans women in women's shelters, as well as their dignified treatment as women in female prisons and detention centres. We were informed however that on occasion LBTIQ+ persons face stigma in society and obstacles in accessing employment opportunities, due to persisting transphobia and homophobia, as well as implementation gaps. Our interlocutors pointed out that LBTIQ+ sex workers are heavily targeted, stigmatised and discriminated against.

Conclusions

Since becoming a member of the European Union in 2004, Malta has achieved remarkable advancements in gender equality. There exists a unique opportunity to accelerate positive developments in women's rights while fostering concomitant economic growth. Nevertheless, in 2023, the country also confronts continuing discrimination against women and girls.

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

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

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

We sincerely hope that the State of Malta, together with younger generations and all sectors of society, will engage in the transformative actions necessary to continue to bring about positive change for women's and girls' human rights for the benefit of the whole of society.

END

The [UN Working Group on discrimination against women and girls](#) was created by the Human Rights Council in 2010 to intensify efforts to eliminate all forms of discrimination against women and girls throughout the world in collaboration with all concerned stakeholders. The Working Group is composed of five independent experts: Dorothy Estrada-Tanck (Mexico; Chairperson), Elizabeth Broderick (Australia), Ivana Radačić (Croatia; Vice-Chairperson) Meskerem Geset Techane (Ethiopia), and Melissa Upreti (Nepal).