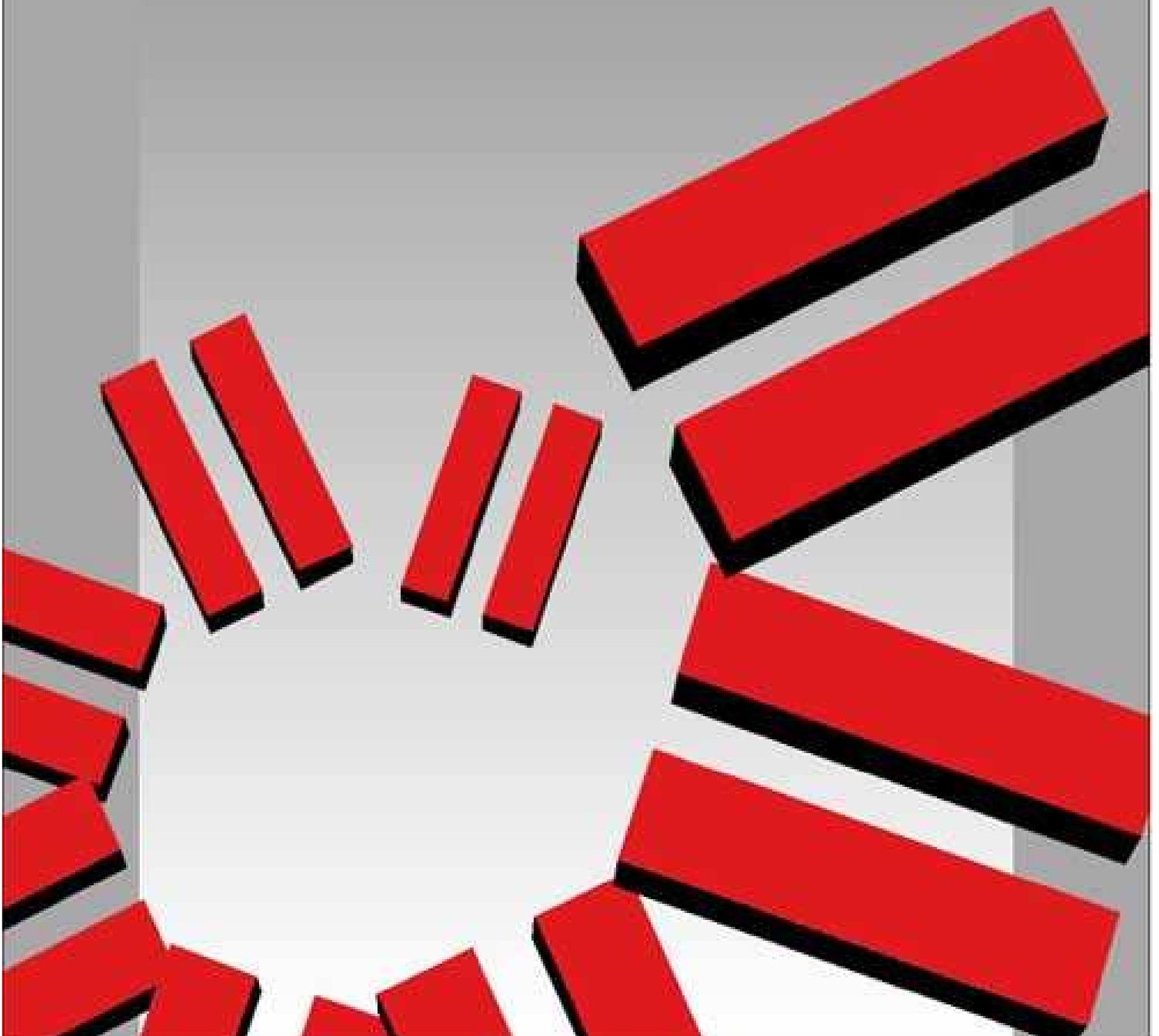


# NCPE

NATIONAL COMMISSION  
FOR THE PROMOTION OF EQUALITY  
FOR MEN AND WOMEN

ANNUAL REPORT 2004



**National Commission for the Promotion of Equality  
for  
Men and Women**

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**National Commission for the Promotion of Equality  
for Men and Women**

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## Message

Gender equality in Malta has a relatively short history. Gender issues were placed at the forefront of Government's agenda in the late eighties with the setting up of the Commission for the Advancement of Women. A number of significant landmarks followed, including the Constitutional amendment which prohibited discrimination on the basis of sex, the ratification of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and legislative changes which brought about radical changes in the status of married women and gave both partners in marriage equal decision-making roles.

The 2002 Industrial Relations Act which provides for equality of pay, of working conditions and of access to training was followed by the Equality for Men and Women Act, by virtue of which the National Commission for the Promotion of Equality was set up as the national machinery with a legal personality separate from that of Government and its judicial representation vested in the Commissioner.

This Commission is now one year old, still a sapling in many ways but manifestly a strong sapling that, given the appropriate nurture, will mature in the years to come.

In the past months the members of the Commission have laid down a framework for action intended to help them fulfil their functions as established by law with a vision and a forward-looking strategy to identify, establish and update all policies related to issues of equality. Legislation is only part of the strategy: it is the implementation that brings about the much-needed change where it really counts.

In the past years we have seen the introduction of a number of measures and initiatives aimed to realise equality between women and men. These have been effective in varying degrees but a great deal still needs to be done. The Commission is not simply a monitoring body but an advisory one. Its role is to help Government develop practical strategies that will lead to equality in civil, economic and political life.

Our evolving society, shifting traditional values, demographic changes will all need to be taken into account in any major policy shifts.

The Commission has rightly taken stock of its assets and its liabilities and has focused on major issues that are of paramount importance, namely the low participation of Maltese women in the labour market and the low rate of women in decision-making and representative positions. Its Five Stranded Framework of priorities for Action for its 2004-2006 term include media campaigns, liaising and networking with other bodies and with the

authorities, feasibility studies and the streamlining of legislation, together with a monitoring of collective agreements.

NCPE is the first Commission to publish a Quality Service Charter which will ensure that the service given by the Commission to all those who approach it for help, support or information will be given the best service possible.

The Commission has several challenges ahead of it. The past year has already shown that its members are fully cognisant of their tasks and of their wide remit.

I take this opportunity to thank the Commissioner, the members of the Commission, the Executive Director and all the members of the staff for their unstinting contribution and have no doubt that together they will face the challenges and achieve their objectives.

***Dolores Cristina***  
***Minister for the Family and Social Solidarity***  
***January, 2005***

## Foreword

The National Commission for the Promotion of Equality for Men and Women (NCPE) was set up in January 2004 under Article 12 of Act 1 of 2003. As seen during its brief remit, the promotion of equality among men and women in Malta is a complex and dynamic issue that is intricately woven into all aspects of social history, current society, and social relations. The strategy of NCPE, for its term 2004-2006, was thus planned to focus on those issues of gender that constrain and disadvantage men or women in Malta, and to identify appropriate action in order to remove or minimize those issues. The challenge for NCPE in developing practical strategies for bringing about these objectives and real change in pursuing gender equality, is to recognise the realities in the lives of women and men today that prevent or limit them from achieving their potential due to their gender, and to determine what it is possible and relevant to do within the national context and with other national agencies.

### ***Priorities for Action (2004-2006)***

In this respect NCPE has identified a Five Stranded Framework of Priorities for Action for its term 2004-2006:

#### ***1. Undertake a media campaign to raise public awareness of NCPE's role and remit and to disseminate more information on sexual harassment laws***

Public awareness and education are pivotal in the process of achieving equality of opportunity between men and women. Traditional and stereotyped gender views still shape young people's aspirations in education, training and employment, and post school destination. This strategy includes gender sensitisation of policymakers, community leaders, legislators, parent-teacher associations, NGOs and the media.

#### ***2. Appoint procedures, guidelines and an adjudicating board to handle complaints***

A complaints subcommittee has been set up in order to handle and monitor the various complaints. It has met regularly with the legal advisor in order to act on complaints addressed to NCPE. NCPE is now bound by its Quality Service Charter in addressing such complaints in reasonable time scales. Guidelines for complaints in the area of gender discrimination have been developed and implemented.

### ***3. Liaise and network with other commissions and authorities***

Gender equality at the workplace should not only be considered an ethical norm but also a factor of well-being, an economic value, profitability and public image. Unequal pay and income are major sources of gender inequality. Good work/life balance policies and practices impact favourably on all employees, women and men, and will bring benefits to the organization that uses them effectively. Consideration should also be made of the large number of females who work in the voluntary sector and contribute greatly to improving the social fabric of the country. NCPE will consult with other bodies, such as the Commissioner for Children, ETC, in order to develop initiatives and projects that address gender bias and gender segregation in education, careers and lifelong learning ( such as gender and science); and improve the performance of under achieving groups and encourage more female participation in retraining programmes, especially IT and encourage female entrepreneurship.

### ***4. Undertake a feasibility study on the implications of introducing targets/quotas with respect to gender in Malta***

Equal participation and representation should be implemented in decision-making bodies. There is also a need to consider appropriate methods for consulting NGOs and other strategic consultative bodies on issues arising from gender inequality and gender discrimination. Strategies and instruments will be developed in order to promote women in political, economic and social decision-making at all levels, including activities in external relations and development cooperation.

### ***5. Monitor existing legislation and collective agreements with respect to gender streamlining laws***

NCPE will formulate service responses to gender related support needs for accessing employment and services, including consideration of the needs of employers. It also will ensure that a Gender Equality policy and a Sexual Harassment policy are in place in both the public and private sectors, and assist by offering guidelines in order to create a set of quality standards to promote gender equality at work through the implementation and monitoring of the policy. It will conduct studies on gender implications in the taxation system, social security and the black economy which is resulting in loss of social benefits.

### ***Conclusion***

This is a wide remit and it can only be tackled if NCPE are provided with the necessary resources both infrastructural as well as with respect to human resources. This will assist in developing the capacity of players to

promote gender equality effectively, in particular through the support for the exchange of information and good practice and networking on a national level. Coming from varying political and professional backgrounds, the members of the Commission and the executive staff have worked extremely well together and may I take this opportunity to thank them all individually for their commitment and dedicated work throughout this year. The amount of work to be undertaken is awesome and the onus on the NCPE is tremendous, but with co-operation from all sides it can be achieved.

***Janet Mifsud  
Commissioner  
January, 2005***

## **Executive Summary**

### ***Introduction***

The setting up of the National Commission for the Promotion of Equality for Men and Women [NCPE] in January 2004 provided a national body responsible for monitoring the implementation of the provisions of the said Act and take action in cases found to be in breach of the law. The shifting of focus from women's issues to gender equality, a strategy already initiated by the previous Commission for the Advancement of Women, indicates the change in focus from eliminating discrimination against women to a more dynamic approach which considers the right of equality as a fundamental right of every citizen.

### ***Composition***

The National Commission for the Promotion of Equality for Men and Women consists of the Commissioner, Dr Janet Mifsud and six members. These are: Ms Grace Attard, Dr Miriam Camilleri, Mr Mario Mallia, Dr Myriam Spiteri Debono, Dr Fr Vanni Xuereb, and Mr Winston J. Zahra Jr. – representing various professional and social backgrounds. It is supported by an executive body led by the Executive Director Ms Sina Bugeja and five members of staff who are Mr Silvan Agius [who replaced Ms Josephine Mifsud half way through 2004], Ms Maria Falzon, Ms Gertrude Farrugia, Ms Sylvana Galea and Ms Antoniella Gatt. Dr Roberta Lepre provides Legal and EU advice while RG Consulting Ltd are the Financial Controllers of the Commission. During 2004, the Commission met 12 times.

### ***Remit***

Other than act as a monitoring body to see that no discrimination occurs between women and men in the various sectors, the Commission also works to promote a society where women and men have the same opportunities to enjoy a good work/life balance. For example, whereas a lot of emphasis is placed on women's opportunities for career advancement and active participation in the labour market, more emphasis is now also being put on opportunities for men to enjoy a fuller and more active role in family life e.g. fatherhood.

With just one year behind it, the NCPE takes pride in all the work it has managed during this twelve month period. Evidence of its commitment to its remit is very clear in this first annual report. It also wishes to acknowledge all the Ministries, Government Departments and all the other numerous entities, both private and public, that have collaborated and supported it in its work. During this period NCPE has widened the national remit of gender equality to involve various other sectors including the media.

The Annual Report covers all the major areas of work undertaken and while such contributions as participation in European research and information given to European entities about the situation in Malta are not included as some of the material is still unpublished, participation in the discussions on the EU Directives, European Conferences, local meetings, EU projects, media input, the Quality Service Charter, and others are included in some detail. Emphasis has been placed on the Complaints received and, in fact, the National Commission for the Promotion of Equality has also set up a Complaints' Sub-Committee to be able to handle complaints received expediently. Data on complaints received is explained and while acknowledging that, to date a national awareness campaign has not yet materialised, efforts in this regard have been put in various sectors of the media. This, in itself, has resulted in greater awareness on sexual harassment tantamount to a number of complaints received and acted upon. Furthermore, sexual harassment is very high on the agenda for 2005. A first approach focuses on helping the employers understand and act upon their responsibilities on the subject as stipulated by the Act itself.

The NCPE is also very proud of its very salient contribution to the EU discussions on the various Directives both at the national and the European level as well as in the EU projects put forward and accepted for implementation. While the national situation and current needs are what guides the Commission on its way forward, such documents as the National Action Plan [Employment], the National Action Plan [Poverty and Social Exclusion] and the Lisbon Strategy and others have been very much referred to in the thinking and planning stages.

On behalf of the Commissioner and the Members of the NCPE, I would like to thank all the staff who have contributed fully to the compilation of the information and the writing of this report and for their ongoing effort to make sure that gender equality is indeed on the national agenda.

NCPE would like to also acknowledge all the work carried out by the previous Commissions as this proved to be a very sound base for our work.

***Sina Bugeja***  
***Executive Director***  
***January 2005***

## Handling of Complaints

Throughout 2004, the National Commission for the Promotion of Equality for Men and Women received 52 complaints, an average of one complaint per every week of the year.

Data regarding complaints was compiled every quarter. The largest number of new complaints received was registered during the third quarter, namely during the months of July, August and September. (see Fig. 1). This could be due to the official launch of the Quality Service Charter, which occurred on 2<sup>nd</sup> July 2004 and/or the regular participation in radio programmes.

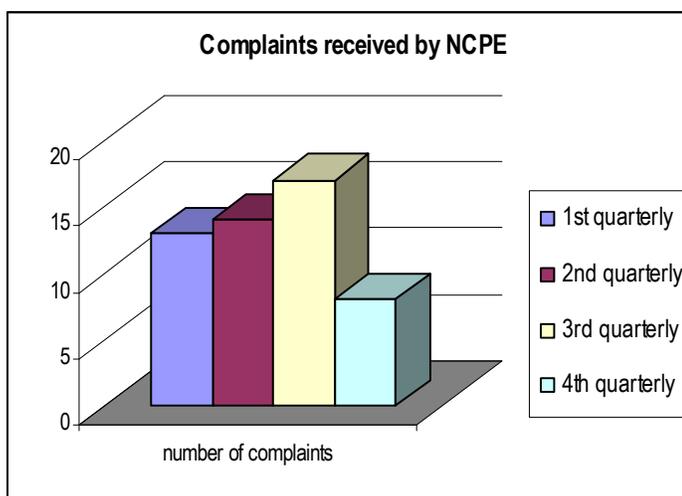


Fig. 1

### ***Offensive advertising***

One should note that the largest amount of complaints received concerned *offensive advertising* in all types of media: websites, bus wraps, magazines, newspapers, TV commercials and billboards. In view of this the NCPE embarked on a project where all advertising agencies and heads of TV stations and radios, were informed regarding the Equality for Men and Women Act and the provisions regarding discrimination according to the law. Moreover, an informative communication was sent, informing persons working in the field of advertising regarding the use of non-sexist language, including alternative wording used to make the language less discriminatory. Through this action, NCPE eradicated most of the discriminatory adverts, which were habitually published in the local newspapers. With respect to TV Commercials, NCPE has stopped the airing of commercials, which were deemed to be discriminatory and particularly demeaning. Whenever the

attention of NCPE was drawn to the fact that complainants felt offended by a particular advertisement or commercial, NCPE verified the claims and took immediate action in order to ensure that such advertising was withdrawn as soon as possible. NCPE received complaints regarding 5 particular advertising campaigns which contained offensive material. To date, these advertising campaigns have all been withdrawn from their respective field in accordance with Chapter 456, Equality for Men and Women Act, Article 10, which states that:

*“It shall not be lawful for persons to publish or display or cause to be published or displayed any advertisement which promotes discrimination or which otherwise discriminate.”*

### ***Sexual Harassment***

All cases reported to NCPE are scrutinized by the Complaints Sub-Committee, whose members meet on a regular basis. The subcommittee has in fact met five times. More so, the significant number of complaints that were reported to NCPE regarding incidents of *sexual harassment* at the workplace are dealt with according to the procedure set up by NCPE to ensure a fair outcome to these cases. These cases are treated with the due sensitivity and confidentiality to ensure protection for both victims and alleged perpetrators until a reasonable conclusion is reached. In the second half of the year, complaints regarding sexual harassment increased considerably. This may be due to the ever increasing awareness with regards to sexual harassment as well as the increased exposure of NCPE as the entity where one can seek advice in relation to such cases.

### ***Conditions of work***

Moreover, NCPE initiated and intervened in discussions and meetings in order to improve the *conditions of work* of various employees within the Public Sector. Apart from intervening in individual cases of employees who requested NCPE's assistance for their particular causes, NCPE also embarked on larger scale discussions, which affected all Government employees, including the more flexible arrangement in the *parental leave* entitlement and the provision for *maternity leave* in the contracts of Technical Attachés. Furthermore, NCPE is still working on various other issues, which will definitely create a more family-friendly work environment for employees within this particular sector. The most recurring complaints in connection with family-friendly measures dealt with *reduced hours*, mostly regarding the extension of the reduced hours option from when the child is of 8 years of age to when the child is 12

years old. Most Public Service employees, face a difficulty in returning to full-time employment, since although their children turn 9 years of age, the conditions necessitating their care do not disappear overnight. (see Fig. 2)

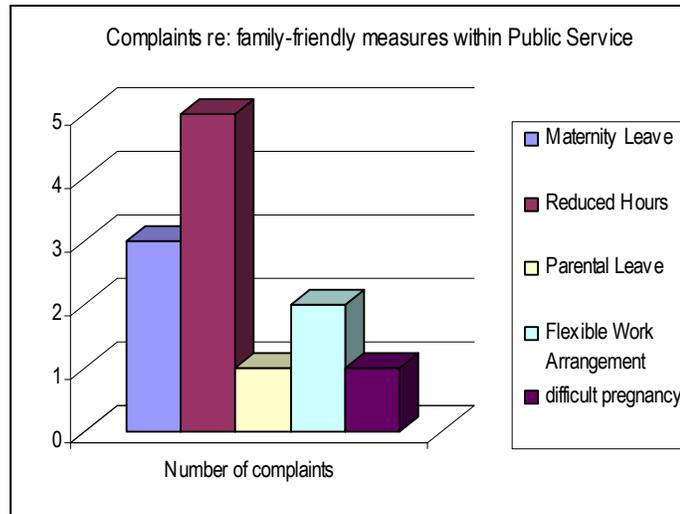


Fig. 2

### **Others**

NCPE also achieved satisfactory results in various cases where women employees were unjustly dismissed from employment due to their being pregnant in accordance with the Equality for Men and Women Act, Article 3 B which states that discrimination includes: *“treating a woman less favourably for reasons of actual or potential pregnancy or childbirth”*.

As a result of complaints received, NCPE is also working on advising competent authorities to amend existing *legislation*, which still contains a discriminatory element towards men or women, for example the Addolorata Ordinance . NCPE is also putting forward suggestions in order to ensure gender equality in the amendments to the Social Security Act, which are currently being drafted by the Ministry for the Family and Social Solidarity. NCPE also intervened in cases in connection with separations, Community of Acquests and discrimination in employment amongst other issues.

### **Proactive approach**

NCPE has also initiated discussions with various local institutions, in order to promote practices based on the principle of equality and eliminate existing discriminatory procedures. These institutions include local banks and insurance agencies. NCPE is suggesting ways of amending the existing bank and insurance policies in order to remove any discriminatory elements in each respective field wherever applicable.

## Requests for Information

During the last year NCPE received 93 requests for information, which covered various subjects including:

- family friendly measures (maternity leave, parental leave, reduced hours, flexibility)
- provisions re: Maltese legislation in connection with equality,
- the setting up of childcare centres
- general equality issues
- rights of foreign women
- rights of single mothers
- social security provisions
- employment
- health
- statistics
- procedure of NCPE for handling complaints
- sexual harassment
- domestic violence
- separation
- education
- equal pay for work of equal value
- women's participation in politics
- women in decision-making levels
- Directory of Maltese Women
- NCPE Quality Service Charter
- various publications and leaflets

Requests for this information came from University lecturers, high Government officials, Public Service employees, gender focal points, University students, secondary school students, foreign organisations, journalists, and members of the general public.

## Gender Equality in the EU Context

During the twelve months under review, the NCPE has given its feedback on a number of legislative and other proposals forwarded by EU bodies. The NCPE has, in particular, drafted and revised a substantial number of Memoranda and Instruction Notes defining Malta's position to be taken during the various committees' meetings. The subject-matter of such documents related principally to the following:

- Proposal for a Council Directive Implementing the Principle of Equal Treatment between Women and Men in the Access to and Supply of Goods and Services (Article 13)
- Proposal for a Directive of the European Parliament and of the Council on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation
- Proposal for a Decision of the European Parliament and of the Council amending Council Decision 2001/51/EC establishing a Programme relating to the Community framework strategy on gender equality and Decision No. 848/2004/EC of the European Parliament and of the Council establishing a Community Action Programme to promote organisations active at European level in the field of Equality between Men and Women
- Review of the Implementation by the Member States and the EU institutions of the Beijing Platform for Action

### ***Proposal for a Council Directive implementing the principle of equal treatment between women and men in the access to and supply of goods and services (Article 13)***

On 5 November 2003 the European Commission presented a proposal for a Council Directive implementing the principle of equal treatment between women and men in the access to and supply of goods and services. This proposed Directive would complement the legislation already in place to combat sex discrimination in the employment field and, for the first time, would extend the principle of equal treatment between women and men beyond the employment area.

Regarding this subject-matter, the NCPE has drafted a number of Instruction Notes. The main areas where intensive work had to be done related to the scope of the proposed Directive, the question of application of the proposed Directive to consumers in addition to providers of goods and services, exceptions to the principle of equal treatment, the prohibition of the use of sex as an actuarial factor and the defence of rights.

### **Actuarial factors**

The area of major concern regarded the impact on consumers and on the insurance industry with regard to various types of insurance products. Concerns related, in particular, to the impact on the competitiveness and transparency of the industry and the consequent impact on the customer, including on price. The Malta Insurance Association had in fact also expressed its concern regarding this proposal.

A compromise was eventually reached on the said Article 4, which is to read as follows:

#### *Article 4*

### **Actuarial factors**

1. *Member States shall ensure that in all new contracts concluded after ... at the latest, the use of sex as a factor in the calculation of premiums and benefits for the purposes of insurance and related financial services shall not result in differences in individuals' premiums and benefits.*
2. *Notwithstanding paragraph 1, Member States may decide ... to permit differences in individuals' premiums and benefits where the use of sex is a determining factor in the assessment of risk based on relevant and accurate actuarial data. The Member States concerned shall inform the Commission and ensure that accurate data relevant to the use of sex as a determining actuarial factor are compiled, published and regularly updated. These Member States shall review their decision ... taking into account the report of the Commission mentioned in paragraph 3, below, and shall forward the results of this review to the Commission.*

*In all cases, costs related to pregnancy and maternity shall not result in differences in individuals' premiums and benefits.*

The NCPE particularly supported the initiative to exclude pregnancy and maternity from the calculation of risk factors when drawing up premiums, and also welcomed the proposal to set up an Ad-Hoc Committee, which shall have the functions of : (i) examining the provisions necessary for the implementation of the principle referred to in Article 4 (Par. 1); (ii) examining the accuracy, the quality and availability of all relevant data and statistics to identify cases in which sex is a determining factor for the assessment of risks (Par. 2); and of (iii) sharing best practice in relation to the implementation of Article 4 (Par. 1 and 2).

With regards to the setting up of the Ad-Hoc Committee, however, Malta suggested that it should be clearly stated that persons with particular expertise in the field of equality and non-discrimination should be duly represented on such Committee. This suggestion was in fact incorporated into the final text of the proposed Directive.

With regards to the above-stated concerns put forth by the insurance sector, the NCPE had expressed itself not to be against the possibility of applying different criteria in relation to men and women. This possibility however, should be allowed only in those circumstances where such differences are founded on statistically objective criteria, and this in line with the final compromise reached on the said provision. In determining such differences, therefore, pregnancy and maternity are not to be considered as risk factors.

Nonetheless, in this respect it is submitted that a general cultural rethinking is called for, particularly with regards to the approach taken by insurers and other service providers when assessing pregnancy and maternity issues. In this respect, it is submitted that only high-risk pregnancies and other such high-risk related issues should be determined as risk factors when analyzing personal data of a consumer. This approach should ultimately lead to a lowering of insurance premia for women of child-bearing age.

Further to the above point, it is submitted that the importance of real and effective objectivity when assessing such risk factors can never be stressed enough. Thus, for instance, the determination of age in relation to a woman should exclude the possibility of such a woman becoming pregnant as a risk factor in the drawing up of a particular insurance premium, such as health insurance. In fact, insurance companies use a combination of published data and their own experience to set premiums.

This clearly allows for the possibility of exercising subjective discretion when assessing risk, which in turn might create a possibility for abuse in relation to the above.

With respect to other types of insurance, such as motor insurance, the application of objective statistics would still be allowed when assessing risk, and thus no rise in insurance premia would result.

It should further be highlighted that the proposed Directive seeks to achieve gender equality and not undue advantages for women, and thus although a rise in premium might result in certain instances, this should not be considered as a deterrent to the adoption of the said proposal.

### ***Scope of the Directive***

- This proposed Directive excludes media and advertising, as well as education, from its scope of application.
- This Directive shall not apply to matters of employment and occupation. This Directive shall not apply to matters of self-employment, insofar as these matters are covered by other Community legislative acts’.
- The principle of equal treatment should not preclude differences which are related to goods or services for which men and women are not in a comparable situation because the goods or services are intended exclusively or primarily for the members of one sex. The NCPE was in agreement with regards to this exclusion.
- This proposal also states that ‘Member States, with a view to promoting the principle of equal treatment, should encourage dialogue with relevant stakeholders, which have, in accordance with national law and practice, a legitimate interest in contributing to the fight against discrimination on grounds of sex in the area of access to and supply of goods and services. Such relevant stakeholders may include, for example, non-governmental organisations, the social partners, other organisations representing social and economic players such as consumer organisations, and community based organisations.’

### ***Enforcement***

In each Member State there are bodies competent to analyse gender

related issues and complaints, and to provide concrete assistance to the victims of gender discrimination. It is submitted however, that such bodies may encounter problems when they come to enforce a right on behalf of a complainant, or even in their own right, and this due to financial constraints. Malta therefore suggested that a fund be set up at European level to finance any judicial suits which might be utilised by such organisations to enforce a right on behalf of an individual.

***Proposal for a Directive of the European Parliament and of the Council on the Implementation of the Principle of Equal Opportunities and Equal Treatment of Men and Women in Matters of Employment and Occupation***

The NCPE has drafted a number of Memoranda and Instruction Notes regarding this subject matter. This proposal was presented by the Commission on 21 April 2004. The proposal, based on Article 141(3) of the Treaty, incorporates seven existing Directives relating to equal opportunities and equal treatment into a single Directive. The main objectives of this recasting exercise are to create more readable and accessible Community legislation, reduce legal uncertainty by incorporating relevant European Court of Justice case law, and to increase clarity as regards the application of horizontal provisions in Directive 2002/73/EC.

The Directives concerned are:

- 75/117/EEC (equal pay);
- 86/378/EEC, as amended by 96/97/EC (equal treatment in occupational social security schemes);
- 76/207/EEC as amended by 2002/73/EC (equal treatment of men and women);
- 97/80/EC as amended by 98/52/EC (burden of proof).

Due to the fact that this is a recasting exercise, the obligation to transpose this Directive into national law is consequently confined to those provisions which represent a substantive change as compared with the earlier Directives.

The NCPE has given its support towards this initiative. All delegations have also welcomed the proposal, despite the fact that a number of technical issues and one key outstanding issue had to be discussed. In

this respect, good progress has been made at the level of the Social Questions Working Party.

***Reference to a single source***

The most debated issue on this proposal related to the integration into the Directive of the case law of the European Court of Justice concerning equal pay attributable to a 'single source', as proposed by the Commission in Article 4 and recital 9. A number of delegations were of the view that the two Court judgements (Lawrence and Allonby) on this matter were an insufficient basis for introducing this element into the recast Directive and would be reticent to introduce the term "single source" which is not yet a clearly defined concept. A number of other delegations, however, have supported the Commission's wish to include this concept, but have requested clearer wording.

The Presidency then explored the possibility of deleting the reference to a "single source" in Article 4, but maintaining the Commission's proposal for recital 9 accompanied by an additional paragraph.

The Commission firmly insisted on the integration of recent case law in relation to the elimination of discrimination on the grounds of sex with regard to all aspects and conditions of remuneration attributable to a single source. However, it indicated that it could be flexible as to the wording of Article 4. The Commission further acknowledged the problem of not knowing what exact meaning the Court would give to the concept of a "single source" in the future, but pointed out that this was often the case when ECJ judgements were first incorporated into Community legislation.

It was also submitted that since the concept of a 'single source' is not clearly defined, the implementation of such a provision would be problematic.

The Council therefore held that, whilst fully respecting the case law, it considered it inopportune to incorporate this concept into the Directive at this stage.

The Presidency therefore suggested that a possible basis for a compromise on Article 4 could be to remove the reference to a single source from the first paragraph of Article 4, whilst retaining such a direct reference in recital 9, and to include a new third paragraph in Article 4. In this context, the NCPE supported the Presidency suggestion.

***Proposal for a Decision of the European Parliament and of the Council amending Council Decision 2001/51/EC establishing a Programme relating to the Community framework strategy on gender equality and Decision No. 848/2004/EC of the European Parliament and of the Council establishing a Community action programme to promote organisations active at European level in the field of equality between men and women***

The Community Action Programme relating to the Community framework strategy on gender equality (2001–2005), the fifth action programme in this field, was adopted by the Council on 20 December 2000 to run from 1 January 2001 to 31 December 2005, with a budget of EUR 50 million. It supports the Community framework strategy on gender equality (2001–2005), a new approach embracing all Community policies in the effort to promote the achievement of gender equality, by developing the necessary horizontal activities and improving coordination of gender-related activities in the various policy areas.

This Programme contributes to mainstreaming the gender dimension into all policies and using their potential to promote gender equality as well as to increasing the awareness of the issues at stake. It further strengthens cooperation and partnership between players involved in the promotion of gender equality, especially national authorities, equality bodies, social partners and NGOs. A mid-term evaluation has been carried out with the assistance of independent experts with a view to providing the Commission with information on how to further reinforce and improve the system of Community support for the promotion of equality between men and women.

Another Community Action Programme with the objective of promoting organisations active at European level in the field of equality between men and women was recently established by the European Parliament and the Council on 29 April 2004 and runs from 1 January 2004 to 31 December 2005 with a budget of EUR 2.2 million. This Decision puts the long-standing practice of supporting organisations working to promote equality between women and men on the footing of a basic legal instrument.

Both Programmes come to an end simultaneously at a time of major changes for the construction and functioning of an enlarged European Union in general which necessitate profound reflection on the future

approach to be taken in the implementation of the Social Policy Agenda, particularly with regard to the structure of the Community Action Programmes in the employment and social spheres.

The proposal for a European Parliament and Council Decision on a Framework Programme on the financing of actions in the employment and social field will cover the same period as the new financial perspectives, i.e. 2007–2013. The Commission has thoroughly analysed the future of the implementation of the Social Policy Agenda including the objectives and operation of the Community Action Programmes and the links between them. The new proposal for the period 2007–2013 aims at simplifying the budget structure by merging the existing Community Action Programmes into one vast Framework Programme which will provide for the same types of co-financed actions, namely analyses and studies, support for European exchange mechanisms, awareness raising and support to civil society organisations. The strand on gender equality of the proposed Framework Programme for the period 2007–2013 will build on previous experience and continue the financial support to the development and implementation of Community law in the field of gender equality and the promotion of gender mainstreaming in EU policies. It will also cover the support to EU umbrella networks active in the field of equality between men and women.

For the transitional period until the adoption of a new Framework Programme along the lines set out above, it is essential to ensure the continuity of Community assistance for the promotion of gender equality and to avoid any disruption of the mechanism currently in place in support of the objectives laid down in Article 13 of the EC Treaty. The principles and objectives as well as the areas of intervention of the Community framework strategy on gender equality, which coincide with those set out in Decision 2001/51/EC and the Annex thereof, remain fully valid for this transitional year.

In view of these circumstances, the European Commission proposes that both the Programmes in the field of gender equality should be extended as they are for 2006.

The NCPE supported this proposal in view of the fact that until the new Framework Programme is adopted, it is essential to ensure the continuity of Community assistance for the promotion of gender equality and to avoid any disruption of the mechanism currently in place in support of the objectives enshrined in Article 13 of the EC Treaty.

Having supported this proposal from the outset, the NCPE is particularly pleased with the outcome of SQWP discussions as this position is now embraced by all Member States. However, this Proposal has still to be brought to the attention of Parliament.

### ***Review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action***

The NCPE has also drawn up and reviewed Instruction Notes relating to the Review of the Implementation by the Member States and the EU institutions of the Beijing Platform for Action.

The Beijing Platform for Action (PfA), which was adopted by consensus at the UN Fourth World Conference on Women in Beijing 1995, calls on Governments, the international community and civil society to take strategic measures with regard to 12 critical areas of concern: Women and poverty, Education and training of women, Women and health, Violence against women, Women and armed conflicts, Women and the economy, Women in power and decision-making, Institutional mechanisms for the advancement of women, Human rights of women, Women and the media, Women and the environment, the Girl-child.

### ***Indicators on Sexual Harassment in the Workplace***

The NCPE expressed its opinion that the proposed indicators chosen by the Dutch Presidency on the basis of the "Indicators on Sexual Harassment in the Workplace" study conducted under the Irish Presidency could constitute an important step forward in obtaining factual information of the types and extent of problems relating to sexual harassment in order to be in a better position to formulate strategies to combat this phenomenon. This complex issue is made more interesting by the variety of cultural and social influences which affect or alter perceptions on this issue in a given population or society.

### ***Active participation***

In the Draft Council conclusions on the review of the implementation by the Member States and the EU institutions of the Beijing Platform for Action, the Council of the European Union Invited Governments to adopt further active measures and strategies to prevent and combat violence

against women, in particular work-related sexual harassment, and encouraged the Member States to continue improving the collection, compilation and dissemination of timely, reliable, comparable data disaggregated by sex and age, and further developing quantitative and qualitative indicators and progressively updating them, *inter alia* through the involvement of the National Statistical Institutes, so that statistics and quantitative and qualitative information on the three indicators proposed by the Dutch Presidency as well as on other indicators relating to the topics of the Beijing Platform can be regularly produced and regular examinations conducted. It further encouraged the Member States to conduct research to get insight into other variables, such as age, gender, sector and profession, influencing sexual harassment at the workplace and the social partners to continue their efforts to prevent and combat sexual harassment at the workplace.

Financial and human resources would be required to conduct the research which the Presidency is recommending that Member States undertake. This appears to be required on a regular basis, annually or bi-annually. Whilst it would not be overly difficult to obtain data for the benchmarking indicator being proposed, data on policy and practice indicators and the variables that effect them will require considerably more effort and financial resources.

## **Participation in Conferences**

The National Commission for the Promotion of Equality has participated in a number of European fora as well as at the UN CEDAW committee meeting held in New York in July.

### ***EU Conference 'Women and Men in an Enlarged Europe':***

1<sup>st</sup> – 3<sup>rd</sup> April, St. Julian's, Malta

The NCPE acted as coordinator of the preparations for the above three-day conference organised by the Unit on Equality for Women and Men within the Directorate-General on Employment and Social Affairs of the European Commission, held at the Corinthia San Gorg, St. Julians, Malta.

The aim of the conference was to highlight issues and challenges related to the equal treatment of women and men in an enlarged Europe and discuss necessary action through instruments available at European level

such as gender equality legislation, mainstreaming of gender equality in employment and social inclusion policies and the intervention of the Structural Funds. The need to fully utilize the productive potential of the European labour force was emphasized so as to achieve the Lisbon strategy goals of becoming, by 2010, “the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion”, for which the promotion of women’s participation in the labour market and efforts to eliminate gender gaps in all spheres are crucial. In this regard emphasis was also made on the roles of the different actors in promoting the principle of equality.

***New Horizons for Gender Equality:*** The Irish Presidency  
May, Limerick, Ireland

NCPE Commissioner, Dr J Mifsud was part of the Maltese Delegation who attended the Ministerial EU conference hosted by the Irish Presidency. The aim of the Conference was to assess how current policies around Europe addressing gender equality are working, and examine what new initiatives are needed. The setting up of a European Gender Institute was also discussed and approved.

***Families, Change and Social Policy in Europe:***  
May, Dublin, Ireland

In May, the NCPE Director Ms Sina Bugeja along with other Maltese participants took part in a two-day Conference organised by the Irish Presidency of the European Union. On the first day, the Conference addressed the latest information available on the changing nature of the family, and the changes in society affecting the role of the family. The workshops that followed then discussed the modernisation of social protection in the light of current family changes, the family as a focus of social inclusion and social cohesion, the family as a carer for the young and the elderly; and the reconciliation of work and family life. The second day of the conference followed upon previous discussions to propose concrete possibilities for action by EU Member States and other international actors.

**24<sup>th</sup> Meeting of the Advisory Committee on Equal Opportunities for Women and Men:** June, Brussels, Belgium

In June, the Executive Director and Dr. Fr. V. Xuereb of the NCPE participated in a one-day Conference in Brussels. The Conference discussed the legal developments regarding Article 13 and the development of the European Gender Institute. It also touched other subject matter such as the EU Programmes, the ETU Confederation, health and safety at work and the mainstreaming of the gender perspective in this field, reports from working groups, and finally a green paper relating to equality and non-discrimination in an enlarged European Union.

**Convocation of the 30<sup>th</sup> Meeting of the Steering Committee for Equality between Women and Men (CDEG):** June, Strasbourg, France

In June, the NCPE Executive Director participated in the CDEG three-day Convocation in Strasbourg, France. The matters addressed in the Convention included the following:

- Follow-up to the 5<sup>th</sup> European Ministerial Conference on Equality between Women and Men (Skopje, 22-23 January 2003)
- Preparation of the 6<sup>th</sup> Ministerial Conference on Equality between Women and Men
- Ad Hoc Committee on Action Against Trafficking in Human Beings (CAHTEH)
- Presentation by Dr. Eileen Dew on 'Parental Leave Study'
- Balanced participation of women and men in political and public decision-making
- Implementation of the follow-up recommendations Rec. (2002) 5 on the protection of women against violence (EG-6-MV) (2004) 8
- Meeting of European Specialists in the 'Therapeutic Treatment of Violent Men' [CEDEG (2004) 4]
- Study on 'Forced Marriages/Arranged Marriages'
- Activities in the field of Gender Mainstreaming
- Follow-up to the monitoring by the Committee of Ministers of Compliance with commitments by member states on the theme "Equality between women and men"
- Co-operation activities of the CoE
- CoE's participation in Beijing + 10
- 40<sup>th</sup> Session of CSW (March 2004)

- Parliamentary Assembly Recommendations (1654) 2004

***Equal Rights in an Enlarged Europe:*** 2<sup>nd</sup> – 5<sup>th</sup> July, Prague, Czech Republic

NCPE was represented in this conference on anti-discrimination in general and focusing on Article 13. During this conference a major point for discussion was whether it was better to have single equality bodies or create multi-ground equality bodies as was the experience of Ireland. Arguments for and against were shared by the main speakers.

***Diversity and participation: the gender perspective:*** Ministerial Meeting The Netherlands Presidency  
5<sup>th</sup> – 6<sup>th</sup> July 2004 Rotterdam, The Netherlands

The focus of the meeting was the preparation for the ***Beijing+10 Platform for Action***, to be held during the next Presidency. While globalization and computerization have brought greater economic opportunities and autonomy to some women, many others have been marginalized and deprived from the benefits of this process, owing to the deepening inequalities among and within countries. The migratory movements women belong to bring numerous advantages for the future in the demographic, economic and cultural spheres. The situation also confronts the EU with new challenges and opportunities to develop new policies and measures to help them eliminate the obstacles to integration in our societies. These challenges are supplemented by the need to step up efforts to address the situation of women from ethnic minorities.

If the EU is to reach the Lisbon targets aimed at long-term economic growth, full employment, social cohesion and sustainable development, the employment levels of groups that are currently under-represented in the labour market have to rise: (1) the development of strategies to enlarge the net participation of women and older employees (2) the encouragement of a gender mainstreaming approach to realize the general Lisbon objectives (3) and the handling of the differences in pay and the creation of more family friendly jobs to get more women at work. One of the barriers is the existence of harmful customary or traditional practices, affecting the health of women and girls.

***Convention on the Elimination of all forms of Discrimination Against Women - Malta CEDAW Report:*** 11<sup>th</sup> – 22<sup>nd</sup> July, New York, USA

Dr Fr V Xuereb and Ms S Bugeja were invited to present the Initial, Second and Third Report to the CEDAW committee on behalf of the Government of Malta. Explanations on the local Political and Legal systems were given as well as the measures introduced over the years to create a better work–life balance. A full explanation on the Equality Measures introduced was given in detail.

‘Maltese women obtained the right to vote and to stand for elections on 5 September 1947. The representation of women in the House of Representatives, however, has always been low. Many women are active within the two major political parties; i.e., the Nationalist Party and the Malta Labour Party, and the upcoming third party the Alternattiva Demokratika / the Green Party but mainly stay at the lower levels.

Successive governments have been committed to the promotion of gender equality, both at law and in practice. Earlier on they began to implement an integrated approach towards women's equality and advancement in the legal, civil, political, economic and social spheres of Maltese society. National machinery for women's equality and advancement was foremost among social measures adopted by the Government in 1989. However, it is very relevant to note that the first female candidate was elected to Parliament in the early '50s and became Minister in 1955.

In 2003, the Equality for Men and Women Act [Cap 456] was passed and in January 2004, the National Commission for the Promotion of Equality for Men and Women was appointed. The Employment and Industrial Relations Act [Cap 452] [2002] [EIRA] provides for equality of treatment at the workplace. Cases of discrimination at the workplace are thus investigated either by the Industrial Tribunal as provided under the EIRA or through the provisions of the Equality Act.’

After the oral presentation, members of the CEDAW committee asked very pertinent questions to the NCPE members present which were then answered in full the following week.

***9<sup>th</sup> Meeting of Committee Community Framework Strategy on Gender Equality: 20<sup>th</sup> July, Brussels, Belgium***

Mr Mario Mallia attended the Meeting of Committee Community Framework Strategy on Gender Equality held in Brussels, Belgium. During this meeting discussions were held on the previous Rotterdam Conference, and the Framework Strategy's funding schemes. This

conference placed great impetus on men's roles. This was the first time that Malta was represented in this Committee.

***Report on the field visit by representatives of European Union's new Member States to Uganda:*** 28<sup>th</sup> August - 6<sup>th</sup> September, organised by The Netherlands Presidency, Kampala, Uganda

The delegation included:

- a representative from Luxembourg, as the holder of the next EU Presidency;
- representatives from the seven new member states of the European Union, namely Czech Republic, Estonia, Latvia, Lithuania, Malta, Poland and Slovenia. Ms Grace Attard represented NCPE.

Selected indicators of Reproductive Health (RH) in Uganda, which were targeted include:

- a. Population growth
  - total fertility rate 6.9 in 2001 (2.7 in world; 5.1 in least developed countries – LDC)
  - annual population growth rate 3.4% in 2002 (1.2% in world; 2.4% in LDC)
- b. Safe motherhood
  - maternal mortality ratio 505 per 100,000 live births in 2001
  - at least 35% of maternal mortality is due to unsafe abortions
  - infant mortality rate - 88 deaths per 1000 live births (2001) (56 in world 2002)
- c. High teenage pregnancy rate
  - average age at first delivery 18.7 years (2001)
  - 31% of pregnant women were in age 15-19 years (2000)
- d. Family Planning (FP)
  - contraceptive prevalence rate 23% in 2001 (61% in world; 27% in Africa)
  - unmet need for family planning 35% (2001)

- e. Sexually transmitted infections (STIs) and HIV/AIDS
  - HIV infection rate 6.2% of adults (2002) (decrease from 20% in 1991)
  
- f. Female Genital Mutilation
  - there are some regions in Uganda where this harmful traditional practice is still performed

***High Level Meeting on Gender Mainstreaming:***

29<sup>th</sup> – 30<sup>th</sup> October, Brussels, Belgium

The main theme of the conference focused on the Spring European Council Report that the High Level Group will be presenting to the Presidency. It was decided that the final report will be a follow-up of last year's report and will focus more on the situation of women in Europe. This is the only report presented that focuses exclusively on gender equality.

***Study Visit on EQUAL – Twinning Light Project:***

4<sup>th</sup> – 8<sup>th</sup> October, Madrid, Spain

The Maltese delegation was led by Mr E Grima Baldacchino, Manager ESF Unit, MFSS and composed of another three members, NCPE's Executive Director was among them.

The Maltese delegation was welcomed at the EQUAL ESF Unit by the Spanish SubDirector General of the Mission Don Carlos Tortuero Martin and visited the IMSERSO [Institute for the Elderly People and Social Services] where Mr Roberto Amurrio, Head of Management of Programmes and Centres for Refugees showed all the work that is being directed at the reintegration of refugees into the Spanish society.

A visit to Centro de Acogida a Refugiados [Refugees Centre] at Vallecas on the outskirts of Madrid followed and a full explanation of the EU projects aim and objectives was given. The UAFSE [ESF Management Unit] at the Ministerio de Trabajo y Asuntos Sociales [Ministry for Labour and Social Services] was next.

A visit was organised to the Madrid City Council where the RECONCILIATION DP is implementing its ESF project. Director General for Equal Opportunities Ms Asuncion Miura led the discussion. A

presentation on the EQUAL project 'Madrid, a city for Reconciliation' was given by Ms Rosa Gomez who is the head of the Employment, Equal Opportunities and Reconciliation Department and in the presence of representatives of the two Labour Unions [UGT and CCOO], Madrid's Employers Association and a number of NGOs involved in the project. The Spanish Red Cross is well involved in the various strata of the Spanish society and is very active in these projects.

A visit was made to the Women's Institute of Spain where the Director explained the various angles of the contribution of the Women's Institute to the EQUAL projects and to the Documentation Centre of the Institute where a demonstration on how to access information, etc was carried out.

At the Canary Islands a power point presentation on the EQUAL Community Initiatives including FUTUREM and AVANZA was presented. CEMAIN Centre [Centro Maria Auxiliadora de Insercion Laboral] was the hallmark of the day. This centre is one of the DPs working in the FUTUREM project that focuses on Employability and the final beneficiaries are young, disadvantaged persons.

***EQUAL - MIXED Final Conference:***

2<sup>nd</sup> - 4<sup>th</sup> November, Amsterdam, The Netherlands

The main aim of the MIXED project is to introduce a better gender balance at the place of work including all aspects of diversity.

Objectives of project:

- utilise all talents of both women and men;
- focus on companies and labour organisations (their higher management and Human Resource Managers);
- focus on female employees and company culture;
- include transnational cooperation.

General outcome:

- Participation in project put the issue on the agenda of companies;
- Commitment at the top has grown, in fact, coaching of women has been introduced;

- Positive results led to more positive results;
- Involvement of both top and middle management is a must;
- Diversity has also been put on the national agenda including age and ethnicity.

***High Level Meeting on Gender Mainstreaming:***

5<sup>th</sup> November, Amsterdam, The Netherlands

Main points discussed include:

- Recast Version of article 13,
- Social Policy Agenda
- Green Paper on discrimination
- Green Paper on migration and immigration
- Proposal for Institute in Vienna (anti-discrimination)
- Gender mainstreaming in Structural Funds

Furthermore, it was concluded that research on Sexual Harassment initiated under the Irish Presidency will continue. The Netherlands came up with the indicators on Sexual Harassment at the workplace.

It was obvious from the Irish report that data was not comparable, therefore a pan European decision was taken to use the following as indicators so that data can be comparable.

- 1a. Number of employees who report incidents of work-related sexual harassment (as a percentage of total workforce + actual numbers);
- 2a. Number of employees who have the opportunity to submit a complaint of work-related sexual harassment in or outside the private/public enterprise;
- 1b. Number of private and public enterprises which have a preventive policy regarding work-related sexual harassment reported at work (as percentage of the total numbers of employers<sup>1</sup>)
- 2b. Number of private and public enterprises that have procedures in place for sanctions for perpetrators of work-related sexual harassment (as percentage of total number of employers).

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<sup>1</sup> Realising that different organisations/enterprises are of different sizes!

***1<sup>st</sup> meeting in connection with the EQUAL project on gender equality titled 'Gender News Good News': 12<sup>th</sup> November, Rome, Italy***

The aim of this project is to 'educate' active members of the media in Italy, France, Spain and Malta to understand their obligation in bringing about a change of the stereotyped image of gender roles as presented in the media. The project will empower script writers and producers to depict the new reality.

***Equality in a future Europe: 22<sup>nd</sup> – 23<sup>rd</sup> November, The Hague, The Netherlands***

This conference was organised to discuss the implications of the Green Paper on Discrimination published by the Anti-discrimination Unit of the DG Employment and Social Affairs earlier in 2004, and discussed the implications of equality for all on EU grounds. It sought concrete proposals for the improvement of the Green Paper, and saw the coming together of officials from Governmental Bodies, NGOs, MEPs, Lobby Groups, Research Networks etc.

In his opening speech Thomas de Graaf, Deputy Prime Minister and Minister for Government Reform and Kingdom Relations of The Netherlands questioned whether legislation alone is an effective instrument in combating discrimination and asked whether there were other means of combating this problem. He suggested that the fight against discrimination in employment is crucial and is in itself a means of working towards greater security and against terrorism. He believes that in the area of gender mainstreaming, a lot of information has already been gathered, and this area has seen years of non-discrimination policy implementation. That however cannot anymore be conducted alone, and the fight against discrimination demands that it is conducted on all the grounds.

***Convocation of the 31<sup>st</sup> Meeting of the Steering Committee for Equality between Women and Men [CDEG] 24<sup>th</sup> – 26<sup>th</sup> November, Strasbourg, France***

The discussion was initiated on the upcoming 6<sup>th</sup> European Ministerial Conference on Equality – Sweden: 8-9<sup>th</sup> June 2006.

The CoE Ad Hoc committee on action against trafficking in human beings (CHATEH) stated that there are some controversial issues in the draft convention and these include:

- Trafficking in human beings as a violation of Human Rights  
Some experts are insisting that human rights violation can only be perpetrated by state officials.
- Non-punishment clause  
There is no agreement on this clause which highlights the accepted principle of criminal law that a person cannot be punished for acts s/he is forced to commit. According to this principle, it is difficult to punish a victim of trafficking for illegal entry and stay in the territory of a State.

*Study on Parental Leave (CDEG 2004)*

CoE initiated a study on Parental Leave in all its Member States. From the data collected so far, it emerges that France has the highest percentage of parents sharing leave to look after their children from all CoE Member States.

The point of the Business case was strongly put forward. It was made amply clear that the future of any initiative is knowledge – based, therefore the loss of educated staff is a huge loss to the economy.

***25<sup>th</sup> meeting of the Advisory Committee on Equal Opportunities for Women and Men***, 29th November, Brussels, Belgium

The Commission has over the last 6 months presented 7 documents to Council. There has been a request for an extension of the 5<sup>th</sup> programme of Equality to 31<sup>st</sup> December 2005. It was also decided that the new PROGRESS EU programme is to include:

- Employment
- Social protection
- Working conditions

- Discrimination and diversity
- Equality for men and women.

***UNITED NATIONS ECONOMIC COMMISSION FOR EUROPE [UNECE]  
- Regional Preparatory Meeting for the 10-year Review of  
Implementation of the Beijing Platform for Action*** 14 – 15 December,  
Geneva, Switzerland

The meeting was convened, in compliance with the Commission's decisions, as a regional preparatory activity for the global review of progress. The outcome of the meeting will be therefore submitted as the regional input from the UNECE region to the Special Session of the Commission on the Status of Women, which will be held in New York, in February - March 2005.

Among the areas of concern covered by the Beijing Platform for Action, the Commission decided to focus the 10-year Review on the following areas, which are of particular relevance to the UNECE region:

- women in the economy (employability and social protection);
- institutional mechanisms to promote gender equality; and
- trafficking of women in the context of migratory movements.
- In addition, UNECE member States will have an opportunity to discuss emerging issues including gender budgets and ICT in the context of the changing socio-economic and geopolitical situation in the region.

## **EU and UN Projects**

***Promoting Equal Opportunities Through Empowerment ESF EQUAL  
Project***

In view of Malta's Lisbon Strategy obligations, and following the Council of Women's original idea of using role models to stimulate more women to enter the labour market, NCPE developed this project with the aim of reaching out to the inactive segment of the Maltese population (particularly women), and invite them to seek employment.

This project is set out in four phases as follows:

*Phase 1 – Compilation of Information*

1. The compilation of information about education/ training opportunities offered.
2. The identification of role models in different occupational groupings.

*Phase 2 – Dissemination of Information through the Media*

3. The dissemination of information about the role models and related education/ training/ labour market opportunities through a television and radio PSAs.
4. The airing of a series of television programmes that focus on the problems faced by the inactive population and the publicity of available channels through which these problems can be managed.

*Phase 3a - Dissemination of Information in the Community*

5. The organisation of a series of Local Councils seminars for the public with the aim of describing in further detail the information disseminated through the media.
6. The creation of focus groups, to discuss topics of media programmes and seminars and strengthen the recapitulation and assessment of the project for further action.

*Phase 3b – Meetings with Employers*

7. The organisation of a meeting with employers and their representatives to assess the employers' sensitivity to the barriers facing women seeking employment and the priority attributed by industry to these barriers.
8. The reconciliation of outcomes of project work undertaken with (a) the target populations and (b) employers.
9. The identification of further action to be taken by partners.

#### *Phase 4 – Formulation of Policy*

10. The formulation of policy recommendations to Government to increase equal opportunities including gender equality based on the above, the experiences of the role models on the outcomes of the seminars for social partners.

This project received Cabinet approval in December and is expected to be completed by mid-2007. NCPE is currently developing the necessary tender documents and preparatory work to launch the project.

#### ***Gender Mainstreaming – The Way Forward ESF Project***

This ESF project is complementary to the ESF EQUAL Project as it aims to increase the participation and advancement of women in the labour market primarily through the identification and promotion of measures towards the advancement of a work/ life balance. It addresses the working environment in the public/ private sectors to provide opportunities for women to take up employment in these sectors. The project also aims to feed directly into policy making on gender issues, to sensitise cost-effectiveness and other benefits of the social partners, and to identify how working arrangements can be varied to meet employee and organisational requirements.

This project is divided in three main components as follows:

##### *1. Research*

Research is the main component of this project and is subdivided in four smaller components, namely:

- the identification of potential grounds for improvement in the conditions of work to make them more effective through the introduction of family friendly measures,
- the identification of gender disparities in pay,
- the following of career paths of graduates and the identification of the effects of the absence of family-friendly measures and their effect on women,
- and the carrying out a teleworking pilot project and establish its successes and concerns.

##### *2. Publicity*

The publicity component aims to promote NCPE and the services

that it offers to the public, and to carry a gender media campaign during the different stages of the project. The Initial Campaign will focus on informing the public about Maltese and EU norms on gender equality. The Second Stage of the Publicity Campaign will then focus on getting across the results acquired through the research component and promote an equal work/ life balance for both men and women.

### 3. *Gender Mainstreaming*

This component aims to mainstream gender at a national level. The NCPE gender mainstreaming policy will be central and influencing as many policies as is possible.

This project received Cabinet approval in November and is expected to be completed by mid-2006. NCPE has submitted its tender documents to the Department of Contracts and issued calls for the part-time employment posts of this project.

### ***The Gender Gap in Science and Technology in Malta – Tackling the Issues*** UNESCO Participation Programmes In the Activities of Member States

The research project proposal, was submitted to UNESCO, and as its title suggests, its concern is to close the gender gap in the fields of science and technology.

If approved, this research project will:

- Collate and establish a database on the respective numbers and gender of persons trained in science and technology in Malta.
- Establish job status, job mobility, and present employment or otherwise of those persons and demographic data related to family responsibilities.
- Overcome gender stereotypes in science and their influence in parents and girls attitudes and expectations, through media, seminars, and conferences.

## **Quality Service Charter**

The year 2004 saw the official launch of the Quality Service Charter of the National Commission for the Promotion of Equality for Men and Women, on 2<sup>nd</sup> July 2004. NCPE's Charter gives a detailed picture of the work pertaining to NCPE's remit. Through this Charter NCPE set standards with respect to the services offered to the public including time frames for replying to queries and complaints.

During the official launch at the NCPE premises, Hon. Dolores Cristina, Minister for the Family and Social solidarity spoke about how the charter ensures the quality of the service given to Maltese men and Women with respect to their rights regarding equal treatment. Moreover she highlighted the fact that NCPE was the first Commission to produce a Quality Service Charter.

The Charter facilitates dissemination of information towards the general public and raises awareness regarding the role of NCPE. It was distributed to various entities, including health centres and local councils throughout the Maltese Islands to ensure that the charter reaches as many people as possible. For ease of use, the charter was published both in Maltese and in English.

## **Media Input**

### ***Press Releases***

During 2004 the National Commission for the Promotion of Equality for Men and Women issued various press releases. These include:

*Women in Parliament* - Following Cabinet reshuffle on Tuesday 23<sup>rd</sup> March the NCPE issued a press release in local newspapers expressing its satisfaction at the appointment of two women Ministers and a woman Parliamentary Secretary and the positive implications for equality developments, the interest-representation and advancement of men and women and the work of the NCPE.

*EU Membership* - Following Malta's entry in the EU, the NCPE issued a press release celebrating this event emphasising the positive contribution that Malta's entry in the EU will have on the promotion of equality for men and women in Malta and Gozo.

*Gender Equality Conference* - Following Minister Cristina's contribution in the Gender Equality Conference of the Irish Presidency, the NCPE issued a press release showing the Minister's support towards the European Gender Institute. During the Conference Minister Cristina had insisted that this new body should not duplicate existing work, but instead have a co-coordinating role, create and sustain networks, function as a link between research and policy-making at the EU level, the Directorates General of the Commission, social partners at the EU level and national equality bodies.

*European Parliament Elections* - The NCPE issued a press release regarding its meeting with the candidates of the first election of the European Parliament. The meeting was held on 28<sup>th</sup> May.

*Quality Service Charter Launch* - Following the launch of the NCPE Quality Service Charter, a press release was issued explaining the document and the benefits that it introduces for the citizens that request information or present a complaint before the Commission.

*Women with Particular Expertise* - In the beginning of October as the new schedule of TV/radio programmes for the autumn/winter season was being launched, NCPE issued a press release demanding greater gender balance in the panels of discussion programmes. In this release, NCPE explained that it has a database of women with particular areas of expertise, and stated that it is willing to assist interested parties by providing the names of women once the latter are approached and give their consent.

### ***Letters/Articles to Newspapers***

After the establishment of the new Commission in January 2004, NCPE sent a letter to the Local Newspapers in order to explain about the provisions of the '*Act to Promote Equality for Men and Women*' and the consequences of discriminatory advertising according to the Act. The objective is to ensure that all advertising is free from discrimination based on sex and that consequently men and women are given the same opportunities and are treated equally with respect to calls of interest, services and any other offers/opportunities advertised.

The Commission also sent a letter to all newspapers, this time for publication, explaining about the establishment of the NCPE and inviting interested entities/persons who may wish to be part of the Commission's

list of women's associations to inform the Commission for inclusion in said list.

Other letters were sent to certain newspapers in reaction to articles containing gender stereotyped statements and/or implying discriminatory practices, since various complaints were received by NCPE. Again an outline of the Act to Promote Equality was provided explaining the consequences / implications of publishing similarly stereotyped / discriminatory text and thus urging them to use gender neutral language to ensure that material is free from such statements before publication. NCPE also warned that legal action may be taken against newspapers that do not cease to publish discriminatory adverts.

On 'The Sunday Times' of 22<sup>nd</sup> August NCPE published an article titled 'Equality for Men and Women – is it part of the remit of the HRMs?' which was also pasted on the website of the Foundation for Human Resource Development (FHRD).

### ***Participation on TV and Radio***

The Executive Director took part in a discussion programme on Super One titled 'Sejja'tli'. The programme has a religious slant but focuses on current social issues. This particular programme discussed working women. The discussion centred on this phenomenon in relation to the teachings of the Church and the Holy Scriptures.

Following various discussions with RTK, NCPE was offered the possibility of airing a series of programmes with the aim of helping the listeners understand better the Equality Act and at the same time questions could be posed on various equality issues. The first programme was held on 1<sup>st</sup> July and was transmitted weekly until mid September on Thursdays in the afternoon. The programme was anchored by Ms S Bugeja, Executive Director and both the Commissioner Dr J Mifsud, as well as Mr Mario Mallia, Member of NCPE gave their input.

Also during October, Ms S. Bugeja, Executive Director, appeared on 'Monalisa', a discussion programme aired on Super One TV, every Friday evening and in the month of November she also took part in Xarabank (TVM) and on RTK in regards to 'L-Irwol tal-Mara fis-Soçjetà'.

## Local Meetings

*Staff Meetings* - Staff meetings were held on a regular basis throughout the year.

*NCPE Meetings* - The NCPE held monthly meetings and a Complaints Subcommittee was set up during the second quarter of the year in order to cater for the complaints received. Separate Complaints Sub-Committee meetings were held depending on the number of complaints received and action taken.

*Meeting with Secretary, Public Service Commission* - The NCPE met the Secretary of the Public Service Commission in February in order to discuss its procedures for filing of complaints and subsequent procedures of redress, and to discuss the possibility of adopting similar procedures in the case of complaints received by the NCPE.

*Meeting with Mr R. Gallimore* - The Commissioner and the Executive Director had a meeting with Mr Gallimore of the EU Commission in Malta. The EU's approach to gender equality was discussed as well as possible co-operation.

*Meetings relating to the European Structural Funds Project (ESF)* - During 2004, several meetings were held in connection with the ESF:

- A meeting was held with Ms Marlene Bonnici, Planning and Priorities Coordination Directorate (OPM), on 1<sup>st</sup> March, to discuss training on structural funds. The meeting focused on Priority 2 – Developing People – of the SPD particularly Measure 2.1 (Employability and Adaptability), Measure 2.2 (Gender Equality) and Measure 2.3 (Lifelong Learning and Inclusion). Issues discussed concerned mainly technical assistance for the implementation of ESF projects such as publicity and the support of external experts, tendering and contracting procedures in the context of Public Contracts Regulations (2003), adherence to the Principle of Fair Competition and

Transparency, application forms and other factors to be taken into account in the planning and execution of ESF projects.

- Members of NCPE attended a meeting with Planning and Priorities Co-Ordination Division (PPCD) on 17<sup>th</sup> March, as an introduction to the Structural Funds Database (SFD) as an Information Management and Monitoring System to monitor use of structural and cohesion funds in the execution of ESF projects. Included among major system stakeholders are the Internal Audit and Investigators Directorate, the Monitoring Body (PPCD), Intermediary Bodies and the Final Beneficiaries.

The portfolio of the SFD system includes Financial Control, Project Contracting, Indicator Monitoring – updating the project's indicators, Project Scheduling – disbursement and forecasting, and Progress Monitoring.

- Members of NCPE staff participated in training on the Structural Funds Database, on 29<sup>th</sup> March (SDO), to experiment with the 'test' version of the SFD and to further clarify how ESF projects and project invoices will be inputted in the system.
- Members of NCPE staff attended a meeting with Ms Vicini Colombo from Sardinia on 24<sup>th</sup> March to discuss the principle of equal opportunities in the Regional Operational Programme (ROP) of Sardinia within the management of the Structural Funds. The meeting focused on the European and National Strategy for Equal Opportunities and the integration of equal opportunities in Sardinia, regional experiences during the promotion of the equal opportunities principle and initial achievements and future strategy. Emphasis was made on the application of the equal opportunities principle between men and women in the jointly funded operations of the Structural Funds as a cross-national objective within European policies. Consequently discussed, with reference to Sardinia as an example, was direct and indirect regional and local government action to overcome inequalities and promote equal opportunities with the aim to improve the quality of life for women and men, reduce unemployment especially female unemployment, and increase the employability of women wishing to enter the job market at any level.

*National Action Plan for Employment (2004/2005)* - Members of NCPE staff attended a meeting with ETC, on 18<sup>th</sup> March, to discuss the National Action Plan for Employment (2004/2005) drawn up in the context of Malta's imminent EU membership and the need for each Member State to

ensure that its policies conform to full employment, quality and productivity at work and social cohesion and an inclusive labour market. The meeting focused on the need for the involvement of parliament, social partners and stakeholders and for an adequate allocation of financial resources for implementation of the Plan. Discussed were the Lisbon Council Targets to be met through the European Employment Strategy by 2010 and the action guidelines created to meet these targets. Issues discussed included the gaps in employment, unemployment and pay; segregation in education/training, job classifications and payment systems; awareness-raising; transparency at the workplace; encouraging female participation through care services, policies, job specifications and other measures that allow a work-life balance.

*Meeting with Political Parties prior to the Local Council Elections* - A Meeting with the Political Parties or representatives of the Female Sections of the Political parties were held during the month of April and prior to the Local Council Elections. During these meetings the main points discussed were the need to encourage more women to come forward to contest the elections, and provide a support system both for female and male candidates to reach this goal.

*Meeting with all the candidates contesting the First European Election* - A meeting was held for all the candidates contesting the European Elections to which members of NCPE were present for the discussion. All candidates present were given the possibility of airing their views vis-à-vis equality and how they intended to work with NCPE. Various issues pertaining to Equality were raised and were dealt with right away.

*Meeting with National Council for Women (NCW)* - A formal meeting with the President and members of NCW was held and future collaboration was discussed.

*Meeting organised by the Ombudsman* - On May 25<sup>th</sup> 2004, the office of the Ombudsman organised a meeting with various entities that work closely with it. NCPE was invited and Dr J Mifsud, Commissioner together with Ms S Bugeja, Executive Director attended. This meeting served as an introduction with public entities that were still not familiar with the changes that had occurred since the creation of the NCPE.

*Meetings with Unions* - The Commissioner and the Executive Director took it upon themselves to organise meetings with all the major unions in Malta as they are considered to have a very important role to play in bringing about true equality. This was the main point for discussion and was found to be acceptable by all.

*Meeting with Works Division* - A meeting was organised by the Works Division and included Ms Jean Frendo and the NCPE Executive Director on the possibility of creating a child care centre in Beltis-Seb'. This was a project that had been initiated a number of years earlier but is still in its embryonic stages. The Director of the Works' Division stated that his department is willing to take on the responsibility of the structural development but needed the reassurance from the MFSS that it will support the necessary staff. The message was passed on to the Hon Minister.

*Meetings with Mr JR Grima and Ms A. Caruana Colombo* – A number of issues emanating out of complaints received from Public Service employees were discussed and resolved.

*Meeting with Media Consulta Malta* - Mr A. Warrington, Malta's representative on Media Consulta, the agency vested with the responsibility to organise the three-year long anti discrimination campaign was invited for a discussion at the NCPE's offices. From this discussion, it transpired that the EU campaign that will soon be launched Europe wide had to educate on the other five areas of discrimination but should not include gender. A European gender awareness campaign had been going on for the previous three years.

*Meeting with National Statistics Office (NSO)* - A meeting was held with Mr A Camilleri, Director, NSO to discuss possible ways forward especially in relation to research and national statistics. The meeting was attended by Dr J Mifsud, Commissioner, Ms S Bugeja, Executive Director and member Dr. M Camilleri.

*Meetings with Foundation for Human Resources Development (FHRD)* - Two meetings have been held between the Foundation for Human Resources Development (FHRD) and NCPE. On the first meeting different co-operation possibilities were explored, and it was concluded that a joint seminar should be organised. On the second meeting, a seminar focusing on the Gender Equality Act (Ch. 456) with a special focus on sexual harassment was designed. The seminar is set to be organised early in 2005.

*Meetings with Contracts Department* - NCPE held three meetings with the Contracts Department. On the first occasion, the Contracts Department had requested a meeting in order to develop a clause for contracts. The second meeting was informative, relating to the rules of procedure for tendering and the Public Contracts Procedures manuals, and the third

meeting was requested by NCPE for a clarification of a number of problems with the tendering procedure.

*Meetings with Broadcasting Authority* - A meeting was held at the premises of the Broadcasting Authority with Mr Mario Axiak to discuss the different time-bands of TV and radio programmes and how the BA survey should be best read to reach the targeted audience when advertising.

In November the Commissioner and the Executive Director met Dr Kevin Aquilina, Chairman, *Broadcasting Authority*. They discussed how the BA's Diversity Database and NCPE's Directory of Maltese Women can be brought together and kept updated.

*Meeting with Malta Financial Services Authority (MFSA)* - During this meeting held between the Commissioner, the Executive Director of NCPE together with Dr Andre Camilleri and Dr Marisa Attard of MFSA it clearly came out that MFSA has a high rate of women working for it, and a number of family-friendly measures are available for its employees.

*Meeting with Dr Heidemarie Wunsche-Pietzka* - NCPE along with the National Council of Women met Dr Heidemarie Wunsche-Pietzka the day before the Council's seminar aimed at introducing the Socrates/Grundtvig 1 transnational Lifelong Learning Project entitled Learning on the Stage of Life (LOSOL).

*Consultation Meeting with Family Lawyers* - A Consultation meeting with Family Lawyers was held in order to discuss the proposed amendments to Chapter 16 of the Civil Code. Dr J Mifsud commenced the meeting by introducing NCPE and *Chapter 456 Equality for Men and Women*, then, together with Ms S Bugeja, Executive Director and Dr R. Lepre, Legal Officer, opened the discussion on the proposed amendments. A group of lawyers attended the meeting and shared their knowledge and opinions on how current laws can be improved. Various issues were tackled, such as: acknowledgement of the child, traditional concept of marriage, life insurance and matrimonial home. The meeting was held on 10<sup>th</sup> November 2004 at the Despott Hall – Education Division.

*Meetings in connection with Complaints received –*

- Stipulation of Bank Loans - Following a complaint received, Ms S. Bugeja, Executive Director and Dr M. Spiteri Debono, member of NCPE, met with Mr A Bezzina of Lombard Bank, Mr J M Formosa of BOV, and Mr J Camilleri of HSBC to discuss the bank's criteria for the stipulation of bank loans, to ensure there is no gender discrimination and to clarify certain anomalies.

- Breaks for workers on Reduced Hours - The Executive Director, Ms S. Bugeja met with Mr Eddie Gatt, Director General (MFSS) and Mr J. Camilleri, Director Corporate Services (MFSS) to discuss breaks for workers on reduced hours. A decision acceptable to all concerned was reached.

*Preparatory Discussions for the Gender and IT Conference* – Preparatory Discussions were held between ETC, MFSS and NCPE with regards to the Gender and IT Conference scheduled for 21 January 2005. This conference will address the barriers faced by women in the IT sector and propose policies that will address the inequalities of the sector.

*Work-Life Balance Campaign* - The NCPE, National Family Commission together with OPM met to discuss the possibility to promote further work-life balance. The out come of this meeting resulted in a series of billboards which were put up on our streets to mainstream work-life balance. The first series with the inscription "G'andek 'in g'all-Familja illum?", are already on the streets whilst another series is to be introduced in early 2005.

## **Gender Equality Clause**

To ensure the EU objective of mainstreaming gender horizontally, NCPE has prepared a gender equality clause to be included in every tender document issued and contract signed by the Department of Contracts. The clause states the following:

- 1.1 The Contractor shall ensure the principle of gender equality in the carrying out of the Contract, and shall thus refrain from discriminating on the basis of sex or family responsibilities.
- 1.2 The principle of gender equality entails that there shall be no discrimination whatsoever on the grounds of sex in the conditions, including selection criteria, for access to all jobs or posts, whatever the sector or branch of activity, and to all levels of the occupational hierarchy. The principle of equal pay for the same work or work of equal value shall apply.

2. The Contractor shall thus manage the work, give promotions, distribute tasks, offer training opportunities, and arrange the working conditions on the basis of the worker's performance and not his or her sex, familial or other status.
3. In carrying out his or her obligations stated in 1 and 2, the Contractor shall therefore be bound to ensure an equal distribution of the sexes in the different occupational levels. If this for some reason is not possible, and therefore the distribution is unbalanced in favour of one of the sexes, the Contractor is required to submit a proper explanation to justify such imbalances.
4. The above conditions also apply in provision of services, supplies and/or any other economic activity.

This clause is not expected to enter into force until the issue of the new Public Contracts Regulations in 2006. NCPE has however, included this clause in all of the tender documents that it issued, and has in addition included gender equality as one of the main award criteria of the contracts.

## **The Library**

The library of NCPE has been re-organised thanks to the members of staff assigned to this project but also thanks to the work of the students who worked at NCPE during the summer months. The library is now fully catalogued using the Dewey System and is also available on-line. One can access the library on-line by applying to the Department of Social Security or at any district office of the Department of Social Security for the e-id and password in order to access all services offered on-line by the Ministry of the Family and Social Solidarity. In 2004, 188 new entries have been included in the library system. Now the library consists of 5341 books, journals and articles covering various literature related to gender issues.

## **Sexual Harassment - Code of Practice**

Among the complaints received by the National Commission for the Promotion of Equality [NCPE], sexual harassment cases were the most time consuming and painful cases. Therefore, it was decided that more awareness on the subject was necessary as well as serious improvement of the knowledge base of the public at large. A sexual harassment code of practice was put on the agenda.

Work started around mid-2004 to develop the Sexual Harassment Code of Practice for employers. It is envisaged that this code will be printed and distributed to all the employers from both the private and the public sphere. This code is intended to help both employers and employees to understand what sexual harassment is and to develop measures in order to prevent and eliminate sexual harassment at work. It will help people become more aware of what the law actually says regarding sexual harassment. It will also inform the public on the established procedures that deal with the subject. The 'Sexual Harassment in the Workplace: A Code of Practice for Employers' by the Human Rights and Equal Opportunity Commission of Australia, together with other European documents on the subject were used as the basic documents out of which the local document emanated.

The Sexual Harassment Code of Practice defines what sexual harassment is by explaining clearly what constitutes sexual harassment and what does not; what is unwelcome sexual conduct; conduct of a sexual nature; as well as sexually hostile work environments. It also explains the legal obligations of employers and includes guidelines on how to write a sexual harassment policy and on remedial measures on how to remedy sexual harassment. It also describes extensively the complaint procedures for the Complainant, the Authority / Employer and the NCPE. The code refers and includes abstracts from Chapter 452, the Employment and Industrial Relation Act as well as Chapter 456, Equality for Men and Women Act.



## Telephone Contacts with the Public

Throughout 2004 about 15,154 telephone calls have been made by and / or received by the Commission. The month that had registered the biggest number of telephone calls was October with 1,621 calls.

Months	Tel. Calls
January	991
February	1020
March	1398
April	1613
May	1504
June	1016
July	1194
August	890
September	1301
October	1621
November	1596
December	1010
<b>Total</b>	<b>15154</b>

Fig. 3

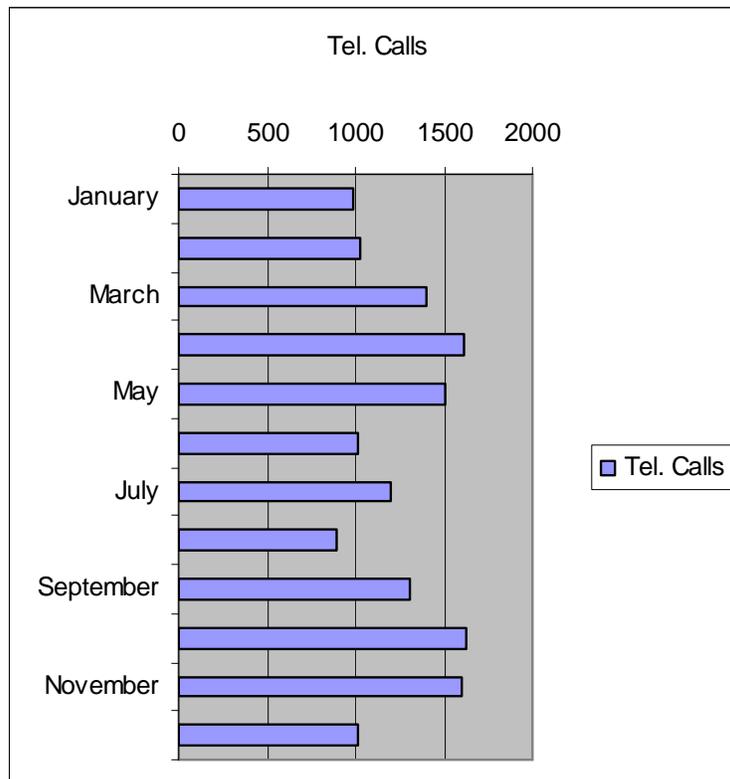


Fig. 4

## Financial Overview

At the beginning of the financial year, the government allocated to the Commission a budget of Lm72,000. 72% (Lm51,840) of the total budget related to Staff salaries and Honoraria, 25% (Lm18,000) was for maintenance and operational expenses, while the remaining 3% (Lm2,160) related to purchasing of equipment. Analyses of the operational expenses are better explained by the figure below.

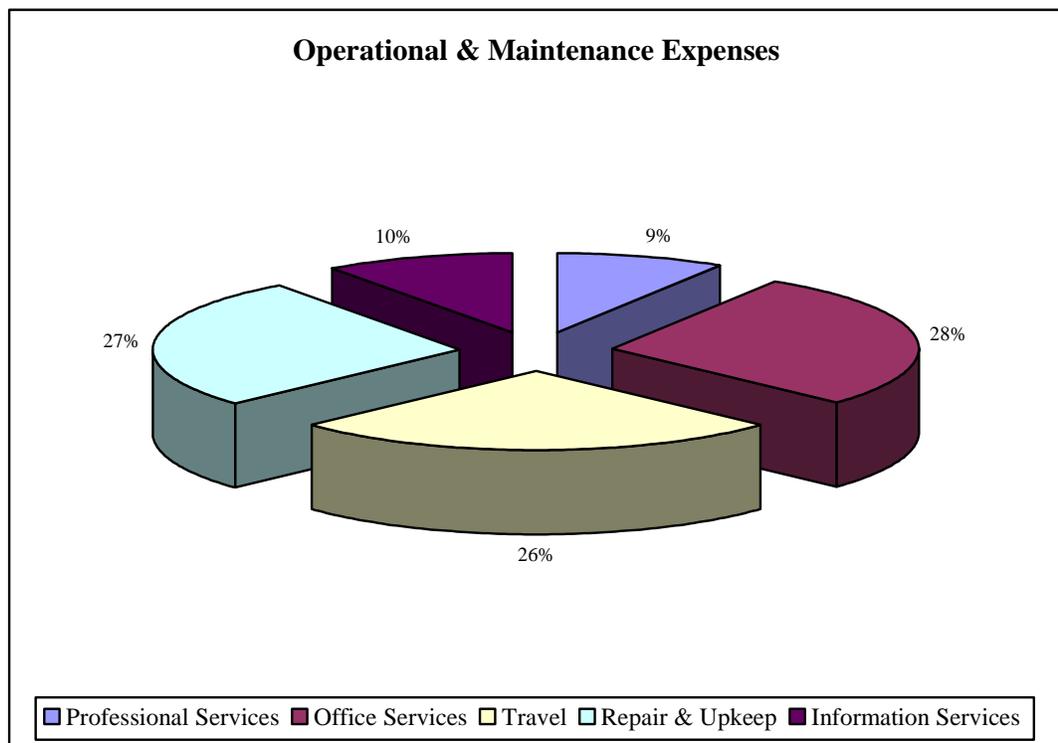


Fig. 5

The above figure clearly shows that more than a quarter (28%) of the operational expenses accounted to information services. This expense mainly related to the EU Conference which had been held in Malta. 27% related to the repair and upkeep of the Commission's premises, while the remaining 45% related to travel, professional and office services.

During the 3<sup>rd</sup> quarter of the financial year, the Commission experienced a reduction of the budget allocated. This was reduced by 4% (Lm3,000) and eventually had an effect on the Commission's financial accounts. However, considering all the financial constraints experienced, NCPE is very proud to note its valid output.

**Chapter 456 Equality For Men and Women Act (Act No.1 of 2003)**

<http://www.gov.mt/frame.asp?l=1&url=http://justice.gov.mt/>