

Gender audit of a number of Codes and Acts in view of the Principles of Gender Equality and Gender Mainstreaming

Methodology, results and launch of manual



Project objective

To integrate a gender perspective into parts of the Maltese legal framework governing the realms of employment and civil and family life.



Project objective

A team of experts with different legal specialisations was put together:

- Dr Tonio Ellul
- Dr Louise Ellul Cachia Caruana
- Dr Charmaine Grech
- Dr Roberta Calleja
- Dr Jeremy DeBono



Project objective

Tasks performed to fulfil the project objective:

- Carry out a gender audit of selected laws and regulations;
- Make recommendations for amendments to the said laws and regulations for enhanced gender mainstreaming;
- Prepare a manual for gender mainstreaming in legal affairs (which shall be launched later this morning);
- Participate in training sessions; and
- Participate at this conference.



Gender audit of laws and regulations

- Criminal Code
- Code of Organisation and Civil Procedure
- Commercial Code
- Civil Code
- Addolorata Cemetery Ordinance
- Department of Health (Constitution) Ordinance
- Income Tax Act
- Housing Act
- Housing (Decontrol) Ordinance
- Housing Authority Act
- Mental Health Act



Gender audit of laws and regulations

- Social Security Act
- Education Act
- Employment and Industrial Relations Act
- Housing (Extension) Act
- Income Tax Management Act
- Home Ownership (Encouragement) Act
- Companies Act
- Occupational Health and Safety Authority Act
- Employment and Industrial Relations Act
- Health Care Professions Act
- Public Health Act



Gender audit of laws and regulations

A total of approximately 7,000 pages.

The purpose of this exercise was to establish and create a knowledge-base to be disseminated and used by all experts forming part of the project team



Gender audit of laws and regulations

Materials collated were organised by subject-matter:

- fiscal legislation
- health related legislation
- housing related legislation
- employment related legislation
- education related legislation
- legislation relating to commerce and business



Gender audit of laws and regulations

Analysis of collated materials:

- divided amongst the team members in accordance with their main areas of expertise;
- kept in mind, at all times, the concepts of gender equality, direct and indirect discrimination, and gender mainstreaming;



Gender audit of laws and regulations

Analysis of collated materials:

- meetings and discussions with the NCPE, governmental departments and other organisations;
- cross-referencing between the legislative acts analysed and other laws and regulations.



Gender audit of laws and regulations

Example: male gender referencing.

- Article 4 (b) of the Interpretation Act: “words importing the masculine gender shall include females”
- Proposal: when possible (grammatically and contextually), use of gender neutral terms such as “person” and “spouse”
- “Guidelines on the use of Gender Neutral Language in Legal Drafting”



Manual for Gender Mainstreaming in Legal Affairs

Main purpose:

- To serve as a tool for persons engaged in the drafting of laws, regulations, and policy papers to integrate a gender perspective in their drafting
- Principally targeted at legal drafters and lawyers



Manual for Gender Mainstreaming in Legal Affairs

Layout of Manual:

- to provide its users with the necessary analytical tools and techniques to ensure that they are able to maximise its potential and scope



Manual for Gender Mainstreaming in Legal Affairs

Structure:

- Table of Contents
- Guidance on the use of the manual
- Key Concepts and Terms
- Historical and legislative overview of the development of gender equality and the elimination of all forms of discrimination based on sex, and gender mainstreaming



Manual for Gender Mainstreaming in Legal Affairs

Structure:

- A brief analysis of the legislative audit
- Practical application of the manual
- List of reading materials and other relevant references



Thank you

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