



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women
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Summary record of the 656th meeting

Held at Headquarters, New York, on Tuesday, 13 July 2004, at 10.30 a.m.

Chairperson: Ms. Shin (Vice-Chairperson)

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The meeting was called to order at 10.30 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Combined initial, second and third periodic report of Malta (CEDAW/C/MLT/1-3)

1. *At the invitation of the Chairperson, the members of the delegation of Malta took places at the Committee table.*

2. **Ms. Bugeja** (Malta), introducing her country's combined initial, second and third periodic report (CEDAW/C/MLT/1-3), described Malta's geographical and demographical situation and its political system. Of a total of 65 members of the Maltese Parliament, six were women, two of whom were cabinet ministers. She also described the legal system, pointing out that Malta's first judge in the European Union's Court of First Instance was a woman, and added a few words about local government and public bodies. Turning to employment, she quoted national statistics from the report and pointed out that women tended to leave paid employment in their mid-twenties, returning in their thirties or early forties, which showed that Malta remained a society where the breadwinners were mainly men while the women cared for their young families. The Government was, however, taking measures, several of which she listed (report, sect. 5.17), to encourage women to balance paid work and family. In social policy, the State provided a panoply of social and health-care services, some of which were relevant to women, and cooperated with both the Church and the private sector to support people in need.

3. She stressed the Government's commitment to the promotion of gender equality through de facto equality measures and the national machinery on gender equality, which were part of the portfolio of the Minister for the Family and Social Solidarity. The Equality for Men and Women Act had been passed in 2003 and the National Commission for the Promotion of Equality for Men and Women appointed in 2004. The 2002 Employment and Industrial Relations Act provided for equality of treatment at the workplace, hence discrimination at work was investigated either by the Industrial Tribunal under the provisions of the EIRA, or through the application of the Equality Act. A draft domestic violence bill had been submitted to the Minister for Social Policy in 2000, and a

Coordinated Response Team on Violence against Women set up in March 2002. Discussion of the bill with various social partners was still in progress, but the Government was committed to its becoming law as a national priority.

4. The national machinery on gender equality consisted of the Minister for the Family and Social Solidarity, the Commissioner for the Promotion of Equality for Men and Women and the National Commission for the Promotion of Equality for Men and Women, which comprised the Commissioner and six members, three of each sex. The Commission was active in raising awareness on gender equality by networking with different groups and consulting with constituted bodies like trade unions or employers' associations, with church organizations and with women's groups. The functions of the Commissioner and the Commission were stated in article 12 of the Equality for Men and Women Act and included identifying those in need of support because they were disadvantaged by reason of their sex, updating national policy, monitoring implementation, conducting domestic and international liaison, investigating complaints and submitting proposals for the amendment of the Act. The objectives of the national machinery (CEDAW/C/MLT/1-3, sect. 4.3, p. 40) were targeted towards raising awareness of gender equality, and the Commission was continuing the national plan of action outlined in the report (CEDAW/C/MLT/1-3, sect. 3.3, p. 26). The plan had been drawn up by the then Commission for the Advancement of Women after the Beijing World Conference on Women, and the Commission was adding new initiatives stemming from the Equality for Men and Women Act, strengthened by the Commission's powers of execution.

5. When ratifying the Convention, Malta had entered reservations to articles 11, 13, 15 and 16, some of which had been superseded by subsequent legislation. The Government interpreted article 11, paragraph 1, as allowing restrictions on the employment of women when considered necessary to protect the health of the woman or her unborn child, including restrictions imposed in consequence of other international obligations such as International Labour Organization Conventions and Recommendations. Concerning article 13, Malta reserved the right in its tax legislation to continue in certain circumstances to deem the income of a married woman taxable as the income of her husband, while allowing the couple to

decide whether they preferred to be assessed jointly or separately for taxation purposes. It also reserved the right to continue making certain social security benefits payable to the head of the household under legislation which presumed that head to be the husband. Following changes in the Social Security Act, the Director of Social Security had the right to decide who was deemed to be the head of the household. With regard to article 15 the Government, although committed to removing as far as possible all discrimination in family and property law, reserved the right to apply current legislation until the law in question was reformed. Regarding article 16, the Government did not consider itself bound by paragraph 1 (e) insofar as that provision might be interpreted as imposing an obligation on Malta to legalize abortion.

6. As far as implementation of the Convention was concerned, its provisions could not be invoked before the Maltese courts because conventions did not automatically become part of the laws of Malta, and Malta had not yet signed the Optional Protocol to the Convention. Consequently, although they could invoke the European Convention on Human Rights and petition the European Court, private individuals could not submit communications to the Committee on the Elimination of All Forms of Discrimination against Women. After Malta's ratification of the Convention, however, both the Constitution and much of the country's legislation had been amended to remove discrimination against women, and practices had been brought in line with the new gender equality policies and legislation.

7. In addition to the International Labour Organization and European Union Conventions listed in the report (CEDAW/C/MLT/1-3, sect. 2.1, p. 12, and sect. 3.4, p. 28), Malta had ratified other human rights instruments. Turning to individual articles of the Convention, she said that for the purposes of article 1 the Maltese Constitution defined the word *discriminatory* in general whether the discrimination occurred in law, any instrument having the force of law, subsidiary legislation or common usage. The Employment and Industrial Relations Act dealt with discrimination in employment and the Equality for Men and Women Act defined discrimination specifically on the grounds of sex, including discrimination in employment, education, advertising and sexual harassment, as well as introducing the concept of family responsibility. Many of Malta's other

laws provided for equality between the sexes and offered remedies which could be sought if any of their equality provisions were infringed. They included not only the Constitution and the European Convention Act, 1987, but also the Civil Code and Acts on employment, social security, education and citizenship. The Employment and Industrial Relations Act 2002 and the Equality for Men and Women Act 2003 were aimed at encouraging all sectors of society to combat exclusion of all types, and especially the exclusion of the most vulnerable.

8. Any form of violence, irrespective of the sex of the victim, was forbidden by law. The Criminal Code, however, had special provisions governing bodily harm to a pregnant woman, carrying higher penalties if a miscarriage resulted. Also, the amended Civil Code allowed an abused spouse to obtain a court order of separation. The current draft law on domestic violence submitted to the Attorney-General's Office provided for a number of orders constraining perpetrators of violence and protecting the victims. The national agency offering services to men who perpetrated violence had dealt with 100 cases in 2003.

9. Regarding sexual harassment, in addition to the provisions outlined in the report (sects. 1.14, 2.7 and 12.32), the Equality for Men and Women Act of 2003 provided a definition of sexual harassment and forbade sexual harassment in any workplace, educational or vocational training establishment or service establishment, making it subject to a fine or imprisonment. Protection against sexual harassment was also provided under the Employment and Industrial Relations Act of 2002.

10. Regarding the employment of women (report, sects. 11.1 et seq.), approximately 50,000 women were actively employed. About 15,000 women and 19,000 men had been employed part-time in 2003. As indicated in the report, part-time work was regulated by the 1996 National Standard Order and the 2002 Employment and Industrial Relations Act, and a part-time employment register had been set up by the Employment and Training Corporation on its web site. In addition, the 2002 Regulation of Conditions of Work of Part-time Employees aimed at preventing discrimination against part-time workers, improving the quality of the work, facilitating its development and contributing to the flexible organization of working time. The national statistics did not take into account unpaid work such as homemaking and

volunteer work, which also offered no entitlement to a pension. The agricultural sector, which now accounted for only about 2 per cent of Malta's gross domestic product, involved relatively few women. The available data showed that there were more women in animal husbandry than in crop growing and more in certain areas of the country than in others. The statistics for 2003 indicated that only about 2,000 of the 14,000 farmers in Malta were women, and the vast majority of those were part-time farmers. Rural women were aware of their legal rights given their proximity to urban areas and the fact that they had access to telecommunications and were targeted by campaigns on women's issues.

11. **The Chairperson** invited the Committee to make general comments or raise questions relating to specific articles of the Convention.

12. **Mr. Melander** noted that Malta was one of the few remaining countries requiring international treaties to be incorporated into domestic law before they could be applicable, and asked when the Convention would be so incorporated. It was unclear why the only treaty incorporated had been the European Convention for the Protection of Human Rights and Fundamental Freedoms. Also, he wondered when Malta might accede to the Optional Protocol to the Convention, as it had done in the case of other human rights treaties. The Convention could apparently not be invoked directly, but he would like assurance that the Maltese courts could at least take it into consideration when interpreting domestic law. The delegation should give more information on what the Government was doing to publicize the provisions of the Convention and whether it was a living document with which the judiciary and the public at large were familiar.

13. **Ms. Šimonović** asked why there had been such a long delay in the submission of periodic reports by Malta. She would like to know whether they had been prepared by the Government's gender-equality machinery in conjunction with non-governmental organizations, had been formally adopted by the Government after discussion in Parliament, and had now been made public; she also asked whether the delegation would forward the Committee's concluding comments to the Government and publish them officially. In addition, it would be interesting to know whether Malta had any plans to withdraw its reservations restricting the implementation of several articles of the Convention.

14. **Ms. Schöpp-Schilling** asked whether Maltese was a living language and whether the Convention had been translated into it. She noted that the report did not give a clear picture of the situation of women in Malta. Moreover, she did not understand the necessity for most of the reservations Malta had entered to various articles of the Convention. She urged it to withdraw the reservation to article 11 in view of the Government's correct reading of article 4, paragraph 2, and the reservation to article 16 because the Convention could in no way be interpreted as imposing an obligation to legalize abortion. She believed the reservation to article 15 could also be withdrawn, because the Government had in the meantime instituted so many legal reforms. She noted that the reservation to article 13 as cited in the delegation's introduction was different from the wording submitted at the time of ratification, and said that the Secretary-General should be informed of the change. She would like clarification of the circumstances under which the income of a married woman was considered to be the income of her husband: such special circumstances would seem to be discriminatory to both women and men.

15. **Ms. Morvai** asked for information on how many non-governmental organizations there were in the country, both church-related and not, how they were funded and how the Government worked with them.

16. It would be interesting to know what the National Commission for the Promotion of Equality for Men and Women, set up in January 2004, had accomplished in the past six months with regard to raising public awareness on gender equality, developing specific policies on equality, identifying the needs of persons subject to gender discrimination, monitoring the implementation of national policies on equality, carrying out general investigations and investigating individual complaints of equal rights violations.

17. **Ms. Saiga** observed that the report was very fragmented and repetitive, with the discussion of an issue reappearing under several articles of the Convention. The reporting guidelines had not been followed, and she hoped that future reports would be more clearly drafted.

18. **Ms. Gaspard** asked whether the report had been submitted to Parliament. The Convention was relatively unknown and it was of particular interest for Parliament to be familiar with it so that it could eventually amend domestic legislation as needed. The

report should also be publicized in the various political, administrative and civil circles.

Article 2

19. **Ms. Schöpp-Schilling**, noting that the Constitution had been described as a set of guiding principles, asked whether it was actually enforceable law. Also, since neither the European Convention for the Protection of Human Rights and Fundamental Freedoms nor Malta's European Convention Act or other laws were as all-encompassing as the Convention with regard to women's rights, she encouraged the Government to incorporate the Convention into its domestic law as well.

20. **Mr. Flinterman** observed that the right of Maltese individuals to petition the Council of Europe when local remedies were exhausted derived not from Malta's European Convention Act but rather from the European Convention itself. He wondered whether, if Malta ratified the Optional Protocol to the Convention, women would be given direct access to the petition process or whether they would have to wait until a law had been adopted recognizing that right. He appreciated the full treatment given to the functions of the Ombudsman (report, sects. 2.9-2.10), but noted that there was no reference anywhere to the provisions of the Convention and wondered whether the National Commission for the Promotion of Equality for Men and Women had made the Ombudsman aware of obligations under the Convention.

21. **Ms. Kwaku** asked the status of the legislative procedure required to make the Convention applicable in Malta. The report stated (sect. 2.11) that certain remaining discriminatory provisions in the Social Security Amendment Act would be redressed by 2002. What were those provisions and had they been redressed? Also, how long would it be before the draft legislation on domestic violence would become law?

Article 3

22. **Ms. Saiga** asked for confirmation that the new National Commission for the Promotion of Equality for Men and Women had superseded the Commission for the Advancement of Women referred to in the report (sect. 2.18) and that the Department for Women in Society referred to in that same section of the report was still in operation. She would like information on the membership and budget of the new Commission

and on the budget of the Department. Had there been any assessment of the effectiveness of the National Plan of Action for 2001-2005, and was the next plan of action being formulated?

23. **Ms. Tavares da Silva** said that it was not clear whether the Department for Women in Society, an arm of the old Commission, was still in operation. It would also be useful to know how the new National Commission worked together with other government departments to achieve what the report described (sects. 3.19-3.24) as a main objective: the implementation of gender mainstreaming over a period of five years from 2000 to 2004. She supposed that gender mainstreaming was a part of the National Plan of Action as well.

24. The report had not made it at all clear that the impressive legal reforms described in the oral introduction had been undertaken. The status of the legislation on violence against women was also very unclear in the report and clarification should be provided. She was glad to learn from the introductory remarks that the Equality for Men and Women Act had indeed been adopted, and hoped that it would be an important policy tool.

25. **Ms. Gaspard** observed that the State party's report and oral introduction had not fully clarified the role of the institutions making up the national machinery for women's advancement. She would therefore be grateful for more information about their hierarchical position within the Government, level of resources and influence on other ministries.

26. **Ms. Kwaku** asked whether the centre for schoolgirl mothers referred to on page 32 of the State party's report (CEDAW/C/MLT/1-3) still existed, and whether more centres had been opened. She was somewhat concerned that such centres might encourage girls to begin their sexual lives early. Although the number of teenage mothers was relatively low, it was apparently increasing. She therefore wondered whether Malta should not adopt different strategic measures to deal with the problem.

27. **Ms. Schöpp-Schilling** said that she welcomed the State party's implementation of its ambitious gender-mainstreaming plan and was particularly impressed with the plan's level of accountability. However, she would appreciate more information about its outcomes and about any related follow-up mechanisms, and wondered whether the plan had been discussed by the

Maltese Government. She asked whether there was a second plan of action covering the period to 2005, and expressed confusion about the role of the Commission for the Advancement of Women. It was not clear to her whether the Commission was an independent body, whether it had taken up responsibility for the gender-mainstreaming plan and whether it was empowered to refuse requests made at the ministerial level.

Article 4

28. **Ms. Patten** commended the State party for its recent legal reforms, and in particular the introduction in 2003 of the Equality for Men and Women Act. However, she was concerned about the Act's implementation, and noted the State party's obligation, under the Committee's general recommendation No. 25, to respect, promote and fulfil women's right to non-discrimination and to ensure their development and advancement in order to improve their position to one of *de jure* as well as *de facto* equality with men. She wished to know whether the State party planned to adopt temporary special measures, as set forth in article 4, paragraph 1, of the Convention, and would be grateful to know the wording of its constitutional provision regarding such measures. With respect to women's participation in the public service sector, she noted that according to the State party's report only 12 per cent of public employees were women, but that the public service sector was drawing up a plan of action to increase the number of women in senior posts. She would appreciate an update on the plan's progress and wished to know whether Malta was planning any related special measures, as defined in its Constitution. Lastly, she urged the State party to consult general recommendation No. 25, which would help to clarify the nature of article 4, paragraph 1, as well as general recommendations Nos. 5, 8 and 23.

29. **Ms. Schöpp-Schilling** asked whether it was clearly understood in Malta that the introduction of temporary special measures was more or less obligatory if they were the only available measures to accelerate equal participation by men and women in various areas of life.

30. **Ms. Tavares da Silva** noted that the object of the temporary special measures envisaged under article 4, paragraph 1, of the Convention was to accelerate *de facto* equality. In her view, the measures outlined by the State party — for example, its gender-awareness

programmes — did not fall under the category of special measures, as defined by the Convention.

Article 5

31. **Ms. Morvai** said that with respect to violence the Maltese Criminal Code made no distinction on the basis of the victim's sex. The State party appeared to see violence as a gender-neutral phenomenon, and was not aware of its gender-specific forms. Noting that it planned to introduce a bill on violence against women, she wished to know whether it would include awareness of the gender-specific nature of violence and when it would be introduced, and would appreciate a description of its contents. She was deeply disturbed to read, on page 60 of the State party's report, that the Maltese Criminal Code listed the aggravating circumstances for the crime of rape under the title "Of Crime Affecting Good Order of Families". In her view, references to the crime of rape did not belong under such a heading, and she urged the State party to move them to another chapter of the Code.

32. **Ms. Coker-Appiah** said that she would appreciate more information about the content of the draft bill on violence against women, and wished to know how far it differed from the provisions of the Criminal Code, in terms of its perception of domestic violence. She commended the Government for its comprehensive plan to combat domestic violence through its domestic violence unit, but wished to know the level of resources allocated to the unit and to its support services. She also wondered whether those services were provided by organizations of civil society and whether the Government provided such organizations with financial support.

33. **Ms. Achmad** said that she was very concerned to hear, in the State party's introductory statement, that full-time housewives did not benefit from home-care allowance and were not entitled to a pension when they reached the age of 60. She did not understand how such a policy reflected gender equality. She also wondered whether the reform of the school curriculum described on page 48 of the periodic report took the provisions of the Convention into consideration, and whether any provision had been made for monitoring the reform process. Similarly, she would be grateful for more information about the gender-sensitizing of teachers and the mainstreaming of gender equality at the university, which were both described on page 49 of the report. With reference to the short certificate

course on women's studies described in chapter 5.7 of the report, she wished to know whether it was obligatory, when it had been introduced and how it had been received.

Article 6

34. **Ms. Morvai** said that she wished to know more about the State party's efforts to suppress trafficking in women, including statistics, information about relevant policies and laws, and details about legal cases. She noted that in its report the State party referred to prostitution as highly immoral. However, she suggested that rather than focusing on the women prostitutes, it should focus instead on their male clients, and wished to know whether the State party planned to take any action in that regard. Prostitution hurt women, and should be suppressed, but not by criminalizing the women involved. She wished to know how the Maltese Government helped women to escape from prostitution and provided them with alternative opportunities.

Article 7

35. **Ms. Gaspard** noted that women's participation in all Malta's decision-making bodies was very low. In that regard, she wondered why the State party had not provided the Committee with a breakdown by gender for the four representatives of Malta recently elected to the European Parliament, and asked that the State party provide such statistics in its next periodic report.

36. **Ms. Tavares da Silva** noted that according to page 64 of the State party's periodic report, women's representation on governing bodies was insignificant. Moreover, according to the delegation's introductory statement, women's participation in local government was on a downward trend. She therefore wondered whether the Government planned to introduce temporary special measures — such as minimum percentages for both sexes — in order to guarantee a fairer and more democratic representation of men and women.

37. **Ms. Šimonović** noted that data provided in the State party's periodic report indicated persistent underrepresentation of women in Parliament and Government. It therefore appeared that increasing women's participation was not a priority for the Maltese Government, and she wished to know whether it had any plans to improve the situation, perhaps

through the introduction of temporary special measures.

Article 8

38. **Ms. Coker-Appiah** noted that according to page 66 of the periodic report, the ratio of male to female diplomats in the diplomatic service was narrowing. In that regard, she also noted that, according to the data provided on page 193 of the report, the number of women serving as Second Secretary had fallen from 25 in 1996 to seven in 2000, despite the fact that more women were passing the civil service entrance examination. Furthermore, the State party had stated that there was no need for special programmes to encourage women to enter the foreign service. In her view, the State party should act to address the situation by introducing such special programmes.

Article 9

39. **Mr. Flinterman** wished to know whether the State party planned to revise its passport regulations since, according to the description given on page 74 of the State party's report, they treated men and women unequally and were not in line with the Convention.

40. **Ms. Patten** asked in what respect post-compulsory education was compulsory and requested information on the number of women enrolled in adult and evening courses. She also asked about the subject areas on which such courses focused and whether they included a vocational guidance component. Did female university students continue to outnumber their male counterparts and how many of them received scholarships or grants? Such information would be helpful in assessing the reasons for the subsequent poor performance of women on the labour market. She also requested details of the efforts under way to eliminate gender-stereotyping, bearing in mind the reported trend of domesticity among women in the "prime" age for work and the low numbers of women engaged in full-time economic activity. In that connection, data on the female successes and failures in secondary and tertiary education would be useful in drawing a correlation between educational attainment and the concentration of women in unskilled and low-paid jobs.

41. **Ms. Tavares da Silva** asked whether Malta had any coeducational schools and whether all teachers and students of education received gender-sensitivity training, as recommended by the national mechanisms

in place. Furthermore, how was such training given and what results had been achieved?

42. **Ms. Achmad** asked whether male students were encouraged to take courses in parenting and other domestic skills. She suggested that the various support services provided by the Centre for Schoolgirl Mothers should also be available to the partners of such mothers and asked whether the work of the School Psychological Service incorporated a gender perspective, bearing in mind that psychological problems could be the result of discrimination. Lastly, was any special form of treatment afforded to menstruating or pregnant women who wished to engage in sports activities?

Article 11

43. **Ms. Khan** said that Malta had achieved a great deal in a short period of time. She was concerned, however, by the fact that its female participation in the labour market was the lowest in Europe. Although many measures had been taken to promote the reconciliation of work and family responsibilities, they were such as to reinforce the stereotypical role of women as primary caregivers and should therefore be reviewed, as they were a deterrent to the employment of women. She requested clarification of an apparent contradiction in the report, section 11.3 of which stated that the trend in wage differential was consistent across broad occupational categories, whereas section 11.30 stated that Maltese women enjoyed parity of wages in both the public and private sectors. Was there a mechanism in place to monitor and address any wage differential? In addition, did the Enforcement and Non-Compliance of the Employment and Industrial Relations Act (ERA) or the Office of the Ombudsman play any role in that connection? Lastly, did Malta have a migrant labour force and, if so, did its members enjoy the same employment benefits as Maltese citizens?

44. **Ms. Patten** asked whether any measures had been taken to remedy the current trend in wage differentials and also in which sectors the broadest wage gap occurred. She further asked whether the labour force survey had included sectors employing high numbers of women, such as industry, manufacturing and the wholesale and retail trades, where the wage gap was reportedly as high as 18 per cent, a matter which required clarification.

45. The final paragraph of section 11.4 of the report contained disturbing information on the nature and level of jobs assumed by women, leading her to conclude that Malta's labour legislation was not well implemented. She asked whether high priority was accorded to vocational training and retraining for women returning to the labour force after a career break and whether any review of such training was envisaged with a view to improving the employment status of women. On the subject of sexual harassment, she requested further details of the Code of Ethics for Public Service Employees and asked how many cases of sexual harassment of women at work had been reported. Lastly, what remedies were available to victims, did they have access to legal aid and were women aware of the labour legislation enacted to ensure their protection?

46. **Ms. Gabr** said that despite the new institutional and legislative mechanisms introduced by Malta, concerns remained. Women had made few inroads into the private sector, for instance, and no priority was given to women working in the agricultural sector, thus leading to differentials in both wages and opportunities. She requested a progress report on the effect of childcare facilities established to assist working women and also requested information on any training programmes or mechanisms designed to encourage women to ascend to positions of leadership. In addition, how did Malta deal with the issue of women employed in the informal sector and what was the impact of a career break on salary, pension and rank? Lastly, with reference to the former law under which married women had been forbidden to work, had compensation been paid to women who, on marriage, had accordingly been forced to resign from work?

47. **Ms. Schöpp-Schilling** said that women re-entering the labour force should be legally entitled to retraining and childcare facilities, in which context she asked what time the school day ended in Malta. A greater concern, however, was the issue of part-time work. In enacting the European Directive on part-time work, had Malta also included references to the relevant provisions of the Convention? In that connection, she requested data on the number of women in Malta who worked fewer than 20 hours a week and to whom that legislation did not therefore apply. She also asked how women who simultaneously held full-time and part-time jobs managed their family responsibilities in addition. Lastly, she requested

details of the temporary special measures introduced in the public sector.

Article 12

48. **Ms. Schöpp-Schilling** requested clarification of the apparent conflict between the delivery of free primary health care in Malta, which was a laudable achievement, and the lack of free contraception. The fact that medical officers were able to object to the insertion of intrauterine contraceptive devices (IUCDs) was also an obstacle to the free choice of women in the matter of contraception. In view of the high teenage pregnancy rate, it might be advisable to address sex education from a non-religious angle by including it on the school curriculum, which, as she understood it, currently only covered sexually transmitted diseases (STDs). While not implying abortion, the Convention did imply that affordable contraception should be available, in which connection she directed attention to general recommendation No. 24. Concerning the high depression rate among Maltese women, she was interested to know whether the gender-management system in place in the Maltese health sector had been successful in addressing the medical stereotyping which could, *inter alia*, lead doctors to diagnose depression more readily among the female members of the population.

Article 15

49. **Ms. Manalo** suggested that, in its next report, Malta should specify a time frame for the legal reforms to which it had referred in order to ensure their timely completion. After noting that Malta's report was mainly descriptive and often contradictory, she requested an explanation of the conflicting statements appearing in sections 15.8 and 15.17 concerning the establishment of the matrimonial home. Section 15.14 also appeared to contain conflicting information on women in the judiciary. Were any temporary special measures in place to improve female representation in that field?

50. **Ms. Gnacadja** said that, according to the information provided, the Maltese Social Security Act, as amended, defined only one person as the head of the household, whereas under the Civil Code, as amended, parental authority was to be exercised by common accord of both parents. She therefore requested clarification of the apparent contradiction between those two legal provisions and of the anomaly

produced by the fact that dowries given prior to the amendment of the Civil Code in 1993 retained their validity, thus leading to the implication that parental authority lay with the husband alone. In section 15.17, it was also stated that the domicile of the husband was "inevitably" retained by the wife for the duration of the marriage. What were the consequences of that inevitability? Lastly, she requested details of the discrimination in civil procedure which had been mentioned.

51. **Ms. Kwaku** asked why data on women's ownership of land and real estate was unavailable and whether it would appear in Malta's next report.

Article 16

52. **Ms. Šimonović** asked whether Act XX of 1996 was still in force. Under that Act, a married woman was able to sign a tax return jointly with her husband and could also assume responsibility for the tax return, with the consent of her husband. Was her consent also required if her husband assumed that responsibility? If not, the provision was discriminatory.

53. **Ms. Kwaku** noted that divorce was illegal in Malta, which seemed to constitute a fundamental human rights violation. How did spouses who would prefer to divorce manage their family responsibilities under such circumstances?

54. **Ms. Bugeja** (Malta) confirmed that her delegation would respond to the questions asked and that any data not immediately available would be included in Malta's next report to the Committee.

The meeting rose at 1 p.m.