

Mainstreaming equality and diversity in different national context: implications for  
policy and practice

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**Equal Opportunities in Malta: a southern European perspective**

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## Introduction

In February 2000, Malta passed its first Equal Opportunities (Persons with Disability ) Act<sup>1</sup>, thirteen years after the establishment of the National commission for the Handicapped, now the National Commission Persons with Disability (NCPD) (Camilleri and Callus, 2001). This was followed in 2002, by the Equality for Men and Women Act<sup>2</sup>, which set up the National Commission for the Promotion of Equality for Men and Women, a development on the Commission for the Advancement of Women, an advisory body and the Secretariat for the Equal Status of Women, a government office, both established in 1989 (Ministry for Social Policy, 1990). As I write, a first Domestic Violence Law sees the light, seven years after the publication of the 1998 White Paper<sup>3</sup>, and following considerable effort from the Malta Labour Party and women's lobbies. This is a poor relative of the 1998 White Paper, and will be discussed below. As an incentive to increase the female employment participation rate, subsidiary legislation allowing a Lm700 tax credit on women who return to employment who have been absent 'for at least five years ' preceding the date of return, was also passed earlier this year<sup>4</sup>. Regarding constitutional safeguards, the first point to consider is that the Constitution of Malta<sup>5</sup> entrenches the Roman Catholic religion as the religion of Malta<sup>6</sup>. In 1987, endorsement of the European Convention of Human Rights was followed by constitutional amendments prohibiting discrimination on the grounds of sex through Act XIV, now Chapter 319, of the Laws of Malta (Heywood, 1995,p.115). These included two constitutional provisions, amended by Act XIX of 1991, and which came into force in 1993<sup>7</sup>. The first prohibits discrimination on grounds of sex in 'all economic, social, cultural, civil, and political rights..', which as Heywood (1995, p.116) remarks, fell in the section on the declaration of principles, as was therefore not enforceable, providing no remedies in the case of discrimination. The second, in enforceable section 45 (1), laid down a fundamental right to sex equality by providing that '*Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.*' hereby outlawing discrimination in the law and its implementation (*de facto* discrimination) (Heywood, 1995, p.116). Equal pay for women for the 'same work' (not of equal value) as men had been entrenched, as a principle, in the Constitution of Malta since 1964, earlier than the UK Equal Pay Act (1970). OPM<sup>8</sup> Circular 38/67 had established limited parity with males for females employees in the public service since 1967, and it was then

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<sup>1</sup> Act 1 of 2000, Chapter 413, Equal Opportunities (Persons with Disability ) Act.

<sup>2</sup> Act 112, An Act to Promote Equality for Men and Women, October 2002 (published in the , Government Gazette no. 17,303)

<sup>3</sup> Proposals for Amendments to Maltese Legislation to Provide for Better Protection to Victims of Domestic Violence, White Paper, Parliamentary Secretariat for Women's Rights, August 1998

<sup>4</sup> Tax Credit (Women Returning to Employment) Rules, Subsidiary Legislation 123.81, Legal Notice 110 of 2005

<sup>5</sup> http:

<sup>6</sup> Which has a number of implications even regarding marriage, divorce, abortion and sexual orientation which cannot be discussed here for reasons of length.

<sup>7</sup> Heywood, M. (1995, p.117) reminds us that this is rather late, considering the Convention for the Protection of Human Rights and Fundamental Freedoms date back to the 1940s!

<sup>8</sup> Office of the Prime Minister

through the endeavours of the trade unions and Legal Notice 42/76 that this was extended to all female employees, irrespective of whether they worked in the state or the private sector. Since 1981, thirteen weeks maternity leave on full pay has been available to working women (a further week of unpaid maternity leave was granted following accession to the European Union in 2004. Since the Constitution also establishes as a principle that every Maltese citizen has the right to work and to provide for professional and vocational training and advancement of workers (article 12) in theory disabled persons should also find that the State ‘shall promote such conditions as make this right effective’<sup>9</sup>. Furthermore, Article 17 (3) establishes in principle that ‘disabled persons and persons incapable of work are entitled to education and vocational training.’ However, as the National Commission Persons with Disability ( hereafter referred to as NCPD<sup>10</sup>) remarks in its review of the national employment policy<sup>11</sup>, the constitutional articles are not enforceable in a court of law but embody principles which are according to the Constitution ‘fundamental to the governance of the country’ (article 21) . Since the Disabled Persons (Employment) Act of 1969<sup>12</sup>, which established the setting up of a Register of Disabled Persons, from which any person employing not less than twenty (20) workers must also employ a quota ( at present of 2%) chosen from the Register, there have been some developments in national employment policy, of which more below. However, the chairperson of the NCPD confirmed in interview<sup>13</sup>, that there is no significant enforcement of this policy by the responsible authority (Employment and Training Corporation).

Since 2003, Article 45 of the Constitution has provided some minimal protection against discrimination on the grounds of race, whereby ‘discrimination’ means affording different treatment to different persons ‘attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex ..’ . The marriage bar (see below) which prevented female public service employees retaining their jobs after marriage, was removed in 1981. Females have been able to join trade unions since 1937 (Consultative Committee on Effective Equal Rights, 1997, p.18). There is no legislation in place to protect gay and lesbians from discrimination on the grounds of sexual orientation, even though the Malta Gay Rights Movement actively lobbied for this, especially in the EU Referendum campaign of 2003. Recently, however, the government has joined other EU members in support of the statement made by the EU presidency at the 61<sup>st</sup> session of the United Nations’ Commission for Human Rights regarding non-discrimination on the basis of sexual orientation<sup>14</sup>. Whilst a more detailed account of actions taken to support equality and mainstreaming, which have been extensive, especially regarding gender and disability, will be discussed in detail below, it is pertinent to ask, how is it that Malta ranks low, even regarding gender equality, in the books of the EU or the World Economic Forum? The World Economic

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<sup>9</sup> Article 7 of the Constitution of Malta,

<sup>10</sup> The Maltese name for the National Commission Persons with Disability is Kummissjoni Nazzjonali Persuni B’Disabilta and *kndp* is the title commonly used in Malta, and in the urls of the Commission.

<sup>11</sup> The document (n.d.) can be accessed on [http://www.kndp.org.pubs/emplo\\_e.shtml](http://www.kndp.org.pubs/emplo_e.shtml)

<sup>12</sup> Disabled Persons (Employment) Act – Act no II of 1969, Chapter 210 of the Laws of Malta

<sup>13</sup> I am grateful to Mr Joe Camilleri, and all the staff at KNDP for their very professional and kind help in sourcing material for this chapter. The interview with Mr Camilleri was held on the 18<sup>th</sup> May , 2005

<sup>14</sup> Reported in a statement issued by the MGRM , in the *The Times*, 18<sup>th</sup> April 2005

Forum's Gender Gap Index (Lopez-Claros and Zaludi, 2005, p.9) placed Malta in the 43<sup>rd</sup> position overall out of the 58 countries indexed, but 56<sup>th</sup> in economic participation, 43<sup>rd</sup> in economic opportunity, 45<sup>th</sup> in political empowerment, and 16<sup>th</sup> in access to education. Other EU countries rank in the top 15<sup>th</sup> positions (with Sweden and Norway in the 1<sup>st</sup> and 2<sup>nd</sup>, UK in the 9<sup>th</sup>, and Ireland in the 16<sup>th</sup>).

### **Present Context**

The Maltese economy is based on a free market model with Government, to date, providing public utilities. A major policy shift to privatisation has seen the divestment of a number of Government entities. Public utilities shares have also been listed on the stock exchange<sup>15</sup>. The Maltese economy has been characterised by a growing structural deficit in public finances for the last decade<sup>16</sup>. This deficit has not been offset by a surplus from the private sector. Malta also had the fourth highest debt level in the EU for 2003 at 71.1% of GDP, 7.8% higher than the EU average, where the Maastricht criteria stipulate that an EU member must not exceed the 60% mark. The shortfall between government recurrent revenue and total expenditure in January 2005 almost doubled compared to a year ago<sup>17</sup>. Government spending stimulates growth in the private sector so that in this situation the private sector is experiencing difficulty. A number of economic sectors are contracting and jobs are being lost. Manufacture is one main sector of the Maltese economy, generating about a quarter of value added and employing a third of the private sector workforce in 2000<sup>18</sup>. There is currently a decline in the locally-oriented sectors such as clothing and footwear whilst a growth in employment has been registered in the export-oriented electrical machinery and printing and allied industries<sup>19</sup>. Industry statistics show that since 1999 there has been a substantial drop in manufacturing sales<sup>20</sup>. One foreign-owned micro-electronics firm generates about 60% of the total turnover in the manufacturing sector<sup>21</sup>. The rest of the industries which employ about 85% of the workforce are not in such a strong position. Whilst tourism is reporting considerable difficulty, the financial services sector is increasing its importance in the Maltese economy. Employment in the sector rose from 3213 in 1997 to 4852 in 2003 (with a drop from 5028 in 2000 and the privatization of a major state-owned bank in 1999)<sup>22</sup>. The insurance sub-sector, employing about 1040 full and part-time workers in 2000<sup>23</sup> is small, facing competition due to Malta's commitment with WTO and is affected by uncertainty

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<sup>15</sup> Central Information Management Unit, [www.cimu.gov.mt](http://www.cimu.gov.mt), Appendix I – Malta- A Profile, pdf file accessed September 2003. The information has not been updated since 2002.

<sup>16</sup> Malta Labour Party, 2001a, *The Maltese Economy: Present State and Prospects*, Marsa, Union Press.

<sup>17</sup> *The Times*, 26<sup>th</sup> February 2005

<sup>18</sup> Malta Labour Party, 2001a, *The Maltese Economy: Present State and Prospects*, Marsa, Union Press, p.19.

<sup>19</sup> National Statistics Office, 2003a, News Release no 135/2003, Labour Statistics: Gainfully Occupied Population.

<sup>20</sup> National Office of Statistics, 2001, News Release no 58/2001, Industry Statistics, based on a sample survey of 474 enterprises across all sectors in the manufacturing sector, classified in accordance with NACE Rev 1.

<sup>21</sup> Malta Labour Party, 2001a, *The Maltese Economy: Present State and Prospects*, Marsa, Union Press.

<sup>22</sup> National Office of Statistics, 2003, News Release no 135/2003, *Labour Statistics: Gainfully Occupied Population*.

<sup>23</sup> Malta Labour Party, 2001a, *The Maltese Economy: Present State and Prospects*, Marsa, Union Press.

regarding pension reform. In 2005 Malta's growth rate is expected to rank low at 1.5%<sup>24</sup>. A recent Central Bank Malta Business Perception survey indicated that most respondents did not expect a turnaround in activity in the short term, anticipated higher payroll costs and a further drop in selling prices which would depress their profits (Central Bank Malta, 2004, p.33)<sup>25</sup>.

### Malta and the obligations of EU membership

The *Acquis Communautaire* (2001) set a 'road map' for Maltese economic and social policy making<sup>26</sup>. In October 2001 an in-depth review of Malta's *Joint Assessment Paper on Employment Policy Priorities (JAP)* was discussed with a delegation from the EU Commission. Of concern was Malta's low overall employment rate (54.5%) and the correspondingly low female employment rate (34.5%)<sup>27</sup>. It was held that a 'broad-based and co-ordinated effort will be needed for Malta to reach employment targets set by the EU for member states'<sup>28</sup>. A number of initiatives by the **Employment and Training Corporation (ETC)**, then within the Ministry for Social Policy, followed. Malta has now drafted a first **National Action Plan for Employment (NAP)** submitted to the Commission in October 2004. In November 2001 a Labour Market Policy Committee was set up to steer towards JAP/NAP commitments. The monitoring of labour market indicators, and the establishment of a Network of Employment Focal Points (both within the public and private sector) which would report back, were to be the main instruments for achieving the goals of, amongst others, reducing the skills-gap and increasing the female participation rate<sup>29</sup>. Other activities include monitoring and controlling the informal or black economy, strengthening vocational guidance for students, strengthening vocational education, and the targeting of 40+ unemployed for training for re-entry to the labour market<sup>30</sup>. Currently, and according to a Labour Force Survey<sup>31</sup> the activity rate for females is 36.7%. The unemployment rate of females at 10.2% (5,110), is higher than that of males at 6.6% (6,671), whilst the actual employment rate of females is 32.9%

<sup>24</sup> From *The Times*, 23<sup>rd</sup> February 2005 based on United Nations Economic Commission for Europe (UNECE) data.

<sup>25</sup> Central Bank Quarterly Review, 2004:4, vol. 37, no 4, available on <http://www.centralbankmalta.com/updates/downloads/pdfs/QR2004-4.pdf>

<sup>26</sup> Ministry of Foreign Affairs, Malta, 2001, Malta: National Programme for the Adoption of the *Acquis*.

<sup>27</sup> This hides the fact that there is an un-estimated female participation in the informal economy. On the basis of a representative sample of non-working women aged 18 to 60 in 2002, Baldacchino and contributors (2003) calculate that there is a further undeclared employment rate of 8 to 9%, bringing the official rate up to 41.7%. Employment protection in the public sector tends to draw female labour whilst women lose benefits in the private and self-employed category and this may account for a preference for public sector employment. Lack of opportunity for public sector work in Gozo has shown a slightly different trend there (Darmanin, 2000).

<sup>28</sup> Media Release, May 2003, Employment and Training Corporation, *JAP In-Depth Review*.

<sup>29</sup> Ministry for Social Policy, News Item, Follow-up Seminar Joint Assessment of Employment Priorities of Malta, November 2001, [www.msp.gov.mt](http://www.msp.gov.mt).

<sup>30</sup> Ministry for Social Policy, News Item, Address regarding the Labour Market Policy Committee, February 2002, [www.msp.gov.mt](http://www.msp.gov.mt).

<sup>31</sup> *Labour Market Statistics*, Labour Force Survey July- September 2004, NSO News Release 1/2005, available at <http://www.nso.gov.mt>

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(45,146 females)<sup>32</sup>. Unemployment stood at 7.3% in the survey period (September 2004). There is high youth unemployment with 47.7% of the unemployed aged between 15-24. This rate is higher for females, who, at 15-24, constitute 54.2% (2,772) of all unemployed females (5,110). The Labour Force Survey data differs significantly from the official statistics derived from the ETC data base, (NSO 26/2005)<sup>33</sup>. Here it is held that the unemployment rate for women is 3.9% (or 1,657 females) and 6.3% for men. A large number of females (17.7% or 7,974) work part-time as their main occupation compared to only 3.8% (or 3,818) males. Similarly, only 2.5% (1,107) females are self-employed with employees compared to 5.8% (5,958) of the male labour force. The average salary of females, at Lm 4,462.68 is 83% of the average male salary at Lm 5,354.99. A larger percentage (13.5% or 6,096) of females are now working as professionals compared to males (9.3% or 9,592), though the largest category of employed females work as service workers and shop and sales workers (21.7% or 9,817). According to the 2003 Disability Survey (NCPD, 2003, p.22) the employment of persons with a disability also remains low with 626 or 23%, persons age 16-60 (out of 2760 in the age bracket) currently<sup>34</sup> in employment, of whom 328 work in the government and para-statal sector, 177 in the private sector, 59 are self-employed and 62 work in sheltered workshops. A further 897 persons are classified by the Survey as unemployed.

#### ***A historical and theoretical interruption***

In this paper, however, I want to move from simply describing equality and mainstreaming policies to explaining their development. Whilst the final section will return to post 1987 policies and the more recent developments, at this point some attention needs to be given to the historical and theoretical questions, which are often absent in local work on equality. Firstly, it is proper to remind readers that 'Malta' is an archipelago of islands of which Malta is the largest (with a size of and current population of , and Gozo ( size and population) the second largest. For the purposes of this paper, I will use the name 'Malta' to refer to the nation and the archipelago. However, with respect to its diversity , and its recent claims to be a distinct 'region'(with regard to requests for separate EU funding), where possible, reference will be made to the specificity of Gozo (Darmanin, 2000). There is also a problem with the idea of the 'South' and the suggestion that there are unique characteristics that make the South differ greatly from the 'North', other than in our stories of alterity. Here, it will be clear that there are some non-discursive differences but that these may be more due to histories of colonialism and Catholicism (which are neither unique nor unrepeatable, as the Irish know ) and of size, than of the 'South'. Finally, on the question of 'perspective', as with other nations, the Maltese nation-state (if one can still claim it exists, following accession to the European Union in 2004) is a 'relational 'state

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<sup>32</sup> *Activity rates* represent the labour force (15-64) as a percentage of the working age population (15-64). *Employment rates* represent persons in employment (15-64) as a percentage of the working age population (15-64). *Unemployment rates* represent unemployed persons as a percentage of the labour force (from Methodological notes NSO News Release 1/2005). There is currently high youth unemployment with 47.7% of the unemployed aged between 15-24

<sup>33</sup> NSO News Release 26/2005. On the Registered Unemployed , January 2005. Available on [www.nso2.gov.mt](http://www.nso2.gov.mt)

<sup>34</sup> Source: Disability Survey 2003, National Commission Persons with Disability, 2003

(Jessop, 1985; Poulantzas, 1979, p.27) which ‘concentrates, condenses, materialises and incarnates politico-ideological relations in a form specific to the given mode of production’ . This model of the state may seem overly deterministic, but it is offered in conjunction with the understanding that there are limits on the resources and capacities of the state, as there are on the groups that make demands on it. In this sense, there is not **one** unitary Maltese perspective operating on equality and diversity, though there may be dominant ones. More recently, Burbules and Torres (2000, p.10) have provided a useful way of thinking of the nation-state at the political level, as a medial institution:

‘far from powerless, but constrained by trying to balance four imperatives: (1) responses to transnational capital; (2) responses to global political structures (for example, the United Nations) and other nongovernmental organisations; (3) responses to domestic pressures and demands, in order to maintain its own political legitimacy; and (4) responses to its own internal needs and self-interests’.

They argue that most policies are formed in the matrix of these four pressures, which is a productive way of looking at equality and diversity policy in Malta. Torres (1989, p.93) approaches the differences between internally-produced and externally-originated determinants of policies within an historical and political perspective, which are crucial, he argues, since ‘capitalism did develop differently in every country’, applying this as much to ‘dependent’ states as to others. It may seem strange to consider governance in a (British) colony as a ‘state’, and it would help if state theorists provided some guidance here, but both during periods of direct and indirect rule, specific ‘Maltese’ struggles and policies developed, which suggest that Burbules and Torres’ (2000) concept of the state as a medial institution applies even to the Maltese pre-independence (1964) period. Maltese political parties were formed (limited franchise for the election of a Legislative Council in 1849, Frendo, 1979), and struggled within the terrain provided by the colonial context. Whilst not arguing for a historicist approach, these previous histories can be seen as the sedimented layers from which new discursive contents and forms draw to achieve new policy/discourse settlements.

In their comprehensive and fascinating history of disability politics since 1948, Camilleri and Callus (2001) make the point that apart from history and politics, geography is an important feature of Malta’s context. This refers not only to smallness in size (316km sq.) but also in population, currently at 399,867 (NSO, 2003). Their historical account sustains their argument that smallness is a significant element in ‘hampering the development of the Maltese disability movement, by making that much more difficult to achieve a critical mass of disability activists..’ (Camilleri and Callus, 2001, p. ). Similarly, in the introduction to the first edited collection of studies on Maltese society, Sultana and Baldacchino ( 1994, p.14-15) repeatedly refer to the issue of size, calling Malta an ‘ex-colonial island micro-state’ which brings ‘peculiarly intensive cultural links with metropolitan imports’ , and which often ‘robs even its very citizens of a home-grown reflexivity’. They argue that with a 2000 year history of colonisation<sup>35</sup>, ‘colonial penetration was considerable in both duration and penetration’ and created ‘an

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<sup>35</sup> Phoenician, Roman, Arab, ,Norman, Knights of St John/Russia, French and British (1802-1964)

excessive reliance on expatriate blueprints ‘ (Sultana and Baldacchino, 1994, p.15), a point made more recently in the arguments against membership in the EU by the ‘no’ lobby in Malta! A further aspect of smallness that Sultana and Baldacchino (1994, p.16) refer to, is the question of ‘intimacy’, where microstate inhabitants live within an interdependent network of social relationships. As with Camilleri and Callus (2001), who add that disability activists, because they are few, are often stretched and tired, Sultana and Baldacchino (1994, p.16) find that not only are the same people occupying diverse roles (in multi-functional administrator mode, Farrugia and Attard, ) but that, what should be impartial relationships (such as between civil servants and clients) are instead, ‘particularistic and... affectively charged’. In addition, the considerable impact of the Roman Catholic Church on Maltese society, discourses and policies has remained constant. As Camilleri and Callus (2001, p.79) tellingly put it ‘although not a coloniser in the strict sense, the Roman Catholic Church has exerted a profound influence on every aspect of Maltese life’, whilst Sultana and Baldacchino (1994, p.14) argue that ‘the interplay between the Anglo and the Roman Catholic traditions is thus posited as one powerful explanatory principle for the state and character of the contemporary Maltese social fabric’. More recently, as a supranational state, the European Union has replaced the British Empire in having the most direct (rule?) external influence on Malta (Darmanin, 2002; Bugeja, 1999; Heywood, 1995), whilst the Roman Catholic Church (both locally and through the Vatican) has continued to exert hegemonic power.

In this paper the development of a mainstreaming and equality discourse and policy is explained through an (albeit abridged) account of political and social formation, and therefore through the history of social policy. The Maltese case should demonstrate the superiority of a historical (though not path development, Manning and Shaw, 1999), over a welfare modelling typology, which usually starts with a historical perspective but then typically fixes states into a single type, and thereafter ignores the impact of economic, political and demographic changes on welfare types (Abrahamson, 1999). It should demonstrate that considerable hybridity can exist in both social and mainstreaming policies, even in one historical conjuncture, as I will argue with regard to Malta’s 21<sup>st</sup> century position. This provides a good example of how the four pressures (Burbules and Torres, 2000) on the State are manoeuvred (to use a good old Gramscian term) in practice. It will also show, that within the range of welfare regime typologies reviewed by Abrahamson (1999) Malta does not comfortably fit either the ‘Southern’ or ‘Catholic’ type (despite a strong charity model operating during different political regimes) of the ‘Latin Rim’, or the fully Beveridgean/Keynesian (social-democratic) model of the Anglo-Saxon tradition, but that these two models have at different times either existed in a hybrid model, or competed ideologically for dominance, relative to the strength of the power blocs pushing each model.

In an island microstate the relation between demography and social policy also needs to be addressed, and is constantly referred to in popular discourse, regarding for example, the impact of the influx that refugees and irregular immigrants have on Malta. At 1,265 persons per square kilometre, the density of population remains the highest in Europe (NSO, 2003). In 2003, officially, there are 11,000 non-Maltese residents. There are no reliable statistics other than the 1995 Census data to establish the country of origin of these persons. According to the last Census (CSO, 1995a and b), 49% of these non-Maltese were British, 285 (0.04%) were Libyan, 128 (0.01%) stateless, whilst 852



(0.12%) had other citizenship. Suffice it to say that since the 1842 Census, the population of the Maltese Islands has grown 3.30 times (by 263,633 persons) (COS, 1995a, p.xxxiii). In the twentieth century alone, the population more than doubled. Within the exception of a period during the first World War, and another period of state-led migration of labour in the 1950s and 60s, there was continual population growth. For example, between 1985 and 1995 there was a net increase of 9.2% (or 29,370 persons). At the end of 1999, the 'foreign' element of the population was estimated at 2.1% (COS, 2000, p.3) Regarding gender, there have been shifts in the masculinity ratio since 1842, many of them linked to the migration of males. In 1995, the masculinity ratio stood at 977 (compared to 967 in 1985 and 930 in 1842) (COS, 1995a, p. xlix).

### **Early discourses and practices**

Whilst service and benefits to groups of 'poor and to certain other deserving categories for the Maltese population' (Department of Social Security, 2002, p.8) are said to have existed from the time of the Order of the Knights of Malta (16<sup>th</sup> Century), if not earlier, the 'modern' form of welfare dates to the 1920s and the introduction of self-government in 1921. However, discussion regarding pensions had been evolving since the 1820s when, moved by the pitiable state in which Maltese public servants and their families found themselves in even after fifty-seven years of service, colonial governors often paid unsanctioned pensions to an number of public servants (Pirota, G., 1996, p.123<sup>36</sup>). Despite repeated requests for Colonial Office approval for pensions schemes, also on the grounds that 'despite old age or infirmity', and due to the absence of an established scheme of superannuation, many men considered 'wholly incompetent and unfit for their respective duties' remained in service, encouraged a large and inefficient bureaucracy, and 'undermined the attachment to the government of its own servants' (Pirota, 1996, p.219) the reform was slow in coming. Governor Le Marchant proposed in 1858, that 'the old should be pensioned', referring here to (male) public servants. The British had sought to 'reform' the system of charitable institutions that was in place during the period of the Knights of Malta, by turning them from semi-autonomous institutions (such as the two hospitals in Valletta, one at Rabat and another in Gozo, the foundling hospital, the Grand Almoner and the *Monte di Pietà*<sup>37</sup>) to a government department, under the 'Comptroller of Charitable Institutions' in 1815, and which was later (1880) considered a burden on the Crown, since amongst others, 'the Maltese expected to get medical treatment for free' (Pirota, 1996, p.93 *passim*). Pirota's (1996) brief account of the services available during the jurisdiction of the Knights of Malta is enough to suggest, that as in continental Europe, welfare systems were indeed present in the second millennium, as they are in the third (Manning and Shaw, 1999). More recently, however, the welfare systems became more closely linked with work as the criteria for benefit. This has developed on the 19<sup>th</sup> century history of work in the fortress economy as masculine, whether in the fortress arm or in the public service, though women worked in other sectors too (Darmanin, 1997a). The origins of what is now known as the male bread-winner model of welfare (Lewis, 1992) can be seen to have underpinned the Widows and Orphans Pensions Act 1927 and the Workmen's (sic)

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<sup>36</sup> Pirota G. (1996, p. 122) describes how, moved by the penury many Maltese public servants found themselves after even fifty-seven years of service, not having been able to make any savings from earnings, governors granted small pensions to public servants.

<sup>37</sup> An institutionalised pawn brokerage service.

Compensation Act 1929, which was the first social security contributory scheme according short-term coverage to all workers in respect of injury at work (DSS, 2002, p.8). The Old Age Pensions Act 1948, which provided for payment of pensions to persons over 60 was based on a financial means test, which may be related to the social upheavals of the second World War and the plight of many families following the terrible destruction of the islands. During the 1940s the formation of the General Workers' Union and the growing popularity of the Malta Labour Party led to the setting up of the common Labour Front and the campaign to repeal the 1939 Voting Ordinance (with male-only plural voting) to extend the franchise to both males and females over 18 years of age (Pirota, 1987, p.65 *passim*) which after considerable opposition from the conservative parties and the Catholic Church (in the case of women) passed in 1947, and led to the granting of the vote to 63,997 women (54.4% of the whole electorate). The GWU/MLP campaign for the introduction of income tax and land tax to support non-contributory welfare schemes and others (Pirota, J.M., 1987, p.100), led to a Labour landslide electoral result in 1947, the restoration of responsible (sic) government and the first Labour administration, which contributed to the formation of a social democratic welfare state<sup>38</sup>. The first achievements were the 1956 National Assistance Act and National Insurance Act. According to the DSS (2002, p.9) the National Assistance Act provided ('in cash and in kind') social and medical assistance to **heads of household** who were unemployed or unable to perform work because of disease and whose income fell below a specific level. Medical assistance was offered to all those with chronic illness irrespective of their means. The Act also provided free institutional care for the aged, free hospitalisation in all Government hospitals or centres, subject to a means test. Those who qualified for such assistance could also claim rent allowance. According to the Department of Social Security (2002, p.9), the National Insurance Act set up in parallel was an extensive scheme of social insurance, financed through contributions paid by the employee, 'his (sic)' employer and the State which covered benefits, allowances and pensions. The scheme covered sickness benefit, employment injuries/diseases, unemployment, widows and orphans and old age. Contributions were compulsory, and primarily the scheme encouraged employment. Working men and women were covered by the scheme but since it was premised on a model of the family in which the main breadwinner was the male, females would lose benefits if they were married. Moreover, in the post second world war contraction of demand for labour, protective legislation was put in place which restricted female access to the labour market. Pirota, J. M. (1987, p.12) argues that when the Defence Department started to lay off people, the males 'felt threatened' by the females who had been employed (both on the establishment and as temporary workers<sup>39</sup>) for the duration. In this sense it is correct to see the development of the family model as one which is based on the male breadwinner role, and which was developed, in part, as response to male trade union pressures as well as to dominant Catholic discourses regarding the proper vocation of

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<sup>38</sup> Pirota, J.M. (1987, p.155) describes how the indigenous Maltese middle-class and their conservative political parties resisted the MLP attempts toward economic and social restructuring during this period, especially regarding direct taxation. In this, they were supported by the Church, since the Archbishop had already declared himself against certain aspects of the Succession and Donations (Amendment) Bill and the Income Tax Bill. Shifting factions within the Labour Party and other factors, were to lead to a short-term Nationalist Government but by the mid-50s Labour was re-elected under the premiership of Dom Mintoff.

<sup>39</sup> 1,038 establishment and 1,234 temporary female workers (Pirota, J.M., 1987, p.12)

females (Pirootta, J. M. 1987; Darmanin, 1992). Recently (since the Act to Promote Equality for Men and Women 2002) married males of retirement age are also not able to claim their pension until their working wives have stopped working. It is the family, rather than individuals, which is the subject of social policy, and remains so in spite of recent equality legislation. There have, however, been exceptions to this model, as in the case of disabled persons, who receive a disability pension independent of family means, but of that more below. Between 1951 and 1953, the Nationalist Party in government also enacted legislation in accordance with the International Labour Organisation requirements, on minimum wage fixing and the protection of wages. The Maltese Conditions of Employment (Regulations) Bill, the setting up of a Labour Board, the Wages Council and Joint Negotiating Councils all date from this period (Pirootta, J. M., 1987, p.338). This form of wage fixing was later to protect against the employment and exploitation of children, by fixing wages irrespective of age of employee (Pirootta, J.M. 1991). The slow post war economic recovery and the rundown of the military base made emigration seem a sensible solution to the problem of surplus labour. According to Pirootta, J.M. (1991, p. 306) between 1945-55 it was estimated that 55,000 persons had emigrated which would have required about 30,000 jobs had they remained in Malta (as well as provision for schools, hospitals and others). Regulations were also in place to restrict female employment, by the introduction of a marriage bar, which has had lasting negative effects on both the public service and individual women. Leighton (2001) reports that, in 2001, there are no women in Grades 1 & 2 (the top grades) of the Maltese public service and only one woman (3.5% of the total) in grade 3. At Director Grade 4/5 women comprise 12% of incumbents and the likelihood of any of these leading to the 'critical mass' necessary to see a reform in the public service which is just, and which improves the quality of decision making, by a form of representative democracy, is very remote. The original regulation dates to a 1948 Cabinet decision (Pirootta, J.M., 1991 p. 213, ). Some years later, the Labour government's economic advisor<sup>40</sup> tried to persuade the first-ever female cabinet minister that to achieve British standards of living, it was necessary to get women into regular employment. Regarding medical posts, Lord Balogh wrote that he was 'appalled by the decision... to force successful female candidates to resign on marriage.. I have always understood that it was the settled policy of the Labour Party to resist this medieval requirement and that it only ceded to hostile pressures in the case of teachers' (Darmanin, 2002, p.110). A further restriction on female employment was enacted, also under a Labour government, in 1974, when women were prohibited from filling a vacancy for a post previously held by a man<sup>41</sup>. When the marriage bar was finally removed in 1979 returning women were not permitted to return to their previous grade, but had to start at the bottom grade of the service, thereby losing years of seniority (and working in posts that were below their level of competency). The Malta Union of Teachers was one union that was instrumental in protecting its male members by pushing for this indirectly discriminating regulation (Mallia, 1999). During the 1995 MUT general conference the married women teachers who had been forced to resign prior to 1979 (of which there were close to four hundred) argued that their years of service prior to the forced resignation should be taken into account and included in the Re-organization Agreements. To date there has been no

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<sup>40</sup> Lord Thomas Balogh, writing in 1956 (Darmanin, 1992, p.110)

<sup>41</sup> Section 26A, Act XLVI of 1974

redress. Given the seniority system, it is no surprise that senior civil posts are now held mainly by men.

Interestingly, the dual model set up by the Labour government in the 1950s with its 'insurance' pay-as-you-go National Insurance Act and 'assistance' National Assistance Act, shows how Malta combined both the Bismarkian and Beveridgean welfare models (Rhodes, 1997), which seems to be too costly to sustain now. Even in the 50s, the demands on the Imperial government to approve the subvention of funds to finance the schemes was to lead to first the demand of integration with Britain so that the Maltese could benefit from the same rights and standards. When it was clear that there would not be economic equivalence between Britain and Malta through political integration, both the Labour and nationalist parties moved toward a politics of independence (Pirota, J.M., 1991, 2001). The social welfare programme included strong measures to set up a public health service. Within a medical model of passive assistance<sup>42</sup> (Camilleri and Callus, 2001), the Old Age Pensions (Amendment) Act 1957 provided for blind persons to qualify for old age pensions at age 40 (Pirota, J.M. 1991, p.222;). The age for qualification for this benefit was lowered to fourteen by 1964. In the difficult times leading to formal independence from Britain in 1964, growing economic instability related in part to Defence cuts, dependence on the fortress economy especially the naval dry-docks, on which it was estimated depended the livelihood of about 90,000 Maltese (Pirota, J.M. 1991, p.355) and lack of other sources of income, meant that though still progressing considerably, social policy, including education was underdeveloped. An Aid to Industries Bill (1957) was meant to attract industries that were labour intensive (and low skill) and export oriented, as well as taking up little space and not needing large quantities of water. Indeed, the first phase of Malta's industrialisation in the 1960s and 70s did see this type of low-pay, feminised, manufacturing industrial development (Darmanin, 1992), alongside the transfer of the Dockyard to a private company, and the development of tourism as the third pillar of the economy. The public sector has remained the largest employer since its inception in the early 1800s.

Regarding education, compulsory education for all primary school children had been introduced in 1948, but this was firstly a part-time system and did not include secondary school students. In the 1950s the Labour government confident that funds from Britain would be forthcoming, planned to extend full time education to all primary school age children. Pirota J.M. (1991, p.211) tells how by September 1956 all primary schoolchildren were attending full-time which required the engagement of about 600 emergency (untrained) teachers (Darmanin, 1985). It was during this period of such acute shortage that the Minister still resisted the retention in employment of married female teachers. Training Colleges for males and females were opened and run by the Brothers of De La Salle and the nuns of the Society of the Sacred Heart of Jesus respectively. During this period state school children were, with the exception of primary schools in hamlets or small villages, in single sex schools. Plans to raise the school leaving age to 16 were dropped and not resumed till 1970. A pilot scheme of special classes (from two in 1956 to 5 in 1957) for hearing impaired children was set up, whereby they spent part of the day in mainstream class and part with a peripatetic teacher. According to Camilleri and Callus (2001) this special provision was a 'victim of its own success' since this soon led to the setting up of a segregated school, the *Deaf*

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<sup>42</sup> Non-contributory, not linked to work

*Unit*. They (Camilleri and Callus, 2001) argue that the perceived success of this model led to the opening of more special schools, including the ESN Unit (now *Santa Maria Day School*) in 1963 for children with mild to moderate intellectual difficulties, and another one for those with severe intellectual difficulties the Guardian Angel School opening the following year. Camilleri and Callus (2001) remark on the Catholic nomenclature for these state schools ‘with a social role to play’ which persisted with the *Mater Dei* school for boys with emotional difficulties, opened in 1965. Whilst not substituting the involvement of the Church in the care of disabled persons, since this was mainly limited to providing residential care for those persons whose families either did not want to or could not care for them, and to bring disabled people into public focus through weekly radio programme<sup>43</sup> (Camilleri and Callus, 2001), the government’s education programme was designed to appear to complement the Church, at the same time as shifting to a rights, not charity, based model. During the intensive programme to build more state schools, pressure to extend schooling to the secondary sector increased (Pirota, J.M. 2001, p.503). When the Nationalist government of the 1960s made plans for Secondary Education for All (1970), inadvertent beneficiaries included the private, mainly Church schools (Darmanin, 1991a). Whilst there was some attempt to establish common curricular entitlements for both males and females in the single-sex state secondary schools, students were still making rather differentiated subject choices (Darmanin, 1991b). Even now, with the high retention rate of females in tertiary education, there remains a gender gap in science and technology especially (Darmanin, 2005).

#### **The road to independence**

Given the social and political context of the 1950s and 60s it is remarkable that there was any progress at all in the social sphere. Continued clashes between the Governor and the Prime Minister, the principled refusal of the PN<sup>44</sup> to form an alternative government, the shift from integration demands to demand for full independence, the 1958 MLP protests and GWU general strike, with strong police action and the Governor’s threat of bringing in the commandos, and the subsequent declaration of a State of Emergency and suspension of the Constitution (Pirota, 2001) all served to put social progress on the back burner. Moreover, the growing involvement of the Church, through the figure of the Archbishop, who was not only anti-MLP and its socialist orientation, but also dismayed with the PN’s insistence on dominion status (which would remove the British protection of the Church)) was to establish a profile of a political Church which has remained even to this day. The Archbishop directly intervened in politics in a number of ways (Pirota, J.M. 2001) but the most direct were the Lenten Pastoral of 1958, the Directive to Confessors 1961, the personal interdict on all members of the Labour National Executive, and the Pastoral Letter. 1962. The Lenten Pastoral (read in all the parishes) in stated that ‘the Christian citizen... can never and for no reason...support a party which, because of its programme, or because of the ideas or behaviour of its leaders, goes covertly or

<sup>43</sup> Camilleri and Callus (2001) provide a convincing argument which shows how the ‘angels’ discourse introduced by Mgr Azzopardi who ran the radio programme and also the residential home *Dar tal-Providenza* (now in a financial crisis because the charity has run dry) gave rise ‘to new stereotypes of untouchability, which over the years, have themselves become powerful instruments of oppression’. The editor of the Church’s weekly, *Il-Gens* (21<sup>st</sup> May, 2005, p. 15), writing about the current financial straits of the residential home, sub-titled his paragraph ‘the Angels’.

<sup>44</sup> National Party (Partito Nazzjonalista-PN) . Leader from 1950 Dr G. Borg Olivier

openly against the Faith, the Church...the harmony between Church and State, which is essential for the peace and unity of the people' (Pirota J.M. p. 594). The 1961 Directive to Confessors established that it was a mortal sin to print, write, sell, buy, or distribute the MLP newspapers (Darmanin, 1978, p.113). The 1962 Pastoral Letter (Mintoff, 1966, 31) specifically asked Catholics not only not to vote for the Malta Labour Party but also not to abstain, and to vote 'for candidates from whom the Church has nothing to fear'. To vote for the Labour Party would be to commit a mortal sin. Anyone who was interdicted by the Church could neither marry in Church (but only in the sacristy<sup>45</sup>) nor be buried in holy ground<sup>46</sup>, but in an area of the Addolorata cemetery known as the *Mizbla* (rubbish dump). In 1959 the Church owned eighteen orphanages, forty-five schools, five hospitals, three homes for the aged, and three hundred and sixty churches (Vella, 1959, 401). The Labour Party lost two consecutive elections in the 1960s, till the interdict was lifted by the 1971 election when it was returned to office. Political independence from Britain was achieved in 1964, but economic dependence was to continue for many more years and Malta also remained a NATO military base well into the 1970s.

Some of the benefit achievements regarding disabled persons during the PN administration in the 1960s have already been referred to, such as the Employment of Disabled Persons Act, 1969 and the education provisions. Others include the granting of a tax exemption to the families of persons with a disability on their specially adapted private cars (Bezzina, 2001, p.7). Regarding girls and women, the planning of secondary education for all, in the 1960s was to be an important step in the emancipation of women through their entitlement to a common secondary education. The raising of the school leaving age for all pupils to age 16 in 1971 also meant that girls would remain in education at least till this age, though the current granting of exemption from school to a higher percentage of girls than boys is disquieting. The campaign for free University education which led to the removal of fees post 1968, the worker-student scheme, and more recently the stipend system and other grants available to full-time students have also increased the number of females in tertiary education, though married women are not eligible for the stipend. Discrimination on the basis of status is not covered by the 2002 Equality between Men and Women Act or the Constitution, even though since females are more likely to fall into the category of mature married student, there is gender discrimination here. In 1970, a section of the Sannat, Gozo primary school was set up for Gozitan children with severe intellectual disability. During the 1970s the Malta Labour Party had to contend with the complete rundown of the military base and the economic problems generated by this, with domestic civil unrest from professional groups including doctors and teachers, in part due to its own crusade to 'socialise' the Church schools and hospitals. Notwithstanding, these challenges continued commitment to a welfare state model led to the 1973 scheme of Child Allowance which paid allowances to families on the basis of the number of children in a family. It is not yet possible to ascertain whether it is these payments actually encouraged larger families (because there has in fact been a falling birth rate) though it did support stay-at-home mothers, since this 'family-based'

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<sup>45</sup> The only marriage recognized by the state was Canonical.

<sup>46</sup> The only cemetery was consecrated ground so they had to be buried in a part of it which was not, known as the *Mizbla* (rubbish dump).

model of welfare was further strengthened by the granting, in 1981, of maternity benefit (as distinct from maternity leave) for 13 weeks to all pregnant females who, by virtue (sic) of not being in employment, were not entitled to the 13 weeks paid maternity leave. In 1974 a non-contributory Handicapped Pension scheme was introduced, which now also included persons with 'severe mental sub-normality and cerebral palsy' (Department of Social Security, 2002, p.10), extended in 1975 to cover other categories of 'severely handicapped persons'. In 1986, Social Assistance was extended to single or widowed females who were taking care (unpaid labour) of an elderly or handicapped relative. New contributory schemes within the National Insurance Act were introduced in 1979, as well as a pension scheme for widows calculated on the deceased husband's wage/income (Department of Social Security, 2002), another example of the dominance of the male bread-winner model of welfare. Both Catholic discourses and social policy minimalist provision, served to create enough of a 'comfort zone' that would discourage women from participation in the labour market, and exclude them from entitlement to benefits in their own right. Even in the 1990s women have been encouraged to care for elderly or disabled relatives at home, by the enticement of a 'Carer's Pension' (1992), pegged at about half the minimum wage, despite the fact that these 'companions' work a 24/7 shift! Those women who combine paid employment with caring are not eligible for the Carer's Pension. Since both the Labour and the Nationalist Party have contributed to the gender regime by protecting male labour, encouraging women's economic dependency on males, and care giving role, it is no surprise that there is still a low female participation rate. The PN in government are finding it hard to satisfy the criteria set by the Lisbon Agenda. The Maltese case makes it clear that dual systems theory with its reference to patriarchal systems, as well as capitalist ones, is a particularly useful in explaining how gender regimes develop. Although Dex (1985) convincingly argues that only one system operates, and that the unpaid or low paid (through Carer's Pensions etc) female care of children and others can be seen to benefit the capitalist mode of production, it is also apparent that there are plenty of cases when full female employment would have been more economically desirable and yet was still resisted by patriarchal power blocs, including the Church. The welfare statist measures of the 1950-80s were needs based and egalitarian in inspiration, starting with the equal treatment approach of prevention of disadvantage in access to services, to the removal of disadvantage and promotion of equality of opportunity for women and disabled person within narrowed parameters. These came from the perceived need to secure full male employment and a 'family wage', in difficult economic and political circumstances, but also within a Catholic discourse of women's proper vocation, repeated by the Archbishop every 1<sup>st</sup> of May (Camilleri- Cassar 2005) and of a charity model of care of disabled persons (Camilleri and Callus, 2001). During this period there was a clear separation between the State programmes and those provided by the Church or other voluntary organisations.

#### **The coordination of social welfare and the development of new equality discourses**

The Nationalist Party elected to government in 1987, and still in office (with an 18 month period of Labour administration 1996-98) today, brought a number of changes in the social policy field. In discursive terms there is a shift away from needs to a personalised concept of rights, and from the welfare state to a 'caring' or welfare 'society' which would be reflected in later years by the growing involvement of NGOs in the services either formerly provided by the State only, or in substituting the state through the state

funding of NGO programmes. In the Forward to Ministry of Social Policy plan (Ministry for Social Policy, 1990), aptly called *A Caring Society in a Changing World*, the Minister outlines his programme for the social welfare reform. The setting up of the Ministry of Social Policy with its coordination of Health, Labour, Social Security, Welfare, the Elderly and Housing, in itself signified a new approach. Structures such as the National Commission of the Handicapped (now National Commission of Disabled Persons), the Commission for the Advancement of Women (an advisory body of political appointees) and the Secretariat for the Equal Status of Women were to complement the Central Social and Family Welfare Agency. The Minister publicly declared his intention of working further with the Church and voluntary organisations:

I became a close witness of the very valuable work being done by many Church run and voluntary organisations. One need only mention that from a questionnaire which was distributed among 40 voluntary organisations, it resulted that there are at least 3,500 volunteers who work with over 40,000 people in need. Hence, we are suggesting that in the future, the State and voluntary organisations should work together more closely and that the latter should participate fully in the planning and carrying out of Social Policy... (Ministry of Social Policy, 1990, Foreword).

Initially the needs based approach continued. For example, in 1988 a Handicapped Child Allowance (for children under 14) was introduced for beneficiaries for the Children's Allowance, which in 1996 became dependent on a means test, and saw a substantial drop in beneficiaries. In 1989 a Family Bonus, also pegged to the Children's Allowance (and therefore part of a growing investment in families with young children) was also introduced whilst Emergency Assistance was available for 'home-driven destitute females' (DSS, 2002, p. 11), that is victims of battery, which the law did not protect, and who had to leave the house whilst the violent husband could enjoy the home. Given the growing poverty in Malta, especially amongst female lone parents, in 1996 a Supplementary Allowance was introduced for all those whose total income fell below a certain level. In a bid to encourage welfare beneficiaries back into the labour market, and to reduce pressure on benefit increase due to inflation, the 1996 Budget made it clear that in the case of one parents, they could receive assistance and also be in paid employment, as long as the total income did not exceed the minimum wage. With limited (and fee-paying) child care facilities, many lone mothers of young children have not been able to work, whilst benefits have not increased to keep up with the cost of living. A similar approach, that is the encouragement of work (though not strictly speaking an activation policy) concurrent with assistance, has applied since 2001, in the case of persons attending a programme of rehabilitation in the community (usually for drug dependency).

#### ***Breakthrough in equality mainstreaming***

Regarding equality and mainstreaming however, the most important breakthrough was the establishment of national machinery to promote equality through a number of mechanisms. The co-optation of members from outside the bureaucracy, who though open to some criticism that as political appointees, and not *ex officio* representatives of relevant lobbies/NGOs, there could have been less than the democratic representation one would expect in a modern democracy, still brought fresh ideas, and better connection



to civil society than the previous public service departmental approach. However, the question of representative democracy in the NCPE especially, needs to be addressed urgently, since with the political appointee mode, there is a degree of a ministerialisation of policy. With NCPD, the Commission is composed of not less than fourteen members who are appointed as representatives of the ministries of Social Policy, Labour, Health, Education, Housing and Economic Planning . Another seven are appointed by the Prime Minister from among persons ‘who best represent voluntary organisations working in the field of disability issues’<sup>47</sup> . Half of the Commission members have to be either persons with a disability or their parents.

Both the NCPD and the NCPE are engaged in a number of core activities which promote equality and main stream gender and disability issues. The NCPE is, since its establishment by Act 112 of 2002 a rather different, or ‘restructured’ version of the 1987 set up with the Secretariat, later Department of Equal Status of Women (hereafter referred to as SESW), as the government arm , and National Commission for the Advancement of Women (hereafter referred to as CAW), as an advisory body. During the Labour administration of 1996-98, the department became the Department of Women’s Rights, and was headed by a Parliamentary Secretary in the Office of the Prime Minister. The PS equal standing with other Cabinet ministers on Cabinet, mainstreaming gender at Cabinet level. The advisory CAW was retained, and though not representational, appointees were drawn from a broader political and civil society spectrum than had been the case previously. Following the re-election of the PN in 1998, the Department was re-named Women in Society . With the 2002 Act, the Department and CAW were both dissolved to be replaced by the NCPE, with a permanent staff, and political appointment of the Chairperson and members off the Commission. Regarding the National Commission for Persons with Disability, Camilleri and Callus (2001) remark that a number of factors lead to the establishment of the 1987 National Commission for the Handicapped. These include the work of parents’ lobbies, the UN *World Programme of Action Concerning Disabled Persons (WPA)* which urged governments to establish ‘a focal point, ...for example a national commission’, and the competence and dedication of ‘small core of people pushing for change themselves’. Amongst these we should include Dr L. Gonzi, the present Prime Minister of Malta, and Mr F. Bezzina, a parent –activist and Secretary of NCPD. Camilleri and Callus (2001) consider that the setting up of the NCPD by government (rather than as a NGO from within the disability movement) meant ‘that change could proceed without political opposition’, a very relevant point to make in highly politicised Malta, with its very small and often powerless local lobbies.

The core activities of equality machinery include preparatory work on new equality **legislation**, or amending existing laws; **advising** other bodies, including ministries and departments on policy directions and supporting the mainstreaming of gender and disability equality in these entities; **education and training**; **information giving** and publicity campaigns; **research and publications**; **decision-making**, through representing the national machinery on other bodies such as the Council of the University; dealing with **complaints** (especially since the two Acts have made discrimination on grounds of

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<sup>47</sup> From the NCPD brochure on the National Commission Persons with Disability (no date) , also oon [www.ndp.org](http://www.ndp.org)

gender or disability unlawful); ensuring that Malta is in conformity with her **international obligations** as signatory of UN, EU and other conventions and dealing with other international/supranational commitments; responding to the requests of internal lobbies and even to private individual requests for support or information; representing Malta at local and international conferences and other services. In this paper, the mechanisms of **legislation, education and training, and research and publications**, only, will be discussed. Both the NCPD and the NCPE are enormously over-stretched and especially in the case of the NCPE, understaffed and under-funded. This means that though EU funded research projects or joint actions are an attractive source of income, they also have high costs in terms of the demands on human resources and time. Unless Malta is the project proponent, it also means that funds may well go more to projects that are led by agendas developed outside the local venue, whilst Maltese priorities get side-tracked. It also creates new forms of (inter)dependence (Dehousse, 1997). Given the near total absence of local research funding, learning how to select suitable EU projects, and policy learning or borrowing, are some of the challenges facing Malta's mainstreaming policy makers.

A body parallel to the NCPE and the NCPD, and which works closely with both, is the Employment and Training Corporation, which in recent years has set up units on gender and on disability and also published a Gender Equality Action Plan 2003-2004, as well setting up a Support Unit for Persons with Disability. The work of the ETC will not be reviewed here however<sup>48</sup>.

### **The national machinery and the mainstreaming of legislation**

#### *Gender Equality Legislation*

The unsuccessful attempt in 1985 to amend the Civil Code regarding marriage, and even to consider the introduction of divorce<sup>49</sup>, meant that until 1993, husbands' specific rights over the community of acquests, the family home, over children (*pater potestas*) and others continued unchallenged. The SESW worked hard to prepare a White Paper on the new Family Law, and through seminars and other means promote a new equality discourse. The amendment to the Civil Code, Act XXI of 1993 'Equal Partners in Marriage' did establish some basic equality principles especially regarding the rights of mothers over their children, in married women's financial rights, to submit their own income tax return and others. It also laid down, that where the marriage was regulated by the community of acquests, husbands could not dispose of any part of the acquests without the agreement of the wife. However, there remain two major weaknesses in the

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<sup>48</sup> Information can be had from [www.etc.org.mt](http://www.etc.org.mt)

<sup>49</sup> Civil marriage has been *in vigore* since 1975. There is no divorce law in Malta though there is the possibility of a civil annulment in certain cases. An concordat with the Vatican leading to the Marriage Act Amendment by Act I of 1995 gave the Ecclesiastical Tribunal exclusive jurisdiction over canonical marriages (with civil effect). This means that in case of an appeal for nullity, even if one partner objects, or is not a Catholic, the case is to be heard by the Ecclesiastical Tribunal only. This denies these persons their civil rights. In effect, they are being discriminated against (denied civil rights) because of their religion or marriage by religious rite. Other rights are denied because the Tribunal follows a different regime from that followed by the civil court, amongst which, that the lawyer appearing for either spouse has to be approved by the Archbishop. Those lawyers who are openly pro divorce are not included in the *album* of advocates accepted by the Tribunal. If both spouses agree, then they can go to the Civil Court. However, any person who resorts to the civil courts is considered to have renounced the faith and cannot receive the sacraments, even if they are not in a state of sin.

law as it now stands. Firstly, even where the community of acquests is the regime, many notaries, bankers and others, are not demanding, as they should by law, that the wife be co-signatory to any transfer of the acquests to third parties. Secondly, many prospective husbands are now persuading their future wives to opt for a different regime, based on a separation of the spouses' property and earnings, leaving women, in cases of separation where the husband is the sole breadwinner, with little financial protection. In 1994 the SESW took part in the exercise to make amendments to employment legislation, suggesting that the proposed Conditions of Employment (Regulation) Act (CERA) should offer protection from gender discrimination, from sexual harassment, further protection during pregnancy and other measures to support a work /family balance as well as to improve the conditions of part-time workers. In 1996 the DESW submitted a memorandum to the Minister of Justice on the *Judicial Proceedings on Family Matters*, to suggest the setting up of a family court, such Court as was finally established in 1997. The DESW was instrumental in amendments to the Social Security Act and the Income Tax Act whereby the former now recognised women as head of household in specific cases, and the later (through Act XX of 1996) which gave married women the right to sign their income tax return jointly with their husband and also to be (with consent from the spouse) the spouse responsible for the tax on chargeable income. Since 1990 husbands and wives can submit separate income tax returns. Together with the CAW, the DESW managed to obtain better working conditions for part-time workers. Legal Notice 61/96 now classifies any part-time worker who works more than twenty hours a week as "Full-time with Reduced Hours", on the basis of which they are eligible for sick leave and other benefits, on a *pro rata* basis (this especially since all workers pay national insurance, but are not all eligible for benefits). About 8,000 women working part-time benefited from this regulation (CAW, 1996) at the time. The number of female part-time employees is on the increase. During the 1996-98 Labour government period, the drafting of important legislation proceeded with vigour. The Bills drafted then were passed by subsequent legislatures. These include the work on a bill to regulate childcare facilities 'An Act to make provision for the regulation of childcare' (Department Women's Rights, 1998), the White Paper on Domestic Violence (Parliamentary Secretariat for Women's Rights, 1998), and on the Conditions of Employment Regulations. The Domestic Violence Act 2005 (not yet passed but published) sets up a Commission on Domestic Violence and amends some sections of the existing Criminal Code (Cap. 9) and the Civil Code (Cap. 16). This Act is disappointing because it has left the onus of prosecution on the victim. Previously, before the Police could act, a victim had to make a written (legal) complaint. Now the police can act without the written complaint, but section 20 of the Act 2005 states 'Provided further that it shall be lawful, after proceedings have commenced before the court, for an alleged victim of an offence involving domestic violence to request the court to stay proceedings against the alleged perpetrator..'. The social, psychological and economic pressure on victims to 'stay proceeding' are great. It is likely that this section was included by pressure from the Church, which itself depends on victims' complaints before action is taken against priests, in cases of sexual abuse or clergy misconduct. The 1998 White Paper had also stipulated that the period of imprisonment should be at least of six months whereas it is now only of three months. Other differences include the White Paper's suggestion that a list of behaviours considered to constitute violence be specified in the Bill, such as

stalking, rape, threats etc. Such a list does not appear and it is up to the judiciary to decide whether 'a reasonable person in possession of the same information would think the course of conduct amounted to harassment of another person'. That men and women have different standpoints and definitions of what is threatening, is not 'entertained' by this Bill. Restraining orders can only run for three years, moreover, the hoped-for clause which would allow victims and their children to remain in the matrimonial home, has only been granted for a very short period of six months (section 3,b) after which it is not clear where they should live, if a restraining order has been issued or if separation proceedings have been instituted. At the moment, it is the victim and her children who leave the home. The family friendly measures in employment that were promoted by both the Nationalist and the Labour parties through the gender equality machinery, were finally consolidated by Act XXII of the 2002 Employment and Industrial Relations Act<sup>50</sup>. The Act provides for more flexible maternity leave management, three months unpaid parental leave, reduced hours, and a minimum of ten (10) hours of urgent leave (with pay) per year (Laiviera, 2002). It was designed to ratify certain international instruments and to allow Malta to implement the EU *acquis* on labour legislation. The Bill reduced certain rights to strike that were previously established (Baldacchino, 2002). However, it has a powerful section on Protection against Discrimination related to employment which makes it not lawful to discriminate on the grounds of sex in the advertising of posts, in the selection of applicants for employment nor in any other way (terms of payment or employment conditions). It protects against victimisation and harassment including sexual harassment. It also protects against discrimination on the basis of disability but leaves much discretion as to what this constitutes to the employer 'or where a required characteristic constitutes a genuine and determining occupational requirement..' (Cap.452, Section 26.3). According to this Act cases of sexual harassment are to appear before the Industrial Tribunal but there is then no proviso for the Industrial Tribunal to have members who are gender-sensitive, who are female or who are not themselves sexist (indeed one well known member had repeatedly published pieces in the local dailies mocking the Act and subsequent gender equality legislation). Ironically, the prison term for sexual harassment can be up to six months whereas that for domestic violence has a three month limit. In 1996 the National Executive of the Malta Labour Party set up a Consultative Committee on Equal and Effective Rights<sup>51</sup>, to advise on how best to achieve gender equality and how to be in full conformity with the obligations of the Convention for the Elimination of Discrimination Against Women (CEDAW) which Malta had ratified in 1991. The Committee published a document 'Report on Positive Action for Maltese and Gozitan Women' (Consultative Committee on Equal and Effective Rights, 1997) which recommended the passing of a Act on the Elimination of all Gender Discrimination (or Equality Act) as it became known. It also recommended the setting up of a Equal Opportunities Commission, following the English model. The Commission would not replace the Department for Women's Rights but complement it. A project with UNDP and the Department of Women's Rights was to

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<sup>50</sup> The front cover of the White Paper Employment Relations Act, designed by artist A. Calleja showed amongst others a topless woman. The Act consolidated, with amendments the Conditions of Employment (regulation) Act (Cap.135) and the Industrial Relations Act (Cap. 266)

<sup>51</sup> Under the Chair of MS R. Laiviera who was later to be the Head of the Department of Women's Rights/ Women in Society. I was also a member of this committee.

lead to the drafting of the White Paper and Bill, but the early 1998 election meant that this work was never concluded. The new PN government took the proposal forward and a White Paper 'Gender Equality Legislation' was published in 2002. A mere five weeks from publication was allowed for comments to be made and changes effected. The women's lobbies had difficulty working to this tight deadline, nevertheless suggestions for amendment were made, and some were incorporated into the Act when it was enacted months later. In the introduction of the White Paper (Ministry of Social Policy, 2002, p.40) reference is made to external pressures:

This important issue has been recognised by the Maltese Government both in its electoral manifesto, as well as in its commitment to adopt the European Union *acquis communautaire* prior to membership in the EU. There are also obligations arising from Conventions signed by the Maltese Government in previous years.

The Act established the Commission for the Promotion of Equality, replacing both the Department of Women in Society and the Commission for the Advancement of Women with the single office of the Commission. The Act protects males and females of any age from discrimination. Discrimination in employment, banking and financial institutions, education, and advertising is unlawful. The Act also includes a section on sexual harassment, (and *pace* the Employment and Industrial Relations Act, and the Industrial Tribunal) complaints about harassment can be heard by the NCPE, since the Act (section 17) gives the Commissioner the competence to receive complaints and initiate investigations 'on any matter involving an act or omission that is allegedly (*sic*) unlawful under the provisions of this Act'. At the same time the Act states that a person who feels s/he has been discriminated against 'shall have a right of action before the competent court of civil jurisdiction...' (section 19). It is not clear exactly what the juridical status of the NCPE is. Finally section 20: 1c, allows for exemptions from the requirements of the law of some articles (including regarding discrimination in employment), which can be prescribed by the Minister after consultation with the Commission. This makes it even more urgent that the Commission should not be appointed by the government of the day, but by parliament.

#### *Disability equality legislation*

Camilleri and Callus (2001) describe how during the early 1990s the growing involvement of a small group of disabled activists in NCPD led to effective lobbying for anti-discriminatory legislation along the lines of American and British legislation. A national seminar was organised in 1992 and work on the agenda set proceeded through consultation with a broad range of stakeholders, especially disabled persons' organisations. By 1996 a Bill was due to be read in parliament but elections were called on that day. With the election of the new Labour administration, some changes were made and in 1997 a White Paper (Equal Opportunities Act (Persons with a Disability)) was circulated for wider consultation. For the second time, the reading of the Bill was disrupted by the political crisis of 1998 and an early election. In January 2000, the *Equal Opportunities (Persons with Disability Act)* (EOA) was finally passed. Camilleri and Callus (2001) describe the provisions of the Bill which include the establishment of an *Equal Opportunities Compliance Unit* within NCPD, which with powers to investigate and sue, entities and persons who do not comply with the law. In the

NCPD's very cogent summary of the main points of this Act<sup>52</sup> there is reference to the two aims of the Act, the first to end the discrimination that disabled people face in everyday life and the second, to grant legal status to the NCPD so that it can implement the EOA. The EOA safeguards the civil rights of disabled people in the following areas: employment, education, goods and services, accommodation, access and insurance<sup>53</sup>. Amongst measures to promote civil rights, 'employers should carry out reasonable adaptations to accommodate the needs of persons with different impairments', these range from changes to premises to arrangement for flexi-time. A full discussion of the implications of the Act can be found in the NCPD document, which was written as part of a publicity campaign to promote the Act. The electronic document also gives information on how a complaint can be lodged. A number of cases have already appeared before NCPD and are being dealt with. In 2004, and on the request of the Malta Environment Planning Authority (MEPA), access design guidelines were published by NCPD in conformity with the Act<sup>54</sup>. In 1995 the Commission also proposed amendments to the 1969 Act on the Employment of Handicapped Persons, including that the name should be changed, that the Government ensures that all of the clauses in the law (on the 2% quota) are applied and structures established for this to function in an efficient manner, that the quota be raised and that where it cannot be sustained, an employer pays a sum into a special fund, that incentive schemes and vocational programmes are introduced. The project should be lead by the concept of positive discrimination. As a result, a Support Unit at the Employment and Training Corporation was opened. Persons with disability can utilise the Employment Training Placement Scheme which subsidises half the minimum wage to allow such persons to receive training at the place of work. It offers the services of a job coach, a programme to encourage self-employment, individualised transport, financial assistance to the employer to adapt the place of work, and through the Business Promotions Act, financial incentives to employers to train and employ persons with a disability (Bezzina, 2003, P. 10).

#### *Equality Mainstreaming through Education and Training*

Camilleri and Callus (2001) and Bartolo (2001) both give comprehensive accounts of the development of an inclusive education policy in Malta and with challenges still facing the education sector. The discussion here is lead by their work. However, I will focus more on the involvement of NCPD in the formation of education policy, rather than the policy itself. In 1993, NCPD published a report about special education in Malta and recommended the adoption of an inclusive education policy, since at that time very few pupils were in the mainstream. By year 2000, and with the introduction of a 'facilitator' system over 600 children with a disability attended mainstream schools. The NCPD has participated fully in the work on the National Minimum Curriculum, and the Ministerial Committee on Inclusive Education<sup>55</sup>. It also provided valuable help to the National Curriculum Council Focus Group for Inclusive Education, which published the

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<sup>52</sup> Which can be downloaded from the web-site at [http://www.kndp.org/pubs/eoa\\_campaign2000.shtml](http://www.kndp.org/pubs/eoa_campaign2000.shtml)

<sup>53</sup> The full text of the Act can be accessed on the NCPD web-site at <http://www.kndp.org>

<sup>54</sup> *Indaqs* (Equal) the quarterly magazine published by NCPD, no. 21, p. 16, December 2004

<sup>55</sup> Report *Inclusive Education: Policy Regarding Students with a Disability*, MCIE, August 2000

Guidelines for the Implementation of the National Curriculum Policy on Inclusive Education (NCC, 2002). Another Ministerial Committee for Inclusive Education (2003-ongoing) is also supported by NCPD. Apart from the representation of Mr Joe Camilleri, chairperson of the NCPD on the University Senate, NCPD has also introduced a number of courses on disability issues at university level. These form part of the undergraduate programmes for teachers, social and youth workers, nurses, lawyers and others. They are an effective way of mainstreaming disability into the professional training of key professionals and can be sustained because NCPD has encouraged the further education of its own staff. Some of the lectures can be accessed through the NCPD web-site<sup>56</sup>. The commission has worked with the Faculty of Education and the Linguistics Institute for a new course for the B. Ed programme on the education of deaf students. It is also working with a secondary school for girls on a pilot study for the development of IEPs for students with disability<sup>57</sup>. The Annual Reports of the NCPD<sup>58</sup> present an account of a very systematic strategy for the education for persons with a disability as well as for a programme of education about disability issues. Other actions include the 2002 report on access issues at the University and the implementation of policy regarding persons with a disability and examinations (for the SEC and MATSEC students, and also in consultation with the Education Division). The NCPD was also instrumental in setting up, and in the subsequent work of the Statementing Moderating Panel and the Board of Appeals (2003). The Commission also prepared a report on the education of students age 16 and over, especially those with an intellectual impairment, suggesting plans for further education. Developments have led to collaboration with the Malta College of Arts, Science and Technology (MCAST) on a project to offer courses to these students.

Regarding gender and education, there has been less direct involvement of the national machinery in education policy making. Some of the very early work (SESW, 1989 a & b) produced by the SESW, perhaps because it utilised undergraduates for the projects on gender stereotyping in textbooks, and on guidelines to eliminate stereotyping in schools<sup>59</sup>, is very basic. However seminars on education did serve to raise some consciousness among teachers and policy makers. At University level, and independently of the SESW, courses on gender in education have been an integral part of initial teacher training since 1985. In 1993 the SESW persuaded the Adult Education Unit of the Education Division to run morning courses for adults over 25 years of age, target mainly at unemployed women. The courses offered were Maltese, English, Mathematics, Italian, French and Social Studies (for a discussion and critique of this limited concept of adult education for women, see Darmanin, 1997a). In 1995 the DESW sponsored a part-time day Diploma Course in Women and Development, under the aegis of the Workers' Participation Development Centre of the University of Malta<sup>60</sup>.

<sup>56</sup> These excellent lectures 'disability Issues' can be accessed on <http://www.kndp.org/pubs/dicrs.shtml>

<sup>57</sup> Funded by HSBC Care for Children Fund (NCPD Annual Report, 2004)

<sup>58</sup> Which can all be downloaded from <http://www.kndp.org/>

<sup>59</sup> *Handbook on Gender –Awareness Issues*, for group facilitators

<sup>60</sup> I myself had argued that the first women's studies course should be at Masters' level, so that a well qualified cadre of females, with expertise in their field could then become experts on gender and then occupy top posts in the public service and elsewhere. My proposal was not accepted by the Gender Issues

In preparation for the first election of local councils, and together with the Academy for the Development for a Democratic Environment (AZAD), a subsidiary of the Nationalist Party, the DESW organised a course for prospective female candidates. Seminars for prospective female candidates continued to be held, and in 1998 two seminars on running an electoral campaign and on women in public life were organised by the (now) Department of Women's Rights. Females comprise approximately 21% of candidates, and of elected councillors.

Since 1991 the creation of a network of focal points on gender equality in other government departments became an integral part of the mainstreaming policy. A considerable part of the training programme of the DESW consisted of training for the focal points, starting with a workshop in 1994. By 1996 the number of persons with this role had gone up to 85 and the DESW organised two workshops, one for newly-appointed officials and another as a follow-up to the Beijing World conference. Training sessions on gender policy-planning and appraisal were first held in 1995 for Cabinet ministers and Permanent Secretaries. With the assistance of the Commonwealth Secretariat a series of courses was organised for senior Civil Service Officials and focal points (DESW, 1996). In preparation for accession to the EU, two seminars for focal points were held in 2000. In each the international dimension received attention as did the need to keep gender sensitive statistics and the implications of the family friendly measures introduced in the public service. Other training, also for focal points, includes the workshop on 'Gender Mainstreaming in Policy and Planning' held in April 2002. As from January 2001 (OPM Circular 24/2000) the Performance Management Programme of Public Officials included as a key objective the implementation of gender equality policies and gender mainstreaming. The training served to support these officials in their work. In fact following the Commonwealth Secretariat's joint project with DWIS, a number of suitably trained officials became qualified to act as Gender Trainers (Department for Women in Society, 2001). A full account of the actions taken to prevent discrimination and to mainstream gender by these Focal Points in their respective departments can be found in the DWIS Annual Report (DWIS, 2004). Finally, the DESW, through its Director participated in the working group on Gender in the National Minimum Curriculum. A report was presented during the June 2000 conference, published in Giordmaina (2000). Further work by the Focus Group on Gender in the National Minimum Curriculum led to a draft Gender Equity Policy for Schools, which was discussed in workshops<sup>61</sup> for all primary state and independent sector school heads. Since then the National Curriculum Council has terminated the appointment of Focus Groups and the Gender Equity Policies have not been adapted.

#### *Research and Publications in Equality Mainstreaming*

A critical part of the mainstreaming policy on both gender and disability has been the national machinery's investment in information –giving and in research and publications. Both the NCPD and the (now ) NCPE set up documentation or resource centres. These are mainly reference centres, though some lending is allowed. Moreover, a considerable number of publications are now available on-line through links with each Commission's home page. At the NCPD headquarters, there is a very accessible catalogue, a number of

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Committee of the University. Since then Diploma has remained the basic training in women's studies at the University.

<sup>61</sup> February 2003, at the Forum hotel Malta.



copies of important documents available to clients, and other reserved material which can be read on-site every day from 9 am to noon. Photocopy service with no charge are also available. The Commissions keep copies of dissertations on relevant topics, international publication, copies of parliamentary debates, some periodicals and newspaper cuttings and others. The NCPD also stocks videos and cd-roms on disability. Brochures on services offered by the NCPD and research publications are also freely available to clients<sup>62</sup>. During the 1996-98 period the Department of Women's Rights was working on opening a Women's Information Centre, thereby upgrading its library and documentation centre, encouraging more research-led policy making and encouraging more study of women's issues. It was also to provide women with specialised leaflets on their rights, and on services, on the model the NCPD had already developed. With the early election of 1998 the project was terminated. Since the NCPE has taken over the national machinery on gender, the library has been catalogued using the Dewey System and this is available on-line. It now consists of 5341 books, journals and articles related to gender issues (NCPE, 2004).

A number of research projects and publications have been undertaken by both the NCPE (previously SESW, DESW, DWR, and DWIS !) and the NCPD. On gender equality, these include the publication of seminar proceedings on women working in factories (1992); research on women workers in industrial estates (1992); a brief explanation of the Family Law (1992); proceedings of a seminar on women in the media (1994); the National Report on Maltese Women (1995) prepared for Beijing; a copy of the UN Platform for Action, Beijing (1995). Research publications include *Gender Trends:- A Statistical Profile* (1996), *Gender Issues and Statistics* (1998) (proceedings of a workshop to promote gender disaggregated statistics) and *Women and Men in the Maltese Islands: Statistics from the Census of Population and Housing* (1998) and *Values of Women and Men in the Maltese Islands- a comparative European Perspective* (2000). All of these had the same author/editor<sup>63</sup>, and whilst useful to those who cannot go to the primary sources themselves, are mainly based on descriptive statistics of already available data, with little analysis, especially lacking a feminist perspective. A qualitative study of women, housework and time-use (*A Day in her Life: Insight into the Social and Economic Contribution of Maltese Women, 2001*<sup>64</sup>) is the one exception to the statistical turn in equality research.

Regarding the disability research, developing a statistical profile, given the 'invisibility' of persons with a disability, was an important objective and certainly contributed to better policy making and also to advocacy. The National Disability Survey 2003 is an important tool in identifying the requirements of disabled persons and their families, following which NCPD could initiate new programmes and devise strategies. A Continuous Education, Training and Research Programme (Pektur) has also been recently launched to fund continuous education, training and research (especially for disabled activists and parents of persons with intellectual disability). It is now promoting self-advocacy through, amongst others, research projects between disabled and non-disabled persons. However the most vital publications of the NCPD are those information

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<sup>62</sup> I should also add that there is a very welcoming atmosphere, a large table to spread work at and a very welcome facility for hot and cold water.

<sup>63</sup> Dr Anthony Abela, sociologist at the University of Malta

<sup>64</sup> By Dr Frances Camilleri.

service sheets (brochures) which provide accurate, clear and user-friendly information about disability issues, the equal opportunities compliance unit, the NCPD, the National Register, the Resource Centre, the Special Aids Fund, and the Special Identity Card. The quarterly magazine *Indaqs* (in the Maltese language) provides useful information, helps people network and posts news from the disability movement and the NCPD. Available on-line and in hard copy are all the NCPD Annual Reports; the EO Compliance Unit Annual Reports; services and information resources; a list of VAT exempt items; a list of talks and papers given by the Chair or other members of the NCPD at local or international conferences; reports from round table meetings on supported employment; education policy documents; and relevant international documents such as the Madrid Declaration, the EU Employment Directive and others. The most recent (2003) research project on the economic dimensions of independent supported living for people with a disability has also been published but there has not been much discussion of this to date.

### **Conclusion**

The current equality mainstreaming strategy can be divided into two. One is the continuation of the modernist project of establishing rights through legislation and other means. The second strategy seems to be more in line with a post-modernist emphasis on identity and on personalised services. Attention is given to making visible equality issues, to encouraging the participation of women and of persons with a disability in civil society, in work and in policy making. The methods to achieve this fit the network society, and use of the Internet (and of the media, not discussed above) are crucial to the success of the project. There has been a move away from the needs approach of the early egalitarian model to a rights, or individualistic perspective. The possibility for legal equality exist, but the measures needed to achieve equality of outcome, which would include even indirect ones, such as a strengthening of the local economy such that employers would not hesitate to employ women and persons with a disability, are rarely considered. If the disability movement and the women's lobby can gather enough momentum and resources, there is certainly the space now to push for further mainstreaming of equality, at least at this formal level of rights. Because enforcement of the law is weak and often depends on the relative strength of a complainant, it is unlikely that there will be much change in the short term. Indirect discrimination remains strong, and individuals are hard put to challenge it, even with the new provisions in the two Equality Acts. It was not possible in this paper to discuss the question of security or violence, nor the way such cases of violence against women or disabled persons are dealt with by the judiciary. But they constitute the bottom line of how much equality has been (not) achieved.

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