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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Initial reports submitted by States parties under  
articles 16 and 17 of the Covenant**

**Addendum**

**MALTA**

[7 February 2003]

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1	3
Article 1 .....	2 - 5	3
Article 2 .....	6 - 21	4
Article 3 .....	22 - 40	7
Article 4 .....	41 - 45	10
Article 5 .....	46	10
Article 6 .....	47 - 98	11
Article 7 .....	99 - 157	19
Article 8 .....	158 - 194	29
Article 9 .....	195 - 289	36
Article 10 .....	290 - 428	52
Article 11 .....	429 - 534	73
Article 12 .....	535 - 679	89
Article 13 .....	680 - 845	110
Article 14 .....	846 - 847	134
Article 15 .....	848 - 927	134
Annex .....		149

## **Introduction**

1. On 22 October 1968, Malta signed the International Covenant on Economic, Social and Cultural Rights. The Covenant was subsequently ratified on 13 September 1990 and entered into force on 13 December 1990. This consolidated report combines Malta's first, second and third periodic reports on the implementation of the Covenant, submitted pursuant to Malta's obligations under article 16. It has been prepared by the Social and Humanitarian Section of the Multilateral Affairs Directorate of the Ministry of Foreign Affairs in cooperation with the Ministry for Social Policy, the Ministry of Education, the Ministry of Health and the National Statistics Authority.

## **Article 1**

2. Malta is a democratic, neutral State founded on the principles of work and respect for the fundamental rights of the individual. Malta obtained independence from Britain on 21 September 1964 and subsequently became a Republic on 13 December 1974. Malta was elected to membership of the United Nations General Assembly on 1 December 1964 and has ever since actively pursued a policy of promoting peace, security and social progress among all nations in the other international forums. The Head of State is the President who serves for a five-year term and may not be re-elected. The Maltese Parliament is composed of the House of Representatives and the President of Malta. Sixty-five deputies are elected to the House of Representatives for a five-year term. General elections to the House of Representatives and the re-election of candidates are based on the principle of proportional representation by means of a single transferable vote. There are currently a total of 13 electoral divisions from each of which five deputies are elected. Every citizen of Malta who has attained the age of 18 years is included in the electoral register and entitled to vote at general elections. Voting is by secret ballot and every individual is entitled to one vote and may not vote on behalf of another citizen. The only exception to this is when a person is unable by reason of illiteracy, blindness, or other physical handicap to mark his ballot paper. In this case the ballot paper is marked according to his instructions by a person officially supervising the poll at the place of voting.

3. Malta is an active member of the Council of Europe. It has ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms on 23 January 1967 and the European Social Charter on 4 October 1988.

4. Malta is fully committed to free enterprise and trade and encourages private economic entrepreneurship. Every person in Malta may freely own and dispose of property.

5. Malta has no colonies and is not responsible for the administration of any Non-Self Governing territories or trust Territories.

## **Article 2**

### **Introduction**

6. The Constitution of Malta includes a guarantee against any form of discrimination. Article 45 (2) of the Constitution states that no person shall be treated in a discriminatory manner by any person acting in consequence of any written law or in the performance of the functions of any public office or public authority.

7. Discrimination is defined by article 45 (3) as follows: “the expression ‘discriminatory’ 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 whereby persons of such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description”.

8. Furthermore, the State guarantees that no law shall be enacted which is discriminatory either in itself or in its effect. By virtue of subsection (4) of the same constitutional provision, the guarantee against non-discriminatory laws is curtailed to the effect that it is specifically excluded in the following circumstances:

- For the appropriation of public revenues and public funds;
- With respect to persons who are not citizens of Malta;
- With respect to adoption, marriage, dissolution of marriage, burial, devolution of property on death or any matter of personal law, but not in cases where the discrimination is wholly attributable to sex;
- With respect to persons subjected to any disability or restriction or accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to such persons or to any other provision of the Constitution, is reasonably justified in a democratic society;
- For authorizing the taking of measures during a period of public emergency which are reasonably justified for the purpose of dealing with that situation.

### **The right of non-nationals to social security**

9. Non-nationals who are living in Malta and are paying social security contributions are entitled to receive social security benefits.

### **Persons with disability**

10. The Equal Opportunities (Persons with Disability) Act, enacted on 19 January 2000, prohibits the discrimination against a person with disability in five specific areas: employment, education, access to premises, provision of goods, facilities and services and accommodation. This legislation seeks to create a balance between the rights and obligations of the person providing employment or service and the right of the person with a disability. A disabled person

has the right not to be discriminated against and to have equal access to the above services. The person providing such services has an obligation to ensure that he or she is in a position to provide such a service. However, if in providing such a service unjustifiable hardship to the employer or service provider ensues, then such person may be justified in discriminating.

11. The Act provides for the establishment of a National Commission Persons with Disability, which was set up on 3 November 1987. The Commission was originally known as the National Commission for the Handicapped and a change to its present name was made in 1993. The National commission, which is made up of 14 members, has the power to investigate allegations of discrimination against any person who claims that he or she has been subject to discrimination on the basis of disability. The Commission may also initiate investigations on its own accord.

### **The employment of non-nationals**

12. Non-nationals are not given the automatic right to work in Malta and are only allowed to do so if their employer has been issued with an employment licence in their respect upon the submission of an application. Work permits are only issued for a specific purpose and for a determined period. The employer must also prove that the skills possessed by a non-national are not to be found in Malta or that the non-national is needed for a project which is to be undertaken requiring a greater number of workers than are available on the local market. A non-national may apply directly for a work permit if he/she has set up a company in Malta and is involved in running it or if he/she has made a substantial investment in a local organization and wishes to occupy a senior position within it.

13. Employment licences are generally valid for a period of one year with the exception of certain posts the licence to which may be issued for a period of three years. These employment licences are subject to renewal.

14. As at December 2002, there were 2,442 foreign workers coming from 89 different countries in Malta who had been issued with an employment licence.

15. The Department of Citizenship and Expatriate Affairs may issue employment licences on humanitarian grounds to children of Maltese emigrants who are residing in Malta with their parent(s) or to a foreign fiancé or fiancée of a Maltese citizen. In the latter case an application for an employment licence has to be submitted not earlier than six months prior to the date of the wedding and on the submission of proof that the wedding is to take place. Unless the request is one for self-employment, such application has also to be submitted by the employer.

16. Upon accession to the European Union, nationals of countries members of the European Union will have the right to work in Malta under the same conditions applicable to Maltese nationals in conformity with the *acquis communautaire* on Free Movement of Persons. This will not apply to employment in the public service. Moreover, the Maltese language requirement in respect of certain occupations will be maintained.

### **Employment in the public service**

17. Employment in the public service is restricted to Maltese nationals and the situation will remain the same if Malta joins the European Union. The Constitution expressly allows laws to discriminate with respect to the qualifications necessary for entry into any disciplined force or for service as a public officer or for service in any local government authority or public body established for public purposes. Such discrimination may not be on the basis of sex.

### **Legislation applicable to non-nationals**

18. The Immigration Act 1970 sets the conditions for entry into Malta and residence by non-nationals. Non-nationals who are entitled to freedom of movement are the following: spouses of Maltese nationals, persons entitled to diplomatic privileges and immunities and members of the armed forces of another country who are in Malta in accordance with arrangements with the Government of Malta. Spouses and dependants of any such person are also entitled to the freedom of movement provided, in the case of spouses, that they are still married and living with the person entitled to such freedom of movement.

19. A permanent residence permit may also be obtained on the fulfilment of certain conditions listed in the Immigration Act 1970, which are based on the amount of capital which is annually remitted to Malta and the acquisition of property in Malta. The spouse and dependants of a person holding such a permit are entitled to freedom of movement.

20. The Refugees Act 2000 establishes the procedures relating to the acquisition of refugee status in Malta and lists the types of assistance to which persons having this status are entitled. Although refugees in Malta do not have the right to seek employment in Malta or carry out any other business without the consent of the Minister responsible for Home Affairs, refugees have access to public education and training and may receive public medical care and services free of charge. In July 2002, the number of refugees in Malta stood at 275.

### **Legislation sanctioning incitement to racial hatred**

21. Amendments to the Criminal Code were enacted in 2002 whereby the crime of incitement to racial hatred has been constituted. Thus, any person that uses any threatening, abusive or insulting words or behaviour, displays any written or printed material which is threatening, abusive or insulting or otherwise conducts himself in such a manner which is likely to stir up racial hatred shall be liable to a term of imprisonment from 6 to 18 months. Racial hatred is defined as hatred against a group of persons based on colour, race, nationality, or ethnic or national origin.

### Article 3

#### Introduction

22. The State's obligation to implement the rights contained in this article is enshrined in article 14 of the Constitution of Malta, which provides:

the State shall promote the equal right of men and women to enjoy all economic, social, cultural, civil and political rights and for this purpose shall take appropriate measures to eliminate all forms of discrimination between sexes by any person, organisation or enterprise; the State shall in particular aim at ensuring that women workers enjoy equal rights and the same wages for the same work as men.

23. The past decade has witnessed the enactment of a number of laws, which have greatly improved the situation of Maltese women in Malta. Side by side with these legislative enactments was the establishment of a national machinery specifically mandated to give a voice to women's rights. In 1989 the Government established the Commission for the Advancement of Women and in 1994 the Department for Women's Rights was set up. This Department was subsequently renamed Department for Women in Society.

24. Maltese women obtained the right to vote on 5 September 1947 and the first female to be appointed minister was in 1955 when Ms. Agatha Barbara was given the education portfolio. She also served for five years as Minister of Social Services and was finally appointed Head of State in 1982. She is the first and only female to have occupied such a position in Malta. There are currently six women who have been elected members of the House of Representatives and one woman who forms part of the cabinet. Women representation on local councils stands at 6 mayors (8.8 per cent), 16 deputy mayors (23.5 per cent) and 61 councillors (20.3 per cent).

25. The Act to Promote Equality for Men and Women 2003 set up the National Commission for the Promotion of Equality between Men and Women, which receives and acts on complaints concerning allegations of discrimination. The Act implements a number of European Union directives on equality of treatment between the sexes. Other aspects of the Act involve the introduction of legislation to strengthen existing legislation on equal treatment and equal opportunity for men and women with regard to access to employment, self-employment and educational and vocational training. The act also contains provisions against sexual harassment at the place of work and sexual stereotyping in advertising and the media.

26. Women in Malta remain largely underrepresented in public office and the topmost positions both within the civil service and private industry continue to be held largely by men. To date, no female has been appointed Permanent Secretary and there are as yet no women judges. Nonetheless, in July 2002 the first woman resident ambassador was appointed by the President of Malta. There is currently a total of 124 directors in the public sector, of which 14 are women, representing 11.3 per cent.

### **Gender equality under civil law**

27. Women in Malta enjoy a situation of parity with men in all civil matters. Thus, women may contract in their own name, sue and be sued and have equal rights as their male counterparts in matters relating to inheritance. This situation was arrived at through a series of legislative enactments starting from 1973. Through the enactment of Act XLVI of 1973, married women were given the right to contract and to sue and be sued in their own name. However, it was not until the 1993 amendments to the Civil Code that married women were placed on an equal footing with their male counterparts, particularly with regard to the administration of the community of acquests and authority over children.

28. Prior to the 1993 amendments to the Civil Code a husband was considered head of the household and had more rights and obligations within the marriage than his partner. The 1993 amendments established that spouses within a marriage are equal partners. The common property of the spouses acquired after the marriage is administered jointly by both spouses and any important decision concerning the family or the matrimonial home is taken jointly. Parental authority replaced paternal authority, endowing the spouses with joint responsibility for their children. The wife can, instead of taking the husband's surname automatically, opt to retain her maiden name upon marriage or add her husband's surname to her own. Children have the surname of the father to which they may add the mother's.

### **Gender equality in employment**

29. In 1974, the Parity of Wages National Standard Order (LN 111 of 1974) was published, providing for the gradual introduction of equal pay for men and women employees in the same class or category. Full parity of wages was first applied as from 1 April 1976. Moreover, the Minimum Weekly Wage National Standard Order (LN 42 of 1976) provides that the wages payable to a female employee may not be less than those payable to a male employee in respect of equal work or work of equal value.

30. Another important year for gender equality in Employment was 1981. Whereas prior to that year women in the public service were bound to resign upon contracting marriage, this requirement was removed through the Office of the Prime Minister (OPM) Circular No. 103/80 dated 31 December 1980. Moreover, in the same year amendments were made to the Conditions of Employment (Regulation) Act, 1952, introducing a safeguard to all women employees in the private and parastatal sectors against dismissal upon their contracting marriage or being pregnant. A 13-week maternity leave with full pay was introduced with effect from 1 January 2001. This period has been extended to 14 weeks in conformity with European Union Directive 92/85/EEC.

31. In the public service a number of measures intended to facilitate the reconciliation of work and family responsibilities were introduced. Moreover, civil servants may opt to work on a reduced timetable in order to look after children under the age of 8 years. On the birth of a child all civil servants may avail themselves of 12 months of unpaid leave, which may be taken by the father or the mother or may be shared by both. Until the child has reached the age of 5,

moreover, either one of the parents may take a career break of up to three years. This period may also be shared by both parents. A one-year special leave is available to those employees who foster children and a five-week adoption leave is granted to all full-time employees on the adoption of a child. On this occasion men are granted two working days of paid leave.

32. Furthermore, the Employment and Training Services Act, 1990, which establishes the Employment and Training Corporation provides that gender discrimination used by the employer against any person in respect of employment constitutes an offence under the Act. A person who is found guilty of this offence is liable to a fine of not less than 500 and not more than 5,000 liri.

33. Through OPM Circular No. 24/2000 on Gender Mainstreaming, the Government has outlined its policy on the subject and underlined the responsibility of every ministry and government department in implementing it.

34. Complementing the provisions contained in the Act to Promote Equality for Men and Women, 2003, the Employment and Industrial Relations Act, 2002, contains provisions against victimization and sexual harassment as well as other provisions promoting gender equality in employment and equal pay for work of equal value. Any allegations of breach of these provisions are heard before the Industrial Tribunal.

### **Equality of treatment in matters relating to social security**

35. Men and women have an equal right to receive social security benefits under the Social Security Act, 1987. However, a distinction has to be made between contributory and non-contributory benefits in that married women who are not employed, self-employed or self-occupied may not pay national insurance contributions and may not, as a consequence, receive contributory social security benefits in their own name.

36. In 1991, an important amendment was made to the Social Security Act, 1987, stipulating that any social security contributions paid by a woman before the date of her marriage were not to be taken into account for any claim made by her after that date. This was the situation before married women had to start paying social security contributions afresh. The 1991 amendment did away with this rule and the social security contributions paid by a woman whether before or after marriage are now fully taken into account.

37. In 1996, another amendment was made to the Social Security Act, 1987, which changed the definition of "head of household". Whereas as the law stood previously the head of household was assumed to be the husband, the amendments provide that the head of household is that person who, in the opinion of the Director of Social Security, is the head of household.

### **Gender equality in education**

38. No distinction is made between males and females as far as concerns the right to receive education, and compulsory education between the ages of 5 and 16 applies equally to both. The State has an obligation to provide all facilities for pupils of both sexes. The Education Act, 1988, states that: "It is the right of every citizen of the Republic of Malta to receive education and instruction without any distinction of age, sex, belief or economic means."

39. Tertiary education is equally open to persons of both sexes and is free of charge. The number of female students at the University of Malta has been on the rise since 1988. In 2002, females made up 56 per cent of the student population.

#### **Women's access to health services**

40. Health care in Malta is available to all and is free of charge in the case of Maltese citizens, residents in Malta, foreigners paying social security contributions, refugees in Malta and citizens of those countries with which Malta has signed a bilateral agreement to that effect. There are eight health centres which are at the hub of primary health-care services provided by the Government. They provide general practitioner and nursing services, various specialized health services, including immunization, speech therapy, dental services, gynaecology/obstetrics and antenatal clinics, well-baby clinics, diabetes clinics and paediatric clinics. Moreover, the community nursing and midwifery service offers domiciliary nursing and/or midwifery by day and by night. Hospital services in the State's General Hospital, St. Luke's Hospital, are also provided free of charge.

#### **Article 4**

41. The Constitution of Malta contains provisions which provide for the non-applicability of certain rights in situations of public emergencies. Article 47 of the Constitution states that there is a situation of public emergency when Malta is engaged in any war or if the President issues a proclamation stating that a state of public emergency exists. A situation of public emergency is also said to exist if there is in force a resolution of the House of Representatives supported by the votes of not less than two thirds of the members of the House declaring that the democratic institutions of Malta are threatened by subversion.

42. A proclamation of emergency is valid for a period of 14 days and may be extended by a resolution of the House of Representatives for a further period not exceeding three months.

43. Article 47, paragraph 5, of the Constitution states that in cases of public emergencies:

“In relation to any person who is a member of a disciplined force raised under any law in force in Malta, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter other than sections 33, 35 and 36.”

44. Sections 33, 35 and 36 refer to the protection of the right to life, protection from forced labour and protection from inhuman treatment.

45. No state of public emergency has ever been declared since Malta became independent in 1964.

#### **Article 5**

46. The provisions of the Constitution, the European Convention Act, 1987, and the judicial remedies available to all persons in Malta ensure that the rights enshrined in the Covenant, as

contained in Maltese legislation, are fully enforced. Moreover, the Courts interpret legislation according to its plain meaning and no restrictive interpretations are given unless expressly permitted by the law.

## Article 6

### The situation in the labour market

47. This section provides a descriptive overview of key labour market trends between the years 1994 and 2000. It is recognized that the Labour Force Survey (LFS) is the instrument of choice for labour market analysis and comparison. Thus, unless otherwise indicated, statistics refer to the December 2000 LFS. However, given that LFS was first conducted in Malta in 2000, it does not as yet allow for the extrapolation of trends. Therefore, reference is also made to the administrative data collected by the Employment and Training Corporation where trends are described. Two key differences to be noted between the LFS and administrative data are that (a) the results of LFS are extrapolated from a scientific sample while administrative data are based on a headcount of persons in employment and persons registering for employment; and (b) LFS data cover persons between the ages of 15 and 64 while administrative data cover persons aged 16 and over.<sup>1</sup>

48. According to LFS, in December 2000 there were 145,203<sup>2</sup> people in employment. This constituted an employment rate of 54.6 per cent if one takes the 15-64 age bracket.<sup>3</sup> With regard to trends in administrative data, the employment rate for persons aged 15 to 64 rose by 1.2 per cent between 1994 and 2000.

49. Malta's low employment rate is explicable in terms of the very low labour market participation of women. The LFS employment rates at the end of 2000 were 75.8 per cent for men and 33.1 per cent for women. This includes persons working part-time as a main occupation, and the large number of women part-timers.

50. Administrative data do suggest signs of closure, as women's employment rate rose by 4.7 per cent from 1994 to end 2000, while that of men declined by 0.6 per cent over the same period. However, the distribution of domestic responsibilities still appear to present the greatest challenge to the integration of women in the labour market. LFS for December 2000 indicates that 50.6 per cent of the population aged 15 and over are active (29.2 per cent of the male cohort and 65.7 per cent of the female cohort). Of these, men are most likely to be inactive due to personal and family responsibilities (49.4 per cent) or retirement (20.4 per cent).

51. Examining employment rates by age, a rise is visible in recent years across all age brackets except for those aged between 15 and 24. The drop of 9.1 per cent in the employment rate among this age group is generally attributed both to increasing participation in post-compulsory schooling as well as to a rise in youth employment.

52. Administrative data indicate a decrease in the share of self-employment over the past 15 years, which accounted for about 11.6 per cent of those gainfully employed in 2000. The December 2000 LFS places the figure somewhat higher, indicating that 13 per cent of those employed declare themselves self-employed - 4 per cent as self-employed with employees and 9 per cent as self-employed without employees. There is a marked gender difference

as 15.9 per cent of all male employees are self-employed, while 6.1 per cent of all female employees are self-employed. Self-employed women are far less likely to have employees. The ratio of self-employed men with employees to those without is 1:2, while that for women is 1:5.1.

53. The December 2000 LFS indicates the following employment shares per sector: agriculture 1.8 per cent, industry 33.6 per cent and services 63.6 per cent - compared to European Union averages of 4.4 per cent, 26.9 per cent and 68.8 per cent, respectively. Administrative data differ with regard to sectoral shares, placing them at 1.5 per cent, 28.4 per cent and 70 per cent, respectively, in 2000. Administrative data do not indicate an increasing share for services, rising by 2.1 per cent from 67.9 per cent in 1994 to 70.0 per cent in 2000.

54. Disaggregated by gender, administrative data indicate a trend towards increasing female employment in services. While between 1994 and 2000 the ratio of men in industry to those in services remained constant at 1:2.7, the same ratio for women rose from 1:2.3 to 1:3.2, the industry's share of female employment falling by 6.2 per cent with a corresponding rise in that of services.

55. Turning to the public/private sectors, there has been a shift since 1994 from public to non-public employment. The public sector share of employment in 1994 stood at 41.2 per cent, dropping to 35.5 per cent by 2000. There was also a drop in absolute terms of 9.1 per cent, or 4,286 persons. Much of this drop is explicable in terms of the sale of government shareholdings in two banking institutions.

56. In terms of gender, it may also be noted that while 35.6 per cent of women in employment worked with the public sector in 1994, this decreased by 3.2 per cent to stand at 32.4 per cent of women in employment in 2000. The drop was even steeper for men in employment, from 43.2 per cent in 1994 to 36.8 per cent in 2000. Thus, though the proportion of men employed in the public sector remains four percentage points higher than that of women, this gap has closed significantly since 1994, when the gap was 7.6 per cent.

57. According to administrative data, the unemployment rate has remained quite constant over the past 15 years, averaging around 4 per cent. LFS for December 2000, however, indicates an unemployment rate of 6.5 per cent for persons aged between 15 and 64. The rate for men is higher at 7 per cent than that for women at 5.4 per cent.

58. The discrepancy of 2.5 per cent between the administrative unemployment rate of 4 per cent and the LFS rate of 6.5 per cent is attributable to a number of factors. Apart from the two factors cited in the opening paragraph of this report (that is, the sample vs. headcount differences and the 15-64 v. 16-61 coverage respectively), these two rates differ in their definition of an unemployed person. Administrative data refer to persons who register as unemployed with the Employment and Training Corporation, whereas LFS data refer to persons who declare themselves as job-seekers in the reference week of the survey, irrespective of whether they register or not.

59. Drawing on administrative data, one notes a rise of 1.6 per cent in the youth unemployment rate from 4.4 per cent in 1994 to 6 per cent in 2000. The LFS estimate of

that rate (11.2 per cent) is almost double the administrative one. The latter figure exceeds by 3.4 per cent the European Union average of 7.8 per cent for 2000. According to LFS, the unemployment rate of young women in Malta stands at 7 per cent, while that for young men at 14.7 per cent.

60. LFS suggests that persons between 40 and 59 are least likely to be unemployed, with the lowest unemployment rate of all age brackets of 5.0 per cent. Administrative trends, however, indicate an increased propensity for unemployment amongst men over 40. While in 1994, the proportion of unemployed men in this age bracket was 34.7 per cent; this had risen to 40.9 per cent by 2000 - an increase of 6.2 per cent. The greatest change for unemployed women occurred in the younger age bracket, as the proportion of unemployed women between 15 and 24 increased by 3.2 per cent.

61. According to administrative data, in December 2000, 53 per cent of those registering for work were long-term unemployed, that is, they had been out of work for over 12 months. After decreasing in the mid-nineties, the long-term unemployed as a proportion of all unemployed has risen again, to constitute 57.2 per cent of all unemployed men and 30.6 per cent of all unemployed women in 2000.

### **Legal provisions on employment and conditions of employment**

62. In Malta, the Constitution and the Employment and Industrial Relations Act, 2002, protect the freedom of choice of employment and the conditions of employees.

63. Article 1, paragraph 1 of the Constitution declares that “Malta is a democratic republic founded on work and on respect for the fundamental rights and freedoms of the individual”.

64. Article 7 of the Constitution states that “the State recognizes the right of all citizens to work and shall promote such conditions as will make this right effective”.

65. The Constitution also affirms, among other principles, the duty of the State to protect employment and to promote equal rights for men and women in all socio-economic spheres of life.

66. The Employment and Industrial Relations Act, 2002, provides for the establishment of an Employment Relations Board, which makes recommendations to the minister responsible for labour on national minimum standard conditions of employment and sectoral conditions of employment. Among other principles the Act states that termination of an indefinite contract of service may be permitted “on grounds of redundancy”. Alternatively, an employment contract may also be terminated if there is a “good and sufficient cause”, but such a decision may be contested before the Industrial Tribunal, which is established under the same Act.

67. In addition to the provisions contained in the Employment and Industrial Relations Act, 2002, the National Employment Authority was established in 1990, which, together with the Employment Commission, ensures that no discrimination in employment is made on political and other grounds. Meanwhile, in 1990, the Employment and Training Corporation was

established with the power to register and interview individuals seeking employment. It also trains individuals who seek to enhance their skills and obtain information from employers regarding available employment. The Equal Opportunities (Persons with Disability) Act, 2000, counters discrimination against persons with disability in employment, education and training matters.

### **Prohibition of discrimination**

68. The Employment and Training Corporation prohibits discrimination against any person in employment. Article 15 (b) of the said Act states:

Any person who shows favour to, or uses discrimination against, any person for employment with any employer ... on the grounds of race, colour, sex, creed or on the grounds of his party or other political beliefs or associations, shall be guilty of an offence against this Act.

69. Any person guilty of the above shall be liable to a fine of not less than 500 liri and not exceeding 5,000 liri.

70. As noted under article 2 above, non-Maltese nationals do not have an automatic right to seek employment in Malta. Employment and self-employment are subject to obtaining a work permit from the Department of Citizenship and Expatriate Affairs. Upon accession to the European Union, nationals of European Union member States will have the right to seek employment and to work in Malta under the same conditions as Maltese nationals. An exception to this rule is made in the case of employment in the public service and for the position of notary public.

### **Employment policy**

71. Employment policy in Malta is geared towards providing employment to all those who are available for work. It stresses the need to invest in the skill levels of its workforce; to promote social inclusion; to work in partnership with the social partners and with civil society; to base employment measures on the principle of activation; and to ensure that its tax and benefit systems make work pay.

72. Malta is currently in the process of implementing particular employment measures which seek to boost employment rates, especially those of women. This is done through a policy which is meant to enhance the skill levels of the unemployed and older workers; to promote lifelong learning; to reduce the gap between labour market needs and the subjects catered for by education and training institutes; to promote information technology (IT) literacy and public access to the Internet; to promote a culture of entrepreneurship by providing the necessary help to facilitate and support business start-ups; to develop more flexible but equally secure forms of employment; and to promote the social and labour market integration of persons from disadvantaged groups.

73. Indeed one of the principal policies that is being considered at present is the introduction of more active measures for the unemployed in seeking employment. More active measures would increase the incentive to search and prepare for employment. Passive measures refer to

unemployment benefits and invalidity pensions, while active measures refer to employment and training measures as administered by the Employment and Training Corporation. Indeed action is under way to enhance the services offered by the Corporation.

74. Services by the Corporation currently ongoing include the profiling of the unemployed and assisting them, through vocational guidance and counselling, to find a job placement. The Corporation receives job vacancies by employers and matches them to persons seeking employment. Matched persons are then referred to potential employers for interviewing and selection. Placement services are provided from the Corporation's Head Office and regional job centres, including the one in Gozo.

75. The Corporation runs a series of schemes with the sole aim of increasing employment levels and enhancing the employability of the Maltese workforce, especially the unemployed. These schemes include:

- (a) The Employment Training Placement Scheme, which offers both a job and on-the-job training to unemployed registrants who are over 40 years of age or who have been registering as unemployed;
- (b) The Bridging the Gap Scheme, which aims to facilitate employment to disadvantaged groups, including registered disabled persons, former substance users, former offenders, correctional facility inmates on leave and other vulnerable groups;
- (c) The Job Experience Scheme seeks to facilitate employment to young unemployed individuals who have not yet acquired any job experience, by providing them with a job placement for a maximum of 13 weeks;
- (d) The Community Work Scheme, which aims to provide long-term unemployed over 40 years old and other disadvantaged groups with an opportunity to return to work by working in voluntary organizations and local councils, as deemed appropriate;
- (e) The Basic Employment Passport is an initiative that aims to increase the employability of disadvantaged youths with little or no skills/qualifications, academic or otherwise, by providing them with the necessary basic training that is indispensable for their smooth entry into the labour market. Training includes sessions in basic skills, digital literacy, and social and learning skills;
- (f) The Corporation will soon be launching its Entrepreneurship Programme with the sole aim of enhancing an entrepreneurship culture in the Maltese Islands. The Programme provides training related to entrepreneurship and small business management, together with a mentoring service that will ensure a positive start to the participants' business.

76. The Corporation has also launched a series of partnership agreements with various non-governmental agencies around the Maltese Islands in order to facilitate the employment of vulnerable groups, including individuals suffering from mental health problems, persons with disability and former drug abusers. These agreements help not only NGOs financially but seek to provide specialized training to the Employment and Training Corporation (ETC) clients who may require specific training which is not readily available through present ETC services.

77. Meanwhile as a response to the need for a more IT literate workforce, the Corporation launched an IT for You Campaign. The Campaign includes an IT traineeship scheme under which a maximum of 200 unemployed persons will be able to sit for a diploma course in computer programming. The Scheme lasts 10 months and includes theoretical sessions and practice at the workplace. Moreover, the Corporation is also offering a one-day computer orientation course for employed people who wish to learn basic computer and Internet-browsing skills. Both initiatives form part of the Corporation's National Plan for an IT Literate Workforce.

78. The Corporation also assists disadvantaged groups to return to the workforce. Persons with disability, mental health problems and substance abuse problems and persons who are ex-convicts can avail themselves of ETC services for these client groups. Case officers operating within the Supported Employment Services develop, together with the individual concerned, an appropriate Personal Action Plan and monitor and support progress in the implementation of this plan. This wing also runs the Bridging the Gap Scheme.

79. In order to promote a higher rate of female employment, Malta committed itself to gender mainstreaming since 1989. Key achievements so far include the collection of sex-disaggregated data; a revised educational curriculum based on principles of gender equality; the introduction of positive work measures in the public service; and the drafting of the Act to promote Equality between Men and Women, 2003. Meanwhile ETC offers the Empowerment Skills for Women course for women returning to the labour market. This course supplies participants with the right skills needed for a smooth re-entry into the labour market. The Corporation is also drafting an Action Plan for Gender Equality in Employment and Training.

### **Provision of technical and vocational training programmes**

80. ETC offers a wide array of training courses that are open both to the unemployed and the employed who want to upgrade their skills. The courses cover a variety of subjects. They can be classified under four headings: office-related courses, hospitality/caring skills courses, management skills courses and trade skills courses. Most of the trade courses are delivered jointly with the Department of Education whilst others are run jointly with other public and private institutions. Courses are free of charge or charged at nominal fees (see annex, table 1).

81. In effect, the Corporation, together with the Education Division, Federation of Industry, Malta Development Corporation and ORT Union College for Sciences and Advanced Technologies of Israel, took the initiative to set up the Night Institute for Further Technical Education. The Institute provides training to both employees and unemployed individuals in order to enhance their skills according to the needs of industry.

82. Furthermore, the Corporation runs a series of traineeships, which are developed by ETC in partnership with employers, their associations or other professional bodies. The programme is made up of a combination of off-the-job and on-the-job training for a minimum of 13 weeks up to a maximum of 52 consecutive weeks. Traineeships are open to both employed and unemployed individuals.

83. The Corporation has also developed a report entitled “A National Plan for an IT Literate Workforce” with the sole aim of promoting basic IT literacy and providing basic and advanced IT training. It also seeks to establish community centres which provide evening IT courses and Internet access to the general public.
84. Apart from the training services provided by the ETC, the Education Division organizes a substantial number of courses in the evening to reach persons in employment who wish to upgrade their skills. Courses range from purely vocational and academic courses leading to a certificate, to craft and literacy courses.
85. The Staff Development Organization within the Office of the Prime Minister is responsible for the training of civil servants. Courses offered cover a variety of subjects. Courses may be classified under seven headings: general management; language programmes and specialist skills training; continuous development; finance programmes; departmental training; European Union training; and information technology.
86. Apart from the State-provided technical training, Malta has also a number of private training agencies that provide training in a wide variety of subjects such as office work and administration, IT training, language training, management training and consultancy. One such training provider is the commercial arm of the University of Malta, the Malta University Services Ltd. Training by private training providers will be assessed for quality in the future through the assessment system provided by the national vocational qualifications system.
87. The ETC Training Services Division is responsible for the running of apprenticeship schemes. During apprenticeships, apprentices undergo both theoretical tuition at an educational establishment and on-the-job training at an industrial/commercial establishment. The purpose is to enable apprentices to acquire both knowledge and practical skills in the trade being learned. Apprenticeship schemes include the Extended Skills Training Scheme, which provides education and training at craft level and the Technician Apprenticeship Scheme, which provides education and training at technician level. The Schemes are currently offering apprenticeships in the following occupations: agricultural trades; hospitality trades; tailoring; building trades; handicraft trades; personal service trades such as hairdressing; printing trade; mechanical engineering and allied trades; woodworking trades; electrical engineering trades; computer-aided engineering; industrial design; industrial electronics; information technology; motor vehicle-related trades; telecommunications; and refrigeration and air conditioning (see annex, table 2).
88. An analysis of the intake of students following the apprenticeship schemes by gender reveals that the majority of students are males. Presently, females may prefer to undertake academic rather than vocational training.
89. The Business Promotion Act, 1988, provides more accessible training grants. Training grants will no longer be computed by reference to the statutory minimum wage up to a maximum of 48 weeks, but by reference to the actual training costs incurred. The maximum grants that may be given are equal to a percentage of the eligible training costs and vary depending on whether the training is general or specific. As an incentive for job creation and training, companies that engage and train disadvantaged individuals are provided with tax incentives.

90. Furthermore the Malta College of Arts, Science and Technology (MCAST), set up in 2001, aims to attract more people to initial vocational educational training programmes which are constantly updated to have labour market relevance. MCAST embraces all functions catered for by the various schools that are now providing education in fields like electronics and engineering, business and commerce, art and design and maritime studies. MCAST comprises the Institute of Information and Communications Technology and the Institute of Building and Construction Engineering.

91. The Malta Professional and Vocational Qualifications Award Council was established in October 2000. The role of the Council is to develop a framework for the award of professional and vocational qualifications. Vocational qualifications to be issued in Malta under the new system are intended to enjoy recognition even beyond Malta's frontiers. Standards Development Boards within the Council will formulate the standards of competence for various areas of competence for Malta. These boards include representatives from industry and the educational sector. The national standards to be developed by these boards will be based on labour market needs. Standards Assessment Boards will then assess individuals to determine whether they have satisfied the standards set. Those who do will be issued with a professional or vocational qualification. The presence of the Council will enhance the status of vocational education and the interest in lifelong learning at the national level.

92. Moreover, as part of the Government's efforts to develop a trained workforce, ETC was commissioned by the Government to work on the development of a National Human Resources Development plan. This plan would recognize the inputs of all social partners in the creation of a trained workforce and would arrive at one coherent national policy.

93. Indeed, social dialogue on general social and economic issues at the national level is conducted at the Malta Council for Economic and Social Development (MCESD). The Council consists of two Houses, the Upper House made up of workers' representatives, employers' representatives and the Government, and the Lower House, or better referred to as the Civil Society Commission, which, amongst others, includes the Association of Local Councils, the National Council of the Elderly, the National Council of Youths, the National Commission for the Advancement of Women and the National Commission on Persons with Disabilities. The law protects MCESD by stating that the Government cannot leave the Council on an administration level for political reasons. The presence of the Civil Society Commission in MCESD will ensure that both the economic and social implications of policies are discussed between social partners.

### **Challenges for employment in the Maltese Islands**

94. There has been a marked shift in employment from the manufacturing sector to the services sector. Within manufacturing itself there has been a redistribution of production from sectors, like footwear and clothing, towards others like electronics, engineering and health-related products. This shift in employment requires a workforce that is capable to adapt to the needs of the economy and is ready to learn new trades and skills.

95. The restructuring process due to globalization trends and a competitive economy has resulted in a greater risk of unemployment. Malta is developing ways and means of containing the impact of restructuring by, on the one hand, helping employers to restructure and aim

towards export-competing growth, and, on the other hand, to provide outplacement services to people affected by restructuring and providing them with training and re-training. Training measures form part of a national strategy which aims to promote lifelong learning and training of human resources.

96. Moreover, Malta is being affected by the rapid technological changes and the spread of economic activity across national boundaries. This is changing Malta's employment scene, particularly for workers with low skills. The incidence of long-term unemployment, and the low educational level of the unemployed and their occupational preferences do not correspond to the industry's present requirements. The Government's policy to finance more active measures for those seeking employment and training measures, especially vocational training, at the national level is geared towards reducing the mismatch between the skills, or lack of skills, of job-seekers and the increasingly higher demands of industry.

97. The percentage of women in the total labour force in Malta is low by European standards. As a good number of the women who are not in full employment are highly educated women, the labour market is being deprived of a lot of high value added potential. ETC is working on a paper on how to encourage gender equality in employment and training. The Government has introduced positive measures that include the introduction of "flexible" initiatives in the public service such as the scheme of work on reduced hours and the responsibility leave for full-time workers. Moreover, the new occupational health and safety regulations, which introduced various measures such as the protection of pregnant women from being exposed to danger at the place of work, aim at promoting greater participation by women at the work place. Work on a study, which would result in concrete proposals to address cases of sexual harassment of women, is also under way. Meanwhile, the Commission for the Advancement of Women is one of the organizations which will form part of the Civil Society Commission of the Malta Council for Economic and Social Development. Through this move women are being offered the opportunity to express their opinions and to voice their needs at decision-making level in fields in which their rate of involvement is still low.

### **International assistance**

98. Malta receives no international assistance in the field of employment.

## **Article 7**

### **Introduction**

99. In Malta wages and conditions of work are determined by a two-tier system. Legislation provides for the application of minimum standards of conditions of work nationwide. On the other hand, actual pay and conditions of employment of the vast majority of workers are determined by the process of free collective bargaining between the employer and the representative trade union. This is also the case of State employees concerning whom agreements are concluded between the Government and trade unions on their behalf. Such

agreements cover wages and other conditions of work not going below the prescribed minimum conditions of work. These agreements cover a certain period of time after which they may be renewed or fresh conditions of work are negotiated.

100. State intervention in labour matters, which is set at a minimum, is limited to:

(a) The establishment of an inspectorate system together with an enforcement mechanism set up under section 43 of the Employment and Industrial Act, 2002, in order to ensure that the conditions of work as laid down in the above Act and its subsidiary legislation are being respected;

(b) The settlement of trade disputes through the appointment of mediators for conciliation purposes and referral to the industrial tribunal.

101. Apart from the Covenant, Malta has ratified a number of ILO Conventions which contain further guarantees for the protection of conditions of work, freedom of association, non-discrimination and protection of minimum wages. These include Convention No. 131 concerning Minimum Wage Fixing, 1970, Convention No. 111 concerning Discrimination (Employment and Occupation), 1958, Convention No. 81 concerning Labour Inspection, 1947, and Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise 1948. Moreover, Malta has ratified the European Social Charter of the Council of Europe.

### **Principal legislation**

102. The principal labour legislation in Malta consists of the Employment and Industrial Relations Act, 2002, for private sector employees. This Act replaces the Conditions of Employment (Regulation) Act, 1952, and the Industrial Relations Act, 1977. The conditions of employment of public officers are regulated by the Constitution of Malta, the Public Service Commission Regulations, 1960, the Public Service (Disciplinary) Regulations and the Estacode. The latter embodies a collection of regulations issued over the years by the central government agencies. There are plans for the enactment of a Public Service Act, which will encompass all conditions of work pertaining to public service employees.

103. The Employment and Industrial Relations Act, 2002, lays down general minimum standards of conditions of employment for all private sector employees such as contracts of service, including termination of employment, protection of wages and vacation leave. Other conditions of employment such as hours of work and leave entitlement are covered by ministerial regulatory action consisting of wage regulation orders and national standard orders.

104. The Employment and Industrial Relations Act, 2002, provides for the setting up of an Industrial Tribunal for the settlement of industrial disputes upon referral to it by the minister responsible for labour upon a request being made by all parties to the dispute. In the case of unfair dismissal the worker may refer to the Industrial Tribunal directly.

### **Principal methods of fixing wages**

105. Wages are determined either by individuals on a personal level (individual contracts) or on the basis of collective contracts through the process of collective bargaining to which the employer and the principal union are a party. In the case of the private sector or parastatal sector, collective agreements are concluded at the company level and would apply to all employees in that company. Collective agreements are legally binding. Such collective agreements may not provide for wages that are below the national minimum wages.

106. The Employment and Industrial Relations Act, 2002, also provides for the setting up of an Employment Relations Board to advise the minister responsible for labour on conditions of employment of certain categories of employees. The Employment Relations Board submits to the appropriate minister proposals concerning the regulation of the conditions of employment. Before making an order, the minister may, if he deems it fit, refer such recommendations to the Board for reconsideration, due regard being paid to any observations made by the minister. The Board may resubmit the recommendations with or without any amendments.

### **National minimum wages**

107. A system of national minimum wages has been in place since 1976, which provides for a minimum weekly wage for persons in full-time employment who are over 18 years, 17 years and under 17 years of age. The Minimum Weekly Wage National Standard Order, 1976, was published as subsidiary legislation under the Conditions of Employment (Regulation) Act, 1952, and is applicable to private sector employees. Public sector employees are also protected through a system of minimum wages which are at par with those established by the Minimum Weekly Wage National Standard Order, 1976. Thus all employees in Malta, whether in the public or private sector, are covered by the system of national minimum wages.

108. As national minimum wages are established through legislation, they are consequently enforceable. The Labour Inspectorate of the Department of Industrial and Employment Relations has the power to interrogate any employer and may demand that any books, registers or other documents be produced in order to ascertain that the workers are ensured the basic conditions of work, including pay. Moreover, the Employment and Industrial Relations Act, 2002, stipulates that every employer is bound to increase the wages of his full-time employees according to the increase in wages published in the Government Gazette and declared to be of general application. Failure to do so constitutes an offence under the Act and the offender would be liable to a fine of a minimum of 100 liri and a maximum of 1,000 liri.

### **Prevention of the erosion of national minimum wages**

109. National minimum wages are increased through the periodic publication of a legal notice amending the 1976 Minimum Weekly Wage National Standard Order. Increases in wages are determined by changes to the Retail Price Index (RPI) which measures the relative change in the level of prices paid for a specific basket of goods and services by an average household. This

index is used by the Government and private companies for the index linking of wages, salaries, pensions and allowances. RPI is compiled by the National Statistics Office after being reviewed by the RPI Management Board. This Board was set up in 1990 through an Incomes Policy Agreement and is composed of the following persons, including the three social partners, namely:

- Chairman appointed by the Government in agreement with the other social partners;
- Director of Statistics;
- Two members appointed by the Government;
- Two members appointed by trade unions;
- Two members appointed by business organizations.

110. The RPI measures reflect the monthly changes in the cost of purchasing a constant representative “basket” of consumer goods and services. The fixed quantities of each item in this basket is proportional to the average amount purchased by a specified number of households in Malta. The weighting pattern of the present index series (1995=100) is based on the best available estimates of the current weekly expenditure on consumer goods and services by a specified number of households in the country. These estimates were derived almost entirely from the results of the Household Budgetary Survey (HBS) carried out by the National Statistics Office during 1994 specifically for this purpose. The survey covered a national representative sample of 2,722 households.

111. Increases in wages are approved by the Ministry of Finance and MCESD, which is a tripartite social forum through which consultations with all social partners are made regarding ways in which national economic policies and objectives are examined in the most efficient and least socially disruptive manner. Consultations at MCESD ensure that economic and social changes are analysed to reflect a decent national minimum wage.

112. The minister responsible for labour may, moreover, on the recommendations of the Labour Board, make periodic pay increases to all full-time and part-time employees in order to reflect cost of living increases. Where an increase is ordered by the minister for all full-time employees and such order is published in the Government Gazette, every employer shall increase the wages of his full-time employees by an equivalent amount.<sup>4</sup> National minimum wage Standard Order, 2001 (LN 307 of 2001) which has come into effect on 1 January 2002 has laid down that wages of full-time employees are to be increased by Lm 1.50 per week in order to provide for the increase in the cost of living. This national standard order also stipulates that the hourly rate of part-time employees is to be increased by one-fortieth of the rate of increase applicable to full-time employees. A pro rata calculation of wage increase is being proposed for part-time employees in the new legislation.

### **Development of national minimum wages**

113. The current national minimum wages, effective from 1 January 2002, are as follows:

Age 18 and over	Lm 51.38 per week
Age 17 years	Lm 48.47 per week
Under 17 years	Lm 47.25 per week

114. National minimum wages, effective from 1 January 1997,<sup>5</sup> were as follows:

Age 18 and over	Lm 43.88 per week
Age 17 years	Lm 40.97 per week
Under 17 years	Lm 39.75 per week

115. National minimum wages, effective from 1 January 1992, were as follows:

Age 18 and over	Lm 35.63 per week
Age 17 years	Lm 32.72 per week
Under 17 years	Lm 31.49 per week

### **Supervision of national minimum wages**

116. The mechanism in place whereby national minimum wages are increased in accordance with RPI ensures their effective supervision.

### **Equal pay for work of equal value**

117. The Constitution of Malta contains a general guarantee against all forms of discrimination emanating from any written law or from any public officer. Moreover, clause 14 of the same Constitution provides for the right of equal pay between men and women. This clause states that "... the State shall in particular aim at ensuring that women workers enjoy equal rights and the same wages for the same work as men".

118. Females in both the private and the public service are assured the same wages as men for work of equal value. The principle of equal pay for work of equal value was introduced in 1976 by the Minimum Weekly Wage National Standard Order (LN 42 of 1976) which states that "In no case shall the wage payable to a female employee be less than that payable to a male employee in respect of equal work or of work of equal value".

119. Moreover standards included in collective agreements cannot fall below the minimum standards provided by law.

120. In the public service, OPM Circular 133/89 addresses the implementation of equality between men and women as a government policy. Men and women in the public service receive the same wages for the same work and are accorded the same conditions of employment.

121. Although the concept of equal pay for work of equal value has taken root in the public sector, no empirical research has yet been conducted with regard to what is happening in the private sector. Although a few cases have been reported to the Department for Women in Society, no employer has yet been taken to court on the basis of discrimination in matters concerning equal pay for work of equal value. The HBS carried out by the National Statistics Office has shed some light on the issue, highlighting the fact that a Maltese woman's average wage is 20 per cent less than that of a man. LFS (December 2000) also revealed that the average salary of full-time employees (main occupation) stood at Lm 4,564.95. Males were paid an average of Lm 4,916.50 a year, while females received an average annual pay of Lm 3,829.19.<sup>6</sup> This has resulted in males being paid an average of Lm 1,087.39 more in one year when compared to what was earned by women. A total of 2,500 households randomly selected participated in the survey. This can be reflective of the fact that more women than men hold low-paid jobs.

122. The Employment and Industrial Relations Act, 2002, specifically provides for the same rate of remuneration for work of equal value. Any condition of employment which runs counter to this is null and of no effect.

### **Equal conditions of employment**

123. Men and women enjoy the same conditions of work. It is an offence for any employer in the private sector to discriminate on the basis of sex in matters relating to employment. Article 15 (6) (b) of the Employment and Training Services Act, 1990, provides that "Any person who shows favour to, or uses discrimination against, any person for employment with any employer ... on the grounds of race, colour, sex, creed or on the grounds of his party or other political beliefs or associations shall be guilty of an offence against this Act".

124. In the public service men and women are ensured the same conditions of work. This guarantee is contained in the Estacode which was amended in 1989 in line with the official policy on gender equality. Thus, all government posts are open to both men and women; all calls for application are to contain neutral language; the same qualifications for both men and women are to be requested; women enjoy the same protection against dismissal due to maternity and men and women enjoy equal rights to parental leave.

125. Employees of both sexes working on a part-time basis are assured proportional benefits under the Part-time Employment National Standard Order, 1996, with the exception of maternity leave. Wages are also to be paid on a proportional basis to part-time employees of both sexes under the Minimum Weekly Wage National Standard Order, 1976.

126. Article 4 of the Act to Promote Equality between Men and Women, 2003, provides that "It shall be unlawful for an employer to discriminate against a person in the arrangements made to determine or in determining who would be offered employment or in the terms and conditions of which the employment is offered". This provision is also echoed in article 26 of the Employment and Industrial Relations Act, 2002.

### **Income distribution of employees in the private and public sector**

127. Every year the Ministry for Economic Services records differences in wages through samples of collective agreements finalized and deposited with the Department of Industrial and Employment Relations as at September of each year. The samples consist of 174 firms employing a total of 22,671 persons. Data is classified into four employment categories, namely skilled labourers, skilled tradesmen, clerks and managers. The study is limited to the basic weekly wage received and does not include income which the employees may receive over and above the basic wage. Each subsectoral mean wage is arrived at by averaging minimum and maximum wage scales as specified in the individual collective agreements (see annex, tables 3 and 4).

128. Public service employees are paid according to a fixed schedule of scales. Scale 1 represents the highest scale and scale 20 the lowest wages payable by the public sector. For each scale, with the exception of the first four scales, the wages of the employees are increased by a yearly increment up to a maximum of seven increments for scales 5-15 and eight increments for scales 16-20. Salaries of public service employees have increased as from 1 January 2001 after the Government reached an agreement with the representative unions. Table 5 shows the weekly salaries earned by public service employees, inclusive of bonus, as at first increment.

### **Occupational health and safety**

129. Until July 2001, occupational health and safety had been regulated by the Occupational Health and Safety (Promotion) Act (Act VII of 1994) which had in turn replaced the Factories Ordinance, 1940. Act VII, which was complemented by a number of subsidiary legislation, set out the duties of employers and employees in relation to occupational health and safety and was applicable to both private and public sector employees. The Act set up the Commission for the Promotion of Occupational Health and Safety and the Occupational Health and Safety Unit (hereinafter "the OHS Unit"). The duty of the Commission was, among others, to formulate and publish codes of practices promoting health and safety at work and to propose to the competent minister regulations which should be in force to promote occupational health and safety.

130. The OHS Unit formed part of the Department of Industrial and Employment Relations and had primary responsibility for the enforcement of health and safety legislation. The OHS Unit had also exclusive authority to vet licences for the importation of industrial chemicals; the carrying out of health evaluation of workers involved in high-risk occupations; the collation of certificates relating to lifts, hoists, cranes and boilers used at the workplace and the promotion of health and safety at the workplace for all interested parties. The OHS Unit collaborated very closely with the Commission for the Promotion of Occupational Health and Safety in the organization and running of promotional campaigns.

131. The 1994 Occupational Health and Safety (Promotion) Act also empowered the competent minister to appoint inspectors to enforce health and safety regulations and provided sanctions in the event that a person contravened its provisions or conspired, attempted, aided or abetted, counselled or procured any other person to contravene them. Liability could amount to a term of imprisonment not exceeding two years and/or to a fine of not more than 2,000 liri.

132. The Occupational Health and Safety (Authority) Act, 2000, was enacted by Act XXVIII of 2000 and came into force in July 2001. This Act, which has superseded the 1994 legislation, has strengthened the existing administrative infrastructural set-up, increased the duties of the employer with regard to the provision of health and safety and strengthened prevention policy. The Act also implements a number of EU directives, principally EU Directive 89/391/EEC on the introduction of measures to encourage improvements in health and safety at work and will also be complemented by a number of subsidiary legislation.

133. The functions previously vested in the Commission for the Promotion of Occupational Health and Safety and the OHS Unit have now been taken over by the Occupational Health and Safety Authority, set up by Act XXVII of 2000.

134. Nine persons in total sit on the Authority's Board which has power to advise the competent minister on issues relating to health and safety and to establish the national policy in relation to occupational health and safety. Executive powers of the Health and Safety Authority are vested in a chief executive who has the duty to implement the objectives of the Authority. Act XXVII of 2000 also empowers the minister to issue subsidiary legislation to the Act.

135. Appeals against the decisions of inspectors, under the 2000 legislation, are vested in the Occupational Health and Safety Appeals Board consisting of a president and two other members. Under the 1994 legislation this function was vested in an Administrative and Consultative Commission.

#### **Non-applicability of occupational health and safety legislation**

136. Occupational health and safety legislation, as specifically stated by Act XXVII of 2000, does not apply to those activities carried out by members of the armed forces, the police force or the civil protection services. In such cases, however, the health and safety of workers is to be ensured, as far as possible, in the light of the overall scope and objectives of the Act.

#### **Number, nature and frequency of occupational injuries**

137. See annex, tables 6, 7 and 8.

138. For the frequency rate of occupational injuries calculated per 100,000 man hours, see annex, table 9.

139. Statistics on industrial accidents are kept by the Department of Social Security after a claim is made by the injured worker for an invalidity grant or for an invalidity pension (see annex, table 10).

#### **Equal opportunity for promotion**

140. In Malta every person has an equal opportunity to be promoted and to reach the highest echelons. There are no laws or practices which hinder this equal opportunity. In the public service, equal opportunity for promotion is ensured through OPM Circular 37/90 entitled

“Interviewing Boards and Sexual Discrimination” which establishes guidelines to be followed by interviewing boards in order to ensure equal opportunities for employment and promotion. These guidelines relate to the composition of the interviewing board, the processing of applications, and the kind of questions which must not be asked and establish that general ability and personal qualities are to be the main requirements for promotion.

141. Article 4 of the Act to Promote Equality for Men and Women, 2003, provides that it is unlawful for an employer to discriminate against a person in the arrangements made to determine or in determining who should be offered employment or on the terms on which employment is offered or in the determination of who should be dismissed from employment.

142. The Equal Opportunities (Persons with Disability) Act, 2000, places an obligation upon employers not to discriminate in matters of employment on the sole basis of the disability of the employee. According to the 1999 National Disability Survey, carried out by the National Commission on Persons with Disability, 108 persons felt aggrieved because they felt that they were not promoted on account of their disability. By 1999, a total of 551 persons with disability were engaged in gainful employment (see annex, table 11).

143. The Employment Commission is a body established by the Constitution in 1976 to ensure that no person suffers discrimination that is not justifiable in a democratic society. Any person who feels aggrieved due to discrimination in matters of employment may submit a petition to the Employment Commission on the ground that a distinction, exclusion or preference that is not justifiable in a democratic society was made or given to his prejudice by reason of his political opinions.

#### **Rest, leisure, reasonable limitation of working hours, periodic holidays with pay and remuneration for public holidays**

144. National standard orders lay down minimum conditions of work which must be guaranteed to all employees working in the private sector. The Weekly Day of Rest and Annual Vacation Leave National Standard Order (LN 38 of 1989) stipulates that all full-time employees shall be entitled to a minimum of one day of rest in every specific calendar week and a minimum of four weeks and four days of vacation leave per year on full pay.

145. The Part-time Employment National Standard Order, 1996 (LN 61) provides that in the case of part-time employees working a minimum of 20 hours per week and whose part-time employment is their principal employment shall be entitled to pro rata benefits of the minimum entitlement of vacation leave, sick leave, birth leave, bereavement leave, marriage leave and injury leave.

146. Part-time employees working a minimum of 14 hours per week and such employment is their principal employment shall be entitled pro rata to the benefits of all types of leave.

147. Hours of work for full-time and part-time employees, as well as entitlements to sick, birth, marriage and bereavement leave, vary according to the applicable wage regulation order.

148. There are 14 paid holidays in a year to which every employee is entitled. Should a national or public holiday fall on a day of rest, this is to be added to a person's entitlement to vacation leave.

149. In the public service, entitlement to rest, leisure, limitation of working hours, periodic holidays with pay and remuneration of public holidays are regulated by the Estacode. The conditions are outlined below.

150. *Rest.* Non-industrial and office staff in Malta work according to the following timetable:

16 June to 30 September Mondays to Fridays	7.30 a.m. to 1.30 p.m.
1 October to 15 June Mondays to Fridays	7.45 a.m. to 5.15 p.m. (3/4 hr. break at 12.30 p.m.)

151. Industrial staff in Malta and Gozo work according to the following timetable:

16 June to 30 September Mondays to Fridays	6.30 a.m. to 1 p.m. (20 mins. break at 9 a.m.)
1 October to 15 June Mondays to Fridays	7 a.m. to 4.45 p.m. (1/4 hr. break at 9 a.m. and 3/4 hr. break at 12.30 p.m.)

152. *Leisure.* Government employees participating in cultural activities abroad are allowed 10 working days' special leave with pay per calendar year. Government employees participating in sporting events abroad as players, coaches or accompanying officials are allowed special leave with pay.

153. *Reasonable limitation of working hours.* As a general rule industrial and non-industrial staff (including those engaged in piece work) work a 40-hour five-day week. Work in a five-day week is strictly dependent on the provision on Saturdays of all essential services and, in the case of industrial employees, on the operation of standby gangs (or other arrangements) in respect of such services as water, electricity, drainage, etc. In some departments, arrangements are made for public officers to work on a six-day week or on different timetables.

154. Shift workers are used to a 40-hour week, although those who were used to a 51 1/3-hour week prior to 26 December 1973 are, however, allowed to put in 46 2/3 hours per week with extra remuneration.

155. Watchmen are used to a 44-hour week. Watchmen who were used to a 56-hour week prior to 26 December 1973 are allowed to put in 51 1/3 hours per week with extra remuneration.

156. *Periodic holidays and remuneration for public holidays.* There are 13 public holidays with pay throughout the year. When a public holiday falls on a Saturday or Sunday, employees are entitled to an extra day's vacation leave.

157. All public service employees are entitled to four weeks and four days of paid vacation leave.

## **Article 8**

### **Introduction**

158. Every employed or self-employed person with few exceptions as stated below may join or establish a trade union or an employers' association of his or her own choice. This is a right which is enshrined in the Constitution, article 42 (1) of which provides that:

Except with his own consent or by way of parental discipline, no person shall be hindered in the enjoyment of his freedom of peaceful assembly and association, that is to say, his right peacefully to assemble freely and associate with other persons and in particular to form or belong to trade or other unions or associations for the protection of his interests.

159. The objectives of such associations or trade unions must be lawful. Consequently, some associations are sanctioned by law. The Constitution lays down that it shall not be lawful to establish, maintain or belong to any association of persons who are organized and trained or equipped for the display of physical force in promoting any political objective.

160. The first trade union was registered in Malta on 15 July 1945. According to the annual report issued by the Registrar of Trade Unions and published in the Government Gazette on 18 October 2002, there are currently 35 trade unions and 25 employers' associations having a total membership of 95,390. The two largest trade unions are the General Workers Union with 47,653 members and the Union Haddiema Maghqudin with 25,793 members. The largest employers' association is the GRTU Association of General Retailers and Traders with 6,736 members. Membership of trade unions and employers' associations is equally open to persons of both sexes.

161. Malta is a party to the International Covenant on Civil and Political Rights and to ILO Conventions which include Right of Association (Agriculture) Convention, 1921 (No. 11), Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Workers' Representatives Convention, 1971 (No. 135) and Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

### **Legal requirements for the establishment of a trade union or employers' association**

162. The rules and procedures which are necessary in order to establish a trade union or employers' association are laid down in the Employment and Industrial Relations Act, 2002. This Act lays down that a minimum number of seven persons may proceed to register the statute

of a trade union or an employers' association with the Registrar of trade unions. For the purposes of registration, the statute must contain certain details, as laid down in the law. These are as follows:

- The name of the trade union or employers' association, the address of its principal office and the objects for which it is established;
- The purposes for which, and the manner in which, any property or funds of the union or association are authorized to be applied or invested;
- The amount of benefits out of the funds or property of the union or association which are to be made available to its members and the circumstances in which these are to be made available, if any;
- The offences for which a union or association may expel a member or take other disciplinary action, the penalties applicable for each offence listed and the procedures for the hearing of the cases in which offences against the rules are alleged;
- The procedure for the election of a governing body and its re-election at specified intervals, the election or appointment of officers of a union or association and other officials and the removal from office of the governing body and other officials;
- A provision for the keeping of full and accurate accounts by the union or association, for the appointment of auditors and for the annual auditing of the accounts;
- A provision for the inspection of the books and names of members of the union or association by every person who has an interest in the funds of the union or association;
- The manner in which the rules of the union or association are made, altered or revoked and the circumstances in which the union or association can be dissolved must be specified.

163. The Registrar of trade unions, after ascertaining that the objects of the trade union or association are lawful, proceeds with registration and issues a certificate attesting this fact. Prior to registration, no member or official of the union may perform any act in the name of the union or association and in contravention thereof the offender shall be liable to a fine not exceeding 500 liri. Should the Registrar of trade unions refuse for any reason to proceed with registration, an appeal may be lodged with the Court of Appeal, which will decide the issue.

164. Any changes made to the statute of the union or association have to be registered with the Registrar of trade unions and shall not take effect except from the date of its registration or such later date as may be specified. Any changes made must also conform to the provisions of the Employment and Industrial Relations Act, 2002.

165. Trade unions and associations have to fulfil a certain number of legal obligations, which include the maintenance of an up-to-date register of members, the keeping of proper audited accounting records and the submission of an annual return to the Registrar of trade unions which

will include a copy of the annual report showing the activities of the union during the preceding year. Failure on the part of a trade union or employers' association to comply with any of the above obligations would incur a liability to a fine not exceeding 500 liri.

166. The above rules would apply to every person who, having the legal right to establish a trade union, wishes to establish one. There are no special rules relating to different categories of workers.

167. At present the Director of Labour is vested with the functions of Registrar of trade unions.

### **Legal personality of trade unions**

168. Upon its registration a trade union or employers' association acquires its existence and is considered as an association of persons in the eyes of the law. It will, as a consequence, be able to enter into contracts, hold property in its own name, and have the capacity to sue and be sued in all matters. Any judgement pronounced against it may be enforced against its property.

### **Restrictions to the right to join and establish a trade union**

169. Members of the Armed Forces of Malta and the police force may not join or establish a trade union. Members of the Armed Forces are subject to military law, as laid down in the Malta Armed Forces Act, 1970. An amendment introduced in 1998 to the Armed Forces of Malta (Regular Force) (Appointments and Conditions of Service) Regulations, 1970, saw the establishment of the Armed Forces of Malta Staff Association. The function of this Association is to enable all the members of the Armed Forces of Malta to express their views to Government through their representatives on specific aspects concerning their pay and conditions of service of all ranks. The terms of reference of the Staff Association are limited to the following:

- Consultation on all matters of pay, pensions and allowances not pertaining to individual cases;
- Other specific conditions of service affecting welfare, daily administrative routine and training matters, military accommodation, workplace and barracks facilities, sporting and recreational facilities, medical and hygiene facilities, leave and educational facilities;
- Health and safety at work (excluding operational aspects).

170. Expressly excluded from the Association's terms of reference is the use of strikes to achieve its demands or its affiliation to any civilian unions or other Maltese staff associations.<sup>7</sup>

171. The Staff Association is composed of 15 representatives consisting of four Officers, three Warrant Officers, three Non-Commissioned Officers and five Gunners.

172. Article 18 of the Malta Police Ordinance, 1961, lays down that it is an offence against discipline for any police officer to be or become a member of:

- Any trade union, or any body or member affiliated to a trade union;
- Any body or association, the object or one of the objects of which is to control or influence conditions of employment in any trade or profession;
- Any body or association the object or one of the objects of which is to control or influence the pay, pension or other conditions of service of the Force, other than any body or association which may be constituted and regulated pursuant to the provisions of this Ordinance.

173. The Malta Police Regulations, 1960, provide for the setting up of the Malta Police Association. This Association has the main purpose of drawing the attention of the police authorities to all matters affecting the welfare and efficiency of the police force. The Association may also be concerned with questions of discipline, transfers, individual promotions and other matters affecting individuals. The Association is made up of all serving members of the police force below the rank of superintendent.

174. Article 67 of the Employment and Industrial Relations Act, 2002, moreover lists two further instances in which trade union membership is restricted.

175. The first instance relates to the case where the Prime Minister declares an office the holder whereof may not be a member of a trade union in respect of which he/she may be required to represent or advise the Government in industrial relations with the union or unions representing the employees.

176. The second instance concerns persons holding a managerial or executive position in any corporation, body established by law, company or partnership or in any other body having a distinct legal personality (hereafter referred to as “corporate employer”) and such position would require the holder thereof to represent and advise his/her corporate employer on its relations with the union or unions representing the other employees. It is an implied condition of the contract of employment that the holder of such a position must not be a member of any trade union while holding his post. The number of persons who are restricted to union membership due to this clause may not exceed three in respect of any one corporate employer employing not more than 200 persons and not more than seven in the case of a corporate employer employing more than 200 employees. The employer must moreover give written notice of this fact to the trade unions.

177. Air traffic controllers, personnel of the Airport Fire Fighting Section and other categories of professions whose right to strike is excluded or limited due to the essential service limitation in accordance with article 64 (6) of the Employment and Industrial Relations Act, 2002, have nonetheless full right to establish or join a trade union.

### **The right to federate and join international trade union organization**

178. There are no restrictions imposed through legislation or administrative practice whatsoever on the right of local trade unions to affiliate, join or federate with international trade unions or organizations. Malta's larger trade unions are in fact affiliated to international bodies.

### **Right of trade unions to function freely**

179. There are no restrictions or limitations on the right of trade unions to function freely. Trade unions in Malta have full freedom to participate in free collective bargaining and play a central role in the conclusion of collective agreements both in the private and public sector. Autonomous bipartite social dialogue takes place on an ongoing basis at enterprise level in the negotiation of collective agreements. Collective agreements are signed mostly at section secretary level in the case of a trade union and at general manager level in the case of an enterprise. Likewise, there is ongoing social dialogue within public administration and State enterprises, both in the conclusion of collective agreements for all public service employees and in the specific classification and grading agreements in respect of the various classes of employees in the service. In the latter case it has been the practice to negotiate and conclude an agreement with all the trade unions representing a particular class of employees and not solely with the trade union enjoying majority representation. Due to the fact that current legislation does not provide for trade union recognition, this issue has proved to be a contentious one.

180. The largest trade unions and employers' associations in Malta, together with representatives of the Government, are members of MCESD which is a tripartite social forum originally established by administrative decision in 1990 and was until August 2001 known as the Malta Council for Economic Development (MCED). The Council was given a legislative base through the enactment of the Malta Council for Economic and Social Development Act, 2001. Its terms of reference are:

(a) To provide a forum for the promotion of social dialogue and consensus amongst all social partners on issues relating to sustainable economic and social development;

(b) To propose desirable and feasible goals and targets to give effect to the strategic economic, financial and social development objectives of the Government and to recommend measures which would further their attainment;

(c) To make recommendations to the Government on matters that may be referred to it for opinion, or take initiatives on its own where it feels it is able to offer constructive suggestions for the better implementation of the Government's economic policies;

(d) To keep abreast of developments in the wider economic field so as to be able to assess the impact of such developments.

181. MCESD has a number of subcommittees which deal with the Government's fiscal policies, amendments to current labour legislation, occupational health and safety, measures intended to curb tax evasion and the labour market.

182. The above Act also provides for the setting up of a Civil Society Committee to be consulted by the Council on all issues which the Council may refer to it. The Committee includes representatives of the Local Councils Association, the National Youth Council, the National Council for the Elderly, the Consumers' Association, the National Commission Persons with Disability and the Commission for the Advancement of Women.

183. Moreover, representatives of the social partners are, in accordance with relevant legislation or administrative decisions, appointed on the boards of various government entities which include the Employment and Training Corporation, the National Employment Authority, the Labour Board, the Social Assistance Board and the Panel of Assessor appointed under the terms of the Social Security Act, 1987. Representatives of the social partners are also appointed on the Occupational Health and Safety Authority set up in 2001.

184. In view of Malta's application to become a member of the European Union, the Malta-EU Steering and Action Committee was set up (MEUSAC). This is a committee established by Government to facilitate and implement preparations during the negotiating process. MEUSAC is composed of senior government officials, nominated experts, representatives of political parties, social partners and members of special interest groups depending on the particular aspect of the question discussed. Thus during negotiations social partners had the opportunity to air their views and to propose changes to the negotiating positions of the Government. The social partners, moreover, were consulted during the preparation of the Government's negotiating positions and kept abreast of developments.

#### **Data on the number, structure and membership of trade unions**

185. There are a total of 35 registered trade unions in Malta whose membership is listed in the annex, table 12.

#### **The right to strike**

186. As laid down in the Employment and Industrial Relations Act, 2002, every employee with few exceptions has the right to strike pursuant to a directive issued by a trade union as a consequence of a trade dispute. Article 64 (4) of the relevant Act clearly states that whenever a person is out on strike in furtherance or in contemplation of a trade dispute, such an act shall not be actionable on the basis of breach of contract of employment provided that the action does not violate an industrial agreement, a settlement, a decision or an agreement which is binding. An employer may not dismiss the employee for going on strike and may not discriminate against him. Furthermore the period during which the employee has been on strike shall not constitute a breach in the service of such person.

187. Article 64 (4) provides: "Any act done by a person in contemplation or furtherance of a trade dispute and in pursuance of a directive issued by a trade union, whether he belongs to it or not, shall be actionable in damages on the ground only that it consists in a breach of contract of employment; and any act done as aforesaid not being an act in breach of a collective agreement, or of a settlement, decision or agreement which is still binding in accordance with the provisions of sections 70 or 72, or of a decision or award of the Tribunal, shall not by itself entitle the employer to terminate the contract of employment of, or discriminate against, any person doing any such act as aforesaid, and shall not constitute a break in the service of such person."

### **Restrictions to the right to strike**

188. A certain number of professions are excluded from the right to strike whilst other professions have limitations placed on this right due to the fact that they provide an essential service to the community. The right to strike is prohibited in the case of members of the armed forces and police force.

189. Another category relates to the professions subject to the essential service limitation. These categories are exhaustively listed in article 64 (6) of the Employment and Industrial Relations Act, 2002, and its Schedule.

190. The persons falling under this limitation are the following:

- Persons employed as Air Traffic Controllers at the Malta International Airport and in the Airport Fire Fighting Section;
- Members of the Assistance and Rescue Force established by virtue of article 8 of the Civil Protection Act;
- Persons employed to provide pilotage and mooring, tug services, fire fighting, medical health services and pollution combating services as may be required in cases of port emergency;
- Such minimum number of persons needed to guarantee that life is not endangered through the non-import or discharge into Malta of wheat, grain, domestic gas, aviation fuel, diesel and petrol and oil fuel for the operation of air transport facilities and power generation and water facilities, as agreed upon by their respective employer and the recognized trade union or in default of such agreement, as shall be decided by the appropriate controlling body or in the absence of such body, the Industrial Tribunal;
- Such minimum number of persons as may be required to guarantee the combined production, provision and distribution of water and electricity, as agreed upon by their respective employer and the recognized trade union or in default of such agreement, as shall be decided by the Industrial Tribunal;
- Such number of persons as may be required to maintain the continued and uninterrupted services listed in the Schedule to this Act and required to be manned at all times for the continued provision by the Government of essential services to the community.

191. Where the number of employees in any of the said offices is greater than the number indicated in the Schedule to the Act, the minimum required is said to apply only to the most senior among the officers, seniority being determined by any seniority determined in the office itself. Excluded are also those senior officers who are on leave but only for the duration of such leave.

192. The Malta Armed Forces Act, 1970, stipulates that any person who is subject to military law and who goes on strike is guilty of insubordinate behaviour and would be guilty of an offence against the Act. The punishment to be inflicted would not be more than two years if the offence was not committed while on active service and did not involve the use of violence against a superior officer. This is expressly stated in article 46 (1) of the Armed Forces Act, which provides that: “any person subject to military law who strikes or otherwise uses violence to, or offers violence to, his superior officer ... shall, on conviction by court martial, be liable to imprisonment or any less punishment provided by this Act”.

193. As the death penalty was abolished in Malta on 21 March 2000, the maximum punishment that can be inflicted under the Malta Armed Forces Act, 1970, is life imprisonment. No cases have ever been prosecuted under article 46 (1). During the 1990s there was one instance of personnel belonging to the Armed Forces of Malta going on an illegal strike. On 28 of February 1995, personnel of Malta Air Traffic Control, which until 1998 were part of the Third Regiment of the Armed Forces of Malta, went on strike demanding better conditions of employment. Personnel of Malta Air Traffic Control were asked to terminate the strike immediately or face arrest. This notwithstanding, the strikers defiantly carried on with their strike until a settlement was reached between representatives of Air Traffic Personnel and the Government. No action was taken by the Government. In 1998, Air Traffic Control personnel ceased to form part of the Armed Forces of Malta and were integrated into Malta International Airport p.l.c. Air traffic controllers are currently employees of the Malta Air Traffic Services Limited.

194. Police officers who are regulated by the Malta Police Ordinance, 1961, as amended in 1996, are also prohibited from going on strike. Article 15 of the Ordinance stipulates that any police officer who goes on strike shall be liable to imprisonment for a period not exceeding one year.

## **Article 9**

### **Introduction**

195. The development of social security in Malta can be traced back to the time of the Order of the Knights of St. John. There are official documents proving that the knights provided assistance in cash and in kind to the poor leading towards the setting up of charitable institutions by mid-1600. In 1885, a pension scheme was introduced for the benefit of the Malta Police Force and members of the Malta Civil Service by the British Administration. Social security measures in the form known today were only introduced after Malta won the right of self-government in 1921.

### **Branches of social security in Malta**

196. The following branches of social security exist in Malta: Medical Care, Cash Sickness Benefits, Maternity Benefits, Old Age Benefits, Invalidity Benefits, Survivors' Benefits, Employment Injury Benefits, Unemployment Benefits and Family benefits.

### **Right to social security**

197. The right to social security is one of the fundamental principles laid down in article 17 of the Constitution, which states that “every citizen incapable of work and unprovided with the resources necessary for subsistence is entitled to maintenance and social assistance”.

198. Workers are entitled to reasonable insurance on a contributory basis for their requirements in case of accident, illness, disability, old age and involuntary unemployment.

### **Main Features of the scheme in force**

199. The principal legislation which gives effect to the above right is the Social Security Act, 1987, which replaced the Old Age Pensions Act, 1948, the National Assistance Act, 1956, and the National Insurance Act, 1956. Until 1986, these three Acts, which are currently not in force, simultaneously regulated social security. The Social Security Act, 1987, brought legislation relating to social security under one umbrella and established a social security scheme applicable to all Maltese citizens, regardless of whether they are employed in the public or private sector. This legislation is implemented by the Department of Social Security of the Ministry for Social Policy. The Department is centrally located in Valletta and has 20 district offices in Malta and another 2 in Gozo. Application for social security benefits may be made to the principal office or to any of the district offices. Information about entitlement to social security may be obtained on the Internet through the web site of the Ministry for Social Policy.

200. The Act provides for two basic schemes - the contributory scheme and the non-contributory scheme. The contributory scheme has at its basis the payment of national insurance by the employee, the employer and the State in equal portions, while in the case of self-employed individuals, national insurance contributions are paid by the self-employed and by the State. Under the non-contributory scheme, payment of benefits is subject to a means test. The conditions of this means test vary, depending on the benefit which is being applied for.

201. The administration and execution of the provisions leading to the implementation of these two schemes are provided in the 13 parts which make up the Act. Each part has a number of sections making up a total of 136 sections and 14 schedules, setting out the conditions of entitlement to the various benefits, pensions, allowances, grants and assistance and laying down the amount of money payable under each scheme.

202. According to the Act, its enforcement is the responsibility of the Director of Social Security. It has an inbuilt mechanism which ensures redress when a claimant is aggrieved by a decision of the Director. An appeal may be lodged before the Umpire who is empowered to take decisions different from those of the Directors.

203. The Director of Social Security is empowered by the Social Security Act, 1987, to bring an action before the civil courts for compensation. The Director may sue any relatives of a person in respect of whom social assistance was paid in order to compel them to refund such assistance, up to the sum as would have been due by such relatives had the person to whom social assistance was paid claimed it from them in the first place, in accordance with civil law.

204. The contributory scheme is universal since it covers all strata of the Maltese society. Any person who is over the age of 16 and who has not yet reached the age of retirement is required to pay national insurance contributions and is deemed to be either an employed person, self-employed or a self-occupied person. The social security payable on behalf of an employee is in three parts: one part by the employee, one part by the employer and one part out of the Consolidated Fund.

205. The non-contributory scheme was originally intended to cater for those whose income is below a certain level. In time this scheme has evolved so as to make it possible for a person to benefit from more than one benefit if more than one contingency is present. Moreover, additional assistance is possible to certain specific categories such as persons with disability and single parents. Different means tests are applied to different benefits. This gives the non-contributory scheme an inbuilt flexibility which is aided by the elimination of the non-entitlement threshold and its substitution by topping up systems.

206. Entitlement to social security pertains to the head of household who will receive the assistance on his own behalf or on that of a member of his family. The Social Security Act, 1987, defines a head of household as “such person as in the opinion of the Director is the head of the household” (art. 2). Until 1996 the head of household was presumed to be the husband. The situation has changed after amendments to the law were made in the same year and the head of household may be the wife, after a decision to that effect is taken by the spouses. Moreover, the Social Security Act, 1987, considers the whole household as one unit for the purpose of calculating the means test. Thus the income of the whole family is taken into account.

207. A Commission for Welfare Reform was set up in 2000 to evaluate the need for a complete overhaul of the Social Security Act, 1987. An interim report was published in March 2000 suggesting amendments to the social security system in Malta. Discussions are still ongoing.

208. The following is an overview of the schemes, both contributory and non-contributory, that are available under the social security scheme.

### **Medical care**

209. Free medical aid is available to the head of a household who, due to his physical or mental illness or that of a member of his family not requiring treatment in a hospital, is in need of surgical or pharmaceutical aid. This is a means-tested benefit and once the relevant conditions are satisfied, the applicant will be entitled to the supply of available drugs, spectacles, dentures and other prosthetic aids which are indicated in his case. Where the person concerned is suffering from auto-immune enteropathy certified by a consultant paediatrician, medical care shall include total parenteral nutrition. When the person in respect of whom medical care is required suffers from tuberculosis, leprosy, poliomyelitis, diabetes mellitus or from any other disease as specifically listed in Part two of the Fifth Schedule to this Act then the means test will not apply.

### **Cash sickness benefits**

210. Cash sickness benefits may fall under both the contributory and non-contributory scheme. A person who is insured under the Social Security Act, 1987, and who has not yet reached the age of retirement is entitled to a sickness benefit for any day in which he or she is incapable of work due to sickness. This benefit is limited to six consecutive working days at any one time and shall cease if the condition of the worker is considered to be of a permanent nature. A condition is considered permanent if the worker is thereby precluded from resuming his employment for a period of at least three years and is entitled to an invalidity pension. The amount of sickness benefit due in the case of a single person or married person maintaining a spouse who is not employed on a full-time basis is Lm 6.02<sup>8</sup> for each day. The amount stands at Lm 3.89 for any other person. Sickness benefits are not payable for the first three days of each period of incapacity for work as these are paid by the employer.

211. A self-employed person is also entitled to sickness benefits provided that, as in the case of an employed person, the person is prevented from working due to physical or mental illness as certified by a doctor. An application to that effect has to be made to the Director of Social Security.

### **Tuberculosis assistance**

212. The head of a household may apply for tuberculosis assistance if he or a member of his household are suffering from tuberculosis. The basic amount of assistance payable in this case is Lm 7.90 in respect of one member and an additional Lm 3.50 in respect of any other member who is affected or is vulnerable to tuberculosis.

### **Leprosy assistance**

213. Leprosy assistance is granted to the head of a household if he or any member of his household is receiving treatment for leprosy. The assistance amounts to Lm 11.05 per week in respect of the head of household or a person aged 16 years and over who is a leper and not gainfully occupied. The allowance amounts to Lm 4.90 per week in respect of any other member of the household who is under 16 years of age and not in gainful occupation.

### **Sickness assistance**

214. A head of household becomes eligible for means-tested sickness assistance if he or a member of his family is suffering from a disease or a condition which could be treated or cured by a special diet or regimen requiring an expenditure not normally incurred by the household and the person in respect of whom the claim is made is neither employed nor self-employed. The amount of assistance due in respect of the first member of the household is Lm 6.70 per week and an additional Lm 4.50 per week in respect of any other member of the same household. A person who is suffering from chronic schizophrenia is entitled to receive sickness assistance if he has undergone treatment for that condition for at least three years and is certified by a psychiatrist within the last three months. His entitlement is independent of whether his condition can be treated by a special diet or regimen.

### **Maternity benefit**

215. This benefit is intended for those women who are not entitled to maternity leave at full pay as established under the Conditions of Employment (Regulation) Act, 1952,<sup>9</sup> due to the fact that they are not in gainful employment. This benefit is payable to all women who are pregnant upon submission of an application to that effect to the Director of Social Security and presentation of a medical certificate attesting that the claimant has entered the eighth month of pregnancy. The beneficiary must be resident in Malta and a citizen of Malta or married to a citizen of Malta. The first payment at the rate of Lm 17.50 per week covers a period of eight weeks. The second payment is made after the birth of the child upon the production of a birth certificate attesting to the birth of the child. The latter period covers five weeks and is also payable at the rate of Lm 17.50 per week.

### **Old-age benefits**

216. Retirement pensions, increased retirement pensions, national minimum pensions, increased national minimum pensions or the two-thirds pensions with the exception of age pension are contributory in nature and a person may qualify for one of the above if he/she has satisfied the relevant contribution conditions. Moreover, a claim for a pension should be made within six months after the date of retirement. A man qualifies for a retirement pension on attaining the age of 61 whilst a woman qualifies for retirement pension upon attaining the age of 60. However, a person who continues to work after having reached retirement age will not be entitled to receive a pension until the attainment of the age of 65 unless his/her total weekly earnings do not exceed the weekly rate of the national minimum wage applicable for persons aged 18 years and over.

217. Prior to 1979 there were the national minimum pension, the retirement pension and the increased retirement pension. These pensions were often referred to as flat-rate pensions because in order to be eligible a person paid flat-rate contributions and was awarded a flat-rate pension according to average of contributions paid during the insured person's life.

218. Those who first started paying social security contributions on 6 January 1979 are only entitled to one kind of pension, namely the two-thirds pension. The difference between a retirement pension and a two-thirds pension scheme is basically that whilst the former is based on the payment of flat-rate contributions to obtain a flat-rate pension, the latter provides for the payment of an income-related contribution to obtain an income-related pension.

219. Retirement pensions, increased retirement pensions, national minimum pensions and increased national minimum pensions will be phased out over time.

220. When a person is in receipt of a service pension, the Social Security Act, 1987, ensures that a person is entitled at least to a full rate of retirement pension according to the average contributions paid or credited by him/her. In the case of a person who is in receipt of a service pension from the United Kingdom he is entitled to Lm 34.52 if he is married and maintains a wife and to Lm 25.83 if he is single. Where a person is in receipt of a service pension which is not payable from the Government of the United Kingdom, he is entitled to Lm 32.06 per week in the case of a married man maintaining a wife and to Lm 24.71 in the case of a single person.

221. The law also provided until January 1996 for the payment of an increased retirement pension in cases where the total sum of a person's service pension and the rate of retirement pension applicable in the case are lower than two thirds of his pensionable income. In this case, the person becomes entitled to receive an increased retirement pension rate equivalent to two thirds of his pensionable income.

222. A person who is not entitled to a service pension shall be entitled to a national minimum pension the highest rate of which shall be equivalent: (a) to four fifths of the national minimum wage as applicable to persons aged 18 years and over; in the case of a married man who is maintaining his wife and (b) to two thirds of such national minimum wage in the case of any other person.

223. A decreased national minimum pension is applicable in the case of a person who is entitled to a service pension, which, together with the rate of retirement pension or increased retirement pension applicable in his case, is less than the rate of national minimum pension applicable in his case. Here the person becomes entitled to a national minimum pension abated by his or her service pension.

224. A person shall become entitled to a two-thirds pension instead of a retirement pension, increased retirement pension, national minimum pension or increased national minimum pension at the rate of the two-thirds pension provided the following conditions are satisfied. The pensioner must have:

- (a) Been employed or self-employed for not less than 10 years in the aggregate prior to retirement;
- (b) Retired on or after 16 January 1979;
- (c) Paid the proper contributions at any time after 21 January 1979.

225. A pension can never fall below an amount equivalent to two-thirds of the national minimum wage. If such is the case, it will be replaced by the national minimum pension.

226. The full rate of the two-thirds pension shall be two thirds of the pensionable income of the insured who has paid or has been credited with a yearly average of 50 contributions over a period of 30 years or for such smaller number of years in the case when an invalidity pension or survivors pension has been awarded.

227. When a person qualifies for a two-thirds pension he shall in no case receive less than the full rate of a national minimum pension inclusive of the additional allowance or more than the highest rate of the two-thirds pension in accordance with the Social Security Act, 1987. In the case of an employed person, the pensionable income is calculated by taking the yearly average basic wage or salary during the best three consecutive calendar years within the last 10 consecutive years on which the required contribution was paid. In the case of a self-employed or self-occupied person the said calculation is based on the net yearly average

income of the last 10 years on which the required contribution was paid as increased by the applicable wage increases permitted by law both in the case of an employed and self-employed person. Moreover any pension is reassessed annually according to different criteria laid down in the Act depending on whether retirement occurred before 22 January 1979 or after that date.

228. If not all contributions were paid the person would be entitled to a reduced pension if the average yearly contributions are less by a maximum of 15 contributions.

229. Where a person is entitled to a service pension other than a service pension which has been commuted in whole, at any time, the two-thirds pension shall be abated by the amount of such service pension. A person who qualifies for an invalidity pension and a retirement pension shall be entitled to receive the pension that is more advantageous to him but when a two-thirds pension is paid to him he shall continue to receive only that.

230. In calculating the pensionable income the Director of Social Security shall ignore any fringe benefits or personal drawings whether ex-cash or ex-bank to which the person concerned would have otherwise been entitled from his employer and any other form of income/remuneration which was previously receivable from any source in respect of which no contributions were paid.

231. Any citizen of Malta who has reached the age of 60 and who does not satisfy the relevant contribution conditions shall be entitled to a means-tested age pension. This shall be equivalent in the case of a married man whose wife also qualifies for a pension in her own right to 80 per cent of the weekly national minimum wage for persons aged 18 years and over. In the case of widowed or single persons, the age pension will be equivalent to 60 per cent of the said national minimum wage. Where a married man and his wife both qualify for an age pension or a disability or blindness pension, then the pension payable to the wife shall cease to be payable.

232. A person who is entitled to an age pension and is or becomes an inmate of a State-owned hospital or institution will become entitled to a pension during the first six months starting from the first day of his admission. A person who is admitted to a State-owned institution for the care and welfare of old people will be entitled to an allowance instead of a pension from the first day of his admission amounting to Lm 5.02 per week and to an amount of Lm 0.50 per week towards household rent, if the household is paying rent for its normal place of habitation.

### **Invalidity benefits**

233. A person shall become entitled to an invalidity pension, increased invalidity pension or national minimum pension if the following conditions are satisfied: the person was in regular full-time/part-time gainful occupation for a period of not less than 12 months and he became incapable of work by reason of a serious disease or bodily or mental impairment or having been so occupied, he was duly registered unemployed for a period of 12 months and his incapacity is considered to be of a permanent nature or long-term (in this case the right to a pension will be limited to such number of years as the Director will determine) and on the day preceding his claim the yearly average contribution paid or credited is 50 or more.

234. The amount of invalidity pension receivable is Lm 26.81 in the case of a married man who is maintaining his wife and Lm 21.16 in the case of any other person.

### **Disability pension**

235. A citizen of Malta who has attained the age of 16 and who is certified to be suffering from a severe mental subnormality or to be severely disabled or suffering from cerebral palsy is entitled to receive a means-tested disability pension. The highest rate of this pension shall be equivalent to 55 per cent of the national minimum wage as applicable to persons who have reached the age of 18 and over.

### **Pension for the visually impaired**

236. A visually impaired person who is a citizen of Malta, has reached the age of 14 years and normally resides in Malta may qualify for a means-tested pension for the visually impaired. The applicant has to produce a certificate declaring that he is visually impaired. The rate of pension is Lm 38.46 per week in the case of a married man whose wife also qualifies for a pension in her own right. The amount of Lm 23.88 per week is payable in the case of a married man or woman whose respective spouses do not qualify for a pension in their own right. A pension amounting to Lm 29.32 is payable to widowed or single persons.

### **Survivors' benefits**

237. A widow whose husband was insured and satisfied the relevant contribution conditions and who died as a result of personal injury caused by an accident arising out of or in the course of his occupation or due to an industrial disease shall be entitled to a widow's pension at a rate of Lm 37.34 per week. Moreover, where the widow has the care and custody of a child of her late husband, the rate shall be increased by an additional allowance of Lm 1.95 per week where children's allowance is being paid in respect of such child or Lm 4.00 where children's allowance is being paid but the widow is neither in insurable employment nor self-occupied and the son/daughter has not reached his/her eighteenth birthday.

238. A widow who is gainfully occupied will not be entitled to a widow's pension unless she earns less than the national minimum wage. In this case, the rate of pension will be abated by an amount equivalent to the difference between the average weekly earnings and the equivalent national minimum wage.

239. Moreover, a widow entitled to a widow's pension shall have the rate of pension reduced by any pension she is entitled to receive from a former employer of her late husband in connection with his employment. The abatement shall not exceed Lm 7.63 per week.

240. As from 6 January 1996, the abated pension shall be increased so that such rate of pension will not be less than the increased retirement pension. The two-thirds pension that would have been payable to the deceased husband may be exceeded.

241. Where the widow is not entitled to receive a pension from any of her husband's former employers the rate of the widow's pension will be increased so as not to be less than the applicable rate of the increased national minimum pension.

242. A widow whose husband was entitled to the two-thirds pension shall, if it is to her advantage, choose to receive a survivor's pension instead of any other pension. The survivor's pension has from 6 January 1990 been extended to those widows whose husbands had not yet

reached the age of retirement at the time of death but who had been in gainful occupation for not less than 10 years and paid the proper contributions. The survivor's pension shall amount to five sixths of the two-thirds pension that would have been payable to the deceased husband.

243. A survivor's pension is reassessed annually to ensure to the widow an increase in pension of not less than two thirds of the wage increase that is required by law to be awarded generally.

244. A widow in receipt of a survivor's pension may not concurrently receive any sickness, unemployment, special unemployment or injury benefit or injury grant or injury pension.

245. A widow entitled to a survivor's pension and also to a widow's pension shall only be entitled to one of these two pensions, whichever is higher.

246. Any references above to a widow applies likewise to a widower.

247. A widow in receipt of any pension/benefit who is a resident in a State-owned hospital or institution shall have her pension or benefit apportioned.

### **Remarriage grant**

248. A widow in receipt of a widow's or a survivor's pension shall cease to be entitled to it upon remarriage. Instead, she will qualify for a lump sum payment by way of a remarriage grant equivalent to 52 times the weekly rate of a widow's pension she was receiving prior to the remarriage or to which she would have been entitled had she not been in receipt of a survivor's pension.

### **Employment injury benefits**

249. A person who has not yet reached retirement age and who becomes injured in the course of his gainful occupation or has developed any of the diseases listed in the Fourth Schedule to the Social Security Act, 1987, related to the nature of his work, will become entitled to injury benefit if after 12 months from the date of the accident he is still incapable of work. Nonetheless, injury benefit is not payable to a person in respect of an accident which occurs outside Malta unless it arises out of or in the course of his gainful occupation. The rate of injury benefit is Lm 9.05 in respect of a single person or a married person maintaining a spouse who is not employed on a full-time basis or Lm 6.81 in the case of any other person. The benefit is payable in respect of any day in which the worker is incapable of work as a result of the injury with the exception of the first three days. A person may become disqualified from receiving injury benefit under any of the following circumstances:

- If he has refused or without a valid reason failed to show up for or to accept to undergo such medical examination as may be required by the Director of Social Security;
- If he has behaved in a manner likely to delay his recovery;
- If he is absent without good reason from his place of residence.

250. If the accident or disease mentioned above result in the permanent loss of physical or mental faculty amounting to 1 per cent or more the person concerned shall be entitled to an injury grant or injury pension in lieu of an injury benefit. The assessment of the degree of mental or physical impairment is made by a medical panel appointed by the Minister for Social Policy. If the person has sustained a disability of 1 to 20 per cent, he will be entitled to an injury grant amounting to Lm 73.96 in the case of 1 per cent disability, gradually increasing by the same amount for every other additional percentage of disability up to a total of Lm 1,405.16 in respect of 19 per cent disability. If the sustained disability assessed exceeds 20 per cent up to 89 per cent, the insured shall be entitled to an injury pension, the highest rate of which shall be the weekly rate of Lm 21.31. Where the injury is assessed at 90 per cent or more, the insured will, instead of the above, be automatically entitled to the full rate of invalidity pension or increased invalidity pension or national minimum pension which amounts to the following:

#### **Employment injury benefits**

Type of pension	Married man maintaining his wife	Any other person
Invalidity pension	Lm 26.81	Lm 21.16
Increased invalidity pension	Lm 41.52	Lm 31.52
National minimum pension	Lm 41.11	Lm 34.26

*Source:* Social Security Act, 1987.

#### **Unemployment benefits**

251. An insured person who has not yet reached the age of retirement may qualify for unemployment benefits if he is registered as unemployed under the appropriate register, in accordance with the Employment and Training Services Act, 1990. Unemployment benefits are paid for every day for which the person is unemployed except for Sundays and the benefits received amount to Lm 3.66 per day in respect of a single person or a married person maintaining his spouse who is not employed on a full-time basis and Lm 2.38 in the case of any other person. Where the unemployed person is also a head of household and the total weekly income of the whole household does not exceed the scale rate for that household as determined by Part I of Schedule VI of the Act, the insured person shall be entitled to a special unemployment benefit instead of the unemployment benefit. The special unemployment benefits amount to Lm 6.14 per day in the case of a single or married person maintaining a spouse or Lm 4.00 per day in the case of any other person. Whenever an insured is unemployed and the claim for unemployment benefits extends to two consecutive contribution years during which less than 20 contributions are paid or credited in his respect, the insured will only be entitled to unemployment benefit or special unemployment benefit of up to a maximum of 156 benefit days. Once the claim for unemployment or special unemployment benefits is exhausted, the insured must work for 13 weeks in insurable employment to re-qualify for the above benefit.

### **Social assistance**

252. A head of household shall also be entitled to receive social assistance if the relevant qualification conditions are satisfied. Social assistance is paid to any person who is head of a household and whose weekly income is insufficient, as defined by article 30 (1) of the Social Security Act, 1987.

253. The following persons shall qualify for Social Assistance:

- A head of household who is incapable of work due to a serious disease or physical or mental impairment and would but for his incapacity be capable of work or registered unemployed;
- Persons certified by the Employment and Training Corporation to be unemployable;
- Persons over pension age.

254. The amount of weekly assistance to which a household may be eligible is Lm 29.80 in the case of a one-member household. This amount is increased by Lm 3.50 per week in respect of every other eligible member in that household.

255. In calculating means for eligibility to social assistance account shall be taken of any property, income or privilege pertaining to that household but no account will be taken of the first Lm 200 or earnings derived from carrying out activities such as hand-knitting, lace-making, crochet and embroidery at home the manufacture of which does not involve any mechanical processes.

256. Where some family members of the household, with the exception of the head of household and his wife, are employed or self-occupied, the weekly amount of social assistance shall be reduced by the difference between the rate applicable to the household had such members as aforesaid not been employed/self occupied and the rate applicable to the household in respect of all the other members of the household.

257. Where the head of household is entitled to social assistance by reason of his being unemployed and is registered under Part 1 of the register in accordance with the Employment and Training Services Act 1990, the social assistance will be payable on a daily basis. Thus the weekly rate will be divided by six as no assistance shall be payable in respect of Sundays.

258. Where there are special circumstances in any household the weekly amount of social assistance may be increased by the Director to meet those circumstances.

259. Moreover, where a member other than the head of household and his wife is an employed/self-occupied person and does not earn more than 35 per cent of the national minimum wage such person will not be deemed to be an employed/self-occupied person and will not qualify for social assistance.

260. Where the head of household is a single parent who is unable to take up a full-time gainful occupation due to parental duties, he shall be entitled to receive social assistance although he is not duly registered as an unemployed person.
261. If such single parent is employed, he will still be entitled to social assistance so as to ensure that his weekly means amount to the weekly rate of the national minimum wage applicable to persons aged 18 years and over.
262. An unemployed female who is single or widowed and who is taking care all by herself on a full-time and regular basis of a parent, brother, sister, grandparent, uncle, aunt, father- or mother-in-law or brother- or sister-in-law who are living in the same household shall be entitled to social assistance. The person being taken care of must be suffering from a severe physical or mental infirmity, aged 60 years and over and unable to take care of himself. The female caregiver shall be entitled to receive social assistance amounting to 75 per cent of the full rate applicable to a one-member household, even if the female is not registered as unemployed. Social assistance shall not be due where the person being taken care of has a parent or spouse living with him and such parent/spouse is capable of taking care of such person.
263. A member of a household who is admitted into a therapeutic community centre for the rehabilitation of drug addicts or alcoholics and who becomes entitled to assistance under this section, shall be entitled to receive an allowance for as long as he is residing at the centre.
264. A person who has not yet reached the age of 60 years but is nonetheless resident in a State-owned institution for the care and welfare of old people shall be entitled to receive an allowance amounting to Lm 4.72 per week for as long as he is a resident of such an institution.
265. A head of household whose income does not exceed Lm 3,770 in the case of a married man or Lm 3,270 in the case of a single person and who is not in receipt of children's allowance or allowance in respect of a fostered child is entitled to a supplementary allowance amounting to Lm 120 in the case of a married person and to Lm 60 in any other case.

### **Family benefits**

#### **Marriage grant**

266. This grant is awarded to any person who was employed, self-employed or self-occupied for a minimum of six months prior to the marriage and is ordinarily resident in Malta. An application for this grant has to be submitted to the Director of Social Security and the grant is given by way of a lump sum amounting to Lm 84.00. Should a person contract marriage on more than one occasion, such person will be entitled to receive the grant every time, provided that the person was employed, self-employed or self-occupied for at least six months between one marriage and another.

### **Orphan's allowance and orphan's supplementary allowance**

267. Any person who is taking care of a child whose parents are both dead and whose parents or just one of them was an insured person and a citizen of Malta, shall be entitled to apply for an orphan's allowance amounting to Lm 13.24 per week for every child. If the orphan is a person aged between 16 years and 21 years and not following a gainful occupation through which is being earned the equivalent of the difference between the national minimum wage and the weekly rate of the orphan's supplementary allowance, then the person having the care of such an orphan shall be entitled to an orphan's supplementary allowance amounting to Lm 29.32 per week for every child.

### **Parent's pension**

268. The parent of a person who dies as a result of employment or self-employment or as a consequence of an industrial disease shall be entitled to a parent's pension for life if such parent was being wholly maintained by him or would have been so maintained had the death not occurred. Moreover, the parent must be over pension age and if under the age of 65, he must be incapable of self-support. If the father is entitled to a parent's pension, the mother would not qualify. The pension to which a person would qualify amounts to Lm 41.11 per week in the case of a person who is maintaining his wife and Lm 34.26 in the case of any other person.

### **Carer's pension**

269. Those qualifying for this pension are citizens of Malta regularly residing in Malta and whose yearly income does not exceed 60 per cent of the national minimum wage for a person aged 18 years and over. In order to qualify for this pension, the carer must be taking care all by himself or by herself on a full-time basis and regularly of any of the following persons: parent, brother or sister, grandparent, uncle, aunt, father- or mother-in-law, or brother- or sister-in-law living in the same household and is bedridden or confined to a wheelchair. The pension receivable amounts to Lm 31.44.

### **Milk grant**

270. A head of household in receipt of social or tuberculosis assistance shall be entitled to a milk grant if he or a member of his household has the care or custody of a child under the age of 40 weeks who requires weaning or complementary feeding or who cannot be breastfed for health reasons. The grant, which amounts to Lm 4.90 per week, will be received until the child reaches the age of 40 weeks.

### **Children's allowance**

271. Every child has the right to have an allowance paid out in his respect to the head of household if the head of household's total yearly revenues do not exceed the specified rate. The child has to be in his care and custody and be his child or that of his wife. Where the head of household or wife are not the parents of the child, the Director of Social Security has to be assured that his stay with the head of household is in the best interests of the child.

272. The amount receivable by way of children's allowance depends on the income of the parents and the number of children in the household as shown below.

### Children's allowance

Number of children in household under 16 years of age	Percentage rate, by way of an allowance, on the difference between reckonable annual income and Lm 10,270
1	6%
2	9%
3	11.5%
4	13%
5 and other subsequent child	1.5% for each such child
Over 16 but under 21 years and still undergoing full-time education or training and who is not receiving any form of remuneration or allowance, or is registered unemployed and has never been gainfully occupied	1.5% for each such child
Over 16 but under 21 years and is registered unemployed and who has never been gainfully occupied, and who is not in receipt of any benefit, pension or assistance payable under the Act	1.5% for each such child

*Source:* Social Security Act, 1987.

### Care allowance

273. A child who is certified as being fostered or is under care in an institution has the right to a care allowance paid out in his/her respect to the head of the household or to the head of the institution in which he/she is residing. The care allowance amounts to Lm 12.00 per week. This amount will continue to be paid when the child is 16 but under 18 and is still not gainfully occupied.

### Disabled child allowance

274. A child in receipt of children's allowance or care allowance will also be entitled to receive disabled child allowance if he/she is certified to be suffering from cerebral palsy, mental severe subnormality or is otherwise severely disabled or visually impaired. For the purposes of entitlement the yearly means of the head of household should not exceed the income limit laid down in Schedule XIV of the Social Security Act, 1987. A child shall also be deemed to be a disabled child if he/she is certified to be totally and permanently mute or permanently deaf to a degree of not less than 70 decibels. This allowance will cease as soon as the child qualifies for a disability pension or pension for the visually impaired. Moreover, should the latter not be the

case, the above allowance will continue to be paid indefinitely provided the child does not become gainfully occupied and is receiving full-time education in an educational institution recognized by the State.

275. Maximum annual reckonable income that can be taken for entitlement purposes is Lm 13,270.

**Rate of disabled child allowance per week**

Where annual reckonable income does not exceed Lm 9,270	Lm 5.00
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*Source:* Social Security Act, 1987.

276. Where the annual reckonable income exceeds Lm 9,270 but does not exceed Lm 13,270, the weekly rate of Lm 5 by way of an allowance shall be deducted by 6.5 per cent of the difference between the reckonable income and Lm 13,270. Moreover, an allowance of Lm 52 per annum shall be paid where the annual income does not exceed Lm 13,270.

277. A head of household having the care of a child whose parents are unknown or have abandoned him/her shall also be entitled to children's allowance in respect of such child. This entitlement will be distinct and separate from that applicable in respect of his own children.

278. Children's allowance will not be paid unless the head of the household or his wife is a citizen of Malta and has resided in Malta for at least three consecutive months immediately preceding the date on which the claim for such an allowance is made. Moreover, children's allowance is not paid in respect of a child that is not living in Malta. Children in receipt of a disability pension or pension for the visually impaired will not qualify for children's allowance.

279. Children's allowance is paid to the wife of the head of the household unless it is proved that it is in the best interests of the child that the allowance is paid to the head of household.

280. Children's allowance ceases to be payable if the head of household no longer has the care of the child or if the child has reached the age of 18 years or if the child no longer resides with the head of the household but in a recognized institute for children and young persons. In the latter case such child shall be entitled to an allowance equivalent to that payable in respect of a third child.

281. Entitlement to children's allowance, care allowance or allowance in the case of abandoned children or children of unknown parents is dependent on the head of the household or spouse being a citizen of Malta and has continued to live in Malta for three months preceding the date on which the claim for an allowance is made.

**Entitlement to more than one pension/allowance/benefit**

282. If a person is entitled to two pensions, allowances, benefits or assistance at the same time, he/she shall not receive both but that which is more advantageous. The rule is subject to certain exceptions such as marriage grant, orphan's allowance, children's allowance, care

allowance, maternity benefit, medical assistance, supplementary allowance, bonus or additional bonus or injury pensions which continue to be receivable notwithstanding receipt of another pension.

### **Disqualification**

283. A person is disqualified from receiving a pension for the duration of time he/she is serving a prison sentence.

### **National expenditure on social security benefits**

284. A total amount of Lm 184,448,000 was spent on the payment of social security benefits in the year 2001. This accounts for 11.35 per cent of Malta's GNP for the same year. The expenditure on social security benefits amounted to Lm 89,389,000 in 1991, accounting for 5.5 per cent of GNP for that year. This expenditure on social security benefits is expected to increase gradually. In the national budget for 2002 a total amount of Lm 189,600,000 was allocated for the payment of social security benefits.

### **Private social security schemes**

285. There are no private social security schemes in Malta to date and no provision is made for them under the Social Security Act, 1987. All persons whether working in the private or in the public sector, may benefit from the social security scheme established by the above Act.

### **Vulnerable and disadvantaged groups**

286. The contributory scheme under the Social Security Act, 1987, applies to all persons working in Malta whatever their nationality and who are paying the prescribed social security contributions. Persons qualifying for non-contributory benefits are Maltese nationals or non-Maltese nationals who are ordinarily resident in Malta, who are heads of households and whose relative financial means falls below the threshold established for the various means tests.

### **Women's entitlement to social security**

287. Women have the same right as men to receive contributory and non-contributory benefits as laid down in the Social Security Act, 1987. In the case of married couples and if the spouses so decide, the wife may be declared to be the head of household and may receive social security contributions in her own name on behalf of the family. In certain other instances such as children's allowance, care allowance or allowance in the case of abandoned children or children whose parents are unknown, it is the wife that is specifically entitled to receive the social security benefits on behalf of the family, although it may be the husband who is declared head of household. This is done in the interests of the child or person in respect of whom the allowance is paid, unless the head of household proves to the satisfaction of the Director of Social Security that the interests of such child/person dictate otherwise. Apart from this instance there are two other instances where the position of women does not tally with that of their male counterparts. The first is in the case of a married woman who is not abandoned by her husband and who is not employed, self-employed or self-occupied. In this case a woman may not pay social security contributions and may not receive social security benefits falling under the contributory scheme in her own name. This provision will be repealed upon Malta's accession

to the European Union in conformity with Regulations 1408/71 and 574/72 on coordination of social security schemes. The other instance concerns the age of retirement which is 61 years for men and 60 for women.

### **Malta's application to join the European Union**

288. Should Malta join the European Union, Regulations 1408/71 and 574/72 will be directly applicable in Malta and nationals of countries members of the European Union will be entitled to benefit from both contributory and non-contributory benefits in Malta in accordance with the above Regulations.

### **The role of international assistance in the realization of the right enshrined in article 9 of the Covenant**

289. Malta receives no international assistance in the provision of social security.

## **Article 10**

### **Meaning of "family" in Maltese society**

290. Maltese society attaches great importance to the family as a unit consisting in the great part of the union of a man and a woman in marriage, and includes any children they may have as natural offspring, or adopted children. Single parent families are also recognized, but marriages between persons of the same sex or polygamous marriages are not. Baldacchino<sup>10</sup> describes the Maltese family as a "modified nuclear family" because it is not uncommon to find parents living with their children after the latter get married and have their own children. Neither is it uncommon to find parents living very close to their married children and helping out in various domestic chores including babysitting.

291. The Civil Code regulates the rights and obligations between spouses, their duties and obligations towards children as well as their inheritance rights vis-à-vis each other. Under the Social Security Act, 1987, however, a household includes two or more persons who, in the opinion of the Director of Social Security of the Government of Malta, are living together as a family.

292. One's right to a private and family life is enshrined in the Constitution and this right is not conditioned by the race, place of origin, political opinion, colour, creed or sex of the individuals concerned.<sup>11</sup>

293. Marriage is still popular in Malta and Gozo and the number of marriages has been rather constant over the past decade. The State recognizes both civil and religious marriages. In 2000 the number of marriages celebrated stood at 2,545, which is the highest figure recorded for the 1990s. The number of civil marriages is also on the increase although a decrease was registered for 2001. Religious marriages continue to outnumber civil marriages (see annex, table 13).

294. The average age for first-time marriages in Malta currently stands at 24.4 years for females and 26.6 for males.<sup>12</sup> More young people are choosing to get married at a higher age due to the fact that more are choosing to pursue tertiary education and decide to marry after they have finished their studies.

295. In a survey conducted by the Academy for the Development of a Democratic Environment (AZAD) in 2001, 95 per cent of respondents said that the traditional family is still important in Maltese society, while 60.3 per cent said that the main bond is love. Other factors mentioned were religion and children.

296. The failure of several administrations to introduce laws to legalize and regulate divorce can be attributed to an attempt to safeguard the family unit. Public opinion is divided on the issue. Those against argue that the introduction of divorce would mark the death-knell for the family. The fact that divorce goes against the precepts of the Catholic Church is also an important factor to be considered, Catholicism being the most widely practised religion in Malta. Nonetheless, more people are increasingly willing to accept divorce due to the prevailing situation, where the number of legal separations and persons who opt to cohabit are on the increase. Cohabitation is not only becoming increasingly common among persons who are legally or de facto separated but also among single persons who were never married. In 2001 the Second Hall of the Civil Court issued 988 separation decrees.<sup>13</sup> In 1995 the number of separation decrees issued amounted to 527.

297. A study<sup>14</sup> commissioned by the Ministry for Social Policy, which was completed in 2001, has revealed that people in Malta share basic values with other Europeans but have different priorities on matters of religion, politics, work and the family. There are differences between people of different educational backgrounds, social origins, marital status and regional belonging. The overwhelming majority of the Maltese still value marriage and family but violence and unfaithfulness are two main factors leading to marital breakdowns. Maltese men have generally retained a traditional view of the role of women as mainly mothers and housewives but younger and more educated women and men advocate equal opportunities.

#### **Age at which children reach the age of majority for different purposes**

298. The age at which young people in Malta cease to be minors is 18. At this age young people will henceforth cease to be subject to parental authority and are vested with all legal rights and obligations under Maltese law.

299. Under certain laws some rights are acquired even at a younger age. The Young Persons at Work Places Regulations, 2000, defines a child as a person who is under the age of 15.

300. The minimum age for a person who wishes to get married is 16 for both men and women provided that the consent of the parents, legal guardian or the Court is obtained.

301. Under the Civil Code, a person to be considered for adoption must be under the age of 18.

302. Under the Education Act, 1988, a person is subject to compulsory education from the age of 5 to 16 or on completion of the final year of secondary education, whichever is the earliest.

303. The minimum age for any person who wishes to work in Malta is 16. Persons who have attained the age of 15 and have completed compulsory education may obtain an exemption from the Ministry of Education.

304. The Commercial Code stipulates that a person who has reached the age of 16 may be emancipated for purposes of trade and is deemed to be a major with regard to obligations contracted by him/her for the purposes of trade. The above emancipation is effected by both parents or person(s) vested with parental authority, as the case may be, by means of a public deed registered in the First Hall of the Civil Court. In the absence of such persons, the authorization is made by a judge of the First Hall of the Civil Court.

305. In order to become a member of the Malta Police Force or of the Armed Forces of Malta or to obtain a licence to exercise a profession, a person must have reached the age of 18.

306. A driving licence may be obtained upon attainment of the age of 18.

307. Obligation to pay Social Security Contributions starts from the time when a young person reaches the age of 16, while the right to receive children's allowance continues until the child reaches the age of 16.

308. The minimum age at which alcohol may be sold to minors is 16. Moreover, nightclubs are under an obligation not to allow minors below the age of 16 into their premises.

309. The Second Hall of the Civil Court will, in cases which concern the family, only hear minors who have attained a minimum age of 14 years.

310. The Juvenile Court Act, 1980, defines the child as a young person who is under the age of 16. Any proceedings taken against a child or young person are heard before the Juvenile Court, which is a special court for the trial of young persons and which is physically removed from the main law courts. The Children and Young Persons (Care Orders) Act, 1980, likewise defines the child or young person as a person under the age of 16.

311. Under criminal law there are presumptions concerning criminal responsibility which take into account the tender age of the offender. A minor who has reached the age of 14 but is under 18 is deemed to be doli capax but due to the young age of the offender the punishment applicable is reduced by one or two degrees. Children under the age of 9 are not deemed to distinguish between right and wrong and are therefore exempt from all criminal responsibility; minors between the age of 9 and 14 are also exempt from criminal responsibility unless it is proved that they acted with mischievous discretion.

312. Outside of marriage, the age of consent for heterosexual or homosexual intercourse is 18. Sexual intercourse with a person who has not yet reached the age of 12 is automatically considered to be rape. The Criminal Code under the title "Of crimes against the peace and honour of families, and against morals" contains several provisions for the protection of minors against crimes such as the crime of defilement of minors (sect. 203); certain crimes are awarded a higher penalty when committed in relation to a minor such as inducing persons who are under age to prostitution (sect. 204).

### **The right of men and women to enter marriage with full and free consent**

313. Marriage is celebrated between a man and a woman who come forward of their own free will and who have the capacity to understand the rights and obligations arising from marriage.

314. The minimum age for contracting a marriage is 16 for both males and females. The full and free consent of both parties to the marriage is necessary and if consent is vitiated the marriage would be null. If the bride or groom have not yet reached the age of majority, the consent of the person exercising parental authority is necessary for the marriage to be contracted. Failing such consent, the Court of Voluntary Jurisdiction may, upon an application being made, grant its authorization for the marriage to take place.

315. A marriage may not be contracted between the following persons:

- An ascendant and a descendant in the direct line;
- A brother and a sister of full or half blood;
- Persons related by affinity in the direct line;
- An adopter and the adopted or a descendant and the husband and wife of the adopted person.

Furthermore the parties to a marriage must not be bound by a previous marriage. If either of the parties enters into a second marriage during the subsistence of the first marriage, the second marriage would be void and the person who knowingly commits the crime of bigamy would be subject to imprisonment for a term not exceeding nine years.

316. Marriage in Malta is regulated by the Marriage Act, 1975, in relation to formalities relating to marriage whilst the Civil Code lays down the rights and obligations arising from marriage. Marriage in Malta may be contracted in civil or religious form. Both forms have the same standing before the law. To be valid both forms must be in conformity with the procedures laid down in the law. If the procedures set forth in the Act are not followed the marriage may be declared void by an action to be brought within two years of the celebration of the marriage

### **Formalities preceding marriage**

317. Persons who wish to be married must at least six weeks preceding the date of the marriage apply in writing to the marriage registrar requesting publication of the banns of marriage. This application has to be signed by both parties to the marriage and shall include a declaration made on oath by both parties that to their knowledge there are no legal impediments as to why the marriage cannot take place. Banns of marriage have to be posted at the marriage registry which may be accessed by the public, and in another place where official acts are usually posted within the town, village or parish in which each of the persons to be married resides. The banns will be posted for eight consecutive days excluding Saturdays and Sundays and public holidays and shall contain the name, surname, place of birth and residence of each of the parties, the place where the marriage will be contracted and the names of the parents of the parties. Any marriage contracted before the sixth day in which the banns are to remain posted or after the

expiration of three months from the day when the banns are first posted shall be void. If such time elapses the publication of the banns has to be started anew. In exceptional circumstances the registrar may shorten the time period relating to the publication of the banns. Such can be the case where one of the parties is in imminent danger of death.

318. After the publication of the banns and if the registrar is satisfied that there is no legal impediment to the marriage taking place, the registrar shall issue a certificate stating that the banns have been published and the marriage can henceforth take place. In the event that the parties intending to marry feel that the registrar has unjustly withheld his consent for the issue of the certificate the couple may apply to the court of voluntary jurisdiction and such court shall decide whether the banns are to be published or not.

### **The celebration of marriage**

319. A marriage takes place before the clergy or marriage registrar, as the case may be, officiating at the marriage and in the presence of two witnesses who must be over 18 years of age. Each party to the marriage is asked whether he/she will take the other as the lawful spouse and upon declaring their consent without any qualification, they will be declared husband and wife.

320. A marriage will have effect for all purposes of law when the appropriate act of marriage is completed and delivered for registration.

### **Termination of the marriage bond**

321. The marriage bond is terminated by the death of either one of the parties or if the marriage is declared null and void. There is also the possibility of having a judgement of divorce obtained from a court overseas registered in Malta if one of the parties to the marriage is domiciled or is a national of the country in which the judgement is given out.

322. When a marriage is annulled, the effects of a valid marriage shall always be deemed to have existed with reference to the children born or conceived during a marriage declared to be void.

323. The ground giving rise to lack of consent and hence to the nullity of the marriage must have existed during the celebration of marriage. This was stated in *MM v. JM*, a judgement given by the Court of Appeal on 9 March 1994. The Court stated that the husband had sufficient powers of intellect to enter marriage at the time of the celebration of the marriage; the fact that the husband started suffering from mental illness after the celebration of the marriage was not sufficient ground to render the marriage null.

324. In another judgement, *E v. F* given by the First Hall, Civil Court on 1 July 1994 the Court stated that the fact that the wife, upon entering marriage, excluded the possibility of children showed that she had simulated her intentions to get married and therefore the marriage was null and void.

325. Until 1975, marriage in Malta had been regulated by Canon Law and the Ecclesiastical Tribunal had jurisdiction to decide on matters relating to the validity of marriage. Upon the enactment of the Marriage Act, 1975, the Civil Courts were vested with exclusive jurisdiction to

decide on all cases of validity of marriage and personal separation. The State only recognize the decisions handed down by the Civil Courts. In 1995 amendments were made to the Marriage Act providing for the civil recognition of decisions given by the Ecclesiastical Courts. Provided that one of the parties to the judgement is a citizen of Malta, registration is effected through the Registry of the Court of Appeal, which will in turn check that certain procedures have been followed and the parties were given certain rights. The Court has jurisdiction to consider the following:

- The competency of the Tribunal to judge the case;
- The right of action and defence of the parties;
- That no contrary judgement binding the parties, pronounced by a court on the same grounds of nullity, has been given and has become *res judicata*.

326. Since their introduction in 1975, civil marriages kept constantly increasing with an exceptional fall in 1982. The percentage of civil marriages of the total number of marriages increased from 1.7 per cent in 1976 to 20 per cent in 2000.

#### **State's assistance and protection to the family**

327. In the May 2001 White Paper entitled "Family Division-Civil Code", the Government has reiterated its commitment to supporting the family in the following words: "Considering the family unit as one of the strongest building blocks of Maltese society, the Government pledges to cherish, promote and sustain the family by all possible means."<sup>15</sup>

328. The State's assistance to the family, other than the provision of social security benefits as described under article 9, or the provision of adequate housing described under article 11 of the report, is centred on the provision of social services to the benefit of the family.

329. The Department of Family Welfare of the Ministry for Social Policy, together with two fully State-funded agencies, *Agenzija Appogg* and *Sedqa*, provide assistance to the family in the form of social work. Several non-governmental organizations provide a number of services in aid of the family and receive partial funding from the State.

330. *Agenzija Appogg* has been gradually taking over the functions of the Department of Family Welfare as more cases are being taken over by *Agenzija Appogg* each year. In 2000 the Department of Family Welfare dealt with 405 new cases concerning family matters whilst in 2001 the number of new cases amounted to 296 and 19 cases reactivated. The reason behind this is that plans are under way to transform the Department of Family Welfare into a Directorate for standard setting, licensing and inspection of personal social work and social welfare services. Services provided by the Department, *Agenzija Appogg* and *Sedqa* are provided free of charge.

331. The Department of Family Welfare has been providing personal social assistance in Malta and Gozo since 1959. It provides services aimed at helping individuals and families adapt to the social environment in which they live through the services of 14 professionally trained

social workers assisted by a small number of part-time welfare officers. The Department is divided into five units which are the following: Intake Unit; Family Services Unit; Socio-Legal Unit; Adoption Unit; Support Services Unit; and Social Work Gozo Unit.

332. The Intake Unit provides for emergency and short-term social work intervention; its services include crisis intervention, diagnosis assessment, referral, emergency admission into care, and short- and medium-term intervention.

333. The Family Services Unit provides support to individuals and families on a long-term basis. Services include preventative and remedial work in social and family problems, residential care for children, therapeutic programmes by social workers and counsellors, foster care and childcare. The Unit is also involved in cases that come before the Children and Young Persons Advisory Board. Under the Children and Young Persons (Care Orders) Act, 1980, this Board advises the Minister and the Department on the best interests of children under a care order. The unit also carries out home visits and visits to residential homes (see annex, table 14).

334. In the year 2001 the Family Services Unit carried out 1,018 direct interventions with clients.

335. The Socio-Legal Unit offers a comprehensive range of services to young offenders and their families, by providing preventive, supportive and referral services and by promoting awareness of the existing legislation. The Unit also reports to the courts including the Juvenile Court on the social aspects relative to young offenders for the purposes of rehabilitation.

336. The Adoption Unit of the Department finds suitable alternative families for children who cannot live with their natural parents. It also prepares and guides prospective adoptive parents who apply for local and intercountry adoptions. The major services of the Unit are: counselling and guidance to the applicants, information and training meetings, support group meetings for prospective adoptive parents, the provision of parental skills course, assessment, presenting assessment reports to the Adoption and Fostering Panel, placement of children with adoptive parents (local adoptions), post-adoption reports and tracing of natural parents of adopted adults.

337. The Support Services Unit offers psychological and counselling services to individuals and families on both a short-term and long-term basis. During the year 2001, a total of 73 clients received psychological services which included individual, couple and family sessions

338. The Social Work Gozo Unit offers the above services on the island of Gozo.

339. Since the beginning of the 1990s the social work staff of the Department of Family Welfare worked with other professionals from other agencies and departments who were offering specialized services for parents and foster carers, especially in the field of nurturing of and caring for children. These services included family therapy and individual psychological assessment and psychotherapy for parents (and their children). Other services included referrals for parental skill courses, support groups, and management therapeutic groups.

340. The Department of Family Welfare works directly to prevent the separation of children from their families. Home visits have always been part of social work intervention carried out by social workers of the Department while at the same time working with families facing social

or familial problems. Since 1995, statistical information began to be compiled in this area, indicating specifically this form of intervention as a means of helping children to remain integrated within their own family. During this period social workers working with dysfunctional families and families with multiple problems have started working together with other professionals, thus offering the family a variety of services which further enhance the possibility of children remaining within the family domain. Since 1997, the monitoring of children living with their family has formed part of an integrated care plan, formulated during case conferences and case reviews.

341. Since 1995, case reviews of children in care have been organized twice yearly on a regular basis. Detailed care plans began to be formulated and followed closely by the multidisciplinary team. This procedure resulted in the reduction of the duration of the child's stay in residential care.

342. The *Agenzija Appogg*, formerly the Social Welfare Development Programme, provides a whole menu of services in social work aimed at assisting the family as a whole unit or its individual members. The origins of *Agenzija Appogg* can be traced back to 1994 when the Social Welfare Development Programme was established. Over the years due to the increase in the number and nature of the services offered, the need was felt for changing the Programme into an agency which today bears the name *Agenzija Appogg*. In the coming years *Agenzija Appogg* will be the principal agency assisting the family. Within each year, *Agenzija Appogg* deals with over 2,000 service users who are referred for child protection issues, domestic violence, court cases, children in care, family therapy and others.

343. The agency offers its services from 8 a.m. to 5.20 p.m. in winter and from 8.00 a.m. to 2 p.m. in summer. Moreover, a support line targeting abused children, women victims of violence and other persons in distress has been in place since 1996. This service is provided free of charge and is available every day, including Sundays between 8 a.m. till noon. The aim is that at the latter part of the year 2002, the agency will provide services on a 24-hour seven-day a week basis. *Agenzija Appogg* provides for therapy for the family going through a particular crisis and provides social work interventions to persons suffering domestic violence. The agency moreover provides social work and therapeutic groups to abusive spouses and provides emergency shelter for victims of domestic violence. As from October 2000 up to the end of 2001, the shelter took in 97 different women and their children.

344. *Agenzija Appogg* also offers a separation mediation service to couples who have decided to separate and are ready to negotiate the terms. The aim of this service is to help the separating couple to reach joint decisions and a separating agreement on the parenting of children, financial matters including maintenance, home assets and property. This service falls within the ambit of court services offered by *Agenzija Appogg*. The court services is an addition to the many other services and offers support to the courts in the preparation of their reports on children and separation cases. Court services will be further expanded with the advent of the Family Court. Supporting the work of court services, supervised access visits is another service that is offered to non-custodial parents who demand access to their children who, due to various circumstances, need to be supervised by an independent supervisor.

345. The agency also investigates cases of child abuse and to this end, its social workers collaborate with the Police, Education Division and Health Service. Whenever the law has been violated, the case is referred to the police and a team coordinates with the health sector and other parties to investigate the case. However, the well-being of children is also the focus of the Looked After Children Service, which primarily focuses on children who are in care (foster care and residential care). The aim of this service is to provide social work to children in care. As from November 2001, the agency established the first structured residential programme for boys who have a behavioural problem. However, it has also extended its services on an outreach programme, which is also open for girls.

346. Among its other services, *Agenzija Appogg* carries out social work with the elderly who are living in homes and carries out work in hospitals. In St. Luke's Hospital, Malta's general hospital for acute illnesses, *Agenzija Appogg* facilitates the return of old people who have no one to take care of them into the community. In Sir Paul Boffa Hospital, *Agenzija Appogg* gives a therapeutic service to the terminally ill and their families.

347. Another programme of *Agenzija Appogg* is *Ulied Darna* which is intended to give practical help to parents who are facing difficulties in raising their children. A social worker will visit the family's house as often as requested by the family and will help its members to communicate better and give advice as to the nurturing of children. Moreover, *Agenzija Appogg* is the only agency to provide for the fostering of children in Malta. The Fostering Unit was created in 2000. Prospective foster carers are vetted and given training by the agency itself and therefore ongoing monitoring of the fostering placements is undertaken.

348. *Agenzija Appogg* also gives assistance to disabled persons and their families to help them overcome the difficulties that they may face in everyday life. The aim of the social workers is to improve the quality of life of disabled persons and their family by such services as social work interventions, information on the services which are available, assessment reports and crisis intervention.

349. *Sedqa*, which like *Agenzija Appogg* is totally funded by the Government, was set up in 1994 in order to provide assistance to persons with drugs and alcohol problems. In 2001 *Sedqa* started offering its services to persons with gambling problems and to their families. Family therapy is offered to families with substance abuse or gambling-related problems. The Family Therapy Services consists of a multidisciplinary team that provides family assessment, family therapy, couple therapy and support to all *Sedqa* clients and their families. The therapy focuses on identifying symptoms of ineffective relationships between family members and empowers them to establish appropriate patterns of interaction. The family team tries to engage the family as early as possible. This is necessary because in some instances problems in the family or lack of parenting skills exacerbate substance abuse or gambling problems. In each case the whole team is involved either as therapist or co-therapist. Home visits, support, counselling and group psychotherapy are provided. Families are also encouraged to participate in therapy parallel to the therapeutic process of individuals with drug, alcohol and gambling dependence. Family therapy currently forms an integral part of the residential drug rehabilitation programme, whereby all residents and their families are expected to undergo some treatment during the programme. A total of 185 families made use of the family services during 2000 of which 136 were drug-related cases, 30 were alcohol-related, 2 cases involved both drugs and alcohol and another 17 dealt with children at risk.

350. An additional service that is being offered by the family team is the assessment and identification of risk levels in children exposed to substance abuse or gambling within the family. Children at risk are helped to develop coping, social and life skills, in an attempt to alleviate substance abuse and gambling. When necessary, children are referred to other services within or outside the agency. Assessment is provided to identify children's level of risk and their respective needs. *Sedqa* also organizes parental skills courses aimed at improving parental knowledge and skills and enhancing the relationship between parents and their children.

351. *Sedqa* moreover provides the best possible service to pregnant drug abusers and their babies. Through group and one-to-one sessions the service offered to female drug abusers have been improved although it is recognized that collaboration with other agencies still needs to be strengthened. *Sedqa's* drugs and alcohol community service also offers a 24-hour helpline.

352. Over the past two years the family team has also begun to offer more comprehensive services relating to child welfare issues, including parenting management sessions and individual psychotherapy and support group sessions to children. These interventions aim to facilitate the development of further skills that will protect or reduce the risk of harm these children face as a result of their parents' problems related to drugs and/or alcohol and gambling (see annex, table 15).

353. The Ministry of Education has set up a programme for teenage, unmarried, pregnant girls, which is coordinated by the Schoolgirl Mothers' Unit. The programme, aimed at helping girls continue their education after the birth of their baby, includes the provision of counselling to these girls and their partners and organizes a mother and baby support group for these unmarried girls. During 2002, a total of 30 girls were attending the programme and 90 were attending counselling sessions. This figure includes former participants in the programme.

354. In January 2000, the Ministry of Education also set up a Child Safety Services Unit run by a guidance teacher. The Unit offers educational and therapeutic services to survivors of abuse within the educational system. During its first year, the Unit handled a total number of 175 cases (see annex, table 16).

355. Much assistance is given to the family in Malta by NGOs which request government funding for their programmes and projects on a yearly basis. The amount of money each organization receives is determined every year depending on its projects. The sum of money allocated will constitute a percentage of the estimated cost of the project. NGOs also fund their activities through money raised in fund-raising activities (see annex, table 17).

356. During 2001, the Ministry for Social Policy set up a Community Resource Centre in Cospicua in order to bring the provision of social services in that area under one roof. The Centre includes a branch of the Department of Social Security.

357. The police authorities have also set up a Victim Support Section which gives information, advice and support to victims of violence and abuse such as rape victims, battered women and abused children. It also provides for the tracing of runaway minors. An emergency shelter and a second stage shelter for battered women were inaugurated by the Ministry for Social Policy in 2000.

358. St. Luke's Hospital provides a multidisciplinary outpatient children and family therapy service run by the Psychiatric Services of the Health Division. Moreover, the Butterfly Centre of the Health Division is a Child Crisis Centre for the medical investigation and treatment of abused children and their siblings.

### **National Commission for the Family**

359. In May 2001 the National Commission for the Family was set up in order to give advice to the Government on the necessary measures which need to be taken in order to safeguard the family unit and its fundamental values. The Commission will report to the Government on the effects of its decisions on the family, whether positive or negative. These would include the effect of the enactment of new legislation, or economic measures such as taxation, on the family. The Commission may propose legislative amendments where such are called for in order to strengthen the family. Moreover, it is to ensure that social benefits are sufficient to meet today's demands and that such benefits are being enjoyed by all families. The Commission will, in addition to the above, have the specific tasks of gathering all information relating to the family, seeing to the protection of children and proposing improvements in the health-care system to the benefit of the family. It is also to ensure that the family is receiving enough assistance and that available social services are sufficient. To this end, it is to coordinate with other agencies working in the field of the family. The Commission is currently composed of 12 persons who are experts in their own fields. These fields are family law, social welfare, education, social work, medicine and the economy.

### **Provisions concerning the family under the Civil Code**

360. The Civil Code contains several provisions intended to protect the family unit and regulates the rights and obligations which members of the family, including ascendants and descendants, have towards each other. Amendments introduced in 1993 abolished the concept of the husband as head of the household and placed the spouses on an equal level. Children have a right to be maintained by their parents. Parents and other ascendants of the spouses also have a right to be maintained but their claim is subservient to the right of the children and of the other spouse. The Code also lays down rules relating to parental authority, custody of children, adoption, tutorship and curatorship.

361. Another amendment introduced in 1993 provides that in the case of any disagreement the spouses may apply to the court of voluntary jurisdiction for assistance. The judge will, after having heard the parties and any person above the age of 14, seek to bring about an amicable settlement of the disagreement. If the spouses so request and if the matter in question is of fundamental importance, the judge will determine the matter himself.

362. In the 2001 White Paper entitled "Family Division Civil Code", the Government of Malta proposed the setting up of a special family court which would have jurisdiction over most family related-cases, both civil and criminal. The function of this Court would replace the present system consisting in having most cases relating to the family heard before the Civil Court whether First Hall or Second Hall, the Criminal Court and the Court of Magistrates both having a civil and a criminal jurisdiction. The proposal envisages a pro-family, holistic approach in that

new Family Court and will be complemented by the provision of a network of family support services such as family mediation services, family therapy services and counselling services to be provided by both Government and specialized agencies. Due to the fact that the new family court would have both a civil and a criminal jurisdiction, cases involving adoption, care orders, domestic violence, child abuse, annulment and separations would fall under the jurisdiction of the new court. When a case is presented before the new family court, an effort will be made, wherever possible, to bring about an amicable and consensual solution to the problem. Should such a solution not be forthcoming, the system will aim to lessen the trauma as much as possible by the provision of support services. Only if these two solutions prove to be impossible will the court enter into the picture and the case would be determined judicially. The conciliation and mediation process is to be completed within a time limit of three months after which either of the parties may proceed to the lawsuit stage. Cases are to be determined by a judge or magistrate.

363. The law on inheritance contained in Part II of the Civil Code lays down the rules to be applied in the case of both testate and intestate succession. All legitimate children have a right to receive a legitim which is a portion of the inheritance to which every child is entitled. The portion of the legitim varies depending on the number of children of the testator. Thus, it amounts to one third of the property of the testator if the children are not more than four and one half if the children are five or more. In the absence of descendants, ascendants of the deceased have a right to receive one third of the property of the deceased. The testator has a right to disinherit any ascendants or descendants in case of serious grounds specifically laid down in the Civil Code.

#### **Family-friendly measures introduced in the public sector**

364. Within the public sector, the Government of Malta has introduced several measures intended to help male and female employees working within the sector to reconcile their work with family obligations. These measures were enhanced through the enactment of the Act to Promote Equality for Men and Women, 2003.

365. These measures, which are not mandatory in the private sector, are set out below.

366. *Parental leave.* Government employees are entitled to unpaid leave for a period of 12 months on the birth to them of a child. This leave may be availed of by the father or the mother of the child or may be shared by both. It must be availed of before the child reaches the age of 5. In addition to this, a career break of three years may be taken by either parent or shared by both. This measure may be availed of only once as long as the child is under the age of 5. A special unpaid leave for a period of one year may be availed of by those employees who foster children.

367. A draft legal notice proposes the introduction of three months mandatory parental leave within the private sector.

368. *Adoption leave.* Full-time employees who adopt a child are entitled to a five-week adoption leave at full pay. Male employees are granted two working days leave at full pay. Parents who want to adopt a foreign child may, in addition, take up to three months of unpaid leave.

369. *Responsibility leave.* This leave, which is unpaid, may be availed of by all public officers in order to take care of dependent children or spouses and is granted for periods of 12 months at a time.

370. *Reduced working hours.* Public officers may opt to work on a reduced schedule in order to look after children under 8 years of age. This option is also available to employees who are over 50 years of age and who have medical or serious humanitarian and family reasons. Other justifiable reasons may also be considered subject to departmental exigencies. All employees working on a reduced timetable are entitled to receive, on a pro rata basis, the salary, allowances and all leave benefits. Furthermore the opportunity for promotion, training and eligibility to apply for calls are not prejudiced by reduced hours of work.

371. The Employment and Industrial Relation Act, 2002, also sets out the minimum work conditions for those private entities which may choose to grant their employees the possibility to work on reduced hours.

372. Maternity leave amounting to 14 weeks (13 of which are at full pay), marriage leave (three working days), bereavement leave on the death of near relatives (two working days) and parental leave to be availed of by all male employees on the birth of a child (two working days) at full pay are applicable to all public sector employees and are also mandatory in the private sector.

#### **Other measures of assistance to families**

373. Several other measures are in place which assist the establishment of the family as dealt with in other parts of this report. These include the provision of subsidized housing by the housing authority which takes into account the means of the spouses or engaged couples (art. 11); the free provision of health care for all the family (art. 12); the provision of primary, secondary and tertiary education at no cost to the family (art. 13) and the provision of social security benefits both of contributory and of non-contributory benefits (art. 9). All families resident in Malta are entitled to benefit from the above services without exception although entitlement to social security benefits would depend upon at least one of the spouses being a national of Malta. Moreover, the enforcement of rights and obligations relating to marriage would depend upon the marriage being one which is recognized in Malta and upon Maltese domicile being obtained.

374. The pecuniary benefits obtainable under the Social Security Act, 1987, which go towards assisting both individuals and the family unit include social assistance, children's allowance and sickness benefits. Upon marriage both the bride and groom are entitled to receive a marriage grant by way of a lump sum amounting to LM 81.50 upon an application submitted to the Director of Social Security. The Social Security Act, moreover, provides for the situation in which a carer is taking care of a relative all by himself and on a full-time basis due to the incapacity of the relative to take care of himself/herself. In such a case the carer would be entitled to receive a carer's pension in accordance with the terms of the Act.

## **Protection of maternity**

375. Since 1981 pregnant employees working full-time have started to benefit from a 13-week maternity leave at full pay after provisions on maternity protection were introduced in the Conditions of Employment (Regulation) Act, 1952. This Act has now been replaced by the Employment and Industrial Relations Act, 2002, with the exception of article 18 (1)-(4) of the former legislation concerning maternity leave which are still in force. In view of Malta's application to join the European Union the duration of the maternity leave has been increased to 14 weeks in line with Directive 92/85/EC on pregnant workers. The extra fourteenth week, as provided for by the Protection of Maternity at Workplaces Regulations, 2000, can be taken before or after the start of maternity leave and is unpaid.

376. The Employment and Industrial Relations Act, 2002, provides that an employer may not dismiss a female employee if she intends to contract a marriage, is pregnant with child or is absent from work during maternity leave. Furthermore she may not be dismissed by the employer during the period in which she avails herself of maternity leave or during the following period of five weeks in which she is incapable of work due to a pathological condition arising from childbirth. After the lapse of the maternity leave a female employee is entitled to resume work in the post that she occupied on the commencement of her maternity leave or, if this is not available, in an analogous position.

377. Article 18 (1) of the Conditions of Employment (Regulation) Act, 1952, provides that maternity leave may not be availed of before the pregnant employee has entered the eighth month of pregnancy and, in any case, five weeks of such maternity leave must be availed of after the date of delivery of the child. If the employee does not give birth within eight weeks of the commencement of maternity leave, the employee shall not have to resume work before the lapse of five weeks after having given birth.

378. The Conditions of Employment (Regulation) Act, 1952 provides that notice has to be given to the employer at least three weeks before the maternity leave begins or as soon as it is reasonably practicable to do so. A medical certificate indicating the expected date of delivery of a child has to be attached to the notice. If the above notice is not given on time, the employee will lose the right to avail herself of the greater part of her maternity leave and would only be entitled to the date in which the delivery occurs and five weeks following this date.

379. At the end of a maternity leave the employee has to return to her employment. Failure to do so without a good and sufficient reason would entail the repayment of the entire sum of the wages she received during her maternity leave to the employer.

380. The Work Place (Protection of Maternity) Regulations, 2000, were published on 11 April 2000 and entered into force on 1 January 2001. These regulations, published under the Occupational Health and Safety (Promotion) Act 1994, seek to further enhance physical protection enjoyed by employees who are pregnant, or who have recently given birth or are breastfeeding.

381. Once a woman knows that she is pregnant she is to inform her employer of this fact at once. The employer will in turn make an assessment of any circumstances which could be detrimental to her health and safety. As stated in article 3 (1) of these regulations, “no pregnant worker, mother or breastfeeding worker shall be required by any employer to perform any work which may endanger her health and safety, the safety or viability of her pregnancy or the health of her child, as the case may be”.

382. After conducting the assessment, the employer is under an obligation to inform the employee of the degree of any hazard present at the workplace. After that, an employer has to do all in his power to remove the risks so assessed and this may be done either by adjusting the working conditions or working hours of the employee in question or by assigning the employee to another job which does not expose her to such risks. Should the employer be unable to do the above, the employee shall have a right to an extension of her maternity leave for the whole period necessary to protect her safety or health or that of her child, whether born or unborn.

383. An employee who is the subject of these regulations may continue to perform night work unless such work is detrimental to her health as evidenced by a medical certificate. If the employer’s medical officer disagrees with regard to its contents, the matter shall be conclusively decided by the Director of Labour in the sole interests of the health and safety of the employee. In any case, no such employee will be required to perform night work between the eighth week preceding the expected date of delivery and the twenty-first week after such commencement since in this period it is automatically assumed that such night work would be detrimental to the health of the employee and to her child.

384. The Protection of Maternity at Work Places Regulations, 2000, afford the female employee the same guarantees against dismissal from employment as those afforded by the Employment and Industrial Relations Act, 2002, in case of maternity. In support of this, article 10 (1) of the Regulations state that: “it shall be unlawful for an employer to dismiss a worker during the period from the beginning of her pregnancy to the end of her maternity leave”.

### **Social security benefits to pregnant women**

385. Malta has ratified article 17 of the European Social Charter, entitled “The rights of mothers and children to social and economic protection.”

386. Pregnant women who do not qualify for 13 weeks of maternity leave at full pay under the Conditions of Employment (Regulation) Act<sup>16</sup>, may apply to the Director of Social Security for the receipt of a maternity benefit. This benefit falls under the non-contributory scheme and is payable upon the presentation of a medical certificate attesting that the applicant has entered the eighth month of pregnancy. The beneficiary must be a citizen of Malta or married to such a citizen and be resident in Malta.

### **The provision of health care to pregnant women**

387. All pregnant women who are citizens of Malta or are resident therein may obtain free health-care facilities at the eight health centres throughout Malta and Gozo, at public clinics or at St. Luke’s Hospital, Malta’s general hospital for acute illnesses. Pregnant women are also entitled to free health-care services in Malta as are the nationals of those countries with which

Malta has bilateral agreements which provide for free health care to their respective nationals. Through the enactment of the Refugees Act, 2000, all persons who have refugee status in Malta are also entitled to receive free State medical care for as long as they continue to hold such status or remain in Malta. Upon accession to the European Union, all nationals of countries members of the European Union will be able to receive free medical care in the public hospital or clinics whether they are resident in Malta or on a temporary stay.

### **Groups of women not enjoying maternity protection at all or less than the majority**

388. As far as concerns medical care all women without distinction who are pregnant or who have given birth have a right to receive free medical care. It is in the area of the provision of maternity leave and social security benefits that the law discriminates between full-time and part-time employees. Article 18 (1) of the Conditions of Employment Regulation Act, 1952 gives the right to maternity leave to all full-time employees and to all employees who are working at least 35 hours per week. Female employees working on a part-time basis less than 35 hours per week are not entitled to maternity leave nor to maternity benefits to which all women who are not in gainful employment are entitled under the Social Security Act, 1987. In December 2000, there were 7,856 females who had part-time employment as their main occupation. This figure accounts for 17.9 per cent of the female workforce.

### **Protection and assistance to children and young persons**

389. Children are well loved and cherished in Maltese society. The Criminal Code contains a number of provisions for the protection of children generally. These provisions include: (a) neglect of a child below the age of 7 may lead to imprisonment (sect. 246); (b) should a person find a newborn baby abandoned, that person has the duty to do all that is needed to save the child and inform the police within 24 hours; failure to do so can lead to imprisonment (sect. 247); (c) parents and step-parents enticing or forcing their children into prostitution commit a crime punishable with imprisonment (sect. 197); (d) defilement of minors is a crime punishable with imprisonment (sect. 203); (e) whoever encourages, helps or facilitates the prostitution of minors commits a crime punishable with imprisonment (sect. 204); (f) it is a crime (punishable with imprisonment) to abduct or hide a child or to change, conceal or falsely announce the birth of a child (sect. 210); (g) any person of sound mind (children are included in this definition of a legal person) may lodge a complaint with or submit a report to the police (sect. 538).

390. Under the Civil Code, the Court has the power, upon good cause being shown, to give directions as regards the person or property of a minor as it may deem appropriate in the best interests of the child. The Placing of Minors Regulations, 1962, provide for the inspection by family welfare officers of the premises in which protected minors are being cared for. A draft of the Children Act which will strengthen the rights of the child under domestic law has been prepared and is expected to be enacted very shortly.

391. Malta signed the Convention on the Rights of the Child on 26 January 1990 and ratified it on 30 September of the same year. Malta has also signed the Council of Europe 1980 Convention on Civil Aspects of International Abduction. The Child Abduction and Custody Act, 2000, has incorporated this Convention into domestic law.

### **Minimum age for employment**

392. A person may be regularly employed starting from the age of 16. For children to be employed prior to that age an application has to be made to the Welfare Unit of the Ministry of Education. This application must contain a promise of work form to be filled in by the employer; a form containing the parents' joint consent; and a school-leaving certificate or a school exemption report to be signed by the Head of School. The birth certificate of the child is also to be attached to the application form. In 2000, a total of 1,689 exemptions were given to minors who had not yet reached the age of 16. This figure includes a number of pregnant girls who had not yet finished their compulsory education and who were exempted from attending school in order to attend the Programme for Schoolgirl Mothers.

393. In order to obtain an exemption, a student must have at least attained the age of 15 and completed the final year of compulsory secondary education. In fact, most exemptions are given for a period not exceeding eight months since mid-year exams in the final year of compulsory school are held at the end of February of each year. After that, students who do not wish to sit for their MATSEC exams may no longer attend school. A child who has not yet reached the age of 15 may be given a temporary exemption for summer work only, provided that the child's fifteenth birthday is not more than three months away. A person who is in the fourth year of secondary school and who is about to attain the age of 16 during the school year may obtain an exemption only commencing from the term in which the student reaches the age of 16.

394. A register listing the names of young persons who have obtained an exemption to that effect is kept by the Student Services Department. The register also lists the name of the parent/legal guardian, the job or workplace and the date on which the exemption is given. Unless such an exemption is obtained, a child or a young person may not engage in paid employment and an employer who hires such person would be liable to prosecution.

395. It is estimated that less than 1 per cent of such children work in family establishments.

396. Many young persons below the age of 16 who obtain an exemption find work either in the industrial sector, catering, fast-food outlets or in retail outlets. Some young people are also employed as helpers or as carers for old people.

### **Employment of young persons between the ages of 16 and 18**

397. As at December 2001, a total of 4,323 persons between the ages of 16 and 18 were in gainful occupation with the majority being employed (see annex, table 18).

398. The largest number of persons within this age group were working in the manufacturing sector (see annex, tables 19 and 20).

### **Health and safety of children and young persons at the workplace**

399. Until the child reaches the age of 18, the employer is bound by the Protection of Young Persons at Work Places Regulations, 1996. These regulations will be replaced as from 1 January 2002 by the Protection of Young Persons at Work Places Regulations, 2000, which were published in April 2000 and which will come into force on 1 January 2002. The regulations ensure minimum health and safety standards to young workers.

400. The Protection of Young Persons at Work Places Regulations, 2000, which were published under the Occupational Health and Safety (Promotion) Act, 1994, establish obligatory health and safety assessments by the employer and deal with several aspects such as the nature of work to be given out to young persons, hours of work, night work and rest periods. The new regulations bring Maltese law in line with EU Directive 94/33/EC on the protection of young people at work. The regulations make a distinction between “child”, “adolescent” and “young person”, as different rules would apply to each. A child is deemed to be a person under the age of 15 years; an adolescent is a young person of compulsory school age whilst a young person means a person under 18 years of age.

401. The regulations impose an obligation on the employer to ensure that any young person is protected from any risks to his/her health and safety resulting from the employment. Moreover, the work assigned to a young person must not:

- Go beyond the young person’s physical or psychological capacity;
- Involve exposure to any chemical, physical or biological agents, as listed in the annex to the Regulations;
- Involve risks of accidents not easily recognized or avoided due to young age;
- Involve risks to health from extremes of cold or heat.

402. These restrictions will not apply in the case of adolescents or other young persons who are no longer of school-going age and who are engaged in any training or apprenticeship schemes. Neither will they apply to any educational activity forming part of the curriculum of any school or educational institution approved by the Education Act; any cultural, artistic or sports activities approved by the Director of Education; any work performed in hospitals or in similar establishments; in respect of work carried out in the shipping or fisheries sector and in respect of work carried out in the context of the armed forces or the police.

403. In any case, a young person shall not be required to perform night work between midnight and 4 a.m. of the following day. Before commencing any night work an adolescent shall be entitled to a free medical examination, unless the work assigned is of an exceptional nature.

404. No young person is to be employed at any time between 10 p.m. on one day and 6 a.m. of the following day and the total number of days of work must not exceed six in any given calendar week.

405. The Regulations provide that no person is to employ under a contract of service or otherwise give out work to a child. A child is defined as any person under 15 years of age. This prohibition will not apply to any school activities or any activities carried out in pursuance of any educational, philanthropic, cultural, artistic, sports, educational or advertising activities not being harmful to the health or development of the child and if the child’s attendance at school is not thereby jeopardized. Such activities must, moreover, be approved by the Minister of Education.

406. The employment of children for performance in any cultural artistic, sports or advertising activity requires the authorization of the Director of Industrial and Employment Relations and permission will only be granted if the activity is not harmful to the health, safety or development of the child or school attendance.

407. Whenever a child is given work, the working time of the child will be limited to:

- Eight hours a day and 40 hours a week for work performed under a combined work/training scheme or an in-plant work-experience scheme;
- Two hours on a school day and 12 hours a week for work performed in term-time outside school hours. The hours of work on a day which is not a school day must not exceed seven hours;
- Seven hours a day and 35 hours a week for work performed during a period of at least a week when school is not operating.

408. A child is moreover entitled to a minimum rest period of 14 consecutive hours in any 24-hour period and no work can be assigned between 8 p.m. on any given day and 6 a.m. of the following day.

409. A child may be allowed to do light work which is not harmful, damaging or dangerous to the child in a family undertaking for a period not exceeding 7 hours a day or 35 hours a week.

410. The above Regulations apply to all children, irrespective of gender, status, and whether they are not living with biological parents, abandoned or living in a family environment.

### **Children in institutional and foster care**

411. Children who are not living in a family environment, including orphans, children not living with their biological parents and children who are abandoned are taken care of by Government-owned residences for children or by NGOs most of which are run by the church. Funding for church-run residential homes for children comes partly from the church and partly from the State.

412. The number of orphans is quite low and children residing within institutions mostly come from families with difficulties or single parents. The most common problems are the mental or physical ill-health of parents and the neglect of the children by the parent or parents. As at October 2000, there were 323 children residing in residential homes, of which 173 were boys and 150 girls.<sup>17</sup> Children and young persons may reside in residential homes until they attain the age of 18 (see annex, table 21).

413. Orphans, abandoned children or children coming from problematic families may instead be fostered. The Fostering Unit within *Agenzija Appogg* was set up in February 2000 one of the functions of which is to train persons who wish to provide foster care.

414. Prior to 1995, the Department of Family Welfare used to find fostering placements for children, as an alternative care, mostly within the extended family. These children would either spend a definite period of time with the extended family, depending on the nature of the problem

of the family, or end up living with them permanently. There are still some cases of children who are placed with the extended family, although this is becoming less frequent, and when this occurs, the chosen members of the extended family are invited to be assessed and trained together with other foster carers. Statistics prior to 1995 are not available.

415. In the early 1990s, the Adoption and Fostering Team was officially set up within the Department of Family Welfare. During this time, assessment of children and prospective foster carers started taking place, which resulted in the matching of children with foster carers. During the same time, the Adoption and Fostering Panel was officially set up by the Ministry for Social Policy, and one of its aims was to approve foster carers. However, foster care has been seen by many of the children's biological parents as a threat, in comparison to institutional care, and frequently associated with adoption.

416. By 1996 a multi-agency commission made up of representatives from the Department of Family Welfare, the Social Welfare Development Programme (SWDP), the Cana Movement and St. Patrick's School was set up to carry out research relating to the fostering scenario in Malta. The study was finalized during the same year, and an inter-agency fostering team was set up jointly by the Department of Family Welfare, SWDP and the Children's Homes Office. At the time there were about 30 children who were officially fostered by foster carers and approved by the Adoption and Fostering Panel.

417. Between 1995 and 2000, the number of foster placements increased from 35 to 50.

418. At present there are three large residential homes - one for newborns up to the age of 4, one for boys up to the age of 9 and for girls up to reaching puberty, and one for boys between the ages of 9 and 16/18. Other residential homes have only a small number of children, ranging up to the age of 18.

419. During the past decade a great effort was made by all the large residential establishments to reduce the number of children and to create smaller units which enhance a family atmosphere.

### **Illegitimate children**

420. The number of illegitimate children has increased sharply during the past 20 years from just 59 in 1980 to 499 in 2001. The highest number of illegitimate children are recorded for women who are under the age of 20 (see annex, table 22).

421. Under the Civil Code a distinction is made between the status of legitimate children and illegitimate in that illegitimate children have less rights than legitimate children. Amendments are expected to be made to the Civil Code to remedy this situation by giving illegitimate children the right to inherit from their biological parents on an equal footing with legitimate children.

422. As the situation stands at present, an illegitimate child of one of the spouses born before and acknowledged during the marriage, may not be brought into the matrimonial home except with the consent of the other spouse, unless such spouse has already given his or her consent to

the acknowledgement. Moreover a parent may deny maintenance to the illegitimate child if the child refuses without just cause to follow the directions of the parent in regard to his conduct and education or to live in the house which the parent with the approval of the Court has appointed for his habitation.

423. Unless a child is legitimated in any of the ways recognized by the Civil Code, an illegitimate child may not succeed to the inheritance of his parents. If the child is legitimated in the act of birth or in any public deed, whether before or after birth, and if the testator leaves other legitimate children or descendants, the child will be entitled to one-third part of the legitime he would have been entitled to had he been legitimate. The share of an illegitimate child amounts to one half of the legitime in any other case. Moreover illegitimate children have to date no right over the property of the relatives of the parents.

424. Office of the Prime Minister Circular No. 35/80 (OPM 149/80) provides for the setting up of an Inter-Ministerial Working Committee responsible for making suggestions on ways to remove once and for all the remaining instances where the law differentiates between legitimate and adopted/illegitimate children.

425. Whenever children are not being represented by their parents in legal proceedings the Court will appoint a curator to represent the child or the minor. In the White Paper entitled "The Family Division - Civil Court, 2001", the Government is proposing the appointment of a lawyer to represent the interests of minors in the separation suit of their parents.

#### **Adolescent boys and girls**

426. The Ministry for Social Policy has set up a programme under the name of *Fejda*, which offers shelter and a therapeutic service to all adolescent girls suffering from emotional and behavioural difficulties. The aim is to give each young person the opportunity to learn how to grow in a nurturing and healthy environment and offers a service for those persons who have already been through a number of serious let-downs, rejections and are facing personality disorders or emotional disturbances. The programme offers its services to a maximum of 24 girls, aged 12 and over. Stay at the programme is anything between six months and two years, the determining factor being the client's personal needs.

427. *Agenzija Appogg* runs a similar programme for boys/young men facing severe personal problems. This is the Formula One programme.

#### **Mentally and physically handicapped children and young persons**

428. Mentally and physically handicapped children and young persons enjoy the same measures of protection as those enjoyed by other children and young persons. The Equal Opportunities (Persons with Disability) Act, 2000, specifically prohibits discrimination on the basis of disability in five different areas which are: employment, education, access to premises, provision of goods, facilities and services and accommodation. Physically as well as mentally handicapped children are as much as possible integrated within the main schools. Only if the disability is such that such integration would prejudice the interests of the child will such child attend one of the seven special schools (one of which is on the island of Gozo).

## Article 11

### Standard of living

429. The Maltese population, standing at 385,077 persons<sup>18</sup> as at December 2001, generally enjoys a good standard of living. There are several indicators which bear out this fact and an analysis of the main indicators relating to per capita income, life expectancy, child mortality rate, information society, vehicle density and households are provided here. Given that the Maltese population is fairly homogeneous and that there are no distinguishable socio-economic and cultural groups, all data refer to the Maltese population as a whole.

430. The GDP per capita, GNP per capita and the disposable income of the population have increased on a yearly basis. Data for the years 1990-2001 are given in the annex, table 23.

431. During the years 1997-2000, Malta had registered a higher percentage increase in GDP than the average percentage change registered for EU member countries. A negative figure is recorded for 2001 (see annex, table 24).

432. The increase in GDP is reflected in the higher level of disposable income. In the period between January and September 2001, household disposable income reached Lm 803.2 million, representing an increase of Lm 11.4 million or 1.4 per cent over the previous year. Information in relation to average weekly wages is given under article 7.

433. The life expectancy of the population has increased from 70.8 years for males and 76.0 years for females in 1985 to 74.9 years for males and 79.5 years for females in 1995. As at the end of 2000, life expectancy stood at 74.3 years for males and 80.2 years for females. Crude infant mortality rate (deaths under one year per 1,000 live births) stood at 13.6 in 1985 and 8.9 in 1995. In 2000 infant mortality was further reduced to 6.1.

434. The ratio of health-care professionals to the population is quite high as can be seen from table 25 in the annex to the present report.

435. Data relating to vehicle density show that private car ownership and commercial and other vehicle ownership are on the increase (see annex, table 26).

436. Information on household ownership and average household space per person is given in the third part of this chapter. Household ownership of selected home appliances can be viewed in table 27 of the annex. The data given are based on the 1995 Census of Population and Housing.

437. For selected indicators for the Information Society as at September 2001, see annex, table 28.

438. Malta ranked thirtieth in the Human Development Index, 2001 (see annex, table 29).

439. Malta has not yet established a "poverty line". Nonetheless, some data is available for the poorest 40 per cent of the population. For the end of the year 1999, a total of 76,280 individuals declared in total an estimated income of Lm 117,554,000, equivalent to 8.12 per cent of GNP. These individuals are the poorest 40 per cent of the working

population. Only 4.1 per cent of these individuals fall within the business category and are hence self-employed whilst the other 45.9 per cent are employees; 33.3 per cent of the self-employed declare an income within the range of Lm 1,000. Just under 13 per cent of employees declared an income of under Lm 1,000, while 27.3 per cent declared between Lm 1,000 and Lm 3,000 (see annex, table 30).

440. The above results from the 1995 census reveal that approximately 42 per cent of households declare an income of up to Lm 3,500. In total, these 49,975 households earn Lm 103,916,313, or 9 per cent of GNP. Care should be taken in interpreting such data due to the under-declaration of income for tax purposes.

441. Malta does not have a Physical Quality of Life Index.

### **The right to adequate food**

442. Due to the size of the Maltese Islands, the agricultural sector is a small one. According to the 2000 Census on Agriculture, the total agricultural land in Malta amounts to 10,738.4 hectares and is concentrated in the north-western region. This figure represents a drop of 396 hectares compared with the 1991 census. Agriculture contributes 2.5 per cent to Malta's GDP and engages 1.8 per cent of those gainfully occupied. The agricultural land is managed by 11,400 land tenants of whom 974 are full time and 10,426 part time. 42.6 per cent of all farm tenants are over 60 years of age, 46.7 per cent between 40 and 60 years and 10.7 per cent are under the age of 40.

443. Agriculture affords a limited but vital source of food security for the islands. Malta is self-sufficient in fresh vegetables, processed tomatoes, eggs, poultry, pork, fresh milk and fresh milk products. Malta has low self-sufficiency in wine grapes, fresh fruits and beef and relies on the importation of cereals, sugar, hops, rice, butter, cheese, milk powder, mutton and lamb.

444. The Census of Agriculture held in 2001 by the National Statistics Office established the total agricultural area in the Maltese Islands at 10,013 hectares. Malta accounts for 8,081 hectares while 1,932 hectares are situated in Gozo. This land is managed within 11,887 agricultural holdings. Of these, Malta has 9,184 and Gozo 2,703. Six hundred and six holdings are pig, cattle and poultry farms and holdings consisting of garigue land (moxa). As such therefore these have no agricultural land to speak of.

445. Agricultural land area is very fragmented. 73.5 per cent of agricultural holdings are made up of less than one hectare of land. Sixteen per cent are made up of one to two hectares, 9 per cent between two and five hectares, while the remaining 1.5 per cent individually account for over five hectares of land area. Three hundred and three hectares of irrigated land (saqwi) lie in 1,245 holdings that measure less than one hectare a piece. On the other hand, 1,195 hectares of irrigated land (saqwi) are contained in 1,147 holdings.

446. During the period January-September 2001, the amount of fruit and vegetables produced in Malta and Gozo amounted to 32,257 tonnes and sold at the price of Lm 5.6 million.

447. Malta generally imports a large amount of cereals and dairy produce. It also imports other commodities (see annex, table 31). A higher amount of most food imports was recorded in January-September 2001 than for the same period in 2000.

448. Wholesale prices of vegetables and fruit sold in organized markets fluctuate considerably due to seasonal factors. Prices of fruit and vegetables are low and affordable by the whole population (see annex, table 32).

449. Malta has a Mediterranean climate. The agricultural industry faces a few problems which include the fragmentation of land ownership, high cost of rent, the scarcity of water which results in reliance on costly desalination and the high costs of labour. In an effort to overcome these constraints the Government continued to provide financial and technical assistance to farmers. One scheme consists in the reimbursement by the Government of half the social security contributions payable by full-time self-employed farmers, fishermen and herdsmen who are members of registered cooperatives. Ongoing technical and professional advice is offered to farmers through Extension Service Officers established throughout Malta and Gozo. A central Extension Service Office is situated at the Pitkali vegetable market in Ta' Qali.

450. The Government moreover distributes treated water for irrigation purposes in order to alleviate the water shortages faced by farmers. During the period January-September 2001 approximately 1.3 million cubic metres of water were distributed to farmers from the Sant'Antnin sewage treatment plant. Approximately the same amount of water was distributed over the same period in 2000.

451. The fishing industry in Malta, which consists in both traditional fishing and fish farming, is also a very important food supply for the Maltese Islands. Although the fish farming industry is mainly export-oriented, traditional fishing is vital in supplying the domestic market with a wide variety of fish, namely dorado, swordfish and tuna. Fish are sold on the market at reasonable prices (see annex, table 33).

452. The country has a secure food supply system, which is heavily dependent on importation. The National Statistics Office collects and publishes data related to the local production of food, import and export. It also carries out the Household Budgetary Surveys that indicate food trends. National nutritional surveys have so far never been held due to a lack of resources in this regard. The Department of Health Promotion conducts national campaigns on the principles of nutrition and healthy eating, amongst other things. The Department, which was set up in 1994, helps the public to be better informed about healthy lifestyles and ways to improve their health. It conducts multiple national campaigns to enhance the knowledge, attitudes, beliefs and values conducive to good health and healthy behaviour by enhancing personal skills, promoting environmental change and advocating lifestyle policies favourable to health. The Department of Health Promotion operates through mass media education, publications and resource material produced by the Department and which are made available to the public free of charge in support of its campaigns. The Department also provides support services to people wishing to adopt healthier behaviour. A telephone information service on nutrition is provided by the Department to the general public during office hours. The ongoing campaign on healthy nutrition goes by

the name “*Kul Ghal Qalbek*”. A booklet by the same name which was published by the Nutrition Unit lists food items such as sugar, salt and fat which are to be avoided and promotes food with a high nutritional value. The Department has moreover launched a campaign to promote and encourage the public to adopt the Mediterranean diet due to its inherent qualities compatible with good health. A leaflet by the name “*Ikel Bnin Il-Mod Mediterranju*” describes the benefits of adopting the Mediterranean diet and contains general suggestions for a healthy lifestyle. Another booklet “*Kul Ghal Sahtek*” gives advice on the diet to be adopted in order to keep high blood pressure at bay. A booklet entitled *Did you Know ...*, published by the Department of Health Promotion in collaboration with a local company producing fruit juice, promotes the eating of higher portions of fruit and vegetables.

453. The public may obtain information through the Department’s web site or it may go personally to the Department’s office, centrally located in Valletta, in order to ask for information or obtain published material on nutrition and healthy lifestyles.

454. Although no data is available to indicate the quality of nutrition in Malta, especially among the lowest socio-income groups, the unemployed and the elderly, hunger is not a problem in Malta.

455. The welfare system minimizes the problems of food availability to vulnerable and disadvantaged groups. However, no nutritional benchmarks are being used to assess this achievement.

456. Elderly people are provided with a “Meals on Wheels” service in which hot meals are served daily to them in their own home. This service is given by the Maltese Cross Corps in collaboration with the Department for the Welfare of the Elderly. During 2002, a total of 1,293 persons benefited from the service.<sup>19</sup>

457. Nutrition education is done via the mass media and directly through community outreach programmes in Malta’s towns and villages. Furthermore, the public has access to a specific information service by the use of telephone as well as through printed literature distributed free of charge. Qualified nutrition personnel manage these services.

### **The right to adequate housing**

458. The Government’s housing policy advocates home ownership. Indeed almost 70 per cent of houses are occupied by owners. In general there is no right to housing under Maltese legislation. However, various laws such as the Housing Act, 1949, and the Housing Authority Act, 1976, do promote housing and home ownership. Various laws also protect certain tenancies and occupations that commenced before 1996. These are the Re-letting of Urban Property (Regulation) Act, 1931, and the 1979 amendments to the Housing (Decontrol) Ordinance, 1959. It is important to note that the Housing (Decontrol) Ordinance, 1959 makes a distinction between nationals and non-nationals in that under this legislation it is not lawful for the lessor of a dwelling to refuse to renew the lease to a Maltese citizen, to raise the rent or to impose new conditions except under certain specified circumstances. Moreover, most, if not all, Housing Authority and Department of Social Housing schemes limit aid to Maltese nationals.

459. There is no specific reference to housing in the Constitution of Malta. In Section 37, the Constitution provides for protection against dispossession from property or deprivation of property rights.

460. There are no impediments to the ownership of land by Maltese nationals. Neither are there any impediments to the ownership of land by women. Due to the scarcity of land and the past building practices, non-Maltese persons' rights to acquire immovable property are regulated by the Immovable Property (Acquisition by Non Residents) Act, 1974. In general, non-residents require a permit from the Minister of Finance in order to acquire immovable property. Moreover, the Exchange Control Act, 1972, provides that an exchange control permit is required in the case of a resident giving a loan to a non-resident.

461. According to the 1995 Census on Population and Housing, the total number of private households amounts to 119,479.

462. Some 55,703 households live in terraced houses, 21,562 in apartments, 16,602 in maisonettes and the rest in semi-detached and detached houses and ground-floor tenements. In terms of population, the number of people living in private households is 372,657, of which 178,986 persons live in terraced houses, 66,590 in apartments and 51,244 in maisonettes. The rest live in other types of dwellings.

463. The total number of persons per room is 0.54, and the total number of rooms per housing unit is 5.7. This is higher than in France, Netherlands, Germany and the United Kingdom.

464. Table 34 shows the distribution of available housing stock in the Maltese Islands by period of construction (period in which the building was completed for habitation). The modal value of properties built before the year 1920 is also shown.

465. Table 35 shows the distribution of households by number of members and number of rooms in a dwelling.

466. Another important parameter in assessing the housing situation is the distribution of rent paid to a social or private landlord (see annex, table 36).

467. The data shows that the modal value of rented properties tabulated by the amount of rent paid annually falls into rent bracket below Lm 50, that is, more than half of all rented properties.

### **Social housing**

468. The Housing Authority represents one of the major social housing providers in the country. The data in table 37 pertain to the notices for sale and rent issued by the Housing Authority as of 5 July 2001.

469. Another important government department in charge of providing social housing for rent is the Department of Social Housing. The Department's main role is to provide alternative accommodation for those who do not have suitable accommodation. The Department of Social Housing currently has 3,400 pending applications from persons asking for alternative accommodation. These can be divided into the categories outlined in table 38 of the annex to the present report.

470. The Department has about 250 premises available for allocation each year. These include private requisitioned premises and government buildings that have been vacated. The number of government-owned property amounts to 8,750.

471. The number of private premises still covered by a requisition order is 10,728, which brings the total number of properties managed by this Department to 19,478. The Department is removing a number of requisition orders on privately-owned premises each year on an ongoing basis, and since 1995 has not issued any fresh requisition orders. During 2001, the Department removed 630 requisition orders from premises that had been under requisition for a number of years. The rent of requisitioned premises is fixed by agreement between the landlord and the tenant. The average rent of government property is Lm 125 per year. The rent payable to the Land Department ranges from Lm 26 to Lm 560 per annum.

472. The third major partner in the field of social housing is the Department of Housing Construction and Maintenance. This Department is mainly responsible for the construction of new housing units on behalf of the Housing Authority. It also carries out major structural repairs in government tenements which are leased for residential purposes and general repairs in common areas in blocks of government apartments. The Department was set up in August 1992 and has been carrying out repairs since January 1993.

473. The process of amalgamating the Department for Social Housing and the Housing Authority is currently under way and is expected to be finalized during 2001. This amalgamation is expected to eliminate duplication of work and streamline the services currently being provided by the Department for Social Housing and the Housing Authority. The Department of Housing Construction and Maintenance will continue with the current projects of developing new housing units on behalf of the Housing Authority.

### **Vulnerable and disadvantaged groups in relation to housing**

474. Those who have been identified as requiring assistance in the area of housing are usually low-waged, single-parent families, elderly people, physically impaired or mentally ill persons, persons released from institutions, substance abusers and refugees.

475. The Housing Authority has been providing financial support through a wide range of social housing schemes intended to assist in the upkeep and maintenance of properties, adaptation works for the disabled, subsidies for rented accommodation and subsidy on interest rate in case of purchase of property. Currently the following schemes are in operation:

- Scheme X: Private Dwelling Houses (Purchase and Improvement) Scheme, 1999;
- Scheme Y: Subsidy on Interest on House Loans (Private Sector), 1999;
- Scheme Z: Subsidy on Adaptation Works in Owner-Occupied Private Dwellings Scheme, 1999;
- Scheme No. 5: Subsidy on Adaptation Works in Private Dwellings held on Lease or Emphyteusis, 1999;

- Scheme No. 6: Purchase of Government Property;
- Scheme No. 7: Financial Aid to Persons with Disability for Adaptation Works Related to their Disability in Residences Occupied by them, 1999;
- Scheme R: Rent Subsidy on Leased Privately-Owned Property;
- Scheme S: Refund of VAT on First Dwelling House;
- Scheme T: Subsidy on Adaptation Works in Vacant Privately-Owned Residences which are to be Leased to Maltese Citizens;
- Scheme W: Subsidy on Adaptation Works in Government-Owned Residences;
- Scheme K: Redemption of Ground Rent on HOS Plots;
- Scheme P: Redemption of Ground Rent on HOS Plots issued prior to 1979;
- Scheme Q: Redemption of Ground Rent on HOS Plots;
- Scheme V: Installation of lifts.

476. The following schemes ceased to exist and have been replaced by Schemes X, Y and Z, and schemes Nos. 5, 6 and 7:

- Scheme M: Home Purchase Assistant Grant and Home Purchase Interest Subsidy on Loan for the Purchase by Tenants of Privately-Owned Residences and Adaptation Cash Grant and Adaptation Interest Subsidy on Loan to Carry Out Improvements in the Same Residence;
- SHD 16: Subsidy on the Interest Rate of Loan for the Purchase of Privately-Owned Residences;
- Scheme N: Subsidy on Adaptation Works in Premises that are to be Owner Occupied;
- Scheme L: Subsidy on Adaptation Works in Leased Private Dwellings to Render them Habitable and of Acceptable Standard;
- Scheme I: Subsidized Price for the Purchase of Government-Owned Residences by Their Respective Tenants;
- Scheme 1: Financial Aid for Adaptation Works in Residences Occupied by Persons with Disability;
- Scheme 3: Cash Grant for Adaptation Works in Government-Owned Dwellings;
- Scheme J: Rent Subsidy.

### **Number of homeless individuals**

477. There are currently 55 cases of homeless people registered with the Department for Social Housing. These include applicants who applied from institutions, those who live in garages, guesthouses, cars and even those who are sharing a house with their family but have problems. Most of these cases involve people aged between 18 and 26 who have been evicted from home by their parents.

### **Quality of housing in Malta**

478. It can be said that the majority of private households in Malta have toilet and shower facilities. According to the 1995 Census on Population and Housing, the number of dwellings without bathrooms or showers is 4,028 out of a total of 119,479, or 3.4 per cent of households. The number of dwellings without toilets is 1,667 out of 119,479, or 1.4 per cent of all households. Regarding sewage disposal system some 116,746 dwellings, or 97.7 per cent, have toilets that empty into a public main sewage system. Some 2,632, or 2.2 per cent, have toilets which empty into a cesspool.

479. Heating systems are available in various forms. Some 23,643, or 19.8 per cent, of households use paraffin heaters, 56,876, or 47.6 per cent, electric heaters and 25,070, or 21 per cent, gas heaters. The other modes of heating include air conditioning and fireplaces. In some 109,508 dwellings electric fans are used as a form of air-cooling.

### **Structures built without a permit**

480. The issue of homes built without a permit is not a problem in Malta. The illegal sector in Malta consists of a few hundred boathouses often one-roomed structures and are mainly used during the summer months. These structures are slowly being identified and demolished by the Enforcement Section of the Malta Environment and Planning Authority (MEPA). The actual number of persons making use of such structures is not available. A list of all pending enforcement cases being dealt with by MEPA is available on the following web site (<http://www.mepa.org.mt>). This list is classified by location of the property and a total of 68 such localities are listed. The pending enforcement cases do not only concern structures or houses built without a permit but include all other offences under the Development Planning Act, 1992, such as alteration of a building without the necessary permit. As at October 2002, there were 6,697 pending enforcement cases. This does in no way imply that all other properties are built according to permit, but the list indicates the cases where illegalities have been noticed by MEPA Enforcement Officers. Action is taken by MEPA in conjunction with the Works Division and the Administrative Law Enforcement Police. Such action may include the demolition of the illegal structure. In 2001, a total of 44 direct actions were taken to remove 76 illegal developments<sup>20</sup> and the ensuing publicity after each action serves as a major deterrent against abuses in the building sector. One major initiative concerned the removal of illegal boathouses at Armier, an operation carried out jointly with the Land Department. Over 80 boathouses were removed.<sup>21</sup>

481. In 2001, a total of 994 enforcement cases were closed.<sup>22</sup> This figure includes 580 cases in which the owner applied to sanction the illegal development. Another 294 enforcement cases were closed after the developer removed the illegal structures or otherwise complied with the enforcement notice. New stop and enforcement notices amounted to 1,369 in 2001.

### **The number of evictions and persons lacking legal protection against arbitrary eviction**

482. The number of persons evicted by the Department for Social Housing within the last seven years are listed in table 39. These evictions were carried out by the Department's officials and concerned squatters who were occupying tenements without the right to do so.

### **Housing affordability**

483. Presently, the price-earning ratio for a terraced house stands at 12.6, and for a median priced apartment at about 7.6.<sup>23</sup> It is apparent that these ratios for both types of dwellings are significantly above the average range (between 2.5 and 5). It can be concluded that a declining housing affordability characterizes the overall housing situation in Malta. Another indicator, namely Housing Affordability Index (HAI), has been decreasing in the last couple of decades, from 70 in 1982 to 46 in 1997.<sup>23</sup> This shows that the increase in housing prices was not followed by a corresponding increase in annual income, resulting in a continuous reduction in housing affordability (see annex, table 40, Compilation of Malta's Housing Affordability Index (HAI)).

484. Regarding rent to income ratio, it is rather difficult to provide a reasonable calculation. In many cases, rents from private landlords do not follow the market prices since some of them have been frozen at the post-war level. The 1995-2000 data show that an average income of those who applied to purchase property from the Housing Authority stood at Lm 4,779 per annum. However, the properties were sold to persons (beneficiaries) whose average annual earnings were less than this figure, namely Lm 4,517. The average income of those who rented from the Housing Authority was Lm 2,592 per annum, or 43 per cent less.

485. Issues related to affordability are the most serious housing problems. The availability of smaller properties at affordable prices would ease the situation to a certain extent. Despite the 1995 amendments to the rent laws, which removed the right given to Maltese nationals to renew a lease automatically on expiration of the contract, Maltese landlords are still reluctant to rent property to Maltese lessees.

486. Another problem is the number of vacant dwellings in Malta. In 1995 the number of vacant dwellings was 22,756 (summer residences excluded). Some 8,792 of these residences are in a dilapidated state or require maintenance.<sup>24</sup> A solution must be found in order to put these properties to use since this would help both to improve and regenerate areas where these dwellings are located as well as to use the scarce land more efficiently and restrict further sprawl of residential areas. An exchange of experience in the field of housing can only contribute towards a solution to this problem.

487. The Department for Social Housing manages a total of 20,195 premises of which 11,075 are private premises and 9,120 government-owned premises. The Department for Social Housing offers a number of properties for rent. In September 2002, there

were 3,200 pending applications with the Department. In allocating property the Department of Social Housing gives priority to applicants who are most in need. The Department manages to provide about 250 units for rent each year.

### **Persons on waiting lists for obtaining accommodation**

488. The number of applicants on the waiting list for obtaining accommodation is currently 3,200. One of the measures taken by the Department for Social Housing to ensure that all applicants are still interested or are still living in the same conditions described in the original application is to receive feedback through regular questionnaires sent every two years. Through this questionnaire, the Department can update the lists of applicants by striking off those persons who have in the meantime changed their accommodation or are no longer interested. The Department also employs one social accommodation officer who follows up cases by making social reports and verifying the genuineness of claims in some cases.

### **Persons in different types of housing tenure**

489. According to the 1995 Census, 72 per cent of households are owner-occupied while the rest are rented from private or social landlords.

490. In the last five years the Housing Authority has put on the market some 519 housing units, mainly flats and maisonettes. This works out at 104 units annually. The intention is to increase the number of units for rent, since the last notice for rent was issued way back in 1996.

### **State expenditure on housing**

491. In 2001, housing expenditure (capital and recurrent) amounted to Lm 3,186,000, representing 0.4 per cent of the national budget. This figure does not include the Housing Authority's expenditure on its own programmes.

### **Housing legislation**

492. A whole body of legislation regulates the provision of housing, home ownership and the renting of premises for habitation. There is, as such, no legislation specifically granting an individual the right to adequate housing provided by the Government.

493. The Housing Act, 1949, empowers the Government to take, through the Department for Social Housing, the necessary action to ensure a fair distribution of living accommodation and to secure a living accommodation for the homeless. Prior to the 1995 amendments to the Act, the Director of Social Housing had the right to requisition private property for this purpose. This power has been removed through the 1995 amendments which state that the Director for Social Housing may not issue fresh requisition orders under the Act. The amendments do not effect requisition orders issued prior to 1 March 1995 and such property will remain requisitioned unless the requisition order is revoked. The requisitionee is paid the equivalent of a fair rent for his property in addition to any expenses incurred in connection with the requisition order. Disagreements concerning the amount of compensation are assessed by the First Hall,

Civil Court, and appeals can be lodged with the Court of Appeal. According to the same Act a requisitionee may ask to have the requisition order revoked on the basis that the property is required for the purpose of habitation for himself or for his children. In such a case the property will revert back to the owner once it is vacated provided that residence is taken up within six months and continues for a period of at least two years.

494. The Housing Authority Act, 1976, provides for the establishment of the Housing Authority as a body corporate having a separate legal personality. The Act lists the functions of the Housing Authority which relate to the development and administration of housing estates and other residential and commercial accommodation. The Act empowers the Authority to act, by agreement with the Government, as an agent for implementing the policy of the Government with respect to housing, including any Government's projects or plans.

495. The Home Ownership (Encouragement) Act, 1988, makes provision for the granting of certain incentives for the encouragement of home ownership by providing for relief from certain duties which would be payable on acquisition or transfer of property.

496. The Land Acquisition (Public Purposes) Ordinance, 1935, as last amended in 2001, grants the President of Malta the right, through a declaration signed by him, to declare any land in Malta to be required for a public purpose. Public purpose is defined as:

Any purpose connected with exclusive government use or general public use, or connected with or ancillary to the public interest or utility (whether the land is for use by the Government or otherwise) or with or to town planning or reconstruction or any purpose connected with the defence of Malta or connected with or ancillary to naval, military or air operations; and includes any other purpose specified as public by any enactment.

497. No proof of such public purpose need be given. Land may be acquired either by absolute purchase, perpetually, for a stated time or on public tenure and after its acquisition the Government may use, deal or dispose of the property in the manner it thinks fit in the public interest. Compensation is to be granted to the owner upon agreement being reached between the Commissioner of Land and the owner concerned. If the acquisition is only for a stated time or by public tenure then acquisition rent will be paid instead.

498. The Building Development Areas Act, 1983, repealed by Act X of 1988, established building development areas and regulated building development. These powers were vested in the Minister for Works. Under the 1983 Act the Government was entitled to expropriate land by publishing a notice in the Government Gazette. No contract with the owners needed to be signed before the transfer could take place. The Reversion of Certain Lands Act, 2001, now enables the Government to return land which had been expropriated under the Building Development Areas Act, 1983 and which is no longer needed for a public purpose. The land is to be returned to the owners or heirs as if the acquisition by the Government had never taken place subject to the condition that the owners of the land register it at the Land Registry within three months after the land is returned to the owner. Land will be transferred back through a notice in the Government Gazette. When the land cannot be returned compensation would remain due.

499. The Building Permits (Temporary Provisions) Act, 1988, repealed by Act 1 of 1992, regulated the granting of permits for the erection and demolition of buildings. It suspended the powers of the Minister for Works to establish development boundaries and devolved the powers to review the decisions of the Planning Area Permits Board to a committee of the House of Representatives.

500. The Development Planning Act, 1992, provides for the planning and management of development sites as well as for the establishment of the Planning Authority with powers to that effect, including the powers to extend boundaries demarcating areas of land earmarked for development.

501. The Development Planning Act, 1992 also calls for the drafting of a Structure Plan for the Maltese Islands to provide strategic direction for land use and development for a period of 20 years. The Planning Authority is also empowered to interpret the land-use policies of the Structure Plan which amount to approximately 300 policies. The Planning Authority is also responsible for the drafting of local plans on a regional scale to provide detailed site-specific guidance for development and conservation. The Structure Plan took on board the 1988 Temporary Provision Schemes, which had zoned 800 hectares for housing development, and added new areas, mainly at Pembroke, for further housing development. Enough land was allocated in the Structure Plan for 60,000 new houses. Ten policies that addressed housing issues specifically were included in the Structure Plan and they concerned the location and type of new housing development, changes to rental legislation, housing at Pembroke and social housing.

502. The Development Planning Act, 1992, also ensured the establishment of guidelines for environment impact assessments. These guidelines were drawn up and have now been operational for five years. Community participation is facilitated through the planning process, which allows third parties and community groups to submit objections to development proposals and to be present at public meetings at which large developments are discussed. New plans and policy guidance are also subject to public consultation meetings and consultation periods lasting six weeks on average. The environmental impact assessment procedures also allow for public involvement.

503. The contract of lease in relation to lease of property for habitation is regulated by the general Civil Code rules governing lease. The Civil Code defines the contract of lease as one in which "one of the contracting parties binds himself to grant the other the enjoyment of a thing for a specified time and for a specified rent which the latter binds himself to pay to the former".

504. The Code also regulates the rights and obligations of the lessor and the lessee. In relation to the lease of property, however, a distinction ought to be drawn between the position prevailing prior to 1995 and the situation after the 1995 amendments were introduced. This is due to the fact that legislation introduced in the 1930s and 1940s sought to protect the tenancy and rent paid by tenants who were nationals to such an extent that the Maltese lessors could not refuse to renew the lease of a property used for habitation and could not increase the rent except by authorization of the Rent Regulation Board. In effect, the situation was considered unfair to

Maltese lessors and the 1995 amendments to the Rent Restriction (Dwelling Houses) Ordinance, 1944, the Housing Decontrol Ordinance, 1959, and the Re-letting of Urban Property (Regulation) Ordinance, 1931, establish the non-applicability of the restrictions imposed by the above legislation to contracts of lease entered into on or after 1 June 1995. Contracts entered into prior to 1 June 1995 continued to be regulated by the old legislation.

505. The Re-letting of Urban Property (Regulation) Ordinance, 1931, provides that it is unlawful for the lessor at the expiration of the period of tenancy to refuse the renewal of the lease or to raise the rent without the permission of the Rent Regulation Board.

506. This Ordinance was originally enacted to remain in force for a period of one year. Its operation was subsequently extended from year to year and in 1942 it was made permanent.

507. The Rent Restriction (Dwelling Houses) Ordinance, 1944, restricts the rent charged on dwelling houses. This Ordinance introduces the concept of "fair rent" which determines the calculation of the rental fee. This Ordinance did not apply to houses which were decontrolled under the Housing (Decontrol) Ordinance of 1959.

508. The Housing (Decontrol) Ordinance, 1959, provides for the decontrol of dwelling houses built or completed after 1 March 1959 or occupied by the owner as his ordinary residence. Prior to the 1979 amendments, the Ordinance provided that decontrolled property was not to be regulated by the Rent Ordinances which placed restrictions on the revision of rent or termination of the lease contract if the lessee was a national of Malta. Following the Housing (Decontrol) (Amendment) Act, 1979, it became unlawful for the lessor of a dwelling to refuse to renew the lease or to raise the rent even in the case of decontrolled property except in a limited number of circumstances. Thus as from 1979, the distinction between controlled and decontrolled property with respect to rent was effectively removed. The registration of decontrolled dwelling houses is regulated by the Registration of Decontrolled Dwelling Houses Regulations, 1959, published under the Housing Decontrol Ordinance, 1959.

509. The Code of Police Laws in Part V (Of Inhabited Areas, Houses and Other Tenements) makes provision for rules to be observed in the construction of houses, including rules relating to the width of stone, drainage, and width of courtyards among other things. Part V of the said Code also lays down the conditions for the licensing of masons whilst Part IX (On Hotels and Other Lodging Houses) relates to the licensing of lodging houses and hotels.

510. The Construction of Houses and Drains Regulations, 1934, published under the Code of Police Laws stipulate the basic requirements for every construction in Malta in terms of the composition of building materials, ventilation, drains, waste pipes, and the construction of verandas, amongst other things. The regulations also make provision of the inspection by the sanitary authorities of newly constructed buildings in order to ensure that these buildings conform to the specified standards.

511. Other legislation relating to the construction of houses are the Building Stone Order (LN 47 of 1976), Regulations Respecting the Construction of Houses and Drains (Government Notice 110 of 1934), and Regulations Regulating the Emptying of Cesspits (Government Notice 270 of 1921).

512. The Equal Opportunities (Persons with Disability) Act, 2000, provides that no person shall discriminate against another person on grounds of disability of such person by refusing the application of such other person for accommodation. According to section 14 of this Act, such discrimination may be inferred from the terms and conditions under which the accommodation is offered to the person such as by evicting such person from the accommodation, or by not allowing the person to make reasonable alterations to the property if such person undertakes to restore the property to its original state before leaving the accommodation.

513. The Re-letting of Urban Property (Regulation) Ordinance, 1931, provides that it is unlawful for the lessor of any property to refuse the renewal of any lease of property to Maltese citizens. Thus eviction from the rented tenement is restricted to limited circumstances. This applies to contracts of lease entered into prior to 1 June 1995. The Constitution of Malta, moreover, provides, as a general rule, that no person shall be deprived of his property except under limited circumstances established by law. Where deprivation of property does take place, the owner of the property is entitled to compensation and has the right to appeal to any tribunal establishing the amount of compensation to be given.

514. There has been no legislative repeal or reform of existing laws detracting from the implementation of the right to housing.

515. The 1993 amendments to the Income Tax Act, 1949, provide for the establishment of a Capital Gains Tax. Under this tax, gains or profits arising from any transfer of immovable property is taxed subject to the rules of the Income Tax Act. This tax serves the purpose of curtailing speculation on property. The law lays down several instances involving transfer of property where no tax would be due. Such instances of their nature rule out speculation. Section 5 (5) (b) of the Income Tax Act states that no capital gains tax shall be due where the property has been owned or occupied for a period of at least three years as one's own residence immediately preceding the date of transfer, and the property is disposed of within 12 months of vacating the premises. Another instance is when, on marital separation, the property of the spouses is partitioned.

516. The Duty on Documents and Transfers Act, 1992, stipulates that duty shall be paid on every document, judgement, order or decree of any court or other lawful authority, whereby any immovable property or other real right over property is transferred to any person. This does not apply to the assignment of immovable property between spouses.

517. There are no legislative measures conferring legal title on persons living in an "illegal" sector. Houses which have been built without the required permit are liable to be demolished by the Planning Authority under the Development Planning Act, 1992 upon notice having been given to the owner. In 2000, the Planning Authority carried out 44 direct enforcement actions which included structures built without the required building permit.<sup>25</sup>

518. Under the Civil Code, however, a person who lives in a house to which he has no title for a period of 20 years, and acts as if he were the owner thereof, acquires the property by prescription. Such person's claim to the house must have been unchallenged throughout the period. Under the Land (Compulsory Eviction) Act, 1972, the Commissioner of Land may order the eviction of any person from land owned or administered by the Government if he deems it necessary or expedient.

519. Under the Insanitary Areas Ordinance, 1939, the President of Malta may order the demolition of any houses which, by reason of disrepair or sanitary defects, are unfit for human habitation or are dangerous or injurious to health of the inhabitants of the area. In this instance, a “clearance area” is to be identified which contains the house or houses to be demolished. A Compulsory Purchase Order is then signed by the President of Malta and compensation given to the owner of the building so demolished. This compensation is assessed by the Land Arbitration Board as set up under the Land Acquisition (Public Purposes) Ordinance, 1935. Moreover, suitable alternative accommodation is to be provided to any person who is displaced as a consequence of the above decision.

520. Under the Filth and Sewage Matter (Removal) Regulations, 1911, it is lawful for the Sanitary Authority to remove any quantity of dirt, corrupt or stagnant water or of filth or sewage matter found in any house. Moreover, members of the Sanitary Authority or the Police may inspect any house on any day and at any reasonable hour for the purpose of removing filth or sewage. The regulations also lay down rules for the collection of sewage by scavengers.

### **Measures taken by the State to provide affordable housing**

521. The Housing Authority, set up by the Government in 1976, is responsible for the creation of subsidized adequate housing units to the public. The policy pursued by the Housing Authority has been constantly changing in order to ensure that its resources are targeting the beneficiaries who are most in need of such housing units.

522. The Government’s housing policy has three main goals: (a) the provision of housing units for sale at an affordable price (housing affordability); (b) the provision of housing units at low rent (social housing); and (c) the provision of housing units for persons with special needs (special needs housing). Under the Home Ownership Scheme the Government is encouraging, through the provision of subsidy, the acquisition of full-ownership property.

523. In March 2001 the Housing Authority launched the sale of 99 housing units with a market value of Lm 2.8 million which property was subsequently offered for sale at the subsidized price of Lm 1.8 million. Sixty per cent of the units were allocated to engaged couples, 32 per cent to married couples and 12 per cent to single parents. Allocation of the housing units is based on a system of points whereby the means of applicants are taken into account. Priority is given to applicants who are most in need. Applicants who feel that the assessment of their applications have been unjust can make an appeal.

524. The Department for Social Housing offers a number of properties for rent. By March 2001 there were 3,500 pending applications with the Department. The Department also allocates property by using the points system whereby priority is given to those applicants who are most in need. The Department’s target is to provide 120 new housing units for rent per year.

525. The Housing Authority has initiated a scheme whereby it purchases property from private owners and subsequently resells it to the public after carrying out appropriate modifications or rebuilding the same.

526. A number of housing units designed for persons with special needs are being allocated by the Housing Authority every year. The Authority has concluded agreements with a number of non-governmental organizations for the provision of housing units for homeless people and persons with disability.

527. By 2000, a total of 11,075 housing units were under a requisition order by the Department for Social Housing.

**Measures taken to release unutilized, underutilized or misutilized land**

528. Through the issue of development briefs, the Malta Environment and Planning Authority provides an opportunity for investment to be directed to areas that are underutilized, degraded or misutilized. So far, development briefs have been prepared for Manoel Island and Tigne, Fort Ricasoli, the Cottonera Waterfront project, the White Rocks area, the Chalet area in Sliema and Pembroke, among others. Detailed guidance on acceptable use of land is provided through these development briefs.

**Measures taken to ensure that international assistance for housing and human settlements is used to meet the needs of the most disadvantaged groups**

529. Malta receives no international assistance in the area of housing. Disadvantaged groups are aided through the Department for Social Housing. The Housing Authority also allocates property to low-income families, single-parent families and persons with disabilities.

**Measures taken to encourage the development of small and intermediate urban centres, especially in rural areas**

530. The Structure Plan Review is considering a new approach to commercial development through which employment-generating uses are concentrated in a hierarchy of town centres (not including industrial uses) and neighbourhood centres. Distances in Malta are very short and the urban/rural split is not applicable to Malta.

531. The Planning Authority has published the first draft of the Gozo and Comino Local Plan, which, among other issues, will look into infrastructural improvements on the islands of Gozo and Comino, the large vacant housing stock in Gozo, the seasonality of commercial operations and the development of social and community facilities. Meetings with interested parties to discuss the Plan are being held on a regular basis, most particularly government ministries, departments, agencies and constituent bodies.

**Measures taken during, inter alia, urban renewal programmes, redevelopment projects, site upgrading which guarantee protection from eviction or rehousing**

532. The central Government addresses the issue of relocation of residents affected by development projects. The conditions applying to relocation of residents vary according to the project concerned. In one of the Government's latest projects, the Tigne Development Project, some residents were given a Lm 15,000 bonus while others were rehoused in new housing units that were part of the project.

### **Difficulties impeding the implementation of the right to adequate housing**

533. The difficulties encountered relate to housing affordability. The problem is also exacerbated by the rent laws which have ceased to apply to new leases after 1995. The new legislation has not yet been tested in court.

### **International assistance in the realization of the rights enshrined in article 11**

534. The Structure Plan for the Maltese Islands has been funded by the European Community.

## **Article 12**

### **The right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

535. The provision of public health-care services in Malta, including hospital, community, medical and nursing services, can be traced back to the period of the Knights of St. John. It subsequently received a significant stimulus to its development during the British occupation period and has continued to expand further since the attainment of independence in 1964. In the *World Health Report 2000* Malta ranked fifth in the World Health Organization efficiency league table.

536. The Government provides a comprehensive health-care system to the whole Maltese population,<sup>26</sup> which is entirely free to the point of delivery and is funded entirely from general taxation. The national health-care system includes preventive, investigative, curative and rehabilitative services in government health centres and hospitals.

537. At a primary care level this package includes general practitioner consultations, home visits, minor treatment, community, nursing and preventative programmes, immunization and screening. A variety of clinical support services such as laboratory investigations and X-ray are available. Most paramedical services are also provided. Within the hospital setting, diagnostic and therapeutic interventions are carried out both at specialist outpatient clinics and inpatient hospital wards. Emergency care is offered at one main hospital casualty department. Complex procedures and interventions are also offered free of charge at the point of use. Few items are not covered by the health-care benefits under the Maltese health-care system. Abortion is illegal in Malta and is therefore not covered by the Maltese Health Service. In addition, the Government also provides treatment in the United Kingdom for cases requiring highly specialized care, which is not available in Malta.<sup>27</sup>

538. Explicit rationing by denial exists for only a few interventions. These include techniques of assisted conception such as in vitro fertilization and cosmetic surgery that is not medically required. Alternative forms of medicine and therapy are mostly not available in the national health service, apart from acupuncture services which have been provided for a number of years.

539. A number of government health services, including certain optical services, dental care and pharmaceuticals, are only made available to specific categories of the population. These services are available free of charge to the general public if they are Pink Card holders. The Pink Card is issued under the medical care provisions of the Social Security Act, 1987. Eligibility is

based on a means test of total household income, which must be under a certain threshold. All members of a particular household are entitled to the above services free of charge on the basis of this card. In addition, the following population groups are automatically entitled to these services free of charge: members of religious orders, inmates of charitable institutions, certain grades of employees in the Health Division, Police and Armed Forces, prisoners and persons injured while on government duty for a condition resulting from such injury.

540. Sight tests are offered free of charge to all persons in the primary health-care setting. However, visual aids, glasses and hearing aids are offered to Pink Card holders only. The supply of contact lenses is only authorized in special cases.

541. All health-care beneficiaries are also covered for full dental examination, investigations, preventive and emergency treatment and surgery requiring general anaesthesia. Comprehensive dental services are offered to Pink Card holders, special population groups described above and persons suffering from coagulation disorders, valvular heart disease, physical or mental disability, and head and neck cancer. School children are offered preventive care, restorative dentistry and orthodontic care.

542. An extensive routine immunization programme is available free of charge to the whole population. The provision of immunization for people wishing to travel overseas and medical tests carried out for employment purposes are not provided free of charge, but subject to the payment of a small fee. The costs of medical tests for employment purposes have been introduced as of 1 March 2001 and are borne by the employer.<sup>28</sup>

### **The provision of pharmaceuticals**

543. All pharmaceuticals within the approved formulary are provided free of charge to Pink Card holders and persons belonging to certain population groups as described above. Persons suffering from one of the diseases exhaustively listed in Schedule V of the Social Security Act, 1987, are issued with a Yellow Card, which entitles the holder to the free use of medicines required for the treatment of a particular condition, the means test not applying in such cases. Thus, free medical care and pharmaceuticals are given out, irrespective of the income earned. The list of diseases is periodically revised and the Schedule was last revised in 1999 (see annex, table 41).

544. All persons with illnesses that do not fall under the above-mentioned schemes are required to pay the full cost of pharmaceuticals other than inpatient drugs and a three-day supply of drugs, provided free of charge, following discharge from hospital. An overhaul of the pharmaceutical system is long overdue. It is generally believed that persons entitled to a Pink Card abuse the system. On the other hand, pensioners whose assessed household income does not entitle them to a Pink Card, and who do not have a specific illness as registered under the Schedule V, are not entitled to any subsidy on the full price of pharmaceuticals.

545. In February 2000, the report "Review of entitlement to free medicines" was submitted to the Ministry of Finance. This report outlines the current system of providing free medicines to the public and makes a number of recommendations to institute price and volume controls so as to guarantee a fair and sustainable mechanism of financing medicines in the future.

### **Implicit rationing**

546. Rationing occurs implicitly for certain services by means of a waiting list. Waiting lists are not a major problem in most services but are rather lengthy for certain surgical specialities, namely orthopaedics, cardiac surgery, ophthalmic surgery and minor elective surgery. Implicit rationing also exists for services such as dialysis. Rationing was raised as an important issue in 1997-1998 with regard to certain expensive treatments such as multiple retroviral therapy and cholesterol-lowering agents. Explicit criteria for entitlement to free treatment have been drawn up to clarify the situation. Certain expensive and non-formulary drugs require a complex process of authorization. These are usually only approved following a cost-benefit analysis and if compliance to a protocol for their use is demonstrated.

### **The state of health of the Maltese population**

547. The health of the Maltese population compares quite favourably with that of other Western European countries as measured by international indicators such as the World Health Organization's European regional health indicators. Malta is a member of the World Health Organization (WHO). Malta's last report to WHO, entitled "Highlights on health in Malta" was submitted in 2001 and contains data till 1998.

548. Most health status indicators compare favourably with EU health indicators. Table 42 lists the main health indicators for Malta and the EU for 1998.

549. Patients with mental health problems are treated in Mount Carmel Hospital. The total number of cases treated as inpatients in 2001 was 1,747 of which 929 were new cases admitted during that year. The admission diagnosis for those 929 cases is indicated in table 43 in the annex to the present report.

550. Outpatient services received a total of 930 new referrals.

551. The Department of Health Information, together with the Office of the DG (Health), are in the process of designing and implementing a first National Health Interview Survey. This survey will supplement routine health statistics and provide a deeper insight into the health of the Maltese population.

### **Malta's national health policy**

552. The objectives set out by the Government of Malta to improve the health status of the population are those which were commonly agreed upon by all member States of the WHO European Region and which are enshrined in the policy document entitled "Health for All Targets: The Health Policy for Europe". These objectives are:

- (a) To ensure equity in health by adopting policies which provide equal access to the health services, to improve the health status of the population with particular attention to disadvantaged groups, and to ensure that all people have a fair opportunity to realize their full health potential;
- (b) To increase life expectancy and reduce the number of premature deaths;

(c) To add health to life by increasing the years lived free from ill-health, reducing or minimizing the adverse effects of illness and disability, promoting healthy lifestyles, physical and social environments and, generally, improving quality of life.

553. The Health Policy for Europe was endorsed by the Maltese Parliament.

554. The Department of Policy and Planning of the Ministry of Health is responsible for advising the Health Division on all major health policy issues. The current national health plan, called "Health Vision 2000", was drawn up in 1994. A priority-setting process took place in the early 1990s when the "Health Vision 2000" was being formulated. A variety of techniques were used to identify priority areas. These included analysis of scientific evidence, feedback from stakeholders and modified Delphi analysis.

555. The areas that emerged as top priorities were: coronary heart disease and stroke, breast cancer, diabetes, mental health and road traffic accidents. Subsequently asthma was added to this list. The risk factors selected as target areas were smoking, obesity, high blood pressure, serum cholesterol and inadequate physical activity. The capacity to benefit from an existing intervention was a necessary prerequisite for inclusion. The third strand of the health plan dealt with objectives of the health sector reform. Decentralization of the health-care system, in particular the autonomous management of hospitals, is one of the main thrusts of the reform process.

556. In 1994 the Ministry for Social Development undertook a reform of mental health services through the Policy and Planning Department. A scientific Board, made up of Belgian and Maltese experts, was formed and a National Commission for Mental Health Service Reform was set up composed of the major practitioners in the area. A national policy document on mental health service reform was formulated and published in 1995 the main components of which are the following: promotion of mental health, prevention of mental disorders and health-related psychosocial problems, early detection and treatment of mental disorders and health-related psychosocial problems, prevention of disability and rehabilitation and reintegration within the community. The mission statement of the mental health policy reads: "to enhance mental health within Maltese society by: fostering conditions for healthy environments in family, school, workplace and community, and offering a range of appropriate services to empower people to cope better with mental health issues thus maximizing their productive and social life".

### **Primary health care**

557. Malta has adopted the WHO primary health-care approach as part of the health policy of the country. Primary Health Care is provided free of any charge to all those who are entitled to free medical care in Malta. The Primary Health Care Department provides a general practitioner and nursing service through strategically located health centres (seven in Malta and one in Gozo). These services are supplemented by local district clinics in towns and villages. General practitioner services, both in clinics and private homes, are provided on a 24-hour basis seven days a week by four health centres. In the other three health centres the service operates from 8 a.m. to 5 p.m. from Monday to Friday and on Saturdays until 1 p.m. These centres also

offer an emergency service from 5 p.m. to 8 a.m. Monday to Friday and from Saturday 1 p.m. to Monday 8 a.m. District clinics are open on a fixed-time schedule, from Monday to Friday. Attendance times vary from one to three hours daily, and clinics are open on specific days from two to three times a week. Several clinics open daily. A treatment room nursing service is provided at the health centres concurrently with the general practitioner services. Table 44 lists the total general practitioner services given in the health centres, district clinics and home visits during 2001.

558. Besides the general practitioner and nursing services, the health centres also provide a variety of other medical and health-care services to the community. These are: Medical Consultant Clinic, Ophthalmic Clinic, Gynaecology/Obstetrics and Antenatal Clinics, Physiotherapy Clinic, Podology Clinic, Acupuncture Clinic, Speech Language Pathology Clinic (this service is also accessible in several district clinics), Dental Clinic (dental surgeon and dental hygienist), Mental Health Clinic, E.C.G. Clinic, Well Baby Clinic, Radiography Services, Blood Investigations Service, Diabetes Clinic and Immunization Services. Excluding the general practitioner service, all other clinics are run on a staggered appointment system, which is computerized in all but two health centres. Table 12.5 lists the amount of specialist and ancillary services given in Health Centres during the year 2001.

559. Pharmacy services are also provided through the health centres and medicines are supplied free of charge to patients for specified chronic diseases in accordance with Schedule V of the Social Security Act and to low-income groups as determined by a means test for whom a Pink Card is issued. A free home-nursing service is also provided to housebound, acutely and chronically ill patients and diabetics.

560. A School Health Service provides a monitoring and surveillance programme within mainstream public and church schools with an emphasis on the early detection of disease and physical defects, health promotion and disease prevention. It includes medical review of school-age children and subsequently at 8 and 12 years of age. Vision and auditory screening and an immunization programme for mumps, measles, rubella, hepatitis B and tuberculosis are also carried out. The School Health Service also incorporates a programme of dental services for school children, scoliosis screening checking of long absence certificates, audiometric screening, and head inspections for the control of lice infestation. Table 46 provides a list of examinations carried out in 2001 as part of the School Health Service.

561. An assessment and monitoring of child health in special schools is carried out with the provision of health care on a personalized basis and support to families.

562. The School Dental Clinic, located at Floriana Health Centre, offers free dental treatment to children aged 5 to 15. This includes a specialized paediatric dental clinic for children with a higher level of dental decay, and the services of a consultant orthodontist.

563. Immunization services are provided both at health centres as well as through the School Medical Service and the Immunization Service Clinic at Floriana Health Centre.

564. A glaucoma screening programme was launched in January 1996 with the support of the Lions Club International. By 2001, a total of 2,771 persons were screened.

565. A shortage of doctors placed pressure on the primary health-care services offered, such as the general practitioner service and the ophthalmic clinics during 2000-2001.

566. A performance audit of the primary health-care services conducted between January and April 2000 by the National Audit Office has shown a high level of satisfaction by users regarding the quality of service given by doctors in health centres. Among the aspects with which users were dissatisfied were that the service was not a personalized one (for example, only a few of those surveyed knew the name of the doctor who administered the service) and that there was an uneven distribution of doctors in clinics on some occasions. Calls for remedying the above deficiencies have been made including improvements to the filing system adopted and an introduction of an appointment system for general practitioner service.

567. Work continues to be done to improve the service given in health centres and district clinics. More health centres are in the process of being computerized and refurbished; video monitor systems for the projection of health-care information and health promotion material have been installed in all clinics. The Primary Health Care Department has also finalized plans for the gradual installation of air-conditioning in those health centres which do not currently have such facilities. Work is currently under way in order to make clinics and health centres more accessible to the elderly and the disabled.

### **National health expenditure**

568. National health expenditure increases every year. Health expenditure (capital and recurrent) for the year 2001 amounted to Lm 79.4 million, or 4.9 per cent of GNP. This figure made up 10.3 per cent of the national budget.

569. In 1996 health expenditure (capital and recurrent) amounted to Lm 46.13 million. The figures for 1991 indicate that health expenditure (capital and recurrent) amounted to Lm 27.04 million.

570. Primary health-care expenditure in 2001 amounted to Lm 4,474,754 (5.78 per cent of health expenditure). In 1996 primary health expenditure amounted to Lm 4,029,294 (8.75 per cent of health expenditure). Figures for primary health expenditure (cost centre) for 1991 are not available.

### **Urban/rural split**

571. Malta had a population of 385,077<sup>29</sup> as at December 2001. This makes Malta one of the smallest countries in Europe. The islands' population density of 1,249<sup>30</sup> persons per square km renders most of Malta an urban area.

### **Infant mortality rate**

572. In 2000, the infant mortality rate both for males and females was 6.1 per 1,000 live births.<sup>31</sup>

573. During 2001, there were a total of 17 infant deaths and 24 foetal deaths. Table 47 gives the number of foetal and infant deaths according to birth weight.

574. The infant mortality rate in Malta in 1997 was 8.5 per 1,000 live births which is slightly above the EU average of 5.5. Although the infant mortality rate has decreased in recent years, it is still higher than in most reference countries. One reason is that abortion is not legal in Malta. In this connection, Malta's Congenital Anomalies Registry has proved that the lack of abortion is responsible for a higher rate of births of children with congenital anomalies (which in turn leads to higher neonatal mortality rates). Further, unlike some other countries, Malta's National Statistics Office includes all births described as "live", even when birth weight is below 500 g. This has led to the apparently higher infant mortality rate.

575. The post-neonatal mortality rate in Malta is below the EU average: in 1998 it was 1.6 per 100,000 live births as opposed to the EU average of 1.9 (1996). In the period 1993-1995, the annual average was 33 congenital anomalies per 1000 live births.<sup>32</sup>

### **Population access to safe water**

576. More than 99 per cent of the population of Malta and Gozo have access to safe water. The Environment Health Unit of the Ministry of Health, in collaboration with the Water Services Corporation, is responsible for testing potable water. Potable water samples are collected from every village both from the source and from the public main system at fixed consumer outlets.

### **Population access to adequate excreta disposal facilities**

577. According to the latest population census carried out in 1995, more than 95 per cent of the total dwellings in the Maltese Islands are supplied with toilets emptying into public main sewer systems. The total dwellings in the Maltese Islands with toilets emptying into a cesspit represent 2.2 per cent whilst 1.40 per cent of households do not have toilet facilities. Table 48 provides statistics on houses lacking proper sanitary facilities. The total number of houses in Malta and Gozo is 119,479.

### **Immunization**

578. Immunization against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis is included in the current national immunization schedule as follows:

- At 2, 3 and 4 months: DTPer (paed); Polio, Hib;
- At 15 months and 7 years: MMR;
- At 3 years 4 months: Di-Te (paed) - (Pre-school entry) + Polio;
- At 9-10 years: 3 doses of Hep B;
- At 12-14 years: BCG;
- At 16 years and later: Di-Te (adult) + Polio.

579. All the above vaccines are administered nationally free of charge.
580. In 2001, the recorded immunization coverage rates for the following vaccinations were:
- |                               |                                       |
|-------------------------------|---------------------------------------|
| – Diphtheria/tetanus          | 91.16 per cent;                       |
| – Pertussis                   | 90.97 per cent;                       |
| – Measles/mumps/rubella (MMR) | 70.24 per cent;                       |
| – Polio                       | 91.14 per cent (School BCG Campaign). |

581. *Tuberculosis*. The last campaign carried out was in the school year 1997/1998 for the age group 12-14 years both in church, independent and State schools. The coverage rate in State schools was 73 per cent and in church and independent schools 94.2 per cent. The BCG vaccination campaign for this school year is currently under way.

582. The data available are not disaggregated by urban/rural area or by gender.

### **Life expectancy**

583. In 2001, life expectancy at birth was 78.5 years overall: 76.1 for males and 80.9 for females.

### **Population access to trained personnel and essential drugs**

584. One hundred per cent of the population have access to trained personnel for the treatment of common diseases and injuries, with a regular supply of 20 essential drugs, within one hour's walk or travel. Distances in Malta are small and the health service is developed in such a way that a health centre can be reached within 10 minutes by car and the State hospital within 30 minutes by car. Those requiring urgent medical treatment in Gozo are brought over to the State hospital in Malta by helicopter.

585. All pregnant women have access to trained personnel and are attended by such personnel for delivery. In 2000, maternal mortality rate stood at 50/100,000 (2 deaths only). In 2001 there were no maternal deaths.

586. One hundred per cent of infants have access to trained personnel for care.

### **Measures taken by the Government to reduce stillbirth and infant mortality rates and to provide for a healthy development of the child**

587. The number of stillbirths and infant mortality rate are shown in tables 49 and 50 in the annex to this report.

588. The Health Division runs a maternity and child health programme which is aimed at maintaining a healthy population from birth to adulthood. It consists of several integrated programmes including: Preconception Services (Recurrent Miscarriage Clinic, Genetic Counselling Service), Antenatal Clinic, Intra-Partum Care, Special Care Baby Unit, Neonate

Screening Programme, Well Baby Clinic, Free Vaccination Programme, School Medical Service, Butterfly Centre, and Child Development Assessment Unit. These services are designed to promote health, to prevent illness and disease, and to monitor the progress and development of infants and children with a view to identifying and rectifying defects at an early stage. They are significant factors in the survival and development of children. Despite legislation making all abortions illegal, Malta's infant mortality rate and stillbirth rate compare favourably with those of EU countries.

## **Maternity service**

### **Pre-conception services**

589. The Health Division runs a Recurrent Miscarriage Clinic as well as a Genetic Counselling Service to assist in advising women in their particular circumstances, if necessary. The Health Information Unit has also undertaken an awareness programme to promote the use of folic acid before conception, and patient-friendly leaflets are available regarding healthy lifestyles to be adopted before and during pregnancy.

### **Antenatal care**

590. Irrespective of where antenatal care is given, all pregnant women are seen at least twice at the antenatal clinic during their pregnancy - the first appointment at around the twentieth week, and the second at around the thirtieth week. A free post-natal assessment is also available at about six weeks after birth. All high-risk pregnancies, however, are followed up at the Maternity Hospital's Antenatal Clinic.

### **Intra-partum care**

591. It is the Department's policy to discourage home deliveries, and most deliveries occur in State hospitals. This allows consultant-lead care to be provided to all patients. Hospitals are staffed by resident, fully-qualified highly-trained medical and nursing staff and incorporate neonatal paediatric services which provide resuscitation and management for low-birth-weight babies. Neonates requiring intensive care are treated at the Special Care Baby Unit. With the opening of private hospitals a number of births take place in these institutions.

### **Child-Health Screening Programme**

592. Under the Neonate Screening Programme all children are screened for disease from birth. Within 24 hours from their birth, neonates are screened by a specialist, and are examined again on discharge from the post-natal ward. All children are screened for phenylketonuria and hypothyroidism before discharge from hospital.

593. Children are then seen at the age of 2 months in the Well Baby Clinic. It is at this stage that the Free Vaccination Programme, run in accordance with European Union standards, starts. The children are then reviewed at 8 and 15 months where their psychomotor development, general health and social well-being are assessed.

594. Children leaving the Well Baby Clinic are then followed up by the School Medical Service starting with a pre-school assessment, and continuing right up to school leaving. The new Butterfly Centre has been set up to deal with cases of social, sexual or physical abuse, which may be referred by teachers, social workers or the School Medical Service. Children with complex problems such as complex medical syndromes are followed up at the Child Development Assessment Unit which is run by a multidisciplinary team comprising a paediatrician, a psychologist, a psychiatrist, a physiotherapist, a speech therapist and an occupational therapist.

### **Measures taken by the Government to control epidemic and endemic diseases**

595. The Department of Public Health of the Ministry of Health is responsible for maintaining strict surveillance on the principal communicable diseases. The functions of the Health Inspectorate include the monitoring of popular bathing areas; sampling of food, drink and water; inspection of public and private institutions such as schools, hospitals and old people's homes with regard to food preparation; and the enforcement of public health laws.

596. The Disease Surveillance Branch within the Department of Public Health is the national centre, which receives notifications of statutory notifiable communicable diseases in Malta. It is responsible for the ongoing systematic collection, interpretation, analysis and dissemination of data and information on the diseases under surveillance. It also has the responsibility for investigating outbreaks and providing national expertise on control and prevention of communicable diseases. The Disease Surveillance Branch is equipped with resources for the identification, monitoring and control of communicable disease outbreaks.

597. Forty-six specified communicable diseases are statutory notifiable, including priority communicable diseases as well as syndromes such as congenital rubella and acute flaccid paralysis. Notifications (on a specified form) is done by health-care providers such as physicians, laboratories and hospitals both in the public and private sector. Most of the notifications are sent via postal mail to the Department of Public Health on behalf of the Superintendent of Public Health. However urgent cases are notified by fax, telephone or email. A 24-hour on call system operates whereby urgent cases are dealt with. Besides this passive (provider-initiated) surveillance, staff from the Branch visit laboratories and hospitals to solicit reports. This active (Health Department-initiated) surveillance is usually limited to specific diseases, for example, acute flaccid paralysis and culture confirmed food-borne illness. Screening of contacts is carried out for particular infections such as hepatitis B and brucellosis. Sentinel surveillance of influenza by sentinel general practitioners has recently been carried out. Several systems of communicable disease surveillance and control are already functioning in line with the EU Council Decision 2119/98/EC although further development is required to partake fully in the Community's network for the epidemiological surveillance and control of communicable diseases.

598. Medical officers at the Disease Surveillance Branch verify notified cases and investigate them with the collaboration of health inspectors from the Health Protection Unit, the Food Safety Unit, and the Environment Health Unit as necessary. The Public Health Laboratory provides technical support to the Department of Public Health.

599. The data collected is used for the issuing of regular reports that are disseminated both locally and to other communicable disease centres and European working groups.
600. Food-borne illnesses, particularly food poisoning, is one of the most commonly reported conditions and investigation of these cases forms a large proportion of the work of the Disease Surveillance Branch. An outbreak management team deals with outbreaks as they arise. Over the past four years certain infectious diseases have become more commonly notified and/or received particular attention. These include meningococcal disease and legionnaire's disease.
601. Ad hoc committees are set up to discuss national responses to outbreaks in other countries, e.g. plague, ebola and cholera. This includes passenger ship and aircraft surveillance, and taking any necessary public health action, including the setting up of contingency plans.
602. Close monitoring and control of endemic infections such as brucellosis and murine typhus is carried out in liaison with the Veterinary Services Department of the Ministry of Agriculture and Rodent Control Section of the Health Protection Branch, respectively.
603. Suspected outbreaks are investigated to institute control and prevention measures, for research opportunities (to gain additional knowledge), training skills development and for public, political or legal concerns. Data obtained on reported communicable diseases is entered in a Microsoft access database. In analysing such data, current data is compared with some expected value to identify how these differ and assess the importance of the difference. If the system shows that the expected pattern for a disease is different from what one would expect for that disease in that population then further investigation is undertaken.
604. Dissemination of surveillance data is effected through the publication of weekly, monthly and annual reports for use by the medical community and the media. The Disease Surveillance Branch also collaborates with European communicable disease networks such as EWGLI, EuroHIV, EuroTB and EMGM. Information on surveillance, reported cases and outbreaks and control is shared amongst these networks. Any recommendations for surveillance and control of communicable diseases suggested by these networks are incorporated into the local surveillance and control systems. The Disease Surveillance Branch also collaborates with WHO on infectious diseases programmes such as the Global Eradication of Poliomyelitis and the WHO Surveillance Programme for Control of Food-borne Infections and Intoxications in Europe. Information is also shared with neighbouring countries through Infectious Disease Reports to WHO-Euro and ISS-Rome.
605. The legal obligations in communicable disease control stem from the Prevention of Diseases Ordinance, 1908, of the Laws of Malta, which includes the following provision:
- Every medical practitioner attending on or called in to visit the patient shall forthwith, on becoming aware that the patient is suffering from a disease to which this part of the Ordinance applies, send to the Superintendent a certificate stating the name, age and address of the patient, and the disease from which, in the opinion of the medical practitioner, the patient is suffering.<sup>33</sup>

606. Action of the medical practitioner has to be done hand in hand with the Health Inspectorate. If the infected person works as a food handler or care worker he/she may be restricted from carrying out his/her duties as long as the infection subsists. Powers to restrict the movement of infected persons and to impose periodic medical examination are also provided for in the said Ordinance as follows:

Where the Superintendent has reason to suspect that a person may spread disease he may, by order, restrict the movements of such person or suspend him from attending to his work for a period not exceeding four weeks, which period may be extended up to 10 weeks for the purpose of finalizing such microbiological tests as may be necessary.<sup>34</sup>

The Superintendent may order any person who, having an occupation which the Minister responsible for public health may determine by notice published in the Gazette, is considered by the said Superintendent capable of spreading disease, to undergo such periodic medical examinations and investigations as may be deemed necessary for ascertaining such person's freedom of infection.<sup>35</sup>

No parent or other persons having the care of a child who is or has been suffering from a disease, or who resides in a house where such disease exists or has existed within a period of six weeks, shall knowingly or negligently permit such child to attend school without producing to the teacher or other person in charge of such school a medical certificate that such child has become free from disease or infection and that the house and everything therein exposed to infection has been disinfected to the satisfaction of any medical officers mentioned in section 16.<sup>36</sup>

607. The surveillance system does, however, suffer from some limitations, including underreporting, lack of representativeness, lack of timeliness and inconsistency of case definitions. Such system may be improved by raising the awareness of practitioners, simplifying reporting, providing frequent feedback, widening the net of reporters and increasing active surveillance.

608. The Port Health Services, together with the Airport Clinic, are responsible for the implementation of the International Health Regulations, notably the prevention of priority communicable diseases from being imported into Malta. This includes the examination of stowaways and illegal refugee immigrants at sea.

609. The Chest Unit of the Department of Public Health screens refugees and asylum-seekers for tuberculosis.

### **Reforms within the health sector**

610. In December 2000, a framework for the decentralization of hospital management and concomitant transformation of the Health Division into a standard-setting, purchasing and

regulatory authority for both the private and the public sector was approved. Steps to implement the proposed reforms will take place over the next three years and are expected to bring about an improvement in the quality of service and to render the National Health Service more sustainable. Some proposals which have been put forward with the aim of reforming the primary health-care sector include the formation of a cooperative by health centre doctors for the running of health centres; the contracting of the service into private organizations; and the participation of local councils in the running of health centres.

611. The decentralization process, which will ultimately involve the granting of autonomy to hospitals, has already begun with Mount Carmel Hospital and Sir Paul Boffa Hospital. Zammit Clapp Hospital, Malta's only geriatric hospital, has been autonomous since its inception in 1991.

612. All public hospitals will be managed by the Foundation for Medical Services (FMS) under a new legislation (Health Services Act) which will replace the Department of Health Constitution Ordinance. FMS Board will then enter into agreements with the Ministry of Health which would stipulate the services to be offered. FMS would in turn enter into management and performance agreements with individual hospitals to fulfil the service agreements with the Ministry of Health. After the process of decentralization has been completed, hospitals will continue to be funded by public funds and hospital management would be accountable to the Ministry of Health for financial governance. The formulation of a health-care policy will continue to be the responsibility of the Government and each hospital will continue to operate in line with its policies. The Health Division will be responsible for standard-setting and the regulation of all health services.

613. Moreover, work is also under way on a new hospital at Tal-Qroqq, which will totally replace St. Luke's Hospital as Malta's general hospital for acute illnesses by 2010. The new hospital, which will start functioning in 2003, will also incorporate teaching and research facilities.

#### **Developments within the mental health sector**

614. A multidisciplinary approach towards patient care in mental health care is being encouraged and implemented. A "Work Against Payment" pilot rehabilitation programme was introduced within Mount Carmel Hospital in 2000 for resident clients. The programme is intended to rebuild the patient's self-confidence and dignity. Gainful employment is now possible for patients in the launderette, cleaning services, telephone operations, gardening and handyman duties.

615. A rehabilitation programme for mental patients has also been set up in collaboration with an NGO on its premises in line with the draft strategy on mental health. Moreover, plans are under way to strengthen this collaboration with other NGOs to make better use of available resources. The aim is to create new community facilities for mental health rehabilitation programmes.

### **Measures taken by Government to improve all aspects of environmental and industrial hygiene**

616. The Environment Protection Act, 1991, which has now been superseded by the Environment Protection Act, 2001, provided that the Government was under an obligation to take all preventive and remedial measures necessary to protect the environment and to collaborate with other Governments and entities for the protection of the environment.

617. The new legislation places a duty on everyone as well as on government authorities to take all necessary preventative and remedial measures to protect the environment and to manage natural resources in a sustainable manner for the benefit of present and future generations. The Act establishes an Environment Authority responsible for the enforcement of the Act. In March 2002 this role was entrusted to the Malta Environment and Planning Authority. This Authority is made up of two directorates: the Planning Directorate and the Environment Protection Directorate.

618. The National Commission for Sustainable Development is also established by the Act and is responsible, among other things, for the identification of policies to be adopted by the Government with a view to achieving sustainable development. The Commission is made up of government representatives and members of civil society.

619. The Environment Protection Department of the Ministry for the Environment was set up by virtue of the Environment Protection Act, 1991, and strives to take all measures, proactive or otherwise, to safeguard the environment (land, air and water) for present and future generations.

620. The Malta Environment and Planning Authority (MEPA) has licensing and enforcement powers in the areas of waste management, air and water quality, nature protection, industrial pollution control and risk management, chemicals and genetically modified organisms. MEPA is also responsible for habitats and species conservation, pollution, control and abatement, waste management policy and regulation as well as inspection and enforcement. MEPA must, moreover, ensure compliance with the law and environment-related regulations. Violation of such regulations renders offenders liable to a fine of up to Lm 100,000 or a two-year jail term or to both.

621. The Department of Public Health of the Ministry of Health works hand in hand with the Ministry for Home Affairs and the Environment in maintaining strict surveillance on any environmental hazards in the Maltese Islands and in taking any necessary measures to remove or reduce these threats to the health of the population. The Department of Public Health includes the following sections: Health Inspectorate Service, Disease Surveillance Branch, Occupational Health Unit, the Chest Unit and the Public Health Laboratories.

622. The Health Inspectorate Service includes the Port Health Authorities, the Food Safety Unit, the Environment Health Unit and the Institutional Health Inspectorate. The functions of the Health Inspectorate Service include monitoring of popular bathing areas; sampling of food, drink and water; inspection of public and private institutions such as schools, hospitals and old people's homes with regard to food preparation; and the enforcement of all public health laws.

As from 1 April 2001, the District Health Inspectorate services were grouped into five regions with one subsidiary office for each region in Malta and one regional office in Gozo. Each region deploys a number of health inspectors divided into two sections, namely, food control and environmental health control. Whilst the former is mainly responsible for the monitoring of food safety within defined localities, the latter investigates complaints in connection with public health issues.

### **Food safety**

623. The Food Safety Act, 2002, which repealed the Food, Drugs and Drinking Water Act, 1972, contains provisions on all matters related to food safety. The Act establishes the Food Safety Commission whose principal function is to act swiftly by issuing public statements if a risk to consumers is identified and to enforce standards and practices in relation to food business, food premises and persons operating in the food business.

624. The Food Safety Act, 2002, empowers the public health authorities to take all necessary measures to protect public health, including all cases of radioactive contamination of foodstuffs. The Act contains the necessary provisions for the effective implementation of food safety standards and official control of foodstuffs. The Act is comprehensive and covers all the food chain, including raw materials for the production of foods and feed in line with the “plough to plate” principle. The Minister of Health is empowered to issue regulations under the Act.

625. The Food Safety Unit of the Health Inspectorate within the Ministry of Health has the main role of investigating incidents of food poisoning. It coordinates food-sampling programmes, registers food premises and food handlers and processes applications for licences from the various authorities in connection with food premises. The Unit also investigates incidents of food poisoning.

626. The Food Safety Unit maintains the National Food Premises Register and assists the Malta Tourism Authority with its programme of re-classification of accommodation establishments.

627. The Port Health Services of the Department of Public Health has the main responsibility of verifying documentation, carrying out inspections, sampling and releasing imported and exported food and pharmaceutical products with the aim of preventing priority communicable diseases from being imported into Malta.

628. Work is also under way by the Malta Standards Authority and the Ministry of Agriculture to identify, promote and protect traditional food products through the establishment of a national mark.

### **Tap water quality**

629. Malta's tap water comes partly from ground water and partly from the reverse osmosis plants on the island transforming seawater into potable water. Water resources per capita standing at 40 cubic metres of water per year, potable water is a relatively scarce commodity in Malta when compared to other countries (Libya 216 cubic metres per person, Tunisia 437 cubic metres per person and Morocco 859 cubic meters per person).<sup>37</sup>

630. The overall drinking-water production in Malta has been steadily decreasing since 1995 as a result of various conservation measures that the Water Services Corporation<sup>38</sup> has implemented over the past decade. Groundwater is abstracted from wells, springs and galleries - an underground network of more than 40 km accounting for 50 per cent of drinking water supply. The other 50 per cent comes from Malta's four desalination plants situated in Marsa, Pembroke, Lapsi and Cirkewwa.

631. Forthcoming legislation will transpose EU Directive 98/83/EEC on quality of water intended for human consumption and will introduce measures for the protection of groundwater against pollution caused by certain dangerous substances in terms of EU Directive 80/68/EEC. The Malta Resource Authority will be establishing a monitoring programme to ensure quality groundwater and will secure and regulate the conservation of water as a resource.

632. The Environment Health Unit of the Department of Public Health, together with the Water Services Corporation, carry out the necessary checks to ensure tap water quality in accordance with WHO Guidelines. A Village Points Programme is in place whereby tap water samples are taken every fortnight and sent for microbiological and chemical analysis. There is a specific tap water point in every town or village. Ninety-eight per cent of tests are negative. During 2000, the Water Services Corporation has been carrying out tests covering all 45 parameters laid down by the EU *acquis* for taste, colour, smell and healthy quality of water. Tests for heavy metals and other toxic chemicals have also been carried out.

633. Under the Source Water Programmes, carried out by the Environment Health Unit, a number of pumping stations and reservoirs are checked every fortnight for the same parameters. A chemical analysis is carried out every month to check for water salinity whilst a nitrates analysis is undertaken every three months. Every six months tap water is checked for the presence of fluorides.

634. The Public Health Department's protocol stipulates that, if after analysis a sample reveals the presence of nine coliforms per 100 mls another sample from the same sampling point must be taken and a further analysis is required to confirm the result. If tests show a presence of 100 coliforms per 100 mls, six samples are taken to check whether the whole distribution system is affected. Should this prove to be the case, a press release is issued to warn the public and the warning is only removed after carrying out three consecutive tests that are coliform-negative.

### **Bathing water quality**

635. The Environment Health Unit has the main function of sampling and monitoring bathing water, routine service and swimming pool water. For bathing water, the Environment Health Unit is responsible for bacteriological and enterovirus parameters whilst the Environment Protection Department of the Ministry for the Environment is responsible for monitoring physico-chemical parameters. Both Departments are responsible for controlling the quality of bathing water.

636. Every year a coastal water surveillance programme lasting 23 weeks is carried out by the Environment Health Unit. The programme, which starts from the third week in May and lasts till the third week in October, is intensified during the summer months in order to monitor more

closely the variation in the microbiological quality of water. Ninety sampling sites have been identified in Malta and Gozo in four zones: A (South), B (Central), C (North) and D (Gozo). A sampling site is chosen if at any time a minimum of a hundred persons are using the site for bathing. The enumeration of faecal coliforms constitutes the basic indicator for determining water quality in accordance with the Mediterranean Interim Criteria for Bathing Waters, adopted by the Contracting Parties to the Barcelona Convention in 1985. Every fortnight a total coliforms test is carried out in all the sites in accordance with the relevant EU directives. Sites which did not meet the Barcelona Convention criteria in the previous season are also monitored every fortnight for salmonella and faecal streptococcus. The majority of bathing sites in Malta qualify as Class one sites with faecal coliform counts of less than 100 per 100 ml in at least 95 per cent of a minimum of 10 samples collected throughout the bathing season. First-class seawater is of higher quality than that required under the Interim Criteria adopted in 1985 by the Contracting Parties to the 1976 Barcelona Convention. If microbiological analysis for faecal coliforms reveals < 1,000 coliforms per 100 ml, a health warning is issued and the bathing site is closed with health warning signs being displayed.

637. During the period between the third week of May 2001 and the third week of October of the same year, 2,995 routine samples and 110 non-routine samples were collected from 87 sampling points along bathing areas (see annex, table 51).

638. During that period, samples were collected by health inspectors rotating in three different teams, two in Malta and one in Gozo. For the first time ever eight sandy beaches were identified for a pilot enterovirus monitoring programme. Ten-litre samples were collected from each beach and sent out to a United Kingdom Public Health Authority for analysis. No enteroviruses were detected in any of the samples.

639. Whenever test results indicate high faecal coliform counts or when there are visible signs of sewage contamination, the general public is informed through press statements. Warning notices are put up in those bathing areas where sewage contamination is detected. The sites found temporarily unfit for bathing are monitored on a daily basis and the situation brought to the attention of the relevant authority. As a precautionary measure, the Department of Public Health does not recommend bathing in areas close to sewage outflows, in ports and marinas at any time of the year.

640. During 2000, the Department of Public Health issued a total of nine health warnings specifying sites not recommended for bathing. The number of days on which bathing was not recommended was 59 during the last bathing season.

### **Swimming pool monitoring programme**

641. This programme started running in 1997 after the publication of LN 77 of 1997, cited as the Swimming Pools (Testing of Water) (Fees) Regulations, 1997. The owner or the licensee of any public or commercial pool intended to be used for bathing, whether for recreational, medical or other purposes, has to apply for a licence from the Superintendent of Public Health.

642. As part of this programme, water samples from 210 licensed pools are collected once every eight weeks by the District Health Inspectors for microbiological and chemical analysis at the Public Health Laboratory. A total of 875 samples were collected during 2000. All samples were analysed free of charge.

643. All samples were analysed for total variable counts - total coliform counts, faecal coliform counts, faecal streptococcus counts, staphylococcus aureus counts and pseudomonas aeruginosa counts as microbiological parameters - and for nitrites, ammonia, free chlorine and chlorides as chemical parameters. Seventy two per cent of sample results were acceptable (as compared with 76 per cent for the year before).

644. The most common microbiological parameters isolated in those samples that exceeded the recommended guidelines for swimming pool water were TVC and faecal streptococcus. In most of the unacceptable results, free chlorine was not found, indicating that the management is not carrying out regular monitoring. This is borne out by the fact that a number of consecutive samples from the same pools tested positive.

645. The Department of Public Health is in the process of issuing regulations for swimming pool water.

### **Air quality control**

646. Under the EU Air Quality Directives, the Maltese Islands can be considered as a single agglomeration since they have a population of 394, 641.<sup>39</sup> The Environment Protection Directorate within the Ministry for Home Affairs and the Environment is responsible for establishing air quality standards, codes of practice and other systems of control.

647. The Clean Air Act, 1967, the Dark Smoke (Permitted Periods) Regulations (LN28/69), The Dark Smoke Permitted Periods (Vessels) Regulations (LN30/69) and the Motor Vehicles Regulations (LN128/94) constitute the principal legislation regulating air quality in Malta. Section 128 of the Code of Police Laws deals with the emission of noxious vapours and the Environment Protection Act empowers the minister responsible for the environment to issue regulations on air quality guidelines and to establish codes of practice limiting discharges. Subsidiary legislation due to be enacted by the end of 2001 under a new Environment Protection Act, will transpose the EU *acquis* on air quality.

648. The major contributors to air pollution in Malta are the power stations and vehicular transport. Other significant sources of air pollution are emissions from industrial plants, quarrying, fuel storage and landfill sites. Since 1999, ambient air quality is monitored by means of a mobile station and the results made available to the public.

649. Moreover, Malta is in the process of drawing up a programme to reduce the total annual emissions of sulphur dioxide and nitrogen oxide, taking into consideration the substantial changes in electricity demands since 1980.

650. The administrative capacity of the Environment Protection Directorate is being strengthened in order to enable it to fully implement the EU directives in this area.

## **Waste management**

651. Waste Management is beset with problems arising from the small size of the islands, the very high population density, industrial activity and the lack of markets for secondary materials. Malta produces 1.2 million tonnes of solid waste every year most of which is currently disposed of untreated at the Maghtab landfill site. Landfilling is the primary option for waste disposal. Eighty per cent of solid waste are inert limestone residues from the construction industry. Preparations are under way to construct an engineered landfill.

652. In 2001 the Government adopted the Integrated Solid Waste Management Strategy. The solid waste management strategy report lists 51 different types of action which need to be taken by the Government. Malta requires at least two landfills, one of which for toxic waste. The strategy outlines what types of waste should be reduced and in what time frames. The existing waste dumps will be closed and will be replaced by two new landfill sites and another one for the disposal of construction and other inert waste.

653. Given the small size of the Maltese archipelago (316 km<sup>2</sup>), land use is a major challenge. Land is subjected to unrelenting pressures from construction, quarrying, transport, tourism and residential and industrial development. All developments with significant effect on the environment are subjected to an environment impact assessment.

654. Environment awareness in Malta is increasing and a number of NGOs are active in promoting the environment.

655. The separate collection of used batteries has been in place since 1994. The service is offered free of charge by the Waste Management Strategy and Implementation Department of the Ministry for the Environment.

656. With the exception of 20 per cent which is reclaimed for reuse in agriculture and industry, waste water is discharged untreated into the sea, via three main outfalls. The sewerage network is being upgraded and by 2005, four treatment plants and submarine outfalls will be in operation.

657. Despite their small size and intense human pressure, the Maltese Islands and their surrounding waters support a rich biodiversity, which, in some cases, is protected by law.

658. The Litter Act, 1968, prohibits dumping, abandonment or uncontrolled disposal of waste. The Swill Control Regulations, 1993, require establishments which collect or transport waste professionally or arrange for the disposal or recovery of waste by others to be registered with the competent authorities. The Development Planning Act, 1992, provides that any development involving the disposal of waste requires a permit from the Planning Authority and is subject to the planning procedures, including an environment impact assessment for major waste management developments. A permit would only be issued if adequate environmental and public health protection measures were in place.

659. The Environment Protection Act, 2001, empowers the minister responsible for the environment to issue regulations on classification, management, prevention and control, production and disposal of waste. Subsidiary legislation due to be enacted during 2002 will

transpose a number of EU directives in the following areas: incineration of hazardous waste, waste oils, disposal of batteries and accumulators, sewage sludge, shipment of waste and landfill of waste.

660. A number of subsidiary legislation under the Environment Protection Act, 2001, transpose a number of EU directives and regulations.

661. The 1996 Dangerous Cargo Ships, Marine Terminal and Facilities and Bunkering Regulations (LN1/96) and the 1966 Port Regulations (LN43/66) regulate the movement, transfer, storage and handling of dangerous cargoes within internal and territorial waters of Malta, including substances listed in the International Maritime Dangerous Goods, International Bulk and International Gas Codes of the International Maritime Organization. These regulations also apply to shipments of radioactive substances and provide for a strict reporting and authorization procedure. Shipments are only allowed if the loading, discharging, transfer handling, packing, stowing and documentation are carried out in line with the applicable codes.

662. The Territorial Waters and Contiguous Zone Act, 1971, also provides that nuclear-powered ships and ships carrying nuclear substances or any other dangerous substances may be required to seek prior informed consent and authorization from the Malta Maritime Authority when effecting passage through territorial waters.

663. Malta is a party to a number of regional and international conventions. In addition, Malta is active in the Mediterranean Action Plan and for the biennium 1999-2001 chaired the Bureau of the Contracting Parties to the Barcelona Convention.

### **Industrial hygiene**

664. Until 1 July 2001, the responsibility for the monitoring of industrial hygiene had been vested in the Occupational Health and Safety Unit of the Department of Industrial and Employment Relations. This function has now been taken over by the newly set up Occupational Health and Safety Authority.

665. The Occupational Health and Safety Authority Act, 2000, the Factories (Health, Safety and Welfare) Regulations, 1986 (LN52/86) and the Minimum Health and Safety at Work Places Regulations, 2000, lay down occupational health and safety standards for the control of occupational diseases. The Factories (Health, Safety and Welfare) Regulations also provide broad requirements for the handling of dangerous substances, including asbestos. The Occupational Health and Safety Authority Act, 2000, moreover, provides for appropriate measures to protect the health of workers from any risks arising from activities using genetically modified organisms or from the use of, or exposure to, radiation sources.

666. After inspection is made, health and safety inspectors may base their recommendations to the employer on international standards not included in the legislation in order to ensure that the workplace is free from dangers to the health of workers. During the period 1999-2000 the Unit carried out 887 health and safety inspections at the workplace.

667. Responsibility for the medical screening of personnel in employment and students attending tertiary education in Malta is largely vested in the Occupational Health Unit within the Department of Public Health.

668. The Code of Police Laws controls industrial activities which may be harmful to people and prescribes provisions requiring the issue of permits for certain trades and industrial activities.

### **The right of the elderly to sustainable health care**

669. In the eighties, a number of important steps were taken to address the challenges of an ageing population. In 1987 a Parliamentary Secretary was appointed for the first time specifically for the provision of care to the elderly. A Department for the Elderly within the Ministry for Social Policy was set up shortly afterwards.

670. The whole elderly population is entitled to free medical services at all health-care levels. Such health care is accessible at the health centres throughout Malta and Gozo and at St. Luke's Hospital, Malta's general hospital for acute illnesses. Health-care services are also offered free of charge in Malta's other hospitals.

671. One of the services that has been introduced for the 60+ cohort and other persons with special needs is the Telecare Service through which the user may request assistance (including request for medical help) by pushing a button. This service is free of charge.

672. In order to provide short-term rehabilitative care, a special hospital was set up. The Zammit Clapp Hospital for the rehabilitation of the elderly is funded by the Government but managed by an autonomous organization - the Foundation for Medical Sciences and Services. It provides modern, high-quality specialized care facilities for elderly patients to enable them to recover to an extent that will allow them to return to their own homes. No fees are charged for the treatment received at the hospital.

673. The elderly may also qualify for a Pink Card or a Yellow Card if they meet the relevant conditions for such entitlement.

### **Community participation in primary health care**

674. It is now accepted that improving a country's health does not depend on the efforts of the health sector alone. Intersectoral participation is needed to ensure the prevention and control of disease and the promotion and maintenance of health. Such action requires cooperation among government departments and agencies, voluntary organizations, and other sectors such as business and industry, labour unions, local councils and professional groups.

675. Community participation is maximized by liaison with local councils and NGOs and involvement of these agencies in the provision of health-care services to the community. Local councils are involved in the refurbishment and relocation of district clinics whilst NGOs are mostly involved in providing special services to disadvantaged groups in the community such as disabled persons and drug abusers.

### **Provision of education on prevention of health problems**

676. The Health Promotion Department of the Ministry of Health is allocated funds by the central Government to run campaigns that highlight lifestyle issues that determine the health status of the nation such as smoking, nutrition, sexually transmitted diseases, skin cancer and physical activity among other things. One of the national campaigns of the Health Promotion Department "Too Much Fun Can Spoil Your Fun" which ran throughout 2000 will this year target schoolchildren attending summer school. In 2001 for World No Tobacco Day, the Department launched an aggressive campaign on the hazards of tobacco smoking to the non-smoker. As part of the campaign, the Health Promotion Department launched new health education literature and TV ads. All campaigns are organized at the national level. However, there are specific issues which demand a more focused approach, such as breastfeeding. The Department also runs programmes to assist individuals seeking assistance to stop smoking and to lose weight. Smoking-stopping sessions are held in conjunction with the health centres. A genito-urinary clinic to treat sexually transmitted diseases is also up and running.

677. Talks on oral and dental health promotion are given to students, parents and teaching staff during the school year. Dental hygienists also give talks to children attending summer school.

678. NGOs are also involved in educating the public about health issues. In 2000, a society by the name of Psymalta was set up to educate the public about mental health and to fight against all forms of fear and misunderstanding about mental illness. The National Commission for Mental Health has recently published a leaflet which was distributed with a leading Sunday newspaper in order to raise awareness about the stress of life.

### **The role of international assistance in the full realization of the right to health care**

679. Malta receives some assistance from the World Health Organization under the Medium-Term Plan of Cooperation.

## **Article 13**

### **Legislative framework for the provision of primary and secondary education**

680. The Constitution and the Education Act, 1988, provide the main constitutional and legal framework underpinning the provision of education in Malta. This basic legislation is supplemented by legal notices that are issued from time to time by the Minister of Education in response to developments taking place within the system. The legislative instruments are not exhaustive and many areas regarding the administration of education are covered by directives and circulars issued by the central government department responsible for administering the education system.

681. Compulsory education was introduced in 1924 under the first Compulsory Attendance Act. This Act enforced attendance until the age of 12 (raised to 14 in 1928) on pupils enrolled in

government as well as private schools. Compulsory schooling age was raised to 16 under the Education Act, 1974. Education in State schools, both primary and secondary, was made free to all Maltese in 1956. Free tertiary education was introduced in 1971.

682. Chapter II of the Constitution, entitled “The Declaration of Principles”, provides that:

(a) “The State shall promote the development of culture and scientific and technical research.” (art. 8);

(b) “Primary education shall be compulsory and in State schools shall be free of charge.” (art. 10);

(c) “Capable and deserving students, even if without financial resources, are entitled to attain the highest grades of education.” (art. 11 (1));

(d) “The State shall give effect to this principle by means of scholarships, of contributions to the families of students and other provisions on the basis of competitive examinations.” (art. 11 (2));

(e) “The State shall provide for the professional or vocational training and advancement of workers.” (art. 12 (2));

(f) “Disabled persons and persons incapable of work are entitled to education and vocational training.” (art. 17 (3)).

683. The Education Act, 1988, consolidates and reforms all existing legislation including the legal notices issued subsequent to the enactment of the Act. The general provisions of the Act stipulate the obligation of the State to promote education and to ensure that the infrastructure required for education is available. The State is legally bound to provide schools where these do not exist. The Act also safeguards the rights of minors to education, obliging parents of children within the compulsory schooling age bracket to send their children regularly to school. In particular, the following general provisions of the Act deserve to be cited.

684. Article 3 states that “It is the right of every citizen of the Republic of Malta to receive education and instruction without any distinction of age, sex, belief or economic means”.

685. Article 4 states that “It is the duty of the State:

(a) To promote education and instruction;

(b) To ensure the existence of a system of schools and institutions accessible to all Maltese citizens catering for the full development of the whole personality, including the ability of every person to work;

(c) To provide for such schools and institutions where these do not exist.”

686. Article 5 states that “It shall be the duty of every parent of a minor to cause him:

(a) To be registered in a school for the first scholastic year starting when he is of compulsory school age;

(b) To continue to attend school up to the end of the scholastic year during which the minor ceases to be of compulsory school age, or up to the end of such further period as the Minister may prescribe by regulations;

(c) To attend school regularly on each scholastic day, unless the minor has a good and sufficient cause to be absent from school.”

687. Article 6 states that “It is the right of every parent of a minor to give his decision with regard to any matter concerning the education which the minor is to receive.”

### **Responsibility for education**

688. The Minister of Education has overall responsibility for education in Malta. The Minister is appointed from among the members of the Government elected in Parliament by the Prime Minister. Besides education the current portfolio includes culture, youth and sports. Within the Ministry of Education there is also a Parliamentary Secretary (a junior minister) who assists the Minister of Education in running his portfolio. The Parliamentary Secretary is also appointed from among the members of the House of Representatives. Within the Ministry the most senior civil servant is the Permanent Secretary who coordinates the management of the various departments and entities falling under the Ministry’s portfolio ensuring that the policy objectives of the Minister are achieved.

689. The Education Division of the Ministry of Education is responsible for monitoring and providing educational services within the State sector. It is also responsible for monitoring and regulating educational services within the non-State sector. The executive head of the Education Division is the Director-General, who is also a career public servant appointed from among members of the teaching profession. The Division is subdivided into six directorates each responsible for a particular aspect of the education service. These deal with curriculum management, student services and international relations, further studies and adult education, operations, planning and infrastructural development. The Department of Finance and Administration supports these departments in such areas as accounts and human resources.

690. The Maltese State system of education has been highly centralized until the recent past. In conformity with the ongoing decentralization process at the government level, both the education system and the educational institutions are being gradually but steadily decentralized so that decisions are made and taken at the lowest possible level and action becomes more effective. The top educational management structure has been reformed and authority and accountability have become more widely spread. Schools are being encouraged to shoulder more responsibilities and to promote their own identity and character. This decentralization has also been brought about by the creation of school councils and is reflected in the implementation of the national minimum curriculum which requires more and more decisions to be taken by the schools themselves. Schools are now also given recurrent and capital funds to administer.

691. The Education Act, 1988, also envisages the setting up of school councils in every school. Each Council is composed of equal representatives of teachers and parents; the President of the School Council is appointed by the Minister of Education after a nomination is made by the local council. School Councils, although having no specific authority over curricular matters, concentrate mainly on increasing parental involvement in schools.

692. For the purpose of school monitoring, the Education Division has divided Malta and Gozo into four regions, each being headed by an Assistant Director of Education (Operations). Assistant Directors are in turn assisted by a number of Education Officers (Operations/Administration) responsible for either primary or secondary schools.

693. In giving power to the competent minister to make regulations, article 47 of the Education Act, 1988, states:

The Minister may make regulations to give effect to any of the foregoing provisions of this Act and in particular, but without prejudice to, the generality of the foregoing, for any of the following purposes ... (c) to determine the national curriculum of studies without prejudice to the specific religious nature of any school.

694. The Operations Department of the Education Division supervises all primary and secondary schools in Malta and Gozo with the exception of special education schools. Monitoring of schools is done in order to ensure that schools are offering the required standards of educational facilities and services according to the National Minimum Curriculum and National Minimum Conditions. The monitoring of non-State schools is also made in order to ensure that services offered in State schools such as remedial teaching and inclusive education are also provided.

695. In 2001, an Education Council was set up in Gozo in order to coordinate the different sections in the education sector. The Council is made up of heads of schools; representatives of school councils and parents' associations; and representatives of the Malta Union of Teachers and the University of Malta. Also represented are the Gozo Business Centre; the Gozo Tourism Association; and the Employment and Training Corporation. The Council aims to improve the level of teaching in Gozo and to make suggestions to the Ministry for Gozo as to what improvements are to be made in schools. It also has the role of a consultative body that serves to improve the level of teaching and the educational system in general.

### **The teaching of religion in primary and secondary schools**

696. The Government of Malta has submitted the following declaration under article 13 of the International Covenant on Economic, Social and Cultural Rights:

“The Government of Malta declares that it is in favour of upholding the principle affirmed in the words ‘and to ensure the religious and moral education of their children in conformity with their own convictions’. However, having regard to the fact that the population of Malta is overwhelmingly Roman Catholic, it is difficult, also in view of limited financial and human resources, to provide such education in accordance with a particular religious or moral belief in cases of small groups, which cases are very exceptional in Malta.”

697. Educational provision in Malta can trace its roots to schools run by catholic religious orders. Maltese society is predominantly Catholic and the Catholic Church enjoys a privileged position. Chapter I, article 2 (1), of the Constitution of Malta states that “the religion of Malta is the Roman Catholic Apostolic Religion”. This is followed by article 2 (3) which states that “religious teaching of the Roman Catholic Apostolic Faith shall be provided in all State schools as part of compulsory education”.

698. Notwithstanding these provisions in favour of the Catholic Church, the individual rights and freedoms are safeguarded by Chapter IV of the Constitution and this includes freedom of conscience, of expression and of peaceful assembly and association. More specifically, article 40 (1) of the Constitution states that “all persons in Malta shall have full freedom of conscience and enjoy the free exercise of their respective mode of religious worship”.

699. Reflecting article 40 (2) of the Constitution on religious instruction, article 20 (4) of the Education Act, 1988, states that “the parents of any minor will have the right to opt that the minor should not receive instruction in the Catholic religion”.

### **Public, church and independent schools**

700. There are a total of 319<sup>40</sup> schools in Malta of which 184 are public schools also referred to as State schools. The rest are private schools and are either church schools or independent schools. Both church and independent schools provide education from pre-primary to post-secondary levels (see annex, table 52).

701. As at December 2001, non-State schools provided education to 25,863 students. A total of 17,391 students attended church schools while 8,472 attended independent schools. Together the two sectors cater for about 33 per cent of the student population.

702. Attendance at all public schools in Malta is free of charge for Maltese nationals. By means of an agreement between the Government of the Republic of Malta and the Holy See, church schools do not charge tuition fees. In return, the State allocates an annual grant to cover the salaries and wages of all the personnel employed in these schools as well as a percentage of the running expenses. The State is under an obligation to pay its contribution, free of all taxes, to the Church in six instalments, at two-monthly intervals, and in advance.

703. The Catholic Church provides its own school buildings and facilities although it is also responsible for the maintenance of its schools and the funding of future extensions. The Church also pays the salaries of Spiritual Counsellors and the cost of extra-curricular services. Church schools may request the parents of children attending these schools to give donations to finance maintenance and capital projects. Church Schools may also engage in fund-raising activities.

704. Due to the limited number of places in church schools, admission to primary schools for kindergarten, pre-grade and year-one classes is by ballot. Any person may submit an application for admission to a church school. Admission to secondary schools run by the Church depends on the results of an examination in five core subjects, which are: social studies, Maltese, mathematics, English and religion. Church schools set aside a limited number of places for some students on humanitarian grounds.

705. Over the years, schools run by Catholic religious orders have continued to expand and today they represent most schools in the non-State sector.

706. Independent schools, which represent the other portion within the non-State sector, are either privately owned or set up by non-profit-making parents' foundations. These schools charge fees that vary according to schools and the different levels within the same school. Annual fees at pre-grade level vary between Lm 180 and Lm 550. Annual fees at post-secondary level range between Lm 972 and Lm 4,700.

707. The independent sector has been expanded in response to parents' demands for a different type of education than that provided in State and Church schools. In 2001 the Government introduced tax rebates on the tuition fees paid by parents whose children attended independent schools. The tax rebate amounts to Lm 200 for each child attending a primary school and to Lm 300 for each pupil attending a secondary school. This latest measure reflects the Government's commitment to educational choice and its recognition of the contribution made by the independent sector to national education. The provision of education by non-State schools has expanded over the years, and today about one third of the student population attend these schools.

### **National Minimum Curriculum**

708. Besides the legislative framework that facilitates the administrative aspect of education, safeguards the rights and establishes the duties of the major stakeholders, a major resource that moulds and guides educational provision is the National Minimum Curriculum which applies to all education providers in Malta for the teaching of young persons of compulsory school age. The current National Minimum Curriculum, published in 1999, is the result of widespread consultation set in motion in 1995. On 26 January 2000, the Minister of Education appointed a National Steering Committee on the Implementation of the National Minimum Curriculum. Represented on this Committee were the Ministry of Education, the Division of Education, the Faculty of Education, church schools, independent schools, teachers through the Malta Union of Teachers, and parents through the Association of Schools Councils. In March 2001, the National Steering Committee published a Strategic Plan for the implementation of the Curriculum.

709. The Strategic Plan envisages the implementation of the Curriculum in three phases that represent a progression over a period of four years. Although each school will be free to implement the curriculum at its own pace and to monitor its own progression, each school is required to reach the targets of the third and final phase by June 2005. The Strategic Plan also envisages the setting up of a National Curriculum Council to oversee, guide and monitor the process of implementation, and to focus the expertise where it will be needed.

710. The decentralization process plays a central role in the implementation of the National Minimum Curriculum in that every school in Malta is required, as from 1 October 2002, to draw up a School Development Plan (SDP) through which schools will be able to identify their needs and priorities. Apart from helping schools to implement curriculum policies at their own initiatives, SDP enables schools to monitor their own progress. Fundamental to the Strategic Plan is the principle of subsidiarity, which states that whatever initiatives and changes can be

undertaken at school level they should be undertaken at school level rather than at more central levels. Thus, matters to be initiated or stipulated at more central levels are only those which must necessarily be taken at that level, for example, maintaining standards, protecting children's rights, and complying with a national socio-economic policy among other things.

711. The National Minimum Curriculum is centred on 15 principles that are inspired by the belief in social justice. These principles are set out below.

712. *Quality education for all.* The ultimate aim of the National Minimum Curriculum is to develop an educational ethos that stimulates the development of students' potential without undermining the principles of solidarity and cooperation.

713. *Respect for diversity.* The National Minimum Curriculum commits the State to ensuring that all students are provided with the best possible education, irrespective of their social realities and abilities.

714. *Stimulation of analytical, critical and creative thinking skills.* The National Minimum Curriculum regards students not as passive recipients but as critical and creative thinkers and producers of knowledge.

715. *Education relevant for life.* Students develop a love of learning when they realize that learning in terms of both content and method helps them throughout life.

716. *Stable learning environment.* Students, especially those who lack support at home, can suffer as a result of a sudden change of expectations regarding their educational achievement and in their learning environment. Students require smooth transitions. A sense of continuity would enable students to realize that education is a process and not a series of disconnected episodes.

717. *Nurturing commitment.* The educational process should ensure that students understand the value of developing a sense of commitment if they are to enjoy a meaningful, happy and prosperous life.

718. *Holistic education.* The curriculum review should lead towards a greater integration of educational content in a way that reflects knowledge that has a basis in life experience. This integration helps students to establish a relationship between the different areas of knowledge and encourages an interdisciplinary application of knowledge, skills and attitudes.

719. *An inclusive education.* Inclusive education is based on a commitment, on the part of the learning community, to fully acknowledge individual differences and to elaborate as well as implement inclusive policies. This concept recognizes the full range of educational interests, potential and needs of students.

720. *A more formative assessment.* An education which recognizes diversity regards formative assessment as indispensable for the carrying out of a democratic agenda.

721. *The strengthening of bilingualism in schools.* The National Minimum Curriculum considers bilingualism as the basis of the education system. It regards bilingualism as entailing the effective, precise and confident use of the country's two official languages: Maltese, the national language, and English.

722. *Gender equality.* The educational system should be based on the principle of gender equality based on respect for gender differences. While recognizing such differences and encouraging the affirmation of gender identity, the National Minimum Curriculum aims to strengthen the educational community's commitment to guaranteeing equal opportunities for everyone, irrespective of gender.

723. *Vocation and competence.* Competent and efficient teachers should strive to foster among their students, both morally and intellectually, a sense of democracy and social justice.

724. *The importance of learning environments.* There is an intimate relationship between the physical conditions, the allocated space and the educational resources provided by specific learning environments and the development of students' attitudes and behaviour.

725. *Increasing participation in curriculum development.* The curriculum is public property. One should therefore strengthen the idea that people from different walks of life should participate in the entire process, that is to say, the planning, development, implementation and updating of the curriculum.

726. *Decentralization and identity.* The authorities should promote a culture of participation in the different areas of the curriculum by maintaining a policy of decentralization and by helping schools to strengthen their identity and achieve greater autonomy.

### **Pre-school education**

727. As regards pre-primary or kindergarten education the Education Act, 1988, states that "the State may provide schools for infants who are under compulsory school age". Notwithstanding that the State is not obliged to provide pre-primary education, a national system was introduced in 1975 for 4-year-olds. In 1988, the provision of education was expanded to include 3-year-olds.

728. Pre-primary education classes are held in centres attached to primary schools and is provided free of charge in State schools. Pre-primary education is also provided within the non-State sector. Although attendance at pre-primary level is voluntary, about 95 per cent of the age cohort attend. Children are admitted to kindergartens three times a year, in October, January and April.

729. At pre-primary level no formal teaching takes place, but educational activity is aimed to develop the children's social attitudes, language and communication skills in preparation for primary education. Educational activities include communication by word or gesture, singing, play, painting, figure forming, exercises and rhythmic movements. Progress is not officially assessed although in a small number of schools one may find informal records of assessment. Assessment is used to provide feedback to teachers and parents. Pupils move automatically up to the next year. No transition arrangements exist.

730. The National Minimum Curriculum (1999) states that the aim of the curriculum at the kindergarten level is to enhance the holistic development of children. More specifically, the

curriculum at the kindergarten level has these aims: intellectual development, socio-emotional development, physical development, moral development, development of a sense of aesthetics and creativity and religious development.

731. The syllabus is based on a thematic approach. The learning experience of kindergarten children revolves around the play method. Materials used are varied. They include table-top toys (blocks, puzzles, etc.); sand and water; and playgrounds.

732. The maximum number of pupils per adult is 15 3-year-olds and 20 4-year-olds. There are no regulations on the minimum number. Whenever an inclusive programme is followed and the child is not in need of continuous individual support, the number of children in a class should not exceed 14 in Kinder 1 (3-year-olds) and 18 in Kinder 2 (4-year-olds).

733. Teachers who teach at kindergarten level are called kindergarten assistants. Although there are no gender limitations, the post of kindergarten assistants attracts only females. Prior to employment kindergarten assistants have to be qualified in pre-primary education. This is a two-year full-time course leading to the Certificate in Early Childhood Education that is provided in a post-compulsory educational institution. Kindergarten assistants are mainly employed on a full-time basis, but there are also part-time and supply kindergarten assistants. Kindergarten assistants are in possession of a temporary teaching warrant. Kindergarten assistants have to attend a statutory in-service course every two years to update their professional base. Kindergarten assistants are allocated by age group. Usually they alternate between the 3- and 4-year-olds' groups every school year. There are also kindergarten assistants who take care of children with special needs at kindergarten, primary and secondary level.

734. During the school year 2000/2001, a total of 9,065 children were attending kindergartens of which 5,157 children were attending State kindergartens, 1,448 church kindergartens and 1,860 kindergartens of independent schools.

### **Primary education**

735. Part III of the Education Act, 1988, obliges the State to provide primary education. Article 16 (1) states: "It shall be the duty of the State to provide for the primary education of the children of Maltese citizens being children of compulsory age who do not have special educational needs, or who have not qualified for secondary education."

736. The Act goes further in defining the role of the State as regards primary education. It obliges the State to maintain, wherever possible, a school in every town or village and to provide transport for pupils who reside in areas which are distant from the school. In fact, even though in Malta distances are short, there is practically a primary school in every town and village.

737. A proviso to be found in the Education Act, 1988, applying to children with special educational needs is to a certain extent superseded since it is the policy of the educational authorities to include children with special educational needs into mainstream education. In fact, the number of children with special educational needs in mainstream schools has been increasing over the past six years and only those children who have severe special needs are educated in special schools.

738. The enactment of the Equal Opportunities (Persons with Disability) Act, 2000, has provided the legislative framework safeguarding and promoting the rights of persons with disability. In implementing its inclusion policy, the education authorities work in close collaboration with the National Commission Persons with Disability to ensure that children with special needs get the full benefits from the education system. In this ambit the Education Division, together with the University of Malta, has instituted a university diploma course for Inclusion Facilitators as a way to train professionals in the teaching of children with special needs in the mainstream. A statementing board assesses each pupil on the type of support required to be able to reap the benefits of mainstream education. Programmes of one-to-one facilitators as well as partial support are provided to serve pupils with special needs. The Education Division's inclusion policy has called for an accessibility audit of all schools followed by an ongoing programme of infrastructural works to make school buildings accessible to all.

739. Primary education schools are co-educational. Education is free of charge and includes school transport and textbooks. During the first three years, education emphasizes social skills, pre-literacy and pre-numeracy skills, gradually progressing to more formal academic skills. All classes are of mixed ability. Academic content is emphasized during the second cycle that covers Year Four, Five and Six. Progressively, as children move towards the end of primary education, the amount of academic content increases in preparation for the Junior Lyceum Examination (an eleven-plus type examination).

740. The number of pupils in primary classes cannot exceed 30. The number goes down to 26 whenever there is a child with special needs in the class.

741. In the first four years of primary education, children are grouped in classes strictly by age. In the last two years they are grouped according to results obtained in the national annual examinations.

742. The National Minimum Curriculum emphasizes the need that children attending primary education learn "a repertoire of skills" to be able to accrue the benefits of their learning experience. In today's knowledge society, pupils are expected not only to have the explorative skills to deal with the facts but also the ability to communicate this knowledge by means of information technology. Information technology was introduced in primary schools in 1996 and today the stage has been reached where the computer to pupils ratio is one to seven.

743. In order to facilitate children's full development both as individuals and also as members of society, the primary curriculum includes personal and social education not as a subject in its own right but integrated in the core subjects. This lays the foundations for the development of basic life skills as well as learning skills, which are required to affirm each child's personal identity within the social dimension of citizenship and membership in society.

744. The core subjects at primary level are: Maltese, English, Mathematics, Science, Social Studies, Religion, Physical Education and Sport, Technology and Creative Expression. Peripatetic teachers who are attached to a nucleus of schools and rotate among them teach subjects like the expressive arts. At this level there are few, if any, optional subjects and these are usually offered in non-State schools.

745. At the end of primary education there is an examination in five core subjects.

### **Secondary education**

746. The obligation of the State to provide secondary education is laid down in article 17 of the Education Act, 1988, which states that “it shall be the duty of the State to provide for the secondary education of the children of Maltese citizens being children who have completed their primary education and who do not have special educational needs”.

747. Article 18 (1) states that “it shall be the duty of the State to provide special schools for the children of Maltese citizens being minor children having special educational needs”.

748. Secondary education is available to all students who have successfully completed primary education. Secondary education is not co-educational unlike primary education and higher secondary educational institutions. Thus at the end of primary education, students in State schools sit for Junior Lyceum examinations whereby those who pass are admitted into Junior Lyceums which are schools for high achievers. The rest attend general secondary schools. A special provision for very poor achievers is made in that they receive a simplified and less demanding type of secondary education.

749. The curricula of Junior Lyceums and general secondary schools are very similar although students attending Junior Lyceums tend to have a greater workload.

750. Secondary education lasts five years and is divided into two cycles. The first cycle in Junior Lyceums lasts two years while the first cycle in a general secondary school lasts three years. All students in secondary schools learn Maltese, English, Mathematics, Integrated Science (Physics during the secondary cycle), Religious Knowledge, History, Geography, Social Studies, a second foreign language, Information Technology/Computer Awareness, Physical Education, and Personal and Social Education. In the first two years of Secondary education classes may have up to 30 students while in the last three years, there may not be more than 25 students per class. Each class is assigned a form teacher who monitors the progress of students under his/her care.

751. During the first cycle students choose a new foreign language and one subject from Technical Design, Home Economics, Craft and Needlework. At the end of the first cycle, students opt to specialize in two subjects in Junior Lyceum and one subject in general secondary school. The choice is very wide and can include a science subject, a third foreign language, a cultural subject or a work-oriented subject. Students generally choose the subject(s) related to their future career or further studies.

752. Secondary education leads to Secondary Education Certificate (SEC) set by the University of Malta. Students may also sit for General Certificate of Education Certificate Examinations “O Levels” set by the British Boards.

753. Church schools and independent schools do not distinguish between Junior Lyceums and secondary schools although they have to follow the National Minimum Curriculum for secondary schools.

754. In the secondary school sector, ICT application was introduced as a compulsory subject in the first three years. In October 2001 it has been introduced in the fourth year and, by October 2002, in the fifth year.

### **Trade schools**

755. Until 2000, students who had completed the third year of secondary school could opt to be transferred to a trade school wherein they could follow a course with an emphasis on technology. Following a policy decision by the Government, trade schools are now being phased out and will be closed once the students currently receiving their education therein have terminated their course of study.

756. Technology education has been introduced in secondary schools as from the school year 2000/2001. As a result, students opting to take up technology will continue their education in secondary schools except for those opting to take up Technology with a Home Economics or Crafts bias as the latter are still being housed in trade schools. This has resulted in an increase in the student population in secondary schools during the last years.

757. Trade schools provide a craft-level technical education with a solid vocational basis. The course is of four years' duration, with a wide technology base being given in the first two years. In the later years, students specialize in specific technological areas. The courses offered included a wide range of trades, including woodwork, automobile mechanics and electronics, automobile body work, electrical installation, refrigeration, plumbing (domestic, industrial and marine), bench-fitting and general metalwork, electronic servicing, tailoring, hotel housekeeping and traditional handcrafts. In each case students have to follow a core of academic studies alongside the trade-related theory and workshop practice.

758. Thereafter students may opt either to seek employment in the chosen trade or to seek further technical education and training through apprenticeship schemes.

759. Students in trade schools sit for local craft-level examinations, and some attempt to get UL-based City and Guilds certificates. Trade school students are also encouraged to sit for SEC examinations.

### **State examinations at secondary level**

760. At the end of compulsory secondary education, all students in State schools take a final examination, set by the Education Division that entitles them to a School Leaving Certificate which however has limited currency. Approximately 62 per cent of students will then proceed to sit for the Secondary Education Certificate (SEC) set by the University of Malta. Students sit for an average of seven subjects. This certificate is an entry requirement for further studies and is also required by employers for certain jobs requiring basic education.

### **The teaching of Maltese and English in schools**

761. Maltese, the national language of Malta, is taught at all levels within the compulsory education age. English, one of Malta's official languages together with Maltese, starts being

taught during the first year of primary education although the children are exposed to the language in various ways during kindergarten and the first two years of primary education. It then continues to be taught throughout the years of compulsory education.

762. The new National Minimum Curriculum (NMC) considers bilingualism as the basis of Malta's educational system, which entails the effective, precise and confident use of both the first language, Maltese, and of English, - a goal that must be reached by students by the end of their entire schooling experience. At primary level NMC encourages teachers to use English when teaching English, mathematics, science and technology. When this poses difficulties in the classroom code switching can be used.

763. At secondary level NMC recommends that teachers of Maltese, social studies, history, religion and PSD teach in Maltese. Teachers of a foreign language should teach in the language in question whilst all other subjects should be taught in English.

### **Literacy rate and initiatives to combat school failure**

764. Great strides have been made in the area of literacy since 1911 when it was estimated that 73.65 per cent of the population were illiterate. According to the 1995 population census, the illiteracy rate is 11.29 per cent of the total population over 10 years of age (see annex, table 53).

765. Illiteracy is not equally distributed by gender or region. The census indicates that the highest level of male literacy (90.40 per cent) is to be found in the north region of Malta, whilst the lowest level (83.37 per cent) is to be found in the south-east region. The same trend is observed for the female literacy standing at 93.25 per cent in the north region and 89.55 in the south-east region. The census also indicates the emergence of a group of young illiterates in the 10-19 age group whose number had gone up from 534 persons in 1985 to 1,775 persons in 1995. This group which accounted for 1.1 per cent in 1985 now accounts for 4.9 per cent of all illiterate persons.

766. In order to address this problem the Ministry of Education has put in place certain measures. One of the major concerns of the Ministry of Education is the escalating number of students who are facing difficulties in their learning and who cannot manage without support in the early years of formal education. Research carried out among 5,417 second-year primary school pupils (full data available for 4,554 pupils) as part of the National Literacy Survey<sup>41</sup> highlighted the plight of a significant number of second-year pupils who have severe or significant literacy difficulties (see annex, table 54).

767. A follow-up to the 1999 national literacy survey is currently being carried out, the results of which will be published in the early months of 2003.

768. About 26 per cent of second-year students, 6.7 per cent of third-year students and 1.4 per cent of fourth-year students in 65 State schools currently benefit from complementary education - a form of remedial teaching offered by a team of peripatetic teachers to poorly performing students on a class withdrawal basis twice a week. Streaming of low-achieving students takes place at year-5 level.

769. The Education Division and the Faculty of Education of the University of Malta are also working hand in hand to provide a literacy programme in several primary and secondary schools where the need is most felt. The two bodies have put in place a “Let Me Learn” project in five schools. The project is a way of tailoring teaching to the unique learning patterns of individuals. The programme created its official website [www.letmelearn.com](http://www.letmelearn.com).

770. In 2000, an M.ED. course in literacy was introduced at the University of Malta with the aim of training literacy facilitators to help primary schools develop programmes for their children.

771. Children with special needs are assessed and supported, as required. A number of small classes are kept to a small size in order for more individual attention to be provided. Some children repeat a class on a decision taken after consultation between parents and the head of school.

772. In January 2002, an after-school programme has been introduced for schoolchildren who need added support, coordinated by the Foundation for Educational Services of the Ministry of Education. The after-school programme focuses on character development and includes half an hour of reading, creativity and craft schemes, drama and sports as well as help with homework. This programme is also aimed at the parents who will be helped to improve their communication, reading and writing skills. The programme has two main branches: *Klabb Hilti* for children and *Id f'Id* intended to train parents of children participating in *Klabb Hilti*. These programmes are expected to tackle the problem of illiteracy. Twice-weekly afternoon sessions are held from 2.30 p.m. to 5 p.m. The programmes have been introduced for children from year 1-3 in 10 government primary schools, but will eventually be extended to other schools.

773. The Department of Further Studies and Adult Education provides courses for adult basic literacy (classes in Maltese are provided free of charge).

774. NGOs have also set up centres for helping out with the eradication of illiteracy. The Jesuit-run Paulo Friere for literacy promotion and community development in Zejtun provides for the teaching of children and adults to read and write. The Third World Group, Valletta, help disadvantaged children who are school dropouts through a literacy and numeracy programme.

775. In October 2000, the Employment and Training Corporation signed an agreement with the University of Malta and the Jesuits' Paulo Freire Institute to provide literacy training to unemployed adults. The one-year project offers one-to-one learning in small groups of adults who are unemployed. The training is being provided by former professional teachers and mature B.Ed. (Hons.) undergraduates.

### **Children with special needs**

776. There is an ever-growing consensus that children with special needs should, as much as possible, be fully integrated in normal classes, in line with the policy on inclusive education. In cases where it is assessed that this would not be in the best interests of the child, such child may

attend one of the six special schools in Malta (one of which is situated on the island of Gozo) run by the Ministry of Education. These schools cater for a wide range of psychological and physical disabilities with children being educated in the least restrictive environment possible. Home tuition is provided for chronically ill children by a peripatetic unit which also supports children in mainstream schools. All children in Malta with physical, mental, sensorial and emotional disabilities must be stated by the Statementing Board.

777. The Moderating and Statementing Panel, set up in 1988, is currently the only recognized and competent authority that determines the kind of educational support (be it the provision of a facilitator or otherwise) and facilities which are required by a child in State and church schools. The Board's recommendations are based on careful consideration of the medical diagnosis and problems, specialist reports, educational needs as well as the opinion of the child's parents or legal guardians and designated educators. Children in mainstream education continue to be assessed every two years so that the necessary action may be taken. There are at present 619 students with special needs in mainstream education of whom 485 are at kindergarten/primary level, 132 attend secondary schools and 2 attend higher secondary schools. Supporting these students are 478 facilitators or kindergarten assistants. There are also a number of visually impaired children in mainstream education supported by peripatetic teachers.

778. The Special Educational Needs Section of the Education Division has the objective to develop, through education, a more inclusive society where every person despite a disability has the opportunity to develop skills and to participate in society to the fullest possible extent. During 2001, the Section employed the following peripatetic teachers:

- Three for the visually impaired students in mainstream schools;
- Six for early intervention with pre-schooler and kindergarten children with special needs;
- Six for home tuition for the chronically ill;
- One for students attending the Young People's Unit at Mount Carmel Hospital;
- Four for expressive arts;
- Two for physical education and sports;
- One for woodwork;
- One teacher and five kindergarten assistants working in the children's wards in Karen Grech Hospital;
- One teacher in charge of the transition programme for students moving from special schools to the adult training centres.

779. The Ministry of Education has undertaken to ensure that all State schools are physically accessible. The Ministry is also taking steps to draw up a manual for special needs for every member of the teaching staff. The manual, which will be ready for distribution by 2003, will

contain clear written procedures regarding referral and assessment, individualized educational programmes, safety precautions, and curriculum matters among others. An adapted version of the manual will also be given to parents of students with special needs for their own information.

780. The newly founded Malta College for Arts, Science and Technology will also ensure the inclusion of students with special needs.

### **Summer school**

781. The *Skola Sajf* (summer school) started in 1995 for senior primary school children. In these schools, children engage in various educational activities, and educational excursions are organized for them. Three special education schools provided facilities for children with special needs. In 2001, a total of 3,600 children and 80 children with special needs participated in summer schools.

### **Post-secondary education**

782. Post-secondary education is offered free of charge to all students who have successfully completed compulsory secondary education. Courses are offered by the Education Division, University of Malta, Institute of Tourism Studies, and by the Malta College of Arts, Science and Technology. Entry requirements for the courses range from a School Leaving Certificate to Advanced Level education. Most courses (described below) offered by the Education Division, the Institute of Tourism Studies and the Malta College for Arts, Science and Technology are also offered in Gozo.

783. It is estimated that half of the students completing compulsory secondary education pursue post-secondary education.

784. The Education Division offers Ordinary Level revision courses and Advanced/Ordinary Level courses for people who have completed the last year for compulsory secondary education. A course for those who would like to sit for the Matriculation Certificate Examination of the University of Malta is also on offer.

785. The Guze Micallef College of Agriculture of the Education Division offers courses in commercial horticulture; animal husbandry and a course for vet assistants. Each course lasts for a period of four years.

786. The Education Division, moreover, runs a School of Hairdressing and Beauty Therapy within which various courses connected to hairdressing and beauty therapy are offered to students who have completed compulsory secondary education and who have obtained a minimum of two ordinary levels.

787. Other courses offered by the Education Division include a prevocational health-care course (a two-year post-secondary course designed to qualify prospective students to join a course in health care); courses in mechanical and electrical engineering, electronics engineering and motor vehicle engineering; a pre-school education course (which provides training for prospective kindergarten assistants and playgroup leaders); and a childcare course 0-3 years (which provides training to prospective childcarers and mother-toddler club leaders intending to work with children under the age of 3).

788. Students who intend to pursue tertiary education may attend the course offered by the Gan Frangisk Abela Junior College which is part of the University of Malta. The College offers a two-year course specifically designed for prospective university entrants and conforms with the prevailing university entry requirements of 1996. The course involves the study of two subjects at advanced level, three at intermediate level and systems of knowledge. Courses in preparation for the university entry examinations are also available free of charge in certain church schools.

789. The Institute of Health Care of the University of Malta offers courses in the following disciplines. A Bachelor of Science (Hons.) is offered in the following subjects: Nursing, Radiography, Communication Therapy, Occupational Therapy, Environmental Health, Medical Laboratory Science and Physiotherapy. A diploma course is offered in Nursing, Radiography, Environmental Health, Dental Technology and Podiatry. Entry requirements for these courses vary between O-level and A-level passes.

### **Malta College of Applied Arts, Science and Technology (MCAST)**

790. The Malta College of Applied Arts, Science and Technology (MCAST) was set up as a foundation in August, 2000, in order to integrate various vocational and technical courses and institutions. The College opened its doors to students in October 2001 to absorb the former post-secondary institutes of learning, namely the Institute of Electronic Engineering; the Institute of Building and Construction Engineering; the Institute of Information and Communication Technology; the Institute of Business and Commerce; the Institute for Arts and Design; and the Institute of Maritime Studies.

791. New apprenticeship schemes have been absorbed by MCAST. Courses offered by the institutes of the College were based on apprenticeship schemes. The College awards vocational qualifications up to degree level.

### **Institute of Tourism Studies (ITS)**

792. The Institute of Tourism Studies (ITS), which is entirely State-funded, is a post-secondary institute which prepares students for the tourism industry. ITS offers full-time programmes at certificate and diploma levels. Courses are generally of two-year duration except for the higher diploma course which runs over three years. The latter also enables graduates to join a degree course in tourism organized by the University of Malta. In February 2002, the Institute had a total of 670 students among them 445 males and 225 females.

793. The academic year consists of two semesters of a 14-week duration, with examination and administration comprising a further three weeks between the first and second semesters. Tuition is free for Maltese nationals and attendance is compulsory. The minimum enrolment age is 16, but there is no maximum age-limit. Entry requirements vary according to the course applied for, but students are required to have a minimum number of Accreditation to Prior Learning credit points prior to selection. Accreditation to Prior Experiential Learning is also taken into account. The hospitality industry provides industrial placements for the students, and representatives of the sector sit on the Board of Governors of the Institute. Foreign universities and hotel schools accredit programmes of study organized by the Institute. The Institute is also accredited by the European Federation of Hotel Schools.

### **Training courses organized by the Employment and Training Corporation (ETC)**

794. ETC, established in 1990, runs training programmes and monitors the quality of training provided by employers within the apprenticeship schemes and employment training schemes. Moreover, ETC directly provides training in order to help unemployed persons acquire skills that would help them find regular employment and provides re-training and re-skilling programmes to persons already in employment or registering for work.

795. ETC organizes short-term intensive courses and traineeships in its training complex in Hal Far, in its training centre in Valletta and other approved training centres. The courses offered include both trade and non-trade courses. The latter comprise courses in computer, management, office skills, courses for local wardens, childcaring skills and a course for social workers for people with disability. ETC also runs a Night Institute for Further Technical Education, which offers various courses of a technical nature including information technology and computer practice.

### **National vocational and professional qualifications**

796. The Malta Vocational and Professional Regulations (LN 215) were published in October 2000 and provide for the setting up of a National Vocational and Professional Qualification System. Under this system, a grading system is utilized whereby all post-secondary qualifications are graded from 1-5. The system was set up by the Ministry of Education in collaboration with ETC.

### **Student grants**

797. Students attending pre-university courses in both State and private institutions are awarded State grants on a progressive scale. In order to qualify for the grant, students must present an SEC certificate showing passes in at least six subjects.

798. Students attending vocational courses may join any one of the following apprenticeship schemes and will be awarded a grant. Apprenticeship schemes may be either the Extended Skills Training Scheme (ESTS) or the Technician Apprenticeship Scheme (TAS). ESTS aims to update the skill level and performance of apprentices in preparation for employment, whilst TAS supports students by finding an employer who is willing to support their practical training. Other schemes offered by the State are the Private Apprenticeship Scheme (for apprentices in such trades as hairdressers, diamond cutters, etc.); Police Constable Apprenticeship Scheme; Tourism Students Scheme; Nautical Students Scheme and Science Laboratory Technicians Scheme.

### **Evening classes**

799. The Department for Further Studies and Adult Education offers a wide range of evening courses which are organized in various centres in Malta and Gozo. The courses range from the academic, covering almost all subjects taught in secondary schools, mechanical and electrical

courses (particularly City and Guilds International Examinations), to cultural and leisure subjects (such as art, music and drama). Enrolment in these courses is subject to a fee which differentiates between Maltese nationals and foreigners. Upon presentation of a marriage certificate, foreigners pay fees payable by Maltese nationals. During the year 2001/2002, a total of 7,525 were attending courses.<sup>42</sup>

800. Courses are generally held on a one-year basis, but there are also short 13-week courses.

801. Several NGOs organize various evening classes for adults. Such NGOs include the Guze Ellul Mercer Foundation (GEM), the Academy for the Development of a Democratic Environment (AZAD); the Centre for Social Leadership; the Red Cross Society; the Chamber of Commerce; Malta Society for the Arts; Manufactures and Commerce; and Paolo Friere Institute for Literacy, among others.

### **Expenditure on education**

802. The State provides the funds required; although they are generally adequate, there is always a need for further investment in education, especially where new initiatives, projects and programmes are involved. A need is felt for spending-related priorities to be set. The Education Division was allocated Lm 49,266,000 for recurrent expenditure and Lm 4,720,000 for its capital budget for the 2002 financial year. This does not include funds earmarked for educational expenditure from the budget allocated to the Ministry of Education (Vote 17). From its budget, the Ministry allocates about Lm 32.8 million for recurrent expenditure to finance programmes and initiatives and also as contributions to government entities. It also contributes about Lm 2 million for capital expenditure. Total expenditure, recurrent and capital, on the departments and other bodies attached to the Ministry of Education during 2002 amounted to Lm 95 million. In 2001, 11.6 per cent of the budget was spent on education.

### **Teachers' conditions of work, including salaries**

803. Teachers within the State education system are employed as civil servants. They are recruited through a public call for applications and interviewed by a board working within the parameters set by the Public Service Commission. Teachers on permanent employment have to be in possession of a professional qualification, or a Masters or Doctorate degree. Since 1978, teacher education has been taking place at university. After a four-year course, students are awarded a Bachelor's degree in education. Prior to the university course, teacher training was college-based.

804. Conditions of work of teachers in State schools and church schools are regulated by the 1994 Agreement between the Government and the Malta Union of Teachers. In February 2001, a corrective exercise to this agreement was carried out to reflect current needs.

805. Conditions of work of teachers in independent schools are regulated by collective agreements between the Malta Union of Teachers or the union having majority representation within the schools and the schools themselves. Conditions of work of teachers within

independent schools are modelled on the conditions offered by State schools to their teachers. Teachers at independent schools are not, however, entitled to benefit from the family-friendly measures introduced to all employees in the public sector such as the three-year unpaid parental leave and the further one-year career break. Moreover, whereas prior to 1 January 2001, independent schools offered higher salaries to their teachers than those earned by teachers in the public sector, as a consequence of the increase in pay awarded to all public sector employees at the start of 2001, independent schools are finding it hard to keep the trend.

### **School year**

806. Teaching commences on the fourth Monday in September and ends on 6 July or on the day prior to the commencement of the annual examinations.

### **In-service training**

807. As part of the collective agreement between the Malta Union of Teachers and the Government reached in 1994, all teachers have a statutory obligation to attend an in-service course of at least three-day duration every two years. In-service courses are held during the first week of July and in the third week of September prior to the commencement of the school year. Staff development, curriculum and school development on a school basis or otherwise are among the topics discussed in in-service courses. In 2001, a total of 76 courses (56 compulsory and 20 voluntary) were offered in both sessions. These courses were attended by a total of 2,340 teachers.

808. Teachers are also required to participate in three sessions of two hours each after school hours spread over the school year. During these sessions, staff development and school development, on a school basis or otherwise, are likewise discussed. Teachers are remunerated at the overtime rate for attending these sessions.

809. Teachers have opportunities to attend training workshops and seminars both locally and abroad. Teachers' professional development abroad falls mainly within the EU educational programmes framework. Teachers also attend seminars organized by the Council of Europe.

### **School hours**

810. School working hours are as follows:

- Full days: fourth Monday in September to 31 May, 5½ hours per day, i.e. 27½ hours a week (including morning break);
- Half days: 15 September to the Friday preceding fourth Monday in September and 1 June to 14 July, 3¾ hours per day, i.e. 18¾ hours a week (including mid-morning break).

### **School holidays**

811. School holidays are as follows:

- Summer: 15 July to 14 September;
- Christmas: 23 December to 6 January;
- Easter: Wednesday before to Wednesday after Easter;
- First mid-term: 1, 2 and 3 November (provided that should 2 November fall on a Saturday or Sunday an additional day shall be granted in lieu);
- Second mid-term: Monday and Tuesday preceding Ash Wednesday.

812. A day off is given in lieu of each of those public holidays which fall on a Saturday or Sunday within the school year.

### **Leave**

813. Teachers are entitled to a maximum of 16½ hours of special leave during the school year. This leave cannot be availed of just before or after the holiday periods.

### **Class size**

814. The maximum number of students in a class is as follows:

- |   |    |
|---|----|
| – Primary, Secondary and Junior Lyceum Forms I and II | 30 |
| – Secondary Forms III, IV, and V                      | 25 |
| – Junior Lyceums III, IV and V                        | 25 |
| – Boys’/Girls’ Schools (ex-Opportunity Centres)       | 16 |

815. The number of pupils in classes at primary level having pupils with special needs should not exceed 26.

816. The number of students in PSE classes should not exceed 16.

817. The maximum number of students in practical classes (laboratories, workshops, home economics, art (option) and needlework) should not exceed 16.

### **Teaching load**

818. Teachers in secondary schools should not to exceed a maximum of 26 teaching periods of 45 minutes each per week, including replacements, on full days and 30 minutes each during half days.

## **Salaries**

819. For the financial year 2002, the minimum starting annual gross salary of a teacher in possession of a teaching warrant stood at Lm 5,572. After 16 years of service a teacher passes on to scale 7 reaching a maximum annual gross salary of Lm 6,895. This does not include any allowances a teacher may receive for specific responsibilities, mid-day break supervision and further qualifications.

820. All teachers in State and church schools are permanent public service employees and are thus subject to the public service regulations. Supply teachers may be employed on a temporary basis to fill in for permanent employees who are on extended absences.

## **Tertiary education**

821. The Education Act, 1988, places an obligation on the State to provide free tertiary education to all students with the necessary entry qualifications. Malta has one university, which is the University of Malta (hereinafter referred to as “the University”).

822. Subject to fulfilling the course entry requirements of the University, any student has the right to enrol in a course of his or her own choice with no barriers placed on *numerus clausus* or other factors. The University is not, however, obliged to provide any course on a regular basis so that some courses, such as medicine, are available every other year due to restrictions imposed by available teaching facilities and to ensure adequate standards.

823. The University traces its origins to the founding of the *Collegium Melitense*, set up through direct papal intervention on 12 November 1592. Today it comprises 10 faculties and over 20 institutes and centres. Within the University campus there are also the Mediterranean Academy of Diplomatic Studies, the International Maritime Law Institute and the International Ocean Institute. The University also established its own Junior College, which prepares Sixth-Form students for university education. The Matriculation and Secondary Education Certificate Examinations Board issues internationally recognized certificates and forms part of the University. The University enjoys a large degree of autonomy by law in formulating its statutes, regulations and by-laws. It also administers its own funds, regulates its own courses and appoints its own staff. The University is continuing to expand, as more students enrol every year. Work is continuously being done to build new lecture halls.

824. Candidates intending to follow a University course require the matriculation certificate or MATSEC to satisfy the general entry requirements and the special course requirements for entry to particular courses. MATSEC comprises two subjects at Advanced Level, three subjects at intermediate level and Systems of Knowledge also at intermediate level.

825. Tuition for first degrees at the University is free of charge for Maltese nationals. Tuition for a Masters degree is subject to payment of a fee. Foreigners may study at the University subject to payment of a yearly fee.

826. Maltese nationals are also entitled to receive a monthly stipend for the whole duration of their first degree course. The stipend amounts to Lm 90 per month for students following first degrees in health care or Bachelor of Arts in social work. All other students reading a first

degree are entitled to Lm 60 per month. Over and above their monthly stipend, University students are entitled to a one-time grant<sup>43</sup> of Lm 400 for the purpose of purchasing a computer. Moreover, each student also receives a further grant of Lm 200 per year for the purchase of books until the completion of the first degree. As from 1 October 2001, the Lm 400 grant for the purchase of a computer and Lm 200 grant for books are being given in the form of a credit card or "Smart Card" with which students may be able to purchase the above from certain specified outlets selling goods and services deemed to fall under the definition of educational materials and equipment. This was done in order to curb the possibility of abuse wherein the money granted might be spent for other purposes. The amount of grants granted to post-secondary and tertiary education is determined by the Student Maintenance Grant Board.

827. University degrees offered at Bachelor level are either at general or honours level. Higher degrees, including Masters and Doctorates, are offered by many faculties. Most faculties also offer certificate or diploma level courses, often on a part-time basis. For the number of graduates at all levels (see annex, table 55).

828. Students attending the University during the academic year 2001/2002 were 9,104 of which 4,016 were male and 5,088 female. The total number of students attending the University in 1996 was 6,168.

829. In January 2000, the Ministry of Education set up the European Union Programmes Unit to organize, promote and monitor Malta's participation in the EU Programmes (Leonardo, Socrates, Youth, Culture 2000, and the Fifth framework Programme) after a request to that effect was submitted by the Ministry of Education in July 1999.

### **University of the third age**

830. A special course for the elderly is held by the University of Malta and covers topics of general interest.

831. In 1999, the University of the Third Age was launched in Gozo. The number of participants during the academic year 2000/2001 stood at 850. Twenty-nine participants attended the course in Gozo. The majority of participants were within the 65-69 age group.

832. A National Commission on Lifelong Learning has been proposed in order for this Commission to study international policies and practices in lifelong learning, raise public awareness of the concept, stimulate further debate, mobilize social partners in formulating a national plan and generating resources and training and recommending legislation.

### **Education in prison**

833. The Corradino Correctional Facilities (CCF) have set up their own educational facilities with the support of the Faculty of Education and the Department of Further Studies and Adult Education. Courses are provided in personal and social skills (such as lateral thinking), crafts and academic subjects. Inmates may sit for all State examinations and access to the University of Malta, is also permitted upon due application being made. In 2001, two inmates of CCF were attending the University escorted by members of the Malta Police Force. During the same year, one inmate was following a correspondence course.

### **Vulnerable and disadvantaged groups**

834. The Education Division organizes various courses for vulnerable groups. In 2000, courses for refugees were organized by the Ministry of Education in collaboration with the Migrants Commission. Courses for drug addicts and alcoholics are also organized by the Ministry of Education, in collaboration with State and church agencies.

835. Under the Refugees Act, 2000, a person declared to be a refugee in Malta shall be entitled to have free access to State education and training in Malta.

### **The educational role of ministries other than the ministry of education and of non-governmental organizations**

836. Other educational roles are assumed by the following ministries:

- Ministry of Tourism (responsible for the Institute of Tourism Studies);
- Ministry of Health (responsible for the Institute of Health Care);
- Ministry of Social Policy (responsible for Employment and Training Corporation).

837. Non-governmental organizations and movements, religious, community and sports centres, trade unions, places of work, political parties and allied institutions, cultural centres and commercial agencies offer a fairly comprehensive programme of further and continuing adult learning and education. These courses have a variety of aims, cater for specific needs and make education more democratic and within the reach of an ever-growing demand. The Adult Education Unit of the Ministry of Education monitors the provision of such education. The Management and Personnel Office, through the Staff Development Organization, organizes courses for civil servants to enhance their professional development.

### **EU accession**

838. As a member of the Council of Europe since 1964, Malta has followed policies similar to those propagated by several European countries. Moreover, the system in Malta in relation to education, training and youth is almost in line with European Union requirements.

839. Upon accession to the European Union, children of migrant workers will have a right to receive free education in Malta up to compulsory school age, in line with Directive 77/486/EEC on the Education of Children of Migrant Workers. Moreover, nationals of the European Union will have a right to access the University of Malta on the same conditions as those applicable to Maltese nationals.

840. Nationals of the European Union who possess a teacher's warrant or recognized qualifications will be able to teach in Malta under the same conditions as those applying to Maltese. The Education Act, 1988, is currently in the process of being amended in order to remove the Maltese nationality requirement for the attainment of a teacher's warrant.

841. In 2000, Malta presented a document entitled “Structures of education, initial training and adult education systems in Europe” to Eurydice. It is available from the following web site: <http://www.eurydice.org>.

### **The liberty of individual bodies to establish and direct educational institutions**

842. Any person can apply to the Ministry of Education for the issue of a licence to open a new school. The growth of independent schools in recent years reflects both the Government’s commitment to pluralism in the provision of education as well as the value Maltese society places on the right of choice. The Education Act, 1988, general provisions: article 8 (1) states that “any person shall have the right to apply to the Minister for the grant of a licence to establish a school”.

843. Besides, any person who is not granted a licence to open a school can appeal against the Minister’s decision by taking his case before the Scholastic Tribunal, a body established under article 42 of the Education Act, 1988.

844. On receipt of an application to open a new school the Education Division will request detailed information about the school’s proposed philosophy, policies, curriculum and teaching programmes and teachers’ qualifications. The Division also processes applications for the opening of schools for the teaching of the English language to foreign students. At the end of 2001, there were 35 Teaching English as Foreign Language Schools with four applications for the setting up of new schools still pending.

### **The role of international assistance in the full realization of the right to education**

845. Malta receives no international assistance in the area of education.

#### **Article 14**

846. The right to free primary education is guaranteed by article 10 of the Constitution of Malta which states that “primary education shall be compulsory and in State schools shall be free of charge”.

847. The same guarantee is found in the Education Act, 1988, which moreover places an obligation on the State to make provisions for both primary and secondary education and to set up schools for children with special needs.

#### **Article 15**

##### **Introduction**

848. The Maltese Islands, with a total area of 316 km<sup>2</sup>, are rich in archaeological and architectural heritage. Valletta, which was built by the Knights of St. John in the sixteenth century, serves as the Islands’ cultural, administrative and commercial centre.

849. Malta subscribes to the notion of culture as the expression of far-reaching personal, societal and economic values. Malta now has a written cultural policy, which gives an overview of the policy adopted by the Government of Malta to date in the different areas of culture and

paves the way for the adoption of an innovative culture policy for the future. Through this document, Malta recognizes the need to connect the vast cultural heritage to contemporary everyday life. This is to be achieved through the involvement of local councils, NGOs and individual enterprise. The Government believes that, although it will retain its obligation to assist cultural programming, it should retreat to a position where its influence is held at bay to allow the community to become the ultimate promoter and protagonist of culture.

850. “On balance, Malta hopes to allow for the active participation between artists and the people, making the creative impulse accessible to all, through an active and transparent process. The affirmation of cultural identity is a priority, and Malta is committed to a policy of wide participation, as opposed to sectoral and vertical convention.”<sup>44</sup>

### **Legislative framework**

851. The Constitution of Malta in Chapter II, Declaration of Principles, provides that:

- “The State shall promote the development of culture and scientific and technical research.”<sup>45</sup>
- “The State shall safeguard the landscape and the historical and artistic patrimony of the Nation.”<sup>46</sup>
- “The State shall provide for the protection and development of artisan trades.”<sup>47</sup>

852. The first piece of legislation to deal with the protection of cultural heritage was the Preservation of Antiquities Ordinance, 1910, which is now repealed.

853. Act VI of 2002 has replaced the Antiquities Protection Act (1925) for the superintendence, conservation and management of cultural heritage in Malta and for matters ancillary thereto or connected therewith.

854. The National Archives Act, 1990, establishes the National Archives of Malta whose function it is to ensure that all documents of a public nature which are no longer in use for purposes of administration shall be preserved and be made reasonably accessible to the public for the purpose of study.

855. The Development Planning Act, 1992, establishes proper planning process and operational structures to deal with development control. It establishes the Planning Authority, which issues building permits in line with the 1992 Structure Plan for the Maltese Islands.

856. The Environment Protection Act, 2001, which replaced the Environment Protection Act of 1991, provides, inter alia, for the protection and conservation of landscapes (including historical centres). The Act establishes the Environment Authority to advise the minister responsible for the environment on the protection of the environment and the sustainable management of natural resources. The Malta Environment and Planning Authority has been designated as the Environmental Authority.

### **Responsibility for the safeguard of Maltese culture**

857. 2001 was an important year in the area of culture in Malta due to the radical innovations and initiatives which took place concurrently with the discussions on Malta's cultural policy.

858. The Ministry of Education, through various departments, is currently responsible for the safeguard of Malta's cultural heritage. The departments responsible for culture are: the Department of Culture, the Libraries and Archives Department and the Museums Department.

859. In line with its policy on devolution of power in the area of culture, the Government set up a National Council for Culture and the Arts, which has taken over all functions previously exercised by the Department of Culture. The National Council for Culture and the Arts Act was enacted in April 2002. It lists the functions of the Council and makes provision for the administration of funds handed over to the Council by the Government for the funding of entities expressly listed in the Act. Such are the *Fondazzjoni Patrimonju Malti*, (Maltese Heritage Foundation), the Malta Society of Arts, Manufactures and Commerce, the Manoel Theatre (Management Committee), the Mediterranean Conference Centre, the National Orchestra and St. James Centre for Creativity. The Act entrusts the Council with the task of developing, sustaining and implementing a calendar of events that ensures a continuous programme of cultural and artistic events organized by the Council itself or by bodies, entities or persons funded by it.

860. The Malta Council for Culture and the Arts will make itself a most useful facilitating body by making it its distinctive mission to improve and interact between artists and the public. It will increase accessibility of the public to the arts and collaborate with local councils, non-governmental organizations and other persons for the promotion of artistic and cultural initiatives. It will promote educational schemes, devise and implement strategies which promote Maltese identity overseas, monitor and keep under review artistic standards and will allocate funds for specific, cultural projects and events.

861. A National Heritage Database to deal with the management and regulation of national heritage was also set up.

862. The Cultural Heritage Act, 2002, came into force at the same time as the Malta Council for Culture and the Arts Act, 2002. The Malta Council for Culture and the Arts replaces the Department for Museums.

863. The Office of Superintendence is charged with establishing and maintaining a national inventory of cultural belongings to promote research in cultural heritage, conduct and authorize excavations, ensure adequate documentation, coordinate with the Malta Environment and Planning Authority and regulate conservation and promotion of cultural heritage.

864. The Malta Centre for Restoration is meant to become a centre of excellence for the teaching, training, research and practice of conservation, restoration, maintenance, management and presentation of the cultural heritage and to provide restoration services and consultation.

865. The Board tal-Warrant Tar-Restawraturi ensures that no person is authorized to exercise the profession of conservation-restorer unless he or she holds a restorer-conservation warrant. This the Board will do by overseeing and regulating the conditions of practical training in restoration and conservation, and the accreditation of warrants in this field from bodies abroad. The Board will consider applications for the issue of such warrant and will make its recommendations thereon to the minister responsible for culture.

866. The Committee of Guarantee will coordinate the entities established by the Act to ensure and facilitate collaboration between different agencies with direct or indirect responsibility for the protection and management of the cultural heritage sector.

867. The Agency Heritage Malta was set up to ensure that those elements of the cultural heritage entrusted to it are protected and made accessible to the public. The Agency is entrusted with the conservation, restoration, management, operation, marketing, studying and presenting for exhibition all government museums, collections, buildings and property forming part of Malta's cultural heritage.

### **Cultural policy**

868. The policy pursued to date is designed to instil, foster and promote a cultural awareness amongst the public in general and young people in particular. While high returns were expected from heritage sites, investment in them has been frugal.

869. The document entitled "Cultural Policy in Malta, 2002", however, emphasizes the need to devolve responsibility for culture from the Government to the people who will initiate, renovate and manage cultural sites. The document regards the creative activity of the people as essential for the sustainable development of the nation because it has the potential of being an economic value to the entire community.

### **Funding for the promotion of cultural development**

870. Approved recurrent expenditure for the Department of Culture during 2001 stood at Lm 1.3 million, including financial support to the Manoel Theatre, the Mediterranean Conference Centre, the St. James Centre for Creativity, the National Orchestra and assistance to several NGOs involved with cultural promotion. Another Lm 1.2 million were allocated to the Museums Department and Lm 638,000 to the Department of Libraries and Archives. In 1999, paid individual admissions into museums and historical sites was Lm 510,509. In 1999 monuments and archaeological sites represented 32.7 per cent of all admissions, while the archaeology and history museums accounted for 25.9 per cent of all admissions.

### **Infrastructure**

871. Cultural initiatives in Malta have been confined to specific groups.

872. In September 2000, the St. James Centre for Creativity was inaugurated to act as a platform for all forms of quality artistic activity by providing space in which such activities could be organized for public viewing and participation.

873. The *Fondazzjoni Patrimonju Malti* (Maltese Heritage Foundation) was established in 1992 and falls under the responsibility of the Ministry for Education. One of the objectives of the Foundation is to organize, in Malta and overseas, either on its own or jointly with others, exhibitions, seminars, competitions and other activities with the aim of studying, promoting and spreading knowledge of the cultural heritage of Malta. The Foundation is partially State-funded and partially funded by private patrons. The Foundation also issues publications on various aspects of Maltese culture.

874. Theatre in Malta uses a variety of spaces, many of which belong either to the State or to the Church. The State owns the Manoel Theatre, the Mediterranean Conference Centre and the theatre at St. Vincent de Paul Home for the Elderly. The Church owns one large theatre and a series of parish halls which are often used for popular theatrical activities. Two theatres are administered by the University of Malta. There are two theatres on the island of Gozo.

875. One of Malta's cultural treasures is the Manoel Theatre, which was first opened in 1732. The theatre is managed by the Manoel Theatre Management Committee and is partially funded by the State. This theatre holds a variety of programmes and has recently introduced rock and jazz music to its repertory. The Manoel Theatre has an estimated regular audience of around 3,000 persons per year.

876. There are 39 historical sites and museums in the Maltese Islands, of which 21 are owned by the State, 12 by the Church and 6 by the private sector.

877. The Libraries and Archives Department of the Ministry of Education caters for the National Library, the National Archives and the Central Public Library which has adjoined to it local and regional libraries. The Department is also responsible for acquiring and preserving national collections of printed and audio-visual material as well as material in electronic form.

878. The Public Library provides the public with carefully selected contemporary reading material for educational and leisure purposes. It has adult, junior, reference, melitensia and audio-visual sections, including special resources catering exclusively for people with special needs. Regional and branch libraries are co-managed by local councils that have entered into written agreements with the Department of Libraries and Archives to this effect. Regional and branch libraries house smaller collections covering the whole range provided by the central public library. There is a branch library in almost every town and village.

879. It is estimated that, in 1999, a total of 999,701 persons made use of the libraries. Besides books, some libraries also have videos and CD-ROMs. During 1999, 4,417 videos and 1,805 CD-ROMs were lent. Some 30 libraries provide Internet access to their users while 23 offer an OPAC search service. Forty-one databases may be accessed while 59 libraries stock CD-ROMs.

880. In 1999, the Malta Centre for Restoration was founded as a joint venture between the University of Malta and the Ministry of Education. Its main purpose is to offer conservation and restoration services to the public and the private sector in Malta and in the Mediterranean region. Its restoration and diagnostic laboratories are capable of receiving a wide variety of artefacts. It is an autonomous body and is being financed by both the Maltese and Italian Governments. The Centre's departments deal with fine arts; stone; metals and ceramics; textiles and books and paper. The Centre also offers training in conservation and restoration works.

881. The Malta Crafts Council registers craftsmen and entrepreneurs and encourages promotion and regulation of Maltese crafts. It is also the Council's policy to promote the revival of traditional Maltese crafts and to establish international contacts to enhance Maltese artisanship.

882. The Crafts Village hosts a small number of artisan industries.

883. The artisan sector currently includes no less than 46 divisions which are believed to represent various aspects of ethnographic character. The divisions include gold and silver works, pottery, ceramics, cane and stone works, leather works, papier mâché production, engraving, the manufacture of musical instruments, traditional clock-making, production of carts, textile work as well as the production of ethnic gastronomical products.

#### **Promotion of cultural identity**

884. In 2001, the Ministry of Education reconstituted the National Festivities Committee and set up the National Folklore Commission, both for a period of three years. The aim of the National Festivities Committee is to democratize national festivities through the promotion of public participation. It also provides support and assistance to the National Folklore Commission in its ethnographic activities.

885. The National Folklore Commission works to revive traditional festivities, strengthen the Maltese language and unite the people of Malta through a sense of belonging. Together with the Malta Crafts Council (set up in 2001), the Committee strives to instil in the Maltese a love for authentic crafts. The Committee works to enhance the popularity of carnivals and other traditional feasts. It will also conduct research and seek professional and academic advice relating to indigenous heritage and activity in Malta. It also aims at establishing an Institute of Maltese Folklore operating in association with the University of Malta.

886. The Malta Crafts Council has opened a register of practising craftsmen in Malta. Registration is on a voluntary basis although it promises qualification for State subsidy that is given in order to encourage preservation and popularization of local crafts by encouraging part-time craftsmen to go full-time. Within the space of one and a half years, no less than 400 craftsmen have registered.

887. The Inquisitor's Palace at Vittoriosa was transformed into a Folklore Museum in 1981 and in 1992 it became the National Museum of Ethnography. It houses an

ethnographic collection composed mainly of items related to the study of popular religious attitudes and objects related to the study of agriculture and rural mentality of the Gozitan population.

888. A Festival on Ethnography *Eghruq* was held in 2001.

889. The *Luminaria*, popularly known as *Imnarja* festival, is held in June every year and is known for featuring folk singing. It is the Government's policy to foster interest in this native genre. A National Folk Singing Festival, together with a series of ballad evenings, are held annually.

890. Every town and village has its own band club which takes an active role in organizing the annual village feast, or "*fešta*" as it is popularly known. Band clubs train musicians to play brass, woodwind and several percussion instruments. The main aim of the band clubs is to provide musical entertainment for the *fešta*. According to a national survey conducted by the National Statistics Office, band club membership at the end of 1999 stood at 22,175, or 6.28 per cent of the Maltese population aged 5-84 years.

891. A carnival is held every year in Malta and Gozo. Plans are under way for the setting up of a Carnival Village which will comprise 18 workshops and a permanent carnival museum hall.

892. The Folklore Society, established in Malta in 1964, works to promote an awareness of Malta's ethnographic heritage by means of lectures, exhibitions, excursions, broadcasts and publications.

893. The *Akkademja tal-Malti*, established in 1920, is probably the most prominent of a number of NGOs whose function it is to establish a standardized Maltese orthography and to foster Maltese literature. Draft proposals for the setting up of a Board for the Maltese Language to be made up of professional linguists, grammarians and professional pedagogues are incorporated in the document *Strategija Lingwistika għall-Malti, 2001* (A Strategy for Maltese Linguistics), a report by a group of Maltese language scholars. This report observes that: "the Maltese linguistic situation is still largely unknown and much research still has to be done before a proper language policy can be formulated".

894. A law is currently being drafted based on the recommendations of the Board.

### **Ethnic groups**

895. The Maltese nation is fairly homogeneous and as such there are no distinct ethnic groups. Malta has, however, an open culture policy which gives due importance to all other cultures. A policy is vigorously followed to promote international cultural cooperation with special focus on Euro-Mediterranean States. Malta intends to play an effective role in initiatives in the Euro-Med region.

896. Foreign cultural agencies with a heavy agenda in Malta include the British Council, the Italian Cultural Institute, the Alliance Française, the German-Maltese Circle, the Russian Cultural Centre, the American Centre, the Libyan Cultural Institute and the Malta-China Friendship Society. Plans are under way for the opening of a Chinese Cultural Centre in Malta.

897. The University of Malta, which enjoys a foreign student population of 402, holds an ethnic night on campus. This event is organized by the foreign students themselves and each “nation” represented puts on a dance and prepares traditional dishes.

#### **Role of mass media in promoting participation in cultural life**

898. In Malta, State and private TV and radio stations set up various programmes in connection with culture. Moreover, an extensive coverage of cultural activities in Malta is made in all newspapers published in Malta.

899. A survey conducted by the National Statistics Office, giving data up to 1999, has shown that 55.5 per cent of all transmission hours on radio are dedicated to music, while information programme schedules accounted for 14.3 per cent and cultural products for 6.4 per cent. On the other hand, overall TV allocation programmes amounted to 48.6 per cent for entertainment programmes, 12.9 per cent for informative material and 5.9 per cent for cultural slots.

#### **Preservation and presentation of mankind’s cultural heritage**

900. A Cultural Heritage Plan was drawn up in 2001 by the Ministry of Education and the former Museums Department. The Plan introduced for the first time in Malta a strategy for the protection, conservation and development of Malta’s cultural heritage in order to make cultural sites self-promoting experiences for their visitors, which would generate a source of revenue for the conservation and promotion of cultural heritage. The entities recently set up under the Cultural Heritage Act, 2002, are now engaged in revising and updating the strategic plan. Similarly, the document entitled “Cultural Policy in Malta”, which outlines the possible strategies that could be adopted to develop and promote a cultural identity for Malta, is being used as a point of reference for the formulation of a strategic plan by the Malta Council for Culture and the Arts.

#### **Legislation protecting freedom of artistic creation and freedom to disseminate results of such activities**

901. There are no legal impediments to disseminate results of artistic creations. The right to freedom of expression is enshrined in the Constitution of Malta. Article 41 of the Constitution specifically states that this right shall include the freedom “to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with one’s correspondence”.

902. Restrictions to this right are also expressly listed in the Constitution. Thus, no infringement of the right to freedom of expression shall subsist if such be required:

- In the interests of defence, public safety, public order, public morality or decency or public health (art. 41 (2) (a) (i));
- For the purpose of protecting the reputations, rights and freedoms of other persons, or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, protecting the privileges of Parliament, or regulating telephony, telegraphy, posts, wireless broadcasting, television or other means of communication, public exhibitions or public entertainment (ibid., (ii));
- If restrictions are imposed upon public officers (ibid., (2) (b)).

903. Article 41 (3) of the Constitution also provides for the right of any person who is resident in Malta to edit or print a newspaper or journal published daily or periodically.

904. Malta has various television and radio stations.

905. Broadcasting in Malta is regulated by the Broadcasting Authority which is set up by the Constitution of Malta. Article 119 of the Constitution states:

“It shall be the function of the Broadcasting Authority to ensure that, so far as possible, in such sound and television broadcasting services as may be provided in Malta, due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy and that broadcasting facilities and time are fairly apportioned between persons belonging to different political parties.”

### **Education in culture and the arts**

906. There are several schools which promote art and culture. Culture schools in Malta tend to operate on a part-time basis. The State-owned and run School of Music and School of Drama and many privately owned schools of music, ballet, art, ceramics and the like are also run on a part-time basis. Out-reach programmes in music are being organized by the Centre for Creativity and are also run part-time.

907. The Salvatore Dimech School of Art holds classes in various crafts. The school is run by the State and is a specialized institution catering for mature artistic development. It currently covers a four-year diploma course.

908. The Johann Strauss School of Music was established in 1975 and caters for over 700 students of all ages. It has created ensembles in the following genres: chamber, wind, brass, jazz, percussion and choir performance. The school is operated by the Department of Further Studies and Adult Education of the Ministry of Education.

909. The School of Drama caters for 200 students annually, starting from age 10. The school offers junior acting courses, intermediate acting courses, a senior acting course, a senior acting programme, technical and stage management training and scriptwriting. This school, too, is run by the Department of Further Studies and Adult Education of the Ministry of Education.

910. In Malta there are also a number of private music schools as well as a large number of private tutors who run private classes for teaching music. Also run by private concerns are schools for ballet and other forms of dance, drama, art and ceramics.

911. In 1999, the Mediterranean Institute at the University of Malta, through the Programme for Music Studies, launched the first artistic management course. The course deals with the problematics, solutions and proposals related to the art of music and spectacle.

912. The Institute of Arts and Design, integrated within the Malta College for Arts, Science and Technology, offers various courses leading to a certificate in art and craft such as ceramics, metal craft, diploma printing, glass, stone craft, woodcraft, fashion design, graphic design, and interior and industrial design.

#### **Measures taken to realize the right of everyone to enjoy the benefits of scientific progress**

913. There are no restrictions whatsoever on the diffusion of information on scientific progress. In 1988 the Government set up the Malta Council for Science and Technology (MCST). In this role, MCST has pioneered visionary approaches to the deployment of science and technology in Malta. The MCST Board is composed of prominent members of the public and private sectors and academia. MCST work has focused over the years on promoting increased networking between these sectors and the development of public/private sector partnerships. MCST mandate is:

(a) To advise the Government on strategic direction for national research and innovation policies, and the development of related investments and programmes;

(b) To promote such public/private sector partnerships.

#### **Protection of scientific, literary and artistic works**

914. The Copyright Act, 2000, provides for the eligibility for copyright of artistic and audio-visual works; databases; and literary and musical works. Under the Act, eligibility for copyright subsists if the author or co-authors are, at the time when the work is made, individual(s) who is (are) citizen(s) of Malta or domiciled or permanently resident in Malta or in a State in which copyright is protected under an international agreement to which Malta is also a party.

915. In the case of literary, musical or artistic works, copyright ends 70 years after the end of the year in which the author dies, irrespective of the date at which the work is made available to the public. For audio-visual works, copyright ends 70 years after the end of the year in which any of the following persons die: the principal director, the author of the screenplay, the scriptwriter and the composer of music specifically created for use in an audio-visual work.

916. The Copyright Board, consisting of a chairman and two other members, have jurisdiction to determine all cases concerning infringement of copyright.

917. The Patents Act, enacted by Act XVII of 2000, makes provision for the registration and regulation of patents. The Office of the Comptroller of Industrial Property is responsible for registrations and a register to that effect is kept in which patent applications and patents granted are recorded. An invention is patentable if it is novel, involves an inventive step and is industrially applicable. An application for a patent is to be filed at the Office of the Comptroller and is to contain a request for the granting of a patent; a description of the invention; one or more claims; any drawings referred to in the description of the claims and an abstract of the invention. Thereafter, the Comptroller of Industrial Property is to refer the application to an examiner to determine whether the application complies with the Act. The term of a patent shall be 20 years from the filing date of the application. The proprietor of a patent has the right to prevent third parties from doing the following acts without authorization:

- The making of a product incorporating the subject matter of the patent;
- The offering or the putting on the market of a product incorporating the subject matter of the patent, the use of such product, or the importation or stocking of such product for such offering or putting on the market or for such use;
- The inducing of third parties to perform any of the above.

#### **Measures taken to ensure the application of scientific knowledge for the benefit of everyone**

918. In 1994, a National Science and Technology Policy was approved by Cabinet, outlining the direction of Maltese future activity in developing effective science and technology policies. The policy document highlights the key role that science and technology can play in promoting the country's sustainable development.

919. In 1995, the Foundation for Science and Technology was established as a public foundation to work on the implementation and coordination of the National Science and Technology Policy under the Direction of MCST. The priorities identified are:

- The establishment and implementation of a National Information and Technology Strategy; telecommunications infrastructure; technological applications in industry;
- Coordination of sea- and land-related activities; coastal management; exploration of alternative, economically feasible, energy-saving and renewable energy applications; Water Information Management Network; improvement of water production and water use production; biotechnology;
- Sustainable development, identification of niche market in order to establish a National Information Technology Strategy;

- Human resources requirements for establishing a National Information Technology Strategy; and promoting increased support for research and development activity and training with a view to attaining the level of quality assurance required by the highest world standards in product and services.

920. Since 1995 MCST has hosted the National Coordinating Unit for Malta's Participation in the European Union's Fourth Framework Programme for Research and Technological Development, which promotes public awareness of the existing opportunities to join European research projects.

921. In case of the Fifth Framework Programme (FP5) Malta has submitted two proposals under the 1999 INCO Call for pre-Accession Countries. Maltese research organizations have also been involved in project proposals under the FP5 thematic programmes and the INCO-MED and INCO-DEV Programmes. MCST is also the government agency responsible for the management and coordination of Malta's participation in FP5. In this regard, MCST has set up the National Contact Point Organization (NCPO) for FP5, composed of the National Contact Points (NCPs) for each of the seven programmes. NCPO is responsible for information and awareness-raising as well as matters concerning advice, assistance, training in procedures, partner search, proposal-preparation, training sessions and seminars for target groups. Under this programme, 47 projects with Maltese partners have been approved by the EU Commission.

922. Malta has participated in a number of EU science and technology programmes, including Avicenne and the Fourth Framework Programme. Maltese research organizations have participated in 6 Avicenne projects and a total of 14 Fourth Framework Programme projects (7 in the first activity areas and 7 under the INCO Programme) have been put into operation.

923. Moreover, Malta is currently participating as a full member in three COST actions and is seeking to become a full member of a fourth action. Malta is also active at the Euro-Mediterranean level through regular participation in the meetings of the Euro-Mediterranean Committee for Research and Technological Development. In a wider international context, Malta is actively involved in a number of intergovernmental organizations, including the United Nations Educational, Scientific and Cultural Organization, the Commonwealth Science Council and the International Atomic Energy Agency.

924. On 29 October 2002 Malta and the EU signed a Memorandum of Association to the EU Sixth Framework Programme for Research (FP6). This programme was subsequently launched in Malta on 6 December 2002. MCST has also appointed National Contact Points (NCPs) for all the thematic priorities and horizontal activities as well as horizontal activities within FP6. NCPs assist, inform and provide advice to interested parties wishing to participate in this research programme.

**Measures taken to prevent the use of scientific and technical progress for purposes contrary to the enjoyment of human rights, including the right to life, health, personal freedom and privacy**

925. The Constitution of Malta encompasses the fundamental rights of the individual, and any action in breach of these rights, including the diffusion of scientific information, may be remedied through an action in the civil courts.

926. The Criminal Code provides that the taking of life by any means whatsoever is punishable with life imprisonment.

927. Other legislation which seek to check/regulate the diffusion of information are the Broadcasting Act, 1991, the Malta Communications Authority Act, 2000, the Telecommunications Act, 1997, and the Data Protection Act, 2002.

**Notes**

<sup>1</sup> However, the official pensionable age in Malta is 60 for women and 61 for men.

<sup>2</sup> Including those working part-time as a main occupation.

<sup>3</sup> This rises to 57.3 per cent if one takes the ages of 15-59 which more accurately reflects the reality where compulsory schooling ends at the age of 16 and pensionable age is reached at 61.

<sup>4</sup> Article 8 of the Employment and Industrial Relations Act, 2002.

<sup>5</sup> On 1 April 1997 the wages of the three categories of employees were increased by Lm 0.25 per week.

<sup>6</sup> National Statistics Office.

<sup>7</sup> Article 7 (I) of the Armed Forces of Malta (Regular Force) (Appointments and Conditions of Service) (Amendment) Regulations, 1998.

<sup>8</sup> All benefits quoted throughout the chapter apply as from 1 January 2002.

<sup>9</sup> Article 18 (1)-(4) of this Act is still in force notwithstanding the enactment of the Employment and Industrial Relations Act, 2002.

<sup>10</sup> Baldacchino Godfrey, *Introducing Social Studies: A Maltese Reader*.

<sup>11</sup> Article 32 (c) of the Constitution of Malta.

<sup>12</sup> Demographic Statistics 1999, National Statistics Office.

<sup>13</sup> This figure would include both voluntary and contentious separations and cases brought by both husband and wife separately in relation to the same marriage.

<sup>14</sup> Anthony M. Abela, “Values of women and men in the Maltese Islands: a comparative European perspective”.

<sup>15</sup> Page 4.

<sup>16</sup> Although this Act has been repealed, article 18 (1)-(4) of the Conditions of Employment (Regulation) Act on maternity leave is still in force.

<sup>17</sup> Residential Homes for Children: An Overview prepared by Chiara Cortis Micallef (October 2000).

<sup>18</sup> As at December 2001, Malta had a population of 394,641, including foreigners.

<sup>19</sup> PQ 33865 of 16 September 2002.

<sup>20</sup> *Planning Authority Annual Report, 2001.*

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> D. Camilleri “Malta property facts”, presented at the Housing Affordability Conference in Malta, held in November 1999.

<sup>24</sup> Data based on the 1995 Census on Population.

<sup>25</sup> *Planning Authority Annual Report, 2001.*

<sup>26</sup> Although there is no clear legal statement regarding who is entitled to all free health services in Malta, free services are, by administrative order, given to the following persons:

- All Maltese citizens;
- All Maltese residents who are in possession of a valid residence permit;
- All those working in Malta and paying national insurance contributions.

Totally free emergency services (which may include admission to hospital) are available to United Kingdom residents under the current Malta-United Kingdom agreement.

<sup>27</sup> A total of 252 patients were referred to the United Kingdom for treatment in 2000.

<sup>28</sup> Employers have to pay Lm 10 for a chest X-ray, Lm 11 for a complete blood count and Lm 5 for a basic clinical examination, among others.

<sup>29</sup> The population of Malta, including foreigners, was 394,641 as at December 2001.

<sup>30</sup> National Statistics Office, 2001.

- <sup>31</sup> Children Official Statistics of Malta, National Statistics Office, Malta, 2002.
- <sup>32</sup> Department of Health Information, 2000.
- <sup>33</sup> Prevention of Diseases Ordinance, sect. 7.
- <sup>34</sup> Ibid., sect. 13.
- <sup>35</sup> Ibid., sect. 15.
- <sup>36</sup> Ibid., sect. 28.
- <sup>37</sup> Margat and Vallee D., *Water Resources and Uses in the Mediterranean Countries: Figures and Facts. Plan Bleu* (1999).
- <sup>38</sup> The Water Services Corporation is a State-owned Corporation responsible for water production and distribution in Malta.
- <sup>39</sup> As at December 2001.
- <sup>40</sup> This figure does not include post-secondary schools.
- <sup>41</sup> Mifsud, Charles, et al., *Literacy in Malta: the 1999 National Literacy Survey of the Attainment of Year 2 Pupils*. UK: National Foundation for Educational Research and University of Malta, 2000.
- <sup>42</sup> *Education Division Report, 2001*.
- <sup>43</sup> This grant is given in the first year of studies.
- <sup>44</sup> Culture Policy in Malta: a Discussion Document - Ministry of Education (p. ix).
- <sup>45</sup> Article 8.
- <sup>46</sup> Article 9.
- <sup>47</sup> Article 19.

**Annex**

**Table 1**

**Trainees attending ETC training programmes, by gender, 1991-2000**

	Males	Females	Total
Oct. 1991-Sept. 1992	-	-	992
Oct. 1992-Sept. 1993	-	-	1 652
Oct. 1993-Sept. 1994	-	-	2 847
Oct. 1994-Sept. 1995	-	-	3 044
Oct. 1995-Sept. 1996	3 741	3 308	7 049
Oct. 1996-Sept. 1997	3 720	3 547	7 267
Oct. 1997-Sept. 1998	2 155	1 645	3 800
Oct. 1998-Sept. 1999	1 754	1 560	3 314
Oct. 1999-Sept. 2000	1 971	1 339	3 310

Source: Employment and Training Corporation.

**Table 2**

**Number of apprentices entering TAS and ESTS 1990-2000**

	TAS			ESTS		
	M	F	T	M	F	T
1990	378	21	399	438	15	453
1991	233	11	244	243	24	267
1992	256	15	271	210	21	231
1993	245	20	265	247	40	287
1994	219	0	219	185	5	190
1995	224	9	233	105	0	105
1996	223	13	236	103	21	124
1997	228	14	242	141	28	169
1998	285	15	300	281	46	327
1999	248	10	258	303	35	338
2000	299	9	308	232	71	303

Source: Employment and Training Corporation (unpublished data).

**Table 3**

**Average weekly wages (Lm), September 2000**

	Labourer	Skilled tradesman	Clerical	Managerial	Weighted average
Oil drilling	78.50	79.00	75.50	84.50	78.76
Food	71.16	82.47	75.58	83.23	73.31
Beverages	78.08	90.70	85.52	81.47	81.08

**Table 3 (continued)**

	Labourer	Skilled tradesman	Clerical	Managerial	Weighted average
Tobacco	73.52	86.74	97.13	...	78.98
Textiles, footwear and clothing	60.20	71.04	72.86	117.09	63.21
Furniture	67.22	82.21	...	...	73.28
Paper and printing	73.47	85.66	84.05	87.89	80.73
Leather and leather goods	53.74	60.95	68.75	77.83	55.07
Chemicals	77.13	84.28	87.77	90.00	78.90
Metal products	61.99	80.56	76.48	85.10	74.04
Machinery	62.08	77.70	64.69	82.16	69.77
Electrical machinery	68.11	84.22	81.91	91.85	73.56
Transport equipment	71.08	75.91	78.31	94.84	80.65
Miscellaneous	64.84	84.53	81.88	87.25	68.51
Construction	70.12	91.77	94.31	...	79.34
Wholesale and retail trade	69.04	79.82	76.92	85.95	75.47
Banking and OFI	75.27	106.57	92.85	138.88	96.61
Insurance and retail estate	64.05	65.55	...	...	65.05
Transport	86.99	101.96	96.62	129.33	100.39
Communications	69.00	88.77	78.83	128.29	83.17
Community and business	74.53	86.00	83.67	114.70	90.07
Recreation services	81.83	84.29	96.64	95.79	86.47
Hotels and catering est.	80.09	87.60	83.58	88.68	82.80
All firms	69.91	82.67	88.58	108.83	80.18
Direct production	67.22	79.76	81.27	91.53	71.53
Market services	77.83	87.20	89.65	117.82	90.39

Source: Economic Survey, January-September 2001.

**Table 4**

**Average weekly wages (Lm), September 2001**

	Labourer	Skilled tradesman	Clerical	Managerial	Weighted average
Oil drilling	83.50	84.00	80.50	89.50	83.76
Food	73.73	85.08	78.27	85.25	75.88
Beverages	80.74	93.35	88.19	84.47	83.75
Tobacco	75.02	88.24	98.63	...	80.48
Textiles, footwear and clothing	62.23	73.61	78.11	120.13	65.33
Furniture	70.41	86.05	...	...	76.73
Paper and printing	75.39	87.73	85.65	89.39	82.57
Leather and leather goods	56.36	63.41	70.25	79.83	57.65

**Table 4 (continued)**

	Labourer	Skilled tradesman	Clerical	Managerial	Weighted average
Chemicals	81.11	88.75	91.32	93.67	82.86
Metal products	64.26	82.23	77.98	87.40	75.98
Machinery	64.07	80.48	67.31	85.79	72.21
Electrical machinery	70.43	89.63	85.69	86.81	76.68
Transport equipment	74.23	79.21	81.35	97.97	83.81
Miscellaneous	68.36	88.64	85.50	90.84	72.09
Construction	71.62	93.27	95.81	...	80.84
Wholesale and retail trade	72.33	83.35	80.63	89.51	78.95
Banking and OFI	78.91	108.80	97.20	144.51	101.02
Insurance and retail estate	65.55	68.05	...	...	66.55
Transport	88.91	103.66	98.67	131.57	102.41
Communications	70.50	90.27	80.33	129.79	84.67
Community and business	76.32	87.86	86.68	117.28	92.54
Recreation services	85.34	88.27	100.00	100.01	90.29
Hotels and catering est.	82.65	90.53	86.31	91.14	85.44
All firms	72.52	85.95	91.58	112.16	83.04
Direct production	69.85	83.35	84.05	95.38	74.40
Market services	80.36	89.99	92.68	120.88	93.26

Source: Economic Survey, January-September 2001.

**Table 5**

**Weekly salaries of public sector employees (scale 1-20)**

Scale No.	Increment	Salary including bonus (Lm) (2001)	Salary including bonus (Lm) (2002)
01	01	189.499	240.981
02	01	176.038	223.327
03	01	162.576	203.673
04	01	149.115	185.019
05	01	110.826	132.038
06	01	104.768	123.615
07	01	99.557	116.308
08	01	94.461	109.346
09	01	89.826	102.923
10	01	85.730	97.192
11	01	81.788	91.731
12	01	77.884	86.385

**Table 5 (continued)**

Scale No.	Increment	Salary including bonus (Lm) (2001)	Salary including bonus (Lm) (2002)
13	01	74.249	81.308
14	01	70.807	76.538
15	01	67.634	72.077
16	01	65.153	68.712
17	01	62.422	64.885
18	01	59.903	61.404
19	01	58.345	57.981
20	01	54.903	54.731

Source: Treasury, Ministry of Finance.

**Table 6**

**Number of occupational injuries according to age group, 1991-2001**

Year	-20	20-29	30-39	40-49	50+
1991	630	2 331	1 822	1 398	881
1992	608	2 236	1 722	1 523	885
1993	421	1 705	1 249	1 263	842
1994	443	1 823	1 478	1 458	840
1995	430	1 787	1 472	1 366	913
1996	413	1 578	1 293	1 141	790
1997	474	1 866	1 397	1 475	1 126
1998	509	1 546	1 253	1 217	1 178
1999	665	1 392	1 196	1 108	913
2000	383	1 503	1 287	1 151	962
2001	362	1 435	1 142	1 147	1 028

Source: Department of Social Security.

**Table 7**

**Number of occupational accidents, by sector, 1991-2001**

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Private	2 643	2 710	2 213	2 626	2 736	2 672	3 529	3 038	3 038	3 286	3 207
Public	892	801	649	665	654	522	637	521	486	483	544
Self-employed	230	241	207	259	222	173	336	300	306	296	305
Parastatal	3 297	3 292	2 411	2 492	2 356	1 856	1 836	1 844	1 444	1 220	1 058
Total	7 062	6 974	5 480	6 042	5 968	5 223	6 338	5 703	5 274	5 285	5 114

Source: Department of Social Security.

**Table 8**

**Total number of fatal accidents at work, 1993-2001**

Year	Number of fatal accidents
1993	10
1994	4
1995	13
1996	12
1997	5
1998	12
1999	9
2000	5
2001	5

*Source:* Occupational Health and Safety Authority.

**Table 9**

**Frequency rate of occupational injuries, 1991-1999**

Year	Frequency rate per 100,000 man/hours
1991	2.249
1992	2.222
1993	1.726
1994	1.880
1995	1.783
1996	1.552
1997	1.931
1998	1.730
1999	1.590

*Source:* Department of Social Security.

The statistics for 2000 and 2001 have not yet been published.

**Table 10**

**Number and nature of industrial accidents, 1993-2001**

Cause of injury	1993	1994	1995	1996	1997	1998	1999	2000	2001
Machinery									
Prime movers	168	223	77	37	21	11	79	217	256
Transmission machinery	1	10	13	2	4	-	11	11	0
Lifting machinery	49	23	13	4	7	3	21	60	69
Working machinery	584	660	701	393	148	171	246	243	87
Transport									
Ships	7	3	4	6	-	-	-	-	1
Vehicles	60	124	44	47	79	73	85		96
Explosions of fire	51	26	48	12	12	5	14	8	6

**Table 10 (continued)**

Cause of injury	1993	1994	1995	1996	1997	1998	1999	2000	2001
Poisonous, hot corrosive substance	176	292	120	18	60	153	216	257	157
Electricity	56	27	9	17	11	19	12	15	6
Falls of persons	1 187	1 459	1 383	1 164	1 495	1 302	1 271	1 116	984
Stepping on or striking against objects	926	915	1 056	1 366	2 039	1 900	1 694	1 847	2 632
Handling without machinery	495	578	1 434	1 531	809	552	435	261	185
Falling objects	1 149	1 235	821	519	1 430	1 286	855	734	307
Hand tools	521	367	111	77	155	159	284	367	186
Animals	9	11	2	9	29	17	18	22	17
Falls of ground	9	15	4	2	4	1	6	6	5
Miscellaneous	32	60	78	19	35	51	27	17	118
Total	5 480	6 042	5 918	5 223	6 338	5 703	5 274	5 181	5 112

Source: Department of Social Security.

**Table 11**

**The distribution of employers of disabled persons**

Employer	Persons	%
Government	335	60.8
Private sector	146	26.5
Self-employed	52	9.4
Parastatal sector	18	3.3
Total	551	100

Source: National Disability Survey, 1999.

**Table 12**

**Membership of trade unions as at October 2002**

Unions listed in 2001/2002	Members	Males	Females
Malta Union of Teachers	5 770	2 007	3 763
General Workers Union	47 653	38 850	8 803
Lotto Receivers Union <sup>a</sup>			
Union Haddiema Maghqudin	25 793	18 514	7 279
Ghaqda (Union) - Ufficjal Anzjani tat-Tarzna (DSESU)	39	39	0
Malta Union of Bank Employees	2 877	1 451	1 426
Kamra ta' l-Ispizjara-Trade Union	141	56	85
Airline Pilots Association Malta	135	127	8
Malta Union of Licenced Tourist Guides	111	24	87

**Table 12 (continued)**

Unions listed in 2001/2002	Members	Males	Females
Medical Association of Malta	531	-	-
Union of Assistant Chemists	30	27	3
Musicians and Entertainers Union	236	209	27
The Middle Sea Insurance Staff Union	63	23	40
Casino Employees Union	87	67	20
Union of Cabin Crew	205	106	99
Union Gradwati Maltacom	51	44	7
Enemalta Professional Officers Union	64	59	5
Union Periti tal-Gvern u Parastatali	60	40	20
Malta Union of Midwives and Nurses	1 781	792	989
Ghaqda (Union) Professjonisti tal-Korporazzjoni Ghas-Servizz ta' l-ilma	22	20	2
Malta Union of Professional Psychologists <sup>a</sup>			
Union Haddiema Bank Centrali	187	91	96
Ghaqda Professjonisti Legali fl-Ufficcju ta' l-Avukat Generali	16	6	10
Union of Legal Graduates of HSBC Malta <sup>b</sup>			
St. Edward's College Teachers Union	41	16	25
Union Professjonisti Awtorita ta' l-Ippjanar	54	42	12
Union Haddiema Universita ta' Malta	19	7	12
San Anton School House Union	47	10	37
Malta Air Traffic Controllers Association	82	79	3
Enemalta Senior Staff Union	18	17	1
Union Gradi Postali tac-Civil <sup>a</sup>			
Gozo Instructors Union <sup>b</sup>			
Maltese Psychological Association	57	9	48
Maltese Association of Specialists in Psychiatry	7	7	0

Source: Department of Industrial and Employment Relations.

<sup>a</sup> Returns for the year not yet received.

<sup>b</sup> In the process of being struck off the register.

**Table 13**

**Number of marriages including religion and civil marriages, 1990-2001**

Year	Maltese Islands	Of which religious marriages	Of which civil marriages
1990	2 498	2 338	160
1991	2 541	2 306	235
1992	2 377	2 131	246
1993	2 476	2 201	275
1994	2 483	2 172	311
1995	2 317	1 972	345
1996	2 370	2 000	370
1997	2 414	2 048	366
1998	2 376	1 967	409
1999	2 409	1 946	463
2000	2 545	2 036	509
2001	2 194	1 720	474

*Source:* National Statistics Office Malta.

**Table 14**

**Department of Family Welfare, Family Services Unit:  
type of cases dealt with during the year 2001**

Type of cases	No. of cases
Child abuse	2
Child abduction	1
Child guidance	2
Residential care	53
Court report	3
Access cases	2
Disability	1
Fostering	5
Fostering (prospective)	1
International social services	1
(Marital) disharmony	2
(Marital) financial	1
(Marital) psychological	3
(Marital) infidelity	1
Monitoring	47

**Table 14 (continued)**

Type of cases	No. of cases
Monitoring (care-order)	1
Probation	1
Problem family	5
Prison inmate	1
Psychological/psychiatric	4
Single parent (single mother)	14
Single parent (separated)	3
Substance abuse/drugs	1
Youth work	10
Total	165

Source: Department of Family Welfare, Annual Report 2001.

**Table 15**

**Sedqa, total number of families in contact with family services  
(September 2001-July 2002)**

Beneficiaries of services	Number
New	115
Known	156
Total	271

Source: Sedqa Family Services.

**Table 16**

**Requests received and answered by the child safety services, 2001**

Service	Number of cases
Consultation	128
Consultation and Coordination	55
Intervention	22
Training	10
Team Safety Programme	2
Prevention Service Information Programme	8
Total	225

Source: Education Division, Annual Report, 2001.

**Table 17**  
**Fund allocations\* to NGOs for 2000 and 2001**

Name of requesting organization	Total cost project (Lm)	Funds requested (Lm)	Funds allocated (Lm) (2000)	Recommended allocations (2001)
Aisec <sup>a</sup>	2 000	2 000		N/A
Azzjoni Kattolika (Segretarjat Assistenza Soċjali)	46 950	39 000	2 000	3 000
Cana Movement (Malta)	79 674	54 674	30 500	30 500
Caritas New Hope Programme <sup>b</sup>	258 000	235 000		150 000
Centru Fidi u Gustizzja (Gizwiti)	22 200	12 000	5 000	6 000
Dar il-Wens (Residential Service)	33 400	15 500	13 000	11 000
Dar il-Wens (Independent Living)	10 500	5 000	5 000	5 000
Dar il-Wens (McNeil Project)	13 000	8 500	7 000	7 000
Dar Nazareth	57 235	30 000	10 000	10 000
Dar Qalb ta' Gesu'	95 749	17 642	13 000	32 551
Daritama	16 960	7 000	5 000	5 000
Dar Frate Francesco		3 000	1 700	3 000
Eden Foundation	125 777	66 017	20 000	20 000
Equal Partners <sup>a</sup>	149 440	60 994		N/A
Fondazzjoni Arka <sup>a</sup>	89 221	63 651		N/A
Fondazzjoni Suret il-Bniedem (Shelter)	42 000	19 500	10 500	10 500
Fondazzjoni Suret il-Bniedem (Community Home for Youths) <sup>a</sup>	22 000	12 000	-	N/A
Fondazzjoni Suret il-Bniedem (Women Shelter) <sup>a</sup>	27 000	22 000		2 400
Foundation for Respite Care Services (Respite)	157 000	117 000	86 500	86 500
Good Shepherd Sisters (Merhba Bik Hostel)	41 920	38 000	24 000	24 000
Hajja Independenti (Fondazzjoni Transport)	28 400	10 000	N/A	N/A
Komunita Bormliza għall-persuni b'Dizabilita <sup>a</sup> (Inclusive Education Programme)	7 000	7 000		2 000
Malta Hospice Movement	158 956	65 000	21 000	10 000
Malta Youth Hostels Association	48 926	46 476	1 000	2 000
Maria Bugeja Cancer Support Foundation	165 000	50 000	2 000	N/A

**Table 17 (continued)**

Name of requesting organization	Total cost project (Lm)	Funds requested (Lm)	Funds allocated (Lm) (2000)	Recommended allocations (2001)
Moviment Era Gdida	15 072	13 440	5 000	5 500
Moviment Era Gdida (Fiera tal-Volontarjat) <sup>c</sup>		2 500		2 500
Muscular Dystrophy Group	19 900	9 000	2 000	2 000
OASI Primary and Secondary Prevention Programme	59 950	30 450	16 600	16 600
OASI Tertiary Prevention Programme	117 279	87 000	*40 000	30 000
Osanna Pia Salesian Youth Hostel	73 100	43 100	14 500	5 000
National Council of Women <sup>a</sup>	34 750	28 000		N/A
Razzett tal-Hbiberija	165 000	50 000	5 000	5 000
Richmond Fellowship Foundation (Villa Chelsea)	92 092	74 242	68 500	68 500
Richmond Fellowship Foundation (Supported Housing Scheme)	34 000	13 000	4 000	6 000
Salesian Pastoral Youth Service <sup>a</sup>	12 670	10 170	-	3 000
Special Olympics Malta <sup>a</sup>	39 585	29 058	-	1 800
Ursuline Sisters (Dar Sta Rita)	25 172	25 172	2 000	2 000
Ursuline Sisters (Angela House)	150 000	72 000	6 000	6 000
Vincenzo Bugeja Foundation ("Jeanne Antide Home")	50 000	50 000	25 000	31 000
Vicenza Bugeja Trustees (Grant)	15 000	15 000	5 000	15 000
YMCA		12 000	1 000	3 000
Other NGOs			70 000	70 000
Various Support Groups			5 000	5 000
<b>Total</b>	<b>2 601 868</b>	<b>1 571 068</b>	<b>526 800</b>	<b>698 351</b>

*Source:* Ministry for Social Policy.

\* Includes a one-off allocation.

<sup>a</sup> New Projects.

<sup>b</sup> Funds provided from Presto Lottery Fund.

<sup>c</sup> A biannual event.

**Table 18**

**Employed persons, by professional status (age 16-18)**

Status	Number
Self-employed	65
Family worker	100
Employee	4 158
Total	4 323

*Source:* National Statistics Office.

**Table 19**

**Employed persons, by economic activity (age 16-18)**

Economic activity	Number of persons
Agriculture, hunting and forestry	108
Fishing	49
Manufacturing	1 749
Electricity, gas	51
Construction	244
Wholesale and retail trade, repairs	851
Hotels and restaurants	705
Transport, storage and communication	173
Finance	73
Real estate, resting and business activities	73
Public administration and defence; compulsory social security	64
Education	51
Private housekeeping	59
Other community, social and personal service activities	73
Total	4 323

*Source:* National Statistics Office.

**Table 20**  
**Employed persons, by occupation (age 16-18)**

ISCO Classification No.	Number
Technicians and associate professionals	160
Clerks	756
Service workers and shop and market sales workers	1 235
Skilled agricultural and fishery workers	108
Craft and related trades workers	393
Plant and machine operators and assemblers	1 221
Elementary occupations	450
<b>Total</b>	<b>4 323</b>

*Source:* National Statistics Office.

**Table 21**  
**Age group of children living in residential care (October 2000)**

Age group	Boys	Girls	Total
<1	10	13	23
1-5	54	34	88
6-10	46	48	94
11-15	55	30	85
16+	8	25	33

*Source:* *Residential Homes for Children: An Overview* Chiara Cortis Micallef.

**Table 22**  
**Live births in Malta, by age of mother/father and legitimacy, 2001**

Age group	Legitimate births by age of mother	Legitimate births by age of father	Illegitimate births by age of mother	Illegitimate births by age of father
All ages	3 971	3 971	499	499
Under 20	245	23	147	13
20-24	783	402	179	89
25-29	1 528	1 160	78	48

**Table 22 (continued)**

Age group	Legitimate births by age of mother	Legitimate births by age of father	Illegitimate births by age of mother	Illegitimate births by age of father
30-34	924	1 186	55	45
35-39	351	603	32	32
40-44	100	234	8	13
45-49	4	60	-	10
50-54	-	11	-	2
55-59	-	7	-	1
60-64	-	1	-	1
65+	-	-	-	-
Unknown	-	248	-	248

Source: National Statistics Office.

**Table 23**

**GDP and GNP per capita (Lm), 1990-2001**

Year	GDP	GNP
1990	2 040	2 193
1991	2 216	2 353
1992	2 380	2 494
1993	2 531	2 627
1994	2 743	2 795
1995	3 032	3 064
1996	3 161	3 170
1997	3 365	3 376
1998	3 536	3 465
1999	3 758	3 790
2000	4 006	3 867
2001	4 146	4 140

Source: National Statistics Office.

**Table 24**  
**Percentage change in real GDP for Malta and EU, 1997-2001**

Year	Malta (%)	EU (%)
1997	4.9	2.5
1998	3.4	2.8
1999	4.1	2.5
2000	5.3	3.4
2001	-0.8	1.5

*Source:* Economic Policy Division.

**Table 25**  
**Health-care professionals per 1,000 population, 1995-2000**

	1995	1996	1997	1998	1999	2000
Registered doctors	2.4	2.4	2.4	2.6	2.5	2.6
Registered dentists	0.3	0.3	0.3	0.4	0.4	0.4
Registered pharmacists	1.5	1.7	107	1.8	1.8	N/A
Registered nurses	10.8	N/A	N/A	11.2	N/A	N/A
Registered midwives	0.8	0.8	N/A	0.8	N/A	N/A

*Source:* National Statistics Office.

**Table 26**  
**Vehicle density, 1998-2001**

Year	Total population	Total No. of vehicles	Private cars only	Passenger vehicles	Commercial and other vehicles	No. of persons per unit of privately owned transport vehicles	Persons per private vehicle
1998	386 397	229 977	169 542	16 722	43 194	1.68	2.28
1999	388 296	238 878	176 264	18 012	45 009	1.63	2.20
2000	391 415	246 825	182 105	19 512	45 208	1.59	2.15
2001	394 641	254 052	188 495	19 723	45 834	1.55	2.09

*Source:* National Statistics Office.

**Table 27**

**Household ownership of selected home appliances**

Equipment	Total number of households	Household appliances	% of total number of households
Gas cooker	119 479	105 341	88.17
Electric cooker	119 479	15 044	12.59
Refrigerator	119 479	117 607	98.43
Washing machine	119 479	106 945	89.51
Colour TV set	119 479	110 261	92.28

*Source:* Census of Population and Housing 1995.

**Table 28**

**Information society: selected indicators**

	Total (September 2001)	Per 100 population
Telephone lines	210 835	53.7
Mobile telephones	196 918	50.1
Pagers	4 934	1.3
Voicemail	16 203	4.1
Two-way radio licences	1 209	0.3
Cable TV subscriptions	88 954	22.6
Satellite receiver licences	7 445	1.9
Internet subscriptions	46 436	11.8

*Source:* National Statistics Office.

**Table 29**

**Comparison of human development indices**

Country/grouping	Human Development Index 1999
OECD	0.900
High human development group of countries	0.914
Norway (highest in rank)	0.939
Malta (30th) <sup>a</sup>	0.866
Malta % of OECD	96
Malta as a % of high human development group	95
Malta as a % of highest in rank	92

*Source:* UNDP, *Human Development Report, 2001*.

<sup>a</sup> In the *Human Development Report 2001*, Malta fell three places and currently ranks thirtieth.

**Table 30**  
**Private households by annual gross income**

Income range	Households	%	Cumulative %	Total income	As a % of GNP
<1 500	9 055	7.6	7.6	6 791 250	0.6
1 500-1 999	8 912	7.5	15.0	15 596 000	1.3
2 000-2 499	10 348	8.7	23.7	23 283 000	2.0
2 500-2 999	10 449	8.7	32.4	28 734 750	2.5
3 000-3 499	11 211	9.4	41.8	29 511 313	2.5
3 500-3 999	9 567	8.0		103 916 313	9.0

*Source:* Census of Housing and Population 1995.

**Table 31**  
**Imports of major agricultural commodities (January-September 1997-2001)**  
**in Lm million**

	1997	1998	1999	2000	2001
Live animals	0.38	0.31	0.33	0.32	0.31
Meat and edible offals	4.88	6.10	5.82	6.56	6.31
Fish	2.26	2.60	2.87	2.16	4.36
Dairy produce	9.03	8.88	8.41	8.84	9.17
Edible fruits and nuts	5.79	5.85	5.96	5.91	6.30
Cereals	8.25	6.89	7.00	8.51	7.69
Preparations of meat, fish	5.28	5.79	5.93	5.89	6.45
Sugar and confectionery	3.34	3.70	3.09	3.30	3.87
Cereal preparations	6.17	6.22	7.05	8.28	8.20
Vegetable and fruit preparations	3.64	4.38	4.75	4.38	4.76
Misc. edible preparations	6.68	6.56	6.83	7.28	6.73
Beverages, spirit, vinegar	5.37	5.97	6.96	7.14	7.72
Feeds	5.24	5.13	4.75	5.26	5.46
Total	66.55	68.38	69.75	73.83	77.30

*Source:* Economic Survey, January-September 2001.

**Table 32**  
**Average wholesale prices of certain fruit and vegetables**  
**in cents/kg for 2000 and 2001**

	Cabbages	Tomatoes	Potatoes	Apples	Oranges	Peaches
2000						
January	28	54	18	-	23	-
February	18	55	15	-	27	-
March	17	50	12	-	28	-
April	17	44	13	-	24	-
May	5	19	7	3	37	27
June	2	8	6	11	1	35
July	3	7	7	14	-	57
August	4	9	7	18	-	48
September	4	12	8	22	3	81
October	5	23	10	11	20	-
November	4	20	12	2	19	75
December	3	22	12	3	18	-
2001						
January	2	27	13	-	16	-
February	3	26	15	-	20	-
March	3	30	15	-	24	-
April	6	33	13	-	27	-
May	7	17	12	-	20	24
June	10	15	12	9	-	76
July	11	9	18	13	-	69
August	18	10	26	15	-	63
September	20	27	27	24	5	76

Source: Economic Survey, January-September 2000.

**Table 33**  
**Average fish prices (January-September 2001)**

	Quantity (kg)	Cumulative quantity (kg)	Wholesale (cents/kg) <sup>a</sup>	Retail (cents/kg)
January	25 228	25 228	225.1	239.4
February	13 724	38 952	201.4	214.2
March	34 003	72 955	198.5	210.6
April	21 728	94 737	240.9	257.6
May	121 974	216 711	268.3	336.3
June	122 543	339 254	254.8	316.9
July	93 286	432 540	167.7	191.5
August	88 074	520 614	181.2	196.2
September	136 474	657 088	126.8	136.5

*Source:* Economic Survey, January-September 2001.

<sup>a</sup> 1 cent = Lm 0.01.

**Table 34**  
**Period in which buildings were completed for habitation**

	Number	%
Before 1920	20 721	17.34
1921-1945	15 841	13.26
1946-1960	14 729	12.33
1961-1970	13 342	11.17
1971-1980	19 005	15.91
1981-1985	12 640	10.58
1986-1990	12 489	10.45
1991-1995	10 675	8.92
Non-respondent	55	0.05
Total	119 479	100.00

*Source:* 1995 Census on Population and Housing.

**Table 35**

**Private households living in one- and two-room dwellings**

Household by size	1 room	2 rooms	% 1 room	% 2 rooms
1 person	273	1 702	71.09	53.19
2 persons	52	832	13.54	26.00
3 persons	32	351	8.33	10.97
4 persons	20	207	5.21	6.47
5 persons	4	76	1.04	2.38
6 persons	3	22	0.78	0.69
7 persons	0	6	0.00	0.19
8 persons	0	3	0.00	0.09
9 persons	0	0	0.00	0.00
10+ persons	0	1	0.00	0.03
Total	384	3 200	100.00	100.00

*Source:* 1995 Census on Population and Housing.

**Table 36**

**Rent dwellings, by rent paid annually in Lm**

Rent	Number of dwellings	% of dwellings
1-50	17 343	51.34
51-100	9 672	28.63
101-150	2 190	6.48
151-200	1 085	3.21
201-250	472	1.40
251-300	336	0.99
301-350	93	0.28
351-400	189	0.56
401-450	95	0.28
451-500	184	0.54
501-550	78	0.23
551-600	192	0.57
601-650	12	0.04
651 and over	1 840	5.45
Total	33 781	100.00

*Source:* 1995 Census on Population and Housing.

**Table 37**

**Notices for lease or sale issued by the Housing Authority, 1989-2001**

Date	Notice	Lease/sale	Total applicants	Units
15 September 1989	12	Lease	886	173
15 September 1989	13	Sale	321	145
14 December 1989	16	Lease	20	20
2 August 1990	27	Lease	337	34
2 August 1990	28	Sale	371	41
4 September 1990	31	Sale	18	5
13 February 1991	32	Lease	14	13
24 April 1991	33	Lease	405	127
24 April 1991	34	Sale	690	186
23 August 1991	37	Lease	238	77
23 August 1991	38	Sale	476	168
21 November 1991	40	Lease	239	79
21 November 1991	41	Sale	269	81
29 April 1993	43	Sale	446	50
26 May 1994	50	Sale	351	85
22 February 1995	51	Sale	648	103
26 June 1995	54	Sale	167	80
28 September 1995	55	Sale	376	72
29 July 1996	56	Lease	433	191
6 September 1996	57	Sale	909	263
6 September 1996	58	Lease	223	71
11 July 1997	60	Sale	808	74
26 November 1997	61	Sale	695	123
1 January 1998	62	Sale	460	67
1 March 1999	63	Sale	1 217	185
30 May 2000	64	Sale	586	215
23 February 2001	65	Sale	657	99

Source: Housing Authority.

**Table 38**

**Persons applying for accommodation to the  
Department for Social Housing**

Category	Number
Single persons	440
Single parents	493
Separated persons	636
Homeless	55
Dangerous structures	231
Health reasons	195
Elderly (over 60 years)	407
Other	737

Source: Department for Social Housing (2002).

**Table 39**  
**Number of evictions by the Department for  
Social Housing, 1995-2001**

Year	Evictions
1995	12
1996	7
1997	26
1998	11
1999	51
2000	53
2001	13
<b>Total</b>	<b>173</b>

*Source:* Department for Social Housing.

**Table 40**  
**Compilation of Malta's Housing Affordability Index (HAI)**

Year	Mortgage monthly payment (Lm) 3-bed/r	Mortgage monthly payment (Lm) 2-bed/r	Median family income (Lm)	Qualifying monthly income (Lm) 3-bed/r	Qualifying monthly income (Lm) 2-bed/r	Ratio of qualifying family income 3-bed/r	Ratio of qualifying family income 2-bed/r	HAI 3-bed/r	HAI 2-bed/r
1982	60	42	184	240	168	1.30	0.91	77 (70)	110 (100) <sup>a</sup>
1987	69	49	242	276	196	1.14	0.81	88 (76)	123 (108)
1992	108	72	320	432	288	1.35	0.90	74 (61)	111 (92)
1997	165	106	427	660	424	1.55	0.99	65 (46)	101 (71)

*Source:* Denis H. Camilleri, *Housing and Poverty in Malta: An Updated Valuation Model for Residential Premises.*

<sup>a</sup> Bracketed value is for one wage earner/household existing.

**Table 41**  
**Total Schedule V and total Pink Card holders, 1999-2001**

	1999	2000	2001
Schedule V	336 923	273 524	268 405
Pink Card holders	241 206	235 337	246 084

*Source:* Health Division Annual Report 2001.

**Table 42**

**Basic data and health indicators for Malta and EU (1998 or latest available)**

	Malta	EU
Populations (in millions)	0.378	374 162
0-14	21	17
16-64	67	66
>65	12	16
Area in km <sup>2</sup>	316	3 243 654
Density per km	1 195	115
Urban population	90	80
Births per 1,000 population	11.9	10.7
Deaths per 1,000 population	8.1	10.0
Natural growth rate per 1,000 population	3.8	0.7
GDP per person in US\$ (PPP)	13 180	20 327

*Source:* Highlights on Health in Malta, 2001.

**Table 43**

**Mount Carmel Hospital, admission diagnosis during 2001**

Schizophrenia	29.5%
Mood disorders	25.5%
Alcohol abuse	11.8%
Neurotic depression	11.7%
Drug abuse/dependence	5.0%
Personality disorder	8.2%
Senile dementia	4.0%
Mental retardation	2.5%
Behaviour/emotionally disturbed children and adolescents	1.3%
Others	0.5%

*Source:* Health Division Year 2001 Annual Report.

**Table 44**

**General practitioner service, 2001**

GP encounters in health centres	386 013
GP encounters in district clinics	250 595
GP home visits by day	22 204
GP visits by night	3 196
Total encounters	662 008

*Source:* Health Division Year 2001 Annual Report.

**Table 45**

**Other specialist and ancillary services, 2001**

Service	Number of visits
Diabetes clinic	11 767
Obstetric/gynaecological clinic	4 992
Ophthalmic clinic	5 549
Psychiatric clinic	5 489
Dental clinic	25 445
Well baby clinic	6 025
Acupuncture	2 649
Nursing service	161 125
Podology	52 535
Speech therapy	26 245
Radiology	14 110
Pathology	33 065
Physiotherapy	22 970
Dental hygienist	4 713
ECG	2 749
<b>Total</b>	<b>317 512</b>

*Source:* Health Division Year 2001 Annual Report.

**Table 46**

**School health service, 2001**

Medical examinations	9 911
Height and weight measurements	11 106
Visual accuracy tests	9 982
Ophthalmic referrals	674
Dental referrals	170
Other specialist referrals	448
Head inspections	23 762
Immunizations	32 990
Audiometric screening	256
Visits for injuries at school	288
Speech therapy referrals	320

*Source:* Health Division Year 2001 Annual Report.

**Table 47**

**Foetal and infant deaths, 2001**

	<500 g or equiv.	500-999 g or equiv.	>=1 000 g or equiv.	Total
Foetal deaths	4	3	17	24
Infant deaths	0	6	4	10
Early neonatal deaths	0	8	8	16
Late neonatal deaths	0	1	1	2
Post-neonatal deaths	0	0	5	5
All infant deaths	0	7	10	17

*Source:* Department of Health Information.

**Table 48**

**Private households without adequate excreta disposal facilities**

	Maltese Islands	Malta	Gozo
Number of households	119 479	110 291	9 188
Households with no bathroom	4 028	3 682	346
Percentage	3.37	3.34	3.77
Households with no flush toilet	2 938	2 623	315
Percentage	2.46	2.38	3.43
Households with no toilet	1 667	1 524	143
Percentage	1.40	1.38	1.56
Number of households with cesspit	2 632	2 216	416
Percentage	2.20	2.01	4.53

*Source:* Census of Population 1995.

**Table 49**

**Number and rate of stillbirths,<sup>a</sup> 1991-2001**

Year	Number	Rate
1991	26	4.9
1992	21	3.8
1993	25	4.8
1994	37	7.6
1995	20	4.3
1996	34	6.9
1997	29	6.0
1998	23	5.1
1999	31	7.1
2000	16	3.6
2001	20	5.1

*Source:* National Statistics Office.

<sup>a</sup> Including stillbirths weighing 500 g or more.

**Table 50**  
**Number and rate of infant mortality, 1991-2001**

Year	Number	Rate
1991	51	9.6
1992	59	10.8
1993	42	8.2
1994	44	9.1
1995	41	8.9
1996	53	10.7
1997	31	6.4
1998	24	5.3
1999	31	7.2
2000	26	6.1
2001	17	4.4

*Source:* National Statistics Office.

**Table 51**  
**Bathing water quality: number of routine tests carried out,  
May-October 2001**

Microbiological parameters	No. of routine tests carried out	Frequency
Faecal coliforms	1 964	Weekly
Faecal streptococci	19	Fortnightly
Total coliforms	953	Fortnightly
Salmonella spp.	19	Fortnightly
Total	2 955	

*Source:* Bathing Water Quality Report 2001.

**Table 52**  
**Number of public, church and independent primary and  
secondary schools in Malta as at December 2001**

	Pre-primary	Primary and secondary	Total
Public schools	66	118	184
Church schools	34	49	83
Independent schools	28	24	52

*Source:* Education Division Annual Report 2001.

**Table 53**  
**State of literacy in Malta as at 1995**

	Total	Males	Females
Literate	286 284	138 320	147 964
Illiterate	36 444	19 995	16 449
Total	322 728	158 315	164 413

*Source:* 1995 Census on Population.

**Table 54**  
**National Literacy Survey, Year-2 pupils facing literacy difficulties**

Out of 4,554 pupils about whom full information was available	Maltese literacy	English literacy
Students with severe literacy difficulties	274 or 6%	542 or 11%
Students with struggling literacy	345 or 7%	664 or 14%

*Source:* Mifsud, Charles et al., Literacy in Malta; the 1999 National Literacy Survey of the Attainment of Year-2 Pupils.

**Table 55**  
**Number of graduates at all levels, 2002**

Faculty/institute	Degree	Males	Females	Total
Architecture	B.E. and A. (Hons.)	20	6	26
Arts				
Link Campus Rome	B.A.	14	18	32
Link Campus Rome	M.BA	1	0	1
	B.A.	9	13	22
	B.A. (Hons.)	46	101	147
	M.A.	9	8	17
	M.Phil.	0	1	1
	Ph.D	4	2	6
Board of Studies for Information Technology	B.SC. IT (Hons.)	24	4	28
	B.SC. IT	2	1	3
	Diploma in IT	8	0	8
Centre for Communication Technology	B. Communications	13	17	30
	B. Communications (Hons.)	8	23	31

**Table 55 (continued)**

Faculty/institute	Degree	Males	Females	Total	
Economics, Management and Accountancy	B.ACCTY (Hons.)	40	25	65	
	B. COM	38	73	111	
	B. COM (Hons.)	50	49	99	
	B. SC. (BUS and COMP)	13	8	21	
	B.A. (Hons.) SOC WORK	1	13	14	
	Executive M.BA.	24	3	27	
	M.A. Economics	7	5	12	
	M.B.A.	5	4	9	
Education	B.ED. (Hons.)	73	132	205	
	B.PSY	8	9	17	
	B.PSY (Hons.)	8	37	45	
	B.ED.	3	6	9	
	B.A. (YOUTH)	9	11	20	
	M.ED.	4	4	8	
	PGFCE	14	64	68	
	Diploma in Youth Studies	2	4	6	
	Diploma in Computer Studies in Education	5	7	12	
	Diploma in IT in Education	2	8	10	
	Ph.D Faculty of Education	0	1	1	
	M.A. Educational and Career Guidance	0	18	18	
	Engineering	B.ENG. (Hons.)	52	12	64
		M.SC. ENG.	8	0	8
Institute of Agriculture	M.SC. (Agricultural Science)	1	1	2	
	M.SC. (Agriculture and Vet Pharmacy)	0	1	1	
Institute of Health Care	B.SC. (Hons.) Med Lab Science	6	6	12	
	B.SC. (Hons.) Nursing	3	10	13	
	B.SC. (Hons.) Physiotherapy	7	18	25	
	Diploma in Health Science (Env. Health)	1	1	2	
	Diploma in Health Science (Med. Lab Science)	3	0	3	
	Diploma in Nursing Studies	5	19	24	
	M. Gerontology	0	1	1	
	Master of Health Science	4	1	5	
	Diploma in Psychiatric Nursing	2	3	5	

**Table 55 (continued)**

Faculty/institute	Degree	Males	Females	Total
Law	B.SC. (Hons.) Communication Therapy	4	13	17
	B.SC. (Hons.) Environmental Health	9	0	9
	B.SC. (Hons.) Radiography	3	1	4
	P.G. Diploma in Gerontology	0	4	4
	Postqual. Diploma in Health Service Management	0	1	1
	Postqual. Diploma in Nutrition and Dietics	2	3	5
	Master of Health Science	4	1	5
	B.A. Legal and Humanistic Studies	44	85	109
	N.P.	38	41	79
	LL.D.	21	42	63
	M.Phil.	1	0	1
	Ph.D.	1	0	1
	L.P.	1	0	1
	M.A. FIN SERV	9	4	13
	M.A. Human Rights and Democratization	16	22	38
MAG.JUR	9	8	17	
Institute in Forensic Studies	Diploma in Probation Services	3	2	5
Medicine and Surgery	B.PHARM. (Hons.)	15	21	36
	M. PHIL. (Medicine and Surgery)	1	2	3
	M.SC. (Medicine and Surgery)	7	2	9
	M.D.	22	16	38
Mediterranean Academy of Diplomatic Studies	M.DIP.	10	5	15
	M.A. DIP.STUD.	6	5	11
	Postgrad. Diploma in Diplomatic Studies	6	7	13
	Diploma in Diplomatic Studies	2	6	8
Mediterranean Institute	M.Phil.	1	1	2

**Table 55 (continued)**

Faculty/institute	Degree	Males	Females	Total
Science	B.SC.	1	0	1
	B.SC. (Hons.)	14	14	28
	M.SC.	10	5	15
	M.Phil.	1	0	1
Theology	B.A. (Theol. and Human Studies)	1	0	1
	B.A. (Theol. and Human Studies) (Hons.)	3	2	5
	B.A. (Religious Studies)	4	4	8
	Diploma Religious Studies	2	4	6
	M.Phil. (Theology)	1	0	1
	M.A. (Theol. and Human Studies)	1	3	4
	S.Th.B.	11	0	11
	S.Th.L.	2	0	2
Worker Participation Development Centre	Diploma in Social Studies (Gender and Development)	0	2	3
	DIP Social Studies (Occ. Health and Safety)	1	0	1
Institute of Public Administration	Diploma in Public Administration	12	11	23
Institute for Baroque Studies	M.A. Baroque	3	5	8
EDRC	B.A. (Hons.) European Studies	8	11	19
	B.A. Euro Studies	0	2	2
	M.A. Euro Studies	1	1	2
	M.Phil. European Studies	1	0	1
FEMA	Diploma in Management Studies	48	30	76
	Diploma in Commerce	2	4	6
	Diploma in Social Work	0	4	4
Islands and Small States Institute	M.A. Islands and Small States	4	0	4
<b>Total</b>		<b>916</b>	<b>1 121</b>	<b>2 037</b>

Source: University of Malta.

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