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COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS  
Pre-sessional working group  
26-30 May 2003

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

**List of issues to be taken up in connection with the consideration  
of the initial report of MALTA concerning the rights referred  
to in articles 1-15 of the International Covenant on Economic,  
Social and Cultural Rights (E/1990/5/Add.58)**

## **I. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

### **General legal framework**

1. Please provide detailed information on the status of the Covenant in the domestic legal order, and whether the Covenant's provisions can be invoked before the courts.
2. Please provide an overview of measures taken by the State party with respect to human rights education and awareness-raising activities and, in particular, on economic, social and cultural rights for all citizens of Malta, especially among State officials and the judiciary.

### **Article 2. Non-discrimination**

3. Please provide more detailed statistical information on the population, disaggregated by age and sex.
4. Please indicate whether foreigners legally resident in the country enjoy economic, social and cultural rights to the same extent as citizens. Please also provide information on the situation of undocumented workers and asylum-seekers who live in the State party.
5. Please explain the main reasons why "women in Malta remain largely underrepresented in public office and the topmost positions, both within the Civil Service" and in private employment (paragraph 27 of the report).
6. Please provide information on how the "Parity of Wages National Standard Order" of 1974 is being implemented and on whether visible inequalities still exist between men and women with regard to equal pay for work of equal value, as provided for in article 7 of the Covenant (para. 30).

## **II. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)**

### **Article 6. Right to work**

7. Please explain the main reasons why the rate of female participation in the labour force is less than half of that of males (para. 51), despite the fact that females tend to have higher educational attainments than males (para. 40).
8. According to paragraph 102, the Government has introduced a "flexible initiative" in the public service, including reduced working hours and responsibility leave for full-time workers. Please describe the effect this may have on workers' incomes.
9. Please indicate the criteria used for fixing the minimum wage for fully employed workers, on the one hand, and part-time workers, on the other. Please provide statistical data on the evolution of these wages in relation to the evolution of the cost of living over the past decade.

**Article 7. The right to just and favourable conditions of work**

10. Please explain why, despite the constitutional and other legislative provisions concerning equal pay for work of equal value (paras. 30 and 128), there are discrepancies in wages, and why there have been no cases brought before the court (para. 125).

11. Please provide information on the effective application of the provisions of article 4 of the Act to promote equality between men and women referred to in paragraph 149.

**Article 8. The right to form or join trade unions**

12. Please provide statistical data on the number of strikes, their duration and the number of unions involved during the period 1998-2002.

**Article 9. The right to social security**

13. Please provide statistical data on the extent of the coverage under the various social security schemes referred to in paragraph 211 ff. of the report.

**Article 10. Protection of the family**

14. Please provide information on the legal and other protection and assistance measures in place for victims of domestic violence.

15. Paragraph 370 speaks of child abuse but no data or specific information is given with regard to this problem. Please provide specific data and other information, particularly court cases, relating to this problem.

16. Please comment on and explain differences in the enjoyment of rights, if any, between married and non-married mothers, in particular with regard to the protection of maternity, as referred to in paragraphs 400-411.

**Article 11. The right to an adequate standard of living**

17. Please provide information, including statistical data, on the problems relating to forced evictions and the legal protection measures available to those adversely affected by these evictions.

18. Please provide information on the number of persons affected over the period 1992-2002 by the implementation of urban development programmes and the ways and means by which their situation was addressed, in particular the compensation schemes.

**Article 12. The right to health**

19. Please provide information, including statistical data where possible, on the incidence of abortion in the State party.

20. Please provide statistical information on the incidence of sexually transmitted diseases, notably HIV/AIDS.

21. Please provide more detailed information on the situation of persons with mental illnesses, and in particular on who is responsible for the care of such persons.

**Article 13. The right to education**

22. Please provide more specific information on the extent to which private schools, other than Church schools, receive funding from the State party.

23. What measures have been taken by the State party to ensure that the quality of education, as well as the working conditions, including salaries, of the teaching staff are of the same standard in both public and private schools?

24. Please provide statistical data on dropouts by each type of school system for the last five years.

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