Gender Balance in Parliament Reform

CONSULTATION DOCUMENT

26th March 2019
Compiled by The Technical Committee for the Strengthening of Democracy, composed as follows:

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**GENDER BALANCE IN PARLIAMENT - CONSULTATION DOCUMENT**
The Public Consultation is open until Tuesday 21st May 2019

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This consultative document invites all stakeholders, including the general public, to offer insights into how best to shape the future of politics by giving an impetus to gender balance in Parliament.

Government is committed to taking action as part of a series of reforms that are taking place under my auspices. The 2017 Labour Party Manifesto referred to quotas as a “positive measure”, which opens the way to a balanced representation of men and women in Parliamentary work. The manifesto proposes the initiation of a public consultation that would include concrete actions and procedural mechanisms. We see this as a core mission to make political decision-making more representative.

This Consultation Document refers to “the under-represented sex”. Indeed, since the universal vote was introduced in 1947, we have seen women actively participating in grassroots politics and at the ballot box. Nonetheless, there is still a dearth of women candidates, and as a result very few sit in the House of Representatives. Throughout the years the “under-represented sex” has been female. This forward-looking Consultation Document strives to address this deficit and ensures that in the future none of the two sexes is under-represented.

As politicians we are well-tuned to the demands of civil society, academics and media exponents, among others. We are aware that we must act in order to redress the gender imbalance in the House of Representatives. Let us call a spade a spade. The softer measures employed by the political parties in the past two decades have been steps in the right direction, but they have not yielded better results for women and so, as political leaders, we need to be conduits of change. Moreover, we need to strengthen the changes that have already occurred in our society where the equality of the sexes is not only expected by younger generations but is also the guarantee for their promised future.

It is with this in mind that we embarked on a civil rights agenda that successfully changed the face of gender relations in Malta. I augur that we will achieve a broad consensus on this matter so that we will be, yet again, on the right side of history.

Hon. Dr Joseph Muscat
Prime Minister of Malta
Foreword from the Parliamentary Secretary for Reforms

“We should suspect a system of representation that routinely restricts power to a particular group, usually middle-aged and older men” (Rian Voet, author).

I have great respect towards mature and experienced male colleagues. Yet, until recent times, the quotation above aptly described Maltese politics. The reforms entrusted to my portfolio aim to encourage an inclusive political system that is more representative of younger generations and in terms of gender.

In 2018, Parliament unanimously approved the lowering of the voting age to 16 in both the national and European elections. This achievement is a feather in the cap for all Maltese parliamentarians. Since 2015, 16-year-olds were already allowed to vote in local elections. Now, individuals who are present 12 years of age, will have the right to vote in the General Election of 2022. As a result of this reform young people will have greater influence at the ballot box, and their needs and concerns will be better represented.

Positive measures have long been deemed as a possible remedy to the traditional under-representation of women, which afflicts our political system. As a politician, career woman and mother, I have directly experienced some of the cultural and structural obstacles that often frustrate women from taking the plunge into a political career. While few women have successfully made it on their own steam, I am aware that many others are shackled by a range of impediments. Malta is losing out on the involvement of so many talented women who can serve constituents, and contribute to the welfare of our society, either because they are apprehensive of politics, or because it is not yet feasible for them to take this path. Government is committed to ensuring these old barriers are lifted.

I hope that following the consultation process we will achieve a consensus on positive changes. In doing so, we would be ensuring a fairer and more inclusive society that is open to embrace change, within the ambit of national and European targets.

Hon. Julia Farrugia Portelli
Parliamentary Secretary for Reforms, Citizenship and Simplification of Administrative Processes
Historically, Maltese women’s enfranchisement and their advancement were intertwined with the efforts to achieve national sovereignty and with the subsequent social, political and economic advancement of the islands.

It was an effort that gathered momentum under colonial-rule and continued in the post-colonial years. One would have expected that the Europeanisation of the structures, and interaction with European structures post-2004, would have opened the way to bridge the remaining gaps for women in many spheres, particularly in decision-making positions.

Yet, the participation rate of women in the Maltese House of Representatives remained frozen in time. In spite of positive advancements in economic participation, parties still struggle to attract women to run for elections.

The debate on positive measures was great news to those of us who have been actively lobbying from platforms like civil society, academic circles and the media for many decades. This unique opportunity to challenge the status quo should enhance Malta’s progression of civil rights by addressing one area that continues to frustrate gender equality – that of women’s under-representation in politics. As indicated in the Council of Europe’s Strategy for Gender Equality 2018-2023, “balanced participation of women and men in political and public decision-making is essential for a well-functioning democracy”.

My sincere gratitude goes to the members of The Technical Committee for the Strengthening of Democracy, which was entrusted to draw up this Consultation Document. These include the valuable work of Prof. Frank Bezzina who developed an original gender-quota mechanism, Dr Jonathan Attard who wrote the legal proposals and Ms Renee Laiviera; Dr Josianne Cutajar; Dr Lara Dimitrijevic; Dr Robert Musumeci and Ms Lorraine Spiteri who provided a wealth of insights, experience and technical expertise. We are also grateful to Dr Austin Bencini who reviewed the document, and whose most valuable insights and comments were taken on board because they improved the document in many ways.

We are now looking forward to the ensuing process that will lead to this reform.

Prof. Carmen Sammut
Chairperson, Technical Committee for the Strengthening of Democracy
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**Abbreviations**

- **CEDAW**: Convention on the Elimination of All Forms of Discrimination against Women
- **EIU**: Economist Intelligence Unit
- **EP**: European Parliament
- **EU**: European Union
- **EIGE**: European Institute for Gender Equality
- **IPU**: Inter Parliamentary Union
- **SDGs**: Sustainable Development Goals
- **MEP**: Member of the European Parliament
- **MPs**: Members of Parliament
- **NCPE**: National Commission for the Promotion of Equality
- **OSCE**: Organization for Security and Co-operation in Europe
- **STV**: Single Transferable Vote
- **UN**: United Nations
Notes on the Contributors

**Dr Jonathan Attard** is a lawyer who pleads before the Maltese Courts of Justice on behalf of his respective clients and provides legal counselling and advice. His principal areas of legal practice include civil law and public law. He has been entrusted by the Government of Malta with several legislative reforms, among which there are the 2018 Constitutional amendments and laws to introduce the right to vote to 16 year olds in national elections. Dr Attard graduated from the University of Malta as Bachelor of Laws in 2011 and was awarded the Diploma of Notary Public in 2012. Following this he was then awarded the Doctor of Laws degree in 2014 and was called to the Bar in 2015. His Doctoral thesis contributed to the field of public law and dealt with 'Increase Accountability on Members of Parliament'. In 2004 he obtained his Bachelor's Degree in Communications and Social Studies from the University of Malta. From 2004 to 2013 he worked in the media industry as a senior journalist, newscaster, TV presenter and producer.

**Dr Austin Bencini** graduated as Notary Public in 1978, and of Doctor in Laws (LL.D.) in 1979, before being admitted to the Bar a year later. He was elected to the Committee of the Chamber of Advocates in 1981 and remained a serving member till 2008, during which period he held the posts of Hon. Treasurer, Hon. Secretary and Vice-President of the Chamber. Dr Bencini was nominated to sit on the Committee for Advocates of the Commission for the Administration of Justice and chaired the Committee from 1994 until 2004. He was Malta’s first representative on the Fundamental Rights Agency of the European Union, and currently chairs the Human Rights Programme of the University of Malta. He is a member of the Faculty Board of Laws, and of the editorial Board of the Mediterranean Journal of Human Rights. He has lectured Constitutional and Administrative law at the Faculty of Laws since 1988, and occupies the post of senior lecturer in the Department of Public Law. He served as Head of Department of Public Law and was Deputy Dean of the Faculty of Laws. In 2011, Dr Bencini was conferred his PhD by the University of Malta with the thesis “The Supremacy of the Constitution of Malta”. He is the author of articles on constitutional law, and his latest publication is the book *Malta’s Hybrid Electoral System - A Constitutional Review*.

**Professor Frank Bezzina** (PhD) is the Dean of the Faculty of Economics, Management and Accountancy (FEMA) and Head of the Department of Management at the University of Malta. He teaches management science and decision analysis, research methodology and evidence-based management. His research interests are varied, but mainly focus on investigating phenomena in the organisational sciences. Professor Bezzina currently serves as Director at the Central Bank of Malta. He is also a fellow of the Royal Statistical Society (UK), steering committee member of the British Academy of Management’s Research Methodology special interest group and holds visiting professor positions at the University of Zagreb (Croatia) and Wroclaw University of Economics (Poland).

**Dr Josianne Cutajar** is a lawyer by profession and has further progressed her studies through a Masters in European and Comparative Law. Working at the Office of the Prime Minister, she has a deep understanding of the vision of the Government both in the area of the report, and related areas. Dr Cutajar is a Local Councillor for her village and is involved in political committees and organisations including Nisa Laburisti. She is currently a Maltese representative in the Congress of Local and Regional Authorities within the Council of Europe and is a prospective candidate for the European Parliament elections.

**Dr Lara Dimitrijevic** graduated as Doctor of Laws in 2008 and has specialised in the field of family law and human rights. Dr Dimitrijevic is the Founder and Director of the Women’s Rights Foundation and has been actively advocating for women’s rights for many years. Dr Dimitrijevic is a casual lecturer at the University of Malta and is currently a representative on the European Women’s Lobby ‘Observatory of Violence against Women’ on behalf of the Malta Confederation of Women Organizations, and a member of the Commission of Domestic Violence (Malta).

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**NOTES ON THE CONTRIBUTORS**
Ms Renee Laiviera is currently the Commissioner of the National Commission for the Promotion of Equality (NCPE) and NCPE’s Acting Executive Director. In 2018 she was appointed the first Vice Chair of the Advisory Committee on Equal Opportunities for Women and Men of the European Commission. Ms Laiviera studied at MATC Teachers’ Training College. She holds a Dip. Ed. (Melit), Dip. Pol. Stud. (Melit), MA Malt. Stud. (Melit). She has held a number of management positions in the Malta Public Service since 1998 when she was appointed Director (Women’s Rights). She also held positions on a number of government commissions and committees, and has written on the subject of equality extensively. She has been active in NGOs for many years, and up till May 2013 held the position of Executive Member of the European Women’s Lobby and that of the Chairperson of the Malta Confederation of Women’s Organisations. In March 2007, on the occasion of International Women’s Day, Ambassador Molly H. Bordonaro, on behalf of The Embassy of the United States of America in Malta, honoured her for exceptional ‘courage and leadership in advocating for women’s rights and advancement in Malta’.

Dr Robert Musumeci is the holder of a Civil and Architectural Engineering degree (1998), a Masters Degree in Conservation Technology in Masonry Buildings (2004), as well as a Doctor of Laws degree (2016). He is currently reading a PhD at the University of Malta. He regularly gives lectures on aspects of administrative law and development planning legislation. Dr Musumeci was also selected by the Faculty of Laws (University of Malta) for the prize of Best Doctor of Laws Thesis Award 2016. He is the founding partner of the architectural firm RMPERITI and has practiced for the past 18 years before holding to the warrant of an advocate. He is a former Chairperson of the Building Industry Consultative Council (BICC), and presently holds the post of Advisor to the Government of Malta. Dr Musumeci was directly involved in the reforms which led to the Malta Environment and Planning Authority’s demerger and the establishment of the new Lands Authority in 2016. He is presently involved in the setting up of the new Building and Construction Industry Authority. Dr Musumeci has published several academic articles, mostly related to administrative law.

Prof. Carmen Sammut is Pro Rector for Student and Staff Affairs and Outreach at the University of Malta. She also lectures on Gender in International Relations and Critical Journalism. Sammut holds a PhD in Media and Communications from Goldsmiths College, University of London. She obtained her Masters (cum laude), a Post Graduate Certificate in Education (PGCE), and a BA Degree from the University of Malta. She is a long-experienced broadcaster and regularly appears as an analyst discussing current events. Relevant publications include (with Nadia Abdilla) “Il-Gurnalizmu u l-Glieda ghall-Vot tal-Mara Maltija fi-Kuntest Imperjali: Ir-rwol ta’ Mabel Strickland” in Mabel Strickland: Storja u Miti, edited by Sergio Grech (Nov 2018), The Road to Women’s Suffrage and Beyond: Women’s Enfranchisement and the Nation-Building Project in Malta (2017) and “Gender and political engagement: Assessing the role of the media in the Maltese Islands.” in Women and Knowledge in the Mediterranean, edited by Fatima Sadiqi (Routledge, 2013).

Ms Lorraine Spiteri has been an activist in the women’s movement in Malta since 1978. She graduated from the University of Malta with a Diploma in Social Studies (Women & Development), a Certificate from Utrecht University, and completed her Master (Phil) from the University of Manchester (MBS). Ms Spiteri is currently co-chairing emPOWer, which is a platform of women’s organisations. She served as the Chairperson of the Malta Confederation of Women’s Organisations from 2013-2018 and as Board member of the European Women’s Lobby. Ms Spiteri has also been involved in major research projects and training as a key expert related to women in political and economic decision-making. Amongst these, she researched and presented position papers for the European Commission in 2016 and 2012, for the European Institute for Gender Equality (EIGE) in 2014, and also presented papers during conferences organised by the OSCE Office for Democratic Institutions and Human Rights in 2014 and by the European Parliament (S&D Group) in 2013.

Ms Moira Galea served as a Secretary to the Technical Committee. She joined the Public Service in 1995 as a teacher in the primary sector. She was a class teacher for 17 years. From 2012 to date, she has been teaching in the primary schools of St Benedict College as a peripatetic teacher of Personal, Social and Career Development (PSCD). Ms Galea is the author of two Maltese workbooks which are aimed for the early years in primary schools. From 1992 to 2000 she also worked in the media industry as a journalist and radio newscaster.
Executive Summary

The Consultation Document “Gender Balance in Parliament Reform” is aimed to encourage people both inside and outside Parliament to give informed feedback and make suggestions on policy or legislative proposals.

The aim of the proposals is to challenge the under-representation of women that constitutes a democratic deficit in Parliament. Women’s under-representation is a matter of concern to an extent that it impacted Malta’s Democracy Ranking (EIU, 2018), which shows that Malta was among a few European countries that registered significant advancement, but it scored low in ‘political participation’ because of the low representation of women in the House of Representatives.1

While the proposals refer to “the under-represented sex” in the short run, these measures will benefit women whilst encouraging continuous gender balance in the House in the long term. Positive measures have been discussed in Malta for over two decades because of the dearth of women in political structures and it is a fact that there has been little progress registered over the years.2

It must be pointed out that more than 70 years have passed since women’s suffrage and the percentage of women in Parliament remained stuck at around 10 to 14%. Soft internal measures employed by the political parties, on their own, have not been adequate to address the under-representation as a result of various hurdles that still make it difficult for many women to enter and sustain a meaningful political career.

These obstacles include:

- Aggressive polarisation and a system which dictates that one’s worse competitors are same-party candidates within one’s own district;
- Dearth of women actively working at all levels and in all sections of the political parties resulting in few women candidates;
- Prevalent traditional stereotypes that impinge on gender roles and power;
- Issues of time-management since political parties hold most of their activities in the late evening;
- Lack of vital resources, including possibilities to network, financial considerations and media visibility that are imperative for effective campaigning and other work.
- Roles, values and the private division of work which leaves little space for the participation of women in the public arena.

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2 In this text the distinct terms “sex” and “gender” are applied according to context. EIGE conceptualizes sex as “the biological characteristics which define humans as female or male” while gender refers to “the social attributes and opportunities associated with being male and female and the relationships between women and men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are contextual, time-specific and changeable.” European Institute for Gender Equality. [https://eige.europa.eu/rdc/thesaurus/terms](https://eige.europa.eu/rdc/thesaurus/terms)
In summary, the Technical Committee awaits feedback on the following proposals:

1. INCENTIVES IN THE FORM OF STATE FUNDING TO POLITICAL PARTIES IN ORDER TO SUPPORT THE UNDER REPRESENTED SEX TO CONTEST MALTESE GENERAL ELECTIONS.

This document acknowledges the need to aspire to a balanced candidature of at least 40% of both sexes in order to increase the probability of an equitable result. As a result, legal amendments are being proposed for the Financing of Political Parties Act to open the way for state funds that can be used to recruit, promote and train candidates pertaining to the under-represented sex. The political parties will be obliged to give a financial account of how these funds are utilised to promote equality between the sexes in politics in an annual report to the Electoral Commission.

2. EXTENDED REMITS FOR THE ELECTORAL COMMISSION.

The Electoral Commission itself needs to be representative of both sexes by adding new members. It will need resources to extend its remit so that it is entrusted to carry out a gender audit of political parties who opt to apply for state funding, to verify their annual report and publish an evaluation of initiatives and measures taken by the parties receiving funds to promote equality between sexes in politics, together with any recommendations for improvement.

3. CONSTITUTIONAL AND LEGAL AMENDMENTS TO PERMIT ADDITIONAL SEATS FOR THE UNDER-REPRESENTED SEX.

The amendments that are being proposed do not impinge on the existing number of seats nor on the electoral process. The proposals aim to integrate a ‘Gender Corrective Mechanism’ to the present system. The proposed legal provisions will be activated to give an opportunity to candidates from the under-represented sex to gain experience, exposure and influence in decision-making in order to garner a critical mass in the House of Representatives that will eventually render corrective measures unnecessary.

It is being proposed that additional seats (or top-up seats) be allocated in the eventuality that the under-represented sex obtains a percentage of less than 40%. The proposed mechanism is to be applied in a way to bring the percentage representing the under-represented sex nearer to 40%. Nevertheless, in each election, the maximum number of additional seats proposed is 12. These are the maximum seats applicable as illustrated in the ‘Proposal for Malta’s Electoral System’, which is presented further on in this Consultation Document. In the eventuality that the under-represented sex obtains a percentage equivalent to, or more than 40%, the proposed mechanism will not be needed. This proposal requires Constitutional amendments.

Additional seats imply that incumbents who do not belong to the under-represented sex are not put at a disadvantage and they will have an equal opportunity to be elected through the existent process.
The proposed Gender Corrective Mechanism utilises three types of wasted votes and this is applicable for both parties:

(i) The votes of hanging candidates from the under-represented sex that were not elected;

(ii) The wasted votes of hanging candidates from the over-represented sex who were not elected;

(iii) The wasted votes of those candidates elected through a casual election.

Hence, the Gender Corrective Mechanism minimises the number of wasted votes. At present parcels of votes of candidates elected by casual election remain unutilised because if they give up their seat, they may only be replaced through a co-option. Through the Gender Corrective Mechanism their parcels of votes will now become available for use to address the gender imbalance in the House of Representative.

The Technical Committee also proposes a discussion on the inclusion of a sunset clause, whereby the mechanism would expire after 20 years from the coming into force of the proposed amendments.

4. GENDER MAINSTREAMING IN PARLIAMENT AND FAMILY-FRIENDLY MEASURES.

The Technical Committee for the Strengthening of Democracy notes the absence of a Gender Equality Strategic Plan for the House of Representatives, which entails a systematic plan and an allocated budget for family-friendly measures. Such a Strategic Plan must review the schedule of parliamentary sittings, the possibility that Members of Parliament are given a choice to opt for a full-time position on a voluntary basis and the availability of child-care services. The absence of these impinges on the private lives of all parliamentarians but often hit harder on women.

The proposals in this Consultation Document address the democratic deficit that exists because of the invisibility of women as the under-represented sex. It deems the sensitisation of political players as crucial. In this context, the Technical Committee considers interaction of political parties and political exponents with civil society, academics and other non-state actors is pivotal in the advancement of an egalitarian agenda that impinges on policy and action. These are also important players in the consultation process, and they breathe life into related communication and educational campaigns at all stages of the process.
In the run up to the June 2017 general elections, the Labour Party had made reference to quotas as "positive measures" to increase female Parliamentary participation, together with other considerations highlighted in its manifesto that included family-friendly measures that open the way for a work-life balance, that will be driven by the Speaker of the House.³

Positive measures can be defined as: "Actions aimed at favouring access by members of certain categories of people, in this particular case, women, to rights which they are guaranteed, to the same extent as members of other categories, in this particular case, men"⁴.

The legal foundations for positive action in relation to gender equality can be found in both the Treaty on the Functioning of the European Union and the Charter of Fundamental Rights. Article 157(4) provides: "With a view to ensuring full equality in practice between men and women, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers"⁵.

Such measures are deemed necessary to challenge 70 years of status quo, whereby ever since the advent of universal suffrage in 1947, the participation rate of women in Parliament paused at the same level. Indeed, until the general elections of 2017, parties still struggled to attract enough female candidates to run for elections.

³ Labour Party Manifesto 2017, p. 163, para 4
Historian G.A. Pirotta observed, the decision to grant the vote for women in 1947 did in some ways help to re-define the political landscape. Yet the process has been far too slow and 70 years after the MacMichael Constitution, we can claim that the dearth of female representation amounts to a democratic deficit.

Another academic, JosAnn Cutajar observed that with exceptions, women were often rendered ‘politically invisible’. Moreover, for many decades, in spite of a handful of high-profile women, political parties had male-centred decision-making organs. A situation evolved where Maltese women were not contesting elections in good numbers and so they were not being elected even when they were as active as men at a grassroots level.

Within party structures, positive measures were first introduced in the late 1990s when the Labour Party introduced a one-third quota for women in its Executive Committee and a voluntary 20% quota for women on its electoral list but until the election of 2017 it still struggled to meet this target. The Nationalist Party initially adopted voluntary party measures to ensure that four out of the 13 members from the General Council on to the Executive Council had to be female. Since 2014, nine women and nine men were elected on the Executive Committee from two separate lists. The same exercise, which boosted female representation within the party structures, was extended to local sectional committees. At that time the party decided to stop short from a similar practice when it comes to the selection of candidates because it deemed that internal reforms would be enough to open the way for a gender balanced candidature.

In spite of these soft measures that were introduced in a period when the main parties experienced degrees of Europeanisation (after European Union membership in 2004), until 2017 women’s representation in the national Parliament remained stuck more or less at around 10% to 14%.

It was evident that the incumbents within party structures were not trying hard enough to lead the change and many still considered women as a homogeneous group and raised the question “why don’t women vote for women?”. Developments in the elections for the European Parliament offered new optimism. In spite of a strong female candidature, until the European elections of 2008, women had merely obtained an overall 20% of the votes; none of the elected Maltese members of the European Parliament (hereinafter, MEPs) were female. It was when some of the male MEP incumbents returned to Malta to engage at the top level of...
domestic politics, that women were first elected through bye-elections10. These shattered the glass ceiling to an extent that in the subsequent European elections of 2014, four out of six Maltese MEPs that were elected were in fact women.

In domestic politics Malta is far from achieving the required critical mass of approximately 33% that is deemed essential to register regular and unassisted advancement11, let alone the gender balanced representation in Parliament, where both sexes need to have a minimum of 40% representation. History (or rather “Herstory”) shows that we need to shake the tree and change may only happen by means of positive measures, a topic that is now on the national political agenda.

THE IMPORTANCE OF GENDER BALANCE IN POLITICAL PARTICIPATION

Attaining gender balance in political participation is pivotal for democratisation processes for the following reasons:

• Gender-based under-representation undermines the functioning of democratic institutions and processes.
• Significant hurdles still discourage many valid women from entering and ensuring sustainability in their participation in political and public decision-making.
• Matters related to the electoral system, the functioning of political parties, enduring gender stereotypes and certain roles and values regularly impinge on the private division of work and this tends to allow little room for the participation of women in the public arena.

Carol Hanish’s statement that “the personal is political” 12 as well as Cynthia Enloe’s observation that ‘the personal becomes international’ are very pertinent to the Maltese context where women are the under-represented sex with little direct access to the distribution of power and resources. Improving gender balance will better reflect the needs and concerns of both women and men in contemporary society.

The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)13 recognises the importance of women’s involvement in political decision-making processes and affirms that states and parties shall ensure that women “… participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government” (Article 7(b)). Moreover, the Convention states that “… special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention…” (Article 4 (1)).

Point 181 of the Beijing Declaration and Platform for Action (critical area – “Women in Power and Decision Making”) also underlines that the necessity to address political under-representation:

“... special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention…” (Article 4 (1)).

Yet Malta’s House of Representatives has not yet adopted legal measures to buttress democratic structures through measures to secure balanced gender representation. This Consultation Document is a step aimed towards achieving this balance.

SITUATION ANALYSIS

10 Marlene Mizzi contested casual elections and she replaced Edward Scicluna who contested the national elections and became Minister for Finance. Roberta Metsola replaced Simon Busuttil when he became Leader of the Opposition, whereas Claudette Abela Baldacchino replaced Louis Grech, when he became Minister for European Affairs and Deputy Prime Minister.


HOW DOES MALTA FARE WITHIN THE EU AND HOW DOES IT COMPARE GLOBALLY?

Malta has one of the lowest levels of women’s political representation in the EU. This is supported by Eurostat reports and the European Institute for Gender Equality (hereinafter EIGE) and is a topic which regularly features in Maltese media. Furthermore, Malta failed to score sufficiently in the survey of ‘gender sensitive Parliaments’ as per answers provided in Appendix 215. Over the years, this lack of progress resulted in Malta’s persistent slipping down on the Inter-Parliamentary Union (IPU) rankings, where it now places 150th out of 193 nations16 as well as on the Global Gender Gap Report 2017, whereby in relation to ‘political empowerment’ of women, Malta ranked 85th out of 144 countries17.

While the European Commission published a document entitled ‘Strategic Engagement for Gender Equality 2016-2019’ (2015) in which it noted that “the proportion of women in national Parliaments and governments has risen steadily from 22% and 21% respectively at the end of 2004 to 29% and 27% in 2015-16”, this was not the case for Malta18. Improvement in other member states contrasts sharply with that registered in Malta considering that in the 2017 election, only eight women were elected out of 67 Parliamentarians. This means that the proportion of women in the national Parliament stood at 12%.

EIGE also provides country specific information and concludes that “[T]he main gatekeepers of women’s representation in national legislatures are the political parties, and although they have gone beyond lip-service and have devised strategies to facilitate women’s advancement, formal and informal practices within the parties are still hindering progress”. EIGE’s report (2015) reveals that “Member States that implemented binding and voluntary quotas had, on average, 29% of women in their national parliaments in 2014, an increase of 10 percentage points since 2003.”19

Consequently, without further delay, Malta needs to remove barriers that dampen women’s electoral prospects in a country where women have always been very keen political activists but are still mainly relegated to the lower party echelons and to the social fields.

Malta is far from achieving the required critical mass of approximately 33% that is deemed essential to register regular and unassisted advancement let alone the gender balanced representation in Parliament, where both sexes need to have a minimum of 40% representation20. At this stage, progress can only be achieved with the adoption of positive measures.
SITUATION ANALYSIS

This Consultation Document will also follow the findings of a research project conducted by the National Commission for the Promotion of Equality (2015) entitled “Gender Quotas and Other Measures towards a Gender-balanced Representation in Decision-Making”, that was supported by the European Social Fund 2007-201321. Moreover, the proposal fits the Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development, that was adopted by world leaders in September 2015, which pledges to “ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life” (Goal 5)22.

The positive measures that will be proposed will reify the notion of ‘positive discrimination’ enshrined in Article 45 (11) of the Constitution of Malta23. They will also tie in with other government policy measures, namely:

- Family-friendly measures that include the setting up of childcare facilities.
- The possibility of offering elected members of Parliament the choice of becoming full time MPs.
- Initiate a constitutional reform that will update the highest law of the land to reflect better the present socio-political realities.

With such measures Malta will start approaching both national and international obligations as it aims to reach a 50-50 participation by the year 2030, as indicated by ‘Strategic Objective 4,’ in the Council of Europe’s Gender Equality Strategy 2018-202324 and commitments towards “Planet 50-50 by 2030” that was launched by the United Nations on the occasion of International Women’s Day of 201525.

ELECTORAL GENDER QUOTAS: VALID MODELS

Quotas establish a fixed percentage or numbers for the nomination or representation of both sexes to ensure a gender balanced representation in decision-making positions26. Electoral gender quotas address such issues within political structures. The European Parliament’s 2008 and 2013 studies entitled ‘Electoral gender quota systems and their implementation in Europe’ identify two main forms of gender quotas:

- **Legislated quotas** which are mandated in the Constitution or in Electoral law that target the gender composition of the electoral lists of all political parties. For instance, parties may be required to field a minimum percentage of candidates from each sex.
- **Voluntary Party quotas** which are employed by political parties out of their free will. They may include internal party measures to nominate a minimum number or a percentage of candidates that belong to the under-represented sex.

Both quota systems can be simultaneously adopted at various levels, namely:

- The pool of potential candidates,
- The candidates that stand for election,
- Successful candidates27.

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Both quota systems can be simultaneously adopted at various levels, namely:

- The pool of potential candidates,
- The candidates that stand for election,
- Successful candidates27.
Quota provisions may be influenced by a number of models that were applied in various contexts. These include:

- **Zipper system** - a principle of alternation, which entails that parties alternate between women and men on party lists to secure that women are half of the candidates as well as possibly also half of the elected\(^{28}\). This is the system that was adopted in Sweden, France and elsewhere.
- **Separate lists** – As in the case of the Maltese Nationalist Party for which "nine women and nine men were elected from two separate lists on the executive committee"\(^{29}\). This was employed with great success in post-conflict Rwanda, which now enjoys the highest female representation in the world\(^{30}\).
- **Soft quotas** are less formal strategies such as targets and recommendations. These are the most common type of quotas adopted in liberal democracies such as United States, Australia and New Zealand where political parties tend to embrace the idea that gender parity will occur gradually over time without the need for rules. Some target the candidate lists whilst some target the internal party bodies, or both, e.g. Targets regarding when and how a certain percentage should be reached.

Strategies that may be applied by political parties include:

- **Specific arenas for women to meet and mobilise**
- **Developing capacity building activities for women** – such as the LEAD initiative undertaken by the Labour Party
- **Initiating media campaigns to promote women in politics**\(^{31}\)
- **Ensuring inclusion of both women and men in fora, public events and media appearances.**
THE RELEVANCE OF GENDER QUOTAS

Electoral gender quotas are subject to debate whenever women’s representation in politics is discussed. On the one hand, proponents argue that quotas compensate for structural discrimination whereas opponents argue that quotas are in themselves discriminatory. A study carried out by the European Parliament outlines the main arguments in favour of quotas.

These include:

• Political assemblies should aim to reflect the composition of society. Since women constitute half of the population, they should constitute half of the positions in public decision-making bodies.
• Political representation is not only about merit and competence. It is about representing the people.
• Political representation is about rights and justice. How can the fact that men occupy more than 80 per cent of the parliamentary seats in the world be justified?
• Gender quotas do not discriminate. Rather, they compensate for existing barriers that hinder women from receiving their fair share of political seats preventing further barriers and mechanisms of exclusion.
• Gender quotas do not discriminate against individual men. Rather, quota rules limit the tendency of political parties to nominate mostly men and compel them to seek out active and competent female candidates. For the voters, the opportunities are expanded with the possibility to vote for parties with women candidates.
• Women are just as qualified as men, but their qualifications are often given less currency in a male-dominated political system.
• Women’s experience is needed in political life. Political assemblies should take advantage of all the resources and of all the pools of competence in society.
Arguments against electoral quotas revolve around the idea that candidates should be selected on merit. However, the participation of men and women in political life is not only based on merit but also determined by structures and cultural barriers that ultimately influence gender balance.

The National Commission for the Promotion of Equality (hereinafter NCPE) published a study entitled, ‘Gender balanced Representation in Decision Making’, which shows that:

- The majority of the respondents believe that women are under-represented at a political level;
- The lack of support and family-friendly structures to support parents are clear obstacles that discourage women from taking an active role in politics;
- There is also the tendency for men to be less supportive of their female partners in pursuing a political career.

The report confirms that women are mainly disadvantaged due to cultural and traditional mind-sets, as well as inadequate support structures that can make political participation easier for women or parents who pursue a political career.

In fact, Carmen Sammut deduced that one underlying factor for the higher candidacy of women in MEP elections, as opposed to national ones, can be attributed to the fact that "Maltese political parties were in a better position to persuade more female candidates to contest MEP elections than national ones since EU structures are more gender and family friendly than the Maltese parliament." 


34 Cited by Cutajar (2014) opt. cit.
## ELECTORAL SYSTEM

<table>
<thead>
<tr>
<th>Electoral System</th>
<th>Year adopted</th>
<th>Percentage</th>
<th>Rank placement requirements</th>
<th>Penalties for non-compliance</th>
<th>% women in 2000 (prior to law)</th>
<th>% women in 2010 (after law)</th>
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<td>The former Yugoslav Republic of Macedonia</td>
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<td></td>
<td>16.6</td>
<td>22.4</td>
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**Notes:** Other OSCE participating States do not currently use any legal gender quotas for legislative candidates. Poland adopted legislative quotas in 2011 which will be applied to the next elections, scheduled for late 2011.

**FIGURE 1**

The impact of legislated quotas for candidates contesting for the lower house of Parliament, OSCE region.

Source: Norris and Krook\(^{35}\)
THE USEFULNESS OF GENDER QUOTAS

Figure 1 (left) indicates the progress attained between 2000 and 2010 in OSCE countries that introduced legislated quotas. It was noted that as a result of quotas there was a global average increase of 10.2% of women candidates.

The European Commission’s ‘Women and men in leadership positions in the European Union 2013: A review of the situations and recent progress’ delves deeper into the positive effect of quotas by quota type. Figure 2 below illustrates how Legislative Quotas result in a higher substantial percentage point change in the representation of women in National Parliament in comparison to Voluntary Party Quotas only or no quotas at all.

Overall, the above arguments indicate that electoral quotas bring about an increase in women’s participation in politics, hence should be introduced in order to reach gender balance in this sphere. Such a recommendation features in the 2016 Resolution 2111 of the Parliamentary Assembly of the Council of Europe which states that “it is time to step up efforts” to improve women’s political representation, with electoral quotas considered to be “the most effective measures” to achieve progress.

**FIGURE 2**

Proportion of women in national parliaments where quotas are used as at 2003 and 2014
Source: European Commission, 2013, p.25.

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Positive measures in a similar electoral system: The Case of Ireland

Among the countries that introduced political quotas, Ireland stands out because of the commonalities with the Maltese islands.

Both countries use the Single Transferable Vote (hereinafter STV) as a voting system designed to achieve proportional representation through ranked voting in a number of electoral districts. In both instances the voting system is a legacy of their colonial past. Both Ireland and Malta experienced very late secularisation to an extent that until recently, on top of its popular influence, the Roman Catholic Church swayed the position of the state on gender related matters. Both had very low female participation in Parliament.

In her assessment of Ireland addressing the under-representation of women, Fiona Buckley observed that up to and including the general election of 2011, the proportion of women in the Dáil Éireann, never exceeded 16%[^35]. This was despite significant socio-cultural change over the past thirty years. A series of voluntary measures that emended the Electoral Act, yielded positive results. A total of 551 candidates contested the election – 388 men (70.4%) and 163 women (29.6%). This was the highest number and proportion of women to ever contest a general election in Ireland.

PUBLIC PERCEPTIONS IN MALTA

Positive measures are often a contentious matter and they may even provoke discussions within parties. As already indicated, they may be subject to heated debates among various stakeholders in society. Indeed, we have seen some women oppose the notion, even though it was not immediately clear which model they were opposing.

As a result, the consultation process is crucial. It is a process whereby recommendations presented in the Consultation Document are explained and probed and new suggestions are presented. A mere theoretical justification of quotas is not sufficient because these measures must also be legitimate. We want the consultation to be a process where the proposals are probed from the point of view of knowledge rather than pre-conceived ideas or on the basis of traditional party lines.

A 2017 European Commission Eurobarometer on public opinion regarding gender equality\(^{37}\), estimated that in Malta 96% of the Maltese agree that equality between women and men is important in order for society to be just and democratic. The survey also produced the following results:

- Given the current situation, 80% of the Maltese are aware of the dearth of women in Parliament and they are of the opinion that there should be more women. This is the strongest awareness among all the EU member states (EU average 54%).
- 78% of Maltese respondents agreed with the introduction of legal measures to bring about parity between women and men in Parliament. This percentage is at par with the EU average;
- 52% of Maltese respondents disagreed with the assertion about women’s lack of interest in political positions, whilst 58% also disagreed that women are less ambitious than men to take up such positions;
- 87% of Maltese respondents are of the opinion that women and men can represent society’s interests to the same degree;
- 76% recognise that women have the qualities and skills to take up positions in the political field.

Maltese public opinion seems aware that the participation of men and women in political life is not merely based on merit but is also determined by structures and cultural barriers that ultimately negatively impinge on gender balance. NCPE’s research (2015) found:

“... [T]he majority of the respondents believe that women are under-represented at a political level, at an even greater extent than at company level. The lack of support and family-friendly structures to support parents are clear obstacles that discourage women from taking an active role in politics. Moreover, there is also the tendency for men to be less supportive of their female partners in pursuing a political career. This suggests that women are mainly disadvantaged due to cultural and traditional mind-sets, as well as inadequate support structures that can make political participation easier for women or parents who pursue a political career\(^{38}\)."

This implies that Maltese society is becoming increasingly willing to consider substantive measures to ensure that the status quo is challenged.

The recommendations made by the Technical Committee will from this point onward refer to the ‘under-represented sex’. While in contemporary times there is a severe under-representation of women, the main purpose of these legal proposals is to ensure that none of the two sexes, male or female, are under-represented now and in the future.


Proposals

Gender Mainstreaming in Parliament and Family-Friendly Measures

The House of Representatives must become a veritable model for gender equality.

For this reason, the Technical Committee recommends that the Speaker of the House sets up a Commission to prepare a strategic plan that opens the way for gender mainstreaming in Parliament. The strategic plan will require a dedicated budget.

The Inter-Parliamentary Union defines gender mainstreaming as:

“A process of assessing and taking into account the implications for women and men of any planned action – including legislation, policies or programmes – at all levels and in all spheres. The concept is understood to encompass strategies that put gender issues at the centre of broad policy and programme decisions, institutional structures and resource allocation.”

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39 Inter-Parliamentary Union. Gender Mainstreaming in the IPU. http://archive.ipu.org/cnt-e/193/g-mainstream.pdf. 2013
The Commission will need to ensure that:

- Members of Parliament are sensitised to the need to mainstream gender in all policy areas and legislations.
- Women are fairly represented in Parliamentary Committees as members and as Chairs.
- Parliament adopts anti-discrimination and anti-harassment policies.
- Parliament employs an institutional policy against sexual harassment and that there is a formal procedure for investigating complaints.
- Parliament should have nursing, childcare and family rooms.

- Family-friendly working hours that may include a review of the schedule of parliamentary sittings and the possibility that backbenchers may opt for a full-time position on a voluntary basis. The issue of full-time parliamentarians was strongly underlined in the opinion of the Council of Europe’s Venice Commission on Malta (2018)40.
- Parliament’s website will include a section that addresses gender equality.
- Establishing a cross-party network for MPs interested in gender equality to promote gender mainstreaming.

To become a worthy model for gender equality, as indicated by the IPU, Parliament must strive to become:

- An organisation that achieves gender equality in participation, within its structures, bodies and Secretariat at all levels;
- An organisation that contributes to gender equality in all of its outputs;
- An organisation that has gender-sensitive policies; and
- An organisation that has a gender-sensitive membership and Secretariat.

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Establishing a fairer and just representation between the sexes in the country's highest institution, has been the main force behind the Committee's work since its inception.

For this reason, the Committee has discussed, deliberated and analysed various provisions, including those found in the Constitution of Malta and other laws, in order to propose a number of amendments.

Due to their Constitutional nature, most of these amendments require a two-thirds' majority of all members of the House of Representatives. Once implemented, these amendments will build the necessary momentum for the percentage of MPs making up the under-represented sex to become the closest possible to 40%.

These recommendations are based on the established principle enshrined in article 14 of the Maltese Constitution:

"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 the 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."

The Technical Committee observes that the following proposals are intended to work in synergy in order to achieve a gender balanced Parliament in accordance with the United Nations goals of 50-50 by the year 2030. It is confident that the journey towards gender balance will become achievable when Malta approaches a critical mass of 33%, after the initial impetus. The best results will be attained when all parties manage to boost the number of candidates from the under-represented sex, which to an extent, does not merely tend to increase their chances of being elected on their own steam but it also reduces the possibility of a scenario where parties will need to resort to co-opt members to fill their allocated additional seats.

The Technical Committee is hereby presenting legislative amendments, which would serve as an indication should this proposal be implemented and does not include further consequential legal amendments should these be necessary.
I | CONSTITUTIONAL AMENDMENTS

Background
General Elections are established by the Constitution of Malta and regulated by the General Elections Act. The electoral system is that of the Proportional Representation of the Single Transferable Vote (STV), which system was consistently confirmed in various Constitutions since 1921, when Malta first obtained self-government under British rule.

This method of electing Members of Parliament involves a somewhat complex procedure. However, put simply, voters divided among 13 electoral divisions, are to elect five Members of Parliament by putting down their preferences on the ballot sheet in a numerical order, with the possibility of choosing candidates from different political parties.

The candidate reaching the established quota of votes for that particular electoral division will be elected. Candidates may also be elected to Parliament, following the applicability, where necessary, of the corrective mechanisms in place in order to reflect better proportionality and governability.

The Constitutional amendments being proposed in this Consultation Document are not intended to amend in any way the aforementioned electoral process but seek to introduce a mechanism that is triggered once the already established electoral process is concluded. This is done in order to get a clear and complete picture of the proportion of seats held by Members of Parliament on the basis of sex, such that the percentage of the under-represented sex is established.

The under-represented sex
The proposed amendments make reference to “the under-represented sex” in a way that they do not interpret the current scenario in Malta which up until now, was always the female sex, as a general rule that may never change. This principle made it possible to draft Constitutional amendments that are applicable according to necessity and according to social trends which the country may be experiencing at that particular moment in time. Thereby ensuring that irrespective of the under-represented sex at the time, this mechanism will ensure a more balanced gender representative Parliament.

These proposals are not to be interpreted as giving absolute and unconditional priority to one sex over the other, since the proposed mechanism will be applied in favour of the under-represented sex, which may be one of both sexes. Therefore, the proposed amendments give due consideration to the need of eliminating inequality relative to the right of equal treatment.
Applicability
The proposed amendments may lead to two particular scenarios:

I. In the eventuality that the under-represented sex obtains a percentage of less than 40% the mechanism will be applied in a way to bring the percentage representing the under-represented sex nearer to 40%.
II. In the eventuality that the under-represented sex obtains a percentage equivalent to, or more than 40%, the proposed mechanism does not apply.

The mechanism proposed will be used only when the need arises i.e. having an under represented sex of less than 40% of the elected Members of Parliament. Hence, although it will remain in vigore, it will not apply in the eventuality that the under-represented sex obtains a percentage equivalent to 40% or more. The proposed Constitutional amendment will be triggered in response to a situation of manifested under-representation. This proposed Constitutional provision is not absolute and provides for situations where such mechanism will not be necessary.

Additional seats
The proposed concept is not to be considered on the same basis as reserved seats and this is for several reasons. Primarily, as already mentioned, the number of existent seats will continue to be filled by Members of Parliament elected through the existent process. When necessary the corrective mechanism will be applied to give an opportunity to candidates from the under-represented sex to gain experience, exposure and influence in decision-making in order to garner a critical mass that will eventually render corrective measures unnecessary.

Additional seats imply that incumbents who do not belong to the under-represented sex are not put at a disadvantage and they will have the same opportunity to be elected through the existent process.

The additional 12 seats provided by the proposed Constitutional amendments are the maximum seats applicable in proportion to the percentage of Members of Parliament representing the under-represented sex as illustrated in the Proposal for Malta’s Electoral System presented further on in this Consultation Document.

Apportionment of the additional seats
As already outline above, the proposed ‘Gender Corrective Mechanism’ will be applied following the applicability of article 52, including the ‘Corrective Mechanism’.

In this respect it is to be noted that both the majority rule and as well as the proportionality between the first preference votes and number of seats, will already be achieved prior to the application of the ‘Gender Corrective Mechanism’. Therefore, it is deemed that the ‘Gender Corrective Mechanism’ should not disturb the already achieved proportionality and would rather confirm the same difference in seats between the Governing party and the Opposition, as expressed by the electorate.
**Wasted Votes**
An inevitable consequence of the Proportional Single Transferable Vote (PR-STV) is the issue of the so called ‘Wasted Votes’. Once all candidates in a constituency have been declared elected, there will remain some other candidates with accumulated votes who will not be elected and whose votes cannot be transferred. In such case, the will of the voter expressed through their vote will be limited to the selection of the political party and the vote will go to waste in terms of selecting a candidate to be elected in Parliament.

The proposed gender corrective mechanism will also try to utilise these so called ‘wasted votes’, that until now were never utilised in the following manner:

- By electing the candidate with accumulated votes if such candidate belongs to the under-represented sex;
- In case the candidate with the accumulated votes does not belong to under-represented sex or was already elected through a casual election, utilise his/her parcel of so called ‘wasted votes’ to enable a candidate who belongs the under-represented sex to fill an additional seat created by the proposed gender corrective mechanism.

Therefore, the proposed mechanism should also be considered in terms of starting to address a recurrent theme in the discussion on our electoral system.

**Sunset Clause**
The Technical Committee is also proposing an unconditional sunset clause, whereby the mechanism would expire after 20 years. The introduction of a sunset clause would introduce a more proportionate approach to the legitimate aim pursued.

The sunset clause may introduce various scenarios, among which the possibility of introducing an automatic revocation, revocation by the legislator before the expiry of the established term as well as the possibility of a re-enactment of the provision, with or without modification, by the legislator.
Introducing a Gender Corrective Mechanism which respects the current electoral system based on the Proportional Representational system through the Single Transferable Vote and the corrective mechanism which ensures majority rule in Malta, so that the percentage of MPs making the ‘under-represented’ sex in the House of Representatives will be closest possible to 40%.

1. Voting at the General Elections takes place through the PR-STV in the same manner adopted at the last General Elections in order to elect 65 members of Parliament, five from each of the 13 electoral districts.

2. On conclusion of voting at the General Elections, the Electoral Commission establishes if any party has won in the aggregate of the valid first preference votes attributed to all of its candidates nation-wide, the absolute majority of valid first preference votes or the relative majority of the valid first preference votes in a two-party Parliament.

3. The Electoral Commission determines the number of extra seats to be added in terms of the so-called Corrective Mechanism, which seats are to be added to the 65 seats elected by the PR-STV.

4. The Electoral Commission proceeds to start the counting of the PR-STV preferences so that 65 MPs are elected from the electoral districts.

5. Having completed all the counts of all the 13 districts the Electoral Commission declares 65 MPs elected.

6. The Electoral Commission then makes a list of candidates being the last remaining sixth unelected hanging candidates not elected from the party, which is entitled to extra seats through the corrective mechanism in order of the votes obtained. The ones with the most votes of this list will fill the seats in accordance to the Corrective Mechanism and the Commission declares them elected.

7. The Electoral Commission passes on to fill in the vacancies created by those candidates elected from two districts, where these candidates have to give up one of seats.

8. After the casual elections, it will be established which of the sexes is to be classified as ‘the under-represented sex’ (being the sex which has less than 40% of the seats elected) after all the steps taken above from 1-7.

9. The Electoral Commission will then pass on to activate the ‘Gender Corrective Mechanism’ to elect such number of candidates from the under-represented sex up to a maximum of 12 new seats.
10. The Gender Corrective Mechanism will also make use of the unutilised parcels of votes of the unelected sixth hanging candidates such that:

a. Any unelected remaining hanging candidate for the sixth seat from the under-represented sex will be declared elected on the basis of a ranking system and will retain one’s parcel of votes;

b. The remaining seats, necessary to approach the 40% threshold of the MPs forming the House, will be filled through a casual election open only to candidates of the under-represented sex having contested the General Election in that district but were not already elected from either the PR-STV, nor by the majority corrective mechanism (when applicable) nor by the casual elections of candidates elected from two districts;

c. The Gender Corrective Mechanism utilises three types of wasted votes, applicable for both parties:

i. The votes of hanging candidates from the under-represented sex that were not elected;

ii. The votes of hanging candidates from the over-represented sex that were not elected;

iii. The wasted votes of those candidates elected through a casual election. Hence, the Gender Corrective Mechanism minimises the number of wasted votes because at present parcels of votes of candidates elected by casual election remain unutilised because if they give up their seat, they may only be replaced through a co-option. Through the Gender Corrective Mechanism their parcels of votes will now become available for use to address the gender imbalance in the House of Representatives.

d. The Gender-Corrective mechanism is to elect such number of candidates from the ‘under-represented’ sex as to respect the difference in seats between the two parties in Parliament as established by the Majority Corrective Mechanism. When this is not possible, co-option is resorted to as a final option.
Proposed Amendments

52A. (1) If at a general election which is contested by two or more political parties and in which only candidates of two parties are elected or in the eventuality of an election result as provided for in sub-paragraphs (i) and sub-paragraphs (ii) of the two provisos of article 52 and in the event that the number of Members of Parliament of the under-represented sex, elected by virtue of article 52, inclusive of those members elected at a casual election in terms of the relevant regulations, is less than 40% of all the Members of Parliament, then the number of Members of Parliament, shall increase to not more than twelve Members of the under-represented sex.

If following the applicability of article 52, including the ‘Corrective Mechanism’ and if necessary, the Casual Elections, the number of elected MPs consist of less than 40% of the under-represented sex, the number of MPs established by article 52 is to increase to not more than twelve members and such seats are to be occupied by candidates of the under-represented sex.

This sub-article provides that the ‘Gender Corrective Mechanism’ will only apply in the following cases:

- A General Election which is contested by 2 or more political parties but in which only candidates from 2 political parties are elected;
- A General Election which yields a result that requires the application of the ‘Corrective Mechanism’.

The number of Members of Parliament of the under-represented sex elected in accordance with article 52 and the proposed article 52A can never exceed 40% of the total number of Members of Parliament elected in accordance with article 52 and the proposed article 52A.

Once it is established how many seats are required to get the closest possible to a 40% representation of the under-represented sex, then that number is to be apportioned equally between the 2 parties so that the difference in the number of seats resulting from the applicability of article 52, including the ‘Corrective Mechanism’, is maintained with the applicability of the ‘Gender Corrective Mechanism’.

The candidates with accumulated votes who were not elected (hanging candidates) and whose votes cannot be transferred (wasted) and who belong to the under-represented sex will be elected to fill the additional seats created by the ‘Gender Corrective Mechanism’.

52A. (2) Such person or persons shall be declared by the Electoral Commission to be elected to fill the additional seats created by sub-article (1) of this article who, being candidates of the party or parties which are to be credited with the additional seats and belonging to the under-represented sex, were credited by the Electoral Commission at the last count with the highest or next higher number of votes without being elected, irrespective of the division in which such highest or higher number of votes occurs.
Provided further that:

(i) In the event the number of candidates established under this article is not reached, following the application of the preceding sub-article, and in the event of a candidate who was credited by the Electoral Commission at the last count with the highest or next higher number of votes but is not eligible to fill the seat created by this article since, s/he does not belong to the under-represented sex or was already elected in a casual election, the Commission shall, give notice, to be published in the Gazzette, of an election to fill the additional seat created by this article and which would have been filled by the candidate should s/he have belonged to the under-represented sex or was not elected in a casual election;

(b) Within five working days after the publication of such notice any person who:

(ba) at the general election was a candidate nominated for election as a Member of the House for the electoral division contested by the candidate who does not belong to the under-represented sex or was already elected in a casual election, and did not withdraw from the election and was not elected,

(bb) is still qualified to be so elected,

(bc) belongs to the under-represented sex, and

(bd) shall have contested the general election with the party which is to be credited with the additional seat.

may with her/his consent, be nominated as a candidate for the said seat.

(c) Within three working days after the last day fixed for the receipt of nominations,

(d) the Commission shall decide on the validity of the nominations, and shall publish in the authorised form, the names, and description of the persons validly nominated, and the electoral division whereof the seat is to be filled.

(e) If there are any valid nominations, the Commission shall, within four working days, proceed to examine the ballot papers in the sealed parcel of the non-eligible candidate for the purpose of this article or who was already elected in a casual election and the following provisions shall apply:

In the eventuality that the candidates with accumulated votes who were not elected (hanging candidates) and whose votes cannot be transferred (wasted) do not belong to the under-represented sex or in instances were such candidate was elected through a Casual Election, then the Electoral Commission will have to call a casual election, whereby the so-called wasted votes, which in the present scenario will not be transferable, will be utilised to elect a candidate of the under-represented sex to fill the additional seats created by the proposed ‘Gender Corrective Mechanism’.

The candidates who can be nominated for such a casual election, must satisfy a number of criteria, including:

• The candidate must have contested the election on the same district;

• Belongs to the under-represented sex;

• Must have contested the election with the same party which is to be credited with the additional seats.

The procedure to be followed by the Electoral Commission for the casual election is different from the procedure already in place since the sorting must continue till the very end, even if there is just one eligible candidate. This will allow the Electoral Commission to have an actual number of votes that were transferred from the non-eligible candidate for the purpose of this proviso to the eligible candidates.
### Proposed Amendments

- **(f)** All candidates for the electoral division at the general election shall be deemed to be candidates excluded from the poll except those who have been validly nominated for the seat.

- **(g)** The papers preserved under seal in accordance with the General Elections Act in the parcel of the non-eligible candidate for the purpose of this article or who was already elected in a casual election, shall be examined and transferred to the validly nominated candidates first available in order of preference shown upon such papers, and each validly nominated candidate shall be credited with one vote in respect of each paper transferred.

- **(h)** Once the Commission has examined in all the electoral divisions where an election was held in terms of this sub-article, all the ballot papers in the sealed parcel of the non-eligible candidate or candidates for the purpose of this article or who was or were already elected in a casual election, the candidates credited with the highest number of votes at the last count of the casual election in terms of this sub-article, are to be ranked according to their party and on the basis of the percentage votes obtained in relation to the last count that were in in the parcel of the non-eligible candidate.

The candidates that will have the highest percentage will be declared elected to fill the additional seats created by the Gender Corrective Mechanism.

- **(ii)** In the event that no candidate comes forward by right to contest, or the number of candidates established under this article is not reached following the application of the preceding proviso, the seats thereafter remaining vacant shall be filled by the co-option of a Member or Members by the House; and such Member or Members shall be qualified to be elected as Member of the House as established under article 53; shall not be subject to any disqualifications for membership of the House as provided under article 54; shall belong to the under-represented sex and shall have contested the general election with the party which is to be credited with the additional seat.

Once the above provisos are exhausted and there are still additional seats created by the ‘Gender Corrective Mechanism’ that need to be filled, the co-option procedure is triggered. However, in addition to the criteria already in place, Members of Parliament must elect persons who are of the under-represented sex and who have contested the general election with the party which was credited with the additional seat/s.

- **(iii)** In the event the number of candidates established under this article is not reached as foreseen in the first and second proviso to this sub-article, the seats thereafter remaining vacant shall be filled by the co-option of a Member or Members by the House; and such Member or Members shall be qualified to be elected as a Member of the House as established under article 53; shall not be subject to any disqualifications for membership of the House as provided under article 54 and shall belong to the under-represented sex.

In case there are still vacant seats created by the ‘Gender Corrective Mechanism’, the only additional requirement over the ones already in place, will be that the person will have to belong to the under-represented sex.
37

Proposed Amendments

52A. (3) For the purpose of this article, elected and unelected candidates who are identified as gender-neutral persons in their official documentation, shall be counted with the under-represented sex.

Explanatory Notes

This sub-article is based on the idea that gender neutral persons (often referred to as Gender X) are less represented and so are to be counted with the under-represented sex, without imposing on such persons to identify/associate themselves with any one of the sexes.

This sub-article establishes that gender neutral persons are to be counted with the under-represented sex both at the initial stage where the percentage of the under-represented sex in Parliament is established and also at the stage of choosing candidates to occupy additional seats created by the proposed mechanism (52A).

If following the application of the proposed mechanism, a vacancy occurs in a seat which has been filled in accordance with this article, then that seat will be filled by the procedure already in place, that is, the procedure that is applied in the election of Members of Parliament in terms of the proposed 52 A(2) by means of a casual election or by co-option if elected through one of the other provisos.

52A. (4) Article 52A and all its sub-articles, including this sub-article, shall remain in force until the expiry of the period of 20 years beginning from the date of enactment of the Act of Parliament introducing this article, unless revoked or re-enacted with or without modification by means of an Act of Parliament according to the provisions of this Constitution.

This sub article is introducing a sunset clause for 20 years from the coming into force of the proposed amendments. It introduces 3 scenarios:

• Automatic revocation after 20 years;
• Revocation by the legislator before 20 years by means of an act of parliament in terms of the constitution i.e.: 2/3 majority;
• Re-enactment of the said provision (with or without modification) by means of an act of parliament in terms of the constitution i.e: 2/3 majority

The Majority Corrective Mechanism that has been applied in Malta within the framework of the PR-STV since the 1980s, reflects a two-party scenario. In a future scenario where a third party may elect candidates and fill seats in Parliament on its own steam, the Majority Corrective Mechanism will not be activated. The Technical Committee considered this scenario at great length and it concluded that the proposed Gender Corrective Mechanism should apply in the same circumstances of the Majority Corrective Mechanism i.e. in a two-party scenario.

Hence, if a third party was to win seats in Parliament independently, new Constitutional amendments would need to be considered to cater for this possibility both in terms of the Majority Corrective Mechanism and the proposed Gender Corrective Mechanism.

41 It must be noted that in 2017 Partit Demokratiku (PD) contested on the Nationalist Party (PN) list.
II | AMENDMENTS TO THE FINANCING OF POLITICAL PARTIES ACT

This second proposal follows legislative initiatives adopted in other countries, where political parties are obliged to present an established percentage of female candidates, and if such percentage is not reached the financial grant given by the state will be significantly reduced. In the Republic of Ireland, which as discussed earlier, uses the system of STV as in Maltese general elections, this obligation led to both an increased registration in female candidature and also to an increase in the percentage of women elected in Parliament. The following proposed measure will support political parties during the recruitment, preparation and campaigning efforts in order to approach a gender balance ballot list and to encourage a balanced electoral outcome.

Keeping in mind that in Malta the state does not yet finance political parties, this initiative is being adapted to Malta and developed in a way that a regular gender audit is carried out under the auspices of the Electoral Commission with the intention to evaluate the practices used by political parties and recommendations are also included. As explained by EIGE:

“A gender audit assesses the extent to which gender equality is effectively institutionalised in the policies, programmes, organisational structures and proceedings (including decision-making processes) and in the corresponding budgets.”

The idea behind this initiative is that funds are to be granted to political parties depending on the number of candidates that were fielded in the previous election that belonged to the under-represented sex. The legal amendments being proposed for the Financing of Political Parties Act obliges those political parties that will be receiving such funds, to use them for the recruitment, promotion and training of the candidates pertaining to the under-represented sex. Besides, the political parties will be obliged to account how funds are utilised to promote equality between the sexes in politics. The political parties are to submit an annual report to the Electoral Commission not later than a year from when funds are received.

The Electoral Commission will then verify the report and publish an evaluation of initiatives and measures taken by receiving parties to promote equality between sexes in politics, together with any recommendations.


43 The numeration of the proposed article is to be decided if the proposal is enacted.

### Proposed Amendments

**36 (3)** The following shall not, however, constitute sponsorship by virtue of sub-article (1):

- **(a)** the making of any payment in respect of:
  - i. any charge to admission for any conference, meeting or other event; or
  - ii. the purchase price of, or any other charge for access to, any publication;
- **(b)** the making of any payment in respect of the inclusion of an advertisement in any publication where the payment is made at the commercial rate payable for the inclusion of such an advertisement in any such publication; and, or
- **(c)** the provision, on commercial terms, for any property, services or facilities for the use or benefit of the political party;
- **(d)** funds by the state in virtue of article XXA.

Paragraph (d) was included in this article to provide that for the purpose of the law relating to the financing of political parties, funds provided by the state in virtue of the new proposed article, will not be considered as sponsorships.

### Explanatory Notes

- The wording used in this proposed preamble is based on the Conclusions of the Council for equality between sexes.

**XXA. (1)** Political parties shall ensure to promote de facto equality between sexes in politics;

The wording used in this proposed preamble is based on the Conclusions of the Council for equality between sexes.

**XXA. (2)** Political parties shall be entitled to receive funds from the state, as prescribed by rules from time to time established in Malta, in proportion to the amount of candidates having contested the previous General Election in their name, and who pertain to the under-represented sex among the elected members in that General Election so that the list of candidates of a party for the next General Election becomes more representative of sexes.

This sub-article establishes the following:

- The amount of funds will be established by Legal Notice;
- Funds are to be granted to political parties depending on the number of candidates that were fielded in the previous election that belonged to the under-represented sex. The under-represented sex is to be established in accordance with the MPs elected in the previous General Election;

**XXA. (3)** Political parties shall be under an obligation to use the funds in order to promote and politically train prospective candidates belonging to the under-represented sex; which sex is to be determined according to the under-represented sex at the time from among the elected members in the last General Election and shall submit annual accounts, financial statements and a report explaining the utilisation of funds to promote de facto equality between sexes in politics not later than a year from when funds are received, for verification by the Electoral Commission.

This sub-article puts a number of obligations on political parties which will be benefitting from this article:

- The obligation to use these funds for promoting and training the under-represented sex;
- This article is of importance because it establishes the need for a gender audit to be carried out. This audit will evaluate the practices used by political parties and it will enable the Commission to draw up recommendations.

In order to qualify for these funds, parties will be obliged to submit an account of how funds were used to promote equality in politics to the Electoral Commission within a year from when funds are received;

**XX B.** Within three months from when political parties, which are entitled to receive funds from the state by virtue of article XXA, submit the annual accounts and financial statements for verification by the Electoral Commission, the Electoral Commission shall make public a report explaining how funds have been utilised by the respective parties to promote de facto equality between sexes in politics; such report shall also evaluate the practices used by the political parties including recommendations.

This article establishes the role and above all the action which the Electoral Commission is to take once the political parties submit the requested report.
III | ELECTORAL COMMISSION

The Electoral Commission is set up in terms of article 60 of the Constitution of Malta and members of the Commission are appointed by the President acting in accordance with the advice of the Prime Minister, given after consultation with the Leader of the Opposition.

The composition of the Electoral Commission is established in the General Elections Act and provides for the appointment of eight members as Electoral Commissioners and a Chief Electoral Commissioner:

1. The Commission shall be composed of the Chief Electoral Commissioner as chairman and eight members as Electoral Commissioners.

   (2) The Commission shall be composed of the Chief Electoral Commissioner as chairman and eight members as Electoral Commissioners.

   In this respect, The Technical Committee for the Strengthening of Democracy took note of the fact that the Commission is composed of members of the same sex and proposed an immediate and sensitive action in order to bring gender balance in this Constitutional body.

   It is being proposed that the above cited sub-article is reformed to include 2 additional Electoral Commissioners and therefore increase the number of Electoral Commissioners from eight to 10, while establishing that such members shall reflect equal representation between sexes. Furthermore, the proposed sub-article makes it mandatory to appoint members from both sexes and most importantly that there will be at least four members from each sex.

### Chapter 354 General Elections Act

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<thead>
<tr>
<th>Proposed Amendments</th>
<th>Explanatory Notes</th>
</tr>
</thead>
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<tr>
<td>7. (1) The registration, transfer, correction and cancellation of voters, the</td>
<td>Sub-article 2 of article 7, as amended, will increase the members of the Electoral Commission from 8 to 10, while introducing a new obligation to appoint members from each sex and that both sexes have at least 4 members appointed on the Commission.</td>
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<tr>
<td>compilation of the Electoral Register, the election of members of the House of</td>
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<td>Representatives and the administration of the Electoral Office shall be the sole</td>
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<td>responsibility of the Commission established by article 60 of the Constitution. The</td>
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<td>Chief Electoral Commissioner shall be responsible for the day to day running of the</td>
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<td>Electoral Office and for the implementation of the decisions of the Commission.</td>
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<td>(2) The Commission shall be composed of the Chief Electoral Commissioner as chairman</td>
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<td>and ten (10) members as Electoral Commissioners; such members shall reflect equal</td>
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<td>representation between sexes, in any case not having less than four members of every</td>
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<td>sex.</td>
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</table>
A PROPOSAL FOR MALTA’S ELECTORAL SYSTEM

INTRODUCTION

This proposal will specifically illustrate how a Corrective Gender Mechanism can be applied to overcome gender-based under-representation in the Maltese Parliament when, as per Legislative Proposals presented in the previous section, positive measures are applied whenever one of the sexes fails to obtain at least 40% of the seats in Parliament whilst retaining the PR-STV as the basis for electing candidates.

PROPOSED METHOD

This section will describe the method used to achieve a gender quota representation solution in the Maltese General Election. Two scenarios and the Maltese General Election of 2017 are used to illustrate the proposed solution.

In line with the existing PR-STV system, voters rank as many candidates as they wish on the ballot in an order of preference (1st, 2nd, 3rd, 4th, etc.). During the counting process, five candidates are elected in each of the 13 districts so that 65 seats are assigned. It is then determined whether a corrective mechanism in accordance with Article 52 of the Constitution needs to be applied. If so, additional seats are assigned to a given party to ensure that there is proportionality between the percentage of first count votes a party wins nationwide and the corresponding number of seats it ends up with in the House of Representatives.

The additional seats are allocated to non-elected candidates of the party concerned that obtained the highest number of votes in the last count, irrespective of electoral districts. Casual elections are then held to fill seats vacated by candidates elected from two districts. Their votes are distributed among the remaining candidates according to voter preference. Here, the winning candidate must garner half of the distributed votes plus one to be elected.

In the scenario that at least one of the sexes fails to achieve 40% of the seats in Parliament, additional seats are assigned, and casual elections are held. Their votes are distributed among the remaining candidates according to voter preference. Here, the winning candidate must garner half of the distributed votes plus one to be elected.

STEP 1

As many candidates as they wish on the ballot in an order of preference (1st, 2nd, 3rd, 4th, etc.). During the counting process, five candidates are elected in each of the 13 districts so that 65 seats are assigned. It is then determined whether a corrective mechanism in accordance with Article 52 of the Constitution needs to be applied. If so, additional seats are assigned to a given party to ensure that there is proportionality between the percentage of first count votes a party wins nationwide and the corresponding number of seats it ends up with in the House of Representatives.

The additional seats are allocated to non-elected candidates of the party concerned that obtained the highest number of votes in the last count, irrespective of electoral districts. Casual elections are then held to fill seats vacated by candidates elected from two districts. Their votes are distributed among the remaining candidates according to voter preference. Here, the winning candidate must garner half of the distributed votes plus one to be elected.

In the scenario that at least one of the sexes fails to achieve 40% of the seats in Parliament, additional seats are assigned, and casual elections are held. Their votes are distributed among the remaining candidates according to voter preference. Here, the winning candidate must garner half of the distributed votes plus one to be elected.
Following the counting process in each of the 13 electoral districts (including the corrective mechanism and casual elections), the process moves to a national level and generates a cross-tabulation containing the distribution of elected candidates by political party and gender, i.e. men and women (see Table 1).

**Table 1: Distribution of Elected Candidates by Political Party (with seats) and Gender**

<table>
<thead>
<tr>
<th>Party</th>
<th>Gender</th>
<th>X</th>
<th>Y</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men</td>
<td>a</td>
<td>c</td>
<td>a+c</td>
<td></td>
</tr>
<tr>
<td>Women</td>
<td>b</td>
<td>d</td>
<td>b+d</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>a+b</td>
<td>c+d</td>
<td>a+b+c+d</td>
<td></td>
</tr>
</tbody>
</table>

**STEP 2** Following the counting process in each of the 13 electoral districts (including the corrective mechanism and casual elections), the process moves to a national level and generates a cross-tabulation containing the distribution of elected candidates by political party and gender, i.e. men and women (see Table 1).

**STEP 3** Compute the proportion of men and women, whereby:

Overall proportion of men = \( \frac{a+c}{a+b+c+d} \) and overall proportion of women = \( \frac{b+d}{a+b+c+d} \)

**STEP 4** Compute the number of additional seats assigned to the under-represented sex.

- If the proportion of seats garnered by the under-represented sex reaches or exceeds 40% (≥0.40), no additional seats need to be assigned.
- If the proportion of the under-represented sex is below 40%, assign up to a maximum of 12 additional (or top-up) seats to achieve as much as possible the 40% threshold. To obtain the number of additional seats that need be assigned to the under-represented sex (hereinafter, \( x \)), the following equation needs to be solved:

\[
\frac{(b+d) \cdot x}{(a+b+c+d) \cdot x} = 0.40
\]

The numerator represents the number of seats assigned to the under-represented sex while the denominator represents the total number of seats (including top-up seats) in the House of Representatives. The number of top-up seats (i.e. \( x \)) is rounded down to the nearest even integer (whole number) to ensure that the proportion of seats allocated to the under-represented sex does not exceed 40% and that the total number of seats in the House of Representatives remains an odd number.
FICTITIOUS SCENARIO 1

For example, in the Maltese General Election, the under-represented sex secured nine seats from a total of 67 seats in the House of Representatives.

The proportion of seats assigned to the under-represented sex is 13.43%. This percentage is below the 40% threshold and so the mechanism proposed shall be triggered.

Hence, the following equation is solved to determine the total number of additional seats assigned to this under-represented sex:

\[
\frac{9 + x}{67 + x} = 0.40
\]

\[
9 + x = 26.8 + 0.40x
\]

\[
x = 17.8
\]

\[
x = 29.67 which is rounded down to 28, to ensure that the total number of seats does not exceed 40% and the total number of seats in the House of Representatives remains odd. However, given that the maximum number of top-up seats that can be assigned is 12, the 28 must be adjusted to 12.

The proportion of seats allocated to the under-represented sex increases from 13.4% to 27.63%.

FICTITIOUS SCENARIO 2

If the under-represented sex obtained 23 seats from a total of 69 seats, the total number of additional seats assigned to this under-represented group is:

\[
\frac{23 + x}{69 + x} = 0.40
\]

\[
23 + x = 27.6 + 0.40x
\]

\[
x = 4.6
\]

\[
x = 7.67 This is rounded down to 6.

The proportion of seats allocated to the under-represented sex increases from 33.33% to 38.67%.
A PROPOSAL FOR MALTA’S ELECTORAL SYSTEM

The number of additional seats assigned to the under-represented sex is distributed equally among the yet unelected candidates from Party X and Party Y.

Using SCENARIO 1 above, Party X and Party Y will each be assigned 6 additional seats, to give a total of 12 top-up seats to the under-represented sex.

Using SCENARIO 2, Party X and Party Y will each be assigned 3 seats, to give a total of 6 top-up seats to the under-represented sex.

To assign the top-up seats to candidates from the under-represented sex, start by identifying those districts that have a number of unutilised (or “wasted”) votes attached to a yet unelected candidate. This is applicable in the case of those districts that had no candidate elected via the majority corrective mechanism and which still have at least one unelected candidate from the under-represented sex.

The “wasted votes” of any hanging candidates from the under-represented sex will retain their own parcel of votes. These candidates are put in a priority queue and assigned an index of 1 (or 100%) since these were their own higher count votes. Those with a higher number of wasted votes deserve to be prioritised in the list.

The wasted votes of hanging candidates from the over-represented sex are used to hold casual elections for unelected candidates of the under-represented sex for that specific party. The process of vote transferring is also applicable even in those electoral districts where there is just one candidate belonging to the under-represented sex for a given party, which will help create a necessary nationwide priority queue.

To create a priority list for each party (to rank the candidates from the under-represented sex according to their electoral support), obtain the higher count vote garnered by the winning candidate in the casual election as a percentage of the wasted votes in the respective district (hereinafter called Index). In other words, the formula that needs to be applied is the following:

\[
\text{Index} = \left( \frac{\text{Higher count vote polled by winning candidate in casual election}}{\text{Wasted votes in the district}} \right) \times 100
\]

Sort these indices by political party in descending order to implement the Gender Corrective Mechanism.

In the case of candidates from the under-represented sex who appear twice on the priority list created through the Gender Corrective Mechanism, the Electoral Commission will consider the highest percentage count. If at the end of this process there are not enough candidates on the party lists from the under-represented sex, then the seats are filled by co-opted persons from the under-represented sex. These co-opted persons need to be chosen from those yet unelected candidates that contested the election and pertain to the under-represented sex. If there are no candidates to fill the remaining seats, parties will need to co-opt candidates of their choice.
EXAMPLE

In the Maltese General Election of 2017, from the 67 elected Members of Parliament, ten were women and 57 were men. This means that women constitute the “under-represented sex”. We now need to determine the number of top-up seats that would need to be assigned:

\[
\begin{align*}
10 + x &= 0.40(67 + x) \\
10 + x &= 26.8 + 0.40x \\
x &= 26.8 - 10 \\
0.6x &= 16.8 \\
x &= 28, \text{ which must be must be adjusted to 12. This is the maximum number of top-up seats that can be assigned, whilst ensuring that the total number of seats does not exceed 40% and that the total number of seats in the House of Representatives remains odd.}
\end{align*}
\]

The number of top-up seats that would need to be assigned is 12 - six seats for the PN and six seats for the PL. The proportion of seats allocated to the under-represented sex increases from 14.93% to 27.85%.

Two districts, namely District IV and District XIII, did not yield any wasted votes as the hanging candidates in these districts (namely Carmelo Mifsud Bonnici and Frederick Azzopardi) were elected by virtue of the corrective mechanism in accordance with the Constitution provision Article 52. Additionally, in District VI, there was no female candidate yet unelected contesting on the PL ticket to benefit from the wasted votes of Rosianne Cutajar (who won the casual election after Silvio Schembri vacated his seat). The remaining 10 electoral divisions yielded wasted votes.

Paula Mifsud Bonnici (District I, PN candidate, 2749 wasted votes) and Deborah Schembri (District XII, PL candidate, 3417 wasted votes) were the only candidates from the under-represented sex with wasted votes after the last count. Hence no casual elections would need to be held and these candidates are assigned an index of 100%.
In the remaining eight districts, the wasted votes of hanging candidates from the over-represented sex are used to hold casual elections for unelected candidates of the under-represented sex for that specific party. Information in this regard relating to the Maltese General Election 2017 is exhibited in Table 2.

<table>
<thead>
<tr>
<th>District</th>
<th>Party</th>
<th>Candidate</th>
<th>Wasted Votes</th>
<th>Contestants</th>
</tr>
</thead>
<tbody>
<tr>
<td>II</td>
<td>PN</td>
<td>Muscat Josie</td>
<td>2493</td>
<td>Bezzina Mary, Borg Doris</td>
</tr>
<tr>
<td>III</td>
<td>PN</td>
<td>Galea Mario</td>
<td>2684</td>
<td>Abela Amanda, Bezzina Mary, Farrugia Catherine</td>
</tr>
<tr>
<td>V</td>
<td>PL</td>
<td>Zrinzo Azzopardi Stefan</td>
<td>3509</td>
<td>Sammut Rita</td>
</tr>
<tr>
<td>VII</td>
<td>PN</td>
<td>Borg Antoine</td>
<td>3256</td>
<td>Agius Monique, Borg Dounia</td>
</tr>
<tr>
<td>VIII</td>
<td>PL</td>
<td>Zammit Lewis Edward</td>
<td>3298</td>
<td>Tua Rachel</td>
</tr>
<tr>
<td>IX</td>
<td>PL</td>
<td>Zammit Lewis Edward</td>
<td>2954</td>
<td>Zammit Alamango Nikita</td>
</tr>
<tr>
<td>X</td>
<td>PN</td>
<td>Pulicino George</td>
<td>2622</td>
<td>Attard Previ Grazia, Borg Roselyn, Muscat Fenech Adami Anne Marie, Vella Brincat Evelyn</td>
</tr>
<tr>
<td>XI</td>
<td>PL</td>
<td>Cardona Chris</td>
<td>3246</td>
<td>Schembri Deborah, Tua Rachel, Vella Fleur</td>
</tr>
</tbody>
</table>

Following the casual election, there will be one hanging female candidate from each of these eight districts. It is worth noting, the process of vote transferring is also applicable in Districts V, VIII and IX, even though there is just one candidate belonging to the under-represented sex, as highlighted in Step 6 above, this will help create a necessary nationwide priority queue.

In this scenario, in two particular districts (I and XII), there was no need to hold casual election as there were outright winners (e.g. candidates A and B). Now let us assume that casual elections were held in the remaining eight districts. An index was generated for each candidate. Such information is not available in reality and hence the data used in Table 3 and the remaining part of this section is fictitious.
A PROPOSAL FOR MALTA’S ELECTORAL SYSTEM

Table 3: Priority Queue list and assignment of additional seats for aspiring candidates in under-represented group.

<table>
<thead>
<tr>
<th>PL</th>
<th>PN</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Candidate</strong></td>
<td><strong>Index (%)</strong></td>
</tr>
<tr>
<td>A</td>
<td>100.00</td>
</tr>
<tr>
<td>B</td>
<td>87.67</td>
</tr>
<tr>
<td>C</td>
<td>78.12</td>
</tr>
<tr>
<td>A</td>
<td>68.45</td>
</tr>
<tr>
<td>D</td>
<td>59.67</td>
</tr>
</tbody>
</table>

*candidate A has already been elected from another district

Since we need to elect six candidates from each Party, all these contestants are elected – Candidates A, B, C and D for the PL and Candidates V, W, X, Y and Z for the PN. This means that the PL would need to co-opt two candidates while the PN would need to co-opt one candidate. These co-opted candidates need to be chosen from the list of unelected candidates (those that were eliminated during the counting process) that contested the election for a given party and pertain to the under-represented sex. In this case, there would not have been the need to co-opt individuals who had not contested the election.

If, as in the case of Scenario 2, six top-up seats have to be assigned (three for each party), then the elected candidates under the proposed mechanism would have been Candidates A, B and C for the PL, and Candidates V, W and X for the PN. Here, there would not have been a need to resort to co-option.

CONCLUSION

The proposed method develops an extension to the STV that overcomes gender-based under-representation in the Maltese Parliament. The districts remain as before, and the voters will be required to vote exactly as they did in the past. The mechanism described here can be easily be adopted in Malta (as well as other countries that already have experience with STV elections) and the proposed change must be explained to be transparent to the electorate.
Conclusion

The Consultation Document is aimed to prompt a debate on positive measures that will provide the necessary impetus to achieve a gender representative Parliament. The recommendations complement and reinforce one another, and they do not preclude other initiatives that may be taken by the political parties, the Speaker of the House or other societal actors to achieve gender-balanced representation.

The Technical Committee requests input from all stakeholders, including the general public and civil society, regarding the issues and the recommendations presented in this document, which can be summarized as follows:

- Setting up of a Commission to turn the House of Representatives into a model of equality and to ensure gender mainstreaming in all aspects of Parliamentary work. Parliament needs to further consider aspects raised in the EIGE Survey of ‘Gender sensitivity in Parliaments’ included in Appendix 2.
- Political party incentives to increase participation at the recruitment, training and campaign phases as well as in the work of the party. These include state funding in order to support political parties in their endeavour to address the current under-representation of women.
- A periodic gender audit to assess the extent to which gender equality is effectively institutionalised in the policies, programmes, organisational structures, operations and proceedings (including the decision-making processes) of political parties.
- Legal and Constitutional reforms to address the gender imbalance in parliament that include 12 additional seats as a measure until a gender balance of 40% is reached.
The EIGE survey is important because it points out that the sheer under-representation of women is not merely reflected in their absence from important decision-making bodies but that the Maltese Parliament also lacks mechanisms that prevent gender-based discrimination and relevant tools and procedures to prevent and investigate sexual harassment. Overall it lacks a Gender Equality Strategic Plan with a dedicated budget. While, as observed in Appendix 3, additional seats will necessitate an increase of just a third of a million euros, a bigger budget needs to be allocated for a family friendly strategic plan that will include:

- Family Friendly working hours, including a review of the schedule of parliamentary sittings.
- Possibility that MPs may opt for a full-time position on a voluntary basis.
- Child-care facilities.

The legal and structural proposals in this paper will contribute to mitigate barriers that dampen women's electoral prospects in a country where women have always been keen political activists but were relegated to the lower party echelons and the social fields. The hurdles are many and are not restricted to Malta, although they seem to be more intense locally. The Council of Europe Gender Equality Strategy 2018-2023 aptly observes:

“A number of obstacles make it difficult for women to enter and ensure sustainability of [women's] participation in the area of political and public decision making. These include electoral systems, the functioning of political parties, gender stereotypes, roles and values conveyed by some family models, and the social and private division of work which leaves little space for the participation of women in the public arena. In most member States, the full and equal participation of women in political and public life, in legislative, executive, judicial, diplomatic and administrative bodies at the local, regional and Women's under-representation in public and political life undermines the functioning of democratic institutions and processes”45.

We must also underscore that the aim of this paper is not merely to increase the number of women but also seeks to ensure that none of the sexes are under-represented in the long run.

45 Council of Europe Gender Equality Strategy 2018-2023, op. cit. p. 28.
The Consultation Document emphasises the need to advance the numeric representation along-side a process of sensitisation to ensure that more parliamentarians improve their substantive contribution to gender equality. It was Sarah Childs’ eye-opening article that aptly underscored that mere numeric (or descriptive) representation may not do much to improve the lives of women (currently the under-represented sex) unless it also positively impacts substantive policy. “The assumption that women representatives are more likely to act for women than male representatives seems reasonable. This assumption is often understood in terms of the concept of critical mass; i.e. when there is a critical mass of women present, politics will reflect to a much greater extent women’s concerns” 46. Yet, she argued that the concept is questioned in contexts where a higher percentage of women in political institutions did not translate into a better appreciation of women’s needs and aspirations and whenever women in politics failed to act for women. This underscores the importance of a gender mainstreaming process that goes hand-in-hand with legal amendments.

The proposals in this paper deem the sensitisation of political players to be crucial. As a result, we consider interaction with civil society, academic and other non-state actors as pivotal in the advancement of an egalitarian agenda that impinges on policy and action. These stakeholders are not merely important players during the consultation process, but they are also vital to breathe life into related communication and educational campaigns at all stages of the process. Indeed, in a modern political environment, substance and good communication are vital components of democratic processes. In the debates that ensue there are anticipated challenges that will require effective multi-level communication and ample good will. These include:

- Fear that positive measures undermine male incumbents based on concerns that measures will present unfair competition and are discriminatory.
- Lack of sensitisation and openness to understand proposals and lack of willingness to positively contribute alternatives.
- Lack of strategic cooperation among multipliers, academics, media players, etc.
- Traditional political polarisation that tends to reinforce divides that may unnecessarily obstruct cooperation.
- “Them vs us” perspectives that may further polarise female and male opinion.
- Populist perspectives that tend to trivialise women’s rights and thrive on dumbing-down and fuelling fears at the cost of rational deliberations.

Contemporary political structures are aware that they must reflect existing realities in order to preserve their legitimacy and relevance. This awareness is promising as there is growing support for affirmative action to secure greater room for those women who are ready to serve and assume responsibilities within the House of Representatives.

Now is the time to seize the day.

Bibliography


Appendices
Appendix 1
ANSWERS TO FREQUENTLY ASKED QUESTIONS

Why do we need an affirmative action?
Women continue to be the under-represented sex in our parliamentary structure. Malta is one of the countries with the lowest number of women elected in office (EIGE, Gender Equality Index, 2015). It is an undisputable fact that there are many women who would make effective decision-makers. Therefore, if the percentage of women in politics is so low this is due to barriers hindering their full and equal access to political participation.

Positive measures open up access to capable women whose abilities would have, otherwise, remained untapped. In countries that have introduced measures to combat gender imbalance within decision making structures experience has shown that these are effective measures that open the way for balanced gender representation.

Moreover, according to a 2017 Eurobarometer survey, 78% of the Maltese respondents stated that they are "totally in favour" of legal measures to ensure parity between women and men in politics47.

Do positive measures work?
Positive measures of some form have proven to be successful in over a 100 countries worldwide. EU countries that have successfully introduced such measures include Portugal, Spain, Belgium, France, Ireland and Slovenia. The EIU Democracy Index (2018) observed that at a global level “the most striking advance in political participation... has been in the participation of women. In fact, in the past decade, of all 60 indicators in the Democracy Index, women’s political participation has improved more than any other single indicator in our model. Formal and informal barriers to women’s political participation, including discriminatory laws and socioeconomic obstacles, are gradually being knocked down... around the world, around half of countries have legislative gender quotas in place. Some of these take the form of quotas for candidates, while others take the form of reserved seats for women. Quotas themselves have provoked debate... with some criticising them as undemocratic, but they have clearly been effective in creating more inclusive legislatures, and they are being established in an increasing number of countries.”

Positive measures alone will not defeat gender inequality. However, they still make a very important contribution to the path towards gender equality. They will help break the pattern of gender imbalance in politics, male incumbency and male-dominated networks.

How will positive measures strengthen democracy?
Positive measures ensure that the basic principle of representative democracy is respected since they address the problem of having an under-represented sex. A democracy where half of the population is consistently under-represented cannot be considered a sound democracy. Quotas address this serious democratic deficit and can ensure permanent gender balanced representation.

Moreover, the inclusion of women can strengthen democracy by having a positive impact on political communication and decision-making processes due to the broader representation in politics of different social realities and experiences.

80% of the Maltese respondents who participated in the 2017 Eurobarometer survey thought that we should have more women in politics, making Malta the top European country with people having this opinion48.

What impact will positive measures have on politics?
Positive measures will strengthen democracy by ensuring that all interests are represented in decision-making positions.

Democracy dictates that voters should have a balanced choice of candidates. Ballot sheets continue to remain predominantly male dominated.

Quotas will also prompt government, political parties and civil society in taking actions that effectively address structures of inequality, since they will have no other option if they are to be in line with rules set by legal measures.

International law, including Council of Europe Recommendation [REC (2003)3] calls upon states to ensure a more gender balanced participation of women and men in politics. It advises states to introduce special measures, including legislative reforms to ensure women’s participation.

Which affirmative measures are being proposed for our parliamentary structure?
Four measures are proposed, which include twelve (12) additional seats are being proposed as a measure until a gender balance of 40% is reached. This will be considered together with proposals for party funding that are aimed to incentivise political parties to encourage and train more women to be able to successfully contest elections.

What will be achieved by Additional Seats?
The proposed additional seats will not change the number of elected parliamentarians selected through the existent process and after the applicability of the corrective mechanism. Their aim is to give an opportunity for members of the under-represented sex to gain experience, exposure and influence in decision-making in order to accumulate a critical mass that eventually will make positive measures unnecessary.

What is the “critical mass”?
The original term was borrowed from nuclear physics where it refers to the quantity needed to start a chain reaction, i.e. an irreversible turning point towards a new process or situation. The argument is that it is unrealistic to expect major changes when numbers of women representatives are small because they tend to be tokens. 30 to 35% is considered a strong enough percentage to start a change in legislative institutions, policy priorities and political behaviour.

The Beijing Platform for Action (1995) built on the commitment of CEDAW requiring states specifically to build a critical mass of women leaders, executives and managers in strategic decision-making positions and recommended the initial quota of 33% for women. Elected women will serve as role models to encourage more women to participate in politics. In countries with quotas, it has been a positive experience and now quotas are widely accepted and favourably viewed.

Isn’t it outrageous to have such a big Parliament?
At face value the proposed number of Parliamentarians may seem excessive considering the size of the Maltese islands. However, one must consider that the duties of the House have increased over time, while most of the backbenchers are merely part-time politicians. It is envisioned that additional seats will add value to the work of the House of Representatives through a number of new initiatives.

What are the budget requirements?
The additional seats will require an estimated increased budget of €325,500 for the House of Representatives. Additional funds are required for the Electoral Commission to manage party funding as per legislative proposals identified in this Consultation Document.

Does a gender balanced ballot sheet affect political parties?
Taking positive measures to ensure women’s participation in political activism has the benefit of increasing the pool of talented candidates and increase the voters’ choice. It will also make the parties more in tune with contemporary society where women are increasingly active in all spheres of life.

Aren’t such measures discriminatory against men?
The Consultation Document refers to “the under-represented sex”, which implies that once the under-representation of women is addressed, the same proposed legislation will also ensure that none of the two sexes will in the long-term have less than 40% representation.

Quotas are not discriminatory. On the contrary they compensate the gender imbalance. Such special measures are expressly permitted in Article 4 of the UN Convention on the Elimination of All Forms of Discrimination against Women, which states that:

“... Special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination.”

The UN CEDAW Committee, in its report on Malta also recommends that ‘the State party take measures, in particular special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25 and general recommendation No. 23 (1997) on women in political and public life, so as to accelerate the achievement of women’s full and equal participation at all levels and in all areas.’

What is impeding more women from entering politics without such measures?
Research shows that women entering into politics face the same challenges around the world, investing more of their time in caring roles within the family including children and the elderly; they have less financial assets and less confidence to penetrate the political sphere that are controlled by male incumbents.

Do positive measures imply that women cannot make it on their own?
Positive measures are not implemented because only a few women have made it on their own. Their implementation is based on the recognition that, for women to have truly the same opportunities as men, historical and structural disadvantages must be addressed. Otherwise, whilst individual women might be successful, on the whole, the percentage of women in politics will always remain well below that of men.

Women in politics will create more role models and help break stereotypes.
**Don’t women already have equality of opportunity?**

**Isn’t this just a matter of individual choices by individual women?**

Personal choices do not happen in a vacuum since people choose according to the possibilities available. The totality of personal choices constitutes a clear pattern where, on the whole, women are considerably less likely to choose politics in comparison to men, leading to an unequal distribution of political power between women and men.

We need to understand why this pattern exists by looking at factors such as stereotypes, unequal sharing of family responsibilities, lack of resources available, lack of role models and male incumbency.

**Why don’t women vote for women? Isn’t under-representation self-inflicted?**

Women are not a homogenous group. There are diverse opinions and perspectives and female representation needs to reflect these variations and to appeal to a wider spectrum of constituents. Unless parties are encouraged to field more women, the choice for constituents will be limited.

Moreover, since 2008, women candidates have been elected in two electoral districts. This is a significant achievement that questions the contention that ‘women do not vote for women’.

**Will legislative measures be sufficient to address the gender deficit?**

Whilst legislative and Constitutional measures will bring a change, these need to be supported by awareness and information campaigns as well as educational programmes that encourage women to enter the political world. Furthermore, there has to be a strong party will and commitment that will translate into recruitment and mentoring programmes.
Appendix 2
GENDER AUDIT OF THE MALTESE PARLIAMENT
(BASED ON EIGE SURVEY ‘GENDER-SENSITIVE PARLIAMENTS,’ 2018)

AREA 1: WOMEN AND MEN HAVE EQUAL OPPORTUNITIES TO ENTER THE PARLIAMENT

Domain 1 – Electoral system and gender quotas

Direct mention of gender equality in political representation in constitutional law
Q: Does the constitutional law or an equivalent legal framework directly refer to gender equality in political representation?
A: No

Application of gender quotas to political elections
Q: Are gender quotas applied to your electoral system?
A: No

Sanctions of non-conformity
Q: Are there any sanctions for not conforming to quota application?
A: No

Quota application method
Q: If the voting system is proportional, how is the gender quota applied?
A: Currently no quotas are in place

Q: If the voting system is plurality/majority, how is the gender quota applied?
A: Not applicable

Gender balance in candidates
Q: Number of women and men candidates in the last political election?
A: Women 43, Men 168. The numbers of candidatures were: Men 280 and Women 77

Gender balance in elected candidates
Q: Number of elected women and men in the last political election?
A: Women 10, Men 57

AREA 2: WOMEN AND MEN HAVE EQUAL OPPORTUNITIES TO INFLUENCE THE PARLIAMENT’S WORKING PROCEDURES

Domain 1 – MPs’ presence and capacity in Parliament

Gender balance in leading roles in political parties
Q: Number of women leading major political parties
A: Lower than 0.66

Gender balance in leading roles
Q: Parliamentary committees chaired by women and men
A: Women 1; Men 14. A woman chairs the Family Affairs Committee

Balanced distribution of leading women and men across policy areas
Q: Chairs of committees in socio-cultural functions (health, education, social affairs, employment, family, culture, sports)
A: 1 woman and 2 men

Q: Chairs of committees in basic functions (foreign and internal affairs, defence, justice)
A: Men only

Q: Chairs of committees in infrastructure (transport, communications, environment)
A: Men only

Q: Chairs of committees in economy (finance, trade, industry, agriculture)
A: Men only

Code of conduct for MPs
Q: Does the parliament have mechanisms to prevent discrimination based on gender, such as code of conduct or anti-harassment policies?
A: The Code of Conduct refers to the principles, values, standards, or rules of behaviour that guide the decisions, procedures and systems of an organisation in a way that contributes to the welfare of its members, and respects the rights of all constituents affected by its operations.
Q: Does the code include sanctions for non-complying behaviour?  
A: There are anti-discrimination policies

Q: Does the parliament have a formal anti-discrimination policy?  
A: No

Q: Does the policy include sanctions for non-complying behaviour?  
A: No

**Anti-harassment policies**

Q: Is there an institutional policy in place against sexual harassment?  
A: No

Q: Does the policy set in place a formal procedure for investigating sexual harassment complaints?  
N/A

Are the mechanisms for preventing and sanctioning sexual harassment effective?  
N/A

**AREA 3: WOMEN’S INTERESTS AND CONCERNS HAVE ADEQUATE SPACE ON PARLIAMENTARY AGENDA**

**Domain 1 – Gender mainstreaming structures**

**Dedicated gender equality body**

Q: Is there a dedicated gender equality body in the parliamentary structures, for example a women’s caucus, cross-party network, or committee?  
A: No

**Gender equality body’s contact with external stakeholders**

Q: Can the gender equality body hold hearings or formally meet external stakeholders?  
A: No

Q: Did the gender equality body hold hearings or meet external stakeholders in the last calendar year?  
N/A

**Gender equality in parliament strategic plan**

Q: Does the parliament’s strategic plan explicitly mention gender equality?  
A: No

**Gender budgeting the national budget**

Q: Has the parliament implemented any form of gender budgeting in relation to the national budget?  
A: No

(Gender budgeting is a strategy to achieve equality between women and men by focusing on how public resources are collected and spent. The purpose of gender budgeting is threefold: to promote accountability and transparency in fiscal planning; to increase gender responsive participation in the budget process, for example by undertaking steps to involve women and men equally in budget preparation; and to advance gender equality and women’s rights).

**Body in charge of gender budgeting**

Q: Is there an internal body in charge of gender budgeting?  
A: No

**AREA 4: THE PARLIAMENT PRODUCES GENDER-SENSITIVE LEGISLATION**

Q: Are there any laws or legislative quotas in force to enhance gender equality in your country?  
A: Yes, Chapter 456 Equality for Men and Women Act

ACT No. XIII of 2018 Gender Based Violence and Domestic Violence Act

If the country has laws enhancing gender equality, what are the main policy areas addressed with these laws?  
A: Yes, in the area of Gender-based violence. In terms of policy, gender mainstreaming has been official Government policy since June 2000, which policy was reiterated in 2012 through OPM Circular No. 15/2012, to ensure that policies and practices in the public service/sector are gender mainstreamed and to have a consolidated yearly report on what is happening throughout governmental departments and entities in relation to gender mainstreaming. In accordance with OPM Circular No. 15/2012 titled ‘Gender Mainstreaming in Practice’ issued on the 30th April 2012, “each department/entity is required to prepare a brief report on the measures taken and the progress achieved in the sphere of gender equality and gender mainstreaming. The report should be forwarded to the NCPE on an annual basis.”
Ratification of international documents
Q: Has the country ratified the Convention on the Elimination of any form of Discrimination Against Women (CEDAW)?
A: Yes. It has been ratified with reservations to Articles 11, 13(ii), 15(iii), 15 and 16. However, this has not yet been transposed into national legislation and the protocol has not yet been signed.

Q: Has the country ratified the Beijing Declaration and Platform for Action (BPfA)?
A: Yes

Q: Has the country ratified the Istanbul Convention?
A: Yes. It was ratified with reservations to Articles 30(2) and 44(1).

Q: Has the country developed a national strategy for the implementation of the Beijing Platform for Action (BPfA)?
A: No. A Programme for Action 1997-2000 was prepared by the Maltese Government as part of the implementation of the Beijing Platform for Action.

Q: Has the parliament officially promoted a gender action plan or a national programme for enhancing gender equality in the current legislature?
A: No

Dedicated structure for gender equality oversight
Q: Is there a dedicated body that oversees gender equality in government action?
A: No
(Oversight function is a means for holding the executive bodies accountable for their actions, and for ensuring that they implement policies in accordance with the laws and budget passed by the parliament).

Q: Is there a budget for oversight of gender equality?
A: No

AREA 5: THE PARLIAMENT COMPLIES WITH ITS SYMBOLIC FUNCTION

Domain 1 – Symbolic meanings of physical spaces

Gender-sensitive organisation of spaces
Q: Does the parliament have any childcare facilities, such as nursing or family rooms?
A: No

Q: Are there any official policies or efforts to enhance gender-sensitivity of physical spaces?
A: No
(Gender sensitivity refers to the aim of understanding and taking account of the societal and cultural factors involved in gender-based exclusion and discrimination in the most diverse spheres of public and private life. It focuses mainly on instances of structural disadvantage in the positions and roles of women).

Domain 2 – Gender equality in communication

Gender equality initiatives for public
Q: Has there been any initiatives dedicated to gender equality issues/women’s rights in the last calendar year on the parliament’s premises?
A: Yes. Conference on Women and Political Participation in Malta, organised by the ODHIR and NCPE at the House of Parliament, held on 03/11/2014 and the Standing Committees (Health and Family) sessions on licensing of the Morning-After Pill in July 2016

Gender equality in online communication
Q: Does the parliament’s website have a section for citizens that addresses gender equality?
A: No

Visibility of gender issues
Q: Is information about gender equality related initiatives of the parliament systematically disseminated to the public and civil society?
A: No
**Appendix 3**  
**INCREASED BUDGET REQUIREMENTS FOR THE HOUSE OF REPRESENTATIVES**

Additional seats in Parliament will increase budget requirements of the House of Representatives by a maximum of €325,500 per annum based on current honoraria and fringe benefits.

<table>
<thead>
<tr>
<th>MEMBER OF PARLIAMENT</th>
<th>HONORARIA AND FRINGE BENEFITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>members of parliament honoraria and fringe benefits</td>
<td></td>
</tr>
<tr>
<td>1. Honoraria</td>
<td>50% of Salary Scale 1 (€44,782) - €22,391</td>
</tr>
<tr>
<td>2. Fringe Benefits</td>
<td>Provision of 100 postage-paid envelopes per week, at €0.32 per envelope (€32 x 52 = €1,664)</td>
</tr>
<tr>
<td></td>
<td>Communication allowance not exceeding €30 a month</td>
</tr>
<tr>
<td></td>
<td>Fixed telephony service unlimited</td>
</tr>
<tr>
<td></td>
<td>Allowance exclusively for Gozitan MP (€23.30 per Parliamentary Sitting)</td>
</tr>
<tr>
<td>Total annual</td>
<td>(Honoraria &amp; Fringe Benefits for MP from Gozo) €27,434</td>
</tr>
<tr>
<td></td>
<td>(Honoraria &amp; Fringe Benefits for MP from Malta) €24,847</td>
</tr>
</tbody>
</table>

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49 Public Service Salary Scale 1 for year 2018  
50 The indicated amount is the annual average paid to MPs  
51 Amount paid to each MP based on 111 Parliamentary Sittings per year