

## QUESTIONNAIRE

### “NON-DISCRIMINATION AND EQUALITY WITH REGARD TO THE RIGHT TO HEALTH AND SAFETY”

In accordance with its mandate, the UN Working Group on the issue of discrimination against women in law and practice (hereinafter “the Working Group”) has developed this questionnaire to gather information on how laws and practices discriminate against women with regard to the right to health and to safety. Additionally, this questionnaire has the objective of highlighting good practices and lessons learned in advancing equality between women and men with regard to the right to health and safety.

The questionnaire focuses on the prevention of gender discrimination in the enjoyment of the right to health and safety (I), on diagnosing and counteracting possible gender discrimination in practice in the area of health and safety (II) and on good practices in these areas (III).

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) clearly establishes the State obligation to take “all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning” as well as to “ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation”.<sup>1</sup> It also establishes the obligation to ensure on an equal basis for men and women “the right to protection of health and safety in working conditions, including the safeguarding of the function of reproduction”.<sup>2</sup>

Recognizing the broad scope covered by the concept of safety, the Working Group intends to focus particularly on the impact of safety in the context of women’s health, both physical and mental. This may include violence against women in the public space and in closed institutions as well as women’s access to justice to secure their right to health and security.

The Working Group wishes to thank all stakeholders for responding to this questionnaire **by 15 August 2015**.

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<sup>1</sup> Article 12, UN Convention on the Elimination of All Forms of Discrimination against Women, adopted by the UN General Assembly on 18 December 1979 (AG Resolution 34/180) and entered into force on 3 September 1981.

<sup>2</sup> *Ibid* art. 11, (f).

## Questionnaire

### **I. Prevention of sex discrimination in the enjoyment of the right to health and safety**

#### ***A. Health***

**1. Does your country have regulations (in the Constitution, legislation or in other legal codes) that guarantee:**

*(Please specify in the space provided for this purpose "yes" or "no")*

*(Yes)* the right to equal access for women and men to all forms of healthcare, at the highest available level, including access to alternative health provisions such as homeopathy, naturopathy, etc.

*(Yes)* access to sexual and reproductive health services

*(Yes)* women's rights to make autonomous decisions regarding their sexual and reproductive lives

**2. Are medical services related to women's sexual and reproductive life and/or violence against women covered by universal health coverage?**

Yes                    ( *Yes* )                    No                    (     )

**If yes, what kind of medical services are free of charge?**

*(Please specify) Services related to pregnancy, childbirth, reproduction*

**Are women's rights to health, including sexual and reproductive health, autonomy and health insurance, applied also to girls under 18?**

Yes                    ( *Yes* )                    No                    (     )

*If "yes", please indicate the legislation regulating these and indicate enforcement mechanisms.*

***The Constitution of Malta***

**3. Are there any provisions which restrict women's access to health services? In particular which:**

*(Please specify in the space provided for this purpose "yes" or "no")*

*(No)* require the consent of a male relative/husband for a married woman's medical examination or treatment or access to contraceptives or abortion,

*(No)* require parental consent in case of adolescents' access to contraceptives or abortion;

*(No)* allow medical practitioners to refuse provision of a legal medical service on grounds of conscientious objection

*(No)* prohibit certain medical services, or require that they be authorized by a physician, even where no medical procedure is required; in particular:

*(No)* IUDs (intrauterine devices) or hormonal contraceptives

*(No)* Emergency contraceptives, including the morning-after pill,

*(No)* Sterilization on request (please also include information regarding whether non-therapeutically indicated sterilization is allowed for men);

*(Yes)* Early abortion (in first trimester of pregnancy) at the pregnant woman's request

*(Yes)* Medically assisted reproduction (e.g., in vitro fertilization)

*If yes, please indicate the relevant legal regulations and indicate the sources.*

***Abortion is illegal in Malta under the Criminal Code.***

***IVF is separated by the Embryo Protection Act***

**4. Are the following acts criminalized?**

*(Please specify in the space provided for this purpose "yes" or "no")*

*(No)* transmission of HIV or other venereal diseases by women only

*(Yes)* female genital mutilation

*(Yes)* child marriage

*(No)* home births with an obstetrician or midwife

(Yes) abortion

**If yes, are there any exceptions to these prohibitions and under what circumstances do exceptions apply?**

*Please give legal references and provisions.*

**And who is criminally responsible?** *(Please circle the appropriate answer)*

**The woman, the doctor, other persons directly or indirectly related with the pregnancy and/or the abortion.**

*All of them*

*Please give legal references. Criminal Code*

### ***B. Safety***

**5. Does your country have regulations (in the constitution, legislation or in other legal codes) that guarantee:**

*(Please specify in the space provided for this purpose "yes" or "no")*

( Yes ) Special protection against gender based violence

( Yes ) Equal access for women to criminal justice

**6. Are the following acts criminalized?**

*(Please specify in the space provided for this purpose "yes" or "no")*

(Yes) adultery

(Yes) prostitution

(If yes, who is criminally responsible – please circle the appropriate answer: the sex worker, the procurer and/or the customer) ***All of them***

(No) sexual orientation and gender identity (homosexuality, lesbianism, transgender, etc.)

(Yes) violations of modesty or indecent assault (e.g. not following dress code)

*Please give legal references and provisions.*

***Criminal Code***

**7. Are there any provision in criminal law that treat women and men unequally with regard to:**

*(Please specify in the space provided for this purpose "yes" or "no")*

( **No** ) Procedure for collecting evidence

( **No** ) Sentencing for the same offence, especially capital punishment, stoning, lashing, imprisonment, etc.

( **No** ) So called “honor crimes” (are they tolerated in order for the perpetrator to avoid prosecution or to be less severely punished if the woman is killed?)

**II. Diagnosing and counteracting possible sex discrimination in practice in the area of health and safety**

***A. Health***

**8. Are there legal obligations to provide health education in school?**

Yes ( **Yes** ) No ( )

If yes, does it cover: *(Please specify in the space provided for this purpose "yes" or "no")*

(**Yes**) prevention of sexually transmitted diseases

(**Yes**) prevention of unwanted pregnancies

(**Yes**) promotion of a healthy lifestyle, including prevention of dietary disorders of teenage girls, including anorexia and bulimia

(**Yes**) psychological/psychiatric training on self-control of aggression, including sexual aggression

*Please indicate any relevant legal regulation or programs regarding to the above mentions.*

***Refer to Charmaine Gauci***

**9. Are there any statistical data disaggregated by age and/or sex (collected over the last 5 years) regarding :**

*(Please specify in the space provided for this purpose "yes" or "no")*

- (        ) malnutrition
- (        ) maternal mortality
- (        ) maternal morbidity, including obstetric fistula
- (        ) adolescent childbearing
- (        ) health consequences of physical, psychological, sexual and economical gender-based violence
- (        ) incidence of HIV/AIDS and sexually transmitted diseases
- (        ) drug abuse
- (        ) alcohol addiction
- (        ) legal abortions
- (        ) death resulting from legal abortions
- (        ) illegal abortions
- (        ) death resulting from illegal abortions
- (        ) use of contraceptives, including mechanical and hormonal (including emergency contraceptives)
- (        ) sterilization on request

*If "yes", please provide for data and sources.*

**10. Are there any statistical data and/or estimations regarding the number of reported and/or unreported cases and convictions for :**

*(Please specify in the space provided for this purpose "yes" or "no")*

- (        ) female genital mutilation
- (        ) illegal voluntary abortion



**13. Have there been any public opinion research polls on the fear of crime among women and men (over the last 5 years)?**

Yes ( ) No ( )

*If “yes”, please give references and the outcomes of such research polls.*

**14. Are there any measures and programs undertaken in order to increase women’s safety e.g. in public urban spaces, in public transportation, etc.?**

Yes ( ) No ( )

*If “yes”, please give references.*

**15. Are there any statistics on crimes amounting to violence against women in public spaces and/or domestic violence?**

Yes ( ) No ( )

*If “yes”, please give references.*

**16. Is the sex of the victim reflected in the police, prosecutors and courts records?**

Yes ( ) No ( )

*If “yes”, please give references.*

### ***C. Health and Safety***

**17. Are there any data and/or results of research on the detrimental influence of the feeling of insecurity and unsafety on women’s mental health?**

Yes ( ) No ( )

*If “yes”, please give references.*



( ) influence of gender based violence, in particular of sexual violence on the future behaviors of victims (post-traumatic stress symptoms etc.)

**III. Could you please indicate any legislative reform, policy or practice, that you consider “good practice” regarding health and safety for women in your country?**

**If yes, please indicate on which criteria your definition of “good practices” is based.**