



Founded 1964

# N-Mara

Newsletter of the National Council of Women - Malta



## Members of


**International Council  
of Women**

Founded 1888

Motto: "Do unto others as ye would  
that they should do unto you."


**European Centre of the  
International Council of Women**

Founded 1961

**In Special Consultative  
Status with the Economic &  
Social Council of the UN.**
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**Front Cover Photos**

ICW Autumn Board Meeting in  
Seoul, South Korea

NCW Conference "I am Me not my  
Age"

**Office Hours**

Monday to Friday: 9.00 - 13.30

**Membership Subscription Rates**

New individual membership	€14.50
Annual renewal	€12.00
Affiliated Organisations	€20.00
Associated Organisations	€20.00
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Members and affiliated organisations  
are requested to keep their subscription  
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Founded 1964

# Il-Mara

NEWSLETTER OF THE NATIONAL COUNCIL OF WOMEN - MALTA

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**EDITORIAL**

We wish all our readers a Happy New Year full of successful achievements. As we prepare for 2018, we reflect on the plans that we may have for a future where we will be able to reach out to different sectors of society: women, men, young people and children from all walks of life as well as individuals from other countries – from Eastern Europe and the Mediterranean and from other international countries who seek a peaceful life on our Islands

NCW will continue its mission to achieve its ambitious goal to ensure inclusion and equality. That women's income in employment compared to men's is among the second lowest in Europe is indeed bad news. One wonders if precarious jobs for women in the labour market are still on the rise with the influx of foreign workers and migrant women. Many people think that women in Malta have achieved all their goals, but that is very far from the truth. Major issues face us, some of which are; the gender pay gap and women in leadership positions, political and economic. NCW will continue through this newsletter to share the views of the Council on other issues such as prostitution, trafficking of human beings, abortion and many others on human rights and the rights of the unborn child

Through the Domestic Violence Commission NGO network on Domestic Violence, a number of activities were organized during the 16 days of activism from the 24th November to 10th December 2017. NCW's main activity during this awareness campaign to eliminate any form



of Violence was a conference in partnership with the Parliamentary Secretary for Persons with Disability and Active Ageing, focusing on violence on the elderly This issue of Il-Mara carries a full report.

The Year 2018 will usher in Malta's Capital City, Valletta, as the European Capital of Culture. It is an

exciting year of cultural programmes; so we encourage our readers to participate as Malta will showcase its historical spaces, its music, its talents and so much more.

January brings us to NCW's Annual General Meeting where members can share with us their ideas on the performance, relevance and sustainability of our organization. At the same time we elect a new Executive Committee which will provide guidance for going forward to achieve the goals set for this New Year and beyond, while addressing current priorities that affect our country. The participation of NCW members and Affiliated organisations is very crucial as together we will select and finally approve a number of resolutions, which will be presented to Government and relevant authorities and also to all our members and friends. We look forward to seeing you at the AGM, January 2018 (Agenda on page 16).

On behalf of the editorial board we wish all our readers a successful Year 2018 and we look forward to continue being in contact with you through the NCW newsletter.

**Marie Demicoli**  
*Editorial Board*

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## President's Message

**D**ear Friends,  
Winter is with us once again and with it comes the most wonderful of all Christmas. For those who are religious Christmas is not just a festive holiday season, but the celebration of the nativity of Jesus Christ. Some are now wishing to call it Winter Festival, but call it by whatever name, the meaning rests with the individual – religious or otherwise. It is definitely a time when the whole world stops albeit for a few hours or even minutes to celebrate Christmas. We thank those whose work continues just the same, thank them for being away from their families to serve others and thank them for being so unselfish.

Last week one of our Executive members, Gertrude Abela, was honoured with Medolja Ġieħ ir-Repubblika for her sterling work in breast cancer

awareness. We congratulate Gertrude and say Prosit and Well Deserved!

As the year ends we would like to encourage anyone who would like to bring forward an issue that requires delving into, to inform us, so we can scrutinize it and develop it into a resolution which will later be presented to government for assessment.

I take this opportunity to wish you and your loved ones A VERY HAPPY CHRISTMAS and A NEW YEAR FULL OF PEACE, LOVE, HEALTH and HAPPINESS



**Mary Gaerty**  
*President, National Council of Women*

## 2017 Nobel Peace Prize

The Geneva-based International Campaign to Abolish Nuclear Weapons (ICAN) has received the 2017 Nobel Peace Prize in Oslo on Sunday 10th December 2017

ICAN has been at the forefront of pushing for an end to the use of nuclear weapons through the United Nations Treaty on the Prohibition of Nuclear Weapons, which has 50 signatories including Brazil, South Africa and Vietnam to date.

The Nobel committee cited ICAN's efforts "for its work to draw attention to the catastrophic humanitarian consequences of any use of nuclear weapons, and for its groundbreaking efforts to achieve a treaty-based prohibition on such weapons", in an announcement in Oslo, Norway on October 6.

ICAN Executive Director Beatrice Fihn told reporters that given the current political atmosphere around the world, the call to ban nuclear weapons is more imperative.

In a landmark resolution, 123 countries voted to start talks on a "legally binding instrument to prohibit nuclear weapons" in the First Committee of the UN General Assembly in October 2016.

UN Secretary-General Antonio Guterres congratulated the campaign, saying "now more than ever we need a world without nuclear weapons".

## REQUEST FOR MEMBERSHIP RENEWAL 2018

We would like to remind our members to pay their yearly membership fee, if possible before the end of January, and thus be eligible to vote at the AGM.

Ordinary membership:	€12
Affiliated membership:	€20
Life Membership:	€95

Payment can be done by cash, cheque or via NCW's bank account mentioned below:

Bank Details:	APS Bank Ltd, APS Centre, Tower Street, B'Kara BKR4012
NCW Details:	National Council of Women, Pope Pius XII Flats No 3, Mountbatten Street, Blata l-Bajda HMR 1579
IBAN:	MT98APSB77046002866912866930013
BIC/SWIFT Code:	APSBMTMT
Payment Ref:	(Your name/Affiliated Organisation) Fee 2018

# Get Started: Start your own Business

## *A project co-funded by MCCF*

Some people believe that start-up success is a consequence of good genes or being in the right place at the right time. But it is not always so. Success can be engineered by following the right process, which means it can be learned, which means it can be taught.

Get Started is an innovative project organised by the National Council of Women with the strong support of the Malta Community Chest Fund. Its' target is to offer personal development and growth support for women who wish to embark into the business world with an emphasis on social enterprise. It aims to generate and develop business ideas into Start-ups.

My personal contribution as Trainer for this project is in the area of entrepreneurship and finance. Every business requires the right mix of finance, sound knowledge of customer care, setting efficient operational goals, investing in a sound learning curve and ensuring compliance to a legal framework.

But then there is the most essential ingredient, taking the leap forward, developing your business idea into reality. This requires trusting your sense of intuition and having the guts to move forward. Risk assessment is important but then, as they say, if the farmer waits for the perfect weather to sow his crops, he will never get down to sowing anything.

In delivering my first two sessions to this first group of participants of this project I seek to do away with a rigid structure of academic formal teaching and seek ways and means to engage the participants in active inter-action and group discussion. The response from the participants is highly encouraging, showing a deep interest in the field of entrepreneurship.

The power-point presentations and other material serve to trigger demanding questions from the participants who are eager to discover the practical application of what they are learning, to discover innovative ways not only to incubate business ideas, but to develop them into start-ups and move forward.

My first two sessions dealt with the topics of setting 'Strategic Objectives' or in simpler terms 'setting the right goals for your business with particular reference to the 'Operational Objectives' side of the business. The purpose of drafting a 'Mission' and a 'Vision' statement as a foundation for setting the right goals were dealt with.

The basis of any business structure was then presented to the participants highlighting the areas of setting financial goals, customer strategic objectives, internal and external operational goals, skills enhancement and ensuring the business is compliant with the ever-demanding legal framework.

Practical examples of operational objectives of some existing successful business were presented to the participants together with designing operations in such a way to have a competitive advantage in the market place.

Getting started in any business requires a careful assessment of current market conditions. In such a healthy economic climate now is the time. But setting up a Business Plan and carrying out a Feasibility Study of current market conditions goes beyond reaping the benefits of a strong economy. Other important factors must be closely examined at the inception phase of any business such as the changing needs and demands of the consumer, the demand for a quality service, the speed at which the service or goods are delivered, the competitive edge of the price and other factors.

The Business Plan, Budget and Forecasts and Cash-flow Management are among some topics I will be delivering throughout this training course. Financial education is essential for the success of any business.

The participants will be asked to probe questions like: How will I finance my business, why and how do I keep the essential accounting records of my operations, how do I handle stocks and other inventory, how do I maintain a healthy working capital to keep my business going and ensure sufficient cash reserves? The training will be accompanied by hands on practical workshops.

Entrepreneurs are engines of growth. Countries and economies which promote, attract, induce and create a sustained and large supply of entrepreneurial individuals, who in turn set up enterprises to generate income, outputs and employment, grow faster.

Entrepreneurship is the process of creating something new with value by devoting the necessary time and effort, assuming the accompanying risks and receiving the resulting rewards of monetary and personal satisfaction and independence.

Entrepreneurship requires however, a deep study of the environment, possessing and developing the required skills, networking and an executable and fundable business plan.

The Get Started project aims to deliver modules to its participants in such a way as to give a holistic view of creating a sound business model. The modules strongly reflect this ethos ranging from building one's strengths through personal development, developing networking skills and a strong learning curve of all the ingredients required for a healthy start-up.

**Gordon P. Vassallo**  
*Course Trainer*

## ICW-CIF Autumn Board Meeting in Seoul, South Korea

The International Council of Women (ICW) held the Autumn Board Meeting in Seoul, South Korea in November 2017. Vice-President Doris Bingley participated.

ICW President Jungsook Kim prepared a very interesting, varied and intense programme of meetings and cultural activities.

The meetings were held at the President Hotel, ICW President's Office and the Korean National Council of Women's Office.

The president reported on her activities. Since the last Board Meeting in Ottawa Canada in June, she hosted a delegation from KOWANI, Indonesia from 17 to 20 August 2017. The Indonesian Team led by Kowani President Giwa was in Seoul to discuss the details of the next Triennial which they are hosting in 2018. President Jungsook Kim travelled to Italy and participated in the General Assembly of ECICW in Pavia from 6 to 8 October 2017.

The Board members continued to design future programmes which included the activities planned during the Commission for the Status of Women – CSW62.

The sixty-second session of the Commission for the Status of Women will take place at the United Nations Headquarters in New York from the 12 to 23 March 2018 under the theme: Challenges and Opportunities in achieving gender equality and the empowerment of Rural Women and Girls. During the CSW62, many international and regional events are planned by ICW. ICW will sponsor or co-sponsor some side and parallel events.

ICW Treasurer Martine Marandel from the Paris Headquarters presented the Financial Statements and the Audited Accounts which together with the signed minutes of ICW meetings are presented annually to the Prefecture in France.

ICW Vice-Presidents Christine Knock and Elisabeth Newman reviewed the work of the standing committee coordinators. Elisabeth also reported on the work of the UN permanent representatives.

ICW Vice-President Doris Bingley reported on new affiliations and the revitalisation of dormant councils. New updated application forms were sent to the national councils that have expressed interest in joining ICW. President Jungsook noted that many young women have expressed interest in joining ICW and asked the Board to further study ICW



membership for young women in how to gain involvement in the organisation.

The Board was then joined by two representatives of Kowani who came to Seoul specially to update the Board on their arrangements for the 35<sup>th</sup> ICW General Assembly.

The 35<sup>th</sup> ICW General Assembly is taking place in the most historical and cultural city of Indonesia, Yogyakarta, from the 11 to 17 September 2018. Uli Silalahi told us that Yogyakarta has places to shop, exciting outdoor activities and performing arts. It has an abundance of temples, cultural sites and delicious local food. The hotel that has been chosen for ICW Triennial is the Ambarrukmo Hotel. The draft programme included the general assembly meetings, important visits to VIPs and cultural visits. The Board members were pleased with this update and asked the two Kowani ladies to finalise the details on the various elements of the programme by March 2018. They were asked to meet with the Board in New York in March 2018 so once everything is agreed, the final brochure can be prepared with all the necessary information, to be sent out to all ICW council members.

The call for Resolutions has been sent out to all ICW Council Members as well as the call for nominations for a new Board and Standing Committee Members. The deadline for these is 31 January 2018.

Once work was done President Jungsook Kim had prepared visits to the theatre, two days on Jeju Island and evenings with other Korean National Council of Women Members and friends to sample their delicious food.

UNESCO's World Heritage Committee listed Jeju Volcanic Island and Lava Tubes as a World Natural Heritage in view of the site's parasitic volcano and lava tubes, as well as for its outstanding geological features and special properties as a habitat for a variety of rare and endangered species. Jeju Island is renowned for women divers who only exist on this Island and Japan. They are called Haenyeo. These women divers gather seaweed, abalone, or other shellfish from the sea. Because of the uniqueness of this diving profession, they have been the focus of much attention. Jeju's haenyeo culture has been acknowledged by UNESCO as a world heritage asset.

All the Board members were grateful to Jungsook Kim for having prepared this memorable programme and organised the meeting when Seoul looked so beautiful with all the trees in autumn colours of red and yellow. She was a generous and impeccable hostess which left ICW Board Members with unique experiences which will be remembered always,





# NCW Conference: I am Me not my Age: Health and Justice for the Elderly

## 27<sup>th</sup> November 2017 – Europa House, Valletta, Malta



**O**n 27 November, at Europa House in Valletta, the National Council of Women (NCW) held their conference entitled: *I am ME not my Age: Health and Justice for the Elderly*. The Conference was co-organised with the *Parliamentary Secretariat for Persons with Disability and Active Ageing*. The conference addressed diverse aspects of life for the elderly: government legislation and policies that effect their rights and care; health services and social welfare; the economic realities that effected demography, economies and families; elderly abuse and the law; what was happening on the international scene; and finally the perspectives of social workers, who were at the front-line. No less than eleven presentations were showcased from Maltese and international speakers, apart from very fruitful comments, questions and discussions coming from the floor.

**Ms. Gaerty, the NCW President** welcomed everyone and stated that the conference formed part of a sixteen-day national activity, spanning from 25<sup>th</sup> November to 5<sup>th</sup> December, to raise awareness against domestic violence against the elderly. She stated that the NCW formed part of a network within the *Commission against Domestic Violence*. She stated that the conference was rightly concerned with the health and justice that everyone, not least the elderly deserved and were entitled to. Many people would associate domestic violence with spousal abuse. Yet, abuse and domestic violence was manifest between difference members of the family. Older persons, whose vulnerability becomes more pronounced with age are very often at the receiving end of abuse and violence. In this regard, she emphasized that when one reaches a certain age, one is not divested of one's civil rights, nor of one's rights to a peaceful and dignified life. She hoped

that in relation to the challenges faced by the elderly, the conference would address and reveal: what the problems are, what action is being taken, what needs to be taken on board and how to collaborate with each other, in order that older persons can live their life actively with dignity, in safety and at peace.

**The Parliamentary Secretary for Persons with Disability and Active Ageing, Mr Agius Decelis** professed that the issues related to health and justice concerning the elderly do feature heavily in his discussions with people concerned with active ageing, the community and long-term care. He



recognized that the elderly constituted one of the most vulnerable members in our society. The Parliamentary Secretary identified the challenges being faced in particular: Prevention and protection against all violence and abuse; Poverty and social protection; Housing and employment; Legal capacity; Access to justice; Health support; Long-term and palliative care. These challenges warranted an in-depth analysis and action. He specified that one could group the aforementioned challenges under three main headings: ageism, elderly abuse and age friendliness. He indicated that government had been very pro-active. It had set up a Secretariat that fell under his responsibility. It had also set up the *Commissioner for Older People*. Furthermore, government had worked on legislation to specifically address any form of abuse and violence against the elderly or dependent adults, to ensure maximum protection, even from relatives. The same legislation includes provisions to simplify victims' claims to damages from perpetrators. A further piece of legislation, the *Protection of Vulnerable Older Persons and Persons with Disability Act* will enable Malta to ratify the international convention for the protection of dependent adults.

**Mr. Philippe Seidel from AGE Platform Europe** stated that gender-based violence does not stop with age. Indeed a 2011 survey in five EU states showed that,



one in four older women had experienced violence in the twelve months preceding the survey. At last year's AGE's Annual Conference, a contributor coined the word: *ageivists*, which mirrors previous descriptors such as feminism, anti-racism or the disability movement. He asserted that elder abuse is hidden and comes in many forms, such as: financial abuse, abuse by family members or care-givers and psychological abuse. There is also the abuse perpetrated by "nobody", that is the feeling of neglect, when no one cares. This tends to perpetuate the problem as people start to feel not valued in society and consequently start to devalue themselves, thus creating a self-fulfilling prophecy. He also spoke about age discrimination and obligatory retirement. On the other hand, he also raised the issue of the "sandwich generation" (people who took care of their children and their parents) and the need for a solid work-life balance model. He went on to cite the challenge for women who live longer than men. Thus, because of longevity, women faced possibly a longer period of ill-health, financial challenges and housing concerns. And yet, the gender pension gap is still almost at 40%, which makes women more susceptible to poverty and social exclusion in their old age, therefore rendering some truth in the saying: "men die, women suffer". In conclusion Mr. Seidel repeated the words pronounced at the *Annual Colloquium on Fundamental Rights* in Brussels last week: "we cannot wait another 100 years for gender equality" and to this AGE added "we want to remind you that older women as well cannot wait – some have waited for 100 years."

**Prof. David Mamo from the Mental Health Services** spoke about healthy ageing, successful ageing and active ageing. The latter term was particularly important as it added the concept of opportunities for the elderly to remain involved. Even people with dementia had a right to participate through a substitute decision-maker.



On the theme of justice, Prof. Mamo discussed the role of health carers and substitute decision-makers and the need to promote training to ensure self-determination for all elderly. However, this required the right structures, policy and legislation also to be in place. Prof. Mamo listed the advantageous services already in place: good health service; Geriatric specialized services; Community clinics and good welfare and pension schemes; Active ageing policy; Commissioner for Older Person; and very good care homes. Nevertheless, he recommended: more accessibility for the elderly to healthcare, even within their own homes; reduction in bureaucracy to attain free-medication; integration of care services and continuity

of care. Professor Mamo went on to explain the roadmap towards a more integrated health services model. Prof. Mamo insisted that society needs to discriminate positively towards the vulnerable and elderly people in order to go beyond saying that services exist, but also to help elderly people get to them. Speaking about justice, Prof. Mamo spoke about bureaucracy particularly on the question of the elderly attaining free medicine. Another issue is the need for urgent admission to care-homes particularly in the case of abused elderly, which is currently being discussed by *Residential Services*. Prof. Mamo stated that Malta had good legislation in relation to Guardianship. Yet, more work is needed to expedite matters in the case of elderly abuse or neglect. He concluded by stating that screening for vulnerability is also important, particularly with dementia patients, in order to ensure that they have responsible substitute decision makers. While, Advance Directives is a very critical step towards self-determination.

**The USA Ambassador G. Kathleen Hill** gave an American perspective to the conference theme, stating that the unprecedented situation of an ageing world population, made it imperative that people plan for their older selves. On the other hand, she cited that government and significant institutions in society



should collaborate to encourage opportunities for social transformation. Ambassador Hill stated that the private sector was also an important player as could be seen from projects such *LeadingAge*. With regards to elder abuse, the *U.S. Department of Justice* estimates that up to 10% of the elderly population suffers abuse, with many cases dramatically under-reported. The *National Council on the Aging* notes that 60% of elder abuse, (physical, emotional and financial) is perpetrated by a family member. Ambassador Hill spoke about the *Elder Abuse Prevention and Prosecution Act* (2017), which makes provisions to increase the federal government's focus on preventing elder abuse and exploitation, by taking a multi-pronged approach on punishing perpetrators who harm vulnerable persons. She also referred to the existing *Elder Justice Initiative* to support and coordinate enforcement in combating elder abuse, particularly neglect and financial fraud that targets seniors. Ambassador Hill stressed the importance of education, training and collaboration across sectors which could result in having an effective strategy to promote active ageing and to respond to elder abuse cases. Finally, she stated that we should all be empowered to age with grace and to assist our elderly to enjoy active, productive, safe and healthy lives.



# NCW Conference: I am Me not my Age

*27<sup>th</sup> November 2017 – Europa*





# Age: Health and Justice for the Elderly

*Europa House, Valletta, Malta*



# NCW Conference: I am Me not my Age: Health and Justice for the Elderly

## 27<sup>th</sup> November 2017 – Europa House, Valletta, Malta

**Dr. Maria Deguara, the Shadow Minister for Health** voiced her concerns that, although latest statistics showed that the number of people at risk of poverty and social exclusion was reduced on a national level, the number of elderly persons at risk had increased. She also referred to the change in family structures and community life as they were impacting on elderly people. Indeed, this meant that there was a moral responsibility for the country to fulfil welfare needs. Dr. Deguara gave a cursory look at the history of Malta's developed welfare system since from 1956. She stated that a mandatory Second Pillar Pension had been met with resistance and this confirmed the importance of encouraging young people to think seriously about their retirement plans. Women faced particular problems with pensions, because many had never been in formal employment or had worked in family businesses or within the black economy. This meant that their pensions were either dependent on their husband's contributions or they were not in receipt of a pension at all. This often resulted in destitute for many older women. So that, educating young women to look ahead to their retirement was imperative. She echoed previous speakers in saying that the issue of domestic abuse was across all social ranks, often tied to abuse within private homes at the hands of the elderly women's own children. Yet, this made it particularly difficult even for authorities to solve a situation as many times, the elderly were reluctant to speak out against their own family members. Dr. Deguara recommended that stronger community services would go a long way to help in such cases, as would better liaison between all services, in order to lessen such dangers. She also recommended that before drawing up policies an assessment of the elderly's living requirements should be carried out, together with constant review of the social security system to safeguard older people in light of Malta's demographics. She also recommended long-term strategies to ensure adequate standard of living for future generations. The active participation of main stakeholders, including the older people's associations would also help when formulating policies and monitoring processes. Finally, she stated that there should be an on-going campaign to education young people on the need for investment for their retirement.



**Ms. Camilleri, a social-worker,** started by giving definitions what constitutes a “vulnerable adult”, that is: elderly and frail or suffering from mental illness including dementia or having sensory or physical disability or having learning disability or suffering from severe physical illness. She explained the definition of abuse, that it could occur once or as repeated acts. The list of abuse is extensive, include physical, verbal or psychological abuse. Abuse could also occur in coercing someone to enter into a financial agreement or engage in a sexual act, to which the vulnerable person does not agree or cannot give his / her consent. Ms. Maria Camilleri discussed the difficulties sometimes encountered, when dealing with vulnerable adults and their carers.



**Dr. Caruana Demajo LLD** gave an outline of the criminal law provisions, against the abuse of elderly or dependent persons, that were introduced by Act 31 of 2014, by means of which Art. 257A to 257F were added to the Criminal Code. She delineated “elderly” and “dependent adults” as defined by law. She then moved on to the jurisdiction of the Maltese criminal courts and to outline the specific offences under this sub-title. On the question of Mandate and Guardianship, Dr. Caruana Demajo referred to “Act 13 of 2016 amending the Civil Code: This law enables a person of full age to give a mandate or appoint someone to act on his behalf in case he is incapacitated. For example he can give instructions whether or not he wants extraordinary medication or intervention i.e. in case of need. The person concerned can nominate who he wants to take care of his person and to administer his property.” Dr. Caruana Demajo explained that “This has to be done by means of a public deed with a Notary Guardianship Act 24 of 2012 Articles 188A to 188D of the Civil Code. This Act has introduced the possibility of having a guardian appointed by a special Board for a person who has a mental disorder or other





condition which renders him incapable of taking care of his own affairs. The Guardian shall act in the best interest of the person subject to his guardianship and is responsible to safeguard his personal and proprietary well-being is bound to respect the will of the person subject to guardianship and should make sure that it is given effect to the maximum extent possible is bound to make sure that the welfare of the person is promoted and fostered and shall encourage him to participate as far as possible in the life of the community, protect him from neglect, abuse and exploitation. If the Guardian abuses of his position, the Guardianship Board has the power to intervene and appoint a person to draw up a report. This is regulated by Section 519A to 527 of the Code of Organisation and Civil Procedure.”

**Mr. Bartolo spoke** about referrals which came from other departments within Mater Dei Hospital, with statistics showing for the period covering January to October 2017, standing at: 15 elderly persons due to neglect; 5 elderly persons due to alleged physical abuse; 3 elderly persons due to financial abuse. Mr. Bartolo shared his experiences of working with elderly people and discussed the extent of abuse to which some elderly people (both male and female) were exposed. He ended his presentation by identifying the difficulties when assisting acute cases: Most shelters only accept people who are not totally dependent; Limited legal back-up; and lack of co-operation from other professionals when cases are reported.



**Helen Mallia (Commissioner for Older Persons)** stated that the problem in Malta, was that everybody knew each other. It was her experience that there was significant abuse on the elderly, at the hands of their own relatives. In this regard, some form of continuous monitoring within private homes is a must. Ms. Mallia referred to Dr. Caruana Demajo's presentation about what provisions available under the existing law. She stated that the presentation showed that everyone could stop the abuse that was occurring, but there did not seem to be not enough awareness among the public. She insisted that we need to make the public, particularly the elderly aware of their rights and what the law afforded them. On the other hand, she agreed with earlier speakers that unfortunately, many



elderly are reluctant to come forward or speak up or admit when they are being abused by their own children.

**Mr. Mule Stagno (President of the Council for the Elderly)** took three

key words that had emerge during the morning's presentation and discussions.

*Loneliness* – loneliness is not just being alone, one can be lonely even in a crowd.

*Loneliness* doesn't mean being alone. *Not knowing* –

He stated that taking a leaf

out of Prof. Mamo's presentation, he stated that there was a general lack of awareness of or “not knowing” about the services that were available to old people. The reason behind this is, that there is no proper marketing of services. *Age friendly* – Mr. Stagno Mule stated that there was hardly anything that was age-friendly. He cited examples such as instructions or manuals of products, which were invariably written in extremely small print. It is true that many instructions or manuals are available online, yet he asked: how many older people were internet savvy and able to find the required instructions?

From the various floor discussions, questions and answers, the following are some of the recommendations that came forth so that health, justice and active ageism is ensured: work harder to create better awareness among the elderly of services and rights; Monitoring of older people particularly those living alone or with family; Better collaboration among different services and agencies; Poverty / financial burdens of older people should be seriously addressed; Subsidization of digital and internet connectivity expenses for older people living at home; Active retirees should consider voluntary work; Education on planning financial future among the young and about services and rights to pre-retirees; Carers should be made aware of the provisions of within the criminal code and the consequences of certain actions; Increased awareness about the Guardianship Act; Easier structures and systems should be in place, when reporting of abuse is necessary; Services should be more connected to the community, in order to empower the community; Awareness that violence is a question of power and control, which may translate even into financial control between spouses, therefore, now might be the time to consider splitting pension cheques; Day-care centres should also be used to hold meetings with professionals in the area of law and social care to create more awareness about services and rights; Courses on I.T. skills, designed and delivered by older people should be offered to elderly people; Services should be more connected to the community, in order to empower the community.



# NCW Conference: I am Me not my Age: Health and Justice for the Elderly

## 27<sup>th</sup> November 2017 – Europa House, Valletta, Malta

**A**n Outline of the Criminal Law provisions, against the Abuse of Elderly or Dependent Persons by Dr. Evelyn Caruana Demajo LLD

**Sub-Title XI of Title VIII (Of Crimes against the Person) of Part II (Of Crimes and Punishments) of Book First (Penal Laws) of the Criminal Code (introduced by Act XXXI of 2014) – Art. 257A-257F**

In the short time available I will first be giving an outline of the criminal law provisions against the abuse of elderly or dependent persons that have been introduced by Act 31 of 2014, by means of which artt. 257A to 257F were added to the Criminal Code.

I will start with **definitions**, then move on to **jurisdiction** of the Maltese criminal courts and I will then outline the **specific offences** under this sub-title.

### Definitions

“**Elder**” means a person who has attained the age of sixty years;

“**Dependent adult**” means a person of age suffering from a degree of physical or mental infirmity which restricts his ability to carry out normal activities or to protect his rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age and includes any person who is admitted as an inpatient to a 24hour health facility, or is a resident in, or has been admitted to, any institution offering any form of medical or psychological care.

**Knowledge that the victim is an elderly person or** dependant adult is **an element of the offence**; however the offender is deemed to know that a person is an elder or a dependent adult if a reasonable person in possession of the same information would think that the said person is an elder or a dependent adult.

### Territorial and Extra-Territorial Jurisdiction of the Maltese Courts (art. 257F(3))

Offences against elderly persons and against dependant adults fall under the jurisdiction of the Maltese Courts where:

(a) the offence took place in Malta or even if only part of the action took place in Malta; or

(b) the offender is a Maltese national or permanent resident in Malta or the offence was committed for the benefit of a body corporate registered in Malta (eg if a manager of a home for the elderly tricks an elderly person in giving him a power of attorney and he appropriates his money for the benefit of the home); or

(c) the offence was committed against a Maltese national or permanent resident in Malta.

### Applicability of art. 121D – responsibility of legal persons

“121D. Where an offence is committed by an officer of a body corporate (eg the manager of a home for the elderly), and the body corporate enjoys any benefit from that offence, then that body corporate is deemed liable together with the physical person committing that offence and will face a fine (multa) ranging between €20,000 and two million euro (€2,000,000).

### Specific Offences

**Art. 257A** creates the offence of causing or permitting an elder or a dependent adult to suffer under circumstances likely to produce bodily harm or death.

A person who knows or ought to know that a person is an elder or a dependent adult and who, under circumstances or conditions likely to produce grievous bodily harm or death, wilfully causes or permits any elder or dependent adult to suffer, or inflicts on such person unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, wilfully causes or permits the person or health of the elder or dependent adult to be injured, or wilfully causes or permits the elder or dependent adult to be placed in a situation in which his person or health is endangered, shall be guilty of an offence and, without prejudice to any other punishment to which he may be liable under any other provision of this Code or of any other law, shall be liable to the punishment of imprisonment for a term from two to five years.

The offence is aggravated if the victim suffers grievous bodily harm as a result of his action:

- if the victim is under 70 years of age the punishment is increased by one to two degrees,
- and by two to three degrees if the victim is over 70 years of age.

**Art. 257B** provides for the situation where the Grievous bodily harm suffered by the victim leads to his death.

In this case:

- if the death ensues within 40 days of the offence the punishment is imprisonment of a term from 9 to 20 years
- if the death ensues after the forty days but within a year of the offence, the punishment is imprisonment of 6 to 15 years

Again the offence will be aggravated by the age of the victim and the punishment increased accordingly.

**Art. 257C:** caters for the same offence of Art. 257A except that under 257A the underlying circumstances are such as to endanger the wellbeing of the victim, whereas under Art 257C, the attendant circumstances are not such as of themselves to



endanger the life and wellbeing of the victim but the harm still ensues as a direct consequence of the act or omission.

Leaving an elderly person in a wheelchair outdoors in stormy weather as a consequence of which he contracts pneumonia: here the attendant circumstances — the stormy weather — are circumstances of risk and would fall under 257A.

If on the other hand the weather is fine, but he still falls ill as a result, the offence would fall under 257C and the punishment is less severe.

**Art. 257D:** deals with Offences relating to crimes against property (theft, misappropriation and fraud), and public safety. The severity of the punishment depends on the value of the damage caused.

- If damage exceeds €3,000: imprisonment from 2 to 9 years
- If damage ranges between €250 to €3,000 imprisonment from 9 months to 3 years
- If damage does not exceed €250 imprisonment not exceeding 6 months

**Art. 257E:** deals with Unlawful arrest, detention or confinement of an elder or a dependent adult.

Where this offence is committed through the use of violence, force, bribery, deceit, device or pretence, improper pressure or by unlawful conduct or by threats of such conduct – the punishment shall be increased by 2 -3 degrees.

**Protection of Vulnerable Older Persons and Adult Persons with Disability Bill** (still in the drafting stage)

*AN ACT to provide for the protection of vulnerable in particular older adults and adult persons with disability from harm and abuse and to provide protection and services to vulnerable adults at risk and to intervene in court proceedings relating to vulnerable adults and to enable Malta to ratify an international Convention relating to the international protection of adults*

**Act 13 of 2016 amending the Civil Code:** This law enables a person of full age to give a mandate or appoint someone to act on his behalf in case he is incapacitated. For example he can give instructions whether or not he wants extraordinary medication or intervention in case of need. The person concerned can nominate who he wants to take care of his person and to administer his property.

This has to be done by means of a public deed with a Notary

**Guardianship Act Act 24 of 2012 Articles 188A to 188D of the Civil Code**

This Act has introduced the possibility of having a guardian appointed by a special Board for a person who has a mental disorder or other condition which renders him incapable of taking care of his own affairs.

### The Guardian

- shall act in the best interest of the person subject to his guardianship and is responsible to safeguard his personal and proprietary well-being.
- is bound to respect the will of the person subject to guardianship and should make sure that it is given effect to the maximum extent possible.
- is bound to make sure that the welfare of the person is promoted and fostered.
- shall encourage him to participate as far as possible in the life of the community
- Protect him from neglect, abuse and exploitation

If the Guardian abuses of his position, the Guardianship Board has the power to intervene and appoint a person to draw up a report. This is regulated by Section 519A to 527 of the Code of Organisation and Civil Procedure



## Emotional literacy and Inner Strength

One important factor that I have observed while working with a number of people, of different age groups and social standing, who go through difficulties (in the family or otherwise) is their emotional vulnerability. They find it hard to deal with put downs in school or place of work. This frequently leads them to give up, drop out of school, or not keeping a job for long. Often they find it hard to stand up for themselves, are hyper-vigilant and might defend their position in many cases in an aggressive way.

Fear and anxiety are emotions which may keep women from going back into the workplace, from making changes, taking risks and persevering. Negativity sets in, with the person remaining stuck in a cycle of failure. A breakthrough can take place with help from a person/s of trust who can explore with them ways of moving on, by making small attainable goals which will start them off on a success cycle. These people are to be encouraged to look for courses like those offered at NCW, to continue a lifelong learning journey.

Emotions are normal and valuable whether negative or positive; it is what you do with them that can cause problems.

Emotions determine the quality of our lives since they occur in every relationship, therefore developing the skill to manage our own emotions and being aware of other people's emotions can help to achieve goals without damage to self and others. We must first learn to discriminate and label our own emotions before we can focus on understanding those of other people.

Preparation for a social conscience takes place through positive handling of emotions because it is difficult to have a social conscience when one has no tools to use. Among these tools are:

- Connecting/relating to others (bonding /attachment)



- Empathy (sensitivity to needs of others)
- Socially appropriate behaviour (self-regulation)
- Cooperation (teamwork)
- Creativity (know and use talents)
- Foresight
- Information gathering (seek and be open to learning)

Many schemes or programmes have been initiated for all age groups both by the state and by NGOs, creating more opportunities for upgrading work skills.. Community based, small group schemes seem to work better than impersonal larger ones. However, those programmes which include modules for personal enhancement and self-empowerment whether formally or informally are more effective since they give a holistic dimension.

When I am not prized and appreciated, I not only feel very much diminished, but my behaviour is actually affected by my feelings. When I am prized, I blossom and expand, I am an interesting individual. (Carl Rogers)

**Vivien Cassar**

*Executive Committee Member*

## Ahead of Human Rights Day, ODIHR Director calls on states to leverage current momentum to address gender-based violence, sexual assault, harassment



*Ingibjörg Sólrún Gísladóttir, Director of the OSCE Office for Democratic Institutions and Human Rights (OSCE/Piotr Dziubak)*

VIENNA, 8 December 2017 – Ingibjörg Sólrún Gísladóttir, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), called on participating States today to leverage current momentum in addressing gender-based violence in all its forms, including sexual assault and harassment, ahead of International Human Rights Day on 10 December.

“In the last few months, we have witnessed millions of women virtually joining hands in a world-wide act of solidarity demanding justice, inspiring courage and calling for action. The #MeToo campaign has generated an unprecedented impetus to speak up at all times about sexual harassment, assault and violence suffered by women all over the world,” Gísladóttir said on the sidelines of the OSCE Ministerial Council in Vienna. “Breaking the silence has become a powerful and rights-affirmative denunciation of tolerance towards violence.”

Noting that, as every year, the final day of this year's 16 Days Campaign of Activism against Gender-Based Violence falls on International Human Rights Day, the ODIHR Director stressed that, while states have the primary responsibility to protect the rights of everyone, acting against gender-based violence is the shared responsibility of all men and women

“Reacting to violence and discrimination against women should become a reflex for all of us, like blinking when you get something in your eye. The message has to be that tolerating sexism on billboards or magazine covers, or accepting sexual harassment as part of the workplace or violence as part of the home, are unacceptable,” she said. “States, for their part, need to act swiftly to condemn and prosecute all forms of such violence, to send a clear message of support for victims, and to perpetrators that these acts are crimes.”

The ODIHR Director stressed that all OSCE participating States have committed themselves to preventing and combatting violence against women. She also recalled that Eleanor Roosevelt chaired the United Nations Committee that approved the Universal Declaration of Human Rights, which will celebrate its 70th anniversary next year.

“Security of the person is one of the first rights spelled out in the Universal Declaration, and violence against women, including sexual violence and harassment, is the most basic violation of that right,” Gísladóttir said. “We owe it to Eleanor Roosevelt, to all women, to ensure that the words in the Declaration's first article – ‘All human beings are born free and equal in dignity and rights’ – become the reality.”



# DIARY OF EVENTS

## October

- 3<sup>rd</sup> Day of German Unity Reception Mary Gaerty attended
- 5<sup>th</sup>-10<sup>th</sup> ECICW General Assembly in Pavia – Doris Bingley, Mary Gaerty, Grace Attard and Marie Demicoli participated
- 11<sup>th</sup> Launch of EmPOWer at University of Malta Mary Gaerty and Doris Bingley attended
- 11<sup>th</sup> Europa Donna Hilda Schembri Memorial Lecture Corinthia Palace Hotel
- 11<sup>th</sup> Monitoring Committee Meeting Therese Cassola attended
- 11<sup>th</sup> MCCF Entrepreneurial Course started
- 14<sup>th</sup> Malta Community Chest Fund Annual General Meeting
- 16<sup>th</sup> Mary Gaerty and Marie Demicoli meeting with the Parliamentary Secretary for Active Ageing and Disability about the Conference of 27 November
- 19<sup>th</sup> SME week at the Hilltop Mary Gaerty attended
- 19<sup>th</sup> A vision for tomorrow's University in the modern World
- 19<sup>th</sup>-20<sup>th</sup> Commonwealth Conference on Summit 2018 at the Royal Over-Seas League, London – Doris Bingley participated
- 22<sup>nd</sup> On the occasion of the 70<sup>th</sup> Anniversary of the vote by Maltese women Literary Muscial evening at the Palace San Anton Mary Gaerty and Doris Bingley invited
- 25<sup>th</sup> Executive Committee Meeting at NCW Centre
- 27<sup>th</sup>-28<sup>th</sup> Malta Council for the Voluntary Sector National Training Two Day of German Unity Reception Mary Gaerty attended Conference entitled, "Building Resilience with the Voluntary Sector" Doris Bingley, Grace Attard and Marie Demicoli attended

## November

- 4<sup>th</sup> Fashion meets Literature at the Cittadella Cultural Centre Gozo Diane Xuereb attended

- 5<sup>th</sup>-12<sup>th</sup> International Council of Women's Board Meeting in Seoul, South Korea – Doris Bingley ICW Vice-President participated
- 7<sup>th</sup> Meeting with Council of Europe Commissioner for Human Rights, Mr Nils Muiznieks. Grace Attard attended
- 8<sup>th</sup> NGO network Grace Attard attended
- 9<sup>th</sup> Meusac conference Shaping Europe's Future. The European Commission's reflection paper on the Social Dimension of Europe
- 13<sup>th</sup> Future of EU Finance Meusac Conference at Le Meridien Hotel
- 13<sup>th</sup> Informed Discussion The Embryo Protection Act and the Proposed Reform Social, Psychological and Legal Implications Of Surrogacy and Gamete Donation at the Excelsior Hotel
- 15<sup>th</sup> 2017 Sustainable Enterprise Award Ceremony Mary Gaerty attended
- 15<sup>th</sup> Enhancing Student – teacher Relationships Research Project results at San Anton Palace
- 18<sup>th</sup> European Week for Waste Reduction
- 21<sup>st</sup> Meeting with Sean Mangion at the Parliamentary Secretary for Active Ageing and Disability's Office to finalise arrangements for Conference of 27 November – Doris Bingley and Marie Demicoli
- 24<sup>th</sup> Business Breakfast Make it your Business not to Waste – Mary Gaerty and Marie Demicoli attended
- 24<sup>th</sup> National Conference: Listen to me, Giving Children a Voice – Doris Bingley attended
- 24<sup>th</sup> What is standardisation? What are Standards, Why Trade Union should be involved conference organised by GWU
- 27<sup>th</sup> NCW Conference I am Me not my Age: Health and Justice for the Elderly at Dar l-Ewropa Valletta

- 27<sup>th</sup> MFPA Conference Professional Ethics a hub in Europe- the Services of the Professional in the Future at The Palace Hotel Sliema
- 27<sup>th</sup> The Launch of the Council for Women's Rights – Mary Gaerty and Doris Bingley attended.

## December

- 1<sup>st</sup> Equality beyond Gender Roles NCPE Final Conference at Le Meridien Hotel Balluta St Julians
- 1<sup>st</sup> Malta Health Network Session at Malta Life Sciences Park tal-Qroqq
- 5<sup>th</sup> MCVS National Volunteer Award 2017 at Casino Maltese – Doris Bingley attended
- 6<sup>th</sup> Is Prostitution Violence against Women Seminar organised by Fondazzjoni IDEAT Mary Gaerty, Doris Bingley and Grace Attard attending
- 6<sup>th</sup> The Enterprise Consultative Council Mary Gaerty attended
- 6<sup>th</sup> Malta Philosophy Sharing Debate "Why Violence" with a link to the European Court of Human Rights, Strasbourg
- 7<sup>th</sup> Sustaining Relationships: The Expectations and lived experience of Maltese couples
- 11<sup>th</sup> MCESD CS meeting
- 11<sup>th</sup> SOS Norwegian Fund launch breakfast at Victoria Hotel – Mary Gaerty invited
- 11<sup>th</sup> Central Committee and Executive Committee Meeting and Festive Season's Reception
- 14<sup>th</sup> Europe for Citizens Programme ECP Closing Conference
- 15<sup>th</sup> Advocating for Human Rights conference at Valletta Campus
- 17<sup>th</sup> International Human Rights Day NCW participating in Valletta with an information stand
- 19<sup>th</sup> Prime Minister's Festive Season Reception at Castille Palace – Mary Gaerty, Doris Bingley and Grace Attard invited

# Annual General Meeting

Saturday, 27<sup>th</sup> January 2018

Victoria Hotel, Ġorġ Borg Olivier Street, Sliema

## AGENDA (Draft)

- 8.30 Registration & Coffee
- 9.00 Welcome and Notices  
Nomination of Tellers
- 9.15 Minutes of the last General Meeting
- 9.25 President's Address
- 9.35 Annual Report by General Secretary
- 10.00 Financial Report by Treasurer
- 10.15 Elections
- 10.30 Reports of Standing and Sectional Committees
- Coffee Break*
- 11.15 Results of Election
- 11.40 **Reaffirmation of Policy**
1. Promoting Women's participation in the digital society – making women more visible in the Digital Society – NCW
  2. The long-term care for ageing societies – NCW
  3. The challenges of changing employment relations – NCW
  4. Addressing precarious work – GWU
- 11.55 **Adoption of Resolutions. (5 mins each)**
1. Addressing abuse on the Elderly and Dependent Persons for a Better Quality of life – NCW
  2. Addressing Malta's Demographic Changes post 2020 – NCW
  3. The role of teachers, trainers and school leaders in improving the status of Vocational, Education and Training (VET) – NCW
  4. The Gender Pay Gap – Its impact on women and society – NCW
  5. A comprehensive approach to waste separation – NCW Environment Committee
  6. Personal & Social Development (PSD) beyond Secondary Education – MPSDA
  7. Ensuring a safer workplace – GWU
  8. Amending the Civil Code – Legislation to protect the dignity of women victims of prostitution – Malta Catholic Action & NCW
  9. Addressing Abortion and Euthanasia in the context of the Human Right to Life – Malta Catholic Action – Women's Branch
- 13.10 Correspondence ICW, ECICW, EESC
- 13.15 Other Matters
- 13.20 Concluding Address by President

**End of AGM  
LUNCH**

### Notes:

- The full text of the resolutions will be available at the AGM.
- All members and affiliated organisations are urged to attend.
- As only paid up members are entitled to vote, subscriptions should be renewed during the month of January or paid before the start of the AGM.

**Doris Bingley**  
**Hon. General Secretary**  
**National Council of Women Malta**  
**18<sup>th</sup> December 2017**