

CIVIL SOCIETY ADVOCACY FOR REPRODUCTIVE RIGHTS IN MALTA

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Jessica Rosati  
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Committee:

\_\_\_\_\_ Chair of Committee

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Graduate Program Director

\_\_\_\_\_ Dean, School for Conflict  
Analysis and Resolution

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University of Malta  
Valletta, Malta

Civil Society Advocacy for Reproductive Rights in Malta

A Thesis submitted in partial fulfillment of the requirements for the degree of Master of Science at George Mason University, and the degree of Master of Arts at the University of Malta

by

Jessica Rosati  
Bachelor of Science  
James Madison University, 2014

Director: Patricia Maulden, Professor  
School of Conflict Analysis and Resolution, George Mason University

Fall Semester 2017  
George Mason University  
Fairfax, VA  
University of Malta  
Valletta, Malta

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## **DEDICATION**

To all four of my loving parents, Andrea Rosati, John Rosati, Michael Ault, and Marlene Rosati; and to my sister, Dani Rosati, who each gave me encouragement and support to make this dream possible. And to the daring women and men who are working towards making reproductive rights a reality for everyone worldwide.

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## LIST OF ABBREVIATIONS

Civil Society Organization.....	CSO
Civil Society Actor .....	CSA
Committee on Economic, Social, and Cultural Rights .....	CESCR
Committee on the Elimination of All Forms of Discrimination against Women ...	CEDAW
The Critical Institute .....	TCI
European Union .....	EU
Gender Equality Malta.....	GEM
Gift of Life .....	GoL
International Conference on Population and Development .....	ICPD
In Vitro Fertilization .....	IVF
Labour Party.....	PL
Malta Confederation of Women’s Organizations .....	MCWO
Malta Gay Rights Movement.....	MGRM
Malta Humanist Association.....	MHA
Member of Parliament .....	MP
National Council of Women Malta.....	NCW
Nationalist Party.....	PN
Network of Young Women Leaders .....	NYWL
Organization for Friendship in Diversity .....	OFD
Platform of Human Rights Organizations in Malta .....	PHROM
Rule of Double Effect .....	RDE
Sexually Transmitted Infection.....	STI
United Kingdom.....	UK
Women’s Rights Foundation Malta .....	WRF
World Health Organization.....	WHO

## **ABSTRACT**

### **CIVIL SOCIETY ADVOCACY FOR REPRODUCTIVE RIGHTS IN MALTA**

Jessica Rosati, M.S./ M.A.

George Mason University and University of Malta, 2017

Thesis Director: Dr. Patricia Maulden

This thesis explores civil society advocacy on behalf of reproductive rights in Malta. It analyzes how civil society actors are promoting women's reproductive rights, what factors are undermining the process, and what conditions may be needed to advance progress. Additionally, it examines whether a lack of full access to reproductive rights in Malta constitutes a presence of direct, structural, or cultural violence against women. Literature was reviewed pertaining to theories on reproductive rights as human rights, civil society as a force for societal transformation, and the violence triangle. The researcher conducted five semi-structured interviews with civil society actors working in various capacities for reproductive rights in Malta and conducted a thematic analysis of the data. Connections were drawn between the resultant data analysis and the theories presented in the literature to answer the research question and sub-questions.

## CHAPTER ONE: INTRODUCTION

*“From the woman who musters the courage to ask her husband to wear a condom, counter to cultural pressures, to the woman in Parliament who demands access to affordable reproductive health services for women who need them most, daring knows no scale or status”<sup>1</sup> - Purnima Mane, expert in sexual and reproductive health*

### **Aim of the Study**

The aim of the present study is to explore how Maltese civil society actors promote women’s reproductive rights, including what factors and conditions prevent and promote progress, as well as how a lack of full reproductive rights affect women in Maltese society.

### **Case Significance and Relevance to the Field**

The significance of reproductive rights in the field of conflict resolution is centered around the idea of direct, structural, and cultural violence, that is, broadly, “when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations.”<sup>2</sup> Various forms of violence may be identified in Malta where reproductive rights are not fully present. The lack of full access to reproductive rights resulting from an inadequate legal framework and normative social influence, puts women at a disadvantage and prevents them from reaching their full

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<sup>1</sup> “Nine Can’t-Miss Quotes on Reproductive Rights from Strong Women Around the Globe,” *Pathfinder International*, February 18, 2014, <http://www.pathfinder.org/nine-cant-miss-quotes-on-reproductive-rights-from-strong-women-around-the-globe/>.

<sup>2</sup> Johan Galtung, “Violence, Peace, and Peace Research,” *Journal of Peace Research* 6, no. 3 (1969): 3, doi:10.2307/422690.

potential. Additionally, a focus on civil society is important to the field as non-governmental actors often play an important role in advocating for better conditions in society and creating sustainable change. As actors of civil society in Malta attempt to find a solution to the current lack of reproductive rights, they try to resolve the conflict that is the permeation of several forms of violence currently affecting women within Maltese society.

Malta as a case stands out among other nations by virtue of its status as the only remaining country in the European Union (EU) and one of the few in the world without a life-saving abortion law. Until late 2016, Malta also did not have over the counter access to emergency contraception, and topics such as surrogacy and in vitro fertilization (IVF) remain controversial practices. Malta appears to have a relatively active civil society – one that is fiercely divided over certain topics under the umbrella of reproductive rights – and resultantly, made for an informative study. Additionally relevant, Malta has consistently scored below average on international and regional gender equality indices and measurements, particularly in the political (decision-making power) realms.

As a case study, Malta is also advantageous, because its small size (geographically and population-wise) easily allows for a more comprehensive data collection and analysis on the research topic. This quality enabled the researcher to discuss the case in better detail, grasping a more holistic picture of the topic. The present situation of reproductive rights in Malta, especially in relation to the rest of the EU and the strong presence of Catholicism in the societal fabric, made the topic particularly interesting to examine.

## **Research Question and Sub-Questions**

The researcher studied women's reproductive rights and its related civil society activity in Malta in order to understand how civil society actors promote reproductive rights in Maltese society and subsequently how these actors can impact the process of securing these rights. Stemming from this topic, the research question of the study

became, ***“How do civil society actors promote women's reproductive rights in Malta?”***

As the researcher approached the study from a feminist epistemology, three sub-questions developed around this topic including 1. *How does an absence of full reproductive rights affect women in Malta from reaching their full potential*; 2. *What factors may be undermining civil society efforts to successfully advocate for reproductive rights*; and 3. *What conditions might produce a society in Malta in which women have greater access to reproductive rights*? The research was predominately conducted through interviews of civil society actors working on behalf of reproductive rights via an analysis of related hindrance factors, successful practices, and lessons learned.

## **Reproductive Rights' Focus**

Reproductive rights can refer to a myriad of topics including access to comprehensive sexual and reproductive health education, quality reproductive health care, surrogacy, IVF, safe abortion, various forms of birth control (including options such as emergency contraception and tubal ligation) and freedom from coercion, forced sterilization and female genital mutilation. It should be noted that this list is not meant to be comprehensive. Due to the broad scope of reproductive rights, the researcher decided to primarily focus on the following three aspects of these rights: access to comprehensive sexual and reproductive health education, safe and legal abortion, and emergency

contraception. The decision to focus on these three areas was made based in light of current situations in Malta, in which these areas are currently lacking to various extents.

## **Study Structure**

An outline of the current study includes, first, a literature review of concepts relevant to the research, including reproductive rights, civil society, and violence. This section will also address theories related to the topic, such as reproductive rights as human rights, civil society as a force for social transformation, and the violence triangle (direct, structural, and cultural violence). Next, the researcher explores Malta as a case study to lay the foundations for the study, including data regarding the current situation of gender equality and women's reproductive rights, Malta's position within the EU, the role of religion within Malta, the related positions of the two prominent political parties, and general perceptions of the Maltese people regarding religion and reproductive topics. The next chapter includes detailed information about the researcher's methodology and theoretical framework, describing the study's methodology justifications; the utilized methods of data collection and analysis, via a thematic examination of civil society actors' interview transcripts; ethical considerations, particularly concerning the controversial nature of aspects within the research topic; procedures of confidentiality and informed consent, including anonymity of the research participants; and finally, limitations and advantages of the study. The chapter following delves into the data analysis of the interview transcripts through a detailed process of coding and thematic investigation. A total of thirty themes relevant to the research question and sub-questions were uncovered from the interview transcripts. Afterwards, the discussion chapter

describes the key findings from the study and explores them in light of relevant theories and concepts within the field of conflict analysis and resolution.

## **CHAPTER TWO: LITERATURE REVIEW**

### **Introduction**

Reproductive rights are a relatively new focus in the international arena (circa mid-1990s), whereas a developed concept of civil society is generally connected to early-modern thought of the Age of Enlightenment in the 1700s. It is noted that a loose conceptualization to a version of civil society has been found in the works of Plato, Socrates, Aristotle, and others. The relevant connection between the two concepts is understood as to how civil society actors may or may not have the power to successfully promote and achieve comprehensive access to reproductive rights in societies which may not enjoy full benefits to these rights.

In the following section, a conceptualization of both reproductive rights and civil society will be explored. International laws, conferences, and treaties will be examined to explore what the international community defines as “reproductive rights,” and how they are or are not protected. Additionally, the researcher will investigate existing literature which connects reproductive rights to basic human rights, to conclude whether they should be protected with the same seriousness or not. Regarding civil society, the researcher will review the perspectives of esteemed philosophers including Antonio Gramsci, Michel Foucault, Jürgen Habermas in reference to the relationship between civil society and the state (as well as market), and additionally, to what extent of power civil society may have in transforming the social sphere.

Finally, the researcher will introduce the concepts of direct, structural, and cultural violence, as coined by Johan Galtung, a generally well-regarded academic in the field of peace and conflict studies. These three forms of violence will be presented to familiarize the reader with ways in which individuals in society can experience violence, including overt displays of physical violence, as well as the more veiled forms such as mental harms and preventing individuals from the realizations of their full potentials.

### **What Are Reproductive Rights?**

The concept of reproductive rights within international law is a relatively new adoption. Prior to the International Conference on Population and Development (ICPD) in 1994, also called the “Cairo Conference,” reproductive rights had never been clearly defined.<sup>3</sup> However, an elementary idea of reproductive rights was presented in the 1968 Teheran Conference on Human Rights as “a basic human right to determine freely and responsibly the number and the spacing of their children.”<sup>4</sup> For the purposes of this paper, the author will be utilizing the definition of reproductive rights as outlined beginning in paragraph 7.3 of the Programme of Action resulting from the Cairo Conference:

...reproductive rights embrace certain human rights that are already recognized in national laws, international human rights documents and other consensus documents. These rights rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. It also includes their right to make decisions concerning

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<sup>3</sup> Barbara Stark, “The Women’s Convention, Reproductive Rights, and the Reproduction of Gender,” *Duke Journal of Gender Law & Policy* 18, no. 2 (April 1, 2011): 265.

<sup>4</sup> “Proclamation of Teheran, Final Act of the International Conference on Human Rights, Teheran, 22 April to 13 May 1968, U.N. Doc. A/CONF. 32/41 at 3 (1968).” (United Nations, May 13, 1968).

reproduction free of discrimination, coercion and violence, as expressed in human rights documents.<sup>5</sup>

Again in 1995, reproductive rights gained additional momentum at the Fourth World UN Conference on Women, in Beijing, China. Many consider the Cairo and Beijing Conferences to be the trailblazers that led to the understanding that the defense of sexual health and reproductive rights are a form of social justice, and as such, can be improved through better application of human rights existing in national, regional, and international human rights' documents.<sup>6</sup>

Regarding the topic of abortion, the 1994 ICPD Programme of Action urges national governments to consider the repercussions of the practice of unsafe abortions on women's health, and remediate this threat as a chief public health concern through the provision of more comprehensive family-planning services.<sup>7</sup> The prevention of abortion and management of the repercussions of abortion are included as two key areas of reproductive health in paragraph 7.6 of the Programme of Action. The emphasis herein lies on the prevention of abortion through better information, more choices, and services provided by state governments as the most effective way to reduce unwanted pregnancies in the first place.<sup>8</sup> Although international consensus documents such as this are considered "non-binding," the assertions within these pages are indicative of an

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<sup>5</sup> "Programme of Action Adopted at the International Conference on Population and Development Cairo, 5–13 September 1994, 20th Anniversary Edition" (United Nations Population Fund, September 13, 1994), 60.

<sup>6</sup> Christina Zampas and Jaime M. Gher, "Abortion as a Human Right—International and Regional Standards," *Human Rights Law Review* 8, no. 2 (January 1, 2008): 252, doi:10.1093/hrlr/ngn008.

<sup>7</sup> "Programme of Action Adopted at the International Conference on Population and Development Cairo, 5–13 September 1994, 20th Anniversary Edition," 90.

<sup>8</sup> *Ibid.*, 61,63.

international consensus and support for human and reproductive rights and standards that should be upheld around the world. Additionally, these documents are often highly utilized in the processes of policy reform and for interpretations of national and international law.<sup>9</sup>

### **Reproductive Rights as International Human Rights**

According to Christina Zampas and Jamie M. Gher, at present date there are no international treaty-monitoring bodies which explicitly identify a women's right to an abortion, for economic/social reasons. Generally, what is protected in human rights law regarding abortion is regarding the circumstances in which the mother's life or health is at risk, when the pregnancy resulted from incest or rape, or if there might be a high risk of fetal impairment. There has additionally been recognition by treat-monitoring bodies that national abortion laws which are highly restrictive may push women to obtain unsafe illegal abortion which put their lives in danger.<sup>10</sup> The authors of this article argue that despite the lack of inclusion of abortion as a human right in international treaties, "a constellation of human rights, including the rights to privacy, liberty, physical integrity, non-discrimination and health" support the idea that full access to abortion is, indeed, a human right.<sup>11</sup>

As discovered in the existing literature on this topic, reproductive and sexual rights after often grouped together for the purpose of a comprehensive picture – as intersecting and oftentimes overlapping concepts in meaning and purpose. The notions of

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<sup>9</sup> Zampas and Gher, "Abortion as a Human Right—International and Regional Standards," 253.

<sup>10</sup> Ibid., 255.

<sup>11</sup> Ibid.

sexual rights and bodily integrity as basic human rights are explored in an article by Shirin Heidari; the author investigates existing global recognition of these rights as well as sexuality as a political struggle. Sexuality is understood as a paradox: personal and intimate, yet highly politicized and vulnerable to power relations (both in the public and private spheres).<sup>12</sup> Reflecting on the question as to why in some countries, politically speaking, same-sex marriage has received greater recognition (as it should) than access to safe abortion rights, the author defers to Katha Politt who proposes the idea that “while same-sex marriage is about love and helps reinvigorate a dying institution, abortion concerns the sexual freedom of women, disconnecting sex from reproduction and challenging puritanical orthodoxies.”<sup>13</sup> This is a question that has cropped up time and again as Malta provides itself as a clear example of this phenomenon.<sup>14</sup>

Heidari praises a 2015 WHO report as a progressive attempt to acknowledge the intersection of sexuality, sexual health, and human rights in a comprehensive way by paying particular focus to “the importance of attainment of sexual health, that is, a pleasurable, fulfilling and safe sexual life without coercion, discrimination and violence, through respect and protection of human rights.”<sup>15</sup> Clear violations of human rights can be teased apart from an analysis of the negative impact on women’s health and welfare that results from restrictions on access to sexual health education, services, information, as well as a failure to prevent discrimination and inequalities in the realm of sexual

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<sup>12</sup> Shirin Heidari, “Sexual Rights and Bodily Integrity as Human Rights,” *Reproductive Health Matters* 23, no. 46 (November 2015): 1, doi:10.1016/j.rhm.2015.12.001.

<sup>13</sup> *Ibid.*, 3.

<sup>14</sup> “Malta’s Paradox: A Beacon of Gay Rights That Bans Abortion - BBC News,” accessed July 18, 2017, <http://www.bbc.com/news/world-europe-38235264>.

<sup>15</sup> Heidari, “Sexual Rights and Bodily Integrity as Human Rights,” 1.

health. The report additionally challenges nations to recognize their duty to provide for the sexual health needs of their citizens by improving policies and laws to meet international human rights standards.<sup>16</sup>

In another exploration of sexual and reproductive rights and the human rights agenda, Wanda Nowicka, president of the Federation for Women and Family Planning in Poland, examines current UN policy-setting and treaty monitoring bodies as well as the UN human rights system in respect to these topics. The Cairo and Beijing conferences are initially highlighted as the foundations for a rights-based approach to sexual and reproductive health worldwide, including 12 critical areas of concerns for human rights breaches, such as the right to health.<sup>17</sup> The policy-setting bodies and treaty monitoring bodies of the UN which exist to address this issue include (but are not limited to) the Commission on the Status of Women and the Commission on Population and Development, in respect to the former, and the Human Rights Committee, Committee on Economic, Social, and Cultural Rights (CESCR), and the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), in respect to the latter.

The conclusion drawn by the author of this article regarding UN policy-setting bodies remains that there has not been a large amount of progress in improving the standards for sexual and reproductive health and rights over the first decade of the 21<sup>st</sup> century.<sup>18</sup> Reasons for stagnation since the Cairo and Beijing conferences are speculated to be resultant from a shift in the political climate surrounding sexual and reproductive

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<sup>16</sup> Ibid.

<sup>17</sup> Wanda Nowicka, "Sexual and Reproductive Rights and the Human Rights Agenda: Controversial and Contested," *Reproductive Health Matters* 19, no. 38 (2011): 119.

<sup>18</sup> Ibid., 120.

health, the problematic nature of “agree language” in the annual resolutions adopted in the UN policy-setting commissions, and the agenda of conservative governments which actively work towards weakening the language of current commitments during resolution negotiations (particularly in regard to rights).<sup>19</sup>

As for the human rights treaty monitoring bodies of the UN, much more progress has been made on sexual and reproductive health and rights. Since these monitoring committees are comprised of independent experts, much less influence stemming from political controversies over reproductive and sexual rights exists. For example, the Human Rights Committee adopted a General Comment in 2000, concluding that women’s reproductive health issues, such as having to rely on clandestine abortions and risk of maternal mortality are un rebuttably human rights violations. Additionally, the CEDAW committee approved a General Comment which clarifies that national governments are required to provide alternative health services when medical providers’ conscientious objection limits services that women need.<sup>20</sup> In fact, 2008-2009 saw several Committee recommendations to countries such as Ecuador, Poland, and Nicaragua, regarding improved access to safe and legal abortions, especially in the cases of rape and incest; in the case of Nicaragua, the criminalization of abortion in any situation was deemed a violation of human rights.<sup>21</sup> However, the author makes a strong point of concern for the approach the human rights bodies take on the issue of abortion. It is clear from the bodies’ justifications for their recommendations that abortion is seen almost

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<sup>19</sup> Ibid., 121.

<sup>20</sup> Ibid., 122.

<sup>21</sup> Ibid.

exclusively as a public health issue rather than an issue of gender discrimination or of women's decision-making and autonomy. This narrow focus ultimately plays a somewhat harmful role in the achievement of women's empowerment and fulfillment of all human rights.

A key human right based assessment on the issue of outright abortion bans involves the International Covenant on Civil and Political Rights 1966 (ICCPR), which overtly declares the right to life for all human beings. The Human Rights Committee (HRC), interpretive body of the ICCPR, made General Comment number 28, which discusses the equality of rights between men and women and asks states to provide data on measures taken to assist women in preventing undesired pregnancies as well as protecting them from life-threatening clandestine abortions.<sup>22</sup> The same comment also reflects on policies which require health professionals to report abortion cases as a potential violation of Article Six's right to life, as well as Article Seven's right to freedom from cruel, inhumane, or degrading treatment or punishment. The HRC has additionally declared the criminalization of abortion as incompatible with women's right to life under Article Six and has made clear connections to clandestine abortions and high risks of maternal mortality as well as detrimental effects on women's lives, well-being, and health.<sup>23</sup> Malta is party to the ICCPR as of 1990.

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<sup>22</sup> Zampas and Gher, "Abortion as a Human Right—International and Regional Standards," 256.

<sup>23</sup> Ibid., 256,257.

## Conceptualization of Civil Society

The concept of civil society does not have only one meaning, understanding, or interpretation; it has been historically contested among scholars and practitioners.<sup>24,25</sup>

While there is not much agreement on an exact definition, there is much overlap among ideas and components of its meaning. A broad, largely uncontested definition of “civil society,” will be utilized as a starting point for the present research and is outlined in *A Dictionary of Civil Society, Philanthropy, and the Non-Profit Sector*. Helmut Anheier and Regina List define civil society as the following:

The set of institutions, organizations and behaviours situated between the state, the business world and the family. This would include voluntary organizations of many different kinds, philanthropic institutions, social, cultural and political movements and dimensions of the public sphere, forms of social capital, political participation and social engagement, and the values and behavioural patterns associated with them.<sup>26</sup>

According to this dictionary, the ideation of civil society is focused on the role of citizens, the society they comprise, and the connection to both to the state and market. A historic look at the term is associated with the concept of citizenship, limits to state power, and establishment and control of market economies. A modern view of civil society interprets it as a domain between the state and market which simultaneously keeps both in “check” from becoming too dominant.<sup>27</sup>

In “The Role of Civil Society in Health Care Reforms: An Arena for Hegemonic Struggles,” Dani Filc notes the aforementioned definition, but discusses the conceptual

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<sup>24</sup> Dani Filc, “The Role of Civil Society in Health Care Reforms: An Arena for Hegemonic Struggles,” *Social Science & Medicine* 123 (December 2014): 168, doi:10.1016/j.socscimed.2014.07.030.

<sup>25</sup> Helmut Anheier and Regina List, *A Dictionary of Civil Society, Philanthropy, and the Non-Profit Sector* (Routledge, 2005), xiii.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid., 54.

choices for which it allows. More specifically, Filc points out the ambiguity of civil society as distinct from the state and also the business world (market). Filc concludes that the majority of contemporary understandings of civil society differentiate civil society from the state, however, the separation between civil society and the market is more debated.<sup>28</sup> The present research also follows this trend, excluding both the state and market from civil society.

Civil society is considered an ever-growing phenomenon on a local, national, and global level; however, the present research focuses on civil society at the local and national level almost exclusively. On a local level, civil society is a large part of community building, empowerment, local development, and regeneration, and on a national level it often plays a primary role in welfare, education reform, health care, and public-private partnerships.<sup>29</sup> According to Anheier and List, the non-profit and voluntary sectors form the social backbone of civil society and produce the sense of trust and social inclusivity that is vital for the healthy functioning of today's societies.

The role of advocacy in civil society is also explored in the present study and can be defined as the following:

The active espousal of a political or policy position, a point of view, or a course of action. It covers a variety of actions that range from highly regulated and formalized lobbying by interest associations (exemplified by political campaign activity) to attempts to shape public opinion, demonstrations and boycotts, as well as litigation and the use of the legal system to influence public policy.<sup>30</sup>

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<sup>28</sup> Filc, "The Role of Civil Society in Health Care Reforms," 169.

<sup>29</sup> Anheier and List, *A Dictionary of Civil Society, Philanthropy, and the Non-Profit Sector*, xiii.

<sup>30</sup> Ibid.

As elaborated by Anheier and List, advocacy is one the idiosyncratic roles of non-profit organizations within civil society, taking the position of a “value guardian.” The political processes and resultant policies in a nation can often overlook the needs of vulnerable groups, minorities, and otherwise; thus, it is frequently up to groups within civil society to empower these individuals, or speak on behalf of them, to meet their individual needs. This essential role of civil society groups both guards and promotes particularistic values within a state, and the result is often revealed in the ways of improved pluralism and democracy.<sup>31</sup>

### **Civil Society and Relationships with the State and Market**

One of the primary arguments made by economists for a more involved role of non-profits and other civil society organizations is that they are frequently more apt and effective at providing services that governments consider too costly or ineffective to offer themselves. Past research has shown that a strong relationship between the nation state and parts of civil society is a key indicator for the scale of non-profit activities (e.g. education, health, welfare) in the country. As such, civil society is considered a defense against the possibility of a state becoming too powerful, repressive, neglectful etc., an instrument in forming social empowerment, unity, cohesion, and representative of a society based upon collective accountability, independence, and self-reliance.<sup>32</sup>

An alternative view of civil society and its relationship with the state is presented by Michel Foucault. Foucault could not accept the notion that civil society possesses the

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<sup>31</sup> Ibid., 4.

<sup>32</sup> Ibid., xiii.

inherent good that is required to counter the evils of the state. A number of Foucault's writings acknowledge the antagonistic nature of civil society, including acts of social exclusion and public condemnation. He saw civil society as instigators of marginalization, and the state as enforcers of the norms produced by "agents of civil society." An example that displays this phenomenon is used in "The Lives of Infamous Men," when petitions were submitted by regular people to the king to exclude people who displayed morally offensive behavior. The ruler in power only then "struck down on people who had already become marginalized by their own social group, thus executing a second degree of marginalization."<sup>33</sup> One could conclude, from Foucault's analyses, that civil society should not be seen exclusively from the modern perspective, as a force for positive change and comprised of individual freedoms, reasoned dialogue etc.

While assessments of Foucault's view on civil society from his various works are disputed, it can be hard to deduce that he was a theoretical proponent for the forces of civil society. However on a more optimistic note, he did conclude that civil society came about as a solution to the 17th and 18th century issue regarding how to rule over a population seen as "both juridical subjects and as living, economic-cultural agents."<sup>34</sup> Therefore civil society could serve as a mediator between the ruling party and a group of people with a diversity of needs, desires, and social bonds. Civil society is perceived as contributing to a healthier balance between the need to both legally control subjects as well as provide for a number of human rights. Foucault found worth in the idea of civil

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<sup>33</sup> Kaspar Villadsen, "Michel Foucault and the Forces of Civil Society," *Theory, Culture & Society* 33, no. 3 (April 29, 2015): 9, doi:10.1177/0263276415581895.

<sup>34</sup> *Ibid.*, 12.

society as an opener of the domain of non-juridical relations between the governed and the governors.<sup>35</sup>

Jürgen Habermas also illuminates the relationship between civil society and the state and market, based upon historical analyses. The significance of the “public sphere,” what Habermas essentially refers to as civil society, is in its characteristic as a form of societal rationalization and integration. Public discourse (or “communicative action”) within a civil society, and additionally, state power and a market economy, are all seen as having the capacity to be “coordinators of human life.” However, the key differences between civil society and state power/the market are that the latter are intrinsically less discursive and additionally vulnerable to the ills of domination and reification, while civil society is less so.<sup>36</sup> Communicative action is considered a preferable alternative to power and money as the basis for societal integration.<sup>37</sup>

Unfortunately, in advanced capitalist societies, Habermas noticed a major shift and was unable to discover “an institutional basis for an effective political public sphere corresponding in character and function to that of early capitalism and state formation...”<sup>38</sup> As such, the full utopian potential of the public sphere was never actualized. Notably, state interference in a market economy is seen as undermining the ability for civil society to develop as a part of the private arena. As a result, this prohibits attention to the contradictory nature of capital and turns political will away from the

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<sup>35</sup> Ibid., 14.

<sup>36</sup> Craig J. Calhoun, *Habermas and the Public Sphere*, Studies in Contemporary German Social Thought (Cambridge, Mass: The MIT Press, 1992), 6, <http://search.ebscohost.com/login.aspx?direct=true&db=nlebk&AN=48445&site=bsi-live>.

<sup>37</sup> Ibid., 31.

<sup>38</sup> Ibid., 30.

potential for necessary transformation and instead towards the state itself. In summation, Habermas saw great benefit for social transformation in the forces of civil society, albeit they can never be realized in modern capitalist societies.

### **Civil Society and the Power to Transform the Social Sphere**

Another understanding of civil society arrives through a Gramscian view, as “an arena for hegemonic struggles” and its power to alter the social sphere. Antonio Gramsci is critical of most conceptualizations of civil society, citing a “blindness” to the power struggle among groups within civil society to have their voices heard. Certain structural features of civil society are seen to be innately contributing to imbalanced power relations and access to resources, allowing for some groups to advocate for their interests while others cannot, or are at least at a disadvantage. Both a Gramscian and neo-Gramscian analysis of civil society are called upon to contest the shortcomings of a modern understanding of civil society.<sup>39</sup>

For Gramsci, civil society is not fundamentally distinct from the state, but rather an integral part of it, as a sub-component or division. The state can be divided into a civil society and political society, however, in some of his work, Gramsci articulates a total overlap between the civil and political realms. Most importantly, he understands civil society and the state as interconnected through a power relationship which reinforces one another to the detriment of some social groups, institutions, and organizations, and to the advantage of others. While most contemporary understandings of civil society see it as inherently positive, as a sphere of self-determination and heterogeneity, Gramsci’s

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<sup>39</sup> Filc, “The Role of Civil Society in Health Care Reforms,” 169–70.

interpretation does not align with this notion of optimistic essentialism. Rather, he considers civil society as a space in which a struggle for hegemony occurs, with both winners and losers, the maintenance of hegemonic projects as well as subaltern statuses, respectively.<sup>40</sup>

It is significant to note that Gramsci does not understand civil society as only beneficial to present hegemonic groups – it is also a space for alternative models of hegemony to achieve their status and power. In other words, it is “the realm in which social groups that challenged the social system were able to build the institutions and organizations needed to consolidate an alternative ‘historical bloc’ and to put forward an alternative hegemonic model.”<sup>41</sup> The realm of civil society is where the fight between hegemonic and counter-hegemonic movements occurs to achieve the end goal that is incapacitating the coercive powers of the state in order to for the counter-hegemony to achieve equality. An anti-hegemonic group wins this struggle when they are able to access political power that produces the structures and conditions that allow for “no individual or group [to be] reduced to a subaltern status.”<sup>42</sup>

On a similar yet distinctly different note, Foucault saw civil society as characteristic of punitive micro-powers, as well as a sphere of “reciprocal surveillance” in which all participants are in conflict with one another.<sup>43</sup> Meanwhile, other critics interpret Foucault’s view on civil society as representative of sympathies to diversity and marginality with a focus on activism and identity politics. In “Michael Foucault and the

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<sup>40</sup> Ibid., 170.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Villadsen, “Michel Foucault and the Forces of Civil Society,” 3.

Forces of Civil Society,” Kaspar Villadsen argues that Foucault, rather, was not a supporter of civil society as an essentially “progressive force” and was fundamentally distrustful of the forces in this sphere. Villadsen considers it vital that current understandings of Foucault’s take on civil society do not confirm “currents of academic thought” which conclude the weakening of the state’s power over its citizens.<sup>44</sup> At the middle of the debate on the relationship between the state and civil society lies the crucial question posed by Villadsen: “If the state is little more than an epiphenomenon of the social contradictions of civil society, how can it be the instigator of societal transformation?”<sup>45</sup>

Attention to the work of Habermas is also helpful in an understanding of the forces of civil society, particularly for the power of this sphere to transform society. One of Habermas’ most significant works, *The Structural Transformation of the Public Sphere*, inquires as to what conditions are necessary for the interests of groups (of people) to be an authoritative basis for political influence. Habermas explores what social conditions produce an environment ripe for social transformation, in which valid arguments and not statuses are able to influence decision making. The ideal public sphere is one in which “practical reason was institutionalized through norms of reasoned discourse in which arguments, not statuses or traditions, were to be decisive.”<sup>46</sup>

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<sup>44</sup> Ibid., 4.

<sup>45</sup> Ibid., 4–5.

<sup>46</sup> Calhoun, *Habermas and the Public Sphere*, 3.

Habermas understood the public sphere as space for general public concern on a basic level that discourse, in theory, is not skewed by a particular interest, but instead, a logical approach to an objective order:

The bourgeois public sphere may be conceived above all as the sphere of private people come together as a public; they soon claimed the public sphere regulated from above against the public authorities themselves, to engage them in a debate over the general rules governing relations in the basically privatized but publicly relevant sphere of commodity exchange and social labor. The medium of this political confrontation was peculiar and without historical precedent: people's public use of their reason.<sup>47</sup>

Habermas summarized the conditions in civil society necessary for social transformation as “quality of discourse” and “quantity of participation.” The emergences of big social organizations were seen as mediators for individual participation in civil society.

However, the participation of more people in the discourse characteristic of the public sphere was seen by Habermas to have decreased the quality of arguments. The exclusionary nature of the early public sphere received mixed perceptions by academics and it is contested whether this version of civil society resulted in more rational and critical discourses than those versions of more recent times that are more inclusive.<sup>48</sup>

### **Direct, Structural, and Cultural Violence**

Johan Galtung, a prominent academic in the field of peace and conflict studies, first coined the concepts of “direct violence” and “structural violence” in his 1969 article, “Violence, Peace and Peace Research;” later completing what is deemed the violence triangle, he added the concept of “cultural violence.” Many peace academics today

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<sup>47</sup> Ibid., 9.

<sup>48</sup> Ibid., 3.

consider Galtung's work still quite relevant to modern practice and theory.<sup>49</sup> In addition to the ideation of these concepts, Galtung also developed the theories of "positive" and "negative" peace, which are interconnected with structural and personal violence.

In order to establish the meaning of structural/personal violence and positive/negative peace, Galtung first broadly conceptualizes the term, "violence." He pinpoints the presence of violence as "when human beings are being influenced so that their *actual* somatic and mental realizations are below their *potential* realizations."<sup>50</sup> He rejects the narrow concept of violence as merely somatic harm with the understanding that if peace is the negation of this definition of violence, then the standard for peace would be much too low. For example, the existence of societal structures that oppress groups of people would be congruent with peace under this definition. As a result, the need to create a more nuanced concept of violence arose, including the differentiation between what was coined "structural violence" and "personal violence."

The idea of *potential* realizations is difficult to quantify, and Galtung remedies this by deferring to "whether the value to be realized is fairly consensual or not" as a guide, albeit admitting the shortcomings of this understanding.<sup>51</sup> He explains this abstract idea through an example about literacy and religion: while being literate is an expectation almost everywhere, being Christian is not, therefore violence would exist if the level of literacy was below what it could be, while violence would not exist if the level of Christianity is less than what it could be.

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<sup>49</sup> Andrew Dilts, "Revisiting Johan Galtung's Concept of Structural Violence," *New Political Science* 34, no. 2 (June 1, 2012): 191, doi:10.1080/07393148.2012.676396.

<sup>50</sup> Galtung, "Violence, Peace, and Peace Research," 168.

<sup>51</sup> *Ibid.*, 169.

Violence as a concept is broken down into several dichotomous distinctions – the first of which is between psychological and physical violence. *Physical* violence is what many people think of when they first hear the term “violence,” and it refers to a reduction of somatic potential and constraints on human movement. Psychological includes violence that “works on the soul,” such as indoctrination of different kinds, threats, lies, and other acts which lower mental potentials.<sup>52</sup> Next, there is a distinction between negative and positive influence producing the violence; in other words, whether there is a system of rewards or punishments in place for “positive” behavior, reinforcing or deterring one to act in a particular way that may reduce a realization of potentials.

Another distinction lies in the idea of whether or not there is a person who acts in committing the violence. When an actor is carrying out the violence, this is considered “personal” or “direct” violence, while violence with no perpetrating actor is considered “structural” or “indirect.” It is important to note that in both circumstances, the receiver of violence may be physically or psychologically harmed. However, in the case of structural violence, there is usually not a direct link to a person who harms another, but rather violence is built into a social structure and manifests itself as inequalities.<sup>53</sup> Two of the most prominent forms of structural violence are repression and exploitation.<sup>54</sup> Examples of indirect violence include an uneven distribution of resources, such as income, education, medical services.

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<sup>52</sup> Ibid.

<sup>53</sup> Ibid., 170–71.

<sup>54</sup> Johan Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization* (SAGE Publications, Inc, 1996), 2.

Galtung concludes that there is no reason to think that personal violence produces more suffering than structural violence, but that more attention is often paid to personal violence because it is more visible. The metaphor used by the author to describe this phenomenon paints a clear picture of the difference: “Personal violence represents change and dynamism - not only ripples on waves, but waves on otherwise tranquil waters. Structural violence is silent, it does not show - it is essentially static, it is the tranquil waters.”<sup>55</sup> And due to this silent nature, often in many circumstances, the receivers of structural violence may be unaware of how systems they are living in are putting them at a disadvantage.

Related to the concepts of personal and structural violence are negative and positive peace, respectively; Galtung has equated negative peace with the absence of personal violence and positive peace with the absence of structural violence. The absence of structural violence may also be called “social justice.”<sup>56</sup> Thus, to achieve peace, one might adopt the double goal of transforming conditions to eliminate both personal and structural violence, creating a holistic solution.

Completing Galtung’s violence triangle is the concept of “cultural violence,” as discussed in *Peace by Peaceful Means*. The primary function of cultural violence is to legitimize structural and direct violence as it is considered the aspects of culture which are “symbolic, in religion and ideology, in language and art, in science and law, in media and education.”<sup>57</sup> This concept is connected to cultural power, which influences people

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<sup>55</sup> Galtung, “Violence, Peace, and Peace Research,” 173.

<sup>56</sup> Ibid., 183.

<sup>57</sup> Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*, 2.

by dictating what is the norm and what is not. Through the psychological process of internalization and socialization, cultural violence causes structural and direct violence to feel right, or at minimum, not wrong.<sup>58</sup> Cultural violence also behaves in a way that changes the moral status of an act in a subtle and often unnoticeable manner so that what would otherwise be considered immoral behavior is instead thought of as acceptable. In other words, “the culture preaches, teaches, admonishes, eggs on, and dulls us into seeing exploitation and/or repression as normal and natural, or into not seeing them (particularly not exploitation) at all.”<sup>59</sup> This form of violence serves the “top dogs,” or ruling elites, in maintaining the order of a society which benefits themselves in some way; an apathetic society in the face of injustices is more easily governed than an active and vocal one.

On the relations between gender and various forms of violence, Galtung delves into the concept of patriarchal violence. Patriarchy as a social formation inherently displays characteristics of structural violence with men in higher positions and women in lower ones, manifesting itself in various forms of violence against women while also being legitimized by cultural patterns.<sup>60</sup> Oftentimes, a failure to understand the existence of or detrimental effects from a patriarchy is exemplary of cultural violence at play, through many avenues, such as religion or language. The violence triangle reinforces itself in a cycle, beginning with any of the three points: “Direct violence, such as rape, intimidates and represses; structural violence institutionalizes; and cultural violence internalizes that relation, especially for the victims, the women, making the structure very

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<sup>58</sup> Ibid., 196.

<sup>59</sup> Ibid., 200.

<sup>60</sup> Ibid., 33.

durable.”<sup>61</sup> Resultantly, according to Galtung, the triangular phenomenon of violence should be combatted with a triangular phenomenon of peace with structural peace, cultural peace, and direct peace as the instigators.

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<sup>61</sup> Ibid., 40.

## CHAPTER THREE: THE CASE OF MALTA

### Introduction

The current situation in Malta regarding reproductive rights has seen less progress than most other countries in the European Union. One reason Malta is a special case study to focus on regarding reproductive rights is because, as aforementioned, it is the only country in the European Union without a life-saving abortion law.<sup>62</sup> Last year also witnessed Malta's first big protest for general, as well as over-the-counter, access to emergency contraception. The current situation for reproductive rights in Malta, especially in relation to the rest of the EU, as well as the strong presence of Catholicism in the societal fabric, make the topic of reproductive rights particularly fascinating to study.

### Background

The Republic of Malta is an island-nation and both the smallest and southernmost European state, located in the central Mediterranean with a total area of 315 km<sup>2</sup>.<sup>63</sup> In 2015, there were 434, 403 inhabitants in Malta, including the two "sister islands" of Gozo and Comino.<sup>64</sup> Malta was under British colonial rule, primarily for strategic

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<sup>62</sup> "Malta Now Only EU Country without Life-Saving Abortion Law - The Malta Independent," accessed April 7, 2017, <http://www.independent.com.mt/articles/2013-07-14/news/malta-now-only-eu-country-without-life-saving-abortion-law-2068054030/>.

<sup>63</sup> Charles Pace, "The Maltese Welfare State: Hybrid Wine in Rightist Bottles (with Leftist Labels)?," in *Handbook of European Welfare Systems* (Routledge, 2009), 344.

<sup>64</sup> "Trends in Malta 2016," accessed July 29, 2017, <https://nso.gov.mt/en/nso/Media/Salient-Points-of-Publications/Pages/Trends-in-Malta-2016.aspx>.

interests as a naval base, beginning in 1814 and ending in 1964; and prior to British colonialization, Malta was a theocracy under the Knights of St. John from 1530 to 1798.<sup>65</sup> The institutionalization of Catholicism dates back to the arrival of the Order of the Knights.<sup>66</sup>

A strong connection to the “Maltese identity” is often seen as extremely present amongst members of the local population. According to an anthropological study by Jon P. Mitchell, “There is a profound sense of inevitability [in Malta] too - a feeling that ‘this is the way we Maltese do things - it will never be stamped out’ ... this can be linked to a politics of identity, this time in its relationship to ideas about development.”<sup>67</sup> Mitchell also discerns that Malta finds itself incongruently situated in between “modern” Europe and “traditional” societies of the Mediterranean, a nation that is economically and politically marginal to the EU and Arab world, and this contributes to concerns over a “Maltese identity.”<sup>68</sup> The strong sense of identity among the Maltese population is debated as one of the reasons why its social developments have progressed in the manner in which they have.

### **Role of Religion**

Today, Malta is considered one of the most Catholic countries in the world, with around 95% of its citizens identifying as Roman Catholic and over 50% attending Sunday

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<sup>65</sup> Jon Mitchell, “An Island in between: Malta, Identity and Anthropology,” *South European Society and Politics*, November 19, 2007, 142–43.

<sup>66</sup> Dominic Fenech, “Divorced from Political Reality: The New Limits of Ecclesiastical Power in Malta,” *European Journal of Political Research Political Data Yearbook*, June 2012, 224, <https://www.um.edu.mt/library/oar/handle/123456789/15866>.

<sup>67</sup> Mitchell, “An Island in between: Malta, Identity and Anthropology,” 144.

<sup>68</sup> *Ibid.*, 147–48.

mass every week.<sup>69</sup> Other than Rome, the Church of Malta is considered the only existing Apostolic See today. Christianity has had an influence in Malta for approximately 2,000 years. The presence of the Catholic Church can be dated back to 60 A.D. when St. Paul became shipwrecked on Malta en route to Italy and purportedly introduced Christianity to the island.<sup>70</sup> Since then, the Church has played a prominent role in social affairs and the common good. Many of the first charitable organizations and educational institutions were founded and run by the Catholic Church, including orphanages, old folk's homes and rehabilitation centers. At the same time, the Church has tried to reassure its forefront position through national law via the constitution and other avenues of political power. In Article two, the post-independence Constitution of Malta recognizes the special status of Roman Catholicism in Malta (although there are protections for freedom of other religions as well under Article 40).<sup>71</sup> Article two states:

(1) The religion of Malta is the Roman Catholic Apostolic Religion. (2) The authorities of the Roman Catholic Apostolic Church have the duty and the right to teach which principles are right and which are wrong. (3) Religious teaching of the Roman Catholic Apostolic Faith shall be provided in all State schools as part of compulsory education.<sup>72</sup>

And not only is Catholicism ingrained into the legal framework of the Maltese state, but is intricately weaved into citizen's understanding of their national identity.<sup>73</sup> Also through ritualistic practices, Catholicism throughout Malta can be observed

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<sup>69</sup> Andrea Bettetini, "Religion and the Secular State in Malta," *Religion and the Secular State: National Reports*, 2015, 493.

<sup>70</sup> Roderick Pace, "Growing Secularisation in a Catholic Society: The Divorce Referendum of 28 May 2011 in Malta," *South European Society and Politics*, December 17, 2012, 575.

<sup>71</sup> Bettetini, "Religion and the Secular State in Malta," 493.

<sup>72</sup> Pace, "Growing Secularisation in a Catholic Society: The Divorce Referendum of 28 May 2011 in Malta," 574.

<sup>73</sup> Fenech, "Divorced from Political Reality," 224.

frequently. Attendance of Sunday mass in Malta is higher than any other country in Europe; most children are baptized; many parents send their children to Catholic schools; marriages largely take place in the Church; religious village festas are common stance; and a different church can be discovered on every day of the year – over 365 exist in Malta.

While Malta is still considered a highly Catholic country, there are signs its society is deviating from its traditional Catholic roots – but not necessarily by becoming less religious. Anthony Abela describes this phenomenon as an “individualized Catholic identity,” which is when one identifies as a member of the Catholic Church but still feels able to diverge from the Church’s teachings when it comes to one’s decisions in personal life.<sup>74</sup> This is seen by Abela as “a multiplicity of risk-taking and self-determining individuals who are not concerned to reconcile traditional religion with the demands of later modernity.”<sup>75</sup> However, a noteworthy aspect of the contemporary Church in Malta is the sense of belonging that it creates among its people and the willingness for them to take their religious beliefs seriously. This sense of community and loyalty are characteristics that are likely to contribute to the cultural, and therefore political, longevity of the Church in Malta.<sup>76</sup>

Rev. Dr. Paul Pace contemplates how the interactions between religion and politics will develop in the future as Malta becomes increasingly more pluralistic as well as a member of the EU. He discerns that there will be three topics for primary debate that

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<sup>74</sup> Paul Pace, “The Place of Religion in Maltese Public Life” (European Documentation and Research Centre, June 2006), 32.

<sup>75</sup> Ibid., 33.

<sup>76</sup> Ibid., 34.

will evolve in the coming years, including the family, the defense of human life, and social welfare and human rights (including Malta's welfare system, irregular migration, and racism as three areas of concerns).<sup>77</sup> Paul Pace expresses the idealization that the 'megaphone diplomacy' that can be seen present in Malta at times will take an inferior position to the consideration for people with alternative attitudes and views.

Additionally, as can be seen from the divorce referendum in May 2011, there are signs of a slowly growing secularization in Malta.<sup>78</sup> Roderick Pace argues that the decline of the Catholic Church influence began in Malta before World War II, but that more visible signs began to appear more recently, after EU membership. While Roderick Pace does not trace the increasing secularization to one individual reason, he references globalization as a large factor, including trade and development of media, which may have opened Malta's formerly more isolated society. Others, such as anthropologist Jeremy Boissevain, have argued tourism also played a large role in the "destruction of important traditional values by commercializing social relations and cultural manifestations;" additionally immigration has been cited as contributing to the dissemination of new values, ideas, and cultures.<sup>79</sup> Lastly, increasing mobility of the Maltese themselves may have amplified exposure to new values in other countries, which they then bring back to Malta.

As mentioned, the divorce referendum is used an example of the growing secularization throughout the country; according to Mark Harwood, after the referendum,

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<sup>77</sup> Ibid.

<sup>78</sup> Pace, "Growing Secularisation in a Catholic Society: The Divorce Referendum of 28 May 2011 in Malta," 573.

<sup>79</sup> Ibid., 577.

a normative vacuum emerged throughout Malta, focused on the role of religion in the political space and identity of the nation.<sup>80</sup> But while this may be true, the Catholic Church is still very powerful as an organization and via everyday practices in Malta. Some have concluded that the divorce referendum could have started the course of “aggiornamenti,” or, “keeping up with the times” in the Church, as Catholic leaders in Malta began to subtly change their stances on divorce after the referendum.<sup>81</sup> The unfolding sequence of events surrounding the divorce referendum displayed that the Church is subordinate to the power of societal change appearing from below; in other words, the Church’s influence is as strong as its relevance.<sup>82</sup>

### **Civil Society**

According to Malta’s Minister for Social Dialogue, Consumer Affairs and Civil Liberties, Helena Dalli, civil society plays a vital role in maintaining and strengthening social dialogue in Malta.<sup>83</sup> At a 2016 conference on civil society, social justice, and sustainable development in Malta, Minister Dalli connected the improvement of national governance and decision-making processes to the active participation of local NGOs and other members of civil society. The minister elaborated on this key idea during the conference: “As a government, we strongly believe that civil society should be a driving force at a national level, with the existence of various non-governmental groups which

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<sup>80</sup> Mark Harwood, “Adopting Same-Sex Unions in Catholic Malta: Pointing the Finger at ‘Europe,’” *South European Society and Politics*, November 9, 2014, 128.

<sup>81</sup> Pace, “Growing Secularisation in a Catholic Society: The Divorce Referendum of 28 May 2011 in Malta,” 587.

<sup>82</sup> Fenech, “Divorced from Political Reality,” 232.

<sup>83</sup> “Malta : Civil Society Has an Important Role towards the Strengthening of Social Dialogue Minister Helena Dalli,” *MENA Report; London*, October 29, 2016, <http://search.proquest.com.ejournals.um.edu.mt/docview/1833280972/abstract/7E79EAC96D14B36PQ/1>.

use their resources to exert influence.”<sup>84</sup> The success of the emergency contraception campaign in 2016 was referenced as an example of effective participation of civil society within Malta.

In Malta, there are only six women’s rights civil society organizations, strictly speaking, including Gender Equality Malta (GEM), Malta Confederation of Women’s Organizations (MCWO), Men Against Violence, National Council of Women Malta (NCW), Network of Young Women Leaders (NYWL), and Women’s Rights Foundation (WRF). Additionally, there is a “Women for Women” private Facebook group for Malta comprising of 21,880 members as of August 15, 2017. Out of these six women’s organizations, it is only clear to the researcher that two of them, WRF and GEM, have pushed for any type of reproductive rights, through various forms of advocacy and education. There is no organization currently that works exclusively towards reproductive rights in Malta.

Despite the low number of organizations actively participating in reproductive rights’ advocacy, there are a handful of human rights groups in Malta that support these endeavors in various capacities. For example, seven civil society organizations came out publicly in support of the 2016 emergency contraception campaign, including Aditus Foundation, the Critical Institute (TCI), Gender Liberation, Integra Foundation, Malta Gay Rights Movement (MGRM), Organization for Friendship in Diversity (OFD), and Platform of Human Rights Organizations in Malta (PHROM). In a joint statement, they were quoted saying:

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<sup>84</sup> Ibid.

The Parliamentary Committee's recommendations on emergency contraception reflect weak governance and a half-baked approach to human rights, social rights and public health. The recommendations badly disguise what this Committee actually wants, namely to retain the status quo, and to continue to treat women like infants who are incapable of making decisions about their bodies, their pregnancies and their lives.<sup>85</sup>

At this time, there are zero civil society organizations lobbying in favor of access to abortion, and only one organization that has publicly enquired for dialogue on the issue. In 2015, the Malta Humanist Association called for a “a mature and reasoned discussion on abortion” and stated, “there are many grey areas that one should explore through dialogue and without prejudice.”<sup>86</sup> It is also worthy to note there is a Facebook page named “Pro-Choice Malta,” but the organizer(s) behind the page are anonymous and it is unclear if any advocacy outside of their Facebook page is taking place.

### **Maltese Perceptions**

Among the younger generations of Maltese, certain shifts can be seen in religious attitudes. Based upon a survey conducted by Malta Today in March 2016, while almost 90% of Maltese aged 18-34 defined themselves as Catholic, 88% from this group did not agree with the Catholic Church's position on contraceptives. Averaging all the age demographics surveyed for this question, 77% did not agree, 15% agreed, and the remaining 8% didn't know.<sup>87</sup> In response to the question, “Should women who become pregnant as a result of a rape be allowed by the state to make an abortion?” only 30% said

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<sup>85</sup> “Seven NGOs Speak out on Emergency Contraception - The Malta Independent,” October 13, 2016, <http://www.independent.com.mt/articles/2016-10-13/local-news/Seven-NGOs-speak-out-on-emergency-contraception-6736165133>.

<sup>86</sup> “MHA Calls for Mature Discussion on Abortion – Malta Humanist Association,” accessed August 15, 2017, <https://www.maltahumanist.org/mha-calls-for-mature-discussion-on-abortion/>.

<sup>87</sup> “MaltaToday Survey • Religion, Values, and Ethics | March 2016 by MaltaToday - Infogram,” March 2016, [https://infogram.com/maltatoday\\_survey\\_\\_religion\\_values\\_and\\_ethics\\_\\_march\\_2016](https://infogram.com/maltatoday_survey__religion_values_and_ethics__march_2016).

“yes,” 59% said “no,” and 11% didn’t know. Despite certain shifts, the church’s influence can still be seen in the percentage of those in this age group who do not support abortion for pregnancy in instances of rape – the clear majority.<sup>88</sup> According to Dominic Fenech, “In particular, anything touching sex and reproduction, public morality and the family remains sensitive ground.”<sup>89</sup>

### **Political Parties’ Positions**

Malta maintains two major political parties: the right-wing Nationalist Party (PN), and the left-wing Malta Labour Party (PL). As explained in detail by Michael Briguglio, “The dominant Nationalist and Labour parties are ‘catch-all’ parties with strong social networks and modern media apparatuses, acting like total institutions which shape identities through ‘frenzied partisanship’ together with the Catholic Church.”<sup>90</sup> The clear majority of political leaders in Malta are also Catholic<sup>91</sup> and in this multifaceted context, the traditional Catholic agenda has a large sphere of influence in Malta. However, it is noted by Jon Mitchell that the Labour Party maintains a more cynical perspective of the influence and power of the Catholic Church and also of strong ties to Europe.<sup>92</sup>

Issues of political interest in Malta are frequently seen in terms of “voting currency,” and as a result, political parties are more inclined to “being led than to lead.”<sup>93</sup> As such, the topic of reproductive rights is rarely discussed among politicians, partially

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<sup>88</sup> Allied Newspapers Ltd, “Malta’s Catholic Roots,” *Times of Malta*, accessed April 7, 2017, [//www.timesofmalta.com/articles/view/20160427/opinion/Malta-s-Catholic-roots.610174](http://www.timesofmalta.com/articles/view/20160427/opinion/Malta-s-Catholic-roots.610174).

<sup>89</sup> Fenech, “Divorced from Political Reality,” 232.

<sup>90</sup> Michael Briguglio and Ian Bugeja, “Exploring Malta’s Welfare Model,” *Bank of Valletta Review*, 2011, 24.

<sup>91</sup> Bettetini, “Religion and the Secular State in Malta,” 493.

<sup>92</sup> Mitchell, “An Island in between: Malta, Identity and Anthropology,” 144.

<sup>93</sup> Fenech, “Divorced from Political Reality,” 232.

due to a lack of publicly voiced concerns in Maltese society. However, the topic of abortion in particular has been historically manipulated to work in the interests of the political parties. One example of this was before the EU referendum in 2003 when the PL campaigned against membership claiming that abortion would become legal if Malta joined – as time shows, this ultimately proved itself as incorrect.<sup>94</sup>

The current party holding political leadership in Malta (2013-present) is the Labour Party, headed by Prime Minister, Dr. Joseph Muscat. Since his election to the party in 2008, Dr. Muscat has shown himself willing to shift the status quo of both Malta and his party, as depicted by a statement in 2009 regarding his vision for the nation as having “civil rights as deserving of the people of a European country,” and again in 2011 as wanting to become “the envy of countries with our progressive ideas...where we can be the inspiration for others...where we can be the best in Europe.”<sup>95</sup> The PL has practiced the ideals of those statements since they were declared primarily regarding LGBTQIA rights, however certainly not to the same extent regarding reproductive rights.

## **Gender Equality**

According to the 2016 Global Gender Gap report issued by the World Economic Forum, Malta ranked number 108 overall on the global index out of the 144 countries included.<sup>96</sup> Malta ranks alongside Cyprus and Greece in the Western European region (as categorized by the report) with a remaining gender gap of over 30%, while simultaneously representing the lowest ranking for its region. Regarding the four

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<sup>94</sup> Ibid.

<sup>95</sup> Harwood, “Adopting Same-Sex Unions in Catholic Malta: Pointing the Finger at ‘Europe,’” 120–21.

<sup>96</sup> “The Global Gender Gap Report” (World Economic Forum, 2016), 11.

categories that make up the Global Gender Gap Index, with a score of 0.00 (imparity) to 1.00 (parity) Malta scored .664 for Economic Participation and Opportunity, .953 for Educational Attainment, .970 for Health and Survival, and .140 for Political Empowerment.<sup>97</sup> As shown from this data, Malta's largest gender gap is in the realm of political empowerment, and next, economic participation and opportunity. Out of the 100 members in Maltese parliament, 13 are women and over the past 50 years, seven of them realized a female head of state.<sup>98</sup>

Referencing the most recent Gender Equality Index Report (2015) from the European Institute for Gender Equality, Malta is a distinct outlier in most of the measured categories when compared to all other countries within the EU. This gender index measures equality between men and women in six major areas: work, money, knowledge, time, power and health. Measuring gender equality from 2005-2012, the gender gap in Malta remains the highest in the EU for the following categories: full-time equivalent employment rates of women and men over the age of 15 (30 percentage points, 2012); duration of working life (16 percentage points, 2012); engagement in cultural of leisure activities (11 percentage points, 2010); parliamentary representation (women constituting 9% of members of parliament, 2012); and members of boards, and by extension, access to economic decision-making power (women constituting 4% of positions on boards, 2012).<sup>99</sup> Malta measures closer to average for gender equality gaps within the EU in the areas of employment segregation (around 22 percentage point, 2012); monthly earnings

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<sup>97</sup> Ibid., 250.

<sup>98</sup> Ibid., 56, 58.

<sup>99</sup> "Gender Equality Index 2015 Measuring Gender Equality in the European Union 2005-2012" (European Institute for Gender Equality, 2015), 29,30,50,55,57.

(450 percentage points, 2010); and population not at risk for poverty (1.6 percentage points, 2012).<sup>100</sup> It is significant to note that while Malta measures average or above average within the EU for some of the areas listed in the report, the EU itself is still far from achieving gender equality as a region. Overall, Malta scored 46.8 out of 100 (with 100 representing complete equality) and ranked number 16 out of the 28 EU member states.<sup>101</sup>

Violence against women, especially domestic violence, is also considered a serious problem throughout Malta. Based upon a survey conducted by the European Union Agency for Fundamental Rights in 2011, 15% of women in Malta have experienced physical and/or sexual violence by a current or former partner since the age of 15.<sup>102</sup> The 2015 Annual Crime Review in Malta also reports that domestic violence has increased by 1038% between 2007 and 2015.<sup>103</sup> Whether this is an indication of an increase in violence, or increase in reporting, it is hard to distinguish. One speculated source of the high incidence of domestic violence in Malta is discussed by Maltese gay rights activist, Gabi Calleja, in the 2016 documentary film, *Burning Bikinis*: “If you look at the research on domestic violence in Malta...[it] is also, I think, a testament to the fact that as a society we haven’t really moved on very much to women’s subjugation to men even in their private and family life.”<sup>104</sup>

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<sup>100</sup> Ibid., 31,37, 39.

<sup>101</sup> Ibid., 160.

<sup>102</sup> “Violence against Women: An EU-Wide Survey” (European Union Agency for Fundamental Rights, 2014), 24.

<sup>103</sup> Saviour Formosa, “CrimeMalta Annual Crime Review Year 2015” (CrimeMalta, April 2016), 4.

<sup>104</sup> Emmanuel Tut-Rah Farah and Alessandro Tesei, *Burning Bikinis* (Aditus Foundation, 2016).

## **Status of Reproductive Rights in Malta**

### **Emergency Contraception (the Morning-After Pill)**

Until December 14, 2016, emergency contraception, more commonly referred to as the “Morning-After Pill” (MAP), was unlicensed in Malta and not available over-the-counter in pharmacies. In article four, the EU’s “Directive 2001/83/EC of the European Parliament and of the Council on the Community Code Relating to Medicinal Products for Human Use” provides each individual nation respective sovereignty regarding the licensing of contraceptives and abortifacients.<sup>105</sup> The policy shift in December was strongly opposed by several women’s rights groups, certain political leaders, and pro-life groups, including Gift of Life (GoL) and Life Network Foundation Malta, largely due to arguments that the MAP is abortifacient, which would breach Malta’s criminal code that outlaws abortion.<sup>106</sup>

The parliamentary committee debating the issue agreed that the final verdict regarding new legislation for the MAP to be available in pharmacies would be contingent upon the Medicines Authority’s advice. Anthony Serracino, chief of the Medicines Authority, explained to parliament that requiring a prescription for emergency contraception would compromise efficacy of the product and reported back regarding common misconceptions about the MAP, affirming “The [medical] facts clearly state that

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<sup>105</sup> “DIRECTIVE 2001/83/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL” (European Parliament, November 6, 2001).

<sup>106</sup> Allied Newspapers Ltd, “Morning-after Pill Opponents File Judicial Protest against Medicines Authority,” *Times of Malta*, January 17, 2017, <https://www.timesofmalta.com/articles/view/20170117/local/morning-after-pill-opponents-file-judicial-protest-against-medicines.636788>.

it is not an abortifacient and it would be irresponsible for me to say otherwise.”<sup>107</sup>

According to Helena Dalli, the Medicines Authority is one of the top five agencies within the EU regarding the evaluation of common medicines.<sup>108</sup>

Despite the shift in accessibility legalization of the MAP, pharmacies still maintain the right to refuse sale based upon conscientious objection rooted in personal beliefs.<sup>109</sup> However, they are then required to inform the customer of another pharmacy where the same form of contraception is available. According to Neofarma Malta, the first licensed distributor of the pill, approximately 80% of Maltese pharmacies are anticipated to have the MAP in stock.<sup>110</sup>

In early 2016, the campaign for emergency contraception began when 102 women in Malta filed a judicial protest through the Women’s Rights Foundation demanding that the government alter its stance on emergency contraception. Previously, the Health Promotion and Disease Prevention Directorate had declared emergency contraception unlicensed and illegal in Malta.<sup>111</sup> The Health Ministry and the Civil Liberties Ministry of

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<sup>107</sup> Jeanelle Mifsud, “Morning-after Pill Available at Pharmacies as of Today,” *MaltaToday.com.mt*, December 14, 2016, [http://www.maltatoday.com.mt/lifestyle/health/72612/morningafter\\_pill\\_available\\_at\\_pharmacies\\_as\\_of\\_to\\_day](http://www.maltatoday.com.mt/lifestyle/health/72612/morningafter_pill_available_at_pharmacies_as_of_to_day).

<sup>108</sup> Martina Borg, “Dalli Pledges to Follow Medicine Authority’s Advice on Morning-after Pill,” *MaltaToday.com.mt*, July 14, 2016, [http://www.maltatoday.com.mt/news/national/67545/dalli\\_confident\\_in\\_following\\_medicines\\_authoritys\\_advice\\_on\\_morning\\_after\\_pill](http://www.maltatoday.com.mt/news/national/67545/dalli_confident_in_following_medicines_authoritys_advice_on_morning_after_pill).

<sup>109</sup> “Updated: Morning After Pill Available in Pharmacies, Minister Praises Pharmacists’ Contribution - The Malta Independent,” accessed April 7, 2017, <http://www.independent.com.mt/articles/2016-12-14/local-news/MAP-available-in-pharmacies-as-from-today-6736167887>.

<sup>110</sup> Chris Peregine, “Morning-After Pill Available In Maltese Pharmacies From Today,” January 2017, <https://lovinmalta.com/news/news-breaking/morning-after-pill-available-in-maltese-pharmacies-from-today>.

<sup>111</sup> Miriam Dalli, “Is Morning-after Pill Really Illegal? Even Health Department Is Confused,” *MaltaToday.com.mt*, June 21, 2016, [http://www.maltatoday.com.mt/news/national/66740/is\\_morningafter\\_pill\\_really\\_illegal\\_even\\_health\\_department\\_is\\_confused](http://www.maltatoday.com.mt/news/national/66740/is_morningafter_pill_really_illegal_even_health_department_is_confused).

Malta were targeted by the protest, which declared that the government's current position on emergency contraception "infringes on women's fundamental rights and the ability to properly plan the quantity, spacing and timing of when she decides to have children."<sup>112</sup> Later in October 2016, a 300-person march organized by youth-led group, Gender Equality Malta, took place in Valletta protesting specifically for over-the-counter access of the MAP.<sup>113</sup> The success of the judicial protest and march greatly increased accessibility to the MAP for women in Malta as well as its efficiency as a product due to the time-effective nature of the medicine.

### **Abortion**

As it currently stands in Malta's Criminal Code, abortion is prohibited on all grounds including: to save the life of the woman, to preserve physical health, to preserve mental health, rape or incest, fetal impairment, and economic or social reasons. Under Chapter 9 of the Laws of Malta, an individual who receives an abortion is subject to 18 months to three years imprisonment and an individual who performs an abortion is subject to 18 months to four years imprisonment and a lifetime revoking of a his or her practitioner's license.<sup>114</sup>

After the EU enlargement and accession of Malta in 2004, the nation was subject to EU human rights policies and standards, including those regarding sexual and reproductive health and rights. However, the accession of Malta, together with Ireland,

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<sup>112</sup> "Updated."

<sup>113</sup> "Updated: Morning After Pill to Be Made Available without Doctor's Prescription; PN Reacts - The Malta Independent," October 17, 2016, <http://www.independent.com.mt/articles/2016-10-17/local-news/Morning-After-Pill-to-be-made-available-without-doctor-s-prescription-6736165319>.

<sup>114</sup> "MJCL - Laws of Malta," accessed April 7, 2017, <http://www.justiceservices.gov.mt/>.

changed the previous consensus regarding the rights associated with sexuality and reproduction.<sup>115</sup> The EU agreed that topics of moral imperative, including those that relate to the defense of human life (such as life-saving abortions), should be controlled by each individual EU member state, and as such, Malta adopted specific declarations in reference to this before acceding to the EU.

While it is not reflected in existing legislation, there are some claims that Malta does, however, practice the Rule of Double Effect (RDE),<sup>116</sup> which is commonly associated with Roman Catholic moral theology. RDE allows “good or indifferent actions to be performed in pursuit of a good end, although evil consequences will follow, provided due proportion between the good sought and the evil accepted is observed.”<sup>117</sup> In the case of abortion, this would allow for medical procedures that enable the saving of a mother’s life, even if the fetus is harmed or killed in the process. The most likely cases for this are when the mother’s cervix, uterus, or fallopian tubes are diseased and must be removed, along with the fetus, due to the nature of the procedure. In this way, the practice is considered an “indirect” abortion, as the removal of the fetus is a side-effect of the necessary medical performance.<sup>118</sup>

The rationality behind RDE in a Catholic context is explained by Judith Jarvis Thompson: “Even assuming that the fetus or embryo is to be accorded the status of a human being, it does not follow that abortion is (always) wrong. For what is at issue is

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<sup>115</sup> Nowicka, “Sexual and Reproductive Rights and the Human Rights Agenda,” 123.

<sup>116</sup> “Abortion: Uncomfortable to Constantly Have to Explain Malta’s Position– Vella - The Malta Independent,” accessed August 6, 2017, <http://www.independent.com.mt/articles/2014-03-24/news/abortion-uncomfortable-to-constantly-have-to-explain-maltas-position-vella-4371644416/>.

<sup>117</sup> Philip Devine, “The Principle of Double Effect,” *American Journal of Jurisprudence*, 1974, 44.

<sup>118</sup> *Ibid.*, 45.

not only the right of the fetus to live, but the right of a woman not to lend her body to its support if this support is burdensome beyond a certain (undefined) point.”<sup>119</sup> And while RDE is associated with normative Catholic values, it is not clear whether Malta fully complies with this standard.<sup>120,121</sup>

Generally speaking, if a woman in Malta desires to have an abortion, she will travel to a nearby country in the EU, most commonly Italy or the United Kingdom (UK). While statistics are notoriously hard to come by, the UK Department of Health published a report indicating that 58 Maltese women received an abortion in Wales and England in 2015.<sup>122</sup> There is no data available for abortions performed on Maltese women outside of the UK and there have also been unconfirmed reports that clandestine abortions have been carried out in unauthorized clinics within Malta. Rebecca Gomperts, director of Women on Waves, a pro-choice international NGO, estimated in 2007 that approximately 300 Maltese women partake in abortions each year, largely overseas.<sup>123</sup>

### **Sexual Health Strategy and Education**

In Malta’s National Sexual Health Strategy (2011) produced by the Ministry for Health, Elderly, and Community Care, a working definition of sexual health is employed, as defined by the World Health Organization (WHO) in 2006:

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<sup>119</sup> Judith Jarvis Thomson, “A Defense of Abortion,” *Philosophy and Public Affairs* 1, no. 1 (1971): 66.

<sup>120</sup> Allied Newspapers Ltd, “Moral Guidelines Needed to Save Pregnant Women,” *Times of Malta*, accessed August 6, 2017, <https://www.timesofmalta.com/articles/view/20130608/local/-Moral-guidelines-needed-to-save-pregnant-women-.472957>.

<sup>121</sup> “Malta Does Allow for Abortions in Case of Life or Death Situations - The Malta Independent,” accessed August 6, 2017, <http://www.independent.com.mt/articles/2013-05-05/news/malta-does-allow-for-abortion-in-case-of-life-or-death-situations-1521942537/>.

<sup>122</sup> “Abortion Statistics, England and Wales: 2015” (UK Department of Health, November 2016), 71.

<sup>123</sup> “Abortion On the Rise in Countries Where It Is Illegal - The Malta Independent,” January 26, 2012, <http://www.independent.com.mt/articles/2012-01-26/news/abortion-on-the-rise-in-countries-where-it-is-illegal-304906/>.

Sexual Health is a state of physical, emotional, mental and social well-being in relation to sexuality; it is not merely the absence of disease, dysfunction or infirmity. Sexual health requires a positive and respectful approach to sexuality and relationships, and the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. For sexual health to be attained, the sexual rights of all persons must be respected, protected and fulfilled.<sup>124</sup>

The Sexual Health Strategy of Malta elaborates upon this concept to include three basic elements: 1. The enjoyment and control of sexual and reproductive behavior as it aligns with social and personal ethic; 2. Absence of fear, shame, and guilt resulting from misconceptions regarding sexuality and; 3. Freedom from diseases and infections that impede sexual and reproductive functions.<sup>125</sup>

Under the objectives of the strategy, it is noted that accurate information and research will be collected and conducted, respectively, to allow for a mapping of the religious, cultural, and social dimensions of sexuality within the specific context of the Maltese islands. Another key objective entails the establishment of channels which assist individuals in developing skills necessary to make informed choices.<sup>126</sup> Additionally, under principles of the strategy, the first point includes “the respect and care towards human life from its conception” followed by a “freedom from exploitation and abuse” and “respecting diverse family structures and lifestyle choices.”<sup>127</sup> After an exploration of Malta’s national sexual health strategy, particularly in reference to its conceptualization of sexual health, objectives, and principles, it might be concluded that there is both a gap

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<sup>124</sup> “National Sexual Health Strategy” (Ministry for Health, Elderly and Community Care, 2011), 5.

<sup>125</sup> Ibid., 6.

<sup>126</sup> Ibid., 7.

<sup>127</sup> Ibid., 6.

in its goals versus reality as well as several key inconsistencies in its messaging to the Maltese population.

The situation of sexual health promotion in Maltese schools is “scanty and uncoordinated” – at least at the time of Roderick Bugeja’s (PHD) study in 2010. Bugeja concluded that the majority of teachers and parents hold negative perceptions about youth sexuality while simultaneously lacking comprehensive knowledge and competence to discuss these matters with young folks.<sup>128</sup> Indeed, in order for Bugeja to get permission to conduct an assessment of youth learning needs regarding sexuality and relationships in Malta, he was required to omit 33% of his survey questions (adopted from an official WHO survey) so that he did not unintentionally send a certain message to young people as to what was sexually acceptable.

During the study conducted by Bugeja, when asked about the topic of abortion in the education system, the majority of participants emphasized the need for youth to learn more about it. In almost every school that participated in the study, anti-abortion lobbies had visited throughout the year to teach about the topic of abortion as well as the consequent moral and legal repercussions in Malta.<sup>129</sup> As for other educational content about sexual health and reproduction, findings from this study revealed a lack of knowledge among youth about other certain subjects such as sexually transmitted infections (STIs), contraception, and sexual relationships. For example, while many youths knew that condoms exist, they recalled never having been explicitly shown how to

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<sup>128</sup> Roderick Bugeja, “Assessing Young People’s Learning Needs Related to Sexuality and Relationships on the Maltese Islands” (University of Southampton, 2010), 5.

<sup>129</sup> *Ibid.*, 159.

make use of them.<sup>130</sup> This gap in important sexual and reproductive related knowledge as well as the religious influence on sexual health education in Malta, results in a youth population that may be making decisions about their reproduction that are not indicative of full bodily control, free from sexual diseases, social shame, and misconceptions regarding sexuality and reproduction.

According to Labour Member of Parliament (MP), Deborah Schembri, sexual health education is lacking even further in church schools than state and private schools. In a parliamentary adjournment, Schembri was quoted stating: “While the 2010-11 Sexual Health Policy is working well, a lacuna exists with regards the monitoring of sexual health education.”<sup>131</sup> She indicates that, as a result of the lacuna, segments of society are not educated in what the Education Department considers a basic requirement. Sexual health and reproduction knowledge are vital in promoting empowerment, as well as informed and healthy decision making.

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<sup>130</sup> Ibid., 156.

<sup>131</sup> Tim Diacono, “‘Church Schools Lacking in Sexual Health Education’ – Labour MP,” *MaltaToday.com.mt*, February 18, 2015, [http://www.maltatoday.com.mt/news/national/49794/church\\_schools\\_lacking\\_in\\_sexual\\_health\\_education\\_\\_\\_labour\\_mp\\_](http://www.maltatoday.com.mt/news/national/49794/church_schools_lacking_in_sexual_health_education___labour_mp_).

## CHAPTER FOUR: THEORETICAL FRAMEWORK AND METHODOLOGY

### Introduction

This chapter will explore the research methodology and epistemological perspective that inform the entirety of the present study. The research question explored is *“How do civil society actors promote women’s reproductive rights in Malta?”* In this section, the researcher described justifications for research, methods of data collection and analysis, ethical considerations, confidentiality and informed consent, and limitations and advantages of the research topic.

### Justifications for Research

The strategy of inquiry for the research methodology is a case study of Maltese society. Case studies allow for in-depth exploration of a process which is “bounded by time and activity”<sup>132</sup> and enables the researcher of this study to understand what is occurring in Malta in this particular time period regarding reproductive rights and the conditions contributing to the current climate within this society. The selection of this case study was guided by the objectives of the study and chosen because of its status as a “deviant or extreme [case].”<sup>133</sup> As aforementioned, Malta stands out among other cases by virtue of its status as the only country in the EU and one of the few in the world without a life-saving abortion law and for its particularly large Catholic, and resultantly, patriarchal influence.

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<sup>132</sup> John Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 3rd Edition (SAGE Publications, Inc, 2008), 13.

<sup>133</sup> Kristine Höglund and Magnus Öberg, *Understanding Peace Research: Methods and Challenges* (Routledge, 2011), 116.

Additionally, the researcher deemed the timing of the study as highly appropriate due to a myriad of factors including the following: the 2016 campaign for emergency contraception, the 2017 Maltese EU presidency and subsequent international focus this placed on the island-nation, and the slow process of de-stigmatization and attitudinal change regarding reproductive issues that can be seen occurring amongst some segments of the Maltese population. According to local women's rights campaigner Francesca Fenech Conti: "There will be changes soon - that we are even having this conversation [about the abortion ban] is evidence. A year and a half ago I couldn't discuss these issues with my own sister and cousin - now we talk about it all the time."<sup>134</sup> The timing of a study "influence[s] the willingness of individuals to participate in the research and volunteer more information"<sup>135</sup> and as such, the researcher considered the interaction of the aforementioned factors and temporal proximity as ideal for promoting discussion and reducing sensitivity of the topic, even if minimally, and thus increasing the willingness of participants to contribute to the focus of the research.

After conducting comprehensive research on this topic, there appear not to be many scholars who have studied reproductive rights in Malta, outside of previous theses.<sup>136,137,138,139</sup> Therefore, there is a rather large gap in existing knowledge for which this study hopes to contribute.

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<sup>134</sup> "Malta's Paradox: A Beacon of Gay Rights That Bans Abortion - BBC News."

<sup>135</sup> Höglund and Öberg, *Understanding Peace Research: Methods and Challenges*, 121.

<sup>136</sup> Bardia Bastin, "Gender Issues, Structural and Cultural Violence (Malta)" (Thesis, 2012), <http://mars.gmu.edu/handle/1920/7514>.

<sup>137</sup> Andrea Dibben, "Teenage Pregnancy and Motherhood in Malta: A Feminist Ethnography" 2015.

<sup>138</sup> Krista Falzon, "Drawing the Life Line. Is a Sweeping Prohibition Provision against Abortion Better than a Cluster of Enactments Regulating Abortion?" 2011.

<sup>139</sup> Anne Marie Degabriele, "The Emergency Contraception: A Way Forward in Malta?" 2016.

## Epistemological Perspective

The researcher took a feminist approach to this study first and foremost. From this epistemological perspective, the researcher examined how power dynamics and societal structures operate to produce inequalities. Feminist theory denies the idea that objectivity is a prerequisite to investigation but rather “objectivity” itself is a masculine perspective used for purposes of control and power.<sup>140</sup> In this context, objectivity is placed in quotes because from the researcher’s perspective, non-feminist research is not objective, but rather reflective of present, unequal social realities. To put it more succinctly, Mary O’Brien argues, “Feminist theory has to be biased because it is anti-bias.”<sup>141</sup> In the same vein, Karen Warren argues that:

A feminist ethic makes no attempt to provide an ‘objective’ point of view, since it assumes that in contemporary culture there really is no such point of view. As such, it does not claim to be ‘unbiased’ in the sense of ‘value-neutral’ or ‘objective’. However, it does assume that whatever bias it has as an ethic centralizing the voices of oppressed persons is a *better bias* – ‘better’ because it is more inclusive and therefore less partial – than those which exclude those voices. (emphasis in the original)<sup>142</sup>

Therefore, the researcher approached the study with this mindset on a “better bias” and as so, alteration of the status quo and current status of women within Maltese society is the beginning point of this research inquiry. It is the researcher’s viewpoint that “The best way of empowering women is education and knowledge about their issues and the assertion that our personal life experiences are just a part of the larger social structure.”<sup>143</sup>

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<sup>140</sup> Hussain Basharat and Amir Zada Asad, “A Critique on Feminist Research Methodology,” *Canadian Center of Science and Education*, November 2012, 204.

<sup>141</sup> Mary O’Brien, *The Politics of Reproduction* (Routledge and Kegan Paul, 1981), 12.

<sup>142</sup> Karen Warren, “The Power and the Promise of Ecological Feminism,” *Environmental Philosophy, Inc.*, 1990, 140.

<sup>143</sup> Basharat and Asad, “A Critique on Feminist Research Methodology,” 205.

Over the past several decades there has been fierce debate about the appropriateness of a feminist methodology for research in the social sciences.<sup>144</sup> Common arguments arise around what constitutes something as “feminist” and whether justifications for “feminist” methodologies differ from ones for traditional social science research methods. The question of how a feminist methodology is distinct from non-feminist research methods has been answered in various ways. Some researchers claim there are particular methods that prove themselves as more valuable in achieving the goals of feminist research. While the present researcher of this study agrees with this notion to an extent, she identifies feminist research as more of a particular *approach* towards research instead of a *methodology*.<sup>145</sup>

According to Basharat Hussain and Amir Zada Asad, many academics differentiate feminist research from other types in four specific ways: 1. A focus the relations between genders; 2. Importance of personal experiences rather than traditional scientific methods; 3. Denunciation of a hierarchy between the researched and the researcher; and 4. The aim of research centered on the liberation of women.<sup>146</sup> The present researcher subscribes to these overarching views as well as the argument that feminist research is distinguishable based upon the “nature of questions, position of the researcher, and purpose of the research.”<sup>147</sup> Feminist research challenges power imbalances, is intent on removing social inequalities, and uses the experiences of women

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<sup>144</sup> Ibid., 202.

<sup>145</sup> Margrit Eichler, “Feminist Methodology,” *Sage Publications*, April 1997, 12.

<sup>146</sup> Basharat and Asad, “A Critique on Feminist Research Methodology,” 202.

<sup>147</sup> Ibid., 203.

to guide the research process. A main point of interest lies in knowledge production about society and how it is related to the realities for women.<sup>148</sup>

### **Method of Data Collection: Interviews**

The data collection for this study was based upon semi-structured interviews of local civil society actors working on behalf of reproductive rights in Malta. This method of data collection was determined most suitable for the research question at hand, which is focused on the actions of members of civil society. For this purpose, interviewing provided a unique source of information, as it offered the researcher first-hand data with depth, perspective, and detail, that may not have been otherwise be discovered.<sup>149</sup> Semi-structured interviews with open ended questions encourage discovery and description and “produce non-standardized information” that enable researchers to take advantage of the differences among participants which can more accurately represent reality.<sup>150</sup> Features of semi-structured interviews that allow for access to individuals’ memories, conceptions, and ideas (in their own words) were particularly appealing to the researcher because they can be seen as an “antidote to centuries of ignoring women’s ideas altogether or having men speak for women.”<sup>151</sup> In this way, the researcher sees open ended interviews as a more egalitarian research method, in line with a feminist approach and values.

The researcher conducted five semi-structured interviews to obtain qualitative data about the research question. Non-identifiable demographics of the five interviewees, including nationality and CSO affiliation, can be found in Appendix IV. The researcher

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<sup>148</sup> Ibid.

<sup>149</sup> Höglund and Öberg, *Understanding Peace Research: Methods and Challenges*, 131.

<sup>150</sup> Shulamit Reinharz, *Feminist Methods in Social Research* (Oxford University Press, 1992), 18–19.

<sup>151</sup> Ibid., 19.

was aiming for a minimum of ten interviews because characteristically in peace research an interview based study will often include between 10 and 40 interviews.<sup>152</sup>

Unfortunately, mainly due to the low number of civil society actors working towards reproductive rights in Malta, this minimum interview goal was not achieved. The interviews were audiotaped via iPhone application, “iTalk,” and transcribed afterwards.

Qualitative data was collected from the interviews as “a means for exploring and understanding the meaning individuals or groups ascribe to a social or human problem.”<sup>153</sup> As this study is largely focused on how civil society gives meaning and responds to the social problem of a lack of access to reproductive rights, the collection of qualitative data was opted for as opposed to quantitative data. The feminist argument for a qualitative analysis also centers on the idea that this approach provides more space for women to express their experiences and thoughts than the quantitative method.<sup>154</sup> Additionally, minimal research has been conducted on the topic of reproductive rights in Malta, and if a concept or phenomenon has not been widely studied, “it merits a qualitative approach” to begin the exploration process.<sup>155</sup>

The researcher used a purposive sampling method for the process of interview selection because it allowed for a targeted selection actors who are active within Maltese civil society. In the case of this study and subsequent research aims, a handful of carefully chosen participants were able to advance the research far more than a large

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<sup>152</sup> Höglund and Öberg, *Understanding Peace Research: Methods and Challenges*, 133.

<sup>153</sup> Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 3rd Edition, 4.

<sup>154</sup> Basharat and Asad, “A Critique on Feminist Research Methodology,” 204.

<sup>155</sup> Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 3rd Edition, 18.

group of randomly chosen individuals.<sup>156</sup> Purposive sampling, and specifically, criterion sampling, was executed to identify individuals who met the following criteria: active member in Maltese society working or volunteering on behalf of reproductive rights, over 18 years old, and speaks English. Participants who identified as Maltese nationals and women were highly preferred due to the nature of the study and relevant interview questions pertaining to deep cultural and women-related understandings; however, due to the relatively small number of civil society groups working towards reproductive rights in Malta, the researcher could not be so stringent.

The researcher conducted online searches including organizational websites and news stories to identify the key players within Maltese civil society advocating for reproductive rights. Through both this online research and discussions with university faculty, the researcher determined who the main civil society actors are that could potentially be advocating for reproductive rights in Malta and came up with the following list: Aditus Foundation; the Critical Institute (TCI), Emergency Contraception for Malta, Facebook page; Gender Equality Malta (GEM); Gender Liberation; HeForShe Malta; Integra Foundation; Malta Confederation of Women's Organizations (MCWO); Malta Gay Rights Movement (MGRM), Malta Humanist Association (MHA), Men Against Violence, Network of Young Women Leaders (NYWL); Organization for Friendship in Diversity (OFD), Platform of Human Rights Organizations in Malta (PHROM); Pro-Choice Malta, Facebook page; University of Malta Department of Gender Studies,

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<sup>156</sup> Lisa Given, *The Sage Encyclopedia of Qualitative Research Methods*, vol. 2 (Sage: Los Angeles, 2008), 697.

Department of Social Policy and Social Work, and Faculty for Social Wellbeing; Women for Women, Facebook group; and Women's Rights Foundation (WRF). The chief actors in these organizations were then contacted via email, and in some instances, on Facebook, when the actor's advocacy occurred on this platform. A uniform script was used for recruitment purposes and can be found in Appendix I. The researcher contacted 26 civil society actors, received responses from 12, and agreements to be interviewed from five.

The interviews took place over the months of July and August 2017. The first interview took place on July 19th and the last interview took place August 10th. The interviews lasted an average of 38 minutes, with the shortest interview spanning 25 minutes, and the longest interview spanning one hour and three minutes. The interviews were held in personal offices and the university building in Malta's capital of Valletta, to ensure privacy and a quiet environment.

The interview questions were drafted strategically in a manner so that they flowed logically, with one question leading to the next. Simple language was used to minimize confusion and the research question was utilized as a guiding point.<sup>157</sup> The fifteen open-ended, qualitative, interview questions fell under six categories: 1. Conceptualization of Reproductive Rights; 2. Community Initiatives and Advocacy; 3. Impact of Access to Reproductive Rights; 4. Role of Maltese Society (including politics and religion); 5. Emergency Contraception Campaign; and 6. Lessons Learned. To see the full list of interview questions, refer to Appendix III.

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<sup>157</sup> Höglund and Öberg, *Understanding Peace Research: Methods and Challenges*, 132.

## **Data Analysis**

The researcher chose a thematic analysis for the interviews as an appropriate way to analyze the quantitative data. Using the recordings, the researcher transcribed the interviews in full and then read and reread each transcript thoroughly so that the researcher became very familiar with the data.<sup>158</sup> Next, the researcher coded the transcripts by pulling out key concepts relevant to the research question and sub-questions. After reading through the codes from each transcript, the researcher began to group them under reoccurring themes and subthemes in an attempt to order and synthesize the data. In order to find themes, the researcher looked for repetitions in data, both within single transcripts and between all transcripts; metaphors and analogies that the interviewees used to make particular points; transitions, or the ways in which the participants shifted topics; similarities and differences, to investigate how differently the various participations spoke about the same topic; and theory related material, by utilizing concepts within the reviewed literature to realize specific themes.<sup>159</sup> The discovered themes and subthemes then provided the researcher a basis for a theoretical understanding of the data which subsequently helped to answer the research question.

## **Ethical Considerations**

In one of the first stages of the research process – the selection of the research question – ethical issues were anticipated. According to Keith Punch, “During the identification of the research problem it is important to identify a problem that will benefit individuals being studied, one that will be meaningful for others besides the

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<sup>158</sup> Alan Bryman, *Social Research Methods*, 4th ed. (Oxford University Press, 2012), 579.

<sup>159</sup> *Ibid.*, 580.

researcher.”<sup>160</sup> The researcher deliberated a variety of social issues present in the country of study and realized the issue of gender inequalities as one of the most poignant, especially in relation to the fast-moving social progress that has been made on the front of gay rights in Malta.<sup>161</sup> The recent strides in marriage equality shed light on an uncommon paradox: a country that allows same-sex marriages but bans abortion in all circumstances.<sup>162</sup> This paradox is representative of the status of women in Maltese society; and for this reason the researcher identified the issue of reproductive rights as necessary and beneficial to study for the individuals who are affected.

Ethical deliberations were also made on behalf of the interviewees regarding how these interviews had the potential to negatively or positively impact the participants. Qualitative interviews are “increasingly being seen as a moral inquiry” and as so, many factors must be addressed such as “how a sensitive interview may be stressful for the participants...how critically the interviewees might be questioned.”<sup>163</sup> Topics are determined as sensitive “if identification of participants would result in stigmatization, dissemination of findings could harm a social group, or the research challenges values that people hold sacred.”<sup>164</sup> The topic of reproductive rights, especially abortion and emergency contraception, is highly controversial in Malta, and therefore, the researcher

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<sup>160</sup> Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 3rd Edition, 88.

<sup>161</sup> Kara Fox and James Masters CNN, “Malta’s Lawmakers Vote to Legalize Same-Sex Marriage,” *CNN*, accessed July 18, 2017, <http://www.cnn.com/2017/07/12/health/malta-same-sex-marriage/index.html>.

<sup>162</sup> “Malta’s Paradox: A Beacon of Gay Rights That Bans Abortion - BBC News.”

<sup>163</sup> Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 3rd Edition, 90–91.

<sup>164</sup> Claire Burke Draucker, Donna S. Martsof, and Candice Poole, “Developing Distress Protocols for Research on Sensitive Topics,” *Archives of Psychiatric Nursing* 23, no. 5 (October 1, 2009): 343, doi:10.1016/j.apnu.2008.10.008.

took appropriate measures to mitigate any potential emotional distress that could occur from discussions on this subject. Preparations including the review of proper interview response protocols including the adaption of a “counseling” role if necessary, such as “acknowledging the importance of this [topic] to the well-being of the participant,” using an “awareness of cues and/or signals by which the interviewee is indicating distress” and in exceptional circumstances, making the decision to terminate the interview.<sup>165</sup>

Additionally, the interview questions were carefully written in a non-provocative manner, addressing sensitive matters indirectly. For example, participants were asked by the researcher to provide their own conceptualization of “reproductive rights,” as opposed to imposing an inflexible definition upon them. While measures were taken to anticipate emotional distress during the interviews, there was not a high level of concern because the researcher was discussing interview topics with individuals who deal with sensitive women’s issues on a regular basis.

As a feminist, the researcher finds particular ethical importance in the use of gender-inclusive diction and making women more visible in the practice of language. At all times, and particularly during the interviews and throughout the analysis process, feminist linguistic concerns were of great significance to the researcher; this includes the use of non-sexist language such as gender-neutral pronouns, and the elimination of verbally attributing stereotypes to specific genders that is harmful to both men and women. The researcher uses a determinist approach in the advocacy of feminist language

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<sup>165</sup> Heather McCosker, Alan Barnard, and Rod Gerber, “Undertaking Sensitive Research: Issues and Strategies for Meeting the Safety Needs of All Participants,” *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research* 2, no. 1 (February 28, 2001), <http://www.qualitative-research.net/index.php/fqs/article/view/983>.

reform which understands that, “without linguistic reform, the imagined and desired social changes [equality] cannot be actualized.”<sup>166</sup> The researcher recognizes language as reflective of normative social values and is intentional in contributing to linguistic activism associated with feminist values to become new “norm-makers.”<sup>167</sup>

### **Confidentiality and Informed Consent**

Regarding confidentiality of the research data and participants, the researcher took necessary precautionary measures. The researcher’s plans were reviewed by the Institutional Review Board (IRB) to ensure that participants would not be placed at risk and appropriate measures would be taken to respect privacy and confidentiality. Before the individual interviews took place, the researcher prepared an informed consent form for each interviewee to review and sign to guarantee the participants were aware of their rights, including the purpose of the study, benefits and risks of participating, confidentiality, and assurance of the ability to withdrawal from the study at any time. Also included in the consent form was the option to opt in or out of an audio recording of the interview. The consent form in its entirety can be found in Appendix II. The audio recording was requested by the researcher to capture the interviewees’ responses fully and in context; and in the circumstances in which the interviewee may not wish to be recorded, the researcher would have taken details notes in lieu of the taping.

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<sup>166</sup> Jo Winter and Anne Pauwels, “Men Staying at Home Looking after Their Children: Feminist Linguistic Reform and Social Change,” *International Journal of Applied Linguistics* 16, no. 1 (March 1, 2006): 18, doi:10.1111/j.1473-4192.2006.00104.x.

<sup>167</sup> Anne Pauwels, “Linguistic Sexism and Feminist Linguistic Activism,” in *The Handbook of Language and Gender*, ed. Janet Holmes and Miriam Meyerhoff (Blackwell Publishing Ltd, 2003), 551, <http://onlinelibrary.wiley.com/doi/10.1002/9780470756942.ch24/summary>.

For the purpose of confidentiality, the interviewees' names were kept anonymous in the data. The researcher determined there was no significant benefit to using the interviewees' real names in the study, but that there were potential consequences of doing so because of the controversial nature of the research topic in Malta. Most of the individuals the researcher interviewed have a publicly recognized status in the community; therefore, without anonymity, there was a risk the interview responses could be connected to the individual in question and cause community conflict. However, the researcher did give the interviewees the option of waiving the confidentiality of their identities and informed them of possible risks. By allowing for this option, the researcher enabled the interview subjects "to retain ownership of their voices and exert their independence in making decisions."<sup>168</sup>

While the data is not highly sensitive in nature, for precautionary purposes, all collected information was stored securely on the researcher's personal laptop in an encrypted document. The real names of the interview participants were dissociated from their responses and stored in separate encrypted documents. The researcher intends to keep the interview data – including recordings and transcriptions – for a period of five years and will terminate them upon the expiration of this time.

### **Limitations and Advantages**

Regarding the attainment of research data, the single largest limitation to the study was the low number of CSOs in Malta working towards reproductive rights. While the size of the country is acknowledged, there is not one organization that works solely

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<sup>168</sup> Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 3rd Edition, 90.

for reproductive rights, and two CSOs have just begun efforts over the past few years. As a result of this, and likely a myriad of other factors, the researcher received a noticeable lack of responses from women's and human rights organizations to interview requests. Through online research and discussions with the interviewees, it became clear that the majority of the CSOs that were contacted by the researcher do not conduct work that is wholly relevant to the present study, specifically reproductive rights; however, many do collaborate and/or support the CSOs who do initiate reproductive rights' advocacy in Malta. Other potential reasons for a lack in responses from individuals within the contacted CSOs include timing of the requests occurring over the summer period, which corresponded with some vacation plans; heavy workloads of the individuals working in the sector; and potentially, mixed reactions to the research topic (which was often described as taboo in nature).

Other than this limitation, access to information for the research study was largely non-problematic; however, noteworthy was potential interviewee perceptions of the researcher's identity which may have played roles in limiting some data access.<sup>169</sup> Notably, the interview participants may not have viewed the researcher's credibility as a foreigner in Malta as highly as if the researcher were a Maltese national. If the interviewees did hold this perception, it could result in less trust, and resultantly, less in-depth information provided in response to the interview questions. However, the researcher's identity as a non-native may have been beneficial in some circumstances as explained by "stranger value;" in other words, "the outsider researcher is in many cases

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<sup>169</sup> Höglund and Öberg, *Understanding Peace Research: Methods and Challenges*, 120.

seen as a sympathetic and interested person and is for this reason well-received.”<sup>170</sup> The researcher’s identified gender as a woman may have also contributed as an advantage during the interview and analysis processes via an in-depth understanding of the general topic based upon lived experiences. Typically, men do not have the practical knowledge of women-centric experiences and therefore lack “sociological imagination” of specific forms of oppression and exploitation.<sup>171</sup>

The sensitivity of the subject may additionally have limited the information shared with the researcher due to “fear of reprisals for speaking openly about sensitive issues” or “a culture of silence that may be a result of repression of expression of opinions.”<sup>172</sup> For example, the researcher contacted the public Facebook page – “Prochoice Malta” – to request interviews, and received no response. While the reasons for this could be otherwise, it is likely that the desire for anonymity of the Facebook page creator(s)<sup>173</sup> is resultant from a fear of retaliations or culture of shame surrounding the topic in Malta.

A monumental achievement for civil society in Maltese history occurred directly proceeding the researcher’s interviewing period and this could have had some impact on the interviewee’s responses to the questions about Maltese civil society. On July 12, 2017 Malta legalized gay marriage via the Marriage Equality Act.<sup>174</sup> This massive success for civil society activism in Malta may have had some impact on how the interviewees

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<sup>170</sup> Ibid., 124.

<sup>171</sup> Basharat and Asad, “A Critique on Feminist Research Methodology,” 203.

<sup>172</sup> Höglund and Öberg, *Understanding Peace Research: Methods and Challenges*, 120.

<sup>173</sup> “New Group to Push for Abortion Legalisation,” *MaltaToday.com.mt*, accessed July 18, 2017, [http://www.maltatoday.com.mt/news/national/55529/new\\_group\\_to\\_push\\_for\\_abortion\\_legalisation\\_](http://www.maltatoday.com.mt/news/national/55529/new_group_to_push_for_abortion_legalisation_).

<sup>174</sup> CNN, “Malta’s Lawmakers Vote to Legalize Same-Sex Marriage.”

perceived a variety of the interview topics including their own efforts working on behalf of reproductive rights, how civil society and politics in Malta function, and how future advocacy efforts should be approached – although to what extent the responses could have been impacted is uncertain.

The generalizability of the results from this study are minimal. The intent of qualitative research “is not to generalize findings to individuals, sites, or places outside of those under study” but rather the worth of this mode of inquiry remains in the specific accounts and themes discovered “in context” of a particular location.<sup>175</sup> As a result, the researcher’s case study is not very applicable to other contexts with inevitably different conditions.

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<sup>175</sup> Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 3rd Edition, 192–93.

## **CHAPTER FIVE: DATA PRESENTATION AND ANALYSIS**

### **Introduction**

The researcher analyzed the five interview transcripts and uncovered 30 persistent themes. In the following section, each theme is discussed separately, drawing upon text (both paraphrased summaries and direct quotes) from the transcripts for support. The subsequent discussion chapter will elucidate how this data assists in the process of answering the research question as well as sub-questions. For the purpose of maintaining participant anonymity, each interviewee was assigned a number from 1-5, and will thus be referred to as such: Civil Society Actor (CSA) 1, 2, 3 and so on. To further ensure anonymity, quotes with potentially identifying information were redacted or not utilized. The following sections will cover reoccurring themes regarding CSA's conceptualizations of reproductive rights, perceptions of the current status of reproductive rights in Malta, how a lack of access to reproductive rights impacts women in Malta, what efforts are being conducted on behalf of reproductive rights, hindrances to progress, and factors with potential to influence progress. For a visual representation of each of the following themes and subthemes that emerged from the data analysis, refer to Appendix V.

## **Thematic Analysis of Interview Transcripts**

### **Conceptualization of Reproductive Rights**

For the researcher to have more context regarding the viewpoints, perspectives, and realities of the interview participants, the meaning that the interviewees assign to “reproductive rights” was initially sought. Participants were asked to discuss what reproductive rights mean to them, and how they would conceptualize them personally. Three underlining themes emerged from the interviewees responses, which were the general concepts of women’s *autonomy and empowerment* as well as a *focus on abortion*.

It was interesting to note that most of the participants pointed out the “full spectrum” of reproductive rights – or rather, not only the ability to avoid a pregnancy, but to achieve one as well. The focus in Malta regarding reproductive rights seems to be the “taboo” topic of abortion; however, methods utilized by women having biological difficulties achieving a pregnancy were identified by several interviewees as an essential part of reproductive rights and appear not to be readily available or even discussed much in Malta. During the interviews, the two most frequently mentioned procedures of this kind were surrogacy and IVF treatment. One participant also mentioned the importance of consent as an aspect of reproductive rights – for a sexual act, medical procedure, or otherwise. Another brought up the concept of reproductive rights as a subset of fundamental human rights; and another, the importance of access to comprehensive sexual education and reproductive healthcare, free from coercion and manipulation.

#### *Autonomy and Empowerment*

The two underlying themes of autonomy and empowerment were present in all interviewees’ definitions of reproductive rights. Words such as “control,” “who decides,”

“power in relationships,” and “consent,” were frequently utilized to represent the importance of these two ideals. One interviewee mentioned the concept of power dynamics in heterosexual romantic relationships, in which the woman will sometimes possess less power than the man and will lack the ability to negotiate contraception use as she would in a relationship with equal power distribution. Another participant noted that reproductive rights may have a slightly different meaning or context depending on age, social class, and sexual orientation.

CSA 1: The right of women, mostly, to control their reproductive system, their fertility, when to have children, how to have children as well, so it goes into issues of bodily autonomy, it goes into issues of motherhood, it goes into issues of sexuality...anything related to contraception, contraception access, even negotiating contraception use, or power in relationships related to how to negotiate contraception, and even societies’ views on sexuality which would impact women’s reluctance to use contraception.

CSA 4: Reproductive rights mean you give someone autonomy over their own bodies, this would include stuff from condoms to the Morning-After Pill to abortion to even just consent, consent to any sexual act.

CSA 5: Who can be a parent, and who cannot, and who decides...there are barriers such as age, social class, especially if you don’t have money, and sexual orientation/identity; reproductive rights are not just stopping having babies, it is also the right to have access to a child.

### *Focus on Abortion*

The topic of abortion was significant to the participants in some manner by the number of times it was brought up during the discussions – either in a direct or roundabout way. It was also central to the participants to clarify the existence of diversity within the umbrella term of reproductive rights and the number of issues that it includes outside of abortion. Additionally, the collective “we” and “you” were utilized to indicate

that often it was not the participants, but greater society in Malta, who tend to hold the opinion that reproductive rights are frequently foremost associated with abortion.

CSA 1: Usually when we think of reproductive rights we think about abortion and it is the biggest issue, but it's not just abortion.

CSA 2: I think that because everyone thinks that if we talk about reproductive rights, automatically its only about abortion.

CSA 5: When you think of reproductive rights, the issue is always about abortion, the issue is not about abortion only.

### **Current Status of Reproductive Rights**

The researcher inquired into whether the participants thought women in their country had full access to reproductive rights, and if not what they saw as the biggest lacuna currently. While the responses varied, there were four major themes in the responses: *a lack of access to services, a lack of knowledge/education, coercion and lack of autonomy*, and finally, *inconsistency between legislation and reality*.

#### *Lack of Access to Services*

A reoccurring sentiment was brought up during discussions regarding a difficulty in obtaining current services as well as an outright lack of others. The difficulty appears to stem from affordability of some services, particularly for young persons and those in lower social classes, as well as resistance to provision of certain services such as pharmacies not stocking the Morning-After Pill. Services that were listed outright as unavailable were abortion, some long-term hormonal contraception methods, and surrogacy.

CSA 1: Even though we now have access to many methods of contraception, having them available does not mean that they are completely accessible, so for example we do not have access to free contraception, some contraception methods are quite expensive

and obviously that will deter women, some contraception methods are literally not available, for example, the long-term hormonal contraception like the patches or the injection because there's no market for it.

CSA 2: People just don't have a way out of having a baby, or a way into having a baby, if we're looking at things like surrogacy.

CSA 4: Up until last October they didn't have the Morning-After Pill either and right now it's still a bit difficult to access it in the sense that some pharmacies will ask for your personal details, some pharmacies will just not stock it or won't give it to you, it depends, so it's also a hassle to get it anyways, which for me that means you don't have the right to it...I mean emergency contraception usually implies it is an emergency.

CSA 5: What is being an issue in Malta are the gametes, which are the frozen embryos, that's a little bit of controversial for these conservative groups... nobody mentions surrogacy...women can have abortions abroad, it is an issue of money.

#### *Lack of Knowledge/Education*

A major deficiency in the provision of reproductive and sexual health related education was cited by all participants in the study as one of the most pressing issues. Also, a lack of understanding of what reproductive rights actually are among the general Maltese population was mentioned. A persistent unawareness of the full meaning of a concept as significant as the right to "control over one's reproduction" can have serious implications for groups of people, including a lack of empowerment, loss of autonomy, and obliviousness to what one would be achieving in different circumstances. One participant specified that there is often a mental dissociation between reproductive and human rights: the public generally do not equate the two. It was also cited by another participant that it is not only the public perceptions of reproductive rights that are limited but the political sphere's as well. The deficiency in reproductive and sexual health education also has significant consequences. The general public's lack of knowledge in this area can lead to misunderstandings about contraception methods (e.g. that the MAP

is abortifacient, how to use a condom properly) and ignorance to what one's options are in preventing or planning for a pregnancy, all of which can lead to an increase in unwanted pregnancies, inabilities to achieve pregnancies, and STIs.

CSA 1: We don't really know what's going on [regarding available methods of contraception].

CSA 1: Education is also part of it, so even if you have the products but you don't educate the people, you don't go out there and do community outreach, you don't have services where people can go and ask for information and get support, have services that are sensitive...

CSA 2: There's not even enough awareness about the different healthcare options that people have.

CSA 3: There is a very limited understanding of what reproductive rights actually means and so far, the popular and even the political understanding has been very superficial and a very conservative understanding.

CSA 3: Fundamentally there is a lack of an understanding of reproductive rights as part of human rights. I think there's still that gap where people don't see their sexuality and enjoyment of their bodies and the reproductive aspects of their bodies as an integral part of their identities and therefore part of their fundamental human rights.

CSA 3: If you look at Malta's public health campaigns...that information made available by the state or by state institutions, there's hardly anything ever on reproductive health whether for men, for children, for youth, for anyone at all actually, the focus so far has been exclusively HIV and even then, in a very, very limited capacity.

CSA 4: For the most part, no they don't have access, for the simple reason that starting from school age you are not educated at all about reproductive rights, you are taught that egg and sperm lead to [a] baby, nothing else, nothing more.

### *Coercion and Lack of Autonomy*

Stories of coercion and loss of autonomy over reproductive capacities were described to the researcher by most of the interviewees. Two interviewees mentioned instances of unofficial legal or social sanctions on segments of the population that are

deemed unsuitable for motherhood including intellectually disabled, poor, imprisoned, and lesbian women. The women in these anecdotes were typically coerced into taking contraception to prevent the “undesired” result of pregnancy, thus losing their autonomy to make decisions for themselves and own bodies. Coercion in school educational systems through “pro-life propaganda” were also cited by three interviewees, including a factually misleading<sup>176</sup> outdated film depicting a graphic abortion entitled “The Silent Scream,” which is shown to many students in their last year of secondary school. Lastly, a lack in bodily autonomy was described by one participant when it came to access to tubal ligation (to close a woman’s fallopian tubes as a form of birth control) as well as the decisions involved in a life-threatening pregnancy. In both cases, according to the participant, the decision must be approved by the woman’s husband. Another participant mentioned that many doctors will refuse to perform tubal ligation if the women is perceived as too young or is without a “justifiable” reason to have the procedure performed.

CSA 1: There has been a lot of sanctions for people who chose to have children when they “shouldn’t” have children, so for example, teenage mothers, African American women, migrants, lesbian mothers, poor women, disabled women, women with mental health issues, women who are in prison, these are all women who have been sort of sanctioned either legally or socially because they have been deemed not appropriate to have children, so some women have been stopped from having children by being coerced to take contraception, or to give up their children, or they have been stigmatized when they became mothers.

CSA 4: You are taught...if you think of an abortion, if you even think about it, you are going to hell, from my age, from my generation, that’s what we learned, we were frightened, we were shown the Silent Scream [in school]...but if you ask around, it’s at least 90% of people have seen the Silent Scream, those 10% are very lucky.

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<sup>176</sup> Tom Braden, “‘The Silent Scream’ Is Not Accurate,” *The Gadsden Times*, February 28, 1985.

CSA 5: My friend wanted to stop having children so she asked her gynecologist to tie her tubes and she was very astonished to learn that she couldn't make the decision, they had to have the husbands signature as well. And [for the rule of double effect] I think the father decides who lives, the baby or the mother, if there's a life-threatening pregnancy, I don't know whether that has changed but when I was a part of the women's commission, that was the issue [in 2004].

CSA 5: You have the issue of disabled women, how many of these girls are on the pill because the family is afraid, especially middle class intellectually disabled girls, nobody speaks about it, but I think it is an issue.

### *Inconsistency Between Legislation and Reality*

Some participants cited discrepancies between rights which are exhibited in existing national legislation and what occurs in practice. Malta has a comprehensive sexual health policy, with some lofty and admirable goals; however, in reality, the state has a long road ahead to accomplish particular ideals, especially regarding education and access to services. An interesting inconsistency was mentioned in reference to the criminalization of abortion, in that none of the participants recalled an instance in which the law was enforced. One participant did recollect a foreign woman being imprisoned for two months on suspicions of an intended miscarriage, however she was released soon after due to a "lack of substantial evidence." The Rule of Double effect is also practiced according to the participants, thus allowing the mother's life to be saved in a risky pregnancy, despite existing legislation which says otherwise.

CSA 1: You have the rights transposed in the legislation but then you have to see in everyday reality what is happening out there and in terms of knowledge, in terms of services, in terms of affordability, in terms of access, these are all things I think we are very much lacking.

CSA 1: Malta has one of the strictest laws because legally speaking, not even to save a mother's life is actually not allowed, but obviously doctors still go ahead with it, like the double effect [rule], so nobody has ever been prosecuted for it in that regard.

## **Impact on Women**

During the interviews, participants were asked how they thought a lack of full reproductive rights effect women in Malta. They were also asked if they thought a lack of reproductive control prevents women from reaching their full potentials in any ways.

Seven major themes emerged from their responses including: *psychological issues, entrapment, financial burden, ignorance, physical danger, limitations on upward mobility, and self-imposed limitations/conformity.*

### *Psychological Issues*

The psychological effects resulting from a lack of reproductive rights were the most commonly referenced by the interviewees. Negative psychological side effects were cited due to a myriad of related reasons including: a forced pregnancy in general; a forced pregnancy when the baby is not viable; carrying out an abortion and not being able to talk about it; feeling like you are a criminal or bad person, and having a limited social support system; the anxiety and stress of being pregnant at a young age; and lastly, the fear of judgement from medical professionals when seeking out emergency contraception.

CSA 1: Sometimes a lot of people go on about how abortion negatively psychologically affects women but then there's the other side of the story where a forced pregnancy... has a very bad negative psychological impact on your wellbeing. We hear stories for example like women who get pregnant and...they know the fetus is going to die once its born and they still have to carry the pregnancy to term and obviously you give birth and watch your baby suffer and die. If it was your choice, fine, but if you're doing that just because abortion is not allowed it's a completely different matter.

CSA 1: The fact that if you have an abortion you cannot talk about it, you have to keep it a secret, you cannot tell your family, you can't tell your friends, so that in itself...you are carrying this guilt and this idea that you think you did something wrong and you are a criminal basically and you can't talk about it because of the stigma and that obviously impacts women negatively.

CSA 3: Again, all of the consequences with the fear of being pregnant at a very young age and the impact that has on one's life, the stress, the anxiety, the impact that has on relationships, the family.

CSA 4: You have the psychological barrier that they can't talk about it [abortion]... all you're hearing is if you do it you're going to hell, you're a bad person, how dare you kill a child and then you're just conflicted, so I'm a bad person all of a sudden because I can't do this?

CSA 4: How are you going to go to a doctor and fear that he is going to judge you and say how dare you even think about this thing [MAP], get out of my office for example, it's hard to find those doctors that you know you can even trust, so I feel it's a lot of thought that has to go into it, a lot of demotivation, a lot of ostracization, a lot of solitude, because you can't just go to someone and be like I know you've experienced this as well so tell me how you experienced, you can't do it.

### *Entrapment*

The concept of being trapped in certain situations due to a lack of control over one's reproduction was raised as an area of concern. Risks are particularly high in the case of violent or manipulative relationships in which the woman is vulnerable to losing more power in the relationship by bearing a child. Under this same idea of being "trapped," women also risk losing other aspects of their identities when they become pregnant, especially in very patriarchal societies, in which the role of the woman is often perceived, first and foremost, as a mother.

CSA 1: Incidentally there are situations where women are in a violent relationship and obviously having more children traps them in that situation.

CSA 2: For the most part, they're made to believe that once they have a kid their role is just to be a mom, or once you're pregnant you're just labeled as a mom and that's really the only identity you can have.

### *Financial Burden*

The financial burdens of obtaining certain forms of contraception (especially for individuals of lower social classes), and lacking abortion in-country and resultantly having to pay for transportation and accommodation elsewhere, were mentioned by several participants as problematic.

CSA 4: You have [a] financial barrier, in the sense that it's very available now for women to go to England, to go to Italy, to get an abortion there for example, however not everyone has the means to tell their jobs I'm just going to go take three days of leave, I'm going to come back completely broken but it's okay, you'll have your paperwork in time, it just doesn't work. So, you're expecting women to pay for a flight, to pay for accommodation, pay for a hotel, pay the hospital, take leave from work and then come back to work and be functional, which is ridiculous, you don't expect that from anyone.

### *Ignorance*

The idea of a persistence ignorance among segments of the populations, resulting from a lack of comprehensive education and outreach, reoccurred throughout the interviews. Implications of this lack of knowledge are far reaching and negatively impact the overall well-being of women in Malta in a number of ways, including a lack of control over active decision-making processes associated with empowerment.

CSA 2: If you don't have access to reproductive rights even in terms of awareness...you're not going to know the contraceptive methods there are, you can easily be lied to...the amount of women I have met that genuinely believe that the method of pulling out is a safe option is terrifying.

### *Physical Danger*

Actual negative physical repercussions stemming from a lack of access to reproductive rights were not as commonly mentioned as the psychological impacts, but they were briefly touched upon nonetheless. For example, a lack of awareness regarding reproduction and sexual health leads many women to not knowing how to take care of this aspect of their health, including how often to get check-ups and what to ask their

doctor or gynecologist. Additionally, while the practice of in-country unsafe, clandestine, abortions was not discussed much, rumors were mentioned as well as complications stemming from these “back-alley” procedures.

CSA 2: If you don’t have access to reproductive rights even in terms of awareness you’re not going to know how often to get checked.

CSA 3: And if they [women] can’t travel overseas, you do have some complications happening over here, we have had read stories of abortions performed casually and not in a medically controlled environment.

### *Limitations on Upward Mobility*

The connection between a lack of control over reproduction and upward mobility in one’s educational or professional pursuits were drawn by many of the participants. Especially in a society in which it is the expectation for the mother to be the child’s primary caregiver (as opposed to the husband’s), a woman’s professional aspirations can become severely limited, whether due to the employer’s assumptions or because of time constraints etc. Additionally, the process of having to carry a child for nine months and take care of it post-partum can also drastically reduce a woman’s educational potentials, if not temporarily, for the next 18+ years of raising her child.

CSA 1: Ultimately it all comes down to reproduction because women could only advance when they could control their fertility, you cannot advance politically, socially, economically, if you have 10 children to take care of and when society deems it as your role to take care of those children, women could only advance when they started controlling their fertility.

CSA 2: Of course, the fact that women can’t choose to not have a kid...means they can’t move up in their job, that means that they can’t really have access to promotions and things like that.

CSA 2: That can stop a lot of 16-year-old girls from going to school, that can stop a lot of young people from continuing on in their education.

CSA 4: If I had to come to you and say look I had an abortion when I was 15...I got pregnant and I obviously couldn't take care of a child, [I] didn't want to go through nine months of a pregnancy because I wouldn't have been able to continue school...

### *Self-Imposed Limitations/Conformity*

In addition to external limitations being placed on a woman who does not have full bodily autonomy, self-imposed limitations and conformity to societal expectations were also discussed.

CSA 2: People just never think about it, like my mom never even thought of IVF, if she couldn't have kids she would have just not have kids, she would have just kind of been like that is my fate, that's it.

CSA 3: The problems it causes are the limited sense of freedom women have [that] forces them, or pushes them, to live a kind of lifestyle that may not necessarily conform to their identities, or to their actual life choices if they could choose otherwise, again they might not be aware of the limitations, and they might not be aware that they are being channeled into a lifestyle that they have not chosen, and that is a problem because we are all for personal freedoms.

### **Advocacy Efforts**

Participants were asked to discuss if their organizations advocate for reproductive rights in Malta, and if so, who the efforts target, and how they do so. They were also asked if there is cooperation between women's rights organizations and why they thought the MAP campaign was a success. Five key themes emerged including: *limited initiatives; reluctance to take a pro-choice stance on abortion: consensus, fear, funding, and safety; awareness and education; success of MAP campaign: civil society support, liberal government, and discussion; and limited cooperation/collaboration.*

### *Limited Initiatives*

When inquired about current reproductive rights' initiatives, all participants concluded that until recently, there had been no, or minimal, efforts on behalf of civil

society. The MAP campaign in 2016 signified a shift towards more initiatives, and since then, several organizations have ramped up efforts and strategic planning. Currently, “safe topics,” such as education and awareness are on the agenda, and plans for additional advocacy are in the works for the future.

CSA 2: It’s often like, well where do we go from here? How do we make sure this becomes an agenda? Because rights now I don’t think anyone really has an agenda apart from really safe topics like increasing education.

CSA 3: We do feel the desperate need to be involved in reproductive rights, because there is a very, very tiny advocacy effort on reproductive rights.

CSA 4: Until last July, there were none.

#### *Reluctance to Take a Pro-Choice Stance on Abortion: Consensus, Fear, Funding, and Safety*

According to all participants, there is no CSO that has taken a pro-choice stance on abortion, currently. The reasons for this are many, but include a lack of ability for members of these organizations to form a consensus on the topic, fear of backlash and societal stigma, fear of a loss of funding for CSO’s other areas of work, and concerns for the safety of staff members. For example, one organization experienced a loss in funding opportunities due to the stance they took on the 2016 MAP campaign.

CSA 1: In terms of abortion we do not yet have a position on abortion, because obviously our organization consists of different members and different members have different viewpoints, but there is one thing we all agree on, that it should not be criminalized.

CSA 1: [Regarding the anonymous Facebook page, “Pro-Choice Malta”]: That is why I think this organization is anonymous, because there are repercussions, it could be professional repercussions, it could be personal, and people are scared.

CSA 2: Even among us organizations, were a bit apprehensive to approach the subject [of controversial reproductive rights] because we know we are going to be shut down, we know we are going to be labeled bad people... I know that all the organizations I speak

to, they want to move towards approaching really more risqué topics like abortion and surrogacy, but I know that people are terrified to do it.

CSA 3: We haven't yet as an NGO actually formulated our own position on certain very difficult subjects. As you can imagine the political and public context here is quite critical and being so small, I'll be very honest, that we are slightly cautious about taking too bold a stance on certain elements of reproductive rights because we are afraid that that stance might affect the work we do in many other areas. When we have these discussions, we have very different viewpoints, we haven't yet consolidated our views on abortion for example, etc. and from my perspective as [redacted] here, I'm very aware of the impact our views might have on the organization: funding, the safety of the staff etc. because it can, it could, get violent.

CSA 4: People who are openly pro-choice are actually just incredibly criticized so as an organization we decided that we would encourage discussion but not actually have a viewpoint, on it as of yet.

#### *Awareness and Education*

The two most common forms of action among CSOs partaking in reproductive rights advocacy currently are *awareness* and *education*. For the purpose of protecting the participant's identities, no quotes will be used in this section, but rather summarizes have been formulated of the work that has been performed in the past or is currently being implemented.

This past year, a pro-life organization went to a state school to give educational lessons and show pro-life propaganda to the children, including outdated films and inaccurate messages about emergency contraception being equivalent to abortion. In response, a CSO issued a statement saying that a complex issue like abortion should be treated in an objective and scientific manner and that the children should be engaged critically with the issue. As a matter of further efforts, the CSO desires to work further on advocating for sex education in schools to be completely comprehensive. The CSO also wishes to educate people on access to contraception, and to advocate for contraception

clinics and fertility health clinics where women can go and get information, and free contraception if possible, where there no judgement.

Another CSO has conducted informal advocacy initiatives at the University of Malta, having informal discussions about contraception that isn't just condoms (such as IUDs, MAP, and abortion if need be), pushing for free condoms, tampons, and pads, and handing out free condoms. They are also in the process of implementing a campaign to improve paternity leave in Malta, thus trying to equalize the child caretaker responsibility between parents. Education and awareness are the two cornerstones of the CSOs reproductive rights' work, and they have executed relevant initiatives such as going to local schools and teaching students about different types of contraception as well as the additional sensitivities and considerations relevant for people of varying gender identities and sexual orientations. They also conduct awareness campaigns online, prominently through Facebook and infographics. Additionally, the CSO is working on a project that teaches about dating, sex, and relationships from a holistic and non-judgmental standpoint.

#### *Success of MAP Campaign: Civil Society Support, Liberal Government, and Discussion*

Participants mentioned a variety of reasons for the success of the 2016 MAP campaign, including both the judicial protest earlier in the year and the march for over the counter access to emergency contraception that followed. The top three speculated reasons for the quick success of the protests included diverse civil society support, a more liberal government, and dialogue about the issues.

CSA 1: Very solid civil society support... Women for Women [Facebook page], human rights [groups], student bodies, the National Commission for the Promotion of Equality which is an actual state institution, the Medicine Authority, so all of these people then started speaking up.

CSA 2: The media started talking about it, we were driving home and I hear them saying on the radio there's going to be a protest next Sunday, and protests usually never get that kind of attention.

CSA 2: I think that's part of the reason it was so successful, people were already talking about it, people already had a notion of what they wanted.

CSA 4: First and foremost, a more liberal government... because honestly, you're pleasing more people by not legalizing the emergency contraception, so it was a bit of a gamble. And then it was someone to say isma [listen], let's put this on the agenda, because the liberal government itself wouldn't just be like "Hmm reproductive rights, let's do something about it," so I think it was a bit of a joint effort.

CSA 4: The fact that [it was] a physical protest, it was very good because you could see people in the streets... that people actually bothered to go out in the streets on a Sunday afternoon was awesome and that way you could show that isma [listen], it's not just two people who want this, it's not just women who want it, because there were men present as well, there were people who were non-binary, there were people who were trans there, it was a whole community kind of thing, and that's important.

#### *Limited Cooperation/Collaboration*

When asked about CSO cooperation on the topic of reproductive rights, most interviewees had little information to provide. This is likely due to the lack of current and past initiatives on the topic. However, participants mentioned cooperation and support during the Morning-After Pill campaign.

CSA 1: Not really, no. Not that I know of at least.

CSA 2: I would say (laugh), we pretend that there is (laugh).

CSA 3: No. Not specifically.

CSA 4: (Laugh) No, quick answer, no.

## **Hindrances to Progress**

The interviewees were asked what they would consider the biggest hindrances to progress for reproductive rights in their country and seven of the follow themes emerged from the data: *religious influence; culture of silence, shame, stigma, and fear; patriarchal influences; lack of political will; societal ignorance and misconceptions; strong counter-resistance; and pro-life propaganda.*

### *Religious Influence*

The impact of religious influence was described in an indirect manner for the most part, predominately viewed as simply engrained in the Maltese culture, effecting how people may think, behave, and interact with one another. As a result, and due to the stance the church openly has on topics such as contraception, abortion, and family life, there has been an impact on how general society perceives reproductive rights.

Additionally, it was mentioned that the church has influence in the political and medical realms, which impacts how relevant decisions are made and policies are formed. The church was also perceived as unwilling to engage in critical discussion on the topic.

CSA 3: There's our centuries of religious influence which affects not only our moral attitude but also the way we interact with each other and the way we expect others to behave in society.

CSA 3: The same approach has been seen by the church institutions, which I can perfectly understand because that's their official stance...but I don't get their refusal to at least engage with the subject.

CSA 3: There's been a very strong opposition from church based, conservative, civil society organizations, so for example we have a group called GOL and a number of similar groups...and have been extremely effective in terms of the way they individually target politicians and members of parliament and they're very effective in an ugly way for how they bash other NGOs...they do get very nasty and very vicious...they feel they can rely on the backing of the church and the spiritual and religious arguments but they

also threaten politicians and the nation in the way of loss of values, loss of morality, distancing from God, and killing of babies.

CSA 4: (Whisper) The church; the church and people not willing to learn, sort of they heard this once that x,y,z, is abortive [abortifacient], is against the church, is bad, or women are bad for wanting it, and that's it, they close all arguments.

CSA 4: Because we live in a society where [what] the church says is right, the church influences medical practitioners, influences pharmacists.

CSA 5: The IVF legalization issue was stopped by the church, in fact, I think it took them ten years to pass... it was passed, I think, three years ago.

#### *Culture of Silence, Shame, Stigma, and Fear*

The researcher perceives the culture of silence, shame, stigma, and fear around many reproductive topics as the most cited reason for a lack of progress in reproductive rights during the interviews. Participants referenced stigma and fear in many of the interview questions, not exclusively in response to the question regarding hindrances to progress. The size of the country and resultant “village-like” mentality was explained as exacerbating the issue because of the idea that there are not many degrees of separation between individuals in Malta and the frequent “rumor mills.” One interviewee elaborated that those who are in opposition of certain topics, for example emergency contraception, are very vocal, while those in support feel pressured into silence. Many individuals are resistant to be considered an “outsider,” or ostracized, so often will conform to popular opinion, or at least what is perceived to be popular opinion. Additionally, while perceptions have shifted over the years, expressions of sexuality, especially by women, are still shamed.

CSA 2: People are very much afraid of having the discussion about any sort of reproductive rights – not just abortion. It's definitely the fact that were scared to talk

about it, everyone is, that's probably it, the fear. And the fact that we are a small country as well, everyone knows each other, so people are always going to be afraid that they'll have people talking about them.

CSA 2: [About the MAP campaign] I remember people were telling me no, it's reckless, they should have never had sex in the first place, why are you fighting for this, and that it's comparable to abortion... the people who were in favor of it just didn't mention it or bring it up that much.

CSA 3: The size of the place, it's a tiny community where everyone is looking into each other, which as I said before impinges on one's sense of freedom because you feel you need to conform because otherwise you're singled out in a very small community that can be quite bitchy actually and think of a very small village in any other place, you know, the level of condemnation, the level of spying on one another, is quite strong.

CSA 4: If you even say the word abortion you are going to be labeled as a pro-choice person and so you are ostracized, you are not a good person, you hate people.

CSA 4: But the thing is since they said your name will show on the [judicial] protest to everyone, many people didn't want to sign.

### *Patriarchal Influences*

Participants also saw the influence of a patriarchal society as a primary hindrance to progress for full reproductive rights. Firstly, the strong societal emphasis on motherhood and a woman's expectations to aspire to motherhood are connected to a male-dominated society which limits the identities and roles of women. In the same vein, and producing a similar expectation, one participant described the concept of masculinity as tied to the number of children one has. The blatant absence of women in positions of power in Malta including parliament, judiciary, and executive boards, was also cited as a reason for a lack of reproductive control. When women are not represented in positions of decision-making power, it is often found that their needs and concerns are not adequately acknowledged, if nothing but for the fact that they are not there to vocalize them and make them a priority on the agenda.

CSA 1: Because of this obsession with what we call the “Cult of Motherhood” in Malta. In Malta, women’s position in society is still very much tied to her role as a mother, so I think that being prochoice and actually advocating for abortion and for reproductive rights is going against this whole function of women to be mothers.

CSA 3: That is, I think, closely tied in with the role of women in Maltese society and expected role of Maltese women and given that we are a very strongly patriarchal society and there is the Southern Mediterranean element which really affects our cultural approach. So, there are a number of cultural elements which put reproductive rights quite at the bottom of the list of national priorities and also which really impinge on a women’s freedom to even understand what reproductive rights are.

CSA 3: And definitely the patriarchal society in Malta is still extremely strong and that is reflected in the levels of women in employment, women in parliament, women in the judiciary, very high levels of domestic violence, and violence against women, it’s all a package to which really understand where women stand in Malta.

CSA 5: It depends on the relationship between you and your partner, where some men think that their masculinity will come out the more children they have. We had an incidence where this guy realized that his partner was on the pill and threw away the pills even though they cannot maintain the children themselves financially.

### *Lack of Political Will*

The political parties in Malta, including the one presently in power, were described as considering social issues, first and foremost, in terms of voting capacity – in other words, what the lobbyists or vocal majority of people in the country want will often be the focus of the political agenda because it is speculated that politicians care more about potential votes than what might be best for their constituents. However, it was noted that there was some substantial political support for the MAP campaign, including the Minister for Social Dialogue, Consumer Affairs, and Civil Liberties, Helena Dalli.

CSA 1: Obviously the political parties, none of the political parties have shown any willingness to [change policies], they all said that they are happy with the law as it is.

CSA 1: Once you have the numbers [of people] you have political support.

CSA 2: ...that politicians are afraid to talk about it because at the end of the day it's all about votes for them and they are surrounded for the most part by men, by older men who are aren't talking about this.

CSA 3: Every single politician who has ever expressed anything about abortion or reproductive health has adopted their [GoL's] approach so we don't have one politician who has said anything remotely near "let's talk about it," let alone anyone having a view that's a bit more bold.

### *Societal Ignorance and Misconceptions*

The misconceptions, misunderstandings, and lack of knowledge regarding topics related to reproductive rights were referenced as other major interferences to progress.

Sometimes it was seen as a lack of desire to understand or research a topic, an over-reliance on religious teachings, or the absence of a comprehensive educational system, but the end product was the same: a less than ideal comprehension of the social issue.

The lack of understanding led to an inability of segments of the population to think critically about the issue, grasp another person's perspective, and as often occurs, to fear what is not understood.

CSA 2: Of course, religion, of course conservatives, the older generation, will always be a hindrance, they will always want to stay where they are, they will not want to understand the topic...sometimes they don't know how or don't bother to research the topic...so also people still think the MAP is a pill that you take if you want to have an abortion.

CSA 3: What we tend to see on the conservative side over here, is it is not quite correct information, it is more based on preconceptions, misconceptions, misreading of religious teachings, or an over-reliance on religious teachings, which again, we totally respect one's religion as long as it doesn't impinge upon the rights of others.

CSA 4: Because it's basically you just fight and nothing happens out of that, people have very strong opinions about it [reproductive rights], not a lot of education, so what happens is just people start arguing and it's not worth it.

### *Strong Counter-Resistance*

The pro-life lobby in Malta is extremely vocal, comprised of approximately seven organizations, which actively promote their agenda year-round. They push their agenda through a myriad of ways, including targeting politicians, writing articles in local media outlets, hosting pro-life marches, candle-lit vigils, and protests, and conducting smear campaigns against CSOs working towards reproductive rights. One participant compared the counter-resistance groups in Malta to the likes of fanatical prolife groups in the United States or parts of Europe.

CSA 1: We have around seven organizations that are prolife that are every active, that hold marches for life...they're very vociferous they're very well-funded...they're against anything that has to do with fertility treatment, like gamete donation, or surrogacy, they are against embryo freezing and IVF for example because they consider it as abortion, they were against emergency contraception... ultimately they're conservative fanatics literally, very Christian right wing fundamentalist groups, they are copying the methods and ideologies of similar groups in the U.S. and even in some parts of Europe now days but mostly the Evangelical prolife groups in the U.S.

CSA 2: Someone was advocating to have condom machines installed in public bathrooms...and immediately that was shut down.

CSA 2: They [GoL] had a vigil for all the dead babies that were going to come about from the MAP.

CSA 3: There have been occurrences in the past where the conservative advocacy groups have had very loud, vociferous protests against anyone who spoke in favor of or even just mentioned reproductive health, specifically abortion in specific discussions.

CSA 3: There has been resistance, actually, from many, many sides. Let's say almost everywhere, starting from the broad, general public, the public vibe, the public energy, as I said on blogs, newspaper comment sections, the public discourse has been very resistant, and also very aggressively resistant, like absolute no, no space for discussion, no space for discourse, and shutting down persons who might have different views.

CSA 4: GOL, Network for Life, I mean it's the same people in both...they have an annual march for life but this year it was obviously more promoted... they write a lot in newspapers because the highest members they have are dentists, doctors, so they have a

lot of authority in society, so of course you have a very smart written article that's based on [false information].

### *Prolife Propaganda*

As previously mentioned, the reproductive and sexual health education system in Malta's schools is not only missing key parts of a complete and well-rounded education, but also tends to only show one side of important topics. In the case of abortion, it is displayed as pro-life propaganda and explicit messaging equating abortion to murder. Words such as "brainwashing" and "indoctrination" were used to describe some of the process that occurs as a result from both the education system and greater societal influences.

CSA 1: The majority of people have been brainwashed since they were children, they have been indoctrinated with this mentality that abortion is murder...it's this indoctrination since we were little and in schools and in education that abortion is equated with murder and there's no critical thinking about it, there's no discussion, there's no kind of exploration of the subject in school.

CSA 2: I've seen so many campaigns that are dangerous and the biggest one is the Silent Scream, a film that was made in the 1980s...it's very graphic, it shows buckets of babies' heads and they say, kind of, this is what abortion is, and they show it to 14-year-old girls...it's really disappointing to see adults do this who are so caught up in their own beliefs that they are willing to show kids graphic content, violent content to make sure that their message comes across.

### **Factors Promoting Progress**

Interviewees were lastly questioned about what they think would need to change in Malta for women to achieve full access to their reproductive rights. While the responses varied, five key themes emerged from the data set including: *the interconnected nature of gender equality; dialogues and discussions; education; civil society support and leadership; and globalization and societal secularization.*

### *Interconnected Nature of Gender Equality*

The promotion of gender equality in one area should ultimately have a positive effect on another area, according to this idea proposed by most of the participants. Other areas of gender equality that should be improved include more representation in the political sphere, combatting stereotypes, violence against women, particularly domestic, and also economic empowerment. If this were to happen, it is speculated that women may achieve more in terms of their reproductive rights.

CSA 2: When you speak with politicians, which are for the most part male, they say no, no, we are not going to discuss that [reproductive rights], because they think that people don't want to discuss it because they are surrounded by people who aren't discussing it, but I think, hopefully, if more women in the future enter politics, they'll realize that there is a large group of women who do want access to this.

CSA 3: We need to revise the way we treat women in Maltese society, and I think that will have a long-term effect on broadening up their access to reproductive rights, so about the stereotypes, and the patriarchy that dominates women starting from an extremely young age.

### *Dialogues/Discussions*

The most frequently mentioned factor to promote progress was more discussion and dialogue. The culture of silence that is widespread on these issues proves itself detrimental to furthering the cause. Participants all mentioned an undercurrent bubbling, especially among women, amongst themselves, on Facebook pages including Women for Women and Prochoice Malta. However, when it comes to the public sphere, there is a serious lack of spoken discussions, often due to the taboo nature of some reproductive topics. One interviewee noticed that once the discussions do take place, they seem to be less controversial than previously supposed. An additional presence in media is also

called for to make the issues more visible and spur further discussion and critical thinking.

CSA 1: There is no official lobby yet, but I think unofficially, if you go on Facebook groups like, for example Women for Women which has 20 thousand members, you see discussions going on and there are definitely people who are sort of now actively saying that they are prochoice etc.

CSA 2: Slowly the discussions are entering the female space, the female space does talk about it... if you are a female in Malta you probably do have access to the biggest group of women [the Women for Women Facebook group]...because Malta interacts on Facebook for the most part, it really does...and the discussion on abortion or surrogacy comes up, almost, I would say, more than once a week people are posting anonymously like listen I need help about surrogacy can anyone guide me, these sorts of things.

CSA 2: We have found a lot of issues we thought were going to be controversial here, they are not as controversial when you bring them up, people are already thinking about it.

CSA 2: I think if we have more open dialogue about this, if we stop slut shaming women, if we stop shaming women from having sex and talking openly about it, that will definitely be step in the right direction.

CSA 3: The voices you sometimes see as comments on newspaper articles for example, you can see that there is an undercurrent that is bubbling.

CSA 4: In a more broad sense, remove stigma and shame associated with reproductive rights at any level starting from consent all the way to abortion, IUDs, tying your tubes, anything, so that needs to be more talked about, more informal conversations, more presence on television, more presence through media, the media does everything, the second you see a woman getting her ovaries removed on television, just because she doesn't want children anymore and not for a medical reason, then people talk about it like "Oh, what a decision that was, but why?" or IUDs, the risks, the factors, using the pill, not using the pill, safety, that can really move things forward.

### *Education*

Once again, a need for a change in education, was cited as one of the most important steps in the right direction for control over one's reproduction. With better education comes empowerment to critically analyze issues and choices, make the best decisions for ones' life, and advocate for change as necessary.

CSA 1: A change in education, so lobbying to educate women and to get the discussion going and to not be afraid to discuss the issue, whatever your position is and to actually challenge different views.

CSA 3: We always mention the need for the nation to have a conversation on reproductive health and the controversial parts of that, so we speak about the need to have proper educations in schools, the need to have conversation with young people about their sexual habits, and what they're doing, what they're not doing, who they turn to for assistance, where they turn to, what agents of support are there, what threats are there to their feelings of personal security.

CSA 3: Information, information, information because it is fundamental that people out there understand [a] very basic notion of what you are after, and that you tried your best to challenge or understand and correct their misconceptions because what we see in most cases, the general public is willing to support our efforts if they understand them and if we correct their misconceptions.

#### *Civil Society Support and Leadership*

An active civil society and leadership were concluded as two key areas that were both lacking and necessary for national progress. Regarding political change, the leaders in Malta will continue to omit reproductive rights on their agendas without vocal civil society support; and regarding social change, potential for transformation is slim without a variety of projects, campaigns, public initiatives, and other forms of activism that people can discuss or partake in. It was also noted that a *diverse* civil society is especially important to show both society and political leadership that a variety of organizations and individuals want to see progress, more contraception options, better education etc. At present time, despite the stigma and ostracization that CSOs feel about taking a bolder stance on reproductive rights, interviewees mentioned the needs for leadership, someone or some organization, to take the risk and speak up about the more risqué topics regarding reproductive control.

CSA 1: I think you need a consistent civil society activism, at this point someone needs to be out there and it needs to be stated, if no one is going to speak up then nothing is going to happen..., unless people speak out, the political parties will never put this on their agenda because it is political suicide, so it is up to civil society to actually take the plunge.

CSA 3: To build up a pool of other NGOs, ideally not NGOs directly involved in your issue, so you build up the pool of support even from animal rights organizations, environmental organizations, just to diversify the level of support, and organize a number of activities targeting groups, so you have the public walks, a letter writing campaign to the government, court action, so a number of different activities happening at the same time.

CSA 3: When it comes to something like abortion, the more challenging elements, I think that's going to take a very bold move by one big organization to come out and do something and then that might lead to a series of issues that's happening following that...someone needs to take the lead, so we need leadership on the matter, and leadership obviously entails someone who knows the issue, who understands the complexities, who can represent the issue with humanity but with boldness.

#### *Globalization and Societal Secularization*

Lastly, a more globalized world and further societal secularization were cited as two factors that would promote progress on the matter of reproductive rights. As more people in Malta travel to other countries and experiences different cultures, and as foreigners visit or immigrate to Malta and bring their different ideas, this exchange can often promote discussion and consideration of different viewpoints. Also mentioned was the divorce referendum in 2011 and the slowly increasing secularization of the country, which opens space for diversity of thought and lifestyles.

CSA 1: People are getting out of Malta more, they're living abroad, they're seeing different perspectives, this is also affecting us, we have a lot of international people coming to live here and obviously they bring their ideas and they are part of Maltese society nowadays...so the more you have this kind of exchange of ideas and discussion the more likely it is for people to talk about issues.

CSA 3: One has been the loosening power the church has over society following the divorce discussion, the church was dealt a blow and I think the people felt that they could

and were entitled to have a view different to the church's view, so I think that helped people feel a bit freer in their views and freer in their lifestyles.

## CHAPTER SIX: DISCUSSION

### Introduction

The previously depicted thematic analysis of the interview transcripts reveals several key areas of significance for further exploration regarding the research question and sub-questions. Particularly, in light of the literature explore in chapter two, the researcher found 1. Ways in which CSAs are working towards reproductive rights and the corresponding struggle for hegemony within the civil society sector; 2. Clear connections to a presence of direct, structural, and cultural violence against women in Malta 3. Conditions which may increase the opportunities for women to have greater access to reproductive rights.

### Discussion

*How do civil society actors promote women's reproductive rights in Malta and what factors may be undermining successful advocacy?*

As discussed by Anheier and List, CSOs are often “value guardians,” serving the purpose of keeping the state and market in check from becoming too dominant or repressive. The same can be seen happening in Malta in which individuals and organizations within civil society advocate for additional reproductive rights through legal and physical protests, educational campaigns, and informal discussions, to protect values such as privacy, physical integrity, liberty, and equality. When the state fails to protect such rights and values, and provide necessary services, it can fall upon the

metaphorical shoulders of civil society to do so through various forms of advocacy and programs. Also explained by Anheier and List is the common occurrence of state leaders and parties to overlook the needs of smaller constituent groups and minorities, which can be exacerbated when such groups do not feel they have a strong “voice,” or access to decision-making power. Malta’s largest gap in gender equality lies in the political realm, in which women make up an extremely low minority in all branches of government. When CSA’s empower groups without power to demand their rights which are not being provided by the state, this can result in improved processes of democracy and pluralism. They most prominent example of this process occurred during the 2016 campaign for access to emergency contraception in general and over-the-counter, in which CSOs gave groups of women, including many survivors of domestic violence, a unified platform to legally demand and publicly speak about the significance of their individual needs that were not being met at that time. In this case, CSAs in Malta were representative of a society based upon collective accountability, transparency, and independence.

However, CSAs in Malta are not always representative of “civil society as a progressive force,” as discussed by Foucault. Civil society can be antagonistic, and display acts of social exclusion and public condemnation. Examples of this are seen in the realities of ostracization, shame, and stigmatization that can occur when individuals within Maltese society reveal themselves out as pro-choice, pro-MAP, pro-comprehensive sexual health policy etc. The mindsets and actions of many individuals within Maltese society, as well as certain organizations, such as Gift of Life and Life Network Foundation Malta, produce conditions within civil society that make it very

difficult to progress the agenda for women to achieve greater access to reproductive rights. Instances of this include public condemnation through smear campaigns (such as false claims of CSO connections to the American embassy and Obama administration) and counter-protests against CSOs advocating for reproductive health and rights. Examples such as these demonstrate Foucault's explanation that civil society is not always the space of rational and reasoned dialogue and individual freedoms that it is known for in modern day.

There is also a clear display of struggle for hegemony between various groups within civil society of Malta, as theorized by Gramsci. Gramsci sees the state and civil society as interconnected through a power relationship that reinforces each other, often to the detriment of certain social groups, and advantage of others. The interconnected nature of reinforcement between civil society and the state is depicted clearly in the political positions of virtually every Maltese politician regarding the outright ban on abortion and other reproductive issues. It is speculated that most politicians see their positions on issues in terms of voting capacity and on what is considered normative within society, and thus, their stances and decisions reflect the most vocal groups within Maltese society. Due to the culture of silence and shame around certain aspects of reproductive rights in Malta, the state does not represent CSOs who fear taking a strong stance on reproductive rights, nor ordinary groups of women who desire full access to their rights and cannot speak out; rather it reinforces the power of groups such as GOL and Life Network Foundation Malta who have a strong presence within civil society.

*How does an absence of full reproductive rights affect women in Malta from reaching their full potential?*

The definition of reproductive rights as outlined at the Cairo Conference, explicitly references the recognition of rights to make decisions concerning reproduction free of violence, coercion, and discrimination, as well as access to the highest standard of sexual and reproductive health. Unfortunately, at this current time, Malta does not meet the criteria outline in the Cairo Conference and other human rights' documents for the full achievement of reproductive rights. As a result, this has produced an infrastructure of inequality for women within Maltese society, distinctly including a presence of direct, structural, and cultural violence. Galtung characterizes "violence," chiefly, as occurrences in which individuals are impacted in a way that their bodily and mental realizations are lower than their potential realizations. Potential realizations are quantified as whether the value is mostly consensual or not. Speaking broadly in terms of the international sphere, a full scope of reproductive rights is highly consensual. While there are exceptions, these are a minority of cases.

As a result of a lack of access to full reproductive rights in Malta, there are not many cases of direct physical violence against women, in which there is a clear actor carrying out the violence. The only example of direct physical violence carried out in respect to this topic was in the occurrence of one woman being imprisoned for two months based on a suspected miscarriage within Maltese territory. In this case, the woman's somatic potential was reduced through a constriction of movement for two months and the actor producing this affect was clearly the state. However, there are many instances of direct psychological violence, which occurs when individuals within Maltese

society verbally shame and condemn those who publicly speak in favor of abortion, MAP, or partake in reproductive related behaviors that are considered controversial; it also occurs through the aforementioned systems of indoctrination that occur within the Maltese educational system. This type of violence “works on the soul” of the receiver and lowers their mental potentials.

Structural violence against women in Malta was discovered to be extremely pervasive when it came to a lack of full access to reproductive rights. There are no direct links to actors perpetrating this form of violence, rather it is built into the social structure of Malta and reveals itself as inequalities for women within society. Examples of structural violence as a result of inadequate access to reproductive rights include the following: psychological issues such as anxiety and depression stemming from forced pregnancies (including when the baby is not viable), inability to discuss controversial subjects (such as personal experiences carrying out clandestine abortions or use of the MAP), and being pregnant at a young age; further entrapment in abusive or manipulative relationships due to a lack of full reproductive control, as well as being reduced to an identity almost exclusively consisting of motherhood; financial burdens, especially for individuals of lower classes, regarding access to expensive forms of contraception and access to abortions abroad; ignorance and lack of knowledge on certain reproductive topics resulting in an inability to make fully informed and empowered choices about one’s sexual and reproductive decisions as well as health, which can also lead to physical danger regarding STIs and unsafe abortions; and finally, limitations on upward mobility in both the educational and professional spheres, when women are unable to fully control

the number and spacing of their children. This long list of cases of structural violence within Maltese society produce inequalities for women on a myriad of levels and effectively prevent them from realizing both their full somatic and mental potentials. Without the presence of these forms of structural violence, many women would experience improved mental health, more freedoms and liberties to define themselves and their relationships, additional money to support themselves and their families, further knowledge to make better choices about their health and reproduction, and access to more opportunities for upward mobility.

Finally, the existence of cultural violence in Malta legitimizes and reinforces both direct and structural violence. Cultural violence is considered the aspects of a cultural which influence people by determining what is normative and what is not. This occurs through language in the way individuals speak, religion and other ideology, in science, law, media, and education. Via indoctrination, socialization, and internalization of certain cultural values (e.g. patriarchal values, Catholic values), direct and structural violence in Malta is made to feel normal by most of the population. For example, through exclusively pro-life material being taught in the educational system, children are made to believe an outright ban on abortion should be normal and is not an act of violence against the mother. In Malta, it can be speculated that the cultural power of the patriarchy and Catholicism dictate what the moral status of an act is; therefore, what is immoral in another time and space could be deemed moral here and now, and vice versa. This results in segments of the population being unaware that direct or structural violence is even occurring because they see it as “right,” or at least normative. The violence triangle of

direct, structural, and cultural violence reinforces itself at each point, making it a particularly vicious cycle to break, which is why civil society action for social transformation within Malta are particularly necessary for progress.

*What conditions might produce a society in Malta in which women have greater access to reproductive rights?*

As previously explained, civil society is conceived by Gramsci as a space for hegemonic struggle among groups with diverse interests and needs. Civil society is not merely beneficial to present hegemonic groups, but allows for alternative models of hegemony to present themselves and assert their power. When the counter-hegemonic movement is successful, equality may be achieved. The beginning of this struggle can be seen clearly in Malta between CSAs advocating for reproductive rights and the present hegemony of groups which would like to maintain the status quo representative of inequalities of women. Slowly, institutions, organizations, and individuals in Malta are challenging the social system by building the foundations of an alternative ‘historical bloc’ to present their alternative. However, this alternative, which is already a reality in many other countries, has been the source of strong resistance from the current hegemony. In order for the anti-hegemonic group to make strides, many conditions will need to change. This includes a serious uptick in informal and formal discussions, a much more holistic sexual and reproductive health education system to eliminate misconceptions and ignorance on certain topics, stronger civil society support and the presence of leadership, and finally increasing interactions with other countries through globalization to open further contact points to a diversity of thought and behaviors.

Reflected in the aforementioned conditions for change are the two factors Habermas' theorizes are necessary for the interests of groups to be an authoritative basis for political influence. Habermas concludes that the two key conditions which should be present in civil society to have influence in societal transformation are "quantity of participation" and "quality of discourse." In the sphere of advocacy for full access to reproductive rights, it can be argued that both of these conditions are missing in Malta to a large extent. There are zero CSOs which have taken a bold stance on reproductive rights, due to societal repercussions of doing so, and a small number of individual CSAs that have done so, for the same reason. Therefore, the quantity of participation is extremely low in respect to the total population of Malta. The quality of discourse has also suffered for very similar reasons. A lack of both formal and informal dialogue and debates on the topic has resulted from the taboo nature of many topics within the umbrella of reproductive rights – most notably, abortion, emergency contraception, surrogacy, and IVF. A large increase in both quantity of participation and quality of discourse will be needed to have a stronger influence on societal transformation in Malta regarding reproductive rights.

## CHAPTER SEVEN: CONCLUSION

This study attempted to answer the following research questions: *How do civil society actors promote women's reproductive rights in Malta? How does an absence of full reproductive rights affect women in Malta from reaching their full potential? What factors may be undermining civil society efforts to successfully advocate for reproductive rights? What conditions might produce a society in Malta in which women have greater access to reproductive rights?* The researcher conducted five interviews with local civil society actors advocating for reproductive rights and reviewed key related literature, in an effort to answer these questions.

The main results concluded that there are not many efforts being conducted on behalf of civil society actors to promote reproductive rights in Malta, despite a clear undercurrent bubbling of discontent, particularly among groups of women on Maltese social media groups and pages. Through analysis of interview transcripts, it was speculated that the reasons for silence on many matters of reproduction are fear of societal repercussions including damaged relationships, shame, and ostracization. However, over the past few years, civil society organizations and individuals have slowly begun introducing less controversial reproductive topics such as related educational initiatives. The largest advocacy campaign occurred in 2016 for emergency contraception and became a large success despite resistance from key members and organizations

within society. Also through the data collection process, it was discovered that direct, structural, and cultural violence are being experienced by women in Malta as a result of a lack of full access to reproductive rights. Lastly, conditions which may promote a greater access to reproductive rights in Malta include further civil society participation, both in quantity and quality, as well as a strong source of leadership.

Due to limitations of the current research study, recommendations for further exploration on the topic include extensive polls and surveys to represent attitudes and realities of the Maltese population on multifaceted reproductive matters. Survey topics would benefit from attitudinal questions on many topics of reproduction including the MAP, IVF, surrogacy, abortion, sexual and reproductive health education, as well as lived realities, including the experiences of women in Malta and the extent of lacuna between needs and services provided. Additional research in these areas could inform the large gap in existing knowledge regarding what is available for women currently and what is needed and desired.

Through the researcher's distinct epistemological standpoint, it is argued that Maltese women should have access to the full scope of their inherent reproductive rights through the legislative bodies of their government as well as through the social structure in which they live. Of particular note, Maltese women should have access to safe and legal abortions, affordable and accessible emergency contraception, and a comprehensive sexual and reproductive health education. The crucial point for full access to reproductive rights, without coercion or discrimination, is that women have the *option* to utilize a variety of services and products that give them control over their own reproduction, as

well as the education to make fully informed decisions for themselves. The researcher does not advocate for the use of products and services related to reproduction, but rather the access to them and the choice to use them or not. It is the researcher's hope that the information gained from this study can provide a level of insight for others as to what changes may be necessary to successfully advocate on behalf of women in Malta experiencing inequalities related to their reproduction control and health. Achievement of this will ideally contribute to a greater level of equality between the sexes and further empowerment of women in Malta.

## **APPENDICES**

## **Appendix I: Recruitment Script**

Subject: Interview Request for Graduate Research on Civil Society Advocacy for Reproductive Rights in Malta

Dear Ms./Mr./Dr./Etc.

I hope this email finds you well. My name is Jessie Rosati and I am a graduate student at the University of Malta and George Mason University studying Conflict Resolution and Mediterranean Security. I am originally from the United States, but have been studying in Malta for the last seven months.

Currently, I am conducting research for my thesis, titled “Civil Society Advocacy for Reproductive Rights in Malta,” and am hoping to conduct a handful of informal interviews as part of my data collection. I have identified your organization as an active participant in Maltese civil society regarding women’s rights and would be very interested to interview you, or another knowledgeable member of your organization. It is important to note that personal identifiable information will not be collected nor published in my study.

At your convenience, would you (or another member of your organization) be willing to participate in a (maximum) one-hour interview? Topics discussed would include the following: your knowledge of reproductive rights in Malta, your organization’s role within civil society (including current and past projects), the recent campaign for emergency contraception, and lessons learned. The data collected from your interview will be used as supplementary information to understand how understand how civil society actors promote reproductive rights in Maltese society.

Please let me know if you should have any questions or concerns and I look forward to your reply!

Best regards,  
Jessie Rosati  
IRBNet #1090611-1

## **Appendix II: Informed Consent**

### **Civil Society Advocacy for Reproductive Rights in Malta**

#### **RESEARCH PROCEDURES**

This research is being conducted to examine how civil society in Malta advocates for reproductive rights including access to emergency contraception and abortion. If you agree to participate in a **one-hour interview**, you will be asked questions about your knowledge of reproductive rights in Malta, your organization's role within civil society (including current and past projects), the recent campaign for emergency contraception, and lessons learned.

#### **RISKS**

There are no foreseeable risks for participating in this research.

#### **BENEFITS**

There are no benefits to you as a participant other than to further research about civil society advocacy for reproductive rights in Malta, including what is being done, how, and why.

#### **CONFIDENTIALITY**

No personal identifiable information will be collected in this study, and your organization affiliation and position in the organization will not be shared beyond the research team.

#### **PARTICIPATION**

Your participation is voluntary, and you may withdraw from the study at any time for any reason. If you decide not to participate or if you withdraw from the study, there is no penalty or loss of benefits to which you are otherwise entitled. There are no costs to you or any other party.

#### **AUDIO RECORDING**

Your interview will be recorded and transcribed so that the researcher can capture your responses fully and in context. The audio recordings and transcriptions will be stored in a password-protected file accessible only to the research team and will be destroyed **5** years after the study ends. Please initial one of the options below:

\_\_\_\_\_ I **agree** to audio taping.      \_\_\_\_\_ I do **not** agree to audio taping.

#### **CONTACT**

This research is being conducted by Dr. Patricia Maulden and student-researcher Jessie Rosati at the School for Conflict Analysis and Resolution (S-CAR) at George Mason

University. Dr. Patricia Maulden may be reached at [pmaulden@gmu.edu](mailto:pmaulden@gmu.edu), and Jessie Rosati may be reached at [rosatijj@gmail.com](mailto:rosatijj@gmail.com). You may contact the George Mason Institutional Review Board office at +1-703-993-4121 if you have questions or comments regarding your rights as a participant in the research.

This research has been reviewed according to George Mason University procedures governing your participation in this research.

**CONSENT**

I have read this form, all of my questions have been answered by the research staff, and I agree to participate in this study.

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Name

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Date of Signature

## **Appendix III: Interview Questions**

Questions for Semi-Structured Interviews with Civil Society Actors, Organized by Topic:

### **Conceptualization of Reproductive Rights**

1. How would you define reproductive rights? What topics would you include?
2. Do you think that women in Malta have access to reproductive rights? If no, why not? What rights do they not have access to? If yes, what reproductive rights do they have access to?

### **Community Initiatives and Advocacy**

3. Does your organization advocate for reproductive rights in Malta? If yes:
  - a. What reproductive rights are included in your advocacy?
  - b. How does it do so?
  - c. Who do your advocacy efforts target?
4. What can you tell me about civil society advocacy efforts for reproductive rights in Malta outside of your organization?
5. Is there cooperation between various women's rights groups in Malta on this topic?
6. What do you see as the biggest hindrances to progress for reproductive rights in Malta?

### **Impact of Access to Reproductive Rights**

7. How does a lack of access to full reproductive rights affect women in Malta?
8. Do you think a lack of full reproductive rights inhibit women in Malta from reaching their full potential – in any way, including aspirations, physical, mental, etc.? If yes, how so?

### **Role of Maltese Society (including Politics and Religion)**

9. How do you think Maltese society in general perceives the topic of reproductive rights?
10. Has there been any resistance against the push for reproductive rights? If so, from whom? What have they been doing to show resistance?

### **Emergency Contraception Campaign**

11. Were you involved in the campaign for emergency contraception in Malta?
12. If so, what was your role? What actions did you take?

13. Why do you think the campaign was successful in changing accessibility to emergency contraception in Malta?

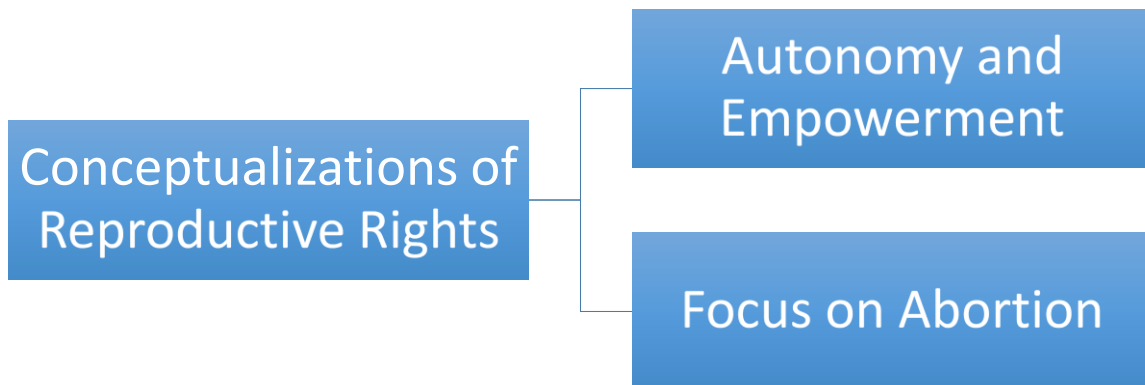
#### Lessons Learned

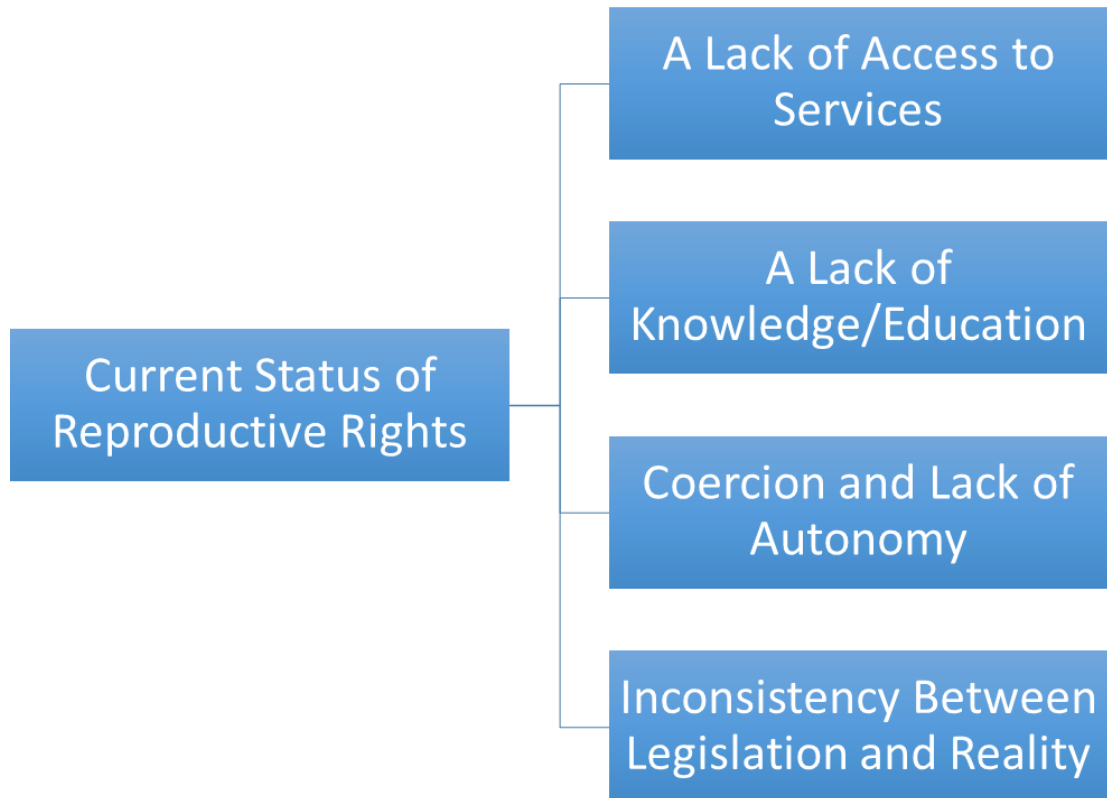
14. What lessons can be learned from past and present efforts to promote reproductive rights in Malta?
15. What do you think would need to change for women to achieve full access to reproductive rights in Malta?

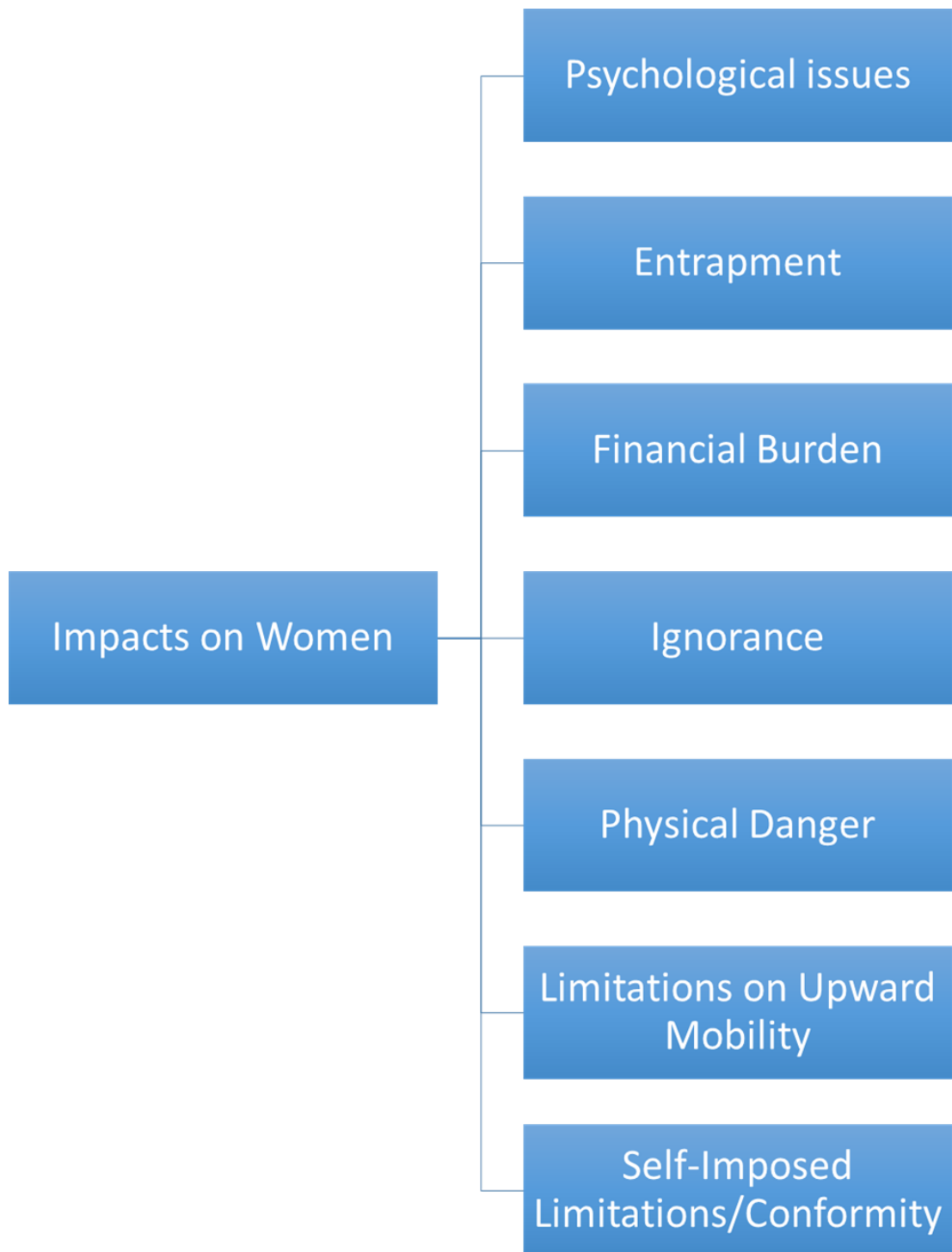
#### **Appendix IV: Interviewee Demographics**

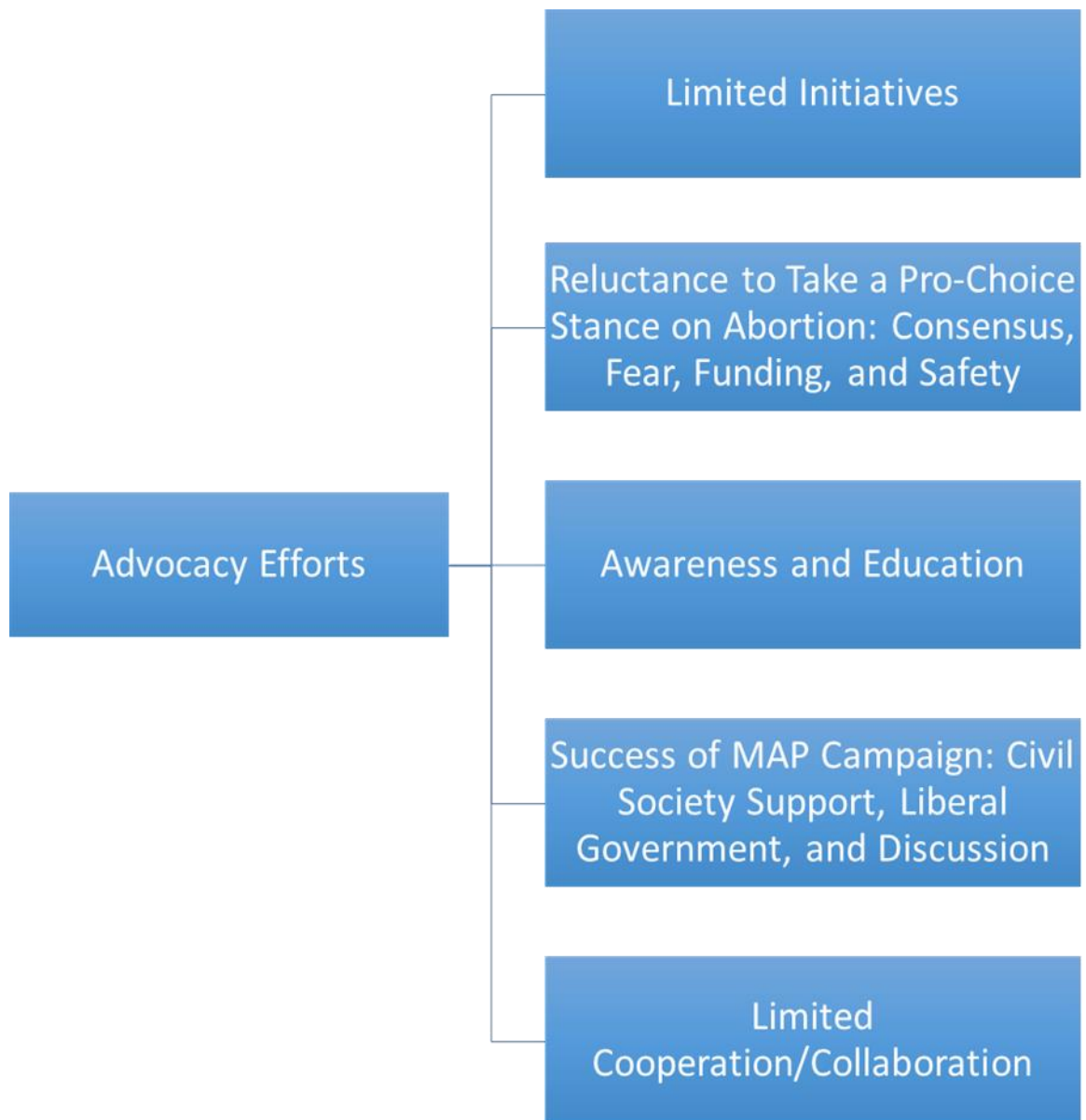
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CSO3	Maltese	Employee	Yes	8/3/2017	33:50
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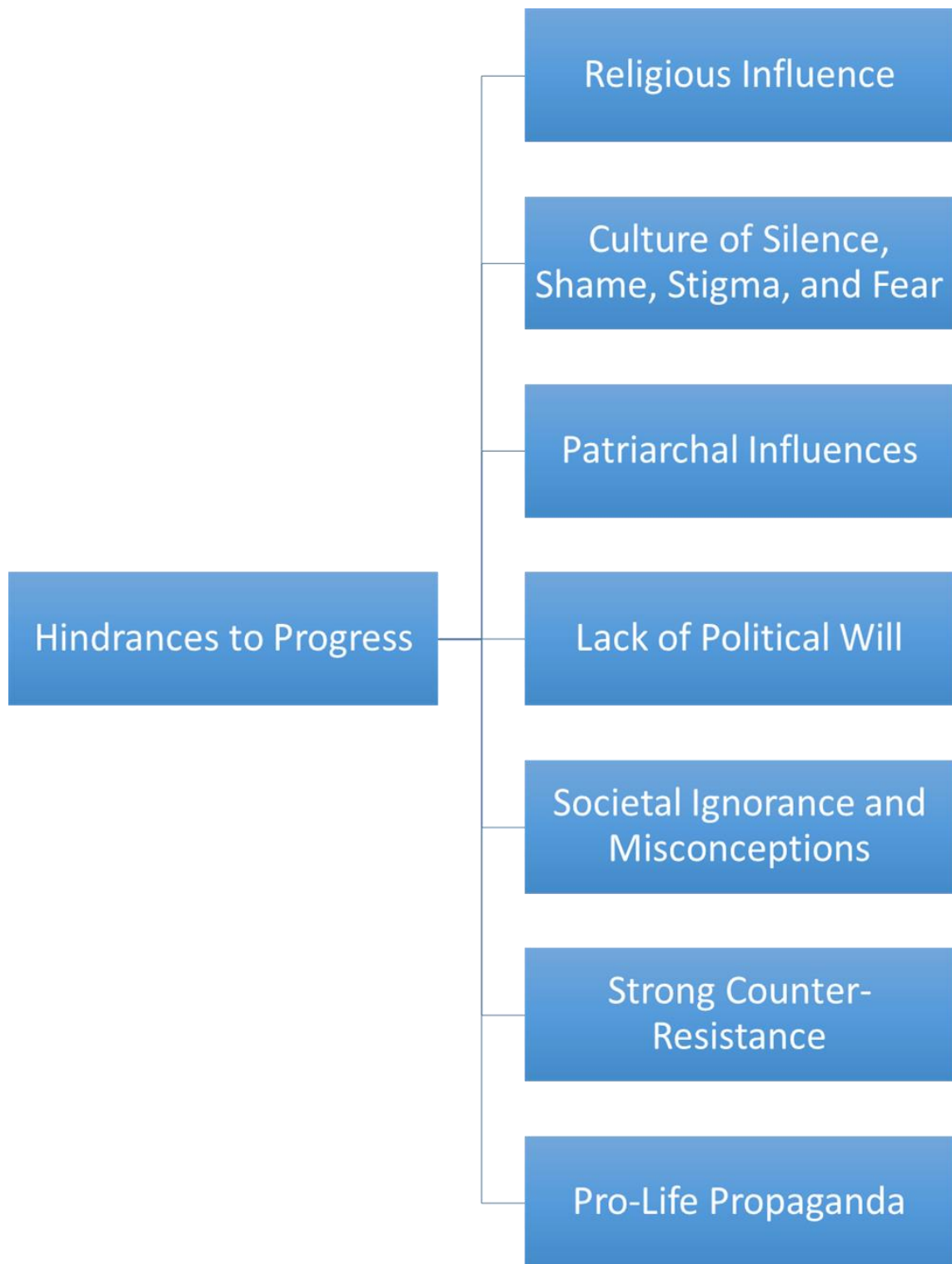
## Appendix V: Visual Representation of Data Analysis

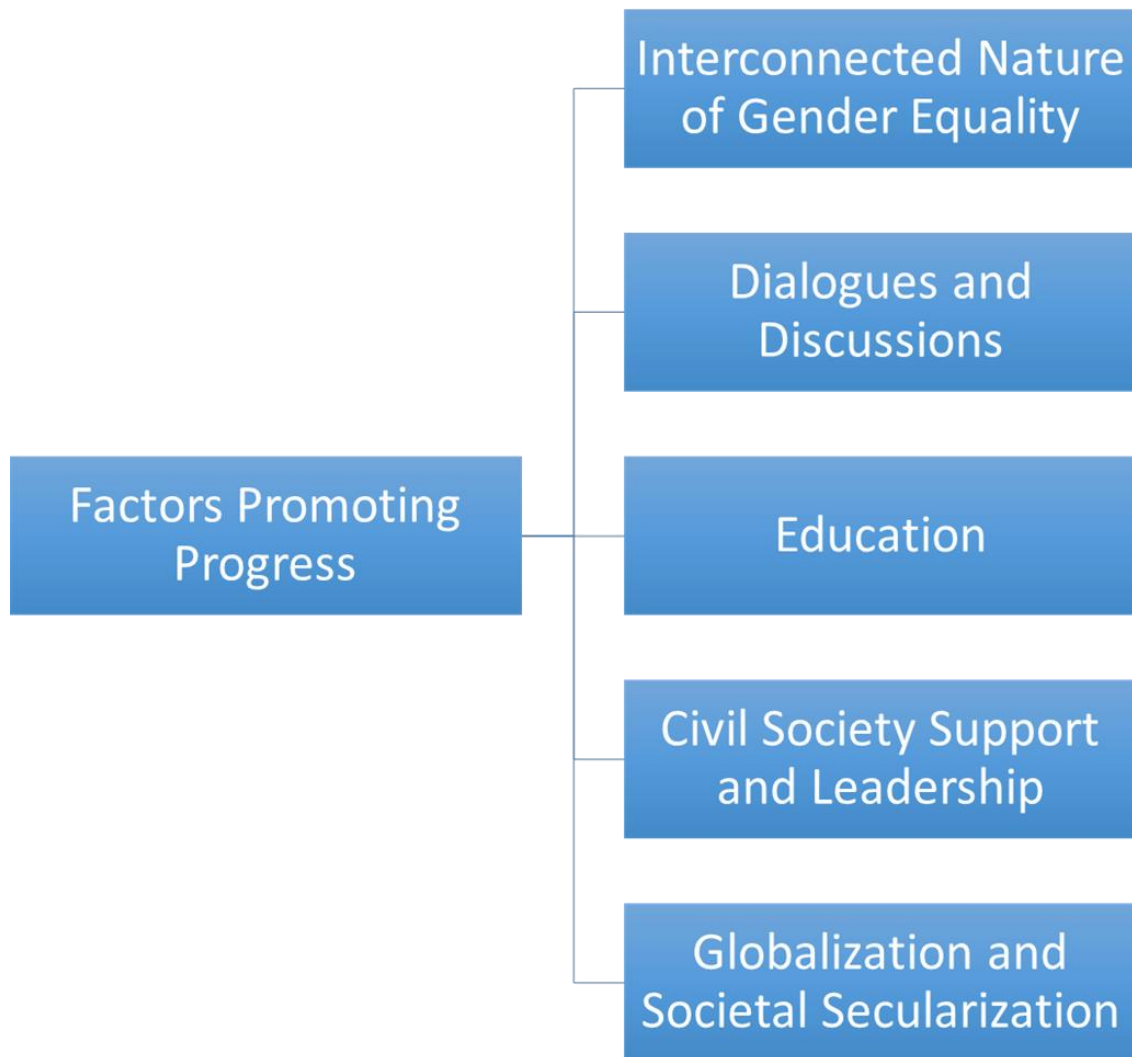












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## **BIOGRAPHY**

Jessica Rosati graduated *magna cum laude* with a Bachelor of Science in Justice Studies: Global Justice and Policy from James Madison University in 2014. Currently, she is obtaining a dual Master of Science in Conflict Analysis and Resolution from George Mason University and Master of Arts in Conflict Resolution and Mediterranean Security from the University of Malta.