#### **Universal Periodic Review**

### (17<sup>th</sup> session, from 21 October – 1 November 2013)

#### **Contribution of UNESCO**

(The countries to be reviewed are, in this order: China, Jordan, Mauritius, Mexico, Nigeria, Saudi Arabia, Senegal, Belize, Central African Republic, Chad, Republic of Congo, Malaysia, Malta, and Monaco. Each submission should refer to one country only)

#### Malta

#### I. BACKGROUND AND FRAMEWORK

# 1. <u>Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO</u>

#### I.1. Table:

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education (1960)	Notification of succession 05/01/1966	Reservations to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance 14/11/1978			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Not state party to this Convention			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Accession 18/12/2006			Right to take part in cultural life

#### II. Promotion and protection of human rights on the ground

#### Right to education

#### **Normative Framework:**

#### Constitutional framework:

- 2. The Constitution of Malta of 1964<sup>1</sup>, last amended in 2007, does not explicitly recognize the right to education. However, Article 10 states that "primary education shall be compulsory and state schools shall be free of charge." In addition, Article 11 concretises: "(1) Capable and deserving students, even if without financial resources, are entitled to attain the highest grades of education. (2) The State shall give effect to this principle by means of scholarships, of contributions to the families of students and other provisions on the basis of competitive examinations."
- 3. Regarding inclusive education, Article 17.(3) mentions: "Disabled persons and persons incapable of work are entitled to education and vocational training."
- 4. Article 45 adds that "no person shall be treated in a discriminatory manner by any person [...] (3) In this article, the expression "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description."
- 5. Article 46.(1) provides that "Subject to the provisions of [...] this article, any person who alleges that any of the provisions of articles 33 to 45 (inclusive) of this Constitution has been, is being or is likely to be contravened in relation to him, or such other person as the Civil Court, First Hall, in Malta may appoint at the instance of any person who so alleges, may, without prejudice to any other action with respect to the same matter that is lawfully available, apply to the Civil Court, First Hall, for redress."

#### Legislative framework:

6. The Education Act of 1988 (Cap. 327), as amended in 2010<sup>2</sup> is the major Education Act and states that education is compulsory. It allows the Minister of Education to draw up a National Minimum Curriculum (NMC) which stipulates the minimum level of education each and every child in Malta is entitled to.<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> http://president.gov.mt/constitution\_malta?I=1 (Accessed 14/03/11)

<sup>&</sup>lt;sup>2</sup> http://www.education.gov.mt/resources/edu\_act.htm (Accessed 14/03/11)

<sup>&</sup>lt;sup>3</sup> National Report submitted by Malta to UNESCO in 2009 within the framework of the fourth consultation of Member States on the measures taken for the implementation of the 1974 UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008).

- 7. Article 3 recognizes "the right of every citizen of the Republic of Malta to receive education and instruction without any distinction of age, sex, belief or economic means." And Article 4 (a) adds that "It is the duty of the State to promote education and instruction."
- 8. According to Article 5 "It shall be the duty of every parent of a minor to make the necessary for the minor (a) to be registered in a school for the first scholastic year starting when he is of a compulsory school age; (b) to continue to attend school up to the end of the scholastic year during which the minor ceases to be of compulsory school age, or up to the end of such further period as the Minister may prescribe by regulations; and (c) to attend school regularly on each scholastic day, unless the minor has a good and sufficient cause to be absent from school." Article 2 specifies that "compulsory school age" means any age from five years to fifteen years, both inclusive, and accordingly a person shall be deemed to be of compulsory school age if he has attained the age of five years and has not attained the age of sixteen years
- 9. According to Article 43 (2), "[...] the Minister shall wherever possible maintain a school in every town or village and shall provide transport for pupils who reside in areas which are distant from the school. (3) The State must provide schools for infants who are of compulsory school age." Article 44 states that, after the completion by children of primary education, "It shall be the duty of the State to provide for the secondary education of the children of Maltese citizens ...." Article 45 (2) states that "A minor shall be deemed to have special educational needs when that minor has special difficulties of a physical, sensory, intellectual or psychological natu re." Article 46 adds that "Any person may, if he deems himself aggrieved by the failure of the State to comply with the duties imposed upon it by articles 43, 44 and 45, bring an action against the Minister for a declaration of such grievance."
- 10. Concerning religious education, Article 47 (3) provides that "It shall be the duty of the Minister to provide for the education and teaching of the catholic religion in State schools and to establish the curriculum for the education and teaching of that religion in those schools and [...] (5) The parents of any minor will have the right to opt that the minor should not receive instruction in the catholic religion."
- 11. Concerning free education, Article 126. (1) provides that "In State schools and the University all teaching shall be given to Maltese citizens without any fee being charged. So as to ensure the full exercise of choice of school by parents, the State shall, through agreements of subsidy of non-State schools, when such are of a non profit-making character, in accordance with the availability of public funds, provide gradually for the same gratuity of teaching in such schools as is afforded to students in State schools."
- 12. The Education Act includes provisions concerning Colleges of State Schools, Higher Education, University level and the Malta College of Arts, Science and Technology. Concerning Colleges, Article 51 (a) promotes education in order to ensure lifelong learning; Article 51 (e) provides for the use of Information and Communication Technologies; Article 51 (f) provides for quality within the education system; Article 51 (q) aims at promoting contact with child care centres to facilitate the smooth transition between early childhood and the entry into kindergarten centres and schools. Concerning Higher education, a possible Further and Higher Education Act may be more relevant in the future.<sup>4</sup>

<sup>&</sup>lt;sup>4</sup> http://www.gov.mt/generalpdf/p\_education\_5.pdf (Accessed 14/03/11)

- 13. The Education Act also includes provisions regarding the teachers' profession by stating that no person may exercise the profession of teacher in a school and receive remuneration without a warrant (teaching license) from the Minister. The Act also established the Council for the Teaching profession to administer the funds and all other assets of the school while the Head of School and the teaching staff remain responsible for matters of curriculum and discipline.
- 14. The Equal Opportunities (Persons with Disability) Act, 2000<sup>5</sup> aims at providing equal opportunities for persons with disabilities in a number of areas of social life. This Act is relevant to the right to non-discrimination and equality in its entirety. The Act states that the prohibition of disability discrimination applies in the area of education (Part III, Title II), which states that "It shall be unlawful for an educational authority or institution to discriminate against (a) an applicant for admission as a student on the grounds of his disability or a disability of any of his family members (i) by refusing or failing to accept his application for such admission, or (ii) in the terms or conditions on which such educational authority or institution is prepared to admit him as a student; and, or, (b) a student on the grounds of his disability or disability of any of his family members by (i) denying him access, or limiting his access, to any benefit provided by such educational authority or institution; or (ii) expelling him from the educational institution he is attending."
- 15. The Equality for Men and Women Act, 2003<sup>6</sup> states in Article 8. (1) that " It shall be unlawful for any educational establishment or for any other entity providing vocational training or guidance to discriminate against any person [...] (3) It shall be the duty of educational establishments and entities providing vocational training, within the limits of their competence to ensure that curricula and textbooks do not propagate discrimination.

#### **Policy measures**

#### Free Education

- 16. The Policy on Exemptions from fees at State Educational Institutions<sup>7</sup> was enacted on 31 March 2010, in accordance with article 126(2) of the Education Act (Cap. 327).
- 17. The Church schools are heavily subsidized by the government and therefore, Church schools do not charge any tuition fees. Independent schools are set up by individuals or non-profit parents' foundations. The government gives tax rebates to parents whose children attend these schools.<sup>8</sup>
- 18. In State schools textbooks and other instructional materials are provided free of charge at all levels of compulsory school age. Schools are given funds by the State to purchase their own teaching and learning audio-visual aids. School transportation is provided free of charge to all state-school students. Practically all schools have food shops while some higher secondary

<sup>&</sup>lt;sup>5</sup> http://www.dredf.org/international/2000 Malta.pdf (Accessed 14/03/11)

<sup>&</sup>lt;sup>6</sup> http://www.equality.gov.mt/filebank/imagebank/wordbank/chapt456.pdf (Accessed 14/03/11)

<sup>&</sup>lt;sup>7</sup> http://www.education.gov.mt/resources/policies.htm (Accessed 14/03/11)

<sup>&</sup>lt;sup>8</sup> http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/national summary sheets/047 MT EN.pdf (Accessed 14/03/11)

schools have their own cafeterias. There is hardly any demand for residential accommodation in schools. However, free meals are provided for children in special schools, during summer camps, and during seminars for senior secondary school students. 9

#### Early Childhood

- 19. Attendance at the pre-primary level is voluntary, about ninety five per cent of the children in the age bracket between three and five years attend. Pre-primary education is co-educational and is provided free in state schools. At this level no formal teaching takes place. The National Minimum Curriculum states that the main educational objectives should include activities aimed towards the development of the children's social attitudes, language and communication skills in preparation for primary education. These activities should include communication by word or gesture, singing, play, painting and figure forming, exercises and rhythmic movements. <sup>10</sup>
- 20. Early Childhood Education and Care, A National Policy, 2006<sup>11</sup>: This Policy pointed out the fact that an early childhood education and care policy needs to be shaped by considering dynamic forces within the family and within society and family-friendly policies at all places of work need to be introduced. The National policy document aims to provide specific recommendations regarding practices in the following key areas:
  - Family engagement and support
  - Funding and financing
  - Curriculum development (appropriate programmes and activities)
  - Staff qualifications and training opportunities
  - Transition issues
  - Monitoring and evaluation

#### **Adult Education**

21. The Department for Further Studies and Adult Education is responsible for the provision of adult education under the Ministry of Education. The Adult Education and Evening Course Section within this department provides various services including vocational, academic, craft and leisure subjects as well as courses in drama, music and art. The section provides centres for adult basic literacy and also a day centre, the Adult Education Centre also provides courses in a number of subjects at secondary level particularly aimed at returnees. <sup>12</sup>

#### Lifelong Learning

22. In October 2005, Parliament approved the establishment of the Malta Qualifications Council (MQC). The MQC's main objective is to steer the development of the National Qualifications Framework (NQF) for Lifelong Learning, aligned to the European Qualifications

<sup>&</sup>lt;sup>9</sup> http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/national\_summary\_sheets/047\_MT\_EN.pdf (22/11/2010).

<sup>&</sup>lt;sup>10</sup> http://www.education.gov.mt/edu/edu 02.htm (Accessed 25/11/2010).

<sup>&</sup>lt;sup>11</sup> http://www.education.gov.mt/ece.htm (Accessed 14/03/11)

<sup>12</sup> http://www.education.gov.mt/edu/edu\_06.htm (Accessed 14/03/11)

Framework (Malta entered the European Union in 2004). The Council is also expected to establish and maintain a qualifications framework for the development, accreditation and award of professional and vocational qualifications, other than degrees, based on standards of knowledge, skills, competences and attitudes to be acquired by students. At the beginning of November 2006, a National Qualifications Framework consultation process has been launched. The NQF will create pathways for flexible learning paths in higher education and from vocational education into higher education.<sup>13</sup>

#### **Inclusive education**

- 23. Students with special needs<sup>14</sup>: The legal framework relating to inclusive education and special education is found in the Constitution, the Education Act, 1988, and the Equal Opportunities (Persons with Disability) Act, 2000. The Special Education Section, within the Students' Services and International Relations Department, runs care and learning centres (i.e. special schools) which cater for the following needs: hearing, sight, mental and physical impairment; psychological and emotional disturbance; speech defects; and multiple handicaps. Efforts are being made to make mainstream schools as accessible as possible to all children. The Section provides a peripatetic teaching service for students who are home-bound or who undergo a long hospital stay. The Child Development Assessment Unit (CDAU) of the Health Division offers a diagnostic review and placement service to children with special educational needs, with emphasis on early intervention. Various independent agencies and associations, including non-governmental organizations (NGOs), are very active in this area.
- 24. The Eden Foundation, a private, non-profit organization, offers a wide range of services for children and adults with special needs. The foundation's programmes aim at helping the disabled to lead an independent life, find work later in life and integrate into society. Various other voluntary associations and groups contribute towards the well-being of handicapped students through a wide range of activities.
- 25. The Special Schools reform<sup>15</sup> has recently been launched in order to ensure that every student receives quality education whether they are in mainstream schools or education resource centres. Since 1989, the Ministry of Education has been carrying out an intensive programme for the promotion of inclusive education. Since then, the result of this has been a substantial reduction in the number of students with Individual Educational Needs attending special schools and an increase in the number of students with Individual Educational Needs attending mainstream schools. In 2005 the Inclusive and Special Education Review appraised the situation in special schools and it recommended that these schools should be restructured and developed into Resource Centres. Based on recommendations and commitments mentioned, the aim to transform special schools to resource centres is: to provide quality education, with better access to the National Curriculum to all students; to offer specialized services to students in mainstream schools; to offer services, support and training to staff in an inclusive mainstream setting; to act

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<sup>&</sup>lt;sup>13</sup> Eurydice, 2007; National report of Malta within the framework of the Bologna process, 2007.

<sup>&</sup>lt;sup>14</sup> http://www.ibe.unesco.org/en/worldwide/unesco-regions/europe-and-north-america/malta/profile-of-education.html (Accessed 14/03/11).

<sup>15</sup> http://www.education.gov.mt/specialschools\_reform.htm (Accessed 14/03/11)

as catalysts in the introduction of innovative approaches to the education of students with Individual Educational Needs. Through this reform, the Student Services Department is proposing to reorganize the four special schools in Malta to set up 4 Education Resource Centres instead. Each centre will be incorporated within a College and its operations will be serviced by the College structure. This will therefore ensure that these centres will not be segregated from mainstream educational institutions.

#### **Gender Equality**

26. The Gender equality Plan has led to the enactment of two Acts with direct relevance to gender, namely the Employment and Industrial Relations Act and The Equality for Men and Women Act. It aims at combating gender stereotypes in education, encouraging more girls to continue studying after they finish their secondary education and enabling women that had to give up school because of pregnancy to return to training or education, so that they can become financially independent (Lone Parents Pilot Project).<sup>16</sup>

## <u>Learning environment</u><sup>17</sup>

- 27. Infrastructures: Secondary schools and schools for further education have the necessary laboratories and/or workshops for the sciences, computer studies, information technology, home economics and food technology, engineering, graphical communication, crafts and other specialized subjects requiring special equipment.
- 28. Health and nutrition: Help Healthy Eating Lifestyle Plan<sup>18</sup>: In August 2006, a working group to study the Task Force for Appropriate School Nutrition Environments (TASNE) was appointed to report on healthy eating and what is being offered in school tuck-shops. This report will help schools formulate a healthy eating policy, as a healthy young generation contributes to a more productive population, a better quality of life in adulthood and lower health care and social costs.

## Curriculum and Human Rights Education<sup>19</sup>

29. The National Report within the framework of the fourth consultation of Member States on the measures taken for the implementation of the 1974 UNESCO's Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008), clearly states that Human Rights Education is promoted through the curriculum. The National Minimum

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http://eacea.ec.europa.eu/education/eurydice/documents/eurybase/national summary sheets/047 MT EN.pdf (22/11/2010).

<sup>&</sup>lt;sup>16</sup> Report on the Gender Equality Plan 2003-2004

<sup>&</sup>lt;sup>18</sup> http://www.education.gov.mt/ministry/doc/help\_healthyeating.htm (Accessed 14/03/11)

<sup>&</sup>lt;sup>19</sup> National Report within the framework of the fourth consultation of Member States on the measures taken for the implementation of the 1974 UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (Covering the period 2005-2008).

Curriculum (NMC), entitled "Creating the Future", 2000<sup>20</sup>, contains universal elements and priorities for the nurturing and development of what is truly human. One finds an emphasis on self-understanding and emotional development, and on values such as respect for differences among people. It makes explicit that "In a society that is increasingly becoming multi-cultural, the educational system should enable students to develop a sense of respect, cooperation, and solidarity among cultures" and that "the educational community must ensure equality of access to the educational system without discrimination on the grounds of ability, gender, religion, race or socio-cultural and economic background."

- 30. In 2005 and 2006 the Department of Primary Education within the Faculty of Education at the University of Malta organized a 15-hour course introducing concepts related to intercultural competence and communication. The course was aimed at kindergarten assistants and teachers currently working with three to eight-year-old children. The aim of the course was for participants to understand the concept of intercultural competence, reflect about their own culture; develop their intercultural competence, etc.
- 31. In one school, St Benedict College Safi Primary, the motto 'Different but One' was adopted for the 2009 scholastic year
- 32. In July 2008, a voluntary in-service course entitled Fostering a Human Rights Culture in our Schools was organised for all teachers, Guidance Teachers, Counsellors and Administrators. It aimed to explore basic dynamic principles of human rights education and to explore how these can be applied when teaching a variety of subjects across the curriculum as well as in guidance and counselling duties.
- 33. In September 2008, another voluntary in-service course entitled Human Rights Education in Personal and Social Education was organized. It aimed to promote: awareness and understanding on human rights with special reference to children's rights and responsibilities; knowledge and understanding, skills and attitudes to gain a deeper understanding of human rights issues; and how Human Rights Education can be included in Personal and Social Development (PSD).
- 34. 218 bullying reports were received in 2010-2011 scholastic year, and can be found at the following link: <a href="http://tdh-childprotection.org/news/218-bullying-reports-received-in-2010-2011-scholastic-year">http://tdh-childprotection.org/news/218-bullying-reports-received-in-2010-2011-scholastic-year</a>

#### **Cooperation:**

35. Malta is party to 1960 UNESCO's Convention against Discrimination in Education (CADE) since 1966 but did not report to UNESCO for the seventh consultation on the measures taken for its implementation (covering the period 2000-2005).

- 36. Malta is not party to 1989 UNESCO's Convention on Technical and Vocational Education.
- 37. Malta reported to UNESCO in 2009 within the framework of the fourth consultation of Member States on the measures taken for the implementation of the 1974 UNESCO's Recommendation concerning Education for International Understanding, Co-operation and Peace

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<sup>&</sup>lt;sup>20</sup> http://www.education.gov.mt/resources/policies.htm (Accessed 14/03/11)

and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008).

#### Freedom of opinion and expression

### Achievements, best practices, challenges and constraints

#### Legislative framework

- 38. The Constitution of Malta provides for freedom of expression under Article 41.
- 39. There is yet to be a freedom of information law in Malta.
- 40. Defamation remains criminalized under Article 252 of Malta's Criminal Code<sup>21</sup> where once convicted, a person would be liable for imprisonment of up to three months. Additionally, the Press Act of 1974 which regulates matters of media and press also makes provision for imprisonments of up to three months<sup>22</sup>.

#### Media self-regulation

41. Media self-regulatory mechanisms exist in Malta through entities such as the Malta Press Club and the Institute for Maltese Journalists.<sup>23</sup>

#### Safety of journalists

42. UNESCO recorded no killing of journalists in Malta from 2008 to 2012 and journalists generally work in a safe environment.

# The right to enjoy the benefits of scientific progress and its applications (REBSP)

#### Cooperation, Achievements, best practices, challenges and constraints:

43. The Malta V Conference "Frontiers of Chemical Sciences: Research and Education in the Middle East" was an official event of the 2011 International Year of Chemistry (IYC). It took place at UNESCO Headquarters in Paris, France, on 5-8 December 2010. The focus themes for the workshops of the Conference were: Medicinal Chemistry and Natural Products; Environment:

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<sup>&</sup>lt;sup>21</sup> http://ec.europa.eu/anti-

<sup>&</sup>lt;sup>22</sup> http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8743&l=1

<sup>&</sup>lt;sup>23</sup> Times of Malta <a href="http://www.timesofmalta.com/articles/view/20031103/local/malta-press-club-stresses-press-self-regulation.137401">http://www.timesofmalta.com/articles/view/20031103/local/malta-press-club-stresses-press-self-regulation.137401</a>

Air and Water Quality; Sustainability of Resources, Energy and Materials; Science Education at All Levels; and Nanotechnology and Material Science. The Malta Conferences use science as a lever for development and a bridge to peace in the Middle East by bringing together scientists from these and neighbouring countries (in the case of the Malta V Conference: Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Palestine, Oatar, Saudi Arabia, Syria, Turkey and United Arab Emirates) with eminent scientists from forefront industrialized countries to work together to address key issues essential for fostering sustainable development and solidarity in the region. They also provide a forum through which mutual understanding between people from different traditions, religions, races and political systems may be strengthened, and regional peace and security promoted.<sup>24</sup>

Malta is engaged in the AVICENNA project, dedicated to accelerating the adoption and best use of ICT-assisted Open Distance Learning in 11 Mediterranean non-European Union (EU) Member States with assistance from UNESCO and the EU. The project aims at establishing adequate local infrastructures and transferring best practice and professional knowhow within target universities.<sup>25</sup>

#### III. RECOMMENDATIONS

#### **Right to education**

- 45. UNESCO launched the 8th Consultation on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2006-2011), the results of this Consultation will be submitted to UNESCO's governing bodies at the end of 2013. Malta is party to UNESCO's Convention against Discrimination in Education (1960) and is, according to Article 7 of the Convention, obligated to report to UNESCO on "the legislative and administrative provisions they have adopted and other action which they have taken for the application of this Convention". Malta is encouraged to submit a report.
- Malta is encouraged to adopt further measures (e.g. special laws) which aim to combat discrimination in education and protect minority groups reflecting their international commitment under the Convention against Discrimination in Education.
- 47. Malta is encouraged to further elaborate provisions in its legislation and/or report on the justiciability of the right to education in order to increase the potential for the right to education to be respected, protected, fulfilled and monitored.

#### Freedom of opinion and expression

48. The Government of Malta is encouraged to decriminalize defamation and make it part of the civil code in accordance with international standards.

<sup>&</sup>lt;sup>24</sup> http://www.unesco.org/new/en/media-services/singleview/news/malta v conference science as a bridge to peace in the middle east/

<sup>&</sup>lt;sup>25</sup> http://portal.unesco.org/science/en/ev.php-URL ID=5661&URL DO=DO TOPIC&URL SECTION=201.html

49. The Government of Malta is encouraged to introduce a freedom of information law in accordance with international standards.

# The right to enjoy the benefits of scientific progress and its applications (REBSP)

50. The Government of Malta is encouraged to report to UNESCO within the framework of the on-going consultation with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers.

### Right to take part in cultural life

51. A better use of the 2005 Convention operational tools is recommended especially the International Fund for Cultural Diversity (IFDC) and the periodic reports.