

**FRANET**

**Migrants and their Descendants:  
Social Inclusion and  
Participation in Society**

**Malta, 2015**

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## Executive summary

### 1. Legislation and policy instruments

- Irregular Immigrants, Refugees and Integration - Policy Document, 2005<sup>1</sup> and the National Strategy for the Promotion of Cross-Cultural Understanding and Management of Cultural Diversity, 2009<sup>2</sup> are the two documents that relate to integration of migrants in Malta. However, both documents do not contain a definition of integration and only contain brief references to concepts of fundamental rights.

#### Drivers

- The main driver in developing legal and policy instruments was the change in government in 2013 and the creation of the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties<sup>3</sup>, which has integration as part of its portfolio.
- In 2014 the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties appointed specific officials to draft a holistic national integration policy<sup>4</sup>.
- The setting up of an Integration Directorate is planned for 2015, in order to develop strategies and programmes that reach Government targets with regard to civil liberties, equality, anti-discrimination and integration of migrants<sup>5</sup>.

#### Barriers

- The main obstacle is the lack of a holistic and comprehensive national integration policy<sup>6</sup> and generally weak and unfavourable laws in relation to migrant rights.<sup>7</sup>
- In addition, a lack of official quantitative and qualitative data is one of the main barriers, which makes self-assessment or independent monitoring difficult.
- A generally negative public attitude towards migration and integration makes the development and implementation of policies problematic.<sup>8</sup>

#### Challenges

- No specific indicators for monitoring integration have been developed on a national level<sup>9</sup>.
- National disaggregated data relating to migrants, specifically TCNs, is not readily available<sup>10</sup>.

<sup>1</sup> Ministry for Home Affairs and National Security, Irregular Immigrants, Refugees and Integration - Policy Document, 2005, <http://www.refworld.org/docid/51b197484.html> ;

<sup>2</sup> Ministry of Foreign Affairs, National Strategy for the Promotion of Cross-Cultural Understanding and Management of Cultural Diversity, 2009, [http://foreignaffairs.gov.mt/en/Pages/Home\\_Page.aspx](http://foreignaffairs.gov.mt/en/Pages/Home_Page.aspx)

<sup>3</sup> For more information see the Ministry's website: <https://socialdialogue.gov.mt/en/Pages/default.aspx>

<sup>4</sup> Carla Camilleri, A Report on National Integration Policies in Malta, INTERACT RR 2014/04, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute, 2014  
[http://cadmus.eui.eu/bitstream/handle/1814/32018/INTERACT-RR-2014\\_04.pdf?sequence=1](http://cadmus.eui.eu/bitstream/handle/1814/32018/INTERACT-RR-2014_04.pdf?sequence=1)

<sup>5</sup> Budget Document 2015, pp. 61; Budget Speech 2015, pp. 155

<sup>6</sup> The People for Change Foundation, Review of Existing Monitoring Mechanisms for the Integration of Migrants in Malta, June 2014, [http://www.pfcmalta.org/uploads/1/2/1/7/12174934/national\\_report.pdf](http://www.pfcmalta.org/uploads/1/2/1/7/12174934/national_report.pdf)

<sup>7</sup> Huddleston, T. et al. Migrant Integration Policy Index III. Brussels: British Council and Migration Policy Group, 2011.

<sup>8</sup> Calleja Ragonesi I., The Politics of Integration in a Small Island Peripheral State: the Case of Malta, in Migration and Asylum in Malta and the European Union: Rights and Realities (Ed. Xuereb P.G.), 2012

<sup>9</sup> The People for Change Foundation, Review of Existing Monitoring Mechanisms for the Integration of Migrants in Malta, June 2014 [http://www.pfcmalta.org/uploads/1/2/1/7/12174934/national\\_report.pdf](http://www.pfcmalta.org/uploads/1/2/1/7/12174934/national_report.pdf) ; Malta Integration Network II Project on the development of indicators together with the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties: <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>10</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

## 2. Promoting equal treatment and non-discrimination

### Patterns

- The National Commission for the Promotion of Equality (NCPE) launched a number of initiatives tackling racism and discrimination.
- There have been a limited number of complaints lodged by migrants on anti-discrimination grounds.<sup>11</sup>
- Incitement to racial hatred based on "national or ethnic origin"<sup>12</sup> and hate crimes based on the nationality (including citizenship) of the victim are prohibited by the Criminal Code<sup>13</sup>. Furthermore, incitement to racial hatred based on, amongst others, nationality is also prohibited by the Press Act<sup>14</sup>.

### Drivers

- Key legislative developments include the amendment to the local Long-Term Residency Regulations, which broaden the right to apply for LTR to beneficiaries of international protection and lowers the economic resources requirement, and the implementation of the Single Permit Directive in Maltese law.

### Barriers

- Complexity and lack of clarity have been cited as one of the main issues in lodging complaints on breaches of equality legislation<sup>15</sup>.
- There are no notable measures aimed at facilitating reporting incidents of discrimination.
- There is only one entity authorised that provides integration courses to migrants wishing to apply for long-term residency status rendering eligible migrants entirely dependent on course availability and hours.

### Challenges

- National disaggregated data relating to migrants and focusing on differences between different migrant groups, location, gender or age complaints is not available.
- There is no publically available information on the number of TCNs granted long-term residence status or blue-card residency status in Malta

## 3. Political and societal participation

### Patterns

- Malta has seen a steady decline in the numbers of persons granted citizenship through naturalisation<sup>16</sup>.
- A significant development relates to the introduction in 2014 of the Individual Investor Programme of the Republic of Malta<sup>17</sup> (IIP). The scheme grants Maltese citizenship by a certificate of naturalisation to non-Maltese nationals and their dependents who contribute to the economic development of Malta.

<sup>11</sup> Council of Europe, ECRI Report on Malta (fourth monitoring cycle), 15 October 2013

<sup>12</sup> Article 82A(2) of the Criminal Code, Cap. 9 of the Laws of Malta

<sup>13</sup> Article 222A of the Criminal Code, Cap. 9 of the Laws of Malta

<sup>14</sup> Article 6 of the Press Act, Cap. 248 of the laws of Malta

<sup>15</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>16</sup> EUDO Citizenship Observatory, Debono D., Buttigieg E. Malta Country Report on Citizenship Law, 2015: [http://cadmus.eui.eu/bitstream/handle/1814/34482/EUDO\\_CIT\\_2015\\_05-Malta.pdf?sequence=1](http://cadmus.eui.eu/bitstream/handle/1814/34482/EUDO_CIT_2015_05-Malta.pdf?sequence=1)

<sup>17</sup> Individual Investor Citation. Programme of the Republic of Malta Regulations, S.L. 188.03

- Every person if he or she is a citizen of Malta (irrespective of how this is acquired) over 18 and resident for a specified time period prior to elections can vote or stand for parliamentary elections.<sup>18</sup>
- Third Country Nationals may not vote in national elections.
- Migrants and their descendant have been largely invisible from public and civic life. Furthermore, the portrayal of migrants in the media has generally been negative with a focus on the perceived challenges and burdens that Malta has had to face<sup>19</sup>.
- Malta was found to have the least favourable educational policies in Europe for migrant pupils<sup>20</sup>

#### *Drivers*

- The setting up of an Integration Directorate is planned for 2015 in order to develop strategies and programmes that reach Government targets with regard to civil liberties, equality, anti-discrimination and integration of immigrants<sup>21</sup>.
- There are no legal limitations for membership of migrant workers in trade unions or professional associations. However, practical barriers would be the lack of knowledge of the existence of such unions and of their rights in general<sup>22</sup>.

#### *Barriers*

- To date there have been no policy measures or frameworks for the political and social participation of migrants<sup>23</sup> and their descendants in civic and political life in Malta and therefore no reports on the monitoring or assessment of such.
- Malta has some of the most unfavourable conditions for naturalisation of migrants and it has been recognised that most migrants will never be eligible to become Maltese citizens unless adopted by, married or born to a Maltese national.<sup>24</sup>
- One of the main barriers is the legislative impediment for non-Maltese and non-EU citizens to vote in local elections.
- The national discourse of migrant voting right is generally negative, with both major parties against the granting of voting rights to migrants<sup>25</sup>.
- Migrant media professionals are notable in their absence in the Maltese media.
- One of the main barriers that TCNs feel is the language barrier<sup>26</sup> for the Maltese-spoken media.
- There are no specifically targeted measures aimed at migrant associations<sup>27</sup>.

#### *Challenges*

<sup>18</sup> Constitution of Malta, 1964; General Elections Act Cap 354 of the Laws of Malta.

<sup>19</sup>Media InterAct Situation Analysis of Media Practices and Integration of Third Country Nationals, prepared and compiled by APS Consult Ltd, 2012. <http://sosmalta.org/mediainteract>

<sup>20</sup> Huddleston, T. et al. Migrant Integration Policy Index III. Brussels: British Council and Migration Policy Group, 2011.

<sup>21</sup> Budget Document 2015, pp. 61; Budget Speech 2015, pp. 155

<sup>22</sup> European Union Agency for Fundamental Rights, *Malta - Country Reports on the impact of the Racial Equality Directive: a survey of Trade Unions and Employers*, 2010. [https://fra.europa.eu/sites/default/files/fra\\_uploads/842-RED\\_Malta.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/842-RED_Malta.pdf)

<sup>23</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>24</sup> *Migrant Integration Policy Index (2011)*, Huddleston T., et al., 2011

<sup>25</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>26</sup> Media InterAct Project (2011 - 2012) <http://sosmalta.org/mediainteract>

<sup>27</sup> Desk research on the website of the major funds open to associations: Voluntary Organisation Fund <https://socialdialogue.gov.mt/en/Documents/NGO%20FUND/NGOs%20and%20Support%20Groups%20Information%20Pack%202015%20funds.pdf>; Community Chest Fund <http://www.president.gov.mt/mccf/Pages/default.aspx>; Good Causes Fund <https://mfim.gov.mt/en/Services/Pages/gcf.aspx>; Small Initiatives Support Scheme <http://www.maltacvs.org/vofund/small-initiatives-scheme/>.

- *One of the main challenges was the data gap researchers found during the drafting of the report:*
- *Lack of data* on voting turnout of voters with a migrant background as no such studies have been made or published.
- In addition, data on candidates in relation to their ethnic background is not collected or available<sup>28</sup>.
- There are no official statistics on the number of migrant workers as a percentage of members in trade or professional unions.<sup>29</sup>
- There is no publically available data on the rate of participation of migrants in associations relating to media, sports and culture.
- There is no data relating to teachers of migrant backgrounds being employed as teachers<sup>30</sup>.
- There have been no key developments or relevant case law in recent years in relation to the participation of migrants in political and social participation.

#### 4. Social cohesion and Community relations

##### *Patterns*

- There are no specific national measures in place in order to strengthen social cohesion<sup>31</sup>.
- The National Strategy for the Promotion of Cross -Cultural Understanding and the Management of Cultural Diversity<sup>32</sup> and The Irregular Immigrants, Refugees and Integration - Policy Document<sup>33</sup> do not contain specific integration/inclusion actions related to racism and intolerance.

##### *Drivers*

- *A number of* initiatives were carried out by the National Commission for the Promotion of Equality relating to non-discrimination and tackling racism.
- NGOs are one of the main actors in the promotion of integration and tolerance.

##### *Barriers*

<sup>28</sup> Research was conducted on the main party websites Labour Party <http://www.partilaburista.org/>; Nationalist Party <http://www.pn.org.mt/> and Alternattiva Demokratika <http://www.alternattiva.org/>; on the Electoral Commission website: <http://www.electoral.gov.mt/> and on the National Statistics Office website: <http://nso.gov.mt/>.

<sup>29</sup> Email queries sent to the most representative trade unions being the General Workers Union, General Retailers and Traders Union, Union Haddiema Maghqudin, and Malta Employers' Association on 21/03/2014. No replies received to date. Research was also conducted on the National Statistics Office website: [www.nso.gov.mt](http://www.nso.gov.mt/).

<sup>30</sup> Research was carried out on the National Statistics Office: [nso.gov.mt](http://nso.gov.mt/); the major professional unions Malta Union of Teachers: [www.mut.org.mt](http://www.mut.org.mt/); Malta Association of Teachers of English as a Foreign Language: [www.matefl.org](http://www.matefl.org/); University of Malta Academic Staff Association: <http://soc.um.edu.mt/umasa/>

<sup>31</sup> Desk research on the websites, reports and policy documents of the Minister for Social Dialogue and Consumer Protection <https://socialdialogue.gov.mt/>; the Integration webportal <https://socialdialogue.gov.mt/>; the Ministry for Home Affairs and National Security [www.mjha.gov.mt](http://www.mjha.gov.mt) and the Ministry for the Family and Social Solidarity [www.mfss.gov.mt/](http://www.mfss.gov.mt/).

<sup>32</sup> Ministry of Foreign Affairs, National Strategy for the Promotion of Cross-Cultural Understanding and Management of Cultural Diversity, 2009, [http://foreignaffairs.gov.mt/en/Pages/Home\\_Page.aspx](http://foreignaffairs.gov.mt/en/Pages/Home_Page.aspx)

<sup>33</sup> Ministry for Home Affairs and National Security, Irregular Immigrants, Refugees and Integration - Policy Document, 2005, <http://www.refworld.org/docid/51b197484.html>

- The Government's mandatory detention policy for asylum seekers has been seen by many as criminalising asylum seekers<sup>34</sup> and creating a stigma against migrants in general<sup>35</sup>.
- Harsh citizenship naturalisation laws<sup>36</sup> make it almost impossible for a migrant to become a Maltese citizen when the prospect of acquiring citizenship is an important incentive for integration.
- There have been no concrete measures, initiatives or programmes targeting migrants and/or descendants aiming at building trust in public institutions

*Challenges*

- There have been no research, studies or surveys carried out about the sense of belonging and identification of migrants in Malta.
- There is no publically available information on national policy measures, initiatives and practices to accommodate for ethnic or religious differences.<sup>37</sup>
- *There is no disaggregated data relating to the number of mixed marriages in Malta.*

<sup>34</sup> Cetta Mainwaring, Constructing a Crisis: the Role of Immigration Detention in Malta, 2012

[http://www.newsbook.com.mt/media/news-article/Rapport\\_Detenzjoni.pdf](http://www.newsbook.com.mt/media/news-article/Rapport_Detenzjoni.pdf), European Commission against Racism and Intolerance, Third Report on Malta, April, 2008 [http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle\\_03/03\\_CbC\\_eng/MLT-CbC-III-2008-22-ENG.pdf](http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle_03/03_CbC_eng/MLT-CbC-III-2008-22-ENG.pdf)

<sup>35</sup> Times of Malta, Detention policy 'foments racism', June 2012

<http://www.timesofmalta.com/articles/view/20120712/local/Detention-policy-foments-racism-428186>, Times of Malta, Crisis? What Crisis? June 2007; <http://www.timesofmalta.com/articles/view/20070625/local/crisis-what-crisis.13355>

<sup>36</sup> Maltese Citizenship Act, Cap. 188 of the Laws of Malta

<sup>37</sup> Desk research on the websites, reports and policy documents of the Minister for Social Dialogue and Consumer Protection <https://socialdialogue.gov.mt>; the Integration webportal <https://socialdialogue.gov.mt> and the Ministry for the Family and Social Solidarity [www.mfss.gov.mt/](http://www.mfss.gov.mt/).



# 1. Legal and policy instruments for migrant integration

## 1.1. Description of existing instruments and target groups

	<p>This section should present the overall state of play concerning national and, where applicable, regional legal and policy instruments focusing on how they address fundamental rights, core EU values and principles, as well as international legal standards and related EU law and policies, such as the Common Basic Principles and the Common Agenda on integration of migrants. Please complete the <b>template in Annex 2</b>.<sup>38</sup></p> <p>Please make sure the brief information you provide in the table includes the following aspects:</p>	
	<p>Does the national strategy on migrant integration contain a definition of integration? If so, please include it in the original language and full English translation.</p>	<p>The current integration policy documents<sup>39</sup> do not contain a definition of integration.</p>
	<p>Are there specific references in the national strategy or relevant legal or policy instruments to fundamental rights in relation to migrants?</p>	<p>The documents contain brief references to promoting and safeguarding concepts of dignity, freedom, equality and non-discrimination and the teaching of fundamental rights.</p>
	<p>Which are the target groups of the national integration strategy? Please provide any definitions relevant or the determination of the persons that are entitled to or beneficiaries of the relevant action plans and policy measures (e.g. 'integration agreements': who signs them and what do they contain). Please specify any residence requirements (e.g. which migrant and/or residence status counts or not for "legally residing third country nationals" that eventually</p>	<p>Irregular Immigrants, Refugees and Integration - Policy Document<sup>40</sup>: targets groups of this policy include irregular migrants on arrival into Maltese territory, asylum seekers, beneficiaries of international protection and irregular immigrants who are ineligible for international protection.</p> <p>National Strategy for the Promotion of Cross-Cultural Understanding and Management of Cultural Diversity<sup>41</sup>: migrants generally and also asylum seekers and beneficiaries of international protection.</p>

<sup>38</sup> You can use and update the information as in the Table 1.7 of the FRA Annual Report 2012 (pp.62-63). You should add more detail, for example, instead of identifying 'education' under the category 'focus area' be more specific, e.g. review of curriculum in secondary education to address integration issues, etc., provided this level of detail is specifically mentioned in the relevant policy instruments

<sup>39</sup> Ministry for Home Affairs and National Security, Irregular Immigrants, Refugees and Integration - Policy Document, 2005, <http://www.refworld.org/docid/51b197484.html>; Ministry of Foreign Affairs, National Strategy for the Promotion of Cross-Cultural Understanding and Management of Cultural Diversity, 2009, [http://foreignaffairs.gov.mt/en/Pages/Home\\_Page.aspx](http://foreignaffairs.gov.mt/en/Pages/Home_Page.aspx)

<sup>40</sup> Ministry for Home Affairs and National Security, Irregular Immigrants, Refugees and Integration - Policy Document, 2005, <http://www.refworld.org/docid/51b197484.html>;

<sup>41</sup> Ministry of Foreign Affairs, National Strategy for the Promotion of Cross-Cultural Understanding and Management of Cultural Diversity, 2009, [http://foreignaffairs.gov.mt/en/Pages/Home\\_Page.aspx](http://foreignaffairs.gov.mt/en/Pages/Home_Page.aspx)

<p>would be covered by these policies) for persons to be considered members of the targeted groups.</p>	
<p>In reference to the CBP 1<sup>42</sup> '<i>Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States</i>': please specify if and how the majority population is explicitly targeted; distinguish, if possible, between policies or measures targeting the general population and specific target groups, such as public authorities, e.g. teachers, police, judiciary, etc.; outline the objectives of such policies and measures, and their duration.</p>	<p>Irregular Immigrants, Refugees and Integration - Policy Document<sup>43</sup>: This document outlines the Government's vision and initiatives. It specifically refers to the Ministry for the Family and Social Solidarity as being responsible for the integration of migrants through (a) education and training; (b) financial entitlements; (c) accommodation; and (d) employment. The document states that the Ministry will work in liaison with ministries responsible for education, youth and employment and NGOs.</p> <p>National Strategy for the Promotion of Cross-Cultural Understanding and Management of Cultural Diversity<sup>44</sup>: This policy targets educational institutions and teachers, in addition to the Employment and Training Corporation (ETC) and NGOs offering language courses. It also encourages Local Councils to be active in integration activities through twinning agreements.</p>

## 1.2. Drivers & barriers in developing, implementing and assessing legal and policy instruments

<p>On the basis of material collected, including past research, studies, assessments, evaluation and contacts with the authorities, public officials and key actors for social inclusion and participation of migrants, outline the main drivers and barriers for social inclusion and integration policies <b>in general</b>. Please mention also any important differences at regional level. A more detailed outline of <b>specific</b> drivers and barriers for specific policy areas will be</p>	<p>The main driver in developing legal and policy instruments was the change in government in 2013 and the creation of the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties<sup>45</sup>, which has integration as part of its portfolio. The new Ministry is currently formulating a holistic national integration policy. Another driver is the advocacy efforts by several civil society organisations, including through the organisation of integration-related projects and publication of relevant research and other studies (these are highlighted throughout this report).</p> <p>The main obstacle is the lack of a comprehensive national integration policy<sup>46</sup> and generally weak and unfavourable laws in relation to migrant rights<sup>47</sup> In addition, a lack of data and information makes monitoring and assessment difficult. Furthermore, a generally negative public attitude towards migration and</p>
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<sup>42</sup> Common Basic Principles for Migrant Integration Policy in the EU (2004) available at [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/82745.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf)

<sup>43</sup> Ministry for Home Affairs and National Security, Irregular Immigrants, Refugees and Integration - Policy Document, 2005, <http://www.refworld.org/docid/51b197484.html>;

<sup>44</sup> Ministry of Foreign Affairs, National Strategy for the Promotion of Cross-Cultural Understanding and Management of Cultural Diversity, 2009, [http://foreignaffairs.gov.mt/en/Pages/Home\\_Page.aspx](http://foreignaffairs.gov.mt/en/Pages/Home_Page.aspx)

<sup>45</sup> For more information see the Ministry's website: <https://socialdialogue.gov.mt/en/Pages/default.aspx>

<sup>46</sup> The People for Change Foundation, Review of Existing Monitoring Mechanisms for the Integration of Migrants in Malta, June 2014, [http://www.pfcmalta.org/uploads/1/2/1/7/12174934/national\\_report.pdf](http://www.pfcmalta.org/uploads/1/2/1/7/12174934/national_report.pdf)

<sup>47</sup> Huddleston, T. et al. Migrant Integration Policy Index III. Brussels: British Council and Migration Policy Group, 2011.

	required in the following sections.	integration makes the development and implementation of policies problematic. <sup>48</sup>  Recent amendments to the Status of Long-term Residents (Third Country Nationals) Regulations in 2014 Third Country Nationals are no longer given the opportunity to choose between English and Maltese but are obliged to sit for the Maltese language exam and obtain a 75% pass mark <sup>49</sup> .
<b>1.2.1. Drivers</b>		
	The key drivers for successful integration policies, therefore factors that are considered to contribute positively in the design, development, implementation, assessment and accomplishment of policy goals and in strengthening social inclusion and participation of migrants and their descendants. For example, are these policies mainstreamed in other public policies, for example in employment, education, housing, etc. and how is this achieved?	<p>The main driver for the development of integration policies is the present government's decision to place migrant integration on its agenda. This policy decision was strengthened with the creation of the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties in 2013. It is the first time that a Minister's portfolio specifically includes social dialogue, civil liberties and equality, and consequently issues relating to integration<sup>50</sup>.</p> <p>In 2014, the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties appointed specific officials to draft a holistic national integration policy<sup>51</sup>. This document is currently being worked on and includes a public consultation stage<sup>52</sup>.</p> <p>The setting up of an Integration Directorate is planned for 2015, in order to develop strategies and programmes that reach Government targets with regard to civil liberties, equality, anti-discrimination and integration of migrants<sup>53</sup>. In addition, a national Human Rights and Equality Commission, which is currently being developed, will act as an independent enforcement mechanism<sup>54</sup>.</p> <p>In 2014 the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties set up a web portal that gathers relevant information relating to visas, employment issues, health, education and social issues for foreigners living in Malta: <a href="https://integration.gov.mt/en/Pages/Home.aspx">https://integration.gov.mt/en/Pages/Home.aspx</a></p>

<sup>48</sup> Calleja Ragonesi I., The Politics of Integration in a Small Island Peripheral State: the Case of Malta, in Migration and Asylum in Malta and the European Union: Rights and Realities (Ed. Xuereb P.G.), 2012

<sup>49</sup> Status of Long-term Residents (Third Country Nationals) (Amendment) Regulations, 2014, Legal Notice 197 of 2014, available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=26108&l=1>.

<sup>50</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>51</sup> Carla Camilleri, A Report on National Integration Policies in Malta, INTERACT RR 2014/04, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute, 2014.

<sup>52</sup> Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, Public Consultation towards a National Framework for an Integration Strategy 2015 – 2020, [http://socialdialogue.gov.mt/en/Public\\_Consultations/MSDC/Documents/Integration/Public%20Consultation%20Document.pdf](http://socialdialogue.gov.mt/en/Public_Consultations/MSDC/Documents/Integration/Public%20Consultation%20Document.pdf)

<sup>53</sup> Budget Document 2015, pp. 61; Budget Speech 2015, pp. 155

<sup>54</sup> Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, Towards the establishment of the Human Rights and Equality Commission - White Paper, 2014, [http://socialdialogue.gov.mt/en/Public\\_Consultations/MSDC/Pages/Consultations/HumanRights.aspx](http://socialdialogue.gov.mt/en/Public_Consultations/MSDC/Pages/Consultations/HumanRights.aspx)

		So far, it does not look like the approach to integration will be a mainstreamed one, although it is difficult to state at this stage since little information is available on the specifics of the intended policy <sup>55</sup> .
<b>1.2.2.Barriers</b>		
	Barriers, limitations, constraints or resistance faced in designing, developing and implementing such policies and measures, therefore factors that may hinder their effectiveness and influence negatively their outcomes. For example, budgetary limitations, or problems of coordination of governance levels, priority of interventions, lack of training or lack of mainstreaming of relevant policies, lack of action by competent actors or limited data about the interested population, could be factors that may function as obstacles or affect negatively the implementation of selected migrant integration measures.	<p>The absence of a coherent and co-ordinated national integration policy and the fragmented approach to monitoring of integration itself. In addition, the lack of ownership of overall responsibility for integration gives rise to a number of gaps in national policy<sup>56</sup>.</p> <p>Maltese laws and policies in relation to integration are weak and generally unfavourable<sup>57</sup>.</p> <p>Discourse relating to integration mainly focuses on beneficiaries of international protection and asylum seekers, leaving the significantly larger third-country national (TCN) group ignored. Policies relating to the integration of third-country nationals living in Malta are sporadic and at times non-existent<sup>58</sup>.</p> <p>National disaggregated data relating to migrants, specifically TCNs, is not readily available<sup>59</sup>.</p> <p>The prevailing negative public perception and discourse towards migrants and their integration into Maltese society also constitutes a barrier to integration<sup>60</sup>. Furthermore, there is only one entity authorised that provides integration courses. This renders migrants eligible for Long Term Residence Status entirely dependent on course availability and hours. In addition, the content of the course is deemed to be not very relevant to life in Malta<sup>61</sup>.</p>
<b>1.2.3.Language learning and integration tests</b>		
	Please provide information about:	
	Main language learning support programmes and courses. Provide details about organisation of such	The Employment and Training Corporation (ETC) offers Maltese and English language courses free of charge <sup>62</sup> for migrants applying for Long Term Residence Status as Maltese language knowledge is a requirement to be

<sup>55</sup> As confirmed in interview with Dr. Neil Falzon, Director, aditus foundation on the 18<sup>th</sup> February, 2015.

<sup>56</sup> The People for Change Foundation, Review of Existing Monitoring Mechanisms for the Integration of Migrants in Malta, June 2014, [http://www.pfcmalta.org/uploads/1/2/1/7/12174934/national\\_report.pdf](http://www.pfcmalta.org/uploads/1/2/1/7/12174934/national_report.pdf)

<sup>57</sup> Huddleston, T. et al. Migrant Integration Policy Index III. Brussels: British Council and Migration Policy Group, 2011.

<sup>58</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>59</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>60</sup> Calleja Ragonesi I., The Politics of Integration in a Small Island Peripheral State: the Case of Malta, in Migration and Asylum in Malta and the European Union: Rights and Realities (Ed. Xuereb P.G.), 2012

<sup>61</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>62</sup> Language and integration courses are free of charge until end of June, as they are funded by the EU. However, it is at ETC's discretion if such courses will be against payment in the future confirmed by email from M. Camilleri, Training Services Division, Employment and Training Corporation on 5/05/2015.

<p>programmes and actors implementing them, funding support, location, duration, frequency, numbers of beneficiaries, entitlements and limitations for accessing courses.</p>	<p>granted such status. Classes are not held regularly, and only organised when the number of applicants reaches a minimum number, although this specific minimum number is not available<sup>63</sup>.</p> <p>LifeLong Learning Courses provided by the Ministry for Education and Employment offer Maltese and English language course for free for resident migrants. The courses start in October and end in May of the following year and are held in various localities<sup>64</sup>.</p> <p>A number of NGOs also provide Maltese and English language courses for free: Integra Foundation offers English Language courses twice a week and Maltese language once a week<sup>65</sup> and Saint Andrew's Scots Church offers English courses twice a week<sup>66</sup>.</p>
<p>Knowledge level of the language achieved through such programmes (please use the <u>Common European Framework Reference levels - CEFR</u>)</p>	<p>'Maltese as a Foreign Language' course, offered through the Lifelong Learning programme, is equal to Level 1 of the Malta Qualifications Framework. This is equivalent to European Qualifications Framework Level 1, which is roughly equivalent to A1 CEFR. The Maltese documents make reference to the Maltese Qualifications Framework and its comparator the EQF. They do not make any reference to CEFR. The CEFR assessment is based on "Towards the establishment of a relationship between the Common European Framework of Reference for Languages and the National Framework of Qualifications" published by the National Qualifications Authority of Ireland, 2007<sup>67</sup>.</p>
<p>Language tests required for migrants to access residence or other legal status affecting equal treatment and access to rights. Please provide information about their content and character, level of knowledge required, numbers of participants, and rates of success/failure.</p>	<p>Migrants must obtain a pass mark of at least 75% of Level 2 in Maltese in order to be eligible for the granting of long-term resident status.<sup>68</sup> Level 2 standard language skills would require the learner to:</p> <ul style="list-style-type: none"> <li>- Use the language effectively for purposes of practical communication.</li> <li>- Describe aspects related to everyday affairs and conditions and respond adequately in a direct interview</li> <li>- Understand short, concrete texts in standard speech</li> <li>- Read and write simple narratives in the Maltese language with good use of grammar.</li> </ul> <p>Although attending the language courses is not obligatory, the applicant would have to obtain the 75% pass mark in an examination set by the Employment and Training Corporation.</p>

<sup>63</sup> Information provided by aditus foundation on 25 March 2015.

<sup>64</sup> <https://lifelonglearning.gov.mt/public/frmCourse.aspx?id=469>

<sup>65</sup> <https://integrafoundation.files.wordpress.com/2012/04/kkconnect-lessons-poster1.pdf>

<sup>66</sup> Part of Saint Andrew's Scots Church's Out of Africa project includes the giving of language lessons as outlined in this project document: <http://www.saintandrewsmalta.com/images/stories/Mission/Ministry%20to%20Migrants.pdf>

<sup>67</sup> Retrieved from: <http://www.nqai.ie/webhosting.heanet.ie/documents/relationshipbetweenCommonEuroF-W.doc>

<sup>68</sup> Regulation 5(3)(b), Status of Long-term Residents (Third Country Nationals) Regulations, S.L.217.05: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9560>

		There is no data available on the number of migrants that have taken the courses or of the success or failure rates. Please see table below in relation to the 'Integrating TCNs in the Maltese Society Project'.
	Integration tests for access to residence or other status affecting equal treatment and access to rights. Please provide information about their content and character, range of knowledge required, numbers of participants, and rates of success/failure.	<p>Migrants must attend at least 100 hours and obtain a pass mark of at least 75% in a social integration course offered by the Employment and Training Corporation.<sup>69</sup></p> <p>The course content relates to the social, economic, cultural and democratic history and environment of Malta and consists of 5 modules:  Module 1: History of Malta &amp; Culture  Module 2: Malta's Economy  Module 3: Social Aspects  Module 4: Malta and the Environment  Module 5: Malta and the European Union<sup>70</sup></p> <p>The course was set up as part of Integrating TCNs in the Maltese Society Project, a European Integration Fund Project. The project effectively ended in June 2014, however the course is still being offered by the Employment and Training Corporation on an ad hoc basis.</p> <p>There is no information available on the frequency of such courses. Comprehensive data relating to the participation rates and the success and failure rates are not available. However for the duration of the project between March 2014 and June 2014, 28 courses were delivered with 53 participants successfully completing them. 27 participants attended the Basic English language course. 42 participants successfully passed the English literacy exam<sup>71</sup>.</p>
	Mother tongue learning programmes for children of migrants.	Not available in Malta <sup>72</sup> .
	Please provide insights about key issues, debates, challenges or problems related to the implementation of the above measures and policies. The findings should be substantiated through existing assessments, research or studies and case	<p>The integration and language test requirements were found to be burdensome and excessively onerous, with the pass mark of 75% being disproportionately high<sup>73</sup>.</p> <p>In addition, only the Employment and Training Corporation is authorised to provide the integration course and assess participants. This renders eligible</p>

<sup>69</sup> Regulation 5(3)(a), Status of Long-term Residents (Third Country Nationals) Regulations, S.L.217.05: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9560>

<sup>70</sup> <http://etc.gov.mt/Resources/file/Training%20Programmes/IF03-2012/IF03-2012 - Course Outlines.pdf>

<sup>71</sup> Charmaine Chetcuti, Senior Executive, Employment and Training Corporation, Information obtained via email dated 19th January 2015.

<sup>72</sup> Pace Kiomall Dr A., Provision of A Pilot Study as part of the Enhancing Equal Rights Project for the National Commission for the Promotion of Equality Final Report, June 2014

[https://socialdialogue.gov.mt/en/NCPE/Documents/Projects\\_and\\_Specific\\_Initiatives/Enhancing\\_Equal\\_Rights/Pilot\\_Study\\_Report\\_NCPE.pdf](https://socialdialogue.gov.mt/en/NCPE/Documents/Projects_and_Specific_Initiatives/Enhancing_Equal_Rights/Pilot_Study_Report_NCPE.pdf)

<sup>73</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

	law <b>(use template in Annex 9)</b> .	migrants dependent on course availability, which has been seen to be infrequent and ad hoc <sup>74</sup> .  Through recent amendments to the Status of Long-term Residents (Third Country Nationals) Regulations in 2014 Third Country Nationals are no longer given the opportunity to choose between English and Maltese but are obliged to sit for the Maltese language exam and obtain a 75% pass mark <sup>75</sup> .
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#### 1.2.4. Monitoring and assessment – Use of indicators

	In this section please outline monitoring and evaluation procedures applied by public authorities at national and regional level, as applicable, for migrant integration. In particular, please present any indicators used for the monitoring, assessment and review of integration policies in the areas of political and social participation, social cohesion, and intolerance, inclusive and welcoming society. Please make sure to report here the link of such indicators with fundamental rights and the way their use reflects to the review of such policies.	No specific indicators for monitoring integration have been developed on a national level <sup>76</sup> .
Provide full wording and translation in English of each indicator used per area and dimension covered as well as its full definition, legal basis, rationale, and link with fundamental rights or EU law <b>(use table in the Annex 4)</b> .		
	Please provide data and evidence about the adoption of related Zaragoza indicators, especially in the dimensions of active citizenship and welcoming society. Please consult the publication <a href="#">Using EU Indicators of Immigrant Integration</a> (ESN, MPG) and	No indicators for monitoring integration have been developed on a national level <sup>77</sup> .

<sup>74</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>75</sup> Status of Long-term Residents (Third Country Nationals) (Amendment) Regulations, 2014, Legal Notice 197 of 2014, available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=26108&l=1>.

<sup>76</sup> The People for Change Foundation, Review of Existing Monitoring Mechanisms for the Integration of Migrants in Malta, June 2014 [http://www.pfcmalta.org/uploads/1/2/1/7/12174934/national\\_report.pdf](http://www.pfcmalta.org/uploads/1/2/1/7/12174934/national_report.pdf) ; Malta Integration Network II Project on the development of indicators together with the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties: <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>77</sup> The People for Change Foundation, Review of Existing Monitoring Mechanisms for the Integration of Migrants in Malta, June 2014 [http://www.pfcmalta.org/uploads/1/2/1/7/12174934/national\\_report.pdf](http://www.pfcmalta.org/uploads/1/2/1/7/12174934/national_report.pdf) ; Malta Integration Network II Project on the development of indicators together with the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties: <http://aditus.org.mt/our-work/projects/malta-integration-network/>

	report more detailed and updated specific descriptions and mapping of indicators used in the Member States.	
<b>1.2.5 Funding integration policies (EIF, ERF, EMIF)</b>		
	Please provide information about the distribution of funds for integration of migrants, as well as their social inclusion and participation. In particular, provide specific breakdown of funding per general area of integration policies – with particular focus on active citizenship, participation, welcoming society, social cohesion - in the last year and for the period 2010-2014 if available. (Use the table in the Annex 5).	<p>Annex 5 contains detailed figures relating to the distribution of funds relating to the European Integration Fund (EIF)<sup>78</sup> and the European Refugee Fund (ERF)<sup>79</sup> between 2010 and 2014.</p> <p>Under the European Integration Fund, there were no distribution of funds allocated to participation, active citizenship, employment, education and healthcare. The funds were allocated for:</p> <ul style="list-style-type: none"> <li>(i) social cohesion and inclusion, specifically for improving admission procedures for TCNs and development of programs /activities</li> <li>(ii) welcoming society, specifically related to Intercultural competence and preparing host society;</li> <li>(iii) and others which were allocated for studies and data collection, creation of networks, conferences and technical assistance.<sup>80</sup></li> </ul> <p>Under the European Refugee Fund (ERF), there were no distribution of funds allocated to participation, active citizenship, welcoming society and healthcare. The funds were allocated for:</p> <ul style="list-style-type: none"> <li>(i) social cohesion and inclusion, specifically for integration projects and cultural orientation classes;</li> <li>(ii) employment, specifically employment support;</li> <li>(iii) education, specifically socio-educational programmes and educational services;</li> <li>(iv) and others, specifically a large portion of the allocated funds were allocated to the support for open and closed centres (including food and material support), determination process</li> </ul>

<sup>78</sup> European Fund for the Integration of Third-Country Nationals:  
<https://eufunds.gov.mt/en/EU%20Funds%20Programmes/Migration%20Funds/Documents/List%20of%20Projects/SOLID%20Project%20List%20IF-26th%20August%202014.pdf>

<sup>79</sup> European Refugee Fund:  
[https://eufunds.gov.mt/en/EU%20Funds%20Programmes/Migration%20Funds/Documents/List%20of%20Projects/SOLID%20Project%20List%20ERF%2030\\_4\\_2014.pdf](https://eufunds.gov.mt/en/EU%20Funds%20Programmes/Migration%20Funds/Documents/List%20of%20Projects/SOLID%20Project%20List%20ERF%2030_4_2014.pdf)

<sup>80</sup> European Fund for the Integration of Third-Country Nationals:  
<https://eufunds.gov.mt/en/EU%20Funds%20Programmes/Migration%20Funds/Documents/List%20of%20Projects/SOLID%20Project%20List%20IF-26th%20August%202014.pdf>



		<p>support , technical assistance and emergency assistance.<sup>81</sup></p> <p>Please note that the AMIF has not been implemented in Malta at time of writing<sup>82</sup>.</p>
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## 2.Promoting equal treatment and non-discrimination

### 2.1.The implementation of anti-discrimination legislation and equal treatment

	Briefly provide information on the following:	
Outreach and awareness raising campaigns, training schemes, etc. undertaken by national or regional public authorities (including national equality bodies) targeting migrants and their descendants on the national anti-discrimination legal framework.	<p>The National Commission for the Promotion of Equality (NCPE) launched a number of initiatives:</p> <ul style="list-style-type: none"> <li>• “Enhancing Equal Rights” project which although targeted anti-discrimination in general, it contained an Anti-Racism Theme Day, 2014<sup>83</sup></li> <li>• “I’m not a Racist but...”, 2012, project was aimed at combating racial discrimination, by developing a clear understanding of the situation of ethnic minorities and housing and empowering the African minority to get their voice heard, to advocate for their rights and to report discrimination<sup>84</sup></li> <li>• “Strengthening Equality beyond Legislation, 2010,” project sought to enhance legislation on non-discrimination through awareness raising, training, and research. Specifically it drafted a National Action Plan on Race and Xenophobia<sup>85</sup>.</li> </ul>	
Evidence through polls, surveys, academic research, etc. on the awareness of migrants and/or their descendants concerning the right to equal treatment. Please indicate differences between ethnic/ migrant	There have been a limited number of complaints lodged by migrants on anti-discrimination grounds <sup>86</sup> . A study by the NCPE <sup>87</sup> shows that 85% of interviewees belonging to a “minority ethnic group” did not report instances of racial or ethnic discrimination to the authorities because they believed that the situation would remain unchanged. The NCPE also reports a lack	

<sup>81</sup> European Refugee Fund:

[https://eufunds.gov.mt/en/EU%20Funds%20Programmes/Migration%20Funds/Documents/List%20of%20Projects/SOLID%20Project%20List%20ERF%2030\\_4\\_2014.pdf](https://eufunds.gov.mt/en/EU%20Funds%20Programmes/Migration%20Funds/Documents/List%20of%20Projects/SOLID%20Project%20List%20ERF%2030_4_2014.pdf)

<sup>82</sup> 7<sup>th</sup> May, 2015

<sup>83</sup> [https://socialdialogue.gov.mt/en/NCPE/Pages/Projects\\_and\\_Specific\\_Initiatives/Enhancing\\_Equal\\_Rights.aspx](https://socialdialogue.gov.mt/en/NCPE/Pages/Projects_and_Specific_Initiatives/Enhancing_Equal_Rights.aspx)

<sup>84</sup> [https://socialdialogue.gov.mt/en/NCPE/Pages/Projects\\_and\\_Specific\\_Initiatives/I%27m\\_Not\\_Racist.aspx](https://socialdialogue.gov.mt/en/NCPE/Pages/Projects_and_Specific_Initiatives/I%27m_Not_Racist.aspx)

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[https://socialdialogue.gov.mt/en/NCPE/Pages/Projects\\_and\\_Specific\\_Initiatives/Strengthening\\_Equality\\_Beyond\\_Legislation.aspx](https://socialdialogue.gov.mt/en/NCPE/Pages/Projects_and_Specific_Initiatives/Strengthening_Equality_Beyond_Legislation.aspx)

<sup>86</sup> Council of Europe, ECRI Report on Malta (fourth monitoring cycle), 15 October 2013

<sup>87</sup> National Commission for the Promotion of Equality, *Strengthening Equality Beyond Legislation - Underreporting of Discriminatory Incidents in Malta - a Research study*, 2010

	<p>groups, living in different geographic areas, gender and age, as well as trends in time.</p>	<p>of awareness of the possibility to complain and also of where to lodge such complaint<sup>88</sup>.</p> <p>The National Commission Persons with Disability (KNPD) state that many migrants either don't know they are being discriminated against on the ground of disability or they are not aware of the service that KNPD offers as a complaints body<sup>89</sup></p> <p>The complexity and lack of clarity was also cited as of one the main issues in lodging complaints on breaches of equality legislation<sup>90</sup>.</p> <p>There is no information or evidence available as to any differences between different migrant groups, location, gender or age<sup>91</sup>.</p>
	<p>Evidence of complaints lodged by migrants and/or their descendants - % of total complaints to equality bodies, % of admissible complaints, statistics about outcomes of investigation, % of cases establishing discrimination. Please indicate differences between ethnic/ migrant groups, geographic areas, gender and age, as well as trends in time.</p>	<p>The number of complaints on alleged racial discrimination received by the NCPE remains low with a total number of 4 complaints filed in 2011<sup>92</sup>, 3 in 2012<sup>93</sup> and 5 in 2013<sup>94</sup>.</p> <p>Furthermore, the Office of the Ombudsman published 1 decision in 2009 relating to racial discrimination<sup>95</sup>. Statistics on other judicial or administrative applications, complaints or decisions were not publically available<sup>96</sup>.</p> <p>There is no information or evidence available as to any differences between different migrant groups, location, gender or age<sup>97</sup>.</p>
	<p>Tools, measures and positive initiatives aiming at facilitating reporting incidents of discrimination – e.g. translation facilities to report</p>	<p>There are no notable measures aimed at facilitating reporting incidents of discrimination. Filing complaints with the NCPE or the Ombudsman involves filing out a complaint sheet that can be done online or in person at</p>

<sup>88</sup> National Commission for the Promotion of Equality, I'm Not Racist, But..., Research Study, 2012. Confirmed also by Suban, R. 'Irregular Immigrants in the Maltese Labour Market: Current Situation and Problems' in Xuereb, P.G (ed.), Migration and Asylum in Malta and the European Union: Rights and Realities 2002 to 2011, 2012.

<sup>89</sup> By email dated 24/03/2015 from Ms. Zahra Manager, National Commission Persons with Disability

<sup>90</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>91</sup> The cited reports Council of Europe, ECRI Report on Malta (fourth monitoring cycle), 15 October 2013; National Commission for the Promotion of Equality, *Strengthening Equality Beyond Legislation - Underreporting of Discriminatory Incidents in Malta - a Research study*, 2010; National Commission for the Promotion of Equality, I'm Not Racist, But..., Research Study, 2012; Suban, R. 'Irregular Immigrants in the Maltese Labour Market: Current Situation and Problems' in Xuereb, P.G (ed.), Migration and Asylum in Malta and the European Union: Rights and Realities 2002 to 2011, 2012 do not contain any evidence, surveys or polls that collect data between different migrant groups, location, gender or age. In addition, no national statistics containing disaggregated data relating to different migrant groups, location, gender or age exist, as evidenced through desk-research on the websites of the National Commission for the Promotion of Equality, KNPD, Ombudsman and National Statistics Office.

<sup>92</sup> National Commission for the Promotion of Equality, *Annual Report 2011*, 2012

<sup>93</sup> National Commission for the Promotion of Equality, *Annual Report 2012*, 2013

<sup>94</sup> National Commission for the Promotion of Equality, *Annual Report 2013*, 2014

<sup>95</sup> Office of the Ombudsman: <http://www.ombudsman.org.mt/index.asp?pg=caseload>

<sup>96</sup> Searches carried out on the Justice Services judgements online archive <http://www.justiceservices.gov.mt/courtservices/Judgements/default.aspx>; on the Department for Industrial & Employment Relations website archives and publications and also Industrial Tribunal Decisions on: <http://dier.gov.mt/en/Pages/home.aspx> on the 26<sup>th</sup> February 2015.

<sup>97</sup> National Commission for the Promotion of Equality, *Annual Report 2011*, 2012, National Commission for the Promotion of Equality, *Annual Report 2012*, 2013, National Commission for the Promotion of Equality, *Annual Report 2013*, 2014.

	<p>and submit complaints in multiple languages – and tackling under-reporting and low rights-awareness.</p>	<p>their offices. Assistance can be given when filling out the complaint.</p> <p>A leaflet in various languages recently published by the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties contains information on where to lodge any complaints relating to discrimination on any grounds in relation to employment<sup>98</sup>.</p>
	<p>In particular, provide information about any legal protection on grounds of nationality, which is not covered by the EU anti-discrimination Directives,<sup>99</sup> but is a prohibited ground in several Member States. Please explain how unequal treatment on the basis of nationality is treated and provide exemplary cases, if any. Please provide information on the relevant practice and case law (<b>use template in Annex 9</b>)</p>	<p>Incitement to racial hatred based on “national or ethnic origin”<sup>100</sup> and hate crimes based on the nationality (including citizenship) of the victim are prohibited by the Criminal Code<sup>101</sup>. Furthermore, incitement to racial hatred based on, amongst others, nationality is also prohibited by the Press Act<sup>102</sup>.</p> <p>Maltese legislation specifically excludes discrimination on the basis of nationality in the employment field<sup>103</sup>.</p> <p>There is no evidence of any relevant practice or case law relating to nationality as a prohibited ground.<sup>104</sup></p>
	<p>Please provide information about the application of the legislation concerning discrimination against migrants – on any ground – in accessing law enforcement and judiciary services. In particular please clarify whether and when the latter are considered and treated, or not, as services available to the public, therefore falling within the scope of the</p>	<p>There is no evidence or case-law that would give an indication of how the courts or equality bodies would treat a complaint lodged on the basis of discrimination in accessing law enforcement and judicial bodies or whether such would be considered as a service offered to the public<sup>106</sup>. There is no publicly available information on any such complaints, or on any determination stating that judicial or police activities would fall within the scope of equality legislation.</p> <p>In principle, however, judicial and police services fall within the scope of the Office of the Ombudsman since the office is mandated to cover all acts of public administration<sup>107</sup>.</p>

98 <https://integration.gov.mt/en/Pages/Leaflet.aspx>

99 As of Art. 3.2 of the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.

<sup>100</sup> Article 82A(2) of the Criminal Code, Cap. 9 of the Laws of Malta

<sup>101</sup> Article 222A of the Criminal Code, Cap. 9 of the Laws of Malta

<sup>102</sup> Article 6 of the Press Act, Cap. 248 of the laws of Malta

<sup>103</sup> Regulation 1(5)(a) Equal Treatment in Employment Regulations, S.L.452.95:

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11229&l=1>

<sup>104</sup> Searches carried out on the Justice Services judgements online archive

<http://www.justiceservices.gov.mt/courtservices/Judgements/default.aspx>; on the Department for Industrial & Employment Relations website archives and publications and also Industrial Tribunal Decisions on:

<http://dier.gov.mt/en/Pages/home.aspx> and on the National Commission for the Promotion of Equality website, including their annual report on [https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE\\_Home.aspx](https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE_Home.aspx) on the 26<sup>th</sup> February 2015.

<sup>106</sup> National Commission Persons with Disability confirmed that migrants have not lodged any complaint on these grounds, by email dated 24/03/2015 from Ms. Zahra Manager. Awaiting response from the National Commission for the Promotion of Equality.

<sup>107</sup> Article 13 of the Ombudsman Act, CAP. 385 of the Laws of Malta

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8852&l=1>

directives and the jurisdiction of Equality Bodies. <sup>105</sup>	
Please provide statistical data about numbers of discrimination cases/complaints submitted to competent bodies (Equality Bodies, Administrative Courts), as well as about their outcomes <b>(use the tables in the Annex 8)</b> Refer to Table 8.	
<b>2.2.Implementation of equal treatment of various permit holders</b>	
<p>Please summarize <u>briefly</u> in this section any key issues affecting the implementation of equal treatment of permit holders, as defined by the following EU legislation; these could be, for example, practical issues and bottlenecks, administrative delays, coordination and cooperation of public authorities, etc.</p> <p>Please substantiate findings, as far as possible, through formal evaluations, as well as research or studies and case law <b>(use template in Annex 9)</b>. Please bear in mind that no assessment of the <b>legal transposition</b> process is required. In regard to the five categories below, please provide <u>statistical data</u> issued in 2014 or valid on 31.12.14. <b>(use annex 3)</b></p>	
<p>2.2.1.<u>Long Term Residence</u> (LTR) status holders (Art.11 of the Directive <a href="#">2003/109/EC</a>)</p>	<p>There is no publically available information on the number of TCNs granted long-term residence status in Malta since the transposition into Maltese law, however it is generally held to be negligible<sup>108</sup>. Therefore, the main difficulty identified is actually being granted LTR in itself.</p> <p>Further to the European Commission opening infringement proceedings against Malta<sup>109</sup>, a number of amendments have been made to the Maltese implementing regulations<sup>110</sup>. The Maltese Regulations now make reference to national minimum wage (as proof of stable and reliable resources), as opposed to average wage. The Regulations also require a 75% pass mark in a Maltese language examination and in an integration course.</p> <p>On a practical level there is only one entity authorised that provides integration courses (ETC), rendering eligible migrants entirely dependent on course availability and hours. In addition, the content of the course is deemed to be not very relevant to life in Malta<sup>111</sup>.</p>
<p>2.2.2.<u>Single-permit procedure</u> permit holders (Art.12 and 13 of the Directive <a href="#">2011/98/EU</a>)</p>	<p>The Maltese legislation implementing the Single Permit Directive came into force in the second half of 2014 and</p>

<sup>105</sup> Please note that these are considered non-economic services by the EU Commission (Services of general interest, including social services of general interest: a new European commitment, COMM 725 (2007) of 20 November 2007, yet not always they are considered by Equality Bodies to fall in the areas of application of the anti-discrimination directives.

<sup>108</sup> As confirmed in interview with Dr. Neil Falzon, Director, aditus foundation on the 18<sup>th</sup> February, 2015.

<sup>109</sup> Infringements of EU Home Affairs law: [http://ec.europa.eu/dgs/home-affairs/what-is-new/eu-law-and-monitoring/infringements-by-country\\_malta\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-is-new/eu-law-and-monitoring/infringements-by-country_malta_en.htm)

<sup>110</sup> Status of Long-term Residents (Third Country Nationals) Regulations, S.L. 217.05 <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9560&l=1>

<sup>111</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

	therefore is no reliable information available as to implementation or effects of such <sup>112</sup> .
2.2.3. Blue card holders (Art.14 and 12 of the Directive <a href="#">2009/50/EC</a> )	There is no publically available information on the number of TCNs holding blue card residency status. Although the implementing law <sup>113</sup> came into force in 2011 the Regulation has not been used frequently and till mid 2014 the procedure was still relatively new and unused <sup>114</sup> .
2.2.4. Family reunification permit holders (specifically in terms of access to labour market - Art. 14 of Directive <a href="#">2003/86/EC</a> )	<p>The share of permits issued to TCNs joining their family members to total first permits issued to TCNs stood at 3.4% in 2008, 1.7 % in 2009 and 1.1% in 2010.<sup>115</sup> More recent statistics are not available.</p> <p>In order for a TCN to apply for family reunification, the applicant must have “<i>reasonable prospects of obtaining the right of permanent residence</i>” and “<i>accommodation regarded as normal for a comparable family in Malta and which meets the general health and safety standards in force in Malta</i>”<sup>116</sup> these criteria are seen to be vague and discretionary<sup>117</sup>. In addition, the economic resources clause requires the TCN to have a stable and regular income that would be equivalent to at least the <i>average wage</i> in Malta, with an addition of another 20% income per family member.</p> <p>The factors above, together with a restrictive policy approach,<sup>118</sup> make family reunification waiting periods for family reunion in Malta are some of the longest in Europe.<sup>119</sup></p>
2.2.5. Beneficiaries of international protection long term residence status holders <sup>120</sup>	Further to the European Commission opening infringement proceedings against Malta <sup>121</sup> , amendments to the local implementing legislation included that of giving beneficiaries of international protection the right to apply for LTR status. <sup>122</sup>

<sup>112</sup> Single Application Procedure for a Single Permit as regards Residence and Work and a Common Set of Rights for those Third-Country Workers legally residing in Malta Regulations, S.L. 217.17.

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12287&l=1>

<sup>113</sup> Conditions of Entry and Citation and scope. Residence of Third-Country Nationals for the purpose of Highly Qualified Employment Regulations, S.L. 217.15

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11773&l=1>

<sup>114</sup> Interview with immigration law practitioner, Dr. Cedric Mifsud, 24<sup>th</sup> March, 2015

<sup>115</sup> Eurostat data from 2008 – 2010 as quoted in the European Commission’s Green Paper *on the right to family reunification of third-country nationals living in the European Union (Directive 2003/86/EC)*, (COM(2011)735, 2011

<sup>116</sup> *Family Reunification Regulations*, S.L. 217.06.

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9561&l=1>

<sup>117</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>118</sup> International Organisation for Migration, D. Zammit, *Final Report- Consultative assessment of Integration of Third Country Nationals*, 2012

<sup>119</sup> <http://www.mipex.eu/malta>

<sup>120</sup> As per recitals 6 and 7 of Directive [2011/51/EU](#) of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection Text with EEA relevance

<sup>121</sup> Infringements of EU Home Affairs law: [http://ec.europa.eu/dgs/home-affairs/what-is-new/eu-law-and-monitoring/infringements-by-country\\_malta\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-is-new/eu-law-and-monitoring/infringements-by-country_malta_en.htm)

<sup>122</sup> Status of Long-term Residents (Third Country Nationals) Regulations, S.L. 217.05

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9560&l=1>

	<p>It is felt that although they would have the right to apply the conditions are quite onerous<sup>123</sup>. The applicant must provide evidence of accommodation that is “regarded as normal for a comparable family in Malta” and must meet the standards laid down in Government Notice No. 750 <sup>124</sup>, which lays down a number of criteria in relation to structure and repairs, number of bedrooms, size of rooms, facilities, ventilation and electricity.</p> <p>In addition, the applicant would have to show that he or she has regular resources for a continuous period of two years equivalent to the national minimum wage in Malta (Weekly minimum wage 2015: €166.27) with an additional 20% for each member of the family. For the category of beneficiaries of international protection in Malta this can be difficult to achieve due to a prevalence of low paid employment in that group.</p>
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### 2.3. Key developments and trends

<p>Please include in this section key developments in the area of equal treatment and anti-discrimination that concern only migrants and/or their descendants. Key developments may be new legislation or policies, abolition, update, improvement or reform of existing ones, as well as important case law, court, equality body or administrative cases, that have had or may have an impact on the implementation of the anti-discrimination legislation and equal treatment policies that related to the rights of migrants and/or their descendants (<b>for presentation of case law,</b></p>	<p>Discourse relating to migration and integration mainly focused on beneficiaries of international protection and asylum seekers, leaving the significantly larger TCN group ignored and invisible. Policies relating to labour market mobility, education, family reunification and the granting of Long Term Residence status and citizenship in relation to TCNs living in Malta remained sporadic and at times non-existent. However, with the new Ministry for Social Dialogue, Consumer Affairs and Civil Liberties a more harmonised approach is being sought with a number of initiatives:</p> <ol style="list-style-type: none"> <li>i. The setting up of an Integration Directorate is planned for 2015 that will tackle issues relating to civil liberties, equality, anti-discrimination and integration of immigrants<sup>125</sup>.</li> <li>ii. In addition, a national Human Rights and Equality Commission, which is currently being developed, will act as an independent enforcement mechanism<sup>126</sup>. The setting up of one equality body mirrors the recommendations issued by a number of NGOs in the field<sup>127</sup>.</li> </ol>
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<sup>123</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>124</sup> See *Government Notice No. 750*, as published in the Government Gazette on the 23<sup>rd</sup> July 2010: <http://www.doi-archived.gov.mt/EN/gazetteonline/2010/07/gazts/GG%2023.7.pdf>

<sup>125</sup> Budget Document 2015, pp. 61; Budget Speech 2015, pp. 155

<sup>126</sup> Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, Towards the establishment of the Human Rights and Equality Commission - White Paper, 2014, [http://socialdialogue.gov.mt/en/Public\\_Consultations/MSDC/Pages/Consultations/HumanRights.aspx](http://socialdialogue.gov.mt/en/Public_Consultations/MSDC/Pages/Consultations/HumanRights.aspx)

<sup>127</sup> Platform of Human Rights Organisations in Malta (PHROM) ‘Strengthening Human Rights through Dialogue’ Input to the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, February 2015; People for Change Foundation, Submission to the White Paper Consultation on Human Rights and Equality, 2015; Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<p><b>use template in Annex 9).</b> Such developments may also affect the actual situation on the ground, including public debates and perceptions among the native population and migrants.</p>	<p>Key legislative developments include the amendment to the local Long-Term Residency Regulations, which broaden the right to apply for LTR to beneficiaries of international protection and lowers the economic resources requirement, and the implementation of the Single Permit Directive in Maltese law.</p>
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## 3. Participation of migrants and their descendants in society

### 3.1. Political rights at national level

#### 3.1.1. Citizenship acquisition

	<p>In this section please provide information about the specific requirements and criteria for citizenship acquisition, if any, that relate to the applicants active participation in society, genuine links or bond to the society or the country, schooling period or other 'socialization' requirements. -Path to citizenship for foreign born third country nationals (the so-called '1st generation')</p>
<p>Please provide information about the specific requirements and criteria for citizenship acquisition, if any, that relate to the applicants active participation in society, genuine links or bond to the society or the country, schooling period or other 'socialization' requirements. - Path to citizenship for country-born (so-called '2nd generation') and country-grown migrant children (so-called '1,5 generation')</p>	<p>The modes of acquisition of citizenship in Malta are regulated by the <i>Constitution</i><sup>128</sup> and the <i>Citizenship Act</i><sup>129</sup>. The primary mode in which one acquires citizenship is through parents or ascendants that are Maltese citizens, followed by acquisition by adoption, spousal transfer of citizenship after 5 years of marriage, acquisition by registration<sup>130</sup> and acquisition by naturalisation.</p> <p>In order to be eligible for naturalisation<sup>131</sup>, the applicant:</p> <ol style="list-style-type: none"> <li>i. must have resided in Malta for 12 months immediately preceding the date of application;</li> <li>ii. must have resided in Malta during the 6 years immediately preceding the 12 month period and in aggregate for a period of not less than 4 years;</li> <li>iii. must have an adequate knowledge of the Maltese or the English language;</li> <li>iv. must be of good character; and</li> <li>v. would be a suitable citizen of Malta.</li> </ol> <p>Furthermore, in 2014 the Maltese Government launched the Individual Investor Programme of the</p>

<sup>128</sup> Chapter III of the *Constitution of Malta*, 1964

<sup>129</sup> *Maltese Citizenship Act*, Cap. 188 of the Laws of Malta

<sup>130</sup> This applies to former citizens who lost their citizenship or persons born outside Malta before 1989 whose parents are Maltese may apply to register as a Maltese citizen.

<sup>131</sup> Article 10(1) of the *Maltese Citizenship Act*, Cap. 188 of the Laws of Malta

		<p>Republic of Malta<sup>132</sup> (IIP). The scheme grants Maltese citizenship by a certificate of naturalisation to non-Maltese nationals and their dependents who contribute to the economic development of Malta. In order to be eligible the applicant must be over 18 years of age and must have been resident in Malta for 12 months preceding the issuing of a certificate of naturalisation and meet the following investment requirements:</p> <ol style="list-style-type: none"> <li>i. The acquisition of property with a minimum value of €350,000 to be held for at least 5 years; or</li> <li>ii. Lease residential property in Malta for a period of 5 years, at an annual rent of at least €16,000; and</li> <li>iii. Make a contribution to the National Development and Social Fund; and</li> <li>iv. An investment in stocks, bonds or special purpose vehicles to be identified by Identity Malta, for a minimum value of €150,000 to be held for a minimum period of 5 years.</li> </ol>
	<p>Debates, issues and challenges concerning the implementation of citizenship policies</p>	<p>Malta has some of the most unfavourable conditions for naturalisation of migrants and it has been recognised that most migrants will never be eligible to become Maltese citizens unless adopted by, married or born to a Maltese national.<sup>133</sup> Malta has seen a steady decline in the numbers of persons granted citizenship through naturalisation<sup>134</sup>.</p> <p>Citizenship by naturalisation under Maltese law presents a number of challenges:</p> <p>The eligibility criteria of having “<i>good character</i>” and “<i>adequate knowledge</i>” of Maltese or English and of being a “<i>suitable citizen</i>” are drafted in broad and vague terms. There are no clear guidelines on what these terms mean and there seems to be no systematic and consistent assessment of their fulfilment<sup>135</sup>. In addition, the Minister responsible for matters relating to citizenship is not required to give any reasons for the granting or refusal of any application, and decisions are not subject to appeal or review in any court<sup>136</sup>. The Minister’s absolute discretionary power leaves applicants uncertain on the outcome of their application and without the possibility of any judicial review of decisions<sup>137</sup>.</p>

<sup>132</sup> Individual Investor Citation. Programme of the Republic of Malta Regulations, S.L. 188.03

<sup>133</sup> *Migrant Integration Policy Index (2011)*, Huddleston T., et al., 2011

<sup>134</sup> EUDO Citizenship Observatory, Debono D., Buttigieg E. Malta Country Report on Citizenship Law, 2015: [http://cadmus.eui.eu/bitstream/handle/1814/34482/EUDO\\_CIT\\_2015\\_05-Malta.pdf?sequence=1](http://cadmus.eui.eu/bitstream/handle/1814/34482/EUDO_CIT_2015_05-Malta.pdf?sequence=1)

<sup>135</sup> EUDO Citizenship Observatory, DeBono D., Naturalisation Procedures for Immigrants -Malta, 2013 [http://cadmus.eui.eu/bitstream/handle/1814/29791/NPR\\_2013\\_30-Malta.pdf?sequence=1](http://cadmus.eui.eu/bitstream/handle/1814/29791/NPR_2013_30-Malta.pdf?sequence=1); Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>136</sup> Article 19 of the *Maltese Citizenship Act*, Cap. 188 of the Laws of Malta

<sup>137</sup> EUDO Citizenship Observatory, DeBono D., Naturalisation Procedures for Immigrants -Malta, 2013 [http://cadmus.eui.eu/bitstream/handle/1814/29791/NPR\\_2013\\_30-Malta.pdf?sequence=1](http://cadmus.eui.eu/bitstream/handle/1814/29791/NPR_2013_30-Malta.pdf?sequence=1); Camilleri, C. and N. Falzon,



		The challenges are seen by some as jarring with the new citizenship by investment scheme as the later prioritises financial contribution, and ignores the contribution to society of existing migrants, for whom citizenship acquisition is very difficult as the laws are so restrictive <sup>138</sup> .
	Key developments and trends – case law ( <b>please use the template in the Annex 9</b> to provide information about the cases – here only a simple reference to the case name is required) or new provisions and reforms.	The most significant development relates to the introduction in 2014 of the Individual Investor Programme of the Republic of Malta <sup>139</sup> (IIP). The scheme grants Maltese citizenship by a certificate of naturalisation to non-Maltese nationals and their dependents who contribute to the economic development of Malta.
	Please indicate key and/or milestone dates – e.g. of major reforms - regarding citizenship acquisition for migrants and/or their descendants.	4th February, 2014: Individual Investor Programme of the Republic of Malta.
	Naturalisation rate - % of migrants that have been naturalized compared to migrant stock and to general population – listing the most numerous groups on the basis of their previous nationality, by gender and age-group if available. <b>Please provide the latest available data.</b> The most recent data provided by <u>Eurostat</u> concern the year 2012.	Malta’s total foreigner population amounted to 20,384 in 2011 <sup>140</sup> . In the latest demographic review published by the National Statistics Office in 2011 for 2010 naturalisation and registrations amounted to 943. Australians, Canadians and United State citizens being the three highest TCN groups, followed by Russians and South Africans <sup>141</sup> .  Just less than half these persons were between 18 - 34 years old, while another 36% within the 35 - 64 year old age group. Slightly more than half the naturalisations were granted to males.
	Numbers of naturalisations and citizenship acquisitions in the last 2 years (in 2013 and in 2014) by mode of acquisition, by gender and age-group if available, and for the 10 most numerous groups on the basis of their previous nationality <i>Please provide the latest available statistics - (please use the relevant table in the Annex 6)</i>	

### 3.1.2. National elections voting rights - turnout

	Third country nationals are allowed in exceptional cases to vote in national elections. In this section please provide the specific requirements and criteria for participation of citizens of migrant background	Every person if he or she is a citizen of Malta (irrespective of how this is acquired) over 18 and resident for a specified time period prior to elections can vote or stand for parliamentary elections. <sup>142</sup> There is no distinction in the law on whether that citizen is of a migrant background or otherwise. Third Country Nationals may not vote in national elections.
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Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014.

<http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>138</sup> Dr. Neil Falzon interview on The Telegraph, Maltese passport and life as an EU citizen for anyone with £546,000, November 2013.

<sup>139</sup> Individual Investor Citation. Programme of the Republic of Malta Regulations, S.L. 188.03

<sup>140</sup> International Organisation for Migration (IOM), Gauci J.P., *Malta Chapter, in Migration, Employment and Labour Market Integration Policies in the European Union 2011*

<sup>141</sup> National statistics office, *Malta - Demographic Review 2010*, Published by the National Statistics Office Lascaris 2011

<sup>142</sup> Constitution of Malta, 1964; General Elections Act Cap 354 of the Laws of Malta.

	<p>(and third country nationals in the very few cases where this is foreseen) in national elections, as well as any available data on their voting turnout. Please specify any differences in different geographic areas or by type of national level voting circumstances (e.g. parliament, referendum, president of the republic etc.). In addition to official data and also if such data are not available, make reference to any relevant quantitative or qualitative academic research concerning the exercise of the right to vote and related drivers and barriers.</p>	<p>There is no data available on voting turnout of voters with a migrant background as no such studies have been made or published.</p>
	<p>Please indicate any programmes or information campaigns aiming at informing citizens of migrant background about their political rights and encouraging the exercise of the right to vote.</p>	<p>No specific information campaigns were carried out informing citizens of migrant background about their political rights.</p>

### 3.1.3. National level election – representation

	<p>The number of <b>candidates</b> with migrant background (where available, specify own or parent’s country of birth) at the latest national level elections (specify date)</p>	<p>Data on candidates in relation to their ethnic background is not collected or available<sup>143</sup>.</p> <p>Shirley Farrugia was a candidate for the Nationalist Party in 2013. Her parents’ country of birth was India<sup>144</sup>.</p> <p>Dounia Borg has been nominated as a candidate for next election to be held at the latest in 2018 for the Nationalist Party. Her country of birth is Morocco<sup>145</sup>.</p>
	<p>The number of <b>elected representatives</b> with migrant background at national level (e.g. parliament, senate)</p>	<p>Data on elected representatives in relation to their ethnic background is not collected or available<sup>146</sup>.</p>

<sup>143</sup> Research was conducted on the main party websites Labour Party <http://www.partilaburista.org/>; Nationalist Party <http://www.pn.org.mt/> and Alternattiva Demokratika <http://www.alternattiva.org/>; on the Electoral Commission website: <http://www.electoral.gov.mt/> and on the National Statistics Office website: <http://nso.gov.mt/>.

<sup>144</sup> Her public profile is available at <http://election.maltatoday.com.mt/candidate.php?c=shirleyfarrugia>

<sup>145</sup> The Times of Malta, PN approves first new general election candidates, 15 September 2014, available at <http://www.timesofmalta.com/articles/view/20140915/local/pn-approves-first-new-general-election-candidates.535874>

<sup>146</sup> Research was conducted on the main party websites Labour Party <http://www.partilaburista.org/>; Nationalist Party <http://www.pn.org.mt/> and Alternattiva Demokratika <http://www.alternattiva.org/>; on the Electoral Commission website: <http://www.electoral.gov.mt/> and on the National Statistics Office website: <http://nso.gov.mt/>.

	Those <b>appointed</b> to public office (e.g. ministers, secretaries of state, etc.) by end of 2014.	Data on appointees to public office in relation to their ethnic background is not collected or available <sup>147</sup> .
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## 3.2. Political rights at regional/local level

### 3.2.1. Regional/Local elections voting rights – turnout

	Specify what regional/local voting rights are given to third country nationals and any different entitlements according to residence status, permit type or length of stay etc.	Only Maltese and EU citizens are entitled to vote in local elections <sup>148</sup> .
	Key and/or milestone dates regarding the voting and/or election rights for migrants and/or their descendants at regional/local level	N/A
	Please indicate any programmes or information campaigns aiming at informing citizens of migrant background about their political rights and encouraging the exercise of the right to vote.	No specific information campaigns were carried out informing citizens of migrant background about their political rights <sup>149</sup> .
	In addition to official data and also if such data are not available, make reference to any relevant quantitative or qualitative academic research concerning the exercise of the right to vote and related drivers and barriers.	The main barrier is the legislative impediment for non-Maltese and non-EU citizens to vote in local elections.

### 3.2.2. Regional/local level election – representation

	The number of <b>candidates</b> that were third country nationals and/or with migrant background at the latest	Data in relation to candidates with migrant backgrounds standing for local council elections is not collected.
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<sup>147</sup> Research was conducted on the main party websites Labour Party <http://www.partilaburista.org/>; Nationalist Party <http://www.pn.org.mt/> and Alternattiva Demokratika <http://www.alternattiva.org/>; on the Electoral Commission website: <http://www.electoral.gov.mt/> and on the National Statistics Office website: <http://nso.gov.mt/>.

<sup>148</sup> Local Councils Act, Chapter 363 of the Laws of Malta

<sup>149</sup> Research was conducted on the main party websites Labour Party <http://www.partilaburista.org/>; Nationalist Party <http://www.pn.org.mt/> and Alternattiva Demokratika <http://www.alternattiva.org/>; the National Commission for the Promotion of Equality: [https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE\\_Home.aspx](https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE_Home.aspx) and the Government Integration web portal <https://integration.gov.mt/en/Pages/Home.aspx>

	regional/local level elections (specify date)	Shirley Farrugia was a candidate for the Nationalist Party in the 2012 local council elections. Her parent's country of birth was India.  Alban Thika is a candidate for the Nationalist Party in the 2015 local council elections. His country of birth is Albania.
	The number and % of <b>elected representatives</b> with migrant background at regional/local level (e.g. municipalities, regions, prefectures etc.)	Shirley Farrugia was elected to the Mosta Local Council on the Nationalist Party ticket in 2007.
	Those who were <b>elected</b> or <b>appointed</b> to a high public office (e.g. mayor, vice mayor etc.) by end of 2014.	In 2012, Shirley Farrugia was elected Mayor of Mosta. Her parent's country of birth was India.
	Please identify related limitations and challenges or public debates, as well as relevant research, studies and assessments.	The national discourse of migrant voting right is generally negative, with both major parties against the granting of voting rights to migrants <sup>150</sup> .  In reaction to a report published by aditus foundation on migrant integration <sup>151</sup> , recommending the granting of voting rights to migrant residents, the Minister for Social Dialogue, Consumer Protection and Civil Liberties stated that the granting of such rights is not a priority <sup>152</sup> . The President of the Republic stated that Maltese society was not ready for such a move and that debating such would stir controversy more than do good. <sup>153</sup> Opposition spokesperson for civil liberties endorsed the President's position <sup>154</sup> .

### 3.3.Consultation

#### 3.3.1.Consultative bodies at national/regional/local level

	Are there any migrants' consultative bodies in place at national / regional/ local level foreseen and/or operational in practice? Since when and on which legal basis (please provide reference). Please specify whether migrants'	There are no migrant consultative bodies in place. However, the setting up of an Integration Directorate is planned for 2015 in order to develop strategies and programmes that reach Government targets with regard to civil liberties, equality, anti-discrimination and integration of immigrants <sup>155</sup> .
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<sup>150</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>151</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>152</sup> Migrants' political participation 'not a priority' says civil liberties minister, June 2014 <http://www.maltatoday.com.mt/printversion/40159/#.VRHQQvnF-So>

<sup>153</sup> President: migrants' voting idea jumps the gun, June 2014 <http://www.timesofmalta.com/articles/view/20140616/local/president-migrants-voting-idea-jumps-the-gun.523576>

<sup>154</sup> Migrants' political participation 'not a priority' says civil liberties minister, June 2014 <http://www.maltatoday.com.mt/printversion/40159/#.VRHQQvnF-So>

<sup>155</sup> Budget Document 2015, pp. 61; Budget Speech 2015, pp. 155

	consultative/advisory/representative bodies are established by law or other type of normative regulation, policy or practice.	
	What is the mandate of the body – duration and procedures? In particular specify if and by which modalities these bodies are competent to participate in consultations only on migration or integration issues or if they participate also in consultations on other issues? How do these bodies work in practice?	N/A
	Frequency of convening of the body/-ies/ meetings with competent public authorities. What is foreseen and how is it implemented in practice?	N/A
	Role in relation to other public or private bodies. Is there a statutory role of coordination and cooperation with other public or private stakeholders foreseen? How is this implemented in practice?	N/A
	Participation in decision-making (consultative, observer status, voting right etc.). Are such bodies competent to participate in decision-making at national/regional/local level in regard to the design, implementation, assessment and/or review of integration-specific, migration or other policies of general interest? Are such bodies and/or their representatives participating in any way to allocation, distribution, monitoring, evaluation or management of funding social inclusion and integration policies, measures and programmes at national level?	N/A
	What are the modalities for representation and participation of migrants, e.g. elections, designation etc.? What is foreseen and how is it implemented in practice?	N/A

On which criterion are migrant groups represented (migrant status, foreign-born, foreign nationality etc.)? What is foreseen and how is it implemented in practice?	N/A
Is there any evidence through formal evaluations or academic research on awareness about such national level consultative bodies among migrants and their descendants, and among the general public?	N/A

### 3.4. Participation in trade-unions and professional association

In this section based on available data, research, surveys, studies, etc. please provide information about:	
Membership and participation of migrant workers in <u>workers' unions and craft associations</u> :	
Are there any legal or practical limitations or barriers for the membership of migrant workers in trade unions and craft associations?	There are no legal limitations for membership of migrant workers in trade unions. Practical barriers would be the lack of knowledge of the existence of such unions and of their rights in general <sup>156</sup> .
Do workers' associations encourage and support membership and participation of migrant workers? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.	There have been some proactive actions by some trade unions, such as the drafting of a report on anti-discrimination by the General Workers Union and the practical assistance to foreign nurses by the Malta Union of Midwives & Nurses <sup>157</sup> .  The General Workers Union (GWU) also has an informal Arab Maltese Community section which generally is responsible for North African workers <sup>158</sup> .
What is the rate of participation (figures and % of association members, figures and % of migrant professionals as members, or descriptive data if statistical data is not available) of migrant workers in the most representative	There are no official statistics on the number of migrant workers as a percentage of members in trade unions. <sup>159</sup>  However, a recent 2014 study <sup>160</sup> interviewed over 90 migrants (TCNs, beneficiaries of international protection and also failed asylum seekers) and found

<sup>156</sup> European Union Agency for Fundamental Rights, *Malta - Country Reports on the impact of the Racial Equality Directive: a survey of Trade Unions and Employers*, 2010. [https://fra.europa.eu/sites/default/files/fra\\_uploads/842-RED\\_Malta.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/842-RED_Malta.pdf)

<sup>157</sup> Borg A., *Unions' role in combating workplace discrimination*, 2012

<http://eurofound.europa.eu/observatories/eurwork/articles/unions-role-in-combating-workplace-discrimination>

<sup>158</sup> GWU appoints committee for Maltese-Arabic community, 2013

[http://www.maltatoday.com.mt/news/national/25785/gwu-appoints-committee-for-maltese-arabic-community-20130402#.VRKaZ\\_nF-So](http://www.maltatoday.com.mt/news/national/25785/gwu-appoints-committee-for-maltese-arabic-community-20130402#.VRKaZ_nF-So)

<sup>159</sup> Email queries sent to the most representative trade unions being the General Workers Union, General Retailers and Traders Union, Union Haddiema Maghqudin, and Malta Employers' Association on 21/03/2014. No replies received to date. Research was also conducted on the National Statistics Office website: [www.nso.gov.mt](http://www.nso.gov.mt).

<sup>160</sup> Qualitative Research Study: The Conditions of Employment and the Level of Integration of Third Country Nationals at the Place of Work, 2014 <https://dier.gov.mt/en/Application-Forms/Pages/Conference.aspx>

	workers' unions and associations? Please specify the geographic and workforce range/type of associations (referring to national, regional, local and to the range of workers represented and degree of association).	that only 1.1% <sup>161</sup> of that group is a member of a recognised trade union in Malta.
	Are migrant workers elected as representatives of trade unions and workers' or craft associations? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced by migrant workers.	<p>There are no migrant workers elected representatives, besides the representatives on the GWU Arab Maltese Community section.</p> <p>In the study carried out in 2014, it was found that only 1 in 3 TCNs (30.9% - 29 respondents) wish to become a member in a trade union whilst 2 in 3 TCNs (59.6% - 56 respondents) have no desire to become a member in any trade union<sup>162</sup>. Therefore, the limitations exist at membership level which sees very low membership numbers.</p>
	Are there differences between associations for high and low skill workers, different industries and trades, and/or different geographic area of country of origin, citizenship or birth or gender?	<p>A distinction can be found between different countries of origin and different skill levels.</p> <p>For example in the 2014 study<sup>163</sup> it was found that although a high number of respondents did not form part of associations (not trade unions), those that did form part of an association where split as follows:</p> <ul style="list-style-type: none"> <li>- 90.5% Asian TCN</li> <li>- 7.1% Middle East/North African TCN workers</li> <li>- 1.5% Sub-Saharan African TCN workers</li> <li>- 0.9% others</li> </ul> <p>This difference was attributed to the fact that many of the Middle Eastern/North African and Sub-Saharan African workers were defined as low skilled, whilst Asian TCNs were generally graduates that had also attended pre-departure courses. Also of note is the fact that the majority of Middle Eastern/North African and Sub-Saharan African respondents were male, whilst Asian TCNs were predominantly female.</p>
<b>Membership and participation of migrant entrepreneurs and expert professionals to professional and scientific associations:</b>		
	Are there any legal or practical limitations or barriers for the membership of migrant workers in professional, employer and scientific associations (such as medical, engineer, bar associations)?	<p>There are no legal limitations for membership of migrant workers in professional and scientific associations.</p> <p>Limitations exist insofar as the internal rules of the particular professional association. For example a lawyer must have obtained the Maltese warrant to practice in order to become a member of the Chamber</p>

<sup>161</sup> 1.1%: represents 1 respondent from the 95 TCN respondent cohort interviewed. This respondent was a sub-Saharan African.

<sup>162</sup> Qualitative Research Study: The Conditions of Employment and the Level of Integration of Third Country Nationals at the Place of Work, 2014 <https://dier.gov.mt/en/Application-Forms/Pages/Conference.aspx>

<sup>163</sup> Qualitative Research Study: The Conditions of Employment and the Level of Integration of Third Country Nationals at the Place of Work, 2014 <https://dier.gov.mt/en/Application-Forms/Pages/Conference.aspx>

		of Advocates <sup>164</sup> . In order to be a member of the Medical Association of Malta the applicant must have either obtained a degree from Malta or obtained an equivalent medical qualification recognised by the Medical Council of Malta <sup>165</sup> .
	Do professional associations encourage and support membership and participation of migrant professionals? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.	No publically available data <sup>166</sup> .
	What is the rate of participation and membership (figures and % of association members, figures and % of migrant professionals as members, or descriptive data if statistical data is not available) of migrant professionals in the most representative professional, employers' and scientific unions and associations? Please specify the geographic and workforce range/type of associations (referring to national, regional, local and to the range of professional represented and degree of association)	No publically available data.
	Are migrants elected as representatives of professional, employers' and/or scientific associations? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced.	No publically available data.
	Are there differences between associations for different professions, different skill levels and/or types of enterprise, different industries and trades, and/or different geographic area of country of origin, citizenship or birth or gender?	No publically available data.

<sup>164</sup> As stated in the Statutes of the Chamber of Advocates, 1872 <http://www.avukati.org/downloads.aspx>

<sup>165</sup> Medical Association of Malta Statute: <http://www.mam.org.mt/pics/statute.pdf>

<sup>166</sup> Awaiting replies from professional associations: Chamber of Advocates, Malta Medical Association, Chamber of Architects, Malta Institute of Accountants, Malta Union of Midwives & Nurses. Email queries sent on the 21/03/2015 and no responses have been sent to date.



### 3.5. Participation in social, cultural and public life

	In this section based on available data, research, studies, etc. provide information about the membership and participation of migrants and their descendants in media, cultural organisations and public life:	
	Are there any legal or practical limitations or barriers for the membership of migrants in professional associations related to the media, sports and culture?	There are no legal limitations for membership <sup>167</sup> .
	Do media, sports, culture professional associations encourage and support membership and participation of third country nationals as members? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.	There has been no notable awareness initiatives or membership campaigns targeting migrants <sup>168</sup> .
	What is the rate of participation in the most representative professional associations? (figures and % of association members, figures and % of migrant professionals as members, or descriptive data if statistical data is not available)	No publically available data <sup>169</sup> .
	Are migrants elected as representatives of professional associations related to the media, sports and culture?	No publically available data <sup>170</sup> .

<sup>167</sup> Constitution of Malta, 1964 <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566>; Civil Code, CAP. 16 of the Laws of Malta <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566>; Voluntary Organisation Act, CAP 492 of the Laws of Malta

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8958&l=1>

<sup>168</sup> Desk research was conducted on web portals of major associations relating to media, sports and culture: Institute of Maltese Journalists <http://igm.org.mt/>; Aquatic Sports Association <http://www.asaofmalta.org/>; Malta Football Association <http://www.mfa.com.mt/en/home.htm>; Malta Rugby Football Union <http://www.maltarugby.com/>; Malta Tennis Federation <http://www.maltatennisfederation.com/>; Malta Olympic Committee <http://nocmalta.org/>; Malta Society of Arts <http://artsmalta.org/>; Malta Band Club Association <http://www.maltaband.org/> and also the National Commission for the Promotion of Equality: [https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE\\_Home.aspx](https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE_Home.aspx)

<sup>169</sup> Desk research was conducted on web portals of major associations relating to media, sports and culture: Institute of Maltese Journalists <http://igm.org.mt/>; Aquatic Sports Association <http://www.asaofmalta.org/>; Malta Football Association <http://www.mfa.com.mt/en/home.htm>; Malta Rugby Football Union <http://www.maltarugby.com/>; Malta Tennis Federation <http://www.maltatennisfederation.com/>; Malta Olympic Committee <http://nocmalta.org/>; Malta Society of Arts <http://artsmalta.org/>; Malta Band Club Association <http://www.maltaband.org/> and also the National Commission for the Promotion of Equality: [https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE\\_Home.aspx](https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE_Home.aspx)

<sup>170</sup> Desk research was conducted on web portals of major associations relating to media, sports and culture: Institute of Maltese Journalists <http://igm.org.mt/>; Aquatic Sports Association <http://www.asaofmalta.org/>; Malta Football Association <http://www.mfa.com.mt/en/home.htm>; Malta Rugby Football Union <http://www.maltarugby.com/>; Malta Tennis Federation <http://www.maltatennisfederation.com/>; Malta Olympic Committee <http://nocmalta.org/>; Malta Society of Arts <http://artsmalta.org/>; Malta Band Club Association <http://www.maltaband.org/> and also the National Commission for the Promotion of Equality: [https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE\\_Home.aspx](https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE_Home.aspx)

	Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced.	
	Is there a visible or notable presence (or absence) of migrants and their descendants as media professionals?	Migrant media professionals are notable in their absence in the Maltese media.
	Are migrants and/or their descendants present, visible and actively participating in public? (E.g. in public events, TV and electronic media, cultural events). Please substantiate on the basis of existing data or contacts with relevant authorities, actors and stakeholders, making sure to cover a wide spectrum and obtain as much as possible objective information.	<p>Migrants and their descendant have been largely invisible from public and civic life. Furthermore, the portrayal of migrants in the media has generally been negative with a focus on the perceived challenges and burdens that Malta has had to face<sup>171</sup>.</p> <p>A recent study<sup>172</sup> that conducted a survey of media organisations and TCNs shows the difficulty migrants face in accessing the media, and the perception media organisations have of TCNs. Only 18% of TCNs interviewed had been invited by the media for participation, and in most of these cases, participation was in the form of either a voxpop or short interview.</p> <p>In the last couple of years a number of NGOs<sup>173</sup> and migrants have been working to increase the visibility of migrants in the press and online. The African Media Association was set up by a number of sub-Saharan journalists residing in Malta<sup>174</sup>.</p>
	Are there legal or practical limitations for the media, culture or other type of public events by migrants and/or their descendants? (E.g. are there national language requirements for TV or radio stations, bureaucratic and representation requirements, etc.)	<p>There are no legal limitations. One of the main barriers that TCNs feel is the language barrier<sup>175</sup> for the Maltese-spoken media. Recently, one of the English language newspapers has been publishing a regular column written by a refugee residing in Malta<sup>176</sup>.</p> <p>Lack of interest from the part of Maltese media organisation on one hand and lack of initiative from migrants on the other is another major obstacle<sup>177</sup>.</p>
	Are there positive measures for promoting or restrictions/barriers to the operation of migrant and ethnic minority (owned, directed or audience specific) media?	No. <sup>178</sup>

<sup>171</sup>Media InterAct Situation Analysis of Media Practices and Integration of Third Country Nationals, prepared and compiled by APS Consult Ltd, 2012. <http://sosmalta.org/mediainteract>

<sup>172</sup> Media InterAct Project (2011 - 2012) <http://sosmalta.org/mediainteract>

<sup>173</sup> Side-by-Side: A newspaper promoting integration and diversity in Malta: <http://sosmalta.org/sidebyside>

<sup>174</sup> No website is available, yet their Facebook provides useful information, <https://www.facebook.com/africanmediamalta>

<sup>175</sup> Media InterAct Project (2011 - 2012) <http://sosmalta.org/mediainteract>

<sup>176</sup> MaltaToday: [http://www.maltatoday.com.mt/author/farah\\_abdi/](http://www.maltatoday.com.mt/author/farah_abdi/)

<sup>177</sup> Media InterAct Project (2011 - 2012) <http://sosmalta.org/mediainteract>

<sup>178</sup> Research carried out on website of the Broadcasting Authority <http://www.ba-malta.org/the-authority>; the National Commission for the Promotion of Equality: [https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE\\_Home.aspx](https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE_Home.aspx) and the Government Integration web portal <https://integration.gov.mt/en/Pages/Home.aspx>

	<p>Are there practical measures encouraging and promoting the visibility, voice and public presence of migrants and/or their descendants in the media, culture or other type of public events? (E.g. are there programmes and information provided by the media in other than the country official language, and migrants' languages, quotas for journalists and public programmes reflecting the diversity in society etc.?)</p>	<p>No.<sup>179</sup></p>
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### 3.5.1. Diversity in the public sector

<p>In this section based on available data, research, studies, etc. please provide information about recruitment of migrants and their descendants in the public sector:</p>		
	<p>Please describe how legal provisions allow or prevent the recruitment of third country nationals in the public sector. Please indicate specific areas, requirements, quotas if any, upward mobility and promotion limitations if any, as well as if and how these provisions are applied in practice.</p>	<p>The Nationality Requirements for Appointments in Public Administration Regulations<sup>180</sup> allows only for the appointment of TCNs that are entitled to equal treatment to Maltese nationals by virtue of any free movement provisions or by virtue of a familial relationship with any person entitled to free movement;<sup>181</sup> and to TCNs granted long term resident status in Malta, together with family members of such TCN who have been granted a residence permit under the Family Reunification Regulations.</p> <p>Interestingly, the Equality Policy for the Public Service, whilst tackling gender discrimination, sexual harassment and persons with a disability, does not address discrimination based on race or ethnic origin<sup>182</sup>.</p>
	<p>Please indicate if citizens of migrant descent can also be affected by limitation – e.g. on the basis of their ethnic origin or migrant background or naturalisation - in public sector recruitment, for example in education, law enforcement, judiciary, etc.</p>	<p>No, there is no distinction between citizens irrespective of ethnic background.<sup>183</sup></p>
	<p>Please indicate proportion of recruitment (% on the total of</p>	<p>Less than 5% of workers employed either with the public sector or in defence, as defined by the NACE</p>

<sup>179</sup> Research carried out on website of the Broadcasting Authority <http://www.ba-malta.org/the-authority/the> National Commission for the Promotion of Equality: [https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE\\_Home.aspx](https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE_Home.aspx) and the Government Integration web portal <https://integration.gov.mt/en/Pages/Home.aspx>

<sup>180</sup> Regulation 3(1), Nationality Requirements for Appointments in Public Administration Regulations S.L.497.03 <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12037&l=1>

<sup>181</sup> This in addition to nationals of Member States of the European Union who is entitled to equal treatment by virtue of the provisions on the free movement of workers.

<sup>182</sup> Public Administration HR Office, Equality Policy for the Public Service, 2013 <https://opm.gov.mt/en/PAHRO/ERM/Documents/ERM%20Manuals/Equality-Policy.pdf>

<sup>183</sup> Nationality Requirements for Appointments in Public Administration Regulations S.L.497.03 <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12037&l=1>

posts for this category or service) for the interested categories of third country nationals, if any.	codes, are foreign <sup>184</sup> . This figure would include both EU and TCN workers.
Please indicate any affirmative action and positive action <b>either</b> for third country nationals <b>or</b> citizens with a migrant background, if any, e.g. quotas, reserved posts for people of migrant background etc. as well as promising practices in this area. Please provide information specifically for law enforcement, judiciary, and education.	None. <sup>185</sup>

### 3.6. Political activity – active citizenship

Membership and participation of migrants in migrant and/or diaspora organisations and associations:	
Are there any legal or practical limitations or barriers for the self-organisation membership of migrants in migrant and or diaspora associations and organisations?	There are no legal barriers for the self-organisation of migrants in associations <sup>186</sup> . The absence of public structural support for associations <sup>187</sup> has made it difficult for such to be set-up.
Are there notable cases of active migrant and/or diaspora associations and organisations? Please indicate the most known, active or representative ones on the basis of existing data about membership – please include size/numbers of members - and through contacts with competent actors and stakeholders. Please specify their character and eventual	These are the most notable migrant associations: <b>FOCOWIM - Filipino Overseas Contract Workers in Malta:</b> the association is mainly assisting Filipino workers residing in Malta <sup>188</sup> <b>Serbian Network:</b> a sociocultural network of the Serbian diaspora living in Malta <sup>189</sup> <b>Maltese Moroccan Community:</b> a sociocultural association bringing Moroccan and Maltese culture together <sup>190</sup> <b>Maltese Indian Community</b> <sup>191</sup> : an informal cultural organisation of Maltese citizens and residents of Indian descent

<sup>184</sup> Ministry for Education and Employment, National Employment Policy, 2014

<http://education.gov.mt/employment/Documents/EMPLOYMENT%20POLICY%20DOC%20sml.pdf>

<sup>185</sup> No affirmative action is envisaged by law or policy: Public Administration HR Office, Equality Policy for the Public Service, 2013 <https://opm.gov.mt/en/PAHRO/ERM/Documents/ERM%20Manuals/Equality-Policy.pdf> Nationality Requirements for Appointments in Public Administration Regulations S.L.497.03

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12037&l=1>; web portal of the National Commission for the Promotion of Equality: [https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE\\_Home.aspx](https://socialdialogue.gov.mt/en/NCPE/Pages/NCPE_Home.aspx) and the Government Integration web portal <https://integration.gov.mt/en/Pages/Home.aspx>

<sup>186</sup> Constitution of Malta, 1964 <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566>; Civil Code, CAP. 16 of the Laws of Malta <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566>; Voluntary Organisation Act, CAP 492 of the Laws of Malta

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8958&l=1>

<sup>187</sup> Huddleston, T. et al. Migrant Integration Policy Index III. Brussels: British Council and Migration Policy Group, 2011.

<sup>188</sup> Their site is available at <http://focowim1.blogspot.com/>

<sup>189</sup> Their site is available at <http://www.msc-malta.org/>

<sup>190</sup> Their Facebook page is available at <https://www.facebook.com/pages/Moroccan-Community-in-Malta/333405863395125>

<sup>191</sup> Their contact details: <https://www.yellow.com.mt/Maltese-Indian-Community-Centre/malta-goza>

	differences, including aspects concerning their religious, culture or geographic scope.	<b>African Media Association:</b> it has been set up by a group of sub-Saharan journalists residing in Malta with the aim of creating a news organisation that targets the African, primarily Somali, community in Malta <sup>192</sup> .  There is no publically available data on membership. <sup>193</sup>
	Please provide any data on the participation of migrants and their descendants in the most representative migrant and/or diaspora organisations and associations? (figures and % of migrants and/or persons with the specific ethnic or other background as members, or descriptive data if statistical data is not available).	There is no publically available data on participation of migrants in migrant associations or on their membership base. <sup>194</sup>
	Are such associations and organisations encouraged and/or supported financially or in other means (e.g. offices) by the national, regional or local authorities? Is there in place a mechanism linking such associations at national level? (e.g. network of migrant associations).	Any support, financial or otherwise, is open to such organisations in the same way as any other organisation. There are no specifically targeted measures aimed at migrant associations <sup>195</sup> .
Membership and participation of migrants in civil society organisations and voluntary work:		
	Are there any legal or practical limitations or barriers for the membership of migrants in civil society organisations?	There are no legal or practical limitations or barriers for the membership of migrants in civil society organisations <sup>196</sup> .
	Do civil society organisations encourage and support membership and participation	There are a number of civil society organisations that encourage and support the participation of migrants, primarily through participation in projects financed

<sup>192</sup> Their site is available at <http://africanmediamalta.com/>.

<sup>193</sup> Desk research conducted on the websites of at FOCOWIM <http://focowim1.blogspot.com/>; Serbian Network <http://www.msc-malta.org/>; Maltese Moroccan Community <https://www.facebook.com/pages/Moroccan-Community-in-Malta/333405863395125> and African Media Association <http://africanmediamalta.com/>. In addition, research was conducted on the website and reports of the Office of the Commissioner for Voluntary Organisations [https://socialdialogue.gov.mt/en/vo\\_home/Pages/vo\\_home.aspx](https://socialdialogue.gov.mt/en/vo_home/Pages/vo_home.aspx) and the Malta Council for the Voluntary Sector <http://www.maltacvs.org/>.

<sup>194</sup> Desk research conducted on the websites of at FOCOWIM <http://focowim1.blogspot.com/>; Serbian Network <http://www.msc-malta.org/>; Maltese Moroccan Community <https://www.facebook.com/pages/Moroccan-Community-in-Malta/333405863395125> and African Media Association <http://africanmediamalta.com/>. In addition, research was conducted on the website and reports of the Office of the Commissioner for Voluntary Organisations [https://socialdialogue.gov.mt/en/vo\\_home/Pages/vo\\_home.aspx](https://socialdialogue.gov.mt/en/vo_home/Pages/vo_home.aspx) and the Malta Council for the Voluntary Sector <http://www.maltacvs.org/>.

<sup>195</sup> Desk research on the website of the major funds open to associations: Voluntary Organisation Fund <https://socialdialogue.gov.mt/en/Documents/NGO%20FUND/NGOs%20and%20Support%20Groups%20Information%20Pack%202015%20funds.pdf>; Community Chest Fund <http://www.president.gov.mt/mccf/Pages/default.aspx>; Good Causes Fund <https://mfin.gov.mt/en/Services/Pages/gcf.aspx>; Small Initiatives Support Scheme <http://www.maltacvs.org/vo-fund/small-initiatives-scheme/>.

<sup>196</sup> Constitution of Malta, 1964 <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566>; Civil Code, CAP. 16 of the Laws of Malta <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566>; Voluntary Organisation Act, CAP 492 of the Laws of Malta <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8958&l=1>

	<p>of migrants and/or their descendants? E.g. through information and raising awareness initiatives in more languages, translation and language support services etc.</p>	<p>through nationally administered European Union funds such as the European Fund for the Integration of Third-Country Nationals and the European Refugee Fund<sup>197</sup>. In addition, a number of migrants assist civil society organisations with interpreting and translations<sup>198</sup>.</p> <p>Posters used in awareness campaigns are at times translated into mother tongue<sup>199</sup>. Social media and word-of-mouth through other migrant network groups are used extensively<sup>200</sup>.</p>
	<p>Please provide any data on the participation and membership of migrants and their descendants in the most representative civil society organisations? (figures or % of organisation members, % of migrants and/or with migrant background as members, or descriptive data if statistical data is not available).</p>	<p>There is no publically available data. However, migrant participation is generally low due mainly to work commitments and lack of time<sup>201</sup>.</p>
<p>Membership and participation of migrants in political parties:</p>		
	<p>Are there any legal or practical limitations or barriers for the membership of migrants in political parties, initiatives (e.g. petitions, signature collections) and movements?</p>	<p>There are no legal barriers for membership in political parties, however the impediment of migrants to vote in local and national elections does not encourage migrants to be active politically<sup>202</sup>. Furthermore, an element of fear of participation due to possible retribution is also a contributing factor<sup>203</sup>.</p>
	<p>Do political parties encourage and support membership and participation of migrants and/or their descendants in their activities? E.g. through information and raising awareness initiatives in more</p>	<p>In past electoral campaigns citizens with migrant backgrounds were not targeted or encouraged specifically<sup>204</sup>. The trend seems to be shifting in that political parties are beginning to nominate candidates for elections that come from a migrant background. See section 3.1.3 and Section 3.2 above.</p>

<sup>197</sup> European Integration Fund:

<https://eufunds.gov.mt/en/EU%20Funds%20Programmes/Migration%20Funds/Pages/European-Integration-Fund.aspx> and European Refugee Fund: <https://eufunds.gov.mt/en/EU%20Funds%20Programmes/Migration%20Funds/Pages/European-Refugee-Fund.aspx>

<sup>198</sup> As confirmed in interview with Dr. Neil Falzon, Director, aditus foundation on the 18<sup>th</sup> February, 2015.

<sup>199</sup> As confirmed in interview with Dr. Neil Falzon, Director, aditus foundation on the 18<sup>th</sup> February, 2015.

<sup>200</sup> The African Media Association regularly uses Facebook in order to reach out to Somali migrants:

<https://www.facebook.com/africanmediamalta/posts/441692112656710:0> ; The Filipino Community also uses Facebook to update its members <https://www.facebook.com/groups/focowim/?fref=ts>. SOS Malta

<https://www.facebook.com/sosmaltapage?fref=ts>; aditus foundation

<https://www.facebook.com/aditus.accessingrights?fref=ts> and JRS Malta <https://www.facebook.com/jrsmaltapage?fref=ts>

also use social media extensively in order to reach out to the migrant community.

<sup>201</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>202</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>203</sup> Informal Notes on Multifunctional Team Meeting on Political Participation 18th October, 2013, Malta Integration Network, coordinated by aditus foundation.

<sup>204</sup> Political manifestos for national election held in 2013: Malta Labour Party: <http://3c3dbeaf6f6c49f4b9f4-a655c0f6dcd98e765a68760c407565ae.r86.cf3.rackcdn.com/082d10b0fed6c04d78ced4e7836e1dc11067452380.pdf> ;

Nationalist Party: [http://www.um.edu.mt/data/assets/pdf\\_file/0017/207350/PNManifesto2013.pdf](http://www.um.edu.mt/data/assets/pdf_file/0017/207350/PNManifesto2013.pdf), Alternattiva Demokratika: [http://www.alternattiva.org/mothership/wp-content/uploads/2011/08/AD\\_Manifesto2013\\_A4.pdf](http://www.alternattiva.org/mothership/wp-content/uploads/2011/08/AD_Manifesto2013_A4.pdf)

languages, translation and language support services etc.	
Please provide any data on the participation and membership of migrants and their descendants in the political parties, initiatives and movements? (figures or % of party members, % of migrants and/or with migrant background as members, or descriptive data if statistical data is not available)	Data not publically available <sup>205</sup> .
Are migrants elected as representatives of political parties, initiatives and movements? Please provide figures if available, and report the related legal or practical limitations or barriers, eventually faced.	No, they are not elected as representatives of political parties or movements <sup>206</sup> .

### 3.7.Civic and citizenship education

The participation of migrants and their descendants (with a distinct linguistic, cultural background) in education:	
Have teachers of migrant background equal access to <b>employment</b> in education, as teachers? If yes, what is the rate of participation (% of teachers with migrant background at national level)? Are they represented in professional teacher associations? Please identify limitations, challenges and promising practice.	There is no data relating to teachers of migrant backgrounds being employed as teachers <sup>207</sup> . There is no legislation preventing the employment of teachers of migrant backgrounds <sup>208</sup> .  However, less than 5% of workers employed in education, as defined by the NACE codes, are foreign <sup>209</sup> . This figure would include both EU and TCN workers.
Are there any particular gender issues?	The predominance of mothers being more active in the educational life of their children is recognised and a

<sup>205</sup> Desk research carried out on the National Statistics Office: [nso.gov.mt](http://nso.gov.mt); and the websites on the major political party websites: [www.partilaburista.org](http://www.partilaburista.org); [www.pn.org.mt](http://www.pn.org.mt); <http://www.alternattiva.org/>

<sup>206</sup> Research carried out on the major political party websites: [www.partilaburista.org](http://www.partilaburista.org); [www.pn.org.mt](http://www.pn.org.mt); <http://www.alternattiva.org/>

<sup>207</sup> Research was carried out on the National Statistics Office: [nso.gov.mt](http://nso.gov.mt); the major professional unions Malta Union of Teachers: [www.mut.org.mt](http://www.mut.org.mt); Malta Association of Teachers of English as a Foreign Language: [www.matefl.org](http://www.matefl.org); University of Malta Academic Staff Association: <http://soc.um.edu.mt/umasa/>

<sup>208</sup> Education Act, CAP. 327 of the laws of Malta lays down that any Maltese citizen or any other person permitted to work in Malta may practice as a teacher if they hold a warrant under the Education Act.

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8801>

<sup>209</sup> Ministry for Education and Employment, National Employment Policy, 2014  
<http://education.gov.mt/employment/Documents/EMPLOYMENT%20POLICY%20DOC%20sml.pdf>

		need for teachers to communicate in the language the mother speaks has been seen to be crucial. <sup>210</sup>
	Are parents of migrant background actively participating in the school life? Please provide evidence concerning their participation in parents associations, school and community events and extracurricular activities, consultations etc. <sup>211</sup>	Evidence shows that whilst parents from migrant backgrounds generally attend organised events such as parent's day/evening and school events (such as concerts, fairs etc.) they have less contact individually with teachers. Participation is also less frequent at a decision making level, such as school council meetings and parents' meetings. A major barrier is the language used in communicating with the parents, as schools are left to decide whether or not to translate communications on an ad hoc basis. Although many migrants speak English, many times official communications are sent in Maltese. In addition, many of the teachers have never had any contact with group representing the cultural and religious diversity of their students and at times they have been found to be unaware of these groups. <sup>212</sup>
	Are there extracurricular activities involving and engaging with children and parents of migrant background and/or focussing on civic and citizenship education? Please identify limitations, challenges and promising practice.	The decision to involve or engage children and parents with migrant backgrounds in extracurricular activities depends on each individual school principle or teacher. There is no uniform practice or policy nationwide. There have been best-practices in schools in areas where there is a high migrant community, such as international days. In most cases multi-ethnic celebrations and activities revolve around language, food, dress or international symbols such as flags, and appear to be 'one off events' rather than integrated into the school environment. <sup>213</sup>
	Are there provisions for bilingual education? If yes, is it supported by trained teachers and training programmes, curriculum provisions and dedicated school manuals and books?	Although the National Curriculum Framework <sup>214</sup> makes reference to learning the mother tongue, the assumption appears to be that "mother tongue" refers to Maltese <sup>215</sup> . There is no mention of teaching of both the mother tongue and the culture of origin where this is possible.  It is important to note that Maltese and English are both official languages <sup>216</sup> and therefore the issue relating to bilingualism is present on the outset. In fact, the practice of 'code-switching' (between Maltese and English) is a common feature of classroom

<sup>210</sup> Foundation for Educational Services (FES) Pisani M., Falzon N., Cauchi A., *Research Report: Integration in Education of Third Country Nationals*, 2012.

[https://www.academia.edu/2533021/Research\\_Report\\_Integration\\_in\\_Education\\_of\\_Third\\_Country\\_Nationals](https://www.academia.edu/2533021/Research_Report_Integration_in_Education_of_Third_Country_Nationals)

<sup>211</sup> For more information about involving the community in the school life and vice versa please refer also to the findings of the SIRIUS Network <http://www.sirius-migrationeducation.org/>

<sup>212</sup> Foundation for Educational Services (FES) Pisani M., Falzon N., Cauchi A., *Research Report: Integration in Education of Third Country Nationals*, 2012.

[https://www.academia.edu/2533021/Research\\_Report\\_Integration\\_in\\_Education\\_of\\_Third\\_Country\\_Nationals](https://www.academia.edu/2533021/Research_Report_Integration_in_Education_of_Third_Country_Nationals)

<sup>213</sup> Foundation for Educational Services (FES) Pisani M., Falzon N., Cauchi A., *Research Report: Integration in Education of Third Country Nationals*, 2012.

[https://www.academia.edu/2533021/Research\\_Report\\_Integration\\_in\\_Education\\_of\\_Third\\_Country\\_Nationals](https://www.academia.edu/2533021/Research_Report_Integration_in_Education_of_Third_Country_Nationals)

<sup>214</sup> Ministry For Education and Employment, A National Curriculum Framework for All, 2012,

<https://curriculum.gov.mt/en/Resources/The-NCF/Pages/default.aspx>

<sup>215</sup> Foundation for Educational Services (FES) Pisani M., Falzon N., Cauchi A., *Research Report: Integration in Education of Third Country Nationals*, 2012.

[https://www.academia.edu/2533021/Research\\_Report\\_Integration\\_in\\_Education\\_of\\_Third\\_Country\\_Nationals](https://www.academia.edu/2533021/Research_Report_Integration_in_Education_of_Third_Country_Nationals)

<sup>216</sup> Constitution of Malta, 1964



		communication in many Maltese schools <sup>217</sup> . Therefore the difficulty of migrants that do not understand Maltese or English is exacerbated by the fact that in the classroom both Maltese and English are used as a language of instruction at times simultaneously <sup>218</sup> .
	Is there evidence of school segregation and/or policies of separate/distinct schooling of migrants?	There is no evidence of school segregation. <sup>219</sup>
	Is there evidence of modifying school curricula and teaching materials can be modified to reflect the diversity of the school population? Is the teacher regular curricula/training dealing with specific reference to immigrants or ethnic minorities and respect/promotion of diversity?	Malta was found to have the least favourable educational policies for migrant pupils <sup>220</sup> . A recent audit report found that the education sector could be considered to be at risk of lagging behind other policy sectors in its response to societal changes, including multiculturalism and diversity <sup>221</sup> . For example, a study found that literature included in syllabi generally focuses on white Christians, people who are generally able-bodied and heterosexuals and ones who live in traditional families. <sup>222</sup> Any adaptation of curricula in order to satisfy the needs of a diverse classroom was carried out through the initiative of individual teachers <sup>223</sup> .  The Government has committed itself to update the existing learning programmes and modes of assessment in both general and vocational and training education. The values at the basis of this include equity, social justice, diversity, and inclusivity <sup>224</sup> .
	Are all students – not only of migrant background – targeted and/involved by civic education	Any integration initiatives, if and when carried out, are usually carried out with the participation of the classroom or school as a whole, such as International days or fairs etc. <sup>225</sup> .

<sup>217</sup> Farrugia, M The Use of English as a Medium of Instruction in Maltese Mathematics Classrooms: Continuing the Debate. The Journal of Maltese Education Research Vol:1 No.2 , 1-14, 2003.

<sup>218</sup> The major reports on Education and migration do not contain any evidence of school segregation or policies of separate or distinct schooling of migrants: European Agency for Special Needs and Inclusive Education, EDUCATION FOR ALL Special Needs and Inclusive Education in Malta – External Audit Report, 2014

<https://education.gov.mt/en/Documents/Special%20Needs%20and%20Inclusive%20Education%20in%20Malta%20C2%AD-%20External%20Audit%20Report.pdf>; Ministry For Education and Employment, A National Curriculum Framework for All, 2012, <https://curriculum.gov.mt/en/Resources/The-NCF/Pages/default.aspx> ; Foundation for Educational Services (FES) Pisani M., Falzon N., Cauchi A., *Research Report: Integration in Education of Third Country Nationals*, 2012.

<sup>219</sup> Foundation for Educational Services (FES) Pisani M., Falzon N., Cauchi A., *Research Report: Integration in Education of Third Country Nationals*, 2012.

[https://www.academia.edu/2533021/Research\\_Report\\_Integration\\_in\\_Education\\_of\\_Third\\_Country\\_Nationals](https://www.academia.edu/2533021/Research_Report_Integration_in_Education_of_Third_Country_Nationals)

<sup>220</sup> Huddleston, T. et al. Migrant Integration Policy Index III. Brussels: British Council and Migration Policy Group, 2011.

<sup>221</sup> European Agency for Special Needs and Inclusive Education, EDUCATION FOR ALL Special Needs and Inclusive Education in Malta – External Audit Report, 2014

<https://education.gov.mt/en/Documents/Special%20Needs%20and%20Inclusive%20Education%20in%20Malta%20C2%AD-%20External%20Audit%20Report.pdf>

<sup>222</sup> *Education and Ethnic Minorities in Malta*, Calleja C., Cauchi B., Grech M., The e-SPICES Learning Partnership, 2010

<sup>223</sup> Foundation for Educational Services (FES) Pisani M., Falzon N., Cauchi A., *Research Report: Integration in Education of Third Country Nationals*, 2012.

[https://www.academia.edu/2533021/Research\\_Report\\_Integration\\_in\\_Education\\_of\\_Third\\_Country\\_Nationals](https://www.academia.edu/2533021/Research_Report_Integration_in_Education_of_Third_Country_Nationals)

<sup>224</sup> Ministry of Education and Employment, Framework for the Education Strategy 2014 - 2024 (2014) ,

<https://education.gov.mt/en/resources/Documents/Policy%20Documents%202014/BOOKLET%20ESM%202014-2024%20ENG%2019-02.pdf>

<sup>225</sup> Foundation for Educational Services (FES) Pisani M., Falzon N., Cauchi A., *Research Report: Integration in Education of Third Country Nationals*, 2012.

[https://www.academia.edu/2533021/Research\\_Report\\_Integration\\_in\\_Education\\_of\\_Third\\_Country\\_Nationals](https://www.academia.edu/2533021/Research_Report_Integration_in_Education_of_Third_Country_Nationals)

and activities related to migrant integration at schools?	
The implementation of specific measures and initiatives aiming at (the following possible practices on the left is an indicative and non-exhaustive list):	
<p><b>Please use the following as indicative list of possible practices to report on:</b></p> <p>Improving the way civic and citizenship education reflect diversity in society through curricular and extracurricular activities. Are there specific programmes helping young people to learn how to live in a society with people from different cultures and religions?</p>	<p>In 2014 a number of initiatives were carried out focusing on the development of a national curricula and national policy on inclusion. Their implementation and impact on a practical level is yet to be seen.</p> <p>Measures aimed at inclusiveness and diversity have focused mainly on policy:</p> <ol style="list-style-type: none"> <li>1. There has been an increase on highlighting issues of diversity and inclusion in wider education policies<sup>226</sup>, although implementation is lagging behind<sup>227</sup>;</li> <li>2. The carrying out of an external audit of the current educational system in Malta focusing on inclusive education with a particular emphasis on special needs resourcing and effectiveness issues<sup>228</sup>.</li> <li>3. Ministry of Education currently carrying out a consultation process about an updated educational plan for 2014-2024<sup>229</sup>;</li> <li>4. The mainstreaming of migration as an issue in a number of youth and educational policies, such as A Strategic Plan for the Prevention of Early School Leaving in Malta<sup>230</sup>, A Shared Vision for the Future of Young People Draft National Youth Policy Framework 2015-2020<sup>231</sup> and The National Literacy Strategy for All<sup>232</sup> and the Addressing Bullying Behaviour in Schools Policy<sup>233</sup>.</li> </ol>
Improving the way formal curriculum subjects, e.g. literature, history, etc. promote mutual understanding, respect for ethnic and religious diversity and the common democratic and pluralist values?	
Facilitating equal opportunities in education for children with migrant background?	
Facilitating the involvement, participation and support of parents with migrant background in the educational system and in the school activities?	

<sup>226</sup> Ministry For Education and Employment, A National Curriculum Framework for All, 2012, <https://curriculum.gov.mt/en/Resources/The-NCF/Pages/default.aspx>; Ministry for Education and Employment, Respect for All Framework, 2014 <https://education.gov.mt/en/resources/Pages/Policy-Documentation.aspx> ;

<sup>227</sup> *Education and Ethnic Minorities in Malta*, Calleja C., Cauchi B., Grech M., The e-SPICES Learning Partnership, 2010; Foundation for Educational Services (FES) Pisani M., Falzon N., Cauchi A., *Research Report: Integration in Education of Third Country Nationals*, 2012.

[https://www.academia.edu/2533021/Research\\_Report\\_Integration\\_in\\_Education\\_of\\_Third\\_Country\\_Nationals](https://www.academia.edu/2533021/Research_Report_Integration_in_Education_of_Third_Country_Nationals).

<sup>228</sup> European Agency for Special Needs and Inclusive Education, EDUCATION FOR ALL Special Needs and Inclusive Education in Malta – External Audit Report, 2014

<https://education.gov.mt/en/Documents/Special%20Needs%20and%20Inclusive%20Education%20in%20Malta%20C2%AD-%20External%20Audit%20Report.pdf>

<sup>229</sup> Ministry of Education and Employment, Framework for the Education Strategy 2014 - 2024 (2014) , <https://education.gov.mt/en/resources/Documents/Policy%20Documents%202014/BOOKLET%20ESM%202014-2024%20ENG%2019-02.pdf>

<sup>230</sup> Ministry of Education and Employment, A Strategic Plan for the Prevention of Early School Leaving in Malta; 2014 <https://education.gov.mt/en/resources/Pages/Policy-Documentation.aspx>

<sup>231</sup> The Parliamentary Secretariat for Research, Innovation, Youth and Sport, A Shared Vision for the Future of Young People Draft National Youth Policy Framework 2015-2020, 2014 <https://education.gov.mt/en/resources/Pages/Policy-Documentation.aspx>

<sup>232</sup> Ministry of Education and Employment, The National Literacy Strategy for All, 2014, <https://education.gov.mt/en/resources/Pages/Policy-Documentation.aspx>

<sup>233</sup> Ministry of Education and Employment, Addressing Bullying Behaviour in Schools Policy, 2014, <https://education.gov.mt/en/resources/Pages/Policy-Documentation.aspx>

Providing language learning support to students of migrant background?	
Improving attendance and reducing drop-out of students with migrant background?	
Improving school and teachers' capacity to embrace, build on and/or manage diversity?	
In particular, please specify if there are promising practices, including affirmative action / positive action practices designed to tackle structural inequalities	
Other...	

### 3.8. Drivers, barriers for the implementation, monitoring and assessment of legislation & policy measures

<p>Previous paragraphs indicated in detail aspects about the actual implementation of participation policies, normative framework and measures. In this section briefly summarize the most important drivers, positive factors and the barriers, resistance or negative factors that have been identified regarding the design, implementation, monitoring and assessment of policy measures and normative framework for the political and social participation of migrants and their descendants. Please base the analysis on governmental and non-governmental reports, as well as research and studies.</p>	<p>To date there have been no policy measures or frameworks for the political and social participation of migrants<sup>234</sup> and their descendants in civic and political life in Malta and therefore no reports on the monitoring or assessment of such.</p> <p>The main barrier for the political participation of migrants in Malta is that they are not eligible to vote or stand at national or local elections.<sup>235</sup> In addition, there lacks the political will of the parties in parliament to engage in any constructive dialogue on the issue<sup>236</sup>.</p> <p>Furthermore, the absence of specific structural support for associations and consultative bodies for migrants make it difficult for them to effectively participate in civic life<sup>237</sup>.</p>
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<sup>234</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>235</sup> Constitution of Malta, 1964; General Elections Act Cap 354 of the Laws of Malta.

<sup>236</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

<sup>237</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org.mt/our-work/projects/malta-integration-network/>

### 3.9. Use of funding instruments (EIF, ERF, EMIF)

	<p>Please provide briefly information and documented insights about the allocation and distribution of funds aimed at supporting political and social participation, and active citizenship measures for migrants and/or their descendants.</p>	<p>No funds have been allocated for supporting political and social participation or active citizenship (See Annex 5).</p> <p>The AMIF has not been implemented in Malta to date (07/05/2015).</p>
<p>In particular provide a breakdown of funding for the relevant actions and measures by area (political participation, social participation and membership, indicating the source of funding (EIF, ERF, national, regional, other funding source) by <b>using the Annex 5</b></p>		

### 3.10. Key legal and policy developments, and relevant case law

	<p>In this section, please provide information about developments regarding the above legal and policy instruments concerning participation (political, consultation, membership and association, active citizenship and civic education), including any new legislative or policy initiatives in the framework of migrant integration in the country. Key developments may be new legislation or policies, abolition, update, improvement or reform of existing ones, as well as important case law, court, equality body or administrative cases, that have had or may have an impact on the implementation of legal and policy instruments and on the actual situation on the ground,</p>	<p>There have been no key developments or relevant case law in recent years in relation to the participation of migrants in political and social participation.</p> <p>However, the Government is planning to set up an Integration Directorate in 2015 in order to develop strategies and programmes with regard to civil liberties, equality, anti-discrimination and integration of immigrants<sup>238</sup>.</p> <p>In addition Ministry of Education currently carrying out a consultation process about an updated educational plan for 2014-2024<sup>239</sup>.</p> <p>Other key developments include the mainstreaming of migration as an issue in a number of youth and educational policies, such as A Strategic Plan for the Prevention of Early School Leaving in Malta<sup>240</sup>, A Shared Vision for the Future of Young People Draft National Youth Policy Framework 2015-2020<sup>241</sup> and The National Literacy Strategy for All<sup>242</sup> and the Addressing Bullying Behaviour in Schools Policy<sup>243</sup>.</p>
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<sup>238</sup> Budget Document 2015, pp. 61; Budget Speech 2015, pp. 155

<sup>239</sup> Ministry of Education and Employment, Framework for the Education Strategy 2014 - 2024 (2014) , <https://education.gov.mt/en/resources/Documents/Policy%20Documents%202014/BOOKLET%20ESM%202014-2024%20ENG%2019-02.pdf>

<sup>240</sup> Ministry of Education and Employment, A Strategic Plan for the Prevention of Early School Leaving in Malta; 2014 <https://education.gov.mt/en/resources/Pages/Policy-Documentation.aspx>

<sup>241</sup> The Parliamentary Secretariat for Research, Innovation, Youth and Sport, A Shared Vision for the Future of Young People Draft National Youth Policy Framework 2015-2020, 2014 <https://education.gov.mt/en/resources/Pages/Policy-Documentation.aspx>

<sup>242</sup> Ministry of Education and Employment, The National Literacy Strategy for All, 2014, <https://education.gov.mt/en/resources/Pages/Policy-Documentation.aspx>

<sup>243</sup> Ministry of Education and Employment, Addressing Bullying Behaviour in Schools Policy, 2014, <https://education.gov.mt/en/resources/Pages/Policy-Documentation.aspx>

	including public debates and perceptions among the native population and migrants. (Use template in Annex 9).	A recommendation to “ <i>Grant the rights to vote and stand in local elections to all migrant residents and remove any obstacles to civic and political participation</i> ” contained in the “Malta Integration Network: a way forward for a National Integration Policy in Malta” report, <sup>244</sup> sparked a strong negative public reaction <sup>245</sup> .
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## 4. Social cohesion and community relations

### 4.1. Social cohesion policies

	<p>Does the national integration legal and policy framework refer to social/community cohesion? Is there a clear definition of social/community cohesion? Please report it here – in original language and in full English translation.</p> <p>Are there any specific measures in place to strengthen social cohesion? Please refer to promising practices and examples of challenges. Use the template for promising practices in Annex 7 highlighting the most important and/or successful.</p> <p>Are there indicators used by authorities to assess, monitor and support social cohesion policies? E.g. social distance, social interaction, intergroup relations, etc. Please provide</p>	<p>The National Strategy for the Promotion of Cross - Cultural Understanding and the Management of Cultural Diversity refers to social cohesion in relation to language and states that “<i>Education is considered as the vehicle contributing to integration and social cohesion.</i>” <sup>246</sup> The Irregular Immigrants, Refugees and Integration - Policy Document does not make any reference to social cohesion<sup>247</sup>.</p> <p>Both policy documents do not contain a clear a definition of social or community cohesion.</p> <p>There are no specific measures in place in order to strengthen social cohesion<sup>248</sup>.</p>
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<sup>244</sup> <sup>244</sup> Camilleri, C. and N. Falzon, Malta Integration Network: a way forward for a National Integration Policy in Malta – Final Report, 2014. <http://aditus.org/our-work/projects/malta-integration-network/>

<sup>245</sup> The Malta Independent, aditus calls on PM to condemn Joe Grima over ‘vulgar and offensive’ Facebook hate posts, June 2014 <http://www.independent.com.mt/articles/2014-06-14/news/aditus-calls-on-pm-to-condemn-joe-grima-over-vulgar-and-offensive-facebook-hate-posts-5473697796/>; Times of Malta, Migrants should vote and stand in local elections - Aditus, June 2014: <http://www.timesofmalta.com/articles/view/20140613/local/migrants-should-vote-and-stand-in-local-elections-aditus.523218>; MaltaToday, Integration beyond the vote, 24 June 2014 [http://www.maltatoday.com.mt/news/national/40345/analysis\\_integration\\_beyond\\_the\\_vote#.VUtwcfmqkqo](http://www.maltatoday.com.mt/news/national/40345/analysis_integration_beyond_the_vote#.VUtwcfmqkqo) and <https://www.facebook.com/maltatoday/posts/1015251576933194>.

<sup>246</sup> Ministry of Foreign Affairs, National Strategy for the Promotion of Cross-Cultural Understanding and Management of Cultural Diversity, 2009, [http://foreignaffairs.gov.mt/en/Pages/Home\\_Page.aspx](http://foreignaffairs.gov.mt/en/Pages/Home_Page.aspx)

<sup>247</sup> Ministry for Home Affairs and National Security, Irregular Immigrants, Refugees and Integration - Policy Document, 2005, <http://www.refworld.org/docid/51b197484.html>.

<sup>248</sup> Desk research on the websites, reports and policy documents of the Minister for Social Dialogue and Consumer Protection <https://socialdialogue.gov.mt>; the Integration webportal <https://socialdialogue.gov.mt>; the Ministry for Home Affairs and National Security [www.mjha.gov.mt](http://www.mjha.gov.mt) and the Ministry for the Family and Social Solidarity [www.mfss.gov.mt/](http://www.mfss.gov.mt/).

available relevant data, figures and findings, if any, and present them briefly in the relevant table of the Annex (4). None.	
Please outline available research, studies, and surveys about the sense of belonging and identification of migrants and/or their descendants with diverse types of local, regional and national identities. Please summarise briefly key findings and any differentiations by nationality or ethnic origin, gender, age and geographic area.	There has been no research, studies or surveys carried out about the sense of belonging and identification of migrants in Malta <sup>249</sup> .
Please indicate legal measures and case law affecting social cohesion and community relations, for example the banning of specific religious or ethnic dress, such as the 'burqa' <sup>250</sup> .	<ol style="list-style-type: none"> <li>1. When asylum seekers are detained it is in terms of the Immigration Act<sup>251</sup> after they have been refused admission into Malta or issued with a Removal Order<sup>252</sup>. General practice has seen that on entry into Malta asylum seekers, excepting vulnerable individuals, may be detained by to twelve months if a decision on their application is pending or up to eighteen months if their application has been rejected at last instance. The Government's detention policy has been seen by many as criminalising asylum seekers<sup>253</sup> and creating a stigma against migrants in general<sup>254</sup>.</li> <li>2. The harsh citizenship naturalisation laws<sup>255</sup> make it almost impossible for a migrant to become a Maltese citizen when the prospect of acquiring citizenship is an important incentive for integration.</li> </ol>
Does the action plan or strategy on integration and inclusion of migrants and their descendants address combating racism, xenophobia and intolerance?  Are there specific integration/inclusion actions	The National Strategy for the Promotion of Cross - Cultural Understanding and the Management of Cultural Diversity outlines the Government's policy on the Protection against racism and xenophobia. <sup>256</sup> In this regard, the document outlines two courses of action: (i) updating its anti-discriminatory legislation to cover race, as well as ethnic and religious grounds and (ii)

<sup>249</sup> Desk research on the websites, reports and policy documents of the Minister for Social Dialogue and Consumer Protection <https://socialdialogue.gov.mt>; the Integration webportal <https://socialdialogue.gov.mt>; the Ministry for Home Affairs and National Security [www.mjha.gov.mt](http://www.mjha.gov.mt) and the Ministry for the Family and Social Solidarity [www.mfss.gov.mt/](http://www.mfss.gov.mt/).

<sup>250</sup> Cfr. The notable ECHR case European Court of Human Rights (ECtHR), S.A.S. v. France, No. 43835/11, 1 July 2014, available at [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-145466#{"itemid":\["001-145466"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-145466#{)

<sup>251</sup> Immigration Act, Cap. 217 of the Laws of Malta

<sup>252</sup> JRS Malta and aditus foundation, Asylum Information Database (AIDA) - Country Report, Malta, updated 2015 <http://www.asylumineurope.org/reports/country/malta>

<sup>253</sup> Cetta Mainwaring, Constructing a Crisis: the Role of Immigration Detention in Malta, 2012 [http://www.newsbook.com.mt/media/news-article/Rapport\\_Detenzjoni.pdf](http://www.newsbook.com.mt/media/news-article/Rapport_Detenzjoni.pdf), European Commission against Racism and Intolerance, Third Report on Malta, April, 2008 [http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle\\_03/03\\_CbC\\_eng/MLT-CbC-III-2008-22-ENG.pdf](http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle_03/03_CbC_eng/MLT-CbC-III-2008-22-ENG.pdf)

<sup>254</sup> Times of Malta, Detention policy 'foments racism', June 2012

<http://www.timesofmalta.com/articles/view/20120712/local/Detention-policy-foments-racism-428186>, Times of Malta, Crisis? What Crisis? June 2007; <http://www.timesofmalta.com/articles/view/20070625/local/crisis-what-crisis.13355>

<sup>255</sup> Maltese Citizenship Act, Cap. 188 of the Laws of Malta

<sup>256</sup> Ministry of Foreign Affairs, National Strategy for the Promotion of Cross-Cultural Understanding and Management of Cultural Diversity, 2009, [http://foreignaffairs.gov.mt/en/Pages/Home\\_Page.aspx](http://foreignaffairs.gov.mt/en/Pages/Home_Page.aspx)

<p>related to racism and intolerance for education and/or for young people? If yes, how are such actions linked to general integration and/or social inclusion and/or cohesion policy? Please provide information on implementation and impact of such plans and refer to any assessment of their impact?</p>	<p>amending the Criminal Code to make the general provisions applicable to offences which are racially aggravated or motivated by xenophobia.</p> <p>The Irregular Immigrants, Refugees and Integration - Policy Document does not make any reference to racism or xenophobia<sup>257</sup>.</p> <p>Both policy documents do not contain specific integration/inclusion actions related to racism and intolerance.</p>
<p>Please provide information about state and non-state responses via positive measures, campaigns, partnerships involving migrants and communities. Please provide information only about those actions that focus on migrants and on <u>prevention</u> and promotion of peaceful living together and integration as mutual accommodation combatting racism and intolerance. Please outline any assessment about their impact and identify any relevant promising practice. (Use the template for promising practices in Annex 7).</p>	<p>The Ministry for the Family and Social Solidarity LEAP Project is a project aimed at promoting an equal and inclusive labour market' as it aims to create occupational opportunities for disadvantaged groups which are or are often at risk of poverty, including migrants<sup>258</sup>.</p> <p>The National Commission for the Promotion of Equality carried out the following initiatives:</p> <ul style="list-style-type: none"> <li>• "Enhancing Equal Rights" project which although targeted anti-discrimination in general, it contained an Anti-Racism Theme Day, 2014<sup>259</sup></li> <li>• "I'm not a Racist but..", 2012, project was aimed at combating racial discrimination, by developing a clear understanding of the situation of ethnic minorities and housing and empowering the African minority to get their voice heard, to advocate for their rights and to report discrimination<sup>260</sup></li> </ul> <p>JRS Malta's awareness raising activity includes School Outreach Programme and published a number of books to be used in schools:  <a href="http://www.jrsmalta.org/content.aspx?id=365022#.VRQjk_nF-So">http://www.jrsmalta.org/content.aspx?id=365022#.VRQjk_nF-So</a></p> <p>Aditus foundation carried out a number of integration projects, such as Life of the Others<sup>261</sup> and Our Voice<sup>262</sup> that focused on bringing migrants and Maltese together. In addition, it assisted St. Andrews Scots Church in the setting up of a financial institution that grants microloans to migrants and to poor women in Malta<sup>263</sup></p> <p>SOS Malta, a NGO working in integration, carried out a number of initiatives promoting peaceful living together, such as the Youth Upbeat project bringing beneficiaries</p>

<sup>257</sup> Ministry for Home Affairs and National Security, Irregular Immigrants, Refugees and Integration - Policy Document, 2005, <http://www.refworld.org/docid/51b197484.html>;

<sup>258</sup> Project page available at <http://mfss.gov.mt/leap/Pages/default.aspx>

<sup>259</sup> [https://socialdialogue.gov.mt/en/NCPE/Pages/Projects\\_and\\_Specific\\_Initiatives/Enhancing\\_Equal\\_Rights.aspx](https://socialdialogue.gov.mt/en/NCPE/Pages/Projects_and_Specific_Initiatives/Enhancing_Equal_Rights.aspx)

<sup>260</sup> [https://socialdialogue.gov.mt/en/NCPE/Pages/Projects\\_and\\_Specific\\_Initiatives/I%27m\\_Not\\_Racist.aspx](https://socialdialogue.gov.mt/en/NCPE/Pages/Projects_and_Specific_Initiatives/I%27m_Not_Racist.aspx)

<sup>261</sup> <http://aditus.org.mt/our-work/projects/the-life-of-the-others/>

<sup>262</sup> <http://aditus.org.mt/our-work/projects/our-voice/>

<sup>263</sup> <http://www.maltamicrofinance.com/>

		of international protection and Maltese youth together through music <sup>264</sup> or through food in Same Difference <sup>265</sup> ).
<b>4.2. Combatting racism and intolerance</b>		
	Are there any policy measures, initiatives and practices to accommodate for ethnic or religious differences, for example in regard to sharing public space, such as swimming pools at local level?  Identify any promising practices encouraging social interaction and contacts of people of different backgrounds at local level ( <b>use the template for promising practices in annex 7</b> ).	There is no publically available information on national policy measures, initiatives and practices to accommodate for ethnic or religious differences <sup>266</sup>
	Please indicate concrete measures, initiatives or programmes targeting migrants and/or descendants aiming at building trust in public institutions, especially at local level. E.g. campaigns, opening doors and reaching out to citizens, social centres, informal collective bodies, cultural events etc.  Please provide notable examples of promising practice ( <b>use the template for promising practices in annex 7</b> ).	None <sup>267</sup> .
	Are there any specific ethical or other guidelines or rules concerning the language used by media or journalists, when writing about migrants and/or their descendants? In this case please provide briefly	The Requirements as to Standards and Practice on the Promotion of Racial Equality <sup>268</sup> lay down that Broadcasters must:  i. be proactive by promoting racial equality in their programming.

<sup>264</sup> <http://sosmalta.org/youthupbeat>

<sup>265</sup> <http://sosmalta.org/samedifference2011>

<sup>266</sup> Desk research on the websites, reports and policy documents of the Minister for Social Dialogue and Consumer Protection <https://socialdialogue.gov.mt>; the Integration webportal <https://socialdialogue.gov.mt> and the Ministry for the Family and Social Solidarity [www.mfss.gov.mt/](http://www.mfss.gov.mt/).

<sup>267</sup> Desk research on the websites, reports and policy documents of the Minister for Social Dialogue and Consumer Protection <https://socialdialogue.gov.mt>; the Integration webportal <https://socialdialogue.gov.mt>; the Ministry for Home Affairs and National Security [www.mjha.gov.mt](http://www.mjha.gov.mt) and the Ministry for the Family and Social Solidarity [www.mfss.gov.mt/](http://www.mfss.gov.mt/) and the webportal for the Department for Local Government <https://secure2.gov.mt/localgovernment/home?l=1>

<sup>268</sup> The Requirements as to Standards and Practice on the Promotion of Racial Equality, S.L 350.26, 2007  
<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10181&l=1>



	<p>information about actual application of such rules and challenges.</p>	<ul style="list-style-type: none"> <li>ii. exert a judicious decision when selecting participants during programmes dealing with racism. In making such a selection, broadcasters must not invite persons with racist ideas and opinions.</li> <li>iii. foster a multicultural society.</li> <li>iv. include the views of persons from different ethnic and religious backgrounds when discussing multicultural issues and they must take into account the linguistic and cultural differences which may be experienced by the interviewee.</li> </ul> <p>There are no specific ethical or other guidelines or rules concerning the language used by media or journalists<sup>269</sup> or if internal guidelines exist they are not publically available.</p>
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### 4.3.Mixed marriages

	<p>Mixed marriages is often used as an index for social distance and integration or, even, assimilation. Mixed (citizenship) marriages are defined as those where one of the spouses has foreign citizenship and the other has national citizenship (including registered partnerships, common-law marriages). Please indicate legal limitations, if any, for marriages between nationals and foreigners, e.g. for asylum seekers, third country nationals, etc. Do these limitations result in practical barriers?</p>	<p>In order for any person to marry in Malta (whether to a Maltese person or otherwise) they would need to present a number of documents and comply with the formalities laid down by the Marriage Act.<sup>270</sup> Therefore, if the TCN can present certain documents (copy of passport, birth certificate and free status certificate from country of origin) and has the capacity to contract marriage, then there are no limitations to marry.</p> <p>In those instances were Beneficiaries of International Protection or migrants granted national humanitarian protection, do not have the required documentation, the Marriage Registry would not require a birth certificate or free status certificate, it would rely on the interview papers relating to the application for protection of the migrant in question. Furthermore the Marriage Registry would require that persons presents an affidavit attesting to the information that is normally found in a birth certificate<sup>271</sup>.</p> <p>Asylum seekers and migrants whose application for asylum has been refused are treated as TCNs and would therefore need to present copy of passport, birth certificate and free status certificate from country of origin which in practical terms constitutes a serious impediment to get married<sup>272</sup>. Although in a decision taken in 2009 the Ombudsman held that the denial of the publication of banns for "rejected" asylum seekers by the Marriage Registrar solely on the basis that they</p>
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<sup>269</sup> The Malta Independent, Irregular use of 'illegal immigrant' is back, 2013 <http://www.independent.com.mt/articles/2013-07-14/news/irregular-use-of-illegal-immigrant-is-back-2068054032/>

<sup>270</sup> Marriage Act, Cap. 255 of the Laws of Malta  
<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8749&l=1>

<sup>271</sup> Confirmed by email from Dr. M. Silvio, Legal Officer, Public Registry on the 2<sup>nd</sup> June, 2015

<sup>272</sup> The right of immigrants to marry CASE No I 466, May 2009: <http://www.ombudsman.org.mt/wp-content/uploads/2014/02/October-2009.pdf>

		<p>could not submit a birth certificate constituted a breach of the fundamental human right to marry<sup>273</sup>, nevertheless, rejected asylum seekers still face obstacles when applying to get married whether to Maltese nationals or to other foreigners residing in Malta<sup>274</sup>.</p>
	<p>Are there any official or non-official data and information on mixed marriages (between nationals and people with another citizenship)? Please provide % proportions on the total number of marriages in a given period, as well as data – where available - about ages, country of origin/birth of migrant spouses.</p>	<p>The most recent data on mixed marriages finds that in 2009, 35.8 % of all marriages registered in Malta involved at least one person of foreign nationality<sup>275</sup>. This figure also includes marriage where both spouse are of foreign nationality. There is no further data relating to ages and country of origin of migrant spouse.</p>

<sup>273</sup> The right of immigrants to marry CASE No I 466, May 2009: <http://www.ombudsman.org.mt/wp-content/uploads/2014/02/October-2009.pdf>

<sup>274</sup> As confirmed in interview with Dr. Neil Falzon, Director, aditus foundation on the 18<sup>th</sup> February, 2015.

<sup>275</sup> National Statistic Office, News Release on International Day of Families, 089/2010

## Annex 2: National and regional level action plans on integration

<b>National / regional level</b> <i>(specify region)</i>	<b>Year of the first edition and</b>  <b>Year of latest update</b> <i>(e.g. First edition: 2004, Most recent update: 2011)</i>	<b>Responsible ministry – public authority – reference details</b> <i>(URL – links)</i>	<b>Target groups</b> <i>identify migrant and refugee groups as beneficiaries (e.g. on the basis of their residence status)</i>	<b>Main aims, actions and activities foreseen in the focus areas – link to fundamental rights</b> <i>[provide both key dimensions and specific actions and aims of the policy instruments in each focus area (use a different row for each focus area if needed)]</i>	<b>Targeting general population?</b>  <b>Yes/No – explanatory comments where needed</b>	<b>Insert here definition of integration (in EN) if any. Alternative: Indicate the core aim/objective of the NAP related to social inclusion and/or integration of migrants</b>
National	2005	Ministry for Home Affairs and National Security  <a href="http://homeaffairs.gov.mt/en/Pages/Home.aspx">http://homeaffairs.gov.mt/en/Pages/Home.aspx</a>  Ministry for the Family and Social Solidarity  <a href="http://mfss.gov.mt/en/Pages/MFSS%20EN%20homepage.aspx">http://mfss.gov.mt/en/Pages/MFSS%20EN%20homepage.aspx</a>	Refugees and asylum seekers	<i>Irregular Immigrants, Refugees and Integration - Policy Document</i>  <a href="http://www.refworld.org/docid/51b197484.html">http://www.refworld.org/docid/51b197484.html</a>  Objectives of the policy document to ensure: <ul style="list-style-type: none"> <li>- a fair, just and humane treatment of irregular immigrants;</li> <li>- standard procedures and practices when dealing with asylum seekers;</li> <li>- the social inclusion of asylum seekers; and</li> <li>- the orderly removal of irregular immigrants who are ineligible for refugee or</li> </ul>	Government - policy outlines Government's actions in relation to refugees and asylum seekers	No definition of integration.  In order to facilitate integration, the Government will assist in the areas of (a) education and training; (b) financial entitlements; (c) accommodation; and (d) employment.

				<p>humanitarian protection status.</p> <p>The document focuses on reception (detention) and social welfare support that would include effective action that promotes and safeguards the concepts of dignity, freedom, equality and non-discrimination, solidarity, citizens' rights and justice.</p>		
National	2009	<p>Ministry of Foreign Affairs</p> <p><a href="http://foreignaffairs.gov.mt/en/Pages/Home_Page.aspx">http://foreignaffairs.gov.mt/en/Pages/Home_Page.aspx</a></p>	<p>Migrants in general, with specific provision for asylum seekers and beneficiaries of international protection.</p>	<p><i>National Strategy for the Promotion of Cross-Cultural Understanding and Management of Cultural Diversity</i></p> <p>The policy focuses on cross-cultural understanding and diversity with an emphasis on the educational sector, the cultural sector, the internal rule of law dimension as well as tourism and town twinning.</p> <p>Specifically:</p> <p>(a) in the education sector, the national curriculum reform to include the teaching of human rights and intercultural education and the training of teachers in these topics.</p> <p>(b) Beneficiaries of International protection are granted:</p>	<p>Government - in particular Ministries responsible for education, culture, youth and sport; justice and home affairs; and tourism.</p>	<p>No definition of integration.</p> <p>Assistance with the process of integration to beneficiaries of international protection involves:</p> <p>(a) language training, assessment of skills and other services;</p> <p>(b) the provision of accommodation centres and residential services within the community;</p> <p>(c) the granting of financial allowances;</p>

				<ul style="list-style-type: none"> <li>i. language training, assessment of skills and other services;</li> <li>ii. the provision of accommodation centres and residential services within the community;</li> <li>iii. the granting of financial allowances;</li> <li>iv. information of their rights and obligations as persons forming part of the Maltese society;</li> <li>v. access to education and training; and access to healthcare.</li> </ul> <p><a href="http://www.unaoc.org/wp-content/uploads/Malta-National-Strategy2.pdf">http://www.unaoc.org/wp-content/uploads/Malta-National-Strategy2.pdf</a></p>		<ul style="list-style-type: none"> <li>(d) information of their rights and obligations as persons forming part of the Maltese society;</li> <li>(e) access to education and training; and</li> <li>(f) access to healthcare.</li> </ul>
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## Annex 4: Indicators monitoring migrant integration - social inclusion/cohesion

N/A.

## Annex 5: Use of funding instruments

Table 1 - European Integration Fund (EIF)

	European Integration Fund (EIF) - TOTAL *	Own funds*	Funds distribution / Thematic areas							
			Participation	Social Cohesion / social inclusion	Active citizenship	Welcoming society	Employment	Education	Healthcare	Other
2010	537,682.07	Public Allocation: €108,390.00  Private Allocation: €48,330.00		Improving admission procedures for TCNs and development of programs /activities:  Allocated = 395,180.96(EU) 88,390 (public ) 43,330 (private)  Distributed per Project = i. 67,217.75 (75% EU) 89,623.66 (project value)		Intercultural competence and preparing host society:  Allocated = 30,000 (EU) 8,000 (public) 2,000 (private)  Distributed per Project = i. 65,620.15 (75% EU ) 87,493.54 (project value)				Studies and Data collection: Allocated = 30,000 (EU) 8,000 (public) 2,000 (private) Creation of networks: Allocated = 15,000 (EU) 4,000 (public) 1,000 (private) Technical Assistance Allocated = 67,501.11 (EU)
2011	546,005.47	Public allocation: €0  Private Allocation: €164, 721.82		Improving admission procedures for TCNs and development of programs /activities:  Allocated = 369, 165.47 (EU) 123,055.16(private)  Distributed per Project = (i) 23,595.51 (75% EU) 31,460.67 (project value) (ii) 38,006.10 (75% EU) 50,647.80 (project value) (iii) 59,358.82(75% EU)		Intercultural competence and preparing host society:  Allocated = 95,000.00 (EU) 31,666.66(private)  Distributed per Project = (i) 12,450.32 (75% EU) 16,600.42 (project value) (ii) 72,438.16 (75% EU) 95,584.21 (project value) (iii)26,303.12 (75% EU) 35,070.82 (project value)			Conferences:  Allocated = 30,000 (EU) 10,000 (private)  Distributed per Project = (i) 29,999.12 (75% EU) 39,998.83 (project value)  Technical Assistance Allocated = 51,840 (EU)	

				79,145.09 (project value) (iv) 16,000.95(75% EU) 21,334.6 (project value) (v) 54,702.65 (75% EU) 72,936.86 (project value) (vi) 26,303.12 (75% EU) 35,070.82 (project value)						
2012	560,500.00	Public or Private allocation €170,000		Improving admission procedures for TCNs and development of programs /activities:  Allocated = 285,000 (EU) 95,000(public or private)  Distributed per Project = (i) 23859.53 (75% EU) 31812.70 (project value) (ii) 14139.9 (75% EU) 18853.2 (project value) (iii) 54234.55 (75% EU) 72312.73 (project value) (iv) 14139.9 (75% EU) 18853.2 (project value) (v) 35641.11 (75% EU) 47961.58 (project value)		Intercultural competence and preparing host society  Allocated = 165,000 (EU) 55,000(public or private)  Distributed per Project = (i) 61048.98 (75% EU) 81398.64 (project value) (ii) 32108.77 (75% EU) 53371.62 (project value) (iii) 32108.77(75% EU) 53371.62 (project value) 18365.53 (75% EU) 24,946.38 (project value)				Conferences:  Allocated = 60,000 (EU) 20,000 (public or private)  Distributed per Project = (i) 31613.43 (75% EU) 42151.24 (project value)  Technical Assistance Allocated = 50,500 (EU)
2013	604,321.00	Public or Private allocation €185,333		Improving admission procedures for TCNs and development of programs /activities:  Allocated = 345,000 (EU) 115,000(public or private)		Intercultural competence and preparing host society  Allocated = 105,000 (EU) 35,000(public or private)  Distributed per Project =				Studies and Data Collection  Allocated = 54,000 (EU) 18,000 (public or private)



				Distributed per Project = (i) 145,270.24 (75% EU) 195,781.66(project value) (ii) 32,449.17 (75% EU) 49,385.56(project value) (iii) 51,925.70(75% EU) 79,638.26 (project value)		49,423.41(75% EU) 65,897.87 (project value)				Distributed per Project = (i) 41,812.92 (75% EU) 55,750.55 (project value)  Conferences: Allocated = 51,999 (EU) 17,333 (public or private)  Technical Assistance Allocated = 48,322 (EU)
2014	No figures available  Projects funded in 2014 were funded with unspent funds from previous years.  NB: the AMIF has not been implemented in Malta to date (23/03/2015)			Improving admission procedures for TCNs and development of programs /activities:  Distributed per Project = (i) 30,917.92 (75% EU) 41,318.39 (project value) (ii) 70,099.50(75% EU) 108,316.00(project value)		Intercultural competence and preparing host society  Distributed per Project =  34,361.49 (75% EU) 47,669.32 (project value)				Conferences: Distributed per Project = (i) 27,438.44 (75% EU) 37,052.58 (project value)

\* Figures in these columns represent amounts allocated in Annual Programme per year (i.e. estimates)  
Allocation = Allocated funds per thematic area in Annual Programme  
Distributed per project = Distributed per thematic area by year of project approval not disbursement

\* Please indicate if Asylum, Migration and Integration Fund is used for 2014

Table 2 - European Refugee Fund (ERF) aiming at integration of beneficiaries of international protection

	European Refugee Fund (ERF) - TOTAL *	Own funds (national) */regional)	Funds distribution / Thematic areas							
			Participation	Social Cohesion / social inclusion	Active citizenship	Welcoming society (host society targeted)	Employment	Education	Healthcare	Other
<b>2010</b>	1,164,651.22	Public allocation: €311,907.32 Private allocation: €50,207.75					Employment Support Allocated = 134,374.29 (EU) 44,791.43 (public) Distributed per Project = i. 134,374.19 (75% EU) 179,165.58 (project value)	Socio educational programmes Allocated = 56,647.02 (EU) 18,882.34 (public) Distributed per Project = i. 55,111.40 (75% EU) 73,481.86 (project value)		Support for Open and Closed Centres (food, material support) Allocated = 764,328.90 (EU) 204,568.55 (public) 50,207.75 (private) Distributed per Project = i. 96,690.00 (75% EU) 128,920.00 (project value) ii. 141,073.50 (75% EU) 188,098.00 (project value) iii. 98,835.00 (75% EU) 131,780.00 (project value) iv. 363,028.32 (75% EU) 484,037.76 (project value) Determination process support Allocated =

										130,995.00 (EU) 43,665.00(public) Distributed per Project = i. 130,995.00 (75% EU ) 174,660.00 (project value) Technical Assistance Allocated = 78,306.01 (EU)
<b>2011</b>	2,618,719.12	619, 158.36 (public) 114,000 (Private)		Integration (General) Allocated = 428,742.83 (EU) 28,914.27 (public) 114,000.00 (private) Distributed per Project = i. 158,985.75 (75% EU) 211,981.00 (project value) ii. 96,916.46 (75% EU) 129,221.94 (project value) iii. 67,761.07 (75% EU) 87,681.43 (project value) v. 79,737.16 (75% EU) 106,316.21 (project value) v. 33,689.04 (75% EU) 44,918.73 (project value)						Support for Open and Closed Centres (food, material support) Allocated = 869,976.29 (EU) 289,992.09 (public) Distributed per Project = i. 326,628.17 (75% EU) 435,504.23 (project value) ii. 154,902.19 (75% EU) 206,536.25 (project value) ii. 320,370.00 (75% EU) 427,160.00 (project value) Emergency Assistance Allocated = 1,201,00.00 (EU) 300,250.00 (public)

				i. 61,562.92 (75% EU) 82,083.90 (project value)						i. 603,384.80 (75% EU) 754,231.00 (project value) ii. 456,990.40 (75% EU) 571,238.00 (project value) ii. 140,623.94 (75% EU) 175,779.93 (project value)  Technical Assistance Allocated = 119,000.00 (EU)
<b>2012</b>	2,395,033	679,583.75 (public/private)		Cultural Orientation Classes  Allocated = 150,000 (EU) 50,000 (public/private)  Distributed per Project = i. 47,491.54 75% EU 63,322.05 (project value) ii. 29,022.41 75% EU 38,696.55 (project value) ii. 32,418.38 75% EU 43,224.51 (project value)				Educational Services  Allocated = 150,000 (EU) 50,000 (public/private)  i. 67,695.00 (75% EU) 94,508.00 (project value) ii. 70,384.55 (75% EU) 93,846.07 (project value)		Support for Open and Closed Centres (food, material support)  Allocated = 897,000 (EU) 299,000 (public/private)  Distributed per Project = i. 107,520.00 (75% EU) 143,360.00 (project value) v. 177,532.17 (75% EU) 236,709.56 (project value) v. 148,845.00 (75% EU) 198,460.00 (project value) ii. 106,635.00 (75% EU) 142,180.00 (project value)

									ii. 80,571.75 (75% EU 107,429.00 (project value) ii. 72,911.99 (75% EU 114,714.86 (project value) x. 71,958.68 (75% EU 113,215.00 (project value) x. 507,579.66 (75% EU 634,474.58 (project value) ti. 514,084.44 (75% EU 642,605.55 (project value) ii. 197,508.00 (75% EU 310,745.92 (project value)  Other (undefined) = 1,122,335.00 (EU) 280,583.75 (public)  Technical Assistance Allocated = 75,698.00 (EU)
<b>2013</b>	4,864,415	1,286,528 (public/private)		Cultural Orientation Classes  Allocated = 45,000 (EU) 15,000 (public/private)  Distributed per Project = vii. x (75% EU ) x (project value)					Support for Open and Closed Centres (food, material support)  Allocated = 831,980 (EU) 277,327 (public /private)  Distributed per Project =

										<ul style="list-style-type: none"> <li>i. 437,000.00 (75% EU 687,546.67 (project value)</li> <li>ii. 45,000.00 (75% EU 70,800.00 (project value)</li> <li>ii. 45,000.00 (75% EU 60,000.00 (project value)</li> <li>v. 190,822.38 (75% EU 254,429.84 (project value)</li> <li>v. 102,775.2875% EU 137,033.71 (project value)</li> </ul> <p>Support to the Office of Refugee Commission</p> <p>Allocated = 100,001 (EU) 33,334 (public /private)</p> <p>Distributed per Project =</p> <ul style="list-style-type: none"> <li>i. 93,796.96 (75% EU 133,311.11 (project value)</li> <li>i. 35,982.13 (75% EU 44,977.66 (project value)</li> </ul> <p>Creation of a database for asylum procedures</p> <p>Allocated = 95,000 (EU)</p>
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										<p>31,667 (public /private)</p> <p>Distributed per Project =</p> <p>i. 91,404.65 (75% EU 130,587.43 (project value)</p> <p>Other (undefined) = 3,716,800 (EU) 929,200 (public)</p> <p>Distributed per Project =</p> <p>i. 1,056,000.00 (75% EU 1,320,000.00 (project value)</p> <p>ii. 908,000.00 (75% EU 1,135,000.00 (project value)</p> <p>Technical Assistance Allocated = 75, 634 (EU)</p>
<b>2014</b>	<p>No figures available</p> <p>Projects funded in 2014 were funded with unspent funds from previous years. NB: the AMIF has not been implemented in Malta to date (23/03/2015)</p>									<p>Support to the Office of Refugee Commission</p> <p>Distributed per Project =</p> <p>i. 107,607.57 (75% EU 143,668.26 (project value)</p> <p>Support for Open and Closed Centres (food, material support)</p> <p>Distributed per Project =</p>

											i. 952,000.00 (75% EU 1,190,000.00 (project value) ii. 656,000.00 (75% EU 967,600.00 (project value)
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\* Please indicate if Asylum, Migration and Integration Fund is used for 2014

\* Figures in these columns represent amounts allocated in Annual Programme per year (i.e. estimates)

Allocation = Allocated funds per thematic area in Annual Programme

Distributed per project = Distributed per thematic area by year of project approval not disbursement



## Annex 7: Promising practices

<b>Thematic area</b>	<b>Civic and citizenship Education</b>
Title (original language)	EDUCATION FOR ALL Special Needs and Inclusive Education in Malta – External Audit Report
Title (EN)	
Organisation (original language)	Ministry for Education and Employment
Organisation (EN)	
Government / Civil society	Government
Funding body	N/A
Reference (incl. url, where available)	European Agency for Special Needs and Inclusive Education, EDUCATION FOR ALL Special Needs and Inclusive Education in Malta – External Audit Report, 2014  <a href="https://education.gov.mt/en/Documents/Special%20Needs%20and%20Inclusive%20Education%20in%20Malta%20%20C2%AD-%20External%20Audit%20Report.pdf">https://education.gov.mt/en/Documents/Special%20Needs%20and%20Inclusive%20Education%20in%20Malta%20%20C2%AD-%20External%20Audit%20Report.pdf</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	February to December 2014
Type of initiative	Internal audit to update educational policy
Main target group	Persons with special needs and at the risk of exclusion
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The carrying out of an external audit of the current educational system in Malta focusing on inclusive education with a particular emphasis on special needs resourcing and effectiveness issues. The audit also focused on the integration of migrant children in the educational process. The audit identified developments in the field of integration and education, in particular in 2013 a TCN co-ordinator was appointed to advise schools on the integration of migrant children. In addition, a number of teachers were provided

	with additional training in language learning through an EU co-funded project, while other EU-funded projects developed an online assessment tool, reading and spelling software and materials to support language learning and support for parents of migrant children.
Highlight any element of the actions that is transferable (max. 500 chars)	
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The policy is hoped to feed into a new educational policy that will see the inclusion of different groups of persons with due consideration being given to diversity and integration. Therefore, the effect will be long-term.
Give reasons why you consider the practice as having concrete measurable impact	The impact of the audit on a national policy is crucial. The resulting national policy that will focus on 2014-2020 will have an effect long-term on all educational institutions in Malta, their students and teachers.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The value of an external audit on internal national policies is of immense value. It has the possibility of highlighting the strengths and weaknesses in an existing system and gives examples of good practices around Europe.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	n/a
Explain, if applicable, how the practice provides for review and assessment.	The audit is in itself a process of review and assessment of national policy.

## Annex 8: Discrimination complaints submitted to Equality Bodies

Table 3 – Numbers of discrimination cases on any ground submitted by third country nationals (TCNs) in 2014\*

Number of cases (report the 10 Largest nationality group that submitted a complaint by the end of 2014)	Grounds								
	Racial or ethnic origin	Nationality (where applicable)	Race / skin colour	Religion / faith/ belief	disability	gender	Sexual orientation / gender identity	age	other
No disaggregated data available <sup>276</sup>	5 <sup>277</sup>								

Table 4 - Outcome of discrimination cases on grounds of ethnic origin submitted by third country nationals\*

Competent Body (e.g. Equality Body, Administrative court etc.)	Outcome						
	Pending from previous years	Pending – submitted in 2014	Established discrimination	Shift of the burden of proof applied	Successful mediation – restoring rights/fairness – sanctions applied	Unsuccessful mediation	Not admissible (formal admissibility / withdrawal reasons)

<sup>276</sup> The National Commission for the Promotion of Equality (NCPE) does not provide disaggregated data on complainants and neither does it give information relating to the complaint other than the grounds on which the complaint was filed.

<sup>277</sup> National Commission for the Promotion of Equality (NCPE), Annual Report 2013,

[https://socialdialogue.gov.mt/en/NCPE/Documents/Our\\_Publications\\_and\\_Resources/Annual\\_Reports/NCPE%20Annual%20Report%20low.pdf](https://socialdialogue.gov.mt/en/NCPE/Documents/Our_Publications_and_Resources/Annual_Reports/NCPE%20Annual%20Report%20low.pdf) . No further complaints on the grounds of race, ethnic origin or nationality have been lodged in 2013 with the Ombudsman: <http://www.ombudsman.org.mt/wp-content/uploads/2014/12/Case-Notes-EN.pdf> or with the National Commission Persons with Disability: <http://www.knpd.org/pubs/pdf/EOA%202012-3%20ENG.pdf> (the latter confirmed also by email dated 24/03/2015 from Ms. Zahra Manager, National Commission Persons with Disability). 2014 data for all Equality Bodies is not available to date 23/03/2015.

NCPE <sup>278</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Ombudsman <sup>279</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a
KNPD <sup>280</sup>	n/a	n/a	n/a	n/a	n/a	n/a	n/a

\* Provide data for 2013 if 2014 not available by March 2015

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<sup>278</sup> The National Commission for the Promotion of Equality (NCPE) does not provide information relating to the complaints filed besides the number of cases filed in relation to the ground that has been allegedly breached. The NCPE does not report on the outcomes of the complaints. National Commission for the Promotion of Equality (NCPE), Annual Report 2013, [https://socialdialogue.gov.mt/en/NCPE/Documents/Our\\_Publications\\_and\\_Resources/Annual\\_Reports/NCPE%20Annual%20Report%20low.pdf](https://socialdialogue.gov.mt/en/NCPE/Documents/Our_Publications_and_Resources/Annual_Reports/NCPE%20Annual%20Report%20low.pdf) (data for 2014 not available yet)

<sup>279</sup> No complaints on the grounds of race, ethnic origin or nationality have been lodged with the Ombudsman in 2013: <http://www.ombudsman.org.mt/wp-content/uploads/2014/12/Case-Notes-EN.pdf> . 2014 data is not available to date: 23/03/2015.

<sup>280</sup> No complaints on the grounds of race, ethnic origin or nationality have been lodged with the National Commission Persons with Disability in 2013: <http://www.knpd.org/pubs/pdf/EOA%202012-3%20ENG.pdf>. 2014 data is not available to date: 23/03/2015.

## Annex 9: Case law – max 5 leading cases

No case law.