

A review of the national minimum
curriculum from an equality
perspective

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1. Introduction

The importance of mainstreaming equality issues into the national curriculum is a reflection of the importance of the national curriculum itself. The National Minimum Curriculum provides the backbone for the education system, which is a channel of intellectual and personal development of individuals to become capable and equipped to contribute fully to society.

As Malta develops into an increasingly diverse society, the importance of instilling a culture of and for equality is all the more pertinent. In a country where the perception and experience of discrimination¹ is high, the importance of an inclusive curriculum cannot be overstated.

‘Inclusion is about the active presence, participation and achievement of all pupils in a meaningful and relevant set of learning experiences’.² These include both experiences from the curriculum itself, but also those hailing from a variety of other sources within and beyond the classroom.

This report analyzes the National Minimum Curriculum (NMC) and syllabi as established by the Education Division within the Ministry responsible for Education. The role of the NMC is not to be a document that establishes the be all and end all of the system, but is rather the starting point for Colleges and schools to develop their own system within the guidelines of what is in the NMC.³ Due to this, and because each child (as acknowledged in the NMC) has a different set of needs and requirements – educational, personal, psychological, emotional – different schools must also cater differently and with enhanced sensitivity to any minority groups or groups that are prone to discrimination in a timely and sensitive manner, which,

¹ As reflected in the research carried out by Euro-barometer. See for instance European Commission *Special Eurobarometer 317: Discrimination in the EU in 2009*, available at http://ec.europa.eu/public_opinion/archives/ebs/ebs_317_en.pdf; EU Fundamental Rights Agency (2009) *EU-MIDIS European Union Minorities and Discrimination Survey* available at http://fra.europa.eu/fraWebsite/attachments/eumidis_mainreport_conference-edition_en_.pdf

² “Equalities, Diversity and Inclusion” in UK National Minimum Curriculum. Available online at <http://curriculum.qcda.gov.uk/key-stages-3-and-4/About-the-secondary-curriculum/equalities-diversity-and-inclusion/index.aspx>

³ As highlighted by the then Minister for Education the NMC is aimed to be ‘the beginning of a process which will lead to a ‘more detailed syllabus, resources and methods guided and inspired by the National Minimum Curriculum (...) this is an approach based less on specifying at national level the detailed content of teaching and more on specifying and emphasising outcomes’; (See Malta Ministry of Education, *Creating the Future Together – National Minimum Curriculum (1999)*, 3)

whilst not prescribed in the NMC beyond the conceptual framework, would be a practical necessity.

It is important to recognise grounds of discrimination beyond those established in regulations. What the curriculum should promote is a principle of equality that cuts across the system, and not only be restricted to the individual grounds which have achieved recognition so far.

This, moreover, requires a shift from the traditional charity approach to minorities and those who have been discriminated against, into the realm of real equality of opportunity and empowerment, where all children, parents and the educational community may engage in a healthy exchange of ideas and dialogue, leading to a more accepting and cooperative society.

Diversity is not a threat but an opportunity, and must be recognized as such⁴. No longer can we base notions of nationalism and identity on homogeneity, simply because we are all different.

The review of the National Minimum Curriculum and Syllabi is a comprehensive examination of the consideration and addressing of issues of equality as a general approach within the education system, and also within specific syllabi, taking into consideration relevant social and legal developments that have taken place in the Maltese islands since the 1999 NMC.

The aim of this research is to analyze the National Minimum Curriculum from an Equality perspective and to put forward suggestions on how equality can be mainstreamed throughout the National Minimum Curriculum. To this effect, the review:

- Analyses the NMC 1999 with regards to equality
- Identifies any possible causes of direct and indirect discrimination within the NMC
- Proposes recommendations as to possible ways to ensure non-discrimination throughout the NMC;
- Proposes recommendations as to possible ways equality can be mainstreamed in the NMC, in particular by highlighting proposals for specific actions

⁴ See British Curriculum Cross-curriculum Dimensions - Community Participation. Available online at http://curriculum.qcda.gov.uk/uploads/Dimensions_community_participation_tcm8-14466.pdf

promoting equality and diversity;

The structure of this review has been organized in such a way as to ensure that its specific sections may be pulled out to be utilized in the government's review of the National Minimum Curriculum core document, and specific subject syllabi.

Recommendations are divided into two groups – specific sets of recommendations for each syllabus, and a general set of recommendations at the end of the Review that cut across subjects. The recommendations set forth by this review are aimed at ensuring adequate respect for equality and diversity in schools – within the taught curriculum as well as beyond.

2. Research Design

The method adopted for the drafting of the present review included a combination of desk research and two focus group meetings with educators. This combination of methods was intended to ensure that different angles to the review were considered, through bringing together a diversity of views and backgrounds as well as varying degrees of practical involvement in the actual implementation of the curricula.

The desk research consisted of an analysis of the curriculum and syllabi. The review focused around the National Minimum Curriculum, the various syllabi and any relevant policies that supplement the curriculum.

In order to supplement and complement the findings of the desk research, two Focus Groups were organized in which participants (school teachers and persons working within school administration) were asked for their input into the review process, specifically on the practice of equality within their schools. The first focus group consisted of seven participants from a Church-run primary coeducational school, which included two members of the schools administration, two Learning Support Assistants and three teachers. The participants of the second focus group were six teachers from a government girl's secondary school.

Following a brief introduction to the project, the focus group coordinator outlined the aims and objectives of the review, giving an overview of the six grounds of

discrimination. The main issues discussed and dealt with in the focus groups were the causes of direct and indirect discrimination within the National Minimum Curriculum, any recommendations that could be made within the review in order to address such discrimination, and finally the mainstreaming of specific measures in the promotion of equality and diversity within the education system.

The research presented no ethical challenges as the informants at focus groups were aware of the research aims and objectives. Moreover, they participated voluntarily, and did not form part of a vulnerable group⁵.

Other literature, most notably recommendations of various international organizations on the promotion of equality through education, and local research addressing equality in education in Malta, were read in order to inform the review, allowing the reviewers to take account of any possible indicators that might exist.

In addition to what the scope of the review is, the authors of this Review cannot but point out its own limitations. On a broad level, it is not the aim of the review to provide the broad philosophical background to equality in education, but rather to be concretely and directly aimed at what is currently found in the National Minimum Curriculum and syllabi.

On a more practical level, the education system entails a far broader set of policies, documents (letter circulars, reports, textbooks, materials and other resources used in the classroom) and individuals, and as such this review is partial insofar as it deals with the skeletal basis of education on the Maltese islands.

Having set out the limitations, the review does set out the importance of having established the first set of analysis in preparation for a wider review of the system in its entirety.

⁵ For this purpose, the Council for International Organizations of Medical Sciences' definition of vulnerability is used, that is, 'a substantial incapacity to protect one's own interests owing to such impediments as lack of capability to give informed consent ... or being a junior or subordinate member of a hierarchical group.' - See CIOMS (2002), *International Ethical Guidelines for Biomedical Research Involving Human Subjects*, Geneva available at www.cioms.ch/frame_guidelines_nov_2002.htm

3. Changing Context: Legal and Social

This review, as well as any equality review of the education system and community, is based on a set of social and legal contexts, changes and requirements that have emerged in recent years within the Maltese islands. The processes of globalization, joining the EU, migration, change, diversity and its recognition, would merely be catchphrase had we to not recognize the psycho-social impact that such processes or their constituent parts have on all individuals⁶. To this end, the context which has led to concern with ensuring equality in education is briefly outlined hereunder.

3.1 The Social Context

The past decade has also been marked with important social changes, which have left an impact on the way issues of diversity, non-discrimination and equality are perceived. These have included the arrival of persons of African origin, coming to Malta to seek asylum, greater visibility for particular groups including LGBT, as well as greater awareness of discrimination and remedies to combat it. All of these changes make the promotion of equality through the education system more important, as whilst the realities have changed, the education system plays a role in how these changes are received. It is in a position to combat stereotypes and promote mind-sets open to a diverse society.

⁶ Borg, C and Mayo, P (2006), *Learning and Social Difference. Challenges for Public Education and Critical Pedagogy*, Boulder: Paradigm.

3.1.1 Arrival of new ethnic and religious minorities

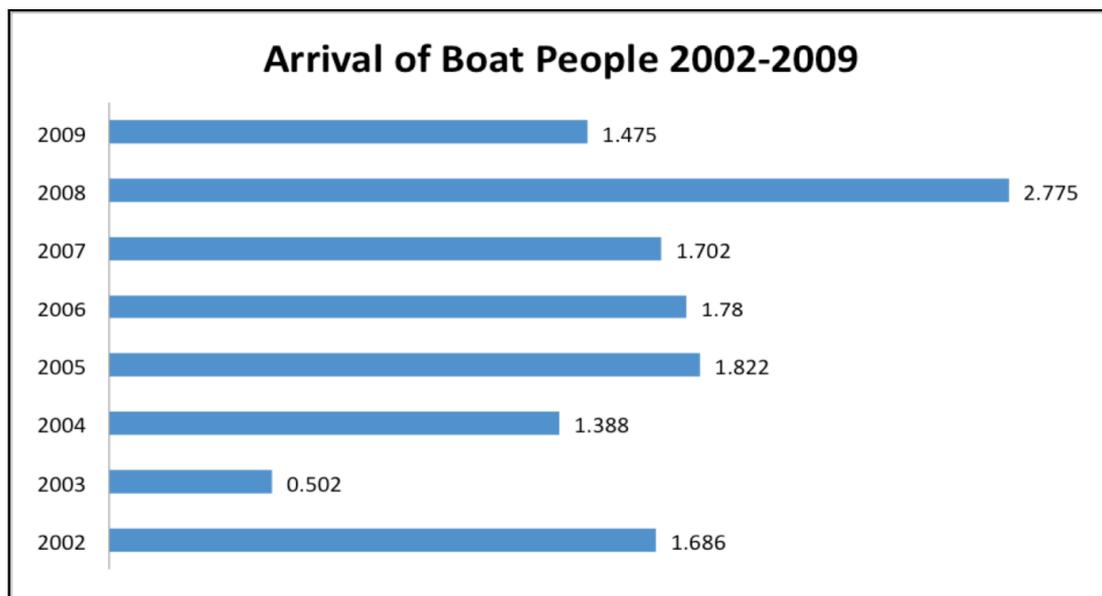


Figure 1: Arrival of Boat People 2002-2009 Source: Ministry of Justice and Home Affairs ⁷

Migration has always been part of Malta's narrative, however the past decade has been marked by a shift from its being a country of emigration to a country of immigration, including an increasing number of irregular immigrants of sub-Saharan African origin arriving in Malta, whether by choice or through fortuitous events and seeking asylum in Malta⁸. The chart above illustrates the number of arrivals over the period between 2002 and 2009.

This went side by side with other migrants who come to Malta to work or study from both within and outside the European Union. The number of migrants as a % of the whole population went from 2.4% in 2001 to 4.4% in 2008.⁹

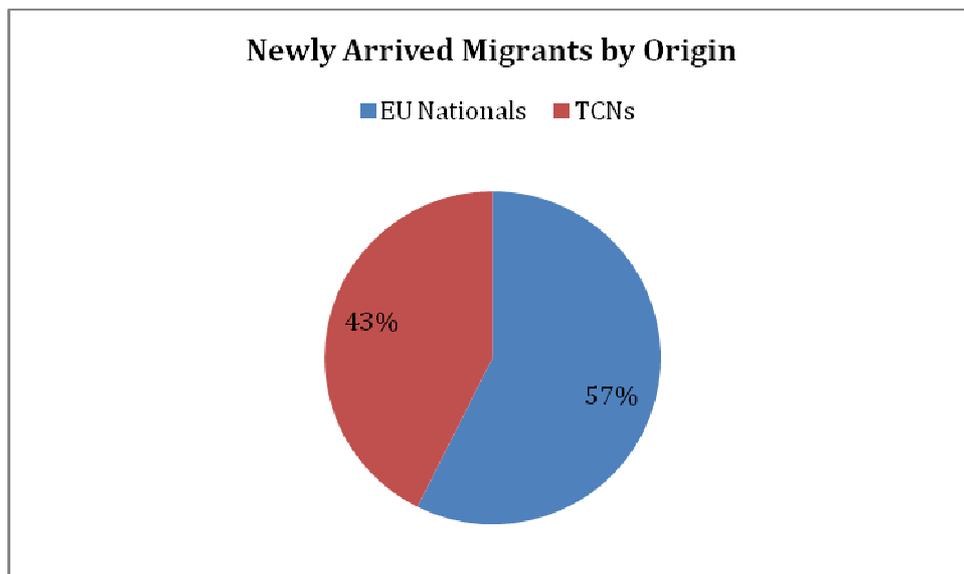
Whilst migration in Malta is commonly understood as referring exclusively to what has commonly come to be referred to as 'boat people' in both popular and political discourse, these do not form the majority of migrants in Malta. In this context the term boat people refers to mixed flows of migrants (refugees and irregular

⁷ Ministry of Justice and Home Affairs (2010) **Statistical Information published by the Office of the Refugee Commissioner in February 2010. Available online at** http://www.mjha.gov.mt/MediaCenter/PDFs/3_Statistical%20Information.pdf

⁸ Calleya, S., and Lutterbeck, D. (eds) (2008). *Managing the Challenges of Irregular Immigration in Malta*, The Today Public Policy Institute: Valletta <http://www.tppi.org.mt/cms/reports/Irregular-Migration/Report.pdf>

⁹ National Statistics Office (2010), *Demographic Review 2009*, NSO Valletta

immigrants) arriving at Malta's shores, usually from Libya with a view to seeking asylum. Recent data indicates that 57% of newly arrived migrants in Malta are EU Nationals with the other 43% including both 'boat people' and other third country nationals who may have arrived in Malta through various channels and for a variety of reasons.¹⁰



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Figure 2: Newly Arrived Migrants by Origin, Compiled from the National Demographic Review 2009

These arrivals furthered Malta's move towards becoming a multicultural society and one where persons of different nationalities, ethnicities, colour and religions lived together. The arrivals of African migrants also increased the visibility of the 'black' community in Malta, one which until recently remained largely unnoticed within the Maltese context. This reception was unfortunately not always positive. Migration was often linked, on the media and through political and public discourse, to issues of security with the arrival of migrants being described in terms of 'invasions'¹²¹³. This created a sense of apprehension amongst many Maltese and led to a backlash against the migrant community symbolised by the creation of a number of far-right political parties and organizations. In Eurobarometer 71 of Spring 2009¹⁴ immigration was ranked as the highest concern expressed by Maltese respondents, with 58% of

¹⁰ *ibid.*

¹¹ National Statistics Office (2010) *supra* NSO XXX

¹² Sammut C. (2007), *Media and Maltese Society*, Lexington Press, USA

¹³ See European Network Against Racism's Shadow Reports on Malta 2008 available at www.enar-eu.org/malta

¹⁴ European Commission (2009) Standard Eurobarometer 71. Available online at http://ec.europa.eu/public_opinion/archives/eb/eb71/eb71_en.htm

respondents stating that this was their biggest concern. Despite the increase in numbers, and the greater visibility of ethnic minorities in Malta, interaction with the locals remained limited. Indeed, a Eurobarometer study found that only 31% of Maltese respondents had a friend or acquaintance who was of a different ethnic origin¹⁵.

3.1.2 Greater visibility of LGBT

Moreover, over the past decade, the local LGBT community has become more visible, with people feeling able to be more overt about their sexual orientation¹⁶. A number of gay bars emerged in a number of localities, whilst Malta's first LGBT organization (the Malta gay rights movement) was set up in June 2001 with other similar organizations following suit. A number of websites addressing members of the LGBT community were also set up over the period. During this period MGRM also developed their own resources in order to raise awareness on LGBT issues, and has made this literature available to teachers upon request. MGRM has also called for a clear strategy addressing homophobic and transphobic bullying in schools¹⁷.

Research about the reception of LGBT person in Malta often comes to differing conclusions. On the one hand, studies quoted by the EU Fundamental Rights Agency indicate that a majority of the population supports the Catholic Church in its speaking out against homosexuality. In contrast, a 2008 *Eurobarometer*¹⁸ which asked, 'How would you personally feel about having a homosexual (gay man or lesbian woman) as a neighbour?' (1 meaning 'very uncomfortable' and 10 meaning 'very comfortable') found that the figure in Malta was 8.4 compared to the EU average of 7.9. Moreover, 32% of respondents to a 2009 *Eurobarometer* survey¹⁹ stated that they had at least one friend or acquaintance who was homosexual. In surveys, about 40 per cent of LGBT respondents state having experienced harassment at their work place, whilst around the same number report having

¹⁵ European Commission (2008) Special Eurobarometer 296: Discrimination in the European Union: Perceptions, Experiences and Attitudes. Available online at http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_en.pdf

¹⁶ See in this regard: Danish Institute of Human Rights/Fundamental Rights Agency (2009); The social situation concerning homophobia and discrimination on grounds of sexual orientation in Malta, available at: http://www.fra.europa.eu/fraWebsite/attachments/FRA-hdgso-part2-NR_MT.pdf

¹⁷ Malta Gay Rights Movement (2008), LGBT Discrimination in Malta: A survey on sexual orientation and gender identity discrimination against lesbian, gay, bisexual and transgender persons in Malta, 2006 – 2008 (unpublished)

¹⁸ European Commission, *Eurobarometer: Discrimination in the European Union 2008 Results for Malta*, available at http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_sheet_mt.pdf

¹⁹ European Commission *Special Eurobarometer 317*, supra SEB123

experienced discriminatory treatment from family members. Perhaps most worrying is the level of homophobic bullying in Maltese schools which MGRM has described as 'rife'²⁰.

3.1.3 Greater awareness of discrimination

Moreover, under the influence of the European Union, the past decade has also been marked by a series of awareness raising campaigns on discrimination issues which has led to increased awareness of discrimination amongst the Maltese public²¹. Managed mainly by the equality commissions, these campaigns have sought to increase the awareness of Maltese persons regarding their rights under the anti-discrimination legislation. This objective has been met to varying degrees by different groups and in different contexts. Over the past years, equality has also become a hot topic of discussion, often debated in fora and on television programmes. It is interesting to note that the Discrimination Euro-barometer²² found that less than half of respondents knew what their rights are should they be discriminated against.

3.2 Legal Context – Developments in Anti-Discrimination Legislation

An equality perspective review of the NMC is both timely and mandated by the developments in Malta's legal framework in the field of anti-discrimination. The last decade, since the adoption of the last NMC, has seen the enactment of equality legislation as well as other laws that will also have an impact on the way diversity is experienced within Malta's schools and the broader education system. This section of the review will provide an overview of some of these legal provisions in highlighting how equality within the education system is no longer a question of 'good practice' but also one of legal obligation arising under national law. Many of the legal provisions take the form of transposition of relevant EU Directives most notably:

²⁰ MGRM, 2008 supra MGRM, 16

²¹ See for example the 'Sahha fid-Diversita Campaign' organised by KNPD in collaboration with the Jesuit Refugee Services available at: <http://www.knpd.org/pubs/pdf/sahhadiversita.pdf>

²² Eurobarometer Survey 2008 Supra EB223

1. Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation²³
2. Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin²⁴
3. Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)

It is important to note that not all of the above directives address issues of discrimination in education. As the name suggests, Council Directive 76/207/EEC and Council Directive 2000/78/EC address solely discrimination in Employment.

The Maltese anti-discrimination legal framework is incorporated in a number of acts of parliament as well as a number of key legal notices. The most relevant are:

1. Equal Opportunities (Persons with Disability) Act²⁵
2. Equality for Men and Women Act²⁶
3. Equal Treatment in Employment Regulations²⁷
4. Equal Treatment of Persons Order²⁸

The relevant provisions of these instruments will be considered hereunder.

3.2.1 Equal Opportunities (Persons with Disability) Act

Title 2 of Part III of the Equal Opportunities (Persons with Disability) Act²⁹ deals specifically with discrimination in education. It prohibits such discrimination at every stage of the process. Article 11 provides:

11. (1) Save as provided for in sub-articles (2) and (3) of this article, it shall be unlawful for an educational authority or institution to discriminate against:
- (a) an applicant for admission as a student on the grounds of his disability or a disability of any of his family members -

²³ Official Journal L 303 , 02/12/2000 P. 0016 – 0022 available at:

²⁴ Official Journal L 180 , 19/07/2000 P. 0022 – 0026

²⁵ Chapter 413 of the Laws of Malta

²⁶ Chapter 456 of the Laws of Malta

²⁷ Legal Notice 461 of 2004 as subsequently amended.

²⁸ Legal Notice 85 of 2007 as subsequently amended

²⁹ Chapter 413 of the Laws of Malta

- (i) by refusing or failing to accept his application for such admission, or
- (ii) in the terms or conditions on which such educational authority or institution is prepared to admit him as a student; and, or,
- (b) a student on the grounds of his disability or disability of any of his family members by -
 - (i) denying him access, or limiting his access, to any benefit provided by such educational authority or institution; or
 - (ii) expelling him from the educational institution he is attending.

The exceptions provided for these rules are when the institution is set up primarily for a student with a particular disability³⁰ and when admission of such disabled person would impose unjustifiable hardship on the institution.³¹ The act defines the education institution broadly as including any kindergarten, school, college, university or other institution at which education or training is provided.³² Disability, in turn, is taken to mean: a physical or mental impairment that substantially limits one or more of the major life activities of a person.³³

Discrimination in this context is defined broadly as including less favourable treatment linked to one's disability or requirements linked to one's disability³⁴ in circumstances which are the same or not materially different. In this context, the fact that different accommodation and, or, services may be required by the person with a disability shall in no case be deemed as constituting circumstances which are materially different. These provisions do not make direct reference to the quality of education given, nor do they specifically address the actual methodologies and tools adopted within the classroom, the implication being that once access has been negotiated discrimination is no longer an issue of concern³⁵. This is in contrast with

³⁰ Article 11(2) *ibid.* provides: (2) Where an educational authority or institution has been wholly or primarily established for students who have a particular or a specific disability, such educational authority or institution may restrict admission to such an institution to persons who only have that particular or specific disability and refuse admission to other persons who do not have that particular or specific disability but another disability.

³¹ Article 11 (3) *ibid.* states that "Where the admission of a person with a disability as a student in an educational institution would necessitate the procurement of services or facilities that are not required by students who do not have a disability, the educational authority or institution concerned may refuse or fail to accept the admission as a student of such a person in that educational institution if such authority or institution proves that the admission of such person in such institution would require services or facilities the provision of which would impose unjustifiable hardship on the educational institution or authority concerned.

³² Article 2 *ibid.*

³³ *ibid.*

³⁴ The term requirements refers to the need for auxiliary aids or other assistance.

³⁵ See Azzopardi (2010) *Making Sense of Inclusive Education: Where Everyone Belongs*. VDM Verlag Dr. Müller

the specific reference to such content found in the Equality for Men and Women Act (discussed below).

3.2.2 Equality for Men and Women Act

The provisions relating to education in the Equality for Men and Women Act are an improvement on the provisions outlined above in the sense that they not only regulate issues of formal access but also the content of the education provided. They therefore go further than the Disability Act. Article 8 provides that:

8. (1) It shall be unlawful for any educational establishment or for any other entity providing vocational training or guidance to discriminate against any person in -
- (a) the access to any course, vocational training or guidance; or
 - (b) the award of educational support for students or trainees; or
 - (c) in the selection and implementation of the curricula; or
 - d) in the assessment of the skills or knowledge of the students or trainees.

Furthermore, it shall be the duty of educational establishments and entities providing vocational training, within the limits of their competence to ensure that curricula and textbooks do not propagate discrimination.³⁶

Discrimination in this context, is defined as discrimination based on sex or because of family responsibilities and includes the treatment of a person in a less favourable manner than other person is, has been or would be treated on the grounds of sex or because of family responsibilities.

3.2.3 Equal Treatment of Persons Order

The Equal Treatment of Persons Order, which transposed into Maltese law the non-employment sections of the Race Directive, also prohibits discrimination in education, this time on the basis of race and ethnic origin. Article 4 provides that:

4. (1) No person, establishment or entity, whether in the private or public sector and including public bodies, shall discriminate against any other person in relation to, *inter alia*, education.

Whilst no definition or elaboration is provided in this context, it is reasonable to

³⁶ Article 8(3)

interpret this provision as taking into account the same remit proposed by the Equality between men and women act most notably because of the references between the order and the Act whereby, for instance, the order extends the remit of the NCPE which is created through the Act.

3.2.4 Positive Action Measures

It is important at this stage to note that none of the anti-discrimination legislation prohibits the perusal of positive action measures aimed at ensuring *effective* equality in practice. Indeed, in order for the education system to equally address the needs and concerns of all students it is crucial that such measures are adopted in order to overcome the structural barriers faced by particular groups. For instance, extra language lessons may be required for newly arrived migrants whilst specific equipment may be required in the cases of students with a disability. Equal opportunities will not be achieved unless, for instance, language requirements are addressed. Such measures should therefore be promoted and encouraged within the Maltese education system.³⁷

3.2.5 Overview

The legal framework therefore prohibits (to varying degrees) discrimination on the basis of disability, gender and race. In line with the limitations of EU law in the field of equality, no similar provisions exist with regards to the other grounds of discrimination (sexual orientation, religion and age). This is possibly one of the biggest weaknesses in the legal framework, in that it creates a hierarchy of grounds, prohibiting discrimination (in education³⁸) for some grounds but not for others. The challenge, therefore, is in ensuring that any future changes to the NMC will ensure that the legal requirements emanating from the existing legal framework is interpreted in such a way as to ensure the highest degree of equality for *all* grounds.

Moreover, what these provisions mean in practice is that two institutions now have a competence to look into claims of discrimination within educational establishments and by the education system itself. In the case of disability, the relevant entity is the National Commission for Persons with Disability whilst in the

³⁷ European Union Fundamental Rights Agency: Thematic Discussion Paper on The Benefits of Positive Action 2008; Available at:

http://fra.europa.eu/fraWebsite/attachments/FRA_thematicpaper_positiveaction_ICMPD_en.pdf

³⁸ No similar distinction is found in the case of discrimination within employment.

case of gender and race, the relevant entity is the National Commission for the Promotion of Equality.

Whilst at the time of the drafting of the previous curriculum the promotion of equality was a matter of discretion because there was no formal legal obligation, there is now a legal obligation to prevent cases of, and protect people from, discrimination.

It is to be stated however, that the provisions as they currently stand, are limited to the prohibition of discrimination and do not go as far as to require the promotion of equality. Even so, the provisions, most notably those established under the equality between men and women, clearly require that the curriculum, including the textbooks and materials used are such as they do not propagate discrimination.

3.2.6 Other Relevant Legislation: Asylum Legislation

Whilst asylum legislation does not in itself tackle the issue of discrimination, the provisions enshrined therein, which effectively formalise the right to education for minors who are going through or who have been through the asylum system provides the basis for more ethnically diverse classes in Malta. As such, these provisions are relevant for the present research. The Refugee Act provides that an applicant for asylum shall have access to state education and training whilst the Reception of Asylum Seekers Regulations provides that:

9. (1) Minor children of asylum seekers and asylum seekers who are minors shall have access to the education system under similar conditions as Maltese nationals for so long as an expulsion measure against them or their parents is not actually enforced; such education may be provided as may be determined by the Director of Education.

Whilst the corresponding provisions in the procedural standards in examining application for refugee status only refer to persons who have been granted protection, the wording of the above provision implies that minors or minor children of asylum seekers whose asylum claims has been refused will still have access to the education system, up till such time as the removal may be effected. These provisions effectively exclude the possibility of applying the nationality exemption provided for the race directive and the equal treatment of persons order.

4 The National Minimum Curriculum

The National Minimum Curriculum³⁹ is the basic document which lays out the core elements of primary and secondary education in Malta. The ethos behind the syllabus is based on a response to cultural, social and economic changes by building upon a number of themes, namely, 'Values and Socialization', 'Holistic development', 'Lifelong Education', 'Global Perspective' and 'The World of Work'. As then-Minister for Education Louis Galea notes in his forward, that elements within the national curriculum are also intended to counter certain problems such as *"intolerance, impracticality, economic irrelevance, sexism, gender based career limitations, the emargination of those with special needs, social and personal apathy, and ignorance."*⁴⁰

The NMC aims to achieve this through a set of principles which frame the education system. Primarily, the curriculum aims to provide a student-focused, holistic, inclusive and quality education to all within a stable learning environment. The NMC aims to enhance students' analytical, critical and creative thinking skills while giving them an education which is relevant for life. Furthermore, it aims to foster respect for diversity and continue to promote a sense of gender equality.

The NMC also recognises the importance of ensuring a positive physical environment which is accessible to all students. Furthermore, it recognises the importance of quality teaching resources and learning aids which are of good quality and socially representative. The NMC aims to increase enthusiasm in learning and democratic participation. The system is also aimed to be a continuous and inclusive process of development which is depended on participation by educators and students.⁴¹

The principles are backed by a number of overarching objectives. These are 'the self awareness and the development of a system of ethical and moral values', 'developing a sense of identity through creative expression', 'religious education', 'strengthening of gender equality', 'education on human sexuality', 'preparing educated consumers', 'media education', 'effective and productive participation in the world of work', 'education for leisure', 'wise choices in the field of health',

³⁹ NMC supra x

⁴⁰ NMC, supra x, 2

⁴¹ For the full list of principles see Appendix 4

‘greater awareness of the role of science and technology in everyday life, ‘competence in communication’ and ‘preparation for change’.

The NMC also considers the different stages of childhood development in terms of intellectual, socio-emotional, physical and moral development as well as the development of a sense of aesthetics and creativity. The particular aims are focused is on the development of skills, knowledge, bilingualism and language learning, personal and social education, and the teaching of religion. Furthermore, there is a policy of support of diversity in classrooms and the strengthening of the role of parents in the curriculum.⁴² The NMC also considers the forms of teaching and assessment.

4.1 Equality and the Six Grounds of Discrimination in the National Minimum Curriculum

Equality, whilst being a stable concept, must not be taught in the same way to children of all ages and levels. The NMC and subject syllabi themselves set out specific targets and aims for the different educational sectors and (based on children’s age and maturity), taking into account the development of the child. The same should be taken into account in the case of equality – explanations and exploration of the meaning and practice of equality should be dealt with differently as children progress through the education system, having gained broader intellectual and cognitive exposure and development. Simplification of equality and non-discrimination, however, should not be reduced to pigeonholing, and should not present absolutes, providing instead sets of both knowledge and skills that will serve as a foundation for later exploration.

Whereas much of the NMC discusses Maltese identity, we must recognize that identity is a multi-faceted part of people’s individual and social interaction, and is therefore constructed as we discuss and act upon it. For this reason, we should not assume that identity is either static or definitively composed. Indeed, the significant changes that have taken place since the publication of the 1999 National Minimum Curriculum – not least accession in to the EU – are symptomatic of the continuously shifting nature of National Identity.

⁴² For the full and distinct list of primary school and secondary aims see Appendix 4

It is important to view identity not as a set of principles that are given to children, but rather as elements that all stakeholders in society – in this case most notably educators and children – discuss and develop over a period of time and on the basis of a constantly-developing context and environment. Children are themselves the composers of their own identity, and as such of our social understanding and the data we collect on our shared identity.⁴³ Having a shared identity, moreover, does not mean being homogenous, but rather recognition of equality and a level of fraternity. It is about acceptance and respect, debate and recognition⁴⁴.

Equality should not be taught as a subject separate from all others,⁴⁵ although when it comes to identity formation and exploration and expression of personal and social characteristics, a critical approach towards notions of non-discrimination and equality specifically is encouraged.⁴⁶ Indeed, the National Minimum Curriculum mentions the possibility of developing projects on the basis of themes whereby teachers of different subjects could collaborate. The broad theme of equality as well as a number of sub-themes within the topic would be very well-suited to such an approach, since their mainstreaming into different subjects would ensure consistency and exposure whilst creating a holistic approach that would be ideal for the honing of positive skills and attitudes⁴⁷.

Furthermore, a comment may be made about the Policy for Language Teaching which states that whereas Maltese and English should be taught in the language of the subject and that all languages should ideally be taught in their respective subject languages, all other subjects should be taught in English, yet social studies, history, religion and Personal and Social Development should be taught in Maltese. This provides a way in which children may further practice both Maltese and English within different subjects, with the added benefit of receiving additional tuition in both official languages should they not be sufficiently fluent.

⁴³ See History–Social Science Curriculum Framework and Criteria Committee (2005), *History Social Science Framework for California Public Schools*, California Department of Education available at <http://www.cde.ca.gov/ci/cr/cf/documents/histsocsciframe.pdf>

⁴⁴ Giroux, H.A., (1992) *Curriculum, multiculturalism, and the politics of identity*, NASSP Bulletin, Vol. 76, No. 548, December 1992.

⁴⁵ Reardon, B. (1995), *Educating for Human Dignity: Learning About Rights and Responsibilities*, University of Pennsylvania Press: Philadelphia.

⁴⁶ Goodley, D. (2000), *Self-advocacy in the Lives of People with Learning Difficulties: The Politics of Resilience*, Buckingham: Open University Press.

⁴⁷ See Aistear (undated) *The Early Childhood Curriculum Framework: Identity and Belonging*, 25 available online at www.ncca.biz/Aistear/pdfs/PrinciplesThemes_ENG/ID&Belonging_ENG.pdf

Moreover, the NMC states that whereas many of the languages taught in schools are European, “the Education Division must ensure that the country can avail itself of a nucleus of people who have a mastery of languages deemed strategically important. These include Chinese, Japanese, Russian and Arabic”⁴⁸. Indeed, looking beyond the immediate European region will prove invaluable specifically since the increasingly intercultural classroom hosts children from a range of regions – not merely Mediterranean or European⁴⁹. As is also stated in a number of language syllabi, knowledge of a language (specifically if sufficiently enhanced with cultural knowledge) is a way for individuals to become better aware of the wider socio-cultural context of the nation the language of which they learn.

4.1.1 Gender⁵⁰

Whereas two categories of ‘gender’ have traditionally been recognised, this notion is being challenged in both the natural and social sciences. This development must be taken into account in the ongoing review of the National Minimum Curriculum, as it more accurately reflects a more contemporary understanding of gender.⁵¹

One of the education system’s main aims is that of the preparation of students for entry into the world of work, and for a career⁵²; and whereas the Forward to the NMC is not in itself regulatory, it does shape the political will behind the document, by establishing the fact that gender should not prove to be an impediment to individuals to reach their intended aims and goals, be this in accessing the labour market as well as in the role and value of all genders within Maltese society – socially, politically and economically.

⁴⁸ NMC document, supra XXX, 62

⁴⁹ The Australian National Curriculum, for instance, states the importance of Asia-literacy as an element that should feature in children’s education, due to Asia growing role in the world and Australia’s role within the region. See **Australian Curriculum, Assessment and Reporting Authority** (2010) *The Shape of the Australian Curriculum*. Available online at www.acara.edu.au/verve/_resources/Shape_of_the_Australian_Curriculum.pdf

⁵⁰ This section supplements and builds on previous work carried out by The National Commission for the Promotion of Equality in the context of the project *Facilitating Equality through Education*. See ‘Facilitating Equality Through Education’ (November 2006), available at: <http://www.equality.gov.mt/filebank/documents/facilitating%20equality%20through%20education%202006.pdf>

⁵¹ It is to be noted that the European Court of Justice, in its judgment of 30 April 1996 in the case of *P v S and Cornwall County Council* (Case C-13/94) concludes that the prohibition of discrimination on the basis of gender precludes also discrimination against a transsexual for a reason relating to gender reassignment.

⁵² On preparation for the world of work in a diverse setting, see *British National Curriculum Cross-curriculum Dimensions - Identity and Cultural Diversity*. Available online at http://curriculum.qcda.gov.uk/uploads/Dimensions_identity_and_cultural_diversity_tcm8-14479.pdf

“You will be pleased to find here elements that needed to be specially emphasised because of what our own society has learnt, sometimes painfully, in our own past, and of what consequently requires change in the way we are and in the way we act. Those elements are a bit like medicine for our national illnesses, and vaccines to protect against clear and present dangers such as intolerance, impracticality, economic irrelevance, sexism, gender-based career limitations, the emargination of those with special needs, social and personal apathy, and ignorance.”⁵³

Indeed, one of the key values established by the NMC is that of equal access to the education system, without any discrimination on any grounds, including gender – going beyond the narrow school environment and instead establishing:

- a. Equal access to the education system
- b. Acceptance and respect of all voices (irrespective of whose voices they are)
- c. Non-discrimination as a prerequisite and fundamental tenet of social justice and solidarity
- d. The role of the education community in the wider context of overcoming discrimination and discriminatory attitudes

To this end, the National Minimum Curriculum states the following:

*“In a democratic society, all voices are not only heard but also respected. The educational community must ensure equality of access to the educational system without discrimination on the grounds of ability, gender, religion, race or socio-cultural and economic background. The educational process should cultivate within students a sense of social justice and solidarity. The educational community should actively oppose all forms of discrimination by promoting the corresponding attitudes and readiness to act.”*⁵⁴

Having established the philosophical background to notions of discrimination on the basis of gender, Principle 11 of the National Minimum Curriculum deals specifically with gender equality – that is the recognition of gender as an identity and hence affirming equality (especially in opportunity) albeit with differences amongst genders.

⁵³ Forward to the National Minimum Curriculum – Minister of Education, NMC, *supra* X, 2

⁵⁴ Values and Socialization in NMC, *supra* X, 19

On a more practical level, the Principle sets to the education community the challenge of ensuring that:

“Boys and girls:

- follow the same curriculum;
- are catered for in a manner that ensures equal access to the same work opportunities;
- are exposed to the same educational experiences”⁵⁵

Hence, the content and academic experiences presented to students should not be different based on their gender, and that should there be any discrepancies or preconditions, measures must be implemented in order to redress this point and ensure equal access.

The NMC subsequently goes further to highlight the fact that in making academic decisions, it is not gender that should condition the choice of children, but rather, having been presented with equal opportunities to excel at all subjects, such decisions should be based on ability and career goals.

In the case of subjects and careers that are stereotypically linked to a specific gender, the NMC establishes the need for all children to be well aware of both the actual contents of such subjects, as well as the fact that such stereotypes are not based on factual potential levels of attainment of students in these subjects on the basis of their gender.

The NMC states that children:

- “- need to know what various subjects entail, especially those subjects that are stereotypically associated with one gender or another;
- need to understand that both boys and girls can learn these subjects”.⁵⁶

Yet the NMC does not assume that such stereotypes are based merely on what is explicitly said about them, but also that the “attitude, choice of language and guidance”⁵⁷ of educators have a strong impact on children’s subject and career

⁵⁵ Principle 11 (Gender Equality), NMC *ibid.*, 31

⁵⁶ *ibid.*

⁵⁷ *ibid.*, 30

choice, and that therefore there must be special attention given to the delivery of ideas – official and unofficial, explicit and implied.

Beyond the strict academic realm, as well as beyond specific subjects (both their syllabi and supporting texts used), the NMC provides for a holistic approach to gender equality, stating that this *“should be an interdisciplinary theme which teachers can develop within the context of their particular subject, confronting prejudice and promoting more gender inclusive alternatives”*.⁵⁸ It is the recognition of educators as communicators with students using a variety of means (lessons, supporting texts, advice, etc) that is the key to horizontally dealing with, and eliminating, gender inequality.

Whereas there has been concern over the use of resources that are not gender-sensitive (that is, that do not portray men and women as being equal), the NMC does not recommend the elimination of such texts, and instead suggests that they should be utilized specifically in order to sensitize children to the issues by proposing critical discussion of such resources.

“Rather than discarding books and other teaching resources that do not reveal any sensitivity to issues concerning equity, schools should use these in discussions centring around such topics as gender discrimination, sexual abuse, and the creation of stereotypes.”⁵⁹

Whilst a critical evaluation of text is to be encouraged, it would seem somewhat unreasonable however to impose on educators the dual task of, whilst teaching content, consistently being required to battle against inappropriately-written texts. Whilst it would not be necessary to eliminate all texts that present typical stereotypes, all such books should be reviewed and a decision taken on their value as historical and literary texts in conjunction with what they may portray in the way of stereotypes.

The National Minimum Curriculum also asks of educators that they should consider the broader institutional and social control exerted over students of different

⁵⁸ Ibid.

⁵⁹ Ibid.

genders, and that structurally there should be consistent improvement and development in the training of educators as well as their pedagogical delivery⁶⁰.

The classroom itself, specifically in co-ed schools, is in fact a site of practice and reproduction of gender roles. Educators will find themselves to not only be teaching about the issues but to critically assess their own actions and dealing with children, whilst mediating any gender conflict that may arise. Educators also administer and negotiate the physical, mental and participatory space in the classroom, and the National Minimum Curriculum specifically highlights the educators' role in ensuring fair and equitable interaction, in children's group activities, in the assigning of responsibilities, as well as in educators' division of attention amongst students of different genders.

Yet whilst the classroom is a venue which may be regulated, children enter the classroom already having been exposed and having had experience of, stereotypes.⁶¹ The National Minimum Curriculum acknowledges the importance of interacting with the children' parents and guardians who "should be informed of the different aspects of the concept of equity and, at the same time, be afforded the opportunity to reflect on their thoughts, attitudes and behaviour in this regard."⁶²

Educators also teach by example, as stated in Principle 12 of the NMC, in which whilst educators work in order to foster "a sense of democracy⁶³ and social justice",⁶⁴ they do this on the basis of their pedagogical practice, when they themselves do not discriminate or treat differently, students who may be different.⁶⁵

The first Educational Objective – a cornerstone of the NMC, establishes the equal treatment of all persons, on the basis of a number of criteria including gender.

Objective 5 of the National Minimum Curriculum, entitled 'Strengthening of Gender Equality' is, as are all objectives, divided into three sections – Knowledge /

⁶⁰ Principle 11, NMC supra xxx Pg 32

⁶¹ See Bruner, J.A. (1996). *The culture of education*. Cambridge, Mass, Harvard University Press.

⁶² Principle 11, NMC supra X.

⁶³ See also the European Commission's Key Competences for Lifelong Learning, which establish the importance of democratic participation within specifically skills of negotiation, participation at all levels and an attitude of collaboration, assertiveness and integrity; specifically in Objective 6 – Social and Civil Competences (Available online at http://ec.europa.eu/dgs/education_culture/publ/pdf/lil-learning/keycomp_en.pdf)

⁶⁴ See Gruwell, E. (2009). *Teaching Hope: Stories from the Freedom Writer Teachers*. Broadway Books, New York.

⁶⁵ Principle 12, NMC supra XXX, 32

Information, Skills and Attitudes. The division of Objectives into these categories is vital, as equality is itself only partly based on knowledge (and basic principles) and more significantly based on skills and attitudes.

Once again, this objective sets out the horizontal approach to the acquisition of knowledge on gender equality, that is, knowledge of the legal framework with regards to rights and responsibilities within the family and world of work, Maltese obligations under international law [the Council of Europe's European Convention on Human Rights and the United Nations' Convention on the Elimination of Discrimination Against Women (CEDAW)]. This Objective, however, does not stop at knowledge of the legal framework, but establishes that children should be made aware of the "effect of the hidden curriculum".⁶⁶

Within the set of Skills of Objective 5, which are meant to be practiced through the curricular experience, there seems to be the resistance and criticism of discriminatory practice, the recognition of dignity (one's own and others') and an acceptance and appreciation of gender difference as a positive contribution to society.

The National Minimum Curriculum also gives all stakeholders a window of opportunity to be the change they would like to see in the system, by stating that one of the skills learnt is that of "proposing and carrying out according to one's circumstances the changes necessary for the country to move in the direction of genuine and effective equality between men and women" (Objective 5).⁶⁷ In this way, not only are students recipients of the knowledge given to them, but they are also in a position to change – by proposing and acting – what may be inequitable practices.

In the final section of this Objective, that on Attitudes, the National Minimum Curriculum establishes the value of difference, a belief in the abolishment of negative discrimination, a belief in equality as a principle of social justice, and an eagerness to alter negative attitudes.

⁶⁶ Objective 5, NMC, Supra xxx, 42

⁶⁷ Ibid.

Whereas gender is dealt with as an identity throughout the entire National Minimum Curriculum, Objective 6 (Education on Human Sexuality) highlights the importance of the interrelation between sexuality and gender politics, whilst recognizing the link between the physicality of the human body and the socio-cultural understanding of, and respect for, different bodies.

The starting point of the National Minimum Curriculum is clear – men and women (and girls and boys) are equal, and should be respected both on the basis of deserving to be heard equally and to achieve equally high academic and career results, as well as due to legislation and legal obligations.

Since discrimination may be, and often is, manifested in a number of different, albeit interrelated ways, the education system must abolish all of these. This includes ensuring that educators and the education community are aware of stereotypes and avoid directly or indirectly reproducing them; whilst ensuring that positive roles are presented and that children do not feel that their gender identity in any way impedes them from achieving their full potential – academic and professional, or indeed in any other aspect of their life choices.

4.1.2 Age

In Malta, different educational opportunities are available to persons of all ages. The National Minimum Curriculum is based on the Education Act, which establishes that compulsory school age is “any age from five years to fifteen years, both inclusive, and accordingly a person shall be deemed to be of compulsory school age if he has attained the age of five years and has not attained the age of sixteen years”.⁶⁸

Different groups may be affected by age discrimination; however, literature has tended to focus on two particular groups, namely the young and the old⁶⁹. The young can be further divided into children and young people, groups that tend to be discriminated against for the same reason – a perceived lack of ability (based on understandings of cognitive development and maturity), and in the case of the latter, often with some element of moral depravity, to contribute to society. This stereotype, however, has been challenged as children and young people have taken

⁶⁸ Article 2 Education Act, Chapter 327 of the Laws of Malta

⁶⁹ With regards to employment, for instance the ‘middle aged’ may also be considered at risk of discrimination as a result of employment practices and mandatory retirement (See Sargeant, M. (2008) *The Law on Age Discrimination in the EU*; Kluwer Law)

on increasingly important positions in society, and have given very valid contributions. The National Youth Policy points out the need to develop strategies that promote and encourage “the involvement of young people in the process of establishing, evaluating and reviewing educational curricula.”⁷⁰

Beyond the statement of children being the leaders of tomorrow, there is a need to recognize that children and young people can, and often are, also the leaders of the present. Documents such as the UN Convention on the Rights of the Child⁷¹, the World Program of Action on Youth for the Year 2000 and Beyond⁷², Supporting young people in Europe: principles, policy and practice,⁷³ and many others attest this.

Moreover, August 2010 to August 2011 is the United Nations’ International Year of Youth: Dialogue and Mutual Understanding, in the establishment of which the United Nations General Assembly stated that it was “Convinced that young people should be encouraged to devote their energy, enthusiasm and creativity to economic, social and cultural development and the promotion of mutual understanding”.⁷⁴ The international community and Malta (through various policies and reports) have recognized the contribution of children and young people.

The National Minimum Curriculum does not address specific issues related to age in curricular content, save for within Objective 11 entitled Wise Choices in the Field of Health. In this case, the knowledge that children should acquire within their curricular experience include knowledge of the human body, nutrition, hygiene and the health system, whilst knowing more about accessing services, being sensitive to individuals with health issues, and the role of technology in health. The type of knowledge that children are expected to acquire could therefore be divided into two specific sections – one being knowledge on health, the other is a set of facts that children may use in order to navigate the world of health (specifically services).

One of the skills that children are expected to develop throughout their years in the education system is that to “nurture and develop an altruistic spirit for the benefit of persons who are sick or elderly, persons with a disability, and others who may be at

⁷⁰ Section 3.1.2.4, Malta’s National Youth Policy 2010

⁷¹ UNGA RES/44/25 of 20th November 1989. Entered into Force 2nd September 1990

⁷² United Nations Economic and Social Council, RES 1995/64, 2nd November 1996

⁷³ Williamson, H., The Council of Europe International Reviews of National Youth Policy 1997 - 2001, October 2002

⁷⁴ United Nations General Assembly Resolution A/RES/64/134

risk or involved in an accident”.⁷⁵ Whereas there is no arguing the fact that altruism is a valuable skill, this does not detract from the fact that the definition of ‘elderly’ is taken to be tantamount of frailty and dependence⁷⁶. It is important to hone, in the educational system, intergenerational cooperation and respect for the elderly as members of society who have much to contribute.⁷⁷

As stated in the Vienna International Action Plan on Ageing,⁷⁸ “A longer life provides humans with an opportunity to examine their lives in retrospect, to correct some of their mistakes, to get closer to the truth and to achieve a different understanding of the sense and value of their actions. This may well be the more important contribution of older people to the human community. Especially at this time, after the unprecedented changes that have affected humankind in their lifetime, the reinterpretation of life-stories by the aged should help us all to achieve the urgently needed reorientation of history.”⁷⁹

The elderly hence have a valuable contribution to make to the social sphere, and as such the category of ‘elderly’ should not be equated with weakness. This is crucial from the perspective of equality, since the role that the elderly have to play in society is becoming all the more crucial as the world faces an ageing population⁸⁰. This in itself will result in a greater interdependence between different generations in future⁸¹, and hence a need for enhanced intergenerational communication and intergenerational relations. One factor that may be taken into account is the vital and ever-increasing role that the globalized media plays in the development of culture and identity. The elements to which younger generations are exposed may result in a notable cultural gap between generations.⁸² To this end, discussion and sensitization to such issues would be conducive to the fostering of respect for and understanding of older generations.

⁷⁵ Objective 11, NMC, Supra xxx, 48

⁷⁶ Whilst there is no common definition of the word ‘elderly’, this is generally partly defined in terms of age (that is, the beginning of receipt of a pension), and partly in a declining state of health that does not enable individuals to give a full contribution to society. See World Health Organization - Ageing and life course - www.who.int/ageing/en/

⁷⁷ See further Lichtenstein, M. J., Pruski, L. A., Marshal, C. E., Blalock, C. L., Murphy, D. L., & Plaetke, R (2001), The Positively Aging teaching materials improved middle schools students’ images of older people. *The Gerontologist*, 41(3), 322 - 332

⁷⁸ World Assembly on Ageing, Vienna Austria, 26th July – 6th August 1982; See www.un.org/documents/ga/res/36/a36r030.htm

⁷⁹ *ibid*, 12

⁸⁰ See generally The United Nations World Populations Prospects (2008 Revision) available at <http://esa.un.org/unpd/wpp2008/index.htm>

⁸¹ See UN World Youth Report *supra* WYR XXX

⁸² See United Nations World Youth Report (2005), 75 available at www.un.org/esa/socdev/unyin/documents/wyr05book.pdf

Finally, whilst the National Minimum Curriculum forms the backbone of compulsory education that is undertaken by children within the formal education system, one of its aims is to prepare students for lifelong learning.⁸³ In this respect, the curriculum aims to hone the skills necessary to make students aware of their educational needs, help them to evaluate learning outcomes and develop their research skills, in order “to continue to learn and live effectively and productively in a world which, though exciting, is unpredictable”⁸⁴. It also seeks to raise awareness of the importance of lifelong learning to future work.⁸⁵ This will help students to counter discrimination which they may experience as they grow older by equipping them with the tools and attitude to contribute to society throughout their lives.

4.1.3 Sexual Orientation

Sexual Orientation is mentioned a number of times in the National Minimum Curriculum, starting from the first Educational Objective, whereby within the section on Knowledge, recognition and respect for all people without discrimination is established. It states that children should acquire knowledge and information of:

“the inalienable right of all persons to be regarded and treated equally and without any discrimination, irrespective of race, country of origin, political views, colour, religious beliefs, gender, age and physical or mental ability”.⁸⁶

Whereas the fact that sexual orientation is not specifically mentioned as one of the grounds may not in itself prove to be discriminatory or exclusionary, the fact that other grounds are indeed mentioned and sexual orientation is not is an objectionable omission.

Objective 5, however, that is entitled Strengthening of Gender Equality, establishes as one of the key attitudes to be acquired, that of having a “readiness to change negative attitudes; for example, prejudices regarding gender equality and equality between people of different sexual identities”.⁸⁷ Whilst there is recognition of the

⁸³ NMC *supra* NMC123, 18

⁸⁴ *ibid.* 20 - 21

⁸⁵ *ibid.*

⁸⁶ Objective 1, NMC *supra* xxx, 37 - 38

⁸⁷ Objective 5, NMC *ibid.*, 42

link between sexuality and identity, it is unclear whether the identity referred to here is that related to sexual characteristics (that is sexual identity that is closely linked to gender identity) or sexual orientation. Indeed, it would seem that since this Objective focuses on gender, it would be the former meaning of sexuality that is being indicated.

Objective 6 of the National Minimum Curriculum is entitled Education on Human Sexuality and follows the same structure as all other objectives, setting out three sets of learning targets for children, under Knowledge / Information, Skills, and Attitudes.

The Knowledge that children are expected to acquire is related partly to the interrelation between sexuality and other areas of society – the law, censorship, religion and politics. This is important as sexuality is expressed within a social context, and knowledge about sexuality would allow children and young people to know what is and what is not acceptable. Two of the points of information are particularly pertinent:

- stereotypes regarding sexuality;
- the range of sexual identities;

Whereas what the points are referring to (whether it is sexual orientation or sexual identity in the gendered sense) is once again vague, it is nonetheless important to acknowledge the fact that stereotyping in terms of sexuality is acknowledged as a vice and an issue with which the curriculum should deal. Moreover, the reference to the 'range of sexual identities' is a positive step towards not addressing sexual identity as a bipolar set of possibilities.

Objective 6 also presents a number of skills relating mainly to one's sexual activity. Two specific points that are of relevance to sexual identity are the development of the following skills:

- Empathy with persons experiencing difficulties related to sexuality or their sexual activity;

- How to avoid talk and action that discriminate against or hurt people of different sexual orientation;⁸⁸

Both are vital in order for students to treat others as equal as well as to understand diversity within the context of sexuality and sexual orientation. However, it would seem that this set of skills addresses members of sexual orientation minorities as 'others' with whom children will interact, rather than being identities that the children will be exploring and discovered about themselves throughout the course of their experience within the education system.

Children must be made aware not only of the prospect and likelihood of not being discriminative towards individuals of a different sexual orientation, but rather of they themselves potentially being from a sexual orientation minority, and hence understanding their own identity.

The Attitudes that should be developed within this objective relate back to the knowledge and skills mentioned above – that is, openness about sexuality responsible behaviour, and respect of persons with a different sexual identity. Once again, there is a missing element of understanding of one's own sexual orientation.

Finally, this Objective gives a word of guidance to the educators involved, stating that "when dealing with this topic, the teachers must keep in mind the context of moral and religious values of the students and their parents".⁸⁹ There is much to be said about this statement. An educator is often faced with a number of children within a given class. As has been discussed, the classroom is seldom homogenous – children would hail from different socio-economic, religious and cultural backgrounds, and hence their parents may have different opinions about what would be appropriate to be taught to their children. The National Minimum Curriculum, however, is based on the standardization of children's education – it is based on equal opportunity of learning and achievement for all children, and because of this, it is indeed all children who should be taught the same notions relating to sexual identity and orientation, whilst being provided with the space to explore notions relating to sexual identity and orientation within a non-judgmental and safe environment.

⁸⁸ NMC Objective 6, NMC supra xxx, 42 - 43

⁸⁹ *ibid.*, 43

Since this review's aim is not that of discussing sexual education in general but to focus on sexual orientation, the following should be noted:

- a. An educator is not in a position to make assumptions about the parents' and family's religious and moral beliefs and codes, especially (but not restricted to) intercultural classrooms. Parents may not wish to discuss such beliefs, and had they to do so, there is a case to be made for the standardization of what is taught to all children on the Maltese islands.
- b. Whereas it may be the case that parents and children themselves belong to social groups that may not be accepting of sexual orientation minorities, this does not mean that what is taught in schools should support this position, as it would be both illegal and unfair to do so. It is indeed the teacher's responsibility to counter any discriminatory attitudes that the children may acquire within other spheres of interaction.
- c. Last but not least, it is the educator's responsibility to keep in mind the best interest of the child – both as an individual as well as within the context of social contact and relations with other children and society at large. The curriculum is built around the tenets of improving children's life chances, and a child's understanding of one's own sexual orientation as well as that of others is an important part of his or her interaction with others if this curriculum is to be truly holistic.

Finally, sexual orientation must not only be seen as an identity but also a lifestyle. The National Minimum Curriculum states that "One of the important aims of education should be the preparation and sound formation for marriage and family life".⁹⁰ However, it must be noted that not all individuals are in a position to enter into marriage in Malta, on the basis of sexual orientation. This is problematic insofar as the 'family' is legally constructed as one composed of two adults of opposite genders. This means that the fulfilment of such an educational aim would only be possible for heterosexual children. Homosexual children (as well as homosexual educators and other members of the education system) would be conceived of as incapable of fulfilling an educational objective in this regard.

⁹⁰ NMC, supra xxx, 18

4.1.4 Disability

The National Minimum Curriculum is not the only policy document of the Ministry of Education dealing with Disability and merely provides a general and basic set of principles and notions to be followed within mainstream education, that are expanded upon within a number of reports on inclusion as well as the New Policy on Inclusion of Students with a Disability (discussed briefly in this review).⁹¹

Principle 12 of the National Minimum Curriculum establishes a basic principle for the treatment of students by educators, who are democratic and just when they “treat students on an equal basis, irrespective of social background, gender, religious affiliation and ability or disability”.⁹²

The National Minimum Curriculum is a wide-ranging document, yet one can find within it key themes that run through many of the values, principles and objectives. One of these is the use of the media and information technology as tools, an element that is further elaborated upon and mainstreamed as Objective 8 – Media Education. One of the expectations of this Objective is the development of skills that would “render information technology accessible to everyone, including children with disabilities or different abilities”.⁹³ This principle of inclusiveness is important as it establishes the importance of mainstreaming technology (which is a vital social and economic tool) for the use of all.

Since one of the National Minimum Curriculum’s aims is that of ensuring that children are well equipped and prepared for the world of work, Objective 9 (Effective and Productive Participation in the World of Work) addresses the need for students to be knowledgeable about the employment system, and to therefore be aware of what rights and means of support are available for individuals with a disability.

Objective 11 of the National Minimum Curriculum (Wise Choices in the Field of Health) highlights the need for students to be sensitized to the needs of individuals whose health may be weaker, including individuals who have a disability:

⁹¹ Ministerial Committee on Inclusive Education (MCIE), Inclusive Education Policy regarding students with a disability, 15th July 2000, see *infra* Section XXX, Inclusive Education – Policy Regarding Students with a Disability

⁹² Objective 12, NMC *supra* X, 49 - 50

⁹³ Objective 8, NMC *supra* xxx, 44 - 46

“- nurture and develop an altruistic spirit for the benefit of persons who are sick or elderly, persons with a disability, and others who may be at risk or involved in an accident”.⁹⁴

Whilst it is certainly a positive that children should be willing to help those who may need such help, individuals who have a disability must not be presented as a homogenous category of people who need help, and must recognize their potential and agency as individuals.

The National Minimum Curriculum also contains sections specific to the different ages and sectors of the education system in which children are. Within this context, two very important statements are made for children of primary school level:

- a. Including pupils with a disability (as a continuous process, following their inclusion at kindergarten level)
- b. Strengthening mixed ability teaching (which, whilst not related specifically to disabled students, is certainly relevant to their academic development)

These factors hence points towards a process that is inclusive, proactive, and that engages all stakeholders including parents (that is, individuals who are outside of the formal education system).

4.1.5 Race and Ethnic Origin

The concepts and categories of ‘race’ and ‘ethnicity’⁹⁵ are amongst the most hotly debated and contested socially and politically⁹⁶. Moreover, the intersection of race, ethnicity, culture, language, nationality and religion create a complex mesh of ideas, notions and responses.

Education in Malta is accessible to all irrespective of “ability, gender, religion, race or socio-cultural and economic background”.⁹⁷ Whereas this does not specifically tackle ethnicity, the fact that both race and socio-cultural background are specifically

⁹⁴ Objective 11, NMC supra xxx, 48 - 49

⁹⁵ See People for Change Foundation (2010) Note on Race and Ethnicity. Available online at www.pfcmalta.org/esos/noterace.pdf

⁹⁶ Beck, L & Solomos, J (2000) Theories of Race and Racism. Routledge: London

⁹⁷ NMC, supra xxx, 19

mentioned is in fact a confirmation of the broader appreciation of individuals' complex formation of identity. Objective 1 of the National Minimum Curriculum establishes the philosophical basis for this practical policy: the inalienable right of all persons to be regarded and treated equally and without any discrimination, irrespective of race, country of origin, political views, colour, religious beliefs, gender, age and physical or mental ability.

The National Minimum Curriculum document starts out with a discussion of some of the key challenges facing the Maltese islands today, including those posed by globalization. It states that one of our needs is “for our country to move forward with an identity in a global scenario where the concepts of nation and national identity are constantly called into question through the process of globalisation and the emergence of multi-ethnic, multi-cultural and pluralist societies”. It would seem, based on this statement, that there is a set of dichotomized movements at play – the first is Maltese national identity, the second the threat of its disruption by external forces.

This theme marks most of the statements made in the National Minimum curriculum in the field of culture and ethnicity. The NMC moreover states that there is a “need to provide satisfactory political responses to the tension arising from the confluence of two contemporary cultural trends: the trend of inclusion and the erosion of social barriers; and the strong emphasis on the affirmation of identity and difference”.⁹⁸

Whereas diversity may indeed be a challenge, whilst being an opportunity, it would seem that there is emphasis on its apparent damage to national identity. Having stated this, one of the established key values of the NMC is that “In a society that is increasingly becoming multi-cultural, the educational system should enable students to develop a sense of respect, co-operation, and solidarity among cultures”. In 1999, Maltese society was indeed becoming multicultural, yet as has been demonstrated in the section on the social and legal context, Malta forms part of a globalized world that is increasingly multicultural.

However, it must not be assumed that multiculturalism is a specific ‘brand’ – it is rather a definition based on a concept of diversity, the contents of which may, and often do, change over time and on the basis of different elements. Objective 2 (The Development of Citizens and a Democratic Environment), in fact, states as one of the

⁹⁸ NMC, supra xxx, 19

important experiences within a democratic school and classroom, the development of an attitude of “respect for our country's cultural differences and diversity”.⁹⁹ Educators, in fact, should be aware of the evolving processes of multiculturalism and diversity.

Students are moreover expected to understand democratic principles within a wider context than that of ballots and counting of numbers – that is in the appreciation of different voices, by “appreciating the importance of a democratic environment” and “the defence of democracy within the country”.¹⁰⁰ Moreover, Objective 3 (Developing a Sense of Identity through Creative Expression) states that children should develop, as key attitudes:

- “- an evaluation of cultural diversity as a desirable social phenomenon;
- an evaluation of xenophobia and racism as undesirable social phenomena;
- an appreciation of our affinities with other cultures and of our own distinctive traits”¹⁰¹

This is related to an active production of culture, which feeds into ethnic identity. Since ethnicity relates to both race and socio-cultural elements, it is interesting to note that another key value stated in the NMC document relates to aesthetic experience gained by children, whereby “the school should expose students to the local, regional, continental and world cultural traditions and experiences”¹⁰²

Acceptance of differences in race and ethnic origin must also be taken into account within the broader context of identity formation and lifestyle. One of the values of the NMC states that “the educational system should encourage students to express themselves creatively in different situations and contexts. It should inspire students and show them how human beings, individually and collectively, develop their environment, society and culture.”¹⁰³

Children are agents within society, and their racial and ethnic background plays into their actions and interaction, both when perceiving the world as well as when they are perceived by others. Race and ethnicity should not be barriers to children’s social development, and as stated within the National Minimum Curriculum it is

⁹⁹ Objective 2, NMC, Supra xxx, 39

¹⁰⁰ *ibid.*, 38

¹⁰¹ Objective 3, NMC supra xxx, 40

¹⁰² NMC supra xxx, 19

¹⁰³ *ibid.*, 19 - 20

democratic principles and notions of equal citizenship that should form the basis for equality and equity.

4.1.6 Religion

The case of religion is somewhat different than that of other grounds discussed in this document, as Religion is taught as a specific subject in schools, a number of schools are faith-based or run by faith-based organizations, and religious teachings underpin a great number of other teachings relating to social life. To this end, religion features in a number of values, Principles and Objectives in the National Minimum Curriculum, as well there being an Objective specifically dedicated to the teaching of religion.

The National Minimum Curriculum reiterates the notion of equal access to education, including regardless of religion, stating that “the educational community must ensure equality of access to the educational system without discrimination on the grounds of ability, gender, religion, race or socio-cultural and economic background.”¹⁰⁴

All schools in the Maltese islands have the same curriculum, irrespective of their religious standing, as the Education Act gives the Minister responsible the task of building a curriculum “without prejudice to the specific religious nature of any school”.¹⁰⁵

The Education Act moreover establishes the following:

“It is the Minister's duty to provide for the teaching of the Catholic Religion in the State schools and to establish a curriculum for the teaching of this religion in these schools, according to the wishes of the Bishops of these islands in this regard.”¹⁰⁶

Having stated this, the Act recognizes that not all students are themselves Catholic, and not all parents would want their children to be brought up within this faith. To this end, a provision is made for such students:

“The parents of minors have the right to decide that the minors are not exposed to any teaching in the Catholic Religion”.¹⁰⁷

¹⁰⁴ NMC, supra xxx, 19

¹⁰⁵ Article 47

¹⁰⁶ Article 20(2)

¹⁰⁷ Article 20 (4)

This is in line with the Convention on the Rights of the Child, which states the following in Article 14:

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

Moreover, the fact that the Catholic religion must be taught by virtue of the Maltese legal framework does not, mean that it should be the only religion taught. Indeed, what seems to have been equated here is the teaching of the Roman Catholic Religion and religious knowledge itself.

The National Minimum Curriculum reiterates what is found in the Agreement between the Holy See and Malta in 1989, which is that “the Republic of Malta guarantees the teaching and education in the Catholic Religion in all state schools, of all types and levels, except those at tertiary level, in the context of the school's aims and as an integral part of its work. Nobody, however, can be compelled to receive teaching and education in the Catholic Religion”.¹⁰⁸

The NMC document breaks down the teaching of religion into different sectors as it does with other sets of general principles – into kindergarten, primary and secondary levels. At kindergarten level, children are taught within a context that is highly creative and experiential, in order to provide a basis for later learning of facts, skills and attitudes. Teaching focuses on the beauty of creation, the joy of one’s relationship with God, participating in religious ritual and celebration, and an awareness of the mundane elements that are key symbols of Christianity. The Primary and Secondary levels are covered with specific syllabi, which are discussed later on in this report. What is found in the National Minimum Curriculum is skeletal, yet provides some interesting thoughts specifically in the case of the teaching of religion at secondary level. Here, the document states that “Those children whose parents object to their receiving teaching and education in the Catholic Religion should be given a formation in those universal moral values which provide the foundation for civil conviviality”.¹⁰⁹

¹⁰⁸ NMC, supra x, 60

¹⁰⁹ NMC, supra xxx, 60

Whereas it would therefore seem that the principles of conviviality may be taught in a way that is separate from the teaching of religion (or indeed a specific religion), one of the Values established by the NMC, the following statement is that:

“This National Minimum Curriculum recognises that knowledge of Religion is in itself essential for the moral and spiritual development of a society around values that lie at the heart of social conviviality and understanding.”¹¹⁰

It is indeed worrying that whilst the document seems to categorically state freedom of religion – generally as well as within the education structure, including a belief in different system as well as a non-belief, it simultaneously establishes the superiority of religion. Objective 1 of the National Minimum Curriculum also establishes that children should acquire “the ability to recognise the key contribution of every area of knowledge (religion, literature, philosophy etc.) to the person's holistic development”,¹¹¹ which once again assigns religion to a central role within a child's development.

The case is not being made for the complete elimination of the teaching of the Roman Catholic religion from the education system (although some changes to the syllabus are proposed later on in this document, and the centrality of religion should be reconsidered within the multicultural classroom). It would indeed be important for children who are Roman Catholic to learn more about their religion in class. Rather, if one were to assume that conviviality may only be achieved through the teaching of religion, or that absence of faith or religious beliefs in a child or person is a significant loss, then we would be creating a negative stereotyped image and labelling the non-Catholic or non-religious person.

The section on Values and Socialization within the National Minimum Curriculum gives due weight to notions of democracy, discussion, self-expression and diversity, categorically stating that “intellectual freedom is an important feature of a healthy democracy”. It is somewhat contradictory, however, in stating that “in a democratic society, all voices are not only heard but also respected”, and yet “this does not imply that all voices should be celebrated uncritically”, finally resting on the premise that “intellectual freedom is fostered in a context governed by specific values”.

¹¹⁰ NMC, supra xxx, 18

¹¹¹ NMC, supra xxx, 37

This set of statements seems to not be clear as to what such values are, and it should therefore be ensured that they should be those of diversity and equality rather than the values set out by particular religious and/or moral systems and institutions. Keeping within the theme of democratic debate, the NMC concludes its observations on democracy as a value by stating that “Political, ethical, social and religious discussions between students and teachers should reflect this particular feature of democratic life”.¹¹² Moreover, students should be trained in order to “actively oppose all forms of discrimination by promoting the corresponding attitudes and readiness to act”.¹¹³ Students are hence not merely taught about democratic principles, but should be in a position to actively participate had there to be any injustices taking place.

Educators are entrusted with both honing skills and attitudes conducive to democratic participation in their students, whilst themselves practicing such principles in their actions. The National Minimum Curriculum insists that educators foster ‘a sense of democracy and social justice’, whilst being democratic and just in their pedagogical practice by treating all students equally on the basis of all grounds including religious affiliation, a notion that is further expanded in Objective 1 of the document, which establishes the right of students to be treated equally. In this way, it is clearly a case of the educators and students interacting in order to create a holistic and democratic environment in which all participants are safe and accepted.

Objective 3 of the National Minimum Curriculum is of particular interest to the ground of religion, as it deals with the construction of ‘Identity through Creative Expression’. Amongst the knowledge and information that children should acquire through the education system is that of:

- “- the religion of the Maltese people;
- the culture, history and different religions of the Mediterranean and Malta's history viewed within this regional context;
- the culture, history and different religions of Europe and the manner in which European institutions are developing a European identity”.¹¹⁴

¹¹² NMC, supra xxx, 19

¹¹³ *ibid.*

¹¹⁴ Objective 3, NMC supra xxx, 39 - 40

It is indeed laudable that children should be taught, experience and understand identity formation and corresponding self-expression. Moreover, it is important to learn about the history, culture and religions of the island and the regional context – both Mediterranean and European. Yet what is interesting within this formulation of targets is that there would seem to be a singular Maltese religion (presumably the Roman Catholic religion), and multiple ‘foreign’ religions. This notion is certainly not conducive to children’s understanding of diversity as a feature present within Maltese society, and is reminiscent of a division between ‘us’ and ‘them’ that both creates a division between Maltese persons of different religions (by only establishing one type of religion as being ‘local’ and pertaining to the national identity) and a division between Maltese students and those who are not (by creating an imaginary homogenous Maltese society as opposed to ‘other’ societies).

Objective 4 of the National Minimum Curriculum deals specifically with Religious Education. It would be rather futile to summarize what the Objective stipulates here, yet what is useful to note is that the notion of ‘Religious Education’ refers specifically to the Roman Catholic religion. Once again, the assumption is that since this religion must be taught due to our international legislative agreements, it should be the only religion taught (and that other religions would only be taught within a comparative context, taking Roman Catholicism as the grounding point. There is one Attitude and one Skill that deal with religious diversity. These are:

Attitude:

“- accepting, understanding, and making dialogue with those who profess a different faith or adopt a different lifestyle”¹¹⁵

Skill:

“- respect towards people who profess a different religion or choose not to profess any”¹¹⁶

Both deal with different religious beliefs (or lack thereof) as an external factor to the students involved, and whilst this may be logically the case as students who are not Roman Catholic are unlikely to be present during such classes, the attitudes and skills highlighted here nonetheless do not do justice to knowledge of different religions and cooperation amongst religion.

¹¹⁵ Objective 4, NMC supra xxx, 41

¹¹⁶ *ibid.*

Sexuality is a topic that is linked to religion in the National Minimum Curriculum, both in terms of students' knowledge as well as their attitude(s). Whereas the NMC establishes that students should acquire knowledge on "sexuality and religion" (Objective 6 – Human Sexuality), it is unclear what this statement means, specifically since it seems to assume religions knowledge of a specific kind (that is, of a specific religion since it is not all religions that hold the same sets of principles on sexuality). Moreover, when coupled with the statement "When dealing with this topic, the teachers must keep in mind the context of moral and religious values of the students and their parents."¹¹⁷ Once again, it is assumed that the students in class are homogenous in moral and religions values, as any concept of heterogeneity would require not a focus on the parents' and students' beliefs, but rather on what is prescribed within the curriculum as being appropriate to the children's cognitive development in terms of knowledge and exposure to issues of sexuality.

What is particularly interesting is the inclusion of religion within the National Minimum Curriculum's Objective 13, which deals with Competence in Communication. The section on Knowledge states that :

"By means of psycho-linguistic development, socio-linguistic experiences, and formal and non-formal teaching, students understand and learn about:

- the diversity of human expression in the social, political, and religious spheres and others, used by people with different needs."¹¹⁸

This raises awareness about the role of religion (amongst other areas) as a type of communication and discourse – moreover it sets out the importance of understanding the religious and context of communication, which can itself lead to a broader understanding of others whose beliefs may be different within one's own social group and outside it.

¹¹⁷ Objective 6, NMC supra xxx, 43

¹¹⁸ Objective 13, NMC supra xxx, 51

5 Other Policies

The NMC document is not a framework that exists in isolation. As has already been highlighted it is to be seen in the context of other resources and materials which supplement it and through which it is implemented. However, for the purpose of this project, it was felt that some pertinent policies which give a broader understanding of the practical application of the NMC are being given. This section is not intended to be an exhaustive analysis of all policies and supporting documents, but aims to give a basic understanding of how different policies which touch upon aspects of equality complement the NMC document. The policies analysed in this section are the “Guidelines for the Implementation of the National Minimum Curriculum”, “Inclusive Education – Policy Regarding Students with a Disability”, “School Attendance Improvement”, “Standard Operating Procedures”, “HELP – Healthy Eating Lifestyle Plan”.

5.1 Guidelines for the Implementation of the National Curriculum Policy on Inclusive Education

September 2002

This document goes beyond the others that are being reviewed as it also addresses diversity and inclusiveness of recruitment and staffing of schools, which is a vital and much required aspect of diversity within the education system as a whole.

Whilst, as stated in the document, the process is indeed never-ending, the Guidelines do not identify any specific measures that the school should take, aside from the setting up of a group that should decide on such measures. Instead, the document is based on extracting sections of the National Minimum Curriculum that deal with inclusiveness and equality, and then jumps straight to the assumption that some measures are taken and that the school is in a position to assess their effectiveness.

This is problematic insofar as there is merely a suggestion to liaise with the Working Group itself. Whilst it may be of great benefit that any measures of inclusion should be implemented by individual schools in order to be specifically tailored to sets of circumstances, the organizational challenge of not having minimum guidelines yet encouraging *ad hoc* measures may prove to be too great to adequately cater for all Colleges and schools. There seems to be no specific complaints mechanism for inclusiveness in schools, that is, the Working Group is linked to the schools but would not see it within its competence to receive feedback from outside the hierarchy.

Our key concerns stem out of the response mechanism and the reporting system of this index:

- a. There is no rule as to the compulsory use of the index, meaning it is a suggested framework rather than one that must be put into place in order to ensure the review of inclusiveness measures
- b. It would seem that it is the school that would be responding to the questions set in the index. The suggestion would be that data should be collected from a number of stakeholders - heads of schools, administrative staff, teachers, parents and children themselves. In this way, the data collection would itself be inclusive.

- c. It is also unclear what would be done with the data had it to transpire that the school is not sufficiently inclusive, whether the data is reviewed by the Working Group, or the school-based committee.

Moreover, the setting up of a mechanism of sharing of best practice methods of inclusiveness amongst schools is being suggested, not as an end in itself but rather as a means of ensuring that schools that are struggling to implement measures of inclusion due to a lack of resources (to, for instance, research adequate measures) should be able to engage with other schools and adopt (given sufficient similarities amongst cases, and with all necessary adaptations) measures that have worked elsewhere.

5.2 Inclusive Education – Policy Regarding Students with a Disability

This Policy is a key tool for the provision of services to students with disabilities in schools, and provides an excellent framework for analysis and implementation of measures to assist such students.

Whilst it is partial in terms of the grounds covered (as disability is one out of the six grounds), it sets out a number of important concepts, to which some recommendations are attached:

- a. The acknowledgement of different needs of students who have different types of disabilities

Within the wider context, recognition of a 'diversity within diversity' is vital as it acknowledges the heterogeneity of diversity, yet moreover it contends to deal with such diversity using ways and means that are adequate and appropriate to the needs of the students concerned.

- b. The preparation and implementation of a programme assessing the students' key strengths and weaknesses, and hence educational needs – an Individualized Education Program (IEP)

Whereas it is all students whose individual academic achievement should be ensured, those who are at risk of falling behind using mainstream methods (both because of disadvantages brought on by factors such as disability or a lack of structural and systemic adaptability of the school, or more loosely due to social insecurities brought on by their diversity) should indeed be granted special attention that ensures their educational and holistic well-being. In the case of students from different national backgrounds, for instance, additional language tutoring or practice may be necessary¹¹⁹.

- c. The coherence of any system developed, in which the roles of key stakeholders are known and understood, and where the relationship amongst one another is clear to all concerned.

¹¹⁹ For instance, Calleja et al (2010) suggest, as an example of best practice, the provision of a 'complementary teacher' to support foreign students with learning English both inside and outside the classroom.

- d. A system whereby the needs of the student are assessed and the correct level of handling of the issue is decided, following which the case is referred to the relevant body.

The case of disability may be somewhat different from that of other criteria on the basis of which students may face exclusion. The Individualized Education Program, for instance, does not cater for awareness-raising amongst other students or educators.

This document, whilst being instrumental to the educational development of students with disability, deals only with one ground of discrimination. We would therefore suggest that similar policies and strategies be drawn up to cover other grounds, in which case the measures taken would be to protect students from any adverse effects of their difference (for instance dealing proactively with a lack of knowledge of the language of instruction, or providing support in cases of bullying on the basis of), as well as ensuring provision of services to mitigate the psychological effect of any discrimination to ensure that it should not result in a weak educational and psychosocial outcome.

5.3 School Attendance Improvement

Comments on the 2005 Report

Whereas the School Attendance Improvement report does not feed into a direct policy, the fact that attendance has a direct impact on the eventual success or failure of the student in question makes it of relevance to the current purpose of this report.

Whereas the report starts out with a number of literature-based observations and reasons for absenteeism that include culture and cultural expectations, ethnic/race conflict and disability, the report does not address these categories. The data presented is divided according to a number of well-established factors, including type of school, sector and gender, yet gives no further information as to other factors which were previously highlighted within sections on reasons for absenteeism found in international literature.

On a methodological note, knowing more about the causes of absenteeism and understanding whether children from specific minority groups are more likely to miss school is made difficult due to the fact that the data is not segregated beyond gender. Whereas the reasons for which Heads of Schools believe absenteeism occurs are computed quantitatively, the reasons given by the students themselves are given in focus groups and are based on three focus groups, that is, 12 girls and 13 boys who are regular absentees. It would seem that there needs to be a wider inclusion of children within the research process.

It is suggested that absenteeism be studied in more detail, that data (collected in accordance with ethical guidelines and Data Protection laws) be segregated by race and/or ethnic group, sexual orientation, disability (in addition to gender, which is already taken into account in current data), and that strategies be set up on the basis of each factor that results, from the data, to be a reason for absenteeism, in order to deal with each in a concerted and targeted fashion.

Having stated this, a number of considerations will need to be made:

- a. For factors such as minority group status, the population under consideration may be significantly smaller than that of other groups and therefore appropriate measures must be taken to ensure accuracy of research results

- b. Results indicating that members of specific groups are more or less likely to be absent from school does not necessarily make that factor the actual reason for absenteeism.

This in itself marks the necessity and importance of carrying out research whose method and analysis lead to the development of an understanding of causal links, creating an intersection amongst the six grounds of discrimination as well as other factors such as poverty.

It would seem from the research presented in this report that one of the key reasons for absenteeism is in fact a lack of recognition of the value of education itself, that is, the apparent irrelevance of education. This in itself would entail community-based projects and added assistance, which in many cases would entail a level of understanding of the specific socio-cultural system of each child.

5.4 Standard Operating Procedures DES-HRDD001-09

(March 2010)

The Standard Operating Procedures manual is intended to standardize and regulate the policies and procedures within the education system and community. Whereas they do not form part of the National Minimum Curriculum, some important issues are raised within this document. The first two mentioned here are related to employees of the state, the third is related to the teaching of religion, and the final point to the role of the Inclusion Officer.

- a. Non-discrimination – it is the duty of all public officers, including those working in schools, to not “harass or discriminate in work practices on the ground of sex, marital status, pregnancy, age, race, colour, nationality, physical or intellectual impairment, sexual preference or religious, political or other convictions / allegiances when dealing with their colleagues and members of the public”
- b. Moreover, data pertaining to specific issues including many potential grounds of discrimination (“race or ethnic origin, political opinions, religious or philosophical beliefs, membership of a trade union, health, or sex life”) is considered to be of a sensitive nature and should only be shared with bodies requesting such data and given appropriate measures of protection to the individual. Moreover they should only be collected when it is of particular relevance to the purpose at hand.
- c. The document also establishes that the selection of religion textbooks (an issue which is dealt with in more detail in the analysis of the National Minimum Curriculum as well as in the specific syllabi section), is to be made by the Episcopal Conference, and that no other religion books “should find a place in the school curriculum”. This factor ties in with the teaching of religion on the basis of the 1989 agreement between the Holy See and the Republic of Malta.
- d. The Procedures also set out the role of the Inclusive Education Coordinator (INCO), who, amongst others, is responsible for ensuring coherence within the system of addressing students’ individual educational needs by liaising

with all stakeholders concerned, developing the College-wide Special Educational Needs Policy, the development of a program for students with Individual Educational Needs and ensuring its achievement.

Whereas the Standard Operating Procedures are not an intrinsic part of the curriculum, the fact that they establish the working methods of much of the educational community, specifically within the school itself as well as the relations amongst different actors within the system, makes them an important part of the goings on in schools. The four points highlighted above were deemed to be particularly relevant to the context of equality and non-discrimination.

5.5 Unaccompanied Minors in Main Stream Schools

A Project of the Ministry of Education

2009 - 2010

“During the scholastic year 2009 – 2010, unaccompanied minors residing in a residential home, were slowly introduced to the Main Stream Secondary School. There were 4 girls and 9 boys who participated in the programme.”

The arrival of asylum seeking children, whether accompanied or otherwise has resulted in a need for the Maltese education system to develop mechanisms to address their needs and allow for their reception within mainstream education. Over the course of 2009-2010, a programme was implemented which aimed at promoting their integration within the school environment.

The programme included pre-preparation, staggered entrance into the school system and then finally the actual regular attendance at the school. The programme benefited 11 students. The approach taken included elements of positive action measures (including pre-preparation and extra language tuition throughout) and as such should be commended.

This project addressed unaccompanied minors who were living within the assigned open centre. It did not cater for children who were in Malta with their parents and were therefore living in other centres or within the community. This project appears to have been intended as a pilot initiative and as such these concerns, mostly relating to scope, should be taken into account so as to avoid excluding students who might require the help that the programme sought to provide.

In the future, it would be ideal for the project to be extended to migrant children irrespective of whether they are within the asylum system. If broadened on this scale, these projects would be best implemented within the School and College context, which would facilitate and enhance the participants’ integration into the school community.

5.6 Healthy Eating Lifestyle Plan – HELP Document

The Healthy Eating Lifestyle Plan does not engage with issues of diversity, as it addresses the nutritional value of foods. However, in encouraging the development of a school and classroom open to diversity, the topic of ‘healthy eating’ may be discussed within a wider context that includes the cultural elements of food. For example:

- a. The type of food consumed, that is guided by culture as well as by religion – for instances in cultures and religions where meat is not consumed, or where the consumption of certain types of meat (such as pork and beef) are prohibited
- b. Food preparation methods, which hence guide what should and should not be consumed, including, for instance, the killing of livestock for consumption, as well as other preparation methods (halal and kosher, for instance)
- c. Order of food consumption, for instance the cultural and/or religious organization of foods into categories, the consumption of which is regulated (in the order of consumption as well as with set time gaps between categories)
- d. Times of the day as well as seasonal differences based on cultural or religious belief, when food in general as well as certain types of food are consumed—for instance during Ramadan or other similar festivals
- e. The way of consuming food is itself a product of socialization and cultural practice, and within the intercultural classroom it is important to acknowledge the fact that children will come from backgrounds in which food is consumed in different ways (for instance using chopsticks, or one’s hands).

Food is not merely a product to be ingested and from which nutrients are extracted – it is very much a cultural and social practice both in production, preparation and consumption. Specifically within a context where children are being taught about food, its wider connotations and the value of commensality and cultural diversity should be considered and addressed¹²⁰.

¹²⁰ See Cooking with Kids www.cookingwithkids.net

6 Syllabi Review

In addition to an equality based review of the National Minimum Curriculum, a number of specific syllabi of Primary and Secondary School subjects were also reviewed:

PRIMARY LEVEL

Art

Drama

English

ICT

Maltese

Mathematics

Music

Physical Education

PSD

Religion

Science

Social Studies

SECONDARY LEVEL

Arabic

Art

Biology

Business Studies

Chemistry

Computer Studies

Cultural Accretion

Design and Technology

Drama

English Language

English Literature

European Studies

French

Geography

German

Graphical Communication

History

Home Economics

ICT

Integrated Science

Italian

Maltese

Mathematics

Music

Music Appreciation

Physical Education

Physics

PSD

Religion

Social Studies

Spanish

Textile Studies

The full review of each syllabus is available online at www.*****

7 Final Recommendations

These recommendations are based on the National Minimum Curriculum analysis, as well as the analysis of specific subjects. We start from the premise that classrooms may provide space for healthy dialogue that is both theoretically and practically inclusive, and that children should be encouraged to participate in sharing different views and opinions. The emphasis here is on discovery rather than indoctrination, that is, an exploration of issues and understanding of the importance of diversity rather than imposing a set of beliefs, inclusion rather than exclusion, and above all, equality.

The process of both creating a National Minimum Curriculum as well as the practical implementation of such a curriculum within the classroom setting, however, is a collaborative effort. As such, it is the responsibility of all stakeholders to engage in the process of discussion and consultation with the Ministry responsible for Education, in order to formulate a Curriculum that is both ambitious and realistic.

We hence make recommendations in four specific areas, namely Research, Policy and Institutional Framework, Monitoring and Review, and Awareness Raising and Tool Development.

7.1 RESEARCH

- a. Collection of relevant data relating to academic welfare, focused on qualitative as well as quantitative indicators of accomplishment, segregated by group (with a special focus to the educational accomplishment of social minorities and marginalized groups), in order to identify groups who are particularly vulnerable within the education system. On the basis of this, a system for the investigation and mitigation of causal factors should be developed
- b. Researching the educational experience of students who are members of minority groups, with the aim of grasping the manifest and latent impacts of the curriculum and hidden curriculum on such groups, and hence mitigating any negative effects
- c. Compiling research on knowledge, perception, understanding and approaches to diversity within the educational structure and setting (that is, from teachers and students)

7.2 POLICY AND INSTITUTIONAL FRAMEWORK

- d. Extending the prohibition of discrimination in education, as found in the Equal Treatment of Persons Order, the Equal Opportunities (Persons with Disability) Act, and the Equality Between Men and Women Act, to all six grounds of discrimination
- e. Ensuring that every College and School adopts and upholds an equality policy that addresses both issues that may be faced by educators as well as students. Moreover, ensuring that the development of such a policy should be a collaborative effort undertaken by all the stakeholders including administration, teachers, students and parents.
- f. Setting up and promoting positive action measures to assist those who might face difficulties or exclusion (such as due to a language barrier), in order to ensure the achievement of equality of opportunity
- g. Mainstreaming the teaching of equality, human rights and citizenship in a horizontal manner into the National Minimum Curriculum
- h. Declaring a National Decade of Equality through Education that would allow for research, development, implementation and evaluation of multiple layers of policy, projects, and that would feed into the next review of the National Minimum Curriculum. Similar initiatives have been undertaken by organizations such as the United Nations in the Decade of Education for Sustainable Development, the United Nations Decade for Human Rights Education and the International decade for the Culture of Peace.
- i. Developing a Guide to Equality in Education, in booklet format to be distributed in schools as well as online to be distributed in schools, that would provide a set of guidelines for school administrators and educators to better understand their responsibilities as well as to be aware of relevant bodies that are in a position to provide advice on issues of discrimination. Such information would include, for instance, key legislation and policy relevant to schools, and a set of Frequently Asked Questions that would be informed by a consultation process leading to the writing of the Guide, advice for different parties (administration and educators). The online version would also contain a link for direct contact with the person and/or body responsible for the overseeing of the Guide and related policy
- j. Appointing an Equality Officer within the Ministry responsible for Education as well as a network of Equality Officers (one in each school and/or College) who would oversee the implementation of the school equality policy, advise colleagues on equality issues (following being given adequate training on

relevant social and legal aspects by the National Commission for the Promotion of Equality and/or other competent bodies) and be charged with taking appropriate steps in cases of alleged discriminatory treatment

- k. Assessing the representation of minority groups within the educational decision-making chain, and should there be a strong under-representation of minority groups especially at the higher levels of decision-making, introducing measures that specifically address this deficit (either through the establishment of a strong consultation processes with such groups where and when this is relevant to the discussion at hand, or through the introduction of a mechanism by which there is more equality in such governance or decision-making structures).

7.3 MONITORING AND REVIEW

- l. Ensuring the collection and representation of views and needs of all stakeholders in Maltese society, including the National Commission for the Promotion of Equality, non-governmental organizations, and minority groups, within the development of the National Minimum Curriculum as well as in the running of the education system, through an active consultative framework
- m. Providing a regular structure for groups (non-governmental organizations, government agencies, etc) to raise awareness of equality issues within the school environment, through direct engagement in classrooms as well as through wider periodic awareness raising projects and programmes
- n. Holding an Annual Meeting on Equality in Education, at which all Heads of Colleges and Schools would be invited to discuss updates to equality legislation, specific cases, and other issues relevant to fostering an equality-conscious and discrimination-free system and school environment
- o. Analyzing the teacher training process (at University as well as within in-service trainings) in order to ensure that educators are equipped to tackle both potential instances of discrimination in the classroom as well as to teach topics directly related to discrimination. Indeed, training is required for educators, as well as for parents, specifically since we are in a rapidly evolving society and previously-given training may no longer adequately address the level of preparation and versatility required for classrooms that are diverse on a number of grounds.

7.4 AWARENESS RAISING AND TOOL DEVELOPMENT

- p. Developing a set of lesson plans organized by subject, and set specifically to what is found in the National Minimum Curriculum and subsequent syllabi, that directly or indirectly address issues of equality, whilst ensuring that schools and educators have access to such resources
- q. Setting up an Equality Education Library, at a location accessible to educators, from which they could access resources to use in the classroom setting in order to directly or indirectly address issues relating to equality and discrimination. Moreover, as part of this effort, developing a complementary database of online materials that may be used
- r. Organizing diversity days and equality-themed events as well as introducing such themes into annual events in order to raise awareness within the school as well as within the wider community (for instance having an equality-themed Sports Day)
- s. Promoting student fora and exchanges amongst different schools in Malta as well as between Maltese schools and other schools (in Europe, the Euro-Med area as well as outside of the region) through which students experience different cultures
- t. Organizing specialized training courses in order to acquaint educators with issues of equality, including sensitization sessions about topics that are of specific relevance to the Maltese context
- u. Organizing programmes and competitions targeted at both schools and individual students, that recognize awareness-raising efforts (policy and projects), and that give an added value to the education received by the children and the indirect impact on families and communities
- v. Developing a School Equality Audit Pack, to be utilized by schools and Colleges to evaluate the policies, processes and educational material
- w. Developing a series of in-service trainings for teachers on topics related to equality and discrimination
- x. Developing a series of colouring books for children which could be utilized in class as activity books (in tandem with, or outside of, set lessons) through which issues of equality would be explored and discussed in an informal and semi-structured manner
- y. Establishing intra-school debate competitions – general or language-specific (for students learning languages) in which equality issues (amongst others) would be debated in a respectful manner

Conclusion

The education system is a living system, and to this end, this report and its conclusion are not the end of a process but rather a milestone in its trajectory and a part of its journey. The National Minimum Curriculum, education policies and syllabi are constantly being developed, built upon and reviewed. The current ongoing review of the National Minimum Curriculum is merely an indication of the idea that stakeholders are constantly striving to improve the system.

The inclusion of equality and our increased sensitivity is a demonstration that our schools have changed, the students have changed, the requirements have changed – and specifically that a much more diverse and inclusive education system has developed and must be supported by concerted measures.

The National Minimum Curriculum is based on ensuring all children receive the same level of education, yet is also strongly based on the needs of the learner – children themselves are likely to inhabit a domestic, personal or community space that involves a degree of diversity, and therefore as an individual who navigates an increasingly diverse society should be given the opportunity to discuss and engage with concepts and practices of equality as these skills are necessary for his or her holistic personal and professional development.

This research has highlighted the importance of promoting equality through the National Minimum Curriculum. Changing legal and social scenarios call upon the education system to ensure that it addresses these issues in a proactive manner. The current NMC addresses equality issues but a more concerted and direct effort is required. Different grounds of discrimination are addressed to varying degrees and in different ways, yet a pro-active approach to the promotion of equality on all grounds remains lacking.

Equality is a value and to this end, those in the education system should be trained and equipped to not only live by the value but also to protect it and speak out for it – to be ambassadors for equality. This report has highlighted a number of ways in which this may be done. Most importantly, however, the process may only be successful and its aims of a truly equal society achieved if we listen to each other, celebrate each others' ideas and work together as partners in shaping the future of our education system.

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Equal Treatment of Persons Order; Legal Notice 85 of 2007

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Mallia Borg, F. (2007) Developing inclusive practices in a secondary school: challenges and opportunities for responding to the diversity of students' needs. (Unpublished M.ED Dissertation). University of Malta

Scicluna, M. and Vella, G. (2007) Inclusion moving beyond learning. (Unpublished DEAM Dissertation). University of Malta

Appendix 3 : Useful Websites

ACCEPT	www.accept-romania.ro
Amnesty International	www.ai.org
Center for Women's Global Leadership	www.cwgl.rutgers.edu
Council of Europe	www.coe.int
Curriculum Project	http://curriculumproject.org
DEMOS	www.demos-center.ru
Disability Rights Promotion International	www.yorku.ca/~drpi/
Disabled Peoples International	www.dpi.org
Equality and Human Rights Commission	www.equalityhumanrights.com
Equality Network	www.equality-network.org
European Parliament Intergroup on Gay and Lesbian Rights	www.gayandlesbianrightsintergroup.org
Forced Migration Online	www.forcedmigration.org
Gay, Lesbian and Straight Education Network	www.glsen.org
Human Development Center	www.hd-center.net/
Human Rights Watch	www.hrw.org/
International Helsinki Federation for Human Rights	www.ihf-hr.org
International Lesbian and Gay Association	www.ilga.org
International Organization for Migration	www.iom.int
Jesuit Refugee Service	www.jrs.net
Mediterranean Institute of Gender Studies	www.medinstgenderstudies.org
Minority Rights Group International	www.minorityrights.org
UN High Commissioner for Human Rights	www.unhcr.ch
Organization for Security and Cooperation in Europe	www.osce.org
Refugees International	www.refugeesinternational.org
UN High Commissioner for Human Rights	www.ohchr.org
UNIFEM	www.unifem.org

Appendix 4: Outline of the NMC

Forward by the Minister

Message Director General Education

Message Director curriculum

Message President Malta union of Teachers

Message President Association of Schools Councils

Preamble

Background to the review process

The legal framework of the Maltese NMC

The process of curriculum review

Recognizing the challenges

The educational response to the cultural social and economic challenges

 Values and Socialization

 Holistic development

 Lifelong Education

 Global Perspective

 The World of Work

The Curricular Principles

1. Quality Education for all
2. Respect for diversity
3. Stimulation of analytical critical and creative thinking skills
4. Education relevant for life
5. Stable learning environment
6. Nurturing commitment
7. Holistic education
8. Inclusive education
9. A more formative assessment
10. The strengthening of bilingualism in schools
11. Gender Equality
12. Vocation and Competence
13. The importance of learning environment
14. Increasing participation in curriculum development
15. Decentralization and Identity

Educational Objectives

1. Self Awareness and the development of a system of ethical and moral values
2. The development of citizens and the democratic environment
3. Developing a sense of identity through creative expression
4. Religious education
5. Strengthening of gender equality
6. Education on human sexuality
7. Preparing educated consumers
8. Media Education
9. Effective and Productive participation in the world of work
10. Education for Leisure
11. Wise choices in the field of health
12. Greater awareness of the role of science and technology in everyday life
13. Competence in communication
14. Preparation for change

The different levels of the educational system

1. Early childhood education
2. Intellectual development
3. Socio-emotional development
4. Physical development
5. Moral development
6. The development of a sense of aesthetics and creativity
7. Effective tools to facilitate the holistic development of children

Primary education

- Learning a repertoire of skills
- Strengthening of personal and social education
- Development of enhanced skills and knowledge and attitudes linked to the basic subjects
- Fulfilling principle of diversity
- Linking summative and formative forms of assessment
- Implementing a policy of bilingualism
- The teaching of religion
- Parent education programmes

Secondary education

- Strengthening and refinement of the skills developed at primary level
- Strengthening of Personal and Social Education
- Implementation of the broad aims within the curriculum content
- Implementing a policy for language teaching
- Adopting summative and formative forms of assessment
- The development of projects revolving around themes
- The teaching of religion
- Strengthening of emotional development
- Strengthening parent participation
- Schools and the interpretation of the curriculum
- The school as a community centre

Conclusion