



SIXTH OPINION ON MALTA



ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

Adopted on 1 July 2025

ACFC/OP/VI(2025)1

Published on 20 November 2025

Secretariat of the Framework Convention for the Protection of National Minorities
Council of Europe
F-67075 Strasbourg Cedex
France

www.coe.int/minorities

TABLE OF CONTENTS

SUMMARY.....	4
PRIORITY RECOMMENDATIONS.....	5
Priority recommendations	5
Other recommendations	5
Follow-up to these recommendations	5
MONITORING PROCEDURE	6
Follow-up activities and awareness-raising related to the recommendations of the Fifth Opinion of the Advisory Committee.....	6
Preparation of the state report for the sixth cycle	6
Country visit and adoption of the sixth Opinion.....	6
ARTICLE-BY-ARTICLE FINDINGS.....	7
Scope of application (Article 3)	7
Census (Article 3)	7
Protection against all forms of discrimination (Article 6)	8
Mutual respect and intercultural dialogue (Article 6)	10
Combating hate crime and hate speech (Article 6)	13

SUMMARY

1. Malta is a dynamic country characterised by a strong increase of its population over the last decade, marked by a significant level of migration that has reinforced the multicultural and multi-religious dimensions of its society. Implementation of the Framework Convention for the Protection of National Minorities is determined by Malta's declaration that no national minorities in the sense of the Framework Convention exist on its territory and that it considers its ratification as an act of solidarity in view of the objectives of the Framework Convention. Malta pays particular attention to the Framework Convention to combat non-discrimination, foster diversity, and to ensure equitable treatment of all persons.

Census (Article 3)

2. The final results of the 2021 population census were published in 2023 and 2024, capturing for the first time Maltese diversity in the national statistics. However, the census methodology did not allow for the declaration of ethnic affiliations. The results show that the size of the resident population in Malta has grown by more than 100 000 over the past 10 years. Data also reveal the migration patterns across the country, where more than one in five residents is a non-Maltese citizen.

Protection against all forms of discrimination (Article 6)

3. The Constitution of Malta and several sectoral legal acts prohibit discrimination on different grounds. However, the current fragmented approach does not fully guarantee adequate protection against discrimination, as the list of prohibited grounds is inconsistent and the scope of application of certain legal acts overlaps, thereby providing competing remedies and jurisdictions.

4. At the institutional level, the Human Rights Directorate is an administrative body "set up with the aim of reaching national objectives in the areas of civil liberties, equality and non-discrimination, as well as the integration of migrants". It promotes principles compatible with the domestic and international legislation in these domains. At the same time, the National Commission for the Promotion of Equality (NCPE) and the Parliamentary Ombudsman act as equality bodies. Although their competences are generally in line with international standards for combatting racism and intolerance, the institutional independence of NCPE has been regularly questioned by international bodies, particularly the selection and appointment procedures. Furthermore, information collected shows that the number of complaints lodged remains relatively low and does not seem to correspond to the actual number of alleged discriminatory acts committed in Malta.

Mutual respect and intercultural dialogue (Article 6)

5. Various initiatives and measures are taken at the governmental level to foster integration in Malta. A National Migrant Integration Strategy and Action Plan serves as a basis for different projects aimed at facilitating "migrants' integration" in Malta at the national and local levels. However, such projects rely heavily on external funding. In education, the National Education Strategy 2024-2030 recognises the impact of migration and cultural diversity on social realities and seeks to accommodate the diverse needs and backgrounds of learners. The International Learners' Directorate (ILD) and the work carried out by Community Liaison Workers aim at supporting the inclusion of migrant children in schools and beyond. There is a good collaboration between NCPE and the media to raise awareness about the needs of migrants arriving in Malta.

6. Despite these steps, there are still many obstacles to societal integration in Malta, in particular in terms of labour mobility, family reunification, housing and political participation. In this context, the launch on 29 January 2025 of the Integration Strategy and Action Plan (2025-2030) is a welcome step to ensure that suitable measures are taken to counter these issues.

Combating hate speech and crime and hate speech (Article 6)

7. Several projects are carried out in the context of the 2021-2023 Anti-Racism Strategy and discussions are being held to prepare the second national action plan against racism. Public officials in key sectors undergo training to address discrimination effectively. Law enforcement officers receive "cultural competence" training to enhance their ability to effectively communicate and engage with individuals from various ethnic, religious, and socioeconomic backgrounds. Such training should be conducted systematically. The Victim Support Agency and the Malta police force carry out some data collection on hate crime, including hate speech. However, a clearer disaggregated data collection system is necessary and should be made publicly available.

PRIORITY RECOMMENDATIONS

8. The Advisory Committee proposes that the Committee of Ministers make the following recommendations with respect to the implementation of the Framework Convention by Malta.

9. The authorities should take the following priority measures to improve further the implementation of the Framework Convention, along with the implementation of all recommendations contained in this Opinion:

Priority recommendations

- 1) The Advisory Committee calls on the authorities to ensure that all persons who may benefit from the Framework Convention are made aware of its provisions and are enabled to avail themselves of the right to free self-identification in order to access and enjoy the rights contained in the Framework Convention [para. 21 under Article 3].
- 2) The Advisory Committee calls on the authorities to include the possibility to declare ethnic affiliation, including multiple ethnic affiliations, or to answer optional and open-ended questions on ethnic affiliation in the new census questionnaire [para. 27 under Article 3].
- 3) The Advisory Committee calls on the authorities to establish a fully independent institution in line with the Paris Principles, acting as an equality body [para. 38 under Article 6].

Other recommendations

10. The authorities are invited to take account of the detailed observations and recommendations contained in the present Opinion of the Advisory Committee.

Follow-up to these recommendations

11. The Advisory Committee encourages the authorities to translate and publish the present Opinion into Maltese and disseminate its findings and recommendations widely among all stakeholders.

12. Furthermore, the Advisory Committee encourages the authorities to organise a follow-up event after the publication of this sixth-cycle Opinion to discuss and identify ways of implementing the recommendations made in this opinion.

MONITORING PROCEDURE

Follow-up activities and awareness-raising related to the recommendations of the Fifth Opinion of the Advisory Committee

13. No follow-up activities on the recommendations of the Fifth Opinion of the Advisory Committee took place. The Fifth Opinion was not published on the government's website.

Preparation of the state report for the sixth cycle

14. The state report was received on 3 June 2024.¹

Country visit and adoption of the sixth Opinion

15. This sixth-cycle Opinion on the implementation of the Framework Convention for the Protection of National Minorities (hereinafter "the Framework Convention") by Malta was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers. The findings are based on information contained in the sixth state report, other written sources, as well as information obtained by the Advisory Committee from governmental and non-governmental sources. The Advisory Committee has not considered it necessary to organise a country visit but organised an online meeting with representatives of the authorities. The Advisory Committee expresses its gratitude to the authorities for their excellent co-operation. The draft opinion, as approved by the Advisory Committee on 27 February 2025, was transmitted to the Maltese authorities on 4 March 2025 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Maltese authorities on 9 May 2025.

16. Given the limited scope of application of the provisions of the Framework Convention in Malta, a number of articles of the Framework Convention are not covered in the present opinion. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. The Advisory Committee assesses the situation in the light of the state of affairs prevailing at the time of monitoring.

¹ [State report](#) submitted by Malta.

ARTICLE-BY-ARTICLE FINDINGS

Scope of application (Article 3)

17. The policy of the government of Malta with regard to the Framework Convention is determined by its declaration contained in the instrument of ratification, deposited on 10 February 1998, that no national minorities in the sense of the Framework Convention exist on its territory and that it considers its ratification as an act of solidarity in view of the objectives of the convention.² As a consequence, specific legislation or sectorial legislation on the protection of national minorities in Malta does not exist.

18. In their sixth state report,³ the authorities reiterated that they recognise that the Framework Convention aims to combat discrimination, foster diversity, and to ensure equitable treatment of all persons.⁴

19. The Advisory Committee reiterates that it is the responsibility of “states parties to ensure that all persons and groups who may benefit from the Framework Convention are made aware and enabled to avail themselves of the right to self-identify freely in order to access the rights contained in the Framework Convention.”⁵ The Advisory Committee reiterates that the authorities that the Framework Convention was conceived as a pragmatic instrument, to be implemented in different social, cultural and economic contexts and to be adapted to evolving situations, and that its application in respect of a group of persons does not necessarily require their formal recognition as a national minority, a definition of national minority or the provision of a specific legal status for such groups of persons.

20. The Advisory Committee reaffirms that the declaration by the authorities that there are no national minorities in the sense of the meaning of the Framework Convention on the territory of Malta does not exempt Malta’s authorities from giving interested persons the opportunity to obtain information on the scope of the Framework Convention and on substantive rights enshrined in it. The Advisory Committee is not aware of any persons or groups having expressed interest in obtaining protection offered under the Framework Convention. Nevertheless, information collected during the monitoring process suggests that in Malta, there is a small Indian Maltese community (composed of around 45 families) which has been present in the country for multiple generations. While persons affiliating with the Indian Maltese community are an integral part of Maltese cultural, social and political life, they continue to maintain Indian traditions in Malta, regularly organising cultural celebrations and/or continuing to practise Hinduism and other religions such as Buddhism, Sikhism and Jainism. As such, they may benefit from access to certain rights enshrined in the Framework Convention.⁶

Recommendations

21. The Advisory Committee calls on the authorities to ensure that all persons who may benefit from the Framework Convention are made aware of its provisions and are enabled to avail themselves of the right to free self-identification in order to access and enjoy the rights contained in the Framework Convention.

22. The Advisory Committee encourages the authorities to further increase, at all levels, general awareness about the Framework Convention and opinions of the Advisory Committee, and to proceed with the publication of the present Opinion on a relevant official website, in English and Maltese.

Census (Article 3)

23. The last population census (“Census of Population and Housing 2021”) was held in 2021.⁷ The census questionnaire included for the first time open-ended questions covering a large range of issues concerning population, migration, citizenship, “racial origin”, religious affiliation and “main” (first) language.⁸ However, it was not possible to declare ethnic affiliation.

² Declaration recorded in the instrument of ratification submitted on 10 February 1998: “The government of Malta declares that Articles 24 and 25, in particular, of the Framework Convention for the Protection of National Minorities of 1 February 1995 are to be understood having regard to the fact that no national minorities in the sense of the Framework Convention exist in the territory of the government of Malta. The government of Malta considers its ratification of the Framework Convention as an act of solidarity in the view of the objectives of the Convention.”

³ State report.

⁴ See in this context the Constitution of the Republic of Malta, and more particularly Articles 32, 40 and 45.

⁵ ACFC, [Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 14.

⁶ See [Hindu group wants subsidies for overseas cremation or space for traditional open pyres in Malta](#), consulted on 15 October 2024.

⁷ [Census of Population and Housing - NSO Malta](#), consulted on 4 June 2024. See in this context the [National Census Act 1948](#).

⁸ [Malta Census of Population and Housing 2021](#).

24. A preliminary report was published on 1 August 2022, followed by three final reports, respectively on “Population, migration and other social characteristics” (published on 16 February 2023), “Dwelling characteristics” (published on 31 August 2023) and “Health, education, employment and other characteristics” (published on 19 January 2024). The results of the census⁹ show that Malta’s resident population has more than doubled over a century and grown by more than 100 000 over the past 10 years (with a total population of 519 562 residents). Furthermore, for the first time, Malta’s “racial”, religious and linguistic diversity was formally captured in official statistics. Data also revealed migration patterns across the country, indicating that there are 115 449 non-Maltese citizens residing in Malta, a five-fold increase since 2011.¹⁰

25. The Advisory Committee reiterates that “[t]he right to free self-identification contained in Article 3 of the Framework Convention is a cornerstone of minority rights. The Advisory Committee has consistently underlined the centrality of this provision.”¹¹ The Advisory Committee reiterates that “[t]he right to free self-identification also extends to multiple affiliations. In fact, the Framework Convention implicitly acknowledges multiple affiliations by promoting the preservation of minority identities in parallel to successful and effective integration in broader public life. Persons belonging to national minorities should never be obliged to choose between preserving their minority identity or claiming the majority culture, as both options must be fully available to them.”¹²

26. The Advisory Committee notes that there was no possibility in the census questionnaire to declare multiple ethnic affiliations or to answer optional and open-ended questions on ethnic affiliation, as recommended by the United Nations Economic Commission for Europe, Conference of European Statisticians (UNECE) and European Union (EU).¹³ Nevertheless, for the first time, the authorities included a set of questions that they considered relevant within the national context, in particular on “racial origin”, religion and first language. The Advisory Committee considers that such data collection has enabled a deeper understanding of the cultural diversity of the population and in this context, welcomes the publication of the 2021 census.

Recommendations

27. **The Advisory Committee calls on the authorities to include the possibility to declare ethnic affiliation, including multiple ethnic affiliations, or to answer optional and open-ended questions on ethnic affiliation in the new census questionnaire.**

28. The Advisory Committee invites the authorities to complement the results of the census by collecting periodically additional qualitative and quantitative disaggregated data on persons who may benefit from access to rights enshrined in the Framework Convention.

Protection against all forms of discrimination (Article 6)

29. Articles 14 and 45 of the Constitution of Malta prohibit discrimination on different grounds, including “race”, place of origin, political opinions, colour, creed, sex, sexual orientation or gender identity.¹⁴ The Maltese anti-discrimination legal framework consists of multiple legal acts, such as the Employment and Industrial Relations Act,¹⁵ the Equality for Men and Women Act,¹⁶ the Access to Goods and Services and their Supply Regulations,¹⁷ and the Equal Treatment of Persons Order.¹⁸ The initiative to adopt an equality act incorporating all equality related legal provisions in one comprehensive legislative act, being developed in Parliament from 2016 to 2022, has not been re-introduced in Parliament.¹⁹

30. The Advisory Committee notes that the current fragmented approach of the authorities to anti-discrimination legislation does not fully guarantee adequate and effective protection against discrimination. It notes that the list of grounds that prohibit discrimination varies between some of the

⁹ The data collected shows that 90% of Malta’s population described themselves as “Caucasian”, whilst 5% are of “Asian” origin. A further 1% of the population is listed as having more than one “racial origin”. The census also reveals that 82.5% describe themselves as “Roman Catholic”, 4% as “Muslim”, 3.5% as “Orthodox”, whilst 5% do not identify with a religion. While the “main language” spoken is Maltese for 69% of the population, 10% declared English as the first language spoken, 2.5% Italian, 2% German, 2% Arabic and 1% French.

¹⁰ 90% Caucasian, 83% Roman Catholic: [Malta census statistics released](#), consulted on 4 June 2024.

¹¹ ACFC, [Thematic Commentary No. 4 \(2016\)](#), para. 9.

¹² ACFC, [Thematic Commentary No. 4 \(2016\)](#), para. 13.

¹³ United Nations (UN) Economic Commission for Europe, Conference of European Statisticians (UNECE), [Recommendations for the 2020 Censuses of Population and Housing](#). See also [Equality and non-discrimination statistics - overview - Statistics Explained](#)(Eurostat).

¹⁴ [Constitution of Malta](#).

¹⁵ [Employment and industrial relations act](#).

¹⁶ [Equality for men and women act](#).

¹⁷ [Access to Goods and Services and their Supply \(Equal Treatment\) Regulations](#).

¹⁸ [Equal Treatment of Persons Order](#).

¹⁹ Malta today, [Whatever happened to the Equality Bill?](#), 25 September 2024, consulted on 30 October 2024.

relevant pieces of legislation and that the scope of application of certain legislations sometimes overlaps, thereby providing for competing remedies and competing jurisdictions. This could create gaps in the protection against racial and other forms of discrimination and hinder victims of discrimination from making effective use of the legal remedies provided to them. However, the Advisory Committee considers the reversal of the burden of proof, as foreseen in legislation, in cases of alleged discrimination in employment, if the complainant establishes a *prima facie* case of a less favourable treatment, as a positive measure.²⁰ Such a clause is an essential tool to ensure the effectiveness of the existing legislation and awareness-raising measures should include information on the legal standards that apply to victims of discrimination as well as the available avenues of redress.

31. At the institutional level, several bodies and institutions have responsibilities concerning protection against discrimination. The Human Rights Directorate (HRD), an administrative body under the Office of the Prime Minister, was “set up with the aim of promoting principles compatible with the domestic and international legislation and reaching national objectives in the areas of civil liberties, equality and non-discrimination, as well as the integration of migrants”²¹. The HRD is composed of several units covering issues of human rights and equality in different spheres.²² Its Integration and Anti-Racism Unit is the main governmental co-ordinating body responsible for implementing different strategies at the national level, and in particular the Integration strategy (integrating = belonging) and the anti-racism strategy. It also follows the progress of migrants’ inclusion in Malta (see Article 6 below).

32. The NCPE was established as an equality body through the Equality of Men and Women Act.²³ Its members are appointed by the Prime Minister for a term of two years, with the possibility of reappointment. It is funded by the government.²⁴ Similarly, its human resources are subject to governmental approval. Its competences, which are generally in line with international standards for combatting racism and intolerance,²⁵ consist of, among others, identifying, establishing and updating all policies directly or indirectly related to issues of equality; monitoring the implementation of national policies with respect to the promotion of equality; investigating complaints and providing assistance to persons suffering from discrimination in enforcing their rights or initiating investigations on any matter involving an act or omission that is allegedly unlawful.²⁶ The NCPE is also tasked with raising awareness among private companies to voluntarily engage with the preparation of internal equality policies (147 companies as of February 2025). However, while in practice the NCPE gives its opinion on legislation by participating in public consultations, the institution still lacks the competence to monitor legislation for compliance with the prohibition of discrimination and to propose amendments. Furthermore, the NCPE is not entitled to initiate, and participate in, court proceedings and its recommendations are not binding. During its meeting with the National Commissioner, the Advisory Committee was informed that the NCPE carries out several investigations each year into alleged cases of discrimination, including cases related to discrimination on the basis of “racial origin”/ethnicity.²⁷ One case was initiated *ex officio* by the NCPE during the monitoring cycle.²⁸

33. The Parliamentary Ombudsman (the “ombudsperson”) is an independent Officer of Parliament, appointed by the President of the Republic and supported by the votes of two-thirds of all Members of the House.²⁹ Within the institutional framework of the office of the ombudsperson, three commissioners covering health, environment and planning and education have been appointed.³⁰ In February 2024, the ombudsperson was accepted as an Associate Member of the European Network of National Human

²⁰ [Discrimination at the Workplace - Human Rights Directorate](#). A similar approach is taken for all issues which fall under the Equal Treatment of Persons Order. See 2022, Preservere, [The transposition and implementation of the EU antiracism legal framework in Malta](#), p. 10, consulted on 10 October 2024.

²¹ [Human Rights Directorate](#).

²² HRD is also composed of a Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics Unit, a Gender Mainstreaming Unit, a Human Rights Initiatives Unit, in addition to the Integration and Anti-Racism Unit.

²³ [NCPE - National Commission for the Promotion of Equality](#). See Equality for Men and Women Act and Equal Treatment of Persons Order.

²⁴ Funding received by NCPE gradually increased over the years (from €350 000 in 2018 and €453 431 in 2019 to €550 000 in 2022). Information collected during the monitoring process suggests that three new staff members will be recruited as of 2025.

²⁵ ECRI, [sixth monitoring cycle on Malta](#), para. 2.

²⁶ [Functions of the Commission - NCPE](#).

²⁷ In [2023](#), nine complaints were lodged before NCPE into alleged cases of discrimination on the basis of “race”/ethnic origin. In [2022](#), three complaints were lodged and in [2021](#), five complaints.

²⁸ This *ex officio* investigation, conducted in 2021, concerned equal pay for work of equal value between Maltese and non-Maltese employees. However, following a change of circumstances during the investigation, this case was discontinued, with the reservation that if new circumstances emerge, it may be resumed or started again. The Advisory Committee also takes note of the *ex officio* investigation launched in 2018 on anti-loitering byelaws. In this case, the NCPE concluded in 2019 that the subsidiary legislation SL 363.206 as well as several byelaws, which were being implemented by a number of local councils, were indirectly discriminatory on the basis of race and ethnic origin for targeting primarily foreign nationals, particularly African migrants. The Commissioner encouraged the relevant authorities to address the specific needs of migrants rather than target them by implementing such byelaws, as these contribute to the fuelling of racism.

²⁹ [The official website of the Office of the Ombudsman in Malta](#). The ombudsman institution in Malta was set up by the [Ombudsman Act](#). In 2010, the Ombudsman Act was amended by Act XVII to provide for the appointment of Commissioners for Administrative Investigations in specialised areas of the public administration.

³⁰ The Commissioners are also Officers of Parliament.

Rights Institutions (ENNHR).³¹ The ombudsperson is empowered to conduct investigations on their own initiative or after receiving a written complaint by any person claiming discrimination affecting their economic, social and cultural rights as result of involuntary or intentional mishandling of executive power or by improper, unreasonable or inadequate conduct of public authorities (at national and local levels).³² A final opinion and formal recommendations may be adopted to redress the complaint.³³

34. The Advisory Committee notes that during the previous legislature (2017-2022), a Human Rights and Equality Commission Bill was presented to the Parliament in 2019, following public consultation. The bill aimed to establish a fully independent body combining the role of a national human rights institution and an equality body. However, the parliamentary elections in March 2022 stopped the discussion and no similar bill had been introduced in Parliament by the time this Opinion was adopted.

35. From its exchanges with interlocutors, the Advisory Committee understands that the number of complaints lodged to the NCPE and the ombudsperson remains relatively low and does not seem to correspond to the actual number of alleged discriminatory acts committed in Malta. This could be an indicator of low public awareness about what constitutes an act of discrimination as well as a lack of knowledge of the mandate of the two bodies among individuals exposed to discrimination. In this context, awareness-raising campaigns about the mandates of the ombudsperson and the NCPE aimed at society as a whole and especially at the groups of individuals most exposed to discrimination is needed.

36. The Advisory Committee reiterates that human rights institutions should have both *de jure* and *de facto* independence and should function without any interference from the state authorities, political parties or other actors. Persons holding leading positions in ombudsperson institutions should be selected and appointed through transparent, competences-based and participatory procedures.

37. The Advisory Committee notes, that the institutional independence of the existing bodies has been regularly questioned by international bodies³⁴ in particular the NCPE, for its selection and appointment procedures. It is therefore of the view that the establishment of a fully independent institution in line with the Paris Principles, acting as an equality body, is needed.³⁵ to strengthen the human rights protection system in Malta.³⁶ Such a body should be granted the power to initiate and participate in court proceedings to represent victims and the power to provide *amicus curiae* observations in cases brought by third parties as well as to monitor legislation for compliance with non-discrimination principles and advise the authorities during the legal drafting process.

Recommendations

38. **The Advisory Committee calls on the authorities to establish a fully independent institution in line with the Paris Principles, acting as an equality body.**

39. The Advisory Committee encourages the authorities to address the existing overlaps in anti-discrimination legislation, and to ensure an adequate and effective protection against discrimination.

40. The Advisory Committee encourages the authorities to step up their efforts to raise awareness among groups facing an enhanced risk of discrimination on the legal standards that are currently in force and of the mandate of the two existing human rights institutions.

Mutual respect and intercultural dialogue (Article 6)

41. The sixth state report describes various initiatives and measures taken at the governmental level to foster societal integration within Malta³⁷. An Inter-Ministerial Committee on Integration, chaired by the Ministry for European Affairs and Equality, co-ordinates the government's actions on integration, with the assistance of the Integration and Anti-Racism Unit of the Human Rights Directorate. Among the

³¹ [Parliamentary Ombudsman engages in ENNHRI General Assembly to advance the protection of Human Rights](#).

³² Article 13(2) of the Ombudsman Act. It should be noted that such investigations based on an own initiative are usually undertaken when issues of substantial public interest and importance are concerned.

³³ Many complaints are resolved informally during the course of the investigation. When the ombudsperson investigations reveal systemic faults in administrative procedures and systems used by public bodies, the ombudsperson's final opinion generally leads these organisations to review these procedures, so that the problems experienced by complainants will not reoccur. Although the ombudsperson has no power to enforce his final recommendations, these are generally accepted.

³⁴ ECRI, [sixth monitoring cycle on Malta](#), paras. 5–7; European Network of National Human Rights Institutions (ENNHR), [The state of the rule of law in the European Union - Malta](#), April 2024, p. 380.

³⁵ UN, [Principles relating to the Status of National Institutions](#) (Paris Principles), 1993. The authorities can also draw inspiration from ECRI, [General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level](#), 2017; Venice Commission, [Principles on the protection and promotion of the ombudsman institution \("the Venice principles"\)](#), 2019; Council of Europe Committee of Ministers, [Recommendation on the development and strengthening of effective, pluralist and independent national human rights institutions](#), 2021.

³⁶ See in this context the Malta Independent, [The case for an NHRI](#), 29 August 2024, consulted on 8 October 2024.

³⁷ [State report](#).

various measures adopted, the National Migrant Integration Strategy and Action Plan³⁸ serves as a basis for the I BELONG Programme, which covers the acquisition of the Maltese language and cultural orientation³⁹ for individuals in possession of a valid residence permit and intending to stay in Malta long term.⁴⁰

42. Another aspect of the strategy is to gather representatives from a range of migrant community organisations active in Malta in a “Forum on integration affairs”, to advise the government on “migrants’ integration”, suggesting amendments to the existing legislation and policies and supporting the implementation of services mutually beneficial for both migrants and residents.⁴¹ At local level, a “Local Integration Charter” is used as a tool for local councils to respond to the aim of “integration”. The majority of local councils (37 out of 54) in Malta are collaborating to implement this charter.⁴²

43. During the monitoring period, the Human Rights Directorate also launched other projects, almost all funded by European Union programmes, such as “Equality for All in Malta”⁴³ implemented during 2021 and 2022, tackling the underreporting of cases of discrimination based on the ground of “race” and/or “ethnic origin” and religion or belief. The authorities highlight particularly the initiatives undertaken by the Marsa Community Police, together with various institutions and civil society organisations, to foster inclusion and cultural understanding.

44. In June 2023, a public consultation was conducted to prepare a second national integration policy and action plan. Throughout this process, extensive discussions were held with relevant stakeholders, entities, and organisations and on 29 January 2025, the Government of Malta launched its Integration Strategy and Action Plan (2025-2030).⁴⁴

45. Malta has a variety of educational institutions affiliated with specific religions, reflecting its diverse cultural and religious landscape. In mainstream education, the constitution and legislation continue to make Catholic education in principle compulsory in public schools. However, pupils may opt out of these classes and instead take courses on ethics. These are offered in an increasing number of public schools. Students wishing to become primary school teachers are also offered such courses on ethics. In 2014 the Ministry for Education, Sport, Youth Research and Innovation (MEYR) set up the Migrant Learners’ Unit (MLU) (now International Learners’ Directorate [ILD]),⁴⁵ with the aim of supporting the inclusion of migrant children in schools. The ILD provides an induction programme through which these pupils learn primarily Maltese and English, in order to have a sufficient proficiency in these languages to follow the mainstream curriculum.⁴⁶ The ILD, working with community liaison workers, also leads other initiatives to support newly arrived migrant children and their families.⁴⁷

46. The authorities indicated that there are many cultural activities organised by migrant communities and/or Maltese stakeholders, and such minority groups that are registered as Voluntary Organisations (VOs) and whose statutes demonstrate active engagement in the cultural and creative sectors are eligible to apply for various schemes available to VOs. While there are currently no projects specifically initiated by minority groups, the Ministry for Culture, Lands and Local Government, through Arts Council

³⁸ Ministry for European Affairs and Equality, Integration, Belonging, [Migrant Integration Strategy & Action Plan](#), Vision 2020, December 2017.

³⁹ Knowledge of Malta’s history and culture.

⁴⁰ The [programme](#) has two stages. The first stage offers a pre-integration certificate, which includes basic cultural and language courses in Maltese and English Level 1 (60 hours). Completing this stage is needed for the specific residence authorization (SRA) in Malta, attended by 6 200 people since 2018. The second stage includes two parts: Maltese language Level 2 (50 hours) and a 120-hour course on Malta’s history and culture. This stage provides an integration certificate, required for long-term status (LTR) in Malta. The University of Malta offers this course, with 1 750 participants since 2018. The Advisory Committee notes that most of the applicants are from Serbia, followed by applicants from Libya, the Philippines, and from Somalia. According to the authorities, the number of participants to both stage 1 and stage 2 of the programme is higher than what was first envisaged and now requires a significant restructuring.

⁴¹ See in this context the *Migrant Integration Information Sessions* (MIIS) and the *Turning The Tables* (TTT) projects, which aim at addressing issues on education, employment, and political rights. It should be noted that the TTT was a one-time initiative subcontracted to an NGO to undertake a process during which there would be a forum and discussions, for people advocating for their own needs. These publications are publicly available on the Human Rights Directorate [website](#).

⁴² An [addendum](#) to the Local Integration Charter was signed by the Local Councils’ Association on 6 October 2021, with the aim to respect and promote the principle of equality and non-discrimination, in particular “race” and/or “ethnic origin” and religion or belief.

⁴³ [Equality for All in Malta - Human Rights Directorate](#).

⁴⁴ [Government of Malta’s Integration Strategy and Action Plan \(2025-2030\)](#).

⁴⁵ [International Learners’ Directorate \(ILD\)](#). The ILD provides teacher training and resources to schools and induction classes. It has teamed up with various agencies both locally and internationally to provide such training and resources annually. Amongst the agencies are the [Council of Europe European Centre for Modern Languages](#) as well as Erasmus + initiatives. In 2025, the ILD has 73 teachers working in induction classes. See 2023, [Reaching and Teaching Students from Ethnic Minorities in a Maltese State School](#), University of Malta, consulted on 4 June 2024.

⁴⁶ As communicated by the authorities, many children are supported by this programme, which is run through classes in over 40 schools in Malta and Gozo and is addressed at learners in primary, middle and secondary levels.

⁴⁷ From registration to schooling and beyond (e.g. free transport for schooling). After school initiatives, such as the Language to Go programme are also offered.

Malta (ACM),⁴⁸ supports initiatives involving minority groups, such as the Refugee Week, which is funded through the Arts Support Scheme. During the monitoring process, the Advisory Committee was also informed that there is a good collaboration between the NCPE and the media to raise awareness about the situation of migrants arriving in Malta, including their personal stories, with the aim to promote respect and intercultural dialogue.⁴⁹ Representatives of the broadcasting authority in Malta informed the Advisory Committee that in recent years training sessions to combat disinformation have been held. Members of its staff have also participated in activities/events to combat discrimination, foster diversity, and to ensure equitable treatment of all persons.⁵⁰ In suspected cases of discrimination, a complaint procedure is opened for the public and may lead to a sanction by the Broadcasting Authority to the broadcaster (warnings or imposition of fines).⁵¹

47. According to other sources, despite the implementation of the National Migrant Integration Strategy and Action Plan and the Anti-Racism Strategy (see below), which are seen as positive steps, there are still many barriers to integration of Maltese society, particularly in the socio-economic area, such as access to employment or housing.⁵²

48. The Advisory Committee reiterates that "Article 6 of the Framework Convention explicitly applies to all persons living on the territory of states parties."⁵³ "Based on Article 6, the Advisory Committee has also evaluated the implementation of the Framework Convention in states parties where, according to the authorities, no persons belonging to national minorities reside."⁵⁴ The protection offered by Article 6 includes effective measures "to promote mutual respect, understanding and co-operation among all persons irrespective of their ethnic, cultural, linguistic or religious identities."⁵⁵

49. Taking into consideration the steady increase in the number of foreign nationals living in Malta and the number of migrants and asylum seekers arriving in Malta, the Advisory Committee understands that existing integration policies are inadequate and need to be constantly adjusted. In this context, it welcomes the fact that an Inter-Ministerial Committee on Integration, with the assistance of the Integration and Anti-Racism Unit of the Human Rights Directorate, continues to take measures to foster integration of the country's society. It notes that the national migrant integration strategy and action plan continues to be an important tool of action and it welcomes the launch of the Government of Malta's Integration Strategy and Action Plan (2025-2030) on 29 January 2025. The Advisory Committee is of the view that its full adoption and implementation, in close co-operation with different stakeholders, is necessary to overcome the remaining obstacles, in particular in accessing employment, housing and other services, which may hamper full inclusion of individuals into Maltese society. This second strategic document should also include a gender perspective.⁵⁶

50. In education, the Advisory Committee commends the authorities for establishing a Migrant Learners' Unit for migrant children, now known as the International Learners' Directorate (ILD). It further notes that it is possible for those interested to attend private schools offering a specific religious education, but also for pupils from public schools to opt out from the catholic education.⁵⁷ The Advisory Committee further notes that the new National Education Strategy 2024-2030 "visioning the future by transforming education"⁵⁸ recognises the impact of migration and cultural diversity on social realities and aims to support the diverse needs and backgrounds of the learners.⁵⁹

⁴⁸ [Arts Council Malta](#).

⁴⁹ See M. Micallef, 2017, Ethical Journalism Network, [The Challenge of Normalising the Media's Migrant Crisis Machine](#).

⁵⁰ [Broadcasting Authority](#). See the [Broadcasting Act](#).

⁵¹ The Advisory Committee notes from the information received by the authorities that during the period of reference, no procedure has been launched on alleged cases of discrimination before the Broadcasting Authority. The Broadcasting authority informed the Advisory Committee that all decisions taken by its board are made public and uploaded on their [website](#). Provisions which particularly refers to "race" are set in SL 350.26 – Requirements as to Standards and Practice on the Promotion of Racial Equality. Sanctions are governed by the Fifth Schedule of the Broadcasting Act.

⁵² 2022, PRESERVERE, [The transposition and implementation of the EU antiracism legal framework in Malta](#), consulted on 10 October 2024; 2020, Migrant Integration Policy, [Key Findings - Malta](#), accessed 14 November 2024; 2019, [A Report on Minority Relations in Malta](#), University of Malta, consulted on 6 June 2024; 2019, European Scientific Journal, [An Analysis of Working Conditions of Filipinos in Malta](#), University of Malta, p. 80, consulted on 5 June 2024; 2018, The European Union Agency for Fundamental Rights (FRA), [Being Black in the EU/Second European Union Minorities and Discrimination Survey](#), pp. 58–63.

⁵³ ACFC, [Thematic Commentary No. 4 \(2016\)](#), para. 51.

⁵⁴ ACFC, [Thematic Commentary No. 4 \(2016\)](#), para. 52.

⁵⁵ ACFC, [Thematic Commentary No. 4 \(2016\)](#), para. 51.

⁵⁶ 2020, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), [\(Baseline\) Evaluation Report on Malta](#), paras. 237–256.

⁵⁷ There are across Malta 47 "church schools", primarily affiliated with the Roman Catholic Church. These schools integrate Catholic religious education and values into their curriculum while offering a broad academic foundation. The Mariam AlBatoor School is an Islamic school catering to the Muslim community in Malta, providing religious education based on Islamic principles alongside the national curriculum. The 24 December Libyan School integrates both Libyan culture and Islamic religious teachings into its programme.

⁵⁸ National Education Strategy 2024-2030, [visioning the future by transforming education](#), strategic objective 4, Equity & Inclusion, p. 59.

⁵⁹ In this context, see 2019, [Muslim Students in Maltese Schools: Outsiders Looking in](#), consulted on 6 October 2024. See also 2021, Times of Malta, [I thought there was something wrong with being a Muslim](#), consulted on 6 October 2024.

51. While the Advisory Committee recognises the important historical role the Catholic Church has played in Malta as well as the continuing significance of religion in the lives of many Maltese residents, it considers it important that other religions and denominations are also accepted as part of Maltese society.

Recommendations

52. The Advisory Committee encourages the authorities to continue to increase their efforts towards fostering a public debate on societal integration that is based on mutual respect and tolerance, by adopting its second national integration policy and action plan, and by ensuring that all members of society are adequately informed, included and consulted at the national and local levels.

53. The Advisory Committee encourages the authorities, through education policies and cultural activities, to further promote ethnic, cultural, linguistic and religious diversity as an essential societal value.

Combating hate crime and hate speech (Article 6)

54. The legal framework addressing hate crime and hate speech remains unchanged over the monitoring period.⁶⁰ In criminal law, racial discrimination and hate speech are considered criminal offences as well as a motive for a crime, which can lead to imprisonment or serve as an aggravating circumstance.⁶¹

55. Following consultations with civil society representatives, the authorities adopted the Anti-Racism Strategy 2021-2023 on 28 July 2021.⁶² In this context, the Human Rights Directorate, in partnership with civil society organisations, has developed several projects during the monitoring period.⁶³ Discussions are being held to prepare the second national action plan against racism (NAPAR). The authorities indicated that NAPAR will place a special emphasis on intersectionality. Furthermore, in June 2024, Malta became an observer country to the International Holocaust Remembrance Alliance, working to strengthen, advance and promote Holocaust education, research and remembrance worldwide.⁶⁴

56. The authorities informed the Advisory Committee that, in the context of the END-RACISM-MT project, public officers in key sectors undergo training to address discrimination. Law enforcement officers receive “cultural competence” training to enhance their ability to effectively communicate and engage with individuals from various ethnic, religious, and socioeconomic backgrounds. By 2025, one fifth of the Maltese police had been trained. Furthermore, in 2020, the authorities established the Victim Support Agency,⁶⁵ which carries out data collection on hate crime, including criminal hate speech.⁶⁶ The Malta Police Force also gathers statistical data. However, no information has been provided to Advisory Committee on pre- and in-service training of judges, prosecutors, investigators and other members of the legal profession to address discrimination effectively.

57. The Advisory Committee reiterates that “Article 6(2) contains the obligation of states parties to protect all persons against violence and discrimination on ethnic grounds, in other words not only persons belonging to national minorities. Minorities cannot thrive in a society where diversity is not tolerated or is even used as a pretext for hate crimes and discrimination. This is why it is vital that all states parties strive to apply and achieve the aims of Article 6 of the Framework Convention fully, even those states parties that have explicitly declared that they have only ratified the Framework Convention out of solidarity.”⁶⁷ “The Advisory Committee refers in this context to other bodies with the specific mandate and expertise to address issues related to racial discrimination and protection from hate crime.

⁶⁰ See in this regard the concerns expressed by ECRI in 2018 and 2024: ECRI, [sixth monitoring cycle on Malta](#), paras. 31–32.

⁶¹ See Articles 82A(1) and 83B of the [Criminal Code](#).

⁶² [Anti-Racism Strategy 2021-2023](#). This Strategy has four objectives, settled to strengthen the institutional framework (objective one), to confront racism and advance intercultural inclusion across diverse policy fields and sectors (objective two), to raise awareness about the principles of intercultural inclusion (objective three) and to tackle all forms of discrimination experiences by minority groups (objective four). To reach these objectives, the Strategy promotes the implementation of 22 measures.

⁶³ The [Equality for All in Malta project](#) was aimed at tackling the issue of underreporting of cases of discrimination based on “race” and/or “ethnic origin” and religion or belief. The project provided training sessions for persons at risk of being discriminated against, but also for local councils. An awareness raising campaign was launched to the public at large, in collaboration with the Malta Police Force. The ongoing [END-RACISM-MT Project](#) focuses on enhancing public authorities’ responses to discrimination, racism and xenophobia through various measures, such as the establishment of an Anti-Racism Platform, in-depth academic research, training sessions and collaboration among stakeholders to enhance data collection on hate speech and hate crime. See also in this context the [HATEDEMICS project](#), which aims at hampering hate speech and disinformation through AI-based technologies to prevent and combat polarisation and the spread of racist, xenophobic and intolerant speech and conspiracy theories.

⁶⁴ [International Holocaust Remembrance Alliance](#).

⁶⁵ [Victim Support Agency](#). See also the [Victim Support Agency \(Establishment\) Order](#).

⁶⁶ See ACFC, [5th Opinion on Malta](#), adopted on 5 October 2020, paras. 36 and 43.

⁶⁷ ACFC, [Thematic Commentary No. 4 \(2016\)](#), para. 55.

It notes in particular the role of the European Commission against Racism and Intolerance (ECRI)⁶⁸ in assessing the applicability and effectiveness of anti-discrimination tools and mechanisms.⁶⁹ “The Advisory Committee has consistently encouraged states parties to base their equality promotion policy instruments or special measures on comprehensive data [...], also taking into account the various manifestations of multiple discrimination that may be experienced, including those arising from factors that are unrelated to the national minority background such as age, gender, sexual orientation and lifestyle-markers.”⁷⁰

58. The Advisory Committee welcomes the adoption of the Anti-Racism Strategy 2021-2023 and notes that the projects developed to achieve its objectives are promising. It considers the forthcoming adoption of the second national action plan against racism as a positive step which will reinforce all actions undertaken thus far and focus further on the question of intersectionality. However, considering the important involvement of the European Union in this area, while acknowledging the firm commitment and initiatives of the authorities at national and local levels to combat racism, the Advisory Committee wishes to point out that the primary responsibility for addressing the above lies with the state authorities. A heavy reliance on external funding can undermine the authorities’ ownership of the implementation process and hamper the effectiveness and long-term impact of this work.

59. The Advisory Committee appreciates that the authorities regularly organise training sessions for public officers, in particular law enforcement officers. Police training in the field of human rights and intercultural relations, including police relations with minority communities, should be further pursued to enhance relations between police and groups at the greatest risk of exposure to hate crimes. However, the Advisory Committee regrets that no information was provided on pre- and in-service training for judges, prosecutors, investigators and other members of the legal profession to address discrimination effectively.

60. The Advisory Committee regrets that the authorities have not provided more information in the state report on the existing data collection mechanism on hate crime incidents, including possible data on hate speech. It notes the role of the Victim Support Agency and the Malta Police Force in carrying out data collection on hate crime, including criminal hate speech. It further notes that there are diverging figures on the number of cases of hate crime and hate speech based on the grounds of colour, ethnic origin, “race” or religion/belief.⁷¹ It is unclear whether these data are hate crime or hate speech related, whether these cases were prosecuted and to what extent they led to a final conviction.⁷² Some sources suggest that there are many unreported hate incidents, in particular online hate speech.⁷³

61. While acknowledging the measures put in place to promote mutual respect and prevent the emergence of any form of racism, the Advisory Committee reiterates that the low number of complaints related to racial discrimination brought forward to the authorities does not necessarily reflect the absence of any discrimination, but may also point to a limited awareness among the public of available legal remedies or the inapplicability of the legal framework to the actual context. The Advisory Committee emphasises that the success of efforts to raise-awareness, and increase the reporting, of racist offences will therefore also depend on the success of efforts to improve both the investigation and punishment of such offences as well as the relations between law-enforcement officials and the groups most often targeted by hate crimes. It is also particularly important to develop and regularly update a comprehensive system of data collection on discrimination in the justice system, to ensure a more effective implementation of the anti-discrimination legislation in force.

⁶⁸ See in particular ECRI [General Policy Recommendation \(GPR\) No. 15 on Combating Hate Speech](#), adopted on 8 December 2015.

⁶⁹ ACFC, [Thematic Commentary No. 4 \(2016\)](#), para. 58.

⁷⁰ ACFC, [Thematic Commentary No. 4 \(2016\)](#), para. 66.

⁷¹ In ECRI, [sixth monitoring cycle on Malta](#), appendix: government’s viewpoint, Data collection mechanism on hate speech and hate crime – para. 36, the authorities indicate that between 2021 and 2023, there were 82 such cases. In the recent OSCE ODIHR [hate crime report](#) (consulted on 2 December 2024), the authorities reported 39 cases for 2022 and 2023.

⁷² It should be noted that in their [comments](#) on the Fifth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Malta, received on 17 February 2021, the authorities stated that: “As from August 2020, all written and online reports and investigations are handled by the Vice Squad within the Malta Police Force. The Vice Squad follows internal circulars which lay down the procedure to be followed by any member of the Police Force in receipt of reports to ensure that no data being processed is lost. Moreover, the Police Incident Reporting System (NPS) has been upgraded and equipped with a radio button intended to classify whether a report is being generated for a hate crime incident or otherwise. This classification is compulsory. The data inputted in the NPS can be converted into statistics during the compilation of response. Upon request, these statistics are made available to the public.”

⁷³ See for example 2023, [Understanding hate speech and derogatory language against migrants and ethnic minorities in Malta: A qualitative analysis of social media comments and lived experiences](#), p. 6, consulted on 18 November 2024: “Multiple studies suggest a significant prevalence of hate speech in Malta, both online and offline, with racism and xenophobia being the main beliefs used in such incidents [...] The lack of comprehensive tracking systems and a culture of under-reporting contribute to an obscured understanding of the issue of hate speech in Malta”; 2022, PRESERVERE, [The transposition and implementation of the EU antiracism legal framework in Malta](#), p. 17, consulted on 10 October 2024; 2019, European Scientific Journal, [An Analysis of Working Conditions of Filipinos in Malta](#), University of Malta, p. 80, consulted on 5 June 2024: “[...] Filipinos in Malta seem to be far more likely to experience workplace discrimination or bullying/harassment when compared to other migrants in the EU.”

Recommendations

62. The Advisory Committee strongly encourages the authorities to establish a publicly available disaggregated data collection system on hate speech and hate crime by both law enforcement and the judiciary.
63. The Advisory Committee encourages the authorities to continue giving high priority to combating all forms of racism, intolerance and discrimination and to protect all persons under Malta's jurisdiction against such acts, through the adoption of its second national action plan against racism and by ensuring that all members of society are adequately informed, involved and consulted at national and local levels.
64. The Advisory Committee invites the authorities to provide in their next state report information on pre- and in-service training for judges, prosecutors, investigators and other members of the legal profession to address discrimination effectively.

The **Advisory Committee on the Framework Convention for the Protection of National Minorities** is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in English, French and Italian.

This Opinion contains the evaluation on Malta.

www.coe.int/minorities

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.