Developing Bystander Responses to Sexual Harassment among Young People

Background Paper on Malta

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Background Paper on Malta

With a surface area of just 316 square kilometres and a population of approximately 420,000, the Maltese Islands fall firmly into the small states category. Yet, its very position in the middle of the Mediterranean Sea has allowed for this small country to play an important role in the southern European trade and development from its colonial past to a democratic state, ultimately joining the European Union in 2004. Separated from mainland Europe, Malta remained a largely insular state where the Roman Catholic Church maintained a strong influence in the public sphere and social life of the island. The second article of the Maltese constitution actually recognises the Roman Catholic Church (RCC) as the official religion of Malta, gives the RCC the right and duty to teach principles of right and wrong in Malta and provides for the teaching of the Roman Catholic faith in all state schools[1]. Still, a number of sociological studies show that since the late 1990's there is a "progressive process of secularisation with an increasing number of the population opting out from the behavioural standards promoted by the Roman Catholic Church" (Mifsud, Buttigieg, Savona-Ventura, Delicata , 2009). This led to some political upheavals that had legal and social effects on a wide spectrum of gender related issues.

Political context

The first major change, that started the recent avalanche, was a referendum on the introduction of divorce in 2011, which was won by a higher than usual margin, unusual in the country where elections are sometimes decided by a single percentage point (Pace, 2012). A parliamentary democracy, Malta is largely run by one of two major political parties: the Nationalist Party, (PN) best described as Christian-democrat and right of centre; and the Labour Party (PL) which is social-democrat, left of centre. The PL has been the party in government since 2013, after being in opposition for more than fifteen years. The political context is important, because the PL branded itself as a progressive, liberal party, winning the last election by a landslide. Part of the success was related to co-opting many of the

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[1] http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566

issues of equality, particularly the LGBTIQ issues into its electoral manifesto. In a short time span, many laws were enacted that tackled some of the long unresolved issues of equality. One of the first was a Civil Partnership Act (open also to same sex couples) that allowed for civil partnerships to obtain the same status as marriage. It was followed by the Gender Identity, Gender Expression and Sexual Characteristics Act (GIGESC) that resolved many issues of gender identity discrimination in Maltese laws. This led Malta, being previously ranked in the 31st position (out of 42 European countries) according to the ILGA ranking 2012, to today holding the first position. Similarly, Malta signed and ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) and is currently in the process of amending its legislation to be in conformity.

The important fact is that a quick succession of new laws brought the issues of gender and LGBTIQ inequality, as well as gender based violence to be among the most important issues on the local political scene.

Education System

Education in Malta is governed by the Education Act of 1988. The State is obliged to provide for universal access to education for all and establishes and authorises a curriculum. The State is the main actor in provision, covering most students, but the act further provides for education provided by Catholic Church run schools and Independent (private) schools. Compulsory education starts at the age of five and lasts 11 years, until the age of 16. This is divided into primary education (5 to 11 years of age) and secondary (11 to 16). Following examinations at the end of secondary schooling, students can acquire the required qualifications to enter the sixth-form colleges (ages 16 to 18) which prepares them for access to university. The primary schools run by the state and private schools are co-ed, whilst the church run ones are single sex. Secondary schools run by the church are also single sex whilst independent are co-ed. State run secondary schools were single sex, but have been moving towards co-ed since 2013 and are still in transition. There is also one secondary co-ed school in Malta that falls under the Education act and is run on principles of

Muslim ethos, but it is currently in the process of being shut down due to financial difficulties[2].

As at January 2016, the number of children in all primary and secondary schools was as follows[3]:

Primary:

1) Public Schools – 13,740
2) Catholic Church Schools – 7,585
3) Independent schools – 3005

Secondary:

1) Public Schools – 11.495
2) Catholic Church Schools – 7,027
3) Independent Schools – 2745

Current Policies on Sexual Harassment

State schools:

There are two pertinent documents on policy in relation to state schools: Child Protection Procedures in Schools (1999)[4] and L-Imgieba Tajba fl-Iskejjel (Good Behaviour in Schools) (1999)[5]. The former is mostly concerned with procedures related to suspected child abuse cases, but it also introduces the obligation on the Education Department to provide prevention programmes. The aims of such programmes are:

- To equip children with the necessary skills to avoid abuse if possible;

- To teach parenting skills which may prevent abuse from occurring;

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2 http://www.timesofmalta.com/articles/view/20170211/local/muslim-secondary-school-to-shut-down-after-20-years.639202

3 http://www.timesofmalta.com/articles/view/20160118/local/sharp-drop-in-children-in-state-schools.599273

4 https://education.gov.mt/en/resources/Documents/Policy%20Documents/child_protection.pdf

5 https://education.gov.mt/en/resources/Documents/Policy%20Documents/imgiba_tajba_iskejjel.pdf

- To develop parents' capacity to teach their children how to be safe from abuse;

- To enable parents and school staff to recognise possible indicators of abuse.

The latter introduces more specific details on anti-bullying policies compulsory for all schools, which include: formulation of prevention programmes to be taught through Personal and Social Development classes (PSD); organising in-service training for teachers, parents and administrative staff of schools; and more detailed research on forms of bullying behaviour and what can be done to prevent it. The policy paper also recognises that emotional and sexual harassment is a form of bullying that needs attention. In both policy papers there is a clear indication of the need for a whole school community approach as a best way of bullying prevention.

Students over 16 years of age attending the Junior College (6th form college that falls under the University) and the University of Malta are covered by the university's Sexual Harassment policy. The Malta College of Art, Science and Technology (MCAST), that gathers within it a collection of mainly technical post-secondary schools, does not have a clearly formalised bullying or sexual harassment policy, but offers a number of student services which includes extensive guidance services.

Church Schools:

Following a spate of scandals involving child abuse in Catholic Church run institutions, the leadership of the Catholic Church in Malta set up a Safeguarding Commission to report and advise on issues of sexual abuse and report on the best possible preventive measures. Although an initial report in 2014 gave most attention to sexual coercion and abuse of children by pastoral members of the Church, it also includes recommendations on training for the people working within the Church institutions (including the Church schools) on preventive measures for sexual violence and abuse. It also appoints a head of the Safeguarding Commission, tasked with updating and implementing preventive policies (among others) on a regular basis. Furthermore, the annual report of the Safeguarding Commission for 2015 shows the number of Church employees that received training on

preventive measures, whilst also recommending that preventive measures should be a high priority[6].

Policies enacted by the Ministry of Education are valid and obligatory for all educational institutions. Catholic Church schools, from their own particular perspective, as mentioned above, introduced their own additional policies. The same is true for independent schools in Malta. For instance, San Anton School (a local independent school) came up with their own programme on prevention of bullying and preferred ways of dealing with cases of bullying at school, mostly through Personal, Social and Career Development (PSCD) lessons and better supervision of students. Another independent school, San Andrea School, has an anti-bullying policy that revolves around constantly reminding children to report if they see any kind of inappropriate behaviour, inclusive of verbal, emotional and sexual harassment[7]. On the other hand, a boys-only independent school, St. Edwards College, emphasises discipline and maintaining "good behaviour" as a necessity to avoid sanctions, without any particular stress on prevention. Rather, it demands a change of behaviour from the 'bullies' as a condition of being accepted in the school community and lists possible sanctions for unacceptable forms of behaviour[8].

Planned Policies

Two major policy papers are of importance:

1) Addressing Bullying Behaviour in Schools (Oct. 2014), by the Education Department, was the most promising one. Unlike previous guidelines, it clearly defines various forms of bullying including sexual harassment and also recognises harassment on the grounds of both gender identity and sexual orientation. It includes references to Homophobic & Transphobic bullying and also mentions that girls are more often the victims of sexual harassment. There are no details on what kind of prevention

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6 http://ms.maltadiocese.org/WEBSITE/2016/PRESS%20RELEASES/42%20Safeguarding%20Commission%20Annual%20Report%202015.pdf

7 http://www.sanandrea.edu.mt/bullying?l=1

8 http://www.stedwards.edu.mt/en/policies_maintaining_good_behaviour

programmes should be in place, just that they will revolve around a principle of restorative justice. This policy paper was opened for debate and feedback at the end on 2014[9]. Unfortunately, whilst the proposed paper recognised and defined much of bullying as gender based, the final version of the document had most of the references to gender and sexual orientation removed[10]. Furthermore, whilst the initially proposed version gave clear definitions of, for instance, homophobic or transphobic behaviours, with clear references to articles of law that defined them, the version accepted and put in force in June 2015, does not.

2) Crime Prevention Strategy for Maltese Islands 2017 – 2021, by the Ministry of Justice and Home Affairs, envisages an introduction of a school based crime prevention curriculum, to be introduced in stages over three years, to tackle forms of anti-social behaviour, in order to both prevent crimes from happening and protect youth from victimisation. The curriculum proposed is expected to be based on a wide range of techniques, inclusive of: "anger management, impulsivity control, emotional control, empathy, problem solving, conflict leading to violence, behaviour modification, positive social skills, social competency skills"[11]. This proposal was published at the end of 2016 for comments and feedback.

Current Personal, Social and Career Development (PSCD) curriculum

PSCD classes are the vehicle used by Maltese schools to realise curriculum on a wide range of topics, from substance abuse, personal relationships, sex and growing up and so on. There is an overlap between the topics and issues, so, for instance, sexual abuse could be part of

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9 https://education.gov.mt/en/Documents/Addressing%20Bullying%20Behaviour%20in%20Schools.pdf

10 https://education.gov.mt/en/resources/Documents/Policy%20Documents/Managing%20Behaviour%20in%20Schools%20Policy.pdf

11 https://socialdialogue.gov.mt/en/Public_Consultations/MHAS/Documents/Crime%20Prevention%20Strategy%20for%20the%20Maltese%20Islands%202017%20-%202021%20doc.pdf

lessons tackling bullying, but could also be part of lessons on sexual health, love and other possible topics.

PSCD lessons are compulsory for all primary and secondary students. The curriculum is divided in thematic groups/topics which vary depending on the age of the students. For the first six years (primary school), whilst the students are taught by their class teacher, there are no rules on how the topics are covered, as long as all the groups are covered in a scholastic year. In the secondary schools, the groups/topics are organised in blocks of 9 lessons (totalling 6 hours) and guidelines are issued by the Education Department on how best to tackle the subjects.

Nonetheless, teachers are allowed some flexibility on how to cover the curriculum. The Education department provides them with a number of resources, both local and international, with lesson plans and toolkits that could be used to cover the required syllabus. Teachers are also often free, with the permission of the head of the school, to invite NGO's or professionals working in the particular field to help them cover the topic more thoroughly. The Education Department keeps a list of external education providers (inclusive of NGO's) that can be invited, but it is not regularly updated (last update was in 2015).

For the purpose of this report, we analysed the PSCD curriculum for all 11 years for primary and secondary schools, seeking the key words in the themes that could cover sexual harassment prevention. Whilst sexual harassment as such is not specifically mentioned, aspects of it are covered, and there is a lot of overlap between the topics. Also, it is important to note that the syllabus is subject to changes from one year to another, depending on new policies, changes in society, or changes in legislation that necessitate inclusion of new topic/s. The table below shows the list of topics, per year, covered in PSCD classes in Malta.

Topic	Gender Identity	Sexuality/Sex		Safety/Personal	Harassment Sexual	
Year	No	Yes	No	No	No	No	
Year	No	Yes	No	No	No	No	
Year	No	Yes	No	No	No	No	
Year	Yes	No	Yes	No	No	No	
Year	Yes	No	Yes	Yes	Yes	No	
Year	Yes	No	Yes	Yes	Yes	No	
Year	Yes	Yes	Yes	No	No	No	Total 6 hours (9 lessons)
Year	Yes	Yes	Yes	Yes	Yes	No	Total 6 hours (9 lessons)
Year Differencies and similarities Between People	No	No	Yes	Yes	Yes	No	Total 6 hours (9 lessons)
Year	Yes	No	Yes	Yes	No	No	Total 6 hours (9 lessons)
Year Establishing Healthy Relationships through Positive Behavior	Yes	No	Yes	Yes	No	No	Total 6 hours (9 lessons)

Research Studies

The National Commission for Promotion of Equality (NCPE) published a report entitled: 'Research Study on Violence, Harassment & Bullying in Schools: a qualitative perspective' (2016)[12]. The research included over 120 respondents, inclusive of parents, teachers and students. From the responses it was clear that there was a lot of concern expressed over verbal and emotional abuse, particularly in the use of social media. The reasons for bullying were varied, but issues of gender, sexuality and race were often mentioned and almost all of them recognised that there was an issue of imbalance of power and that bullying was being used as a tool to achieve a higher status. Their study also discovered that the majority of students have little faith in the schools' ability or willingness to deal with bullying. Accordingly, most of the respondents thought that schools could do with more staff and better teacher training and that a move from insistence on academic excellence towards a more holistic education and alternative teaching techniques could help. It was found that anti-bullying and anti-violence policies "*are not sufficiently comprehensive, not sufficiently communicated to all relevant parties, and in many cases not enforced. Moreover, they tend to vary from one school to another, resulting in incoherence*" (p.68).

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[12] https://ncpe.gov.mt/en/Documents/Projects_and_Specific_Initiatives/Forms%20of%20Violence/Report%20-%20Violence%20Schools.pdf

Another research study seems to confirm this last point. In a research dissertation entitled 'Bullying Prevention Programmes in Gozo Secondary Schools' (Sciberras M., 2014), researcher tried to examine how and if the schools actually apply the Child Protection Policy (1999) and the Good behaviour at Schools policy (1999) and if and how they work. He followed 4 schools in Malta's sister island Gozo, and he found that all 4 schools deal with incidents as and when they occur, involving both bullies and parents, but that there was no specific prevention policy and if there was, each school had a different approach. At that point in time, these policies had been in practice for 14 years.

Another study targeting heads of schools, was carried out in 2015, by SOS Malta, an NGO, as a part of an Erasmus funded project entitled "Against School Aggression Partnership". They attempted to analyse the issues of bullying in schools from the management/administrative perspective. Heads of schools that did respond (around 30% of them, all from public schools), had at least partial knowledge of possible bullying prevention strategies and techniques, but felt that they do not have sufficient human resources nor enough training to implement them fully and adequately. Furthermore, there seemed to be no distinction between different forms of bullying and no clear understanding as to what kind of approach would work best in any given situation[13].

Other Violence Prevention work

There are a few NGOs offering violence prevention programmes in Malta, one being Malta Girl Guides, that for the last three years have implemented "Voice Against Violence", a prevention programme designed and promoted by UN women.

SOAR, a local support group for survivors of violence, together with Men Against Violence (both NGOs), have been visiting schools, on invitation, and performing gender equality/violence prevention workshops, aimed at teenagers. The workshops are conducted partially using a bystander approach.

Conclusion

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[13] http://www.sosmalta.org/file.aspx?f=865 , p. 9

From the above, it can be seen that some policies focusing on violence prevention do exist, albeit not necessarily prevention of sexual harassment. The topic is tackled during PSCD classes throughout primary and secondary schools, but, again, there seems to be no coherent approach although there is an awareness of different techniques/forms of violence prevention programmes. The main issue raised is that there is no uniform approach on how the policies are implemented in schools and that there is a need for further training of school staff to learn and implement the prevention techniques better. Policies that are currently being discussed/planned seem promising, but at this stage it is not yet clear what they will look like once finalised.

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