

I'm Not Racist, But...



Guide for
property
owners



Do you work in real estate? Are you a landlord?

Are you aware that Maltese legislation prohibits discrimination on the basis of race or ethnicity through the Equal Treatment of Persons Order?



What is Discrimination?

Discrimination occurs when a person or group is treated differently to other people based on a set characteristic such as sex, gender identity, race, ethnic origin, age, disability, religion, or sexual orientation.

Discrimination in housing may take place in denying, directly or indirectly, an individual or a group, the right to buy or rent any housing, on the basis of their 'race', ethnicity or colour.

Why is it important to identify it?

Access to decent housing is a basic human right, and a pre-requisite for full participation in society.

Discriminatory practices often lead to housing discrimination, which can be one of the factors leading to homelessness and social poverty.

Examples of **Direct discrimination** relating to housing would include advertising, or instructing a third party, or making any other statement that refuses to rent to members of a certain group, or that otherwise indicates a preference based on a group characteristic, such as skin colour or ethnic origin.

Indirect discrimination occurs when an apparently neutral provision, criterion or practice applied to all would disadvantage or have a disproportionate impact on people belonging to a specific group.

Harassment would include any action which has the purpose or effect of violating the dignity of a person on the grounds of racial or ethnic origin. This would also include actions taken by the property owner or his/her agent, or any other person, which violates the legal rights of the tenant and his/her comfortable stay in the property.

Examples would include entering the property without permission, demanding extra fees, refusal to provide a written agreement and receipts, threatening eviction without legitimate grounds, threatening to cut off the utilities, verbal abuse or actual violence.

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The European Commission's anti-discrimination campaign



www.stop-discrimination.info

This programme was established to financially support the implementation of the objectives of the European Union in the employment, social affairs and equal opportunities area, and thereby contribute to the achievement of the Europe 2020 Strategy goals in these fields. The seven-year Programme targets all stakeholders who can help shape the development of appropriate and effective employment and social legislation and policies, across the EU-27, EFTA/EEA and EU candidate and pre-candidate countries. For more information see: <http://ec.europa.eu/progress>

The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.

You can refer to the Racial Equality Directive as a guiding principle in implementing a code of ethics and standard of practice.

The Racial Equality Directive:

- Implements the principle of equal treatment of persons irrespective of racial or ethnic origin.
- Protects against discrimination in employment and training, education, social security, healthcare and access to goods and services including access to and the provision of housing.
- Gives victims of discrimination a right to make a complaint through a judicial or administrative procedure, with appropriate penalties for those who are found to have discriminated.
- Divides the burden of proof between the complainant and the respondent in civil and administrative cases.
- Provides for the establishment in each Member State of an organisation (National Equality Body) to promote equal treatment and provide independent assistance to victims of racial discrimination.

Maltese legislation prohibits discrimination on the basis of race or ethnicity through the Equal Treatment of Persons Order.

Through Legal Notice 85 of 2007, Maltese law was brought in line with the Racial Equality Directive 2000/43/EC.

This legal Notice sets out the illegality of discrimination based on race and ethnic origin in relation to goods and services and their supply.

What does this mean?

This means that in Malta it is against the law to discriminate against any person in relation to access to and supply of goods and services which are available to the general public. This includes access to and supply of Housing.

Punishment for the infringement of these provisions is clearly laid out in Legal Notice 85 of 2007.

According to 6 (1) a person guilty of such an offence will be liable on conviction to a fine of not more than €2,329.37 or to imprisonment for not more than 6 months, or to both such fine and imprisonment.

According to section 15 (1) a victim of discrimination shall have a right to claim compensation for damages.

The National Commission for the Promotion of Equality (NCPE) is Malta's National Equality Body which works on different types of discrimination, including race and ethnic origin.

For more information on the National Commission for the Promotion of Equality (NCPE) and the Race Equality Directive 2000/43/EC and what your rights are, you can contact NCPE on:

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