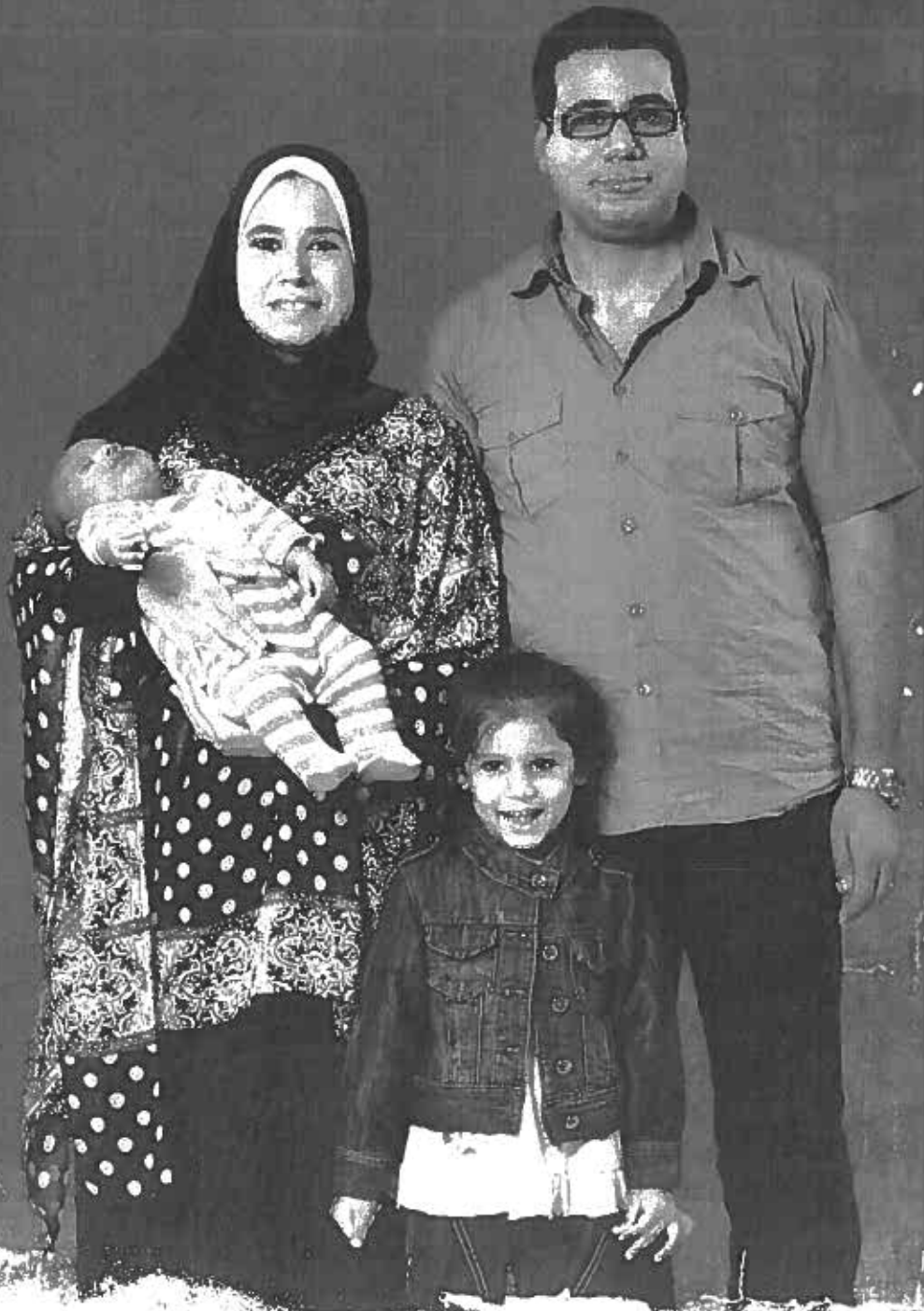




**THINK
EQUAL**

**Racial Discrimination
in Malta**
Qualitative Study



Racial Discrimination in Malta – Research Report

Qualitative Study

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Foreword

The project Think Equal VS/2010/0569 was designed to stimulate debate on equality, diversity and multiple discrimination; enhance and promote a shared understanding of equality, non-discrimination, diversity and multiple discrimination; disseminate good practices; sensitise, train and empower youths to welcome and live diversity, as well as compile data upon which legislation, policy and action plans may be designed. The project targeted youths, professionals and academics having a role of influence of their potential multiplier effect and also included qualitative and quantitative studies on discrimination as well as the production of tools related to discrimination.

To this end, one of the qualitative studies being carried out as part of Think Equal is the present study, which was aimed at studying racial discrimination in employment, access to and supply of goods and services, and in contact with the

authorities. The objective of this research was to identify the nature and extent of the discrimination experienced and the deficiencies of current systems, policies and structures, as well as first hand experiences of contacts with the authorities.

The group targeted by racial discrimination in Malta was identified in the National Framework 2010 – Malta. Qualitative studies such as the present study are required to ensure that drafters of laws, policies and actions are made aware of the discriminatory behaviour that needs to be addressed. Thus, this report aims at providing data upon which policies may be reviewed or established, and data on which racial equality mainstreaming may be undertaken.

A special thanks goes to the key expert and the researchers involved in this research, as well as the NCPE staff who worked on this project.

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November 2011

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1. Introduction

This research study focuses on racial discrimination in Malta. This qualitative data was sought in order to ensure the effectiveness of equality mainstreaming initiatives aimed at these racial groups. Other objectives of the 'Think Equal' project which are partly addressed by this study include: stimulating debate on equality and diversity; enhancing and promoting a shared understanding of equality, non-discrimination and diversity; as well as helping to guide legislation, policy and action plans.

The purpose of this study is therefore to indicate and bring to the fore the nature and extent of the discrimination suffered in employment, in access to, and supply of, goods and services, and also in first hand experiences of contact with the authorities and potential defects in current systems, policies and structures, as identified through: the difficulties faced by the respondents as reported in the empirical study; the reports and documents referred to in the literature review; and consultation with relevant stakeholders in the field.

This study aims at providing data upon which policies may be reviewed or established, and data on which racial equality mainstreaming may be undertaken. In particular this study aims at contributing towards the development of a shared understanding of equality and discrimination.

The selection of racial groups as covered by this study is particularly relevant in view of the fact that the 'Voice for All' Research¹ indicates that '...the basis of discrimination perceived as being the most widespread among participants is that in relation to sexual orientation with 61.7% of the participants indicating this as their answer. This is closely followed by discrimination on the basis of race with 59%.'

An EU Midis² report has indicated that African persons residing in Malta are hesitant to report incidents of discrimination, and often do not report such incidents. The same report indicates that 63% of the Africans in Malta have experienced discrimination. The research 'Underreporting of Discriminatory Incidents in Malta'³ sheds further light on the same issue. The present research endeavoured to further explore this issue and produce findings to better reflect the discrimination being faced by African and other ethnic minorities in Malta.

An executive summary follows this introduction. In the following chapter a literature review sets the scene through the delineation of the situation as assessed through various international, European and local reports and documents. The findings, discussion and analysis of the empirical study follow, after which one finds the conclusions. The methodology used in the study, as well as the questionnaire are annexed.

¹ National Commission for the Promotion of Equality (NCPE) Voice for All Research Report ('Voice for All' Project, Malta 2008/2009)
² European Union Agency for Fundamental Rights EU-MIDIS - European Union Minorities and Discrimination Survey: Main Results Report (2009)

2. Executive Summary

This qualitative study focusing on racial discrimination has been carried out as part of the 'Think Equal' project. It has collected and compiled qualitative data on the nature and extent of the discrimination experienced, the perpetrators of such discrimination, and the potential deficiencies of the measures of redress, policies, structures and action that are currently available. It further gathered data on the knowledge or awareness of the interviewees of any existent measures.

Purposive sampling method was used to select 25 respondents who were interviewed face to face using an interview guide that had been designed following the review of relevant literature. Although this does not produce a representative sample, every effort was made to reflect a range of different genders, ages and ethnic origins within the sample. The respondents' informed consent was sought prior to the interview, ensuring they were fully briefed about the objectives of the study and assured of confidentiality. The respondents were put in an as comfortable and secure position as possible, in an attempt to gain their trust and elicit valid responses. This presented some difficulties as has been noted in the body of this report. The interviews were audiotaped, and then transcribed.

The method of analysis chosen was such as to explore, flexibly and in detail, a specific area of concern, focusing on grasping the experiential world of the respondents. The analysis was therefore 'bottom-up', allowing the researcher to look for themes emergent in the data, looking for coherence, differences and other issues relevant to the terms of reference.

The findings indicate that notwithstanding the protective measures in place in relation to discrimination on the grounds of race and ethnic origin, minority ethnic groups within Maltese society experience discrimination and harassment to some extent or another in its various forms in all areas of their lives (see table below). Furthermore, the perpetrators of the discrimination and harassment appear to suffer no penalty, partly due to non-reporting of incidents.

³ National Commission for the Promotion of Equality (NCPE) Underreporting of Discriminatory Incidents in Malta - A Research Study ('Strengthening Equality Beyond Legislation' Project, Malta 2010)



Area of discrimination	No.	%
Employment	11	44%
Housing	6	24%
Healthcare	1	4%
Education	9	36%
Goods & Services: Private	10	40%
Goods & Services: Insurance	2	8%
Goods & Services: Banks	4	16%
Goods & Services: Public	9	36%
Goods & Services: Leisure	9	36%
Other discrimination	5	20%
Humiliating and offensive treatment	6	24%

Table 1.

Although knowledge of protective legislation and entities appears to be sparse, and awareness of rights minimal, respondents were able to give plenty of examples of 'less favourable treatment' thus indicating acknowledgement and awareness of being discriminated against.

Examples in the field of employment included being refused employment because of their ethnic origin, being treated less favourably during employment (paid less, being given the dirtier tasks) and being isolated by the Maltese workers. In the field of housing, examples of discrimination included being refused tenancies because of their ethnic origin, being regularly checked upon by the landlord, and being made to feel unwelcome by the neighbours. In healthcare, a respondent reported being rudely spoken to. Examples in the field of education included refusal of day care service, bullying and name-calling, isolation, being made fun of etc. Whilst some of this behaviour came from fellow students, some was also demonstrated on the part of teaching staff, who, even when they were not the perpetrators, were found to be negligent in stopping the discriminatory behaviour. In the area of goods and services, private services, respondents reported being made fun of, other customers moving away as they approached, being thrown out of shops, seen as thieves, being overcharged, being judged by how they dress and being looked at differently. In the area of Insurance, reports included being refused insurance cover and being harassed. Banks appear to have a procedure requiring people of minority ethnic origin, or possibly all non-Maltese people, to produce a letter from a lawyer before they can open an account. When it came to public services, several respondents reported discrimination on the part of the police, being stopped, being spoken to rudely, having derogatory comments made at them, being threatened with deportation, and being wrongfully accused. Respondents also reported being spoken to rudely when accessing certain public services. In the area of leisure several respondents

reported problems with bouncers and security personnel in Paceville, not being allowed to enter premises, being made to feel unwelcome and being 'talked about'. When asked if there was any other discrimination they had experienced, respondents reported physical assault (being pushed, being punched, having eyes sprayed with a liquid that burnt) and emotional abuse (by Maltese partners or relatives/friends of Maltese partners).

It also needs to be acknowledged that some respondents reported positive experiences with healthcare professionals, police officers, teachers, and the Maltese in general.

Knowledge of the existence and the roles of the NCPE and the Department for Industrial and Employment Relations (DIER) among minority ethnic groups is minimal with almost 70% of respondents never having heard of either. Of those that had heard of one or the other, several had no idea of their role especially in relation to discrimination on the grounds of race or ethnic origin. There also emerges clearly a lack of knowledge of protective measures. Many respondents feel unable to make a complaint due to fear or discomfort. Notwithstanding a lack of official complaints, people experiencing discrimination are often aware of what they are going through and able to identify it as discrimination, even if they feel that nothing can or is being done about it.

There also appears to be a lack of training and information given to the various professionals, as well as a lack of interpreters in essential services. Enforcement of the current measures and legislation seems to be lacking, though this is hindered by lack of reporting, which results from a lack of knowledge of legislation and protective measures.

Conclusions emerging from the study overall include:

- It would be beneficial to transform NCPE into a national equality body.
- A more pro-active approach in ensuring enforcement of legislation – possibly by undertaking investigations despite the absence of a specific complaint – is needed.
- It is essential to ensure that the legal profession is adequately informed about the developments in to the field of anti-discrimination.
- Teachers' positive duty needs to be facilitated to ensure that they recognise diversity and take into consideration the different needs of their pupils, and that they are pro-active in ensuring that their pupils and students are protected from such discrimination and harassment.
- An Integration Policy needs to be adopted.

- Further research is required on potential bias in attitudes of professionals in their treatment of persons from racial minority groups.

The principles of equal treatment and non-discrimination lie at the core of democratic societies and, in fact, the protection from discrimination / unequal treatment is considered as a fundamental human right. The findings of this study show that a more concerted effort needs to be made in order to address the ground of racial discrimination in a more effective manner and ensure protection from racial discrimination across the board.

3. Literature Review

3.1 Scope of Literature Review

The scope of this literature review is to focus on one of the protected characteristics: race. It focuses on the definition of 'race' and 'discrimination' and seeks to identify the principal factors and measures taken to limit disparities arising from discrimination based on race. Specifically, this literature review will focus on this matter in relation to the EU region with particular attention to Malta.

3.2 Defining the term 'race' and 'discrimination'

From a review of European Union (EU) and Maltese national legislation, there appears to be no commonly accepted legal definition of the term 'race'. However, the term discrimination is defined in local law as follows:

'Article 2: 'discrimination' means direct or indirect discrimination based on racial or ethnic origin and 'discriminate' and 'discriminatory' shall be construed accordingly'⁴

In the International Convention on the Elimination of All Forms of Racial Discrimination⁵, the term "racial discrimination" is defined as:

"any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life".

In fact, when defining and describing racial discrimination, UNESCO expert Dr Diaconu states:

'UNESCO studies already disqualified race, in its classical meaning, as a justification for a difference of treatment, proving that all human beings belong to the same species.'

And he continues:

.... 'We have to take into account also that nowadays racist theories and attitudes are not placing the emphasis on biological features, but on cultural differences between groups and persons, proclaiming the superiority of some cultures over the others and considering differences between cultures as absolute and irreducible and the respective human groups as antagonistic. Biological racism, although not completely eliminated, is replaced by the cultural racism, but trying similarly to justify discrimination and exclusion. CERD is taking into account this evolution, placing more and more the emphasis on racial discrimination which tends to be justified by cultural differences.'⁶

Probably reflecting this description, we note that commonly the terms 'race' and 'ethnicity' are frequently paired with one another. This is possibly because ethnic categorisation commonly implies a relation between our genetic inheritance and culture meaning that sometimes it is not that simple to identify where the dividing line between the two terms lies⁷, leading to the tendency of lumping them into the same definition. There are however differences.

'Ethnicity' is about tradition, learned behaviour and customs – the cultural dimension referred to previously.

In general, ethnicity refers to 'selected cultural and sometimes physical characteristics used to classify people into groups or categories considered to be significantly different from others'

Following the United Nations' World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa (31 August – 7 September 2001), participant countries affirmed that:

'...racism, racial discrimination, xenophobia and related intolerance constitute a negation of the purposes and principles of the Charter of the United Nations'⁸

Assessing the International situation in 2008, the Human Rights Council appointed experts observe that:

'37. ...the analysis of the experts as regards discriminatory practices and the situation of various categories of victims demonstrate that among the obstacles preventing the elimination of all forms of racial discrimination is the lack

⁴ Equal Treatment of Persons Order Legal Notice 85 of 2007 2 (1)
⁵ United Nations International Convention on the Elimination of All Forms of Racial Discrimination 1969

⁶ Racial Discrimination – Definition, Approaches and Trends, Dr Ion Diaconu <http://www2.ohchr.org/english/issues/racism/groups/docs/IonDiaconu.doc>
⁷ Race, Ethnicity and Culture Ethnicity <http://free-books-online.org/mix-books/introduction-to-cultural-anthropology/race-ethnicity-and-culture-ethnicity>

⁸ World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance – Declaration <http://www.un.org/WCAR/durban.pdf> 2001

⁹ Human Rights Council Ad Hoc Committee on the Elaboration of Complementary International Standards First session Geneva, 11-22 February 2008: 'Complementary International Standards - Compilation of Conclusions and Recommendations of the Study by the Five Experts on the Content and Scope of Substantive Gaps in the Existing International Instruments to Combat Racism Racial

*of comprehensive and detailed national anti-discrimination legislation in the majority of States parties to this Convention.*⁹

The key definition employed in the present study refers not to the term 'race', but how the term 'discrimination' is applied in the context of 'race'. As shall be identified later, such discrimination may be direct or indirect and may be considered to be either acceptable or otherwise illegal.

3.3 UN Conventions

The principles of equal treatment and non-discrimination lie at the core of democratic societies and, in fact, the protection from discrimination / unequal treatment is considered as a fundamental human right.

Reflecting this premise, Articles 1 and 2 of the United Nations' Universal Declaration of Human Rights¹⁰ establish the base principle that 'all human beings are born free and equal in dignity and rights' and are thus entitled to 'all the rights and freedoms set forth in this Declaration, without distinction of any kind'; with similar provisions being found in the UN Covenant Civil & Political Rights¹¹ and the Oviedo Convention¹². These principles of equity and justice appear to preclude the acceptance of the notion that disparities may exist and, in fact, the Universal Declaration goes on to state:

'Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'.

Despite this international agreement on point of principle, it is evident that the on-the-ground reality is very different and sometimes significant disparities exist which generally reflect the cultural, economic, historic and resource capacity profile of a country or region.

Turning our attention to racial discrimination, the final declaration emanating from the proceedings of the Durban Review Conference organised by the United Nations in 2009 states the following:

*'31. Acknowledges the need to enhance further the effectiveness of the mechanisms dealing with or addressing racism, racial discrimination, xenophobia and related intolerance, with a view to achieving better synergy, coordination, coherence and complementarity in their work'*¹³

Another instrument which aims to combat race discrimination is the previously mentioned International Convention on the

Elimination of All Forms of Racial Discrimination (ICERD). This is a United Nations Convention committing its members to the elimination of racial discrimination and the promotion of understanding among all races. The Convention, as of February 2011, has 85 signatories and 174 parties. In its provisions, inter alia, it includes an individual complaints mechanism and it requires its parties to outlaw hate speech and criminalise membership in racist organisations.

3.4 Equal Treatment and Non-Discrimination at EU level – Legislation

The enshrinement of the principle of equality at a global level has been described previously in this Literature Review and so the focus shall now turn specifically to the legislative framework of the EU.

The European Union is considered to be a world region that has among the most extensive anti-discrimination legislation in the world. The Treaty of Rome banned discrimination on basis of nationality and pay discrimination on basis of gender. More importantly, the principles of equal rights and treatment are enshrined in primary law and more specifically in Article 21 of the Charter of Fundamental Rights of the European Union.

According to this article, any discrimination based on grounds of 'sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth disability, age or sexual orientation' shall be prohibited.¹⁴

Currently EU law and the European Convention on Human Rights (ECHR) are closely connected and protection against discrimination in Europe can be found within both EU law and the ECHR. While to a great degree these two systems are complementary and mutually reinforcing, some differences do exist. In fact, the ECHR protects all individuals within the jurisdiction of its 47 States parties, whereas the EU non-discrimination directives only offer protection to citizens of the 27 EU Member States.

Commonly, the scope of non-discrimination law is to afford everyone an equal and fair treatment in their access to opportunities in society. Hence, legislative provisions stipulate that individuals who are in similar situations should receive similar treatment.

European legislation in this field is based on Article 19 of the Treaty of Lisbon¹⁵ which gives the EU powers to combat discrimination on the grounds of racial or ethnic origin, religion or belief, disability, age, sex or sexual orientation.

Emanating from this empowering provision, the current legislation comprises two Directives:

Discrimination, Xenophobia and Related Intolerance: <http://www2.ohchr.org/english/issues/racism/docs/CRP4.pdf>

⁹ United Nations Universal Declaration of Human Rights 1948

¹⁰ United Nations International Covenant on Civil and Political Rights 1976

¹¹ Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine 1997

¹³ United Nations Outcome Document of the Durban Review Conference 2009 http://www.un.org/durbanreview2009/pdf/Durban_Review_outcome_document_En.pdf accessed on 11 October 2011

¹⁴ Charter of Fundamental Rights of the European Union (2000/C 364/01) [2000] OJ C364

¹⁵ European Union Agency for Fundamental Rights, *European Court of Human Rights & Council of Europe Handbook on European Non-discrimination Law 2011*

¹⁶ Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and Related Acts [1997] OJ C340



- The Employment Equality Directive (2000/78/EC) that protects all persons in the EU from discrimination based on age, disability, sexual orientation and religion or belief in the workplace; and the
- Racial Equality Directive (2000/43/EC) that prohibits discrimination on the grounds of racial or ethnic origin in the workplace and in other areas of life such as education, social security, healthcare and access to goods and services.

Such legislation also identifies (and prohibits) the potential of different forms of discrimination that can be either direct or indirect. (Although the principle of discrimination is consistent throughout legislation, the basis of such discrimination may differ and different pieces of legislation may concern specific grounds of discrimination but exclude others. For example, Article 2 of Council Directive 2000/43/EC¹⁷ identifies the concept of discrimination only on the basis of race and ethnic origin and, in fact, states (Article 2[1]) that for the purposes of the Directive 'the principle of equal treatment shall mean that there shall be no direct or indirect discrimination based on racial or ethnic origin.')

Focusing on the provisions of the Racial Equality Directive; these are defined as follows:

'(a) direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin;

(b) indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

As a result, one may not be treated less favourably simply because of a particular 'protected' (the 'protected grounds' that exist in European non-discrimination law are namely, sex, sexual orientation, disability, age, race, ethnic origin and religion or belief) characteristic that they have (direct discrimination).

In addition, non-discrimination law stipulates that a working condition or rule must not disadvantage one group of people more than another. This is known as 'indirect discrimination'. Indirect discrimination is unlawful, whether or not it is done on purpose. It is only allowed if it is necessary for the way the business works, and there is no other way of achieving it.

The same Directive identifies a different guise to discrimination and this may be in the form of harassment. Article 2(3) defines

¹⁷ EU Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, June, 29th 2000

harassment as follows: “Harassment shall be deemed to be discrimination... when an unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment. In this context, the concept of harassment may be defined in accordance with the national laws and practice of the Member States.”) and instruction to discriminate (Article 2(4) states that: ‘An instruction to discriminate against persons on grounds of racial or ethnic origin shall be deemed to be discrimination within the meaning of paragraph 1.’) and as such these acts are prohibited.

Despite the fact that, in principle, discrimination should not be accepted under any circumstance, EU legislation recognises that in some very specific cases, discrimination in favour of one (minority) characteristic (e.g. gender) may positively contribute to the achievement of important national or European policy targets.

Within the context of the workplace, the Racial Equality Directive makes an exception by allowing for discrimination in cases of ‘Genuine and determining occupational requirements’. Article 4 states the following:

‘Notwithstanding Article 2(1) and (2), Member States may provide that a difference of treatment which is based on a characteristic related to racial or ethnic origin shall not constitute discrimination where, by reason of the nature of the particular occupational activities concerned or of the context in which they are carried out, such a characteristic constitutes a genuine and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate.’

Article 5 also allows for Member States to adopt positive actions ‘with a view to ensuring full equality in practice’ with such measures being allowed in order ‘to prevent or compensate for disadvantages linked to racial or ethnic origin’.

3.5 Equal Treatment and Non-Discrimination at National level – Legislation

Malta has various laws aiming to combat discrimination across various grounds. However, for the purpose of this literature review, the laws which encompass race discrimination are listed hereunder:

- The Constitution of Malta
- Employment and Industrial Relations Act (Cap. 452)
- Equal Treatment of Persons Order (Legal Notice 85 of 2007, Cap. 460)

- Equal Treatment of Persons in Employment (Legal Notice 461 of 2004, Subsidiary Legislation 452.95)
- Refugees Act (Cap. 420)

The Constitution of Malta

As explained in the Racial and Ethnic Origin Equality Manual Toolkit¹⁸, Article 45 of the Constitution of Malta deals with the principles of equality and non-discrimination and relates to the protection from discrimination on the basis of ‘race, place of origin, political opinions, colour, creed or sex’. Furthermore, it stipulates that no law shall make any provision that is discriminatory either of itself or in its effect.

Employment and Industrial Relations Act, 2002 (Cap. 452)

This main Act defines discriminatory treatment as:

‘any distinction, exclusion or restriction which is not justifiable in a democratic society including discrimination made on the basis of marital status, pregnancy or potential pregnancy, sex, colour, disability, religious conviction, political opinion, or membership in a trade union or in an employers’ association.’

The Act also provides protection from victimisation and gives complainants the right to lodge their complaints to the Employment Tribunal within four months of the alleged act of discrimination.

Equal Treatment of Persons Order (Legal Notice 85 of 2007, Cap. 460)

These regulations implemented the non-employment legal provisions that arise from the Council Directive 2000/43/EC. Through this legal notice, discrimination on the basis of race in a number of sectors is prohibited through this legal notice. The sectors mentioned in the legal notice include: social security, healthcare, education and the provision of goods and services. Furthermore, it clarified the position with regards to discrimination by banks, financial institutions and insurance companies. This law has also given the National Commission for the Promotion of Equality (NCPE) the remit to be Malta’s National Body on race discrimination in the provision of goods and services. This legal notice has also enhanced the basic requirements of the Race Directive in the area of discriminatory advertising, where article 8(1) stipulates the following:

‘It shall not be lawful for persons to publish or display, or cause to be published or displayed, any advertisement which promotes

¹⁸ National Commission for the Promotion of Equality (NCPE) Racial and Ethnic Origin Equality Manual – Toolkit (Malta 2007)

discrimination or which is discriminatory or which might reasonably be understood as indicating an intention to discriminate.’

Equal Treatment of Persons in Employment (Legal Notice 461 of 2004, Subsidiary Legislation 452.95)

These regulations offer protection on the grounds of racial or ethnic origin and also religion or religious belief, disability, age and sexual orientation from direct and indirect discrimination, and harassment. In addition, these regulations deem an employer or any person or organisation to have discriminated against a person if they provide instructions to discriminate or neglect their obligation to suppress any form of harassment at the workplace.

Refugees Act (Cap. 420)

The Refugees Act stipulates that asylum seekers must file an asylum application with the Refugee Commissioner and be kept in detention until their asylum application is processed. Therefore, the Maltese system is one of automatic detention. Maltese law states that the maximum detention period is of 18 months. However, asylum seekers can be detained for a maximum period of 12 months if they have applied for asylum and not yet received an outcome of their application. The 18 months detention period applies if they have not applied for asylum or if their application would have been rejected.

3.6 Migration Issues

In its yearbook of 2010¹⁹, Eurostat identifies that in the coming decades, the EU will face a number of issues associated with its population trends and particularly resulting from the impact of persistently low fertility rates, increasing life expectancy and an expected boom in the number of new pensioners (e.g. negatively impacting the sustainability of national health care and pension systems).²⁰

Preceding this report and in its communication of 2009, the European Commission determined that ‘the combination of ageing and low birth rates also poses major economic, budgetary and social challenges.’²¹

It goes on to point out that successive European Councils have recognised the need to tackle the impact of ageing populations on the European social models.

Such population changes are effected primarily by²²:

- Natural changes (national and EU birth and death rates); and
- Net migration.

Eurostat figures and projections envisage that EU population will continue to grow up to the year 2035 after which a gradual drop may be expected (albeit with possibly greatly diverging trends between individual Member States).²³

Statistics on migration flow within the EU do in fact show an increase in migration trends²⁴. Eurostat considers the statistical trend to show a relatively high net migration rate playing a significant role in population dynamics of European Societies with international migration being considered as one of the key drivers of population growth in the EU Member States.²⁵

This migration concerns both EU national and non-EU nationals. In fact, the same trends indicate that out of 30.8 million (in 2008), non-nationals living in the EU territory more than 33% are citizens of another EU Member State; 6 million come from European, non-EU countries; 4.7 million from African countries and 3.7 million from the Asian continent (Refer to Figure 1).

In the case of Malta, in 2008 non-nationals represented 3.8% of the population; citizens of other EU-Member States 2% and citizens of non-EU countries representing 1.8% of its population comprised mainly of nationals of the UK (26.5%), India (6%), Serbia (5.1%), Bulgaria (4.8%) and China (4.7%).²⁶

3.7 EU - Nature and Scale of Discrimination

The 2008 Analytical Report on the Flash Eurobarometer on Discrimination in the European Union (The 2008 Analytical Report) does not cover an analysis of discrimination because of race or ethnic origin in the areas of housing, healthcare, education and when buying products or using services. However, the survey does cover personal experience with discrimination on the grounds of race or ethnic origin. The Report states the following:

‘Racial or ethnic discrimination is the type most frequently mentioned as being personally experienced by EU citizens (and their families, friends or acquaintances). Overall, 19% stated that they had experienced this type of discrimination’²⁷

A number of Eurobarometer surveys²⁸ have sought to elicit feedback on facets and issues that are associated with the concept of migration (and particularly, immigration). Summarising from the results emerging from a number of these Eurobarometer surveys, one notes the relevance of public opinion on various facets. For example:

¹⁹ European Commission Eurostat Europe in Figures: Eurostat Yearbook 2010

²⁰ Ibid. p. 149

²¹ Commission of the European Communities Communication From The Commission to the European Parliament, the Council, the European Economic and Social Committee and The Committee of the Regions – Dealing with the impact of an ageing population in the EU (2009 Ageing Report) COM(2009) 180 Final p. 2

²² European Commission Eurostat Europe in Figures: Eurostat Yearbook 2010

²³ Ibid.

²⁴ EU Eurostat Katya Vasileva Statistics in Focus 94/2009 Population and Social Conditions: Citizens of European countries account for the majority of the foreign population in EU-27 in 2008 2009

²⁵ EU Eurostat Statistics in Focus 1/2011 Population and Social Conditions 2011

²⁶ EU Eurostat Katya Vasileva Statistics in Focus 94/2009 Population and Social Conditions: Citizens of European countries account for the majority of the foreign population in EU-27 in 2008 (2009)

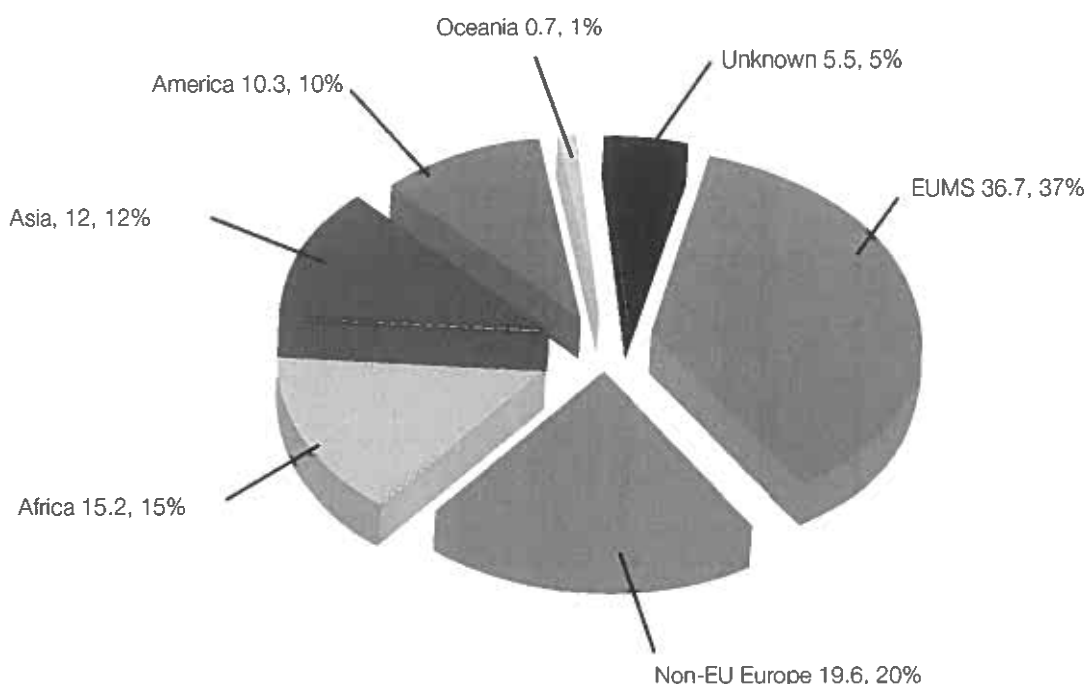
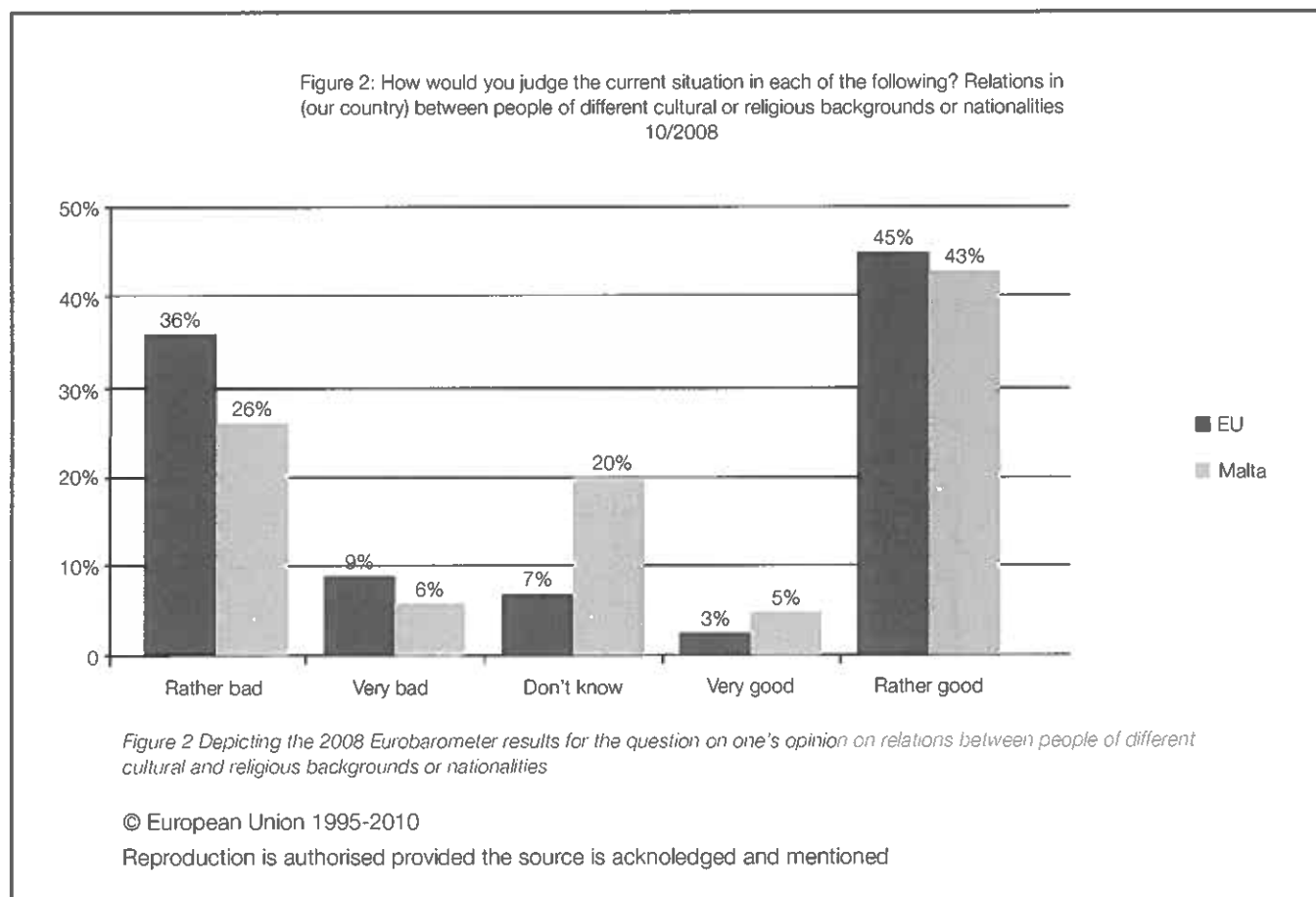


Figure 1: Non-nationals in EU-27 by continent of origin (% of EU-27 total foreign population), 2008 (Source: Eurostat (migr_st_popctz))



²⁷ European Commission Flash Eurobarometer Discrimination in the European Union, Perceptions and experiences of discrimination in the areas of housing, healthcare, education and when buying products or using services: Analytical Report 2008 p. 52

²⁸ All Eurobarometer results referred to in this literature review have been identified through www.ec.europa.eu and via the Eurobarometer interactive search system found at: http://ec.europa.eu/public_opinion/cf/index_en.cfm

Figure 3: And for each of the following issues in (our country), do you think that the European Union plays a positive role, a negative role or neither positive nor negative role? Immigration
10/2007

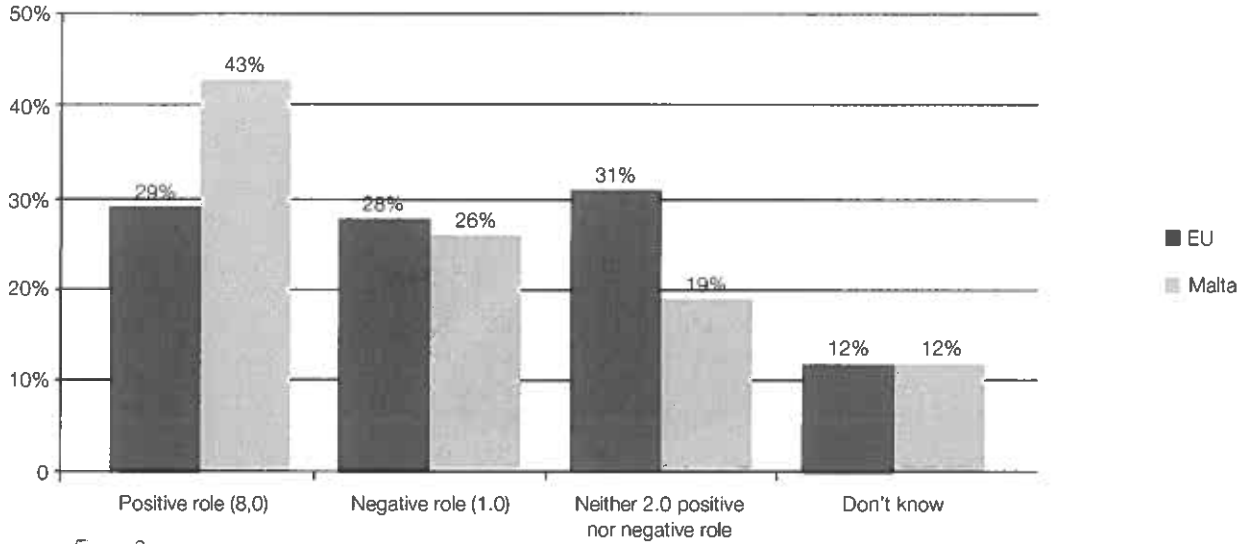


Figure 3

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Figure 4: Some people expect the European Union to become (even) more active than now in certain areas. For each of the following please tell me if you consider it a key priority or not. Dealing with the immigration problem.
06/1997

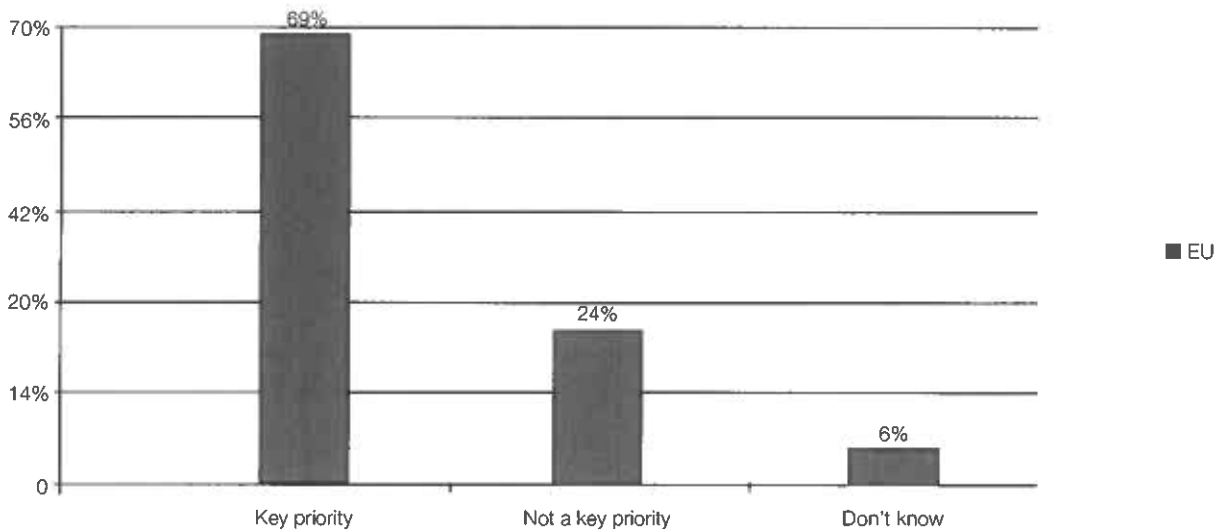


Figure 4

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Figure 5: Regarding the building of the European Union, some people may have fears. Here is a list of things which some people say they are afraid of. For each one, please tell me if you think that is likely to happen, or not? The loss of our national identity and culture
04/2001

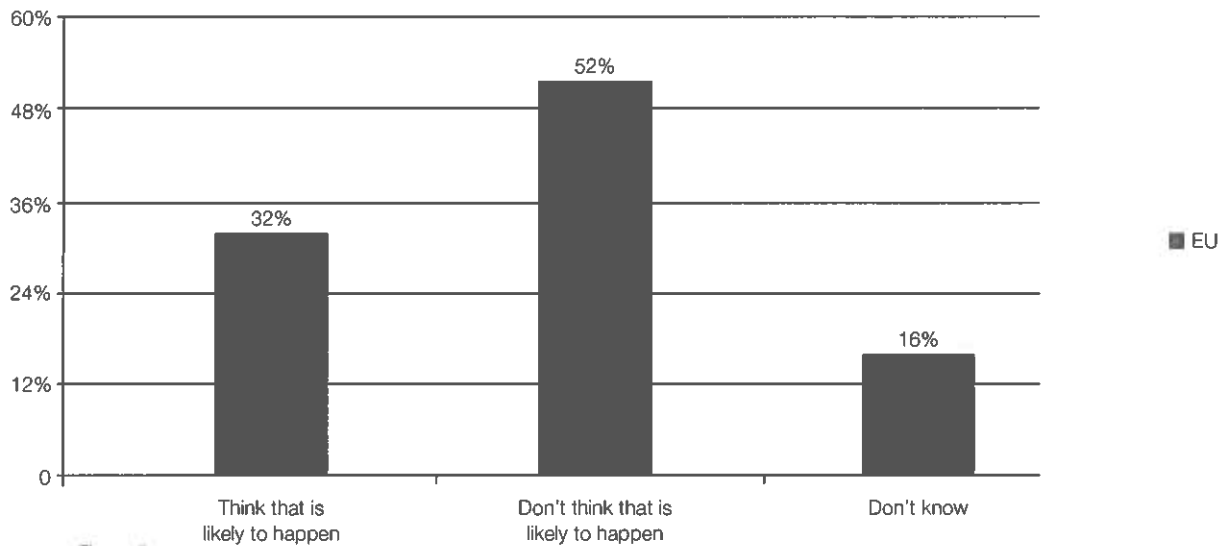


Figure 5

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Figure 6: Some people expect the European Union to become (even) more active than now in certain areas. For each of the following please tell me if you consider it a key priority or not. Protecting our European cultures in all their expressions.
06/1997

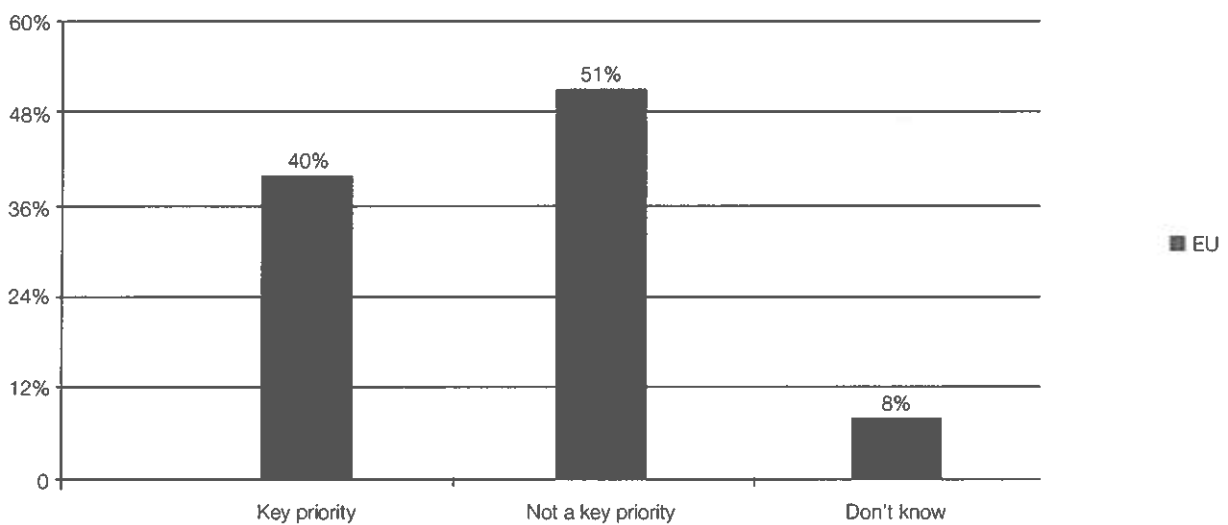


Figure 6

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Figure 7: Some people expect the European Union to become (even) more active than now in certain areas. For each of the following please tell me if you consider it a key priority or not. Increasing controls at the external borders of the European Union. 01/1996

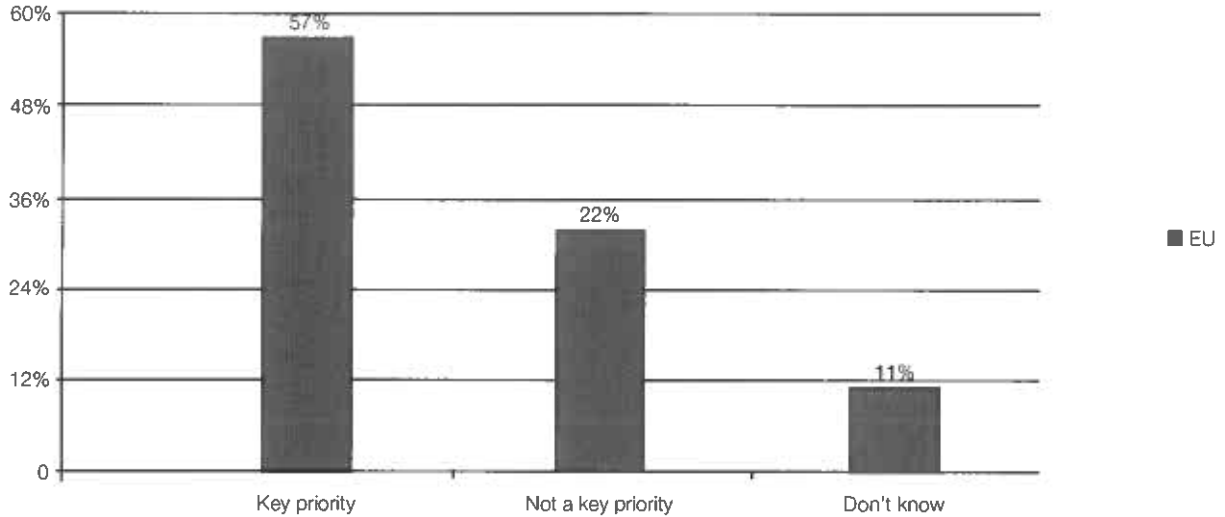


Figure 7

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Figure 8: Some people expect the European Union to become (even) more active than now in certain areas. For each of the following please tell me if you consider it a key priority or not. Improving equality of opportunities for minorities. 01/1996

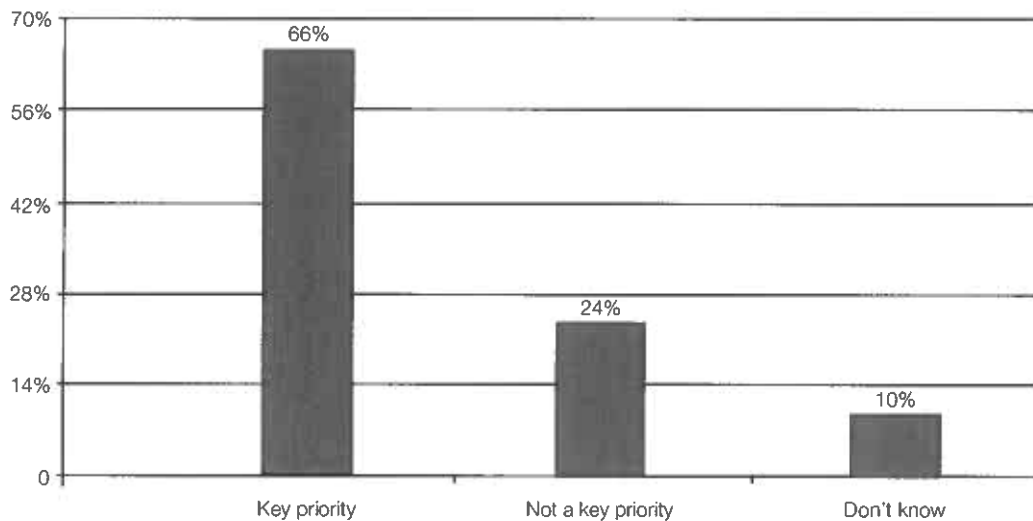


Figure 8

© European Union 1995-2010

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²⁹ European Commission Public Opinion Eurobarometer surveys http://ec.europa.eu/public_opinion/cf/showchart_column.cfm?keyID=3226&nationID=16,23,&startdate=2008.10&enddate=2008.10

³⁰ For the purpose of this literature review, the researchers do not distinguish between regular and irregular migration although most statistics used refer to regular migration. Irregular migration has been noted to be of concern at both a citizen and policy

dimension and consequently the EU has also been active in this area: the establishment of FRONTEX (<http://www.fronex.europa.eu>) is one such initiative aimed at implementing EU policy in this area. In debating the unique implications of immigration on policy, legislation and actions, it is imperative to distinguish between irregular and regular migration. However, and for the purpose of this research paper, it is assumed that each has a similar or overlapping impact on matters relating to discrimination on basis of race.

- When asking citizens how they perceive relations between people of different cultural and religious backgrounds or nationalities and as noted in Figure 2²⁹ below, one notes a significant degree of hesitancy in declaring relations between different races as always positive (results are for 2008).
- Citizens have also expressed reservations on the role played by the EU on the matter of immigration in the context of one's country (Figure 3 below) and clamour for the EU to consider the area of immigration³⁰ as a key priority (Figure 4).
- In part, this may have impacted public opinion on their identity³¹ having expressed that they are fearful of a loss of identity and culture (Figure 5) and expect the EU to play an important role in protecting this identity (Figure 6).
- European citizens have also expressed the need for the EU to become more active in protecting its borders (Figure 7) but conversely expect the EU to become more active in improving the rights of minorities (Figure 8)

The latter emphasis (depicted in Figure 8) implies a perception that discrimination against minorities exists within the EU. This is an important consideration because it may imply that as a result of the adoption of a stance supporting the re-orientation of EU policy in favour of the increased ease for the free movement of EU-citizens within the EU and improved facilitation (positive consideration) of non-EU national immigration to the EU, there is an altering of the fabric of EU Member States society in a manner that increases ethnic and racial diversity, thus increasing the opportunity for discrimination on these counts.

Recognising that action at a policy and a legal level is not enough to guarantee that equal opportunities are enjoyed by all, the EC commissioned successive surveys (in 2006 and 2008) about discrimination and inequality in Europe.³²

Without going into the details of each result identified through this survey (2008), it is evident that the existing potential (and reality) for discrimination is a reality within the EU. Looking at the parameter most closely related to race, the survey showed that the overall EU results for discrimination on the ground of ethnic origin is seen as being the most widespread with 62% thinking that ethnic discrimination is widespread (and an additional 16% thinking that this is very widespread in his or her country)³³

Looking at the issue but from the perspective of persons living on the other side of the fence, the EU-MIDIS³⁴ was carried out and represents the first EU-wide survey asking immigrant and ethnic minority groups about their experiences of discrimination and criminal victimisation in everyday life. It covered a multiple of life



²⁹ All Eurobarometer results referred to in this literature review have been identified through www.ec.europa.eu and via the Eurobarometer interactive search system found at: http://ec.europa.eu/public_opinion/cf/index_en.cfm

³² European Commission Special Eurobarometer (263) Discrimination in the European Union 2007

³³ Ibid.

³⁴ European Union Agency for Fundamental Rights EU-MIDIS - European Union Minorities and Discrimination Survey: Data in Focus Report - Multiple Discrimination (2010)

events or environments (e.g. when looking for work; at a bar / shop etc). Again, and without going into the specificities of each individual result, the survey demonstrated that 'ethnic minority and immigrant groups have a heightened exposure to multiple discrimination relative to the majority population in EU Member States' (pg 17).

Further more, the EU-MIDIS Survey shows the following:

- Filing a complaint to official bodies was considered futile by almost 75% of Africans;³⁵
- A number of people (39%) did not know how to file a complaint;
- Language barriers, fears of negative consequences and fears of being threatened or intimidated by perpetrators kept 18%, 23% and 33% (respectively) of respondents from reporting ;³⁶
- 25% of the interviewees who participated in the EU Midis survey were aware of the laws prohibiting discrimination in access to the labour market;³⁷
- 24% knew that equal treatment in housing had a legal basis;³⁸
- 13% knew about anti-discrimination in the provision of goods and services and
- 17% were aware of the Charter of Fundamental Rights of the European Union.³⁹

In its 2010 annual report⁴⁰, the European Union Agency for Fundamental Rights assesses the situation in terms of Racism and ethnic discrimination⁴¹ in the areas of employment, healthcare, housing and education. In all areas, the report identifies a number of forms of discrimination but also noted some improvements or good practice initiatives.

Succinctly, the same Annual Report of the European Union Agency for Fundamental Rights states that:

'The prohibition of discrimination on the basis of race and ethnicity is well established in international and European law. At the same time, court cases and studies published in the European Union show that racism remains a significant problem in the areas of employment, healthcare, housing, and education. Racially motivated crimes are committed everyday on European soil. In order to fully understand the phenomenon of racism and ethnic discrimination, comprehensive and comparable data collection mechanisms would be helpful. However, overall progress in introducing such mechanisms remained slow, whereas at the same time efforts to promote equality with respect to racism and ethnic discrimination took place.'

As a result of the indicative data presented in this review (clearly, the review should not be considered to represent an exhaustive cover of all data and indicators related to this vast topic) and the observations noted, one may conclude that any reorientation at a policy level must be supported

by a suitable legislative framework that reflects and helps maintain the universal protection of individual human rights in the context of a changing socio-economic environment.

3.8 Malta - Nature and Scale of Discrimination

Notions of identity and difference are not new to the Maltese islands, with their colonial history bringing persons of various nationalities, cultures, and beliefs into contact with the indigenous Maltese population⁴². As outlined in the European Network Against Racism (ENAR) Shadow Report 2009-2010, Racism and Discrimination in Malta:

*'All in all, Malta's history depicts most populations as having lived in Malta with locals quite harmoniously despite their different races, customs and religions. In fact, a number of foreigners who came to the island through colonisation stayed on for a period beyond that of their political requirement. Immigration into Malta has become uncommon since Malta became a republic, and for a time did not cause major alert. The tables turned with entry into the new millennium, when the new phenomenon of 'illegal immigration' from Africa put migration high on the Maltese agenda.'*⁴³

However, issues of discrimination were never directly tackled until recent decades. Gender and disability discrimination were brought to attention toward the end of the 20th Century, when a number of organisations dedicated to promoting gender equality, as well as the rights of persons with disability, put the concept of equality to the forefront. However, other forms of discrimination are coming to the public's attention in recent years in view of new social trends; for example, an increase in migration, and an increase in the visibility of LGBT persons.⁴⁴

The issue of migrants by boat to Malta is a topic which is at the forefront in Malta. The results of an opinion survey commissioned by The Sunday Times of Malta which looked at the problem of illegal immigrants, refugees and racism in Malta were published in their 20/10/02 issue, approximately one year after the first relatively large (57 people) arrival of undocumented migrants by boat to Malta. Captured in the study was the 'existence of a lurking feeling of general dislike towards Arabs'. A significant finding was that no fewer than 70.3% have general disdain towards certain races, and of these as many as 66.8% mentioned 'Arab countries' as a group, while 5.2% specifically referred to 'Libyans'.⁴⁵

Borg and Mayo (2002)⁴⁶ point out the effects of the Catholic Church's strong dominance, both historically and the present

³⁵ European Union Agency for Fundamental Rights EU-MIDIS - European Union Minorities and Discrimination Survey Main results report - Conference Edition (2009) p. 91

³⁶ *Ibid.* p. 93

³⁷ *Ibid.* p. 87

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ European Union Agency for Fundamental Rights Annual Report - Fundamental rights: Challenges and Achievements in 2010

⁴¹ *Ibid.* pgs. 109-125

⁴² National Commission for the Promotion of Equality (NCPE) Voice for All Research Report ('Voice for All' Project, Malta 2008/2009)

⁴³ European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and Discrimination in Malta, p. 8

⁴⁴ National Commission for the Promotion of Equality (NCPE) Voice for All Research Report ('Voice for All' Project, Malta 2008/2009)

⁴⁵ *Ibid.*

day, in Malta. They refer to the iconography present in the works of art commissioned by the Knights of Malta and found in St. John's Co-Cathedral in Valletta, where the Saracen is demonized, rendered the personification of all that is 'dark' and therefore 'evil' or 'irrational'. At the time, the Knights of Malta were acting as the bulwark of Christendom in the fight against the Ottoman Empire, the 'Saracen'. Borg and Mayo (2002) suggest that, given such a racist and Islamophobic representation of the 'enemy', it is not surprising that anything associated with Islam became the object of repudiation in the Maltese psyche, and hence the Arabs due to their association with Islam that replaced the despised 'Saracen'.⁴⁷

The 2008 Analytical Report issued by the European Commission indicates that there are large variations in the country data. Malta features at the lower end of the scale and falls within the countries where less than one in 10 respondents have personally experienced racial or ethnic discrimination because of their race or ethnic origin. In fact, Malta features as the country with the lowest percentage (5%), followed by Lithuania and Poland both 7%, Romania and Bulgaria (both 5%). At the other end of the scale one notes that almost one-third of French respondents (31% - the highest figure in the EU27 and 12 percentage points above the EU 27 average) state that they or someone close to them have experienced discrimination because of their race or ethnic origin. 27% of respondents in Luxembourg, 26% in Denmark and 25% in Austria and Hungary agree with the statement.⁴⁸

In Malta a large proportion of the Maltese population (when recorded across the EU) perceives the discrimination on the grounds of ethnic origin as widespread (69% Malta, 62% across the EU).⁴⁹

Once again, participants identified race as the second most serious form of discrimination in Malta with 61% selecting this basis. When participants were asked if they encountered discrimination, 22.5% of participants indicated that they encountered discrimination because of race. Race featured after age, followed equally by the basis of gender and sexual orientation with 24.9%. Participants were asked to put in order of priority which form of discrimination requires legislation and legislation was indicated in the following priorities: disability (28.1%), race and sexual orientation (equally 24.9%), age (children 23% and elderly 23.4%), and women (90%).

It is interesting to note, however, that whilst the European Union Flash Eurobarometer 2008 indicates that Maltese respondents were amongst those showing the highest support for the introduction of legislation addressing discrimination in areas beyond employment and occupation, the report entitled 'Responding to Racism in Malta' published by the

European Network against Racism (ENAR) indicates the extent of racial discrimination suffered by immigrants and other minority groups, such as Muslims, who are often stereotyped and experience prejudice and discrimination⁵⁰ at the hands of the Maltese public and officials. This may appear to be somewhat contradictory and may indicate lack of awareness on the part of the general public as to what constitutes discrimination, which they may be unwittingly displaying.

Broadly speaking, the average Maltese has a less diverse social circle than the average European. They are especially less likely than their European counterparts to have friends or acquaintances from a different ethnic origin, of a different religion or who are Roma. The Maltese are more likely to have a disabled person as a friend or acquaintance than any other groups mentioned. Demographic factors have a large influence on the composition of one's social circle. In the case of ethnic diversity, men are more likely than women to have friends of a different ethnic origin in both Malta and the EU as a whole. In Malta and the EU, the 55+ age bracket are the least likely to have friends from different ethnic origin. Again as in the EU, Maltese respondents who spent the least time in education are least likely to have such friends.⁵¹

Other reports which assist us in understanding the perceptions and realities of discrimination are the European Network against Racism (ENAR) Shadow Reports which are produced 'to fill gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States.'⁵²

The EU MIDIS identified African migrants as the most discriminated against ethnic minority in Malta.⁵³ 66% of Africans in Malta who participated in the survey experienced discrimination during the 12 months prior to the research, while 52% of respondents felt that discrimination was widespread in Malta.⁵⁴ Malta features as one of the 'top ten' Member States experiencing the highest levels of racial discrimination over a 12 month period. The National Commission for the Promotion of Equality's Annual Report 2010 summarises the findings of the EU-MIDIS European Union Minorities and Discrimination Survey which analysed the experiences of discrimination and criminal victimisation in the everyday life of immigrant and ethnic minority groups in EU Member States, as follows:

'In effect, about half of the respondents claimed to have been discriminated against when looking for work in the past 5 years, and one in three when at work. Discrimination at a cafe/restaurant was also common (39%) in the last five years, and about one in five respondents also mentioned

⁴⁷ C Borg and P Mayo *Towards an Anti-racist Agenda in Education: The Case of Malta* (World Studies in Education 2) 47-64

⁴⁸ *Ibid.*

⁴⁹ European Commission Flash Eurobarometer Discrimination in the European Union, Perceptions and experiences of discrimination in the areas of housing, healthcare, education and when buying products or using services: Analytical Report 2008

⁵⁰ European Commission Flash Eurobarometer Discrimination in the European Union: Perceptions, Experiences and Attitudes, Results for Malta 2008

⁵¹ European Network Against Racism (ENAR) Responding to Racism in Malta

⁵² European Commission Flash Eurobarometer Discrimination in the European Union: Perceptions, Experiences and Attitudes, Results for Malta 2008

⁵³ European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and Discrimination in Malta, p. 2

⁵⁴ *Ibid.*

⁵⁵ European Union Agency for Fundamental Rights EU-MIDIS - European Union Minorities and Discrimination Survey Main results report - Conference Edition (2009) p.89

discrimination by healthcare personnel. Moreover, reporting of discriminatory cases in Malta was extremely low, since only 18% of the persons surveyed officially reported incidents of discrimination. Similarly a large majority of Africans in Malta have not heard of any Equality Bodies or equivalent organisations in Malta. These results may be due to the fact that 92% of the respondents had been living in Malta for 1-4 years only.⁵⁵

The 2008 Analytical Report also shows that 'there is an inverse relationship between age and the likelihood of mentioning personal experiences of discrimination based on race or ethnic origin. The younger a person is, the greater the likelihood that such a personal experience would be reported. The older the respondent is, the less likely he/she is to mention personal experiences of discrimination

based on race or ethnic origin. In addition, those most likely to say that they have experienced discrimination based on race or ethnic origin are those still in education (29%), those from metropolitan zones and employees (both 24%).'⁵⁶

Reporting on comments made by the UN Committee on the Elimination of Racial Discrimination⁵⁷, it was noted that the Committee noted that in Malta migrants continued to face discrimination in the education, housing, employment and social spheres.

This is confirmed by the ENAR Shadow Report 2009-2010, Racism and Discrimination in Malta that gives an overview of incidence of discrimination based on religion and ethnicity in Malta during the period between 1st January 2009 and the 31st March 2010, inclusive. Throughout this period, Malta hosted an average of 11,700 migrants from various countries around the world.



⁵⁵ National Commission for the Promotion of Equality (NCPE) Annual Report 2010
⁵⁶ European Commission Flash Eurobarometer Discrimination in the European Union, Perceptions and experiences of discrimination in the areas of housing, healthcare, education and when buying products or using services: Analytical Report 2008 p.55
⁵⁷ The Sunday Times of Malta Bertrand Borg UN Racial Discrimination Committee 'concerned' about migrant treatment <http://www.timesofmalta.com/articles/view/20110911/local/UN-racial-discrimination-committee-concerned-about-migrant-treatment.384173> 11 September 2011

⁵⁸ European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and Discrimination in Malta

⁵⁹ An Analysis of Labour Market Integration Policy (unpublished) p. 21, as quoted in European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and Discrimination in Malta

⁶⁰ European Union Agency for Fundamental Rights 2009 p. 9, as quoted in European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and Discrimination in Malta

⁶¹ European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and

The ENAR Shadow Report 2009-2010 deals with race discrimination in the (among others) following sectors:

- i. Employment
- ii. Housing
- iii. Education
- iv. Health
- v. Access to goods and services in the public and private sector

i. Employment

Discrimination in employment against Africans and Muslims was pervasive both when seeking employment and also with regard to the terms and conditions of employment that employers offered them. Migrants felt obliged to accept these conditions as failing to do so would mean not having any income whatsoever.⁵⁸

The ETC reported 7,433⁵⁹ non-Maltese work permit holders. 54% of Africans in Malta interviewed for the EU-Midis survey claimed to be unemployed at the time of the interview.⁶⁰ Third country nationals (unlike Maltese) are not entitled to social protection coverage in the form of an unemployment benefit (even if they would have paid national insurance for 52 weeks obligatory to Maltese nationals) or retirement pension. In reality much of the work is informal in nature, and this disempowers the workers, hence making it impossible for them to seek assistance from official bodies as they fear that their informal work is being exposed, they lack proof of working arrangement and/or conditions of work and they fear being sacked and not being able to find a new job.⁶¹

'The casual nature of the employment of asylum seekers is evidenced by what is referred to as the 'Marsa phenomenon', where a number of persons living in the nearby Marsa open centre congregate at a busy junction each morning hoping to be picked up by a passing prospective employer who is looking for a short-term employee (often for merely a few days). Various social bodies have voiced their concerns over the precarious position of migrants in employment'.⁶²

The high potential of the 'underground' nature of employment for a number of immigrants may appear to be confirmed in the HUMA Network 2010 report that identified that in 74% of undocumented migrants interviewees, their income was mainly a result of paid work or activity (page 76). This may be seen to be confirmed by the statement that *'automatically, immigrants, especially irregular immigrants, are expected to live on the black economy'*.⁶³

Reporting on the EU-Midis findings, the NCPE 2010 Annual Report⁶⁴ states that

'In effect, about half of the respondents claimed to have been discriminated against when looking for work in the past 5 years, and one in three when at work.'

Most Maltese preferred not to set up a business with an immigrant and they felt safer doing so with other Maltese or Europeans. Immigrants spoke about the need for better access to education. The vast majority of immigrants had never heard about the Housing Authority.

A major local union published a policy document⁶⁵ in which the introduction (loosely translated from Maltese) states that in its view, all workers, be they locals, refugees or immigrants should enjoy similar work conditions in line with the national laws. One may consider this statement as a reflection of an on-the-ground reality that does not reflect this scenario and in fact that same union states that in reality the treatment of immigrants, especially irregular immigrants, is now a national issue that should be addressed.

It identifies that these workers are vulnerable to racial and other forms of discrimination for reasons that include the lack of a suitable legislative framework; inadequate administrative capacity and the perception that immigrant workers cause an increase in national unemployment.

ii. Housing

On the basis of Article 11 of the Immigration Act, irregular migrants are housed in detention centres. Upon arrival in Malta irregular migrants are sheltered in detention centres and generally move to open centres. *'Malta's detention policy, and the lengthy asylum determination period, places great burden on the country's detention centres, since they are forced to accommodate all asylum seekers either until their asylum application is determined, or until their detention period expires.'*⁶⁶

The idea of open centres is that of a temporary arrangement until migrants move to independent accommodation. However, 'it has been noted that some migrants living in independent accommodation are also faced with various problems. Among these is the fact that they are not generally given a contract which clearly stipulates their rights and often live in less than adequate accommodation. Furthermore, there are certain areas which are highly populated by migrants, largely due to cheap prices and the fact that they are outside traditional old city centres and, therefore, the constant attention of the population. This further reduces opportunities for integration and increases isolation.'⁶⁷

⁵⁸ *Discrimination in Malta*

⁶² *Times of Malta Easier work permit system for migrants required, 19 June 2008 as quoted in National Commission for the Promotion of Equality (NCPE) Voice for All Research Report ('Voice for All' Project, Malta 2008/2009)*

⁶³ *General Workers Union (GWU) Il-Haddiema Immigranti (Immigrant Workers) p. 5 http://www.gwu.org.mt/documents/Migrants_Workers_Paper_110908.pdf September 2008*

⁶⁴ *National Commission for the Promotion of Equality (NCPE) Annual Report 2010*

⁶⁵ *General Workers Union (GWU) Il-Haddiema Immigranti (Immigrant Workers) p. 5 http://www.gwu.org.mt/documents/Migrants_Workers_Paper_110908.pdf September 2008*

⁶⁶ *National Commission for the Promotion of Equality (NCPE) Voice for All Research Report ('Voice for All' Project, Malta 2008/2009) p. 10*

⁶⁷ *European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and Discrimination in Malta p. 18*



⁶⁸ Health for Undocumented Migrants and Asylum Seekers (HUMA) Access to Healthcare and Living Conditions of Asylum Seekers and Undocumented Migrants in Cyprus, Malta, Poland and Romania 2011

⁶⁹ Housing Asylum Seekers 2009:38 as quoted in European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and Discrimination in Malta

⁷⁰ European Union Agency for Fundamental Rights EU-MIDIS - European Union Minorities and Discrimination Survey Main results report - Conference Edition (2009)

⁷¹ Health for Undocumented Migrants and Asylum Seekers (HUMA) Access to Healthcare

and Living Conditions of Asylum Seekers and Undocumented Migrants in Cyprus, Malta, Poland and Romania 2011

⁷² The Times of Malta Claudia Calleja Migrants 'scared' to report abuse <http://www.timesofmalta.com/articles/view/20110930/local/Migrants-scared-to-report-abuse.387071> 30 September 2011

⁷³ Migrant Workers (Child Education) Subsidiary Legislation 327.220 2003

⁷⁴ National Commission for the Promotion of Equality (NCPE) Voice for All Research Report ('Voice for All' Project, Malta 2008/2009)

In its 2010 report, the Health Care For Undocumented Migrants And Asylum Seekers Network reported⁶⁸ that

'The conditions of detention for migrants in Malta are now well documented and have been widely criticised as disgraceful: overcrowded rooms, poor access to healthcare, no activities, poor and insalubrious basic amenities' (page 76)

Many landlords are reluctant to rent out their houses to foreigners for fear of damage being made to the property due to neglect.⁶⁹ Only 24% of Africans responding to the EU Midis survey were aware of laws regarding equal treatment in access to housing.⁷⁰ However, the HUMA Network Report (2010) identified that 77% of interviewed immigrants lived in their own flat or house albeit in accommodation most consider to be in a poor to very poor state;⁷¹ a fact also reportedly confirmed by Dr. Neil Falzon in 2011.⁷²

iii. Education

In Malta, as stipulated in the legislation,⁷³ state schools are free of charge to Maltese citizens and foreigners alike. As revealed in the study *Voice for All*, *'Maltese schools fail to adapt to the needs of pupils originating from ethnic minorities. As in other areas, there is a lack of an over-arching integration policy in the field of education. Whereas providing children with access to education is an essential first step, it must not be assumed that this guarantees an inclusive, non-discriminatory education process.'*⁷⁴

Most migrants can enter post-secondary education (including University) through the maturity clause and this exempts them from needing any qualifications, even if they still need to demonstrate to the University that they are able to follow the course they are applying for. In addition, fees for asylum seekers are generally waived. Students are sometimes discriminated against by other students for having a different skin-colour.⁷⁵

Respondents in the *Voice for All* study⁷⁶ have indicated different ways in which the introduction of an inclusion policy in schools could facilitate the integration of ethnic minorities in the realm of education. Foremost amongst these is the introduction of an orientation period where ethnic minority children may be introduced to basic concepts related to Maltese schooling. Other recommendations have included regular formal training on multiculturalism and cultural sensitivity for teachers and head teachers, as well as for the Bachelor's Education degree to include extensive study units focusing upon issues of cultural diversity. This report mentions projects and initiatives however 'as the areas of employment and accommodation, these initiatives must be sustained if they are to gain a long-term sustainability. A formal inclusion policy in schools would ensure that all schools are similarly equipped to

accommodate ethnic minorities, and all teachers and headmasters are adequately trained in issues of cultural sensitivity.'⁷⁷

In terms of lifelong learning, locally it was reported that⁷⁸:

'A frequent complaint by the migrants was that they could not follow educational courses because they needed to work in order to maintain themselves.'

iv. Health

In 2010, the Health for Undocumented Migrants and Asylum (HUMA) Seekers Network (2010) carried out a detailed assessment of a 4 EU Member States (including Malta's) health system in relation to its treatment of asylum seekers and undocumented migrants. Summarising on its findings, it noted that despite the EU's promotion of health systems based on principles of universality, solidarity and equity: they noted that:

*'most EU countries fall far short of offering the level of protection foreseen in international instruments with regard to healthcare coverage for undocumented migrants and, to a lesser extent, asylum seekers'. Malta was no exception to this.'*⁷⁹ (pg 6)

It also notes that EU Member States remain individually competent to determine who should benefit from their public health system. Legal entitlements to healthcare for undocumented migrants and asylum seekers depend on national legislation even if EU regulations impose: for asylum seekers, free of charge access to emergency care and the necessary treatment of illnesses as a minimum provision. This is not the case for undocumented migrants who have no similar (albeit limited) safeguards.⁸⁰ For the HUMA Network,⁸¹ the main (alarming) issue was related to the poor access to psychological support provided by the National Health Service, rather than physical medical health which is mainly accessed free of charge.⁸²

Upon arrival in Malta, irregular immigrants undergo an obligatory medical examination, conducted by the Port Health Services in a police station, as a procedure for public health provided for in the immigration legislation with a view of protecting against the potential threat from infectious disease.⁸³ In accordance with the Refugees Act, asylum seekers are entitled to free state medical care.⁸⁴ However, the law does not specify whether asylum seekers are entitled to access healthcare under the same conditions as Maltese nationals or whether they are covered by specific rights.

The ENAR Shadow Report also reports on the health service provision to migrants and states that

⁶⁸ European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and Discrimination in Malta p. 18

⁶⁹ National Commission for the Promotion of Equality (NCPE) *Voice for All* Research Report ('Voice for All' Project, Malta 2008/2009)

⁷⁰ National Commission for the Promotion of Equality (NCPE) *Voice for All* Research Report ('Voice for All' Project, Malta 2008/2009)

⁷¹ *The Times of Malta* Studies confirm how integration between the Maltese and migrants is not happening <http://www.timesofmalta.com/articles/view/20110810/local/refugees.379653> 10 August 2011

⁷⁹ Health for Undocumented Migrants and Asylum Seekers (HUMA) *Access to Healthcare and Living Conditions of Asylum Seekers and Undocumented Migrants in Cyprus, Malta, Poland and Romania 2011*

⁸⁰ *Ibid.* pgs 65-70

⁸¹ *Ibid.* pgs 82 - 83

⁸² *Ibid.* p. 87

⁸³ Reception of Asylum Seekers (Minimum Standard Subsidiary Legislation 420.06 (8) Chapter 420 Refugees Act 2001 10 (1)

*'Clearly defined policies surrounding health-service provision to migrants are lacking and thus service providers and migrants alike are not always certain about what the entitlements are. Access to medical care is also problematic because of communication difficulties, with language being a barrier between patients and medical professionals. To facilitate this, cultural mediators are starting to be employed by MSF [Medicins Sans Frontiers] and Primary Health Care.'*⁶⁵

The majority of participants 62% in the report entitled *Becoming Vulnerable in Detention* (BVID project) claimed that their physical health was negatively affected by being in detention. Living facilities, psychological issues and medical facilities were the main reasons migrants believed their physical health was deteriorating (69%, 18% and 11% respectively).⁶⁶

The ENAR Shadow Report 2009/2010 sheds further light on the physical and mental health of migrants. Almost 80% of people in detention who participated in the BVID project reported that their mental health has been affected by being detained, mainly as a result of being locked up, isolated from the world, worried, living in substandard conditions, being separated from their loved ones, past traumas and other mental health problems. Lack of activities in detention, dependence on other people's decisions and the length of uncertainty of the detention period also contributed to feelings of defeat and hopelessness.⁶⁷ The ENAR Shadow Report also confirms that there are no official statistics regarding deaths of asylum seekers and illegal immigrants residing in Malta.⁶⁸

On health care and reporting on the EU-Midis findings, the NCPE 2010 Annual Report⁶⁹ states that 'about one in five respondents also mentioned discrimination by healthcare personnel.'

v. Access to goods and services in the public and private sector

35% of Africans (in Malta) who participated in the EU MIDIS survey claimed that they had faced discrimination in cafes, restaurants, nightclubs or shops in the 12 months prior to the research.⁹⁰

Maltese law prohibits discrimination in relation to social protection, including social security and healthcare, social advantages, education, access to and supply of goods and services which are available to the public and any other institution or insurance company in relation to granting any services is also banned according to the said law.⁹¹ Only 13% of Africans interviewed for the EU Midis survey knew about such laws.⁹²

3.9 Concluding Remarks

When considering the topic of race and discrimination from a legal-centric point of view, it does appear that there is a lack a suitable legal definition of 'race' to allow for it clear understanding and interpretation.

Both in the 2001 Durban Conference⁹³ and in the follow-up review Conference in 2009⁹⁴; the emerging declarations did not result in the identification of a single tool to address the issue of racial discrimination. They, in fact, identify the importance and need of a multi-pronged strategy that involves the mobilisation of political will; extensive media campaigns and the promotion of inter-cultural and inert-religious dialogue; data collection, analysis and dissemination; targeted training programmes; and also the implementation of special measures in the form of positive discrimination.⁹⁵

The need for such an extensive multi-pronged strategy most likely reflects a realisation that

'racial discrimination must not be considered only in terms of this unique dimension but measures should aim also to address multiple or aggravated forms of discrimination'⁹⁶ especially given that:

*'... multiple discrimination is not only a sum of specific manifestations of discrimination, but it creates a new class of discrimination, whereby discrimination on the basis of several grounds creates a new form.'*⁹⁷

4. Findings, Analysis and Discussion

4.1 Introduction

This chapter presents the findings of the fieldwork survey, together with some analysis and discussion.

This chapter will include a profile of the research participants and a breakdown of the themes identified through the transcripts of the 25 interviews carried out with people from minority ethnic origins in Malta. The analysis and discussion is presented together with the findings falling under the specific themes.

The interviews tackled the interviewees' or a close acquaintance's experience of discrimination in the following sectors: employment; housing; healthcare; education and the provision of goods and services (including both private and public insurance and banking, and leisure). It also covers their experiences of

⁶⁵ European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and Discrimination in Malta p.21

⁶⁶ European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and Discrimination in Malta p. 23

⁶⁷ Medicins Sans Frontieres (MSF) "I never thought I would be imprisoned in Europe too" http://www.medicinsenzafriere.it/immagini/file/comunicati_stamp/MSF_malta_marzo_2009.pdf 2009

⁶⁸ Parliamentary Question from Hon. Stefan Buontempo to Hon. Austin Gatt Malta Government: 'Jista' l-Ministru għid kemm mietu persuni sena b' sena mis-sena 2000 li

kienu immigrant illegal?' ('Could the Minister indicate – year by year from the year 2000 - how many persons who were illegal immigrants died?') retrieved 17 March 2009 as quoted in European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and Discrimination in Malta p. 26

⁶⁹ National Commission for the Promotion of Equality (NCPE) Annual Report 2010 European Union Agency for Fundamental Rights EU-MIDIS - European Union Minorities and Discrimination Survey Main results report - Conference Edition (2009) p. 10

⁹⁰ Equal Treatment of Persons Order Legal Notice 85 of 2007

⁹¹ European Union Agency for Fundamental Rights EU-MIDIS - European Union Minorities and

violence, humiliation and victimisation on the grounds of race and ethnicity. Finally, the respondents' levels of knowledge and awareness on current anti-discriminatory provisions and possible methods of assistance and redress will also be discussed.

4.2 Methodology

The interview guide was developed on the basis of the findings of the literature review, the terms of reference, and similar local and international studies, with the objective of ensuring comparability of results. The interview guide was adapted following feedback received from the NCPE and after being pre-tested with a small number of participants, thus ensuring that the questions posed were clear and understandable to all.

Twenty five interviews were held over a period of 3 weeks. Some difficulty was encountered in succeeding to access the required amount of interviewees. Ten undocumented migrants were sought as part of the sample of 25. With this in mind, some centres providing shelter or accommodation for such persons were contacted. However, in view of the brevity of the time allocated for the implementation of this study, it was not possible to pursue all the available avenues.

Various agencies that work with refugees and asylum seekers were approached for permission to interview their service users. One agency, a home /shelter in Balzan run by the Good Shepherd Sisters under the auspices of the Curia's Emigrants' Commission, were cooperative and eventually granted permission. Nonetheless, difficulties were still encountered to find enough people residing there who were willing to be interviewed. Notwithstanding great interest and curiosity about the study being expressed by the residents, when it actually came to eliciting responses to the questions on the interview guide, people were less willing to express themselves.

A worker from an NGO explained to the interviewer that they are very distrustful and fear that anything they say could be used against them, and that they tended to be suspicious of anything they perceived as being connected to the government. This is perfectly understandable considering their previous experiences. In an ideal situation interviewers could have taken several days getting to know the people at the centre, spending time with them in a more relaxed, everyday manner, and gaining their trust. This would have helped to elicit more substantial data. However, due to limited time constraints imposed on the study by the tender conditions, this was not possible.

Other contacts were, therefore, exploited and some undocumented migrants were interviewed through the YMCA. Other participants were through some snowball sampling,

resulting in an overall relatively wide variety of respondents.

Notwithstanding the above, this is a purposive sample and as such cannot be said to be representative of the larger population, though every effort was made to have a range of different genders, ages and ethnic groups represented amongst the respondents.

4.3 Profile of Respondents

Of the 25 respondents, 14 were male and 11 were female. Since Malta tends to receive more male than female migrants this ratio was deemed to be acceptable for the purposes of the research.

The age distribution was as follows and again tends to roughly reflect the age distribution within the larger population of black and minority ethnic people from which the sample was drawn:

Age Group	No. of respondents
18-30	10 (5M;5F)
31-40	7 (4M;3F)
41-50	6 (3M;3F)
51-60	1(1M;0F)
61+	1(1M;0F)

Table 2

The regions of origin groupings shown below again display quite a widespread representation for Malta. The largest single grouping from one country is Somalia; the majority of these were resident in the home/shelter in Balzan.

Discrimination Survey Main results report - Conference Edition (2009) p.87
⁵¹ World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance - Declaration <http://www.un.org/WCAR/durban.pdf> 2001
⁵² Durban Review Conference <http://www.un.org/durbanreview2009>
⁵³ *Ibid.*
⁵⁴ *Ibid.*
⁵⁵ Human Rights Council Ad Hoc Committee on the Elaboration of Complementary International Standards First session Geneva, 11-22 February 2008 'Complementary International Standards - Compilation of Conclusions and Recommendations of the Study by the Five Experts on the

Content and Scope of Substantive Gaps in the Existing International Instruments to Combat Racism Racial Discrimination, Xenophobia and Related Intolerance' <http://www2.ohchr.org/english/issues/racism/docs/CRP4.pdf>
⁵⁶ A more detailed account of the methodology can be found in the annex.

Region of Origin	No. (M; F)	
Africa	8 (5M; 3F)	6 from Somalia; 1 Congo; 1 Cameroon
Arab	7 (4M; 3F)	1 each from Libya, Iraq, Lebanon, Morocco, Syria; 2 Tunisia. (2 hold Maltese nationality)
Balkans	3 (3F)	1 each from Bulgaria, Romania, Russia
British African Caribbean	2 (2M)	2 England
East Asia	2 (1M; 1F)	2 China (1 holding Maltese nationality)
South Asia	2 (1M; 1F)	2 India (2 holding Maltese nationality)
South East Asia	1 (1M)	1 Indonesia

Table 3

In 2008, non-nationals in Malta represented 3.8% of the population, citizens of other EU Member States 2% and citizens of non-EU countries representing 1.8%. Overall, this population comprised mainly nationals of the UK (26.5%), India (6%), Serbia (5.1%), Bulgaria (4.8%) and China (4.7%).⁹⁹ The sample used in this study has representation of all but one (Serbia) of these nationalities.

The respondents' religion is represented in the table below. The largest grouping is Muslim (12). If the various Christian denominations (Christian 6, Roman Catholic 3, Orthodox 2) are totalled, it would constitute almost as large a group as the Muslim (11).

Religion:	No.:	Ethnic Groups
Muslim	12	6 Arab; 6 African
Christian	6	2 African; 1 Arab; 1 Balkan; 1 British African Caribbean; 1 East Asian/Maltese
Roman Catholic	3	2 South Asia/Maltese; 1 British African Caribbean
Orthodox	2	Balkan
Buddhist	1	East Asia
Atheist	1	South East Asian

Table 4

⁹⁹ EU Eurostat Katya Vasileva Statistics in Focus 94/2009 Population and Social Conditions: Citizens of European countries account for the majority of the foreign population in EU-27 in 2008 2009

The legal status of the respondents is tabled below.

Legal Status	No.:
Resident	13 (6M;6F)
Refugee	3 (3M;0F)
S/THP*	3 (2M;1F)
Asylum Seeker	2 (1M;1F)
Immigrant with Visa	2(1M;1F)
Citizen	1(0M;1F)
Visitor	1(1M;0F)

* subsidiary/temporary humanitarian protection

Table 5

The 'resident' status constitutes the largest grouping in the above list. Of the 13 with resident status: 6 are married, possibly to Maltese nationals (and 1 separated), 3 are Maltese nationals (not first generation in Malta), and 3 are from EU countries. The respondent with 'visitor' status is engaged to a Maltese national and had been looking for employment. One of the 2 immigrants with visa is in a relationship with a Maltese national.

The marital status of the respondents is found in Table 5 below. The largest grouping consists of married respondents, with the second largest being single. Although 3 are separated, it's relevant to note that 3rd country nationals married to Maltese nationals who separated, risk deportation if their resident status is dependent on their being married to a Maltese national (which most would often be the case). The respondent in a same sex partnership would have difficulty obtaining official legal resident status as a 3rd country national since there is no recognition of same sex partnerships in Malta.

Marital Status	No.:
Married	13 (6M;7F)
Separated	3 (1M;2F)
Single	8 (6M;2F)
Same sex partnership	1 (1M;0F)

Table 5

Of the 25 respondents, 19 had children, though only 11 respondents were living with their children, as is seen from the table below.

Respondent living with:	No. of respondents:
Spouse and child/ren	6
Spouse	3
Partner and child/ren	1
Partner	3
Alone	6
Parents	2
Children	4

Table 7

The respondents' employment status is as per table below. The largest group is 'unemployed' and half of the respondents (5) in this group are asylum seekers or have subsidiary or temporary humanitarian protection. Of the 10 unemployed respondents, 8 are of African origin. This means that 7 out of the 8, or 88%, of the total African respondents are unemployed, which could be seen to be a large over-representation both in relation to general national employment figures, and in relation to the other ethnic minority groupings. Two of the total 7 Arab respondents are also unemployed, with another 2 working in the building industry (crafts and related trades).

Employment/Occupation*	No.:
Unemployed	10 (5M;5F)
F/T Student	1 (0M;1F)
Service and Sales Workers	4 (3M;1F)
Professional	3 (1M;2F)
Manager	2 (2M;0F)
Technical and associate professionals	1 (1M;0F)
Clerical support worker	1 (0M;1F)
Craft and related trades	2 (2M;0F)
Elementary occupations	1 (0M;1F)

* International Standard Classifications of Occupations (ISCO)

Table 8

If we look at the education spread, we find that there are only 2 respondents with only a primary level of education, both of which are female respondents of African origin, and both are Muslims. The 'secondary' level of education is the largest group below and includes 7 males and 4 females. Of these, more than half are Muslim, and the majority (5) are male. The post-secondary group is also quite large and once more the majority are male (6). Interestingly, however, 3 of the 4 respondents possessing tertiary level of education are female. None at 'tertiary' level are of African ethnicity.

Education	No.:
Primary	2
Secondary	11
Post secondary	8
Tertiary	4

Table 9

Finally, we have the residential districts of the respondents tabled below:

District	No.:
Southern Harbour District	4
Northern Harbour District	3
South Eastern Harbour	3
Western District	7
Northern District	7

Table 10

As can be seen, 2 specific districts appear over-represented.



The Northern district includes St. Paul's Bay, Bugibba and Qawra, which are areas that tend to attract migrants and foreigners generally since there is a greater possibility of finding accommodation for rent at relatively reasonable prices in these areas. The ENAR shadow report further suggests that it is also due to the fact that these areas are outside traditional old town centres and, therefore, the constant attention of the population. As the report points out, this reduces opportunities in integration and increases isolation.¹⁰⁰

The Western district, on the other hand, is over-represented since several respondents were residents within a home/shelter for migrants within this district.

Having looked in some detail at the demographic data of the respondents, the rest of this Chapter will look at the specific areas in which the respondents reported receiving less favourable treatment.

4.4 Employment

As seen above, of the 25 respondents, 10 stated they were unemployed, and 1 was a full time student. The remaining 14 who were employed were in the following occupations classified as per the International Standard Classifications of Occupations (ISCO):

Service and Sales Workers – 3 Male; 1 Female
 Professional – 1 Male; 2 Female
 Manager – 2 Male
 Technical and associate professionals – 1 Male
 Clerical support worker – 1 Female
 Craft and related trades – 2 Male
 Elementary occupations – 1 Female

Out of the total 25 respondents, 44%, or 11 (7/13 males, 4/11 females), replied in the positive to having experienced or witnessed discrimination in the area of employment. More males than females (as a ratio of the total males/females) reported discrimination in this area. This would reflect the general and socially constructed gender roles that would expect a woman to be passive and, therefore, more accepting of less favourable treatment, and a man to be assertive. This may have been reflected more generally within the sample with one of the interviewers pointing out the difficulty she had to persuade women to participate at all in this survey on discrimination, in other words persuading them to be more active in speaking about their experiences of discrimination, though there could have been other reasons contributing to their reticence.

Regarding the ages of those respondents who identified discrimination in employment, they were distributed as follows:

Age	Number
18-30	5
31-40	3
41-50	2
51-60	1
60+	0

Table 11

The age distribution similarly reflects 'age-appropriate' behaviour, with the numbers of complainants decreasing as the age increases. This same pattern is found in the 2008 Analytical Report which shows that:

"there is an inverse relationship between age and the likelihood of mentioning personal experiences of discrimination based on race or ethnic origin. The younger a person is, the greater the likelihood that such a personal experience would be reported; the older the respondent is, the less likely he/she is to mention personal experience of discrimination."¹⁰¹

Two of these respondents are Maltese of Indian origin, and they both claim that what they experience is not really discrimination, as further explained below.

The European Network Against Racism (ENAR) Shadow Report 2009-2010, Racism and Discrimination in Malta, states that a number of foreigners who came to the island through colonisation stayed on and lived in Malta with locals 'quite harmoniously', despite their different races, customs and religions.

The Indian community in Malta would be representative of one such group. In 2001 we had at least a 200 strong Indian community in Malta. Their ancestors came over in the late 1800's as tradesmen, selling Indian goods. They are still commonly known as 'I-Indjani' (the Indians),¹⁰² and their shops are still known as 'the Indian shops'. Notwithstanding, several second and third generation Maltese Indians are doctors, teachers, study law and pharmacy and other subjects at university. Several are still in business, though their interests have significantly diversified over the years.¹⁰³ They are now to be found in textiles, fashion wear, real estate, import/export, production etc. Their main Religion is Hindu, and Malta is their home. However, notwithstanding that they have been present in Malta for well over 100 years, they have never really been considered Maltese, and are mainly considered socially invisible.

One of these two respondents throws light on his experiences when he had just started working, suggesting that he may have been to blame for being disregarded and isolated

¹⁰⁰ European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and Discrimination in Malta p. 18

¹⁰¹ European Commission Flash Eurobarometer Discrimination in the European Union, Perceptions and experiences of discrimination in the areas of housing, healthcare, education and when buying products or using services: Analytical Report 2008

¹⁰² Falzon M.A. Origins and Establishment of the Indian Business Community in Malta Bank of Valletta Review 24 Autumn 2001 p 73-92.

¹⁰³ *Ibid.*

by his work colleagues, because he was shy. To this day, his nickname is 'l-Indjan' and he accepts it as 'just a nickname as any other' (*'Jghiduli l-Indjan...dak il-laqam tiegħi...imma llum ma jdejjaqnix, laqam bħal oħrajn...'*).

The second respondent denies any discrimination or harassment, but then goes on to state that people make jokes and react to her (Indian) surname. She feels that this is due to curiosity and people experience it as 'cute and quaint' (*'jiggustawk'*) rather than a form of hostility or hatred of any kind (*'milli b'xi mod ta' mibegħda'*).

Considering other cultures as 'quaint' as opposed to one's own 'normal' culture, is one of the forms of ethnocentrism which is tied to ideas of superiority of one's own culture. Although the behaviour described by these respondents would objectively constitute discrimination and/or harassment, neither of the two object to the treatment they receive/d and both feel that they have no cause for complaint. This suggests lack of awareness, or a certain element of denial. This latter feeling was also picked up by one of the interviewers. Furthermore, considering that they have lived in Malta all their lives they are not very knowledgeable of existing legislation or possible redress, as is seen later in this chapter.

Three of the 10 respondents who reported less favourable treatment in the area of employment, as delineated below, are of Arab origin.

An Arab community has been present in Malta since the early seventies when the government of the day forged strong ties between Malta and Arab states, Libya in particular. Prejudice against Arab people in Malta has existed for many years and is not a recent phenomenon brought on by the 'terrorist threat' following '9/11' or the increasing numbers of irregular migrants arriving in Malta as is often popularly assumed. Various studies and academic papers have asserted this over the years.¹⁰⁴ One of the male respondents in this study stated:

'I think some Maltese people treat Arabs as inferior and they don't respect our religion...'

Since there has been an Arab Muslim community in Malta for about 40 years now, Arab people, men in particular, tend to have a longer history of being in Malta than the more recently arrived migrants. In fact, all three of the Arab respondents who reported in this study less favourable treatment in employment, have legal resident status, which suggests that they may have been in Malta for some years. It is, therefore, not surprising to note that their complaints are, so to speak, one-up from being refused employment, and that 2 of the 3 complain not about not

being employed but about not being paid as much as the Maltese workers. Similar to the previous two respondents, the third (female) respondent reports an incident with regards to being given the dirtier tasks to do at her place of work by her colleagues, with the knowledge of the supervisor, who refrains from intervening. This latter behaviour (or lack of action) on the part of the supervisor could be considered 'neglecting one's obligation to suppress any form of harassment at the workplace', which employers or organisations are expected to do as per Equal Treatment of Person in Employment (Legal Notice 461 of 2004, Subsidiary Legislation 452.95).

A further 3 (all men) of the 10 respondents who reported discrimination are of African origin. When the arrival of African undocumented migrants started to increase in Malta (2002 onwards), the same arguments which had been used to depict people of Arabic origin as a threat to Malta and the Maltese, started to be used against people of African origin.

Of the 3 males of African origin who reported discrimination in the field of employment, one has refugee status, whilst the other two have temporary humanitarian status, suggesting more recent arrival in Malta. In fact 2 of the 3 are still resident in an Open Centre. All three complain of being refused employment on the grounds that they are 'not Maltese'. One of them states more broadly: 'There is general discrimination against blacks in Malta...it is everywhere...'. Of these, only 1 (refugee status) is actually in employment, and he further reports less favourable treatment at his place of work, from both his manager and his colleagues. This same respondent believes that:

'many black people are scared to talk as there is no protection. If they talk they are scared the Maltese will hurt them' suggesting lack of awareness of the protection that does exist.

The ENAR shadow report similarly found that discrimination in employment against Africans and Muslims was pervasive both when seeking employment and also with regard to the terms and conditions of employment that employers offered them. Migrants felt under an obligation to accept these conditions as failing to do so would mean not having any income whatsoever.¹⁰⁵

The remaining two respondents who reported discrimination in employment are both female with resident status, one being from East Asia and the other from the Balkans.

The Balkan woman stated that a friend of hers who had a tertiary level of education had been refused employment simply on the grounds of her nationality. She further stated that her country nationals in Malta (including herself) were treated differently by

¹⁰⁴ C Borg and P Mayo *Towards an Anti-racist Agenda in Education: The Case of Malta (World Studies in Education 2)* p 47-64.; Naudi M. 'The Effect of the Dominant Discourse on Social Work Client Categorisation: the case of Arab men in Malta' 2005 in: Borodkina O. and Grigorieva I. (eds) *Actual Issues of Social Work Saint-Petersburg 2005*

¹⁰⁵ European Network Against Racism (ENAR) *Shadow Report 2009-2010 Racism and Discrimination in Malta*

the Maltese colleagues at their place of work, not being given the opportunity to integrate and then being blamed for "sticking together" (respondent's own words), when they would have had no choice in the matter. This would suggest that they are isolated by the Maltese colleagues and made to feel 'different' and outsiders.

This same respondent feels strongly that discrimination and prejudice are rife in Maltese society, and that nobody cares and nothing is being done:

'there is a lot of unfair treatment and prejudice but it seems to be the norm... I was even surprised to know that they are doing this study because I thought I was the only one who noticed it as it seems nobody is bothered about it or sees anything wrong with it...'

This would again suggest the need for greater awareness raising on the unacceptability of discrimination on the grounds of race or ethnicity and on the few protection measures that do exist.

The complainant of East Asian origin stated that clients were rude and arrogant towards her, and acted differently towards her Maltese co-workers:

'Clients are sometimes rude cause I am foreign. They have an arrogant manner and forget to be polite. No 'please' or 'thank you'. I think they do so because I am foreign... because with Maltese staff they are different...'

The examples given by the various respondents in this section are in violation of various legislations, as delineated in the Literature Review. These include the Equal Treatment of Persons in Employment (Legal Notice 461 of 2004, Subsidiary Legislation 452.95) which offers protection in employment (refusal, less favourable treatment, etc.) on the grounds of racial or ethnic origin and also religion or religious belief, and further considers someone to have discriminated against a person if they provide instructions to discriminate or neglect their obligation to suppress any form of harassment at the workplace.

When asked if they had any other experiences to report towards the end of the survey, a further 2 respondents reported incidents which would fall under this section on employment, but which they had not mentioned at this stage of the survey. The following is one such example:

A Maltese man of South Asian origin spoke about discrimination at his place of work that was not aimed at him but at 'klandestini', and his own reaction to this:

'fejn nahdem jien gieli jigu l-klandestini jitolbu applikazzjoni ghax-xoghol, u jghidulhom li m'ghandiex bzonn, izda kieku mhux ghax jarawhom suwed ma jghidulhomx hekk... nahseb iva. tigi mill-management, jghidulhom biex ma jaghtuhomx, imma mbaghad meta jkollhom bzonn, fis-sajf meta jkun hemm hafna xoghol, ihaddmuhom... il-kollegi ma jaghtuhomx applikazzjoni... jien naqbad naghtihelhom imbaghad jekk iridu jqattawha l-management.'

('where I work sometimes 'klandestini' come to ask for application forms for work, and they get told that there are no vacancies, but if they weren't black they wouldn't be told this... yes, I think it comes from management, they tell the staff not to give them applications, but then when they do need, in summer when there is a lot of work, they employ them... my colleagues don't give them the applications... I just grab them and give it to them, and then if the management want to tear them up they can do so.')

This falls under 'instruction to discriminate' which is prohibited by the Racial Equality Directive (2000/43/EC).

When asked if they had ever felt victimised because of their association with another person of a particular race or ethnic origin, two further incidents related to employment were mentioned.

A man of Arabic ethnicity gave this example:

'Iva, fejn kont nahdem, kien hemm immigrant tal-Marsa wehhel fija ghax intilfet l-ghodda u l-lmghallem Malti qalli "la mhux hu, mela int!!!"'

('Yes, where I used to work, there was an immigrant from the Marsa open centre who blamed me because some tools were lost and the Maltese boss said to me, "if it wasn't him, then it's you!!!"')

Another male respondent of African origin felt victimised generally as a black man and gave this example relating to employment:

'I was working with a company and when something went wrong during work the other workers always used to blame the black. If something gets stolen or work is not conducted properly, it was always us the black who used to get the blame... not only the boss but even the other employees... they blame us for everything...'

Overall, this section demonstrates that discrimination in its various forms exists in the field of employment and that it is experienced

by people of different ethnic origins, although rarely, if ever, reported. Both men and women were refused jobs on the grounds of their ethnic origins, and both men and women reported that they were treated differently to Maltese co-workers, and /or harassed. It further indicates that knowledge of what constitutes discrimination, protection and redress is lacking. Finally, it would appear that laws and regulations are broken with impunity and that enforcement is lacking.

4.5 Housing

In the area of housing the number of respondents who reported less favourable treatment is lower than that in employment: 6 or 24% of the 25 respondents. Of these 3 (2 male, 1 female) were of Arab ethnicity, 2 (1 male and 2 female) were African, and one (female) was from the Balkans.

All 3 Arab respondents were clearly told by various landlords that they do not rent out to Arab people. One got round this obstacle by getting his Maltese partner to phone back a few days later, and they succeeded in acquiring the tenancy. Another couple (both of Arab origin) met up with the landlord after having made arrangements on the phone, and on seeing that they were Arab the landlord refused them. They tried arguing that they were Maltese citizens, but the landlord remained adamant, reportedly stating: 'I don't care. I don't rent to Arabs'. After that they went through an estate agency, and it took them a couple of months to find suitable accommodation. The third Arab respondent, who was similarly refused by landlords who told him, 'I don't rent to Arabs', suggests that it is easier to find landlords willing to rent out to Arabs in the South of Malta (though he currently lives in the Northern Harbour District).

One of the African respondents had an experience similar to one of the Arab respondents. To start with, he had been refused on more than one occasion, being told they 'don't rent to immigrants' and 'they don't rent to blacks'. On one of these occasions he got his (white) partner to call and she succeeded in getting the tenancy, similarly to the Arab respondent above. This same respondent also reported harassment from a neighbour who called the police because he had music on, the assumption being that he would not have taken such drastic action had he been Maltese.

The second African respondent is a female, and required prompting before she reported harassment on the part of the landlord. She said that he calls in regularly to check the apartment, which is something he does not do with Maltese tenants. The false suggestion seems to be that since they are 'black' or 'immigrants' they may cause damage that Maltese people would not. The ENAR shadow report confirms this problem and states that many landlords are reluctant to rent out their houses to foreigners for fear of damage being made to the property due to neglect.¹⁰⁶

This was also confirmed by one of the Arab respondents who said that landlords say that they (Arabs) 'break things' and therefore they refuse to rent out to them. The African female

¹⁰⁶ *Housing Asylum Seekers 2009:38 as quoted in European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and Discrimination in Malta*



respondent also reported that the landlord insists on cash payments and that he refuses to maintain the property by fixing things that go wrong. It is also to be noted that this is a family of 2 adults and 4 children living in a one-bedroomed apartment, presumably this is the only option they have. This is reflected in the ENAR shadow report which stated that migrants often live in less than adequate accommodation.¹⁰⁷ This same respondent reported that, although there were no specific incidents she could identify, at first the neighbours were not happy to have them there – it was a ‘feeling’ she got off them that they were not welcome. The sixth respondent who reported less favourable treatment in the area of housing is also a female, though from the Balkans. In this case she reported that, although she did not experience discrimination herself in this field, she had friends who had:

‘this didn’t happen to me personally, but some owners do not rent to Russians... my husband works in real estate and he says it is because sometimes they leave without paying the rent ... but I think even other people could do this, even the Maltese...’

Of those that did not report unfavourable treatment or harassment in the area of housing, several qualified their responses in that they had not actually tried to rent/buy property directly from Maltese people, either because they were living in their partner/spouse/parents’ house and therefore had no need to, or because they used an intermediary.

A further 4 only had experience of the open centre (home/shelter) in Balzan in which they lived and had no problems there. (Although problems are often experienced in the larger open centres, this particular one is smaller, often referred to as a ‘home’, and run under the auspices of the Church).

Hence, although only 24% (6 out of 25) of the respondents reported discrimination in the area of housing, of the remaining 76%, approximately 36% had not been exposed to the open Maltese housing market. Considering the blatantly discriminatory experiences reported above, the chances are that several of these would have also met with unfavourable treatment in attempting to secure accommodation.

Refusing to rent to someone because they are ‘black’ or ‘immigrant’ or ‘Arab’ is prohibited as per Legal Notice 85 of 2007, Cap. 460, which implemented Council Directive 2000/43/EC. However, it appears that landlords flagrantly disregard these prohibitions.

4.6 Healthcare

Of the 25 respondents, only one respondent, a female African, reported unfavourable treatment in the area of healthcare. This respondent’s son had been hurt and she took him to the health centre. She experienced the staff as ‘very rude’. She felt that they did not explain to her what was happening, resulting in anxiety on her part due to her son’s situation. Her English is poor, though she manages better in Maltese, and there were no interpreters available. The importance of having interpretation services available in a health situation such as this is imperative – people are already stressed by a situation of this nature and misunderstandings can make a difference between the proper treatment or actual harm being caused, between life or death in a serious situation. This same point is stressed by the ENAR shadow report that finds that access to medical care is also problematic because of communication difficulties, with language being a barrier between patients and medical professionals.¹⁰⁸

Of the 24 remaining respondents, some just stated that there was no discrimination and others stated that it was ‘fine’ or ‘okay’ or ‘normal procedure’. One pointed out that once there was a very long queue at the hospital when he went for treatment, but acknowledges that this is not a case of discrimination. Several of the other respondents praised the healthcare services:

‘I’ve always been to private hospitals and I’ve always been treated well – they were very patient with me as I’m quite a difficult patient – 2 summers ago I went to the emergency department – I was treated with total respect and I was treated with extra kindness – more than they would have treated a Maltese person, honestly!’ (female, Arabic)

‘jifirhu bina’ (‘they are pleased to see us’) (female, Arabic) ‘healthcare is free for everyone and of good quality I think’ (female, Balkan)

‘we have a GP who comes home to see us... he is a very nice man and I never had any problems...’ (male, South East Asian)

Whilst it is encouraging to find in this fieldwork that healthcare services appear to be one of the areas where discrimination on the grounds of race or ethnicity is minimal, it is relevant to note that this does not reflect the findings of the ENAR shadow report that found that 17% of the migrants interviewed for EU Midis claimed that they had been discriminated against by healthcare personnel.¹⁰⁹ It is possible that this concept was not fully grasped by the respondents.

¹⁰⁷ European Network Against Racism (ENAR) Shadow Report 2009-2010 Racism and Discrimination in Malta p.18

¹⁰⁸ *ibid.*

¹⁰⁹ *ibid.*

4.7 Education

Of 25 respondents, 9 reported unfavourable treatment in the area of education either on their own behalf or that of their children. One of these (female, Balkan) suggests, however, that although her daughter was bullied at school, it may not have been on the grounds of race or ethnicity but rather because her daughter was 'a bit chubby'.

Of the remaining eight, a further three reported bullying on their child/ren.

One child of an African father experienced name-calling; she was called an 'immigrant' at school, and told she 'came by boat', which understandably upset her. Her father decided not to send her to school. However he stated that he received a letter ordering him to send her to school or risk being arrested, and therefore felt obliged to return her to school. His daughter has since left Malta for France where she is now happily settled.

By the authorities taking action against the 'victims' of the bullying, the suggestion is that they are at fault, as opposed to the perpetrators of the bullying.

Another female respondent of African origin stated that her children were being isolated at school because they are 'Muslim and black'. They do not get invited to school parties by the other pupils and this upsets them. She feels that not enough is done by the teaching staff to help in their integration with their class mates.

These examples would suggest that issue of integration is not consistently tackled by teaching professionals and institutions.

Notwithstanding her children's negative experiences at school, this latter respondent also felt obliged to point out her appreciation towards the teachers for their generosity in giving her clothes when she had a baby boy. This example would also seem to reflect the 'generosity' of the Maltese people, in the making of 'charitable donations', without questioning or addressing the underlying root causes and power imbalances.

The third example of bullying of children came from an Arab female. She is worried that her children will face difficulties and problems in future, since they are now still quite young. She stated that she knows of other 'foreigners' who are facing these issues and this causes her to worry for hers. This example coupled with the previous one may be seen to support the comment passed by another respondent in relation to reporting of discrimination (previously quoted in this study):

'many black people are scared to talk as there is no protection. If they talk they are scared the Maltese will hurt them'.

This in itself is of concern. One way of gauging the effectiveness and openness of a system or organisation is on the number of complaints received: the more complaints received the better the organisation since this indicates that people in a less powerful position feel empowered to speak out without fearing negative consequences. It also indicates that the complainants believe that their comments will be taken on board and acted upon, since otherwise there is no point in making the complaint. When people are hesitant to complain, it suggests otherwise.

As recommended by the Voice for All study¹¹⁰, the introduction of an inclusion policy in schools (that specifically refers to race/ethnic origin and religious beliefs) could facilitate the integration of ethnic minorities in the realm of education. It states that:

"Maltese schools fail to adapt to the needs of pupils originating from ethnic minorities... Whereas providing children with access to education is an essential first step, it must not be assumed that this guarantees an inclusive, non-discriminatory education process."¹¹¹

Two other respondents, both brought up in Malta, reported unfavourable treatment at school when they were children themselves. One male of South Asian (Indian) origin explained that when he was young he was shy and withdrawn, and his school mates used to call him 'I-Indjan' (the Indian). This used to upset and hurt him and made him feel an outsider. This 'nickname' as he refers to it, is still in use to this day but he states that it no longer bothers him.

The other respondent who reported unfavourable treatment during her schooling in Malta experienced bullying from her classmates:

'With peers the only time I experienced bullying was when I was in yr 3 or 4 – they made fun of the colour of my skin and that I was the foreigner in class – I told my mum who told the teacher but the teacher took no action (after that my parents pulled me out of the school...for different reasons)'.

In this example we again encounter apparent inaction on the part of the teaching professionals, albeit in the past. Once again it has to be emphasised that school staff can play an important role in stopping bullying on the grounds of race or ethnicity. This may require some training in intercultural competence on their part.

Another example of even greater concern is also given by this same respondent who feels she was discriminated against by the religious teaching staff:

'I used to go to a church school from year 6 to form 5 – In the secondary part there was a nun who made it obvious that she

¹¹⁰ National Commission for the Promotion of Equality (NCPE) Voice for All Research Report (Voice for All Project, Malta 2008/2009)

¹¹¹ *Ibid.*

could not stand me – I would raise my hand and she would ignore me – she would dismiss me if I asked for help with home work – once we went on a school outing – we were all standing in a circle looking at a bread machine – I felt someone pulling me back (really roughly) to pull me to the back of the group to make space for her 'preferuta' – after this incident I dropped her class... the only conclusion that I could come to is that this was due to my race or religious belief since I was quiet and diligent so that is the only reason I can think of – there were 3 or 4 other foreigners and I think she treated them the same – their nationalities were Pakistani and the other 2 were Africans but not sure which African country.'

The importance of appropriate training for all teaching professionals to keep abreast with the changes occurring in our society is paramount. This is also emphasised by the Voice for All report that recommends regular formal training on multiculturalism and cultural sensitivity for teachers and head teachers.

The same respondent as above goes on to give a third example, though she also stresses that 'other than these incidents' she felt she was treated with respect. She explains that as a child she easily grasped the language and culture and so no longer stood out, but was like the other children in her class. She stated that if one did not hear her name, one would not really know that she was a 'foreigner'. This final example relates to the negative reaction of the parents of one of her school friends, but ends positively.

'I had a best friend whom I met when we moved to the church school – we became close, calling each other etc – then she told her parents that I was originally a Muslim – her parents said it would be safer if she didn't associate herself with me – and she innocently came to tell me – but we still remained friends, till this day... we stayed close and I used to go to her house often – it was just until they got to know me...'

Another two respondents, both women, give examples that relate to post-secondary education or training. One, of East Asian origin, experienced harassment in the form of a 'joke' on the part of her instructor:

'Harassment happened with the teacher while attending a masseur course, when he used to joke about Chinese eating rice only. It was a stupid joke. He saw that I was not happy and never did it again. I felt he wanted to make fun of my race. It happened only once.'

This again highlights the importance of training, since it would appear that the instructor concerned was not intending to offend, but nonetheless did so through his lack of awareness.

The next example involves a female respondent from the Balkan region in relation to Maltese students at tertiary level of Education. This same respondent also reported similar behaviour from her co-workers in her place of work:

'it was difficult for me to integrate with the other Maltese students at university – some classmates tend to group or mix only with Maltese...'

One possible explanation for this type of behaviour on the part of her Maltese colleagues is the stereotype of Balkan young women as workers in the exotic entertainment industry, and that they are desired by Maltese men who would be prepared to leave their stable partners for these young women. Knowing more about the individual young women coming from the Balkan countries, their culture etc. would help to dispel the stereotypes and allow better integration of these same young women within our educational institutions.

The last example of discrimination in relation to education involved the refusal of day care service to the child of an Arab respondent:

'In the childcare centre they said that it was full – but the one who works with me, they went after us and they said okay...'

Whilst this example is not as blatant as some given in the housing section, in that the respondent was not told to his face that they would not accept his child because he was an Arab, the effect remains the same... He was told they were full as an excuse for the refusal, and the service he required and was denied was given to another person who was not an 'Arab'.

The National Minimum Curriculum of Malta not only prohibits discrimination on the grounds of race and religion but actually requires that all forms of discrimination are opposed and that a sense of solidarity is cultivated amongst school children.

'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 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.'

Had this been followed, the examples given by the respondents above would not have occurred.

Having said that, while it may be necessary, it is not sufficient in itself to issue a document – there needs to be clear, comprehensive policies emanating from that document, and training, if necessary compulsory training, to enable them to be implemented.

Furthermore, the Equal Treatment of Persons in Employment (Legal Notice 85 of 2007, Cap. 460) implemented the non-employment legal provisions that arise from the Council Directive 2000/43/EC which includes prohibition of discrimination on the basis of race in education.

Notwithstanding policies and legislation in this area, in this section we have seen examples of bullying and harassment by classmates and by teaching professionals, as well as denial of educational services.

4.8 Goods and Services

Section 1 – Private Sector

Out of 25 respondents, 10 gave examples of less favourable treatment or harassment to themselves or others when purchasing goods or seeking a service from the private sector. Of these, 4 were male and 6 were female, and their ethnic origins were varied:

Ethnicity:	No.:
Arabic	3
African	2
East Asian	2
British African Caribbean	2
Balkan	1

Table 12

The majority (6) had resident status and 2 of these were raised in Malta.

One of these latter clearly answered 'No' to having experienced discrimination or harassment in this area. He then went on to give an example in response to this area of discrimination that may be considered to be more 'leisure' oriented than 'goods and services'. He explained that when he plays football with

his friends they 'joke' about his name, but he considers this as 'only joking together' and does not classify it as harassment. This reasoning was used by another Maltese national of Indian ethnic origin in the section on employment who had similarly experienced 'jokes' in relation to her surname. Being made fun of in a joke format is always very difficult to challenge since one is then open to the charge of not having a sense of humour, not being part of the in-group etc.; it is much simpler to accept the 'joke' and remain an 'insider' rather than risk becoming even more of an 'outsider'.

Another respondent with resident status reported that although in general he did not experience less favourable treatment in this area, he was charged higher water and electricity tariffs than the Maltese because he is a foreigner. This was not based on his specific ethnic origin but on being non-Maltese.

A Balkan female respondent reported that she had been overcharged by a taxi driver because he thought she was a tourist rather than a resident:

'he didn't realise I lived here, took a taxi once when I came back from abroad and he charged me a very high price... no I did not complain, since, what can you do?'

This reasoning suggests that it is the norm for taxi drivers to overcharge tourists since they would not realise that they were being overcharged. As a resident, she does know what she should have been charged, and therefore that she had been overcharged. However she seems to believe that there is no point in objecting or complaining.

The three Arabic respondents had different experiences. One said that some customers move away in shops when he approaches, but he stressed that the sales staff always treated him well. Another stated that, although she herself had never experienced this, she had some Libyan friends who were thrown out of shops and that the shopkeepers were frightened that they would steal something. This would reflect the dominant stereotypes of Arab people in Malta (Arabs are criminals; together with other stereotypes which currently form part of the dominant discourse, which are that: Arab men are marrying Maltese women so as to be able to get citizenship, that many of them are already previously married at 'home', that they will disrespect the woman, that they are likely to be violent, that they deal in drugs, etc.).¹¹² The third Arab respondent felt that she is often judged for the way she dresses (wears a headscarf), but that generally she received a good service in shops. She added that there had been just one incident where she felt she had received less favourable treatment:

'there was only 1 incident where the shopkeeper tried to trick me into buying something – but I just left and said I would never go

¹¹² Naudi M. *The Effect of the Dominant Discourse on Social Work Client Categorisation: the case of Arab men in Malta' 2005 in: Borodkina O. and Grigorieva I. (eds) Actual Issues of Social Work Saint-Petersburg 2005*

back – people don't realise that I speak and understand Maltese – so sometimes I hear comments (not necessarily negative) – then I show them that I am understanding and they get embarrassed.'

A respondent of East Asian origin with immigrant visa status had a somewhat similar experience. She states that generally everyone is 'very nice' but on one particular occasion:

'A Maltese woman at the butcher wanted to skip me while in the queue and expected to be served before me because I was a foreigner. She spoke Maltese and I understand Maltese. I looked at her and spoke in English and told her I understand her. She was embarrassed and went out of the shop. I didn't want her to leave, just to wait for her turn...'

One of the African respondents felt that although she had not experienced discrimination or harassment as such, people (shopkeeper in a grocery store in particular) tended to look at them differently. A British African Caribbean resident said that in a specific retail shop the staff was unhelpful:

'I think it is because when they see me being black they think I am one of the illegals... at least my Maltese partner seems to think so... but the attitude changes when they hear the way I speak...'

The reasoning reportedly put forward by the Maltese partner seems to suggest that this sort of treatment meted out to 'illegals' is considered generally understandable by the Maltese public. The 'way I speak' presumably refers to an English accent, and traditionally our treatment of English people (to their faces) is good, if not deferential, again due to our colonial past, and, therefore, this would fit in with the staff's change in attitude.

The final example in this section is given by an African refugee who entered a shop to buy a special shirt for a wedding he was attending, and was told by the sales staff that he wouldn't be able to 'afford it'. This angered him and resulted in him buying an expensive shirt just to make a point.

This section seems to reflect the various stereotypes found in the general discourse in Malta about the various ethnic groups. The Arab people and African people, for example, are often considered to be dirty and/or dangerous (hence people move away as they approach), possibly criminal (hence people suspect that they will steal), strange (judged by the way they dress, looked at differently), not well to do ('shirt too expensive', staff not bothering to help), etc. It also reflects certain other attitudes held generally by some Maltese – it's acceptable to overcharge tourists for example, and it's considered acceptable to ignore 'illegals'. The idea that foreigners do not speak Maltese is another belief that seems to be reflected here,

together with the notion that it is acceptable to talk about foreigners behind their back, but less so to their faces.

The Equal Treatment of Persons in Employment (Legal Notice 85 of 2007, Cap. 460) implemented the non-employment legal provisions that arise from the Council Directive 2000/43/EC including the prohibition of discrimination on the basis of race in access to supply of goods and services which are available to the public, including housing and access to any other service as may be designated by law for the purposes of this regulation.

Section 2 – Insurance/ Banks and Financial Institutions

Two respondents stated having experienced less favourable treatment in the area of insurance. Several of the other respondents, however, qualified their responses by stating that they did not have any insurance, and therefore they had not been exposed to the possibility of discrimination in this area.

A respondent of African origin experienced direct discrimination in being refused car insurance by the manager of an agency, who told him they do not provide insurance for 'black' people. Discrimination by insurance companies in relation to granting of any services is banned according to the Equal Treatment of Persons Order, 2007, L.N. 85 of 2007. Nonetheless, it would seem, this does occur.

The second respondent experienced a form of harassment in relation to travel insurance. He was asked a lot of questions about his private life, 'about sexual habits, and things like that... it is very embarrassing...'. This respondent is from South East Asia which is a region sometimes stereotyped as a sex tourism area. This may have contributed to the attitude displayed by the insurance manager concerned.

Four of the total 25 respondents reported some form of less favourable treatment in relation to banks. Three of these, one of African origin and two of Arab origin, were asked for letters of reference from lawyers or other professionals in order to open a bank account. These same letters of reference were not required for Maltese clients. This seems to be a regular bank procedure, though it is not clear whether this would apply to all foreigners or just to those of Arabic or African origin. As such, this warrants further exploration. The fourth respondent stated that he is made to pay higher rates for certain services such as a credit card. Similarly, this could be due to being non-Maltese, as opposed to belonging to a specific ethnic group and also warrants further exploration.

Once more, the discrimination experienced by respondents in this section seems to be in disregard of the Equal Treatment of Persons in Employment (Legal Notice 85 of 2007, Cap. 460) which clarified the position with regards to discrimination by banks, financial institutions and insurance companies.

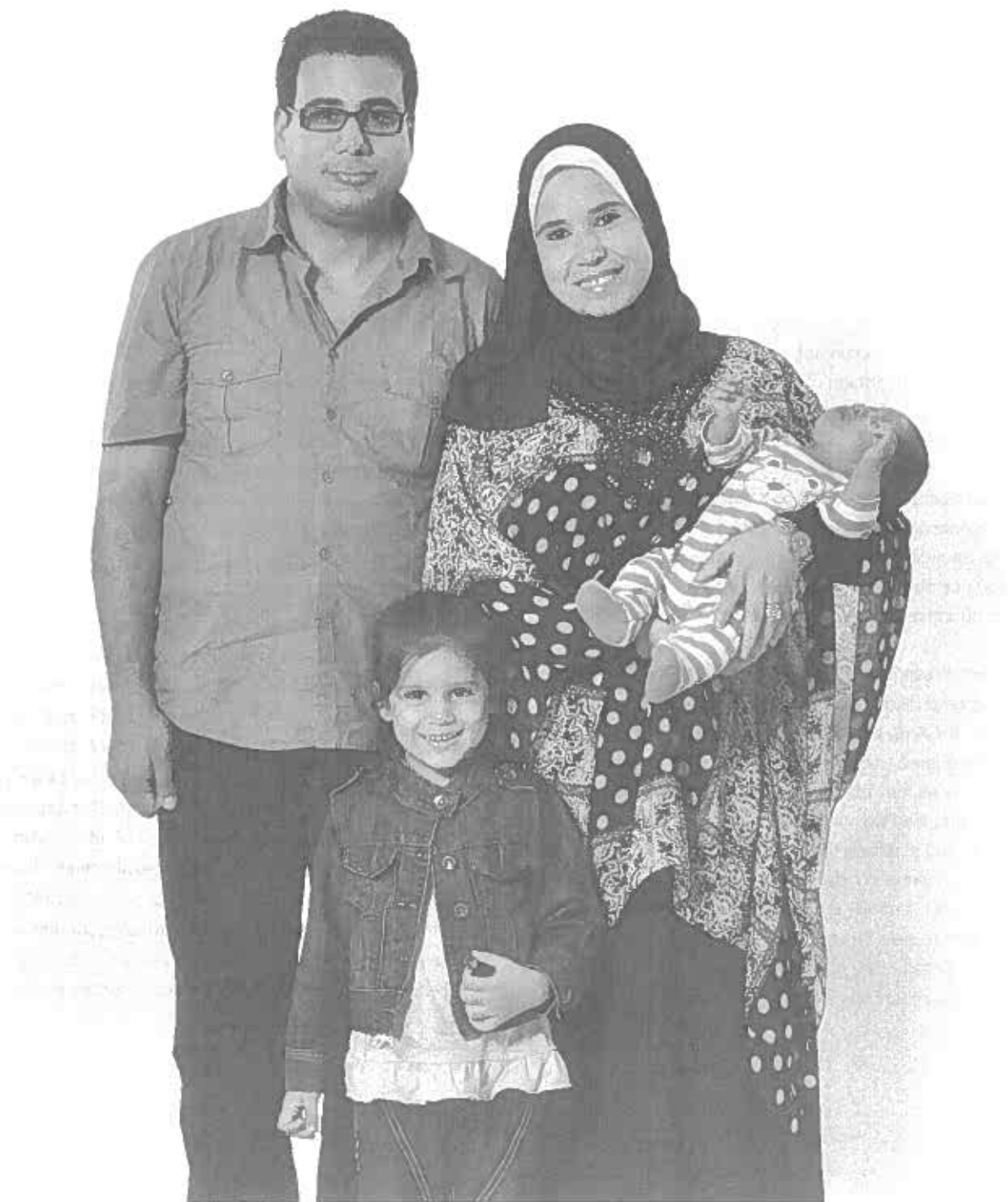
Section 3 – Public Services

Nine respondents, 5 male and 4 female, reported less favourable treatment when asked about the public services. Over half of the complaints were against treatment at the hands of the police force or prison wardens, with the remaining 4 being against 4 other public services.

When asked if they had any other forms of discrimination to report, towards the end of the survey, two further (male) respondents reported discrimination by bus drivers. One, an African male respondent reported:

'problems with yellow buses. They don't stop but stop further down for a white person'.

It is of interest to note that 4 of the 5 complaints on the behaviour of the police or detention personnel were made by or about male respondents or male relatives of female respondents. Their ethnic origins were: African; Arab; British African Caribbean; South Asian. The fifth



complaint, which was against the prison wardens, was made by a female respondent of African origin.

The female respondent of South Asian ethnic origin reported that she remembers an incident when she was a child, when her father and a friend of his were stopped by the police because they thought they were Arab. She cannot remember much other than her father specifically stating that they were stopped because they were mistaken for Arabs.

Although this example dates back at least 10 years to when the respondent (now aged 18-30) was a child, it could be seen as another example of denial, or defence mechanism. Claiming to be discriminated against due to being mistaken for someone of a different ethnic origin, removes the discrimination away from him and places it on 'Arab'. The suggestion of denial of discrimination was observed previously in both this respondent and in the other respondent of South Asian ethnicity, both of whom are Maltese born and bred.

The British African Caribbean respondent reported that he was stopped by the police whilst he was driving and that, although he was never arrested, they were very rude in their speech and their manner towards him. The African respondent states that the police pass comments at him and tell him things like, 'You come by boat and I'll send you by plane'. This seems to suggest that they are threatening him with deportation notwithstanding his refugee status. The final complainant against police treatment comes from a respondent of Arabic ethnic origin who feels the police have ruined his life. He states that he was wrongly accused and tried for the stabbing of another individual, and as a result was sentenced to a 9 month custodial sentence.

It is worth noting that a female respondent of Arabic ethnic origin felt that the police had always been helpful towards her whenever she requested help.

The complaint against the prison wardens related to not being given basic toiletries that were specific to their needs as black women:

'We had skin problems. We asked for particular products for our hair since we are different but they didn't help us... The white always got what they wanted!'

This suggests a lack of awareness/ knowledge of differences in the specific needs of people from differing ethnic origins on the part of the prison staff. However, her comment, 'The white always got what they wanted!' seems to indicate direct discrimination.

When asked, later in the interview, if she had ever felt victimised due to her association with a person of a specific race or ethnic origin, this same respondent reported feeling victimised by her association with a white woman whilst in prison:

'We were dancing in a room in prison and a white women came near us, but the guard sent her out and didn't let her to stay near us'.

The complaint against the clerical staff of a public service agency was made by a female respondent of African origin who felt that they did not explain things sufficiently to her. This same respondent felt the same way about staff at the health centre when her son had been hurt (reported under healthcare section). Her grasp of English is poor although she manages better in Maltese. Once again interpreters need to be available, especially at an agency that deals specifically with services for asylum seekers.

A male respondent of Arab ethnic origin felt that a receptionist at the local council treats him in a rude manner when he goes to request a permit for a lifter for work. Although he could not give a specific example of something she actually said to him, he said that she 'does not like' him and he could see that her treatment of Maltese people was different.

Another complaint against a public service agency was similar in that the respondent (female, Arabic) felt that the clerk would speak to her as if under duress, and that the difference in her manner was palpable.

The final complaint in this section was levered at the customer care of a public service entity. The respondent called to enquire about a particularly high bill that had been received. They refused to give him the information since the bill was not in his name and he felt it took some time for them to understand his query:

'maybe they did not really understand English either, because it took me a very long time to explain... in general I think people in public service don't have very good manners...'

A female respondent of Arabic ethnic origin had a different experience of the public services:

'I've always been treated with fairness and respect – I think it helps a lot that I speak Maltese and that they see that I am a Maltese citizen when they see my ID – when they see that I am a Maltese citizen they know that I have the right to be there – my Maltese is quite fluent so it shows that I was

raised here ... also that they cannot fool me... it's like they know that I am on their level – that's my opinion anyway...'

This experience and explanation seems to suggest that had she not been fluent in Maltese, or able to demonstrate knowledge of her rights, they may not have treated her with 'fairness and respect', and may in fact have tried 'to fool her'. The reference to them 'knowing' that she is 'on their level' suggests that others are not considered so. In itself, although delivered as praise, this could also be seen as negative rather a indictment of the public services.

In this section several incidents reflecting certain discriminatory attitudes towards ethnic minority people on the part of service providers within the public sector were reported.

Section 4 – Leisure

Nine out of 25 respondents had personally experienced, or knew of others who had experienced, less favourable treatment in the area of leisure. Of these, 4 were male and 5 were female. Of these, 4 related to treatment encountered in Paceville, 3 at the hands of bouncers or security personnel.

Two male respondents of Arabic ethnic origin had this to say:

'yes, in paceville, in some places we know they don't like us and the bouncers are ready for us and they provoke us to get into a fight... even in some bars in Bugibba...'

'Paceville. Gieli s-securities ma jdahhlunx ghax ghandi kulur differenti... gie li ppruvajt nghidilhom xi haga imma ghalxejn... toqghod attent ghax malajr taqla' xi xebgha...'

('Paceville. Sometimes the security staff won't let me in because I am of a different colour... occasionally I've tried to argue with them, but there's no point... you have to be careful because you can easily end up with a beating...')

A female respondent of South Asian ethnic origin reported a similar incident which happened to a friend of hers.

'Mhux jiena – jiena qatt ma esperjenzajtha izda kont nisma', kont nghid 'possibbli?' Pero l-milied li ghadda kelli habib ta' razza indjana li gie maghna Paceville – ghidtlu biex jigi jiltaqa' maghna u baghtli messagg li l-bouncer mhux qed ihallih jidhol – hrigt barra biex nara – il-bouncer beda jhalli 'l kulhadd jidhol izda lilu le – il-habib tieghi jidher aktar skur minni ghalkemm jtkellem bil-Malti – ma ried ihallih jidhol b'xejn... fl-ahhar biex dahal kellna nkeilmu lis-sid tal-post ghax inzer tajna nafuh...'

('not me – I've never experienced it but I used to hear about it, I used to say, 'is it possible?' And then last Christmas I had a friend of Indian origin who came with us to Paceville – I had told him to come and meet us and he sent me a text message saying that the bouncer was not allowing him to enter – I went out to see – the bouncer was letting everyone in but not him – my friend is darker than me although he speaks Maltese – he just would not let him in... In the end to get him to be allowed in we had to speak to the owner since as it happened we knew him...')

Stories of bouncers refusing entry to people of African and Arabic origin have long been heard in Malta. There have been allegations that doormen at entertainment spots have discriminated against certain potential patrons on the grounds of race. Several items in the local press had reported Arab and black individuals alleging being refused entrance into nightclubs due to racial discrimination before the recent influx of irregular migrants. There has also been reference to one specific case involving an African who was allegedly beaten up by 'bouncers' in Paceville.¹¹³ It appears that the objection is based on other patrons not wanting to share their entertainment space with 'Arab' men. Calleja (2000: 52)¹¹⁴ suggests that the Arab stereotype in these situations infers that Arabs do not conduct themselves properly, that they have low tolerance to alcohol, and that they 'pester' women. This results in the problem of refusal of entry of Arab men into one's establishment (Calleja 2000).

One of these same respondents reflects this:

'Meta nkun gewwa club qishom in-nies jiddejju jizfnu hdejja.... tinduna anke bil-mod kif iharsu lejku jew anke l-guvintur mhux hbieb bhall-ohrajn...'

('When I'm in a club the people seem to not want to dance near me... it's obvious even in the way they look at you or even the young men not friends like others...')

This feeling of not being welcome in bars or entertainment places frequented by Maltese clientele is also indicated in some of the other respondents' replies within this section.

A male of African ethnic origin stated that he does not go to bars and if he goes it is to watch a football match because he does not 'feel comfortable' going to bars. He only goes to one restaurant because they know him and he has no problems there. He feels that since he's had problems practically everywhere else he always feels under threat and so he'd rather go straight to a place where he knows he will feel welcome rather than risk going to a place where he will not be treated well.

¹¹³ C Borg and P Mayo Towards an Anti-racist Agenda in Education: The Case of Malta (World Studies in Education 2) p. 47-64.

¹¹⁴ Calleja M. Aspects of Racism in Malta (Mid-Dlam Ghad-Dawl (Daritama), Bormla, Malta) 2000

Another female of African ethnic origin stated that she has no money to go to restaurants but that sometimes her husband will go out. However, he only goes to one specific bar which is frequented by 'people like us', that is, other people of African ethnic origin. He has not mentioned to her encountering any problems there.

The other complaint in behaviour in Paceville is altogether different though it still demonstrates stereotypes held by Maltese people. A female respondent of Balkan origin stated:

'some Russian girls were treated as 'easy girls' – we came here to study at university but in Paceville when you say that you are Russian they think you are a dancer... they put arms on your shoulder and around your waist and want to buy you drinks... at first I thought it was the Maltese culture but now that I am married I see how they are with Maltese girls and it is not like that... now I know that when they hear Russia they think of strippers... I think this is also the reason Maltese girls don't like us and it is difficult to become friends... now I have friends, but they are my husband's friends wives, so it is different...'

This respondent's account of harassment and discrimination in the field of leisure and entertainment clearly supports arguments made in previous sections of this chapter in relation to the dominant stereotypes of women from the Balkan region.

The remaining responses in this section are different, though yet again they indicate not being made to feel welcome, and being 'talked about' by Maltese people.

'no. but sometimes I think the waiter thinks I am a tourist and I can hear them talking in Maltese and they think that I cannot understand, I have been married to a Maltese for 17 years and my daughter is Maltese so of course I understand some things... not bad things, just bad manners I would say...'

Female respondent of Balkan ethnic origin

'li niddejjaq li minhabba li jien musulmana il-malja li nilbes biex immur il-bahar hija differenti minn tal-Maltin u n-nies joqogħdu jharsu u nahseb jghaddu xi kummenti wkoll..'

('what bothers me is that since I am Muslim the bathing costume I wear to swim is different to that of the Maltese and the people stay staring at me and I think also pass comments...')

Female respondent of Arabic ethnic origin

'no – only thing is that at family or social occasions people do not really talk to me a lot although my English is good and I have been in Malta for 6 years now, so they know me...'

Male respondent of South Asian ethnic origin

Overall, this section would seem to demonstrate that Maltese people appear to have lost the 'hospitality' element of the culture that they were once renowned for and instead have developed a significant cultural phenomenon of hostility to difference.

Other discrimination

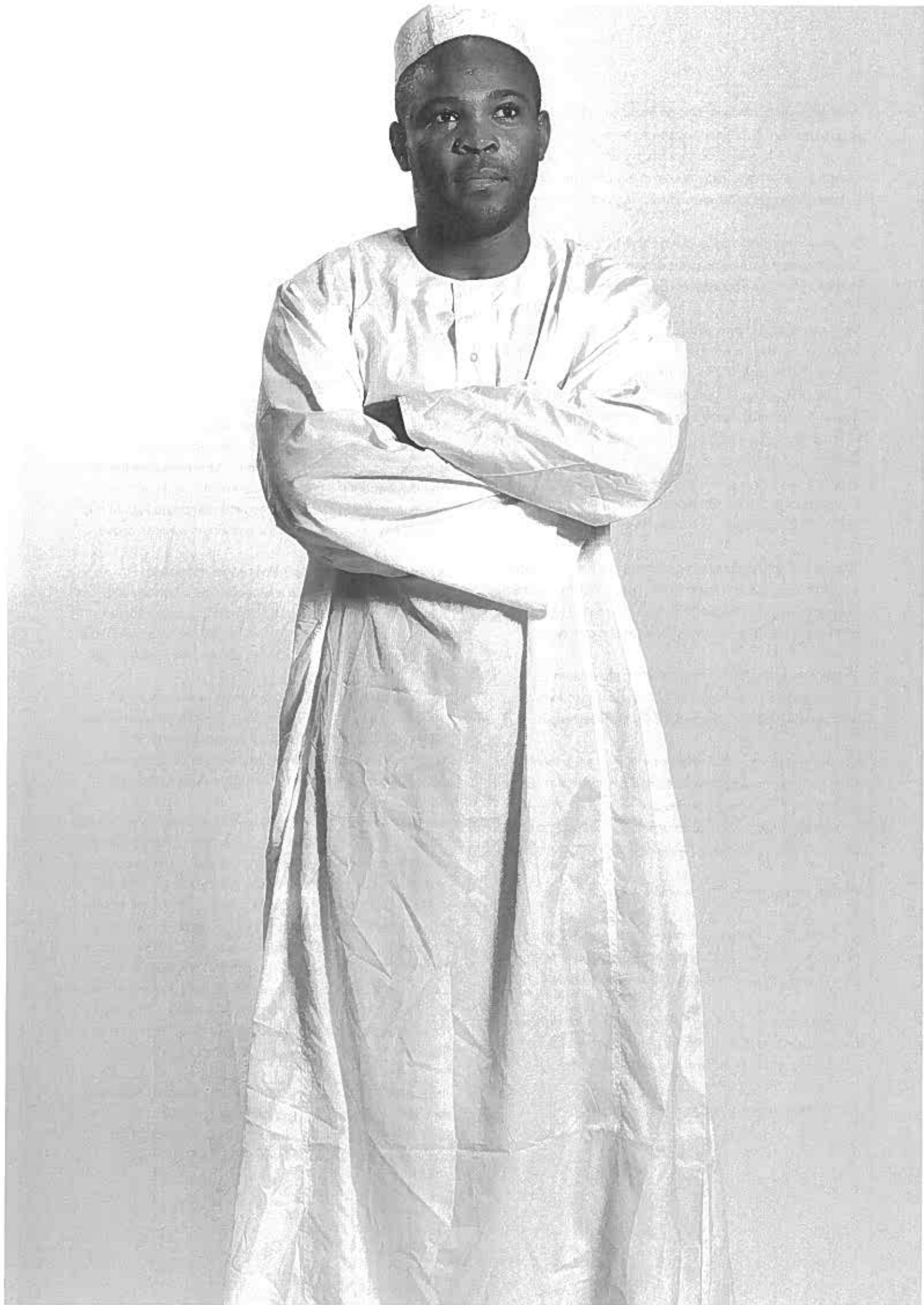
Respondents were given the opportunity to put forward other incidents that they thought were relevant and wished to mention. Five out of the 25 respondents, 3 male and 2 female, specified some other discriminatory incident experienced or that they knew about. One male repeated a complaint about the police he had already mentioned in a previous section, and another (female) complained about bus drivers, as is reported under the section on services above.

A third male respondent, of African origin, mentioned experiencing harassment at a temporary place of work, and a fourth Maltese male of South Asian ethnicity spoke about discrimination at his place of work that was not aimed at him but at 'klandestini'. These are reported above under 'Employment'.

The final respondent reporting under this category spoke about an incident of harassment that could have been based on her ethnic origin or on her gender, or indeed on both. Either way it was a distressing experience, though she felt supported by the police to whom she reported the incident.

'I didn't tell about an incident once when my daughter was about 1 and ½ – she was in a pushchair on our way to swings – a man passed and honked – I looked out of curiosity – he slowed the car down and he whispered something out of window- when I got to the park – he got out of his car and sat on bench staring at me – I called my husband to come and pick me up as I was afraid he would follow me home – when he saw my husband coming he rushed to his car – we took the registration number and reported to police – when they called him he admitted that he was following me, and he said 'I just wanted to mess with her head...' the police were very understanding, they listened and I had their full attention – they called me to follow up with the investigation the following day.'

In response to whether they had ever experienced humiliating or offensive treatment, 6 respondents, 3 male and 3 female, replied in the positive. One is reported under the services section above, since it related to bus drivers.



Another was a woman from the Balkan region who had replied in the negative to all other forms of discrimination surveyed in this study. This must have been something she felt keenly enough to elicit a response:

'yes, judged due to my country of origin and the legacy of problems caused by my co-nationals around the world'.

As reported by the interviewer, and confirmed through the transcript, this woman had managed to settle in Malta, was married to a Maltese man and had a young child. It is interesting that she identifies her co-nationals as the cause of 'the legacy of problems' that she experiences and feels she is judged by, rather than those that do the judging. As is mentioned elsewhere, criticising one's host country and its nationals can be difficult for people who perceive themselves as being in a less powerful position.

A female respondent of Arabic origin made a general comment: 'Mal-libjani, l-Maltin ikellmuhom b'mod differenti' ('with Libyans, the Maltese speak to them differently'), suggesting not just differently but in an offensive manner. This was somewhat counteracted and at the same time supported by another female respondent of Arabic origin who confirms that 'ignorance' (people acting in a discriminatory manner due to their ignorance or lack of knowledge/awareness) definitely did exist, and still does, though also suggesting that things were getting better:

'negative more in past rather than present. Ignorance there was at the time is not here anymore – at least not to the extent that it was at the time...'

The male respondent of South Asian ethnic origin at first denied then gave an example of being on the receiving end of humiliating or offensive treatment at the hands of his partner's colleagues:

'no ...yes sometimes colleagues of my partner when they see me they make jokes about Chinese persons...but I tell them I am not Chinese...'

This can be seen as another example of partial denial, in moving the discriminatory behaviour away from the person concerned – the comments made are discriminatory but they do not refer to, or touch, me, since I am not Chinese. Similar to this is the example of the person of Indian ethnic origin who was mistaken for an Arab. This mitigates the 'hurt' and serves as a defence mechanism.

It is interesting that these examples come from respondents who are in relationship with Maltese people, and as such might

be considered to be better integrated into Maltese society. As we saw above, some black respondents who experienced discrimination in public spaces found refuge in their own community safe places, such as the bar where they can go and find people 'like them' and know they would not encounter problems there. They seek and find refuge from the external hostile environment within their own communities. Whilst this could be seen to be akin to segregation, it does at least provide safety.

Another male respondent of African origin at first was a bit vague but then gave an example verging on physical assault:

'Maybe sometimes because of the race, but don't remember of any particular incident... some people pushed me, because I am not Maltese, in the street, because most probably I was black.'

The same respondent reports witnessing another incident of physical violence, and expresses the impact it has on him:

'Another incident was when I was in Marsa – Two men were behind the fence ... they were calling other immigrants names and then they sprayed something in their eyes.... yes, I think they were Maltese men... they were white... I don't know what it was they were spraying but it burnt... I don't know if the incident was reported to the police... it makes you feel that you are not welcome... that they don't want black people in Malta... I don't trust anyone... I know we are not wanted here ...'

And the other African male respondent had another example of physical violence:

'I was in Msida next to yacht marina and two people stopped me saying this country is not for black people. I was punched and when police came they blamed me.'

Physical violence is an extreme form of racism and it should always be taken seriously, though it would appear that in these cases appropriate action was not taken.

There were three respondents who replied that they were victimised because of their association with another person of a particular race or ethnic origin. Two of these related to employment and are reported within the employment section, and a third related to public services and is reported within that section.

In this section we have seen serious examples of discrimination with the potential of causing substantial harm, both physical and emotional, to those experiencing it. It is also worth noting that several examples given in response to this section in fact related

to areas which had already been covered in the interview, and yet had not been mentioned previously by the respondents. This could have been due to having gained further confidence and trust in the interviewer as the interview progressed.

Frequency of Incidents

In reply to how often they had encountered incidents such as those described in the above section, the majority of respondents (15) had recorded no response. Of the remaining 10, their responses varied from 'every day' to only 'once'. These responses are tabled below.

Frequency	No.:
Every day	1
Once every 3 months	1
Once every 6 months	2
Once a year	2
Once in a while	1
Very rarely	1
Once	2

Table 13

Considering the hesitancy many respondents demonstrated in criticising, or being seen to criticise, their 'host' country and its people, as is evidenced in the general findings reported above, and as confirmed by the EU Midis report,¹¹⁵ it is reasonable to assume that the actual frequency of discriminatory incidents would be higher than that reported.

4.9 Legislation and Redress

Legislation

In this section we explore the knowledge of protective legislation held by the respondents. Nine out of the 25 respondents, 5 males and 4 females, identified areas they believed were covered by legislation.

Of these:

- 7 mentioned employment;
- 3 mentioned healthcare;
- 3 mentioned social protection;
- 3 mentioned education;
- mentioned access;
- and 1 simply said 'all areas'.
- 4 others said 'none'.

The remaining 12 had indeterminate answers, like 'not sure', 'don't know', 'not aware of any', 'no', 'no problem', 'would go to a lawyer'. These results show a general lack of knowledge of the existing protection as described in the literature chapter of this study, and again indicates the need for better promotion of these protective measures.

Pursuing a Claim

Of the 25 respondents, only 2 had personally sought to pursue a claim of discrimination, one female and one male, both of African ethnicity. One complaint was made to the police, and it never progressed, and one to the prison board (when the respondent was in custody). A further female respondent stated that her father had pursued a claim which he now intends to take to court on the grounds of a breach of human rights. This latter claim is therefore still ongoing.

As discussed earlier in this chapter, receiving complaints as an organisation or system indicates that the people concerned feel free to complain, rather than as stated by one of the respondents, frightened that it will backfire and they will end up worse off. It would also show faith in the system, a belief that their complaints will be heard and appropriate action will be taken. If people do not pursue claims or complaints could imply it that they are frightened of the repercussions, and that they have no faith in the system. This factor requires further consideration.

Who to complain to

It was interesting to note that in response to the question on to whom they would address their complaint should they decide to pursue a claim of discrimination, 8 mentioned that they would go to a lawyer (4 male, 4 female; 3 Arabic; 2 East Asian; 2 Balkan; 1 South East Asian) rather than to official bodies. It is also of significance that although the African ethnic origin was the largest group of respondents, none of these would seek help from a lawyer, whereas all the other ethnicities are represented in this response. Part of the reason for this could be that lawyers cost money and most of the African respondents were living in an open centre and were unemployed, and therefore would probably not be in a position to hire the services of a lawyer. It could, however, also be a cultural preference. Moreover, of these 8 who would choose to consult a lawyer, all appear to have strong Maltese connections, either Maltese themselves or married to (or in partnerships with) Maltese nationals, which could have affected their general attitudes towards official bodies.

This finding should be further explored. Somehow the message that one can get help from a lawyer is stronger

¹¹⁵ European Union Agency for Fundamental Rights EU-MIDIS - European Union Minorities and Discrimination Survey: Main Results Report (2009)

and appears to have got across more effectively than the availability of help and redress via the official entities.

Responses other than 'lawyer' were as follows:

- 4 mentioned the police (3M, 1F; 2 African, 2 Arabic);
- 3 mentioned the embassy (2 M, 1 F; 1 Arabic (visitor), 1 South Asian (Maltese), 1 Balkan (resident));
- 2 mentioned 'NGO' and 1 further specified Dar I-Emigrant (2 F both married and living in the community; 1 M, but M mentioned 'all' on list, so was probably prompted by interviewer and may have simply said 'yes' to all);
- 2 mentioned NCPE (1 F, young South Asian with tertiary education, born and bred in Malta; 1 M but M mentioned all on list as above);
- 1 F, African, said Muslim leader;
- 1 M, South Asian (Maltese) said customer care;
- 1 M African also mentioned DIER, ETC, TU (possibility that they were read out to him from list, as above).

Considering the criticism that had been levelled at the police, it is interesting to see that 4 of the respondents (2nd largest grouping) would nonetheless take their complaint to them. Whilst this could be partly due to the police as an entity being well known generally (everyone knows we have a police force in Malta, whereas not everyone knows about the various other entities) this would also suggest some level of confidence in them. In fact, as was seen in a previous section of this chapter, some respondents praised the police for their help.

In relation to the NCPE, it is disappointing to see that in fact only 1 respondent (since the other respondent's replies in this respect are suspect) would approach them for help and advice.

Another disappointing finding relates to NGOs since in Malta we have various active NGOs in this sphere, such as the Jesuit Refugee Service (JRS), who amongst other services offer support, material help and legal advice. This may suggest that notwithstanding their active participation they are still not reaching the majority of their potential service users. Having said that, it is also well known that NGOs in this field, such as the JRS, have minimal resources available to them and are often overwhelmed by the demand, therefore having to focus their services on those considered most in need.

Knowledge of NCPE and DIER

Once again, it is disappointing that only 5 respondents had ever heard of the NCPE. Of these, 3 were male and 2 were female, 2 were Maltese nationals, 1 had resident status and 2 had refugee status (the only 2 respondents with refugee status). It is also important to point out that not all these respondents knew what the role of the NCPE was, but some had simply heard about it.

'Gieli smajt fuq il Kummissjoni għall-Ugwaljanza imma ma nafx ezatt xi tkun.'

(I've heard about the Equality Commission but I don't know exactly what it is')

(Male, Maltese of South Asian Ethnicity)

This means that 80% of the respondents had not as much as heard about its existence. Whilst it is not possible to make generalisations on to the whole population based on this finding, it does suggest that those most in need of this knowledge somehow have not been reached.

In relation to the DIER, 4 respondents had heard of it. Of these: 1 was male and 3 were female; 3 were residents/citizen, 1 was a refugee; and 3 were of Arabic ethnicity, 1 from the Balkan region. Considering that complaints on employment can be addressed to the DIER, as explained fully in the literature review of this study, it is again disappointing, especially since a total of 11 of the respondents overall had experienced or witnessed discrimination in the sphere of employment.

Just under 70% of the respondents, or 17 out of the 25, had never heard of either.

This clearly demonstrates the need for greater promotion of these two bodies which are of great importance and relevance to the field of discrimination in the area of race or ethnicity.

Satisfaction with the Measures of Redress

When asked if they were satisfied with the measures of redress, the majority (12) said they did not know if they were or were not, some qualifying this by saying that since they did not know what measures exist they did not feel able to comment. This is a significant finding in itself, once more demonstrating people's lack of awareness of the existing measures, and,

therefore, the need for better awareness raising. These 12 were widely representative of the respondent group generally, consisting of 6 males and 6 females, and with all but one ethnic group represented. Their status included residents (including being born and bred in Malta) as well as asylum seekers. This seems to indicate that the message is just not getting across generally.

Three of the respondents said yes they were satisfied with the current measures of redress, one (Arabic female) further specifying that she was particularly happy with the police. on the other hand, one (male Arabic) of the other 2 was very strong in his condemnation of police behaviour in other part of the interview, and yet, here he answers

that he is satisfied with the measures of redress generally. The third respondent who stated that he was satisfied (male African)

had almost no complaints to make throughout the interview. This would suggest that he is either really satisfied with the whole situation regarding discrimination on the grounds of race or ethnicity in Malta or that he has difficulty in expressing criticism of his 'host' nation, and therefore feels unable to complain.

The remaining 10 respondents expressed their dissatisfaction with the measures of redress currently available, some doing so quite strongly:

'No because many black people are scared to talk as there is no protection. If they talk, they are scared the Maltese will hurt them' (male, African ethnicity)

'no – I think some Maltese people treat Arabs as inferior and they don't respect our religion...' (male, Arabic ethnicity)

'no – there is a lot of unfair treatment and prejudice but it seems to be the norm... I was even surprised to know that they are doing this study because I thought I was the only one who noticed it as it seems nobody is bothered about it or sees anything wrong with it...' (female, Balkan region)

'I think that not many like to report or feel safe enough to report – when I spoke to friends and mentioned discrimination they never went further than just complaining to their friends... maybe they think that they won't be heard or taken seriously...' (female, Arabic ethnicity)

Others were less condemning:

'Really, there is room for improvement' (male, East Asian/Maltese)

'I think there can be more respect towards people who are different and just because persons don't make a complaint it doesn't mean they don't get offended or feel uncomfortable with certain jokes, although they are not intentional' (male, south east Asian ethnicity)

'in-nies ta' Malta qalbhom tajba hafna imma hawn ftit li jiehdu vantagg mill-isfortuna ta' haddiehor... bhal kull pajjiz iehor fid-dinja...'

(the people of Malta are very kind hearted but there are a few who take advantage of other people's misfortune... like in every other country in the world...) (female, Arabic ethnicity)



And yet others just said, 'No' (male, African ethnicity; male Arab ethnicity).

One final respondent, a female of Balkan ethnicity, expressed herself in a way that in itself suggested possibly personally held prejudices against black people, whilst at the same time validating their right not to be discriminated against:

'in general I think it is more the black people that are not so welcome by the Maltese, maybe because of the different religion and culture and because they get involved in crime ... so I think maybe they need to have more protection against racism... i have been in Malta for 19 years and cannot complain...'

The issues raised by the responses in this section are varied. There emerges clearly a lack of knowledge of measures. Another clearly emerging issue is that many feel unable to make a complaint due to fear or discomfort. And yet another is that notwithstanding a lack of official complaints, people experiencing discrimination are often aware of what they are going through and able to identify it as discrimination, even if they feel that nothing can or is being done about it.

4.10 Conclusion

This chapter presented the experiences of the various research respondents exposing a number of racist and ethnocentric incidents encountered or known about by the 25 respondents. These ranged from 'a feeling' or 'a look', to being insulted, physically abused and beaten up. These incidents were found to have occurred in every sphere of their life, both public and private, as children and as adults. For some, there is no safe space or time. Dealing with such a hostile environment takes much energy and takes its toll on general physical and emotional well-being. Even when discrimination is denied, as it was in a couple of instances, it still has an effect on the person's self-esteem and well-being.

This chapter also explored respondents' knowledge of protection and redress and found this to be generally lacking, and therefore efforts should be made to increase awareness in this area. More efforts are also required to increase the general awareness of the Maltese public on these matters, that is, both on what constitutes discrimination on the grounds of race or ethnicity, as well as on protective legislation and redress

As is stated elsewhere, the principles of equal treatment and non-discrimination lie at the core of democratic societies and in fact, the protection from discrimination / unequal treatment is considered as a fundamental human right.

The findings of this study show that a more concerted effort needs to be applied in order to address the basis of racial discrimination in a more effective manner and ensure protection from racial discrimination across the board.

5. Conclusions

This study has sought to identify the challenges faced by minority ethnic groups in Malta in the fields of employment, healthcare, housing, education, goods and services including private and public services, insurance, banking and leisure and entertainment. The study has attempted to faithfully present the findings and has put forward a number of conclusions that will hopefully provide some guidance to the entities concerned in seeking to address the issues raised in this report.

The experiences portrayed indicate that belonging to an ethnic minority in Malta continues to present multiple challenges. Discrimination in the place of work, educational establishments and among service providers, both private and public, continues to exist, attesting to resistant and racist attitudes amongst both professionals /service providers and the general public. Ethnic minority groups remain marginalised within the larger society. Fear of victimisation including a certain element of denial, or hesitancy to criticise one's 'host' country; lack of enforcement of legal provisions and implementation of policies; lack of awareness of the means of redress and the avenues of support open to them, all contribute in keeping them from coming forward to report injustices they face on a daily basis and to claim their rights. One, therefore, concludes that further action needs to be taken in order to ensure that the principle of equal treatment is translated into a practical reality. Below are some recommendations which can be taken into consideration in order to address some of the issues emanating from this report.

Awareness Raising Among Various Stakeholders

This study has amply pointed out the fact that, although the scope of protection of legislation pertaining to racial discrimination is very wide and covers a range of areas including employment and access to goods and services, less favourable treatment still occurs. It is, therefore, important to ensure that all the relevant sectors are adequately informed about the relevant legislation and its implications. It is, therefore, recommended that further awareness raising activities targeted specifically at the various stakeholders are carried out. In particular, awareness raising for employers, educators, the judiciary, the police, public officers, estate agents, banks and financial institutions and managers of

places of leisure and recreation as well as the public at large, are targeted specifically, possibly through the engagement of relevant stakeholders, in order to ensure that the relevant legislation is known and understood by all concerned.

Development of Codes of Practice

Additionally, the relevant equality bodies should develop more detailed codes of practice pertaining to specific areas covered within this study, through which they would provide practical guidance on how to carry out their duties to ensure compliance with the law.

The Legal Profession

The majority of the participants interviewed throughout this study indicated that they would seek the assistance of a private lawyer in the eventuality that they would want to pursue a claim of discrimination on the basis of sexual orientation. It is, therefore, important that the legal profession is adequately informed about the developments pertaining to the field of anti-discrimination to ensure that they are guided in an appropriate manner. This can be done, *inter alia*, in liaison with the Chamber of Advocates.

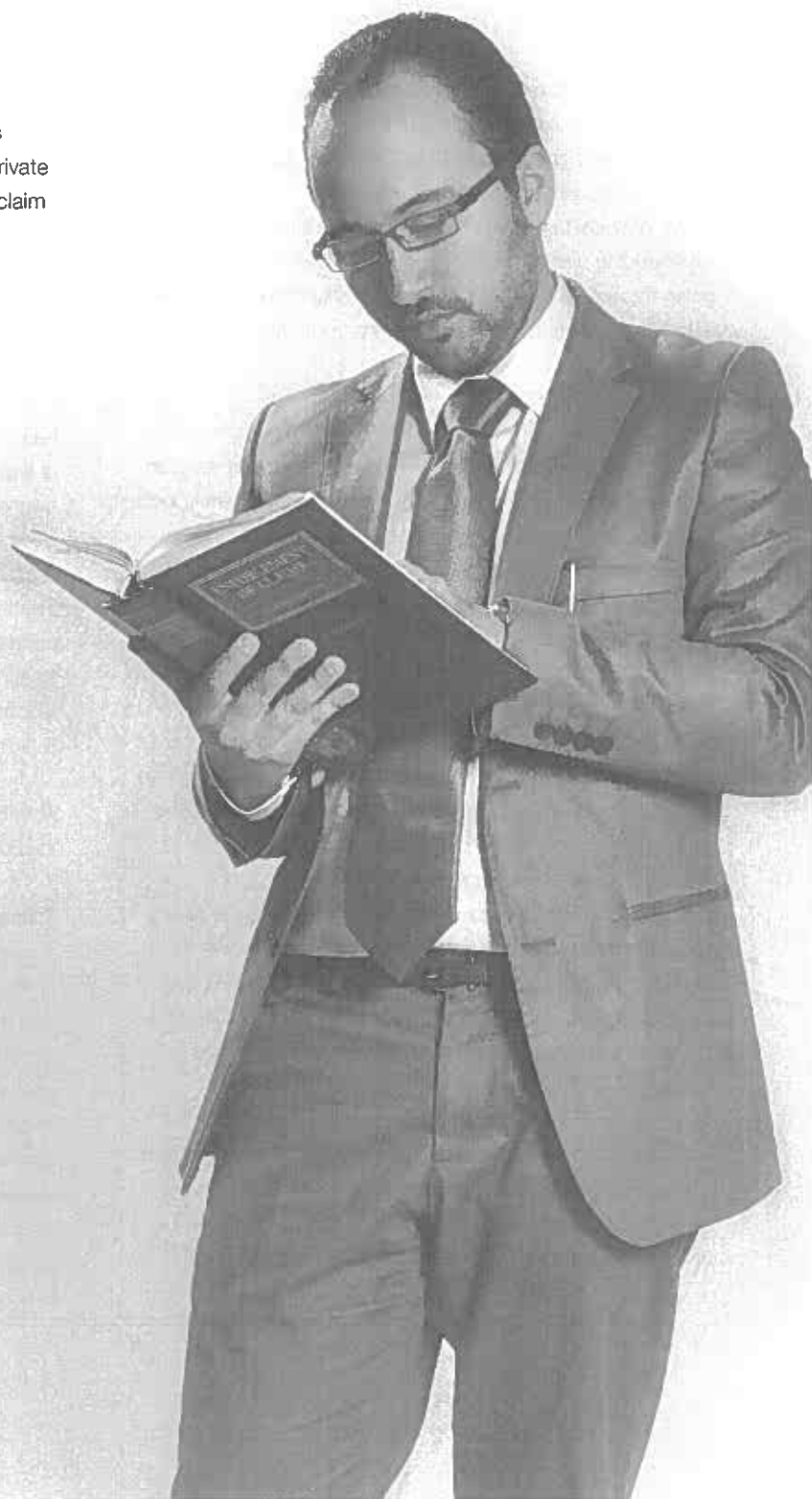
Strengthening of Relevant NGOs

The findings have revealed that victims are not sufficiently aware of the work carried out by relevant NGOs. In this regard, therefore, further efforts should be made to ensure that such NGOs are adequately resourced for them to be able to reach out to a larger number of victims.

Additionally, it is important to create better synergy between the national equality bodies (namely the NCPE and the DIER) and relevant non-governmental organisations to ensure concerted action to combat racial discrimination. The relevant equality bodies could also consider entering into formal cooperation agreements with such organizations through which they could delegate some functions deemed of particular strategic relevance.

Strategic Litigation

Legislation provides for the possibility for any association, organisation or other relevant legal entity to engage itself either on behalf or in support of the complainant, with his or her approval, in any judicial or administrative procedure provided for the enforcement of obligations under the relevant legislation. It is therefore recommended that on



the basis of this legal provision, relevant NGO's identify cases of strategic relevance to bring forward in front of the relevant Courts or administrative bodies. The cases selected should be of strategic importance in that they would have the potential of challenging established policies on the basis of the fact that these might essentially be based on discriminatory practices, whether directly or indirectly.

Bullying and Harassment in Schools and Educational Establishments

Teachers have a positive duty to ensure that they need to recognise diversity and take into consideration the different needs of their pupils, and that they need to be pro-active in ensuring that their pupils and students are protected from such discrimination and harassment.

To this end, it is recommended that all educational establishments adopt an equality policy which protects all staff and students from discrimination and harassment. This should be combined with adequate training sessions whereby staff is encouraged to voice concerns and allow for a two-way exchange to determine how this policy could be implemented. It is important that during such training, misconceptions about specific racial minority groups are addressed and, therefore, ensure that such groups are not portrayed in a negative manner.

Equality policies should furthermore include adequate enforcement/complaint mechanisms to ensure that any claims can be addressed impartially and effectively, and that persons found to be in breach of the policy are penalised accordingly. The policy should also indicate those instances which constitute a breach of legislation and include information regarding the manner in which complaints can be addressed legally, should the complainant so desire.

Although much is being done in order to address bullying in the broader sense, it is important in this regard to ensure that any anti-bullying measures implemented in schools take into account the particular vulnerability of members of racial minority groups in this regard, and therefore include proactive measures to address this phenomenon specifically.

Further Research

It is also recommended that further research is required to ensure the development of adequate policies and programmes. In particular, reference is made to the matter concerning the treatment of persons from minority racial groups charged in front of our courts, particularly in cases to be decided in trial by jury – further analyses is required to assess whether there is a potential bias, whether intentional or otherwise, underlying decisions and judgments delivered within the judicial context.

Additionally, further research in all other areas would enable better mainstreaming initiatives in all policies and programmes as recommended above.

Transforming NCPE into a National Equality Body

It is argued that the fact that the responsibility for the legal framework pertaining to racial discrimination is divided between the NCPE and the DIER is of concern, since the fragmentation in service delivery can provide further complications for those persons who might contact one organisation, only to find that they need to be referred to another organisation. This in itself might discourage claimants from pursuing their claims. Additionally, the fact that the powers of enforcement are divided between the two organisations dilutes the impact that would be had by one stronger equality body.

Addressing Under-reporting

It is important that the national equality body takes a more proactive approach in ensuring enforcement of legislation, possibly by undertaking investigations even in the absence of a specific complaint. Reference is made to the Employment and Industrial Relations Act (Cap. 452), which provides, inter alia, for the appointment of inspectors, who are given a number of powers in order to ensure enforcement and compliance to the provisions of the law.

This recommendations is made in the light of the findings of this study, which clearly show that victims of discrimination do not feel empowered to bring forward their claims.

The Adoption of an Integration Policy

Although this study did not focus solely on the experience of discrimination experienced by 'irregular migrants' or so called 'boat people', it appears that such persons are more prone to less favourable treatment and harassment and hate crime – this might be linked to their irregular status and the perception

that they do not have a right to be here. An integration policy should therefore take this issue into account and consider granting such persons a formal status, including residency.

Additionally, it is submitted that employment is intrinsically linked to inclusion, and therefore further action needs to be taken in order to motivate such persons to attend vocational training opportunities and actively seek employment – this could be done, in particular, by making the eligibility for social benefits subject to attending vocational training and/or actively seeking employment. Intercultural training is also required, both for the said members of the minority groups as well as for the various sectors of the Maltese population.

Adequate communication and/or interpretation services in all relevant areas, including healthcare, should be available.

Also, ghettoisation should be avoided and thus such persons should be enabled to find accommodation within the community in order to create contact with the rest of the population and overcome the fear brought about by lack of contact.

Finally, such a policy should also provide, possibly through the adoption of an appropriate and enforceable legal basis, a positive duty for public officers to implement equality mainstreaming in all policies and programmes.

Promotion of Victims' Rights

A number of participants in this research study have reported negative experiences when coming into contact with the police and judicial structures. In this regard, reference is made to Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings, which provides for minimum rights for crime victims to be exercised in relation to criminal proceedings. In particular, the framework decision provides that Member States must guarantee that the dignity of victims is respected and that their rights are recognised throughout the proceedings. Especially vulnerable victims, including persons from minority racial groups, must be treated in a manner that is most appropriate to their circumstances.

At the outset of their contact with law enforcement agencies, victims must be given access to any information relevant to the protection of their interests including the types of support and services or organisations available for victims; the conditions for obtaining protection; the conditions for access to legal or other advice and aid; and the requirements for receiving compensation. It is, therefore, advisable that law enforcement

agencies, particularly the police, receive ongoing training about victims' rights in general, and about discrimination and equal treatment, to ensure that victims from racial minority groups are given adequate protection and treated equally.

It is also recommended that the relevant equality bodies should create better liaison with law enforcement agencies and relevant NGO's to create a formal *modus operandi* to ensure that these duties are implemented effectively, possibly by entering into protocols with other relevant entities who might have better resources to assist in the effective implementation of these duties. Particular attention needs to be paid to victims based in Gozo, who, because of the limited services offered on the island, might be further hindered from claiming their rights in practice.

The full recognition of fundamental rights for all requires a concerted effort to address discrimination by equality bodies, policy makers, government entities, educational institutions, NGO's as well as the private sector. Awareness raising among the general public about racism, and among the ethnic minorities and the general public about the existing protective measures; training for service providers /professionals; a more pro-active approach in ensuring enforcement of legislation; the introduction of inclusion policies; and the widening of the NCPE remit are some of the main recommendations made in this report that can alleviate and address the discrimination faced by ethnic minority groups in Malta. These require a political commitment that takes a clear stand against racist and ethnocentric discrimination and for the full enjoyment of universal human rights by all persons living in Malta, regardless of their racial or ethnic origin.

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Annex I – Research Methodology

The researchers first undertook a review of the terms of reference as defined in the tender document, which stipulated, inter alia, that twenty five face to face interviews were to be carried out. The findings of the literature review were also taken into consideration and amalgamated in this first step of the research. The interview guide was developed on the basis of the findings of the literature review, the terms of reference, and similar local and international studies, with the objective of ensuring comparability of results. The interview guide was adapted following feedback received from the NCPE and after being pre-tested with a small number of participants – thus ensuring that the questions posed were clear and understandable to all.

The risk with face to face interviewing is that respondents may feel awkward to respond to questions which might be considered to be of a sensitive nature, or may try to reply in a way that they perceive would 'please' the interviewer. Therefore, besides proposing to allow space for a two-way exchange in the structure of the interview guide, the researchers endeavoured to ensure a comfortable and secure setting to conduct the interviews. For the success of the project, it was also imperative that privacy was ensured. This notwithstanding, a number of interviewees residing in sheltered accommodation still found it difficult to open up to the researchers. Ideally, additional time should have been provided to develop a trustful relationship with the interviewees prior to attempting to solicit their responses.

The interviewees were provided with an informed consent form, and were explained that they had the right to withdraw from the study or to refuse to answer any particular question should they so wish. Interviewees were also briefed about the objectives of the study, the commitment to confidentiality and by having the procedure explained in advance.

The researchers then carried out the interviews following the determination of the sample of participants to be interviewed. Purposive sampling methodology was adopted. Through this approach, elements were chosen based on purpose of the study. This methodology did not produce an entirely representative sampling of the group addressed by this research study, however every effort was made in order to ensure a broad representation of different nationalities and ethnicities. The researchers also attempted to have a fair representation of gender, age groups and socio-economical backgrounds. This study did not focus solely on 'irregular immigrants' however it was decided that 10 out of the 25 interviewees would be from such sub-grouping. To this end the research team

liaised with appropriate NGO's in order to ensure sufficient respondents within the pre-established time-frames.

Twenty five face to face interviews were carried out. Prior to the commencement of the interviews, the interviewer explained the concepts of direct and indirect discrimination and harassment. The interviews were audiotaped and the interviewer took notes after the interview (to record impressions, changes in behaviors or attitude that would not appear in the verbatim, summarise what has been said during and after interview). The interviews were then transcribed. The researcher replayed the interview and compared it to the transcription, after which, any necessary corrections were made.

The method of analysis chosen was such as to explore, flexibly and in detail, a specific area of concern, focusing on grasping the experiential world of the respondents. The analysis was therefore 'bottom-up', allowing the researcher to look for themes emergent in the data, looking for coherence, differences and other issues relevant to the terms of reference.

Annex II - Questionnaire

In the following questions, you will be asked about your views and experiences on discrimination and harassment.

By discrimination, we mean where a person is treated less favourably than another person is, has been, or would be, treated in a comparable situation, due to their race or ethnic origin; or where an apparently neutral provision, criterion or practice would put a person of a particular race or ethnic origin at a particular disadvantage compared with other persons.

Harassment means being subjected to any unwelcome act, request or conduct, including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is related to racial or ethnic origin and takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment

Discrimination and harassment can happen in different areas of life, for example, when people go shopping, visit restaurants/bars, try to rent accommodation or buy a property, go to a doctor or to hospital.

Demographic Data:

Male Female

Race or ethnicity (note as appropriate)

Single Married Separated Divorced Widowed

1. How old are you?

0-17 18-30 31-40 41-50 51-60 61+

2. What is your nationality?

3. What is your country of origin?

4. What is your legal status?

- Asylum seeker
- Refugee
- temporary humanitarian protection
- immigrant holding a valid visa
- resident
- other (please specify)

5. Where do you live?

6. Are you employed? What is your occupation?

7. What level of Education have you achieved:

- Primary
- Secondary
- Post-secondary
- Tertiary

8. Do you adhere to any Religion and if so, which one?

- Roman Catholic
- Christian
- Muslim
- Orthodox
- Buddhist
- Atheist
- other (specify) _____

9. Do you live alone; with parents; with partner; other (specify)

10. Do you have children?

- Yes
- No

Employment

Q1. Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment in the area of employment in Malta?

Q2. If yes, who was the person responsible for such less favourable treatment?

(recruitment/employment agency, trade union, employer, colleague, client, other service provider, other)

Q3. If yes – did this happen when looking for employment or whilst in employment? Can you describe what happened?

Discrimination and harassment may be experienced in any of the following situations in the workplace or while applying for work on the grounds of race or ethnic origin :

- Refusal of employment
- Refusal of promotion
- Dismissal
- Higher expectations in respect of other candidates/employees
- harassment
- None of these

If you experienced any of these, please describe what happened:

Housing

Q.4 Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment in the area of housing i.e. when trying to rent accommodation or buy a property?

This can include less favourable treatment or harassment also whilst living in the property bought or rented and not only whilst concluding the transaction.

Q.5 If yes, the person responsible for such less favourable treatment was:

(Owner/landlord, neighbour, agent, bank or financial institution, other)

Can you describe what happened?

Healthcare

Q.6 Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment when seeking medical assistance, going to a doctor or receiving healthcare in a hospital, clinic or health centre.? (E.g. requested additional tests, used additional hygienic protection, refused access to medical services, rejected you as a blood donor, patronised you, commented on your race/ethnic origin in a negative manner, refused to provide help, was not able to provide you with specialised help, harassment, etc)

Q.7 If yes, the person responsible for such less favourable treatment was:

(Doctor, nurse, co-patient, other)

If yes, can you describe your experience?

Education

Q.8 Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment when going to school or attending an educational institution or training provider?

Q.9 If yes, the person responsible for such less favourable treatment was:

(Teacher/trainer, other pupils/classmates, parents, administrative staff, counselor/social worker, other)

If yes, can you describe your experience?

Goods and Services

Q.10 Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment when purchasing goods or seeking a service from the private sector or from voluntary (non-governmental) organizations or from a trade union?

Q.11 The person responsible for such less favourable treatment was:

shop keeper/salesperson; taxi driver; Administrative staff, managerial staff, other clients/service users, other service providers, other

If yes, can you describe what happened?

Q.12 Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment treatment when taking out insurance? What kind of insurance?

Q.13 the person responsible for such less favourable treatment was:

(sales person; customer care officer; Administrative/clerical staff, managerial staff, other clients/service users, other)

If yes, can you describe what happened?

Q.14 Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment treatment when going to a bank or a financial institution?

Q.15 the person responsible for such less favourable treatment was:

(sales person; customer care officer; Administrative/clerical staff, managerial staff, other clients/service users, other)

If yes, can you describe what happened?

Q.16 Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment when accessing a public service or benefit, or when coming into contact with a public department or entity?
(this can include the army, the police, the social services, detention services, employment agencies, government departments)

Q.17 Who was the person responsible for such less favourable treatment?

(Administrative/clerical staff, customer care; managerial staff, police; bus driver; local council; other clients/service users, other service providers, other)

If yes, can you describe what happened?

Q.18 Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced less favourable treatment or harassment when going to a restaurant, pub, bar, club, beach or other place of entertainment?

Q.19 If yes, the person responsible for such less favourable treatment was:
(Owner, staff, other patrons, security, others)

If yes, can you describe what happened?

Other

Q.20 Have you a member of a close-knit circle of family, friends and acquaintances ever experienced any other kind of less favourable treatment or harassment due to your race or ethnic origin that has not been mentioned above?
(eg in the area of social protection)

If yes, can you describe what happened?

Q.21 Have you or a member of a close-knit circle of family, friends and acquaintances ever been treated in a way that you consider humiliating or offensive because of your race or ethnic origin?
(not described above)

If yes, can you describe what happened?

Q.22 Have you or a member of a close-knit circle of family, friends and acquaintances ever experienced physical violence due to your race or ethnic origin?

If yes, can you describe what happened?

Q.23 Have you ever been victimized because of your association with another person of a particular race or ethnic origin?

If yes, can you describe what happened?

Q.24 How often would you say that these incidents occurred?

every day; weekly; monthly; every three months; every three to six months; once a year

Redress

Q.25 In which of the following areas is there legislation that protects against racial discrimination :

- Employment
- Housing
- Education
- Access to goods and services
- Healthcare
- Social Protection

Q.26 Have you or a member of a close-knit circle of family, friends and acquaintances ever sought to pursue a claim on the basis of racial discrimination?

If yes, can you describe your experience?

i.e. who they turned to for assistance :

- National Commission for the Promotion of Equality
- Department for Employment and Industrial Relations
- Employment and Training Corporation
- Trade Union
- Non Governmental Organisation (specify)
- Commissioner for Refugees
- Private Lawyer
- Agency for the Welfare of Asylum Seekers
- Embassy
- Other

Why was this route pursued?

What results did you achieve?

What did you think of the results achieved?

If not, why?

Q.27 If you had to pursue such a claim, who would you turn to for assistance?

- National Commission for the Promotion of Equality
- Department for Employment and Industrial Relations
- Employment and Training Corporation
- Trade Union
- Non Governmental Organisation (specify)
- Commissioner for Refugees
- Private Lawyer
- Agency for the Welfare of Asylum Seekers
- Embassy
- Other

Q 28. Have you heard of the national Commission for the Promotion of Equality and the Department for Employment and Industrial relations?

Q.29 Have you ever sought their assistance, or that of another entities?
If no, why?

Q.30 Are you satisfied with the measures of redress currently available to victims of racial discrimination? If yes/no - why

Any Difficulties encountered – If any, the interviewer needs to take notes of these

The interviewer will be asked to take notes after the interview (impressions, changes in behaviors or attitude that would not appear in the verbatim, summarise what has been said during and after interview). The interviews will then be transcribed. The researcher will then replay the interview again and compare it to the transcription, after which, any necessary corrections will be made. The written copy of the interview will be shared with the participant to make sure that they agree with, and affirm, the contents of the interview. This will help mitigate any potential bias of the researcher/transcriber.

Above
all
we're
human



**THINK
EQUAL**

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