

NATIONAL ACTION PLAN AGAINST RACISM AND XENOPHOBIA

DECEMBER 2010

Equality Research Consortium

“Until justice is blind to color, until education is unaware of race, until opportunity is unconcerned with the color of men's skins, emancipation will be a proclamation but not a fact.”

Lyndon B. Johnson

This action plan was drafted by the Equality Research Consortium for The National Commission for the Promotion of Equality

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SECTION 1: PRELIMINARIES

This action plan was drafted by Jean-Pierre Gauci of the People for Change Foundation as part of the Equality Research Consortium as commissioned by the National Commission for the Promotion of Equality within the context of the Strengthening Equality Beyond Legislation Project.

Introduction

This document is Malta's first National Action Plan against Racism and Xenophobia. It seeks to build upon and achieve the full potential of the legal framework that already exists with regards to racism as well as the various initiatives that have been undertaken by a wide spectrum of stakeholders. It does so by setting forth a number of strategic objectives as well as specific initiatives to be achieved and implemented over the course of the coming three years. Its need stems from the fact that despite efforts by various stakeholders, discrimination on the basis of race and ethnic origin remain widespread in Malta as documented in research carried out by various entities including the Council of Europe, the European Network Against Racism, and the drafters of this plan itself.¹

However, the past years have seen an increasing commitment from various angles to the anti-racism cause. A legal and institutional framework was set in place, to legislate against racism in both civil law and criminal law. NGOs and community organisations increased their commitment to address the causes and effects of racism and racial discrimination.

This plan is also in line with commitments undertaken by Malta under various international agreements, not least the international convention for the elimination of all forms of racial

¹ See in this regard, the EU FRA: European Union Minorities and Discrimination Survey (EU-MIDIS) - survey results (all publications) 2009 available at: http://www.fra.europa.eu/fraWebsite/research/publications/publications_per_year/2009/pub_eu-midis_en.htm C; other reports by the EU FRA; ENAR Shadow Report: Racism in Malta 2008 available at: <http://cms.horus.be/files/99935/MediaArchive/national/Malta%20-%20SR%202008.pdf>; ENAR Shadow Report: Racism in Malta 2009-2010 (Awaiting Publication) available at www.enar-eu.org/malta; other reports by ENAR available at www.enar-eu.org/malta; ECRI Report on Malta, 2007 (CRI(2008)22) available at http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle_03/03_CbC_eng/MLT-CbC-III-2008-22-ENG.pdf; other reports by ECRI

discrimination as well as other less binding instruments. In 2001, at the World Conference Against Racism held in Durban, South Africa, States committed themselves to the development of such Action plans, as a way of tackling discrimination and racism in their relevant countries. Throughout the European Union, the adoption of anti racism action plans has been limited, therefore, this NAP puts Malta at the forefront of Member States who have such NAPs. This plan is both ambitious and grounded. It is ambitious, because it calls into play a variety of actors and proposes initiatives that will not only take time to implement but will also require substantial effort by various actors, as described throughout this document. At the same time, it is grounded because it takes into consideration the national realities and frameworks.

The NAPARX seeks to set in place some actions that will positively influence the attainment of this plan's goals and set in place the basis for future actions which build upon these goals.

Process and Methodology

The drafting of this action plan was based on a number of important research and consultation elements. The suggestions provided in this report derive from an analysis of research into racism and racial discrimination carried out in Malta to date as well as a set of qualitative interviews carried out with a number of community leaders and other representatives of various ethnic minorities.² Widespread consultation was considered important if the plan was to really address the needs of the various ethnic communities in Malta. The drafting of the plan started by looking at the documentation from the World Conference Against Racism (Durban 2001). This was also supported by the guidelines for States prepared by the European Commission on racism and intolerance (ECRI) on drafting these action plans. A number of national action plans from across the European Union were also looked at and individuals involved in their drafting and implementation were consulted. This was followed by a first consultation meeting where the idea of the action plan was put forward and initial suggestions sought from participants. The drafters then further developed the suggestions into concrete proposals and subjected each proposal to both a relevance and a SWOT analysis. This resulted in a more concrete set of recommendations that were once again presented to two subsequent consultation meetings. Any further

² The full list of interviewees is included in the report of the consultation process

suggestions emanating from these meetings were also looked into in the same manner discussed above. The final document was then drafted, discussed internally and finalised. A report of the consultation process including the report of the interviews with stakeholders and the notes from the consultation meetings is annexed to this plan.³

Overarching Characteristics of this Plan

In view of the above considerations, this action plan has a number of characteristics. Firstly, this is a **strategic document**. As such, it should be seen as a road-map towards the achievement of its goals. It is also a **fluid document**, which will need to be reviewed and revised in order to take into account emerging trends and realities. Annual priorities will have to be set, and directions altered in order to achieve the best possible results.

This action plan adopts a **human rights based approach** (HRBA) and as such it goes beyond a commitment to a concept - it is a strategic mainstreaming process intended to permeate all levels of national structures. HRBA is a proactive process and not a retroactive one. Its impact may only be assessed based on whether the recommendations are planned into the structuring or structure maintenance of an organisation. This is because an HRBA requires horizontal implementation and not occasional vertical intervention. This is specifically relevant because the issues that the present plan seeks to address, include long term horizontal and policy changes.

This plan is an **ambitious, forward-looking** strategy, which is however **realistic and grounded** in local and national realities. Whilst one must necessarily be realistic and take strength from what is already in place, and what has been done thus far, this plan is the next step in the effective elimination of racism and xenophobia. This plan is underpinned by the principles of human rights equality and anti racism and its interpretation and understanding should therefore be based on these principles.

The plan ought to take into account the different forms of racism experienced by the various groups as well as the different levels of racism at the individual, as well as at the institutional/systemic level. This is reflected by the extensive research and consultation process that went into its drafting and by the open-ended terminology adopted. It is

³ See Annex 2

acknowledged that groups of varying ethnic minority background face different challenges and this plan has sought to keep this in mind. This plan and its implementation, are an attempt to move away from the one size fits all approach and towards looking at equality by design, addressing the specific needs and concerns of the various groups, whilst allowing for networking and partnership between different stakeholders. Every individual is entitled to protection against discrimination or racism, and an emphasis should be made to give initiatives to promote diversity and tolerance naturally and to involve all spheres of Maltese society.

Furthermore, this plan takes into account cross-cutting themes where racism intersects with the other equality grounds including gender, age, marital status, family status, sexual orientation, disability, and religion. This is further coupled with a need to look at discrimination on other grounds that are not listed in the relevant equality legislation. It is the concept of equality for all that is to be promoted.

Moreover, it is clearly **contextualised** within the broader political, legal and socio-economic context at the national and international levels whilst being mainstreamed across all relevant areas of policy. Developments in seemingly unrelated fields might still impact the fight against racism, and it is therefore crucial that this plan has a horizontal impact as well as ensuring that the non-discrimination agenda is mainstreamed into other relevant policies and plans. Such mainstreaming requires that equality audits are undertaken whilst an equality perspective is borne in mind at every stage of the policy making process. This, in turn, will ensure coherence of policies and improve the likelihood of success thereof.

The National Action Plan against Racism should not be seen as an end in itself, but merely as a tool towards the achievement of its aims and objectives. As such, in order to ensure that all stakeholders can participate in this process, the plan seeks to be clear and accessible having clear objectives, actions, outcomes and intended impact in an overall framework/model of development. This will ensure that all actions can be framed within the broader aims and objectives of the plan, allowing for its implementation by a wide spectrum of stakeholders.

As highlighted, the plan seeks to build on what is already in place in terms of anti-racist measures, it also seeks to identify new and innovative approaches which draw together both

governmental and non-governmental bodies in a partnership approach. The implementation of this plan should be based on the principles of subsidiarity, whereby actions are undertaken at the lowest most appropriate level. This approach, which will be further elaborated in the ownership and management sections of this plan, lies at the heart of the action plan. It is our firm belief, that this plan will only be successful if all the relevant actors are roped in and participate in a spirit of partnership and cooperation. A sense of ownership of the plan, by all the relevant stakeholders, is therefore a crucial requirement for its success.

Furthermore, this action plan seeks to promote a more inclusive and intercultural society through a proactive framework, as well as combat racism and xenophobia. Whilst it addresses issues of investigation and redress, the priority is on creating an environment that does not accept the presence of racism and where discriminatory treatment is neither accepted nor tolerated. This plan argues for a stronger focus on prevention. While it is crucial to ensure that victims of racial discrimination, racist violence and harassment get appropriate support and particular attention needs to be paid to bringing perpetrators to justice, it is equally important to find ways to reduce the number of people actually engaging in such discriminatory treatment. This can be done by, *inter alia*, challenging what might be deeply entrenched racist attitudes.

As such, the plan seeks to address the 4 Ps:

1. Prevention
2. Protection
3. Prosecution
4. Partnership

This plan proposes mechanisms to monitor and review its outcomes and impact, including adequate data collection and analysis systems. This is crucial not only to measure progress made but also to identify emerging trends and challenges, informing the process for the drafting of the next action plans and other relevant policies.

It must be borne in mind that its implementation is subject to availability of resources. Moreover, this is not an integration policy. Whilst a substantial part of ethnic minorities in Malta may be migrants, this action plan is not about their integration in Malta: that is

subject to other policy fields. Having said this, lack of integration and racism are very much linked. This means that effectively addressing racism might require an adequate effort towards integration. Moreover, actions within the present plan are likely to support integration and aim to create an environment conducive to integration. Moreover, despite this not being an integration policy, and allowing for the fact that migrants' issues may be addressed through such other policy fields, racism affecting migrants is very much within the scope of the present plan.

This plan also seeks to be sustainable. Many of the proposed initiatives will produce results and products that will survive the expiration of this plan because it is about horizontally mainstreaming measures. Indeed such sustainability will be an indication of the impact of the plan over the long term.

It is important to keep in mind, this plan will only be as successful as the backing and support that it receives.

Definitions

For the purpose of this action plan, the term 'ethnic minority' is to be given a broad interpretation. It is taken to refer to groups defined by reference to (one or more of the following) whether real or imputed:

1. Race
2. Descent
3. Colour
4. Nationality (including citizenship)
5. Ethnic or national origins.
6. Language and culture
7. Religion

Racism and racial discrimination can be taken to occur at various levels including the individual, the group and the institutional level. The first refers to incidents of discrimination which are perpetrated by an individual personally. The second occurs where racism occurs in non-formal group settings (such as bullying). Institutional racism is any form of racism occurring within institutions and entities such as public government bodies, private business corporations, and educational establishments.

Moreover, discrimination can be⁴:

1. Direct
2. Indirect

Or take the form of:

3. Harassment
4. Victimization

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.

Indirect discrimination, on the other hand, shall be taken to occur where an apparently neutral provision, criterion or practice would put particular persons 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.

Harassment refers to unwanted conduct related to race which 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.

Victimization refers to the prejudicial approach to an individual for making complaint on racial discrimination in his or a colleague's regard.

Xenophobia refers to fear of that which is unknown or different from oneself in the context of the basis of the person's race.

Legal Context

It is very appropriate that this action plan is being drafted and adopted within the context of the project entitled Strengthening Equality Beyond Legislation. Malta has, over the past years adopted a relatively strong legal framework when it comes to anti-discrimination and

⁴ The definitions presented hereunder are taken from the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (herein after referred to as the Race Directive)

racism. This framework provides both the basis and the context for this action plan. In this section, a brief overview of the relevant legal instruments will be provided.

Malta's legal framework in the field of race can be broadly divided into:

1. Constitutional Provisions
2. Civil Law Provisions
3. Criminal Law Provisions

Article 45 of the Maltese Constitution provides for protection against discrimination on a number of grounds including, inter alia, race. It further prohibits the enactment of any laws that are, in themselves, discriminatory.

The Civil Law provisions are mainly the effect of the transposition of the European Union Race Directive. This has been achieved through the enactment of a number of legal notices most notably:

1. Legal Notice 461 of 2004 Equal Treatment in Employment Regulations⁵
2. Legal Notice 54 of 2007 Extension of Applicability to Service with Government (Equal Treatment in Employment) Regulations⁶
3. Legal notice 85 of 2007 Equal Treatment of Persons Order⁷
4. Legal Notice 86 of 2007 Equal Treatment in Self-Employment and Occupation Order⁸

Through these legal notices, discrimination on the basis of race and ethnic origin, whether direct or indirect, is prohibited in the following areas:

- (a) conditions for access to employment, to self-employment and to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;
- (b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;
- (c) employment and working conditions, including dismissals and pay;
- (d) membership of and involvement in an organization of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations;

⁵ Available at <http://www.mjha.gov.mt/DownloadDocument.aspx?app=lp&itemid=16831&l=1>

⁶ Available at <http://www.mjha.gov.mt/DownloadDocument.aspx?app=lp&itemid=19382&l=1>

⁷ Available at <http://www.mjha.gov.mt/DownloadDocument.aspx?app=lp&itemid=19430&l=1>

⁸ Available at <http://www.mjha.gov.mt/DownloadDocument.aspx?app=lp&itemid=19431&l=1>

- (e) social protection, including social security and healthcare;
- (f) social advantages;
- (g) education;
- (h) access to and supply of goods and services which are available to the public, including housing.

It is important to note at this stage that Legal Notice 85, in line with the discretionary clause provided in the EU Race Directive mentioned above, does not cover difference of treatment based on nationality and is without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons on the territory of Member States, and to any treatment which arises from the legal status of the third-country nationals and stateless persons concerned.

The legal framework also provides for the National Commission for the Promotion of Equality to act as an equality body to oversee the implementation of these provisions and also investigate and give its advice on individual cases. Its competence however excludes discrimination in the field of employment that continues to fall within the remit of the Department of Employment and Industrial Relations with the Industrial Tribunal as a means of enforcement of rights.

The Criminal law Provisions are largely the result of the implementation of the relevant framework decisions of the European Union. As such, they provide for:

1. The Criminalisation of Incitement to Racial Hatred⁹
2. Racial (and religious) motivation as an aggravating circumstance for other crimes¹⁰

Whilst racial motivation has thus far not been quoted in any cases before the courts, the Court has had the opportunity to decide cases regarding incitement to racial hatred and elaborate on the relevant legal provisions. No specific unit has been set up within the national police force to deal with incitement to racial hatred or racially motivated crime.

⁹ 82 A of the Criminal Code, Chapter 9 of the Laws of Malta

¹⁰ 122 A (2) of the Criminal Code (ibid.)

Section 2: Aims and Objectives

This national action plan is about **promoting equality** through a series of short, medium and long terms initiatives. It seeks to address issues that have emerged as being real and serious concerns affecting the lives of ethnic minorities in Malta. These concerns impact on every stream of life, from employment to education, from housing to healthcare and from the media to violence and crimes. This plan aims to set in place some initiatives that will contribute to these efforts of eliminating racial discrimination and xenophobia. The overarching aims of the plan are therefore:

1. To provide strategic direction to combat racism and xenophobia
2. To develop a more equal, inclusive and intercultural society

These aims will be achieved through a number of general objectives and a number of specific objectives. The latter are set out at the start of each section of the plan whilst the former are:

1. Effective prevention, protection, prosecution, and redress of racist incidents
2. Economic and social inclusion and equality of opportunity
3. Accommodating diversity in service provision
4. Recognition and awareness of diversity
5. Full participation at various levels of society
6. Empowerment of Ethnic Minorities as agents towards their own enhancement

A full list of specific objectives by area may be found in annex to this action plan.¹¹

¹¹ See Annex 1

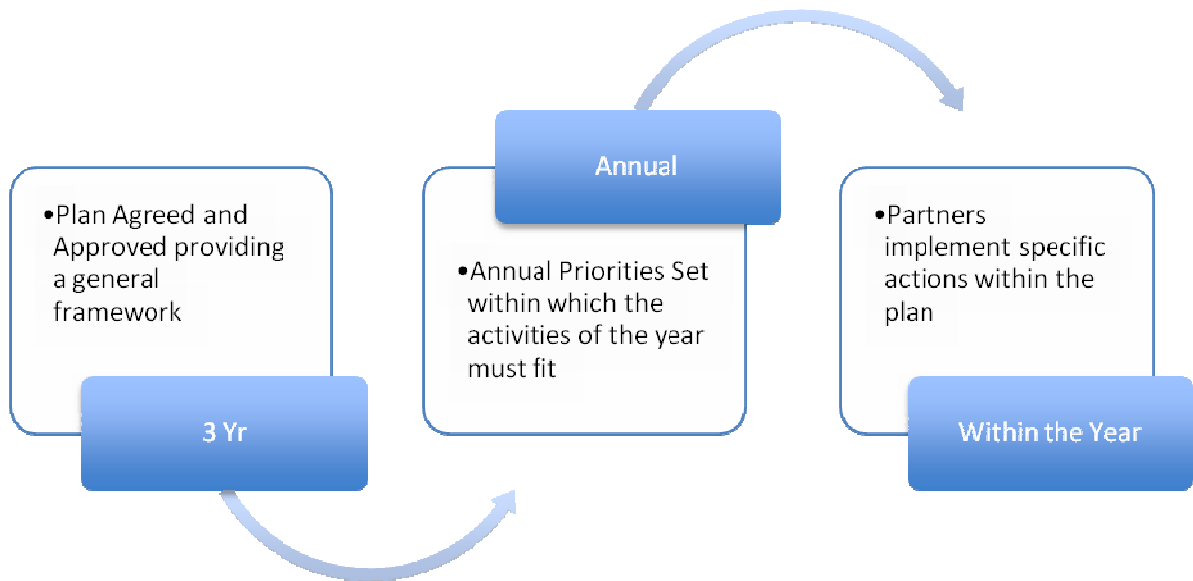
Section 3: Implementation

Time Coverage

The action plan is for a period of 3 years. The term is selected on the basis that this will allow the space for medium term projects to be undertaken but is short enough to allow for future plans to take into account changing realities and priorities. It is acknowledged that certain actions will not be able to be completed within the term and these will therefore have to be incorporated in, and provide the bridge to the upcoming action plans. This NAPARX is being drafted under the assumption that it will be followed by future plans that will also build on its achievements as well as address any failures or weaknesses.

Whilst the plan is for a period of three years,¹² it also allows for the setting of annual priorities as will be the responsibility of the steering group. Such priorities will also allow the implementation of projects in line with available funding, whether this comes from the European Union, the Maltese Government or other private or charitable sources of funding. As such, the implementation of the plan will be guided by annual operational plans. Moreover, monitoring and evaluation will be carried out on an annual basis allowing for the annual priorities to be set and to evaluate the work of the last year. As highlighted above, the action plan is a fluid document, meaning that it remains subject to amendments and changes, as the realities on the ground change.

¹² The period of three years has been chosen to make it long enough for the plan to be implementable realistically and effectively – in a way that would be harder in a shorter time, while at the same time keeping the target contained so as not to lose sight and direction of the goals if it goes on for a longer time.



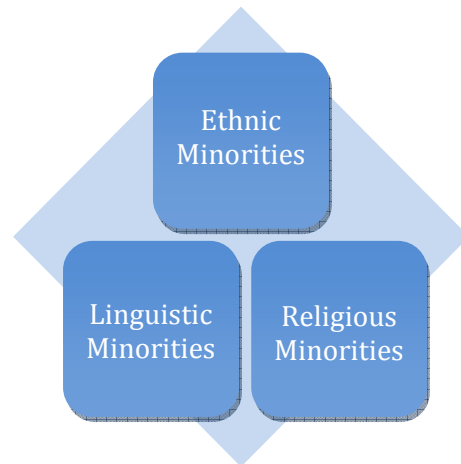
Moreover, it is hoped that many of the proposed initiatives will produce results that will survive the action plan. Indeed sustainability is key to the long-term impact of the plan and its specific initiatives.

Who is being addressed

A number of different categories of persons are affected by racial discrimination and xenophobia in Malta. Discrimination against Africans and, most notably, asylum seekers has been the most widely documented,¹³ and it has also been shown that this group faces the largest degree of racism in Malta. It is however to be borne in mind that African asylum seekers are not the only ethnic minority in Malta and definitely not the only group susceptible to, or who have faced discrimination. This action plan looks at various minority groups including ethnic minorities, linguistic minorities as well as religious minorities. This list is not an exhaustive one, and all potential groups that may face discrimination are therefore considered to be a subject of the present plan. Moreover, the above-mentioned categories are not distinct categories and individuals may form part of any one, two or all of these categories. Actions proposed in the present plan may target either one or more of these characteristics. Specifically, some actions will need to specifically address the particular situation of a particular group in a particular sector, as identified by the partners and backed by the relevant research. Moreover, the specific situation of minorities within

¹³ See further reports in *supra* 1

minorities, will also be looked at as a cross cutting theme throughout the implementation of the various proposed actions.



Further research is suggested into ethnic minorities in Malta in order to ensure that an adequate picture is gathered of the demographics and realities. Such data collection should be mainstreamed through other data collection channels including the national census. It will help provide a picture of which and how many ethnic minorities are in Malta, where they are, what they do and similar information that will provide a strong basis for the enactment of further policy measures in this field.

What is being addressed:

This action plan seeks to address racism and xenophobia in their myriad manifestations.

These different yet sometimes overlapping manifestations include:

1. Unequal Treatment
2. Violence and Threats
3. Institutional/Systemic Discrimination
4. Stereotyping and Labelling
5. Underlying xenophobia

Whilst many of these issues have been documented by a variety of sources, there remains a critical need for research into the experiences of ethnic minorities in various aspects of life. This action plan seeks to address this need for in depth research by proposing a number of in-depth research initiatives into various aspects which have remained inadequately

explored in research. The proposed initiatives rely on the available information collected through the various channels of consultation used in the drafting of the plan. The issues highlighted above are broad enough to cater for the various realities in which racial discrimination have been experienced by ethnic minorities in Malta. Broadly speaking the plan addresses racism, xenophobia and discrimination within the following broad fields:

1. Employment
2. Education and Training
3. Health and Social Services
4. Housing and Accommodation
5. Racist violence and crime
6. Media
7. Policing and the Criminal Justice system
8. Access to and supply of goods and services

It also addresses a number of overarching issues most notably:

1. Awareness raising
2. Mainstreaming
3. Data Collection and Analysis
4. Empowerment and Capacity Building
5. Reporting of discriminatory incidents

Implementation Partners

A NAPARX will not be successful if it is not implemented through the full cooperation of all relevant stakeholders in a partnership approach. This plan seeks not only to engage ‘traditional’ anti-racism partners¹⁴ but also to delve into new areas and partnerships, expanding its reach and scope of impact. This approach is fundamental to the plan and its implementation. All the actors are expected and required to act vis-à-vis each other in a spirit of partnership:

- National Commission for the Promotion of Equality (Lead)
- The Department for Employment and Industrial Relations
- The Agency for the Welfare of Asylum Seekers
- Other Government Ministries and Departments
- International Governmental Organizations

¹⁴ Such as local councils, sport associations, Music and Drama groups and the business community.

- Religious Organizations including the Church, Mosques and Synagogues
- Schools, colleges and other educational establishments (including academia)
- Sports, drama and other leisure entities
- Trade Unions & Professional Associations, Employers Associations & the Business Community
- Service Providers (Public and Private) and their representatives
- Local Councils
- Politicians, Political Parties, Parliamentarians
- Media and Prominent Personalities
- NGOs and Migrant Community Organisations (MCOs)
- Research organizations & think tanks
- Other entities working on related issues or with the people covered by this action plan

Different partners will take on different roles. The most active will be engaged or represented on the steering group, whilst others will be asked to collaborate in the implementation of specific actions. Partnerships across different actors and sectors are encouraged as this will lead to a cross-fertilisation of ideas and ideals, whilst allowing for practical implementation of initiatives at the lowest, most effective level whilst keeping in mind the important role of all stakeholders. It is hoped that partnerships developed in the implementation of the specific actions will be sustainable and also survive the limited duration of this specific action plan or the specific action being implemented.

Implementation Structure

The success or otherwise of actions proposed in the present action plan will depend partly on the structure put in place for their implementation. As highlighted above, the implementation of this plan is based on a partnership approach that brings together various stakeholders targeted at the achievement of commonly agreed goals. The implementation of the action plan is to be overseen by a Steering Group which shall be composed of NCPE, relevant government representatives, and representatives of NGOs and migrant community organizations. Different entities will be selected by participants from the relevant categories through elections to be held at the beginning of the implementation of the plan. Members on the steering group act in the capacity of representatives of their organization. They

should also however extend the consultation, where required to other organizations within the category appointing them.

The role of the **steering group** is to:

1. Provide general guidance and direction for the implementation of the plan
2. Oversee the implementation of specific initiatives
3. Ensure that the action plan is updated according to changing realities
4. Decide on annual priorities in the implementation of the plan
5. Review the evaluation reports of various activities and submit recommendations for improvements

The day-to-day implementation of the action plan is entrusted to the **National Commission for the Promotion of Equality** which shall, in this capacity, work under the guidance of the steering group. NCPE will therefore be responsible for:

1. Organizing and managing projects aimed at the implementation of specific initiatives
2. Ensuring that various sources of funding are tapped into in order to fund the implementation of the various initiatives

Actual initiatives will be implemented by the **network of stakeholders** and actors who will each implement initiatives in their respective fields working in collaboration with each other. In so doing, they will work under the guidance of the steering group and will be expected to provide regular updates whilst keeping the plan's aims and objectives squarely in mind. Collaboration between entities is to be encouraged, including collaboration between entities from various sectors (ex. Private-public partnerships). Such an approach to the implementation of the plan will also ensure a wider sense of ownership of the process.

It is important that entities beyond the traditional anti-racism movement also be included in the implementation of initiatives. This will help mainstream the elements of the plan and ensure that anti-racism becomes ingrained in everyday practices. These implementing partners can be divided according to their involvement in various elements of the plan including research, advocacy, training and initiatives. Moreover, the implementing partners will be teamed up in a network in order to facilitate discussions with the other stakeholders. Finally, the different elements of the framework will be supported by an expert group who will provide their support and knowledge throughout the implementation process.

The model below depicts the relations between different groups involved in the implementation of the action plan:



The implementation of the various initiatives will be accompanied by a peer-review evaluation. *Peer review* is the evaluation of work by other people in the same field in order to maintain or enhance the quality of the work in that field. It is an evaluation based on discussion and constructive criticism. This will ensure that the best results can be achieved and that lessons are learnt from any limitations.

Areas of Work



Anti-racist initiatives within the context of this action plan will take a variety of forms most notably advocacy actions, capacity building, research activities as well as grassroots initiatives. The terms advocacy in this context refers both to the role of various entities in lobbying the government and other key stakeholders to adopt policies in line with the aims of this plan, and advocacy in terms of information and assistance to discriminated persons. Research refers to research in general but policy oriented research in particular. It will involve various research initiatives, of various kinds ranging from legal analysis to quantitative and qualitative research initiatives aimed at developing a clear understanding of racism in Malta. Before we can tackle racism and discrimination, we need to know exactly where and how it occurs. The existing body of knowledge and documentation on discrimination must thus be constantly updated and expanded. This research will also provide the basis for the setting of annual priorities and for the revision of this plan and its successors.

Grassroots initiatives will seek to bring the anti-racist message to the communities through activities. Awareness-raising is about ensuring that all ethnic minority groups and other actors are adequately empowered to act, or provide their services in an equality-friendly way. The four will inevitably overlap and inter-twine and this will result in a process of cross-fertilisation which will make the plan, and its actions stronger.

A list of the specific action divided by area may be found in annex 1 to this action plan.

Section 4: Overarching Issues

Awareness Raising and Training

Objectives:

- To ensure that the training needs of different entities are met
- To raise awareness about discrimination and the legal framework set up to combat it
- To achieve efficient and effective awareness raising across different sectors of society

Suggested actions:

1. Develop diversity promotion programs in collaboration with local associations and local councils. Programs may include anything from diversity festivals to courses and lectures and movie screenings.
2. Encourage businesses to engage in similar campaigns through incentives such as the 'equality mark' scheme.
3. Targeted and specific training of trainers programs promoting the establishment of a core training team on diversity issues which includes people from various sectors and with different experiences. This will ensure that training to other entities would be targeted and in line with their needs and expectations.
4. Organize activities in and with schools involving teachers, students and parents.
5. Organize anti-racism themed days where prominent personalities (politicians, sportspeople, media persons and others) wear something symbolic of their stand against racism.
6. Compilation of best practices from different fields on awareness-raising on social issues.
7. Carry out an assessment of training needs in different sectors and departments in order to address targeted training.
8. Promote anti-racist messages through sports, drama and other means.

9. Research into past campaigns on equality issues and their impact on the public in order to identify what has worked and what needs to be improved in order to achieve the greatest value for money campaigns.
10. Provide online courses on related issues and legislation with the possibility of assessment and the issuance of certificates.
11. Organize media campaigns aimed at promoting positive images of ethnic minorities and combating stereotypes.
12. Anti-racist messages should be mainstreamed through other activities not only those specifically aimed at addressing racism and discrimination.

Mainstreaming

It is acknowledged that the fight against racism is not likely to be successful if taken as an ad hoc initiative, independent of the broader policy framework. It is therefore crucial that equality principles are mainstreamed through the various areas of law and policies. Mainstreaming an equality perspective is the process of assessing the implications for ethnic minorities of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making the concerns and experiences of ethnic minorities an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that ethnic minorities can benefit equally, and inequality is not perpetuated. The ultimate goal of mainstreaming is to achieve equality.

An exhaustive list of possible policy avenues into which anti-racism can be mainstreamed is beyond the scope here. Some examples include education policies and curricula (see education section below), economic policies including employment policies and policies aimed at combating poverty and social inclusion as well as integration policies.

Objectives:

- To ensure that anti-racism is mainstreamed through all fields of policy
- To provide policy makers across different sectors with the capacity to carry out equality audits of their work

Suggested Actions:

1. Ministries and Departments should ask for the advice of the National Commission for the Promotion of Equality regarding upcoming policy plans. This will ensure that an equality perspective is incorporated into such policy developments. NCPE to ensure that all Ministries are aware of its role in this regard.
2. NCPE and other entities should engage actively with consultation processes regarding the development of various policies.
3. A formal process of equality audit should be developed by NCPE in collaboration with other actors.
4. Ministries and government departments should ensure that all their policies are looked at from the perspective of their potential impact on ethnic minorities and equality. Equality impact assessments should become part of the standard policy making process. Such assessments will not only identify potential problems but also missed opportunities towards racial equality.¹⁵
5. An equality audit should be carried out on existing policies, most notably those which are not up for review within the coming 2 years. This is to be accompanied by a memorandum from NCPE on how the existing measures can be implemented in an equality friendly way.
6. Specific training should be provided to policy makers from various government departments on equality issues, most notably the legal requirements so as to ensure that when drafting policies such issues are catered for.
7. NGOs and MCOs should receive training on lobbying techniques and different ways in which they can advocate for their concerns to be addressed within the process of policy formation.
8. A checklist of basic questions to be drafted and circulated amongst policy officers across government. These questions will provide an equality-auditing checklist.
9. Equality requirements to be made a fundamental requisite for all government tenders and contracts.
10. Service offered to private companies to review, in close collaboration with management thereof, their internal policies and working practices in order to ensure that they put in place the relevant equality mechanisms and safeguards.
11. Research the level of awareness of policy makers on the possible impact of their work on ethnic minorities, in order to inform targeted and specific training.

¹⁵ http://www.equalityhumanrights.com/uploaded_files/eiaguidance.pdf

Research and Data Collection and Analysis

Adequate research and data are critical to the success of any policy. As such, and consider a relative lack of elaborate data on ethnic minorities in Malta, this action plan has proposed such research throughout. This section simply provides some guidance as to that research and data collection and should be seen as an over-arching provision relating to all other suggestions of research and data collection. The European handbook on Equality Data¹⁶ highlights the six main purposes for such data collection namely:

1. To guide and support policy development and implementation
2. To provide empirical evidence in support of judicial processes¹⁷
3. To support the monitoring of equality performance both on the national and business level
4. To raise awareness
5. To support research

Objective:

Ensure that the situation of ethnic minorities is duly documented in order to inform future policy developments and initiatives.

Suggested Actions

1. Any research proposed in this action plan should have the following characteristics:
 - Independent
 - Evidence Based
 - Accessible
 - Useful
 - AccurateContext permitting, research should combine quantitative and qualitative methods and bring together both existing research and new findings.
2. Collect data of ethnicity by encouraging data collection on a strictly anonymous, voluntary and self-defining basis, in compliance with the rules on the protection of persons data, to bring more insight into diversity policies and management systems and increase the impact of good diversity practices.

¹⁶ Makkonen T., *The European handbook on Equality Data*, DG Employment, Social Affairs and Equal Opportunities, European Commission: 2007

¹⁷ Essentially due to the difficulty of proving discrimination where there is no empirical evidence. See *ibid.*, 7

3. Develop a set of guidelines and standards in order to ensure that key principles and safeguards for race-segregated data will be upheld.
4. Use existing means (ex. Labour Force Surveys) to assess the socio-economic standing of ethnic minorities.
5. Ensure that existing research is tapped into and utilised including:
 - Organizing regular informal presentation of work carried out by various entities and students.
 - Developing an online resource centre whilst creating and keeping regularly updated a bibliography of existing works
6. Develop a list of possible research areas in order to provide students with suggestions for their academic research that can also be useful to the policy-making processes.

Promoting the Reporting of Discriminatory Incidents

A legal framework will only be useful if the people it intends to protect are empowered and given the opportunity to access and take advantage of the remedies it offers. Remedies in this context refer to a variety of options available including simply a recommendation by an equality body or even a court decision where appropriate. It refers to the possibility of addressing a discriminatory act through available channels.

Objectives:

- Ensure that persons experiencing discrimination are aware of the available remedies
- Ensure that cases of discrimination are reported and legal remedies utilised.
- Ensure that reporting mechanisms are accessible and transparent

Suggested Actions:

1. Raise awareness of what amounts about discrimination and harassment through a variety of means including media campaigns, lectures and production of posters and leaflets. Ensure that persons who may be experiencing discrimination know that amounts to discrimination and that there are modes of reporting and redress.
2. Create guidance sheets to be distributed through various channels and procedures regarding the avenues for reporting discrimination. These can be targeted at both persons who have experienced discrimination as well as members of the public who have witnessed discrimination.

3. Revise the reporting structures in order to ensure that:
 - The relevant complaint forms are clear and accessible including through the translation of the forms into various languages.
 - Investigation procedures become more transparent. In particular, applicants and supporting entities should be provided with constant updates regarding the status of their applications.
4. Create or appoint an organization to act as a screening house/supporting entity for racial discrimination complaints. The main role of the entity will be to support persons wishing to file discrimination complaints and guide them to the correct channels. Complaints in this context refers to all possible channels including reports to the various relevant entities (including sectoral organisations).
5. Set up and operate a helpline service to assist discriminated persons and support other entities with on the spot answers to queries about discrimination.
6. Provide information and training to NGOs and other relevant entities in order to ensure they are able to advise potential clients on the relevant procedures.
7. NCPE to carry out ex-officio investigations in areas within its competence where discrimination is believed to be a common occurrence most notably:
 - Public Transport
 - Entertainment industry most notably around the Paceville area
8. Follow up on the findings of the research currently underway on under-reporting of discrimination.
9. Develop an alternative system of collecting information regarding discrimination even if individuals might not wish to press ahead with formal complaints. This will help gather a better picture of the situation.

Empowerment and Capacity Building

Acknowledging the importance that NGOs and Migrant Community Organizations play in the implementation of anti-racist actions, and the promotion of equality and diversity, a number of capacity building initiatives are proposed in order to ensure that such entities, as well as other entities who, whilst not the traditional partners in the fight against racism, might come to bear an important part therein, are fully prepared to take on the responsibility entailed within such actions. It is to be underlined at this stage that empowerment in this context is understood as allowing the space and providing the capacity and respect to allow

organizations and entities to represent their own interests. This marks a shift away from the ‘doing it for them’ approach to the acknowledgement that no one knows concerns more than those experiencing them.

Objective:

To ensure that all relevant entities have the capacity to engage with anti-racist work and the implementation of the actions proposed in the present action plan.

Suggested Actions:

- Training and Information sessions for NGOs on the legal and policy framework are to be organized, addressing the particular role and responsibilities of NGOs in that context (ex. Filing NCPE complaint forms)
- Empowerment of migrant community organizations through training and provision of space and experiences of mutual learning with other equality organizations working on other grounds of discrimination and MCOs in other European States.
- Develop manuals and toolkits on the legal requirements for the setting up of organizations aimed at providing guidance to those seeking to take such an initiative.
- Networking activities between the ‘traditional’ anti-racist partners and the ‘non-traditional’ anti-racist partners should be encouraged including ones which allow for collaboration on activities likely to contribute towards the combating of racism.
- An online forum to be created for NGOs and MCOs to share experiences and expertise as well as be kept up to date on the implementation of initiatives across the board.
- An equality consultation platform to be set up in order to bring all the stakeholders together to discuss concerns and make recommendations for change.
- A support fund should be set up in order to promote the involvement of NGOs and MCOs in Europe wide initiatives and to support the setting up of grassroots initiatives and organisations.

Section 5: Specific Areas

Employment

Employment is a key tool into the participation of ethnic minorities in any society. As such discrimination in accessing employment and within employment hinders many other aspects of the life of ethnic minorities. Discrimination within employment in this context shall be taken to refer to discrimination in recruitment procedures, harassment at the place of work, glass ceiling effects within employment and segregation of ethnic minorities within limited parts of the labour market. Diversity management refers to a strategy intended to foster and maintain a positive workplace environment where discrimination and harassment have no place. It promises recognition and respect for the individual differences found amongst a group of employees.

Objectives:

- Combat discrimination in employment
- Promote diversity management strategies within the public and private sphere
- Raise awareness of the relevant frameworks within all relevant entities

Suggested Actions:

1. Information sheets regarding Race Equality Legislation to be disseminated to all employers. This includes the updating and distribution of the racial equality manual toolkit produced by NCPE in 2008. Similar information should also be made available to ethnic minorities.
2. Encourage and support employers, their human resources personnel and trade union personnel from the private and public sectors to review their internal and recruitment practices on a regular basis with a view of eliminating any possible indirect or structural discriminatory procedures or processes at all stages of recruitment.
3. Promote the development of good equality, diversity and inclusion policies and practices into the strategy, operation and culture of individual organizations and companies. This will be done in particular through:

- a. The organisation of tailored training programs and awareness raising activities for management and staff on non-discrimination, equality and diversity management.
 - b. The setting up (through existing entities) a diversity management advisory service that can work with private and public entities towards the development and implementation of their diversity management policies and strategies.
 - c. The development of a good practice booklet that promotes diversity management good practices by entities in Malta.
 - d. Provision of training of trainers courses to business associations, unions and professional associations
4. Develop and systemize standards of recruitment free from discrimination that could be applied to the public and private sectors and monitor implementation across various sectors.
 5. Pilot in collaboration with employment agencies and ETC an 'Anonymous Applicant Project' in order to ensure that initial selection is not influenced by race, ethnicity or religion
 6. Clarification and facilitation of DIER Procedures for reporting instances of discrimination.
 7. Encourage the creation and implementation of positive action measures including in the advertising of new vacancies.
 8. Ensure that anti-discrimination obligations are addressed to the same degree as other obligations on employers are addressed and enforced (such as health and safety regulations).
 9. Promotion of employability enhancing courses with particularly excluded groups, including the provision of courses with the support of cultural mediators
 10. Promote positive images of ethnic minorities in the labour market, recognizing and promoting the positive contribution of ethnic minorities within the various sectors. This can be done through various channels including media spots.
 11. Provide training to ETC staff and staff of human resources companies on the relevant legal and policy framework relevant to ethnic minorities and the labour market.

12. Provide ethnic minorities (most notably newly arrived migrants) with relevant information regarding their rights and obligations as well as potential remedies in the case that obligations on their employer are not adhered to.
13. Carry out in-depth research regarding the experiences of ethnic minorities within the Maltese labour market including:
 - a. Issues around work segregation
 - b. Problems regarding access to employment including reluctance by employers to engage ethnic minorities.
 - c. Conditions of employment
 - d. Questions of job retention
 - e. Employment and Unemployment rates of ethnic minorities

Education

Education, in whatever form it takes, is an important tool for combating racism and discrimination and fighting stereotypes whilst promoting tolerance and intercultural competence. It is also however an area in which racism and discrimination can exist with potentially harmful consequences for students and society as a whole. Education in this context is taken to refer to formal, informal and non-formal education. Formal education in turn refers, unless the context otherwise requires pre-primary, primary and secondary education as well as higher education.

Objectives:

- Combat discrimination in and through the education system
- Develop a clear understanding of the situation of ethnic minorities within the education system.

Suggested Actions:

1. In collaboration with the Education Authorities develop a national intercultural education strategy with reference to equality/diversity legislation and policy.
2. Universities, colleges, schools and other educational institutions to adopt and uphold an equality policy. The development thereof should be an effort undertaken by all the stakeholders including administration, teachers, students and parents with the support of relevant partners.

3. The education divisions and individual educational institutions should appoint equality officers. Training for such officers shall be provided. The responsibilities of such officer shall include:
 - a. Overseeing the implementation of the school equality policy
 - b. Advice colleagues on equality issues
 - c. Investigating and take relevant steps in the case of allegations of discriminatory treatment.
4. Plan and launch a national decade of equality through education aimed at ensuring that equality education is mainstreamed across all parts of the national curriculum and that educational institutions partake in activities and initiatives aimed at promoting equality.
5. Ensure that equality and dealing with multi-cultural classrooms becomes integrated into the training programmes for new teachers. In particular a module should be developed within the Faculty of Education on dealing with multi-cultural classrooms.
6. Organize themed in service trainings on the issue of racial equality and related themes.
7. Organize at least one anti-racism day or themed sports day in each school in Malta
8. Allow NGOs and other groups the space to raise awareness of equality issues within the school environment. Processes and criteria for the granting of such permissions should be public and transparent.
9. Carry out an analysis of the texts proposed in the relevant curricula from an equality perspective building on the equality-assessment of the curriculum which has already been carried out.¹⁸
10. Develop sets of lesson plans by subject aimed at the promotion of racial equality, respect for diversity and awareness of different cultures as well as issues surrounding ethnic minorities. This would include looking at all the relevant curricula and adopting issue based learning methods to the learning objectives. These plans will also be accompanied by a resource centre aimed to provide teachers with relevant resources and information.
11. Develop a platform amongst teachers for the sharing of best practices as well as resources on education relating to equality and cultural competence within the classroom.

¹⁸ See "A Review of the National Minimum Curriculum from an Equality Perspective

12. Promote positive action measures in order to assist those who might face difficulties such as language barriers, ensuring that equality of opportunity is achieved
13. Issue a circular to teachers on politically correct terminology in order to ensure that the correct terminology is being used in the classrooms.
14. Ensure that school books do not perpetuate stereotypes of ethnic minorities or instil racism in students.
15. Undertake in depth research into:
 - a. The views of teachers and students on diverse schools
 - b. The experiences of ethnic minorities within the various stages and sectors of the education system
 - c. Education achievements of ethnic minorities and how these compare to the achievements of the mainstream population
16. Develop a system of data collection and analysis in order to establish a clear understanding of the situation of ethnic minorities in schools most notably with regards to achievement and progress, absenteeism and early drop out.
17. Further develop the notion of Human Rights and Citizenship education as a core component of the Maltese education system
18. Develop equality project organization toolkits for schools in order to support initiatives in that regard by schools whilst ensuring that the education system provides an overview of different cultures.
19. Organize competitions between schools for best equality projects

Housing and Accommodation

Experiences and quality of housing are critical to the sense of ownership and empowerment of ethnic minorities. Little is known about the experiences of ethnic minorities in trying to access housing or even with regards to the type of housing they are likely to inhabit. The available information suggests distrust between ethnic minorities and landlords leading to reluctance by the latter to rent out places to ethnic minorities.

Objectives:

- Combat and reduce instance of discrimination in housing
- Ensure that all involved are aware of their rights and obligations
- Develop a clear understanding of the situation of ethnic minorities in housing

Suggested Actions:

1. An Information Sheet regarding the relevant anti-discrimination legislation to be disseminated to property owners. Moreover, an information sheet on rights and obligations of tenants is to be prepared most notably for newly arrived migrants. Both sheets are to be distributed to and through estate agents.
2. Training to be provided for Estate agents:
 - On their own legal obligation not to discriminate under relevant legislation
 - To be able to advise their clients on the possible consequences of discriminatory behaviour
3. A model code of practice on dealing with ethnic minorities is to be developed in collaboration with the National Association of Estate Agents or other representatives of the particular business community. A sticker, representing adherence to the code will be provided to those who subscribe to the code of practice and follow its provisions.
4. Ensure that homeless shelters and other housing services do not discriminate in the provision of their services through oversight and development of guidelines and training.
5. Research into the housing experiences of ethnic minorities and the concerns of landlords. Research to include situation testing.

Racist Violence and Crime

Over the past years a number of instances of racist violence and crime have occurred in Malta. Many of these have gone unreported whilst a few made the headlines and received public and political condemnation. The EU Midis research, commissioned by the Fundamental Rights Agency found that 7% of respondents had been victims of assault or threats in the 12 months preceding the research, whilst 26% had been subjected to serious harassment. The research also found that only few of the cases were actually reported to the authorities. For the purposes of this action plan, the terms racist incident is understood as referring to any incident that is perceived to be racist by the victim or any other person.

Objectives:

- Cases of racist violence and crime are duly investigated and those responsible brought to justice
- Increased awareness of the relevant legal framework by all concerned
- Adequate data about racist crimes is collected in order to identify trends and support the development of effective responses.

Suggested Actions:

1. Raise awareness of the relevant legal framework through *inter alia* the publication of information sheet on legislation regarding racist crimes in Malta.
2. Put in place the mechanisms to encourage victims and witnesses of racist incidents to report such incidents.
3. Through monitoring of specific cases, ensure that the police thoroughly investigate racist offences, including by fully taking the racist motivation of ordinary offences into account.
4. In collaboration with the Malta Police Force, develop and implement a training program (including the development of guidance) for law enforcement officials intended to ensure the identification and adequate investigation and prosecution of instances of racist violence and crime.
5. Develop a monitoring mechanism on racist crime. Such a mechanism should take account of both 'official' and 'unofficial' reports as compiled by various entities including MCOs and NGOs.
6. Analysis of available and newly collected data in order to identify trends and develop strategies to address them. Bi-annual reports should also be drafted on instances of racist violence, in line with the requirements of the OSCE reporting requirements on the issue.
7. Develop (or promote) mechanisms within the Malta Police Force to ensure that police take reports of racist crime seriously and raise awareness for the complaints mechanism in the case that they refuse to do so.
8. Carry out in depth research on racist violence in Malta building on the limited research that has been carried out on the issue.

Healthcare

Research in many countries confirms that cultural and ethnic minorities can experience higher illness and mortality rates compared to the general population. Living conditions, income, gender, disability, communication, cultural barriers and the availability of family/community supports can all have an impact on health and general well being.¹⁹ No such information is available for Malta however anecdotal evidence indicates that in some cases ethnic minorities have faced barriers in accessing the health system. These included cultural and linguistic barriers as well as negative attitudes by some members of staff.

Objectives:

- Ensure that ethnic minorities enjoy equal access to health services
- Ensure that service provision is culturally and linguistically sensitive and appropriate
- Identify any potential health inequalities between ethnic minorities and the majority population

1. Develop, in collaboration with the relevant health authorities and through the setting up of a broadly based advisory group an intercultural health strategy with reference to equality and diversity policy.
2. Training to be provided to healthcare professionals regarding:
 - Responsibilities under anti-discrimination legislation
 - Culturally particular issues (such as FGM)
 - Working with cultural mediators
3. Extend the service of cultural mediators within the health service to other languages.²⁰
4. Ensure that racist attitudes and actions by persons working within the healthcare system are duly investigated and reprimanded where appropriate.
5. Research the experiences of ethnic minorities within the Maltese health system and their health outcomes in comparison to the outcomes of the majority population in order to identify potential health inequalities.
6. Develop a targeted information strategy to increase awareness of general medical services to cultural and ethnic minorities including the provision of information in different languages.

¹⁹ National Action Plan Against Racism for Ireland available at: <http://www.inis.gov.ie/en/JELR/NPAREn.pdf/Files/NPAREn.pdf>

²⁰ Currently the service is limited to Amharic, French, Somali and Tigrigna.

7. Develop a needs assessment of ethnic minorities within the health service in order to inform future police directions.

Media

The Media plays a critical role in framing public opinions and raising awareness on key issues including equality and racism. As such the media can be seen as a tool in the hands of the anti-racism movement which must be used carefully and tactfully if it is to achieve the desired results. Moreover, one must also look out for instances where the media may, whether purposefully or inadvertently perpetuate stereotypes and instil racism.

Objectives:

- Ensure that the media does not perpetuate stereotypes, discrimination and racism but provides accurate and reliable information and promotes positive images.
- Ensure that ethnic minority voices find their place in the media
- Explore media coverage of ethnic minorities and its impact on public perception

Suggested measures:

1. Year-long in depth monitoring of ethnic minorities in the various media. This will include:
 - a. An assessment of the likely impact of different portrayals of ethnic minorities
 - b. An assessment of adherence to relevant regulations and guidelines
 - c. The possibility of issuing entity-specific reports and recommendations
2. An analysis of the legal framework surrounding racism and incitement to racial hatred on the internet and submission of proposals (if appropriate) for the improvement thereof
3. Use of new media (such as facebook, youtube and twitter) in order to spread anti-racist messages and awareness-raising whilst promoting positive images.
4. Provide training to media entities on their obligations and the various legal and policy provisions applicable to them
5. Use of popular media in order to combat stereotypes in an indirect and subtle manner. This would include, for instance, developing a soap opera where different ethnic groups interact in a positive way.

6. Carry out media campaigns in order to raise awareness of the relevant legislation, rights and remedies.
7. Promote collaboration and networking between media entities and journalists on the one hand and community organizations on the next.
8. Allow ethnic minorities their own voice in the media through positive action measures such as seeking out community organizations to comment on various issues including ones not directly relating to minority concerns.
9. Develop fact-sheets on correct terminology to be shared with media entities and journalists.
10. Raise awareness with ethnic minorities regarding the possibility of contributing to the media debates by, for instance, writing letters to the editor and articles.

Policing and the Criminal Justice System

Policing in this context is to be understood broadly as including police, immigration officials, prison guards, customs officials and other law enforcement personnel. Racial or ethnic profiling refers to the use by police, security, immigration or customs officials or other law enforcement personnel of generalisation based on race, ethnicity, religion or national origin – rather than individual behaviour or objective evidence – as the basis for suspicion in directing discretionary law enforcement actions.

Objectives:

- Improving relations between police and minority communities by increasing the fairness, effectiveness and accountability of police actions
- Improving communication between police and ethnic minorities

1. Review of laws, policies and operational guidelines establishing and regulating police powers and, if and where necessary, strengthen non-discrimination standards and practices
2. Raise awareness, and if required enhance, public complaints mechanisms making them more accessible to persons from minority ethnic backgrounds. Cultural mediators should be available to support the filing of such complaints. It should be clear to all police officers that allegations of racial discrimination or racially motivated misconduct will be taken seriously and perpetrators will be punished.
3. Provide tailored training to police officers of various ranks on:
 - a. Racial profiling and on the use of the reasonable suspicion standard.
 - b. Human rights, including the right to be free of racism and racial discrimination, and in the legal provisions in force against racism and racial discrimination.
 - c. Policing a diverse society
 - d. Working with cultural mediators and interpreters
4. To clarify the role of the National Commission for the Promotion of Equality to investigate and advice on claims of discrimination by the police.
5. Create a statutory obligation upon the police to promote equality and prevent racial discrimination in the carrying out of their functions.

6. Recruit candidates from minority groups to ensure that the police service represents the communities it polices. Moreover, cultural mediation services should be available within the police force in order to ensure that language and cultural barriers do not hinder the enforcement of relevant legal provisions.
7. Promote contact and dialogue between the police and minority groups with the aim of improving mutual respect and trust by creating a platform for dialogue between the police and minority groups.
8. Carry out research into:
 - Treatment of ethnic minorities arrested by the police
 - Treatment of ethnic minorities within the prison system
 - The views of ethnic minorities and of police officers on relations between police officers and ethnic minorities.
 - Police practices that may amount to racial profiling

Access to Goods and Services

Access to goods and services is often highlighted as a challenge for ethnic minorities (most notably visible minorities) in Malta. One notes for instance various cases reported on the media of individuals being refused access to places of entertainment and onto public transport. The EU Midis report in fact found that 35% of respondents (immigrants from Africa) in Malta had been discriminated against whilst trying to access a place of entertainment. Many suggestions relevant to this specific area have been addressed elsewhere in the present plan.

Objective:

- Ensure that all services in both the public and private sectors are offered in a non-discriminatory fashion.

Suggested actions:

1. Ensure that all service providers are aware of their obligations under anti-discrimination legislation including through the dissemination of information sheets.
2. Provide training to service providers (who may not be catered for by other sections of this plan) on how to deal with a multi-cultural clientele.
3. Develop a core team of cultural mediators to be used by various service providers (most notably but not exclusively) in the public sector to facilitate communication with service users.
4. Develop promotional materials to 'highlight' that certain service providers are adhering to equality standards and promoting good practice.
5. Develop situation testing experiments within specific fields known to be marred by extensive discrimination.
6. Carry out in-depth research into the experiences of ethnic minorities with regards to accessing goods and services including specific research on particular services or areas of concern.

Section 6: Conclusion

This document has sought to provide a roadmap aimed at setting in motion a strategy towards combating racism and racial discrimination in Malta. It is an ambitious document that affects a wide array of entities and the suggestions put forward require both time and resources. However, it is one which will, in the long run, result in the adequate implementation of Malta's legal and policy framework in the field of equality and anti-discrimination. Whilst this plan addresses race as the key ground of discrimination, we must bear in mind that different people might experience discrimination because of various or multiple grounds and their situation should also be considered when applying the measures proposed in this plan. Moreover, some suggestions can also be applied to other specific grounds of discrimination and their implementation might wish to take such a broader approach.

Racism and xenophobia are both a reality in Malta. This plan seeks to address some of these concerns by:

1. Promoting the recognition and value of diversity
2. Auditing systems and processes from an anti-racism perspective
3. Creating a more inclusive society
4. Promoting services that are culturally and linguistically sensitive and competent
5. Challenging individual attitudes and behaviours.

This document provides a strategy for action for the next three years. It hopes that its initiatives will be sustainable and that the commitment towards 'equality by design and not as an afterthought' be maintained in the years to come. This plan is not meant as a stand-alone document. Not only will it need specific operational plans to guide its implementation, it also foresees being followed by future plans that will build on its achievements and address any weaknesses or flaws.

In conclusion, this plan is about building on past achievement to do something now that will hopefully leave a positive impact in the future. Its success relies on each and every entity and individual that is called upon to implement one or more parts thereof. This plan should not be seen as an end in itself but merely as a step towards combating discrimination and promoting equality for ethnic minorities in Malta.