

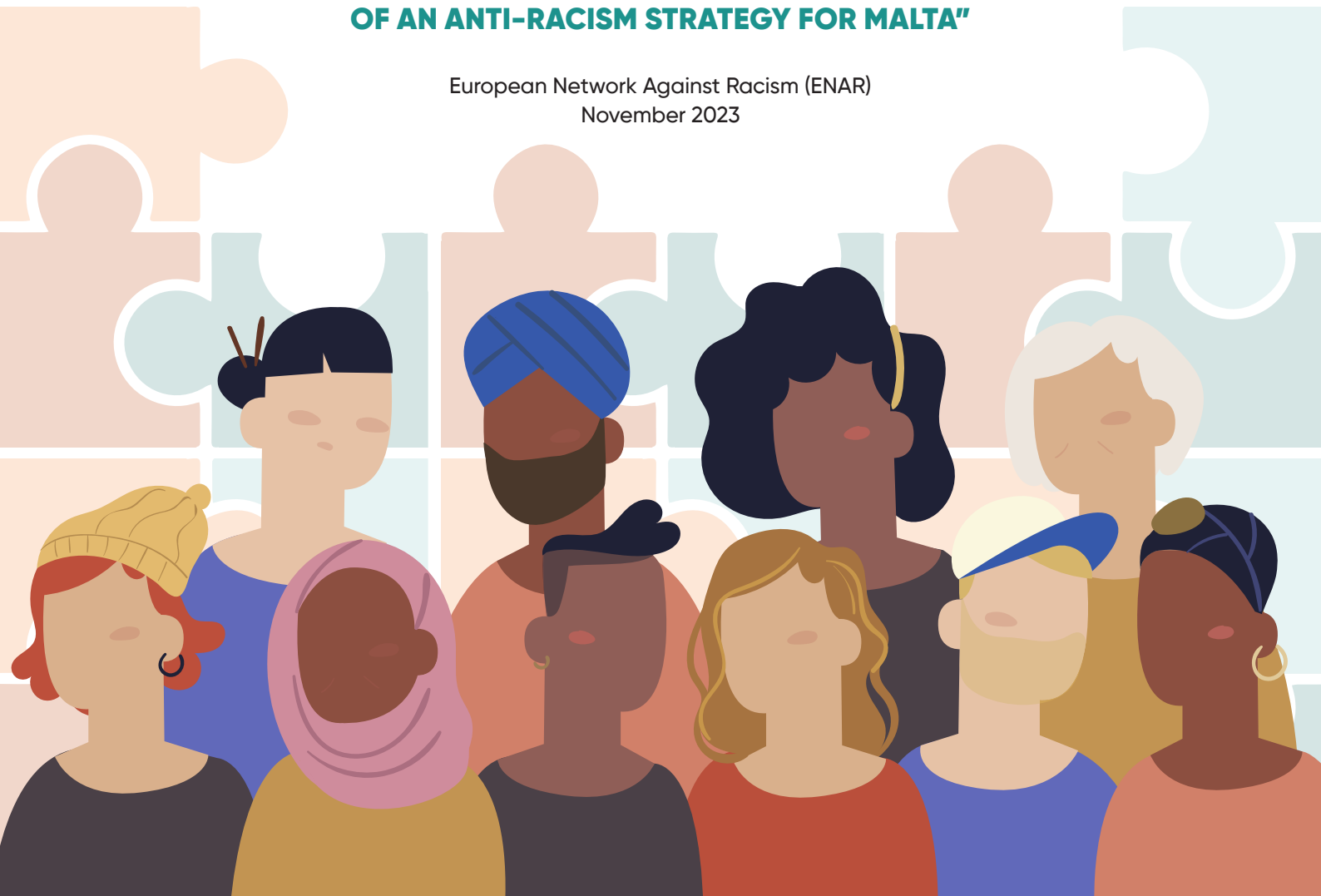
END RACISM^{MT}

Comparative study on common trends of racial discrimination across the European Union and Malta

Mid-Term Conference Report within the Project

**“TOWARDS THE IMPLEMENTATION
OF AN ANTI-RACISM STRATEGY FOR MALTA”**

European Network Against Racism (ENAR)
November 2023



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OBJECTIVE AND METHODOLOGY

The primary objective of this report, conducted by the European Network Against Racism (ENAR) as an integral part of the “Towards the Implementation of an Anti-Racism Strategy for Malta (END-RACISM-MT)” project, is to comprehensively assess the prevailing state of racism, both within the broader European context and with specific reference to Malta.

This report strives to provide a holistic understanding of common trends of racial discrimination across the European Union, while simultaneously adopting a comparative lens to analyse the distinctive situation in Malta. It aims to shed light on the multi-faceted manifestations of racism within this context, equipping stakeholders with critical insights and information.

Moreover, the report holds a pivotal objective of extending invaluable support to the implementation of Malta’s anti-racism strategy and related policies. By examining the broader European landscape and delving deep into the intricacies of the Maltese context, the report endeavours to serve as a catalyst for informed decision-making, thereby fostering anti-racist policies and actions that resonate with the specific needs and challenges faced by racialised groups in Malta.

The report will commence by providing an extensive overview of the current status of racism within the European Union. This overview will encompass an exploration of the existing legal frameworks pertinent to anti-racism policies at the EU level. Subsequently, it will pivot its focus towards an in-depth analysis of the specific context in Malta, offering a comprehensive understanding of the challenges, opportunities and complexities associated with racism in the country.

A thorough review of relevant literature and reports, including those from the European Commission, EU’s Fundamental Rights Agency, ENAR and local organizations like the People for Change Foundation has been conducted to provide a comprehensive background and context for understanding racism and discrimination in Europe and Malta.

LITERATURE:

- European Commission, *A Union of Equality: EU Anti-racism Action Plan 2020-2025*.
- EU’s Fundamental Rights Agency, *Second European Union Minorities and Discrimination Survey - main results, 2017*
- FRA data explorer on Survey on Minorities and

Discrimination 2016-2017

- ENAR, position paper on racialisation and shrinking space
- ENAR, *The New European Union Pact on Migration: Racializing Migration to and in Europe*
- ENAR, *Structural Racism in the Labour Market*
- ENAR, *The sharp edge of violence: Police brutality and community resistance of racialized groups*
- ENAR, *Intersectional discrimination in Europe*
- Malta: Implementation of the EU anti-racism legal framework
- The People for Change Foundation’s research and publications
- *Ethnic minorities beyond migration: the case of Malta*
- ENAR factsheet *Afrophobia in Malta – 2016*
- FRA database on anti-Muslim hatred for Malta
- ENAR shadow reports – hate crime, employment, migration
- ENAR shadow report 2010-2011 Malta
- ECRI monitoring in Malta in 2021

THE CURRENT STATE OF PLAY OF RACISM IN THE EUROPEAN UNION

1. Introduction:

1.1 Background and context

Racism, a deeply rooted and pervasive issue, continues to afflict societies worldwide, including Europe. The continent has a complex history of colonialism, imperialism, and diverse cultural identities, which have contributed to the intersectional manifestations of racism across its regions. Understanding the context of racism in Europe requires an exploration of historical legacies, contemporary challenges, and the legal and social frameworks in place to combat this issue.

Europe’s history is marred by the legacy of colonization, slavery, genocides and the perpetuation of racial hierarchies. The colonial expansion of European powers into Africa, Asia, and the Americas led to the exploitation and the subjugation of indigenous populations. The transatlantic slave trade further entrenched notions of racial superiority and inferiority. The centuries-long persecution of Roma population and subsequent genocides, especially targeting the Jewish population, have further ingrained these theories and narratives.

In contemporary Europe, racism persists in various forms. These include racial discrimination in employment, housing, and access to goods and services, education, health, etc. as well as the

manifestations of hate crimes. Racialised groups, including migrants and refugees among them, often bear the brunt of these challenges, facing marginalization and exclusion.

The current rise of the far-right in several Member States and in the EU institutions has brought concerns of hate speech and divisive rhetoric to the forefront, having also direct consequences on the increasing numbers of illiberal and discriminatory policies and practices, as well as incidents of racism. Additionally, the digital age has given rise to online hate speech and the spread of extremist ideologies, further complicating efforts to combat racism.

Understanding the historical context and contemporary challenges of racism in Europe provides a foundation for examining the specific case of Malta. This report will delve into the unique aspects of racism in Malta, drawing comparative findings with the broader European context and providing recommendations for combating racism in both settings.

2. Racism in Europe

2.1 Historical context and legal frameworks

In the vast landscape of European Union law, the growing attention to issues of anti-discrimination and anti-racism has its roots in a past steeped in painful memories, namely the events of World War II, which cut deeply into the moral and legal fabric of the continent. The tragic historical chapter, permeated by atrocious discrimination and violence, having its most extreme development through the genocide of Jews, Roma and Sinti, has generated an ethical and legal imperative: to build a European society that categorically rejects all forms of injustice, whilst prioritising fairness and respect for human dignity.

In examining the evolution of fundamental rights policies, it is crucial to explore a variety of themes and dynamics that have shaped the current landscape. The confrontation with the colonial past is a central node in the formation of the European Union's anti-discrimination legislations. The weaving of the continent's current socioeconomic and political dynamics is, in fact, intrinsically intertwined with the legacy of historical periods in which colonial relations determined deeply entrenched power relations and social structuring. As a result, the phenomenon of racism in Europe, manifesting itself through persistent discrimination against different groups and minorities in various spheres of society, refers back to issues and challenges that are echoes of that colonial past.

Anti-discrimination policies in the European Union are governed by various legislative provisions, some of which are mandatory for Member States such as the founding treaties, directives, and the Charter of Fundamental Human Rights. Others are at the discretion of Member States to apply. This is the case with the European Union Plan against Racism 2020–2025, which is not legally binding since it represents a set of recommendations for Member States and objectives for the Commission.

Among the aforementioned legislative and policy pre-dispositions, it is paramount to quote the following:

- Maastricht Treaty¹
- Lisbon Treaty
- Race Equality Directive²
- Framework Employment Directive³
- Framework Decision on racism and xenophobia⁴
- Charter of Fundamental Human Rights
- Council Recommendation on Roma Equality, Inclusion and Participation
- EU Anti-racism Action Plan 2020–2025
- EU Strategy on Combating Antisemitism and Fostering Jewish Life 2021–2030

Furthermore, European countries made international commitments to address racism, including their endorsement of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the International Decade for People of African Descent (PAD).

In light of the tragic death of George Floyd, an African-American citizen killed at the hands of law enforcement, the European Union became more aware of the racism embedded in its structures, societies and institutions. This dramatic event, which shook the global consciousness and mobilized the BlackLivesMatter movement, resonated in Europe as well, highlighting the need to resolutely address the issue of structural, systemic, and institutional racism. The European Commission launched the European Anti-racism Action Plan with the main objective of addressing, with an intersectional approach, the different forms of racism at European, regional

1 The Maastricht treaty was adopted in 1992 and it represents a milestone in the history of European integration. It established the European Union and laid down foundation for the introduction of monetary policy as well as recognizing fundamental human rights as an important pillar of the Union (Art. 2 and 3 of Maastricht Treaty).

2 European Commission, 2000/43/EC.

3 European Commission, 2000/78/EC.

4 Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.

and national level, complementing and refining the existing EU legislative framework on anti-discrimination. The Plan calls for mainstreaming racial equality in all policy areas and encourages Member States to adopt national Anti-racism Action Plans.

A major challenge to tackling racism in Europe remains the lack of equality data disaggregated by race and ethnicity. Indeed, the absence of comparable data reflecting racial discrimination hampers the possibility to get a full picture of the pervasiveness of structural racism, in order to adopt well-informed policies and monitor their progress.

2.2 Current trends and manifestations

Racial discrimination can be based on multiple and intersecting grounds such as ethnic and migrant origin, gender, religion, sexual orientation, class. It also has a major impact on the lives of racialised groups and limits them from having equal access to the job market, education system or simply having a dignified life. Structural and institutional discrimination are key dimensions of racism in Europe today as they entail the responsibility of power structures in perpetuating racial discrimination.⁵ Key areas where racial discrimination manifests itself in Europe are highlighted below.

LAW ENFORCEMENT:

Racist police violence is a significant but often overlooked issue in Europe. The lack of comprehensive empirical research, especially from the perspective of victims, coupled with a reluctance to collect and match data equality with law enforcement statistics, has contributed to the under-recognition of this problem. While official EU figures on deaths of racialised minorities following interactions with the police are non-existent, families and activists across Europe are drawing attention to these tragic incidents, making it increasingly challenging for government officials to deny their occurrence. One of the contributing factors to the underreporting of police violence is the low number of complaints, particularly among victims who are undocumented migrants. Fear of engaging with state institutions and a lack of independence and transparency in victim complaint procedures discourage individuals from coming forward. ENAR's shadow report on police violence found that between 2015 and 2020, at least 192 people died at the hands of the police. Of these 192 deaths,

ENAR was able to identify the racial background of 156 people. Of those 156 people, 76% belonged to racialised groups.

Police brutality and violence are pervasive issues in all European countries, albeit with variations in how racialised groups are targeted, influenced by national context and history. For instance, in France communities of Black, North African, or Muslim backgrounds and Roma communities have reported incidents of police violence.⁶

Law enforcement actions taken during Covid-19 also seem to suggest possible arbitrary attitudes toward racial or ethnic groups.

Moreover, discriminatory policing, in the context of preventive policing or profiling may also be caused or amplified using artificial intelligence technologies (automated/algorithmic decision making).

Labour market: Structural racism has deeply ingrained itself in the European labour market, manifesting across various faces of one's career journey, from recruitment to career progression. To understand its contemporary implications, it is essential to trace its historical roots, which go back to the exploitative triangular trade between Europe, Africa, and the Americas during the 16th century. The historical injustices continue to influence the exclusion, capitalist exploitation, discrimination, and unequal treatment faced by racialised communities in today's labour market.

Racialised groups experience higher unemployment rates, discrimination in recruitment and career advancement, and wage disparities for equivalent work. These structural inequalities lead to racialized individuals being disproportionately represented in underqualified and precarious positions while being underrepresented in managerial or leadership roles. The COVID-19 crisis has further exacerbated structural racism in employment, with racialized minorities especially women, disproportionately working in essential frontline roles.⁷

Moreover, structural racism is not confined to acts of discrimination but also manifests through microaggressions and microinequities in the workplace. These subtle, insidious acts can have lasting effects on the wellbeing and career

6 European Network Against Racism, "The sharp edge of violence: police brutality and community resistance of racialised groups", 2021, Brussels.

7 European Network Against Racism, Shadow Report 2011-2012.

5 <https://www.enar-eu.org/wp-content/uploads/intersectionality-report-final-2.pdf>

progression of racialized individuals. Implementing colorblind workplace policies, which ignore racial differences, fails to address the root causes of racism and stifles conversation about racism in the workplace.

Discrimination in the labour market is a concerning trend in Europe. Racialised groups often face barriers in accessing job opportunities, despite being qualified. These challenges have led to disparities in employment and income among minority communities.

MIGRATION:

Migration-related issues are significant manifestations of racism in Europe. In June 2023, the Council of the EU, under the Swedish Presidency, reached an agreement on a new Pact on Migration and Asylum. While it has been praised as a significant achievement, this Pact raises concerns about its potential negative impact on migrants.

The EU Member States argue that the Pact is designed to address irregular migration rather than excluding racialised groups. However, the reality suggests otherwise, as borders are viewed as instruments reflecting exclusionary attitudes and racialised anxieties.

The Pact contrasts starkly with the dignified and unified response to the displacement of Ukrainian refugees, demonstrating a double standard. It seems tailored to limit accessibility to the international protection for migrants in Europe, contrary to the principles enshrined in international conventions. This Pact introduces the "safe third-country" concept, potentially compromising the principle of non-refoulement. Therefore, its implications warrant a critical examination of its impact on migrants and refugees and potentially further discriminating racialised communities.⁸

ARTIFICIAL INTELLIGENCE:

The use of artificial intelligence and automated decision-making processes has raised concerns about discriminatory outcomes. AI technologies, if not carefully designed and monitored, can perpetuate biases and amplify discriminatory practices, particularly in areas such as law enforcement, migration and employment. This intersection of technology and discrimination is an emerging

challenge that needs attention and regulation to ensure fairness and equity.

In the context of the EU AI Act, civil society organisations, including ENAR, urged EU institutions to prioritise people's fundamental human rights. AI systems are increasingly employed for various purposes, including surveillance, criminal prediction, and decision-making in public services. Without robust regulation, these systems can perpetuate mass surveillance, discrimination, the dominance of tech giants, opaque decision-making, and environmental harm.

3. Racism in Malta and comparative findings in the EU

Malta is a small, densely populated archipelago in the middle of the Mediterranean Sea. Due to its size and scarcity of resources, Malta has traditionally been a country of emigration. However, since gaining independence from the British Empire in 1964, the immigration rate has become one of the highest in the EU, particularly after the country joined the Union in 2004.⁹ This was due to a combination of factors, including signals of stability and prosperity of the country as well as economic growth, creating more job opportunities for migrants.

However, migrant workers are still subjected to discrimination in accessing the labour market as well as within the workplace.¹⁰

In Malta, racial equality has been closely linked to the arrival of undocumented migrants from Northern Africa. Often called "klandestini" in the local language, this inflow has had a profound impact on Malta's social landscape that saw more emigration than immigration. The government has responded to irregular immigration with protective measures, but this has given rise to complex social and political challenges, leading to instances of racism and inequalities, particularly affecting Black communities. It is also important to acknowledge that in recent years, the situation has evolved with an increase in documented third-country nationals (TCNs) arriving as economic migrants seeking opportunities in the growing economy.

The Persevere¹¹ project on the transposition and implementation of the EU anti-racism legal

⁹ Eurostat: "Migration and migrant population statistics", 2021c.

¹⁰ Attard, S.; Cassar, C.; Gauci, J. P.: ENAR shadow report 2012-2103: Racism and related discriminatory practices in employment in Malta, ob. cit., p. 2.

¹¹ Preventing Racism and Discrimination – Enabling the Effective Implementation of the EU Anti-Racist Legal Framework, 2022.

⁸ European Network Against Racism, Policy briefing "The New European Union pact on Migration: racializing migration to and in Europe", 2023, Brussels.

framework found that Malta's anti-racism legal framework is overly complicated and scattered across multiple acts. Additionally, the protections offered by the two EU directives on anti-racism are either poorly implemented or not implemented at all. The project also found that the victims of racism are often unaware of the directives and their rights, and that they face barriers to accessing legal remedies, such as language barriers, the cost and length of legal proceedings, and a general unwillingness to report discriminatory episodes to the police authorities.

According to the 2022 Fundamental Rights Agency (FRA) survey on experiences of discrimination and hate crime in the EU, 42% of Black people living in Malta reported having experienced discrimination in the past year, compared to 14% of the general population. This is indeed the highest rate of discrimination reported by any ethnic group.

The FRA survey also found that Black people in Malta were more likely to experience discrimination in a number of different areas, including employment, education, housing and access to public services than the general population. For example, 30% of Black people reported having experienced discrimination in employment, compared to the 9% of the general population.

The above-mentioned FRA survey also found that other minority groups in Malta were more likely than the general population to experience discrimination.

To gain a deeper understanding of the issues surrounding racism in Malta, it is valuable to compare the situation on the Islands with broader trends found in the European Union (EU) while acknowledging that each EU Member State has unique circumstances, commonalities and disparities which can be identified to inform policy recommendations and best practices. Here, ENAR presents a comparative analysis of racism in Malta and the EU for the selected areas of migration and labour market, housing and hate crime.

Immigration patterns and economic factors

- Malta: Malta has experienced a significant increase in immigration, particularly from Northern Africa. According to Eurostat data, as of 2020¹², the foreign-born population in Malta accounted for approximately 22.3% of the total population, one of the highest percentages in the EU, after Luxembourg. This influx can be attributed to Malta's economic growth and job opportunities, its

geographical location in the Mediterranean and its linguistic accessibility due to the widespread use of the English language. However, despite the economic opportunities presented by Malta's growth, immigrants, including migrant workers, have reported instances of discrimination in the labour market. Discrimination may manifest in various forms, including unequal pay, limited access to certain job sectors, and workplace harassment. It can also impede migrants' ability to lead a dignified life within Maltese society.

- EU: In the EU, immigration patterns vary, yet consistent trends emerge. Eurostat's 2020 data reveals a significant foreign-born population, with migrants comprising approximately 10.6% of the population. Economic factors, including income disparities and job opportunities, heavily shape migration flows. Nations with robust economies frequently draw larger numbers of immigrants. Discrimination against immigrants in labor markets is not unique to Malta. Eurostat data also highlights disparities in employment rates that heavily affect migrants' experience in the labour market and further alienate them from the societies. This discrepancy underscores the need for policies and measures to combat discrimination and promote equal opportunities for all residents.¹³

Housing

- Malta: The 2020 FRA study also found that Malta had one of the highest rates of discrimination in housing in the EU. 39% of people from ethnic minorities in Malta reported having experienced discrimination when seeking accommodation in the past five years, compared to an EU average of 29%.¹⁴
- EU: The aforementioned study revealed that 29% of people from ethnic minorities in the EU had experienced discrimination when looking for housing in the past five years. The most common forms of discrimination experienced by them included being told that the property was not available (22%), being asked a higher rent or deposit (15%), and being treated less favourably than White people (11%). The study also found that people from certain ethnic groups were more likely to experience discrimination in housing than

¹² Eurostat, 2020.

¹³ European Union Agency for Fundamental Rights (FRA). Racism and Discrimination in the EU: Experiences of Black People and People of African Descent. Luxembourg: Publications Office of the European Union, 2021.

¹⁴ European Union Agency for Fundamental Rights (FRA). Second European Union Minorities and Discrimination Survey: Main Results. Luxembourg: Publications Office of the European Union, 2020.

others. For example, 40% of Black people and 35% of people of North African descent reported having experienced discrimination in housing, compared to 23% of people from other ethnic minorities.

Hate crime

- **Malta:** In Malta, the rate of hate crime is lower than the EU average. However, it is important to note that this may be due to underreporting. A 2021 report by the National Commission for the Promotion of Equality (NCPE) found that 37% of hate crime victims in Malta had not reported the incident to the police. The most common forms of hate crime experienced in Malta are verbal abuse, threats, and physical attacks. The NCPE report also found that people from certain ethnic backgrounds experience more hate crimes than others. For example, 59% of Black people and 51% of people of North African descent reported having experienced hate crime in their lifetime, compared to 24% of people from other ethnic minorities.
- **EU:** Hate crime is a criminal offense that is motivated by hatred or prejudice against a person or group of people based on their race, religion, national origin, ethnicity, sexual orientation, or other personal characteristics. According to a 2020 report by the European Union Agency for Fundamental Rights (FRA), 15% of people from ethnic minorities in the EU have experienced hate crime in the past five years. The most common forms of hate crime experienced were verbal abuse (63%), physical attacks (24%), and threats (17%). This report also found that people from certain ethnic groups were more likely to experience hate crime than others. For example, 43% of Black people and 39% of people of North African descent reported having experienced hate crime in the past five years, compared to 13% of people from other ethnic minorities.

CONCLUDING REMARKS

In conclusion, this report, conducted by the European Network Against Racism (ENAR) as part of the “Towards the implementation of an Anti-Racism Strategy for Malta (End-Racism-MT) project, has aimed to assess the state of racism, both in the broader European context and specifically within Malta. It has strived to provide a holistic understanding of common trends of racial discrimination across the European Union while simultaneously examining the unique situation in Malta. The objective has been to shed light on the

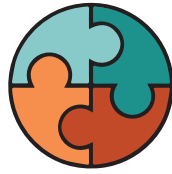
multi-faceted manifestations of racism within this context, providing stakeholders with critical insights and information.

Furthermore, the report holds the pivotal objective of extending invaluable support to the implementation of Malta’s anti-racism strategy and related policies. By examining the broader European landscape and delving into the intricacies of the Maltese context, the report endeavors to serve as a catalyst for informed decision-making, fostering anti-racist policies and actions that resonate with the specific needs and challenges faced by racialized groups in Malta.

This comprehensive report has undertaken a two-fold approach, commencing with a thorough examination of the current state of racism within the European Union. This overview encompassed an exploration of the existing legal frameworks relevant to anti-racism policies at the EU level. Subsequently, the report pivoted its focus towards an analysis of the specific context in Malta, offering a comprehensive understanding of these challenges, opportunities, and complexities associated with racism in the country.


While this report has underscored the overview surrounding racism in the European context, it has also presented a comparative analysis of racism in Malta and the EU. In the areas of migration and the labor market, housing, and hate crime, the report has identified commonalities and disparities that will inform the next report which will be focused on policy recommendations and best practices. The report highlights the need for anti-discrimination measures, equal opportunities, and a commitment to combating racism at both the national and EU levels.

As Europe grapples with the historical legacies of colonialism, the contemporary challenges of discrimination and racial inequality, and the complexities of a rapidly evolving digital age, the insights and recommendations presented in this report are crucial for fostering a more inclusive, equitable, and anti-racist future for all individuals, in Malta and across the European Union.



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The information is supported by 'Towards the implementation of an Anti-Racism Strategy in Malta (END-RACISM-MT)', a project partially funded by the European Union's 'Citizens, Equality, Rights, and Values' programme (2021-2027). This project is coordinated by the Human Rights Directorate within the Ministry for Home Affairs, Security, Reforms and Equality in partnership with University of Malta, National Commission for the Promotion of Equality, Kopin, Diversit and European Network Against Racism. Views and opinions expressed are however those of the HRD and project partners only and do not necessarily reflect those of the European Union, represented by the European Commission. Neither the European Union nor the granting authority can be held responsible for them.