



repubblika

A CIVIL SOCIETY MOVEMENT

**RESPONSE TO ANTI-RACISM
CONSULTATION DOCUMENT**

19 October 2020

Parliamentary Secretary for Equality and Reforms
Valletta

Parliamentary Secretary:

Re: Public Consultation "Towards a National Action Plan against Racism and Xenophobia"

This is our response to your office's invitation for views on your public consultation document.

To begin with, we note that your document identifies 11 sectors in which initiatives ought to be undertaken. Although these are listed in a section called "Proposed Measures" we have not seen any actual proposal put forward by your office or the rest of the government, in response to which we might give our views. It would seem therefore that at this stage you are looking for other people's proposals before you decide what yours should be. If this is correct, we will reserve the right to comment on any measures you may decide to introduce at a later stage.

We share the declared objectives and the high level commentary included in your document. But we note that the contents of your document are profoundly inconsistent with general government policy and the discourse applied by your government colleagues, particularly the prime minister.

As you no doubt are aware, Repubblika was particularly shocked at the policies implemented by the government during March and April 2020 when it held back rescuers from reaching migrants at sea during an operation under the responsibility of the Maltese search and rescue command. This conduct, we believe, has at least in part caused the deaths of 12 migrants.

We recognise that a magisterial inquiry has established that the government or the army bear no criminal responsibility for these deaths, but for reasons we have argued elsewhere we believe the conclusions of the inquiry are coloured by the same racial prejudice that justified the government's actions in the first place.

Beyond the deaths of 12 migrants at sea, the government has issued instructions to agents acting on its behalf to illegally push back other migrants to Libya where they were captured and detained in facilities deemed inhuman and unacceptable.

The government has justified its actions on grounds which we argue are racist, particularly the notion that natives of Malta are better entitled to the protection from covid infection than migrants from Africa.

The government's discourse led and encouraged racism, hate speech and a justification on racist grounds for discrimination against, and the denial of basic human rights of, people purely on the basis of the colour of their skin.

We highlight, by way of example, the policy of detaining rescued migrants in off-shore prisons at sea, in unacceptable conditions. Detainees are kept beyond the reach of legal assistance and forbidden from exercising even their most fundamental rights, in theory guaranteed to them under Malta's international legal obligations. We understand that off-shore detention remains the official policy of the government and will be applied again at the first available opportunity.

It is therefore exquisitely ironic that in page 8 of your paper you lament the fact that "victims of racist crimes were often unaware of their rights and had difficulties with the complexity of reporting procedures." We have not seen those procedures made available to the "Captain Morgan" prisoners during 2020, even if these weren't simplified for them. *cont...*

Your document notes that "in 2019, the third largest political party in Malta ran on a far-right platform. The climate has become more polarised and public debate more filled with hate. The internet, and in particular social media in Malta, are currently rife with offensive content, but this is not a new phenomenon."

This statement ignores, by way of example, the prime minister's atrociously reductive but frequently repeated slogan that "Malta is full up" which he proceeded to clarify is not a reference to EU-citizens or even third country nationals in a general sense, but specifically refers to Africans. The clarification turns a prejudicial, dangerous and overly simplistic political maxim which is typical of far-right politicians, into a direct racial slur. Because this is the prime minister speaking, it is also a declaration of policy that the government discriminates on the basis of race and geographical origin declaring that Malta can accommodate immigrants from certain parts of the world but is too full to afford even the rescue at sea of people coming from certain other parts.

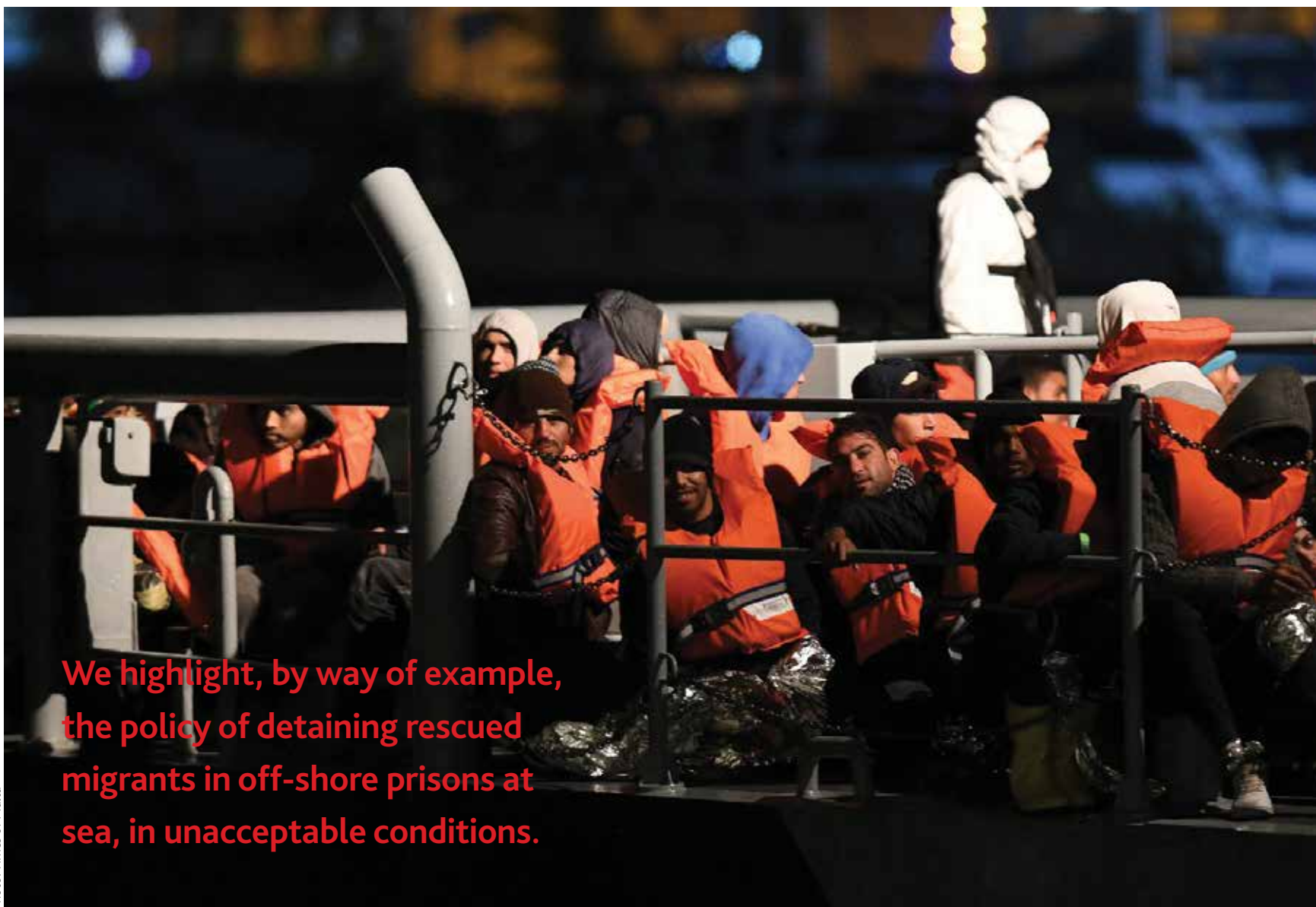
The idea that Malta is "full up" for some but not for others is not a spectrum made up of two shades. The government's discourse ranks races in a complex hierarchy where "the Maltese" rank on top and those permitted to live here are tolerated as an underclass of servants. Consider remarks on TV by then prime minister, Joseph Muscat, who on 2 May 2019 said "he would rather see foreigners, rather than Maltese, carry out certain non-skilled jobs, such as picking up rubbish or doing manual labour out in the sun." The abhorrent and manifestly racist remark, which wasn't merely a comment but a declaration of public policy that is not a thousand miles away from apartheid, was later retracted but only after the objections of civil rights campaigners.

You also refer to rampant hate speech on social media and elsewhere. This is also partly due to government action. The hate speech unit has remained an inactive shell and the government has insisted it would not allow for proper law enforcement preferring instead "to educate". Your report complains that "87% of respondents who had experienced hate speech did not report the incident to the police." Perhaps that is because all they could hope for would be a little education. That's without taking into account the experience of black people or people of other minority heritage when they seek redress after mistreatment at the hands of others that in a conventional sense are "more Maltese".

This is especially relevant in the context of your reference to the racist killing of Lassana Cisse Souleymane. In spite of your exploitation of Mr Souleymane's untimely death, the army and the government have refused to acknowledge any form of failure or administrative, political or other responsibility in his brutal and mindless killing. The army, on the back of an internal investigation, has reassured itself it did not need to do anything differently before Mr Souleyman was shot for sport by two off-duty soldiers. Consequently, the army believes it needs to make no changes to training, recruitment, weapons management and the administration of itself to avoid more racially motivated murders perpetrated by its own uniformed officers.

You laid flowers where Mr Souleymane last drew breath, but the matter stopped there. We are not aware that you have taken any form of action or made any form of recommendation for action to any public entity that could amount to a lesson learnt from Mr Souleyman's killing. All the justice Mr Souleyman could see is that you have acquired a photo opportunity. This exploitation of a victim of a racial murder, the callous tokenism and the refusal to examine any possible administrative or policy failure is, in and of itself, racist.

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sea, in unacceptable conditions.

In the absence of any proposals in your document, we would make the following considerations.

- ➔ Racism, racial discrimination and xenophobia have multiple causes, not all of which are within the control of public authorities. However public authorities are responsible for their own conduct and their own statements and actions. We believe that should Malta's authorities adopt with any seriousness the principles declared in your document, policy and political discourse would change radically and would be a good place to start addressing racial hatred in Malta.
- ➔ We cannot seriously begin to consider anti-racism policies when the country retains a policy of cooperation with the authorities in Libya to arrange for the unlawful detention, torture, enslavement, exploitation and rape of migrants. If Malta is to become an "anti-racist" country, as Commissioner Helena Dalli suggested it should at the launch of your document, it must take a leading role in our region in an effort to act against the continued practices of inhuman lagers in Libya. This would require our government to halt cooperation with Libyan militiamen, and Libyan authorities who collaborate with them, identified by the UN and UN agencies as perpetrators of a veritable humanitarian disaster.
- ➔ Any "anti-racist" policy program must remove or phase-out the forced ghettoisation of migrants in refugee camps, particularly the Hal Far Tent Village and other smaller centres where appalling conditions are compounded by racial profiling and institutionalised discrimination. Perhaps this was best underlined when under the pretext of covid restrictions, residents of Hal Far Tent Village were physically detained within the space, their gates policed by armed military personnel, forced to lose their jobs and treated in a way not considered appropriate for any other resident of the country. A racist public administration will discriminate against black people during a medical emergency even more readily than at any other time and this has happened here too.
- ➔ We will not be able to visualise an anti-racist Malta, if we are unable to visualise people not born in Malta serving in public office, the military, the judiciary, the police and the senior civil service. In this respect Malta's xenophobia extends beyond the limits of race and creed and considers anyone with even a subtly different inflection when speaking the Maltese language to be too alien to participate in public life. Political parties and the government have a leading role in overcoming this.
- ➔ Education is 'the great leveller' and yet children born to people not born in Malta are ghettoised in public education and in geographical areas that are far more heterogeneous and likely far poorer than the rest of the country. Integration in schools is needed at all levels of education throughout the national territory, including with special funding initiatives to ensure people from minority groups have proper access to university and tertiary education and careers in all sectors of the economy and public life, without exception.
- ➔ There is mounting evidence that racial discrimination is reflected in poor housing conditions and homelessness. Social housing has been neglected by the government for the past 8 years and this has had an impact on all lower-income families and persons. The impact on people from minority groups is far higher and we are faced with consistent reports of Dickensian living conditions. Addressing this is a key function of government.
- ➔ As your report acknowledges, racial profiling and racial prejudice poison the unequal exercise of our criminal justice system. Random ID checks in public areas are consistently based purely on skin colour. Migrants in detention are denied any access to the outside world and any reasonable means to communicate the conditions in which they are forced to live. When they resort to rebellion, they are brutally suppressed and punished with imprisonment under even worse conditions.



In view of these considerations, Repubblika believes that a structured discussion involving in particular residents of Malta who are the victims of the systematic and pervasive racism and racial discrimination in this country considers, inter alia, these initiatives:

1 All residents of Malta, irrespective of their place of birth or the place of birth of their parents, are entitled to participate in the democratic process of Malta. Democratic enfranchisement will not in and of itself address prejudices, discrimination and exclusion. But the long path to equality and justice must start with the recognition of basic, universal rights. We are nowhere near gender equality, but we would not be anywhere near where we are now if women continued to be denied the right to vote.

Without seeking to diminish the importance of participation in national and European democratic exercises, we underline the potential change in the lives of ordinary citizens with universal enfranchisement at a local level. Local Councils have a duty to promote community cohesiveness and integration but this will only happen when Councillors stop perceiving themselves as representatives of the exclusive interests of the white people who vote for them against black “invaders”. Existing discourse at local level treats black people or people of other minority heritage as a temporary pestilence that needs to be swept away. This can only be outgrown if we develop communities of shared interests represented by community leaders from across the racial divide.

2 All long-term residents of Malta should be automatically placed on a path to citizenship. Again citizenship in and of itself is not a guarantee of the prevention of discrimination or injustice. But if the recognition of citizenship goes beyond birth and ethnicity and recognises as a citizen anyone with a commitment to belong to this community and to contribute to its well-being, we begin the collective reimagining of what it means to be Maltese.

In any case the notion that Maltese citizenship is not strictly bound to ethnicity or birth in Malta has already been comprehensively abandoned with the ‘citizenship by investment’ scheme. Maltese citizenship has been extended to people with no connection to Malta whatsoever. This is objectionable, even conceptually. But it does away with any ‘blood and soil’ argument for defining citizenship. A society that accords the privileges and rights that come with citizenship to those with more money and denies it to those with less is unjust and abhorrent.

3 The government of Malta must reverse its policies in order to renew the country’s commitment to international law and to the universal respect of humanitarian principles including the right of all human beings to be rescued from life threatening situations and for their status of asylum seekers to be recognised, and protected if they prove eligible for asylum.

4 For as long as minorities are effectively excluded from public life and institutional roles, racial exclusion, discrimination and injustice whether wilful or consequential will not begin to be addressed. Without resorting to tokenism and the use of members of minorities as public relations tools and reputation laundering vehicles, residents of Malta not born here or descendants of residents not born here will need to find career paths in the police, the army, the judiciary and the civil service. This is to extend to areas where leading managers with minority heritage are not expected to act on behalf of their minority groups. Therefore, in as much as women should run armies and prisons (not just hospitals and nurseries), people from different races or religions should have leading roles in the management of health, education, culture and national security by ways of example.

Their assumed exclusion from these roles and positions, excused in a manner of speaking by their exclusion from the right to Maltese citizenship, is in and of itself discriminatory and racist. As the number of people living in Malta that are first generation immigrants or their descendants increases, these exclusions risk creating a new underclass, defined along racial lines and excluded from full participation in community life. This too is why we argue for citizenship to be extended to immigrants who have made Malta their home.

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5 Public broadcasting has a public service obligation to provide space for minority views and interests, to give voice to their concerns and to provide exposure to evolving culture as it is enriched with the arrival of migrants and their integration in our community. It is, we feel, necessary to caution against cultural tokenism in this respect. The portrayal of people of other races as peripheral or ancillary re-enforces a hierarchical bias that must also be addressed.

In a wider sense, public broadcasters must also be more aware of their portrayal of non-European culture and life. This is particularly true for news and current affairs where Africa and the Middle East are portrayed merely as cartoon locations for famine, conflict, terrorism and other sundry depravities. This misrepresents entire chunks of the world fulfilling profound prejudices.

6 Hate speech - that is the attribution of derogatory terms, the incitement for discrimination or unlawful retribution, or violent language addressed to anyone based on the fact that they belong to a recognisable group of people, particularly minorities - must be the subject of proper police action and prosecution.

Hate speech is often incited by careful discourse made by politicians who understand the limits of the law, skirt very close to them, and then unleash the most abhorrent behaviour by their followers, particularly on social media. The fact this often happens in the Maltese language makes policing by social media platforms (particularly Facebook) haphazard and inconsistent. It is not unusual for Facebook to give a free hand to racist invective and censors for supposed breaches of its community rules anyone who dares object to racist discourse and hate speech. Social media platforms need to be reined in and regulated properly to the point where racist invective and hate speech become as unacceptable on social media as they are on conventional media.

7 Political parties or organisations that systematically resort to hate speech, to the promotion of racist policies and who argue for systematic discrimination should, after due legal process under judicial oversight, be disbanded and banned.

8 The detention of migrants undergoing proceedings to review asylum applications must be restricted to the shortest possible time and assessed frequently under periodic judicial review that will only permit detention on demonstrable grounds of security or medical risk. Detention at sea is to be banned and conditions of detention are to be humane and open to public scrutiny and review. Security restrictions must be kept to the minimum required and well within international and humanitarian standards.

9 There should be a social housing program that is effective in fighting homelessness and living in extreme poverty or unhygienic conditions. The program should combine these considerations with the objective of preventing ghettoisation or the concentration of communities along racial divides especially when racial cleavages reinforce economic inequalities.

10 Integration policy should not amount to an attempt at assimilation. This means that integration policies ought to be aimed at the entire community in order for all components of our community to replace prejudice and fear with the appreciation of diversity and social change. Therefore integration policies should not consider "being Maltese" as a thing frozen in time, immutable and defined by a group of people such as people who were born here. It is natural for culture to evolve and change and migrants should not be expected to strip themselves of their cultural or individual distinctiveness in order not to suffer discrimination while they live here.

11 Our educational programs need to re-examine historical tropes and commonplaces that contribute to a warped notion of what it means to be Maltese in a manner that in some people's mind continues to justify ethnic, religious or racial prejudices against others. In particular Malta must properly confront its relationship with conversion, re-christianisation, the crusades, religious conflict, piracy, slavery and colonialism that continue to colour the views of many Maltese of themselves as being justified to consider themselves as superior, purer or more entitled than others coming 'from the other side'. Racism is often grounded in warped but widely held views of history. "Anti-racism" will require a re-examination and a re-telling of local, regional and world history.



12 Beyond the study of history, educational curricula must make a conscious shift away from eurocentrism to a more balanced view of the world. In the same way that formal education often assumes that all worthwhile scientific discoveries, philosophical ideas and artistic creations are the work of men rather than women, formal education also imparts the false notion that the only things worth knowing were written, discovered or painted by white, European men. That too will require profound revision.

13 The public administration requires an anti-racism czar to watch out for and expose wilful or consequential racial discrimination or racially prejudiced conduct that would provide the wrong example to the community. There is the temptation to relegate this role to generic anti-discrimination ombudsmen or agents in the public service. However these agents of conscience need themselves to be watched as institutionalised racism often extends to their offices in a way that a gender-balance office, by way of example, will campaign for equal rights between men and women as long as they are both white. Similarly a public office responsible for minimum standards of living accommodation or labour conditions risks, without specific and expert oversight, to demonstrate less enthusiasm in enforcing their policies when the victims are, as they see it, not Maltese.

14 It should be incumbent on state agencies to ensure people who are unable to communicate in Maltese or English to be provided with information and support in languages they can understand. On the other hand the provision of learning of Maltese and English should be prioritised.

Beyond the study of history, educational curricula must make a conscious shift away from eurocentrism to a more balanced view of the world.

15 Malta should provide safe corridors for immigrants seeking refuge from war, famine and economic degradation. This of course is necessarily limited by resources which means that priority should be given to the direct family relatives of immigrants who have resided in Malta for a reasonable amount of time having been recognised as eligible to asylum.

16 “Economic migration” should not be considered as criminal, or somehow unlawful. In the way that the state must recognise and protect the right of its citizens to seek to better themselves and their living conditions, the aspiration to improve one’s life and the lives of one’s family including by migration should be recognised for what it is: a desire which is inherent to the human condition. To think that Africans or Muslims are somehow excluded from this is racist. To develop policies that fit into this racist notion, is discriminatory and immoral.

17 Specific attention is needed to the fair treatment of people not born in Malta or descended from people not born in Malta in the criminal, judicial, detention and penal systems of the country. This will require an examination of rights and discretionary concessions denied to people with minority heritage that would normally be granted to people that are deemed Maltese in a conventional sense. This includes the treatment of minors as such in a judicial process or in the penal system; the provision of access to legal services; independent scrutiny of conditions of detention; and so on.



This is nowhere near what we would consider an exhaustive anti-racism and anti-xenophobia program. We have sought to contribute in response to the very vague request made by your office with substantive considerations we feel should be discussed in order to start drawing up a proper policy.

We fully expect to have done to us, what you have studiously sought to avoid. We will see extracts from these considerations taken out of context and represented as betraying 'the national interest' or 'the Maltese'. We fully expect this to happen because Prime Minister Robert Abela did precisely that with respect to our organisation when we dared insist that Malta must live up to its international obligation to rescue lives at sea last April.

We therefore fully expect your government to once again use its own resources, including its control on public broadcasting, and the partisan media it owns and controls, in order to parody our commitment against racism and represent it as treason.

Even so, our commitment to the rule of law, human rights and democracy impels us to use every opportunity, including such as it is, the one you have now given us, to promote reforms that respect and cherish the rights of all individuals, wherever they come from.

We therefore remain at your disposal to answer any further questions you may have and look forward to the opportunity to assess any policy proposals your office might come up with at the conclusion of the present exercise.

Yours faithfully,

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President, Repubblika

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