

MUSLIMS IN MALTA: AVOIDING DISCRIMINATION

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Introduction

Equality is crucial to the European Union's survival. It is a very ambitious project to try joining all the existing mentalities and 'mainstreams' of Europe but this will not hold if the Union does not promote true justice, for the weak and for the strong. The people need to feel proud of belonging to the Union. This will only take place if and when the European Union really causes justice to dominate, and teaches all to love it and respect it at the same time.

Equality is not a bureaucratic concept in the minds of the people. The members of a civilised society demand it in many practical ways and it is the government's obligation that it be afforded to all. Equality for the weaker in society will, in the end, make all people feel safer, for 'majorities' will not be afraid of minorities and those who are not mainstream, knowing that all will have justice meted out to them and that all must be respected. Knowing that equality is available for the weaker and the most vulnerable of society will let the majority population perceive that as individuals they also can be guaranteed their slice of justice if ever they need it.

Equality has to be the backbone of the European Union. It is what will keep the Union together in the end- the surety that justice and as a result, true equality, will rule in the end be it between the large countries and the smaller ones, between the richer countries and the poorer, between the fairer and the darker people of the European Union, between the Christians, the Muslims, the Jews and all other people of good will. Equality must become the most important principle for the European Parliament and beyond it.

This report concentrates on the needs of the Muslim community in Malta. This report will, God Willing, indicate the most urgent needs of a group of people who embrace a different creed from the mainstream Maltese. The need arises simultaneously to clarify that not all Muslims are of Arab origin and there are quite a few Maltese who proclaim Islam as their religion. This religion is not as different from Christianity as many are led to think. There is a lot of untruth attached to Islam in the Western mind and this is what we deem has to

change, first of all. This by itself will be felt as ‘justice’ allotted to the Muslim community living here. To be understood and not to be belied, is the basic form of respect that all need in order to live and integrate in any society. Equality by itself is a lie if it is not accompanied by respect.

Equality is an obligation for our government to guarantee and procure. It is fundamental if we are to aspire to a world without war, a world that unifies under the banner of truth and respect. Many Muslims pay their taxes, work, take care of their family and are respectful citizens. Yet the government ignores their needs. The situation thus reads that these citizens have obligations towards the state but the state does not cater for theirs. This is what discrimination is all about. The state has to protect these people in better ways than it does the local population in that these are a minority group and thus are also weaker and more exposed. They face many barriers that the mainstream population does not encounter. The majority of the people keep them at the periphery of society and they are also kept away from true social advancement only due to their being different. These people, due to being from another country and embracing a different religion, are isolated, shunned and disdained.

A Muslim’s Obligations

Islam is a just religion, a religion of peace. In Islam it is only the Will of God that ordains what man does and refrains from doing in this life. This makes it incumbent on all Muslims to obey the Shari’a, the Qur’anic Law as best they could, if they want to please God and enter Heaven.

It is demanded from all Muslims that they wear the ‘hijab’, the Muslim code of dress which is much more than just the scarf for the women. It is a code of ethics and dress for both men and women. It is a sin and not a caprice to go in public without the hijab, for both sexes.

A Muslim prays five times a day. This is one of the pillars of Islam. If a Muslim stops praying at the prescribed times, it is as if he is not a Muslim anymore and this is also a major sin. A Muslim also has to attend to the midday Friday prayer at the Mosque. This is obligatory for all Muslim men and optional for women.

A Muslim has to fast during the month of Ramadan. Fasting in Islam means to refrain from eating and drinking anything from the start of the day, that is before the sun starts to rise, till sunset. There are no other fasting-methods in Islam. For a whole month, the Muslim eats and drinks only at the start of the night or sunset, and at the end of the night, before dawn. *Muslim workers should be allotted a limit of protection so as not to find work impossible and life unbearable during this time.*

Islam is unknown to the majority of the Maltese population in general. Many think they know it but only know a set of lies propagated in ignorance. This is a very real problem and is causing most of the bad attitude one feels in Maltese society. The main exigency resulting from informal research is the need to fight this trend effectively. From the outset, this report asserts that *the real problem is the lack of true knowledge given out on Islam, the lack of objective reporting made by the media channels and the laws that are never implemented.*

The Challenges for the Maltese Government

The Maltese government is experiencing a very particular situation in that the Maltese Islands are receiving a substantial influx of refugees. *This, though apparently a problem in the eyes of public officials and the people, is not necessarily a disadvantage.* This attitude is to be seriously challenged and reconsidered as it is the one most effective discriminating tool operating in our country.

Malta can choose between profiting or drowning in the wake of a potential disaster and it is a guaranteed disaster to come if we do not change attitude and exploit the situation. *These people have a right to seek asylum and live as equals to the local population and these two factors are being ignored by all in Malta. These people represent potential income and economic growth for Malta if trained well and treated fairly.* It is also an opportunity and a test for the Maltese to open their minds and overcome any racist attitudes they harbour. This situation is also an opportunity to get Malta's disciplined forces educated and their acts cleaned up. The police and the soldiers in Malta need to be properly trained and disciplined. People's rights have been regularly abused without any legal or disciplining repercussions for the haughty perpetrators.

The trend to marginalise and victimise is well ingrained in the Maltese society and the law, though well written, is essentially ineffective. One can read, in the Tampere Council report that "In a genuine European Area of Justice, individuals and businesses should not be prevented or discouraged from exercising their rights by the incompatibility or complexity of legal and administrative systems in the Member States." *In Malta the public very rarely perceives the courtrooms as the way to justice. Much less is it an option in case of discrimination experienced by refugees and other minorities.* Change is needed that cannot be postponed, and Malta will only find it has a harder challenge to confront if we procrastinate. Minds will change with good education and this takes time. *The law will be effective if and when the people are taught to uphold it in all walks of life and the government is fully committed to applying it.*

Discrimination is widespread in Malta. *The shame is that much of it goes unnoticed or is even accepted and perceived to be the norm or even a positive nationalistic (love for one's country) attitude by many Maltese.* It is a social illness that can lead to much social harm. The government must not wait till bad comes to worst to take action.

The European Union in Practice

The European Union can be uniquely decisive in promoting equality for all in that it is a foreign force and thus cannot be nose-led into apathy or worse. The European Union also gives financial benefits to those Member States which reach the goals set by it. This is the way forward if discrimination is to be overcome. It promotes efficiency and practicality.

The European Union must focus on justice so as to ensure that its citizens are satisfied and feel that it is beneficial for them to be members of this system. If the citizens are discontented and find it is better to be absolutely self-governed, then they will lobby for this in one way or another. This could, in the long run, topple the European Union completely.

Thus, the European Union has to stop injustices and prevent them. The case of the French government banning religious symbols and the hijab (the Muslim headscarf) was shaming and unjust. Yet the European Union condoned it. The fact that Turkey bans the wearing of the headscarf in schools and public offices is another black point. If the European Union really wants Turkey to have a good human rights record, why is it allowed to stop its people from practising their religion? Why doesn't the European Union demand that this phobia stop instead of allowing governments to enforce it legally? Institutional discrimination and injustice is even worse than individual violations. Institutional failures would furthermore help pave the way for an increase in individual violations. If one does not want to admit to this, it is still valid to say that prevention is better than cure and this tactic should thus be adopted.

The European Union needs to allow its Member States to function without forcing them to become homogenous. *It takes plurality to make the World* and the European Union needs to be a world in itself and also part of the World. This will ensure its continuous enrichment in all fields.

The Main Limitations of the Racial Equality Directive

The Directive promotes equality whereas it leaves the implementation of the principle at the discretion of the Member States. True equality cannot be interpreted in so many ways. France banning 'religious symbols', knowing full well that one of the banned was not a symbol at all, is not respect of liberty nor is it respect to the idea of a secular state.

Only a minimum of justice is requested from Member States whereas all those present within the European Union should be afforded wholesome equality and not the shadow of it.

The ways of implementing the Directive are loose whereas these are the tools and these are what have to be well controlled by the European Union. That is, there should be control of the media in that it is stopped from generating falsehoods, the education systems need to be cleaned up of racist and hate-fuelling teachings. There has to be effective monitoring of all echelons of society and work in line with the Directive has to give good results and these have to be compiled and compared effectively and regularly.

From the Maltese experience one can confirm that stateless persons need much more protection than anyone else in society. They have been mistreated in Malta in the name of the law. They have been kept in inhumane conditions and nobody could move a finger against this torment. Even up till today, the perpetrators of much violence and injustice have not been disciplined.

Organisations and especially NGOs need to be allowed the autonomous right of action so that if an individual complains to them and he is unable to start proceedings in court, they can take up the issue and sort it out, in or outside court.

The burden of proof has to be shared both by the victim and by the perpetrator, for the sake of true justice. To put the burden of proof on one shoulder would be unfair. Thus, the victim has to provide enough proof to be confirmed as the victim of discrimination whereas the

perpetrator should be obliged to carry the heavier load of proving his own innocence in court.

The Directive would be more effective if it enjoined that the government keep continuous dialogue with the Social Partners and NGOs. Also, the government should be obliged to discuss issues with them that have direct repercussions on any of the minority groups so that gross blunders and injustices are avoided.

Market imperatives should not be the guiding force behind the European Union nor behind the Directive. Good market performance comes about as a result of a well-led and just social system. If there is lack of justice, society will see many more rebels than good students and this to its loss.

The Directive considers 'outsiders' all those who do not possess citizenship of a Member State. One can see this is not fair nor is it working in societies. It stops many from benefiting from justice and stops many from building a good future for their families, for themselves and for their society.

The need for strict border controls is understandable, to an extent. Still, the governments should refrain from making an issue out of this and avoid giving the message that these immigrants are villains and their entrance unjustified. Their human rights do not have to be further derided with the excuse that their countries of origin afford them only worse, or with the lame excuse that they have come in without proper documentation. This sort of message is not counterbalanced by the truth. The local population must know that many of these refugees have left harsh situations behind them and need our help and our respect. The locals need to understand that nobody is inferior to them, be he dark of skin or fair, Muslim, Christian or of any other belief, a gypsy or a king.

Proper Implementation of the Directive

The Directive is an attempt to give a right to those whom the democratic system, being the system of majorities only, has long disregarded. This is not a capricious gift but a right, long ignored, of those who cannot change the outcome of an election and yet have a right to be.

It is important that there be serious work done regarding this issue. As with many other crucial issues, our government needs the European Union's iron hand to move on. It is important that the European Union puts a limit to eliminate procrastination. *The Directive and the legislation have been limited to paper work in Malta. They have caused no real change in the Maltese society as yet.*

Compensation to victims in Maltese law has never been effective, proportionate and dissuasive. A court case in Malta can cost a person his monthly pay or more and the compensation is usually a pittance by Maltese standards. One example to mention is that of a journalist who had continuously tried to perpetrate islamophobia. When brought to court, she was deemed guilty. The fine she was made to pay was Lm10 and the sentence was overruled on appeal.

The implementation of these laws will always be held back by the delays in the administration of justice (long delays in the giving of judgment) and the ability of lawyers to postpone sentences in eternum for the benefit of their clients, often obstructing the course of justice. Discrimination will continue until the law courts turn into an efficient and fast system to justice. Malta needs a thorough overhaul of the whole system and the elimination of some old laws that only serve to keep people from justice.

The Gender Issue

Regarding the question on whether the European Union is dealing with other forms of discrimination in a better way than gender, it is hard to get to the truth. There is no serious monitoring of society that can give a true picture of what is going on. There is sure to be a lot of discrimination that the governments and the European Union do not know of. This means that one cannot say which sort of discrimination is being effectively eliminated on the ground.

Gender discrimination is a bull that has to be taken by the horns. It is rare that a woman decides to risk losing her job for a justified wage-increase especially if the job-opportunities open to her are limited.

The way to justice is effective monitoring and prevention by strong governmental policing at least for a span of years. Also there should be obligatory education of employers and employees. Employers need to understand how to treat their female employees and understand the bad results of gender discrimination. Employees need educating too in that no place can be in full control of the employer and it is mainly other employees that will affect the female staff of the place.

All need to understand that the female worker is not an object of temptation and lust. Yet, one must say that a lot depends on the female herself to prevent this from taking place. It is putting one's head in the sand if one does not mention that good manners, proper clothing and avoidance of too much familiarity with men will ensure the avoidance of gender discrimination, or at least of sexual harassment.

Society needs to change its perception regarding this matter. The woman must respect herself and not use her body and her image to gain and the man must stop evaluating the woman by her body, age and such exterior factors that prevent effective equality.

Gender discrimination is being given much lip service though there has been little change on the ground. One factor to mention is that the law leaves it to the discretion of the employer whether or not to allot child-care leave or not. Such liberties are costing women much and need to be changed.

It seems that other forms of discrimination are not being heeded at all due to the attitudes of the Maltese that usually favour such discrimination-as in the case of the boat-people and the bad image attached to Muslims in the media. Government figures are all the time mentioning and lobbying for more female presence in the work-force whereas they are

relatively mute on the issue of the police's aggressive behaviour towards the Hal-Far inmates and the injustices these have been undergoing in these last few years.

The Directive bans discriminatory acts committed by all members of society. This imposes the need of widespread educative programs for all, in all walks of life. Without education, the law will only be upheld if and when a policeman is present. Education would change minds and help instil respect for all and sundry. It would also be a preventive force and the system would not be condoning ignorance.

Practical Needs of the Muslim Minority in Malta

It is safe to say that most minorities have particular needs. Handicapped people need particular adaptations for access to buildings, toilets, PCs and the like. It is their right to be provided with these. People with special needs depend on the politicians to cater for them. Many of the needs of the Muslims of Malta are simply legal and can be catered for quite easily. Some are more expensive to provide but none are impossible to furnish.

Other than the practical side of supplying the facilities, the government has to consider the opportunity cost of leaving them lacking. There are various, not the least of which is that *many Muslim women will not feel comfortable to join the work force and thus will force their families to a degree of poverty. Another possible cost would be that Muslims avoid all training and such help that could bring about a more productive work force, simply because there is the strong belief that Malta is anti-Muslim. Many Muslims shun training because they think it is not open to them, it could hinder their practising their religion or the people providing the service would refuse their participation. This would change drastically if and when the government gives out the message that there is good will towards their integrating in society.*

Muslims are enjoined by their religion, the Will of God, to be exemplary citizens. There are good Muslims and negligent ones and it is usually these latter Muslims who give a bad name to the rest of the community. Still, helping Muslims to be comfortable in society and catering for them properly will mean that the practising Muslims will be out to merge in the Maltese system and show all that Muslims are good citizens.

The following is an *inventory* that attempts to be exhaustive in listing most of the needs that a Muslim community would need in order to function well and integrate fully into the Maltese system. Some of the needs are indispensable *and* easily provided, such as access to same-sex doctors for a Muslim patient, the right to leave work for an hour or so every Friday noon and the right to pray at the work place.

- Leave work on Friday to go to Mosque for obligatory prayers. This would take approximately an hour or so and could be deducted from pay or compensated for in any other decent way.
- Pause from work to offer the obligatory prayers during the day, at their particular timing - this does not mean that a Muslim will work less - one can get to work ten minutes earlier, or take a shorter break, but this must be enjoined on all employers

and not ignored. The prayers take five minutes each and they are spread along the day-some would have to be offered at work while others would be left for home.

- Respect and protection of women in hijab and obligation to accept it on all employers, including those in the public sector, universities and schools. The hijab on a woman is more distinguishing and they are weaker in society. They need more protection and will not succeed if they do not get it in the near future. Many women go to school and because of the hijab are continuously victimised. Later on they are discouraged from going to work due to these same attitudes. They would feel displaced and their families usually feel that society is a threat and thus try to keep their female members from taking active part in society.
- The right to have a female doctor for a female patient and a male doctor for a male patient for Muslims.
- Muslim marriage contract needs to be accepted and enforced by law in a way that the rights of each of the two parties, once violated, could be brought to court. This would safeguard women from many sorts of discrimination since the marriage contract is her opportunity to demand and share her ideal of marriage. Thus, the marriage contract could include that she be given money as dowry from her husband, that she has rights over her children and that she be given money in case of separation.
- Centres for recreation which afford a level of privacy and the facility to have sexual segregation so as to enable society to communicate without breaking Muslim ethics. This could be in the form of a restaurant having some light partitioning so as to protect Muslims from bad-mannered gazing; it could be a gym whose hours are split, some hours it would be available for men and for some hours it would be dedicated to women. This would enable Muslims to socialise outside the home, leading also to their consuming more goods and being less marginalised.
- The right to work different hours during the month of Ramadan, due to the fasting obligation. This is mostly needed in cases when the Muslim has a physically demanding job, say in the quarries, on building sites, driving and the like. It would help avoid accidents and unnecessary hardship. Again this does not have to cost the employer since these reductions would be deducted from one's leave or from one's pay.
- Courses, degrees and diplomas on Islam at the University. This is crucial and would help even the mainstream to respect Muslims. Knowledge is needed on Islam and having well-prepared people to do this is decisive for Malta to see good results. Also, this would help Muslims know their religion properly and thus be objective and rational about it. Just as students aspiring to priesthood have the facility to pursue their studies in Malta, those who wish to be Imams and understand Islam better should not be forced to emigrate to do so.
- Social support in all forms in schools to prevent Muslim students suffering bullying, discrimination from the teachers and lecturers themselves and other forms of discrimination. Social helpers are needed who are pro-Islamic in attitude and know what Islam allows and what it forbids so as to prevent clashes with its teachings.
- Lessons on Islam for Muslim students attending government schools since these cater only for Christian pupils. This would be equality. Currently, Muslim students are herded out of class and left to spend the hour as they will instead of attending the lesson on Christianity. Instead of wasting their time, they should be helped to

understand their religion. After all, we are talking of government schools and these should cater for all children and not just for the mainstream.

- Arabic should be offered early in schools especially for Muslim students who need to know Arabic well in order to be able to read the Qur'an.
- Inclusion and continuous dialogue and presence of Muslims and Muslim representatives in the public sector and the government are needed since it is understood that government officials, politicians and public servants appear to know and care little for the Muslims of Malta. Often, what they do with the Muslim community is for show. There is no true understanding of Muslims and no will to learn and procure results.
- Islamic holidays to be legally recognised for all Muslims living in Malta and an obligation set on all employers to allow their Muslim employees to take the days on leave. The holidays are two- the Easter at the end of Ramadan, and the second Easter coming a few months after this. We celebrate by meeting at the Mosque in the early morning and praying together and listening to a sermon by the Imam. Then, families eat together and visit friends and relatives. This is important in building a respectful, healthy relationship amongst the people.
- Islam to be legally recognised as a religion in Malta and thus respected as equal to Christianity, on paper and in fact if possible. It is the second largest religion in Malta but treated as non-existent.
- Divorce or 'Talaq' as known in Islamic Shari'a, a human right in the Islamic law, needs to be recognised by Maltese law and applied, at least for all Muslims in Malta. This would prevent that many Muslims side-step marrying by Maltese law, with the bad consequences this can harbour. Divorce guarantees liberty and justice. It would be healthier if the government were to continue banning pornographic magazines and promote decency and family values than ban divorce and condemn so many people to live together without the commitments of marriage.
- Polygyny - a man marrying up to four wives in Islam - is a right of Muslims. If it were acknowledged by the law, the women would be guaranteed that they know if their husband intends to marry a second wife, whereas a woman who has been asked to marry would be sure of knowing if her prospective husband is already married. Thus it would be more truthfully in the woman's hands to accept or reject polygyny. Otherwise the man could refrain from telling the truth and there is no reliable system that facilitates checking the man's situation.
- Muslim women, and preferably this should be an option open to all women, should be able to take unpaid leave for up to two years after childbirth. This because it is enjoined by the Holy Qur'an that she breast-feed her child for the first two years. This is currently impossible in Malta and the year allotted by the government is only given to employees at the employer's discretion. Many women, Muslim and otherwise, suffer because of this and would like to see change. At this point in time, a woman would rather be allowed to enjoy her maternity and take good care of her child than be forced to get back to work. It would also prevent many social ills that civilised countries are experiencing.
- Data collection, monitoring and training of social forces, e.g.-media, private companies, public sector, schools, social security service officials. This is a commitment that our government has to take seriously. It is only with a preventive

and protecting presence that discrimination will be overcome. Monitoring will prevent it from increasing and training will change people's attitudes.

- Uniforms, in all sectors of work and in all circumstances should be legally adaptable in case of Muslim workers. Example, if the uniform is made of a short skirt for women, the Muslim woman should be allotted a long skirt instead. The same for sleeves, and a scarf for the woman to combine with the usual uniform.
- Education programmes even for the very young should avoid injecting racism in children's minds. Schoolbooks have to be mind-opening and not prejudiced or discriminatory. Television, radio and newspapers should be used to change the attitudes of the mature people of society so that equality is taught to all.
- Effective promotion by the media and the government of rights of minorities, so the majority understands it is its obligation to respect them.
- Effective integration programs for the minorities to gain the chance to work and socialise with the mainstream. This, if consolidated with better attitudes from the mainstream would ensure that the richness of these minority groups is enjoyed by all and not feared and mistrusted. This could lead to better work places, a greater aptitude for teamwork, greater productivity and a stronger economy.

Can Equality be Assured?

Training of people should be open-minded, truthful and pro-Islam. Many prejudices are taught in Malta by the system, the institutions and the schools and not casually. This is sure to procure us more 'accepted', 'official' discrimination. Society has to be properly educated and not led to be prejudiced.

There needs to be a disciplining body that reaches out to public officials in particular. This should be able to enforce the rules on all public employees, be they simple cleaners with the government or policemen or soldiers. The board should be able to suspend employees for breaking the law and should be able to bring them to court in serious cases. Otherwise they can act like the Industrial Tribunal but only function against and in cases of discrimination.

Assistance to victims of discrimination, both those that appeal to the legal body and to those who fail to. This should also be the NGOs' priority and if the government heeds their work and works with them, it should also be foolproof enough.

The approach to justice should be clear-cut. The costs of filing a suit should be lower; the law should stop lawyers from lengthening the process of justice unnecessarily. Good, motivated lawyers should be provided by the government for those who cannot afford to pay, sentences have to be backed by weighty punishments that serve as prevention as well as good compensation for the victim. Sentences should be given out within a decent time span and the cases thoroughly studied.

The punishment given to the perpetrator of discrimination should reflect his/her financial situation- if it is a company, or a person who is financially well-off, these should be made to pay higher fines than others who might be relatively poorer.

Public officials especially, need to change attitude and serve all alike. It is common knowledge that the police and soldiers in Malta are not even knowledgeable about the law and human rights. This is a serious hindrance for how can one respect that for which he has no regard and no thorough knowledge of? It is imperative that these be trained to respect human dignity and differing opinions and beliefs while enforcing the law. This, though not simple to achieve, should teach society to respect them in return and make them tools for justice.

Regarding social security, some points have to be seriously considered. One very serious blunder is that no payment is allotted to housewives, whereas they are workers too and help society in many ways. Pensions of husbands are not continued after their decease and women are given a widow's allowance, which is usually less than a pension. The woman who works for a few years and then becomes a housewife, is never given a pension. She is cut off the register as if she never did anything with her life. This is humiliating and utterly discriminatory. One last point, in repetition, the child-care leave is given the woman only at the employers' discretion. The needs of the employer are considered more important than the woman's need to care for her children and enjoy maternity. Otherwise she loses her claim on the job, her right to the career she might have been aspiring to and her right to pensions or any other social benefits.

The Change Needed for Equality to Win the Day

The government has to recognise NGOs and work with them continuously. Also there needs to be a controlled portfolio to help NGOs and give them legal recognition and legal help and strength in society so they can act as the bridge between the minorities and the Maltese legal framework.

There has to be continuous co-operation and dialogue of the government, with effective results and flexibility with Malta's NGOs, unions, and major companies and these should be enjoined to work together and help one another. *NGOs need to become stronger and united and give a composed and true image of those they represent.* They should be trained to see the whole perspective of their presence in Malta and work for justice rather than for their own interest only.

NGOs can be the vehicles that promote knowledge on people's rights. They could be the bodies that lead the victims of discrimination via the complicated road to justice, not necessarily via the court but surely to justice. They have to be in contact with other NGOs and other entities and work amongst their members with effectiveness and fairness. If this is a truly joint venture, society will feel them and back them.

The government has to help change the bad attitudes in society with effective advertising, information sent into homes via leaflets, TV programmes, radio programmes and the media as a whole and stop the media from giving a false and bad image to any group of people.

Legislation has to be implemented in practice and undue time-loss avoided. This may be achieved if and when the European Union decides to ensure effective measures are set in place.

The Mechanisms for Subduing the ‘Discriminatory Mentality’

Whatever the tools for fighting this attitude, they are seldom implemented. The media are free to use whatever style of language they want, paint the picture they want and they are only tested and maybe stopped if and when they harm an individual who opens a case in court. This is not fair. The media, especially television, affects how people perceive things and a case in court does not. People listen to what journalists say and absorb the ideas, many times without challenging them. This attitude is highly dangerous but prevalent in Malta. If the victim opens a court case, few know of it or try to understand what the injustice really was. The ideals taught in the media must be right from the beginning. Otherwise, it is the tool in the hand of the ignorant.

The compensation allotted to victims of harassment, especially in the case of harassment by police officers, social security personnel and the like should be effective, proportionate and dissuasive. The mentality that government workers cannot be prosecuted has to change and all perpetrators of wrong must be brought to justice. The ultimate punishment, that is prison sentences, should not be left in writing only and where the victimisation is serious and harsh, the accused should be imprisoned and the issue should be publicised. This would be killing two birds with one stone. Discrimination would be seen as a serious crime and not a frivolity. Employers and those who could cause or allow it will see the possibility of punishment as serious and real and thus discrimination would be prevented.

In Malta we have had cases of true discrimination against Muslims and there have been public speeches and writings in Maltese newspapers propagating islamophobia and these have been ignored or worse still, the punishment was a ridiculous pittance.

The fight against this sickness has to come from all echelons of society. The European Union has to give a hand and get all Member States to be in line with its policy. The government has to change the law and put into practice that which would really help minorities live in justice. The local councils are also needed and can be effective on the ground in that they are necessarily nearer to the people than the politicians and could help spread justice in the minds of the people.

The Framework for the Maltese Equality Body

The need is felt for a single Equality Body within which the administration can be common to all sectors but then organised into separate “departments” for each minority group. This would turn each into an effective specialist unit in its field while working in synergy with the other units.

The reason for this is that each minority and each group claiming victimisation would need special attention and particular help. Not all would be helped with one policy. Thus one could build a system where the upper echelons of the body are common but the people dealing with the issues set on their desks would be concentrating and dealing exclusively with one ground of discrimination. The management would be one with the intention of keeping costs low. The workers would be specialists in one field, to help effectiveness and increase the know-how of each.

One other perceived benefit of the 'unit' approach is that at the 'coalface' you would get fewer conflicts of interest. For example, a Muslim would be averse to working for rights that others might claim and this would create conflict. One example of this would be homosexuals fighting for their 'right' to adopt children, or get married. A Muslim would be facing a dilemma and he would be going against his religion if he were to help them gain this 'right'. It would be more effective to have people from each minority working for their own concerns and not simply any employee working on whatever comes. This would guarantee effectiveness and good approach.

Islamophobia is not a myth. In Malta those in the higher and more educated echelons of society are in its grip just as much as those with lesser education and this means that having one equality body without specialist units and a representative governing council would fall short of that which is required. There need to be people who, together with discipline and good-will, feel the thorn in their own side to make the project worth a try. The anti-discrimination bodies need to be well trained and able to lead the victims through the legal labyrinth of Maltese Law. Thus they need to have legal help from lawyers and access to courts. In addition, there may be the need for specialist Discrimination Tribunals where people would apply for redress, with a right of appeal to the Courts of Law.

The Majority Needs to Change

Many Maltese people are indeed prejudiced and deem many minority groups to be inferior to them. This is unjust and leads to many forms of discrimination that are well accepted by society and by those with leading positions in society, like the police, local council members, ministers, lecturers, teachers etc.

It takes plurality to make a world and the World is full of minorities and is actually made up of minorities. The attitude that a minority is inferior to the mainstream is a form of hypocrisy and ignorance. This is very present in Malta and the attitude that certain foreigners in Malta have to face is proof of this. The Maltese expect foreigners to turn Maltese before accepting them to a limited extent. This shows immaturity in dealing with multiculturalism and limits richness that could be absorbed and enjoyed by the hosting society.

Maltese society is split into bi-polar attitudes mainly the Catholic Church and the mainstream political parties. One is expected to conform to these if one is to 'belong'. The Maltese accept this and there is no real will to change it yet. People split into Nationalist and Labour, the minor parties being disregarded completely. Then, they split into those from the North and those from the South of Malta. There are infinite splits that make Malta more varied. If one does not belong to one of these factions, one can never be wholly Maltese, it seems.

Social change is needed and one can prove this if one evaluates the level of integration the so perceived 'foreigners' enjoy. They are never fully integrated unless they 'seem' Maltese. Thus it is impossible to integrate if you have a darker skin or a different facial build than the Maltese.

Many people belonging to a minority group remain poorer than the average Maltese. This leads to hardships and their children are set at a disadvantage too. They are caught in a vicious circle that keeps them away from higher education and consequently, from better jobs.

The education system in Malta has to be revamped and set right. It is in itself discriminatory that only the Christian religion is taught in government schools. It is known but ignored that even history books in Malta teach hatred against Arabs and Muslims and this starts the process that results in having a racist population.

The Policies to Facilitate Equality for All

Positive action, or positive discrimination would help in that the minority groups do not have effective political voices or force, they are not numerous enough to change the outcome of an election so they cannot pressurise the government in that way. They need to be set in an advanced position from the outset so as not to be left behind and at a permanent disadvantage.

Housing has to be afforded to the poorer in our society, and it is impossible to contradict the statement that the refugees, coming to Malta, would need this more than anyone else. Refugees and such like could be allotted extra points when applying for government houses. *Education* is crucial if these are to integrate and move up the social ladder financially and socially. Training and giving these people the ability to get jobs and communicate effectively is crucial and cannot be ignored or postponed. The ETC should provide services for people having different religions, languages, cultures, and education. The ETC should be able to effectively help all incomers gain a rightful income. It should also understand special needs. Muslims would refuse jobs in factories of alcohol, cigarettes, selling these, jobs in casinos and the like and not because they do not want to work but because of their religion. This has to be known and respected.

Education itself in Malta can be racist, prejudiced and intolerant. The system tends to present pupils with a picture setting the Maltese and Catholic banner above respect for all humanity ultimately causing the people's attitude to favour discrimination. School books have to promote justice and should open minds and condemn all forms of discrimination. Patriotism can be taught in relation to the history of the time and the circumstances. Patriotism does not have to be a lie but pride presented hand in hand with respect for all without prejudice.

Hospitals and local clinics have to cater for the needs and demands of minorities as in the case of female nurses for female patients and male nurses for male patients. Also, those who have a right to the services should be respected, be they of different colour, religion, etc and the staff at hospitals and clinics have to be trained for this and not left to work at their whims.

An Internet site for minorities to appeal to, for legal help, for knowledge on their rights and obligations, for knowledge on other minority members could help them integrate more

easily and effectively. This would be a way to get feedback on the Equality Bodies' effectiveness on the ground as well.

Incomers should be well led and informed about options of training and work that they can avail of. Also, they should have access to courses at University and serious schooling even on a full-time basis if they show the will to commit themselves.

Monitoring and Effective Help for All

Monitoring is essential and uniquely effective in preventing discriminatory acts, if well managed. It stops the bug at source and does not allow it to get too deeply ingrained. The victim, most times, would wait till he cannot stand it any longer before appealing to court or taking any steps to stop abuse whereas monitoring would stop it at an earlier stage.

The victim, being a dependent in the employer's business, might find it hard to fight back effectively against discrimination. Monitoring would keep the employer conscious of his obligation to treat his workers well and justly. It is the most effective deterrent and promotes consciousness that justice is obligatory even if the person is foreign, different and weak.

Unions and other involved bodies, even NGOs and social organisations should be *given the right to appeal to the law* in the name of individual complainants, and if the individual is afraid of standing up and does not want to press charges, then the group or NGO should be able to pursue justice in his stead. They should be able to initiate litigation themselves, be able to investigate in an official way and assert themselves as champions of rights.

Quantified objectives would ease the minority groups' access to jobs, social circles etc. This would help secure their integration while heightening mutual respect and understanding. Putting the obligation on employers to accept them fully is the only way to have them in work places without draining them by bad wages, long hours of work, etc. Having multicultural work places is vital to societal health, and has to be well managed. Training for employees in such management is rarely provided in Malta though badly required.

Education and help must be given to employers by the ETC, for example, so they can deal with the pros and cons of diversity at the work place and help to make it positive and profitable.

Conclusion

Full respect for human rights will promote and strengthen the economy. For all that one should not want to put this factor at the fore, it is important that the people have a good standard of living for peace and happiness. Justice and the rule of law, in the purest sense, will help trigger the economy too. Pluralism in a society will bring about a variety of businesses, more knowledge in all stratas of society and interaction. Knowledge does not necessarily come out of books. It could be gained from other people too. It is important that social needs are continuously analysed. Then again, the government must be quick to meet

the needs of all in the best possible way. If the government loses contact with the people, there is no way it will promote or ensure social justice.

In Malta, the government has to change attitude and esteem the input of the social partners. This will prevent many mistakes that a bureaucratic system usually condones. The ministers, though probably wanting to take effective measures and wanting a better Malta, do not usually excel in their fields and this is causing serious disenchantment with the political system. This will lead to politicians losing effectiveness and sensitivity in dealing with issues.

The Maltese law is not inadequate. The worst problem is that nobody practices it properly. We get stories of policemen tearing the Holy Qur'an in a Muslim home, no one stops it, the person is too afraid to speak. We know the police's attitude is rough and bad towards Arabs because they hate them and this is prejudice and has to be stopped. We have a person who organises mass meetings in the streets and promotes racism and hatred for others and the police do not stop him. We have boat-people who were attacked by the police while at a peaceful protest, one of whom is permanently disabled- we have not heard of anyone being brought to book in this case.

To make a difference that matters on the ground, *the Maltese law needs to be implemented by people who love minorities and want to see true justice*, not by bureaucrats who couldn't care less. Work must start in all levels of the government- the police, the local councils, in parliament and on a national level and in the European Union's system. *Stimulated debates and continuous work to eliminate bad attitudes of the majority of society are a must* if the work is to compensate for the 'discrimination' that the democratic system allows.

Democracy is a just system in a way but it has its faults. It is not sensitive to the whole community but to those who are strong enough to cause a change. This is unfair if ignored. The minorities have to be considered and adjustments and help allotted them even though they cannot make or break the outcome of an election.

The minorities, just like the mainstream of the country, have obligations towards the State which they are expected to honour. Yet this is discriminatory if the government then ignores the particular needs of these groups because they are weaker and unable to pressurise the government into action.

A Muslim avoids and fights evil and sin. Thus, good Muslims are good citizens and a treasure in their respective societies. Equality for them is another door through which they will obey God better. It is also an opportunity for the good Muslims to function in society properly. Thus instead of hearing only of those who break the law, the mainstream population will get to know the ones who keep to the law. This will, God Willing, be an added strength for the whole of Malta and an asset in many ways.

This project, once implemented, whether through one equality body or a group of them, will be the way to true justice for all. It is important that the European Union motivates all Member States to make a genuine effort for it to be a success though close monitoring of

implementation of EU laws and best practice, starting in Malta with the relevant Directives on minimum protection of asylum seekers and the Race Directive.