

U.S. Helsinki Commission Briefing
"Europeans of African Descent "Black Europeans" - Race, Rights, & Politics
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Remarks by
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I work for CCIF as a director. My work entails working with migrants the majority of whom are of African descent in Malta. Malta has a very unique situation in that its situated right in the middle of the Mediterranean Sea and as such most of the migrants end up here when they get shipwrecked at sea or encounter problems on their way to Italy. At the moment we are concentrating our efforts on Human trafficking as we feel that some of these migrants reaching our shores could be trafficked. Malta is being used as both a transit point and a destination for trafficked persons. Malta is still not reaching US targets to stop human trafficking and as a result is placed on Tier 2 after being moved up a notch into tier 2 of the trafficking victims protection report after having featured on the tier 2 watch list for two consecutive years. On the ground there is very little the government is doing to identify victims of human trafficking when they process their cases. All irregular immigrants landing in Malta are currently held in detention for a year, though some stay for up to 18 months. In the meantime access to these migrants is very difficult for NGOs whilst they are in detention. In the meantime we are also educating the public on how to identify victims of human trafficking within their communities.

The majority of immigrants living in Malta enjoy freedom of movement and a work permit, which entitles them to seek regular employment. However, many of these immigrants, adopting an attitude that 'a little is better than nothing', fall victim to exploitative practices at the hands of local employers, especially in the construction sector. Besides paying the workers wages that are far below the national minimum wage, these unscrupulous employers sometimes disregard occupational health and safety standards. Furthermore, as these workers are not registered officially, they are not entitled to benefits such as paid leave and sick leave. Irregular workers accept these conditions for fear of losing the little income that they are earning.

An EU-wide study released by the British Council and the Migration Policy Group of the UK on the way EU member states treat migrants has placed Malta in 23rd position in a 28-country migrants' rights scoreboard.

According to the study, "migrants in Malta are explicitly exposed to nationality discrimination" and the Maltese are "consistently the least supportive of migrants' rights in the EU-27". Malta has a well known "Pushback Policy" where the irregular migrants are deported. Malta is an intolerant place for migrants - Political participation is non existant for all foreigners even if they are fellow EU citizens.

On the other hand, Malta is very tough on nationality access. "The 2000 Maltese Citizenship Act limits naturalization to children and descendants of those who are, were, or became Maltese citizens." Without that connection, migrants can only naturalize if the government, under total discretion, decided they are eligible, based on humanitarian grounds.

The month of October saw more than 500 souls perish in the Mediterranean Sea. These were migrants on their way from Africa and Syria en-route to Italy.

Recommendations:

1. More burden sharing among member states and the international community, more should be done although a few of the refugees and those with subsidiary protection are relocated.
2. Detention policy should be abolished all together or reduced to a minimum of three months at most.
3. The EU needs to finally make a common asylum system a reality;
4. Greater solidarity with EU member states on Eastern and Southern Mediterranean coasts should be shown;
5. The Dublin III regulations should be abolished so that each member state should be able to process claims for asylum regardless of where the asylum seeker has entered the union;
6. The EU has to approve, as a matter of priority, further possibilities of creating legal access to the EU, through VISAs issued in countries outside the EU.
7. The removal of the Dublin regulations would give the possibility for migrants landing in Malta to transfer to other EU countries while their asylum application is being examined.
8. Pressure to be exerted on Malta to improve its human trafficking record.
9. With regards to the number of lives lost at sea maybe the EU and Congress can come up with solutions that will deal with the problems at source rather than letting people come across for them to loose their lives at sea.