

**Taking a Stand: some reflections on the political mobilization of NGOs working with refugees in Malta**

**Dr. Maria Pisani**

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Whilst the Mediterranean refugee arrivals to Malta actually commenced in the late 1990's, the year 2002 is generally recognized as the beginning of what would become one of the most controversial, headline-grabbing, and painful issues in Malta. More than a decade on, the 'refugee crisis' hit the global headlines. Wars, conflicts and violence in Syria, Afghanistan, Iraq, Somalia, Eritrea and beyond resulted in unprecedented numbers of refugees. For more than a decade the EU responded with the securitization of borders, forcing refugees to take ever more dangerous journeys. Such policies have contributed to unparalleled loss of life. Between 2000 and 2017 an estimated 33,761 migrants and refugees lost their lives in the Mediterranean Sea. And yet they continue to make the journey – such is their plight. In 2015, the EU witnessed a significant increase in the number of sea crossings. The containment policies that had, up to then, been the key policy adopted by individual Member States and the European Union (EU), in preventing arrivals, imploded.

Fleeing war, persecution, poverty and violence, the refugees embark on a dangerous journey, crossing the Sahara Desert and the Mediterranean Sea, in search of safety and security. For those who survive, theirs is the story of suffering, pain, strength and hope. The vast majority of asylum-seekers who reached the Maltese shores by boat have left. I have maintained contact with some of them and, in the main, they are living peaceful lives elsewhere in Europe, the United States and beyond.

The 'refugee' – somebody's parent, child, partner, sibling or friend – must remain at the forefront of NGO work. This chapter is not about their lives in Malta. Rather, in this chapter I attempt to document how the institutional structures addressing refugee issues developed in Malta – with a focus on the work of NGOs. In the case of the latter, the focus is very particular. The chapter does not speak about all the services provided by NGOs, including, but not limited to legal services, psychological services, the provision of housing, initiatives in the community and the provision of education. Neither does it make mention of the many, many volunteers and staff who have quietly given up their time, day in, day out, year in, year out, in their unwavering commitment to human rights and social justice. The chapter focuses on some of the ongoing key advocacy initiatives taken up by civil society, and the political nature of NGO work. It is impossible to include everything.

The chapter does not, for example, document the evidenced-based research that has contributed to our advocacy, nor the endless meetings with key stakeholders, or indeed the countless press

releases, interviews, position papers and policy recommendations. What follows is a snapshot of some of the key developments and events that influenced how civil society responded and matured – according to my own selective, and biased, memory. Writing this chapter has given me the opportunity to look back, to remember, and to recall some of my most vivid memories, too many of them painful, but some of them also make me smile.

This book is needed, first and foremost, to document some of the most serious human rights violations in modern Maltese history. I hope that my chapter might also provide some insights in to how an embryonic civil society developed the skills, relationships and knowledge to take a stand against such violations, to speak unto power, and to work together towards social justice. The struggle must go on.

### **My home under the stairs: Hal Far Open Centre, my early days**

It was spring, 2004. I had requested a transfer to the newly-set up department, the Refugee Service Area, under Aġenzija Appoġġ, from where I was employed with Sedqa. My position, Coordinator of the very first State-run Open Centre, located in the isolated area of Hal Far. I had a small team of four. Mario was responsible for logistics, and three men, transferred from the Drydocks, if I recall, were conducting basic maintenance.

The barracks had been left abandoned since the departure of the British forces: broken windows, decrepit doors. Following years of neglect, the buildings were dilapidated. The semi-fenced grounds hosted three buildings. What would eventually be my office was a small room just inside the gate, probably the old guard room. On the floor there were three mattresses, five men were sleeping there. The three buildings housed around 150 young men who had been placed there following their release from detention. Food was delivered twice a day in tin foil boxes. Essentially that was it. My baptism of fire. Six years of work experience in Community Work with marginalized Maltese populations, an undergrad degree and a relatively conventional lifestyle could have never really prepared me for the work that lay ahead. In short, I was nothing less than clueless.

I spent my first few weeks moving from building to building, room to room, drinking coffee and chatting with the residents, listening to their stories, the countries (many I had never even heard of before) they left behind, the family members they had lost, the journeys they had taken across the Sahara Desert, life in Libya, crossing the Mediterranean Sea, their hopes for a better

future. In the first few days I set up a register, I'd approach individuals and ask for their name, they'd reply with their 'Police Number', a numerical code that had been assigned upon their arrival in Malta – this was the 'name' they went by in their long months of incarceration in one of the detention centres. I recall, on one occasion, I was in one of the blocks and out came a man from under the stair case, "Hi" I said, "I'm Maria, what are you doing under the stairs?", "Hi, I'm Joseph<sup>1</sup>" he replied with a smile, "I live under the stairs", and he pulled back the curtain he had tied up to provide some privacy, and sure enough, his mattress, pillow and mug marked his 'home'.

Over the next few months the conditions within the centre started to improve slightly. Antoinette from the Red Cross, or 'Mama Africa' as she was fondly known, would distribute clothes and basic needs. Mario, my colleague, distributed linen, second hand fridges, cookers, a few heaters – the buildings were freezing in the winter, broken windows and leaking pipes adding to the misery. We organized football matches at the nearby clay pitch, I recall a Christmas party with carol singers. Together we set up a small committee of representatives to work on organizing the space, allocating the rooms, mediating when there were disagreements: and there were many disagreements. A sense of desperation permeated the camp, mental health concerns were emerging, racism and exploitation were common day experiences. I met Ali Konate, a young Malian at the centre. We communicated in smiles, he could neither speak English nor Maltese, and my French was limited to "*mon cherie*". Remember Ali.

Over the weeks and months, boat arrivals continued to increase in number. The summer heat set in, and our day-to-day work was getting into some kind of rhythm. I recall the day I received a phone call in the early afternoon, and was informed that a boat had arrived carrying a significant number of women and children. They were to be housed in 'St. Peter's Block', the third building that, up to that point, had remained padlocked and empty. Panic set in alongside a sense of urgency. We had to prepare sleeping and living arrangements for an unknown number of people, and up until that point, the residents had all been young men. We went out and bought buckets and detergent and started cleaning the building, it was all hands on deck, with the residents also helping to clean. By early evening we received new mattresses, pillows and sheets which we laid out on the floor. We also received a supply of nappies and baby bottles. This was all completely new to us. We continued to work throughout the night, and in

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<sup>1</sup> Barring representatives of migrant-led associations, I have used pseudonyms to replace the names of refugees.

the early hours of the morning two military trucks arrived with our new residents. I remember carrying babies off the truck, young children, and their exhausted parents slowly followed. In a sense, these were the lucky ones, the detention centres were full and couldn't cope with the new arrivals, so they came directly to us.

One of the women, Mariam, was heavily pregnant and could barely walk. A couple of weeks later she went into labour and was taken to hospital. That afternoon I received a phone call from the labour ward at Karin Grech from St. Luke's Hospital. A midwife quickly explained that Mariam was struggling with her delivery and that they couldn't communicate with her. Her sense of urgency was loud and clear: "*can you give me the word for 'push' in Eritrean?*" she asked. I ran out of the office and called out to the first Eritrean man I could find, "*how do you say 'push' in Eritrean?*" I shouted. He immediately understood what was going on but stared at me with the same expression of bewilderment plastered all over my own face. He gestured something intended to imitate the act of pushing. "*That's not working!*", I screamed, "*go get the women!*". In seconds, my office was filled with women shouting the Eritrean word for 'push' over and over again and I repeated the word, shouting down the phone to the midwife, who in turn, shouted back to her colleague in delivery. Within no time at all, our youngest resident was born, and within a few days she returned with her baby, tired, but a healthy mother.

It was a rich, but tough learning experience and a steep learning curve: trying to understand the policies in place, in particular a detention policy that, at the time, saw no limit; learning about the different contexts in sub-Saharan Africa, the different countries, ethnic groups, reasons for fleeing; the journey across the Sahara, life in Libya and the Mediterranean crossing; international human rights law and its application within a local context; learning to communicate with a culturally and linguistically diverse population (although it was amazing how much we managed, simply by relying on hand gestures and universal expressions of human emotions); learning to deal with a level of poverty and exclusion that I had never experienced before; managing an open centre with essentially zero resources, no policy direction beyond detention, and a political and national environment that was hostile to the presence of refugees<sup>2</sup> and was geared towards removal, isolation and punishment.

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<sup>2</sup> For the purpose of this chapter, the term 'refugee' is used to refer to all asylum-seekers, regardless of the outcome of their asylum process

And then there was detention. I wish I had the literary skills to really capture the horror of the detention centres: Floriana, Lyster Barracks, Ħal Far, Safi, Ta' Kandja. Each and every one of them, squalid hellholes.

### **The kitchen table and the politics of pandering**

My position at Ħal Far Open Centre had become untenable. I felt powerless and hopeless. I couldn't remain working within a system that, whilst perhaps providing for the very basic material human needs, functioned on the premise that these refugees were an unwanted 'burden'. I decided to resign from my post, and together with Mario Gerada and Shaun Grech, we established Integra Foundation. The NGO was to be the first organization set up specifically to work towards the inclusion of asylum-seekers and refugees in Malta. My kitchen table doubled up nicely as office space, as we set out to advocate on social justice issues, with a focus on addressing racism and hate speech.

At the beginning of 2005, the only non-state actors advocating for the rights of refugees were the Jesuit Refugee Service Malta (JRS), the Malta Red Cross, and the Malta Emigrants Commission (MEC). JRS was represented by a small team providing legal services and support to those in detention and in the community. Katrine Camilleri had already established herself as a strong voice advocating for the rights of refugees. The Red Cross was essentially a one-woman-show, represented by Antoinette Camilleri, responsible for the distribution of basic needs, MEC was housing a number of families in their own residences, and Amnesty International was represented by Jean Pierre Gauci. At that time, UNHCR was represented by a legal consultant, Ruth Farrugia. The European Anti-Poverty Network (EAPN) had also started to engage in advocacy and I recall the European Network Against Racism (ENAR) also reaching out to local actors at this time. The latter two networks provided access to a host of NGOs carrying out similar advocacy work across the EU, thus broadening our knowledge-base and developing our understanding of the peculiarities of the Maltese context.

Racism, fuelled by political rhetoric and a criminalizing detention policy, was on the rise, reinforcing harsh policy developments backed by justifications for the incessant violation of human rights. When refugees detained in Safi engaged in a peaceful protest to call attention to the inhumane conditions they faced in the centre, the Armed Forces of Malta responded with violence and beatings. The context was dehumanizing for all involved.

The following extracts from an interview with the president of the General Workers' Union, appearing in the Times of Malta in 2005, provides the reader with a snapshot of the prevalent – and normalized – discourse at that time. Mr Sammut described 'illegal immigrants' as "taking jobs from Maltese workers". The article reported that Malta 'may be forced to take measures which were not necessarily "just and humane" to solve the illegal immigration crisis. He goes on, "The illegal immigration problem is becoming more acute and alarming and will suffocate us very soon...The first illegal immigrant who landed in Malta was St Paul. At least he gave us a Christian culture and left after three months. But what good are modern illegal immigrants doing us? They need food, clothing, education and social services and they want to give birth to their races among us...". The racist tirade essentially concludes by blaming the 'illegal immigrant' (read 'black immigrant') for not allowing the Maltese to live up to their Christian values.

In 2005, Integra held our first public event, proposing a change in legislation by introducing provisions against hate-crime and hate-speech (Malta's criminal law provisions against racism were later amended by Act XI of 2009, prohibiting both incitement to violence and incitement to hatred on grounds of colour, race). By 2006 racism was rampant, with a number of arson attacks against persons advocating for the rights of refugees, as well as JRS. The perpetrators were never brought to justice. It was around this time that Norman Lowell, heading the far-right group Imperium Europa, started to gain more media attention. Spewing hatred, his violent rhetoric included calling for migrant boats to be sunk before they could reach Malta; he was eventually found guilty of inciting racial hatred. Lowell was not alone, the (albeit short-lived) far-right Christian nationalist group Alleanza Nazzjonali Repubblikana (ANR) established themselves as an anti-immigrant movement and organized a couple of well attended protests. In 2007, ANR was essentially rehashed (with some new faces) as Azzjoni Nazzjonali (AN), their mission, to 'clean up' Malta of migrants (one will note that the term 'migrant' here is meant to be understood as 'black African', the two terms remain synonymous in local discourse and of course, far removed from the diverse and multifaceted – albeit largely 'white' – reality). To be fair, neither party garnered a sizeable following. However, they did gain attention and considerable support from the general public – enough to influence the political stance and rhetoric of the two main political parties, both shifting to the right on migration, pandering to racist sentiments: votes trumped basic human rights.

In 2005, we attended the launch of the first and, for more than a decade, only policy document on 'irregular migration'. Published by the Ministry for the Family and Social Solidarity (MFSS) and the Ministry for Justice and Home Affairs (MJHA), the document made reference to "*irregular immigrants holding a refugee or humanitarian status*", a small but noticeable indication of the level of inexperience, confusion, and unfamiliarity with key legal terms and policy directions at that time. Promoted as an opportunity to dialogue on policy direction, the workshops for discussion were supposed to follow through with recommendations for policy direction. The 'dialogue' soon collapsed as the Governments' Advisor on Immigration presented a ready-made action plan, pre-packed and delivered. The strategy supported and justified the continuation of the detention policy, and called on NGOs to provide educational and leisure activities to alleviate the migrants' boredom. And so it was. The Nationalist Government of the day, supported by the Labour Opposition, marked a line in the sand that was to continue for many years.

The policy approach essentially revolved around detention and forced returns. Later it would also include Assisted Voluntary Returns (AVR), resettlement, and relocation, relocation, relocation. Read: isolation, marginalization and removal by any means necessary.

### **Coffee shops, institutions, and the ongoing 'crisis'**

The institutional set-up in the mid-noughties was embryonic but developing. I recall this period as marking a more 'coordinated' approach from State, NGO and INGO, and EU actors. That, in part, was influenced by the presence of International Organizations, and also, a growing familiarity with the EU and its institutions. By 2006 International Organizations were recognizing the need to establish a more concrete presence in Malta. I was approached by the International Organization for Migration (IOM) and initially engaged as their focal person, working from home, and then for the next 6 years, coordinating the IOM Malta office. In the early days, and in the absence of office space, meetings were conducted in coffee shops. I recall my first meeting with Neil Falzon (also office-less at the time) in a coffee shop in Valletta: Neil was responsible for setting up the UNHCR Malta Office and remained in this post for a number of years.

Local NGOs engaged on refugee issues were also growing in number, these included Suret il-Bniedem (responsible for Marsa Open Centre, under the management of Terry Gosden), SOS Malta, Kopin, Graffitti, the Migrant Solidarity Movement and other smaller initiatives that



focused on a range of issues including advocacy, providing English lessons and organizing events.

Born out of the secretariat of MFSS and tasked with implementing government policy, the Organization for the Integration and Welfare of Asylum (OIWAS) was established in 2007. Following the general elections in 2008, the new Nationalist Government realigned its structures, and OIWAS was transferred under the portfolio of the MJHA. The move was significant – the term ‘integration’ was dropped from its title, henceforth going by the acronym AWAS, namely the Agency for the Welfare of Asylum Seekers. The Ministerial shift also reflected a change in mission, namely one from ‘solidarity’ to that of ‘national security’. The organization was also responsible for the growing number of open centres, these included smaller homes for families and unaccompanied minors (generally located in Maltese towns), and the much larger camp settings set up in Ħal Far, including the ‘Hangar’ and ‘Tent City’.

The situation and the policy remained consistent and abysmal for years. The centres were isolated, over-crowded, less than basic – in 2011 the Commissioner for Human Rights of the Council of Europe, in one (of many) scathing reports described the material conditions as “*clearly substandard*” and “*offering totally inadequate conditions of accommodation*”. Certainly, the number of asylum-seekers had continued to increase and the EU Dublin Regulation put a disproportionate responsibility on Malta, as an EU external border state, to host refugees. However, by this time the ‘crisis’ mode of operation was strategic – the detention policy and the conditions within both the closed and open centres were designed to send a clear message to the Maltese public (the ‘immigrants’ will not remain here, and we will not make them comfortable), to the asylum-seekers and refugees (you are not wanted here, we will not make it comfortable for you), and to the European Commission and EU Member States (Malta cannot cope, we carry an unfair ‘burden’, you must do something). Politics, at both the national and EU level, generated a toxic space that was embodied by the sub-Saharan African asylum-seeker. Over the years the conditions in the open centres did improve (albeit they remain far from ideal). The women’s centre was closed down, the tents were replaced by containers, AWAS recruited more staff who, shackled by political decisions that were not of their own making, struggled to do the best with their limited resources. NGOs were also provided with open access to the open centres.

Alex Tortell (Director) of OIWAS also established the NGO Forum, creating the space for different actors to meet on a regular basis to discuss policy issues, conditions in detention and the open centres, access to mainstream services and so on – the list was endless. Looking back, I recall hours of heated arguments, very little agreement on the way forward, and for all parties involved, a sense of despair. That said, I do think the NGO Forum provided a space to grow as organizations and individuals, to understand each other better, to strengthen perspectives and, for the non-state actors, to articulate their advocacy demands in a clear and strategic way.

In those days, I was not a non-state actor, but was representing IOM, a role I struggled with. As the *“leading inter-governmental organization in the field of migration”* the IOM Malta office was established on the basis of the Cooperation Agreement with the Government of Malta. The work was largely project-based and, in the main, focused on ‘managing migration’, guided by the key priorities set out by the Maltese Government. During my time at IOM, the office took on projects dealing with AVR, strengthening diplomatic ties with sub-Saharan African countries (in principle such ties also facilitated the possibility for forced returns), providing ‘Cultural Orientation’ classes and recreational activities in detention, the US resettlement programme and the first EU relocation programme, and capacity-building in relation to human trafficking. Whilst I learnt a lot, particularly in how States and IOs worked at both the national and international level, I could never reconcile the approach with my own values, and could no longer maintain the ‘diplomatic’ approach in the face of on-going human rights violations and the indignity refugees were forced to struggle with on a daily basis. I went on to resign from my position and relaunched Integra Foundation. It was around this time that Neil Falzon also resigned from his post at UNHCR and launched aditus foundation.

### **More than a whisper**

It essentially took a decade from the first refugee boat arrivals to establish the institutional landscape (state actors, NGOs and IOs) that essentially remained unchanged till the time of writing. Bar one vital element. Up until this time the NGOs were essentially the ‘public voice’ of refugees. The Migrant Network for Equality (MNE), representing communities from Somalia, Eritrea, Sudan, Ghana, Niger, Mali, Guinea Bissau, Ivory Coast, Burkina Faso, Gambia and Sierra Leone, was established in 2010 following the suicide of a refugee in one of the open centres. The MNE was to be the first migrant-led organization to take an active role in advocacy work and to speak out on their own behalf. Speaking to MaltaToday in 2010, Abshir Abdala, spokesperson for the Network said, *“(F)or long, many of us have felt the need*

*to do something about our situation here,” continuing, “(W)hile in Malta there is a lot being said with regards to immigration, the voice of the migrants has been generally missing.”*

The MNE was perhaps the most publicly-engaged migrant-led association at that time, but the turn of the first decade ushered in a discernible change, with migrant groups and new voices emerging, albeit perhaps initially as whispers (I recall, for example, Terry Gosden had by then moved to the GWU and was working closely with the Oromo community). The narrative of the political mobilization of the refugee and migrant communities in Malta will make a fascinating book in its own right – it is a story that will need to be told. The transition from individual silent resistance (witnessed in the relentless, daily negotiation of oppressive structures) to dialogue and finding a collective voice needed to take time: time to develop relationships based on trust, time to form an understanding of the local cultures, languages, institutional and legal landscape, and time to find the energy and material resources to move beyond the immediate existential threat. Ali Konate, the 18-year-old Malian who I met in Hal Far many years before, was to emerge as one of the leading voices representing refugees in Malta.

### **Mamadou Kamara**

In 2012, Mamadou Kamara died under violent circumstances whilst in Detention Service custody. His tragic death was not the first to take place under such conditions. On this occasion however, ten NGOs (aditus foundation, the Jesuit Refugee Service (Malta), SOS Malta, Integra Foundation, the Migrants Network for Equality, the Emigrants Commission, GetUpStandUp, the Organisation for Friendship in Diversity, KOPIN, and the Foundation for Shelter and Support to Migrants) responded by issuing the first joint press release highlighting the (by then) well documented failures of the detention policy, the damage caused by racialized political rhetoric, the inadequacy of the State in living up to its human rights obligations, the need for an independent and effective inquiry into the death of Mamadou<sup>3</sup>, and a comprehensive and inclusive review of Malta's policy of mandatory detention. The Prime Minister, Lawrence Gonzi, responded by inviting the NGOs to a meeting. This was followed by a series of meetings under the auspices of the Office of the Prime Minister, and later in the year the Ministry for

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<sup>3</sup> In [2015](#), a soldier who was charged with covering up for two colleagues accused of killing a migrant was found guilty and sentenced to jail for 18 months after a court found that he had tampered with evidence in connection with the case. The soldier was later overturned by an appeals court. At the time of writing (December 2017), the court case against two soldiers charged with the murder of Mamadou was ongoing.

Home Affairs and National Security (MHAS) launched a public consultation through the draft strategy document Strategy for the Reception of Asylum-Seekers and Irregular Migrants.

Things were starting to look up, and perhaps for the first time in more than a decade, there was a sense of constructive dialogue – the process was however short-lived as three months later there was a change of Government, the Labour Party had secured a convincing victory under the leadership of the new Prime Minister, Joseph Muscat. During the election campaign, he promised to push back migrants to Libya, ergo he promised to violate the 1951 Geneva Convention.

### **No, you won't.**

9 July 2013. It was early afternoon and Daniela and I had just left the Integra drop-in in Valletta. We popped down to the Lower Barrakka for a cold drink when I received a phone call from a journalist informing me that the Prime Minister was planning to send back to Libya 102 refugees who had arrived in Malta earlier in the day. An Air Malta flight was scheduled to return them in the evening. I immediately called Katrine Camilleri, and we agreed to meet at the JRS offices immediately. We contacted the NGOs working in the field, picked up Carla Camilleri from aditus along the way, and within one hour we were all seated around two tables. The first table was made up of lawyers, the second was activists, and both groups set to work. We set up a social media campaign that picked up immediately – the level of support that we received was an unexpected surprise. Academics from the University of Malta, and a group of artists and designers also responded with collective statements in the press condemning the Governments' actions. In the afternoon Fr. Alfred Vella (Malta Emigrants Commission), Carla Camilleri, Katrine Camilleri and myself, accompanied by Jon Hoisaeter from UNHCR were denied access to the asylum-seekers who were being detained at the Police Headquarters in Floriana, effectively denying them the right to information on their rights. The clock was ticking and we took the decision to divide ourselves up, the lawyers continued to work on the legal avenue whilst a growing crowd joined us at the gates of the building in a last-ditched effort to block the trucks from entering/leaving. At half past five in the afternoon, we received confirmation that a request for an interim measure formally brought by JRS, aditus foundation and The People for Change Foundation (PFC), supported by 10 other NGOs had resulted in a European Court of Human Rights interim order blocking the return of the asylum-seekers.

The knowledge, the expertise, the contacts we had developed with the local and international media, the NGO networks throughout the EU and beyond, everything we had developed over more than a decade was applied with a sense of urgency and determination: it took us 4 hours from receiving the first phone call. Two years later Joseph Muscat stated that he regretted the incident, reportedly describing the attempted push-back as 'wrong'.

### **No child in detention**

Following the failed push-back attempt, relations between the NGOs and the Government can be described as a mixed bag. Dialogue with the new Minister for Home Affairs and National Security, Manuel Mallia, essentially broke down. On the other hand, other ministries were more open to an exchange of ideas and demonstrated a willingness to work together on specific issues. For example, as her final act as Minister for the Family and Social Solidarity, the soon-to-be President of the Republic, Marie-Louise Coleiro Preca called for an end to the detention of unaccompanied minors and children in detention – it would take more than a year for the pledge to be fulfilled. Similarly, the Minister for Social Dialogue, Consumer Affairs and Civil Liberties, Helena Dalli, indicated her commitment to developing an integration policy – eventually launched 4 years later. As Integra, we received support from the Minister for Education and Employment Evarist Bartolo in the provision of a space for language lessons for refugees.

In 2015, there was a change in the Minister for Home Affairs and National Security. The new Minister, Carmelo Abela, re-opened discussions with the NGOs and at the end of the year announced the publication of a new strategy for the reception of asylum-seekers and irregular immigrants. Importantly, the policy change saw a shift from mandatory detention to one of individual assessment of each case, as required by human rights law.

### **#AllLivesMatter**

By 2015, boat arrivals to Malta essentially stopped. During a meeting Minister Abela made reference to an 'informal' agreement between the Italian and Maltese Governments. He did not give us details on what the agreement entailed but briefly explained that emergency cases were being brought to Malta, whilst all other migrants intercepted or rescued at sea were being taken to Italy. It was in 2015 that the number of arrivals across the Mediterranean, particularly along the Eastern Mediterranean route via Turkey to Greece, increased dramatically. More than a

million people risked their lives in an effort to reach safety, more than a third were Syrian nationals fleeing the on-going war. The Mediterranean route continued to claim lives in distressing numbers, in April more than 800 died in a single incident when their vessel capsized off the coast of Libya. Only 28 people survived, they were rescued and taken to Italy. An interfaith ceremony for 24 unidentified victims who lost their lives in the tragedy was held in Malta (these were to be the only bodies reclaimed from the sea).

The incident attracted worldwide attention, with renewed demands on the EU to do more to protect the lives of refugees forced to make the treacherous journey across the Mediterranean. Alba Cauchi, Erika Borg and myself decided to organize a candlelight vigil, an attempt to honour the refugees who lost their lives, and to call on the EU to live up to its international obligations, and to put an end to the securitization of borders and ongoing containment policies that was contributing to the loss of so many innocent lives. More than a thousand people attended the vigil and the event received huge attention, covered by the world's media. The European Council held a special meeting in Brussels following the tragedy at sea, this was followed up with the Valletta Summit towards the end of the year.

The Valletta Action Plan largely focused on 'economic migrants' with the onus on stemming arrivals. The plan established the EU Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa. Integra Foundation, aditus and JRS, in collaboration with the International Catholic Migration Commission (ICMC) and the Migration and Development Civil Society Network (MADE) held a pre-summit event. Following the publication of an African and European Joint Civil Society Statement and pressure on the part of this coalition, EU and African Governments agreed to allow two representatives of civil society to participate in the high-level summit.

### **#FreeThe9**

Towards the end of 2016 the Ministry for Home Affairs and National Security made two unrelated, but important announcements. The first involved the rounding-up and impending deportation of 33 men who had been living in Malta for a number of years. The second announcement was in relation to plans to revoke Temporary Humanitarian Protection New (THPN).

On 16 November 2016, 33 Malian nationals were detained, pending deportation. Over the weeks the majority of the men were released (the Government was unable to verify their identity with their Malian counterparts), but 9 men, whose request for asylum had been denied, were kept in detention. As NGOs, we started to receive telephone calls from Maltese friends and employers of the men, expressing concern and shock at their pending deportation. This was an interesting turn of events, and demonstrated the relationships and degree of integration these men had accomplished. The Malians, many of whom had been living in Malta for more than a decade, maintained regular work, abided by the law and cooperated with immigration authorities throughout their residence. The events also sent shock waves throughout the African migrant community, expressing fear for their own future. Their sense of insecurity became even more pronounced and real.

Weeks turned in to months and the men remained in detention. Our advocacy efforts maintained momentum throughout, including an online campaign going by the hashtag 'FreeThe9' and the independent press also took a stand in a joint editorial. In January, a solidarity walk was organized by the group Solidarity with Migrants, bringing in many new faces and voices prepared to take a stand. In February, 15 NGOs issued an open letter to the Prime Minister and Minister for Home Affairs and National Security. In it we called for their immediate release, arguing that the prolonged detention went against national and EU law and breached their human dignity. On 14 February, we had planned another event to be held outside the Safi detention centre, when in the late afternoon we received news from the media that the Malians were released – they had been detained for 3 months.

In November of 2016, Minister Abela also announced that THPN would be revoked, and that legal residence for undocumented migrants could be secured through the Single Permit procedure, effectively requiring proof of identity and an employment prospect fulfilling the national labour market test. The decision would have profound implications for just over a thousand beneficiaries of THPN status, individuals and families who had made Malta their home, living and working in the community. The statement came as a shock to the migrant communities and the NGOs working in the field. Up to that point our advocacy efforts had been focused on regularization, and looking to provide more long-term security and stability for all beneficiaries of protection and rejected asylum-seekers. For the latter group of migrants, our advocacy efforts were focused on those who could not be returned home through no fault of their own, and who had cooperated with the immigration authorities. This new policy

decision and demanding criteria came out of the blue and effectively made it almost impossible for the majority of persons enjoying THPN status to regularize their stay – thus they faced deportation.

A couple of days after the announcement a number of NGOs attended a meeting at MHAS with Minister Abela, and representatives from ID Malta, RefCom, JobsPlus and the Malta Police Force. We presented the Minister with a document (endorsed by 23 NGOs) setting out our joint recommendations and calling for the Minister to reverse the decision and reinstate non-renewed THPN holders immediately. The meeting didn't go well: the Minister made it clear that a decision had been taken and was not up for discussion, the conversation broke down and I recall we walked out of the room without actually saying goodbye – not an intentional move, it was borne out of a loss for words and sheer exasperation. In a sense we were blindsided, we simply didn't see this policy decision coming, and I suspect the Minister and the Refugee Commissioner had not anticipated our critical response, nor indeed the human consequences of this policy decision.

Once again, our advocacy efforts intensified through social media, the media and in on-going meetings. In February, the independent press, namely the Times of Malta, The Malta Independent and MaltaToday issued a joint editorial entitled *Disintegrating the Integrated* calling “*on the Maltese government to review Malta’s arbitrary system of ‘temporary humanitarian protection’ and to regularise the position of detained migrants whose looming ejection from the island appears to be guided by opportunistic politics rather than reasoned policy*”. The joint editorial was then endorsed by the President, praising the “*powerful message*”. A couple of weeks later the Minister announced a U-turn on the initial statement, extending protection for beneficiaries of THPN for a further eight months. As the October 2017 deadline loomed, the MHAS (now under Minister Michael Farrugia) and the Refugee Commissioner (Dr. Martine Cassar) announced that for the ‘time being’ THPN would not be terminated – this was a welcome decision but hardly inspired on-going trust in the system, such arbitrary policy decisions highlighting the precarity of THPN, a status not regulated by law.

### **This is Home**

In December of 2017, the long-awaited *Migrant Integration Strategy and Action Plan* was launched by the Ministry for European Affairs and Equality (MEAE). It is too early to comment on the bearing and impact this policy will have on the lives of refugees, migrants and indeed



the Maltese communities living in Malta. At face value the document demonstrates a commitment to working towards an inclusive Maltese society (although the priority and end game would appear to be one of economic growth, inclusion is positioned as a means to an end). However, the document also draws attention to the complexity and politics of inclusion – anything near a successful outcome will not depend on the commitments laid out by the MEAE but rather it will depend on the collaboration of all of the Ministries involved, across Government.

The shift towards embracing the islands' multi-cultural reality has been fraught with racialization, marginalization and violence. In a nation where citizenship, and the 'right to rights' can be purchased by the rich, these same rights are not so available to the less privileged. The possibility to truly 'belong' remains at the whim of those who hold power, and all too often, the will to exercise this power depends on the whim of the electorate, rather than a commitment to social justice and human rights.

At the time of writing no long-term policy alternatives that might ensure a sense of dignity and security for beneficiaries of THPN and rejected asylum-seekers were in the pipeline. As such, these individuals remain in a perpetual sense of limbo and precarity. In December 2017 JRS Malta, aditus foundation and Integra Foundation launched the campaign 'This is Home'. The ongoing campaign makes a number of asks, essentially calling on the Government to ensure true regularisation (also therefore documentation and access to rights) of those rejected asylum-seekers who have not been returned to their country of origin through no fault of their own and who have demonstrated their commitment towards integrating in Malta.

### **In their own name**

The final section of this chapter addresses one of my key concerns and challenges as an activist: who has the legitimate authority to speak on behalf of and represent refugees? Are we giving voice, or are we silencing voices... perpetuating subjugation? In the early days, I knew that refugees didn't have the time, understanding of the legal and policy context or resources to speak out on their own behalf. Marginalized, destitute and afraid, they had to rely on others to challenge populist political discourse and policies that sought to justify and perpetuate human rights violations, abuse of power, and also violence in all its forms. But representing the 'other' is a huge responsibility that must depend on listening, developing trust and creating a safe space for dialogue. As NGOs, we responded to these conversations, concerns and fears, and for many years we 'spoke on behalf of' refugees as best we could. Time is central here. Over the past

few years, refugees have started to make Malta their home, and as months rolled into years, they managed to find some security, all too often in spite of the barriers they continue to face. Since the Migrant Network for Equality first spoke out in 2010, an increasing number of refugee and migrant led organizations have been set up, repositioning themselves as actors within the Maltese context. Spark 15, the first refugee-led youth organization, the Sudanese community centre in Hamrun, the Eritrean Community, the Somali Community and many others are providing support in the community and contributing to Maltese society in a myriad of ways. They are also speaking out on their own terms, engaging, challenging and influencing popular discourse and politics.

But make no mistake, political mobilization does not necessarily translate into political effectiveness. The ‘illegalized’ non-citizen cannot enter the voting booth, where the demarcation of who belongs (and who does not), and who has a say (and who has not), is enacted through populist politics. Beyond the transformation of the Nation State, the route to citizenship remains pivotal.

My time spent working with refugees has taught me many things: the sheer strength of the human spirit, the tragedy of loss and suffering borne out of human egoism, neglect and violence, the capacity of the Nation State to deny the right to rights, and the people’s capacity to be complicit... and also to resist.

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