

# National Responses to the Syrian Refugee Crisis: The Cases of Libya and Malta

Written by Emma Casey and Yannis A. Stivachtis

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EMMA CASEY AND YANNIS A. STIVACHTIS, MAY 8 2023

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Millions of refugees have fled Syria and North Africa since the start of the Syrian Civil War in 2011, moving across the Mediterranean world in all directions. Initially, these people were mostly Syrians fleeing the chaos and terror of their home country. According to the United Nations High Commissioner for Refugees (UNHCR), since the beginning of the Syrian Civil War, more than 6 million Syrians have fled their homeland in search of asylum in neighboring states, North Africa, and the European Union (EU) (UNHCR 2021). However, in addition to the millions fleeing that country, there have been additional millions of people fleeing other conflict zones in regions near the Mediterranean for more than two decades. Afghanistan, for example, has seen 2.5 million individuals depart that nation since the start of the NATO intervention in 2001. Other conflicts in Sub-Saharan Africa, in the Sahel region and others, against Jihadist groups have increased the number of people who have left their homes in the face of violence and dislocation.

The national governments of the receiving states have been facing the pressures associated with this massive dislocation as well as the costs related to economic migration. Indeed, the sheer magnitude of this human stream has made it more difficult for recipient national governments and their citizens to distinguish clearly and carefully between refugees and economic migrants and treat each according to their appropriate legal status.

Irregular migration within the Mediterranean region is not new, but the abnormally large number of refugees, asylum seekers, and economic migrants during recent decades has put increased pressure on states located in the area, especially since the number of incoming migrants and refugees dramatically surged with the Syrian Civil War spurred exodus in 2015. The overwhelming majority of migrants in the Mediterranean region have traveled north to the countries of the European Union, where they have hoped to find more peaceful living conditions and economically fruitful opportunities. Many migrants and refugees from North Africa and the eastern Mediterranean have sought to cross into Europe either via land routes through Turkey and the Balkan states, or by sea via Greece, Italy, Spain, Malta, and other states on the European periphery. This stream of refugees and migrants has created humanitarian crises where they otherwise might not have occurred. The rapid influx of refugees of individuals of different nationalities, religions, and cultures has placed a strain on Mediterranean states that have, by and large, proven to be economically and politically unprepared to address it.

This chapter explores the factors that have affected the treatment of refugees and asylum seekers in Libya and Malta. In both countries, the migrant stream in the last two decades has constituted a challenge for governments ill-equipped to manage it effectively. In the case of Libya, its own civil conflict and lack of institutional capacity have hobbled the development of a coordinated and robust policy response of any kind as warlords, tribes, Islamists, and rival governments have each pressed to protect centers of power in different parts of the country. In the case of Malta, a history of policy already resistant to migrant populations, mounting popular discomfort with immigration and squabbles with the European Union have hampered efforts to respond effectively to refugees.

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## Libya and the Refugee Crisis

Libya has seen its share of hardship since 2011. After an uprising against the late dictator of the country, Muammar Gaddafi, a NATO-led coalition intervened on the side of the rebels to enforce a ceasefire. Although the intervention was successful, the interim government set up soon after proved weak and the nation slid into civil war in 2014. This fact, coupled with a resurgence of Islamist terrorist groups and the omnipresence of migrants, has encouraged an increase in human trafficking, constant civil strife, and human rights violations of all kinds. Unfortunately, the migrants and refugees detained in Libya are extremely vulnerable to inhumane treatment, as many migrant and refugee detention centers are under militia control (Al-Dayel, Anfinson and Anfinson 2021, 2). That reality has spawned large scale human trafficking in the country, in particular (Al-Dayel, Anfinson and Anfinson 2021, 2).

Though Libya's nominal governments have made some efforts to accommodate refugees and migrants, their relative weakness and the general lack of stability in the country have rendered them unable to address refugees effectively. The EU has offered some assistance via border security programs and through financial support of communities most affected by increased refugee presence. However, the human rights violations and human trafficking occurring in Libya and targeted at refugees continue to be widespread.

### *The Libyan Civil War and Its effects on Refugee Treatment*

Following the overthrow of Gaddafi and the outbreak of the Second Libyan Civil War in 2014, that nation's citizens found themselves governed by a complicated and inefficient tripartite regime created under the terms of the Libyan Political Agreement (LPA) in 2015. This attempt to address the Libyan political crisis aimed to prevent wider conflict and provide a UN-recognized authority with which other states could negotiate. The agreement ultimately failed and there would be two centers of power within Libya until 23 October 2020. One government was located in Tripoli in the western part of the country and was known as the Government of National Accord (GNA) and it served as the official UN-recognized government. A rival faction led by the House of Representatives (HOR) and dominated by the Libyan National Army (LNA) claimed power in Tobruk in the eastern region of the nation (Fitzgerald and Toaldo 2016).

Each government was supported by a variety of militias and armies under the control of local warlords who operated independently and without oversight. These were organized according to a system of benefits and incentives related to tribal status and religious conviction, rather than loyalty to a unified Libyan national identity. Islamist militias, which comprised a good portion of the fighters in the Second Libyan Civil War played especially notable roles. Libyan Islamists, primarily consisting of independent Salafi and Muslim Brotherhood members, frequently assumed responsibility for policing and security during the war, especially in Tripoli and the eastern part of the country (Boukhars, Anouar, and Wehrey 2019, 119). They were consistently among the best armed and most disciplined of the independent militia groups in Libya. Their extensive use during the war by the GNA and LNA made them important participants in the nation's proposed internationally supervised elections in December 2021. But those collapsed, leaving a nation in ongoing crisis. In essence, there were and are no truly reliable Libyan government institutions such as one would expect in a Western country. Instead, there are many separate 'city-states' and autonomous militias that use their power in efforts to attain independently determined ends. There is no true Libyan law enforcement, customs or military personnel. Neither the GNA nor the LNA has managed the nation's refugees in any meaningful sense.

This lack of capacity has only served to increase the danger to migrants and refugees trying to cross or depart from Libya. Specifically, during the height of the Syrian Civil War exodus many refugees from that country's conflict sought to cross Libya, which caused intense stress on the state's already weak institutions. Since the government was unable to manage this influx of humanity, those who could afford it hired smugglers or guides to lead them to known crossing sites to Europe. Since Syrian and Iraqi refugees had greater financial resources, they were able to hire guides and that fact created a \$300 million market for transporting migrants and refugees by 2015. After 2015, the surge of migrants and refugees into Libya slowed, and smugglers, militias, and criminal networks began controlling and operating unofficial detention sites (Al-Dayel, Anfinson and Anfinson 2021, 2).

Human trafficking has become pervasive in Libya as authorities lack any ability to slow or reverse its rise. According

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to the U.S. Department of State (2020), the Libyan criminal justice system lacks specialized courts or administrative units to oversee human trafficking cases. Libya's Ministries of Justice and Interior have failed to prosecute human trafficking cases since 2014 due to a lack of police personnel. As a result, suspects and perpetrators have largely been allowed to continue their activities unabated (Al-Dayel, Anfinson and Anfinson 2021, 5). Given the access these corrupt actors have to vulnerable populations of detained migrants and refugees, the financial gain they can accrue and the lack of government response to their criminal activities, it is no surprise that human trafficking has become pervasive in the nation's many militia-and warlord-operated detention centers.

In addition to political divisions, domestic instability and the lack of institutional capacity, corruption has played an important role in the mismanagement of refugee flows. Specifically, international observers and NGO representatives have become increasingly frustrated with the inability of Libyan authorities to crack down on corruption among government officials, many of whom have been accused of complicity in human trafficking and refugee and migrant smuggling (Al-Dayel, Anfinson and Anfinson 2021, 5). In fact, the United Nations has imposed sanctions on some of these officials (Al-Dayel, Anfinson and Anfinson 2021, 5). The U.S. Department of State (2020, 72) has argued that this corruption has occurred in part because of the infiltration by militia groups and 'criminal networks' into government agencies that address immigration and defense concerns. To the extent this is in fact occurring, it provides perpetrators with authority to pursue their crimes under cover of official responsibility. There are many reported cases of 'disappearing individuals' once in the custody of Libyan authorities. In some cases, traffickers are reported to have impersonated UN personnel at disembarkation points within Libya, a move that would certainly require institutional corruption (Al-Dayel, Anfinson and Anfinson 2021, 5).

In addition to trafficking, sexual assault and rape of refugees by purported Libyan authorities is common. The U.N. has found that at least half of migrant women reported experiencing sexual violence while being transferred between detention centers by security forces in Libya. In addition, three-quarters of migrant and refugee children reported being harassed or beaten, with girls being especially susceptible to such violence (Al-Dayel, Anfinson and Anfinson 2021, 5). There have also been accounts of racial and religious harassment and violence against Christians and darker-skinned refugees and migrants. By far the greatest examples of the failure of Libyan institutions to address migrant and refugee challenge in recent years are the migrant detention facilities which, as noted above, are often managed unofficially by local militias, traffickers, and smugglers. Although after 2020 many of these centers were returned to official government control, they are still characterized by horrible conditions for the migrant and refugee detainees. This situation is mainly due to the corruption and indifference of the officials tasked to manage them.

A critical factor in understanding the nation's widespread human trafficking is the role that decentralized power structures have played in permitting and perpetuating it. It was common under Gaddafi for officials to intercept refugees at sea in Libyan waters and force them to return to that nation without proper screening to determine their refugee, asylum or other migrant status. These actions violated the principle of nonrefoulement protecting refugees from being expelled or returned to an area where they fear for their lives (Al-Dayel, Anfinson and Anfinson 2021, 4). Some detainees were sold by smugglers into forced labor or prostitution by corrupted security officials when these illegal returns occurred.

Libya included the right to asylum in its constitution following the fall of the Gaddafi regime in 2011. However, that document did not offer a process by which to determine the asylum status of petitioning individuals. Given the involvement of corrupt actors in the operation of detainment centers, these continue to function as small illicit economies within Libyan politics (Al-Dayel, Anfinson and Anfinson 2021). The lack of stable government institutions after the fall of the regime allowed these actors to become entrenched. Today, those who benefit from these illegal micro-economies bend every effort to protect them (Shaw, Mark, & Mangan 2019, 99-110). The drug trade, human trafficking, refugee and migrant smuggling, and slavery all provide steady income and any serious attempt to end their operations risks a return to civil conflict.

Libya has signed several agreements with the EU and other Mediterranean states, including the Malta Declaration of February 2017. That pact sought to reduce irregular migration and human trafficking along the Central Mediterranean route by making EU funds available to affected nations to improve the reception and voluntary return of migrants (Palm 2020, 13). In Libya's case, the agreement aimed to keep migrants in Libyan territory and arrange

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for their lawful return prior to their arrival in any Union country.

Within Libya, the GNA has sought to use this European Union dependence to its advantage, by preventing asylum seekers and migrants from leaving Libya in exchange for diplomatic concessions. The joint Libyan-EU policy on migration has placed still greater pressure on Libya's detention centers and exacerbated the already dismal conditions present in them.

Beginning in 2017, the EU began to focus its actions on the training of cooperating nation's coast guards, protecting and assisting migrants and refugees, supporting local communities and improving border management (European Council 2021). These actions have been funded through the EU emergency trust for Africa and account for €408 million of the €4.5 billion general budget for the trust (European Council 2021).

While the EU has pledged training and aid to the Libyan Coast Guard in addition to aid to affected coastal communities in that country further to the Malta Declaration, conditions within Libya have not really changed positively for migrants and refugees (European Council 2021). What has changed has been the number of migrants and refugees successfully reaching the European Union. Since 2016, migration to the European Union from Libya has fallen by 95%, suggesting that the EU has assigned priority to stemming the tide of migrants and refugees over improving human rights conditions in Libya.

## Malta and the Refugee Crisis

Small EU states, including Malta, have seen their political institutions strained by the Syrian refugee crisis. Malta, an island nation located between the northern coast of Libya and the southern tip of Italy, emerged as prime stop for refugees on their way to Europe in the wake of the Syrian Civil War.

In direct contrast to Libya, Malta is a stable republic with functioning democratic institutions. With a population of a little more than half a million people, it has perhaps been more dramatically affected by the migrant and refugee stream during the last fifteen years than any other country in the EU or along the Mediterranean Sea. According to EU data, Malta has the highest ratio of refugees to resident population in the EU with more than 56.23 such individuals per 1,000 citizens, as of 2019. For reference, large countries, including France and Germany have like ratios of 5.73 and 10.67 per 1,000 inhabitants respectively (European Union 2021). Malta's location, small population and land area dispose it to be affected disproportionately by flows of migrants and refugees from the south. Though this is also a problem for other small EU states, including Luxembourg and Iceland, Malta is unique in that its location makes it an attractive transit location to the continent.

According to a recent report on migration into the European Union, the Central Mediterranean route saw the most significant increase in irregular migration of any such path during 2021 (European Council 2022). The Central Mediterranean route refers to the routes that refugees from North Africa and beyond follow to travel to Malta, Italy and France. Although Malta, in particular, saw a net decrease in migration in 2022, the central Mediterranean route to the EU remains popular, especially with migrants leaving from Libya and Tunisia. As of late September 2021, for example, 54,000 migrants had taken this route to the EU, with 41,000 of those landing in Italy alone. By that same date in 2021, Malta had offered asylum to only 470 migrants, owing to its much harsher policy on migration and its cooperation with Libya's interim government (ECRE 2021).

Malta has been an EU member and a participant in the Schengen area agreement since 2004. This means that if Malta allows entry or asylum to migrants, they can thereafter seek asylum elsewhere in the EU. Thus, Malta has become a prime target for refugees. However, Malta has always had restrictive immigration and asylum policies, which its leaders have maintained even in the face of criticism. In an infamous case in 2002, for example, Malta deported more than 200 asylum-seeking Eritrean migrants who were subsequently tortured, maimed and in some cases killed following their return to their home country (Leone-Ganado 2015).

### *Main actors and national legal framework*

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The main actors involved in the management of refugee flows in Malta include the state, the Catholic Church, and various international organizations. Malta's laws that govern migration, asylum and human trafficking are its Immigration Act; Refugees Act, amended in 2015 and 2017; White Slave Traffic (Suppression) and Victims of Crime of the Laws of Malta; Care Orders Act and Prevention of Disease Ordinance. A part of the Maltese Criminal Code is dedicated to human trafficking and the most recent amendment to that statute occurred in 2018. Furthermore, Malta adopted several amendments to its Criminal Code in 2013 to integrate the EU Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings (Migrants/Refugees 2020).

In terms of international obligations, Malta has ratified the Convention on the Rights of the Child (1990); the ILO Convention on the Worst Forms of Child Labor (2001); the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (2002); the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (known as the Palermo Protocol) (2003); and the Council of Europe Convention on Actions against Trafficking in Human Beings (2008) (Migrants/Refugees 2020).

The main government players responsible for the implementation of laws governing migration, asylum seekers, and human trafficking in Malta are the Ministry for Home Affairs and National Security and the Ministry for Justice and Home Affairs. As far as governmental agencies are concerned, the Office of the Refugee Commissioner (REFCOM), department of the Ministry of Home Affairs, provides information about asylum procedures and statistical data concerning that population. The Agency for the welfare of the asylum seekers (AWAS) provides information about employment, housing, health, education, and welfare, while the *Aġenzija Appoġġ* supports and protects children and youths against exploitation (Migrants/Refugees 2020). Despite these law enforcement measures, the government of Malta does not fully meet the minimum standards for the elimination of trafficking and has received a TIER 2 ranking, which means that it is making significant effort to fill the gaps in its laws and institutions (Migrants/Refugees 2020).

The Catholic Church is deeply involved in caring for refugees through several front-line organizations that help them by providing different services (Migrants/Refugees 2020). Caritas Malta has offered services to vulnerable people since 1968 and was officially registered as *Fondazzjoni Caritas Malta* in 2017. The Malta Emigrants' Commission (established in 1950) provides pastoral care, counselling services and protection to migrants as well as people on the move and itinerant persons. During the current COVID-19 pandemic (2020), the Commission also engaged in the distribution of food and other basic necessities to needy refugee families.

Since 1993, the Jesuit Refugee Service Malta (JRS) has been providing legal assistance and social work services (including healthcare and psychological support) to asylum seekers, while also advocating for just support and protection of the most vulnerable. Through its team of lawyers, social workers, nurses, Jesuit priests and religious, cultural mediators and volunteers, JRS Malta also reaches the local community through awareness raising programs aimed at highlighting the realities that each refugee and migrant experiences.

The John XXIII Peace Lab, founded 30 years ago by a Franciscan friar, promotes a culture of peace and justice through adult education programs based on Christian beliefs. Since 2005, following an agreement with the Ministry for the Family and Social Solidarity, the Peace Lab has been providing accommodation and basic care to asylum seekers.

Working in Malta since 2009, the RENATE project (Religious in Europe Networking Against Trafficking and Exploitation) is part of the *TALITHA KUM* international project created by the International Union Superiors General and helps the victims of human trafficking by offering a variety of services. The Salesians of Don Bosco provide educational and pastoral activities in a number of residential homes, schools, churches, and youth centers. The Diocesan Commissions of the Archdiocese of Malta are deeply involved in the migration issue, while the Order of Malta is particularly involved in the wellness of migrants, especially single migrant mothers and their children.

In this context, and in view of the huge pressures experienced by the country because of the large number of boat arrivals (1,200 in April 2020), Maltese bishops, through the Maltese Episcopal Conference, which is made up of two dioceses: the Island of Malta with its 70 parishes and the Island of Gozo with 15 parishes, have taken very firm positions on defending the rights and dignity of refugees, especially with regard to the phenomenon of the ongoing

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tragedies in the Mediterranean. They continue to make repeated appeals for concrete, concerted and collaborative action (Migrants/Refugees 2020).

Among the international organizations involved in the management of refugee flows, it is worth mentioning the Platform of Human Rights Organizations in Malta (PHROM) that is a network of NGOs that promotes human rights, and International Organization for Migration (IOM) and the United Nations High Commission for Refugees (UNHCR) that support different projects focused on migrants and asylum seekers. The IOM Office in Malta was established in 2007 and is currently working on several resettlement projects and programs, assistance to refugees and migrants, return, relocation and the fight against human trafficking. IOM also provides a free telephone helpline for migrants and victims of human trafficking while also promoting awareness-raising campaigns for the local population (Migrants/Refugees 2020).

Considering the strengths and weaknesses of the various organizations and entities involved in migration issues raises several concerns. First, there is a lack of coordination not only among the government ministries, but also between them and the lay and religious associations involved in the care and protection of migrants. Second, the government does not enforce a labor recruitment regulation specific to those sectors most directly involved in human trafficking. Third, there is little accurate and current information about migration and refugee flows.

## *Asylum seekers and refugees in Malta*

In 2019, the total number of asylum seekers arriving in Malta was 3,406. In the first six months of 2020, slightly half that number (1,699) arrived. Until mid-2018, due to an informal agreement between Malta and Italy, all migrants who had been rescued in Maltese territory or in its search and rescue waters were disembarked in Italy. When the Italian government decided to stop those flows in 2018, Malta signed relocation agreements with other EU countries and some 1,000 people who had been rescued at sea were transferred from Malta to France, Germany, Portugal, Spain, Luxembourg, and Ireland.

When asylum seekers arrive in Malta, most are transferred to its Open, Detention and Initial Reception centers. These allow asylum seekers only a certain amount of mobility beyond their confines, which are located far from the nation's urban areas. Consequently, the refugees have almost no interaction with the local population. In June 2020, the Open centers housed 1,490 persons, another 1,653 were in Detention centers and 321 were in Initial Reception centers (Migrants/Refugees 2020). The journey that the refugees endure before their arrival in Malta has a very high level of risk and danger. While in Libya, they run the risk of being tortured or raped. After that, crossing the Mediterranean Sea in often fragile boats represents another high degree of risk. Arriving in Malta, some asylum seekers must wait in Detention centers before they receive a decision about their claims. Others must wait in Open centers, living in crowded containers with little protection in cold and hot weather.

It is important to note that compared to the total number of claims, the percentage of successful claims is very low. Between January and May 2020, Malta saw 777 claims but only 21 per cent of them were recognized. Of those, 5 per cent were given refugee status, 16 per cent were given subsidiary protection and two cases resulted in temporary humanitarian protection. Despite obtaining refugee status or subsidiary protection, those migrants are at significant risk of poverty. This is so in part because asylum seekers in Malta are not entitled to the social welfare benefits designed to help the country's poorer citizens and long-term residents. However, refugees with subsidiary protection status and who live in the Open or Detention centers are eligible to receive basic social assistance.

## *Human Trafficking*

One of the main challenges facing refugees is that they become the subject of human trafficking. In 2017, Maltese police identified 30 victims of human trafficking most of which occurred in urban areas. There is little information about the route or the channels being used by the traffickers while difficulties in accurately identifying the victims can result in them becoming invisible. In 2017 for example, although NGOs reported assisting victims who were children, the government never formally identified them, despite the fact that some minors were eventually accused of prostitution (Migrants/Refugees 2020). The main programs and activities that victims of human trafficking can

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access include the Program Crime Stop; a phone help line using the number 119. Police also refer victims of trafficking to *Aġenzija Appoġġ* to receive different kinds of support, including shelter. The National Welfare Agency offers medical care, employment services, counselling and additional emergency shelters and staff (Migrants/Refugees 2020). While media tend to look for the more sensational aspects of irregular migration, little coverage is given to human trafficking and its victims. This is consistent with the invisibility that still characterizes this complex issue.

## *Maltese perceptions of refugees*

Maltese perceptions of refugees are very much conditioned by media accounts. Specifically, Maltese media have two different approaches when reporting on forced migrants. On the one hand, some focus on the sensational elements of migration, putting the attention on crisis and invasion and often use inappropriate language in doing so. On the other hand, others focus their reporting on the human rights of these persons and their struggle to reach Malta safely.

Maltese opinion on the matter of migration remains harsh despite public campaigns by NGOs to encourage the opposite. Many Maltese fear that their local culture and heritage will be lost amidst a wave of migrants and refugees, a common sentiment in many EU countries. Indeed, it is not difficult to see why Maltese political and social groups have been successful in securitizing refugees and migrants. Malta's foreign-born population percentage rose from 4.9 per cent in 2011 to more than 23.17 per cent in 2019 (European Union 2021). That growth led to a xenophobic political reaction and Malta adopted a harsher political stance on migration than EU policy recommended. Rising public concern has joined with mounting financial strain, arising from a relative lack of resources and coordinated support from other EU states, to impede Malta's willingness to address the migrant challenge in accord with EU policy.

The large number of migrants moving into and through Malta has heightened widespread anti-migrant sentiments among the local Maltese. Narratives of African and other 'invaders' who purportedly aim to destroy European civilization have circulated widely during the last decade, spiking participation in far-right parties (McAdam and Otto 2020). Maltese public opinion on migration remains generally negative: 63 per cent of the Maltese population identifies migration as a problem and less than one third view it as culturally enriching (Durick 2012). In addition, an overwhelming majority of Maltese believe that migration has worsened crime in the country (McAdam and Otto 2020).

This negative outlook has shaped the Maltese government's migration policies. Often butting heads with the EU over what it considers to be a lack of aid in dealing with migrants and refugees, Malta closed its ports to migrant vessels as well as sent refugees rescued trying to cross from unstable areas back to the ports from which they embarked. In 2018, the Maltese government prohibited a 'Lifeline' ship with more than 200 rescued migrants from docking. This incident occurred just a month after the country had closed its ports to the humanitarian ship MV Aquarius. Both events brought sharp criticism from other EU states, including France, but that outcry did not shift Maltese attitudes (Pullella and Scherer 2018).

In 2020, Amnesty International condemned Malta for its 'illegal tactics' in dealing with refugees. Amnesty highlighted Malta's redirection of ships containing migrants towards Italy, forcible return of refugees to Libya and illegal detention of individuals in ill-equipped ferries off its shores (France- Presse 2020). In addition, Malta has for some time followed a policy of mandatory detention of migrants through which men, women, and children are held for long periods awaiting extradition. This detention policy led to the rioting of detainees in September of 2019, which brought broad attention to their plight. Weathering international criticism from fellow EU member states and a range of NGOs and aid organizations, Malta has failed to shift its policies or harsh treatment of refugees.

## *The inhumane conditions at the detention centers*

The origins of Malta's severe measures lie in the fact that the country found itself completely unprepared when the migrant stream peaked in 2015. As increasingly large numbers of migrants began arriving at once, the nation began to exhaust its already limited resources to address their needs. The surge of migrants in the past few years, when

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more than 3,500 and 1,200 people entered Malta in 2019 and the first half of 2020 respectively, has been difficult for the nation to manage (ECRE 2021). The three main facilities on the island – Marsa, the Safi Barracks, and the Lyster Barracks – can handle about 2,000 people, which is quite small compared to migrant housing and detention facilities in other EU countries (ECRE 2021). These detention centers have been roundly criticized in the press for their ‘prison-like conditions’ (Abela 2019). The European Committee for the Prevention of

Torture and Inhuman or Degrading Treatment or Punishment (CPT) published a report in March 2021 noting that ‘living conditions in detention are overall deplorable, with migrants deprived of their liberty and kept in overcrowded units, with nothing to do and very minimal contact with the outside world for prolonged periods’ (ECRE 2021). Government officials in Malta have denied the reported conditions of the detention facilities even in the face of evidence to the contrary, signaling that they may not see the deplorable conditions as a pressing concern despite the degradation and human rights violations they represent.

## *The Lack of a comprehensive EU migration Policy*

Another factor that influences Malta’s restrictive migrant and refugee detention policies is the fact that the European Union has not offered its members a comprehensive strategy concerning migration. There are several reasons for this situation, but most are linked to the recurring debate concerning national sovereignty that arises in any discussion for a unified strategy within the Union. Migration, in particular, has been an especially contentious issue within the EU as it was a key element in the United Kingdom’s decision to exit the community in January 2020. Any Union migration strategy must account for the various national policies and demographic realities of each member state. This fact makes it quite difficult for negotiators. For example, in 2019 Germany, France, Malta, and Italy prepared a plan to screen migrants from boats quickly and relocate them to EU members willing to accept them (Cook 2019). That scheme would allay the incidents of humanitarian migrant rescue ships being prohibited from docking in Italy and Malta. Unfortunately, although this plan was devised by countries that typically disagree on EU migration policy, it nevertheless lacked the support of a majority of EU members, with only 7 of 28 member states supporting the initiative (Al Jazeera 2019).

## **Conclusion**

The refugee challenge, which has continued to affect Mediterranean states since its peak in 2015, continues to confound countries around the region. In many cases, it has put great strain on the resources and institutions of governments unprepared to address it. Libya and Malta have been pressed hard in their efforts to meet the needs of those crossing their borders. Both countries have also experienced pressures from internal and external sources that have fostered harsh environments for refugees while also creating impediments to addressing their needs coherently. Both states have failed to address the inhumane conditions and treatment of migrants at their detainment centers. In Libya, detention centers are often the province of corrupt officials and militias and have become a hotspot for human trafficking, torture, and forced labor. Meanwhile, Malta’s detainment centers have been criticized for their inhumane conditions and long and uncertain stays. Malta has also forcibly returned refugees without proper screening and acknowledgment of their human rights.

Apart from its governmental divisions and domestic instability, Libya faces the issue of impotent and corrupt institutions that are ill-equipped to address the human rights abuses that are visited daily on migrants across the country. Human trafficking, slavery, and other forms of abuse run rampant and the lack of security along the borders means that the crisis is likely to continue. In addition, the decentralized nature of Libyan society and its corrupt and convoluted power relationships make any reform difficult. Thus, it is a very difficult task for the Libyans to reform these institutions or centralize and legitimize governance. It will undoubtedly be a major challenge for Libya to reform itself internally so as to address its institutional corruption in a competent and holistic way.

Malta is a small island nation with a relative lack of resources and popular disdain for migrants. Given the country’s geographical location between Libya and Italy, it experiences a high number of migrants and refugees seeking to travel to the larger EU countries. These factors set the country up to fail in properly handling the refugee influx. Malta’s difficulties have also been exacerbated by the lack of a coherent EU migration and asylum policy. This



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situation has placed Maltese officials in a situation where they have come to perceive that an aggressive anti-migrant posture is their most viable course politically.

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## About the author:

**Emma Casey** serves as a Research Assistant at the Virginia Tech Department of Political Science specializing in conflict studies and non-governmental organizations.

**Yannis A. Stivachtis** is Professor of Political Science and holder of the Jean Monnet Chair at Virginia Tech.

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