

Introduction

“As an interim response, the promotion of self-reliance of refugees is an important means to avoid dependency, take advantage of the initiative and potential contributions of refugees, and prepare them for durable solutions”

Agenda for Protection, UNHCR, October 2003

The overwhelming flow of refugees fleeing persecution, civil wars and grave human rights violations in their countries of origin is a worldwide phenomenon, viewed by many governments as a threat. International refugee law, based on the 1951 UN Convention on the Status of Refugee and its 1967 Protocol, recognizes the importance of granting international protection to asylum seekers for the maintenance of international peace and security, as manifested in the United Nations Charter.

In recent years the focus of Refugee’s International law practice has been on the decriminalization of refugees—many times detained as *illegal migrants* in breach of the international refugee law. But as the flow of refugees and the number of those recognized with refugee status increases, the focus has been shifted to the quality of the international protection once it is granted as well.

Addressing Article 34 of the 1951 Convention, it has been acknowledged that the integration, assimilation and future naturalization of refugees in the host society (or in other words, the quality of the protection granted to refugees) is as important to the maintenance of international peace and security as the granting of the protection.

Following a more holistic perspective, this approach aims at dealing with the prevention of the possible consequences of ill-treatment of refugees as much as forms of persecution (ill-treatments such as increasing racism, trafficking in persons, slavery and sexual slavery, and extreme poverty and depravation, all recognized as threats to international peace, and as possible grounds for future conflicts).

International protection, therefore, is not only about receiving refugees and acknowledging their status, but also about integrating them into the host country and society and finding durable solutions without which the protection granted might become meaningless.

This paper will essentially adhere to the group of Articles in the 1951 Convention that deal with refugees’ rights once they are granted refugee status, specifically looking

into the quality of the protection granted. Here I am addressing Articles 17-19, 24-26, dealing with the refugees' right to gainful employment and welfare and especially Article 34, regarding states' responsibility for the assimilation and neutralization of the refugees in the host society and state. Keep in mind that I will address here only those refugees already *granted* refugee status. I will not address the problems facing asylum seekers and persons not granted refugee status but granted some other form of international humanitarian protection.

Hal Far Refugee camp, Hal Far, Malta

Entering the Hal Far refugee camp, also known as the *Hal Far open center*,¹ one cannot avoid the sight of the two big dirty garbage cans, the garbage spilling out, spread on the ground, right in the middle of the camp, at the entrance to the buildings where the refugees live. Men and women are passing by, children are playing, running, riding their bikes. On Sunday afternoons, after 2 days of accumulation, the cans cannot contain all the garbage. The inhabitants try to keep it ordered – when the cans are filled they put the rest in carton boxes and big plastic bags. But rain and wind, stray cats and small insects nullify their efforts, and there is always some garbage spread out in the open. This was my first impression, and it is probably the first thing any newcomer encounters. The placement of the garbage cans amounts to a serious health hazard if one further considers the fact that the food supplied and brought to the refugees by the government is left, literally, outside in the open on the sidewalk, only 3-4 meters away from the over-spilling garbage cans. Together with the open sewers one can easily spot at the back of the buildings, the words ill-treatment comes quickly into a human-rights-perspective-focused mind.

I went to the Hal Far refugee open center to teach English as a volunteer. These are my personal impressions - all the information I gathered comes from what I saw, from speaking with the refugees and the Maltese who work and volunteer with them, and from Maltese Media and NGO's reports. I met and spoke with about 25 refugees, men and women; many of them speak English to a certain degree. I wrote only about what I saw and encountered. I was not invited to enter the buildings, thus could not report

¹ To distinguish it from the closed Army Barracks at Hal Far where asylum seekers are detained, on many occasions in breach of international refugee law.

on their in-house living conditions. I met refugees from North-West Africa who fled persecution from members of another tribe. I met Somalis and Sudanese fleeing the civil wars that have torn their countries for many years by now. I met many Congolese who fled the violent conflict in the DRC and fled for a better, normal life, living and working for 2-10 years in Libya until persecution on grounds of race and religion started there. They continued fleeing, this time landing in Malta.

Garbage, Ignorance, Xenophobia and Racism

Besides the obvious health hazards the placement of the garbage constitutes, while later on reflecting on it, I brought to mind what Israeli-Jews are many times exposed to on the rare occasion when they enter Palestinian villages and refugee camps in Israel and Palestine. We, Jewish Israelis, would many times see much the same sights of negligence. Never having met a Palestinian before—and not knowing the forced circumstances that led to their living conditions, all deliberately neglected by the Israeli authorities for decades now—the first association in the Jewish Israeli mind is between Arabs and dirtiness, connecting their impoverished living conditions and intentional devaluation with their “culture” or “tradition.” That is one of the most basic grounds of the racist and prejudice notions towards Arabs prevailing among Israeli Jews – “*Arabs equal dirty.*” “This is just the way they are,” is a common saying among Israeli-Jews.

The same process of emerging racism based on distorted perception of reality, it seems, might take place in Maltese society. The refugees at the Hal Far open center are all Africans coming from countries like the DRC, Somalia, Sudan, Mali, Liberia, Eritrea, the Ivory Coast and Nigeria. They represent a diversity of colonial and native languages, religions, cultures, tribes, and body and facial features. For the Maltese people, however, never having met African-Black people before and not being aware of the problems of refugee camps, the conclusion that *Blacks equals Dirty*, and that they are thus *less than human*, might just seem logical. The fact that a lot of the African refugees are from Arab descent should be mentioned here as well, as racism and xenophobia against Arabs already exist in Malta to some extent.² Furthermore,

² In fact, many of my student-colleagues in the masters program, coming from all around the Arab world, can testify for that

traces of racism and prejudice against the refugees as such, suggesting possible lack of knowledge regarding their status and circumstances, already exist according to Maltese media reports on the excessively violent response of the authorities against refugee detainees' peaceful protest at the Safi Barracks on January 14, 2005.³ They exist in society as much as among Army and police personnel.⁴ In government announcements, the refugees are often presented as illegal migrants – as criminals. The measures taken against them, when detaining them on arrival in breach of international Refugee law, imply that the nature and purpose of their arrival is “criminal.”

“When I suggested to my students that we visit and get to know the refugees in Hal Far, they expressed their fear from the refugees,” said a Maltese who trains future teachers. They viewed the camp as a dangerous place, and the refugees as dangerous and intimidating. None of them had ever met a refugee or visited the camp. None knew their living conditions and the problems they face as refugees. The only thing they knew is that they were black, suggesting racist attitudes beyond xenophobia and transcending the concrete context of refugees. The students she mentioned were in the ages of 18-23, about to become teachers in Malta’s public schools and very likely to take part in the integration of children of African descent who will attend their school along with Maltese children.

Fixed Temporality

The situation at the Hal Far camp reminded me an old summer camp or a very low-budget backpackers hostel. Everything there says temporality, improvisation, and cost cutting. The junk thrown everywhere, the people hanging outside their over-crowded rooms, the hand-washed laundry hanging out to dry all over the camp, the broken dirt road, the old buildings in serious need of renovation—it does not look or feel like a place where people actually live their daily lives. Some are starting to build a new life in a new country, others are awaiting circumstances to allow them to return back home, strong and ready to rehabilitate their old life.

³ Massimo Farrugia and Grech Herman, “Immigrants beaten in Peaceful Protest”, *The Malta Times*, January 14, 2005

⁴ Ibid

When I asked what they thought about Malta, I received answers from many of the refugees. At first they disliked Malta, did not intend to reach it, and felt unlucky for fleeing persecution and landing in a place just as harsh and unwelcoming. They had all planned on Malta being a sad but temporary mistake on the way to other European countries. Nevertheless, although some still wait for the first opportunity to leave the island, in time, and despite their harsh detention conditions, many have grown to like Malta and the Maltese people, and are now eager to start their new lives here. For those, however, it seems the already difficult task is becoming more difficult due to the treatment they receive.

Their problem in this context is not the lack of skills or will. I met builders and university professors, musicians and carpenters, accountants and bus and truck drivers, farmers and teachers. They were all experienced, and eager to find work, and most of our conversations revolved around that subject. Whether we were doing a class on Past tense (“Yesterday I went to Valletta to look for work”), or Future tense (“tomorrow I will go to Valletta again to look for work”), work or finding work were the main concerns. Whether it was learning new vocabulary or practicing their speaking capacities, it all centered on the need and will to become independent and start building a life in Malta.

But finding work to sustain themselves is very difficult. Most of them work on a temporary basis, illegally, and only when they are needed, thus endangering their refugee statuses. Aren’t they afraid of that, I asked one of them? He laughed gently. “How else can we earn money?” he asked. These are the only jobs and working conditions offered to them by Maltese employers. His friend, an experienced farmer in his country of origin, told me he wished they were allowed to cultivate some land, of which the Hal Far area is not lacking. “We are very thankful for the food we get,” he said, “but I want to grow and cook my food.”

In these daily, temporary, and illegal jobs the refugees are usually underpaid, and as one Maltese colleague suggested they are hired only to do the “black” jobs that Maltese people will no longer do. Under Article 17 and 18 of the 1951 Convention, states are contracted to supply refugees with gainful, wage-earning, self-employment. But in Hal Far even steady work does not open better opportunities for refugees. Once I asked a refugee working at a hotel in Paceville (Malta’s busiest tourist area – an

hour and 2 sometimes 3 busses a way from Hal Far, sometimes ending early in the evening before his shift ends) why he was still living in Hal Far. He smiled shyly but did not answer. The truth is that no Maltese will rent an apartment to a refugee, one of the Maltese volunteers told me later. Their refugee status, especially as Africans and Arabs, identifiable as foreigners by the color of their skin, has become their “glass ceiling.” The open center is in effect not really that open for those who want to establish a new home – legally speaking their freedom of movement is promised under Article 26 of the 1951 Convention. Refugees can freely get in and out of the center, but you do not have anywhere to leave to.

But the problems of racism and biased perceptions of the refugees are not the only *transparent obstacles* that block the refugees from leaving the open center to start new lives, and push them to work temporarily and illegally. The Jesuit Refugee Service (JRS) report from July 2003⁵ states that the residents of the open center are provided with food while they live there, but that is all. There are no resources allocated towards their integration into the Maltese society – whether for learning the language, finding work, integrating into the community and public life, learning the cultural habits etc—and that only those granted refugee status (while others are granted only humanitarian protection) are entitled to very limited financial assistance.⁶ A cycle of deprivation and poverty in conditions of fixed temporality is thus created.

Food, Criminalization and Gender-related issues

The inhabitants at Hal Far are not allowed to cook for themselves. A volunteer told me that authorities had claimed the refugees might burn the camp or themselves. Because of this they do not have kitchens or cooking facilities, besides what they improvise. As far as I could tell, there are no food storage facilities either. The government supplies the refugees living in Hal Far camp two meals every day in plastic containers and plastic silverware. But food is not their only dependency – their cloths, the children’s toys, any tools, chairs, etc., are all donated, making the refugees dependent on the good will and available resources of others – on charity.

⁵ Katrine Camilleri, *Detention of Asylum Seekers in Malta*, Ibid

⁶ Katrine Camilleri, *Detention of Asylum Seekers in Malta*, Ibid

The first time I witnessed the food distribution was surreal. While we were sitting outside at an English lesson, a big police car entered and came to a screeching halt. Two police officers stepped quickly out. We (I and the other Maltese women that were teaching the class) assumed immediately that something bad happened. It turned out, however, that this police car brought the food. It is common knowledge in the Maltese society that refugees are the responsibility of the police and the Armed Forces, and therefore, refugees are strongly associated with illegality and with crime. In the government media releases they are addressed to as illegal migrants. Thus the criminalization of refugees takes place not only in the laws and the practice of detaining asylum seekers, while their request is examined, but also in the public mind.

The two policemen went in quickly, put all the food outside one of the buildings, on the sidewalk, out in the open, 3-4 meters from the piles of garbage, and then kind of fled. They did not talk with anybody, and they barely looked at anybody. This happened every time I went there. Accustomed to that, people just came by and took whatever they felt like. Nobody seemed to care about equity or equality. There were fights over the food. People shouted. I witnessed it 5 times - it was always the men who approached the food first, and its arrival always aroused conflicts amounting to verbal violence and pushing. Women usually came only about a hour later and took from what was left. Then the older children (about 14-15) sometimes came. Whenever I left, there was always some food still waiting to be taken. I was wondering, however, what would happen if the government decided to cut costs and deliver the exact food quota to match the number of inhabitants.

The seemingly unequal distribution of food and other common public resources raise the issue of gender in the context of refugee camps. At Dr. Anna Gallagher's class we learned that women in refugee camps, especially single women with children, do not have equal accesses to food and other resources. This leads to worse living conditions and bad health. Research further shows that lack of equality in access to resources often gives rise to sexual abuse and prostitution for survival of women and children on their own⁷. At Hal Far, men had control over the use of the common public areas and infra-structure in the camp – the football field, the small terraces, the chairs. They were the first to access the donations (of cloths, toys and alike) that were brought to

the center by concerned Maltese. In the few instances I witnessed, women, and then the children, had access only after the men were done, regardless of the contents. The UNHCR guidelines mention the problems of scalping and of sexual exploitation of women and girls (sex for food, cloths and other resources) in that context. In such circumstances of the absence of international protection, the notion of the survival of the fittest gains new, dreadful meanings.

Conclusions

Compared to stories and reports on the conditions of refugee camps and the quality of protection granted to refugees around the world, it appears that Malta applies most of the criteria established in the 1951 convention and its protocol and basically treats the refugee, once granted protection, according to the demands of the law. The refugees granted with refugee status are granted the legal standing of residents and supplied with temporary housing when necessary. Their children attend public schools and they are entitled to financial assistance and other social services. While living in the refugee camps they are also provided with basic food, electricity and water. Most of them are granted work permits as well as travel documents. They also have the right to receive state medical care. The main problem, however, lies in the realization of their integration into society as equal members, and the establishment of a sustainable solution as part of the international protection granted to them, without which all other rights granted might become void and meaningless.

Suggestions

1. The 2003 Agenda for Protection of refugees initiative, declared by all state members to the 1951 Convention and Protocol on the Statues of Refugees, Malta among them, emphasizes the importance of self-sustainability and of adhering to gender and environmental guidelines when planning and running a refugee camp⁸. The initiative's declaration stresses the necessity of humane treatment when granting

⁷ Executive Committee of the High Commissioner's Programme, "Agenda for Protection", UN Doc A/AC.96/965/Add.1 of 26 June 2002.

⁸ Ibid

protection, as well as the importance of sustainability as a necessary component for international protection to be granted⁹. Thus, the lack of food preparation facilities, the use of disposable containers, the garbage and open-air sewers, the fact that men and women live in the same small compound, the lack of equality in the distribution of basic resources, and the government assistance with integration all seem to fall short of the international standards of treatment and protection of refugees.

2. The problems of criminalization, racism, and inability of self-sustainability, together with harsh living conditions and the lack of public awareness, are interrelated. Thus:

A. There is a need for widespread awareness campaigns among the public, as well as among policy and decision makers and those in charge of implementing government policies. Education on all levels, from school to adult education, should address the causes of forced migration to Malta, work to integrate the refugees into society, and make society accept refugees as new equal members. Granting work permission will not help a refugees find gainful employment if society treats them as less than human, thereby legitimizing exploitation and exclusion. The de-criminalization of refugees, both through changed laws and improved treatment conditions, is crucial for preventing the development of racist perceptions that would create further future persecution of refugees.

B. Several practical steps can be taken: moving the garbage cans' location outside the center will help protect the refugees' health and self-respect, while at the same time preventing possible misconceptions. The community of refugees should be involved in this change—they are to understand it is not just another arbitrary step against those little habits they have acquired. They should participate in the move and help promote it.

C. Another possible remedy would be building a common kitchen and establishing and maintaining other common areas. Such a community project would offer both a practical solution to existing problems of distribution of resources and a tool for creating community spirit.

⁹ Ibid

D. Creating special trained government agencies or contracting existing NGO's with hands on experience to be responsible for the treatment of refugees seems just necessary as taking these responsibilities away from the police and armed forces—it is not their job. Refugees are not criminals, they are not a threat to society, and they should not be treated as such. On the contrary, by definition they are given the protection of society. Police should not be assigned the work of social workers.

Yet solving these problems might not be enough. As long as the refugees are under police responsibility, the public perception of them (as well as their perception of themselves) as illegal criminals might prevail, amounting to a self-fulfilled prophecy.

E. Refugees' participation in the handling of their center should be encouraged, thus filling not only to the need to empower refugees to gain self-sustainability, but also the lack of resources the Maltese society suffer.

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