



Menu ▼

Repression without compassion: the state of forced migration governance in Malta

Author(s) Daniela DeBono

Anna Khakee

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Guest post by Daniela DeBono and Anna Khakee. Daniela DeBono is Head of Department and Associate Professor at the Department of Anthropology. She conducts research on migration and displacement, borders, humanitarian action and human rights. Anna Khakee is Associate Professor at the Department for International Relations, University of Malta and former Network on Humanitarian Action (NOHA) Director. Her research interests include humanitarian action and democratization/democracy promotion. This blog post draws on the published article, [Repression Without Compassion: Forced Migration Governance at the EU's Southern Frontier](#).

Just last week, **two children** died at sea in Malta's search and rescue area, and **another child** died after rescue. Whether untimely rescue was the cause remains to be determined. Malta is increasingly being accused of **systematically**

embracing a deadly policy of non-assistance at sea and untimely rescue. These accusations follow from previous notoriety achieved in the last two decades with the blanket policy of detention of asylum seekers in ‘less than human’ conditions. State policies at sea mirror those on land. In a study conducted between 2000 and 2024 we analyse the evolution of repressive measures against forced migrants. We show how the governance of forced migration in Malta moved from ‘compassionate repression’ to pure political repression, or ‘repression without compassion’. We argue that the increased control, exclusion, and restriction of rights constitute a shift in the intensity of repression that has long-lasting effects also beyond the pandemic.

In ‘Repression without compassion: forced migration governance on the EU’s southern frontier’ – we systematically analyse the Covid-pandemic measures targeting refugees, contrasting them with the pre-pandemic situation, and exploring their development after the pandemic. Methodologically, this was useful because the COVID-19 measures were implemented over a short period of time, and this allowed us to compare the severity of the measures targeting refugees vs. other vulnerable groups in Malta. Refugees emerged as the specific group vis-a-vis whom there was the highest number of and most severe targeted measures – 13 in total – and the only group for which the measures, rather than protecting forced migrants, put them further at risk of contagion.

One of the measures enacted in late spring of 2020 was to detain offshore a total of 425 migrants aboard four different boats for several weeks. They were only brought to shore after unrest broke out aboard one of the vessels. Detaining people fleeing from Libya at sea, and the terrible conditions aboard the overcrowded boats intended for tourist day trips, already suggest violations of their basic human rights, including the right to seek asylum, the right to health, the right not to be arbitrarily detained. A group of 32 of those detained are currently in court suing the Maltese government, amongst others, for the arbitrary detention and for violating their fundamental right to seek and enjoy asylum in Malta.



Photo credit: Armed Forces of Malta via The Malta Independent.

Another measure which brought hardship to the migrants and is difficult to reasonably justify from a protection, let alone a human rights point of view, was the **four weeklong lockdown of the Hal Far Open Centre**, which housed around 1,000 people. Following the news that eight of the mostly sub-Saharan African migrants living there had tested COVID-19 positive, the Superintendent of Public Health ordered a lockdown of the whole centre. It was enforced by the Armed Forces of Malta which kept watch by the perimeter. **NGOs voiced concern**, emphasizing the deplorable and—most pertinently, given the situation—unsanitary conditions at Hal Far, where residents were forced to live in close proximity in shared mobile containers with common toilets and showers. These conditions created a situation of heightened risk for virus transmission, going against the state's obligation to ensure the safety of all residents. It also caused hardship to residents who consequently lost jobs and faced more difficult living conditions inside the centre.

But was this an exceptional period induced by the public health **state of emergency** during the pandemic? We looked at the treatment of migrants and policies both before and after the pandemic. We found that before the pandemic, the situation was far from a human rights paradise – indeed, the authorities were steadfast in an approach that denied refugees access to their basic human rights: from the blanket detention of all refugees arriving by boat to lengthy processes for asylum determination and to basic rights being contingent on status. We found, however, that prior to 2019, there were piecemeal attempts at mainstreaming humanitarian treatment and policies: access to detention for human rights and refugee NGOs had been consistent since the beginning, and although fragmentary and subject to the type of legal status granted, there were some rights-based developments mostly related to forced migrants' life in the community. This 'compassionate repression' approach served, in makeshift

ways, to mitigate the repression, despite it drawing on singular, charitable rather than human rights approaches.

This compassion was swiftly shed with the excuse of the pandemic and tellingly, this approach was not reinstated afterwards. [Access to lawyers and NGOs](#) for migrants in detention remains problematic, with detention becoming, in the director of the Jesuit Refugee Service's words, more 'punitive, restrictive and security-oriented'. This reflects practices in other countries, and the instrumentalization of the 'COVID excuse' to limit refugee rights, increase confinement and enact border violence (see for example [Tazzioli and Stierl](#) writing about Europe, and the [UN policy brief on the problems faced by people on the move during Covid](#)). In a small island state like Malta, these developments are more easily traceable and connected, producing a picture that is clear enough to draw conclusions. Their effects are also immediately felt by refugees. The unilinear thrust in policy, with small exceptions, towards more political repression indicates that there is unlikely to be a significant change in the near future. The dearth of humanitarian and human rights approaches in the governance of forced migration gives way to an almost purely repressive and security-focused approach, which criminalises rather than humanises refugees for what they are: people on the move in search of sanctuary. Hope lies, not in political structures, but in the tenacity, solidarity and actions of refugees themselves.

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