



THE CHURCH IN MALTA

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THE QUEST FOR SOCIAL JUSTICE IN OUR SOCIETY: AN INTEGRAL STEP IN THE PATH FOR PEACE

DOCUMENT BY THE CHURCH'S JUSTICE AND PEACE COMMISSION AND THE EMIGRANTS COMMISSION ON WORLD DAY OF SOCIAL JUSTICE 2018

In 2007, the General Assembly of the United Nations designated February 20 as World Day of Social Justice. On this day we are reminded that all is not well with the world; that the goods of the earth are, in fact, not apportioned justly; that some have more than they need, while others are marginalised and excluded, living in poverty and insecurity, unable to make ends meet.

1. The reality of poverty in our midst

Of course we should not need any reminder of this reality. Even in our own country, which is enjoying a period of unprecedented economic growth, there is ample evidence that poverty is real and that some among us are struggling to survive. In spite of our relative affluence, an increasing number of people are denied access to basic services, and fail to find the support that they need. Yet, it is possible for us to go through life largely oblivious to the reality of the other, until the story of a miserable life or a tragic death hits the headlines and draws our attention, even if only momentarily, to the reality of poverty and injustice.

These cases are sadly far from unique. They are an all too vivid reminder that not all are benefiting equally from the wealth being generated and that, at this time of economic prosperity, there are many who live a life devoid of dignity and stability.

2. A need for concrete action to eradicate poverty: putting people at the centre

It is easy to convince ourselves that poverty is someone else's problem, or that the poor are exclusively to blame for their predicament, thus absolving ourselves from any responsibility

for their plight. It is equally easy to convince ourselves that poverty is too big a problem for us to tackle and that we cannot realistically be expected to do anything about it, apart from making token gestures of support, like a donation of used clothes or money to a charitable cause.

On this Social Justice Day, however, by calling for concrete action to eradicate poverty in all its forms and to promote equality, inclusion, and human security, the international community is in fact affirming that it is possible to tackle the causes of poverty and to achieve social wellbeing and justice for all. It is affirming that, in the words of Pope Francis: “Poverty is not an inevitable misfortune: it has causes that must be recognized and removed, in order to honour the dignity of many brothers and sisters, after the example of the Saints.”¹

Pope Francis suggests that the many forms of exclusion and injustice that prevail in our world, are linked by “an invisible thread ... these are not isolated issues ... those destructive realities are part of a system which has become global ... that system has imposed the mentality of profit at any price, with no concern for social exclusion or the destruction of nature.”²

3. Social justice requires a change to a human-centred approach

In order to combat this “mentality of profit at any price”, according to Pope Francis we need to begin “by acknowledging that change is needed”³ and that change needs to start with the action of each and every one of us. This change is necessary because there has to be something wrong with a world that is torn apart by conflict, where people’s rights are routinely trampled on, and where the environment is continuously under threat.

For social justice to prevail, “The goods of the earth must be apportioned justly. And unjust differences between individuals must be balanced out. Moreover, the dignity of the human person must be respected. Especially in economic matters, persons must not be reduced to their utility and their property.”⁴

Church teaching calls us to “return to the centrality of the human being, to a more ethical vision of activities and of human relationships.”⁵ It urges us to work for a world where each person is valued and no one is considered ‘disposable’.

“This happens when at the centre of an economic system is the god of money, not man, the human person. Yes, at the centre of every social or economic system must be the person,

¹ Pope Francis, Angelus, 15.10.2017

² Pope Francis, Bolivia, 09.07.2015

³ Pope Francis, *ibid.*

⁴ *Docat: Catholic Social Teaching for Youth*, Ignatius Press, San Francisco, 2016, pg. 106

⁵ Pope Francis, Address to the Centesimus Annus Pro-Pontefice, 25.05.2013

image of God, created to be the controller of the universe. When the person is displaced and the god of money comes there is this inversion of values.”⁶

These values stand in stark contrast to the guiding philosophy of the world we live in, and the force which seems to be driving Maltese society. A society which is increasingly using economic gain as a measure of success, and which strives incessantly, and often at all cost, to generate wealth. Perhaps as a consequence of this, our society unashamedly favours the rich, because of the real or perceived benefits their wealth brings to our economy.

4. A human-centred approach to migration

The theme selected by the UN for this World Day of Social Justice 2018 is ‘Workers on the Move: the Quest for Social Justice’. We are invited to reflect on the causes of migration and the reality of migrants in our midst, a social justice issue which perhaps relates to the most vulnerable in our society. On this day let us spare a moment to reflect on how just and people-centred our laws and policies on the treatment of migrants are, or whether they are driven by the demands of the ‘god of money’ which views people only in terms of their utility.

This is particularly relevant now, not only because Malta’s population of migrant workers is increasing rapidly, but also in the light of the recently launched Government strategy document on integration of migrants, including refugees and other beneficiaries of protection. It is our hope that this reflection will contribute to the ongoing discussion on the implementation of the integration strategy and will lead to more equitable treatment of migrants and refugees living among us.

The following is an outline of four areas, which the Justice and Peace Commission and the Emigrants’ Commission believe should be addressed in order to ensure that our laws and policies on migration – interpreted in the broadest sense to include migration and asylum, not just labour migration – truly promote the dignity and well-being of those migrants who are living and working amongst us. This document is intended to highlight some of the issues that need to be addressed; the choice of issues was informed both by the local context and by Pope Francis’ statements on migration.

4.1 Laws and policies on employment and protection of migrant workers

In this time of steady economic growth there is an increased demand for labour at all levels, including low-skilled jobs. In response to this need, the Government is

⁶ Pope Francis, Speech to Popular Movements, 28.10.2018

encouraging and facilitating the importation of foreign labour to fill gaps in the labour market, particularly in certain sectors, such as home care, hospitality and construction.

As in the rest of the world, most labour migration to Malta is driven by poverty and lack of opportunity at home. Employment opportunities in Europe are highly coveted; many people pay huge sums of money, and enter into huge burdens of debt, just to get one. These debts need to be repaid from the income made through their work here, otherwise they and their families will be even worse off than they were before.

There is no denying that some, though by no means all employers, have little regard for the niceties of the law and in practice show a clear preference for labour that is cheap and disposable as it allows them to maximise their profits. Although all workers, even Maltese, are vulnerable to abuse at the hands of unscrupulous employers, it is widely accepted that migrant workers tend to be particularly at risk of this type of harm.

This is due to a number of factors, not least the fact that foreign workers tend to be more isolated, particularly if they cannot speak the language of the host country. Even if they know the language they are often not familiar with the law so they may not even know that their rights are being abused. And even when they do realise that they are being exploited they often do not know where to seek assistance.

It is a well-known fact that beyond all of this, many migrant workers are reluctant to report abuse. One reason for this could be their irregular migration status, as reporting would bring not only the abuse but also their status to the attention of the authorities. However, even where migrants are regularly employed, their stay in Malta is totally dependent on their employment status, so they know that reporting would not only put an end to the abuse, but also to their possibility of staying and working in Malta. This will have dire consequences for them and their families, as it means that, not only they will be unable to pay any debts they incurred to get here, but also that their families at home will be reduced to destitution, unable to pay for decent housing, education, healthcare and other basic needs.

This understandable reluctance to report abuse, coupled with the fact that the systems in place for the enforcement of labour laws are severely under-resourced, means that many violations of labour law are allowed to pass by unnoticed. It also increases the risk that crimes such as human trafficking for labour exploitation are undetected.

Additionally, it is a sad fact that impunity breeds and encourages disrespect for the law, particularly among those who had few scruples to start with. In practice, it is undeniable, that the smaller the risk of facing adverse consequences for breaches of labour law, the more foreign workers become vulnerable to abuse.

In the light of Government's policy to facilitate the employment of migrant workers in order to encourage economic growth, we believe that a people-centred approach to recruitment and employment of migrant workers calls for the creation of a stronger legal and policy framework to protect their rights.

This should include, as a minimum: the provision of information to migrant workers about their rights and the services available to assist them in a language they understand; the strengthening of the structures in place to enforce labour legislation and detect breaches of labour law; and increasing the capacity of the agencies providing services and support to workers whose rights are abused.

It is also recommended that local legislation be amended to include effective protection of migrant workers who report abuse. Such protection should include not only access to legal aid and free interpretation services to allow them to obtain redress through legal proceedings, but also the possibility to stay and work in Malta while such proceedings are pending.

Only by empowering workers to report abuse and supporting them to seek redress will the huge imbalance of power between employer and migrant worker, which encourages and perpetuates abuse, start to be evened out and migrant workers be truly protected.

Finally, it is also the duty of the clients who are receiving services from people and companies that employ migrant workers, to ensure that the services they are paying for are not perpetuating any abuse. These requirements can be simply included in the contract with the service provider, in the form of a declaration by the latter.

4.2 Our laws and policies on citizenship

Until the introduction of the Individual Investor Programme (IIP), Malta had one of the most restrictive citizenship regimes in Europe. The IIP changed this, but only for the wealthy.

Contrast the rules regulating the IIP, which guarantee access to citizenship with relative ease to applicants who meet the financial requirements, with the rules regulating access to citizenship for beneficiaries of international protection. Under the current policy rules, refugees' applications will be favourably considered only after 10 years of residence and, even then, they have to prove that they are self-sufficient and meet a host of other conditions. Applications from beneficiaries of subsidiary protection are unlikely to ever be considered, regardless of the length of their stay.

People granted protection in Malta are by definition people who cannot return to their country. They have no choice but to be here, as returning home would place them at risk of serious harm, possibly even torture or death. Many have lived here for years, and they have made Malta their home. They have become part of our community, in fact if not in law, and they contribute to our country in so many different ways, not least through their work and their taxes. Yet their access to citizenship is extremely limited.

Citizenship is important because it allows people to become fully part of a community – to move from a status which is of its very nature temporary, and therefore precarious, as it needs to be regularly renewed, to one which is permanent and secure. It allows people to put down roots and gives them the stability they need to rebuild their lives.

Without access to citizenship, even if they are allowed to live here forever, beneficiaries of protection are effectively impeded from fully belonging at least in a legal sense. They are condemned to be forever guests or outsiders, allowed to stay in our house, but only in the entrance hall.

The Justice and Peace Commission and the Emigrants' Commission believe that, if we are truly committed to promoting the integration and full inclusion of beneficiaries of protection, then our laws and policies need to facilitate their access to citizenship.

A more people-centred approach to the granting of citizenship would look beyond mere financial contribution. It would take into account the needs of beneficiaries of protection for stability and integration, and would give value to their contributions to our economy and our community, even if in purely economic terms they cannot be compared to the financial contributions that the wealthy make to the national coffers.

4.3 Family reunification

The church repeatedly affirms that the family is the essential cell of society and “the principal setting for the growth of each individual, since it is through the family that human beings become open to life and the natural need for relationships with others. Over and over again we see that family bonds are essential for the stability of relationships in society, for the work of education and for integral human development, for they are inspired by love, responsible inter-generational solidarity and mutual trust. These are factors which can make even the most adverse situations more bearable.”⁷

⁷ Pope Francis, Speech to the Food and Agriculture Organisation of the United Nations (FAO), 20.06.2013

Yet many migrants living in our midst are forced to live apart from their family indefinitely.

Under national law, only recognised refugees are entitled to family reunification. Although in practice the procedure is lengthy and complicated, they are entitled to bring their families – defined as spouses and children under eighteen – to Malta.

Beneficiaries of subsidiary protection, or of other national forms of protection, are not entitled to family reunification. Reunification in Malta is impossible even if the other members of their family have been granted protection in another EU member state.

Migrant workers' entitlement to family reunification is conditional, upon satisfaction of a number of criteria including strict income requirements.⁸ These requirements imply that workers who receive the minimum wage or even slightly more would not qualify for family reunification.

Particularly for those migrants who are likely to be in Malta indefinitely, like beneficiaries of subsidiary protection, the impossibility of ever reuniting with their family is a cause of great distress, leading to a deterioration of their mental and psychological well-being.

As was highlighted earlier, in the section on citizenship, the fact that an individual has been granted protection in Malta is an acknowledgement of the fact that they are unable to return home, as their life or freedom would be at risk if they were to do so.

For beneficiaries of protection to be able to integrate and rebuild their lives in Malta it is essential that they are allowed to be reunited with their family. It is humanly impossible for people to imagine a future in Malta, much less to rebuild their lives here, when their families are living miles away, at times even at risk of harm.

Although the distinction between refugees and beneficiaries of subsidiary protection is grounded in law, we believe that to deny access to a right as fundamental as family reunification purely on the basis of this distinction is somewhat facile.

The type of legal status to which one is entitled is essentially determined by the type of harm which one is seeking protection from. It is clear, however, that both forms of protection are only granted to people fleeing extreme forms of harm which threaten life, liberty and personal security. Refugees are those who, if returned, would be at risk of persecution on account of who they are or what they believe. Beneficiaries of subsidiary protection are those who, if returned, would be at risk of harm or loss of life

⁸ In terms of national policy applicants need to earn at least average – i.e. not minimum – wage, which is currently estimated at around €17,000, plus an additional 20% for each family member they want to bring.

on account of war or torture or cruel, inhuman and degrading treatment or punishment. Once granted, your legal status determines the extent of your access to rights, including family reunification.

However, in practice, people granted subsidiary protection are just as likely as refugees to be unable to return home in their lifetimes – in many cases the situations that caused them to flee have been going on for generations and are unlikely to be resolved in the foreseeable future.

Moreover, we believe that excluding them completely from any possibility of family reunification raises human rights concerns.

In our view, a people-centred approach calls us to recognise the need of migrants who are in Malta for the long term, particularly if they are beneficiaries of protection, to be reunited with their family if they are to be able to rebuild their lives in Malta. This implies that beneficiaries of subsidiary protection should be granted the right to family reunification, possibly under certain conditions, provided that these are reasonable and do not act as an obstacle to family reunification.

We also recommend that the definition of dependent family members of refugees is broadened to include even unmarried children over 18 who are still living within the family unit.

4.4 Regularisation of non-returnable migrants

As in almost every other country in Europe, we have in our midst a number of migrants who, although they were not granted legal right to stay, remained in Malta as they could not be repatriated through no fault of their own.

These migrants, often referred to as ‘non-returnable’ migrants, have lived in Malta for years and are likely to remain here indefinitely. Their presence is known to the authorities who grant them temporary permission to stay, sometimes called ‘tolerated stay’, supposedly until they can be sent back home. Many of them work regularly and pay taxes and social security contributions, yet they are not entitled to any benefits.

In some cases they are able to regularise their status by applying for what is known as THPN (Temporary Humanitarian Protection - New), however the criteria for qualification are focused almost exclusively on proof of legal employment in Malta.

While we believe that the possibility of obtaining legal status is, in itself, positive, the current arrangement has a number of shortcomings.

First, it is not regulated by law, which inevitably leads to lack of clarity both regarding the criteria for entitlement, as well as regarding the application procedure. The status can be withdrawn at will and it is not possible to appeal the denial of an application or a decision to withdraw or refuse to renew the status. The complete absence of legal certainty and the discretionary nature of this status create a sense of precariousness and insecurity.

Second, the fact that eligibility criteria focus on proof of employment and self-sufficiency inevitably means that those who are unable to secure stable, legal employment – even if it is because they are ill or have to care for sick family members or small children – are denied the possibility of regularising their status. In practice, this means that they will face increased difficulties finding stable employment and their access to certain basic services such as healthcare and education could be affected.

In line with Pope Francis' message to governments on World Migrants' Day 2018, to offer "the possibility of special legalisation to migrants who can claim a long period of residence in the country of arrival" in order to allow them to live with dignity and achieve their full potential, we support the call for the creation of a legal pathway to regularisation for non-returnable migrants living in Malta.

5. Promoting social justice: a Christian duty

Today a number of people in Malta, similar to other affluent countries, see migrants as a threat to our culture and to our Christian roots, without realising that actions which go against the promotion of social justice are in fact a threat to our Christian values and consequently our culture.

"Christians have an important role to play in giving example of dialogue with persons and institutions which are helping in the integration of foreigners and refugees into our community."⁹ We are called to strive to build "inclusive, just and supportive societies, capable of restoring dignity to those who live with great uncertainty and who are unable to dream of a better world."¹⁰

⁹ *Diakonia and Justice*, Document of the Maltese Diocesan Synod, 2003, par. 21

¹⁰ Pope Francis, Message to the World Economic Forum at Davos-Klosters, 23.01.2018

As we celebrate the period of Lent and are invited to fast, the Scriptures remind us that:

“This, rather, is the fasting that I wish:
releasing those bound unjustly,
untying the thongs of the yoke;
Setting free the oppressed,
breaking every yoke;
Sharing your bread with the hungry,
sheltering the oppressed and the homeless;
Clothing the naked when you see them,
and not turning your back on your own.” (Is 58:6-7)

This invitation is repeated throughout the Gospels as well.¹¹ Indeed, it is essential that we remember that human rights, social justice and equality are an integral part of the Christian identity, even more than the spectacles of religiosity which we spend so much money yearly in celebrating. As Christians we are bound to promote social justice values in our communities.

While many of the recommendations in this document are addressed to Government as the entity with power and authority to effect the necessary legislative changes, we also wish to reiterate that “welcoming the poor and promoting justice (should) not be entrusted solely to ‘experts’ but be a focus of all pastoral care, of the formation of future priests and religious, and of the ordinary work of all parishes, movements and ecclesial groups.”¹²

There are many ways in which we can work to promote justice towards migrants and refugees in our daily lives. The following are but a few examples:

5.1 Becoming more attuned to the needs of others

Pope Francis has repeatedly stressed that “as Christians we are called ... to eliminate that globalization of indifference which today seems to reign supreme, while building a new civilization of love and solidarity”¹³

We can do this first and foremost by questioning our own lifestyle choices and by becoming more sensitive to the reality and the needs of the other. In his address to the European Parliament in Strasbourg, Pope Francis drew attention to “certain rather selfish lifestyles, marked by an opulence which is no longer sustainable” and remarked

¹¹ Mt 25:31-46

¹² Pope Francis, Visit to the Astalli Centre in Rome, 10.09.2013

¹³ Pope Francis, Address during the Apostolic Journey to Turkey, 30.11.2014

that we are “frequently indifferent to the world around us, and especially to the poorest of the poor. To our dismay, we see technical and economic questions dominating political debate, to the detriment of genuine concern for human beings. Men and women risk being reduced to mere cogs in a machine that treats them as items of consumption to be exploited, with the result that - as is so tragically apparent - whenever a human life no longer proves useful for that machine, it is discarded with few qualms.”¹⁴

Let us reject selfish lifestyles and remember the basis of human dignity – our humanity, in which we are all equal.

5.2 Welcoming the stranger: Creating a culture of encounter

The command to welcome the stranger is repeated countless times in the Bible, and as Christians we believe that when we welcome the stranger we welcome Christ himself (Mt 25).

Welcome, in this sense, “is not so much a task, but a way of living and sharing.” One that requires us to look at the other as a person, just like us.

In order to achieve this, “a change of attitude towards migrants and refugees is needed on the part of everyone, moving away from attitudes of defensiveness and fear, indifference and marginalization – all typical of a throwaway culture – towards attitudes based on a culture of encounter, the only culture capable of building a better, more just and fraternal world.”¹⁵

While perhaps it is true that we do not all have the power to change law and policy, we can all commit to welcome migrants and refugees and to open our hearts, our communities and our parishes to them.

This is done through “concrete gestures of solidarity so that everyone who is far from his own country will feel the Church as a homeland where no one is a stranger.”¹⁶ In very practical terms, “such a welcome involves attentive listening and mutual sharing of life stories. It requires an openness of heart, a willingness to make one’s life visible to others, and a generous sharing of time and resources. From giving things to offering

¹⁴ Pope Francis, Address to the European Parliament in Strasbourg, 25.11.2014

¹⁵ Pope Francis, Message for the World Day of Migrants and Refugees, 05.08.2013

¹⁶ Pope Benedict XVI, Angelus, 19.06.2005

time and friendship, and finally giving Christ, our treasure, to others, as a respectful and humble proposal.”¹⁷

5.3 Upholding human dignity

Migrants and refugees are not just asking for our pity or our charity, they are asking for justice. Pope Francis has stressed that, “we cannot remain indifferent before the cries of our brothers and sisters. These ask of us not only material assistance – needed in so many circumstances – but above all, our help to defend their dignity as human persons.”¹⁸

We are called to uphold the dignity of migrants and refugees because we believe that, like us, they are made in the image of God.

We uphold the dignity of migrants and refugees by ensuring that our own dealings with them are characterised by respect and justice – for example, we should not pay migrants less than we would a Maltese person for the same work.

We also do so by defending the dignity of migrants and refugees: by standing against intolerance and prejudice; challenging misconceptions and stereotypes; refusing to accept racist or xenophobic speech and behaviour; and, above all, recognising every migrant and refugee as a person who has rights, just like us.

Acknowledging that refugees and migrants are entitled to be treated with dignity, should lead us to see the assistance and support we give not as “an alms from the goodness of our heart, but an act of justice due to them.”¹⁹

5.4 Working to ensure true equality

Equality and equity are essential if the human dignity of every person is to be respected. Sometime we might fear that acknowledging that others are equal to ourselves, that they have the same rights as we do, could somehow threaten our own wellbeing or our access to rights.

¹⁷ Pontifical Council for the Pastoral Care of Migrants and Itinerant People and Pontifical Council Cor Unum, *Welcoming Christ in Refugees and Forcibly Displaced Persons - Pastoral Guidelines*, Vatican City, 2013, par. 83

¹⁸ Pope Francis, Address during the Apostolic Journey to Turkey, 30.11.2014

¹⁹ Pope John Paul II, Address to the Participants in the Assembly of the Council of the International Catholic Migration Commission (ICMC)

However, equality is not a zero sum game, in which one's gain is the other's loss. Equality is actually the opposite. When we allow others in our society the equality they deserve, we do not diminish our rights, on the contrary they are strengthened.

Let us recognise that some are born with privileges over others through the circumstances of life, and that the dictum 'pulling yourself up by your bootstraps' does not necessarily always hold true. For many, this is simply not possible, not because they do not want to, but because the odds are stacked against them. In a world where the rich and powerful are amassing a monopoly of the world's resources, ensuring equality is of utmost importance and this can only happen through positive action intended to redress the inequalities brought about through structural injustice.

While it is true that it may not be possible for all of us to address the structural causes of poverty and inequality directly, we can all do our part to demand that those with the power to make the changes necessary do so.

6. He will bring forth justice to the nations

Faced by ever increasing inequalities in our society fostered by a culture driven by profits, it is easy to be disheartened in this battle for change. In a world which most of the time seems shadowed with oppression and social injustice it is difficult to believe that the action of a single individual can turn the tide and bring about the necessary change. Yet, as in the previous document [*Called to work for Justice and Peace*](#) issued by the Justice and Peace Commission, we would like to conclude this document on a hopeful note. This hope is not an empty wish or the dream of an optimist, but it is the hope of the risen Christ, whom we know "will bring forth justice to the nations" (Is 42:1).