

## INTERIM ACTIVITY REPORT 2015

COMPILED BY:

Dr. Neil Falzon, Director



# Introduction

## Rationale

In 2015 the aditus foundation team and Board of Governors chose to streamline the organisation's operational reporting with its core activities, by moving from an annual report format to a biennial report one.

aditus foundation is primarily engaged in advocacy activities and projects, where targets and goals are necessarily long-term. Urging the adoption of specific legislation, encouraging the amendment of specific policies and practices, and challenging attitudes are activities that do not fit comfortably within the twelve-month format. This is true in terms of organisational planning, resourcing, evaluation and reporting.

aditus foundation's biennial report is now far more better positioned to present and - importantly - analyse the organisation's achievements and challenges, as it draws on longer-term objectives and the efforts implemented towards their achievement.

Nonetheless, in order to comply with national legal obligations, and to provide interim financial and operational accounts of the organisation's activities, an interim activity report is produced and presented to the Commission for Voluntary Organisations, in a simple and less analytical format.

We are happy to present the Interim Activity Report covering January to December 2015, prepared by the aditus foundation team.

## Highlights

On the basis of our 2015-2016 Strategic Plan, 2015 saw an increase in our work relating to transgender issues. We provided several technical comments on Government's proposal to revise Malta's trans-related legislation, leading to the adoption of the land-mark 'Gender Identity, Gender Expression and Sex Characteristics Act'. Dissemination and implementation of the Act's procedures and newly-created rights were given priority, taking us away from our 2014 focus on marriage equality and more towards securing the rights of Malta's trans community.

Through our Pro Bono Unit we supported procedures for rectification of official documents for a number of trans persons, including one minor, and stepped up our monitoring and reporting activities in relation to a group of trans inmates at Corradino Correctional Facility.

2015 also saw us being more actively involved in monitoring and reporting on new legal proposals, presented either as part of transposition processes or as new initiatives.

All our publications can be found on our website.



Neil Falzon, Director

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## Staff Perspective

2015 was a busy year for aditus. Together with JRS Malta and Integra Foundation we launched a very ambitious project that I am happy to be a part of: 'Project Integrated'. Within this project I had the opportunity to conduct several home visits to meet refugees and discuss with them their integration in Malta. This experience was very rewarding for me as meeting refugees in their homes instead of in an office is totally different. The relationship with them changes completely and even if they do not always grasp the final purpose of the project, they are always grateful and happy to show how they live and to have the opportunity to share their concerns and hopes.

Some situations were quite difficult, as some refugees - especially the elderly - live in very precarious situations and the feeling of powerlessness is sometimes hard to handle.

In 2015, the aditus Pro Bono Unit was busy as ever with over 100 new cases. My work was mainly focused on asylum cases (First and Second Instances, Dublin, subsequent applications) and was rewarded by numerous protection statuses granted to our clients. My not-so-short-anymore experience in Malta as an asylum lawyer clearly shows that spending time to draft detailed and personalised submissions, insisting on sending subsequent applications, and being very insistent (and sometimes stubborn) with the authorities pays in the end...most of the time.

With more and more clients unable to afford a private lawyer or ineligible for current legal aid assistance, we clearly feel the need in Malta for increased free legal assistance. With our new project in 2016 (ATLAS) we aim to build a pro bono culture in Malta and involve more national lawyers in providing advice and assistance.

2015 was also an important year for asylum-seekers in Malta as the authorities transposed several EU Directives and entirely reformed the reception system. It was exciting to monitor this process and although our recommendations have not always been taken into account by the Ministries, this reform is supposed to bring about significant changes in the future. In 2016 It is going to be very important to monitor how these reforms will be implemented in practice, especially in the context of the current tragic situation in the Mediterranean.

Claire Delom, Legal Officer

## Press & News

### Press

In 2015, aditus issued press releases, alone and as part of a coalition of local NGOs, on human rights for women, migrants, the stateless and the LGBTIQ community.

As ever, aditus responded to annual global human rights events such as International Women's Day and World Refugee Day, as well as 'singular' ones such as the abusive exchange in Parliament between two MPs in November and – over a series of weeks – the tragedies in the Mediterranean Sea that began with the death of some 400 asylum seekers in mid-April.

The Maltese press covered our reactions consistently, allowing aditus to raise its voice effectively as a credible advocate for human rights in the public sphere. Through print and video, media organisations including BBC News, Newsweek, the Irish Times, the Telegraph, Bild (Germany) and the Economist sought and published our expertise on regional migration.

aditus director Neil Falzon spoke on local radio and television, including an appearance on news show TimesTalk with Malta's MEPs to discuss search and rescue efforts in the Mediterranean.

2015 was the year in which aditus' role as a human rights source of record and of first resort for the press became undeniable.

### News

The News and Updates page on our website churned out regular blog posts covering our activities, press statements, publications and general human rights news. A total of 58 blog posts were published to a list of close to 100 subscribers.

# Projects and Activities

## **Asylum Information Database (AIDA)**

An ECRE project in which we conduct national research on Malta's asylum regime, together with JRS Malta. In 2015 we drafted the annual AIDA Report for Malta, gathering information from different actors/stakeholders and updating the previous report.

This included the recent changes in Malta regarding the reception system for asylum-seekers, in view of the transposition into Maltese law of relevant EU Directives.

## **Conversion Therapy Policy Paper and submission to Government**

In response to a Government proposal seeking to criminalise conversion therapy, we prepared 'Policy Paper 1 on the Prohibition of Sexual Orientation, Gender Identity/Expression Conversion Therapy' ([http://aditus.org.mt/Publications/policypaperconversiontherapy\\_30072015.pdf](http://aditus.org.mt/Publications/policypaperconversiontherapy_30072015.pdf)).

We also used this Policy Paper as a basis to present submissions to Government, 'Comments on the 'Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act, 2015' December, 2015' (<http://aditus.org.mt/Publications/conversiontherapybillcomments-29122015.pdf>).

## **EASO Monitor**

In 2015 we secured an agreement with three students based in Leiden in order for them to take over the EASO Monitor blog. The blog looks at the work of the European Asylum Support Office, providing insight, critique and academic assessments of the Agency's operations.

## **FRANET**

As the Malta member of an EU-wide team of researchers for the EU Fundamental Rights Agency, FRANET, we conducted in-depth research into several themes. Our research was used by FRA in order to inform its thematic reports and comparative studies, valuable for advocacy, research and policy-making. Themes covered include: human rights report covering 2014; use of the EU Charter of Fundamental Rights at the national level; the return of migrant children; persons with disabilities; migrant integration; rights in criminal proceedings; transfer of persons from one EU Member State to another; the aftermath of the Paris shootings; use of biometric data in border management procedures.

## **NGO Submissions to Government within the Public Consultation on National Migrant Integration Strategy 2015-2020**

Together with drafting our own views on this Strategy, we coordinated the feedback of Integra Foundation, JRS Malta, Kopin and the Organisation for Friendship in Diversity.

Our submissions are available at [http://aditus.org.mt/Publications/ngoinputintegrationstrategy\\_03062015.pdf](http://aditus.org.mt/Publications/ngoinputintegrationstrategy_03062015.pdf).

## **Malta Integration Network II**

The 'Malta Integration Network II' project (MIN II), following up from the conclusions and findings from MIN I, saw us gathering our integration recommendations and converting them into stakeholder-specific targets and indicators.

During the project's final event, the Integration Cafe, the MIN II Policy Indicators for Migrant Integration were presented together with other materials on integration that have been developed by us and other civil society organisations.

Thomas Huddleston, Policy Analyst, Migration Policy Group, was a keynote speaker focusing on Malta and the MIPEX 2015 in practice.

## **Memberships**

Throughout 2015 we worked closely within our networks of European and international partners (mainly ECRE and PICUM), attending trainings and conferences and providing technical input into policy papers and positions.

Additionally, our Director worked closely with ECRE on an initiative aimed at engaging in civil society discussions on the future of asylum in Europe. In this context, Neil researched and presented a number of papers on safe and legal channels for refugees to access protection.

## **Monitoring national legislation: asylum, LGBTIQ, equality, NHRI**

Together with the specific above-mentioned examples where we provided comments and submissions on various Bills, in 2015, Malta transposed several EU directives on asylum and we carefully monitored this complicated legislative process. We provided detailed input in the form of advocacy documents on the recast Asylum Procedures Directive and the recast Qualification Directive. Throughout the process we liaised with key regional partners such as ECRE and PICUM.

We also provided in-depth analysis of Government's proposals to establish a National Human Rights Institution in accordance with the Paris Principles and to harmonise Malta's equality legislation.

## **Pro Bono Unit**

Our Pro Bono Unit provides human rights legal assistance and advice relating to, amongst others, First and Second Instance procedures for asylum-seekers, third-country national applications for Temporary Humanitarian Protection and for citizenship, procedures for civil unions, social security appeals, and drafting and registration of voluntary organisations.

In particular in 2015 we instituted judicial proceedings relating to a change in name and gender as registered on official documentation for a minor child, filed an administrative review application of a tribunal decision (on-going) and filed a judicial review application for a refusal to grant citizenship (ongoing).

## **Project Integrated**

Implemented jointly with JRS Malta and Integra Foundation, with the support of UNHCR Malta, we provided legal assistance to beneficiaries of international protection and beneficiaries of Temporary Humanitarian Protection (THP).

We also conducted a number of visits to protection beneficiaries in their homes, as a form of out-reach and more effective provision of information.

The aim of the home visits is to meet beneficiaries of international protection in the privacy and comfort of their homes, sharing a moment of their daily lives and discussing with them their integration issues in Malta, their concerns, their challenges and their hopes.

## **Protecting Stateless Persons from Arbitrary Detention**

With the support of the European Network on Statelessness (ENS) we carried out research into the risk faced by stateless persons of being arbitrarily detained in Malta. The research led to advocacy meetings with Government, capacity-building sessions with other NGOs, and the final publication.

## **Research-based Assessment of the National Educational Policy on Trans, Gender Variant and Intersex Children**

With MGRM, the Ministry for Education and Employment and the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, we engaged in a rights-based assessment of Government's new policy aimed at securing protection and dignity to trans, gender variant and intersex children in schools. The research was based on a series of stakeholder meetings, concluding with a presentation of findings to Ministry and school officials.



## **You Are What You Eat**

‘You Are What You Eat’ was the first creative collaboration between Blitz and aditus foundation. The project explored the cultural roots of Maltese cuisine and its ingredients. The historical, anthropological and culinary research, carried out by Elise Billiard, was shared through an exchange with three artists who each responded in their chosen mediums.

The result was an installation-based exhibition, supported by a public programme which included floor talks with the artists, a kids programme and a panel discussion that focus on the relationship between food and migration.

The project continued in the first half of 2016.

## Travels

- **EU Fundamental Rights Agency, Meeting for Project Leaders, Vienna, January**

The meeting gathered the Project Leaders of all FRANET members in order to discuss research entitled 'Migrants and their descendants: social inclusion and participation in society'.

- **European Commission Directorate-General Home Affairs, EU Migration Forum, Brussels, January**

Our Director was invited to present NGO perspectives on access to asylum. Speaking in a workshop together with representatives of the European Asylum Support Office, UNHCR, the EU Fundamental Rights Agency (FRA), JRS Europe and Prodein (Spanish NGO), Neil underlined the serious challenges faced by asylum-seekers in securing a basic level of protection and respect for their fundamental human rights.

Commenting on the difficult situation in the Mediterranean, Neil called for a more direct, open and respectful relationship between States and NGOs, criticizing an approach that views NGOs as exploitable service-providers when States are unwilling or unable to provide basic services to asylum-seekers and refugees.

- **ECRE, ECRE's Vision for a Protection Agenda for Europe (meeting), Brussels, February**

Attended by several ECRE members, this meeting explored ECRE's 'Vision Exercise', designed on the understanding that there is a need for the organisation to discuss and establish clear positions on key themes relevant to refugee protection in Europe, as for example solidarity and responsibility-sharing, alternatives to the Dublin system and freedom of movement, safe and legal channels for refugees to access protection in Europe, and the external dimension of European asylum policies.

The main objective of this kick-off meeting was to agree on the process for updating ECRE's policies and/or vision; to identify what capacity the ECRE Secretariat and Members have to input into this process; and to decide on a time-path and concrete deliverables.

During the meeting our Director committed to contributing to drafting the paper on 'Safe and Legal Access to Europe'.

- **Odysseus Network, 'Alternatives to Immigration Detention in the EU: Time for Implementation': closing conference in the MADE REAL Project, Brussels, February**

The MADE REAL Project looked into alternatives to immigration detention from a human rights perspective, exploring legal standards regulating the right to liberty and the role of detention alternatives in CoE, EU and national immigration legislation.

This conference provided a comprehensive understanding of the EU legal framework on alternatives to detention (ATD) for asylum seekers and migrants. The results of the research conducted were presented by the coordination team and project partners, together with interventions from practitioners, judges and academics from several EU Member States as well as representatives from EU institutions and international organizations.

As Malta academic member of the Odysseus Network, our Director chaired one of the panel discussions.

- **Flemish Refugee Action and the International Detention Coalition, Brussels, Workshop on Monitoring Immigration Detention, March**

The aim of the workshop was to strengthen civil society monitoring of immigration detention by sharing experiences, challenges and positive practices.

The agenda was structured around the publication of 'Monitoring Immigration Detention: A Practical Manual' published by APT, UNHCR and IDC. The workshop focused on three axes: how to develop a monitoring strategy, how to conduct a monitoring visit and how to follow-up a monitoring visit.

- **Estonian Human Rights Centre, Strategic litigation workshop, Tallinn, May**

This workshop was organised by the Estonian Human Rights Centre (EHRC), an independent human rights advocacy NGO dedicated to the advancement of protection of human rights in Estonia and abroad. The centre was founded in December 2009 and is based in Tallinn.

The workshop was the final step of a project on strategic litigation which also included trainings and study trips over the past one and a half years. It consisted of discussions on the different means and opportunities of strategic litigation, exchange of experiences on this subject and learning new methods from each other.

- **Pro-Act European Workshop, Proactive Identification and Support for people trafficked for Labour Exploitation, Amsterdam, July**

The workshop aimed to collect information to feed into the drafting of a manual on multidisciplinary cooperation against trafficking in human beings for labour exploitation.

The workshop was part of the Pro-Act project, initiated by FairWork (The Netherlands), Focus on Labour Exploitation (FLEX, United Kingdom) and ADPARE (Romania).

The aim of Pro-Act is to improve responses to trafficking for labour exploitation throughout the European Union, by developing effective EU-wide strategies for proactive identification and support for trafficked persons.

Brussels, September

- **FRA, Meeting for Senior Experts and Project Managers, Vienna, September**

The meeting gathered all FRANET Senior Experts and/or Project Managers to discuss on-going research products undertaken by the team of researchers.

- **ECRE Annual General Conference (AGC), The Hague October**

As members of ECRE, we attend the organisation's Annual General Conference as an opportunity to liaise with other NGOs working in the area of refugee protection, and to participate in ECRE's operations. Like all annual general meetings, ECRE's AGC is intended to bring members together and present activity reports and accounts.

At every AGC, elections are held for positions on ECRE's Board, with each position assigned to a specific geographic region in Europe to ensure appropriate representation of that region's members in ECRE's work.

During the 2015 AGC, our Director ran and got elected for the position of representative of the Mediterranean Region, representing around 20 NGOs in Portugal, Spain, France, Italy, Malta, Greece, Cyprus and Turkey. This vote is a strong sign of support for our work with refugees, and a great opportunity to contribute to ECRE's work.

- **ELENA Network, Bologna, Training on Legal Avenues for Strengthening International Protection in Europe, October**

The aim of this course was to provide tools for lawyers and NGOs for advancing the rights of refugees. The training focused on effective remedies for asylum cases (ECtHR, CJEU, UN and Council of Europe mechanisms) and also covered the implementation of asylum decisions (ECtHR and CJEU judgments, EU infringements procedures initiated by the European Commission and the monitoring of national asylum systems).

Finally, the course examined legal remedies in Dublin Regulation cases, family reunification and detention cases. Trainers for this course included professionals from the CJEU or ECtHR, directors of Human Rights centres, UNHCR representatives and also reputable asylum lawyers such as Nuala Mole.

This course presented a unique opportunity to reinforce aditus in its strategic litigation capacity but also to continue building strong relations and network with legal practitioners specialised in asylum law.

Our participation in this course was partially funded through ERASMUS+.

- **European Economic and Social Committee, 'Is Change Still Possible?' - Final Event of the Presidency, Brussels, September**



Our Director was invited by the Presidency of the European Economic and Social Committee (EESC) to deliver a presentation on prospects for change in Europe, with a focus on human rights.

- **EU Fundamental Rights Agency, Meeting for Project Leaders, Vienna, September**

A meeting organised by FRA for FRANET Project Leaders to discuss on-going research projects.

- **Migration Policy Institute, 'European Asylum: Designing Mews Ways Forward' (series of meetings), Brussels**

aditus foundation Director, Neil Falzon, was invited to participate in this EPIM-funded initiative that sought to generate stimulating discussions on the future of asylum in Europe. Neil's role extended to researching and drafting a series of input papers on the theme of safe and legal channels for refugees to access European protection. Meeting discussions revolved around the questions, challenges and opportunities raised in these input papers.

2016 will see this initiative continued with a slightly amended format and composition. Neil remains directly involved.

- **ECRE, ECRE Board Meeting, Istanbul**

ECRE Board meeting duties, as elected representative of the Mediterranean Region on the ECRE Board.

- **PICUM, Brussels, Meeting of Working Group on Access to Justice for Undocumented Women, November**

The meeting was a key opportunity to discuss mechanisms for effectively monitoring and gathering information on the implementation of the Victims of Crime Directive in practice, to consider opportunities for building effective coalitions with other actors to advocate at national level, and to share experiences.

PICUM presented an overview of its work to develop tools to support national-level advocacy and monitoring. They presented the 'Guide on the Victims' Directive' to be used and disseminated as a tool to raise awareness about undocumented victims' rights.

Representatives of national NGOs also delivered presentations about their experiences in lobbying for undocumented victims (engaging with authorities, building coalitions...).

- **PICUM Task Force on Legal Strategies, Brussels, December**

This third meeting of the Task Force provided an opportunity for PICUM members to reflect on the future work plan and objectives of the Task Force.

The group discussed opportunities and ongoing work on strategic litigation to ensure undocumented migrants' fundamental rights, the development of monitoring templates on the implementation of EU law in Member States with a focus on undocumented migrant rights, and the development of the PICUM Case Law Resource as a tool that gathers key case-law from national and EU courts.

