



Annual Report 2018

Prepared by: aditus foundation team

Prepared in June 2019 for: Board of Governors, Commissioner for Voluntary Organisations

| | |
|--|----|
| ABOUT US | 4 |
| WHO ARE WE? | 4 |
| STAFFING THROUGHOUT 2018 | 5 |
| PROJECTS AND INITIATIVES | 6 |
| ASYLUM INFORMATION DATABASE (AIDA) | 6 |
| ASYLUM FACTSHEETS | 6 |
| COMPENDIUM OF ASYLUM JURISPRUDENCE, LAW AND POLICY | 6 |
| FOSTERING ACCESS TO IMMIGRANT CHILDREN'S RIGHTS (FAIR) | 6 |
| FRANET | 6 |
| THE IMPORTANCE OF APPEARANCES: HOW SUSPECTS AND ACCUSED PERSONS ARE PRESENTED IN THE COURTROOM, IN PUBLIC AND IN THE MEDIA (SIR) | 7 |
| OUR ISLAND I AND II | 7 |
| PRIDE AND PROTECTION | 7 |
| PROJECT INTEGRATED | 7 |
| PROJECT REFUGEE ASSISTANCE MALTA (PRAM) | 7 |
| PROTECTING TOGETHER | 7 |
| PROTEGO (PROCEDURAL TOOLS FOR EFFECTIVE GOVERNANCE) | 7 |
| STATELESSNESS INDEX | 8 |
| YOUTH, NOT STATUS | 8 |
| OTHER ACTIVITIES | 9 |
| A VICTORY FOR TRANS RIGHTS! | 9 |
| DEFENDING THE <i>LIFELINE</i> CAPTAIN | 9 |
| PRO BONO UNIT | 9 |
| HUMAN RIGHTS VOICE IN THE MEDIA | 11 |
| FROM TEMPORARY HUMANITARIAN PROTECTION N TO SPECIFIC RESIDENCE AUTHORISATION | 11 |
| #DONTLETHEMDROWN | 12 |
| SEXUAL AND REPRODUCTIVE RIGHTS ENDORSEMENT | 12 |
| RENT REGULATION FOR A FAIRER SOCIETY | 12 |
| DAPHNE CARUANA GALIZIA | 12 |
| INPUT INTO THE IVF BILL | 13 |
| THE UNITED NATIONS UNIVERSAL PERIODIC REVIEW (UPR) | 13 |
| MISCELLANEOUS AND ON-GOING | 13 |
| SIGNIFICANT PARTICIPATIONS | 14 |
| PUBLICATIONS AND PRESS RELEASES | 15 |
| FINANCES | 17 |

| | |
|-------------|----|
| INCOME | 17 |
| EXPENDITURE | 18 |

About us

The idea to establish aditus foundation was born in 2009. Our current Director (Neil) had just left his position as Head of the UNHCR Office in Malta in order to take a personal break and to rethink his personal and professional future. The idea was to remain in the national human rights sector, to provide a valid and sustainable contribution and to avoid replicating the work being done by other organisations.

Malta's NGO landscape was, and largely remains, one dominated by organisations providing extremely valuable and needed services to various sectors within the community. Human rights advocacy at the level of targeting laws and policies was limited to a small number of NGOs highly specialised in their respective fields.

Within this context, aditus foundation's founders (Neil Falzon, Nicola Mallia and Carla Camilleri) wanted the organisation to focus almost exclusively on advocacy, on constantly pushing the bar higher and higher in order to achieve stronger and more effective human rights protection for all persons in Malta.

We are inspired by the Universal Declaration of Human Rights, and as lawyers are wholly committed to removing those obstacles preventing anyone from accessing and enjoying their fundamental human rights.

After a period of operating from Neil's living-room with a handful of excited and eager volunteers, aditus foundation was formally registered with the Malta Commissioner for Voluntary Organisations in March 2011.

Our emphasis remains advocacy, achieved through our three activity groups: Monitor, Report, Act.

Who are we?

We are a small team, relying heavily on volunteers and interns. To get to know us, use the drop-down options in the main menu bar (above) to meet our Board of Governors, Operational Team.

aditus foundation is an active member of various NGO networks, listed on the homepage. We are also members of the Fundamental Rights Platform within the EU Fundamental Rights Agency (FRA), and of the Consultative Council managed by the European Asylum Support Office (EASO).

Staffing throughout 2018

- Neil Falzon, Director, FT
- Carla Camilleri, Assistant Director, FT
- Claire Delom, Legal Officer, PT
- Katarzyna De Wilde (recruited in 2018), PT
- Sarianna Mileski, Information Officer, PT
- Helena Agathangelou, Legal Intern, FT
- Emma Pahkala, Intern, FT
- Giulia Frigo, Human Rights Intern, FT
- Melany Mauge, Legal Intern, FT
- Enya Tanti, Legal Intern, PT
- Isabelle Sammut, Legal Intern, PT
- Eva Ojls, Human Rights Intern, FT
- Michael Scicluna, Legal Intern, PT
- Peter Szántó, Human Rights Intern, PT

Projects and Initiatives

Projects are listed in alphabetical order. To facilitate reading, each project is described in three bullets, covering:

- tags that describe the project's main activities, and also its theme;
- any organization with which the project was implemented. In the case of multiple partners, as with many of our EU-funded projects, the Project Leader is listed and not the entire consortium;
- the project's funding authority, if any. This include total and partial funders.

Where available, links are provided since more detailed information – including publications – is readily available online.

Asylum Information Database (AIDA)

- Research and analysis, online publication tool, national asylum law/policy
- European Council on Refugees and Exiles
- <http://aditus.org.mt/our-work/projects/aida/>

Asylum Factsheets

- Research and analysis, publication, asylum law/policy
- Cooperation with NGOs based in Greece
- <http://aditus.org.mt/know-your-rights/>

Compendium of asylum jurisprudence, law and policy

- Research and analysis, publication, asylum jurisprudence
- Small Initiatives Support Scheme (Malta Council for the Voluntary Sector)

<http://aditus.org.mt/our-work/projects/compendium-asylum-jurisprudence-law-policy/>

Fostering Access to Immigrant Children's Rights (FAIR)

- Capacity-building of lawyers, rights of the child, immigration, national training
- International Commission of Jurists (ICJ)
- Rights, Equality and Citizenship Programme of the EU, Open Society Institute Budapest Foundation
- <http://aditus.org.mt/our-work/projects/fair/>

FRANET

- Research, stakeholder discussions, various themes
- EU Fundamental Rights Agency
- <http://aditus.org.mt/our-work/projects/franet/>



The Importance of Appearances: How Suspects and Accused Persons are presented in the Courtroom, in Public and in the Media (SIR)

- Research, awareness-raising, rights of accused persons, presumption of innocence
- Hungarian Helsinki Committee (Lead Partner), Fair Trials Europe, Human Rights House Zagreb, Mérték, Rights International Spain, Vienna University.
- Justice Programme (EU)
- <http://aditus.org.mt/our-work/projects/appearances-suspects-accused/>

Our Island I and II

- Refugee personal stories, personal stories of persons protecting refugees, publication
- Creative Communities, President's Award for Creativity (Arts Council Malta)
- <https://aditus.org.mt/publications/our-island/>

Pride and Protection

- Personal interviews, analysis, publication on the experiences of LGBTIQ+ asylum-seekers in Malta
- Allied Rainbow Communities (ARC), Pride Funds



Project Integrated

- Legal information and services asylum-seekers, international protection beneficiaries and other migrants, stakeholder meetings on key advocacy points, publications
- JRS Malta, Integra Foundation
- UNHCR Malta, Malta Community Chest Fund Foundation
- <https://aditus.org.mt/our-work/projects/project-integrated/>

Project Refugee Assistance Malta (PRAM)

- Legal information and services to asylum-seekers and international protection beneficiaries
- JRS Malta
- Asylum, Migration and Integration Fund (AMIF)
- <http://aditus.org.mt/our-work/projects/project-refugee-assistance-malta/>

Protecting Together

- Facilitated workshops with the aim of formalising the coalition of Maltese NGOs active in the asylum sector
- Dutch Refugee Council
- <https://aditus.org.mt/our-work/projects/protecting-together/>

PROTEGO (Procedural Tools for Effective Governance)

- Research as experts in administrative law to gather data on procedural regulatory policy instruments
- <https://socialsciences.exeter.ac.uk/politics/research/projects/protego/>

Statelessness Index

- Research as experts in issues of statelessness, online publication
- European Network on Statelessness (ENS)
- <https://index.statelessness.eu/>

Youth, Not Status

- Youth empowerment, refugees, capacity-building
- ERASMUS+
- <http://aditus.org.mt/our-work/projects/youth-not-status/>

Other Activities

A victory for trans rights!

On 29 May we received the best news of the year, when the Civil Court in its Constitutional Jurisdiction upheld our claims that the rights of our 6 clients were violated by the prison authorities in the manner they were treated in prison. In an extremely hard-hitting judgement (Racquela Spiteri et. Vs. Director of Corradino Correctional Facility and the Minister for Home Affairs and National Security), the Court found violations of their rights to be protected from inhuman and degrading treatment, to privacy and family life and to be protected from prohibited discriminatory treatment.

It was a great victory for our clients and for the rights of all trans persons after years and years of the most horrible treatment in prison. Years of battling with an administration that failed to give them an inch of attention, let alone acknowledge their dignity. We had been working with our clients for several years, attempting to improve their living conditions and to have them transferred from the male division to the female division.

Defending the *Lifeline* Captain

In summer 2018, following days stranded out at sea without permission to disembark a group of rescued migrants, Claus-Peter Reich entered Malta as captain of the *Lifeline*, the rescue vessel managed by the rescue NGO Mission Lifeline. Following entry and disembarkation, Claus-Peter was charged before Malta's Courts on issues mainly relating to the registration of the *Lifeline* vessel.

Together with our Legal Partners Mifsud and Mifsud Advocates, we are defending Claus-Peter. In mid-2019 the Magistrate delivered judgement, finding Claus-Peter guilty of one charge and innocent of the other. On our advice, Claus-Peter appealed the negative decision and the case remains pending at the time of writing this report.

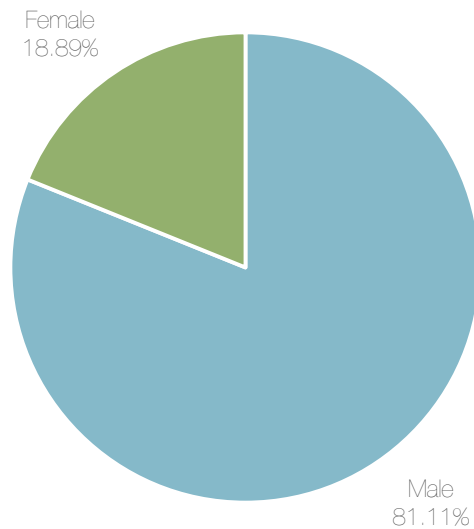
Pro Bono Unit

Our lawyers and legal assistant were kept super busy in 2018, with a steady increase in the number of people requesting our legal services. These services include basic provision of information ("*How do I apply for protection?*", "*How can my partner and I get a civil union?*") to assisting asylum-seekers throughout the asylum procedure, to filing cases in Court where we feel a case has strategic potential.

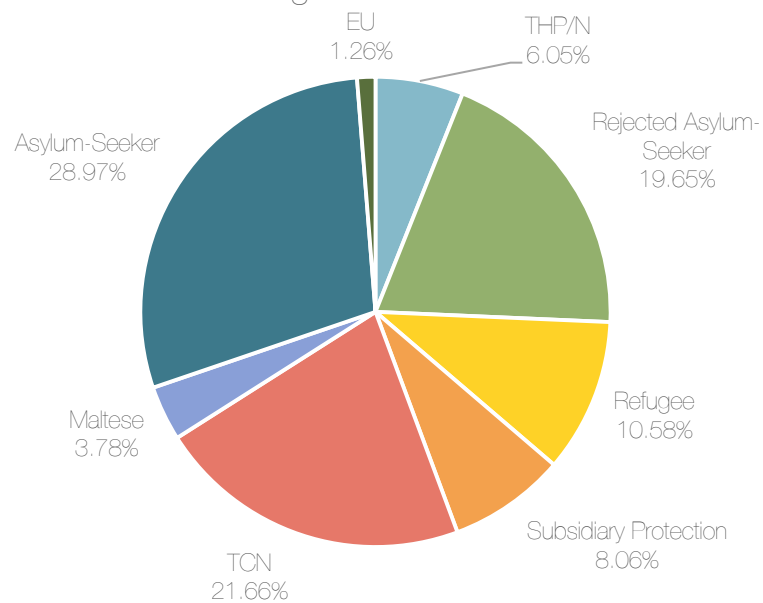
In 2018 we filed a case on behalf of a Palestinian client whose asylum application was fast-tracked through the accelerated procedure on the basis of what we feel is an incorrect transposition of the EU Procedures Directive (recast). We've filed it, firstly to protect the immediate interests of our client and, secondly, to seek to obtain judgement that the national legal provision is in violation of the EU Directive provision. This has the potential of leading to a legal amendment, thereby affecting a large number of future applicants.

Our Pro Bono Unit serviced 397 new clients in 2018. This figures does not include existing clients who required assistance with a new issues, nor does it include the several people we provide information and guidance to over e-mail, on the phone and through our social media channels such as Facebook.

Gender



Migration Status



Human rights voice in the media

As in previous years, throughout 2018 we maintained a strong presence in national and international media, constantly providing a human rights dimension to issues of importance to our work. A full list of our press statement is provided below, yet so much more media work is conducted on an almost weekly basis. This work ranges from our monthly presence on Radju Malta's popular programme *Familja Wahda* to in-depth interviews given by our Director to local or foreign journalists. Topics covered include migration/asylum, reproductive health, rule of law and governance.

Key moments include the following:

- *'Europe's failure' shouldn't be ours, too*, Malta Today
- *Italy, Malta must sit down and come to an agreement on SAR operational rules – Aditus*, Malta Independent
- *"Whatever one's views on migration – people dying at sea is just unacceptable"*, Swiss Refugee Council
- *A matter of human rights: Malta's experience of migration*, Green European Journal



3,318 people like our Facebook page, and we have 3,423 followers.



Our Twitter account is followed by 1,600 persons.



505 persons follow our Instagram feed.

From Temporary Humanitarian Protection N to Specific Residence Authorisation

In 2018 the Ministry for Home Affairs and National Security terminated the THPN regime, replacing it with a new regularisation scheme called Specific Residence Authorisation (SRA). This move came after months of advocacy by a large group of NGOs, in the wake of Government's announcement that it would be terminating THPN, with no real solution. As part of the NGO coalition countering this move, we held regular meetings, drafted position papers and

actively contributed to the Ministry's efforts at creating the SRA scheme. We welcomed the SRA and the consultation process that led to its adoption.

In 2019, we are working on submitting an evaluation to the Ministry of how the SRA scheme has been implemented.

#DontLetThemDrown

2018 was marked by several boats rescuing migrants at sea and being denied access to Italian and Maltese ports. Episode after episode saw men, women and children left stranded at sea, at times under harrowing conditions as Malta attempted to secure solidarity support from other EU Member States, the deal being: no relocation commitment = no disembarkation.

Whilst we appreciate Malta's challenges and the broader political context in which these operations occur, our human rights mission urges us to prioritise human life and its preservation. Throughout 2018 we issued several public calls for #DontLetThemDrown, urging States to discuss politics and logistics after the disembarkation of rescued people.

The #DontLetThemDrown initiative is the result of these efforts, and now a standalone campaign that we refer to in our work on rescue at sea issues.

Sexual and Reproductive Rights Endorsement

In March 2018 we endorsed the position paper published by the Women's Rights Foundation *Women's Sexual and Reproductive Health and Rights*. We did so in the belief that *"the position paper adopts a rights-based approach to a topic that for too long has remained a national taboo, yet which continues to affect thousands of women, and men, in Malta."*

This endorsement, in 2019, led to us being one of the founding NGOs of the coalition Voice for Choice, advocating for the decriminalisation of abortion in Malta.

Rent Regulation for a Fairer Society

In February 2018, together with 17 other NGOs we launched a document *Proposal for Rent Regulation in Malta*, as part of our efforts to ensure access to the right to housing for Malta's most vulnerable communities. This was followed by an October press conference where we launched our reactions to Government's proposals for rent reform.

This advocacy works continues in 2019, together with the same NGO coalition.

Daphne Caruana Galizia

Since the brutal assassination of journalist Daphne Caruana Galizia we've been stepping up our efforts in the area of rule of law and governance. We believe that her murder is the result of a series of institutional failures that have led to

an erosion of those entities and processes intended to protect us. Together with other NGOs we reiterate our call for an independent inquiry into her murder, and have publicly criticised Government for its handling of the murder investigation and of the Valletta memorial used by mourners.

On an advocacy level, we have flagged our concerns to all those entities visiting Malta to report on the state of our rule of law and governance structures, such as the Council of Europe's Venice Commission. We do this out of a firm belief that serious changes must be implemented in order to overcome the worrying state Malta is in.

Input into the IVF Bill

Following publication of the amendment Bill to the *Embryo Protection Act*, we submitted technical input to the Ministry for Health and followed this up with a meeting with the Minister to discuss our human rights perspectives.

The United Nations Universal Periodic Review (UPR)

Together with our colleagues at the European Network on Statelessness and the Institute on Statelessness and Inclusion, we submitted information to the Universal Periodic Review regarding the situation of stateless people in Malta. The UPR provides human rights NGOs with an excellent opportunity of high-level advocacy on key themes.

Our submission, largely based on the recently-launched Statelessness Index, presented an overview of the legal and policy situation whereby stateless persons in Malta are not identified and – as a consequence – are invisible and vulnerable to exploitation and abuse. The submission made a series of recommendations, and we had the opportunity to present them in Geneva during a pre-UPR session.

We are extremely happy to note that, in its final report on Malta, the UPR process contained quite a list of recommendations related to statelessness...quite definitely inspired by our own submissions!

Miscellaneous and On-going

- Participation in UNHCR's Integration Roundtable Meetings
- Delivery of presentations at various events, mainly on diversity, human rights and migration/asylum
- 2018 was the last year of our Director's term as Board Member of the European Council of Refugees and Exiles (ECRE)
- We continued to provide Secretariat services to the Platform of Human Rights Organisations in Malta (PHROM), being also on its Executive Committee

Significant Participations

- Greek Council for Refugees, JUDI Project Final Event, Athens, January
- ECRE, Board Meeting, Budapest, January
- Catholics for Choice workshop, Abortion: Values, Perspectives and Realities, St. Julian's, February
- ECRE, Board Meeting, Brussels, May
- Hungarian Helsinki Committee, SIR project midterm meeting, Budapest, June
- PICUM, Strategy Meeting, Brussels, June
- ECRE, AIDA Coordinators Meeting, Lisbon, June
- ECRE, Board Meeting, Brussels, September
- UPR-Info, UPR Pre-Session, Geneva, October
- ECRE, Annual General Conference, Belgrade, November
- European Commission Representation in Malta, Regional Heads of Representation Meeting, Valletta, November
- ECRE, ELENA Meeting, Lisbon, December
- Junior College, 70th Anniversary of the Convention for the Prevention and Punishment of the Crime of Genocide, Msida, December
- APT/ODIHR, Meeting on torture prevention and immigration detention, Milan, December

OMAR ASWID
PHOTOGRAPH

Publications and Press Releases

All our publications and press releases are available on our website, sorted either by theme or by the nature of the document.

| Month | Publication | Press Release/Statement |
|----------|--|--|
| January | | Inciting hostility against members of a particular faith cannot be accepted as legitimate! |
| February | | Rent Regulation for a Fairer Society |
| March | Submissions to the Universal Periodic Review (UPR) of Malta, during its 31st Session | |
| | | Alerting the Universal Periodic Review to statelessness in Malta |
| April | | V18 Artistic Director must go |
| May | | Replace the IVF Bill legislative process with in-depth, honest and inclusive consultation. |
| June | | We commend Spain's intervention, and urge Italy and Malta to avoid similar incidents. |
| | | Put people first – Joint NGO Statement on the occasion of World Refugee Day 2018 |
| | | Migration disputes should not be solved by putting people's lives at risk |
| July | | PRESS STATEMENT: NGO Statement on the Government's Decision to close Malta's ports to NGO rescue ships |
| August | Compendium of Asylum Jurisprudence, Law and Policy | |
| | | "Where has our humanity gone?" Joint NGO Statement on the Qormi Farm Housing Over 100 Migrants |

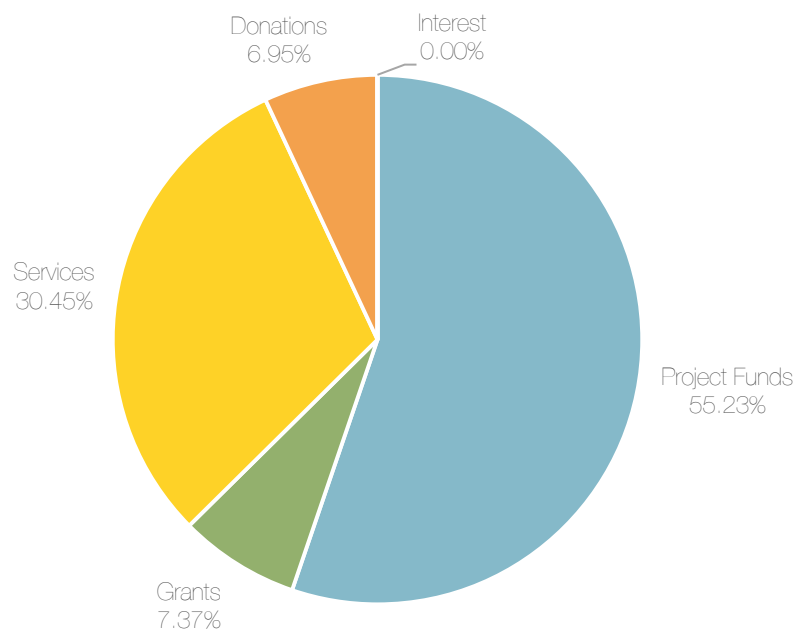
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| | | Getting Away With Murder! NGO Statement on the Magistrate's Court judgement against Sean Anthony Mc Gahren |
| September | | The Minister needs to confirm that Malta is still a safe and functioning democracy. NGO Statement on recent Ministerial actions on the 'Daphne Memorial' |
| | | "Anti-migrant discourse is contrary to the nation's values!" Joint NGO Statement reacting to comments made by the Leader of the Opposition |
| October | | Appeal to establish a public inquiry into the assassination of Ms. Daphne Caruana Galizia |
| November | | Making Malta Home! NGO Response to the Launch of the Specific Residence Authorisation policy |
| | | Do not disembark in Libya! Press statement by the #DontLetThemDrown initiative |
| December | | NGO PRESS RELEASE – Don't look the other way: Allow the disembarkation of the men, women and children stranded on board the Sea-Watch 3. |



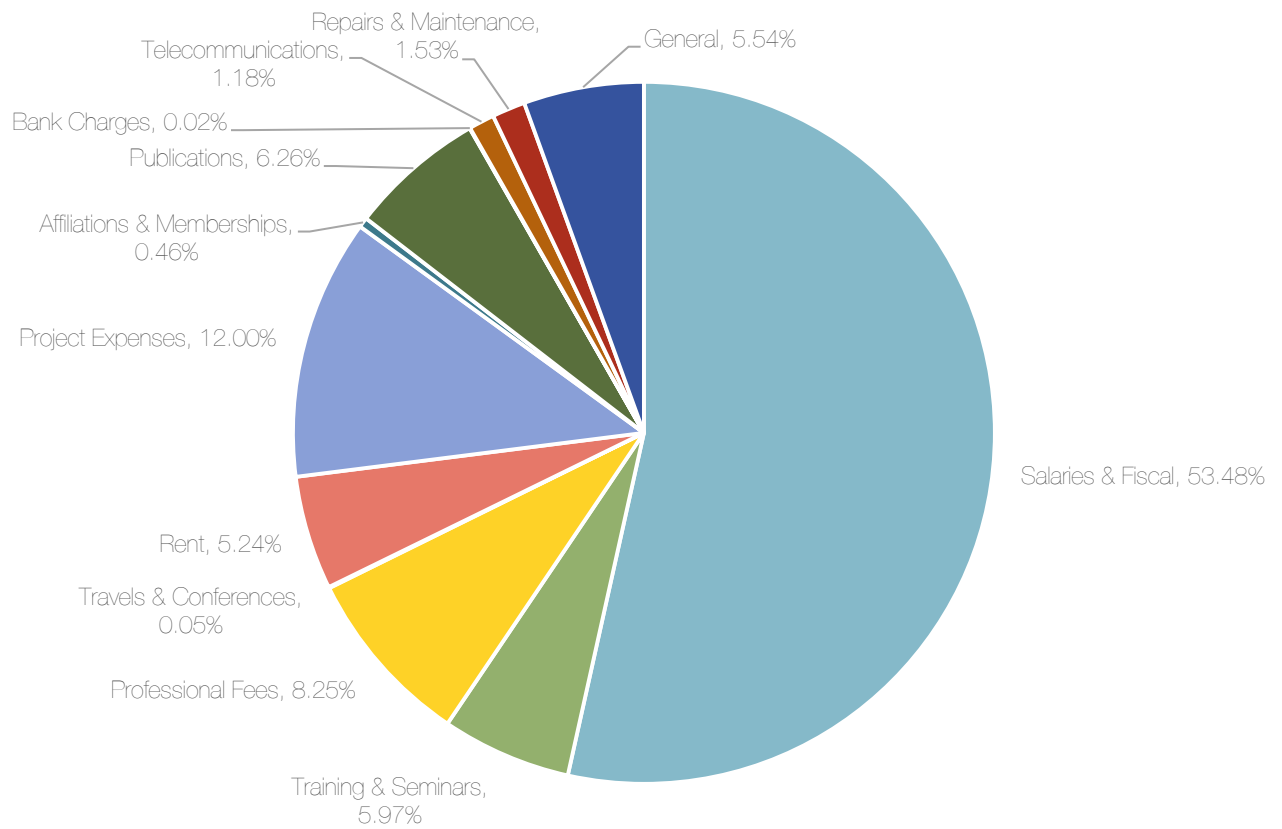
Finances

Detailed accounts, prepared and signed by our certified accountant in terms of our legal obligations, are submitted to the Commissioner for Voluntary Organisations. These charts present a visual summary of our finances for 2018.

Income



Expenditure



Signed in original.