



Annual Activity Report 2021

Celebrating 10 years of human rights work

Annual Activity Report 2021

Prepared by: aditus foundation

Publication Date: August 2022

A handwritten signature in blue ink, appearing to be 'Nicola Mallia', is centered within a light gray diamond-shaped background.

Nicola Mallia

aditus foundation VO/0512
1A, Rhea Building,
Triq is-Santissima Trinitá
Hamrun MRS2280,
Malta

info@aditus.org.mt | +356 20106295 | +356 77072221 | www.aditus.org.mt

ABOUT US	5
A WORD FROM OUR DIRECTOR, NEIL FALZON	6
OUR 2022 TEAM	8
TEAM INPUT: 10 YEARS OF ADITUS, ASSISTANT DIRECTOR, CARLA CAMILLERI	9
PROJECTS	12
MIGRATION AND ASYLUM	12
STATELESSNESS	14
EQUALITY	15
RULE OF LAW	15
GENERIC	16
TEAM INPUT: MALTA – WORKING IN A CHALLENGING ENVIRONMENT, ALEXIS GALAND, LEGAL OFFICER	17
SPOTLIGHT	19
ADVOCACY INITIATIVES	20
ASYLUM, MIGRATION & STRATEGIC LITIGATION	20
RULE OF LAW AS A HUMAN RIGHTS ISSUE	20
	21
STABILITY NOT UNCERTAINTY - THE SPECIFIC RESIDENCE AUTHORISATION (SRA)	22
TEAM INPUT: THE DAVID AND GOLIATH STRUGGLE, MARINE GIORGIS, CASE OFFICER	23
AN EXTREMELY BUSY YEAR FOR OUR LEGAL UNIT	25

DETENTION OF ASYLUM SEEKERS	25
DETENTION OF REJECTED ASYLUM SEEKERS	25
IN DEPTH WORK ON INTERNATIONAL PROTECTION	26

<u>SPOTLIGHT</u>	<u>27</u>
-------------------------	------------------

<u>TEAM INPUT: AN INCOMPARABLE YEAR OF CHANGE - MIREILLE BOFFA, JUNIOR LEGAL OFFICER</u>	<u>28</u>
---	------------------

<u>THE VOICE OF HUMAN RIGHTS AND PRESENCE IN THE MEDIA IN 2021</u>	<u>30</u>
---	------------------

<u>SIGNIFICANT PARTICIPATIONS</u>	<u>32</u>
--	------------------

<u>SPOTLIGHT</u>	<u>35</u>
-------------------------	------------------

<u>FINANCES</u>	<u>36</u>
------------------------	------------------

About Us

aditus foundation is a young, independent, voluntary, non-profit and non-governmental organization established in 2011 by a group of young lawyers dedicated to ensuring human rights access in Malta. aditus' current board is composed of Dr. Nicola Mallia (Chairperson), Dr. Michael Camilleri and Dr. Michael Ellul Sullivan. Named for the Latin word meaning 'access', aditus foundation's mission is the attentive analysis of access in Malta to human rights recognition and enjoyment. In practical terms, aditus was established to *monitor, report* and *act* on issues of fundamental human rights access for individuals and groups.

aditus foundation was founded on the principles of the universality, interdependence and indivisibility of all fundamental human rights, and we strive to promote their understanding and application. Being a generic human rights NGO, we work to adopt a broad perspective for human rights in Malta, identifying themes such as discrimination and access to effective remedies. Furthermore, while focused on Malta, we work towards highlighting the regional and international implications of local obstacles to human rights access.

Our main activities include the identification of priority areas, formulating advocacy strategies and working towards improvement in legal and administrative standards. This includes offering pro bono legal information and advice. We focus primarily on the government of Malta whilst also addressing the EU institutions, the UN, the Council of Europe and other relevant agencies. We remain in constant communication and cooperation with governmental, intergovernmental and non-governmental entities to maintain a comprehensive approach in our activities.

aditus is committed to engaging the general public in a human rights discourse that is well informed, unbiased and effective, through press statements and television and radio appearances. Further, aditus makes full use of the Internet to disseminate information, raise public awareness, gather advocacy support and establish contact with individuals and networks. We have a comprehensive website and a busy Facebook page and Twitter account.

We firmly believe that professional research is a necessary advocacy tool and encourage its use by policy-makers in formulating national strategies and action plans. Accordingly, we prepare reports for various national, regional and international entities on the local human rights scenario, violations, law and administrative policy and practice. We also organise training projects regularly, targeting a variety of actors.

Apart from being registered with the Malta Commissioner for Voluntary Organisations, aditus has affiliations and memberships with the International Detention Coalition (IDC), the Platform for International Cooperation on Undocumented Migrants (PICUM), the European Council on Refugees and Exiles (ECRE), the European Network on Statelessness (ENS) and the Anna Lindh Foundation.

A Word from our Director, Neil Falzon

2021 was a year of action for aditus foundation...and our 10th birthday!

Following the severe disruption caused by the COVID-19 pandemic, our operations were finally able to switch from emergency support to our regular in-depth services. Throughout the pandemic, we were faced with very different needs from the communities we usually provide our services to: unemployment, lack of documentation, poverty, homelessness, hunger, and very high levels of mental health problems. Not being an organisation providing social welfare services, we were initially ill-equipped to adjusting the way we worked and the kind of support we could provide. Yet the need for legal information and support remain strong, and we were able to network effectively with our partners to ensure quick and efficient referrals coupled with provision of those legal services that people still needed. Our (on-going) European Social Fund project, 'Documentation = Employability' was in fact born of the realisation that assistance to secure official documents is crucial for persons desperate to break out of the poverty shadow.

As we resumed our more regular activities, we were also able to expand our legal team. In recent years, the Government has effectively closed most of its doors to our repeated requests for dialogue. We are barred from discussing important legal and policy issues that affect hundreds, if not thousands, of people. Never before has civil society been so removed from Government's decision-making, and never before have human rights been in such a terrible state. We remain of the conviction that a functioning democracy relies on the strength of all its pillars, including a free and independent media and active civil society...including when these are expressing dissenting or critical opinions.

Our expanded legal team is making up for this impact vacuum by converting our dialogue to legal action. Whilst we will always prioritise dialogue with Government as the best tool of engagement, where this is impossible or where this fails, then our mission calls us to take our cases to the Courts. Throughout 2021 our expanded legal team stepped up aditus foundation's litigation activities, taking Government to Court over those issues where we feel institutional change is urgently needed. We filed numerous cases to release persons from illegal detention, with most being successful in shaming a detention policy that violates all rules in the law books. We approached the European Court of Human Rights to protect the rights of a refugee who was not given the chance to properly present his request for protection. This, following similar complaints filed with the European Commission due to Malta's violation of its EU law obligations.

With a stronger and more present legal team, Carla and I were more able to focus on advocacy initiatives. Often requiring long-term planning, many of our advocacy goals require the involvement of several partners and move in small, gradual steps. Anyone working in strategy knows how important it is to undertake in-depth planning exercises before embarking on such initiatives: what financial and non-financial resources

are needed? What are our goals and objectives? What messaging tools should we rely on? Which opportunities should we be latching onto? Who do we need to address? What partnerships should we be establishing?

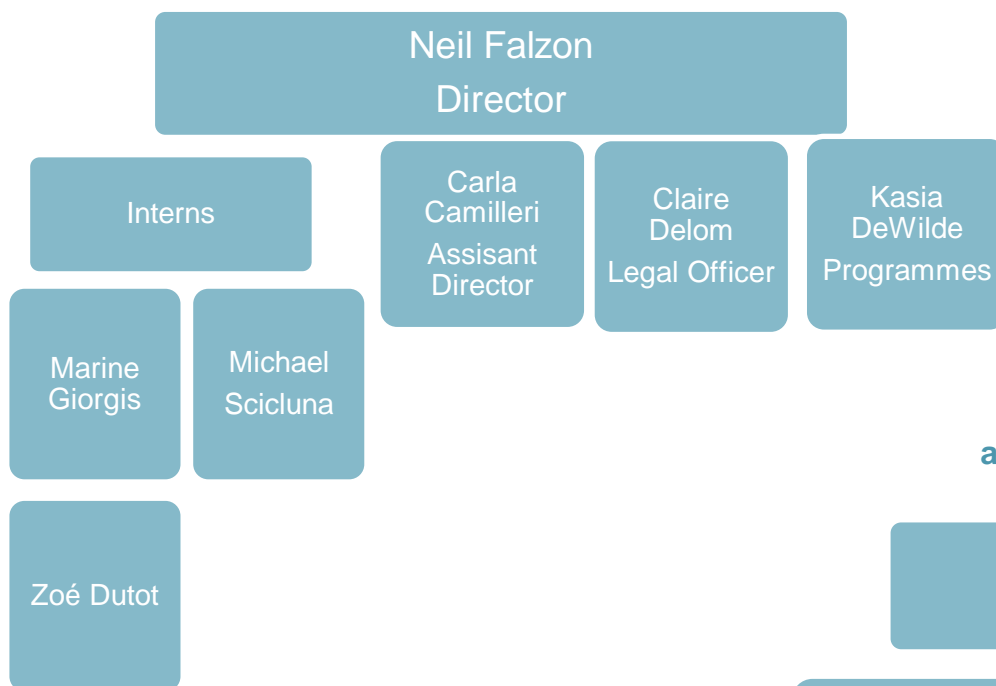
In a broader sense, these are also the questions we are asking ourselves on our 10th birthday. From a living room in Birkirkara to a buzzing office in Hamrun, aditus foundation has grown to be a key actor in Malta. It is with great pride that we look back at the past 10 years and map our path of growth. These were 10 years that saw Malta race to the top of Europe's ranking for LGBTIQ+ rights and introduce much-awaited national policies on integration and anti-racism. Yet we've also seen Malta take several steps backwards in the way it treats migrants and refugees: rising numbers of people dying at sea; a farcical yet atrocious use of immigration detention; an ever-weakening asylum procedure; and a succession of policies pushing people into poverty and destitution.

Our first 10 years saw us build solid relationships with partners and stakeholders, also establishing a reputable and strong public voice. Importantly, we look back at these first 10 years as an important lesson on the vulnerability and frailty of our human rights, especially of those societies deem unworthy. Yet we remain inspired by the strength and resilience of those who, despite all odds, stand up to oppression demanding justice and accountability.

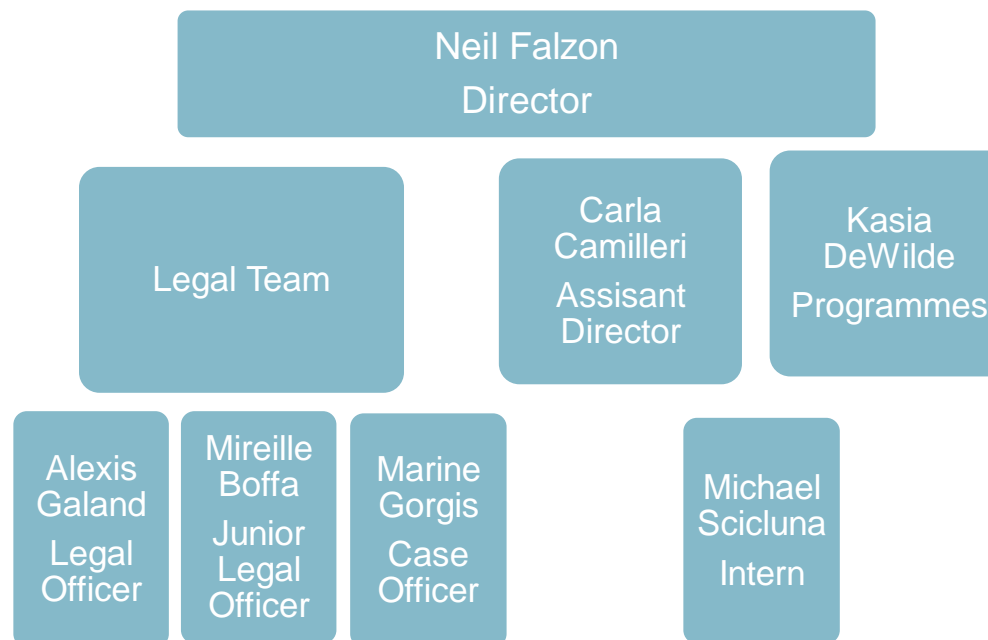
These are extremely challenging times for human rights worldwide. Not only are we witnessing the rise of formal and informal far-right groups and leaders, but we are also acutely aware of the challenges we face as NGOs in countering inflammatory discourse that pervades all forms of media. Now, more than ever, human rights NGOs must seek new ways of transmitting the values and principles that should form the basis of our societies and nations. This is why, in the coming years aditus foundation will be exploring more community-based and relationship-based forms of operating where we will try to move away from short-lived projects to a more sustainable and sustained engagement with the communities that needs us, and those that can support us.

Our 2022 Team

aditus team - First half of 2021



aditus team - Second half of 2022



Team Input: 10 years of aditus, Assistant Director, Carla Camilleri

On 31 March 2011 the Commissioner for Voluntary Organisations confirmed our application and registered us as a human rights NGO with a mission to “monitor, report and act on access to human rights in Malta.” The year 2021 was a special one marking our 10 years in existence. Looking back at our work since 2011, one feature keeps catching our attention: we are all in this together. Challenges faced by any minority, injustices against any member of our community...these are not merely one-off incidents but the result of systematic problems with legislation, the courts or government. Acknowledging how interdependent we all are means that we are called upon to look out for each other, and that the solutions to the nation’s human rights challenges may only be discovered and realised in partnership, with solidarity.



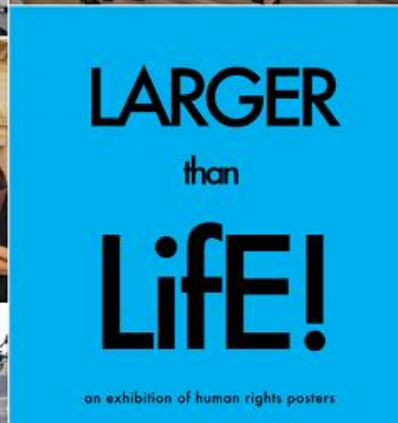
We had planned a number of activities to mark this special year, however the universe had different plans and due to the uncertainty with the COVID-19 pandemic we had to put these on hold.

We released a number of short videos with our Top 10 inspirations and Moments over the past 10 years. These can be found on our Youtube channel.



aditus is now looking forward to the next 10 years, by consolidating the work we have been carrying out and creating a team that fits better into our vision for the future!

I would like to take this opportunity to extend a message of sincere gratitude to everyone who inspired, supported, and motivated us throughout this fantastic journey!



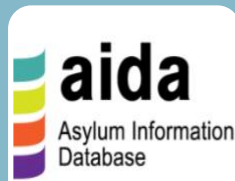
PRESS RELEASE

'Returning migrants to Libya means returning men, women and children to severe human rights abuses, including arbitrary detention, violence and

Projects

Our aditus team was kept busy in 2021 with a number of projects which span our sectors of involvement and support our work with our varied client base. The projects we were involved in are organised by theme.

Migration and Asylum



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/>



Project Integrated 2021

- Legal information and services to asylum-seekers and international protection beneficiaries with a focus on reception and integration
- UNHCR, the UN Refugee Agency
- <https://aditus.org.mt/our-work/projects/project-integrated-2021/>



Project Refugee Assistance Malta (PRAM)

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



Turning the Tables

- Migrant-led discussions, integration
- Asylum, Migration and Integration Fund
- <https://aditus.org.mt/our-work/projects/turning-the-tables>



Rise Up

- Policy and advocacy analysis, undocumented migrants
- EPIM
- <http://aditus.org.mt/our-work/projects/rise-up/>



Support Services for Newly-Arrived Asylum-Seekers (SSNAAS)

- Legal and information services, Fact Sheets
- AMIF
- <https://aditus.org.mt/our-work/projects/support-services-for-newly-arrived-asylum-seekers>



Training Kit for Empowering Refugee-Led Community Organisations

- Training materials, refugee-led advocacy initiatives
- Erasmus+
- <https://aditus.org.mt/our-work/projects/training-kit-for-empowering-refugee-led-community-organisations>



Detained Narratives

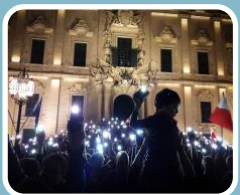
- Short videos that recount the personal stories of individual experiences in detention.
- Small Initiatives Support Scheme (SIS)
- <https://aditus.org.mt/our-work/projects/detained-narratives/>



Children's Alternatives to Detention protecting their Rights in Europe (CADRE)

- Promotion of viable and effective alternatives to detention for migrant children.
- AMIF
- <https://aditus.org.mt/our-work/projects/cadre/>

Statelessness



Statelessness Index

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

Equality



EQUALITY4ALLMT

- Training minority groups on anti-discrimination legislation
- Rights, Equality and Citizenship Programme of the European Commission
- <https://aditus.org.mt/our-work/projects/equality4allmt>

Rule of Law



Sabar: Our Island III

- Online photo & video repository, photobook relating to 2021 protests
- Creative Communities, Embassies of France and the Kingdom of the Netherlands
- <https://aditus.org.mt/our-work/projects/sabar>



Strengthening Access to Justice for Improved Human Rights Protection


- Smart recommendations, influence law & policy
- Active Citizens Fund (ACF)
- <https://aditus.org.mt/our-work/projects/strengthening-access-to-justice-for-improved-human-rights-protection/>



Pioneering AntiSLAPP Training for Freedom of Expression

- Develop SLAPP curriculum & anti-SLAPP training
- Justice Programme
- <https://aditus.org.mt/our-work/projects/patfox-pioneering-antislapp-training-for-freedom-of-expression/>

Generic



Documentation = Employability: Support Services for the Documentation of Various Communities

- Support services for people to access accurate documentation.
- European Social Fund
- <https://aditus.org.mt/our-work/projects/documentation-employability-support-services-for-the-documentation-of-various-communities/>

Throughout the implementation of these projects our team members have published a number of reports and publications:

- **Statelessness Briefing Note**, December 2021 - https://aditus.org.mt/Publications/statelessnessbriefingnote_122021.pdf
Briefing Note to urge Government to establish a statelessness determination procedure that is accessible, fair and efficient, and that leads to a dedicated status with clear rights attached to it.
- **Comparative Report on the Status of Refugee-led Community Organisations**, August 2021 - https://aditus.org.mt/Publications/rcotrainingproject_comparativereport.pdf
A comparative report looking at the main conclusions and findings in 6 national reports and 1 EU-level report on the status of refugee-led community organisations.
- **Literature Review on refugee-led community organisations**, February 2021, https://aditus.org.mt/Publications/rcotrainingproject_literaturereviewreview_022021.pdf
Overview of existing literature on refugee-led organisations.

Team Input: Malta – Working in a Challenging Environment, Alexis Galand, Legal Officer

I started working with the aditus foundation in May 2021 as their new Legal Officer. In this position, I was responsible for the organisation of the newly formed legal unit of the NGO, composed of a Junior Legal Officer, a Case Officer and one or more interns, and my role also involved in-depth legal work which required more advanced knowledge of European and Asylum law. This included written and oral submissions for appeals before the *International Protection Appeals Tribunal* (IPAT) after a rejection on the asylum application and detention and age assessments appeals before the *Immigration Appeals Board* (IAB). This proved particularly challenging due to a certain lack of expertise, or willingness, of several members of these quasi-judicial bodies appointed by the executive, with limited safeguards guaranteeing their independence and impartiality.

In that regard I must say that the challenges we faced were not only linked to the Government's hostile policy towards migrants and asylum seekers but also the erosion of the rule of law in Malta, which made our work tremendously more difficult than it would be in other European countries. In one specific case this situation forced us to seek redress to the European Court of Human Rights in order to stop a removal which would have put one of our clients at risk of harm upon return.

My job also entailed regular visits to the Safi detention centre, where we met numerous individuals who had been detained for 2 years in squalid conditions with no access to legal aid or information about their situation. It was not rare to find children among those detainees, be they confirmed as children by the authorities or pending an age assessment procedure. We focused our efforts on challenging their detention and obtained some releases. It proved more difficult to challenge the detention of those individuals who were being detained on removal orders for 15 months or more, the Immigration Police and the Immigration Appeals Board having a rather restrictive approach to the rights of these people.



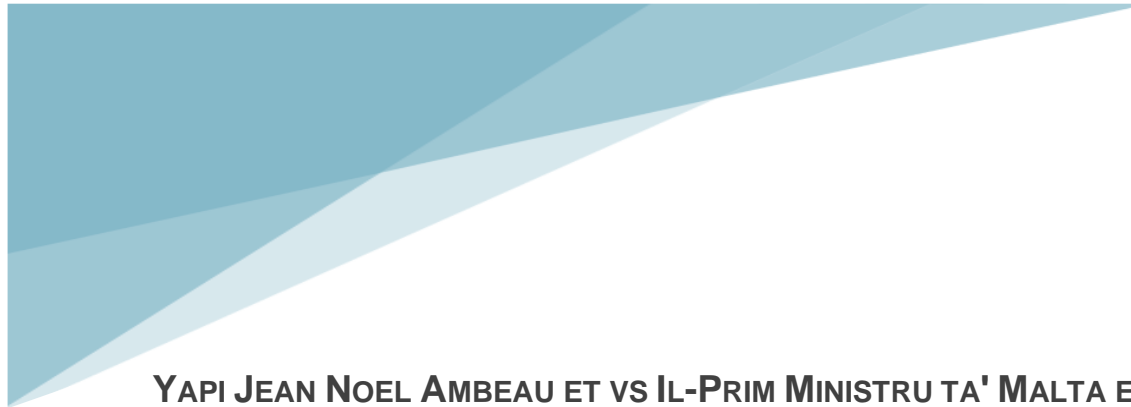
Alexis and Marine with a client

This year obviously came with a lot of frustrations and sadness but it was worthwhile for those tiny little moments of happiness for each and every one of the 42 individuals for whom we secured a release from detention and all the others we accompanied through their asylum procedure. I am truly amazed by the resilience of these individuals and want to thank them for their trust. Despite all the adversity they face here, they all trusted us with their life and I cannot imagine what it must feel like for them.

I am proud of what our team has achieved with our limited resources and do hope that our work paved the way towards some meaningful changes.



Spotlight



YAPI JEAN NOEL AMBEAU ET VS IL-PRIM MINISTRU TA' MALTA ET CIVIL COURT (CONSTITUTIONAL JURISDICTION)

CASE 645 / 2021

STATUS: PENDING

VIOLATION: Article 34 Maltese Constitution, Article 5 ECHR, & Article 6 EU Charter; Article 36 Maltese Constitution, Article 3 ECHR, & Article 4 EU Charter

This case, known as the “Captain Morgan” case, relates to the illegal detention of over 400 rescued migrants on government-chartered private ferryboats in 2020. They were finally disembarked after 37 days from the first rescue. 32 of the rescued migrants filed a constitutional case against the government of Malta claiming that their detention was in breach of their fundamental rights.

In particular, they are claiming that their detention constituted a breach of Article 34 of the Maltese Constitution, Article 5 of the European Convention on Fundamental Rights, and Article 6 of the Charter of Fundamental Rights (right to liberty). In addition, they claimed that their detention constituted inhuman and degrading treatment breaching Article 36 of the Maltese Constitution, Article 3 of the European Convention on Fundamental Rights, and Article 4 of the Charter of Fundamental Rights (protection against inhuman and degrading treatment).

aditus foundation lawyers, JRS director Katrine Camilleri and lawyer Cedric Mifsud are assisting.

Advocacy Initiatives

Asylum, Migration & Strategic Litigation

In 2021, we continued to advocate against the illegal detention of migrants and asylum-seekers and the illegal accelerated procedures that exist under Maltese law.

In this regard, the aditus lawyers assisted a number of clients being de facto detained under health regulations, without any proper detention order, through the Habeas Corpus procedure. In the 5 cases filed, the presiding magistrate underlined that the detention based on the Health Ordinance was illegal and ordered the immediate release of the applicants. In another two cases, we challenged the detention of two Ghanaian asylum seekers who had filed an appeal against their age assessment. The Immigration Appeals Board ordered the release of the minors, basing its decision on the presumption of minority.

In addition, Malta's accelerated procedure continues to pose a challenge in that its use could result in refugees being returned to a country where their lives are at risk. The accelerated procedure can take as short as six days, during which applicants might not be notified that their case is being fast-tracked, might not be granted a personal interview and might not be allowed the possibility to file an appeal. This clearly goes against Directive 2013/32/EU, the EU Charter of Fundamental Rights, the European Convention on Human Rights and the Maltese Constitution. aditus filed a Complaint to the European Commission for Infringement of EU law, whilst also assisting a client with his case in the European Court in Strasbourg (see below for further details on S.H. v Malta).

Rule of Law as a Human Rights Issue

In 2021 the public inquiry mandated to explore the extent of Government's involvement in Daphne's murder reached its conclusion that cabinet were complicit in and at times active in promoting the sense of impunity that was at the heart of the administration. The report was a stark indictment of the Maltese State turning on its own citizens, prejudicing a citizen's right to work freely and safely, and culminating in prejudicing a citizen's right to life.

On an advocacy level, we continued to flag our concerns to those entities entrusted to report on the state of our rule of law and governance structures, such as the European 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. We continued to insist that the recommendations contained in the Report of the Inquiry Daphne Caruana Galizia's assassination and the protection of journalists should be top priority for the Government. We provided a detailed commentary on the legislative changes implemented by Malta, generally lamenting the lack of consultation and transparency and regretting that the reforms did not go far enough. In particular, we actively participated in the following meetings:

- European Commission, Malta Country Visit - 2021 Rule of Law Report, April 2021
- Council of Europe Commissioner for Human Rights, October 2021
- European Commission, SLAPP Stakeholder meeting, November 2021



On the 200 weeks/46 month since Daphne's assassination, Neil spoke at the vigil which was organised at the protest memorial, reiterating our calls for accountability.

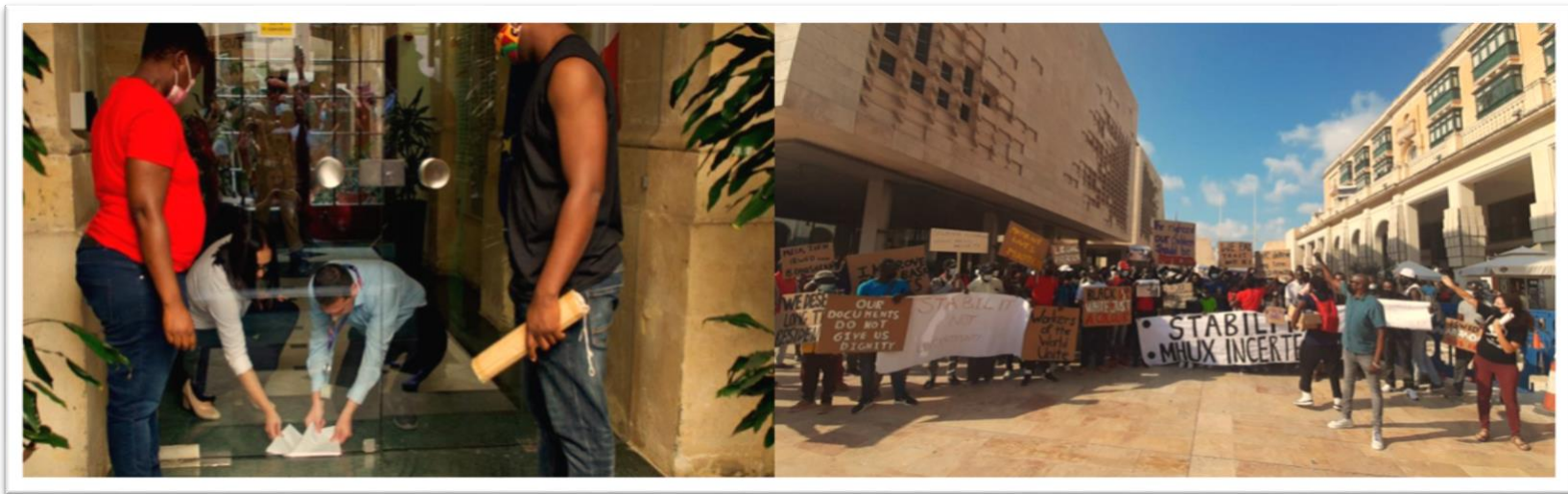
We continued to support and endorse protests that called out for an end to impunity in July and August 2021. Including those calling for the removal of prison director Alexander Dalli, under whose leadership, 14 prisons died.



We also began working on a project which focuses on ***Strengthening Access to Justice for Improved Human Rights Protection*** which has as its objective improving access to justice for individuals wishing to strengthen their human rights protection. We did this by identifying the key challenges and recommendations to effective to justice for human rights protection, and using these to influences those laws and policies that are seen as most problematic.

Stability not Uncertainty - the Specific Residence Authorisation (SRA)

During 2021 we continued to support the migrant community that was affected by the withdrawal of the SRA, and of the discriminatory treatment that persons who have been living in Malta for many years face at the hands of the authorities. The incident where Lamin Jaiteh was left seriously injured, by the roadside, after a workplace accident sparked a strong reaction by the migrant community and also by the supporting civil society community. On the 4th October, aditus endorsed and supported a peaceful protest organised by the migrant community during which they presented a number of requests to the authorities, including the reintroduction of the SRA, the effective implementation of the best interests of the child principle and the respect of the fundamental rights of all.



Team Input: The David and Goliath Struggle, Marine Giorgis, Case Officer

According to article 1 of the UDHR: “*All human beings are born free and equal in dignity and rights*”. After a year spent at aditus, I can affirm that this is the guideline of the work carried out on a daily basis by the staff members of the NGO. They carry out a Herculean task in a struggle that resembled the one between David and Goliath. A fight for justice and rule of law that is continuing for me since I was hired as a Case Officer by aditus at the end of my internship!

Driven by the feeling of being in the right place at the right time, I embarked on the aditus’ adventure with the urge to help and the desire to learn. I had no idea of the challenges ahead of me. I will learn, from my first days, that Malta is a “hot spot” at the heart of the European migration crisis. I was taken aback to see that in 2021, in Europe, gross and systematic violations of human rights can take place with almost complete impunity; political interests taking precedence over the interests of justice and humanity.

Over the past year, my work has mainly consisted of supporting first the Pro Bono Unit as a legal intern, and then the Legal Unit as a member of the team, in the provision of legal services to clients, in the area of asylum and migration. This involved providing individualized support to clients (e.g., basic information regarding the asylum procedure); administrative support to the aditus team (e.g., registration of clients in the database in view of reporting our activities to the funders); conducting research on relevant laws and policies (e.g., recommendations made at EU level with regards to Rule of Law in Malta) and gathering country of origin information (e.g., access to health care in Nigeria in support of a request for Temporary Humanitarian Protection based on the medical condition of the client).



“I particularly would like to emphasize my work related to detention”.

Indeed, since 2018 Malta has reintroduced a systematic detention regime for migrants arriving in the country by boat. As a result, minors and vulnerable people are detained upon arrival in violation of the European Union law. In addition, my internship took place during the covid-19 pandemic. Throughout this period, access to detention was severely restricted. I soon realized that the reception system in Malta had collapsed, with asylum seekers detained without legal basis, no information, no access to a lawyer or legal remedy.

In this context, I gave particular importance to the organisation of visits to detention, although access to detention was being granted only on request to see a particular individual. This was a practical impossibility for new arrivals and for those who had not contacted us themselves, given that we would not be aware of who was in detention. Migrants were rarely given the possibility of making a phone call to the outside world, and since we had the possibility to call in then we began to regularly call in to gather information. Therefore, my job consisted in collecting as much information as possible on the identity of the detainees and their legal situation.

Nevertheless, this system presented its challenges as in order to contact a particular client it was necessary to know which block the client is detained, the police number, name and surname. As well, it is necessary to speak the same language and above all the telephone must be working! Once the information has been collected, it is essential to prioritize which detainees need to be seen with urgency. Furthermore, we are only authorized to go to detention one morning a week, which allows us to see only 6 to 10 people a week. It is completely impossible to meet everyone.

“During this year I realized that human creativity has no limits”.

First, the creativity of clients who arrive with ever more complex situations, constantly pushing us to challenge ourselves. Their courage, their resilience and their thirst for life are all sources of inspiration, humility and encourage us to surpass ourselves. Second, the creativity of the authorities who, by all possible and unimaginable means, make the asylum procedure as complex and as bureaucratic as possible.

I am fortunate to be able to draw up an extremely positive review of this year spent at aditus. Thanks to the stimulating and friendly environment in which I have been working, this experience was rewarding both academically, professionally, and personally. It has not always been easy. Going to detention, witnessing the inhuman and degrading conditions in which hundreds of people are detained is tough. Fortunately, the aditus team is very attentive to the emotional toll that this work can have.

One thing is certain, the members of aditus do not lack and will not lack work in the coming years. They will continue to carry out various activities with great determination to enable everyone in Malta to enjoy their fundamental rights and freedoms.



What a week it's been! Last week our legal team, together with colleagues from Jesuit Refugee Service Malta and Mifsud & Mifsud in pic below, appeared for a group of migrants held on the high seas on tourist ferry boats in 2020. We were also extremely touched to experience the reuniting of a refugee mother with her 3 young children after 6 long years. Our lawyers worked for many months to bring them over to Malta. In spite of everything, including a global pandemic working against them, they finally re-embraced last Friday morning ❤️
Support us to continue to be able to do what we're doing: <https://aditus.org.mt/support-us/>



An Extremely Busy Year for Our Legal Unit

During 2021, the Legal Unit visited a total of **58** people in detention (47 asylum seekers and 11 rejected asylum seekers) and has monitored the situation of 343 detainees, including **58 minors**. As of December 2021, 172 of these individuals were still detained. The detainees followed are from 17 different countries, Bangladesh, Morocco, Ivory Coast, Ghana and Egypt being the most represented countries.

Detention of asylum seekers

During the reporting period, the Unit successfully secured the release of 37 asylum seekers being unlawfully detained:

Asylum Seekers Released by aditus During the reporting period	
Habeas Corpus	9
Appeal Immigration Appeals Board	3
Request to Principal Immigration Officer	25
Grand Total	37

Detention of rejected asylum seekers

Challenging the detention of rejected asylum seekers under a removal order has proven to be difficult. During the reporting period, the Legal Unit secured the release of **5 of its clients**, 3 of them after a request to the PIO, 1 following a request for a review of the detention and 1 after a successful request for Interim Measure in front of the ECHR:

Rejected Asylum Seekers Released by aditus During the reporting period	
Appeal Immigration Appeals Board	1
Interim Measure	1
Request to Principal Immigration Officer	3

Grand Total	5
-------------	---

In Depth Work on International Protection

the Legal Unit supports a wide number of asylum seekers, providing legal advice and ensuring they have access to the accommodation and the financial support they are entitled to.

During the reporting period, the Unit's lawyers provided in depth preparation to **7 people for their asylum interview**, including two LGBT individuals, one a Victim of Torture and two prisoners in Paola CCF.

The Unit **filed 5 appeals for 7 individuals** (including 2 children and 2 LGBT individuals) in front of the International Protection Appeals Board and participated in two hearings. One of these cases was also supported by an intervention from the UNHCR after a request from aditus' lawyers. As of December 2021, the Legal Unit is following a dozen appeals in front of the IPAT. It remains difficult to assess the number of cases still pending as some were filed more than 3 years ago.

The Legal Unit filed **4 requests to Temporary Humanitarian Protection** for rejected asylum seekers and also **filed submissions in support of 3** individuals who are threatened to see their protection withdrawn.

Additionally, the Unit filed **6 Subsequent Applications for 9 individuals** (including 3 children and 2 LGBT individuals), one of them being admissible and 3 of them still pending.

Finally, the Unit is currently following **16 minors for their age assessment appeal** in front of the IAB.

In total, the Legal Unit carried out in depth legal work for 46 individuals, including 21 children (or alleged children), 6 LGBT individuals, 4 people suffering from a serious health condition and one Victim of Torture.

Spotlight



S.H vs. MALTA
EUROPEAN COURT OF HUMAN RIGHTS
APPLICATION NO: 37241/21
STATUS: PENDING
VIOLATION: ARTICLE 3 & 13 OF THE CONVENTION

The applicant, a journalist from Bangladesh, had his application for international protection rejected as manifestly unfounded despite providing evidence in support of his application. He was channelled through the accelerated procedure and could not appeal this decision. He then filed a subsequent application which was rejected as manifestly unfounded. The lawyers at aditus' lawyers appealed his removal order on the basis of the risk of inhuman or degrading treatment he would face upon return to Bangladesh. Following the rejection of the appeal and confirmation of the removal order, the aditus filed a request for an interim measure in front of the ECHR on the basis of Article 3 of the ECHR which protects individuals against inhuman or degrading treatment.

The European Court of Human Rights (ECtHR) granted the interim request and S.H was released from detention after spending almost two years in Safi detention centre. The case is now pending in front of the ECtHR and focuses on the violation of the applicant's rights under the principle of non-refoulement (Article 3) and the lack of effective remedy at domestic level for non-refoulement cases (Article 13).

Team Input: An Incomparable Year of Change - Mireille Boffa, Junior Legal Officer

I joined aditus foundation in July 2021 as a Junior Legal Officer and my work was mainly focused within the legal unit. I have previous experience within the legal field however the field of asylum and human rights was relatively new to me. Initially my work was focused on simpler procedures including applications for citizenship, residence documents, family reunification and long-term residence applications with the Identity Malta Agency and also follow-up with the relative agencies. I was also doing some research regarding country-of-origin information as well as CJEU, ECtHR and domestic courts case law.

However, my duties became more complex revolving around issues with birth registration of beneficiaries of international protection, refusal from Jobsplus to issue employment licences to asylum seekers, freedom of information requests to government agencies, applications to the International Protection Agency for temporary humanitarian protection status for the more vulnerable individuals and subsequent applications. I also started to work on submissions for appeals before the Immigration Appeals Board relating to detention orders, removal orders and review of detention pending removal and started to attend hearings at the Immigration Appeals Board (IAB) under the supervision of the Legal Officer. This posed to be a difficult task due to the very low rate of success of cases filed before this Board coupled with their lack of expertise within the field of asylum and human rights.



CODE RED - Global Climate Strike, October 2021

Apart from the research and preparation of submissions for the IAB, I was also responsible for liaising and organising the visits to the detention and reception centres. Visits at the detention centre involved the provision of information regarding the asylum procedure to the newly arrived asylum seekers and where necessary pro bono legal advice. However, we also provided information to rejected migrants regarding the procedural safeguards which should be implemented in the procedure for their return. The visits to the reception centres involved meeting vulnerable clients who had been referred to us by social workers from AWAS and other entities to determine the best way forward regarding their legal status.

Moreover, we were also visiting asylum seekers who were incarcerated at the Corradino Correctional Facility in Paola and also at the facility for young offenders at Mtaħleb, to provide information regarding the asylum procedure and to ensure that these individuals receive the same treatment as all other asylum seekers since these are particularly vulnerable individuals some of which suffer from substance abuse disorder as a result of the trauma endured in their countries of origin.

Additionally, I worked on the preparation of research and submissions for cases filed before the domestic courts, including for habeas corpus applications and also constitutional court applications. I also supported the Legal Officer in the preparation of submissions relating to Dublin appeals and International Protection Appeals before the International Protection Appeals Tribunal and also in a case filed at the European Court of Human Rights relating to the violation of Article 3 of the European Convention.

Despite the daily difficulties which we face coupled with the emotional challenges, this has been a very fulfilling experience which is incomparable to any other.

The Voice of Human Rights and Presence in the Media in 2021

We continue to believe that advocacy includes engaging with the media, whilst also raising awareness on key human rights issues that the country is facing. Therefore, we maintain a strong media presence:

Press Releases	Date	Link
“Detention causes desperation and serious harm!” - We are shocked at the lack of sensitivity expressed in the <u>recent statement of the MUMN</u> . Ample research and our own experiences confirm the severe psychological harm caused by detention: it causes desperation and serious harm.	29/01/2021	https://aditus.org.mt/detention-causes-desperation-and-serious-harm/
“Where are they?” Civil Society Press Statement On The Fate Of Over 100 People Abandoned At Sea Follow-up Statement It is with great relief that we welcome news of the safe disembarkation in Italy of the 110 persons assumed to have been stranded.	06/04/2021	https://aditus.org.mt/where-are-they/ https://aditus.org.mt/where-are-they-2/
Happy Birthday aditus foundation	08/04/2021	https://aditus.org.mt/happy-birthday-aditus-foundation-2/
A new policy to drive people into poverty and marginalisation Malta Refugee Council reacts to revisions to policy on access to employment for asylum-seekers	04/06/2021	https://aditus.org.mt/a-new-policy-to-drive-people-into-poverty-and-marginalisation/

Our reaction to the Report of the Board of Inquiry – Daphne Caruana Galizia	03/08/2021	https://aditus.org.mt/our-reaction-to-the-report-of-the-board-of-inquiry-daphne-caruana-galizia/
This is not Justice! Statement on the prosecution and imprisonment of two Turkish women for use of false documents A statement read out on 5 August 2021 during a demonstration outside the Courts of Laws.	05/08/2021	https://aditus.org.mt/this-is-not-justice-statement-on-the-prosecution-and-imprisonment-of-two-turkish-women-for-use-of-false-documents/
Joint Statement: Current priorities for an EU response to the situation in Afghanistan	25/08/2021	https://aditus.org.mt/joint-statement-current-priorities-for-an-eu-response-to-the-situation-in-afghanistan/
Press Release – Ongoing uncertainty at the prison We the undersigned entities unequivocally condemn the ongoing uncertainty at the prison, aka Correctional Services Agency.	27/08/2021	https://aditus.org.mt/press-release-ongoing-uncertainty-at-the-prison/
EU agency Frontex charged with illegal pushbacks	20/10/2021	https://aditus.org.mt/eu-agency-frontex-charged-with-illegal-pushbacks/
Vigil in remembrance of dead prisoners NGOs, academics ask for the reinstatement of access to Corradino.	14/11/2021	https://aditus.org.mt/vigil-in-remembrance-of-dead-prisoners/
Joint Statement: Call on the EU: Restore Rights and Values at Europe's Borders	26/11/2021	https://aditus.org.mt/joint-statement-call-on-the-eu-restore-rights-and-values-at-europes-borders/
Statelessness Briefing Note: "Malta's 2019 international commitment to protect stateless people needs to be followed through."	7/12/2021	https://aditus.org.mt/statelessness-briefing-note-maltas-2019-international-commitment-to-protect-stateless-people-needs-to-be-followed-through/

Significant Participations

Due to Covid-19, during the first-half of 2021 we were unable to attend meetings, seminars and trainings organised in Malta and overseas. Yet we did our utmost to remain updated and in touch virtually with our colleagues in other Member States. In the second-half of 2021 our team began to travel to conferences and trainings overseas.

Event	Organised by	Attended by	Date & Venue
The protection of Migrants, Asylum-seekers & Refugees under the ECHR and international law with a special focus on alternatives to detention and access to territory	UNHCR & CoE https://www.unhcr.org/mt/ ; https://www.coe.int/en/web/portal	Marine Giorgis	March, Online
Rescuing lives in the Central Mediterranean: contemporary challenges	ASGI, aditus, JRS Malta, Fondation Assistance Internationale http://www.asgi.it/ ; https://jrsmalta.org/ ; https://fondationassistanceinternationale.ch/en/	Carla Camilleri	March, Online
Summer Course on the Rule of Law in the European Union	Academy of European Law https://www.era.int/	Carla Camilleri	June, Online
APT/ODIHR fourth Regional Meeting on Torture Prevention for National Preventive Mechanisms and Civil Society Organisations	Association for the Prevention of Torture https://www.apr.ch/en Office for Democratic Institutions and Human Rights, https://www.osce.org/odihr/	Carla Camilleri	June, Online
Advanced ELENA Course 2021: 'Strengthening International	European Council for Refugees and Exiles https://ecre.org/	Neil, Alexis, Mireille	October, Marseille

Protection in Europe and Thinking Ahead'			
Assisted Voluntary Return and Reintegration (AVRR) - RESTART VI	International Organisation for Migration https://malta.iom.int/	Marine Giorgis	October, Valletta
Annual conference on European Asylum and Migration Law 2021	Academy of European Law https://www.era.int/	Marine Giorgis	October, Online
Workshop on alternatives to detention for migrant children	https://aditus.org.mt/our-work/projects/cadre	Eva Beggiato	October, Online
Information session on the Victim Support Agency	Victim Support Agency https://www.facebook.com/VictimSupportAgencyMalta	Marine Giorgis	November, Online
Asylum Information Database (AIDA) Coordinators Meeting	European Council for Refugees and Exiles https://ecre.org/ ; https://asylumineurope.org/	Alexis	November, Brussels
Training on EU anti-discrimination law	Academy of European Law https://www.era.int/	Marine Giorgis	December, Trier

In addition to participating in seminars and trainings, our staff members were also active in directly contributing to events by sitting on panels, training and lecturing.

Event	Organised by	Speaker	Date & Venue
Rescuing lives in the Central Mediterranean: contemporary challenges	ASGI, aditus, JRS Malta, Fondation Assistance Internationale	Neil Falzon	March, Online

	http://www.asgi.it/ ; https://jrsmalta.org/ ; https://fondationassistanceinternationale.ch/en/		
Integration Roundtable Meetings	UNCHR https://www.unhcr.org/mt/	Marine Giorgis	March – December, OnlineHis face
World’s Day Against Human Trafficking: A Tribute to the First Responders	Foundation for Social Welfare Services https://fsws.gov.mt/en/	Carla Camilleri	July, Malta
Advocacy Workshop, Training	Kunsill Studenti Universitarji (KSU) https://www.ksu.org.mt/	Carla Camilleri	August, Online
SOGIGESC Unit’s Annual Conference: Sex Work Panel Discussion	Human Rights Directorate https://humanrights.gov.mt/en	Carla Camilleri	September, Online
Legal Framework on Migration for Cultural Mediators, Diploma in Education for Cultural Mediation	Department for Inclusion and Access to Learning, Faculty of Education https://www.um.edu.mt/educ/dial	Carla Camilleri, Neil Falzon	October – January 2021/2, UoM
Europe and the migration crisis, focus: hotspots in the Mediterranean	Clinique doctorale de droit international des droits de l'homme de la Faculté de droit d'Aix- en-Provence, Ecole d'été sur la pratique du droit international des droits de l'homme d'Aix- en-Provence https://www.aixglobaljustice.org/	Marine Giorgis	October 2021, Online

Spotlight



EL HIBLU 1

COURT OF MAGISTRATES AS A COURT OF CRIMINAL INQUIRY

STATUS: PENDING

Throughout 2021 we continued our defence work of the three teenagers charged with a range of serious crimes, including acts of terrorism and terrorism activity, after they had refused to be returned to Libya by their rescuing ship, the **El Hiblu 1**.

In 2021, our request to the Criminal Court to order the prosecution to summon all the eye witnesses on board the El Hiblu in front of the Inquiring Court was acceded to. Finally, after two years since the start of the proceedings, the other migrant eye-witnesses began to be heard in Court.

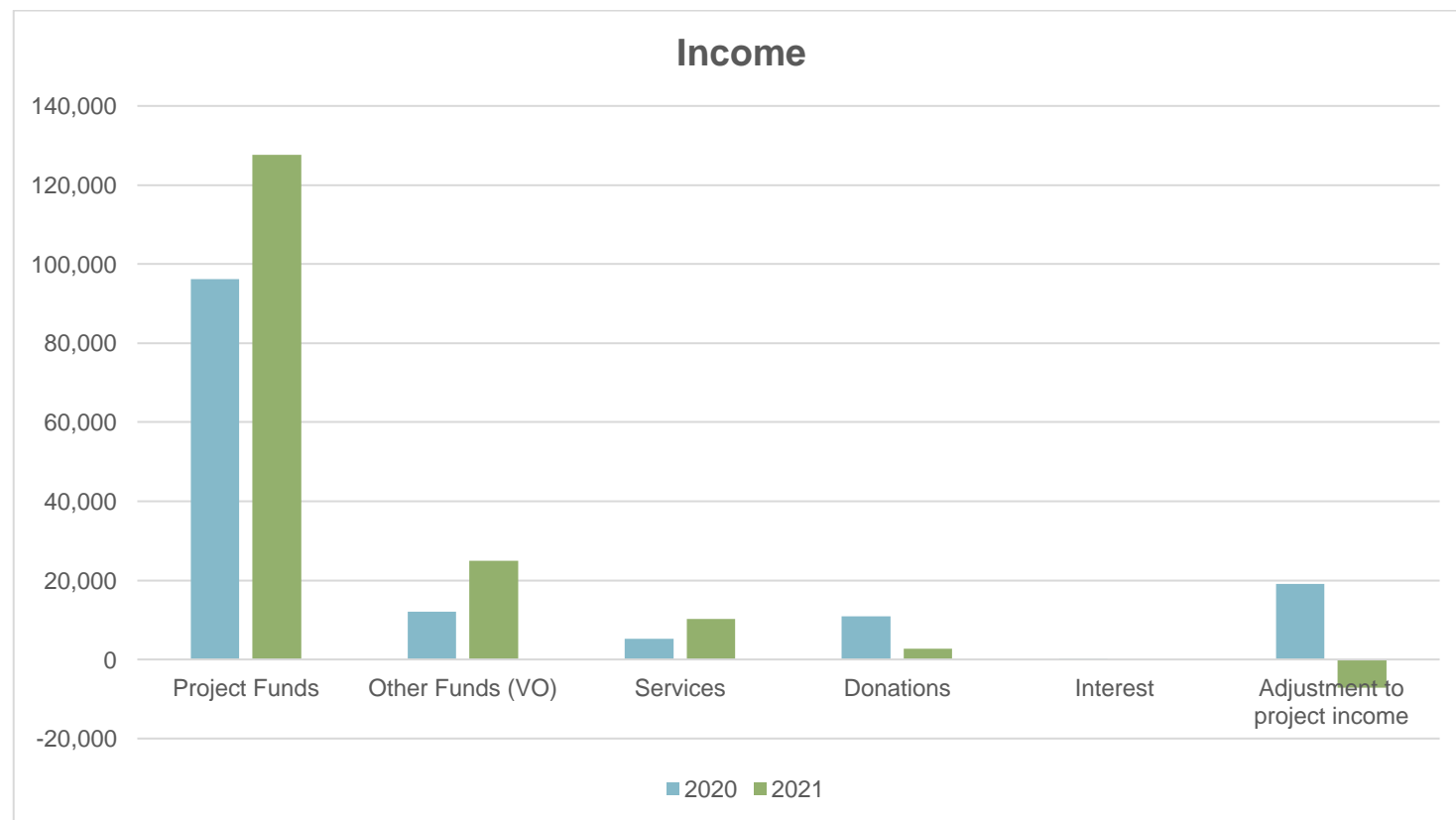
In 2021 an international alliance of human rights advocates, politicians, scholars and religious leaders set up the **El Hiblu Freedom Commission** in order to advocate for the dismissal of the charges against the defendants, and it held that Malta “*violated their basic human rights*”

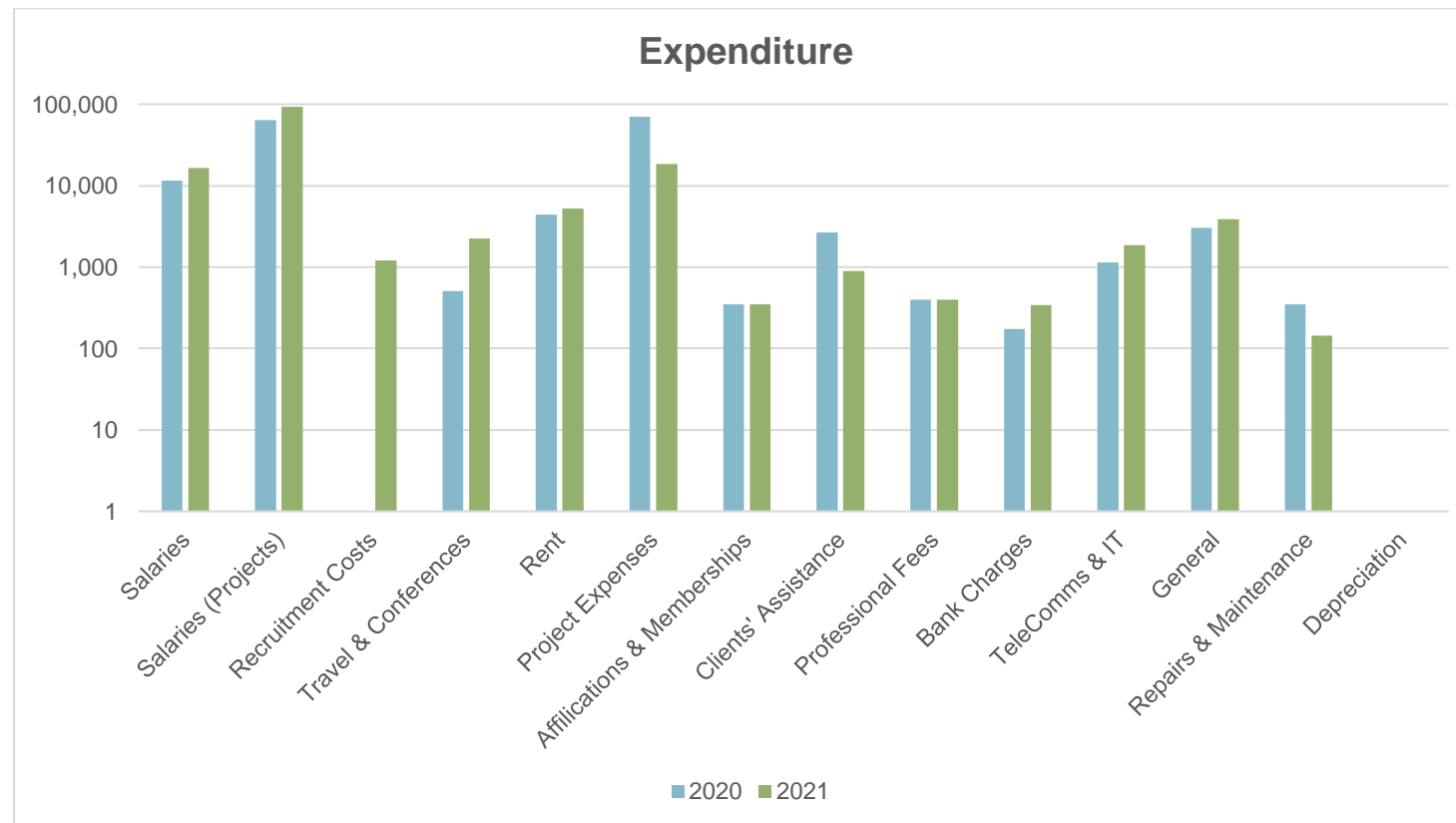
We are working on this together with our legal partners Mifsud and Mifsud Advocates, with the support of Sea Watch.

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 2021.





@aditusfoundation



@aditus.accessingrights



@aditusNGO



aditus foundation

