



## Annual Activity Report 2020

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## 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' Director is Dr. Neil Falzon, and the 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.

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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.

aditus is the Secretariat for the Platform of Human Rights Organisations in Malta (PHROM), Malta's first and only national coalition of human rights NGOs.

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.

We are also members of the Consultative Forum of the European Asylum Support Office, and of the Fundamental Rights Platform of the European Union Agency for Fundamental Rights.

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## Team Input: A year that changed everything, Neil Falzon

It is probably a tired cliché to say that 2020 was challenging! I can say with certainty that, as we're writing this report (September 2021), we are all still tired and struggling to recover from the strains 2020 put on us all.

In her contribution below, Carla (Assistant Director) talks about our immediate and longer-term responses to the Covid-19 pandemic, in terms of how it affected our beneficiaries, our operations and – overall – the organisation's profile. Essentially, we quickly adapted our activities to a new environment that not only required us to work remotely but that also presented our beneficiaries with extremely serious problems relating to the most basic of needs: documents, housing, nutrition. They were very trying times for the entire team, including for Erna, our newly-arrived intern who spent most of her internship doing her fantastic job alone from her apartment! Read her interview below.

We also saw Malta's approach to migrants and asylum-seekers taking yet another step in the wrong direction. Capitalising on the distractions and public health measures brought about as a result of the Covid-19 outbreak, the Maltese authorities illegally returned to Libya a group of asylum-seekers, amongst them a number of corpses. The infamous 'Easter pushback' saw Malta resorting to devious arrangements with private shipowners in order for them to carry out the State's dirty work. Similarly, the illegal and inhumane detention of over 400 men, women and children on ships usually used for touring Malta shocked us all. Not only were the people strategically held just outside Malta's territorial waters, and out of reach of any telephone or internet network, but they were subsequently illegally detained in Safi and Lyster Barracks for several months. In summer, the Refugees Act was amended, transforming the Office of the Refugee Commissioner into the International Protection Agency. Other changes further entrenched Malta's accelerated procedure, whereby arbitrary and politically-motivated nationality-based distinctions often lead to asylum-seekers being unable to fully present their applications. In the relevant sections below, we provide more detailed information on the problems in last year's increased use of detention and this accelerated procedure, highlighting our Team's activities and initiatives.

Responding to the degeneration of Malta's rule of law has been one of our strategic priorities for a number of years. Throughout 2020 we continued our advocacy activities, mainly by engaging with the international and European entities monitoring Malta's situation. We provided detailed input on the so-called reforms and reiterated our key observations.

In hindsight, it must be said that our experiences during the various lock-down phases taught us several important lessons. The speed of our responsiveness was key in securing our Team members' safety and also of diverting our energies and resources to where our beneficiaries needed them most. We learnt that far too much time and money used to be spent commuting to and participating in meetings, locally and overseas. Yet we were also reminded that strong teams are built around common energies and goals that require constant stimulation and

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engagement. Essentially, the Covid-19 pandemic drove home the message that Malta's marginalised and vulnerable communities – not being limited to migrants – remain largely reliant on the services and support of non-governmental organisations. The generosity shown in response to our calls for support, and for similar calls for several other organisations, was a heart-warming public response to situations that should not be seen in twenty-first century Malta.

As 2021 draws to a close, so does our Strategic Plan 2020-2021. The lessons learnt throughout 2020 will certainly feature in our discussions on the 2022-2023 Plan, not only in terms of the human rights challenges and opportunities that the country will be facing but as to how our operations, finances and energies can be tweaked to improve our overall impact and efficiency.

## Our 2020 Team

Neil Falzon, Director	Carla Camilleri, Assistant Director	Claire Delom, Legal Officer	Katarzyna De Wilde, Programmes Officer	Sarianna Mileski, Information Officer
Michael Scicluna, Legal Intern	Fanny Gaultier, Legal Intern	Julia Zammit, Human Rights Intern	Erna Landgraf, Legal Intern	Julie Fuchs, Legal Intern
Matthew Chircop, Human Rights Intern	Rimaz Bitrou, Human Rights Bitrou	Sylvana Brannon, Legal Intern	Christine Dimech, Legal Intern	Diane Dimech, Legal Intern
		Jessica Parish, Legal Intern		



## Team Input: Human Rights Internship with aditus foundation, Erna Landgraf

In September, Human Rights Intern Matthew interviewed out-going Legal Intern Erna. Erna was with us for the toughest months of the Covid-19 lock-down, spending almost an entire internship alone in her apartment. This is level of commitment and dedication humbles us whenever we encounter it!

### **M: Would please introduce yourself?**

**E:** Well, let's see...I am a 26-year-old Hungarian who finished law school in February and had absolutely no idea what she wanted to do. All I knew was that my job needs to help and serve others, what I do needs to matter to someone – not to a company, but to a human being. Or preferably to more human beings. I also knew that I wanted to travel and see what there is to see, so I applied for the Erasmus+ traineeship program a year beforehand and I won the scholarship that enabled my internship at aditus.

### **M: What was your internship about?**

**E:** Generally speaking, the internship made it possible that I get familiar with the Maltese and European asylum and migration law, the principles of equal treatment and non-discrimination and human rights in general.

But for me personally it was about way more than that since this was my first workplace after getting my law degree, so I wanted to pay attention to every little detail. Besides, it was also about gaining a sense of responsibility that the work I do might determine someone's future... So I'd better do it well not only because of my own maximalist attitude – what motivated me throughout my studies – but also because someone is counting on me.

### **M: How did you find out about aditus foundation?**



**E:** Actually, it was quite random. One evening I was talking to one of my friends about where to apply for my Erasmus traineeship. I was a bit puzzled so I tried to list all the criteria that I found important.

Then he told me that he knew just the place. As it turned out one of his very good friends worked as a lawyer at aditus, so I talked to him, checked the website and knew immediately that this was the place for me.

**M: What was it like doing an internship with aditus foundation?**

**E:** This internship was the best possible way to start life after university for me. The atmosphere was always amicable and welcoming, I was never afraid to ask questions which made it so easy to learn more and more. I also find that at a small organization such as aditus, one gets to see all the work that is getting done which is great for a recent graduate.

I was involved in many different tasks and projects, so I experienced not only a marginal slice of the work but saw the process as a whole. It was definitely a great experience and I am very grateful for it.

**M: What was it like doing an internship during COVID-19? Was it challenging being locked inside in a foreign country?**

**E:** No, I do it all the time...Jokes aside, it was a very challenging time for me, especially in the beginning when we had no idea for how long it would last. It was a tough decision to stay, everyone was telling me that it would probably be better for me to go home, but I am sure that I made the right call. I had a feeling that I would never again have so much alone time in my life again, so I tried to make the best of it.



**M: What was one thing that you will cherish from this internship?**

**E:** I cannot name just one thing, I will cherish it as a whole together with all the difficulties that Covid caused and all the rest that was amazing (here I would like to mention the figolla that we got for Easter...).

**M: What is your favourite quote?**

**E:** Hmm... I am really bad at choosing favourites and I have many quotes that I like... There's one from Winston Churchill that I hope many of our readers will agree with: *"Those who never change their mind, never change anything."*

## Projects

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 organisation 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 includes total and partial funders.

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

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### 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/>

### EQUALITY4ALLMT

- Training minority groups on anti-discrimination legislation
- [Ministry for Justice, Equality and Governance](#), European Network Against Racism ([ENAR](#)), European Network on Religion and Belief ([ENORB](#))
- Rights, Equality and Citizenship Programme of the European Commission
- <https://aditus.org.mt/our-work/projects/equality4allmt>

### (Ir)regular Love: Right to Marry Campaign

- Research, social media campaign, publications (online and report)
- Small Initiatives Support Scheme (SIS)
- <https://aditus.org.mt/our-work/projects/article-12-right-to-marry>

### Marginalised Persons as Human Rights Volunteers

- Volunteering, paid internships
- Voluntary Organisations Projects Scheme (VOPS)

- <https://aditus.org.mt/our-work/projects/marginalised-persons-as-human-rights-volunteers/#.YUs4pS0RphE>

### Pool of Legal Migration Experts

- Support and network provision
- European Commission

### Project Integrated 2020

- Legal information and services asylum-seekers, international protection beneficiaries and other migrants, stakeholder meetings on key advocacy points, publications
- JRS Malta, Integra Foundation, Migrant Women Association (Malta), Women's Rights Foundation
- UNHCR Malta
- <https://aditus.org.mt/our-work/projects/project-integrated-2020/>

### 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/>

### Rise Up

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

### Sabar: Our Island III

- Online photo and video repository relating to rule of law protests; photobook

## PRESS RELEASE

"Returning migrants to Libya means returning men, women and children to severe human rights abuses, including arbitrary detention, violence and torture, inhumane living conditions, human trafficking and slavery.

It is entirely unacceptable for Malta to even consider engaging in such activities in its efforts to reduce the number of arrivals of persons by sea."

(August 2020)

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#DontLetThemDrown

- Creative Communities, Embassies of France and of the Kingdom of the Netherlands
- <https://aditus.org.mt/our-work/projects/sabar>

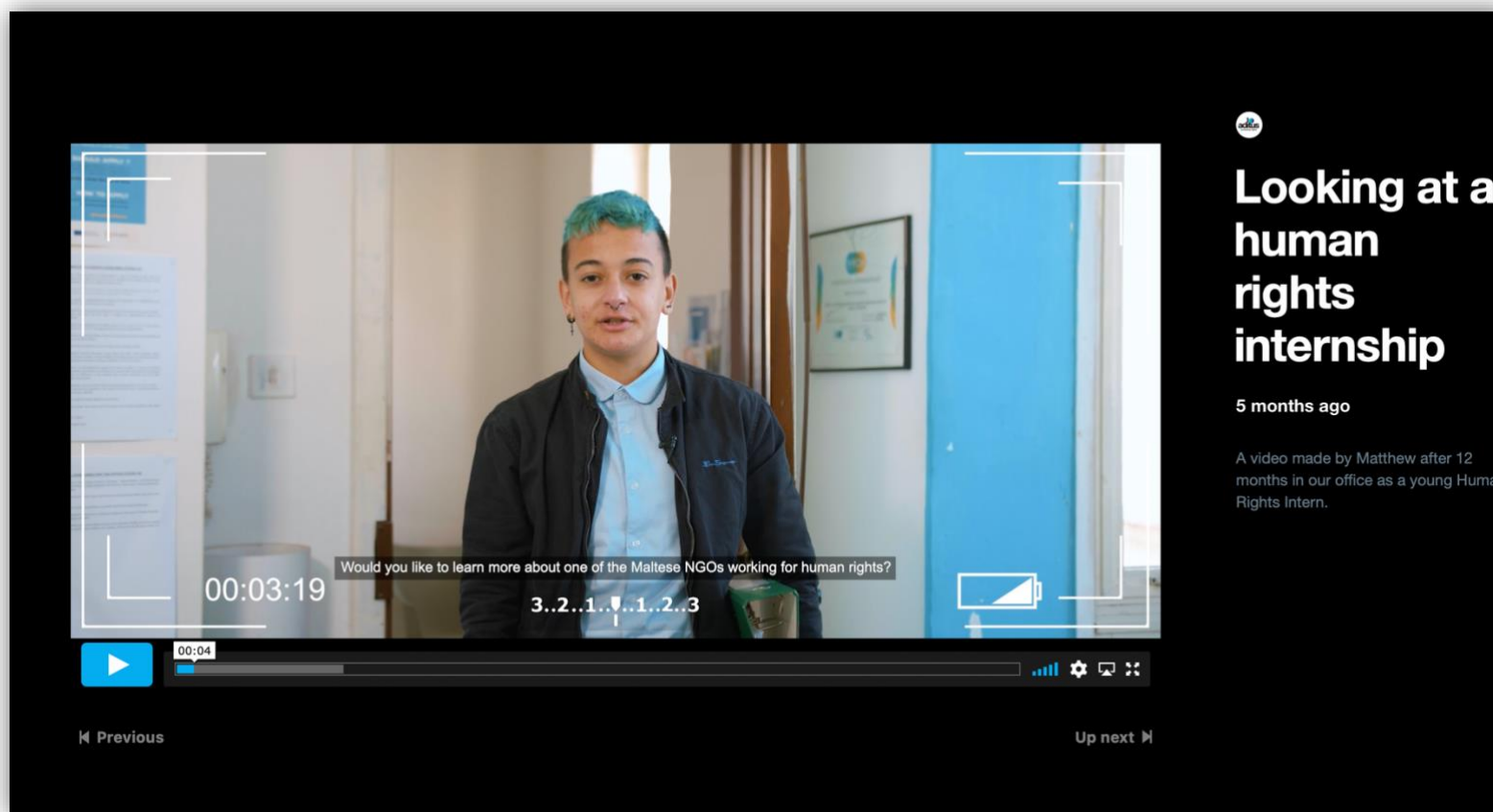
### Statelessness Index

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

### 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>



Check out Matthew's fabulous video here: <https://vimeo.com/user104555168>

### Training Kit for Empowering Refugee-Led Community Organisations

- Training materials, refugee-led advocacy initiatives
- Cyprus Refugee Council, Dutch Refugee Council, European Council on Refugees and Exiles, Greek Forum of Refugees, Jesuit Refugee Service (Malta), Mosaico – Azioni per i rifugiati. With Syrian Volunteers Netherlands as Associated Partners.
- Erasmus+

- <https://aditus.org.mt/our-work/projects/training-kit-for-empowering-refugee-led-community-organisations>

### Turning the Tables

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



## Team Input: Adapting in a COVID-19 scenario, Carla Camilleri

When COVID-19 reached our shores no one could have predicted the impact it would have on the work we do, the services we offer and the internal management of the foundation. As the seriousness of the pandemic started becoming more evident, we geared up to closing the office and to adapting our remote working tools that were already being utilised. Since as an office we offer a flexible working environment to our staff, we already had systems in place for a streamline transition to working from home. Our databases, services and folders were accessible remotely via an online server system, we transferred office calls to our office mobile phone and clients managed to reach us via social media, emails, zoom and telephone.



We also took advantage of the COVID-19 Voluntary Organisations Emergency Fund (COVID-VOEF) administered by MCVS and supported by the Parliamentary Secretary for Youth, Sports and Voluntary Organisations. These funds assisted us in getting the office in order for opening up after the first lockdown period in the beginning of 2020.

Although we managed to move to remote working effortlessly it is the ability to provide the much-needed services to our clients that inevitably suffered. As the public health regulations were being published in March 2020, we gathered all our resources and began translating them into 5 different languages.

We then disseminated them via social media and our partners, this was eventually taken over by UNCHR as the pandemic progressed. Face-to-face appointments with clients were stopped and the only way for them to reach us was via communication platforms, which were not always available to them.

This also presented problems in cases where there were language barriers with the clients and they did not have any person available to interpret for them. In these cases, we used to solve issues by using our interpreters via messenger, or 3-way conversations. We needed to change the way we worked as we faced legal and administrative issues that both us and the public administration had never faced.

However, by far the most trying situation revolved around the closing of borders in March 2020 and the prohibition to access detention and detainees for a protracted period of time. The closing of the borders resulted in Malta refusing all disembarkation of people rescued at sea,

including the rescue operations carried out by the Maltese authorities themselves. Although it is debatable whether this policy was directly related to COVID-19, at the time one of the reasons for refusal of disembarkation of rescued persons was attributed to the pandemic.

By the beginning of June 2020, 425 persons were kept aboard four vessels, allegedly for quarantine purposes. This situation called for a concerted advocacy effort on the part of aditus and other migrant-led and migrant servicing NGOs, including a socially-distanced and safe public demonstration.

During this period, access to detention was severely restricted for all entities, including NGOs, for several months, leaving detained asylum-seekers and migrants without any information or legal advice regarding their situation. This was made worse by the fact that at that time, all persons disembarked in Malta were automatically detained. As a result, vulnerable applicants, including minors, were also detained upon arrival. This situation severely impacted our work and much of our time was spent trying to address the situation with the authorities.

Pushing for access to detention during the pandemic was not the only advocacy stream that we were working on. The legal and social issues emerging in a COVID-19 world were varied and including a serious rise in homelessness, access to health services, access to welfare services, access to residence cards invalidated due to unemployment, access to employment and access to courts or tribunals which were closed at that time. This meant that, together with other NGOs, we held meetings with UNHCR, the health authorities, housing authorities, social services, JobsPlus, ID Malta and also made contact with the Ministry for Home Affairs.

Paradoxically, although it was an extremely tough time, certain things did become easier. Communication with our partners locally and also overseas, and also attendance at trainings were facilitated with video conferencing tools. Internal organisation was updated and our work methods adapted by using online tools, such as project management tools and collaboration systems. We have also got more accustomed to flexi-working and working from home in a bid to make the office a more worker friendly environment.

## Initiatives

### The El Hiblu 1 Case

Throughout 2020 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. 2020 saw us successfully challenge an attempt by the Prosecution to stifle the voice of civil society organisations who had expressed themselves over the case.

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

### Upholding the Rights of Sex Workers

Within the context of the [Government's reform on human trafficking and prostitution](#), our [joint input](#) with Integra Foundation on sex work marked an important policy statement for us. Our position, adopting a rights-based approach to sex work acknowledges the widespread abuse and exploitation of sex workers yet also endorses the right of all persons to choose to engage in sex work. We presented this paper to Parliament and to the Equality Ministry, and engaged in a difficult conversation about empowerment, protection, vulnerability, agency, choice and abuse.

The dialogue continued throughout 2020 where we participated in a number of Parliamentary discussions on the topic, presenting our views and emphasising the need to listen to the voice of sex workers in as inclusive and intersectional a manner as possible.

Our activities in this sector eventually lead to the implementation of a [research project](#) seeking to present the voices of sex workers in Malta (2021)

### Cancellation of the Specific Residence Authorisation (SRA)

Towards the end of 2020, Government issued a [surprise policy amending the 2018](#) policy that had introduced the Specific Residence Authorisation (SRA). The amendments essentially brought to a close the possibility of submitting any new SRA applications, thereby effectively capping the number of SRA holders to those who had successfully applied in 2018 and 2019. The 2020 amendments also incorporated many of the practices we considered problematic, including a restrictive approach towards family members.

Following the announcement of these amendments, and in response to the shockwaves this sent throughout the migrant community, we teamed up with a group of organisations in order to attempt to reverse or somehow influence the new position.

Discussions with the Home Affairs Ministry remain on-going.

### Defending the duty to save lives at sea

In 2019 Claus-Peter was found guilty of operating a vessel without the necessary documentation. In summer 2018, following days stranded out at sea without permission to disembark a group of rescued migrants, Claus-Peter Reich had entered Malta as captain of the *Lifeline*, the rescue vessel managed by the rescue NGO Mission Lifeline. Following entry and disembarkation, Claus-Peter had been 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 defended Claus-Peter and advised him to appeal the conviction.

We are happy to announce that in January 2020 our efforts and Claus-Peter's determination were rewarded and he was cleared of all charges against him!

### Challenging Illegal Detention

Throughout 2020 we continued our intense work challenging Malta's increased use of illegal administrative detention. This was intense work that had started in 2018 when Malta reintroduced a regime of automatic detention for asylum-seekers entering the country in an irregular manner.

The new regime was, according to the authorities, based on public health legislation that allows the health authorities to adopt measures limiting a person's free movement in cases of suspected spread of contagious disease.

This legislation does not permit the authorities to detain persons, least of all persons who have been medically screened and 'Ok-ed' a few days after their arrival in Malta. These, and a number of other reasons, rendered Malta's use of this legislation to systematically detained hundreds of asylum-seekers – including children, illegal and a violation of the fundamental right to personal liberty.



Our work throughout 2019 successfully brought to an end the use of the public health regime as an assumed legal basis to detain asylum-seekers. Yet instead of bringing the reception regime in conformity with international and European standards, Malta relied on the Covid-19 pandemic to further encroach on person's right to liberty. Restrictions were imposed on our access to clients, limiting engagement, service-provision and monitoring activities.

We soon realised that Malta's reception regime had essentially collapsed, with asylum-seekers and other migrants detained with no formal documentation, no information, no access to legal services and no access to any form of review or legal remedy. Once our access was restored – limitedly – we stepped up our engagement, attempting to flag the illegalities through various advocacy efforts including judicial interventions. The newly-appointed Detention Services Director adopted a more engaging approach with us, and implemented a number of significant improvements.

### Malta Refugee Council

We established and coordinate the Malta Refugee Council, an informal gathering of NGOs active in the sector of asylum.

Throughout the year, we met to discuss common strategies and activities with a view to capitalising on our synergies.

### LGBTIQ+ Advocacy and Services

Following the adoption of key legislation strengthening LGBTIQ+ rights in Malta, in relation to which we had played an extremely active role in drafting and advocating for, we decided to limit our activities in this area in order to focus on more pressing matters. With a focus on facilitating and supporting the enjoyment by the LGBTIQ+ community of their new rights.



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Our Pro Bono Unit continued to offer legal information and services to a variety of beneficiaries, largely in partnership with our friends at MGRM and ARC.

In February we participated in a meeting between the Prime Minister and the Equality and Reforms Parliamentary Secretary and the LGBTIQ+ Consultative Council. During this meeting we flagged the challenges faced by LGBTIQ+ migrants and asylum-seekers.

Later in 2020, we resigned from the Consultative Council as a reaction to Malta's treatment of migrants and asylum-seekers.

### Engaging in the Legislative Process

Throughout 2020 we participated in several discussions at Parliament, with a view to influencing legislation. We submitted proposals and engaged in discussions on:

- the reform of Malta's approach to sex work and human trafficking;
- amendments to the Refugees Act;
- equality legislation.

### Pro Bono Unit

The provision of legal information and services has slowly become a core activity for the organisation, being also the main activity of some of our major projects funded by the EU and UNHCR. Our services cover a broad range of topics, wherein we try to remain focused on those themes that reflect an institutional or systemic problem and on those beneficiaries who are unable to secure private legal assistance or the public legal aid service.

In this report, various examples are given of the high-profile and very important cases we are involved in, yet throughout the year we supported hundreds of persons seeking information on asylum, their rights, civil unions, residence permits, discrimination, transgender issues, etc.

This is incredibly valuable work for us, as it can dramatically improve the quality of life of our beneficiaries. Internally, it also has a serious value for us as it informs our advocacy work with Government and with other institutions, feeding into our research, input, and recommendations.

When faced with human rights violations, or a challenge to one's enjoyment of fundamental human rights, the law provides safety, security and redress. Malta has ratified several international and European instruments to protect our human rights, and has in place quite strong national

systems and mechanisms. Yet, in most cases, order to access and make best use of these instruments and procedures, legal assistance is required. As with every other area of law, human rights law is complex, intricate and varied and requires a level of technical expertise.

It is for this reason that aditus foundation's mission includes, in our Statutes, to also act on levels of access to fundamental human rights in Malta. Our mission calls us to intervene where violations have occurred or where they are likely to occur. We bring our legal expertise to support our clients who are either unable to engage a private lawyer, ineligible for Malta's legal aid system, or who require a level of expertise that might be hard to otherwise secure.

Our Pro Bono Unit, composed of Neil, Carla Claire and supporting Legal Interns, provides legal information and representation to over 300 clients per year. This free service covers several areas, including:

- publication of Fact Sheets on core issues;
- asylum-seekers wishing to file and prepare their application;
- asylum appeals;
- human trafficking;
- challenges against administrative detention;
- transgender persons wishing to affirm their gender and name;
- refugees seeking family reunification;
- victims of hate speech who'd like to file police reports;
- other NGOs seeking guidance on statutes or possible legal challenges;
- appeals for persons denied social security...

It is a long list that keeps our team super busy and stress but also extremely motivated to securing justice for our clients.

### Human rights voice in the media

As in previous years, throughout 2020 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 statements is provided below, yet so much more media work is conducted on an almost weekly basis.

This work ranges from our presence on Radju Malta's popular programme *Familja Waħda* 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.



These are some of the most prominent items:

- [Nordic or New Zealand model? NGOs disagree on prostitution reform](#)
- ['If COVID-19 persists, vulnerable people would be more at risk' – Dr Falzon](#)
- [Court condemns arbitrary detention of asylum seekers as 'abusive and farcical'](#)
- [New LGBTIQ+ consultative council appointed](#)
- [Normalising the idea of forcing people to live on a ship is 'absurd' – Aditus Foundation](#)
- [NGOs demand end to ill-treatment aboard Captain Morgan](#)
- [Illegal floating prisons | Carla Camilleri](#)
- [Libya 'pact': Malta facilitated return of migrants to 'ghastly and horrific' situation, NGOs says](#)
- [Petition authorities to drop charges against El Hiblu teens, Amnesty urges world](#)
- [Migrants released after 166 days of illegal detention](#)
- [No, normality has not been restored! - Neil Falzon](#)
- [Op-ed: Detention in Malta Might be the Norm but it is no Solution](#)
- [Prioritise life and let them in, NGOs urge government](#)
- [Over 3,500 sign petition; People take campaign online demanding rescue](#)
- ['Easter can't be celebrated while people drown on our doorstep' – NGOs](#)
- [Institutionalised racism in shameful treatment of arrested migrants – NGOs](#)
- [Updated: MV Lifeline captain conviction overturned on appeal](#)
- [\[WATCH\] From tourist ferries to water prisons: AFM keeps press away from Captain Morgan boats](#)
- [Court orders release of migrant held illegally for 144 days](#)







5,197 people like our Facebook page.



Our Twitter account is followed by 2,293 persons.



1,220 persons follow our Instagram feed.

### Challenging an Unjust (and Illegal) Asylum Procedure

In 2020 we continued our representation in Court of an asylum-seeker who faced a particularly unjust aspect of Malta's asylum procedure: the accelerated procedure. European law allows for certain categories of asylum applications to be channelled to an accelerated procedure, a procedure intended to be swifter and more efficient yet which nonetheless guarantees the minimum procedural safeguards: a personal interview that gives applicants the possibility of present their claims and an effective remedy, being an appeals procedure.

Malta's accelerated procedure has a number of problems that could result in refugees being returned to a country where their lives are at risk. In a procedure that can last for just six days, an applicant might not be notified that his/her case is being fast-tracked, might not be granted a personal interview, might not allowed the possibility to file an appeal.

In practice this means that, for example, a person coming from a country deemed safe by Malta (e.g. Tunisia, Bangladesh or Morocco) might have his/her claim done and shelved in six days without the possibility of questioning the decision that the country is safe or that he/she is safe in that country.

Throughout 2020 we saw Malta stepping up its use of this procedure, channelling through it hundreds of asylum-seekers. Furthermore, the Refugees Act was amended to add countries to this safe life of countries of origin and [our joint proposals with JRS Malta](#) urging the Ministry to bring Malta's asylum legislation in line with international and EU law were ignored.

We are representing a client who decided to challenge this procedure, alleging it to be contrary to relevant EU law. The case is currently at appeal stage.

### #DontLetThemDrown

2020 was an extremely challenging year for persons attempting to reach Malta by sea, with a series of harrowing episodes that once again highlighted the need for the European Union to tackle the world's most dangerous border in a more effective and principled manner.

52 people remained stranded aboard the livestock transport ship that had rescued them, living in abysmal conditions. The MV Etienne rescued 27 people and was denied permission to disembark for over one month. During the Easter weekend, Malta illegally returned to Libya a group of 51 people by engaging the services of a private fishing vessel. For over 4 weeks, Malta illegally detained over 400 people just outside Malta's territorial waters, on ships generally used for tourism purposes.

Throughout these terrible incidents, we kept up our advocacy and legal activities: writing to the Prime Minister and Home Affairs Minister; organising the #DontLetThemDrown social media campaign; filing urgent applications before the European Court of Human Rights; submitting complaints to the European Commission, United Nations human rights bodies and Council of Europe entities; engaging with national and international media; mobilising local support.

### Rule of Law as a Human Rights Issue

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 was the result of a series of institutional failures that have led to an erosion of those entities and processes intended to protect us.

Largely thanks to pressure applied by civil society organisations and international organisations, in 2020 Malta established a public inquiry mandated to explore the extent of Government's involvement in Daphne's murder, and whether it could have been prevented. We monitored inquiry proceedings, and maintained our strong public stance on the need for Malta to reform its approach to rule of law.



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 and 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 provided a detailed commentary on the legislative changes implemented by Malta, generally lamenting the lack of consultation and transparency and regretting that the reforms just did not go far enough.

### Miscellaneous

- Participation in UNHCR's Integration Roundtable Meetings;
- Participation in UNHCR's Covid-19 coordination meetings;
- Delivery of presentations at various events, mainly on diversity, human rights and migration/asylum;
- Advocacy and participation with the Voice4Choice movement, on sexual and reproductive rights;
- Participation in regular meetings with Jobsplus discussing employment issues in relation to asylum-seekers and refugees;
- Liaison with various Government entities providing input and various themes, formally or informally.

## Significant Participations

Due to Covid-19, we were unable to attend meetings, seminars and trainings organised overseas. Yet we anyway did our utmost to remain updated and in touch with our colleagues in other Member States.

**European Migration  
Network,  
Meeting  
(January)**

**European Commission,  
Co-creating Erasmus+  
and the European  
Solidarity Corps  
(January)**

**European Academy on  
European Law,  
Recent CJEU Case Law  
concerning the Rule of  
Law  
(December)**

**European Network on  
Statelessness,  
Annual General  
Conference (June)**

**European Council on  
Refugees and Exiles,  
AIDA Coordinators  
Meeting (September)**

**European Network on  
Statelessness,  
Safeguarding Awareness  
Course  
(November)**

**ELENA Network,  
Advanced ELENA Course:  
International Protection in  
Europe  
(September)**

**Aġenzija Appoġġ,  
All Equal Supporting  
Victims of Human  
Trafficking Roundtable  
(November)**

## 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		<u>Shameful treatment of arrested migrants is a manifestation of institutionalised racism</u>
March		<u>Our community is as healthy as all of its members – NGO Press Release on the human rights of migrants in the current epidemic</u>
April	<u>(IR)Regular Love – Migrants' Right to Marry</u>	<u>An immediate food and shelter initiative is urgently needed! – Joint NGO Press Statement</u>
		<u>Migrants should not be sacrificed for the nation's well-being</u>
		<u>The nation cannot quietly celebrate Easter whilst men, women and children are drowning on our doorstep.</u>
		<u>The Government must provide information on rescue operations</u>
May	<u>Feedback on Malta's Proposed Legislative Changes further to the Venice Commission Report on Malta</u>	<u>Prioritise life and let them in!</u>
	<u>Open Letter to EU Commissioner Johansson regarding the migrants held on the Captain Morgan boats</u>	
	<u>Input to the Census of Population and Housing 2021</u>	<u>The ill-treatment aboard the Captain Morgan ships must be stopped at once!</u>

<b>June</b>	<u>Open letter to Commission President Ursula von der Leyen: The European Commission must prioritise addressing police violence and structural racism in the EU</u>	<u>An Urgent Call To States, Donors And Other Stakeholders To Promote And Protect The Rights Of Stateless Persons In Their COVID-19 Responses</u>
<b>July</b>	<u>Comments on Bill No. 133: Refugees (Amendment) Bill</u>	<u>Disembark the migrants aboard the MV TALIA – Civil Society Press Release</u>
<b>August</b>	<u>Submission to the Human Rights Committee for Malta's 3rd preiodic review under the International Covenant on Civil and Political Rights</u>	<u>Migrant pushbacks must stop at once!</u>
<b>September</b>		<u>Joint Statement: The Pact on Migration and Asylum: to provide a fresh start and avoid past mistakes, risky elements need to be addressed and positive aspects need to be expanded</u>
<b>October</b>		<u>Venice Commission: lack of public consultation akin to denying citizens their democratic entitlement.</u>
<b>November</b>	<u>Input to the Consultation on the National Action Plan against Racism and Xenophobia</u>	<u>GU Clinic in Gozo: a statement by 13 NGOs</u>
		<u>A new policy that will lead to increased social exclusion and poverty</u>
<b>December</b>	<u>EU-level Report on the status of refugee-led community organisations</u>	<u>Shortage of HIV Medication</u>

National Report on the status of refugee-led community  
organisations in Cyprus

National Report on the status of refugee-led community  
organisations in Greece

National Report on the status of refugee-led community  
organisations in Italy

National Report on the status of refugee-led community  
organisations in Malta

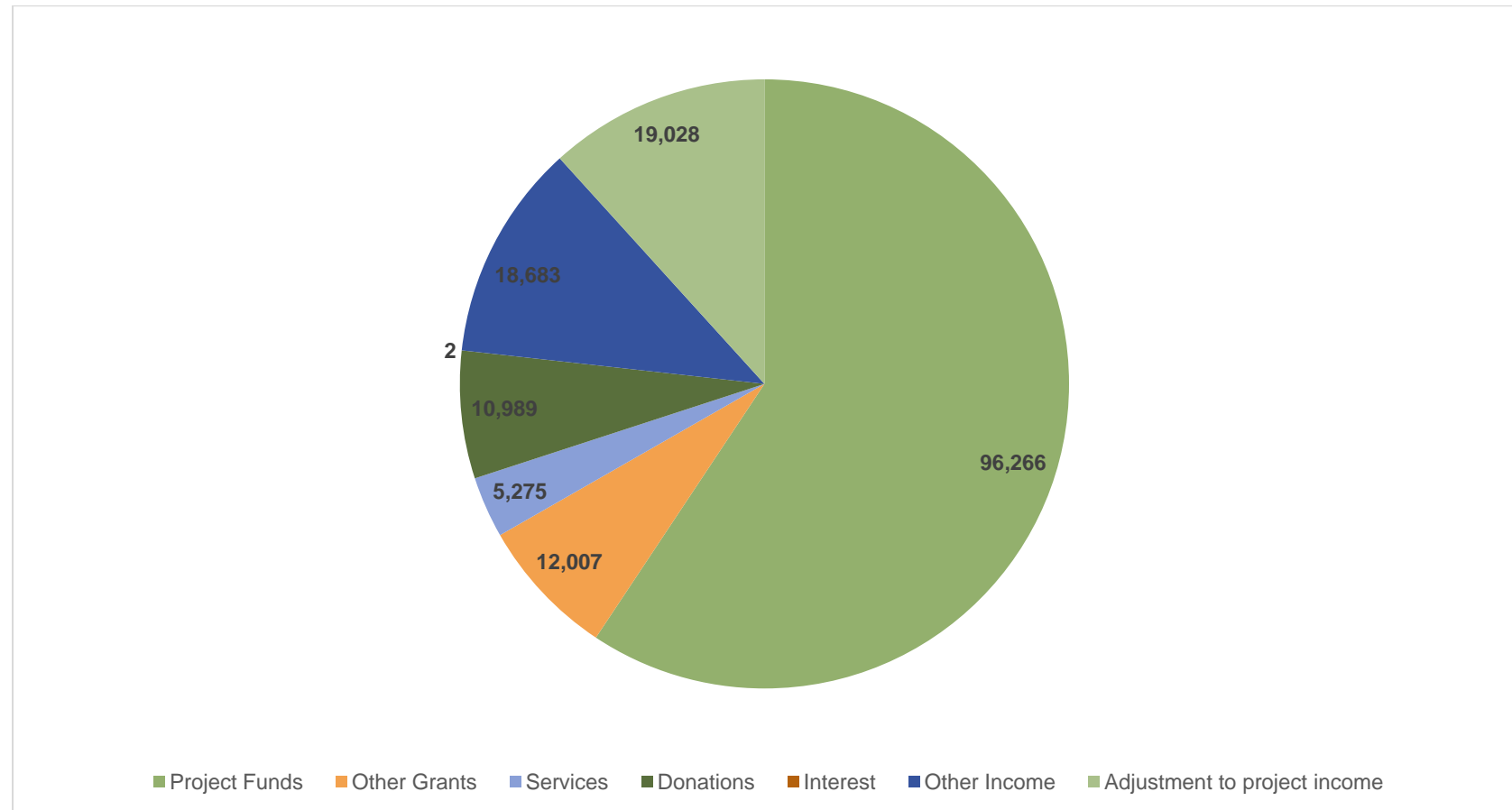
National Report on the status of refugee-led community  
organisations in The Netherlands



## 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 2020.

### Income



## Expenditure

