

Annual Report 2012: Year Two

As a voluntary organisation, we are heavily indebted to all those who supported our human rights work.

In particular:

*Mifsud & Mifsud
Advocates*

*interns &
volunteers*

our donors

*HSBC Bank
Malta p.l.c.*

UNHCR Malta

MEUSAC

*Embassy of the
United States in
Malta*

*Julia Taft
Refugee Award*

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It is encouraging to see the adoption of concrete solutions following our advocacy activities. Malta's **hate-crime** legislation is now one of Europe's most advanced, also stressing the added value of NGOs working collectively for a **common cause**. Following our intervention with the EU Commission, Malta introduced the obligatory mechanism to ensure the safe & humane deportation of migrants. We're encouraged & compelled to do more...**education, gender recognition, detention, integration & marriage equality** are just some of the human rights concerns we tackled throughout 2012.

These remain at the heart of most of our work, as we believe they represent some of Malta's pressing human rights gaps. **Human trafficking** is an area of increased concern, & **access to justice**, as a key tool to seek redress, is an unchartered area that also keeps calling us. In time. All in due time!

*Nicola Mallia
Chairperson*

The human rights challenges we decided to take on throughout 2012 required us to boost our operational capacity within a relatively short time-frame. We continued to implement successful projects commenced in 2011 & embarked on new initiatives with various local & international partners. We're particularly happy with our experimentation with theatre & photography, in the '**9 Parts of Desire**' project. This was an immense success & a moving learning experience.

At the end of the year we happily took on an ambitious task: the coordination of shadow reporting to the UN human rights mechanisms. Starting with the **Rights of the Child Convention**, we're looking forward to reporting to the other mechanisms, including the **Universal Periodic Review** in 2013. Our **Strategic Litigation** activities are set to continue, following our involvement in two cases before the **European Court of Human Rights**.

To do this we will need to further increase our resource & technical capacity. **Funding** our advocacy activities will remain a core challenge in the coming years, & we hope to strengthen **relations** with key partners in order to maintain high levels of professionalism & effectiveness.

*Neil Falzon
Director*

(VO/0512)

We monitor, report & act on migration & asylum issues

- Visits to Open Centres & detention facilities
- Active participation in a Strategic Dialogue process with the Office of the Prime Minister, with a view to reviewing Malta's detention regime
- A number of Secondary School visits with Jesuit Refugee Service Malta, providing awareness-raising talks & interactive games on refugee matters
- Monthly attendance at NGO Forum meetings called by the government's Agency for the Welfare of Asylum Seekers (AWAS), for discussions on current projects, activities, concerns & recommendations
- Provision of individual legal information or advice to refugees & migrants on various topics, including detention, discrimination, immigration procedures, residency
- Legal representation in an Article 5 case before the European Court of Human Rights challenging the legality of Malta's detention policy
- Group of Experts on Action against Trafficking in Human Beings (GRETA) meeting to contribute to the report on Malta's implementation of the Council of Europe Convention on Action against Trafficking in Human Beings

We monitor, report & act on issues facing the lesbian, gay, bisexual, transgender & intersex communities (LGBTI)

- Successful call with the Malta Gay Rights Movement (MGRM) & a number of other NGOs, for the extension of existing hate-crime legislation to also cover homophobic & transphobic acts of violence
- On-going advocacy for the introduction of marriage equality legislation
- Sensitisation to the rights of transgender persons, focusing on the need to revise current legislation on gender recognition in order, amongst other priorities, to remove the forced sterilisation requirement & to ensure full legal recognition of transgender persons' affirmed gender
- As part of our hate-crime advocacy, successful efforts in calling for an extension of the national equality body's statutory remit to also include sexual orientation & gender identity
- Joint Third-Party Intervention with MGRM before the European Court of Human Rights in the case of transgender woman Joanne Cassar wherein we urged the Court to uphold her fundamental right to marry
- Also with MGRM, a series of advocacy meetings focusing on transgender children, specifically with respect to the recognition of their gender to accord with their right to education
- Joint visits to Corradino Correctional Facility (main prison compound) to assess the situations of transgender prisoners, followed by a series of recommendations to ensure respect for their dignity & physical & psychological integrity

Where did we go?

monitor
report
act

Médecins Sans Frontières (MSF) conference in Athens *'European & regional restrictive immigration policies: Are medical-humanitarian concerns taken into account?'* (April, Athens)

"We've strengthened our partnerships with important regional stakeholders, such as ECRE, PICUM, the European Asylum Support Office, the International Commission of Jurists, the Fundamental Rights Agency & the International Detention Coalition.

These are valued relationships providing added & varied fora for us to share our concerns & also to constantly improve the way we operate."

Platform for International Cooperation on Undocumented Migrants (PICUM) conference *'Using Legal Strategies to Enforce Undocumented Migrants Human Rights'* & annual general assembly (June, Brussels)

PICUM workshop *'Working Group on Access to Justice for*

Undocumented Women' based on the report *'Strategies to End Double Violence Against Undocumented Women: Protecting Rights & Ensuring Justice'* & launch of the interactive web documentary *'Undocumentary'* on the daily realities faced by undocumented migrants in Europe (October, Brussels)

European Council on Refugees & Exiles (ECRE) Annual General Conference (October, Dublin)

ECRE Directors' Forum (May, Brussels)

ECRE European Legal Network on Asylum (ELENA) Advanced Course on the rights of refugees, including the right of free movement, & asylum law from an international & European legal perspective (November-December, Madrid)

International Detention Coalition (IDC) regional workshop on immigration detention (November, Athens)

Fundamental Rights Agency (FRA) conference on access to justice *'Justice in Austerity: challenges & opportunities for access to justice'* (December, Brussels)

European Asylum Support Office Consultative Forum's second meeting (December, Floriana)

EASO

networking

healthcare

undocumented migrants

PICUM

capacity-building

detention

1951 Refugee Convention

EU asylum directives

Mediterranean

ECRE

access to justice

migrant women

FRA

IDC

What were our core projects?

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EASO Monitor

Our blog *EASO Monitor* comments upon & analyses the activities of the European Union's European Asylum Support Office (EASO), located in Malta. Since aditus created the blog in 2011, it has had over 260,000 page views, with an average of 400 each day.

The major sources of traffic to the blog are the United States, Malta, Belgium & the Netherlands. We are pleased that it has such a healthy audience, in particular locally. In 2012, the blog underwent a design overhaul, to reflect the magnitude & needs of its visitors & also the increasing volume of asylum information to be addressed.

Importantly, *EASO Monitor* became sufficiently established to begin undertaking a more analytical role, with the introduction, for example, of interviews and external commentary intended for 2013.



Our Voice, with *Integra Foundation*

"...to enhance the integration of Malta's refugee & migrant communities, foster a sense of active social participation by the refugee & migrant populations & support the creation of refugee & migrant networks & organisations."

Our Voice consists of a series of training sessions on various issues of key concern, in an attempt to emphasise migrant & refugee self-reliance as the best strategy for effective access to fundamental human rights. Training is also at times provided by guest speakers from various relevant disciplines, such as ECRE, HIRDA Foundation & the Times of Malta.

Stakeholder Information Sessions, with *UNHCR*

2012 saw us implement this project's second phase, where we provided training to private & public service-providers in Malta having direct & regular contact with international protection beneficiaries. We undertook the project as a means to sustain integration efforts by reaching out to key stakeholders, providing core asylum-related information & identifying the specific challenges, opportunities & best practices faced by stakeholders, including their front-desk staff.

As a training tool, we designed & produced the Maltese-language booklet *kun infurmat* ('be informed'). The project ended in December 2012.

UNHCR
European
Asylum Support
Office
empowerment
integration
third-country
nationals
Common
European
Asylum System
research
refugee rights
subsidiary
protection
Integra
Foundation
blog
capacity-
building
publications

...other core projects!

Malta Microfinance (MMF), with St. Andrew's Scots Church

Inspired by the **Grameen Bank** in Bangladesh, **MMF** will make interest-free credit available to the poorest people in Malta, specifically targeting women, migrants & others who find it difficult to obtain bank credit. **MMF** will seek to empower the poor to generate income, find effective access to their human rights & gain the mutual support of others in the programme.

In 2012, we provided the project with legal advice for the licence application to the **Malta Financial Services Authority (MFSA)** & the necessary requirements for the eventual incorporation of **MMF**. Once the licence is granted, aditus, through founding board member Carla Camilleri, will act as the Company Secretary, responsible for assuring that it acts at all times in accordance with applicable corporate regulations.

'Integration in Education of Third Country Nationals', for Foundation for Educational Services (FES)

The main outcome of the *Għinni Nidhol* ('Help Me in') project was the study we undertook to gather comprehensive data on the educational experiences of TCN students & their families. The research is meant to guide future policy initiatives & services to facilitate TCN integration in Maltese society.

Our research culminated in a conference in December 2012, presenting the key research findings & offering participants the opportunity, through themed workshops, to discuss recommendations for specific programmes, services, support & campaigns to benefit TCN students. Policy makers, educators, NGOs & third-country nationals were invited to attend.



Celebrating International Migrants' Day at the Office of the Prime Minister

monitor
report
act

microfinance

poverty

empowerment

integration

third-country
nationals

right to
education

research

capacity-
building

publications

curriculum

multicultural
schools

Meet the Other (MTO), with UNHCR

Improving the standard of living of refugees & beneficiaries of subsidiary protection is at the heart of **Meet the Other**, which began in July 2011. We identify the tools refugees use to integrate successfully into Maltese society, gather information about their situations, challenges, experiences, quality of life & comfort in Malta & establish which specific areas require further attention to improve integration.

The analysis is accomplished through interviews of refugees & their families. As much as possible, the interviews are done in refugees' homes; at the end of 2012, together with UNHCR, 110 homes were visited. We hope to use the information gathered as an awareness-raising integration tool for both refugees & the Maltese.

At the same time, practical information is disseminated to the refugees &, in turn, their communities.

'9 Parts of Desire', with Troupe 18:45

In commemoration of **International Women's Day** in March, we organised a series of activities focused on the theme of women & their experiences – & especially the plight & resilience of women survivors. Central to the project were performances at the St. James Cavalier theatre in Valletta of '**9 Parts of Desire**', a play by Iraqi-American playwright **Heather Raffo** & produced in Malta by **Troupe 18:45**. Each performance was followed by a brief discussion between the audience & Ms. Raffo. The playwright also led seminars with students & NGOs, *9 Parts of Desire: Art as Cultural Diplomacy*, to highlight theatre's potential as a vehicle for social change.

Local artist **Joanna Tabone** contributed large-scale photographs of eight women of diverse backgrounds & personal stories living in Malta, which hung at St. James outside the theatre space. The photos were accompanied by excerpts from interviews with the eight women, conducted & abridged by aditus Director Neil Falzon. These were printed as postcards & disseminated throughout the exhibition duration. The women included a WWII survivor, a transgender woman, a refugee woman & a survivor of teenage anorexia.

The '**9 Parts of Desire**' project was extremely successful, in terms of attendance at the shows, community outreach & our new experience of the exciting possibilities that lie in integrating artistic practice with the advancement of human rights.

Troupe 18:45

transgender

integration

qualitative
interviews

refugees

FGM

theatre

lesbian

social exclusion

photography

anorexia

UNHCR

gender
stereotyping

art & human
rights

subsidiary
protection

Rights of the Child

Although our main areas of focus are migration/asylum & LGBTI, we are extremely keen to explore other areas where our input or attention could improve the human rights situation of persons or groups. 2012 gave us the opportunity to take our first steps into the area of the rights of the child, prompting us to specifically include this area in our **2013 Strategic Plan**.

We prepared two advocacy documents on the rights of the child, in conjunction with our friends at the **Jesuit Refugee Service (Malta)**. Advocacy reports represent a key area of activity for us, & we're looking forward to further opportunities in 2013!

Joint NGO Submission for the draft National Children's Policy



The draft *National Children's Policy for Malta* was launched for public consultation in November 2011, & in May 2012, together with **JRS Malta**, we submitted our joint input & recommendations to the **Ministry of Education & Employment**. In the joint submission, we gathered our proposals under two main headings.

Firstly, we urged the Maltese authorities to ensure a **mainstreamed approach** to any national children's policy, such that all migrant & refugee children are to be included indiscriminately in all policies adopted nationally. Secondly, we underscored our key areas of concern with regard to migrant & refugee children in Malta, including detention, legal guardianship, the asylum procedure & the mechanism for age assessment.

Joint NGO Submission to the UN Child Rights Committee

The **United Nations Committee on the Rights of the Child (CRC)**, established by the Child Rights Convention as its monitoring body, made an open call for submissions for its **Day of General Discussion** in Geneva on the theme *'The rights of all children in the context of international migration.'* Together with **JRS Malta** we made a submission to the CRC, guided by our then-recent work towards the Maltese National Children's Policy – & also highlighting Malta's status as a signatory to the UN Convention on the Rights of the Child.

The joint submission made recommendations respecting the treatment of migrant children: the asylum procedure, reception conditions, administrative detention, age assessment, guardianship & trafficking in children.

mainstreaming
detention
rights of the child
age assessment
UN CRC
reception conditions
age assessment
child trafficking
JRS Malta
shadow reporting
national policy submissions
legal guardianship
refugee child
strategic planning

Check out our website's **Publications** page for all our reports, leaflets, submissions & more!

What did we say?

Statement for International Human Rights Day: 'A time to call for a national agreement on universal human rights'

Upon a violent attack on a same-sex couple, joint statement with MGRM on the need for homophobic & transphobic hate-crime legislation; welcome of Ministry of Justice, Dialogue & the Family announcement of broadened legislation thereafter

"Protecting the rights of minority groups is a human rights success for everyone"

"We are particularly happy to see the inclusion of gender identity as a protected ground, putting Malta at the forefront of recognising & tackling the difficult & often violent situations faced by transgender persons simply because they are perceived to be different."

'We welcome Malta's ratification of the UN Disability Convention'

"Malta is duty-bound to ensure that all persons deprived of their personal liberty - for whatever reasons - are effectively protected from torture or cruel, inhuman or degrading treatment or punishment."

We monitor, report & act on human rights access through an increasingly visible public profile.

The effort at aditus to reach the public, especially through the local media, has allowed the direct expression of our identity, mission & methods.

It has generated crucial, informed & productive discourse & support.

"Regrettably, despite genuine efforts at constructive dialogue with the Minister, the Cohabitation Bill is largely a disappointing & failed attempt to engage with Malta's gay community. This is absolutely not the result of dialogue, at least not as we understand the term."



"We are happy to share our acquired expertise with the governmental authorities & with the general public, with the respect for the human dignity of asylum-seekers & refugees as our core objective."

The full list of our public statements is available on our website's **News** page.

International Migrants' Day participation in 'Mediterranean Crossroads', hosted by the Office of the Prime Minister

'What are We Talking About?', a colourful information leaflet we distributed nation-wide

For International World Refugee Day, we gathered all refugee-supporting NGOs & created an advocacy platform with five priorities

Regular TV & radio appearances to provide human rights information & to share our concerns publicly

Our Director is a monthly guest on Radju Malta's *Familja Wahda*, discussing various human rights perspectives

Join our over 500 Facebook friends & over 300 Twitter