

Protecting Human Rights, Curbing the Rule of Power

Annual Human Rights Report 2016



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The Platform of Human Rights Organisations in Malta (PHROM) presents
‘Protecting Human Rights, Curbing the Rule of Power’.

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The Platform of Human Rights Organisations in Malta (PHROM) was established in 2014 as a not-for-profit Platform (VO/0970) gathering NGOs working for the promotion of improved human rights protection in Malta. PHROM’s mission is to provide a national forum for human rights organisations in Malta to more effectively develop, promote and advocate for the values of human dignity and equality.

At time of writing, 31 human rights NGOs are PHROM Member Organisations. Five of these organisations sit on PHROM’s Executive Committee. The full Member Organisation list is provided below.

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Foreword

The PHROM Annual Human Right Report (AHRR) ***Protecting Human Rights, Curbing the Rule of Power*** presents the state of Malta's human rights situation through 2016. The report offers an overview of the major human rights developments and challenges from the perspective of our diverse and far-ranging Member Organisations. For the second year running, the spotlight was put on the perception of a continued downturn in good governance and transparency. However, interestingly a diversity of topics was also noted and these range from women's reproductive rights to migration, mental health issues and hate speech.

Our Member Organisations also gave prominence to the power of advocacy in influencing government actions and policies in various fields of action. They underscored the importance of civil society coalitions which, in 2016, proved to be a force to be reckoned with and which led the wave of social and policy change in issues such as emergency contraception and the removal of the immigration status Temporary Humanitarian Protection N.

Lastly, 2016 also saw PHROM carrying out its first projects as a platform which largely mirrored the importance of advocacy and networking as identified in this AHRR. The *Strengthening Intersectionality amongst NGO Service- Providers* (STRINGS) project aimed to strengthen the cooperation between NGOS operating in different fields by promoting intersectionality and improving networks, whilst also recognising individual organisations capacities and philosophies.

As PHROM we therefore encourage our Members and other civil society networks to use the findings in this report to further strengthen their work and to be encouraged by the power shown by such movements. Challenges may lie ahead of us in transforming our 2016 Conclusions into concrete action, however we should take courage from what has been achieved this year and continue to advocate with one strong unified voice.

Paul Galea

Organisation for Friendship in Diversity,
PHROM Executive Committee Chairperson

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Acknowledgements

The completion of this Annual Human Rights Report would not have been possible without the participation and valid contribution of PHROM's Member Organisations. 'EC' indicates a Member Organisation part of PHROM's Executive Committee, whilst 'Sec'. indicates PHROM's Secretariat.

aditus foundation (Sec.)
African Media Association Malta
Amputees4Amputees
Breaking Limits
Deaf People Association (Malta)
Din I-Art Helwa
DRACHMA
Fondazzjoni Mid-Dlam għad-Dawl
Foundation for Support and Shelter to Migrants
Gender Liberation
Inspire Foundation
Integra Foundation
Jesuit Refugee Service
St Jeanne Antide Foundation
Kunsill Studenti Universitarji (KSU)
Libya Foundation for Rehabilitation
Malta LGBTIQ Rights Movement (EC)
Malta Humanist Association
Migrant Women Association Malta
National Foster Care Association and Gender Liberation.
Organisation for Friendship in Diversity (EC)
PRISMS
Richmond Foundation (EC)
SOS Malta
Troupe 18:45
UpBeat Music House
Victim Support Malta (EC)
We Are
Why Not?
Women's Rights Foundation
YMCA Homeless

Research Methodology

General Note

One of the major strengths of PHROM's Annual Human Rights Report (AHRR) lies in its research and drafting methodology, since it is based on and emerges from the collective voices of all PHROM's Member Organisations. The inherent value of this approach should not be underestimated, as it produces a concerted voice that is unique in Malta.

There is, firstly, the thematic significance of this chosen methodological approach. A quick glance at the list of current PHROM Member Organisations will help reiterate the Platform's understanding of human rights as an extremely broad and inclusive concept that incorporates all economic, social, cultural, civil and political rights. No other national document, policy or entity can claim to have adopted this approach to human rights. In this, therefore, PHROM is unique and the insight this position offers allows PHROM to be truly intersectional in the way we identify trends and common challenges, and also in our advocacy strategy that is firmly rooted in the universality and indivisibility of all fundamental human rights.

FIRST MINOR TO BENEFIT FROM FACILITATED GENDER CHANGE PROCEDURES!

Through an application to the Court of Voluntary Jurisdiction, the parents of Charlie¹, a trans teenager, described their child's life from infancy. The application focused on the child's identification with a gender different from that assigned birth. Following a conversation between the judge and Charlie, the court accepted Charlie's request and ordered the Director of the Public Registry to change his name and gender in his Act of Birth in order for these to reflect the identity of the minor.

Under the Gender Identity, Gender Expression and Sex Characteristics Act², changing one's gender and name requires a sworn declaration before a notary whilst applications made on behalf of children are heard by the Court of Voluntary Jurisdiction. The law does not require a psychological assessment, sex-reassignment surgery, or any other element.

¹ Name changed to protect the identity of the child.

² Chapter 540 of the Laws of Malta, 2015, available at <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=12312&l=1>.

Secondly, by drawing on the experiences, expertise and perspectives of our Member Organisations we are reaching out and giving a voice to Malta's most vulnerable and socially excluded themes and communities. We are of course aware that many, if not all of our Member Organisations are involved in activities promoting the empowerment and increased civic participation of their beneficiaries. Giving a voice is, therefore, not new or exclusive to PHROM – far from it. Yet the AHRR, because it is built on all the voices represented by our Member Organisations, strives to strengthen these excluded themes and communities by placing them within a collective and united framework. Not only are the voices stronger, through collective action, they are no longer alone, no longer forgotten.

Until this inclusive methodology remains relevant to PHROM and to our Member Organisations, it will be maintained and further strengthened.

Data Collection and Structure of The Report

A basic questionnaire was designed and distributed to all 31 PHROM Member Organisations. The questions were largely modelled on those used for the previous AHRRs in 2014 and 2015. Due to a variety of reasons – mainly availability, time constraint or logistical issues – it was not possible to collect the perspectives of all 31 PHROM members.

The findings of this report rely on the input of 22 Member Organisations. However, the questionnaire data is complemented with qualitative information, gathered through face-to-face in-depth interviews with 11 Member Organisations: aditus foundation, African Media Association, Integra Foundation, Malta LGBTIQ+ Rights Movement, Organisation for Friendship in Diversity, Jesuit Refugee Service (Malta), Richmond Foundation, SOS Malta, Troupe 18:45, YMCA, and Victim Support Malta. The data obtained from the 11 interviews was also mapped according to the questionnaire.

The list of questions (included in Annex II of this Report – Member Organisation Questionnaire) was formulated with the aim to understand the perspectives of our Member Organisations regarding human rights developments occurring throughout 2016. We also asked Member Organisations to highlight human rights issues they feel are being ignored, as well as some main challenges for the year ahead. We feel this is an important dimension to the questionnaire since it provides us with a clearer idea of what Malta's gaps are. Looking at the answers to these questions over a number of years should clearly indicate recurring lacunae or, possibly, interventions based on the identification of these gaps. Questions were designed and approved by PHROM's Executive Committee.

Member Organisations were also asked to provide us with information on their main events or initiatives carried out in 2016. We identified and included as Case Studies those Member Organisation activities representing good or best practices in human rights promotion, since we want to give added visibility to such fantastic and original work.

In addition to Member Organisations' input, data was supplemented with desk research, essentially producing the list of most prominent items in the media (for the purpose of Question 1 of the Questionnaire, attached as Annex II), and the information included in the Spotlight sections. This research was largely internet-based, complemented by research through various publications available at PHROM's Secretariat office. The desk research also compiled the Information Boxes scattered throughout the report, providing useful explanations of laws, measures, terms and other significant elements.

Chapter I – Summary of 2015 AHRR is a brief summary of the main conclusions of the Annual Human Rights Report 2015, which is useful to provide a context and logical framework for the data analysis of this year's results.

In **Chapter II – Human Rights in 2016**, we present the main findings on the state of human rights in Malta in 2016. By examining the thematic priorities identified by the Member Organisations responding to the questionnaire, this chapter outlines an assessment of both positive and negative human rights developments in 2016, as well as some key gaps. As in the previous edition, two themes were given particular attention in the questionnaire and during the face-to-face interviews: 'Relationship with the Government' and 'Expressions of Hatred'. By focusing on these two issues – identified by the PHROM Executive Committee as horizontal human rights concerns – the AHRR aims at mapping baseline and comparative situations which can be instrumental to develop and implement a collective strategy to best address these challenges at PHROM's level.

Chapter III - Challenges Ahead: 2017 highlights some human rights issues considered by the surveyed PHROM Member Organisations as pressing challenges for the year ahead. For the sake of accuracy, it is worth noting that all data obtained through the questionnaire and during face-to-face interviews was gathered between April and May 2017, thus prior to the result of the general elections which took place on 3 June 2017.

Chapter IV – Case Studies gives an outline of three case studies in relation to projects carried out by our Member Organisations in 2016 which represent good or best practices in human rights promotion.

In the **Conclusions**, based on the key findings of this research, PHROM issues a statement which we hope will serve as a call to action for the Maltese institutions to address the main concerns outlined in this report and guarantee the respect of universal human rights.

SPOTLIGHT

RAMADAN V. MALTA

Court: **European Court of Human Rights**
Judgement Date: **21 June 2016**
Application No: **76136/112**
Violation: **No violation found**

The facts

The case concerned the revocation of an acquired citizenship. Mr Ramadan (the applicant) was originally an Egyptian citizen who acquired Maltese citizenship following his marriage to a Maltese national in 1993. Upon attaining Maltese citizenship, he had to renounce his Egyptian citizenship as, at the time, neither Malta nor Egypt allowed for dual nationality. In 1998 the marriage was annulled on the ground that it had been simulated and Mr Ramadan's only reason for getting married was to acquire Maltese citizenship. Following that decision, the Maltese authorities revoked Mr Ramadan's citizenship in 2007 because they concluded that he had attained Maltese citizenship fraudulently. Mr Ramadan, represented by a lawyer, was heard by the authorities and was allowed to submit oral and written proceedings and provide evidence to support his case before the decision to revoke his citizenship was taken.

Relying on Article 8 ECHR, Mr Ramadan complained to the European Court of Human Rights that the decision to revoke his Maltese citizenship had left him stateless and at risk of removal from Malta. At the time of his application, he had remarried in Malta to a Russian national and continued to reside and carry out his business in Malta.

The judgment

The Strasbourg court acknowledged that an arbitrary revocation of citizenship could in certain circumstances raise an issue under Article 8 ECHR because of its impact on the private life of an individual. However, in Mr Ramadan's case, the decision to withdraw his citizenship was not arbitrary as it had a clear legal basis under Article 14 of the Maltese Citizenship Act. Moreover, the court held that the decision was taken with the necessary procedural safeguards; Mr Ramadan had been given the opportunity to defend himself with the help of a lawyer before the decision was taken and later he was able to file a constitutional case.

As regards the consequences of the revocation of citizenship and the applicant's concern of removal, the Court noted that: Mr Ramadan was able to pursue his business activities and reside in Malta; he was not at risk of removal from Malta; he had the possibility of applying for a work permit and residence permit in Malta which could open the path to citizenship; lastly, he did not convince the court that he was indeed stateless as he had not satisfactorily proved that he had relinquished his Egyptian nationality and had no possibility of re-acquiring it.

Summary of 2015 AHRR

According to the Annual Human Rights Report covering 2015, *Greener and Cleaner: Annual Human Rights Report 2015*¹, the most important human right issues identified were as follows (in order of priority):

- Access to public services;
- Children/youth;
- Migration Integration;
- Gender and LGBTIQ+;
- Education;
- Migrant Detention;
- Environment;
- Discrimination and Racism.

US GOVERNMENT TIP REPORT

URL: <https://www.state.gov/documents/organization/258876.pdf>

In 2016, the United States government published a report on the Trafficking of Persons in Malta. The report describes how Malta remains a source and destination country for both sex and labour based trafficking, with most female sex trafficking victims originating from China, Hungary, Poland, Romania, Russia, or the Ukraine. Asylum seekers living in Malta are also viewed to be at risk at trafficking within the nation's informal labour market.

The report listed several recommendations, including:

- Offering training on the topic of human trafficking to police, prosecutors, judges, and other key stakeholders;
- Increasing funding in order to implement the national action plan;
- Conducting a national campaign with a focus on the awareness of trafficking; and
- Increasing efforts to identify victims of trafficking, especially within more vulnerable populations.

While the Maltese government has taken steps to address some of the above recommendations, not much progress has been made to this point.

¹ Available at <http://humanrightsplatform.org.mt/phromdocuments/2015ahrr.pdf>.

With regard to gaps in the field of human rights that needed further attention, Member Organisations prioritised the following in the order they are listed:

- Education and awareness raising;
- Transparent governance and administration;
- Vulnerable populations (youth, people with disabilities, etc.);
- Hate speech/crime;
- The environment;
- Gender issues and intersectionality;
- Migrant integration; and
- Violence against women and other victims of crime.

While there were many areas of concern listed in the report, there were also some reasons for celebration. 2015 had some successes in the human rights field. These major developments were also listed by order of importance by PHROM members as follows:

- Adoption of the *Gender Identity, Gender Expression and Sex Characteristics Act* (GIGESC);
- The proposal of two human rights and equality bills;
- The establishment of the Front Harsien ODZ;
- Publication of a migrant integration strategy;
- The adoption of the *Victims of Crime Act*;
- The signing by Malta of Protocol 12 to the *European Convention on Human Rights* (ECHR), on a general prohibition of discrimination; and
- The proposed revision to the *Embryo Protection Act*.

When comparing the most important human right issues identified in both the 2014 and 2015 AHRR, one can observe that there are some issues that remained in the spotlight. These patterns help PHROM members have an understanding on how this field is changing, or staying the same, over the years, and helps identify what issues to tackle next. The consistent topics over the last two reports are children's rights, LGBTIQ+ issues, the environment and gender equality.

WHO IS THE COMMISSIONER FOR OLDER PERSONS?

The Commissioner for Older Persons Act, January 2016, creates a Commissioner for Older Persons with the objective and power to promote and safeguard the interests of older persons. The functions of the commissioner will include but are not limited to:

- the promotion of opportunities and elimination of discrimination of older people;
- the promotion and advocacy for the human rights of older people;
- advocating for adequate support and services to carers of the older persons;
- the promoting of protection of older persons from any kind of abuse, harm, ill-treatment, neglect and/or exploitation of any form.

Human Rights in 2016

Major Developments

An extremely interesting list is presented by our Member Organisations when asked about the major human rights developments happening in Malta in 2016. Reflecting PHROM's broad spectrum of thematic coverage, yet also embracing the horizontal approach to human rights in the way many Member Organisations observe developments in areas not directly affecting their operations, the top developments in 2016 included governance, migration, women's rights, poverty, religious discrimination, LGBTIQ+ rights, the environment and hate speech.

Table 1: 3 Major Human Rights Developments in 2016*

Development	Organisations
Panama Papers, and governance issues	11
Morning After Pill, and women's rights	10
Revocation of Temporary Humanitarian Protection N status	8
Poverty	6
Challenges faced by Muslims to find a place of worship	6
Banning of conversion therapies	6
Activists break into Manoel Island, and environmental rights	6
2 Facebook users found guilty of hate speech	6
Transgender policies in prisons and schools	4
Amendments to disability legislation	4
Adoption of Maltese Sign Language	4
Depathologisation of trans identities	1
Deaths of migrants at sea	1
Lack of migrant integration strategy	1
Release of Malians, detained with a view to removal	1
Announcement of measures to increase protection from gender-based violence	0
Access granted to parte civile legal aid	0

*2 Member Organisation indicated more than 3 'top 3' developments.

SPOTLIGHT

HOLMES V. ATTORNEY GENERAL ET.

Court: **Constitutional Court, Malta**
Judgement Date: **3 May 2016**
Application No: **32/2014MCH**
Violation: **Fair Trial (Article 6 ECHR)**

The facts

In 2015 Daniel Holmes filed a case before the Civil Court in its constitutional jurisdiction wherein he claimed that his fundamental right to a fair trial was violated in the course of criminal proceedings before the Court of Magistrates in Gozo. Mr. Holmes claimed that he did not have access to legal assistance during his arrest and he also claimed that the legal aid system failed to provide him with an adequate legal defence against the charges against him. The Civil Court did not find a breach of Mr. Holmes rights and dismissed his claims. Subsequently, Mr. Holmes appealed the decision before the Constitutional Court.

The judgment

The Constitutional Court concluded that the lack of legal assistance to Mr. Holmes before and during his interrogation by the police amounts to a breach of his right to a fair trial under Article 6(1) and Article 6(3)(c) ECHR. Regarding Mr. Holmes' claim that the legal aid system in Gozo did not provide effective aid, particularly because Mr. Holmes' was not assigned a lawyer 'specialized' in criminal proceedings, the Court held that Mr. Holmes' claim was too general as it complained of the legal aid system in general and not in relation to his case per se. In fact, the Court found that Mr. Holmes' legal-aid lawyer acted prudently, therefore, it did not find any breach of his right to a lawyer as per Article 6 ECHR.

Panamagate, and related governance issues, were 2016's most significant human rights development identified by PHROM's Member Organisations². Information leaked by the International Consortium of Investigative Journalists³ (ICIJ) revealed an intricate web of offshore companies, funds transfers and other dealings involving then Minister for Energy Konrad Mizzi and the Prime Minister's Chief of Staff, Keith Schembri. Member Organisations were extremely critical of the involvement of these two public figures in such dealings but – more importantly – expressed very serious concerns at the manner in which the entire issue was dealt with by the competent authorities.

PHROM Member Organisation: “The whole treatment of Panama papers is a very serious human rights issue for us: the lack of transparency, accountability, the lack of responsibility on how our government officials deal with their own private or semi-private affairs are all very worrying. It's something we flagged last year as well, but still governance issues were not given a priority.”

The perception by the majority of PHROM Member Organisations is that the weakening of the democratic system resulting from bad governance may dangerously lower the standards and accessibility of rights (especially for marginalised or vulnerable persons), generate more poverty, and create public distrust in the institutions responsible for protecting rights.

PHROM Member Organisation: “Disgusting what's happening. Lack of accountability. Corruption and bad governance.”

Closely following Panamagate comes a positive step towards the strengthening of the rights of women in Malta. Following a drawn-out advocacy campaign, largely led by Member Organisation the Women's Rights Foundation⁴ and involving many other Member Organisations, the 'morning after pill' became available in Maltese pharmacies. We're extremely happy to see the rights of women take centre stage, in a context where religious and socio-cultural traditions tend to stifle discussion over this group of rights and prevent their fruition⁵. The nature of the advocacy campaign is also note-worthy, mainly as it was entirely NGO-led but also because it involved a strategic use of mixed tools to achieve significant results: active presence in the media, thematic march and public event, legal intervention in the Courts of Law, and networking with other like-minded stakeholders (NGOs, academics, etc.).

Migration-related themes maintained their visibility on the human rights landscape throughout 2016, with dramatic events unfolding towards the end of the year

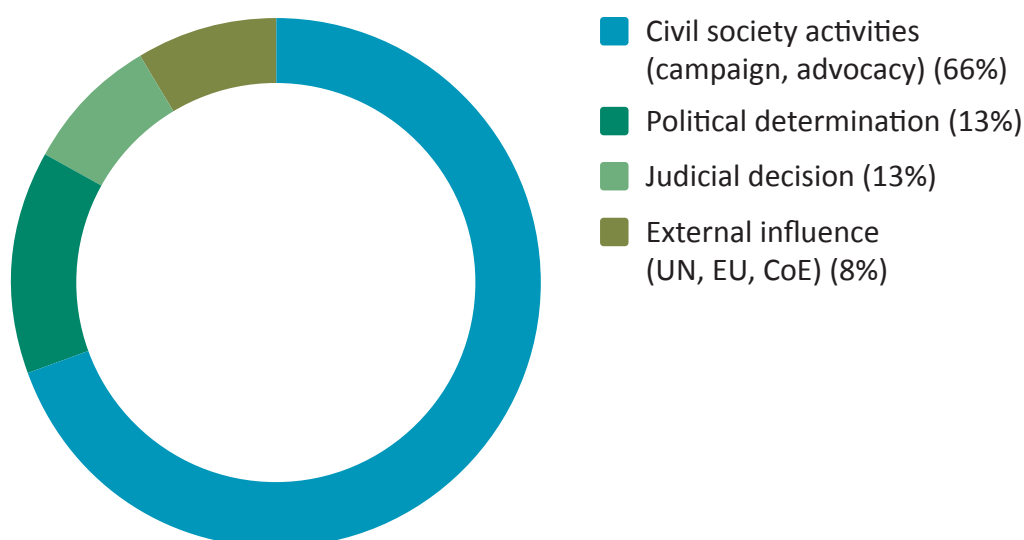
² For a useful summary see The Malta Independent, *A year of the Panama Papers*, 1 May 2017, available at <http://www.independent.com.mt/articles/2017-05-01/panama-papers/A-year-of-the-Panama-Papers-6736173676>.

³ For more information see here: <https://panamapapers.icij.org/>.

⁴ For more information see here: <http://www.humanrightsplatform.org.mt/members-item/womens-rights-foundation/>.

⁵ Reference here is being made to the lack of discussion on issues such as sex education, abortion, surrogacy and sex workers. Also, it is noted that Malta's rates of violence against remain high, whilst representation of women in the judiciary and Parliament is extremely low.

Table 2: What were the main triggers of the human rights developments (positively or negatively?)



when the Ministry for Home Affairs and National Security abruptly announced the termination of the immigration status Temporary Humanitarian Protection N (THPN). As a consequence of this termination, over 1,000 migrants would have reverted to an undocumented status and the rights they enjoyed as THPN beneficiaries down-sized to those enjoyed by undocumented migrants⁶. At the same time, a group of Malian undocumented migrants were arrested and detained with a view to being deported. In reaction to these moves, a large and active advocacy coalition was formed demanding a revision of the THPN revocation decision and release of the detained men.

As with the ‘morning after pill’ campaign, the THPN campaign’s relative success was largely due to its combination of several advocacy elements that managed to exert considerable pressure on the Ministry, leading it to release all the detained men and to revise the THPN revocation decision⁷. Campaign elements involved a solidarity walk, active engagement with the Ministry, legal interventions in the Laws Courts, humanisation of the issue, creation of a broad network support, active media presence and involvement of high-profile stakeholders such as the President of the Republic and Malta’s three English-language newspapers⁸.

PHROM Member Organisation: “2016 was the year when we had a number of new voices coming out and speaking on behalf of refugee rights. Positive also that other NGOs not working directly with refugees also spoke out on the issues, this was relatively new.”

⁶ Undocumented migrants are only entitled to access the labour market and enjoy health services if in legitimate and gainful employment.

⁷ See Times of Malta, *Government climbs down from criticised migrants’ policy*, 22 February 2017, available at <https://www.timesofmalta.com/articles/view/20170222/local/government-u-turn-on-thpn-migrant-rights.640355>.

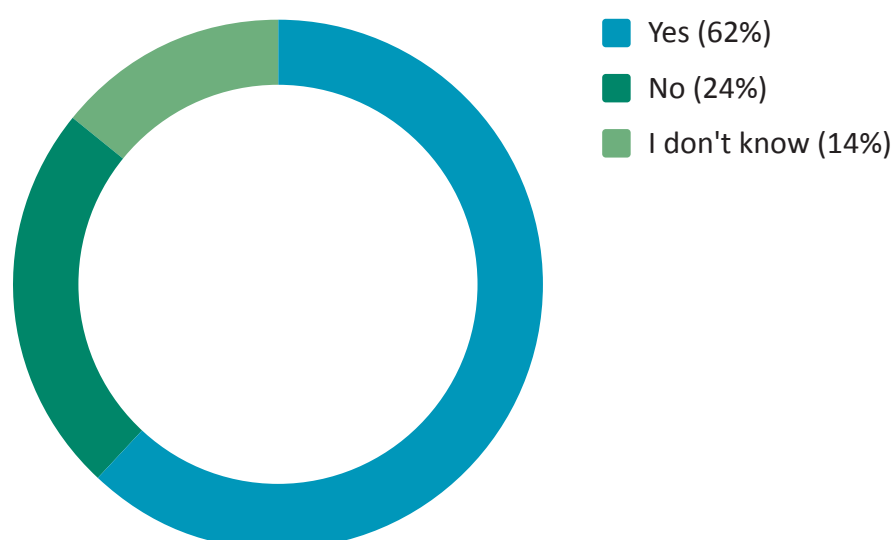
⁸ See Times of Malta, *Minister criticises, President praises media houses’ migrants’ appeal: Three media houses unite in appeal*, 1 February 2017, available at <https://www.timesofmalta.com/articles/view/20170201/local/independent-media-houses-unite-for-migrants-appeal.638227>.

Effective advocacy was also a key element in another of 2016's major developments, as identified by our Member Organisations, where environmental activists resorted to a form of militancy when they quite literally broke through a fence blocking access to Manoel's Island's foreshore⁹. The *Kamp Emergenza Ambjent* relied on this technique to not only attempt to resolve issues of access to public land in relation to Manoel Island, but also to seek to raise the profile of such issues on Malta's national agenda. Environmental concerns featured prominently in the 2015 Annual Human Rights Report (also reflected in its title), indicating an increasing understanding of their importance yet also a strengthening of the understanding that the environment forms an integral part of our enjoyment of fundamental human rights.

PHROM Member Organisation: "Maltese people are finally realising that we need to respect our environment and public spaces. Quite new."

An increasingly collaborative advocacy approach among civil society groups has therefore proved crucial in pressuring the Government to both make a U-turn on unfair measures and finally push forward topics which had been neglected.

Table 3: Do you think your own activities contributed towards major developments?



Interestingly, the role of the media is mentioned by most organisations as a significant trigger especially for the success of the campaign for the release of the Malian migrants and the THPN issue. The majority of PHROM members agree that the joint statement by the 3 main English language newspapers taking a stance against these measure was extremely powerful in pushing a change of directions by the Government.

⁹ The Malta Independent, *Manoel Island 'open to the public again' as activists cut through MIDI gates and fences*, 10 September 2016, available at <http://www.independent.com.mt/articles/2016-09-10/local-news/Manoel-Island-open-to-the-public-again-as-activists-cut-through-MIDI-gates-and-fences-6736163561>.

Among the NGOs surveyed, 62% feel it is their own advocacy activities though that has largely contributed towards the major national human rights developments in 2016. Which clearly indicates the role of civil society organisations as key players in exercising influence on policy-makers and ultimately driving concrete changes.

Engaging in direct dialogue with institutions – including direct lobbying, drafting and proposal of legislation – is the main advocacy strategy adopted by the majority of PHROM member organisations and the one they feel has proved to be the most successful.

The use of litigation and persistent advocacy have been instrumental, for instance, to achieve the implementation of the Transgender Variant and Intersex Inmates policy and bring about institutional changes.

PHROM Member Organisation: “Filing a case in court when everything else fails is part of our advocacy strategy. In the case of the transgender inmates - along with a soft dialogue-based advocacy - an added trigger was the legal intervention we did in court.”

Coalition building has been another strong trigger along with a range of other advocacy tools, such as public awareness through media campaigns, public demonstrations, empowerment and capacity building through training, development of specific programmes addressing identified needs, monitor and report of violations.

Table 4: How do Member Organisations feel they contribute towards major developments?

Activity	%
Participate in public demonstrations, marches, etc.	1
Attend training sessions	1
Develop specific programmes and projects addressing identified needs	1
Join coalitions of like-minded organisations	3
Engage in direct advocacy, dialogue with policy-makers	6
Draft and propose legislation	1
Public awareness (social media, newspapers, TV, radio, etc.)	2
Monitor, report and follow-up violations	1

Major NGO Successes, and Challenges

Successes

A combination of long-standing advocacy activities carried out for years by some PHROM NGOs, timed with socio-political momentum, have also resulted in a number of other significant achievements in 2016, encompassing various human rights topics.

WORLD ECONOMIC FORUM GENDER GAP REPORT

URL: <http://reports.weforum.org/global-gender-gap-report-2016/economies/#economy=MLT>

As of 2016, Malta was ranked 108/144 countries with regard to its gender gap, a significant decrease since the country's 2006 ranking of 71. Of particular interest is Malta's rankings surrounding political empowerment with the ratio of women to men in parliament being 13:87, while the ratio in ministerial positions stands at 7:93, placing the country at a ranking of 82 out of 144 countries.

One of the more shocking figures comes out when you compare the data from 2016 to that of 2006. In 2006, Malta was ranked 26th globally for educational attainment. As of 2016, this ranking had changed to 111th, a drastic decrease.

If the legalisation of the Emergency Contraception and the successful advocacy campaign that stopped some restrictive migration-related measures are considered the main positive developments, last year also saw a stronger legal framework for persons with disabilities being put in place.

The adoption of Maltese Sign Language as an official language and the implementation of the Mental Health First Aid Course have been the main successes in this direction. Particularly interesting is the case of the Mental Health First Aid Course, since it is a project initiated by a PHROM member organisation, but also one that seems to have taken on a national level with the proposal by Minister for Education, Evarist Bartolo, to introduce the mental health code in schools in Malta.

PHROM Member Organisation: "As Maltese people have grown more aware of mental health problems, the Mental Health First Aid Course has become a necessity."

Important improvements have also been made in the legislation for the protection of the LGBTIQ+ community with the implementation of measures such as the Transgender Variant and Intersex Inmates policy and the prohibition of gay conversion therapy practices. The publication and broad dissemination of books aimed at parents of LGBTIQ+ persons can also be seen as a positive sign of a more socially accepting culture. More generally, LGBTIQ+ issues seem to have been embraced by a broader political spectrum.

A range of other significant community-based and advocacy activities by PHROM civil society organisations include a number of projects focusing on securing employment, educational programmes, civic participation and general access to rights for refugees and migrants; several projects targeting youth workers, supporting the creation of a refugee/migrant youth group; an anti-bullying campaign; advocacy for better protection of the rights of the child in foster care context; residential care programme for homeless persons; on-going support for inmates and their families; the launch of an online service for victims of crime and the production of a documentary on Malta's feminist movement.

SPOTLIGHT

**BEN HASSINE BEN ALI WAHID
V. THE PRIME MINISTER ET.**

Court: **Constitutional Court, Malta**
Judgement Date: **7 November 2016**
Application No: **60/2-13/1**
Violation: **Prohibition of torture**

The facts

This case is an appeal to the Constitutional Court by Ben Hassine Ben Ali Wahid from a judgement of the civil court (constitutional jurisdiction). In 1992, Ben Ali Wahid was convicted of murder and sentenced to life imprisonment. In 2013 he filed a constitutional application before the civil court claiming that the 1992 sentence violated his fundamental right to the prohibition of torture guaranteed under article 36 of the Maltese Constitution and article 3 ECHR because it did not contemplate any possible review of the sentence. The civil court, however, found no violation of the applicant's fundamental rights because the possibility to request a Presidential pardon, as well as, the possibility to request prison leave under Maltese law constituted a sufficient guarantee for the possible reduction of a life-sentence.

The judgment

The Constitutional Court, however, concluded that neither the presidential pardon nor the system of prison leave in Malta constituted adequate mechanisms for the revision of life-sentences as required by Article 36 of the Constitution and Article 3 ECHR. In Malta, the system of Presidential pardon does entail the evaluation of objective criteria but endows the President with complete discretionary power and is therefore an uncertain mechanism. The system of prison leave in Malta is similarly uncertain as it is only given in limited circumstances which are not within the prisoner's control, such as in the event that one of his/her children get married, and if a number of conditions are met.

Moreover, the Constitutional Court imposed a term of four months on the Maltese Parliament to provide for a suitable review mechanism and possible reduction of life sentences that is in line with the extensive case law of the ECtHR.

Challenges

However, despite some positive steps introduced last year, frustrations and concerns remain among NGOs about a number of challenges they face on a daily-basis in their efforts in protecting the most vulnerable groups and guaranteeing the full exercise of human rights in Malta.

Table 5: Major Challenges in 2016



Inadequate or lack of human rights based policies and a strong legal framework for issues considered top priorities represent the most pressing problems for PHROM organisations.

Integration, homelessness, child protection, environment and reproductive health are among the primary themes which require urgent attention by the Government. According to NGOs, lack of political will and determination is what is halting the progress of human rights oriented policies especially within the area of migration and integration.

PHROM Member Organisation: “The way the Government speak about migration and integration is still dehumanising.”

PHROM Member Organisation: “Last year the Government released a roadmap to integration with the promise of a more detailed policy but nothing happened. Early this year, there is officially a ministry responsible for drafting it. In 2017 we will expect to have an integration policy.”

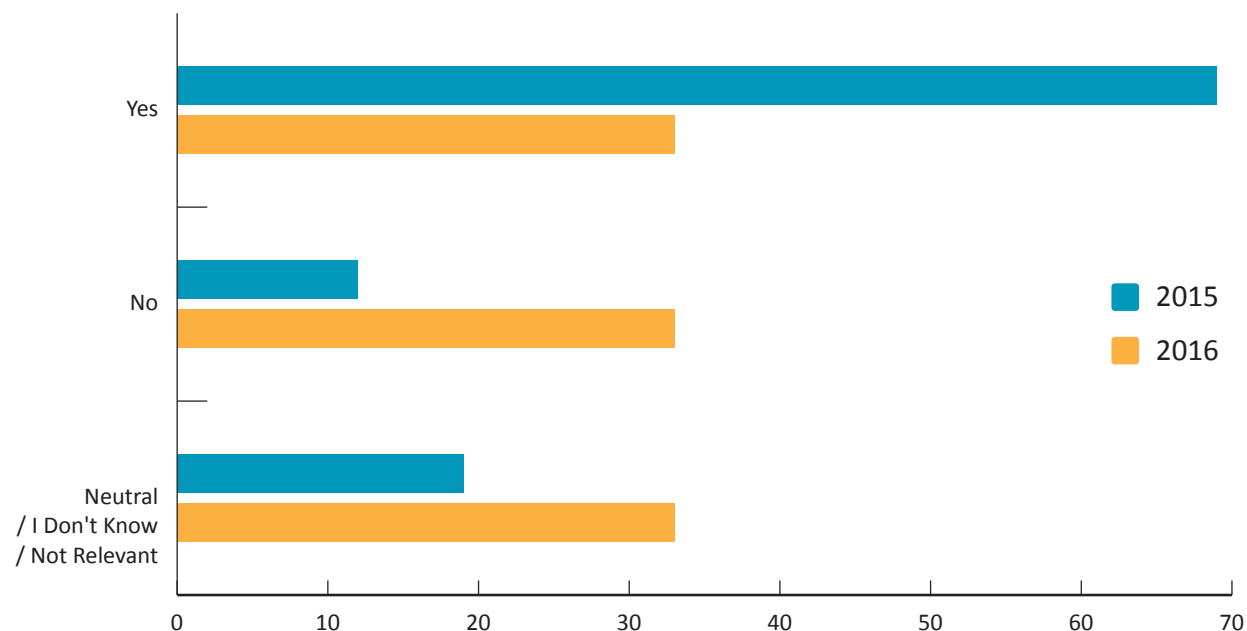
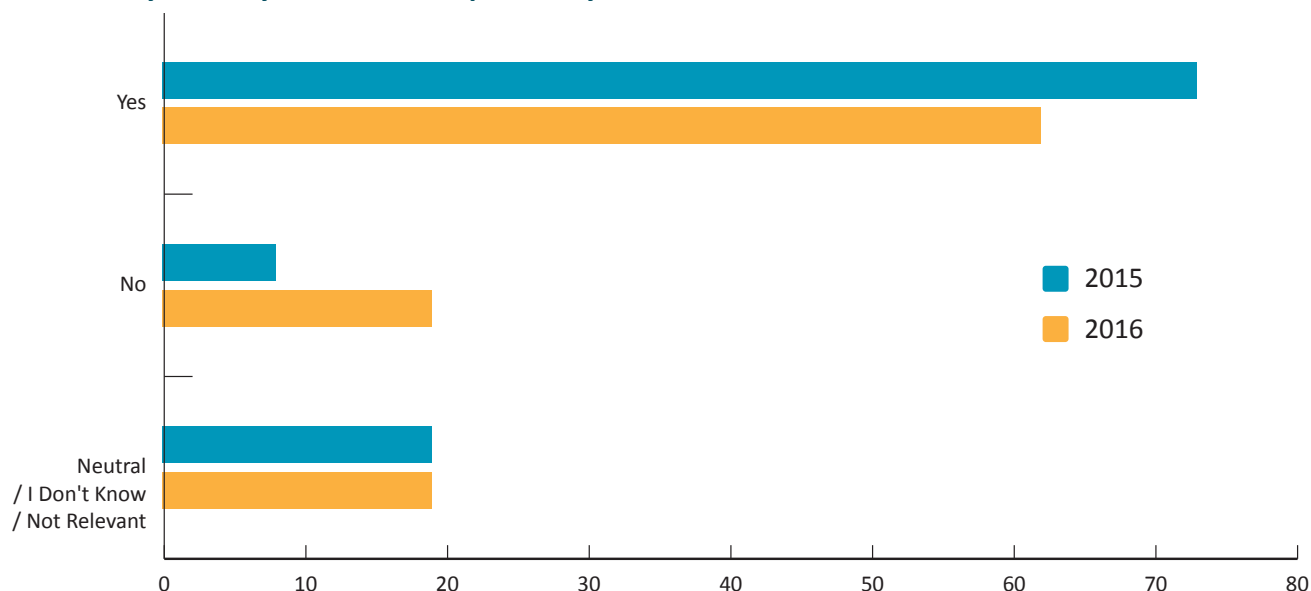
A few difficulties in engaging stakeholders and a wider community in human rights issues have also been flagged by a number of civil society organisations. Some NGOs mention, for instance, the struggle they face regularly in creating collaborations with some key institutions and public entities (such as educational bodies, religious

Table 6: Major Successes in 2016

New services for persons with mental health problems
Life-skills training session targeting migrants
Securing employment and ensuring job retention for persons with disabilities
New partnerships with other NGOs, e.g. mental health and disability
Residential care programme for homeless persons
Use of litigation to support transgender inmates and bring about institutional changes
European theatre festival for students
Several projects targeting youth workers
Supported the creation of a refugee/migrant youth group
Improvement of legislation protection the LGBTIQ+ community
LGBTIQ+ issues embraced by a broader political spectrum
Multi-NGO project ensuring access to rights for refugees and migrants
Publication and broad dissemination of a book aimed at parents of LGBTIQ+ persons
On-going dialogue with stakeholders
Anti-bullying campaign
On-going support for inmates and their families
Securing employment for migrants
Securing participation of migrants in educational programmes
Stronger legal framework for persons with disabilities
Better protection of the rights of the child in foster care context
Adoption of Maltese Sign Language as an official language
Launch of an online service for victims of crime
Production of a documentary on Malta's feminist movement

entities). Which ultimately result in challenges in both broadening public awareness on human rights and delivering programmes or services to a wide beneficiary base.

An increasingly complicated relationship with the Government (a topic we will examine in more details in the following subchapter) has also been a key challenge voiced by NGOs. Most organisations think that the difficulties to engage in constructive dialogue with representatives of the Governments translates not only in the incapability to developing policies, implementing services, but also securing stable and regular funding – another core challenge for most PHROM member organisations.

Table 7: Does Government regularly consult with you?**Table 8: Do you feel your work is respected by Government?****FIRST CONVICTIONS FOR ONLINE HATE SPEECH**

On 29 November two youth were fined €3,000 each for hate speech comments they made on a Facebook post in March of 2015. The post depicted a black man recovering in a Mater Dei hospital bed and the comments talked about burning the man or replacing the saline in his intravenous drip with hydrochloric acid. These are the first convictions relating to online hate speech in Malta.

SPOTLIGHT

MOXAMED ISMAACIL AND ABDIRAHMAN WARASME V. MALTA

Court: **European Court of Human Rights**
 Judgement Date: **12 January 2016**
 Application No: **52160/13 and 52165/13**
 Violation: **Right to liberty and security (Article 5): right to have lawfulness of detention decided speedily by a court**

The facts

The case concerned the detention of Somali asylum seekers, Saamiyo Moxamed and Deeqa Abdirahman Warsame, following their arrival in Malta. Moxamed and Warsame had both arrived in Malta by boat in August 2012. Upon arrival, they were registered by the immigration police and presented with a return decision and a removal order. These documents were written in English, a language that neither of the applicants could understand. Moreover, the contents of the decisions were not explained to either applicant in a language that they could understand.

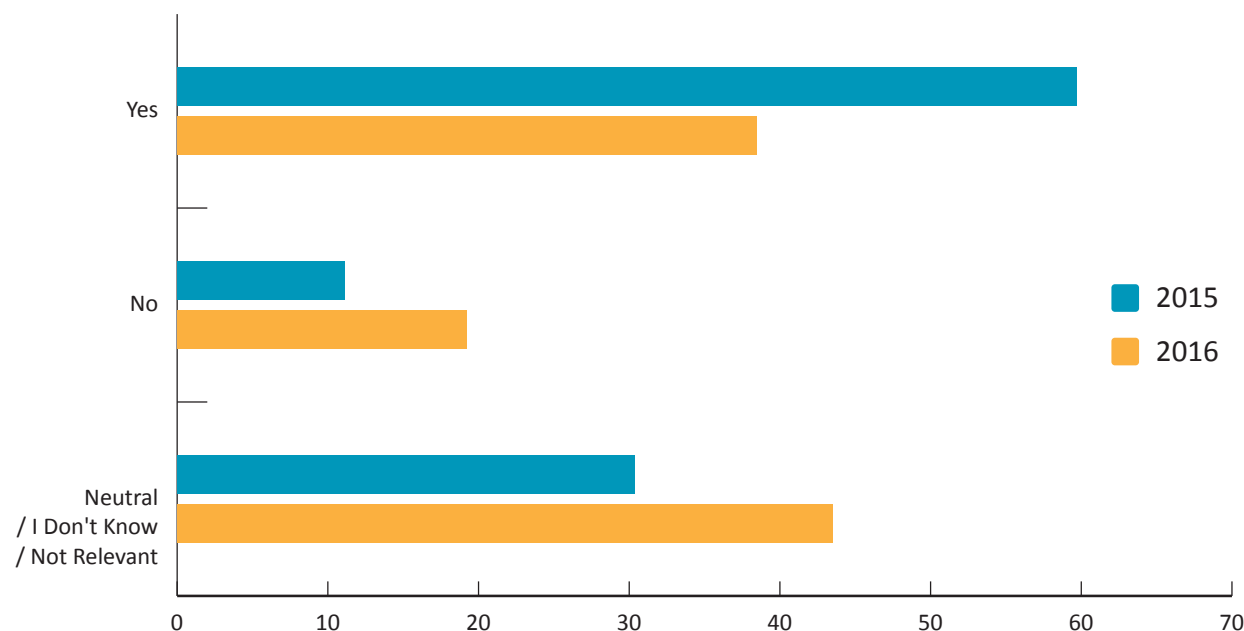
The applicants remained in detention for 12 months until their release in August 2013. Their asylum applications were rejected at first-instance and eventually on appeal. They complained that in the detention centre they were kept in prison-like and very basic conditions. In particular, they claimed that the centre was overcrowded and noisy; it was unbearably hot in summer and very cold in winter; they were fed the same food every day and were only allowed one hour of fresh air per day. They also claimed that they did not have access to adequate medical care.

The applicants complained that the conditions in which they were kept in detention had been in breach of Article 3 ECHR (prohibition of inhumane and degrading treatment). They also complained that they were not given the possibility to challenge the lawfulness of their detention, in breach of Article 5 § 4 (right to have lawfulness of detention decided speedily by a court). Lastly, they complained that their year-long detention had been arbitrary and unlawful in breach of Article 5 § 1 (right to liberty and security).

The judgment

As regards the living conditions in the detention centre, the Court found that conditions did not amount to degrading treatment within the meaning of the Convention and hence there was no violation of Article 3.

The Court referred to its previous case law in *Suso Musa v. Malta* and once again found a violation of Article 5 § 4 because, in Malta, there is still no effective remedy for detained asylum seekers to challenge the lawfulness of their detention. While expressing reservations about the duration of detention and Malta's detention policy in general, the Court found that, in the present case, the applicant's detention was in compliance with Article 5 § 1 and there had thus been no violation of that provision.

Table 9: After you give input to Government, is there scope for further discussion?**STATE DEPARTMENT HUMAN RIGHTS REPORT**

URL: <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265448>

The biggest section in the 2016 Malta Human Right Report published by the American State Department was on corruption. On April 4th, a collection of documents was released, currently known as the Panama Papers. These documents identified Konrad Mizzi (Minister of Health and Energy) as well as Keith Schembri (Chief of Staff to the PM) as having undeclared holdings in Panamanian companies. While this release led to street protests and the stripping of Mizzi's specific portfolios, he still maintained the role of a Minister within the Office of the Prime Minister. In addition to this, as of June 2016, police reported that they would not be continuing their investigation into the Panama Papers.

In July, seven transgender inmates filled a constitutional case claiming that they were forced to remain in a prison block that did not reflect their gender identity after prison officials told them they would lose their jobs if transferred. A policy was later created that allows inmates to be assigned to the gendered prison block that matches the gender shown on legal documents.

On a more positive note, in December the "Affirmation of Sexual Orientation, Gender Identity, and Gender Expression Bill," was passed, criminalizing any practice which aims to "change or repress a person's sexual orientation or gender identity." As well, on July 19th, the criminal code was amended, repealing two clauses banning criticism of the Catholic Church or other legally recognized religions. At the same time, it made the disturbance of religious ceremonies, as well as the provocation of illegal activities about religious hatred punishable by prison sentence.

PHROM Member Organisation: “The public and private distribution of funds is unfair. With many NGOs coming up, it also becomes more competitive to fundraise. With regards to the service agreement with the Government, there is no scope for negotiation when it comes to funds.”

Thematic Focus

In the 2015 AHRR, PHROM’s Executive Committee chose to introduce two elements that will make an annual appearance in the AHRR. Our intention in doing this is to zoom in on two themes that PHROM feels are central to the operational impact and success of our Member Organisations, and to be able to map the progress/regress in these two areas between any one AHRR and another. The two themes selected in 2015 are: Relationship with Government, and Expressions of Hatred.

Relationship with Government

The set of questions (Question. 7 of the Questionnaire in Annex II) were aimed at investigating on the extent and nature of dialogue engagement with the Government. When compared to 2015 data, the responses given by PHROM member organisations this year clearly show a general deterioration of their relationship with the Government.

PHROM Member Organisation: “We have a good working relationship with the Civil Liberties Ministry, but we don’t have a good dialogue with Health Ministry, Home Affairs: meetings are promised but don’t happen, nothing is delivered. With the Education Ministry, it’s not bad.”

PHROM Member Organisation: “We still don’t have a voice. We meet with the authorities sometimes. There is no conversation, it’s more a monologue.”

PHROM Member Organisation: “We are never seen as part of the process, we are always seen as obstructive to the process. Then the degeneration happened when we criticized a number of very bad decisions taken by the Government.”

Overall, the NGOs surveyed feel they are generally less consulted and involved in the discussions of policies related to their areas of expertise, and also their work is slightly less respected compared to last year. For most civil society groups – especially those more active on the migration-related issues – the relationship with the Ministry of Home Affairs has been particularly difficult, if not hostile.

Besides being seen as a symptom of an unhealthy democratic system, the exclusion of the NGOs from consultation processes risks to undermine the capacity of the Governments to develop and implement policies that take into account the fundamental expertise of NGOs and all interested stakeholders.

Expressions of 'hatred'

Hate speech and hate crimes continue to be concerning priorities that need to be addressed adequately on both a legal and cultural level. Although, fortunately, no incidents of physical attacks have been reported, verbal violence and racial abuse by groups and individuals seem to be worryingly spreading on social media, particularly on Facebook.

Compared to last year responses, NGOs report an increase of expressions of hatred towards their activities, staff and volunteers, and an even higher increase was noted towards their beneficiaries.

However, most PHROM organisations recognise that a very positive step in this direction occurred in 2016 when two people were fined €3,000 each for inciting racial hatred through racist comments posted in a public Facebook page.

PHROM Member Organisation: "The court case sent a very strong message. We noticed less hate speech on our Facebook page afterwards. But we can't say if this resulted in any improvements. It will take some time to say if there was a shift."

Throughout 2016, concerted efforts by many NGOs were also set up to consistently monitor and report to the authorities online posts considered hate speech and to raise public awareness on harassment, racial hatred and violence online.

Table 10: Do you feel discussions with Government are in-depth and effective?

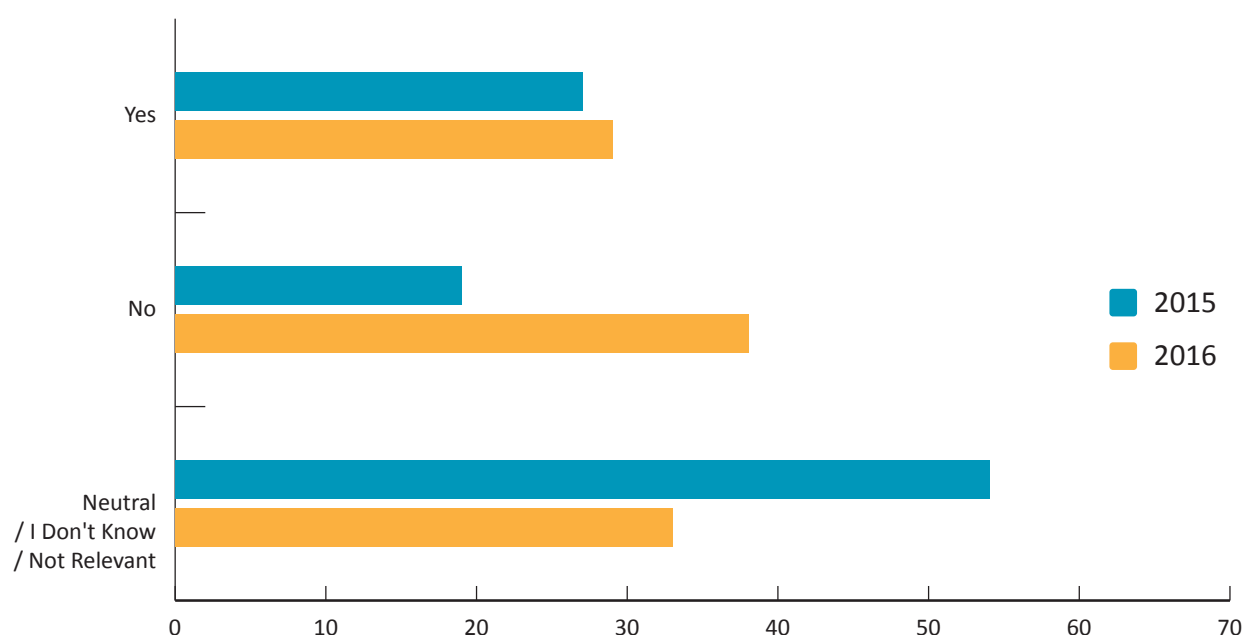


Table 11: Has your organisation been the victim of ‘hatred’?

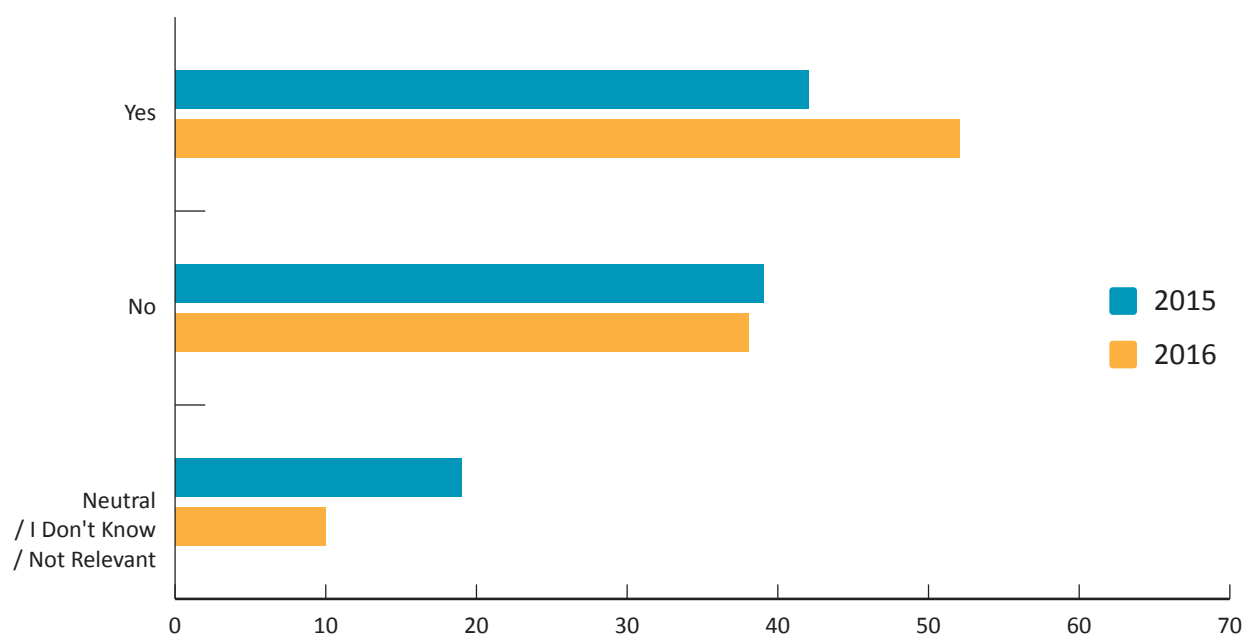
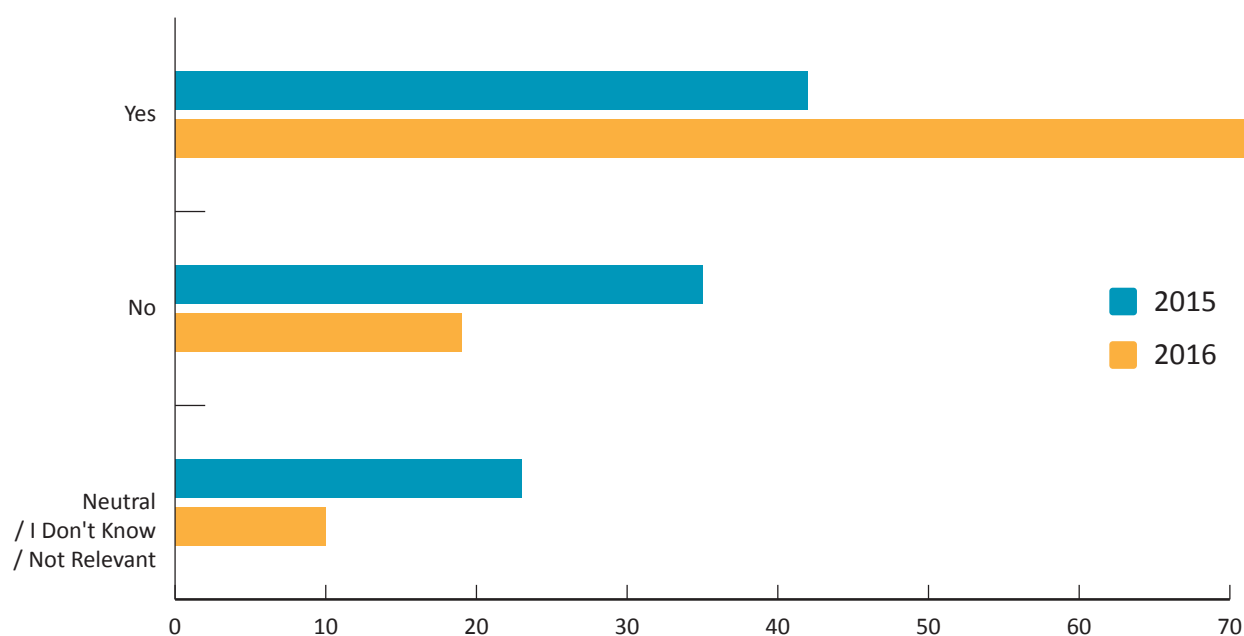


Table 12: Have your beneficiaries been victims of ‘hatred’?



Challenges Ahead: 2017

Based on the assessment of the state of human rights in Malta in 2016, PHROM Member Organisations were asked to outline their expectations with regards to some main challenges for the year ahead.

It is interesting to note that the issues of good governance and institutional accountability remain a primary concern for the majority of the surveyed civil society groups (18%).

Migration (15%) alongside with access to essential services (15%) were cited as the other top pressing challenges, followed in descending order by implementation

Table 13: What will Malta's main human rights challenges be in 2017?

Challenge	%
Environment	3
Migration	15
Gender equality	3
Access to employment (persons with disability)	3
Governance	18
Populism	3
Respect for diversity	3
Implementation of legal obligations	9
Marriage Equality	3
Horizontal anti-discrimination legislation	3
Human rights mainstreaming	3
Poverty	6
Discrimination on the basis of religion, Islamophobia	3
Access to housing	6
Access to essential services, including sign language interpreters, MAP and PEP	15
Violence against women and children	6

of legal obligations (9%), the rise of poverty (6%), access to housing (6%), violence against women and children (6%), environment (3%), gender equality (3%), access to employment for persons with disability (3%), populism (3%), respect for diversity (3%), marriage equality (3%), horizontal anti-discrimination legislation (3%), human rights mainstreaming (3%), discrimination on the basis of religion, Islamophobia (3%).

Governance and Human Rights

The events related to the Panama Papers scandal, the corruption allegations involving members of the Government and the then upcoming elections were cited by the majority of PHROM Member Organisations as the most worrying obstacles for the fulfilment of human rights in Malta. It is to be reiterated that all the interviews were carried out between April and May 2017, thus prior to the result of the general elections which took place on 3 June 2017.

Considering good public administration as an intrinsic component in the enjoyment of human rights, most advocacy groups expressed growing concerns about the

AMNESTY INTERNATIONAL ANNUAL REPORT

URL: <https://www.amnesty.org/en/countries/europe-and-central-asia/malta/report-malta/>

In 2017, Amnesty International published a country report regarding the human rights environment in Malta throughout the 2016 period. Of particular focus were the implementation of new reception procedures for asylum-seekers, as well as the fact that abortion remained illegal in all circumstances, even when the mother's life was at risk.

In 2016, policy was changed that ended the automatic and mandatory detention for people entering Malta irregularly. While a period of initial detention remains in Initial Reception Centers for the purpose of medical screening, this time is much shorter than in previous years. The new policy, "also introduced legal grounds for detention, free legal assistance, the possibility to challenge detention orders and an automatic review of detention orders". (AI report).

The report also mentions that in January of 2016, Malta was found to be in violation of Article 5, paragraph 4 of the European Convention on Human Rights (on the right to have the lawfulness of detention speedily assessed by the court) after two Somali women filed a complaint about their lack of opportunity to challenge the lawfulness of their detention. In the same month, Malta was also found to be in breach of Article 6 of the convention, which guarantees access to a lawyer during the initial stages of questioning after a convicted individual filed a complaint stating that they had been denied this right.

In November, the Ministry for Home Affairs and National Security declared that a review of Temporary Humanitarian Protection – New (THPN) certificates, would occur to determine their continued renewal. The UNHCR and local NGOs expressed concern about this review and the consequences it may have.

capability of the Government and law enforcement agencies to guarantee the respect of fundamental rights and the protection of all citizens, especially of minorities and the most vulnerable.

Within this context, interviewees linked the issue of good governance with the need for critical education as a basic condition in order to avoid the further lowering of democratic expectations and the public awareness of human rights.

PHROM Member Organisation: “We desperately need the provision of critical civic education because our democracy is at risk. The education system must take responsibility and provide the space at least for young people to speak about politics in a constructive rather than a partisan way. At the moment, there is complete lack of critical engagement. If you speak up on an issue you are considered to be either labour or nationalist.”

The access to quality critical education is mentioned by the majority of the surveyed NGOs as a key prerequisite also with regard to a wider range of human rights challenges, including hate speech, the public narrative on migration, populism, the environment, gender equality, and respect of diversity.

A Divisive Scenario

Migrants’ rights and integration continued to be identified by the interviewees as major challenges for the year to come. The absence of a strong legal and policy framework on integration along with some restrictive measures taken last year by the Government raise concerns among NGOs about the future political agenda on migration.

According to our Member Organisations, some key migration developments in 2016 – namely the suspension and then the u-turn over the Temporary Humanitarian Protection N status (THPN) and the detention of a group of Malian men – signal a worrying intention by Maltese policymakers to move towards a more restrictive policy direction and a more punitive environment for migrants’ rights.

PHROM Member Organisation: “It looks like there is a concerted effort on the part of the Ministry for Home Affairs and National Security to focus on policies which promote exclusion”.

Despite the u-turn of the Government on the THPN action, NGOs remain worried about the ongoing lack of clarification on this policy.

More broadly, the perception by most PHROM Member Organisations is that the absence of political determination to change policy and public discourse on migration and integration represents a core obstacle for the progress of a healthy multicultural society, able to provide the necessary infrastructures to ensure inclusion on education, housing, health, faith and the respect of diversity in general.

SPOTLIGHT

BORG V. MALTA

Court:	European Court of Human Rights
Judgement Date:	12 January 2016
Application No:	37537/13
Violation:	Fair Trial (Article 6 ECHR): right to a fair trial and right to legal assistance of one's own choosing

The facts

In 2003 the applicant, Mr. Borg, was arrested on suspicion of importing and trafficking heroin. While he was in police custody he gave a statement without the assistance of a lawyer. Another two witnesses, who were also under investigation, had also given statements without the assistance of a lawyer. These statements were used against Mr. Borg in the subsequent proceedings. In January 2008 Mr. Borg was convicted and sentenced to 21 years' imprisonment and fined 70,000 EUR.

In his application to the Strasbourg court, Mr. Borg invoked Article 6 § 3 in conjunction with Article 6 § 1 (right to a fair trial and right to legal assistance of one's own choosing) and complained that the lack of legal assistance during questioning in police custody, both in relation to himself and the two witnesses who testified against him, had affected the fairness of the trial.

The judgment

The Strasbourg court found that Mr. Borg had been denied the right to legal assistance at the pretrial stage as a result of a systemic restriction applicable to all accused persons because, at the time, there had been a general ban in Maltese law on accused persons seeking legal assistance at the pre-trial stage. This rule fell short of the requirement under Article 6 that the right to assistance of a lawyer at the initial stages of police interrogation may only be subject to restrictions if there were compelling reasons for such restriction. Thus, the Court found this to be in breach of Article 6 § 3 (c) in conjunction with Article 6 § 1. Because a breach of Article 6 had been found on the mentioned ground, the Court did not think it necessary to examine whether the lack of legal assistance to the two witnesses who had testified against him had also affected the fairness of the trial.

Access to essential services is still considered problematic. Some NGOs providing services to vulnerable groups expressed concern on limited financial resources and lack of coordination with the Government as the main reasons for inadequate service provision. In this regard, it is also relevant to observe that implementation of legal obligations by public entities institutions is considered lacking by a number of PHROM Member Organisations. This is seen in support of the concern regarding the inadequacy of service-provision by the public sector and the difficulties faced by NGOs in supporting vulnerable communities to access fundamental support services. In fact, many Member Organisations commented that despite many positive policy developments in 2016 – such as the introduction of the morning-after pill and the adoption of the *Maltese Sign Language Act* – the translation of the law into effective services seems to be still unsuccessful.

PHROM Member Organisation: “We are satisfied with the Victim of Crimes Act on paper, which has been transposed from the EU Victims’ Directive. However, there aren’t the conditions yet that enable us to provide the services we are supposed to be providing according to the law.”

Ultimately, such limited or inexistent service provision is likely to impact the capacity of both institutions and civil society organisations to support and protect Malta’s most vulnerable persons.

PROHIBITION OF ‘CONVERSION’ THERAPIES AND PRACTICES

Enacted in December 2016, the Affirmation of Sexual Orientation, Gender Identity and Gender Expression Act recognises that all persons have a sexual orientation, a gender identity and a gender expression, and that no combination of these characteristics constitutes a disorder, disease, illness, deficiency, disability and/or shortcoming. The Act prohibits conversion practices and classifies them as deceptive and harmful interventions against a person’s sexual orientation, gender identity and/or gender expression.

GENDER BASED VIOLENCE → A 2016 REPORT BY THE EUROPEAN COMMISSION

In a report published in November 2016¹, it was found that 40% of Maltese respondents agree that violence against women is often provoked by the victim. Another 47% agree women often make up or exaggerate claims of abuse or rape. The research also found that Malta is the third most likely EU country to state that sexual intercourse without consent is justified if the person is wearing revealing, provocative or sexy clothing, sitting right behind Romania and Hungary. With regard to men, 37% of respondents stated that domestic violence against males is fairly common in Malta.

1 European Commission, Special Eurobarometer 449, Gender-based Violence, November 2016: https://data.europa.eu/euodp/en/data/dataset/S2115_85_3_449_ENG

As already flagged in last year's AHHR, there is a real concern among PHROM Member Organisations that, if left unaddressed, this might lead to a further deepening of divide within Malta's human rights scenario, where LGBTIQ+ communities' rights will continue to progress while the situation of other minorities will continue to be ignored.

THE GROUP OF EXPERTS ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS (GRETA)

URL: <https://rm.coe.int/16806fdf6b>

The Group of Experts on Action against Trafficking in Human Beings (GRETA) published a report in 2017 discussing events in 2016 that related to types of trafficking relating to people. Of interest is the bill that was drafted by the Ministry of Energy and Health which is intended to better regulate organ donation in Malta. The draft of Bill 141 of the Human Organs, Tissues and Cells Donation Act was published in 2016 and was then going through Parliament. If passed, the Act will contain provisions on organ trafficking and is meant to meet the terms of the Council of Europe Convention against Trafficking in Human Organs. The Criminal Code is also expected to be amended by Bill 141 to meet the requirements of this convention.

In January of 2016, staff at the Safi Barracks Detention Center received training that would help them identify the differences between migrant smuggling and human trafficking. In addition, information on the victim referral system was provided. Similarly, the Ministry for Justice, Culture and Local Government in collaboration with the International Organization for Migration (IOM) agree to implement a project that would work to improve the situation of the victim throughout the judicial process.

Also in 2016, the largest case so far detected in Malta of trafficking for the purpose of labour exploitation took place and concerned 31 Filipino victims. After being hired to provide cleaning services at national hospitals, their contracts were breached when they were forced to clean other locations. The exploitation was detected when inspectors from the Department of Industrial Relations and Employment spoke to the victims. The inspectors then reported the case to the police.

The report contained several recommendations. These include:

- Granting Maltese citizenship to children born in Malta, or who have not been registered before arriving in Malta so they don't remain stateless;
- Increasing awareness about child trafficking;
- Providing systemic training to relevant professionals (such as judges and asylum officials) on the trafficking of human beings, how to recognize victims, as well as what their rights are;
- Discouraging the demand for trafficked persons, and/or their services; and
- Increasing efforts to provide assistance and support, such as safe and appropriate housing, to all victims of trafficking (men, women, and children).

Case Studies



CASE STUDY #1

AFRICAN MEDIA ASSOCIATION – MIGRANTS SKILLS REGISTER: ROOTS OF EDUCATION ARE BITTER, BUT THE FRUIT IS SWEET

African Media Association is a migrant-led NGO working with migrants in the media sector. Its mission is to open a dialogue between the host and guest communities by informing and educating both migrants about issues related to their integration in Malta, and the Maltese public and Government about challenges faced by migrants¹⁰.

‘Roots of Education are Bitter but the Fruit is Sweet’ was a workshop aiming at boosting self-awareness and self-confidence among the migrant communities living in Malta. It was organised as a part of the pilot project ‘Migrants Skills Register’¹¹. The workshop gathered around 40 people from the diverse communities of migrants and asylum seekers who were actively looking for jobs and willing to integrate in the Maltese society.

The training explored various factors than can be an obstacle for integration in everyday life, including speaking the language, learning new skills, adapting to the host community while being aware of their own rights as migrants.

The ‘Migrants Skills Register’ is a project set up by African Media Association with the aim to facilitate the employment and integration of migrants in Malta. It works as a kind of employment agency to help migrants find jobs that match their unused skills.

The workshop ‘Roots of Education are Bitter but the Fruit is Sweet’ took place at the premises of the Malta Council for the Voluntary Sector, and was funded by the Small Initiative Support Scheme.



¹⁰ For more information <http://africanmediamalta.com//>

¹¹ For more information on the project, see <http://theskilledmigrant.com/?i=3>.

CASE STUDY #2

PRISMS – #RIGHTFACTOR: A COURSE ON HUMAN RIGHTS

PRISMS, an NGO founded by a group of youth workers, aims to empower people with the tools needed to become active members of society. Through workshops and training sessions that use non-formal methods of communication, PRISMS projects provide a space and an opportunity for people to develop their personal skills¹².

In September 2016, PRISM held ‘#rightfactor’, a training course developed to answer the needs of many youth workers and NGO staff on the difficulty to mainstream human rights within their work and to assess if their work approach was inclusive. The training aimed at teaching, mainly through non-formal methods, the legal concepts and principles underlying human rights.

Funded under KA1 Erasmus+ Programme, ‘#rightfactor’ brought together 33 participants from 14 different countries: Malta, Portugal, Slovakia, Turkey, Ukraine, Armenia, Jordan, Tunisia, Egypt, Serbia, Netherlands, Greece, Lithuania and Romania. The main goals were to give a detailed overview of human rights systems and dynamics, highlighting those human rights which have a direct emphasis on inclusion practices (e.g. right to equal treatment, and freedom of religion and opinion) and how these rights apply in practice. The workshops case law examples (real life cases) through dynamic approaches, and using non-formal methods of education, such as simulation exercises, workshops, role-plays, site-visits and discussions.

Following the course, a website was specifically created as a reference centre for inclusiveness and human rights compliance guidance for NGOs¹³.

The action plans elaborated in the training course, its follow-up and implementation have been uploaded into the website. It is possible for NGOs from anywhere to access all this valuable and exciting content.



¹² For more information see <http://www.prismsmalta.com/>.

¹³ See <http://rightfactor.net/>.

CASE STUDY #3

RICHMOND FOUNDATION: MENTAL HEALTH FIRST AID

Richmond Foundation is an organisation dedicated to provide community mental health services that promote mental wellbeing, address the prevention of mental health problems and provide support for good quality of life

Present in 23 different countries and introduced for the first time in Malta by Richmond Foundation, Mental Health First Aid is the help provided to a person who is developing a mental health problem, experiencing a worsening of a mental health problem or in a mental health crisis. The first aid is given until appropriate professional help is received or the crisis resolves.

By the end of 2016, 40 Mental Health First courses were delivered and 570 individuals were trained and became Mental Health First Aiders. About half of these courses were delivered in organisations where a number of employees were trained. In response to the high demand, Richmond Foundation launched the Certified Mental Health First Aid Skilled Workplace Recognition. The objective of this initiative is to acknowledge and reward the many organisations across Malta that are increasing mental health awareness within their organisation by encouraging their employees to attend the MHFA Course and become certified Mental Health First Aiders at the workplace.

The aims of MHFA courses are to provide the necessary skills to recognise the signs and symptoms of mental health problems and to have the knowledge of possible causes or risk factors for these mental health problems. Participants also learn how to give appropriate initial help and support to someone experiencing a mental health problem and how to take appropriate action if a crisis situation arises involving suicidal behaviour, panic attack, stress reaction to trauma, overdose or threatening psychological behaviour. During the 12-hour course, more awareness will be made of the evidence based medical, psychological and alternative treatments available.

Richmond Foundation presented the project Mental Health First Aid Training to Solidarity Overseas Service (SOS) Malta under the second call of the EEA Norway NGO Programme Malta 2009-2014.



SPOTLIGHT

ABDULLAHI ELM I AND AWEYS ABUBAKAR V. MALTA

Court: **European Court of Human Rights**
 Judgement Date: **22 November 2016**
 Application No: **25794/13 and 28151/13**
 Violation: **Violation of Article 3 ECHR, Article 5(4) ECHR,
 Article 5(1) ECHR**

The facts

The case relates to two Somali asylum-seeking children, who applied for asylum soon after their arrival in Malta. The original reason why the applicants were detained by the authorities was because they were asked to wait until an age assessment test had been carried out. However during this process the applicants were deemed to be children and the process in detention took several months to complete. The application was submitted to the ECtHR and the first compliant centred around the conditions of their immigration detention in violation of Article 3 ECHR. The applicants also complained that their detention had been arbitrary and unlawful and in breach of Article 5(1) ECHR. The applicants also claimed that they had no legal pathway to challenge this decision to detain them in violation of Article 5(1) ECHR.

The judgment

In relation to the breach of Article 3 ECHR the Court weighed up a number of factors before deciding if the conditions amounted to a breach, including: The amount of people that were hosted in that section of the detention centre, the light and ventilation, the fact that both the applicants were deemed to be children and the length of time that the applicants were detained for. In conclusion, based on a combination of all these factors, the Court found that the conditions complained of amounted to degrading treatment in violation of Article 3 ECHR.

The second violation related the fact that the applicants claimed that they did not have an effective and speedy remedy under domestic law by which to challenge the lawfulness of their detention, the applicants relied on the Court's findings in *Louled Massoud v. Malta* (no. 24340/08, 27 July 2010). The Court found that it had already had occasion to examine such complaints and found that it had not been shown that applicants in situations such as that of the present case had at their disposal an effective and speedy remedy under domestic law by which to challenge the lawfulness of their detention and there was no reason to hold otherwise in the present case therefore the Court also found a further violation of Article 5 (4).

In relation to the applicants complaint that their detention had been arbitrary and unlawful and in breach of Article 5(1) ECHR the Court on one hand was sensitive to the Government's argument that younger looking individuals are fast tracked, and that the procedure is lengthier only in cases of persons close to adulthood and both the applicants were closer to adulthood and also accepting that the detention was closely connected to the ground of detention relied on, namely to prevent an unauthorised entry. However, the detention was deemed arbitrary because the several delays in the age assessment process raised serious doubts as to the Maltese authorities' good faith. This along with the conditions of the detention and the fact that the detention was not used as a last resort was deemed by the Court to be enough to conclude that there was a further breach of Article 5 (1) ECHR.

A NEW OFFICIAL LANGUAGE FOR MALTA: MALTESE SIGN LANGUAGE

The Maltese Sign Language Recognition Act (March 2016) recognises Maltese sign language as an expression of culture and endorsement for equal opportunities and inclusion. The purpose of this Act is to promote and maintain the use of Maltese Sign Language by declaring Maltese Sign Language to be an official language of Malta and empowering the making of regulations setting competency standards for the interpretation of Maltese Sign Language.

WHAT IS TEMPORARY HUMANITARIAN PROTECTION N (THPN)?

THPN is granted to migrants in cases where a "former applicant for international protection cannot be returned to his/her country of origin due to legal or factual reasons and through no fault of his/her own". This status was first introduced in 2010, but in 2012 the granting of THPN in new cases was suspended. For those already benefiting from THPN, the status continued to be renewed annually upon production of the required documentation.

In November 2016 beneficiaries of THPN were informed that the regime was being reviewed. Moreover, their THPN certificates were withdrawn by the Office of the Refugee Commissioner. They were not given any other documentation to allow them to renew their residence and work permits, nor were they informed about what they would need to do to obtain a renewal of their documents. No timelines were provided as to when they could expect information or decisions on their statuses.

Conclusions

For the second consecutive year, PHROM Annual Human Rights Report flags the issues of bad governance, lack of transparency and accountability as the most serious concern for the general state of human rights in Malta.

The escalation of events revealing lack of integrity by some representatives of the Government and widespread abuses of political and administrative powers within the institutions has raised deep worries among PHROM Member Organisations.

The general perception is that weakening of democratic institutions resulting from bad governance would expose all Maltese people, and especially the most vulnerable groups, to greater insecurity when it comes to protecting their rights.

The list of other top human rights developments in 2016 also highlighted in this report interestingly presents a variety of topics. The campaign for the ‘morning after pill’ has been one the main achievements and an important step towards the strengthening of women’s rights in Malta. Migration-related themes continued to be a core focus, with dramatic events unfolding towards the end of 2016 when the Ministry for Home Affairs and National Security suddenly announced the termination of the immigration status Temporary Humanitarian Protection N (THPN), and when a group of Malian undocumented migrants were arrested and detained with a view to being deported.

However, PHROM Member Organisations are very satisfied with the successful wide-range mobilisation springing up as a response to these measures, which led the Government to make a U-turn. An increasingly collaborative advocacy approach among civil society groups is, in fact, a very interesting trend emerging from the data.

Although some encouraging developments have occurred throughout 2016, much frustration and many concerns remain among NGOs about a number of challenges they face on a daily basis in their effects at securing the full exercise of human rights in Malta.

The main pressing challenge for PHROM Member Organisations lies in inadequate or lack of policies and legal framework for issues considered top priorities, such as integration and migrants’ rights, homelessness, child protection, environment, reproductive health.

HRW WORLD REPORT

URL: <https://www.hrw.org/world-report/2017/country-chapters/when-exposing-abusers-is-not-enough>

The Human Rights Watch World Report on 2016 was published in 2017, titled, *When Exposing Abusers Is Not Enough*. While it did not contain a segment dedicated to Malta, the country was mentioned in two other sections.

One of these sections described how Malta was one of eight EU states that had begun to work on a pilot for an EU disability card that would guaranteed the consistent recognition of the rights and benefits of 80 million people living with a disability across the EU. Related to this, the EU's Agency for Fundamental Rights described gaps in screening migrants with disabilities, leading to inadequate support through arrival, registration, and asylum procedures in a report they published in August of 2016.

The second section mentioning Malta described how the country made it clear that it was unwilling to allow Russian warships headed to Syria to stop and refuel in their ports. This decision was made after NATO's secretary general warned Spain against allowing these ships to refuel in their ports since it may lead to more attacks in Aleppo.

This has to be seen in the light of the recent concerns relating to governance and transparency which have further increased worries over the actual capability of the Government to close those gaps, develop human rights oriented policies, to guarantee access to an effective justice system, protection from law enforcement agencies and an efficient public service.

PHROM believes that the key findings of this report present a strong case for the need for immediate action by Maltese institutional bodies and civil society to fight back against a culture of complacency towards widespread violations of the fundamental elements of democracy and the rule of law.

As a coalition of non-governmental organisations striving to promote the highest standards of protection of human rights in Malta, PHROM urges the competent authorities to uphold their institutional duties and to safeguard the respect of democratic principles.

We urge members of Government and members of Parliament to commit to a governance approach that puts people and the protection of their rights at the centre of their policies, rather than safeguarding the privileges of a few. We finally call for the promotion of critical education as a fundamental tool for active citizenship and social change.

Annexes

ANNEX I – HUMAN RIGHTS LEGAL INSTRUMENTS

This Annex provides a comprehensive list of international and regional legal instruments directly relevant to human rights and which have been ratified and/or signed by Malta. They are presented in chronological order by date of adoption, with Protocols and similar instruments listed together with their respective main instruments.

European Union and national instruments have been omitted due to the fact that EU and national instruments or provisions relevant to human rights are not contained in individual comprehensive texts but are dispersed across an extremely wide spectrum of documents.

According to information provided by the Ministry for Foreign Affairs website, no new instruments were signed or ratified in 2016¹⁴.

International

ILO Convention (No 11) concerning the Rights of Association and Combination of Agricultural Workers (1921)

Slavery Convention (1926)

Protocol amending the Slavery Convention (1953)

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956)

ILO Convention (No 29) concerning Forced Labour (1930)

ILO Convention (No 87) concerning Freedom of Association and Protection of the Right to Organize (1948)

Convention on the Prevention and Punishment of the Crime of Genocide (1948)

Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)

¹⁴ Ministry for Foreign Affairs, Treaties Search Page, available at <http://foreignaffairs.gov.mt/en/Treaties%20Series/Pages/Treaties%20Search%20Page.aspx>.

Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949)

Geneva Convention relative to the Treatment of Prisoners of War (1949)

Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949)

Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977)

Declaration foreseen by Article 90 of Protocol I (concerning the provisional acceptance of the competence of the International Fact-Finding Commission)

Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (1977)

ILO Convention (No 98) concerning the Application of the Principles of the Right to Organize and Bargain Collectively (1949)

ILO Convention (No 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1951)

Convention relating to the Status of Refugees (1951)

Protocol relating to the Status of Refugees (1967)

Convention on the Political Rights of Women (1953)

AIDA REPORT

URL: http://www.asylumineurope.org/sites/default/files/report-download/aida_mt_2016update.pdf

The biggest topics of focus in this report surrounded the Dublin Regulations, an EU law that determines which member state is responsible for examining the application of an asylum seeker seeking international protection. One issue was that there was an increase in asylum seekers not, or poorly, informed about the Dublin procedure. By the end of 2016, RefCom started to provide all asylum seekers with a standard information sheet with a basic explanation of the procedure. No personalized information is included on the sheet and specific and timely updates are not provided to the applicant, leaving many unsure of the status of their case.

In 2016, only twenty-nine people arrived in Malta by boat, all of whom were medical evacuations. This reduction in boat arrivals follows an informal agreement made between Italy and Malta in 2014. Twenty asylum seekers were detained, mainly on the grounds that the identity of the individual had not been determined. Concerns were raised over the criminalization of the use of false documents by asylum-seekers entering Malta as this violates the provisions of the 1951 Geneva Convention and penalizes people who wanted to avoid risking their lives by travelling by sea.

Convention on the Nationality of Married Women (1957)

ILO Convention (No 105) concerning the Abolition of Forced Labour (1957)

ILO Convention (No 111) concerning Discrimination in Respect of Employment and Occupation (1958)

UNESCO Convention against Discrimination in Education (1960)

UNESCO Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education (1962)

International Convention on the Elimination of All Forms of Racial Discrimination (1965)

International Covenant on Economic, Social and Cultural Rights (1966)

International Covenant on Civil and Political Rights (1966)

Optional Protocol to the International Covenant on Civil and Political Rights (1966)

Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (1989)

ILO Convention (No 135) concerning Protection and Facilities to be afforded to Worker's Representatives in the Undertaking (1971)

ILO Convention (No 138) concerning Minimum Age for Admission to Employment (1973)

ILO Convention (No 141) concerning Organizations' of Rural Workers and their Role in Economic and Social Development (1975)

Convention on the Elimination of All Forms of Discrimination against Women (1979)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)

Declarations recognizing the competence of the Committee against Torture under Articles 21 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (to receive and consider communications by one State Party against another or presented from or on behalf of individuals)

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2002)

Convention on the Rights of the Child (1989)

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)

SPOTLIGHT

**THE POLICE (INSPECTOR CHRIS PULLICINO)
V. STEPHEN CARUANA**

Court: **Constitutional Court, Malta**
Judgement Date: **29 April 2016**
Application No: **38/13JZM**
Violation: **No violation found**

The facts

The case is an appeal filed by the Attorney General and the Commissioner of Police against a judgment of the Civil Court (Constitutional Jurisdiction) wherein it was declared that an order of the Court of Magistrates (as a court of criminal inquiry), which ordered Romina Caruana to give buccal swabs, was in violation of her right to respect for private and family life under Article 8 ECHR. Romina Caruana was the wife of the accused, Stephen Caruana, who was under investigation for homicide. The First Hall pronounced that the taking of buccal swabs from the wife of the accused amounted to an interference of her right to private and family life which was not grounded in the law because under Maltese criminal law spouses cannot be admitted to give evidence against or in favour of each other.

The judgment

The Constitutional Court concurred that the Court of Magistrates' order compelling Romina Caruana to give a buccal swab does constitute an interference with her right to privacy. However, it went on to state that such interference was grounded in law because although Maltese law protects spouses against having to give evidence against each other, this does not include the taking of clinical samples, such as buccal swabs. Moreover, in the case of homicide, the Court found that the taking of clinical samples was a necessary measure to have a complete compilation of evidence. For these reasons, the Constitutional Court overturned the decision of the First Hall and found in favour of the appellants.

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000)

International Convention for the Suppression of Terrorist Bombings (1997)

Rome Statute of the International Criminal Court (1998)

International Convention for the Suppression of the Financing of Terrorism (1999)

ILO Convention (No 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999)

International Convention for the Suppression of Acts of Nuclear Terrorism (2005)

Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)

Convention on the Rights of Persons with Disabilities, (2006)

Optional Protocol to the Convention on the Rights of Persons with Disabilities, (2006)

International Convention for the Protection of All Persons from Enforced Disappearance (2006)

Signed but not ratified by Malta

Optional Protocol to the Convention on the Rights of the Child on a communications procedure (2014)

Regional (Council of Europe)

European Convention on Human Rights (1950)

Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (1952)

Protocol No 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto (1963)

Protocol No 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty (1983)

Protocol No 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms (recognition of new rights) (1984)

Protocol No 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms restructuring the control machinery established thereby (1994)

Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (2000)

Protocol No 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the Abolition of the Death Penalty in all

Circumstances (2002)

Protocol No 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms Amending the Control System of the Convention (2004)

European Social Charter (1961)

Protocol amending the European Social Charter (1991)

European Convention on the Repatriation of Minors (1970)

European Convention on the Non-Applicability of Statutory Limitation to Crimes against Humanity and War Crimes (1974)

European Convention on the Compensation of Victims of Violent Crimes (1983)

European Social Charter (revised) (1996)

European Agreement relating to persons participating in proceedings of the European Court of Human Rights (1996)

European Convention on the Exercise of Children's Rights (1996)

European Agreement relating to Persons Participating in Proceedings of the European Commission and Court of Human Rights (1969)

European Convention on the Suppression of the Terrorism (1977)

Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (1981)

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)

Protocol No 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1993)

Protocol No 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1993)

Framework Convention for the Protection of National Minorities (1995)

Convention on Cybercrime (2001)

Convention on Contact concerning Children (2003)

Convention on Action against Trafficking in Human Beings (2005)

Council of Europe Convention on the Prevention of Terrorism (2005)

Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007)

European Convention on the Adoption of Children (Revised) (2008)

Convention on Preventing and Combating Violence against Women and Domestic Violence (2011)

[Signed but not ratified by Malta](#)

European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (1964)

European Convention on Nationality (1997)

European Landscape Convention (2000)

SPOTLIGHT

ABDI MAHAMUD V. MALTA

Court: **European Court of Human Rights**
 Judgement Date: **3 May 2016**
 Application No: **56796/13**
 Violation: **Prohibition of torture (Article 3 ECHR);
 Right to liberty and security (Article 5)**

The facts

In May 2012 Ms Abdi Mahamud arrived in Malta by boat and was registered by the immigration police and detained in Hal Far as per the relevant provisions of the Immigration Act. In December 2012, Ms Abdi Mahamud received news that her asylum application had been rejected. While in detention Ms Abdi Mahamud suffered from a number of medical problems and was frequently hospitalized. For these reasons, in October 2012 she was referred to the Agency for the Welfare of Asylum Seekers with the aim of obtaining release from detention on the grounds of vulnerability and ill-health. The authorities took 11 months to conclude her assessment of vulnerability. Once this was concluded she was told that she would be released in August 2013 but she was only released in September 2013.

In her application to the Strasbourg Court, Ms. Abdi Mahamud invoked Article 3 of the ECHR to complain about the conditions of her detention. She complained of overcrowding, limited access to outdoor exercise, lack of protection from the heat in the summer months and the cold in winter, the lack of female staff and lack of privacy. She also made several complaints under Article 5 (right to liberty and security) notably regarding the length of her detention and the lack of any judicial remedy with which she could have challenged the lawfulness of her detention. She also claimed that the laws and policies in place were unclear about the exceptions to detention for vulnerable person such as herself.

The judgment

The Strasbourg Court found that the detention conditions endured by Ms. Abdi Mahamud amounted to a violation of Article 3. Taking into account Ms. Abdi Mahamud's vulnerability due to her health, the Court found that the conditions in the detention centre (namely the fact that she had no access to outdoor exercise for many weeks, the lack of specific measures to counter the cold, the lack of female staff, the little privacy offered in the centre, and the fact that these conditions persisted for over 16 months), when considered cumulatively, had the effect of diminishing the applicant's human dignity and arousing in her feelings of inferiority capable of humiliating her and debasing her.

The Court also found a violation of Article 5 § 4 (right to have lawfulness of detention decided speedily by a court) because there was a lack of an effective remedy under Maltese law to challenge the lawfulness of her detention. Lastly, the Court found a violation of Article 5 § 1 (right to liberty and security) because the delay in the assessment of vulnerability of the applicant postponed her release and led to her arbitrary detention.

ANNEX II – MEMBER ORGANISATION QUESTIONNAIRE

1. What were the 3 most significant human rights developments in 2016 (positive or negative), AND what do you think triggered them? (Multiple triggers possible: NGO advocacy, Political determination, National campaign, External influence, Judicial decision).

- ☐ The Muslims praying in Msida, and related issues of Islamophobia.
- ☐ Activists breaking into Manoel Island, and related issues of environmental rights.
- ☐ Panama Papers, and related governance issues.
- ☐ Increased issues relating to poverty (minimum wage campaign, Somali man found dead under a bridge...).
- ☐ Government actions relating to THPN status.
- ☐ Transgender policies in prisons and in education.
- ☐ Prohibition of gay conversion therapy.
- ☐ Maltese Sign Language Recognition Act.
- ☐ Amendments to disability legislation, linked to the UN Convention.
- ☐ Morning After Pill, and the rise of the women's rights movement.
- ☐ 2 Facebook users found guilty of hate speech.

2. Any other important 2016 developments not listed above?

3. Do you think your activities contributed to any of the developments you indicated as significant? (Yes/No/I don't).

If yes, could you please give us an idea how?

4. What were your main challenges in 2016?

5. What were your main successes in 2016?

6. What do you think will be Malta's main human rights challenges in 2017?

7. How would you rate the following statements?

True/Neutral/I don't know/Not relevant/False

- We are regularly consulted by The Government on issues that concern our work.
- Our work is generally respected.
- When we provide input into Government, there is scope for further discussion.
- Discussions with Government are in-depth and effective.
- In 2016 our organisation has been the victim of hate speech, or some form of expressed 'hatred'.
- In 2016 our beneficiaries/clients have been the victims of hate speech, or some form of expressed 'hatred'.

8. If you provide services, do you do this with a Service Agreement with Government (*Yes/No*)?

9. Anything else you would like to add regarding human rights in Malta in 2016?

