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## At sea:

- *Times of Malta*, November 4th, 2020, Migrants claim breach of rights, demand damages after Libya pushback
- *Malta Today*, November 4th, 2020, 52 asylum seekers take government to court over delayed rescue and pushback
- *Truth be told*, November 4th, 2020, Easter Massacre victims file human rights case, Repubblika supports

Nearly seven months after the so-called ‘Easter pushback’ of more than 50 asylum seekers to Libya, two relatives of the twelve victims who died between the 11th and 14th of April brought constitutional case claiming breach of the victims’ right to life. The 50 people pushed back - natives of Eritrea and Sudan - claimed the breach of their right not to be submitted to torture. They asked the Court to order the government to allow them to file their asylum applications in Malta. The case was filed against the Maltese Prime Minister (PM) Robert Abela, the Home Affairs minister Byron Camilleri and Commander of the AFM Jeffrey Curmi. At the time of the pushback, NGO Repubblika filed police complaints against these actors but the magisterial inquiry, led by former Labour Party secretary Joe Mifsud, found nothing wrong about the *refoulement*. Repubblika said it is supporting the migrants and paying for the law suit.

- *Malta Independent*, November 7th, 2020, 8,000 migrants stopped from leaving for Malta - Bartolo

Maltese Minister of Foreign Affairs Evarist Bartolo has once again posted false figures from unknown sources about migrants on social media. He claimed that some 8,000 exiles were stopped by the Libyan authorities from leaving towards Malta and estimated that another 20,600 have managed to leave Libya so far this year. Out of these 20,600 people, Bartolo says that Malta has received less than 1,700 in 2020 (« less than half the number registered in 2019 »). One can see that this statement is incorrect by cross-checking official UNHCR figures, estimating that 2,256 people actually had landed in Malta as of October 2020. Manipulating figures can demonstrate an alternation of political discourses between the rhetoric of invasion on the one hand, and the idea of full control over migratory movements from Libya on the other hand. This idea of a full control has been materialized throughout 2020 by a three-month closure of Maltese ports (between April and July), the systematic outsourcing of the AFM’s responsibilities to so-called Libyan coast-guards and the adoption of a Memorandum of Understanding between both countries on May 28th, 2020.

- *Newsbook*, November 11th, 2020, 110 asylum-seekers in Maltese SAR disembark in Lampedusa

According to Alarm Phone, the 110 people in distress in Maltese SAR zone have disembarked in Lampedusa on Tuesday 10th, November. Despite many calls, Alarm Phone couldn’t reach RCC Malta, arguing that the Armed Forces weren’t picking up the phone. The Italian coast guard was also denying responsibility. Alarm Phone didn’t give any detail on how a distress vessel with a broken engine could cross the Maltese SAR zone up to Lampedusa. Two explanations could be given here: either RCC Malta used, once again, the abandonment strategy by letting the boat adrift until sea currents brought them into the Italian SAR zone, or the AFM intervened in secret,

supplying migrants with lifejackets and a new engine, indicating them the direction of Italy as they did several times this year.

- *Times of Malta*, November 13th, 2020, Malta is ‘implicated’ in migrants deaths, says Alarm Phone

Reacting to the great loss of more than a hundred lives in the Central Mediterranean, Alarm Phone accused Malta of ‘systematic acts of non-assistance’, ignoring requests ‘more than 10 times’ in the past few days alone. Indeed, at least three endangered vessels were in the Maltese SAR zone lately; none of them was rescued by Malta. Alarm Phone referred to the coordination centre as ‘so-called’ RCC Malta, recalling the vocabulary that the hotline and SAR NGOs (such as Sea Watch) have been using to refer to Libya. One can then wonder if the Maltese strategy is to compete with its Libyan neighbor regarding the violations of human rights at sea, in order to no longer be considered as a place of safety in the long run.

## In detention:

- *Newsbook*, November 28th, 2020, Court condemns arbitrary detention of asylum seekers as ‘abusive and farcical’

Magistrate Victor George Axiak from the Court of Valletta ordered the immediate release of four arbitrary detained asylum seekers. After being illegally detained aboard the Captain Morgan cruise ships for several weeks, the four men got detained straight away at Safi and Lyster Barracks after their disembarkation in Malta, without any legal ground. The Court discussed the policy at stake here: the illegal detention of asylum seekers when no space is available in the Open Centres (Hal Far). Their detention was not recognized as such by the police, but rather as an ‘accommodation’. The Court condemned this ‘abusive and farcical’ practice. The four men were represented by aditus foundation lawyer Neil Falzon and were accommodated in Malta with the help of the association until they get a place in one of the open centres. As Neil Falzon highlighted, ‘Malta refuses much-needed support from the European Union to create more space for refugees, and then locks up people because of this very lack of space’. Therefore, it is not about Malta having no money or facilities to accommodate people in dignified and humane conditions, but rather a political strategy of punishment of people who disembarked in Malta and certainly deterrence towards the ones who are fleeing Libya in the Central Mediterranean.

## Home affairs:

- *Malta Independent*, November 5th, 2020, [OHSa issues guidance document for migrant workers in various languages](#)

The Maltese Occupational Health and Safety Authority (OHSa) has newly issued a guidance document for migrant workers, covering the duties of employers and the workers' legal rights and obligations when granted a work permit in Malta. The document was issued in English, whereas a large part of migrant workers in Malta can't speak nor read the language. UNHCR Malta translated it to Arabic, Bangla, Somali and Tigrinya. OHSa recognized that the lack of information « makes migrant workers a vulnerable group in society ». Indeed, 22% of all fatal accidents on the island involve foreign workers, usually in construction facilities. In 2019 already, *Times of Malta* highlighted that of the eight fatal work-related accidents recorded in recent years, six have been of foreigners working in the construction industry. In 2018, 2,714 migrant workers were injured at work<sup>1</sup>.

- *Malta Today*, November 18th, 2020, [A frank view from Malta on migration, Evarist Bartolo](#)

Foreign Affairs Minister Evarist Bartolo expressed his views on migration in *Malta Today* newspaper, repeating indefinitely the same crisis discourse and victim position that Malta has been using for almost two decades. First of all by reminding that Malta is the « smallest and most densely populated country in the EU » and also the « most vulnerable », « right in the middle of the Central Mediterranean migratory route ». The rest of the statement shows to what extent Malta rejects any part to play in the migratory issue. The Minister doesn't hesitate to state out loud that civilians have to be sent back to war-torn Libya and if not, to be relocated in other EU member states. According to him, while « half of those who come to Malta are not eligible for asylum », the ones who are need to be relocated elsewhere. This leaves Malta with almost no responsibility to comply with. The island is not likely to become a « migrant reception centre for Europe », the Minister made it very clear. Few can be asked from Malta when it comes to welcome exiles in dignified and human conditions, and Brussels seems to know it.

- *Malta Today*, November 18th, 2020, [Non-profit lender calls out landlords forcing vulnerable families out](#)

Some Maltese micro-loans organisations have pointed out that marginalised communities have been the worst affected by the COVID 19 economic crisis. The representative for Malta Microfinance affirmed that requests for support for immediate needs and reports of employment exploitation have significantly increased in the last months. The organisation gives small loans of up to €2,500 to vulnerable people (single women, migrants, low-income households) to engage in education, start or expand a small business. But lately, it has been obliged to refuse dozens of applications for support and assistance.

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<sup>1</sup> Calleja Claudia, August 26th, 2019, « Foreign workers more likely to die on the job », *Times of Malta*. URL: <https://timesofmalta.com/articles/view/foreign-workers-more-likely-to-die-on-the-job.730735>

- *Times of Malta*, November 19th, 2020, [A third say marriage to African migrants is ‘totally unacceptable’](#)

‘How acceptable is it for your child to marry an African migrant?’ was the question asked to 600 Maltese polled citizens in October 2020. The survey was part of a University of Malta study. 36% of the respondents answered that it would be ‘absolutely unacceptable’. Yet, more than half of the surveyed (56.9%) said they didn’t consider themselves as racists. As the Dean of the Faculty for Social Wellbeing highlights, these answers reveal a huge gap in perceptions, plus an urgent need to address it, around the time that the Maltese government launched a national public consultation about racism. As the survey shows, female and young respondents were most likely to accept an exile person marrying into their family. Furthermore, the lower the level of education of the respondents, the more they were opposed to the idea. Nonetheless, the outcome of the survey should’t come as a surprise when the Maltese laws are against marriage of asylum seekers. Indeed, under the Marriage Act, the Registrar requires the presentation of a valid residence document that the Maltese state itself does not issue for asylum seekers<sup>2</sup>, therefore breaching Article 12 (‘Right to Marry’) of the ECHR.

- *Malta Today*, November 20th, 2020, [Migrants admit to Wednesday’s riot at Hal Far](#)

After a protest in one of Hal Far open centres on Wednesday 18 November, 18 migrants pleaded guilty to the charges against them. The court was told that the ‘riot’ caused thousands of euros worth of damage. Magistrate Donatella Frendo Dimech meted out suspended sentences, pending on the total amount of damages. These sentences range from one year of imprisonment, suspended for 3 years, up to 22 months imprisonment, suspended for four years.

- *Newsbook*, November 20th, 2020, [El Hiblu 1: Malta part of world’s biggest human rights campaign](#)
- *Vice*, November 20th, 2020, [Three young men face life in prison for preventing the return of refugees to Libya](#)

In one of its biggest human rights campaigns ‘Write for Rights’, Amnesty International targeted Malta for the El Hiblu case, asking the Attorney General to drop the charges against the ‘El Hiblu 3’, now aged 21, 18 and 16 and to close the case before trial. ‘Write for Rights’ is a campaign that mobilises people around the world to write letters on behalf of people who need urgent help.

- *Identity Malta*, November 2020, [Policy regarding Specific Residence Authorization](#)
- *aditus foundation*, November 25th, 2020, [A new policy that will lead to increased social exclusion and poverty](#)

On Tuesday 24th of November, the Parliamentary Secretariat for Citizenship and Communities announced that applications for SRA (Specific Residence Authorization) won’t be accepted after December 31st, 2020, giving a one-month ultimatum to rejected asylum seekers who want to benefit from this protection. Several associations (aditus, JRS, Repubblika, KOPIN, ...) published a

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<sup>2</sup> Camilleri Carla, « (IR)REGULAR LOVE, Migrants’ right to marry’, *Aditus foundation*, 2020, p. 11, URL: [https://aditus.org.mt/Publications/IrRegularLove\\_Report\\_2020.pdf](https://aditus.org.mt/Publications/IrRegularLove_Report_2020.pdf)

joint press release expressing their concern, especially towards the uncertainty of the revisions, usually leading to arbitrariness in the assessment of applications. These revisions constitute a ‘retrogressive step that will undoubtedly increase poverty and social exclusion’, at a time when the COVID-19 pandemic is already having a terrible impact upon exiles communities.

- ***Times of Malta***, November 30th, 2020, When we said we are full up to migrants we meant it - Byron Camilleri

In reaction to the Court’s decision to release four men illegally detained for 166 days, Home Affairs Minister Byron Camilleri repeated Abela’s statement: ‘when we said that we are full up we really meant we are full up’. He also said that Malta had been left to tackle the issue alone for many years, but without mentioning the Maltese political weight within the EU, especially when negotiating *ad hoc* relocations arrangements nor mentioning the €7 million budget that Malta received from the EU to build a new Open centre at Hal Far (AMIF budget 2014/2020) - centre that has never been built. When asked what the solution was to house exiles outside of detention, Camilleri replied: ‘The longer term solution is to stop people from arriving in our country’. In other words, he called to a reinforced collaboration with so-called Libyan coast-guards and the Libyan Government of National Accord (GNA), in order to push people back to Malta’s war-torn neighbor.

## Malta and the EU:

- ***News Now Finland***, November 13th, 2020, Migri: Asylum seekers arrive from Malta as part of EU deal

The Finnish Immigration Agency (Migri) has confirmed the arrival of 25 migrants relocated from Malta, as part of an EU deal where Finland agreed to take 175 asylum seekers. The purpose of this relocation is to ‘alleviate some of the pressures on camps for migrants in countries like Malta, Italy and Greece’.

- ***Newsbook***, November 18th, 2020, Two groups of irregular migrants relocated to Finland and Romania

Between November 16th and 17th, two groups of exiles were transferred from Malta to Finland and Romania, under the coordination of the European Commission. This relocation project is co-financed by EU budget AMIF (Asylum, Migration and Integration Fund). These relocations involved the assistance of both the IOM and EASO. More people should be relocated all across the EU by the end of 2020. No exact figures have been given about the people transferred to Finland and Romania.

- ***Malta Today***, November 25th, 2020, Migrants relocated to Germany, fifth group since September

Another group of exiles people have been relocated to Germany (the fifth group being relocated in another EU member state since September), after a coordination exercise from the National Security Ministry, the French embassy, the IOM, the Police Immigration Section and the EASO in Malta. It was co-financed by the AMIF (Asylum, Migration and Integration Fund of the EU).