



The EU Mutual Learning Programme in Gender Equality

Support services for victims of violence in asylum and migration

Greece, 20-21 February 2018

Comments Paper – Malta



The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.

Justice



This publication is supported by the European Union Rights, Equality and Citizenship Programme (2014-2020).

This programme is implemented by the European Commission and shall contribute to the further development of an area where equality and the rights of persons, as enshrined in the Treaty, the Charter and international human rights conventions, are promoted and protected.

For more information see: http://ec.europa.eu/justice/grants1/programmes-2014-2020/rec/index_en.htm

Support services to asylum seekers and migrant: the Maltese context

Lara Dimtrijevic
Women's Rights Foundation

1. Country Context

1.1. Overview of the number of migrants and asylum seekers in Malta

According to IOM report 2016 - Migration in Malta Country Profile 2015¹, the number of migrants living in Malta as of 2013 was at 22,466 out of which 9622 were third country nationals. Out of the latter figure, 5,532 were male whilst 4094 female. Malta has seen a dip in boat arrivals following 2010 and having the last 'largest' arrival in September 2015 with only 99 boats, majority being male.

With regards to asylum applicants in Malta, this number has also decreased since 2009. In 2016, there was a total of 1435 asylum applications made to the Office of the Refugee Commission out of which the largest of positive decisions were Libyan nationals with a total of 530, out of which 146 were female, followed by Syrians with a total of 359, 126 of which were female, 102 positive decisions for Eritrean nationals of which 35 were female and a mere of 27 positive decisions for female Somali migrants². A similar trend with regards to asylum applications can be seen for 2017³. There is no available data as to how many awarded protection status was given on the basis of gender based violence.

With regards to victims of human trafficking, there is also lack of official data available, however since 2014 to date, there have been a number of trafficking cases related to gender based violence, 2 cases of domestic servitude and 4 cases dealing sex trafficking⁴.

1.2. Gender Based Policy and Legislation

1.2.1 Current Policy

Prior to 2017, Malta never had written framework dealing with Gender Based Violence and there was a lack of a comprehensive structure dealing with integration of migrants.

Following the ratification of the Convention on the Elimination on Preventing violence against women and domestic violence in 2014 Malta is currently in the process of implementing the convention into national legislation. In November 2017,

¹ https://integrafoundation.files.wordpress.com/2015/09/mp_malta_13july2016_0.pdf

² https://nso.gov.mt/en/News_Releases/View_by_Unit/Unit_C5/Population_and_Migration_Statistics/Documents/2017/News2017_098.pdf

³ <http://www.unhcr.org.mt/charts/>

⁴ Information provided by Women's Rights Foundation as per data collected till end 2017.

the Ministry for European Affairs and Equality has issued Gender-Based Violence and Domestic Violence Strategy and Action Plan, Society's Concern, Vision 2020⁵. It also issued a Migrant Integration Strategy and Action Plan, Integration=Belonging, Vision 2020⁶. Whilst the latter deals with action plan to integrate migrants into society, the former specifically focuses on gender based violence in terms of the Istanbul Convention. No specific mention is made to migrants and asylum seekers, except for awareness raising on trafficking on human beings.

1.2.2 Legislation

Malta adheres to a number of international treaties, including the Palermo Protocol, Convention on the Elimination of Discrimination against Women among others. In terms of national legislation, there are a number of laws dealing with domestic violence⁷, human trafficking, forced marriage, female genital mutilation, hate crime including gender⁸ as well as a clear definition of who qualifies for refugee status⁹.

Although in the ratification process of the Istanbul Convention, Malta had placed derogation in terms of Article 59, this is in the process of being removed and implemented at law, thus providing more safeguards to victims of gender based violence whose status depended on that of their spouses and partners. This is a significant move for Malta in ensuring effective protection to migrants who due their circumstances are already in a very vulnerable situation.

The Refugee's Act includes acts of a gender specific nature as a form of 'acts of persecution', however Article 60 of the Convention, will broaden the spectrum of definition of gender persecution so as to specifically include acts of gender based violence and domestic violence and will further ensure that they be granted a means of protection, including subsidiary protection. However the impact of this article is yet to be seen in terms of assessment of asylum applications and awards of subsidiary protection.

1.3. Support Services for migrants and asylum seekers

There are a number of migrant led community organisations, including women led, Migrant Women Association Malta. There are other civil organisations that provide support services to migrants in Malta, ranging from legal, psycho-social support, human rights advocacy, shelter and accommodation and integration. UNHCR and IOM are also present and provide support to migrant communities.

There are also national led organisations providing direct support services to migrants and asylum seekers in Malta. The Agency for the Welfare of Asylum Seekers (AWAS) is tasked with implementing national legislation and policy concerning the welfare of refugees, persons enjoying international protection and asylum seekers. In practice, AWAS manages reception facilities, provides information programmes in the area of employment, housing, health, welfare and education, and promotes government schemes related to resettlement voluntary

⁵ https://meae.gov.mt/en/Documents/GBV_DV%20Strategy%20and%20Action%20Plan%20publication.pdf

⁶ <https://meae.gov.mt/en/Documents/migrant%20integration-EN.pdf>

⁷ <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8947&l=1>

⁸ <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8574>

⁹ <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8886&l=1>

returns¹⁰. Furthermore, following the Frameworks document entitled 'Towards a National Migrant Integration Strategy 2015-2020'¹¹, the Human Rights and Integration Directorate (HRID) established in 2015 will act as a hub for migrant integration.

2. Good practice initiatives

2.1. Past projects

In 2008, UNHCR in collaboration with a local NGO provided an extensive project on Sexual and Gender Based Violence that was aimed directly at migrants both those in detention and in open centres. The project focused on domestic violence, Female Genital Mutilation, Human Trafficking, Rape and Sexual Assault¹². This was a unique project in the sense that the beneficiaries were the migrants themselves and they were given the opportunity to tell their story.

In 2017, UNHCR also organised workshops on Sexual and Gender Based Violence this time aimed at government front line entities specifically focusing on strengthening the understanding of the definition of sexual and gender-based violence (SGBV), its root causes and the scope of the problem in the Maltese asylum and migration context. It covered the international, European and domestic legal framework; key approaches for addressing SGBV, interviewing techniques, information management, various thematic issues, prevention and response, as well as monitoring and evaluation. Intensive training by the name 'Empowering refugee focal points in providing information and integration support to refugees' was also provided to migrant communities with a particular focus on sexual and gender based violence.

2.2. Ongoing projects

The Human Rights and Integration Directorate (HRID) currently has 2 ongoing projects:

1. Full Cooperation: Zero Violence¹³ is a comprehensive project with the aim to create a multi-sectoral and multidisciplinary approach for professionals to deal with gender based violence, provide training to professionals working within the field of GBV, create manual operation procedures and standard operating procedures, raise awareness and share lessons learnt. This project has also set up a steering committee made up of various ministries to ensure effective co-operation.
2. Breaking the Cycle of Violence is a multi-faceted project aimed at: identifying the behaviours and attitudes of victims experiencing violence; raising awareness among vulnerable groups of women with particular focus on women with disability, migrant women, LGBTI, children and youths, bystanders; setting up mentoring workshops for victims who experience VAW and developing and

¹⁰ <https://homeaffairs.gov.mt/en/MHAS-Departments/awas/Pages/AWAS.aspx>

¹¹ https://meae.gov.mt/en/Public_Consultations/MSDC/Documents/2015%20-%20Integration/MSD_Report%20booklet_JF_rev4.pdf

¹² <http://jrsmalta.jesuit.org.mt/wp-content/uploads/downloads/2011/02/TryToUnderstand.pdf>

¹³ <https://meae.gov.mt/en/ZeroViolence/Pages/Zero-Violence.aspx>

implementing educational programmes for children and young adults to prevent VAW.

The Migrant's Women Association Malta, a relatively young NGO was last year awarded funds to provide counselling to female migrants and asylum seekers who are victims of Gender Based Violence¹⁴. Other non-governmental organisations provide legal and psycho-social support to migrants and asylum seekers, including victims of gender based violence.

3. Policy debate

The death of 7 year old migrant child has caused much debate about whether support services are adequately accessible to migrants in Malta. Although autopsy reports indicate that the child died from a rare medical condition, much debate ensued as to the circumstances that led to her death¹⁵. The case is still being investigated and an inquiry has been commissioned so as to establish all the facts about the case. Indicators show that the child was absent from school for a long stretch of time, that there may have been neglect and whether the family received the necessary social care and medical support.

Although this case is not directly related to gender based violence, it does however get one to question what effective support migrant and asylum seekers are receiving. Working directly with migrant women who are victims of gender based violence, it has been noted that mainstream support was hard to reach. The cause of it could be for a number of reasons, including lack of status, protections, language and cultural barriers and also lack of information of services available.

4. Learning

The hurdles encountered in Greece are similar to those in Malta. As described above, Malta has taken a multi-coordinated approach to tackle Gender based violence that once put in place will have a greater impact on the lives of women and children that are victims of GBV.

Greece has however gone a step further when it comes to providing support to migrant women and children as it sought constructive and tangible ways to ensure that migrant women are provided with the required support. Shelters for victims of violence and the legal aid system have always been open to migrant women who are victims of gender based violence, including human trafficking. These services are not dependent on status or availability of interpreters. Similarly to Greece, women living in reception centers also fear that they will lose their rights if they leave the center. However, the legal provision granting migrant victims of GBV with an autonomous residence will hopefully ensure more security and protection.

When comparing the difficulties encountered between Malta and Greece, there appears to be similar difficulties, such as the lack of training and cultural understanding among professionals providing the service and lack of information provided to the migrant service users.

¹⁴ <http://migrantwomenmalta.org/get-involved/>

¹⁵ <https://www.timesofmalta.com/articles/view/20180126/local/dead-girls-family-barely-had-enough-to-eat.668898>

Malta to a certain extent is in a slightly advantageous position in the sense that the number of migrants and asylum seekers reaching our shores has declined to a more manageable figure. The country is also doing well economically so it needs not be dependent on foreign funding. In the last couple of years, greater effort has been made to ensure better services to victims of GBV and integration of migrants into our community. However, more needs to be done so as to ensure that mainstream services are more available and accessible to migrants, including the service of interpreters.

5. Conclusions and recommendations

It takes an act of courage for anyone to be forced to leave their country, families, homes, lives, irrespective of the reason. The hardship encountered on their journey is difficult and exploitative. Many are those that lose their lives on the journey or have to bury their loved ones along the way. Or once they reach the country of destination they end up falling victim of further exploitation. Compounded with this to be a victim of gender based violence, is not deserving to any human being.

Both as nation states and the European Union, we have the duty to provide effective supportive measures to all victims of gender based violence, including migrants and asylum seekers. The signing by the EU of the Istanbul Convention (June 2017) was a step in the right direction; however ratification appears to be less forthcoming. On an EU level, it is time to rethink and go beyond of our individual national needs. Perhaps it is time that a directive specifically dealing with gender based violence should be considered.