

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Malta

Contractor's name: The People for Change Foundation

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency

Provide information on emergency laws/declarations of states of emergency, including actions taken by police to enforce them and court rulings concerning the legality of such measures. Please include in particular information on developments relating to the protection of the right of association/demonstration; for example, with respect to the public gatherings that took place concerning the death of George Floyd, or other such events.

On 3rd June 2020, Legal Notice 232 of 2020 was issued, repealing seven sets of Regulations, including some enforcement measures announced in previous months. The list of repealed Regulations is as follows: Closure of Places Open to the Public Order; Enforcement of the Order relating to Closure of Places Open to the Public Regulations; Closure of Non-Essential Retail Outlets and Outlets; Providing Non-essential Services Order; Enforcement of the order relating to Closure of Non-Essential Retail Outlets and Outlets Providing Non-Essential Services Regulations; Protection of Vulnerable Persons Order; Number of Persons in Public Spaces (Increase in Number of Persons) Order; and the Closure of the Local Tribunals Order. This Legal Notice came into force on 5th June 2020.¹

On 16th June, Prime Minister Robert Abela announced that the Public Health Emergency, which gave the Superintendent of Public Health wide-ranging emergency powers under the Public Health Act, would be lifted on 30th June.² The declaration gave the Superintendent wide-ranging powers to take any measures necessary to reduce, remove or eliminate the threat of COVID-19. Any person who does not comply with any direction issued by the Superintendent shall be guilty of an offence.³ The legal notice revoking the Public Health Emergency has not yet been issued.

With regard to the protection of the right to demonstration and association, a Black Lives Matter protest was held in Valletta on 8th June, with several hundred in attendance. There was limited coverage of the protest in the context of the COVID-19 pandemic and there were no legal issues in this regard or response from the government.⁴

1.2 Measures affecting the general population

1.2.1 Social distancing

Focus on:

- *Lifting of stay at home restrictions, and measures/rules for general physical distancing when in public or at home.*

In a press conference on 1st June 2020, Prime Minister Abela, Deputy Prime Minister and Minister for Health Chris Fearn and the Superintendent of Public Health announced that further restrictions introduced to prevent the spread of Covid-19 would be lifted. However, basic rules of social distancing and good personal hygiene together with the use of masks would continue to be necessary.⁵

¹ Legal Notice 232 of 2020, [Repealing Regulations, 2020](#), 3 June 2020.

² Times of Malta, [Coronavirus public health emergency will end on June 30](#), 16 June 2020.

³ Legal Notice 115 of 2020, [Declaration of a Public Health Emergency Order](#), 4 April 2020.

⁴ See for example: Malta Independent, ['Black Lives Matter' vs 'All Lives Matter': Two groups of protesters in Valletta](#), 8 June 2020.

⁵ Corporate Dispatch, [Live Update: Covid-19 Bulletin Malta – Monday 1st June 2020](#), 1 June 2020.

On 2nd June, the Government of **Malta** published a series of “Mitigation Conditions and Guidances” which outline a number of measures to be observed by the public and various work establishments, as restrictions are gradually lifted.⁶ For example, it was announced that museums and other cultural sites would be allowed to re-open, with the guidelines stating that the number of visitors will be limited and that visitors would need to wear a face mask or a face visor and will be checked with non-contact infra-red thermometers at the door.⁷ On 5th June, Childcare facilities also re-opened with fewer children allowed and strict hygiene rules.⁸

Additionally, on 2nd June, indoor cinemas and theatres were re-opened. Such establishments must ensure that audiences are seated “in a manner so that each seated group maintains the required social distancing from other seated groups”.⁹

Outdoor cinema, the Cinema City has also received criticism due to a lack of respect of the social distancing conditions established by the government’s “Obligatory Conditions and Guidelines for Drive-in cinemas, Outdoor Cinemas, Outdoor Theatres.”¹⁰ Local cultural event, the Valletta Film Festival, was cancelled and denied public funding due to the pandemic, which had led to complaints from artists of the rules on social distancing being unclear, and the government not following their own rules.¹¹

Restrictions were also lifted regarding the use of changing rooms in shops and the use of spas. However, retail shops are obliged to quarantine unpurchased clothes for 72 hours and changing rooms must be cleaned after each customer.¹²

On 5th June 2020, a legal notice was issued, to amend the Suspension of Organised Events Order, which retained the suspension of organised contact sport.¹³ Additionally, a further legal notice was issued to amend the Order regarding the number of persons in public spaces. The order states that: “in public spaces, the gathering of masses of more than seventy-five (75) persons in an organised mass event is prohibited”.¹⁴

On 10th June, the Government announced that the measures adopted to eliminate the spread of the COVID-19 within the care homes for elderly people would start to be relaxed on 18th June, with visitors being able to visit their elderly relatives without having to stay behind a Perspex screen.¹⁵

Prison visits were resumed on 5th June.¹⁶

- *Enforcement and penalties*

On 5th June 2020, Legal Notice 231 of 2020 was issued, the Enforcement of the Order Relating to the Number of Persons in Public Spaces (Amendment No. 2) Regulations, making changes in the Number

⁶ Ministry for Health, [Mitigation Conditions and Guidances](#) .

⁷ Ministry for Health, [COVID-19 Transitioning – Obligatory Conditions and Guidelines for museums and other cultural places](#), 2 June 2020.

⁸ Malta Today, [Childcare centres see reopening as sign that COVID worst is over](#), 3 June 2020.

⁹ Ministry for Health, [Obligatory Conditions and Guidelines for Indoor Cinemas and Theatres](#), 2 June 2020.

¹⁰ Times of Malta, [Government’s open-air cinema flouts social distancing rules](#), 25 June 2020.

¹¹ Times of Malta, [Government’s open-air cinema flouts social distancing rules](#), 25 June 2020.

¹² Times of Malta, [What can I do under new lifted restrictions?](#), 2 June 2020.

¹³ Legal notice 228 of 2020, [Suspension of Organised Events \(Amendment No. 2\) Order](#), 3 June 2020.

¹⁴ Legal notice 233 of 2020, [Number of Persons in Public Spaces \(Amendment\) Order, 3 June 2020](#).

¹⁵ Malta Today, [Elderly care homes can receive visitors without Perspex barrier from 18 June](#), 10 June 2020.

¹⁶ Times of Malta, [Prison visits to be restored on Friday](#) , 2 June 2020.

of Persons in Public Spaces Regulations and outlining that the enforcement for breaching the rules still applies.¹⁷

1.2.2 Education

Focus on:

- *Steps to reopen educational institutions (schools, third level and kindergartens). Include any specific measures aimed at children from socioeconomically disadvantaged backgrounds.*

As previously reported, the Ministry for Education and Employment had provided students on Scheme 9¹⁸ with tablets, laptops, free internet access points and lunches.¹⁹ The children would have access to these facilities until the end of the academic year on 30th June.²⁰ There are no further measures to report.

- *Measures to protect students and staff as they return to educational institutions (e.g. related to physical distancing, shift patterns, health and hygiene, etc.).*

As was previously declared on 28th March, during a press conference, Minister for Education and Employment, Owen Bonnici, declared that the closure of schools and educational institutions has been extended until the end of June, meaning that they would not be re-opening for the rest of this school year.²¹ On 3rd June 2020, Legal Notice 229 of 2020 was issued, the Closure of Schools (Amendment) Order. The word “school” was replaced by: Kindergarten centres; Colleges; Sixth Forms/Higher Secondaries; the University of Malta; other tertiary educational institutions; further and higher educational institutions.²²

On 5th June 2020, the Government declared that 69 childcare centres forming part of the free childcare scheme have re-opened their doors to more than a hundred children. According to a press release on 8th June from the Ministry for Education and Employment regarding the measures adopted by the education sector in order to ease the spread of COVID-19, the number of children attending childcare centres had, within a week, more than doubled to a total of almost 1,000 children.²³

On 25th June 2020, the Government published the guidelines for the re-opening of Summer Schools.²⁴

On 15th June, the Government published the Obligatory Conditions and Guidelines for Examinations. It was not specified in the Guidelines which examinations are covered by these rules. The procedures were formulated to “ensure rigid compliance in the fields of social distancing, enhanced hygienic practices and the minimisation of COVID-19 infection risks during the examination process”.²⁵ In the

¹⁷ Legal notice 231 of 2020, [Enforcement of the Order Relating to the Number of Persons in Public Spaces \(Amendment No. 2\) Regulations](#), 3 June 2020.

¹⁸ Scheme 9 is a government scheme to help students facing socio-economic problems, such as being at risk of poverty or social exclusion and providing them aid to improve their education and quality of life.

¹⁹ See for example: Department of Information, [COVID 19 Government Bulletin: Issue 64](#), 14 May 2020.

²⁰ The Mayor, [Free tablets, laptops and internet for the vulnerable students in Malta](#), 19 May 2020.

²¹ Department of Information, [Press Release by the Ministry for Education and Employment : The Government announces seven decisions regarding schools, educational institutions and examinations](#), 28 March 2020.

²² Legal notice 229 of 2020, [Closure of Schools \(Amendment\) Order, 2020](#), 3 June 2020.

²³ Department of Information, [Press Release by the Ministry for Education and Employment: More childcare centres forming part of the free childcare scheme open their doors – the number of children attending the centres more than doubles](#), 8 June 2020.

²⁴ Ministry for Education and Employment, Guidelines for: [Summer Schools Revision Classes Lessons and instruction classes Klabb 3-16](#).

²⁵ Ministry for Health, [Obligatory Conditions and Guidelines for Examinations](#), 15 June 2020

press release form 28th March 2020 (as mentioned above), it was highlighted that the April sitting for the SEC (Secondary Education Certificate) and A Level exams would not be going ahead and that the grades would be based on the mock exam results but that students would have the choice to sit for their SEC Examinations and A-Level Examinations in the September session, with resit sessions on December. However, it was announced that University examinations will still be held in the usual dates (June/July) through new online means of examination.²⁶ The main measures implemented by the June Guidelines, are that invigilators, other members of staff and exam candidates are to wear face masks (covering mouth, nose and chin) or visor when entering and exiting the exam venue. Invigilators and other members of staff are to continue wearing the face masks and/or visors at all times. The wearing of the face mask or visor is optional for the exam candidates during the course of the examination; social distancing at a distance of at least two metres between each individual must be maintained with visible 2 metre distance markings outside and inside the premise; and during written examinations, it must be ensured that candidates desks and chairs are two metres apart.²⁷ These guidelines are being observed by the Examinations Department, including for MATSEC, Edexcel and Local Public examinations.

1.2.3 Work

Focus on:

- *Steps for specific sectors/the general population to return to work and measures to protect employees in the workplace (physical distancing, health and hygiene, shift patterns, etc.). Please include any specific measures aimed at people in precarious work.*
- *Ending of furlough/short-time work programmes for specific sectors/the general population.*

On 5th June 2020, Foreign Minister Evarist Bartolo declared that 300 Indian Nationals and 230 Colombian Nationals would be repatriated because they no longer had employment due to the COVID-19 outbreak. In total, as of 5th June, 1,998 persons had left the country for this reason.²⁸ On 11th June 2020, Finance Minister Edward Scicluna declared that the Government will not implement incentives or policies in order to bring back foreign workers repatriated during the pandemic. According to the Minister if “workers wish to come back or not is all up to the private sector and whether they will need more labour force”.²⁹

On 8th June, in order to stimulate consumer spending and increase economic growth in **Malta**, several economic initiatives were announced by the Government. A recovery plan worth €900 million was presented by the Government, built on three main pillars aimed at reducing costs for businesses and providing more liquidity, boosting domestic demand and providing direct support to industry while incentivising work. In terms of the latter, by means of the economic recovery plan, the wage supplement scheme was revised and extended up to September 2020. Low incomes families and those who currently receive the in-work benefit, will receive a €250 grant and the rates applicable for each child will be increased.³⁰ Additionally, a tax refund of between €40 and €68 was granted to all persons

²⁶ Department of Information, [Press Release by the Ministry for Education and Employment : The Government announces seven decisions regarding schools, educational institutions and examinations](#), 28 March 2020.

²⁷ Ministry for Health, [Obligatory Conditions and Guidelines for Examinations](#), 15 June 2020

²⁸ Malta Independent, [530 to be repatriated as they no longer have employment](#), 5 June 2020

²⁹ Malta Independent, [No government policy to bring back foreign workers - Finance Minister](#), 11 June 2020.

³⁰ Malta Today, [Restaurant vouchers, fuel and property tax cuts, wedding expenses refund part of €900 million recovery plan](#), 8 June 2020.

in employment, which measure costs €11.5 million. Other measures provided overall direct support to industry and include a subsidy on rent, a capped refund on utility bills, and several measures to assist businesses in carrying out investment and business development and promotion. Meanwhile, some measures targeted specific industries, such as by means of temporary reduced stamp duty rates and capital gains tax due on the transfer of property, as well as a €4 million allocation to shift towards modern, more efficient and environment-friendly machinery.³¹ €34 million will be distributed in 100-euro vouchers to every resident of Malta aged 16 and over for spending in leisure activities (restaurants, bars, hotels and retail shops).³² Finance Minister Edward Scicluna presented the €100 vouchers as an “intravenous injection” for the economy as government’s recovery plan.³³

On 1st June, during a meeting of the Malta Council for Economic and Social Development, Minister within the Office of the Prime Minister, Carmelo Abela, presented outcomes of recent meetings organised by the Ministry within the Office of the Prime Minister focusing on the perspectives of the future of work and social dialogue. The aim of this meeting was to address the emerging needs of the labour market and new employment patterns that have emerged during the COVID-19 pandemic. Two main issues discussed during the meetings were the necessity to implement flexible work and strengthen mutual trust in employer-employee relations. New forms of employment were considered such as: “temporary employment; part-time and on-call work; remote working; temporary agency work and other multi-party employment relationships”. The meeting also focused on finding answers for: “appropriate compensation; adequate IT security to mitigate risk of breaches; onus of liability for injuries during the performance of duties; extension of health and safety risk assessments; and discussion on costs incurred.”³⁴

On 9th June 2020, in a press release issued by the Ministry for Education and Employment, Minister Owen Bonnici stated that “synchronisation between national employment and social policies requires a holistic approach, with the ultimate aim being to learn from the opportunities which have surfaced and see how these can be adapted”. Moreover, he also addressed the importance of taking into consideration the positive impact of remote working: “Malta deems that such work-life balance measures should be strengthened and sustained in the new world of world of work we are living in”.³⁵

The “Mitigation Conditions and Guidances” adopted by the Government in **Malta**, include specific guidelines for offices and workspaces. The guidelines mostly encourage employees to keep physical distancing of at least 2 metres, wash their hands and to stay home and notify the employer if they present COVID-19 symptoms. Employers must ensure that the workplace is regularly disinfected and have posters around the workplace to remind workers of COVID-19 risks.³⁶

In private health clinics, employers and workers must prepare for the possibility that new COVID-19 cases may surge in the workplace and be ready to respond “immediately, appropriately, effectively

³¹ Times Malta, [2020 Budget measures still on track – Finance minister](#) 16 June 2020.

³² Malta Today, [€100 vouchers are ‘intravenous injection’ for the economy, Scicluna says](#), 10 June 2020.

³³ Malta Today, [Restaurant vouchers, fuel and property tax cuts, wedding expenses refund part of €900 million recovery plan](#), 8 June 2020.

³⁴ Department of Information, [Press Release by the Ministry within the Office of the Prime Minister](#), 1 June 2020.

³⁵ Department of Information, [Press Release by the Ministry for Education and Employment: Investment in the upskilling and reskilling of the labour force crucial for a stronger economy](#), 9 June 2020

³⁶ Ministry for Health, [Guidance for Offices and Workspaces](#), June 2020.

and efficiently”.³⁷ The mandatory conditions are that the maximum capacity of patients inside the clinic at any time is one person per 4 square metres, including staff; Acrylic or tempered glass barriers must be fitted in reception areas 2 metres from the floor. Employees and patients must wear a mask or a visor at all times; all equipment and surfaces used should be disinfected after every patient; Patients must arrive just before their appointment and leave immediately thereafter avoiding the use of waiting areas. Patients should be advised to wait in the car outside; Hand sanitizers must be made available at the reception area for use by both employees, service providers and patients.³⁸

From 5th June, the Government authorised the non-essential establishments to re-open under some protective measures. Bars and night clubs can re-open with mitigation measures, such as “orders of food and drinks at the bar are not allowed. Orders must be table service only”, “maximum of 6 persons per table”, “all staff must wear mask at all times”, “distance between tables must be kept at a minimum of 2 metres”.³⁹ Massage services⁴⁰ and tattoo artist⁴¹ studios, nail artists technicians⁴², hair salons and barbers⁴³ and Spas and Saunas⁴⁴ have also re-opened, subject to new restrictions intended to promote hygiene and social distancing, outlined in the various guidelines documents.

1.2.4 Access to justice

Focus on:

- *Steps to lift restrictions previously imposed on court proceedings and any strategies to deal with case backlog or increased litigation due to COVID-19 measures (e.g. criteria to prioritise certain types of cases/disputes).*
- *Continued use of remote hearings and videoconferences within court proceedings despite the lifting of restrictions (e.g. for which proceedings).*

The Government of **Malta** has repealed the majority of COVID-19 closure measures related to the justice system over the course of June through three legal notices. The first legal notice issued was Legal Notice 230 of 2020, Closure of the Courts of Justice (Repeal) Order 2020 which was issued on 3rd June. Article 2 repeals the previous closure order of the Courts of Justice in Malta effective from 5th June 2020. This legal notice additionally under Article 3 set the previous suspension of filing time limits for filing an act before the court “following the conclusion of any proceedings” to expire within 20 days of the coming into force of this order. Article 4 provides for the same expiration of time limit

³⁷ Ministry of Health, [COVID-19 Transitioning – Obligatory Conditions and Guidelines for clinics providing private health services](#), June 2020.

³⁸ Ministry of Health, [COVID-19 Transitioning – Obligatory Conditions and Guidelines for clinics providing private health services](#), June 2020.

³⁹ Ministry of Health, [Covid-19 Transitioning – Obligatory Conditions and Guidelines for Bars, Clubs, and Similar Establishments](#), 5 June 2020.

⁴⁰ Ministry of Health, [COVID-19 Transitioning – Obligatory Conditions and Guidelines for Massage Services](#), 4 June 2020.

⁴¹ Ministry for Health, [COVID-19 Transitioning – Obligatory Conditions and Guidelines for Tattoo Artists/Studios](#), 27 June 2020.

⁴² Ministry for Health, [COVID-19 Transitioning – Obligatory Conditions and Guidelines for Nail Technicians and Nail Artists](#), 4 June 2020.

⁴³ Ministry for Health, [COVID-19 Transitioning – Obligatory Conditions and Guidelines for Barbers and Hairdressers](#), 4 June 2020.

⁴⁴ Ministry for Health, [COVID-19 Transitioning – Obligatory Conditions and Guidelines for Spas and Saunas, 12 June 2020](#).

suspensions for the general act of filing an act before the Court within 7 days of this order coming into force.⁴⁵

The second legal notice issued during the reference period was Legal Notice 242 of 2020, Suspension of Legal Times (Revenue Acts) (Repeal) Order, which repeals the previous order which suspended legal times within Malta. Article 2 stipulates that this would come into force on 15th June.⁴⁶

The third legal notice of June was issued on 26th June - Legal Notice 277 of 2020, Local Tribunals (Suspension of Delivery of Summons) (Repeal) Order, 2020. This legal notice repeals the previous order modifying the protocol for delivery of court summons in order to cope with risks posed by COVID-19.⁴⁷

There have been no reports during the reference period as to whether continued use of remote hearings and videoconferences within court proceedings has taken place, despite the lifting of restrictions. In May, it was reported that as restrictions started to be lifted, strict sanitary measures were put in place such as hand sanitizer pumps at entry points, clingfilm separators between people and everybody being required to wear a mask. However, lawyers had stated that social distancing in court settings is not always possible and that there are difficulties conducting proceedings remotely due to the “public element” of justice.⁴⁸ There have also been no reports as to whether there are any strategies to deal with case backlog or increased litigation.

1.2.5 Freedom of movement

Focus on:

- *Steps to reopen borders/lift restrictions on freedom of movement to and within the EU, including rules or restrictions applying to certain categories of people (e.g. citizens; ‘essential workers’). Please mention what requirements are in place for various categories of people to enter country (e.g. negative COVID-19 test result and/or obligation to self-isolate etc).*
- *Changes to asylum application procedures (e.g. lifting of temporary suspensions or restrictions on procedures) or available statistics on numbers of asylum applications (e.g. being much lower than for same period in previous years due to travel restrictions).*

Malta has introduced new regulations regarding travel to the island and has resumed the disembarkation of asylum seekers. In relation to travel to Malta, Malta has moved to regularise travel through the opening of the airport on 1st July. This airport opening has allowed for arrivals from a selected group of countries. Legal Notice 244 of 2020, Travel Ban (Extension to all Countries) (Amendment) Order, 2020 was issued on 15th June. Article 2 of this legal notice affected the previous order by allowing for travel between Malta and 21 countries within the European Economic Area.⁴⁹ Travellers from these countries additionally will not be required to observe a 14-day quarantine. This regulation change was implemented by Legal Notice 252 of 2020, Period of Quarantine (Amendment No. 2) Order, issued on 23rd June. Travellers from other countries not listed will be required to observe the 14-day quarantine.⁵⁰ These two legal notices will come into force on 1st July.

⁴⁵ Legal Notice 230 of 2020, [Closure of the Courts of Justice \(Repeal\) Order](#), 2020, 3 June 2020.

⁴⁶ Legal Notice 242 of 2020, [Suspension of Legal Times \(Revenue Acts\) \(Repeal\) Order](#), 2020, 15 June 2020.

⁴⁷ Legal Notice 277 of 2020, [Local Tribunals \(Suspension of Delivery of Summons\) \(Repeal\) Order](#), 2020, 26 June 2020.

⁴⁸ Malta Today, [Sanitizer and clingfilm is the new normal in Malta’s law courts](#), 13 May 2020.

⁴⁹ Legal Notice 244 of 2020, Travel Ban (Extension to all Countries) (Amendment) Order, 2020, 15 June 2020.

⁵⁰ Legal Notice 252 of 2020, Period of Quarantine (Amendment No. 2) Order, 2020, 23 June 2020.

On 6th June, Malta ended its policy of detaining migrants on day cruise boats and denying entry to the territory. The Prime Minister made the decision to allow the migrants on board to disembark, after migrants onboard one boat reportedly took knives and threatened the crew that they would start a fire or ignite a gas cylinder.⁵¹ This prompted the Government to immediately bring in all four of the boats. There were nearly 425 migrants aboard the boats and some had been at sea for as long as 40 days aboard these boats chartered by the Government of Malta.⁵² This policy has drawn criticism, including from the Commissioner of Human Rights of the Council of Europe, Dunja Mijatović, who urged the government to fully meet its human rights obligations towards migrants who cross the Mediterranean to reach Europe, stating: “The situation of more than 400 persons kept on private ships just outside Malta’s territorial waters is unsustainable and requires immediate action.”⁵³

1.3 Impact of measures on particular groups

Select the three most relevant groups from the following:

- persons with disabilities,
- homeless people,
- older people,
- women,
- Roma and Travellers (Note – for those countries requested to collect additional data on the impact of COVID-19 on Roma – Service request No 33 (Belgium, Bulgaria, Czechia, Ireland, Greece, Spain, France, Croatia, Italy, Hungary, Netherlands, Portugal, Romania, Slovakia and Sweden), information submitted on Roma for Bulletin 4 should not be exactly duplicated in this additional data collection; however, a summary of main points concerning the Roma can be included in your submission for this Bulletin – to ensure that, where appropriate, any major developments in your Member State concerning this group are reported in Bulletin 4. The same approach applies regarding information supplied on asylum seekers/refugees).
- Detainees (including measures on early release or alternatives to detention)
- or another group not listed that have immigrated in your country as facing particular challenges - before selection, this should be discussed with FRA.

Malta did not introduce many measures aimed at specific groups during the month of June, but there have been a limited few that have resulted in changes for persons with disabilities, elderly individuals 65 and over, and women, with only a relaxation in measures being introduced.

The most wide-ranging measure implemented was on 3rd June, with the issuing of Legal Notice 232 of 2020, Repealing Regulations, 2020 which repealed multiple previous legal notices including the Vulnerable Persons Order, which had stipulated stay-at-home measures for multiple classes of vulnerable persons during the outbreak of COVID-19. Vulnerable persons included, pregnant women, those with disabilities that increase their risk of infection, and elderly over the age of 65.⁵⁴

Elderly and disabled persons were further affected by the announcement that “from 1 July the rest of the community services by the Active Ageing and Community Care Directorate will begin to be

⁵¹ Times of Malta, [Stranded migrants grabbed knives, threatened to blow up gas cylinder – Abela](#), 7 June 2020.

⁵² Times of Malta, [Migrants allowed to disembark from tourist boats amid takeover fears](#), 6 June 2020.

⁵³ Council of Europe, [Immediate action needed to disembark migrants held on ships off Malta’s coast](#), 4 June 2020.

⁵⁴ Legal Notice 232 of 2020, [Repealing Regulations, 2020](#), 3 June 2020.

offered” expanding the in-person treatment options available to elderly and disabled.⁵⁵ Elderly persons were also affected by a relaxation in measures for residential homes on 18th June, when visits from family and friends were reintroduced. Furthermore, it was announced that elderly residents at these facilities will be allowed to leave the premises on 1st July.⁵⁶

Finally, concerns were raised during the reference period on how the travel restrictions linked to COVID-19 exacerbated concerns linked to the criminalisation of abortions in Malta.⁵⁷ Each year 300-400 women in Malta travel outside the country to have this operation performed which is illegal in Malta.⁵⁸ It has been reported in the media that a number of women unable to travel due to the travel restrictions contacted NGOs abroad to request abortion pills and support such as Abortion Support Network in the UK and Women On Web, an online community based in the Netherlands, and some reportedly ordered illegal abortion pills online⁵⁹ International media reported that these women included victims of rape.⁶⁰ A doctor from NGO, Doctors for Choice Malta is quoted as stating that during the pandemic, “The women I’ve spoken to have felt trapped. I was able to help one woman with a severe foetal abnormality reach the UK but many have not been able to and have had to continue with their unwanted pregnancy,” illustrating the issue facing Maltese women who wish to pursue abortion.⁶¹

2 Selected issues emerging during the COVID-19 crisis

2.1 Xenophobic speech, acts of harassment and violent attacks

- *In reference to Bulletin #1 where these issues were addressed, please report incidents of xenophobic speech, acts of harassment and violent attacks against specific minority groups on the grounds of race or ethnic origin during the reporting period and on any key developments since you last reported on this issue.*

Since the reporting on xenophobic speech, acts of harassment and violent attacks in the first bulletin, there have been a number of reports in the media of incidents in correlation with the increase in the number of cases.

On 2nd April, the media reported on several instances of xenophobia and discrimination, particularly against persons of Asian descent, with one student stating: ““Wearing a mask and being Asian has become synonymous with the coronavirus.”⁶² The same article also shared the experience of an Italian man who was insulted on the bus by a Maltese man, who said that the Italian had brought the virus

⁵⁵ Malta Independent, [From 1 July, all Active Ageing and Community Care Directorate community services will be offered](#), 24 June 2020.

⁵⁶ Times of Malta, [Visits to elderly in homes to resume on June 18, with one exception](#), 10 June 2020.

⁵⁷ Abortion is criminalised under Subtitle VII of the [Criminal Code](#) (Chapter 9, Laws of Malta – 1854).

⁵⁸ Times of Malta, [Spike in Maltese women seeking abortion help amid flight ban - UK charity](#), 1 April 2020.

⁵⁹ Lovin Malta, [Rape Victims Among Maltese Women Who Requested Abortion Pill From Overseas Charities During COVID-19](#), 19 June 2020.

⁶⁰ The Guardian, [Charities report rise in Maltese requests for abortion pills during lockdown](#), 19 June 2020.

⁶¹ Lovin Malta, [Rape Victims Among Maltese Women Who Requested Abortion Pill From Overseas Charities During COVID-19](#), 19 June 2020.

⁶² Malta Today, [Victims of ‘coronavirus racism’ uneasy with Maltese behaviour](#), 2 April 202

to Malta.⁶³ In another media article on 2nd April, a Thai student recounted experiences of racism and xenophobia even prior to the pandemic but stated that following the outbreak in Malta, the situation has worsened, that people avoid her based on her appearance.⁶⁴

On 19th April, the media reported on crimes relating to the COVID-19 virus, whereby the Police reported that social media posts concerning instances of threats and incitement of racial hatred, primarily targeting foreigners and immigrants in the context of the closure of borders to asylum seekers have increased during this period. The Police reported that three cases of hate crime were also reported in the preceding month, but gave no further details.⁶⁵

In May, a further incident was reported involving a Japanese man who stated that a taxi driver had referred to him as “coronavirus” as well as a number of other racist insults and also physically insulted him. The case is still being investigated by the Police.⁶⁶

On 25th June, the Times of Malta podcast, #TimesTalk, featured a discussion on Coronavirus and xenophobia, with many foreigners saying they have already left or plan to, due to the increase in discrimination and xenophobia against foreigners. Many interviewees felt that this attitude does not just come from the Maltese public, but also from the government, referencing comments made by ministers, for example when back in March Economy Minister Silvio Schembri stated that when foreigners lose their jobs they would have to return to their countries. One interviewee for the podcast stated: ““I cried for hours after the economy minister made his statements. He should have been forced to resign. We have tirelessly tried to integrate because we thought the Maltese people shared our values of respect, humanity and sense of justice. Foreigners are not the enemy.”⁶⁷

2.2 Infringement of privacy and/or data protection rights

- *In reference to Bulletin # 1 and Bulletin #2 where these issues were addressed, please describe instances of infringement of privacy and/or data protection rights related to the pandemic during the reporting period and on any key developments since you last reported on this issue.*

There have been very few developments concerning infringements of privacy and data protection rights in the reporting period and since the reporting in previous bulletins. On 20th May 2020, the media reported that Malta had joined an Interpol campaign, #WashYourCyberHands, to create awareness about cyber-safety during the COVID-19 pandemic. The campaign aims to ensure individuals and businesses are equipped with the knowledge of how to protect their systems and data. Clayton Bartolo, Parliamentary Secretary for Financial Services and Digital Economy, stated that the Maltese government wants to keep everyone safe, not only from a health perspective, but also for a digital point of view as more spend much of our personal and professional lives online. The article cites Tony Sultana, Executive Chairmain of the Malta Information Technology Agency (MITA) who

⁶³ Malta Today, [Victims of ‘coronavirus racism’ uneasy with Maltese behaviour](#), 2 April 2020.

⁶⁴ Times of Malta, [COVID-19: ‘I hope that this hatred will be healed one day’](#), 2 April 2020.

⁶⁵ Malta Independent, [Coronavirus-related crimes feature racial hatred and spread of false news - police](#), 19 April 2020.

⁶⁶ Lovin Malta, [‘He Called Me Coronavirus And Smacked Me’: Japanese Man Says He No Longer Feels Safe In Malta After Alleged Cab Assault](#), 8 May 2020.

⁶⁷ Times of Malta, [‘Go back to your country’: How coronavirus xenophobia is driving foreigners away](#), 25 June 2020.

stated: “we are addressing cyber security issues for people working from home, along with prevention tips for companies.” The campaign is also supported by the Cyber Crime Unit of the Malta Police Force.⁶⁸

2.3 Spread of disinformation online

- *In reference to Bulletin #1 where these issues were addressed, please describe measures taken to counter the spread of disinformation online, during the reporting period and on any key developments since you last reported on this issue.*

There have been no specific measures to counter the spread of disinformation since the last bulletin covering this issue or in the reporting period.

However, in the article mentioned above regarding COVID-19 related crimes, the Police also reported crimes relating to the spread of false news with the media referring to “criminals capitalising on fear and panic and the urge to blame others,” especially on social media.⁶⁹ Unfortunately, there is no further information as to the type of crimes committed in this regard.

The spread of false news on social media is also highlighted in an editorial in the Malta Independent on 22nd April. The article states that the daily live Facebook feed of the press conferences giving updates about the virus in Malta regularly attracted a lot of comments pertaining to false news and disinformation, and affirmed that: “There are many people who unfortunately think that “if it’s on Facebook, then it must be true”.⁷⁰

⁶⁸ Malta Today, [Malta joins Interpol campaign against COVID-19’s cyber criminals](#), 20 May 2020.

⁶⁹ Malta Independent, [Coronavirus-related crimes feature racial hatred and spread of false news - police](#), 19 April 2020.

⁷⁰ Malta Independent, [TMID Editorial: Social media – Of stupidity and fake news](#), 22 April 2020.