

# **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.*

In **Malta**, the Declaration of a Public Health Emergency Order (Legal Notice 115 of 2020) is still in force. The declaration gives 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.<sup>1</sup> With regard to enforcement of particular measures, enforcement provisions are included in the relevant Legal Notices.

Since the 1<sup>st</sup> May 2020, in exercise of the powers conferred to the Superintendent of Public Health, the Closure of the Courts of Justice Order (the principal order) was amended and states that “any time limits which were suspended prior to the coming into force of the Closure of the Courts of Justice (Amendment No. 2) Order, 2020 shall remain suspended”;<sup>2</sup> the number of persons allowed to congregate in public spaces is increased to six persons, with the same fine of 100 euro for any person who breaches the Order;<sup>3</sup> the Suspension of Organised Events Order was also amended to relax the prohibition measures with regard to the sport activities, but the enforcement measures remain the same, providing for a penalty of 3,000 euro for any person that breaches the Order;<sup>4</sup> and finally, the Closure of Non-essential Retail Outlets and Outlets Providing Non-Essential services<sup>5</sup> has also been relaxed, again with several conditions. Spas and tattooists have also been allowed to open<sup>6,7</sup>. Moreover, the principal order with regard to the closure of places open to the public has also been amended and now provides that restaurants, cafeterias, snack bars and clubs could open, provided that several conditions are met;<sup>8</sup> and the Mandatory Non-Essential Travel between Malta and Gozo Order was revoked, with effect from the 4<sup>th</sup> May 2020.<sup>9</sup>

A Legal Notice (212 of 2020) entitled “Special Powers of Senate in extraordinary circumstances Regulations, 2020” was adopted on the 22<sup>nd</sup> May 2020. The regulations provide that when normal

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<sup>1</sup> Legal Notice 115 of 2020, [Declaration of a Public Health Emergency Order](#), 4 April 2020.

<sup>2</sup> Legal Notice 177 of 2020, [Closure of the Courts of Justice \(Amendment No. 2\) Order, 2020](#), 2 May 2020.

<sup>3</sup> Legal Notice 208 of 2020, [Number of Persons in Public Spaces \(Increase in Number of Persons\) \(Amendment\) Order, 2020](#), 21 May 2020; Legal Notice 113 of 2020, [Enforcement of the Order relating to the Number of Persons in Public Spaces Regulations](#), 30 March 2020.

<sup>4</sup> Legal Notice 205 of 2020, [Suspension of Organised Events \(Amendment\) Order, 2020](#), 21 May 2020; Legal Notice 100 of 2020, [Enforcement of the Order relating to Suspension of Organised Events Regulations](#), 23 March 2020.

<sup>5</sup> Legal Notice 202 of 202, [Closure of Non-Essential Retail Outlets and Outlets Providing Non-Essential Services \(Amendment No. 2\) Order, 2020](#), 21 May 2020; Legal Notice 96 of 2020, [Enforcement of the Order relating to Closure of Non-Essential Retail Outlets and Outlets Providing Non-Essential Services Regulations](#), 23 March 2020.

<sup>6</sup> [Obligatory Conditions and Guidelines for Tattoo Artists Studios](#) (02 June 2020)

<sup>7</sup> [Obligatory Conditions and Guidelines for Spas and Saunas](#) (12 June 2020)

<sup>8</sup> Legal Notice 204 of 2020, [Closure of Places Open to the Public \(Amendment No. 3\) Order, 2020](#), 21 May 2020.

<sup>9</sup> Legal Notice 175 of 2020, [Mandatory Non-essential Travel between Malta and Gozo \(Revocation\) Order, 2020](#), 2 May 2020.

University activities have to stop or be drastically restricted due to situations beyond the control of the University, the Senate may take any measure it deems appropriate for the teaching and assessment activities to be cancelled or postponed or done differently as provided for or required in any regulations; “from time to time, Senate shall decide whether the extraordinary circumstances are still in force for the purposes of these regulations”.<sup>10</sup>

## 1.2 Measures affecting the general population

### 1.2.1 Social distancing

Focus on:

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

On 1<sup>st</sup> May 2020 in **Malta**, the Government announced the lifting of a number of measures, including the return of some other health services and the re-opening of some shops. According to the government’s COVID-19 bulletin, as from the following Monday (4<sup>th</sup> May), travel between Malta and Gozo would also be permitted. On the ferry, masks must still be used, and only a controlled number of passengers would be allowed on board. The bulletin also urges continued discipline. Vulnerable persons (those of 65 years and over and those with chronic diseases) were told that must remain at home except for essential needs.<sup>11</sup>

According to the Government’s bulletin on 14<sup>th</sup> May 2020, any physical contact with relatives or friends may cause the virus to spread further, and so it calls for continued discipline and for social distancing to be maintained: “A hug, a kiss on the cheeks, or a handshake were normal practices not long ago, but no more”.<sup>12</sup>

On 17<sup>th</sup> May 2020, authorities announced that they were satisfied that the number of new cases has remained stable due to previous restrictive measures. It was announced that that the next steps can be taken, and measures could slowly start to be lifted.<sup>13</sup>

On 18<sup>th</sup> May 2020, the Government announced that the removal of restrictive measures will be introduced “without delaying and without being too hasty”. As from Friday 22<sup>nd</sup> May, the following changes were implemented:

- The Number of persons who can gather together in public spaces was increased from 4 to 6. Rules governing social and against crowding must continue;
- Open-air cinemas are allowed to reopen;
- Individual non-contact sports are now permitted;
- Outdoor training for other sports is permitted so long as the group is up to a maximum of 6 persons;
- Funeral Masses are now permitted, with a limited number of people

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<sup>10</sup> Legal Notice 212 of 2020, [Special Powers of Senate in extraordinary circumstances Regulations, 2020](#), 22 May 2020.

<sup>11</sup> Department of Information, [COVID 19 Government Bulletin: Issue 51](#), 1 May 2020.

<sup>12</sup> Department of Information, [COVID 19 Government Bulletin: Issue 64](#), 14 May 2020.

<sup>13</sup> Department of Information, [COVID 19 Government Bulletin: Issue 67](#), 17 May 2020.

- Restaurants will reopen, with tables up to a maximum of 6 people and with established distance in order to protect one group on a table from another;
- Hairdressers, barbers, nail technicians and beauticians will reopen, and must operate on an appointment basis and implement restrictions.

In the bulletin, the Government stated that a distance of two metres between one person and the next remains important, both in shops and on beaches, and that hand hygiene directives must be respected.<sup>14</sup>

On 22<sup>nd</sup> May 2020, the Government announced that as of the following Monday (25<sup>th</sup> May) relatives would be able to start visiting their loved ones again at St Vincent de Paule (a state-run elderly people's home), in compliance with some directives: the visits will take place from established places and from behind a perspex screen, people cannot last longer than 15 minutes, must wear a mask, will have their temperature taken, and undergo individual screening. According to the bulletin, "this arrangement will be extended to other elderly people's homes, both government and private ones".<sup>15</sup>

- *Enforcement and penalties*

On 4<sup>th</sup> May in **Malta**, in exercise of the powers conferred to the Superintendent of Public Health, the prohibition of groups of more than 3 people in public places was increased to groups of 4 persons. In this case, the fine of €100 per person remains applicable. According to the Government of Malta, on that day, 65 more persons were fined 100 euro each during the continuous patrols that the Police and Environmental Health officers are doing.<sup>16</sup> On 21<sup>st</sup> May 2020, a Legal Notice was issued which amended the Order relating to the number of persons in public spaces, and the words "to four persons" has been substituted by the words "to six persons".<sup>17</sup> However, the enforcement measures are still the same - Legal Notice 113 of 2020 provides a fine of €100 for any person who breaches the Order.<sup>18</sup>

On the same date, the Suspension of Organised Events Order, was also amended. New provisions are added providing that sport activities organised in accordance with the list issued by the Superintendent of Public Health for individual and group training of not more than 6 persons in open spaces are exempt from this order and that they are subject to mitigation measures issued by the Superintendent of Public health. She may, at her discretion, grant an exemption which is subject to measures which she may impose, if she is satisfied that the organised event is such as to enable the public to maintain social distance and other preventive measures".<sup>19</sup> The enforcement measures are still in force: Legal Notice 100 of 2020, the Enforcement of the order relating to Suspension of

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<sup>14</sup> Department of Information, [COVID 19 Government Bulletin: Issue 68](#), 18 May 2020.

<sup>15</sup> Department of Information, [COVID 19 Government Bulletin: Issue 70](#), 22 May 2020;

For more information with regard to the measures taken in the elderly people's home, see: [Press release by the Ministry for the Family, Children's Rights and Social Solidarity](#), 22 May 2020.

<sup>16</sup> Department of Information, [COVID 19 Government Bulletin: Issue 54](#), 4 May 2020.

<sup>17</sup> Legal Notice 208 of 2020, [Number of Persons in Public Spaces \(Increase in Number of Persons\) \(Amendment\) Order, 2020](#), 21 May 2020.

<sup>18</sup> Legal Notice 113 of 2020, [Enforcement of the Order relating to the Number of Persons in Public Spaces Regulations](#), 30 March 2020.

<sup>19</sup> Legal Notice 205 of 2020, [Suspension of Organised Events \(Amendment\) Order, 2020](#), 21 May 2020.

Organised Events Regulations provides for a penalty of €3,000 for any person that breaches the Order.<sup>20</sup>

Finally, Legal Notice 98 of 2020 is also still in force, the Enforcement of the Order relating to Self-Isolation of Diagnosed Persons Regulations, of 23<sup>rd</sup> March provide that any person who fails to abide by the provisions of the Self-Isolation of Diagnosed Persons Order shall be guilty of an offence and shall, on conviction, be liable to the payment of a penalty of €10, 000.<sup>21</sup>

On Sunday 31<sup>st</sup> May, Prime Minister Abela announced on that he would seek to introduce an amnesty mechanism for those caught breaching strict Covid-19 social distancing rules.<sup>22</sup> Following this announcement, the two unions for police officers reacted to the statement, with the Malta Police Association (MPA) saying that the declaration was a "huge insult" to the work conducted by members of the Police Force over the past months, who put their health at risk, as well as that of their families, in order for the legal notices issued by the Superintendent of Public Health to be observed. The Police Officers Union (POU) requested clarifications and more details on this amnesty - "We believe that the measures being issued by the government on Covid-19 are instrumental for the success of the country in the fight against Covid-19, and that is why we believe in their legitimate enforcement."<sup>23</sup> "In the same vein, on 31st May, the Malta Association of Public Health Medicine published an Open Letter to the Prime Minister, stating that: "The long term, negative impacts of such an amnesty are incalculable. You are compromising the health of the public and undermining the effectiveness of all fiscal deterrents that may need to be put in place in the future for the common good. Waiving it all away would be populist, short-sighted, and irresponsible." <sup>24</sup> .

## 1.2.2 Education

*Focus on:*

- *Steps to reopen educational institutions (schools, third level educational facilities and kindergartens/day care). Please include any specific measures aimed at children from socioeconomically disadvantaged backgrounds*

On 14<sup>th</sup> May 2020, the Government announced that the coordination work had begun on the preparatory framework for the eventual reopening of education institutions. The framework will ensure "health and security, knowledge, training development, the necessity of quality teaching, the need for teaching to reach everyone, and the necessary financing". According to the government's COVID-19 bulletin, the framework is being discussed with the concerned partners.<sup>25</sup> To date, schools remain closed.

According to the government's bulletin on 16<sup>th</sup> May 2020, since the closure of the schools, 123 tablets and laptops have been distributed for free and free internet access given to 132 vulnerable students

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<sup>20</sup> Legal Notice 100 of 2020, [Enforcement of the Order relating to Suspension of Organised Events Regulations](#), 23 March 2020.

<sup>21</sup> Legal Notice 98 of 2020, [Enforcement of the Order relating to Self-Isolation of Diagnosed Persons Regulations](#), 23 March 2020.

<sup>22</sup> Times of Malta, [PM wants amnesty for those fined for breaching social distancing rules](#), 31 May 2020.

<sup>23</sup> Malta Independent, [PM's amnesty statement: One police union concerned, another calls it 'an insult to officers'](#), 31 May 2020.

<sup>24</sup> Malta Association for Public Health Medicine, [Open Letter to Prime Minister Abela](#), 31 May 2020.

<sup>25</sup> Department of Information, [COVID 19 Government Bulletin: Issue 64](#), 14 May 2020.

who are on Scheme 9.<sup>26</sup> It states that now families who are not on Scheme 9 are also being provided with assistance. A number of private companies have offered to the Ministry for Education another 60 tablets, laptops, and computers, as well as 19,130 euro in financial donations, “so that no child is left behind their studies”.<sup>27</sup>

On 22<sup>nd</sup> May 2020, the Faculty for Education within the University of Malta launched its COVID-19 outreach programme, “intended to support a very wide spectrum of learners, educators and parents”. It includes a website ([lovetoteach.info](http://lovetoteach.info)), which is updated frequently, and built around four distinct sections: one for junior and senior students, another for parents, the third for educators and educational leaders, and the fourth for higher-education students, adults and their educators.<sup>28</sup>

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

So far, schools remain closed. However, a plan to reopen summer schools (Skolasajf) is currently being discussed. According to the media, on 26<sup>th</sup> May, the Union of Professional Educators expressed concerns, saying various protocols have not been discussed. The Union complained about a lack of consultation and calls for safeguards to ensure hygiene and social distancing, while the Superintendent of Public Health stated “that mitigation measures for the reopening of Skolasajf and childcare centres are still being discussed”.<sup>29</sup> On 27<sup>th</sup> May, it was reported that, the Malta Union of Teachers (MUT) is due to meet Education Minister Owen Bonnici in the coming days.<sup>30</sup> According a press release from the MUT, during the meeting due to take place on 5<sup>th</sup> June, the Union shall be voicing its concerns regarding the proposed opening of Skolasajf, particularly the safeguards being taken to ensure hygiene and social distancing, and thus the well-being of educators and students. Although schools have an obligation for risk assessment to be in place, the MUT is requesting that, given the present COVID-19 situation, a fresh risk assessment is carried out for all schools which shall serve as Skolasajf centres.<sup>31</sup>

### 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.)*
- *People in precarious work*

On 1<sup>st</sup> May in **Malta**, the Government announced that a number of commercial establishments would start opening again. From 4<sup>th</sup> May, most shops, except beauty salons and hairdressers, were allowed to re-open. However, the Government stated that the wage supplement would remain in place for all these reopened shops.<sup>32</sup> The Government announced that the shops will be able to open, but not in the same manner they used to before: “With the aim of protecting the health of clients and workers, everyone who enters shops will be required to wear a mask. Every shop will only permit one client per

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<sup>26</sup> 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.

<sup>27</sup> Department of Information, [COVID 19 Government Bulletin: Issue 66](#), 16 May 2020.

<sup>28</sup> Department of Information, [COVID 19 Government Bulletin: Issue 70](#), 22 May 2020.

<sup>29</sup> Times of Malta, [No consultation on summer schools reopening – union](#), 26 May 2020.

<sup>30</sup> Times of Malta, [MUT to discuss Skolasajf risks with education minister](#), 27 May 2020.

<sup>31</sup> Malta Union of Teachers, [MUT to meet Education Minister regarding Skolasajf – requests risk assessments for each centre](#), 27 May 2020.

<sup>32</sup> Department of Information, [COVID 19 Government Bulletin: Issue 51](#), 1 May 2020.

10sqm of store space. 2 metre distance between one person and other is to be invariably kept. At every entrance, there will be hand sanitizers and in shopping malls, no more people than the total of that number of people that the individual shops are permitted to take in may enter, and every person entering must have their temperature checked.”<sup>33</sup>

According to the Government’s bulletin on the 2<sup>nd</sup> May 2020, an additional budget for 2020 is to be launched, which is the strongest financial packages in the EU, with a 2 billion investment to help families, businesses, and the self-employed, to counter the effects of Covid-19. The government stated: “With these aid packages, more than 80,000 jobs have been saved.”<sup>34</sup>

On 18<sup>th</sup> May 2020, the specific rules for the reopening of restaurants was announced. All restaurants have to: replace menus and wine lists with single-use ones; offer disposable or single-use condiments; limit table sizes to no more than 6 people or people from the same household; extend service time, to avoid overcrowding; keep items on tables to a minimum; diners seated in outdoor spaces will have to be kept at least 2 metres apart, with a minimum of 1 metre between chairs, back-to-back; for diners seated indoors, restaurant managers must limit patrons to one for every 4 square metres and to ensure at least 2 metres between chairs, back-to-back; waiters and staff will wear face masks or visors; no buffet or other self-service will be allowed, as well as bar service; and guests should be reminded to disinfect their hands using sanitiser, both as they enter and exit.<sup>35</sup>

Concerning hairdressers and barbers, they can only allow one customer for every 1 square metre of floor space; to have perspex barriers at reception areas, keep chairs at least 2 metres apart, or separated by 2 metre-high perspex; make hand sanitiser available at reception and workstations; ensure both clients and staff wear a mask; disinfect workstations, chairs, trolleys, wash hand basins and any tools between clients; remove non-essential items like magazines; check client’s temperatures before allowing them indoors; walk-ins will not be allowed and consultations will have to take place via phone or video chat before the appointment.<sup>36</sup>

On 6<sup>th</sup> May 2020, the Government bulletin stated that both employers and workers have obligations when it comes to the jobs sector and working conditions, stressing that any abuses would not be permitted. Employers must make every effort to give workers the supplementary 800 euro in accordance with the agreement made with the Malta Council for Economic and Social Development (MCESD). This bulletin also affirms that as normality is returning, workers cannot choose to not return to work.<sup>37</sup>

On 7<sup>th</sup> May 2020, the government bulletin reported that inclusive of the sixth process of social benefits payments to those persons whose employment was affected, the total expenditure had thus far reached 7.35 million. 9,670 applications had been received (up to 7<sup>th</sup> May) and of these, nearly 99% had already been processed. 5,863 persons received parental benefits, medical or disabled benefits, all whilst retaining their employment.<sup>38</sup> On 8<sup>th</sup> May 2020, the Government reiterated that Malta is investing in a strong manner to prevent the loss of jobs and to ensure that the economy recovers quickly. According to the bulletin, as a number of businesses and self-employed have reopened for

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<sup>33</sup> Department of Information, [COVID 19 Government Bulletin: Issue 54](#), 4 May 2020.

<sup>34</sup> Department of Information, [COVID 19 Government Bulletin: Issue 52](#), 2 May 2020.

<sup>35</sup> Times of Malta, [What dining out will be like once restaurants reopen](#), 18 May 2020.

<sup>36</sup> Times of Malta, [Need a haircut? These are the rules you’ll have to follow](#), 18 May 2020.

<sup>37</sup> Department of Information, [COVID 19 Government Bulletin: Issue 56](#), 6 May 2020.

<sup>38</sup> Department of Information, [COVID 19 Government Bulletin: Issue 57](#), 7 May 2020.

business, employers will still continue receiving the wage supplement which has been extended to the months of May and June.<sup>39</sup>

On the 9<sup>th</sup> May 2020, an emergency fund for voluntary organisations that have been negatively affected by Covid-19 was also launched. 125,000 euro will be distributed by the Malta Council for the Voluntary Sector and so every voluntary organisation may be given a sum of up to 5,000 euro. The fund is aimed at aiding organisations whose operations are related to, and essential for, the Covid-19 pandemic, and “to help them out so that they do not fold”.<sup>40</sup>

On 28<sup>th</sup> May 2020, it was reported that more than 93, 000 jobs have been saved so far, with the economic support measures run by Malta Enterprise and the Covid-19 Wage Supplement. Applications for the salary supplement have now risen to more than 20,000 and, of these, more than 91% have been processed. Employers will continue receiving the wage supplement until next June; the Government will announce another set of measures to stimulate and incentivise the economy and investment. Moreover, the bulletin reported that almost 12 million euro had been paid out in the 9<sup>th</sup> social benefits payment process, to those who had their employment affected by Covid-19. 5,991 received parental benefits, medical or disability benefits. It also reported that 93, 000 jobs have been saved through the Malta Enterprise schemes. It also states that “Per capita, they have been paid 1, 446 euro in aid”.<sup>41</sup>

However, on 31<sup>st</sup> May 2020, the media reported that Nationalist Party leader Adrian Delia has criticised the government over its insensitivity towards 11,000 unemployed people who have no job to return to, stating that the “Government is not being truthful and transparent when speaking of the country’s unemployment”. Delia urged for a way forward on the loss of employment.<sup>42</sup>

Government bulletins and press releases have not focused on precarious workers during the reference period. With regard to particular affected industries, according to the media, on 15<sup>th</sup> May 2020, despite the generally adverse impact of Covid-19 on the economy, most of the local construction industry has not been affected by the pandemic. A survey conducted by the Malta Association of Credit Management showed that 55% of respondents from the building and construction industry experienced no negative impacts. However, according to the same survey, Malta’s automotive industry has experienced cash flow problems due to Covid-19.<sup>43</sup> According to an opinion piece in the Malta Independent by MEP Alfred Sant, on 11<sup>th</sup> May 2020, among the workers whose employment has been most under threat by the Coronavirus pandemic are those in the hospitality, restaurant and catering sectors. The column states that if the government claims to have helped all sectors, a closer look is required, sector by sector, to ascertain how each sector has been affected negatively or not at all; how each sector will face difficulties or not as it tries to take off again.<sup>44</sup>

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<sup>39</sup> Department of Information, [COVID 19 Government Bulletin: Issue 58](#), 8 May 2020.

<sup>40</sup> Department of Information, [COVID 19 Government Bulletin: Issue 59](#), 9 May 2020.

<sup>41</sup> Department of Information, [COVID 19 Government Bulletin: Issue 72](#), 28 May 2020.

<sup>42</sup> Malta Today, [Government insensitive to 11,000 people who lost their job due to Covid-19, Opposition leader says](#), 31 May 2020.

<sup>43</sup> Malta Today, [Construction cash flows mostly unaffected by Covid-19, but car industry having issues](#), 15 May 2020.

<sup>44</sup> Malta Independent, [Blogs and Opinions: HORECA](#), 11 May 2020.



## 1.2.4 Access to justice

Focus on:

- *Strategies /steps to lift measures or restrictions previously imposed on court proceedings (e.g. resuming physical hearings)*
- *Measures to address the backlog in cases/proceedings prompted by lockdown restrictions*

The majority of measures made from the previous reference periods remain in place as of 31<sup>st</sup> May, with courts in **Malta** closed and suspensions of legal times still in place. On 2<sup>nd</sup> May, Legal Notice 177 of 2020 was issued, the Closure of the Courts of Justice (Amendment No. 2) Order. Article 3 of this Legal Notice extended the suspension of time limits from the previous relevant legal notice by stating “Any time limits which were suspended prior to the coming into force of the Closure of the Courts of Justice (Amendment No. 2) Order, 2020 shall remain suspended”.<sup>45</sup> Additionally on 2<sup>nd</sup> May, Legal Notice 176 of 2020 :Epidemics and Infectious Disease (Suspension of Legal and Judicial Times) (Amendment No. 2) Order, 2020 was issued. Similarly to Notice 177, Article 3 of this amended Order provides that “Any time limits which were suspended prior to the coming into force of the Epidemics and Infectious Disease (Suspension of Legal and Judicial times) (Amendment No. 2) Order, shall remain suspended”.<sup>46</sup> Furthermore, on 21<sup>st</sup> May, Malta enacted Legal Notice 203 of 2020, General Provisions which amended the Suspension of Legal and Judicial Times (Amendment No. 2) Regulations, 2020. This Legal Notice (Article 3) affected promise of sale agreements in “regards the performance of obligations relating to a registered promise of sale agreement and the expiration of a promise of sale duly registered shall remain in force for twenty (20) days after the date of entry into force”.<sup>47</sup> On 21<sup>st</sup> May, Legal Notice 207 of 2020 was issued, Suspension of Legal Times relating to Promise of Sale Agreements, Notarial and other related matters (Epidemics and Infectious Disease) Order (Amendment) Order, 2020. This legal notice under Article 3 affected promise of sale agreements “in so far as it concerns the expiration of a promise of sale duly registered according to law with the Commissioner of Revenue shall remain in force for twenty (20) days after the date of entry into force of this order”.<sup>48</sup>

**Malta** began to open up the administration related to the court system with the reopening of registries. On 1<sup>st</sup> May, The Court Registry reopened on 4<sup>th</sup> May.<sup>49</sup> This reopening occurred with all workers, from administrative staff to judges, who would be provided with proper protective equipment. The buildings would also be equipped with glass shielding at reception desks and hand sanitizer would be provided throughout the building. The Government of Malta is also encouraging members of the legal profession to utilise online platforms when available.<sup>50</sup> On 31<sup>st</sup> May, the Prime Minister announced that the courts would reopen on 5<sup>th</sup> June.<sup>51,52</sup>

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<sup>45</sup> Legal Notice 177 of 2020, [Closure of the Courts of Justice \(Amendment No. 2\) Order, 2020](#), 2 May 2020.

<sup>46</sup> Legal Notice 176 of 2020, [Epidemics and Infectious Disease \(Suspension of Legal and Judicial Times\) \(Amendment No. 2\) Order, 2020](#), 2 May 2020.

<sup>47</sup> Legal Notice 203 of 2020, [General Provisions applying to the Suspension of Legal and Judicial Times \(Amendment No. 2\) Regulations, 2020](#), 21 May 2020.

<sup>48</sup> Legal Notice 207 of 2020, [Suspension of Legal Times relating to Promise of Sale Agreements, Notarial and other related matters \(Epidemics and Infectious Disease\) Order \(Amendment\) Order, 2020](#), 21 May 2020.

<sup>49</sup> Department of Information, [COVID 19 Government Bulletin: Issue 54](#), 4 May 2020.

<sup>50</sup> Malta Today, [Protective measures installed as court reopens on Monday](#), 3 May 2020.

<sup>51</sup> [LN 230 2020 Closure of the Courts of Justice \(Repeal\) Order](#)

<sup>52</sup> Times of Malta, [Watch: Bars, gyms to reopen Friday, airport, ports in July - Robert Abela](#), 31 May 2020.

## 1.2.5 Freedom of movement

Focus on:

- *Steps to reopen borders/lift restrictions on freedom of movement to (external borders) and within the EU (internal borders), including rules or restrictions applying to certain categories of people (citizens; ‘essential workers’; cross border commuters etc). 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 quarantine; work certificate etc).*
- *Any changes to asylum application procedures (e.g. lifting of temporary suspensions or restrictions on procedures, or mentioning whether such restrictions are rather still in place)*

Freedom of movement has continued to be a contentious issue in Malta during May, particularly with regard to the situation of migrant boat arrivals from Libya. In addition, Malta has also begun to relax some of the internal travel controls, but has kept external borders closed, allowing only for voluntary repatriation flights for people to leave the country. The internal measures that were lifted were in relation to travel between the two main islands of Malta, Malta and Gozo. Travel between the two was previously restricted to only mandatory travel under Legal Notice 118 of 2020, the Mandatory Non-essential Travel between Malta and Gozo Order. On 2<sup>nd</sup> May, Legal Notice 175 of 2020 revoked the Mandatory Non-essential Travel between Malta and Gozo (Revocation) Order, 2020.<sup>53</sup> This order reopened regular transit between the two islands effective from 4<sup>th</sup> May. With regard to external travel, Malta has made no change since the 21<sup>st</sup> March, the Travel Ban (Extension to all Countries) Order (Legal Notice 92 of 2020), which closed external borders to all individuals from any foreign state. On 31<sup>st</sup> May, Prime Minister Abela announced that the airport and ferry docks would reopen on 1<sup>st</sup> July, allowing for travel to and from Malta for a number of corridor countries, based on epidemiological criteria<sup>54, 55</sup>. It is expected that travel from all other countries will be allowed after the 15<sup>th</sup> July 2020.<sup>56</sup>

Throughout May, Malta has implemented several measures related to migrants requiring rescue in Malta’s Search and Rescue Zone (SAR). During the previous reference periods, Malta was unable to take in migrants due to the closure of external borders and eventually moved to hold migrants on passenger day-cruise vessels off the Maltese coast. On 1<sup>st</sup> May, 57 migrants were rescued by a fishing boat and brought to the tourist vessel, Europa II, which was anchored around 13 nautical miles from the Maltese coastline.<sup>57</sup> On 2<sup>nd</sup> May, NGO Alarm Phone reported that approximately 90 migrants were stranded and in distress in the Maltese SAR.<sup>58</sup> On 3<sup>rd</sup> May, they were taken aboard a commercial ship. On the same day, another group of 60 migrants was spotted and was being escorted from the Maltese SAR into the Italian SAR to the Italian island of Lampedusa.<sup>59</sup> On 4<sup>th</sup> May, the situation worsened, with neither Malta or Italy willing to accept responsibility for 78 migrants who ended up on a cargo ship who were rescued in the Maltese SAR.<sup>60</sup> According to the international conventions applicable to Malta, disembarkation of migrants should take place in the nearest place of safety, which in this particular case was not Malta. Prime Minister Abela stated on the same day that he would not change course

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<sup>53</sup> Legal Notice 175, [Mandatory Non-essential Travel between Malta and Gozo \(Revocation\) Order, 2020](#), 2 May 2020.

<sup>54</sup> Times of Malta, [Watch: Bars, gyms to reopen Friday, airport, ports in July - Robert Abela](#), 31 May 2020.

<sup>55</sup> <https://www.visitmalta.com/en/covid-19>

<sup>56</sup> <https://lovinmalta.com/news/maltas-airport-opens-to-all-countries-and-destinations-from-15th-july/>

<sup>57</sup> InfoMigrants, [57 migrants rescued, held off Malta](#), 1 May 2020.

<sup>58</sup> Malta Independent, [90 migrants in distress in Malta’s SAR zone – NGO](#), 2 May 2020.

<sup>59</sup> Malta Today, [90 stranded migrants taken aboard merchant ship](#), 3 May 2020.

<sup>60</sup> Times of Malta, [Situation worsens on stranded cargo ship after migrants rescue](#), 4 May 2020.

on the issue until an agreement has been made with the European Union regarding responsibility for the migrants and reiterated this in a meeting with the European Commission.<sup>61</sup> On 6<sup>th</sup> May, the situation aboard the cargo ship further deteriorated with a knife fight reportedly breaking out between the migrants on board, as tensions increased and that the ship's supply of water was beginning to run out.<sup>62</sup> On the same day, approximately 40 migrants were reported to be stranded inside the Maltese SAR zone.<sup>63</sup> On 7<sup>th</sup> May, 123 migrants were rescued inside the Maltese SAR by the Armed Forces of Malta and a fishing boat. The majority of these migrants were transferred to an additional passenger day-cruise vessel, brought out to accommodate them and hold them off the Maltese coast. From these 123, the Armed Forces of Malta brought 18 individuals ashore, mostly women and children, to be quarantined in the Initial Reception Centre in Malta.<sup>64</sup> On 8<sup>th</sup> May, Malta was subject to criticism by the United Nations Office of the High Commissioner for Human Rights (OHCHR), for conditions of migrants still held on the cargo ship and was accused of putting their lives at risk.<sup>65</sup> On 11<sup>th</sup> May, the 79 migrants held aboard the cargo ship were finally able to be released from the ship at a port in Sicily.<sup>66</sup>

On 16<sup>th</sup> May, several human rights NGOs appealed to the EU Commission to act on Malta's policy of detaining migrants on tourist boats off the coast as this amounted to and resulted in violations of the migrants' rights including to information or access to support (lawyers, interpreters, support services) on the boats. They cited concerns over inaction to deal with the specific needs of vulnerable populations or unaccompanied minors.<sup>67</sup> On 18<sup>th</sup> May, 72 migrants had been rescued by a fishing vessel 35 Nm South of Lampedusa. The rescue was coordinated by the Malta's Rescue and Coordination Centre. Malta took in the migrants despite the rescue occurring a few miles off Lampedusa, which was the closest safe port of call.<sup>68</sup> On 19<sup>th</sup> May, it was reported by the NGO Alarm Phone that some migrants aboard one of the tourist vessels off the coast of Malta had begun a hunger strike in protest of their conditions and others were reported to have attempted suicide.<sup>69</sup> On 20<sup>th</sup> May, Malta was accused by British and Italian Media of turning migrants away in violation of international law and provided a short video footage in support of their allegation. The video shows a boat of the Armed Forces of Malta performing circling manoeuvres adjacent to the migrants that purposely jumped into the water. Some migrants alleged being threatened with weapons and being told that they have 30 minutes to leave and pointed them toward Sicily.<sup>70</sup> On the same day, relatives of two migrants who died inside the Maltese SAR filed a judicial protest against the Maltese government for damages over the death of their relatives.<sup>71</sup> On 22<sup>nd</sup> May, the Armed Forces of Malta rescued 140 migrants and accommodated them on a third additional passenger day-cruise vessel that

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<sup>61</sup> Malta Today, [\[WATCH\] Malta PM: ports shut to migrants until EU agrees relocation](#), 4 May 2020.

<sup>62</sup> Times of Malta, ['Knife fight' breaks out on German cargo ship which rescued migrants – lawyer](#), 6 May 2020.

<sup>63</sup> Times of Malta, [Two migrant boats drift into Maltese waters](#), 6 May 2020.

<sup>64</sup> Malta Today, [Malta rescues 123 migrants, to be transferred to second Captain Morgan vessel](#), 7 May 2020.

<sup>65</sup> UN News, [UN rights office concerned over migrant boat pushbacks in the Mediterranean](#), 8 May 2020.

<sup>66</sup> InfoMigrants, [79 migrants disembark in Sicily, 162 more wait at sea](#), 11 May 2020.

<sup>67</sup> Times of Malta, [Detention of migrants at sea in breach of human rights – NGOs](#), 16 May 2020.

<sup>68</sup> Times of Malta, [Fresh standoff between Malta and Italy over rescued migrants](#), 18 May 2020.

<sup>69</sup> Malta Independent, [Migration: Hunger strikes and attempted suicide on Captain Morgan migrant boats](#), 19 May 2020.

<sup>70</sup> InfoMigrants, [Malta accused of illegally turning away migrant boat](#), 20 May 2020.

<sup>71</sup> Times of Malta, [Relatives hold Malta responsible for migrants' death, demand payment of damages](#), 20 May 2020.

was then anchored off the Maltese coast. This increased the number of migrants held off the Maltese coast to nearly 300.<sup>72</sup>

On 24<sup>th</sup> May, Alarm Phone reported that a boat carrying 78 migrants had become stranded in the Maltese SAR and a commercial cargo ship had been ordered to “intercept” the boat.<sup>73</sup> On 25<sup>th</sup> May, Alarm Phone stated that they had lost contact with a boat carrying roughly 78 migrants just south of Malta and accused the Armed Forces of Malta of hanging up on them and providing no information.<sup>74</sup> On the same day, the Home Affairs Minister, Byron Camilleri, disputed the previous claim of a hunger strike aboard one of the tourist vessels housing migrants stating that he had received no information about such an event.<sup>75</sup>

On 28<sup>th</sup> May, PM Abela, Foreign Affairs Minister, Evarist Bartolo and Home Affairs Minister, Byron Camilleri travelled to Libya to meet with two members of the UN-backed Libyan government, Fayez al-Sarraj (PM) and Mohammed Sheibani, deputy minister responsible for migration. A Memorandum of Understanding was signed to establish units to coordinate operations between Malta and Libya focused on curbing undocumented migration. On the same day, the Armed Forces of Malta rescued 75 migrants overnight and the government commissioned a fourth passenger day-cruise vessel to be anchored offshore to house the migrants.<sup>76</sup> NGO Alarm Phone also reported on 28<sup>th</sup> May, that an additional 48 migrants was reported to have drifted into the Maltese SAR.<sup>77</sup>

### 1.3 Impact of measures on particular groups

Select the three most relevant groups from the following:

- *persons with disabilities,*
- *homeless people,*
- *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 3 should not be duplicated in this additional data collection)*
- *Detainees (including measures on early release or alternatives to detention)*
- *or another group not listed that have immersed in your country as facing particular challenges - before selection, this should be discussed with FRA.*

The groups that will be focused on during the month of May are persons with disabilities, migrants in open centres, and victims of domestic violence.

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<sup>72</sup> Times of Malta, [Malta rescues another 140 migrants, charters third tourist boat](#), 22 May 2020.

<sup>73</sup> Times of Malta, [78 migrants adrift in Malta's search and rescue zone – NGO](#), 24 May 2020.

<sup>74</sup> Malta Independent, [NGO says it lost contact with migrant boat in vicinity of Malta, AFM 'hung up the phone'](#), 25 May 2020.

<sup>75</sup> Malta Today, [Minister disputes NGO's claims of hunger strike by migrants on Captain Morgan boat](#), 25 May 2020.

<sup>76</sup> Malta Today, [Army rescues 75 migrants, fourth tourist boat chartered to host them outside Maltese waters](#), 28 May 2020.

<sup>77</sup> Malta Independent, [Migration – Fourth tourist boat chartered, another 48 migrants reported in Malta's SAR zone](#), 28 May 2020.

Persons with disabilities and any additional difficulties they may have experienced during the COVID-19 pandemic during May has not been reported on in Malta by media or government outlets. There have been no confirmed cases amongst persons with disabilities but the group is impacted due to the suspension of various services and the impact of the reopening process which may not take into account the needs and the vulnerabilities of persons with disabilities. The Government of Malta has addressed this group through financial support measures by offering individuals with disabilities that make them vulnerable to COVID-19 and prevent them from work.<sup>78</sup> On 21<sup>st</sup> May, it was reported that the government has paid out nearly €10.25 million in social security payments, but this amount does not cover other recipients and the individual amount paid by the Ministry for Family, Social Solidarity and Children to persons with disabilities is unknown.<sup>79</sup> The media has also reported on the possible impact of the relaxation of measures on persons with disabilities. For example, on 23<sup>rd</sup> May, the Commissioner for the Rights of Persons with Disability, Oliver Scicluna, expressed concerns over the Commission not being consulted over the relaxation of measures such as the reopening of restaurants and new distancing rules causing difficulties for wheelchair users due to restaurants placing more chairs outside restricting wheelchair access to pavements. Moreover, he expressed concerns regarding therapy for children with disabilities, reporting issues due to the fact that some services cannot be conducted online such as physical therapy. Physical therapy, occupational therapy and speech and language therapy had been stopped in March and he stated that as yet, the Commission had not yet been consulted regarding the resumption of service provision and children and parents still do not know when these services would resume. He also affirmed that they had not been consulted in the development of guidelines for wearing masks, especially for children with sensory difficulties. Scicluna stated: "We risk ruining 30 years of work in accessibility. Unfortunately, the sector is still an afterthought – but it should not be like this."<sup>80</sup>

**Migrants** residing in open centres is another group impacted by COVID-19. Those residing at the Ħal Far Open Centre have been particularly affected. On 5<sup>th</sup> April, the the Ministry of Health quarantined the Ħal Far Open Centre due to the outbreak of a number of coronavirus cases, as reported in the previous reference period. The Agency for the Welfare of Asylum Seekers implemented a contingency plan which was meant to prevent the spread of COVID-19 inside the migrants' centres.<sup>81</sup> Such plan included the setting up of isolation units, large-scale dissemination of sanitary products and the installation of additional sanitary facilities. A number of residents were transferred to alternative locations to reduce overcrowding. The Agency, in collaboration with UNHCR, organised a multi-language campaign to raise awareness on the prevention of COVID-19.

At the end of 2019, it was reported that there were 117 residents at the Ħal Far Open Centre.<sup>82</sup> Ħal Far has had 51 cases of coronavirus, with 43 having recovered (as reported on 13<sup>th</sup> May).<sup>83</sup> Residents of the Ħal Far Open Centre who tested positive for COVID-19 were hosted inside a new health centre set up in the vicinity of the centre. The new health centre was managed by the Malta Red Cross in collaboration with the public health authorities. On 13<sup>th</sup> May, the Superintendent for Public Health announced that the quarantine of the Centre will expire at midnight and residents would be allowed to leave if they had no exposure to someone who had tested positive for COVID-19 during the past 14

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<sup>78</sup> Inclusion, Equality and Social Welfare, [Social Measures](#).

<sup>79</sup> Malta Independent, [€10.25 million in COVID-19 social benefits; 10,692 applications](#), 21 May 2020.

<sup>80</sup> Times of Malta, ['We risk ruining 30 years of work', disability sector warns](#), 23 May 2020.

<sup>81</sup> Times of Malta, ['Covid-19 contingency plan for migrant centres'](#), 24 March 2020.

<sup>82</sup> Asylum Information Database, [Types of Accommodation](#), 2020.

<sup>83</sup> Times of Malta, [Two new COVID-19 cases reported from 1,143 tests](#), 13 May 2020.

days.<sup>84</sup> According to Maltese Authorities, only one active case of COVID-19 remained active inside the health centre by the end of May. Testing has been carried out inside the other centres managed by AWAS and no other cases of COVID-19 were identified.

The final group, **victims of domestic violence**, are being included in this report due to reports from civil society that the issue has been exacerbated during COVID-19.<sup>85</sup> On 5<sup>th</sup> May, the Home Minister Byron Camilleri reported that there had been no significant rise in the number of reported cases of domestic violence between March and April when COVID-19 measures were introduced, but remarked that these figures “should be taken with a degree of caution” considering the reluctance of some victims of come forward.<sup>86</sup> On 4<sup>th</sup> May, the Women’s Rights Foundation launched a free legal helpline for Victims of domestic violence, sexual assault, human trafficking and gender discrimination. The service would be provided by trained lawyers.<sup>87</sup> On 13<sup>th</sup> May, the Womens Rights Foundation reported that they found COVID-19 had made the situation worse for women with partners who were domestically abusive. The Director of the Foundation, Lara Dimitrijevic, stated “We’ve seen a trend where women are feeling more trapped than ever” and that over two days, eight women called their helpline looking to find support. Women had reported that COVID-19 had aggravated the situation as many had lost their job and had no access to money or had to leave their jobs to take care of their children. Dimitrijevic additionally reported that COVID-19 had further limited their freedom and prevented women from being able to seek out family or friends for support.<sup>88</sup> In an interview with the media on 31<sup>st</sup> May, Dr Dimitrijevic affirmed that despite it not being reflected in official statistics, the Women’s Rights Foundation has seen an increase in people reaching out to them. She stated: “Currently, there are women who are not only facing physical and emotional abuse, but also serious financial abuse, not having money or having to stop working. There are women who receive government benefits, and this goes straight to their perpetrators account, so they are completely at a loss.”<sup>89</sup> At the end of April, it was announced by the Ministry for Justice and Equality that victims of domestic violence would be able to receive free legal aid from specially trained lawyers in civil cases. This was introduced following a suggestion from MEP Miriam Dalli, who highlighted that many victims often do not take legal action due to concerns over the cost. This was also announced in response to the fact that social workers and other experts had also warned that domestic violence victims are especially at risk during the coronavirus pandemic.<sup>90</sup>

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<sup>84</sup> Lovin Malta, [Quarantine At Hal Far Open Centre Will Be Lifted At Midnight After 38 Days](#), 13 May 2020.

<sup>85</sup> Times of Malta, [How domestic abuse got worse during lockdown](#), 13 May 2020

<sup>86</sup> Times of Malta, [COVID-19: No spike in domestic violence reports so far](#), 5 May 2020.

<sup>87</sup> Times of Malta, [Free legal helpline for victims of domestic violence, sexual abuse](#), 4 May 2020.

<sup>88</sup> Times of Malta, [How domestic abuse got worse during lockdown](#), 13 May 2020.

<sup>89</sup> Malta Independent, [COVID-19 exposed how women continue to be 'disproportionately affected in society'](#), 31 May 2020.

<sup>90</sup> Times of Malta, [Domestic violence victims get free legal aid in civil cases](#), 25 April 2020.

## 2 Impact on fundamental rights of older people

Please provide information under each title / sub-title; and indicate n/a when no information available.

### 2.1 Data/statistics

Where available, data should be disaggregated by age groups and sex.

#### 2.1.1 Share of persons 60+ in the total number of persons in the community infected, recovered and died in relation to COVID-19.

- Infected by COVID-19

According to the statistics published on the Ministry for Health website, as of 31<sup>st</sup> May, the total number of cases of those infected by COVID-19 was 618. The total number of new cases diagnosed during the month of May is 153. The statistics that are disaggregated by age are not split by month, but for the whole of the crisis period. Of the total, as of 31<sup>st</sup> May, 104 of the total cases were aged 60 or above (37 aged 60-64, 16 aged 65-69, 20 aged 70-74, 9 aged 75-79, 10 aged 80-84, 9 aged 85-89, 1 aged 90-94 and 2 aged 95-100.) This data is not available disaggregated by gender, but in total, 367 of the cases were male, and 251 were female.<sup>91</sup>

Numbers covering just the month of May, for those aged 60 or over, can be found in the the press releases and individual government bulletins. Given the relatively low number of cases, the Superintendent for Public Health generally announces cases, deaths or recoveries in the elderly, particularly as they are one of the most vulnerable groups. Although these bulletins do not provide the most full picture as they do not provide details on all cases, they give an indication as to how this group is affected. For example, it was noted that one of the two positive cases found on 7<sup>th</sup> May was a 77-year-old person who had a hospital appointment, who had exhibited no symptoms.<sup>92</sup> It was also reported on 10<sup>th</sup> May that among those who tested positive that day was an 89-year-old patient at Karen Grech hospital, who was in the same room where the last patient with Covid-19 had died.<sup>93</sup>

- Recovered from COVID-19

As of 31<sup>st</sup> May, the total number of recoveries from the coronavirus stood at 534 persons and the number of active cases was just 75.<sup>94</sup> The data on recoveries is not disaggregated by gender or age.

As with the aforementioned data for those aged 60 years or over, these are also seen as notable recoveries and are often highlighted in the government bulletins. For example, on 4<sup>th</sup> May, it was reported that 7 further individuals had recovered, including one over 80 years of age.<sup>95</sup> On 10<sup>th</sup> May, it was also reported that two more of the recoveries were in persons over 70 years of age.<sup>96</sup> On 12<sup>th</sup> May, a 72-year-old individual was reported to have recovered and returned home after entering the Intensive Care Unit (ITU) at Mater Dei 6 weeks previously, and having had to make use of a ventilator.<sup>97</sup>

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<sup>91</sup> Ministry of Health, [COVID19 Infographics](#).

<sup>92</sup> Department of Information, [COVID 19 Government Bulletin: Issue 57](#), 7 May 2020.

<sup>93</sup> Department of Information, [COVID 19 Government Bulletin: Issue 60](#), 10 May 2020.

<sup>94</sup> Ministry of Health, [COVID19 Infographics](#).

<sup>95</sup> Department of Information, [COVID 19 Government Bulletin: Issue 54](#), 4 May 2020.

<sup>96</sup> Department of Information, [COVID 19 Government Bulletin: Issue 60](#), 10 May 2020.

<sup>97</sup> Department of Information, [COVID 19 Government Bulletin: Issue 62](#), 12 May 2020

The bulletin from the 15<sup>th</sup> May also reports a recovery in a person aged over 60.<sup>98</sup> On 22<sup>nd</sup> May, it was also noted that a person aged over 70 years of age had recovered.<sup>99</sup>

- Died in relation to COVID-19

As of 31<sup>st</sup> May, 9 individuals have died in relation to COVID-19 in Malta, 5 during the reference period.<sup>100</sup> Of these 5 individuals, 3 were over 60 years of age – one male aged 81 who died in Mater Dei Hospital on 5<sup>th</sup> May, another male aged 97 who died in Karin Grech Hospital on 26<sup>th</sup> May, and a 68 year old male on the 29<sup>th</sup> May.<sup>101</sup> The other deaths in May were a 53 year old male on 13<sup>th</sup> May and a 58 year old male on 29<sup>th</sup> May.<sup>102</sup> The other deaths in Malta during April have all been individuals aged over 60 – a woman aged 92 who died in Gozo General Hospital, two males aged 79 and 84, and woman aged 96.<sup>103</sup> In the COVID-19 bulletin on 26<sup>th</sup> May, it was stated that: “As a country, Malta had the lowest percentage of people who died or who were in a critical state because of Covid-19.”<sup>104</sup>

### **2.1.2 Share of persons 60+ in the total number of persons in institutional settings infected, recovered and died in relation to COVID-19.**

- Infected by COVID-19

The available data does not cover whether the cases of those tested positive for COVID-19 resided in institutional settings. However, during the reference period, the government bulletin on 22<sup>nd</sup> May reported that of the positive cases found that day, 1 was a resident at a home for the elderly. The bulletin does not state which of the care homes was affected.<sup>105</sup>

There are also cases of carers contracting the virus. On 17<sup>th</sup> May, it was reported that a case found in a carer for an elderly home. It was stated that tests are conducted before the carers start their day's work, so that this person had no contact with the resident elderly persons.<sup>106</sup> It was not affirmed which care home was affected.

In addition, on 6<sup>th</sup> May, the government bulletin reported that a Filipino carer tested positive, who was connected with the elderly person who died on 5<sup>th</sup> May at Karin Grech hospital. It was not clear whether this individual resided in an institutional setting or where this carer worked.<sup>107</sup>

- Recovered from COVID-19

The data of those who have recovered from COVID-19 is not disaggregated by age, nor is it highlighted in any of the press releases or bulletins whether they were from those infected in institutional settings.

- Died in relation to COVID-19

Of the very small number of those that have died from COVID-19 (9), they have all died in hospital. No other deaths in care homes have been reported in the context of being related to COVID-19.

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<sup>98</sup> Department of Information, [COVID 19 Government Bulletin: Issue 65](#), 15 May 2020.

<sup>99</sup> Department of Information, [COVID 19 Government Bulletin: Issue 70](#), 22 May 2020.

<sup>100</sup> Ministry of Health, [COVID19 Infographics](#).

<sup>101</sup> Malta Today, [68-year-old man is ninth victim of COVID-19](#), 29 May 2020.

<sup>102</sup> Malta Today, [68-year-old man is ninth victim of COVID-19](#), 29 May 2020.

<sup>103</sup> Malta Independent, [Karin Grech Hospital patient becomes seventh victim of Coronavirus in Malta](#), 27 May 2020.

<sup>104</sup> Department of Information, [COVID 19 Government Bulletin: Issue 71](#), 26 May 2020.

<sup>105</sup> Department of Information, [COVID 19 Government Bulletin: Issue 69](#), 20 May 2020.

<sup>106</sup> Department of Information, [COVID 19 Government Bulletin: Issue 67](#), 17 May 2020.

<sup>107</sup> Department of Information, [COVID 19 Government Bulletin: Issue 56](#), 5 May 2020.



### **2.1.3 Number and type of institutions affected**

During the month of May, it was not highlighted which institutions were affected by the COVID-19 virus, as stated above. Information on the one infection found in an elderly care home did not report on which institution was affected. As reported in the previous reference period, the very few cases reported so far have been located in the St Vincent de Paule care home for the elderly (a state run institution) and the Zammit Clapp home, a facility run by CareMalta in a public-private partnership.

### **2.1.4 Do official statistics on mortality rates from COVID-19 include deaths of older persons in care homes? Has there been any critique of data collection with respect to care homes?**

Statistics on mortality rates from COVID-19 include all deaths of older persons, including in care homes. So far, there have been no mortalities reported in care homes from COVID-19.

### **2.1.5 Independent studies published on the situation of older persons with respect to the impact of and responses to COVID-19**

*Please reference up to three studies and provide brief information on their focus.*

There have been no independent studies published on the situation of older persons with respect to the impact of and responses to COVID-19.

## **2.2 COVID-19 measures targeting older people**

*Please indicate the age group/s concerned; e.g. 60+, 65+, 70+ etc.*

*Please consult and refer in particular to measures related to existing or planned national exit strategies (policies/measures).*

*Please report on developments for the reference period 1 May – 31 May (inclusive) and on any changes/revisions of measures reported in the 1st and 2nd bulletin regarding older people.*

### **2.2.1 National guidelines/protocols in response to COVID-19 addressing older people**

- in residential care homes (including protective equipment, visits etc.)

The Ministry for Health published guidance for carers in homes for the elderly, which highlight that the elderly are one of the most vulnerable groups in society. The guidance note contains information on Personal Protective Equipment (PPE), additional hygiene measures, and preparation for live-in carers.<sup>108</sup>

- in the community in general

On 1<sup>st</sup> May, it was announced that whilst some measures will be begin to be lifted, vulnerable persons (those of 65 years and over and those with chronic diseases) must continue remain at home except

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<sup>108</sup> Ministry for Health, [Guidance for carers in homes for the elderly](#), 2020.

for essential needs.<sup>109</sup> There have been no specific national guidelines or protocols published in this regard. General guidelines for protection against covid are accessible on [www.covid19health.gov.mt](http://www.covid19health.gov.mt).

### **2.2.2 National guidelines/protocols on patient triage that apply age as the main and decisive criterion**

There are no national guidelines or protocols on patient triage that apply age as the main and decisive criterion.

### **2.2.3 Targeted testing of residents and staff in residential care homes**

- Is this laid down in a targeted policy/measure or done on an ad-hoc basis when a case has been detected?

In Malta, around 80% of nursing homes opted for a voluntary arrangement in which carers and staff entered residential arrangements within the homes itself away from their families for two or three weeks, depending on the home. The cohort of carers therefore changed only after this period when one set of carers is allowed to go home and another set gets swabbed and then, following a negative result, they were allowed to enter the nursing home for another period of 2/3 weeks. This arrangement was in place for two months - April and May 2020. After the end of May 2020, this arrangement was terminated. However, there have been guidelines drawn up between the COVID-19 Public Health Response team and the Social Care Standards Authority that have introduced regular swabbing. Carers are being swabbed every three weeks whilst residents are being swabbed every six weeks.<sup>110</sup>

- Data/statistics on testing & frequency of testing – institutions, residents, staff

No deaths have been recorded in residential care settings, both for older persons and staff. The number of residents tested for COVID-19 in State-run Care Homes, Church Homes and Private Homes between 7<sup>th</sup> March 2020 and 3<sup>rd</sup> June 2020 is 4244. The number of staff tested is 3021.<sup>111</sup>

### **2.2.4 Restrictions/bans on visits to residential care settings, and any (conditional) lifting of these restrictions**

*Please report on the conditions applied.*

Visits to both state-run and private residential had been banned since mid-March.<sup>112</sup> On 22<sup>nd</sup> May, it was announced that as of 25<sup>th</sup> May, elderly people living in homes would be able to start receiving controlled and limited visits from relatives. Parliamentary Secretary for the Elderly, Silvio Parnis, stated that homes will have “visiting points” where relatives will be able to meet the elderly. Meetings are not allowed to last more than 15 minutes and a Perspex barrier will divide the elderly persons from their relatives. It was announced that the visits would have to be booked at least two days ahead with the management of the home and a maximum of four people only will be allowed to visit at one go. Visitors are also required to wear masks at all times and have their temperature taken before entering the building.<sup>113</sup> Whilst the media implied these changes would apply to all care homes for the elderly,

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<sup>109</sup> Department of Information, [COVID 19 Government Bulletin: Issue 51](#), 1 May 2020.

<sup>110</sup> <https://ltccovid.org/>

<sup>112</sup> See for example: Times of Malta, [Coronavirus: Visits to old people's homes and the prisons stopped](#), 12 March 2020.

<sup>113</sup> Malta Today, [COVID-19: Homes for the elderly to allow controlled, limited visits by relatives](#), 22 May 2020.

the government bulletin stated that at that point, they applied only to state-run facility, St Vincent de Paule, which would have specialised parking and even a shuttle service. The government bulletin announced that this arrangement would be extended to other elderly people's homes, both government and private ones.<sup>114</sup> To date, it is not yet clear whether this has been fully extended.

### **2.2.5 Restrictive measures for older people living in the community**

*Please report on any restrictions for older people after gradual lifting of confinement measures (e.g. use of public services, work, and participation in voluntary and social activities).*

The government also affirmed in the COVID-19 bulletin of 3<sup>rd</sup> May that “thanks to the measures enacted to protect vulnerable persons, the majority of positive cases were those of young persons, which could be controlled without too many complications.”<sup>115</sup> On 9<sup>th</sup> May, the government also urged the public not to visit their elderly visits, especially with Mothers’ Day approaching.<sup>116</sup>

On 7<sup>th</sup> May, the media reported that following the reopening of non-essential shops, elderly people had been turned away from some retail outlets, despite this not being regulated by law, with their vulnerability to COVID-19 cited as the reason for this. On 28<sup>th</sup> March, Legal Notice 111 of 2020 was issued, the Protection of Vulnerable Persons Order, which orders people aged 65 and over, those with chronic medical conditions and pregnant women to stay inside and leave home only for essential errands, such as medical appointments and the purchase of food. The law puts the onus on the individual to comply but carries no penalties. This legal notice does not give shops the right to refuse customers based on their age or vulnerability.<sup>117</sup> On 18<sup>th</sup> May, this was cleared up by Health Minister, Chris Fearne, who stated that shops are not obliged to stop the elderly and vulnerable from entering.<sup>118</sup>

There has been no published guidance or advice for older people with regard to other areas of life, such as participation in voluntary and social activities.

### **2.2.6 Access to healthcare for older people for conditions unrelated to COVID-19**

*Please report on measures targeted at older people living in the community and in institutional care settings (e.g. home-based visits, mobile health care, other hospital treatment).*

In March, it was reported that CommCare services, the Dementia Intervention Team, Allied Health Services, the Social Work Service, and Respite within residences for the elderly will only be given in urgent and essential cases.<sup>119</sup> On 18<sup>th</sup> May it was announced that many health services which had been suspended would resume on 22<sup>nd</sup> May. The resumed services included the reopening of diabetes clinics, heart disease clinics and baby clinics, as well as a number of local health centres. It was also announced that mental health treatment in the community would also increase. Mental health and

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<sup>114</sup> Department of Information, [COVID 19 Government Bulletin: Issue 70](#), 22 May 2020.

<sup>115</sup> Department of Information, [COVID 19 Government Bulletin: Issue 53](#), 3 May 2020.

<sup>116</sup> Department of Information, [COVID 19 Government Bulletin: Issue 59](#), 9 May 2020.

<sup>117</sup> Malta Today, [‘Misguided fear’ sees shops turning elderly away because of COVID-19 risk](#), 7 May 2020.

<sup>118</sup> Malta Today, [Shops no longer obliged to stop vulnerable people from entering – Chris Fearne](#), 18 May 2020.

<sup>119</sup> [Department of Information, COVID 19 Government Bulletin: Issue 2 , 13 March 2020.](#)

well being guidelines, along with other initiatives, were also launched during the pandemic in support of vulnerable groups.<sup>120, 121, 122</sup>

At Mater Dei hospital, the number of outpatient appointments was also increased, as well as imaging, X-rays, MRIs, and ultrasounds. Non-urgent operations, such as orthopedics, eye operations, and gynaecology were also increased. Screening of the large intestine also resumed on 22<sup>nd</sup> May.<sup>123</sup>

On 29<sup>th</sup> May, it was announced that as of 1<sup>st</sup> June, many other health services for the elderly would resume. These include physiotherapy, podology services, occupational therapy, community care services, respite services, social workers, and the dementia intervention team.<sup>124</sup>

There is no published information with regard to healthcare or medical services targeted at people in a vulnerable situation to mitigate risk of infection such as home visits or mobile care.

## **2.2.7 Support measures and promising practices targeting older people, including access to goods and services online and offline, social/psychological support, and use of digital tools and technology**

*Please also report on any targeted measures for people with dementia.*

In March, it was announced that there would be a some services would continue for the elderly, such as the policy to give two months worth of medicines, and the Meals on Wheels government services. As highlighted above, It was reported that CommCare services, the Dementia Intervention Team, Allied Health Services, the Social Work Service, and Respite within residences for the elderly will only be given in urgent and essential cases.<sup>125</sup> On 29<sup>th</sup> May it was announced that as of 1<sup>st</sup> June, many services for the elderly that had been stopped in March would resume. These also include specialist support services such as home help services, physiotherapy, podology services, occupational therapy, community care services, respite services, social workers, the dementia intervention team and handyman services.<sup>126</sup>

There are some examples of governmental support for the elderly during the reference period. For example, on 10<sup>th</sup> May 2020, the Government announced that 22,000 masks were given free of charge to homes for the elderly and persons with disability by Norwex and Corinthia Group.<sup>127</sup> Additionally, on 15<sup>th</sup> May 2020, it was reported that the Foundation for Social Welfare Services has completed a

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<sup>120</sup> Mental Health and wellbeing guideline on COVID19 Health Website: [https://deputyprimeminister.gov.mt/en/health-promotion/covid-19/Documents/mitigation-conditions-and-guidances/Taking\\_Care\\_Of\\_Your\\_Mental\\_Health.pdf](https://deputyprimeminister.gov.mt/en/health-promotion/covid-19/Documents/mitigation-conditions-and-guidances/Taking_Care_Of_Your_Mental_Health.pdf)

<sup>121</sup>The Launch of 1770 – 24/7 mental health helpline: <https://www.independent.com.mt/articles/2020-04-10/local-news/Covid-19-24-7-mental-health-helpline-launched-6736221883>  
<https://www.independent.com.mt/articles/2020-04-09/local-news/Richmond-Foundation-launches-new-Helpline-for-people-who-need-mental-health-support-6736221848>

<sup>122</sup> Mental Health consequences of the Pandemic: <https://www.independent.com.mt/articles/2020-04-18/newspaper-leader/TMID-Editorial-Coronavirus-Let-s-not-also-turn-this-into-a-mental-health-crisis-6736222194> <https://www.independent.com.mt/articles/2020-05-25/newspaper-opinions/GenerationCOVID-19-6736223480>

<sup>123</sup> Department of Information, [COVID 19 Government Bulletin: Issue 68](#), 18 May 2020.

<sup>124</sup> Times of Malta, [Some services for the elderly to resume on Monday](#), 29 May 2020. :

<sup>125</sup> [Department of Information, COVID 19 Government Bulletin: Issue 2 , 13 March 2020.](#)

<sup>126</sup> Times of Malta, [Some services for the elderly to resume on Monday](#), 29 May 2020.

<sup>127</sup> Department of Information, [COVID 19 Government Bulletin: Issue 60](#), 10 May 2020.

food distribution exercise to persons in need, including the elderly, as part of the “state-funded food distribution” project. In total, 17,000 food parcels were distributed, according to the Government.<sup>128</sup>

There are also examples of members of the community and NGOs volunteering to assist the elderly. For example, the Malta Together platform was set up which allows volunteers to sign up to assist with food deliveries, and it also includes a page “activities for the elderly”.<sup>129</sup> In addition, in March, the Malta Health Network had issued a call for volunteers to assist the elderly and the vulnerable. Reporting on the success of the call, the chairman of the network stated that they teamed up with SOS Malta, ASLP Malta, Friends of the Sick and Elderly in Gozo, MMSA and MHSA and in the end had a team of over 500 volunteers.<sup>130</sup>

There have been no targeted measures in relation to use of digital tools to access services for older people.

### **2.2.8 Consultation of older people’s organisations and/or other civil society organisations in the design, implementation and review of COVID-19-related measures**

There has been no reported consultation of older people’s organisations and/or other civil society organisations in the design, implementation and review of COVID-19-related measures.

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<sup>128</sup> Department of Information, [COVID 19 Government Bulletin: Issue 65](#), 15 May 2020.

<sup>129</sup> Malta Together, [Activities for the Elderly](#)

<sup>130</sup> Malta Health Network, [Volunteers Supporting COVID-19 Helpline](#).