

Franet National contribution to the Fundamental Rights Report 2021

Malta

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Franet country study: policy and legal highlights 2020

Issues in the fundamental rights institutional landscape	Changes and composition of the Human Rights Directorate: First set up in 2015 as the Human Rights and Integration Directorate, as of March 2020, the Directorate changed name to be referred as the Human Rights Directorate (HRD). The Human Rights Directorate is comprised of the following Units: The Intercultural and Anti-Racism Unit; The Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIGESC) Unit; and The Gender Mainstreaming Unit.
EU Charter of Fundamental Rights	The limited application of the EU Charter of Fundamental Rights: The EU Charter of Fundamental Rights has been used in a very limited manner in court cases during the year of 2020, and it was not used to influence any decisions. It was not included in any new legislation or legal scrutinies, and was used very limitedly in academic research. It was referenced in parliamentary debate discussing an amendment to the Broadcasting Act .
Equality and non-discrimination	Progress in the legislative process of the Equality Bill: Discussion continued in Parliament of the Equality Bill , first proposed in 2015. As of November 2020, the Adjunct Committee for the Consideration of Bills was reading the Bill. The Bill would be a landmark piece of legislation that protects people from being discriminated on the ground of personal characteristics. The Bill on the Commission on Human Rights and Equality is still on its second reading in Parliament.
Racism, xenophobia & Roma integration	Legal protection against racial discrimination and intolerance: The aforementioned Equality Bill is also relevant for the Chapter on Racism and Xenophobia, due to numerous provisions concerning racial discrimination and intolerance.
Asylum & migration	Temporary suspension of Visa applications: The Central Visa Unit stopped all Visa applications on 16 th March 2020 and finally started accepting single permit applications from 3 rd August 2020. Two processing offices and the Central Visa Unit were in fact closed from March 16 but reopened in June. Applications that were put on hold due to the pandemic will now be reassessed and a final decision will be given.
Data protection and digital society	CSO's initiative for voters affected by massive data leak: In April 2020, NGOs Republikka and the Daphne Caruana Galizia Foundation launched an initiative to assist voters who were affected by massive data leak by C-Planet Solutions Ltd .
Rights of the child	New regulations for the protection of minors: On 7 th April 2020, ACT No. XVIII of 2020 was passed in Malta regarding children in criminal proceedings. The new provisions specify the right to information as soon as possible, for free legal assistance, for the specific need of the child to be taken into consideration on a case-by-case basis. On 1st July

	2020, the Minor Protection (Alternative Care) Act came into force to increase the level of protection for vulnerable children.
Access to justice, including victims of crime	New legal measures and protection for victims of violence: In February 2020, ACT No. III of 2020 , regarding temporary protection orders, amended the Criminal Code. 2020 also saw the establishment of a specialised new Gender-based and Domestic Violence Unit within the Malta Police Force. In 2020, the Private Rent Housing Benefit Scheme was also extended to domestic violence victims.
Convention on the Rights of Persons with Disability	Strategies and protection of people with disabilities and mental health issues: In 2020, Malta started implementing the Mental Health Strategy for Malta 2020-2030 , and the first National Strategy for Persons with Disability which will run from 2020-2030. Amendments were also made to the Housing Authority's Scheme for Persons with Disability , in order to enhance financial protection and assistance. COVID-19 also affected certain persons with disabilities, some of which were covered by Legal Notice 111 of 2020 – Protection of Vulnerable Persons Order .

Chapter 1. Equality and non-discrimination

1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.

On 11 March 2020, the Adjunct Committee for Consideration of Bills continued the discussion on Bill No. 96 - Equality Bill, which was first proposed in 2015.¹ The Bill would provide a single source for equality and non-discrimination legislation, seeking to ensure uniform but tailored protection across the protected grounds, widening the application scope across the protected grounds and would therefore end the asymmetric protection offered under the current legislative framework.

Key amendments proposed by the Committee include:

- updated definitions for the terms 'health status', 'protected characteristics' and 'victim';
- a provision meaning harassment is considered discrimination as long as it constitutes a criminal offence;

¹ Malta, Parliament of Malta, Bill N.96, [Adjunct Committee for the Consideration of Bills](#), 11 March 2020.

- the requirement for proving that a special protection is reasonable, proportionate and legitimate falls on whoever alleges its necessity;
- duty of educational establishments regarding non-discrimination within their competence and ethos, 'Providing that the parameters of competence and ethos indicated in this sub-article are allowed only if based on a genuine, legitimate and justified requirement.'

The amended Bill No. 96 has raised concern between the Medical Association of Malta (MAM)² and the Chamber of Pharmacists.³ They claimed that the draft is undermining their professional autonomy and moral autonomy by not including a conscientious objection clause, and appealed to the Minister of Justice to carry out a proper consultation with healthcare professionals. The Chamber stated: "It should be clarified that this Bill as drafted and amended impacts the rights of freedom of thought and conscience which is guaranteed by the Constitution of Malta and recognized by the United Nations Charter of human Rights [...] Moreover, there are several Charters and Conventions of the Council of Europe which uphold these principle. Indeed, the Parliamentary Assembly of the Council of Europe (PACE) resolution recommends that Member States, including Malta should legislate to guarantee conscientious objection".⁴

Bill No. 97 - Bill on the Commission on Human Rights and Equality is currently in its second reading in Parliament.⁵ The aim of the Bill is to establish an independent commission responsible for the promotion and protection of human rights, including the right to equal treatment. The Commission would report directly to Parliament, according to article 3(2), and according to Article 3(3), "[...] the Commissioner and the members of the Commission shall not be subject to the direction or control of any other person or authority". The proposed Commission is to be modelled on both the United Nations Paris Principles, as well as the European Union's equality body model laid out in EU equality directives. The Commission would investigate (potential) violations of human rights, or the right to equal treatment and non-discrimination either upon a complaint or on its own initiative, thus having three main functions: 1) it would be a consultative body submitting opinions and recommendations, 2) report on matters related to human rights and equality to the Government, Parliament, and any other public entity 3) examine legislative or administrative provisions. The Human Rights and Equality Commission would be the successor to the present National Commission for the Promotion of Equality for Men and Women (NCPE), although it would significantly widen its scope, functions and complaint mechanism, as stated in Articles 14 to 21. No changes or amendments have been proposed since November 12th 2019.

The two Bills have overall accentuated the debate related to the freedom of expression and religion, and equity. The Life Network Foundation expressed

² The Malta Independent, [Equality bill causes problems to medical practice, should be amended - MAM](#), 10 September 2020.

³ The Malta Independent, [Conscientious objection must be included in equality bill, pharmacists say](#), 8 October 2020.

⁴ The Malta Independent, [Conscientious objection must be included in equality bill, pharmacists say](#), 8 October 2020.

⁵ Malta, Malta Parliament, N.97 Bill, [Human Rights and Equality Commission](#), 12 November 2019.

deep concern on the Christian moral principles that would have been affected by the amendments. The Ministry of Education replied that 'The Equality Bill and the Human Right and Equality Commission Bill deal exclusively with the right to equal treatment and non-discrimination. The expression of an opinion or the holding of a belief is completely distinct matter from the Bill's mandate. Moreover, the belief, creed or religion of an individual is also a characteristic protected from discrimination by the Equity Bill'.⁶ A similar statement was made by the Catholic Church in Malta through a group of experts in law, ethics and theology. The Church considered the amended Bill No. 96 and 97 inadequate with respect to equality in the religious domain, since "it is not taking sufficient account of the qualifies way in which it has to be implemented in this domain without prejudice to religious freedom and consciousness objection".⁷

The National Strategic Policy *for Active Ageing: Malta 2014-2020* currently still covers older people in Malta (until the end of 2020).⁸ The Policy seeks to command active ageing initiatives in three main areas: employment, participation in society, and independent living. It also aims to tackle social and economic discrimination that affects the elderly population: income insecurity, age discrimination, community care, and healthcare.⁹ Active ageing policies seek to increase the number of older workers in the labour market, and enable persons in retirement age to remain in or re-enter employment. *The National Strategic Policy for Active Ageing: Malta 2014-2020* emphasises the need for better planning for present and future ageing generations. The policy document notes that this can be achieved by recommending policies and strategies that encourage longer working lives, while maintaining "work ability, promoting social inclusion and non-discrimination of older persons, safeguarding health and independence in later life and maintaining and enhancing intergenerational solidarity".¹⁰ There is no information available on a policy for older persons beyond 2020.

Legislative and policy measures were also put in place for older persons with regard to the COVID-19 virus. On 26th March 2020, the Maltese Government declared that all persons 65 years or older must not leave their homes.¹¹ "The only exception for these persons to be able to leave their homes is for medical appointments and emergencies, or on obtaining permission from the Superintendent for Public Health."¹² In April 2020, the government released official guidance, with "Ten tips to protect you and your family from contracting

⁶ Times of Malta, '[Equality Bills threaten freedom of expression](#)', 18 November 2019.

⁷ The Archdiocese of Malta, '[The Equality Bill And Religious Freedom](#)', February 2020

⁸ Malta, Parliamentary Secretariat for Rights of Persons with Disability and Active Ageing, '[National Strategic Policy for Active Ageing: Malta 2014-2020](#)', 2014-2020

⁹ Malta, Parliamentary Secretariat for Rights of Persons with Disability and Active Ageing, '[National Strategic Policy for Active Ageing: Malta 2014-2020](#)', 2014-2020

¹⁰ Malta, Parliamentary Secretariat for Rights of Persons with Disability and Active Ageing, '[National Strategic Policy for Active Ageing: Malta 2014-2020](#)', 2014-2020

¹¹ Malta, Department of Information, '[Mizuri ġodda dwar Covid-19 li jnaqqsu r-riskji](#)', 26 March 2020. (Link only available in Maltese).

¹² Malta, Department of Information, '[Mizuri ġodda dwar Covid-19 li jnaqqsu r-riskji](#)', 26 March 2020. (Link only available in Maltese).

Covid-19". This included the protection of elderly people: "If you are elderly or vulnerable, stay at home. If you have elderly vulnerable relatives, don't visit them. Instead, offer them support by taking groceries to them or other necessities or helping them to organise deliveries."¹³ On 22nd May, Parliamentary Secretary for the Elderly, Silvio Parnis, announced that elderly homes would be opened again, with controlled visits.¹⁴

With regard to the LGBTIQ+ community in Malta, Malta is still covered by the LGBTIQ Strategy and Action Plan (2018-2022). The Action Plan cover 10 thematic areas: Right to equality and freedom from discrimination; Right to education; Right to health; Equality in sport; Right to private and family life; Freedom from hatred; LGBTIQ civil society; Right to seek asylum; Promotion of LGBTIQ equality on an international level; and Other LGBTIQ measures.¹⁵

1. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and against LGBTI people.

On 15th January 2020, the Malta LGBTIQ Rights Movement (MGRM) released a report concerning LGBTIQ experiences in Paceville, Malta's entertainment and club area. The report was based on an online questionnaire launched at the end of October 2019. 210 persons participated in the research. The majority (45.7%) of respondents identified as cis male, followed by 30% who identified as cis female. 46.7% respondents identified as gay, 22.4% were lesbian, 12% stated that they were bisexual and 11% claimed to be straight. The age of respondents ranged from 14 to 59 although most were in their 20s or 30s. The report shows that members of the LGBTIQ community do not feel safe in Paceville. Over a third of respondents reported cases of discrimination, verbal and physical abuse, harassment, catcalling and rape. Members of the LGBTIQ community stated that they were have been thrown out of establishments, harassed, insulted or ridiculed because of their gender non-conforming appearance; because of their sexual orientation or for holding hands or kissing their partner. For trans and non-binary persons, the biggest problem is being banned from using the bathrooms in which they feel more comfortable. The report also highlights the issue of underreporting, with 93% of those who had experienced some form of discrimination in Paceville not reporting the incident to Police.¹⁶

On 14th May 2020, the Times of Malta published the results of the FRA LBGTI survey, stating that "Malta is the only EU country where most people do not avoid certain places because of their sexuality, according to the largest ever international LGBTI survey". According to the survey, 47% of homosexual

¹³ Malta, Ministry for Health, [Mandatory Standards and Guidance](#), April 2020

¹⁴ Times of Malta, Elderly homes to allow controlled visits starting Monday, 22 May 2020

¹⁵ Malta, Ministry for European Affairs and Equality (now Ministry for Justice, Equality, and Governance), [LGBTIQ equality strategy & action plan 2018-2022](#), 2018.

¹⁶ Malta LGBTIQ Rights Movement (MGRM), [LGBTIQ Experiences in Paceville](#), January 2020.

couples often or always avoid holding hands with their same-sex partner, compared to the EU28's 61%. Moreover, 27% were harassed during the year preceding the survey, while the EU's average is 38%.¹⁷

Malta continues to occupy the number one spot on the Rainbow Europe Map 2020, with a score of 89%.¹⁸ The Rainbow Map and Index ranks 49 European countries on their respective legal and policy practices for LGBTI people, from 0-100%. ILGA-Europe examines the laws and policies in 49 countries using 69 criteria divided in six categories: equality and non-discrimination; family; hate crime and hate speech; legal gender recognition and bodily integrity; civil society space; and asylum.

On June 7th 2020, an online platform called "Gay Malta", Malta's online LGBTIQ+ portal news, events, and community, published a list of suggestions of how companies can be supporters of Pride and support the fight against LGBTIQ+ discrimination in Malta. The suggestions include monetary donations, engage with activists and ways to provide a platform to amplify LGBTIQ people's voices, and support LGBTIQ entrepreneurs.¹⁹

¹⁷ Times of Malta, "Malta scores high in largest ever LGBTI survey", 14 May 2020

¹⁸ ILGA Europe, Malta, [Rainbow Europe 2020](#),

¹⁹ Gay Malta, "[Supporting Pride Month or 'Pinkwashing'? Here's what you can do to be a true supporter](#)", 7 June 2020

Chapter 2. Racism, xenophobia and related intolerance

1. Legal and policy developments relating to the application of the Racial Equality Directive

Subsidiary Legislation 350.26 on requirements as to standards and practice on the promotion of racial equality amended by ACT XI of 2018²⁰ is still the main legal instrument to ensure the application of the Racial Equality Directive. Since 2018, there have been no amendments to this law.

As outlined in the previous chapter, the Equality Bill applied, *inter alia*, to the Racial Equality Directive, passed to the *Adjunct Committee for the Consideration of Bills* on 11th March 2020 (sitting No. 026 – 11 Mar 2020).²¹ This Bill strives to be an Act to prohibit discrimination in various spheres of life, to promote equality and prevent discrimination, to incorporate the relevant provisions of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, amongst other aims related to racial equality.²²

The Equality Bill establishes an inclusive meaning of harassment, and sets such a conduct as tantamount to discrimination - as laid out in Article 2 (3) of the EU Racial Equality Directive - and thus a criminal offence prohibited under such Act. Similarly, victimisation is also criminalised in the same way as discrimination, as per Article 9 of the EU Directive. The Bill establishes that it is prohibited to engage in any discrimination: direct, indirect, ordinary or intersectional in the same way the Directive sets out that the principle of equal treatment means no direct or indirect discrimination. The meaning of such concepts are vague, so to cover any potential situation and to protect victims of discrimination even when this conduct is not blatant or evident. In addition, according to the Bill, indirect discrimination “*may be proven by any means*”.²³ Although the EU Directive only mentions racial or ethnic origins as criteria to identify discrimination, the Equality Bill provides for a longer and exhaustive list of protected characteristics (namely age; belief, creed or religion; disability; family responsibilities; family or marital status; gender expression or gender identity; HIV status; maternity; pregnancy; race, colour or ethnic origin; sex or sex characteristics; and sexual orientation). The scope of the Act is extended to all those fields listed in the EU Directive. Moreover, it goes slightly further by including the section “spouses of self-employed” within the

²⁰ Malta, [Subsidiary Legislation 350.26: Requirements as to Standards and Practice on the Promotion of Racial Equality](#), 2007 (amended 2018).

²¹ Malta, Bill 96 of 2019, [The Equality Bill](#), 11 March 2020.

²² Parliament of Malta, [Motion No. 259: Equality Bill - First Reading, 17 July 2019](#).

²³ Malta, Bill 96 of 2019, [The Equality Bill](#), 11 March 2020.

scope of the application of the Act. Different treatments based on characteristics related to racial or ethnic origins shall not constitute discrimination in those cases where such characteristics constitute genuine and determining occupational requirements, as set out in the Directive (Article 4). A similar provision can be found in Article 6(c) of the Equality Bill in order to safeguard those employers who look for specific features that are required for a position.²⁴

However, the Equality Bill is still subject to disagreements. One of the contentious points highlighted during the last plenary session is related to the expansive subjective interpretation of the terms *harassment* and *victim*, and the condition to complain about discrimination in some instances since this open interpretation may be used as a tool in the hands of those who want to harass people who disagree with their way of thinking. The way this Bill seeks to restrict the public display of religious symbols, the role of teachers in Catholic Schools, the right to manifest one's faith publicly, aspects of advertising and the issue of conscientious objection is also an object of concern as pointed out by Catholic Voices Malta.²⁵

The aforementioned Human Rights and Equality Commission Bill, as of August 2020, now in its second reading in Parliament is also relevant with regard to racial equality.²⁶

2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime

More than one year after Ivorian Lassana Cisse Souleymane was shot dead (and two other individuals, one from Guinea and one from Gambia, were seriously injured) in Hal Far,²⁷ in what was widely affirmed to be Malta's first racially motivated murder,²⁸ his death has been brought back into the spotlight amid concerns about renewed racism in Malta.²⁹ The two individuals, Francesco Fenech and Lorin Scicluna, (who were both soldiers with the Armed Forces of Malta - AFM) who were arrested in connection with the murder last year, were soon released on bail against a deposit of €30,000 and a personal guarantee of €20,000 and a condition to signing the bail book daily.³⁰ Maltese laws do not discern against people accused of crimes such as murder from other crimes.

²⁴ Malta, Bill 96 of 2019, [The Equality Bill](#), 11 March 2020.

²⁵ The Malta Independent, 'Catholic Voices Malta says parts of Equality Bill 'vague'', 13 June 2020.

²⁶ Malta, Ministry for European Affairs and Equality, [The Human Rights and Equality Commission Act, 2015](#), 2015.

²⁷ Malta Today, 'Drive-by shooting in Birzebbuga: one killed, two injured, murderer on the run', 7 April 2019.

²⁸ Malta Today, 'Enough evidence for soldiers accused of drive-by murder to be indicted' 28 May 2019.

²⁹ Times of Malta, 'Lassana Cisse murder: one year on racism still looms' 06 April 2020.

³⁰ Malta Today, 'Criminal Court confirms bail for Cisse murder suspects', 16 December, 2019.

The laws give them permission to be granted bail, subject to several criteria as happened in this case.³¹

The AFM launched an internal inquiry following Lassana's murder with the goal of determining whether there was an extremist group or a wider racism problem within the AFM. The government denied a request for a copy of the inquiry by the media. Nonetheless, the Home Affairs Minister, Byron Camilleri, argued that the interviewees 'had denied knowledge of any colleagues who bore racial hatred or intolerance or any affiliations with extremist groups or racial ideologies'. Although, the inquiry found no signs of racism in the AFM ranks, it recommended specialised training for senior command to help in the recognition of possible racist attitudes in the future.³²

Even though the 8th June 2020 Black Lives Matter³³ protest in Valletta was deemed a "turning point" and a "fantastic sign of progress",³⁴ an increase in hate speech, particularly on social media has continued to be a cause of concern. The 2020 Media Pluralism Monitor (MPM2020) published by the European Federation of Journalists raised a concern about media pluralism in Malta classifying it as an overall medium to high risk. They explained: 'Online hate speech, generally racist or misogynistic, or both, is on the rise, and the lack of media participation of the concerned groups is only exacerbating the situation'.³⁵

In response to the growing problem of hate speech online, the Hate Crime and Hate Speech Unit, which was inaugurated in October 2019,³⁶ has, since the beginning of this year, started seeing clients. The Unit, that focuses on providing victims of hate crime with legal and psychological support, has also in this year stepped up its operations, launching a website and a Facebook campaign providing information on how victims and witnesses of hate speech and hate crime can report incidents.³⁷

In an attempt to increase the number of investigations, Angelo Gafá, the newly appointed Commissioner for Police, proposed the centralisation of a hate crime unit (separate from the above) within the police force to gain efficiency and effectiveness.³⁸

Additionally, the aforementioned Black Lives Matter protest was attended by a counter-protest of far-right groups, and photos were taken of some protesters making Nazi salutes, making monkey noises and they could be

³¹ Times of Malta, '[AG requests revocation of bail of two murder-accused soldiers](#)', 13 December 2019.

³² Times of Malta, '[AFM inquiry finds no sign of racism in the army](#)', 24 May 2020.

³³ Times of Malta, 'Anti-racism protesters in Valletta confronted by self-described 'patriots'', 08 June 2020.

³⁴ Times of Malta, 'Black Lives Matter: 'Protest is fantastic sign of progress'', 10 June 2020.

³⁵ News Book, 'Online hate speech on the rise in Malta, confirms EFJ report', 27 July 2020.

³⁶ Malta Independent, 'New Hate Crime and Speech Unit inaugurated', 24 October 2019.

³⁷ Malta, Ministry for Home Affairs, Security and Law Enforcement, '[The Hate Crime and Speech Unit](#)'

³⁸ Lovin Malta, 'Dedicated Hate Speech Unit Proposed By Malta's Police Commissioner Nominee During Grilling', 22 June 2020.

heard chanting racist remarks such as “this is my country not yours.” It was reported that a case is being investigated with regard to the racist gestures.³⁹ The Prime Minister, Robert Abela, has condemned the racist chanting and Nazi salutes: “I condemn it most categorically. I cannot accept that people believe in this distinction based on colour. We are all people, and we cannot let the colour of our skin or nationality divide us,” he said.⁴⁰

Abela, during a press conference in January, commented on Malta’s ambition of not providing just the ‘necessary legal platforms but to contest social norms that abet stigma and discrimination’. He argued that legislation alone does not ensure societal transformation.⁴¹

In April 2020, the Hal Far open centre was placed under mandatory quarantine after eight residents tested positive for COVID-19.⁴² Following this, an increase in racist comments targeting migrants on social media was reported.⁴³ Maria Pisani from the human rights NGO Integra Foundation blamed institutional racism for escalating the levels of online hate speech. She condemns policies such as the “warehousing” of refugees in Hal Far in “substandard housing” - resulting in an outbreak that is detrimental to their health and everyone else’s. The residents also complained about the conditions under which they were being held and that the measures were put into place for the protection of the public, rather than to control the outbreak at the Centre.⁴⁴

Chapter 3. Roma equality and inclusion

1. Measures and developments addressing Roma/Travellers

There have been no further updates in this regard. There no current strategies for the integration of Roma/ Travellers. In December 2011, when Malta responded to a call from the European Commission to adopt the National Roma Integration Strategy,⁴⁵ it was stated that according to both official and non-

³⁹ Times of Malta, ‘Police investigating racist gestures at Valletta protest’, 15 June 2020.

⁴⁰ Lovin Malta, ‘Robert Abela Categorically Condemns Racist Chanting And Nazi Salutes At Counter Protest To ‘Black Lives Matter’ Demonstration’, 10 June 2020.

⁴¹ Malta, Department of Information, [Press Release: Prime Minister’s address to the Diplomatic Corps](#), 17 January 2020.

⁴² Times of Malta, [Watch: Hal Far open centre residents placed under mandatory quarantine](#), 5 April 2020.

⁴³ The Shift News, [Surge in racist and hate speech online following government decisions](#), 27 April 2020.

⁴⁴ Times of Malta, [‘Lassana Cisse murder: one year on racism still looms’](#), 6 April 2020.

⁴⁵ Permanent Representation of Malta to the European Union and Ministry for Education, Employment and the Family (2011), [‘Implementation of the National Roma Strategy by Malta’, 14 December 2011.](#)

official data on foreign nationals in Malta, there was no one of Roma ethnicity registered as living in Malta. This was also reported in the European Commission against Racism and Intolerance (ECRI) report on Malta from 2018, which states that “Malta considers it has no national minorities in its territory and no Roma population.”⁴⁶

2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

⁴⁶ European Commission against Racism and Intolerance (ECRI) (2018), '[ECRI Report on Malta \(fifth monitoring cycle\)](#)', 15 May 2018.

Chapter 4. Asylum, visas, migration, borders and integration

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

EUMS/ Republic of North Macedonia, Republic of Serbia	Category of TCN	Brief description of the measure	Legal source (legislation or case law as relevant) with hyperlink	Comments
	Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to which the measure applies	Not applicable	Not applicable	General rules, as of April 2020, regarding different types of visas can be found at Further changes to the services provided by Identity Malta Agency in view of the latest developments of COVID-19.

	<p>Holders of visas issued based on the Visa Code No. 810/2009 (as last amended by Regulation (EU) No. 2019/1155) (Schengen visas)</p>	<p>Previously, the Central Visa Unit was only considering visa applications in exceptional circumstances and these include visa applications for EU family members and medical professionals.</p> <p>(i) EU/EEA/Swiss nationals and their family members who are required to visit Identity Malta in order to apply for residence or renew their current residence card are requested to abide by the mandatory quarantine rules, if applicable;</p> <p>(ii) EU/EEA/Swiss nationals and their family members may submit a residence card renewal application even after expiration of the residence card.⁴⁷</p>	<p>Not applicable</p>	<p>The Central Visa Unit stopped all Visa applications on March 16 2020 and finally started accepting single permit applications from August 3 2020. Two processing offices and the Central Visa Unit were in fact closed from March 16 but reopened in June. Applications that were put on hold due to the pandemic will now be reassessed and a final decision will be given.⁵¹</p> <p>From March 13 2020 mandatory quarantine has been required from people traveling from non 'corridor countries' to Malta. This was updated</p>
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⁴⁷ Mondaq, [New Measures In Light Of Covid-19](#), 17 May 2020.

⁵¹ Identity Malta, [Identity Malta's Steady Return to Normal Services](#), 26 June 2020.

		<p>Identity Malta and the Central Visa Unit, as of August 3 2020, are now accepting single permit applications.⁴⁸ The approvals will be granted without prejudice to - any further approval that may be required by the Maltese Health Authorities in order for the applicant to be able to proceed to Malta (as per Legal Notices 244, 255, 280 and 290 of 2020, and/or any subsequent related LN which may be issued by the Health Authorities);⁴⁹ any visa requirements especially if the applicant originates from a country where there is no facilitation yet for the issue of visa; any restrictions regarding travelling to Malta imposed by member states through which the</p>	<p>when the borders opened widely again on July 1 2020.⁵² Currently the quarantine period is two-weeks, and the government website⁵³ and official guidelines⁵⁴ cover the topic in more detail.</p> <p>For those travelling to Malta from 'corridor countries' their treatment is separated into Green, Amber and Red, with each type under different restrictions. Visitors from Green countries are not required to submit to a coronavirus test or kind of quarantine before or after arrival, they just have to</p>
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⁴⁸ Identity Malta, [Single Permit FAQs](#), 28 July 2020.

⁴⁹ Laws of Malta, Legal Notice 244 of 2020 [Travel Ban \(Extension to all Countries\) \(Amendment\) Order](#), 15 June 2020; Legal Notice 255 of 2020 [Travel Ban \(Extension to all Countries\) \(Amendment No 2\) Order](#), 26 June 2020; Legal Notice 280 of 2020, [Travel Ban \(Extension to All Countries\) \(Amendment No. 3\) Order](#), 30 June 2020; Legal Notice 299 of 2020, [Travel Ban \(Extension to All Countries\) \(Amendment No. 4\) Order](#), 10 July 2020.

⁵² Malta, Ministry for Health, [Travel](#).

⁵³ Malta, Ministry for Health, [Quarantine](#).

⁵⁴ Malta, Office of the Deputy Prime Minister and Ministry for Health, [Guidance on Quarantine](#).

		<p>applicant would need to transit in order to reach Malta.⁵⁰</p>		<p>fill out a questionnaire detailing their travels for the previous 30 days. Visitors from Amber countries must present a negative coronavirus PCR test taken in the 1-3 days before arrival. If they cannot present a negative test result, they may be forced to quarantine. This came into effect from Saturday 22nd August 2020 in accordance with Legal Notice 333 of 2020.⁵⁵ The Amber country has been updated as of November 27 2020 and now includes more countries and airports. The legislation cited for this is Article 2(1) of the Mandatory Tests for</p>
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⁵⁰ Identity Malta, [Single Permit FAQs](#), 28 July 2020.

⁵⁵ Malta, Legal Notice 333 of 2020, [Mandatory Tests for Certain Travellers Regulations](#), 22 August 2020.

				<p>Certain Travelers Regulations, 2020.</p> <p>Upon travelling to Malta, visitors must complete the Public Health Travel Declaration form and Passenger Locator form. A visitor from a Red country, or someone who has been resident in one for more than 14 days, cannot travel to Malta at this time, unless they come for an essential reason and seek approval, or stay in an Amber or Green country for 14 days prior to travel.⁵⁶</p> <p>Currently, there is no further information on how long the mandatory</p>
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⁵⁶ Malta, Ministry for Health, [Travel](#).

				quarantine rules will be adopted for.
	<p>Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the Visa List Regulation (Regulation (EU) 2018/1806)</p>	<p>According to the European Union "Extension of legal stay related to COVID-19 – National Practices " report, extension of the validity of visa and the extension of stay of non-visa nationals beyond the authorized 90 day period in Malta was managed in the following manner: whereby the third country national submits a request by means of e-mail to the Central Visa Unit, which then conjointly with the Police Immigration Authorities, would issue confirmation of the requested extension until it would eventually become possible for the said persons to be repatriated. In exceptional cases, mainly related to humanitarian circumstances, a long stay visa is extended in the</p>	Not applicable	

		uniform format on a case-by-case basis. ⁵⁷		
	<p> Holders of long-term visas issued by the EUMS (under Regulation (EU) No. 265/2010 and beyond, under national law)</p>	<p> According to Identity Malta EU/EEA/Swiss nationals, as well as their family members, who have been residing in Malta for a period of 3 months, may submit a temporary residence permit application online by sending an email to the EU Section at the DCEA⁵⁸.</p>	Not applicable	
	<p> Holders of residence permits issued under Regulation (EC) No. 1030/2002 (as last amended by</p>	<p> According to the European Union “Extension of legal stay related to COVID-19 – National Practices” report, requests for the extension of residence permits were submitted to the</p>	Not applicable	

⁵⁷ European Commission, [Extensions of Legal Stay Related to Covid-19 – National Practices](#) , 26 May 2020.

⁵⁸ Mondaq, [COVID-19: Changes In The Expatriates Unit Of Identity Malta](#), 18 June 2020.

	Regulation (EU) 2017/1954)	<p>Identity Malta Agency by electronic means. If the request for the continued stay is justified, the third country national concerned was notified by electronic confirmation that the permit is being extended for a period of three months. The expired residence permit and the said electronic document are proof of such extension. In case the purpose of stay is no longer justified, the third country national is permitted to stay in Malta until it would be possible for him to be repatriated⁵⁹.</p> <p>Following the Maltese's Government announcement, Identity Malta Agency is not accepting new single permit applications except for highly</p>		
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⁵⁹ European Commission, [Extensions of Legal Stay Related to Covid-19 – National Practices](#) , 26 May 2020.

		skilled workers (Key Employee Initiative) and medical professionals, which should be submitted online. ⁶⁰		
	Holders of local border traffic permit under Regulation (EC) No. 1931/2006	Not applicable	Not applicable	
	Any other category of TCN not listed above.	Not applicable	Not applicable	

Notes:

TCN = third-country nationals

EUMS = EU Member State

⁶⁰ Malta, Identity Malta Agency, [COVID-19: Change in Expatriates Unit & Central Visa Unit Service Provision](#), 16 March 2020.

Chapter 5. Information society, privacy and data protection

1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

On 20th March 2020, the Information and Data Protection Commissioner issued a statement on the processing of personal data in the context of the outbreak COVID-19. In the statement, the Commissioner affirmed that it must be ensured that personal data is lawfully and correctly processed, as well as comply with instructions provided by the public health authorities, so to prevent the spread of the virus. A balance must be found between the need for processing health data and the rights of data subjects. There are two exceptions to the prohibition of processing special data (such as health data): reasons of public interest in the area of public health and reasons for substantial public interest.⁶¹

In April 2020, civil society organisations Repubblika and the Daphne Caruana Galizia Foundation jointly launched a legal initiative for those whose personal data was revealed through the data leak from the servers of the company C-Planet Solutions Ltd.⁶² The “C-Planet (IT Solutions) Limited” is a Maltese company, owned by Philip Farrugia, a former production director at One Productions (the media wing of the Labour party) and the brother-in-law of Stefan Zrinzo Azzopardi, the Parliamentary Secretary for EU Funds, and the former president of the Labour Party. The database gathered personal information on anyone who had the right to vote in the 2013 general elections, including sensitive information such as the political intentions of over 330,000 private individuals. “This is a barefaced breach of privacy and this type of action contravenes the laws protecting the privacy of every individual. Not everybody wants their political beliefs broadcast to the four winds and it is reasonable for a person to fear that they suffered or may suffer discrimination or other consequences because of this very serious leak that affected anybody eligible to vote in 2013,” the Daphne Caruana Galizia Foundation said.⁶³

⁶¹ Mondaq, [Malta: Re-Assessing Data Protection Protocols In Light Of COVID-19](#), 31 March 2020.

⁶² Daphne Caruana Galizia Foundation, ‘Collective action against C-Planet data breach’, 3 April 2020.

⁶³ The Shift News, ‘Legal initiative launched to aid those affected by massive data leak’, April 2020.

In addition, the European Commission presented a “Specific Support to Malta – "Open Access: an opportunity for Malta" Recommendations for the Development of a National Policy for Open Access to publications, research data and related issues”, at the request of the Maltese authorities.⁶⁴ The aim of this project is to improve the currently existing “Maltese Research and Innovation (R&I)” system which is characterised by a more “conservative” publication culture and a lack of structured data sharing, by introducing an Open Access and an Open Data policy that will improve scientific research, as well as accelerating innovation and involving society, providing clear advantages for Malta. In this context, investing in researcher assessment, training, awareness and support are also included in the support measures.

The website of the Information and Data Protection Commissioner⁶⁵ includes a list of publications, news pieces and sources for people wanting to learn more about data protection. One of the pieces contains information on European Data Protection Board (EDPB)’s Open Public Consultations. The information gives an update on two guidelines that were adopted by the EDPB (targeting of social media users and the concepts of the controller and processor in the GDPR) and links to public consultations currently happening on the topics. This information is available online and accessible to everyone who might want to learn more about personal data use. On 28th December 2020, a new Commissioner of Information and Data Protection was appointed, Ian Deguara.⁶⁶

2. Artificial intelligence and big data

Please fill in the table below with any initiatives you may identify in your country:

MS	Actor*	Type* *	Description	Are Ethical concern	Are Human Rights	Reference

⁶⁴ European Commission, [Specific Support to Malta – "Open Access: an opportunity for Malta" Recommendations for the Development of a National Policy for Open Access to publications, research data and related issues](#), 2020.

⁶⁵ Information and Data Protection Commissioner, <https://idpc.org.mt/idpc-publications/edpb-public-consultation-07-08-2020/>

⁶⁶ Department of Information, [Stgarrija mill-Ministeru għall-Gustizzja, l-Ugwaljanza u l-Governanza is-Sur Ian Deguara mahtur Kummissarju għall-Infurmazzjoni u l-Protezzjoni tad-Data](#), 23 December 2020 (Press release only available in Maltese).

				s mention ed? (yes/no)	issues mentione d? (yes/no)	
MT	Government	Other Projects	In support of the "Strategy and Vision for Artificial Intelligence in Malta 2030" and the achievement of the Malta Ethical AI Framework, the Malta Digital Innovation Authority (MDIA) is in the process of expanding the ITA certification framework for AI-based solutions. It will be the world's first national AI certification programme aiming for AI solutions to be developed in an ethically aligned, transparent and socially responsible manner. The idea was first developed at the end of 2018 and its development is still ongoing. The Malta Digital Innovation Authority has recently published a <u>guideline</u> relating to the Forensic Node, a	YES. One of the objectives of MDIA is "to promote education on ethical standards and legitimate exploitation of innovative technology	YES. The documents available on the initiative refer briefly to issues of data protection . However, One of the Strategy's aims is to protect users of innovative technology	<p>MDIA – Malta Digitalisation Authority https://mdia.gov.mt/</p> <p>Ethical Principles: https://mdia.gov.mt/about/</p> <p>Forensic node guidelines: https://mdia.gov.mt/wp-content/uploads/2019/09/Forensic-Node-Guidelines.pdf</p> <p>MDIA Technology Driven ITA Sandbox Consultation: https://mdia.gov.mt/wp-content/uploads/2020/07/itas-sandbox-consultation-document-v1.0.pdf?fbclid=IwAR02YyT_rLFM_vsdPfl0ySKfW2aCQHiza6Hsd3ycgDIIAHH73ouLNdGWtAQ.</p>

			<p>mechanism of an Innovative Technology Arrangement (ITA) that keeps track of the ITA's behaviour.⁶⁷ These rules are part of all the guidelines whose purpose is to guide ITA certification applicants.</p> <p>On 1st July, the MDIA issued a consultation document asking stakeholders to give a feedback on ITA Sandbox, to complement the MDIA's innovative technology arrangement (ITA) full certification framework. The <u>text of the Technology-Driven ITA Sandbox Consultation</u> is available online.⁶⁸</p>	arrange ments”	y arrangem ents, including consumer s and the public and to ensure that standards are set to meet their legitimate expectati ons and protect them against misuse.	

⁶⁷ Mondaq, [Malta: Malta Digital Innovation Authority Sets Out Purpose And Requirements Of Forensic Node For ITAs](#), 20th October 2020.

⁶⁸ Malta Digital Innovation Authority, [MDIA Technology Driven ITA Sandbox](#), 1 July 2020.

*For the actors, please pick from the following suggestions:

Government/ Parliamentary

DPA

NGO/Other Non Profit

Academia

Domestic Courts

Business

Independent State Institution

Other

** for the type, please pick from the following suggestions:

National Draft Acts / Adopted Acts

report/study

other projects

Chapter 6. Rights of the child

1. Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence.

Measures to address the specific vulnerabilities of children living in poverty	<p><i>e.g. income support to single-headed families or dependant on number of children in the household; meals for children provided for free; free access to health services; suspension of evictions in households with children; support for distance learning (e.g. provision of computers/tablets, or access to internet</i></p> <p>On the 25th of March 2020, the Ministry for the Family, Children’s Rights and Social Solidarity published government notice No. 329, “Additional Unemployment Benefit to Persons who Due to the Impact of Covid-19 Lose their Job in the Private Sector”, which stated that the rate of eligible Children’s Allowance beneficiaries paid under the act shall be adjusted to take into consideration the new income earned, and may increase accordingly.⁶⁹ The Ministry also published Government Notice No. 330, “A Benefit for Employed Parents with Children Under 16 who Due to the Impact of Covid-19 Cannot Go to Work to Take Care of their Children”, which introduced a scheme with the aim of paying a benefit to parents employed in the private sector, with children under 16 years of age, who are not able to work from home and who, due to the impact of COVID-19 after 8th March, 2020, cannot go to work to take care of their children.⁷⁰ If eligible, they will receive a direct payment of €166.15 per week if working full-time or €103.85 per week if working part-time. In addition if they are entitled to Children’s Allowance the rate will be adjusted taking into consideration the new income earned which may increase up to the maximum rate of €24.08 per week per child.⁷¹ During a press conference delivered on the 4th June 2020 by Minister for the Family, Children’s Rights and Social Solidarity, Michael Falzon, it was announced that the Parents’ Benefit, will continue to be</p>
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⁶⁹ Government of Malta, [The Malta Government Gazette](#): No. 329, 25 March 2020.

⁷⁰ Government of Malta, [The Malta Government Gazette](#): No. 329, 25 March 2020.

⁷¹ Government of Malta, [Inclusion, Equality and Social Welfare: Covid 19 - Parent Benefit](#), 25 March 2020

	<p>paid until 3rd July, when skolasajf (summer school) reopens.⁷²</p> <p>On the 7th of April 2020, the Minister for Education and Employment announced that necessary arrangements were made for the children on a benefit scheme called Scheme 9, in light of school closures. This arrangement was to continue to provide free lunches to children from disadvantaged households by delivering them to the doorsteps of their homes. On 14th of April, the Minister announced during an online press conference that 250 students on Scheme 9 would also be receiving the provision of free internet access with an investment of €40,000, stating that: "Internet access is crucial during the current time, where most educational services are being offered online". According to the press release, the Ministry will also provide a free computer or tablet to students in need, for the duration of this period in which schools are closed. The goal is to enable students to continue their studies.⁷³</p> <p>On Tuesday 21st April 2020, the Individual Investor Programme reported that €15,000 from the programme would be used to help students who are facing financial difficulties with online learning.⁷⁴ This donation is one of multiple financial aid that have been given to the Education Ministry after a call for funding made the previous week. Minister Owen Bonnici had also affirmed that he was giving up a month of his salary and that five companies have already reached out following the call to make donations in order to support this measure. The media also reported that the Minister explained that these donations would be used for students in need, not only students under Scheme 9, but also other families who have reached out for help in this regard.⁷⁵</p>
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⁷² Government of Malta, Department of Information, [STOARRIJA MILL-MINISTERU GHALL-FAMILJA, DRITTIJJET TAT-TFAL U SOLIDARJETÀ SOĊJALI II-benefiċċju għal ġenituri estiż sat-3 ta' Lulju](#), 4 June 2020.

⁷³ Malta, Department of Information, [Press Release by the Ministry for Education and Employment](#), 14 April 2020.

⁷⁴ Individual Investor Programme, [MIIPA donates €15,000 for the Purchase of Educational Computer Equipment](#), 21 April 2020.

⁷⁵ Malta Independent, 'Coronavirus: €15,000 IIP scheme donation to students with no access to online learning – Alex Muscat', 21 April 2020.

<p>Measures to protect children from violence</p>	<p><i>e.g. set up of new helplines or strengthening of existing ones through training or increased number of staff; campaigning on issues related to violence and COVID 19; revision of standard operating procedures for health and social workers to ensure identification and referral of victims of violence during Covid 19; social services identify alternative methods if home visits become impossible; internet safety support to families.</i></p> <p>On the 24th of April 2020, the Ministry for the Family, Children’s Rights and Social Solidarity endorsed an initiative that came into force the same day, by the Malta Association of the Counselling Profession, which provided counselling hours by their registered counsellors to be available for callers of 1772 and 179 helplines, operated by the Foundation for Social Welfare Services. These helplines are the first point of contact through which preliminary assessments identify callers who need counselling sessions. FSWS professionals register the necessary personal details with the caller’s consent, and then further explain the process of referral and online counselling or telephone counselling to the person being referred. Once details are provided, the 179/1772 person in charge will go through the details of the person, clarify where necessary with the professional who took the call, and refer the case directly to a counsellor according to the needs of the service user, based upon a list of counsellors and their area of interest as provided by the MACP.⁷⁶</p>
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2. Legal and policy measures or initiatives developed about criminal proceedings

<p>Legislative changes</p>	<p><i>e.g. reform of the criminal code</i></p> <p>In April 2020, an Act to further amend the Criminal Code, Chapter 9 of the Laws of Malta was adopted.⁷⁷ ACT No.</p>
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⁷⁶ Malta, Department of Information, [Press Release by the Ministry for the Family, Children’s Rights and Social Solidarity: Free counselling sessions for the most vulnerable](#), 24 April 2020.

⁷⁷ Malta, Act XVIII of 2020, [Criminal Code \(Amendment No. 2\) Act, 2020](#), 7 April 2020.

	<p>XVIII of 2020 adds a new Title to the Code, immediately after Title VI, Part I, Book Second of the Code. The measures in this new Title VII provided for the transposition of Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.</p> <p>Firstly, the new provisions specify the right to information. The new Article 534AGD states that “when children are made aware that they are suspects or accused persons in criminal proceedings, they shall be informed promptly of their rights in accordance (...) with this Title, and about the general aspects of the conduct of the proceedings”. The information shall also be provided to the holder of parental responsibility, or another appropriate adult who is nominated by the child and accepted as such by the Police or by any other law enforcement or judicial authority, as soon as possible.</p> <p>Moreover, the new article 534AGF provides that children shall have the right of access to a lawyer and specifies that “Nothing in this Title (...) shall affect that right”. In the application of the provisions of this Title, the specific needs of children concerning protection, education and so on shall be taken into account. This means that children shall individually assessed and their personality, economic, social and family background shall serve to establish and to note such information, as might be of use to the Court (e.g. determining whether any specific measure to the benefit of the child, taking any decision or course of action in the criminal proceedings, including when sentencing, etc.).</p> <p>The new provision of the Article 534AGH specifies that children deprived of liberty have a right to a medical examination without delay with a view, in particular to assessing their general mental and physical condition. The results shall be taken into account when determining the capacity of the child to be subject to any measures taken or envisaged against the child. Furthermore, questioning of children shall be audio-visually recorder where this is proportionate in the circumstances of the case. Article 534AGI provides that the child’s best interests are always a primary consideration.</p> <p>Regarding the deprivation of liberty of a child, at any stage of the proceedings, Article 534AGJ provides that the measure shall be imposed only in a last resort and limited to the shortest appropriate period. Any detention decision shall be subject to appeal and alternative measures to</p>
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	<p>detention shall be taken where possible (<i>cf.</i> Article 534AGK). Children need a specific treatment in the case of deprivation of liberty: they shall be held separately from adults, even in police custody; the detention authorities shall take appropriate measures to ensure and preserve their health and physical and mental development; ensure their right to education, including where the children have disabilities; to a regular and effective exercise of their right to family life; to the access to programmes that foster their development and reintegration; to respect for their freedom of religion or belief.</p> <p>About the timely and diligent treatment of cases, the Article 534AGM states that the Police and other judicial authorities shall ensure that criminal proceedings involving children are treated as a matter of urgency. Moreover, the authorities shall treat children in a manner that protects their dignity, including take into account any special needs that they may have (needs concerning any communication difficulties, for instance). If children have the right to be accompanied by holder of parental responsibility during any stage of the proceedings, Article 534AGO provides that children shall have the right to be present at their trial and to participate effectively, including to be heard and to express their views.</p> <p>Lastly, concerning the training of the authorities, Article 534AGQ states that the Minister responsible for home affairs shall ensure that staff of law enforcement authorities and of detention facilities who handle cases involving children, receive specific training. And without prejudice to the independence of the judiciary, the Minister shall ensure that judges and prosecutors have specific competence in that field, effective access to specific training too, as well as to lawyers who deal with criminal proceedings involving children.</p> <p>In June 2020, amendments were made to the Minor Protection (Alternative Care) Act,⁷⁸ raising the level of protection for children in legal settings and otherwise. Key amendments include the right to appeal every stage of the proceedings, a set period for the minor to be returned with the natural family under certain situations, regulated care</p>
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⁷⁸ Parliament of Malta, [Amendment to Minor Protection Act](#), 28 July 2020

	plans and a care order being issued by the Juvenile Court. ⁷⁹ On 1 st July 2020, the Act came into force. ⁸⁰
Policy developments	<i>e.g. guidance or training for law enforcement officers on the treatment of child suspects; amendment of police academy curriculum; training of judges; developing indicators to monitor the situation of child suspects and improve data collection</i> There have been no policy developments in this regard.
Other measures or initiatives	<i>E.g. relevant activities to promote alternatives to detention; community involvement or general initiatives related to the dissemination and information in relation to the entering into force of the Directive.</i> There are no other measures or initiatives in this regard.

⁷⁹ Malta Independent, 'Child centred amendments to the Minor Protection Alternative Care Act to be activated on 1 July', 24 June 2020

⁸⁰ Malta, Ministry for Justice, Equality and Governance, [Minor Protection \(Alternative Care\) Act](#), 1 July 2020.

Chapter 7. Access to justice including crime victims

1. Victims' Rights Directive

In February 2019, the European Commission had sent a letter of formal notice to Malta for infringement of the Victims' Rights Directive (*hereafter* VRD, or Directive).⁸¹ According to the letter, Malta had failed to adequately transpose the Directive within its national legislative system. Particular failures regarded the right to be informed about the rights and the case, or the right to support and protection.⁸² Malta was given two months to act accordingly; otherwise, the Commission would proceed via other measures as the EC deciding to send a reasoned opinion. As of 11th May 2020, Malta had still not completely transposed the VRD and the infringement proceedings were still in place.⁸³

In February 2020, ACT No. III of 2020 was passed, to amend the Criminal Code, (Chapter 9 of Laws of Malta). Notably, the Act amended Article 540A of the Code relating to temporary protection orders.⁸⁴ The amendments concern the assessment of the risk of the injured person or any other individual, to request a temporary protection order. A new provision is added in the sub-article (1) of the Article 540A and states that "if an assessment has been conducted by a professional trained in accordance with the Gender-Based Violence and Domestic Violence Act within the twenty-four hour period immediately preceding the receipt of the report, information, or complaint by the Executive Police, there shall be no need to conduct that assessment after such receipt". This means that an assessment is valid for 24 hours before a report, information or complaint by the Executive Police. After that, another assessment must be taken. Moreover, the wording choice in sub-article (2) of the Article 540A, that currently can be read as follow "Where, following such assessment, it becomes apparent that any person is at a serious risk of harm, the Executive Police shall immediately apply in person to a Magistrate requesting the issue of a temporary protection order stating the grounds for the request and giving the Magistrate all such information that will enable the Magistrate to decide upon the request", it becomes apparent that the Executive Police shall request the issue of a temporary protection order to a Magistrate to any person at serious risk of harm. The whole process involves first a social worker carrying

⁸¹ European Commission, [July infringements package: key decisions](#), 25 July 2019.

⁸² European Commission, [July infringements package: key decisions](#), 25 July 2019.

⁸³ European Commission, [Report from the commission to the European Parliament and the council](#), 11 May 2020.

⁸⁴ Malta, Act III of 2020, [Criminal Code \(Amendment\) Act, 2020](#), 28 February 2020.

out a risk assessment, and then if the risk is seen as high, the police call the magistrate on duty to apply for a temporary protection order. In the meantime, the Executive Police could decide to arrest the aggressor straight after the report if deemed not safe to be left alone, as reported by Inspector Sylvana Gafa of the Police Victim Support Unit; the aggressor is then taken to court within 48 hours.⁸⁵

With regard to COVID-19 measures for victims of crime, a key development concerns good practices on communication with victims and crime reporting. As of 1st April 2020, it became possible to report non-immediate offences remotely. In order to minimise the victims and police officers' exposure to the coronavirus, the reports can be raised by telephone, visiting the website or by e-mail.⁸⁶

Due to COVID-19 and the subsequent increase in Internet usage for most Maltese, it was reported by the media that cybercrime is on the rise in Malta.⁸⁷ To address this, the Malta Police Force has been relying on Facebook as a tool to notify the Maltese population on what to do if they find themselves a victim of cybercrime/hacking. Malta, in May, joined an international alliance led by the Interpol in order to create awareness about cybersecurity through a campaign named #WashYourCyberHands. This alliance aims to protect communities from cyber criminals who are stealing data, committing online fraud or disrupting the virtual world⁸⁸. Other than that, no other policies were implemented so far concerning the protection of this group of victims.⁸⁹

2. Violence against women

With regard to Gender Based Violence (GBV) and Domestic Violence, Malta is still covered by the three-year plan called *Society's concern: Gender-*

⁸⁵ The Malta Independent, [Magistrates 'deny' temporary protection order in some high-risk cases of domestic violence](#), 16 February 2020.

⁸⁶ European Network on Victims' Rights, [Malta – Specific measures during COVID-19 crisis, 2020](#).

⁸⁷ Lovin Malta, ['Cyber Crime Is On the Rise As More Maltese People Rely On Internet During COVID-19 Pandemic'](#), 15 April 2020.

⁸⁸ Cyber Security Malta, [Malta joins an international alliance led by Interpol to enhance Cyber Security during COVID-19](#), 20 May 2020.

⁸⁹ European Network on Victims' Rights. [Malta – Specific measures during COVID-19 crisis, 2020](#).

*based violence and domestic violence strategy and action plan vision 2020.*⁹⁰ The strategy is in line with “the policy recommendations included in the Council of Europe Convention on prevention and combating violence against women and domestic violence (Istanbul Convention), which Malta ratified in 2014”.⁹¹ The plan is built on the four Istanbul Convention pillars: prevention, protection, prosecution, and integrated policies.⁹² Regarding the current measures, and actions concerning this specific matter, the 2020 action plan displays the following activities:

1) Legal Measures and Integrated Policies

- Victims shall be provided with legal aid, psychological support, and protection. To do so, a risk assessment must follow and the victims referred to legal or psychosocial support.⁹³
- Victims’ rights shall be upheld throughout the investigations and proceedings; thus, they shall be provided with information about the case, services at disposal, and the provision of a safe environment “through court accompaniment services during investigations and court hearings”.⁹⁴
- Raising awareness about GBV and DV both regionally and internationally, “demanding coordinated action,” to highlight the matter from a public safety perspective.⁹⁵

2) Protection and Support for victims and child witnesses

- Provide and ensure a 24-hour efficient support line relative to GBV&DV, by strengthening the already existing Supportline 179, and the “referral mechanism among stakeholders so as to provide with timely support to victims”.⁹⁶

⁹⁰ Council of Europe, Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (2019), [Report submitted by Malta pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence \(Baseline Report\)](#), 9 September 2019.

⁹¹ Malta, Ministry for European Affairs and Equality. [Society’s concern: Gender-Based Violence and Domestic Violence Strategy & Action Plan VISION 2020](#)-n.d.

⁹² Malta, Ministry for European Affairs and Equality. [Society’s concern: Gender-Based Violence and Domestic Violence Strategy & Action Plan VISION 2020](#)-n.d.

⁹³ Malta, Ministry for European Affairs and Equality. [Society’s concern: Gender-Based Violence and Domestic Violence Strategy & Action Plan VISION 2020](#)-n.d.

⁹⁴ Malta, Ministry for European Affairs and Equality. [Society’s concern: Gender-Based Violence and Domestic Violence Strategy & Action Plan VISION 2020](#)-n.d.

⁹⁵ Malta, Ministry for European Affairs and Equality. [Society’s concern: Gender-Based Violence and Domestic Violence Strategy & Action Plan VISION 2020](#)-n.d.

⁹⁶ Malta, Ministry for European Affairs and Equality. [Society’s concern: Gender-Based Violence and Domestic Violence Strategy & Action Plan VISION 2020](#)-n.d.

- Provide financial support and housing to victims “as well as training opportunities to enhance the employment prospects and thus the financial independence”, by “Strengthen[ing] housing and training schemes for victims of GBV&D”.⁹⁷

For a more detailed and expanded description of the various measures and actions being undertaken, please refer to [Society’s concern: Gender-Based Violence and Domestic Violence Strategy & Action Plan VISION 2020](#).

Among such measures and actions, it is worth highlighting the ‘Breaking the cycle of violence’ that is expected to be implemented this year (2018-2020). It “aims to identify the behaviours and attitudes towards violence against three minority target groups (migrant women, LGBTIQ women and women with disabilities) and the need to promote gender equality and break the cycle of violence by changing behaviours that may be conducive to gender-based violence, gender stereotypes and inequalities”. To achieve this outcome, the project carries out research with the target groups; raises awareness on violence prevention, victims’ rights, and support services. The scope of the project also includes the need to mentor victims through workshops. This project is an initiative of the Human Rights and Integration Directorate (Ministry for Justice, Equality and Governance) under the Rights, Equality and Citizenship Programme 2014-2020 (REC) which is part-financed by the European Union (EU).⁹⁸

In February, the case of Chantelle Chetcuti, killed by the estranged father of her two children, has further brought the issues of femicide and domestic abuse into the spotlight in Malta. Justin Borg, who pleaded not guilty, later turned himself in at police headquarters. He was also “accused of unlawful possession of a weapon, unlawful possession of cocaine and breach of the peace”.⁹⁹ In the sitting, that also took place in February, Justin Borg was indicted for murder.¹⁰⁰ According to the media, Equality Parliamentary Secretary, Rosianne Cutajar said that domestic violence is the third most common crime and called on victims to report domestic abuse. The Malta Confederation of Women’s Organisations stated that if women either do not

⁹⁷ Malta, Ministry for European Affairs and Equality. [Society’s concern: Gender-Based Violence and Domestic Violence Strategy & Action Plan VISION 2020](#)-n.d.

⁹⁸ Malta, Ministry for European Affairs and Equality. [Society’s concern: Gender-Based Violence and Domestic Violence Strategy & Action Plan VISION 2020](#)-n.d.

⁹⁹ Times of Malta, ‘Former partner denies murder of young mother Chantelle Chetcuti’, 4 February 2020.

¹⁰⁰ The Malta Independent, ‘Court: Justin Borg indicted for murder of Chantelle Chetcuti’, 24 February 2020.

report or do not receive timely and appropriate help, the number of cases of femicide would continue to increase.¹⁰¹

In a press release by the Commission on Gender-based Violence and Domestic Violence, the Commission acknowledges that gender inequalities that fuel violence against women are essentially caused by power imbalances in the patriarchal society. It calls for civil society to take a firm stand against misogyny and violence and for all politicians to pledge their constant commitment to stand by all women who are victims of all kinds of violence and to work for a just society. "Stigma, underreporting, misconceptions and poor enforcement of the laws only perpetuate impunity", the Commission states.¹⁰²

The COVID-19 pandemic and the measures taken to fight against the spreading of the virus, the concerns about domestic violence have been raised in the public debate. In a press release, the Commission on gender-based violence and domestic violence drew the attention of the public "to the urgent need to take care of each other". Indeed, the COVID-19 pandemic necessitates social distancing, and this could result in a higher risk of domestic abuse. Many victims are presently living in a situation where their aggressors are constantly monitoring them. This not only limits the victims' ability to contact people outside their household but also gives more power to the perpetrators, since they are easily aware of the victims' routine, putting them in greater danger. The main concern is that the most vulnerable victims are not able to seek help and support due to ongoing monitoring.¹⁰³

To avoid victims being trapped inside the house with their aggressors due to COVID-19 restrictions, the Private Rent Housing Benefit Scheme was extended to domestic violence victims: "Those interested must submit an application through the Housing Authority. Persons must produce either a report from the executive police, a report from social workers, evidence that they were previously in care from private or public entities working in the field or any other evidence which may prove that they were caught in a situation of abuse".¹⁰⁴

¹⁰¹ Malta Today, '[This is no crime of passion: this is femicide](#)', activist Lara Dimitriijevic's [anguished call on Facebook](#), 4 February 2020.

¹⁰² The Government of Malta, '[Press release by the Commission on gender-based violence and domestic violence](#)', 6 March 2020.

¹⁰³ The Independent, '[The reality of domestic violence, during COVID-19](#)', 28 May 2020.

¹⁰⁴ Lovin Malta, 'Government Rental Scheme Extended To Domestic Violence Victims After Concerns That COVID-19 Closures Meant Victims Would Be Trapped With Their Abusers', 31 March 2020.

According to the media, on 5th May 2020, during the first quarter of 2020, domestic violence reports increased 7% in comparison to the last year.¹⁰⁵ However, it has not been interpreted as a significant rise in reported cases of domestic violence as a result of the partial lockdown imposed in the wake of the COVID-19 outbreak. Byron Camilleri, the Home Affairs Minister, noted that the issue had fuelled concerns among NGOs and the police arguing that the figures should be taken with a degree of caution “as some victims might still be reluctant to come forward”.¹⁰⁶ Nonetheless, on the 7th October 2020 the media stated that cases of domestic violence reported were 15% higher compared to the 1.325 reports of domestic abuse in 2019.¹⁰⁷ The concerning increase of domestic violence rates in Malta can also be witnessed in the raised use of the 24/7 hotline Malta Legal Aid Agency. While in April only three people were assisted, after the lockdown was implemented (which ran until mid-May), victims receiving legal aid were respectively 22 in May, 41 in June, 32 in July, 14 in August, and 18 in September.¹⁰⁸

The Commission on Gender-based Violence and Domestic Violence urged the public to be vigilant and report if they believe anybody is in any kind of danger. They provided different phone numbers of professional help in cases of domestic violence, to report and ask for help and advice.¹⁰⁹ The police mobile app, named ‘112’, launched in February, enables victims to file a report against their aggressors discretely.¹¹⁰

To cope with COVID-19 restriction measures, Aġenzija Appoġġ (Foundation for Social Welfare Services) is carrying out the risk assessment for victims over the phone instead of them going to the police station. Despite the virus, especially if there is physical domestic violence, the police are still obliged to enter the victim’s house, adopting the right protective equipment when applicable. In a regular procedure, when the risk is high, the aggressor is arrested and taken to the depot immediately and then taken to court. However, the courts remained closed during the months of the peak of the virus, meaning that cases could only be heard once courts re-opened, provoking victims’ dissatisfaction about the process, as affirmed

¹⁰⁵ Malta Today, ‘Domestic violence reports increase by 7% during first quarter of 2020’, 5 May 2020.

¹⁰⁶ Times of Malta, ‘Covid-19 : No spike in domestic violence reports so far’, 5 May 2020.

¹⁰⁷ LovinMalta, [Over 130 Domestic Violence Victims Called Malta’s New Support Helpline In 2020](#), 7 October 2020.

¹⁰⁸ LovinMalta, [Over 130 Domestic Violence Victims Called Malta’s New Support Helpline In 2020](#), 7 October 2020.

¹⁰⁹ Malta, Department of Information, [Press release by the Commission on gender-based violence and domestic violence, “The imperative of taking care of each other at this time of social isolation”](#), 20 March 2020.

¹¹⁰ Malta Today, ‘Domestic violence reports increase by 7% during first quarter of 2020’, 5 May 2020.

by Inspector Kylie Borg.¹¹¹ Nevertheless, courts have been given the power to “order the hearing of urgent cases, or of cases where the court deems that the public interest should prevail in having the case heard, including cases of domestic violence”.¹¹²

The community-policing programme, which was first launched in Mellieħa, is in the process of being extended to 11 additional localities. Byron Camilleri, Minister for Home Affairs (responsible for the Police) stressed the cooperation aspect of such programmes, helping to increase people’s trust in the police force.¹¹³ It will consist of 30 officers and an investment of €60,000 to cover the centralised premises and the use of electric bicycles. The localities to be covered are Marsaxlokk, Birżebbuġa, Pembroke, Swieqi, Fgura, Rabat, Dingli, Mtarfa, Mdina, Floriana, and Valletta.¹¹⁴ The programme aims to prevent crimes from taking place rather than just reacting once it is done.¹¹⁵ Mainly vulnerable people who said to be satisfied with police intervention according to a survey in Mellieħa praised it. The programme was also responsible for the confidence rate in the police growth from 72% to 85% in this region.¹¹⁶

The government is also implementing, “a specialised unit within the Police Force tasked with supporting victims of gender-based violence and domestic violence, with officers being specifically sensitised to the issue” as pointed out by Rosianne Cutajar, Parliamentary Secretary for Equality and Reforms.¹¹⁷ The unit, that will be called the Gender-based and Domestic Violence unit, is currently already being set up and will include a virtual reality simulator to train officers.¹¹⁸ Women’s rights activists welcomed the news with great joy arguing that this initiative shows that victims are top priority and that they will get the full protection deserved. Byron Camilleri, the Home Affairs Minister, also pointed out those officers that dismiss the graveness of domestic violence cases or show no empathy towards the victims will be eligible to face disciplinary action.¹¹⁹

¹¹¹ The Malta Independent, ‘Domestic violence and Coronavirus: ‘Do not give up, the police are still here to help’ – inspector’, 12 April 2020.

¹¹² Council of Europe, [Promoting and protecting women’s rights at national level](#), 2020

¹¹³ Times of Malta, Community policing to extend to 11 new localities, 10 September 2020.

¹¹⁴ Times of Malta, Community policing to extend to 11 new localities, 10 September 2020.

¹¹⁵ Times of Malta, [Community policing to extend to 11 new localities](#), 10 September 2020.

¹¹⁶ TVM, [Plan to increase community policing in more localities](#), 30 July 2020.

¹¹⁷ Malta, Department of Information, [Press Release: Government welcomes GREVIO scrutiny aimed at fully enforcing the provisions of the Istanbul Convention](#), 21 February 2020.

¹¹⁸ Times of Malta, ‘Specialised domestic violence police unit being set up’, 24 August 2020.

¹¹⁹ Lovin Malta, Women’s Rights Activists Applaud ‘Much Needed’ Domestic Violence Unit In Malta’s Police Force, 24 August 2020.

Since April, a service of free legal advice for domestic violence victims is also available. This is an initiative piloted by the Justice Ministry in collaboration with Appoġġ (the national agency for social services) and the Victim Support Unit within the Malta Police Force.¹²⁰ The victims are receive the appointment with a lawyer within just a few hours after calling a 24-hour number, according to the Ministry. In addition, in case of enough evidence to proceed with a civil court case against the perpetrator, the victim can get free legal representation in those cases.¹²¹

In addition, the Commission on Gender-based and Domestic Violence launched the campaign #intkapaċi (in Maltese) or #youcan (in English) in June 2020. This initiative aimed to “increase public awareness of the phenomenon of gender-based and domestic violence and spread information about how to recognise the signs of a toxic relationship, and what to do to access help and support to ensure safety for oneself and those involved”.¹²²

In a landmark Constitutional Court decision in March 2020, the State was found guilty of not protecting a woman from abuse. It was ruled that the state had a positive obligation to uphold the woman’s fundamental rights and that it has not done enough to protect her from her partner’s abusive behaviour. The court denounced the police defence that most of the cases did not end up in court because they were borderline cases. The victim filed, several times, similar police reports in different police stations. The court argued that the police procedures adopted to protect her presented “systemic shortcomings”. It consequently created a double victimisation environment for the woman who was awarded €5,000 in moral damages.¹²³

The issuance of protection orders was classified as a point of contention. The Head of the Victim Support Unit, Inspector Sylvana Gafa, explained to the Malta Independent in an interview that the system for the issuance of protection orders has left some victims vulnerable as “there are occasions in domestic violence cases in which magistrates refuse requests for a protection order to be issued despite the case being deemed a high risk”. She added that those outside the high-risk category (...) do not have a temporary protection order’.¹²⁴ Gafa also described an additional legal hurdle

¹²⁰ Malta Today, ‘Domestic violence victims to receive free legal assistance’, 24 April 2020.

¹²¹ Times of Malta, ‘Domestic violence victims get free legal aid in civil cases’, 25 April 2020.

¹²² The Malta Independent, ‘Commission on gender-based and domestic violence launches #intkapaċi campaign’, 22 June 2020.

¹²³ Times of Malta, ‘State found guilty of failing to protect woman from abuse’, 7 April 2020.

¹²⁴ The Malta Independent, ‘Magistrates ‘deny’ temporary protection order in some high-risk cases of domestic violence’, 16 February 2020.

for some victims that forces them to drop the case altogether because “if the victim insults the aggressor, for example, this is a criminal charge and for that, the victim is also accused. The aggressor’s charges may be more serious, but lawyers may advise that it is better to stop the case, as this means charges are also dropped for the victim”.¹²⁵ The Gender-Based Violence and Domestic Violence Action Plan (launched in 2017) responded to the need for reform in the area of protection orders by including a focus on pushing for the adoption of new legislation aimed towards reforming protection orders and the adoption of a protocol aimed towards allowing for the immediate issuance of protection orders, so that Maltese policies are in line with standards established under the Istanbul Convention.

Recently, the announcement that a proposal is being drafted to decriminalise sex work by the Prostitution Reform Technical Committee has raised some debate. The main concern expressed by some institutions and NGOs relates to turning Malta into a “sex tourism hub”, by not criminalising those who buy sex, and further encouraging business for pimps and traffickers. The National Commission for the Promotion of Equality (NCPE) argued that sex buying must be also penalised, in to take a human rights and equality based approach in the reform. The Commission stated that attention must be paid to the customers’ behaviour (mostly men) and the “existing patriarchal structures of inequality that lead many men to objectify women and buy their bodies”.¹²⁶ One of the other key issues to be raised by the prostitution reform is that no one in the committee is an expert in terms of human trafficking or prostitution. According to NGOs¹²⁷ in this field “If sex workers are recognised as workers, then they should be entitled to the same rights as any other person who works full-time; health, tax, national insurance etc. Bodily autonomy is inherent to this approach, to empower and destigmatise sex workers.”¹²⁸ The conflation between trafficking and prostitution in public debates continued to raise concerns.

Malta is also launching, in 2020, its first Women, Peace and Security (WPS) National Action Plan, demonstrating that it heeds to the United Nations (UN) call to continue to prioritise the effective implementation of the WPS agenda even with the pandemic that is currently being faced worldwide.¹²⁹

¹²⁵ The Malta Independent, [‘Magistrates ‘deny’ temporary protection order in some high-risk cases of domestic violence’](#), 16 February 2020.

¹²⁶ Malta Today, [Normalising sex work will not free prostitutes of control of pimps, Equality Commission warns, 2 September](#), 2020.

¹²⁷ Those listed by the media include: Malta LGBTIQ Rights Movement (MGRM), Allied Rainbow Communities (ARC), Aditus Foundation, LGBTI+ Gozo, Checkpoint Malta and Integra Foundation.

¹²⁸ Malta Independent, [Sex workers should be given same rights and dignity as any other worker – NGOs](#), 18 September 2020.

¹²⁹ Malta, Ministry for Foreign and European Affairs, [The impact of COVID-19 on Women’s Rights](#), 4 May 2020.

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

1. CRPD policy & legal developments

In 2020, there has not been any primary legislation, which explicitly refers to the United Nation's Convention on the Rights of Persons with Disabilities (UNCRPD). There is, however, some measures enacted by the government, which better implements some of the articles of the UNCRPD.

To meet the necessities of persons with disabilities better, the Housing Authority's Disability Scheme has been reviewed in 2020. The amendments made include:

- a) The increase in the assistance from €5,000 to €7,000 on lifts in private blocks of apartments where there is a person with a disability.
- b) The increase in the amount of the maximum grant for a lift installation in a private house from €15,000 to €20,000.
- c) The increase of the 100% assistance threshold for the applicants' income eligibility from €15,000 to €25,000.
- d) The increase of the applicants' capital assets from €30,000 to €150,000.
- e) The elimination of the clause that stated that the value of the property in respect of which the application is made should not exceed €250,000.

The Commission for the Rights of Persons with Disabilities (CRPD) in Malta explained that the scheme is the first in a series of policy reviews that are being performed by the Housing Authority because of the Memorandum of Understanding (MOU) signed between the Authority and the CRPD in 2019. Besides the policy review, the MOU states that CRPD will deliver disability equality training to staff members of the Housing Authority on an annual basis. Aside from the MOU, CRPD also examines all the applications submitted to the Planning Authority to assess their accessibility. Before the Planning Authority issues an order to allow for water and electricity to be

connected to the development, is imperative that the certificate from CRPD is received to say that the plans are compliant.¹³⁰

The Housing Authority also announced, in early September, the scheme Sens-Ability. Through this scheme, families with autistic children will be able to benefit from up to €6,000 in funds to support them to create a multi-sensory room at home. The scheme was created in partnership to the Autism Parents Association and according to its public relations officer, Valerie Brincat, this scheme “will help families adopt therapy plans at home and provide people with autism a quiet space where they can calm down”.¹³¹

In addition, the Minister for Finance announced in the Budget Speech for 2020 the measure regarding the provision to parents with children who have a rare disease to apply for the same pension plans granted to parents with children who have a disability. They are now eligible to apply for an improved pension, which means, the government will provide eight years’ worth of national insurance contributions.¹³² Other social measures concerning persons with disabilities include the increase of the amount paid to persons with severe disability from €150 to €161.40 per week, which represents an increase of €11.40 by week.¹³³

With regard to COVID-19, the protection and care measures for individuals with certain disabilities was enacted as of March 2020. Individuals with certain disabilities that made them more vulnerable to COVID-19 were affected under the same quarantine order as persons of 65 years, Legal Notice 111 of 2020 - Protection of Vulnerable Persons Order.¹³⁴

Moreover, to monitor the impact of COVID-19 pandemic on the disability sector, a COVID-19 Disability Task Force was set up in April 2020. The Task Force is composed of different individuals, entities and organisations that are involved in the disability sector. To guarantee ongoing efforts the Task Force is made of sub-committees according to member’s area of expertise.¹³⁵

To assist persons with disabilities, three main measures were implemented. The first one concerns the Parents’ Benefit Scheme. While adult centres and therapy sessions remain closed, the parents of persons with disabilities over

¹³⁰ News Book, ‘CRPD welcomes revised Housing Authority Disability Scheme’, 28 February 2020.

¹³¹ Malta Today, ‘Housing scheme helps families with autistic children create a multi-sensory room at home’, 1 September 2020.

¹³² Lovin Malta, ‘A Helping Hand For Chronic Pain: Fibromyalgia Will Now Be Recognised For Maltese Sickness Benefits’, 14 October 2019.

¹³³ Malta, Ministry for Finance, [Budget 2020](#).

¹³⁴ Malta, Legal Notice 111 of 2020, [Protection of Vulnerable Persons Order](#), 28 March 2020.

¹³⁵ Malta, Commission for the Rights of Persons with a Disability (CRPD), [COVID-19 - Disability Task Force](#).

the age of 16 who receive the Increased Severe Disability Assistance shall be eligible for the benefit scheme.¹³⁶ The benefit that started being provided on 9th March 2020 terminated on 4th July 2020.¹³⁷ The second one regards to remote assistance. Since 16th March 2020, deaf and non-verbal people who live on their own can count on the Government's services for grocery delivery, daily meals as part of the Meals-on-Wheels and medicine delivery as part of the Pharmacy of Your Choice (POYC). Costs may incur and the last service is restricted to people with mobility impairment. The request can be done by telephone or e-mail.¹³⁸ Lastly, the Disability Benefit refers to a benefit paid to persons with disability employed in the private sector that are unable to go to work by medical advice and cannot work from home. Such persons are eligible to receive a direct payment of €166.15 per week if full-time workers or €103.85 per week if part-time workers. This initiative also states that the workers will keep receiving any of the Disability Assistances without deductions and that the Social Security Contribution will be paid and their future contributory pension rights safeguarded.¹³⁹ The benefit that started being provided on 9th March 2020, terminated on 6th June 2020.¹⁴⁰

On 3rd June, with the issuing of Legal Notice 232 of 2020, Repealing Regulations, 2020 the Vulnerable Persons Order was repealed.¹⁴¹ In this same month, 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 offered" expanding the in-person treatment options available to elderly and disabled.¹⁴²

In July 2019, the Ministry of Health issued a Mental Health Strategy for Malta 2020-2030. It aims to promote "mental health and wellbeing, preventing mental disorders among high-risk individuals, and providing quality treatment and care to those with mental health problems". It also targets, among other measures, a construction of a new psychiatric hospital and the review and update of medicines available. Measures are also to be implemented to rehabilitate and integrate people. One example is the

¹³⁶ CRPD Malta, [COVID-19, Information on the Parents' Benefit Scheme](#).

¹³⁷ KPMG, [COVID-19 Social Security Benefits – Applications closed](#), 5 June 2020.

¹³⁸ CRPD Malta, [COVID-19, Remote Assistance](#).

¹³⁹ CRPD Malta, [COVID-19, Persons with Disability Benefit](#).

¹⁴⁰ Malta, Department of Information, [A Benefit for Employed Persons with a Disability who Due to the Impact of Covid-19 Cannot Go to Work and are Advised to Stay at Home](#), 9 June 2020.

¹⁴¹ Malta, Legal Notice 232 of 2020, [Repealing Regulations, 2020](#), 3 June 2020.

¹⁴² Malta Independent, [From 1 July, all Active Ageing and Community Care Directorate community services will be offered](#), 24 June 2020.

recognition of schizophrenic persons as disabled people to extend the disability pension benefit to them.¹⁴³

Then, in December 2019, Malta adopted its first National Strategy for Persons with Disability that runs from 2020 to 2030. According to the head of the Disability office, Dr Alistair De Gaetano, the Strategy has a holistic approach to the diverse rights for people with disabilities, looking at issues such as physical accessibility, social housing, sexuality, education, work, and public life. He also added that the strategy covers living independently and in the community for those living with a disability.¹⁴⁴ Coming into effect in also 2020, The University of Malta, adopted new guidelines to MATSEC examinations concerning its access arrangements for candidates with different impairments, medical conditions and learning difficulties, in order to enable them to sit for their MATSEC examinations under the same conditions of all other students. It permits the analysis of the requests on a case-by-case basis and the adaptations include but are not limited to extra time, assistive technology, and sign language interpreters.¹⁴⁵

2. CRPD monitoring at national level

The 2019 annual report of the Commission for the Rights of Persons with Disability (CRPD) was published on the 28th May 2020. It provides a comprehensive snapshot of the work carried out by the Commission throughout 2019: “from statistics and case studies of the investigations on complaints relating to disability filed with the Commission’s Investigations Unit”. A proactive approach is advanced, creating visibility campaigns, organizing thematic conferences for persons with disability as well as policymakers and tapping into EU funds to commission much-needed research. During the presentation of the report, Commissioner Oliver Scicluna stated that the work may not always be visible and is therefore difficult to quantify. However, the aim is to ensure a better quality of life for persons with disabilities, to continue improving community services and to eliminate barriers to access that people with disabilities are facing.¹⁴⁶

¹⁴³ Faculty for Social Wellbeing at the University of Malta and the CRPD, [Systematic Review: Legislation, Policies, Strategies and Guidelines Relating to Disability in Malta](#), November 2019.

¹⁴⁴ The Independent, [Launch of first National Strategy for Persons with Disability 2020-2030](#), 5 December 2019.

¹⁴⁵ Faculty for Social Wellbeing at the University of Malta and the CRPD, [Systematic Review: Legislation, Policies, Strategies and Guidelines Relating to Disability in Malta](#), November 2019.

¹⁴⁶ Government of Malta, [Press release by the Parliamentary secretariat for active ageing and persons with disability](#), 28 May 2020; Commission for the Rights of Persons with Disability (CRPD), [Annual Report 2019](#), May 2020.

The chairperson of the Autism Advisory Council and head of the Office of Disability, Dr. Alistair De Gaetano, reinforces such commitment to ensure a better quality of life for persons with disabilities translated by the adoption of Malta first National Strategy for Persons with Disability that runs from 2020 to 2030. According to him, the Strategy has a holistic approach to the diverse rights for people with disabilities, looking at issues such as physical accessibility, social housing, sexuality, education, work, and public life. He also added that the strategy covers living independently and in the community for those living with a disability.

The Strategy's goal, besides ensuring that the standard of life of persons with disabilities will continually grow, is to bring more efficiency. It "work[s] to strengthen the entities and individuals working together in the field of disability, in one platform, working and collaborating together. Instead of there being duplication of work, there will be more efficiency in our work", said the Parliamentary Secretariat for Parliamentary Secretary for Persons with Disability and Active Ageing.¹⁴⁷

Besides the Government's goal towards life standards, the European Disability Forum (EDF), in its fourth edition of its Human Rights Report launched in April 2020 shed light on how European Union (EU) countries have been failing to reduce poverty among persons with disabilities. It stated that since 2010, the situation has worsened in Malta, meaning that now more people are at risk of poverty than before. The effects of the COVID-19 can even further exacerbate this situation.¹⁴⁸

Indeed, in all EU countries, persons with disabilities are more likely to be poor and unemployed than persons without disabilities. They also face additional expenses for living in a society that is not adapted to them. However, some countries are addressing such challenges better than others are. Malta presents an employment rate of persons with disabilities at 37.25%, which falls below the EU average.¹⁴⁹

In addition, the number of complaints lodged with the commission for disability increased by 65% in 2019, with most requests relating to misuse or abuse of a blue badge. The annual report states that 629 requests for investigations have been requested, up from 382 in 2018. 229 were related to blue badge misuse, while 174 were about accessibility. The Commission also reported a substantial increase in complaints about education issues: the only drops were related to health and rights issues, decreasing from nine to six complaints. According to the report, there are 18,848 people with a disability registered with the CRPD at the end of 2019.¹⁵⁰

¹⁴⁷ The Independent, [Launch of first National Strategy for Persons with Disability 2020-2030](#), 5 December 2020.

¹⁴⁸ European Disability Forum, [Report: EU countries fail to reduce poverty of persons with disabilities](#), 20 April 2020.

¹⁴⁹ European Disability Forum, [European Human Rights Report](#) - Issue 4, 2020.

¹⁵⁰ Commission for the Rights of Persons with Disability (CRPD), [Annual Report 2019](#), May 2020.

Annex 1 – Promising Practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body.
Title (original language)	Safe and Seen
Title (EN)	Safe and Seen
Organisation (original language)	Malta Gay Rights Movement (MGRM)
Organisation (EN)	Malta Gay Rights Movement (MGRM)
Government / Civil society	Civil Society / NGO
Funding body	€10,000 was provided through the Voluntary Organisations Project Scheme managed by the Malta Council for the Voluntary Sector on behalf of Parliamentary Secretary for Youth, Sports and Voluntary Organisations within the Ministry for Education and Employment.
Reference (incl. url, where available)	http://maltgayrights.org/safe-and-seen/

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Launched in May 2020 and still running.
Type of initiative	Educational toolkit for use in schools.
Main target group	All students and school staff, for use by educators working with youths over 12.
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	With the aim of increasing visibility and fostering a welcoming environment, Safe and Seen was developed to provide tools for educators in the classroom. The toolkit contains a history workshop, a Queer Trivia Board Game and information leaflets for parents and support. In addition, there are animated explainer videos covering gender identity and sexual identity. The board game covers six themes including History, General Knowledge, Culture, Open Questions and Maltese and International trivia. The aim of the project is to create an environment that fosters understanding through education.
Highlight any element of the actions that is transferable (max. 500 chars)	Both animated videos are available online (YouTube) with English subtitles meaning they are widely accessible. The history workshop can also be downloaded through the website, meaning that most of the resources can be easily accessed.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	As the toolkit is for use mainly in schools, it is built to encourage long-term education and mentality changes, facilitating future discussion between students, their schoolteachers, youth workers and parents.

<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The initiative aims to help educators incorporate LGBTIQ issues into the curriculum, letting them increase knowledge of this topic and promoting a safer school environment. In addition, this can allow greater understanding from the community therefore more opportunities to support LGBTIQ individuals in and outside of class.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The toolkit is available in both English and Maltese and the format means it can be worked into school lesson plans with ease. The structure is flexible and instructions are available for educators, youth workers and organisations.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>No information could be found.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>No information could be found.</p>

Thematic area	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p>Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.</p>
Title (original language)	Football Has No Skin Tone
Title (EN)	Football Has No Skin Tone
Organisation (original language)	Santa Lucia FC
Organisation (EN)	Santa Lucia FC
Government / Civil society	Football Club
Funding body	Santa Lucia FC
Reference (incl. url, where available)	Only available source is this Facebook post - https://www.facebook.com/santalucijafc/posts/3811008775583930?_tn=K-R
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2020
Type of initiative	Social media campaign
Main target group	Football fans.

Indicate level of implementation: Local/Regional/National	Regional
Brief description (max. 1000 chars)	The campaign aims to fight racism in Maltese football and takes place on the club's Facebook page as well as in the stadium. The tag 'We Say No To Racism' is used on their correspondence with fans, and for the first match after the campaign was launched the team took part. The campaign hopes to promote condemnation and punishment of racist behaviour and abuse, as well as encouraging other clubs to do the same.
Highlight any element of the actions that is transferable (max. 500 chars)	Other clubs are encouraged to report and condemn racist abuse at games, and football authorities are encouraged to penalise the culprits of those actions.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The continued use of the anti racism tag on promotional materials and public condemnation of racism is a long-lasting practice that they still continue as of August 2020.
Give reasons why you consider the practice as having concrete measurable impact	Social media is a major source of communication between football clubs and fans, especially during COVID-19, so the condemnation of racism can be seen a large group from the target audience. Those members might be encouraged to speak out against racism, or think about their own racist remarks, actions that they will carry with them if they travel to away games. They feature some of their own players in addition to showing actions of racism in other team's games.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	The use of social media makes this an easily replicable practice, and it could be used for other sports.

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>No information could be found.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>No information could be found.</p>
<p>Thematic area</p>	<p>ROMA EQUALITY AND INCLUSION Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020 initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19.</p>
	<p>No promising practice has been identified for this thematic area.</p>

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020.
Title (original language)	#WashYourCyberHands
Title (EN)	#WashYourCyberHands
Organisation (original language)	Cyber Security Malta, The Malta Police Force
Organisation (EN)	Cyber Security Malta, The Malta Police Force
Government / Civil society	Government agency
Funding body	Government financing
Reference (incl. url, where available)	https://cybersecurity.gov.mt/resource_articles/20-05-20-malta-joins-an-international-alliance-led-by-interpol-to-enhance-cyber-security-during-covid-19/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	May 2020
Type of initiative	Online Campaign
Main target group	Members of the public

Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	As COVID-19 has caused more people to work from home, it has been seen that more cyber-attacks are happening. For this reason, the project aims to increase knowledge of how to stay safe using the internet. Daily information will be provided to individuals and business on how to protect their data and systems, highlighting cyber security issues for home workers and prevention tips for companies. In addition, the aim is to not only stop crime, but in the long term to increase confidence in online interactions.
Highlight any element of the actions that is transferable (max. 500 chars)	Skills learnt by individuals for home use can be transferred into the working environment and vice-versa.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The daily campaign started in May and is continuing online as of October 2020.
Give reasons why you consider the practice as having concrete measurable impact	This campaign will help to increase cyber safety awareness among the general public, making people more careful when they use the internet and more able to recognise scams or possible criminal practices. It also aims to help build confidence in using the internet therefore it may increase computer literacy.
Give reasons why you consider the practice as transferable to other	As the campaign seems to be mainly based online it is highly transferrable, the use of Twitter as a platform is easy to replicate in other areas.

settings and/or Member States?	
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	It implemented in co-ordination with INTERPOL and Malta Information & Technology Agency (MITA).
Explain, if applicable, how the practice provides for review and assessment.	No information could be found.

Thematic area	RIGHTS OF THE CHILD Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Masks Challenge
Title (EN)	Masks Challenge
Organisation (original language)	Lifetime Malta
Organisation (EN)	Lifetime Malta
Government / Civil society	Non-Governmental Organisation
Funding body	Sponsored by Scavenger Malta and Malta Sailing Experiences
Reference (incl. url, where available)	https://lifetimemalta.com/masks-challenge/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	July-August 2020
Type of initiative	Competition
Main target group	Children aged 7-17

Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	A competition whereby children create face masks which will then be given to other vulnerable children. The winner of the most creative facemask will win a prize, and the aim of the project is to encourage social activism in children from a young age.
Highlight any element of the actions that is transferable (max. 500 chars)	The format of the program is quite simple; it is mainly done via a website and promoted on social media. This makes it ideal for the current situation and versatile to use elsewhere.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The competition not only promotes social activism in children and parents, it also raises awareness of health measures that should be taken. It provides long-lasting knowledge of how to make a facemask and raises awareness of vulnerable children in Malta.
Give reasons why you consider the practice as having concrete measurable impact	It will provide facemasks to vulnerable children who otherwise may not receive or have access to them. In addition, it encourages social activism in children, which may influence them in later life.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Due to the easy format of the project, it would be easy to replicate in other settings or Member States.

Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	No information could be found.
Explain, if applicable, how the practice provides for review and assessment.	No information could be found.

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Establishing a digital strategy for the Maltese justice sector
Title (EN)	
Organisation (original language)	Ministrija għal Ġustizzja, Ugwaljanza u Gvernanza
Organisation (EN)	The Ministry for Justice, Equality and Governance
Government / Civil society	Government
Funding body	Centralised European funds through the Social Support Reform Program

Reference (incl. url, where available)	https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2020/July/17/pr201370en.aspx
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	July 2020
Type of initiative	Public Consultation on digital strategy
Main target group	People who use the justice system
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The aim is to increase the use of technology in the justice system so that it can be more accessible and efficient. There will be a consultation involving over 20 entities involved in the judicial sector in Malta, and after the consultation, a digital strategy will be developed. That document will be given to the Ministry of Justice so it can be implemented.
Highlight any element of the actions that is transferable (max. 500 chars)	??
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The consultation is the first step in many that aims to implement eventually long-term change in the justice system.

Give reasons why you consider the practice as having concrete measurable impact	In the future, the digital strategy created from the consultation should feed into direct changes at the Ministry of Justice.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Part of the project aim is to develop best practices for the justice system and the Commission will be working on similar systems in other countries.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	No information could be found.
Explain, if applicable, how the practice provides for review and assessment.	No information could be found.

Thematic area	<p>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</p> <p>Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.</p>
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Title (original language)	Different is Normal
Title (EN)	Different is Normal
Organisation (original language)	Kummissjoni għad-Drittijiet tal-Persuni b'Diżabilità
Organisation (EN)	The Commission for the Rights of Persons with Disability (CRPD)
Government / Civil society	Government
Funding body	The Commission for the Rights of Persons with Disability. Supported through Advocacy4Legacy and Corporate Dispatch.
Reference (incl. url, where available)	https://timesofmalta.com/articles/view/new-campaign-emphasises-the-normality-of-people-living-with-a.761865 (only media links available)
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2020
Type of initiative	Photographic awareness raising campaign
Main target group	General Public
Indicate level of implementation: Local/Regional/National	National

<p>Brief description (max. 1000 chars)</p>	<p>Photographic campaign with twelve pictures, showing persons with disabilities doing activities they enjoy. The aim of the campaign is to increase visibility of people with disabilities and show them as more than 'victims' or 'inspirations' but as people who happen to have a disability. The photos show people swimming, dancing, gaming and cooking, and are meant to move away from the idea that disabled people are categorised in a binary, in opposition to non-disabled people.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>While the target audience is the general public, a campaign like this could be run in larger businesses or companies to promote visibility of members of staff with disabilities.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The campaign itself prompted several interviews with those involved in the photographs months later. By targeting the general public and exposing them to more representation of people with disabilities it can help to change the perception of those with disabilities long-term.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>There are over 20,000 people in Malta with disabilities, but they are rarely found on TV, in images or in the media as a whole. The campaign helps show more rounded images of people with disabilities.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>As it is a photographic campaign with the images mainly released on social media and to news sources, this is highly transferable to other Member States.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>No information could be found.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Not applicable.</p>

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
	No case law has been identified for this thematic area.

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE. Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally.
	No case law has been identified for this thematic area.

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
	No case law has been identified for this thematic area.

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems.
Decision date	02/09/2020
Reference details	Allied Newspapers Limited Vs Projects Malta Ltd - https://ecourts.gov.mt/onlineservices/Judgements/Details?JudgementId=0&CaseJudgementId=122869 Court of Appeal (Inferior)
Key facts of the case (max. 500 chars)	This case involves an appeal against a decision of the Appeal Tribunal on Information and Protection of Data. The tribunal, in that case, had decided against the appeal by the applicant (a leading newspaper) to reveal the names of the people who had been on a panel deciding on the management of public hospitals and which was subject to intense national debate (and allegations of wrongdoing. In practice, the case revolved around whether the right to access to documents/information was limited by the provisions relating to GDPR.
Main reasoning/argumentation (max. 500 chars)	The main claim in the case relating to information and privacy, is the third argument by the appellants notably on the inapplicability of Article 5(3)(a) of Chapter 496 of the Laws of Malta. The case challenged the decision by the lower tribunal and the commissioner for information that the names of the people on the evaluation panel of the relevant tender was protected under the Data Protection Act (Chapter 586) and therefore the exemption in the Freedom of Information Act Applied. The Court found in favour of the appellants.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The key issue clarified by the case is the balance between data protection and the right to information. More importantly, the Court clarified that since the members of the panel were performing a public function and that the requested information (names) could in no way infringe unreasonably or unjustifiably on the right to privacy of the members of the panel.

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Appeal was accepted by the Court.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>Għalkemm huwa veru li d-dritt għall-informazzjoni mhuwiex wieħed assolut, speċjalment fejn id-dritt għall-privatezza u l-kunfidenzjalità tabilhaqq ikun mhedded, min-naħa l-oħra din il-Qorti tqis li l-ewwel presuppost għandu dejjem jkun favur l-‘interess pubbliku sostanzjali’ li jiġu mħarsa d-dritt għall-informazzjoni u l-libertà tal-espressjoni (...)Il-privatezza tad-data u l-kunfidenzjalità huma eċċezzjonijiet għad-dritt għall-informazzjoni, u mhux bil-maqlub.</p> <p>Whilst it is true that the right to information is not absolute, especially when the right to privacy and confidentiality are actually threatened, on the other hand, this court considers that the first presumption should always be in favour of the substantial public interest to safeguard the right to information and freedom of expression (...) Privacy of data and confidentiality are exceptions to the right to information and not the other way around.</p>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision relating to the topics addressed in this chapter.
Decision date	28/01/2020
Reference details	https://ecourts.gov.mt/onlineservices/Judgements/Details?JudgementId=0&CaseJudgementId=120286

<p>Key facts of the case (max. 500 chars)</p>	<p>The case was brought by a pair of grandparents residing in Italy, who had good relations with their grandchild prior to them relocating to Malta, but following the children’s move to Malta in 2017, they had not been allowed to visit the grandchild. One of the grandparents visited Malta in 2018, but was not allowed to visit the grandchild. The applicants requested that the court a) Declare that it is in the best interests of the Minor Granddaughter HG to allow the applicants visitation rights; b) Give visitation rights to the applicants with the Minor Granddaughter by establishing such days, time and such directives as are deemed by the court to be required and which would allow the relationship of the grandparents with the Minor Granddaughter to continue to develop; c) Give such other adequate directives.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The arguments were given as such - there exists no justifiable reason for the grandparents to be deprived of having a relationship with the Minor Granddaughter; by virtue of a decision taken by the European Court of Human Rights in Neil Vancheva vs. Georgios Babanakis ‘parental rights’ and ‘rights of access’ can be extended to grandparents; that the denial of the Minor Granddaughter’s right to establish a relationship with their grandparents violates Article 8 of the European Convention of Human Rights.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>Rights of the Child and the Right to Family Life, that Article 8 of the European Convention of Human Rights is violated when a grandchild is prevented from forming a relationship with their grandparents for no justifiable reason.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>All pleas by the defendants were rejected, and any costs were to be borne by the defendants. Under Maltese Law, although a grandparents’ right to access their grandchild was not explicitly covered, Regulation 2201/2003 takes precedence over domestic law.</p>

Key quotation in original language and translated into English with reference details (max. 500 chars)

"That said, it is clear that Article 8 of the European Convention of Human Rights that provides "Everyone has the right to respect for his private and family life, his home and his correspondence," extends to include within its interpretation de facto family relationships, such as relationships between grandparents and children. The Convention itself has been part of Maltese law, precisely Chapter 319 of the Laws of Malta and in practice today, Maltese Courts have always followed established human rights case law, provided it does not conflict with clear provisions of the law. Considering that there is no conflict with the domestic law, it is the Convention that prevails."

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decision relating to the topics addressed in this chapter.
Decision date	
Reference details	Times of Malta, 'State found guilty of failing to protect woman from abuse', 7 April 2020. Available at: https://timesofmalta.com/articles/view/state-found-guilty-of-failing-to-protect-woman-from-abuse.783923 The link to the judgement could not be located in the case law database.
Key facts of the case (max. 500 chars)	A female victim of domestic abuse filled a number of reports against her estranged husband at various police stations. It was later found that there were systemic shortcomings in their procedures for investigation and prosecution. Consequently, the victim suffered from severe psychological trauma, due just not to her husband's behaviour but also because he continued to act with impunity despite all the reports filed against him.
Main reasoning/argumentation (max. 500 chars)	The repetitive failure by the police to protect the victim was in breach of her fundamental human right to respect for private and family life and to the right not to be subjected to inhumane or degrading treatment under the European Convention of Human Rights.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The state must protect and ensure that everyone [including victims of violence abuse] lives free from violence. The court decision sheds light on the fact that Malta does not possess effective and immediate remedies to protect the victim from further abuse.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The court awarded the woman €5,000 in moral damages. The Constitutional Court also claimed the police to give a plausible explanation of why they failed to act. The decision is classified as a landmark victory for all survivors of domestic abuse. It may also lead to more women fighting for their rights to be protected by the state. In addition, it pointed to the gaps in the current police procedures.

Key quotation in original language and translated into English with reference details (max. 500 chars)

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.
	No case law has been identified for this thematic area.