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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1984

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

AND

COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

BY THE

DEPARTMENT OF STATE

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MALTA

Malta is a constitutional republic with a parliamentary government elected by universal suffrage. The President, Agatha Barbara, is head of state, and the Prime Minister, Karmenu Mifsud Bonnici, is head of government. Former Prime Minister Dom Mintoff, who resigned December 22, 1984, has long dominated Maltese foreign and domestic policy and retains considerable influence. As a former British colony, Malta is a member of the Commonwealth and continues to follow many British traditions.

The Maltese Constitution states that every citizen is entitled to fundamental individual rights and liberties regardless of race, color, creed, sex, place of origin, or political opinion. The threat to these generally observed standards emanates from Malta's intensely partisan political disputes which affect important institutions such as the judiciary, the national broadcasting system, hospitals, schools, and the Roman Catholic Church. These disputes were reinforced by the outcome of the December 1981 election in which the Nationalist Party won 51 percent of the popular vote, but the Labor Party took a majority of parliamentary seats owing to the redrawing of electoral districts. As a result, Nationalist Party members boycotted Parliament, and the party also began a boycott of products advertised on TV Malta. In April 1982 the Speaker of the Maltese House declared the Nationalist members unseated, and the Government proceeded to treat the Nationalist Party as an "illegal party."

Although the Nationalists returned to Parliament in March 1983 as part of an agreement of "national reconciliation," political tensions remained high. In November 1983, hundreds of police searched the headquarters of the Nationalist Party and a warehouse owned by party sympathizers for an illegal transmitter used by the opposition after it had been denied access to government-controlled radio and television stations. Some arms were found at both locations. Tension eased somewhat as the Nationalist Party on January 1, 1984 announced the end of the boycott against TV-advertised products.

The focus in 1984 has been primarily on the Roman Catholic Church. In August the Government insisted that private schools provide tuition-free education and suspended the licenses of eight Church-operated schools and one private school. At the same time, the teachers' union decided to strike over longstanding grievances about working conditions and salaries. Declaring that such a strike would be illegal, the Government threatened that striking teachers would be locked out of the schools. The strike began at the end of September 1984. The Church closed all its schools in protest over the Government's suspension of the licenses of some of them. At the climax of a week of public demonstrations, several hundred Labor Party supporters led by then Senior Deputy Prime Minister and Minister of Education Karmenu Mifsud Bonnici held a street rally in Valletta which ended with an assault on the law courts and the Archbishop's offices. This unprecedented physical attack on the Catholic Church resulted in a meeting between Prime Minister Mintoff and Archbishop Mercieca, the first in many years. In mid-November, a settlement was reached whereby the Church was allowed to open and operate its schools tuition-free for the remainder of the academic year, although the basic issue remains unresolved. The court has not yet rendered judgment on the legality of the Government's suspension of the licenses of the Church schools, and

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Church-state relations remain very strained. The principle of freedom of religion, at least as applied to Church-sponsored schools, is perceived to be in question.

On October 10, 1984, a one-day strike was called by the Confederation of Trade Unions in support of the ongoing strike by the Movement of United Teachers. The Confederation claimed that 27,000 workers participated in the strike, making it the largest in Malta's history. The teachers returned to work on November 13 after the Government agreed to lift the lockout. The Government reassigned many returning teachers to new schools.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There have been no known incidents of political killing sanctioned by the Government or opposition groups during 1984.

b. Disappearance

No cases of disappearance are known to have occurred in 1984. In earlier instances which have only recently come to light, Lino Cauchi, an accountant, disappeared in 1982, and the case, which was under police investigation, has not been resolved. In 1981 Louis Bartolo, under arrest on charges of murdering a Labor party activist, disappeared without trace from prison along with a foreign prisoner.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Maltese Constitution prohibits inhuman or degrading punishment. During 1983 the police were accused of carrying out inhuman or degrading treatment of prisoners. In one case a physically handicapped individual testified that during interrogation he was hit on the neck and threatened with being hung from the ceiling. Other injuries of prisoners during interrogations have been widely publicized. The Government has explained these by claiming that "legally permitted force" was used when prisoners were uncooperative.

In a previously unreported incident, the body of Nardu Debono, who had been in police custody, was found under a bridge in 1980. The Government has still not conducted an investigation.

d. Arbitrary Arrest, Detention, or Exile.

Freedom from arbitrary arrest or detention is provided for in the Constitution and respected in practice. There are no known political prisoners or persons in political exile. Persons can be, and often are, held by the police for 48 hours of "questioning" without being charged. On several occasions during the past few years prominent opposition figures have been held under this provision, then released and rearrested immediately after leaving the police station. Although this process could, in theory, continue indefinitely, the total time of detention in practice has not exceeded 3 or 4 days. The right of habeas corpus is also guaranteed by the Constitution.

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e. Denial of Fair Public Trial

A fair public trial before an impartial court is guaranteed in the Constitution. The judicial system is independent, except in the method of assigning duties to judges, and includes an appeals court.

The Court Reform Act of 1981 limits the jurisdiction of the courts in the area of oversight of administrative actions by the Government. Defendants may not use lawyers in cases before the Industrial Tribunal, which has exclusive authority in disputes regarding workers' rights. Nor may civil servants be represented by lawyers in cases held before the public service commission. Plaintiffs in law suits versus the Government, e.g., constitutional cases on human rights, cannot avail themselves of lawyers who are members of Parliament, although the Government can.

In 1984, the Catholic Church and the Federation of Parent Teacher Associations filed two independent actions against the Government because of its suspension of licenses for certain private schools. The Constitutional Court convened after delays in excess of those allowed by the Constitution but has not yet rendered judgment on appeals by the Government on decisions handed down by the civil court. Under pressure, most of the judges were either disqualified, or disqualified themselves, from hearing these cases in the civil court. The judge who finally agreed to hear the case resigned under pressure from the Government--including passage of a parliamentary motion--and the case has not proceeded. There remain a number of civil and human rights cases where judgment has not yet been issued by the Constitutional Court. During 1984 there have been several statements by senior government officials that perhaps the time had come to do away with existing courts and establish "people's courts."

At the same time there have been several significant cases in 1984, as in previous years, in which the courts have delivered judgments against the Government. But the courts have not provided redress or remedies in several of those decisions.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Protection of the privacy of the home is guaranteed in the Constitution. Most police searches require warrants which are issued only after proper administrative review. However, any police officer above the rank of subinspector may carry out a search without a warrant. The postmaster general employs several people to ensure that postcards, periodicals, and other publications which might be regarded as pornographic are confiscated and destroyed.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

These freedoms are guaranteed by the Constitution. They are also respected in practice, with the single and highly significant exception of radio and television broadcasting. The constitutional provision for an independent broadcast authority to oversee the impartial operation of the media has been ignored since 1982. In early 1984 the Nationalist Party dropped its ban on products advertised on government-controlled

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media, and these media resumed coverage of Nationalist Party activities. This coverage, however, remains far from evenhanded.

b. Freedom of Peaceful Assembly and Association

The right to peaceful assembly is guaranteed by law. Although police permits are generally given for political meetings and other public activities by the opposition Nationalist Party, there have been several notable exceptions. In October 1983 the Christian Democrat Students' Association applied for a permit to hold an outdoor exhibit; the police denied the permit and the exhibit was not held. The Students' Association sued the police, claiming that their constitutional right to free speech and assembly had been denied. The court, which took almost a year to render judgment, sustained the Students' Association's claim, but the judgment was moot since the event which was to have been marked by the exhibit had passed. In a similar case involving an exhibit at the National Museum, the court ruled that the Museum had acted impartially in denying the students space to show their exhibit.

Trade unions and other interest groups freely exercise the right to set up associations. The largest labor organization, the General Workers' Union, is closely tied to the Malta Labor Party. There are also several independent unions.

In September 1984, the teachers' union directed its members to strike. The Government immediately responded by locking out all teachers in government schools who refused to sign a declaration that they would not follow the union directive. The opposition joined the teachers' union in charging that this action was a denial of the right of association. Teachers returned to work on November 13 in return for a Government assurance that the lockout would end and that they would not be required to sign any anti-union declaration. The majority of teachers who had participated in the strike were transferred. Additionally, a number of student-workers at the University of Malta, who had followed their union's direction to participate in the strike, were suspended. They were reinstated after signing a declaration pledging not to interrupt their studies again with industrial action.

c. Freedom of Religion

The right to practice the religion of one's choice in Malta is constitutionally guaranteed. The overwhelmingly dominant religion (99.9 percent) is Roman Catholicism, although there are small groups of Protestants, Muslims, and Jews. The current Government, however, has a pronounced anti-clerical bias. It is engaged in continuous battle with the Catholic Church over the latter's property and accounts. As part of its plan to provide free education for all Maltese children, the Government suspended the licenses of eight Church schools. Although the schools have been allowed to operate for the remainder of the academic year, their long-term future is uncertain.

In 1983, the Government enacted the Devolution of Certain Church Property Act, which provided a mechanism for the Government to take over a significant portion of the Catholic Church's wealth. The court has ruled, in a case brought by the Church against the Government, that this law is

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unconstitutional and therefore null and void. The Government is appealing this decision.

Beginning with the requirement that education in Church schools be provided free of charge, and later adding other conditions which the Catholic Church felt would result in a basic change in the nature of its schools, the Government announced in August 1984 that it was suspending the licenses of eight Church-run secondary schools. Popular protests against this action were organized by the opposition and by the Federation of Parent Teacher Associations, galvanizing the polarization of Maltese society to an unprecedented degree. An interim agreement permitted Church schools to reopen on November 19. The schools will operate tuition-free throughout the 1984-85 academic year while negotiations continue toward a long-term solution.

The Government's activity in Church-state relations has taken on an increasingly intrusive pattern and is perhaps the single most important human rights development during 1984. The continuation of such intrusion could call into question the integrity of the principle of freedom of religion, at least as this applies to Church-sponsored schools.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Neither domestic nor foreign travel is circumscribed. Freedom of movement, foreign travel, emigration, and repatriation are guaranteed, and that guarantee is respected in practice. Due to an imbalance in bilateral trade with Italy, the Government imposed a restriction forbidding Maltese travelers to Italy from taking any foreign exchange. This effectively prevents most Maltese from going to Italy.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There is a high degree of participation in the political process in Malta. In the last parliamentary elections (1981), more than 95 per cent of registered voters actually voted. Almost everyone is "politicized," including young school children who often come home chanting slogans of one party or another. Under the Maltese system, a party may gain control of a majority of parliamentary seats without having obtained a majority of the popular vote. This occurred in 1981. Since Labor members are usually required to vote consistently with the wishes of their leader, that person exercises considerable influence despite wide public participation in elections. On a number of occasions in 1984 the then senior deputy prime minister made public statements implying that elections might not be held in the future. The opposition has charged that this most fundamental political right, that of the citizens to change their government, has been threatened.

Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

No requests are known to have been made for outside investigations of alleged violations of human rights in Malta. Amnesty International does not discuss Malta in its 1984 report. Freedom House in its 1983-84 report called the Government "increasingly anti-democratic" and rates Malta

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"partly free." In 1984, Maltese citizens established two human rights groups, one named Hielsa (Free), and another calling itself the Committee for Democracy. There has been no official reaction to the formation of these groups, the first of their kind.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Constitution declares that availability to all citizens of the highest levels of education and social welfare are fundamental aims of government. Both the Government and the opposition state their commitment to the pursuit of these aims and to the support of the basic rights to own property, to work with just conditions and remuneration, to maintain a standard of living adequate for health and well-being, and to receive universal education. In 1982, the gross national product per capita was \$3,797. The population in 1984 was 356,000. Unemployment is 9.4 percent, according to government statistics. Maltese public education is free and open to all. The literacy rate is nearly 90 percent, and education is compulsory to age 16. The primary school enrollment ratio in 1979 was 96 percent. General standards of health care in Malta are high. In 1984, life expectancy at birth was 72.54 years, and infant mortality is 13.4 per 1,000 live births. Government programs in health care have concentrated on providing inexpensive health care services to the largest possible proportion of the population. A prolonged 7-year old labor dispute between the Government and the medical association has led many Maltese doctors to leave the country. The Government also withdrew licenses/support for the remaining Church-run private hospitals, which were consequently forced to close.

Women participate freely in social and political life and continue to expand their economic role, although they are underrepresented in the professions and management. There are traditional legal limitations on women's property rights within marriage, which derive from traditional Maltese social values. Limitations on public sector employment of married women were removed in 1981. Strong private sector demand for female labor has ensured a very low level of unemployment among women. Women constitute about 27 percent of the labor force. Public economic and social services are extended on a nondiscriminatory basis.

THE REVIEW



INTERNATIONAL COMMISSION OF JURISTS

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Malta

Democracy and respect for human rights in this Mediterranean island have been gradually and steadily eroded since the 1970s. The independence of the judiciary has come under attack and the government has tried to circumscribe the activities of the independent trade unions, the press and the Roman Catholic Church to which over ninety percent of the population belongs. It has also enacted legislation giving it control over all relations with foreigners, including trade union and cultural relations. A senior minister has spoken publicly of the possibility of establishing a one-party

state, suspending freedom and democracy and not holding elections.

Confrontations have occurred with increasing frequency between the Socialist Party (SP) and the Christian Democratic Nationalist Party (NP) particularly since the 1981 elections. Although the NP received 51% of the popular vote, the SP obtained a majority of the parliamentary seats. The NP has protested against alleged electoral irregularities and continues to contest the SP's right to govern. It has persistently called for new elections; for a period of 15 months immediately following

the elections it boycotted the meetings of parliament.

The situation became highly charged in September-October 1984 after the Civil Court declared a 1983 law allowing the expropriation of church property unconstitutional. The decision was given on 25 September. On 28 September a group of dockyard workers attacked the law courts and the office of the archbishop after having been addressed by the Senior Deputy Prime Minister, Mr Mifsud Bonnici. The minister remained with the group but did not actually participate in the forced entry. The police did nothing to prevent the violence although they had been alerted to the group's approach and were aware of its probable destination. The archbishop's office is a few yards from police headquarters.

No investigation into these events was conducted until the Malta Chamber of Advocates filed a formal complaint requesting the police to investigate the incident and charge those responsible. Perhaps more troubling than this inaction on the part of the police were the remarks made by the senior deputy prime minister following the attack on the law courts:

"We want to settle our accounts with the lawyers. Today it is no longer the workers who tremble when they see the lawyers coming but as happened in court recently, it is the lawyers who tremble when they see the workers coming."

About two weeks after the attack the offices of the Chamber of Advocates were invaded and large portraits of the deputy prime minister and the prime minister were pasted on the walls.

Also of concern are statements made by the Senior Deputy Prime Minister that he would use workers to assist the police in carrying out their functions. Legislation was recently passed which makes it mandatory

for private schools to have an operating licence. Most of the private schools on the island are run by the Roman Catholic Church. The archbishop has refused to apply for licences claiming that the conditions set out in the legislation are too onerous and would make it impossible for the schools to continue to function. The church has filed proceedings challenging the legislation's constitutionality.

At one point the Church stated that it would reopen the schools without obtaining the licences, but because of the risk of violence it was decided not to do so. While the question of reopening the schools was still under consideration, a paper was distributed listing the names and addresses of teachers likely to go to the schools, saying "the duty of the workers is to stop them". During September some of the teachers received threatening phone calls and letters.

The senior Deputy Prime Minister has admitted that he circulated the list for the purpose of having workers "support the police to stop these teachers". The alleged purpose of the lists was to allow workers to be able to identify persons as they approached the schools. He did not explain why this was thought necessary when padlocks had been placed on the gates of many of the schools and police were stationed outside in order to prevent people from entering. Such government sponsored harassment can only be seen as a threat to the maintenance of the rule of law.

The Foreign Interference Act

In September 1982 the government passed the so-called 'Foreign Interference Act'. The Act does not specifically define foreign interference; it provides that "it shall not be lawful to hold any foreign activity in Malta except with the permission of the minister granted in accordance with the

provisions of the Act". The Minister may impose such conditions, limitations and restrictions as he deems appropriate.

A foreign activity is defined as "anything done by, or sponsored, promoted or in any manner whatsoever assisted or encouraged by any foreign person and includes in particular, but without prejudice to the generality of the foregoing, the provision of money, equipment or other material or thing whatsoever." Sporting, tourist, diplomatic and "purely commercial or industrial" activities are excluded from the provision of the Act, but "no activity shall be deemed to be purely commercial or industrial if it provides or serves to provide a financial or valuable advantage, whether directly or indirectly to a political party or to an active member or supporter thereof."

In addition the Act makes it illegal for Maltese citizens or residents to participate in any broadcast to Malta from abroad or "in any manner to aid or abet the making of such broadcast, or to do anything which may directly or indirectly be of assistance or encouragement to such broadcast or to its reception in Malta, and in particular to publish the times or details of any such broadcast". This section was included because the NP had set up an independent radio station on the island of Sicily after their request to establish such a station in Malta had been denied. They had requested their own station because they believed they were not being given sufficient access to the government controlled radio and TV stations. The government of Italy later requested the NP to cease the transmissions from Sicily after receiving complaints from the Maltese government.

The government has interpreted the Act as requiring permission for the active participation of foreign or non-resident clergymen in religious functions, for lectures by foreigners to groups of businessmen and trade unionists and for foreign journalists

to report from Malta. Members of the NP have been questioned about their trips abroad. Some minor government harassment occurred during a meeting of the European Democratic Union. The organisation asked for permission to hold its meeting in Malta, although it stated its disagreement with the act. The EDU was informed that it could hold its meeting but it did not receive an official letter. While the meeting was in progress the executive secretary was summoned to the ministry of foreign affairs and was warned against contravening the Act. There were no further problems, but such actions will serve to dissuade others from holding meetings in Malta.

In January 1983 the Maltese foreign ministry sent a note to all diplomatic missions in Malta in which it strongly objected to any kind of contact being made by members of foreign missions with NP members, including attendance by NP officials at embassy receptions. This caused the Australian High Commission to cancel a reception planned for Australia Day. In a published communication, the embassy of the United States stated that the Maltese government's note ran counter to the Vienna Convention on Diplomatic Relations and was "not in conformity with the spirit of the Helsinki Final Act (Principle VIII), which condemns the kind of anti-opposition discriminatory activity normally associated with totalitarian regimes." Several other foreign governments strongly protested against the restrictions and the government withdrew its note.

The Judiciary

During the past few years there have been several incidents which have undermined the independence of the judiciary. In January and February 1981 the courts were closed for several weeks ostensibly

because of the resignation of the Chief Justice and the "atmosphere in the courts", but to most observers familiar with the situation the closing was motivated by the government's desire to delay the hearings in a controversial lawsuit between it and a private hospital¹.

Following the presidential decree closing the courts, there was an outcry from the Chamber of Advocates, and the criminal and constitutional courts were reopened. However the civil court where the case was being held remained closed. During this same period the Code of Organisation and Civil Procedure (Amendment) Bill, 1981 was passed; it deprived the courts of an important part of their jurisdiction to review the use of discretionary powers accorded to ministers and their officials. The law provides, in pertinent part that "no court in Malta shall have jurisdiction to enquire into the validity of any act or other thing done by the Government or by any authority established by the Constitution or by any person holding a public office in the exercise of their public functions or declare any such act or thing null or invalid or without effect" unless such act is *ultra vires* or clearly in violation of an explicit provision of a written law, or due form or procedure has not been followed.

Recently controversies between the Roman Catholic Church and the government have led the executive to interfere again with the workings of the courts, this time with the concurrence of the parliament. On 13 November 1984 the parliament adopted a resolution whereby it suggested to the Minister of Justice that in cases where a judge continues to hear a case in which he might be prejudiced the Minister should consider whether it would not be less harmful to continue to pay the judge while removing him from performing

his functions. The resolution had been introduced by the Senior Deputy Prime Minister because a judge had refused to disqualify himself on grounds of bias from the school licensing case.

No objection was raised by the government when the hearing first started, although the information it later used to assert prejudice was made known at the initial hearing. This was that the judge had attended a Catholic school as a child, even though he was the son of a worker. One of the reasons the government has given for the licensing legislation is the need to end class bias in the Catholic schools; it asserts that this can only be accomplished if the schools are prevented from charging fees.

Some procedural rulings were made by the judge from which an interlocutory appeal was taken. After the hearings resumed the Archbishop was called to give evidence. At one point he stated that the church schools were open to all, irrespective of means and social standing. Someone in the public gallery shouted that this was not true. The judge then observed that he had been a worker's son and had attended a Catholic school. No objection was raised by the government to this comment at the time. Two days later however the government requested the judge to remove himself from the case. The motion was denied by the court.

The government then introduced a resolution in parliament which asked the Chief Justice to suggest to the presiding judge that he remove himself, and that should the judge continue to sit in the case the Minister of Justice should consider removing him from his functions while continuing to pay him. The resolution noted that in the circumstances it would not be constitutionally permissible to remove the judge. The resolution was subsequently amended

when the judge decided to abstain on his own motion, saying that in view of the prevailing circumstances, independently of the truth of the allegations of partiality, he would abstain because justice had to be seen to be done as well as being done.

Passage of this resolution has seriously undermined the independence of the judiciary. In order to fulfil its functions properly the judiciary must be free from interference by both the executive and the legislature. This resolution suggests that an arm of the executive branch, the Minister of Justice, should use his authority to supplant decisions of the courts and to avoid the normal judicial and constitutional mechanisms for removal of a judge. The European convention on Human rights to which Malta is a party guarantees the right to a hearing before an independent and impartial tribunal. The recent actions of the government and the parliament adversely affect the fulfilment of this right in Malta. The Malta Chamber of Advocates has condemned the motion stating that it constitutes a very serious attack on the independence of the judiciary.

The Media

Radio and TV in Malta are controlled by the government. There is a broadcasting authority whose constitutionally mandated function is to ensure that "impartiality is preserved in respect of matters of political or industrial controversy relating to current public policy and that broadcasting facilities and time are fairly apportioned between persons belonging to different political parties". However members of the opposition parties, the independent trade unions and the Roman Catholic Church have repeatedly alleged that their viewpoints are not adequately covered. During the last election the NP charged that it was not being allowed

to present its programmes to the electorate in an adequate fashion. As noted earlier they sought a government license to set up their own radio station and when the application was denied they set up an independent broadcasting station in Sicily which was later closed by the Italian government. At the same time the NP called on its members to boycott goods advertised on the Maltese stations. The boycott received a considerable response and led to a great deal of acrimony between the SP and the NP. In January of this year the NP decided to end the boycott.

The government has on several occasions attacked those newspapers which have published articles critical of its policies and has suggested that they might not be allowed to continue to publish. In 1979 the Progress Press building was attacked and a considerable part of its machinery was destroyed. The Progress Press publishes the Times newspapers which often print articles written by members of the NP, the independent trade unions or the Catholic Church. No proceedings have ever been brought against those responsible for the destruction. The rebuilding of the premises was completed in 1983. Shortly after its completion, the Minister of Foreign Affairs insinuated that the rebuilding could not have taken place without foreign assistance and suggested that the government could not allow such an influential institution to remain outside government control.

Trade Union Rights

Malta has one large trade union affiliated with the government party, the General Workers Union (GWU), and a confederation of independent unions, the Confederation of Maltese Trade Unions (CMTU). On occasion, government officials have suggested that there should be a single union, claiming

1) See CIJL Bulletin No. 7.

that pluralism is not in the workers' interest. In 1983 the CMTU representatives were dropped from the Maltese delegation to the annual conference of the International Labour Organisation (ILO). The government has refused to implement labour legislation enacted at its request, calling for the establishment of a Joint Negotiating Council, because it does not want the CMTU to sit on the Council. The ILO Committee of Experts recommended in June 1983 that the Council be established. To date, the government has not heeded the Committee's recommendations.

Conclusion

Tension has increased markedly during the past few years. The government has de-

liberately pursued measures it knows will provoke strong reactions from the opposition party and other groups within the society, such as the independent trade unions and the Church, and which do not necessarily have the backing of the majority of the population.

Of grave concern is the tacit tolerance if not provocation of mob violence against the courts, the Church and the press. This can only lead to a further deterioration in the situation. An effort is needed on all sides to have a constructive dialogue which would allow the country to continue to function as a democratic state. The government must also refrain from holding itself above the law and should not seek to thwart the effective administration of the system of justice. Only in this manner can the rule of law be guaranteed.

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Malta: backing away from Helsinki

A CORRESPONDENT

IN the discussions and negotiations leading to the 1975 Helsinki Final Act and in subsequent meetings at Belgrade and Madrid, Malta's active participation was out of all proportion to its size or to its potential contribution to security and cooperation in Europe. Taking advantage of the effective veto given to each participating state by the rule of consensus, Malta managed to hold up agreement at each conference until it obtained what it perceived to be the maximum from the negotiations. This tactic, frequently described as black-mail by the other participants, was used to introduce a Mediterranean dimension to a conference whose main concern was and is security and cooperation in mainland Europe.

Significantly enough, Malta did not take an active part in the discussions and negotiations on the human rights aspects of the Helsinki Final Act and its follow-up meetings. The Maltese non-involvement in the human rights aspects of 'Helsinki' reflects the lack of priority that the government of Dom Mintoff has given to human rights both at home and abroad since it was elected to office in 1971.

The slide into authoritarianism

This was manifested at an early stage when the government failed to constitute Malta's Constitutional Court from 1972 to 1974, in order to bring pressure on the opposition Nationalist Party (NP) during negotiations on constitutional amendments that were taking place between the two sides. While Malta retains the structure of a democratic government, since 1971 the power of the executive has become overwhelming. There has been a growing and

systematic tendency to enact enabling legislation which gives Ministers the discretion to allow or disallow, without giving the courts or other independent bodies the power to review the exercise of ministerial discretion. This has been accompanied by a decided trend towards regulation of activities that in most western countries would be regarded as ordinary. A small state where most activities require at least one permit granted by a Minister at his absolute discretion is bound to suffer a steady erosion of freedom. In Malta, this has been intensified by extreme and irrational partisanship which often reminds people of its sister Mediterranean island of Cyprus: while Cyprus is divided between Greek and Turkish Cypriots, Malta is split between Socialists and Nationalists, the latter deriving their name from the movement which they led to obtain independence from Britain in 1964.

Up to 1981 the steady growth of state control over ever wider areas of activity was defended by Mintoff himself by arguments which confused democracy with the dictatorship of the majority. Malta's electoral system, which is similar to that of the Republic of Ireland, provides for proportional representation by means of the single transferable vote. In the elections of 1971 and 1976, Mintoff's Socialist Party (SP) obtained 51 and 52 per cent, respectively, of the popular vote, and a corresponding majority of parliamentary seats. It was the government's argument (and daily practice) that its majority gave it a right to implement highly controversial and divisive policies and that the opposition had only the right to be tolerated.

However, the elections held in 1981 under the same electoral system gave the opposition NP 51 per cent of the popular vote and the SP an absolute majority of parliamentary seats. There were several irregularities in addition to gerrymandering: the state radio and television monopoly was unashamedly partial; in one marginal constituency the inmates of a large government-run old people's home were taken to vote by hand-picked nurses; in another violence prevented some opposition supporters from reaching the polling booth. In addition, the population statistics for 1981, published two years later, showed that there were 11,000 fewer adults of voting age than there were names on the electoral register; however, the figures were subsequently revised upwards.

Mintoff has refused repeated NP demands for new and free elections. Since 1981 the confrontation between the two parties has become more intense, with the NP organising monthly mass meetings and protest demonstrations and the government implementing increasingly radical policies. The situation has been complicated by other factors. Since 1980 the country has been in a serious economic recession: the lack of private investment induced by the government's socialist policies was aggravated by a fall in exports and tourists (due both to the international recession and the overvalued Maltese pound) and the general economic malaise has been compounded by political uncertainty and instability. The struggle for succession within the ruling SP has quickened as Mintoff approaches his seventieth birthday and his health is occasionally seen to be failing. In addition, Mintoff has assured himself of internal

security by signing a treaty with North Korea which is almost identical to the former treaty between North Korea and Grenada and which provides for North Korean arms, ammunition and military instruction to the Maltese police and armed forces.

There has been a marked increase in political strife in 1982-4. The majority NP has felt cheated of an electoral victory and has consistently challenged the government's legitimacy. The government has embarked on more doctrinaire left-wing policies, both domestic and foreign, mainly to assert its right to rule but also because Mintoff's age seems to have inspired him with a greater sense of urgency; moreover, he has probably realised that he can no longer retain absolute power and save the appearance of democracy as he did prior to 1981. In turn, the various groups and institutions which are encroached upon by the government feel more embittered and occasionally put up a stiff and spirited resistance.

The vicious circle has led the government to direct serious threats and warnings at the independence and the very existence of most non-governmental institutions. The courts have been threatened with replacement by people's tribunals. The few remaining private entrepreneurs have been warned that the government would not hesitate to opt for total nationalisation if they did not follow government directives. The trade unions which do not belong to the government-dominated General Workers' Union (GWU), already subdued in the 1970s, have been further threatened with dissolution and are being worn out by constant struggles for recognition. Repeated and regular threats are directed at the independent *Times* newspapers. Most of the Catholic church's property was nationalised in 1983, and in 1984 legislation was passed making the continued operation of Catholic schools dependent on any condition that the government may wish to impose. Last but not least, the government has openly spoken of the possibility of setting up a one-party regime, suspending freedom and democracy, and making future elections conditional on some ill-defined circumstances.

While the general situation in Malta can be described as one of 'cold civil war', the government's intolerance of dissent and pluralism can be illustrated by the state of broadcasting and by the so-called 'Foreign Interference' Act of 1981, both of which directly contravene the chapter on Cooperation in Humanitarian and Other Fields of the Helsinki Final Act, in particular the section on Information.¹

Broadcasting

The American State Department's publication *Country Reports on Human Rights Practices* for 1983 states that:

'the broadcast media are completely controlled by the government and

¹ For the full text of the Helsinki Final Act, see *Selected Documents Relating to Problems of Security and Cooperation in Europe, 1959-77* (London: Her Majesty's Stationery Office, 1977), pp. 225-82.

make no pretence of evenhanded coverage of the Opposition. The Mintoff government has gone so far as to seek to apply this policy extraterritorially, by insisting that the Italian government close down a Nationalist Party station broadcasting from nearby Sicily. The issue of evenhandedness in broadcasting is probably the single most divisive issue in Malta today. It is responsible for much of the political tension which characterises this island'.

The Malta Constitution provides for the setting up of a Broadcasting Authority:

'to ensure that, as far as possible, in such sound and television broadcasting services as may be provided in Malta, due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy and that broadcasting facilities and time are fairly apportioned between persons belonging to different political parties.'

However, this provision is more followed in the breach than in the observance. In 1975, Malta's only private radio and television station was nationalised and the Minister responsible for it stated that it should be used to create a Socialist generation. Several employees were dismissed and replaced by persons closely identified with the ruling SP. The members of the board of directors are appointed by the government and hold office at its pleasure.

In 1979 the head of the government's Department of Information retired and was immediately appointed general manager of the radio and television monopoly. In June of that year the NP applied for a licence to operate its own radio station, but permission was not granted. In November 1981, shortly before the elections, the NP started operating a small radio and television station from nearby Sicily, but most of the transmissions were jammed by the Maltese government. After the elections, Mintoff prevailed upon the Italian government to close down the Sicilian station.

Television played a key role during the long wake prior to the announcement of the election results in December 1981. Early in the morning, before any results were transmitted, television announced that the SP had won and that 'thousands of Socialist supporters had already gone out into the streets to celebrate their victory'. This was the signal for SP supporters to occupy the streets and main arteries of the island. NP supporters, stunned by the 'news', stayed in front of their television sets. A programme of victory celebrations then followed, including repeated singing of the *Internationale*, showing of SP pre-election rallies and personal insults to the NP leader, Fenech-Adami.

Early in 1982 the Broadcasting Authority informed the NP that it was placing local broadcasting at the disposal of the SP and that it could not ensure impartial broadcasting before the NP undertook not to transmit from overseas. The NP ordered its supporters to boycott products advertised on the media and withdrew its instructions only in January 1984 in the hope of initiating a solution to the festering political crisis. As a result, the broadcast monopoly

withdrew its total ban on reporting of NP activities, which it had maintained throughout 1982-3, but not its heavy-handed bias. This bias is not limited to the opposition party. The last three years have been marked by successive disputes between the government and most other institutions, including the Catholic church, the free trade unions, the parent-teacher associations, the bodies representing small traders and private entrepreneurs and foreign ambassadors to Malta. In each case radio and television have been used to promote the government's case, often to the exclusion of the opposing viewpoint.

In May 1984, the government-run media again distinguished themselves by gross partiality in their coverage of SP and NP activities and a virulent campaign against the Catholic church. In response to a comment that the Archbishop's statements were never reported on radio and television, the general manager of the broadcasting monopoly wrote that they could be 'on condition that statements by the Prime Minister and by the government are broadcast from church pulpits'. In the meantime, after the signing of a trade agreement with the Soviet Union in March 1984, the government media increased the anti-western and pro-Soviet bias of their coverage of international affairs.

The 'Foreign Interference' Act

It was Mintoff who first gave an international dimension to Maltese party politics. Relations between his ruling SP and the British Labour Party have been close since the 1940s. In the 1950s the SP joined the Socialist International and the Afro-Asian Peoples' Solidarity Organisation (AAPSO). Prominent European Socialists addressed key SP public rallies before elections, including the Swede, Tage Erlander, in 1971; the German, Willy Brandt, in 1976, and the Italian, Bettino Craxi, in 1981. In addition, in 1976, Libya's leader, Colonel Qaddafi addressed an SP rally and encouraged Maltese voters to support the Mintoff party.

The NP joined the European Christian Democratic Union in the 1960s, but it was only after Fenech-Adami was elected to the leadership in 1977 that relations became close, especially with the Italian and German Christian Democratic parties. The participation of the NP in European forums particularly irked Mintoff who by then had got used to being equated with Malta. At the same time, the realisation abroad that another strong party existed in Malta and offered a credible alternative to Mintoff undercut the latter's tendency to promote himself as the only person with whom foreigners had to deal.

Already in the 1970s, the travels and speeches of NP leaders abroad were described as anti-national incitement and treason by Socialist spokesmen. On one occasion, an international meeting of Christian Democrats in Malta had to be hastily cancelled when its German chairman was declared *persona non grata* and expelled from the island. The treatment of foreign journalists and government reaction to criticism in the foreign press also revealed a strong streak of paranoia. This was further nourished by a rowdy reception given to Mintoff by the Parliamentary Assembly of the Council of Europe in 1978, financial and

material aid from the Konrad Adenauer Foundation to an NP educational foundation, the radio and television broadcasts from Sicily, and the invitation by the NP of European Christian Democratic politicians to Malta to speak from its platforms.

After the 1981 elections, Mintoff felt obliged to give his supporters a plausible explanation for the results, which were recognised within his own party as a defeat and broke his spell as a leader with an unfailing popular appeal. He thus blamed 'foreign interference' as the factor behind the NP's majority. The 'Foreign Interference' Act of 1982 became a means to ratify that view and further to hamstring the international relations of all organisations except the government party.

The Act does not define foreign interference but it describes as 'foreign activity' anything

'done by or sponsored, promoted or in any manner whatsoever assisted or encouraged by, any foreign person and includes in particular, but without prejudice to the generality of the foregoing, the provision of money, equipment or other material or thing whatsoever'.

Such foreign activities 'shall not be lawful. . . except with the permission of the Minister' who 'may impose such conditions, limitations and restrictions as he may deem appropriate'.

The American government does not recognise the application of Malta's Foreign Interference Act to its diplomatic and cultural activities, and the United States Information Agency has continued to sponsor lectures by American visitors and study tours to the United States by leading Maltese citizens without requesting any permission. However, the German Konrad Adenauer Foundation stopped its aid, and broadcasts from Sicily have also been effectively discontinued, though in both cases it was more as a result of pressure by the Mintoff government than of Maltese law.

Under the Act, the activities of foreign journalists in Malta require the government's fiat. A church organisation decided not to invite a foreign cardinal to its annual meeting because the organisers were not prepared to request a permit. In April 1983, about 20 prominent members of the NP were summoned to the police headquarters and interrogated about a planned visit to West Germany where they were to attend a seminar on the German elections. The police asked questions about air fares, hotel fees and the reason for the visit and justified their questions by the need to ensure that the Foreign Interference Act was not being broken. The group of NP members eventually left for Germany.

On the other hand, there has been no harassment of members of the SP or of the small Communist Party before their departure on foreign missions. For example, seminars in Prague have been organised specifically for members of the official union, the GWU, and financed by the Czechoslovak trade union without any apparent objection by the government.

The effect of the Act has been to discourage activities by persons and orga-

nisations who resent having to request a permit. However, in March 1984, the European Democratic Union (EDU) of which the NP is an observer member, requested permission to hold a committee meeting in Malta, while expressing its disagreement with the Act itself. The EDU was informed by the Maltese government that it could hold the meeting, but no permit was issued in writing. During the meeting, the executive secretary of the EDU was summoned to the Maltese Ministry of Foreign Affairs where he was orally warned against contravening the Foreign Interference Act. In the end, the meeting came to an end without any incident, but the surrounding pressure and harassment are bound to discourage further meetings of foreign politicians in Malta unless they are invited by the government side. In the meantime, the SP has not neglected its international relations: in April 1984 a six-member delegation from the Communist Party of Rumania visited Malta for bilateral talks with the SP and the GWU, and Rumanian delegates stood next to Mr Mintoff at one SP rally. It is not known to have requested a permit or to have been the object of harassment.

The government's attitude was revealed more clearly in January 1983 when the Ministry of Foreign Affairs sent a note to all diplomatic missions in Malta strongly objecting to any kind of contact on their part with members of the NP. The note was provoked by Mintoff's annoyance at the publication in the NP newspapers of photos of Fenech-Adami receiving courtesy calls from foreign ambassadors. The contacts which were prohibited included attendance at receptions, and the Australian mission promptly cancelled a scheduled reception in protest. Many other foreign countries communicated their strongest objections to the Maltese government. The American Embassy, in particular, wrote that after consulting the State Department it found no legitimate grounds for the ban, which contravened the Vienna Convention on diplomatic relations and was 'not in conformity with the spirit of the Helsinki Final Act (Principle VIII), which condemns the kind of anti-opposition discriminatory activity normally associated with totalitarian regimes'.

Shortly afterwards this diplomatic note was tacitly withdrawn by the government, but it had dramatically conveyed to foreign governments the totalitarian tendencies of the Mintoff regime. These have been evident to Maltese citizens ever since Mintoff became Prime Minister in 1971. Up to 1981, the gradual erosion of freedom took place behind a well-kept façade of democracy, but since the elections of that year the façade itself has not remained intact. The degree of freedom and democracy in Malta is higher than in the Communist countries of eastern Europe, but it is decidedly lower than in the parliamentary democracies of western Europe to which Malta has been naturally linked for centuries. The greatest cause of concern is the fact that the process of erosion of freedom and democracy has gone unchecked since 1971. It is unlikely to end as long as Mintoff is in power.

with
Freedom Appeals

\$2.00

Freedom

at issue

May-June, 1984 Number 78

Malta: Press Freedom at Bay

Libertas

Malta has not yet passed from freedom to totalitarianism, but since Dominic Mintoff, leader of the Socialist Party (SP), was elected prime minister in 1971, the Mediterranean island has undergone a steady retreat from the Western European standards of democracy and freedom to which it was accustomed. Press freedom has been diminished through violence, official threats, restrictive legislation, and sheer nonobservance of the constitution. This has affected in various ways both the local media and the activities of foreign journalists.

Malta's only private radio and television station was nationalized in 1975. The U.S. State Department's *Country Reports on Human Rights Practices* for 1983 remarks that "The broadcast media are completely controlled by the government and make no pretense of evenhanded coverage of the Opposition. The Mintoff government has gone so far as to seek to apply this policy extraterritorially, by insisting that the Italian government close down a Nationalist Party (NP) station broadcasting from nearby Sicily. The issue of evenhandedness in broadcasting is probably the single

most divisive issue in Malta today. It is responsible for much of the political tension which characterizes this island."

In 1976, Mr. Mintoff told parliament that if the *Times* newspapers, published by the independent Progress Press, continued "to tease the Maltese people... we could not remain responsible for their safety." Three years later, a crowd celebrating the thirtieth anniversary of Mr. Mintoff's accession to the SP leadership attacked the Progress Press, destroyed a considerable part of the machinery, and set fire to the building. Soon after the reconstruction of the premises in 1983, the minister for foreign affairs said that the work could not have been completed without interference from abroad and threatened that the government would not allow such an influential institution to remain independent. Official remarks that the founder of the Press would have supported the socialist government are also ominous; as the present owner is over eighty, her succession could give the government an excuse to move in.

Libertas is the pseudonym of a Maltese lawyer.

The police are far from neutral. They have been unable to discover those responsible for gutting the Progress Press or the perpetrators of several bomb explosions outside the NP printing press. On the other hand, they have readily detained for questioning editors, contributors, reporters, and photographers of NP newspapers for activities that were part of their journalistic duties. In 1981, four journalists were arrested at night after publishing news later proved to be true. An opposition politician who denounced this as harassment of the free press was found guilty of having made false public accusations against the prime minister and senior police officers. In March 1984, a press photographer was arrested after filming police aggression against a demonstration in support of private schools and released only after surrendering his film.

The Maltese situation is often described as one where the façade of democracy has been retained but its substance steadily eroded. The constitution guarantees freedom to receive and communicate ideas and information without interference and the right to edit or print a newspaper. It also sets up an independent Broadcasting Authority to ensure the impartiality of radio and television. However, in the case of press freedom and other fundamental rights, there is a wide gap between day-to-day reality and the ideal state envisaged in the laws and the constitution.

Newspapers

The government-dominated General Workers Union (GWU), the NP, and the Catholic church publish Maltese-language dailies; the union and the NP also print English-language weeklies. The Progress Press, which is run on commercial lines and is independent of any institution, publishes the English-language daily, *The Times*, and *The Sunday Times*. The GWU and NP newspapers are extremely militant and one-sided; *The Times* comes closest to being a national newspaper because of its comprehensive coverage of the activities of both parties. However, its editorial views are consistently pro-democracy, pro-West, and pro-Catholic church, and often critical of the Mintoff government.

In the near future, the danger to the free press can come from two sources. First, both the prime minister and his designated successor (Mr. Mintoff is seventy years old) have threatened to establish a one-party state and suspend freedom and democracy. This would mean the closure of the NP press and the conversion of the independent newspapers into propaganda machines, much like radio and television. Another indication of official discomfort with pluralism came in 1983 as the Catholic church's property and schools came under attack: the deputy prime minister suggested that the church could stop publication of its newspaper to show its good will and appease the government.

The second threat could come from an economic stranglehold. In the 1970s the government took over the

commercial banks and placed socialist politicians at their head. Immediately after its nationalization, one of the banks canceled a loan made to the NP on behalf of its press; the warrant of seizure would have been executed against the press but the loan was repaid after a public appeal for funds. More recently, the Progress Press has incurred the government's wrath by side-stepping the banks' blocking power and obtaining credit from foreign manufacturers of printing machinery. Furthermore, the government has taken over the importation of most commodities and could exercise leverage by controlling the import of newsprint. Recent court judgments have also brought newspapers within the law regulating prices, under which the government has wide powers.

Freedom of expression, including freedom to use the printed word, is restricted by the constant presence of an all-powerful government.

Freedom of expression, including freedom to use the printed word, is restricted by the constant presence of an all-powerful government in a small, densely populated island. In the last decade, in addition to the banks, importation, and broadcasting, the government has taken over private hospitals, wireless and telegraphy, the university, and the insurance business and is attempting to absorb the private schools. Either directly or through the GWU, it owns the airline; the shipping line; the ship-repairing yard; the corporations providing water, electricity, and telephone services; and several factories and hotels.

Pro-government activities can be rewarded by jobs, promotions, contracts, better social benefits and educational opportunities, and greater ease in obtaining scarce goods and services. Antigovernment pronouncements harm one's employment and promotion prospects and those of one's children. The inevitable abuses and corruption constitute the main subject of conversation, but only a small fraction of them are reported in the press. Even in the opposition newspapers (*especially* in them), complaints and criticism are generally voiced by pseudonymous contributors. The conscience of editors is daily racked by detailed reports of corruption brought by civil servants and private citizens who insist that their anonymity be respected.

In the 1970s, all press releases by the government's director of information were made immune from legal proceedings. This has enabled the government to respond to criticism often in offensive terms and sometimes in language which would have been libellous. Since the right of reply has to be given "on the same page, in the same type and with the same prominence" as the original publication, the privileged statements

have been used to plant pro-government propaganda in the opposition and independent newspapers, especially before the 1981 election.

In 1978, a new law prohibited the use of the words *Malta* and *nation* and their derivatives in the title of any organization or publication. Political parties were exempted after Eddie Fenech-Adami, the leader of the Nationalist Party, declared that he would rather go to prison than change his party's name. However, the newspapers *Times of Malta* and *Malta News* dropped the word *Malta* from their titles. The NP daily, *In-Nazzjon Taghna (Our Nation)*, truncated its name to *In-.... Taghna (Our....)*. The prime minister can grant exemptions from this law, but publications which are critical of the government prefer to avoid the offending words. In further manifestations of intolerance, the state-owned Air Malta does not carry NP newspapers on its flights, and it is hard to come by any but pro-government newspapers in Malta's embassies and missions abroad.

The pro-government press has consistently defended the restrictions on press freedom. In an article entitled "The Anti-Maltese Press," a contributor wrote that "the rotten and hated press has opened a campaign against Mintoff and against the Maltese" and that "had certain directors of some newspapers been in Cyprus... they would have been lynched in the streets." After the Progress Press was gutted in 1979, Mr. Mintoff officially expressed his regret, but one socialist parliamentarian regretted that the building had not been totally razed to the ground and another warned that the same kind of violence could recur.

Radio and television

While the freedom of newspapers has been curtailed and threatened, radio and television have become instruments of propaganda and indoctrination. The broadcasting company is run by a board of directors appointed by the government; members hold office at the government's pleasure. Several independent-minded employees were dismissed and replaced by persons closely identified with the SP. The company has been following the government's declared policy of using the media to create a socialist generation.

Malta is overwhelmingly Catholic. Politically it has been part of Western Europe for over two thousand years. English culture is predominant, and Italian very influential. The interests and sympathies of the population as regards sports, entertainment, and current affairs are indistinguishable from those of Western European countries. The island is dependent on the West for 80 percent of its trade, tourists, and general economic activity. As these parameters do not conform to the government's policy of nonalignment, radio and television have been used to give an anti-U.S., anti-Western European, and anti-Catholic bias to the coverage of international news and current events. As re-

gards domestic news coverage, pro-government bias runs through all features from politics to sports and from culture to children's programs. However, the people can escape from the boredom of the state monopoly and its gross attempts at mental and cultural manipulation by following Italian television and British and Italian radio programs.

The pro-government press has consistently defended the restrictions on press freedom.

Between 1976 and 1981, it was common practice for reports of NP events to be summarized beyond comprehension, and for television images of NP activities to be deliberately blurred and unflattering. In 1982-1983, radio and television did not mention the NP except in the context of criticism by the government. During the government's successive disputes with civil servants, teachers, the free trade-unions, doctors, bank employees, and the Catholic church, radio and television promoted the government's positions often to the exclusion of the opposing viewpoint. Instances have occurred when the archbishop's pastoral letter was ignored, while Mr. Mintoff's criticism of it was given extensive coverage. During the mob violence of 1979, involving the attack on the Progress Press, television reported that a socialist club had been ransacked (in fact, socialist supporters had ransacked an NP club), thereby helping to fan the violence. Immediately after the announcement of the 1981 election results, television engaged in an orgy of pro-government celebrations and personal insults to the NP leader, Mr. Fenech-Adami.

In 1979, an NP application for a licence to set up its own radio station was dismissed by the government. In 1981, electricity supply to the NP club in the capital, Valletta, was cut after an electronic board flashing news headlines was installed on the façade.

Shortly before the 1981 election, the NP made some broadcasts from a rudimentary station in Sicily but most of them were jammed. Following the election, the state broadcasting company informed the NP that it was giving more airtime to the SP until the NP undertook not to broadcast from abroad. The NP reacted by instructing its followers to boycott all products advertised on radio and television, and the GWU responded by ordering the station's employees not to cover the NP's activities at all. Mr. Mintoff also prevailed on the Italian government to close down the NP station in Sicily and passed legislation prohibiting broadcasts to Malta from abroad. The solitary Maltese national who had been transmitting from Sicily was threatened, should he return to Malta, with being charged with sedition; this charge enables the police to detain an

accused person almost indefinitely without bail.

Since 1982, the issue of broadcasting has been inextricably linked with the festering political crisis and has helped perpetuate it. To protest the gerrymandered election of 1981, the NP joined parliament only in March 1983 on the promise of inter-party negotiations on outstanding differences, foremost among them broadcasting and the prevention of electoral fraud. In January 1984, the NP made the good-will gesture of dropping its instructions for a boycott of products advertised on the media; the broadcasting company responded by withdrawing the total ban on the reporting of NP activities but not its heavy-handed bias.

Late in 1983, the NP succeeded in making a few illegal radio transmissions. Suspecting that they came from the NP headquarters, Mr. Mintoff ordered an army blockade and a police raid of the premises. The transmitter was not found but, in addition to causing damage, the police confiscated the audio-visual equipment which was used during rallies and meetings. Though possession of the equipment was perfectly legal, it had not been returned to the NP by March 1984, thereby indicating Mr. Mintoff's determination to limit the opposition's freedom to communicate its views.

Foreign journalists

Press freedom was seriously restricted by the so-called "Foreign Interference" Act of 1982 which strengthened the government's monopoly over radio and television broadcasting and proscribed many activities involving the free flow of information from abroad. While the act does not define the term "foreign interference," it describes a foreign activity as "anything done by, or sponsored, promoted or *in any manner whatsoever* assisted or encouraged by any foreign person." Such activities are illegal unless they have received the government's permission. An activity of a "kind normally expected of a visitor" (that is, a tourist) is exempted from the law, but the activities of foreign journalists do not fall into this category. The act also makes it unlawful for a Maltese to participate in or help in any broadcast from abroad intended to be primarily received in Malta.

Since the passage of the act, even journalists who visit the island as tourists are asked searching questions at the airport's Passport Control gate; but the Mintoff government's paranoia with foreign journalists is longstanding. A lengthy dispute with Britain in 1971-1972 (over rental of the NATO military base in Malta) spawned a series of bombastic and irate statements against British newspapers guilty of less than total sym-

pathy for Mr. Mintoff. In 1978, the correspondents of British dailies and of the British Broadcasting Corporation were banned for six months after being accused of waging "a concerted destabilization campaign" against the Mintoff government. Leading correspondents of foreign newspapers have been granted interviews with Mr. Mintoff only on condition that they did not interview Mr. Fenech-Adami as well. The London *Financial Times* discontinued its annual supplement on Malta after the Mintoff government withdrew the advertisements of the state-owned corporations when its demand to review all articles before publication was rebuffed.

Pluralism has been destroyed in broadcasting and is on probation as regards newspapers.

In 1981, the London *Times* and *Sunday Times* were again banned from Malta. Later in the year, Mr. Mintoff received a group of foreign journalists to defend the disputed election results. According to the New York *Times*, "he characterized the questions of two American correspondents and one Briton as 'hostile,' and they were finally escorted out of his office." In 1983 and 1984, the New York *Times* and *The Financial Times* quoted unnamed Western diplomats in Malta as saying unpalatable truths about the Mintoff government. The diplomats were accused in parliament and the press of interfering in Malta's domestic affairs.

Conclusion

In the last thirteen years, as Mr. Mintoff has proceeded to take control of all the levers of power, the state has encroached on the freedom of the individual and of nongovernmental entities. All the remaining free institutions have been threatened: the opposition NP, which polled 51 percent of the popular vote at the last election, has been threatened with the imposition of a one-party state; the free labor unions with the withdrawal of recognition in the name of the workers' unity; the Catholic church with the establishment of a rival state church in the name of religious plurality. Pluralism has been destroyed in broadcasting and is on probation as regards newspapers. The new restrictions imposed on foreign journalists and on the free flow of ideas and information will further insulate the island and increase Mr. Mintoff's hold on it. □

Freedom at issue

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March-April 1984 Number 77

Malta and North Korea

Civis Melitensis

After providing arms and ammunition to Grenada, Libya, Nicaragua, Ethiopia, the Seychelles, Zambia, and Zimbabwe, North Korea now seems to have gained a foothold in the republic of Malta, a small island strategically located in the center of the Mediterranean. At a mass rally for party supporters on December 4, 1983, Eddie Fenech-Adami, the leader of the opposition Nationalist Party (NP), which is a member of the Christian Democratic International, read aloud an important document. It was the text of a secret treaty signed in July 1982 between Malta's socialist government and North Korea during an official visit of Prime Minister Dominic Mintoff to Pyongyang. The Maltese government has not issued any denial, and Mr.

Mintoff told parliament that coastal guns, some of them donated by North Korea, were being installed round the island, but that they would be facing out toward sea and not pointing at the NP headquarters and clubs. Defense experts, however, doubt whether Malta (population 320,000, area 315 square kilometers) could on its own defend itself against any determined invader.

The timing of the arms agreement is also significant. It came after Mr. Mintoff's rule started to be peacefully, but vociferously, contested by the opposition party, which, despite the island's electoral system of

proportional representation, had won 51 percent of the popular vote in the elections of December 1981 but only a minority of parliamentary seats. The NP followed up its protests against gerrymandering of the electoral districts by boycotting parliament until March 1983, when its elected representatives took their seats on the promise of negotiations between the two parties on outstanding differences, including the electoral system and broadcasting.

The confidential talks were widely believed to have resulted in progress, but in June they were suspended unilaterally "for three months" by the government side. They had not been resumed by January 1984, and during this period the Nationalists maintained only a token participation in parliament. Late in 1983, members of the government made several references to the option of a one-party state and Mr. Mintoff said that, in the absence of cooperation, the government would be prepared to go it alone, in which case the Nationalists "could rest assured that by the next election they would disappear."

Restraints on the media

Differences have been exacerbated by the issue of broadcasting. The Malta constitution provides that the state-owned monopoly of radio and television should be impartial in matters "of political and industrial controversy and relating to public policy." In the 1970s, broadcasting became increasingly biased in favor of the government, and in 1979 the NP applied for a license to set up its own radio station. This was refused, but a few weeks before the 1981 election the NP transmitted some radio and television programs from nearby Sicily, many of which were jammed by the government.

Since the beginning of 1982, the radio and television station has reported and actively promoted the government's views on the numerous subjects of controversy that have arisen and ignored those of bodies such as the commercial and business community, the Catholic church, the federation of parents and teachers associations, and the labor unions which are not affiliated to the largest and government-dominated union. Radio and television consistently ignored the NP, which reacted by instructing its supporters to boycott all products advertised on these media. In November 1983, the NP started transmitting illegally some radio programs which included addresses by its leader.

Civis Melitensis is the pseudonym of a Maltese journalist.

On the night of November 26 to 27, the NP headquarters were surrounded by the army and subjected to a thorough search by the police who were officially looking for cordless telephones (the possession of which is illegal on the island). Police allegations that some arms—including four dismantled shotguns and ammunition—were found inside the building were denied by the NP which also protested the damage caused and the fact that most of the “policemen” were not wearing uniforms. It is generally believed that the

In Malta, democracy and freedom have been gradually but steadily eroded; the process has accelerated rapidly in the last two years.

search was for the radio transmitter, but the transmissions continued. In the following days, the homes of many NP activists were searched by the police. Many of them were held for questioning, and four persons started court proceedings alleging that they suffered various injuries during their interrogation by the police, including broken ribs, head wounds, a disjointed shoulder, twisted legs, and various spleen complaints.

It was during a mass rally to protest the police raids and methods of interrogation that Mr. Fenech-Adami revealed the secret treaty with North Korea which provides for the dispatch of military instructors to give training and education to the military personnel of Malta. He claimed that North Korean experts had trained the police and army on how to handle crowds and interrogate suspects. The treaty provides that “both sides observe strict secrecy in respect of all transactions made pursuant to this agreement and shall not disclose any matters hereof to any third country.” The treaty also provides that the arms, ammunition, and training will be provided “free of charge” by North Korea.

In his international dealings, Mr. Mintoff has acquired a reputation for obtaining grants, in money and in kind. However, North Korea is known to have foreign debts of more than \$2 billion and has stepped up its exports of arms to raise foreign exchange. On the other hand, Malta's reserves are valued at more than \$1 billion, most of them resulting from the rent paid for the NATO base until 1979. Over the last few years Malta has negotiated a web of trade reciprocity agreements with communist countries, including China and several East European countries; so, some indirect way of repaying the North Koreans may have been found.

Democracy threatened

Political uncertainty, the government's attacks on private enterprise, and the inefficiency of the public sector have taken their toll on the Maltese economy. Mr. Mintoff's deputy has declared that the “government would neglect everything, even democracy and freedom if need be, to dedicate all its efforts to overcome the problem of unemployment.” In the ten years up to the election of 1981, democracy and freedom were gradually but steadily eroded; the process has accelerated rapidly in the last two years, and Freedom House for the first time downgraded Malta into the category of “partly free” countries in its Comparative Survey of Freedom for 1983-1984. The arms treaty with North Korea indicates that Mr. Mintoff (now approaching seventy years of age) is determined to hang on to power, for if he bows to public opinion and holds fresh and free elections, he will likely not get another chance. As a result, democracy, already threatened from official quarters, may well become a casualty.

If this happens, the scenario has already been set: the rationale would be provided by the economic crisis, the discovery of some bogus *coup d'état*, and allegations of a “foreign plot.” References to foreign and local plots and *coups d'état* run thick in government propaganda. Trials started by the police against two individuals not involved in politics and accused of planning two separate *coups d'état* fizzled out, but only after the media had given them extensive coverage for several months. Government spokesmen regularly accuse the NP of threatening the security of the state and wanting to overthrow the government by violent means. This scenario could reach a climax with the declaration of a state of emergency, which would be incomplete without allegations of foreign interference.

Mr. Mintoff and his government have become increasingly paranoid following the publication of unfavorable comments in the foreign press, the NP's participation in the Christian Democratic International, and its contacts with the West German Konrad Adenauer Foundation. The result was the Foreign Interference Act of 1982, which subjects to government permission the participation of foreigners in Maltese events (whether political, religious, or cultural) and seriously restricts the freedom of action of foreign journalists. Mr. Mintoff has made a practice of keeping alive a few contentious issues with most Western countries; any of the existing differences with Italy, Britain, France, or West Germany could easily be upgraded into a “foreign plot” or unacceptable “foreign interference.”

Regardless of whether this scenario will actually unfold, the coming months will be difficult for freedom and democracy in Malta. □

**A Report from
the
International
Helsinki Federation
for Human Rights**

HUMAN RIGHTS IN MALTA

May 1985

International Helsinki Federation for Human Rights
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A-1090 VIENNA
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The International Helsinki Federation for Human Rights is a nongovernmental organization that seeks to promote compliance of signatory states with the human rights provisions of the Helsinki Final Act.

The IHF represents national Helsinki Human Rights Committees in Austria, Canada, Denmark, the Federal Republic of Germany, France, the Netherlands, Norway, Sweden, Switzerland and the United States.

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ABBREVIATIONS

- BBC British Broadcasting Corporation
- CMTU Confederation of Maltese Trade Unions
- EDU European Democratic Union
- EEC European Economic Community
- GWU General Workers' Union
- ILO International Labour Organization
- MUT Movement of United Teachers
- NATO North Atlantic Treaty Organization
- NP Nationalist Party
- SP Socialist Party

Annex I. List of the persons interviewed by the fact-finding mission.
 Annex II. Matter in the international press.
 Annex III. The "Foreign Interference" Act (1952)

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The Federation is especially thankful to Lisa Mattson and Birgitta Alexandersson for contributing their time and expertise for the production of the report and for the deep interest they took in Malta.

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INTRODUCTION

The Republic of Malta is one of the signatories of the Helsinki Final Act on Security and Cooperation in Europe (1975). In the past few years, and particularly in 1983-84, several international organizations, such as the European Parliament, the International Commission of Jurists, the Council of Europe and others, as well as the international press, have expressed their concern at the state of human rights in Malta. In view of this, the International Helsinki Federation for Human Rights decided to send a fact-finding mission to Malta made up of the following persons:

Lisa Mattson (Sweden) -- Member of Parliament,
Social Democratic Party, Deputy Chairman, Standing
Committee on Law of the Swedish Parliament

Birgitta Alexandersson (Sweden) -- Barrister,
Member of the Board of the Swedish section of
the International Commission of Jurists

Gerald Nagler (Austria) -- Executive Director,
International Helsinki Federation for Human
Rights

On December 14, 1984, the Executive Director of the Federation informed the Maltese Ministry of Foreign Affairs of the decision and requested its cooperation. Although no official reply was received, on the mission's arrival in Malta on March 3, 1985, the ministry declared that the members of the mission had the right to meet any person they wished. The ministry also arranged appointments with persons representing the government's point of view. The

mission itself arranged meetings with nongovernmental individuals and bodies. (A list of some of the persons interviewed is included as Annex I of this report.) The mission had complete freedom to move within the country and to meet and speak with whomever it wished. It left Malta on March 10. At no point did the members of the mission feel that they or the persons they met were being intimidated.

In the present report, the mission describes the Maltèse political background (Chapter I) and its findings on various aspects of rights and freedoms (Chapters II to X). In the final chapter it draws its conclusions and makes suggestions on the basis of its findings.

The three members of the fact-finding mission were from neutral European countries with a social democratic background. Though favorably predisposed toward the idea of Malta's neutrality, they did not enter into matters of foreign policy but limited their analysis to issues related to human rights. As Malta is a signatory of the Helsinki Final Act (and indeed played a significant part in the negotiations leading to its adoption) and of the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the mission members examined several aspects of freedom and human rights in Malta and tried to judge whether they considered such standards to be acceptable. Where they judged them unacceptable they have made suggestions for remedial action.

I. BACKGROUND

Malta gained its independence from Britain in 1964. The Nationalist Party (NP), a member of the Christian Democratic International, was in office from 1962 to 1971 and the Socialist Party (SP), which belongs to the Socialist International, has ruled since 1971. The island has an area of 316 square kilometers (122 square miles) and a population of 330,000. Its history^{*/} has been largely determined by its strategic location at the centre of the Mediterranean Sea, 83 kilometers (52 miles) to the south of Sicily and 345 kilometers (214 miles) north of Libya.

Before 1964, Malta belonged to whichever power was at the time predominant in the Mediterranean and its varied history is reflected in its present characteristics. The island was converted to Christianity by St. Paul in A.D. 60 and the Maltese remain strongly Catholic; between 70 percent and 80 percent of them go to church on Sundays. The Maltese language is of Semitic origin -- a remnant of the Arab occupation from 870 to 1090 -- but is heavily influenced by Italian, Malta having been part of the Kingdom of Two Sicilies for several centuries. The British held Malta from 1800 to 1964; English is the second official language and British traditions have left their mark on Maltese public institutions, including the parliamentary system, constitutional law and the civil service.

^{*/} See Brian Blouet, The Story of Malta, 2nd ed., Progress Press, Malta, 1984.

Strategic Importance

Malta's strategic importance prolonged its status as a colony and led to its involvement in several wars. During World War II it was heavily bombed by the Germans and served as a staging post for the Allied invasion of Sicily. The Maltese have also benefited by and taken advantage of their country's location. The island's economy has prospered in times of war or increased military activity in the Mediterranean Sea. On Malta's independence in 1964, the Nationalist government signed a ten-year agreement allowing Britain to use the island's defense facilities in exchange for financial aid.

When the SP was elected in 1971, Prime Minister Dominic Mintoff negotiated a new arrangement whereby base facilities on the island were rented to Britain, on behalf of NATO, until 1979 in return for higher rental payments. Since 1979 Malta has been officially neutral. The Socialist government's original policy was that two European and two Arab countries (Italy, France, Libya and Algeria) should guarantee Malta's neutrality and provide financial aid to underpin its status.*/ Only Italy agreed to these terms**/ and provided

*/ See Mintoff's statement to the Parliamentary Assembly of the Council of Europe, Official Report of Debates, Thirtieth Ordinary Session (Second Part), September 27-October 5, 1978, vol. II, pp. 345-364.

**/ Neutrality Agreement, Malta-Italy, Ministry of Foreign Affairs, Malta, 1980.

aid for the 1980-1984 period. The Soviet Union recognized Malta's neutrality^{*/} and has been granted oil-bunkering facilities in NATO's former storage tanks in exchange for increased trade. In addition, in 1982 the government signed a treaty with North Korea which it kept secret but which was revealed by the NP a year later. Under the agreement North Korea has provided the Maltese police and armed forces with arms and ammunition and with training in crowd-control and the interrogation of detainees. In November 1984 Malta and Libya signed a Treaty of Friendship and Cooperation which gives Libya military facilities on the island in return for increased trade and economic cooperation.

The NP holds that the Maltese should not be indifferent between the democratic West and the communist East, and also that the island would not be able to defend itself against an aggressor in time of war. It opposes renting out Malta as a military base, but a Nationalist government would probably enter into an agreement with some Western country to provide for Malta's defense. In 1970, the Nationalist government signed an Association Agreement with the European Community (EEC) which still regulates economic relations between the two sides; the NP is committed to apply for Malta's membership in the EEC once in government.

^{*/} Agreement on the Neutrality of Malta, Malta-USSR,
Ministry of Foreign Affairs, Malta, 1981.

Domestic Political Situation

The controversial results of the election of December 1981 have led to a marked increase in political strife in Malta. The island's electoral system is based on proportional representation by means of the single transferable vote.*/ In 1981 the NP, led since 1977 by Eddie Fenech-Adami, obtained 51 percent of the popular vote and 31 of the 65 parliamentary seats; Mintoff's ruling SP secured 49 percent of the votes and 34 seats. The NP, noting that the constituency boundaries had been redrawn shortly before the election, attributed the ambiguous result to gerrymandering and boycotted parliament until March 1983.

In addition, the NP claimed that the state-owned radio and television monopoly (see Chapter VIII) had shown excessive pro-government bias before and during the election and it ordered its supporters to boycott all products advertised on these media. In return, radio and television refrained from mentioning any of the NP's activities and statements until the NP lifted its boycott in January 1984. Since then, the NP and other nongovernmental institutions have repeatedly complained about the pro-government bias of radio and television. One report**/ notes that "the broadcast media

*/ J.H. Proctor, "The Acceptance of Proportional Representation in Malta," Parliamentary Affairs (London), vol. 3, no. 33 (Summer 1980), pp. 308-321; and E. Lakeman, Power to Elect: the Case for Proportional Representation, Heinemann, London, 1982.

**/ Country Reports on Human Rights Practices in 1983, U.S. Department of State, Washington, D.C., February 1984, pp. 1044-1045.

are completely controlled by the government and make no pretense of evenhanded coverage of the opposition.... The issue of evenhandedness in broadcasting is probably the single most divisive issue in Malta today. It is responsible for much of the political tension which characterizes this island."

Political tension and divisiveness are indeed the characteristics of present-day Malta. From 1971 to 1981 the Socialist government was responsible for substantial increases in wages, old-age pensions and other welfare payments which even its opponents grudgingly admire. On the other hand, it also followed many highly controversial policies. It nationalized the commercial banks, the University of Malta, private hospitals, radio and television, importation, telecommunications and several commercial enterprises. In 1978, the largest trade union, the General Workers' Union (GWU), was statutorily fused with the SP. Controversial policies were also followed in the fields of education, health, justice and employment. Most of these measures were implemented in an atmosphere of strife and discord which increased the resentment of the government's opponents.

Though the island distanced itself increasingly from any notion of political consensus, the government's mandate was never questioned because in the elections of 1971 and 1976 the SP had obtained 51 percent of the popular vote (as well

as a majority of parliamentary seats). Repeatedly, the government defended the legitimacy of its controversial policies on the grounds that it represented "the will of the majority of the people." Indeed, one of the SP's slogans at the 1981 election was: "In a democracy the will of the majority will be implemented." The SP's loss of the popular majority in that election probably hastened Mintoff's withdrawal from the political frontline. He resigned the premiership in December 1984 but remains leader of the SP and has been appointed special consultant to his successor, Carmelo Mifsud-Bonnici.

After the results of the 1981 election, the SP's right to rule was questioned and its mandate was openly and vociferously contested by the NP. Rather than seeking a consensus, the Socialist government passed two laws which had not been envisaged in the SP's electoral program of 1981 and which touched a raw nerve in the Catholic population (see Chapter VI). In 1983, a law purported to nationalize without compensation over 80 percent of the church's property. The church challenged the law before the courts, which declared it unconstitutional in September 1984, and the government is appealing the decision. In 1984, another law was passed which would bring the church's schools (accounting for over 30 percent of the school population) under direct government control. The attempt to implement this law led to widespread popular unrest in the second half of 1984; the government

suspended the operation of the law in November 1984, and talks are going on at present with the Vatican and the Catholic church with a view to reaching a permanent solution.

Intense and continuous political strife over a four year period has led to the polarization of the island's population into two opposing camps. Everybody is politicized. Politics is the major concern of the people and their main subject of conversation. Though the population is perfectly homogeneous as regards race, language, religion and culture, its division into Socialists ("reds") and Nationalists ("blues") is deep and almost as palpable as racial or religious divisions in other societies. Political affiliation (or "color," as it is known) causes rifts within families, among colleagues at work and even among schoolchildren; it conditions one's choice of friends, doctor and grocer. It takes a very short time for the foreign visitor to realize that Malta is not at peace with itself.

International Public Opinion

International public opinion has shown a keen interest in the human rights situation and related events in Malta.

In March 1983, the European Parliament passed a resolution^{*} which called "on the Maltese authorities to allow democratic liberties to be exercised fully." In a

^{*}/ Official Journal of the European Communities, Information and Notices, vol. 26, No. C96/63.

reference to a note sent by the Maltese Ministry of Foreign Affairs to all embassies in Malta calling on them to break off relations with the NP (see Chapter III), the European Parliament also condemned "the Maltese government for sending such a note which conflicts with the obligations of the Vienna Convention and the spirit of the Helsinki Agreement." In May, a report on the situation in Malta was presented to the European Parliament by Ien van den Heuvel, a socialist member from the Netherlands.*/

In January 1984, the European Parliament passed a second resolution**/ expressing its alarm at the statements of Mifsud-Bonnici to the effect that the time might have arrived when Malta would be governed by a single party. In October 1984, the European Parliament passed a third resolution***/ reaffirming "its intention to support the basic rights of freedom of education in Malta" and instructed "the Council of Ministers to contact the government of Malta with the aim of insuring that such rights are respected." At the same time, a spokesman for the EEC Commission declared****/ that "should it turn out that the conflict in Malta reaches a point where

*/ European Communities, European Parliament, Working Documents, 1982-1983, May 30, 1983, Document 1-368/83.

**/ Official Journal of the European Communities, Information and Notices, vol. 27, No. C46/81.

***/ Ibid., vol. 27, No. C300/39.

****/ Official Journal of the European Communities, Debates of the European Parliament, No. 2-317/154.

human rights are violated, the Commission will not hesitate as in the past to condemn such practices openly."

In January 1985, the parliamentary assembly of the Council of Europe debated the Maltese situation on the basis of a report submitted by one of its members.*/ Concern about issues related to human rights, in particular the Foreign Interference Act (see Chapter III), was expressed by members of all political groups, and the assembly decided to send a fact-finding mission to Malta which would report to it at its session of April 1985. However, in March the Council of Europe canceled the mission's visit to Malta in view of "the absence of agreement from the Maltese authorities by then." In April, committees of the parliamentary assembly invited representatives of the Maltese government and of the NP to a meeting during which the situation of human rights in Malta was discussed; the NP presented its views, but the Maltese government declined the invitation.

As regards trade union rights, in June 1983 a Committee of Experts of the International Labor Organization (ILO) called upon the Maltese government to implement labor legislation (which it had itself enacted in 1976) by establishing a Joint Negotiating Council, but to date the government has not heeded the Committee's recommendations.

*/ Report on the Foreign Interference Act and the Human Rights Situation in Malta, Council of Europe, Parliamentary Assembly, doc. 5325, December 19, 1981.

In December 1984, the International Commission of Jurists (Geneva) published a report^{*}/ on human rights in Malta in which it focused on political violence, the Foreign Interference Act, the independence of the judiciary, the broadcasting media and trade union rights. The report noted that "democracy and respect for human rights in this Mediterranean island have been gradually and steadily eroded since the 1970s," and expressed its grave concern at "the tacit tolerance if not provocation of mob violence" by the government against its opponents. The report concluded that "an effort is needed on all sides to have a constructive dialogue which would allow the country to continue to function as a democratic state."

The world press has also shown increased interest in recent developments in Malta. A selected list of recent articles figures as Annex II to the present report.

^{*}/ The Review, International Commission of Jurists, no. 33 (December 1984), pp. 8-13.

II. POLITICAL VIOLENCE

Political polarization in Malta has occasionally erupted into outright violence. The NP claims that its clubs, situated in the various towns and villages, were destroyed or vandalized on more than a hundred occasions since 1971. Most typically, a club would be broken into and the fixtures and furniture destroyed, but there have also been cases of arson. These attacks have never resulted in loss of life and only rarely have persons been injured. The NP further complains that in the 1970s several of its public rallies were broken up by thugs of the opposite party who were not restrained or prosecuted by the police.

The most serious incidents of political violence occurred in October 1979 and in September-December 1984.

"Black Monday" 1979

On Monday, October 15, 1979, a demonstration was held to mark the thirtieth anniversary of Mintoff's election to the SP leadership. A group of about 100 demonstrators attacked the Progress Press, publisher of the Times newspaper, and set fire to the building. The investigating magistrate reported:

The aggressors appeared to have been strongly determined to destroy Progress Press and its sales office, as they were armed with long metal bars and with other objects, and after bypassing the police on duty they broke down the doors,

destroyed a considerable part of the machinery and set fire to the place. The evidence ... shows clearly that the machines were the aggressors' specific target.

The police contingent on duty outside the press was not strong enough to prevent the attack, but the magistrate recalled that the police had received advance warning because several hours before the attack officials of the Progress Press had asked for adequate police protection.

The same group of attackers then commandeered some public buses and, after destroying a few NP clubs on their way, proceeded to the private residence of NP leader Fenech-Adami, situated only 50 meters away from a police station. The violence was probably fanned by a false report on television that an SP club had been attacked by NP supporters. Fenech-Adami's home was broken into and ransacked; some members of his family escaped through the rooftop and his wife, who tried to intervene, was beaten up. In a statement in parliament, Mintoff stated that Fenech-Adami had brought the incidents on himself by his incitement against the government.

The police have never been able to discover the perpetrators of the violence of 1979.

September-December 1984

In 1984, the government refused permission for the opening of some of the church-run schools on October 1 (see

Chapter VI). The church and the parents' and teachers' associations declared their intention of opening the schools regardless. The police placed padlocks on the gates of many of the schools and police were stationed outside in order to prevent people from entering. Papers were then distributed to SP clubs with the heading: "These are the names of private-school teachers who said that they are going to break the law. The duty of the workers is to stop them." During an interview with the British Broadcasting Corporation (October 23, 1984), Mifsud-Bonnici declared:

I did it and I assume full responsibility. This was necessary to stop these teachers from going into the schools and committing a crime.

The Catholic Archbishop ordered all church schools closed on October 1 because of the intervening violence. On September 24, the courts declared unconstitutional the law passed the previous year which would have nationalized most of the church's property. On September 27, NP leader Fenech-Adami personally communicated to the chief of police information that had reached him to the effect that at the drydocks, an SP stronghold, a demonstration was being organized for the following day. On September 28,

Government supporters from Malta's large drydocks were addressed by ... Mifsud-Bonnici. After the rally, the 800-strong mob drove in convoys to the capital, Valletta, where they

left a trail of devastation. Swinging chains and iron bars, they broke into the law court, where they ransacked offices. They went on to the archbishop's palace, which had been evacuated, and wrecked the chapel and offices, using sacred statues as battering rams to break down doors.*/

The Archbishop's palace lies across the street from the police headquarters.

During September-December 1984 other acts of political violence were committed. At the university, students protesting government policies were attacked by thugs who invaded the campus. The headquarters of the Movement of United Teachers, which had declared a strike of government school teachers, were ransacked by unknown persons during the night. Several bombs exploded outside or inside premises belonging to the NP or to church officials. One bomb wrecked the car of the British ambassador, and others caused severe damage to the Italian Embassy and to the Vatican Nunciature. One bomb also exploded outside a government department. None of these incidents were "claimed" by any person or organization and, though they led to considerable tension on the island, they did not cause any deaths or physical injuries.

Despite the small size of Malta, the police have not discovered any of the persons responsible for the violence that occurred during this period. In an interview with the fact-finding mission, the chief of police claimed that his

*/ The Sunday Times (London), September 30, 1984.

forces had done their best to stop the violence and to discover its perpetrators, but had been unsuccessful on both counts.

Violence in Parliament

Over the past several years there have been instances of violence within the House of Representatives. The NP complains that several of its parliamentary members have been assaulted not only by government members but also by persons sitting among the government's experts or in the public gallery. The latter is said to be usually packed with SP supporters who participate in the proceedings by applauding government speakers and booing, interrupting and threatening NP speakers. Observer reports concur that during controversial debates (some of which are televised live) the behavior of the public gallery is such as to constitute serious interference with parliamentary proceedings.

III. THE "FOREIGN INTERFERENCE" ACT (1982)

In September 1982, the government passed the so-called "Foreign Interference Act," claiming that such a law was necessary to avoid big power interference in the domestic affairs of a small country. (See Annex III) The Act does not specifically define foreign interference; it provides that "it shall not be lawful to hold any foreign activity in Malta except with the permission of the minister (of foreign affairs) granted in accordance with the provisions of the Act." The minister may impose such conditions, limitations and restrictions as he deems appropriate.

Ramifications of the Act

A foreign activity is defined in the widest possible terms as "anything done by, or sponsored, promoted or in any manner whatsoever assisted or encouraged by any foreign person and includes in particular, but without prejudice to the generality of the foregoing, the provision of money, equipment or other material or thing whatsoever." In the case of an individual, "foreign" means an individual who is not ordinarily resident in Malta and includes Maltese citizens who are resident abroad.

According to the Act, the minister is authorized to grant his permission only if the activity is of a purely cultural, educational, philanthropic or religious nature or consists of an entertainment. The minister is specifically

prohibited from granting permission for an activity which "constitutes an interference in the internal affairs of Malta or the foreign policy pursued by its government" or for an activity which "gives an advantage to one or some only of the political parties over any other such party."

In addition the Act makes it illegal for Maltese citizens or residents to participate in any broadcast to Malta from abroad or "in any manner to aid or abet the making of such broadcast, or to do anything which may directly or indirectly be of assistance or encouragement to such broadcast or to its reception in Malta, and in particular to publish the times or details of any such broadcast." The prohibition covers any broadcast, irrespective of its contents and therefore extends to cultural and religious, as well as political, transmissions.

The Act as it stands constitutes a clear violation of the right to freedom of opinion and expression as defined in Article 19 of the Universal Declaration of Human Rights: "this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Furthermore, according to Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), which Malta has signed, the right of freedom of expression includes "freedom to hold opinions and to receive and impart information and ideas without interference

by public authority and regardless of frontiers." In addition, the signatory states of the Helsinki Final Act, after expressing their commitment to human rights as defined in the Universal Declaration and other instruments, specifically express their intention of facilitating the dissemination of both oral and written information across the territories of their countries.

The Maltese government has interpreted the Foreign Interference Act as requiring permission for foreign journalists to report from Malta, for lectures by foreigners to groups of businessmen and trade unionists, and for the active participation of foreign or nonresident clergymen in religious functions. The government claims that over 250 permissions have been granted under the Act; nonetheless, making the exercise of such an activity subject to prior government permission violates an individual's freedom of expression and communication.

In addition, the Act has been applied in a discriminatory manner. In April 1983, about 20 prominent members of the NP were summoned to the police headquarters and interrogated about the source of finance for a planned visit to West Germany where they were to attend a seminar on the German elections; the group was eventually allowed to leave the island. On the other hand, members of the SP and the GWU have never been harassed before undertaking political visits abroad.

In March 1984, the European Democratic Union (EDU), of which the NP is an observer member, requested permission to hold a committee meeting in Malta, although it stated its disagreement with the Foreign Interference Act. The EDU was informed that it could hold its meeting but it did not receive an official letter. While the meeting was in progress the executive secretary was summoned to the Ministry of Foreign Affairs and warned against contravening the Act. There were no further problems, but such actions serve to dissuade others from holding meetings in Malta. On the side of the SP and the GWU, several activities which could be classified as "foreign" have taken place and only one permission has been issued -- which means that the Foreign Interference Act has not been applied in their case. The activities have included an address by an Algerian minister at an SP public rally, the participation of a Romanian delegation at another rally, and visits and public statements by foreign politicians and trade unionists. Pro-government statements by these foreigners have also received coverage by the state-controlled radio and television.

There has been only one prosecution under the Act so far. In February 1985, an Italian citizen, Massimo Gorla, president of the European Union of Young Christian Democrats, addressed an NP rally in Valletta. In his speech on peace, youth and development, he studiously refrained from criticizing the Maltese government. After the rally, Gorla was arrested by the police and interrogated at the police

headquarters. He was arraigned in court that same night and accused of having carried out a foreign activity without the permission required by the Foreign Interference Act (even though no such permission could in the first place have been granted according to that Act). Gorla was released on bail and allowed to leave Malta, and his case is now before the Maltese courts.

In March 1985, Roberto Formigoni, another Italian Christian Democratic politician, accepted an invitation by the NP to visit Malta. The NP informed Mifsud-Bonnici beforehand who said that Formigoni "could come" provided he paid a visit to him (Mifsud-Bonnici) during his stay. Formigoni addressed an NP rally and also exchanged views with Mifsud-Bonnici in the presence of NP leader Fenech-Adami. No incidents accompanied this visit even though it was in clear violation of the Foreign Interference Act.

Antecedents and Follow-Up

The wording and application of the Foreign Interference Act of 1982 clearly reveal the trend of the government (apparent before the enactment of the law) to interfere with the freedom of communication of Maltese and foreign citizens and to project itself as the only institution which has the right to speak in the name of Malta.

Even before 1982, several foreign newspapers and journalists were banned from Malta (see Chapter VII). In 1978, a meeting of European Christian Democrats in Malta had to be

hastily canceled after its German chairman was declared persona non grata and expelled from the island. Before the Foreign Interference Act came into effect, Maltese industrialists invited a former United States ambassador to Malta to address one of their meetings, but the visit was disallowed by the government.

The government's concern that nongovernment institutions should not even be perceived as representing Malta was made evident in 1978 when it passed the Act to Control and Regulate the Use of Certain Words. This law prohibits the use of the words "Malta" and "Nation" (and any variation or derivative thereof) in the name or title of any organization or publication. Political parties were exempted only after Fenech-Adami declared that he would rather go to prison than change the Nationalist Party's name. The act has affected Maltese publications (see Chapter VII) and organizations. The Malta Union of Teachers (MUT) and the Malta Football Association (MFA), anxious to retain the English-language acronyms by which they were known, changed their names to Movement of United Teachers and Main Football Association. The Federation of Maltese Industries, the Malta Union of Bank Employees and the Malta Chamber of Commerce dropped the offending words from their names, while the Alliance Française de Malte timidly started to put the last two words in brackets.

The government's attitude was further revealed in January 1983 when the Ministry of Foreign Affairs sent a note to all diplomatic missions in Malta strongly objecting to any kind of contact on their part with members of the NP. The note was provoked by Mintoff's annoyance at the publication in the NP newspapers of photos of Fenech-Adami receiving courtesy calls from foreign ambassadors. The contacts which were prohibited included attendance at receptions, and the Australian mission promptly canceled a scheduled reception in protest. The American Embassy wrote that, after consulting the State Department, it found no legitimate grounds for the ban, which contravened the Vienna Convention on diplomatic relations and was "not in conformity with the spirit of the Helsinki Final Act (Principle VIII), which condemns the kind of anti-opposition discriminatory activity normally associated with totalitarian regimes." Many other foreign countries communicated their strongest objections to the Maltese government, which tacitly withdrew its note.

In February 1985, a Socialist member of parliament (a former minister of justice) presented a bill which, if enacted into law, would further restrict the freedom of expression of Maltese citizens. The bill provides for a maximum term of five years' imprisonment for a citizen who, outside Malta, spreads or communicates rumors or false, exaggerated or malicious news, on Maltese internal affairs in such a manner that he diminishes the credit or prestige of

Malta with foreigners, or does acts which may cause damage to the national interest. The bill further provides for a fine or a maximum of six months' imprisonment for any person who, without the permission of the government, promotes, sets up, organizes or directs groups, societies or institutes of an international nature or branches thereof.

The proponent of the bill claimed that the same provision exists in Italian law and that he introduced the bill "to challenge European Parliamentarians who want to sit in judgment over us." It is to be noted that, according to the Italian constitution, the human rights provisions override any pre-existing law and the law referred to has therefore been without effect for the last four decades.

IV. TRADE-UNION RIGHTS

The General Workers' Union (GWU) was fused statutorily with the SP in 1978 and on that occasion its secretary-general, Joseph Attard-Kingswell, who opposed the move, was forced to retire from his post. The GWU accounts for 60 percent of the unionized labor force and the Confederation of Maltese Trade Unions (CMTU) a group of independent unions, for the remaining 40 percent. The GWU's membership has declined by about 16 percent in the past two years.

The Maltese constitution recognizes the right to set up trade unions, but not the right to strike as such. Since 1971 the government has set up several paramilitary labor corps to absorb youth unemployment; the members of these corps are subject to military discipline and do not have the right to form or join trade unions. Striking workers and their families receive no social benefits while on strike. In 1977, the Maltese Constitutional Court accepted the principle of "equality of arms," that is, that the employee's right to strike must be balanced by the employer's right of lockout.

In 1983 a Committee of Experts of the ILO called upon the Maltese government to implement labor legislation (which the government had itself enacted in 1976) establishing a Joint Negotiating Council for settling disputes concerning conditions of employment of government employees; to date the Council has not been set up. In addition, disputes between

employers and employees are decided by an industrial tribunal before which the parties do not have the right to be assisted by lawyers. The fact-finding mission considers this situation unjust, because the parties cannot freely choose their own defense, and in practice discriminatory on employees.

The Socialist government has made several statements refuting the principle of plurality of trade unions.

Mifsud-Bonnici has declared that:

whoever believed in the need for workers' unity also understood that for the workers to be united they should belong to one union.... It was not true that there would be no democracy if there was only one union.*/_

In fact, since 1983 the CMTU representatives have been excluded from the Maltese delegation to the annual conference of the ILO. Of more direct and day-to-day concern to workers, unions belonging to the CMTU have repeatedly complained of discrimination against their members as regards promotions and other conditions of work in government departments and parastatal corporations. The government, either directly, or indirectly through the GWU, the nationalized banks and the state-controlled corporations, is the employer of about 50 percent of the Maltese work force.

Trade union activity in the private sector is carried out freely, whether by the GWU or by unions belonging to the

*/ Times (Malta), June 6, 1983.

CMTU. However, union activity in the large government and parastatal sector is inhibited in various ways. Former GWU secretary-general Attard-Kingswell wrote in 1983:

In my considered opinion it is sufficiently well-known that never before have workers' rights been as downtrodden as they are today. By various methods, the present government has managed to weaken all workers' associations together with the machinery set up in their interests, and has eroded the well-being and dignity the workers had won over the last 30 years.

The strikes of 1977 and the industrial disputes of September 1984-April 1985 illustrate the situation.

The Strikes of 1977

In 1977, Mintoff declared in parliament that the government, while admitting the right to strike, would not allow any partial industrial action. In the same year, several new conditions of work were introduced in the public sector. These included reductions in entitlements to leave and public holidays. In addition, a new policy was introduced whereby police officers make house-calls to all public employees on sick leave; any employee found absent from his residence for any reason whatsoever loses his pay and national insurance benefits and faces disciplinary action.

Trade unions belonging to the CMTU ordered partial and limited industrial action in several government departments and parastatal corporations. This took the form of a ban on overtime, introduction of go-slow action and other measures.

The government took the position that "any employee who fails to comply with any legitimate order to perform the full range of duties in the normal way should be suspended," and many were in fact suspended without pay. The union of bank employees ordered its members not to deal with work connected with one of the corporations, in sympathy with workers who had been thus suspended. The bank employees, in their turn, were also suspended without pay.

The government sent a circular to all nurses individually, threatening that if they obeyed their union's directives they would be locked out, and the threat was implemented. Employees of the paramilitary labor corps were used as strike-breakers. During negotiations with striking unions, the government announced its decision to liquidate one of the two major nationalized banks and terminate the employment of over 800 workers unless the bank employees' union recognized that salaries and all other benefits would be irretrievably lost by its members for the period of suspension.

The strikes and protests collapsed within a few days and several striking workers, on their return to work, had their leave withheld or were transferred to the nearby island of Gozo. There were no other major industrial disputes in the public sector until 1984.

The Teachers' Strike of 1984

In 1981, the government and the Movement of United Teachers (MUT) began negotiations over a revision of

salaries; in view of an official freeze on wages and prices, the MUT had agreed that any increases in salaries would become operative only on the termination of the freeze. In September 1984, the MUT ordered its members to "work to rule," that is, to continue teaching but to refuse to engage in administrative work and activities not strictly within their teaching duties. Mifsud-Bonnici asked parents to go to the schools, where he addressed them on cable radio; he stated that teachers had declared a war on children and authorized parents to approach individual teachers and ask them whether they intended to follow the MUT's directives. Several teachers were physically assaulted by parents.

The government then asked teachers to sign the following declaration:

I will not follow the directives issued by the MUT on September 19, 1984. I will continue to work regularly as previously.

Those teachers who refused to sign were locked out without pay.

In reaction, the MUT declared a strike which lasted seven weeks. The government called on "volunteers" to teach instead; many did and were later paid for their services by the government. During the strike the headquarters of the MUT were ransacked by unknown persons; they were also subjected to a police search for "cordless telephones" (the possession of which is illegal on the island). A bomb

exploded during the night outside premises belonging to relatives of the MUT president. Striking teachers and their spouses who worked as tourist guides in their free time found that they failed a government examination, and thus lost their license to work as guides. The lock-out of teachers was condemned as a violation of basic trade union rights by several international organizations, including the European Trade Union Confederation, the World Confederation of Labor, the Christian Trade Union Confederation and several teachers' associations.

After the strike was called off, most of the striking teachers were transferred to different schools. In some cases teachers were assaulted by parents on their return to work. Government officials speaking to the fact-finding mission claimed that the strike was political and that it had more or less been ordered by the NP as a weapon in the dispute over private schools. The transfers were excused as "protection for the teachers from angry parents" and the volunteers were explained as a right of the government to run the schools even during a strike. The fact-finding mission thoroughly investigated the matter and was not convinced by the government's arguments. Negotiations between the government and the MUT over pay and conditions of work had been in progress for over three years. Parents had been incited against teachers by the government itself and the volunteers were used as strike-breakers. The fact-finding

mission regrets that the government's position amounts to a denial of the right to strike for teachers and public employees in general.

In March 1985, Mifsud-Bonnici ordered that the month's salary should be withheld in the case of teachers on sick leave for four weeks. The MUT rebutted that all sick leave for teachers had been medically certified, in some cases by doctors chosen by the government itself. According to the law, in case of suspicion of abuse, a public employee should be suspended on half-pay and then charged before an administrative tribunal. The MUT argued that in this case punishment was awarded arbitrarily and unilaterally and without referral to the tribunal. It has challenged the prime minister's order before the courts.

The Sympathy Strike of 1984

The CMTU called a one-day general strike for October 10, 1984, in sympathy with the MUT and in protest against the government's lock-out of teachers. The GWU advised its members to ignore the call, and subsequently GWU shop stewards insisted that the management in several firms take disciplinary action against workers who went on strike in response to the CMTU directive.

The government took punitive action against employees in the public sector who obeyed the CMTU directive. Numerous employees were transferred: some residing in Malta were

assigned to the island of Gozo, others residing in Gozo were assigned to Malta. Student nurses were suspended from work, worker-students had their government sponsorship withdrawn and medical student-workers' new rosters prevented them from attending lectures. In one government department, student-workers were accepted back only after signing a declaration which included the following:

I am sorry for the action I took on October 10, 1984, and promise that in future, until I complete my worker-student course, I shall not interrupt this course with industrial action. In view of this declaration, I ask that the order issued to me on the October 11, 1984, instructing me not to report for work until further instructions are issued, be lifted to allow me to continue my course. I also declare that I am prepared to withdraw my legal protest and not to take further legal action in connection with this case.

V. THE INDEPENDENCE OF THE JUDICIARY

The Maltese constitution guarantees the independence of the courts in two ways: (a) parliament has no power to withhold or reduce judges' salaries and (b) judges can be removed from office only after a vote of not less than two-thirds of the members of parliament on the ground of proven inability to perform their duties. Judges and magistrates are appointed by the government, and those sitting at present have all been appointed by the Socialist government.

The most serious attack on judicial independence was the mob assault on the law courts in September 1984 (see Chapter II). In addition, the independence of judges has been reduced by repeated suspensions of the operation of the courts, transfers of judges during politically sensitive cases, verbal threats and insults, and several restrictive laws and practices.

In November 1984, parliament passed a resolution urging that, if a judge were "to decide certain cases according to his passions," the minister for justice should "move a resolution in this House so that the judge is relieved of his functions although he would continue to receive his salary." A resolution requires a simple majority in parliament. The International Commission of Jurists has commented that "passage of this resolution has seriously undermined the

independence of the judiciary"*/ because it suggests that the minister "should use his authority to supplant decisions of the courts and to avoid the normal judicial and constitutional mechanisms for removal of a judge."

The circumstances in which the resolution was passed were ominous. In the case instituted by the Catholic church against the government over the school licenses (see Chapter VI), all judges but one had either been disqualified or disqualified themselves. At one point, the government requested the remaining judge to remove himself from the case, but the judge refused. The government then introduced a resolution in parliament which requested the chief justice to advise the presiding judge to remove himself, failing which the minister for justice should consider removing him from his functions while continuing to pay his salary. The debate was transmitted live on television. The judge finally decided to abstain from the case "on his own motion" and the resolution was amended to omit all references to him.

The government has also found an indirect way to increase or decrease the remuneration of individual judges. In addition to his official duties, a judge may be appointed "visitor of the notarial acts" by the minister for justice. These duties carry a remuneration which can amount to more

*/ The Review, International Commission of Jurists, no. 33, December 1984, p. 12.

than double a judge's official salary. Not all judges are appointed "visitor": the appointment is for one year and renewed at the minister's absolute discretion. Allegations have been made in the press that the government uses these appointments to reward or penalize individual judges; for example, the judge who decided the church property case against the government in September 1984 (see Chapter I) had been a "visitor" for several years but was not reappointed for 1985. While it is obviously impossible to prove that the government encroaches on judicial independence in this indirect way, the existing system fails to ensure that justice, besides being done, is also seen to be done.

Suspension of the Courts and of Judges

From 1972 to 1974, the government refused to appoint the members of the Constitutional Court so as to pressure the opposition NP during negotiations between the two parties on revisions to the constitution. In 1976, the Constitutional Court decided a preliminary plea against the government in a case instituted to impugn the regularity of the election in one constituency; within two hours, two of the judges were replaced. In 1977, a judge was transferred to a different court after deciding a case against the government. In 1980, in a similar case, all the judges were suspended except those sitting in the Constitutional Court, to which the government had appealed. In 1981, all the courts were suspended for five weeks after a judge ruled against the government.

Verbal Threats

The government considers it has the right to criticize adverse judgments, in parliament and in public rallies. Its critics cite several instances to support their contention that a judge or magistrate who decides a politically sensitive case against the government is liable to be subjected to a "campaign of vilification." No proceedings have been instituted against several persons responsible for vilifying the judiciary in print or by word of mouth. In 1972, a hostile demonstration was staged in front of the residence of a judge who had presided over the trial by jury which acquitted a former Nationalist minister; on the same occasion, a mob in parliament square shouted, "Hang the judges!" Socialist newspapers have published statements such as: "Whatever the court may say, the government will not budge"; "The stupid decision was hidden in a fifty-page judgment ... no wonder people have little faith in the courts" and "Our law courts ... are a farce."

Government ministers have repeatedly ignored court orders, and on one occasion the government issued an official statement naming an individual judge and stating: "The government feels that this judge who made himself available for this comedy is not worthy to continue to occupy the position that has been entrusted to him.... In spite of the indecorous behavior of this judge ... This is the behavior that brings shame on our courts ..."

After the ransacking of the law courts in September 1984, Mifsud-Bonnici declared:

We want to settle our accounts with the lawyers. Today it is no longer the workers who tremble when they see the lawyers coming but, as happened in court recently, it is the lawyers who tremble when they see the workers coming.

With reference to the pending court cases on church-run schools, he has remarked that "the people were more powerful than the courts and the last word would be that of the people, not of the courts." He has also gone on record as stating that perhaps the time had come to do away with existing courts and establish "people's courts."

Effects on the Citizen's Rights

The net effect of this trend has been a reduction in the rights of the ordinary citizen vis-a-vis the government, both at law and in day-to-day practice. During the 1970s, instances of arbitrariness were kept in check by the courts which tended to examine whether ministerial discretion had been used in a discriminatory way on the grounds that "discretionary power" does not mean "arbitrary power." This was stopped in 1981 by a law which deprived the courts of an important part of their jurisdiction to review the use of discretionary powers by ministers and their officials. The law provides that:

no court in Malta shall have jurisdiction to enquire into the validity of any act or other thing done by the government or by any authority established by the Constitution or by any person holding a public office in the exercise of their public functions or declare any such act or thing null or invalid or without effect

unless such act is ultra vires or clearly in violation of an explicit provision of a written law, or due form or procedure has not been followed.

The fact-finding mission was repeatedly informed that, in practice, the public has increasingly taken the attitude that "one cannot expect to win a case in court against the government," and that the courts have been gradually conditioned not to oppose the government's will. In cases brought against the government, judges have a tendency to adjourn cases frequently and it may take several years before a judgment is given. Cases instituted by the government are treated with great urgency: in one constitutional case in 1984, judgment was given in favor of the government within 26 hours. Inordinate delays in obtaining a judgment effectively dissuade potential plaintiffs from instituting human rights cases against the government. In two cases decided in 1984, the courts declared that there had been a violation of human rights but failed to grant a remedy.

VI. FREEDOM OF RELIGION AND FREEDOM OF EDUCATION

In the short time at its disposal, the fact-finding mission was unable to interview any representatives of the Catholic church, but it was obvious that religion is practised freely both by Catholics and by followers of other denominations. Malta has numerous Catholic churches and church attendance is much higher than in any other European country. However, the right to freedom of religion has been infringed in some cases. The most serious was the ransacking of the archbishop's curia and the bombs exploded outside premises belonging to the church and the clergy (see Chapter II).

In 1983, the Maltese government passed a law vesting in the government "certain rights over immovable property acquired by any Church or other Pious or Religious Institution." The effect of the law would be to transfer to government ownership over 80 percent of the Catholic church's property. In September 1984, the court of first instance declared the law unconstitutional on the grounds that it violated freedom of conscience, confiscated church property without adequate compensation and discriminated against the Catholic church. The government has appealed the judgment.

The Maltese government has also made it its policy that private schools (most of which are run by Catholic

institutions) should not charge fees, on the ground that the church is wealthy enough to finance them from the income on its property. The Catholic church denies this contention and has published accounts showing that its schools cannot function without charging fees. In April 1984, a law was passed which would give the government direct control over all private schools in Malta. A license, issued by the minister for education on a year-to-year basis, is necessary for the operation of any school. The minister "may lay down any conditions and requirements as he shall deem appropriate."

This law points towards the nationalization of private schools by the government and therefore contradicts Article 26(3) of the Universal Declaration of Human Rights which guarantees parents the "prior right to choose the kind of education that shall be given to their children." The constitutionality of the law is being challenged by the church, as well as by the associations representing teachers of private schools and parents of children attending these schools. It is also at the center of negotiations between the government, the Vatican and the Maltese church.

VII. PRESS FREEDOM

The Maltese Press

Press freedom is guaranteed by law and exists in practice. Maltese dailies are published by the government-dominated GWU, the NP and the Catholic church; the union and the NP also publish English-language weeklies. There is no censorship of the press. Indeed, the fact-finding mission was surprised by the harshness of tone, sometimes verging on rudeness, of the GWU and NP publications, which are openly one-sided even in their news coverage and are used as instruments of the two political parties.

A special place is occupied by two English-language newspapers, the daily Times and the Sunday Times, published by the Progress Press. The Press is a commercial enterprise independent of any other institution. The Times and Sunday Times come closest to being national newspapers because they cover the events and statements of all organizations and their tone is more restrained and factual. However, their editorial views consistently favor the West, the Catholic church and free enterprise and they are often critical of the policies of the Socialist government. Because of their editorial standard, the Times newspapers enjoy greater credibility than the party newspapers; they are the ones generally read by foreigners interested in Malta because of the greater accessibility of the English language

over Maltese. Their criticism therefore carries more weight and reaches farther than that of other newspapers.

In 1976, annoyed by the criticism of the Times newspapers, Mintoff told parliament that if they continued "to tease the Maltese people ... we could not remain responsible for their safety." After the Progress Press was gutted in 1979 (see Chapter II), Mintoff officially expressed his regret, but one Socialist parliamentarian stated his disappointment that the building had not been totally razed to the ground and another warned that the same kind of violence could happen again. In 1983, soon after the reconstruction of the Press, the minister for foreign affairs asked in parliament, "Where did the funds needed to finance such a project come from?" Referring to criticism of the government by the Times, he added:

This newspaper purported to be neutral ... This newspaper was accountable to no party and consequently could not depend on political funding ... If necessary the government would legislate on the matter for it could not tolerate the presence of such a strong independent entity in the country, capable as it was of influencing public opinion ... The Times constantly backed foreign opinion and an investigation into its set-up would be necessary if government was to abolish foreign interference altogether.*/

Since the Times newspapers are owned, edited and staffed by Maltese, the reference to "foreign interference" was probably

*/ Times (Malta), December 17, 1983.

inspired by their pro-Western line.

In fact, in 1984, Mifsud-Bonnici accused the Times of waging a "dirty campaign" against the Russians and of attacking the Libyan government:

Instead of praising these countries and governments, which were helping Malta in the hour of need, the Times, he alleged attempted to besmirch these countries and governments. He alleged that this was because these papers, especially the Times, never had the interest of the Maltese at heart. Dr. Mifsud-Bonnici said the time would come when the people 'will settle accounts with these papers which were harming the interests of the people'.*/

Furthermore, in 1985, following criticism by the same newspapers of the government's handling of a case of four Maltese nationals detained by Libya, the minister for foreign affairs stated in parliament:

Here one must deplore the low journalism -- which is harming the interests of the Maltese citizens themselves -- of the Times and the Sunday Times, which have an interest in harming Socialist Malta's relations with Libya. We have already had occasion to show our apprehension about the policy of these papers which, unlike all the other newspapers published in Malta, neither represent Maltese interests nor are, to date, bound in any way to give an account of their policy to Maltese interests.**/

*/ Times (Malta), May 21, 1984.

**/ Times (Malta), January 30, 1985.

Other facts which diminish the full freedom of the press were brought to the attention of the fact-finding mission. In 1983, during the dispute with the church, Mifsud-Bonnici suggested that the church should stop publication of its newspaper as a gesture of good will toward the government. Malta Review and Il-Gzejjer, published by the government's Division of Information and distributed widely and free of charge, print exclusively pro-government statements often of a partisan nature. Air Malta, the publicly owned airline, carries the Times and the Socialist newspapers on its flights, but not those published by the NP. Censorship in the civil prisons (see Chapter IX) is more severe in the case of anti-government newspapers. Maltese embassies and missions abroad tend to exhibit only pro-government newspapers.

In addition, all press releases by the government's director of information have been made immune from libel proceedings. This has enabled the government to exercise its right of reply -- even in NP newspapers -- in language that has sometimes been crude and offensive. As a result of the law passed in 1978, which prohibits the use of the words Malta and nation from the title of publications (see Chapter III), the newspapers Times of Malta and Malta News dropped the word Malta from their titles; the NP daily, In-Nazzjon Taghna (Our Nation), truncated its name to In- ... Taghna (Our ...) and prints an outline map of Malta in the empty space. Publications which are critical of the government

(including, for example, academic publications on economics) omit the word Malta from their title, sometimes with a confusing effect.

Other encroachments on press freedom are the result of the partisan nature of the Maltese press and of the polarized state of Maltese politics. Although civil servants are not permitted to write in newspapers on political and administrative matters, there have been several cases of pro-government contributions by public employees. On the other hand, one civil servant was dismissed for writing articles critical of the government in an NP newspaper and has instituted constitutional proceedings for redress. Bombs have exploded outside the NP printing press causing damage but no physical injuries. Editors, contributors, reporters and photographers of NP and the Times newspapers have occasionally been detained by the police for periods of less than the legal maximum of 48 hours. During the anti-government demonstrations of 1984, the police showed a particular reluctance to be photographed: several press and private photographers were arrested after filming the police in action and on some occasions their films were confiscated or their cameras destroyed.

The Foreign Press

Since 1982, foreign journalists fall under the Foreign Interference Act (see Chapter III); however, the freedom of foreign journalists and newspapers had been curtailed before

the passage of that law. In 1978, following the appearance of articles critical of the Socialist government in certain British newspapers, some British journalists were banned from Malta. The Maltese director of information (who is at present head of the Broadcasting Authority) wrote to the International Press Institute:

The Malta Government does not consider the banning of certain British journalists as interference in the free flow of information, but only interference in the free flow of lies, half-truths and complete fabrications.*/

Several months later, the ban on journalists was lifted, but in 1981 the London Times and Sunday Times newspapers were banned from entering Malta following the publication of news reports deemed hostile to the Maltese government. At present, the Times can be received on subscription but cannot be bought in shops or on newstands. Some days before the 1981 election, a correspondent of the Times (London) was put on a flight out of Malta a few hours after his arrival on the island. Other foreign newspapers, including the Financial Times (London), have been accused of connections with foreign secret services soon after publishing critical comments on the Maltese government.

The events of September-October 1984 are indicative of the government's ambiguous attitude toward foreign

*/ Times (Malta), July 12, 1978.

journalists. The coverage given by the world press to Malta (see Annex II) was in most cases the result of on-the-spot reporting by foreign journalists or of Maltese correspondents of foreign newspapers and news agencies. However, some incidents occurred. The Irish company Radharc Films, which produces documentaries on religious subjects for television stations, was refused permission to visit Malta "because the minister for education was not available to be interviewed" until several days later. Permission for a BBC team to report from Malta was first withheld and subsequently granted. In October, a reporter of Il Resto del Carlino (Bologna) was assaulted by five government employees while interviewing passers-by and his camera, notebook and diary were taken away from him; the government apologized for the incident.

Another incident was reported in the Rome daily Il Giornale (September 28, 1984). The newspaper's reporter, Luciano Gulli, was at the university to follow some incidents:

I stop to speak to a student but one of the policemen who were manning the university gates prevented me and forced me to get on to an automobile. I tried to open the door which was locked. I protested, but the officer told me: 'You are a foreign journalist. Therefore you know where you are.' I explain to him that at 4 p.m. I had an appointment with Deputy Prime Minister Carmelo Mifsud-Bonnici. By way of a reply, the officer ordered me to be

transferred forcibly to the police headquarters at Floriana. A half-hour wait -- first in a locked room and then in a waiting room -- was followed by a veritable interrogation during which the policeman asked me whether I had 'the permit to carry out journalistic work in Malta.' I replied that I did not know that a permit was necessary and that the government official responsible for relations with the press, whom I had seen the previous day, had seemed happy to see me in his country. My statement was checked by telephone and I was free. Never, during the whole incident, was I asked for my identification papers, but the policemen had obtained the result they wanted -- not to let me speak with the students.
(Translation from Italian)

This incident is significant because it reveals the sense of paranoia that has been instilled by the Foreign Interference Act in the low-ranking officials who are responsible for applying it. Policemen have been taught to beware of foreign journalists, and passport and immigration officials at Malta's airport show great concern if a foreign visitor admits to being a journalist (even on holiday). The government's tendency to make illegal certain activities unless a permit, license or exemption is granted (which itself depends on the government's absolute discretion) has the decided effect of restricting the rights and freedoms of the individuals who are or could be affected.

VIII. BROADCASTING

The Maltese constitution provides for the setting up of a Broadcasting Authority

to ensure that, as far as possible, in such sound and television broadcasting services as may be provided in Malta, due impartiality is preserved in respect of matters of political or industrial controversy or relating to current public policy and that broadcasting facilities and time are fairly apportioned between persons belonging to different political parties.

The fact-finding mission was not on the island long enough to reach a conclusion as to whether "due impartiality" is being preserved or not, but many persons complained about the one-sidedness of radio and television.

In 1975, Malta's only radio and television station was nationalized. Several employees were dismissed and replaced by persons closely identified with the ruling SP. The members of the board of directors are appointed by the government and hold office at its pleasure. In 1979, the head of the government's Department of Information retired and was appointed general manager of the radio and television monopoly. In June of that year the NP applied for a license to operate its own radio station, but permission was not granted. In November 1981, shortly before the elections, the NP started operating a small radio and television station from nearby Sicily, but most of the transmissions were jammed by the Maltese government. In 1982, all broadcasts to Malta

from abroad were made illegal by the Foreign Interference Act (see Chapter III).

Early in 1982, the Broadcasting Authority informed the NP that it was placing local broadcasting at the disposal of the SP and that it could not ensure impartial broadcasting unless the NP undertook not to transmit from overseas. The NP ordered its supporters to boycott products advertised on the media and withdrew its instructions only in January 1984. As a result, the broadcast monopoly withdrew its total ban on reporting of NP activities, which it had maintained throughout 1982-3.

The NP claims that all programs, including news reports, current affairs and discussion programs, and on occasion even light entertainment, are biased in favor of the ruling party. Though its activities are currently covered by the broadcast media, the NP complains about other forms of discrimination: its statements and the reports of its public rallies are edited to omit the most relevant part of its criticism and the timing chosen is such as to cause the minimum embarrassment to the government. It claims that the media are used as "instruments of government propaganda" and points to the fact that they are controlled by well-known supporters of the party in power: the head of the broadcasting company has publicly and repeatedly identified himself with the SP, the assistant head is president of the SP committee in one of the towns, and employees in the newsroom are activists of the

party in office. Anti-government persons also complain that the coverage of foreign affairs is intended to support the Socialist government's policy, e.g., by favoring the pro-Soviet line on East-West relations, Afghanistan and Poland, and the Libyan slant on the Middle East.

Other institutions outside the government complain about the policies of the broadcast media. The Catholic church has publicly protested against the "manipulation and grave censorship" used of its statements during news reports. The head of the company has written that radio and television would broadcast the archbishop's statements on condition that the prime minister's statements are read out from church pulpits.

The Federation of Industries complained to the head of the broadcast company about the "news blackout" on its press releases. The head of the company wrote in reply:

Our policy is not to include in our news services press releases issued by any organization except those included in our policy.... I regret to inform you that the non-inclusion of any press releases will continue....

The CMTU has repeatedly complained about the media's discrimination in favor of the GWU. Radio and television were also used by the government to break the teachers' strike (see Chapter IV).

Persons on the government side deny that any discrimination is used against the government's opponents.

However, the insistence and generality of criticism of the broadcast media, and the testimony of outside observers (see Chapter I), lends strong credibility to the view that radio and television are being far from impartial in their coverage of domestic and international affairs of interest to the Maltese public.

IX. PRISONS

At its request, the fact-finding mission visited the civil prisons. It was shown all parts of the prisons, all its questions were answered and it was allowed to speak to the prisoners. The mission was positively impressed by the openness of the prison authorities and their spirit of cooperation. In general, Maltese prisons seem to be of the same standard as prisons in other European countries. The country has no political prisoners.

X. FREEDOM OF SPEECH, ASSEMBLY AND ASSOCIATION

Freedom of speech is guaranteed by the constitution and generally respected, with the important exceptions of the provisions of the Foreign Interference Act (Chapter III) and the disability of public employees to write in newspapers on political and administrative matters (Chapter VII). The government is openly criticized, and any restraints or drawbacks that are suffered by critics follow more subtly from the use of patronage and discrimination (see below).

Freedom of assembly is not threatened. The government's opponents complain about the use of government facilities by the SP and the GWU in their party rallies. On the other hand, the NP, the Catholic church, trade unions and other organizations hold numerous public rallies to protest the government's policies and some of these have attracted a quarter, or a third of the island's total population. There has been some official harassment and unnecessary police intervention, but not enough to constitute a serious violation of freedom of assembly.

Freedom of association is also guaranteed by the constitution and respected in practice, as witnessed by the activities of several organizations which oppose the government. However, as the result of the use by the government of patronage (and its obverse, discrimination), citizens who belong to the organizations that are not favored by the government can be (and according to widespread

allegations, in fact, are) at a disadvantage. This phenomenon could be explained as a normal aberration of a democratic society, but in Malta its effects are magnified by various socio-economic factors.

The first is the size of the government and its power to affect the life and work of the ordinary citizen. According to official figures, the government departments, the armed forces, and the labor corps account for about one fourth of the labor force in productive employment. The government also controls or owns several other corporations: the drydocks (Malta's largest enterprise), the commercial banks, the airline, the shipping line and several factories and hotels. It is estimated that, in total, the government is the ultimate employer of about half the working population in the island. In addition, the number of permits and licenses that are required for carrying out normal activities seems higher than in the average Western country.

The second factor is the political polarization of the population. Since everybody has strong political opinions which are known to everybody else, it is almost natural that administrative decisions should be similarly colored, or at least seen to be so colored.

The third factor is that an increasing number of activities have been made subject to a permit, license or exemption granted by the government at its discretion, and the exercise of discretion by ministers and public officials

has been exempted in most cases from judicial review (see Chapter V). Since 1981, there is no review by the courts to ensure that discretionary power does not turn into arbitrary power. In many cases, therefore, there is no legal way of obtaining a permit that is being withheld or, indeed, of stopping the cancellation of a permit that has already been issued.

Fourthly, as a result of Malta's stage of development, certain commodities and facilities are in short supply and the government's control over them inevitably leads to patronage and discrimination. Credible evidence has been produced that telephone lines before the 1981 election and color television sets have often been allocated on the recommendation of SP parliamentarians and politicians. The government's control over all the commercial banks, and its tendency to appoint Socialist politicians to the banks' boards of directors, introduced a partisan element into this sector. Cases have been reported of overdraft facilities being suddenly withdrawn, but it is impossible to conclude whether the action was politically motivated or not. Recruitment into government departments and parastatal corporations is often channeled or influenced by politicians.

While the above factors could be excused as an extreme form of political clientship (which is more intractable in Southern than in Northern Europe), the open way in which the government uses its power to advance its political objectives

is of a completely different nature. Before the protest strike ordered by the CMTU in October 1984 (see Chapter IV), shopkeepers were threatened by the police with cancelation of their licenses if they failed to open their shops on the appointed day. After the strikes, reprisals were taken against striking employees by the government and the parastatal corporations (see Chapter IV). According to widespread allegations, participation in strikes or belonging to trade unions other than the GWU reduce one's prospects for promotion in the public sector: the government has officially declared that "loyalty" is one of the factors taken into account as regards promotions. It is perhaps in the realm of trade unions that freedom of association is most seriously threatened.

CONCLUSIONS

The fact-finding mission noted with satisfaction that the institutions characteristic of a democratic society on the Western model exist in Malta and that they could function in a way which would ensure full respect for human rights. Malta's democratic system is based on free elections and the mission trusts that the government of the country will continue to rely on the electoral process as understood in democratic countries.

Freedom of movement, of speech, of religion, of assembly and of the press are exercised with only minor restrictions. In this context, the mission would like to reiterate that it moved freely within the country and that it was free to meet and talk with whomever it wished. On the other hand, the fact-finding mission noted with concern that the institutions established and safeguarded by the Maltese constitution do not function all the time and in all respects and that, in the opinion of its members, there exist serious violations of human rights which need to be remedied.

The Foreign Interference Act (1982) violates the right to freedom of expression and freedom of communication and infringes the Helsinki Final Act and other basic international instruments relating to human rights. The restrictions imposed by the law are so extensive that many, including the Maltese government itself, have been forced to go against its provisions. The Act restricts the activities

in Malta of foreign politicians, journalists and others involved in public affairs, and therefore unduly circumscribes the contacts of Maltese persons with foreigners. It also prohibits the monitoring by foreign individuals and organizations of human rights practices within Malta:

indeed, the members of the mission were conscious of the fact that, according to the Foreign Interference Act, not only were their activities in Malta illegal, but the government itself could not even authorize such activities by way of exception to the Act. The opposition Nationalist Party (NP), which is the main object of the restrictions, did not propose amendments to the Act until early in 1985. Now that the NP has made its proposals, and as the government has committed itself to consider them, the fact-finding mission hopes that the two sides will reach agreement on a new text which will be in conformity with commonly accepted standards of a democratic society.

The press is free and militant, but the fact-finding mission was concerned at the repeated threats to the independent Times newspapers made by the government, and at the restrictions placed on the BBC and on some British newspapers. The mission hopes that these restrictions will be lifted and that the threats will not recur.

A threat to freedom of association exists in the field of trade union rights. The discrimination against non-GWU members is a cause for concern. The government's dispro-

portionate reaction even to limited industrial action in the public sector and its practice of penalizing employees who obey the directives of non-GWU unions also diminish the rights that workers legitimately expect from a socialist democratic government. The fact-finding mission recommends that international organizations which have a specialized interest in trade unions and industrial relations should monitor the Maltese situation on a continuing basis.

The independence of the judiciary is another area which merits closer attention by specialized international organizations. The jurisdiction of Maltese courts has been circumscribed and their possibility to disagree with the government has been undermined by verbal and physical attacks. In addition, instances have occurred when the government temporarily suspended courts or transferred judges in the course of a sensitive case, thus putting in doubt the independence of the judiciary. Violations of human rights have occurred despite the presence of a constitutional court and the very advanced provisions of the Maltese constitution regarding such rights. The fact-finding mission recommends that appropriately qualified institutions should undertake an in-depth study of the workings of the Maltese Constitutional Court since the achievement of independence in 1964.

The position of the Catholic church in Malta is unique because of the strong emotions that it provokes. The fact-finding mission feels that, at this stage in Malta's

political evolution, the Catholic church should have all the obligations and all the rights envisaged in the human rights provisions of the Maltese constitution, which are enough to cover the relations between state and church.

The most lasting impression retained by the fact-finding mission after its visit to Malta is the animosity, verging on hostility, shown by the two political halves of the population towards each other. It is convinced that democracy can survive, and human rights can be fully respected, only if the government and the opposition tackle the existing political problems in a spirit of consensus, rather than imposition, and if they refrain from creating additional problems.

The main responsibility for the safeguard of democracy and fundamental rights and freedoms in Malta lies on the Maltese themselves. The fact-finding mission would therefore welcome the establishment of a nongovernmental group to monitor human rights in Malta; this group should consist of persons associated with the Socialist Party, others associated with the Nationalist Party, and others who are not associated with any political party.

At the same time, the mission recommends that the situation relating to human rights in Malta should continue to be monitored by foreign and international groups that are concerned about the respect for these rights worldwide. The mission would like to impress on the Maltese government that such international monitoring of human rights in no way

constitutes interference in the domestic affairs of Malta or, indeed, of any country. By their very nature, human rights belong to all human beings regardless of their nationality, political beliefs and other attributes. Human rights transcend the frontiers of the nation state. The mission hopes that the impartial way in which it conducted its investigation, and its insistence on interviewing persons representative of all shades of Maltese opinion, will assure everybody in Malta of the value of such international monitoring of human rights practices.

The mission was impressed by Malta's centuries-old political history and by the deep roots which democracy, human rights and fundamental freedoms have struck in Maltese society. It is convinced that the efforts of the Maltese and the attention of international public opinion will contribute to the establishment of the standards envisaged by the Maltese constitution and by international instruments relating to human rights.

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the attention of international public opinion will contribute
to the establishment of the standards envisaged by the
Haitian constitution and by international instruments
relating to human rights.

ANNEX I

List of the persons interviewed by the fact-finding mission:

Carmelo Mifsud-Bonnici, prime minister
Eddie Fenech-Adami, leader NP

and, in alphabetical order,

George Agius, general-secretary, GWU
Tonio Borg, committee member, Chamber of Advocates
Lino Briguglio, lecturer in economics, Malta University
Joseph Brincat, lawyer, member of parliament (SP)
Leo Brincat, member of parliament, International Secretary,
(SP)
Victor Camilleri, ambassador, Ministry of Foreign Affairs
Maurice Carwana-Curran, judge (retired)
Marie Louise Coleiro, general secretary, SP
Franco Depasquale, vice-president, Chamber of Advocates
Alphonse Farrugia, general-secretary, Malta Union of
Teachers
Charles Flores, head of News Division, Xandir Malta
(Broadcasting Company)
Joseph M. Ganado, professor of civil law, Malta University
Anton Gauci, monsignor, head of a government school
HIELSA, Human Rights Group, PO Box 489, Valletta
Anthony Mallia, editor-in-chief, Independence Print
Albert Manché, president, Chamber of Advocates
Richard A. Matrenza, industrial consultant
Giuseppe Mifsud-Bonnici, committee member, Chamber of
Advocates
Anthony G. Montanaro, editor, Sunday Times of Malta
Lawrence Pullicino, commissioner of police
Alfred Sant, president, SP
Alex Sciberras-Trigona, minister for foreign affairs
Salvino Spiteri, president, CMTU
Ronald Theuma, director of civil prisons

The fact-finding mission thanks the above-mentioned persons and others who agreed to be interviewed on the human rights situation in Malta.

ANNEX II

Malta in the International Press

(A Selected List of Recent Articles)

- A Deeply Divided Little Island, Financial Times (London), January 4, 1984
- Threat of a One-Party Malta, The Times (London), February 14, 1984
- Malta and North Korea, Freedom at Issue (New York), March-April 1984
- Syndrome cubain en Méditerranée, Journal de Genève, April 10, 1984
- Une île à la dérive, L'Express (Paris), April 20, 1984
- Malta: Press Freedom at Bay, Freedom at Issue (New York) May-June 1984
- Malta and Libya, Middle East International (London), June 29, 1984
- Maltas Regierung auf ordnungspolitischer Irrfahrt: intensiver Flirt Mintoffs mit der Sowjetunion, Neue Zürcher Zeitung, July 17, 1984
- Malta Lashes the Opposition Press, International Press Institute Report (London), August 8, 1984
- Malta: Backing Away from Helsinki, The World Today (London), August-September 1984
- La houleuse indépendance de Malte, Le Monde (Paris), September 23-24, 1984
- School's Out, Time (New York), September 24, 1984
- Dirty Work in a Small Island, The Economist (London), October 6, 1984
- Malta's Unholy War, The Sunday Times (London), October 7, 1984
- Malta and the Vatican Locked in Tussle over Schools, The New York Times, October 15, 1985
- Grenada of the Mediterranean -- Malta's Troubled Shores, The Wall Street Journal (New York), November 14, 1984

Malta Democracy May be Loser in Strife, International Herald Tribune (Paris), November 28, 1984

Human Rights in Malta, The Review of the International Commission of Jurists, no. 33, December 1984

Libya to Train Maltese Forces under Newly Revealed Defense Pact, The Washington Post, December 1, 1984

Maltese Suspicions about Libya, The Christian Science Monitor (Boston), December 6, 1984

Its Strategic Location Makes Malta Notable beyond its Falcons, The Wall Street Journal (New York), April 11, 1985

ANNEX III

The "Foreign Interference" Act (1982)

The key part of the Act is section 3 on prohibited activities which lays down the following:

- (1) It shall not be lawful to hold any foreign activity in Malta except with the permission of the Minister granted in accordance with the provisions of this Act.
- (2) A permission under this section shall not be granted unless an application therefor is made in writing to the Minister, and
 - (a) the activity is to be directly and overtly held by the foreign person applying for permission, or is to be publicly and clearly advertized as being promoted, sponsored, assisted or encouraged by a named foreign person; and
 - (b) the activity is one which is of a purely cultural, educational, philanthropic or religious nature or consists of an entertainment; and
 - (c) the activity in no way constitutes an interference in the internal affairs of Malta or the foreign policy pursued by its Government; and
 - (d) the activity in no way gives an advantage to one or some only of the political parties over any other such party.
- (3) In granting permission under this section the Minister may impose such conditions, limitations and restrictions as he may deem appropriate to ensure, in particular, compliance with the purposes of this Act; and anything done in contravention of any such condition, limitation or restriction, or of any provision of the permission, shall be deemed to have been done without such permission and shall without prejudice to the other provisions of this Act, entitle the Minister to revoke the permission.

