

USDOS – US Department of State

2021 Country Report on Human Rights Practices: Malta

EXECUTIVE SUMMARY

Malta is a constitutional republic and parliamentary democracy. The president is the head of state, appointed by a resolution of the unicameral House of Representatives (parliament) for a term of five years. In 2019 parliament appointed George Vella president for a five-year term. The president names as prime minister the leader of the party that wins a majority of seats in parliamentary elections. Early parliamentary elections held in 2017, in which the Labor Party maintained its majority, were considered free and fair.

The Malta Police Force maintains internal security. The Armed Forces of Malta are responsible for external security but also have some domestic security responsibilities. Both report to the Ministry of Home Affairs, National Security, and Law Enforcement. Civilian authorities maintained effective control over police, the intelligence services, and the armed forces. There were no reports members of the security forces committed abuses during the year.

Significant human rights issues included credible reports of detention of irregular migrants under inhuman and degrading conditions; serious government corruption; and violence or threats of violence against migrants from Africa.

The government took steps to identify, investigate, prosecute, and punish officials who committed abuses and corrupt acts, whether in security services or elsewhere in the government, and had mechanisms in place to identify and punish officials who may commit human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

On July 29, a board made up of a retired chief justice, a retired judge, and a serving member of the judiciary published its findings of an independent public inquiry into the 2017 killing of investigative journalist Daphne Caruana Galizia, who reported on official corruption, nepotism, and money laundering. The government launched the inquiry in 2019 in response to a resolution of parliament and the Council of Europe's Parliamentary Assembly. The board found that the government "should carry the responsibility for the assassination as it created an atmosphere of impunity, generated at the heart of the highest echelons of the administration from inside Castille (the Prime Minister's office), and like an octopus spread to other entities, such as the police and regulatory authorities, leading to a collapse in the rule of law." Both President George Vella and Prime Minister Robert Abela offered official apologies to the Galizia's family on behalf of the government (also see section 2.a.).

Court cases continued against two members of the armed forces charged in 2019 with the murder of a migrant from Ivory Coast and a nonfatal vehicular hit-and-run injury of a migrant from Chad.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices, and there were no reports government officials employed them. Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

Prison and detention center conditions were poor. There were multiple allegations of abusive treatment of prison inmates.

Poor conditions in detention centers for migrants were exacerbated by the COVID-19 pandemic.

Physical Conditions: On November 10, Director of Prisons Alex Dalli resigned following an inmate suicide attempt at the Corradino Correctional Facility, the country's state-run prison for adults. Academics and prison rights activists criticized Dalli's leadership, claiming his management model was despotic and that a culture of inmate bullying and intimidation by prison guards prevailed at the facility. On August 21, more than 35 nongovernmental organizations (NGOs), academic institutions, and professional and religious organizations issued a joint statement condemning conditions at Corradino and called for an overhaul of the prison system. The statement followed two suicide attempts in the facility in July and August. A total of 14 prisoners died in the facility since 2018, five from suspected suicide. Authorities conducted magisterial inquiries into the deaths, some of which continued at year's end. As of November 10, authorities had charged two correction officers with the "involuntary homicide" (manslaughter) of a 29-year-old inmate following her death by suicide in June.

In migrant detention centers, there were reports of overcrowding and poor sanitary conditions. In September 2020 a delegation from the Council of Europe's Committee for the Prevention of Torture (CPT) conducted a six-day visit to the country to examine the treatment of detained migrants. On March 21, it issued a report that stated the country's migration system "contained migrants who had essentially been forgotten, within poor conditions of detention and regimes that verged on institutional mass neglect by the authorities" and that "living conditions, regimes, lack of due process safeguards, treatment of vulnerable groups, and some specific COVID-19 pandemic mitigation measures were found to be so questionable and severe that they may well have amounted to inhuman and degrading treatment."

Administration: Authorities allowed prisoners and detainees to submit uncensored complaints to judicial officials and to request investigation of credible allegations of inhuman conditions. Authorities investigated such complaints, and complainants sought redress in the courts.

Independent Monitoring: The government generally permitted visits to prisons and detention centers by independent domestic and international human rights observers and media. NGOs reported that the government restricted visits to refugee and migrant detention centers and that their ability to provide services was limited.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

A magistrate may issue an arrest warrant to detain a person for questioning based on reasonable suspicion. By law police must either file charges or release a suspect within 48 hours. In all cases authorities must inform detainees of the grounds for their arrest. Police generally respected these requirements. During the 48-hour detention period and prior to the initial interrogation, authorities allowed arrested persons access to legal counsel but did not permit visits by family members. The state provides legal aid for arrested persons who cannot afford a lawyer. The law allows police to delay access to legal counsel for up to 36 hours after arrest in certain circumstances, such as when exercising this right could lead to interference with evidence or harm to other persons. After filing charges, authorities granted pretrial detainees' access to both counsel and family. A functioning bail system is in place. The courts adjudicate applications for bail on a case-by-case basis and normally granted bail to citizens. The courts rarely granted bail to foreigners.

Pretrial Detention: Lengthy pretrial detention remained a problem. Authorities occasionally confined foreign suspects for more than two years pending arraignment and trial, normally due to lengthy legal procedures. Approximately 34 percent of the prison population was in pretrial detention.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality. There were no reports of instances in which the outcomes of trials appeared predetermined by government or other interference. Authorities respected and enforced court orders.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants enjoy the right to a presumption of innocence, the right to a fair and public trial, and the right to be present at their trial. Defendants have the right to prompt and detailed information of the charges, with free interpretation, if necessary, from the moment charged through all appeals. Defendants may communicate with an attorney of their choice or have one provided at public expense if they are unable to pay. Defendants and their lawyers receive adequate time and facilities to prepare a defense, may confront prosecution or plaintiff witnesses and present their own witnesses and evidence, may not be compelled to testify or to confess guilt, and have the right to appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The constitution provides for an independent and impartial court in civil matters, including human rights matters. After exhausting their right of appeal in the national court system, individuals may apply to submit cases covered by the European Convention on Human Rights to the European Court of Human Rights.

Property Seizure and Restitution

Although the country endorsed the Terezin Declaration, there were no reports related to Holocaust-era property restitution. The country remained a British colony and Allied naval stronghold throughout World War II. Nazi Germany and Fascist Italy never invaded or occupied Malta, and Maltese property was never seized.

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report to Congress*, released publicly in July 2020, can be found on the Department's website <https://www.state.gov/reports/just-act-report-to-congress/>.

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

The constitution and law prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system generally combined to promote freedom of expression, including for members of media.

Freedom of Expression: It is a criminal offense to "commit an offence against decency or morals, by any act committed in a public place or in a place exposed to the public." The law criminalizes speech that promotes hatred on grounds of gender, gender identity, sexual orientation, race, color, language, ethnic origin, religion, or belief, or political or other opinion. Conviction of incitement to religious hatred is punishable by a prison term of six to 18 months.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Members of the press and civil society expressed concerns regarding the impact of defamation lawsuits on journalistic freedom and the editorial independence of media (see Libel/Slander Laws below).

Violence and Harassment: In 2017 police charged three persons with the killing of investigative journalist Caruana Galizia in a 2017 car bombing near her home. On February 23, one of the accused, Vince Muscat, pled guilty to all charges, including murder, and was sentenced to 15 years' imprisonment and ordered to pay court expenses. The other two charged, brothers Alfred and George Degiorgio, were awaiting trial at year's end.

On August 18, prosecutors filed a bill of indictment charging business magnate Yorgen Fenech with the murder of Caruana Galizia. Fenech entered a not guilty plea. In 2019 police arrested Fenech as a "person of interest" in the killing, charging him with criminal conspiracy, being an accomplice in Caruana Galizia's murder, and conspiring to commit murder. Fenech denied the charges. The murder investigation continued at year's end (also see section 4, Corruption and Lack of Transparency in Government).

Libel/Slander Laws: Print and broadcast journalists may face government lawsuits intended to harass and intimidate them. At the time of her death, Caruana Galizia faced more than 40 civil and criminal defamation suits due to her investigative reporting and commentary on public figures

linking them to acts of corruption and other malfeasance.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

On June 8, six asylum seekers from Bangladesh successfully challenged their detention in court after authorities detained them beyond the period permissible by law. The court ordered their immediate release and called on authorities to prevent similar incidents from reoccurring.

Abuse of Migrants, Refugees, and Stateless Persons: In July authorities arraigned a Maltese citizen on charges of grievous bodily harm during an assault on a male Somali irregular migrant. In September prosecutors charged a building contractor with grievous bodily harm of a Ghanaian migrant worker and 19 other charges, including violation of employment and health and safety laws. The worker was reportedly an irregular migrant who suffered a serious injury at the worksite but was denied medical assistance and abandoned. The trial continued at year's end.

Freedom of Movement: The government may legally detain an asylum applicant for up to nine months. By law the detention must serve to verify the applicant's identity or nationality; identify elements on which the asylum application is based; decide on the applicant's legal right to enter the country; facilitate a return procedure, including to another EU country; or protect national security or public order.

In some cases immigration authorities may allow alternatives to detention, which are also limited to nine months' duration, which may include regular reporting to an assigned place, residing at an assigned place, or depositing documents or a surety.

Immigration officers may also legally detain irregular migrants (including failed asylum seekers) who are subject to repatriation. Such detention may have a duration of six months and may be extended by a further 12 months.

Following an ad hoc visit to detention facilities in September 2020, on March 10, the CPT reported that living conditions, regimes, lack of due process safeguards, treatment of vulnerable groups, and some specific COVID-19 pandemic measures taken by authorities may have constituted inhuman and degrading treatment (also see section 1.c., Prison and Detention Center Conditions.).

Persons permitted to remain in the country were issued work permits. They were eligible for voluntary repatriation programs, but few individuals chose to participate.

Durable Solutions: Between January and June, 14 persons were granted refugee status. Few refugees were able to become naturalized citizens. While persons with refugee status may apply for reunification with family outside the country, those with temporary “subsidiary” protection – the majority of asylum seekers – are not allowed to do so. From January to August, 27 migrants sought assisted voluntary return. According to several NGOs, integration efforts continued to move slowly, since migrants generally tended to stay close to reception centers, although some moved into the community. Many migrants found work, mostly in low-skill sectors. On September 7, Mayor Josef Azzopardi of Marsa expressed concern that Marsa, where the Initial Reception Center is located, lacked a successful integration policy.

Temporary Protection: The government also provided temporary protection, known as “subsidiary” protection, to individuals who may not qualify as refugees. From January to June, authorities granted subsidiary protection to 78 persons.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Observers considered parliamentary elections held in 2017 to be free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. Cultural and traditional barriers remained an obstacle to increased participation by women. Women’s representation in the political sector remained low. Only nine of 67 members of parliament were women. On April 20, a parliamentary amendment of the constitution to “ensure de facto equality between men and women in politics” went into force.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively against low-level corruption. On June 25, the global money laundering and terrorist financing watchdog, the Financial Action Task Force, placed Malta on its grey list of jurisdictions under increased monitoring due to the country’s lax treatment of ultimate beneficial owners – a person, bank, or other entity ultimately benefiting from an illicit business relationship – and the lack of sufficient investigations and prosecutions for tax evasion.

Allegations of high-level government corruption continued during the year. Rule of law concerns regarding the government’s lack of criminal prosecutions and convictions for tax evasion and money laundering persisted, although both the government anti-money-laundering Financial Intelligence Analysis Unit and the Malta Financial Services Authority increased oversight and enforcement. On September 7, prosecutors indicted murder suspect Yorgen Fenech on money laundering charges (also see section 2.a.).

During the year the government enacted reforms, including constitutional amendments and legislation adopting EU directives, to strengthen provisions of the law against money laundering, tax evasion, fraud, and counterfeiting of noncash payments.

Corruption: There were developments during the year on allegations of high-level government corruption stemming from international investigations into Pilatus Bank, established in the country in 2014, and the work of investigative reporter Caruana Galizia. Before Caruana Galizia was killed in 2017, she alleged the prime minister’s spouse was the ultimate beneficial owner of a Panamanian offshore account connected to transactions involving Pilatus. Caruana Galizia was also investigating separate government corruption allegations that the prime minister’s chief of staff, Keith Schembri, and former energy minister Konrad Mizzi took part in a 1.8-million-euro (\$2.1-million) kickback scheme related to an energy deal with the consortium Electrogas. Both Schembri and Mizzi resigned in 2019.

On March 20, police arraigned Pilatus Bank owner Keith Schembri and 10 other persons and charged them with money laundering, criminal conspiracy, accountancy crimes and fraud, false testimony, and falsification of documents. On August 31, the Financial Intelligence Analysis Unit fined Pilatus Bank five million euros (\$5.7 million) for “very serious and systemic” failures in the bank’s obligation to guard against financial crime. On September 2, prosecutors charged the bank and a senior bank official with money laundering. In addition the owners of Pilatus Bank, Alpene Ltd., filed a discovery application in the United States in which it claimed “direct and intimate knowledge of corruption” related to the controllership of the bank.

In a July 2020 report, the auditor general reported the existence of correspondence that indicated collusion between government officials and representatives of the company Vitals Global Healthcare regarding a government contract. This followed a 2019 court decision to reverse earlier rulings and begin a criminal inquiry into the roles of former ministers Edward Scicluna, Christian Cardona, and Konrad Mizzi in the company.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

Government Human Rights Bodies: The ombudsman is empowered to investigate complaints regarding the activities of governmental bodies, including activities affecting human rights and problems involving prisoners and detainees. The president appoints the ombudsman with the consent of two-thirds of the House of Representatives. The ombudsman investigates complaints only when administrative or judicial remedies are not available. The ombudsman had adequate resources, operated independently, and was effective. In responding to complaints, the ombudsman submits recommendations to the public entity responsible for addressing the complainant's grievance. The ombudsman has no power to impose or compel a remedy, but relevant public bodies accepted most of the ombudsman's recommendations.

In November the Office of the Ombudsman issued a report stating that since 2018 the government had implemented 67 percent of its recommendations. The government responded that "all but 1.5 percent" of the ombudsman's recommendations had been implemented.

The House of Representatives' Standing Committees on Foreign and European Affairs and on Social Affairs has responsibility for human rights matters. The committees met regularly and normally held open hearings, except during closed hearings for national security reasons. For the most part, the committees had a reputation for independence, integrity, credibility, and effectiveness, with legislation enacted in the areas under their purview enjoying widespread public support.

The National Commission for the Promotion of Equality (NCPE) and the Commission for the Rights of Persons with Disabilities operated effectively and independently with adequate resources and oversaw human rights matters related to gender equality and disabilities. The prime minister, on the advice of or in consultation with the minister responsible for each entity, appoints members to these commissions, who serve for terms of two and three years, respectively. They may be reappointed at the end of their term.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted such crimes. Through August, seven persons faced rape charges in court. The law criminalizes domestic violence and treats the offense as an aggravating circumstance of other crimes such as bodily harm, rape, and harassment, and the government generally enforced the laws prohibiting it. Sentences for conviction range from three months to 20 years in prison. Through August courts arraigned 913 individuals on charges related to domestic violence. Several previous convictions were pending sentencing at year's end.

A Gender-Based Domestic Violence Unit under the Vice Squad was based at police general headquarters. The unit, which includes three police inspectors and 18 staff members, is solely dedicated to addressing domestic violence problems and is open 24 hours a day, seven days a week. The Ministry for the Family and Social Solidarity was responsible for a government-supported shelter for women and children. The government also provided financial support to other shelters, including those operated by the Roman Catholic Church. The government's Foundation for Social and Welfare Services provides a national telephone hotline to assist abuse survivors through counseling and shelter referrals. Several NGOs supported survivors of all forms of gender-based violence, including domestic violence.

In June Minister of Justice Edward Zammit Lewis and the prime minister's spouse, Lydia Abela, launched the second national strategy on gender-based and domestic violence. The strategy focuses on increasing awareness and streamlining policies to provide for timely prosecution of perpetrators. The action plan is based on four pillars: integrated policies and data collection; prevention; protection and support; and prosecution.

Sexual Harassment: The criminal code makes conviction of sexual harassment punishable by a monetary fine, up to two years' imprisonment, or both. A separate legal provision makes conviction of sexual harassment at the workplace punishable by a fine, imprisonment of not more than six months, or both. As of September the NCPE had received one allegation of sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. The country's ban on abortions allows no exceptions for pregnancies resulting from rape or incest or when a pregnancy threatens a woman's life or health.

Social barriers and government policies adversely affecting the supply of contraceptives limited individuals' ability to exercise of birth control.

The government provided limited access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was available as part of management of rape.

Discrimination: The law provides for the same legal status and rights for women as for men, including in matters related to family, religious, personal status, labor, property, nationality, and inheritance laws. Redress in the courts is available for gender discrimination, and the government enforced the law effectively. Although women have the same legal status as men, they experienced discrimination in employment (also see section 7.d.).

Systemic Racial or Ethnic Violence and Discrimination

The constitution, criminal code, and labor laws protect members of racial or ethnic minorities or groups from violence and discrimination, and the government enforced them effectively. The Human Rights Directorate within the Ministry of Justice, Equality and Governance has a mandate to promote equality and nondiscrimination and includes an antiracism unit.

Children

Birth Registration: Citizenship is derived by birth when either parent is a citizen, irrespective of the place of birth. The law allows transmission of citizenship by a grandparent or other relative in certain circumstances. The government registered births immediately.

Child Abuse: There are laws against child abuse which authorities enforce. Through August courts arraigned 22 persons on offenses related to sexual abuse of minors. In April a court ordered that two girls, ages three and five, be prevented from being removed from the country by relatives for Sudan on suspicion they would be subjected to female genital mutilation there. The order was issued at the request of the children's Sudanese refugee mother.

Child, Early, and Forced Marriage: The legal minimum age of marriage is 18, although persons between 16 and 18 may marry with the consent of parents, legal guardians, or courts.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, including child sex trafficking, and child pornography, and authorities generally enforced the law. The production of child pornography is prohibited; conviction is punishable by imprisonment for five to 12 years. Conviction of possession of child pornography is punishable by three to four years' imprisonment. The minimum age for consensual sex is 16. Child trafficking is a criminal offense.

Conviction of rape of an underage person is punishable by six to 20 years' imprisonment. As of September prosecutors had not filed any charges of sexual abuse of minors.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <http://www.travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish community numbered approximately 200 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

By law persons with disabilities have equal access to education, health services, public buildings, and transportation, and the government effectively enforced legal provisions regarding discrimination in the public and private sectors against persons with physical, sensory, intellectual, and mental disabilities. The law requires accessibility to buildings, information, and communication. While the

government made efforts to provide accessibility, many historical buildings remained inaccessible due to limited structural adaptability. Authorities investigated cases of violence or abuse against persons with disabilities.

From January to August, the Commission for the Rights of Persons with Disability opened 431 cases of alleged discrimination related to employment, education, housing, access, provision of goods and services, health, and other areas.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The constitution and law prohibit discrimination on the grounds of sexual orientation, gender identity, gender expression, and sex characteristics, including discrimination against lesbian, gay, bisexual, transgender, queer, and intersex persons in housing, employment, nationality laws, and access to government services, including health care. The government enforced the laws.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of most workers to form and join independent unions, bargain collectively, and conduct legal strikes. A trade union may register an industrial dispute with an employer, at which point the trade union enters negotiations with the employer. In the absence of an agreement, both parties are free to resort to industrial action. The trade union may take industrial actions, which may include slowdowns, wildcat strikes, work-to-rule action, strike action for a defined period, or any other industrial action the union may deem necessary. The employer may use a "lockout" to protect its interests.

The law prohibits antiunion discrimination and provides for the reinstatement of unfairly dismissed workers, including for legal, nonviolent union activity. Workers have a right to seek redress for antiunion dismissals, although procedures to seek such redress were unclear for certain categories of public sector workers. There were no reports that workers were dismissed for union activities.

Members of the military and law enforcement personnel may join a registered trade union, but the law prohibits strikes by this category of workers. The law does not explicitly prohibit acts of interference by worker or employer organizations in one another's activities. According to the International Labor Organization, compulsory arbitration limits collective bargaining rights. Arbitration did not take place during the year.

The government effectively enforced applicable laws. Penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. The courts handed down prescribed fines to perpetrators. Administrative and judicial procedures were subject to lengthy delays and appeals.

Both the government and employers generally respected these rights, and workers freely exercised them during the year. There were no reports of antiunion discrimination or other forms of employer interference in union activities. Trade unions and employers' organizations may both refer a dispute to the Industrial Tribunal, but it was customary that, until the tribunal decides on an award, both parties generally refrain from taking further action.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor. The government took steps to investigate complaints and to prevent and eliminate forced labor. The processing of cases through the courts, however, was slow. Three labor trafficking prosecutions initiated in 2014 remain pending. The law prescribes penalties of imprisonment for forced labor violations; such penalties were commensurate with penalties for kidnapping. There were reports of men and women in bonded labor and domestic servitude. Many victims of labor trafficking borrowed large sums of money to travel to the country, where they were recruited for certain work and salary. The terms of their employment, however, fell short of promises, and the borrowed money was used to keep the victims enslaved. Both foreign domestic workers and irregular migrant workers were vulnerable to forced labor in various sectors that included cleaning, construction, and caring. Experts recommended implementing strong regulations and oversight of labor recruitment companies and massage parlors, which included screening for trafficking victims.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor as well as employment of children younger than 16 in all sectors. The director general for educational services in the Ministry of Education and Employment may grant an exemption for employment only after determining it would not harm the

health or normal development of the minor. While no legal work is specifically restricted for minors, children granted an exemption may work up to 40 hours per week. Children are not allowed, however, to carry out any night duties or perform work that could be regarded as harmful, damaging, or dangerous to a young person. Minors granted an exemption to work in certain areas such as manufacturing, heavy plant machinery, and construction are required to work under supervision.

The government generally enforced the law in most formal sectors of the economy. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping. Jobs Plus, a government entity under the Ministry for Education and Employment, is responsible for labor and employment matters and summer employment of underage youth allowed in businesses operated by their families.

No assessment was available on the effectiveness with which Jobs Plus monitored the unregistered employment of children as domestic employees and restaurant workers.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in any form of employment and occupation. The government generally enforced the law effectively, although many foreign workers, including migrants, worked in dangerous, unsanitary jobs, with low social status and little prospect of improvement in their employment conditions. As of September 2020, the population included close to 70,000 registered foreign workers. Of these, approximately 38,000 were non-EU nationals. The law prohibits discrimination based on race as well as racial hatred. There were no reported offenses related to violations of the law. Penalties were commensurate with those for crimes related to civil rights, such as election interference. Remedies were available through civil court.

From January to September, the NCPE received six claims of alleged workplace discrimination, which included one case of alleged sexual harassment at the workplace (also see section 6, Women). Following an investigation, the commissioner may either dismiss the complaint or find the complaint warranted. In the latter case, if the complaint constitutes an offense, the commissioner must submit a report to the police commissioner for action. In instances where the complaint did not constitute an actionable offense, the NCPE undertook steps to investigate the cases and refer them to police or mediate to provide redress as appropriate.

Women were unable to work in same industrial jobs as men. While women constituted a growing proportion of graduates of higher education and of the workforce, they remained underrepresented in management and generally earned less than their male counterparts. Eurostat reports showed the gender pay gap in 2020, the most recent period for which data were available, was 10 percent. In 2020 the employment rate for women was 64 percent, compared with 82 percent for men.

e. Acceptable Conditions of Work

Wages and Hour Laws: The country had a national weekly minimum wage above the poverty income level. The government effectively enforced the minimum wage. Penalties were commensurate with those for similar crimes, such as fraud, and they were imposed on employers convicted of violating the law. Cases mostly involved foreign country nationals. The law mandates a standard workweek of 40 hours, but the norm was 43 or 45 hours in certain occupations such as in health care, airport services, and civil protective services. The law provides for paid annual holidays (i.e., government holidays) and paid annual leave. The law prohibits excessive compulsory overtime, and employers may not oblige employees to work more than 48 hours per week, including overtime.

The government sets occupational safety and health standards, and such standards were up to date and appropriate for the main industries in the country. Workers have the right to remove themselves from situations dangerous to health or safety without jeopardizing their employment. The employer is responsible for ensuring and implementing safety measures at the workplace.

The Department of Industrial and Employment Relations is responsible for enforcement of wage and hour laws. Inspectors have the authority to make unannounced inspections at places of work and initiate sanctions; however, the number of inspectors was deemed to be insufficient to enforce compliance. The government generally enforced minimum wage and hours of work requirements effectively in the formal economy, and penalties for violations were commensurate with those for crimes such as negligence.

Occupational Health and Safety: The Occupational Health and Safety Authority (OHSA), a government entity composed of representatives of the government, unions, and employers, conducted regular inspections at worksites and cited several offenders. Nevertheless, enforcement of health and safety standards continued to be inconsistent, particularly in the construction industry. The number of OHSA inspections was not sufficient to enforce compliance. Inspectors have the authority to make unannounced inspections and to initiate sanctions, including stopping work they deem to be unsafe.

There were six fatal workplace accidents reported in the first half of the year. Industrial accidents occurred mostly in the construction, manufacturing, transportation, and storage sectors. Although the government continued to report steady progress in improving working conditions, authorities conceded that unsafe conditions remained. Workers in the informal economy were more likely to face hazardous or exploitive working conditions.

Informal Sector: Workers in the informal economy, particularly in construction, did not have the same protection as formal workers, but they could file complaints against companies that failed to provide a safe work environment. Many workers, however, were unaware of their rights and social welfare programs and avoided state-run agencies due to fear of being detained or deported based on their immigration status or lack of a work permit.

Reports of abuse of migrants attracted by the country's unskilled labor shortage continued during the year. Abuses included health and safety matters, workers found living in substandard conditions, and low wages (also see section 2.f., Protection of Refugees). Authorities did not stringently enforce standards in the informal economy, which consisted of approximately 5 percent of the workforce and encompassed various sectors of working society, including day laborers and self-employed individuals. OSHA imposed fines on companies that did not comply with minimum safety standards in the formal economy and, to a lesser extent, the informal economy. Irregular migrant workers, who made up a small but growing percentage of the workforce, worked in some cases under conditions that did not meet the government's minimum standards for employment. The Agency for the Welfare of Asylum Seekers, in coordination with Jobs Plus, which is administered by the government, organized informational programs to help individuals pursue employment and obtain work permits.

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Annual report on human rights in 2021



Country:

Malta

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