

2024 Country Reports on Human Rights Practices: Malta

EXECUTIVE SUMMARY

There were no significant changes in the human rights situation in Malta during the year.

According to the State Department's most recent *Trafficking in Persons Report*, the government did not fully meet the minimum standards for the elimination of trafficking, but was making significant efforts to do so.

The government took credible steps to identify and punish officials who committed human rights abuses.

Section 1.

Life

a. Extrajudicial Killings

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

In May 2023, the Public Interest Litigation Network filed a constitutional case claiming human rights violations on behalf of the relatives of Mamadou Kamara, who died in 2012 while in custody of the country's detention services and armed forces. The relatives' lawyers claimed a breach of Article 2 of the European Convention on Human Rights and Article 33 of the country's constitution, which protect the right to life. The case continued at year's end.

b. Coercion in Population Control

There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Section 2.

Liberty

a. Freedom of the Press

The constitution and law provided 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 combined to promote freedom of expression, including for media members.

Physical Attacks, Imprisonment, and Pressure

The criminal conspiracy case continued against business magnate Yorgen Fenech for the 2017 murder of investigative journalist Daphne Caruana Galizia. Fenech was indicted in 2021. In November 2023, the Court of Criminal Appeal upheld the 40-year prison sentence of brothers Alfred and George Degiorgio for the murder of Caruana Galizia in a car bombing.

Censorship by Governments, Military, Intelligence, or Police Forces, Criminal Groups, or Armed Extremist or Rebel Groups

Members of the press and civil society expressed concerns regarding the impact of defamation lawsuits on journalistic freedom and the editorial independence of media.

In April, the constitutionally appointed Broadcasting Authority issued a directive to the media calling for caution when reporting on the election for members of the European Parliament. The directive stated that “any reporting or any information from the European Parliament or any report which has to do with the President of the European Parliament needs to be reported with caution. Any such reports should focus on the news value of the story and whether the issue is a current and topical one.” The European Parliament Office in the country called for the immediate suspension of the directive, warning that “it is of essence to ensure that all EU citizens are provided with information on the importance and the stakes of these elections to come and that the role of its President in liaising with EU citizens, in all Member States, is ensured.”

Efforts to Preserve the Independence of the Media

On August 1, the government adopted Daphne’s Law, an EU directive to combat strategic lawsuits against public participation (SLAPPs). In a letter to the government, three nongovernmental organizations (NGOs) – Aditus, Repubblica, and the Daphne Caruana Galizia Foundation – expressed concern that the anti-SLAPP legislation “lacked critical safeguards against domestic SLAPP cases.”

b. Worker Rights

Freedom of Association and Collective Bargaining

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

The law prohibited antiunion discrimination and provided for the reinstatement of unfairly dismissed workers, including for legal, nonviolent union activity. Workers had 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 workers were dismissed for union activities.

In 2022, the Police Union filed a constitutional case that would give the police force the right to strike. The case continued at year’s end. The law did not explicitly prohibit acts of interference by worker or employer organizations in one another’s activities. According to the International Labor Organization, compulsory arbitration limited collective bargaining rights. Arbitration did not take place during the year.

The government effectively enforced laws protecting freedom of association, collective bargaining, and the right to strike for workers. Penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. The courts regularly 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 could both refer a dispute to the Industrial Tribunal, but until the tribunal decided on an award, both parties generally refrained from taking further action.

Forced or Compulsory Labor

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

Acceptable Work Conditions

Wage and Hour Laws

The country had a national weekly minimum wage above the poverty income level. The law mandated 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 prohibited excessive compulsory overtime, and employers could not oblige employees to work more than 48 hours per week, including overtime.

Occupational Safety and Health

The government set occupational safety and health (OSH) standards, and such standards were appropriate for the main industries in the country. Workers could remove themselves from situations dangerous to health or safety without jeopardizing their employment. The employer was responsible for ensuring and implementing safety measures at the workplace. The government proactively identified unsafe conditions and responded to workers' OSH complaints.

The law also required contractors to engage and remunerate project supervisors at construction sites who were responsible for issuing health and safety reports and setting safety measures. Project supervisors exercised limited authority, however, and had no power to enforce health and safety measures. On July 15, parliament passed the Health and Safety at Work Act to further safeguard workers' health and safety. The new law included fines for first time breaches of safety regulations and directed the addition of 50 occupational health and safety officials by the end of 2025.

Industrial accidents occurred mostly in the construction, manufacturing, transportation, and storage sectors. Authorities conceded there were unsafe working conditions in some sectors. Workers in the informal economy were more likely to face hazardous or exploitive working conditions. In response to a public inquiry report following the death of a young worker at a construction site, on August 5, the government announced five initiatives, including the launch of a hotline to report safety issues for construction sites. Authorities criminally charged five persons in connection with the death; the case was pending at year's end.

Wage, Hour, and OSH Enforcement

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. Penalties were regularly applied against violators.

The Department of Industrial and Employment Relations was responsible for enforcement of wage and hour laws. Inspectors had the authority to make unannounced inspections at places of work and initiate sanctions. The number of inspectors was deemed to be insufficient to enforce compliance. In response to laws to regularize temping agencies as of June 1, the government granted licenses to 34 temping agencies.

The Occupational Health and Safety Authority, a government entity composed of representatives of the government, unions, and employers, conducted regular inspections at worksites. Inspectors had the authority to make unannounced inspections and to initiate sanctions, including stopping work they deemed to be unsafe. Nevertheless, enforcement of health and safety standards was inconsistent, particularly in the construction industry. The number of OSH inspectors was not sufficient to enforce compliance. Penalties for violations were commensurate with those for similar crimes, such as fraud or negligence. Penalties were regularly applied against violators.

In July, the government stopped accepting temporary work permits from third-country nationals in certain sectors that were deemed saturated, including cab drivers and food couriers. The General Workers' Union backed the government's decision, stating that it helped prevent workers from being exploited.

Authorities did not stringently enforce standards in the informal economy, which made up approximately 5 percent of the workforce and encompassed various sectors of working society, including day laborers and self-employed individuals. Workers in the informal economy were not legally covered by wage, hour, OSH, or other labor laws and labor inspections, but they could file complaints against companies that failed to provide a safe work environment.

c. Disappearance and Abduction

Disappearance

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

Prolonged Detention without Charges

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

d. Violations in Religious Freedom

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

e. Trafficking in Persons

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

Security of the Person

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

The constitution and law prohibited such practices. There were no credible reports government officials employed them.

b. Protection of Children

Child Labor

The law prohibited all of the worst forms of child labor as well as employment of children younger than 16 in all sectors. There were no confirmed reports during the year of the worst forms of child labor. The director general for educational services in the Ministry for Education, Sport, Youth, Research and Innovation could grant an exemption for employment only after determining it would not harm the health or normal development of the child. Children granted an exemption could work up to 40 hours per week. Children granted an exemption were 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. Children granted an exemption to work in certain areas such as manufacturing, heavy plant machinery, and construction were 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. Penalties were regularly applied against violators. Jobs Plus, a government entity under the Ministry for Home Affairs, Security, and Employment, was 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.

Child Marriage

The legal minimum age of marriage was 18, although persons ages 16-17 could marry with the consent of parents, legal guardians, or courts.

Child marriage was not specifically listed as a crime but was punishable under various provisions of the law. Authorities enforced the laws effectively.

c. Protection to 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, or asylum seekers, as well as other persons of concern.

Provision of First Asylum

The law provided for the granting of asylum or refugee status, and the government had a system for providing protection to refugees.

NGOs criticized the government's approach to the rescue of seaborne migrants onboard vessels, mostly originating from North Africa. NGOs accused the government of preventing these migrants

from reaching the country's search and rescue area and of coordinating with the European Border and Coast Guard Agency, Italy, and Libya to return migrants to Libya and Libyan detention centers, where they faced security and human rights threats, including a heightened risk of human trafficking. Malta and Libya operated two centers – one in each country and paid for by Malta – to address irregular migration concerns. NGOs urged Maltese authorities to provide asylum seekers with informational materials on the rights of trafficking victims, as well as the services and assistance measures available and how to access them.

d. Acts of Antisemitism and Antisemitic Incitement

The Jewish community numbered approximately 400 persons. There were no reports of antisemitic incidents.