

# MALTA 2020 HUMAN RIGHTS REPORT

## 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 beginning April 4. The president names as prime minister the leader of the party that wins a majority of seats in parliamentary elections. During the year the government adopted a constitutional amendment that strengthens the executive authority of the president by providing that the president be appointed by a resolution of parliament that is supported by at least two-thirds of its members. Early parliamentary elections held in 2017, in which the Labor Party maintained its majority, were considered free and fair. On January 13, parliamentarian Robert Abela was appointed prime minister after winning a Labor Party leadership contest on January 11. He replaced Joseph Muscat who announced his resignation both as party leader and prime minister in December 2019.

The national police maintain internal security. The armed forces 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 the national police, the intelligence services, and the armed forces. There were reports that members of the security forces committed some abuses during the year.

Significant human rights issues included: unlawful detention and continued allegations of high-level government corruption.

The government took steps to identify, investigate, prosecute, and punish officials who committed abuses, whether in security services or elsewhere in the government.

## Section 1. Respect for the Integrity of the Person, Including

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### **Freedom from**

#### **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. Cases continued against two members of the armed forces charged in May 2019 with the murder of a migrant from Ivory Coast and a nonfatal hit-and-run of a migrant from Chad. Following the incident, the Armed Forces launched an internal inquiry for evidence of racism within its ranks. The inquiry, concluded in May, yielded no such evidence. Police are ultimately responsible for investigating whether security force killings were justifiable and for pursuing prosecutions.

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

#### **Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns. Reports of poor conditions in detention centers for migrants were exacerbated by a significant increase in migrant arrivals, straining the centers beyond their planned capacity.

**Physical Conditions:** In migrant detention centers, there were reports of overcrowding, poor sanitary conditions, and repeated inmate protests.

**Administration:** Authorities allowed prisoners and detainees to submit uncensored complaints to judicial officials and to request investigation of credible

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allegations of inhuman conditions. Authorities investigated such complaints, and victims sought redress in the courts.

**Independent Monitoring:** The government generally permitted visits to detention centers by independent domestic and international human rights observers and media. Nongovernmental organizations (NGOs) reported, however, that the government restricted and later stopped their visits to refugee and migrant detention centers, allegedly due to the COVID-19 pandemic. In September a delegation from the Council of Europe's Committee for the Prevention of Torture examined the conditions of detention for, and treatment of, migrants deprived of their liberty, including families with young children and unaccompanied and separated minors. By year's end the committee had not released a report on the results of the visit.

### **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. According to the constitution, 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.

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During the spring, the government enacted legislation that transposes into Maltese law directives of the European Parliament and European Council of 2016 related to legal aid for suspects and accused persons in criminal or in European warrant proceedings, as well as procedural safeguards for children who are suspects or accused persons in criminal proceedings.

**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 30 percent of the prison population was in pretrial detention. 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. In January authorities charged and convicted 22 migrants of taking part in a protest against prolonged detention at the facility in Safi, imprisoned them for nine months, and fined them.

### **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.

Between July 2019 and August, the government enacted reforms, including constitutional amendments and legislation, to strengthen the separation of powers and the independence of the judiciary and law enforcement. The reforms included legislation that revised the composition of the Committee for Judges and Magistrates to stipulate that removal of members of the judiciary is made by a nonpolitical body and to provide for the appeal of decisions of the Commission for the Administration of Justice. Legislation was also adopted that provides for the appointment of the chief justice [Act No. XLIII of 2020--Constitution of Malta (Amendment) Act] with the approval of two-thirds parliamentary majority; for a change in the composition of the Judicial Appointments Committee to specify that a majority of members of the committee come from the judiciary; and for the issuing of public calls for vacancies in the judiciary. Other reform legislation provided for the division of the prosecution and government advisory roles of the attorney general by transferring the government advisory roles to a new Office of

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the State Advocate. Under this act, the government appointed the first new state advocate in December 2019.

On April 8, as part of a judicial reform process, the president appointed Judge Mark Chetcuti as the new chief justice following a new joint parliamentary procedure between government and the opposition. The new procedure departed from the previous practice of the president appointing the chief justice on the advice of the prime minister.

### **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. They can 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. Defendants may confront prosecution or plaintiff witnesses and present their own witnesses and evidence. They are not 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 bring cases covered by the European Convention on Human Rights before the European Court of Human Rights.

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### **Property Restitution**

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

For information on Holocaust-era restitution and related topics, please see the Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released on July 29, at <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, Including**

### **a. Freedom of Expression, Including for the Press**

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

**Freedom of Speech:** It remains 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. Incitement to religious hatred is punishable by a prison term of six to 18 months. On January 30, the courts found in favor of civil society activist Manuel Delia in a constitutional case against the government. The courts found that the government had breached Delia's right to freedom of expression when it ordered the removal of articles protesters, including

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Delia, had placed on the makeshift memorial for Daphne Caruana Galizia, an investigative journalist killed by a car bomb in 2017.

**Violence and Harassment:** In 2017 police charged three persons with the killing of Caruana Galizia in a 2017 car bombing near her home. They were awaiting trial. Caruana Galizia had reported on major government corruption, allegedly involving the prime minister and other senior government officials.

In September 2019, Prime Minister Muscat created a commission for an independent public inquiry into Caruana Galizia's killing. In November 2019, police arrested business magnate Yorgen 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, among other things. Fenech denied the charges. Both the public inquiry and the murder investigation continued (for case details, see section 4, Corruption and Lack of Transparency in Government).

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that 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/>.

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### **d. Freedom of Movement**

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.

**Abuse of Migrants, Refugees, and Stateless Persons:** The government delayed safe disembarkation to refugees and migrants intercepted at sea, ostensibly due to coronavirus concerns. There were allegations the government ordered private fishing trawlers to intercept migrants and refugees at sea and to return them forcibly to Libya.

On November 30, the courts ordered the release of four migrants after the courts found that authorities had detained them illegally for 166 days. Earlier, on October 29, the courts had also ordered the immediate release of an Ivorian national after they found that Maltese authorities had detained him illegally for 144 days. On November 4, 50 asylum seekers and the siblings of two others who had died opened a constitutional case against the prime minister, the minister of home affairs, national security, and law enforcement, and the commander of the Armed Forces of Malta after they were reportedly pushed back to Libya in April in a seaborne operation. They alleged that Maltese authorities had violated their human rights, including the right to life and the right to seek asylum and subjected them to inhuman and degrading treatment and collective expulsion. The civil society NGO Republika supported the migrants' case.

**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.



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**Safe Country of Origin/Transit:** The country denied asylum to applicants who arrived from other EU countries, in accordance with the Dublin III Regulation.

**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. Most asylum seekers were allowed one of these alternatives to detention and stayed in detention for no more than two months.

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 can be extended by a further 12 months. Most persons detained under these regulations stayed in detention for less than three months prior to their return.

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

**Durable Solutions:** Between January and August, 64 persons were granted refugee status. Few refugees were able to naturalize. 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 September, four migrants sought assisted voluntary return. According to several NGOs, integration efforts continued to move slowly, since migrants generally tended to stay close to residential centers, although some moved into the community. Many migrants found work, mostly in low-skill sectors.

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**Temporary Protection:** The government also provided temporary protection, known as “subsidiary” protection, to individuals who may not qualify as refugees. From January to July, the country granted subsidiary protection to 148 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, although this was less prevalent among Maltese members of the European Parliament.

### **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. Allegations of high-level government corruption continued during the year. Rule of law concerns over the government’s lack of criminal prosecutions and convictions for tax evasion and money laundering persisted, although both the Financial Intelligence Analysis Unit and the Malta Financial Services Authority stepped up oversight and enforcement.

Between July 2019 and August, the government enacted reforms, including constitutional amendments and legislation, to strengthen provisions of the law against corruption. The reform measures included the establishment of a legal

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framework to facilitate the dissolution of a credit institution to prevent money laundering and the funding of terrorism; the revision of the method for appointing the chairman and the members of the Permanent Commission against Corruption; and a law that transposes into Maltese law EU directives on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing.

**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, she alleged the prime minister's wife was the ultimate beneficial owner of a Panamanian offshore account connected to transactions involving Pilatus, and she was 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 (\$2.2 million) kickback scheme related to an energy deal with the consortium Electrogas. Both Schembri and Mizzi resigned in November 2019. In September a continued public inquiry into the death of Caruana Galizia showed the government authorized a 40-million-euro (\$48 million) tax and excise exemption for Electrogas.

In the wake of the developments in the Caruana Galizia case in November 2019 and protests by civil society calling for his resignation, former prime minister Muscat stepped down on January 12. Prime Minister Robert Abela was elected to replace him on January 13. In November 2019 police arrested business magnate and former Electrogas board member Yorgen Fenech, eventually charging him in court with several violations in connection with the Caruana Galizia murder case. The arrest followed a presidential pardon granted to an alleged middleman, Melvin Theuma, who revealed information about Caruana Galizia's killing.

In a July report, the auditor general noted that correspondence indicated collusion between government officials and representatives of Vitals Global Healthcare (VGH) over a government contract. This followed a November 2019 court decision to reverse earlier rulings and begin a criminal inquiry into the roles of ministers Edward Scicluna, Christian Cardona, and Konrad Mizzi in the VGH deal.

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On August 24, police investigators working on the journalist's murder case interrogated former prime minister Joseph Muscat. In September, Keith Schembri was arrested and subsequently released on bail for allegedly receiving kickbacks amounting to 100,000 euros (\$120,000) for Malta's Individual Investors Program, a citizenship-in-exchange-for-investment scheme, from financial and business advisory services firm Nexia BT. On November 11, police released former Minister Konrad Mizzi and Schembri following fresh interrogations by police investigating financial crimes and money laundering. Both are reportedly still under investigation but have not yet been formally charged.

**Financial Disclosure:** Government officials are subject to financial disclosure laws, and declarations are available to the public. Courts can compel disclosure from officials not complying with the regulation.

### **Section 5. Governmental Attitude Regarding 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. In September the NGOs Aditus and JRS claimed the government did not allow their representatives access to migrant detention centers. The NGOs claimed the government gave no formal explanation for its actions but noted access had been restricted since the beginning of COVID-19.

**Government Human Rights Bodies:** The ombudsman is empowered to investigate complaints about 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

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power to impose or compel a remedy, but relevant public bodies accepted most of the ombudsman's recommendations.

During the summer, reform legislation amended the laws which regulate the Office of the Ombudsman, including adding the process for appointing the ombudsman to the constitution, which now requires the president to appoint an ombudsman in accordance with a resolution supported by two-thirds of the parliament.

The House of Representatives' Standing Committees on Foreign and European Affairs and on Social Affairs were responsible for human rights matters. The committees met regularly and normally held open hearings, except when they closed a hearing 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 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, Societal Abuses, and Trafficking in Persons**

### **Women**

**Rape and Domestic Violence:** Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted such crimes. In 2019 the government adopted a law to broaden the definition of rape and increased the sentence to 12 years with added penalties in aggravated circumstances. Through July, one person faced rape charges in court, while seven faced charges for nonconsensual acts of a sexual nature.

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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. Penalties ranged from three months to 20 years in prison. Through September police had brought no new cases related to domestic violence. Several previous cases were pending. In February the government amended the criminal code to strengthen the provisions relating to gender-based violence and domestic violence.

On October 1, the police force created a Gender Based Domestic Violence Unit under the Vice Squad and based at the 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. Several voluntary organizations supported victims of domestic violence and all forms of gender-based violence. A formal hotline assisted victims of abuse through counseling and shelter referrals. 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.

**Sexual Harassment:** The criminal code makes sexual harassment punishable by a monetary fine, up to two years' imprisonment, or both. A separate legal provision makes sexual harassment at the workplace punishable by a fine, imprisonment of not more than six months, or both. As of September, the Commission for the Promotion of Equality (NCPE) had received no allegations of sexual harassment.

**Reproductive Rights:** Couples and individuals generally have the right to decide the number, spacing, and timing of their children, and have access to the information and some of the means to do so, free from discrimination, coercion, or violence. Cultural barriers and government policies adversely affected access to contraception. Skilled and publicly funded health attendants were available during pregnancy and childbirth. The government provided limited access to sexual and reproductive health services for victims of sexual violence. The country has a full ban on abortions, with no exceptions for pregnancies resulting from rape, incest, or when a pregnancy threatens a woman's life or health.

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**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

**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 (see section 7.d.).

### 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 enforced. Between January and September, the police Vice Squad received four reports of child neglect.

**Child, Early, and Forced Marriage:** The legal minimum age of marriage is 18, although persons between the ages of 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 and child pornography, and authorities generally enforced the law. The production of child pornography is prohibited and punishable by imprisonment for five to 12 years. Possession of child pornography is punishable by imprisonment of three to four years. The minimum age of consensual sex is 16.

Rape of an underage person is punishable by sentences of six to 20 years. As of September, no persons were charged for 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

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<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**

The law protects the rights of persons with disabilities and prohibits both the public and private sectors from discriminating against persons with physical, sensory, intellectual, and mental disabilities. The government effectively enforced these provisions. Authorities are responsible to take action to investigate cases of violence or abuse against persons with disabilities. The law requires accessibility to buildings, information, and communication. While the government made efforts to ensure accessibility, many historical buildings remained inaccessible due to limited structural adaptability.

From January to September, the Commission for the Rights of Persons with Disability opened 375 new 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, and intersex persons in housing, employment, nationality laws, and access to government services, including health care. The government enforced the laws.



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### **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 can register an industrial dispute with an employer, at which point the trade union enters into negotiations with the employer. In the absence of an agreement, both parties are free to resort to industrial action. The trade union can take industrial actions, which may include slowdowns, wildcat strikes, work-to-rule, strike action for a defined period of time or any other industrial action which 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 continues to limit 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

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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 human trafficking and 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 Malta where they were recruited for certain work and salary. In reality, however, terms of their employment 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.

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 that 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.

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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 that is responsible for labor and employment matters, allowed summer employment of underage youth 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. Up to December 2019, the population included more than 65,000 registered foreign workers. Of these, approximately 31,000 were nationals of mainly Arab, African, Asian, and East European countries. 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 one claim of alleged workplace discrimination. 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 followed the law and undertook steps to investigate the cases and refer them to police or mediate to ensure provision of redress as appropriate.

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 2018, the most recent period for which data was available, was

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11.7 percent. In 2018 labor force participation by women was 64 percent, compared with 86 percent for men.

### **e. Acceptable Conditions of Work**

The country had a national weekly minimum wage that was 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 who breached the law. Cases mostly involved third 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 cannot oblige employees to work more than 48 hours per week, inclusive of overtime.

The government sets occupational safety and health standards, and such standards were current 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 Ministry of Education and Employment generally enforced minimum wage and hours of work requirements effectively in the formal economy and penalties for violations were commensurate with those for crimes like negligence. 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 a number of offenders. Nevertheless, enforcement of health and safety standards continued to be inconsistent. The number of labor inspectors was not sufficient to enforce compliance. In an audit report in June, which followed up on an earlier analysis on OHSA's operations, the National Audit Office noted that, among other shortcomings, OHSA's lack of an adequate management information system inhibited its efficiency and ability to conduct effective inspections in the construction industry. Inspectors have the authority to make unannounced inspections and to initiate sanctions, including stopping work they deem to be unsafe.

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Workers in the informal economy 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 over 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, including health and safety matters, workers found living in substandard conditions, and low wages, continued during the year. 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. OHSA imposed fines on companies that did not comply with minimum safety standards in the formal economy and, to a lesser extent, the informal economy.

The National Statistics Office reported that between January and June, nonfatal accidents at the workplace decreased by 29.9 percent when compared to the same period in 2019. There were three reported fatal accidents in the first half of 2020. Industrial accidents occurred mostly in the construction, manufacturing, transportation, and storage sectors. The National Statistics Office reported OHSA's most recent findings of three fatalities from January to June. Although the government continued to report steady progress in improving working conditions, authorities conceded that unsafe conditions remained.

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.