

# **MALTA 2022 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. The president names as prime minister the leader of the party that wins a majority of seats in parliamentary elections. Parliamentary elections were held on March 26, and the Labor Party maintained its majority. International observers considered the elections 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 security forces. There were no reports members of the security forces committed abuses during the year.

Significant human rights issues included credible reports of: inhuman and degrading treatment of irregular migrants in detention; and serious government corruption.

The government took steps to identify, investigate, prosecute, and punish officials who committed abuses and corrupt acts, and it 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.

In July 2021, 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 family on behalf of the government (also see section 2.a.). The government had yet to implement most of the recommendations of the report.

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. The victim's remains were repatriated to the Ivory Coast in July.

## **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, and Other Related Abuses**

The constitution and law prohibit such practices. There were credible reports government officials subjected migrants to inhuman and degrading conditions in detention centers. 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 as well as reports of overcrowding and poor sanitation in migration detention centers.

**Abusive Physical Conditions:** In May the minister for home affairs, reforms, and equality announced that the Corradino Correctional Facility’s head of operations had been removed from his post and transferred to another section within the ministry. Media reports described the head of operations as “the right-hand man” of former Director of Prisons Alex Dalli, who resigned in 2020 following an inmate’s suicide attempt. In 2021, more than 35 nongovernmental organizations (NGOs), academic institutions, and professional and religious organizations issued a joint statement condemning conditions at Corradino, including a culture of inmate bullying and intimidation by prison guards, and called for an overhaul of the prison system.

In migrant detention centers, there were reports of overcrowding and poor sanitary conditions. In March 2021, the Council of Europe’s Committee for the Prevention of Torture (CPT) 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.”

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

**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. Pretrial detention, however, rarely equaled or exceeded the maximum sentence for the alleged crime. Approximately 35 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.

##### **Trial Procedures**

The constitution and law provide for the right to a fair and public trial, and the

judiciary generally enforced this right.

### **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.

### **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.

**Violence and Harassment:** In 2017 police charged three persons with the murder of investigative journalist Daphne Caruana Galizia in a car bombing near her home that same year. 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, pled guilty to all charges on the day their trial began, October 14, and were sentenced to 40 years in prison.

In August 2021, prosecutors filed a bill of indictment charging business magnate Yorgen Fenech with the murder of 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 Galizia’s murder, and conspiring to commit murder. Fenech denied the charges. The compilation of evidence continued at year’s end (see section 4, Corruption and Lack of Transparency in Government).

**Censorship or Content Restrictions 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).

In February Council of Europe Commissioner for Human Rights, Dunja Mijatovic published a report on her visit to the country in October 2021. The report expressed concern with the “excessive use of vexatious lawsuits against journalists and newspapers.”

In a judgment on July 14, the Civil Court found the Broadcasting Authority (BA), which serves as the broadcasting watchdog and regulator, and the national broadcaster, Public Broadcasting Services Limited (PBS), to be in breach of the constitution. The court found that the BA had failed to ensure impartiality in its coverage of issues of political controversy and failed to act expeditiously when PBS challenged or failed to follow the BA’s orders regarding television coverage. As a result, the court found the defendants to be in breach of the human rights of the plaintiff, the opposition Nationalist Party (PN), to freedom of expression and nondiscrimination. The courts ordered the defendants to each pay €1,500 (\$1,605) in damages to the PN. The BA appealed the sentence, and the appeal was underway at year’s end.

**Libel/Slander Laws:** The law criminalizes libel and slander. Print and broadcast journalists faced 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.

## **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 related rights.

## **e. 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, or stateless persons, as well as 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.

**Abuse of Migrants and Refugees:** In October three police officers were arraigned on two different occasions, facing charges including abduction, inhuman treatment, and grievously injuring migrants.

**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, 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.

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

NGOs criticized the government's approach to the rescue of seaborne migrants, mostly 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 (Frontex), Italy, and Libya to return to Libya, where they faced security and human rights threats, migrants rescued in Libya's search and rescue area. Three NGOs, the Dutch Uprights, French Adala for All, and Italian StraLi, filed a legal communication with the International Criminal Court in January accusing Libya, Italy, and Malta of crimes against humanity due to their treatment of migrants returned to Libya.

In a February report, the EU commissioner for human rights called on the authorities "to ensure adequate rescue capacities in the country's search and rescue region, enhance the effective coordination of rescue operations, and effectively investigate any allegations of omissions to provide immediate assistance to persons in distress at sea." The report also noted as a "grave concern" the government's "continued cooperation with the Libyan authorities to curb irregular migration." The report also called on authorities to "take immediate measures to avoid arbitrary detention of asylum seekers and migrants, to invest in alternatives to immigration detention, improve safeguards against the detention of vulnerable persons, and to ensure that any detention of children is immediately ended." In September, the EU approved €52 million (\$55.6 million) for the country's plan to spend on migration-related projects.

In September 1,000 persons and organizations, including former President Marie



Louise Coleiro Preca, signed an open letter to the attorney general to demand charges of terrorism-related offenses against three African youths be dropped. The 2019 case involved the rescue of seaborne migrants by the El Hiblu 1 tanker. If found guilty, the youths would face up to 30 years in prison. They were held in preventive custody for several months before being released on bail in 2019.

Also in September, police arraigned two foreign nationals on human smuggling charges of seaborne migrants.

**Durable Solutions:** Few refugees can become naturalized citizens. While persons with refugee status may apply for reunification with family outside the country, those with temporary “subsidiary” protection – most asylum seekers – are not allowed to do so. From January to September, 30 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.

**Temporary Protection:** The government also provided temporary protection, known as “subsidiary” protection, to individuals who may not qualify as refugees. From January to November, 88 persons were given subsidiary protection status.

### **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:** The Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe deployed an Election Expert Team to observe the March 26 general elections, at the government’s invitation. In its report, ODIHR stated that “elections were organized efficiently and professionally by the Electoral Commission (EC) and stakeholders expressed confidence in most stages of the process, but the limited access to the activities of the EC for the public and some contestants as well as the

lack of regulations allowing for citizen and international observation diminished the transparency of the process. The use of public resources by the governing party, limited access to information on party and campaign income and expenditure, and the limited oversight of campaign financing further reduced the transparency of the process and created, in some areas, an unlevel playing field. The media market is dominated by two commercial TV stations, one owned by the Labour Party and the other by the Nationalist Party, which advantaged these parties in terms of media coverage, and ODIHR interlocutors also highlighted that the governing party further benefited from favorable coverage by the Public Broadcasting Services.”

**Participation of Women and Members of Minority Groups:** No law limits 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. Ten women were elected to parliament during the 2022 general elections. This triggered a gender-corrective mechanism through an amendment of the constitution to “ensure de facto equality between men and women in politics.” As a result, 12 more women were coopted into 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 perpetrators of low-level corruption. On June 15, the global money laundering and terrorist financing watchdog, the Financial Action Task Force, removed the country from its grey list of jurisdictions under increased monitoring.

Allegations of high-level government corruption persisted 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 Financial Services Authority increased oversight and enforcement.

**Corruption:** Before the killing of investigative journalist Daphne Caruana Galizia

in 2017, she alleged in reporting that the then prime minister's spouse was the ultimate beneficial owner of a Panamanian offshore account connected to transactions involving Pilatus Bank. 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 (\$1.93 million) kickback scheme related to an energy deal with the consortium Electrogas. Both Schembri and Mizzi resigned in 2019. In March 2021, police charged Schembri with money laundering, fraud, and corruption. The charges remained pending.

## **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.

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, six 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, 1,431 individuals were arraigned on charges related to domestic violence. Several previous convictions were pending sentencing at year's end.

In November police charged a man with killing his wife after breaching a protection order she filed against him, marking the first case of murder with femicide intent to be tried in the country.

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.

The government continued to implement 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. In June the government noted an increase in the number of reports related to domestic violence and gender-based violence compared with previous years.

**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 July, the NCPE received no allegations of sexual harassment.

In October an official at the Malta Philharmonic Orchestra was handed a suspended sentence after admitting in court to sexually harassing another orchestra member, who resigned from her position. Separately, in November, the court ruled that there was sufficient evidence for the orchestra's CEO to face trial in the case.

**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. In June, media reported that a tourist was denied an abortion for a life-threatening, nonviable pregnancy and had to leave the country to seek emergency care elsewhere. In September, the individual sued the attorney general, the health minister, and the parliamentary secretary for reforms and equality for the government's refusal of her abortion request. The case continued at year's end. Media noted that a group of 135 doctors in the country signed a judicial protest

seeking a review of the blanket ban on abortion care following the incident.

In November the health minister introduced legislation permitting the termination of a pregnancy if the mother's life or health are at serious risk. Parliament had yet to hold a final vote on the legislation. President George Vella, who would need to sign any law passed by parliament, indicated he was prepared to resign if parliament approved the amendment, but he subsequently expressed hope that "all the points" would be addressed before the amendment was signed into law.

The government provided limited access to sexual and reproductive health services for survivors of sexual violence. Emergency contraception was available as part of clinical management of rape. The health minister stated the government would offer free contraception starting in 2023.

**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.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution, criminal code, and labor laws protect members of racial or ethnic minority 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 without discrimination.

**Child Abuse:** There are laws against child abuse that authorities enforced.

Through August, the courts handed down one conviction related to sexual abuse of minors.

**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.

Child marriage is not specifically listed as a crime but can be punishable under various provisions of the law. In August, reports emerged of child marriages within the migrant community. The NGO Women's Rights Foundation cited reports from educators that girls as young as 12 had "disappeared from classrooms after being married to older men, or not ever showing up at all." The commissioner for children also cited professionals who raised concerns regarding child marriage, while former President Marie Louise Coleiro Preca, who chaired the Malta Foundation for the Wellbeing of Society and was Eurochild president, called on authorities to investigate the claims. The law only recognizes civil marriages when contracted in the presence of an official of the Marriage Registry or the Registrar.

**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.

## **Antisemitism**

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

## Trafficking in Persons

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

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** The law does not criminalize consensual same-sex conduct between adults.

**Violence against LGBTQI+ Persons:** There were no known reports that police or other government agents incited, perpetrated, condoned, or tolerated violence against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals, or that there were instances of nonstate actor violence targeting LGBTQI+ persons.

**Discrimination:** The constitution and law prohibit discrimination based on sexual orientation, gender identity or expression, or sex characteristics, including discrimination against LGBTQI+ persons in housing, employment, nationality laws, and access to government services, including health care. The government enforced these laws.

**Availability of Legal Gender Recognition:** Adults and minors older than 16 may update their gender markers on identity documents through simple filing of an affidavit with a notary. An "X" gender identification was available on government-issued identification documents.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** Unnecessary medical interventions performed without consent on intersex individuals is illegal, with penalties of up to five years in prison or a fine between €1,000-€5,000 (\$1,070-\$5,350), a prison term of not less than one month and not exceeding five months, or both. There were no known reports of so-called conversion therapy practices.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**



There were no known restrictions on those speaking out regarding LGBTQI+ issues. There were no known restrictions on the ability of LGBTQI+ organizations to legally register or convene events such as Pride festivities.

## **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 312 cases of alleged discrimination related to employment, education, housing, access, provision of goods and services, health, and other areas.

## **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. In April the Police Union filed a constitutional case that would give the police force the right to strike. The case remained underway at year's end. 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 government effectively enforced laws protecting freedom of association, collective bargaining, and the right to strike for workers. There were no known reports of such violations. 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. In 2021, the police vice squad reported initiating two forced labor investigations, a decrease from the eight forced labor investigations initiated in 2020. The government did not report initiating any new forced labor prosecutions or securing any forced labor convictions in 2021. The processing of cases through the courts, however, was slow.

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 forced labor borrowed large sums of money to travel to the country. The terms of their employment, however, fell short of promises or was fraudulent in nature, and the borrowed money was used as a debt-bondage scheme to exploit victims in forced labor. Both foreign domestic workers and undocumented migrant workers were vulnerable to forced labor in various sectors, such as cleaning, construction, and caring.

The food courier industry was composed of workers largely from third countries. On July 29, more than 500 couriers went on strike to protest low income and poor working conditions. The couriers claimed that 50 percent of their earnings went to recruitment agencies. Experts urged the government to enforce the law prohibiting recruitment fees charged to workers and ensure any recruitment fees are paid by employers. In October the government unveiled rules to regulate digital platform work. Foreign workers and asylum seekers could not leave their employers without prior government permission, as work permits were tied to a specific employer, which may have increased their vulnerability to being subjected to forced labor.

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. There were no confirmed reports during the year of the worst forms of child labor.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination in any form of employment and occupation, including race, religion, national origin, color, sex (including pregnancy), ethnicity, disability, age, sexual orientation or gender identity HIV or AIDS status, or refugee or stateless status. 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 December 2021, the population included close to 78,000 registered foreign workers. Of these, approximately 44,000 were third-country, non-EU nationals. The government effectively enforced applicable law and penalties related to civil rights. Penalties were commensurate with those for crimes related to civil rights, such as election interference. Remedies were available through civil court.

The NCPE may receive discrimination complaints. If it finds a complaint has merit and 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 investigates the cases and refers it to police or mediation as appropriate. From January to September, the NCPE received one claim of alleged workplace discrimination.

Women were unable to work in the 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

2021, the employment rate for women was 69 percent, compared with 83 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 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. In October, trade unions collectively demanded a meeting with the government to discuss a new cost-of-living adjustment mechanism. In its national budget for 2023, the government introduced a €9.90 (\$10.59) increase.

**Occupational Safety and Health:** The government sets occupational safety and health (OSH) 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 law also requires contractors to engage and remunerate project supervisors at construction sites who are responsible for issuing health and safety reports and setting safety measures. In practice, however, project supervisors exercised limited authority and had no power to enforce health and safety measures.

As of October, there were 12 workplace fatalities. 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.

**Wage, Hour, and OSH Enforcement:** 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. 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. Penalties were regularly applied against violators. Cases mostly involved foreign nationals.

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.

The government effectively enforced OSH laws. Penalties for violations were commensurate with those for similar crimes, such as fraud or negligence. Penalties were regularly applied against violators. In 2021, OHSA carried out 4,159 workplace inspections, resulting in 1,065 improvement notices. OHSA also issued a total of 573 orders to stop work activities, which orders remain in force until the necessary remedial measures are implemented. OHSA issued 780 letters of intimation, resulting in a total of €297,750 (\$318,600) imposed fines. OHSA received a total of 148 objections, of which 24 were upheld (3 percent of all administrative fines issued). During the same year, the court handed down several judgements which included the imposition of €109,650 (\$117,300) in judicial fines.

**Informal Sector:** 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 are 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. OHSA imposed penalties in the informal economy, but to a lesser extent than in the formal economy. On July 31, several hundred digital couriers took industrial

action despite not being unionized and working in vulnerable conditions. Following this action, the government launched rules to regulate digital platform work (See 6.b.).

Many workers 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. 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. 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.e., Protection of Refugees).