

# MALTA 2016 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 parliament (House of Representatives). Parliament appointed a new president in 2014. The president names as prime minister the leader of the party winning a majority of seats in parliamentary elections. The 2013 general elections were deemed free and fair.

Civilian authorities maintained effective control over security forces.

Lengthy delays in the judicial system, inadequate government programs for integrating migrants, and alleged corruption at senior government levels compounded by a lack of government transparency were the most significant human rights problems.

Other problems included violence against women, trafficking in persons, societal racial discrimination, forced labor, and substandard work conditions for irregular migrants.

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

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

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices.

## **Prison and Detention Center Conditions**

While there were no significant reports regarding prison or detention center conditions that raised general human rights concerns, poor conditions in detention centers for certain irregular migrants persisted.

Physical Conditions: On October 25, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on its September 2015 visit to the country. At the time of the visit, there were three male-to-female transgender inmates and one intersex inmate accommodated in the male divisions of the Corradino Correction facility. The CPT considered that transgender persons should either be accommodated in the prison section of the gender with which they self-identify or, if exceptionally necessary, a separate section. In July authorities initiated a policy to allow transgender and intersex inmates to be assigned to sections that match the gender shown on their legal documents. In December, parliament also approved a new law that allows non-Maltese prisoners to live in gender-segregated facilities in line with their gender identity.

In some open and closed centers for migrants and refugees, high temperatures in the summer months and inadequate ventilation in prefabricated housing units contributed to uncomfortable living conditions. In its October 25 report, the CPT criticized the lack of medical screenings for newly arrived detainees at the Safi Barracks.

In its October 25 report, the CPT found conditions in police detention areas to be generally adequate, but there were a number of deficiencies, including lack of access to potable water and poor ventilation and lighting.

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.

Independent Monitoring: The government permitted visits to detention centers by independent human rights observers, foreign diplomats, the media, and government officials.

### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

### **Role of the Police and Security Apparatus**

The national police, the intelligence services, and the Armed Forces of Malta fall under the jurisdiction of the Ministry of Home Affairs and National Security. The police are responsible for maintaining internal security. The armed forces are in charge of external security but also have some domestic security responsibilities. Civilian authorities maintained effective control over the police force, the intelligence services, and the armed forces. The government had effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving police or security forces during the year.

### **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 and prior to initial interrogation, authorities allowed arrested persons access to legal counsel but did not permit visits by family members. The law allows police to delay access to legal counsel for up to 36 hours after initial arrest in certain circumstances, such as when exercise of the 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. Once detainees requested a lawyer, however, they lost their right to remain silent.

The courts adjudicated applications for bail on a case-by-case basis and normally granted bail for citizens. The courts rarely granted bail to foreigners, whom the courts generally considered to be flight risks.

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. More than 25 percent of the prison population was in pretrial detention.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Detainees are entitled to challenge in court the legal basis or arbitrary nature of

their detention and obtain prompt release and compensation if it is found that they were detained unlawfully.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence.

#### **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 and have access to government-held evidence relevant to their cases. Defendants may confront prosecution or plaintiff witnesses and present their own witnesses and evidence. They are not compelled to testify 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 issues. 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.

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

The constitution and law prohibit arbitrary interference with privacy, family, home, and correspondence, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

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

Freedom of Speech and Expression: On July 19, parliament amended the criminal code to repeal two clauses that prohibited the vilification of the Roman Catholic Church or any other religion tolerated by law. Concurrently, it made incitement to religious hatred punishable by a prison term of six to 18 months. Parliament amended another clause to make the disturbance of religious ceremonies punishable by imprisonment for a maximum of six months, increased by one degree if aggravated.

On September 29, the courts ordered the commissioner of police and the attorney general to pay 2,000 euros (\$2,200) in compensation to a man whom the police had arrested following his one-man protest outside the Office of the Prime Minister in 2014. The court deemed that “the right to protest is an integral part of freedom of expression.”

Contempt of the president remains punishable by one to three months’ imprisonment or a fine. It is also a criminal offense to offend public morality, propriety, or decency. The law also 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.

Libel/Slander Laws: In several instances, government ministers or other politicians used libel laws to respond to media reports alleging corruption and other misdeeds.

In March then minister for energy and health Konrad Mizzi filed a libel suit against the Nationalist Party’s deputy leader for comments he made on television, in connection with the Panama Papers case, which Mizzi deemed libelous. In April

Mizzi filed a libel suit against the English-language independent daily, *Times of Malta*, also in connection with reports related to the Panama Papers revelations.

In May the prime minister's chief of staff sued for libel the English-language independent daily, *Malta Independent*, following a story related to allegations of fraudulent bank documents related to the private business of the chief of staff in the Office of the Prime Minister, Keith Schembri.

### **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. According to the country's National Statistics Office, in 2015 almost 82 percent of households had access to the internet.

### **Academic Freedom and Cultural Events**

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

#### **b. Freedom of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of 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 [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

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

Abuse of Migrants, Refugees, and Stateless Persons: The trial of the three detention service officials charged with the involuntary murder of a Nigerian migrant in 2011 continued at year's end.

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.

### **Protection of Refugees**

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.

In December 2015, the government transposed into its national legislation the provisions of the EU council directive that established standards for the reception of applicants for international protection. In December 2015, the government also published a *Strategy for the Reception of Asylum Seekers and Irregular Migrants* to comply with standards within the Common European Asylum System. The publication outlines a comprehensive approach to the reception of asylum seekers and irregular migrants that addresses their basic needs while establishing procedures to safeguard their rights. The strategy in particular stipulates that the government will no longer detain asylum seekers automatically upon arrival.

The government, using EU funds, set up a new initial reception facility to accommodate newly arrived migrants in a contained environment. Upon arrival, authorities from the police and the Agency for the Welfare of Asylum Seekers medically screened and interviewed migrants. Within the facility, migrants received treatment while a caseworker was assigned to each migrant throughout the entire process.

Under the new policy, the government can only detain an asylum applicant: 1) to determine or verify the applicant's identity or nationality; 2) to identify the elements on which the application is based which could not be obtained in the absence of detention; 3) to decide, in the context of a procedure in terms of the Immigration Act, on the applicant's right to enter the country; 4) when the applicant is subject to a return procedure under applicable regulations and the principal immigration officer can substantiate, on the basis of objective criteria, that there are reasonable grounds to believe the applicant is making the application for international protection in order to delay or frustrate the enforcement of the return decision; 5) when protection of national security or public order so require; or 6) if an asylum seeker is to be returned to another EU country responsible for adjudicating the asylum application, provided that there is a risk the applicant will abscond.

If an asylum seeker does not meet any of the above criteria for detention but still presents a risk of absconding, authorities may require the individual (for up to nine months) to: report at an assigned place within specified timeframes; reside at an assigned place; deposit or surrender documents; or place a one-time guarantee or surety. If an asylum seeker or beneficiary of international protection cannot find alternate accommodation, open centers provide accommodation.

As of August, nine persons were living in closed centers.

Authorities generally released vulnerable individuals, such as children, pregnant women, elderly persons, and parents with infants, from the initial reception facility into open centers, where they were free to come and go. Migrant children were eligible for government social services, and the government assigned them each a caseworker.

During the year the government introduced the right to free legal aid for the first review of the lawfulness of detention. The government also provided asylum applicants free legal aid at the appeal stage of the application process. Prior to the appeal stage, nongovernmental organizations (NGOs) provided limited legal assistance. Migrants also had the option to pay for legal assistance themselves. The government normally granted humanitarian protection to those with rejected applications and appeals.

Authorities released all detainees whose cases were not resolved within 18 months, regardless of whether police had initiated procedures to repatriate them. Authorities permitted such individuals to remain in the country in open centers or in the community at large and issued them work permits. They were eligible for voluntary repatriation programs, but only a few chose to participate.

Safe Country of Origin/Transit: The country denied asylum to applicants who arrived from other EU countries.

Durable Solutions: The government rarely repatriated asylum applicants, although the option of voluntary return to their country of origin was available. As of September, five migrants sought assisted voluntary return. On October 4, the European Commission against Racism and Intolerance released a report criticizing the process by which asylum seekers in the country access their files and receive legal aid.



Temporary Protection: The country provided subsidiary protection to individuals who do not satisfy the legal criteria for refugee status but cannot return to their country of origin due to risk of serious harm. From January to July, the country granted subsidiary protection to 758 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 the most recent parliamentary elections in 2013 to be free and fair.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and women and minorities did participate.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. There were numerous allegations of government corruption during the year.

Corruption: On April 4, the International Consortium of Investigative Journalists released 11.5 million files from the Panama-based offshore law firm Mossack Fonseca, known collectively as the “Panama Papers,” which showed that the minister of health and energy, Konrad Mizzi, and the chief of staff to the prime minister, Keith Schembri, had undeclared holdings in Panamanian companies through a trust based in New Zealand. The disclosure led to street protests, and Prime Minister Muscat stripped Mizzi of his energy and health portfolios; he stayed on as minister without a portfolio within the Office of the Prime Minister, with the responsibility for implementing the government’s energy policy.

In June police reported that they would not carry out further individual investigations into the Panama Papers case, as they lacked the necessary evidence that a crime had been committed. Minister of Home Affairs and National Security

Carmelo Abela denied that police were ignoring the case or that they were under any sort of pressure not to conduct investigations.

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.

Public Access to Information: The law establishes the right to request information held by public authorities with a few exceptions, such as national security or internal court working documents. When access to documents is refused, the law provides a complaint and appeal mechanism that can ultimately lead to a dispute going before a court of appeal for resolution. The government has also established separate procedures to provide members of the press information to help them “fulfill their public tasks.”

There were various reports of the government refusing to accede to requests for information made under the Freedom of Information Act. On September 8, *Times of Malta* reported that the data commissioner ordered the Gozo Ministry to publish its contracts with consultants hired after the 2013 parliamentary elections, after the ministry had failed to do so. In July the data commissioner separately upheld the government’s refusal to release details about the energy agreement it signed with Shanghai Electric Power following repeated appeals by *Times of Malta*. In the case, the commissioner deemed that “what is in the public interest to know may not generally be in the public interest to disclose.”

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

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

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 parliament. The ombudsman investigates complaints only when administrative or judicial remedies are not available. The ombudsman had adequate resources, operated independently, and was effective. In responding to complaints, the ombudsman submits recommendations to the public entity responsible for addressing the

complainant's grievance. The ombudsman has no power to impose or compel a remedy, but relevant public bodies accepted most of the ombudsman's recommendations.

In 2014 the government announced the establishment of its own grievances units within the civil service and the Armed Forces of Malta, independently of the Ombudsman's Office. On October 30, the Court of Appeal confirmed that the ombudsman had the authority to investigate complaints by army officers.

Parliament's bipartisan Standing Committees on Foreign and European Affairs and on Social Affairs were responsible for human rights issues. The committees met regularly and normally held open hearings, except when they closed a hearing for 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 Disability operated effectively and independently with adequate resources and oversaw human rights issues related to gender equality and disabilities.

## **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. The crime of rape carries a sentence of up to nine years in prison with increased penalties in aggravated circumstances. Through August, nine persons faced rape charges in the courts.

The law treats domestic violence 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 August, 845 persons were arraigned on domestic violence charges. Several cases were still pending; penalties for the determined cases consisted of various degrees of punishments. Some NGOs and victims' advocates asserted that domestic violence remained underreported, primarily because of women's concerns that law enforcement personnel would not believe or protect them. According to the NGO Victim Support Malta, however, an increasing number of victims took action and reported abuse. The government conducted training for

police officers to increase awareness about domestic violence and identify potential cases.

A special police unit and several voluntary organizations provided support to victims of domestic violence and all forms of gender-based violence. A 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: Sexual harassment is unlawful and punishable by a 2,329-euro (\$2,560) fine, six months' imprisonment, or both. As of August, the NCPE had not received any complaints alleging sexual harassment during the year. The NCPE commissioner, however, was investigating three sexual harassment claims from 2015.

Reproductive Rights: The government recognizes the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, and violence. The UN Population Division estimated that 61 percent of girls and women between the ages of 15 and 49 used a modern method of contraception in 2015.

Discrimination: The law provides for the same legal status and rights for women as for men. Redress in the courts is available for sexual discrimination. Gender discrimination in employment existed.

## **Children**

Birth Registration: Citizenship is derived by birth within the country's territory and from one's parents. Parents may pass citizenship to their children, although the law allows transmission of citizenship by a grandparent or other relative in certain circumstances. The government registered births immediately.

Child Abuse: In 2015 the Child Protection Service of Appogg, the social welfare services arm of the Ministry for the Family and Social Solidarity, received 874 referrals of possibly abused children, compared with 821 in 2014. The service's caseload for 2015 was 1,607, up from 1,374 the previous year, and included 821 new and reopened cases. Through September, six persons were convicted of

sexual abuse of minors. Between January and August, police received 47 reports of child abuse.

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 of one to five years and up to nine years if aggravated. Possession of child pornography is prohibited and punishable by imprisonment not exceeding three years; four if aggravated. The minimum age of consensual sex is 18. Statutory rape is punishable by three to nine years in prison and up to 20 years for aggravated acts.

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 [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

### **Anti-Semitism**

The Jewish community numbered approximately 120 persons. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits both the public and private sectors from discriminating against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, the judicial system, or the provision of other state services, and the government effectively enforced these provisions. 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.

### **National/Racial/Ethnic Minorities**

The population included more than 10,000 persons of Arab, African, and East European origin. There were periodic media reports that owners of some bars and discos discouraged or prohibited darker-skinned persons, particularly of African or Arab origin, from entering their establishments.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The constitution and law prohibit discrimination on grounds of sexual orientation, gender identity, gender expression, and sex characteristics.

In July, seven transgender female inmates filed a constitutional case against the director of prisoners and the minister of home affairs. They claimed that prison officials effectively forced them to stay inside the men's prison block after informing them that they would lose their jobs, which were limited in scope based on gender, if they transferred the inmates to the women's section. Authorities later initiated a policy of allowing transgender and intersex inmates to be assigned to sections that match the gender shown on their legal documents.

In December parliament unanimously approved the "Affirmation of Sexual Orientation, Gender Identity, and Gender Expression Bill," criminalizing any practice which aims to "change or repress a person's sexual orientation or gender identity."

## **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 of their choice without previous authorization or excessive requirements, engage in collective bargaining, and conduct legal strikes. The law prohibits antiunion discrimination and provides for reinstatement of workers who have been unfairly dismissed, including for legal, nonviolent union activity. Workers have a right to seek redress for alleged antiunion dismissals, although procedures to seek such redress were unclear for certain categories of public sector workers.

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 (ILO), compulsory arbitration continues to limit collective bargaining rights. Arbitration did not take place during the year.

The government effectively enforced applicable laws. Penalties ranged from fines to two years' imprisonment and were sufficient to deter violations. 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 is customary that until the Tribunal hands an award, both parties generally refrain from taking further industrial action. While trade unions have the right to take the industrial action they deem fit, employers also have the rights for lock out as a form of industrial action.

#### **b. Prohibition of Forced or Compulsory Labor**

The constitution prohibits all forms of forced or compulsory labor, but the government did not effectively enforce the laws. The government took some steps to prevent and eliminate forced labor and acted quickly to investigate and address complaints; however, the government has not secured a conviction for trafficking since 2012. Additionally, three labor trafficking prosecutions initiated in 2014 remain pending. The law prescribes penalties of between four and 12 years' imprisonment for forced labor violations; such penalties were considered sufficient to deter violations. Nevertheless, there were reports of adult men and women in bonded labor and domestic servitude. Foreign domestic workers, as well as African migrant workers, were vulnerable to forced labor.

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the employment of children younger than 16. The director general of the directorate for educational services 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 a 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. The Employment Training Corporation (ETC), a government entity under the Ministry for Education and Employment, is responsible for labor and employment issues. Penalties for violations of the child labor law range from four to 12 years' imprisonment, with increased penalties in cases of violence or threats; deceit or fraud; misuse of authority; influence or pressure; giving or receiving payments or benefits to achieve consent of the person having control over another person; and abuse of power or of a position of vulnerability. Penalties were sufficient to deter violations. While the ETC generally enforced the law in most formal sectors of the economy, it allowed summer employment of underage youth in businesses operated by their families. No assessment was available on the effectiveness with which the ETC monitored the unregistered employment of children as domestic employees and restaurant workers.

Although there were no official cases of child labor reported to ETC during the year, underage children reportedly worked as domestic laborers, restaurant kitchen help, or vendors and in family-owned businesses during the summer.

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

Labor laws and regulations prohibit employment discrimination regarding race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, and language. The law does not explicitly prohibit employment discrimination based on social status, HIV-positive status, or other communicable diseases. The government effectively enforced the law. Penalties took the form of fines and were sufficient to deter violations. Remedies were available through the civil court system.

There were no reports of employment discrimination during the year. From January to August, however, the NCPE received 15 claims of alleged



discrimination at workplaces. The NCPE commissioner has the power to investigate such complaints. 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 does not constitute an actionable offense, the NCPE commissioner may urge the individual against whom the complaint was filed--normally the employer--to redress the situation and may then mediate between the parties to settle the matter.

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 2014, the most recent period that data was available, was 4.5 percent. In 2015 the female employment rate was 51 percent, compared with 76 percent for men.

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

The national weekly minimum wage was 168.01 euros (\$185); in addition, there was an annual mandatory bonus of 270 euros (\$297) and an annually adjusted cost-of-living increase of 242 euros (\$266). In September the National Statistics Office estimated that in 2015 approximately 16 percent of the population lived at or below the poverty income level of 8,096 euros (\$8,910) per year, or 156 euros (\$171) per week. The 2016 national budget measures improved wage conditions for vulnerable groups.

The standard workweek was 40 hours, but the norm was 43 or 45 hours in certain occupations such as in health care, airport services, and civil protective services. Government regulations provide for a daily rest period (normally one hour) and one day of rest per week. The law provides for paid annual holidays, (i.e., government holidays) and paid annual leave. Premium pay, defined by law as time-and-a-half for straight overtime and double pay for work on public holidays or Sundays, is required. 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 Ministry of Education and Employment generally enforced minimum wage and hours of work requirements effectively in the formal economy. 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 unknown; however, there were reports that showed, in at least the construction industry, the number fell short of the ILO benchmark.

Workers in the informal economy did not have the same protection but were able to file complaints against companies that failed to provide a safe work environment. Authorities did not stringently enforce standards in the informal economy, which consisted of approximately 10,000 individuals 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.

Penalties for violations of the minimum wage, hours of work, and recognized conditions of employment ranged from approximately 233 to 2,329 euros (\$256 to \$2,560). The penalties were adequate to deter violations.

Industrial accidents remained frequent, particularly in the manufacturing and building and construction sectors.

Irregular migrant workers from Somalia, Eritrea, Sudan, and other sub-Saharan African countries, who comprised a small percentage of the workforce, sometimes worked under conditions that did not meet the government's minimum standards for employment. The Agency for the Welfare of Asylum Seekers, in coordination with the ETC, organized informational programs to help individuals pursue employment and obtain work permits.