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EXECUTIVE SUMMARY

Malta is a constitutional republic and parliamentary democracy. The president is the head of state and is appointed by the unicameral parliament (House of Representatives). The president appoints as prime minister the leader of the party winning a majority of seats in parliamentary elections. General elections held in 2008 were judged free and fair. Security forces reported to civilian authorities.

The government's harsh treatment of detained irregular migrants and asylum seekers from North Africa was the most serious human rights problem during the year, with strongest criticism directed at housing conditions and inadequate government programs for integrating migrants into Maltese society.

Other significant reported problems included lengthy delays in the judicial system, which sometimes diminished individuals' access to due process; restrictions on freedom of speech and of the press; and criminal prosecution of individuals for public blasphemy. Societal problems included child abuse, trafficking in persons, and substandard work conditions for irregular migrants.

The government took steps to prosecute and punish officials who committed abuses, whether in security services or elsewhere in the government. There were no reports of impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

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

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The constitution and law prohibit such practices, and the government generally honored these prohibitions.

Prison and Detention Center Conditions

Prison and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers; however, reports of poor conditions in government-run detention centers for irregular migrants persisted.

As of August, the prison population of 580 inmates consisted of 446 men, 30 women, and 104 juveniles (92 men and 12 women). Of the adult prison population, 238 were foreigners, representing nearly 41 percent of the total prison population. Approximately 58 percent of these foreigners were of African descent.

Juveniles were separated from adults in most cases; however, first-time adult offenders were housed in the same building as juveniles. Authorities held pretrial detainees with convicted prisoners, albeit with those incarcerated for lesser crimes and shorter sentences. Prisoners had access to potable water.

Detainees had reasonable access to visitors and were permitted religious observance. Authorities allowed prisoners and detainees to submit uncensored complaints to judicial officials and to request investigation of credible allegations of inhumane conditions.

Authorities renovated or built new toilets and kitchens in some of the closed centers (facilities where irregular migrants were detained pending adjudication of their cases). However, a temporary surge in irregular migration during the first quarter of 2011, stemming from the Libyan crisis, led to an increase in the migrant population. In August the population in the closed centers rose to 884 persons from approximately 75 in 2010. Migrants were housed in two closed centers, with Lyster Barracks reopened due to the new influx. The total population in the open centers (where migrants reside following determination of their status) was 2,541 compared with approximately 2,000 in 2010.

The government permitted visits to its detention centers by independent human rights observers, including foreign diplomats. A report by the UN Working Group on Arbitrary Detention, released in January 2010, indicated that the detention regime imposed on irregular migrants arriving by sea was not in line with

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international human rights law. Concern continued over migrants deemed vulnerable (e.g., minors, pregnant women, and families with children). There were no notable changes in conditions during the year notwithstanding the temporary surge in migrants.

During the year the Refugee Commissioner's Office expanded the number of asylum determination officers and reduced asylum processing to less than 60 days. Migrants found ineligible for asylum or subsidiary protection status, or not otherwise deemed vulnerable because of age, sex, health, mental or other conditions were still detained in closed centers for up to 18 months. The government relocated vulnerable migrant populations and provided care appropriate to their conditions. Authorities moved migrants deemed to be minors to residential facilities and provided them needed services, such as education or training.

In August mostly West African migrants held at the Safi closed center rioted after learning that their claims for asylum had been denied. Migrants complained of being handcuffed when taken for asylum-related interviews or medical treatment outside the detention center and of the country's policy of lengthy migrant detention. Fifteen police officers, three Armed Forces of Malta soldiers, and one migrant reportedly were slightly injured. Police used tear gas and rubber bullets to quell the riot. In September the UN Committee on the Elimination of Racial Discrimination expressed concern about occasional riots in detention centers and reports of excessive force in countering them.

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, under the responsibility of the Ministry of Justice and Home Affairs, maintain internal security. The army falls under the direct responsibility of the Office of the Prime Minister and is responsible for external security but also has some domestic security responsibilities.

Civilian authorities maintained effective control over the police force, the security service, and the armed forces, and the government has effective mechanisms to

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investigate and punish abuse and corruption. There were no reports of impunity involving the police force or security forces during the year.

Arrest Procedures and Treatment While in Detention

With the exception of irregular migrants, whom authorities usually detained for two to 18 months pending adjudication of any asylum requests, an arrest warrant issued by a magistrate is necessary to detain a person for questioning and may be issued based on reasonable suspicion. Migrants receive access to legal counsel and are informed of their rights on arrival at a closed center. 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 in practice. During the 48-hour detention period, which generally included initial interrogation by police, arrested persons were entitled to access to legal counsel prior to interrogation, but not to visits by family members. Once authorities filed charges, pretrial detainees were entitled access to counsel and family.

Authorities adjudicated applications for bail on a case-by-case basis and normally granted them in the case of citizens. The UN Working Group on Arbitrary Detention noted, “The rules of release on bail are not applied equally to Maltese citizens and foreigners alike.” Foreign criminal defendants who insisted on their right to a trial by jury occasionally were confined for more than two years awaiting arraignment and trial.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The constitution provides for the right to a fair and public jury trial, and an independent judiciary generally enforced this right. Trials are public and defendants must specifically request jury trials. Defendants have the right to counsel of their choice or, if they cannot afford counsel, to court-appointed counsel at public expense. Defendants and their lawyers have access to government-held evidence relevant to their cases. Defendants may confront witnesses and present

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evidence; defendants enjoy a presumption of innocence and have the right to appeal. All citizens enjoy these rights.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

Through November the European Court of Human Rights (ECHR) issued nine judgments involving violations by the state of obligations under the European Convention on Human Rights. Malta complied with the ECHR judgments.

Civil Judicial Procedures and Remedies

The constitution provides for an independent and impartial court in civil matters, including for the determination of civil rights or obligations and for access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. Persons who have exhausted their right to appeal in the national court system could apply to bring an alleged breach of human rights covered by the European Convention on Human Rights before the ECHR. Civil and judicial procedures for the exercise of this right exist, and citizens regularly made use of them.

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

The constitution prohibits such actions, and the government generally respected this prohibition in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press and a functioning democratic political system combined to ensure freedom of speech and of the press.

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The law prohibits “vilification” of or “giving offense” to the Roman Catholic Apostolic Religion, the country’s official church. Also illegal, but carrying a lesser punishment, is vilification of or giving offense to any “cult tolerated by law.” It is a criminal offense to utter publicly any obscene or indecent words, make obscene acts or gestures, or in any other way offend public morality, propriety, or decency. From January to July, there were 119 convictions for public blasphemy, compared with 225 convictions for the same period in 2010.

The independent media were active and expressed a wide variety of views without restriction. International media operated freely, and there was no indication of reprisals against individuals for either public or private criticism of the government.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom.

The law restricts cultural activities that publicly vilify the Catholic Church and other religions tolerated by law.

In July the parliamentary secretary for culture announced that responsibility for the censorship and classification of films, plays, and literature would move from the Ministry of Justice and Home Affairs to the Office of the Prime Minister. Censorship and classifications did not change significantly with this move.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedoms of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

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See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and 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. The Libyan crisis resulted in a surge of migrant arrivals (more than 1,500) during the first three months of the year; the flow of migrants subsided in the spring and summer.

Safe Country of Origin/Transit: As an EU member state and a member of the Schengen Zone, the country followed laws and policies established in those bodies related to safe country of origin and transit. Malta denied asylum to applicants who arrived from a country deemed a safe country of origin. In practice, asylum applicants rarely were repatriated, although they were always offered the option of voluntary return to their country of origin. Migrants not qualifying for refugee status, but coming from countries considered unsafe to return due to war or other conditions, were granted subsidiary protected status, permitting them to stay in the country on a year-to-year, renewable basis

Nonrefoulement: In practice the government consistently provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. In addition, migrants not qualifying for refugee status, but coming from countries considered unsafe to return due to war or other conditions, were granted subsidiary protected status, permitting them to stay in the country on a year-to-year, renewable basis. In practical terms, this meant that irregular migrants were not returned to North

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African countries during periods of conflict there. A Maltese court awarded \$13,900 to each of two Somali migrants after finding that their human rights were violated when they were returned to Libya in 2004. Following their involuntary repatriation, they both eventually returned to Malta, where they filed the complaint.

Refugee Abuse: Authorities detained some irregular migrants, generally in closed detention centers, for up to 18 months after they arrived in the country, in instances where both their application for asylum and appeal were rejected. A new temporary humanitarian protection scheme was introduced to provide for such cases. There were 723 persons in closed centers as of October. The length of the adjudication procedure experienced by any individual asylum seeker was reportedly related to the need to establish the migrant's identity, country of origin, and other vital information, since migrants nearly always arrived without identity documents. Such migrants could file asylum claims within two months of detention; however, they remained in detention while their cases were processed.

According to the UNHCR, migrants spent an average of six months in detention in 2009. Due to a decrease in arrivals, the average detention time dropped to two months during 2010. Detainees also included persons who had not applied for asylum and those whose asylum applications and appeals were rejected or were under review. Individuals awaiting decisions on their cases occasionally protested their detention or attempted to escape from detention centers. Within a matter of days (usually less than two weeks) after their initial detention, authorities usually moved "vulnerable individuals," such as children, pregnant women, elderly persons, and parents with infants, to "open centers," where they were free to come and go. Migrant children are eligible for all government social services and are assigned a caseworker to ensure that their needs are met. The armed forces are responsible for the management of the closed detention centers and report directly to the Ministry of Justice and Home Affairs, while the Agency for the Welfare of Asylum Seekers (AWAS), part of the Ministry of Justice and Home Affairs, has responsibility for the welfare and accommodation of persons transferred from detention centers to open centers. Individuals were not required to stay in open centers if they could find other accommodations. However, authorities monitored individuals to whom they provided a subsidiary protection stipend.

Authorities released all detainees whose cases were not resolved within 18 months, whether or not police had arranged to repatriate them. Authorities permitted them to remain in the country in "open centers" or in the community at large and issued

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them work permits. EU law prohibited them from travelling to other EU countries, and they were not eligible to bring family members to the EU. They were eligible for voluntary repatriation programs, but only a few chose to participate. There were no significant changes to this general pattern. As of year's end, there were approximately 2,541 migrants living in three open centers.

Overcrowding persisted at the country's largest migrant open-housing center in Marsa. Friable asbestos was present in one of the common areas. In other centers, high temperatures in the summer months and inadequate ventilation in tent housing and prefabricated housing units contributed to uncomfortable living conditions. In winter months tent housing had limited heating, and rain could penetrate the fabric that was not waterproof. Beneficiaries of subsidiary protection were entitled to remain in the country; move freely; receive personal identification documents, including one-year renewable residence permits; and obtain travel documents in emergencies. They could be employed; receive core social welfare benefits; seek appropriate accommodations; and benefit from integration programs, public education and training, and essential medical care. Their dependents enjoyed the same rights and benefits. However, this status does not provide for family reunification, a path to citizenship, or other benefits of refugee status. Most persons granted subsidiary protected status or other humanitarian protected status were from Somalia--3,743 overall.

Temporary Protection: From January through December, the government provided "temporary humanitarian protection" to 318 individuals not legally entitled to asylum or subsidiary protection. The government also provided "temporary humanitarian protection" as an administrative procedure in special and extraordinary cases in which applicants were found not to be eligible for asylum or subsidiary protection but were considered to be in need of protection for special humanitarian reasons. During the year 129 persons received this protection.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

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Recent Elections: In 2008 the country held parliamentary elections that observers considered free and fair.

Participation of Women and Minorities: There were six women in the 65-seat parliament and two in the 14-member Cabinet of Ministers. Approximately 13 percent of senior government officials were women, and three women held ambassadorial rank. There were two female judges and 10 female magistrates. There were no members of minorities in the government.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were isolated reports of government corruption. Authorities pursued bribery cases involving both a former government official and members of law enforcement during the year.

There were frequent allegations in the press that the contract for the extension of the Delimara power plant was awarded to one of the competitors in a manner contrary to normal competitive bidding processes. The EU commission engaged the government on the allegation and requested an explanation of the bidding process. The government provided its explanation to the commission in July 2010. In January the EU commission closed the investigation for lack of evidence “that Malta had violated specific EU public rules.”

Government officials are subject to financial disclosure laws; the court has the right to order financial disclosure, depending on its judgment of the circumstances. The police and the Permanent Commission against Corruption were responsible for combating official corruption.

According to the Press Act, the government is to establish procedures to give representatives of the press information to help them “fulfill their public tasks.” However, the government neither defined the scope of this mandate nor enacted implementing legislation. Access to government information in certain specified areas, generally dealing with matters of public interest, security, or ongoing court proceedings, was excluded from this requirement. For government activities not subject to disclosure under the Press Act, there is no legal entitlement to government-held information; nevertheless, authorities generally provided access. A freedom of information law enacted in 2008 gradually entered into force. A newly established Information and Data Protections Commission, the regulatory

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agency responsible for implementing the act, began issuing initial directives establishing the scope of its jurisdiction.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating human rights cases. Government officials were cooperative and generally responsive to their views. The government cooperated with UN and other international bodies.

Government Human Rights Bodies: The country has an ombudsman empowered to investigate complaints about the activities of governmental bodies, including activities affecting human rights and problems involving prisoners and detainees. The ombudsman only investigates complaints when administrative or judicial remedies are not available. When the ombudsman concludes that a complaint is wholly or partly justified, he submits recommendations to the public entity responsible for undoing the harm the complainant suffered. The ombudsman has no power to force acceptance of any recommended remedy, but most recommendations were accepted. For example, of the cases investigated and concluded in 2010, 151 cases were resolved by informal action, 125 were deemed to be outside the Ombudsman's jurisdiction, and 179 were found to be justified. The president appoints the ombudsman with the consent of two-thirds of the members of parliament.

The House of Representatives' Standing Committee on Foreign and European Affairs and Standing Committee on Social Affairs have responsibilities for human rights issues. Members from both sides of the House of Representatives comprise the committee and collaborate closely on issues related to the committees' respective responsibilities. The committees normally held open hearings and their deliberations were usually a matter of public record unless a hearing was closed for security reasons. There was generally full debate on issues before the committees. Largely, the committee had a reputation for integrity and credibility, with legislation enacted in the areas under their purview enjoying widespread public support.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions in practice.

Women

Rape and Domestic Violence: Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted such crimes. The crimes of rape, spousal rape, and indecent assault carry sentences of up to 10 years in prison. Rape was not perceived to be a widespread problem. However, through October, there were 15 reported cases of rape.

Also through October, the police received 725 reports of domestic violence. The law treats domestic violence as a criminal offense, and the government generally enforced the laws prohibiting it. Penalties ranged from three months to 20 years in prison. Some NGOs and victims' assistance advocates asserted that domestic violence remained underreported, primarily because of concerns by women that law enforcement personnel would not believe or protect them.

A special police unit and several voluntary organizations provided support to victims of domestic violence. A hotline existed to assist victims of abuse through counseling and shelter referrals. The government also supported victims through its Ministry for Social Policy, which held responsibility for a government-supported shelter for women and children, in operation throughout the year; the government also provided financial support to other shelters, including one operated by the Catholic Church.

Sexual Harassment: Sexual harassment is unlawful and punishable by a 2,329-euro (\$3,028) fine, six months' imprisonment, or both.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. Health clinics and local health NGOs operated freely in disseminating information on family planning. There were no restrictions on access to contraceptives. A free and effective government health program provided for prenatal and postnatal care and delivery as well as other related medical services. A UN Population Fund report in 2011 estimated the 2008 maternal mortality rate to be six deaths per 100,000 women. Men and women

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received equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination: Women have the same legal rights as men, including, but not limited to, family and property law. Redress in the courts for sexual discrimination was available. The Ministry for Social Policy and the National Commission for the Promotion of Equality were responsible for gender equality. They focused on the broader integration of women into society and advising the government on the implementation of policies to promote equality of women and men. The right of divorce was introduced via a referendum held on May 28. Approved by parliament, the divorce bill went into effect on October 1.

Women constituted a growing proportion of graduates of higher education and of the workforce. Nonetheless, they remain underrepresented in management and generally earned less than their male counterparts. Figures on the wage disparity between women and men differed moderately. The National Commission for the Promotion of Equality indicated that, for 2008, men were paid 17 percent more than women in comparable jobs. The European Foundation for the Improvement of Living and Working Conditions reported in March that the hourly pay gap was 2.4 percent. According to Eurostat, between the end of 2008 and the end of 2009, the latest period for which statistics were available, the female employment rate rose from 36.3 percent to 37.2 percent, while the male employment rate decreased from 73.5 percent to 71.5 percent.

Children

Birth Registration: Citizenship generally is derived from one's parents, although some specific applications of the law may be complex, allowing for transmission of citizenship by a grandparent or other relative. While specific data on access to health care and education for stateless children was not available, according to the local UNHCR representative, there were no reports that education and healthcare were denied to children due to their lack of nationality.

Child Abuse: In 2010 the Child Protection Service of Appogg, the social welfare services arm of the Ministry for Social Policy, received 1,004 referrals of possibly abused children, compared with 1,053 in 2009. The service's total case turnover for 2010 was 1,399, up from 1,194 the previous year. There were 676 new and reopened cases, down from 697 in 2009. During the year 32 individuals were

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arrested and charged with child abuse. Four convictions were reported from these cases, the remainder were pending adjudication.

Sexual Exploitation of Children: Several individuals claiming that Catholic clerics had abused them consistently maintained authorities did not pursue cases of alleged sexual abuse of children by clerics unless a parent or adult filed a formal complaint. They alleged authorities instead allowed the church to handle the matter internally. Once filed, however, authorities followed the same police investigative and judicial procedures as for other such complaints. In July two priests received sentences of five and six years' imprisonment, respectively, after they were found guilty of sexually abusing boys entrusted to their care several years before. Both appealed their sentences. One of the priests was acquitted of rape due to an error in the charge sheet (specifying an inaccurate location of the alleged rape) although the judge indicated that he found the victim's evidence credible. The attorney general appealed the acquittal, and the case was pending at year's end.

Statutory rape is punishable by three to six years in prison. The minimum age of consent is 18. Rape committed by violence carries a penalty of imprisonment for three to nine years, with or without solitary confinement. Creation of child pornography is prohibited and punishable by imprisonment of one to five years (up to eight years in special circumstances). Possession of child pornography is also prohibited and punishable by imprisonment not exceeding three years.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

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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, health care, physical access, access to goods and services, housing, and insurance, and the government effectively enforced these provisions. As of the end of September, the National Commission for Persons with Disabilities (NCPD), the agency responsible for enforcement of this law, was working on 158 pending discrimination complaints from previous years. During 2010-2011, the NCPD opened investigations into 126 new cases and satisfactorily concluded 64.

National/Racial/Ethnic Minorities

The population included more than 10,000 persons of Arab, African, and East European origin. There were periodic reports in the media that owners of some bars and discos discouraged or prohibited darker-skinned persons, particularly of African or Arab origin, from entering their establishments. The government took no specific action to discourage these problems.

In March a man was discharged conditionally for two years (comparable to a suspended sentence) after being found guilty of inciting racial hatred for posting comments on a newspaper blog. In September the UN Committee on the Elimination of Racial Discrimination noted with concern the “discriminatory discourse and hate speech” of some Maltese politicians, as well as the “racial discourse” in certain media outlets.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The country’s antidiscrimination laws regarding sexual orientation only extend to the area of employment. On May 23, an individual who underwent gender reassignment surgery and was initially granted the right to marry her partner, returned to court after the attorney general sought an injunction against an earlier court ruling, which held that the surgery did not change the reality of gender. The Appeals Court found for the attorney general. The individual subsequently took her case to the European Court of Human Rights in Strasbourg, where it remained pending at year’s end.

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Other Societal Violence or Discrimination

There were no reports of discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The constitution allows workers to form and join unions of their choice without previous authorization or excessive requirements, as well as to engage in collective bargaining; workers freely did so in practice. The law does not allow uniformed military and police personnel to join unions. However, employees without the right to strike or join unions participated in associations, such as the police association, through which they sought to protect their interests. The law allows unions to conduct their activities without interference, and the government protected this right in practice. Workers, with the exception of uniformed military and police personnel, have the right to strike, and during the year they exercised this right by conducting legal strikes. The labor law provides for compulsory arbitration; however, arbitration did not take place during the year.

During the year there were no reports of antiunion discrimination or other forms of employer interference in union activities. The Employment and Industrial Relations Act prohibits antiunion discrimination and provides for reinstatement of workers “unfairly dismissed,” including for legal, nonviolent union activity.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, including by children; nevertheless, there were reports that women were subjected to forced labor, including in restaurants, private households, unskilled and skilled labor.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace, and the government generally implemented these laws effectively; however, there were unverified reports that underage children worked as domestic laborers,

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restaurant kitchen help, or vendors, and during the summer in family-owned businesses.

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. Such exemptions were granted in practice. While no legal work was specifically restricted, children granted an exemption were not allowed to perform work that could be regarded as harmful, damaging, or dangerous to a young person.

The Employment Training Corporation (ETC), a government entity under the Ministry for Social Policy, is responsible for labor and employment issues. It generally enforced the law effectively in most formal sectors of the economy but allowed summer employment of underage youth in businesses operated by their families. No assessment was available of the effectiveness with which the ETC monitored the often-unregistered employment of children as domestic employees, restaurant workers, and street vendors.

d. Acceptable Conditions of Work

The national weekly minimum wage was 153.45 euros (\$199); in addition, there was an annual mandatory bonus of 270 euros (\$351) and an annually adjusted cost-of-living increase of 242 euros (\$315). The country's independent National Statistical Office estimated that approximately 15 percent of the population lives at or below the poverty income level of 5,961 euros (\$7,749). Following consultations with workers and employers, the government established the minimum wage, which it revises annually based on changes in the cost of living.

Irregular migrant workers from Somalia, Eritrea, Sudan, and other sub-Saharan African countries, who comprised a small but unquantifiable percentage of the workforce, sometimes worked under conditions that did not meet the government's minimum standards for employment. In 2008 the General Workers' Union (GWU) issued a report documenting what it termed the "exploitation" of migrant workers. The general secretary of the GWU stated at a press conference that such workers often were employed in the most hazardous occupations, such as road construction and highway refuse cleanup, where traffic and environmental conditions posed a danger, and in the building construction trades, where accidents such as collapses might occur. In many cases migrants received less than the minimum wage. In

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2008 AWAS, in coordination with the ETC, established informational programs to help individuals pursue employment and obtain work permits. The GWU and AWAS believed that the programs were beneficial, but there was no data to validate this assessment. The government operated a program called Restart II, through which irregular migrants who volunteered to leave the country could receive free rail or airfare to their country of origin, plus financial assistance. The program, funded in part by the EU, was to last until June. As of September, it had provided benefits to 24 returnees.

The standard workweek was 40 hours, but in certain occupations, such as health care providers, airport workers, and civil protection services, 43 or 45 hours was the norm. Government regulations provided for a daily rest period, normally one-hour, and one day of rest per week. Premium pay is required for overtime, excessive compulsory overtime prohibited, and workers cannot be obligated to work more than 48 hours, inclusive of overtime. The Ministry of Social Policy generally enforced these 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 work sites and cited a number of offenders. Enforcement of health and safety standards continued to be uneven; industrial accidents remained frequent, particularly in the manufacturing, and building and construction sectors. Workers have the right to remove themselves from situations that endangered health or safety without jeopardizing their employment, and OHSA generally enforced this right.