

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITE EUROPEEN DES DROITS SOCIAUX**

December 2025

**FOURTH REPORT  
ON THE NON-ACCEPTED PROVISIONS  
OF THE REVISED EUROPEAN SOCIAL CHARTER**

**Malta**

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## I. OVERVIEW AND EXECUTIVE SUMMARY

The European Social Charter is based on a ratification system, which enables States Parties, subject to certain minimum requirements, to choose the provisions they are willing to accept as binding international legal obligations. This system is provided for by Article A of the revised European Social Charter (Article 20 of the 1961 Charter) and it allows States, at any time after their ratification of the treaty, to notify the Secretary General of their acceptance of additional articles or paragraphs.

It is in the spirit of the Charter for States Parties to progressively increase their commitments, tending towards acceptance of additional and eventually all provisions of the Charter where possible, as opposed to an *à la carte* stagnancy.<sup>1</sup>

The procedure for examining reports on the non-accepted provisions is set out in Article 22 of the European Social Charter of 1961 (ETS No. 35). According to this provision, the States Parties must send to the Secretary General, at appropriate intervals set by the Committee of Ministers, reports relating to the provisions of Part II of the Charter which they did not accept at the time of ratification or by subsequent notification. The Committee of Ministers shall determine from time to time those provisions for which such reports will be requested and the form in which the reports should be provided.

In September 2022, the ECSR adopted a decision to implement the procedure on non-accepted provisions in respect of all State Parties to either Charter, in a reinforced manner. The procedure now provides for the submission of written information by States Parties in accordance with a pre-established calendar, and additional bilateral meetings when it is deemed to represent an added value. The written information, submitted by the States Parties shall be made public upon its receipt, and the national and international social partners, non-governmental organisations, national human rights institutions, equality bodies and other stakeholders are given the possibility to provide comments within three months of receiving the written information.

### 1. The situation of Malta as regards the non-accepted provisions of the European Social Charter

Malta ratified the European Social Charter on 4 October 1988 and the revised European Social Charter on 27 July 2005, accepting 72 of its 98 paragraphs.

Malta has not yet accepted the following 26 provisions of the revised Charter: Articles 2§4, 2§7, 8§3, 12§2, 18§§1-3, 19§1-19§12, 21, 22, 27§1 (c), 30, 31§§1-3. Malta has not yet accepted the system of collective complaints.

### 2. Previous examinations

This is the fourth examination by the ECSR of the provisions of the Charter not yet accepted by Malta. The first three examinations took place in [2010](#), [2015](#) and [2020](#); the three ECSR reports are available on the [Council of Europe \(CoE\) website](#).

The previous (third) examination of non-accepted provisions (NAP) was carried out in 2020 based on the report submitted by the Maltese authorities. The ECSR concluded that the situation in respect of Articles 2§7, Art.12§2, 18§2, 19§§1–3,5,9 and 11, 21, 22, .27§1(c), 30 and 31§2 was compatible with the requirements of the Charter and that these provisions could therefore be accepted.

As regards the other non-accepted provisions, the ECSR was of the view that the information provided was not sufficient to make a proper assessment of the situation in respect of Articles 18§§1 and 3,

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<sup>1</sup> The opening paragraph of Part I reads “The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised”, followed by the heading of all rights contemplated by the European Social Charter. Part III, Article A, provides that “each of the Parties undertakes [...] to consider Part I of the Charter as a declaration of the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that part”, followed by the rules on the choices available as regards provisions that Parties can declare to be bound by and which determine the modalities of monitoring under Part IV of the Charter. ([See CM\(2022\)196-final](#)).

19§§7,8 and 12 and 31§§1 and 3. With respect to Articles 2§4, 8§3 and 19§§4, 6 and 10, the ECSR considered that the situation did not appear to be fully in conformity with the Charter.

### 3. Current examination

Based on the procedure on non-accepted provisions, Malta was invited to submit written information, which was registered in May 2025 and subsequently published on the [CoE website](#).

The present examination covers the following non-accepted provisions of the revised Charter:

- Article 2§§4 and 7 – The right to just conditions of work
- Article 8§3 – The right of employed women to protection of maternity
- Article 12§2 – The right to social security
- Article 18§§1 - 3 – The right to engage in a gainful occupation in the territory of other Parties
- Article 19§§1-12 – The right of migrant workers and their families to protection and assistance
- Article 21 – The right to information and consultation
- Article 22 – The right to take part in the determination and improvement of the working conditions and working environment
- Article 27§1 – The right of workers with family responsibilities to equal opportunities and equal treatment
- Article 30 – The right to protection against poverty and social exclusion
- Article 31§§1 to 3 – The right to housing.

In September 2025 a delegation of the ECSR, along with Secretariat, held a meeting with the Maltese authorities in Malta. Following this meeting, the Maltese authorities decided that they were in a position to accept Articles 2§7, 19§§1, 2, 3, 4(a)(b), 5, 7, 8, 9 and 11, 21, 22, 27§1(c) and 30 without further delay.

The ECSR welcomes the readiness of the Maltese authorities to strengthen their commitments in line with the spirit and purpose of the European Social Charter.

The ECSR is of the opinion that Article 31§2 could also be accepted.

As regards Articles 2§4, 8§3, 19§4(c) and 6 and 31§1 the ECSR considers that the current legal framework or the situation in practice is not fully compatible with the requirements of the Charter. The ECSR therefore encourages the Government to take the necessary steps to enable acceptance of these provisions as soon as possible.

As regards the remaining non-accepted provisions (Articles 12§2, 18§§1 to 3, 19§12 and 31§3), the ECSR considers that the information provided did not allow for a full assessment of the situation in law and in practice.

The ECSR encourages Malta to consider accepting the collective complaints procedure.

The ECSR remains at the disposal of the Government for enhanced dialogue on the Charter provisions and the relevant case law,<sup>2</sup> and invites Malta to undertake further commitments under the Charter as soon as possible so as to consolidate the paramount role of the Charter in achieving social and economic progress and ultimately a greater unity among the Council of Europe member States by guaranteeing and promoting common social human rights standards.

The next examination of the provisions not yet accepted by Malta is scheduled to take place in 2030.

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<sup>2</sup> In the light of the 2022 Charter system reform, States Parties to the Charter can benefit from enhanced dialogue with the Charter's monitoring bodies – constructively and in a spirit of cooperation – as a tool to reach a common understanding of problematic issues that may permit to identify possible solutions to such issues which are suitable for and acceptable to the State Party concerned. Enhanced dialogue may also serve as a means of enabling technical assistance. See [CM\(2022\)114 final](#).

## **II. EXAMINATION OF THE NON-ACCEPTED PROVISIONS**

### **Article 2 The right to just working conditions**

**All workers have the right to just conditions of work.**

#### **Article 2§4**

**2§4 With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations.**

#### **Situation in Malta**

According to the Government report, Malta is not ready to accept this provision, as they are currently not in a position to introduce a general reduction of working time as a risk reduction measure in sectors where residual risks remain.

Current national legislation, aligned with EU directives, already imposes strict occupational health and safety standards, including limits on exposure to risk factors and mandatory preventive measures. Additional measures, such as alternating duties, providing rest areas, or granting additional breaks, are encouraged as good practice and may be implemented at enterprise level through social dialogue and sector-specific agreements. Nonetheless, given the characteristics of high-risk sectors, operational realities, and labour market dynamics, the general or mandatory reduction of working time or additional paid holidays as a universal measure are not considered feasible at this time. Malta will continue to actively monitor developments in this area and to promote risk prevention measures through existing regulatory frameworks and social partner engagement.

#### **ECSR interpretation ([DIGEST](#))/ Opinion of the ECSR**

The ECSR reiterates its previous observation (Third Report, 2020) that, while Article 2§4 refers to reduced working hours and additional paid holidays, other approaches to reducing the length of exposure to risk may also ensure conformity with Article 2§4. The ECSR recalls that when risks have not yet been eliminated or sufficiently reduced despite the application of preventive measures, or in the absence of their application, the second part of Article 2§4 requires States to ensure that workers exposed to such risks are granted some form of compensation. The aim of these measures must be to provide the persons concerned with sufficient and regular rest periods to recover from the stress and fatigue caused by their activity and thus maintain their alertness or limit exposure to the risk (Conclusions 2022, Latvia, Andorra, France, Greece, Ireland, Italy). The conformity of such approaches should be considered on a case-by-case basis (Conclusions XVIII-2; Statement of Interpretation on Article 2§4).

The ECSR notes Malta's commitment to promoting risk prevention measures through existing regulatory frameworks and social partner engagement and recalls in this context that, to comply with Article 2§4, such measures must be regulated at the central level and must not be left to the agreements between the social partners.

In the light of the above information, the ECSR considers that the current legal framework or the situation in practice is not fully compatible with the requirements of the Charter. The ECSR encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

## Article 2§7<sup>3</sup>

**2§7 With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake to ensure that workers performing night work benefit from measures which take account of the special nature of the work ensure that workers performing night work benefit from measures which take account of the special nature of the work.**

### Situation in Malta

According to the Government report, under subsidiary legislation (S.L) 452.87 on Organisation of working time Regulations:

'night worker' means a worker who:

- (a) works at least three hours of his daily working time as a normal course during night time; or
- (b) works more than fifty per cent of his annual working time, or such lower proportion as may be specified in appropriate provisions of a relevant collective agreement during nighttime.

"night time" is defined as "the period between 10 p.m. of any one day and 6 a.m. of the next day."

The regulations under S.L. 452.87 provide that night workers engaged in tasks that involve special hazards or intense physical or mental strain are not to work more than eight hours within any 24-hour period. Furthermore, employers are required to ensure that workers undergo a suitable health assessment before being assigned to night work and at regular intervals thereafter. If a medical practitioner determines that night work is affecting a worker's health and suitable day work is available, the employer must transfer the worker without imposing any charges or wage deductions. It is also the duty of any employer who regularly engages night workers, to keep adequate records demonstrating compliance with the provisions of these regulations.

The Maltese authorities stated that they intend to accept this Article without further delay.

### ECSR interpretation (DIGEST)/ Opinion of the ECSR

The ECSR has previously found that there are no obstacles to the acceptance by Malta to this provision (Second report on NAP 2015 and third report on NAP 2020).

The ECSR recalls that Article 2§7 guarantees compensatory measures for persons performing night work. Domestic law or practice must define what is considered to be "night work" within the context of this provision, namely what period is considered to be "night" and who is considered to be a "night worker" (Conclusions 2003, Bulgaria). The ECSR notes that the definitions included in S.L. 452.87 comply with these requirements.

The ECSR further notes that the legislation provides for prior and regular medical check-ups and for the possibility of transfer today time work (Article 10 of S.L.452.87) as required by its case law.

The ECSR therefore considers that the situation is compatible with the requirements of the Charter and can be accepted immediately.

The ECSR welcomes the readiness of the Maltese authorities to accept Article 2§7 and encourages them to proceed towards acceptance.

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<sup>3</sup> Asterix denotes that provision was discussed during the meeting with the Maltese authorities.

## **Article 8 The right of employed women to protection of maternity**

Employed women, in case of maternity, have the right to a special protection.

### **Article 8§3**

**8§3 With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose.**

### **Situation in Malta**

According to the report, while Malta fully recognises the importance of supporting employed mothers in balancing work and childcare responsibilities, it is not in a position to accept the provisions of Article 8§3. The implementation of mandatory paid nursing breaks, particularly within the context of small enterprises, presents significant practical and financial challenges that cannot be addressed without imposing a disproportionate burden on employers. Malta remains committed to promoting family-friendly policies and continues to encourage voluntary measures and support schemes; however, the compulsory application of such provisions across all sectors, including micro and small businesses, is currently not feasible within the national legal and economic framework. This is also not possible due to logistical provisions and the prevailing traffic conditions in Malta.

### **ECSR interpretation (DIGEST)/ Opinion of the ECSR**

The ECSR recalls that time off for nursing should in principle be granted during working hours and should be treated as normal working time and remunerated as such. However, provision for part time work may be considered to be sufficient where loss of income is compensated by a parental benefit or other allowance (Conclusions 2005, Sweden).

The practical ways of implementing this Article are assessed on a case-by-case basis: legislation providing for two daily breaks for a period of one year for breastfeeding, two half-hour breaks where the employer provides a nursery or room for breastfeeding (Conclusion I (1969), Italy), one-hour daily breaks (Conclusions 1969, Germany) and entitlement to begin or leave work earlier (conclusions 2005, France) have all been found to be in conformity with the Charter.

The ECSR notes that additional measures need to be taken to ensure that the legal situation in Malta is compatible with Article 8§3 of the Revised Charter.

It encourages the Government to take the necessary steps enabling acceptance of these provisions as soon as possible.

## **Article 12 The Right to social security**

All workers and their dependents have the right to social security.

### **Article 12§2\***

**12§2 With a view to ensuring the effective exercise of the right to social security, the Parties undertake to maintain the social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security.**

### **Situation in Malta**

According to the report, Malta has been working towards the ratification of the European Code of Social Security for some time and is now close to completing the necessary preparations. Once ratification is in place, Malta will proceed with the acceptance of this provision.

Malta further refers to its robust and comprehensive and inclusive social benefit system that provides a wide range of support measures, including universal healthcare, free education, contributory and non-contributory social benefits such as pensions, unemployment assistance, disability allowances, and child benefits. In recent years, Malta has also strengthened targeted support for low-income households

and vulnerable groups, aiming to reduce poverty and social exclusion. The country's social protection framework is underpinned by strong public investment and continuous reforms to ensure sustainability and responsiveness to emerging socio-economic challenges.

### **ECSR interpretation (DIGEST)/ Opinion of the ECSR**

Article 12§2 obliges States Parties to maintain a social security system which is at least equal to that required for the purposes of ratification of the European Code of Social Security. The European Code of Social Security requires acceptance of a higher number of parts than ILO Convention No. 102; six of Parts II to X must be accepted; certain branches count for more than one: Part II (medical care) counts as two parts, and Part V (old age) counts as three. Each branch sets minimum levels of personal coverage and minimum levels of benefits.

Where a State has ratified the European Code of Social Security, the conclusion under this paragraph is based on the ECSR of Minister's Resolutions under the Code (which are in turn based on the assessment of the ILO Committee of Experts and the Governmental Committee of the European Social Charter and the European Code of Social Security). Failure to comply with the European Code of Social Security will lead to a conclusion of non-conformity with Article 12§2, where the State is not in compliance with at least the minimum parts for ratification.

When the State concerned has not ratified the European Code of Social Security, the ECSR will assess its social security system in order to decide on the conformity of that system with Article 12§2. In order to examine whether the social security system stands at a level at least equal to that necessary for the ratification of the Code, the ECSR has to be provided with thorough information regarding the branches (risks) covered, the personal scope and the level of benefits offered. Findings under Article 12§1 are also taken into account.

The ECSR notes that Malta intends to accept this paragraph once it has ratified the European Code of Social Security. It encourages Malta to complete this process as soon as possible and reiterates that the Secretariat responsible for the Code is at the disposal of the authorities to assist with any outstanding questions Malta may have.

### **Article 18\* The Right to engage in a gainful occupation in the territory of other Parties**

#### **Article 18§1\***

**18§1 With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake to apply existing regulations in a spirit of liberality.**

#### **Article 18§2\***

**18§2 With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers.**

#### **Article 18§3\***

**18§3 With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake to liberalise, individually or collectively, regulations governing the employment of foreign workers.**

### **Situation in Malta**

According to the information provided in the report, persons from all EU Member states as well as EEA countries and Switzerland are eligible to live and work in Malta without a need of an employment licence (work permit) and have the same rights as Maltese nationals to access the labour market. Other foreign nationals wishing to work in Malta must obtain an employment licence.

Following the transposition of the Single Permit Directive (Directive 2011/98/EU) and other relevant EU directives, third country nationals (TCNs) wishing to reside and work in Malta need to apply for a Single Permit (including Residence and Work) at Identity Malta Agency.

TCNs qualifying for a Single Permit would still require an employment licence in order to work in Malta, but the issue of such license is an internal process between the Identity Malta Agency and Jobsplus. In this respect, Jobsplus continues to conduct the labour market tests and consequently a number of requirements still apply in order to carry out such tests.

In respect of TCNs who do not qualify for the Single Permit Application, an employment licence is granted to an employer subject to labour market considerations; and the employer must demonstrate that every effort has been made to recruit a Maltese/EU citizen. Such licences are issued for a specific job and for a specific period, for a maximum period of one year with the exemption of asylum or failed asylum seekers whose work permit is valid for less than one year depending on the status of the application submitted with the Refugee Commission for asylum. In general employment licenses are renewable. A residence permit is automatically granted where a work permit has been approved.

Fees for an employment license vary according to the status of the applicant. The fee for asylum seekers, recognized refugees, beneficiaries of subsidiary protection and persons granted analogous forms of protection is €58 on issue, and €34 for every renewal. All other TCNs pay €150 on application and a further €80 as the employment licence is issued an employment licence for a secondary employment license costs €120.

According to information published by the Government ([Factsheet](#)), Residence Permit application fees have been revised as of 1 August 2025: First time single permit: €600, permit renewal €150, change of employer €600, change of designation €300.

According to the same factsheet, the Government, following a public consultation in the beginning of 2025, is in the process of rolling out a [new Labour Migration Policy](#), which “aims to create a fair balance between efficiently addressing real labour market demands for third-country nationals and ensuring the protection of workers’ rights, while also supporting wider social goals.” Measures under the policy include the clarification of the review of employers’ recruitment procedures, and of advertising obligations for vacancies. Among the first measures being implemented as of 1 August 2025, are an increase of application fees for a single first licence (see above and under 18§2 below) and the introduction of a “grace period” of initially 30 days for Single Permit holders whose employment is terminated.

## **ECSR interpretation ([DIGEST](#))/ Opinion of the ECSR**

### **Article 18§1**

Article 18 applies to employees and the self-employed who are nationals of States which are party to the Charter. It also covers members of their family allowed into the country for the purposes of family reunion. Article 18 relates not only to workers already on the territory of the State concerned, but also to workers outside the country applying for a permit to work on the territory (Conclusions XIII-1 (1993), Sweden).

Economic or social reasons might justify limiting access of foreign workers to the national labour market. This may occur, for example, with a view to addressing the problem of national unemployment by means of favouring employment of national workers. However, the implementation of such policies should neither lead to a complete exclusion of nationals of non-EU (or non-EEA) States parties to the Charter from the national labour market, nor substantially limit the possibility for them of acceding the national labour market.

The assessment of the degree of liberality used in applying existing regulations is based on figures showing the refusal rates for work permits. To this end, the figures supplied must be broken down by country and must also distinguish between first-time applications and renewal applications.

The ECSR notes that Malta has a significant migrant population and the authorities actively recruit migrant workers. However, most of the workers come from States not party to the Charter.

The ECSR notes the information provided on refusal and rejection rates. However, it would need further information on the total number of applications and trends etc in order to determine whether the situation was *prima facie* compatible with the Charter.

The ECSR would also need to receive further information on the new Labour Migration Policy.

In conclusion, further information is required to enable a full assessment of compliance with this Article.

## **Article 18§2**

The ECSR reiterates that States Parties are under an obligation to reduce or abolish chancery dues and other charges paid either by foreign workers or by their employers. In order to comply with such an obligation, States must, first of all, not set the dues and charges in question at an excessively high level that is likely to prevent or discourage foreign workers from seeking to engage in a gainful occupation, and employers from seeking to employ foreign workers.

In addition, States have to make concrete efforts to progressively reduce the level of fees and other charges payable by foreign workers or their employers. States are required to demonstrate that they have taken measures towards achieving such a reduction. Otherwise, they will have failed to demonstrate that they serve the goal of facilitating the effective exercise of the right of foreign workers to engage in a gainful occupation in their territory.

Previously, the ECSR considered that there were no major obstacles to Malta accepting Article 18§2 (Reports of 2015 and 2020). However, a new assessment of this situation must take into account the revision of application fees for the initial and renewal of single residence permits. According to the government's policy paper, under the new rates, which are applicable as of 1 August 2025, the fee for a first-time permit application will increase from €300 to €600, while the renewal fee will decrease from €300 to €150. The Government's policy paper states that the proposed changes 'aim to incentivize retention of the existing foreign workforce and promote more careful and selected endorsement of single permit applications by prospective employers'.

In conclusion, further information is required to enable a full assessment of compliance with this Article.

## **Article 18§3**

Under Article 18§3, States are required to liberalise periodically the regulations governing the employment of foreign workers in the following areas:

The conditions laid down for access by foreign workers to the national labour market must not be excessively restrictive. States Parties may make foreign nationals' access to employment on their territory subject to possession of a work permit, but they cannot ban nationals of States Parties, in general, from occupying jobs for reasons other than those set out in Article G of the Charter.

The ECSR notes that under Malta's new Labour Migration Policy, the application fee for an initial work permit will increase from €300 to €600, while the renewal fee will decrease from €300 to €150. In order to assess compliance with Article 18§3, it would also appear necessary to obtain more information on other elements of the new Labour Migration Policy, such as redundancy rates and advertising obligations incumbent on the employer.

A person who has been legally resident for a given length of time on the territory of another Party should be able to enjoy the same rights as nationals of that country. Restrictions initially imposed with regard to access to employment (which can be accepted only if they are not excessive) must therefore be gradually lifted.

In addition, Article 18§3 requires States Parties to make efforts to liberalise regulations governing the recognition of foreign certificates, professional qualifications and diplomas, progressively reducing the disadvantages for foreign workers to engage in a gainful occupation due to lack of

recognition of qualifications substantially equivalent to those issued by national authorities. The information contained in the report does not allow for an assessment of this requirement.

The ECSR reiterates that loss of employment must not lead to the cancellation of the residence permit, thereby obliging the worker to leave the country as soon as possible. The ECSR observes that the new Labour Migration Policy foresees the introduction of a “grace period” as of 1 August 2025, granting TCNs a 30-day period following employment termination to allow them to seek new employment. Furthermore, the proposal includes a provision to extend this initial 30-day period by an additional 30 days, bringing the total potential stay to 60 days, contingent upon the TCN demonstrating sufficient financial resources to support themselves without accessing social assistance. The underlying rationale for this proposed change is to prioritise the retention of existing skilled individuals already in Malta, thereby reducing the burden and complexity associated with processing entirely new employment applications.

In conclusion, while the introduction of the 'grace period' can be seen as a positive step towards the implementation of Article 18§3, further information is required to enable a full assessment of compatibility with this Article.

## **Article 19 The right of migrant workers and their families to protection and assistance**

### **Article 19§1\***

**19§1 With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:**

**to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration.**

### **Situation in Malta**

According to the report the implementation of a “Learning, Exchanging and Integrating” (LEI) project represented a significant step forward in achieving the goals outlined in Malta’s Migration Integration Strategy & Action Plan (Vision 2020).

Entrusted to the Human Rights Directorate, the project supported ongoing initiatives such as the “I Belong” programme, which continues to provide essential language and cultural orientation courses to facilitate migrant integration into Maltese society.

An important initiative under LEI was “Turning the Tables”, a migrant-led effort that highlighted the importance of collaborative integration and engaged migrants directly in policy discussions on issues like education, employment, documentation, and political rights, promoting empowerment and fostering a greater sense of belonging.

Additionally, the END-RACISM-MT aims to address discrimination, particularly around accommodation rights. Information booklets were disseminated in this respect.

The authorities stated that Malta intends to accept this provision.

### **ECSR interpretation ([DIGEST](#))/ Opinion of the ECSR**

This provision guarantees the right to free information and assistance to nationals wishing to emigrate and to nationals of other States Parties who wish to immigrate. Information should be reliable and accurate and cover issues such as formalities to be completed and the living and working conditions they may expect in the country of destination.

Free information and assistance services for migrants must be accessible in order to be effective.

Another obligation under this provision is that States Parties must take measures to prevent misleading propaganda relating to immigration and emigration. Such measures should prevent the communication of misleading information to nationals leaving the country and act against false information targeted at migrants seeking to enter.

The ECSR recalls its previous opinion (Third report on NAP 2020) that this provision could be accepted by Malta.

The ECSR is of the opinion that on the basis of the information available that the situation is compatible with Article 19§1 and can be accepted by Malta.

The ECSR welcomes the readiness of the Maltese authorities to accept Article 19§1 and encourages them to proceed towards acceptance.

### **Article 19§2\***

**19§2 With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:**

**to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey.**

### **Situation in Malta**

The report provides information on services afforded to refugees and asylum seekers under the Strategy for the Reception of Asylum seekers and Migrants, including healthcare and psychosocial support. It also provides information on cooperation between Government agencies and NGOs. It states in addition that all third country nationals are required to hold valid health insurance coverage as a condition for entry and stay. The authorities stated that Malta intends to accept this provision.

### **ECSR interpretation ([DIGEST](#))/ Opinion of the ECSR**

This provision obliges States Parties to adopt special measures for the benefit of migrant workers to facilitate their departure, journey and reception.

‘Reception’ means the period of weeks which follows immediately from their arrival, during which migrant workers and their families most often find themselves in situations of particular difficulty. Special measures must include not only assistance with regard to placement and integration in the workplace, but also assistance in overcoming problems, such as short-term accommodation, illness, shortage of money and adequate health measures.

The obligation to “provide within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey” relates to migrant workers and their families travelling either collectively or under the public or private arrangements for collective recruitment. The ECSR considers that this aspect of Article 19§2 does not apply to forms of individual migration for which the State is not responsible.

The ECSR takes into account the actual patterns of immigration and emigration for employment purposes meaning the lower level of immigration or emigration the lower the expectations are of a State Party.

The ECSR recalls that this provision does not *a priori* apply to asylum seekers and undocumented migrants.

It recalls that it previously welcomed Malta’s readiness to accept these provisions (Third report NAP 2020)

The ECSR welcomes the readiness of the Maltese authorities to accept Article 19§2 and encourages them to proceed towards acceptance.

### **Article 19§3\***

**19§3 With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:**

**to promote co-operation, as appropriate, between social services, public and private, and immigration countries.**

The authorities stated that Malta intends to accept this provision.

### **Situation in Malta**

The report mentions the Integration Strategy and Action Plan (2025-2030) and its collaboration with international organisations.

### **ECSR interpretation ([DIGEST](#))/ Opinion of the ECSR**

The scope of this provision extends to migrant workers immigrating as well as migrant workers emigrating to the territory of any other State.

Contacts and information exchanges should be established between public and/or private social services in emigration and immigration countries, with a view to facilitating the life of emigrants and their families, their adjustment to the new environment and their relations with members of their families who remain in their country of origin. Formal arrangements are not always necessary, especially if there is little migratory movement in a given country. In such cases, the provision of practical co-operation on a need basis may be sufficient.

Common situations in which such co-operation would be useful include where the migrant worker, who has left their family in the home country, fails to send money back or needs to be contacted for family reasons, or where the worker has returned to their country but needs to claim unpaid wages or benefits or must deal with various issues in the country in which they were employed.

The ECSR recalls that this provision does not a priori apply to asylum seekers and undocumented migrants.

It recalls that it previously welcomed Malta's readiness to accept these provisions (Third report on NAP 2020).

The ECSR is of the opinion that on the basis of the information available that the situation is compatible with Article 19§3 and can be accepted by Malta.

The ECSR welcomes the readiness of the Maltese authorities to accept Article 19§3 and encourages them to proceed towards acceptance.

### **Article 19§4\***

**19§4 With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:**

**to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters: (a) remuneration and other employment and working conditions, (b) trade union membership and the enjoyment of benefits of collective bargaining, and (c) accommodation.**

### **Situation in Malta**

According to the report national legislation such as the Equal Treatment in Employment Regulations 3(1) prohibit discrimination in employment and ensure that workers lawfully residing in Malta are not treated less favourably than nationals in matters such as pay and working conditions. All provisions of the Employment and Industrial Relations Act concerned with collective bargaining apply equally to migrant workers legally resident in Malta with a valid work permit.

As regards accommodation the report states that no discrimination is permitted in the private rental market migrant workers have the same right to rent property as nationals.

Furthermore, according to Section 4 d of the Equal treatment of persons order the terms and conditions of a rental agreement offered to a migrant worker may not be less favourable than those offered to a national.

### **ECSR interpretation (DIGEST)/ Opinion of the ECSR**

Under Article 19§4(a), States Parties are obliged to eliminate all legal and de facto discrimination concerning remuneration and other employment and working conditions, including in-service training and promotion as well as vocational training.

Article 19§4(b) requires States Parties to eliminate all legal and de facto discrimination concerning trade union membership and as regards the enjoyment of the benefits of collective bargaining, including the right to be founding member and access to administrative and managerial posts in trade unions.

The undertaking of States Parties under sub-paragraph c) is to eliminate all legal and de facto discrimination concerning access to public and private housing. Undocumented migrants, however, do not fall within the scope of Article 19§4(c).

There must be no legal or de facto restrictions on home-buying, access to subsidised housing or housing aids, such as loans or other allowances.

The ECSR is of the opinion that on the basis of the information available that the situation is compatible with Article 19§4(a) and (b) and can be accepted by Malta.

The ECSR welcomes the readiness of the Maltese authorities to accept Article 19§4(a) and (b) and encourages them to proceed towards acceptance.

As regards sub-para c) the ECSR previously noted in its third report on NAPs (2020) that the restrictions on non-EU nationals for purchasing home in Malta raised a problem of compliance with Art.19§4 of the Revised Charter.

The ECSR considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of Art.19§4c) of the Charter. In particular, it needs further information on residence requirements for purchasing property in Malta and Gozo under the Immovable Property (Acquisition by Non-Residents) Act as well as information on conditions for eligibility for social housing and housing allowances.

### **Article 19§5\***

**19.5 With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons.**

### **Situation in Malta**

The report states that this provision can be accepted by Malta.

## **ECSR interpretation (DIGEST)/ Opinion of the ECSR**

This provision recognises the right of migrant workers to equal treatment in law and in practice in respect of the payment of employment taxes, dues or contributions.

The ECSR recalls that it previously considered that this paragraph could be accepted by Malta (Second report and third report on NAP).

On the basis of the available information, the ECSR is of the opinion that the situation is compatible with Article 19(5) and can be accepted by Malta.

The ECSR welcomes the readiness of the Maltese authorities to accept Article 19§5 and encourages them to proceed towards acceptance.

### **Article 19§6**

**19§6 With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory.**

***Appendix: For the purpose of applying this provision, the term “family of a foreign worker” is understood to mean at least the worker’s spouse and unmarried children, as long as the latter are considered to be minors by the receiving State and are dependent on the migrant worker.***

### **Situation in Malta**

According to the report the situation is as described in previous reports and at present this provision cannot be accepted.

## **ECSR interpretation (DIGEST)/ Opinion of the ECSR**

Article 19§6 obliges States to allow the families of migrants legally established in their territory to join them. The worker’s children entitled to family reunion are those who are dependent and unmarried, and who fall under the legal age-limit in the receiving state (under the Charter the age limit for admission under family reunion is set at the age of majority, which in most countries is 18 years).

The ECSR considers that certain conditions excessively inhibit family reunion and are therefore not in conformity with the Charter, these include: refusal on health grounds except where the condition is a threat to public health, order or security; a requirement that the migrant has been resident for more than one year; a requirement that the family have sufficient accommodation which is too restrictive; a requirement that the family have sufficient means which is too restrictive; or language tests which must be passed in order to be allowed to join the family in the State.

The ECSR had previously held that the legal situation and practice in Malta may raise a problem of compatibility with Article 19§6 of the Revised Charter, due to restrictions on the access to the country for members of the family of workers who have not stayed lawfully in Malta for a prescribed period. The ECSR reiterates its previous opinion. The ECSR also notes that updated information on refusals of family reunion is needed to assess the situation in practice.

### **Article 19§7\***

**19§7 With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article.**

## **Situation in Malta**

According to the report foreign nationals in Malta may be entitled to legal assistance as long as they fulfil the criteria established under Article 912 of Chapter 12 of the Laws of Malta. This article outlines the provisions for granting legal aid in civil proceedings in Malta. The framework is designed to ensure access to justice for individuals who are financially disadvantaged, while also maintaining standards of merit in legal claims.

Maltese legislation guarantees that foreign workers are treated no less favourably than nationals in matters such as employment disputes and access to legal remedies. This includes the right to bring cases before the Industrial Tribunal or the Department for Industrial and Employment Relations (DIER).

Malta considers that this provision is already being implemented.

## **ECSR interpretation (DIGEST)/ Opinion of the ECSR**

Under this provision States Parties must ensure that migrants have access to courts, to lawyers and legal aid on the same conditions as their own nationals. This obligation applies to all legal proceedings concerning the rights guaranteed by Article 19 (i.e. pay, working conditions, housing, trade union rights, taxes).

More specifically, any migrant worker residing or working lawfully within the territory of a State Party who is involved in legal or administrative proceedings and does not have counsel of their own choosing should be advised that they may appoint counsel and, whenever the interests of justice so require, be provided with counsel, free of charge if they do not have sufficient means to pay the latter, as is the case for nationals.

The ECSR considers that the situation is compatible with the Charter and can be accepted. The ECSR welcomes the readiness of the Maltese authorities to accept Article 19§7 and encourages them to proceed towards acceptance.

## **Article 19.8\***

**19§8 With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality.**

## **Situation in Malta**

According to the report the expulsion of a lawfully residing worker would only be considered in exceptional circumstances, such as when the individual has been convicted of a serious criminal offence and is consequently deemed to pose a threat to national security, public order, or public morals. In the absence of such grounds, it is difficult to justify the expulsion of individuals who are lawfully residing and contributing to the labour market.

Persons subject to a deportation order may challenge such an order.

## **ECSR interpretation (DIGEST)/ Opinion of the ECSR**

This provision obliges States Parties to prohibit by law the expulsion of migrants lawfully residing in their territory, except where they are a threat to national security, or offend against public interest or morality.

Such expulsions can only be in conformity with the Charter if they are ordered by a court or a judicial authority, or an administrative body whose decisions are subject to judicial review. Any such expulsion should only be ordered in situations where the individual concerned has been convicted of a serious criminal offence or has been involved in activities which constitute a substantive threat to national security, the public interest or public morality. Expulsion orders must be proportionate, taking into account all aspects of the individual's behaviour as well as the circumstances and the

length of time of their presence in the territory of the State. The individual's connection or ties with both the host state and the state of origin, as well as the strength of any family relationships that they may have formed during this period, must also be considered to determine whether expulsion is proportionate.

Risks to public health are not in themselves risks to public order and cannot constitute a ground for expulsion, unless the person refuses to undergo suitable treatment.

The fact that a migrant worker is dependent on social assistance cannot be regarded as a threat against public order and cannot constitute a ground for expulsion.

States Parties must ensure that foreign nationals served with expulsion orders have a right of appeal to a court or other independent body.

Migrant worker's family members, who have joined him or her through family reunion, may not be expelled as a consequence of his or her own expulsion,

The ECSR considers that the situation is *prima facie* compatible with the Charter and can be accepted.

### **Article 19§9\***

**19§9 With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire.**

### **Situation in Malta**

According to the report there are no restrictions on migrant workers transferring earnings and savings, and Malta can accept this provision.

### **ECSR interpretation ([DIGEST](#))/ Opinion of the ECSR**

This provision obliges States Parties not to place excessive restrictions on the right of migrants to transfer earnings and savings, either during their stay or when they leave their host country.

On the basis of the information available, the Committee is of the opinion that the situation is compatible with Article 19§9 and can be accepted by Malta.

The ECSR welcomes the readiness of the Maltese authorities to accept Article 19§9 and encourages them to proceed towards acceptance.

### **Article 19§10**

**19§10 With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply.**

### **Situation in Malta**

The Single Permit application process does not apply in the case of self-employment. Guidelines for the engagement of TCN in self-employment vary according to status.

A TCN applying for self-employment must meet one or more of the following criteria:

- Invest in Malta a capital expenditure of at least €500,000 on fixed assets within six months from the date on which Jobsplus has issued the self-employment licence
- Is a highly skilled innovator with a sound business plan and commits to recruit at least three EEA/Swiss/Maltese nationals

- A person leading a project approved by Malta Enterprise.

Asylum Seekers, persons enjoying Subsidiary Protection/Temporary Humanitarian Protection Status and Refugee Status require an employment licence to work as self-employed in Malta. However, they are exempt from meeting the above criteria.

### **ECSR interpretation (DIGEST)/ Opinion of the ECSR**

Under Article 19§10, States must ensure equal treatment of self-employed persons and wage-earners as well as self-employed migrants and self-employed nationals as regards the rights covered by Art.19§§1–9 and Art.19§§11–12.

States must ensure that there is no unjustified treatment which amounts to discrimination, either in law or in practice, between wage-earners and self-employed migrants. A finding of nonconformity under any of the paragraphs Art.19§§1–9 or Art.19§§11–12 may lead to a finding of nonconformity under Art.19§10.

Referring to the above indicated problems of compatibility with Article 19§§4(c) and 6, additional measures should be taken to bring the situation in compliance with requirements of Art.19§10 of the Revised Charter.

### **Article 19§11\***

**19§11 With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families.**

### **Situation in Malta**

The report refers to the I belong programme (see above) which provides essential language courses to facilitate integration into Maltese society.

The Integration and Anti-Racism Unit in conjunction with other partners including the University of Malta offers Maltese and English language and Cultural Orientation courses. The language courses focus on daily use to facilitate a person's integration into society. The cultural orientation covers the social, cultural, economic, and historical aspects of Malta and the constitution, law and democratic values. All courses are free of charge.

In addition, foundation courses in Maltese and English are available and again are free of charge.

An Induction Course in Maltese and/or in English is offered in 28 schools in Malta and Gozo by the [International Learners' Unit](#) within the Ministry of Education to students between the ages of 5 and 16 years. The duration of the course is one year but can be extended. The curriculum includes subjects in Mathematics, Arts, Crafts, Maltese, and English. The teams providing support include settled migrants.

Malta intends to accept this provision.

### **ECSR interpretation (DIGEST)/ Opinion of the ECSR**

Under this provision, States Parties should promote and facilitate the teaching of the national language to children of school age, as well as to the migrants themselves and to members of their families who are no longer of school age. The teaching of the national language of the receiving state is the main means by which migrants and their families can integrate into normal employment and society at large.

States Parties are required to provide national language classes free of charge.

On the basis of the information available, the ECSR is of the opinion that the situation is compatible with Article 19§11 and can be accepted by Malta.

The ECSR welcomes the readiness of the Maltese authorities to accept Article 19§11 and encourages them to proceed towards acceptance.

### **Article 19§12\***

**19§12 With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.**

### **Situation in Malta**

The report states that Malta is not in a position to accept this provision at the moment. The practical implementation of the provision poses significant challenges due to the wide array of languages spoken amongst the immigrant population, in particular in light of the country's size, educational infrastructure and resources. It is not feasible to support the systematic teaching of numerous mother tongues within the educational system.

### **ECSR interpretation ([DIGEST](#))/ Opinion of the ECSR**

States Parties should promote and facilitate the teaching of the languages most represented among the migrants present on their territories within their school systems or in other contexts such as voluntary associations or non-governmental organisations.

The ECSR takes into consideration, in particular, the following detailed information:

- statistics on major migrant groups,
- whether any measures or projects have been put in place in the framework of the school system or other structures to provide education of migrants' mother tongue,
- whether any non-governmental organisations or other bodies, such as local associations, cultural centres or private initiatives that teach migrant workers' children the language of their country of origin, and whether they receive support.

The ECSR recalls that this provision does not require the systematic teaching of all languages spoken amongst the migrant population, it is sufficient that NGO's or other bodies are not hindered and receive some type of support.

In conclusion, further information is required to enable a full assessment of compatibility with this Article.

### **Article 21\* Workers have the right to be informed and to be consulted within the undertaking**

**21 With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:**

- a. to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and
- b. to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.

## Appendix (Articles 21 and 22)

- 1. For the purpose of the application of these articles, the term “workers’ representatives” means persons who are recognised as such under national legislation or practice.**
- 2. The terms “national legislation and practice” embrace as the case may be, in addition to laws and regulations, collective agreements, other agreements between employers and workers’ representatives, customs as well as relevant case law.**
- 3. For the purpose of the application of these articles, the term “undertaking” is understood as referring to a set of tangible and intangible components, with or without legal personality, formed to produce goods or services for financial gain and with power to determine its own market policy.**
- 4. It is understood that religious communities and their institutions may be excluded from the application of these articles, even if these institutions are “undertakings” within the meaning of paragraph 3. Establishments pursuing activities which are inspired by certain ideals or guided by certain moral concepts, ideals and concepts which are protected by national legislation, may be excluded from the application of these articles to such an extent as is necessary to protect the orientation of the undertaking.**

### Situation in Malta

No new information in the Maltese report. The report states that this provision can be accepted.

### ECSR interpretation ([DIGEST](#))/ Opinion of the ECSR

Article 21 of the Charter entitles employees and/or their representatives, be they trade unions, staff committees, works councils or health and safety committees, to be informed of any matter that could affect their working environment, unless the disclosure of such information could be prejudicial to the undertaking. They must also be consulted in good time on proposed decisions that could substantially affect their interests, particularly ones that might have a significant impact on the employment situation in their undertaking.

States Parties may exclude from the scope of this provision those undertakings employing less than a certain number of workers, to be determined by national legislation or practice. For example, undertakings with less than 50 employees or establishments with less than 20 employees in any one EU member state may be excluded from the scope of this provision, as per the thresholds established by Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002. All categories of employee (in other words, all employees with an employment contract with an undertaking, whatever their status, length of service or workplace) must be taken into account when calculating the number of employees covered by the right to information and consultation.

Even though Article 21 may apply to workers in state-owned enterprises, public employees as a whole are not covered by these provisions.

### *Enforcement of rules and procedures*

In order to effectively guarantee the workers’ rights under Article 21, there must be a supervising mechanism such as a Labour Inspectorate that can impose sanctions for the violation of the provisions on access to information and consultation. Administrative and/or judicial procedures must be available to employees or their representatives who consider that their right to information and consultation within the undertaking has not been respected.

There must also be sanctions for employers which fail to fulfil their obligations under this Article. Situations in which the level of fine is dependent on the seriousness of the offence and of the company’s turnover have been considered in conformity with Article 21.

The ECSR recalls that its previous opinion was that Malta could accept this provision (Third report on non-accepted provisions 2020).

On the basis of the information available, the ECSR is of the opinion that the situation is compatible with Article 21 and can be accepted by Malta.

The ECSR welcomes the readiness of the Maltese authorities to accept Article 21 and encourages them to proceed towards acceptance.

**Article 22\* Workers have the right to take part in the determination and improvement of the working conditions and working environment in the undertaking**

**22 With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:**

- a. to the determination and the improvement of the working conditions, work organisation and working environment;**
- b. to the protection of health and safety within the undertaking;**
- c. to the organisation of social and socio-cultural services and facilities within the undertaking;**
- d. to the supervision of the observance of regulations on these matters.**

**Situation in Malta**

According to the report the Employment and Industrial Relations Act facilitates the involvement of workers in determining and enhancing working conditions and the work environment.

The Health and Safety at Work Act 2024 emphasises the shared role between employers and employees to ensure a safe and healthy workplace.

The report states that this provision can be accepted by Malta.

**ECSR interpretation ([DIGEST](#))/ Opinion of the ECSR**

The workers' right to take part in the determination and improvement of the working conditions and working environment implies that workers may contribute, to a certain extent, to the employer's decision-making process. The great majority of workers must be granted a right to participate in the determination and improvement of the working conditions, work organisation and working environment, and the organisation of social and socio-cultural services within the undertaking.

Even though Article 22 may apply to workers in state-owned enterprises, public employees are as a whole not covered by this provision.

States Parties may exclude from the scope of this provision those undertakings employing less than a certain number of workers, to be determined by national legislation or practice and tendency undertakings.

**Protection of health and safety**

Workers and/or their representatives (trade unions, worker's delegates, health and safety representatives, works councils) must be granted an effective right to participate in the decision-making process and the supervision of the observance of regulations regarding the protection of health and safety within the undertaking.

**The organisation of social and socio-cultural services and facilities**

The right to take part in the organisation of social and socio-cultural services and facilities only applies in undertakings where such services and facilities are planned or have already been established. Article 22 of the Charter does not require that employers offer social and socio-cultural services and facilities to their employees but requires that workers may participate in their organisation, where such services and facilities have been established.

## Enforcement

Workers must have legal remedies when these rights are not respected. There must also be sanctions for employers which fail to fulfil their obligations under this Article.

On the basis of the information available, the ECSR is of the opinion that the situation is compatible with Article 22 and can be accepted by Malta.

The ECSR welcomes the readiness of the Maltese authorities to accept Article 22 and encourages them to proceed towards acceptance.

## **Article 27\* – The right of workers with family responsibilities to equal opportunities and equal treatment**

**27 All persons with family responsibilities and who are engaged or wish to engage in employment have a right to do so without being subject to discrimination and as far as possible without conflict between their employment and family responsibilities.**

**27§1(c) \* With a view to ensuring the effective exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake to take appropriate measures to develop or promote services, public or private, in particular child day care services and other childcare arrangements.**

## **Situation in Malta**

The Government provides care under the free childcare scheme for children from 3 months if parents/guardians are in employment or are pursuing their education (or if unwell). Kindergartens (from 2 years) are free of charge for all children in state and church kindergartens. All types of early childhood education and care provision fall under the responsibility of the Ministry for Education, Sport, Youth, Research and Innovation.

The report states that this provision can be accepted by Malta.

## **ECSR interpretation ([DIGEST](#))/ Opinion of the ECSR**

The aim of Article 27§1c is to develop or promote services, in particular child day care services and other childcare arrangements, that are available and accessible to workers with family responsibilities. Preschool education should be free of charge and, if it is not, measures must be taken to make it financially accessible for vulnerable families. Where a State has accepted Article 16, childcare arrangements are dealt with under that provision. As Malta has accepted Article 16, it is already bound by the obligation concerning the provision of day-care services under that provision.

In its previous report (third report, NAP 2020) the ECSR expressed the view that there were no obstacles to the immediate acceptance of Article 27§1.

On the basis of the information available, the ECSR is of the opinion that the situation in Malta is compatible with Article 27§1(c) which can therefore be accepted by Malta.

The ECSR welcomes the readiness of the Maltese authorities to accept Article 27§1c and encourages them to proceed towards acceptance.

## **Article 30\***

### **Article 30 The right to protection against poverty and social exclusion**

**30 With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:**

- a. to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b. to review these measures with a view to their adaptation if necessary.

### **Situation in Malta**

A National Strategy for Poverty Reduction and Social Inclusion 2025–2035, tackling both current challenges and future risks has been adopted. The Strategy focuses on achieving long-term impact and sustainability, with the goal of fostering a society where individuals and communities can flourish across generations.

The strategy requires effective coordination between ministries, and strategic partnerships with voluntary organizations and the private sector. The Strategy includes a review process every three years to ensure it remains responsive to global and national shifts, allowing for timely adaptations.

The strategy aims to reduce the at-risk-of-poverty rate (AROPE) by 3.1% and lower child poverty by 6% by 2030. Research and collaboration with key stakeholders, such as the OECD, as well as insights from focus groups and bilateral meetings with local organisations and entities, have shaped the strategy's goals.

The report states that this provision can be accepted by Malta.

### **ECSR interpretation ([DIGEST](#))/ Opinion of the ECSR**

Article 30 requires States to adopt an overall and coordinated approach, which should consist of an analytical framework, a set of priorities and measures to prevent and remove obstacles to access fundamental social rights. There should be in place monitoring mechanisms involving all relevant actors, including civil society and persons affected by poverty and social exclusion. This approach must link and integrate policies in a consistent way, moving beyond sectoral or target group approach.

The measures taken must promote and remove obstacles to access to fundamental social rights, in particular employment, housing, training, education, culture and social and medical assistance, addressing the multidimensional phenomena of poverty and social exclusion. The measures should strengthen access to social rights, their monitoring and enforcement, improve the procedures and management of benefits and services, improve information about social rights and related benefits and services, combat psychological and socio-cultural obstacles to accessing rights, and where necessary, specifically target the most vulnerable groups and regions.

States Parties are not obliged to apply to migrants in an irregular situation the range of economic, social and cultural measures that are to be taken in order to secure the right to protection against poverty and social exclusion. The co-ordinated approach required by Article 30 involves the adoption of positive measures, most of which cannot be regarded as being applicable to groups not covered by the personal scope of the Charter. Article 30 is thus not applicable with regard to migrants in an irregular situation.

Access to fundamental social rights is assessed by taking into consideration the effectiveness of policies, measures and actions undertaken. As long as poverty and social exclusion persist, there should be an increase in the resources deployed to make social rights possible. Adequate resources should be allocated to attain the objectives of the strategy. The measures should be adequate in their quality and quantity to the nature and extent of poverty and social exclusion in the country.

To assess national situations, the ECSR uses the Eurostat at-risk-of-poverty rate (the percentage of people living under the poverty threshold, which is set at 60% of the equivalised median income) before and after social transfers is used as a comparative value.

On the basis of the information available, the ECSR is of the opinion that the situation in Malta is compatible with Article 30 which can therefore be accepted by Malta.

The ECSR welcomes the readiness of the Maltese authorities to accept Article 30 and encourages them to proceed towards acceptance.

### **Article 31 The right to housing**

**31§1 With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed to promote access to housing of an adequate standard.**

### **Article 31§2**

**31§2 With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed to prevent and reduce homelessness with a view to its gradual elimination.**

### **Article 31§3**

**31§3 With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed to make the price of housing accessible to those without adequate resources.**

### **Situation in Malta**

According to the report, the Controlled Residential Leases Reform Act of 2021 indirectly contributes to the habitability and quality of housing. While the primary focus of the reform is rent adjustment, it encourages landlords to maintain and improve the condition of their properties, as they can now receive reasonable compensation for their investments. The Government considered that this balanced approach helps protect both tenants' rights and landlords' property rights, fostering a more sustainable housing market.

The report states that Malta adopts a collaborative, multi-stakeholder approach in addressing homelessness, with services coordinated through partnerships between government entities and NGOs. These efforts are supported by a combination of public and private funding and are structured to provide both immediate support and long-term reintegration opportunities for individuals and families experiencing homelessness. The Maltese government, through the Foundation for Social Welfare Services (FSWS), leads national efforts to support those who are homeless or at risk of homelessness. The FSWS established the Homeless Service in 2022, offering tailored assistance to individuals who are roofless or living in temporary accommodation. The service also introduced a single referral and assessment form, streamlining access to shelters across various NGOs and significantly reducing bureaucratic barriers—an initiative that continues to show strong results.

In addition, the report lists eight Project Support programs (PSPs) providing essential services addressing homelessness, providing accommodation and additional services for different target groups (homeless women and their children, and homeless men and adolescents). A number of NGO's provide shelter and/or assistance for the general homeless population and for specific groups, including elderly homeless individuals, young homeless individuals, pregnant women, and vulnerable women affected by sexual exploitation.

The report states that the introduction of the Controlled Residential Leases Reform Act of 2021 is a key step in addressing the affordability and security of housing, especially for tenants residing in pre-1995 properties with controlled rents. The reform allows landlords to increase rents by up to 2% annually based on the freehold value of the property, as long as tenants meet the means test criteria. This ensures that landlords receive fair compensation while providing tenants with the means to remain in their homes without the risk of eviction, thus ensuring continued access to housing for vulnerable groups.

Furthermore, Malta's Pre-1995 Rent Subsidy scheme plays a critical role in ensuring the affordability of housing for those most in need. With the scheme's funding rising from €1.75 million in 2022 to €7.3 million in 2024, 1,654 families have benefited from financial assistance, ensuring they are not forced

out of their homes due to rent increases. This subsidy helps maintain affordable housing for low-income tenants, allowing them to continue living in their homes without facing excessive financial burdens.

Approximately 1,630 applicants were on the waiting list for social housing by the end of 2024. The Government expressed its commitment to reducing this list “to unprecedented levels”.

According to the Government, Article 31 is already being implemented in Malta.

### **ECSR interpretation (DIGEST)/ Opinion of the ECSR**

The ECSR recalls that under Article 31§1 of the Charter, States Parties shall guarantee to everyone the right to housing and shall promote access to adequate housing. States must take the legal and practical measures which are necessary and adequate to the goal of the effective protection of the right in question. They enjoy a margin of appreciation in determining the steps to be taken to ensure compliance with the Charter, in particular as regards the balance to be struck between the general interest and the interest of a specific group and the choices which must be made in terms of priorities and resources (European Roma and Travellers Forum (ERTF) v. France, Complaint No. 64/2011, decision on the merits of 24 January 2012, §95). On a more technical level, the notion of adequate housing must be defined in law. “Adequate housing” means:

- a dwelling which is safe from a sanitary and health point of view, i.e. that possesses all basic amenities, such as water, heating, waste disposal, sanitation facilities, electricity, etc and where specific dangers such as the presence of lead or asbestos are under control;
- a dwelling which is not over-crowded, that the size of the dwelling must be suitable in light of the number of persons and the composition of the household in residence;
- a dwelling with secure tenure supported by the law (this issue is covered by Article 31§2)

The definition of adequate housing must be applied not only to new constructions, but also gradually to the existing housing stock. It must also be applied to housing available for rent as well as to housing owner occupied housing.

Positive measures in the field of housing must be adopted in respect of persons in vulnerable situations, such as low-income persons, unemployed persons, single parent households, young persons, persons with disabilities including those with mental health problems.

The ECSR recalls its previous finding (third report on NAP, 2020) that, in the absence of minimum habitability standards for rental properties, the available information was 'too limited to permit a thorough assessment on whether this right [to adequate housing] is effectively guaranteed in practice'. While new constructions must meet a number of statutory requirements and regulations under the supervision of the Building and Construction Agency, there were no such requirements for older constructions.

The ECSR notes that Article 4(8)(a) of the Private Residential Tenancies Act empowers the Government to establish minimum habitability standards for dwellings offered for rent, as well as limitations on the number of residents who can occupy a dwelling at the same time. In 2024, the government issued regulations limiting the number of residents who may occupy a leased dwelling, thus addressing the issue of overcrowding (Limitation of the Number of Residents Who May Occupy a Leased Dwelling House Regulations, 2024). However, there does not yet appear to be a legal definition or binding minimum standards ensuring adequate housing in older buildings in terms of health and sanitary safety.

The ECSR also notes that the government has introduced a number of schemes to subsidise the repair and adaptation of social and private housing. These include specific schemes to adapt housing for vulnerable groups, such as the elderly and disabled people. Information on these schemes is accessible on the Housing Authority website (Repair & Adaptations - Housing Authority).

Based on all information at its disposal, the ECSR considers that the Government has made considerable progress towards ensuring the adequacy of the entire housing stock, which could be even further enhanced by defining binding minimum standards ensuring adequate housing in older buildings in terms of health and sanitary safety, as foreseen in the Private Residential Tenancies Act.

The ECSR encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

### **Article 31§2**

The ECSR recalls that under Article 31§2, States Parties have to take measures to reduce homelessness with a view to gradually eliminating it through the introduction of emergency measures, such as the provision of immediate shelter and through the provisions of services to help the homeless to overcome their difficulties and to prevent them from returning to a situation of homelessness. This requires States Parties to introduce a housing policy for all disadvantaged groups of people to ensure access to social housing and housing allowances. (cf. Article 31§3) as well as procedural safeguards to limit the risk of eviction.

The ECSR notes Malta's holistic approach to providing a variety of emergency services and assistance to homeless people, taking into account their various vulnerabilities. According to Eurofound, in February 2022, 236 people were registered in Malta with homeless shelters (178 adults and 58 children, 0.05% of the population).

The ECSR also takes note of the subsidy schemes aimed at ensuring access to longer term accommodation and preventing eviction on financial grounds (see under §3).

The ECSR considers that the situation is compatible with the Charter and can be accepted. The ECSR welcomes the readiness of the Maltese authorities to accept Article 31§2 and encourages them to proceed towards acceptance.

### **Article 31§3**

The ECSR recalls that an adequate supply of affordable housing must be ensured for persons with limited resources. States Parties must:

- adopt appropriate measures for the provision of housing, in particular social housing; social housing should target, in particular, the most disadvantaged.
- adopt measures to ensure that waiting periods for the allocation of housing are not excessive
- introduce housing benefits at least for low-income and disadvantaged sections of the population  
Housing benefit is an individual right: all qualifying households must receive it in practice; legal remedies must be available in case of refusal.

All the rights thus provided must be guaranteed without discrimination.

With regard to the social housing application on waiting lists, the ECSR recalls that there had been an increase of about 30 % between the numbers reported in 2015 (about 2000) and 2020 (2602) and that it had sought for information on the practical information on housing rights and policies. According to other available data, the number of social housing application on waiting list dropped from 3,172 in 2018 to 1294 in 2021, followed by a steady increase to 1679 in 2024 (Housing Authority (2025), Housing Authority Annual Report 2024).

The ECSR takes note of the overall reduction in numbers since the last reporting cycle (in spite of a certain increase over the last three years) and notes the Government's commitment to further reducing the numbers of unfulfilled requests. The ECSR also takes note of the substantial increase in financial assistance of low-income tenants.

However, the ECSR recalls that it has found in its latest conclusions on accepted provisions (2023) that Malta did not comply with the right of families to housing under Article 16 as nationals of other States Parties to the Charter residing in Malta who do not hold long-term residence status were not entitled to equal treatment with regard to access to housing allowances (rent subsidy). Further information might be needed in this respect to assess compatibility with Article 31§3.



## Factsheet – Malta and the European Social Charter

(April 2024)

### Signatures, ratifications and accepted provisions

#### Signatures, ratifications and accepted provisions

Malta ratified the European Social Charter on 04/10/1988 as well as the Amending Protocol to the Charter on 16/02/1994.

It ratified the Revised European Social Charter on 27/07/05, accepting 72 of the Revised Charter's 98 paragraphs.

Malta has not accepted the system of collective complaints.

#### The Charter in Domestic law

Malta is a dualist state.

#### Table of accepted provisions

|      |      |      |      |      |      |       |       |                            |      |      |      |
|------|------|------|------|------|------|-------|-------|----------------------------|------|------|------|
| 1.1  | 1.2  | 1.3  | 1.4  | 2.1  | 2.2  | 2.3   | 2.4   | 2.5                        | 2.6  | 2.7  | 3.1  |
| 3.2  | 3.3  | 3.4  | 4.1  | 4.2  | 4.3  | 4.4   | 4.5   | 5                          | 6.1  | 6.2  | 6.3  |
| 6.4  | 7.1  | 7.2  | 7.3  | 7.4  | 7.5  | 7.6   | 7.7   | 7.8                        | 7.9  | 7.10 | 8.1  |
| 8.2  | 8.3  | 8.4  | 8.5  | 9    | 10.1 | 10.2  | 10.3  | 10.4                       | 10.5 | 11.1 | 11.2 |
| 11.3 | 12.1 | 12.2 | 12.3 | 12.4 | 13.1 | 13.2  | 13.3  | 13.4                       | 14.1 | 14.2 | 15.1 |
| 15.2 | 15.3 | 16   | 17.1 | 17.2 | 18.1 | 18.2  | 18.3  | 18.4                       | 19.1 | 19.2 | 19.3 |
| 19.4 | 19.5 | 19.6 | 19.7 | 19.8 | 19.9 | 19.10 | 19.11 | 19.12                      | 20   | 21   | 22   |
| 23   | 24   | 25   | 26.1 | 26.2 | 27.1 | 27.2  | 27.3  | 28                         | 29   | 30   | 31.1 |
| 31.2 | 31.3 |      |      |      |      |       |       | Grey = Accepted provisions |      |      |      |

#### Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted [reports concerning Malta](#) in 2010, 2015 and 2020.

In its reports, the ECSR notes that Maltese authorities consider the acceptance of Articles 2§7, 12§2, 19§1, 19§2, 19§3, 19§5, 19§9, 21, 22 and 30 of the Charter in the near future. Furthermore, it considered that the situation in law and in practice in Malta does not seem to present obstacles to the acceptance of Articles 18§2, 19§11, 27§1(c) and 31§2 of the Charter.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

# Monitoring the implementation of the European Social Charter<sup>1</sup>

## I Reporting system<sup>2</sup>

### Reports submitted by Malta

Between 1990 and 2024, Malta has submitted 16 reports on the application of the 1961 Charter and 17 reports on the application of the Revised Charter.

The [16<sup>th</sup> report](#), which was submitted on 20/04/2023, concerns the accepted provisions relating to thematic group 4 "Children, families and migrants" (Articles 7, 8, 16, 17, 16, 19, 27 and 31).

Conclusions with respect to these provisions have been published in March 2024.

On 28 February 2024, an [ad hoc report on the cost-of-living crisis was submitted by Malta](#)<sup>3</sup>.

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<sup>1</sup> The ECSR monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the ECSR's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the ECSR](#).

<sup>2</sup> Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

<sup>3</sup> In accordance with the [decision of the Ministers' Deputies](#) adopted on 27 September 2022 concerning the [new system](#) for the presentation of reports under the European Social Charter, the European Committee of Social Rights and the Governmental Committee have decided to request an ad hoc report on the cost-of-living crisis to all State parties.

### Thematic Group 1 “Employment, training and equal opportunities” - Conclusions 2020

#### ► Article 1§4 – Right to work – Vocational guidance, training and rehabilitation

It has not been established that the legislation provides for individual leave for training of employed persons.

#### ► Article 10§3 – Right to vocational training – Vocational training and retraining of adult workers

It has not been established that the legislation provides for individual leave for training for employed persons.

#### ► Article 10§5 – Right to vocational training - Full use of facilities available

It has not been established that equal treatment of nationals of other States Parties residing or working lawfully in Malta is guaranteed as regards financial assistance for vocational education and training.

#### ► ► Article 20 - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

The obligation to make measurable progress in reducing the gender pay gap has not been fulfilled.

#### ► ► Article 24 – Right to protection in case of dismissal

- Employees undergoing a probation period of six months are not protected against dismissal;
- Termination of employment at the initiative of the employer on the sole ground that the person has reached the pensionable age, which is permitted by law, is not reasonably justified.

### Thematic Group 2 “Health, social security and social protection” - Conclusions 2021

#### ► ► Article 3§3 - Right to safe and healthy working conditions - Enforcement of safety and health regulations

It has not been established that:

- occupational diseases are monitored effectively.
- the labour inspection system is effective.

#### ► ► Article 11§2 - Right to protection of health - Advisory and educational facilities

It has not been established that:

- public information and awareness raising are public health priorities,
- health education is incorporated into the school curriculum.

#### ► ► Article 11§3 - Right to protection of health - Prevention of diseases and accidents

It has not been established that:

- adequate measures were taken to overcome environmental pollution;
- efficient immunisation and epidemiological monitoring programmes are in place;
- adequate measures were taken to prevent alcohol consumption;
- adequate measures were taken to prevent accidents.

#### ► ► Article 12§1 – Existence of a social security system - Right to social security

The minimum levels of sickness and unemployment benefits are inadequate.

#### ► ► Article 12§4 – Existence of a social security system - Social security of persons moving between States

- It has not been established that equal treatment with regard to social security is guaranteed to nationals of all other States Parties;
- It has not been established that equal treatment with regard to access to family allowances is guaranteed to nationals of all other States Parties;
- It has not been established that the right to maintenance of accruing rights is guaranteed to nationals of all other States Parties.

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<sup>4</sup> Further information on the situations of non-conformity is available on the [HUDOC database](#).

► ► *Article 13§1 – Right to social and medical assistance - Adequate assistance for every person in need*

- Means of subsistence are not guaranteed to persons in need whose social assistance is withdrawn as penalty for having refused a job offer;
- The level of social assistance paid to a single person without resources is not adequate;
- It has not been established that foreign nationals unlawfully present in the territory have a right to emergency social and medical assistance.

► ► *Article 13§3 - Right to social and medical assistance - Prevention, abolition or alleviation of need*

It has not been established that those in need may receive help and personal assistance services free of charge.

► *Article 23 – Right of the elderly to social protection - The Committee takes note of the information contained in the report submitted by Malta.*

There is no legal framework prohibiting discrimination on grounds of age outside of employment.

### **Thematic Group 3 “Labour rights” - Conclusions 2022**

► ► *Article 2§1 – Reasonable working time*

The law does not guarantee the right to reasonable weekly working hours for certain categories of workers.

► ► *Article 4§1- Right to a fair remuneration – Decent remuneration*

The minimum wage does not ensure a decent standard of living.

► ► *Article 4§3 – Right to a fair remuneration - Non-discrimination between women and men with respect to remuneration*

Access to effective remedies in cases of gender pay discrimination is not guaranteed.

► ► *Article 4§4 – Right to a fair remuneration - Reasonable notice of termination of employment*

- The notice periods generally applied are manifestly unreasonable in the following cases:
  - less than six months of service;
  - between six months and two years of service;
  - between three and four years of service.
- No notice period is provided for in cases of dismissal in economic, technological or organisational circumstances requiring changes in the workplace.

► ► *Article 4§5 – Right to a fair remuneration - Limits to wage deductions*

It has not been established that the safeguards preventing workers from waiving their right to limitations of wage deductions are adequate.

► ► *Article 6§1 - Right to bargain collectively - Joint consultation*

It has not been established that joint consultative bodies exist in the public sector.

► ► *Article 6§2 - Right to bargain collectively - Negotiation procedures*

It has not been established that the legal framework allows for the participation of employees in the public sector in the determination of their working conditions.

► ► *Article 6§3 – Right to bargain collectively - Conciliation and arbitration*

- Decisions of the court of inquiry are binding on the parties even where they have not given their prior consent;
- The circumstances in which compulsory arbitration is permitted go beyond the limits set by Article G of the Charter.

► ► *Article 6§4 – Right to bargain collectively – Collective action*

- The police are denied the right to strike;
- Employees in some sectors may be dismissed for taking part in a strike.

► ► *Article 26§1 - Right to dignity in the workplace - Sexual harassment*

It has not been established that appropriate and effective redress (compensation and reinstatement) is guaranteed in cases of sexual harassment in relation to work.

► ► *Article 26§2 - Right to dignity in the workplace - Moral harassment*

- In relation to the employer's responsibility, there are no sufficient and effective remedies against moral (psychological) in relation to work;
- Appropriate and effective redress (compensation and reinstatement) is not guaranteed in cases of moral (psychological) harassment in relation to work.

**Thematic Group 4 "Children, families, migrants" - Conclusions 2023**

► ► *Article 7§1 – Right of children and young persons to protection – Prohibition of employment under the age of 15*

- The prohibition of employment of children under the age of 15 does not apply to children employed in occasional or short-term work involving domestic service in a private household or work in a family undertaking;
- The duration of working time for children under the age of 15 is excessive and therefore cannot be regarded as light.

► *Article 7§3 - Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education*

The daily and weekly duration of light work permitted for children subject to compulsory education during school holidays is excessive and may deprive them of the full benefit of education.

► ► *Article 7§4 - Right of children and young persons to protection - Working time*

The daily and weekly working time for children under the age of 16 is excessive.

► ► *Article 7§8 – Right of children and young persons to protection – Prohibition of night work*

The legal prohibition on night work does not apply to the great majority of young workers under 18 years of age.

► ► *Article 7§10 – Right of children and young persons to protection - Special protection against physical and moral dangers*

- Children are not adequately protected against sexual exploitation;
- Internet service providers do not have an obligation to remove or prevent accessibility to illegal material;
- Children in vulnerable situations are not adequately protected.

► ► *Article 8§4 - Right of employed women to protection of maternity - Regulation of night work*

Pregnant women, women who have recently given birth or are nursing, who cannot perform night work and cannot be offered suitable alternative employment and are obliged to take leave are not entitled to 100% of their previous salary.

► ► *Article 8§5 – Droit des travailleuses à la protection de la maternité - Interdiction des travaux dangereux, insalubres ou pénibles*

Pregnant women, women who have recently given birth or are nursing, whose ordinary employment has been deemed unsuitable due to their condition and who cannot be offered suitable alternative employment and are obliged to take leave are not entitled to 100% of their previous salary.

► ► *Article 16 - Right of the family to social, legal and economic protection*

- Family benefits do not constitute a sufficient income supplement for a significant number of families;
- Nationals of other States Parties to the charter residing in Malta who do not hold long-term residence status are not entitled to equal treatment with regard to access to housing allowances (rent subsidy).

► *Article 27§2 – Right of workers with family responsibilities to equal opportunity and treatment - Parental leave*

No compensation or remuneration is provided for parental leave.

The ECSR also considered that the failure to provide requested information on Articles 7§2, 7§5, 7§6, 7§7, 7§9, 7§10, 8§2, 16 and 17§1 amounts to a breach by Malta of its reporting obligations under Article C of the Charter.

**The Committee has been unable to assess compliance with the following rights:**

**Thematic Group 1 “Employment, training and equal opportunities”**

- ▶ Article 1§2 - Conclusions 2020

**Thematic Group 2 “Health, social security and social protection”**

- ▶ Article 11§1 - Conclusions 2021
- ▶ Article 12§3 - Conclusions 2021
- ▶ Article 12§4 - Conclusions 2021
- ▶ Article 13§4 - Conclusions 2021
- ▶ Article 14§2 - Conclusions 2021

**Thematic Group 3 “Labour rights”**

- ▶ Article 2§2 - Conclusions 2022
- ▶ Article 4§2 - Conclusions 2022
- ▶ Article 5 - Conclusions 2022
- ▶ Article 28 - Conclusions 2022

**Thematic Group 4 “Children, families, migrants”**

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### **III. Examples of progress achieved in the application of rights under the Charter** (non-exhaustive list)

#### **Thematic Group 1 “Employment, training and equal opportunities”**

The Equal Opportunities (Persons with a Disability) Act, amended in 2012, prohibits discrimination in all areas including employment (see Conclusions 2012). Under this law employers must not discriminate against persons with disabilities in procedures relating to job applications, recruitment, promotion, dismissal, remuneration, vocational training or other areas linked to employment conditions. It is not permitted for employers to use tests or procedures designed to exclude persons with disabilities unless they can prove that these tests are crucial to the work concerned.

#### **Thematic Group 2 “Health, social security and social protection”**

The OHSA in collaboration with the EU-OHSA has developed a risk assessment tool (Online interactive Risk Assessment (OiRA)) which can be used for work in an office setting. The tool has been developed in the Maltese language and is based on Maltese occupational health and safety legislation.

The report mentions certain positive measures taken in favour of pensioners (exemption from taxes when the pension rate is equal to the national minimum wage; lowering of the age requirement – from 80 years old to 78, and then to 75 – for the granting of a €300 yearly allowance for elderly who continue to live in their residence; award of full widow pensions even when the beneficiary is employed).

Elimination of gender-based discrimination with regard to the payment of survivor's pension and sickness benefit (changes made with effect from 1 January 1998).

#### **Thematic Group 3 “Labour rights”**

Since 2012 employers are obliged to conduct a risk assessment in accordance with the requirements of the General Provisions for Health and Safety at Work Regulations 2003, prior to assigning a worker to night work.

#### **Thematic Group 4 “Children, families, migrants”**

Pregnant employees are entitled to an uninterrupted period of fully paid maternity leave of 14 weeks (increased to 18 weeks as from 1 January 2013).

Following amendments in 2011 to Regulation 5 of the Protection of Maternity (Employment) a special allowance equivalent to the rate of sickness benefit is paid for the whole period necessary for the protection of the employee's health and safety.

The Protection of Maternity (Employment) Regulations (Legal Notice 439/2003) were amended in 2012 to the effect that employers are now obliged to conduct a risk assessment in accordance with the requirements of the General Provisions for Health and Safety at Work Regulations 2003 (Legal Notice 36/2003).

The entry into force of the Domestic Violence Act in 2013, which establishes a commission on domestic violence. The functions of this commission are to advise the Minister responsible for social policy on the issue of domestic violence.

Article 712 et seq. of the Civil Code has been amended so that children of second (or subsequent) marriages or children who were adopted are not discriminated against.

Corporal punishment is unlawful in the home under a 2014 amendment to the Criminal Code. Corporal punishment is unlawful in alternative care settings under article 339 of the Criminal Code, as amended by the Criminal Code (Amendment No. 3) Act 2014. Corporal punishment is unlawful in schools under Article 339 of the Criminal Code as amended in 2014.

The age of criminal responsibility has been raised to the age of 14. The relevant provisions of the law have been changed (Article 35 of the Criminal Code) and now a child under the age of 14 shall be exempt from

criminal responsibility for any act or omission. Hence the Article in the Criminal Code relating to mischievous discretion between the ages of 9 to 14 has been removed.

Malta abolished all forms of corporal punishment in all settings.

## Appendix II



GOVERNMENT OF MALTA  
MINISTRY FOR SOCIAL POLICY  
AND CHILDREN'S RIGHTS



European  
Social  
Charter

Charte  
sociale  
européenne



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### PROGRAMME

**The European Social Charter in Malta organised by  
the Department of Social Rights, DG I Council of Europe and  
Ministry for Social Policy and Children's Rights of Malta  
25th – 26th September 2025**

***Venue: The Phoenicia Hotel, Floriana, Malta***

***Working language: English Logistics: laptop, projector,  
screen***

- 1. Meeting with the Director General, Strategy and Implementation Division & Director General, Social Security, Ministry for Social Policy and Children's Rights**
- 2. Meeting with Department for Industrial and Employment Relations (DIER) & Occupational Health and Safety Authority (OHSA)**
- 3. Meeting with the Malta Council for Economic and Social Development (MCESD)**
- 4. Meeting with Ministry for Home Affairs, Security, and Employment; Identity Malta; Jobsplus**
- 5. Meeting with Human Rights Directorate**
- 6. Meeting with civil society organisations**

This programme is organised within the framework of the procedure provided for by Article 22 of the 1961 Charter on "non-accepted provisions". It will consist of an exchange of views and information on the provisions not accepted by Malta with a view to evaluating the prospects for acceptance of additional provisions of the revised Charter. In addition, there will be an exchange of views on the system of collective complaints, which has not yet been accepted by Malta.

## DAY 1: 25th September 2025

**9:00 AM – 10:00 AM**

**Meeting with the Director General, Strategy and Implementation Division & Director General, Social Security, Ministry for Social Policy and Children's Rights**

### **Discussion Themes:**

- Welcome address to the ECSR delegation and an overview of the European Social Charter system.
  - *Alexia Vella, Director General, Strategy and Implementation Division, MSPC*
  - *Justin Facciol, Director Policy Development and International Affairs, MSPC\**
  - *Trudy Jo Stellini, Assistant Director Policy Development and International Affairs, MSPC\**
  - *Michelle Tabone, Senior Manager, Policy Development and International Affairs, MSPC \**
  - *Tatiana Puiu, Vice-President, European Committee for Social Rights*
  - *Loreta Vioiu, Programme Manager, Department of Social Rights*
- Update from DG on Malta's intent to accept several provisions by the end of 2025, following consultations with relevant stakeholders.
  - *Alexia Vella, Director General, Strategy and Implementation Division, MSPC*
- Discussion on Article 30 – Right to Protection Against Poverty and Social Exclusion: Malta's commitment to acceptance, exceeding the Charter's requirements, with notification to the Secretary General via official channels.
  - *Alexia Vella, Director General, Strategy and Implementation Division. MSPC*
  - *Niamh Casey, Head of Reporting Procedure Division, Department of Social Rights*
- ECSR presentation on the Collective Complaints Mechanism – Malta to observe and consider<sup>4</sup>.
  - *Tatiana Puiu, Vice-President of the European Committee of Social Rights*

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**9:30 AM – 10:00 AM – Meeting with the Minister for Social Policy and Children's Rights, Hon. Michael Falzon**

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**10.15 AM – 10.30 AM Coffee break**

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<sup>4</sup> In relation the Collective Complaints Procedure, Malta maintains a strong and effective legal framework that upholds social rights, with well-established judicial and institutional mechanisms that provide adequate avenues for addressing concerns related to the European Social Charter. The Ministry also remains actively engaged with the European Committee of Social Rights through regular reporting and constructive dialogue, ensuring that developments in social rights are continuously monitored and assessed within a cooperative framework. We consider this to be a robust and effective approach to addressing compliance-related matters. Given these existing safeguards, we believe that our national system already ensures effective protection without the need for additional external procedures. That said, we obviously remain open to continued dialogue and look forward to welcoming the committee members of the European Committee of Social Rights to Malta for further discussions.

**10:30 AM – 12:00 PM**

**Meeting with Department for Industrial and Employment Relations (DIER) & Occupational Health and Safety Authority (OHSA)**

**Discussion Themes:**

- Articles 19(4)(a)(b) – Remuneration, employment conditions, and trade union membership: DIER
  - *Mark Micallef Costa, Assistant Director, Department for Industrial and Employment Relations (DIER)*
  - *Anthony Azzopardi, Assistant Director, Department for Industrial and Employment Relations (DIER)*
  - *Karin Møhl Larsen, member of the European Committee of Social Rights*
- Article 19(5) – Equal treatment of employed persons: DIER
  - *Mark Micallef Costa, Assistant Director, Department for Industrial and Employment Relations (DIER)*
  - *Anthony Azzopardi, Assistant Director, Department for Industrial and Employment Relations (DIER)*
  - *Karin Møhl Larsen, member of the European Committee of Social Rights*
- Article 21 – Right to information and consultation: DIER
  - *Mark Micallef Costa, Assistant Director, Department for Industrial and Employment Relations (DIER)*
  - *Anthony Azzopardi, Assistant Director, Department for Industrial and Employment Relations (DIER)*
  - *Niamh Casey, Head of Reporting Procedure Division, Department of Social Rights*
- Article 22 – Right to participate in improvement of working conditions and environment: DIER and OHSA to confirm agreement.
  - *Mark Micallef Costa, Assistant Director, Department for Industrial and Employment Relations (DIER)*
  - *Anthony Azzopardi, Assistant Director, Department for Industrial and Employment Relations (DIER)*
  - *Silvio Farrugia, Senior Manager, Occupational Health and Safety Authority (OHSA)*
  - *Jurgen Grixti, Manager, Occupational Health and Safety Authority (OHSA)*
  - *Niamh Casey, Head of Reporting Procedure Division, Department of Social Rights*
- Article 19(7) to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings.
  - *Mark Micallef Costa, Assistant Director, Department for Industrial and Employment Relations (DIER)*
  - *Anthony Azzopardi, Assistant Director, Department for Industrial and Employment Relations (DIER)*
  - *Karin Møhl Larsen, member of the European Committee of Social Rights*
- Article 2(7) to ensure that workers performing night work benefit from measures which take account of the special nature of the work
  - *Mark Micallef Costa, Assistant Director, Department for Industrial and Employment Relations (DIER)*
  - *Anthony Azzopardi, Assistant Director, Department for Industrial and Employment Relations (DIER)*
  - *Karin Møhl Larsen, member of the European Committee of Social Rights*

**12:00 PM – 13:00 PM**

**Lunch with Director General / Director at the Phoenicia Hotel, Floriana, Malta**

- *Tatiana Puiu, Vice-President of the European Committee of Social Rights*
  - *Karin Møhl Larsen, member of the European Committee of Social Rights*
  - *Niamh Casey, Head of Reporting Procedure Division, Department of Social Rights*
  - *Loreta Vioiu, Programme Manager, Department of Social Rights*
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**13:15 PM – 14:30 PM**

**Meeting with the Malta Council for Economic and Social Development (MCESD)**

- Presentation of the European Social Charter system and Collective complaints procedure.
    - *Perit David Xuereb, Chair (MCESD)*
    - *Norma Camilleri, Chairperson for Civil Society Committee*
    - *Tatiana Puiu, Vice-President of the European Committee of Social Rights*
    - *Karin Møhl Larsen, member of the European Committee of Social Rights*
    - *Niamh Casey, Head of Reporting Procedure Division, Department of Social Rights*
    - *Loreta Vioiu, Programme Manager, Department of Social Rights*
- 

**14:30 PM – 15:30 PM**

**Meeting with the Foundation for Affordable Housing and with San Jeanne Antide Foundation**

**Venue: The Phoenicia Hotel, Floriana, Malta**

- Presentation of the European Social Charter system and Collective complaints procedure.

Dr Daniel Gravino, Dr Kurt Xerri, Dr Dylan Cassar and Daniel Bugeja, Executive Officer, Foundation for Affordable Housing

- *Julie Cortis Apap and Melanie Piscopo, St Jeanne Antide Foundation*
- *Tatiana Puiu, Vice-President of the European Committee of Social Rights*
- *Karin Møhl Larsen, member of the European Committee of Social Rights*
- *Niamh Casey, Head of Reporting Procedure Division, Department of Social Rights*
- *Loreta Vioiu, Programme Manager, Department of Social Rights*

**DAY 2: 26th September 2025**

**9:00 AM – 10:00 AM**

**Meeting with Ministry for Home Affairs, Security, and Employment; Identity Malta; Jobsplus**

- *Justin Facciol, Director Policy Development and International Affairs \**
- *Trudy Jo Stellini, Assistant Director Policy Development and International Affairs\**
- *Michelle Tabone, Senior Manager \**

## Discussion Themes:

- Article 18 – Right to engage in gainful occupation in the territory of other Parties: Presentation of available data and discussion on acceptance.
  - *Diandra Pace, Director Migration, Ministry for Home Affairs, Security and Employment*
  - *Graziella Caruana, Department Manager, Jobsplus*
  - *Graziella Cauchi, Department Manager, Jobsplus*
  - *Edric Zahra, CEO, Identita'*
  - *Tania Brown, Chief Policy and Strategy Officer, Identita'*
  - *Niamh Casey, Head of Reporting Procedure Division, Department of Social Rights*
- Articles 19(1) and (2) – Rights of migrant workers and their families to protection and assistance: Discussion on procedural framework and potential acceptance.
  - *Diandra Pace, Director Migration, Ministry for Home Affairs, Security and Employment*
  - *Graziella Caruana, Department Manager, Jobsplus*
  - *Graziella Cauchi, Department Manager, Jobsplus*
  - *Edric Zahra, CEO, Identita'*
  - *Tania Brown, Chief Policy and Strategy Officer, Identita'*
  - *Karin Møhl Larsen, member of the European Committee of Social Rights*
- Article 19(8) – Expulsion only under national security or public interest grounds: Ministry to discuss potential acceptance.
  - *Diandra Pace, Director Migration, Ministry for Home Affairs, Security and Employment*
  - *Graziella Caruana, Department Manager, Jobsplus*
  - *Graziella Cauchi, Department Manager, Jobsplus*
  - *Edric Zahra, CEO, Identita'*
  - *Tania Brown, Chief Policy and Strategy Officer, Identita'*
  - *Karin Møhl Larsen, member of the European Committee of Social Rights*
- Article 19(9) – Transfers of earnings and savings of workers:
  - *Diandra Pace, Director Migration, Ministry for Home Affairs, Security and Employment*
  - *Graziella Caruana, Department Manager, Jobsplus*
  - *Graziella Cauchi, Department Manager, Jobsplus*
  - *Edric Zahra, CEO, Identita'*
  - *Tania Brown, Chief Policy and Strategy Officer, Identita'*
  - *Karin Møhl Larsen, member of the European Committee of Social Rights*
- Article 27(1)(c) to develop or promote services, public or private, in particular child daycare services and other childcare arrangements
  - *Diandra Pace, Director Migration, Ministry for Home Affairs, Security and Employment*
  - *Graziella Caruana, Department Manager, Jobsplus*
  - *Graziella Cauchi, Department Manager, Jobsplus*
  - *Edric Zahra, CEO, Identita'*
  - *Tania Brown, Chief Policy and Strategy Officer, Identita'*
  - *Karin Møhl Larsen, member of the European Committee of Social Rights*

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**10.00 – 10.30 Coffee break**

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**10:30 – 11:30**

**Meeting with Human Rights Directorate**

**Discussion Themes:**

- General discussion on the European Social Charter.
- Article 19(11) – Rights of migrant workers and families to protection and assistance: HRD to confirm acceptance.
  - *Annalise Desira, Director, Human Trafficking Unit*
  - *Alexander Tortell, Integration and Anti-racism advisor*
  - *Karin Møhl Larsen, member of the European Committee of Social Rights*
  - *Niamh Casey, Head of Reporting Procedure Division, Department of Social Rights*

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**11:30 – 12:00**

- George Cremona, Director General Social Security, MSPC to address the **Social Security Code**: Further national analysis and discussion required before finalizing stance on Article 12.
  - *Alexia Vella, Director General, Strategy and Implementation Division, MSPC*
  - *Other Social Security Representatives TBC*
  - *Karin Møhl Larsen, member of the European Committee of Social Rights*

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**12:00 PM – 13:15 PM**

**Lunch Break**

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**13:30 PM – 14:30 PM**

**Meeting with civil society NGOs**

- Presentation of the European Social Charter system and Collective complaints procedure.
  - *Participants tbc*
  - *Tatiana Puiu, Vice-President of the European Committee of Social Rights*
  - *Karin Møhl Larsen, member of the European Committee of Social Rights*
  - *Niamh Casey, Head of Reporting Procedure Division, Department of Social Rights*
  - *Loreta Vioiu, Programme Manager, Department of Social Rights*

**END OF PROGRAMME**

## **Council of Europe delegation**

- Tatiana Puiu, Vice-President of the European Committee of Social Rights
- Karin Møhl Larsen, member of the European Committee of Social Rights
- Niamh Casey, Head of Reporting Procedure Division, Department of Social Rights
- Loreta Vioiu, Programme Manager, Department of Social Rights

## **Ministry for Social Policy and Children's Rights (MSPC)**

- Alexia Vella, Director General, Strategy and Implementation Division
- George Cremona, Director General, Social Security
- Justin Faccioli, Director Policy Development and International Affairs\*
- Trudy Jo Stellini, Assistant Director Policy Development and International Affairs\*
- Michelle Tabone, Senior Manager \*

## **Department for Industrial relations and Employment Relations**

- Mark Micallef Costa, Assistant Director
- Anthony Azzopardi, Assistant Director

## **Occupational Health and Safety Authority**

- Silvio Farrugia, Senior Manager, Occupational Health and Safety Authority (OHSA)
- Jurgen Grixti, Manager, Occupational Health and Safety (OHSA)

## **Ministry for Home Affairs, Security and Employment**

- Diandra Pace, Director Migration

## **Jobsplus**

- Graziella Caruana, Department Manager
- Graziella Cauchi, Department Manager

## **Identita'**

- Edric Zahra, CEO, Identita'
- Tania Brown, Chief Policy and Strategy Officer, Identita'

## **Human Rights Directorate**

- Annalise Desira, Director, Human Trafficking Unit
- Alexander Tortell, Integration and Anti-racism advisor

## **Meeting with the Malta Council for Economic and Social Development**

- Perit David Xuereb, Chair MCESD
- Norma Camilleri, Chairperson for Civil Society Committee

## **Civil society organisations**

- Caritas Malta
- Foundation for Affordable Housing (TBC)
- St Jean Antide Foundation (TBC)

## Appendix III: Vilnius Declaration



PRESIDENCY OF LITHUANIA  
Council of Europe  
May – November 2024  
PRÉSIDENCE DE LA LITUANIE  
Conseil de l'Europe  
Mai – Novembre 2024



MINISTRY  
OF SOCIAL SECURITY AND LABOUR  
REPUBLIC OF LITHUANIA



European  
Social  
Charter

Charte  
sociale  
européenne



COUNCIL OF EUROPE  
75  
1949 - 2024  
CONSEIL DE L'EUROPE

### **High-Level Conference on the European Social Charter** *“a step by member States to take further commitments under the Charter”* 3-4 July 2024, Vilnius, Lithuania

## **VILNIUS DECLARATION**

1. In the Reykjavik Declaration (May 2023), the Heads of State and Government of the Council of Europe confirmed that “[s]ocial justice is crucial for democratic stability and security” and “reaffirm[ed] their] full commitment to the protection and implementation of social rights as guaranteed by the European Social Charter system”. They proposed the holding of a high-level conference on the European Social Charter (ETS No. 35, (revised) ETS No. 163, “the Charter”) “as a step to take further commitments under the Charter where possible”.
2. At the 133rd Ministerial Session on 17 May 2024, the Committee of Ministers reiterated that social justice and the Council of Europe’s action on social rights play a crucial role for democratic stability and security. The Ministers restated their commitment to the European Social Charter system and, in their decisions, underlined the importance of the Charter and its monitoring procedures, and welcomed the organisation of a high-level conference.
3. Following the principles set out in the Vienna Declaration and Programme of Action (adopted in 1993 at the World Conference on Human Rights), all “human rights are universal, indivisible, interdependent and interrelated”. These rights include social rights, such as rights related to work, education, housing, social protection, health and well-being, and the human rights aspects of the environment. Combating inequality and social exclusion is vital for all, especially for disadvantaged individuals. It is also crucial for the implementation of the Sustainable Development Goals as defined by the United Nations 2030 Agenda for Sustainable Development.
4. The Council of Europe was established in the belief “that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation”. Social progress was enshrined in the Statute of the Council of Europe (ETS No. 1) as a cornerstone of lasting peace. The Russian Federation’s ongoing war of aggression against Ukraine has had both immediate and lasting fallout as regards the enjoyment of human rights, including social rights for Ukrainians and all persons affected, and, very significantly, for women and children. The repercussions were and continue to be felt across Europe and throughout the world, including on the global economy and trade, particularly with increases in the cost of living and worsening food insecurity.
5. Social justice and the respect for, and the protection and implementation of social rights, as guaranteed in particular by the European Social Charter system, are crucial for promoting democratic security and stability. It is also very important to respond to new or emerging challenges and avoid the

risk of further erosion of social rights protection and increasing inequalities, in order to maintain social cohesion in our societies.

6. Through its monitoring, reporting and collective complaints mechanisms, the Charter provides effective governance inputs, through both the European Committee of Social Rights and the Governmental Committee of the European Social Charter and European Code of Social Security (“the Governmental Committee”), in the pursuit of social justice and the protection of social rights.

7. On the occasion of this High-Level Conference, which coincides with the 25th anniversary of the entry into force of the revised European Social Charter and the 75th anniversary of the Council of Europe, the representatives of Council of Europe member States:

- a. underline the importance of having a robust and responsive social rights framework across Europe, underpinned in particular by relevant treaty law, including the European Social Charter system. It is the collective duty of member States to promote respect for, and the continuing development of, social rights, both as human rights and also as vectors of economic growth, social progress and social cohesion, peace, security and stability;
- b. affirm that military aggression and breaches of peace are incompatible with States’ human rights obligations in general, and, in particular, with their social rights obligations; in this context, welcome the solidarity shown towards the people of Ukraine and the social protection offered by Council of Europe member States to those who are temporarily displaced;
- c. acknowledge the possibility offered by the Charter for States Parties to increase progressively their commitments aimed at respecting, protecting and implementing social rights, a process that can and should be further strengthened through constructive and enhanced dialogue between the competent national authorities and the organs of the Charter, together with social partners;
- d. welcome the commitment of member States of the Council of Europe to promote social justice and, in particular, the efforts made by member States to accept a high level of commitment to social rights, and the effective action taken by the States Parties to the European Social Charter to address the findings and conclusions of the European Committee of Social Rights when necessary;
- e. recall that the Council of Europe Development Bank, in line with its unique social mandate, contributes to strengthening social cohesion through projects with social value in its member countries;
- f. welcome the decisions adopted by the Council of Europe Committee of Ministers to improve the implementation of the Charter system and its monitoring arrangements. This includes an invitation to the European Committee of Social Rights to apply, where possible, the existing Charter provisions to new and emerging social policy challenges and to strengthen the role of the Governmental Committee in respect of follow-up and reflection;
- g. acknowledge the crucial role of national executives and legislatures in strengthening the protection of social rights through legislative action, in particular the part parliaments play in the ratification process of international treaties, and the acceptance of additional commitments under the Charter.

8. Consequently, the representatives of Council of Europe member States:

- a. commit to respect, protect and implement social rights in general and, for the States Parties to the Charter, to pay continued attention to the challenges and opportunities to implement the Charter’s requirements and, to this end, encourage States Parties to make full use of all available possibilities for enhanced dialogue between the organs of the Charter, States Parties and social partners;
- b. encourage member States to consider ratifying the revised European Social Charter (1996) in an effort, alongside the policy approaches of member States, to support the Council of Europe’s stated aim of facilitating economic and social progress;

- c. propose to keep under review the possibilities for acceptance of additional commitments under the Charter, including the collective complaints procedure;
- d. invite the Committee of Ministers of the Council of Europe to:
  - i. enable further discussions with national as well as competent local and regional authorities, and social partners, in order to promote a rights-based approach to social policy and the sharing of knowledge and good practice in responding to persistent and emerging common problems and challenges. The following areas might be covered:
    - inequalities, low incomes and social exclusion, housing and demographic change;
    - any form of discrimination having an impact on the full enjoyment of social rights;
    - the social rights dimension related to the Reykjavik Declaration commitment “to [strengthen the] work on the human rights aspects of the environment”;
    - persistent and emerging challenges in the area of work, with the necessary attention being paid to freedom of association and collective bargaining, new forms of employment, the transition to a green economy, digitalisation, including the advent of artificial intelligence, technological change, work-life balance and, very significantly, the questions of participation and dignity (such as the protection against all forms of harassment, including sexual harassment) in the workplace;
  - ii. give increased priority to co-operation activities in the field of social rights with a view to improving the implementation of the Charter in the light of the monitoring outcomes of the European Committee of Social Rights and related Committee of Ministers recommendations. The “social rights” component of the Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” 2023-2026, is an inspiring example of such activities;
  - iii. ensure co-operation among Council of Europe entities and committees in the area of social rights, and continue to work together while exploring possibilities to increase co-operation with other international organisations as well as with the European Union in promoting social rights as guaranteed by the European Social Charter and its protocols;
  - iv. remain open to considering possible measures for further optimising the Charter system;
  - v. explore regularly the need to convene this High-Level Conference to address contemporary social policy challenges, also taking into account the expected outcomes.

## **APPENDIX IV: Digest of the case law of the ECSR**

Link: [DIGEST OF THE CASE LAW OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS](#)