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[Home](#) > Malta

Malta

Country:

[Malta](#)

Year:

2018

Freedom Status:

Free

Political Rights:

1

Civil Liberties:

1

Aggregate Score:

92

Freedom Rating:

1.0

Overview:

Malta is a parliamentary democracy with regular, competitive elections and periodic rotations of power. Civil liberties are widely respected. However, the political system makes it difficult for new or smaller groups to challenge the dominance of the two main parties, and recent revelations have underscored the threat of official corruption.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 36 / 40 (-3)

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

The president, who serves as a largely ceremonial head of state, is elected by the parliament for a single five-year term. The president nominates the prime minister, who is usually the leader of the majority party or coalition in the parliament.

In 2014, the legislature elected former Labour Party member Marie-Louise Coleiro Preca to the presidency, replacing George Abela. Joseph Muscat has served as prime minister since 2013, when he led the Labour Party to victory in parliamentary elections.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

Members of Malta's unicameral legislature, the House of Representatives, are elected for five-year terms through a single-transferable-vote system in multimember districts. Snap elections were held in June 2017, about nine months ahead of schedule. The ruling Labour Party took about 55 percent of the vote and 37 seats, leaving the opposition Nationalist Party and its allies with 30 seats.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

The constitution and the electoral law provide for democratic elections, and balloting is generally free and fair in practice. Members of the Electoral Commission are appointed by the president on the basis of consultation between the government and the opposition, meaning both major parties have representatives on the panel. The electoral system has been criticized in the past for electoral boundaries that favor the incumbent parties and for a voting system that makes it difficult for smaller parties to win representation. To secure a seat, a party must take about 16–17 percent of the valid votes in one of the 13 electoral districts.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16 (-2)

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 3 / 4 (-1)

There are no significant restrictions on the formation of political parties, though the ruling party benefits from progovernment bias in the state media, and smaller parties have difficulty competing against the two established parties given the voting system and their superior access to private donations. The newly formed Democratic Party won two seats in the 2017 elections only by forging an alliance with the Nationalists and running candidates on their lists.

The Financing of Political Parties Act was adopted in 2015 to improve the transparency of party fundraising, but doubts persisted in 2017 as to whether the law's provisions were either adequate or properly observed by the main parties. Critics of the law have noted that compliance is overseen by the Electoral Commission, whose members are effectively appointed by the two parties, and that the commission's investigative powers remain unclear. While the law caps individual donations, it imposes no overall cap on electoral spending, and parties are not obliged to identify donors who contribute less than €7,000 (\$8,000). The Labour Party did not amend its own statute to comply with the law, which took effect in January 2016, until April 2017. For its part, the Nationalist Party was accused in early 2017 of using false invoices to conceal unreported donations; an investigation was ongoing at year's end.

Score Change: The score declined from 4 to 3 due to flaws in the content and implementation of the law on political party financing.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

The Labour Party and its rival, the Nationalist Party, have regularly alternated in power since independence from Britain in 1964, establishing a strong pattern of peaceful democratic transfers after elections. The most recent change occurred in 2013.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 3 / 4 (-1)

Voters are generally free from undue interference with their political choices, and no military, foreign, or religious entities exert undemocratic influence over the vote.

However, in recent years, observers including slain journalist Daphne Caruana Galizia have highlighted the role that powerful economic interests play in financing political parties and thereby influencing their positions. In the 2013 election campaign, for example, the head of Malta's construction and land-development lobby reportedly operated from inside the Labour Party headquarters and raised large donations. The Labour government subsequently favored the industry in its policies, and the two sides maintained a close relationship. According to the party's 2017 disclosures on the previous year's donations, several construction companies made seven-figure contributions; the Nationalist Party reported no similar donations from private companies.

Score Change: The score declined from 4 to 3 due to the influence of powerful economic interest groups in national politics.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Women and minority groups enjoy full political rights and electoral opportunities, though conservative societal norms have limited women's participation to some extent. Women hold 10 parliament seats, or about 15 percent of the total, in addition to the presidency.

C. FUNCTIONING OF GOVERNMENT: 10 / 12 (-1)

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Elected officials are largely free to make and implement laws and policies without improper obstacles from unelected groups. The parliamentary system ensures that the government is supported by a majority in the legislature, but the parliamentary opposition serves as a check on executive power. In 2016, the opposition presented a no-confidence motion after members of the government were linked to the so-called Panama Papers, a trove of documents leaked from a Panama-based law firm that exposed its efforts to hide

the assets of prominent individuals from around the world. The motion was defeated after a lengthy debate.

C2. Are safeguards against official corruption strong and effective? 3 / 4

The Panama Papers have led to a series of corruption allegations against Maltese officials since 2016, and related investigations were ongoing throughout 2017. The most important cases centered on the revelation that a government minister and the prime minister's chief of staff had set up trusts in New Zealand and secret accounts in Panama shortly after taking office in 2013. Caruana Galizia later alleged that the beneficial owner of a third Panama company was the prime minister's wife. Another inquiry involves claims of kickbacks to Muscat's chief of staff from a program that issues Maltese passports to foreign investors. A key whistle-blower in these cases, former bank employee and Russian national Maria Efimova, fled the country in 2017, saying she feared for her life after Caruana Galizia's murder.

Critics from the opposition and civil society warned of possible political influence over the corruption investigations. In June, two senior officials at the Financial Intelligence Analysis Unit (FIAU) were dismissed after a government minister criticized leaks from the agency. Following Caruana Galizia's murder, civil society activists demanded the replacement of the attorney general and the police commissioner—who were seen as loyal to the prime minister—with nominees backed by a two-thirds majority in the parliament.

Meanwhile, the Permanent Commission against Corruption was crippled by vacancies for much of the year. A chairperson was in place, but the two other commission posts remained unfilled at year's end after becoming vacant in April and May, with the government stating that it was awaiting a nomination from the opposition.

C3. Does the government operate with openness and transparency? 3 / 4 (-1)

Malta has a freedom of information law and asset disclosure rules for public officials. However, the Swiss Leaks scandal in 2015 revealed that a number of politicians had apparently hidden assets in Swiss bank accounts, and investigations by tax authorities were still under way as of 2017. In March 2017, the parliament passed legislation calling for the appointment of a commissioner for standards in public life to monitor ethical standards among public officials, including discrepancies between lawmakers' tax returns and asset declarations. The commissioner, who would be approved with a two-thirds parliamentary majority, had yet to be appointed at year's end.

The government has been criticized in recent years for withholding important details on a series of large public contracts. For example, a 30-year contract for the management of three hospitals was handed in 2015 to Vitals Global Healthcare, a company with no previous record in the industry, for an annual payment of about €70 million (\$80 million). A heavily redacted copy of the contract was submitted to the parliament under pressure from the opposition in 2016, but the full agreement was only leaked to a newspaper in 2017. The firm was owned by a shell company whose true beneficiaries had not been publicly identified. In December, Vitals agreed to sell the concession to a U.S.-based hospital operator.

Score Change: The score declined from 4 to 3 due to a lack of transparency in the allocation and terms of public contracts.

CIVIL LIBERTIES: 56 / 60 (-1)

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16 (-1)

D1. Are there free and independent media? 3 / 4 (-1)

The media are generally free and diverse. Residents have access to international news services as well as domestic outlets that provide a range of political perspectives, though the opposition often complains that state-owned media favor the government.

In February 2017, the government proposed a new media bill that would decriminalize defamation and end the practice of freezing a journalist's assets while civil cases are proceeding. Although the initial bill was later revised to eliminate several problematic provisions, the Organization for Security and Co-operation in Europe recommended additional changes to strengthen defendants' ability to use the truth and honest-opinion defenses regarding matters of public interest. The legislation had yet to pass through the parliament at year's end.

Meanwhile, journalists and others continued to face libel suits during 2017. Caruana Galizia alone was fighting multiple cases, and was subjected to an asset freeze in February as part of a lawsuit in which the economy minister was seeking €47,000 (\$54,000) in damages for allegations that he had visited a brothel while in Germany for a conference.

Caruana Galizia's murder in an October car bombing added a new level of physical danger to the work of journalists in Malta, particularly those investigating political corruption. Three suspects with long criminal histories were charged in December with carrying out the assassination, but it was believed to be a contract killing, and the ultimate organizer of the crime had yet to be identified.

Score Change: The score declined from 4 to 3 due to the murder of investigative journalist and blogger Daphne Caruana Galizia.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

The constitution establishes Roman Catholicism as the state religion, but religious minorities are generally able to worship freely. A 2016 legal reform decriminalized the vilification of religion, or blasphemy, and instead expanded a provision banning incitement of hatred to include religious hatred.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Scholarship and the education system are free from political control and indoctrination. In 2017, the government proposed a reform that would subject the University of Malta to a

governing board appointed by the prime minister, though it was unclear at year's end whether the plan would proceed.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant constraints on the expression of personal views among the general public, notwithstanding laws banning defamation and incitement of hatred on various grounds.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

The constitution provides for freedom of assembly, and the government generally respects this right in practice.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

Freedom of association is constitutionally protected. Nongovernmental organizations, including those that investigate human rights issues, operate without state interference.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

The law recognizes the rights to form and join trade unions, engage in collective bargaining, and strike. The government enforces labor protections, and antiunion discrimination by employers is relatively uncommon.

F. RULE OF LAW: 15 / 16

F1. Is there an independent judiciary? 4 / 4

The judiciary is generally considered independent. The president appoints senior judges on the advice of the prime minister. A 2016 constitutional reform created a Judicial Appointments Committee to make recommendations to the prime minister, except in the case of the chief justice, who chairs the committee. If the prime minister rejects the committee's recommendations, he is obliged to explain his reasons in writing and before the parliament. In December 2017, the justice minister said the government would seek consensus with the opposition on the appointment of a new chief justice when the incumbent retired in 2018.

F2. Does due process prevail in civil and criminal matters? 4 / 4

Police and prosecutors typically observe due process guarantees, including access to defense counsel and protections against arbitrary arrest.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4

The authorities do not engage in torture or other ill-treatment of detainees. Rates of violent crime are comparatively low, though various forms of organized crime remain a problem, and a series of car bombings in recent years preceded the 2017 murder of Caruana Galizia.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4

Discrimination based on gender, race, sexual orientation, and other such categories is prohibited by law, and these rules are generally enforced, though some forms of societal discrimination—a gender pay gap, for example—persist in practice.

Malta largely complies with international and EU rules on refugees and asylum seekers; a legal amendment adopted in April 2017 gave asylum seekers the right to appeal decisions on their claims. However, the country has been criticized for resisting acceptance of migrants rescued at sea, and advocates for migrants and refugees sometimes report police harassment and hostility from far-right groups.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 14 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Residents are largely free to move within the country and travel abroad, and to change their place of employment or education without undue interference.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

There are no significant restrictions on property rights, and the legal framework is generally supportive of private business activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4

Divorce was legalized in 2011, and subsequent laws have allowed transgender people to express their gender identity on government documents, legalized same-sex civil unions, and permitted adoption by same-sex couples. In July 2017, the parliament approved legislation that legalized same-sex marriage.

Malta is the only EU country where abortion is strictly prohibited in all cases, even when the woman's life is in danger. Domestic violence remains a problem despite government efforts to combat it.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Residents generally enjoy fair access to economic opportunity and protections from labor exploitation, though migrant workers in particular are vulnerable to labor and sex trafficking or conditions that amount to forced labor.

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