



FREEDOM IN THE WORLD 2020

Malta

90

/100

FREE

<u>Political Rights</u>	35/40
<u>Civil Liberties</u>	55/60

LAST YEAR'S SCORE & STATUS

91/100 Free

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

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

Key Developments in 2019

- Prime Minister Joseph Muscat announced in December that he would relinquish his post and the leadership of the Labour Party in January 2020. Muscat’s announcement came after it emerged that police were preparing to question Keith Schembri, his chief of staff, in connection with the investigation into journalist Daphne Caruana Galizia’s killing in 2017, and as demonstrators—angry over corruption, impunity, and the handling of the Caruana Galizia investigation—were demanding that he step down.
- Two weeks later, the European Parliament told European Union (EU) leaders that Muscat should resign immediately, saying his “delayed” resignation “constitutes a serious risk, real or perceived, the [Caruana Galizia] murder investigation and connected investigations will be compromised.”
- An April report by the Council of Europe’s Group of States Against Corruption, or GRECO, noted that senior officials suspected of involvement in serious corruption schemes remained in office, and that sophisticated anticorruption mechanisms were of little use if authorities failed to invoke them.

Political Rights

A. Electoral Process

A1 0-4 pts

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

4/4

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

In June 2017, Prime Minister Joseph Muscat won a second five-year term when his Labour Party won a snap parliamentary election. In December 2019, Muscat announced that he would relinquish the leadership of the Labour Party and his post as prime minister in January 2020. The development came after it emerged that police were preparing to question Keith Schembri, his chief of staff in connection with the investigation into journalist Daphne Caruana Galizia’s killing, and as demonstrators—angry over corruption, impunity, and the handling of the Caruana Galizia investigation—were demanding that he step down.

Two weeks later, the European Parliament told European Union (EU) leaders that Muscat should resign immediately, saying his “delayed” resignation “constitutes a serious risk, real or perceived, the [Caruana Galizia] murder investigation and connected investigations will be compromised.” Schembri also resigned from the Labour Party in December, in anticipation of his expulsion.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?

4/4

Members of Malta’s unicameral parliament, the House of Representatives, are elected for five-year terms through a single-transferable-vote system in multimember districts. National elections are considered to be free and fair.

Snap elections were held in June 2017, about nine months ahead of schedule. The ruling Labour Party won 55 percent of the vote and 37 seats, leaving the opposition

Nationalist Party and its allies with 30 seats.

A3 0-4 pts

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. Balloting is generally free and fair. Members of the Electoral Commission are appointed by the president, and both major parties are represented on it. Since 1987, when constitutional amendments were passed, efforts have been made to ensure proportionality is maintained between votes and parliamentary seats won by the parties. However, a party requires 16–17 percent of the valid votes in at least one of the 13 electoral districts to enter parliament.

B. Political Pluralism and Participation

B1 0-4 pts

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

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 2015 Financing of Political Parties Act was adopted to improve transparency of party fundraising, but compliance is overseen by the Electoral Commission, which is dominated by members of the two main parties. The law caps individual donations, but imposes no overall cap on electoral spending. Parties are not obliged to identify donors contributing less than €7,000 (\$8,000). In 2017, the Nationalist Party was accused of using false invoices to conceal unreported donations, which was investigated by the Electoral Commission. In October 2018, the Constitutional Court upheld a Nationalist Party appeal to halt the investigation, ruling that the Electoral Commission cannot be both the investigator and the judge. The government pledged to amend the law to make it comply with the court's ruling, but no amendments had been approved by the end of 2019.

B2 0-4 pts

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

4/4

The Labour Party and Nationalist Party have regularly alternated in power since independence from Britain in 1964, establishing a strong pattern of peaceful democratic transfers after elections.

B3 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

3/4

Voters are free from undue interference in their political choices, and no military, foreign, or religious entities exert undemocratic influence over them. However, in recent years, journalists and other observers have exposed the influence of powerful economic interests that donate to the main political parties.

B4 0-4 pts

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 women's participation in politics is limited. Women currently hold 9 parliament seats, or about 13.4 percent of the total.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

4/4

Elected officials are free to make and implement laws and policies without improper obstacles from unelected groups. However, the 2018 report by the Venice Commission of the Council of Europe (CoE) found that disproportionate power is concentrated in the executive branch and that the current system features inadequate checks and balances to constrain the prime minister.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

2/4

The Panama Papers—a trove of documents leaked from a Panama-based law firm and unveiled by media organizations in April 2016—have led to a series of corruption allegations against Maltese officials, and related investigations were ongoing throughout 2019. Among them were corruption allegations against a government minister, Konrad Mizzi, and the prime minister's chief of staff, Keith Schembri, for setting up trusts in New Zealand and secret accounts in Panama

shortly after taking office in 2013; both resigned in November 2019 amid turmoil surrounding the investigation into the murder of Caruana Galizia, who had accused each of corruption.

In July 2018, a magisterial inquiry into allegations—many made by Caruana Galizia—that Michelle Muscat, the prime minister’s wife, had owned an offshore company called Egrant, finished its report. It concluded that there was no evidence linking Egrant to Prime Minister Muscat’s family, but that questions into the company’s ownership and dealings remained. The full report was only published in December 2019, after the Nationalist Party won a court case for full access to it, rather than just the conclusions that were initially released. Another ongoing inquiry involves claims of kickbacks to Schembri from the controversial Individual Investor Program (IIP), through which investors can gain Maltese citizenship in exchange for a large donation to the government.

Two 2019 CoE reports—by GRECO, published in April, and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (known as the MONEYVAL Committee), published in September—highlighted problems with Malta’s ongoing fight against corruption. The GRECO report noted a lack of any official response to corruption allegations levied against ministers and other senior government figures, including when audits have shown serious irregularities, and added that “the most sophisticated mechanisms and the many specialist and collegial supervisory bodies are of little use if they are themselves unaccountable and/or ineffective.” The MONEYVAL report noted that government actions to combat money laundering were inadequate.

C3 0-4 pts

Does the government operate with openness and transparency?

3/4

Malta has a freedom of information law and asset disclosure rules for public officials. However, information requests do not always receive responses, and the

2015 Swiss Leaks scandal revealed that some politicians had hidden assets in Swiss bank accounts. Investigations by tax authorities were still under way in 2019. In May 2018, the finance minister announced that the list of “politically exposed” persons, including prominent government officials who held Swiss bank accounts, would not be published because this would be illegal. The decision contradicted Prime Minister Muscat’s 2015 promise to publish the names.

The government has been criticized for withholding important details on large public contracts, which are often heavily redacted for public release.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?

3/4

The media are generally free and diverse. Residents have access to international news services as well as domestic outlets, though state-owned media has often favored the government.

Caruana Galizia’s assassination in a 2017 car bombing added a new level of physical danger to journalists, particularly those investigating political corruption. In July 2019, a bill of indictment against three men alleged to have carried out her murder was published, and preliminary hearings started at the end of October. The next month, Yorgen Fenech, a wealthy businessman friend of Schembri’s, was charged with complicity in the murder; he pleaded not guilty. Five days prior to Fenech’s arraignment, the alleged middleman in the plot, Melvin Theuma, received a

presidential pardon and immunity to enable him to testify in the case. Theuma testified that Fenech had paid him to hire the three men who carried out the murder; Theuma said he was also given a no-show government job. In court testimony, Schembri denied any connection to Caruana Galizia's murder, and refuted allegations that he had leaked information about the case to suspects.

In April 2018, new legislation decriminalized libel. However, investigative journalists continued to face libel suits. Lawsuits filed by the prime minister against Caruana Galizia and a separate suit against her son continue. In September 2019, Muscat told the CoE commissioner for human rights in a letter that the government could not stop civil cases instituted by private citizens or third parties against journalists who have since passed away and whose cases have been inherited by their relatives, as this would breach the European Convention on Human Rights. He added that he was ready to stop his own lawsuits against the Caruana Galizia family if they accepted the conclusions of the Egrant inquiry.

D2 0-4 pts

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 worship freely. A 2016 legal reform decriminalized the vilification of religion, or blasphemy, and expanded a provision banning incitement of hatred to include religious hatred.

D3 0-4 pts

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

4/4

The education system is free from extensive political indoctrination

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?	3/4
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Individuals are generally free to express their personal views on political or other sensitive topics without fear of surveillance or retribution. But in such a small society, many people fear retribution for expressing criticism of powerful actors, including in the government, particularly those employed in the public service.

Score Change: The score declined from 4 to 3 due to growing concerns that individuals are subject to retribution, including damaged career prospects, for criticism of the ruling party or other powerful actors.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	4/4
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The constitution provides for freedom of assembly, and this right is respected. Late in 2019, thousands protested in Valletta against Prime Minister Muscat after revelations of possible involvement by government figures in the murder of Caruana Galizia.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work?	4/4
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Nongovernmental organizations (NGOs), including human rights defenders, usually operate without state interference. However, in May 2019, the German captain of the ship *MV Lifeline*, which saved migrants who were stranded at sea, was fined €10,000 (\$11,400) by Maltese authorities for entering national waters without proper registration. An appeal was pending at year's end.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?

4/4

The law recognizes the right to form and join trade unions, engage in collective bargaining, and strike. Antiunion discrimination by employers is relatively uncommon.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?

4/4

The judiciary is generally independent. The president appoints judges and magistrates on the advice of the prime minister. A 2016 constitutional reform created a Judicial Appointments Committee (JAC) to make recommendations to the prime minister, except for the appointment of the chief justice, who chairs the committee. If the prime minister rejects the JAC's recommendations, he is obliged to explain his reasons before parliament.

A 2018 report by the Venice Commission noted weaknesses in the justice system that undermine judicial independence. Despite the establishment of the JAC, the prime minister still maintains considerable power over judicial appointments, making the judiciary vulnerable to political interference. In 2019, arguing it enabled

“arbitrary discretion” by the prime minister, the NGO Repubblika initiated court proceedings to send the law on the appointment of judges to the European Court of Justice for review. In November, a judge upheld Repubblika’s request; the attorney general stated that he would appeal the decision.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	4/4
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Police and prosecutors typically observe due process guarantees, including access to defense counsel and protection against arbitrary arrest. In November 2019, within the ambit of the ongoing investigations of Caruana Galizia’s murder, depositions showed that Schembri, the prime minister’s former chief of staff, may have passed confidential information to the alleged mastermind of the plot, Melvin Theuma, and tried to derail investigations by feeding misleading information to the media.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	4/4
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The authorities do not engage in torture or ill-treatment of detainees. Rates of violent crime are low, though various forms of organized crime remain a problem. A series of car bombings in recent years preceded the 2017 assassination of Caruana Galizia.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	3/4
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Discrimination based on gender, race, sexual orientation, and religion is prohibited by law, which is generally enforced, though some forms of discrimination—a gender pay gap, for example—persist in practice. Transgender people may legally express their gender identity on government documents.

Malta largely complies with international and EU rules on refugees and asylum seekers; a legal amendment adopted in 2017 gave asylum seekers the right to appeal decisions on their claims. However, Malta has been criticized for resisting acceptance of migrants rescued at sea, and NGOs working with migrants and refugees sometimes report police harassment and hostility by far-right groups. In May 2019, two off-duty members of Malta’s armed forces were charged with the racially motivated murder of a refugee. They pleaded not guilty and were released on bail in December. Many asylum seekers are confined in squalid detention centers.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

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

4/4

Residents are free to move within the country and travel abroad, and to change their place of employment or education.

G2 0-4 pts

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 supportive of private business activity.

G3 0-4 pts

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 legalized same-sex marriage and permitted adoption by same-sex couples.

Abortion is strictly prohibited in all cases, although abortions which result involuntarily as secondary effects when a woman is undergoing medical treatment are known to occur, and are not prosecuted. Reported cases of domestic violence are increasing, according to information given in the parliament in April 2019. Psychological harm is more prevalent than physical violence.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

3/4

Residents generally enjoy fair access to economic opportunity and protection from labor exploitation, though migrant workers in particular are vulnerable to labor and sex trafficking or conditions that amount to forced labor. In July 2019, approximately 100 migrants were found to be living in substandard conditions in Marsa. ¹ The leader of a leading Maltese trade union claimed that some migrants are being paid less than one euro an hour for their labor.

Footnotes

- 1 <https://timesofmalta.com/articles/view/substandard-housing-an-inhuman-b...> ; <https://timesofmalta.com/articles/view/watch-migrants-found-living-in-s...>

On Malta

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Country Facts

Global Freedom Score

90 / 100 Free

Other Years

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