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## U.S. Department of State

### Malta Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

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#### MALTA

Malta is a constitutional republic and parliamentary democracy. The Head of State (President) appoints as the Head of Government (Prime Minister) the leader of the party that gains a plurality of seats in the quinquennial elections for the unicameral legislature. The judiciary is independent.

The police are commanded by a civilian commissioner under the effective supervision of the Government.

The economy is a mixture of state-owned and private industry, with tourism and light manufacturing as the largest sectors, and it provides residents a moderate to high standard of living.

The Government is strongly committed to human rights. An independent judiciary upholds the Constitution's protections for individual rights and freedoms. Cultural and religious patterns reinforce the homogeneity of society. Societal discrimination against women persists, and domestic violence is a problem, but the Government has taken steps to address both issues.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits inhuman or degrading punishment or treatment. There were no reports that officials employ them.

Prison conditions meet minimal international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and law provide for freedom from arbitrary arrest, detention, or exile, and the Government observes this prohibition. The police may arrest a person for questioning on the basis of reasonable suspicion but within 48 hours must either release the suspect or lodge charges. Arrested persons have no right to legal counsel during this 48-hour period. Persons incarcerated pending trial are granted access to counsel. Bail is normally granted.

e. Denial of Fair Public Trial

The judiciary is independent of the executive and legislative branches. The Chief Justice and nine judges are appointed by the President on the advice of the Prime Minister. There is a civil court, a commercial court, and a criminal court. In the latter, the presiding judge sits with a jury of nine. The Court of Appeal hears appeals from decisions of the civil and commercial courts. The Court of Criminal Appeal hears appeals from judgments of conviction by the criminal court. The highest court, the Constitutional Court, hears appeals in cases involving violations of human rights, interpretation of the Constitution, and invalidity of laws. It also has jurisdiction in cases concerning disputed parliamentary elections and electoral corrupt practices. There are also inferior courts presided over by a magistrate.

The Constitution requires a fair public trial before an impartial court. Defendants have the right to counsel of their choice, or (if they cannot pay the cost) to court-appointed counsel at public expense. Defendants enjoy a presumption of innocence. They may confront witnesses, present evidence, and have the right of appeal.

There were no reports of political prisoners.

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

The Constitution protects privacy of the home and prohibits electronic surveillance. The Government respects these provisions. Police officers with the rank of inspector and above may issue search warrants based on perceived reasonable grounds for suspicion of wrongdoing.

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

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government respects these rights in practice. However, the 1987 Foreign Interference Act bans foreign participation in local politics during the period leading up to elections. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom. A monthly, five daily, and three weekly newspapers express diverse views. Six television stations (3 government-owned, 1 governing party-owned, 1 opposition party-owned, and 1 commercial), a commercial cable network, and 19 private radio stations also function freely.

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

The Constitution provides for the right of peaceful assembly, and the Government respects this right in practice.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. The state-supported religion is Roman Catholicism. The Government grants subsidies only to Roman Catholic schools. Students in government schools may opt to decline instruction in Roman Catholicism.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not arbitrarily restrict movement within the country, foreign travel, or emigration. A court order may prohibit the departure from the country of anyone who is the subject of a formal complaint alleging nonfulfillment of an obligation, such as nonpayment of a debt or nonsupport of an estranged spouse.

The Government cooperates with the office of the United Nations High Commissioner for Refugees. It did not force the return of any refugees to a country where they feared persecution. Since 1992 the Government has granted temporary refugee status to over 1,000 persons, pending their relocation abroad. Iraqis represent the majority of the approximately 500 first asylum refugees still in Malta. The Government, however, did not grant refugee status or accept anyone for resettlement. The Government expels or repatriates persons it deems to be economic refugees.

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

Citizens exercise this right in multiparty, secret-ballot elections held every 5 years on the basis of universal suffrage for those 18 years of age or over. In the 1996 election,

97 percent of the electorate voted.

Women are underrepresented in government and politics. However, as a result of the general elections held in October 1996, the percentage of female members of Parliament rose from 1.5 percent to 5.8 percent. Also for the first time, a woman was appointed by the newly-elected Labor Government to be Speaker of the House of Representatives. The Department for Equal Status of Women, established in 1989, was upgraded to a Parliamentary Secretariat for Women's Rights within the Office of the Prime Minister. The Government also put into practice a policy of positive action regarding the nomination of women to government boards and committees, whereby 30 percent of such nominations are reserved for women.

### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of**

## **Alleged Violations of Human Rights**

Various human rights organizations and persons interested in promoting and protecting human rights operate freely. The Government places no restrictions on investigations by international human rights groups.

### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

The Constitution and law prohibit discrimination based on sex. The Government respects this prohibition.

#### **Women**

There is no widespread pattern of family violence against women, but continuing reports of such incidents have made plain that the problem exists. A special police unit and several voluntary organizations provide support to victims of domestic violence. For women who are threatened or physically abused, the Government also maintains an emergency fund and subsidizes a shelter.

The Government set up a hot line in January 1996 to assist victims of abuse through counseling and through referrals to legal assistance and shelters. A committee was set up this year to review existing family legislation and to propose amendments dealing with domestic violence.

Prostitution is a serious offense under Maltese law, and heavy penalties are reserved for organizers. Rape and violent indecent assault carry sentences of up to 10 years. The law treats spousal rape the same as any other rape. Divorce and abortion are not legal.

The Constitution provides that all citizens have access, on a nondiscriminatory basis, to housing, employment, and education. While women constitute a growing portion of the work force, they are underrepresented in management. Cultural and traditional employment patterns often direct them either into traditional "women's jobs" (such as sales clerk, secretary, bank teller, teacher, or nurse) or into more rewarding jobs in family-owned businesses or select professions (i.e. academia or medicine). Therefore, women generally earn less than their male counterparts, and many leave employment upon marriage. The Government's Parliamentary Secretariat for Women's Rights actively addresses women's issues. Legislation enacted in 1993 granted women equality in matters of family law, and a 1991 constitutional amendment committed the Government to promoting equal rights for all persons regardless of sex. Redress in the courts for sexual discrimination is available. The Government's agenda on gender includes the introduction of quotas in the civil service, with 20 percent of executive posts to be reserved for women. A study was begun to facilitate implementation of this policy.

#### **Children**

The Government has expressed concern for children's rights and welfare but addresses those concerns within the context of family law. Although sensitive to children's rights, Parliament has failed to pass specific legislation to protect children's rights and is not actively considering such legislation. A commission, however, is reviewing family law and has recommended a reform of family courts and counsel for children. The number of reported cases of child abuse has grown as public awareness has increased, but it is not clear whether the actual number of incidents has increased.

#### **People With Disabilities**

The law protects the rights of the disabled. The 1969 Employment of Disabled Pers