

Freedom in the World 2015 - Malta

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2015 Scores

Status: Free

Freedom Rating (1 = best, 7 = worst): 1.0

Civil Liberties (1 = best, 7 = worst): 1

Political Rights (1 = best, 7 = worst): 1

OVERVIEW

Scandals surrounding Malta's state energy provider, Enemalta, continued in 2014. Multiple investigations into bribery, misappropriation, and abuse of office were ongoing at year's end.

In April 2014, the government extended the right to form civil unions to same-sex couples, who also gained adoption rights.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights: 39 / 40

A. Electoral Process: 12 / 12

The 69 members of Malta's unicameral legislature, the House of Representatives, are elected for five-year terms. Lawmakers elect the president, who also serves for five years. In April 2014, the legislature elected Marie Louise Coleiro Preca to the presidential office, replacing George Abela. The president names the prime minister, who is usually the leader of the majority party or coalition.

In elections held in March 2013, Joseph Muscat and his Labor Party (PL) unseated the Nationalist Party (PN), which had been in power for 15 years. The PL won by over 35,000 votes, the largest gap since independence in 1964, giving it 39 seats against the PN's 26. The PN also gained an additional 4 seats to reflect the proportion of votes won.

In February 2014, the government launched a white paper requiring that parties disclose all donations over €10,000 (\$13,000) and prohibiting donations over €50,000 (\$67,000) from a single donor. A draft party financing law was introduced in July but had not been passed at year's end.

B. Political Pluralism and Participation: 16 / 16

The ruling PL and opposition PN dominate national politics. The smaller Alternativa Demokratika party also competes but is not represented in the legislature.

C. Functioning of Government: 11 / 12

In February 2014, the state oil company Enemalta again became the target of public scrutiny amid revelations that hundreds of customers had bribed Enemalta employees to tamper with energy meters in order to avoid paying energy fees. The government responded by offering amnesty to customers who admitted involvement. In September, local media reported that officials had brought charges against a number of customers who had not responded to the amnesty. A case involving abuse of office and the acceptance of bribes by members of Enemalta's procurement committee, which local media first revealed in 2013, was ongoing in 2014.

Amendments to the Criminal Code in 2013 removed the statute of limitations on officials charged with corruption, and allowed for stricter penalties for those found guilty.

A Whistleblower Act applicable in both the public and private sectors went into effect in September 2013. The act established a whistleblowing officer in every ministry, as well as an External Whistle Blowing Unit to investigate allegations.

Malta's first Freedom of Information Act went into effect in 2012. However, access to information remains constrained by bureaucratic processes.

Civil Liberties: 58 / 60

D. Freedom of Expression and Belief: 16 / 16

The constitution guarantees the freedoms of speech and the press, though incitement to racial hatred is punishable by a jail term of six to eight months. Blasphemy is also illegal, and censorship remains an ongoing issue. There are several daily newspapers and weekly publications in Maltese and English, as well as radio and television stations. Residents also have access to Italian television broadcasts. The government does not restrict internet access.

Journalists in Malta often face defamation suits; this practice is particularly common between opposing party members and party-affiliated newspapers.

In January 2014, police asked a judge to require journalist Saviour Balzan to reveal a source related to the Enemalta procurement scandal. The police claimed that only police officers, not journalists, have legal protection not to disclose sources under the Press Act.

The constitution establishes Roman Catholicism as the state religion, and the state grants subsidies only to Catholic schools. While the population is overwhelmingly Roman Catholic, small communities of Muslims, Jews, and Protestants are tolerated and respected. There is one Muslim private school. Academic freedom is respected.

E. Associational and Organizational Rights: 12 / 12

The constitution provides for freedoms of assembly and association, and the government generally respects these rights in practice. Nongovernmental organizations (NGOs) investigating human rights issues operate without state interference. The law recognizes the right to form and join trade unions as well as the right to strike. A compulsory yet seldom-used arbitration clause in the country's labor law allows the government to force a settlement on striking workers.

F. Rule of Law: 15 / 16

The judiciary is independent, and the rule of law prevails in civil and criminal matters. Prison conditions generally meet international standards, though the Council of Europe's Commission for Human Rights has criticized poor detention conditions for irregular migrants and asylum seekers.

In March 2014, the Association of Judges and Magistrates issued a statement claiming that frequent bomb scares hamper the ability of the courts of law to work efficiently.

Over the last decade, Malta has received an increasing number of immigrants, refugees, and asylum seekers, who subsequently settle in the country or proceed to other EU countries. Malta's treatment of migrants in detention and refusal to assist migrants trapped off its shores has been criticized.

There are reports of poor conditions in holding centers for refugees and asylum seekers, which have led to rioting and even death. During a visit by legislators to the Hal Far Detention Center in February 2014, a riot broke out, and security personnel used rubber bullets and electroshock weapons in response. The government established a board of inquiry to investigate the incident.

Legislative amendments in 2013 allowed transgender people to express their chosen gender identity on government-issued documents.

G. Personal Autonomy and Individual Rights: 15 / 16

The constitution prohibits discrimination based on gender. However, women are underrepresented in national government, occupying only 9 legislative seats and 1 cabinet seat. Coleiro Preca became the country's second female president in 2014. A law legalizing divorce has been in effect since 2011. Violence against women remains a problem, and abortion is strictly prohibited in all cases.

In April 2014, Malta approved same-sex civil unions as well as adoption by same-sex couples.

Malta is a source and destination country for human trafficking for the purposes of forced labor and sexual exploitation. Migrant workers are reportedly often exploited and subjected to substandard working conditions.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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