



FREEDOM IN THE WORLD 2021

Malta

FREE

90
/100

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

LAST YEAR’S SCORE & STATUS

90 /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. New and smaller political parties encounter difficulties in challenging the dominance of the two main parties, and official corruption is a serious problem.

Key Developments in 2020

- Robert Abela succeeded Joseph Muscat as leader of the Labour Party and prime minister in January. Muscat announced his intention to resign in December 2019 after his chief of staff was implicated in the 2017 assassination of journalist Daphne Caruana Galizia.
- In July, legislators approved a package of constitutional reforms that, among other provisions, will strengthen the Maltese anticorruption agency and require future presidents to win a two-thirds majority in the parliament to win their post. The Council of Europe (CoE) voiced its support for reforms in October, though it also criticized the lack of debate over the package.
- While Malta avoided a major COVID-19 outbreak in the early months of the pandemic, cases began to increase in August. The World Health Organization reported nearly 12,600 cases and 215 deaths at year's end.

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 five-year term. Under constitutional reforms passed in July 2020, future presidents will require the support of two-thirds of the parliament. George Vella of the Labour Party was selected by the parliament in April 2019, running unopposed.

The president nominates the prime minister, who must be a member of parliament (MP) and is usually the leader of the majority party or coalition. George Muscat won a second five-year term as prime minister when the Labour Party won a snap election in June 2017. Muscat announced that he would leave the Labour leadership and the post of prime minister in December 2019, when it emerged that police were preparing to question his chief of staff, Keith Schembri, over the 2017 murder of journalist Daphne Caruana Galizia, and as demonstrators called for him to step down. Robert Abela succeeded Muscat as Labour leader and prime minister in January 2020.

A2 0-4 pts

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

4/4

Members of the unicameral parliament are elected for a five-year term through a single-transferable-vote (STV), proportional representation voting system in multimember districts. National elections are considered free and fair. The ruling Labour Party won snap elections in June 2017, earning 55 percent of the vote and 37 seats. The opposition Nationalist Party and allies won 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. 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, improvements have been made to ensure more proportionality between votes and parliamentary seats won by the parties. However, a party needs to win 16 to 17 percent of the valid votes in one of Malta's 13 electoral districts to enter the 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 to political party formation, although the ruling party benefits from progovernment bias in the state media. Smaller parties have difficulty competing against the two established parties, which have superior access to private donations. The Democratic Party won two seats in 2017 by fielding candidates via the Nationalists' party list.

The 2015 Financing of Political Parties Act aims to improve transparency of party fundraising. Compliance is overseen by the Electoral Commission, which is dominated by Labour and Nationalist members. The law caps individual donations, but imposes no ceiling on electoral spending. Parties are not obliged to identify donors contributing less than €7,000 (\$7,900). In 2017, the Nationalists were accused of using false invoicing to conceal unreported donations. In 2018, the Constitutional Court upheld a Nationalist appeal to halt the Electoral Commission's investigation, ruling that it could not simultaneously investigate and judge such issues. A government pledge to amend the law to comply with that ruling was still pending in 2020.

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 and Nationalist parties have regularly alternated in power since independence from the United Kingdom in 1964, establishing a strong pattern of peaceful democratic transfers of power.

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. However, powerful economic interests influence the main political parties.

B4 0-4 pts

Do various segments of the population (including ethnic, racial, 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 remains low. Women held only nine of the parliament's seats at year's end.

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

While elected representatives are freely able to make policy, the Council of Europe's (CoE) Venice Commission criticized Malta for the disproportionate power of the executive in a 2018 report. In early July 2020, the government submitted a constitutional reform package meant to address those concerns, and won parliamentary approval for the proposals later that month. The Venice Commission welcomed the reforms in an October report, but criticized the lack of debate on the proposals, which were passed before the commission could publish a formal opinion.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

2/4

Maltese anticorruption efforts are considered weak, and government officials and businesspeople have been linked to corruption and influence peddling in recent years. The Permanent Commission against Corruption (PCAC), created in 1988, lacked independent prosecutorial powers. Under the reform package passed in July 2020, the PCAC will be empowered to send its findings to the attorney general. In addition, the PCAC chairperson will be chosen by legislators, not the prime minister.

The Panama Papers—a trove of documents leaked from a Panama-based law firm and made public in 2016—have led to multiple corruption allegations against Maltese officials, and related investigations were ongoing in 2020. Investigation targets included former prime minister Muscat’s chief of staff, Keith Schembri, and former energy minister Konrad Mizzi, for establishing trusts in New Zealand and secret accounts in Panama shortly after taking office in 2013. Schembri and Mizzi resigned in November 2019 amid turmoil surrounding the 2017 murder of Daphne Caruana Galizia, who had accused both individuals of corruption. Mizzi was expelled from the Labour Party in June 2020, though he remained an MP. Schembri, meanwhile, was arrested in September over a kickback scheme connected to the distribution of passports.

Caruana Galizia had alleged that Michelle Muscat, the wife of the former prime minister, owned Egrant, an offshore firm. In 2018, an inquiry concluded there was no evidence linking the firm to the Muscat family. In June 2020, the Civil Society Network called for a new inquiry to determine the firm’s ultimate owner. Later that month, the head of the Maltese police force’s Economic Crimes Unit, Ian Abdilla—who participated in the Egrant inquiry—was dismissed after facing long-running allegations of ineffectiveness.

Caruana Galizia had also accused energy firm Electrogas Malta of corruption, and the National Audit Office (NAO) found “multiple instances of noncompliance” in the firm’s bid to construct a power station in Delimara in a 2018 report. According to August 2020 testimony from a police inspector, the police believed Caruana Galizia’s death was linked to her ongoing investigations into Electrogas Malta. Businessman Yorgen Fenech, a stakeholder in the firm, was accused of orchestrating her murder in November 2019. After his arrest, Fenech claimed that Schembri was intent on murdering the journalist, and that Joseph Muscat was aware of the plot. Fenech was awaiting trial at the end of 2020.

Two 2019 CoE reports—by the Group of States against Corruption, published that April, and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), published that September—highlighted significant problems with Malta’s ongoing fight against corruption and money laundering. The government committed to implementing the MONEYVAL report’s recommendations and submitted a report in October 2020, in an effort to avoid Malta being declared a high-risk country for financial crime. MONEYVAL is due to decide on that designation in 2021.

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 are not always answered. Details of government contracts are sometimes withheld from the public.

Land-use and construction decisions are nontransparent. In December 2020, a group of farmers and residents living near the locality of Qormi claimed that Infrastructure Malta, the public road-management agency, maintained an undisclosed plan to seize land in order to expand a highway.

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 full access to international services and domestic outlets, though state-owned media has often favored the

government. Maltese journalists also face harassment and libel accusations.

The 2017 murder of Caruana Galizia demonstrated the physical dangers faced by journalists, especially those investigating corruption. In October 2020, MediaToday managing editor Saviour Balzan stated that Maltese journalists were reluctant to publish some stories in the aftermath of her death.

Libel was decriminalized in 2018 but remains a civil offense, and journalists face civil libel suits. In February 2020, Matthew Caruana Galizia, one of the late journalist's sons, disclosed that his mother faced a total of over 40 libel cases, and noted that the family was still contesting them. A July report provided to the European Parliament's civil liberties committee noted the heavy use of lawsuits to impede the work of Maltese journalists.

In June 2020, the Broadcasting Authority, the Maltese media regulator, instructed publicly run Television Malta (TVM) not to air journalists' questions of government officials during live press conferences, claiming the order was meant to avoid partisan coverage. The order sparked controversy after TVM interrupted the broadcast of an August press conference on Malta's COVID-19 response. The Institute of Maltese Journalists denounced the instruction that month, calling it an act of censorship.

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, and blasphemy, and banned the incitement of religious hatred.

The Maltese parliament considered an equality bill that, among other provisions, would prohibit workplace discrimination based on several characteristics, including religious identity. Catholic schools, parents' associations, and bishops objected to the bill, warning it would limit their ability to hire educators. While Justice Minister Edward Zammit Lewis narrowed the bill's scope in December 2020, removing a clause that would have allowed the bill to supersede other laws, it remained under consideration at year's end.

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

Individuals are generally free to express their personal views on political or other sensitive topics without fear of surveillance or retribution. However, many Maltese, particularly public-service employees, fear retribution for expressing criticism of powerful actors. Harassment via social media platforms, especially against journalists, is widespread.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?

4/4

The constitution provides for freedom of assembly, and this right is respected. In early June 2020, several hundred demonstrators rallied in front of the parliament building under the Black Lives Matter banner to object to the 2019 murder of Ivorian Lassana Cisse. A small group of counterprotesters also held a rally during that event. Later that month, nongovernmental organizations (NGOs) organized an anticorruption protest in front of the parliament.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that

4/4

are engaged in human rights– and governance-related work?	
---	--

NGOs, including human rights defenders, usually operate without state interference. However, in 2019, Claus Peter Reisch, captain of the *MV Lifeline*, a vessel that rescued migrants stranded at sea, was fined €10,000 (\$11,400) by a Maltese court for entering national waters without proper registration. In January 2020, an criminal appeals court overturned the verdict.

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. A 2016 constitutional reform created a Judicial Appointments Committee (JAC) to make recommendations to the prime minister on appointments to the judiciary except for the chief justice, who serves as JAC chair.

A 2018 Venice Commission report noted weaknesses in the justice system that undermined judicial independence and favored the executive. A June 2020 report from the commission lauded the government's efforts to address this imbalance, though its subsequent October report called for continued judicial reforms.

In 2019, arguing that the prime minister maintained “arbitrary discretion” over judicial matters, NGO Repubblika initiated court proceedings to send the law on the appointment of judges to the Court of Justice of the European Union (CJEU) for review. In December 2020, the CJEU advocate general ruled that the Maltese judicial selection process did not violate the 1992 Maastricht Treaty.

F2 0-4 pts

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 protection against arbitrary arrest. However, court cases are known to progress slowly within the justice system.

In January 2020, Police Commissioner Lawrence Cutajar, who was accused by civil society observers of deferring to the Muscat government and faced criticism over his handling of the Caruana Galizia murder investigation, resigned. In June, a magistrate opened an investigation into allegations that then commissioner Cutajar had leaked information to Melvin Theuma, who is considered a “middleman” in the Caruana Galizia murder.

F3 0-4 pts

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

Maltese 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 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
--	------------

Discrimination based on gender, race, sexual orientation, and religion is prohibited by law, which is generally enforced, but a gender pay gap persists. Transgender people may legally express their gender identity on government documents.

Malta largely complies with international and European Union rules on refugees and asylum seekers. Since 2017, asylum seekers can appeal decisions on asylum 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. Many asylum seekers are confined in overcrowded and 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 enjoy full freedom of movement.

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 prohibited, although involuntary abortions resulting from secondary effects when a woman is undergoing medical treatment are not prosecuted.

Reported cases of domestic violence are increasing. In May 2020, Home Affairs Minister Byron Camilleri reported that domestic violence cases increased by 7 percent

in the first calendar quarter of the year over the same period in 2019.

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 are vulnerable to labor and sex trafficking or conditions that amount to forced labor. The leader of a leading Maltese trade union has claimed that some migrants are being paid less than one euro an hour for their labor.

On Malta

See all data, scores & information on this country or territory.

[See More >](#)

Country Facts

Global Freedom Score

90/100 Free

Other Years

2020

Be the first to know what's happening.

Join the Freedom House monthly newsletter

Email

Subscribe

ADDRESS

1850 M St. NW Floor 11
Washington, DC 20036
(202) 296-5101

GENERAL INQUIRIES

info@freedomhouse.org

PRESS & MEDIA

press@freedomhouse.org

@2021 FreedomHouse