

Malta

FREE

87
/100

<u>Political Rights</u>	35 / ₄₀
<u>Civil Liberties</u>	52 / ₆₀

LAST YEAR'S SCORE & STATUS

89 /100 **Free**

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

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Overview

Malta is a parliamentary democracy with regular, competitive elections and periodic rotations of power. New and smaller political parties encounter difficulties in challenging the dominance of the two main parties, and official corruption is a serious problem. While civil liberties are generally respected, mistreatment of migrant workers and asylum seekers remains a concern.

Key Developments in 2023

- The criminal code was amended in June to ease the country’s harsh restrictions on abortion, allowing the termination of a pregnancy if it endangers the woman’s life.
- In September and October, media reports described ongoing police investigations that implicated senior members of the governing Labour Party (LP) in alleged schemes to grant social benefits and drivers’ licenses to hundreds of undeserving applicants.

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
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The president is head of state and is elected by Parliament for a five-year term. George Vella of the LP was elected president in 2019, running unopposed.

The president nominates the prime minister, who must be a member of Parliament and command a parliamentary majority. Robert Abela, the prime minister and LP leader since 2020, secured a fresh mandate after the March 2022 parliamentary elections.

A2 0-4 pts

Were the current national legislative representatives elected through	4 / 4
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free and fair elections?	
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Members of the unicameral Parliament are elected for five-year terms through a system of single transferable votes in multimember districts. Maltese elections are generally considered free and fair. In the March 2022 balloting, the governing center-left LP won 44 of 79 seats, leaving the center-right Nationalist Party (PN) with 35.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?	4/4
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The constitution and the electoral law provide for democratic elections. Members of the Electoral Commission (EC) are appointed by the president, on the advice of the prime minister after consulting the leader of the opposition. Reforms over the past 40 years have strengthened the proportionality between votes received and parliamentary seats won by political parties, but the electoral system continues to make it difficult for smaller parties to win enough votes for representation. Since 1966, a third party has entered Parliament only once, in 2017.

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
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There are no significant restrictions on political party formation. However, smaller parties struggle to compete against the two established parties, which have superior access to private donations and the media. The 2015 Financing of Political Parties Act is largely ineffective, with high thresholds for public disclosure

and other loopholes that prevent it from ensuring a sufficient level of transparency in the funding of political activities by parties and individual candidates. As of the end of 2023, the opposition PN had not submitted its financial reports for 2021 and 2022 to the EC.

After the 2022 elections, the third-ranked Democratic Alternative and Democratic Party (ADPD) alliance filed a legal challenge arguing that the system for allocating Parliament seats had unconstitutionally denied it representation. Among other criticisms, the group asserted that it should have access to a new mechanism that allows for additional seats to ensure greater representation for women; the gender adjustments only apply if just two parties win ordinary seats, meaning third parties cannot benefit. A decision in the case was pending at the end of 2023.

B2 0-4 pts

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

4/4

The LP and PN have alternated in government since independence in 1964, establishing a strong pattern of peaceful and 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. In a 2022 report, the Organisation for Economic Co-operation and Development (OECD) underscored concerns about nontransparent lobbying, undue influence, and an opaque relationship between the public and private sectors.

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 members of racial or ethnic minority groups enjoy full political rights and electoral opportunities. The number of women in Parliament more than doubled to 22 after the 2022 elections due to the implementation of a gender-quota system called for in 2021 constitutional amendments. The system awards up to 12 compensatory seats to candidates from the elected parties, but only if “the underrepresented sex” would otherwise hold less than 40 percent of the chamber, and if just two parties were elected.

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 representatives are generally able to make policy without undue interference. Constitutional reforms adopted in 2020 were designed to reinforce the independence of the president and the judiciary, but the Council of Europe (CoE) has continued to call for stronger institutional checks on the government.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

2/4

Anticorruption efforts are weak, and the level of corruption in the public sector is perceived to be relatively high. In a July 2023 report, the European Commission observed that while prosecutions have been launched in some cases, few have resulted in final judgments against high-level defendants. The Permanent Commission against Corruption (PCAC) lacks independent prosecutorial authority, has limited resources, and has not shown tangible results.

In June 2023, the CoE’s Group of States against Corruption (GRECO) indicated that Malta had not fully complied with its anticorruption recommendations, including the adoption of a revised Code of Ethics for members of Parliament. GRECO highlighted the lack of appropriate supervision and enforcement of rules on lawmakers’ declarations of assets, interests, and outside activities.

A series of media reports in September and October detailed alleged influence-peddling schemes in which senior LP officials were accused of arranging for hundreds of people to improperly receive social benefits or drivers' licenses. Criminal investigations were ongoing at year's end.

Also during the year, Yorgen Fenech, a stakeholder in energy firm Electrogas Malta, was still awaiting trial for allegedly orchestrating the 2017 murder of journalist Daphne Caruana Galizia, who had accused the company of corrupt acts involving government officials.

C3 0-4 pts

Does the government operate with openness and transparency?

3/4

Malta has a Freedom of Information Act and asset-disclosure rules for public officials. However, citizens and journalists face obstacles in accessing official information in practice. Government entities routinely and unsuccessfully appeal unfavorable judgments by the data protection commissioner and the Data Protection Appeals Tribunal to further delay compliance.

Government contracts are often withheld from the public. In 2021, the National Audit Office (NAO) criticized an opaque 2015 agreement allowing a private company to operate three public hospitals; the agreement was revoked by the courts in February 2023. The NAO claimed in December that public procurement rules are “habitually” ignored.

By the end of 2023, some 750 parliamentary questions submitted to government ministers since March 2022 had gone unanswered despite Parliament's Standing Orders stipulating that they must be answered within three working days.

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, though state-owned outlets are biased toward the government. While libel has been decriminalized, it remains a civil offense; media freedom groups have repeatedly called for stronger protection from strategic lawsuits against public participation (SLAPPs) that target journalists.

While three of the people directly involved in Caruana Galizia's 2017 murder have been imprisoned, Yorgen Fenech, the alleged financier behind the plot, was still awaiting trial at the end of 2023, and other possible suspects were still at large.

An expert committee that was appointed in 2022 to consider changes to Malta's media laws after Caruana Galizia's murder submitted its report to the government in July 2023, but the document was not made public. The government announced in October that a white paper was being prepared.

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 members of religious minorities worship freely, and incitement of religious hatred is banned.

D3 0-4 pts

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

4/4

The education system is generally free from political indoctrination and other constraints on academic freedom.

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 largely free to express their personal views on political or other sensitive topics without fear of surveillance or retribution. However, many people, particularly public employees, are wary of retribution for criticizing powerful actors. Social media harassment is widespread, especially against journalists.

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.

E2 0-4 pts

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

4/4

Nongovernmental organizations (NGOs), including human rights groups, generally operate without state interference.

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
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The judiciary is generally impartial. Judges are appointed by the president on the advice of the prime minister, following recommendations from an independent Judicial Appointments Committee (JAC) headed by the chief justice. The chief justice is appointed by a two-thirds majority vote in Parliament.

F2 0-4 pts

Does due process prevail in civil and criminal matters?	3/4
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Police and prosecutors typically observe due process guarantees, including access to defense counsel and protection against arbitrary arrest. However, court proceedings take far longer than the median among CoE member states, and the chief justice complained in October 2023 that the justice system was grossly underfunded. In July the European Commission called on Malta to address the length of investigations in high-level corruption cases and to establish a stronger track record of final judgments. Other expert observers raised concerns about lack of police investigative capacity and the risk of political interference in cases involving organized crime.

Score Change: The score declined from 4 to 3 because law enforcement authorities have failed in recent years to effectively investigate alleged malfeasance by high-ranking officials and to prosecute such cases in a timely manner.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	3/4
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Residents generally enjoy physical security and freedom from unlawful violence. However, the treatment of inmates in correctional facilities has deteriorated in the last several years. The prolonged detention of migrants and asylum seekers has also been a serious concern.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

2/4

Discrimination based on gender, race, sexual orientation, or religion is prohibited by law, and this ban is generally enforced. Transgender people may express their gender identity on government documents. However, some forms of bias persist, including a pay gap between men and women. While a definition of femicide was introduced in the criminal code in 2022, a UN working group found in July 2023 that violence against women and girls remained pervasive.

NGOs that work with refugees and asylum seekers sometimes report police harassment and hostility from far-right groups. Many asylum seekers are held in detention centers under overcrowded and unsanitary conditions. Maltese authorities have also been criticized for resisting the acceptance of migrants rescued at sea, avoiding their obligation to conduct rescues, and encouraging pushbacks of migrant vessels to North Africa. In August 2023, Amnesty International accused the government of either ignoring or responding slowly to distress calls from such vessels. Rescue NGOs specifically alleged that in May 2023, in an operation coordinated by Maltese authorities, a group of 500 people were forced back to Libya after calling for assistance in international waters where Malta holds rescue responsibilities.

Score Change: The score declined from 3 to 2 because migrants and asylum seekers attempting to reach Malta by sea have faced a pattern of pushbacks and resistance to rescues, as well as poor treatment at detention centers once in the country.

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 same-sex marriage and adoption by same-sex couples is legal.

Abortion is generally prohibited, but prosecutions for illegal abortions are rare in practice, with three convictions between 2000 and mid-2023. In June 2023 the criminal code was amended to allow for the termination of a pregnancy when the woman's life is endangered.

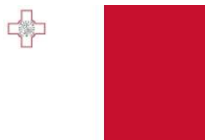
Reports of domestic violence have increased over the past decade. Data published in 2023 by the National Statistics Office showed that in 2021, the number of those seeking services for domestic violence rose by 12.9 percent. As of November 2023,

there was a backlog of 2,283 domestic violence cases pending before the two magistrates assigned to handle such cases; 2,071 cases were filed in 2023. In May, Parliament approved a prevention law that allows individuals in intimate relationships to request information on whether their partners have past convictions for domestic violence.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?	3/4
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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. Workers from non-EU countries complain of low pay, bureaucratic obstacles, and summary deportation if they lose a job and fail to meet tight deadlines for finding new employment and filing related documentation.



On Malta

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Country Facts

Global Freedom Score

87/100 **Free**

Other Years

2023

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