

Freedom in the World 2022 - Malta

Free

89

/ 100

[Political Rights](#) 35 / 40

[Civil Liberties](#) 54 / 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 2021

- In August, the government opened an inquiry into correctional procedures after a prison inmate died by suicide. Prisons director Alex Dalli stepped aside in November after another inmate died by suicide and was formally dismissed in December.
- In April, legislators passed a gender-parity bill that would award as many as 12 compensatory parliamentary seats to “the underrepresented sex,” should its members win fewer than 40 percent of seats.
- In May, the Office of the UN High Commissioner for Human Rights (OHCHR) noted incidents where Maltese authorities ignored seafaring migrants in distress, provided insufficient support, or engaged in dangerous practices while interacting with them.
- In August, businessman Yorgen Fenech, who was accused of orchestrating the 2017 murder of journalist Daphne Caruana Galizia, was formally indicted for his alleged involvement. Fenech’s lawyers filed a complaint over the selection of the trial’s presiding judge in September, though that judge remained in charge as of 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 2020, future presidents will require the support of two-thirds of the parliament. George Vella of the Labour Party (LP) was selected president in April 2019, running unopposed.

The president nominates the prime minister, who must be a member of parliament (MP) and must command a parliamentary majority. Prime Minister Joseph Muscat won a second term in 2017 but resigned the prime ministership and the LP leadership in 2019, as police investigated his chief of staff, Keith Schembri, over the murder of Daphne Caruana Galizia. Robert Abela succeeded Muscat as LP 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 system in multimember districts. National elections are considered free and fair. The ruling LP won the 2017 snap election with 55 percent of the vote and 37 seats, while the Nationalist Party (PN) won 30.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Members of the Electoral Commission (EC) 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 about 17 percent of the valid votes in at least 1 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. However, smaller parties have difficulty competing against the two established parties, which have superior access to private donations. In 2020, the Democratic Alternative and Democratic Party, then the country's two smallest parties, merged to form the ADPD.

The 2015 Financing of Political Parties Act aims to improve transparency of party fundraising. Compliance is overseen by the EC. In 2018, the Constitutional Court upheld a PN appeal to halt an EC investigation into the party, ruling that the EC could not simultaneously investigate and judge such issues. In May 2021, the EC cited that ruling when it declined to investigate allegations that the PL received illicit donations through Egrant, an offshore firm.

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 regularly alternated power since independence 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. In a September 2021 interview, construction magnate Joseph Portelli stated that he meets with officials to "speed up" development but denied receiving preferential treatment.

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 hold only 9 of the parliament's 67 seats. Under a bill passed in April 2021, as many as 12 compensatory seats will be assigned to "the underrepresented sex" if its members win less than 40 percent of seats in future elections. The ADPD criticized the bill in January, saying it would benefit female PL and PN candidates in practice.

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 2018. The government proposed and then won parliamentary approval for a constitutional reform package to

address those concerns in July 2020. The Venice Commission welcomed the reforms, but criticized the lack of debate on the proposals.

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. The Permanent Commission against Corruption (PCAC), created in 1988, lacked independent prosecutorial powers. The 2020 constitutional reform package empowered it to send its findings to the attorney general for further action. Under the reforms, legislators will select the PCAC chairperson instead of 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. Targets included Muscat's chief of staff, Keith Schembri, and former energy minister Konrad Mizzi; both individuals resigned in 2019 amid turmoil surrounding the 2017 murder of Caruana Galizia, who had accused them of corruption. Schembri, who had been arrested over a passport-distribution kickback scheme in 2020, was arrested on charges including money laundering and fraud in March 2021 and received bail in April. In December, the US State Department designated Mizzi and Schembri for corruption, making them unable to travel to the United States.

Caruana Galizia had accused energy firm Electrogas Malta of corruption before her death. Electrogas Malta stakeholder Yorgen Fenech was accused of orchestrating Caruana Galizia's murder in 2019 and was formally indicted in August 2021. Fenech unsuccessfully moved to compel the trial's presiding judge to recuse herself later that month. In September, Fenech's lawyers accused the attorney general of involvement in the judge's selection in a Constitutional Court filing. The judge in question continued to preside over the case as of year's end, however.

Other incidents of official corruption surfaced in 2021. In December, PL legislator Ian Castaldi Paris said he would not contest the next election after he was ordered to pay €300,000 (\$340,000) in taxes and penalties over undeclared assets. Later that month, Education Minister Justyne Caruana resigned over revelations that she had inappropriately awarded a contract to a personal friend.

The CoE's Group of States against Corruption and its Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) have highlighted significant problems with Malta's fight against corruption and money laundering. MONEYVAL reported that Malta was making progress in fighting money laundering in May 2021. In June, however, the Financial Action Task Force, an intergovernmental money laundering watchdog, added Malta to its "grey list" of countries that would face closer monitoring.

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. In an April 2021 report, nongovernmental organization (NGO) Aditus reported that the government complied with only 54 percent of freedom-of-information requests made between 2015 and 2017. In May 2021, the country's data protection chief called for the law to be revised, criticizing his office's limited powers under the current legislation.

Details of government contracts are often withheld from the public. In December 2021, the NAO criticized an opaque government agreement allowing Vitals Global Healthcare to operate three public hospitals in 2015. The NAO noted a lack of documentation, the company's failure to meet its obligations, and concerns surrounding the company's condition among other issues.

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 favor the government. Maltese journalists face harassment and libel accusations.

Journalists, especially those investigating corruption, face physical dangers. In late September 2021, blogger Manuel Delia said he would leave Malta after receiving several threats. In October, Newsbook received threatening messages over its coverage of Yorgen Fenech and Alex Dalli but vowed to continue its work.

Libel has been decriminalized but remains a civil offense. In 2020, Matthew Caruana Galizia, one of the late journalist's sons, disclosed that his mother faced a total of over 40 libel cases which were still being contested by her family. In April 2021, the European Parliament called on the European Commission to propose anti-SLAPP (strategic lawsuit against public participation) legislation and called on Malta to introduce domestic protections.

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 parliament is considering an equality bill that, among other things, would prohibit workplace discrimination based on several characteristics, including religious identity. Catholic schools, parents' associations, and bishops objected, warning that the bill would limit their ability to hire educators. The bill, which would allow faith to be considered as a hiring factor in some circumstances, remained under consideration as of November 2021.

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 criticizing powerful actors. Social media harassment, 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.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

NGOs, including human rights defenders, 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

The judiciary is generally independent. The Judicial Appointments Committee (JAC) makes recommendations on judicial appointments to the prime minister except for the chief justice, who serves as JAC chair.

Observers have voiced concerns over judicial independence in the past. In 2018, the Venice Commission noted weaknesses in the judicial branch that undermined its independence. In July 2021, the European Commission reported that reforms undertaken in 2020 have positively contributed to judicial independence. The report also noted that the procedures for removing judges and magistrates were improved in 2020.

In 2019, arguing that the prime minister maintained "arbitrary discretion" over judicial matters, the NGO Repubblika initiated proceedings to send the law on the appointment of judges to the Court of Justice of the European Union (CJEU) for review. The CJEU ruled that the prime minister's use of a shortlist to select judges did not violate European Union (EU) law in April 2021, and Repubblika withdrew its case in May.

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 take far longer to resolve than the EU average.

In 2020, a magistrate opened an investigation into former police commissioner Lawrence Cutajar over allegations that he leaked information to Melvin Theuma, the “middleman” in the Caruana Galizia murder. In May 2021, the *Times of Malta* reported that former police superintendent Ray Aquilina was also suspected of leaking information to Theuma and regularly communicated with a business associate of Yorgen Fenech.

F3 0-4 pts**Is there protection from the illegitimate use of physical force and freedom from war 3 / and insurgencies? 4**

Maltese authorities generally do not engage in torture or ill-treatment of detainees. Rates of violent crime are low. However, prisoners and detained asylum seekers have been subjected to physical mistreatment, including torture, in recent years.

In January 2021, the European Union Agency for Asylum (EUAA) disclosed that it received reports of detained migrants facing torture, solitary confinement, denial of medical care, and other forms of ill-treatment. That same month, the *Times of Malta* reported that detainees had attempted suicide to protest their treatment.

A number of inmates have died in Maltese prisons in recent years. In August 2021, the government appointed an inquiry board to examine correctional procedures after an inmate at Corradino Correctional Facility died by suicide. Some 14 prisoners at Corradino died between mid-2018 and November 2021, when prisons director Alex Dalli stepped aside. Two inmates accused prison authorities of engaging in ill-treatment in a police report filed that same month. In December, the inquiry presented its recommendations to the government, including the creation of a prisons ombudsman and of an independent entity to assess care in prisons; Home Affairs Minister Byron Camilleri vowed to adopt its recommendations. Dalli, meanwhile, was formally dismissed that month.

Score Change: The score declined from 4 to 3 due to the alleged ill-treatment of prisoners, including torture, and a concurrent series of deaths in custody in recent years.

F4 0-4 pts**Do laws, policies, and practices guarantee equal treatment of various segments of the 3 / population? 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 express their gender identity on government documents.

Malta largely complies with international and EU rules on refugees and asylum seekers. However, 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.

Maltese authorities also resist the acceptance of migrants rescued at sea. An OHCHR report published in May 2021 noted incidents where the Maltese armed forces ignored seafaring migrants in distress, provided insufficient support, or engaged in “dangerous rescue and interception practices.” In October 2021, the CoE’s human rights commissioner criticized Malta for its treatment of migrants traveling by sea.

G Personal Autonomy and Individual Rights**G1 0-4 pts****Do individuals enjoy freedom of movement, including the ability to change their place of 4 / residence, employment, or education? 4**

Residents enjoy full freedom of movement.

G2 0-4 pts**Are individuals able to exercise the right to own property and establish private 4 / businesses without undue interference from state or nonstate actors? 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 adoption by same-sex couples.

Abortion is prohibited, leaving Maltese to acquire medication online or travel abroad to seek abortions. In practice, Maltese are rarely charged for seeking or providing abortions; only three people have been convicted of having an abortion between 2000 and mid-2021. Involuntary abortions resulting from secondary effects when a woman is undergoing medical treatment are not prosecuted.

Reports of domestic violence are increasing. In April 2021, the National Statistics Office reported a 41.2 percent increase in domestic violence between 2016 and 2019. In June 2021, the government renewed its strategy to combat gender-based violence and domestic 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 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.

ecoi.net summary:



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