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Freedom in the World 2014 - Malta

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2014 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

After failing to pass a budget at the end of 2012, Prime Minister Lawrence Gonzi of the Nationalist Party (PN) met with President George Abela on January 7, 2013, to dissolve Parliament and call for early elections. Joseph Muscat and his Labor Party (PL) won the March elections. Gonzi stepped down as a member of Parliament on July 17.

Malta was also criticized for several incidents in 2013 involving immigrants, including a tanker carrying migrants that Malta refused to accept on its shores, and a violent fight in a migrant detention center.

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. Former PL leader George Abela, who was very popular with voters from both parties, was sworn in as president in April 2009. The president names the prime minister, usually the leader of the majority party or coalition.

In elections on March 9, 2013, Joseph Muscat and his PL unseated the 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 November 2013, the House of Representatives passed a bill lowering the voting age from 18 to 16 for local council elections.

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 Parliament.

C. Functioning of Government: 11 / 12

In January 2013, *MaltaToday* reported that a procurement committee member for the state oil company, Enemalta, received large sums of money from Trafigura, a Dutch commodities company, in return for contracts in 2004-05. The investigation extended to the former Enemalta chairman and also involves alleged kickbacks from oil company Total. In a parallel case, Island Bunker Oils Ltd., an oil barge company that took over business from an Enemalta subsidiary, is under investigation for money laundering. Seven individuals were arraigned in February on corruption and fraud charges related to these cases.

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

A 2012 Eurobarometer survey showed that 51 percent of Maltese think that the most negative effect of private companies on society is corruption. In 2013, another Eurobarometer survey revealed that 83 percent of Maltese saw corruption as a major problem plaguing the country.

In June, the Criminal Code was amended to remove the statute of limitations on officials charged with corruption, and to allow for stricter penalties for those found guilty.

Civil Liberties: 58 / 60

D. Freedom of Expression and Belief: 16 / 16

The constitution guarantees 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. In September 2012, Malta's first Freedom of Information Act went into effect but has since been criticized because of government red tape. The government does not restrict internet access.

Malta was plagued by libel suits in 2013. PL candidate Emmanuel Mallia, who later became minister of home affairs and national security, sought criminal proceedings against PN secretary-general Paul Borg Olivier in February after he was accused by the PN finance minister, Tonio Fenech, of involvement in the Enemalta fuel procurement scandal. In September, the Labor Party and newspaper *l-orizzont* were ordered to pay €5,000 (\$6,600) to European Union (EU) Commissioner Tonio Borg for a 2007 advertisement that he claimed was slanderous.

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 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. Migrant workers are reportedly often exploited and subjected to substandard working conditions.

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. One such incident arose in August 2013 when Malta rejected a tanker carrying 102 immigrants from Africa. After it was stranded for three days, Italy accepted the migrants. In a separate case in July, the European Court of Human Rights (ECHR) ruled that it was illegal for Malta to return 45 immigrants to Libya.

Malta has also been criticized for poor conditions at holding centers for refugees and asylum seekers, which have led to rioting and even death. In July 2013, a fight broke out among 23 migrants held at the Safi detention center; 18 migrants were injured and 8 hospitalized.

Also in July, the ECHR ruled against Malta in a case involving a Somali migrant; she was held for 14 months in what were described as degrading conditions and suffered a miscarriage. Malta's commissioner for children also expressed concern over detention of children while families await the outcome of administrative procedures.

In December 2013, four former prison guards were sentenced to at least 5 years in prison for the 2008 beating of an escaped prisoner.

G. Personal Autonomy and Individual Rights: 15 / 16

The constitution prohibits discrimination based on gender. However, women are underrepresented in government, occupying only 10 seats in the parliament and 2 in the Cabinet of Ministers. A law legalizing divorce came into effect in October 2011. Violence against women remains a problem. Abortion is strictly prohibited in all cases. Malta is a source and destination country for human trafficking for the purposes of forced labor and sexual exploitation. A bill introduced in September to allow same-sex civil unions was not yet passed by year's end. In July, the Criminal Code was amended to allow for transgendered people to express their chosen gender identity on government-issued documents.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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