



Last update: 15/03/2021

Malta

Membership to the Council of Europe	29 April 1965
Entry into force of the European Convention on Human Rights	23 January 1967
First case under supervision of execution	Demicoli (13057/87) Judgment final on 27 August 1991
Total number of cases transmitted for supervision since the entry into force of the Convention	92
Total number of cases closed by final resolution	57

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Length of proceedings

Excessive length of criminal proceedings and of constitutional redress proceedings; lack of effective remedy in this regard.

Galea and Pavia (77209/16)
Judgment final on 11/06/2020

Status of execution
Enhanced supervision

> Protection of property

Rent control legislation imposing a disproportionate and excessive burden on landlords related both to requisitioned properties and indefinite extension of private leases, on account of the extremely low rent, the restrictions on landlords' rights and lack of adequate compensation and effective remedies.

Apap Bologna group (46931/12)
Judgment final on 30/11/2016

Ghigo group (31122/05+)
Judgment final on 26/12/2006

Amato Gauci group (47045/06+)
Judgment final on 15/12/2009

Status of execution
Enhanced supervision

> Freedom of expression

Complete ban of play on basis of provisions that were neither accessible to the public nor sufficiently precise and foreseeable.

Unifaun Theatre Productions Limited and Others (37326/13)
Judgment final on 15/08/2018

Status of execution
Standard supervision

> Discrimination

Impossibility for a child born out of wedlock to a non-Maltese mother and a Maltese father to obtain the Maltese citizenship since children born out of wedlock were only eligible for citizenship if their mother was Maltese.

Genovese (53124/09)
Judgment final on 11/01/2012

Status of execution
Standard supervision

* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).

SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

> Detention and related issues

Dissemination of the judgments to the domestic courts to take into account when giving reasons for pre-trial detention and fixing appropriate bail. Furthermore, the Criminal Code was amended in 2014 to better ensure the effectiveness and speediness of criminal trials, thus avoiding excessively lengthy pre-trial detention on remand.

Mikalauskas group (4458/10)
Judgment final on 23/10/2013

Final Resolution
CM/ResDH(2020)69

Introduction of ceilings on the duration of detention for non-payment of bail; maximum period of two years introduced.

Gatt (28221/08)
Judgment final on 27/10/2010

Final Resolution
CM/ResDH(2014)165

The Court of Magistrates was granted competence to automatically review the merits also of decisions to continue detention

Sabeur Ben Ali, Aquilina, T.W. and Kadem (35892/97+)
Judgment final on 29/09/2000

Final Resolution
CM/ResDH(2007)8

> Fairness of judicial proceedings – criminal charges

Legal amendments of 2010 provided legal assistance to suspects during pre-trial investigations. In 2016, a specific remedy was set up offering the possibility to seek redress for a breach of the right to legal assistance before the court seized and a right of appeal against a decision to grant or deny such assistance before the Court of Criminal Appeal.

Borg (37537/13)
Judgment final on 12/04/2016

Final Resolution
CM/ResDH(2020)12

> Foreigners - reception conditions and lawfulness of detention

Former policy of systematic detention of irregular migrants no longer pursued since the adoption of legislative amendments and a new “Strategy for the Reception of Asylum Seekers and Irregular Migrants”.

Suso Musa group (42337/12)
Judgment final on 09/12/2013

Final Resolution
CM/ResDH(2016)277

Improvement of the management of asylum applications (increased staff, training, and targeted time tables), and ensure that the conditions of detention of asylum seekers are appropriate.

More speedy and effective remedies to challenge the lawfulness of detention with a view to expulsion, including also conditions of detention. The Immigration Appeal Board is empowered to grant release from custody.

> Length of judicial proceedings

Adoption of legislative amendments and administrative measures speeding up civil proceedings and alleviating the burden of the courts: introduction of mediation and arbitration proceedings; increase of the number of judges; diffusion of guidelines to courts enabling them to set an appropriate amount of compensation for delay in civil proceedings; monitoring of the progress of individual cases by the Commission for the Administration of Judge.

Debono group (34539/02)
Judgment final on 07/05/2006

Final Resolution
CM/ResDH(2014)280

** This section may also include certain major reforms already implemented in the context of cases still pending.

For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV “Main achievements”. As regards the period 1959-1998, see the overview provided by the European Court in its special publication “[Survey : 40 years of activity](#)”, section IV “Effects of judgments and decisions” – both documents, together with a number of additional ones, are available also on the website of the [Department for the Execution of Judgments of the European Court of Human Rights](#).



SUPERVISION CLOSED - MAIN REFORMS ADOPTED**

> Fairness of judicial proceedings – civil rights

Possibility to challenge a judge if the legal representative of a party is one of his/her relatives.

Micallef (17056/06)
Judgment final on 15/10/2009

Final Resolution
CM/ResDH(2011)232

Introduction of clear time-limits for appeal, including after partial judgments, following amendments to the Code of Organisation and Civil Procedure.

Mercieca and Others (21974/07)
Judgment final on 14/09/2011

Final Resolution
CM/ResDH(2013)145

> No punishment without law

Improved guidelines on the choice of the competent court in criminal matters as well as improved procedural safeguards for the accused through amendments to the Criminal Code in 2014.

Camilleri (42931/10)
Judgment final on 27/05/2013

Final Resolution
CM/ResDH(2014)142

> Placement of children in public care

Introduction of the possibility for parents, guardians or the young persons involved to challenge final care orders or the forfeiture of parental authority earlier imposed following conviction for certain criminal offences.

M.D. and Others (64791/10)
Judgment final on 17/10/2012

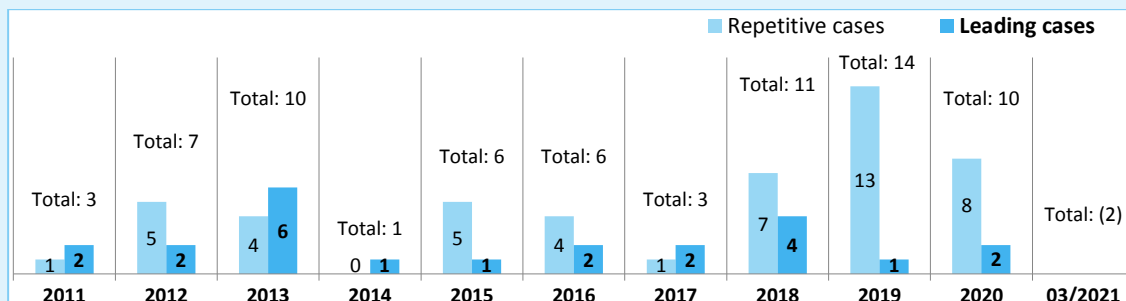
Final Resolution
CM/ResDH(2014)265



STATISTICS***

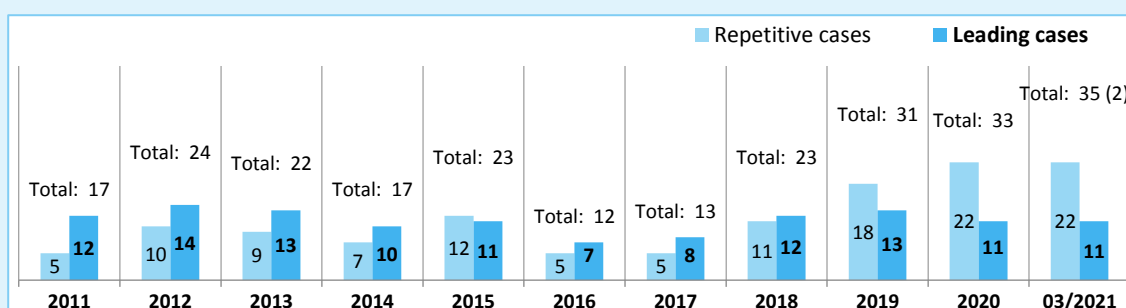
New cases

(judgments transmitted for supervision of their execution during the year)



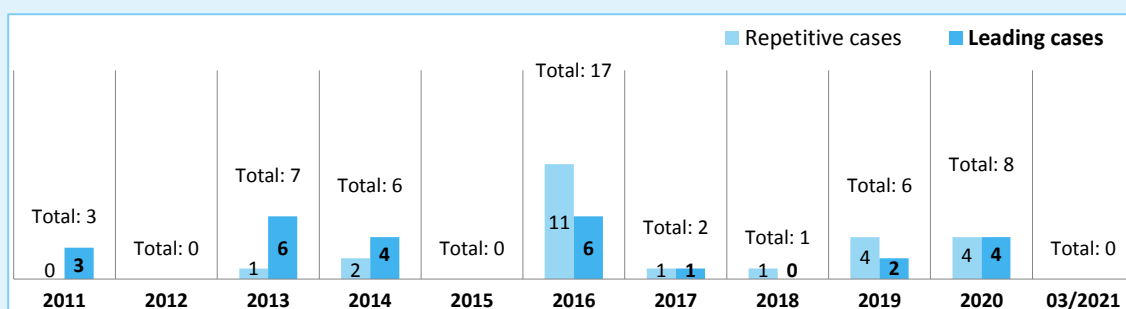
Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of new cases.

Pending cases

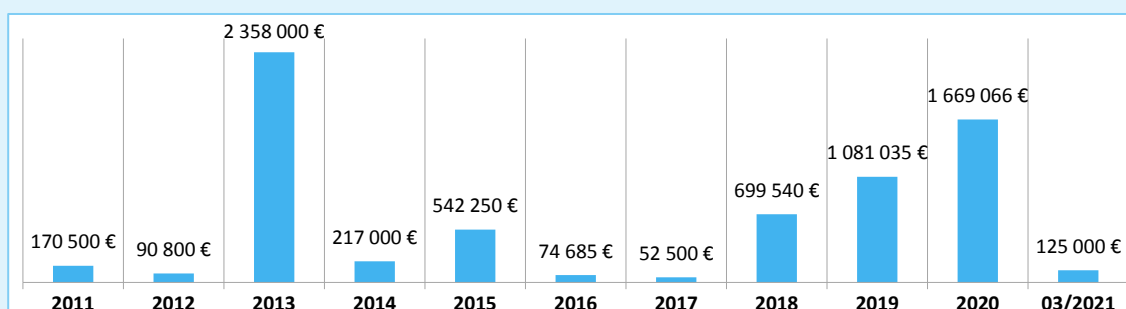


Figures bracketed correspond to the number of cases not yet classified as leading or repetitive, but they are taken into account in the total number of pending cases.

Cases closed by final resolution



Just satisfaction awarded by the European Court

*** Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.