



Last update: 31/12/2018

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	64
Total number of cases closed by final resolution	43

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION*

> Detention and related issues	
Excessively lengthy pre-trial detention on remand on account of the authorities' failure to conduct criminal proceedings with the "special diligence" due after lengthy investigations.	Mikalauskas group (4458/10) Judgment final on 23/10/2013 Status of execution Standard supervision*
> Fairness of judicial proceedings – criminal charges	
Automatic denial of any legal assistance during pre-trial questioning in police custody.	Borg (37537/13) Judgment final on 12/04/2016 Status of execution Standard supervision
> Protection of property	
Requisition of properties by the State with forcible imposition or continuation of lease agreements for an indeterminate time at a low rent without providing adequate compensation from the State.	Ghigo group (31122/05+) Judgment final on 26/12/2006 Status of execution Standard supervision Amato Gauci group (47045/06+) Judgment final on 15/12/2009 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**

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

> 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

> 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

** 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****

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

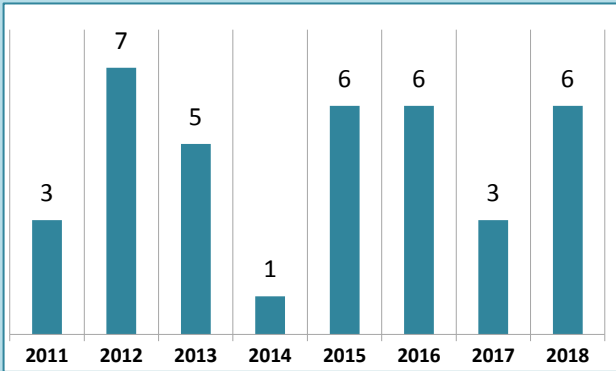
Final Resolution
CM/ResDH(2014)265



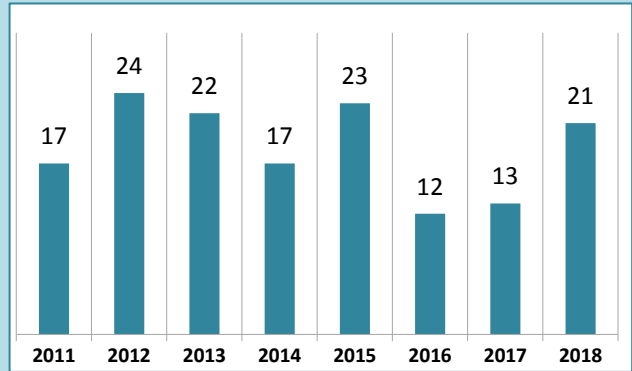
STATISTICS***

New cases

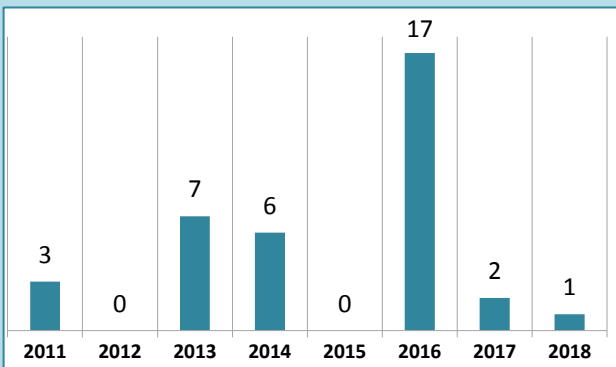
(judgments transmitted for supervision of their execution during the year)



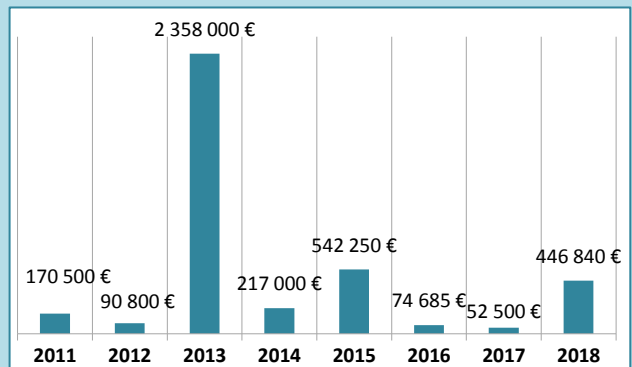
Total of pending cases



Cases closed by final resolution



Just satisfaction awarded



*** 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.