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Date: 01/09/2017

DH-DD(2017)932

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1294th meeting (September 2017) (DH)
Item reference: Action plan (29/08/2017)
Communication from Malta concerning the case of GENOVESE v. Malta (Application No. 53124/09)

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Réunion : 1294^e réunion (septembre 2017) (DH)
Référence du point : Plan d'action
Communication de Malte concernant l'affaire GENOVESE c. Malte (Requête n° 53124/09)
(anglais uniquement)



Execution of Judgments of the European Court of Human Rights

Genovese v. Malta

Application number 53124/09

Decided on the 11th October 2011; final on 11th January 2012

Action plan submitted by Malta

Case Summary:

1. Case description

- The case concerned discrimination against the applicant, born in 1996 out of wedlock to a British mother and a Maltese father. The mother's request to grant the applicant Maltese citizenship was refused by the authorities on the basis that domestic law provided that the children born out of wedlock were only eligible for Maltese citizenship if their mother was Maltese;
- In its judgment the Court (ECHR) found a violation of Article 14 of the Convention in conjunction with Article 8.

Individual Measures

2. Just satisfaction

- No just satisfaction was awarded by the Court;
- Following the judgment of the Court, the applicant has not made contact with the authorities to be registered as a citizen of Malta in terms of the Maltese Citizenship Act (Chapter 188 of the Laws of Malta).

General Measures

3. Amendments to the Maltese Citizenship Act

- The Maltese Citizenship (Amendment) Act adopted in 2007 modified the Maltese Citizenship Act to allow, in certain circumstances, individuals born outside of Malta, whether inside or outside of wedlock, to be registered as Maltese citizens if either of their parents is Maltese;

- Further amendments are currently being drafted in order to eliminate further any semblance of discrimination and to execute fully the Court's judgment. It is envisaged that these amendments will be brought before Parliament before the end of this year.

4. Publication and Dissemination

- The judgment was published and disseminated to the Constitutional Court. All judgments of the Court in which Malta features as a party are automatically sent out to the competent authorities and are publicly available via the website of the Ministry for Justice, Culture and Local Government.
- Judgment featured in the publication entitled "Malta at the European Court of Human Rights 1987-2012", Sammut, Cuignet & Borg, 2012.

State of execution of the judgment

The Maltese authorities will, by the end of 2017, forward an updated action plan setting out any further steps taken to fully respond to the Court's judgment and the estimated time table for the next steps.