MALTA



Department for the Execution of Judgments of the European Court of Human Rights

Directorate General
Human Rights and Rule of law

Country factsheet

Last update
18 September 2026

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

French version:
Fiche pays de Malte

These summaries are made under the sole responsibility of the Department for the Execution of Judgments of the European Court and in no way bind the Committee of Ministers.

The opinions expressed in this work are the responsibility of the author(s) and do not necessarily reflect the official policy of the Council of Europe.

The reproduction of extracts (up to 500 words) is authorised, except for commercial purposes as long as the integrity of the text is preserved, the excerpt is not used out of context, does not provide incomplete information or does not otherwise mislead the reader as to the nature, scope or content of the text. The source text must always be acknowledged as follows "© Council of Europe, year of the publication". All other requests concerning the reproduction/translation of all or part of the document, should be addressed to the Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe (F-67075 Strasbourg Cedex or dgi-execution@coe.int).

Cover design and layout:
Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe

Photos: Council of Europe, ©Shutterstock

© Council of Europe, September 2026

Table of contents

I. MAIN ACHIEVEMENTS 4

Right to liberty and security 5

Functioning of justice 5

No punishment without law 6

Protection of private and family life 6

Freedom of expression 6

II. MAIN ISSUES PENDING BEFORE THE COMMITTEE OF MINISTERS 7

Degrading treatment 8

Length of proceedings 8

Asylum 8

Protection of property 8



I. Main achievements

This chapter presents short summaries of a selection of the main reforms and achievements reported in final resolutions since the Convention system was amended in 1998 by Protocol No. 11, with a clear focus on recent reforms, referring however also to important earlier developments.

In view of the wealth of cases closed, the selection concentrates on those which have led to changes of legislation, government regulations, the adoption of new policies or general guidance from superior courts. As a rule, the overview does not cover information on measures providing individual redress to applicants.

The reforms are in principle presented in the order corresponding to the thematic domains used in the specialised database HUDOC-EXEC of the Department for the Execution of Judgments of the European Court of Human Rights.

Many reforms address issues which appear to be on-going challenges in member states. The effects of reforms adopted at one point in time may thus need to be monitored and possibly revisited as conditions change.[1]

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

[1] The presentation is limited to the information provided at the time of the adoption of the final resolution. It is recalled in this context that the Committee of Ministers has issued Recommendation (2004)5 on the verification of the compatibility of draft laws, existing laws and administrative practice with standards laid down in the European Convention on Human Rights.

Right to liberty and security

➢ Lawfulness of detention

In 2011, ceilings on detention duration for non-payment of personal guarantee in case of breach of bail conditions were introduced into the Code of Criminal Procedure. The absence of any automatic judicial review on the merits of detention decisions was remedied in 2002 so that such a review can take place and all detainees have thus an effective right to speedy review of the lawfulness of continued detention.

Gatt (28221/08)
Final Resolution CM/ResDH(2014)165
Sabeur Ben Ali, Aquilina, T.W and Kadem (35892/97+)
Final Resolution CM/ResDH(2007)8

➢ Detention in view of expulsion

An overall review of the National Immigration Policy was undertaken, and systematic detention of migrants ceased. The Immigration Act of 2015 empowered the Immigration Appeals Board to grant release from custody if the detention is not or no longer required and in cases without prospect of return within a reasonable time, obliging it to provide individualized reasoning. Free legal aid is granted. Detention for the purposes of removal is limited to six months. This period may be extended for a further period of twelve months in the event of lack of cooperation by the third country national concerned and delays in obtaining travel documents from the country in question. If a migrant informs the authorities that they are vulnerable or a minor, they may not be detained but stay in open reception conditions. Conditions of detention were also improved (detainees are granted access to fresh air, information and sanitary facilities; there is less overcrowding, and facilities are provided for families). Furthermore, an effective remedy was set up.

Suso Musa (42337/12+)
Final Resolution CM/ResDH(2016)277

Functioning of justice

➢ Fairness of proceedings

According to new regulations adopted in 1995, the power to sanction breaches of the privileges mentioned in the House of Representatives Ordinance was transferred to the Court of Magistrates, thus safeguarding independence and impartiality of proceedings.

Demicoli (13057/87)
Final Resolution CM/ResDH(95)211

Rules on time-limits for appeals were clarified in 2005. The Code of Organisation and Civil Procedure was amended to allow a judge to be challenged or to abstain from a case if the legal representative pleading before him/her is their son or daughter, spouse, ascendant, brother or sister.

Mercieca (21974/07+)
Final Resolution CM/ResDH(2013)145
Micaleff (17056/06)
Final Resolution CM/ResDH(2011)232

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)
Final Resolution CM/ResDH(2020)12

➢ Remedies against excessive length of proceedings

Monitoring of individual cases and case-management were improved, the number of judges increased and the formalities for the various forms of judicial acts were simplified to reduce the length of proceedings. Domestic case-law also developed a right to seek compensation in case of excessively lengthy proceedings.

Debono (34539/02)
Final Resolution CM/ResDH(2014)280

No punishment without law

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

Camilleri (42931/10)
Final Resolution CM/ResDH(2014)142

Protection of private and family life

- Filiation / paternity actions

An amendment of the Civil Code in 2007 allowed for, upon authorisation by the courts, the institution of an action for the repudiation of a child born in wedlock beyond the relevant time-limits established by law.

Mizzi (26111/02)
Final Resolution CM/ResDH(2013)160

- Custody and public care of children

The Parents, guardians and young persons concerned have the right to seek court review of final care orders which had been automatically imposed following conviction for certain criminal offences related to minors.

M.D. and Others (64791/10)
Final Resolution CM/ResDH(2014)265

Freedom of expression

- Defamation

Prior to the new Act on Media and Defamation of 2018, there was no specific definition of the term "defamation". The new act introduced the notion of "serious harm" to the definition of defamation and decriminalised it so that actions for defamatory libel and slander can only be brought before civil courts. In addition, it provided for the possibility for the court to refer the case to mediation.

Falzon (45791/13)
Final Resolution CM/ResDH(2019)122



II. Main issues pending before the Committee of Ministers

This chapter presents the main issues pending in cases/groups of cases currently under the Committee of Ministers' supervision. The relevant supervision procedure is indicated for each case/group of cases.

Detailed information on the status of execution of these cases as well as on the Committee of Ministers' supervision process is available on the specialised database HUDOC-EXEC of the website of the Department for the Execution of Judgments of the European Court of Human Rights.

Definitions of the terms used in the context of the supervision of the execution of the European Court's judgments are available in the dedicated Glossary.

Degrading treatment	
Detention in view of deportation: illegal detention in view of deportation and lack of effective remedies in this respect; inadequate conditions of detention and lack of effective remedies in this respect; as well as interference with correspondence between the applicant and the Court.	***Feilazoo*** (6865/19) Judgment final on 11/06/2021 ***A.D.*** (12427/22) Judgment final on 17/01/2024 ***J.B. and Others*** (1766/23) Judgment final on 22/01/2025 Enhanced supervision **Status of execution**
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 Enhanced supervision **Status of execution**
Asylum	
Refusal of the applicant's asylum requests since his arrival to Malta in 2019 without an assessment of his claim as to the risk faced if he were to be removed to Bangladesh, as well as the lack of access to an effective remedy.	***S.H.*** (37241/21) Judgment final on 22/05/2023 Enhanced supervision **Status of execution**
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 Standard supervision **Status of execution**



ENG

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. The Committee of Ministers is the Council of Europe's decision-making body, composed by the foreign ministers of all 46 member states. It is a forum where national approaches to European problems and challenges are discussed, in order to find collective responses. The Committee of Ministers participates in the implementation of the European Convention on Human Rights through the supervision of the execution of judgments of the European Court of Human Rights.

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE