

LIBERTIES

RULE OF LAW

REPORT

2026



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FOREWORD

The Liberties Rule of Law Report 2026 is the seventh annual report on the state of rule of law in the European Union (EU) published by the Civil Liberties Union for Europe (Liberties). Liberties is a non-governmental civil society organisation promoting the civil liberties of everyone in the EU, and it is built on a network of national civil liberties groups from across the EU. Currently, we have member organisations in Belgium, Bulgaria, the Czech Republic, Croatia, Denmark, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden, as well as a contributing partner organisation in Greece.

Liberties, together with its members and partner organisations, carries out advocacy, campaigning and public education activities to explain what the rule of law is, what the EU and national governments are doing to protect or harm it, and gathers public support to press leaders at EU and national level to fully respect, promote and protect our basic rights and values.

Drafted by Liberties and its member and partner organisations, the 2026 report covers the situation during 2025 with the purpose of providing the European Commission with reliable information and analysis from the ground to feed its own rule of law reports, and to provide an independent analysis of the state of the rule of law in the EU in its own right. Liberties' report represents the most in-depth reporting exercise carried out to date by a civil society network to map developments in a wide range of areas connected to the rule of law in the EU.

The 2026 report includes EU-wide trend analysis in the justice system, anti-corruption framework, media freedom, checks and balances, based on 22 country reports that follow a common structure, mirroring and expanding on the priority areas and indicators identified by the European Commission for its annual rule of law monitoring cycle. Nearly 40 organisations contributed to the compilation of these country reports. The 2026 report places particular emphasis on the recommendations made by the European Commission and how, in the assessment of Liberties' members, they have been implemented. Specific gaps were identified alongside new issues that arose in 2025.

[Download the full Liberties Rule of Law Report 2026 here.](#)

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MALTA

ABOUT THE CONTRIBUTING ORGANISATIONS

The Daphne Caruana Galizia Foundation



Daphne Caruana Galizia Foundation was established in Malta following the assassination of investigative journalist Daphne Caruana Galizia in 2017. The foundation is dedicated to seeking full justice for Daphne, ensuring her and other investigative work continues, and advocating for press freedom and accountability in public interest cases.

aditus foundation



aditus foundation is an independent, voluntary, non-profit and non-governmental organisation established in 2011 by lawyers dedicated to ensuring human rights access in Malta. Our main activities include the identification of priority areas, formulating advocacy strategies and working towards improvement in legal and administrative standards. This includes offering pro bono legal information, advice and engaging in strategic litigation. The main areas of activity in which we work are migration and asylum, anti-discrimination, governance and rule of law issues.

OVERALL ASSESSMENT: SLIDER

The effects of the significant weakening of the rule of law in Malta continue to be felt. The country faces undue court delays, difficulties for the media to work effectively, and high levels of corruption and clientelism.¹ The status quo on key rule of law issues² and a continued assault on human rights³ in the form of indiscriminate breaches by successive Maltese governments show a clear negative trend. State institutions fail to carry out their lawful duties, causing ‘institutional failure’.⁴ However, although there is a tendency for Maltese courts to be reluctant to invoke rule of law principles independently, there are a handful of recent judgements that address breaches of the principle of separation of powers

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- 1 Lobina Benedetta, Malta’s Rule of Law in Crisis: Perspectives from a captured Member State, Institute for European Studies, University of Malta. European Commission, <https://www.um.edu.mt/library/oar/bitstream/123456789/122016/1/BenedettaLobina.pdf>; 2025 Rule of Law Report Country Chapter on the rule of law situation in Malta, SWD(2025) 918 final, 2025, https://commission.europa.eu/document/download/82ce49b6-12b2-4440-bae9-18a3a929007c_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Malta.pdf.
 - 2 Caroline Muscat, ‘A desperate keep-me-out-of-jail card’ – Bonello on magisterial inquiry bill, The Shift, 12 February 2025, <https://theshiftnews.com/2025/02/12/a-desperate-keep-me-out-of-jail-card-bonello-on-magisterial-inquiry-bill/>; Repubblica, The Right of Individual Petition for Magisterial Inquiries, 5 February 2025, https://repubblica.org/press-release/repubblica-publishes-its-detailed-objections-about-the-destruction-of-citizens-right-to-request-magisterial-inquiries/#flipbook-df_6817/1/; the Daphne Foundation, Malta Government’s legal reforms should serve justice, not impunity, 16 January 2025, <https://www.daphne.foundation/en/2025/01/16/justice-not-impunity>; Joint statement by Repubblica, SOS Malta, Aditus and The Daphne Caruana Galizia Foundation, Malta fails to tackle systemic corruption and strengthen rule of law, 30 July 2024, <https://www.daphne.foundation/en/2024/07/30/rule-of-law-report-malta>; Lobina B., Malta’s Rule of Law in Crisis: Perspectives from a Captured Member State, Institute for European Studies, University of Malta, 2024, <https://www.um.edu.mt/media/um/docs/events/20yourseumembers/BenedettaLobina.pdf>.
 - 3 aditus, Prime Minister, hands off our human rights!, 25 March 2025, <https://aditus.org.mt/prime-minister-hands-off-our-human-rights/>; Repubblica, Fundamental Rights Do Not Expire, 25 March 2025, <https://repubblica.org/press-release/fundamental-human-rights-do-not-expire/>.
 - 4 Parliamentary Ombudsman, Own Initiative Investigation into possible systemic maladministration within the Corradino Correctional Facility, January 2025, <https://www.ombudsman.org.mt/media/jh3ialis/final-report-own-initiative-investigation-into-possible-systematic-maladministration-within-the-ccf.pdf>; Aquilina Kevin, The Rule of Law a la Maltese – Selected writings of Kevin Aquilina, Faculty of Laws, University of Malta, 2017, <https://www.um.edu.mt/library/oar/bitstream/123456789/109670/1/The%20rule%20of%20law%20a%20la%20maltese%20selected%20writings%20of%20Kevin%20Aquilina%202017.pdf>; Justice Giovanni Bonello, The courts- how to screw human rights in ten gutless steps, Times of Malta, 10 March 2024, <https://timesofmalta.com/article/the-courts-screw-human-rights-ten-gutless-steps.1088287>.

of state institutions and the role of civil society as watchdogs in conjunction with violations of fundamental rights, such as the right to property, the right to life and the right to freedom of expression.⁵

Assessment of the trajectory

The reactive promulgation of legislation eroding long-established rights of citizens to request criminal investigations, as well as the powers of the judiciary in planning matters, are emblematic of a sustained deterioration of the rule of law in Malta. This is evidenced further by the following:

- Slow and uneven implementation of reforms: while Malta has initiated, particularly through the Recovery and Resilience Facility (RRF), reforms in the justice system, media, public administration, and anti-corruption, implementation has often been delayed or partial;
- Checks and balances remain fragile: Malta still lacks an independent national human rights institution and continues to present a strained environment for civil society and human rights defenders;
- Long-running rule of law issues: various Commission recommendations across all areas, particularly Justice and Corruption, are repeated and remain unimplemented; recent legislation relating to magisterial inquiries and planning serves to further contribute to the problems identified;
- Slow execution, weak enforcement, and limited measurable outcomes risk creating a situation where deficiencies persist long enough to become structural. Without clear timelines, transparent monitoring, and consequences for non-delivery, gaps in areas such as judicial efficiency, corruption prosecution, and public sector accountability could become de facto permanent;
- Most of the systemic failures documented by the public inquiry into Daphne Caruana Galizia's assassination have still not been addressed;
- Malta's transposition of the anti-SLAPP directive is still at the bare minimum level, failing to deal with domestic SLAPP cases;

5 Delia Emanuel vs L-Onorevoli Byron Camilleri Et, 201/2020, Qorti Ċivili Prim'awla (Ġurisdiżżjoni Kostituzzjonali) 11 December 2023, <https://ecourts.gov.mt/onlineservices/Judgements/Details?JudgementId=0&CaseJudgementId=143021>; Lanzon Peter Et vs L-Avukat Ġenerali Et, 201/2020, Qorti Ċivili Prim'awla (Kostituzzjonali), 27 October 2021, <https://ecourts.gov.mt/onlineservices/Judgements/Details?JudgementId=0&CaseJudgementId=128860>; Delia Adrian L-Onorevoli Dottor vs L-Avukat Ġenerali, 81/2018, Qorti Ċivili Prim'awla (Kostituzzjonali), 16 December 2019, <https://ecourts.gov.mt/onlineservices/Judgements/Details?JudgementId=0&CaseJudgementId=119672>.

- Malta’s Freedom of Information (FOI) Act needs immediate reform.

ACTIVATING OTHER PARTS OF THE EU RULE OF LAW TOOLBOX

While dialogue and recommendations remain essential, experience in Malta suggests that where key concerns persist across reporting cycles - particularly regarding implementation and enforcement - additional elements of the rule of law toolbox should be considered. Enhanced monitoring, clearer benchmarks, and proportionate follow-up mechanisms may be necessary to ensure that reforms translate into effective practice and to safeguard mutual trust within the EU.

EU law requires Member States, under Articles 2 and 19(1) of the Treaty on European Union, not only to safeguard the rule of law but also “to provide remedies sufficient to ensure its effective legal protection”. The principle of non-regression, formalised by the European Court of Justice in its judgement in Case C-896/19 - *Repubblika v Il-Prim Ministru* - prohibits any national rules, including constitutional provisions, which could constitute a reduction in the protection of the value of the rule of law. According to the Court, Member States of the Union cannot amend their legislation in a way that would bring a reduction in the protection of these values. Bill 125 to the Criminal Code (Amendment No.2) to amend the procedure of ‘in genere’ inquests,⁶ which drastically reduces the access of individuals to justice in the event of suspected criminal activity, clearly violates the principle of non-regression. This violation merits the launch of infringement proceedings due to the importance of its anticipated impact on access to justice in the country.

State of play (versus 2025)

-  Justice system
-  Anti-corruption framework
-  Media Environment and Media Freedom
-  Checks and balances

Legend

- | Regression | No progress | Progress |
|--|---|---|
|  |  |  |

⁶ Bill 125 to Criminal Code (Amendment No.2), <https://parlament.mt/media/132384/bill-no125-online-version.pdf>.

JUSTICE SYSTEM -

General assessment

The justice system in Malta in 2025 continues to be hampered by lengthy judicial proceedings, under-resourced courts, and outdated administrative practices. Transparency remains limited, particularly regarding government plans, draft laws, and procurement processes under the Ministry for Justice. Key stakeholders, including the Chamber of Advocates, are frequently excluded from consultations on critical reforms and bills.⁷ For example, the Chamber was not consulted on the relocation of the Family Court and Civil Court Commercial Section,⁸ despite the logistical challenges posed to lawyers in multiple locations. Similarly, the government issued tenders for a unified court diary and a case management system without considering prior proposals from the Chamber.⁹

The European Commission's *2025 Rule of Law Report* acknowledged ongoing constitutional reforms, but stakeholders note that tabling a few draft bills does not constitute a comprehensive reform process. Advocates have called for an inclusive constitutional convention to address systemic reforms,¹⁰ as prior efforts in 2019 and 2021 lacked structural dialogue and excluded civil society organisations.¹¹

7 Aditus foundation, Bill 125- In Genere Inquests, 2025, <https://aditus.org.mt/bill-125-in-genere-inquests/>; Chamber of Commerce, Quest for Truth and Justice, 2025 <https://maltachamber.org.mt/quest-for-truth-and-justice/>; aditus foundation, Daphne Caruana Galizia Foundation, Repubblika, Bill 134: Rushed Judicial Constitutional Amendments without Consultation, May 2025, <https://aditus.org.mt/bill-134-rushed-judicial-constitutional-amendments-without-consultation/>; Chamber of Advocates, PA Bills Statement from the Chamber of Advocates, August 2025, <https://avukati.org/news/pa-bills-statement-from-the-chamber-of-advocates/>; Chamber of Advocates, Public Statement on the Protection of Agricultural Leases Regulations, August 2025, <https://avukati.org/news/public-statement-on-the-protection-of-agricultural-land-regulations/>.

8 Chamber of Advocates, Email to Members Courts and its Buildings in the years to come (Qrati u l-Bini tagħhom fis-snin li ġejjin), 12 December 2025.

9 Chamber of Advocates, Circular to Members, 15 December 2025.

10 Times of Malta, Piecemeal constitutional reforms risk undermining the rule of law, May 2025, <https://timesofmalta.com/article/piecemeal-constitutional-reforms-risk-undermining-rule-law-repubblika.1110102>

11 aditus foundation, Feedback to DG Justice on the Malta Country Chapter - Rule of Law Report, 2021 https://aditus.org.mt/Publications/feedbacktodgjustice/maltacountrychapterreport_25042021.pdf; aditus foundation and Daphne Caruana Galizia Foundation, 2023 Rule of Law Report - Joint Submissions, 2023, <https://aditus.org.mt/Publications/2023ruleoflawreportsubmission.pdf>.

In 2025, the government rushed a critical amendment to Article 546 of the Criminal Code,¹² which had allowed private individuals to request magisterial inquiries into serious crimes - a mechanism that had facilitated investigations into major corruption scandals where police inaction had occurred. Without public consultation, the amendment replaced the right to petition directly with a requirement to report to the executive police, raising the threshold for initiating inquiries. Despite significant public outcry,¹³ the bill became law by April, effectively limiting citizen oversight.

Similarly, the government attempted to fast-track multiple constitutional amendments affecting the justice sector without stakeholder consultation. The May 2025 bill sought to remove the prohibition on judges becoming President, modify the Chief Justice appointment procedure, extend judges' tenure, and alter frameworks for complaints and disciplinary proceedings against legal professionals. Of the 13 proposed amendments, only three were passed after the government used a procedural motion to split the vote clause-by-clause, bypassing the two-thirds majority normally required. These included establishing the Commissioner for Standards of the Judiciary, allowing citizens to file complaints, though the Chief Justice and Justice Minister may disregard the Commissioner's reports.¹⁴ The former European Court of Human Rights (ECtHR) judge Giovanni Bonello warned¹⁵ that the Commissioner could pose risks to judicial independence.

Repeated recommendations since 2022 to improve judicial appointments and system efficiency have seen no progress. Administrative tribunals remain unreformed, with independence unguaranteed. The prime minister continued to publicly criticise specific members of the judiciary involved in magisterial inquiries into corruption scandals, undermining confidence in judicial impartiality.

12 Criminal Code, CAP 9 of the Laws of Malta, <https://legislation.mt/eli/cap/9/eng/pdf>.

13 Chamber of Advocates (2025), press release of 8 February 2025, <https://avukati.org/news/request-for-press-releases-on-bill-125-act-viii/>; Repubblika, Memorandum on the Right of Individual Petition for Magisterial Inquiries of 4 February 2025 <https://repubblika.org/press-release/repubblika-publishes-its-detailed-objections-about-the-destruction-of-citizens-right-to-request-magisterial-inquiries/>; Malta Chamber of Commerce, 'Quest for Truth and Justice', 10 February 2025, <https://maltachamber.org.mt/quest-for-truth-and-justice/>; European Commission Rule of Law Report 2025, https://commission.europa.eu/document/download/82ce49b6-12b2-4440-bae9-18a3a929007c_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Malta.pdf.

14 ACT No XVI of 2025 - Constitution of Malta (Amendment) Act, June 2025, <https://parliament.mt/en/14th-leg/acts/act-xvi-of-2025/>.

15 The Shift, Judicial independence at risk with new Bill, former Judges warn, 2025, https://www.maltatoday.com.mt/news/xtra/134930/abela_does_not_rule_out_early_election_if_pn_leadership_change_destabilises_parliament

Overall, Malta's justice system in 2025 is characterised by under-resourcing, opaque decision-making, exclusion of key stakeholders from reforms, curtailment of public oversight, rushed legislative amendments, and ongoing threats to judicial independence and accountability.

Implementation of 2025 Commission recommendations

Recommendation: Take forward the ongoing reform to involve the judiciary in the procedure for the appointment of the Chief Justice, taking into account European standards on judicial appointments (first made in 2022)

The Maltese Government proposed a number of amendments to the Constitution through Bill 134¹⁶ and one of the aims of the bill was to provide for the involvement of the judiciary in the process of appointment of the Chief Justice. The provisions relating to the appointment of the Chief Justice did not become law.

Apart from the fact that there was no public consultation with stakeholders, the proposed amendment can only be seen as a weak attempt to satisfy the Commission's recommendation by introducing an extremely limited role for the judiciary. The proposed amendment that was put forward obliges the Prime Minister (PM), before presenting a motion for the resolution for the appointment of the Chief Justice, to declare to the parliament that he consulted the current Chief Justice and the President about the choice of the person to be appointed as Chief Justice. The PM must also inform the Leader of the Opposition of the result of the said consultation.

16 Bill No. 134 - Constitution of Malta (Amendment) Bill, <https://parlament.mt/en/14th-leg/bills/bill-134-constitution-of-malta-amendment-bill/?page=1&numItems=10&text=&number=134&totalItems=1>

In this regard whilst one can be tempted to call this progress, the contents of the bill and the method with which the Government attempted to pass it cannot be seen as such. In this regard, we believe that a mere consultation with the sitting Chief Justice doesn't satisfy the requirement of the involvement of the judiciary in accordance with European standards on judicial appointments. In its feedback to the European Commission the government declared that, "This amendment will require the mandatory consultations with the incumbent Chief Justice, which represents the judiciary as a collective body."¹⁷ Whilst the Chief Justice leads the judiciary and is president of the Courts of Appeal and the Constitutional Court, this does not mean that that role represents the judiciary as a collective body and that consultation with that individual would result in the involvement of the judiciary, which at law include all judges and magistrates in the local courts.

The recommendation is relatively clear but steps to be taken are not clearly articulated. The Commission could improve the recommendation:

Amend the process for the appointment of the Chief Justice, which should include a public call for applicants. The appointment process should be conducted by the Judicial Appointments Committee without the involvement of any political power.

Commission's 2025 assessment: Some progress **Daphne Caruana Galizia and aditus foundations' current assessment: No progress**

17 Government of Malta, Rule of Law Malta's Input to the 2025 Rule of Law Report, January 2025, https://commission.europa.eu/document/download/371283ad-1767-4520-ab4f-82fd487c922d_en?filename=MT%20-%20written%20input.pdf

Recommendation: Step up efforts to improve the efficiency of justice, particularly to reduce the length of proceedings (first made in 2022)

The government has again reiterated that it invested €10,000,000 in a new case management system, however this is still at the tender stage.¹⁸ It should be noted that this tender was issued in 2024 and is still being processed.¹⁹ This call for proposals seems not to have been discussed in the Digital Justice Committee set up to monitor and implement changes with a view to digitalisation of the courts, which the committee as of October 2024 had not met up once since inception, contrary to the government's assertion that the committee meets regularly. The Chamber of Advocates lamented that besides not being advised on the contents of the call, the 28-month time-frame imposed on the eventual service provider is not realistic and such a major overhaul of the working of the national justice system requires more consultation with stakeholders and time for it to be implemented properly.²⁰ It remains the case that a functional digitalisation system is not in place and practitioners face a lack of digital tools in their daily work. It is unlikely that a court management system will be implemented in 2026.

Furthermore, due to a severe lack of physical space, the government has started a process to decentralise the court buildings which were previously hosted in and around the courts' main building. Whilst one building dedicated to magisterial inquiries was opened at the end of 2025,²¹ discussions relating to other relocations of buildings have been typified by a lack of consultation and disagreement between the Chamber of Advocates and the administration.²²

- 18 Press Release, 16 September 2025, Prime Minister inaugurates new Court building for Inquiring Magistrates – a project that strengthens justice in our country, <https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2025/09/16/pr251579en.aspx>.
- 19 Tender for the Customisation and Implementation of An Off The Shelf Courts Management Information System for The Court Services Agency, 2024. <https://www.etenders.gov.mt/epps/cft/prepareViewCfTWS.do?resourceId=11447800>.
- 20 Speech of the President of the Chamber of Advocates on the Opening of the 2024 - 2025 Forensic Year (Diskors tal-President ta' l-Kamra ta' l-Avukati – Ftuh tas-sena Forensi 2024-2025), 1 October 2024, <https://themalteseherald.com/wp-content/uploads/2024/10/Sena-Forensi-2024-Chambers-Dr-Peter-Fenech-Speech.pdf>.
- 21 Press Release: Prime Minister inaugurates new Court building for Inquiring Magistrates – a project that strengthens justice in our country, 16 September 2025, <https://www.gov.mt/en/Government/DOI/Press%20Releases/Pages/2025/09/16/pr251579en.aspx>.
- 22 Chamber of Advocates, Email to Members Courts and its Buildings in the years to come (Qrati u l-Bini tagħhom fis-snin li ġejjin), 12 December 2025.

Parliament began discussion on the re-establishment of the Commercial Court which will focus on commercial and trade cases. The Bill²³ is in its second reading in parliament and it is hoped that it will reduce the burden on the First Hall of the Civil Court where judges are handling a substantial number of cases.

In spite of the Commission noting some progress, the length of judicial proceedings in civil, criminal and administrative sectors remains concerning²⁴ and is amongst the longest in the European Union. In some sectors, the length of judicial proceedings and backlogs has increased. A study by the Daphne Caruana Galizia Foundation on delayed court wilful homicide proceedings reports a growing backlog, with 46% of homicide cases arraigned between 2010 and 2020 remaining pending.²⁵ The report also finds that Malta has one of the highest expenditure rates on the courts, yet one of the smallest judiciaries per capita and one of the lowest resolution rates in Europe.

In the speech of the opening of the Courts, the Chief Justice lamented that the government did not issue calls for new members of the judiciary before the retirement of members of the judiciary. Whilst he noted that a call for two judges and two magistrates had been issued, he pointed out that three out of seven senior judges are set to retire in the coming months. He further noted that over 800 cases could not be assigned before new judges were appointed. On the subject of criminal proceedings, he highlighted that there are over 100 trials still waiting to be appointed and, therefore, there is an urgent need for additional judges to sit in the criminal courts.²⁶ These concerns were reiterated by the President of the Chamber of Advocates, whilst he also highlighted that citizens have been suffering from severe delays and lack of professionalism, with sittings regularly starting late and/or overrunning.²⁷

23 Bill No. 133 Various Laws relating to the Establishment and Jurisdiction of the Commercial Court (Amendment) Bill, 2024 <https://parlament.mt/14th-leg/bills/bill-133-establishment-and-jurisdiction-of-the-commercial-court/>.

24 World Justice Project, Malta 2025 Ranking, <https://worldjusticeproject.org/rule-of-law-index/country/2025/Malta/>.

25 Daphne Caruana Galizia Foundation, Justice at Risk: The Impact of Delayed Legal Proceedings in Wilful Homicide Cases in Malta, 2025, <https://www.daphne.foundation/documents/reports/justice-at-risk-delayed-court-proceedings-in-malta.pdf>.

26 Times of Malta, Chief Justice urges MPs to reconsider constitutional amendments he had proposed, 1 October 2025, <https://timesofmalta.com/article/chief-justice-urges-mps-reconsider-constitutional-amendments-proposed.1117103>.

27 Newsbook, Chief Justice renews call for watchdog, lawyers slam delays and dysfunction in courts, 1 October 2025, <https://newsbook.com.mt/en/chief-justice-renews-call-for-watchdog-as-lawyers-slam-delays-and-dysfunction-in-courts/>.

In spite of years in the making, lawyers are still without a law that regulates their profession,²⁸ which results in a lack of regulation and discipline that is compounded by the severe delays and lack of resources in a dysfunctional court system.

The recommendation is too broad and vague as it covers a wide range of issues without clear steps. The Commission could improve the recommendation:

(i) Set targets as to the number of additional members of the judiciary that are needed to address the current backlog;

(ii) Open an effective and transparent stakeholder consultation on the digitalisation of the Justice System, including case management, IT Tools and systems;

(iii) Open an effective and transparent stakeholder consultation on improving and increasing Court buildings and space;

(iv) Set targets for the increase of judicial support staff and administrative staff in court;

(v) Set fixed target dates for the implementation of the results of the consultations.

Commission's 2025 assessment: Some progress

Daphne Caruana Galizia and aditus foundations' current assessment: No progress

Gaps in the Commission's Report

Appointment of Adjudicators on Specialised Tribunals

Several acts of parliament grant individual ministers the authority to appoint members of quasi-judicial bodies, committees, commissions, and similar entities, which have the mandate to decide on

28 Times of Malta, Chief Justice urges MPs to reconsider constitutional amendments he had proposed, 1 October 2025, <https://timesofmalta.com/article/chief-justice-urges-mps-reconsider-constitutional-amendments-proposed.1117103>.

appeals or applications presented to them by any person.²⁹ It should be noted that, although the basic principles of natural justice apply to all deciding boards and quasi-judicial tribunals, there is no conformity or uniformity on the composition of such bodies, nor on their basic rules of procedure or the remedies available after the decision is taken. Here are some problematic commonalities:

- In the majority of cases, the members of the tribunals are not members of the judiciary and are not bound by any codes of ethics, as is the case with members of the judiciary. Generally, the only prerequisite for the tribunals to be validly constituted is that one member has had a number of years exercising a profession, most commonly an advocate, and the other members have shown some form of capacity in matters deemed appropriate for the purpose. The appointment of persons who lack any specific qualification and experience on boards that examine particularly sensitive issues, such as the International Protection Appeals Tribunal and the Immigration Appeal Board, denies individuals the right to an effective remedy. Furthermore, most members are appointed to the tribunals part-time. This means they often have regular day jobs, usually in the private sector, and perform their Board functions for several hours during the week. This can raise serious conflict of interest issues, besides affecting the efficiency of the tribunals.
- Members of these quasi-judicial bodies are either appointed and removed by the Prime Minister or by the responsible minister under the relevant law.³⁰ Whilst not automatically assuming that

29 The Maltese legal system is largely built around these Tribunals, others include: Immigration Appeals Board, Immigration Act, CAP 217 of the Laws of Malta <https://legislation.mt/eli/cap/217/eng>; the International Protection Appeals Board, International Protection Act, CAP 420 of the Laws of Malta <https://legislation.mt/eli/cap/420/eng>; Environment and Planning Review Tribunal, Environment and Planning Review Tribunal Act, CAP 551 of the Laws of Malta <https://legislation.mt/eli/cap/551/20230919/eng>; Consumer Claims Tribunal, Consumer Affairs Act CAP. 378 of the Laws of Malta <https://legislation.mt/eli/cap/378/eng>; Industrial Tribunal, Employment and Industrial Relations Act CAP 452 of the Laws of Malta <https://legislation.mt/eli/cap/452/eng>; Information and Data Protection Appeals Tribunal, Data Protection Act CAP 586 of the Laws of Malta, <https://legislation.mt/eli/cap/586/eng>; Patent Tribunal, Patents and Designs Act CAP 417 of the Laws of Malta <https://legislation.mt/eli/cap/417/eng>; Police Licences Appeals Tribunal, Licences Procedures Regulations S.L. 128.02 <https://legislation.mt/eli/sl/128.2/eng>; Panels of Administrative Review Tribunals, Administrative Review Tribunal (Establishment of Panels) Regulations S.L. 490.04 <https://legislation.mt/eli/sl/490.4/eng/>; Prison Appeals Tribunal, Prisons Regulations S.L. 260.03 <https://legislation.mt/eli/sl/260.3/eng>.

30 Article 25A of the Immigration Act establishes the Immigration Appeals Board. Article 25A(1) lays down that the board is composed of a lawyer, a person versed in immigration matters and another person each of whom shall be appointed by the President acting on the advice of the Minister responsible for immigration matters, <https://legislation.mt/eli/cap/217/eng>. Alexis Galand, J.B. v Malta: The Systemic Consequences of Rule of Law Failures on Migrants' Rights, Strasbourg Observers, 7 January 2025 <https://strasbourgobservers.com/2025/01/07/j-b-v-malta-the-systemic-consequences-of-rule-of-law-failures-on-migrants-rights/>.

such an appointment would lead to political interference, it is clear that the system could impact on independence and impartiality, and could strengthen the government's agenda on any particular issue. It must be underlined that these boards or quasi-judicial tribunals examine decisions taken by governmental bodies.

- The procedural rules, regulating such boards and how they conduct their proceedings, are not publicly available through published guidelines. In many of the boards we have experience with, a lack of procedural transparency has been noted: proceedings are not appropriately recorded, the minutes of the hearing are poorly kept (if kept at all), and the method of receiving submissions from parties is not formalised. The decisions of most quasi-judicial tribunals are not published and not publicly available.

In some cases, the board's decision is final, and no further appeal is possible on substantive issues. Whilst judicial review of administrative action might be possible, in addition to a constitutional case alleging human rights violations, there are few avenues to bring substantive elements before the courts of law.

The Venice Commission³¹ and the European Commission admit systemic risks to judicial independence on several instances, including in successive rule of law reports. Furthermore, Malta's Recovery and Resilience Plan³² contains Milestones 6.3 and 6.4 that oblige Malta to review the tribunal system to ensure its independence. It should be noted that Malta has missed the timeline for the completion of Milestone 6.3, an "independent review of the independence of specialised tribunals", which was meant to be completed in 2024, and looks likely to miss Milestone 6.4, which calls for legislative changes deemed necessary by the independent review by the first quarter of 2026. In the meantime, the boards are still deciding on crucial issues relating to detention, refoulement, and asylum, amongst others, which have clear implications on fundamental rights in the implementation of European Union law.

Attention is drawn to the recent ECtHR judgment *J.B. and others v Malta*,³³ which found that Malta had breached Article 5(4) of the Convention, amongst others. Crucially, it found that the Immigration

31 See Venice Commission Opinion No. 940/2018 CDL-AD (2018)028, 2018; Opinion CDL-AD(2020)006, 2020; and Opinion CDL-AD(2020)019-e, 2020.

32 Council of the European Union, ANNEX to the COUNCIL IMPLEMENTING DECISION amending Council Implementing Decision (EU) (ST 11941/2021; ST 11941/2021 ADD 1) of 5 October 2021 on the approval of the assessment of the recovery and resilience plan for Malta, 2023, <https://data.consilium.europa.eu/doc/document/ST-11202-2023-ADD-1/en/pdf>.

33 *JB and others v Malta*, Application no. 1766/23, 2024, <https://hudoc.echr.coe.int/eng#%7B%22ap-pno%22:%5B%221766/23%22%5D%7D>

Appeals Board (IAB) was not an effective remedy for the review of the lawfulness of detention. The decision was based on the fact that IAB decisions were not subject to any further control by a judicial body with full jurisdiction, and that there was a lack of proper, clear, and transparent appointment procedure and selection criteria for members. In addition, there was an absence of guarantees against outside pressure and the appearance of independence. The Court also imposed a general measure which requires Malta to ensure the enactment of legislation for conformity of the IAB with independence and impartiality requirements.³⁴ This judgement was built on an earlier decision, also against Malta in *A.D. v Malta*,³⁵ which highlights the inaction of the IAB and the lack of an effective remedy. The independence of the International Protection Appeals Board and of the IAB are also subject to Commission Complaints CHAP(2021)02127,³⁶ which is still pending.

In its 2025 report, the Commission stated that the authorities concluded a public procurement procedure for the selection of an independent contractor to carry out the independent review required by Milestone 6.3, although no further steps were taken. It then stated that the government formalised a draft bill which proposes that the executive will no longer be involved in the appointment of members of these administrative tribunals. These statements were not supported by any references or links, and a request was sent by email³⁷ to the Commission to send the reference of the public procurement procedures, as the research conducted on the government procurement website did not result in the finding that such procedures were launched in 2024. In addition, the Commission was asked to confirm whether or not it had seen the draft bill that they had also made reference to and whether the government was committed to making the bill public for consultation. The Commission replied that they could not give a specific reference to the procurement procedure and that the draft bill was communicated to them during preparations of the report.³⁸

It is concerning that the European Commission notes developments that are not in the public domain and/or are not referenced or even mentioned in the Malta government's public submissions during the Rule of Law.

34 Carla Camilleri, Justice on Trial, December 2025, <https://timesofmalta.com/article/justice-trial.1120724>, Alexis Galand, *J.B. v. Malta: The Systemic Consequences of Rule of Law Failures on Migrants' Rights*, January 2025, <https://strasbourgobservers.com/2025/01/07/j-b-v-malta-the-systemic-consequences-of-rule-of-law-failures-on-migrants-rights/>.

35 *A.D. v Malta*, Application no 12427/22, 2023, <https://hudoc.echr.coe.int/eng?i=001-228153>. See also *S.H. v Malta*, Application no 37241/21, 2022, <https://hudoc.echr.coe.int/fre?i=001-221838>.

36 ECRE, AIDA Malta Country Report, 2025 <https://asylumineurope.org/reports/country/malta/asylum-procedure/procedures/regular-procedure/>.

37 Email sent to DG JUST European Commission from aditus foundation on 9 July 2025.

38 Email from DG JUST European Commission to aditus foundation on 18 July 2025.

Appointment of the Attorney General

Whilst the new procedures for the appointment of the Attorney General³⁹ see the setting up of an Appointment Commission, the members of the Commission are handpicked by the Minister for Justice.⁴⁰ They are people who, in his opinion, are respected and trusted by the public and are ‘technically qualified’ to examine whether candidates for the office of Attorney General have the appropriate qualifications and other merit and suitability requirements. There is no further definition of what ‘technically qualified’ means or how someone can be considered to be respected and trusted by the public.

Whilst the appointment procedure is clear albeit lacking in guarantees, the criteria for the appointment of the Attorney General (Article 91 of the Constitution)⁴¹ are **the same as for the** appointment as a judge of the Superior Courts: that the person must have practised as an advocate or served as a Magistrate in Malta for no less than 12 years.

Appointment of Nominees to the Courts of Justice of the European Union

Whilst the EU Treaties allow Member States to regulate their own national procedure for the appointment of judges of the European Courts of Justice, they must ensure that their “independence is beyond doubt” and they “possess the qualifications required for appointment to the highest judicial offices in their respective countries”. The procedure for choosing candidate/s to be nominated by the Maltese government to the Courts of Justice is nebulous and not laid down by law.

In order to select a nominee, the Minister for Justice appoints an ad hoc Selection Board that interviews candidates and selects the most appropriate candidates for the post.⁴² Whilst the general requirements are published in the Government Gazette, the process differs greatly from the judicial appointment procedure, recently changed, laid down by the Maltese Constitution and the published Judicial Appointments Committee – Rules and Guidelines.⁴³

39 Attorney General Ordinance, CAP. 90 of the Laws of Malta <https://legislation.mt/eli/cap/90/eng>.

40 Article 2(2)(a) of the Attorney General Ordinance, CAP. 90 of the Laws of Malta <https://legislation.mt/eli/cap/90/eng>.

41 Constitution of Malta, <https://legislation.mt/eli/const/eng>.

42 See Government Gazette notice for applications for appointment as judge to the Courts of Justice, 2024, <https://www.gov.mt/en/Government/DOI/Government%20Gazette/Documents/2024/04/Government%20Gazette%20-%2030th%20April.pdf>.

43 Judicial Appointments Committee – Rules and Guidelines, 10 November 2020, <https://judiciary.mt/wp-content/uploads/2022/09/JAC-Rules-and-Guidelines.pdf>.

The names of the persons on the Selection Committee are not public, nor are their terms of reference, nor any guidelines guiding them through the selection process. Finally, the ranking and/or reasons for any selected candidate are not made public. Suffice to say that the selected candidate nominated by the government, despite his close relations with the man accused of Daphne Caruana Galizia's assassination and money laundering, did not pass the Comité 255 scrutiny.⁴⁴ Malta is still currently without a selected nominee.

Access to the Courts

In order to be eligible for legal aid in civil cases, an individual needs to pass two tests,⁴⁵ namely:

- a. Means test: For an applicant to qualify under the means criteria, the person must not possess property of any sort, including disposable money, the net value of which does not exceed €13,000 for the preceding 12 months. Moreover, the applicant's income should not exceed the national minimum wage for persons above the age of 18;
- b. Merit test: For an applicant to qualify under the merits criteria, the Advocate for Legal Aid, on examining the nature of the case, must conclude that the applicant has reasonable grounds for taking or defending proceedings before the courts, i.e., that the applicant has in his favour a *probabilis causa litigandi*.

There is a need to increase the threshold for the means test to take into account the increase in the cost of living and to expand the right to legal aid for those whose income may exceed the national minimum wage (which is under €12,000 per annum) but who still cannot afford to pay for legal services. Furthermore, there is also a need to expand the merit test to include legal advice which extends

44 Times of Malta, Justice Minister writes to EU General Court to rebut Repubblica claims, 26 June 2024, <https://timesofmalta.com/article/selection-process-eu-court-judge-ongoing-government.1094479>; MaltaToday, Who are the five people who have thrown their hat in the ring to become judge at the European court?, 1 July 2024, https://www.maltatoday.com.mt/news/national/129995/who_are_the_five_people_who_have_thrown_their_hat_in_ring_to_become_judge_at_the_european_court; MaltaToday, Government set to nominate Zammit Lewis for judge at the EU's General Court, 19 June 2024, https://www.maltatoday.com.mt/news/national/129813/government_set_to_nominate_zammit_lewis_for_judge_at_the_eus_general_court; Times of Malta, Zammit Lewis blames PN as his nomination as European judge is rejected, 4 December 2024, <https://timesofmalta.com/article/zammit-lewis-blames-pn-nomination-european-judge-rejected.1101972>.

45 Code of Organisation and Civil Procedure, CAP 12 of the Laws of Malta <https://legislation.mt/eli/cap/12/eng/pdf>.

beyond *probabilis causa litigandi*, in order to allow individuals who do not have sufficient financial means to have access to free prelitigation legal advice.

Legal Aid for asylum and immigration cases is not provided within the ambit of the Ministry of Justice but via a different system through the Ministry for Home Affairs which issues separate calls, appoints the lawyers, and assigns cases. We are not aware of any case-management system or rotation of such lawyers. This can cause issues of conflict of interest in cases where the same Ministry's agencies are the plaintiffs in immigration and asylum appeals.

New Issues that Emerged in 2025

Judiciary rendered powerless by new planning bills⁴⁶

Courts will be precluded from annulling permits outright and will instead only be able to send them back to the Planning Authority's (PA) appeals tribunal for reconsideration. Objectors appealing a Planning Authority decision will only be able to argue points they raised in front of the PA.⁴⁷ Furthermore, the PA's appeals board – the Environment and Planning Review Tribunal – will have the power to approve applications without hearing objectors if it believes the required changes are not material in nature.

Clarity on the role of the Commissioner for Standards of the Judiciary and relationship with the Committee for Judges and Magistrates

As mentioned above, Bill 134 introduced a Commissioner for Standards of the Judiciary through an amendment to the Maltese constitution. The new article, Article 101AA⁴⁸ allows any person who has concerns about any member of the judiciary to submit such concerns to the Commissioner for Standards of the Judiciary, insofar as they allegedly breach the code of ethics for members of the judiciary or other disciplinary rules that may be published. The Commissioner must be a retired judge or magistrate or non-practising senior lawyer. The Commissioner has the power to investigate allegations he

46 Bill 143 – Development Planning Bill 2025 <https://parlament.mt/en/14th-leg/bills/bill-143-development-planning/?page=1&numItems=10&text=&number=143&totalItems=1> and Bill 144 – Environment and Planning Review Tribunal Bill 2025, <https://parlament.mt/en/14th-leg/bills/bill-144-environment-and-planning-review-tribunal/?page=1&numItems=10&text=&number=144&totalItems=1>.

47 Daniel Ellul: Appeal deadlines relaxed, controversial changes remain in planning law overhaul, Times of Malta, 2 October 2025, <https://timesofmalta.com/article/pa-appeal-deadlines-relaxed-controversial-changes-remain.1117117>

48 Constitution of Malta, <https://legislation.mt/eli/const/eng>.

receives about members of the judiciary and report in writing to the Chief Justice and the Minister for Justice in case he finds that there is sufficient prima facie evidence to initiate disciplinary proceedings against a member of the judiciary.

A number of concerns have been raised as to the problematic drafting of this law, the vagueness of language and the lack of actual procedural rules when concerns are submitted.⁴⁹ The central and intrusive role of the Minister for Justice could also have an effect of undue influence, which could undermine the independence of members of the judiciary.⁵⁰

Furthermore, concerns were raised that the new role could duplicate or conflict with existing structures, potentially politicising judicial oversight and creating interference with the Commission for the Administration of Justice.⁵¹ An already existing disciplinary procedure under Article 101B of the Constitution grants the Committee for Judges and Magistrates, which is a subcommittee of the Commission for the Administration of Justice, the power to carry out disciplinary proceedings against members of the judiciary. The Committee is made up of three members elected amongst the judiciary: two of the three members in disciplinary proceedings against a magistrate shall be magistrates, and in the case of disciplinary proceedings against a judge, two of the three shall be judges. Disciplinary proceedings can only be instituted by a complaint in writing made by the Chief Justice or by the Minister. This procedure was already the subject of concern,⁵² with the Chamber of Advocates highlighting problems relating to the discipline of certain members of the judiciary, varying from delays in deciding to a lack of discipline in the courtroom, to disrespecting lawyers and the public. They called for the setting up of a disciplinary procedure, which is independent of the judiciary.

Although it is unclear how this new role will work, what is still amply clear is that proper disciplinary proceedings can only start with the Chief Justice or the Minister's action, which is problematic in

49 Times of Malta, The new law on a commissioner to oversee the judiciary, 31 August 2025, <https://timesofmalta.com/article/the-new-law-commissioner-oversee-judiciary.1115405>.

50 Repubblika, Detailed Response To Bill No. 134 To Amend The Constitution, 22 May 2025, <https://repubblika.org/press-release/detailed-response-to-bill-no-134-to-amend-the-constitution/>.

51 The Shift, Judicial independence at risk with new Bill, former Judges warn, 23 May 2025, <https://theshiftnews.com/2025/05/23/judicial-independence-at-risk-with-new-bill-former-judges-warn/>.

52 Speech of the President of the Chamber of Advocates on the Opening of the 2024 - 2025 Forensic Year (Diskors tal-President ta' l-Kamra ta' l-Avukati – Ftuh tas-sena Forensi 2024-2025), 1 October 2024 1 ta' Ottubru 2024, <https://themaltesheherald.com/wp-content/uploads/2024/10/Sena-Forensi-2024-Chambers-Dr-Peter-Fenech-Speech.pdf>. aditus foundation, 2025 Rule of Law Submission Malta, January 2025, <https://aditus.org.mt/Publications/2025ruleoflawsubmission.pdf>.

itself, as it rests solely on the discretion of one person, an elected politician, and the other appointed by an elected politician.

Implications and Recommendations for 2026

Overall, the Commission's report acknowledges certain developments but fails to fully address persistent concerns regarding the independence of specialised tribunals and the effectiveness of remedies in immigration detention cases.

Suggested recommendation: include a specific recommendation for the review of the independence of the tribunals and to enact legislation in order to guarantee such independence in line with European human rights law and jurisprudence. We would also like the Commission to recommend to reporting states that statements need to be referenced with publicly available information.

Suggested recommendation: recommend a procedure for the appointment of the Attorney General that includes the cooperation between various state organs, and advice on the professional qualification of candidates should be taken from relevant experts, including the legal community and civil society, as suggested by the Venice Commission.

Suggested recommendation: increase the financial thresholds for eligibility for legal aid and widen the merit test for eligibility for legal aid to include pre-litigation advice.

Suggested recommendation: ensure a quick and effective method of filing complaints and starting disciplinary proceedings against legal aid lawyers who fail to appear for hearings, and ensure that court sittings are suspended if legal aid lawyers do not show.

Suggested recommendation: mainstream asylum and immigration legal aid with the general legal aid, which is administered by the Ministry of Justice.

Suggested recommendation: withdraw the two planning bills that are currently tabled in parliament and open a transparent and inclusive consultation process with all stakeholders on planning reform.

Suggested recommendation: clarify the roles of the Commissioner and the Commission for the Administration of Justice, and further strengthen the disciplinary procedures for members of the judiciary, which would guarantee transparency, independence of the procedures from government, and strengthen the procedural rights of the complainant.

Suggested recommendation: make public, via tabling in the parliament, annual reports which contain the number of concerns received, proceedings or investigations carried out by the Commissioner and/or the Commission for the Administration of Justice annually in relation to members of the judiciary.

Implementation of Judgments

In 2025, Malta had 14 leading judgments that were still pending implementation; these had been pending implementation for an average of six years and six months.⁵³ At the end of December 2024, there were 56 cases pending execution, of which four were leading cases classified under enhanced procedure, and 10 were leading cases classified under standard procedure.⁵⁴ Furthermore, six judgments of the ECtHR are under enhanced supervision, and three are under standard supervision by the Committee of Ministers of the Council of Europe.⁵⁵

The Committee of Ministers examined and adopted decisions in respect of four leading cases/groups of cases under enhanced procedure for the following issues:

- Refusal of the applicant's asylum requests without an assessment of the risk faced upon return to Bangladesh and lack of access to an effective remedy. *S.H. case/ J.B. case*;
- Excessive length of criminal proceedings and of constitutional redress proceedings and lack of effective remedies. *Galea and Pavia* group of cases;
- Unlawfulness of detention pending deportation, in poor conditions, and interference with correspondence between the applicant and the Court. *Feilazoo case / A.D. case*;
- Various deficiencies in the Maltese rent control legislation and a lack of effective remedy.

53 European Implementation Network, Malta, <https://www.einnetwork.org/malta-echr>.

54 Council of Europe, Annual Report 2024 of the Committee of Ministers, 2025, <https://www.coe.int/en/web/execution/annual-report-2024#page-37>.

55 Council of Europe, Main Issues before the Committee of Ministers - Malta, 2025, <https://rm.coe.int/mi-malta-eng/1680a23c9a>.

Of particular interest is the *J.B. and others v Malta*,⁵⁶ which was decided in October 2024. The ECtHR ruled that Malta had breached Article 5(4) of the Convention, amongst others, as it found that the Immigration Appeals Board (IAB) was not an effective remedy for the review of the lawfulness of detention. The decision was based on the fact that the tribunal's decisions were not subject to subsequent control by a judicial body with full jurisdiction, that there was a lack of proper, clear, and transparent appointment procedure and selection criteria for members. In addition, there was an absence of guarantees against outside pressure and the appearance of independence. The court also imposed a general measure that requires Malta to ensure the enactment of legislation for conformity of the IAB with independence and impartiality requirements, which Malta has not addressed. The tribunals fail to satisfy the requirements of independence, as stated multiple times by the Venice Commission and now also the ECtHR, and the lack of action by the government for reform also breaches the Recovery and Resilience Plan.

Out of the 138 cases received by the ECtHR since ratification of the European Convention, 88 were considered to be repetitive cases.⁵⁷

Furthermore, there is disagreement⁵⁸ between environmental NGOs and the Maltese government as to whether the opening of the season for the trapping of seven species of songbirds went against the recent decision by the European Court, which found Malta in breach of Directive 2009/147/EC in Case *C-23/23 Commission v Malta*, decided in September 2024.⁵⁹ The opening of the season was allowed via the publication of Legal Notice Conservation of Wild Birds Regulations, 2024 (Declaration on a Derogation Allowing Scientific Research on Seven Finch Species in Autumn 2024).⁶⁰

56 *JB and others v Malta*, Application no. 1766/23, 2024, <https://hudoc.echr.coe.int/eng#%7B%22ap-pno%22:%5B%221766/23%22%5D%7D>. See also *S.H. v Malta*, Application no 37241/21, 2022, <https://hudoc.echr.coe.int/fre?i=001-221838>; *A.D. v Malta* Application no 12427/22, 2023, <https://hudoc.echr.coe.int/eng?i=001-228153>.

57 Council of Europe, Annual Report 2024 of the Committee of Ministers, 2025, <https://www.coe.int/en/web/execution/annual-report-2024#page-37>.

58 Times of Malta, Government allows trapping for songbirds under 'research programme', 20 October 2024; <https://timesofmalta.com/article/government-allows-trapping-songbirds-research-programme.1099814>, Times of Malta, Bird trapping defiance shows 'electoral interest put before rule of law', 21 October 2024, <https://timesofmalta.com/article/birdlife-electoral-interest-put-rule-law-trapping-season-reopening.1099833>

59 Case *C-23/23 Commission v Malta* decided in September 2024, <https://curia.europa.eu/juris/document/document.jsf?text=&docid=290208&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=23809601>.

60 Legal Notice 270 of 2024 on the Conservation of Wild Birds (Declaration on a Derogation Allowing Scientific Research on Seven Finch Species in Autumn 2024) Regulations, 2024, <https://legislation.mt/eli/ln/2024/270/eng>.

ANTI-CORRUPTION FRAMEWORK

General assessment

There has been a clear regression in the state of the country's anti-corruption framework since last year's report. Backsliding is becoming entrenched and requires immediate action. Signs of regression occurring in 2025 include verbal attacks by the Prime Minister on journalists as well as members of the judiciary; the enactment of amendments to the law on magisterial inquiries through Bill 125⁶¹ - which serve to hinder the ability of private citizens to request a criminal inquiry into suspected wrongdoing by government officials; the government's blatant continued disregard of the recommendations made by the Board of Public Inquiry into the Assassination of Daphne Caruana Galizia, by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL) on money laundering, by GRECO on corruption and by the Parliamentary Assembly on the political system. Backsliding is becoming entrenched, requiring urgent action, as evidenced by the many examples of ethical breaches, nepotism, inappropriate/illegal lobbying, misuse of public funds, and revolving doors tolerated or perpetrated by members of government.

Implementation of 2025 Commission recommendations

Recommendation: Step up efforts to address challenges related to the length of investigations of high-level corruption cases, and to establish a robust track record of final judgments (first made in 2022)

In a 2025 report,⁶² GRECO found that Malta has failed to adequately implement crucial anti-corruption reforms six years after they were first recommended. Of 23 recommendations ('GRECO Recommendations') issued in 2019 concerning top executive functions and law enforcement agencies, only eight have been satisfactorily implemented, seven are partly implemented, and a significant number, eight, have seen no implementation whatsoever.⁶³

61 aditus foundation, Bill 125 – In Genere Inquests, 24 February 2025, <https://aditus.org.mt/bill-125-in-genere-inquests/>.

62 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>

63 Jurgen Balzan, GRECO issues damning report as Malta fails majority of anti-corruption reforms, Newsbook, 28 November 2025, <https://newsbook.com.mt/en/greco-issues-damning-report-as-malta-fails-majority-of-anti-corruption-reforms/>

Mr. Tekke Panman, Netherlands, EPP/CD, posed a question to the Committee of Ministers highlighting Malta's continued non-compliance with recommendations addressed to it by MONEYVAL on money laundering, by GRECO on corruption and by the Parliamentary Assembly on the political system, and requesting information about proposed action by the Committee. There has as yet been no response.

Accessibility of investigations into high level corruption

In relation to GRECO Recommendation xiii, GRECO notes that “achieving a track record of final judgments for high-level corruption cases remains a challenge” in light of the heavily criticized Bill 125.⁶⁴

Amendments introduced by Act No. VIII of 2025 entitled the Criminal Code (Amendment No. 3)⁶⁵ (Bill 125 prior to enactment) requires that a magisterial (criminal) inquiry into suspected criminal activity may only be commenced by an individual upon the presentation of evidence which is admissible in court.

This requirement is in flagrant violation of part (ii) of GRECO recommendation xiii which requires “that it be made clear for criminal investigative bodies that the launching of an inquest or investigation can be based on a reasonable suspicion and does not require that evidence is readily submitted to them...”.⁶⁶

Prior to the enactment of Bill 125, if the police have failed to properly investigate suspected criminal activity, a private individual could directly petition a magistrate to open a magisterial (criminal) inquiry. If the magistrate refused, the complainant could appeal that decision through the ordinary judicial system to a superior criminal court.⁶⁷

64 Bill 125 , AN ACT to further amend the Criminal Code, Cap. 9., 31 January 2025, <https://parlament.mt/media/132384/bill-no125-online-version.pdf> ; aditus foundation, Bill 125 – In Genere Inquests, 24 February 2025, <https://aditus.org.mt/bill-125-in-genere-inquests/>.

65 enacted by Parliament on 11 April 2025 as Act No. VIII of 2025 entitled the Criminal Code (Amendment No. 3), <https://legislation.mt/eli/act/2025/8/eng>

66 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, p. 13, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>.

67 Matthew Xuereb: Everything you need to know about magisterial inquiries, 23 April 2017, https://timesofmalta.com/article/everything-you-need-to-know-about-magisterial-inquiries.645930?utm_source=chatgpt.com.

Bill 125 has effectively eliminated the possibility of appeal from a decision of the judiciary not to commence a magisterial (criminal) inquiry.

New investigations, prosecutions, and final judgements

In relation to this recommendation, the Commission noted that “[i]n 2024, there were new investigations and prosecutions, although the number of final judgments in corruption cases remains low.”⁶⁸

Proceedings in a number of major corruption cases involving high-level officials are still in progress. As most of these proceedings were initiated by individuals requesting a magisterial (criminal) inquiry, the limitation of access to such a remedy by virtue of Bill 125⁶⁹ is a cause for serious concern.

There have been no new final judgements in high-level corruption cases in 2025. However, in June 2025, two men were sentenced to life in prison for supplying the car bomb that killed the anti-corruption journalist Daphne Caruana Galizia in Malta eight years ago.⁷⁰

In February 2025, a court ruled that there is enough prima facie evidence for businessman Yorgen Fenech (currently awaiting trial for Daphne Caruana Galizia’s murder) and former head of the police’s anti-money laundering unit Ray Aquilina to face trial for money laundering and corruption. Aquilina is charged with corruption, leaking official secrets, money laundering and perjury. Fenech has been charged with complicity in the corruption of a public officer and money laundering.⁷¹

68 2025 Rule of Law Report Country Chapter on the rule of law situation in Malta, SWD(2025) 918 final, 2025, https://commission.europa.eu/document/download/82ce49b6-12b2-4440-bae9-18a3a929007c_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Malta.pdf.

69 Simon Busuttill: Further Regression in Rule of Law, Times of Malta, 11 February 2025, <https://timesofmalta.com/article/further-regression-rule-law.1104965>.

70 Juliette Garside: Two men jailed for life for supplying car bomb that killed Daphne Caruana Galizia, The Guardian, 10 June 2025, <https://www.theguardian.com/world/2025/jun/10/two-men-jailed-for-life-for-supplying-car-bomb-that-killed-daphne-caruana-galizia>

71 Claudia Calleja: Enough evidence for Yorgen Fenech, Ray Aquilina to face money laundering trial, Times of Malta, 12 February 2025, <https://timesofmalta.com/article/enough-evidence-yorgen-fenech-ray-aquilina-face-money-laundering.1105059>

It is pertinent to note that, prior to the limitation on access to magisterial (criminal) inquiries posed by the amendments introduced by Bill 125,⁷² a number of inquiries resulted in recommendations for prosecutions being made by the inquiring magistrate, which were not acted upon by the Attorney General. Examples of this are found in the magisterial inquiry into Pilatus Bank, at the conclusion of which the magistrate recommended the prosecution of several individuals, including Ali Sadr (owner and director of Pilatus Bank), Metmet Tasli (operations supervisor) and Hamidreza Ghanbari (director), for whom prosecutions were never commenced.⁷³

Number of EPPO investigations

The Commission noted that in 2024, the European Public Prosecutor's Office (EPPO) investigated ten corruption cases in Malta, which accounts for around a fifth of the total number of EPPO cases.

In October 2025, the EPPO charged a suspect with defrauding EU funds aimed at supporting young farmers to start a business.⁷⁴

Duration of investigations

The Commission noted that: "According to the government, the complexity of the corruption cases, as well as the workload and the limited number of experts, impact the duration of investigations. Furthermore, the lack of judges affects the adjudication of corruption cases."⁷⁵

72 aditus foundation, Bill 125 – In Genere Inquests, 24 February 2025, <https://aditus.org.mt/bill-125-in-genere-inquests/>

73 Jurgen Balzan: Repubblica appeals court decision on Pilatus Bank prosecutions, 22 January 2025, <https://news-book.com.mt/en/repubblica-appeals-court-decision-on-pilatus-bank-prosecutions/>

74 EPPO: Malta: EPPO charges suspect with defrauding EU funds for young farmers, 23 October 2025, <https://www.eppo.europa.eu/en/media/news/malta-eppo-charges-suspect-defrauding-eu-funds-young-farmers>

75 2025 Rule of Law Report Country Chapter on the rule of law situation in Malta, SWD(2025) 918 final, 2025, https://commission.europa.eu/document/download/82ce49b6-12b2-4440-bae9-18a3a929007c_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Malta.pdf.

During the last decade, the Maltese government has received significant support from the European Union to improve the judicial system.⁷⁶ Nevertheless, court proceedings remain notoriously slow, and the lack of efficiency in high level corruption cases continues to be highlighted by the Commission year after year.

GRECO Recommendation xiv⁷⁷ requires that: i) legislation be issued giving criminal investigation bodies the authority to seek and use special investigative techniques (such as wiretaps and other similar measures) in the investigation of corruption offences, empowering the judicial authority to authorise their use, and making the evidence obtained thereby admissible in court, while respecting the case law of the ECtHR and that ii) it be made clear to all authorities involved in the investigation of corruption that the evidence lawfully obtained by such means is admissible evidence in court.

The Maltese authorities, again, submitted no information to GRECO on measures taken to implement this recommendation, leading GRECO to conclude that this recommendation remains unimplemented.

GRECO expressed its regret that a key recommendation aimed at improving the efficiency of criminal investigations into corruption remains unaddressed. It recalled that this recommendation dates back to Malta's First Evaluation Report and was reiterated in the Fifth Round Evaluation Report seven years ago, and noted that the continued inaction of the authorities over the years is clearly unsatisfactory.⁷⁸

Consequently, GRECO urged the authorities to take the necessary legislative and practical measures to enable the use of special investigative techniques in corruption cases and ensure the admissibility of the resulting evidence in court.

76 European Commission: Establishing a digital justice strategy for the Maltese Justice Sector - Reform Support, 2019, https://reform-support.ec.europa.eu/what-we-do/public-administration-and-governance/establishing-digital-justice-strategy-maltese-justice-sector_en European Commission: Digitalisation of civil proceedings and criminal judicial acts - European Commission, https://commission.europa.eu/projects/digitalisation-civil-proceedings-and-criminal-judicial-acts_en Council of Europe (CEPEJ): Supporting the Efficiency of Justice in Malta <https://www.coe.int/en/web/cepej/supporting-the-efficiency-of-justice-in-malta>

77 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, p. 15, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>

78 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, p. 15, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>

The recommendation as it covers a wide range of issues without providing clear steps for addressing the issues highlighted. The Commission could improve the recommendation as following:

(i) Revise the legal framework on magisterial inquiries following the enactment of Bill 125, taking into consideration the reasoned opinions of civil society,⁷⁹ to restore individuals' right to request inquiries, reinstate the 'reasonable suspicion' threshold, remove retroactive effects on pending requests, and ensure reasonable timelines for inquiries;

(ii) Ensure full implementation of the recommendations of the Daphne Caruana Galizia⁸⁰ Public Inquiry and of international monitoring bodies addressing corruption,⁸¹ money laundering,⁸² and governance,⁸³ including GRECO, MONEYVAL and the Parliamentary Assembly.

Commission's 2025 assessment: Some further progress

Daphne Caruana Galizia and aditus foundations' current assessment: Backsliding

- 79 Aditus et al: Open Letter re Bill 125 in Malta, 20 February 2025, https://aditus.org.mt/wp-content/uploads/2025/02/Letter-to-CoE-entities-re.-Bill-125_Malta_022025.pdf
- 80 Judge Michael Mallia, Public Inquiry Report - Daphne Caruana Galizia, 29 July 2021, <https://www.gov.mt/en/Documents/DCG%20final%20version%20as%20at%2012.08.2021.pdf> [in Maltese]; Daphne Caruana Galizia Foundation, Courtesy Translation of Public Inquiry Report, 20 November 2021, <https://www.documentcloud.org/documents/21114883-public-inquiry-report-en/>
- 81 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>
- 82 Moneyval, Anti-money laundering and counter-terrorist financing measures, Malta, Fifth Round Mutual Evaluation Report, July 2019, https://www.newsbook.com.mt/wp-content/uploads/2019/09/MONEYVAL20195_5th-Round_MER-Malta.pdf
- 83 Council of Europe, Parliamentary Assembly: The honouring of membership obligations to the Council of Europe by Malta, 12 April 2019, <https://assembly.coe.int/LifeRay/MON/Pdf/TextesProvisaires/2022/20220524-MonitoringMalta-EN.pdf> Council of Europe, Parliamentary Assembly, Committee on Legal Affairs and Human Rights: Daphne Caruana Galizia's assassination and the rule of law in Malta and beyond, 29 May 2019, <https://www.assembly.coe.int/LifeRay/JUR/Pdf/TextesProvisaires/2019/20190529-CaruanaGaliziaAssassination-EN.pdf> Council of Europe, Parliamentary Assembly: Daphne Caruana Galizia's assassination and the rule of law in Malta and beyond: ensuring that the whole truth emerges, Resolution 2293 (2019), 26 June 2019, <https://pace.coe.int/en/files/28053/html>

Gaps in the Commission's Report

The implementation of the National Anti-Fraud and Corruption Strategy⁸⁴ continues, and work remains to be done in order to ensure appropriate follow-up of the anti-corruption recommendations issued following the public inquiry into the assassination of journalist Daphne Caruana Galizia

The Commission found that almost half of the actions foreseen under the National Anti-Fraud and Corruption Strategy were completed in 2024 (including communication strategies, training programme), and the Co-ordinating Committee reported improvements across four categories of risk (i.e., unlawful use of resources, public procurement, conflicts of interest, and other fraud).

The Commission remarked that for full implementation of the anti-corruption recommendations, key actions remain to be taken, in particular with regard to lobbying and the code of conduct. The government is considering a reform of the asset declaration system following a recommendation by the OECD.

In 2025, multiple instances of unlawful use of public resources, procurement irregularities, conflicts of interest, nepotism, and fraud were reported in Malta.

1. Undervalued sale of public land: The National Audit Office reported⁸⁵ that the government rescinded decades-old restrictions on the sale of public land to a private hotel company for €8,000,000, despite an independent valuation of €18,000,000–24,000,000, which was suppressed.

2. Ministerial property dealings: Affordable Housing minister Rodrick Galdes purchased a penthouse below market value from a politically connected contractor and bartered an apartment for land controlled by property magnates. He had previously been accused of influencing Malita Investments and associating inappropriately with contractors.⁸⁶ The prime minister Robert Abela defended Galdes

84 Office of the Prime Minister, National Anti-Fraud and Corruption Strategy, May 2021, https://parlament.mt/media/112436/national-anti-fraud-and-corruption-strategy_en.pdf

85 National Audit Office, The Government's rescission of restrictions on the site of the Fortina Hotel, September 2025, <https://nao.gov.mt/2025/09/15/the-governments-rescission-of-restrictions-on-the-site-of-the-fortina-hotel/>

86 Neville Borg, Galdes penthouse developers leased 104 properties to Housing Authority, 2 December 2025 <https://timesofmalta.com/article/galdes-penthouse-developers-leased-104-properties-housing-authority.1120499>

and refused to publish ministers' annual wealth declarations, contravening GRECO Recommendation xi on public disclosure of top officials' assets.⁸⁷

3. Nepotism in the Health Ministry: Health Minister Jo Etienne Abela's nephew and the latter's partner were employed in public roles at Gozo General Hospital, with additional family members holding positions in the minister's office. Complaints by the Green Party to the Commissioner for Standards in Public Life remain unresolved.⁸⁸

4. Gozo Ministry contracts: Gozo and Planning minister Clint Camilleri awarded contracts to architect Godwin Agius, a close associate, including a €700,000 direct order for road verification works. The ministry resisted transparency requests until ordered by the Information and Data Protection Appeals Tribunal.⁸⁹

5. Political patronage in Infrastructure Malta: CEO of Infrastructure Malta, Steve Ellul, awarded a consultancy contract to Veronique Dalli, sister of the Energy Minister, Miriam Dalli, without public tender, despite other qualified candidates and existing legal firms. Dalli has a history of government contracts and political ties.⁹⁰

6. Energy sector appointments: The Energy Minister Miriam Dalli appointed her sister's law partner, Andrew Saliba, as Enemalta board secretary despite his lack of sector expertise.⁹¹

7. Former ministerial privileges: Ex-Gozo Minister, Justyne Caruana, holds four concurrent government positions, collectively exceeding 120 hours per week for €15,000 monthly.⁹²

87 Kevin Cassar, Robert Abela, shielding Roderick to protect himself, 28 December 2025, <https://timesofmalta.com/article/shielding-roderick-protect.1121622>

88 The Shift, Standards watchdog asked to probe nepotism in health ministry, 7 August 2025, <https://theshiftnews.com/2025/08/07/standards-watchdog-asked-to-probe-nepotism-in-health-ministry/>

89 The Shift, Confirmed: Minister's colleague paid €773,000 by direct order on Nadur road despite denials, 21 January 2026 <https://theshiftnews.com/2026/01/21/confirmed-ministers-colleague-paid-e773000-by-direct-order-on-nadur-road-despite-denials/>

90 The Shift, CEO Steve Ellul appoints his mentor's sister to Infrastructure Malta payroll, 25 March 2025, <https://theshiftnews.com/2025/03/25/steve-ellul-appoints-his-mentors-sister-to-infrastructure-malta-payroll/>

91 The Shift, Minister appoints her sister's law partner to senior role at Enemalta, 8 May 2025, <https://theshiftnews.com/2025/05/08/minister-appoints-her-sisters-law-partner-to-senior-role-at-enemalta/>

92 The Shift, Justyne: Four jobs, €15,000 a month, 6 January 2025, <https://theshiftnews.com/2025/01/06/justyne-four-jobs-e15000-a-month/>

8. **Embezzlement:** The finance manager of Malta College of Arts, Science & Technology was charged with embezzling €2,300,000 from payroll funds.⁹³

Regulatory and GRECO compliance: Directive No. 16, effective February 2024, sets a framework to prevent and manage conflicts of interest, but its scope excludes ‘persons of trust’ and does not allow public access to complaints.⁹⁴ GRECO has repeatedly noted Malta’s failure to implement recommendations on regulating contacts with lobbyists, enforcing top executive integrity, ensuring public disclosure of assets, and limiting discretionary appointments. Public accountability is limited, as investigations are mostly internal and the Commissioner lacks enforcement powers, while the Ombudsman requires a personal interest to act.

Overall, 2025 highlighted ongoing risks of undervaluation of public assets, conflicts of interest, political patronage, nepotism, and systemic gaps in transparency and accountability within Malta’s public administration.

The capacity of the Permanent Commission Against Corruption (PCAC) to achieve concrete results is yet to be demonstrated

GRECO Recommendation xiii instructs “(i) that the criminal investigation and prosecution system in relation to persons entrusted with top executive functions be reformed along the lines identified by the Venice Commission in its assessment from December 2018, giving a central active role to the prosecutors and without retaining the parallel jurisdiction of the Permanent Commission against Corruption...”⁹⁵

Inexplicably, the PCAC continues to exist at the expense of Maltese taxpayers, without any evidence of effectiveness. The PCAC’s role is supposedly to receive, investigate, and assess allegations of corruption involving public officials, and if it finds evidence suggesting a criminal offence has been committed, to transmit the file to the Attorney General, who then decides whether to prosecute.

93 Maya Galea, Francine Farrugia used MCAST employee names to hide fraudulent transactions, 21 August 2025, https://www.maltatoday.com.mt/news/court_and_police/136604/francine_farrugia_used_mcast_employee_names_to_hide_fraudulent_transactions_

94 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, p. 3, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>

95 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>

Since it was established, the PCAC has never transmitted any case to the Attorney General's Office (or police) that led to a prosecution.⁹⁶

The PCAC continues to be a drain on public resources without proof of effectiveness and contrary to GRECO Recommendation xiii.

Integrity measures for high-level politicians and public officials remain to be taken

The persistent lack of regulations relating to public appointments has led to the reappointment or re-engagement of various former disgraced government officials at all levels in the run-up to an anticipated general election:

- a. Gozo's most senior civil servant, who was censured by the National Audit Office (NAO) for repeated breaches of public procurement regulations and other irregularities, was rehired within days of his official retirement;⁹⁷
- b. Labour party member, Rosianne Cutajar, had resigned in the wake of the publication of WhatsApp chats exposing her close relationship with Yorgen Fenech, who is awaiting trial for the murder of Daphne Caruana Galizia. Cutajar was accepted back into Labour's parliamentary group a year later. She was appointed Chairperson of the Health Committee in 2022 and has now returned as a member;⁹⁸
- c. Chris Fearne, former Deputy Prime Minister and Health Minister, resigned following his arraignment in Court, being accused of defrauding the government through deceit and misappropriation of funds. Fearne still kept his seat in parliament and was reinstated as a government employee at the Health Ministry. He is now planning to contest the next general elections;⁹⁹

96 European Commission: 2025 Rule of Law Report Country Chapter on the rule of law situation in Malta, 8 July 2025, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX%3A52025SC0918&utm>

97 Ivan Camilleri: Gozo's senior civil servant rehired on €46,000 contract after retirement despite NAO censure, The Shift News, 9 October 2025, <https://theshiftnews.com/2025/10/09/gozos-senior-civil-servant-rehired-on-e46000-contract-after-retirement-despite-nao-censure/>

98 Emma Borg: Rosianne Cutajar returns to health committee as Abela reshuffles roles for MPs, Times of Malta, 22 September 2025, <https://timesofmalta.com/article/rosianne-cutajar-returns-health-committee-abela-reshuffles-roles-mps.1116637>

99 Ivan Camilleri: Fearne planning comeback as polls put him in pole position, The Shift News, 20 September 2025, <https://theshiftnews.com/2025/09/20/fearne-planning-comeback-as-polls-put-him-in-pole-position/>

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- d. James Camenzuli, who was indicted for fraud and other serious offences relating to the Vitals/Steward hospitals deal¹⁰⁰ - one of the most serious cases of grand corruption to be perpetrated in Malta - was appointed by Energy Minister, Miriam Dalli, as the new Chairman of Petromal Co Ltd, the government company which owns Enemed (Malta's primary importer and distributor of fuel on the island). Despite public sector regulations that require officials facing criminal charges to be suspended from their positions, Camenzuli did not resign from his roles as CEO of Projects Plus and Chairman of the Regulator for Energy and Water Services (REWS). The latter is also a position which Minister Dalli gave him;¹⁰¹
- e. Ronald Mizzi, a senior civil servant also indicted in the Vitals/Steward hospitals corruption case, has been reinstated to a prominent position within the Office of the Prime Minister. Mizzi was permanent secretary to former health and energy minister Konrad Mizzi during the conception and negotiation of the corrupt hospital privatisation deal. Both are facing several serious corruption-related charges, alongside former Prime Minister Joseph Muscat and several other senior officials and associates. The Prime Minister Robert Abela defended the reinstatement with a curious justification, claiming that after observing court proceedings, he "saw fit" to return Mizzi to a senior governmental role.¹⁰² Mizzi will now be responsible for implementing and coordinating Malta Vision 2050, a strategic national development programme, which has received indirect support from the European Commission through its Structural Reform Support Programme (SRSP);
- f. Neville Gafà, former adviser to disgraced former prime minister Joseph Muscat, has returned to the Office of the Prime Minister in a customer care role. Gafà was at the centre of allegations involving a multi-million-euro medical visa scam, where Libyan nationals were allegedly charged thousands of euros to secure medical visas and treatment in Malta. Despite losing a defamation case that revealed his role in the scheme, he has escaped criminal charges. In 2022, a court asked police to investigate claims that Gafà had attempted to bribe witnesses to prevent them from testifying in the medical visa scam libel case. The investigation stemmed from his failed legal action against journalists who had exposed the alleged racket. Perhaps most damagingly, Gafà admitted under oath to coordinating the pushback of migrants in a tragedy that resulted in 12 deaths, acting on instructions from Muscat's Office of the Prime Minister. He had been commissioned

100 The Independent: Hospitals deal: Prosecutors, defence make cases as Vitals proceedings against Fearne continue, 17 July 2024, <https://www.independent.com.mt/articles/2024-07-17/local/Hospitals-deal-Compilation-of-evidence-against-Chris-Fearne-and-others-continues-6736262772>

101 The Shift: Konrad Mizzi's indicted sidekick given third government post, 11 September 2025, <https://theshift-news.com/2025/09/11/konrad-mizzis-indicted-sidekick-given-third-government-post/>

102 Jurgen Fenech: Indicted permanent secretary reinstated to prime minister's office, 12 May 2025, <https://newsbook.com.mt/en/indicted-permanent-secretary-reinstated-to-prime-ministers-office/>

as an ‘independent’ diplomatic envoy to Libya, facilitating an agreement to transmit coordinates of migrant boats from the Armed Forces of Malta to the Libyan coastguard. This led to dozens of boats being prevented from entering Malta’s search and rescue zone, a move that arguably constitutes illegal non-refoulement under international law. During his Libya missions, Gafà cultivated relationships with sanctioned militia leaders, including Libyan warlord Haithem Tajouri, and admitted to meeting with militia commanders during visits to Tripoli.¹⁰³ Gafà’s behaviour towards journalists and critics has been particularly troubling. He was previously charged in court for threatening Italian journalist Nello Scavo, warning him to “Stop your dirty business. If not, we will be stopping you.”¹⁰⁴ His threats extended beyond professional criticism, with Gafà using his blog platform to intimidate critics with thinly veiled menaces about their personal safety;

- g. Johann Buttigieg, disgraced former CEO of the Planning Authority (PA), had famously paid to fly a PA board member to Malta by private jet to vote on a mega-development, and during his tenure had told business mogul, Yorgen Fenech (on trial for Daphne Caruana Galizia’s murder), that he would “do business” with him any time.¹⁰⁵ He had stepped down from his role with the PA in 2019, only to be appointed as the CEO of the Malta Tourism Authority. In February 2025, he returned to PA on a €140,000 contract (increased from his previous package of €100,000 in the same role);¹⁰⁶

103 The Independent: Libya war victims offered €350,000 each to drop claims against Neville Gafa, court told, 11 May 2021, <https://www.independent.com.mt/articles/2021-05-11/local-news/Libya-war-victims-offered-350-000-each-to-drop-claims-against-Neville-Gafa-court-told-6736233357> Sylvana Debono: The government uses Gafa’ to co-ordinate pushback, 29 April 2020, <https://newsbook.com.mt/en/the-government-uses-gafa-to-co-ordinate-pushback/>

104 Jurgen Balzan: Scandal-plagued Gafà returns to heart of Labour government as election clouds gather, Newsbook, 28 August 2021, <https://newsbook.com.mt/en/scandal-plagued-gafa-returns-to-heart-of-labour-government-as-election-clouds-gather/> Daniel Ellul: Neville Gafà returns to Castille in customer care role, Times of Malta, 28 August 2025, <https://timesofmalta.com/article/neville-gafa-returns-castille-customer-care-role.1115308>

105 Jacob Borg: ‘We can do business whenever you want,’ PA chief told Yorgen Fenech, 7 March 2021, <https://timesofmalta.com/article/we-can-do-business-whenever-you-want-pa-chief-told-fenech.856273> Times of Malta, Calls for Buttigieg to resign, be investigated, after links to Fenech exposed, 7 March 2021, <https://timesofmalta.com/article/arnold-cassola-seeks-corruption-investigation-into-former-pa-chairman.856459> Julian Bonnici: Johann Buttigieg Hoped To Work For Yorgen Fenech After Planning Authority Stint, Lovin Malta, 22 October 2021 <https://lovinmalta.com/news/johann-buttigieg-hoped-to-work-for-yorgen-fenech-after-planning-authority-stint/> Tom Kington: Malta’s rapid building boom leaves locals in the dust, The Times, 21 October 2021, <https://www.thetimes.com/world/article/maltas-rapid-building-boom-leaves-locals-in-the-dust-s3g27dbgn>

106 James Cummings, Johann Buttigieg returned to Planning Authority on a €140,000 contract, Times of Malta, 19 February 2025, <https://timesofmalta.com/article/johann-buttigieg-returned-planning-authority-140000-contract.1105280>

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- h. GRECO Recommendation ii¹⁰⁷ requires that, based on proper risk assessments, an integrity strategy be developed and implemented in respect of all pertinent categories of persons entrusted with top executive functions. This recommendation was not implemented in the Second Compliance Report; the risk assessment had not been carried out, nor had the anti-corruption integrity strategy been adopted. The Maltese authorities provided no new information to GRECO with regard to the same, leading that body to conclude that this recommendation remains unimplemented, and calling on the authorities to take resolute action without further delay;
- i. In Recommendation iii, GRECO urged the government to ensure that i) more robust and systematic awareness-raising measures (e.g. refresher training and workshops, guidance documents, written reminders) be provided to all persons entrusted with top executive functions, at the start of their term and at regular intervals throughout their term and ii) that information about the integrity requirements for public officials and their observance is made readily available, including by posting such information on the websites of public authorities;
- j. GRECO Recommendation iv urged the dissociation of the functions of confidential advice and of enforcement by the Commissioner on Standards in Public Life, and instructed that other persons or bodies be entrusted with the former. The Maltese authorities provided no information on any new developments regarding this recommendation. GRECO stated that attributing the function of confidential counselling to the main body responsible for enforcing the rules of conduct and other integrity requirements, and for verifying asset declarations, was not considered appropriate. This is because it could place the Commissioner on Standards in Public Life in a situation where the requested consultation would concern matters requiring his/her intervention as an enforcement body;

The public inquiry into the assassination of Daphne Caruana Galizia, presented to the Prime Minister in 2021,¹⁰⁸ recommended the introduction of provisions of law criminalising abuse of office by public officials. Four years later, in September 2025, the former Chief Justice and current Standards Commissioner, Joseph Azzopardi, categorically declared that abuse of office by government ministers should be a criminal offence, but no such law exists to date. The public inquiry also recommended the introduction of a law criminalising the obstruction of justice by government officials, as well as the introduction of unexplained wealth orders. Both remain unaddressed years later. Instead, the

107 GRECO, Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, p. 4, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>

108 Imhallel Michael Mallia: Rapport tal-Inkjestta Pubblika - Daphne Caruana Galizia, 29 July 2021, <https://www.gov.mt/en/Documents/DCG%20final%20version%20as%20at%2012.08.2021.pdf> [in Maltese]

government introduced Bill 125 (making it impossible for private individuals to request a magisterial inquiry into suspected criminal activity by public officials) and, in mid-2025, Bill 137 (Holders of Public Office and Public Entities (Responsibility) Bill).¹⁰⁹ The latter aims to protect public officials in civil cases by making the state assume civil liability, meaning the government pays damages for officials' actions unless criminal intent is proven. The promulgation of such legislation has been carried out without adequate public information and participation, contrary to GRECO Recommendation vi, which advocates that the government make provision for the disclosure, as a rule, of governmental draft legislation and other texts of particular public interest, accompanied by an appropriate level of consultations.

Auditing institutions indicated weaknesses in the use of public funds and changes to public procurement procedures

The Report by the Auditor General on the Public Accounts for the year 2024, published in December 2025,¹¹⁰ presents over 240 targeted recommendations designed to address the shortcomings identified during these reviews and to support good governance and best practice in the government's operations.

Some of the key findings identified were the following:

- Weak internal controls and insufficient verification performed before payment was effected;
- Bypassing of Public Procurement Regulations;
- Absence of formal documentation hindering verification and audit trail;
- Lack of Standard Operating Procedures.

New Issues that Emerged in 2025

Political party financing rules

The principal issues which emerged in 2025 in relation to anti-corruption may be summarised below:

109 Bill 137 – Holders of Public Office and Public Entities (Responsibility) Bill, 2 July 2025, <https://www.parlament.mt/media/134710/bill-137-holders-of-public-office-and-public-entities-responsibility-bill.pdf>.

110 National Audit Office, Report by the Auditor general on the Public Accounts for the year 2024, December 2025, <https://nao.gov.mt/2025/12/16/report-by-the-auditor-general-on-the-public-accounts-2024/>.

- The GRECO Report highlights the failure by the Maltese government to comply with several anti-corruption recommendations;¹¹¹
- The results of the Special Eurobarometer survey on public perceptions of corruption, published in the middle of 2025, found that the Maltese think corruption is most widespread among political parties and the Planning Authority;¹¹²
- Civil society has called for urgent reform of political party financing rules.¹¹³

In light of these findings, immediate and effective action is required to reform the framework governing political party financing. Such reforms should ensure full transparency and disclosure of political funding, establish independent oversight and enforcement mechanisms, introduce clear rules and limits on private donations, consider public funding linked to accountability criteria, and strengthen broader ethical standards for political actors.

Implications and Recommendations for 2026

Despite the improvements reported under the National Anti-Fraud and Corruption Strategy,¹¹⁴ instances of misuse of public funds, public procurement fraud, conflicts of interest, and other fraud remain high, with avenues for members of the public to access effective redress remaining very limited. In the absence of effective integrity measures for high-level politicians and public officials, including regulations on conflicts of interest and revolving doors, persons directly involved in high-level corruption continue to be engaged or re-engaged at various levels of governmental roles, perpetuating a cycle of corruption. As a result, corruption at all levels of government continues to be enabled by the above-mentioned factors, as well as by unchecked conflicts of interest, nepotism, and revolving doors.

111 GRECO: Fifth Evaluation Round Addendum to the Second Compliance Report, 6 June 2025, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/4880297b95>

112 James Debono, One in four knows someone who took or gave bribes, survey finds, MaltaToday, 19 July 2025, https://www.maltatoday.com.mt/news/national/136037/one_in_four_knows_someone_who_took_or_gave_bribes_survey_finds__?

113 Repubblika calls for urgent reform of political party financing rules, The Malta Independent, 16 December 2025, <https://www.independent.com.mt/articles/2025-12-16/local-news/Repubblika-calls-for-urgent-reform-of-political-party-financing-rules-6736285672?>

114 Office of the Prime Minister: National Anti-Fraud and Corruption Strategy, May 2021, https://parlament.mt/media/112436/national-anti-fraud-and-corruption-strategy_en.pdf.

Suggested recommendation: Take immediate and effective steps towards the dissolution of the PCAC, and channel the resources assigned to it towards effective investigative bodies, namely the Attorney General's Office and the courts.

Suggested recommendation: Take immediate and effective steps towards full compliance with recommendations addressed to the government by MONEYVAL on money laundering, by GRECO on corruption and by the Parliamentary Assembly on the political system, as well as with the recommendations made by the Board of Public Inquiry into the Assassination of Daphne Caruana Galizia.

MEDIA ENVIRONMENT AND MEDIA FREEDOM -

General assessment

Most of the systemic failures documented by the public inquiry into Daphne Caruana Galizia's assassination have still not been addressed. Malta ranked in fifth place at the end of the EU in the 2025 World Press Freedom Index,¹¹⁵ partially due to such failure. No journalist in Malta is truly protected until all the recommendations are fully implemented.

Malta's transposition of the anti-SLAPP directive is still the bare minimum, dealing only with cross-border cases and avoiding protection in the most common SLAPP cases, which are purely domestic. In January 2025, the government committed to 'imminently launch a wide national public consultation'¹¹⁶ on extending rights under national anti-SLAPP legislation to domestic cases, but this hasn't been held yet.

Malta's Freedom of Information (FOI) Act has been widely criticised, even by international organisations, such as UNESCO.¹¹⁷ The latest to join a string of international calls was the Commonwealth Human Rights Initiative, which noted that freedom of information requests are "often denied on arbitrary grounds".¹¹⁸ Despite these calls, there has still been no effort to improve Malta's FOI Act. Governmental entities often limit access to information for journalists, reject FOIs on arbitrary grounds, or simply ignore journalists' questions.

Companies' Beneficial Ownership information is now accessible to some journalists. To obtain access, journalists need to show evidence of previous experience in anti-corruption or money-laundering research, as well as submit identification of the person requesting access, making it impossible for journalists and researchers starting out with no experience in AML to obtain access. The Beneficial

115 Malta ranks 67th in the latest World Press Freedom Index, remains one of the worst in EU, the Malta Independent online, 2 May 2025, <https://www.independent.com.mt/articles/2025-05-02/local-news/Malta-ranks-67th-in-latest-World-Press-Freedom-Index-remains-one-of-the-worst-in-EU-6736269787>

116 Malta's Input to the 2025 Annual Rule of Law Report https://commission.europa.eu/document/download/371283ad-1767-4520-ab4f-82fd487c922d_en?filename=MT%20-%20written%20input.pdf

117 Elizabeth De Gaetano, UNESCO joins growing list of international organisations calling on Malta to reform its FOI act, The Shift News, 16 March 2024, <https://theshiftnews.com/2024/03/16/unesco-joins-growing-list-of-international-organisations-calling-on-malta-to-reform-its-foi-act/>

118 Neville Borg, Malta urged to revise FOI laws and scrap sedition law in Commonwealth report, Times of Malta, 10 September 2025, <https://timesofmalta.com/article/malta-urged-revise-foi-laws-scrap-sedition-law-commonwealth-report.1115990>

Ownership registry is also inaccessible to international journalists, since access can only be granted through a Maltese identification card.

The government continues to delay the publication of media reforms promised in 2023.¹¹⁹ In August 2025, the government finally launched a public consultation on media reform.¹²⁰

Thus, while there has been some improvement regarding the transparency of state advertising and public funding to media organisations, and changes to the independent governance and editorial independence of the Public Broadcasting Services (PBS), these changes are minimal, and cannot really be said to be progress. Certain legislative changes have been made, but have not been implemented yet.

Implementation of 2025 Commission recommendations

Recommendation: Adopt further legislative and other safeguards to improve the working environment of journalists including on access to official documents, taking into account European standards on the protection of journalists and on access to official documents (first made in 2022)

Companies' Beneficial Ownership information is now accessible to some journalists.¹²¹ In order to obtain access, journalists need to show evidence of previous experience in anti-corruption or money-laundering research, as well as submit identification of the person requesting access, making it impossible for journalists starting out and researchers to obtain access. The Beneficial Ownership registry is also not accessible for international journalists since access can only be done through a Maltese identification card.

The government has also delayed publication of media reforms promised in 2023. However, in August 2025, the government finally launched a public consultation on media reform.¹²² The timeline for the next steps is unclear.

119 PM agrees to issue white paper on media reform bill, The Malta Independent, 2 October 2023, <https://www.independent.com.mt/articles/2023-10-02/local-news/PM-agrees-to-issue-white-paper-on-media-reform-bill-6736255300>

120 Media Reform Public Consultation, <https://www.gov.mt/en/publicconsultation/Pages/2025/L-0018-2025.aspx>.

121 Legal Notice 127 of 2025, <https://legislation.mt/eli/ln/2025/127/mlt>

122 Media Reform Public Consultation, <https://www.gov.mt/en/publicconsultation/Pages/2025/L-0018-2025.aspx>.

However, the systemic failures documented by the public inquiry into Daphne Caruana Galizia's assassination have still not been addressed. No journalist in Malta is truly protected until all the recommendations are fully implemented.

Malta's transposition of the anti-SLAPP directive is still the bare minimum, dealing only with cross-border cases and neglecting defendants in Malta in cases lacking a cross-border element. In January 2025, the government committed to "imminently launch a wide national public consultation" on extending rights under national anti-SLAPP legislation to domestic cases.¹²³ However, this hasn't been held yet.

Furthermore, despite calls by international organisations to change Malta's FOI Act, there has still been no effort to improve it. Government entities often limit access to information to journalists, saying they have no information. This year, the Commonwealth Human Rights Initiative called for change, noting that freedom of information requests "are often denied on arbitrary grounds".¹²⁴

There is still a hostile environment towards journalists that continues to be fostered by the governing party, with government members attacking journalists for doing their job. In January 2025, the prime minister lashed out against independent news outlet The Shift News, saying that "90% of what they report contain falsehoods", after several of his ministers were investigated because of news reports by this media house.¹²⁵

Furthermore, journalists are often ignored when questions are posed to the ministries or members of the parliament. Furthermore, they are unable to contact ministries' spokespersons by phone, as their phone numbers are no longer public. This means journalists are ignored more easily.

123 Malta's Input to the 2025 Annual Rule of Law Report https://commission.europa.eu/document/download/371283ad-1767-4520-ab4f-82fd487c922d_en?filename=MT%20-%20written%20input.pdf

124 Neville Borg, Malta urged to revise FOI laws and scrap sedition law in Commonwealth report, Times of Malta, 10 September 2025, <https://timesofmalta.com/article/malta-urged-revise-foi-laws-scrap-sedition-law-commonwealth-report.1115990>

125 Matthew Farrugia, [WATCH] Abela vows to protect under-fire ministers: 'They have to pass over my dead body', 15 January 2025, https://www.maltatoday.com.mt/news/national/133165/watch_abela_vows_to_protect_under-fire_ministers_they_have_to_pass_over_my_dead_body

The head of customer care at the Office of the Prime Minister, Neville Gafa, destroyed the protest memorial in Valletta that calls for justice for Daphne Caruana Galizia on the 8th anniversary of her assassination.¹²⁶ Three EU embassies (the Netherlands, Germany, Ireland) published statements condemning the destruction. The Prime Minister, Robert Abela, defended the action, claiming it was done “in a personal capacity” and that it is an “act of free expression”.¹²⁷ The Office of the Prime Minister parliamentary secretary, Andy Ellul, defended the action as ‘free expression’.¹²⁸ The perpetrator himself admitted his intended destruction of the protest memorial was motivated by antipathy towards Caruana Galizia. Gafa was eventually asked to resign over a totally unrelated issue, with the government failing to condemn his attack.¹²⁹

The recommendation is relatively clear but the steps to be taken have not been clearly articulated. Daphne Caruana Galizia Foundation and aditus foundation would like to see the following recommendation:

Strengthen the FOI Act to ensure government openness and transparency when requesting FOIs, rather than secrecy and time-wasting tactics. Strengthen the Anti-SLAPP law to ensure journalists are protected against domestic SLAPPs.

Commission's 2025 assessment: No progress

Daphne Caruana Galizia and aditus foundations' current assessment: In progress (initial steps)

126 Matthew Bonanno, Watch: Neville Gafa filmed clearing Daphne memorial as embassies condemn move, Times of Malta, 17 October 2025, <https://timesofmalta.com/article/watch-neville-gafa-filmed-clearing-daphne-embassies-condemn-move.1118058>

127 Daniel Ellul, ‘Gafa acting in personal capacity’, OPM says, but cites freedom of expression, Times of Malta, 17 October 2025, <https://timesofmalta.com/article/gafa-acting-personal-capacity-opm-say-cite-freedom-expression.1118071>

128 Nicole Meilak, WATCH | ‘Neville Gafa has a right to express himself too’ - Andy Ellul, Malta Today, MaltaToday20 October 2025, https://www.maltatoday.com.mt/news/national/137666/watch__neville_gafa_has_a_right_to_express_himself_too__andy_ellul

129 Neville Gafa submits resignation letter from person of trust role at OPM following blog post, the Malta Independent online, 25 October 2025, <https://www.independent.com.mt/articles/2025-10-25/local-news/Neville-Gafa-submits-resignation-letter-to-OPM-from-person-of-trust-role-following-blog-post-6736284280>

Recommendation: Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media (first made in 2022)

Due to the implementation of the European Media Freedom Act (EMFA), there have been positive changes that are still underway, including the establishment of a new Office for Advertising and the Media, with broad powers, and the standard transposition of EMFA rules on surveillance and source protection.¹³⁰ The Broadcasting Authority is now in charge of overseeing transparency on state advertising. Public bodies must now report every six months on their advertising contracts.¹³¹ Furthermore, there are positive changes on the media ownership transparency database, to be overseen by the Broadcasting Authority, with powers to enforce it. Whether it will be usable is not yet known.

The European Media Freedom Act fails to include any provisions on the independence of public service media and funding. Furthermore, the public consultation on media reform was not done before Maltese law was updated according to the EMFA. The public consultation is wider, but the white paper should include many areas covered by the EMFA. It is not ideal that there are two separate reform processes. Furthermore, the EMFA will have no impact on SLAPPs, defamation reform (family inheritance civil cases), FOI or wider government transparency, which are not included.

Furthermore, the provision in the Constitution, which establishes the Broadcasting Authority, states that this Authority shall be composed of two members loyal to the government and two loyal to the opposition members, with a neutral chair. Having four-fifths of the Authority that are not objectively impartial risks improper oversight, especially since smaller political parties have no representation.

130 Legal Notice 175 of 2025, <https://legislation.mt/eli/ln/2025/175/eng>

131 Article 19 of Legal Notice 175 of 2025, <https://legislation.mt/eli/ln/2025/175/eng>

Despite calls for the independent governance and editorial independence of public service media,¹³² the PBS has this year been criticised for its lineup ahead of elections, which prominently featured presenters closely linked to the Labour Party.¹³³ The editorial independence of the broadcaster, which is financed by taxpayers to the tune of €9,200,000 annually,¹³⁴ has been put into question, especially since many of the appointments are unmeritocratic, with persons lacking experience and preparation being given certain primetime slots. Furthermore, one of the defence lawyers for disgraced former Prime Minister Joseph Muscat will also front a political programme on the station. “It is evident that this schedule was not designed within the Public Broadcasting Services (PBS), but dictated by the Office of the Prime Minister,” a veteran broadcaster told The Shift.¹³⁵ The current appointments are a representation of the continuation of a long-standing tradition in which whichever party holds government exerts influence over PBS.

The recommendation is relatively clear, but the steps to be taken have not been clearly articulated. Daphne Caruana Galizia Foundation and aditus foundation would like to see the following recommendation:

*Revise the provision of the Constitution which established the Broadcasting Authority and ensure a more transparent appointment procedure for the PBS’s management board and chairperson.*¹³⁶

Commission’s 2025 assessment: No progress

**Daphne Caruana Galizia and aditus foundations’
current assessment: In progress (initial steps)**

132 PN calls for a truly independent and transparent media reform, The Malta Independent, 30 October 2025, <https://www.independent.com.mt/articles/2025-10-30/local-news/PN-calls-for-a-truly-independent-and-transparent-media-reform-6736284401>

133 TVM faces public outcry over labour-aligned programming ahead of elections, The Shift News, 26 September 2025, <https://theshiftnews.com/2025/09/26/tvm-faces-public-outcry-over-labour-aligned-programming-ahead-of-elections/>.

134 Government quietly boosts PBS subsidies by 60% to €9.2m a year, The Shift News, 29 January 2026, <https://theshiftnews.com/2026/01/29/government-quietly-boosts-pbs-subsidies-by-60-to-e9-2-million-a-year/>

135 TVM faces public outcry over labour-aligned programming ahead of elections, The Shift News, 26 September 2025, <https://theshiftnews.com/2025/09/26/tvm-faces-public-outcry-over-labour-aligned-programming-ahead-of-elections/>.

136 Article 118 of the Constitution of Malta, <https://legislation.mt/eli/const/eng>.

Gaps in the Commission's Report

Insufficient protection of journalists and gaps in access-to-information guarantees

Malta's transposition of the anti-SLAPP directive is still the bare minimum, dealing only with cross-border cases and neglecting defendants in Malta in cases lacking a cross-border element. In January 2025, the government committed to 'imminently launch a wide national public consultation' on extending rights under national anti-SLAPP legislation to domestic cases, but this hasn't been done yet.¹³⁷

Access to the Beneficial Ownership Registry was recently reopened to journalists, following advocacy work we did directly with MBR (Malta Business Registry). While this is a positive step, the process of accessing the BO register now involves a few steps and is extremely slow. The Daphne Caruana Galizia Foundation's monitoring of access requests to the Beneficial Ownership Registry of eight local journalists in Malta found that the process took over two months from the day the journalist requested access; some journalists waited 3 months.

The adaptation¹³⁸ of Maltese law to the European Media Freedom Act (EMFA) has forced the government to make some changes to enhance the independence of public service media; however, it is still too early to monitor progress in this regard. The Office for Advertising and the Media has been established by law since August, as part of Malta's implementation of the EMFA. The Office's role as a watchdog is to oversee state advertising and media transparency. Despite these changes, the allocation of state-financed advertising remains opaque, and the criteria are not publicly known, as the EMFA-mandated Office for Advertising and the Media has not been set up yet. Public authorities and entities that use public funds to advertise themselves must now report every six months on their advertising contracts. The newly appointed Office for Advertising and the Media shall monitor and report at the end of each financial year on the allocation of state advertising expenditure to media service providers and online platforms providers.

The Maltese government is not being held accountable for these deficiencies, particularly when it comes to FOI requests, which are often ignored or denied without any good reason. More often than not, it is the Information and Data Protection Commissioner that finally decides in favour of the person making the request - a process which on average takes two years.

137 Malta's Input to the 2025 Annual Rule of Law Report https://commission.europa.eu/document/download/371283ad-1767-4520-ab4f-82fd487c922d_en?filename=MT%20-%20written%20input.pdf.

138 European Media Freedom Act (Measures for Implementation) Order, Legal Notice 125 of 2025, <https://legislation.mt/eli/ln/2025/175/eng>

New Issues that Emerged in 2025

Lack of transparency and political influence in the governance of public service media

This year, the Public Broadcasting Service (PBS) came under fire after its lineup ahead of elections prominently featured presenters closely linked to the Labour Party.¹³⁹ This prompted an outpouring of criticism from viewers, political observers, and industry insiders alike, questioning the editorial independence of the PBS, which is financed by taxpayers to the tune of €9,200,000 annually.¹⁴⁰ Many of the appointments are unmeritocratic, with people, lacking experience and preparation, being given certain prime time slots. Furthermore, one of the defence lawyers for disgraced former prime minister Joseph Muscat will also front a political programme on the station.¹⁴¹ As part of Malta's implementation of the EMFA, Malta's public broadcaster, the PBS's CEO role must now be issued by public call. However, the new law¹⁴² provides nothing regarding transparency concerning the appointment of the chairperson and the management board of the PBS, as the EMFA only requires this with either the head or the board.

Furthermore, the Broadcasting Authority has been tasked with monitoring as per Article 5(4) of EMFA. This includes: ensuring public service media providers are editorially and functionally independent and provide a plurality of information and opinions to their audiences, ensuring that the procedures for the appointment and the dismissal of the head of management or the members of the management board of public service media providers aims to guarantee the independence of public service media providers, and that funding procedures for public service media providers are based on

139 TVM faces public outcry over labour-aligned programming ahead of elections, The Shift News, 26 September 2025, <https://theshiftnews.com/2025/09/26/tvm-faces-public-outcry-over-labour-aligned-programming-ahead-of-elections/>

140 Government quietly boosts PBS subsidies by 60% to €9.2m a year, The Shift News, 29 January 2026, <https://theshiftnews.com/2026/01/29/government-quietly-boosts-pbs-subsidies-by-60-to-e9-2-million-a-year/>

141 TVM faces public outcry over labour-aligned programming ahead of elections, The Shift News, 26 September 2025, <https://theshiftnews.com/2025/09/26/tvm-faces-public-outcry-over-labour-aligned-programming-ahead-of-elections/>

142 European Media Freedom Act (Measures for Implementation) Order, Legal Notice 125 of 2025, <https://legislation.mt/eli/ln/2025/175/eng>

transparent and objective criteria laid down in advance.¹⁴³ Yet, the Broadcasting Authority has been repeatedly criticised for failing to guarantee impartiality.¹⁴⁴

Implications and Recommendations for 2026

Suggested recommendation: fully implement the recommendations of the public inquiry into Daphne Caruana Galizia's assassination, including by revising the constitutional provision establishing the Broadcasting Authority, setting up of an office akin to Commissioner for Journalistic Ethics, revising the constitutional amendment recognising freedom of journalism as one of the pillars of a democratic society, revising of the FOI Act, and adopting a legal framework that enables journalists to operate freely and totally independent from interference or undue pressure.

Suggested recommendation: Amending anti-SLAPP legislation so that it also protects journalists in Malta in cases that do not contain a cross-border element.

Suggested recommendation: Strengthen Malta's FOI Act to prevent unnecessary delays in the FOI request process and arbitrary refusals by public authorities.

Suggested recommendation: Extend access to FOI requests to EU citizens who have not resided in Malta for five years.

Suggested recommendation: Prioritise the adoption of the Media Reform legislation.

Suggested recommendation: Ensure greater transparency in the appointment of the Chairperson and the Management Board of the PBS, given that the current EMFA only requires transparency for either the head or the board.

Suggested recommendation: reconstitute the Broadcasting Authority, including key stakeholders such as independent media experts, academic media specialists, and smaller political parties, instead of its composition being split up between the two main political parties.

143 REGULATION (EU) 2024/1083 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act), Official Journal of the European Union, 11 April 2024, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401083.

144 Sean Montebello, Court Orders Pbs, Ba To Pay Damages For Unconstitutional, Partisan Broadcasting, The Shift News, 27 February 2023, <https://theshiftnews.com/2023/02/27/court-orders-pbs-ba-to-pay-damages-for-unconstitutional-partisan-broadcasting/>.

Suggested recommendation: Adopt clear rules discouraging attacks on journalists, or attempts to discredit them, by political parties or members of government.

CHECKS AND BALANCES -

General assessment

Malta remains without an independent national human rights institution (NHRI) in line with the UN Paris Principles,¹⁴⁵ in spite of repeated recommendations to do so by the European Commission Annual Rule of Law reports¹⁴⁶ and other bodies.¹⁴⁷ The Maltese government had launched a human rights reform, which included the consolidation of equality laws and the setting up of a proper NHRI, over a decade ago in 2014, and to date, there has been no concrete progress.¹⁴⁸ The situation was also described by the Ombudsman in the 2025 Ombudsplan as a legal stalemate.¹⁴⁹

The context in which civil society organisations (CSOs) and human rights defenders (HRDs) work remains strained, and actors in the field have reported being targets of verbal attacks, threats, and intimidation. The work of CSOs and HRDs is often portrayed negatively and is subject to smear campaigns by political figures and other persons in authority.¹⁵⁰ However, the ODIHR noted that some steps have been taken by Malta to protect human rights defenders and journalists, whilst also noting that there are serious concerns about the lack of implementation of the recommendations from

145 United Nations, Principles relating to the Status of National Institutions (the Paris Principles), UN General Assembly resolution 48/134 (1993), https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris?utm_source=chatgpt.com.

146 European Commission, 2025 Rule of Law Report Country Chapter on the rule of law situation in Malta, SWD(2025) 918 final, 2025, https://commission.europa.eu/document/download/82ce49b6-12b2-4440-bae9-18a3a929007c_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Malta.pdf.

147 Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities, Sixth Opinion on Malta, 20 November 2025, <https://rm.coe.int/6th-opinion-malta-en/4880294c6a>.

148 Ibid., aditus foundation, 2025 Rule of Law Submission Malta, January 2025, <https://aditus.org.mt/Publications/2025ruleoflawsubmission.pdf>; European Network of National Human Rights Institutions, NHRIs reveal key developments and challenges impacting rule of law across the European Union, 13 May 2025, <https://ennhri.org/news-and-blog/nhris-reveal-key-developments-and-challenges-impacting-rule-of-law-across-the-european-union/>; Office of the Ombudsman, The Proposal: The Office of the Parliamentary Ombudsman as the National Human Rights Institution for Malta, 1 February 2025, <https://www.ombudsman.org.mt/news-and-events/the-proposal-the-office-of-the-parliamentary-ombudsman-as-the-national-human-rights-institution-for-malta/>.

149 Ombudsman, Ombudsplan 2025, 2025, <https://ombudsman.org.mt/media/fxnkkhln/ombudsplan-2025-eng.pdf>.

150 OSCE Office for Democratic Institutions and Human Rights, The Situation of Human Rights Defenders in Malta: Good Practices and Protection Gaps, 2 September 2025, <https://www.osce.org/odihr/596929>.

the Inquiry into the murder of Daphne Caruana Galizia.¹⁵¹ On the eighth anniversary of Daphne Caruana Galizia's assassination, an official employed in the Office of the Prime Minister discarded tributes left on her memorial by activists, family members, and various embassies.¹⁵² After shocked reactions by the public, the Office of the Prime Minister stated that the employee acted in his personal capacity, but that he had the right to freedom of expression.¹⁵³ This is not the first time the clearing of the memorial was the subject of controversy. In 2020, the Constitutional Court found that continued cleaning of the memorial site by state entities breached the right to freedom of expression of civil society activists.¹⁵⁴ Like every year, no government representative attended any of the memorial services, meetings, or events.

151 Ibid., also noted by the European Commission, 2025 Rule of Law Report Country Chapter on the rule of law situation in Malta, SWD(2025) 918 final, 2025, https://commission.europa.eu/document/download/82ce49b6-12b2-4440-bae9-18a3a929007c_en?filename=2025%20Rule%20of%20Law%20Report%20-%20Country%20Chapter%20Malta.pdf.

152 Matthew Bonanno, Watch: Neville Gafa filmed clearing Daphne memorial as embassies condemn move, Times of Malta, 17 October 2025, <https://timesofmalta.com/article/watch-neville-gafa-filmed-clearspelting-daphne-embassies-condemn-move.1118058>.

153 Karl Azzopardi, Matthew Farrugia, Office of the Prime Minister: Neville Gafa acting in personal capacity, MaltaToday, 17 October 2025, https://www.maltatoday.com.mt/news/national/137628/foreign_embassies_condemn_neville_gafas_removal_of_flowers_from_caruana_galizia_memorial1.

154 Edwina Brincat and Sarah Carabott, Manuel Delia wins case against government over Caruana Galizia memorial, Times of Malta, 30 January 2020, <https://timesofmalta.com/article/manuel-delia-wins-case-against-government-over-caruana-galizia.767224>; Delia Emanuel vs L-Onorevoli Ministru tal-Gustizzja Kultura u Gvern Lokali Et, 30 January 2020, <https://ecourts.gov.mt/onlineservices/Judgements/Details?JudgementId=0&CaseJudgementId=120292>.

Implementation of 2025 Commission recommendations

Recommendation: Take forward measures to establish a National Human Rights Institution taking into account the UN Paris Principles (first made in 2022)

There has been no progress in relation to the setting up of NHRI in accordance with the Paris Principles. Whilst pre-2022 there had been a number of drafts¹⁵⁵ and consultation meetings on an Equality Bill and a Human Rights and Equality Commission Bill, which were tabled in the parliament, the 2022 General Election spelled the end of the process.

In an ODIHR stakeholder meeting held in December 2025 focusing on human rights defenders in Malta, a public body informed the participants that a draft bill on the setting up of an NHRI was at an advanced stage, however, both the Ombudsman and the CSOs present were not previously informed about nor consulted on the contents of such draft.¹⁵⁶

In spite of the government's 2025 Rule of Law Input¹⁵⁷ highlighting that it is in advanced internal discussions to finalise the bills by January 2026 no such bills were tabled in the parliament.

The recommendation is clear and precise.

Commission's 2025 assessment: No progress

Daphne Caruana Galizia and aditus foundations' current assessment: No progress

155 Bill No. 96 Equality Bill <https://parlament.mt/13th-leg/bills/bill-no-096-equality/>; Bill No. 97 Human Rights and Equality Commission Bill <https://parlament.mt/en/13th-leg/bills/bill-no-097-human-rights/?page=3&numItems=5&text=97&number=&totalItems=20>; aditus foundation, Improved Human Rights Harmonised - Input to the Ministry for Social Dialogue, January 2016, https://aditus.org.mt/Publications/aditussubmissionsonth-equalitybill_29012016.pdf; MaltaToday, Two bills addressing human rights to be tabled in parliament next week, 10 December 2016, https://www.maltatoday.com.mt/news/national/72476/two_bills_addressing_human_rights_to_be_tabled_in_parliament_next_week.

156 The drafts, if in existence, are not public.

157 Malta Government, Malta's Input to the 2025 Annual Rule of Law Report, 2025, https://commission.europa.eu/document/download/371283ad-1767-4520-ab4f-82fd487c922d_en?filename=MT%20-%20written%20input.pdf.

Recommendation: Introduce a formal framework for public participation in the legislative process (first made in 2023)

Whilst the Commission has noted some progress in 2024 and limited progress in 2025 with a provision that no formal framework has been established, this is not based on the reality in practice.

The only step undertaken by the government in this regard is to set up a Department of Public Consultation to facilitate discussion by establishing structures through which the public may contribute significantly to current themes and assist the Public Administration in public consultations to strengthen social dialogue.¹⁵⁸ This was done through a Legal Notice in October 2025, simply including the name and designation of the new Department in the Second Schedule to the Public Administration Act.

In the government's 2025 Rule of Law Input¹⁵⁹ it noted that it carried out 58 public consultations, almost half the amount it reported in 2021.

However, the introduction of the Department of Public Consultation¹⁶⁰ did not have any other accompanying legal provisions, measures or guidelines on when and how such consultations should take place. The process remains that of being at the whim of the particular minister or ministry proposing the law¹⁶¹ with no legal provisions obligating a consultation process and no procedural rules regulating such consultations when and if launched.

158 Administration Act (Amendment of Second Schedule) (Amendment No. 2) Order, 2025, <https://legislation.mt/eli/ln/2025/206/eng.be>

159 Malta Government, Malta's Input to the 2025 Annual Rule of Law Report, 2025, https://commission.europa.eu/document/download/371283ad-1767-4520-ab4f-82fd487c922d_en?filename=MT%20-%20written%20input.pdf.

160 Public Administration Act (Amendment of Second Schedule) (Amendment No. 2) Order, 2025 <https://legislation.mt/eli/ln/2025/206/eng>.

161 Public Consultation portal, <https://www.gov.mt/en/publicconsultation/Pages/default.aspx>.

Furthermore, we note that a number of controversial bills were tabled and/or passed with surprising speed and efficiency without any public consultation sought.¹⁶²

The Commission's recommendation is relatively clear, but the steps to taken are not clearly articulated. A recommendation that would be effective would include an articulated definition of what the Commission means by a formal 'framework' and effective public participation. The Commission needs to articulate what steps the government would have to take to satisfy the recommendation, including the recommendation to:

(i) introduce legal provisions that oblige the prime minister or ministries to consult with stakeholders and/or consultative bodies that are representative of society on draft Bills and policies;

(ii) introduce guidelines to ensure that such participation is effective by including long periods of consultation and transparency;

(ii) amend the legislative process to include a real possibility for stakeholders to consult and provide evidence at committee stages or public reading stage;

(iv) introduce higher levels of public participation for amendments relating to the Constitution and/or effecting the protection of fundamental rights.

Commission's 2025 assessment: Some progress

Daphne Caruana Galizia and aditus foundations' current assessment: No progress

162 aditus foundation, Bill 125 – In Genere Inquests, 24 February 2025, <https://aditus.org.mt/bill-125-in-genere-inquests/>; Chamber of Commerce, Quest for Truth and Justice, the Malta Chamber, 10 February 2025, <https://maltachamber.org.mt/quest-for-truth-and-justice/>; aditus foundation, Daphne Caruana Galizia Foundation, Repubblika, Bill 134: Rushed Judicial Constitutional Amendments without Consultation, 22 May 2025, <https://aditus.org.mt/bill-134-rushed-judicial-constitutional-amendments-without-consultation/>; Chamber of Advocates, PA Bills Statement from the Chamber of Advocates, 5 August 2025, <https://avukati.org/news/pa-bills-statement-from-the-chamber-of-advocates/>; Chamber of Advocates, Public Statement on the Protection of Agricultural Leases Regulations, 18 August 2025, <https://avukati.org/news/public-statement-on-the-protection-of-agricultural-land-regulations/>.

Gaps in the Commission's Report

Transparency and Quality of the Legislative Process

The Maltese government, as part of its legislative-making process, makes extensive use of regulations and legal notices that do not go through the same parliamentary scrutiny as main legislative acts. Legal notices are subsidiary laws drafted and brought into force by the minister in accordance with the enabling powers vested in the primary legislation. For legal notices to become law, no parliamentary debates or motions are required for their enactment. However, the Interpretation Act¹⁶³ mandates that a legal notice must be laid in the parliament for 28 days. If a motion to annul or amend the legal notice is raised and passed during that period, the notice will cease to have effect or be amended accordingly. Whilst draft bills and legislative procedures concerning them are published on the parliament website, this is not done with legal notices. The final text of legal notices can be found on the website that publishes Maltese legislation, without any other information or legislative process.

Regime for constitutional review of laws

A long-standing point of legal and institutional disagreement concerns the effect of Constitutional Court judgements. The Venice Commission has consistently recommended that when the Constitutional Court declares a law unconstitutional, its judgment should have erga omnes (universal) effect, thereby striking the law from the statute books for all citizens. The Maltese government has consistently rejected this principle, arguing that such a change would be incompatible with the national legal tradition, which does not recognise the principle of stare decisis (binding precedent). This stance necessitates that the parliament must actively amend or repeal a law that the Constitutional Court has already found to be unconstitutional, a process for which there is no stipulated timeframe. The number of times the Prime Minister took action to remove any inconsistency with the Constitution of Malta or with fundamental rights and freedoms as intended by Article 242(2) is not known. The European Commission continues to identify this as an ongoing issue requiring follow-up, as the current system allows unconstitutional laws to remain in force and creates friction between judicial findings and legislative prerogative.

The enabling framework for civil society

Civic space continues to be assessed as narrowed.¹⁶⁴ There have been no changes to the current voluntary organisation laws. However, a consultation document (CSO Consultation) was launched in

163 Interpretation Act, CAP. 249 of the Laws of Malta, <https://legislation.mt/eli/cap/249/eng/pdf>.

164 Civicus Monitor – Tracking Civic Space, <https://monitor.civicus.org/country/malta/>.

February 2024,¹⁶⁵ and the public was given less than a month to send in responses for feedback on the consultation. In December 2024, almost 9 months later, the government published an Outcome Report¹⁶⁶ on the submissions it received in a 10-page document. The 103 responses received were not made public but were summarised very briefly in the Outcome Report. Contrary to what is written in the outcome report, many CSOs present at a meeting held in February launching the document were frustrated at the short timeframe for consultation and at not being invited to any pre-consultation meetings. Furthermore, it was felt that reform plans were hard to assess without seeing any draft bills or draft legislation. The proposed introduction of various classes and sub-categories was thought to be too restrictive, and the practical effect of being classified and sub-categorised is not clear in the consultation document, besides the fact that many CSOs could fall into multiple classes and/or categories.

The document itself did not address the problems and threats that CSOs working in a specific sector face.¹⁶⁷ The threats faced by CSO and human rights defenders by the Labour party apparatchiks on blogs and social media, employing the same methods used to isolate Daphne Caruana Galizia before her assassination,¹⁶⁸ was highlighted in submissions to the Commission.¹⁶⁹ This negative environment was also the subject of an OIDHR report published in 2025¹⁷⁰ on the protection of human rights defenders in Malta and is discussed in more detail in the next section.

A new National Volunteering Strategy 2025–2030¹⁷¹ was published in December 2025. This document is primarily aimed at those organisations that provide volunteering services, and whilst its aim

165 Commissioner for Voluntary Organisations, The Reform of the Voluntary and Not for Profit Sector “Bl-Oġla Dawl Libbist” 2024, <https://cvo.gov.mt/Media/Default/Public%20Consultation/Book%20EN.pdf>.

166 Ministry For Inclusion and The Voluntary Sector, Government response to the consultation on Bl-Oġla Dawl Libbist - The Reform of the Voluntary and Not for Profit Sector, 2 December 2024, https://www.gov.mt/mt/publicconsultation/PCU%20Documents/2024/L-0004-2024/Outcome_Report.pdf.

167 Office for Democratic Institutions and Human Rights, Situation of human rights defenders in Malta: Good Practices and Protection Gaps, June 2025, <https://odhr.osce.org/sites/default/files/f/documents/1/b/5969specifically29.pdf>.

168 Council of Europe, Expert Council on NGO Law Stigmatisation Of Non-Governmental Organisations In Europe, 20 March 2024, <https://rm.coe.int/study-on-stigmatisation-of-ngos-in-europe-en/1680af95df>.

169 aditus foundation, 2025 Rule of Law Submissions – Malta, January 2025, <https://aditus.org.mt/Publications/2025ruleoflawsubmission.pdf>.

170 Office for Democratic Institutions and Human Rights, Situation of human rights defenders in Malta: Good Practices and Protection Gaps, June 2025, <https://odhr.osce.org/sites/default/files/f/documents/1/b/596929.pdf>.

171 Ministry For Inclusion and The Voluntary Sector, National Volunteering Strategy 2025–2030, 2025, <https://mal-tacvs.org/wp-content/uploads/2025/12/FINAL-Strategy-book-EN-version-3-SQUARE-1.pdf>.

was to modernise the legal landscape and provide financial resources for volunteering organisations, the document reads more like a list of general aims, as it lacks detail, concrete actions and outputs. Furthermore, the document does not make a distinction between different forms of civil society organisations.¹⁷²

Access to funding

There was nothing in the CSO Consultation that addressed the sustainability of CSOs, core funding, and/or co-financing being made available and/or accessible to CSOs, although it was noted that lack of funding was one of the key issues facing CSOs in Malta.¹⁷³ This was highlighted to the Commission as one of the core issues facing CSOs in Malta, and specifically the problems relating to high co-financing rates for EU projects. More information about access to funding is given following the publication of an ODIHR report in 2025.¹⁷⁴ No government initiatives or measures have been observed that foster a rule of law culture in Malta, and we therefore believe that funding for CSOs to carry out this work nationally is of even more importance.

New Issues that Emerged in 2025

Protection of Human Rights Defenders in Malta

In September 2025, ODIHR published its findings on the situation of human rights defenders (HRDs) in Malta.¹⁷⁵ The report found that HRDs, especially those on anti-corruption, migration, environment, and reproductive rights, face hostile rhetoric from politicians, labelling them as traitors or criminal enablers, alongside online threats, smears, and physical attacks, often underreported due to distrust in police response. Protection mechanisms like police risk assessments are limited to imminent threats, exclude HRDs' input, and fail to address broader needs; consultation processes lack inclusivity, and migrant search-and-rescue NGOs face closed spaces. The report concludes with a number of recommendations to enhance the protection of HRDs.

172 aditus foundation, 2025 Rule of Law Submissions – Malta, January 2025, <https://aditus.org.mt/Publications/2025ruleoflawsubmission.pdf>.

173 Commissioner for Voluntary Organisations, The Reform of the Voluntary and Not for Profit Sector “Bl-O la Dawl Libbist” 2024, <https://cvo.gov.mt/Media/Default/Public%20Consultation/Book%20EN.pdf>.

174 Office for Democratic Institutions and Human Rights, Situation of human rights defenders in Malta: Good Practices and Protection Gaps, June 2025, <https://odih.osce.org/sites/default/files/f/documents/1/b/596929.pdf>.

175 Office for Democratic Institutions and Human Rights, Situation of human rights defenders in Malta: Good Practices and Protection Gaps, June 2025, <https://odih.osce.org/sites/default/files/f/documents/1/b/596929.pdf>.

Access to funding

Civil Society actors face challenges in access to funding under national and European Union programmes, as they are often project-based and require CSOs to contribute financially with high co-financing rates. Core funding for CSOs in Malta is generally not available, and with national funds, staff salaries are usually excluded. Furthermore, the administrative obligations that came with funding were burdensome¹⁷⁶ and particularly difficult for smaller CSOs, which are the majority in Malta. In 2025, some CSOs in Malta have felt the effect of the reduction of funding due to worldwide funding shortfalls to donor organisations, with some funding sources being cut completely, thus affecting the work being carried out by CSOs.¹⁷⁷ The government has not addressed this shortfall and has not stepped up contributions to fill in any funding gaps being felt on the ground.

Implications and Recommendations for 2026

The continued use of legal notices without meaningful parliamentary or public scrutiny weakens transparency, accountability, and democratic oversight in Malta's law-making process. This process lacks transparency in that it is unclear which or when legal notices have been laid in the parliament, and it is thus impossible for the public to track whether or not there have been any motions to annul or amend and the results of any such process. It is particularly problematic when the laws that are introduced through legal notices directly impact the fundamental rights and freedoms of individuals, such as arbitrary detention and access to asylum.

Suggested recommendation: Publish draft bills for consultation with stakeholders with sufficient time for CSOs to provide detailed feedback, and carry out a comprehensive review of existing legislation in close cooperation with civil society to identify and address gaps affecting the operation and protection of CSO staff.

Suggested recommendation: Funding programmes should include objectives and actions to (i) strengthen capacity, awareness, training, and research on human rights and the anti-discrimination field; (ii) foster a rule of law culture and democracy; and (iii) provide services, including legal services, to the most vulnerable.

176 Office for Democratic Institutions and Human Rights, Situation of human rights defenders in Malta: Good Practices and Protection Gaps, June 2025, <https://odhr.osce.org/sites/default/files/f/documents/1/b/596929.pdf>.

177 Kurt Sansone, UNHCR funding crisis hits Malta branch, MaltaToday, 11 August 2025, https://www.maltatoday.com.mt/news/national/136424/unhcr_funding_crisis_hits_malta_branch.

Suggested recommendation: Use of legal notices needs to be made more transparent and open to public scrutiny.

Suggested recommendation: Ensure fair, transparent and effective core support to CSOs in order for them to continue to carry out their work.

Suggested recommendation: Ensure that judgments finding Maltese legislation unconstitutional have erga omnes effect, so that unconstitutional laws cease to apply generally and courts are not burdened with repeated litigation.

Suggested recommendations on HRDs:

- a. Publicly acknowledge the status and role of HRDs and the legitimacy of their work, through public statements, prompt condemnation and due prosecution of any attacks, threats, and other abuse as they occur;
- b. Take measures to sensitise the public service media and media owned by political parties on the importance of human rights and the important and legitimate role of HRDs;
- c. Support ongoing training programmes for public officials, including the judiciary, law enforcement officers, prosecutors, persons holding political office, and other relevant state actors on the state's obligations to respect, protect, and fulfil human rights of HRDs;
- d. Ensure that where resources, including financial resources, are allocated to HRDs, these are disbursed through independent structures, following objective criteria, and through a transparent process.

CONTACTS

The Daphne Caruana Galizia Foundation

Daphne Caruana Galizia Foundation was established in Malta following the assassination of investigative journalist Daphne Caruana Galizia in 2017. The foundation is dedicated to seeking full justice for Daphne, ensuring her and other investigative work continues, and advocating for press freedom and accountability in public interest cases.

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The Civil Liberties Union for Europe

The Civil Liberties Union for Europe (Liberties) is a non-governmental organisation promoting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of 24 national civil liberties NGOs from across the EU.

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