

Malta 2026

Information from: Office of the Parliamentary Ombudsman

NHRIs' establishment, independence, effectiveness and resilience

International accreditation status and SCA recommendations

In the past years, national, regional and international stakeholders have called on Malta to establish a NHRI. This recommendation has featured prominently during the Universal Periodic Review of Malta. In July 2019, the Bill on the Human Rights and Equality Commission was presented to the Maltese Parliament, which would establish an NHRI. ENNHRI, alongside civil society organisations and other actors, has supported the establishment of a Maltese NHRI and advised national actors in their efforts. Prior to the submission of the bill to Parliament, the Council of Europe's Venice Commission published its [Opinion](#) on the draft bill.

On 20 February 2022, Parliament was dissolved, and Malta went to a General Election. This fact had the legal consequence that all bills that were pending before Parliament prior to the General Election, including the Equality Bill and the Human Rights and Equality Commission Bill, lapsed. Before the current Parliament, there are to date no bills relating to equality and human rights.

In February 2024, the Office of the Parliamentary Ombudsman of Malta joined ENNHRI. In doing so, the Institution is committed to taking proactive steps towards accreditation as an NHRI compliant with the Paris Principles. In the following months, the Office of the Ombudsman significantly intensified its efforts to establish a fully-fledged NHRI in Malta. The Office of the Ombudsman proposed to the Malta Government how to integrate NHRI functions within its existing framework, regulated by the Ombudsman Act 1995, suggesting an extension of its current mandate to encompass a broader spectrum of human rights responsibilities. ENNHRI provided technical support to the Office of the Ombudsman on the Institution's founding legislation and compliance with the Paris Principles.

To streamline the legislative process, in October 2024, the Office of the Ombudsman drafted a new, comprehensive Ombudsman Bill aimed at expanding its existing mandate, in compliance with the UN Paris Principles. The Bill was subsequently presented to the Prime Minister of Malta for consideration in November 2024 and was made public on 1 February 2025.

ENNHRI is closely monitoring developments in the country and stands ready to provide its expertise on the establishment and accreditation of NHRIs to relevant stakeholders in Malta as well as to support its member institution in country.

Follow-up to recommendations on NHRIs and relevant developments

Establishment of a National Human Rights Institution in Malta and the relevant proposal for a new Ombudsman Bill

On 15 September 2025, the Ombudsman tabled the [Ombudsplan 2026](#) before the House of Representatives, where the proposal for the Office to assume NHRI functions and the continued absence of legislative action were again formally recorded. The Ombudsplan 2026 was subsequently discussed during a sitting of the House Business Committee on 11 November 2025.

On 17 November 2025, in reply to a Parliamentary Question concerning the establishment of a National Human Rights Institution, the Prime Minister stated that Government will continue to work towards the establishment of “an independent authority focused exclusively on the protection of human rights” and that, to date, this role is being fulfilled by the Constitutional Court.

The following is the translation of [the reply the Prime Minister](#) gave:

"Legislature XIV – Oral Question
Question No. 30861
Date: 25 September 2025
Sitting: 407 – 17 November 2025, 16:00
Title: Independent authority on human rights

Hon. Graziella Attard Previ asked Prime Minister the Hon. Robert Abela:

"Can the Prime Minister reply to Parliamentary Question 29921, which was originally addressed to the Minister for Home Affairs, Security and Employment, and state what has become of the plans to establish an independent authority, with a constitutional framework, on human rights?"

Reply:

"I inform the Hon. Interpellant that this Government has carried out unprecedented reforms to strengthen equality and full respect for human rights. I recall that it was this Government that established the Human Rights Directorate, whose role is to work on policies that strengthen equality in our country.

Therefore, as promised in the electoral manifesto Malta Flimkien, the

Government will continue to work towards the establishment of an independent authority focused exclusively on the protection of human rights.

To date, this important role is being fulfilled by the Constitutional Court, which is an autonomous and independent body, and which on several occasions has provided remedies in such cases.”

On 2 March 2026, during a meeting requested by the Parliamentary Secretary for Equality and Reforms within the Office of the Prime Minister, Hon. Rebecca Buttigieg, the Office of the Ombudsman became aware of the Government’s intention to proceed with an NHRI model separate from the Ombudsman institution, and that a bill was being prepared for submission to Parliament. The Office has not been consulted on the draft bill and has not been provided with visibility of its contents.

Subsequently, on 30 March 2026, during a party political event, the Prime Minister of Malta, Hon. Robert Abela, was reported by the [media](#) to have stated that his government would continue to fight against discrimination and inequality. He said that work on establishing a human rights and equality commission was nearing completion and that the commission would be autonomous and answer only to Parliament.

The Office maintains that any NHRI established in Malta, irrespective of its institutional model, should be underpinned by strong constitutional protection and safeguards to ensure full independence and impartiality as required by the Paris Principles.

To date, the Government has not issued any White Paper for consultation, has not tabled any Bill in Parliament concerning the establishment of an NHRI, and has not provided any official reaction to the [Ombudsman Bill](#) submitted in November 2024 and published in February 2025.

The principal challenge in following up on the SCA related recommendations therefore remains the absence of legislative action required to give effect to the Paris Principles compliant framework already proposed.

In addition, in the [2025 EU Rule of Law Report on Malta](#), the European Commission reiterated two recommendations of direct relevance:

- Take forward measures to establish a National Human Rights Institution taking into account the UN Paris Principles.
- Introduce a formal framework for public participation in the legislative process.

Since the publication of the Report in July 2025, no consultation process, White Paper, or draft legislation has been issued by the Government in relation to either of these recommendations.

No measures have been announced by national authorities to follow up on these findings.

In the meantime, the Office of the Parliamentary Ombudsman continued to advocate for the establishment of a National Human Rights Institution in Malta and for the proposal already submitted to Government in November 2024 and published in February 2025.

This advocacy took place through:

- Articles and public commentary addressing the need for an NHRI.
- Public interventions, including speeches and statements delivered by the Ombudsman.
- The [Ombudsplan 2026](#), tabled in Parliament on 15 September 2025 and discussed during a special sitting of the House Business Committee on 11 November 2025, where the matter was again formally raised.
- The [Annual Report 2024](#), which included an overview of the proposal submitted to Government.
- The international conference hosted by the Parliamentary Ombudsman of Malta, particularly during the panel discussion titled “[Protecting the vulnerable, the role of the Ombudsman in upholding human rights](#)”.

Regulatory framework and mandates

The national regulatory framework applicable to the Office of the Parliamentary Ombudsman has not changed. The Institution fulfils the mandate of Ombuds office. However, there is currently a draft Ombudsman Bill aimed at expanding its existing mandate and in adding the NHRI function, in compliance with the UN Paris Principles, which is pending for discussion and approval.

NHRI structural challenges, threats and resilience

Lack of effective parliamentary follow-up to Ombudsman final reports when recommendations are not implemented

The Ombudsman and the Commissioners refer final reports to the House of Representatives only when recommendations have been rejected outright or remain unimplemented by Government or the public administration.

Upon receipt, the Speaker tables these reports and they are published. In practice, the process stops there. There is no formal parliamentary procedure requiring debate, scrutiny, or follow up of these reports.

This situation has been repeatedly highlighted by the Office over the years and was again formally raised in the [Ombudsplan 2026](#), tabled before Parliament on 15 September 2025.

The issue is not new. In its [2018](#) and [2020](#) Opinions on Malta's constitutional arrangements, the Venice Commission recommended that Parliament should be obliged to debate reports submitted by the Ombudsman.

The current Speaker of the House of Representatives has publicly supported the idea of establishing a parliamentary committee, similar to the Public Accounts Committee, to examine reports submitted by the Ombudsman and governance reports issued by the Office of the Principal Permanent Secretary.

The Office has consistently advocated for the establishment of an ad hoc Select Committee of the House of Representatives to which final Ombudsman reports would be referred for public debate. This proposal was also raised by the Ombudsman before the House Business Committee on 10 June 2024.

In the Ombudsplan 2026, the Ombudsman again proposed that:

- Final reports tabled before the House should be referred to and debated by an ad hoc Select Committee.
- The Standing Orders of the House should be amended to provide for this procedure.
- The Committee should have the remit to examine the substance of the recommendations and the quality and standards of public administration.
- Ministers responsible should be required to explain to Parliament the reasons for non-implementation of recommendations within a reasonable time.

This proposal is aimed at strengthening parliamentary oversight, improving accountability in public administration, and ensuring that Ombudsman findings lead to tangible outcomes for persons affected by maladministration.

Measures to strengthen the Institution's resilience

During the past year, the Office focused on strengthening its resilience by proposing a structural solution to the absence of a National Human Rights Institution in Malta.

In November 2024, the Ombudsman submitted to Government a draft Ombudsman Bill, published in February 2025, which extends the mandate of the Office to include the promotion and protection of human rights in line with the UN Paris Principles.

This proposal strengthens independence, mandate, and operational powers, and provides Malta with a Paris Principles compliant framework without creating a new Institution.

The continued absence of an NHRI remains a structural gap repeatedly noted by European actors, including in the EU Rule of Law Report.

ENNHRI's technical support in 2024 and its continued engagement have been important in this process. Continued visibility and support from ENNHRI and other regional actors remain important to encourage national follow-up.

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Human rights defenders and civil society space

Within its remit, the Office continues to investigate complaints lodged by civil society organisations, particularly in relation to maladministration concerning access to information and freedom of information requests.

The Office remains available to examine cases where CSOs and human rights defenders encounter administrative obstacles in the exercise of their rights.

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Other challenges to the rule of law and human rights

As reported by the Office of the Parliamentary Ombudsman, the absence of action for the inclusion of Protocol 12 of the European Convention for the Protection of Human Rights and Fundamental Freedoms to the European Convention Act (Chapter 319 of the Laws of Malta) remains a persisting challenge affecting the rule of law in Malta.

Malta ratified Protocol No. 12 in December 2015. To date, it has not been incorporated into the European Convention Act (Chapter 319).

As a result, persons who allege discrimination by a public authority cannot seek redress before the Maltese courts and must submit a petition directly to the Strasbourg Court. This anomaly was highlighted by the Constitutional Court in May 2023 and has been repeatedly raised by the Ombudsman in the Ombudsplans [2024](#), [2025](#) and [2026](#).

On [1 April 2026](#), the [Parliamentary Ombudsman again publicly reiterated](#) that

the ratification of Protocol No. 12 by Malta, without its incorporation into domestic law, is a legal setback.

Incorporating Protocol No. 12 into domestic law would strengthen protection against discrimination by a standalone human rights provision, making it possible for persons to seek redress before the Malta courts.

The matter should therefore be addressed, remedied and resolved without further unnecessary delay. An amendment to Chapter 319 is required to include Protocol No. 12 in the Schedule to the European Convention Act. This would allow Maltese courts to hear cases concerning discrimination in the exercise of public authority and would strengthen access to justice in matters of equality and non-discrimination.

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