



# HUMAN RIGHTS PROTECTION IN MALTA

The **Constitution of Malta** states that every person is entitled to fundamental rights and freedoms of the individual which means the right, irrespective of race, place of origin, political opinions, colour, creed, sex, sexual orientation or gender identity, to:

- life, liberty, security of the person, the enjoyment of property and the protection of the law;
- freedom of conscience, of expression and of peaceful assembly and association; and
- respect for his private and family life.

Malta is also a signatory to several European and international conventions that aim to protect fundamental rights and prohibit discriminatory practices. These conventions oblige Malta to abide by their principles, to make all necessary changes in national law to eliminate any conflicting provisions and, at times, to enforce the provisions at national level.

## HUMAN RIGHTS INSTRUMENTS AND THE RIGHT TO LEGAL AID

- **European Convention on Human Rights:** Every person charged with a criminal offence has the right to free legal assistance if they do not have sufficient means to pay (Article 6).
- **Charter of Fundamental Rights of the European Union:** Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice (Article 47).
- **Convention relating to the Status of Refugees:** A refugee is entitled to the same treatment as a national in matters relating to access to the Courts, including legal assistance (Article 16).
- **International Covenant on Civil and Political Rights:** Every person charged with a criminal offence is entitled to minimum guarantees, including the right to legal assistance without payment if the person does not have sufficient means (Article 14).
- **Convention on the Rights of the Child:** Every child deprived of liberty shall have the right to prompt access to legal and other appropriate assistance (Article 37).
- **Convention on preventing and combating violence against women and domestic violence:** States should grant the right to legal assistance and to free legal aid for victims (Article 57).

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