



**Resolution 841 (1985)<sup>1</sup>**

## **Foreign Interference Act and other issues affecting the relations between Malta and the Council of Europe**

Parliamentary Assembly

The Assembly,

1. Having examined the Foreign Interference Act passed by the House of Representatives of Malta on 31 August 1982 ;
2. Concerned about certain provisions of that Act which might be considered to run counter to the principles laid down in the European Convention on Human Rights, and in particular in its Article 10 which guarantees freedom of expression irrespective of national frontiers ;
3. Considering that these provisions could also be considered as being in contradiction with the Declaration on the Freedom of Expression and Information adopted by the Committee of Ministers on 29 April 1982 ;
4. Noting with satisfaction that the Constitutional Court of Malta has now been asked to pronounce itself on certain provisions of the Act ;
5. Welcoming the publicly expressed intention of the Maltese Government to accord due consideration to the amendments to the law presented by the opposition ;
6. Regretting that there is no possibility for any individual person or private organisation to submit an application concerning rights laid down in the European Convention on Human Rights to the organs of the Convention in Strasbourg because Malta has not accepted Article 25 of the Convention ;
7. Expressing the hope that, if necessary, the Secretary General of the Council of Europe may make use of the powers granted to him under Article 57 of the European Convention on Human Rights and ask the Government of Malta to provide information on the way it applies the Convention in respect of the Foreign Interference Act ;
8. Paying tribute to the contribution made in the past by the Maltese parliamentary delegation to the work of the Assembly ;
9. Deploring the fact that there is at present no representation from Malta in the Parliamentary Assembly, and that Malta is only rarely represented in the Committee of Ministers of the Council of Europe,
10. Urges the Government and Parliament of Malta :
  - 10.1. to re-examine, in dialogue with the opposition, the Foreign Interference Act with special regard to its compatibility with the European Convention on Human Rights ;
  - 10.2. to appoint a delegation to the Parliamentary Assembly and to participate regularly in the work of the Committee of Ministers ;

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1. Assembly debate on 24 April 1985 (4th and 5th Sittings) (see [Doc. 5389](#), report of the Legal Affairs Committee, and [Doc. 5392](#), opinion of the Political Affairs Committee). Text adopted by the Assembly on 24 April 1985 (5th Sitting).



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10.3. to accept the optional clauses in the European Convention on Human Rights on the right to individual application (Article 25) and the compulsory jurisdiction of the Court (Article 46) ;

11. Instructs its Legal and Political Affairs Committees to continue following developments regarding the Foreign Interference Act and related matters, and continue to seek a fact-finding mission to Malta ;

12. Instructs these two committees to report back to it when they see fit to do so, and in any case at the latest at the January 1986 part-session.