



Reference data 2018 (01/01/2018 - 31/12/2018)

Start/end date of the data collection campaign : 01/03/2019 - 01/10/2019

Objective :

The CEPEJ decided, at its 31th plenary meeting, to launch the eighth evaluation cycle 2018 – 2020, focused on 2018 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as three observer states (Israel, Morocco and Kazakhstan). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General and financial information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[475 701]

Comments

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	4 528 600 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments The increase in public expenditure compared to 2017 is mainly attributable to increases in compensation of employees (+€105.0 million), gross capital formation (investments) (+€97.7 million), intermediate consumption (+€83.7 million), current and capital transfers (+€130.6 million), social benefits (+€47.2 million), subsidies payable (+€28.3 million). On the other hand there were decreases in property income payable (interest expenditure) (-€15.2 million) and taxes on income payable (-€2.2 million). The amount for the total public (general government) expenditure for 2018 is in line with NSO news release 170/2019. found at https://nso.gov.mt/en/News_Releases/View_by_Unit/Unit_A2/Public_Finance/Pages/Quarterly-Accounts-for-General-Government.aspx

003. Per capita GDP (in €) in current prices for the reference year

[25 556]

Comments The quoted figure has been confirmed by NSO and can be verified at https://nso.gov.mt/en/nso/Selected_Indicators/National_Accounts/Documents/2018/GDP_capita_Q4-2018.pdf

004. Average gross annual salary (in €) for the reference year

[19 036]

NA

Comments This data has been provided by NSO based on as yet provisional estimates.

005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[]
 Allow decimals : 5

NAP

Comments

A1. Please indicate the sources for answering questions 1 to 5

Sources: The above data have been provided by the National Statistics Office (NSO). In respect of Q4, the data refers to the average gross national salary during the 4th Quarter of 2018.

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts,

in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to the question 7.

	Approved budget (in €)	Implemented budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	15 418 600 [] NA [] NAP	19 285 490 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	11 655 000 [] NA [] NAP	12 462 083 [] NA [] NAP
2. Annual public budget allocated to computerisation	[X] NA [] NAP	350 286 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	1 415 500 [] NA [] NAP	3 512 916 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	1 850 000 [] NA [] NAP	1 994 611 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	[X] NA [] NAP	461 883 [] NA [] NAP
6. Annual public budget allocated to training	1 000 [] NA [] NAP	701 [] NA [] NAP
7. Other (please specify)	463 500 [] NA [] NAP	503 010 [] NA [] NAP

Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main reasons for the differences: Q6.1: The increase in the Implemented Budget is due to the recruitment of Court Attorneys and judicial assistants throughout 2018.

Q6.2: The budget for computerisation is an amalgamation of the budget allocated by the courts and that allocated by the Office of the CIO. It is not possible to quantify the Approved budget for computerisation requirements for the court dedicated by the Office of the CIO, so this field has been marked as NA. However one should say that in 2018, the approved budget for computerisation by the Courts was of Euros33,600. On the other hand, it is possible to exactly quantify the Implemented Budget for computerisation by both the Courts and the Office of the CIO, and that is why the Implemented Budget is noted down.

The disproportionate increase in the implemented budget quoted at Point 3 (Justice expenses) relates specifically to costs incurred by Magisterial Inquiries. Throughout 2018, there was 1 high profile Inquiry that incurred considerable expenditure, but in general, it is difficult to forecast the budget needed for this line item given that no one can predict the number or type of Magisterial Inquiries that will be opened in the forthcoming year. Much of the increase in this budget had to do with the payment of experts relative to a number of high profile cases requiring the intervention of foreign experts.

The items incorporated in the budget at Point 7 (Others) include payments to court jurors, their accommodation and hire expenses related to their transportation, the cost of transcribers for both civil and criminal courts, overtime for judicial teams, remuneration to mediators in family court proceedings, expenses related to child advocates, payments to architects and costs related to the Small Claims Tribunal.

Point 4.4: This is budget that is still being used to pay off previous investments in buildings. The increase in this budget since 2017 relates to pending payments relative to the new halls that have been set-up within the courts as well as other related expenditure.

The variation between the approved budget and the implemented budget at Point 2 (Computerisation) is due to the fact that the

implemented budget contains the expenditure of the Office of the Chief information Officer on costs related to computerisation in the courts. It is not possible to quantify the approved budget for this item, so only the implemented budget is provided. The budget of public prosecution services and the budget of legal aid are not incorporated in question 6 and have always been provided separately.

Last but not least, the budget allocated to training (Q6.6) refers specifically to the budget allocated to the training of the non-judge staff working at the Department of Courts of Justice. The budget is very small and the implemented budget fell short of the approved budget because training activities throughout the year were sparse and did not make full use of the funds available. Furthermore, certain training provided to the non-judge staff does not require any further financial input from the Department of Courts of Justice.

007. If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Total annual public budget allocated to all courts and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: Q6 The budget of the Court Administration is separate from that of the Public Prosecution and Legal Aid.

008. Are litigants in general required to pay a court fee to start a proceeding at a court of general jurisdiction:

	Litigants required to pay a court fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If there are exceptions to the rule to pay these court fees, could you please provide comments on those exceptions?

008-1. Please briefly present the methodology of calculation of these court fees:

- The Code of Organisation and Civil Procedures (Chapter 12 of the Laws of Malta) regulates all court fees and taxes, such as Registry fees and Lawyers' fees that can arise in the course of any civil procedure. The tariffs are set out in schedules A to K annexed to the COCP.

008-2. The amount of court fees requested to commence an action for 3000€ debt recovery:

[54]

[] NA

[] NAP

Comments The exact amount of court fees to be paid for €3000 debt recovery is €54.40.

009. Annual income of court fees received by the State (in €):

[6 897 841]

[] NA

[] NAP

Comments

012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	400 000 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.1 for cases brought to court (court fees and/or legal representation)	400 000 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.2 for cases not brought to court (legal advice, ADR and other legal services)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments The communicated data represents the full amount allocated to the Legal Aid Agency for its operation. However it is not possible to distinguish between the budget allocated to criminal cases, and that allocated to other than criminal cases. There has been an increase in the approved budget since 2015 when the Legal Aid Agency became an independently functioning Agency. Since 2017, not only has there been a recruitment drive in the Agency that now employs more lawyers and an administrative structure, but the conditions and financial package of the lawyers was also improved. hence the increase in the budget year after year. The Legal Aid Agency is set to expand and therefore further increases in the Agency's budget are expected.

012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	304 137 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.1 for cases brought to court (court fees and/or legal representation)	304 137 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main reasons for the differences: The implemented budget did not reach the projections of the approved budget. This was mainly due to the fact that allowance was made for the possible recruitment of more lawyers and their cost in wages, but these lawyers were either employed late in the year, or less lawyers were actually recruited than projected.

013. Annual (approved and implemented) public budget allocated to the public prosecution

services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in € (including 13.1)	2 630 000 [] NA [] NAP	2 656 005 [] NA [] NAP
13.1. Annual public budget allocated to training of public prosecution services	[X] NA [] NAP	[X] NA [] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences: It is not possible to differentiate the budget used for training purposes from the overall budget of the Agency. Training costs are not itemised in a line item on their own, and are incurred on a need basis depending on the opportunities available.

014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level courts
Ministry of Justice	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
Other ministry	(X) Yes () No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Parliament	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Supreme Court	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
High Judicial Council	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Courts	(X) Yes () No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP	() Yes (X) No [] NAP
Inspection body	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	(X) Yes () No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

If any other Ministry and/or inspection body and/or other, please specify: The preparation of the total court budget results from a collaborative process between the Ministry of Justice and the Ministry of Finance. The office of the Auditor General inspects all expenses incurred by the various Government Departments, from time to time, including that of the Department of Court Services. As from August 2019, the Department of Court Services became an Agency, namely, the Court Services Agency. Whilst the Agency will be more autonomous in the way it manages its budget, it will still need to involve both the Ministry of Justice and the Ministry of Finance in the

preparation and adoption of the budget. As an Agency however, the management, allocation and evaluation of the Agency's budget will no longer fall within the remit of the Ministry of Finance. The Courts Services Agency will also have to employ the services of a private auditing company that will inspect and review the finances of the Agency, and submit a yearly financial report to Parliament.

014-1. (Former question 61) Who is entrusted with responsibilities related to the budget within the court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Court President	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Court administrative director	(X) Yes () No	(X) Yes () No	(X) Yes () No	(X) Yes () No
Head of the court clerk office	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Other	(X) Yes () No	(X) Yes () No	(X) Yes () No	(X) Yes () No

Comments - If “other”, please specify: All the functions outlined above were carried out in 2018 by the Management of the Department of Court Services, more specifically by the Director General and the Director Support Services. The preparation of the court budget is discussed with the Ministry of Justice and the Ministry of Finance, but the day to day management of the budget falls within the remit of the Court Management. They also control the use of the budget, but are subject to audits by external authorised entities such as the Auditor General whose remit is to carry out audits on all government entities.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: The data provided in Questions 6, 8 and 9 has been forwarded by the Court Administration. All other data have been collated from the national budgetary reports and from the Office of Corporate Services at MJCL.

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	121 982 700 [] NA [] NAP	127 874 691 [] NA [] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget, please indicate the main reasons for the differences:

015-2. Elements of the judicial system budget (Q6, Q7, Q12 and Q13)

	Included	Not included	Does not exist (NAP)
Courts (see question 6 or 7)	(X)	()	()
Legal aid (see question 12 or 7)	(X)	()	()
Public prosecution services (see question 13 or 7)	(X)	()	()

015-3. Other budgetary elements

	Included	Not included	Does not exist (NAP)
Prison system	(X)	()	()
Probation services	(X)	()	()
High Judicial Council	(X)	()	()
Constitutional court	(X)	()	()
Judicial management body	(X)	()	()
State advocacy	(X)	()	()
Enforcement services	(X)	()	()
Notariat	(X)	()	()
Forensic services	(X)	()	()
Judicial protection of juveniles	()	(X)	()
Functioning of the Ministry of Justice	(X)	()	()
Refugees and asylum seekers services	(X)	()	()
Immigration Service	(X)	()	()
Some police services (e.g. : transfer, investigation, prisoners' security)	(X)	()	()
Other	(X)	()	()

If "other", please specify: The category 'Other' includes:

- the Malta Arbitration Centre (MAC)
- the Malta Mediation Centre
- the Commission against Corruption

- the Law Commissioner
- the Justice Reform Commission
- the Asset Recovery Bureau (new for this evaluation)
- the Department of Justice (new for this evaluation)

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: The budgetary estimates have been drawn from the official Government's Financial Estimates, found at www.fin.gov.mt and also verified with the respective entities (MJCL & MHAS).

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Legal advice, ADR and other legal services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

016-1. Please briefly describe the organisation of the legal aid system in your country both before going to court and during court proceedings.

- All the information related to how Legal Aid functions in Malta in both criminal and non-criminal cases can be found at: <https://www.legalaidmalta.gov.mt>. Whilst in previous evaluations we used to declare that in Malta Legal Aid attends only to Representation in Court, the Agency is in fact offering legal Advice in both civil and criminal cases within specific context. Thus, in criminal cases, the Legal Aid Agency started providing legal advice to persons under arrest, as per EU Directive 2013/ 48 relative to the right of access to a lawyer during interrogation stage. On the other hand, in civil cases the Agency offers legal advice during mediation and arbitration cases.

017. Does legal aid include the coverage of or the exemption from court fees?

- Yes
- No
- NAP

If yes, please specify: Litigants benefitting from Legal Aid are exempt from court fees.

018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

NAP

If yes, please specify: Eligible candidates can enforce foreign judgements in Malta through legal aid as long as the procedure is carried out through court representation.

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

	Criminal cases	Other than criminal cases
Legal aid granted for other costs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

2.1.2. Information on legal aid

020. Please indicate the number of cases for which legal aid has been granted:

	Total	Cases brought to court	Cases not brought to court
TOTAL	935 <input type="checkbox"/> NA <input type="checkbox"/> NAP	935 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In criminal cases	597 <input type="checkbox"/> NA <input type="checkbox"/> NAP	597 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In other than criminal cases	338 <input type="checkbox"/> NA <input type="checkbox"/> NAP	338 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Please specify when appropriate: The figures quoted for civil and criminal cases do not refer to the actual number of cases but to the number of nominations (requests) for legal aid. For example, if a case is brought to court having 5 accused people requiring legal aid, then this would count as 5 requests/ nominations. Legal Aid in Malta is mainly granted for court representation but it also provides legal advice in the circumstances outlined in Q16.

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

	Assisted by a free of charge lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Victims	(X) Yes () No
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Comments - If yes, please specify: In Malta, all accused persons, as well as victims of crime falling under the category as stipulated by law, can benefit from free legal aid services.

022. In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

	free selection of lawyer
Accused individuals	() Yes (X) No [] NAP
Victims	() Yes (X) No [] NAP

Comments Once eligibility for legal aid is established, the lawyers are assigned according to roster.

023-0. Does your country have an income and assets evaluation for granting full or partial legal aid?

- (X) Yes
() No

Comments - Please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the data provided above: In other than criminal cases, legal aid is granted to any party whose annual income does not exceed the national minimum wage for persons over 18 years of age (Art. 912 b, Chp 12). Therefore the quoted sum reflects the 2018 monthly minimum wage which was of €747.05, multiplied by 52 weeks. As regards the annual assets value, the COCP (Chp12) stipulates that these should not exceed €6988 (Art. 912) for eligibility for legal aid.

In Malta there is no such evaluation in criminal cases. The means test exists only in civil cases. There is no partial legal aid in the Maltese system.

023. If yes, please specify in the table:

	Annual income value (for one person), (in €)	Assets value (for one person), (in €)
Full legal aid to the applicant for criminal cases	[] NA [X] NAP	[] NA [X] NAP
Full legal aid to the applicant for other than criminal cases	8 970 [] NA [] NAP	6 988 [] NA [] NAP
Partial legal aid to the applicant for criminal cases	[] NA [X] NAP	[] NA [X] NAP
Partial legal aid to the applicant for other than criminal cases	[] NA [X] NAP	[] NA [X] NAP

024. Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid: The parameters upon which the benefit of legal aid is granted is codified in Chapter 12 of The Laws of Malta, Art. 912 and 914. These can be accessed at:

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8577&l=1>

025. Is the decision to grant or refuse legal aid taken by:

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments The court in its judgment can decide how legal costs will be paid by the parties.

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: The above answers have been provided by Legal Aid Malta.

2.2.Court users and victims

2.2.1.Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) where general public may have free of charge access to the following:

Yes	Internet adresse(es)
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legal texts (e.g. codes, laws, regulations, etc.)	()	(X) http://www.justiceservices.gov.mt; https://ecourts.gov.mt/onlineservices/
case-law of the higher court/s	()	(X) http://www.justiceservices.gov.mt; https://ecourts.gov.mt/onlineservices/
other documents (e.g. downloadable forms, online registration)	()	(X) http://www.justiceservices.gov.mt; https://ecourts.gov.mt/onlineservices/

Please specify what documents and information are included in “other documents”:

029. Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

() Yes, always

(X) No

() Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify: Whilst there is no information regarding timeframes, Maltese civil and criminal legal codes are replete with time limits for the different stages of proceedings.

030. Is there a public and free-of-charge specific information system to inform and to help victims of offences?

(X) Yes

() No

Comments - If yes, please specify:

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	(X) Yes () No	(X) Yes () No	() Yes (X) No
Victims of terrorism	() Yes (X) No	() Yes (X) No	() Yes (X) No
Minors (witnesses or victims)	(X) Yes () No	(X) Yes () No	() Yes (X) No
Victims of domestic violence	(X) Yes () No	(X) Yes () No	() Yes (X) No

Ethnic minorities	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Disabled persons	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Juvenile offenders	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: Special hearings, using video-conferencing, can be organised for all vulnerable witnesses irrespective of the nature of their vulnerability. The court can also order the sitting to be heard behind closed doors in order to protect the privacy and vulnerability of witnesses and/ or victims. In addition, in criminal cases during which children have to testify, the Child Protection Act (Out of Home care), 2014 stipulates that as far as possible, all evidence from children has to be taken in one sitting, by a team of experts, in order to avoid undue distress to the child.

031-1. Is it possible for minors to be a party to a judicial proceeding:

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can minor benefit from legal aid, be represented by a lawyer, etc.):

032. Does your country allocate compensation for victims of offences?

Yes, please specify for which kind of offences: The list of offences that fall within the criminal injuries compensation scheme can be found in Subsidiary legislation 9.12 of 2012.

No

Comments

032-1. Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments Compensation can be granted upon the merits of the case at hand, but this is then taken into consideration by the Courts in the eventuality of a judgement that includes compensation.

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

035. Do public prosecutors have a specific role with respect to victims (protection and assistance)?

Yes

No

Comments - If yes, please specify: By public prosecution reference is being made to the Office of the Attorney General who has no role with respect to the protection and assistance of victims. When victims are deemed to be in need of protection, the Court can issue a Protection Order that is executed by the Police.

036. Do victims of offences have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of the question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

Yes

No

NAP

Comments - If necessary, please specify: Article 433 (1) (2) (3) of the Criminal Code stipulates that the Attorney General can discharge an accused and/ or withdraw a filed indictment if he is of the opinion that there are insufficient grounds to proceed with the inditement. At no point does the law stipulate that victims can dispute this decision.

037. Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Excessive length of proceedings	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Non-execution of court decisions	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Wrongful arrest	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Wrongful conviction	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): The items listed at Q37 form the basis of constitutional remedies on the basis of breaches of fundamental human rights. In this respect, such grievances are not covered by our compensation procedure and legislation.

2.2.2 Confidence and satisfaction of citizens with their justice system



038. Does your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?

	National level	Court level
1. Surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. Surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
3. Surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
4. Surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
5. Surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. Surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies, NGOs)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
7. Surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: Malta has been administering Court User Satisfaction Surveys to different populations since 2016. Given the small national population, surveys have to be administered to different populations in order to avoid having the same respondents answering surveys too frequently. Therefore the surveys are administered 'ad hoc' to different target populations each year. Over the past years, Court User Satisfaction Surveys were administered to the court staff, the lawyers, the police, the Probation and Parole Services, the lawyers working in the Office of the Attorney General and most recently to the general population.

The data collected in used internally to inform policy and is not available online.

040. Is there a national or local procedure for filing complaints about the functioning of the judicial system? (for example, handling of the case by a judge or the duration of a proceeding)

Yes

No

Comments

041. If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Existence of a time limit to deal with the complaint for this authority
Court concerned	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
High Judicial Council	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments 'High Judicial Council' is taken to refer to the Commission for the Administration of Justice, regulated by Art 101a of the Constitution of Malta.

All complaints forwarded to the Commission for the Administration of Justice are protected by secrecy, as a result of which, no information as to the number of complaints referred to on this basis is available.

041-1. If yes, please specify certain aspects of this procedure:

	Number of complaints	Compensation amount granted
Court concerned	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Higher court	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Ministry of Justice	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
High Judicial Council	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: The proceedings before the Commission for the Administration of Justice are held behind closed doors, and no information is divulged. Hence data in this regard is unavailable.

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations.



	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	1 [] NA [] NAP
42.2 First instance specialised courts (legal entities)	9 [] NA [] NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all Supreme Courts)	2 [] NA [] NAP

Comments In 2018, the Commercial Division was set up in order to hear cases filed under the Companies Act that include Insolvency cases. This new specialised first instance court is the reason behind the increase in the number of courts quoted at 42.2 above.

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	9 [] NA [] NAP
Commercial courts (excluded insolvency courts)	1 [] NA [] NAP
Insolvency courts	[] NA [X] NAP
Labour courts	[] NA [X] NAP
Family courts	1 [] NA [] NAP
Rent and tenancies courts	1 [] NA [] NAP
Enforcement of criminal sanctions courts	[] NA [X] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP
Administrative courts	1 [] NA [] NAP
Insurance and / or social welfare courts	[] NA [X] NAP

Military courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised 1st instance courts	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other specialised 1st instance courts", please specify: The courts referred to under 'Other specialised 1st Instance courts' include:

- The Civil Court, First Hall
- the Land Arbitration Board
- the Rural Leases Control Board
- the Small Claims Tribunal
- the Court of Voluntary Jurisdiction

044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

Comments - Please specify:

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
a debt collection for small claims	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
an employment dismissal	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
a robbery	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
an insolvency case	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The geographical locations refer to the Courts of Justice located in Malta and in Gozo.

045-1. Is your definition for small claims the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition for small claims:

045-2. Please indicate the value in € of a small claim:

[5 000]

Comments

C. Please indicate the sources for answering questions 42, 43 and 45:

3.2. Court staff

3.2.1. Judges and non-judge staff



046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). (Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	45 [] NA [] NAP	22 [] NA [] NAP	23 [] NA [] NAP
1. Number of first instance professional judges	34 [] NA [] NAP	14 [] NA [] NAP	20 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	11 [] NA [] NAP	8 [] NA [] NAP	3 [] NA [] NAP
3. Number of Supreme Court professional judges	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comment - Please provide any useful comment for interpreting the data above:

047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	4 [] NA [] NAP	2 [] NA [] NAP	2 [] NA [] NAP
1. Number of first instance court presidents	3 [] NA [] NAP	1 [] NA [] NAP	2 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP
3. Number of Supreme Court presidents	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

	Figure
Gross figure	23 [] NA [] NAP
In full-time equivalent	[] NA [X] NAP

Comments - If necessary, please provide comments to explain the answer provided: In Malta there is the Small Claims Tribunal which is presided over by a lawyer, not being a judge, acting on a part-time basis and who has a security of tenure for a period of five years. Furthermore, we also have Commissioners for Justice, acting on a part-time basis, who hear and decide upon depenalised contraventions, such as traffic contraventions and petty offences. The figures indicated as professional judges on an occasional basis reflect these two Tribunals, namely 7 adjudicators (SCT) and 16 Commissioners for Justice.

048-1. Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

Yes If yes, please give specifications on the types of cases and an estimate in percentage. NA

No

[] NAP

Comments The Small Claims Tribunal hears cases of a value up to Euros5000, whilst the Commissioners of Justice are regulated by Chp 291 of the Laws of Malta. The full list of offences which become infringements and can be heard by the Commissioners for Justice is annexed to Chp 291 as Schedule 2 (www.justiceservices.org.mt). The Small Claims Tribunal, on its own, presided over about 12% of the incoming caseload of all the civil courts in 2018. We do not have access to the number of cases that the Commissioners for Justice preside over, given that these do not form part of the official court statistics. Hence the NA reply above.

049. Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges or “juges consulaires”, but not arbitrators or persons sitting in a jury):

	Figure
Gross figure	[] NA [X] NAP
In full time equivalent	[] NA [X] NAP

Comments

049-1. If such non-professional judges exist at first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage
criminal cases (severe)	()	()	()
criminal cases (misdemeanour and/or minor)	()	()	()

family law cases	()	()	()
labour law cases	()	()	()
social law cases	()	()	()
commercial law cases	()	()	()
insolvency cases	()	()	()
other civil cases	()	()	()

NAP

Comments - If "other", please specify:

050. Does your judicial system include trial by jury with the participation of citizens?

Yes

No

Comments

050-1. If yes, for which type of case(s)?

Criminal cases

Other than criminal cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[35]

NA

NAP

Comments

052. Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	413 <input type="checkbox"/> NA <input type="checkbox"/> NAP	183 <input type="checkbox"/> NA <input type="checkbox"/> NAP	230 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	247 <input type="checkbox"/> NA <input type="checkbox"/> NAP	69 <input type="checkbox"/> NA <input type="checkbox"/> NAP	178 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	61 <input type="checkbox"/> NA <input type="checkbox"/> NAP	30 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Technical staff	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other non-judge staff	96 <input type="checkbox"/> NA <input type="checkbox"/> NAP	75 <input type="checkbox"/> NA <input type="checkbox"/> NAP	21 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other non-judge staff", please specify: Other non-judge staff include:

- Director Civil Courts and staff
- Director Criminal Court and staff
- Registry Criminal Court
- Chief Marshal
- Senior Marshal
- Marshals
- Judiciary Drivers
- Subasti Personnel

052-1. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Total non-judge staff working in courts at first instance level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Total non-judge staff working in courts at Supreme Court level	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments It is not possible, at the moment, to differentiate the staff working at first instance from that working at second instance.

053. If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

legal aid

- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases
- NAP

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services under their responsibilities to external providers?

- Yes
- No

Comments

054-1. If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify): Clerical staff

Comments The IT services are carried out in partnership with the Malta Information Technology Agency (MITA). Moreover, the court administration has outsourced the use of clerical staff in order to ensure service continuity at a specific level of the administrative structure.

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Most of the data has been provided by the Court Services Agency.

3.3. Public prosecution

3.3.1. Public prosecutors and staff

055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

Total	Males	Females

Total number of prosecutors (1 + 2 + 3)	19 [] NA [] NAP	7 [] NA [] NAP	12 [] NA [] NAP
1. Number of prosecutors at first instance level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Number of prosecutors at second instance (court of appeal) level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Number of prosecutors at Supreme Court level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Please indicate any useful comment for interpreting the data above:

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Number of heads of prosecution offices at Supreme Court level	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Please provide any useful comment for interpreting the data above: The Attorney General is the head of the Office of the Attorney General. He enjoys the support of 2 Deputy Attorney Generals, one dedicated to civil law and the other dedicated to criminal law.

057. Do other persons have similar duties to those of public prosecutors?

Yes

No

Comments - If yes, please specify their title and functions: Police have the authority to initiate prosecutions and to prosecute cases before the Court of Magistrates. If cases are serious enough to go to trial by jury (theoretically any case liable by imprisonment for more than 2 years can go to trial by jury, but cases in which trial by jury is mandatory are those in which the charge is liable to imprisonment for 12 years or more. In practice, most trials by jury deal with these kind of serious offences). The prosecution from the Office of the Attorney General prosecute trials by jury and appeals therefrom and also files and prosecutes appeals from the decisions of the Court of Magistrates.

057-1. Please specify their number (in full-time equivalent):

[140]

[] NA

059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

Yes

(X) No

[] NAP

Comments The figure presented at Q57-1 reflects the number of Police Inspectors and Police Superintendents whose duties include prosecution in court.

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence ?

(X) Yes

() No

Comments This answer applies specifically to the police officers who prosecute cases in court. The lawyers working at the Office of the AG are specialised in constitutional, civil and criminal law.

060. Number of staff (non-public prosecutors) attached to the public prosecution services (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	22 [] NA	9 [] NA	13 [] NA

Comments

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: The information was provided and verified by the Office of the Attorney General
--

3.4. Gender equality

3.4.1 Specific provisions for facilitating gender equality

061-2. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)

enforcement agents	()	(X)
---------------------------	-----	-------

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: There are no specific provisions for facilitating gender equality within the recruitment of justice professionals, but the current administration is seeking to improve gender balance within the recruitment of the members of the judiciary even at the highest instances.

061-3. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting :

	Yes, please specify	No
judges	()	(X)
prosecutors	()	(X)
non-judge staff	()	(X)
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

[] NA

Comments - if the situation changed since the reference year, please specify in the comments. If you have additional comments please specify: Answer for Q61-2 applies.

3.4.2 At national level

061-4. Do you have, at national level, one or more recent surveys or reports related to - wholly or partly - the distribution males/females within the judicial system concerning:

	Yes	No
judges	(X)	()
prosecutors	(X)	()
non-judge staff	(X)	()
lawyers	()	(X)
notaries	()	(X)
enforcement agents	()	(X)

Comments - If the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us? This information is collected annually (for the Justice Scoreboard) or every 2 years (for the CEPEJ evaluation). The data can be found at CEPEJ-STAT.

061-5. Is there a national programme or an orientation document to promote males/females equality within the judicial system?

() Yes

(X) No

Comments - if the situation changed since the reference year, please specify in the comments. Could you specify the reference or internet link of this/these document(s) or send it/them to us?

061-6. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

	Yes, please specify	No
the recruitment of judges	()	(X)
the promotion of judges	()	(X)
the recruitment of prosecutors	()	(X)
the promotion of prosecutors	()	(X)
the recruitment of non-judge staff	()	(X)
the promotion of non-judge staff	()	(X)

Comments - if other than recruitment and/or promotion, please specify. If the situation changed since the reference year, please specify in the comments The National Commission for the Promotion of Equality (NCPE) is an independent, government funded body set-up by virtue of Chp 456 of The Laws of Malta entitled 'Equality for Men and Women Act'. The scope of the NCPE is nation-wide, rather than just targeted at the justice sector, and it carries out its remit with the backing of equality in employment legislation, namely Chp 456 of the Laws of Malta and Chp 452 of the Laws of Malta entitled Employment and Industrial Relations Act,

061-6-1. Please specify the text which set up this person/institution :

(title, date, nature of the text) Chp 456 of the Laws of Malta entitled Equality for Men and Women
 (https://ncpe.gov.mt/en/Documents/Home/Welcome/Chp.456_updated%202015.pdf); Chp 452 of the Laws of Malta entitled Employment and Industrial Relations Act
 (https://ncpe.gov.mt/en/Documents/Rights_and_Obligations/Equality_Laws/chp_452.pdf)

[] NAP

061-6-2. Please specify the status of this person/institution:

(e.g. independent, attached to the Ministry of Justice, to the High Judicial Council or equivalent or to an inter-ministerial institution specifically dedicated to gender equality) As explained above, the NCPE is an independent, government-funded Commission.

061-6-3. Please specify if this person/institution has an information and consultative function or if its opinions/decisions have legal consequences:

(e.g. block a decision or allow an appeal)

3.4.3 At court/public prosecution services level

061-7. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

	Yes	No
in courts (judges)	()	(X)
in public prosecution services (prosecutors)	()	(X)
for courts' non-judge staff	()	(X)

Comments - If yes, please specify their titles and tasks. If the situation changed since the reference year, please specify in the comments. Such functions are usually entrusted to the HR function in management, that ensures that equality of treatment as outlined in national legislation is being adhered to.

061-8. Does the feminisation of certain functions, if it exists in your country, within courts or public prosecution services, lead to concrete changes in the organisation of the work in the following areas:

	Yes	No
Assignment in different positions	()	(X)
Workload distribution	()	(X)
Working hours	()	(X)
Modalities of teleworking and presence in the work space	()	(X)
Replacement of absent persons	()	(X)
Organisation of the hearings	()	(X)
Other	()	(X)

Comments - If other, please specify. Could you also indicate concrete examples referring to the various possibilities mentioned? If the situation changed since the reference year, please specify in the comments.

061-9. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the measures, in your country, which:

have been already implemented (please specify) :

are planned (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

061-10. In your judicial system, and eventually based on evaluation, studies or official reports, what are the main causes of inequalities in:

recruitment procedures (please specify):

promotion procedures and access to the functions of responsibility (please specify) :

Comments - If the situation changed since reference year, please specify in the comments.

NAP

061-11. In your courts, is there particular attention given to gender issues regarding the public and users of justice, in particular:

	Yes, please specify	No
judges and court staff are more chosen among males or females according to the type of cases	()	(X)
the composition of hearings with several judges is always mixed	()	(X)
statistics exist concerning males and females who initiate a case/victims, accused persons, etc.	()	(X)

Comments - if you have additional comments please specify. If the situation changed since reference year, please specify in the comments. Our courts do not discriminate in any way in respect of gender issues. Justice is dispensed irrespective of gender and the composition of our judges is based on expertise or areas of specialisation and not gender.

3.5 Use of information technologies in courts

3.5.1 General policies in Information Technology in judicial systems

062-1. Basic principles and models used in Information technology policies and strategies definition

	Organisation
IT policies and strategies	<input checked="" type="checkbox"/> defined and coordinated at national level by one institution <input type="checkbox"/> defined and coordinated at national level by several institutions <input type="checkbox"/> defined and coordinated at unit/stakeholder level <input type="checkbox"/> other
IT Governance	<input checked="" type="checkbox"/> governed on national level by one institution <input type="checkbox"/> governed on national level by several institutions <input type="checkbox"/> organised at unit/stakeholder level <input type="checkbox"/> other

Comments The Malta Information Technology Agency (MITA) is the government agency responsible to drive ICT policy in Malta, as well as implement the Digital Malta National ICT Strategy 2014 - 2020. The Information Management Unit within the Ministry for Justice, Culture and Local Government collaborates closely with MITA in the development and deployment of ICT initiatives within the justice system.

065-1. In case there is a national structure in charge of the strategic policy making and governance of the judicial system modernisation (including also IT) what is the composition of this structure?

- administrative, technical and scientific staff only
- mixed teams of judicial staff (judges/prosecutors/etc.) and administrative/technical/scientific staff
- other (please specify in a comment)

Comments - (please specify if there are other modernisation approaches that have been implemented): MITA offers technical support and works in collaboration with government agencies, entities and departments who own the legal and justice-related knowledge and expertise. Hence, in the justice field, MITA works with justice stakeholders in a horizontal collaborative process.

065-2. Which is the organisational model primarily chosen for conducting structural IT projects in courts and the management of applications (maintenance, evolution)?

	Implementing new projects	Management of applications
Mainly by an IT department with the help of professionals in the field (judges, prosecutors, non-judge judicial staff, etc.)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Non
Mainly by professionals in the field (judges, prosecutors, non-judge judicial staff, etc.) with the help of an internal IT department and/or an external service provider	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non
Other alternatives (external service provider only – specify in a comment)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Non

Comments - please also describe in case of “other alternatives”

065-3. Is there a device of detection and promotion of innovations regarding IT coming from personal and/or local/court level initiatives?

- Yes
- No

Comments (please specify projects that have experienced national developments) Implemented ICT measures within the justice system, have not only resulted from a top-down direction in answer to international requirements and obligations, but have also emanated from the actual experience of use of lawyers, citizens and other end users for whom such initiatives are being undertaken.

065-4. Have you measured the impact resulting from the implementation of one or several components of your new information system?

- Yes
- No

065-4-1. If yes, have you measured the impact on (multiple answers possible):

- Business processes
- Workload
- Human resources
- Costs
- Other, please specify efficiency and accessibility

Comments (please specify examples of the impact) The Information Management Unit (IMU) within MJCL carries out impact assessments of implemented technologies through focus groups, and analysis of data. Hence, the impact assessments take on a quantitative approach through the study of metrics, but also a qualitative approach through the feedback collected by end users. Furthermore the IMU also measures hits to the eCourts login and website, and this is a cost function as the more the end users are using the website, to for example, file claims online or pay court fees online, the less the need to rely on the human component to manage these functions at court.

3.5.2 Security of courts information system and personal data protection



065-5. Are there independent audits or other mechanisms to contribute to the global security policy regarding the information system of the judiciary ?

- Yes
- No

Comments (please specify in particular if national frameworks of information security exist): Yes, as part of the Security Governance framework, MITA engages independent systems audit providers, to carry out audits that safeguard the security of the courts' information systems. The IMU (Information Management Unit) within MJCL, is then approached to request and receive audit reports accordingly. Primarily Malta's information system used at courts is web based (last modules and migration of the current Case Management System are being migrated to a web solution). Therefore Webscan Audits are carried out on a regular basis on all web information systems, in a similar fashion to ethical hacking, targeting various systems audit testing. Threats reported are then classified as being either High, Medium, Low or Informational and the IMU would then take action along the lines of the recommendations provided in the report.

065-6. Is the protection of personal data managed by courts ensured at legislative level?

- Yes
- No

Comment - If yes, please specify among others: if there are authorities specifically responsible for protection of personal data; the extent of the rights granted to citizens in the specific framework of software used by courts; if there are controls or limitations by law regarding the sharing of databases managed by courts with other administrations (police, etc.) In Malta, the main authority responsible for the protection of personal data is the Information and Data Protection Commissioner who is the main legislative and regulatory authority on the use, management and protection of personal data. Within justice, administrative applications of personal data management fall within the remit of the Commissioner. However, as regards the publication of personal data, whilst there is no specific legal provision that determines whether or not personal data are revealed online, it is up to the discretion of the presiding judge/ magistrate to decree when the identity of the parties is to be withheld. The only exception to this procedure is within the Family Court, wherein given the sensitivity of the cases being dealt with, all judgements are anonymised, and in the Criminal Courts whereby the court might opt to ban the publication of the name of the accused.

3.5.3 Centralised databases for decision support

062-4. Is there a centralised national database of court decisions (case-law, etc.)?

- Yes
- Non

Comments

062-4-1. If yes, please specify the following information:

	For 1st instance decisions	For 2nd instance decisions	For 3rd instance decisions	Link with ECHR case law	Data anonymised	Case-law database available free online	Case-law database available in open data
Civil and/or commercial	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes all judgements <input type="checkbox"/> Yes some judgements <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Criminal	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Administrative	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No

Comments - if it exists in other matters please specify All judgements are available online and whilst it is the norm that these are not anonymised, there might be instances, dictated by the courts, in which it is felt that anonymisation would work in the interests of the protection of the victim. Hence, these judgements are then anonymised. The actual database is not available online or in open data. The outputs of the database (the actual judgements)are available, but not the database per se.

062-6. Is there a computerised national record centralising all criminal convictions?

Yes

No

Comments Our computerised systems record all judgements (except those of summary jurisdiction) irrespective of whether there was a conviction or not.

062-6-1. If yes, please specify the following information:

Linkage with other European records of the same nature

Content directly available through computerised means for judges and/or prosecutors

Content directly available for purposes other than criminal (civil and administrative matters)

Comments - Please specify who is the authority delivering the access

3.5.4 Writing assistance tools

062-7. Are there writing assistance tools for which the content is coordinated at national level? (models or templates, paragraphs already pre-written, etc.)

Yes

No

Comment – if it exists in other matters please specify Reference is being made to the Case Management System

062-7-1. If yes, please specify the following information:

	Availability rate
Civil and/or commercial	() 100% () 50-99% (X) 10-49% () 1-9% () 0% (NAP) <input type="checkbox"/> NA

Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA

062-8. Are there voice recording tools?

Yes

No

Comments

062-8-1. If yes, please specify:

	Availability of simple dictation tools	Availability of multiple speakers recording tools	Voice recognition feature
Civil and/or commercial	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Criminal	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Administrative	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> in all courts <input type="checkbox"/> in most of the courts <input type="checkbox"/> in some courts / some pilot phases <input type="checkbox"/> not available for this matter <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> Pilot testing <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

062-9. Is there an intranet site within the judicial system for distribution of news/novelities?

Availability rate:

- 100% - accessible to everyone in judiciary
- 50-99% - accessible for most judges/prosecutors in all instances
- 10-49% - in some courts only
- 1-9% - in one court only
- 0% (NAP) - No access

NA

Comments

3.5.5 Technologies used for administration of the courts and case management

063-1. Is there a case management system (CMS) ? (Software used for registering judicial proceedings and their management)

- Yes
- No

Comments - if it exists in other matters please specify

063-1-1. If yes, please specify the following information:

	CMS deployment rate	Status of case online	Centralised or interoperable database	Early warning signals (for active case management)	Status of integration/connection of a CMS with a statistical tool
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP

Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> accessible to parties <input type="checkbox"/> publication of decision online <input type="checkbox"/> both <input type="checkbox"/> not accessible at all <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Fully integrated including BI <input checked="" type="checkbox"/> Integrated <input type="checkbox"/> Not integrated but connected <input type="checkbox"/> Not connected at all <input type="checkbox"/> NA <input type="checkbox"/> NAP
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063-2. Computerised registries managed by courts

	Deployment rate	Data consolidated at national level	Service available online	Statistical module integrated or connected
Land registry	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Business registry	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comment – if it exists in other matters please specify

063-6. Budgetary and financial management systems of courts

	Tool deployment rate	Data consolidated at national level	System communicating with other ministries (financial among others)
Budgetary and financial management of courts	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Justice expenses management	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Other (please specify in comments)	<input type="checkbox"/> 100%	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input type="checkbox"/> 50-99%	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> 10-49%		
	<input type="checkbox"/> 1-9%		
	<input type="checkbox"/> 0% (NAP)		
	<input checked="" type="checkbox"/> NA		

Comments

063-7. Measurement tools to assess the workload of judges, prosecutors and/or non-judge/non-prosecutor staff (tool quantifying the activity of judges, prosecutors and/or non-judge/non-prosecutor staff – for example the number of cases resolved)

Yes

No

Comments

063-7-1. If yes, please specify the following information:

	Tools deployment rate	Data used for monitoring at national level	Data used for monitoring at court local level	Tool integrated in the CMS
For judges	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For prosecutors	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
For non-judge/non-prosecutor staff	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

3.5.6 Technologies used for communication between courts, professionals and/or court users

064-2. Is there a possibility to submit a case to courts by electronic means?(possibility to introduce a case by electronic means, for example an e-mail or a form on a website)

Yes

No

Comments

064-2-1. If yes, please specify the following information:

	Availability rate	Simultaneous submission of cases in paper form remains mandatory	Specific legislative framework authorising the submission of a case	An integrated/connected tool with the CMS
Civil and/or commercial	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - if it exist in other matters please specify

064-3. Is it possible to request legal aid by electronic means?

Yes

No

Comments

064-3-1. If yes, please specify the following information:

	Requesting legal aid electronically
Availability rate	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA
Formalisation of the request in paper form remains mandatory	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Specific legislative framework regarding requests for legal aid by electronic means	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Granting legal aid is also electronic	() Yes () No [] NA [] NAP
Information available in CMS	() Yes () No [] NA [] NAP

064-4. Is it possible to transmit summons to a judicial meeting or a hearing by electronic means? (a judicial meeting relates to stages prior to a court hearing, with a view to mediation or conciliation)

(X) Yes

() No

Comments

064-4-1. If yes, please specify the following information:

	Summons produced by CMS	Simultaneous summon in paper form remains mandatory	Consent of the user to be notified by electronic means	Modalities (if other please specify in comments)	Specific legislative framework
Civil and/or commercial	[X]	[]	[X]	[] SMS [X] E-mail [] Specific computer application [] Other	[X]
Criminal	[]	[]	[]	[] SMS [] E-mail [] Specific computer application [] Other	[]
Administrative	[X]	[]	[X]	[] SMS [X] E-mail [] Specific computer application [] Other	[X]

Comments It is not legally possible to transmit summons via electronic means in criminal cases.

064-6. Are there possibilities of electronic communication between courts and lawyers and/or parties? (sending of electronic files and data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

Communication between court and lawyers representing parties

(X) Yes

() No

Communication between court and parties not represented by lawyer

(X) Yes

() No

Comments

064-6-1. If yes, please specify the following information:

	Tool deployment rate	Trial phases concerned	Modalities (if there are different according to the trial phases or if other, please specify in a comment)	Specific legal framework
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Criminal	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) - for this matter <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input checked="" type="checkbox"/> Schedule of hearings and/or appeals management <input type="checkbox"/> Transmission of court decisions	<input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes

Comments Other refers to the sending of SMSs on the mobile.

064-7. Terms and conditions of electronic communication used by professionals other than

lawyers (sending of electronic data concerning a judicial proceeding with or without scanned documents, mainly to develop dematerialised communication)

	Tool deployment rate	Modalities (if there are different according to the deeds or if other, please specify in a comment)	Specific legal framework
Enforcement agents (as defined in Q169 and following)	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Notaries (as defined in Q192 and following)	<input type="checkbox"/> 100% <input checked="" type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Yes
Experts (as defined in Q202 and following)	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes
Judicial police services	<input type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> E-mail <input type="checkbox"/> Specific computer application <input type="checkbox"/> Other	<input type="checkbox"/> Yes

Comments

064-9. Are there online processing devices of specialised litigation? (low value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc. – please, specify in “comments” section)

Yes

No

Comments – Please describe the system that exists. Yes our system enables the use of E-Forms in the Small Claims Tribunal for claims under Euros5000, as well as in the Administrative Review Tribunal.

064-10. Videoconferencing between courts, professionals and/or users (this concerns the use of audio-visual devices in the framework of judicial proceedings such as the hearing of parties, etc.)

Yes

No

Comments

064-10-1. If yes, please specify the following information and describe in comments of this section the cases of actual use of videoconferencing and the expected benefits (for example, the use of this device to reduce the number of detainees’ transfers to the court):

	Deployment rate (chose one only)	Proceeding phase	Specific legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Prior to the hearing <input checked="" type="checkbox"/> During the hearing <input type="checkbox"/> After the hearing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments In civil cases, video-conferencing can also be used during mediation processes prior to hearings.

064-11. Recording of hearings or debates (sound or audio-visual recording during the investigation and/or trial phase(s))

(X) Yes

() No

Comments

064-11-1. If yes, please specify the following information:

	Tool deployment rate	Type of recording	Specific legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Criminal	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Administrative	<input checked="" type="checkbox"/> 100% <input type="checkbox"/> 50-99% <input type="checkbox"/> 10-49% <input type="checkbox"/> 1-9% <input type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input checked="" type="checkbox"/> Sound <input type="checkbox"/> Video <input type="checkbox"/> Both <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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064-12. Is electronic evidence admissible?

	Admissibility of electronic evidence	Legislative framework
Civil and/or commercial	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Criminal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only
Administrative	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> General law only <input type="checkbox"/> General and specialised law <input type="checkbox"/> Specialised law only

Comments

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised personnel entrusted with implementation of these national level quality standards?

	Yes / No
within the courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
within the public prosecution services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments There are general quality standards that apply to the public sector, but not specific quality standards that monitor the implementation of quality standards within the judiciary or the prosecution services.

3.6.2. Performance and quality objectives at court level/public prosecution services

077. Concerning court activities, have you defined performance and quality indicators?

Yes

No

Comments

078. If yes, please select the main performance and quality indicators that have been defined for courts:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):age of pending caseload

Comments

077-1. Concerning public prosecution activities, have you defined performance and quality indicators?

Yes

No

Comments The Office of the AG does keep a record of the number of incoming cases as well as those cases that can be considered as terminated from the Office because for example, a bill of indictment is issued. However no official statistics are kept.

078-1. If yes, please select the main performance and quality indicators for the public prosecution services that have been defined:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff

- satisfaction of users (regarding the services delivered by the public prosecutors)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments

073. Do you have a system to evaluate regularly court performance based primarily on the defined indicators?

Yes

No

Comments

073-0. If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Court evaluation in terms of performance is carried out on a monthly basis, or on a case by need basis.

073-1. Is this evaluation of the court activity used for the later allocation of resources within this court?

Yes

No

Comments

073-2. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment)

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments Court performance evaluation is brought to the attention of both the Minister for Justice, Culture and Local Government as well as to the attention of the Chief Justice. The Chief Justice, who is vested with the authority to effect changes in judicial duties, does make use of such performance data in the better interest of increased efficiency and expediency of the judicial process. On the other hand, the Ministry also monitors these performance evaluations and tries to assist through legislative amendments or other interventions that lie within its powers and that do not impinge on the independence of the judiciary.

073-3. Do you have a system to evaluate regularly the performance of the public prosecution services based primarily on the defined indicators?

Yes

No

Comments

073-4. If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

073-5. Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?

Yes

No

Comments

073-6. If yes, which courses of action are taken?

Identifying to the causes of improved or deteriorated performance

Reallocating resources (human/financial resources based on performance (treatment))

Reengineering of internal procedures to increase efficiency (treatment)

Other (please specify):

Comments The workload of the Office of the AG is used for the recruitment of additional human resources.

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

High Judicial Council

Ministry of Justice

Inspection authority

Supreme Court

External audit body

Other (please specify):

Comments The evaluation of the courts is carried out both by the Chief Justice in respect of the judiciary, and the Ministry of Justice in relation to court efficiency, resources, legislative amendments etc ...

079-1. Who is responsible for evaluating the performance of the public prosecution services (multiple options possible) :

Public prosecutorial Council

Ministry of Justice

Head of the organisational unit or hierarchical superior public prosecutor

Prosecutor General /State public prosecutor

External audit body

Other (please specify):

Comments The main person responsible for monitoring the performance of the public prosecution service is the Attorney General, with the assistance of the two Deputies to the Attorney General, who are respectively responsible for the civil and the criminal work carried out by the Office.

3.6.3. Measuring courts' / public prosecution services activity



070. Do you regularly monitor court activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of judges and court staff
- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- costs of the judicial procedures
- number of appeals
- appeal ratio
- clearance rate
- disposition time
- other (please specify):age of pending cases

Comments

070-1. Do you regularly monitor public prosecution activities (performance and quality) concerning:

- number of incoming cases
- length of proceedings (timeframes)
- number of resolved cases
- number of pending cases
- backlogs
- productivity of prosecutors and prosecution staff
- satisfaction of prosecution staff
- satisfaction of users (regarding the services delivered by the by the public prosecution)
- costs of the judicial procedures
- clearance rate
- disposition time
- percentage of convictions and acquittals
- other (please specify):

Comments The Office of the AG does hold a record of the number of incoming cases and terminated cases, but these are not as yet organised into official performance indictaors.

071. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

- civil law cases
- criminal law cases
- administrative law cases

Comments

072. Do you monitor waiting time during judicial proceedings?

	Yes (If yes, please specify)	No
within the courts	()	(X)
within the public prosecution services	()	(X)

Comments

3.6.4. Information regarding courts /public prosecution services activity

080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

- Yes (please indicate the name and the address of this institution): MITA/ Department of Justice
- No

Comments The Court Administration has an in-house database and case management system that collects statistical information regarding all civil courts, and aspects of criminal procedure. This system is accessed daily by the court officers, but its upkeep and technical back-up are entrusted to the Malta Information Technology Agency (MITA) which is a government agency specialising in ICT services for government entities and departments, who are subcontracted by the Ministry for Justice, Culture and Local Government to provide and manage the IT infrastructure at the Law Courts. This data is then analysed and evaluated by the Department of Justice.

More specifically, the Malta Information Technology and Training Services Limited (MITTS) was set up in 2000 in order to establish the national IT strategy. In 2008, MITA was established as a government agency tasked with the implementation of the ICT roadmap. It incorporated the functions of MITTS and also took on some other functions that previously fell within the remit of the IT Ministry. Malta Information and Technology Agency (MITA):

Address: Gattard House, National Road, Blata l-Bajda, HMR9010, Malta

Webpage: <http://www.mita.gov.mt>

The analysis of the this data is then carried out by the Department of Justice.

080-1. Does this institution publish statistics on the functioning of each court:

- Yes, on internet
- No, only internally (in an intranet website)
- No

Comments

080-2. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?

- Yes (please indicate the name and the address of this institution):

No

Comments

080-3. Does this institution publish statistics on the functioning of each public prosecution service?

Yes, on internet

No, only internally (in an intranet website)

No

Comments

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-1. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments

081-2. If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

081-3. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-4. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

081-5. If yes, please, indicate the periodicity at which the report is released:

- Annual
- Less frequent
- More frequent

Comments

3.6.5 Courts administration

082. Is there a process or structure of dialogue between the public prosecution services and courts regarding the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

- Yes
- No

Comments - If yes, please specify:

082-1. Is there in general a process or structure of dialogue between lawyers and courts regarding the way cases are presented before courts in other than criminal matters (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

- Yes
- No

Comments - If yes, please specify: The law specifies that during the first hearing of a case, the court shall consult the advocates of the parties regarding the planning of the sittings to be held as well as the projected date of judgement (art. 195(2)(ii)). The court may, in order to ensure full compliance with all matters of procedure, or to seek more detailed information, or to expedite or facilitate proceedings or to avoid the unnecessary appearance of parties or witnesses, give in camera such orders and directives it may think fit. Such orders or directives are communicated by the registrar to the advocates or legal procurators of the parties. (art. 173(1), Cap. 12).

3.6.6 Performance and evaluation of judges and public prosecutors

083. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

- Yes
- No

Comments

083-1. Who is responsible for setting the individual targets for each judge?

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)
- President of the court
- Other (please specify):

114. Is there a system of qualitative individual assessment of the judges' work?

- Yes
- No

Comments Despite the fact that there is no formal qualitative individual assessment of the work of judges and magistrates, the Chief Justice is the only authority that can be required to assess the quality of the work of the judiciary.

114-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

083-2. Are there quantitative performance targets defined for each public prosecutor (e.g. the number of decisions in a month or year)?

- Yes
- No

Comments

083-3. Who is responsible for setting the individual targets for each public prosecutor

- Executive power (for example the Ministry of Justice)
- Prosecutor General /State public prosecutor
- Public prosecutorial Council
- Head of the organisational unit or hierarchical superior public prosecutor
- Other (please specify):

Comments NA

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

- Yes
- No

Comments

120-1. If yes, please specify the frequency of this assessment:

- Annual
- Less frequent
- More frequent

Comments Thework of public prosecutors is constantly monitored by the Deputy Attorney General (in charge of the criminal field) and the Attorney General. The monitoring is not scheduled at specific annual intervals, but is ongoing and ingrained in the daily work processes of the Office.

C4. Please indicate the sources for answering the questions in this chapter:

Sources: Data has been verified with previous submissions.

4.Fair trial

4.1.Principles

4.1.1.Principles of fair trial

084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor is represented by a lawyer)?

[]

[] NA

[X] NAP

Comments - Please add methodology for calculation used.

085. Is there a procedure to effectively challenge a judge, if a party considers that the judge is not impartial?

(X) Yes

() No

Comments - Please could you briefly specify:

085-1. Ratio between the total number of initiated procedures of challenges and total number of finalised challenges (in the reference year):

[]

[X] NA

Comments A party can request the recusal of a judge on ground of impartiality. This data is however not available.

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

[] For civil procedures (non-enforcement)

[X] For civil procedures (timeframe)

[X] For criminal procedures (timeframe)

[] NAP

Comments - Please specify what are the terms and conditions of this monitoring system (information related to acknowledged violations by ECHR at the State/courts level; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations): Though not necessarily a monitoring system implementing internal systems and remedial action when violations relating to Article 6 take place, the Civil Court as a Court of Constitutional Jurisdiction as well as the Constitutional Court consider all applications made by aggrieved persons based on violations relating to the European Convention on Human Rights. It is the Civil Court as a Court of Constitutional Jurisdiction, and the Constitutional Court, that provide monitoring by ensuring uniformity in interpretation and enforcement, where possible.

086-1. Is there in your country a possibility to review a case after a decision on violation of human rights by the European Court of Human Rights?

() Yes

No

NAP

Comments The European Convention Act (Chp 319 of the Laws of Malta) provides for the enforcement of decisions by the ECHR. Articles 6.1 to 6.3 of the Act state that any judgement by the ECHR, "...to which a declaration made by the Government of Malta in accordance with Article 46 of the Convention applies ..." (Art 6.1 of Chp 319), is enforceable by the Constitutional Court of Malta. Technically this means that our law provides for the enforcement of judgments by the ECHR and not reviews. Having said this, because of the same article 6 of Chp 319, the Constitutional Court can give any order it deems necessary in order to enforce the judgment which technically can include an order for review.

D1. Please indicate the sources for answering questions in this chapter.

Sources: The European Convention Act (Chp 319)

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters regarding:

civil cases

criminal cases

administrative cases

There is no specific procedure for urgent matters

Comments - If yes, please specify:

088. Are there simplified procedures for:

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify:

088-1. For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement ?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify: The judiciary cannot deliver judgments orally. All judgments have to be in writing. In the case of the Magistrates, even though written, the Court need not go into much detail as to the reasoning behind the judgement.

089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their

conclusions and on dates of hearings)?

(X) Yes

() No

Comments - If yes, please specify:

4.2.2. Case flow management – first instance



091. First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of other than criminal law cases (1+2+3+4)	9 492 [] NA [] NAP	11 827 [] NA [] NAP	11 481 [] NA [] NAP	10 138 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	8 856 [] NA [] NAP	8 640 [] NA [] NAP	8 068 [] NA [] NAP	9 727 [] NA [] NAP	4 152 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	262 [] NA [] NAP	3 040 [] NA [] NAP	3 279 [] NA [] NAP	23 [] NA [] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	262 [] NA [] NAP	3 040 [] NA [] NAP	3 279 [] NA [] NAP	23 [] NA [] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

3. Administrative law cases	374 [] NA [] NAP	147 [] NA [] NAP	134 [] NA [] NAP	388 [] NA [] NAP	247 [] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments This evaluation cycle contains for the first time the efficiency data of the First Hall, Commercial Section which is a new court established in April 2018. Furthermore there was a registered increase in the incoming caseload particularly of the Court of Voluntary Jurisdiction and in cases of dissolution of marriage.

The lack of horizontal consistency results from recounts that happen throughout the year, and that ensure that the data is always as up to date as possible. However when taken as a global figure, horizontal consistency might then be lost.

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. The non-litigious case category is codified under Art 166A of the Code of Organisation and Civil Procedure (COCP), Chp 12 of the Laws of Malta.

093. Please indicate the case categories included in the category "other cases":

. NAP

094. First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2+3)	11 887 [] NA [] NAP	13 817 [] NA [] NAP	14 168 [] NA [] NAP	11 589 [] NA [] NAP	[] NA [X] NAP
1. Severe criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[] NA [X] NAP
3. Other cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases" please specify: Given that the categorisation of criminal offences in Malta does not exactly match with the

CEPEJ definitions provided, only the total of such cases is being reported. An actual breakdown of the figures quoted above is as follows:

- Pending 1st January 2018 = 11887 (61 cases Criminal Court and 11826 cases Court of Magistrates)
- Incoming cases 2018 = 13817 (19 cases Criminal Court and 13,798 cases Court of Magistrates)
- Resolved cases 2018 = 14168 (8 cases Criminal Court and 14140 cases Court of Magistrates)
- Pending cases 31st December 2018 = 11589 (72 cases Criminal Court and 11517 cases Court of Magistrates)

The lack of horizontal consistency results from recounts that happen throughout the year, and that ensure that the data is always as up to date as possible. However when taken as a global figure, horizontal consistency might then be lost.

The decrease in the number of incoming and resolved cases is a phenomenon we are observing over the past years. The discrepancy between the data of 2016 and 2018 makes sense when one looks at the 2017 data that also shows a decrease in the caseloads from 2016. It is to be noted that the incoming caseload in 2018 is actually a bit higher than that of 2017.

4.2.3. Case flow management – second instance



097. Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of other than criminal law cases (1+2+3+4)	1 797 [] NA [] NAP	796 [] NA [] NAP	636 [] NA [] NAP	1 951 [] NA [] NAP	889 [] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	1 797 [] NA [] NAP	796 [] NA [] NAP	636 [] NA [] NAP	1 951 [] NA [] NAP	889 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other cases" please specify

098. Second instance courts (appeal): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2+3)	1 298 <input type="checkbox"/> NA <input type="checkbox"/> NAP	451 <input type="checkbox"/> NA <input type="checkbox"/> NAP	710 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1 039 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Severe criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify. Given that in the Maltese legal system, the definition of severe/ minor-dismeneanor cases is not fully consistent with the definition built by CEPEJ, the data for these types of cases for Malta, is going to be presented within this section: For severe cases: Pending caseload at 1st January 2018 = 32; Incoming cases = 6; Resolved cases = 14; Pending cases on the 31st December = 21. Minor/ misdemeanour criminal cases: 1st January 2018 = 1266; Incoming cases = 445; Resolved cases = 644; Pending cases on the 31st December = 1018.

4.2.4. Case flow management – Supreme Court

099. Highest instance courts (Supreme Court): Number of "other than criminal law" cases:

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of other than criminal law cases (1+2+3+4)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other cases", please specify

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

() Yes

(X) No

Comments

099-1-1. If yes, please indicate the number of:

cases received by the Highest court? []

cases closed by this procedure? []

Comments

100. Highest instance courts (Supreme Court): Number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme Court
Total of criminal law cases (1+2+3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
1. Severe criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Misdemeanour and / or minor criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences". If "Other cases", please specify NA

4.2.5. Case flow management and timeframes – specific cases



101. Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	126 [] NA [] NAP	395 [] NA [] NAP	370 [] NA [] NAP	151 [] NA [] NAP
Employment dismissal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
Insolvency	[X] NA [] NAP	20 [] NA [] NAP	15 [] NA [] NAP	47 [] NA [] NAP
Robbery case	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Intentional homicide	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Cases relating to the right of entry and stay for aliens	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

101-1. Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. The Office of the Refugee Commissioner (RefComm) is regulated by The Refugees Act, Chp 420 of the Laws of Malta, and its main responsibility is to receive, process and determine applications for international protection in Malta, as stipulated by the Refugees Act, amended by Act VI and VII in 2015 and its Subsidiary Legislation 420.07 on Procedural Standards in Examining Applications for Refugee Status Regulations. This Office is also bound by the obligations assumed by Malta under the 1951 Geneva Convention relating to the status of Refugees and its 1967 Protocol, as well as its obligations under European Directive 2011/95/EU, European Directive 2013/32/EU and the Dublin Regulation.

RefComm implements a single asylum procedure. It first examines whether the applicant fulfils the criteria to be recognised as a refugee according to law, and in the case of those applicants who do NOT meet the criteria to be recognised as refugees, the Office proceeds to examine whether the applicant fulfils the criteria for subsidiary protection according to law. The applicant is informed in writing about the decision issued by the Office of the Refugee Commissioner. The reasons in fact and in law are stated in the decision. In the case of a negative decision, applicants are informed of their right to enter an appeal against this decision to the Refugee Appeals Board. Information on how to challenge a negative decision is given in writing to those applicants whose application was rejected with regards to refugee status and/or subsidiary protection status. This is an administrative review and involves the assessment of facts and points of law. An asylum seeker has 2 weeks to appeal since the day in which the written negative decision by the Refugee Commission has been received. Whilst the Refugee Appeals Board does not accept late appeals, it does have suspensive effect. An onward appeal is not provided in the law in case of a negative decision from the Refugee Appeals Board. However, judicial review of the decisions taken by the Board is possible before the First Hall of the Civil Court, limited only to an enquiry into the validity of the administrative act. However, such information is not available. Judicial review does not deal with the merits of the asylum claim, but only with the manner in which the concerned administrative authority reached its decision. At this stage, applicants could be granted legal aid if eligible under the general rules for legal aid in court proceedings.

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
---	---	---	---	--	---

Civil and commercial litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Litigious divorce case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal case	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

103. Where appropriate, please indicate the specific procedure regarding divorce cases (litigious and non-litigious):

. In Malta, till June 2011 there existed no divorce proceedings, whether litigious or non-litigious. On the other hand, there exist separation proceedings, which may be either litigious or non-litigious, as well as annulment proceedings, which are always litigious. Divorce came into force in Malta in October 2011 by means of the Civil Code Act. Eligibility for divorce is based on 3 main premises: that the couple are legally or de facto separated and have been living apart for a number of years (specified in law depending on the nature of the separation), that the couple is beyond reconciliation and that maintenance is paid to the spouse and/or children when due. Divorce can be applied for in Court either jointly by both spouses, or else individually by either one of the spouses.

104. How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method.

. Length of proceedings are calculated as an average (not DT) of the number of days it took cases to be registered and resolved within the same year.

4.2.6. Case flow management – public prosecution

105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

to conduct or supervise police investigation

to conduct investigations

when necessary, to request investigation measures from the judge

to charge

to present the case in court

to propose a sentence to the judge

to appeal

to supervise the enforcement procedure

to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)

to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision

other significant powers (please specify):

Comments

106. Does the public prosecutor also have a role in:

civil cases

administrative cases

insolvency cases

Comments - If yes, please specify: The function of Public Prosecutor is related to criminal cases only.

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	13 817 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

107-1. If the guilty plea procedure exists, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Before the court case	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
During the court case	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

108. Total number of cases which were discontinued by the public prosecutor.

	Number of cases
Total number of cases which were discontinued by the public prosecutor (1+2+3+4)	[] NA [X] NAP
1. Discontinued by the public prosecutor because the offender could not be identified	[] NA [X] NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	[] NA [X] NAP
3. Discontinued by the public prosecutor for reasons of opportunity	[] NA [X] NAP
4. Other	[] NA [X] NAP

Comments

109. Do the figures include traffic offence cases?

(X) Yes

() No

Comments

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: Data, where provided, is derived from Court statistics verified by the Court Administration.

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges

110. How are judges recruited?

[] mainly through a competitive exam (open competition)

[X] mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

[] a combination of both (competitive exam and working experience)

[] other (please specify):

Comments With the coming into force of Act 44 of 2016, entitled Constitutional Reforms (Justice Sector) Act of 2016, the system by which the judiciary are appointed has radically changed. The Act established the Judicial Appointments Committee (Art 96A of the Constitution) that is presided by the Chief Justice and composed of the Attorney General, the Auditor General, the Ombudsman and the

President of the Chamber of Advocates. Lawyers having satisfied established eligibility criteria, may file an expression of interest in order to be appointed to the bench. The Committee has to convene to interview and evaluate the candidate, and draw a recommendation within 60 days from the application. Successful candidates are placed on a confidential list, and appointed according to requirement.

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

- an authority made up of judges only
- an authority made up of non-judges only
- an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: See comment above regarding the Judicial Appointments Committee. It is important to note that the role of the Committee is to "give advice to the Prime Minister through the Minister responsible for Justice about its evaluation on the eligibility and merit of the candidates" (Art 96A, Sec 6d). The actual appointment of the judiciary is carried out by the President acting in accordance with the advice of the Prime Minister.

112. Is the same authority (Q111) competent for the promotion of judges?

- Yes
- No

Comments It is to be clarified that the Judicial Appointments Committee evaluates prospective Magistrates who might be appointed to Judges. Its remit is specifically to evaluate for eligibility, but not to actually promote the candidates to the role of Judge.

113. What is the procedure for the promotion of judges? (multiple answers possible)

- Competitive test / Exam
- Other procedure (interview or other)
- No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): According to Art. 96A (Sec 6e) of the Constitution, the Judicial Appointments Committee, "when requested by the Prime Minister, [is] to give advice on the eligibility and merit of persons who already occupy the offices of the Attorney General, Auditor General, Commissioner for Administrative Investigations (Ombudsman) or of Magistrate of the Inferior Courts to be appointed to an office in the judiciary". Therefore in the case of Magistrates, the application process is initiated on the request of the Prime Minister, and not through the filing of an expression of interest, as in the case of lawyers. It is the President of Malta, acting on the advice of the Prime Minister, who then appoints (promotes) a Magistrate to a Judge.

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"): The law provides that Magistrates have to serve for seven years as professional lawyers in order to be eligible to join the bench, while Judges need to have an aggregate of twelve years experience either as a lawyer or as a Magistrate, or a combination of both . Apart from

these eligibility criteria, the Judicial Appointments Committee, when assessing candidates who are to be recommended for the Bench, follow a set of evaluation criteria which are publicly available and can be accessed at: <https://justice.gov.mt/en/justice/Pages/Criteria-of-Judicial-Appointments-Committee.aspx>

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of public prosecution services?

- statutory independent
- under the authority of the Minister of Justice or another central authority
- other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...). The Office of the Attorney General is independent from the Government of the day and even though in 2018 it was acting also as an advisor of the Government, it managed the prosecution of cases independently from any other authority or Ministry. Whilst the post of Attorney General is independent from the government, the Office of the Attorney General is subject to follow any directives issued by the Minister of Justice. Thus, according to the Attorney General Ordinance, where under any law the Attorney General is to act or exercise any power in his/her individual judgment, he/she must not be subject to the direction or control of any other person or authority. However, pursuant to the same law, the Minister responsible for the Office of the AG, subject to the provisions of the law, may be entitled to give directions in writing to the agency and the agency, and its Head are bound to observe such directives, unless the AG is constitutionally and legally protected to act according to his/her own judgment. Thus when taking into account the dual role of the Attorney General as independent prosecutor but also legal counsel of the government, the most appropriate reply to this question seems to be "Other". It is to be noted that the role of Advisor to Government has been removed from the Office of the AG, following the enactment of the State Advocate Act of 2019.

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a public prosecutor?

- Yes
- No

Comments - If yes, please specify:

116. How are public prosecutors recruited?

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify):

Comments

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: Given that the Office of the Attorney General functions as an Agency, the recruitment procedure is carried out through a public call for applications with the applicants then sitting before an internal selection board. This procedure accounts for the recruitment of the lawyers working as public prosecutors and not for the

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

Yes

No, please specify which authority is competent for promoting public prosecutors
The Office of the AG as an independent Agency

Comments The office of the AG requests formal permission from the Ministry of Justice, Culture and Local Government to proceed with the promotion of lawyers working within the Office. Once this permission is granted, the promotion exercise becomes an internal exercise carried out by the Office of the AG.

119. What is the procedure for the promotion of prosecutors? (multiple answers possible)

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): The Attorney General is appointed by the Government, whilst the Deputy AG is appointed through an internal appointment system and then endorsed by the Government. All other prosecutors are employed on contract, as a result of which, their promotions will be regulated therein.

119-2. Please indicate the criteria used for the promotion of a prosecutor:

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

5.1.3.Mandate and retirement of judges and prosecutors

121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:65

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

121-1. Can a judge be transferred to another court without his/her consent:

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

Yes, duration of the probation period (in years):

No

Comments

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:62 to 65

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: The Attorney General is one of the public offices which is provided for in the Constitution, as a result of which, his/her position is protected like that of a Judge and a Magistrate and is subject to the same conditions, thus being pensionable at the age of 65. As to the other members of the Attorney General's office, some of them are Government employees, thus entitled to work up till the age of 61, whilst others, who were employed after the Attorney General's office was changed into an Agency falling under the remit of the Government, were employed by means of a contract of employment, which thus provides for a probation period and a period of employment, nevertheless, should one be employed for more than three years, in terms of EU law, their employment would be deemed to be indefinite, as a result of which, they would be entitled to work up till pensionable age, namely between 62 and 65 years depending on their year of birth.

124. Is there a probation period for public prosecutors? If yes, how long is this period?

Yes, duration of the probation period (in years):0.5

No

Comments

125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?

[]

NA

NAP

Comments

125-1. Is it renewable?

Yes

No

NAP

Comments

126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)?

[]

NA

NAP

Comments Public prosecutors do not have a specific mandate in terms of years. Once employed, they are there for life unless they decide to resign to seek an alternative post/ employment, or else are asked to resign on the basis of disciplinary action.

126-1. Is it renewable?

- () Yes
 () No
 [X] NAP

Comments

E1. Please indicate the sources for answering the questions in this chapter:

Sources: Office of the AG

5.2. Training

5.2.1. Training of judges

127. Types of different trainings offered to judges:

	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	() Yes (X) No	(X) Yes () No	() Yes (X) No
General in-service training	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training for management functions of the court (e.g. court president)	() Yes (X) No	() Yes (X) No	(X) Yes () No
In-service training for the use of computer facilities in courts	() Yes (X) No	() Yes (X) No	(X) Yes () No
In-service training on ethics	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments The Judicial Studies Committee secures the training of the newly-appointed members of the judiciary through a mentorship scheme involving established members of the judiciary. This mentorship period can be as long as the persons concerned, necessitate. In addition, newly appointed members of the judiciary have had the opportunity to attend courses in judge craft through EJTN. Given the fact that judicial appointments are neither pre-announced nor given at a fixed schedule, organising a proper initial training course can prove to be very difficult. Hence the Judicial Studies Committee, through EJTN, are sending the newly-appointed magistrates to attend such training courses abroad.

128. Frequency of the in-service training of judges:

Frequency of the judges training

General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions of the court (e.g. court president)	<input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input checked="" type="checkbox"/> No training proposed
In-service training for the use of computer facilities in courts	<input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input checked="" type="checkbox"/> No training proposed
In-service training on ethics	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: Continuous training is organised by the Judicial Studies Committee on a regular basis and as the need arises. In respect to in-service training on ethics, training specifically focusing on ethics was organised in 2015 and 2018, but in the interim, a series of training events have been organised that address various ethical concerns such as those involved when working with migrants, children, victims of domestic violence, etc .

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors:

	Compulsory	Optional	No training proposed
Initial training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
General in-service training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for management functions (e.g. Head of prosecution office, manager)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training for the use of computer facilities in office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
In-service training on ethics	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions (e.g. Head of prosecution office, manager)	<input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input checked="" type="checkbox"/> No training proposed
In-service training for the use of computer facilities in office	<input type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input checked="" type="checkbox"/> No training proposed
In-service training on ethics	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: Training for public prosecutors is not organised officially by a dedicated training entity. Public prosecutors attend training opportunities that present themselves both locally or abroad.

131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments The Judicial Studies Committee organises ongoing training for the judiciary throughout the year. The same Committee also organises and oversees the mentoring process that is considered to be the initial training being offered to news members to the bench. hence the Judicial Studies Committee takes care of both initial and continuous training.

131-0. If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	9 000 <input type="checkbox"/> NA <input type="checkbox"/> NAP

One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. Judges are trained in EU law and national law, both locally and abroad (through EJTN). Such training takes place throughout the year, in such a way so as it does not jeopardise the efficiency of the court. Lawyers working at the Office of the AG attend courses and training in their fields of specialisation, also related to EU law, EU directives and national law.

131-2. Number of in-service training courses (in days) organised by the judicial training institution for judges, prosecutors, non-judge and non-prosecutor staff

	Number of training courses in days organised, without e-learning	Online training courses available during the reference year (e-learning)
Total	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
1. Only for judges	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Only for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Only for other non-judge staff	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Only for other non-prosecutor staff	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Other common training	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments: The Judicial Studies Committee organises courses and continuous training exclusively for members of the judiciary. The methodology of training is through seminars (half day or full day) and training opportunities abroad. The above figure of 9 full days has been estimated on 6 courses that lasted 1 day, 1 course that lasted 2 days and 3 courses that lasted 3 hours each. No e-learning is currently available.

E2. Please indicate the sources for answering the questions in this chapter:

Sources: Some of the answers to the above questions have been verified with the Judicial Studies Committee.

5.3. Practice of the profession

5.3.1. Salaries and benefits of judges and prosecutors



132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	86 932 [] NA [] NAP	62 272 [] NA [] NAP	86 932 [] NA [] NAP	62 272 [] NA [] NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	94 658 [] NA [] NAP	68 311 [] NA [] NAP	94 658 [] NA [] NAP	68 311 [] NA [] NAP
Public prosecutor at the beginning of his/her career	33 895 [] NA [] NAP	23 315 [] NA [] NAP	33 895 [] NA [] NAP	23 315 [] NA [] NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments In 2018, following discussions with the Judiciary Association, the Ministry substantially increased the wage package of the members of the judiciary across all grades (Magistrates, Judges and Chief Justice). The agreement saw an increase in the basic salary and allowances received by the judiciary, with further increases planned over the coming 3 years. This improvement in the wage package reflects the commitment of the current administration to improve the working conditions of the judiciary, and continues to build on the reforms already brought into effect by the Constitutional Reforms (Justice Sector) Act of 2016.

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	() Yes (X) No	() Yes (X) No
Special pension	(X) Yes () No	() Yes (X) No
Housing	() Yes (X) No	() Yes (X) No
Other financial benefit	(X) Yes () No	(X) Yes () No

Comments Act 44 Constitutional Reforms (Justice Sector) Act of 2016 also enhanced the independence of the judiciary through the introduction of an adequate pension scheme that respects the service that has been offered by the retired judiciary, as well as their widows/widowers.

The special pension was introduced in 2016 for the judiciary, so it was not present in the previous cycles and it is not applicable to the lawyers working in the Office of the Attorney General.

134. If “other financial benefit”, please specify:

. Same as previous comment: Apart from the Honoraria (85% of Scale 1 for the Magistrates, and 100% of Scale 1 for the Judges), members of the judiciary receive a non-pensionable allowance, a non-pensionable expense allowance, a non-pensionable training/work allowance and another non-pensionable expense allowance.

[] NAP

135. Can judges combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Research and publication	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mediator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. The comment from the previous evaluation still holds. In respect to the added sub-category of 'mediator', some judges do act as mediators in the course of their duties, but they do not naturally function as such by profession. Mediators are a separate and recognised profession in Malta, and hence the 'No' answer for the above question.

137. Can public prosecutors combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Research and publication	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Mediator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify:

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g. number of cases resolved over a given period of time)?

- Yes
- No

Comments - If yes, please specify the conditions and possibly the amounts:

5.3.2 Body/institution of ethics

138. Is there in your country an institution / body giving opinions on ethical questions of the conduct of judges (e.g. involvement in political life, use of social media by judges, etc.)

- Yes
- No

Comments

138-1. If yes, how is this institution / body formed

- only by judges
- by judges and other legal professionals
- other, please specify:

Comments The Commission for the Administration of Justice was established in 1994 and is regulated by Art 101A of the Constitution of Malta. This same Article outlines the composition of the Commission, namely:

- the President of Malta acting as Chairperson of the Commission
- the Chief Justice (Deputy Chair)
- the Attorney General (ex officio)
- 2 members of the judiciary presiding over the Superior Courts
- 2 members of the judiciary from the Magistrates presiding over the Inferior Courts
- a member representing the Prime Minister of Malta and a member representing the Leader of the Opposition
- the President of the Chamber of Advocates

138-2. Are the opinions of this institution / body publicly available?

- Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc. The Code of Ethics for the Members of the Judiciary was drawn up by the Commission for the Administration of Justice and is publicly available at <http://www.judiciarymalta.gov.mt/code>.

NAP

138-3. Is there in your country an institution / body giving opinions on ethical questions of the conduct of prosecutors (e.g. involvement in political life, use of social media by prosecutors, etc.)

Yes

No

Comments

138-4. If yes, how is this institution / body formed

only by prosecutors

by prosecutors and other legal professionals

other, please specify:

Comments

138-5. Are the opinions of this institution / body publicly available?

Yes

No

NAP

Comments - Please describe the work of this institution / body, the frequency of opinions, etc.

NAP

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

Disciplinary court or body

Ombudsman

Parliament

Executive power (please specify):

Other (please specify):

This is not possible

141. Who is authorised to initiate disciplinary proceedings against public prosecutors (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):Anyone
- This is not possible

Comments

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- High Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (High Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):

Comments

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
Total number (1+2+3+4)	[X] NA [] NAP	[X] NA [] NAP
1. Breach of professional ethics	[X] NA [] NAP	[X] NA [] NAP
2. Professional inadequacy	[X] NA [] NAP	[X] NA [] NAP
3. Criminal offence	[X] NA [] NAP	[X] NA [] NAP
4. Other	[X] NA [] NAP	[X] NA [] NAP

Comments - If "other", please specify: This information is not made publicly available.

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 10)	[X] NA [] NAP	[X] NA [] NAP
1. Reprimand	[X] NA [] NAP	[X] NA [] NAP
2. Suspension	[X] NA [] NAP	[X] NA [] NAP
3. Withdrawal from cases	[X] NA [] NAP	[X] NA [] NAP
4. Fine	[X] NA [] NAP	[X] NA [] NAP
5. Temporary reduction of salary	[X] NA [] NAP	[X] NA [] NAP
6. Position downgrade	[X] NA [] NAP	[X] NA [] NAP

7. Transfer to another geographical (court) location	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
8. Resignation	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
9. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
10. Dismissal	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. This information is not made publicly available.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: This data is not available

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers



146. Total number of lawyers practising in your country:

	Total	Male	Female
Number of lawyers	1 535 <input type="checkbox"/> NA	749 <input type="checkbox"/> NA	786 <input type="checkbox"/> NA

Comments

147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ()

No (X)

Comments

148. Number of legal advisors who cannot represent their clients in court:

[135]

NA

NAP

Comments The figure of 135 legal advisors is derived from the composite of 101 legal advisors at the end of 2017 and 34 new applications throughout 2018. hence at the end of 2018, there were 135 legal advisors who could practice with an established lawyer in

Malta but cannot represent clients in court.

149. Do lawyers have a monopoly on legal representation in (multiple options are possible):

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	[X]	[X]	[]
Dismissal cases	[X]	[X]	[]
Criminal cases – Defendant	[X]	[X]	[]
Criminal cases – Victim	[X]	[X]	[]
Administrative cases	[X]	[X]	[]

[] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' monopoly:

149-0. If there is no monopoly, please specify the organisations or persons that may represent a client in court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	() Yes (X) No	() Yes (X) No	() Yes (X) No
Family member	() Yes (X) No	() Yes (X) No	() Yes (X) No
Self-representation	() Yes (X) No	() Yes (X) No	() Yes (X) No
Trade union	() Yes (X) No	() Yes (X) No	() Yes (X) No
Other	() Yes (X) No	() Yes (X) No	() Yes (X) No

Comments - If "other", please specify. In addition, please specify for the categories mentioned the types of cases concerned by this/these representation(s): NAP

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- [] Notarial activity
- [X] Arbitration / mediation
- [X] Proxy / representation
- [X] Property manager
- [X] Real estate agent
- [X] Other law activities (please specify):

Comments

149-2. What are the statuses for exercising the profession of lawyer?

Self-employed lawyer

Staff lawyer

In-house lawyer

Comments

150. Is the lawyer profession organised through:

a national bar association

a regional bar association

a local bar association

Comments The national bar association is the Malta Chamber of Advocates.

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

Yes

No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees: In order to practice as a lawyer in Malta, one has to successfully complete an academic degree of Doctor of Law (LL.D) at the University of Malta or any other recognised academic institution. Furthermore, a graduate who wants to practice law has to be in possession of a Warrant issued by the President of Malta under the Public Seal of Malta. Sections 79 to 81A of the Code of Organisation and Civil Procedure (Chapter 12, Title V, of the Legal Profession, The Laws of Malta) outlines the necessary requirements, codified in law, entitling one to exercise the profession of advocate in the Malta.

152. Is there a mandatory general in-service professional training system for lawyers?

Yes

No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

Comments - If yes, please specify:

F1. Please indicate the sources for answering questions 146 and 148:

Sources: Questions 146 and 148 have been answered with the assistance of the Department of Justice

6.1.2. Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the

foreseeable amount of fees)?

Yes

No

Comments The Code of Organisation and Civil Procedure (COCP), Chp 12 of the Laws of Malta, stipulates lawyers' fees within its annex.

155. Are lawyers' fees freely negotiated?

Yes

No

Comments Fees beyond those mentioned in Q154 are freely negotiated.

156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

Yes, laws provide rules

Yes, standards of the bar association provide rules

No, neither laws nor bar association standards provide rules

Comments

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

Yes

No

Comments - If yes, what are the quality criteria used?

158. If yes, who is responsible for formulating these quality standards:

the bar association

the Parliament

other (please specify):

Comments

159. Is it possible to file a complaint about:

the performance of lawyers

the amount of fees

Comments - Please specify:

160. Which authority is responsible for disciplinary procedures?

a judge

Ministry of Justice

a professional authority

other (please specify):

Comments

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings
Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

7. Court related mediation and other alternative Dispute Resolution

7.1 Court related mediation

7.1.1 Details on court related mediation



163. Does the judicial system provide for court-related mediation procedures?

Yes

No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation with a mediator?

Before/instead of going to court

Ordered by the court, the judge, the public prosecutor or a public authority in the course of a judicial proceeding

No mandatory mediation

Comments - If there is mandatory mediation, please specify which fields are concerned: Mandatory judicial mediation is possible only in Family Civil cases. In such cases, as soon as the parties file a case in court, they have to undergo mediation procedures before professional mediators appointed either by the mediation co-ordinator or directly by the judge. In all cases, the judge, whilst honouring the confidentiality of the mediation process, is following the process that might either lead to a peaceful resolution of the family dispute, or might then be taken up in court.

163-2. In some fields, does the legal system provide for mandatory informative sessions with a mediator?

Yes

No

Comments - If there are mandatory informative sessions, please specify which fields are concerned:

164. Please specify, by type of cases, who provides court-related mediation services:

	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Family cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Labour cases including employment dismissals	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Consumer cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments

165. Is there a possibility to receive legal aid for court-related mediation or receive these services

free of charge?

Yes

No

NAP

Comments - If yes, please specify (only one or both options)::

166. Number of accredited or registered mediators for court-related mediation:

	Total	Males	Females
Number of mediators	67 <input type="checkbox"/> NA <input type="checkbox"/> NAP	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP	32 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

167. Number of court-related mediations:

	Number of cases for which the parties agreed to start mediation	Number of finished court-related mediations	Number of cases in which there is a settlement agreement
Total (1 + 2 + 3 + 4 + 5 + 6)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil and commercial cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Family cases	2 059 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
4. Labour cases including employment dismissal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
5. Criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
6. Consumer cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Please indicate the source:

168. Do the following alternative dispute resolution (ADR) methods exist in your country?

Mediation other than court-related mediation

Arbitration

Conciliation (if different from mediation)

Other ADR (please specify):

Comments

G1. Please indicate the source for answering question 166:

Source: The Malta Mediation Centre

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

169. Do you have enforcement agents in your judicial system?

Yes

No

Comments

170. Number of enforcement agents

	Total	Male	Female
Number of enforcement agents	24 [] NA	19 [] NA	5 [] NA

Comments

171. Are enforcement agents (multiple options are possible):

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers:

171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

Option

Seizure of movable tangible properties	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure of immovable properties	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure from a third party of the debtor claims regarding a sum of money	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure of remunerations	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Seizure of motorised vehicles	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Eviction measures	(X) Yes with monopoly () Yes without monopoly () No [] NAP
Enforced sale by public tender of seized properties	() Yes with monopoly () Yes without monopoly () No [X] NAP
Other	(X) Yes with monopoly () Yes without monopoly () No [] NAP

Comments

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- [X] Service of judicial and extrajudicial documents
- [X] Debt recovery
- [] Voluntary sale of moveable or immoveable property at public auction
- [X] Seizure of goods
- [X] Recording and reporting of evidence
- [X] Court hearings service
- [] Provision of legal advice
- [] Bankruptcy procedures
- [X] Performing tasks assigned by judges
- [] Representing parties in courts

Drawing up private deeds and documents

Building manager

Other

Comments

172. Is there a specific initial training or exam to become an enforcement agent?

Yes

No

Comments

172-1. Is there a system of mandatory general continuous training for enforcement agents?

Yes

No

Comments

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

a national body

a regional body

a local body

NAP

Comments Enforcement Agents are Court employees and as such they are organised along the terms and conditions of all court employees working within the Agency.

174. Are enforcement fees easily established and transparent for court users?

Yes

No

Comments

175. Are enforcement fees freely negotiated?

Yes

No

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

Yes

No

Comments

H0. Please indicate the sources for answering question 170

Source: The Court Services Agency

8.1.2. Efficiency of enforcement services



177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

Yes

No

Comments

178. Which authority is responsible for supervising and monitoring enforcement agents?

professional body

judge

Ministry of Justice

public prosecutor

other (please specify): The Court Services Agency

Comments As explained previously, enforcement agents are Court Marshals regulated by the terms and conditions of the Agency.

179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used?

180. If yes, who is responsible for establishing these quality standards?

professional body

judge

Ministry of Justice

other (please specify):

Comments NA

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

Yes

No

Comments - If yes, please specify: There is no distinction between the procedures applied for the enforcement of court decisions against private citizens and those applied to public authorities.

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - If yes, please specify:

183. What are the main complaints made by users concerning the enforcement procedure? Please

indicate a maximum of 3.

- no execution at all
- non execution of court decisions against public authorities
- lack of information
- excessive length
- unlawful practices
- insufficient supervision
- excessive cost
- other (please specify):

Comments

184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular regarding decisions against public authorities?

- Yes
- No

Comments - If yes, please specify:

185. Is there a system measuring the length of enforcement procedures:

	Existence of the system
for civil cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
for administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

186. Regarding a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more (please specify):
- NA

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. For professional inadequacy	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. For criminal offence	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify: No data available

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons: No data available

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: The Court Services Agency

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
 Public prosecutor
 Prison and Probation Services
 Other authority (please specify): The Police

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
 No

Comments

191. If yes, what is the recovery rate?

- 80-100%
 50-79%
 less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Total	Male	Female
TOTAL (1+2+3+4)	353 <input type="checkbox"/> NA <input type="checkbox"/> NAP	136 <input type="checkbox"/> NA <input type="checkbox"/> NAP	217 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Private professionals (without control from public authorities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Professionals appointed by the State	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Public officials	353 <input type="checkbox"/> NA <input type="checkbox"/> NAP	136 <input type="checkbox"/> NA <input type="checkbox"/> NAP	217 <input type="checkbox"/> NA <input type="checkbox"/> NAP

4. Other	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NAP

Comments - If "other", please specify the status: The full list of practising Notaries is published in the Government Gazette every year in January. The above number of Notaries has been derived from the publication issued on the 31st January 2019 accessible at (<https://www.gov.mt/en/Government/DOI/Government%20Gazette/Documents/2019/01/Government%20Gazette%20-%2031st%20January.pdf>)

192-1. What are the access conditions to the profession of notary (multiple options possible):

- diploma
- professional experience/professional training
- exam
- appointment procedure by the State
- other (please specify):

Comments To become a Maltese Notary, one must first have completed the prescribed University course according to law. Following this, one must register as a Trainee for a period of at least 2 years with a Notary who has practiced for at least ten years and approved by Council. After the traineeship period, one would be eligible to sit for the Notarial Warrant Examination held on an annual basis.

192-2. Are notaries appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- yes, please indicate the age of retirement:63
- no, please specify the duration of the appointment:

Comments - are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: The reasons for the cessation, incapacitation or suspension from notarial duties is outlined in Art 14 to 16 of Chapter 55 of the Notarial Profession and Notarial Archives Act, whilst Art 128 to 145 list the disciplinary punishments that Notaries may be liable for in case of misconduct.

194. What kind of activities do notaries perform (multiple options possible):

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures
- Legality control of documents submitted by the parties
- Mediation
- Taking of oaths
- Other, for example collect taxes, keep registers etc. (please specify):

Comments Conveyancing (property sales, purchase, leasing etc.), financial collateral (hypothecation of immovables), succession (wills, trusts, etc) and matters pertaining to civil status (matrimonial regimes, personal separations, etc) are all within the remit of the profession and form the portfolio of a Notary's day-to-day work. Notaries can also function as mediators, but they have to undergo specified training and be registered as mediators with the Malta Mediations Centre.

194-1. Do notaries have the exclusive rights when exercising their profession:

- Within some civil procedures (for example inheritance or inheritance distribution; divorce by mutual consent)
- Authentication
- Certification of signatures

Legality control of documents submitted by the parties

Mediation

Taking of oaths

Other, for example collect taxes, keep registers etc. (please specify):

Comments - Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or on the opposite regarding the competition they have to deal with:

194-2. In which areas of law do notaries perform their activities (multiple options possible)?

Real estate transaction

Family law

Succession law

Company law

Legality control of gambling activities

Other

Comments

194-3. Do notaries use specialised digital systems in their activity?

In establishing authentic instruments

In recording authentic instruments (archives)

Other activity (please specify):

Comments Two (2) e-Services currently being used and offered by the Notary to Government are the Notaries Volumes in Archives (available at <https://justice.gov.mt/mt/ntg/Pages/Notaries-Volumes-in-Archives.aspx>) and the Search Termination of Mandates (<https://justice.gov.mt/mt/ntg/Pages/Termination-of-Mandates.aspx>).

Furthermore, two (2) new services are now online, although work is still ongoing and they have not yet been officially launched yet. These are the:

1: Notarial Acts - (<https://notarialacts.gov.mt>); This e-service allows notaries (and the public in general) to purchase copies of contracts from the Notary to Government (instead of physically going to the Notary to Government Office in Valletta). Copies can be downloaded instantaneously as digital scans (if required volume has already been digitized) or sent as certified hard copies through mail. If the requested document has not yet been digitised, a process is triggered to get the required document scanned and sent to the customer in a few days. Even though this service is still being improved, it is at an advanced stage of completion. On the same platform, one can find a searchable list of active notaries (<https://notarialacts.gov.mt/General/ActiveNotaries>)

2: Notarypedia - (<https://notarypedia.mt/>); This ambitious project is being done by the Notary to Government in collaboration with the University of Malta and volunteers from the Notarial Archives, with the aim of using Artificial Intelligence to make old notarial documents more accessible. The vision behind Notarypedia is to build a complete knowledge representation from the thousands of manuscripts found in the Notarial Archives.

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

Yes

No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

professional body

- court
- Ministry of Justice
- public prosecutor
- other (please specify):

Comments

196-1. Is there a system of general continuous training for all notaries?

- Yes
- No

Comments Continuous training is not mandatory but the Professional Development Committee within the Notarial Council, in coordination with the Institute for Legal Studies (ILS), the University of Malta and other academic bodies, designs information seminars aimed specifically at Notaries.

11. Please indicate the sources for answering question 192:

Sources: The Notarial Council website and the Laws of Malta website

10. Court interpreters

10.1. Details on profession of court interpreter

10.1.1. Status of court interpreters

197. Is the title of court interpreters protected?

- Yes
- No

Comments

198. Is the function of court interpreters regulated by legal norms?

- Yes
- No

Comments Art 596 of Chapter 12 (the Code of Organisation and Civil Procedure) speaks about the employment of court interpreters and the requirements relative to the oath they take upon entering the duties of the office. Apart from this, the Criminal Code (Chp 9 of the Laws of Malta) makes several references to the employment of interpreters, such as when one is under arrest, during court proceedings (when the accused does not understand the language in which proceedings are carried out), in respect of the language of a witness or even if the accused is deaf-mute. This right to interpretation at all stages of criminal proceedings is important to enable the accused to adopt the best defence possible and also to ensure the fairness of criminal proceedings.

199. Number of accredited or registered court interpreters:

- [192]
- [] NA

Comments

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

() Yes

(X) No

Comments - If yes, please specify (e.g. having passed a specific exam):

201. Are the courts responsible for selecting court interpreters?

[] Yes, for recruitment and/or appointment for a specific term of office

[X] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[] No, please specify which authority selects court interpreters

Comments

J1. Please indicate the sources for answering question 199

Sources: Department of Justice

11.Judicial experts

11.1.Profession of judicial expert

11.1.1.Status of judicial experts



202. In your system, what types of judicial experts can be requested to participate in judicial procedures (multiple choices possible):

[X] experts who are requested by the parties to bring their expertise to support their argumentation,

[X] experts appointed by a court to put their scientific and technical knowledge on issues of fact at the court's disposal,

[X] "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

[X] Other (please specify):Court Attorneys

Comments

202-1. Are there lists or databases of registered judicial experts?

(X) Yes

() No

Comments - Please indicate any useful comment regarding these lists or databases of experts, if they do exist (e.g. : Does the expert take an oath? How is his/her skill evaluated? By whom?): In 2016, the Department of Justice has been entrusted to re-organise the court expert system and, as a result, be responsible for the administrative aspect of running this system. The court experts are now recruited following

a bi-annual public expression of interest that is published in all major newspapers. Interested parties are requested (but not obliged) to submit their CV and undergo a due diligence process. An updated list of all experts is provided to the judiciary who are then free to nominate the experts according to the exigencies of the case.

202-2. Who is responsible for registering judicial experts?

- Ministry of justice
- Courts
- Independent body (association of judicial experts)
- Other

Comments The Department of Justice is responsible for the administrative management of the Register of Court Experts.

202-3. Is the registration of judicial experts limited in time?

- Yes, for how long
- No

Comments

203. Is the title of judicial experts protected?

- Yes
- No

Comments - If appropriate, please explain the meaning of this protection:

203-1. Does the judicial expert have an obligation of training?

	Obligation of training
Initial training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Continuous training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

203-2. If yes, does this training concern:

- judicial proceedings
- the profession of expert
- other

Comments NAP

204. Is the function of judicial experts regulated by legal norms?

- Yes
- No

Comments

204-1. On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

Yes

No

Comments

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	560 <input type="checkbox"/> NA <input type="checkbox"/> NAP	435 <input type="checkbox"/> NA <input type="checkbox"/> NAP	125 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The number decreased compared with previous years, because the Department of Justice has been revising the list of Judicial Experts and as a result, redundant names on the previous list have been deleted.

205-1. Who sets the expert remuneration?

- The remuneration received by Court experts is laid out in the Code of organisation and Civil procedure (Chp 12) of the Laws of Malta.

206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge:

206-1. Number of cases where expert opinion was ordered by a judge or requested by the parties

	Number of cases
Total (1+2+3+4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1.Civil and commercial litigious cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.Administrative cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.Criminal cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4.Other cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The actual number of cases in which experts were involved in is not currently available, but the total cost of remuneration given to experts throughout 2018, was of Euros 3,512,916.

207. Are the courts responsible for selecting judicial experts?

- Yes, for recruitment and/or appointment for a specific term of office
- Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No, please specify which authority selects judicial experts

Comments

207-1. Does the judge control the progress of the expertise?

- Yes
- No

Comments

K1. Please indicate the sources for answering question 205

Sources: Department of Justice

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans The State Advocate Act (Act XXV of 2019) (Chapter 603 of the Laws of Malta) completed the parliamentary process and was published on 19 July 2019. The Act, which will enter into force by the 18th December 2019, provides for the establishment of the Office of State Advocate which will take over the role of Chief Legal Advisor to Government, currently performed by the Attorney General and in practice mainly performed through the Civil, Constitutional and Administrative Law section of the Office of the Attorney General. In accordance with Article 3 of the State Advocate Act, an Appointments Commission was established and a call for applications was issued on the face of Government Gazette number 20, 273 of 1 October 2019 for candidates interested in this post. Following the mentioned publication and examination processes, and following the unanimous recommendation of the Appointments Commission, Dr Victoria Buttigieg was appointed as the first State Advocate of Malta. This appointment is a first in Malta’s legal history and it gains more significance in the light of the fact that the Office of the Attorney General has exercised dual functions since 1936. The State Advocate will enjoy the same level of protection and security of tenure as enjoyed by the Members of the Judiciary and the Attorney General. The State Advocate is to be the Chief Legal Advisor to Government in relation to the law and legal opinions and will be explicitly obliged to act in the public interest and safeguard the legality of state actions. The State Advocate will carry out her functions through an independent agency established through the same Act. Following the coming into force of the State Advocate’s Act, the Office of the Attorney General will as a consequence shed the function of Chief Legal Advisor to Government. The Office of the Attorney General will subsequently gradually take over the prosecution role currently performed by the Police in the Court of Magistrates subject to a period of transition. The Office should be able to take on all prosecutions, other than

prosecutions of offences liable to punishment of less than two years imprisonment, by the third quarter of 2020.

2. Budget NA

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) The creation of the upcoming European Public Prosecutor's Office, as provided for in Article 86 of the Treaty on the Functioning of the European Union (TFEU), is the supranational yet de-centralised European Office responsible for investigating, prosecuting and bringing to judgment, where appropriate in liaison with Europol, the perpetrators of, and accomplices in, offences against the Union's financial interests. Once set up, the EPPO shall exercise the functions of prosecutor in the competent courts of the Member States in relation to such offences. The current aim is for the EPPO to be set up by the end of 2020. Currently the twenty-two participating Member States are in the process of adapting their respective national legislation and also creating the required structures at national level for this Office to be up and running by the effective date. Malta is actively participating in this exercise and is seeking to nominate its representatives within this office.

3.1. Access to justice and legal aid During the last years Legal Aid Malta Agency has embarked on outreaching the public by preparing brochures about the services provided by the Agency as well as outlining the main tasks that eligible legal aid clients need to prepare before and during their court case. The Agency has also sponsored legal aid lawyers to attend courses abroad about civil and criminal matters at the Academy of European Law as well as local training about domestic violence. It is the aim of the Agency to continue to reach more vulnerable people in society to come forward to be assisted in providing legal assistance and access to justice and moreover continue to provide training to the staff at the Agency and legal aid lawyers. More recently, Legal Notice 45 of 2019, entitled International Maintenance Obligations (Legal Aid) Order, 2019, was enacted within the European Union Act (Chapter 460 of the Laws of Malta). This legislation extends the right of citizens from all European Member States to apply through the Central Authority, for Legal Aid in matters relating to maintenance obligations, thereby making it possible for persons living in other European Countries to request maintenance from persons living and/ or working in Malta.

4. High Judicial Council NA

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. NA

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities NA

7. Enforcement of court decisions NA

8. Mediation and other ADR NA

9. Fight against crime NA

9.1. Prison system NAP

9.2 Child friendly justice NAP

9.3. Violence against partners NAP

10. New information and communication technologies The Department of Justice, in collaboration with the Information Management Unit, have been working over the past year to set up the first comprehensive register of warranted lawyers on the Maltese Islands. This exercise, that is still in process, is seeking to gain the consent of all warranted lawyers to publish online their professional contact details in a bid to facilitate access to justice-related information. Once completed, this Register will be the authoritative resource used to verify whether or not a lawyer is warranted, and would also provide the contact details. The innovation behind this project is that this is the first exercise in which the Department of Justice is using Distributed Ledger Technology, namely blockchain. The Register can be accessed at: www.lawyersregister.gov.mt. In the meantime, ongoing projects carried between the IMU and the University of Malta are seeking to address the creation of the semantic layer in preparation for the eventual introduction of AI in respect of the Laws of Malta and the court judgements.

11. Other SRSS2 project: Supporting the efficiency of Justice in Malta. In December 2018, the Ministry for Justice, Culture and Local Government together with the Council of Europe, launched a technical assistance project funded by the Structural Reform Support Services (SRSS) of the European Union. The project was carried out with the expert assistance of CEPEJ experts as well as experts from the Justice and Legal Co-Operation Department of the Council of Europe. The project addressed 3 key areas of reform, namely:

- Component 1: a review of the compilation of evidence proceedings with a view to improve efficiency through a reduction of the time taken for the proceedings to progress to trial;
- Component 2: recommendations targeted at reducing the backlog at the Civil Court of Appeal, Superior Jurisdiction, through capacity building, legislative reforms and introduction of a triage system;
- Component 3: recommendations on the formulation and implementation of a Human Resource Strategy for the Court Services Agency.

The project involved a number of study visits by the CoE experts to Malta, extensive stakeholder meetings, and study visits to jurisdictions of choice by local stakeholders. At the end of the project, in November 2019, 2 reports detailing the recommendations made by the experts in the various Components, were presented to the Ministry for Justice, Culture and Local Government. A 6-month extension to the project is currently being debated in order to ensure assistance in the implementation of some of the recommendations.

SRSS3 project: Establishing a digital strategy for the Maltese justice sector. In October 2018, the Ministry for Justice, Culture and Local Government submitted another application for expert assistance through the Structural Reform Support Services (SRSS) at the European Union. The expert provider will be the Council of Europe. This project, that will see to the drafting of the first digital justice strategy for the Maltese Islands, will commence in January 2020 with a timeframe of 1 year.