



Reference data 2020 (01/01/2020 - 31/12/2020)

Start/end date of the data collection campaign : 19/03/2021 - 01/10/2021

Objective :

The CEPEJ decided, at its 35th plenary meeting, to launch the ninth evaluation cycle 2020 – 2022, focused on 2020 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. 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

1.1.1Inhabitants and economic general information



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

[514 565]

Comments

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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	5 970 558 000 <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 figures are provided by the NSO but they include the government additional expenditure on health and sustaining industry during Covid.

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

[24 634]

Comments

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

[18 923]

NA

Comments

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 the questions in this part

Sources: This information was provided by the National Statistics Office of Malta (www.nso.gov.mt).

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 budget of public prosecution services and/or the one allocated to legal aid, please go to question 7. If you are able to answer this question 6, please answer NA to 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)	20 790 700 [] NA [] NAP	29 170 570 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	14 186 875 [] NA [] NAP	14 323 929 [] NA [] NAP
2. Annual public budget allocated to computerisation (2.1 + 2.2)	32 700 [] NA [] NAP	30 039 [] NA [] NAP
2.1 Investments in computerisation	[] NA [X] NAP	[] NA [X] NAP
2.2 Maintenance of the IT equipment of courts	32 700 [] NA [] NAP	30 039 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	3 965 500 [] NA [] NAP	9 719 852 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	2 061 845 [] NA [] NAP	2 297 247 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	[] NA [X] NAP	2 255 000 [] NA [] NAP
6. Annual public budget allocated to training	1 000 [] NA [] NAP	0 [] NA [] NAP
7. Other (please specify)	542 780 [] NA [] NAP	544 503 [] 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: Q006.1: The increase in salaries is due to an enhanced organisational structure within the courts and more judiciary appointed to the bench.

Q006.2: In previous evaluations, the submitted implemented budget included the expenditure on computerisation of the courts by the Office of the CIO. This year, the implemented budget is that effectively incurred by the Court Services Agency and that is the reason behind the apparent discrepancy.

Q006.3: The increase in expenditure of justice expenses relates to the cost of a number of high profile cases in court that required foreign expertise and also a lot of transcriptions. Despite making allowances for the expenditure, still the total cost of experts was much higher than estimated. These are costs that cannot be quantified a priori because they relate to the nature of the cases that will be filed after the approved budget has been decided, and commensurate on the nature of the cases themselves.

Q006.5: This budget relates to the payment of expenditure on new court buildings, incurred in previous years. This therefore reflects the payment of previous expenditure and not of expenditure incurred in 2020.

Q006.6: No funds were utilised during this year as no training was held during the Covid pandemic.

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 the one allocated to legal aid, please fill in 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:

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

	Litigants required to pay a court fee to initiate a proceeding at a court of general jurisdiction ?
for criminal cases	<input type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input checked="" type="checkbox"/> No
for other than criminal cases	<input checked="" type="checkbox"/> Yes, at the beginning of the procedure <input type="checkbox"/> Yes, at a later stage <input type="checkbox"/> No

If there are exceptions to the obligation to pay these court fees, could you please provide comments on those exceptions? In 'Other than criminal cases', most of the court fees are paid when initiating proceedings. However in specific cases where a case is for the Liquidation of Damages, an initial registry fee of €700 is paid and when the court liquidates the damages following judgement, the final registry fees are worked out and charged to the plaintiff.

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

- The Code of Organisation and Civil Procedures (Chapter 12) regulates all court fees and taxes, such as registry fees and lawyers' fees that can arise in the course of any civil proceeding. 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 €):

[6 270 569]

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)	500 000 <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
12.1 for cases brought to court (court fees and/or legal representation)	500 000 <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
12.2 for cases not brought to court (legal advice, ADR and other legal services)	<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 The increase in the approved budget of Legal Aid Malta reflects the continuous improvement and development of the Agency since it took its independent status. The approved budget relates to improved financial remuneration conditions, an increase in the legal staff, an increase in the administrative/ support staff and overall improvements in the system. Legal Aid Malta also moved to new premises and hence, whilst this is mainly a capital cost, the move to better premises also reflects itself in the recurrent budget. As regards Q12.2, Legal Aid Malta started offering legal advice to their clients without necessarily being accompanied with legal representation in court. The cost of providing legal advice cannot be quantified, but in any case, it is minimal when compared to the cost of legal representation in court. Hence an NA answer for 12.2 started being provided as from this evaluation.

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)	489 795 <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
12-1.1 for cases brought to court (court fees and/or legal representation)	489 795 <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
12-1.2 for cases not brought to court (legal advice, ADR and other legal services)	<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

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 reflects the increase in the approved budget, and this is because of the reasons explained in Q12 above. On the other hand, Legal Aid Malta were also effected by the disruption brought about by the Pandemic, and even if they started offering new services at this time, the number of cases requiring legal aid representation reflected the fewer cases being brought to court. Hence the implemented budget fell slightly short of the approved budget. As regards Q12.2, Legal Aid Malta started offering legal advice to their clients without necessarily being accompanied with legal representation in court. The cost of providing legal advice cannot be quantified, but in any case, it is minimal when compared to the cost of legal representation in court. Hence an NA answer for 12.2 started being provided as from this evaluation.

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012-2. Does legal aid include:

	Legal aid includes:
Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments In Malta, Legal Aid does not cover court fees because it is totally exempt from paying them.

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012-3. Do legal aid budgets indicated in Q12 and Q12-1 include:

	Amount calculated/estimated included
Coverage of court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Exemption from court fees	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments Legal Aid is exempt from court fees and there is no budgetary allocation addressed at covering court fee expenses on behalf of its clients.

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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)	2 500 000 [] NA [] NAP	2 746 631 [] 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:

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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	(X) Yes () 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

Comments - If “Other Ministry” and/or “Inspection body” and/or “Other”, please specify:

014-0. What are the criteria used to allocate financial resources among courts? Furthermore, please select maximum three main criteria of allocation

	Criteria used	Main criteria
Previous years’ budget costs	[X]	[X]
Special needs assessment	[X]	[X]
Number of judges/non judges’ staff	[X]	[X]
Number of incoming cases	[]	[]
Number of pending cases	[]	[]
Number of resolved cases	[]	[]
Other	[]	[]

[] NAP

Comments - If “Other”, please specify The criterion named 'Special needs assessment' refers to all ongoing projects undertaken by the Court Services Agency that require the requisition of additional finances, such as, video-conferencing equipment, etc ...

014-1. Who is entrusted with responsibilities related to the budget within a first instance 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
Court President and/or judge(s)	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Head of court administration and/or non-judges	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Mixed body (judge(s) and non-judge(s))	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Other	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments - If “Other”, please specify. If the responsibilities are different depending on the type/instance of courts, please answer the question for the first instance court of general jurisdiction and describe the differences in the comment box:

A2. Please indicate the sources for answering the questions in this part

Sources: Data has been verified with the Court Services Agency

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 €	162 996 000 [] NA [] NAP	178 389 191 [] NA [] NAP

Comments - 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: Approved budget: The increase in the projected budget reflects increases in the approved budgets across most agencies used for this calculation.

Implemented budget: The increase in the implemented budget mainly reflects an increase in the expenditure of the Court Services Agency.

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

	Included
Courts	(X) Yes () No [] NAP
Legal aid	(X) Yes () No [] NAP
Public prosecution services	(X) Yes () No [] NAP

Comments The budget for the Public Prosecution Services refers to the budget of the Office of the Attorney General.

015-3. Other budgetary elements

	Included
Prison system	(X) Yes () No [] NAP
Probation services	(X) Yes () No [] NAP
High Judicial Council	(X) Yes () No [] NAP
High Prosecutorial Council	() Yes () No [X] NAP
Constitutional court	(X) Yes () No [] NAP
Judicial management body	(X) Yes () No [] NAP
State advocacy	(X) Yes () No [] NAP
Enforcement services	(X) Yes () No [] NAP
Notariat	(X) Yes () No [] NAP
Forensic services	(X) Yes () No [] NAP
Judicial protection of juveniles	() Yes (X) No [] NAP

Functioning of the Ministry of Justice	(X) Yes () No <input type="checkbox"/> NAP
Refugees and asylum seekers services	(X) Yes () No <input type="checkbox"/> NAP
Immigration Service	(X) Yes () No <input type="checkbox"/> NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	(X) Yes () No <input type="checkbox"/> NAP
Other	(X) Yes () No <input type="checkbox"/> NAP

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

- the Malta Arbitration Centre (MAC)
- the Malta Mediation Centre
- the Public Commission Against Corruption (PCAC)
- the Law Commissioner
- the Justice Reform Commission
- the Asset Recovery Bureau - the Department of Justice

A3. Please indicate the sources for answering the questions in this part

Sources: The budgetary estimates have been drawn from the official Government's Financial Estimates, available online at www.fin.gov.mt and also verified with the respective entities (Ministry for Justice and Governance and Ministry for Home Affairs, National Security and Law Enforcement)

1.2. Organisation and management of courts and public prosecution services

015-4. Please describe who has responsibilities for the management of individual courts, what management roles they have, what is their status and their position in the organisational hierarchy of the court concerned.

- The Court Services Agency was established as an Agency by Legal Notice 197 of 2019. The Agency is headed by a CEO directly appointed by the Minister for Justice in agreement with the Chief Justice. The management team is then composed of a number of Directors who have been selected following public calls for recruitment. The court administration is fully responsible for the management and operations of all the courts in Malta and Gozo, as well as for the non-judicial staff working therein. On the other hand, the responsibility and management of the judicial branch rests solely on Hon. Chief Justice. The Chief Justice oversees the allocation of cases, the distribution of the work-load, the judicial complement and also serves as the President of the Court of Appeal, Civil Jurisdiction, the Constitutional Court and the Court of Criminal Appeal. In addition, he also serves a variety of functions in relation to his appointment on a number of Boards and Commissions. The appointment of judges and magistrates is carried out through the Judicial Appointments Committee, in which the Chief Justice is a member, whilst any disciplinary issues are addressed by the Commission for the Administration of Justice. Judges and Magistrates are responsible for the management of their respective courts but are not involved in the allocation of human and financial resources needed for the running of the courts.

015-5. Please describe who has responsibilities for the management of individual public prosecution offices, what management roles they have, what is their status and their position in the organisational hierarchy of the office concerned.

- The Office of the AG is the constitutionally independent prosecution service of Malta. The person ultimately responsible for the work carried out by the Office is the Attorney General, who is assisted in her work by the Deputy AG (legal person) and a whole administrative and operational structure. The Office of the AG is centrally located in Valletta and has no satellite offices across the islands. The Attorney General is appointed by the President of Malta, acting on the advice of the Prime Minister and the recommendations of an Appointments Committee. On the other hand, the administrative staff working in the Office of the AG is recruited following the issuance of public calls. More information on the Office of the Attorney General can be accessed at: www.attorneygeneral.mt

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

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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: <http://www.legalaidmalta.gov.mt>. As from April 2020, the Legal Aid Agency has extended its services related to the provision of legal advice to victims of domestic violence, thereby fulfilling the obligations set in the Istanbul Convention and incorporated in domestic law under Article 57 of the schedule attached to Chapter 581 of the Laws of Malta.

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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:

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	946 <input type="checkbox"/> NA <input type="checkbox"/> NAP	755 <input type="checkbox"/> NA <input type="checkbox"/> NAP	191 <input type="checkbox"/> NA <input type="checkbox"/> NAP
In criminal cases	626 <input type="checkbox"/> NA <input type="checkbox"/> NAP	626 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In other than criminal cases	320 <input type="checkbox"/> NA <input type="checkbox"/> NAP	129 <input type="checkbox"/> NA <input type="checkbox"/> NAP	191 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate: In Other than Criminal Cases, the low figure quoted as compared to previous evaluations relates to the disruptive effect that the COVID-19 pandemic had on court operations. During 2020, most services at the Legal Aid Agency were limited to the provision of services and the Courts of Law were closed for non-urgent court applications.

It is important to note that towards the end of April 2020, Legal Aid Malta started offering legal advice (not representation in courts) to clients experiencing domestic violence. In addition to the 129 cases brought to court, Legal Aid Malta offered legal advice to 191 clients experiencing DV. Each client referred to or requiring assistance from Legal Aid Malta Agency in relation to domestic violence is being assigned a legal aid lawyer for the necessary legal advice required. Such clients do not always want to pursue assistance at Court. This service has fulfilled the obligation set in the Istanbul Convention and has been incorporated in domestic law under Article 57 of the schedule attached to Chapter 581 of the Laws of Malta.

020-1. Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final approval of the legal aid request:

	Time in days
Maximum duration prescribed in law/regulation	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Actual average duration	19 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify if the envisaged timeframe is set in a statutory law, or in other regulation. Furthermore, if different timeframes are envisaged for criminal and other than criminal cases please provide more information: The average number of days indicated above (19 days) refers to Other than Criminal cases and is computed as follows:

> 5 days: from the time a person asks for legal aid information up to the presentation of the actual means test documents.

> between 7 to 14 days (avg: 10.5 days): from the presentation of the documents by the client to the day set for an appointment with the Advocate for Legal Aid.

> 3 days: from date a Court application is presented at the Court's registry up to the day the Judge gives a decree.

In criminal cases:

No means test is required. When a person is referred to Legal Aid for a criminal case assistance and court representation, the Agency only requires the summons issued by the Police to draft the necessary Court applications, or a copy of the judgment in case of appeals. The average duration of the procedure for the granting of Legal Aid in Criminal Cases, from the point of referral to the day when a Court application is filed, is 4 days.

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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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify:

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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Victims	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 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?

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. 912b, Chp 12). Therefore the quoted sum reflects the 2020 monthly minimum wage which was of Euros185.33, multiplied by 52 weeks. As regards the annual assets value, the COCP (Chp 12 of the Laws of Malta) stipulates that these should not exceed Euros6988 (Art 912) for eligibility for legal aid.

In Malta there is no such evaluation or means testing in criminal cases. There is no partial legal aid available in Malta.

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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Full legal aid to the applicant for other than criminal cases	9 637 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6 988 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Partial legal aid to the applicant for criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Partial legal aid to the applicant for other than criminal cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> 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 Art 914. This can be accessed at: <https://legislation.mt/eli/cap/12/eng>

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

the judge(s) dealing with the main case

another judge or official

an authority external to the court

several authorities (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	(X) Yes () No
in other than criminal cases	(X) Yes () No

Comments - If no, please specify how legal costs are distributed: The Court in its judgement, can decide how legal costs will be paid by the parties.

B1. Please indicate the sources for answering the questions in this part

Sources: This information was provided and verified by Legal Aid Malta Agency.

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, Judicial Council etc.) where general public may have free-of-charge access to the following:

	Yes, internet adresse(es)	No
Legal texts (e.g. codes, laws, regulations, etc.)	(X) www.legislation.mt	()
Case-law of the higher court/s	(X) www.ecourts.gov.mt	()
Information about the judicial system (organisation of courts, court proceedings, etc)	(X) www.ecourts.gov.mt ; www.judiciary.mt	()
Other documents (e.g. forms, downloadable forms, online registration forms)	(X) www.justice.gov.mt ; www.servizz.gov	()

Comment - Please specify what documents and information are included in "Other documents" In Other documents, reference is being made to the website of the Department of Justice (www.justice.gov.mt) that contains online registration forms for lawyers who want to practice the legal profession in Malta under their home title, the link to the Registry of Lawyers which is the first comprehensive directory of warranted lawyers in Malta, and the link to servizz.gov, that is the government's centralised website offering online services to the population, including e-forms related to matters of justice.

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

() Yes, always

(X) No

() Yes, only in some specific situations

Comment - If "Yes, only in some specific situations", please specify:

030. Is there a public and free-of-charge information system for providing information and facilitating access to justice:

	Information system
General for citizens	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input checked="" type="checkbox"/> Other <input type="checkbox"/> No
Specific for victims of offences	<input checked="" type="checkbox"/> Online information <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input checked="" type="checkbox"/> In-person (physical access on site) <input checked="" type="checkbox"/> Other <input type="checkbox"/> No
Specific for minors (child-friendly systems)	<input type="checkbox"/> Online information <input type="checkbox"/> Telephone <input type="checkbox"/> Interactive chat <input type="checkbox"/> In-person (physical access on site) <input type="checkbox"/> Other <input checked="" type="checkbox"/> No

Comment - Please provide more information on these systems. Furthermore, please specify how this assistance is provided.

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	<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
Victims of terrorism	<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
Minors (witnesses or victims)	<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
Victims of domestic violence	<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
Ethnic minorities	<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
Persons with disabilities	<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 specific arrangements", please specify: In 'Ethnic Minorities', all efforts are made

to find a suitable translator that can speak the language of the ethnic minority in order to ensure that the parties to a case fully understand what is being said in court.

031-0. If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?

- Special and child-adequate preparation for participation in trials / lawsuits (explaining in a child-friendly manner the proceedings)
- Special room in court designated for child-friendly hearings
- Special person / team of trained professional(s) (such as psychologists) to accompany a minor throughout the proceedings
- Special ways to communicate and explain meaning of court decisions
- Interagency/multidisciplinary structure such as “Children’s Houses”
- Other, please specify
- NAP

Comment In some of the cases, the minors are accompanied by social workers/ psychologists from the national social support agency, Appogg.

031-1. What are the main criteria for a minor to initiate a proceeding, take procedural actions in his/her own name or to be a witness?

	Civil proceedings	Criminal proceedings
Capacity to initiate a proceeding and take other procedural actions in his/her own name	<input checked="" type="checkbox"/> Age threshold [Comment]18 <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input type="checkbox"/> Capacity for discernment <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP
To be a witness	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP	<input type="checkbox"/> Age threshold [Comment] <input type="checkbox"/> Exceptions from the threshold <input checked="" type="checkbox"/> Capacity for discernment <input type="checkbox"/> Other <input type="checkbox"/> NAP

Comment - Please specify if you selected answers “Exceptions from the threshold” and “Other”. If your system distinguishes between full and limited capacity to take legal actions, please describe the basis for this differentiation (age, capacity for discernment, type of action, type of cases, other). Civil Proceedings: Article 781 of the Code of Organisation and Civil Procedure (COCP - Chp12 of the Laws of Malta) states that persons under the age of 18 may not sue or be sued except in the person of the parent exercising paternal authority, or, in the absence of such parent, of a tutor or a curator. As regards being a witness, there is no age threshold as long as there is capacity for discernment. According to the COCP, ‘all persons of sound mind’ are admissible witnesses; an exception to this rule is when there are ‘objections against their competency’ (article 563). By ‘all persons’ the COCP ensures that anyone can testify ‘whatever may be the age of the witness’, as long as ‘he understands it is wrong to give false testimony’ (article 564). This is so because witnesses are required to take an oath and swear ‘to tell the truth, the whole truth and nothing but the truth’ (article 112(1)).

Criminal Proceedings: There is no age threshold stipulated in criminal proceedings. In fact, the Criminal Code (Chapter 9 of the Laws of Malta) grants the right to every person (which includes minors) to give information to any officer of the Executive Police of any offence liable to the prosecution including the right to lodge a complaint if they feel aggrieved by any offence.

031-2. If a minor cannot conduct proceedings in his/her own name, who can represent him/her in judicial proceedings?

	Civil proceedings	Criminal proceedings
Parent/legal guardian	<input checked="" type="checkbox"/> Yes, always <input type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes, always <input checked="" type="checkbox"/> Yes, except in some specific situations <input type="checkbox"/> No <input type="checkbox"/> NAP
Other representative (instead of parent/legal guardian)	<input type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input type="checkbox"/> Other <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Social care services or other public institution <input type="checkbox"/> Legal professional <input type="checkbox"/> Associations for protection of minors <input checked="" type="checkbox"/> Other <input type="checkbox"/> NAP

Comment In criminal proceedings, the Police could also take action on behalf of the minor, particularly if the minor reports his parents/legal guardians of any offence towards him/ her to the Executive Police.

031-3. What are the different criteria for the criminal liability of minors? (multiple replies possible)

- Age threshold(s)
- Capacity for discernment
- Other criteria

Comment Further to the above answers, Article 37 of the Criminal Code states:

- (1) The minor under sixteen years of age shall also be exempt from criminal responsibility for any act or omission done without any mischievous discretion.
- (2) In the case where the act or omission is committed by a minor between fourteen to sixteen years of age acting with mischievous discretion and in the case where the minor is aged between sixteen and eighteen years, the applicable penalty shall be decreased by one or two degrees.

Minors under the age of fourteen are deemed to be doli incapax.

031-3-1. What is the age threshold for the criminal liability of minors?

Criminal liability resulting in sentence without privation of liberty (for example, educational measures)

- [14]
- NA
- NAP

Criminal liability resulting in sentence of privation of liberty

- [18]
- NA
- NAP

Comment - Please describe, briefly, the specifics of your system. Could you, please specify if the possibility of mitigation applies to the sanctions and how? Please see comment for Q31-3

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

- Yes, but only if offender is unknown
- Yes, but only if compensation could not be obtained from offender
- Yes, always
- No

Comment

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
- For some types of offences
- NAP

Comment - Please specify: The list of offences that fall within the criminal injuries compensation scheme can be found in Subsidiary Legislation 9.12 of 2012

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.

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
- For some types of offences
- NAP

Comment - Please specify: The list of offences that fall within the criminal injuries compensation scheme can be found in Subsidiary Legislation 9.12 of 2012

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.

032-0. If yes, for what types of offences the compensation is allocated?

- For all types of offences
- For some types of offences
- NAP

Comment - Please specify: The list of offences that fall within the criminal injuries compensation scheme can be found in Subsidiary Legislation 9.12 of 2012

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.

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: Article 40 (1) of the Police Act, mentions the witness protection programme where it states: "Where a person who is the victim of a crime is to be produced as a witness in any criminal proceedings [...] and that person is concerned for his safety or there exist concerns over that person's safety, the Commissioner may, subject to the provisions of article 39, set up a witness protection programme..."

Vulnerable witnesses (including victims) may also tender evidence through videoconferencing (article 55 of the Police Act and article 647A of the Criminal Code).

The Victims of Crime Act, transposed in Malta from the EU Directive establishing minimum standards on the rights, support and protection of victims of crime (2012/29/EU), gave importance to the right to information, as competent authorities are bound to provide the victims with the appropriate information pertaining to the laws safeguarding their rights and protection. Moreover, victims are to be informed of any ongoing information about their case.

035-1. Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?

Yes

No

Comment - If yes, please specify: The legislation related to victims quoted in Q35 applies for minors as well.

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 answers in this question and question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".

Yes

No

[] NAP

Comment - If necessary, please specify: Article 2(1) of the Attorney General's Ordinance, inter alia states that the Attorney General, in the exercise of his powers to discontinue criminal proceedings, may exercise such power in his individual judgment. Article 433(2) of the Criminal Code states that the Attorney General may also withdraw an indictment already filed, by making a declaration in court to such effect. Likewise, article 600 of the Criminal Code states that the Attorney General may withdraw any indictment which he may have filed, provided that this is done before the accused pleads to the general issue of guilty or not guilty.

Judicial review of decisions taken either by the Police to investigate or by the Attorney General to prosecute (as the case may be) may be instituted by the victims (injured party) in terms of article 541 of the Criminal Code.

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 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
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

Comment - Where appropriate, please give details of the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): Under article 3 of the 7th protocol of the European Convention for Human Rights there is the right to compensation for wrongful conviction whilst under article 5(5) of the European Convention of Human Rights (transposed as Chapter 319 of the Laws of Malta), there is the right to compensation for unlawful detention. However no data is available.

2.2.2 Confidence and satisfaction of citizens with their justice system

038. Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?

	National level	Court level
Surveys for judges	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for court staff	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for public prosecutors	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for lawyers	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
Surveys for other professionals	<input type="checkbox"/> Other regular <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Surveys for 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
Surveys for 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
Surveys for victims	<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
Surveys for minors	<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
Surveys for the general public	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input checked="" type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
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

Comment - Please, indicate the references and links to the satisfaction surveys you mentioned above: The Department of Justice has initiated the administration of regular court user satisfaction surveys to professional users of the justice system. These surveys are carried out on one user group per year but during 2020, no surveys were carried out mainly due to the uncertainties being faced by the pandemic. Other surveys targeting other aspects of the justice system were carried out in 2021. Court user satisfaction surveys on the above-identified populations will start being implemented again in 2022.

039. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

- Yes, please specify:
- No

Comment - If you have additional comments please specify: Certain demographic data about court users, especially those in civil cases, can be elicited from the courts' case management system. In criminal cases, given that most of the proceedings are not yet digitalised, court data has to be elicited manually from physical court files only if absolutely necessary.

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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments 'Others' refers to the Commission for the Administration of Justice.

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 type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: The proceedings of the Commission for the Administration of Justice are not available to the public.

3. Organisation of the court system

3.1. Courts

3.1.1 Number of courts

042. Number of courts - legal entities.

	Number of courts
Total number of all courts - legal entities (1 + 2)	15 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1 Total number of courts of general jurisdiction - legal entities (1.1 + 1.2 + 1.3)	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1.1 First instance courts of general jurisdiction - legal entities	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP

1.2 Second instance courts of general jurisdiction - legal entities	4 [] NA [] NAP
1.3 Highest instance courts of general jurisdiction - legal entities	[] NA [X] NAP
2 Total number of specialised courts - legal entities	7 [] NA [] NAP

Comments The 1st instance courts of general jurisdiction are:

- the Court of Magistrates, Civil Jurisdiction (competency up to Euros 15,000)
- the Civil Court, First Hall (civil cases above Euros 15,000)

The 2nd instance courts of general jurisdiction are:

- the Civil Court of Appeal, Inferior Jurisdiction - the Civil Court of Appeal, Superior Jurisdiction

In the Maltese judicial system, there are only 2 instances of courts, hence Q1.3 is marked as NAP.

The increase in the number of courts as legal entities reflects the addition of the criminal courts to the above data, namely:

- 1st Instance Courts: Court of Magistrates Criminal Jurisdiction and Criminal Court
- 2nd Instance Courts: Criminal Court of Appeal in its Inferior and Superior Jurisdiction

043. Number of specialised courts – legal entities.

	First instance	Higher instances
Total number of specialised courts - legal entities	7 [] NA [] NAP	[] NA [X] NAP
Commercial courts (excluded insolvency courts)	[] NA [X] NAP	[] NA [X] NAP
Insolvency courts	[] NA [X] NAP	[] NA [X] NAP
Labour courts	[] NA [X] NAP	[] NA [X] NAP
Family courts	[] NA [X] NAP	[] NA [X] NAP
Rent and tenancies courts	1 [] NA [] NAP	[] NA [X] NAP
Enforcement of criminal sanctions courts	[] NA [X] NAP	[] NA [X] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP	[] NA [X] NAP
Administrative courts	1 [] NA [] NAP	[] NA [X] NAP

Insurance and / or social welfare courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Military courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Juvenile courts	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other specialised courts	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "Other specialised courts", please specify: A number of courts that used to be previously identified as specialised courts, are not being categorised this time, given that they all make part of the First Hall, General Jurisdiction Court. These are:

- The Commercial Court (including insolvency cases)
- The Family Court

The identified specialised courts listed under 'Other specialised courts' are:

- the Land Arbitration Board
- the Rural Leases Control Board
- the Small Claims Tribunal
- the Court of Voluntary Jurisdiction

The Juvenile Court is a specialised criminal court.

044. Number of courts - geographic locations.

	Number of courts (geographic locations)
First instance courts geographic locations (this includes 1st instance courts of general jurisdiction and first instance specialised courts)	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
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)	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

=

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

	Number of courts
A small claim	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

NA

NAP

Comments

045-1. Is your definition of a small claim the same as the one in the Explanatory note?

Yes

No

Comments - If not, please give your definition of a small claim:

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

[5 000]

Comments

C. Please indicate the sources for answering the questions in this part

Sources: Data verified with the Court Services Agency

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 posts actually filled for all types of courts - general jurisdiction and specialised courts)

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	42 <input type="checkbox"/> NA <input type="checkbox"/> NAP	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP	24 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Number of first instance professional judges	33 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 <input type="checkbox"/> NA <input type="checkbox"/> NAP	22 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Number of second instance (court of appeal) professional judges	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Number of Supreme Court professional judges	<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

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

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046-1-1. Does your system allow part-time work for judges with proportionally reduced

remuneration?

() Yes

(X) No

Comments

046-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

- Child-care
- Elderly care
- For the purposes of early retirement
- Other reason, please specify:
- Without reason

Comments

046-1-3. If yes, what is the percentage of judges working part-time (in relation to the total number of judges)?

	Total (%)	Male (%)	Females (%)
Total (1 + 2 + 3) (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. At first instance level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. At Supreme Court level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

046-1-4. What is the percentage of work time of a judge working part-time compared to a full-time equivalent judge?

- () Less than 50%
- () 50 – 60%
- () 60 - 80%
- () More than 80%
- NA
- NAP

Comments

=



046-2. Number of judges (FTE) by case type:

	Total	Civil and/or commercial	Criminal	Administrative	Other
Total number of judges	42 [] NA [] NAP	22 [] NA [] NAP	17 [] NA [] NAP	3 [] NA [] NAP	[] NA [X] NAP
First instance	33 [] NA [] NAP	17 [] NA [] NAP	13 [] NA [] NAP	3 [] NA [] NAP	[] NA [X] NAP
Second instance	9 [] NA [] NAP	5 [] NA [] NAP	4 [] NA [] NAP	[X] NA [] NAP	[] NA [X] NAP
Supreme court	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

If “Other”, please explain which types of cases: Some judges in the Maltese judicial system preside over both civil and criminal courts. In this instance, such judges have been distributed evenly between the 2 courts.

Administrative cases at first instance are heard by the Administrative Review Tribunal, presided over by 3 magistrates. If appealed, such cases are heard by the Court of Appeal Inferior Jurisdiction presided over by a judge who hears and decides cases appealed from a number of first instance courts (not only the Administrative Review Tribunal).



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047. Number of court presidents (professional judges).

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	4 [] NA [] NAP	1 [] NA [] NAP	3 [] NA [] NAP
1. Number of first instance court presidents	3 [] NA [] NAP	0 [] NA [] NAP	3 [] 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	28 [] NA [] NAP
In full-time equivalent	[] NA [X] NAP

Comments - If necessary, please provide comments to explain the answer provided: The above figure is made up of 7 lawyers/ part-time judges presiding over the Small Claims Tribunal and 21 Commissioners for Justice (list publicly available at <https://www.gov.mt/en/Government/Government%20of%20Malta/Ministries%20and%20Entities/Officially%20Appointed%20Bodies/Pages/Commissions/commissioners-for-justice.aspx>).

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 Out of a total incoming civil court caseload of 4555 cases, the Small Claims Tribunal had 363 incoming cases, thereby 8% of the total incoming caseload. It is not possible to access the number of cases presided over by the Commissioners for justice given that these do not form part of the court case management system.

049. Number of non-professional judges who are not remunerated but who may 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 on a jury):

	Figure
Gross figure	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
In full time equivalent	<input type="checkbox"/> NA <input checked="" type="checkbox"/> 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 / mixed bench
Criminal cases (severe)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases (misdemeanour and/or minor)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Labour law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Social law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commercial law cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Insolvency cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other civil cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

[X] NAP

Comments - If "Other civil cases", please specify:

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

(X) Yes

() No

Comments

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

[X] Criminal cases

[] Other than criminal cases

Comments

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

[12]

[] NA

[] NAP

Comments Given the issues related to the pandemic, there was only 1 trial by jury held during 2020.



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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 posts actually filled)

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	396 [] NA [] NAP	166 [] NA [] NAP	230 [] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Non-judge (judicial) staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, helping to draft the decisions)	246 [] NA [] NAP	64 [] NA [] NAP	182 [] NA [] 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)	53 [] NA [] NAP	25 [] NA [] NAP	28 [] NA [] NAP

4. Technical staff	4 [] NA [] NAP	4 [] NA [] NAP	0 [] NA [] NAP
5. Other non-judge staff	93 [] NA [] NAP	73 [] NA [] NAP	20 [] NA [] NAP

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

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 posts actually filled).

	Total	Males	Females
Total non-judge staff working in courts (1+2+3)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
1. Total non-judge staff working in courts at first instance level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
2. Total non-judge staff working in courts at second instance (court of appeal) level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
3. Total non-judge staff working in courts at Supreme Court level	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments It is not possible to differentiate the non-judge staff according to these criteria.

=

053. If there are Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal in your judicial system, please specify in which fields 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
- Non-litigious cases
- Other cases not mentioned (please describe in comment)
- NAP

Comments - Please briefly describe their status and duties: In Malta, we do not have Rechtspfleger.

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

(X) 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):

Comments Throughout 2020, the Court Services Agency outsourced additional services to the above, including, architectural services, transport and hospitality services during the jury that was held, engineering and audiovisual services, medical verification services and radiation protection consultancy services.

C1. Please indicate the sources for answering the questions in this part

Sources: This information has been provided and verified with 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 posts actually filled, for all types of courts – general jurisdiction and specialised courts).

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	38 [] NA [] NAP	20 [] NA [] NAP	18 [] 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

Comments - Please indicate any useful comment for interpreting the data above: The increase in the number of lawyers working at the Office of the AG follows the reform in 2020 whereby the AG has taken up exclusively the role of prosecutor general (the advisory role to government has been vested in the State Advocate). Given this special focus, the Office of the AG has been recruiting more lawyers in order to meet the case demands of the courts.



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055-1-1. Does your system allow part-time work for prosecutors with proportionally reduced remuneration?

- Yes
- No

Comments

055-1-2. If yes, please specify in which situation part-time work can be granted? (multiple replies possible):

- Child-care
- Elderly care
- For the purposes of early retirement
- Other reason, please specify:
- Without reason

Comments

055-1-3. If yes, what is the percentage of prosecutors working part-time (in relation to the total number of prosecutors)?

	Total (%)	Male (%)	Females (%)
Total (1 + 2 + 3) (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. At first instance level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. At second instance (court of appeal) level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. At Supreme Court level (%)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

055-1-4. What is the percentage of work time of a prosecutor working part-time compared to a full-time equivalent prosecutor?

- Less than 50%
- 50 - 60%
- 60 - 80%
- More than 80%
- NA
- NAP

056. Number of heads of prosecution offices.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	1 [] NA [] NAP	0 [] NA [] NAP	1 [] 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:

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

Yes

No

Comments - If yes, please specify their titles and functions:

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

[159]

[] NA

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

Yes

No

[] NAP

Comments

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

	-
Domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Sexual violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, specifically for minor victims <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
------------------------	---

Comments - If yes, please specify The Police Force has special units that are manned by Officers who are trained to prosecute cases of a sexual nature and cases of domestic violence. The Office of the AG will start prosecuting these cases as from October 2021 and the lawyers are receiving special training in this regard.

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

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	21 [] NA	11 [] NA	10 [] NA

Comments

C2. Please indicate the sources for answering the questions in this part

Sources: This data has been supplied 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:

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)

Comments - If the situation changed since the reference year or you have additional comments, please specify:

=

061-3-1. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

	Yes / No
Court president	() Yes If “yes”, please specify:[Comment] (X) No
Head of prosecution services	() Yes If “yes”, please specify:[Comment] (X) No

Comments

3.4.2 At national level

061-5. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?

- () Yes
- (X) No

Comments - If the situation changed since the reference year, please indicate in the comments. Could you specify the reference or internet link of this/these document(s) or send/upload 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:

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

(title, date, nature of the text)

[X] 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)

[X] NAP

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. to block a decision or allow an appeal)

[X] NAP

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 - Please specify the details of this person/institution, in particular its titles and function:

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 to different positions	()	(X)
Workload distribution	()	(X)
Working hours	()	(X)
Modalities of teleworking and presence in the workspace	()	(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. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

- Recruitment procedures, please specify:
- Appointment to the position of court president, please specify:
- Appointment to the position of head of prosecution services, please specify:
- Promotion procedures and access to the functions of responsibility, please specify:
- Other studies, please specify:

NAP

Comments - Please specify also the reference documents.

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 at national level by one institution <input type="checkbox"/> Governed at 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 and Governance collaborates closely with MITA in the development and deployment of ICT initiatives within the justice system. Currently the Ministry is working on launching the first national Digital Justice Strategy that will run for 5 years between 2022 and 2027. The Court Services Agency digital infrastructure will be a central pillar in the transformation to digital justice.

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):

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"/> No
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"/> No
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"/> No

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

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) Other: Efficiency and accessibility

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?

(X) 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.)?

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

Administrative	(X) Yes all judgements () Yes some judgements () No	(X) Yes all judgements () Yes some judgements () No	() Yes all judgements () Yes some judgements (X) No	() Yes (X) No	(X) Yes () No	(X) Yes () No	() Yes (X) No
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Comments - if it exists in other matters please specify Malta does not have a 3rd Instance Court and hence the answers have been marked as 'No' which really means 'NAP'. In respect to data anonymisation, this is not an automatic feature but is available in civil, criminal and administrative judgements according to the directions instituted by the courts issuing the judgements, the only exception being family cases in which anonymisation is mandatory.

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

Yes

No

Comments

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

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

	Availability rate
Civil and/or commercial	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input checked="" type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA

Criminal	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input checked="" type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <input type="checkbox"/> NA
Administrative	<input type="checkbox"/> 100% (all templates are available for all courts of this matter) <input type="checkbox"/> 50-99% (most of the templates are available for all courts or all templates for most of the courts) <input checked="" type="checkbox"/> 10-49% (some of the templates are available for most of the courts or most of the templates for some of the courts) <input type="checkbox"/> 1-9% (just starting to become available or in testing phase) <input type="checkbox"/> 0% (NAP) (does not exist at all for this matter) <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	(X) in all courts () in most of the courts () in some courts / some pilot phases () not available for this matter [] NA	(X) in all courts () in most of the courts () in some courts / some pilot phases () not available for this matter [] NA	() Yes () Pilot testing (X) No [] NA
Administrative	(X) in all courts () in most of the courts () in some courts / some pilot phases () not available for this matter [] NA	(X) in all courts () in most of the courts () in some courts / some pilot phases () not available for this matter [] NA	() Yes () Pilot testing (X) No [] 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
- (X) 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)

- (X) 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

Comment - If it exists in other matters please specify: The Case Management System does indicate the age of the pending caseload but it does not 'issue' a warning to the judiciary once cases exceed a pre-established threshold.

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 type="checkbox"/> 0% (NAP) <input checked="" type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

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 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
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Comment – if it exists in other matters please specify: The Land Registry is set-up but is not managed by the Court Services Agency.

Budgetary and financial monitoring

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 type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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 type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Other (please specify in comments)	<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 type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

Other tools of courts management

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
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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 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 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
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 checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

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

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/connect ed tool with the CMS
Civil and/or commercial	<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"/> 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 type="checkbox"/> Yes <input checked="" 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 checked="" type="checkbox"/> 0% (NAP) <input type="checkbox"/> NA	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input checked="" 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"/> 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
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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	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
Information available in CMS	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> 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)

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	[X]	[X]	[]	[] SMS [X] E-mail [] Specific computer application [] Other	[]
Administrative	[X]	[]	[X]	[] SMS [X] E-mail [] Specific computer application [] Other	[X]

Comments

Use of information technologies for improving the quality of the communication between courts and professionals

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)

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	Availability for

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"/> Submission of a case to a court <input checked="" type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <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	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer
Criminal	<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"/> Submission of a case to a court <input type="checkbox"/> Phases preparatory to a hearing <input type="checkbox"/> Schedule of hearings and/or deferrals <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	<input type="checkbox"/> Lawyers <input type="checkbox"/> Parties not represented by lawyer
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"/> 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 deferrals <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	<input checked="" type="checkbox"/> Lawyers <input checked="" type="checkbox"/> Parties not represented by lawyer

Comments In 'Civil/ Commercial' cases and in 'Administrative' cases, parties not represented by a lawyer have access to some of the features outlined under 'Trial phases concerned' but not all. For example, it is mandatory by law that the filing of a case is made through a lawyer or a legal procurator and not by a party without a lawyer. Moreover the system only recognises legal professionals in executing certain information-sharing functions, whilst communicating directly with parties in relation to other aspects of the phases of a hearing (for example through MyActs).

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 checked="" type="checkbox"/> 0% (NAP) <input 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 systems of specialised litigation (small claim 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.

Use of information technologies between courts, professionals and users in the framework of judicial proceedings

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 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
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 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

Comments

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

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 <input type="checkbox"/> NAP
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 <input type="checkbox"/> NAP
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 <input type="checkbox"/> NAP

Comments - Other devices of electronic communication between courts, professionals and/or users

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

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 cases

Comments Other: age of pending cases

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

Yes

No

Comments

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 performance is evaluated on a quarterly basis, or as the need arises.

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 Other refers to the Court's ability to request more financial and human resources in a bid to improve the performance on the selected indicators

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 The Office of the AG has started setting up a system to assess the performance of the prosecution service, but this is still in its initial phases and more work is being planned on it to make it more integrated.

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

079. Who is responsible for evaluating the performance of the courts (multiple replies possible)?

- High Judicial Council
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):

Comments

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

- Public Prosecutorial Council
- Ministry of Justice
- Head of the organisational unit or hierarchically 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 as a head of the public prosecution service. The Ministry for Justice assists the Office of the AG, but the ultimate decisions lie in the remit of the AG as the head of an independent agency.

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):

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

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

080-1. Are the statistics on the functioning of each court published?

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

Comments Court statistics are available at <http://www.ecourts.gov.mt>

=

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):Office of the AG
- No

Comments The Office of the AG has started collecting data regarding the caseload handled by the Office. This exercise is still in its initial format and is used for internal purposes only.

080-3. Are the statistics on the functioning of each public prosecution service published?

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

=

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): As stated, the report is given to the Chief Justice and it is kept internal (not made available publicly).

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

Internet

Intranet (internal) website

Paper distribution

Comments At the end of the year, the judiciary are obliged to send a report to the Hon Chief Justice, detailing the caseload that they have particularly, the pending caseload.

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

Comments

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:

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):

NAP

Comments

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

Yes

No

Comments

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 hierarchically superior public prosecutor
- Other (please specify):
- NAP

Comments

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 The work of public prosecutors is constantly monitored by the Deputy AG and the AG herself. The monitoring is not scheduled at specific annual intervals but it is ingrained in the daily work processes in the Office.

C4. Please indicate the sources for answering the questions in this part

Sources: The information has been verified with the Office of the AG

4.1.Principles

4.1.1Principles 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 (recusal), if a party considers that the judge is not impartial?

(X) Yes

() No

Comments - Please could you briefly specify:

085-1. If yes, what is the ratio between the total number of initiated procedures and the total number of recusals pronounced (in the reference year):

[]

[X] NA

Comments This data is not specifically collated.

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):

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

() Yes

(X) No

[] NAP

Comments

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

Sources: The European Convention Act (Chp319)

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: NAP. The law precludes the judiciary from delivering judgements orally and specifies that judgements have to be delivered in writing.

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)?

- 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)	11 243 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 915 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 923 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11 242 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	10 429 [] NA [] NAP	7 433 [] NA [] NAP	6 728 [] NA [] NAP	10 147 [] NA [] NAP	3 972 [] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	453 [] NA [] NAP	3 353 [] NA [] NAP	3 058 [] NA [] NAP	748 [] 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)	453 [] NA [] NAP	3 353 [] NA [] NAP	3 058 [] NA [] NAP	748 [] 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	361 [] NA [] NAP	129 [] NA [] NAP	137 [] NA [] NAP	347 [] NA [] NAP	206 [] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments 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)	11 899 [] NA [] NAP	11 086 [] NA [] NAP	7 321 [] NA [] NAP	15 883 [] NA [] NAP	[X] NA [] 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	[X] NA [] NAP
3. Other criminal cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories. If “Other criminal 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 2020 = 11899 (79 cases Criminal Court and 11820 cases Court of Magistrates)
- Incoming cases 2020 = 11086 (17 cases Criminal Court and 11069 cases Court of Magistrates)
- Resolved cases 2020 = 7321 (5 cases Criminal Court and 7316 cases Court of Magistrates)
- Pending cases 31st December 2020 = 15883 (89 cases Criminal Court and 15794 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, and the ensuing high number of pending cases, results from the restrictions imposed by the pandemic on the functioning of the Courts of Law.

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)	1 870 [] NA [] NAP	571 [] NA [] NAP	741 [] NA [] NAP	1 701 [] NA [] NAP	908 [] NA [] NAP

1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	1 870 [] NA [] NAP	571 [] NA [] NAP	741 [] NA [] NAP	1 701 [] NA [] NAP	908 [] 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	[] 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	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
4. Other cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If “Other cases” please specify The decrease in the Incoming caseload results from the disruption of the pandemic on the court operations.

In the second instance courts, we are still unable to distinguish precisely between the cases that are appealed. Thus, Administrative law cases are included in the number of Civil (and commercial) litigious cases.

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)	843 [] NA [] NAP	311 [] NA [] NAP	463 [] NA [] NAP	691 [] NA [] NAP	[X] NA [] 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	[X] NA [] NAP
3. Other cases	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] 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. The above data reflects the aggregate scores of the Criminal Court of Appeal in its Superior and Inferior Jurisdiction.

The pandemic restrictions effected the caseload of the Court.

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)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] 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)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.2.3. Other registry cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Administrative law cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input 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, please indicate the number of cases closed by this procedure:

(X) No

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)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

1. Severe 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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2. Misdemeanour and / or minor 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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Other 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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comment - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please specify what cases are reported in those categories.. If “Other criminal cases”, please specify

4.2.5 Case flow management and timeframes – specific cases

101. Number of specific litigious cases 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	Pending for more than 2 years
Litigious divorce cases	170 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	10 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	7 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	173 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency	48 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	14 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	6 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	56 <input type="checkbox"/> NA <input checked="" 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
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

Comments Less incoming and resolved cases due to court closure.

=

101-0. Number of procedures/cases relating to asylum seekers and to the right of entry and stay for aliens.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year	Pending for more than 2 years
Non-court procedures relating to asylum seekers (refugee status under the 1951 Geneva Convention)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	2 479 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	1 778 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	4 320 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Non-court procedures 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	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Court 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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Court 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	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments The data submitted for this question has been compiled by the International Protection Agency who does not deal with right of entry and stay for aliens.

The total figures quoted for new applications and subsequent applications are in relation to applications for international protection. Similarly, the figure for applications pending refers to applications for international protection and not specifically for refugee status.

101-1. Could you briefly describe the system in your country dealing with legal 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.

101-2. Number of cases relating to child sexual abuse and child pornography 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	Pending cases older than 2 years from the date the case came to the first instance court

Child sexual abuse	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
Child pornography	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please explain what are the legal definitions of these categories of offences in your system:

102. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases. 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 investigation phase in criminal cases as well as 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	_____ Max numeric value allowed : 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Litigious divorce cases	_____ Max numeric value allowed : 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	_____ Max numeric value allowed : 100 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Employment dismissal cases	_____ Max numeric value allowed : 100 <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	_____ Max numeric value allowed : 100 <input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Insolvency cases	_____ Max numeric value allowed : 100 <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	_____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery cases	_____ Max numeric value allowed : 100 <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	_____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide cases	_____ Max numeric value allowed : 100 <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	_____ Max numeric value allowed : 100 <input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

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 is calculated as an average (not DT) of the number of days it took for the 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):

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

- civil cases

administrative cases

insolvency cases

Comments - If yes, please specify: NAP

107. Public prosecutors: Total number of 1st instance criminal cases.

	Number of cases
1.Pending cases on 1 Jan. ref. year	11 899 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2.Incoming/received cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.Processed cases (3.1+3.2+3.3+3.4)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.Discontinued during the reference year (3.1.1+3.1.2+3.1.3+3.1.4.)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.1 Discontinued by the public prosecutor because the offender could not be identified	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.2 Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.3 Discontinued by the public prosecutor for reasons of opportunity	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.1.4 Discontinued for other reasons	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.2.Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3.3.Cases closed by the public prosecutor for other reasons	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3.4.Cases brought to court	11 086 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4.Pending cases on 31 Dec. ref. year	15 883 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

107-1. If the guilty plea procedure exists, how many cases were concluded by this procedure?

	Total	Severe criminal cases	Misdemeanour and / or minor criminal cases
Total number of guilty plea procedures	<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

Before the main trial	<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
During the main trial	<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

109. Do the figures provided in Q107 include traffic offence cases?

- Yes
- No

Comments

D2. Please indicate the sources for answering the questions in this part

Sources: Data, were provided, is derived from the court statistics (www.ecourts.gov.mt)

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)
- 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 XLIII of 2020, the following changes have been made relative to the appointment of the judiciary:

- the appointment of the Chief Justice requires the approval of two-thirds of the Members of the House of Parliament;
- the Judicial Appointments Committee is now composed of a majority of members of the judiciary;
- apart from the current system of applications on an open call basis, the law now stipulates that a public call for vacancies is issued when seeking to appoint new members to the judicial bench

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/authorities made up of judges and non-judges
- Other

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: The authority responsible for the recruitment of the judiciary is the Judicial Appointments Committee established as a sub-committee within the Commission for the Administration of Justice.

111-1. How many members compose this authority?

	Total	Male	Female
Members	7 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments – Please specify what is the status of this authority and who is proposing its members? The composition of the Judicial Appointments Committee is enshrined in Art 96A of the Constitution of Malta which article also makes provisions in respect of cases whereby members of the Committee abstain or are challenged.

111-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- Yes
- No

Comments – please specify which body is competent to decide on appeal?

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

- Yes
- No

Comments

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 procedure for judges is organised (especially if there is no competition or examination): The process to promote a Magistrate to a Judge follows the same process as outlined in the Constitution of Malta for the recruitment of judges. Art 96B (1) of the Constitution of Malta stipulates that " Whenever a vacancy occurs in the office of judge or magistrate, the Minister responsible for justice shall issue a public call for applications open to persons who have the necessary qualifications and experience required to be appointed to the office of judge or magistrate".

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

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- 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 criteria used for the promotion of a judge or magistrate are outlined in Art 96B of the Constitution of Malta.

5.1.2 Status, recruitment and promotion of prosecutors



115. What is the status of public prosecution services?

- Has an independent status as a separate entity among state institutions
- Is part of the executive power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the executive power (without functional independence)
- Is part of the judicial power but enjoys functional independence (please briefly explain how and to what extent)
- Is part of the judicial power (without functional independence)
- Is a mixed model (please explain)
- Has other status (please explain)

Comments - When appropriate, please specify the objective guarantees of this independence (such as funding) and where they are enshrined (Constitution, legislation etc.). Furthermore, if "mixed model" or "other", please specify.

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

- Yes
- No

Comments - If yes, please specify:

115-2. If you answered "Yes" to Q115-1, are there exceptions provided by the law/regulations?

- Yes
- No

Comments - Please describe these exceptions:

115-3. If you answered "No" to Q115-1, which authority can issue the specific instructions?

- General Prosecutor
- Higher prosecutor/Head of prosecution office
- Executive power
- Other

Comments - If "Other", please specify: According to Art 2 (3) of the Attorney General Ordinance, "Where under any law, the Attorney General is to act or exercise any power in his individual judgment he shall not be subject to the direction or control of any other person or authority". Only the Attorney General can decide not to prosecute a case (nolle prosequi) even if this is being prosecuted by one of the public prosecutors working in her office. Article 433 of the Criminal Code (Chapter 9 of the Laws of Malta) provides that if the Attorney General is of the opinion that there are not sufficient grounds for filing of an indictment against an accused person, the Attorney General has the power to order the discharge of the accused. This is done by filing a declaration before the Criminal Court. The Attorney General also has the power to withdraw an indictment already issued and the procedure to follow is also to make a declaration to this effect in the Criminal Court. In both cases, the Attorney General has to make a report to the President of Malta stating the reasons for issuing a nolle prosequi.

115-4. What form these instructions may take?

- Oral instruction
- Oral instruction with written confirmation
- Written instruction
- Other

[] NAP

Comments - If "Other", please specify:

115-5. In that case, are the instructions:

[] Issued seeking prior advice from the competent public prosecutor

[] Mandatory

[] Reasoned

[X] Recorded in the case file

[] Other

[] NAP

Comments - If "Other", please specify:

115-6. What is the frequency of this type of instructions:

(X) Exceptional

() Occasional

() Frequent

() Systematic

[] NAP

Comments

115-7. Can the public prosecutor oppose/report an instruction to an independent body?

() Yes

(X) No

[] NAP

Comments - If yes, please specify to which body/institution and please describe under which conditions.

116. How are public prosecutors 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 Public prosecutors are recruited through a public call for warranted legal professionals.

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

[X] An authority composed of public prosecutors and non-public prosecutors

[] Other

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 Attorney General.

117-1. How many members compose this authority?

	Total	Male	Female
Members	3	2	1
	[] NA	[] NA	[] NA
	[] NAP	[] NAP	[] NAP

Comments - Please specify what is the status of this authority and who is proposing its members? The composition of the selection committee is not fixed and hence gender roles cannot be ascribed.

117-2. May non-selected candidates appeal against the decision on recruitment/appointment?

- Yes
- No

Comments - Please specify which body is competent to decide on appeal?

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

Comments The Office of the AG negotiates HR plans including recruitment and promotions, with the relevant executive powers, and once permission is granted (often based on financial considerations), then 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 how the promotion procedure for prosecutors is organised (especially if there is no competition or examination): The Deputy AG is selected as a result of internal processes within the Office and at the discretion of the Attorney General. All other prosecutors are employed on contract, as a result of which, they promotions are regulated internally.

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

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- 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”):

5.1.3Mandate 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 It is the prerogative of the Chief Justice to relocate judges and magistrates in the interests of efficiency and good order.

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:

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 Public prosecutors (not the AG) have a probationary period of 6 months.

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

[X] NAP

Comments

126-1. Is it renewable?

() Yes

() No

[X] NAP

Comments

E1. Please indicate the sources for answering the questions in this part

Sources: The contents of this section have been verified with the Office of the AG and with the Ministry for Justice

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 a 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
In-service training on child-friendly justice	() Yes (X) No	(X) Yes () No	() Yes (X) No

Comments The Judicial Studies Committee is the committee entrusted with organising and offering judicial training. During 2020, the

Committee was not functional and together with problems resulting from the pandemic, no training was organised. A new Judicial Studies Committee has been set-up in 2021.

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 type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training on child-friendly justice	<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 continuous training of judges:

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 in 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	() Yes (X) No	() Yes (X) No	() Yes (X) No
In-service training on ethics	() Yes (X) No	(X) Yes () No	() Yes (X) No
In-service training on child-friendly justice	() Yes (X) No	() Yes (X) No	() Yes (X) No

Comments

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

	Frequency of the in-service training
General in-service training	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised in organised crime)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions (e.g. Head of prosecution office, manager)	[] Regularly (for example every year) [] Occasional (as needed) [X] No training proposed
In-service training for the use of computer facilities in office	[] Regularly (for example every year) [] Occasional (as needed) [X] No training proposed
In-service training on ethics	[] Regularly (for example every year) [X] Occasional (as needed) [] No training proposed
In-service training on child-friendly justice	[] Regularly (for example every year) [] Occasional (as needed) [X] No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

5.2.3 Training institutions

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

	Initial training only	Continuous training only	Initial and continuous training
Institution(s) for judges	[]	[]	[X]
Institution(s) for prosecutors	[]	[]	[]

Institution(s) for both judges and prosecutors	[]	[]	[]
--	-----	-----	-----

Comments There are no defined academic institutions that provide training to the judiciary or the prosecution. The Judicial Studies Committee, as implied, is a dedicated Committee focused on the provision of training to the judiciary only. On the other hand, training organised for the Office of the Attorney General is organised by the Office itself.

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

	Budget of the institution(s) for the reference year, in €
Institution(s) for judges	31 000 [] NA [] NAP
Institution(s) for prosecutors	[] NA [X] NAP
Institution(s) for both judges and prosecutors	[] NA [X] NAP

Comments The figure being presented for the training of the judiciary is subdivided as follows:

- Euros 20,000 for the Judicial Studies Committee
- Euros 11,000 for other training as indicated by the Hon Chief Justice

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?

. The judiciary are trained in various subjects of interest both locally and abroad (through the EJTN). such training takes place throughout the year, in such a way so as it does not jeopardise the efficiency of the courts. Lawyers working at the OAG attend courses and training in their fields of specialisation, and in matters related to EU law, EU directives and national law.

5.2.4 Number of trainings

131-2. Number of in-service training courses available and delivered (in days) by the public institution(s) responsible for training

	Number of in-person training courses available	Number of delivered in-person training courses in days	Online training courses available during the reference year (e-learning)
Total	[X] NA [] NAP	13 [] NA [] NAP	[X] NA [] NAP
1. For judges	[X] NA [] NAP	2 [] NA [] NAP	[X] NA [] NAP
2. For prosecutors	0 [] NA [] NAP	11 [] NA [] NAP	7 [] NA [] NAP

3. For other non-judge staff	<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. For other non-prosecutor staff	<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. Training for other professionals	<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 specify if there are training courses of judges and/or prosecutors that include other professionals in the field of justice. 2 scheduled in-person courses were held for the judiciary prior to the outbreak of the pandemic. Following March 2020, all training seminars were cancelled or postponed indefinitely.

131-3. Number of participants of the training courses during the reference year

	Number of participants in in-person training courses	Number of participants in online training courses (e-learning)
Total	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Judges	35 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Prosecutors	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Non-judge staff	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Non-prosecutor staff	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Other professionals	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

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	95 215 <input type="checkbox"/> NA <input type="checkbox"/> NAP	68 770 <input type="checkbox"/> NA <input type="checkbox"/> NAP	95 215 <input type="checkbox"/> NA <input type="checkbox"/> NAP	68 770 <input type="checkbox"/> NA <input type="checkbox"/> 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)	103 246 <input type="checkbox"/> NA <input type="checkbox"/> NAP	74 587 <input type="checkbox"/> NA <input type="checkbox"/> NAP	103 246 <input type="checkbox"/> NA <input type="checkbox"/> NAP	74 587 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	44 496 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 843 <input type="checkbox"/> NA <input type="checkbox"/> NAP	44 496 <input type="checkbox"/> NA <input type="checkbox"/> NAP	28 843 <input type="checkbox"/> NA <input type="checkbox"/> 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).	<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 Wages for the lawyers of the AG were improved following a revision of salaries.

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Special pension	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Housing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other financial benefit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments In respect of 'Special Pension' for Public Prosecutors, The Pensions Ordinance, Chp 93 of the Laws of Malta, stipulates a special pension for the Attorney General only.

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 functions/activities?

With remuneration	Without remuneration
-------------------	----------------------

Teaching	() Yes (X) No	(X) Yes () No
Research and publication	() Yes (X) No	() Yes (X) No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	() Yes (X) No
Political function	() Yes (X) No	() Yes (X) No
Mediator	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	() Yes (X) No

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

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

	With remuneration	Without remuneration
Teaching	(X) Yes () No	(X) Yes () No
Research and publication	(X) Yes () No	(X) Yes () No
Arbitrator	() Yes (X) No	() Yes (X) No
Consultant	() Yes (X) No	() Yes (X) No
Cultural function	() Yes (X) No	() Yes (X) No
Political function	() Yes (X) No	() Yes (X) No
Mediator	() Yes (X) No	() Yes (X) No
Other function	() Yes (X) No	() Yes (X) 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 if possible 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, who are the members of this institution/body?

Only judges

Judges and other legal professionals

Other, please specify: The Commission for the Administration of Justice

Comments

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>.

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, who are the members of this institution/body?

Only prosecutors

Prosecutors and other legal professionals

Other, please specify:

Comments

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

Yes

No

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 replies possible)?

- Court users
- Relevant Court or hierarchical superior
- High Court / Supreme Court
- High Judicial Council
- Disciplinary court
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple replies 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
- Disciplinary body (disciplinary prosecutor, investigator etc.)
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

142. Which authority has disciplinary power over judges? (multiple replies 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 replies 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)	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If “other”, please specify:

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	[X] NA [] NAP	[X] NA [] NAP
8. Resignation	[X] NA [] NAP	[X] NA [] NAP
9. Other	[X] NA [] NAP	[X] NA [] NAP
10. Dismissal	[X] NA [] NAP	[X] NA [] 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.

E3. Please indicate the sources for answering the questions in this part

Sources: This data has been compiled using existing information on the subject in question.

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	1 762 [] NA	834 [] NA	928 [] 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:

[158]

[] NA

[] NAP

Comments

=

149. Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	(X) Yes always () Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP	() Yes always () Yes in some cases () No [X] NAP
Dismissal cases	(X) Yes always () Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP	() Yes always () Yes in some cases () No [X] NAP
Criminal cases – Defendant	(X) Yes always () Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP	() Yes always () Yes in some cases () No [X] NAP
Criminal cases – Victim	(X) Yes always () Yes in some cases () No [] NAP	(X) Yes always () Yes in some cases () No [] NAP	() Yes always () Yes in some cases () No [X] NAP

Administrative cases	(X) Yes always	(X) Yes always	() Yes always
	() Yes in some cases	() Yes in some cases	() Yes in some cases
	() No	() No	() No
	[] NAP	[] NAP	[X] NAP

Comments - Please indicate any useful clarifications regarding the content of lawyers' exclusive rights: Legal representation in court falls within the exclusive rights of lawyers, however in the case of the filing of cases in some civil courts, legal procurators are bound by law to file/register cases in courts. In such instances, the legal procurators file the cases on behalf of the lawyer and the client.

149-0. If other than lawyers may represent a client in court, please specify who:

	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, for the categories selected please specify the types of cases concerned by this/these representation(s): 'NAP' would have been the best suited answer for this question.

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): Provision of legal services in new and upcoming sectors such as i-gaming

Comments Other law activities: Provision of legal services in new and upcoming sectors such as i-gaming.

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

- [X] Self-employed lawyer
- [X] Staff lawyer
- [X] In-house lawyer

Comments

150. Is the lawyer profession organised through:

- [X] a national bar association
- [] a regional bar association

a local bar association

Comments

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

Yes

No

Comments - Please indicate if there are other specific requirements as regards diplomas or university degrees:

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 the questions in this part

Sources: The information for this section (Q146 and Q148) has been compiled 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

155. Are lawyers' fees freely negotiated?

Yes

No

Comments

156. Do laws or bar 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): The Committee for Advocates and Legal Procurators in the Commission for the Administration of Justice

Comments Other: The Committee for Advocates and Legal Procurators in the Commission for the Administration of Justice.

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 checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

4. Other	<input checked="" 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 checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Suspension	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
3. Withdrawal from cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Fine	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
5. Other	<input checked="" 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:

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 [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Family cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Administrative cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Labour cases including employment dismissals	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Criminal cases	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP
Consumer cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No [] NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No [] NAP

Comments Following the coming into force of Act VIII of 2017 through Legal Notices 362, 363, 364 and 365 of 2020 in September 2020 regarding compulsory mediation for rent disputes prior 1st June 1995, the Rent Regulation Board authorised mediation sessions. Hence In these civil cases, mediation is given by the judge but provided by the mediators from the Malta Mediation Centre.

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	66 [] NA [] NAP	33 [] NA [] NAP	33 [] NA [] 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)	1 668 [] NA [] NAP	1 809 [] NA [] NAP	[X] NA [] NAP
1. Civil and commercial cases	5 [] NA [] NAP	2 [] NA [] NAP	[X] NA [] NAP
2. Family cases	1 663 [] NA [] NAP	1 807 [] NA [] NAP	[X] NA [] NAP
3. Administrative cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Labour cases including employment dismissal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
5. Criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
6. Consumer cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] 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 sources for answering the questions in this part

Source: This information has been provided by the Malta Mediation Centre

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1 Number of enforcement agents, status and mandate

169. Number and type of enforcement agents in your country.

	Total	Male	Female
Total (1+2+3+4)	20 [] NA [X] NAP	15 [] NA [X] NAP	5 [] NA [X] NAP
1. Private professionals under the authority (control) of public authorities	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Enforcement agents working in a public institution (civil servants paid by state)	20 [] NA [] NAP	15 [] NA [] NAP	5 [] NA [] NAP
3. Judges	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
4. Other	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP

Comments - If other, please specify their status and competences:

170. What are the requirements to access the profession of enforcement agent (multiple replies possible)?

- diploma
- professional experience
- specific exam
- appointment procedure by the State
- initial training
- other

Comments - If "other", please specify: Enforcement agents are employed as Court Marshalls with the Court Services Agency, following a public call.

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

- Yes, please indicate the age of retirement: 62 - 65
- No, please specify the duration of the appointment:

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Retirement age varies upon when a person was born (62 - 65).

8.1.2 Activities/scope of competence

171-1. Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

	Access to information	Direct electronic access to information
Address	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Date of birth	(X) Yes () No	() Yes (X) No
Civil status	(X) Yes () No	() Yes (X) No
Cohabitant	() Yes (X) No	() Yes (X) No
Employer	() Yes (X) No	() Yes (X) No
Motor vehicle	() Yes (X) No	() Yes (X) No
Movable property	(X) Yes () No	() Yes (X) No
Immovable property	(X) Yes () No	() Yes (X) No
Bank account	() Yes (X) No	() Yes (X) No
Other enforcement proceedings underway	() Yes (X) No	() Yes (X) No
Insolvency proceedings (bankruptcy, judicial reorganisation, collective debt settlement etc.)	(X) Yes () No	() Yes (X) No
Other	(X) Yes () No	() Yes (X) No

Comments - If "other", please specify: The information accessed by enforcement agents relates to the nature of the enforcement process. The information listed above might all be accessed by the agents if the nature of the enforcement so requires, but not all the information is available all the time irrespective of the nature of the enforcement procedure.

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

	Option
Seizure of movable tangible properties	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP
Preventive seizure of movable tangible properties	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP
Seizure of immovable properties	(X) Yes, exclusively performed by enforcement agents () Yes, but not exclusively performed by enforcement agents () No [] NAP

Preventive seizure of immovable properties	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizures of boats and ships	<input checked="" type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of aircrafts	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Seizure of electronic assets (e.g cryptocurrency)	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Enforced sale by public tender of seized properties	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Sale of shares	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes, exclusively performed by enforcement agents <input type="checkbox"/> Yes, but not exclusively performed by enforcement agents <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

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

- Service of judicial and extrajudicial documents
- Debt recovery
- Voluntary or public auctions of moveable or immoveable property
- Custody of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments

8.1.3 Training and ICT

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

- Yes
- No

Comments

172-2. Do you have an e-learning training system established for enforcement agents?

Yes

No

Comments - If yes, please specify:

172-3. Does the content of the continuous training system also include ICT (related to enforcement procedures)?

Yes

No

Comments - If yes, please specify:

172-4. Have an electronic service of documents or electronic notifications been introduced in your country?

Yes

No

Comments

172-5. Does the development of new technologies have an effect on the different stages of the enforcement procedure?

Yes

No

Comments - Please explain: Not Applicable: Development of new technologies has not as yet impacted the enforcement procedure.

8.1.4 Fees

174. Are enforcement fees easily established and transparent for parties?

Yes

No

Comments

175-1. Are the fees charged in case of successful enforcement proceedings freely negotiated?

Yes

No

Comments

175-2. Who has to pay these fees if the enforcement proceedings are successful?

The debtor

The creditor

Other – please specify

Comments

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

Yes

No

Comments

H0. Please indicate the sources for answering the questions in this part

Source: Court Services Agency

8.1.5 Organisation of profession and 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):

Comments The monitoring and supervision of the enforcement agents falls within the remit of the respective entities with whom they are employed, namely, the Court Services Agency and the Asset Recovery Bureau.

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:

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
- unethical behaviour of enforcement agent
- other (please specify):

Comments

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 serve and/or 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 checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. For breach of professional ethics	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. For professional inadequacy	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

3. For criminal offence	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

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

H1. Please indicate the sources for answering the questions in this part

Source: 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 replies possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Enforcement agent

Other authority (please specify):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, status and mandate of notaries

192. Number and status of notaries in your country.

	Total	Male	Female
TOTAL (1+2+3+4)	371 <input type="checkbox"/> NA <input type="checkbox"/> NAP	149 <input type="checkbox"/> NA <input type="checkbox"/> NAP	222 <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. Holders of public offices appointed by the State	371 <input type="checkbox"/> NA <input type="checkbox"/> NAP	149 <input type="checkbox"/> NA <input type="checkbox"/> NAP	222 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Civil servants (paid 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
4. 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 - If "Other", please specify the status, or if "holder of a public office appointed by the State", please indicate which ministry is mainly engaged in the appointment procedure: All Public Notaries are appointed by the state even if they practice in their professional capacity. In previous evaluations we used to list the notaries as 'Public officials' but as from this evaluation, following changes in this question, we are marking them as 'Holders of public offices appointed by the State'.

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

diploma

professional experience

specific exam

appointment procedure by the State

initial training

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 two years with a Notary who has practiced for at least 10 years and approved by Council. After this traineeship period, one would be eligible to sit for the Notarial Warrant Examination held in March of every year.

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:

9.1.2 Activities/scope of competences

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

	Please select one option
Authentication	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Certification of signatures	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Legalisation of signatures / Apostille	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Legality control of documents	<input checked="" type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP

Mediation	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Taking of oaths	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Non-contentious judicial procedures (e.g. acting as court commissioner in a successions file, performing divorce, division of estate, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Act as civil servant (for example performing marriage, please specify)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other judicial functions (for example, payment orders)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Public auctions	<input type="checkbox"/> Yes, exclusively performed by notaries <input checked="" type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input type="checkbox"/> NAP
Other (for example collect taxes, run registers etc.)	<input type="checkbox"/> Yes, exclusively performed by notaries <input type="checkbox"/> Yes, but not exclusively performed by notaries <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify. Please indicate any useful clarifications regarding the content of the notaries' exclusive rights or, on the opposite, other bodies that also have competences for the listed activities.

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
- Protection of vulnerable persons
- Other

Comments

9.1.3 ICT, organisation of the profession and training

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

- In their relations with the State (e.g. courts, registries, chambers of commerce, tax authorities)
- In their relations with their clients
- In their relations with other notaries (e.g. videoconferencing, system to exchange documents)

Comments

194-4. Which computerised registries can notaries consult?

- Land registry
- Business registry
- Civil status / Population registry
- Succession / Family law registry
- Any other registry (please specify)
- None

Comments

194-5. Are there registries/ registry infrastructures run by the notaries?

- Yes
- No

Comments - If yes, please specify: The Notary to Government currently runs the Notaries Volumes in Archives (<https://justice.gov.mt/en/ntg/Pages/Notaries-Volumes-in-Archives.aspx>) and the Search Termination of Mandates (<https://justice.gov.mt/en/ntg/Pages/Termination-of-Mandates.aspx>).

194-6. In which computerised registries can notaries modify data (either directly or by submitting an online request)?

	Directly modifying	Indirectly modifying by submitting an online request
Land registry	<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
Business registry	<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
Civil status/ Population registry	<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

Succession / Family law registry	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Any other registry (please specify)	() Yes (X) No [] NAP	() Yes (X) No [] NAP
None	() Yes (X) No [] NAP	() Yes (X) No [] NAP

Comments

194-7. What ICT tools are used by notaries in their relations with clients?

- Videoconferencing (e.g. digital advice)
- Digital act
- Digital identification
- Digital archiving
- Other, please specify
- None

Comments

194-8. Who is responsible to run the digital archives?

- Notariat / Professional body
- Other public authority
- Another entity (please specify)

Comments

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 Whilst there is no such system, the notarial Council has a permanent committee dedicated to the organisation of information seminars designed for notaries.

196-2. Do notaries have training on:

	Yes	No
European law	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Law of another Member State (cross-border training programmes)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Comments - If yes, please indicate the types (e.g. traditional courses, e-learning, webinar) and the major topics of the training activities:

11. Please indicate the sources for answering the questions in this part

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

199. Number of registered court interpreters:

[83]

NA

NAP

Comments The list of court interpreters is derived from the the website of the Court Services Agency that can be accessed at https://justice.gov.mt/en/COJ/Pages/Interpreters_and_Translators.aspx The figure mentioned above represents individual interpreters, as well as some companies thta offer translation services.

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 the questions in this part

Sources: The information has been provided by the Court Services Agency.

11.Judicial experts

11.1.Profession of judicial expert

11.1.1Status of judicial experts



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

[X] Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court

[X] Experts appointed by the court or other authority independent of the parties

[X] Other system of judicial expertise, please specify Board members/ court attorneys

Comments - Please specify who is proposing and appointing experts in an individual case. Other system of judicial expertise: Board members/ court attorneys

202-1. Are there lists or any other form of official registration for judicial experts?

(X) Yes

() No

Comments

202-1-1. If yes, at which level is the list established (multiple replies possible):

[X] national

[] administrative district or federal entity

[] judicial district

[X] other

Comments - Please, indicate any other comment regarding these lists or databases of experts, if they do exist (e.g. does the expert take an oath? How are his/her skills 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.

202-1-2. Are these lists publicly available?

- Yes, available on the internet
- Yes
- No

Comments

202-2. Which authority is competent for the registration of judicial experts?

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

Comments - Please also specify the registration criteria: 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

202-4. Can an expert who is not on the list or not registered be appointed in a case?

- Yes
- No

Comment - If yes, please specify in which cases: Despite the fact that the Department of Justice maintains an updated list of Court Experts, there is nothing in law or procedure that holds back a judge from appointing an expert who is not on the list.

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 - If yes, please specify:

205. Number of accredited or registered judicial experts:

	Total	Male	Female
Number of experts	600	465	135
	<input type="checkbox"/> NA	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments

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
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Comments Such data is not available.

205-1. Who defines the amount of the expert remuneration?

	In civil/administrative cases	In criminal cases
Defined by law/by-law or a special regulation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Defined by the court/judge	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Defined by Ministry of Justice or another ministry (setting a tariff for example)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Salary of public official (in case of forensic or another specialist – who is public employee)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Freely agreed between expert and the parties	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments - If other, please specify:

206. Are there binding provisions for judicial experts regarding:

	Yes	No
Deadlines to provide expertise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Quality of expertise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>

NAP

Comments - If yes, please specify, and provide details in case there are possible sanctions:

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

Yes

No

If yes, please specify:

207-2. Are judicial experts' associations involved in:

Selection processes

Initial or continuous training

Disciplinary procedures

NAP

Comments

K1. Please indicate the sources for answering the questions in this part

Sources: Department of Justice

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms? If possible, please observe the following categories:

208-1. (Comprehensive) reform plans

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: 2020 was a year etched in the history of our country because it brought with it major reforms related to justice, separation of powers and rule of law. These reforms were contextualised into a number of Bills that were approved by the House of Representatives in July 2020 and published by August of the same year. A brief rendition of these major reforms, follows:

1: Appointment and selection of judges and court presidents. With the enactment of Act No. XLII of 2020, the Constitution of Malta was amended for the purpose of providing for the appointment of the Chief Justice with the approval of two-thirds of all the Members of the House of Representatives, for a change in the composition of the Judicial Appointments Committee so that a majority of its members are members of the judiciary, and to provide for the issuing of public calls for vacancies in the judiciary apart from the current system of applications on an open call.

2: Irremovability of judges, court presidents and prosecutors. With the coming into force of Act XLV of 2020 - Various laws (Removal from Office)(Amendment)Act, the composition of the Committee for Judges and Magistrates within the Commission for the Administration of Justice, was revised in order to ensure that the removal of members of the judiciary is made by a body composed of peers, and at the same time, provides for the possibility to appeal such a decision at the Constitutional Court. In addition, Act LV of 2020 also reforms aspects of the procedure related to the retirement of the judiciary. According to the new legislation, a member of the judicial bench have the option to decide whether to retire at the age of 65 or 68. In any case, they have to inform the Chief Justice to this effect. This provision has been enacted in order to retain the expertise of the seasoned members of the judiciary for longer.

3: Independence of the Bar and of lawyers. In December 2020, the Legal Profession (Reform) Act, 2020 was published with the objective of addressing recommendations intended to further regulate the profession of lawyers in Malta. The main reforms relate to causes of disqualification of advocates, the admission of legal procurators within the Act and the introduction of regulatory provisions relative to law firms. Furthermore, the Act provides for the setting up of an official register maintained by the Committee for Advocates and Legal

Procurators, that list all the warranted advocates, legal procurators and law firms.

208-2. Budget

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: Following the amendments to the Attorney General Ordinance (Chp 90) through Act XXV of 2019, the office of the AG started taking over prosecutions from the police, who in turn retained their investigative role. The implementation of this process of handing over the prosecutorial function started being carried out in 2020 when L.N. 378 of 2020 made it possible for the Office of the AG to prosecute wilful homicide, terrorism, money-laundering, bribery, corruption, fraud and misappropriation where the financial loss is of at least 50,000 Euros.

Furthermore, the coming into force of Act XLI of 2020 together with L.N. 377 of 2020, implemented the judicial review reform of decisions by the Attorney General not to prosecute on the grounds of illegality or unreasonableness. This reform amended the Constitution of Malta, the Criminal Code and the Code of Organisation and Civil Procedure, and in addition provided for the Permanent Commission Against Corruption (PCAC), the Ombudsman, the Commissioner for Standards of Public Life and the Auditor General to be defined as an injured party at law when they report a corrupt practice to the AG. This reinforces the checks and balances in place in order to ensure the uninhibited prosecution of cases.

208-4. Access to justice and legal aid

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-5. High Judicial Council

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-6. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc.

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: Kindly refer to 'Comprehensive reform plans' above

208-7. Gender balance

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-9. Enforcement of court decisions and in particular regarding decisions against public authorities

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify:

208-10. Mediation and other Alternative Dispute Resolution

Yes (planned)

- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-11. Fight against crime

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-12. Prison system

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-13. Child friendly justice

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify:

208-14. Domestic violence

- Yes (planned)
- Yes (adopted)
- Yes (implemented during year of reference +1)
- No
- NA

Comments - If yes, please specify: The new National Domestic Violence Strategy for 2021 and 2022 was being drafted in collaboration with a broad cross-section of stakeholders working in the field of DV. The strategy was eventually launched in 2021.

208-15. New information and communication technologies

- Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: The cooperation project with the CoE funded by SRSS (EC) was launched. The main objective of this project was to help the national authorities draft the first digital justice strategy for Malta. The project involved experts from CEPEJ collaborating with key stakeholders in the justice and ICT landscape of Malta. The project will come to fruition by November 2021 following which the Maltese government will launch the first national digital justice strategy.

208-16. Other

Yes (planned)

Yes (adopted)

Yes (implemented during year of reference +1)

No

NA

Comments - If yes, please specify: