

2025 Rule of Law Report - targeted stakeholder consultation

Fields marked with * are mandatory.

Introduction

The annual Rule of Law Report lies at the centre of the Annual Rule of Law Cycle, which acts as a preventive tool, deepening multilateral dialogue and joint awareness of rule of law issues. So far, five editions of the Rule of Law Report have been published since 2020.

As every year, the Commission would like to invite the stakeholders to provide contributions to the 2025 Rule of Law Report. On the basis of these contributions and on-going developments, further targeted questions may be shared at a later stage of preparation of the 2025 Rule of Law Report, in particular in the context of country visits, or bilateral contacts.

The Commission invites stakeholders to provide contributions which include:

- (1) information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter and**
- (2) any other significant developments since January 2024^[1] and up to the date of submission falling under the ‘type of information’ outlined below.**

The input should consist of a short summary, if possible in English, covering the areas referred to below. Legislation or other documents may be referenced with a link. Contributions should focus on significant developments since the last Rule of Law Report both as regards the legal framework and its implementation in practice.

If you would like to provide further specific **input related to the single market dimension in the Rule of Law report**, you can also respond to the additional targeted consultation available [here](#).

^[1] Unless the information was already submitted in the input for the previous Rule of Law Reports.

Type of information to be included:

Under each of the four pillars, the replies should include references to the following types of information:

A) Legislative developments

- Newly adopted legislation
- legislative drafts currently discussed in Parliament
- legislative plans envisaged by the Government

B) Policy developments

- Implementation of legislation
- evaluations, impact assessment, surveys
- white papers/strategies/actions plans/consultation processes
- follow-up to reports/recommendations of Council of Europe bodies or other international organisations
- important administrative measures
- generalised practices

C) Developments related to the judiciary / independent authorities

- important case law by national courts
- important decision/opinions from independent bodies/authorities
- state of play on terms, nominations and expired mandates for high-level positions (e.g. Supreme Court, Constitutional Court, Council for the Judiciary, Prosecutor General, heads of independent authorities included in the scope of the request for input[2])

D) Any other relevant developments

- National authorities are free to add any further information, which they deem relevant; however, this should be short and to the point.

Please also indicate whether the developments reported are linked to the implementation of reforms and investments under the RRP, where applicable. To simplify your answers to the questionnaire, **if there are no developments, it is sufficient to indicate this** and the information covered in the contributions for the previous Rule of Law Reports does not need not be repeated.

[2] Such as: media regulatory authorities and bodies, national human rights institutions, equality bodies, ombudsman institutions, supreme audit institutions and, where they exist, transparency authorities.

About you

* I am giving my contribution as

- ☐ Academic/research institution
- ☐ Business association
- ☒ Civil society organisation/NGO
- ☐ International organisation
- ☐ Judicial association or network
- ☐ Media organisation or association
- ☐ Public authority or network of public authorities

☐ Other

* Organisation name

250 character(s) maximum

Repubblica

Main Areas of Work

- ☒ Justice System
- ☒ Anti-corruption
- ☒ Media Pluralism
- ☒ Checks and Balances
- ☐ Other

Please insert an URL towards your organisation's main online presence or describe your organisation briefly:

500 character(s) maximum

repubblica.org

Transparency register number

Check if your organisation is in the transparency register. It's a voluntary database for organisations seeking to influence EU decision-making

* Country of origin

Please indicate the country of origin of your organisation

- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☒ Malta

- ☐ Netherlands
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovak Republic
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ Other - please specify

First name

Emanuel

Surname

Delia

Email Address of the organisation

repubblika.mt@gmail.com

*** Publication of your contribution and privacy settings**

You can choose whether you wish for your contribution to be published and whether you wish your details to be made public or to remain anonymous.

- ☐ Anonymous - Only your type of respondent, country of origin and contribution will be published. Organisation name, URL, transparency register number, first name and surname given above will not be published. **To maintain anonymity, please refrain from mentioning the name of your organisation and any details from which your organisation can be identified in the rest of your contribution.**
- ☒ Public - Your personal details (name, organisation name, transparency register number, country of origin) will be published with your contribution).
- ☐ No publication - Your contribution will not be published. Elements of your contribution may be referred to anonymously in documents produced by the Commission based on this consultation.

☒ I agree with the personal data protection provisions.

[Specific privacy statement targeted stakeholder consultation 2025 rule of law report.pdf](#)

Questions on horizontal developments

In this section, you are invited to provide information on general horizontal developments or trends, both positive and negative, covering all or several Member States. In particular, you could mention issues that are common to several Member States, as well as best practices identified in one Member State that could be replicated. Moreover, you could refer to your activities in the area of the four pillars and sub-topics (an overview of all sub-topics can be found below), and, if you represent a Network of national organisations, to the support you might have provided to one of your national members.

Overview topics for contribution

[List of topics - 2025 Rule of Law Report.pdf](#)

Please provide any relevant information on horizontal developments here

5000 character(s) maximum

Questions for contribution

Under each pillar, you are invited to provide information on measures taken to implement the recommendations addressed to the Member State in the 2024 Rule of Law report, as well as developments with regard to the points raised in the respective country chapter of the 2024 Rule of Law Report and any other significant developments since January 2024 and up to the date of submission[3]. Please always include a link to and reference relevant legislation/documents (in the national language and/or where available, in English). **Significant developments** can include challenges, positive developments and best practices, covering both legislative developments or implementation and practices.

Information provided in reply to the first question under each pillar, related to the follow-up to the recommendations, does not need to be repeated in subsequent parts of the questionnaire, but can be cross-referenced in the subsequent questions, where relevant. All other questions are not limited to the recommendations, but as in previous years, cover the entire scope of the Report.

[3] Unless already covered in the input for the previous Rule of Law Reports.

Member State/enlargement country covered in contribution [only one choice possible]

If you wish to submit information concerning several Member States/enlargement countries, please fill in the questionnaire separately for each country. There is no limit to the number of contributions submitted by a single participant.

- ☐ Albania
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czechia
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy

- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☒ Malta
- ☐ Montenegro
- ☐ Netherlands
- ☐ North Macedonia
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Serbia
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden

I. Justice System

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the justice system (if applicable)

5000 character(s) maximum

A. Independence

Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

(The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts)

5000 character(s) maximum

We are not aware of any progress regarding the judiciary's involvement in the procedure for appointing the Chief Justice, and our concerns persist.

Prosecutors are appointed through a normal call for applications usually sent out through the Chamber of Advocates, requiring candidates to have one year experience "in the practice of the profession" and therefore not necessarily as courtroom lawyers. This is reflected in the poor quality of prosecution particularly because of the attrition of experienced prosecutors.

Irremovability of judges, including transfers, (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

5000 character(s) maximum

We are unaware of any progress in addressing concerns with the independence of specialist tribunals where decision-makers are appointed on a temporary basis and serve at the pleasure of ministers.

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

See above with regards to the appointing of the Chief Justice.

Allocation of cases in courts

5000 character(s) maximum

Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

5000 character(s) maximum

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

5000 character(s) maximum

The 2020 changes to the law governing the Commission for the Administration of Justice have limited the right to file a complaint about the conduct of a judge or a magistrate to the Chief Justice and the Minister for Justice. No other person can file a complaint. Before 2020 the right to petition the CAJ was open to everyone. This continues to limit the possibility of commencing review proceedings on judicial misconduct.

No announcement has been made suggesting that disciplinary procedures within the prosecution service will be made transparent.

The Commission for the Administration of Justice, which monitors the conduct of members of the judiciary and supervises the workings of the courts, includes practising lawyers nominated by the political parties. This could give rise to a situation where a judge or magistrate is facing disciplinary proceedings in front of a lawyer who is appearing in a case before the same judge or magistrate in a court of law. A leading criminal lawyer and former commissioner of laws has written to the authorities proposing that those lawyers do not practise in the courts.

Two members of the CAJ are appointed following nominations from the government and the opposition. Both nominees are practicing lawyers who practice their profession in the courtrooms of judges and magistrates that are subject to their disciplinary oversight. Repubblika believes this is a threat to judicial independence.

Incidentally both political nominees on the CAJ are part of the defence team of former prime minister Joseph Muscat who is himself challenging the impartiality of Magistrate Doreen Clarke who is conducting an inquiry into the unlawful privatisation of three public hospitals and in which Mr Muscat is believed to be a suspect.

Independence/autonomy of the prosecution service

5000 character(s) maximum

No public announcement has been made about the progress in transferring prosecutions from the police. Although the office has increased capacity, it remains ill-equipped to secure convictions due to the gaps in leadership and middle management positions in the Attorney General's office. Reliance on the police for prosecution remains.

Independence of the Bar (chamber/association of lawyers) and of lawyers

5000 character(s) maximum

There is no suggestion that legislation regulating the legal profession has been completed.

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

5000 character(s) maximum

Frequent remarks made by Prime Minister Robert Abela on inquiries conducted by magistrates following requests made by citizen initiatives suggest that the current in genere inquiry system acts as "an inquisition", persecutes politicians from the ruling party, and is systemically "abused" by people with a partisan motivation. The Prime Minister has publicly announced he has instructed the Justice Ministers to "reform" the inquiries law, suggesting that the right of individuals to petition magistrates when other institutions (particularly the police) fail to act on suspected cases of corruption. Note that the ongoing prosecution in the case of the public hospitals corruption and the possible prosecution of alleged corruption in energy procurement are all the result of magisterial inquiries initiated by citizens' initiatives.

B. Quality of justice

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined in the introduction)

Accessibility of courts (e.g. court/legal fees, legal aid, language)

5000 character(s) maximum

Resources of the judiciary (human/financial/material), remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year)

(Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.)

5000 character(s) maximum

Concerns with human resources in the justice system persist. Anecdotal evidence from the experience of users of court services suggests that the situation is worsening.

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

5000 character(s) maximum

Digitalisation (e.g. use of digital technology, including electronic communication and AI tools, within the justice system and with court users, procedural rules, access to judgments online)

5000 character(s) maximum

There is experiential evidence that suggests improvements to court administration or the reduction of the length of proceedings as a result of digitalisation.

Use of assessment tools and standards (e.g. ICT systems, including AI-based systems, for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

5000 character(s) maximum

Geographical distribution and number of courts/jurisdictions ("judicial map") and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

5000 character(s) maximum

C. Efficiency of the justice system

(Under this topic, you are not required to give statistical information but should provide input on the type of information outlined under section

2)

Developments related to efforts to improve the efficiency of the justice system (e.g. as regards length of proceedings)

5000 character(s) maximum

Anecdotal evidence from the experience of users of court services suggests that the situation is worsening.

Any other developments related to the justice system - please specify

5000 character(s) maximum

A public inquiry flagged multiple failings by various state authorities in the death of a 20-year-old man on a construction site in 2022, saying the industry was essentially unregulated and a legislative mess had been allowed to develop over the years. The inquiry board found the state to be ultimately responsible for the “big mistakes” that led to the fatal incident and called on several high-ranking officials in government entities to consider their positions.

The justice minister revealed in October 2024 that nearly 2,000 cases of domestic violence were pending before the courts. Only two magistrates are assigned to these cases. The information came to light in the wake of new figures showing one in every four women in Malta is abused by an intimate partner.

No public call was issued for the renewal of the Police Commissioner’s contract in 2024. This was despite changes in the law that introduced a competitive process for the appointment of the police chief following Venice Commission recommendations to improve public confidence in police independence. The government confirmed the appointment of the incumbent Police Commissioner, Angelo Gafà, despite much criticism. The parliamentary opposition has accused him of favouring the Labour Party’s interests in the light of apparent reluctance to investigate evidence of high-level corruption brought to light by the media and integrity institutions.

II. Anti-Corruption Framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission’s attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the anti-corruption framework (if applicable):

5000 character(s) maximum

In 2024, corruption did not appear to be a priority for the Maltese authorities. During the year, no significant reforms or enhancements to anti-corruption measures were proposed or discussed with civil society or the broader public.

The 2024 Rule of Law Report called on Malta to address challenges in expediting investigations into high-level corruption cases and to focus on building a reliable record of final judgments. Despite this, no progress was made during the period under review, and Malta's track record of final judgments in corruption cases remained unchanged.

One prominent example of delay is the case of Yorgen Fenech, who has been detained since November 2019 on charges of masterminding the assassination of journalist Daphne Caruana Galizia. Neither Fenech nor two others accused of complicity in the murder have faced trial, although three individuals involved have already been convicted and are serving their sentences.

Meanwhile, former Prime Minister Joseph Muscat and several other current and former government officials, ministers, and contractors were charged in 2024 with crimes such as bribery, trading in influence, embezzlement, and money laundering. These charges relate to the controversial privatisation of three public hospitals. All accused parties deny the allegations, and proceedings are ongoing. Interestingly, these charges were not the result of police investigations but stemmed from a magisterial inquiry initiated by Repubblika, an anti-corruption NGO, through a citizens' petition.

Testimonies in court revealed that police did not independently investigate this case, reflecting a broader trend in Malta.

Toward the end of the period under review, news emerged that an inquiring magistrate investigating alleged corruption in energy procurement from Electrogas recommended prosecutions. The Attorney General is responsible for deciding whether to initiate prosecutions. This case, too, has reached this stage due to citizen initiatives, as the police have not investigated revelations in the public domain since the Panama Papers were leaked in 2016.

Meanwhile, the Maltese government has indicated its intention to abolish the right of individuals to petition magistrates to initiate inquiries when police fail to act. This right has been pivotal in triggering investigations and prosecutions of high-level corruption cases to date.

More broadly, Malta has made little progress in strengthening its anti-corruption framework. Recommendations from the ODIHR (2017), GRECO (2019), the Daphne Caruana Galizia public inquiry (2021), the OECD (2023), and the European Commission's Rule of Law Reports remain largely unimplemented. This lack of action underscores the Maltese authorities' persistent reluctance to adopt reforms that could enhance the country's ability to combat corruption.

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

List any **changes** as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO

In November 2024, the Constitutional Court overturned a 2023 lower court ruling which had crippled the ability of the Financial Intelligence Analysis Unit to issue fines against financial companies over their failure to adhere to anti-money laundering legislation. The lower court had declared that an FIAU fine breached the applicant's fundamental right to a fair hearing since it was not an impartial or independent court. The Constitutional Court ruled, however, that the right to a fair hearing was still safeguarded provided that those fined had access to a full review before a court of law.

Over the last 10 years, the government has increased the budgets allocated to integrity institutions. The Office of the Ombudsman has been allocated a projected budget of €2,055,000 for 2025 and the National Audit Office will have a budget €4,450 000 for 2025. The Commissioner for Standards in Public Life, a more recent institution, has been allocated a projected budget of €500,000. The budget allocated to the justice sector has been raised by 21%, which includes projected outlay on improving facilities in the criminal court. The FIAU's projected budget for 2025 is €11,700,000, only slightly up from €11,500,000 in 2024.

The Office of the Attorney General has reported that taking over prosecutions has led to higher-quality investigations and speedier resolutions in the prosecution of highly complex cases, especially financial crimes. However, the AG did not provide any evidence to support this claim, nor any breakdown regarding the prosecution of corruption.

Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption

The year under review saw no notable advancements in the coordination or accountability of Malta's anti-corruption framework. The absence of a central coordinating authority perpetuates fragmentation in responsibilities among various institutions, weakening the effectiveness of anti-corruption efforts.

The Permanent Commission Against Corruption (PCAC) remains constrained in its role. It relies on police support for its investigations and lacks powers such as search and seizure. Although it can refer findings to the Attorney General, it has never secured a conviction since its establishment three decades ago.

Law enforcement responsibilities are divided between the police and the Attorney General. While the police initiate investigations, either entity conducts prosecutions, with the Attorney General taking exclusive responsibility for serious crimes. Coordination among these bodies remains absent. The Financial Intelligence Analysis Unit (FIAU) occasionally refers cases of suspected economic crimes, but transparency in these processes is limited.

Magistrates can accept applications for in genere inquiries initiated by private individuals. These inquiries gather evidence and may recommend prosecutions to the Attorney General. However, such recommendations are confidential, leaving the Attorney General's decisions beyond public scrutiny. Although theoretically subject to judicial review, decisions not to prosecute are rarely contested due to their secretive nature.

The Government's Internal Audit and Investigations Department (IAID) chairs a Coordinating Committee to facilitate collaboration among multiple entities tasked with safeguarding public funds. Members include representatives from agencies such as the FIAU, Customs Department, and the Malta Police Force. However, the committee focuses on promoting cooperation rather than actual coordination. Its proceedings are not published, and no information is available regarding the frequency of its meetings.

Despite increased funding to integrity institutions, several recommendations from GRECO's Fifth Evaluation Round remain unimplemented. These include disassociating the Commissioner for Standards in Public Life (CSPL)'s advisory and enforcement functions and extending its jurisdiction to all top executive positions. Transparency concerns persist, with CSPL proceedings held privately, and decisions not to investigate complaints remain unpublished.

The FIAU, PCAC, and police provide limited public information on corruption investigations. The FIAU acknowledges corruption cases in its annual reports but lacks details on their scope or outcomes. The last publicly available data, covering October 2020 to September 2022, noted 32 serious fraud and corruption cases referred to court involving 47 individuals and 24 entities.

Media and civil society groups continue to criticise the police for their lack of transparency in corruption investigations. Journalists have reported difficulty accessing information, and police media guidelines are not publicly available. The police Commissioner's press briefings are infrequent, reinforcing perceptions of evasion.

The National Anti-Fraud and Corruption Strategy, presented in 2021, aims to improve coordination among anti-corruption agencies. A 2002 update report noted that the Attorney General had taken over prosecutions for corruption and major fraud cases exceeding €50,000 in damages under regulations introduced in 2020.

The OECD's 2023 recommendations, funded by the European Commission, remain unaddressed. Since the report's release, no public statements have been made regarding their implementation. Similarly, GRECO's recommendation to allow special investigative techniques, such as wiretaps for corruption cases, has not been adopted.

In 2024, Repubblika published its anti-corruption manifesto, advocating for greater transparency in the Attorney General's decisions not to prosecute. The manifesto also called for legal standing for NGOs to challenge such decisions through judicial review. Repubblika remains the primary organisation promoting public engagement in anti-corruption efforts, as no state entity has taken on this role.

Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators

5000 character(s) maximum

B. Prevention

Measures to enhance integrity in the public sector (including as regards incompatibility rules, revolving doors, codes of conduct, ethics)

5000 character(s) maximum

Malta's existing codes of ethics are outdated and insufficient. MPs' codes fail to address key areas such as handling confidential information, managing lobbying activities, and using public resources. Similarly, ministers' codes lack restrictions on post-public employment and clear conflict-of-interest guidelines.

The OECD's 2023 recommendation to overhaul and adopt new codes of ethics for MPs, ministers, and parliamentary secretaries has not been acted upon.

Regulations mandate a two-year cooling-off period for public employees in regulatory roles before transitioning to the private sector. However, no such requirement exists for government ministers or their persons of trust. The OECD's recommendation in 2023 to extend cooling-off periods to elected officials and at-risk appointees has not been implemented.

Measures to enhance general transparency of public decision-making (including rules on lobbying, asset and interest disclosure rules, gifts policy, transparency of political party, financing)

5000 character(s) maximum

The system for declaring assets and interests remains limited in scope and enforcement. Only ministers must declare their wealth, excluding assets held by their spouses, allowing potential concealment of conflicts of interest. GRECO's 2024 compliance report expressed concern over the lack of progress in enhancing the system for senior public officials, ensuring public accessibility, and introducing effective checks and sanctions.

The CSPL's authority to verify declarations is restricted, and rules violations go unsanctioned. Since 2020, MPs have been exempt from declaring spousal assets. The OECD's 2023 recommendations to streamline asset declarations and adopt risk-based methodologies for their analysis remain unimplemented. The asset declaration form itself lacks clarity, often leading to controversies, particularly regarding the prime minister's declarations.

Malta lacks a transparency register or legislative footprint disclosures. The OECD's and GRECO's recommendations to regulate lobbying, introduce a transparency portal, and mandate disclosure of lobbying contacts remain unimplemented.

Political parties in Malta rely entirely on private funding, capped at EUR 25,000 annually per donor. While the law prohibits anonymous donations and funding from untraceable entities, enforcement appears lax. The opposition party's financial statements have been unavailable since 2020, and no donations have been declared since 2021. Despite the Electoral Commission's oversight, there is no evidence of sanctions for noncompliance.

Political parties are funded entirely from private sources, with a cap of €25,000 per annum of funding from a single source. Anonymous financing and funding from a foundation, trust or corporation where the UBO is not identifiable or from companies where the government has a controlling interest is not allowed. Foreign funding is restricted. However, in a report last year Repubblika argued that, in practice, substantial funding to political parties and the identity of the sources of that funding are concealed by various means. For example, commercial companies owned by the political parties generate invoices for phantom services given to donors, and parties' TV stations organise fund-raising telethons where anecdotal evidence suggests collections are inflated to conceal donations.

Measures to prevent conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

5000 character(s) maximum

Despite recommendations from GRECO in 2019, Malta has yet to extend conflict-of-interest rules to persons of trust or introduce a comprehensive framework for individuals in top executive functions. GRECO also urged the introduction of requirements for disclosure and resolution of conflicts of interest, alongside stricter limitations on parallel activities, but these have not been implemented.

Persons of trust, appointed outside the permanent civil service, are not subject to the same conflict-of-interest or disclosure rules as elected officials. GRECO compliance evaluations since 2019 have found that the minor extensions to these rules fall short of their recommendations.

The OECD's proposals to amend the Standards Act to address asset and conflict-of-interest gaps for MPs and Ministers remain unimplemented. These proposals include updating codes of ethics to mitigate risks like misuse of confidential information, regulating pre- and post-employment restrictions, and managing engagements with third parties.

The part-time nature of Maltese MPs' roles exacerbates conflict-of-interest vulnerabilities. MPs earn under EUR 25,000 annually, necessitating secondary employment. A quarter of MPs are public sector employees, with some serving on government boards. In 2023, two MPs held such positions. The OECD has advised against MPs holding secondary employment in government departments, boards, or commissions, but no action has been taken.

Consequences for conflicts of interest are minimal. For example, Minister Clayton Bartolo faced no significant repercussions beyond an apology for arranging a consultancy contract for his then-girlfriend.

--> For the three previous points, **please also provide information and figures on their application /enforcement**, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.)

Measures to ensure whistleblower protection and encourage reporting of corruption, including their application (i.e. number of reports received, and the follow-up given)

5000 character(s) maximum

There are no official figures available to assess how the Protection of the Whistleblower Act has been applied. Since its introduction in 2014, only one prosecution (which was unsuccessful) has relied on the law to protect a whistleblower. No updates or revisions to the law have occurred during the period under review.

Specific measures to enhance transparency, integrity and accountability in sectors with high risks of corruption, with a view to monitor and prevent corruption and conflict of interests, and where applicable measures to prevent and address corruption committed by organised crime groups.

Such high-risk sectors could include: public procurement, including construction, transport/infrastructure, defence, cohesion, agriculture, environment, healthcare, citizen/residence investor schemes, large-scale investments of national interest and the spending of EU funds, urban planning.

5000 character(s) maximum

In November 2024, Parliament's Standards Committee endorsed a report by the Commissioner for Standards in Public Life finding two ministers guilty of abuse of power after the wife of one of them was employed in a top-paid job she did not perform. However, the committee was split along party lines in terms of sanctioning, with the Speaker of the House, who has a casting vote, delivering a mere "stern warning" to Minister Clint Camilleri, a sanction widely criticised as insufficient. The episode demonstrates the inadequacy of the oversight system of ministerial ethics and integrity and the relative impunity enjoyed by members of government.

This area continues to be marked by the failure of government to strengthen institutional capacity to prevent and fight corruption. It is worth noting, yet again, that the recommendations that emerged from the public inquiry into the 2017 assassination of anti-corruption journalist Daphne Caruana Galizia are still largely unimplemented, several years after they were made. Among the recommended tools to combat corruption, which remain shelved, are unexplained wealth orders, the criminalisation of abuse of power and obstruction of justice, and the criminalisation of organised crime organisations through anti-racketeering law.

Similar government non-action applies to GRECO's recommendations that "persons of trust" in the public administration conform with integrity regulations and standards of conduct, that an integrity strategy be developed for top executive functions, that anti-corruption and ethics awareness is raised among top executives, that the Freedom of Information Act is reformed to ensure effectiveness, that draft legislation is disclosed, and that rules governing lobbying and conflict of interest are strengthened.

C. Repression

The legal framework on the criminalisation and sanctions for corruption and related offences, including foreign bribery

5000 character(s) maximum

Corruption-related crimes are defined in Malta's Criminal Code. Below are key offences, their regulations, and issues in the criminal justice system:

Bribery: Regulated under Articles 115 and 118 of the Criminal Code:

- Article 115 applies to public officers, specifying three cases of bribery:

1. When a bribe induces an officer to perform their duty, punishable by 6 months to 3 years imprisonment.
2. When a bribe persuades an officer to refrain from performing their duty, with imprisonment ranging from 9 months to 5 years for accepting the bribe.
3. When an officer accepts a bribe and fails to perform their duty, they are punishable by 1 to 8 years in prison.

- Article 118 targets members of the House of Representatives, making it illegal for them to accept or request any reward or promise to influence their conduct, punishable by 1 to 8 years of imprisonment.

Bribery convictions result solely in imprisonment without the option of a fine.

Embezzlement: Article 127 of the Criminal Code governs embezzlement, which applies specifically to public officers and civil servants, not to private individuals. This offence carries both imprisonment and a perpetual general interdiction, rendering the person legally incapacitated to enter contracts or vote.

Extortion: Article 113 regulates extortion, with penalties ranging from 6 months to 8 years in prison, depending on the severity of the offence. Despite various judgments, no cases have involved officials or members of Parliament.

Trading in Influence: Article 121A criminalises the exertion of improper influence over individuals with decision-making power. Both the influencer and the person who benefits from the influence may be charged, even if the intended result was not achieved.

Misappropriation: Article 293 defines misappropriation as where a person converts something entrusted to them for personal or third-party benefit. Article 294 outlines aggravating circumstances, specifying harsher penalties when the property is entrusted due to the person's professional role. Punishment can range from 3 months to 2 years in prison, depending on the circumstances.

Corruption Charges and Statute of Limitations: Charges against public figures, including Ministers, MPs, Mayors, Councillors, or their accomplices, are not subject to any statute of limitations. Thus, these offences can be prosecuted indefinitely.

Obstruction of Justice: This offence, regulated by Article 135, occurs when public authorities cover up an offence. It applies specifically to individuals vested with public authority.

Money Laundering: is considered a collateral offence in corruption cases, regulated by the Prevention of Money Laundering Act. A guilty person may face a fine of up to EUR 2.5 million, imprisonment for up to 18 years, or both.

Maltese law makes no provision for bribes paid to overseas recipients.

The public inquiry following the assassination of journalist Daphne Caruana Galizia in 2017 recommended several key legal reforms:

- **Unexplained Wealth Orders**.
- Laws criminalising hindrances to investigations by public officials.
- Laws to address "mafia-style" associations and abuse of office.
- Strengthened laws against obstruction and perversion of justice.

These recommendations remain unmet, leaving significant gaps in the anti-corruption framework.

Official data on the number of investigations, prosecutions, final judgments and the application of sanctions for corruption offences (differentiated by offence if possible). Please indicate whether the cases: involve legal persons; are related to the implementation of EU or national funds; involve high level corruption. Please indicate which data is publicly available and how policy-making is informed by the data

5000 character(s) maximum

There are no detailed statistics provided by the police or the courts specifically related to the prosecution of corruption. Instead, the prosecution service includes corruption cases as an undefined category within broader financial crime and money laundering statistics.

Additionally, there is no indication that the adoption of any policy measures to address corruption has been informed by a thorough analysis of relevant data.

Potential obstacles identified in law or in practice to the investigation and prosecution of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

5000 character(s) maximum

The Attorney General (AG) holds discretionary power over whether to prosecute corruption cases, with no requirement to disclose reasons or recommendations. The AG's decision is kept secret even when a magistrate recommends prosecution. Due to this lack of transparency, introducing judicial review in 2020 has had limited application.

Malta suffers from excessively delayed criminal cases, with money laundering cases averaging 694 days to resolve, among the longest in the EU. Many high-profile cases, including the trial of the man accused of orchestrating Caruana Galizia's murder, remain unresolved. Some cases date back to 2008.

Despite high spending on the court system, inefficiencies result in significant delays. The judiciary has described the system as "on the brink of collapse." The Association of Judges warns that the judicial system will struggle to meet increasing demands without sufficient investment in competent staff and resources.

These systemic issues hinder the effective prosecution of corruption and the overall functioning of Malta's criminal justice system.

A serious potential obstacle to the investigation and prosecution of high-level corruption cases has emerged in the form of a public declaration by Prime Minister Robert Abela. He has expressed the intention of "reforming" a law that enables citizens to request a magisterial inquiry into suspected crime or corruption on the basis of supplied evidence, citing the need to end "abuse" of this law. His declaration came after a lawyer and former Opposition MP requested a court to open an inquiry into alleged corruption in Gozo that implicates the Gozo minister in conspiracy. These developments come in the face of manifest police reluctance to launch their own investigations into such cases despite extensive reporting by both the media and integrity institutions (the Electrogas, public hospitals, Pilatus Bank and a more recent ID cards racket are cases in point). It has to be noted that the law in question seems to work. For example, a similar Repubblica request led to the prosecution last year of former prime minister Joseph Muscat and several former ministers of his government, ministers in office, senior government officials, and government contractors, who have been charged with corruption and bribery over the botched privatisation of three public hospitals. The charges were issued on the back of explicit recommendations made by the inquiring magistrate. Though the police are now involved in prosecuting the case, they have repeatedly testified that they had not investigated the matter, even when the inquiry was concluded and grounds for prosecution were found. In an earlier attempt to cast aspersions on this important legal process, when Abela first became aware of the court's recommendation to prosecute in this case he attributed partisan motivations to the magistrate.

The government granted an amnesty to hundreds of fraudsters in a massive social benefits racket in which a former Labour MP is suspected of having played a crucial role in the years-long criminal scheme. The presidential pardon, granted under certain conditions, came just before the May European Elections. The move was criticised by the business lobby and in leading editorials as weakening governance and the rule of law.

In another obstacle to the investigation of potential corruption, only ministers are required to make declarations of assets and only on their own wealth, despite being part of a community of acquests with their spouses. This means that ministers, MPs and persons in senior public sector positions are not subject to proper scrutiny or imposition of sanctions. In a compliance report in 2024, GRECO expressed concern that no concrete steps had been taken to enhance the system of asset and interest declarations, ensure its accessibility to the public, provide effective and proactive checks, and introduce dissuasive sanctions for violations. In 2023 the OECD had recommended legislative changes to strengthen and streamline the compilation of asset declarations and the review process, including developing a risk-based methodology for analysing asset declarations. However, these still need to be implemented. Several stakeholders told the OECD that the current template falls short of allowing a proper analysis of unjustified assets, laundering of criminal proceeds and violations of conflict-of-interest rules.

Information on effectiveness of criminal and non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders

5000 character(s) maximum

In 2024, corruption did not appear to be a priority for the Maltese authorities. During the year, no significant reforms or enhancements to anti-corruption measures were proposed or discussed with civil society or the broader public.

The 2024 Rule of Law Report called on Malta to address challenges in expediting investigations into high-level corruption cases and to focus on building a reliable record of final judgments. Despite this, no progress was made during the period under review, and Malta's track record of final judgments in corruption cases remained unchanged.

One prominent example of delay is the case of Yorgen Fenech, who has been detained since November 2019 on charges of masterminding the assassination of journalist Daphne Caruana Galizia. Neither Fenech nor two others accused of complicity in the murder have faced trial, although three individuals involved have already been convicted and are serving their sentences.

Meanwhile, former Prime Minister Joseph Muscat and several other current and former government officials, ministers, and contractors were charged in 2024 with bribery, trading in influence, embezzlement, and money laundering. These charges relate to the controversial privatisation of three public hospitals. All accused parties deny the allegations, and proceedings are ongoing. Interestingly, these charges did not result from police investigations but stemmed from a magisterial inquiry initiated by Repubblika, an anti-corruption NGO, through a citizens' petition.

Testimonies in court revealed that police did not independently investigate this case, reflecting a broader trend in Malta.

Toward the end of the period under review, news emerged that an inquiring magistrate investigating alleged corruption in energy procurement from Electrogas recommended prosecutions. The Attorney General is responsible for deciding whether to initiate prosecutions. This case, too, has reached this stage due to citizen initiatives, as the police have not investigated revelations in the public domain since the Panama Papers were leaked in 2016.

Meanwhile, the Maltese government has indicated its intention to abolish the right of individuals to petition magistrates to initiate inquiries when police fail to act. This right has been pivotal in triggering investigations and prosecutions of high-level corruption cases to date.

More broadly, Malta has made little progress in strengthening its anti-corruption framework. Recommendations from the ODIHR (2017), GRECO (2019), the Daphne Caruana Galizia public inquiry (2021), the OECD (2023), and the European Commission's Rule of Law Reports remain largely unimplemented. This lack of action underscores the Maltese authorities' persistent reluctance to adopt reforms that could enhance the country's ability to combat corruption.

Any other developments related to the anti-corruption framework - please specify

5000 character(s) maximum

III. Media pluralism and media freedom

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding media pluralism and media freedom (if applicable)

5000 character(s) maximum

Except for transposing the anti-SLAPP directive in its minimum form, none of the recommendations made by the Daphne Caruana Galizia Public Inquiry in 2021 have been adopted. Similarly, none of the recommendations made by the Committee of Experts appointed by the Maltese authorities have been adopted. The authorities' commitment to publish a white paper on media freedom reforms has not been met until now.

No developments have been made to secure transparent criteria for allocating public funding to media outlets or state advertising.

There hasn't been any progress concerning adopting safeguards to improve access to official documents.

There has been no progress in enhancing public service media's independent governance and editorial independence.

Journalists continue to face challenges in the exercise of their profession.

More than two years after the public inquiry into the assassination of Daphne Caruana Galizia made far-reaching recommendations on the strengthening of press freedom and protection of journalists, the government continues to drag out the process of reform so that changes have yet to be made.

Along with all other recommendations of the Daphne Caruana Galizia public inquiry, the Maltese authorities have ignored all recommendations concerning media reform.

Political parties remain dominating owners of the media landscape, reducing journalistic independence and increasing polarisation and risks of disinformation. There is no formal framework for state spending in advertising (or ex gratia subsidies paid to media houses without any form of transparency), and government spending remains a tool of influence and control on the media.

Implementing the Freedom of Information Act remains poor despite the government habitually losing cases brought against it with the Data Commission review process after rejecting requests for FOI publications.

There has been no progress in enhancing public service media's independent governance and editorial independence. Public service journalists operate in an environment that prevents them from doing any work that may be interpreted as inconvenient to the authorities.

Journalists continue to face challenges in the exercise of their profession. The fact that the authorities have not implemented even one of the recommendations of the Daphne Caruana Galizia public inquiry signals to all journalists that the causes that have been documented as the context in which her assassination was made possible all persist with the aggravating consideration that the present context persists despite the experience of the assassination.

It is fair to say that it is now harder than ever to be a journalist in Malta.

There is no formalised process for public participation in the legislative process and no commitment to

introduce one.

During the year under review, the authorities ignored renewed calls by civil society to establish a Human Rights Commission.

Plans for a Constitutional Convention announced in 2019 appear to have been abandoned after President George Vella announced he had been prevented from calling the first meeting after a disagreement on who would lead the Convention.

After several stops and starts, the prime minister promised in October 2023 to issue a White Paper with proposed media reform laws. That White Paper has yet to see the light of day at the time of writing. The long and winding road to reach this point – still far from the required legislation – reflects the government's reluctance to effect real reform that would bolster the media and its power to hold it to account. The prime minister's White Paper pledge came in response to demands from journalists and media experts for broader consultation on a set of media laws proposed by the government. These proposed laws came in response to a report drafted by a committee of media experts appointed following the Daphne inquiry. They remain frozen.

A. Media authorities and bodies

(Cf. Article 30 of Directive 2018/1808)

Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

5000 character(s) maximum

Recommendations to reform the country's Broadcasting Authority have not been implemented. Meanwhile, the authority's failure to ensure impartiality was confirmed by a court in two cases instituted by the opposition party. The court found that the authority had failed to monitor the fulfilment of its orders by the public broadcaster, in breach of its constitutional obligations.

Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

5000 character(s) maximum

Existence and functions of media councils or other self-regulatory bodies

5000 character(s) maximum

There are none. The Istitut tal-Ġurnalisti Maltin is a voluntary organisation set up to represent the interests of members of the profession. It has no staff and no financial resources to speak of and depends on a few working journalists allocating whatever spare time they have.

B. Safeguards against government or political interference and transparency and concentration of media ownership

Measures taken to ensure the fair and transparent allocation of state advertising

5000 character(s) maximum

There are no enforceable rules governing state advertising and funding of media organisations according to objective criteria such as fairness or audience reach. This allows the government to reward sympathetic media organisations, including those that the ruling party owns, and punish critical news organisations by withholding advertising expenditure.

The Commissioner for Standards in Public Life wrote to parliament's standards committee in July 2023 requesting that guidelines issued by his office about paid government adverts be recast as rules and incorporated into the ministerial code of ethics. He said this would give the guidelines a legal basis and eliminate any doubts about their legality. His letter came after the committee had ignored two reports which found ministers guilty of ethical breaches concerning advertising two years earlier. The government has shown no interest in adopting this recommendation.

Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their financial and operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions
- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licenses, company operation, capital entry requirements, concentration and corporate governance

5000 character(s) maximum

In theory, the public broadcasting station operates under an obligation to give space to all voices in society and to promote democratic debate, including a balance of political expression. In practice, the Public Broadcasting Service favours the party in power in its treatment of news under an artificial veneer of balance that it uses to hide its sins of omission: its failure to undertake proper investigative journalism and hold the governing party to account, its stifling of meaningful debate, and its propagandistic approach to news that provides a distorted picture of political reality. By many accounts, this situation is worse than it has ever been.

There have been no attempts to discourage editorial interference by the ruling party – it is still common practice that the entire editorial board hands in their resignation on the holding of an election – even though this is not mandated by law.

The two main political parties own the other two major broadcasting stations. Their news and current affairs coverage serves the agenda of their political masters, leaving the Maltese public with no independent news outlet to speak of in the TV space, the most essential news source for the public. The political monopoly of television continues to present a grave threat to democracy and the rule of law in the country.

The printed media (including online news) is in a somewhat healthier position. Times of Malta, the leading outlet by far, is fiercely independent, even regarding internal safeguards regarding a strict firewall between its editorial and management teams. Still, without formal safeguards against unwarranted political influence, this independence is precarious because it depends mainly on the personal decisions of those running such organisations to protect their autonomy. The lack of funding provisions to ensure the sustainability of private media only adds to the precariousness of independent media organisations.

Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners

5000 character(s) maximum

Though there are no specific rules about transparency of ownership beyond rules about transparency of ownership of any limited liability company, the identity of media owners is widely known.

C. Framework for journalists' protection, transparency and access to documents

Rules and practices guaranteeing journalists' independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists

5000 character(s) maximum

Since September 2024, a ban handed down by the Maltese courts prohibits any discussion in the media about the murder of Daphne Caruana Galizia and its alleged connection with corruption in public procurement.

Ahead of the European Elections, the Broadcasting Authority issued a directive to media houses to use "caution" when reporting on the activities of the European Parliament, especially those featuring its president Roberta Metsola. This led to the government-controlled Public Broadcasting Service ignoring an EP event, with Metsola's participation, that commemorated Malta's 20th anniversary of joining the EU.

Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

5000 character(s) maximum

Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

5000 character(s) maximum

In a setback to freedom of expression and information, the Education Ministry has issued new rules laying down that teachers must seek written permission from the education department before speaking to the media. The ministry said that educators' statements must align with its policies and not give the perception of political bias.

It was revealed early in 2024 that 750 parliamentary questions remained unanswered since the last general election in March 2022. The Speaker has called for prompt replies in the past but does not have the power to order a minister to give a substantial answer.

Journalists and NGOs find that the government tends to be secretive by default, including when the information is of public interest. This means journalists, NGOs and other interested parties are constrained to go through the time-consuming and often costly process of seeking replies via the Freedom of Information Act, which is entirely dysfunctional. The FOI request is frequently denied, citing a long list of exceptions in the law. This is despite a landmark court judgment a few years ago saying that confidentiality should be the exception rather than the rule when information about public projects is sought. When called to review, the Data Protection and Information Commissioner can be expected to apply the law appropriately and order the release of the requested information. Often, that decision is then appealed by the government to a special tribunal.

A government appointee heads the special tribunal without the security of tenure. Even if the government appointee orders the disclosure of information, the government has a further appeal to the Court of Appeal (in its inferior jurisdiction) – one which is often utilised in a bid to dissuade the request for information. By the time the requested information is released, it risks becoming redundant.

Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

5000 character(s) maximum

In 2024, Malta transposed the EU's Directive 2024/1069 on anti-SLAPP measures. This partially implemented one of the recommendations on improved press freedom made in the Daphne Caruana Galizia public inquiry. However, the government has not yet delivered on a promise made in October 2023 to publish a white paper on reforms in media freedom, while freedom of information laws remain ineffective, making it a challenge for media outlets to access certain public information.

Any other developments related to media pluralism and freedom - please specify

5000 character(s) maximum

Intimidation of the independent media continues, reminiscent of the tactics used against Daphne Caruana Galizia before she was assassinated. The Institute of Journalists accused a prominent government official, Jason Micallef, of instigating hatred against journalists after he claimed a journalist was “in collusion with the establishment” and published photos of chat conversations on her laptop during a press conference by former prime minister Joseph Muscat. Micallef claimed she had been given questions by a former Opposition MP and by Repubblika. Earlier that same week, Prime Minister Joseph Muscat accused some journalists and their media houses of working for the so-called “establishment”, and implied they were the “enemies of the state and of the people”.

The Broadcasting Authority, which is tasked by the constitution to ensure balance and impartiality in public broadcasting, was found by a court to have breached the opposition party’s fundamental rights when it failed to provide a remedy in a case of imbalance. This came after a similar Constitutional Court judgment highly critical of the authority delivered a year earlier.

IV. Other institutional issues related to checks and balances

Please provide information on measures taken to follow-up on the recommendations received in the 2024 Report regarding the system of checks and balances (if applicable)

5000 character(s) maximum

The public or civil society has little opportunity to participate in the development of new legislation, and the government rarely publishes draft laws before debate on them has started in parliament.

A long-promised constitutional convention has fallen by the wayside despite behind-the-scenes work on laying the groundwork that involved both political parties.

There has been no indication that the government is considering universally applying the constitutional court’s findings. This would force property owners unable to enjoy their property due to government abuse to obtain decisions by the court identical to several other decisions taken in similar cases.

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders’^[1]/public consultations (including rules and practices on the transparent participation of civil society to policy development and decision-making processes), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

[1] This includes also the consultation of social partners

5000 character(s) maximum

The Maltese authorities have not established a formal framework for ensuring public participation in the legislative process. No significant steps have been taken to create clear guidelines or rules for public involvement. Key legislation related to justice and law enforcement is rarely made available for public consultation before it is passed.

Malta's involvement in the Open Government Partnership (OGP) has seen the submission of an action plan that, despite repeated requests from civil society groups, does not incorporate the anti-corruption and transparency reforms suggested by the Venice Commission, GRECO, ODIHR, the European Commission's Rule of Law Reports, and the Daphne Caruana Galizia public inquiry, among others. An independent evaluation of this action plan concluded that three of Malta's four commitments under the OGP process hold modest potential for results. At the same time, the fourth is still deemed unclear.

It is fair to say that the Maltese authorities do not consider civil society as a stakeholder in legislative matters particularly in matters concerning justice, anti-corruption, and media freedom.

Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

5000 character(s) maximum

The bulk of law making in Malta is issued by decree through Legal Notices published on the strength of the minister's signature. Ex-post Legal Notices can be challenged by an MP in Parliament though that invariably leads to its confirmation.

The government is unrestricted in setting Parliament's agenda and in fast tracking legislative initiative it wishes to rush through Parliament. MPs have no resources to assess bills and often complain of not having had time to read laws before they're asked to vote on them.

Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight

5000 character(s) maximum

Regime for constitutional review of laws

5000 character(s) maximum

A constitutional convention promised by the ruling party in 2012 has not yet been convened. There is no statutory provision for changes to the constitution except that some provisions require a qualified parliamentary majority to be adopted.

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

(Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>)

5000 character(s) maximum

We are aware of no progress in setting up an NHRI in Malta.

Statistics/reports concerning the follow-up to recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years

5000 character(s) maximum

C. Accessibility and judicial review of administrative decisions

Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

5000 character(s) maximum

Article 469A of the Code of Organisation and Civil Procedure provides for judicial review of administrative decisions – it includes a time limit of 6 months from the decision – or presumed refusal – of the public authority. Despite several calls for this 6-month period to be suspended throughout an investigation by the Ombudsman – most notably by a paper presented to the government by law students, the government has not heeded this advice. Instead, individuals seeking redress thought the Ombudsman, are told, once the Ombudsman's recommendations are ignored by the authorities, that they cannot now have recourse to judicial review since the 6-month period would have passed.

Article 469B of the Code of Civil and Organisational Procedure grants the right to ask for judicial review of decisions by the prosecutor not to prosecute. The right is limited to persons with a legal standing in the case which is generally interpreted by the courts to restrict access to this right to direct victims of a crime. 469B was introduced following findings by the Venice Commission in 2018 that Maltese prosecutors appeared to shelf indefinitely cases against people with political influence suspected of corruption.

However, the narrow understanding of legal standing and the difficulty in identifying victims of corruption in the conventional sense mean that the clause has had little to no meaningful effect.

Furthermore, despite a 6-month deadline for these cases to be opened from the time the decision not to prosecute is taken, decisions not to prosecute are often secret and undocumented. This is particularly the case when magisterial inquiries (themselves a secret process) conclude with a direction to the prosecutor to commence prosecution. The prosecutor has discretion on whether to act on the direction given by the magistrate and a decision not to prosecute is not formally announced or communicated to the victim.

This makes 469B effectively a dead letter.

The government has not reacted to a bill in Parliament put forward by the opposition to update the law.

Judicial review of administrative decisions: short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review)

5000 character(s) maximum

Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

5000 character(s) maximum

Implementation of final judgments by the public administration and State institutions and follow-up given to supranational judgments, including decisions from the European Court of Human Rights, as well as available remedies in case of non-implementation

5000 character(s) maximum

The authorities comply with court rulings – but only insofar as the payment of compensation is concerned. The effective enforcement of a judgment by the ECtHR is wholly dependent on two things (Article 6 and Article 6A of Chapter 319 of the Laws of Malta). Firstly, the applicant, having received a favourable judgment in Strasbourg, must file another application before the Constitutional Court requesting the enforcement of the judgment (Article 6). Secondly, the Prime Minister may, within six months from the date that the judgment becomes final and to the extent necessary in his opinion to remove the inconsistency, make regulations deleting any such instrument or provision found to be inconsistent with the ECHR (Article 6A). This means that often, the impugned legislation remains on the statute books and persons suffering similar violations are forced to file constitutional proceedings anew, complaining of the same violation/s already established by the previous case law.

D. The enabling framework for civil society

Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration, transparency and dissolution rules)

5000 character(s) maximum

Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures to protect them from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services, as well as available remedies

5000 character(s) maximum

No such rules exist.

Organisation of financial support for civil society organisations and human rights defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

5000 character(s) maximum

Funding for civil society organisations working in philanthropic activity is discretionary, given, and withdrawn unilaterally by ministers. Activists and volunteers in this sector have reported retaliation by ministers using threats or actively withdrawing funding for organisations expressing dissent or policy disagreement. There is no national or local funding whatsoever for organisations against in human rights or anti-corruption activities.

E. Initiatives to foster a rule of law culture

If there have been developments related to initiatives to foster a rule of law culture, please specify, which (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.)

5000 character(s) maximum

There are none.

Any other developments related to the system of checks and balances - please specify

5000 character(s) maximum

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here

Contact

rule-of-law-network@ec.europa.eu