

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

aditus foundation

Main Areas of Work

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

If "Other", please specify

Human Rights

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

500 character(s) maximum

www.aditus.org.mt

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

455286844374-86

* 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

Carla

Surname

Camilleri

Email Address of the organisation

carlacamilleri@aditus.org.mt

* 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

Pursue the draft reform endorsed by the Government to involve the judiciary in the procedure for appointment of the Chief Justice

aditus feels that there has been no progress in relation to this recommendation and similar recommendations made each year. For the 4th year running there have been no developments in relation to changes to involve the judiciary in the appointment of the Chief Justice in spite of the assertions contained in the 2024 Rule of Law - Malta Chapter (Pg 4). There has been no publicly available information of any constitutional reform, less so of any “endorsement” of any constitutional reform, contrary to what was reported in the Malta Chapter. Furthermore, no bill has been tabled in Parliament in 2024. In fact, the only publicly available feedback from the Maltese Government states that it “reiterate[s] that there are no plans to change the current method of appointment of the Chief Justice” (Pg 7) [<https://shorturl.at/757IF>]. We are therefore greatly concerned at the lack of clarity and misdirection. The vague assertion in the 2024 Commission report that steps are being taken in this regard are not based on fact. We urge the Commission to be more forceful in its recommendations and follow-up.

We therefore feel that this recommendation has not been achieved.

Further strengthen efforts to improve the efficiency of justice including by providing additional resources, particularly to reduce the length of proceedings

There has been no significant improvement in relation to the efficiency of the justice system. Whilst 5 new magistrates were appointed in January 2024, at the opening of the forensic year in October 2024 both the Chief Justice [<https://shorturl.at/EzKNc>] and the President of the Chamber of Advocates [<https://shorturl.at/LqBS3>] spoke of delays and the need to appoint more members of the judiciary, to recruit specialised staff to support the judiciary in its work and to increase capacity and space. The Chamber of Advocates noted that although the increase of the number of inquiring magistrates was positive, these were still left without an office and support staff months after being appointed. Furthermore, the process of digitalisation has seen no improvement except for the issuance of a tender for an off-the-shelf court management information system at the end of 2024. This call for proposals seems not to have been discussed in the Committee set up to monitor and implement changes with a view to digitalisation of the courts, which committee as of October 2024 had not met up once since inception [<https://shorturl.at/LqBS3>], contrary to the Government’s assertion that the Committee meets regularly. The Chamber lamented that besides not being advised on the contents of the call, the 28-month time-frame imposed on the eventual service provider is not realistic and such a major overhaul of the working of the national justice system requires more consultation with stakeholders and time for it to be implemented properly.

We therefore feel that this recommendation has not been achieved.

See also:

Malta fails to tackle systemic corruption and strengthen rule of law, Joint Statement by NGOs: <https://www.daphne.foundation/en/2024/07/30/rule-of-law-report-malta>; aditus & Daphne Caruana Galizia Foundation submission to UN Special Rapporteur on independence of judges & lawyers: <https://aditus.org.mt/aditus-the-daphne-caruana-galizia-foundation-submission-to-the-un-special-rapporteur-on-the-independence-of-judges-and-lawyers-2024/>

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

(i) Appointment of the Judiciary

We reiterate our position, which reflects that of the Venice Commission that government to strengthen the appointment system by making shortlisted candidates public before chosen and appointed by the President. We refer to our 2024

Submission [<https://aditus.org.mt/Publications/2024ruleoflawsubmission.pdf>]

We urge the Commission to recommend the publicity of the short-listed candidates to the above in the list of Recommendations for the 2025 Report.

(ii) Appointment of the Chief Justice

aditus reiterates the need to depoliticise the appointment of the Chief Justice and for such individual (i) to be appointed from amongst sitting magistrates and judges and (ii) to be appointed by his or her peers without interference from Government or Members of Parliament. We find the statement that “steps are being taken to involve the judiciary in the procedure for appointment of the Chief Justice” does not meet the requirement of peer-to-peer appointment and full depoliticisation.

We urge the Commission to include the enactment of legislation to ensure a peer appointment procedure for the Chief Justice in the list of Recommendations for the 2025 Report.

(iii) Appointment of Adjudicators on Specialised Tribunals

There is no publicly available information on the initiation of public procurement procedures for the engagement of an independent contractor. Although the 2024 Malta Chapter Report and Government Submission to the Rule of Law Report confirm that the terms of reference for the contractor were agreed, there is no further information. Milestone C6.R.1 [M] 6.3 of the RRP mandates that the engagement of the private contractor must be finalised by Q4 of 2024 and we note that this milestone has not been reached. In addition to what was already stated in our 2024 submission to which we again refer the Commission to, attention is drawn to the recent ECtHR judgment *JB and others v Malta* [<https://hudoc.echr.coe.int/fre?i=001-237438>] decided in October 2024. The ECtHR rules that Malta had breached Article 5(4) of the Convention, amongst others, as it found that the Immigration Appeals Board (IAB) an effective remedy for the review of the lawfulness of detention. The decision was based on the fact that its decisions were not subject to subsequent control by a judicial body with “full jurisdiction”, that there was a lack of proper, clear and transparent appointment procedure and selection criteria for members. In addition, there was an absence of guarantees against outside pressure and appearance of independence (§151–153). The Court also imposed a general measure which requires Malta to ensure enactment of legislation for conformity of the IAB with independence and impartiality requirements (§166-168). See also: *S.H. v Malta* 37241/21 [<https://hudoc.echr.coe.int/fre?i=001-221838>], *A.D. v Malta* 12427/22 [<https://hudoc.echr.coe.int/eng?i=001-228153>].

We urge the Commission to include the enactment of legislation to guarantee the independence of specialised tribunals in the list of Recommendations for the 2025 Report.

(iv) Appointment of Nominees to the Courts of Justice of the European Union

The procedure for choosing which candidate/s are to be nominated by the Government to the Courts of Justice are nebulous and not laid down by law. In this instance, the Minister for Justice appoints an ad hoc Selection Board that would then interview candidates and selection the most appropriate candidates for the post [<https://www.gov.mt/en/Government/DOI/Government%20Gazette/Documents/2024/04/Government%20Gazette%20-%2030th%20April.pdf>]. Whilst the general requirements are published in the Government Gazette, the process differs greatly from the judicial appointment procedure, recently changed, laid down

by the Maltese Constitution and the published Judicial Appointments Committee – Rules and Guidelines [<https://judiciary.mt/wp-content/uploads/2022/09/JAC-Rules-and-Guidelines.pdf>]. The names of the persons on the Selection Committee are not public, neither are their terms of reference nor any guidelines guiding them through the selection process. Finally the ranking and/or reasons for any selected candidate are not made public. Suffice to say that the selected candidate nominated by the Government, in spite of his close relations with the man accused of Daphne Caruana Galizia's assassination and money laundering, with did not pass the Comité 255 scrutiny.

We urge the Commission to include the enactment of legislation to guarantee the integrity of the selection process for nominees to the Courts of Justice of the European Union in the list of Recommendations for the 2025 Report.

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

Due to no legislative or policy changes in the sector please refer to our 2023 Submissions <https://aditus.org.mt/Publications/2023ruleoflawreportssubmission.pdf> and 2024 <https://aditus.org.mt/Publications/2024ruleoflawsubmission.pdf> Submissions on the Irremovability of Judges and reiterate our below recommendations.

We again strongly urge the Commission to recommend a change procedures before the Committee which allows any member of the judiciary to initiate procedures.

We again strongly urge the Commission to recommend the strengthening of the removal procedure for members of tribunals. In addition, to recommend the binding of these board members to the judicial code of ethics in order to ensure independence until the conclusion of the tribunals reform in 2026.

Promotion of judges and prosecutors (incl. judicial review)

5000 character(s) maximum

There is no publicly available information on the promotion of judges and prosecutors. It is therefore not possible to comment on the system and on any judicial review or administrative review of any decision to promote or not to promote.

We again strongly urge the Commission to recommend transparency as to the procedures adopted for promotion of both judges and prosecutors.

Allocation of cases in courts

5000 character(s) maximum

Due to no legislative or policy changes in the sector for a number of years please refer to our 2023 Submissions: <https://aditus.org.mt/Publications/2023ruleoflawreportssubmission.pdf>.

We again strongly urge the Commission to recommend transparency as to procedure relating to the allocation of cases.

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

We note with concern that none of the recommendations or concerns relating to the safeguarding of the independence of the judiciary and/or the disciplinary regime have been taken into account by the Commission.

We refer the Commission to our 2023 Submissions <https://aditus.org.mt/Publications/2023ruleoflawreportssubmission.pdf> and 2024 Submissions <https://aditus.org.mt/Publications/2024ruleoflawsubmission.pdf> on the Independence and powers of the Commission for the Administration of Justice, in particular with reference to the composition of the Commission for the Administration of Justice which should be fully depoliticised.

Furthermore, we reiterate our concerns in relation to the lack of transparency of proceedings in relation to disciplinary measures. Whilst there is now a slightly more informative section on the Judiciary website, crucial information is still missing <https://judiciary.mt/en/disciplinary-proceedings-of-the-judiciary/>.

We again strongly urge the Commission to recommend a change in composition of the CAJ.

We also again urge the Commission to recommend further transparency on the complains procedure with regards to the CAJ and the Committee for Judges and Magistrates, including the publication of annual reports which would include statistical data which can be anonymised on procedures that were undertaken in any given year.

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

We note that none of the concerns in our 2023 and 2024 submissions relating to the lack of an effective disciplinary regime for the judiciary have been addressed in the 2024 recommendations by the Commission.

In the opening speech of the Forensic Year the President of the Chamber of Advocates [<https://shorturl.at/LqBS3>] highlighted problems relating to the discipline of certain members of the judiciary varying from delays in deciding to lack of discipline in the court room, to disrespecting lawyers and the public. They called for the setting up a disciplinary procedure which is independent of the judiciary.

In November 2024, the Chamber of Advocates sent a notice to its members in response to numerous complaints regarding members of the judiciary. In view of such complaints the Chamber had addressed the Chief Justice to seek resolution (see Attached - Chamber-of-Advocates-Letter) to which the Chief Justice replied that in accordance with Article 101B of the Constitution there needs to be a written complaint which contains clear accusations of a breach of a specific provision of the Code of Ethics (see Attached - Chief-Justices-Reply).

The complaint was triggered by internal complaints sent to the Chamber of Advocates by lawyers, and by a reprimand by an appeal's court judge relating to a magistrate for unnecessarily delaying court proceedings and for retaining court files in her private residence. The judge presiding the appeal's court sitting sent notifications to the Minister for Justice and to the Chief Justice, presumably because they are the only two roles empowered to file a complaint with the Commission for the Administration of Justice, detailing the behaviour. Furthermore, The Justice Minister formally wrote to Chief Justice with reference to the Appeal's

Court notification but stopped short of requesting a probe into the magistrate's behaviour. The Minister noted that the Government intended to put forward Constitutional amendments to strengthen disciplinary proceedings, however none have been tabled or proposed to date.

<https://www.maltatoday.com.mt/news/national/131835>

[/justice_minister_miffed_but_does_not_use_power_to_request_probe_into_irresponsible_magistrate_](#).

aditus foundation's lawyers have had experience with filing a complaint in relation to a member of the judiciary in 2024. They were summoned by a panel set up by the Commission for the Administration of Justice to testify during a hearing relating such complaint but were told that they would not be informed of the outcome either way. They were cross-examined by the lawyer of the magistrate, without having been informed of any right or otherwise of having a legal representative present. As a complainant they did not receive any acknowledgement of the receipt of the complaint, any written submissions in response to their complaint, and neither were they given any information before or after the testimony they were officially summoned for. The independent special prosecutor was not present during the sitting as the person appointed was indisposed. Proceedings are held in camera and are secret [<https://judiciary.mt/en/disciplinary-proceedings-of-the-judiciary/>]. Suffice to say the particular magistrate is still a sitting magistrate presiding over the case complained of.

Please also refer to our Rule of Law Submission of 2023 <https://aditus.org.mt/Publications/2023ruleoflawreportssubmission.pdf> and 2024 <https://aditus.org.mt/Publications/2024ruleoflawsubmission.pdf> relating to the irremovability of Judges.

We therefore strongly urge the Commission to recommend strengthening the disciplinary procedures for members of the judiciary which would guarantee transparency and independence of the procedures and strengthen the procedural rights of the complainant.

We again urge the Commission to recommend to the Maltese Government to make public the number of proceedings or investigations carried out annually in relation to members of the judiciary.

Independence/autonomy of the prosecution service

5000 character(s) maximum

It is impossible to discuss the independence and or autonomy of the prosecution service without discussing the appointment of the Attorney General and the lack of safeguards for impartiality and independence in such appointment process.

Whilst the new procedures for the appointment of the Attorney General see the setting up of Appointment Commission, the members of the Commission are handpicked by the Minister responsible for justice who in his opinion are respected and trusted by the public and are "technically qualified" to examine whether candidates for the office of Attorney General have the appropriate qualifications and other merit and suitability requirements. There is no further definition of what "technically qualified" means or how someone can be considered to be respected and trusted by the public. Whilst the appointment procedure is clear albeit lacking in guarantees, the criteria for the appointment of the Attorney General (Art 91 of the Constitution) is simply that of being qualified for appointment as a judge of the Superior Courts.

There are no public guidelines on standards to appoint senior or chief prosecutors besides the Attorney General, although it is recognised by Council of Europe bodies that there is a need for clear criteria defined by the law, reflecting the specific competencies and experience required for a chief prosecutor that must be higher than those for ordinary prosecutors (See pg 12 organisational chart of Attorney General's office: <https://attorneygeneral.mt/wp-content/uploads/2024/07/DIGITAL-AG-Annual-Report-2023.pdf>).

We again urge the Commission to recommend an appointments procedure for the Attorney General that includes the cooperation between various state organs and advice on the professional qualification of candidates should be taken from relevant experts including the legal community and civil society, as suggested by the Venice Commission.

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

5000 character(s) maximum

On the occasion of the 20th year anniversary of Malta's accession to the European Union, the President of the Chamber of Advocates lamented that a lack of resources, including a lack of funding, means that as a bar association they could not be an effective voice nor as participatory relation to European law and policy in comparison to other European bar associations - <https://www.avukati.org/2024/05/10/stqarrija-ghall-istampa/>. The Chamber is elected independently by peers, however the lack of financing means that the bar is run by lawyers who volunteer their time after work hours.

Please refer to our 2023 Rule of Law submissions/: <https://aditus.org.mt/Publications/2023ruleoflawreportsubmission.pdf>.

We urge the Commission to recommend that the Chamber of Advocates be granted access to funds and/or HR support (such as seconded public servants) in order to increase their capacity.

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

5000 character(s) maximum

In a series of speeches over the course of 2024, the Prime Minister Robert Abela was accused of attacking the judiciary who were involved in corruption inquiries. In January the Prime Minister was accused scapegoating members of the judiciary by the Chamber of Advocates in January 2024 <https://www.avukati.org/2024/01/29/press-release-chamber-of-advocates-29-01-2024/>.

Later, in April 2024, after the Prime Minister stated during a political event launching the Labour Party MEP electoral manifesto that "Justice should not be abused for partisan purposes let alone be focused on inflicting the worst electoral damage. I said these words about three and a half months ago, here, to journalists. Justice does not mean political terrorism, honest justice and political reprisals do not live together", the Chamber of Advocates demanded that the judiciary should be given the freedom to carry out its work without interference: <https://www.avukati.org/2024/04/29/stqarrija-ghall-istampa-kamra-tal-avukati-29-04-2024/>. The Prime Minister's statements were said in the light growing speculation that ex-Prime Minister Joseph Muscat would face corruption and money laundering charges over the scandal involving Maltese public hospitals.

The Chamber's sentiments were echoed by aditus foundation, <https://aditus.org.mt/hands-off-our-democracy/>, the Daphne Foundation <https://www.daphne.foundation/en/2024/05/09/institutions-are-working> and the Malta Employers' Association (MEA), the Malta Chamber of Commerce, Enterprise and Industry, as well as the Malta Chamber of SMEs: <https://maltachamber.org.mt/employer-bodies-call-for-an-urgent-mcesd-meeting/>; <https://businessnow.mt/employer-bodies-call-urgent-mcesd-meeting-over-serious-concerns-about-pm-statements-on-judiciary/>.

During the opening of the forensic year in October, professional press photographers and videographers were banned from the ceremony by the Chief Justice. This created some consternation with the Institut tal-Ġurnalisti Malti (Malta Institute of Journalists) The Chief Justice later apologised that this was based on a

miscommunication and a “genuine mistake” without any further explanation.
<https://timesofmalta.com/article/chief-justice-bans-press-photographers-opening-forensic-year.1098825>.

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

We refer the Commission to our 2023 Submissions <https://aditus.org.mt/Publications/2023ruleoflawreportssubmission.pdf> and 2024 <https://aditus.org.mt/Publications/2024ruleoflawsubmission.pdf> Submissions.

It should be noted that in January 2023, the Minister for Home Affairs introduced fees, through a legal notice, for the filing of appeals from decisions on the issuance of residence permits (€45), visa (€120) and for matters of carrier liability (€120) for the first time. For many TCNs appealing withdrawals or rejections of Zambrano-type, single-permit and student permit, there is no access to legal aid and no access to funding to pay for the appeals. Many times it is NGOs providing pro bono legal services bear the costs.

With respect to legal aid we urge the Commission to recommend the following:

- I. Ensure legal aid for all, irrespective of residence status or the possession of document; Increase in the financial thresholds for eligibility for legal aid & widen the merit test for eligibility for legal aid to include pre-litigation advice;
- II. Ensure continuous training for legal aid lawyers;
- III. Ensure a quick and effective method of filing complaints and starting disciplinary proceedings against legal aid lawyers who fail to appear for hearings;
- IV. Ensure that court sittings are suspended if legal aid lawyers do not show;
- V. Mainstream asylum & immigration legal aid with the general legal aid administered by the Ministry of Justice;
- VI. Ensure that the Legal Aid Agency publishes the list of legal aid lawyers and their contact details, statistics and an annual report on its activities;
- VII. To carry out a thorough review of the legal aid system to address the above issues.

With respect to interpreting we urge the Commission to recommend the following:

- I. Introduce clear provisions on the regulation and function of interpreters in Court;
- II. Carry out training to interpreters on interpreting in a court setting;
- III. Introduce provisions that allow for the replacement of interpreters if the accused has reservations or difficulty in understanding.

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

During the reporting period the salaries of the Chief Justice, Judges and Magistrates were increased twice Legal Notice 4/2024 <https://legislation.mt/eli/ln/2024/4/eng> and again Legal Notice 257/2024 <https://legislation.mt/eli/ln/2024/257/eng>. A further increase was granted in 2025 Legal Notice 11/2025 <https://legislation.mt/eli/ln/2025/11/eng>.

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

5000 character(s) maximum

The annual budget allocated to the Judicial Studies Committee was increased to €70,000 for all the judiciary <https://finance.gov.mt/wp-content/uploads/2024/12/fe25-21-Justice-final.pdf>. There is no public information on the trainings attended by or organised for the judiciary. There are no legal requirements for judges (or lawyers) to carry out professional development training in order to retain their position or warrant. The need for quality and training was highlighted by the Chief Justice at opening of the forensic year in October 2024 [<https://shorturl.at/EzKNc>].

The lawyer's act still has not been passed and neither is there a draft that is publicly available for discussion or consultation. The President of the Chamber of Advocates also spoke out for the urgent need of the passing of a Lawyers Act [<https://shorturl.at/LqBS3>].

We again strongly urge the Commission to recommend the following:

- I. Include mandatory training hours for all legal professionals in order to retain their warrant;
- II. Include mandatory training for all members of the judiciary, including members of tribunals;
- III. Introduce a lawyer's act in order to properly regulate the legal profession.

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

The Government allocated €3,227,000 in 2023 ; €5,200,000 in 2024 and €4,168,000 through National Recovery and Resilience Plan - EU Funds, to the digitisation in the justice system <https://finance.gov.mt/wp-content/uploads/2024/12/fe25-21-Justice-final.pdf>.

The process of digitalisation has seen no improvement except for the issuance of a tender for an off-the-shelf court management information system at the end of 2024. This call for proposals seems not to have been discussed in the Digital Justice Committee (<https://digitaljustice.gov.mt/the-digital-justice-strategy-committee/>) set up to monitor and implement changes with a view to digitalisation of the courts, which committee as of October 2024 had not met up once since inception [<https://shorturl.at/LqBS3>], contrary to the Government's assertion that the Committee meets regularly. The Chamber of Advocates lamented that besides not being advised on the contents of the call, the 28-month time-frame imposed on the eventual service provider is not realistic and such a major overhaul of the working of the national justice system requires more consultation with stakeholders and time for it to be implemented properly. This is a list of the basic ICT Services offered by the Court Services Agency: <https://courts.gov.mt/wp-content/uploads/2023/05/Script-about-ecourts-for-website-ENG.pdf>. To date lawyers have to rely on the courts' archaic systems of case-management, a physical documentation system, and court bailiffs to effect service of judicial proceedings. This system is fraught with delays and cumbersome bureaucratic processes.

We therefore urge the Commission to again recommend to Malta a speedy implementation of its digitalisation strategy and to publish any reports of the Digital Justice Strategy Steering Committee on the progress of implementation. Furthermore, in its implementation the Government should engage in a wide stakeholder consultation.

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

No significant developments were noted.

No bill has been presented to re-establish the Commercial court in 2024 as promised by the authorities. On the 5th December 2024 the Minister for Justice tabled a motion to introduce a bill to set up a Commercial Court to parliament’s agenda, however there is no further detail or text. <https://parlament.mt/media/131504/motion-324-commercial-court.pdf>.

We urge the Commission to insist on the implementation of its recommendations relating to improving the efficiency of justice in Malta.

Any other developments related to the justice system - please specify

5000 character(s) maximum

Please see our submissions in relation to other developments - Checks and Balances

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

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

5000 character(s) maximum

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

5000 character(s) maximum

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

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

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

--> 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

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

C. Repression

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

5000 character(s) maximum

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

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

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

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

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

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

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

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

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

5000 character(s) maximum

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

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

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

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

5000 character(s) maximum

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

Step up measures to establish a National Human Rights Institution taking into account the UN Paris Principles

There has been no progress and this recommendation has not been achieved. We reiterate that there have been no developments since our previous Rule of Law Submission, and no laws have been enacted in this regard in the 11 years since the launch of the reform in 2014. The absolute lack of progress is testament to the Maltese government's weak commitment to the EU's rule of law process and its recommendations.

We therefore feel that this recommendation has not been achieved.

Introduce a formal framework for public participation in the legislative process

There has been no progress and this recommendation has not been achieved. Although some progress had been noted by the Commission in its 2024 report, aditus has not noted any significant progress on the ground specifically due to the fact that a formal framework for public participation has not been introduced. Whilst a public consultation website exists, the process is discretionary and dependent on each Ministry and /or agency. Furthermore, generally the timeline for feedback is extremely short (between 1-2 months) and CSOs do not get any support to respond to such feedback.

In our 2024 submission we noted that Malta's Open Governance Partnership Malta Action Plan 2023 - 2025 included the creation of a justice forum, and it should be noted that the forum was never formally set up and no meetings were organised by the Ministry for Justice. Furthermore, suggestions by aditus and other CSO's that the forum takes stock of rule-of-law recommendations, including the EU Rule of Law recommendations, was not accepted by Government [See page 4 and 5 [<https://shorturl.at/757IF>]]. The second and last meeting of the OGP Multistakeholder Forum was on the 20th February 2024.

We therefore feel that this recommendation has not been achieved.

See also: Malta fails to tackle systemic corruption and strengthen rule of law, Joint Statement by NGOs: <https://www.daphne.foundation/en/2024/07/30/rule-of-law-report-malta>

A. The process for preparing and enacting laws

Framework, policy and use of impact assessments and evidence based policy-making, stakeholders' 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

Public Consultations & Impact Assessments

There exists no formal legal framework for public participation in the legislative process.

Whilst a public consultation website exists, the process is discretionary and dependent on each Ministry and /or agency. Furthermore, generally the timeline for feedback is extremely short (between 1 and 2 months) and CSOs do not get any funding or support to respond to such consultations. This poses a considerable burden for local CSOs that would need to respond, to at times very detailed and technical proposals, in a short period of time.

There exists no other impact assessment procedure besides that in the Small Business Act that obliged the carrying out of such assessment. CSOs have reported that "We are completely excluded from formal discussions on legislative reforms, including many recommended by the Council of Europe and international agencies following the killing of Daphne Caruana Galizia. Repeated public requests for consultation have been ignored or mocked" <https://rm.coe.int/study-on-stigmatisation-of-ngos-in-europe-en/1680af95df>.

Transparency and Quality of the Legislative Process

We again would like to draw the Commission's attention to the extensive use of regulations and legal notices that do not go through the same parliamentary scrutiny as main legislative acts. In 2024, 379 Legal Notices were published without any parliamentary scrutiny, whilst in comparison only 41 Acts of Parliament were enacted (<https://legislation.mt/Acts>). Legal notices are subsidiary laws drafted and brought into force by the minister in accordance with the enabling powers vested in the primary legislation. For legal notices to become law, no parliamentary debates or motions are required for their enactment. However, the Interpretation Act mandates that a legal notice must be laid in Parliament for 28 days. If a motion to annul or amend the legal notice is raised and passed during that period, the notice will cease to have effect or be amended accordingly.

Whilst draft Bills and their legislative text are published on the Parliament website (<https://parliament.mt/en/14th-leg/bills/>), this is not done with Legal Notices which are also used to implement European Union law. The final text of legal notices can be found on the website which publishes Maltese legislation <https://legislation.mt/LegalNotices>, without any other information or legislative text. This process lacks transparency in that it is unclear which or when legal notices have been laid in Parliament and it is thus impossible for the public to track whether or not there have been any motions to annul or amend and the results of any such process.

This type of lawmaking carried out without any Parliamentary or public scrutiny fails to live up to democratic principles. It is the opposite of open and transparent, participatory and inclusive, and in the case of immigration matters is not subject to any effective oversight. It is particularly problematic when the laws that are introduced through legal notices directly impact the fundamental rights and freedoms of individuals, such as arbitrary detention and access to asylum. One such example is an amendment to the Reception of Asylum Seekers (Amendment) Regulation 2024 through a legal notice (<https://legislation.mt/eli/ln/2024/87/eng>), which introduces detention of families and allows for the detention of vulnerable persons.

We therefore again urge the Commission to recommend that legal provisions are introduced to allow for the public participation in the legislative process.

We urge again the Commission to recommend that the use of legal notices need to be made more transparent and open to public scrutiny.

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

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

Due to no legislative or policy changes in the sector please refer to our 2023 Submissions <https://aditus.org.mt/Publications/2023ruleoflawreportssubmission.pdf> and 2024 Submissions <https://aditus.org.mt/Publications/2024ruleoflawsubmission.pdf> on the Regime for Constitutional review of laws. It should be noted that the number of cases cited in our 2024 Submissions continued to increase during the reporting period under the the notice as to validity of laws under Article 242(1) of the Code of Organization and Civil Procedure. The number of times the Prime Minister took action to remove any inconsistency with the Constitution of Malta or with fundamental rights and freedoms as intended by Article 242(2) is not known.

Whilst the budget of the Office of the Law Commissioner, presently retired judge Antonio Mizzi, was again increased to €350,000 (<https://finance.gov.mt/wp-content/uploads/2024/12/fe25-21-Justice-final.pdf>), it is unclear what role the Office played in the constitutional review of laws in 2024 as there is no publicly available information or annual report presented to Parliament. The duties or terms, reference or any action plans of the Law Commissioner are unclear.

We urge the Commission to recommend the erga omnes application of judgements finding Maltese legislation unconstitutional, also in view of the burden placed on the Courts with repeated judgements, and the proper application of 242(1) of the Code of Organization and Civil Procedure.

We also urge the Commission to request the publication of the annual reports of the Law Commissioner.

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#>)

A process which started in 2014, the Equality Bill and Human Rights and Equality Commission Bill were tabled in Parliament during the previous legislature in 2019, however both Bills got stalled after the Second Reading at Committee Stage with the last sitting on the 20th November 2020. The elections in March 2022 spelled the end of the process for these two Bills and to date no new drafts have been submitted to Parliament.

The Ombudsman, in his 2023 Annual Report (<https://ombudsman.org.mt/media/fr1ndd4u/annual-report-2023-en.pdf>), recommended comprehensive consultation with national authorities responsible for protecting vulnerable individuals and specific human rights. The Ombudsman proposed integrating the functions of an NHRI within its existing structure. A proposal in this sense was sent to the Prime Minister in November 2023. The Office of the Ombudsman also formally applied for Associate Membership of the European Network of National Human Rights Institutions (ENNHRI). The application for Associate Membership was approved, and the Office is already actively involved in the initiatives taken by ENNHRI. In the 2023 Annual Report the Ombudsman lamented the lack of action or discussion in Parliament when the Office's final reports, relating to the non-implementation of measures by public administration, are tabled in Parliament and "Unfortunately, as the law stands at present, the matter stops there". The situation was also outlined in the 2025 Ombudsplan as a legal stalemate: <https://ombudsman.org.mt/media/fxnkklhln/ombudsplan-2025-eng.pdf>.

We urge the Commission to take stronger action in relation to the inaction on the recommendation to take measures to establish a National Human Rights Institution taking into account the UN Paris Principles

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

The Ombudsman, in his 2023 Annual Report, outlined that recommendations were not implemented in 11 (22%) cases out of the 51 that were closed in 2023. The Office of the Ombudsman highlighted that it has concerns about the relationship between the institution and the public administration and that better communication was essential to ensure that its recommendations were implemented without hesitation or delay (<https://ombudsman.org.mt/media/fr1ndd4u/annual-report-2023-en.pdf>).

The Whereas the NCPE's Annual Report provides information regarding the amount of complaints filed (65, 50 of which not within NCPE's remit in total in 2023) but does not include information as to the outcome or implementation of any decision. Furthermore, no ex officio assessment or investigations were carried out by the NCPE.

The National audit office carried out two follow-up reports in 2024, in the first one it found that 66% of the recommendations were implemented in part of in full - <https://nao.gov.mt/wp-content/uploads/2024/06/Follow-up-2024.pdf>, whereas in the following one found that 77% of their recommendations were implemented in part of in full <https://nao.gov.mt/wp-content/uploads/2024/11/Nov-2024-Follow-up-report.pdf>.

We urge the Commission to take recommend stronger action taken by Parliament in relation to recommendations by equality bodies that are not implemented.

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

There is not one general rule that regulates the accessibility and judicial review of administrative decisions and sanctions, with some decisions and sanctions being made public and others not.

We urge the Commission to recommend publicity, accessibility and transparency of administrative decisions and sanctions.

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

Due to no legislative or policy changes in the sector please refer to our 2023 Submissions <https://aditus.org.mt/Publications/2023ruleoflawreportssubmission.pdf> and 2024 Submissions <https://aditus.org.mt/Publications/2024ruleoflawsubmission.pdf> on the Judicial review of administrative decisions.

We urge the Commission to recommend to the Maltese government to take heed of judgements relating to the procedure of judicial review of administrative decisions.

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

Due to no legislative or policy changes in the sector please refer to our 2024 Submissions <https://aditus.org.mt/Publications/2024ruleoflawsubmission.pdf> on the Judicial review of administrative decisions. We still have a number of pending requests to the International Protection Appeals Tribunal to considering sending a request for a preliminary ruling to the European Courts, the earliest one filed in July 2022 and the more recent on the May 2024. Again, we draw attention to the fact that the IPAT is a “court” of last resort.

We therefore urge the Commission to recommend the following:

- I. To clarify include clear provisions in the Code of Organisation and Civil Procedure on the procedures to be used by the Court in order to protect the rights of the parties, whilst keeping in mind the recent judgements relating to the duty to refer and its implications on the right to a fair trial;
- II. To keep data relating the number of requests to consider preliminary references requested, denied and acceded to by the Maltese courts;
- III. Provide effective training to judges, magistrates, board members and lawyers on the preliminary reference procedure.

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

In 2024, Malta had 5 new cases, 38 cases pending and 9 cases closed in from of the European Court of Human Rights that were classified as repetitive. 7 decisions are still pending execution and are under supervision, 6 of which under enhanced supervision, by the Committee of Ministers: <https://rm.coe.int/mi->

malta-eng/1680a23c9a. This has increased with J.B and Others v Malta: <https://hudoc.echr.coe.int/fre?i=001-237438>.

Furthermore, there is disagreement between Environmental NGOs and the Maltese Government as to whether the opening of season for the trapping of 7 species of songbirds went against the recent decision by the European Court which found Malta in breach Directive 2009/147/EC [https://curia.europa.eu/juris/document/document.jsf?](https://curia.europa.eu/juris/document/document.jsf?text=&docid=290208&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=23809601)

[text=&docid=290208&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=23809601](https://curia.europa.eu/juris/document/document.jsf?text=&docid=290208&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=23809601). The opening of the season was allowed via the publication of Legal Notice Conservation of Wild Birds (Declaration on a Derogation Allowing Scientific Research on Seven Finch Species in Autumn 2024) Regulations, 2024: <https://legislation.mt/eli/ln/2024/270/eng>.

<https://timesofmalta.com/article/government-allows-trapping-songbirds-research-programme.1099814>;
<https://timesofmalta.com/article/birdlife-electoral-interest-put-rule-law-trapping-season-reopening.1099833>.

Recommendation the immediate implementation of all decisions and general measures further to the decisions of the European Court of Human Rights and the Courts of Justice of the European Union.

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

Civic space continues to be assessed as narrowed, by both Civicus and the Fundamental Rights Agency: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-fundamental-rights-report-2024_en.pdf. There have been no changes to the current voluntary organisation laws. A consultation document was launched in February 2024: <https://cvo.gov.mt/Media/Default/Public%20Consultation/Book%20EN.pdf> and the public was given less than a month to send in responses for feedback on the consultation. In December 2024, almost 9 months later, Government published an outcome report on the submissions it received in a 10-page document. The 103 responses received were not made public but were summarised very briefly: https://www.gov.mt/mt/publicconsultation/PCU%20Documents/2024/L-0004-2024/Outcome_Report.pdf. Contrary to what is written in the outcome report, many CSOs present at a meeting held in February launching the document were frustrated at the short timeframe for consultation and at not being invited to any pre-consultation meetings. Furthermore, it was felt that that reform plans were hard to assess without seeing any draft Bills or draft legislation. The proposed introduction of various classes and sub-categories were thought to be too restrictive and the practical effect of being classified and sub-categorised is not clear in the consultation document, besides the fact that many CSOs could fall into multiple classes and/or categories.

The Office of the Commissioner for Voluntary Organisations (OCVO) has, in its enrolment procedure, a two step-phase: (1) Notification of Intent and (2) Pre-enrolment, as highlight on its website: <https://maltacvs.org/the-commissioner/>. A number of documents have to be presented to the OCVO to inform it of the intent of the organisation, after such review and if the Commissioner does not need any further clarifications, the organisation can then proceed with the pre-enrolment phase. However, the Article 13 of the Voluntary Organisation Act, does not envisage a two-step process or notification of intent stage and the fact that this stage is not regulated by law and thus lacks any procedural guarantees can be used abusively to bar CSO's from enrolling: <https://legislation.mt/eli/cap/492/eng/pdf>.

We recommend that as a result of the consultation a draft bill is published for consultation with enough time for CSO's to give detailed feedback.

We urge the Commission to recommend that notices of intent to enrol are not a pre-requisite to enrolment in accordance with the VO Act as it stands at the moment.

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

We note that there was nothing in the CSO consultation that addressed the safety and protection of human rights defenders in the CSO consultation document <https://cvo.gov.mt/Media/Default/Public%20Consultation/Book%20EN.pdf>.

In recent months we have seen increased verbal attacks against journalists and civil society activists by Labour party apparatchiks on blogs and social media, employing the same methods used to isolate Daphne Caruana Galizia before her assassination see <https://rm.coe.int/study-on-stigmatisation-of-ngos-in-europe-en/1680af95df>. Recent attacks echoed the words voiced by the Prime Minister in the aftermath to the legal challenges mounted by representatives of NGOs in relation to the Pilatus bank scandal. He referred to Robert Aquilina and Repubblika as extremist branches of the opposition who are abusing of the juridical process <https://www.facebook.com/share/p/1WiHH96ZQT/>. These words came at on the back of a decision of Magistrate Nadine Lia who rejected Repubblika's request to compel the Police Commissioner to prosecute Pilatus Bank officials that were recommended for prosecution by a previous inquiry. Magistrate Lia rejected the challenge and instead directed the Commissioner of Police to investigate how and by whom access was granted to the results of the inquiry without authorisation, since Aquilina refused to name his sources as they are considered to be priviledged sources. The decision has been appealed.

Furthermore, Maltese NGOs reported that they have faced police investigation "for the crime of delivering a press conference", while credible threats of violence have been ignored by the police <https://rm.coe.int/study-on-stigmatisation-of-ngos-in-europe-en/1680af95df>.

We there urge the Commission to recommend to the Government to implement the Court's decision and allow access to prisons and detention to journalists and CSO's providing services.

We also urge the Commission to recommend to the Government to recognise the role of CSOs as public watchdogs and not public enemies when they carry out their monitoring role.

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

We note that there was nothing in the CSO consultation that addressed sustainability of CSOs, core funding and/or co-financing being made available and/or accessible to CSOs, although it was noted that lack of funding was one of the key issues facing CSOs in Malta: <https://cvo.gov.mt/Media/Default/Public%20Consultation/Book%20EN.pdf>.

The government, through the National Co-financing Fund, provides funds to cover co-financing requirements of EU funded project. In recent years maximum amount that can be requested per project per year was

capped at €15,000. NGOs can only submit one application per project under the scheme: <https://maltacvs.org/wp-content/uploads/2024/01/NCF-Guidelines-for-Applicants-2024-Final-1.pdf>. In previous years there was no cap on the maximum amount or projects that can be requested. This has seriously curtailed the opportunity for NGOs to apply for centralised and nationally managed EU-funded projects, due both to the low amount and to the restriction on the numbers of projects allowed for support. The funding offered by the Malta Council for Voluntary Sector (MCVS) are relatively small in amount that also require cofinancing and have a cap on staff costs to a maximum of 10% of the allocated total direct costs.

The national ESF programme has also decreased the national co-financing rate to 60%, with the result that many NGOs would have to have 40% of the project value in order to apply for funds under ESF which is an impossibility for most: <https://fondi.eu/wp-content/uploads/2023/01/ESF-Programme.pdf>.

From the last figures available the number of local NGO led-projects who benefitted from the 2021-2027 Programming Period Funds in Malta are the following:

Interreg: 0

Interreg Euro-Med: 2

Top 100 – Recovery & Resilience Fund: 0

AIMF/ISF/BMVI: 2

European Maritime, Fisheries and Aquaculture Fund: 0

ESF+: 0

ERDF/CF/JTF:0

CAP SP: 2 (These relate to LEADER projects including public local authorities and private members)

<https://fondi.eu/important-documentation/reference-documents/list-of-beneficiaries/2021-2027-programming-period-list-of-beneficiaries/>. We have asked the Government for an updated list of NGO-led projects and are currently waiting for the response.

We urge the Commission to recommend to the Government to make operational and core funding available to CSOs and to make any information relating to the granting of property, core funding and operational support to CSOs public.

We urge the Commission to recommend to the Government that funding programmes should include objectives and actions to (i) strengthen capacity, awareness, training and research on human rights and anti-discrimination field; (ii) foster a rule of law culture and democracy; and (iii) services, including legal services, to the most vulnerable.

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

Civil Society Contributions:

(i) Rule Of Law for Lawyers (ROLL)

A two-year EU funded project “Rule Of Law for Lawyers (ROLL)” project was led by the International Commission of Jurists (ICJ) in close cooperation with Helen Duffy from Human Rights in Practice and in collaboration with national partner organizations: aditus foundation (Malta), Forum for Human Rights

(Czechia and Slovakia), and Free Courts (Poland), supported by the Romanian Institute for Human Rights. The ICJ and its partners organized 3 transnational workshops and 5 mentoring or exchange sessions with lawyers and judges across the EU to facilitate experience-exchange and foster the effective use of strategic litigation to promote independent and effective judicial systems. The following report is the culmination of the project, while focused on the independence of the judiciary, the report may be relevant to challenges to the independence of the prosecution service, individual prosecutors and other legal professionals and human rights defenders.

Justice Under Pressure: Strategic Litigation of Judicial Independence in Europe: https://www.icj.org/wp-content/uploads/2025/01/ICJ-Report_Justice-Under-Pressure_Strategic-Litigation-of-Judicial-Independence-in-Europe.pdf.

(ii) Strengthening Civil Society's Contribution to the Rule of Law Report

SOS Malta implements this project, as part of the Active Citizens Fund Malta programme funded by Iceland, Liechtenstein and Norway, with an aim to equip civil society with a deeper understanding of the annual European Commission Rule of Law report, to support VOs in the preparation of their annual submission to the report and to draw up a methodology enabling Voluntary Organisations to consolidate their individual reports into one final submission. aditus foundation, was tasked with developing training and assisting VOs on the EC Rule of Law Report, its objectives, and the specific areas of interest.

Project page and outputs:

<https://aditus.org.mt/our-work/projects/strengthening-civil-societys-contribution-to-the-rule-of-law-report/>

(iii) Environment NGOs endorse BirdLife Malta's call to European Commissioner for Environment to uphold rule of law in Malta.

Eight environmental non-governmental organisations (eNGOs) have expressed support to BirdLife Malta's call on European Commissioner for Environment to uphold the rule of law in respecting a European Court of Justice verdict delivered on the 19th of September this year.

<https://timesofmalta.com/article/birdlife-electoral-interest-put-rule-law-trapping-season-reopening.1099833> ;
<https://birdlifemalta.org/2024/11/environment-ngos-endorse-birdlife-maltas-call-to-european-commissioner-for-environment-to-uphold-rule-of-law-in-malta/>.

We are not aware of any Government initiatives to foster the rule of law culture.

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

5000 character(s) maximum

Article 546 of the Criminal Code <https://legislation.mt/eli/cap/9/eng/pdf> allows for private individuals to request the opening of an investigation into serious crimes by an inquiring magistrate. The aim of the investigation is to Inquiring Magistrate to draw up a procès-verbal of the inquiry as a culmination of the investigation to preserve evidence, and to give an opinion on whether there is sufficient evidence for criminal proceedings to commence against an identifiable person. In order for an inquiry to be opened there needs to be a report filed with the Magistrate, the offence reported needs to be one that carries over 3 years imprisonment and the and the subject-matter of the offence must still exist.

This procedure has been key in leading to the investigation of major corruption scandals in Malta where the police had failed to prosecute in recent years, these include the Electrogas scandal - <https://timesofmalta.com/article/electrogas-partner-company-nexia-bt-bosses-set-face-17-black-charges.1103302> - and the Vitals

/Stewards hospital scandal - <https://timesofmalta.com/article/vitals-inquiry-ag-files-charges-muscat-mizzi-schembri-others.1092014>. It was recently reported that 25 such magisterial inquiries were launched by private individuals since 2017 <https://newsbook.com.mt/en/25-magisterial-inquiries-launched-at-citizens-request-since-2017/>. These included, in addition to the inquiries mentioned above, an inquiry into the Panama Papers, a probe into Enemalta's Montenegro windfarms scandal, an investigation into the social benefits fraud racket, claims about an ID card criminal scheme and a probe into misuse of public funds by ministers <https://timesofmalta.com/article/robert-abela-jason-azzopardi-reform-magisterial-inquiries.1102507>.

In response to a number of reports filed by lawyer Jason Azzopardi under Article 546 in relation to a number of claims of corruption by public officials, the Government announced a plan to reform the inquiry procedures to avoid “political persecutions” <https://timesofmalta.com/article/justice-minister-dodges-questions-magisterial-inquiry-reform-plans.1103563> and “extremist factions” <https://timesofmalta.com/article/robert-abela-jason-azzopardi-reform-magisterial-inquiries.1102507>. On the 10 January 2025 the Minister for Justice tabled a motion to introduce a bill to amend the criminal code parliament’s agenda, however there is no further detail or text. <https://parlament.mt/media/131900/motion-328-criminal-code-amendment-bill.pdf>; <https://timesofmalta.com/article/justice-minister-dodges-questions-magisterial-inquiry-reform-plans.1103563>.

We urge the Commission to remind the Government that language like this is inflammatory and that a more responsible tone should be used.

We urge the Commission to recommend that any proposed amendments to the Article 546 procedures should be made public as soon as possible and should be subject to wide and effective consultation with CSOs.

Supporting document upload

If you would like to submit any supporting document(s) to your contribution, please upload your file(s) here
[5d4a05eb-5bf8-4684-8546-8e8d1b293fcc/Chamber-of-Advocates-Letter.pdf](#)
[39fb4ab2-b765-486f-9241-e91a0a555e33/Chief-Justices-Reply.pdf](#)

Contact

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

