

2021 Rule of Law Report - targetedstakeholder consultation

Fields marked with * are mandatory.

* I am giving my contribution as

-Other

If "Other", please specify: MEMBER OF JUDICIARY

* Organisation name:

*Main Areas of Work : JUSTICE SYSTEM

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

* Country of origin: MALTA

* First Name:

* Surname:

* Email Address of the organisation (this information will not be published):

* Publication of your contribution and privacy settings

-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Organisation name, URL, transparency register number, first name and surname given above will not be published.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.

I agree with the personal data protection provisions.

Questions on horizontal developments: N/A

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.

Questions on developments in Member States: MALTA

Justice System - Malta

Independence

Appointment and selection of judges, prosecutors and court presidents: THE CONSTITUTION OF MALTA RECENTLY AMENDED ARTICLES 96 ET SEQ. TO COVER APPOINTMENT, REMOVAL, RETIREMENT AND DISCIPLINARY MEASURES OF JUDGES, MAGISTRATES AND THE CHIEF JUSTICE.

Promotion of judges and prosecutors: SAME AS ABOVE

Allocation of cases in courts:

SUPERIOR COURTS: CIVIL COURT OF FIRST INSTANCE; COURT OF APPEAL; CONSTITUTIONAL COURT
INFERIOR COURTS: COURT OF MAGISTRATES; COURTS OF MAGISTRATES CRIMINAL JURISDICTION;
INFERIOR COURT OF APPEAL; COURT OF CRIMINAL APPEAL INFERIOR JURISDICTION; CRIMINAL COURT; SUPERIOR JURISDICTION CRIMINAL COURT

Independence (including composition and nomination of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary): THE COMMISSION FOR THE ADMINISTRATION OF JUSTICE IS TASKED WITH THESE OBJECTS AND IN THE LATEST AMENDMENTS TO THE CONSTITUTION THIS TOPIC WAS DEALT WITH. [VIDE CONSTITUTION OF MALTA ARTILCE ET. SEQ. ABOVE]

Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal liability of judges: SEE ABOVE

Independence of the Bar (chamber/association of lawyers) and of lawyers: RECENTLY THE CIVIL LAW OF PROCEDURE WAS AMENDED REGARDING DISCIPLINE AND INDEPENDENCE OF THE BAR.

Significant developments capable of affecting the perception that the general public has of the independence of the judiciary: THE RECENT AMENDMENTS HAVE COME A LONG WAY TO ENHANCE THE INDEPENDENCE OF THE JUDICIARY.

Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization: COURT OF MALTA AND GOZO DEALING WITH CASES AS ALREADY STATED.

Efficiency of the justice system

Length of proceedings: IN THE MAJORITY QUITE SPEEDILY BUT IN SOME INSTANCES AS IN SUPERIOR COURT OF APPEAL AND INQUIRIES, MEASURES ARE BEING UNDERTAKEN TO SHORTEN TIME-FRAMES.

Anti-Corruption Framework - Malta

List of relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption. Please indicate the resources allocated to these (the human, financial, legal, and practical

resources as relevant): MALTA POLICE FORCE; STATE ADVOCATE; MALTA FINANCIAL SERVICES AUTHORITY

Repressive measures

Criminalisation of corruption and related offences: LAWS ARE IN PLACE TO TACKLE CORRUPTION AND FINANCING CRIMES IN THE CRIMINAL CODE; ASSET RECOVERY ACT, MONEY LAUNDERING ACT.

Other institutional issues related to checks and balances - Malta

The process for preparing and enacting laws

Regime for constitutional review of laws: CONSTITUTIONAL REFORM COMMITTEE IS IN PLACE.

The enabling framework for civil society

Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, etc.): THERE ARE DEBATES IN PARLIAMENT, ONLINE AND PUBLIC CONFERENCES AND A PRESIDENTIAL COMMITTEE TASKED TO ADDRESS THIS ISSUE.