



# **Study on the extent to which and how Member States used the ESF and the ERDF in the programming periods 2007–2013 and 2014–2020 to support their justice system**

Member State Chapter - Malta



**EUROPEAN COMMISSION**

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Unit C1 — Justice policy and rule of law

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**List of abbreviations**

Abbreviation in English (as used in the report)	Full name/title in English	Full name/title in original language
AIR	Annual Implementation Report	Rapport Annwali ta' Implimentazzjoni
AWP	Annual Work Programme	Programm ta' Hidma Annwali
ERDF	European Social Development Fund	Il-Fond Ewropew għall-Iżvilupp Reġjonali
ESF	European Social Fund	Il-Fond Soċjali Ewropew
IB	Intermediate Body	Korp Intermedjarju
IT	information technology	Teknologija Informatika
JSC	Judicial Studies Committee	Kumitat tal-Istudji Ġudizzjarji
MA	Managing Authority	Awtorita ta' l-Imanigjar
MC	Monitoring Committee	Kumitat Monitorju
MEAIM	Ministry of European Affairs and Implementation of the Electoral Manifesto	Ministeru għall-Affarijiet Ewropej u Twettiq tal-Manifest Elettorali
MFIN	Ministry of Finance	Ministru tal-Finanzi
MJCL	Ministry for Justice, Culture and Local Governance	Ministeru għall-Ġustizzja, Kultura u Gvern Lokali
NRP	National Reform Programme	Program ta Riforma Nazzjonali
NSRF	National Strategic Reference Framework	Qafas Nazzjonali Strategiku Nazzjonali
OP	Operational Programme	Programm Operazzjonali
OPI	Operational Programme I	Programm Operazzjonali I
OPII	Operational Programme II	Programm Operazzjonali II
OPM	Office of the Prime Minister	Ufficju tal Prim Ministru
PA	Partnership Agreement	Ftehim ta' Shubija
SO	Strategic Objective	Oggettiv Strategiku

**Document checklist**

Document type	Title in English	Title in original language	Does the document exist?		Did the researcher have access to the document?		Does the document refer to the justice system?		Is it reviewed and summarised in the MS chapter in the relevant period(s)?	Is it included in the summary table?
			2007–2013	2014–2020	2007–2013	2014–2020	2007–2013	2014–2020		
National Strategic Reference Framework (NSRF)	National Strategic Reference Framework	National Strategic Reference Framework	Yes	N/A	Yes	N/A	Yes	N/A	Yes	Yes
Partnership Agreement (PA)	Partnership Agreement	Partnership Agreement	N/A	Yes	N/A	Yes	N/A	Yes	Yes	Yes
Operational Programme (OP)	Empowering People for more jobs and a better quality of life (OPII 2007–2013)	Empowering People for more jobs and a better quality of life	Yes	N/A	Yes	N/A	Yes	N/A	Yes	Yes
Operational Programme (OP)	Investing in competitiveness for a better quality of life (OPI 2007–2013)	Investing in competitiveness for a better quality of life	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
Operational Programme (OP)	Fostering a competitive and sustainable economy to meet our challenges (OPI 2014–2020)	Fostering a competitive and sustainable economy to meet our challenges	N/A	Yes	N/A	Yes	N/A	Yes	Yes	Yes
Operational Programme (OP)	Investing in human capital to create more opportunities and promote the wellbeing of society (OPII 2014–2020)	Investing in human capital to create more opportunities and promote the wellbeing of society	N/A	Yes	N/A	Yes	N/A	Yes	Yes	Yes
Needs assessments	N/A	N/A	No	No	N/A	N/A	N/A	N/A	N/A	N/A
<b>Country Specific Recommendations</b>										
2011	Council Country Specific Recommendations	Council Country Specific Recommendations	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
2012	Council Country Specific Recommendations	Council Country Specific Recommendations	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
2013	Council Country Specific Recommendations	Council Country Specific Recommendations	Yes	N/A	Yes	N/A	Yes	N/A	Yes	Yes

## Study on ESF and ERDF support to justice systems - Member State Chapter for Malta

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			Yes	No	Yes	No	Yes	No		
2014	Council Country Specific Recommendations	Council Country Specific Recommendations	N/A	Yes	N/A	Yes	N/A	Yes	Yes	Yes
2015	Council Country Specific Recommendations	Council Country Specific Recommendations	N/A	Yes	N/A	Yes	N/A	Yes	No	Yes
2016	Council Country Specific Recommendations	Council Country Specific Recommendations	N/A	Yes	N/A	Yes	N/A	Yes	No	Yes
Action Plans	N/A	N/A	No	No	N/A	N/A	N/A	N/A	N/A	N/A
Evaluation plan	Evaluation plan	Evaluation plan	No	Yes	N/A	No	N/A	Don't Know	No	No
Ex-ante evaluation	Ex-ante evaluation	Ex-ante evaluation	Yes	Yes	No	No	Don't Know	Don't Know	No	No
Ex-post evaluation	Ex-post evaluation	Ex-post evaluation	Yes	N/A	No	N/A	Don't Know	N/A	No	No
Interim evaluation	Interim evaluation	Interim evaluation	Yes	N/A	No	N/A	Don't Know	N/A	No	No
<b>Annual Implementation Reports (AIR) (for OPI 2007–2013)</b>										
2007	ERDF – Annual Implementation Reports	ERDF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
2008	ERDF – Annual Implementation Reports	ERDF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
2009	ERDF – Annual Implementation Reports	ERDF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
2010	ERDF- Annual Implementation Reports	ERDF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS



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			Yes	N/A	Yes	N/A	No	N/A		
2011	ERDF – Annual Implementation Reports	ERDF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
2012	ERDF – Annual Implementation Reports	ERDF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
2013	ERDF – Annual Implementation Reports	ERDF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
2014	ERDF – Annual Implementation Reports	ERDF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
<b>Annual Implementation Reports (AIR) (for OPI 2014–2020)</b>										
2015	ERDF – Annual Implementation Reports	ERDF – Annual Implementation Reports	N/A	Yes	N/A	Yes	N/A	No	No	Yes, as excluded in the ISS
2016	ERDF- Annual Implementation Reports	ERDF – Annual Implementation Reports	N/A	Yes	N/A	Yes	N/A	No	No	Yes, as excluded in the ISS
<b>Annual Implementation Reports (AIR) (for OPII 2007–2013)</b>										
2007	ESF – Annual Implementation Reports	ESF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
2008	ESF – Annual Implementation Reports	ESF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
2009	ESF – Annual Implementation Reports	ESF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS

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			Yes	N/A	Yes	N/A	Yes	N/A		
2010	ESF – Annual Implementation Reports	ESF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
2011	ESF – Annual Implementation Reports	ESF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
2012	ESF – Annual Implementation Reports	ESF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
2013	ESF – Annual Implementation Reports	ESF – Annual Implementation Reports	Yes	N/A	Yes	N/A	No	N/A	No	Yes, as excluded in the ISS
2014	ESF – Annual Implementation Reports	ESF – Annual Implementation Reports	Yes	N/A	Yes	N/A	Yes	N/A	Yes	Yes
<b>Annual Implementation Reports (AIR) (for OPII 2014–2020)</b>										
2015	ESF – Annual Implementation Reports	ESF – Annual Implementation Reports	N/A	Yes	N/A	Yes	N/A	No	No	Yes, as excluded in the ISS
2016	ESF – Annual Implementation Reports	ESF – Annual Implementation Reports	N/A	Yes	N/A	Yes	N/A	Yes	Yes	Yes
Annual Progress Reports	N/A	N/A	No	No	N/A	N/A	N/A	N/A	N/A	N/A
Annual Work Programme (AWP)	N/A	N/A	No	No	N/A	N/A	N/A	N/A	N/A	N/A
Any other evaluation	N/A	N/A	No	No	N/A	N/A	N/A	N/A	N/A	N/A
Any other relevant study previously undertaken	Any other relevant study previously undertaken	Any other relevant study previously undertaken	No	No	N/A	N/A	N/A	N/A	N/A	N/A
Calls for proposals	Eligibility Guidance Notes to Project Proposals	Eligibility Guidance Notes to Project Proposals	Yes	Yes	Yes	Yes	No	No	No	Yes, as excluded in the ISS
Consultation of stakeholders	Consultation of stakeholders	Consultation of stakeholders	Yes	Yes	No	No	Don't Know	Don't Know	No	No

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			Yes	No	Yes	No	Yes	No		
Monitoring Committee (MC) – Decision OPI	Monitoring Committee (MC) – Decision -OPI	Monitoring Committee (MC) – Decision -OPI	Yes	Yes	No	No	Don't Know	Don't Know	No	No
Monitoring Committee (MC) – Decision OPII	Monitoring Committee (MC) – Decision -OPII	Monitoring Committee (MC) – Decision -OPII	Yes	Yes	No	No	Don't Know	Don't Know	No	No
Monitoring Committee (MC) – Minutes OPI	Monitoring Committee (MC) – Minutes-OPI	Monitoring Committee (MC) – Minutes-OPI	Yes	Yes	No	No	Don't Know	Don't Know	No	No
Monitoring Committee (MC) – Minutes OPII	Monitoring Committee (MC) – Minutes-OPII	Monitoring Committee (MC) – Minutes-OPII	Yes	Yes	No	No	Don't Know	Don't Know	No	No
Monitoring Committee (MC) – Other OPI	Various Presentations	Various Presentations	Yes	Yes	Yes	Yes	No	No	No	Yes, as excluded in the ISS
Monitoring Committee (MC) – Other OPII	Various Presentations	Various Presentations	Yes	Yes	Yes	Yes	No	No	No	Yes, as excluded in the ISS
Monitoring Committee (MC) – Report OPI	Monitoring Committee (MC) – Report-OPI	Monitoring Committee (MC) – Report-OPI	No	No	No	No	N/A	N/A	N/A	N/A
Monitoring Committee (MC) – Report OPII	Monitoring Committee (MC) – Report-OPII	Monitoring Committee (MC) – Report-OPII	No	No	No	No	N/A	N/A	N/A	N/A
National Reform Programme	National Reform Programme	National Reform Programme	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Other implementation reports	N/A	N/A	No	No	N/A	N/A	N/A	N/A	N/A	N/A
Other – please specify	National Justice Reform Report	Rapport tal- Kummissjoni ghal Riforma Holistika fil-Qasam tal-Gustizzja	N/A	Yes	N/A	Yes	N/A	Yes	Yes	Yes
Other – please specify	Commission Staff Working Document: Country Report Malta (2016)	Commission Staff Working Document: Country Report Malta (2016)	N/A	Yes	N/A	Yes	N/A	Yes	Yes	Yes
Project Selection Criteria	OPII Eligibility and Selection Criteria	OPII Eligibility and Selection Criteria	Yes	Yes	Yes	Yes	No	No	No	Yes, as excluded in the ISS

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			Yes	Yes	Yes	Yes	No	No		
Project Selection Criteria	OPI Eligibility and Selection Criteria	OPI Eligibility and Selection Criteria	Yes	Yes	Yes	Yes	No	No	No	Yes, as excluded in the ISS

## 1. Introduction

Member State	
Country Expert Name	Stephanie Vella
Data Collection Period Task 1	March–June 2017
Data Collection period Task 2	June–July 2017
Number of regions/OPs covered	<p>So far, projects supporting the justice system were funded under 1 Operational Programme:</p> <p>2007–2013:</p> <ul style="list-style-type: none"> <li>OP Empowering People for more jobs and a better quality of life (ESF): <b>2 projects</b></li> </ul> <p>2014–2020:</p> <ul style="list-style-type: none"> <li>OP Fostering a competitive and sustainable economy to meet our challenges (ERDF): <b>no projects so far</b></li> <li>OP Investing in human capital to create more opportunities and promote the wellbeing of society (ESF): <b>no projects so far</b></li> </ul>

During the 2007–2013 funding period, two projects specifically related to justice were selected and funded through the Operational Programme ‘Empowering People for more jobs and a better quality of life’ (OPII). The OPs covering the funding period 2014–2020 refer to justice-related projects as possible areas of intervention, but as yet no justice-related projects have been funded.

Information on the two projects funded during the 2007–2013 programming period was attained through desk research and information directly obtained from the MA which manages both ERDF and ESF.

The greatest challenge for this research was the lack of published documents, particularly at the level of projects. The level of detail on projects as published online<sup>1</sup> by the MA is restricted to the name of the project, the beneficiary, the Priority Axis from which the project is funded, and the expenditure allocated to the project. The Structural Funds Database and project-level database are not publicly available.

Some of the project-level information has been collected through published documents by the MA, such as project code, project summary and project budget. These documents, which provide a list of funded projects are available online, mainly on the MA website<sup>2</sup> and from the official pages of government ministries. Following a request to the MA, the Authority provided additional project-level information including the data reported on project-specific indicators. The beneficiaries, which included the Department of Justice under the remit of the Ministry for Justice, Culture and Local Governance, have also been contacted for further project-related information. However, at the date of submission of the report, no response had been received.

### Intervention logic

For the **2007–2013 programming period**, the National Strategic Reference Framework (NSRF) outlined the need for the government to commit to increasing public sector efficiency but made no specific reference to the justice system. In fact, no reference to justice was made in the OPs covering the 2007–2013 period and no planned interventions were highlighted.

<sup>1</sup> (ERDF)

[https://eufunds.gov.mt/en/Operational%20Programmes/Operational%20Programme%20I%20Approved%20Projects%20and%20Beneficiaries/Documents/Approved%20Projects%202015/List%20of%20Beneficiaries\\_OPI%20ERDF%20Malta\\_ppcdwebsite\\_AS%20AT%2030.10.2015.pdf](https://eufunds.gov.mt/en/Operational%20Programmes/Operational%20Programme%20I%20Approved%20Projects%20and%20Beneficiaries/Documents/Approved%20Projects%202015/List%20of%20Beneficiaries_OPI%20ERDF%20Malta_ppcdwebsite_AS%20AT%2030.10.2015.pdf)

<sup>2</sup> <http://eufunds.gov.mt/en/Paes/Home.aspx>

Notwithstanding this, two justice-related projects were funded through OP II. The ESF aimed at strengthening institutional and administrative capacity (Priority Axis 4). The projects funded were:

- 1) An information campaign regarding justice reform, including a pre-information campaign survey to assess the level of awareness prior to reform, tv and radio spots, information posts published in the print media, electronic mail shots and a post-information campaign survey to assess the level of awareness after the implementation of the justice reform.
- 2) Training for judges and magistrates, which consisted of two workshops: the first was for judges and magistrates to help prevent individual professionals from becoming susceptible to vicarious traumatisation and to deal with problematic situations on a daily basis, and the second consisted of a team-building training for the Department of Justice employees as part of continuous professional development and HR (human resource) training to increase professionalism in the department.

The indicators set were at programme level and not specifically related to justice. Likewise, the selection criteria were established at programme level and not at the project level. However, for the justice reform campaign, two quantitative surveys were undertaken. This consisted of a pre- and post-campaign survey to determine the level of public awareness on justice reform prior to and after the launch of the information campaign. Results showed an overall increase in the level of awareness following the launch of the campaign.

For the **2014–2020 programming period**, the intervention logic identifying the needs of the justice system is more apparent as it is derived from the National Justice Reform Report, which proposes a set of measures across different areas of the justice system. These needs are also highlighted in the Partnership Agreement (PA). Both documents emphasise the need for better use of information technology (IT) for the national justice system, as well as the provision of training to enhance capacity building, emphasising the need to improve the overall efficiency of the judicial system by reducing bureaucracy, cutting down on disposition time and improving clearance rates. Indeed, the justice system is targeted in a more direct manner during the 2014–2020, period with OPs listing expected results such as improvements to the efficiency of the justice system as well as improved service delivery of the public administration, including the judicial sector. Both OPI and OPII have planned activities supporting the justice system.

In terms of project implementation, during the drafting of this report, the MA indicated that there were no known justice-related projects which have been approved for funding as yet. The selection criteria established for project selection are once again general criteria. As for the target indicators, some indicators are justice-related, while others are more generic. There are two justice-related indicators under Priority Axis 4 – ‘Building the Institutional Administrative Capacity’. The first is a result indicator on the number of participants gaining a qualification/certification in training related to the judicial reform, and the second is an output indicator on the number of persons participating in training related to the judicial reform.

**Table 1: Overview of the justice system**

Institutions and bodies of the judiciary <sup>3</sup>		Other institutions and bodies that are part of or supporting the justice system <sup>4</sup>	
English	Original language	English	Original language
Inferior courts: - Court of magistrates - Court of magistrates for Gozo <sup>5</sup>	Qrati inferjuri - Qorti tal-maġistrati - Qorti tal-maġistrati għal Għawdex	Ministry for Justice, Culture and Local Government(MJCL)	Ministeru tal-Ġustizzja, Kultura u Gvern Lokali
Specialised (the lowest) courts: - Juvenile Court - Small Claims Tribunal - Local tribunals - Various ad hoc administrative tribunals	Qrati speċjalizzati: - Qorti tal-Minorenni - Tribunal għal Talbiet Żgħar - Tribunali lokali - Diversi tribunali amministrattivi	Justice Department at MJCL: - Director General Court of Justice <sup>6</sup> - Director General Strategy and Support - Director General Gozo Courts and Tribunals	Dipartiment tal-Ġustizzja fil-Ministeru tal-Ġustizzja, Kultura u Gvern Lokali: - Direttur Ġenerali Qorti tal-Ġustizzja - Direttur Ġenerali Strategija u Appoġġ - Direttur Ġenerali Qrati u Tribunali ta' Għawdex
Superior courts: - Civil court - Criminal court - Civil Court of Appeal - Court of Appeal - Criminal Court of Appeal - Constitutional Court <sup>7</sup>	Qrati superjuri: - Qorti ċivili - Qorti kriminali - Qorti Ċivili tal-Appell - Qorti ta' l-Appell - Qorti Kriminali tal-Appell - Qorti Kostituzzjonali	Office of Attorney General: - Office of the Notary to Government - Malta Arbitration Centre - Malta Mediation Centre - Permanent Commission Against Corruption	Uffiċċju tal-Avukat Ġenerali: - Uffiċċju tan-Nutar tal-Gvern - Ċentru ta' Arbitraġġ ta' Malta - Ċentru ta' Medjazzjoni ta' Malta - Kummissjoni Permanenti Kontra l-Korruzzjoni
Chief Justice of Malta <sup>8</sup>	Prim Imħallef ta' Malta	Department of Correctional Services: - Substance Abuse Therapeutic Unit	Dipartiment tas-Servizzi Korrettivi: Unità Terapewtika dwar Abbuż ta' Sostanza
		Department of Probation and Parole	Dipartiment tal-Probation u Parole
		Victim-Offender Mediation Committee	Kumitat tal-Medjazzjoni għall-Vittmi-Ħati
		Malta Chamber of Advocate	Kamra tal-Avukat ta' Malta

3 i.e. the judiciary as defined in the national legal framework and following the definition used for the purpose of this study.

4 i.e. justice system as defined for the purpose of this study

<sup>5</sup> This court has a both superior and an inferior jurisdiction.

<sup>6</sup> The Director General (Courts), who is appointed by the Prime Minister, is responsible for the administration of the courts. He is assisted by the Registrar, Civil Courts and Tribunals, the Registrar Criminal Courts and Tribunals, the Director General (Gozo Courts and Tribunals), and the Director (Support Services). The Director General (Courts) is responsible for the management and administration of the Courts of Justice Department, including the registries, archives and other services, and also heads this Department. All court executive officers performing duties in the Courts of Justice Department take their instructions from, and are answerable to, the Director General (Courts).

<sup>7</sup> The highest court, the Constitutional Court, has both original and appellate jurisdiction. In its appellate jurisdiction it adjudicates cases involving violations of human rights and interpretation of the Constitution. It can also perform judicial review. In its original jurisdiction it has jurisdiction over disputed parliamentary elections and corrupt electoral practices.

<sup>8</sup> The Chief Justice of Malta is the primus inter pares of the judicial branch of Malta. The Chief Justice leads the business of the Superior Courts and is appointed by the President of Malta acting in accordance with the advice of the Prime Minister of Malta. By virtue of his office, the Chief Justice of Malta is ex officio:

- Deputy Chairman of the Commission for the Administration of Justice of Malta.
- President of the Court of Appeal (Superior Jurisdiction)
- President of the Court of Criminal Appeal (Superior Jurisdiction)
- President of the Constitutional Court

**Table 2: Stakeholders contacted during Task 2**

Name of institution in English	Name of institution in original language	Relevance to the study (MA, IB, beneficiary, part of target group, other)	Position (if known)	Method of information request (email exchange/phone call etc)	Did you hear back from the stakeholder? (y/n)	Date of conversation/email exchange
<b>Malta (MT)</b>						
Planning and Priorities Coordination (Ministry for European Affairs and Equality)	Planning and Priorities Co-ordination Ministeru ghal-Affarijiet Ewropew u l-Ugwaljanza	Managing Authority	Officer	Email and phone call	Yes. Requested information including project-level data was provided by the Managing Authority.	An email was sent to the Director General on 20 June 2017. Various email/telephone correspondence took place during July and requested information was submitted by the MA on 11 August 2017.
Department of Justice within Ministry of Justice, Culture and Local Government	Department of Justice within Ministry of Justice, Culture and Local Government	Beneficiary	Project Leader	Email and phone call	Contacted beneficiaries for a meeting. No information provided as yet.	Requested contact details from the MA on 14 November 2017 and made contact with the beneficiaries.
Department of Justice within Ministry of Justice, Culture and Local Government	Department of Justice within Ministry of Justice, Culture and Local Government	Beneficiary	Project Leader	Email and phone call	Contacted beneficiaries for a meeting. No information provided as yet.	Requested contact details from the MA on 14 November 2017 and made contact with the beneficiaries.



## 2. Funding Period 2007–2013

### 2.1. The needs of the Member State relating to the national justice system

There was no specific needs assessment in relation to the national justice system carried out prior to the 2007–2013 funding period. A report on the National Justice Reform<sup>9</sup> was conducted in 2013 outlining the needs of the sector, which was utilised for the 2014–2020 funding period.<sup>10</sup> However, **Country Specific Recommendations** of 2013 adopted in the context of the European Semester referred to the need to improve the efficiency of the justice system; “Improve the overall efficiency of the judicial system, for example by reducing the time needed to resolve insolvency cases.”<sup>11</sup>

### 2.2. **Planning stage:** The extent to which the Member State programmed support to the justice system through ESF and ERDF

#### 2.2.1. High-level objectives related to justice set in the programming documents

The NSRF (2006)<sup>12</sup> does not explicitly refer to any planned activities, specific objectives, beneficiaries and target groups in relation to justice. On a broad level, the NSRF mentions the need for government commitment to increase public sector efficiency but makes no specific reference to the justice system.

Specifically, Chapter 8 of the NSRF refers to administrative efficiency, including an outline of the strategy to further strengthen the institutional capacity and the efficiency of the public administration and public services at national and local level during the 2007–2013 period.

<b>OP name in English</b>	OP Empowering People for More Jobs and a Better Quality of Life
CCI	2007MT051PO001
Relevant funds for the OP	ESF
Total OP budget (EC and national contribution) EUR million	EUR 131.8 million
PA 4 ‘Strengthening of Institutional and Administrative Capacity’	EUR 17.2 million

Justice is, however, targeted in the ESF-funded Operational Programme II, ‘People for More Jobs and a Better Quality of Life’, mainly through Priority Axis 4: ‘Strengthening of institutional and administrative capacity’, even though the OP did not make specific reference to the national justice system. One of the focus areas of intervention of Priority Axis 4 is ‘Supporting Public Sector Reform’, whereby the aim was to increase efficiency in a number of government departments and institutions, social partners and civil society. Government sought to upgrade employees’ skills, improve management and increase efficiencies in public administration through service quality improvements and further

<sup>9</sup> Ministry of Justice, Culture and Local Government (2013) National Justice Reform. [online] Available at: <https://mjcl.gov.mt> [Accessed 7 April 2017].

<sup>10</sup> Note that the Reform Report sent by the Commission, has been analysed and included under the 2014–2020 period due to the fact that it was published in 2013. However, a specific project funded during the 2007–2013 period refers to the funding of an information campaign relating to the justice reform.

<sup>11</sup> Recommendation 5. Council Recommendation of 9 July 2013 on the National Reform Programme 2013 of Malta and delivering a Council opinion on the Stability Programme of Malta, 2012–2016, 2013. [online] Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013H0730%2815%29>

<sup>12</sup> Ministry of Finance (2006) National Strategic Reference Framework. [online] Available at: <https://mfin.gov.mt> [Accessed 30 March 2017].

consolidation of entities. The main beneficiaries of Priority Axis 4 were public administration institutions including the Ministry of Justice.

Malta does not have any Action Plans or Annual Work Programmes, and the documents relating to ex-ante evaluations, ex-post evaluations and interim evaluations are not published, so it is not known whether they include any objectives or priorities related to the justice system. This is also the case with certain Monitoring Committee documents, but those that were reviewed, namely presentations on the implementation of the Programme to the Monitoring Committee, did not discuss any support for justice.

#### 2.2.2. Planned projects listed in the programming documents aiming to support justice

While justice is not explicitly referred to in the OP, the Programme dedicated funds for the strengthening of institutional and administrative capacity, and projects related to the justice system benefited from these funds.

### 2.3. **Implementation stage: Support to the justice system through ESF and ERDF**

#### 2.3.1. Support to the justice system: reported at programme level

There are various selection criteria used to identify projects which benefited from funds, but none are justice-related. Some of the selection criteria include:

- justified need to implement the project;
- contribution to national priorities;
- further contribution towards indicators;
- project sustainability;
- readiness;
- capacity;
- quality of application; and
- contribution to horizontal priorities and ESF principles.

The Annual Implementation Report (AIR) for 2014<sup>13</sup> refers to a specific project that supported an information campaign regarding the justice reform process which was published in 2013 and is explained in detail in section 3.1. This project,<sup>14</sup> managed by the Department of Justice and funded through Priority Axis 4, sought to keep the general public and the business community informed of the developments related to the implementation of the justice reform, mainly through a national campaign.

Another project<sup>15</sup> which is listed in the list of projects funded by the ESF<sup>16</sup> under Priority Axis 4 focused on the provision of training to judges and magistrates. This project consisted of two workshops on vicarious traumatising led by international experts in the field to help prevent individual professionals from becoming susceptible to traumatising and to help them deal with problematic situations on a daily basis.

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<sup>13</sup> MEAIM (2014) Annual Implementation Report Operational Programme II 2007–2013 Empowering people for more jobs and a better quality of life. [online] Available at: <https://eufunds.gov.mt> [Accessed 2 April 2017].

<sup>14</sup> ESF 4.246

<sup>15</sup> ESF 4.256

<sup>16</sup> List of Beneficiaries for Operational Programme II – [https://eufunds.gov.mt/en/Operational%20Programmes/Operational%20Programme%20II%20Approved%20Projects%20and%20Beneficiaries/Documents/Approved%20Projects%202015/OP%20II%20Project%20List\\_09\\_11\\_2015.pdf](https://eufunds.gov.mt/en/Operational%20Programmes/Operational%20Programme%20II%20Approved%20Projects%20and%20Beneficiaries/Documents/Approved%20Projects%202015/OP%20II%20Project%20List_09_11_2015.pdf)

### 2.3.2 Support to the justice system: reported at project level (Task 2)

Specific project selection criteria linked to individual calls for projects associated with the justice system did not exist during the 2007–2013 funding period. Only general criteria were available which were not specific, nor set at the level of the projects. The same selection criteria mentioned in section 2.3.1 apply for all projects submitted, whether justice-related or not.

The calls for proposals were made in relation to a specific priority axis, in this case Priority Axis 4 – ‘Strengthening of institutional and administrative capacity of public administrations, local government, social partners and civil society’ of the OP II.<sup>17</sup> In other words, the call for proposals, in this case, was opened for projects falling within the scope of Priority Axis 4 and not only for projects specifically related to justice. No specific reference to these projects was made in the NSRF or in the OP II as possible areas of intervention.

The calls for proposals were launched by the MA through an open call, and application packs as well as guidance notes which are not sectoral nor project-related were provided to applicants.

Submitted project proposals were evaluated and ranked by a Project Selection Committee according to procedures, eligibility criteria and selection criteria outlined clearly in the Guidance Notes to the application forms which were issued with every call for proposals and were specific to the Priority Axis. The Project Selection Committee was composed of<sup>18</sup>:

- secretariat provided by the MA;
- officials primarily from departments and agencies within OPM and MFIN; and
- ad hoc experts which may be invited to support the Committee in its deliberations.

As stated above, during the 2007–2013 period, two justice-related projects were selected and implemented under Priority Axis 4 – ‘Strengthening of institutional and administrative capacity’ of OP II, namely:

- 1) Justice Reform Campaign (ESF4.246);
- 2) Two Training Workshops Marking the Newly Established Justice Department (ESF4.256)

#### **Justice Reform Campaign (Project Code ESF4.246)**

This project, which commenced in 2015 and ended in the same year, sought to inform the general public and the business community of the reforms being implemented as part of justice reform. The scope of the campaign was to enhance the general public’s understanding of the changes in the justice system and the process by which such changes are being implemented. The project consisted of an interactive, training platform, through different media forms, to generate awareness on the various issues related to the justice reform and provide the necessary knowledge about the Maltese justice system to enable proactive use of the justice system services by the public. The project beneficiary for this project was the Department of Justice falling under the remit of the Ministry of Justice, Culture and Local Government (hereafter MJCL).

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<sup>17</sup> Link from the MA website to calls for proposals under OPI and OPII for the 2007-2013 programming period: <http://eufunds.gov.mt/en/Operational%20Programmes/Useful%20Links%20and%20Downloads/Pages/Closed-Calls.aspx>

<sup>18</sup> Monitoring Committee for OPII: Selection of Projects – Clarification on Criteria: [https://eufunds.gov.mt/en/Operational%20Programmes/Monitoring%20Committees/Documents/\\_OPII\\_Selectio n%20of%20Projects\\_PPCD%20MCJULY07.pdf](https://eufunds.gov.mt/en/Operational%20Programmes/Monitoring%20Committees/Documents/_OPII_Selectio n%20of%20Projects_PPCD%20MCJULY07.pdf)

### **Two Training Workshops Marking the Newly Established Justice Department (Project Code ESF4.256)**

This project was also implemented in 2015 and funded under Priority Axis 4 of OP II. While this project was also in line with the scope of the NSRF in terms of attaining a more efficient public sector, there was no mention in the NSRF or in the OP of justice as a potential area of intervention.

The project beneficiary was the Department of Justice under the MJCL. Two team-building workshops were held:

- One for judges and magistrates to help prevent individual professionals from becoming susceptible to vicarious traumatisation and to learn how to deal with problematic situations on a daily basis.
- The second workshop consisted of a team-building training for Department of Justice employees, which fulfilled a much-needed strategy base to introduce the advantages of continuous professional development and HR (human resources) training for the purpose of attaining professionalism in the Department.

Through the first workshop, a number of issues were brought forward, such as the need to foster productive team-building amongst the team members. Such issues were discussed with the facilitation of a psychotherapist, who is an international expert in the field. This project served to create a dynamic link between the Judicial Studies Committee, which is the body responsible for the ongoing training of the members of the judiciary, and the Department of Justice.

**Table 3: Overview of projects supporting justice 2007–2013**

Project name (in EN)*	Start of project (year)	End of project (year)	Duration of project	Budget allocated <sup>19</sup> in thousand EUR <sup>20</sup>	Budget spent <sup>21</sup> in thousand EUR	Actual EU contribution in thousand EUR	Summary of activities undertaken
<b>Empowering People for more jobs and a better quality of life, 2007/MT051PO001 (ESF)</b>							
Justice Reform Information Campaign	2015	2015	> 0.5	72.29	72.29	61.45	<p>This project consisted of an interactive and training platform which aimed to create awareness on the various issues relating to justice reform and empower final recipients towards a higher level of knowledge of the Maltese Justice system/services. The main objective of this information campaign was to increase public awareness about the new reforms, so they have the knowledge to actively and efficiently use the services introduced and abide by the justice reform.</p> <p>The activities undertaken mainly consisted of:</p> <ol style="list-style-type: none"> <li>1) Pre-Information Campaign – Initial research on the level of awareness by the general public;</li> <li>2) TV and radio spots;</li> <li>3) The design of information posts published in the print media;</li> <li>4) Electronic information shots;</li> <li>5) Post-Information Campaign Survey – To understand the extent to which the level of awareness of the participants about justice reform increased.</li> </ol>
Two Training Workshops Marking the Newly Established Justice Department	2015	2015	< 0.5	8.08	8.08	6.87	<p>The activities were two workshops. The first, led by an international expert in the field, was for judges and magistrates to help prevent individual professionals becoming susceptible to vicarious traumatisation and enable them to deal with problematic situations they face daily due to the nature of their work. In this line of work, it is crucial to remain subjective and not be emotionally involved, which could result in traumatisation for the professionals. The second workshop consisted of a team-building training for Department of Justice employees which fulfilled a much-needed strategy base to introduce the advantages of continuous professional development and HR (human resources) training for the purpose of attaining professionalism in the Department. The first workshop was held in partnership with the Judicial Studies Committee and was specifically designed for the judiciary. Following a request for more resources, books were purchased with the remaining funds for the library of the judiciary after the necessary approvals. The second workshop was carried out with a strategy to draw up a fair framework so that the Justice Department will be able to function within the parameters of the national justice reform.</p>

Source: EU Funds, list of Beneficiaries for Operational Programme II, 2007–2013

<sup>19</sup> Planned/ committed

<sup>20</sup> Original currency is EUR – No conversion rate was used.

<sup>21</sup> Budget actually paid/ disbursed

Both projects highlighted in Table 3 were funded under the OP II during the 2007–2013 programming period and were implemented in 2015. These projects are closed.

The total value of the budget spent on both projects funded through the ESF amounted to EUR 80,372, as can be seen in Table 4.

**Table 4: Number and budget spent (in thousand EUR) of projects supporting justice, funded by ESF and ERDF in the programming period 2007–2013**

	Number of projects supporting justice	Budget allocated in thousand EUR	Budget spent in thousand EUR	Actual EU contribution in thousand EUR
ESF	2	80.37	80.37	68.32
ERDF	0		0.00	0.00
Both (ESF and ERDF)	0		0.00	0.00
<b>TOTAL</b>	<b>2</b>	<b>80.37</b>	<b>80.37</b>	<b>68.32</b>

Source: EU Funds, list of Beneficiaries for OP II, 2007–2013

### **Project beneficiaries**

Each project only had one beneficiary. The beneficiary for both projects was the Department of Justice, falling under the remit of the MJCL (categorised as 'Relevant Ministries' in Table 5). This is in line with the beneficiaries identified under Priority Axis 4 of the ESF-financed OP II, whereby public administration institutions were identified as main beneficiaries.

**Table 5: Number of times the following entities were the beneficiary of a project supporting justice, by Fund**

	Relevant ministries	Courts and tribunals	National prosecution offices	Professional association of magistrates and bar associations	Registry offices	Regional administration	Specialised training or research institutions	Specialised governance bodies of the judiciary	Others	No information available	Total
ESF	2	0	0	0	0	0	0	0	0	0	2
ERDF	0	0	0	0	0	0	0	0	0	0	0
Both	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>

### ***Project activities undertaken related to support to justice***

This section summarises the activities undertaken under the projects related to support justice.

Overall, in Malta the ESF funded two types of activities in the 2007–2013 period, namely EUR 6,866 on training and EUR 61,450 (i.e. EU contribution only) on support to reform initiatives. Each project only funded one type of activity. Training as an activity was foreseen in the OP II, albeit not specifically for the justice sector.

The Justice Reform Campaign is a project undertaken in support of the justice reform initiative to ensure a higher level of effectiveness of the reform process; it seeks to inform the public so that they have a better and clearer understanding of the justice system, the services offered as well as the scope of the reform. The activities undertaken as part of the justice reform campaign consisted of:

1. Pre-Information Campaign – A research exercise (survey) carried out during May 2015 to gauge the level of awareness among the general public about the reform to justice system prior to the launch of the information campaign.
2. TV and radio spots – The production of 96 TV adverts and 2,352 radio Adverts (two versions in Maltese and English) aired between July and August 2015.
3. The design of information posts published in the print media – These were published as from the first weekend of August 2015 and were directed to the general public and court users.
4. Electronic mail shots – Information spots were delivered through various electronic channels and a number of banners were uploaded to be shared on various websites.
5. Two Information sessions held on 25 September 2015.
6. Post-Information Campaign Survey – This was carried out during October 2015. The survey provided evidence on the extent to which the level of awareness of the participants on justice reform increased, on account of the information campaign.

The second project, 'Two Training Workshops Marking the Newly Established Justice Department' involved two training workshops which consisted of the following activities:

1. Workshop for the Judiciary – A one-day training workshop for all serving judges and magistrates on vicarious traumatisation/stress management was held in November 2015, led by an acknowledged international expert.
2. Strategy and Structure training for members of the Department of Justice staff held in December 2015.

Table 6 illustrates the number of times a type of activity was undertaken as part of a project. In the case of Malta, this included 'Training' (1 project) and 'Support to reform initiatives' (1 project), both financed under the ESF.

**Table 6: Number of times a type of activity was undertaken as part of a project supporting justice, by Fund**

	Training	Activities relating to ADR/ODR	Developing/upgrading business processes at courts	Developing/upgrading HR management processes within the judiciary	Introduction of case management system	Digitalisation of court services	Purchase of ICT systems (hardware and software)	Putting in place/upgrading the cooperation and communication within the judiciary	Development and circulation of best practices	Evaluations and studies	Support to reform initiatives	Upgrading physical infrastructure at courts	Others	No information available	Total
ESF	1	0	0	0	0	0	0	0	0	0	1	0	0	0	2
ERDF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Both	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>

Source: EU Funds, list of Beneficiaries for Operational Programme II, 2007–2013

### Project final recipient related to support to justice

The final recipient in the Justice Reform Campaign project was the Department of Justice within the Ministry of Justice, Culture and Local Government (categorised as 'Relevant Ministries' in Table 7), as this was the organisation that launched the campaign. This is in line with the NSRF, which referred to public administration as a broad target group. The scope of this project was to increase awareness about the services offered within the justice system and how these services can be accessed.

As for the two training workshops, the final recipients were judges and magistrates, as well as the Justice Department of the Ministry of Justice, categorised under 'Relevant ministries' and 'Courts and tribunals' in Table 7. Indeed, as indicated above, the scope of the workshops was to train the staff of all courts and tribunals to deal with problems and challenges faced in their specific duties.

**Table 7: Number of times the following entities were the final recipient of a project supporting justice, by Fund**

Project Name	Courts and Tribunals	Relevant ministries	Registry offices	Regional administration	National prosecution offices	Professional association of magistrates and bar associations	Specialised governance bodies of the judiciary	Others	No information available	Total
ESF	1	2	0	0	0	0	0	0	0	3
ERDF	0	0	0	0	0	0	0	0	0	0
Both	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>

Source: EU Funds, list of Beneficiaries for Operational Programme II, 2007–2013



### **Project outputs, results and impacts related to support to justice**

The contribution of the above-mentioned projects to the justice system is measured using the output, result and impact indicators. Data for this section has been provided directly by the MA. As the project indicators did not fit the categorisation made for the purpose of this study, and only very few project indicators were available, the actual project indicators are listed in the tables below.

For the justice reform campaign project (ESF 4.246), as part of the support to reform initiatives, only one output indicator is available whereby the indicator is measured by the number of studies/actions/campaigns/research activities carried out, with a target value of 2, which was attained at the completion of the project. As confirmed by the MA, no result and impact indicators were set for the justice reform campaign initiative.

Nevertheless, the effectiveness of the information campaign has been gauged through a survey carried out prior to and after the launch of the information campaign to assess the extent of the increase in knowledge among the participants about the reform to the justice system. The study was carried out among a sample of 300 members of the general public aged 18 and over by means of a mixed methodological approach; that is, both online and via telephone interviewing. On the basis of information provided by the MA there was a notable difference in the level of awareness, which was reflected in a decrease of respondents who knew nothing about the reform from 39.5% to 29.8%.

As for the training workshops for judges and magistrates, the output indicator was measured by the number of persons participating in training, for which the target value was set at 4,157 and the reported value amounted to 3,545 individuals. The result indicator focused on the percentage of participants gaining a qualification/certification, whereby a target of 100% was attained. An impact indicator was also established for the project wherein the target associated with the increase in the number of adult participation in lifelong learning of 0.25% was not attained as the project registered an impact of 0.020%. The failure to achieve both the output and impact indicators was due to the fact that several members of the judiciary did not attend the workshop as they were tied up with court sessions.<sup>22</sup>

**Table 8: Project output indicators and data**

Individual indicator <sup>23</sup>	Unit of measurement	Baseline, if available	Target, if available	Reported value, if available	Number of project indicators included (N=)
<b>Empowering People for more jobs and a better quality of life</b>					
<i>PA 4 Strengthening of institutional and administrative capacity</i>					
<i>Operational Objective A</i>					
Number of studies/actions/campaigns/research activities carried out	Number	N/A	2	2	1
Number of persons participating in training	Number of Persons	N/A	4,157	3,545	1

Source: Managing Authority

<sup>22</sup> Information provided by MA

<sup>23</sup> As only a small number of justice-related projects were found for MT, the table reports the individual indicators, rather than indicator groups.

**Table 9: Result / impact indicators and data**

Individual indicator <sup>24</sup>	Unit of measurement	Baseline, if available	Target, if available	Reported value, if available	Number of project indicators included (N=)
<b>Empowering People for more jobs and a better quality of life</b>					
<i>PA 4 Strengthening of institutional and administrative capacity</i>					
<i>Operational Objective A</i>					
No. of participants gaining a qualification/certification	Percentage	N/A	100%	100%	1
The increase in the level of adult participation in lifelong learning	Percentage	N/A	0.26%	0.020%	1

Source: Managing Authority

According to the information available to date, a post-information campaign survey was undertaken to assess the increased level of awareness of participants about the justice reform. The study was carried out amongst a sample of 300 members of the general public aged 18 and over, both online and via telephone interviewing. In the pre-information survey, with respect to knowledge about the justice reform, 39% replied that they had never heard about the reform. This was followed by a post-information survey which showed an overall increase in the level of awareness. With respect to the justice reform, whilst there was a very slight increase for the criterion of 'knowing the details of the reform well' from 10.5% to 10.7%, there was a notable increase for the criterion of 'vaguely knowing the details of the reform', from 50.0% to 59.5%, which was reflected in a decrease of those who know nothing about the reform from 39.5% to 29.8%.

No information on other types of evaluations is available to date. This also applies to the Two Training Workshops Marking the Newly Established Justice Department. No information is available on evaluations or follow-ups undertaken to assess the impact of the project.

## 2.4. Relevant programme output and result indicators

### 2.4.1. Programme indicators

Output and result indicators of the OP Empowering People for More Jobs and a Better Quality of Life, PA 4 'Strengthening of Institutional and Administrative Capacity':

Type of indicator	Indicator Name	Unit of Measurement	Baseline	Target Value	Last Reported Value
Output	Number of persons participating in training	Number		9,000	26,957
Result	% of participants gaining a qualification/certification	%		80%	95.2%

Source: AIR (2014)

It is to be noted that these indicators are not directly related to the justice system, but projects from which the justice system has benefited contributed towards these indicators.

The demand for training and support under Priority Axis 4 changed throughout the years, changing from the request for horizontal training to more specialised training, particularly in areas affecting the efficiency and the effectiveness of the public service. In fact, the judiciary benefited from the provision of specialised workshops for magistrates and judges.

<sup>24</sup> As only a small number of justice-related projects were found for MT, the table reports the individual indicators, rather than indicator groups.

During the implementation of the programme, the target under the indicator 'Number of persons participating in training' was subject to a revision from 4,000 to 9,000 participants.<sup>25</sup> This is due to the fact that initially there was low uptake of funds for projects related to this Axis, in part due to procurement issues (AIR, 2012). However, the target was subsequently increased as the demand for public sector training continued to increase, also to address public sector reforms. During the same time, there was also a financial reallocation from Priority Axis 4 to Priority Axis 1 (Improving Education and Skills) amounting to EUR 4.2 million.

#### 2.4.2. Annex XXIII data

This section is not relevant given that there was no specific priority axis directly related to justice. The projects funded during 2007–2013 (ESF) fell under Priority Axis 4: 'Strengthening of Institution and Administrative Capacity'.

**Table 10: Annex XXIII output indicators and data**

Annex XXXIII output indicator	Project (or OP) indicator relates to	Priority axis indicator relates to	Reported value
Total number of participants	N/A	N/A	N/A
Employed participants	N/A	N/A	N/A
Participants with tertiary education (ISCED 5 and 6)	N/A	N/A	N/A

#### 2.5. Budget information

Overall budget information for projects supporting the justice system funded through the ESF and ERDF was generally available. However, there is no universally accepted taxonomy for project budget owners to classify budgets according to type of activity or final recipient. Moreover, many projects involve multiple activities and/or multiple final recipients. Whether and how budgets for these complex projects are analysed by activity or final recipient varies across project owners and countries. This militates against using reported data to make meaningful comparisons between projects and Member States.

For the purpose of this study, the researchers have therefore created a high-level taxonomy in order to enable an analysis of budget allocations for activities and final recipients of the identified projects funded through the ESF and ERDF supporting the justice system. Information from interviews and documents has been used to apply this taxonomy and allocate budgets based on the main focus of the projects as well as the final recipients.

In cases where it has not been possible to determine budget allocations for projects with **multiple final recipients**, these have been classified as 'multiples' (further details and explanations have been provided in the text below). Where a project had **multiple activities** and/or included activities which did not fall under one of the focus categories, the categorisation of that project reflects its aim and not necessarily all individual activities undertaken in the context of this project. This approach is further explained in the Final Report.

<sup>25</sup> Includes repeat participants.

**Table 11: Budget spent in thousand EUR by project focus category**

Project Name	Improving internal processes	Digitalisation & ICT	Training & Raising awareness	Research and evaluation	Activities related to ADR/ODR	Upgrading physical infrastructure	No information available
ESF			80.37				
ERDF							
Both							
<b>TOTAL</b>			<b>80.37</b>				

As demonstrated by Table 11, the whole budget across both ESF-funded projects supported activities that focused on 'Training and Raising awareness'. More specifically, EUR 8,080 was spent on training and EUR 72,290 on initiatives to support reform.

**Table 12: Budget spent in thousand EUR by final recipient category**

Project Name	Courts and Tribunals	Relevant ministries	Registry offices	Regional administration	National prosecution offices	Professional association of magistrates and bar associations	Specialised governance bodies of the judiciary	Others	No information available	Multiple
ESF		72.29								8.08
ERDF										
Both										
<b>TOTAL</b>		<b>72.29</b>								<b>8.08</b>

The final recipient in the Justice Reform Campaign project was the Department of Justice within the Ministry of Justice, Culture and Local Government (categorised as 'Relevant Ministries' in Table 12), and it was therefore possible to ascertain that they received all of this project's budget. However, the final recipients in the two training workshops were judges and magistrates as well as the Justice Department of the Ministry of Justice, meaning that the project budget was split across them and is hence categorised as 'Multiple' in Table 12.

### 3. Funding Period 2014–2020

#### 3.1. The needs of the Member State relating to the national justice system

Needs related to the justice system are essentially outlined in the National Justice Reform Report<sup>26</sup> (2013). This report, which was conducted by the Commission for a Holistic Reform of the Justice System, highlighted the needs of the justice system. The report does not refer to implementation timelines but the National Reform Programme (NRP) 2015 indicates that the reforms are structured over a projected three-year period (2014–2016). The needs of the justice system are also included in the Partnership Agreement (PA) (2014).<sup>27</sup> Both documents highlight the need for better use of information technology (IT) for the national justice system, as well as the provision of training to enhance capacity building.

The Report on the Reform to the Justice System outlines a total of 449 measures spread across different areas of the justice system.<sup>28</sup> Of particular relevance is Measure 98, which deals with better use of information technology across different areas, including for notification purposes. This measure is expected to be funded through the ERDF. Measures 48, 50, 52, 168, 242, 267 and 315 deal with the training of various personnel including judges, court employees, legal aid lawyers, mediators and court experts. Training for the justice system is expected to be funded through the ESF.

The PA also refers to the reform embarked upon by the government in the Justice System Reform, including the introduction of electronic services and information. As set out in the NRP 2014,<sup>29</sup> the aim of the Justice System Reform is to improve the overall efficiency of the justice system by reducing bureaucracy, cutting down on disposition time and improving clearance rates.

Indeed, the PA (2014) reiterates these needs, noting that national funds and structural funds (ERDF and ESF) will be used to provide the necessary skills, training and capacity as well as ensuring better and more timely service delivery.

The European Commission's country report on Malta (2016)<sup>30</sup> indicates that the efficiency of the justice system continues to demonstrate shortcomings, but the implementation of the ongoing justice reforms programme has prompted some positive trends.

From 2014 onwards, **Country Specific Recommendations** (CSRs) adopted in the context of the European Semester each year have referred to the need to improve the efficiency of the justice system. The 2014 Country Specific Recommendations (CSRs) stated that Malta should "increase the efficiency of the judicial system by ensuring a timely and efficient implementation of the planned judicial reform."<sup>31</sup> The recitals of the 2015 CSRS mentioned that "Malta has made some progress in addressing the 2014 country-specific recommendation on increasing the efficiency of the judiciary. Also, a draft bill is being finalised. When it has been enacted and implemented, it is expected to improve further the efficiency of the judicial system, in particular through the digitisation of court

<sup>26</sup> Ministry of Justice, Culture and Local Government (2013) National Justice Reform. [online] Available at: <https://mjcl.gov.mt> [Accessed 7 April 2017].

<sup>27</sup> MEAIM (2014) Partnership Agreement of Malta 2014–2020. [online] Available at: <https://eufunds.gov.mt> [Accessed 30 March 2017].

<sup>28</sup> The report refers to measures which are related to the reform of the justice system. There are no calls associated with the report. However, some of the measures are expected to be funded through the OP. As yet we are not aware of any EU-funded approved projects from the selected measures. We will be investigating further under Task 2.

<sup>29</sup> Ministry of Finance (2016) National Reform Programme. [online] Available at: <http://mf.in.gov.mt> [Accessed 6 April 2017].

<sup>30</sup> European Commission (2016) Country report Malta 2016. [online] Available at: <http://ec.europa.eu/europe2020> [Accessed 2 April 2017].

<sup>31</sup> Council Recommendation of 8 July 2014 on the National Reform Programme 2014 of Malta and delivering a Council opinion on the Stability Programme of Malta, 2014. [online] Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014H0729%2816%29>

proceedings and the promotion of alternative dispute resolution mechanisms”<sup>32</sup>, but no justice-specific recommendations were included. The recitals of the 2016 CSRs stated that “some challenges that affect investment activity in the country persist, such as the insufficient capacity to innovate, skills bottlenecks, inefficiencies in the public administration and the justice system”.<sup>33</sup>

### 3.2. **Planning stage:** The extent to which the Member State programmed support to the justice system through ESF and ERDF

#### 3.2.1. High-level objectives related to justice set in the programming documents

The PA (2014) identifies Thematic Objective 11 – Enhancing Institutional Capacity of Public Authorities and Stakeholders and Efficient Public Administration – as an objective to be supported through the use of the ESF. The PA refers to the justice system in terms of investment in institutional capacity and in the efficiency of public administration, referring specifically to building capacity and supporting the judiciary. The expected results include improvements to the efficiency of the justice system as well as improved service delivery of the public administration, including within the judicial sector. There is no specific reference to expected outputs related to support the justice system, expected impacts related to support justice or to proposed beneficiaries in the PA.

During the programming period 2014–2020, Malta has two Operational Programmes, both of which have planned activities supporting the justice system.

#### **Operational Programme I – Fostering a competitive and sustainable economy to meet our challenges (ERDF)**<sup>34</sup>

<b>OP name in English</b>	OP Fostering a competitive and sustainable economy to meet our challenges
CCI	2014MT16M1OP001
Relevant funds for the OP	ERDF
Total OP budget (EC and national contribution) EUR million	EUR 256.2 million
PA 2 ‘Consolidating investment within the ICT sector’	EUR 38.4 million

Investment for justice is referred to in PA 2 – ‘Consolidating investment within the ICT sector’, whereby investment priority 2c refers to the strengthening of ICT applications for e-government, e-learning, e-inclusion, e-culture and e-health. Amongst the list of **potential interventions** there is ‘Investment in IT platforms and facilities in key sectors for efficient service delivery’, whereby ‘e-government services will include e-Justice’.<sup>35</sup> Amongst the potential list of activities identified in the OP is e-administration and data management systems and investment in IT platforms and facilities in key sectors for

32 Council Recommendation of 14 July 2015 on the 2015 National Reform Programme of Malta and delivering a Council opinion on the 2015 Stability Programme of Malta, 2015. [online] Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015H0818%2822%29>

33 Council Recommendation of 12 July 2016 on the 2016 National Reform Programme of Malta and delivering a Council opinion on the 2016 Stability Programme of Malta, 2016. [online] Available at [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C\\_.2016.299.01.0105.01.ENG&toc=OJ%3AC%3A2016%3A299%3ATOC](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C_.2016.299.01.0105.01.ENG&toc=OJ%3AC%3A2016%3A299%3ATOC)

34 MEAIM (2015) Operational Programme I Cohesion Fund 2004–2020: Fostering a competitive and sustainable economy to meet our challenges. [online] Available at: <http://eufunds.gov.mt> [Accessed 30 March 2017].

35 Refer to p. 81 of Operational Programme I (2014–2020)

efficient service delivery. Public administration is identified both as part of the **target groups and beneficiary** of the investment priority.

### **Operational Programme II – Investing in human capital to create more opportunities and promote the wellbeing of society (ESF)<sup>36</sup>**

<b>OP name in English</b>	OP Investing in human capital to create more opportunities and promote the wellbeing of society
CCI	2014MT05SFOP001
Relevant funds for the OP	ESF
Total OP budget (EC and national contribution) EUR million	EUR 132.4 million
PA 4 'Building the Institutional Administrative Capacity'	EUR 11.0 million

OP II refers specifically to the reform of the justice system and indicates that the government aims to support interventions in this area, primarily with a view to providing the necessary skills, training and capacity as well as ensuring better and more timely delivery of service.

Priority Axis 4 focuses on 'Building the Institutional Administrative Capacity' with Strategic Objective 2 (SO2) specifically focusing on improving the efficiency of the judicial system. Investment Priority (11i) refers to investment in institutional capacity and in the efficiency of public administrations and public services at the national, regional and local levels with a view to reforms, better regulation and good governance, including in the field of justice. AIR 2016 mentions specifically the scope of this priority axis regarding the reduction of the administrative burden with better regulation, including reform within the judicial sector with the aim to facilitate the interface between government, enterprises and citizens. This priority axis shall contribute to increase the efficiency and reduce the length of the public procurement procedures and thus increase the efficiency of the judicial system, as emphasised by the CSR for Malta.

The list of **potential interventions** specifically related to the justice system includes 'Investing in human capital and the strengthening of professional competencies within the judicial system'.

The **expected results** relate to increasing the competences of workers and professionals working within the judicial system to streamline processes.

The **target groups** for this investment priority are public administration and local government as well as the judiciary. The potential **beneficiaries** are listed as public administration and local government.

Malta does not have any Action Plans or Annual Work Programmes, and it was not possible to retrieve the documents relating to evaluation plans, ex-ante evaluations, ex-post evaluations and interim evaluations so it is not known whether they include any objectives or priorities relating to the justice system. This is also the case with certain Monitoring Committee documents, but those that were reviewed did not discuss any support for justice.

#### 3.2.2. Planned projects listed in the programming documents aiming to support justice

No specific reference is made to justice-related projects at the planning level in terms of availability of information in the PA (2014). In OP I, investment in IT platforms and facilities in key sectors such as justice is noted as a possible intervention. Possible interventions

<sup>36</sup> MEAIM (2015) Operational Programme II Cohesion Fund 2014–2020: Investing in Human Capital to create more opportunities and promote the wellbeing of society. [online] Available at: <http://eufunds.gov.mt> [Accessed 30 March 2017].

highlighted in OP II include training programmes and knowledge-sharing to the relevant stakeholders operating within the justice sector, such as Ministry officials, court employees, etc. The training programmes' content is expected to be tailor-made with a view to specifically addressing the needs of each target group.

### 3.3. Implementation stage: Support to the justice system through ESF and ERDF

#### 3.3.1. Support to the justice system: reported at programme level

The Annual Implementation Report (2015)<sup>37</sup> for OP I indicates that one call for proposals was launched in 2015 under IP 2c, which closed in 2016. No further calls were launched under this PA during the drafting of the AIR. There is no indication as yet whether projects related to the justice system have been selected.

The Annual Implementation Report (2015) for OP II does not include any information regarding support to justice. Moreover, the AIR 2016 for OP II does not include further reference to justice (apart from what is described above in section 3.2.1.).

Under OP I, Priority Axis 2 'Consolidating investment within the ICT sector', one of the intervention fields for the ERDF titled 'e-Government services and applications (including e-Procurement, ICT measures supporting the reform of public administration, cyber-security, trust and privacy measures, e-Justice and e-Democracy)' has been selected and EUR 4.6 million have been allocated.

The selection criteria established for project selection are general criteria used for overall projects, similar to the 2007–2013 period, but are not specifically related to justice.

#### 3.3.2. Support to the justice system: reported at project level (Task 2)

At the time of the drafting of this report, no justice-related projects had been selected for funding under ESF or ERDF and as a result no information has been filled in for these sections of the report.<sup>38</sup>

### 3.4. Relevant output and results indicators

#### 3.4.1. Programme indicators

Result indicators – OP I, PA2 – 'Consolidating investment within the ICT sector'

Code	Indicator Name	Unit of Measurement	Baseline	Target Value	Last Reported Value
PSR2d	Users using e-government services	Percentage	59	65	0

Source: OP I Annual Implementation Report 2015

Output indicators – OP I, PA2 – 'Consolidating investment within the ICT sector'

Code	Indicator Name	Unit of Measurement	Baseline	Target Value	Last Reported Value
PSI2a	New e-services applications in the areas of health, environment, customs and interdepartmental services	Number		3	0

Source: OP I Annual Implementation Report 2015

<sup>37</sup> MEAIM (2015) Annual Implementation Report Operational Programme I 2014–2020 Fostering a competitive and sustainable economy to meet our challenges. [online] Available at: <https://eufunds.gov.mt> [Accessed 2 April 2017].

<sup>38</sup> AIR 2015 and 2016 for both ESF and ERDF include no information about justice-related projects.



## Result indicators: OPII PA4 – 'Building the Institutional Administrative Capacity'

Code	Indicator Name	Unit of Measurement	Baseline	Target Value	Last Reported Value
R17	Number of public bodies/department with improved processes	Number	10	13	
R18	Participants gaining a qualification/certification in training related to the judicial reform	Percentage	85	85	
R9	Participants gaining a qualification/certification upon leaving	Percentage	90	90	

Source: OP II

## Output indicators: OPII PA4 – 'Building the Institutional Administrative Capacity'

Code	Indicator Name	Unit of Measurement	Baseline	Target Value	Last Reported Value
CO22	Number of projects targeting public administrations or public services at national, regional or local level	Number		3	
O17	Persons participating in training related to the judicial reform	Number		500	
O6	Persons participating in training/support measures	Number		3500	

Source: OP II

## 3.4.2. Project indicators

At the time of the drafting of this report, no justice-related projects had been selected for funding under ESF or ERDF and as a result no information has been filled in for these sections of the report.<sup>39</sup>

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<sup>39</sup> AIR 2015 and 2016 for both ESF and ERDF include no information about justice-related projects.

## 4. Overview of existing national and regional data and documentation related to the ESF and ERDF

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### 4.1. Ex-ante evaluations and needs assessments

National Justice Reform Report (2013)

### 4.2. Programming documents

ERDF Operational Programme I Cohesion Fund 2004–2020: Fostering a competitive and sustainable economy to meet our challenges.

ESF Operational Programme II Cohesion Fund 2007–2013: Empowering people for more jobs and a better quality of life.

ESF Operational Programme II Cohesion Fund 2014–2020: Investing in Human Capital to create more opportunities and promote the wellbeing of society.

National Strategic Reference Programme 2007–2013

Partnership Agreement, 2014–2020

### 4.3. Implementation reports

Annual Implementation Report (2014) Operational Programme II 2007–2013: Empowering people for more jobs and a better quality of life.

Annual Implementation Report (2016) Operational Programme II 2014–2020: Investing in human capital to create more opportunities and promote the wellbeing of society.

### 4.4. Interim and ex-post evaluations

### 4.5. Other non-project level documents

EU Commission, Country Report Malta, 2016

### 4.6. Project-level data sources

- ESF OPII Project List of Beneficiaries
- Investing in your Future: ESF 4.246- Justice Reform Information Campaign [Online]
- Ministeru Għall-Gustizzja, Kultura U Gvern Lokali Rapport Annwali, 2015
- OPII Annual Implementation Report, 2014

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