

# RULE OF LAW

MALTA'S INPUT TO THE  
2024 ANNUAL RULE OF  
LAW REPORT

January 2024

## Foreword by the Minister for Foreign and European Affairs and Trade

Against the backdrop of persistent and complex global challenges, including significant geopolitical crises, the significance of the Rule of Law continues to grow exponentially. This reality calls for stronger collaboration to ensure a European Union that protects and advances the norms and values that we so dearly hold, providing a solid basis to continue to advocate for international peace, security and stability.

It is for this very reason that Malta has consistently supported and continues to support the strengthening of the Rule of Law Mechanism, as a preventive measure that treats all Member States equally and creates a positive atmosphere of trust and cooperation.

Undoubtedly, over the years, this mechanism has emerged as a highly effective and invaluable tool, creating an equitable platform for constructive political exchanges of best practices among Member States, in a spirit of mutual trust and sincere cooperation.

This support was accompanied by unprecedented reforms at national level, aimed at strengthening the rule of law in Malta. These reforms, across all areas of the justice, anti-corruption, media and other institutional aspects, mark a significant chapter in our commitment to good governance – an achievement we take pride in. While we celebrate these accomplishments, our dedication extends beyond the achievements of the past. We remain resolute in our commitment to further initiatives, perpetually striving to uphold the Rule of Law, a cornerstone that holds paramount importance and consistently maintains its prominence at the forefront of our priorities.

In this vein, Malta's contribution to the 2024 Rule of Law Report continues to highlight Malta's efforts. This submission encapsulates diverse initiatives spearheaded by the Maltese Government in direct response to insights gathered from prior Annual Rule of Law Reports and recommendations received from esteemed international bodies. In keeping true to our commitment, the Government remains dedicated to fostering an open dialogue, pledging to diligently implement the received recommendations.

The rule of law transcends mere legality; it is a moral imperative, serving as the bedrock of our shared values, rights and freedoms. Safeguarding, promoting, and respecting the rule of law is not merely an obligation, but a shared duty. The Government of Malta is fully committed to this duty, steadfast in its ongoing efforts to not only uphold, but also advance the rule of law.



**Hon. Ian Borg**

**Minister for Foreign and European Affairs and Trade**

# Foreword by the Minister for Justice and Reform of the Construction Sector

In the intricate tapestry of global governance, Malta has consistently stood out for its unwavering commitment to the rule of law. Our nation has emerged as a beacon of legal integrity, consistently embodying the principles that underpin a just and democratic society.

Malta's journey towards a robust rule of law framework is a testament to its resilience, adaptability, and unwavering dedication to fostering a society where justice prevails. As we navigate the complex landscape of modern governance, Malta's experiences and commitments remain high to continue building on our nation's rich historical legal foundations. In fact, the Justice Sector has registered another increase in its budget allocation, with a total of more than €60 million, a 21% increase from the previous year.

The Maltese legal system has undergone a transformative evolution, rooted in the country's historical context and bolstered by a forward-looking approach. By embracing the fundamental tenets of fairness and impartiality, Malta has built a legal infrastructure that ensures access to justice for every citizen, reinforcing the idea that no one is above the law. The Judiciary continued to be strengthened. Following the legislative reforms, whereby a new appointment procedure for each of these positions involving a public call was established, throughout the last year and a half, we increased the Judiciary by 5 Judges and 6 Magistrates; this resulted in a 23% increase. We also have the highest number of workers within the Court Services Agency that exceeds 500 personnel, of which 76 are lawyers assisting the Judiciary directly, resulting in a 32% increase from 2012. The Office of the Attorney General and the State Advocate have also witnessed a drastic increase in lawyers working with the respective institutions to continue ensuring an effective and efficient justice system.

The rule of law extends far beyond the confines of courtrooms and legal institutions; it permeates every facet of Maltese society. From the corridors of power to the everyday lives of its citizens, Malta's dedication to the rule of law is evident. The nation has embraced a culture of legal literacy, empowering its people with an understanding of their rights and responsibilities. This proactive approach fosters a sense of civic duty, laying the groundwork for a society that actively participates in and respects the legal process. The Ministry for Justice and Reform of the Construction Sector will embark on a number of public consultations concerning various areas, including the Media reform, Family law, Drug Court, Magisterial Inquiries and other notable legislative amendments. Furthermore, the government is also engaging and enhancing public and civil society participation through the Open Government Partnership.

The rule of law is not a static concept; it requires constant vigilance and adaptability to meet the evolving needs of society. Malta's willingness to engage in legal reforms reflects its commitment to continuous improvement. By embracing new legislative measures and aligning



its legal framework with international standards, Malta has demonstrated a forward-thinking approach that safeguards the rule of law in an ever-changing world.

As we reflect on Malta's accomplishments in the realm of the rule of law, it is crucial to acknowledge the role of collaboration and international cooperation. Malta's active engagement with regional and global legal institutions has enriched its legal landscape and contributed to the broader discourse on effective governance. By sharing experiences and best practices, Malta has fostered a community of nations working together to strengthen the rule of law on a global scale.

In conclusion, Malta's commitment to justice, equality, transparency, and adaptability remains high on our nation's agenda, and we strive to continue with our strong relationship with the rest of the Member States and the European Union institutions to strengthen the rule of law and good governance.

A handwritten signature in blue ink, appearing to read 'Attard', is positioned above the printed name.

**Hon. Jonathan Attard**

**Minister for Justice and Reform of the Construction Sector**

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# I. Justice System

1. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

**Recommendation 1: Take steps to address the need for involvement of the judiciary in the procedure for appointment of the Chief Justice, taking into account European standards on judicial appointments and the opinion of the Venice Commission.**

The Maltese authorities' position remains unchanged from what was previously communicated. In this regard, the Maltese authorities reiterate that there are no plans to change the current method of appointment of the Chief Justice, considering that an amendment to the current provision requires the support of two-thirds of the House of Representatives and considering the fact that the current provision has never been applied yet.

**Recommendation 2: Further strengthen efforts to improve the efficiency of justice, particularly to reduce the length of proceedings.**

The Maltese authorities are striving to enhance the overall effectiveness of the justice system through efforts that include further digitalisation in the justice process, implementing legislative reforms to reduce procedural timeframes, and strengthening the judicial workforce. Progress is further elaborated upon below under the relevant section of the Report.

#### Increase in the Number of Members of the Judiciary

The Maltese authorities have been actively working to improve the effectiveness of the justice system, particularly to expedite judicial proceedings. On [21 December 2022](#), the Judicial Appointments Committee appointed two judges who previously served as Magistrates. To replace the two Magistrates, a call for four Magistrates was published in the Government Gazette on 20 December 2022. The application period closed on 10 January 2023, and the Judicial Appointments Committee completed the selection process on 24 January 2023. The four newly appointed Magistrates took office on [8 February 2023](#). A call to appoint three Judges, to replace two retiring Judges and appoint one new Judge, was issued on 11 July 2023. The three new Judges were appointed on [1 November 2023](#). One of these Judges previously served as Magistrate, a call for the appointment of five additional Magistrates was announced on 13 October 2023. The selection process was successfully completed on [24 November 2023](#) and these Magistrates were appointed on [10 January 2024](#). When compared to 1 January 2020, the number of the members of the judiciary has increased by 35% (when compared to 2020).

#### Length of Proceedings

The Maltese Government, with the judiciary, have committed to shorten the length of court proceedings, a result of inherited cases, compounded by demographic factors (the population at the end of 2022 stood at 542,051, an increase of 4.2% when compared to the previous year) and the complexity of new cases. To address this issue, Civil Courts have been digitally revamped with reinforced technological and legislative instruments, that enable virtual sittings, which consequently has optimised the second-instance civil courts, which includes the Courts of Appeal and the Constitutional Court.

The appeals procedure has been amended to expedite cases and reduce backlog, with a focus on immediate progression to judgment in certain instances. The establishment of a Fourth Section in the Court of Appeal and the creation of a second Hall for trials by jury further contribute to a more equitable distribution of cases. Legislative amendments, including the facilitation of electronic filing and the introduction of live video conferencing for civil proceedings are testament to the commitment for enhanced effectiveness of the justice system. While acknowledging the ongoing need for further improvement in both civil and criminal courts, positive data trends and internal consultations reinforce the commitment to pursue the necessary legislative reforms that will streamline procedural timeframes and foster

a more expeditious resolution of cases. The observed improvement in the output of courts, particularly evident in the resolved caseload of the Court of Appeal (Superior Jurisdiction) over the past five years, underscores the positive trajectory in this regard. The Court of Appeal (Superior Jurisdiction) recorded an increase in court proceedings of over 200% over a 5-year period (162 in 2018 to 487 in 2023).

Moreover, the overall length of proceedings in civil cases also began to decrease notably in 2022. Despite the increase compared to previous years in the incoming caseload of certain courts, such as the Constitutional Court, the Land Arbitration Board, and the Rent Regulation Board, the surge in cases has not adversely impacted the disposition time of the second instance courts due to the ongoing capacity building. The length of proceedings in these courts has been declining since 2018, maintaining the same disposition time in 2022 as that of the previous year.

Another initiative underway is the reform of the committal proceedings. When launching the public consultation on the reform of the compilation and referral system, the Government proposed the following:

- i. The committal proceedings will rely more on documents than oral evidence. This will apply to cases attracting an imprisonment sentence longer than two (2) years unless the prosecution and the defence agree otherwise. Witnesses can be cross-examined or submit affidavits. The pre-trial stage will only verify if there is enough evidence for trial or otherwise. It will no longer be mandatory that all the evidence has to be collected orally and all the witnesses heard for the procedure to be concluded. Supporting evidence can continue to be collected up to the trial stage as long as it has been declared during the compilation stage.
- ii. The compilation of evidence must end within one (1) year, or the case will either go to trial or be dismissed. This is longer than the current 1-month period, but without the *rinviji* system (this is when evidence presented in court by the prosecution is referred to the Office of the Attorney General). This grants more discretion to the Court, especially for experts or foreign witnesses. Therefore, what will not be completed in one year will be done by the Criminal Court or the Court of Magistrates, but the compilation must close in one year.
- iii. The prosecution must disclose its case within forty (40) days, extendable by thirty (30) days, from when the accused appears in court. The defence will then decide if it wishes to produce evidence at the compilation stage or otherwise. If not, the stage is closed. If yes, the same rules and time limits as for the prosecution apply.
- iv. A graded incentive for an Early Guilty Plea (EGP) at pre-trial. An immediate EGP can reduce the punishment by up to two degrees, and an EGP during trial by one degree. For life imprisonment cases, the maximum reduction is by one degree.
- v. Constitutional References will not stop the committal proceedings. The outcome of the reference will be handled by the court hearing the case at the time.
- vi. Witnesses and victims will not need to go to court multiple times to confirm a report or a fact. The legislative bill will provide for such evidence and official bodies' evidence be submitted by affidavit at compilation stage.

The public consultation process on this judicial reform was concluded on 31 May 2023 and the Government is currently evaluating the outcome of the public consultation. The draft legislation will be presented to the Cabinet of Ministers and subsequently tabled to the House of Representatives by the end of Q1 of 2024.



## Digitalisation

The Maltese authorities remain committed to facilitate the transition to a more digitalised justice environment to continue enhancing the quality and the efficiency of the national justice system. This is being done achieved through the implementation of the national [Digital Justice Strategy \(2022-2027\)](#), which is gradually re-designing the business processes in the justice sector by means of a digital by default architecture, whilst ensuring that all citizens and legal professionals have effective access to justice and legal information irrespective of one's level of digital literacy. The Strategy sets out a consolidated roadmap towards the further transition to digital justice, whilst promoting the use of secure and high-quality distance communication technology to facilitate the interconnection of national databases and registers and to promote the use of secure electronic transmission channels between competent authorities at the EU level. A Digital Justice Strategy Steering Committee set-up in line with the targets of the Strategy holds regular meetings to guide the implementation of the Strategy, with a projected completion by 2027. The Committee is chaired by the Permanent Secretary of the Ministry responsible for justice. The implementation of the Strategy is proceeding to plan. Ongoing investments include the process-mapping and redesign of judicial procedures to implement end-to-end digital processes, to develop a Court Information Management System. This multifaceted approach involves additional investments in supporting software and outsourcing services, ensuring the availability of requisite resources, skills, and expertise to fortify the ongoing digital transformation.

In addition, various legislative acts have already been enacted, allowing for the electronic filing of criminal judicial acts and the conduct of civil proceedings via live video conferencing facilities.

It is worth noting that:

- All Halls in both Malta and Gozo have been equipped with videoconferencing facilities and overhead projectors to make the documents visible to parties and witnesses alike.
- The scanning of all criminal committal proceedings (as opposed to resorting to the physically acts during the current *rinviu* proceedings) is also underway.
- All criminal acts can now be filed online.
- Most of the civil acts can now also be filed online.
- Digital support tools have been set-up to reinforce the courts digitally.

## Other Procedural Legislative Reforms

A recent procedural legislative amendment was enacted through the [Code of Organization and Civil Procedure \(Amendment\) Act \(Act XXIII of 2023\)](#) aimed at facilitating the filing of human rights actions by any natural persons residing in and/ or any legal persons having their registered office in Gozo and Comino. This legislative measure is designed to address the geographical challenges faced by Gozitan residents in pursuing constitutional claims. Specifically, the amendment mandates that when a resident of Gozo files a human rights action, the hearing of the case before the First Hall of the Civil Court in its Constitutional jurisdiction will take place in Gozo. Prior to this pivotal amendment, individuals residing in Gozo were compelled to file and appear before the First Hall of the Civil Court sitting in its Constitutional Jurisdiction in Malta. This geographical disparity, despite the small size of the Maltese Islands, stemmed from a legal void that did not allow for the hearing of constitutional actions in the Gozo courts. Act XXIII of 2023 rectifies this imbalance, ensuring that residents of Gozo have more accessible and equitable avenues to seek justice in constitutional matters within their own region.

## A. INDEPENDENCE

### 2. Appointment and selection of judges, prosecutors, and courts presidents (including judicial review)

#### Judiciary

Appointments to judicial posts for the reporting period have been communicated in the context of the response to Recommendation 2 under Section 1.

With reference to the case of *Dr Anna Mallia vs Il-Kumitat dwar il-Ħatriet tal-Ġudikatura et*, which concerns a lawyer who contested the selection procedure adopted by the Judicial Appointments Committee before the Civil Court, First Hall (Constitutional Jurisdiction). On 10 January 2023, the Court delivered its judgment wherein it rejected the plaintiff's pleas. European Commission for Democracy through Law (Venice Commission). An appeal from that judgment was filed and the case is awaiting judgement. Parties will have the possibility to appeal to the Constitutional Court.

#### Prosecutors

The major reform in the Office of the Attorney General, which granted the Attorney General prosecutorial functions, continued to be reinforced with the recruitment of prosecutors and supported with training for all prosecutors within Office. In 2023, sixteen lawyers were recruited. The target of the Recovery and Resilience Plan (RRP) to recruit 31 prosecutors within the Office of the Attorney General has been achieved. Currently, the total workforce at the Office of the Attorney General stands at 91 employees, comprising 61 Prosecutors and 30 administrative and support staff.

#### Other: Specialised Tribunals

As previously communicated, the method of appointment and governance of specialised tribunals differs from that of the judiciary of the ordinary courts. In accordance with one of the milestones – more specifically milestone C6.R.1 [M] 6.3 - provided in the context of the RRP, the Commission has approved the Terms of Reference for the engagement of an independent contractor to assess the independence of the specialised tribunals at the national level. The upcoming steps involve the initiation of the public procurement procedures for the selection of the independent contractor. This assessment will be carried out in communication with the European Commission for Democracy through Law (Venice Commission). The targeted deadline for the implementation of this reform is set for 31 December 2024.

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

There are no new developments to report.

### 4. Promotion of judges and prosecutors (including judicial review)

There are no new developments to report.

### 5. Allocation of cases in courts

There are no new developments to report in terms of allocation of cases.

#### Creation of the Commercial Court

The Government plans to establish a Commercial Court to deal with commercial and maritime disputes. An additional judge to focus commercial cases has already been assigned to the Civil Court (Commercial Section). Yet, Government is working on both the legal and the administrative aspects to the set up a fully-fledged Commercial Court. The required legislative drafting has been completed and will be presented to the Cabinet of Ministers and

subsequently tabled to the House of Representatives by the end of Q1 of 2024. Plans are also underway to designate a building to be equipped with cutting-edge technology, a minimum of two courtrooms, a reception area, a commercial registry, and chambers for judges as well as offices for support staff.

#### Magisterial Inquiries

As already explained in the context of the response to Recommendation 2, as part of Malta's efforts to strengthen the national justice system, the current system of magisterial inquiries is being revamped. *Inter alia*, the reform entails that Magistrates act as either Magistrates for the Court of Criminal Judicature or as Magistrates for the Court of Criminal Inquiry.

#### Developments concerning the Family Court

A new additional courtroom is being allocated to the Family Court, equipped with cutting edge videoconference facilities. This initiative aims to facilitate concurrent criminal and civil family sittings, thereby increasing the overall number of sittings and mitigating adjournments due to space constraints and/or limited available dates.

In the meantime, the addition of another Magistrate in the Family Court, coupled with a revised distribution of cases by the Chief Justice, is addressing current backlog issues. The frequency of sittings has in 2023 increased to approximately two to three times a week (compared to once a week in 2022) for cases of domestic violence. This shift is projected to result in a more expeditious disposal of cases with the number of cases heard weekly potentially increasing from around 40 (in 2022) to approximately 120 in 2024.

#### **6. 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)**

There are no new developments to report.

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

There are no new developments to report.

#### **8. Remuneration/ bonuses/ rewards of judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information**

#### Judiciary

The salaries of the judiciary continued to be revised upwards following amendments to the [Judges and Magistrates \(Salaries\) Act](#) (Chapter 175 of the Laws of Malta), introduced by virtue of the [Judges and Magistrates \(Revision of Salaries\) Order, 2023 \(Legal Notice 11 of 2023\)](#) on 20 January 2023. Apart from salaries, members of the judiciary also receive additional allowances and other benefits during their tenure.

#### Prosecutors

There are new developments to report. The remuneration packages, including gradual salary increases, and conditions of employment for prosecutors within the Office of the Attorney General were revised under the 2022 Collective Agreement which foresees increases in salary throughout its period of validity.

#### **9. Independence/ autonomy of the prosecution service**

The RRP milestone C6.R.2 requires the transfer of all non-summary cases to the Office of the Attorney General by the end of 2024. The fourth phase of the transition, which started in 2020, was concluded following the adoption of legislative amendments to the Prosecution of

Offences (Transitory Provisions) Regulations (Subsidiary Legislation 90.01 of the Laws of Malta), introduced on 29 September 2023 by virtue of the [Prosecution of Offences \(Transitory Provisions\) \(Amendment\) Regulations, 2023 \(Legal Notice 225 of 2023\)](#).

In this regard, with effect from 1 October 2023, the Office of the Attorney General was empowered to take the decision to prosecute in front of the inferior courts the following offences:

- i. grievous bodily harm; grievous bodily harm with arms proper; other cases of grievous bodily harm; grievous bodily harm from which death ensues under sub-title II of Title VIII of Part II of Book First of the Criminal Code;
- ii. involuntary homicide; involuntary homicide in the course of theft or attempted theft under sub-title IV of Title VIII of Part II of Book First of the Criminal Code;
- iii. infanticide under sub-title VIII of Title VIII of Part II of Book First of the Criminal Code;
- iv. stalking involving fear of violence, serious alarm or distress under sub-title IX of Title VIII of Part II of Book First of the Criminal Code;
- v. aggravated theft under sub-title I of Title IX of Part II of Book First of the Criminal Code;
- vi. offences against the National Interest (Enabling Powers) Act;
- vii. offences against the Fisheries Conservation and Management Act; and
- viii. attempts or conspiracy to commit or complicity in the offences mentioned in paragraphs (i), (ii), (iii), (iv), (v), (vi) and (vii).

The below tables show the relevant statistical information in relation to prosecution by the Office of the Attorney General,<sup>1</sup> from 1 October 2020 to 31 October 2023:

- Table 1 shows information on the total number of prosecutions initiated by the Office of the Attorney General;
- Table 2 shows the stand-alone and predicate offences to money laundering;
- Table 3 shows the accompanying offences to money laundering cases; and
- Table 4 shows the number of natural and legal persons involved in these prosecutions.

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<sup>1</sup> This data excludes prosecutions which were still being carried out by the Malta Police Force during the transitory period.

Table 1

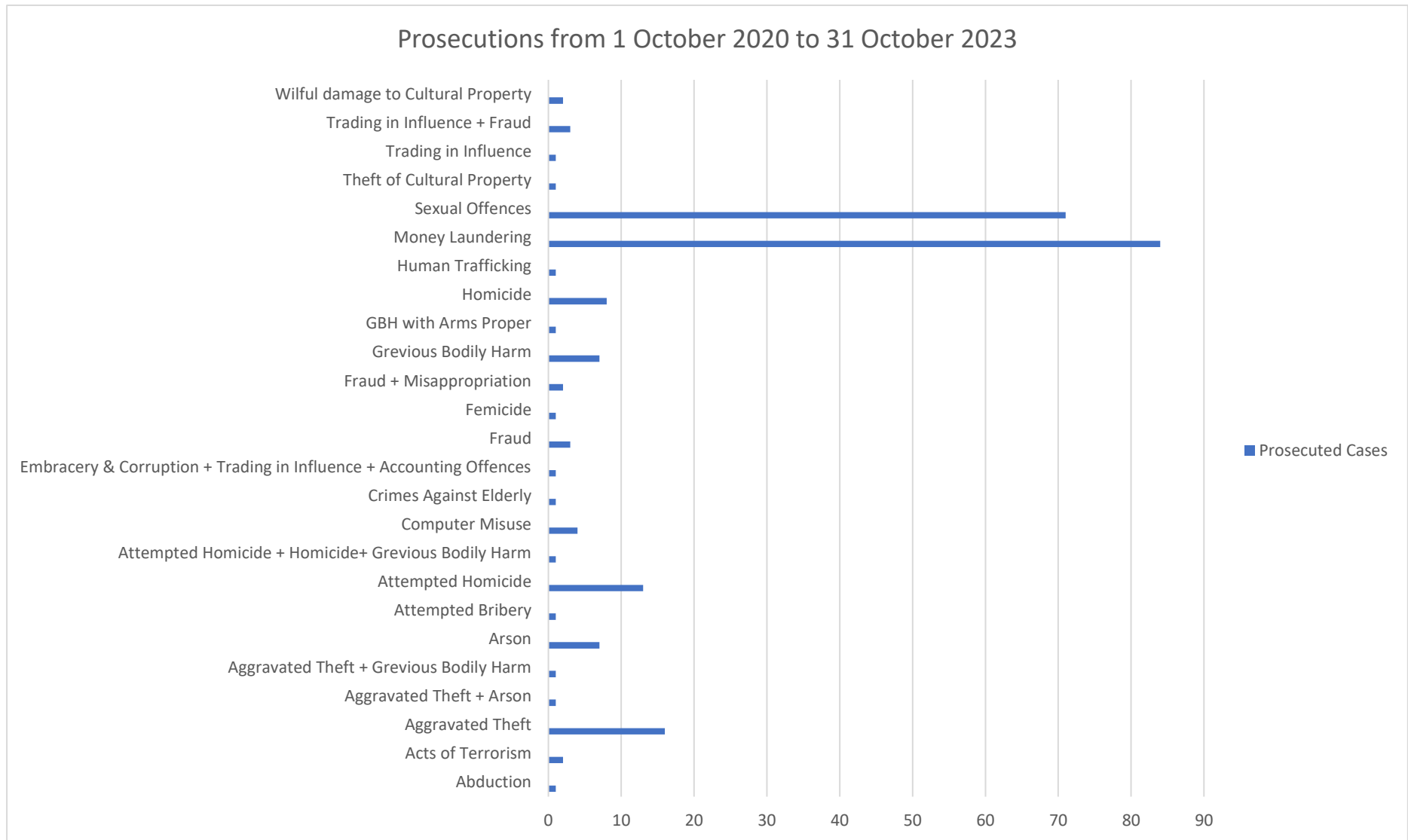
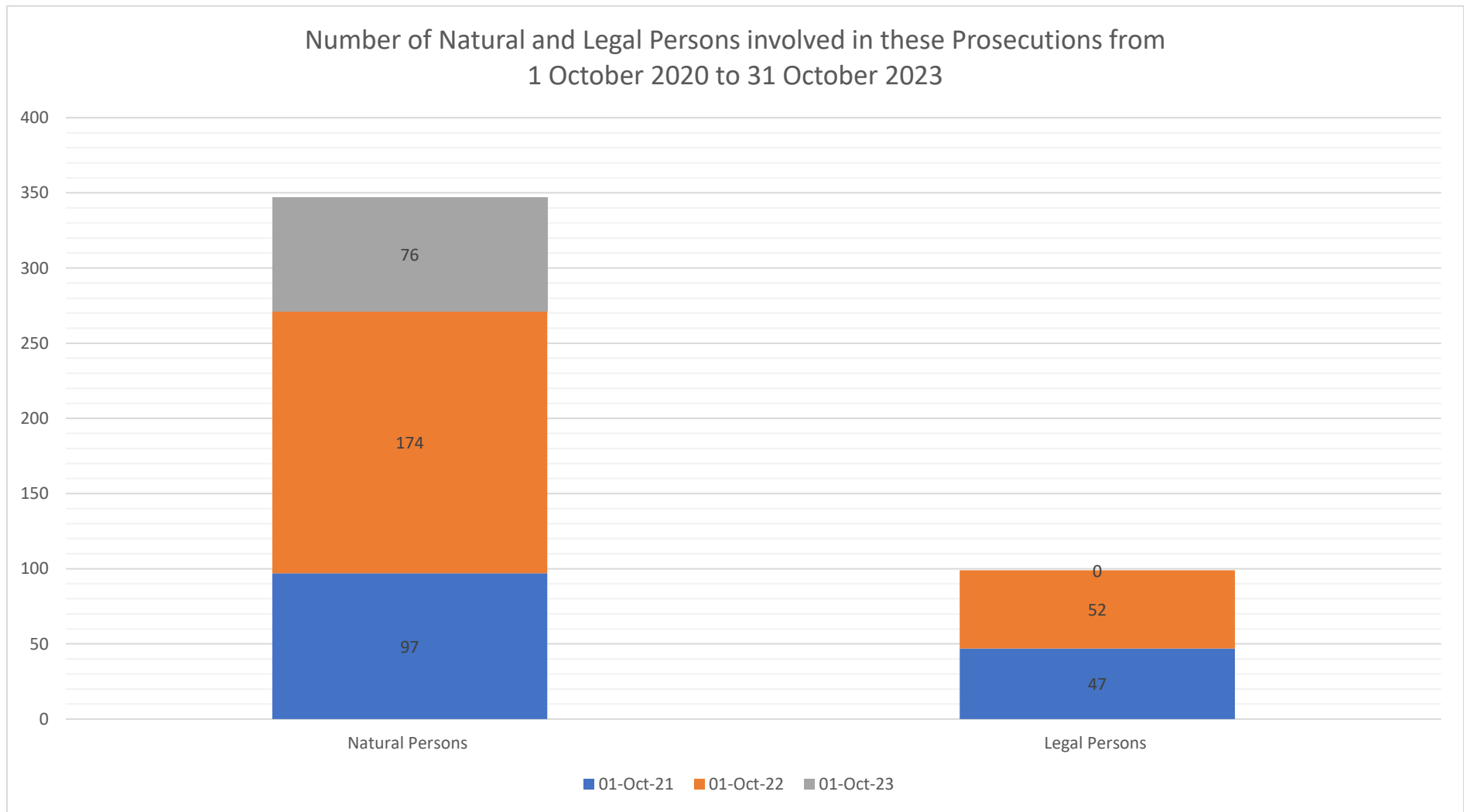


Table 2





Table 4





## 10. Independence of the Bar (chamber/association of lawyers) and of lawyers

The Chamber of Advocates, which is a self-regulatory professional body, held its elections on 7 August 2023. The new Council of the Chamber of Advocates was appointed on 23 August 2023 for a period of three years until 2026.

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

The perception of the general public is significantly improved by ongoing reforms and the support of key stakeholders. These reforms extensively covered by the public media serve to raise awareness and expectations, spanning over several years. The implementation of these reforms, coupled with recent appointments, is poised to enhance the efficiency of the justice process, contributing to an improved public perception of the judiciary and the overall justice system.

According to the integrated 2023 Eurobarometer Survey within the EU Justice Scoreboard, a substantial 65% of the public and businesses perceive the judiciary as highly autonomous, as compared to 45% in 2016. This positive shift in perception rooted in a shared appreciation for judicial independence establishes a significant improvement.

## B. Quality of Justice

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

#### Court/ Legal Fees

There are no new developments to report.

#### Legal Aid

The information campaign on legal aid services with new themes has continued throughout 2023. The information brochure on legal aid services was also made available in Arabic, Italian, French, amongst others, to ensure accessibility based on the demographics using the Court service. As part of the RRP commitments, a digitisation project of legal aid services was tendered and contracted in November 2022, with a completion timeframe of 24 months. In 2023, the Contractor designed and began developing a new webpage and a new case management system called the 'Legal Aid Management System' (LAMS). The LAMS, which is expected to be launched in mid-2024, will be accessible to the public, through various entities, NGOs and other Government entities, to bring the service closer to the citizens.

The Legal Aid Agency also provides regular guidance to its contracted legal aid lawyers on their responsibilities and expectations towards their clients, through internal memos issued throughout the year. By the end of 2022, the Agency started a series of meetings with various stakeholders to get feedback on how to improve its services according to the diverse needs of its clients. The aim is to learn about the services offered by other entities and to determine if specific legal services can be added in the future. The Agency is also working with NGOs and civil society groups to train its legal staff and employees. These collaborations will also help the Agency to identify any gaps in its services and to suggest any necessary legislative reforms.

In 2022 and 2023, the Agency sponsored a number of lawyers to attend training on criminal justice and European Court of Human Rights case law on violence against women; on gender-based violence and domestic violence; on preventing and combating human trafficking at the Academy of European Law.

In the last quarter of 2023, the Agency launched a new project to issue a call for specialised legal aid panels in civil and criminal matters, which will start in January 2024. Specialised legal aid lawyers in civil and criminal litigation will help vulnerable individuals in a more professional way and legal aid lawyers will use their knowledge and expertise for the best interest of their

clients. The legal aid service will also be improved with specialised legal aid lawyers for victims of crime, for preliminary advice and court representation. These specialised panels resulted in a 26% increase in the Government budget allocation to the Agency compared to the previous year.

#### Language

There are no new developments to report.

#### **13. Resources of the judiciary (human/ financial/ material [Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices. ])**

The continuous development of the Court Services Agency's staffing and management structure reflects a strategic enhancement in organisational capacity. Initially, prior to the Agency's establishment in August 2019, the staff complement comprised 428 members. As at November 2023, the total staff complement has expanded to 500 members, an increase of 15%. This growth has been complemented by the introduction of rolling calls demonstrating a dynamic approach to personnel management.

The restructuring of the management hierarchy further shows the commitment to organisational development. Previously, the top management structure consisted of five positions, including a Director General, a Director General/Registrar for the Gozo Courts and Tribunals Directorate, a Director/Registrar for the Civil Courts and Tribunals, a Director/Registrar for the Criminal Courts and Tribunals Directorate, and a Director for Support Services. Presently, the strengthened management structure encompasses nine positions, including a Chief Executive Office, a Deputy Chief Executive Office (also serving as Director of Legal Services), a Financial Controller, a Director of People Management, a Director of Support Services, a Director/Registrar for the Gozo Courts and Tribunals Directorate, a Director/Registrar for the Civil Courts and Tribunals Directorate, a Director/Registrar for the Criminal Courts and Tribunals Directorate, and an upcoming position for a Director of Strategy and Digital Innovation.

The 2022 Collective Agreement's ongoing impact in 2023 is evident through the introduction of a career advancement route for Deputy Registrars allowing them to progress in their careers. The rolling open call for Deputy Registrar vacancies is dedicated to ensuring a permanent stable capacity in this crucial role.

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

##### Judiciary

The Judicial Studies Committee (JSC), as the body responsible for the ongoing training of the members of the judiciary, has during 2023 organised 10 training sessions to all Members of the Judiciary. A wide array of subject-matters, including Financial Services and Company Law, Competition Economics, Judicial Ethics, 3D Crime Scene Reconstruction, Amendments to Rent Law, Magisterial Inquiries, Domestic Violence, Digital Service Act, Fundamental Human Rights on the European and National Level, Money Laundering, Cryptocurrency and Digital Evidence and others were covered. It is the aim of the JSC, under the constant guidance of the Chief Justice, to continue offering members of the judiciary with impactful effective life-long and life-wide training in order to continue staying abreast of contemporary legal challenges and evolving legislation, including in EU law.

In line with this same aim, the JSC is currently working alongside the Ministry for Justice in order to provide newly appointed members of the judiciary with initial training. A digital platform, through which members of the judiciary can access pre-recorded training on demand, is also being developed.

Over 2023, the JSC has continued to work closely with the Academy of European Law (ERA) and the European Judicial Training Network (EJTN) in the organisation of conferences and seminars as well as in sending 28 Judges and Magistrates to attend 26 conferences and seminars abroad and online.

### Court Staff

Training for court staff is organised periodically by the Court Services Agency. The Agency has an allocated yearly budget for such training, which during 2022-23 included:

- Customer care for staff members with direct/indirect contact with customers;
- The GDPR, data protection and privacy for staff members with direct/indirect contact with customers and staff with direct/indirect access to sensitive documents;
- AED (Automated External Defibrillator) First Aid Training; and
- Induction courses for newly recruited staff members.
- Video Conferencing User Workshops;
- Equality Training;
- Information sessions on victim support.

Moreover, newly recruited Deputy Registrars are assigned to an experienced Deputy Registrar, as a mentor, during their first weeks of employment.

### Prosecutors

The Attorney General's commitment to professional development is evident in the comprehensive array of training opportunities availed of in recent years. The number of training sessions increased from 9 in 2020 to 71 in 2023 reflecting a proactive approach to staying abreast of evolving legal landscapes.

The subjects and themes covered during these training sessions are diverse and extensive, encompassing critical areas such as New Counter-Terrorism and Violent Extremism, Computer Forensics in legal proceedings, EU Criminal Justice, Human Trafficking Prosecution Techniques, Financial Crime, Justice for the Environment, and many more. The range of topics underscores the multifaceted nature of legal practice and the Attorney General's commitment to equipping professionals with the necessary skills and knowledge to address contemporary legal challenges. The extensive training portfolio reflects a forward-thinking approach, ensuring that legal practitioners are well-prepared to navigate complex issues and contribute effectively to the pursuit of justice in an ever-evolving legal landscape.

Training is provided to the prosecutors within the Office of the Attorney General, covering a multitude of topics involving both in-house and foreign trainers and guest speakers. A specific budget is allocated for training. In 2023, 71 courses were organised, and attended by a total of 244 prosecutors, on the following topics:

- Asset Recovery;
- Economic crime;
- Money laundering and tax evasion;
- Investigating and preventing corruption;
- Sanctions (Restrictive Measures);
- Cryptocurrencies;
- Cybercrime;
- Digital evidence;

- Environmental law;
- Sexual violence; and
- Trafficking in human beings.

Moreover, in January 2023, the Office of the Attorney General recruited a Manager (Training, Librarian and Archivist). The tasks of the Manager include the establishment of a training needs analysis for every prosecutor, and the planning of induction courses for prosecutors which need to be followed by individual training programmes. Training was also delivered in 2023. In 2022, the Office of the Attorney General set up its own library with specific resources, publications and materials addressing the needs of prosecutors in conducting their own research. In 2023 a criminal law jurisprudence online database was created to assist prosecutors with their research and preparation of cases. In 2023, the Office of the Attorney General also issued a call and recruited Head Strategy and Initiatives. This new directorate within the Office is responsible to implement the Strategic and Operational Plan that was launched in February 2023. The European Delegated Prosecutors (EDP) have been given the necessary administrative support from the Office of the Attorney General. The EDPs also have unlimited access to the AGO's library, human resources, and training opportunities as offered or available to the national prosecutors.]

Assistance by the World Bank in relation to the strengthening of the Office of the Attorney General and the Office of the State Advocate

The collaborative project, funded by DG Reform through the Technical Support Instrument, between Malta, the World Bank, and the Commission was a resounding success. This objective of the project was met with the presentation to the Ministry for Justice of a 5-year Strategic and Operational plan for the re-organisation of the Office of the Attorney General and the Office of the State Advocate. The implementation of this action plan formed the basis of another TSI funded project that has been launched on 31 October 2023. In this second project, the Ministry for Justice, the Office of the Attorney General and the Office of the State Advocate are receiving expert assistance from the Council of Europe to implement a number of measures outlined in the Action Plan.

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

Reference should be made to the information on the Digital Justice Strategy in the context of the response to Recommendation 2 under Section 1.

**16. Use of assessment tools and standards**

There are no new developments to report, although as communicated in the context of the response to Recommendation 2 under Section 1.

**17. 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**

The establishment of a Fourth Section in the Court of Appeal and the imminent creation of an additional (second) Hall dedicated to trials by jury in the Criminal Court mark strategic steps forward.

Moreover, the new Court Hall for jury trials will impact the number of trials, as this will allow for two trials to happen simultaneously. This will speed up the resolution of pending cases and show a proactive approach in dealing with space constraints and improving the judicial system's efficiency.

Furthermore, efforts are being made to set up a specialized Commercial Court, as previously mentioned, and to add another courtroom in the Family Court building.

C. Efficiency of the Justice System

18. Length of proceedings

Reference should be made to the response to Recommendation 2 under Section 1.



## II. Anti-Corruption Framework

19. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

*Recommendation 3: Set up measures to address challenges related to the length of investigations of high-level corruption cases, including by establishing a robust track record of final judgments.*

The Maltese authorities reiterate that high-level corruption cases are often complex and need specialised expertise, especially in investigations of complex financial cases that involve foreign jurisdictions. The scarcity of experts means that the duration of investigations does not only depend on the investigators or the prosecutors but on the workload of the same experts appointed on multiple cases, as chosen by the judiciary. The Maltese authorities are currently assessing the system.

A. The Institutional Framework Capacity to Fight Against Corruption (prevention and investigation/prosecution)

20. 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 relevant) including the cooperation among domestic and with foreign authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO.

The relevant authorities in charge with prevention, detection, investigation, and prosecution of corruption remain the same.

Permanent Commission Against Corruption (PCAC)

As part of Malta's RRP commitments, ongoing efforts have focused on implementing measures related to PCAC. By the end of 2024, Malta plans to implement a range of reforms, including the creation of a digital registry that centralises information on corruption cases. The design phase of the digital registry has been successfully completed, and internal testing is already underway to prepare for end-user testing. The ultimate aim of these reforms is to create a user-friendly digital platform that enhances collaboration and information exchange among all national anti-corruption organisations, within the anti-corruption framework.

Malta Police Force (MPF)

The **Internal Audit Office (IAO)**, established within the Malta Police Force (MPF) in 2021, remains committed to enhancing good governance within the MPF's internal structures and with key stakeholders. In 2022, the Internal Audit Office conducted performance audits on the Weapons Office, Staffing and Major Events Unit, and Vehicle Disposal Unit. Additionally, it audited the Human Resources Department to centralise and streamline data management and reengineer HR processes through automation. They collaborate with the Staffing and Major Events Unit to enhance compliance checks and integrate advanced features into the main Detail of Duty application. Currently the Internal Audit Office is implementing a project within the Quartermaster's Office to improve its operational efficiency and enhance the security of the items under its management.

Police officers and staff can **report suspected workplace violations** to their supervisors, the Integrity Officer's Office, or the Professional Standards Office. In severe corruption cases, the Commissioner is notified immediately. Confidential reporting is supported to guarantee the reporter's anonymity, and their personal safety if a disclosure is a threat to life. The Integrity Officer's Office is responsible for these reports. Anonymous reporting is also facilitated through the "Break the Silence" section of the Police Extranet. It ensures secure and anonymous communication and for the Integrity Officer to action and follow up within 48 hours. Any misuse of this anonymous channel may result in disciplinary or criminal action.



The **Professional Standards Office** or any other designated unit is responsible for the deployment of lawful covert tactics on employees or third parties posing a threat to the Corps' integrity, with a strict prohibition on districts or branches attempting such actions without the Integrity Officer's involvement. Furthermore, comprehensive training in corruption prevention, ethics, integrity, and professional standards is provided across all levels of the Force, embedding these values and practices deeply within the Malta Police Force. The Professional Standards Office has investigated 175 cases until October 31, 2023. Of these cases, 3 are currently being heard before the local courts, 1 case was referred to the Public Service Commission, 38 cases resulted in minor disciplinary actions, 2 cases resulted in suspension, and 2 cases resulted in resignations following investigation.

In line with the Malta Police Force Anti-Fraud & Corruption Policy, the **Gifts, Gratuities, and Hospitality Register** has been established. Information from this Register is often requested by the local media under the Freedom of Information Act. The statistics from the gifts register show that there have been 356 entries since November 2020.

Additionally, the **Disciplinary Board**, introduced in the Police Act (Chapter 164 of the Laws of Malta) under Act No. LVII of 2021, continues to hear and determine appeal cases following the finding of guilt and the imposition of a corresponding penalty by the Commissioner of Police concerning minor offences, as set out in the Second Schedule of the Police Act, or where an officer can prove that there has been a gross disregard of the procedures which prejudiced his interests.

The number of sittings and cases decided by the Disciplinary Board in recent years is being reproduced below:

Year	Number of Sittings Held	Number of Cases Decided
2020	6	101
2021	3	48
2022	15	156
2023	10	97

#### Financial Crimes Investigations Department (FCID)

The Financial Crimes Investigations Department within the Malta Police Force continued to be strengthened. The Department is divided into two main areas: the Anti-Money Laundering and Terrorism Financing Section (incorporating, amongst others, a Fiscal Crime Unit delving into tax crime); and the Economic Crimes Section (incorporating, amongst others, a recently set up Online Fraud Unit). Both areas are supported by a centralised Financial Crime Analysis Unit, a Blockchain Analysis Unit and an International Relations Unit. FCID staff are qualified in various areas and have a solid educational background, including, but not limited to, law, criminology, leadership and management, business administration, accounting and business, money laundering asset tracing and recovery and transnational crimes. Officers are specialised in thematic areas, such as, corruption, complex money laundering, terror financing, asset discovery and recovery, organised criminal groups, fiscal crimes including MTIC, serious fraud, virtual financial assets and other areas. Investigations are prioritised according to the National Risk Assessment (NRA).

The following table provides an overview of the increase in staff complement and related costs of the FCID:

Date	FCID Staff complement	Percentage increase in staff complement	Yearly total FCID Gross Pay in (in €)	Percentage increase in expenditure
31 December 2018	53	-	1,151,227	-
31 December 2023	96	81%	4,147,910.26	26%

The FCID Department's yearly total gross pay has substantially increased, following the introduction of exclusive allowances designated for this unit. This strategic move, aimed at retaining current employees and attracting the best talent available in the force, has effectively brought their compensation in line with that of their NCC counterparts.

The Department's staff complement as of 31 December 2023 represents an increase of around 96% in capacity since the 2018 MONEYVAL onsite visit.

FCID	2018	2019	2020	2021	2022	2023
Operational expenditure (excluding Emoluments)	€894,718	€1,414,994	€2,295,138	€3,518,331	€3,269,367	€2,150,424
Capital expenditure	N/A	N/A	€1,253,482 <sup>2</sup>	€134,093	€101,031	€175,753

#### Internal Audit and Investigation Department (IAID)

As previously communicated, in collaboration with the Coordinating Committee (established in line with Article 23 of the [Internal Audit and Financial Investigations Act](#) (Chapter 461 of the laws of Malta), the IAID initiated the process to update the National Anti-Fraud and Corruption Strategy ([NAFCS](#)), which was adopted and subsequently tabled in the Maltese Parliament on 31 May 2021. In addition, as chair of the Co-ordinating Committee, the IAID coordinated the drafting and publication of the National Risk Assessment (NRA) which was published in December 2022. Further information on the actions carried out to date with respect to both documents is reported under Section 22 of this national input.

In 2023, the Financial Investigations Directorate (FID) within the IAID, as the Maltese Anti-Fraud Coordination Service (AFCOS), cooperated with and assisted OLAF through the provision of information with respect to investigations carried out by OLAF on Maltese beneficiaries.

<sup>2</sup> The 2020 capital expenditure was extraordinary since it included one-off major expenses related to the relocation to the current FCID premises such as new furniture, software and IT equipment, hence the difference between 2020-2021.

## National Coordinating Committee on Combating Money Laundering and Funding of Terrorism (NCC)

Malta is no longer subject to the FATF's increased monitoring process, following rigorous efforts that enabled Malta to exit the FATF list in a record time. Malta will continue to work with MONEYVAL to sustain its improvements in its AML/CFT system.<sup>3</sup>

Additionally, the implementation of the RRP milestones/targets aiming at 'Strengthening Malta's anti-money laundering/combating terrorists financing/targeted financial sanctions (AML/CFT/TFS)' (C6-R8) have either been completed or are underway.

### Financial Intelligence Analysis Unit (FIAU)

As Malta's Financial Intelligence Unit (FIU) and Malta's single AML/CFT supervisor responsible for the supervision of all subject persons (obliged entities), the FIAU's allocated annual budget and its staff complement has been increased exponentially to strengthen its mandate.

The FIAU's annual budget increased from €1.34 million in 2017 to €10.85 million in 2023, and it is projected to further increase to €11.5 million in 2024. The FIAU's overall staff complement increased from 43 in 2018 to 158 as of 15 November 2023. Plans are set out to increase the total staff complement to 254 employees by the end of 2026. To accommodate this growth, the FIAU moved into larger premises at Trident Park in the Central Business District in May 2023.

The FIAU conducted a total of 138 AML/CFT examinations (on-site and off-site) on subject persons by the end of 2023, a significant increase from 41 in 2019. Enforcement action taken after identifying breaches during an AML/CFT examination (such as failure to submit the Risk Evaluation Questionnaire (REQ), or from other trigger events also increased from 23 in 2019 to 199 in 2022. As of 15 November 2023, the FIAU's enforcement section has imposed 132 administrative measures. The chart below depicts the quantum of administrative fines for non-compliant subject persons between 2019 and 2023.

Year	Total administrative pecuniary fines in €
2019	€3.9 million
2020	€4.6 million
2021	€12.3 million
2022	€3.3 million
2023 (until 15 November 2023)	€2.9 million

<sup>3</sup> The Financial Action Task Force's (FATF) evaluation on Malta's Anti-Money Laundering Framework, at the FATF plenary held between 14 and 17 June 2022, noted that [Malta has worked incessantly to address the set FATF national action plan in a sustainable and effective way.](#)

The FIAU's Intelligence Analysis Section reported an increase in the number of suspicious reports (STRs/SARs) received over the years. In 2018, they received 1,679 reports, which increased to 2,778 in 2019, 5,175 in 2020, and 7,218 in 2021. In 2022, the number of suspicious reports received rose to 8,586. **As of 15 November 2023, the FIAU received 8,231 STRs/SARs.**

Disseminations to foreign counterpart FIUs also increased from 749 disseminations in 2018 to 5,607 up to 15 November 2023. Internal disseminations, that is, to the Malta Police and the Commissioner for Revenue (CfR) have increased as per the below:

Year	Disseminations to Malta Police	Disseminations to CfR
2018	79	198
2019	102	186
2020	173	199
2021	328	703
2022	342	401
2023 (until 15 November 2023)	343	599

Furthermore, the FIAU replied to various requests received from the Malta Police or other designated authorities, to provide the same with financial information/financial analysis conducted/in possession of the FIAU for the prevention, detection, investigation and prosecution of certain serious criminal offences (listed under Annex I to Regulation (EU) 2016/794), tax evasion, and any other offence under the [National Interest \(Enabling Powers\) Act \(Chapter 365 of the Laws of Malta\)](#).

Following the introduction of the [Use of Cash \(Restriction\) Regulations \(Subsidiary Legislation 373.04 of the Laws of Malta\)](#) on 9 March 2021, which brought about a prohibition to use cash of Euro 10,000 or more when purchasing or selling certain high-value goods (immovable property, antiques, jewellery precious metals/stones/pearls, motor vehicles, sea-craft and works of art), the FIAU set-up a dedicated section to oversee the prevention, detection, investigation and sanctioning of breaches of the said cash-restriction. During 2022, the Cash Restriction Section focused on various education and awareness campaigns targeting dealers and the public at large, the setting up of secure channels and started receiving information about known or suspected breaches of the said Regulations from subject persons through the goAML reporting platform and obtain other relevant data and information from other government bodies/entities which further help in detecting possible cash-restriction breaches.

More detailed information on the FIAU's work during the past years can be found in the FIAU's annual reports, which can be accessed on the FIAU's [website](#).

#### Prosecution

Reference should be made to the information on the Office of the Attorney General in the context of the response to Chapter I.

#### National Audit Office

On 14 December 2023, the National Audit Office (NAO) published its five-year strategy, focusing on enhancing accountability and transparency in Government operations, and promoting good governance across the public sector. More information can be found [here](#).

## Commissioner for Standards in Public Life

The Commissioner for Standards in Public Life launched a project titled "Improving the Integrity and Transparency Framework in Malta" on 16 September 2021. The project, funded by the Commission's DG Reform through the Technical Support Instrument (TSI), engaged the Organisation for Economic Cooperation and Development (OECD) to increase the effectiveness of the Commissioner's Office through recommendations on the operations of the Commissioner, the Standards in Public Life Act, the regulation of lobbying, and the review of the Codes of Ethics for Ministers, Parliamentary Secretaries, and Members of the House of Representatives.

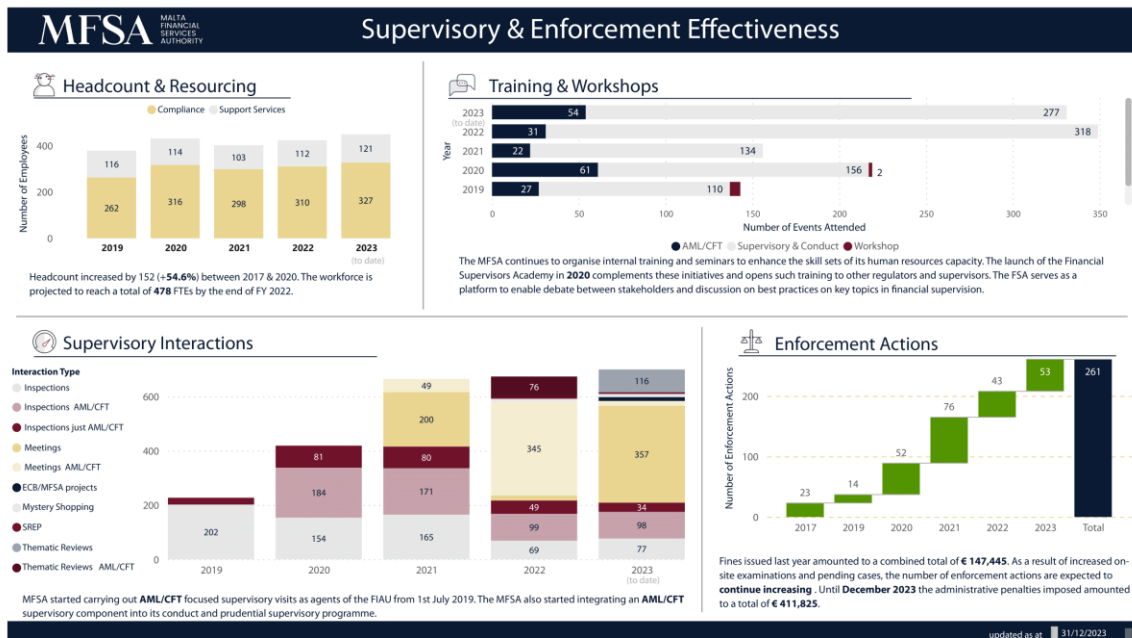
Following the conclusion of the project at the end of 2023, the Maltese Government will be assessing the recommendations to identify areas for further improvement.

## Asset Recovery Bureau

There were no new legislative developments to report following the amendments to the [Proceeds of Crime Act](#) (Chapter 621 of the Laws of Malta) introduced by virtue of Act No. LXVIII of 2021 on 12 March 2021. Administrative reforms are being carried out within the Asset Recovery Bureau (ARB) in the context of Malta's RRP commitments, in line with the Asset Recovery Bureau Strategy.

## Malta Financial Services Authority

Below is the [Supervisory and Enforcement Effectiveness](#) dashboard published by the Malta Financial Services Authority (MFSA), as at 31 December 2023. The dashboard shows the Authority's performance and priorities in regulating and enforcing the financial sector, as well as its transformational journey to improve its standards and framework.



## Other - Statistical Data in Relation to Various Entities

The Government maintains its commitment to increase and enhance the capacity, authority and accountability of the respective institutions entrusted with regulatory and control functions. The following shows the allocated budgets to the Office of the Ombudsman, the National Audit Office (NAO) and the Internal Audit and Investigations Department (IAID).

**Increase in the allocated budget over a five (5) year term (between the year 2019 and 2023):**

Entity	Year				
	2019	2020	2021	2022	2023
NAO	3,500,000	3,800,000	3,850,000	3,900,000	4,200,000
Ombudsman	1,300,000	1,340,000	1,427,000	1,420,000	1,549,000
IAID	2,273,000	1,956,100	4,084,800	2,860,100	2,508,000

Cooperation with EPPO and OLAF

In 2023 the operational cooperation between the EPPO and national authorities has been considerably improved. The competent national authorities in charge of cooperation with EPPO have established clear SOPs to ensure timely and effective cooperation. Communication lines between the national competent authorities have been streamlined and each authority immediately communicates suspected offences falling within the competence of the EPPO. The Financial Crimes Investigations Department within the Malta Police Force have also established a dedicated investigative team coordinating with the EPPO. The Financial Intelligence Analysis Unit (FIAU) signed a Memorandum of Understanding with the EPPO on 4 October 2023 which provides a structured framework of cooperation to facilitate the exchange of information to make the fight against money laundering and associated predicate offences adversely affecting the EU’s financial interests as efficient as possible among others. In 2022, the FIAU received three requests for information from the EPPO and sent a further nine disseminations up to 15 November 2023. During the European Chief Prosecutor’s visit to Malta in October 2023, she noted a positive improvement in the identification of cases referred to the EPPO, the accessibility of Maltese authorities, and the constructive dialogue with the Justice and Home Affairs Ministry.

A Financial Crime Task Force (FCTF) was set up in 2020 to facilitate the joint investigation, to pursue and prosecute high-profile and complex money laundering cases, including those connected with serious criminal (predicate) offences such as corruption and bribery. The FCTF is composed of representatives from the FIAU, the Malta Police and the Malta Security Services, however other competent authorities, such as the Office of the Attorney General, the Commissioner for Revenue and Customs, amongst others, assist the FCTF in its work. When required, representatives of foreign Law Enforcement Authorities (from the U.S., Italy, UK and EUROPOL) take an active part in this task force to facilitate the sourcing of intelligence and evidence from foreign jurisdictions and also to provide the necessary guidance and expertise. The FCTF was convened 10 times in 2022 and 6 times in 2023 (till 15 November 2023). Currently, legislative amendments to the Criminal Code (Bill No. 68) are underway in order to further enhance and improve said operational cooperation.

Cooperation with OLAF by the national Anti-Fraud Coordination Service (AFCOS) continued in line with the obligations emanating from Regulation (EU, Euratom) No 883/2013.

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

Reference should be made to the information reported under Section 20 of this national contribution.

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

Since adoption of the National Anti-Fraud and Corruption Strategy (NAFCS) on 31 May 2021, its implementation is expected to continue based on the action plan and timeline contained therein. Three of the action points are projected to be finished by 31 December 2024, in line with Malta’s Recovery and Resilience Plan (RRP) commitments, namely the online publication of the National Risk Assessment (completed by quarter 4 of 2022); two training programmes for appointed officials from the National authorities (quarter 1 of 2024); and the creation of a Central Documentary Repository System (quarter 4 of 2024). Discussions in this regard are at Sub-Committee to the Co-ordinating Committee responsible for the identification of Software Tools and the development of a Central Documentary Repository System level.

In line with Action Point 2 of the NAFCS, the following Sub-Committees to the Co-ordinating Committee have been set up, primarily to ensure the effective implementation of the NAFCS Action Plan:

- Sub-Committee responsible for communications;
- Sub-Committee responsible for the identification of Software Tools and the development of a Central Documentary Repository System;
- Sub-Committee responsible for Training Needs Analysis and Development;
- Sub-Committee responsible for legal matters; and
- Sub-Committee responsible for the management and safeguarding of European Union Funds.

The Terms of Reference defining the authority, purpose, specific objectives, responsibilities, and governance structure of the above-mentioned Sub-Committees to the Co-ordinating Committee have been established and circulated with the Committee members. In addition, the members of the Co-ordinating Committee nominated representatives from their entities to form part of these Sub-Committees to the Co-ordinating Committee. Meetings of the Sub-Committees to the Co-ordinating Committee (as applicable and based on the tasks of the NAFCS Action Plan) were held during 2023 and shall continue accordingly during 2024 to ensure the effective implementation of the respective NAFCS action points.

In 2023, as per Malta’s RRP commitments, the IAID, in agreement with the Chartered Institute of Public Finance and Accountancy (CIPFA), organised 2 training programmes for officials from the National Authorities forming part of the Co-ordinating Committee, namely: International Certificate in Corruption Investigation (ICCI); and International Certificate in Corruption Risk Management (ICCRM).

The ICCI has 14 self-paced e-learning modules supplemented by a detailed technical reference manual, followed by five consecutive days of in-person training held in Malta to embed the technical and theoretical content of the e-learning in a practical context.

Modules included:

Corruption international definitions, typologies and frameworks	Ethics, Professional Behaviour and Corruption Investigation Standards	Evidence common rules and principles	Investigation modelling	Intelligence Model
Questioned documents	Evidence management	Operational briefings	Searches	Digital Forensics

Corruption investigation management	Investigative interviewing: suspects, witnesses and statements	Recovering the proceeds of corruption - an overview	Reporting investigation findings	
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The ICCRM has 10 self-paced e-learning modules supplemented by a detailed technical reference manual. Modules include:

Corruption: definitions, impact, and international frameworks	Corruption in practice	Assessing and Managing Corruption Risk	Principles of Risk Assessment - the Risk life cycle and Risk responses	The Assurance framework
Undertaking a Corruption Risk Assessment (CRA) I: the approach	Undertaking a Corruption Risk Assessment (CRA) II: the practice	Undertaking a Corruption Risk Assessment (CRA) III: the approach, understanding and testing controls	Managing and implementing a CRA	CRA in practice: key risk prevention, mitigation and compliance measures and reporting.

The IAID is in talks with the CIPFA to re-organise both training programmes during the first half of 2024. In addition, IAID is also coordinating two training sessions on basic Forensic Accounting and Maltese legal background, which will be held in Q1/2024.

With respect to the NRA, through feedback received from the members of the Co-ordinating Committee, it was agreed that ad hoc/bilateral meetings will be held between IAID and the respective national authorities during Q1/2024 and Q2/2024 to monitor the additional mitigating actions that have been identified and planned by the latter (as and where necessary).

## B. Prevention

*For questions 23-25, please provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions etc...)*

### 23. Measures to enhance integrity in the public sector and their application including as regards incompatibility rules, revolving doors, codes of conduct, ethics training)

As previously communicated, [Directive 15](#) entitled 'Governing Policy for integrity promotion, awareness and assessment for public employees' issued in terms of the Public Administration Act (Chapter 595 of the laws of Malta) was adopted on 20 April 2021. The Directive aims to uphold and promote the highest standards of ethical behaviour amongst all public employees, in the context of ever-increasing ethical dilemmas in an increasingly more complex and faster paced working environment. The Integrity Awareness Programme not only aims to make public employees more knowledgeable and aware of their responsibilities of their actions and decisions in ethical dilemmatic situations, but also up-scales the integrity standards for government officials, enhances a spirit of integrity standards in the day-to-day activities, whilst also providing an opportunity for development and growth. In line with these aims, the Integrity Awareness and Support programme addresses the visible responsiveness of decision-



based ethical conduct in the Public Administration amongst senior and executive public employees.

Moreover, induction and refresher training sessions on integrity are also being organised. All induction courses for all new recruits cover a module on integrity awareness, which is integral for the preparatory program for all aspiring leaders. Apart from this, integrity is also covered in the following standalone modules open to whoever wishes to pursue this topic further:

- Accountability and Good governance;
- Work ethics and behaviour;
- Accountability and good governance;
- Fiscal responsibility;
- Supervisory Skills;
- Managing with leadership.

Moreover, on 3 August 2023, the Principle Permanent Secretary updated Directive 14, which was originally issued on 18 June 2020. The revised [Directive 14.1](#), entitled 'Governing Framework for the Management of the Revolving Door Policy for Public Employees' require that public employees who hold regulatory or inspectorate functions sign an undertaking that prevents them from having a profitable relationship with a private or non-government entity that they have dealt with in their public role.

The aim of said Directive remains that of combating real or perceived conflict of interest whilst ensuring consistent, reasonable, and proportional implementation across the public administration.

The applicable timeframe, following resignation, retirement, or termination shall be dependent and proportional to the role and grade held by the public employee, which timeframe shall not exceed that of two years. Furthermore, the five-year maximum period preceding resignation, retirement, or termination to be considered shall also be dependent and proportional to the role and grade held by the public employee.

Ministries, departments, and entities are obliged to indicate the respective periods deemed suitable for each designated post or position, as specified within the [Annex](#) to this Directive. A Revolving Door Policy Governing Board was appointed to designate the posts/positions that fall under this policy and to monitor the implementation of the Directive and to review the submissions of the time periods. Once approved, such timeframes are to be duly communicated and referred to in respective undertakings by each Ministry, Department, and public sector entity.

Finally, it is pertinent to highlight that the [Public Service Commission Disciplinary Regulations \(Subsidiary Legislation Const. 03 of the Laws of Malta\)](#) has been repealed and replaced by the [Public Service Commission Disciplinary Regulations \(Subsidiary Legislation Const. 07 of the Laws of Malta\)](#). The Regulations, which entered into effect on 1 October 2023, have been revised, with disciplinary processes being simplified, consolidated and delegated further. The [Manual on Disciplinary Procedures in the Public Service](#) was also updated.

**24. General transparency of public decision-making including rules on lobbying and their enforcement, asset disclosure rules and their enforcement, gifts policy, transparency of political party financing)**

On 27 November 2023, the Principal Permanent Secretary issued [Directive No. 16](#) entitled 'Governing Framework for Preventing and Managing Conflicts of Interest in the Public Administration'. Through this Directive, a [Framework for Preventing and Managing Conflicts of Interest in the Public Sector](#) was introduced. The Framework aims to promote high ethical standards in the public administration; to ensure integrity and transparency in the public administration; and to provide public employees and board members with guidelines, policies, and procedures to ensure the effective identification, reporting and management of conflict-of-interest situations.

The Framework also sets out further standards for public employees and board members to follow, aimed at avoiding and resolving conflicts of interest, in relation to these key areas including gifts, hospitality and other benefits; political involvement; pre-public employment and post-public employment; and private work. This Directive and the Framework, which is applicable to all 'Public Employees' and 'Board Members' within the Public Administration will enter into force on 1 February 2024.

**25. Rules and measures to prevent and address conflicts of interests 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)**

Reference should be made to the information reported under Section 24 of this national contribution in relation to [Directive No. 16](#) and the [Framework for Preventing and Managing Conflicts of Interest in the Public Sector](#).

It is worth noting that the Framework establishes criteria for identifying conflicts of interest, arising from either financial or non-financial interests of public employees or their close relations. It differentiates between actual, potential, and apparent conflicts of interest. It offers guidelines to public employees for identifying and managing such conflicts, mandating current and prospective employees to report known conflicts before assuming office or accepting an appointment. Immediate reporting is required if conflicts arise post-appointment due to changes in duties, responsibilities, or circumstances.

The Framework delineates reporting lines for notifications or submissions and outlines procedures for identifying, resolving, and managing conflicts of interest. It provides a systematic approach and policy for managing conflicts of interest, offering clear provisions and guidelines on addressing reported matters. Additionally, the Framework mandates the maintenance of registers to record all identified or reported conflict of interest matters and actions taken, ensuring transparency and accountability.

**26. Measures in place to ensure Whistle-blower protection and encourage reporting of corruption, including the number of reports received and the follow-up given**

In line with Malta's RRP commitments, a repository of whistleblowing data, which will be available to all anti-corruption entities, is currently being set-up. In 2023, the Ministry drafted a tender document to create an online form that will assist and encourage potential whistle-blowers to make disclosures and for internal users to process these reports in a timely and efficient manner. The tender is expected to be published in Q1 of 2024.

## 27. Sectors with high risks of corruption in your Member State:

- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement.
- List the relevant measures taken/ envisaged for monitoring and preventing corruption and conflict of interest in these sectors. (e.g. healthcare, citizen/residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other) and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector).

In so far as measures taken/ envisaged for monitoring and preventing corruption and conflict of interest in public procurement are concerned, the Department of Contracts has continued implementing the requirements of the Internal Policy Note dated 9 July 2021 in relation to the Declaration of Absence of Conflict of Interest. This ascertained that all new recruits at the Department of Contracts were asked to read and sign the said declaration. In addition, a review exercise was carried out to make sure that the officers correctly filled-in such a form. Furthermore, the importance of salient information vis-à-vis Fraud, Corruption, Collusive Bidding and Conflict of Interest continued to be discussed during the applicable Public Procurement Training Courses. Courses are held as follows:

<u>Course</u>	<u>Availability</u>	<u>Average Attendance</u>
Procurement by Contracting Authorities (PCA)	Bi-monthly	20-30 participants
Continuous Development Award in Public Procurement Regulations (CDA) <sup>4</sup>	Bi-monthly	20-30 participants
Public Procurement in Practice	Bi-yearly	20-30 participants

In so far as measures taken/ envisaged for monitoring and preventing corruption and conflict of interest in the listed sectors, there are no new developments to report. Reference should be made to the National Risk Assessment on Fraud and Corruption and to the National Anti-Fraud and Corruption Strategy referred under Section 22 of this contribution.

## 28. Any other relevant measures to prevent corruption in the public and private sector

### Training within the Malta Police Force

Reference should be made to the response relating to the Malta Police Force under Section 20 of this report.

The amendments introduced to the Police Act by virtue of Act LVI of 2021 include:

- the obligation for every member of the Malta Police Force to undergo continuous professional development; and
- the possibility for tests to be carried out on officers in order to appraise the efficiency and professional skill of members, which may include routine medical and physical tests and urine drug screening, or alcohol, or any other similar test to ascertain their respective suitability.

In relation to point (i), a new in-service model training was established and is composed of two parts, namely Theory-in-Service and Practical-in-Service. This training is intended as a refresher course, provided on a rotational basis, to all serving Police Constables and Sergeants.

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<sup>4</sup> Accredited at MQF Level 4.

The Theory-in-Service training includes the following subjects: Fundamental Rights; Policies and Procedures; Police Ethics; Transformation Strategy; Computer Crime; Policing in Intercultural Contexts: Challenges and Opportunities; Breaking Bad News; Updates in Legislation; Community Policing; Supporting Individuals with Mental Health Issues; National Police System; Data Protection; Customer Care; Media Relations; Hate Crime; Domestic Abuse and Vulnerable Victims; Financial Crime; and International Relations.

The Practical-in-Service training include the following subjects: Tactical Weapon Handling; Taser Practical; C&R Defence technique, Handcuffing; Judgmental Simulator; Range practice; and Basic House Entry.

The following training was provided:

<b>Name of Training</b>	<b>Number of Attendees</b>
<b>Recruitment / Promotions</b>	
45th Basic Training Course	40
46th Basic Training Course	38
47th Basic Training Course	59
Course Leading to the Promotion of Police Sergeant	36
14th Officer Cadets	18
Reserve Police Constables Induction Course	25
Inservice - Theory	242
Inservice - Practical	541
Fundamental Rights for Multipliers	1
Hate Crime Course	1
Police Presence in the Community & Residents Attitudes Towards Policing	49
5-Module Massive Open Online Course Investigating & Prosecuting Crimes against Journalists, Promoting Freedom of Expression	1
Rise for Change	58
Police Officers View on the Use of Stop & Search	32
Public Complaint Procedures - Public & Private Policing	13
Awareness Session on Islamic Traditions	143
Child Centered Practice	7
Awareness Session On How To Support Persons With Autism	27
Mental Health First Aid	5
International Certificate in Corruption Risk Assessment (ICCRA)	1
Session on Work Related Trauma and Well-Being	16
Training for New Members of CPT	23
Becoming an Effective Mentor	44
Seminar on Illegal Substances & their Effects	33

Diploma in Cultural Mediation	7
Diploma in Policing	18

To ensure uniformity across the Force, this training is supplemented by Standard Operating Procedures (SOPs) which are either issued or updated by the Malta Police Force from time to time. The newly introduced SOPs include:

- i. SOP-BLW on the Use of BOLA Wrap (Unrestricted) issued on 18 January 2023;
- ii. SOP-TTL on Managing and Responding to Threats to Life (Restricted) issued on 21 January 2023;
- iii. SOP-CNB on Issuing of Contraventions (LES Systems) (Restricted) issued on 2 February 2023;
- iv. SOP-EAW on Execution of European Arrest Warrants (Restricted) issued on 22 March 2023;
- v. SOP-TRA on Training and Development (Unrestricted) issued on 3 April 2023;
- vi. SOP-GDV on Dealin
- vii. with Gender-Based and Domestic Violence (Restricted) issued on 5 May 2023;
- viii. SOP-FND on Found Items (Unrestricted) issued on 29 August 2023;
- ix. SOP-VTM on Police Response to Victims of Crime (Unrestricted) issued on 9 October 2023; and
- x. SOP-DVP on Response to the Domestic Violence Prevention Act (Restricted) issued on 4 November 2023.

During 2023, 314 drug screening tests were performed. There were 4 positive cases and 1 refusal to perform the test. The five officers involved (positive and refusal cases) voluntarily resigned from the Malta Police Force.

### C. Repressive Measures

#### 29. **Criminalisation, including the level of applicable sanctions, of corruption and related offences including bribery**

The Criminal Code (Chapter 9 of the Laws of Malta) extensively addresses and criminalizes various forms of corruption. The Criminal Code specifies penalties for different corrupt acts: unlawful exaction carries a maximum imprisonment term of one year, extortion up to three years, bribery ranging from six months to eight years, trading in influence up to six years, accounting offences punishable by eighteen months of imprisonment, embezzlement with a sentence of up to six years imprisonment and perpetual disqualification, misappropriation with a maximum term of eighteen months imprisonment, which can be extended by up to two years under aggravated circumstances. Embracery is also considered a criminal offence.

Furthermore, obstructing justice, particularly when intended to prevent members of the Executive Police from carrying out their duties, can lead to a maximum imprisonment term of three years. Corporate entities can also be held accountable for corruption offences through the individuals representing them legally, facing fines ranging from €20,000 to €2,000,000.

Moreover, if a corruption offence involves the abuse of office by a former Minister, Parliamentary Secretary, Member of the House of Representatives, Mayor, or Local Councilor, general rules regarding the expiration of legal actions do not apply.

30. Data on the number of investigations, prosecutions, final judgements and application of sanctions (criminal and non-criminal) for corruption offences, (differentiated by corruption offense if possible), including for legal persons and high level and complex corruption cases, and their transparency, including as regards to the implementation of EU Funds

The below table represents the data on corruption cases for 2023:

Investigation which were initiated as corruption	24
Investigations which were initiated as corruption, but where no corruption resulted	9
Actual number of pending corruption investigations out of the investigations initiated in 2023	15
Total number of corruption prosecutions (number reflects also investigations initiated in previous years)	8
Final judgements	2

31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

As previously communicated, Article 575 of the Criminal Code provides for the suspension of the time limits for release on bail in the case that the accused stops the hearing of the case through the infliction of self-harm and in the event that a case appointed for hearing is impeded from proceeding for a reason exclusively attributable to one or more of the accused.

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

National authorities possessing regulatory and enforcement functions continued to impose administrative sanctions within their respective statutory powers. On occasion, the imposition of substantial penalties has been challenged before the national courts, whereby the relative authority's remit to impose administrative penalties has been questioned.

Several first instance judgements on the compatibility of administrative penalties imposed by the Financial Intelligence Analysis Unit were delivered throughout 2023. These include:

- *Phoenix Payments Ltd (C 77764) vs Il-Korp għall-Analizi ta' Informazzjoni Finanzjarja (FIAU) u l-Avukat tal-Istat*, delivered by the First Hall Civil Court (Constitutional Jurisdiction) on 30 March 2023;
- *Insignia Cards Limited (C 54426) vs Il-Korp għall-Analizi ta' Informazzjoni Finanzjarja u l-Avukat tal-Istat*, delivered by the First Hall Civil Court (Constitutional Jurisdiction) on 24 May 2023;
- *Lombard Bank Malta plc (C 1607) vs Il-Korp għall-Analizi ta' Informazzjoni Finanzjarja u l-Avukat tal-Istat*, delivered by the First Hall Civil Court (Constitutional Jurisdiction) on 5 June 2023;
- *XNT Limited (C 52182) vs Il-Korp għall-Analizi ta' informazzjoni Finanzjarja u l-Avukat ta' l-Istat*, delivered by the First Hall Civil Court (Constitutional Jurisdiction) on 13 July 2023; and
- *Dr. Roderick Caruana (ID 105390M) vs Il-Korp għall-Analizi ta' Informazzjoni Finanzjarja u l-Avukat tal-Istat*, delivered by the First Hall Civil Court (Constitutional Jurisdiction) on 28 September 2023.

### III. Media Pluralism and Media Freedom

33. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

**Recommendation 4: Adopt legislative and other safeguards to improve the working environment of journalists, including on access to official documents, taking into account European standards on the protection of journalists and on access to official documents.**

Government tabled three Bills to the House of Representatives on 4 October 2022, to complement the existing legal framework to further strengthen the fourth pillar of democracy. These include:

- Committee for the Recommendation of Measures for the Protection of Journalists, other Media Actors and Persons in Public Life (Establishment) Bill ([Bill Number 17](#));
- Constitution of Malta (Amendment) Bill ([Bill Number 18](#)); and
- Protection of the Media and Journalists (Various Laws) (Amendment) Bill ([Bill Number 19](#)).

The Government had to halt the legislative process to allow the Committee of Experts to submit an updated report with further public consultations. The Committee reverted with an updated consultation report on 24 July 2023. Upon receiving this Report from the Committee of Experts, which aimed at evaluating the results of the public consultation, the Government promptly issued a [press release](#) to announce the receipt of the Report. The Report was subsequently [tabled](#) by the Prime Minister to the House of Representatives on 2 October 2023. In the Parliamentary sitting, the Prime Minister announced that the Government will publish a White Paper with proposed media reform laws based on the final report of the Committee of Experts following requests to do so. The White Paper is projected to be launched by end of January 2024.

**Recommendation 5: Strengthen the rules and mechanisms to enhance the independent governance and editorial independence of public service media taking into account European standards on public service media.**

Malta's constitutional and legal framework already acknowledges the importance of independence of public service media in a democratic society.

The Government notes that trilogue negotiations on the Proposal for a Regulation establishing a European Media Freedom Act are progressing well and augurs that an agreement is reached shortly. The Maltese authorities pledge to further align the national legal framework to the European Media Freedom Act once discussions thereon are concluded.

#### **A. Media Authorities and Bodies**

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

The Broadcasting Authority, established under Article 118 of the Constitution of Malta, monitors the local broadcasting media services, and investigates complaints accordingly. It operates autonomously from other government bodies as the Constitutional body for broadcasting media.

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

The conditions and procedures for appointment and dismissal of the Broadcasting Authority are regulated by the Constitution of Malta and the Broadcasting Act (Chapter 350 of the Laws of Malta).



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

The [Institute of Maltese Journalists \(IGM\)](#) is a self-regulatory body, which promotes the highest standards of journalism in Malta.

Additionally, media owners have joined forces to set-up the first association to lobby for print and digital media in Malta, [the Association of Media Owners \(AMO\)](#). The association is represented by six media companies, namely *Allied Newspapers Ltd*, *Media.Link Co. Ltd*, *MediaToday Co.Ltd*, *Sound Vision Co.Ltd*, *Standard Publications Co.Ltd* and *Union Print Co.Ltd*.

### B. [Safeguards Against Government or Public Interference and Transparency and Concentration of Media Ownership](#)

#### 37. Measures adopted to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

On 2 August 2021, the Commissioner for Standards in Public Life issued [Guidelines](#) on government advertising and promotional material. The Principal Permanent Secretary revised the Cabinet's Manual, which includes provisions on state advertising, and aligned with these Guidelines. Before posting adverts, Ministries perform a thorough exercise to find the appropriate platform for the advert. Adverts are distributed equally between all the national media houses. If a Ministry is constrained to a particular budget, it must respect the suitable medium: social media, portals, printed papers, or televised promotions. The Manual is monitored by Cabinet Office.

#### 38. Safeguards against the state/ political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
- specific safeguards for the independence of governing bodies heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their 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 licences, company operation, capital entry requirements, concentration and corporate governance

The functions and other regulatory matters related to the broadcasting media are within the legal competence of the Broadcasting Authority as per its functions in the implementation of the relevant provisions of the Constitution of Malta and the Broadcasting Act (Chapter 350 of the Laws of Malta).

#### 39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as regulating the matter.

Information on all media houses established in Malta is gathered in line with Article 19 of the Media and Defamation Act (Chapter 579 of the laws of Malta). Information about registered media is accessible [here](#). Information about the ownership of the respective media companies is accessible [here](#).

It is important to note that media service providers must disclose full transparency of ownership and beneficial ownership under the Broadcasting Act. Registration under the Media and Defamation Act is voluntary. The majority of written media providers, particularly newspapers, are registered.

In addition, the Broadcasting Act prohibits the Government from being involved in the ownership or control of the broadcasting media other than in the public service broadcaster

and limits the number and type of broadcasting media which the same person, organisation, or company own or control. The concentration of media ownership is regulated by general Competition Law.

**C. Framework for Journalists’ Protection, Transparency and Access to Documents**

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

Reference should be made to the information reported under Section 33 of this national contribution. The Maltese Government remains committed to guarantee a safe platform for journalists that adheres to fundamental rights and freedoms. Malta maintains its cooperation with the Council of Europe’s Platform, sharing all information available, within its remit, in terms of replies to the alerts lodged by the media body.

41. **Law enforcement capacity, including during protests and demonstrations, to ensure journalists’ safety and to investigate attacks on journalists**

The relevant provisions of the Criminal Code and the Police Act continue to apply. The Malta Police Force continued to give due regard to its relations with the media.

As per the information reported under Section 28, Media Relations is one of the topics covered as part of the continuous professional development for officers.

Information on the Threat to Life (TTL) assessment Registry for 2023 by the Police:

Type	Quantity
Full TTL Assessment	10
Preliminary Checks Only	21
Total Assessments	31

Sub-Categories	Quantity
Journalists	2
Activists and/or Concerned Citizens	3
Judiciary Members	6
Members of Parliament	2
Disciplined Forces / Authority	4
Private Citizens	14
<b>Total Assessments</b>	<b>31</b>

In January 2023, the MPF issued an SOP titled ‘Managing and Responding to Threats to Life’. This SOP established a protection provision, and a proposal to set up an Oversight Committee responsible for the overall governance of this SOP and for the review of all the threat assessments carried out by the Threats to Life Manager and the protective measures implemented by the Protective Services. This Committee composed of the Commissioner of Police, the Head of the Malta Security Service, and the Commander of the Armed Forces of

Malta, or their respective representatives, will be formalised following the enactment of the Media Actors and Persons in Public Life (Establishment) Bill (Bill No. 17). The Committee is expected to be formally set up following the enactment of the same legislation. Moreover, the Memorandum of Understanding with the Institute of Maltese Journalists (IGM) has been drafted by the Malta Police Force and submitted to IGM for feedback.

Below are statistics related to press releases issued by the Communications Office and on-site media briefings which are held for cases that generate public interest (such as fatal/serious accidents and homicides):

	2021	2022	2023 (till September)
<b>On-site press briefings</b>	80	88	60
<b>Press Releases</b>	877	862	605

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

Following a public call for tender, a reputable international company has been tasked with setting up a new Freedom of Information case management system, which will allow for smoother processing, more accessibility and transparency for the general public, and the possibility to create a direct link of communication between the system administrators, the Freedom of Information management team and the general public. It is estimated that the new website will be operational by quarter four of 2024 or quarter one of 2025, at the latest.

**43. Lawsuits (including SLAPP – strategic lawsuits against public participation) and convictions against journalists (including defamation) and measures taken to safeguard against manifestly unfounded and abusive lawsuits**

Reference should be made to the information reported under Section 33 of this national contribution.

**Other**

***Lovin Malta Limited (C75368) et vs L-Avukat tal-Istat***

The case instituted by *Lovin Malta Limited* is still ongoing. The case challenges the Broadcasting Act’s provision that requires the Broadcasting Authority to ensure balance in political broadcasts. The plaintiff argues that this violates the Constitution’s guarantee of impartiality in such broadcasts. The case is now at a stage wherein both intervenors (*ONE productions* and *MediaLink*) are submitting their evidence.

## IV. Other Institutional Issues Related to Checks and Balances

44. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

**Recommendation 6: Take measures to establish a National Human Rights Institution taking into account the UN Paris Principles.**

Malta remains committed to implementing measures that achieve equality in all spheres of life. The Government presented the Equality Bill [Bill No. 96] and the Human Rights and Equality Commission Bill [Bill No. 97] that seek to establish a National Human Rights Institution (NHRI) and provide more comprehensive protection from discrimination in several spheres of life. It would also lead to better promotion and enforcement of the principle of non-discrimination. The Bills have been reviewed to align with the European Commission’s proposal on equality and will be subject to public consultation once updated.

The National Commission for the Promotion of Equality (NCPE), the current equality body, will be reformed to act as Malta's NHRI, in line with the United Nations Paris Principles. Moreover, as per the Human Rights and Equality Commission Act, it will be set up as the Commission for Human Rights and Equality.

**Recommendation 7: Introduce a framework for public participation in the legislative process.**

Reference should be made to the response under Section 24 of this national contribution. Moreover, the Government wishes to refer to the below statistics which show the prioritisation placed on public consultations over the last three years:

2021	<b>94</b> Consultations published, of which <b>23</b> were Legislative and <b>71</b> were non-Legislative
2022	<b>44</b> Consultations published, of which <b>12</b> were Legislative and <b>32</b> were non-Legislative
2023 <sup>5</sup>	<b>55</b> Consultations published, of which <b>19</b> were Legislative and <b>36</b> were non-Legislative

The following are the top ten public consultations carried out between 2014 and 2022, bearing the highest number of submissions:

Year	Name of Public Consultation	Total
2018	Public Consultation on Summertime Arrangements	2596
2020	Public consultation on draft Legal Notice on the Keeping of Wild Animals in Zoos Regulations, 2020	1407
2021	Towards the Strengthening of the Legal Framework on the Responsible Use of Cannabis	344
2022	Acquisition and ownership of agricultural land reform	195
2015	White Paper on Organ and Tissue Donation	109

<sup>5</sup> As of 31 October 2023.

2021	Restrictive Measures on the Use and Sale of Plant Protection Products Containing the Active Ingredient Metaldehyde in Malta	93
2017	Gaming Regulation Overhaul	53
2022	Establishment of mandatory separation of waste within national waste legislation	53
2016	National Transport Strategy 2050 and Transport Master Plan 2025	52
2016	Towards More Road Safety – October 2016	49

The following are the top three public consultations published during 2023 bearing the highest number of submissions:

- National Policy for the deployment of Offshore Renewable Energy;
- Public Consultation on Proposed Regulations on the Contractors Licence; and
- Public Consultation in preparation for a second National Integration Policy and Action Plan.

The [website](#) has undergone changes to render it more accessible and user-friendly in order to enhance the public consultation process across all social dimensions.

#### A. [The Process for Preparing and Enacting Laws](#)

##### 45. [Framework, policy and use of impact assessments and evidence-based policymaking, stakeholders'/public consultations \(including consultation of judiciary and other stakeholders on judicial reforms\), and transparency and quality of the legislative process both in preparatory and the parliamentary phase.](#)

According to the [Small Business Act](#) (Chapter 512 of the Laws of Malta), all national legislation, whether primary or secondary, must undergo an Impact Assessment Framework prior to its enactment.

The Government department, entity or agency proposing a legislation would have to provide information on several considerations, namely: the consultation process, processing of personal data, social impact, environmental impact, impact on SMEs, Gozo's Regional impact and enforcement and implementation. Additionally, if the newly proposed legislation (as per the Impact Assessment Framework) is expected to impact small and medium-sized enterprises (SMEs), a report on the SME Test must be provided. If the test results indicate an impact on the business sector, the responsible Ministry must prepare Explanatory Notes, which is published in the Government Gazette.

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

There are no new developments to report.

##### 47. [Rules and application of states of emergency \(or analogous regimes\), including judicial review and parliamentary oversight.](#)

There are no new developments to report.

## 48. Regime for constitutional review of laws

### The Strengthening of the Office of the Law Commissioner

The Government has remained committed to strengthen the Office of the Law Commissioner with additional resources. The expenditure for 2022 was doubled when compared to 2020, so as to ensure that the Law Commissioner has all tools at his disposal to present clear and concise reports that recommend legislative amendments to the dispositions of the law.

Year	Allocated Budget	Actual Expenditure
2020	€55,000	€107,892
2021	€150,000	€184,267
2022	€150,000	€253,369
2023	€200,000	€ 240,131.70

## B. Independent Authorities

### 49. **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**

In line with the Government's commitment and strategy to increase the capacity, authority and public accountability of national institutions, the Office of the Ombudsman, the National Audit Office, the Internal Audit and Investigations Department, the Permanent Commission against Corruption, and the Office of the Commissioner for Standards in Public Life, have had an increase in the budget allocations. For more information on budget allocations. In this regard, reference should be made to the information reported under Section 20 of this national contribution.

#### National Commission for the Promotion of Equality (NCPE)

The budget allocated to the NCPE in 2023 amounted to €640,000. The NCPE was awarded funding from the Council of Europe to enhance the capacity of its officers working on the European Social Charter, with a particular focus on Article E on non-discrimination. Furthermore, the NCPE continued implementing the EU co-funded project 'Strengthening Knowledge on Integration and Non-Discrimination' (SKIN), which will conclude in October 2024. The estimated budget committed for this project amounts to €234,470 (90% EU, 10% MT) for two years.

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

#### Follow up of Ombudsman Recommendations

On 8 February 2023, the Office of the Principal Permanent Secretary issued the [Governance Action on the Parliamentary Ombudsman's Annual Report 2021](#), wherein Government announced that 85% of the recommendations have been actioned.

#### Follow up of National Audit Office Recommendations

On 22 November 2023, the Office of the Principal Permanent Secretary issued its publication on [Governance Action on the NAO's Annual Report on Public Accounts 2021 and other NAO Reports 2022](#). More than 89% of the Auditor General's recommendations were implemented by the Public Service. The implementation rate by 3.6% when compared to the report published in 2022. The Auditor General presented 306 recommendations in the annual report on Public Accounts 2021, of which only 14 were not accepted by the public administration.

From the remaining 292 recommendations, the public administration identified 689 actions to address risks and shortcomings arising from the various audit findings. 613 of these actions were fully implemented by the end of October 2023.

### **C. Accessibility and Judicial Review of Administrative Decisions**

#### **51. Transparency of administrative decisions and sanctions (including their publication and rules on collection of related data)**

Article 469A of the Code of Organization and Civil Procedure (Chapter 12 of the Laws of Malta) provides for the judicial review of administrative actions.

#### **52. 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)**

Article 469A of the Code of Organization and Civil Procedure (Chapter 12 of the Laws of Malta) provides for the judicial review of administrative actions by the courts of justice of civil jurisdiction. The definition of what is 'administrative action' and a 'public authority' is found in sub-article (2). The provisions of this article shall not apply where the mode of contestation or of obtaining redress, with respect to any administrative act before a court or tribunal is provided for in any other law.

There is also the possibility of an *ad hoc* review by specialised Boards and Tribunals where an administrative decision may be challenged for example before the Immigration Appeals Board in the case of decisions taken by the Principal Immigration Officer.

Moreover, Article 469B provides for the judicial review of the Attorney General who takes a decision:

- (a) not to prosecute in accordance with the powers conferred upon her by any law;
- (b) not to allow the inspection or the issuing of copies of a procès-verbal or of any depositions or documents filed therewith in terms of the proviso to Article 518 of the Criminal Code.

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

There are no specific rules or practices adopted by the national courts in preliminary ruling procedures.

#### **54. Follow-up by the public administration and State institutions to final (national / supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation**

Public entities and authorities, wherever party to judicial proceedings instituted before the Courts of Law, ensure to follow and respect the final and definitive judgment delivered in such proceedings between the parties to the case, regardless as to whether such judgment is delivered in favour of the respective public entity/authority or otherwise.

Just like any other judgment or decree of the courts, judicial decisions condemning public authorities are executive titles. This also in line with Article 253(a) of the Code of Organization and Civil Procedure. It therefore follows that, all public authorities at national level follow up on the proper implementation of all declarations intended by the court to be conclusive or binding and which are therefore inserted in the operative part of the judgment. It is worth noting the fact that, in line with Article 237 of the Code of Organization and Civil Procedure which states that "a judgment shall not operate to the prejudice of any person who neither



personally nor through the person under whom he claims nor through his lawful agent was party to the cause determined by such judgment”.

#### D. The Enabling Framework for Civil Society

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

The Office of the Commissioner for Voluntary Organizations (OCVO) continued its effective and comprehensive dialogue with the Malta Council for the Voluntary Sector (MCVS), which is the official recognised representative body of the voluntary sector and voluntary organisations (VO). The VO Plus Convention, under the President of Malta’s patronage, has continued to support national consultations with stakeholders and regulators. The Commissioner led the reform process in consultation with the sector which has now been concluded. Legislative amendments are in the pipeline.

##### 56. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection 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.

Reference should be made to the information reported under Section 33 of this national contribution.

##### 57. 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)

The Malta Council for Voluntary Sector (MCVS) regularly issues funding opportunities for all eligible voluntary organisations which are enrolled with the Office for the Commissioner for Voluntary Organisations. These funding opportunities include EU and co-financed funds, such as the Structural Funds, the EEA Grants and the Norway Grants. The MCVS participates in the European Solidarity Corps and the Interreg Italia-Malta European Regional Development Fund. All enrolled organisations can access these funds through the [Funding Portal](#) and are encouraged to apply on the basis of offering a level playing field to all NGOs in Malta. Malta has also strengthened the role of *Servizzi Ewropej Malta* as a contact point and an information platform for EU Funds for civil society organisations. The Government partners with several not-for-profit service providers to offer social work services in the form of Public Social Partnerships. Enrolled and compliant organisations can also enjoy fiscal and other incentives.

##### 58. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

The Government recognises the vital role that civil society organisations and human right defenders in a democratic society. Indeed, the national legislative process includes three readings in the House of Representatives and a Committee Stage. During the latter stage, the House of Representatives resolves into a Committee for the Consideration of Bills, whereby each individual clause of the Bill is examined. At this stage, apart from members of Government and Opposition, the general public, including members of civil society organisations and human rights defenders, may attend, contribute to the discussions and also suggest any legislative amendments.

## E. Initiatives to Foster a Rule of Law Culture

### 59. 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, contributions from civil society, etc.)

The Government has continued to implement various legislation which shows respect towards the principle of the Rule of Law. Public debates have continued almost daily on national television and radio programmes which involve rule of law matters. Countless number of articles continue to be freely published online and on newspapers.