Vnútroštátne súdy a iné mimosúdne orgány
National courts and other non-judicial bodies

Malta

National Courts
Ombudsperson
Specialised human rights bodies
Other

National Courts

Address

First Hall Civil Court (Constitutional Jurisdiction)
Constitutional Court
Courts of Justice
Republic Street,
Valletta
Malta

Short explanation of the type of requests the institution deals with

Any person who alleges that any of the provisions of articles 33 to 45 (fundamental human rights) of the Constitution has been, is being or is likely to be contravened in relation to him, or such other person as the Civil Court, First Hall, in Malta may appoint at the instance of any person who so alleges, may, without prejudice to any other action with respect to the same matter that is lawfully available, apply to the Civil Court, First Hall, for redress.

Only the person who is directly affected in a juridical sense may file a human rights action. This is a fundamental requirement.

It is important to point out that the individual must first exhaust all the remedies available, i.e. other adequate means of redress, prior to filing an action for redress before the First Hall, Civil Court in its Constitutional jurisdiction.

Therefore, if an individual feels that his fundamental human rights have been infringed one must first exhaust the remedies available. If this first option fails then one can file an action before the First Hall Civil Court (Constitutional Jurisdiction). When the First Hall Civil Court delivers judgment, either party may appeal before the Constitutional Court. Thus, the Constitutional Court is a Court of 2nd instance. It is only if the individual loses his case before the Constitutional Court, or is still in disagreement or not satisfied with the judgment of the Constitutional Court that one may take his case to the European Court of Human Rights in Strasbourg.

Short explanation of the procedure following the filing of requests

When a constitutional issue arises before a Magistrate's Court, the Magistrate's Court will examine whether the raising of the issue is frivolous or vexatious. If the Court decides that it is frivolous or vexatious, there is no right of appeal from this decision. If, on the other hand, it is not considered to be frivolous or vexatious, the Magistrate will refer the case to the First Hall Civil Court (Constitutional Jurisdiction). If the person feels aggrieved by the judgement of the First Hall Civil Court (Constitutional Jurisdiction), he has a right of appeal to the Constitutional Court and then, following the judgment of the Constitutional Court the case is referred back to the Magistrate's Court.

Applications before the Civil Court First Hall shall state concisely and clearly the facts out of which the complaint arises and shall indicate the provision or provisions of the Constitution alleged to have been, to be or likely to be contravened.

The application shall also specify the redress sought by the applicant provided that it shall be lawful for the court, if the application is allowed, to give any other redress within its jurisdiction which it may consider to be more appropriate.

Proceedings on Appeal

In the cases referred to the Civil Court First Hall, the application shall be served on the defendant or the respondent without delay and the court shall fix a date for hearing within eight working days from the date of the filing of the application, or from the filing of a reply by respondent within the time limit therefore, or if no such reply is filed from the expiry of such time.

The application of appeal shall be made within eight working days from the date of the decision appealed from, and the respondent may file a written reply within six working days from the date of service.

The court by which a decision is given, subject to appeal to the Constitutional Court, may in urgent cases upon demand, even verbal, by any of the parties immediately upon delivery of such decision, abridge the time for making the appeal or for the filing of a reply. If no such demand is made by any of the parties immediately upon the delivery of the judgment, any one of the parties may make such a demand by application, upon which, the court which gave the decision shall, after summarily hearing the parties if it thinks necessary, give the requisite order.

Once a case has been set down for hearing the court shall ensure that, consistently with the due and proper administration of justice, the hearing and disposal of the case shall be expeditious, and the hearing of the cause shall continue to be heard on consecutive days, and, where this is not possible, on dates close to one another.

Causes made under the Constitution and under the European Convention Act, as well as those causes that are to be heard with urgency shall be set down for hearing in the afternoon wherever this is necessary so as not to disrupt the pre-planned work schedule of the court, and shall continue to be so heard on consecutive days until the hearing of the cause is closed, and the cause is adjourned for judgment.

Short explanation of the possible outcomes of the proceedings

Since 1987, any person in Malta, who after going through the procedure of the 1st Hall Civil Court and Constitutional Court of Malta is still in disagreement or not satisfied with the judgment of the Constitutional Court, has the right to take his case to the European Court of Human Rights in Strasbourg.

Whilst in the Constitutional Court either the individual or the government may appeal, when referring a case to the European Court of Human Rights, only the individual may refer his case (right of individual petition) before this Court. Therefore, the Government cannot refer the case to the European Court of Human Rights.

Ombudsperson

Address
Office of the Ombudsman
11, St Paul's Street,
Valletta VLT 1210
Malta

Short explanation of the type of requests the institution deals with

The institution of Parliamentary Ombudsman is based on the idea, of protection of the rights of the individual and the need for legal supervision for those who are entrusted by public power. It has proved to be an important tool for developing rules about the functioning of the administration and also about the development of uniform and proper applications of law. The Ombudsman being an officer of Parliament supplements parliamentary work, keeping a watch on what is done by the administration. In this way the institution of the Ombudsman also strengthens the parliamentary institution and strengthens the democratic process whereby Parliament controls the administration.

The Ombudsman investigates complaints by citizens who are of the opinion that there has been an infringement of their economic, social and cultural rights arising from maladministration caused by involuntary or intentional mishandling of executive power or by improper, unreasonable or inadequate conduct on the part of the public authorities concerned.

Such requests include:

Undue and avoidable delay in taking decisions, in replying to correspondence and in granting citizens their rights and entitlements;

Inequitable application of rules and procedures and failure to observe correct procedures;

Administrative behaviour and practices that are inconsistent with the way in which public bodies acted in the past in similar circumstances;

Withholding access to information that is of direct interest to citizens and refusal to provide reasonable information;

Treating in a different manner citizens who are in the same situation;

Lack of courtesy by public officials towards citizens;

Mistakes in handling citizen's affairs;

A rigid and inflexible application of rules and procedures that give rise to inequity;

Failure to inform people about any rights of appeal which they may have and how they may appeal against decisions that harm their interests;

Failure to make good any damage caused by a public body to citizens and to be open to proposals to provide appropriate redress such as apologies, explanations and payment of ex gratia compensation even in the absence of relevant legal provisions;

Failure to honour the obligation of public authorities to provide reasons for actions and decisions to those that are directly affected by them;

Failure to act in a fair and independent way and to abstain from bias, prejudice and preferential treatment on any grounds whatsoever.

Short explanation of the procedure following the filling of a request

The first thing that the Ombudsman does when he receives a complaint is to determine whether the complaint is admissible. If it is inadmissible, the complainant is informed that the Ombudsman will not be dealing with the case. On the other hand if the complaint is admissible, investigations will be conducted into the case in order to establish whether maladministration has really taken place.

Complaints reaching the Office will be acknowledged within 48 hours and complainants will be informed of the investigation officer who will be assisting the Ombudsman in the handling of their case and who will be prepared to meet them for consultation. The acknowledgement will also provide information about the action to be taken so that the grievance will be processed.

The average time for the investigation of a complaint will be 50 to 60 working days.

In admissible cases, the Ombudsman first reviews the circumstances that give rise to the complaint in order to establish the facts.

The Ombudsman informs the head of the department concerned or as the case may require the chief executive officer of the organisation concerned or the mayor of the local council concerned of his intention to investigate.

The Ombudsman may hear or obtain information from such persons as he thinks fit and may make such enquiries as he thinks fit. The Ombudsman has the power to summon witnesses and to administer the oath to any witness or any person concerned in the investigation and require them to give evidence.

If any person summoned to give evidence refuses without sufficient cause to answer to the best of his knowledge the questions put to him by the Ombudsman or refuses to produce documents required shall be guilty of an offence. However, no person giving evidence before the Ombudsman may be compelled to answer any questions which tend to expose him to criminal prosecution. Every witness shall be entitled to the same privileges of a witness giving evidence before a court of law.

In the case of an investigation relating to a department, organisation or local council, the Ombudsman may at any time during or after the investigation consult a Minister, Head of Department, Chief Executive, Mayor or any other person who so requests or to whom a recommendation which is the subject of the investigation has been made.

If during or after any investigation, the Ombudsman is of the opinion that there is substantial evidence of any significant breach of duty or misconduct on the part of any officer or employee of any department, organisation or local council, he shall refer the matter to the appropriate authority including the Police.

Short explanation of the possible outcomes of the proceedings

On the basis of the investigation, the Ombudsman forms his independent opinion as to whether the action or decision that was under scrutiny:

appears to be contrary to law

was unreasonable, unjust, oppressive or improperly discriminatory

was in accordance with a law or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory

was based wholly or partly on a mistake of law or fact

was wrong

If the Ombudsman is of the opinion:

that the matter should be referred to the appropriate authority for further consideration or

that the omission should be rectified or

that the decision should be cancelled or varied or

that any practice on which the decision, recommendation, act or omission was based should be altered or

that any law on which the decision, recommendation, act or omission was based should be reconsidered or

that reasons should have been given for the decision or

that any other steps should be taken,

The Ombudsman shall report his opinion and his reasons thereof to the appropriate department, organisation or local council and may make such recommendations as he thinks fit. In any such case he may request the department, organisation or local council to notify him within a specified time of the steps that it proposes to take to give effect to his recommendations. The Ombudsman, in the case of an investigation, also sends a copy of his report or recommendation to the Minister concerned and to the mayor in the case relating to a local council.
If within a reasonable time after the report is made, no action is taken, the Ombudsman in his discretion after considering the comments if any made by the department organisation or local council, may send a copy of the report and recommendations to the Prime Minister and may thereafter make such report to the House of Representatives on the matter as he thinks fit.
Except on the ground of lack of jurisdiction, no proceeding or recommendation of the Ombudsman may be challenged in any court.
The Ombudsman is normally vested with powers to initiate investigations and express opinion himself, that is, he does not need a complaint to review an issue or a case. The Ombudsman also has the power to make administrative or legislative recommendations. He can also decide to make recommendations to the administration of the change, the way in which it handles particular cases and could also recommend that the law be changed. However the decision of the Ombudsman is not binding. The decision of the Ombudsman carries quite a lot of moral and political force in the sense that an institution which is independent and respected is suggesting a particular practice to be discontinued or that a particular law is changed. Therefore one cannot go to Court or issue any warrant in Court in order to enforce a decision of the Ombudsman.

Specialised human rights bodies

Ombudsperson for rights of the child

Address
Commissioner for Children
Centru Hidma Socjali
469, St Joseph High Rd,
Santa Venera SVR 1012
Malta

If relevant, unit/organ within the institution that accepts requests

Agency Appogg

The Agency provides a quality service which offers protection to vulnerable children and adolescents under the age of 18 years who have been abused or /and neglected or who are at risk of being abused or/and neglected.
The Child Protection Services investigates referrals received from the general public as well as from other professionals working with children and their families, whenever there are allegations that a child is suffering or is at risk of suffering from significant harm resulting from physical, sexual, emotional abuse and/or neglect.

Short explanation of the type of requests the institution deals with

Complaints concerning family involved issues of marital separation and child custody. Within such proceedings, the voice of the child is rarely heard. Given that the court decision will have a fundamental impact on the life of the child, it is crucial that the views of the child are adequately taken into consideration.
Complaints relating to education which involves dangerous construction equipment in the vicinity of schools and the state of some minivans which are used for school transport.
Complaints relating to court judgements including issues relating to child maintenance and custody where parents often object to court decisions which are made claiming them to be biased or causing harm to the child.
Complaints with regards to the issue of children's registration with clubs, whereby children are exploited by the clubs thus not giving them the opportunity to benefit from and participate in sport. Complaints regarding to the deteriorating state of playing fields which raise concern about the safety of the children using the premises.
Complaints regarding abuse.

Short explanation of the procedure following the filling of request

The Commissioner may carry out an investigation for any purpose connected with the execution of the Commissioner's duties either on a written complaint made to the Commissioner by any person or on the Commissioner's own motion. However the Commissioner shall not carry out investigations concerning specific, individual conflicts between a child and its parents or guardians including matters concerning the exercise of parental responsibility or any other matter that falls within the competence of any court or tribunal and in any such case, the Commissioner shall submit to the complainant, the reason for refusal.
Upon rendering a decision to investigate a complaint, the Commissioner shall notify the complainant of the decision to investigate and shall notify any department, agency or entity involved of the intention to investigate.
The Commissioner may advise a complainant to pursue all administrative or judicial remedies.
For the purpose of investigation, the Commissioner my require any person who possesses documents or information relevant to the investigation to produce such documents and/or furnish the information in writing and/or attend at a specified time and place and give information on oath.
The Commissioner can summon witnesses and have the faculty to administer an oath to any person concerned in the investigation and require them to give the relevant information. Notwithstanding this, no person shall be compelled to give information or produce documents which such person could not be compelled to give or produce in civil or criminal proceedings before a court.

Short explanation of the possible outcomes of the proceedings.

If the Commissioner finds, in the course of an investigation, that an individual's action is or may be in violation of any law of a penal nature, the Commissioner immediately reports that fact to the Attorney General.
The Commissioner prepares and publishes a report of the findings in any formal investigation and include in it such recommendations as appear to be necessary or expedient.
The Commissioner may make recommendations for action to be taken by other persons or body as may be necessary or expedient and may publish such recommendations if the Commissioner deems fit without revealing the identity of the person to whom the report refers.
In those cases where the Commissioner decides to make recommendations, a report is drawn explaining the reasons for the recommendations and a copy of that report is sent to any person or body to whom the recommendations are directed.
If it appears that a particular person or body is not complying with the provisions of the United Nations Convention on the Rights of the Child as ratified by Malta, the Commissioner may make recommendations in the form of a compliance notice which state the Commissioner's opinion as to the way in which the provisions of the Convention were not being complied with and what action is to be taken to comply with.

When it appears necessary, the Commissioner may carry out a child impact assessment relating to any decision or proposal on policy which affects children. The Commissioner may also publish the Child Impact Assessment.

Equality Body (National Commission for the Promotion of Equality)

Address

Flat 4, Gattard House,
National Road,
Blata l-Bajda
Malta

Short explanation of the type of requests the institution deals with.

Anyone who believes that s/he has been a victim of gender/race or ethnic origin discrimination may submit a complaint to the NCPE.

The Commission deals with requests regarding discrimination based on sex or because of family responsibilities that is:

the giving of less favourable treatment directly or indirectly, to men and women on the basis of their sex or because of family responsibilities

treating a woman less favourably for reasons of actual or potential pregnancy or child birth

treating men and women less favourably on the basis of parenthood, family responsibility or for some other reason relating to sex

any treatment based on a provision, criterion or practice which would put persons of one sex at a particular disadvantage compared with persons of the other sex unless that provision, criterion or practice is appropriate and necessary and can be justified by objective factors unrelated to sex

It also deals with requests with regards to discrimination in employment, that is, discrimination directly or indirectly against a person in the arrangements made to determine who should be offered employment or in the terms and conditions on which the employment is offered or in the determination of who should be dismissed from employment.

Other requests include discrimination against a person in the grant of any facility from banks, financial institutions or insurance companies.

Discrimination against spouses of self employed workers not being employees or partners who participate in the activities of the self employed workers and perform the same or ancillary tasks as their spouse.

Discrimination against a person in the access to any course, vocational training or guidance, the award of educational support for students or trainees, in the selection and implementation of the curricula and in the assessment of the skills and knowledge of the students or trainees.

Requests dealing with sexual harassment that is subjecting any person to an act of physical intimacy or requesting sexual favours from other persons or subjecting other persons to any act or conduct with sexual connotations including spoken words, gestures or the production, display or circulation of any written words, pictures or other material where the act, words or conduct are unwelcome to the persons to whom they are directed and could reasonably be regarded as offensive, humiliating or intimidating to the persons to whom they are directed.

Discrimination in publishing or displaying any advertisement or advertising vacancies for employment discriminating between job seekers or requesting from job seekers, information concerning their private life or family plans.

Short explanation of the procedure following the filling of request.

The Commissioner may initiate investigations on any matter involving an act or omission that is allegedly unlawful and on the receipt of a complaint in writing by persons who claim to be the victims of discrimination.

Each case presented to the Commission for investigation is managed with confidentiality.

Every complaint is acknowledged in writing.

The NCPE Complaints sub-committee meets to discuss complaints received and writes to the parties against whom the complaint was made, informing them of the allegations made and ask for their version of the facts.

To help investigations, face to face interviews may also be carried out.

The Commission may also summon both parties and mediate to find an acceptable solution to all involved, subject to consent from both parties.

NCPE endeavours to ensure that each complaint is dealt with in the least possible time frames.

Short explanation of the possible outcomes of the proceedings

After carrying out the investigation, the Commissioner may dismiss the complaint.

When the Commissioner finds that the complaint is proved, where the action complained of constitutes an offence, it shall make a report to the Commissioner of Police for action on his part.

Where the action complained of does not constitute an offence, the Commissioner shall call upon the person against whom the complaint is directed to redress the situation and mediate between the complainant and such person to settle the matter.

In the case of an alleged discrimination by one person against another, the Commission may itself refer the matter to the competent civil court or to the Industrial Tribunal for redress.

Data Protection Body

Address

Office of the Information and Data Protection Commissioner
Airways House, Second Floor
High Street,
Sliema SLM 1549
Malta

Short explanation of the type of requests the institution deals with

Data protection has become particularly relevant since administrative authorities collect huge amounts of information, which is personal information about individuals in the course of their work. It is accepted that public authorities have certain obligations with regard to the information which they collect. These obligations are, on one hand, intended to strike a balance between everybody's freedom to receive and give, to impart information that is part of the right to freedom of expression as a Fundamental Human Right and on the other hand the right for respect for private and family life which everybody has.

The Commissioner investigates complaints with regards to:

personal data which is not processed fairly and lawfully

personal data which is not processed in accordance with good practice

personal data collected for illegitimate purposes

personal data processed for purposes incompatible with that for which the information is collected

unsolicited communications for direct marketing purposes commonly known as spam

transferring personal data to a third country in contravention of the Data Protection Act

Short explanation of the procedure following the filling of a request

In order to investigate, the Commissioner is entitled to obtain access of the personal data that was processed and information about and documentation of the processing of personal data.
The Commissioner consults the interested parties who may be directly affected by the investigation.
The Commissioner may summon any person to appear before it and give evidence and produce documents.
The Commissioner has the same powers to enter and search any premises as are vested in the executive police by any law as from time to time be in force. Therefore if the need arises, the Commissioner may conduct a search within the premises subject to the complaint.

Short explanation of the possible outcomes of the proceedings

The Commissioner may institute civil legal proceedings in cases where the provisions of the Data Protection Act have been or where about to be violated.
The Commissioner refers to the competent public authority any criminal offence encountered in the course of investigations.
The Commissioner can order the blocking, erasure or destruction of data, impose a temporary or definitive ban on processing or warn or admonish the controller.
If the Commissioner cannot obtain sufficient information in order to conclude that the processing of personal data is lawful, the Commissioner may prohibit the controller of personal data from processing personal data in any other manner than by storing them.
When the Commissioner concludes that personal data was processed or may be processed in an unlawful manner, the Commissioner may order rectification and if rectification is not effected or if the matter is urgent, the Commissioner may prohibit the controller of personal data to continue processing the personal data in any manner other than to store that data.
When the controller of personal data does not implement security measures, the Commissioner may impose an administrative fine and if the controller fails to comply, the Commissioner will commence proceedings against the controller.
Such administrative fine is due to the Commissioner as a civil debt, constituting an executive title as if payment of the amount of the fine has been ordered by a judgement of a Court of Civil Jurisdiction.
Where the Commissioner decides that the personal data has been unlawfully processed, the Commissioner, by notice orders the controller of personal data to erase the personal data.
On the other hand, if, the controller of data feels aggrieved by the decision of the Commissioner, the controller may within 15 days of the receipt of the notice, by application request the Court of Appeal to revoke the order of the Commissioner.
Any person aggrieved by the decision of the Commissioner have the right to appeal in writing to the Data Protection Appeals Tribunal within 30 days from the notification to him of the said decision.

Other specialised bodies

National Commission Persons with Disability

Address
National Commission Persons with Disability
Bugeja Institute,
Braille Street,
Santa Venera SVR 1619

If relevant, unit/organ within the institution that accepts requests
Equal Opportunities Compliance Unit
National Commission Persons with Disability established the Equal Opportunities Compliance Unit within its Secretariat, charged with promoting Equality of Opportunity and implementing the provisions of the Equal Opportunities Act (persons with disability) and thus investigates acts of discrimination on the basis of disability.
The Unit provides advice and information about this field.
Supports disabled people in securing their rights under the Equal Opportunities Act.
Works to change policy, practice and awareness so that disabled people get a fairer deal.
Registers and investigates alleged acts of discrimination on the basis of disability, negotiates an equitable solution and, only as a last resort, seeks redress through the Courts.

Short explanation of the type of requests the institution deals with

Persons with disability and their families are gradually becoming more aware of their rights. The Commission does its utmost to identify, investigate and conclude complaints that affect persons with disability.
The type of requests the Commission deals with include:
Requests to work reduced hours
Requests with regard to the Employment of a Learning Support Assistant
Complaints with regard to lack of accessible transport for school
Complaints with regard to lack of access to churches, theatre, band club, toilets, bank branches, hotels, shops, restaurants, lack of pavement ramps, inaccessible pavements
Complaints regarding bullying of disabled persons
Complaints with regard to lack of lift facilities
Complaints with regard to lack of car hire services of hand controlled cars
Complaints with regards to lack of adequate accommodation
Discriminatory travel insurances

Short explanation of the procedure following the filling of a request

The Commission may itself initiate investigations on any matter involving an act that is allegedly unlawful under any of the provisions of the Equal Opportunities (persons with disability) Act.
The Commission may also initiate investigations on the receipt of a complaint in writing alleging that a person has committed an act that is unlawful under any of the provisions of the Equal Opportunities (persons with disability) Act.
Such complaint may be lodged with the Commission by any person aggrieved by the act or any person who is the parent, legal curator or family member of a person with a mental disability.
If the person wishing to make a complaint requires assistance to formulate the complaint orally or in writing, the Commission will provide appropriate assistance to that person.
When a written complaint is received, an acknowledgement is sent. The Unit considers the complaint and if the complaint cannot be justified, the applicant will be advised in writing together with possible alternative remedies.

If the complaint can be justified and prima facie discrimination has occurred, the Unit will investigate the complaint.
A notice of complaint will be sent to the defendant asking for further comments. This will help the Unit reach a provisional view.
The defendant will be asked to submit a proposal including a time frame, indicating how and when the modifications needed to eliminate discrimination can be in place.
The Unit uses mediation procedures to negotiate a speedy and equitable solution.
If all this fails, the Commission will be obliged to proceed with legal action through the Arbitration Centre or through the Courts.
Short explanation of the possible outcomes of the proceedings
Following the investigations, the Commission may take appropriate legal action.
In the case of an alleged discrimination by a person against another, the Commission may itself refer the matter to the First Hall of the Civil Court. However such referral shall not prevent an individual having a legal interest from making a claim of discrimination the subject of an action, including an action for damages before the Court.
The Commission try to seek amicable solutions.

Refugee Commission and Refugee Appeals Board

Address
Malta Emigrants' Commission
Dar l-Emigrant,
Castille Place,
Valletta
Malta
Emigrants' Commission is a non-governmental, non-profitable, voluntary organisation which was established to help and protect people in need by offering them free services, counselling and protection.
Its services cover all those affected by migration including immigrants, refugees and tourists.
Short explanation of the type of requests the institution deals with
The Office of the Refugee Commissioner's main responsibility is to receive, process and determine application for asylum as stipulated by the Refugees Act. The Office's fundamental objective is to ensure a totally independent, fair, efficient and swift eligibility determination process while at the same time guaranteeing the best quality possible regarding the hearing, analysis and determination of applications.
Asylum seekers in accommodation centres may register themselves as such with the refugee Commissioner by filling a form known as Preliminary Questionnaire. This form is made available to immigrants in the closed centres concurrently with the relevant information and which is given to them regarding their right to apply for international protection.
The Preliminary Questionnaire is available in a number of languages to help immigrants when filling this form.
Personnel from the Office of the Refugee Commissioner provides information to third country nationals about the asylum procedure and informing them of their rights and obligations during the entire process. Asylum seekers are also being assisted by interpreters provided by the office to fill in adequately their Preliminary Questionnaire.
Short explanation of the procedure following the filling of a request
Upon receiving the formal application form for recognition of refugee status, the Office holds interviews with applicants. Interviews are conducted by personnel of the Office of the Refugee Commissioner with the assistance, where necessary, of interpreters.
The asylum seeker is reminded of the applicant's rights and duties according to law including the right to consult the United Nations High Commissioner for Refugees.
Applicants are provided with the necessary facilities and opportunity to present their case fully, support it with available testimonies and documentation and give adequate explanations for all the reasons submitted in their application.
The Refugee Commissioner first examines whether the applicant fulfils the criteria to be recognised as a refugee according to law. In the case of those who are not found eligible for refugee protection, the Office proceeds to a further examination of whether the applicant fulfils the criteria for Subsidiary Protection according to law.
Short explanation of the possible outcomes of the proceedings
The Refugee Commissioner's recommendation in each and every case goes to the Ministry for Home Affairs and National Security. Applicants are given a copy of the recommendation, together with a confidential memo with the motivation supporting the recommendation. In the case of a negative recommendation, applicants are also informed of their right to enter an appeal against the recommendation to the Refugee Appeals Board and the relevant procedure to be adopted in this regard.
The Office of the Refugee Commissioner may recommend two types of protection that are Refugee Status and Subsidiary Protection.
Should the Refugee Commissioner decide that the conditions to declare an asylum seeker a refugee is not satisfied, he may recommend to the Minister to grant the applicant subsidiary protection. This applies to failed asylum seekers who, if returned to their country of origin, would face a real risk of suffering serious harm.
The Commissioner shall continue to make this recommendation even in cases where the real risk of suffering serious harm arises after a decision not to grant subsidiary protection has been taken.
The Office of the Refugee Commissioner can also recommend to the Ministry for Home Affairs and National Security, another regime of protection that is Temporary Humanitarian Protection. This is an administrative procedure which is to be granted in special and extraordinary cases where applicants are found not to be eligible for recognition of refugees or beneficiaries of subsidiary protection but who are, none the less, considered to be in need of protection due to special humanitarian reasons.

Other

Victim Support Malta

Address
Victim Support Malta
Dun Guzepp Gonzi Street,
Tarxien TXN 1633
Malta

Short explanation of the type of requests the institution deals with

Victim Support Malta was established in June 2004 and made an official foundation in July 2006. The organisation deals with all types of victims of crime from domestic violence, sexual harassment to bereavement.

The objectives of Victim Support Malta are:
to collect and manage procedural information relating to criminal, penal and therapeutic systems,
to network with related agencies and thus offer victims and witnesses at court an orientation and advisory service in their dealings with the above systems,
to advise and monitor the needs of victims of crime and witnesses at Court
to encourage and assist individuals and organizations to undertake professional studies of the criminal justice system and of crime related issues.

Short explanation of the procedure following the filling of request

Victims of whatever crime who contact Victim Support Malta will immediately come into contact with the Coordinator. Once the Coordinator comes into contact with a victim of crime, a quick initial assessment is made. This is done so that the Coordinator gauges the severity of the case. The name and contact numbers of the victim are usually taken for further reference.

Following this short conversation, the Coordinator passes on the case to one of the professionally trained volunteers. These are members of the public who would have been engaged in some four to six weeks of focused training for the purpose of providing information and support to victims of crime.

The volunteer assigned to the case will make contact with the victim of crime as soon as possible and arrange an initial meeting at the convenience of all concerned. At the meeting, the volunteer will gather enough information from the victim in order to draw up a plan of action. The victim will be asked to sign a consent form in order for the case to proceed.

Short explanation of the possible outcomes of the proceedings

The preliminary plan of action is then studied by the volunteer and the Coordinator and a way forward is established. The victim will be informed accordingly. From that point onwards, the volunteer will remain in constant and regular contact with the victim throughout the whole process of the victim's recovery from the effects of the crime undergone.

All endeavours of Victim Support Malta will be under the attention of the Director, who monitors workings and results.

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