DIGITAL JUSTICE STRATEGY MALTA

2022-2027

CONTENTS

Digital Justice
STRATEGY

ACRONYMS

AI	Artificial Intelligence
ADFS	Active Directory Federated Services
API	Application Programming Interface
ARB	Asset Recovery Bureau
CAHAI	Ad hoc Committee on Artificial Intelligence, Council of Europe
CEPEJ	European Commission for the Efficiency of Justice
CFREU	Charter of Fundamental Rights of the European Union
CSA	Court Services Agency
DAE	Digital Agenda for Europe
DJS	Digital Justice Strategy
DOJ	Department of Justice
ECHR	European Convention of Human Rights
e-CODEX	e-Justice Communication via Online Data Exchange
ECRIS	European Criminal Record Information System
eIDAS	Electronic Identification and Trust Services
EIO	European Investigation Orders
ELI	European Legislation Identifier
GMICT	Government of Malta ICT Policies
GPG	Government Payment Gateway
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
GUI	Graphical User Interface
ICT	Information and Communication Technology
IDPC	Information and Data Protection Commission
MITA	Malta Information Technology Agency
MFJG	Ministry for Justice and Governance
OAG	Office of the Attorney General
OSA	Office of the State Advocate
PCAC	Permanent Commission Against Corruption
PCI DSS	Payment Card Industry Data Security Standard
SOD	Service of Documents
SSO	Single Sign-On
TOE	Taking of Evidence

ACKNOWLEDGMENTS

ADDRESS BY HON. ZAMMIT LEWIS

MINISTER FOR JUSTICE AND GOVERNANCE

It is no secret that the COVID-19 pandemic has put digitalisation and technology into perspective for many sectors. The Justice sector is not new to the digital sector, however the pandemic increased the Government's momentum to ensure that the justice system in Malta is well equipped to deliver Justice through digital means. Over the past months, Government together with other national stakeholders worked tirelessly to introduce technological systems in our courts and institutions to facilitate the delivery of justice. The Digital Justice Strategy is one of the means that shall be used to strengthen the use of technology in the Justice sector. This shall result in an improved system that is more efficient, effective, and accessible to all involved.

I believe that by adopting this strategic framework we shall make further use of the available technologies, respect the rule of law and the substantive and procedural rights of all citizens. Through this strategy we shall seek to provide a more unified and coordinated approach amongst all justice entities and establish a set of guiding fundamental principles which all digital initiatives within the justice sector shall adhere to.

This strategy continues to be a living testimony of how much this Government is investing and working in the field of Justice, Governance and the Rule of Law. I remain keen to create alternative means to further digitalise our Justice system, while making it further accessible to every citizen. It is only in this way that we can really stay ahead of the game when it comes to an effective and efficient justice system that is accessible to all.

Finally, I take this opportunity to thank, the European Commission for the Efficiency of Justice (CEPEJ), the Parliamentary Secretary for European Funds, Stefan Zrinzo Azzopardi, Permanent Secretary, Johan Galea and all those that contributed in order to make this strategy a reality.

ADRESS BY HON. ZRINZO AZZOPARDI

PARLIAMENTARY SECRETARY FOR EUROPEAN FUNDS

The need for a shift towards digital, boosted by the onset of the COVID-19 pandemic and facilitated by the rapid technological advancements, is a global truth for a wide array of sectors. Faster access to information is vital, especially when it comes to our justice system. Malta acknowledged this at an early stage and since the year 2000, opted for a shift from a paper-based system to an electronic one.

This effort led us to this milestone, whereby thanks to a co-financing of circa €300,000 by EU Funds, the first ever complete digital strategy for our justice system has now been launched. Aimed at facilitating the overall court user experience and streamlining processes, this digital strategy will ensure enhanced cooperation between relevant authorities and entities. In addition, the use of new technological based systems, such as Artificial Intelligence (AI), will serve as an additional tool for both court professionals and citizens alike.

But change is always a challenging process. To this end, this project also includes adequate training initiatives aimed at ensuring that all potential users are well-informed and assisted. In addition, relevant studies will be conducted in due course as our main aim stands: that of ensuring a better overall user-experience for court-users and general public alike.

The European Union Justice Scoreboard states that having an effective justice system is essential for implementing law, a view which I concur with. This digitalization strategy brings us ever closer to ensure conformity with both the EU Justice Scoreboard and towards an enhanced justice system.
I am keen to see this strategy in action, grateful that it is co-financed by EU funds and excited to utilize it.

INTRODUCTION

The independence, quality and efficiency of justice are foundational elements necessary in order to enhance the effectiveness of national justice systems. Over recent years, digital technology has been at the heart of National and European efforts addressed at making use of the latest Information and Communication Technology (ICT) as a tool for enhancing the quality of justice systems by making them more seamless through interoperability, enhanced accessibility and efficiency in service delivery.

At a national level, Malta is continuing to strengthen the necessary digital infrastructure and consolidating the legislative framework necessary to set it as a key player in the digital arena. Within justice, a sector-wide strategic framework that is complementary to the Malta Digital Strategy and aligned with the 'Malta Public Service 5-year Strategy Leading to a Service of Excellence'[1], the ICT Policies of the Government of Malta and other relevant strategic documents of the Government of Malta, is now essential. It is time to consolidate and expand on the digital initiatives undertaken within justice, to make them permanent and to bring to life the potential advantages given by electronic communication and automation.

This will be carried out through the implementation of a strategy, that will establish priorities, ensure the best use of resources, avoid duplication of efforts and provide for a balanced development of users' needs within an environment marked by trust and respect towards the rule of law.

This is our ambition … This is Malta's 1st Digital Justice Strategy.

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[1] Achieving a Service of Excellence: A 5-year Strategy for the Public Service. Quality, Accountability & Sustainability: https://publicservice.gov.mt/en/Documents/Achieving-A-Service-of-Excellence-2021.pdf

THE STRATEGY ENABLERS

The Strategy identifies 4 strategic Goals that are based on a number of fundamental and strategic principles. These in turn are supported by 3 main strategy enablers that will align strategic priorities and assist in the successful implementation of the Strategy.
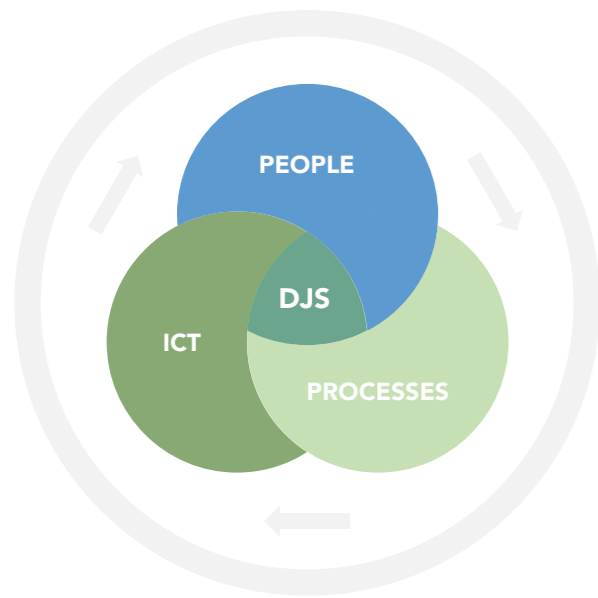
PEOPLE
- Placing People at the center of the strategy to create a user-centered service

ICT
- Using the latest technology at the service of achieving the business goals

PROCESSES
- Simplifying and updating processes to enhance efficiency

TECHNOLOGY

The Ministry, with the support of the national and private digital sector, will seek to provide the necessary technological infrastructure that will support the achievement of the strategic goals. The security of the digital tools proposed will be aligned to the requirements set at EU level in order to ensure accessibility, interoperability with national and European entitites, and reliability. Most importantly, the Strategy will ensure a continuous auditing of its technology in order to foster a culture of innovation and continual renewal which is intrinsic to digital transformations. The Strategy will seek to ensure the highest degree of integrity of the system through the use of technology that will foster trust in the digital environement. If the technology is perceived by the users to be defective or does not deliver legal certainty, the credibility of the whole digital justice transformation will be at stake. The Strategy thus seeks to make the best use of National Technological building blocks and initiatives through complementary strategies while focusing on Justice - specific improvements through modern technolgies.

PEOPLE

The human resource is the key asset within the justice system and the Strategy will ensure that People are at the heart of the digital transformation. Governance structures will be set up in order to give voice to the stakeholders in the justice system, and to leverage their experience, skills and competencies in the attainment of the shared vision. The Strategy will address skilling and re-skilling of the core users of the systems, and through digitalisation and re-design of processes, will support the transition towards a knowledge-based system built on a culture of continuous learning. Initiatives will be undertaken in order to assist People through the change process and to ensure that any digital innovation is ethical and anti-discriminatory by design and default. This will be carried out in a graduated and paced manner through educational, promotional and hands-on assistance in order to ensure a smooth transition to digital adoption.

PROCESSES
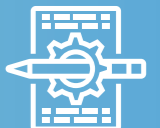
The Strategy will embrace a Digital by Design and Digital by Default methodology and this will be reflected in the way processes are mapped and redesigned in order to facilitate simplification and digitalisation. In order to really bridge the gap between the current paper-based system to one that is essentially digital, the Strategy will seek to establish and reinforce the digital by default strategic narrative through a continuous process of training and exposure to digital initiatives and developments. Indeed, justice services will have to align themselves to European benchmarks of digital excellence in both national and cross-border processes and keep abreast of technological process innovations that will ultimately position the Maltese justice system as a key forerunner of digital justice. Digitalisation should facilitate the efficiency of such processes whilst promoting quality through flexibility, accountability, and transparency.

Stakeholders will be assisted to think digital through the governance structures that will be set up in order to ensure consistency of approach across all justice entities. This will be further reinforced by the legislative and regulatory changes that will ensure the legality of newly established processes and embed them in a culture of sustainable change and development.

VISION AND SUPPORTING PRINCIPLES

THE VISION

The Malta Digital Justice Strategy commits to a strategic vision that marries information technology with foundational justice imperatives as follows:

Improving the quality and the efficiency of justice through innovation, digitalisation and new technology whilst fully respecting the rule of law and guaranteeing the substantial and procedural rights of all citizens.

Throughout its 6-year implementation period, between 2022 – 2027, the Strategy shall be based on both fundamental and strategic principles which are aligned with the policies and strategic approach of the Government of Malta.

THE VISION

Strategic Goals

Fundamental Principles | **Strategic Principles**

People | **Technology** | **Processes**

ACHIEVING THE VISION

The vision will be rooted in fundamental and strategic principles that together shape the goals of the Digital Justice Strategy. These goals are further operationalised into defined objectives that are achieved through the creation of technological building blocks that provide flexibility and efficiency across justice entities.

FUNDAMENTAL PRINCIPLES

- Rule of Law
- Independence of the Judiciary
- Fair Trial
- Right to a judicial remedy
- Promoting Digital Inclusiveness
- Removing Digital Divide

STRATEGIC PRINCIPLES

- Early stakeholder participation
- Accountability & Transparency
- Interoperability
- Re-usability
- Digital justice by default
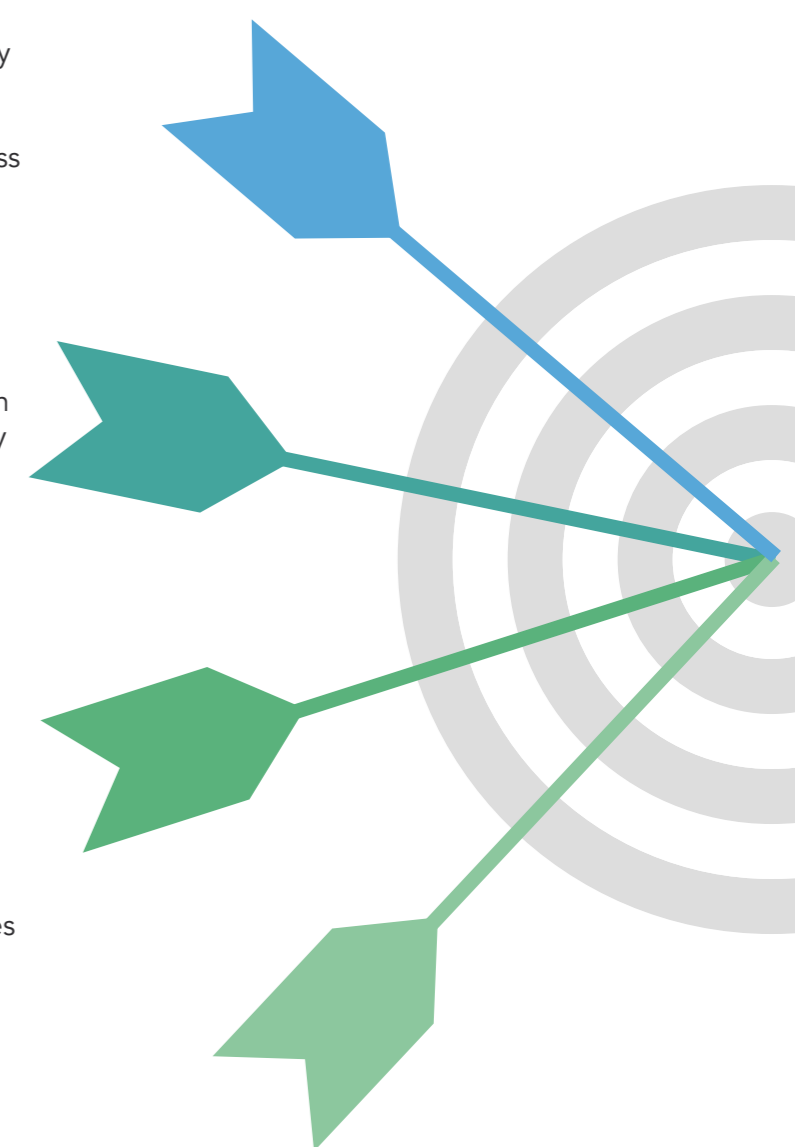- Project-based
- Aligned to the EU dimension

STRATEGIC GOALS

- Digital by default
- Access to Justice
- Analytic capabilities
- Digital skills and competencies

ACTION PLAN

Based on:
- Technological building blocks
- Strategic objectives

FUNDAMENTAL PRINCIPLES

RULE OF LAW

The Rule of Law is the main bulwark of a democratic system against all forms of authoritarianism, arbitrariness and abuse of power. Its indefectible pillars are the regulation by law of the exercise of power by public bodies and pre-existing and generally applicable rules, the correct application of which can be checked in the aftermath.

Referring to the field of justice, the Rule of Law operates both as a general principle and as a set of rules governing justice, judges and their professional status, as well as the trial. In this respect, the introduction of electronic systems for the management of a trial, must not effect the Rule of Law. Likewise the application of digital initiatives to assist and enhance the processes and functions of bodies such as the Judicial Studies Committee or the Judicial Appointments Committee, must always be implemented with utmost respect towards the Rule of Law. The quality of data and the transparency, fairness, impartiality of data processing methods shall be guaranteed at all stages and the accessibility and explainability of data processing methods shall be ensured.

INDEPENDENCE OF THE JUDICIARY

The independence of the judiciary is the main component of the Rule of Law. Without an independent judiciary and a clear separation between the executive and the judiciary, within a democratic system, there can be no Rule of Law.

The rules, laws and practices driven by digitalisation cannot have any negative impact or jeopardise the independence of the judiciary. The Strategy shall ensure that there is no improper and unlawful influence on the judge or on the court's decision-making process in the deployment of digital tools for managing the process, supporting decision-making, and in the drafting of judgements

FAIR TRIAL

All guarantees to a fair trial (under CFREU[2], ECHR[3] and domestic Constitution) apply to all digitalised judicial proceedings, as a whole or in phases, without exception. The right to a fair trial includes the right to effective access to a court, the right to be judged by an independent and impartial court, the right to a public hearing, fairness of the proceedings, right of defense, adversarial character of the process, equality of arms, proper admission and gathering of evidence, right to consult and to be assisted by a lawyer, time to prepare and access to materials, court's decision in a reasonable time, data security and risk management. Any changes to the rules of procedure dictated by the need to adapt the process to the digital nature of acts and documents and to the electronic case and file management shall be made in compliance with the aforementioned rights.

NON-DISCRIMINATION

The planning and implementation of the digitalisation of justice shall not lead to unlawful discrimination, harmful stereotyping (including, but not limited to, gender stereotyping) and wider social inequalities.

Digital processes should be non-discriminatory and free from biases that reinforce inequalities in society. Automated processes, the use of AI, the creation of algorithms, and the management of data have to follow pre-established, verifiable and controllable protocols that ensure the creation of a digital infrastructure that provides non-discriminatory information and results to the users. To this end, a Gender and Equality Impact Assessment shall be carried out at the design stage of digital initiatives, and subsequently reviewed during implementation, in order to ensure that an equality perspective is adopted throughout all stages of the digitalisation process. The periodic review of digital processes shall also be carried out in order to ensure the sustained commitment to make digital justice inclusive and accessible to all.

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[2]Charter of Fundamental Rights of the European Union: Available at
  https://www.europarl.europa.eu/charter/pdf/text_en.pdf
[3]European Convention of Human Rights: Available at
  https://www.echr.coe.int/documents/convention_eng.pdf

RIGHT TO A JUDICIAL REMEDY

The Strategy acknowledges that the right to a judicial remedy is a fundamental right, the nature, structure, rules and consequences of which depend upon legislative and political choice. In the event that any of the operators' and users' basic rights are harmed or negatively impacted by the use of ICT and AI, then access to an effective judicial remedy shall be granted.

If the use of such technologies, or the momentary non-functioning or erroneous functioning of the same, shall result in a procedural consequence (e.g., a forfeiture or the loss of a procedural right), remission in terms of time shall at least be guaranteed.

PRIVACY AND DATA PROTECTION

One of the main concerns within the digital justice arena, centres on the use, processing, treatment and storing of sensitive data. The Digital Justice Strategy will abide by national and international regulations[4] and guidelines on data protection and will actively collaborate with national authorities in ensuring the integrity of all data-related activities.

Specifically, the Strategy will seek to uphold 2 main fundamental principles of data protection, namely,
- The principle of data accuracy which will ensure that data collected is kept up-to-date, is reliable and verifiable;
- The principles of integrity and confidentiality of data usage, that will ensure the safety of all data subjects.

Throughout the implementation of the strategy, the consistent and ongoing cooperation with the Office of the Information and Data Protection Commissioner (IDPC) shall be maintained in order to ensure that all projects are aligned to the requisites of data protection both by design and by default. Such collaboration shall crystallise into concrete actions such as the implementation of specially designed Data Protection Impact Assessments to be used in digital projects, the delineation of data retention timeframes tailormade for the use of justice-related data, and ongoing support in ensuring the protection of data and data subjects within the national legislative and regulatory frameworks.

DIGITAL INCLUSIVENESS

At a time and age in which digital technology is becoming an integral part of our society and economy, it is important to ensure that digital inclusiveness is reflected in a strategy that aims to digitalise justice. Establishing digital inclusiveness as one of the fundamental principles of the Strategy, shall ensure that all sectors of the Maltese population shall not be directly or indirectly discriminated in the implementation of the measures that will operationalise the strategy. Digital inclusiveness fully supports the overriding principle of creating a user-centric digital justice system.

In this respect, the Strategy should focus on addressing three key areas in which digital inclusion could be sustained:

1. In supporting the attenuation of the digital divide and the promotion of access to justice for all, the Strategy has to ensure that digitalisation brings justice closer to all people, irrespective of location, access to the technology and vulnerabilities. Being aware of the negative effects of digital divide and in the context of the Digital Agenda for Europe (DAE), initiatives shall be supported to remove barriers and inequalities of online judicial and justice related activities, such as: creating access points to online services for citizens; offering more services for lawyers and other professionals to facilitate remote access to justice.

2. Training remains a fundamental activity that has to be ingrained within a strategy that seeks to improve the efficiency and quality of justice. Training, in all its modalities, should be delivered to all users of the system in order to ensure proper and widespread use of the digital services offered. In addition, the Strategy should also ensure that digital inclusive training is provided to ICT staff who are working on creating the digital justice infrastructure in order to ensure that digital processes are, as much as possible, free from bias.

3. The Strategy needs to sustain digital inclusiveness throughout the Strategy's lifetime. To this end, a systematic auditing process should be established at the beginning of the Strategy through a Digital Inclusiveness Plan that would ensure that systems set-up within the Action Plan of the Strategy are fully aligned to the principles of digital inclusiveness.

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[4]*vide* the Council of Europe Convention 108+3 on a person's right to respect for private and family life.

EUROPEAN FRAMEWORK AND PRINCIPLES

The digitalisation of justice will be implemented in accordance with the principles developed at the Council of Europe and European Union level. Particular consideration will be given to the principles laid down in the CEPEJ European Ethical Charter on the use of artificial intelligence (AI) in judicial systems and their environment. Development on the CAHAI Feasibility Study on legal framework on AI and on the EU Proposal for Regulation – Artificial Intelligence Act will be closely followed.
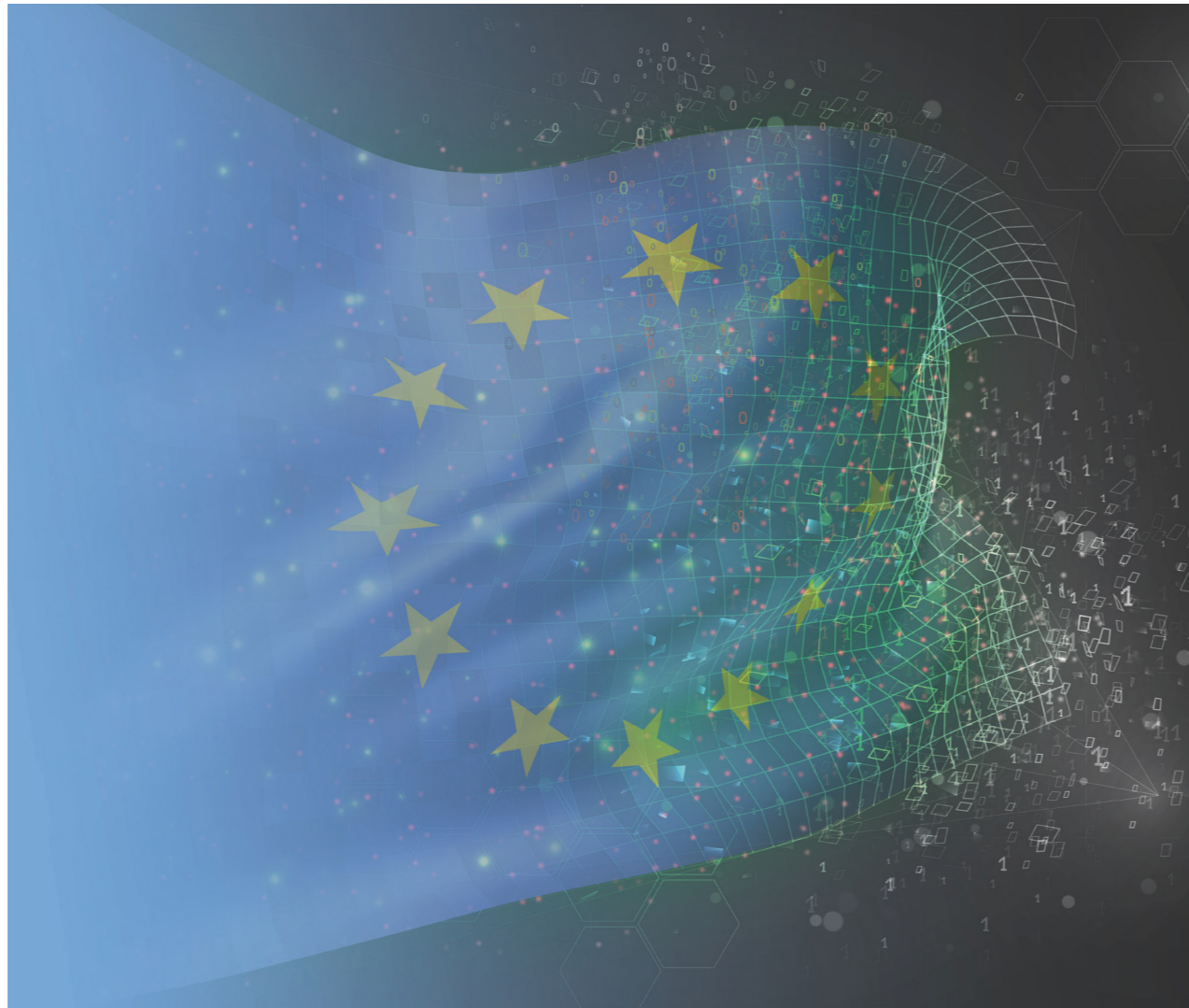
STRATEGIC PRINCIPLES

STAKEHOLDER INVOLVEMENT

The Digital Justice Strategy will ensure the early **involvement of stakeholders** and users in the design, development, acceptance and deployment of new information systems, in order to ensure a tailor-made approach to service provision that meets the demands and necessities of the stakeholders/ clients. This approach is in line with the 4 pillars for a quality service within Malta's Public Administration, namely, listening - giving Voice to those interested in the Services, abide to clear design policies, the delivery of a quality service and accountability where people become part in establishing standards for a service of excellence . In-line with Initiative 14 of the Public Service Strategy – Achieving a Service of Excellence, a mechanism to encourage all stakeholders towards adopting and promoting inclusive service design standards will be continuously promoted as also enshrined in the Quality Theme as a shared value of the latter Strategy.

ACCOUNTABILITY AND TRANSPARENCY

The Strategy shall seek to foster a culture of **Accountability and Transparency** towards citizens and institutions, in line with the fourth pillar of the Public Administration's quality service. Actions shall be addressed at sustaining reliable performance measurement mechanisms that will be instrumental to ensure progress against the target objectives of the Strategy. Accountability will be achieved through the publishing of set targets and related timeframes, with a full commitment towards keeping the public and interested parties informed of the progress being achieved against the set implementation targets. Accountability is a shared value defined in the Public Service Strategy and through this Strategy, alignment will be achieved by collaborating in various horizontal initiatives while setting specific Digital Justice initiatives in co-ordination with EU and International reports.

FULL INTEROPERABILITY & RE-USABILITY

In line with the "Enterprise Architecture Policy for Interoperability and Reuse[5]" of the Government of Malta ICT Policies (GMICT)[6], the implementation of this Strategy shall strive to use ICT solutions and services that are interoperable and reusable across the Public Administration, so to minimise the duplication of efforts and rationalise the use of available resources. A key technical building block approach shall be utilised throughout the implementation of this Strategy.

As a strategic principle, reusability should always be at the forefront of IT systems design and development, as it leads to more uniform solutions, lowering the complexity of system development and maintenance and by potentially being used by other systems in form of libraries, modules and services. Service-oriented architecture, modular design and object-oriented programming are the basis of enforcing the principle of reusability in design and development of an IT solution. The Strategy will prioritise the adaptability and/or re-use of existing services in the form of modules, over the development of new modules from scratch. With the strategic demand for rapid application development , the design of IT solutions requires constant effort to integrate functionalities into modules that could later be reused by several IT solutions . New Justice IT Systems that will be used by Justice Stakeholders which are either sourced or developed will be interoperable with national building blocks and registers as well as with possible cross-border systems where applicable.

Concurrently, the Strategy shall aspire at achieving **full interoperability** among different information systems, based on the Once Only Principle : data is entered once at the first point of use, and is exchanged with anyone entitled to use it, avoiding duplication of inputting at different sources. As a strategic principle, the interoperability of the system with other systems and services, both known and those expected to be applied in the future , shall be a constant priority requirement at the design and development of IT systems . Special attention shall be also drawn to the selection of machine -readable data exchange formats and corresponding services , in order to enable interoperability with the largest possible number of modules and systems.

DIGITAL BY DEFAULT

Establishing truly a **digital-by-default** principle, means that all services shall be made available in digital, easy to use form to all users, endorsing the use of digital means over physical at all touchpoints of the system, while at the same time providing help and appropriate means of communication for digitally excluded communities. Digital by default principles recognise that technological progress is transforming the way transactions within, and externally to organisations, are happening digitally at an ever-increasing pace. For this transformation to happen seamlessly, trust in digital documents and data has to be established, both legally and culturally, with the goal of giving digital form precedence over the physical one. For those unable to communicate digitally, the transformation to digital form should be made available at the earliest possible stage in the procedure. Business processes should be conceived entirely in digital (paperless) form at design stage and whilst conventional channels will still be used, any digital support will be provided to any such channels so that digital integration is complemented. Digital by Default principles will thus favour and prioritise digital channels over traditional ones and through digital first processes integrated at design stage by stakeholders, digital by default principles will ensure that the Justice System is forward looking in the digital age.

PROJECT-BASED MANAGEMENT

This Strategy shall be carried out by selecting and executing **Projects**, meant as extraordinary targets and time-bound concerted efforts to be carried out ensuring the sustainability of the systems when they finish . Projects related to the digitalisation of Justice sector should be in line with the DJS strategic goals and with the strategic principles mentioned here, as well as compliant with the rule of law, human rights and ethical principles. The current '5-Year Strategy for the Public Service ' sets sustainability as one of the themes and through this strategy the necessary alignments will be complemented towards sustaining , amongst others , intellectual capital and knowledge management within the Justice Sector.

[5]https://mita.gov.mt/wp-content/uploads/2020/07/GMICT_P_0067_EnterpriseArchitecture.pdf
[6]https://mita.gov.mt/portfolio/ict-policy-and-strategy/gmict-policies/

THE EUROPEAN & INTERNATIONAL DIMENSION

The Strategy shall also address **the European Dimension** of the digitalisation of justice and align its information systems with developments in EU regulations and practices. In this regard, central systems used for secure cross-border communications such as e-CODEX , ECRIS and EU eJustice systems will be closely followed and incorporated into the national digitalisation efforts. Likewise , the Strategy will continue to follow the digital projects that are evolving at EU level, such as the decentralised IT system (e-CODEX) being currently developed to cater for the Service of Documents (SoD) Regulation (Regulation (EU) 2020/1784) and the Taking of Evidence (ToE) Regulation (Regulation (EU) 2020 /1783) and the IT system for the exchange of European Investigation Orders and Mutual Legal Assistance in criminal matters . Electronic formats and standards adopted throughout the EU will also be given preference . For example , in line with the Council Conclusions of 6 November 2017 on the European Legislation Identifier [2017/C 441/05], Malta has already adopted the European Legislation Identifier [ELI] on the Laws of Malta website 7 to make legislation available online in a standardised format, so that it can be accessed, exchanged, and reused across borders. The same approach will be adopted in other areas related to Justice and the overall digitalisation efforts. The ultimate aim is to ensure that full benefits are attained by adopting standards that, amongst others, facilitate judicial cooperation across member states and the exchange of cross-border information.

7Malta Legislation Website: https://legislation.mt

STRATEGIC GOALS

The Vision of the Digital Justice Strategy, shall be achieved through the attainment of 4 strategic goals, namely:

1. The gradual redesign of the business processes in the justice sector to make them **digital by default;**

2. Ensure **access to justice** and legal information to legal professionals and all citizens, including the ones with poor IT literacy;

3. The introduction of **analytic capabilities** in the Justice sector;

4. **Building and improving the digital skills** and competences of judges, supporting staff and external professionals within the Justice sector.

Digital Justice Strategy
ACTIONS BY OBJECTIVES

DIGITAL BY DEFAULT

ACCESS TO JUSTICE

ANALYTIC CAPABILITIES

DIGITAL SKILLS AND COMPETENCIES

DIGITAL BY DEFAULT

The current judicial procedures, as well as any other procedure through which citizens and professionals can enforce their rights, perform their obligations, and offer or receive services in the domain of justice, were all created for a paper-based world. The requirements for signatures, receipt stamps, registers, payment slips, have each been devised to achieve certain goals, such as identification of the sender and non-repudiation, confirmation of timely reception, inventory of all received submissions and pending cases , and proofs of payment . A meaningful and effective digitalisation of the process cannot consist just in replacing each step with its electronic counterpart; rather, fulfilling those goals, when still applicable , along with emerging ones within a re-designed digital process.

The introduction of ICT allows a full de-materialisation of the procedure, which can bring considerable advantages if preceded by an analysis and design of new streamlined procedures and accompanied by the necessary regulatory , organisational , and technological changes . These new digital procedures shall become the default rule , but always leaving an alternative , to accommodate for non-professional users with no digital skills.

There are a number of measures that can be taken in support of Digital by Default:

Electronically signed legal documents	Digital by default entails giving legal value to digitally signed electronic documents and providing means to exchange them via seamless digital communication channels.
Going paperless over time	Digital by default does not mean that all processes should be carried out only by electronic means. In the beginning there should be a mixed modality of use whilst ensuring that the digital uptake is sustained through mentoring and training.
Process Mapping	Each institution in the Justice sector, shall undertake an exericse of mapping and redesign of the relevant processes. The mapping of the processes shall enable management to identify system inefficiencies and facilitate the simplification of the processes brought about by digitalisation.

End-to-end case management systems	Judicial and administrative proceedings which are digital by default require an electronic system able to provide an overview of all pending tasks and cases and drive the management of cases. This will include the random electronic allocation of cases and will also enable the publication of the parameters of efficiency of the judicial caseload contributing to enhance the transparency of judicial processes.

Related Technical Blocks
- Electronic Filing (e-filing) facility for documents and data
- APIs and architecture for access to official registers
- IT assisted creation of documents based on templates
- Document storage and preservation + electronic file and document viewer
- Event management (calendaring)

Support to Non-Default Paper Processes
- Paper filing digitalisation
- Central dispatch/ delivery: IT supported, internal or external (Postal Highway)

ACCESS TO JUSTICE

Effective access to justice is a fundamental human right enshrined in the Charter of Fundamental Rights of the European Union[8]. Within the Charter, access to justice is understood as the rights of citizens to go to court, to benefit from alternative dispute resolution mechanisms, and to an effective remedy. However international justice entitites and scholars alike, have expanded on the principles of access to justice to broaden its applicability. For example, access to justice is understood in terms of physical access, financial access, and legislative access to justice just to mention a few.

The Malta Digital Justice Strategy will seek to ensure that all forms of Access to Justice are respected and upheld. Using digital tools to bring justice services to the communities and homes of the citizens is one way of overcoming physical boundaries of access to justice. Ensuring that algorithms and technology are non-discriminatory against identified groups and ensuring that the legislation enables the full use of digital justice tools, addresses structural and legislative obstacles to access to justice. The plethora of tools that will be made available to the judiciary and legal professionals alike will offset the private and social cost of access to justice through the provision of a seamless and integrated management system that should help improve the efficiency and quality of legal remedies.

In concrete terms, the Strategy shall operationalise Access to Justice, by undertaking the following measures:

Setting up of Gustizzja portal	A one-stop-shop online portal designed to provide easy access to the general public to justice-related information and services shall be set-up. This portal shall also act as a gateway to all justice-related sites and portals in such a way as to facilitate their accessibility and provide interlinking with other national and EU portals such as the e-Justice portal [9].
Community outreach through servizz.gov	In line with the fundamental principles of Digital Inclusiveness and Reducing the Digital Divide, accessibility and assistance about online justice services shall be made available in servizz.gov regional offices in order to assist those citizens who are either computer illiterate or who can access services without the need to travel to Valletta.
Addressing the vulnerable populations	Special mechanisms to provide information to vulnerable categories, such as victims of crimes, and in specific, the ones in danger of protracted danger such as victims of domestic violence, shall be set up, to provide updated information on their cases via mobile phone/PC and to ensure online access from shelters for Domestic Violence.
24/7 access to case files	Legal professionals shall be enabled to electronic access 24/7 all the documents related to their cases . The access to all online judicial services related to cases and applications will be granted only via e-ID and the two-factor authentication provided by Identity Malta , which is compliant with the substantial level of trust and assurance under the eIDAS Regulation[10].

Related Technical Blocks
- Authentication and authorisation
- Electronic filing (e-filing)
- Electronic certificates, electronic signatures and time stamps
- Payment module
- Provision of information/ Access to case files
- Document storage/ preservation/ electronic file or document viewer
- Event management (calendaring)

[8]Link to the E-justice Portal: https://e-justice.europa.eu/home?action=home
[9]Link to the E-justice Portal: https://e-justice.europa.eu/home?action=home

[10]eIDAS Regulation (Regulation (EU) No910/2014) :
http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.L_.2014.257.01.0073.01.ENG

ANALYTICAL CAPABILITIES

Electronic case management systems store in their databases a wealth of data about judicial proceedings whose analysis can serve different purposes. The results can be meaningful as long as their completeness, accuracy and timeliness can be ascertained. This can be achieved by realising an accurate balance among the interest for data collection and the time and resources available for data collation and data recording . Besides being of statistical interest, such data can also be used for facilitating proceedings and be automatically retrieved or linked from other sources with a minimum effort (Once Only Principle).

Measures addressed at improving Analytical Capabilities include:

Generating reliable performance metrics	The Strategy shall focus on getting indications about the efficiency and outcomes of institutional performance and identify trends that can be employed for evidence-based policy making. The use of dashboards and the combination of visual tools and automatic alerts for approaching deadlines, would support judicial officers and persons in charge of managing institutions in the justice sector in monitoring their caseload and taking appropriate measures.
Data warehousing system	The Strategy shall establish a data warehousing system containing pseudonymised data for the whole justice sector as well as a business intelligence system able to produce customised queries and reports. These systems will contain specialized modules that address targeted data obligations such as those needed to fully implement the GREVIO recommendations for Malta to abide to its obligations on regular collection of disaggregated relevant statistical data according to the Istanbul Convention[11].
AI as assistive technology	The Strategy shall seek to implement assistive technology measures aimed at analysing previous judgements with a view to generating a more homogenous and predictable approach to decision-making.

Support to Non-Default Paper Processes
- Data Warehousing System
- Business Intelligence System

BUILDING DIGITAL SKILLS AND COMPETENCIES

In order to achieve a comprehensive digital transformation, the Strategy needs to ensure that apart from the provision of high-tech tools, the users are capable of using them to their full advantage. The outcome of a population survey[12] carried out in Malta on the knowledge and awareness of the digital justice tools available, highlighted the fact that the Strategy needs to educate people about the availability of such tools, whilst at the same time address fear and mistrust of using these same tools. The measures outlined in the Strategy to address this lacunae, are aligned to a core principle of Europe's Digital Compass[13] that operationalises the EU digital targets for 2030, namely that to ensure a digitally skilled population that can make use of the digital justice tools being made available and highly skilled ICT and legal professionals that are knowledgeable on the interface of justice and technology.

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[11]Link to the Istanbul Convention: https://www.coe.int/en/web/istanbul-convention/home

[12]Population survey carried out by Dr. Vince Marmara as part of the research leading to the evolution of this Strategy.

[13]Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions: 2030 Digital Compass: the European way for the Digital Decade: https://eur-lex.europa.eu/resource.html?uri=cellar:12e835e2-81af-11eb-9ac9-01aa75ed71a1.0001.02/DOC_1&format=PDF

Measures that the Strategy shall employ in order to Enhance Digital Skills and Competencies include:

Information campaigns	The outcome from a population survey carried out in 2021 within the context of the digitalisation of justice, clearly indicates that citizens are not aware of the digital justice tools available. In order to ensure the uptake of digital justice initiatives, the Ministry for Justice shall launch a comprehensive information campaign using different media channels in order to educate the population on the digital tools available.
Specialised training	In addition to training targeted at the general population, the Strategy shall embark on the delivery of specialized training programmes targeted for ICT personnel, and specialized legal staff. The aim behind such training would be to ensure that programmers and developers of digital systems are knowledgeable in the ethical and inclusive nature of digitalisation in order to avoid programming biases. Furthermore, specialized training should also be provided to legal professionals who need to be competent in the drafting of law and its interface with information technology.
Train-the trainer programmes	In addition to the above training initiatives, ongoing training targeted at the users of the digital systems deployed must be consistently delivered. Employees within justice agencies and professional users of the tools developed throughout the strategy will require the constant support of tutored staff who can assist and train them in the use of the new technology.

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Auditing of digital skills and competencies	The Strategy will also ensure that an independent audit will be periodically carried out in order to assess the level of digital competency of the general population as well as that of specialised users. The results of such audits will ensure that subsequent training initiatives are more targeted and at pace with the evolving nature of digital technology.

Related Technical Blocks
- Online Training System

TECHNOLOGICAL BUILDING BLOCKS

Strategically, the sustainable maintenance and development of the information systems can be regarded as one of the key success factors in the successful introduction of e-justice. In line with the reusability strategic principle, the introduction of reusable building blocks, each providing a specific functionality can present an adequate answer to this challenge.
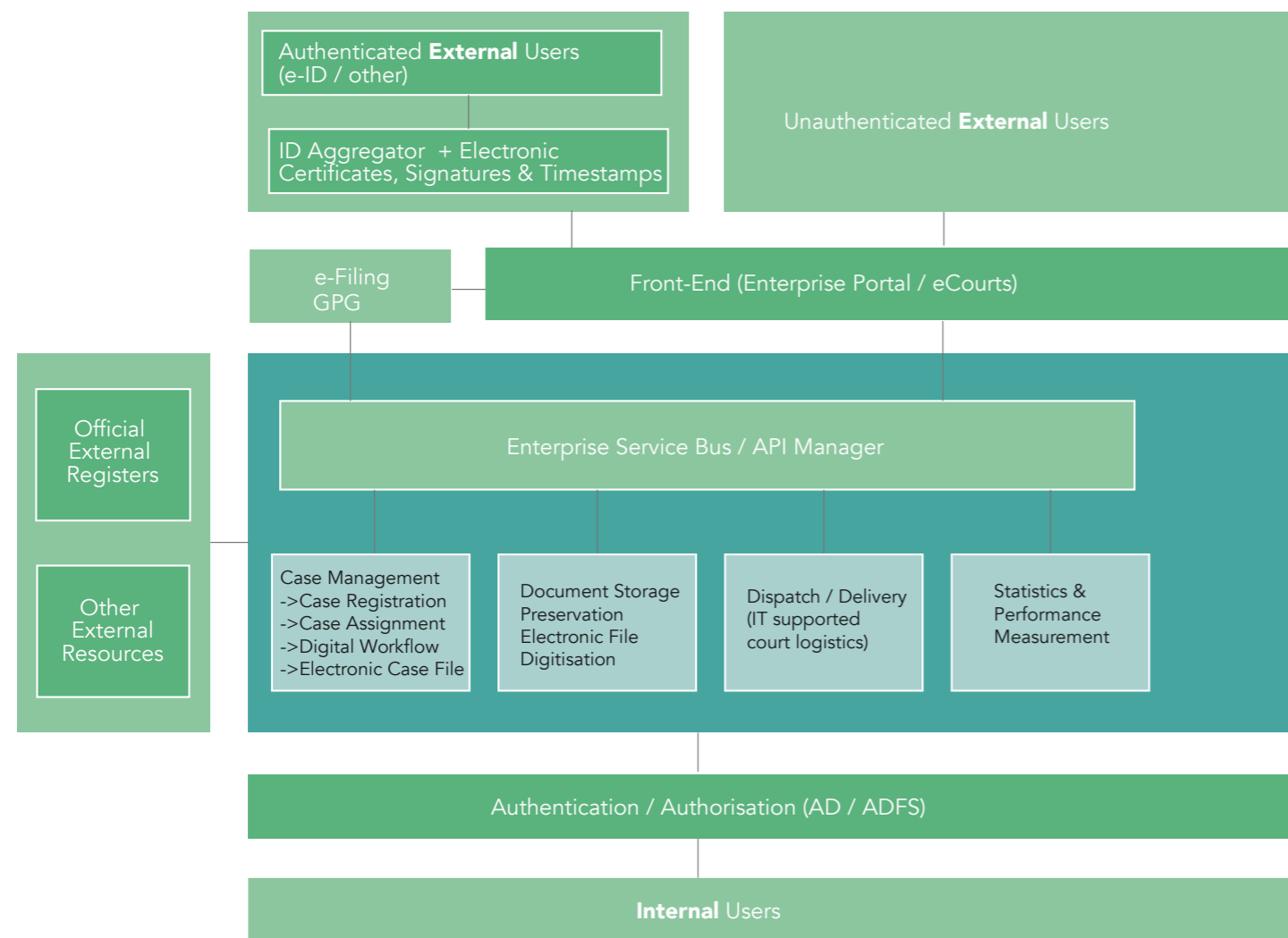
The building blocks already developed for the Malta Public Administration will be included, as appropriate, in each Justice sector application. Initiatives emanating from the Public Service Strategy to strengthen any building blocks will be monitored closely for adoption while any Justice-specific building blocks will be built with a view to be used horizontally by Justice Sector stakeholders. Building blocks that are already available and being enhanced include:

AUTHENTICATION AND AUTHORISATION

While information-related content will be available publicly, both internal and general users need to identify and authenticate themselves to interact with digital workflows through justice information systems and exploit the benefits that will be brought about by means of digital processes. Single Sign-on concepts will be used so that through the same identity, users would be able to use digital systems. For this aim the national e-ID and Enterprise Authentication through corporate identity providers will be used by means of Active Directory Federated Services (ADFS). Such authentication mechanisms will then leverage Authorisation mechanisms such as the eID in compliance with the requirement of the EU EIDAS regulation, based on the existing PKI-based infrastructure provided by Identity Malta. In particular two-factor authentication will allow each authorized user to authenticate by means of mobile phones for added security while electronic certificates would facilitate authorisiation by means of eSignatures and time stamping.

PAYMENT MODULE

The Malta Information Technology Agency (MITA) through the "Centralised Digital Enabling Services Policy[14]" facilitates Electronic Payments throughout Public Administration through the Government Payment Gateway (GPG) which guarantees the highest level of assurance through PCI DSS and certifications including 3-D secure. GPG is continuously improved to keep up with technological advancements. In-line with the strategic principle of interoperability and re-usability, Justice Systems shall make use of the GPG to cater for electronic payment options and resort to other methods only in instances where GPG may not cater for specific ePayments requirements.

ELECTRONIC CERTIFICATE AND ELECTRONIC SIGNATURE —

To further enhance authorisation in the digital workflow, collaboration with national stakeholders will ensue, in particular, Initiative 16 of the Public Service Strategy deals with digital signatures as a secure alternative to wet signatures. In combination with appropriate amendments to the legal framework which will provide for the legal validity of digitally signed judicial documents, Digital Signatures would facilitate digital transformation in general.

ACCESS TO OFFICIAL REGISTERS

Official registers both internal as well as external to the Justice sector will be used to complement the Once Only Principle, interoperability and re-usability. Whenever a national register is available, the Justice systems will seek to interface with such registers through Application Programming Interfaces (APIs).

Apart from the nationally available building blocks, the following building blocks will be developed to support the implementation of this Strategy and be made available to all information systems developed within the justice sector, as well as, when relevant, and with the required authority, made available to other stakeholders and institutions having a stake in the Justice System.

ENTERPRISE E-JUSTICE PORTAL

An Enterprise eJustice Portal will act as the main front-end for citizens and legal professionals . This will enable its use by natural and legal persons for electronic communication with the courts and competent authorities in national and cross-border civil, commercial and criminal cases. Using a web-based user interface , the portal will provide all functionalities needed to successfully establish a single- entry point, a single sign-on (SSO), support for multiple languages and alphabets and uniform graphical user interface (GUI) design and appearance across all the portal and sub-portal components . Through SSO, cross portal interaction between systems would be facilitated , allowing users to roam from one portal to another seamlessly without having to log in every time.

## ELECTRONIC COMMUNICATION (E-FILING AND E-SERVICING) MODULE

Electronic communication (e-filing and e-servicing) module will enable the electronic filing of submissions (documents and / or metadata) in proceedings for which the user is authorised and for which this option is available . Two types of e-filing should be supported : e-filing of individual submissions , and filing several submissions at once-packet (bulk) filing . The development of this module will be preceded by a feasibility study to determine the concept it should be based on for the individual communication such as uploading to a central server and securing certified legal communication

ENTERPRISE SERVICE BUS AND APPLICATION PROGRAMMING INTERFACES (APIS)

An Enterprise Service Bus and Application Programming Interfaces (APIs) will fulfill the interoperability requirements for data communication through information systems and the re-utilization of various digital registers, both internal and external ones.

IT-ASSISTED CREATION OF DOCUMENTS

The module for the creation of documents will support document generation based on electronic templates with an appropriate field structure including the relevant (meta)data from back-office systems in use. It will include a user-friendly interface to create the templates, including the option for portions of text to be included based on certain data values in the related case-file.
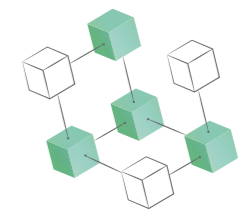
VIEWER FOR ELECTRONIC CASE FILES

With the introduction of e-justice the quantity of content stored in the system in electronic (digital) form has risen dramatically. In order to successfully access and use that content, a system able to manage and process such quantities of electronic documents is needed. Usability and friendliness of the system as perceived by users will be the driving factors. It is up to them whether they will make a hard copy of an electronic case file. As court proceedings are based on case documents, which are a part of the (electronic) file, the module for (re)viewing case files in electronic form must provide at least matching functionality to the traditional (paper) case file, but should also take advantage of the new possibilities made possible by using information technology.

DOCUMENT STORAGE, PRESERVATION AND ARCHIVING OF ELECTRONIC CASE FILES

Given the vast quantities of digital documents in e-justice proceeding(s), a module for managing digital content will be implemented providing long-term storage capability, while at the same time fulfilling all legal and technical requirements.

DATA WAREHOUSING AND BUSINESS INTELLIGENCE FACILITIES

Business Intelligence is an essential aspect when in comes to the analysis, reporting and querying of data. Trends and patterns reported through Business Intelligence tools allow for strategic business decisions based on facts as well as permit the fullfilment of various reporting obligations. In order to utilise Business Intelligence, a data warehouse will be developed where data related to justice processes is extracted from various sources and transformed into meaningful information. Business Intelligence will then be applied to support analytical capabilities for decision making. The concepts and technolgoies related to data warehousing and business intelligence evolve over time and in this regard, focus will be made on the skills and resouces necessary to achieve business intelligence through either existing, enhanced or new technology.

EVENT MANAGEMENT (CALENDARING) MODULE

An Event management (calendaring) module will not only ensure central access to calendar functions for applications, but also the possibility of establishing personal calendars for users of the court information systems and special purpose applications such as the reservation of resources (for example, court rooms, means of work) and notifications through messages (email and mobile) about events created within individual Justice sector applications.

REMOTE TRAINING FACILITY

Remote training facilities will be considered in the holistic delivery of training using diverse and flexible modalities intended to accommodate the needs of the trainees and trainers alike. Every effort will be made so that online training facilities are made available to all justice users, be they profesional users or not. These facilities will target knowledge and skills gaps through the provision of easily accessible training material that shall include information videos on topical justice-related issues, guides about information systems used in the Justice Sector as well as specialised material related to the various roles present in the Justice Sector.

GOVERNANCE STRUCTURES AND PROJECT MANAGEMENT

GOVERNANCE STRUCTURES

The Ministry for Justice and Governance shall set up the necessary governance structures to ensure that the Strategy and its Action Plans are implemented and kept current in an evolving digital environment. The role of Permanent Secretary shall be to establish and head the required governance structures needed to ensure unity of action and the effective implementation of the DJS.

The governance structures shall be composed of:

- **The DJS Steering Committee:** This high-level Committee shall be composed by senior representatives of relevant stakeholders for civil and criminal justice, including judicial and other institutions. The Steering Committee should be the forum for high-level information sharing and discussion and it will ensure a proper involvement of key justice stakeholders in the planning and monitoring of the development of digital justice initiatives in Malta. It will adopt formal decisions such as the endorsement of the DJS and its Action Plans and the adoption of new Projects according to the methodology and criteria defined by this Strategy.

- **The DJS Project Teams:** A number of Project Teams shall be set-up tasked with coordinating and monitoring the implementation of key aspects of the DJS. These Project Teams will be task-driven, and each project team composition shall reflect the aim and objective that the project team will be working on, thus ensuring the achievement of the project team scope.

- **The Department of Justice:** The Department of Justice will be tasked with the coordination of the Steering Committee and the Project Teams. This is to ensure that the necessary logistical support is present for the overall implementation of the DJS.

AUDITING OF THE STRATEGY

The importance of establishing an audit strategy that addresses the execution of the digital strategy, cannot be underestimated as this would ensure that the implementation of the action plan is aligned to the strategic and fundamental principles outlined above. Auditing shall fall within the remit of the DJS Steering Board and where possible, shall be carried out by evaluators who are external to the workings of the digital justice system.

Furthermore, auditing of the Strategy shall not be solely directed at the identification and mitigation of risk but shall also investigate the process of the strategy. It shall be the role of the DJS Steering Committee to draw up an audit strategy that clearly outlines the objectives of strategy auditing, the key principles against which any audit process should be measured, the milestones in the strategy at which an audit would be due, and the applicability of the principles of transparency and accountability in the sharing of the audit results with the stakeholders.

Graphic Of Organisational Chart
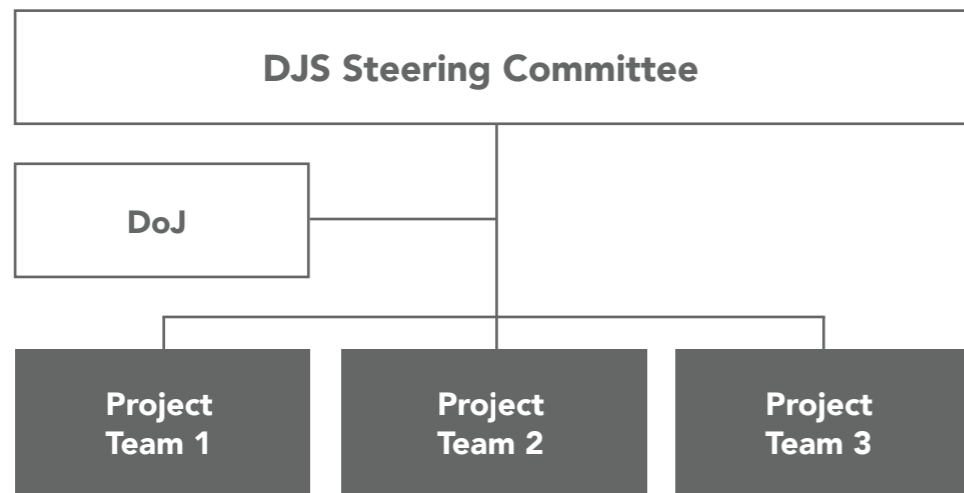

PROJECT MANAGEMENT

Different IT projects require different project management methodologies, depending on scale, subject (technical or substantial) and on the stakeholders participating in the project. Given the ever-evolving nature of digital technology, most projects will continue to be reviewed in light of emerging technologies in order to ensure that users employ the best digital means on the market. This does not mean that deliverables will only be achieved at the end of the Strategy. The Malta Digital Justice Strategy will employ a teams-based approach to project management using agile methodologies that follow very short iterative and incremental development cycles. Each cycle will deliver a working prototype which is developed and tested, and new goals are determined for the next cycle, giving the project the opportunity to adapt to the needs of the users and changing environment of the project.

Agile Methodology
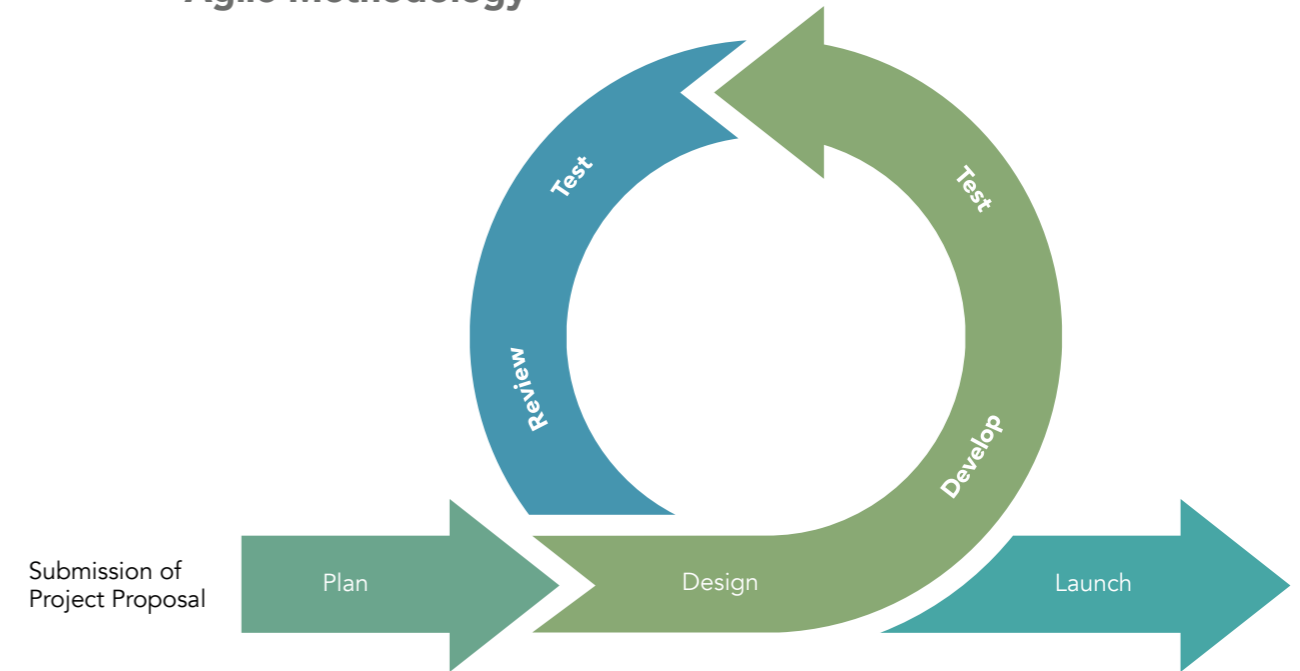
Project proposals will be initiated at or submitted to the DJS Steering Committee who would be able to evaluate each project within the scope of the Strategy. Following that, a cyclical sequence of events will take off that will ensure continuous stakeholder involvement, commitment to incremental improvements and user-centric technology in the pursuit of delivering a finalised custom-made product.

Project Management Life Cycle
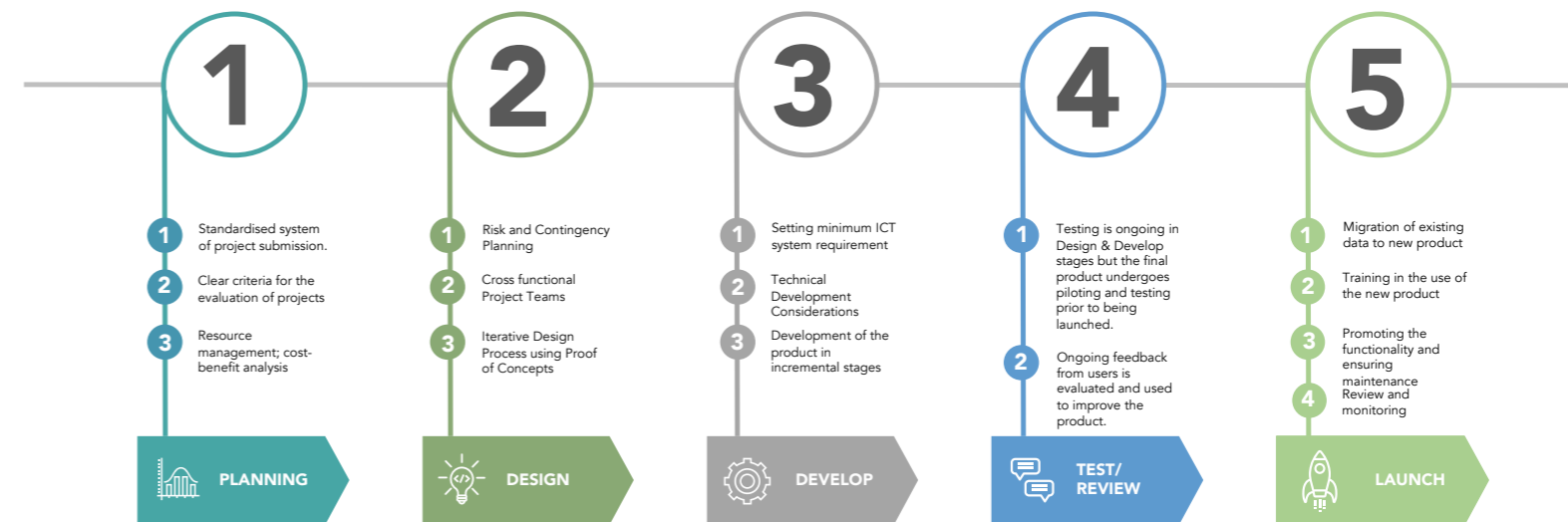
ACTION PLAN

The Action Plan presents a number of horizontal projects that will be carried out according to the Malta Digital Justice Strategy goals. Ownership of the initiatives lies with justice entities, who will however collaborate to the full with other instrumental stakeholders who form part of the justice system.

STRATEGIC GOAL 1: DIGITAL BY DEFAULT

MEASURE	ACTION	RESPONSIBLE ENTITY
Process Mapping	Commission a thorough process mapping and redesign exercise for key justice entities	MFJG CSA OAG OSA Malta Arbitration Centre Malta Mediation Centre ARB DoJ PCAC
Review of legislation	Carry out legislative amendments that will support the transition to a digital justcie system.	MFJG DoJ OSA Law Commissioner
Services provided by the Department of Justice are made Digital by Default	Digitalisation of the Criminal Records	DoJ MFJG
	Digitalisation of registration process to Practise the Legal Profession in Malta under the Home-Country Professional Title	
	Digitalisation of the Register for Legal Professionals	

MEASURE	ACTION	RESPONSIBLE ENTITY
Full digital processes are supported for the handling of more than 90% of judicial cases (courts and Tribunals)	Enhancement of DigiCourts to support the digitalisation of the civil courts	CSA MFJG OAG OSA
	Digitalisation of the criminal courts	
Setting up of case management systems for diverse justice entitites	Carry out an indepth analysis of the specific case management needs and performance parameters of each Justice entity and consolidate it in integrated case management systems for each entity	MFJG OAG OSA Malta Arbitration Centre Malta Mediation Centre Legal Aid Malta ARB
Ensuring interoperability at the European level	Secure systems in place that will ensure cross-border interoperability driven at EU level (such as e-CODEX, eEvidence, etc)	MFJG

STRATEGIC GOAL 2: ACCESS TO JUSTICE

MEASURE	ACTION	RESPONSIBLE ENTITY
Launching Gustizzja portal	Create portal to serve as the go-to portal for integration with different national portals, through the single sign on, as well as with European portals. The portal will serve as the Justice online front facing window where all information about digital services and their interlinking will be made available.	MFJG DoJ
Provide more access to information	Enhance electronic case-law search facilities	MFJG CSA DoJ Legal Aid Agency Malta Mediation Centre
	Tailored information and services for crime victims via mobile phone/PC are made available	
	Provide legal professionals with full accessibility to case files	MFJG DoJ CSA
Community outreach of justice services	Justice proximity offices for supporting less digitally literate populations are made available in local servizz.gov offices	MFJG DoJ
	Provision of support to less digitally literate population to access services and information via the online portal by legally proficient professionals.	

STRATEGIC GOAL 3: ANALYTICAL CAPABILITIES

MEASURE	ACTION	RESPONSIBLE ENTITY
Data analytics	Collection and Integration of justice data	DoJ
	Provision of support to less digitally literate population to access services and information via the online portal by legally proficient professionals.	MFJG DoJ CSA OAG OSA Legal Aid Agency

STRATEGIC GOAL 4: BUILDING DIGITAL SKILLS AND COMPETENCIES

MEASURE	ACTION	RESPONSIBLE ENTITY
Identification of training needs	A training needs analysis is carried out in order to plan the deployment of a comprehensive training strategy that will span throughout the implementation period.	MFJG DoJ CSA OAG OSA Law Commissioner Malta Arbitration Centre Malta Mediation Centre ARB PCAC
Provision of online training	Launching of an online information and training platform that will provide 24/7 information videos on the use of digital tools	MFJG DoJ