

aditus foundation welcomes the Justice Reform Commission

aditus foundation views the recently established Justice Reform Commission as a very positive step towards ensuring the fundamental human right of access to justice for all persons. The right to an effective remedy, to equal treatment before the law and to a fair trial are central to protecting all other human rights.

The right of access to justice is enshrined in key legal instruments to which Malta is a party, namely the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union.

“As a non-governmental organisation actively involved in monitoring, reporting and acting on access to human rights, we are keen to follow the Commission’s progress closely and to offer our input where necessary. We will definitely be presenting a number of recommendations to the Commission and look forward to engaging in fruitful discussions.”
(Dr. Neil Falzon, Director, aditus foundation)

Having reviewed the Commission’s Terms of Reference, we would like to raise some preliminary points which we feel are central to the overall review of access to justice in Malta.

The administration of justice is not, and should not be, limited to the Maltese courts of law. A number of other entities have been established for this purpose: for example, the Office of the Ombudsman, the National Commission for the Promotion of Equality (NCPE), the Industrial Tribunal, the Immigration Appeals Board and the National Commission Persons with Disability (KNPD). Their mandates include receiving applications for persons claiming to be victims of human rights violations and providing remedies.

Insofar as these entities and procedures are able to assess whether a human rights violation has actually occurred and to order a remedy where applicable, they are central stakeholders in the national justice framework. aditus foundation strongly recommends their inclusion in the Justice Reform Commission’s mandate, in accordance with the intention that it undertake a “holistic review of the justice system.”

Furthermore, although we are confident that the Commission’s members will guarantee an inclusive approach, aditus foundation would like to underline the importance of ensuring appropriate consideration of persons facing particular challenges when attempting to seek redress.

“We know of several cases wherein justice is a remote possibility and securing rights is perceived as the prerogative of others. The situations of children, victims of crime, migrants and economically disadvantaged persons immediately come to mind.”

For these groups of persons, the Justice Reform Commission represents a possible broadening of the term ‘access to justice’ to be truly fair and effective.

2 April 2013

aditus is an independent, voluntary & non-profit organisation established with the intention to monitor, report & act on access to fundamental human rights by individuals & groups.

aditus believes in the *universality, interdependence & indivisibility* of all human rights & strives to promote their understanding & application. While **aditus'** focus is Malta, it works towards highlighting the regional & international dimensions of national human rights issues.