

In this policy paper, the Ghaqda Studenti tal-Liġi interrogate the situation of victims of crime in relation to magisterial inquiries to determine how the rights of these victims can be improved. To arrive at a list of proposed suggestions, the Law Students' Society traces the development of victims' rights in Malta, mainly in the Criminal Code and in the Victims of Crime Act, and outlines the current state of play in so far as victims of crime's rights are concerned as to their limited participation in the in genere inquiry, minimal access to the acts of the magisterial inquiry whilst the inquiry is still ongoing and after its conclusion, the locus standi of the Attorney General in the inquiry especially once the inquiry is concluded, and the latter officer's power to take further action in the proper interest of criminal justice and of victims of crime. Sometimes the interests of the Attorney General do not tally with those of victims who will then have to call upon the courts – through an action for judicial review of the Attorney General's decision – to hold the latter accountable. The policy paper further reviews pertinent case law on the subject.

The policy paper examines pertinent international standards on victims' rights, especially the case law of the European Court of Human Rights. It also evaluates similar laws in England and Wales, Scotland, and France to learn from the experience of these foreign jurisdictions, in particular, the improvements made in their criminal justice system to enhance victims' rights. The policy paper then examines Maltese Law on victims' rights from the perspective of Article 2 of the European Convention on Human Rights and concludes by making valid proposals on how Maltese Criminal Law can be ameliorated in the light of the foreign law surveyed in this study, the case law of the European Court of Human Rights, and the deficiencies extant in Maltese Law. The law maker is provided in this policy document with pertinent and valid food for thought to charter the way ahead for the Maltese criminal justice system.

Professor Kevin Aquilina



9 789918 952540