

ANNUAL REPORT 2023

PARLIAMENTARY OMBUDSMAN MALTA




OMBUDSMAN

for the period
JANUARY - DECEMBER 2023

Presented to the House
of Representatives Malta
pursuant to Section 29 of the
Ombudsman Act, 1995





OMB/6/9/27

July 2024

The Honourable Dr Angelo Farrugia
President of the House of Representatives
Parliament of Malta
Freedom Square
Valletta

Mr Speaker

In terms of Section 29 of the Ombudsman Act 1995, I am hereby submitting the Annual Report concerning the performance of the Office of the Ombudsman for period covering January to December 2023.

The Annual Report includes an oversight of the activities and initiatives taken during that year as well as relevant data regarding the conduct of the investigation of complaints. It also includes reports by the Commissioners for Education, Health and Environment and Planning covering the same period.

Yours sincerely

Judge Emeritus Joseph Zammit McKeon
Parliamentary Ombudsman

Foreword



The results that are outlined in this report have come about following my appointment as Ombudsman on the 8 March 2023 by the President of Malta following my approval by a unanimous vote of the House of Representatives.

In the Annual Report for 2022, I had stated that for the five-year period 2023-2028, I intended to consistently reaffirm, through tangible and positive action, the primary role of the Ombudsman, that being the resolution of complaints by persons with regard to acts or omissions on maladministration by Government (as defined in Chapter 385 of the Laws of Malta). As an overseer of Government, the Ombudsman has to ensure that the public administration conducts itself lawfully, makes decisions reasonably, and treats all persons equitably and fairly.

I state with reasonable certainty that this role was adequately fulfilled in 2023.

However, the Office did not stop there but continued in its other objective, that being to better the services of the public administration by means of recommendations following investigations and operations.

I strongly believe that in the public service there are officials who are professional and sensitive enough to decide what is right (and oppose what is wrong) not simply in order to make better the workings of Government but also to improve with hard facts the everyday lives of people who knock at the doors of the public administration, the largest employer in this country.

Furthermore, last year I made a clear and unequivocal statement which I reaffirm for 2023 that the Office of the Ombudsman has all its cards in order to sustain its mission to become Defender and/or Protector of human rights. I state with conviction that persons do find comfort in the Office of the Ombudsman.

In 2023 I have done my very best to convince Government that, in the interest of the common good, recommendations made by the Office merit and should receive prompt implementation. I confess that I have done my fair share to move Government in the proper direction. I have encouraged Government to move away from arguments that favour a status quo approach. It is the duty of Government to ensure fairness in its operations, and to change for the better the condition of people who require attention and care.

As an independent Officer of Parliament, I have made efforts to see tangible improvement in the practices of Government services. The Office has a duty to be there to help out when internal or external challenges that the country faces from time-to-time place pressure on persons, especially the vulnerable.

For the accomplished results that are borne in this report, merit is also due to the three Commissioners within the Office of the Ombudsman, namely Chief Justice Emeritus Vincent De Gaetano (Education), Perit Alan Saliba (Environment and Planning) and Professor Ray Galea (Health).

In my first year in office, I moved out to reach out to the public. I maintained this approach in 2023 as well. I have made efforts to nurture existing relationships and establish new ones to understand better how I can help to give fairness to all who have a right to fair treatment. At the Office I have embarked on an open-door policy for all persons of goodwill, no one excluded, Government entities included. I want to listen because I am more than convinced that only if I listen can I act promptly and effectively.

In 2023 the Office has played its part through a range of activities aimed at protecting the rights of people, and promoting governance, accountability and transparency in the public administration. This attentive lookout helps to identify and resolve problems.

I am satisfied that 2023 has been a positive year for the Office. The results that have been achieved would not have been possible without the dedication of all staff without any distinction whatsoever at the Office. I am grateful to all and thank them. They all worked hard and the Office has benefitted immensely from their dedication. It is through the collective contribution and commitment of staff that the Office can satisfy the statutory mandate that Parliament has accorded to the Office.

It is therefore indeed my pleasure to submit this Annual Report for 2023 of the Office of the Ombudsman to the House of Representatives in terms of the Ombudsman Act 1995 (Chapter 385 of the Laws of Malta).

Judge Emeritus Joseph Zammit McKeon
Parliamentary Ombudsman

2023 at a glance

Total Incoming Complaints

January – December 2023



2023:
528 +22% ↗

Complaints received

January – December 2023



Ombudsman

294 +56% ↗



Commissioner
for Environment
and Planning

92 +5% ↗



Commissioner
for Health

91 -19% ↘



Commissioner
for Education

51 +13% ↗



Assistance given
to the public

322 +3% ↗

Total Finalised Complaints

January – December 2023



2023:
462 -4% ↘



Ombudsman

228 +7% ↗



Commissioner
for Environment
and Planning

101 +20% ↗



Commissioner
for Health

85 -38% ↘



Commissioner
for Education

48 -6% ↘

Total Pending Complaints

January – December 2023



2023:
269 +33% ↗



Ombudsman

158 +72% ↗



Commissioner
for Environment
and Planning

21 -30% ↘



Commissioner
for Health

73 +9% ↗



Commissioner
for Education

17 +21% ↗

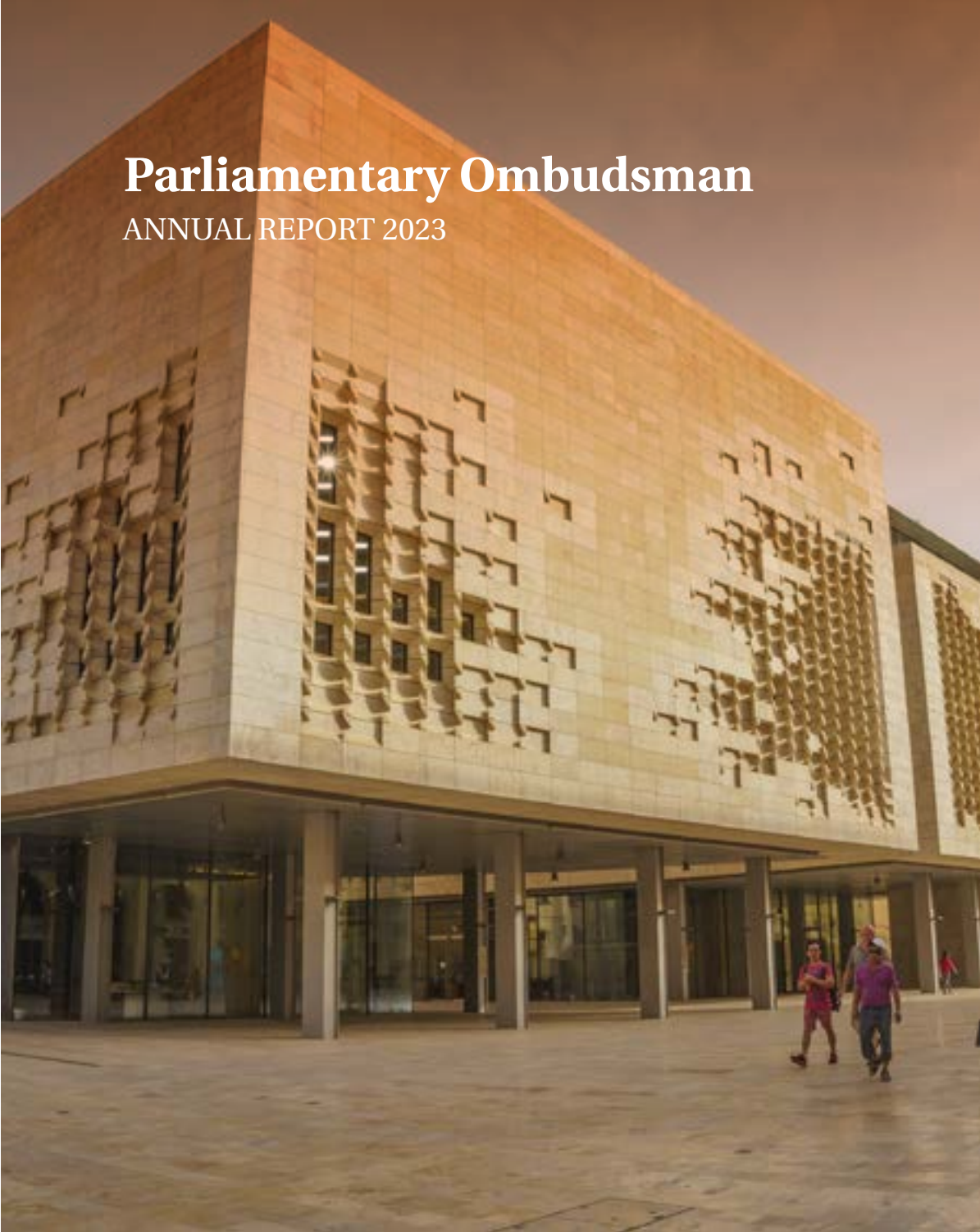
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Parliamentary Ombudsman

ANNUAL REPORT 2023



A YEAR OF CHANGE

A credible and trusted institution, closer to the people

Introduction

This is the first annual report since the appointment of Judge Emeritus Joseph Zammit McKeon as Ombudsman on 8 March 2023. The initial weeks of 2023 were marked by the Parliamentary process leading to the appointment of the current Ombudsman, following a prolonged period of anticipation and discussion, and these weeks served to prepare the Office for the transition from Mr Anthony C. Mifsud's tenure as Parliamentary Ombudsman to Judge Zammit McKeon's appointment. As with his three predecessors, the vote in the House of Representatives was unanimous. This democratic endorsement legitimises the function of the Office and strengthens its commitment to serve. Despite the two-year duration of this process, the constitutional requirement for a minimum two-thirds majority parliamentary vote should remain to underscore the vital importance of the Office in this country.

Upon his appointment as Ombudsman, Judge Zammit McKeon made it his mission to resolve persons' complaints and help improve the services of the public administration fairly and reasonably.

Taking Stock

The Office of the Ombudsman commissioned two independent surveys targeting the general public and former office users to assess the state of the institution. The feedback received was encouraging and instrumental in shaping the office's future direction. The surveys revealed a strong foundation, increased public awareness, and recognition of the office's role in promoting justice, fairness, and accountability in public services.

1. General Public Survey: Key Findings

The survey targeting the general public revealed significant insights. Overall awareness about the Ombudsman increased from 70% in 2015 to 90.87% in 2023, although a gap remains among those aged 25-34, with 21% unaware of the Ombudsman's role and functions.

The Office enjoys higher credibility (3.41 out of 5) than other institutions such as the Church, Media, Parliament, Political Leaders, and Political Parties. Media played a significant role in increasing awareness, with 59% of respondents having heard about the Ombudsman through the media.

Additionally, the number of people correctly identifying the current Ombudsman increased from 77% in 2015 to 88%. Understanding of the Ombudsman's role improved, with only 7.91% not knowing compared to 10% in 2015. A misconception persists about the Ombudsman's jurisdiction, with 48.2% thinking it includes both public and private sectors, while 45.4% correctly identified it as public sector only. Fewer people felt the need to complain against the public administration, down to 23.2% from 34% in 2015, though the complexity of the complaint process deterred 29% of potential complainants. The willingness to turn to the Ombudsman in case of a complaint declined significantly, from 84% in 2015 to a score of 2.99 out of 5. Awareness that the Parliament appoints the Ombudsman increased from 33% in 2015 to 54.7%. The perception of the Ombudsman's independence and effectiveness also dropped, although qualities such as impartiality, independence from government, and trustworthiness were highly mentioned as the Ombudsman's attributes.

2. Survey of Former Users: Key Findings

The survey targeting former users also provided valuable insights. The majority of users (46%) learned about the Ombudsman through traditional media, followed by friends/family (14%) and the workplace (12%). Awareness of the Ombudsman's name stood at 23.2%, with 99.6% agreeing that the Ombudsman should scrutinise public complaints regarding government entities. The primary reasons for approaching the Ombudsman were believing in a higher chance of resolution (45.7%) and seeking guidance (13.4%).

Regarding satisfaction, the Net Promoter Score (NPS) stood at 27.6, with 51.6% of participants actively endorsing the Office's services. Users who recommended the service cited good complaint investigation (24%), neutrality (17.8%), and provision of guidance and support (16.3%) as significant merits. While 60.6% believed the decision on their complaint was fair, 29.4% disagreed, primarily due to unexpected investigation conclusions and a perceived lack of power by the Ombudsman to enforce recommendations.

60.6% felt that the decisions made post-investigation were just, and a significant 29.4% felt otherwise. Most of those who deemed the decision fair hailed from the public sector (64.3%). Those dissenting pointed to the investigation conclusions not aligning with their expectations (32%) and the perceived inability of the Ombudsman to enforce recommendations (18%).

Over half of the users (54.1%) acknowledged that the final recommendations they received were backed with valid reasons, and 56.5% felt their side of the story was thoroughly considered before arriving at the final decision. However, 55.3% of users felt that the respective public authorities did not effectively enforce the recommended solutions from the Office of the Ombudsman.

Communication was generally well-received, with 95.2% of users content with the communication mediums employed by the Office, particularly emails (47.3%). There were, however, demands for more personal communication methods, such as face-to-face conversations (38.5%) and telephone conversations (30.8%). Users marked a high satisfaction level with the frequency of communication, scoring a mean of 4.18 out of 5. The friendliness of staff handling complaints received the highest rating, with a mean score of 3.65 out of 5. Statements about the thoroughness of information collection and understanding of cases both received a mean score of 3.35. Information relayed by the Office was noted for being easy to understand (89.9%), clear (88.9%), and precise (85%).

3. Future Actions

Despite these positive indicators, some areas require attention, particularly regarding the public's understanding of the Office's purpose. While the law clearly states that the Ombudsman oversees the performance of the public sector, a common misconception persists about the Office's involvement in private-sector issues.

The Office of the Ombudsman plans to increase awareness, particularly targeting the 25-34 age group, utilising social media channels to address these issues. Efforts will be made to continuously explain the Ombudsman's role and jurisdiction, emphasising its independence from government interference. Success stories where the Ombudsman's intervention made a difference will be highlighted to increase credibility and counter the perception of negative results and inefficacy. The person behind the role will also be promoted, showcasing his experience, qualifications, and commitment to justice.

To address the identified issues, the Office of the Ombudsman will draft a Strategic Document for the next four years (2024-2028), to be published during 2024. This document will outline the strategic vision and objectives, ensuring the Office continues to enhance its services and maintain its commitment to justice, fairness, and accountability in public administration.

Closer to the People

From the very first day in office, alongside the Commissioner for Education, the Commissioner for Health, and the Commissioner for Environment and Planning, the present Ombudsman embarked on wide-ranging and comprehensive outreach activities. The Office has worked diligently to increase its visibility and, most importantly, promote the assurance that as long as complaints fall within its mandate, the Office is there to assist.

During 2024, the Office endeavoured to reach out to individuals who, despite requiring its services, are hesitant to make contact, often due to a lack of awareness of its independent, autonomous and pragmatic approach. The Office has utilised

“*own initiative*” investigations to address issues highlighted by public outcry, media reports, and revelations during complaint investigations. Outreach initiatives have included media interviews, participation in information events, meetings with NGOs representing vulnerable populations, and visits and meetings with ambassadors of highly represented communities in Malta. In 2024, the Office is committed to continuing these initiatives, making them more incisive to bring about positive change.

In the third section of this Annual Report, there is a dedicated chapter, ‘From the Ombudsman’s Diary’, which outlines the various initiatives undertaken to inform and educate the public about the Ombudsman’s role, give a voice to the voiceless, and reach out to those who need to understand how the institution can assist.

Increase in Caseload

During 2023, the Office of the Ombudsman handled a total of 528 cases, representing an increase of 22% compared to the previous year’s caseload. Of these 528 cases, 294 were investigated by the Parliamentary Ombudsman, marking a remarkable increase of 56% from the previous year. Additionally, 91 cases were addressed by the Commissioner for Health, reflecting a 19% decrease from 2022, while 92 cases were managed by the Commissioner for Environment and Planning, representing a 5% increase. Lastly, the Commissioner for Education handled 51 cases, a reduction of 13% from the previous year.

This increase can be attributed primarily to the efforts made following the appointment of the new Ombudsman to enhance the Office’s visibility and bring it closer to the public through various outreach initiatives that are now bearing fruit. Between January and December 2023, the number of completed investigations increased by 7%, rising from 213 in 2022 to 228 in 2023. As of the end of 2023, the pending caseload stood at 158, marking a 71% increase from the previous year. This significant rise is primarily attributed to the increase in caseload during the last three quarters of the year.

The third section of this Annual Report, ‘Performance Review 2023’, provides a detailed analysis of the statistics related to the caseload.

A better and more Responsive Public Administration is a must

One of the priorities of the Office of the Parliamentary Ombudsman following the appointment of Judge Joseph Zammit McKeon was to establish improved communication channels with the public administration. The Office has concerns about the relationship between the institution and the public administration. For the benefit of those seeking redress at the Office of the Ombudsman, it was essential to find a more efficient way to discuss and facilitate the transfer of information

required for investigations and to ensure that the Ombudsman's recommendations are implemented without hesitation or delay.

At the beginning of his mandate, the Ombudsman initiated a series of contacts and discussions with the public administration to improve the working relationship. In general, the Office has found tangible cooperation from various entities within the public administration, some more responsive than others. Regular meetings have significantly improved this cooperation.

Following talks with the Head of the Civil Service, the Principal Permanent Secretary, Mr Tony Sultana, a new layer was introduced into the system where, if a permanent secretary does not act on an Ombudsman's report, that report is sent to the Governance Section at the OPM instead of going directly to the Prime Minister. This new layer alerts the OPM that the entity did not act upon recommendations. If the state of affairs persists nonetheless the matter is brought to the attention of the Hon. Prime Minister. If the Hon. Prime Minister also declines to act, the report is sent to Parliament and made public.

Adopting a proactive approach, the Office of the Ombudsman monitors areas with manifest and repeated instances of poor public administration with a view to pushing for remedies. However, public entities must do their part and strive to improve their practices. The public administration must recognise that it has a primary duty to reach out through committed action programmes to an increasingly wide spectrum of service recipients. These include the vulnerable, people without a voice, those who are afraid, and others who are sceptical of the workings of the public administration. When the public administration treats persons dismissively, it should not be surprised when they become fiercely critical of the public administration.

The target for 2024 is to insist with the public administration to be more open when responding to complaints, timely in providing written replies, and more willing to implement recommendations, particularly those that significantly improve the lives of the people.

Relations with Parliament

The Ombudsman and the Commissioners are officers of Parliament. Therefore, a fruitful working relationship with Parliament is vital.

In 2023, several were the instances where the Ombudsman and the Commissioners exercised their discretion, according to law, to refer final reports regarding investigations to the House of Representatives when the public administration did

not implement the recommendations. Every time a report was sent to Parliament, it was promptly tabled by the Speaker of the House. Following this, publication occurred on the Office's website and, more often than not, in the media. The fourth section of this Annual Report, 'From the Ombudsman's Case Load', briefly summarises each of these reports.

Unfortunately, as the law stands at present, the matter stops there, as neither the House nor its committees formally discuss these reports. The Ombudsman has long advocated for final opinions referred to the House of Representatives to be discussed by an appropriate Committee of the House. The current Speaker of the House also supports this approach. He has publicly proposed that just as the Public Accounts Committee reviews reports of the Auditor General, a Standing Committee on Public Administration should deliberate on the reports submitted by the Ombudsman and the annual Governance Action reports compiled by the Office of the Principal Permanent Secretary. He emphasised that the House of Representatives, the Ombudsman, and the Principal Permanent Secretary share a common goal: to promote good governance and excellence in public administration. This shared interest should foster a spirit of cooperation.

Meetings with the Party Whips of both Government and Opposition were organised to discuss this proposal and explore ways for the Ombudsman's reports to be discussed in Parliament. The Office favours a more structured approach to address unresolved issues. When recommendations are not implemented by the public administration and are referred to Parliament, and after they are tabled by the Speaker (as is currently the case), they should also be scrutinised by a Select Committee bound to propose binding solutions (which is not the case now). This approach would be more consistent with the recommendations made by the Venice Commission for effective parliamentary oversight.

As of the end of 2023, no development had occurred. The Office of the Ombudsman will continue to engage with both sides represented in Parliament to find ways to strengthen the relationship between the Ombudsman and the House of Representatives.

The Defence of Human Rights

Malta is one of the four countries in the European Union and one of the ten countries in the Council of Europe without a National Human Rights Institution (NHRI) as defined by the UN Paris Principals.

For years, the Office of the Ombudsman has advocated the establishment of an NHRI in Malta, emphasising that the Ombudsman could naturally extend its current remit to include a broader human rights mandate. This proposal aligns with the

practices of many European countries where ombudsman institutions also function as NHRIs. The Ombudsman Act 1995 already empowers the office to investigate complaints *inter alia* about unjust, oppressive, or improperly discriminatory acts or omissions, laying a solid foundation for such an expansion.

The Office operates with formal and functional independence and is sustained by adequate resources and financial autonomy.

Proposal for Establishing an NHRI in Malta

In 2013, the Office of the Ombudsman proposed the setting up of an NHRI in Malta to monitor, promote, and ensure the observance of fundamental human rights. The proposal suggested that the Office should serve as a catalyst and central point for coordinating the human rights-related activities of various national institutions and authorities, both public and private. This approach aimed to provide a comprehensive overview of the protection level afforded to individuals against violations of their fundamental rights.

In 2015, the Government issued a White Paper titled 'Towards the Establishment of the Human Rights and Equality Commission'. Subsequently, the Office of the Ombudsman reflected on this White Paper.

The Ombudsman acknowledged the general consensus in principle on the proposals in the White Paper, viewing them as a positive step. However, the Ombudsman was of the view that existing structures should not be weakened or demotivated. The effectiveness of the proposed Human Rights and Equality Commission (HREC) depended on its integration and complementarity with existing institutions within Malta's legal order.

Concerns and Recommendations

Regarding the proposed Equality Act, the Ombudsman cautioned against oversimplification, noting that broad interpretations by judicial or quasi-judicial bodies and monitoring authorities could lead to jurisdictional conflicts, counter-productive litigation, and contrasting decisions. The Ombudsman recommended comprehensive consultation with national authorities responsible for protecting vulnerable individuals and specific human rights.

In dealing with the proposed HREC, the Ombudsman stressed the need to debate and determine whether the suggested model met Malta's needs, considering its democratic development level, general human rights observance, and the quality and efficacy of its judicial and quasi-judicial authorities.

Impact of the dissolution of Parliament on Legislative Progress

The dissolution of the Thirteenth Legislature on February 20, 2022, resulted in the lapse of all pending legislative items, including the Equality Bill and the Human Rights and Equality Commission Bill. The subject matter of the two Bills was not repropounded.

NHRI Models as Ombudspersons in EU Member States

National Human Rights Institutions (NHRIs) within the European Union adopt various organisational forms, reflecting each member state's diverse legal and political landscapes. The Paris Principles, which guide the creation of NHRIs, allow for flexibility in structure, enabling every country to tailor its NHRI in accordance with its specific national context while adhering to the principles' minimum standards.

Integrating NHRI functions with Ombudsman roles is particularly noteworthy among these varied models. This combination enhances NHRIs' capacity to promote and protect human rights and effectively address public grievances.

The Future

Since the current Ombudsman's appointment, a concerted effort has been made for the creation of an NHRI for Malta without delay.

Due to the lack of tangible progress over the past two years, the Office of the Ombudsman has again proposed integrating the functions of an NHRI within its existing structure—a move seen as both practical and necessary under the circumstances. A proposal in this sense was sent to the Prime Minister in November 2023.

The Office of the Ombudsman also formally applied for Associate Membership of the European Network of National Human Rights Institutions (ENNHRI). In the application, the Parliamentary Ombudsman of Malta sought to highlight the unique position and potential of the Ombudsman's Office in fulfilling the role of a National Human Rights Institution (NHRI) for Malta. The application for Associate Membership was approved, and the Office is already actively involved in the initiatives taken by ENNHRI.

Advantages of designating the Ombudsman Institution as the National NHRI in Malta

The proposal to recognise the Ombudsman institution in Malta as the National Human Rights Institution (NHRI) presents several significant advantages, reflecting both the existing framework of the Ombudsman Act and the practical benefits of leveraging an established institution. These advantages include:

Alignment with the Paris Principles: The Ombudsman Act 1995 already lays a strong foundation for the institution to function as an NHRI. Its provisions adjust well with the Paris Principles as far as independence, mandate, and authority to address human rights issues. This alignment facilitates a smoother transition to NHRI status without the need for extensive legal overhauls.

Established institutional framework: Utilising the existing Ombudsman, the institution capitalises on its established operational framework. This means there is an existing infrastructure, experienced personnel, and established procedures for handling complaints and promoting human rights. This continuity ensures stability and can enhance public trust and credibility.

Efficiency in resource utilisation: By adopting the existing Ombudsman institution as the NHRI, Malta can achieve greater efficiency in resource utilisation. This approach avoids the duplication of resources and administrative structures that would be involved in setting up a new NHRI from scratch.

Rapid implementation and continuity: Leveraging the existing institution allows for more rapid implementation of NHRI functions. It ensures continuity in handling ongoing human rights issues and complaints, providing uninterrupted service to the public.

Enhanced Public Awareness and accessibility: The institution, already known to the Maltese public, can readily assume the NHRI role, making it easier for citizens to understand and access their human rights protections. This familiarity can lead to increased engagement and trust in the institution's role in safeguarding human rights.

International recognition and collaboration: As an NHRI in accordance with the Paris Principles, the Ombudsman institution would be able to collaborate more effectively with international human rights bodies. This would enhance Malta's standing in the international community and allow for greater participation in global human rights dialogues and initiatives.

In conclusion, designating the Office of the Ombudsman as the National NHRI in Malta presents a practical, resource-efficient, and effective approach to strengthening the country's commitment to human rights. It leverages existing structures and expertise while aligning with international standards, positioning Malta to address the evolving human rights landscape better domestically and internationally.

The Right to Good Administration

The Office of the Ombudsman organised an international conference in Malta to examine whether the right to good administration is a myth, aspiration, or reality. The conference was held in collaboration with the Association of Mediterranean Ombudsmen on October 31 and November 1 2023. Ombudsmen from Mediterranean and European countries, together with local and foreign academics and representatives of the Maltese public administration, participated in the sessions.

The right to good administration is embodied in Article 41 of the Charter of Fundamental Rights, which, by virtue of the Lisbon Treaty, is part of the laws of Malta. The Office believes the time is mature for a wide-ranging discussion and eventual consideration of enshrining this right for domestic law purposes and the possible inclusion in the Constitution of Malta. This democratic objective should be debated seriously and substantively, with the aim of reaching a conclusion within a reasonable timeframe for the benefit of the country.

As a nation, we must move forward to ensure that governance and accountability are safeguarded on all counts for the benefit of all. This should not merely be a desideratum but can be achieved by placing the principle above day-to-day party-political debate, promoting a healthy and meaningful dialogue that centres on the person in democratic activity.

The overriding principle of the right to good administration is founded on the need for public administration to operate with transparency, fairness, and accountability. Recognising this right domestically would stimulate a clear decision-making process, adherence to just procedures, and rejection of improper discrimination by public offices.

The conference addressed the right to good administration within the broader human rights and privacy context. Given the rapid societal changes brought about by technological advancements, maintaining a balance between fundamental rights and the often-arduous requirements of public administration is increasingly crucial. The conference also analysed the evolving dynamics between state offices and public administration. The intricate relationship between independent state bodies and the broader public administration forms the bedrock of modern governance. A particular plenary session of the two-day conference explored this relationship's multifaceted nuances, emphasising the importance of fostering a true spirit of collaboration and mutual respect.

The role of the Ombudsman is not merely resolving complaints or mediating where necessary but championing persons' rights. To maximise the relevance of their mission, ombudsman institutions must be proactive, maintain ongoing engagement with society, and be responsive to everyday challenges.

The Right to Good Administration: Myth, Aspiration, or Reality?

The first day of the Ombudsman Conference in Malta commenced with a keynote address by the Parliamentary Ombudsman of Malta, Judge Emeritus Joseph Zammit McKeon. Insights followed from the President of the AOM, Dr Andreas Pottakis, a special video message from the European Ombudsman, Ms Emily O'Reilly, and a keynote speech by the Speaker of the House of Representatives of Malta, the Hon. Anglu Farrugia.

The initial plenary session focused on the crucial role the Ombudsman plays in democracies, acting as a vital link between the public and administrative bodies and working towards ensuring transparency in administrative decisions. The session, chaired by Ms Erinda Ballanca, People's Advocate of Albania and Vice President of the AOM, included panellists such as Dr Ivan Mifsud, Dean of the Faculty of Laws at the University of Malta, who provided an insightful overview of the legal underpinnings of the Ombudsman institution. Ms Caroline Martin from the Council of Europe's Venice Commission elaborated on the "Venice Principles," which are fundamental in guiding the establishment and functioning of Ombudsman institutions.

Mr Tony Sultana, Malta's Principal Permanent Secretary, shared his perspective on the interplay between the Ombudsman and public administration, stressing the mutual advantages arising from their collaboration. The discussion then explored the Ombudsman's commitment to voicing the concerns of individuals and legal entities, ensuring they are duly addressed by administrative bodies.

The subsequent plenary session delved into the topic of 'The Right to Good Administration, Human Rights, and Privacy'. Presided over by Mrs Marina Ceysac, the High Commissioner for the Protection of Rights, Liberties, and Mediation from the Principality of Monaco, the session featured esteemed experts dissecting the complex interrelation between these elements.

From the University of Malta, Professor Kevin Aquilina analysed the right to good administration within the international, regional, and domestic law framework. Ms Maija Sakslin, Finland's Deputy Parliamentary Ombudsman, provided an international perspective, tracing Finland's journey in recognising good administration as a core right and a binding administrative obligation. Chief Justice Emeritus Vincent De Gaetano, currently the Commissioner for Education in the Office of the Ombudsman in Malta, navigated through the interdependent

relationship between the Rule of Law, Fundamental Human Rights, and the Right to Good Administration. Mr Ian Deguara, Malta's Information and Data Protection Commissioner discussed the right to good administration, focusing on data protection. Mr Şeref Malkoç, the Chief Ombudsman of Türkiye, shared proactive measures taken by the Turkish Ombudsman Institution, highlighting its dedication to encouraging good administrative conduct and championing human rights.

Independent offices of state and the public administration

The final day of the conference began with the Third Plenary Session, which deliberated on strengthening relationships between independent state offices and public administration. Chaired by Dr John Stanton, Senior Lecturer in Law at The City Law School, City, University of London, the session aimed to understand how collaboration and mutual appreciation between these institutions might be nurtured.

Prof Edward Warrington, delivered by Dr George Vital Zammit, explored perspectives from small, democratising, or post-conflict states. The panel featured Mr Charles Deguara, Malta's Auditor General, whose duties in supervising Malta's governmental financial integrity are paramount. Mr Mohammed Benalilou, Mediateur from the Kingdom of Morocco, shared his profound understanding of Moroccan governance systems, and Dr Reno Borg, Malta's previous Arbiter for Financial Services, illuminated the intricacies of the financial sector and his distinctive role within it.

Reaching out to the people

The subsequent session, "*Reaching Out to the People: The Ombudsman as the Defender of the People*", was presided over by Dr Tamar Gvaramadze, the First Deputy Public Defender from Georgia. This session emphasised the Ombudsman's role in articulating and addressing public grievances, reinforcing community trust and ensuring transparency in administrative dealings. Panellists included Mrs Maria Stylianou, Commissioner for Administration and the Protection of Human Rights of Cyprus, Dr Paul Cachia, Chairperson of the Malta Arbitration Centre, and Mr Peter Svetina, Ombudsman of Slovenia and Vice President of the AOM.

The closing session began with a comprehensive report by the conference rapporteur, Dr George Vital Zammit, summarising the dialogues and primary conclusions. This was followed by the unveiling and endorsement of the Malta Declaration by Judge Emeritus Joseph Zammit McKeon. The declaration underscores the pivotal role of sound administration in governance and societal prosperity. The conference concluded with remarks by the Leader of the Opposition, the Hon Bernard Grech, and the Prime Minister of Malta, the Hon Robert Abela.

These initiatives and discussions underscore the Office of the Ombudsman's ongoing commitment to upholding high standards of good administration, human rights, and privacy, ultimately enhancing the quality of governance and public trust in Malta.

At the end of the conference, The Malta Declaration which is being published as an Annex to this Annual Report, was unanimously approved.

Raising the Profile of the Institution in International Fora

The Association of Mediterranean Ombudsmen

The Office of the Ombudsman aimed to re-establish its influential role in international forums. Engagement in international ombudsman organisations is pivotal for sharing best practices and experiences and tackling common issues.

The Parliamentary Ombudsman of Malta serves as the Secretary General and Treasurer of the Association of Mediterranean Ombudsmen (AOM). The AOM protects and promotes fundamental rights in the Mediterranean region. The Association facilitates the exchange of experiences and initiatives among member institutions and enhances cooperation with European and international partners.

In the spirit of solidarity and good neighbourliness, AOM members are committed to mutual support and engaged in dialogue that transcends borders and governance differences. The Association works closely with other institutions dedicated to human rights promotion and protection.

Common goals among AOM members include advancing the principles of democracy, good governance, the rule of law, and social peace while raising citizens' awareness of their rights and obligations. Member institutions are committed to protecting fundamental rights and contributing to a fair and equitable society. The roles of Secretary General and Treasurer enable the Ombudsman to sit on both the Governing Board and the Association's Executive Board.

In 2023, the AOM convened twice. The first meeting took place in May in Pristina, Kosovo, where the Ombudsman participated in a three-day conference titled "*Integrity and Independence of Ombudsman Institutions: Resilience Amidst Challenges.*" The second meeting was held in Malta, where Ombudsmen from the Mediterranean and Europe attended a two-day conference on the right to good administration.

The European Network of Ombudsmen

Another significant meeting in 2023 was with the European Ombudsman, Ms Emily O'Reilly, in Brussels. The discussion focused on further collaboration within the European Network of Ombudsmen (ENO). Judge Joseph Zammit McKeon emphasised his top priority of bringing the Office closer to the people and improving relations with public administration during complaint investigations. He shared plans for initiatives to enhance public awareness and understanding of the Ombudsman's role.

EU Ombudsman Emily O'Reilly highlighted the importance of the European Network of Ombudsmen in promoting good administration across member countries. Both Ombudsmen reaffirmed their commitment to improving good administration at European and national levels.

By sharing best practices and experiences and learning from each other, ENO members aim to strengthen their institutions, contributing to a more responsive and inclusive governance system that serves all people's best interests. In November, Judge Zammit McKeon attended his first ENO meeting, focused on "*Protecting Human Rights: Approaches to Migration and Artificial Intelligence*," held at the European Parliament.

The International Ombudsman Institute

In 2023, the International Ombudsman Institute (IOI) conducted internal elections to elect members of its regional and world boards. As part of its mission to raise the institution's profile and Malta's in international fora, the Parliamentary Ombudsman contested the election for the IOI's European Regional Board.

Established in 1978, the IOI is the primary global organisation fostering cooperation and knowledge exchange among more than 200 independent Ombudsman institutions from over 100 countries. The IOI is divided into six regional chapters, each supporting its members through training, research, and subsidies for projects to enhance good governance.

For the first time in the history of the Office of the Ombudsman in Malta, Judge Joseph Zammit McKeon was elected to the European Region Board of the IOI. This significant achievement places Malta at the forefront of international efforts to promote good governance and uphold principles of justice and fairness in public administration.

The recent European Region Board of Directors elections involved over 90 ombudsmen and European human rights institutions. The board consists of seven Directors, five of whom also serve on the IOI Board of Directors at the global level.

As one of the five members who received the most votes, Judge Zammit McKeon will also serve on the IOI Board of Directors at the global level.

Judge Zammit McKeon's nomination centred around four key issues:

1. Research and training of Ombudsmen and their teams, particularly on issues impacting individual rights in the digital age.
2. Actively advocating for concrete discussions on the evolving role of the Ombudsman.
3. Supporting the development and execution of projects that enhance the accessibility and impact of Ombudsman institutions.
4. Empowering Ombudsman institutions through collaborative exchanges of ideas, practices and experiences.

The election of Judge Zammit McKeon is a milestone for the Office of the Ombudsman in Malta. It highlights the institution's dedication to upholding individuals' rights and commitment to effective, transparent, and accountable governance. This achievement enhances the Office's international profile and influence, allowing it to play a more active role in contributing to good practices and policies at European and global levels.

The first meetings of the European Regional Board and the World Board are scheduled for May 2024 in The Hague.



Performance Review 2023

CASES HANDLED BY THE
OFFICE OF THE OMBUDSMAN



PERFORMANCE REVIEW 2023

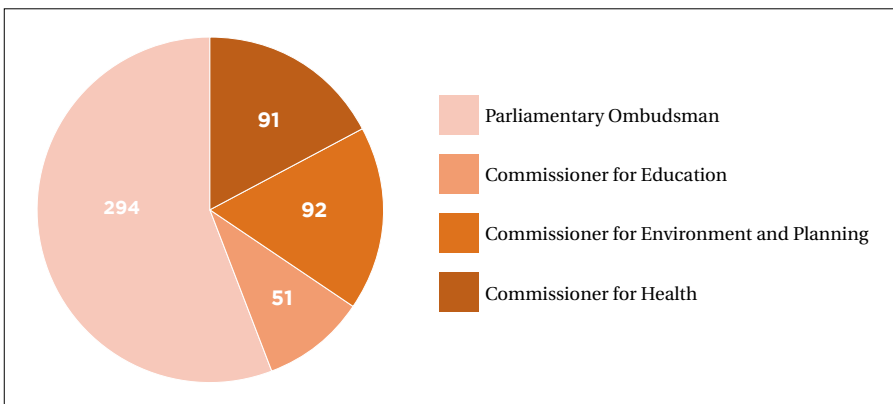
CASES HANDLED BY THE OFFICE OF THE OMBUDSMAN

**TABLE 1.1 – CASES HANDLED BY THE OFFICE OF THE OMBUDSMAN
2022 - 2023**

	2022	2023
	No of cases	No of cases
Parliamentary Ombudsman	188	294
Commissioner for Environment and Planning	88	92
Commissioner for Education	45	51
Commissioner for Health	113	91
Total	434	528

**DIAGRAM 1.2 – CASES HANDLED BY THE OFFICE OF THE OMBUDSMAN
2023**

During 2023, the Office of the Ombudsman handled a total of 528 cases, representing an increase of 22% compared to the previous year's caseload. Table 1.1 and Diagram 1.2 illustrate that out of these 528 cases, 294 were investigated by the Parliamentary Ombudsman, marking a significant increase of 56% from the previous year. Additionally, 91 cases were addressed by the Commissioner for Health, reflecting a 19% decrease from 2022, while 92 cases were managed by the Commissioner for Environment and Planning, representing a 5% increase. Lastly, the Commissioner for Education handled 51 cases, a 13% increase from the previous year.



This increase can be attributed primarily to the commencement of the mandate of the new Ombudsman, Judge Emeritus Joseph Zammit McKeon. At the start of his tenure, considerable efforts were made to enhance the visibility of the office and to bring it closer to the public through various outreach initiatives that are now bearing fruit.

TABLE 1.3 – SUSTAINED CASES CLOSED DURING 2023 INCLUDING OUTCOME

	No of cases	Sustained – awaiting outcome	Sustained – no recommendation made	Recommendation implemented	Recommendation not implemented	Recommendation Partly implemented
Parliamentary Ombudsman	10	1	3	3	2	1
Commissioner for Environment and Planning	13	-	-	6	6	1
Commissioner for Education	8	-	1	3	3	1
Commissioner for Health	20	-	8	12	-	-
Total	51	1	12	24	11	3

Table 1.3 presents the outcomes of cases sustained and closed during 2023. Out of the 10 sustained cases investigated by the Parliamentary Ombudsman, 3 recommendations (30%) were implemented by Public Administration, while 2 (20%) were not implemented. Another recommendation was partly implemented. The Office of the Ombudsman was awaiting a response from the relevant entity for the remaining case (10%).

The Commissioner for Environment and Planning sustained 13 cases during 2023, of which 6 (46%) were implemented and 6 (46%) were not implemented. One recommendation was partly implemented.

Among the 8 sustained cases investigated by the Commissioner for Education, 3 recommendations (38%) were implemented by Public Administration, 3 (38%) were not implemented, and 2 (25%) included one case where no recommendation was made and another where the recommendation was partly implemented.

The Commissioner for Health had 20 sustained cases, 12 (60%) of which were implemented by Public Administration, and 8 (40%) of which did not merit a recommendation.

Overall, out of the 51 cases sustained by the Office of the Ombudsman and closed during 2023, 24 (47%) were implemented, 11 (22%) were not implemented, 15 (29%) included cases where no recommendations were made or recommendations were partly implemented, and 1 (2%) case is still awaiting outcome from the public administration.

**TABLE 1.4 – COMPLAINTS AND ENQUIRIES RECEIVED
1996-2023**

Year	Written complaints					Enquiries
	Total number Ombudsman's Office	Ombudsman	Commissioner for Environment and Planning	University Ombudsman/ Commissioner for Education	Commissioner for Health	
1996	1112					849
1997	829					513
1998	735					396
1999	717					351
2000	624					383
2001	698					424
2002	673					352
2003	601					327
2004	660					494
2005	583					333
2006	567					443
2007	660					635
2008	551					469
2009	566					626
2010	482					543
2011	426					504
2012	623	443	92	56	32	462
2013	493	329	61	38	65	475

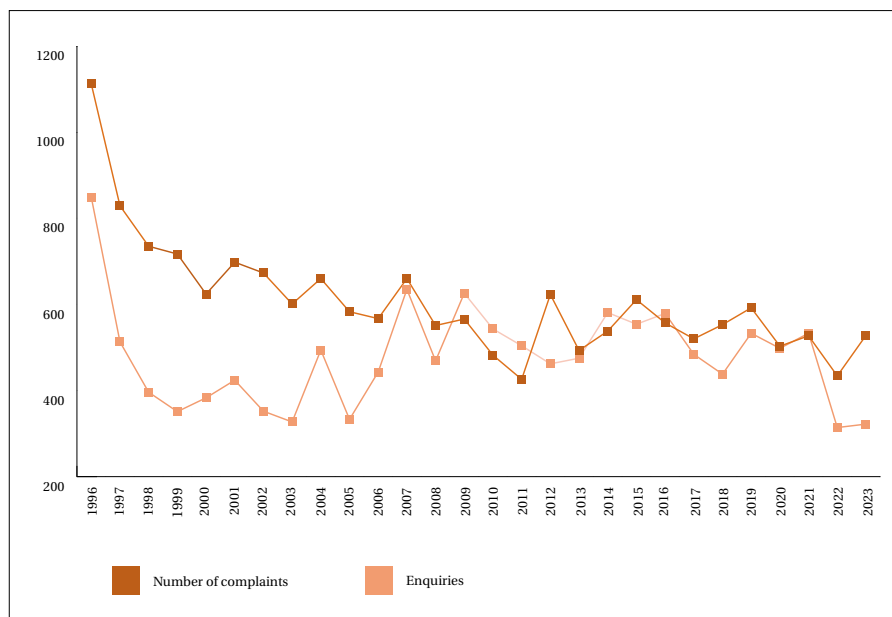
2014	538	352	49	60	77	581
2015	611	405	65	65	76	554
2016	557	361	55	59	82	579
2017	520	336	62	39	83	484
2018	553	313	84	54	102	438
2019	592	336	84	68	104	533
2020	503	245	107	45	106	498
2021	527	239	95	50	143	433
2022	434	188	88	45	113	314
2023	528	294	92	51	91	322

Total Case Load

Table 1.4 and Diagram 1.5 present the cumulative caseload of the Office of the Ombudsman since its establishment in 1995. In 2023, the Office investigated 528 cases and handled 322 enquiries, a 3% increase compared to the 314 enquiries in 2022.

DIAGRAM 1.5 – OFFICE OF THE OMBUDSMAN – WORKLOAD

1996-2023



**TABLE 1.6 – GENERAL ELECTIONS TREND
1997-2023**

Year	No of Cases
1997	829
1998 (GE)	735
1999	717
2000	624
2001	698
2002	673
2003 (GE)	601
2004	660
2005	583
2006	567
2007	660
2008 (GE)	551
2009	566
2010	482
2011	426
2012	623
2013 (GE)	493
2014	538
2015	611
2016	557
2017 (GE)	520
2018	553
2019	592
2020	503
2021	527
2022 (GE)	434
2023	528

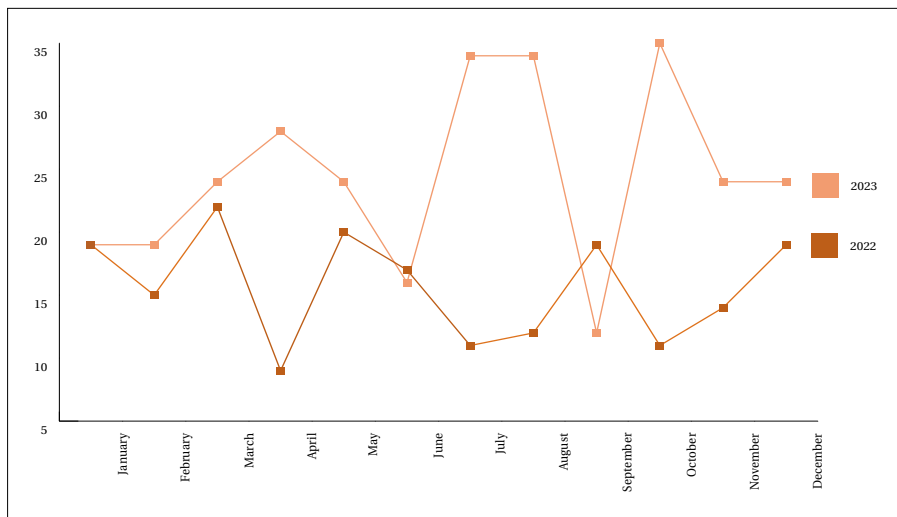
Table 1.6 displays the number of complaints investigated by the Office of the Ombudsman in the years before and after a General Election. Historically, the Office has observed a decline in the number of complaints leading up to a general election. This trend, however, is typically reversed in the year following the election.

In March 2022, the country held a General Election. Once again, a decrease in the number of complaints was noted. This phenomenon is attributed to pre-election euphoria, during which persons often seek direct access to the government to remedy their concerns. As observed in previous years, the Office of the Ombudsman experienced an increase in caseload in the year after the election, a trend that continued in the year under review.

**TABLE 1.7 – COMPLAINTS STATISTICS BY MONTH
2022 – 2023**

	2022			2023		
	Incoming	Closures	In hand	Incoming	Closures	In hand
Brought forward from previous year			117			92
January	19	18	118	19	24	87
February	15	19	114	19	28	78
March	22	17	119	24	19	83
April	9	24	104	28	17	94
May	20	15	109	24	8	110
June	17	16	110	16	6	120
July	11	21	100	34	19	135
August	12	8	104	34	18	151
September	19	10	113	13	17	147
October	11	20	104	35	20	162
November	14	29	89	24	33	153
December	19	16	92	24	19	158
Total	188	213		294	228	
Enquiries	314			322		

**DIAGRAM 1.8 – COMPLAINTS STATISTICS BY MONTH
2022 - 2023**



Between January and December 2023, the number of completed investigations increased by 7%, rising from 213 in 2022 to 228 in 2023. As of the end of 2023, the pending caseload stood at 158, marking a 72% increase from the previous year.

This significant rise is primarily attributed to the increase in caseload during the last three quarters of the year.

**TABLE 1.9 – COMPLAINTS RECEIVED CLASSIFIED BY MINISTRY AND RESPECTIVE DEPARTMENTS
2023**

Office of the Prime Minister (OPM)	
Sector	No of Cases received
Department for Industrial and Employment Relations	10
Office of the Prime Minister	5
People and Standards Division	3
Public Service Commission	4
RSSL	1
TOTAL	23
Ministry for Agriculture, Fisheries and Animal Rights (MAFA)	
Sector	No of Cases received
Agriculture and Rural Payments Agency	4
TOTAL	4
Ministry for the Economy, Enterprise and Strategic Projects (MEEP)	
Sector	No of Cases received
Malta Gaming Authority	1
TOTAL	1
Ministry for the Economy, European Funds and Lands (MEFL)	
Sector	No of Cases received
INDIS Malta	1
Joint Office	2
Land Registry Agency	1

Lands Authority	11
Malta Business Registry	1
Malta Communications Authority	1
Malta Gaming Authority	3
TOTAL	20
Ministry for Education, Sport, Youth, Research and Innovation (MEYR)	
Sector	No of Cases received
Education, Sport, Youth, Research and Innovation	3
Examinations	1
MCAST	1
TOTAL	5
Ministry for the Environment, Energy and Enterprise (MEEE)	
Sector	No of Cases received
ARMS Ltd	6
Enemalta plc	5
Environment, Energy and Enterprise	2
Malta Enterprise	3
Parks Malta	1
Regulator for Energy and Water Services (REWS)	2
WasteServ	1
Water Services Corporation	3
TOTAL	23
Ministry for European Funds, Social Dialogue and Consumer Protection (MESC)	
Sector	No of Cases received
Department for Industrial and Employment Relations (DIER)	1
TOTAL	1

Ministry for Finance and Employment (MFE)	
Sector	No of Cases received
Air Malta	5
Central Bank	2
Commissioner for Revenue (Capital Transfer Duty)	3
Commissioner for Revenue (Customs and Excise)	1
Commissioner for Revenue (Inland Revenue)	8
Commissioner for Revenue (VAT)	2
Finance and Employment	3
Jobsplus	1
Malta Statistics Authority	1
TOTAL	26
Ministry for Foreign and European Affairs and Trade (MFET)	
Sector	No of Cases received
Foreign and European Affairs and Trade	1
TOTAL	1
Ministry for Gozo (MGOZ)	
Sector	No of Cases received
Gozo	11
Gozo Channel Ltd	3
TOTAL	14
Ministry for Health (MFH)	
Sector	No of Cases received
Health Services	2
Medical Council	1
TOTAL	3

Ministry for Home Affairs, Security, Reforms and Equality (MHSR)	
Sector	No of Cases received
Armed Forces of Malta	1
Civil Protection Department	3
Correctional Services Agency	10
Home Affairs, Security, Reforms and Equality	2
Identità	6
Identity Malta Agency	5
Identity Malta Agency – ID Cards	1
Identity Malta Agency - Passports	1
Identity Malta Agency – Public Registry	1
Immigration	1
Independent Police Complaints Board	1
Local Enforcement Systems Agency (LESA)	11
Police	16
National Commission for the Promotion of Equality for Men and Women	1
TOTAL	60
Ministry for Inclusion, Voluntary Organisations and Consumer Rights (MIVC)	
Sector	No of Cases received
Aġenzija Sapport	1
Commission for the Rights of Persons with Disability	1
Commission for Voluntary Organisations	1
Malta Competition and Consumer Affairs Authority	3
TOTAL	6
Ministry for Justice (MFJ)	
Sector	No of Cases received
Courts of Justice	3
Legal Aid Agency	2
Justice	4
State Advocate's Office	1
TOTAL	10

Ministry for Lands and the Implementation of the Electoral Programme (MLI)	
Sector	No of Cases received
Joint Office	1
TOTAL	1
Ministry for the National Heritage, The Arts and Local Government (MHAL)	
Sector	No of Cases received
Festivals Malta Agency	1
Local Government	1
Local Councils	15
National Heritage, The Arts and Local Government	1
Superintendance of Cultural Heritage	1
TOTAL	19
Ministry for Public Works and Planning (MPWP)	
Sector	No of Cases received
Building and Construction Authority	1
Occupational Health and Safety Authority (OHSA)	1
Periti Warranting Board	1
Public Works and Planning	3
Real Estate Licensing Unit	1
TOTAL	7
Ministry for Social and Affordable Accommodation (MSAA)	
Sector	No of Cases received
Housing Authority	13
TOTAL	13
Ministry for Social Policy and Children's Rights (MSPC)	
Sector	No of Cases received
Department of Social Security	21
Foundation for Social Welfare Services	1
TOTAL	22

Ministry for Tourism (MFT)	
Sector	No of Cases received
Malta Film Commission	1
Malta Tourism Authority	1
Public Cleansing and Maintenance	1
TOTAL	3
Ministry for Transport, Infrastructure and Capital Projects (MTIP)	
Sector	No of Cases received
Infrastructure Malta Agency	4
Transport Malta	17
TOTAL	21
Ministry for Transport, Infrastructure and Public Works (MTIP)	
Sector	No of Cases received
Transport Malta	1
TOTAL	1
Outside Jurisdiction	
General	8
TOTAL	294

Table 1.9 presents the complaints received, classified by departments and public authorities according to each ministry's portfolio.

The following analysis focuses on the top five ministries that received the highest number of complaints. In total, these top five ministries attracted 196 complaints, accounting for 67% of the total grievances lodged:

Ministry for Home Affairs, Security, Reforms and Equality (MHSR)

The MHSR and the departments under its portfolio received the highest number of complaints, attracting 60 complaints, or 20% of the Parliamentary Ombudsman's caseload. The entities under the MHSR with the most complaints were the Malta Police Force (16), LESA (11), and the Correctional Services Agency (10).

Ministry for Finance and Employment (MFE)

The MFE received the second-highest number of complaints, with 26 (9%) lodged against it. The Commissioner for Inland Revenue attracted the most complaints against the MFE.

Ministry for Environment, Energy and Enterprise (MEEE)

The MEEE received the third highest number of complaints, with 23 (8%). The most complaints under this ministry were directed at ARMS Ltd (6) and Enemalta plc (5).

Office of the Prime Minister

In 2023, the Office of the Prime Minister also ranked third in terms of complaints, with 23 cases (8%) directed at departments or authorities under its remit. The Department for Industrial and Employment Relations received the most complaints (10).

Ministry for Transport, Infrastructure, and Capital Projects (MTIP)

The MTIP received 22 complaints, accounting for 7% of the caseload handled by the Parliamentary Ombudsman, making it the fourth ministry to receive the most complaints.

Ministry for Social Policy and Children's Rights (MSPC)

The MSPC also ranked fourth, with 22 complaints (7%). Most of these (21) were against the Department of Social Security.

Ministry for the Economy, European Funds and Lands (MEFL)

The fifth-ranking ministry in terms of complaints was the MEFL, which received 20 complaints (7%). The Lands Authority was the entity with the most complaints, attracting 11.

TABLE 1.10 – COMPLAINT GROUNDS 2022 – 2023

Grounds of Complaints	2022		2023	
	Count	Percentage	Count	Percentage
Contrary to law and policies or rigid application of legislation, regulations and policies	18	10%	28	9%
Improper discrimination	18	10%	31	10%
Lack of transparency or accountability	-	-	4	1%
Failure to provide information or to provide a reply	20	11%	21	7%
Undue delay/failure to act/waiting lists	12	5%	67	23%
Unfair treatment/lack of equity	96	51%	109	37%
Unfair selection process/promotion/grading	14	7%	10	3%
Issues of quality of life/special needs	-	-	2	1%
Improper attitude of staff or management	2	1%	5	2%
Shortage/Inadequate supply of equipment/services	-	-	1	1%

Personal matters/staff issues/student issues	2	1%	5	2%
Review of Commissioner's decision	5	3%	1	1%
Other	1	1%	10	3%
Total	188	100%	294	100%

**DIAGRAM 1.11 – CATEGORIES OF COMPLAINTS RECEIVED (BY TYPE OF ALLEGED FAILURE)
2023**

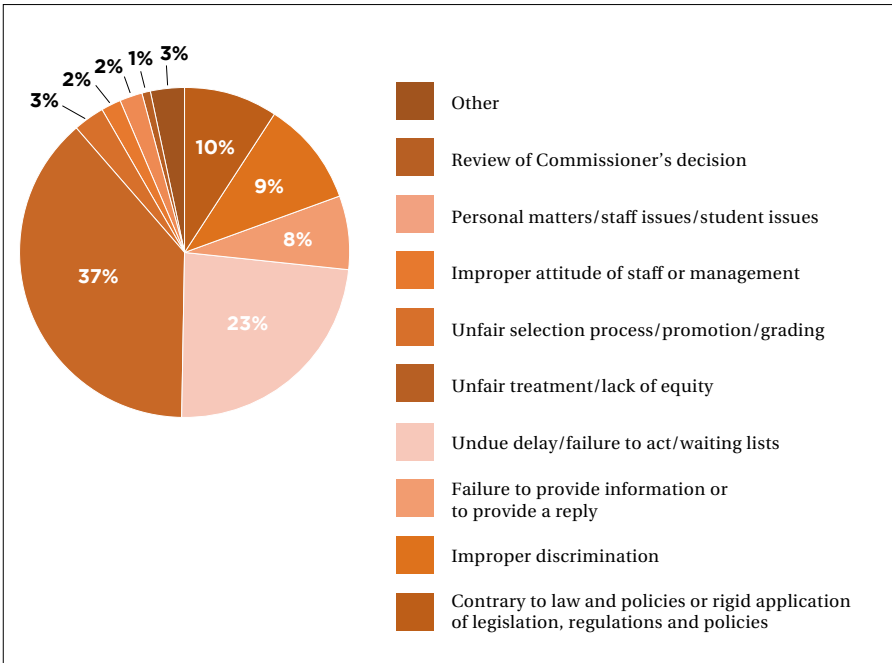


Table 1.10 and Diagram 1.11 provide a detailed analysis of the complaints categorised by the type of alleged maladministration.

The most common complaints received from aggrieved citizens in 2023 related to unfair treatment or lack of equity, which accounted for 37% of the complaints (109). This was followed by complaints alleging undue delay, failure to act, or issues with waiting lists, attracting 23% (67) of the complaints.

**TABLE 1.12 – COMPLAINTS BY LOCALITY
2022-2023**

Locality	2022	2023
Attard	6	6
Balzan	4	2
Birgu	-	-
Birkirkara	7	21
Birzebbugia	4	2
Bormla	-	-
Dingli	2	2
Fgura	3	4
Floriana	1	2
Gharghur	-	2
Ghaxaq	3	2
Gudja	2	1
Gzira	5	6
Hamrun	4	5
Iklin	1	1
Isla	-	-
Kalkara	-	2
Kirkop	2	3
Lija	-	-
Luqa	1	4
Madliena	-	1
Manikata	-	-
Marsa	1	3
Marsaskala	6	5
Marsaxlokk	2	1
Mdina	-	-
Mellieha	4	6
Mgarr	1	6
Mosta	7	14
Mqabba	-	3
Msida	3	13
Mtarfa	3	8
Naxxar	6	9
Paola	9	8
Pembroke	4	2
Pietà	3	3
Qormi	1	5
Qrendi	-	3

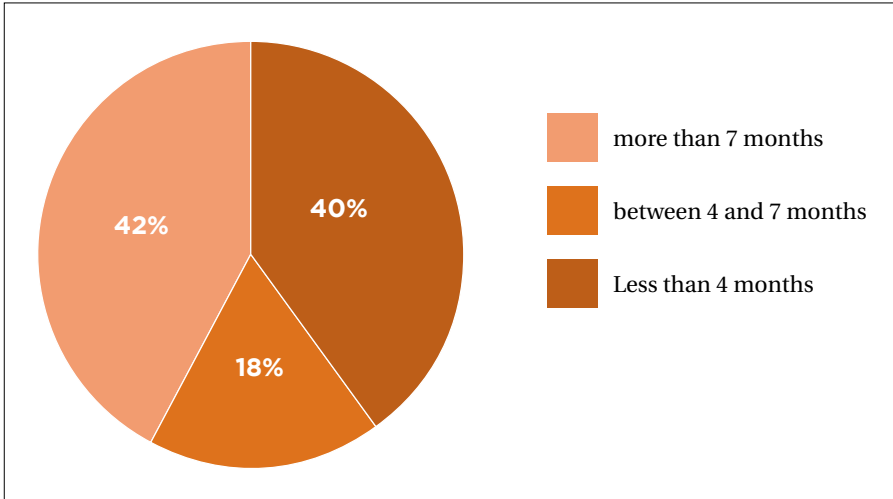
Rabat	1	5
Safi	-	-
San Ġiljan	1	5
San Ġwann	3	3
San Pawl il-Baħar	8	11
Santa Luċija	-	1
Santa Venera	-	1
Sigġiewi	3	3
Sliema	20	14
Swieqi	3	6
Ta' Xbiex	1	3
Tarxien	9	1
Valletta	2	7
Xghajra	2	2
Żabbar	6	3
Żebbuġ	6	6
Żejtun	4	4
Żurrieq	5	4
Gozo	11	28
Other	4	21
Overseas	4	11
Total	188	294

TABLE 1.13 – AGE PROFILE OF OPEN CASELOAD AT END 2023

Age	Cases in hand
Less than 2 months	36
Between 2 to 3 months	20
Between 3 to 4 months	7
Between 4 to 5 months	13
Between 5 to 6 months	7
Between 6 to 7 months	8
Between 7 to 8 months	9
Between 8 to 9 months	9
Over 9 months	49
Total Open files	158

Table 1.13 and Diagram 1.14 display the number of cases still under investigation and the duration of these investigations. As of the end of 2023, 42% of the caseload had been under investigation for over seven months, 18% between four and seven months, and 40% for less than four months. The total number of cases undergoing investigation stood at 158 at the end of the year.

DIAGRAM 1.14 – PERCENTAGE OF OPEN COMPLAINTS BY AGE (AT THE END OF 2023)



**TABLE 1.15 – OUTCOMES OF FINALISED COMPLAINTS
2022-2023**

Outcomes	2022	2023
Sustained cases	12	10
Cases not sustained	49	37
Resolved by informal action	16	45
Investigation discontinued (not undertaken, given advice/assistance, withdrawn, etc)	87	91
Outside Jurisdiction	9	10
Declined (time-barred, trivial, etc.)	40	35
Total	213	228

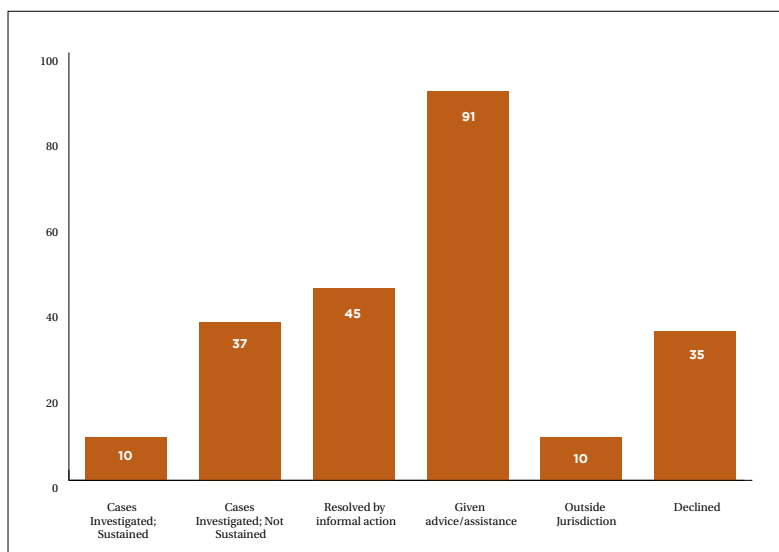
DIAGRAM 1.16 – OUTCOMES OF FINALISED COMPLAINTS**2023**

Table 1.15 and Diagram 1.16 depict the outcomes of the finalised complaints. In 2023, 10 (4%) of the finalised complaints were sustained by the Ombudsman, resulting in satisfactory resolutions for the complainants. Additionally, 91 (40%) cases were finalised by providing advice or assistance without the need for a formal investigation. Furthermore, 45 (20%) cases were resolved through informal actions, while 10 (4%) cases fell outside the Ombudsman's jurisdiction.

TABLE 1.17 – TYPE OF MALADMINISTRATION IN JUSTIFIED COMPLAINTS**2022-2023**

Grounds of Complaints	2022	2023
Contrary to law and policies or rigid application of legislation, regulations and policies	2	4
Improper discrimination	3	1
Lack of transparency	-	-
Failure to provide information or to provide a reply	3	7
Undue delay/failure to act/waiting lists	7	23
Unfair treatment/lack of equity	11	15
Unfair selection process/promotion/grading	-	3
Issues of quality of life/special needs	-	-
Improper attitude of staff or management	-	-
Shortage/Inadequate supply of equipment/services	-	-

Issues of privacy, dignity and confidentiality	-	-
Personal matters/staff issues/student issues	2	1
Review of Commissioners' decision	-	-
Other	-	1
Shortage/Inadequate supply of medicines	-	-
Continuing care/follow-up issues	-	-
Total	28	55

Table 1.17 illustrates the types of maladministration found in justified complaints. Of the 55 justified complaints, 42% related to undue delay, failure to act, or issues with waiting lists. The second most common type of complaint involved unfair treatment or lack of equity, accounting for 27%.



Notes from the 2023 Diary

ANNUAL REPORT BY THE
PARLIAMENTARY OMBUDSMAN

NOTES FROM THE OMBUDSMAN'S DIARY

THE OMBUDSMAN CALLS UPON THE SPEAKER AT THE END OF HIS MANDATE Case Notes 2022 presented to Parliament March 6, 2023

The outgoing Parliamentary Ombudsman, Mr. Anthony C. Mifsud called upon the Speaker of the House of Representatives, the Hon. Dr. Anglu Farrugia at the end of his mandate. During the meeting, Mr. Mifsud described his tenure as Ombudsman as a profoundly satisfying experience despite having faced difficult and challenging situations, including major institutional reforms and a global pandemic. However, the Office, with its unwavering commitment, remained steadfast in promoting good governance and securing sound public administration, never failing to make its voice heard when necessary. As an institution, they continued to diligently receive, process, and investigate complaints from citizens and recommend appropriate redress, demonstrating their resilience and dedication.

Mr. Mifsud expressed his gratitude to the specialised Commissioners and the hardworking and competent staff who supported him during his mandate, ensuring that justice and good public administration were well served.



He also thanked the Speaker and Parliament, expressing his heartfelt hope that the relationship between Parliament and the Office would be strengthened. He emphasized that the Office should be considered by Parliament as a valid instrument to hold the Executive accountable at all times, underlining the crucial role of Parliament in the Office's work and the importance of their collaboration.

At the end of the meeting, Mr. Mifsud presented the Case Notes 2022 to the Hon. Anglu Farrugia, the President of the House of Representatives.

JUDGE EMERITUS JOSEPH ZAMMIT MCKEON WAS SWORN IN AS PARLIAMENTARY OMBUDSMAN

March 8, 2023

Judge Emeritus Joseph Zammit McKeon was sworn in as Parliamentary Ombudsman in a ceremony presided over by H.E. George Vella, President of Malta, and in the presence of the Prime Minister, the Hon. Robert Abela, the Speaker of the House, the Hon. Angelo Farrugia, and the Leader of the Opposition, the Hon. Bernard Grech.

On Monday, March 6, 2023, the House of Representatives unanimously approved the nomination of Judge Joseph Zammit McKeon as Parliamentary Ombudsman.

After the ceremony, the outgoing Ombudsman, Mr. Anthony C. Mifsud, welcomed Judge Zammit McKeon at the Office of the Ombudsman. After meeting with the Commissioners, Mr. Mifsud introduced the employees to him.



THE OMBUDSMAN RECEIVED A COURTESY CALL FROM THE COMMISSIONER FOR STANDARDS IN PUBLIC LIFE

March 13, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, met with the Commissioner for Standards in Public Life, Chief Justice Emeritus Joseph Azzopardi.

The meeting focused on discussing potential collaborations between the two institutions in areas of common interest that would strengthen transparency and accountability and promote correct behaviour within public administration.



THE COMMISSIONER FOR HEALTH APPEALED FOR THE RESOLUTION TO THE INDUSTRIAL ACTION IMPACTING PATIENT CARE

April 12, 2023

The Commissioner for Health, Prof. Ray Galea, published a letter urging the Permanent Secretary in the Ministry for Health and the Malta Union of Midwives and Nurses (MUMN) President to resolve an ongoing dispute to protect patient care. The letter emphasised the importance of balancing worker rights with employer responsibilities and encouraged both parties to prioritise patient welfare. The Commissioner for Health extended his offer to facilitate a prompt and fair resolution, ensuring that the interests of all stakeholders were fairly represented. Additionally, the Commissioner called for an equitable agreement that considers the needs of patients and their families.

COMMISSIONER FOR HEALTH COMMENDED MUMN FOR SUSPENDING DIRECTIVES AFFECTING PATIENT CARE

April 12, 2023

The Commissioner for Health in the Office of the Ombudsman commended the Malta Union of Midwives and Nurses (MUMN) for suspending directives.

While reiterating the importance of prioritising patients' needs, the Commissioner expressed hope that the current dispute between the Government and MUMN would be resolved positively for all parties involved.



THE OMBUDSMAN MET WITH THE MALTA CHAMBER OF COMMERCE

April 13, 2023

The Ombudsman, Judge Emeritus Joseph Zammit McKeon, held a constructive meeting with The Malta Chamber of Commerce, Enterprise and Industry, fostering a relationship of collaboration between the two organisations.

The Ombudsman thanked The Malta Chamber for extending an invitation to this essential meeting and congratulated Mr Chris Vassallo Cesareo on his appointment as President. Additionally, the Ombudsman acknowledged the invaluable work of the outgoing President, Ms Marisa Xuereb, and thanked her for her dedication and contribution.



The meeting focused on exploring opportunities for future collaboration between the Ombudsman's Office and The Malta Chamber, particularly in championing good governance.

The Ombudsman emphasised his commitment to contributing to a fairer public administration and promoted the understanding that an efficient public administration benefits the public and the administration itself.

President Chris Vassallo Cesareo thanked Judge Emeritus Joseph Zammit McKeon for accepting The Malta Chamber's invitation to collaborate. President Vassallo Cesareo, outgoing President Marisa Xuereb, and The Malta Chamber CEO Dr. Marthese Portelli presented for the meeting.

President Vassallo Cesareo reiterated that The Malta Chamber would assist and collaborate with the Ombudsman's Office in promoting and supporting ethical public administration.

Furthermore, the Ombudsman expressed his willingness to meet with members of The Malta Chamber to foster a better understanding of his role and engage in productive dialogue with the business community.

THE OMBUDSMAN MEETS THE PRINCIPAL PERMANENT SECRETARY

April 14, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, and the Principal Permanent Secretary, Mr Tony Sultana, met to discuss the importance of promoting good public administration and ensuring better coordination and cooperation between the public administration and the Ombudsman's Office.

The meeting focused on ways to improve complaint investigations and information sharing with the Ombudsman. It also discussed the need for greater collaboration in informing public officers about the role and functions of the Ombudsman and the Commissioners within his office.

To ensure continued cooperation, the Ombudsman's Office and the Office of the Principal Permanent Secretary agreed to hold regular meetings to discuss and better coordinate their interactions.

For this meeting, the Ombudsman was accompanied by the Commissioner for Environment and Planning, Mr. Alan Saliba; the Commissioner for Education, Chief Justice Emeritus Vincent de Gaetano; the Commissioner for Health, Prof. Ray Galea; and the Head of Investigations, Dr. Monica Borg Galea. The Principal Permanent Secretary was accompanied by the Permanent Secretary (Coordination & Implementation, OPM), Mr Kevin Mahoney; Permanent Secretary, Mr Oreste Cassar; the Director (Governance Section), Mrs Jacqueline Bonnici; and Mrs Angela Portelli, Assistant Director (Governance Section).



THE OMBUDSMAN PARTICIPATES IN A MEETING ORGANIZED BY THE ORGANISATION FOR ECONOMIC COOPERATION AND DEVELOPMENT (OECD) April 19, 2023

The Ombudsman Judge Emeritus Joseph Zammit McKeon attended and actively participated in a Meeting of the Technical Working Group on Asset/Interest Declarations on 18 April 2023 organised by the Commissioner for Standards in Public Life within the context of the mission to Malta organised by the Organisation for Economic Cooperation and Development (OECD) to improve the integrity and transparency framework in Malta. The meeting was presided over by Commissioner Chief Justice Emeritus Joseph Azzopardi and was addressed by Policy Analysts from the Public Sector Integrity Division of OECD, Pauline Bertrand and Alice Berggrun, and also by OECD Consultant Kathryn Stone OBE, who was Parliamentary Commissioner for Standards of the House of Commons from January 2018 until December 2022.

In his submissions during the meeting, the Ombudsman stated that while he was looking forward to having a vision of the findings/proposals that will be incorporated in the OECD experts' final report, he called for a balanced approach to integrity and transparency issues that are being addressed in the OECD mission to Malta that takes into account the particular circumstances of the country.

THE COMMISSIONER FOR ENVIRONMENT AND PLANNING SUBMITS RECOMMENDATIONS ON THE DRAFT CONSTRUCTION INDUSTRY LICENSING REGULATIONS April 21, 2023

The Commissioner for Environment and Planning, Perit Alan Saliba, has submitted recommendations in response to the Building and Construction Authority's (BCA) request for public comments on the Draft Construction Industry Licensing Regulations.

The recommendations aim to address disparities within the construction sector, ensure fairness and accountability for all stakeholders, and promote a fair and competitive industry. Key points from the submission include:

- **Levelling the playing field between periti and contractors:** The Commissioner emphasises the importance of establishing regulations that hold both periti and contractors to the same accountability standards, thereby eliminating any disparities currently in the sector.
- **BCA's responsibility for issuing licenses and maintaining the contractor's register:** The Commissioner suggests that the Building and Construction Authority should continue assuming responsibility for issuing licenses and maintaining a comprehensive register of contractors, in line with the



provisions of the Building and Construction Authority Act (Chapter 623 of the Laws of Malta).

- **Introducing a classification system with a threshold for operation:** To promote best practices and professionalism in the construction industry, the Commissioner recommends implementing a classification system based on knowledge, experience, and resources. This system would require contractors who fall below a certain threshold to improve their standing before being allowed to operate, thereby raising the overall quality of the sector.
- **Introducing licenses for specific specialised activities:** Recognising the importance of specialised services within the construction sector, the Commissioner proposes offering licenses for specific specialised activities, such as piling, scaffolding, shoring or formworks. This approach would promote professionalism and accountability in these crucial areas of the industry.

THE OMBUDSMAN MET THE AUDITOR GENERAL

April 22, 2023

The Ombudsman, Judge Emeritus Joseph Zammit McKeon, had a very cordial meeting with the Auditor General, Charles Deguara.

Paul Borg, Director General of the Office of the Ombudsman, and Noel Camilleri, Deputy Auditor General, attended the meeting. The two Officers of Parliament highlighted that each, within his competence and area of responsibility, should strive to ensure that public administration fulfils its obligations of transparency and accountability.



They noted that as Constitutional Offices, they should work to see that public administration improves and betters its services. Both pledged their commitment as members of the Judicial Appointments Committee.

**THE OMBUDSMAN EMPHASISES THE PROACTIVE ROLE AND ANNOUNCES
NEW PRIZE IN LAW AT QUARTERLY LAW SEMINAR**

April 27, 2023



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, was the main speaker at the Quarterly Law Seminar on the Ombudsman Remedy in Malta, which was organised by the Chamber of Advocates in collaboration with the Office of the Ombudsman, the University of Malta, and the Malta Law Academy.

During his keynote speech, the Ombudsman provided an in-depth analysis of the Ombudsman's legislation, role, and functions. He emphasised the Office's crucial role in overseeing government agencies and public authorities. One significant point was that the Ombudsman's investigations could be proactive, potentially leading to reassessing how public authorities perform their functions. These investigations may improve government policy, practices, and legislation.

The Ombudsman also stressed the importance of being a "*mover of change*" by recommending changes to government policies and practices. Another observation was that the Ombudsman could assist the public and government agencies by directing people to the appropriate point of inquiry, thereby improving their relationship. This, in turn, positively impacts the effectiveness of government operations.

The Ombudsman also announced the 'MALTA PARLIAMENTARY OMBUDSMAN PRIZE IN LAW'. The scope of this award is to encourage research and knowledge dissemination on ombudsman-related subjects.

All LLB (Hons) students, Higher Diploma Legal Procurator students, and Master in Human Rights Law & Practice students who present a dissertation or a long essay on an ombudsman-related subject during a particular academic year will be eligible for this reward.

THE PARLIAMENTARY OMBUDSMAN AND THE COMMISSIONERS PAID A COURTESY CALL TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES May 2, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, paid a courtesy visit to the Speaker of the House of Representatives, Anglu Farrugia, following his recent appointment as Ombudsman.

During the meeting, the Ombudsman expressed his gratitude to the Speaker for the unwavering support his Office has always received. The meeting served as a testament to the Speaker's accessibility and high respect for the institution.

In addition, the Ombudsman emphasised the importance of bringing the Office of the Ombudsman closer to the people and making it more relevant to society. He stated that he wants to ensure that the Ombudsman's office remains accessible to



everyone and that it continues to serve as a platform for addressing the concerns of those who feel they have suffered an act of maladministration.

Speaker Anglu Farrugia, in turn, expressed his appreciation for the valuable work carried out by the Ombudsman and his Commissioners. He also acknowledged the need for Parliament to find an appropriate mechanism to discuss the reports submitted by the Ombudsman to Parliament.

The Ombudsman was accompanied by the Commissioner for Environment and Planning, Perit Alan Saliba; the Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano; and the Commissioner for Health, Prof. Ray Galea.

THE OMBUDSMAN AND MALTA EMPLOYERS' ASSOCIATION (MEA) STRIVED TO COLLABORATE TOWARDS GOOD PUBLIC ADMINISTRATION AND GOVERNANCE

May 3, 2023

The Ombudsman, Judge Emeritus Joseph Zammit McKeon, had a productive meeting with the Malta Employers Association (MEA). During this meeting, the Ombudsman stressed his vision of bringing the institution closer to the people, promoting good public administration, and improving its services.

He highlighted the importance of resolving cases of maladministration through amicable resolution and effective persuasion.



Meanwhile, the MEA President acknowledged that issues of good governance affected their members and expressed the MEA's commitment to organising information sessions to help its members access public services.

The Ombudsman and MEA discussed ways to work collaboratively to inform MEA members about the Ombudsman's role and functions as prescribed by law, including identifying systemic failures that may be the subject of an investigation by the Ombudsman. This approach aims to facilitate the exchange of ideas to promote good governance and accountability in public administration.

The meeting was attended by the President of the MEA, Ms Joanne Bondin, the Director General, Mr Joseph Farrugia, Mr Kevin J. Borg, Dr Charlotte Camilleri, Ms Jackie Attard Montalto, Mr Mario Duca, Mr Michael Mifsud, Mr Matthew Sullivan and Mr Norman Mifsud. Dr Monica Borg Galea, Head of Investigations, and Mr Jurgen Cassar, Head of Communications and Research, accompanied the Ombudsman.

OMBUDSMAN MET THE EUROPEAN OMBUDSMAN

May 10, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, met with the European Ombudsman, Emily O'Reilly, to discuss further collaboration within the European Network of Ombudsmen with particular attention to good administration.

Judge Emeritus Joseph Zammit McKeon emphasised that his top priority is to bring the Office closer to the people and improve relations with public administration during complaint investigations. He shared plans for initiatives to enhance public awareness and understand the importance of the Ombudsman's role.

EU Ombudsman Emily O'Reilly highlighted the importance of the European Network of Ombudsmen in promoting good administration across member countries.

Both Ombudsmen reaffirmed their commitment to improving good administration at the European and national levels.

By sharing best practices and experiences and learning from each other, members of the European Network of Ombudsmen aim to strengthen their institutions and contribute to a more responsive and inclusive governance system that serves all people's best interests.



THE OMBUDSMAN PAYS A COURTESY VISIT TO THE MALTESE EMBASSY IN BRUSSELS

May 12, 2023

Ombudsman Judge Emeritus Joseph Zammit McKeon paid a courtesy visit to the Maltese Embassy in Brussels, where he engaged in discussions with His Excellency Clint Tanti, Ambassador of Malta to Belgium and Luxembourg and Permanent Representative of Malta to NATO.

In their meeting, Ambassador Tanti provided an overview of the Embassy's work with the Maltese community in Belgium and Luxembourg, one of Malta's largest diasporas in Europe. The conversation touched on initiatives aimed at further uniting the Maltese communities in Belgium and Luxembourg and strengthening the relationship with the Belgian and Luxembourgish Governments, as well as the consular services offered by the Embassy.

In his early tenure as Ombudsman, Zammit McKeon prioritised making the Ombudsman's Office more visible and engaging with various sections of civil society. This targeted approach has led to a substantial 40% increase in individuals seeking the Ombudsman's assistance. Furthermore, the Ombudsman underscored his commitment to an open-door policy for those seeking redress.



THE OMBUDSMAN MEETS THE PERMANENT REPRESENTATIVE OF MALTA TO THE EU

May 19, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, had a courtesy meeting with H.E. Ambassador Marlene Bonnici, the Permanent Representative of Malta to the European Union in Brussels.

During their meeting, Ambassador Bonnici outlined the pivotal function of the Permanent Representation in representing Malta within the Council of the European Union and in liaising with key institutions such as the European Parliament and the European Commission. The Permanent Representative further detailed the engagement in the run-up to formal meetings involving experts from the Representation, who actively participate in the myriad consultations and discussions held among Member States and EU institutions, contributing to the evolution of EU legislation.

In response, the Ombudsman explained the purpose behind these courtesy calls: to promote better communication and understanding across different fora and to highlight the role of the Ombudsman in championing good administration. In fact, in October, the Ombudsman in Malta, as Secretary General and Treasurer of the Association of the Ombudsman of the Mediterranean, is organising an international conference in Malta that will focus on the right to good administration that is crucial to strengthening Ombudsman offices and promoting a radical shift in mentality,



ensuring that public administrations operate transparently, accountably, and treat people fairly without improper discrimination.

The meeting was also attended by H.E. Clint Tanti, Ambassador of Malta to Belgium and Luxembourg and Permanent Representative of Malta to NATO and Ms Martina Portelli, Chef de Cabinet of the Permanent Representative of Malta to the EU. The Ombudsman was accompanied by Mr Paul Borg, Director General and Mr Jurgen Cassar, Head of Communications and Research.

THE OMBUDSMAN PARTICIPATES IN THE EXECUTIVE AND GOVERNING BOARD MEETINGS OF THE ASSOCIATION OF MEDITERRANEAN OMBUDSMEN (AOM) IN KOSOVO

May 24, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, the Maltese Ombudsman, attended the Executive and Governing Board meeting of the Association of Mediterranean Ombudsmen (AOM) in Kosovo. This meeting was part of a three-day conference organised by the Ombudsman Institution of Kosovo in partnership with the AOM, which discussed 'Integrity and Independence of Ombudsman Institutions: Resilience Amidst Challenges.'

As the Secretary General and Treasurer of the AOM, the Ombudsman actively participated in discussions regarding the AOM's initiatives.



THE OMBUDSMAN ADDRESSES THE 12th MEETING AND GENERAL ASSEMBLY OF THE AOM IN KOSOVO

May 24, 2023

Judge Emeritus Joseph Zammit McKeon, the Maltese Ombudsman, addressed the Plenary Session of a conference organised by the Ombudsman Institution in Kosovo and the Association of Mediterranean Ombudsmen (AOM). The conference, titled 'Integrity and Independence of Ombudsman Institutions: Resilience amidst Challenges,' offered a timely discussion on the state and future of Ombudsman institutions.

During the session themed 'The Ombudsman Institution: Under Threat, Challenges and Opportunities,' Judge Zammit McKeon discussed pressing challenges that impact the effectiveness of Ombudsman institutions. He highlighted the relationship with Parliament, asserting that the lack of substantial debate or action on the Ombudsman's reports often hampers their effectiveness. The Ombudsman suggested that Parliament could establish a procedure for reports to be referred to the appropriate Standing Committees for timely action.

Another highlighted issue was the challenges posed by uncooperative government departments that impede access to information necessary for investigations. Judge Emeritus Zammit McKeon underscored the need for more robust mechanisms to compel cooperation from public authorities.



Judge Zammit McKeon also pointed to the opportunities ahead. He emphasised the value of enhanced collaboration with fellow ombudsmen, NGOs, and international bodies and the advocacy role the Ombudsman can play to improve policies and practices.

The Ombudsman concluded by emphasising the importance of the Ombudsman's independence and the necessity of increased public awareness of its role. He urged that the power of the Ombudsman's recommendations should stem from the institution's quality arguments, earned respect, and moral authority.

THE OMBUDSMAN MET THE GOVERNMENT AND OPPOSITION WHIPS

May 30, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, held a very constructive meeting with the Government Whip and Parliamentary Secretary for Social Dialogue, the Hon Andy Ellul, and the Opposition Whip, the Hon Robert Cutajar.

The meeting aimed to improve the collaboration and understanding between Parliament and the Office of the Ombudsman, respecting the latter's crucial role in the Maltese Parliamentary system.



The meeting formed part of the Ombudsman's proactive approach to fostering a better working relationship with the Public Administration and Parliament. The Ombudsman insisted on the need for more substantial deliberation on reports sent to Parliament, which are currently just tabled and not debated.

This matter also reflects the recent statement by the Speaker of the House, the Hon Anglu Farrugia, emphasising the need to establish a mechanism for Parliament to discuss the Ombudsman's reports.

All parties agreed on the importance of these meetings and committed themselves to holding them regularly. The purpose is to continually explore and implement ways to enhance the working relationship between the Ombudsman's Office and both Parliamentary Groups.

This collaboration is anticipated to increase accountability, promote good governance, and further ensure the redress of injustices caused by public administration.

THE OMBUDSMAN AND THE PRESIDENT OF THE LOCAL COUNCILS' ASSOCIATION DISCUSSED SEVERAL TOPICS AFFECTING LOCAL COUNCILS IN MALTA

May 31, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, and the President of the Local Council Association (LCA), Mr. Mario Fava, met to discuss several key topics affecting local councils.

The meeting began by focusing on the role, functions, and scope of the Ombudsman's Office. Both the Ombudsman and the President of the LCA recognised that an



improved understanding of the Office's mandate would aid cooperation and strengthen relations between the two entities.

The conversation also explored how the Ombudsman's Office could better serve local councils in dealing with government departments. This discussion highlighted the mutual objective of resolving conflicts and fostering effective collaboration.

A central point of discussion was the implementation of the Ombudsman's recommendations by local councils and the delay in responses to information requests from certain local councils.

Both parties agreed to host regular information sessions for local councils. These sessions aim to increase understanding of the Ombudsman's role and functions, enhancing cooperation.

THE BRITISH HIGH COMMISSIONER VISITED THE OFFICE OF THE OMBUDSMAN

June 1, 2023

The British High Commissioner to Malta, HE Katherine Ward LVO OBE, visited the Office of the Ombudsman. She aimed to engage in constructive discussions with the Ombudsman and gain insights into his work and efforts to enhance good public administration and foster a closer relationship with the people.

The Ombudsman, Judge Emeritus Joseph Zammit McKeon, spoke about the challenges faced by the institution and explained the approaches to address and potentially resolve them. The Ombudsman emphasised the importance of bringing the institution closer to the people and reaching out, especially to the most vulnerable.

The Office of the Ombudsman in Malta plays a vital role in safeguarding good governance and ensuring accountability in public administration. Drawing inspiration from the British model and the New Zealand Ombudsmen Law, the Ombudsman Act in Malta shares common foundations with other Commonwealth countries, opening avenues for greater cooperation in addressing administrative challenges.

The exchange of experiences and best practices with other nations with similar legal frameworks and parliamentary systems holds the potential for mutual benefit and growth. The Ombudsman expressed his wish to seek collaboration with other Ombudsman offices in Commonwealth countries. He also voiced his opinion that Ombudsman offices in Commonwealth countries should organise themselves,



possibly following other successful models like the Association of Mediterranean Ombudsmen and the European Network of Ombudsmen.

During her visit, the British High Commissioner also met with the specialised commissioners within the Office of the Ombudsman and all the staff members.

Expressing gratitude for their invaluable work in improving public administration, the British High Commissioner commended the Ombudsman and his team for their unwavering commitment to serving the public and upholding the principles of good governance.

THE COMMISSIONER FOR ENVIRONMENT AND PLANNING ATTENDED THE GREEN WEEK 2023 BRUSSELS CONFERENCE

June 9, 2023

The Commissioner for Environment and Planning, Perit Alan Saliba, attended the Green Week 2023 Brussels Conference, organised by the European Commission's Directorate-General for Environment. Invited speakers from politics, business, NGOs, and academia contributed to the event, which was themed "*Delivering a Net-Zero World.*"

This two-day event emphasised the need for ongoing environmental policies covering pivotal areas such as biodiversity, circular economy, and zero pollution. The first day addressed the latest policy updates in these fields, while the second day delved into more detail on specialist topics, catering to expert audiences.

THE OFFICE OF THE OMBUDSMAN PARTICIPATED IN THE LOCAL COUNCILS ASSOCIATION PLENARY SESSION

June 17, 2023

The Office of the Ombudsman participated in the Plenary Session of the Local Councils Association, marking the 30th anniversary of local government. At the event, the Office of the Ombudsman showcased a dedicated stand. It offered information about its roles, services, and the support it can provide to local councils in their interactions with government departments. This initiative was part of a broader series of outreach initiatives undertaken by the Office. The intent behind these efforts was to bring the Office of the Ombudsman closer to the public, helping to improve the overall effectiveness of public administration.

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, was among the attendees. He visited the stand and interacted with mayors and councillors from various localities.



THE OMBUDSMAN RECEIVED A COURTESY CALL FROM THE AMBASSADOR OF THE PEOPLE'S REPUBLIC OF CHINA TO MALTA

June 19, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, welcomed the Ambassador of the People's Republic of China to Malta, H.E. Yu Dunhai, during a courtesy call at the Ombudsman's Office.

The Ombudsman detailed the integral role of the Office of the Ombudsman in maintaining public trust and addressing issues related to administration. Emphasising the Ombudsman's role as a mediator, he stated that often, conflicts between the public and administration are settled without the need for extensive investigations.

Since his appointment on 8 March 2023, the Ombudsman had remained steadfast in his mission to make the Office more accessible to the public and strengthen ties with relevant stakeholders. The goal had been to create an environment where the public feels their concerns are heard and attended to diligently.

H.E. Yu Dunhai expressed his admiration for the responsibilities undertaken by the Ombudsman's Office. He acknowledged the demanding nature of the role, given the broad jurisdiction and remit, and its central function in advancing the quality of public administration.



Further discussions underlined the significance of transparency and accountability in administrative decisions. Ombudsman Zammit McKeon noted that, even when grievances are not justified, people value having their concerns addressed and understanding the reasoning behind administrative decisions.

Ambassador Yu Dunhai highlighted the cordial relationship shared by the Maltese and Chinese communities in Malta, a testament to the enduring friendship between the two nations.

The courtesy visit provided a valuable opportunity for open dialogue, enhancing mutual understanding and reinforcing the importance of the Ombudsman's role in promoting efficient and responsive public administration.

For the meeting, the Commissioner for Environment and Planning, Perit Alan Saliba; the Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano; the Commissioner for Health, Prof. Ray Galea; and Mr Jurgen Cassar, Head of Communications and Research, were also present.

THE OFFICE OF THE OMBUDSMAN REPRESENTED AT THE INDEPENDENT POLICE COMPLAINTS AUTHORITIES' NETWORK (IPCAN) CONFERENCE

June 22, 2023

Dr Brian Said, Senior Investigating Officer at the Office of the Ombudsman, recently represented our Office at the Independent Police Complaints Authorities' Network (IPCAN) conference, held from 23 to 25 May 2023. The central theme was "*Police activities in a context of violence and use of force*", an increasingly urgent topic in global law enforcement.

The conference, hosted by the Council of Europe, addressed Recommendation 2230 (2022), which concerns the fight and prevention of excessive and unjustified use of force by law enforcement officers. It provided a platform for police representatives, academics, and members of the European Council of Police Trade Unions (CESP) to engage in meaningful dialogues about the complexities of the police force.

A focal point was the practical implementation of human rights standards in policing, specifically emphasising non-excessive, justified, and proportionate use of force. Drawing from the European Court of Human Rights (ECHR) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) guidelines, IPCAN members provided insights on managing complaints related to the disproportionate use of force by police.

Preceding the conference, several IPCAN members convened to identify common issues related to policing. This culminated in a joint declaration by 16 members, containing 21 recommendations on managing public demonstrations and police operations, advocating for the necessary and proportionate use of force.

**PARLIAMENTARY OMBUDSMAN ATTENDED THE UK OMBUDSMAN ASSOCIATION CONFERENCE ON EFFECTIVENESS IN TIMES OF CHANGE
June 23, 2023**

On 20 – 21 June, the Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, participated in a conference organised by the UK Ombudsman Association (OA) in Birmingham. The event focused on “*Being Effective in a Time of Change*”. It brought together various ombudsman schemes and complaint-handling bodies from the United Kingdom, Ireland, the British Crown Dependencies, and the British Overseas Territories. Malta participated in the foreign outreach approach undertaken by the present Ombudsman.



The conference addressed the dramatic consequences of the cost-of-living crisis in the UK and its impact on people's priorities. As the rising expenses associated with basic necessities continued to burden individuals and families, it became vital to explore ways to improve access to justice and raise awareness about the existence and significance of ombudsman schemes.

During the two-day event, the attendees discussed the challenge of raising awareness regarding ombudsman institutions. By increasing public knowledge about Ombudsman Institutions, people could better understand their rights and seek appropriate redress for their concerns.

Improving access to justice was another critical topic of discussion at the conference. Particularly striking and of great interest was the presentation by the Master of the Rolls, Sir Geoffrey Vos, about the digitisation of the civil judicial process and the online Procedure Rule Committee constituted by the Judicial Review and Court Act 2022.

Participants shared best practices and strategies to ensure that ombudsman schemes are accessible to all, regardless of socioeconomic background. This includes simplifying processes, establishing clear communication channels, and implementing effective outreach initiatives to engage marginalised communities.

THE OMBUDSMAN PRESENTED THE ANNUAL REPORT 2022 TO THE SPEAKER OF THE HOUSE

June 26, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, submitted the Annual Report 2022 to the Speaker of the House of Representatives, the Hon. Anglu Farrugia. The results outlined in this report were delivered during Mr Anthony C. Mifsud's extended term of office, which ended on 8 March 2023.

In the foreword of the Annual Report 2022, the Ombudsman acknowledged the remarkable service of his predecessor, Mr Anthony C. Mifsud, and the former Commissioner for Health, Mr Charles Messina, for demonstrating unwavering commitment to their roles, setting commendable standards for public service. "*The country owes a debt of gratitude to these loyal servants,*" the Ombudsman said.

The Ombudsman expressed his commitment to reaffirm, through tangible and positive action, the Ombudsman's primary role in addressing complaints by persons regarding actions of the public administration that are allegedly unfair, prejudicial, or discriminatory.



Looking ahead, the Ombudsman announced that through determined proactive action, he intended to increase “*own initiative*” investigations aimed at improving the workings of the public administration, not just to better the level of service but also to highlight the good that the public administration does for its customers. He assured that whoever resorted to the Office of the Ombudsman would find solace in this institution and that all efforts would be focused on ensuring that recommendations are implemented by public authorities, primarily through the force of conviction.

The Ombudsman continued, stating that he strongly believed that the institution, even within the current legal framework, had the ability and will to stimulate and advance legitimate debates on the daily defence of human rights in all aspects.

In these initial months, the Ombudsman said that he had witnessed responsive public services, and he would like to commend those sectors of the public administration that had reacted positively or shown understanding to the Office’s inquiries.

HOUSE BUSINESS COMMITTEE RECOMMENDS THE APPROVAL OF THE OFFICE OF THE OMBUDSMAN'S BUDGET

July 4, 2023

The House Business Committee convened in a special session to discuss the Ombudsplan for 2022 and 2023.

In his introduction, the Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, mentioned the importance of strengthening ties between the Office of the Ombudsman and the Parliament. The Ombudsman highlighted the importance of facilitating dialogue between the two entities to find a way for reports sent to Parliament by the Office of the Ombudsman to be discussed to make the role of the Ombudsman more effective, a matter on which public opinion has consistently insisted.

Moreover, the Ombudsman praised the positive change in approach towards public administration since the 8th of March, noting the shift towards a proactive stance with no confrontations. He explained that recommendations made by the Ombudsman and the Commissioners are based on meticulously proven facts, and more often than not, the public administration accepts the recommendations.

In addition, since his appointment, Judge Zammit McKeon has introduced a novel system. If a Permanent Secretary does not act upon a report from the Ombudsman, the report will be forwarded to the Governance Section at the Office of the Prime Minister (OPM) instead of going directly to the Prime Minister. This contributes to further scrutiny and accountability.

Furthermore, the Ombudsman underscored the necessity of making the Office of the Ombudsman more visible and accessible to the public. He stated that this is imperative for reaffirming the people's trust in the Office and will ensure that he will continue to serve as a conduit for redress for those who have suffered from maladministration without unnecessary conflict.

The Speaker of the House responded positively to the Ombudsman's remarks, affirming that he had already publicly agreed on the need for a mechanism enabling Parliament to discuss reports submitted by the Ombudsman.

At the end of the sitting, the House Business Committee recommended the approval of the Office of the Ombudsman budget for the Plenary Session.

THE OMBUDSMAN MADE HIS FIRST OFFICIAL VISIT TO THE PRESIDENT

July 14, 2023

Parliamentary Ombudsman Judge Emeritus Joseph Zammit McKeon made his first official visit to the President of Malta, H.E. George Vella. The courtesy call allowed the Ombudsman to discuss his Office's work and future plans since his appointment on March 8.

During the meeting, Judge Zammit McKeon emphasised the responsibility accompanying his unanimous appointment. He expressed his commitment to fulfilling the expectations tied to his constitutional role, particularly when addressing issues of maladministration.

The Ombudsman provided an overview of his Office's activities over the past four months. He informed the President that his vision for the institution would be outlined in the upcoming 'Ombudsplan 2024'. The strategy aims to make the Ombudsman's Office more relevant and accessible to the public, improve public administration, and elevate the institution's local and international profile.

The Ombudsman also discussed the improved collaboration between his Office and the public service. He highlighted ongoing efforts to increase the implementation rate of recommendations made by the Ombudsman and his Commissioners.

Furthermore, President Vella was updated on the upcoming conference co-hosted by the Ombudsman's Office and the Association of Mediterranean Ombudsmen



(AOM) with the theme ‘The Right to Good Administration: Myth, Aspiration, or Reality?’ that would have a lineup of distinguished local and international guests and speakers.

The President thanked the Office of the Ombudsman for the work done over the years. The meeting concluded with the Ombudsman presenting President Vella with the 2022 Annual Report, which offers a comprehensive review of his Office’s work in the previous year.

THE PARLIAMENTARY OMBUDSMAN VISITED THE NATIONAL ARCHIVES OF MALTA

July 28, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, made an informative and significant visit to the National Archives of Malta in Rabat.

The Ombudsman was greeted by Dr Charles J. Farrugia, the National Archivist, who guided Judge Zammit McKeon through the impressive and extensive archival collections, which include documents dating back to the 1530s and up to the present day.

As part of the tour, Dr Farrugia explained the integral role and responsibilities of the National Archives in safeguarding the collective memory of the Maltese nation.



He highlighted the Archives' duty to preserve and make public records accessible, maintain the National Register of Archives, inspect record-keeping practices within public offices, acquire private records of national significance, and promote professional training for archivists and records managers.

Dr Farrugia also addressed the challenges faced by the National Archives, primarily the need for a centralised location outfitted with modern preservation technologies and the pressing need to shift perceptions towards recognising public records as citizens' records.

Currently, the National Archives operates from four locations: the Head Office in Rabat, the Court Tribunals Section in Mdina, the Gozo Section in Vajringa Street, Victoria, and the Notarial Registers Archive in Valletta.

Following the tour, the Ombudsman expressed his gratitude to Dr Farrugia and his team for their work, professionalism, and dedication to protecting the National Archives for future generations as a vital part of the country's cultural heritage. He emphasised the role of the National Archives as a democratic institution. He highlighted the importance of preserving and accessing public service documents to ensure transparency, accountability, and respect for all rights.

The visit concluded with the Ombudsman and the National Archivist signing a Retention Policy for the Office of the Parliamentary Ombudsman. The document will ensure that the Office of the Ombudsman's records are appraised correctly and that historically significant documents are transferred to the National Archives for long-term preservation.

THE OMBUDSMAN MET THE MALTA REFUGEE COUNCIL

July 31, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, met with the Malta Refugee Council in an information session. The meeting aimed to raise further awareness of the Parliamentary Ombudsman's role and functions, especially as they pertain to Malta's non-governmental organisations (NGOs) working in the field of forced migration.

The Malta Refugee Council is a network of Maltese NGOs devoted to advocating for the fundamental human rights of individuals forcibly displaced.

Dr Neil Falzon, Director at Aditus Foundation, introduced the meeting and outlined the Council's mission. He emphasised that the Council's work involves advocating for legislation, policies, and practices that align with Malta's international



obligations and best practices in the sector. Moreover, he stated that the Council strives to foster a welcoming and inclusive environment for refugees.

Judge Emeritus Zammit McKeon indicated that the Office of the Ombudsman was actively reaching out to areas in society that may need its services. This outreach was intended to bring the institution closer to the people and make it more accessible to those seeking redress for maladministration. He highlighted the importance of such information sessions in strengthening cooperation between the Ombudsman's Office and NGOs.

Dr Monica Borg Galea, Head of Investigations at the Ombudsman's Office, delivered a presentation on the role and functions of the Ombudsman during the session. Following her presentation, members from various NGOs engaged in a constructive dialogue, raising questions and sharing the challenges they encountered in migration.

THE PARLIAMENTARY OMBUDSMAN MET WITH PALESTINIAN AMBASSADOR August 7, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, received H.E. Fadi G.H. Hanania, Ambassador of Palestine, during a courtesy call.

During the meeting, the Ombudsman presented an overview of his institution's role and functions and updated the audience on the active role the Office of the Ombudsman was playing as Secretary General and Treasurer of the Association of Mediterranean Ombudsmen (AOM).

Ambassador Hanania took the opportunity to update the Ombudsman on the current situation in Palestine and the challenges the Palestinian people continue to face. He expressed gratitude for Malta's support towards the Palestinian cause, particularly in education.

Judge Emeritus Zammit McKeon, in turn, reaffirmed the strong bilateral ties between Malta and Palestine, noting Malta's longstanding support for the Palestinian people. Accompanying the Ambassador was Ms Zahwa Arafat. The Ombudsman was joined by Mr Paul Borg, Director General, and Mr Jurgen Cassar, Head of Communications and Research.



THE PARLIAMENTARY OMBUDSMAN VISITED THE INTERNATIONAL INSTITUTE FOR JUSTICE AND THE RULE OF LAW

August 8, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, visited the International Institute for Justice and the Rule of Law (IJ) and met with Mr Steven Hill, the institute's Executive Secretary.

The IJ is dedicated to fulfilling its mission by creating and delivering specialised capacity-building programmes and activities. These efforts assist governments and practitioners in practically, effectively, and collaboratively addressing the complex and evolving challenges of contemporary terrorism and related transnational crime. In his meeting with the Ombudsman, Mr Hill elaborated on the IJ's mission, which focuses on enhancing and strengthening the abilities of criminal justice practitioners and other stakeholders. The goal is to address terrorism and transnational criminal activities within a framework of the rule of law and to foster cooperation and information exchange on a national, regional, and international basis.

The Ombudsman expressed his pride in Malta's hosting of such a prestigious institute, highlighting the common guiding principles shared between the IJ and his Office: promoting justice and the rule of law.

After the meeting, members of the IJ team had a chance to engage with the Ombudsman, asking questions and discussing various topics. These included the Ombudsman's role, governance issues, the right to good administration, and ways to achieve effective remedies through collaboration, bridge-building, and mediation.



THE OMBUDSMAN PRESENTED HIS FIRST OMBUDSPLAN TO THE SPEAKER OF THE HOUSE

September 13, 2023

In accordance with Section 10(4) of the Ombudsman Act 1995 (Chapter 385 of the Laws of Malta), the Ombudsman, Judge Emeritus Joseph Zammit McKeon, presented his first Ombudsplan to the Speaker of the House of Representatives, the Hon. Anglu Farrugia.

The Ombudsplan 2024 outlines the activities planned for the ensuing year and details the initiatives the Office of the Ombudsman will undertake. The main purpose of the Ombudsplan is to request the necessary budget from Parliament, which, upon approval by the House of Representatives, shall be charged to the Consolidated Fund.

The document will be made public once it is tabled in Parliament following the summer recess. Subsequently, the Ombudsplan will be discussed during a special sitting of the House Business Committee.



MARIUPOL: (UN)LOST HOPE – A COMMEMORATION OF RESILIENCE AND REMEMBRANCE EVENT IN ROME

September 21, 2023

The Office of the Ombudsman participated in the thematic side event “*MARIUPOL: (UN)LOST HOPE.*” This event was organised by the Ukrainian Parliament Commissioner for Human Rights and the President of the Italian Ombudsmen and Ombudsman of the Lazio Region, Mr. Marino Fardelli, in Rome. It formed part of the International Ombudsman Conference, which took place from September 21 to 22. The event highlighted the significant challenges Mariupol, Ukraine, faced during the conflict with Russia. A documentary, “*Mariupol: Unlost Hope*”, was showcased, presenting the personal experiences of Mariupol residents during the early days of the invasion. Through the stories of three women and two men, attendees gained insights into the difficult decisions and the realities of living through a conflict.

Expressions of solidarity with Ukraine and its people were a central theme. Speakers included the Ukrainian Parliamentary Commissioner for Human Rights, Mr Dmytro Lubinets; the President of the Italian Ombudsmen and Ombudsman of the Lazio Region, Mr Marino Fardelli; and the President of the International Ombudsman Institute and Ombudsman of Western Australia, Mr Chris Field.

The Office of the Ombudsman in Malta was represented by Mr. Paul Borg, Director General, and Mr. Jurgen Cassar, Head of Communications and Research.



THE OFFICE OF THE OMBUDSMAN AT THE INTERNATIONAL CONFERENCE OF OMBUDSMAN IN ROME

September 25, 2023

The Office of the Ombudsman participated in the International Conference of Ombudsmen in Rome between 21 and 22 September. This conference was organized by the Ombudsman of the Lazio Region and the President of the National Coordination of Italian Ombudsmen, Mr. Marino Fardelli.

The event was hosted in the Chamber of Deputies Hall of Parliamentary Groups within the Italian Parliament. Discussions centred around 'The Role of the Ombudsman in the World between Reality and Possibility.'

Ombudsmen and Human Rights Defenders from various continents attended the conference. Key topics included the role of the ombudsman in bridging the gap between citizens and local public authorities and the influence of digital transformation on the ombudsman's duties.

Participants also discussed pressing global issues such as human rights during global crises, migration and cross-border conflicts challenges, and the right to health. The discussions explored access to care, the needs of vulnerable populations, and ways the ombudsman can improve public health services.



Moreover, the conference served as a platform for networking, allowing delegates from different jurisdictions to exchange ideas and share experiences.

The Office of the Ombudsman was represented by Mr. Paul Borg, Director General, and Mr. Jurgen Cassar, Head of Communications and Research.

OMBUDSMAN MEETS THE COUNCIL OF THE MALTA CHAMBER

September 27, 2023

Following an invitation by The Malta Chamber, the Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, met with the Chamber. This council is composed of 19 elected members responsible for overseeing the business affairs of the Chamber, led by President Chris Vassallo Cesareo.

The primary aim of the meeting was to enhance understanding of the roles and responsibilities of the Ombudsman in guaranteeing a fair and transparent public service. During this session, the Ombudsman elaborated on his jurisdiction and the procedure for investigating complaints. These complaints can come from individuals, such as citizens and residents, or organisational bodies like The Malta Chamber itself. The Ombudsman also discussed the “own initiative investigation” procedure and the tangible outcomes stemming from issues encountered in people’s daily lives.

The members present for the meeting had the opportunity to raise issues and ask the Ombudsman questions related to challenges they encountered. The President



of The Malta Chamber of Commerce, Mr Christopher Vassallo Cesareo, stated that, *“The Malta Chamber is committed to foster a relationship of collaboration between the two organisations. We will continue to explore opportunities for future collaboration between the Ombudsman’s Office and the Malta Chamber particularly in championing better good governance and fair public procurement.”*

The Ombudsman emphasised his Office’s meticulous, fact-based approach in investigations, ensuring that they bolster enforcement and see through their findings. He reaffirmed his dedication to fostering a just public administration through conviction. He highlighted that an efficient public administration not only benefits the general public but also the business community and the administration itself.

The Ombudsman expressed his availability for future meetings, including with the broader membership of The Malta Chamber.

THE OFFICE OF THE OMBUDSMAN PARTICIPATED IN THE ANNUAL FRESHERS’ WEEK AT THE INSTITUTE OF TOURISM STUDIES

September 29, 2023

The Office of the Ombudsman participated in the annual Freshers’ Week event organised by the Institute of Tourism Studies (ITS).



The aim of the information stand from the Office of the Ombudsman was to provide students and academics with information about the roles and functions of both the Ombudsman and the Commissioner for Education.

This initiative was part of the ongoing outreach efforts to bring the Office of the Ombudsman closer to the public.

THE OMBUDSMAN'S OUTREACH AT THE UNIVERSITY OF MALTA'S FRESHERS' WEEK

October 2, 2023

As in previous years, the Office of the Ombudsman participated in the KSU Freshers' Week at the University of Malta. This year, the event took place from 2 to 6 October. The Office of the Ombudsman's presence on campus aimed to enhance the institution's visibility among students and academic staff.

During Freshers' Week, students had the chance to familiarise themselves with the roles and functions of both the Ombudsman and the Commissioner for Education. They could also enquire about the services provided by the Office of the Ombudsman. Information, publications, and other handouts were distributed to the students and academic staff who visited the stand.

The Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, visited the stand of the Office of the Ombudsman at both the Institute of Tourism Studies and the University of Malta.



THE OMBUDSPLAN 2024 WAS TABLED IN PARLIAMENT

Public awareness of the Ombudsman's Office had surged from 70% in 2015 to nearly 91% in 2023.

October 3, 2023

The Hon. Anglu Farrugia, Speaker of the House of Representatives, tabled the Ombudsplan 2024 in Parliament yesterday. This marked the first Ombudsplan of Judge Emeritus Joseph Zammit McKeon as Parliamentary Ombudsman. In the document, the Office of the Ombudsman published essential findings from a survey commissioned to assess public understanding and perspectives.

Furthermore, the Ombudsman shared insights on various aspects of his constitutional role.

In the Ombudsplan 2024, the Parliamentary Ombudsman stated that *"In the current year and for the four years to come, it shall be an obligation on our part as an Office of Parliament to address the concerns of all persons who seek redress and, if entitled, to give them fair remedies, through motivated recommendations addressed to the public administration.*

To do so, the Office must be brave, objective, factual, upright, and with no agenda other than what is fair because when a person who has a right is convinced that the credentials of the Office are proper and credible, then that person will choose to bring forward his grievances to the Office rather than go elsewhere."



THE OMBUDSMAN VISITED THE KSU FRESHERS' WEEK AT THE UNIVERSITY OF MALTA

October 5, 2023

The Ombudsman, Judge Emeritus Joseph Zammit McKeon, was given a tour of the Kunsill Studenti Universitarji (KSU) Freshers' Week by the KSU's Secretary General, Zane Camilleri.

Throughout his visit, the Ombudsman visited various stands representing public services and student organisations, and met with exhibitors. He also engaged with students to learn more about their work, initiatives on campus, and the students they represent.

Furthermore, he visited the Office of the Ombudsman stand, which aimed to raise awareness about the institution and its role within the community.



THE PARLIAMENTARY OMBUDSMAN RECEIVED A COURTESY CALL FROM THE AMBASSADOR OF TÜRKIYE

October 6, 2023

Judge Emeritus Joseph Zammit McKeon, the Parliamentary Ombudsman, welcomed H.E. Erdeniz Şen, the Ambassador of Türkiye. During their meeting, they discussed the longstanding and excellent bilateral relations between Malta and Türkiye, as well as the work of the Ombudsman's Office on both local and international fronts. The Ombudsman provided an overview of his role and functions to improve public administration and bring the institution closer to the people.

Ambassador Şen acknowledged Malta's invaluable support during the earthquake, expressing his gratitude specifically to the thirty-two Maltese Civil Protection officers who travelled to Türkiye to assist with the operations in the aftermath. He commended the Maltese people's heartfelt solidarity, evidenced by the generous sending of goods to aid the victims.

Furthermore, the Ambassador underscored the thriving commercial ties between the two nations and noted the significant Turkish community residing in Malta.



THE OMBUDSMAN VISITED MCAST FRESHERS' WEEK

October 10, 2023

Today, Judge Emeritus Joseph Zammit McKeon, the Ombudsman, conducted a two-hour tour of the Malta College for Arts, Science and Technology (MCAST) buildings and main campus during Freshers' Week. He was welcomed by the Deputy Principal for Administration, Mr. Philip Vella, and the Director from the Office of the Principal, Dr. Caroline Demarco.

The Deputy Principal informed the Ombudsman about the various projects and initiatives MCAST is undertaking to prepare students for working life.

During the visit, the Ombudsman viewed the new MCAST Resource Centre, which houses the library, auditorium, and working spaces for students, including those reserved for students with special needs.

He also visited the NGO area, where several Non-Governmental Organisations presented their work and their goals to promote community services among students. He engaged in discussions with the people at the numerous stands and encouraged all to persevere in their objectives to benefit Maltese society and the common good.

The Ombudsman concluded his visit at the Office of the Ombudsman stand, set up to engage with students and academics at MCAST.



THE OMBUDSMAN RECEIVED THE AMBASSADOR OF EGYPT TO MALTA ON A COURTESY VISIT

October 13, 2023

The Ombudsman, Judge Emeritus Joseph Zammit McKeon, met the Ambassador of Egypt to Malta, H.E. Khaled Anis, on a courtesy visit.

During the meeting, Judge Zammit McKeon and Ambassador Anis expressed their deep sorrow for the bloodshed of so many innocent civilians in the current crisis in the Middle East. They also expressed their sincere hope for an immediate cessation of hostilities and a resolution to all the root causes of the crisis.

Ambassador Anis reaffirmed the strong bilateral relations between Egypt and Malta. For his part, the Ombudsman confirmed his support for the ideals and work of the National Human Rights Council in Egypt and the Office's open-door policy to all persons, including Egyptian nationals, within the framework of its remit as laid out in the Ombudsman Act (Chapter 385 of the Laws of Malta).



THE OMBUDSMAN RECEIVED A COURTESY CALL FROM THE MALTA ASSOCIATION OF RETIRED POLICE OFFICERS

October 17, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, met with the Malta Association of Retired Police Officers (MARPO) to discuss various matters. The Ombudsman began the meeting by expressing his heartfelt gratitude to the retired police officers for their unwavering service and commitment to the community throughout their careers. The Ombudsman took the opportunity to elaborate on his jurisdiction, emphasising the importance of outreach programmes. He discussed the essence of engaging with associations, NGOs, and representatives from different sectors, which he views as crucial stakeholders. This collaborative approach ensures that diverse voices and concerns are acknowledged and addressed adequately.

The Association highlighted two key issues. First, they addressed the process surrounding the Long and Efficient Service Medal. They expressed a desire to revise the current regulations.

The second topic of discussion centred on the service pension. A police officer qualifies for this pension after 25 years of service. If these officers choose to work outside the police corps post-retirement, their pension remains unaffected. However, their pension is suspended if they decide to rejoin the corps.

The Ombudsman assured MARPO that he would consider the issues they raised.

The meeting was attended by Mr Emmanuel Caruana, President, Mr Raymond Zammit, Secretary, Mr Joseph Borda, Treasurer, and Mr Martin Pace, Executive Secretary. The Ombudsman was accompanied by Dr Brian Said, Senior Investigating Officer, and Mr Jurgen Cassar, Head of Communications and Research.



COMMISSIONER FOR ENVIRONMENT AND PLANNING SUBMITTED TEN PROPOSALS ON AMENDMENTS TO THE ENVIRONMENT AND PLANNING REVIEW TRIBUNAL ACT AND THE DEVELOPMENT PLANNING ACT

October 30, 2023

In response to the Ministry for Public Works and Planning's discussion paper on amendments to the Environment and Planning Review Tribunal Act and the Development Planning Act, the Commissioner for Environment and Planning in the Office of the Ombudsman, Perit Alan Saliba, submitted ten proposals aimed at addressing the automatic suspension of development permissions during third-party appeals.

In his introduction, the Commissioner highlighted the need to address development proposal implementation, especially during third-party appeals. This is also to safeguard the interests of property buyers, financial institutions, and regulatory authorities. He also touched upon the implications of the current Planning Authority's electronic representation procedures and the need for proper regulations. Insights from cases investigated by the Office of the Ombudsman informed these proposals, ensuring that the implementation of works during third-party appeals is adequately addressed.

The Commissioner stated, *“Our planning processes must remain clear and relevant to the digital age. These proposals aim to provide a balanced approach for developers, buyers, and authorities.”*



THE EXECUTIVE BOARD OF THE AOM MET IN MALTA

October 30, 2023

Ahead of the conference, the Executive Board of the Association of Mediterranean Ombudsmen met in Malta to discuss the conference proceedings and the Association's internal affairs.

In attendance were Dr Andreas Pottakis, Ombudsman of Greece and President of the AOM; Mr Peter Svetina, Ombudsman of Slovenia and Vice President of the AOM; Ms Erinda Ballanca, People's Advocate of Albania and Vice President of the AOM; and the Parliamentary Ombudsman of Malta, Judge Emeritus Joseph Zammit McKeon, who is Secretary General and Treasurer of the AOM.

DAY ONE – OMBUDSMAN MALTA CONFERENCE – THE RIGHT TO GOOD ADMINISTRATION: MYTH, ASPIRATION AND REALITY?

October 31, 2023

The Ombudsman Malta Conference opened on October 31, 2023, with notable speeches from local and international figures, including Malta's Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, and Dr Andreas Pottakis, President of the Association of Mediterranean Ombudsmen (AOM). Contributions also came from the European Ombudsman, Emily O'Reilly, via video and the Hon. Anglu Farrugia, Speaker of the Maltese House of Representatives.

The conference's first plenary session highlighted the Ombudsman's essential role in democracies, ensuring transparency and accountability in public administration.



Discussions led by experts, including Dr Ivan Mifsud and Ms Caroline Martin from the Venice Commission, delved into the legal underpinnings and operational principles guiding Ombudsman institutions worldwide.

Further sessions examined the integration of good administration with human rights and privacy, underscoring the necessity of balancing these elements to enhance transparency and fairness. Esteemed speakers like Professor Kevin Aquilina and Ms Maija Sakslin offered insights into international and regional approaches to upholding these standards.

The day concluded with a dinner at Verdala Palace, symbolising a commitment to continuous dialogue and improvement in governance and human rights practices.

DAY TWO – OMBUDSMAN MALTA CONFERENCE – THE RIGHT TO GOOD ADMINISTRATION: MYTH, ASPIRATION AND REALITY?

November 1, 2023

On the final day of the International Ombudsman Conference titled “*The Right to Good Administration: Myth, Aspiration, or Reality?*” discussions centred on enhancing cooperation between independent state offices and public administrations. Dr John Stanton from The City Law School chaired a session exploring perspectives from smaller and transitioning states, highlighting the essential role of transparency and governance in policy execution.

Notable contributions came from Malta’s Auditor General, Mr. Charles Deguara, and Mr. Mohammed Benalilou, Mediator from Morocco, each discussing their roles in governmental oversight and public administration within their respective



countries. Further discussions led by Dr. Reno Borg provided insights into Malta's financial regulatory framework.

Another critical session, chaired by Dr. Tamar Gvaramadze, focused on the Ombudsman's role in safeguarding citizens' rights amid societal transformations. Esteemed speakers, including Mrs. Maria Stylianou and Mr Peter Svetina, discussed the evolving nature of the Ombudsman's responsibilities, emphasising community engagement and the protection of human rights.

The conference concluded with the Malta Declaration, endorsed by Judge Emeritus Joseph Zammit McKeon. The declaration emphasises the importance of good administration for societal prosperity. Closing remarks by Malta's political leaders underscored the conference's themes of governance and transparency.

MUTUAL APPRECIATION: MALTA'S PARLIAMENTARY OMBUDSMAN AND TÜRKIYE'S CHIEF OMBUDSMAN VISITED THE CIVIL PROTECTION DEPARTMENT

November 2, 2023

The Parliamentary Ombudsman of Malta, Judge Emeritus Joseph Zammit McKeon, and the Chief Ombudsman of Türkiye, Mr. Şeref Malkoç, visited the Civil Protection Department Fire Station in Hal Far. The Ambassador of Türkiye to Malta, H.E. Erdeniz Şen, was also present.

The purpose of the visit was to convey gratitude and appreciation to the Civil Protection Officers who provided invaluable support following the earthquake



and assisted in the subsequent relief operations. The officers' efforts reflected the deep-seated solidarity of the Maltese people, demonstrated further by the generous provision of goods to support the affected individuals.

At an Ombudsman Conference in Kosovo last May, the Parliamentary Ombudsman of Malta recalled how the Chief Ombudsman of Türkiye acknowledged countries that lent a helping hand to Türkiye, including Malta. He subsequently invited Mr. Malkoç to the CPD during his visit to Malta as a gesture of personal gratitude. The Chief Ombudsman of Türkiye, grateful for the invitation, immediately accepted it. The Ombudsman of Malta thanked the CPD for arranging the meeting.

The ceremony came to a touching close with the Chief Ombudsman of Türkiye thanking all officers for their courage and commitment. He also extended his gratitude to the Maltese people for their overwhelming support. Emphasising Türkiye's enduring appreciation, he assured that the country will forever remember the compassion and assistance of Malta and its citizens.

THE PARLIAMENTARY OMBUDSMAN RECEIVED THE AMBASSADOR OF SPAIN TO MALTA

November 6, 2023

The Parliamentary Ombudsman of Malta, Judge Emeritus Joseph Zammit McKeon, welcomed the Ambassador of Spain to Malta, His Excellency Jose Maria Muriel, at the Office of the Ombudsman in Valletta.



In his welcome address, the Ombudsman referred to two special events that marked the Spanish calendar for October of the current year: the 12th day of October being the National Day of Spain, and the 31st day of October being the day when Princess Leonor of Asturias, on her 18th birthday, was officially declared as heir to the Spanish throne following her oath of allegiance before the Cortes.

Ambassador Muriel expressed his appreciation.

During the meeting, the Ombudsman highlighted the crucial role that the Office of the Ombudsman plays in defending the rights of individuals against acts or omissions of the public administration, particularly in cases involving people who do not have a voice and who have no one else to turn to for support and redress.

His Excellency Ambassador Muriel expressed his support for all initiatives that help better the lives of those who need the most help.

Regarding the international dimension, the Ombudsman emphasised the importance the Office had placed on hosting, together with the Association of Ombudsmen of the Mediterranean. This international conference focused on the right to good administration and its concrete application for domestic law purposes.

Ambassador Muriel noted similarities between the Ombudsman institution in Malta and the Defensor del Pueblo of Spain. He expressed hope that the institutions in both countries would cooperate to promote reciprocal exchanges of knowledge and practices for mutual benefit. The Ombudsman fully endorsed this way forward.

The Ombudsman confirmed the Malta institution's support to Spanish nationals living or working in Malta should they require assistance in any matter that comes within the remit of the Office of the Ombudsman.

THE OMBUDSMAN MET A DELEGATION FROM THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF THE COUNCIL OF EUROPE

November 8, 2023

A Congress of Local and Regional Authorities of the Council of Europe delegation met with Parliamentary Ombudsman Judge Emeritus Joseph Zammit McKeon. This encounter was part of a monitoring visit focusing on Malta's application of the European Charter of Local Self-Government since the last monitoring report adopted by Congress in 2017.

Since Malta ratified the European Charter of Local Self-Government in 1993, it has been obliged to adhere to its provisions. These provisions represent the fundamental



principles of local self-government in Europe. The Congress of Local and Regional Authorities supervises adherence to these principles.

The agenda of the meeting covered issues concerning local councils in Malta and human rights. The Ombudsman outlined his responsibilities towards local councils. He elaborated on how these councils fall within his jurisdiction, subject to investigation following complaints or on his own initiative. Local councils can also lodge complaints against government entities for maladministration. He provided examples of common issues relating to maintenance, road upkeep, and resident-incurred damages.

Regarding Human Rights, the Ombudsman highlighted that his Office addresses human rights issues despite not being a National Human Rights Institution (NHRI). Malta currently lacks an NHRI, and since 2012, the Ombudsman's Office has advocated for the Ombudsman to be designated as Malta's official NHRI.

The Congress delegation included rapporteurs Matthias Gysin (Switzerland, ILDG) and Cecilia Felicitzasz Friderics (Hungary, ECR), accompanied by Prof. Francesco Palermo, a Member of the Group of Independent Experts on the European Charter of Local Self-Government (Italy). Their visit spanned from the 7th to the 9th of November, 2023. Perit Alan Saliba, Commissioner for Environment and Planning, Dr Monica Borg Galea, Head of Investigations and Mr Jurgen Cassar, Head of Communications and Research, joined the Ombudsman.

PARLIAMENTARY OMBUDSMAN PARTICIPATED IN THE EUROPEAN NETWORK OF OMBUDSMEN ON HUMAN RIGHTS AND AI IN BRUSSELS

November 9, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, participated in the European Network of Ombudsmen meeting in Brussels. Hosted by Ms Emily O'Reilly, the European Ombudsman, the two-day event was held at the European Parliament and focused on 'Protecting human rights: approaches to migration and artificial intelligence.'

Europe's migration challenges have scrutinized policymakers, raising questions about the adequacy of government actions to protect fundamental rights. Ombudsmen are often tasked with investigating claims of human rights violations against migrants and assessing the effectiveness of safeguards. The conference, organised by European Ombudswoman Emily O'Reilly, initially addressed the EU's response to migration.

The event opened with remarks from Ms Emily O'Reilly, the European Ombudsman. It began with a lecture by Sally Hayden, author of 'My Fourth Time, We Drowned: Seeking Refuge on the World's Deadliest Migration Route' and an African correspondent for the Irish Times.

The latter part of the conference shifted focus to the impact of artificial intelligence (AI) on decision-making and public administration interactions with citizens. Michael O'Flaherty, the Director of the EU Agency for Fundamental Rights, gave the



opening address. This was followed by a discussion of the advantages and possible concerns regarding AI in public services.

Established in 1996, the European Network of Ombudsmen (ENO) links the European Ombudsman with national and regional ombudsmen and the European Parliament's Committee on Petitions. The European Ombudsman Office coordinates the network.

The Ombudsman was accompanied by Mr Paul Borg, Director General, and Mr Jurgen Cassar, Head of Communications and Research.

ENO CONFERENCE CONTINUED IN BRUSSELS: DISCUSSING ETHICS STANDARDS IN PUBLIC ADMINISTRATION AND THE UPCOMING EUROPEAN PARLIAMENT ELECTIONS

November 10, 2023

On the second day of the European Network of Ombudsmen (ENO) conference, participants, including Parliamentary Ombudsman Judge Emeritus Joseph Zammit McKeon, engaged in pivotal discussions about Ethics Standards in public administrations and the upcoming European Parliament Elections, including the election of the European Ombudsman.

The session commenced with an opening address by the European Ombudsman, Ms Emily O'Reilly, followed by a message from Vera Jourova, Vice President for Values and Transparency at the European Commission.



The first session of the day focused on Ethics Standards in public administration. This discussion was particularly timely, considering the corruption scandal in late 2022 that highlighted the need for a robust integrity framework within the EU. The scandal involved allegations of attempts by non-EU governments to influence the European Parliament. The session explored the necessary ethics standards and the most effective ways to uphold them in public administrations.

The second session shifted attention to the European Elections scheduled for 6-9 June 2024. The outcomes of these elections are significant, as they will shape legislation across various sectors, including environmental protection, artificial intelligence, and defence. Moreover, the newly elected Parliament will be responsible for electing the next European Ombudsman. Discussions in this session included projections about the political composition of Parliament for the 2024 – 2029 term and detailed the procedure and timeline for the election of the European Ombudsman.

These discussions underscored the ENO's ongoing commitment to upholding high standards of ethics in public administration and ensuring a transparent and democratic process for electing key positions within the European Union.

PARLIAMENTARY OMBUDSMAN MET WITH THE AMBASSADOR OF IRELAND TO MALTA

November 13, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, held a significant meeting with the Ambassador of Ireland to Malta, H.E. Caroline Whelan, at the Office of the Ombudsman.



The meeting highlighted the mutual interests and commonalities between Malta and Ireland, each an island state within the European Union, upholding neutrality, and possessing strong foundations in the Ombudsman Institution.

A principal topic of discussion was the ongoing international crises in Ukraine and the Middle East.

On the Middle East, the Ombudsman reaffirmed his previously expressed hope for an immediate cessation of hostilities and the tragic loss of innocent lives, emphasising the necessity for enduring solutions to the root causes of these crises. He conveyed his belief that without such solutions, the crises would continue to result in loss for all parties involved.

Ambassador Whelan referred to her activities commemorating the 50th Anniversary of Ireland's entry into the European Union. She expressed interest in the topics explored at the Ombudsman's recent International Conference on this subject. The conference focused on integrating Article 41 of the European Charter of Fundamental Rights into local legislation, igniting conversations about the right to good administration. The Ombudsman mentioned his intention to hold talks with the public administration in Malta to follow up on the discussions initiated at the Malta Conference.

The Ombudsman reiterated his commitment to leveraging international relations to exchange practices and experiences. He highlighted the value of learning from other European and Mediterranean ombudsman institutions, promoting a cooperative approach to improving public service systems.

Moreover, the Ombudsman discussed his efforts to enhance the accessibility of the institution to all persons, physical or moral, without any distinction of any sort, considering embassies as key stakeholders in this endeavour. He extended an invitation to the Embassy of Ireland to collaborate with the Office of the Ombudsman to ensure that all people have a means to address any challenges they encounter with public services or government-owned entities.

The meeting between the Ombudsman and the Irish Ambassador marks a significant step in bolstering diplomatic relations and demonstrates the Ombudsman's dedication to serving all residents in Malta, regardless of their nationality.

THE OMBUDSMAN RECEIVED A COURTESY VISIT FROM DR GEORGE HYZLER, MEMBER OF THE EUROPEAN COURT OF AUDITORS

November 29, 2023

The Ombudsman, Judge Emeritus Joseph Zammit McKeon, received a courtesy visit from Dr George Hyzler, a Member of the European Court of Auditors (ECA).

The ECA plays a crucial role in ensuring the financial accountability and transparency of the European Union. Its responsibilities include auditing EU finances, aiding EU institutions and Member States in better managing and supervising EU funds, setting standards in auditing, and working closely with national audit institutions to ensure robust scrutiny of EU spending across the EU.

During the meeting, Judge Zammit McKeon provided an overview of the work of the Office of the Ombudsman, with particular emphasis on the initiatives being undertaken to improve the services of the public administration vis-à-vis the person who has a right to those services. He also made clear his intention to strive towards introducing domestic legislation of the right to good administration that is already part and parcel of the Charter of Fundamental Rights of the EU.

Dr Hyzler explained how the ECA's work is integral to maintaining the EU's financial integrity. It ensures that funds are used effectively, efficiently, and in accordance with established rules, thereby fostering and reinforcing trust among EU citizens. He also defined his role as Chair of the ECA Ethics Committee, which upholds a robust ethical framework guided by independence, integrity, objectivity, transparency, and professional behaviour.



Judge Zammit McKeon and Dr Hyzler agreed on the importance of public awareness of the proper and correct use of EU funds across member states. They underlined the necessity of making known and easily accessible all the excellent work both institutions carry out.

At the close of the meeting, Dr Hyzler presented the Ombudsman with the ECA's Annual Report for 2022.

Dr Hyzler was accompanied by Mr Romuald Kayibanda, Chef de Cabinet; Ms Annette Farrugia, Attaché; and Dr Nikola Soukmandjiev, Member of Cabinet.

The Ombudsman was joined by the Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano; Dr Monica Borg Galea, Head of Investigations; and Mr Jurgen Cassar, Head of Communications and Research.

**THE OFFICE OF THE OMBUDSMAN PARTICIPATED IN A TRAINING SESSION
ON WHISTLEBLOWER PROTECTION AND THE FIGHT AGAINST CORRUPTION
November 30, 2023**

From the 21st to the 22nd of November 2023, the Office of the Ombudsman participated in a joint training programme organised by the Association of Mediterranean Ombudsmen and the Association of Francophone Ombudsman on the initiative of the Mediator of the Kingdom of Morocco. The theme of this training conference was “*Whistleblower Protection and the Fight against Corruption.*”



The conference saw active participation from various African and European Ombudsman offices and the Quebec Ombudsman, all emphasising their commitment to the significant and positive impact that whistleblowers can have on good governance and sound administration. Speakers included representatives from dedicated branches of the Quebec, Belgian, and French Ombudsman offices who explained the various protocols involved in combating corruption and individuals reporting corrupt public administration practices.

Dr Brian Said, Senior Investigating Officer at the Office of the Ombudsman, presented a paper on the Ombudsman's role in the legal framework of whistleblowing in Malta and its interaction with the institution of the Ombudsman when protecting whistleblowers.

HUMAN RIGHTS DAY: REFLECTING ON MALTA'S JOURNEY AND THE WAY FORWARD

December 10, 2023

As the world commemorated Human Rights Day, marking the 75th Anniversary of adopting the Universal Declaration of Human Rights (UDHR) in 1948, it was a pivotal moment for Malta to introspect on its role in protecting and promoting fundamental human rights. This day served not only as a celebration of global human rights achievements but also as a reminder of the responsibilities and challenges ahead for Malta, particularly in establishing a National Human Rights Institution (NHRI).

Malta's need to establish an NHRI was more pressing than ever. While Malta had made strides in various areas of human rights, the absence of a dedicated NHRI had been a notable gap. The Office of the Ombudsman in Malta had long advocated for this cause, proposing the practical solution of utilising the Ombudsman's existing constitutional authority. The Ombudsman's legislation is aligned with the Paris Principles, making it a suitable foundation for an NHRI.

Beyond fundamental rights, the Office of the Ombudsman had been a staunch advocate for the right to good administration, a principle enshrined in Article 41 of the European Charter of Fundamental Rights. The Ombudsman, Judge Emeritus Joseph Zammit McKeon, had been instrumental in promoting the integration of Article 41 into local legislation, sparking essential discussions about the right to good administration in Malta. These discussions, initiated at the Malta Conference last October and continued with discussions with the public administration, were crucial steps in strengthening Malta's commitment to this fundamental right.



Another critical issue was Malta's implementation of the European Convention on Human Rights (ECHR) Protocol No. 12, which Malta ratified in December 2015. This protocol emphasised equality and prohibited discrimination, yet it had not been fully incorporated into Malta's domestic law. The Ombudsman Act empowered the Ombudsman to investigate acts of improper discrimination by the government, aligning with the spirit of Protocol No. 12. However, the failure to transpose this protocol into domestic law remained a significant concern. The Office of the Ombudsman was committed to urging the government to address this gap without delay. Ratification alone was insufficient; it had to be accompanied by an effective implementation that allowed the Maltese Courts to enforce rights under Protocol No. 12.

On this Human Rights Day, the Office of the Ombudsman reaffirmed its dual mandate as the defender of the person from public maladministration and as a promoter of good public administration. This day was a commemoration and call to action for Malta to comprehensively fulfil its human rights obligations. Establishing an NHRI, integrating international human rights protocols into domestic law, and ensuring good administration were not just legal necessities but fundamental steps towards a more just, equitable, and respectful society in Malta.

THE PARLIAMENTARY OMBUDSMAN ELECTED TO THE INTERNATIONAL OMBUDSMAN INSTITUTE'S EUROPEAN REGION BOARD

December 12, 2023

For the first time in the Office of the Ombudsman's history in Malta, the Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, has been elected to the European Region Board of the International Ombudsman Institute (IOI). This significant achievement places Malta at the forefront of international efforts to promote good governance and uphold the principles of justice and fairness in public administration.

Established in 1978, the IOI is the primary global organisation fostering cooperation and knowledge exchange among over 200 independent Ombudsman institutions from over 100 countries. The IOI is divided into six regional chapters, each playing a crucial role in supporting its members through training, research, and providing subsidies for projects to enhance good governance.

The recent European Region Board of Directors elections involved over 90 Ombudsmen and European human rights institutions. The board consists of seven Directors, five of whom also serve on the IOI Board of Directors at the world level.

As one of the five members who received the most votes, Judge Zammit McKeon will also serve on the IOI Board of Directors at a global level.



The nomination of Judge Zammit McKeon revolved around the following four key issues:

- Research and training of Ombudsmen and their teams, especially on issues impacting individual rights in the digital age. This initiative is crucial in ensuring our institutions remain effective guardians of people's rights against technological advancements.
- Actively advocating for concrete discussions on the evolving role of the Ombudsman, fostering meaningful dialogue on this critical subject.
- Supporting the development and execution of projects that enhance the accessibility and impact of Ombudsman institutions. Promoting initiatives that draw these institutions closer to the public can achieve greater transparency, accountability, and a more people-focused approach to public administration.
- Empowering Ombudsman institutions through a collaborative exchange of ideas, practices, and experiences, fostering an environment where we continuously learn from each other to enhance our effectiveness and better serve the people.

The election of Judge Zammit McKeon is an essential moment for the Office of the Ombudsman in Malta. It highlights the institution's dedication to upholding the rights of the person and our commitment to effective, transparent, and accountable governance. This achievement also enhances our Office's international profile and influence, allowing us to play an even more active role in contributing to good practices and policies at the European and global levels.

PARLIAMENTARY OMBUDSMAN OF MALTA RECEIVED THE HIGH COMMISSIONER OF INDIA TO MALTA

December 14, 2023

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, welcomed the High Commissioner of India to Malta, H.E. Gloria Gangte, on a courtesy visit to the Office of the Ombudsman.

The High Commissioner of India acknowledged Malta's strategic importance in the Mediterranean region, highlighting its proximity to Europe, the Middle East, and North Africa. She commended Malta for its initiatives and ability to forge a like-minded agenda, emphasising the robust and longstanding bilateral ties between the two countries.

In response, the Ombudsman explained the role and functions of his Office as a Constitutional Institution. He noted that the Office extends its services not only to Maltese or EU nationals but also to third-country nationals, including those from India.

He informed the High Commissioner that the presence of Indian nationals in Malta is indeed significant, with 15,087 holding Single Work Permits and another 2,104



in possession of Residence Permits. He assured that the Office of the Ombudsman is wide open for all third-country nationals, including Indian nationals, who have complaints regarding acts or omissions of the public administration.

The High Commissioner referred to the challenges faced by Indian nationals in lengthy application processes. She mentioned ongoing discussions with *Identità* to streamline these procedures, aiming to ease the bureaucratic complexities Indian nationals face.

Turning the conversation to human rights, the High Commissioner, drawing on her experience as a former UN Human Rights Council delegate, expressed her special interest in the matter.

She acknowledged the Ombudsman's recent declaration commemorating Human Rights Day, which dealt with Malta's upcoming challenges and responsibilities, particularly in establishing a National Human Rights Institution (NHRI).

The Ombudsman proposed leveraging his existing constitutional authority to form the NHRI, noting that legislation currently in force aligns with the Paris Principles and international practices where Ombudsmen in various countries also serve as NHRIs.

In conclusion, the Ombudsman expressed his readiness to assist the Indian community in Malta. He underscored the role of diplomatic missions as key stakeholders, representing persons who might not be aware of their rights to access the Ombudsman's services.

The High Commissioner appreciated the warmth extended by the Ombudsman to her and his openness in discussing issues of mutual interest.

From the 2023 Case Load



**RECOMMENDATION NOT IMPLEMENTED: INVESTIGATION
FOLLOWING A COMPLAINT ALLEGING IRREGULAR ACCEPTANCE OF A
DEVELOPMENT IN ST JULIANS**

January 17, 2023

In accordance with Article 22(4) of the Ombudsman Act, the Ombudsman, Mr. Anthony C. Mifsud, and the Commissioner for Environment and Planning, Perit Alan Saliba, have submitted the Final Opinion to the House of Representatives concerning an investigation following a complaint alleging irregular acceptance of a development in St Julians.

Case summary

The Office of the Ombudsman received a complaint against the acceptance by the Planning Authority (PA) of a Development Notification Order for the erection of an ATM and booth in St Julians.

The Commissioner for Environment and Planning initiated an investigation by asking the PA whether the authority considered these constructions at road level would require any works below road level, mainly because the site is situated on the shore and elevated level with the promenade. Regarding the question about the subsidiary legislation, the PA stated that the Authority did not evaluate the proposal against Subsidiary Legislation 552.08 Class 4(iii) as the proposal did not fall under that development category but under Class 4(ii). In a later clarification, the PA clarified that the development was being considered for both Class 4(ii) and Class 4(iii), which contradicts the previous communication by the PA.



Conclusions and recommendations

Following the investigation, the Commissioner for Environment and Planning concluded that the allegations against the Planning Authority that it irregularly approved the development in St Julian's are found to be justified as the approved booth is three times the size allowed in the Development Notification Order.

The Commissioner recommended that the Planning Authority invokes Article 80 of the Development Planning Act and revokes the permit in question due to errors on the face of the record and due to the submission of a plan (section) that does not reflect the situation on-site. It was also recommended that the Planning Authority take enforcement action against unpermitted constructions below street level and above the existing floor level.

Outcome

The Planning Authority did not react to the Office of the Ombudsman's final opinion and did not implement the Commissioner for Environment and Planning's recommendations. Therefore, the Commissioner informed the Prime Minister, and the report was sent to Parliament.

RECOMMENDATION NOT IMPLEMENTED: PAVEMENT EXTENSION ONTO PARKING SPACES IN SIGGIEWI

January 31, 2023

In accordance with Article 22(4) of the Ombudsman Act, the Ombudsman, Mr. Anthony C. Mifsud, and the Commissioner for Environment and Planning, Perit Alan Saliba, submitted a Final Opinion to the House of Representatives regarding



works consisting of the extension of a pavement that encroached upon public parking spaces in front of the Siggiewi Football Club.

Case Summary

During the investigation, the Commissioner found that the pavement extension in question had been carried out after Infrastructure Malta obtained the necessary authorisations from the Planning Authority, Transport Malta, and the Siggiewi Local Council. However, it was discovered that the Mayor had only issued the no-objection without following normal Local Government procedures, which were not in line with the Local Government Act. The Mayor and the Executive Secretary did not provide appropriate reasons for not following established procedures.

Conclusions and Recommendations

The Commissioner concluded that the Mayor and the Executive Secretary of the Siggiewi Local Council committed an act of maladministration when the pavement extension was not made in the interests of the residents and against the primary principles of the Local Government Act. The Commissioner recommended that the pavement extension be removed at the expense of the Mayor and the Executive Secretary.

Outcome

The Siggiewi Local Council did not implement the Commissioner's Final Opinion, and the case was referred to the Prime Minister and the House of Representatives.

RECOMMENDATIONS NOT IMPLEMENTED: LACK OF OFFICIAL MARKINGS FOR OUTDOOR CATERING AREAS

March 7, 2023

In accordance with Article 22(4) of the Ombudsman Act, the Ombudsman, Mr Anthony C. Mifsud, and the Commissioner for Environment and Planning, Perit Alan Saliba, submitted a Final Opinion to the House of Representatives regarding a complaint about the lack of official markings for outdoor catering areas.

Case Summary

The Office of the Ombudsman received a complaint alleging that establishments with tables and chairs for customers were constantly encroaching onto public roads and pavements. The authorities ignored Policy P13 of the Outside Catering Areas Policy, which requires specific visible markings for such areas, namely steel plates flush with the surface.

The Commissioner for Environment and Planning opened an investigation against the Lands Authority, responsible for providing such markings, and invited other relevant government entities, such as the Malta Tourism Authority, the Planning

Authority, and Transport Malta, to submit comments. However, none of the government entities cooperated.

Conclusions and Recommendations

The lack of cooperation, particularly from the Lands Authority, has made it difficult to find a way to enhance its administrative role, particularly on sensitive issues where commercial interests are prevalent.

The Commissioner recommended that the Lands Authority formulate rules and procedures for fixing markers to define all concessions for outdoor catering areas and enforce them in line with the terms of each concession.

Outcome

The Lands Authority reacted to the Commissioner's Final Opinion by stating that it is not a regulatory authority and cannot be described as a "*permitting authority*." Its role is limited to granting consent for submitting development permission applications on public property and issuing encroachment concessions to the areas granted permission by the permitting authorities.

As the Lands Authority disagreed with the Commissioner's recommendations for unjustified reasons, the case was referred to the Prime Minister and then to the House of Representatives.

OWN INITIATIVE INVESTIGATION ON A SOCIAL HOUSING BLOCK IN VALLETTA LEFT WITH A GAPING HOLE AND PILING RUBBLE FOR A YEAR May 11, 2023

The Case

On April 9th, 2023, The Sunday Times of Malta published an article titled "*Social housing block left with a gaping hole and piling rubble for a year*," which reported that four families living in a social housing block had been dealing with a gaping hole and a pile of rubble at the foot of their stairwell for a year after a planned electric lift failed to be built. The Valletta block in Republic Street is home to 11 people, including young children and individuals in their 70s.

The Housing Authority, which owns and administers the building, informed residents that the works were being carried out to install a lift in the building as part of an ongoing upgrading exercise in older social housing units. The article highlighted the safety concerns and inconvenience experienced by residents living in the social housing block situated in Republic Street, Valletta.

Having seen Article 13 (2) of the Ombudsman Act 1995, the Ombudsman decided to conduct an investigation on his own initiative.

The Investigation

To initiate the investigation, the Office of the Ombudsman contacted the Housing Authority to establish the following:

1. The reasons for the delay in completing the works on this housing block, which have allegedly been left unfinished for almost a year.
2. What immediate steps the Housing Authority would take to address the issue and ensure the safety and convenience of the residents.

In response to the Ombudsman's request, the Authority stated that it was necessary to find the rock face beneath the building before commencing any work for the lift installation in this particular social housing unit.

The Authority also explained that during the excavation works, they reached a depth of 2 meters – above and beyond the usual depth – without successfully finding the rock face. This led to a change in methodology and the use of alternative methods, including a core test which had to be ordered and carried out. This test identified the rock face at a depth of 5 meters. The Authority confirmed that the procurement process was finalised to continue the works in the Valletta block.

Following a site visit, the Office of the Ombudsman insisted that, as an immediate measure to remove any health and safety concerns and inconvenience to residents, the rubble and other hazardous materials should be removed until the works commenced.

It also recommended covering the gaping hole to eliminate any potential health and safety risks.

Outcome

The Housing Authority confirmed that the rubble at the bottom of the stairwell had been cleared, the hole secured, and a safety fence was put securely around its perimeter. The Office of the Ombudsman will continue to monitor the situation until the works are satisfactorily completed.

RECOMMENDATIONS NOT IMPLEMENTED: UNJUST PEGGING OF CALLS FOR TEACHERS IN PRIVATE AND CHURCH SCHOOLS WITH THOSE ISSUED BY THE MINISTRY FOR EDUCATION**May 16, 2023**

Pursuant to Article 22(4) of the Ombudsman Act, the Ombudsman and the Commissioner for Education have forwarded the Final Opinion on a complaint to the House of Representatives. The complaint, lodged by two sixth-form teachers, addresses the unjust situation resulting from the pegging of calls for teachers in private and church schools with those issued by the Ministry for Education.



Summary of the Case

Two sixth-form teachers, currently employed at a church school, lodged a complaint with the Ombudsman. Despite having been in full-time teaching at a church school for several years, they are facing an issue due to an anomaly in the employment/recruitment system in Government schools for post-secondary and higher-level teachers. Their salary, funded by the Government through the Education Division at the Ministry responsible for Education (in line with Malta's Agreement with the Holy See), remains pegged at the level of a supply graduate teacher, even though they effectively perform duties as regular teachers.

Following a thorough examination of the facts and the changes over time in the requirements for a teacher's warrant, the Commissioner for Education has concluded that the aforementioned practice is unjust, verging on oppressive with the passage of time.

The Commissioner recommended that calls for applications for the post of teacher in post-secondary education (that is, post-compulsory education stage) should be separate and distinct from calls for the post of teacher in secondary education and should reflect the current law of not requiring a permanent teaching warrant. The Commissioner also recommended that the remuneration transferred by the Education Division within the Ministry to the school employing the complainants should, with immediate effect, reflect the salary commensurate with that of a regular teacher, not a supply teacher.

Outcome

The Ministry of Education was informed of the Commissioner for Education's final opinion on 2nd February 2023. Despite a reminder sent a month later, the Office of the Ombudsman has received no response.

The Ombudsman and the Commissioner brought the case to the Prime Minister's attention on 28 March 2023. Since no action has been taken, the Ombudsman and the Commissioner forwarded the report to the House of Representatives for its attention.

RECOMMENDATIONS NOT IMPLEMENTED: COMPLAINT REGARDING ACCESS RESTRICTION FOLLOWING ONE-WAY SYSTEM IN MOSTA

May 31, 2023

In accordance with Article 22(4) of the Ombudsman Act, the Commissioner for Environment and Planning Perit Alan Saliba, has presented the Final Opinion to the House of Representatives on a complaint related to an access restriction following the implementation of a one-way system in Mosta.

Case Summary

Changes in the traffic system on Triq San Silvestru Mosta from a two-way to a one-way direction have caused garage owners to voice their grievances. The new system prevents them from fully utilising their garage because they must now manoeuvre their vehicles from the narrower part of the road.

The Local Council initially insisted this was a temporary measure whilst other roadworks in Mosta were underway. However, the one-way system persisted even after the completion of these works. The Commissioner observed that the impacted garage is situated where the street narrows from about 5 metres to a width of 3.3 metres. Consequently, the garage can now only accommodate three vehicles instead of four.

While it is conceivable that safety concerns might warrant a change in street traffic direction to a one-way system, it is equally important to ensure that such changes do not infringe upon the utility of private properties. Alternative methods to manage similar situations include the introduction of traffic calming measures and/or intelligent systems.

The Commissioner recommended the restoration of two-way traffic on this part of Triq San Silvestru, coupled with implementing additional safety measures.

Outcome

The Mosta Local Council did not act upon the Commissioner's recommendations and escalated the case to the Prime Minister. Since no action was taken thereafter, the Commissioner submitted the report for the consideration of the House of Representatives.

IMPLEMENTED RECOMMENDATION: NOISY PERCUSSION INSTRUMENTS REMOVED FROM ĠNIEN IL-MILLENJU PUBLIC GARDEN

June 12, 2023

The Complaint

Various residents lodged complaints about the noise from percussion instruments being played at odd hours. These instruments had been installed in close proximity to their residences by the St Paul's Bay Local Council at Ġnien il-Millenu.

The Investigation

The Local Council responded by stating that the installation of these instruments had been approved by both the Council and the Planning Authority, and signs indicating the permitted times for playing had been erected. However, residents' complaints continued, leading the Commissioner for Environment and Planning to bring up the case with the Planning Authority.

The Commissioner underscored that the permit issued was specifically for the installation of percussion exhibits, not for playing instruments. Moreover, the approval of such instruments in a public garden was not according to current planning regulations.

Conclusions and Recommendations

The Commissioner advised the revocation of the relevant permit and suggested potential enforcement action.



Outcome

Upon receiving the Final Opinion, the Planning Authority agreed to begin the permit revocation process, and the Local Council passed a motion to remove these percussion instruments.

Ultimately, the St Paul's Bay Local Council removed the percussion instruments from Ġnien il-Millenju. Simultaneously, the Planning Authority revoked the relevant permit, thereby fully meeting the residents' requests.

**IMPLEMENTED RECOMMENDATION: REVERSE VENDING MACHINE
BLOCKING WATER INLET**

June 20, 2023

The Complaint

Farmers lodged a complaint against the placement of a bottle return machine blocking a water pipe. The pipe directed rainwater to their reservoir in Mqabba.

The Investigation

The Commissioner discovered that the Planning Authority had not yet issued a permit for this machine. He requested common sense by moving the machine a few meters to enable the free flow of rainwater into the farmers' reservoir. Weeks of inaction during the rainy season led the Commissioner to suggest relocating the machine away from the inlet as soon as possible or temporarily elevating it on masonry blocks to facilitate water flow.



After the Local Council brought up the farmers' right to collect water from the street, the Commissioner emphasised that it was inappropriate to question the farmers' water-collection rights, especially as the local farmers were responsibly collecting and reusing rainwater. The Local Council should instead promote and assist similar initiatives.

Conclusions and Recommendations

The Commissioner reiterated that this machine should be moved and further recommended compensation for the farmers' water loss. He also suggested enforcement action by both the Planning Authority and the Police.

Outcome

The machine was relocated following immediate police intervention. The Planning Authority then introduced sanctions into the relevant permit application process.

ISSUE RESOLVED: NAXXAR ROAD DISLODGED MANHOLE COVERS ISSUE RESOLVED

July 7, 2023

On the 30th May 2023, the Times of Malta published a letter by Joseph Scerri from Birkirkara, entitled 'Shoddy Roadworks'. The letter highlighted the concerns regarding the dislodgement of several manhole covers and grates after the recent resurfacing of Naxxar Road in Birkirkara.

In response, the Office of the Ombudsman took swift action and requested Infrastructure Malta, the public entity responsible for roadworks, to thoroughly verify the information and expeditiously communicate what measures are being



implemented to rectify this pressing issue that has been causing substantial inconvenience to the residents and motorists in the area.

Following verifications with the contractor responsible for the works on Naxxar Road, Infrastructure Malta has assured the Office of the Ombudsman that the issue has been effectively resolved.

We at the Office of the Ombudsman wish to emphasise our unwavering commitment to remaining vigilant and proactive in addressing issues of maladministration. We are resolute in fostering a more responsive and accountable public service culture. Our role encompasses not just acting on complaints but also taking the initiative when we identify issues that harm the community.

ISSUE RESOLVED – DANGEROUS POLE AT THE ĊIRKEWWA GOZO FERRY TERMINAL REPLACED

July 17, 2023

On the 30th of May 2023, the Times of Malta published a letter titled 'Mind the Pole – A Dangerous Pole in Ċirkewwa' by Odette Pace of Naxxar. In the letter, Ms Pace raised concerns about a pole in the lane leading to the alternative berth of the Gozo ferry. The pole, she described, was in a disastrous state and posed a potential hazard. We at the Office of the Ombudsman took notice of the situation described and recognised the potential risks involved. In our continuous endeavour to ensure public safety and address public concerns, we liaised with Transport Malta. We stressed the urgent need to assess the situation and insisted on prompt remedial action. Our specific request was for the authority to replace the pole promptly to restore safety standards.



Following our intervention, we are pleased to inform you that Transport Malta carried out the necessary checks and has since replaced the pole. We appreciate their swift action in addressing this issue.

The Office of the Ombudsman is an autonomous and independent institution that is answerable to Parliament. We remain committed to improving public administration, primarily by actively investigating complaints from individuals who feel aggrieved by the actions of the public administration.

RECOMMENDATIONS NOT IMPLEMENTED: IMPROPER DISCRIMINATION IN THE PAYMENT OF QUALIFICATION ALLOWANCE

July 18, 2023

Pursuant to Article 22(4) of the Ombudsman Act, the Ombudsman and the Commissioner for Education submitted the Commissioner's Final Opinion to the House of Representatives on a teacher's complaint. The complaint focused on an unjust situation she faced after the Education Department altered a practice already in place when she began her university course in Maltese proofreading.

Summary of the Case

The complainant, a secondary school teacher of Maltese, graduated with a Master's degree. A few years later, she successfully completed an MQF Level 5 undergraduate course in Maltese proofreading. Before embarking on this course, she received verbal assurance from officers in the Education Division that if she completed this course successfully, she would receive the "Qualification Allowance" given to other teachers in analogous situations. However, after she completed the course, she was informed that the relevant manual governing such allowances did not entitle her to this allowance.



Upon investigating the case, the Commissioner for Education noted that the Manual of Allowances was not strictly adhered to within the Education Division when the complainant started the proofreading course. Additionally, it was found that at least 175 other persons in a position analogous (and therefore not necessarily identical) to that of the complainant — those with an MQF Level 5 qualification (an undergraduate qualification) — were, and presumably still are, being paid the qualification allowance.

The Commissioner for Education concluded that the decision taken in 2020 to refuse “*an MQF Level 5 qualification allowance* [where the] *applicant required a higher MQF level qualification*” created a glaring improper discrimination vis-à-vis the complainant, who in any case had commenced her course before the blanket decision was taken by the Human Resources Directorate.

Outcome

Despite the communication of an Interim Opinion on the 7th of December 2022, no satisfactory explanation was provided by the Ministry responsible for education as to why the discrimination, in this case, should not be deemed “*improper*”. The Final Opinion was conveyed to the Ministry on the 3rd of April, 2023. The Ombudsman and the Commissioner brought the case to the attention of the Prime Minister on 29 May 2023. As no action appears to have been taken, the Ombudsman and the Commissioner forwarded the report to the House of Representatives for its consideration.

RECOMMENDATION NOT IMPLEMENTED: DENIED PROMOTION TO FULL PROFESSOR AT THE UNIVERSITY OF MALTA

October 5, 2023

Pursuant to Article 22(4) of the Ombudsman Act, the Ombudsman and the Commissioner for Education have forwarded the Final Opinion on a complaint to the House of Representatives. The complaint concerned the denying of promotion from full Professor to Associate Professor at the University of Malta.

The Case

An Associate Professor at the University of Malta filed a complaint after being denied promotion to full Professor. The denial was based on not meeting the tenure criteria specified in the Collective Agreement, despite the complainant’s significant contributions to the university, society, and the international community.

The Investigation

The Ombudsman investigated, reviewing the Promotions Board’s meetings and speaking with a board member. The investigation revealed that the board primarily considered tenure as the eligibility criterion for promotion, overlooking the

Collective Agreement's provisions for compensatory criteria based on contributions to society and the international community.

Conclusions and Recommendations

The complaint was upheld, citing a failure to consider all relevant criteria and to provide adequate reasoning for the decision, violating the Ombudsman Act. The Ombudsman recommended a re-examination of the application by a new Promotions Board, with specific attention to the compensatory criteria, and that the decision, whether favourable or not, include cogent reasons communicated to the complainant.

RECOMMENDATION NOT IMPLEMENTED: DISAGREEMENT ON A RECOMMENDATION TO RECORD INTERVIEWS FOR SCHOLARSHIPS October 6, 2023

Pursuant to Article 22(4) of the Ombudsman Act, the Ombudsman and the Commissioner for Education submitted to the House of Representatives a report concerning the Education Authority's refusal to abide by a recommendation on the recording of interviews for scholarships.

The case

The complainant applied for a scholarship under the TESS (Tertiary Education Scholarships Scheme) for 2022. The complainant claimed that the Selection Board had misapplied the Regulations and followed incorrect procedures. As a result, the complainant argued that the entire process was tainted, everything should be declared null, and the selection process was redone entirely.

Following an in-depth investigation by the Commissioner, the substance of the complainant's grievance was dismissed. Regarding the claim that the interviewing panel appeared "*rushed*" and may not have given due attention to the applicant's presentation, the Commissioner reiterated the recommendation in Case No. UV 0008, specifically, "*... each interview, whether conducted online or in person, should be recorded with the interviewee's consent. This record should be retained for a pre-determined duration (communicated to each applicant prior to the concours) that's deemed sufficient for any internal review processes or other legal or administrative actions [including those before the Ombudsman]. After this period, the record should be permanently erased.*"

Given that most interviews today are conducted online, simple technology exists that effortlessly facilitates recording. Such recordings would also prevent baseless appeals to the Ombudsman.

Outcome

Both the Permanent Secretary at the Ministry responsible for Education and the Principal Permanent Secretary disagreed with the Commissioner's recommendation to record scholarship interviews. An exchange of letters and views followed. Consequently, the Ombudsman and the Commissioner brought the case to the attention of the Prime Minister. Subsequently, they forwarded a report to the Speaker of the House of Representatives for the consideration of Members of Parliament.

RESOLVED ISSUE: ROAD WORKS COMPLETED FOLLOWING THE INTERVENTION OF THE OFFICE OF THE OMBUDSMAN

October 9, 2023

The Case

Residents spoke to the Office of the Ombudsman regarding trenching works on Triq il-Qrendi in Żurrieq and the road linking Żurrieq to Qrendi and Imqabba. The residents highlighted that trenches were filled in, but the road was not re-tarmacked, leaving it in a poor state.

The Ombudsman decided to investigate the case on his own initiative.

The Investigation

Representatives from the Office of the Ombudsman conducted an on-site inspection to verify the concerns raised. The inspection revealed that although trenches were filled in, the original state of the road was not fully reinstated. The trenches were not sealed with tarmac, meaning a bout of heavy rain could cause them to reopen, posing a risk to all who utilise this essential route between Żurrieq and Qrendi.



The Ombudsman, Judge Emeritus Joseph Zammit McKeon, wrote a letter on 28th August 2023 to Infrastructure Malta, Transport Malta, Enemalta, Water Services Corporation and the area's Local Councils, seeking clarity on the body responsible for the road works. The Minister for Transport, Infrastructure and Capital Projects, the Minister for Public Works and Planning and the Minister for Environment, Energy and Enterprise were also copied.

Infrastructure Malta responded, stating they were not overseeing these roadworks. Upon further enquiry, Transport Malta disclosed to the Ombudsman's Office that they had authorised works either by or on behalf of Enemalta. They also indicated that liaison issues had hampered progress, prompting them to engage with contractors to expedite the task.

Recommendations

The Ombudsman recommended:

- The roadworks on Triq il-Qrendi must be completed within a month to eliminate user hazards.
- Whenever such projects are initiated, clear signage should be displayed indicating the responsible body and providing project details.

Outcome

Transport Malta informed the Office of the Ombudsman that the roadworks would be finished by Saturday, 7th October 2023.

The Office of the Ombudsman subsequently confirmed the completion of the works.

Following the recommendation about informational signage, on 5 September 2023, it was announced that billboards would be erected at the onset of road works, providing the public with pertinent details about the project.

THE OFFICE OF THE OMBUDSMAN WELCOMED THE IMPLEMENTATION OF ITS RECOMMENDATION TO REVOKE A PERMIT FOR A CONCRETE STRUCTURE IN ST JULIAN'S

October 10, 2023

The Office of the Ombudsman welcomed the Planning Authority's decision to revoke a permit for a concrete structure intended to house an ATM and ticket booth along St Julian's promenade. This decision aligned with a recommendation made by the Commissioner for Environment and Planning over a year ago.



Perit Alan Saliba, the Commissioner for Environment and Planning, had investigated a complaint regarding the Planning Authority's (PA) acceptance of a Development Notification Order for the erection of an ATM and booth in St Julians.

Following this investigation, on 3rd October of the previous year, the Commissioner for Environment and Planning found the allegations against the Planning Authority – which had approved the development in St Julian's despite it being three times the size allowed by the Development Notification Order – to be justified.

The Commissioner recommended that the PA invoke Article 80 of the Development Planning Act to revoke the permit in question. This was due to evident errors in the record and the submission of a plan (section) that did not accurately represent the on-site situation. Additionally, the Commissioner advised the PA to take enforcement action against constructions that were either below street level or above the existing floor level without permission.

Despite the clear directive from the Office of the Ombudsman, the Planning Authority did not heed the Final Opinion and failed to implement the recommendations set out by the Commissioner for Environment and Planning. Consequently, the Commissioner informed the Prime Minister, and the report was subsequently forwarded to Parliament in January of that year.

Had the Planning Authority heeded the recommendations from the Office of the Ombudsman promptly, it would have prevented the visual disruption that had been in place for the past year, especially since the recommendation was made prior to the structure's completion.

COURT OF APPEAL CONFIRMS COMMISSIONER'S RECOMMENDATION

October 17, 2023

In a recent judgement, the Court of Appeal revoked the Planning Authority's authorisation to remove part of the former Sea Malta building at Marsa.

In 2017, the Commissioner for Environment and Planning at the Office of the Ombudsman, Perit Alan Saliba, recommended that this authorisation be rendered null and void since the Planning Authority did not appoint an architect to inspect the site as established in the Removal of Danger Development Order. Whilst adopting two of the recommendations to appoint its own architect for other similar developments and carry out minor changes in the relative application form, the Planning Authority did not agree with the Commissioner that this authorisation should be withdrawn.



The Court of Appeal confirmed the Commissioner's recommendation. Furthermore, the Court also rebuked the Planning Authority for not admitting its error and for failing to fully implement the Commissioner's recommendations, which led to lengthy legal procedures.

INCLUSION OF ONCOTYPE DX TEST IN MALTESE HEALTH PACKAGE WELCOMED

October 23, 2023

The Office of the Ombudsman welcomes the Deputy Prime Minister and Minister for Health, Hon. Chris Fearne's, announcement regarding including the Oncotype Dx test in the Maltese National Health Package for patients diagnosed with breast cancer. The Oncotype Dx test is pivotal in predicting the likelihood of tumour spread and determining whether a patient requires a rigorous course of medication.

Since October 2022, the Office of the Ombudsman, through the Commissioner for Health, Prof Ray Galea, has advocated for the Department of Health to introduce this essential test. The dedicated efforts of the Action for Breast Cancer Foundation, coupled with the expertise of clinicians at the Sir Anthony Mamo Oncology Centre, were crucial in presenting a compelling business case that contributed to the Government's decision to adopt the test.



This inclusion undoubtedly elevates the quality of care and treatment provided to breast cancer patients in Malta.

RECOMMENDATIONS NOT IMPLEMENTED: THE UNRESOLVED INJUSTICE FACED BY A HEAD OF SCHOOL

October 26, 2023

In accordance with Article 22(4) of the Ombudsman Act, the Ombudsman and the Commissioner for Education have forwarded to the House of Representatives the Final Opinion on a grievance raised by a Head of School. The complainant alleged she had been subject of an unjust transfer.

Summary of the case

The complainant lodged a complaint with the Ombudsman's Office against the Permanent Secretary at the Ministry responsible for Education.

Essentially, the complaint is directed against the abrupt order given on 23rd September 2022, without the standard prior consultation, for the complainant to report for duty as of the 26th at another primary school and the consequences resulting from that order. The complainant argues that this sudden reassignment, mere days before the commencement of the new scholastic year, was an attempt to continue to undermine her authority as a Head of School under the pretext of "*the exigencies of the public service*". She claimed it was actually a retaliatory action pursuant to her resistance to departmental and ministerial pressure to undermine her position as Head of School. The complainant had also expressed objections to ministerial wishes for leasing part of the school hall to be used as a store by the local band club.

In the course of the investigation, the Commissioner sought a written explanation for the Head of School's transfer. However, the Permanent Secretary neither provided any written justification for this abrupt transfer, nor was such an explanation found in the complainant's personal file. The Commissioner had to rely on evidence from various individuals – including teachers, administrative staff, officers from the Education Department, and parents – to ascertain if there were underlying reasons masked by the "*exigencies of the service*".

The evidence collected and examined by the Commissioner highlighted that the school's successes were largely attributable to the leadership of the complainant and her ability to maintain robust discipline at all levels.

It emerged that in early 2022, tensions started escalating between the complainant and some senior members within the Department of Education over the disciplining of one particular teacher.

After a comprehensive analysis of the evidence, the Commissioner for Education found that the complainant's "*unorthodox*" transfer days before the start of the scholastic year were not driven by genuine public service needs. The manner of, and the circumstances preceding, the transfer indicated a punitive action against the complainant for expressing views in defence of the school and its proper running, which were not shared by her superiors.

Outcome

To date, the Ministry for Education has not indicated whether it accepted the recommendations made by the Commissioner for Education in connection with the pecuniary loss suffered by the complainant as a result of the improper behaviour of the Department of Education.

OWN INITIATIVE INVESTIGATION: VEHICLE IDLING ON GOZO FERRIES – HEALTH IMPLICATIONS & ACTIONS TAKEN

November 20, 2023

The Case

On 2nd August 2023, the Times of Malta published a letter from Mr Emanuel Galea of Victoria, which highlighted a significant health concern on Gozo ferries. The issue involved several vehicles that kept their engines running throughout the ferry crossing, exposing both passengers outside these vehicles and the Gozo Channel crew to potentially toxic emissions in an area with limited ventilation. The letter also mentioned that when the Gozo Channel crew attempted to address the issue with the drivers of these vehicles, they were often ignored.



The Inquiry

The Office of the Ombudsman, acknowledging the seriousness of the concerns raised by Mr Galea, initiated a direct engagement with the Gozo Channel. The objective was to gain a deeper understanding of the established policies and measures pertaining to such occurrences. Specifically, the Ombudsman's Office sought clarity on the Gozo Channel's Shipboard Operating Procedures and any other related guidelines that address the issue of vehicles idling during transit and passengers staying on the car deck.

Upon investigation, the Gozo Channel confirmed the existence of their Shipboard Operating Procedures, which explicitly prohibit passengers from remaining on the car deck during ferry transit. They also provided a Fleet Letter that instructs crew members to inform passengers about the inherent risks and policy violations related to staying inside their vehicles with engines running.

Outcome

To further address the matter and ensure the safety of all aboard, the Gozo Channel disclosed an upcoming initiative: starting from 18th August, a police officer would be assigned to inspect ferries daily between 8.00 am and 6:00 pm. This step was expected to bolster enforcement, ensuring compliance with ferry regulations and promoting passengers' and crew's health and safety.

Sequel

On 17th October 2023, the Office of the Ombudsman brought to the attention of the Gozo Channel that police officers were not consistently present on the ferries, as previously informed by Gozo Channel. The Office highlighted a specific crossing where no police officer was present, and vehicles were idling throughout the journey. On 9th November 2023, the Ministry for Gozo relayed a response from Gozo Channel addressing this issue. Gozo Channel acknowledged that engine idling had been a persistent problem, and the most effective control method seemed to be the presence of a police officer on board. This officer's role was to remind passengers not to remain in the garage or leave engines running, primarily during the hotter months when passengers are inclined to use air conditioning.

However, the cost of maintaining a permanent police presence was highlighted as a significant challenge. The cost calculations provided by Gozo Channel indicated a substantial financial commitment required to sustain this enforcement method. Additionally, it was noted that Gozo Channel crew members faced verbal and physical abuse when attempting to enforce the engine shutdown policy, leading to the necessity of police involvement. However, in the absence of a police officer, compliance was minimal.

Conclusions and Recommendations

The Office of the Ombudsman acknowledges the financial burden Gozo Channel faces in enforcing the engine shutdown policy. Yet, Gozo Channel must adhere to maritime transport regulations that prohibit engine idling for the safety and well-being of passengers and crew. Therefore, the responsibility to enforce these regulations rests with Gozo Channel.

The Office of the Ombudsman recommends the following:

Police Spot Checks: Rather than a permanent police presence, unannounced spot checks by police officers could be implemented, especially on days of heavy traffic movement between the two islands. Non-compliant passengers found during these checks could be subject to fines.

Increased Signage and Awareness Campaigns: Given the limited effectiveness of existing signage in garages, a more robust awareness campaign is advised. This could include repeated audio and video messages on the ferry, highlighting the dangers of engine idling and the repercussions of non-compliance.

Alternative Enforcement Strategies: In light of the financial and practical challenges of maintaining a police presence, alternative enforcement strategies should be considered, including the training of Gozo Channel employees in conflict resolution and legal enforcement of rules and the recording of vehicle registration numbers of non-compliant passengers and relative coordination with police authorities.

OWN INITIATIVE INVESTIGATION: CAR ALARMS AFFECTING AMBULANCE-BOUND PATIENTS DURING GOZO CHANNEL CROSSINGS

November 20, 2023



The Case

On October 17, 2023, the Ombudsman participated in a radio program on One Radio, which included phone-ins from the public. A caller expressed concern about loud car alarms on the Gozo Channel ferry, particularly affecting immobile patients in ambulances or hospital buses travelling to Malta for medical appointments. Due to their condition, these patients remain in their vehicles, making them particularly susceptible to noise disturbances from car alarms.

The Inquiry

The Ombudsman, recognising the seriousness of these concerns, committed to investigating the matter. Consequently, the Office of the Ombudsman contacted Gozo Channel to inquire about existing policies or measures addressing the well-being of such patients, particularly concerning car alarm disturbances.

On November 9, 2023, the Ministry for Gozo relayed the Gozo Channel's response. They indicated that the issue is challenging to resolve as not all car alarms can be switched off. This situation is exacerbated during rough sea conditions, which can trigger alarms more frequently.

International Comparisons

The Office of the Ombudsman researched practices in countries with similar ferry operations. For instance:

- Brittany Ferries in the UK requires passengers to deactivate car alarms during sailings;
- P&O Ferries also advises passengers to disable all car alarms while vehicles are on the vehicle decking;
- Viking Ferries advises disconnecting burglar alarms to prevent false triggers due to the ship's movements.

Conclusion and Recommendations

International Practice: It is standard practice in international ferry transport to encourage passengers to deactivate their car alarms during voyages, enhancing comfort for all passengers.

Enhanced Communication and Signage: It is crucial to raise passengers' awareness of the impact of car alarms, especially on those in ambulances. This can be achieved through targeted announcements, signage, and information integrated into ticketing and boarding procedures.

Pre-Boarding Checks and Announcements: When an ambulance or patient bus is on board, a procedure should be implemented to remind car owners to disable their alarms or set them to a less sensitive mode. For many vehicles, locking the car with a physical key rather than an electronic key fob can prevent motion sensors from activating.

Periodic Training for Ferry Staff: Staff training is essential in handling situations where car alarms distress patients. This training should include conflict resolution, basic technical knowledge about car alarms, and effective communication strategies.

RECOMMENDATIONS NOT IMPLEMENTED: ADDRESSING THE FAILURE OF NOTARIES TO TRANSFER PROPERTY DUTIES AND TAXES RECEIVED TO THE COMMISSIONER FOR REVENUE

November 30, 2023

Pursuant to Article 22(4) of the Ombudsman Act, the Parliamentary Ombudsman Judge Emeritus Joseph Zammit McKeon submitted a report to the House of Representatives concerning cases where notaries public, having received payments for duties and taxes due on property transfers, failed to transfer these amounts to the Commissioner for Revenue (CFR).

The Case

Complaints were lodged against the Office of the Commissioner for Revenue following instances where notaries failed to transfer stamp duty and capital transfer taxes due on published deeds to the CFR. Complainants, having already paid these taxes, felt aggrieved by the CFR's policy to request repayment of said dues, as they considered this request to be in violation of their human rights and sought an exemption from repayment.

The Investigation

The investigation involved various ministries and entities amongst which the Public Registry that highlighted its inability to register deeds without confirmation from the CFR that tax payments had in fact been affected. The CFR maintained that it is not responsible for the notaries' failures to notify and pay taxes and that existing legislation provides a remedy to those in complainants' situation.



Observations by the Ombudsman

The Ombudsman observed that parties acting in good faith were being unfairly prejudiced due to the notaries' failures, affecting their property registration rights and enjoyment of the said property. The Administration's approach to redirect them to court for resolution, thereby forcing them to incur additional expenses, was criticised. The Ombudsman considered the government's refusal of responsibility illogical, given that in this instance notaries are considered by law to be acting as public officers.

Conclusions and Recommendations

While acknowledging the current legal constraints, the Ombudsman criticised the Public Administration for neglecting the plight of those in the complainants' situation. The CFR's position resulted in double payments, adding financial burdens on purchasers. Recommendations included prompt redress for affected parties, discussions for legal and policy reforms to protect service users, and enhancing the Notarial Council's resources for improved oversight.

Outcome

Following the Final Opinion issued on 25th January 2023, which included various recommendations to address the situation and provide adequate redress to complainants and others similarly affected, the involved Ministries informed the Ombudsman that the Opinion was under consideration, with consultations ongoing for potential solutions to be created. However, as no progress was evident by July 2023, the matter was escalated to the Prime Minister. On 17th October 2023, the Ombudsman sought a definitive response by the end of the month to avoid the need for further action in terms of Article 22(4) of the Ombudsman Act. The Office of the Prime Minister reported coordination with the main concerned ministries, but no further update was provided.

The Ombudsman considered the response to the Final Opinion unsatisfactory, as it failed to address the grievances highlighted. Consequently, in accordance with Article 22(4) of the Ombudsman Act (Chapter 385, Laws of Malta), the Final Opinion and relevant documentation were brought to the attention of the House of Representatives on 28th November 2023.

CASE STUDY: ADDRESSING EXAM DISRUPTIONS – A NOISE DISTURBANCE CHALLENGE

December 27, 2023

The case

The complainant approached the Office of the Ombudsman to report an incident during a resit examination at the end of August 2023. While sitting for the Listening Comprehension component of a language exam, two pieces of machinery began digging and excavating in the schoolyard. This caused significant difficulty in hearing the audio for listening comprehension. The students sitting for the examination voiced their complaints to the invigilator but were informed that no alternative classroom was available.

The investigation

The Commissioner for Education conducted a comprehensive investigation into the circumstances of the case. It was determined that there was a noise disturbance during the examination. The Education Authorities (Department of Examinations) took appropriate steps to address the disturbance and informed MATSEC accordingly. MATSEC, in turn, applied a post-assessment adjustment (in line with international standards) when considering the marks of the students who sat for the exam. The complainant also requested revising the paper, but her result, with the post-assessment adjustment, remained the same.

Conclusions and recommendation

The Commissioner for Education informed the complainant that the Education Authorities could not reasonably have anticipated the noise disturbance. MATSEC then followed established regulations and practices in marking the various exam



components. The Commissioner found no evidence of maladministration on the part of MATSEC. Regarding the exam result, the Commissioner advised the complainant that he is bound by Rule 18 of the Commissioners for Administrative Investigations (Functions) Rules 2012 (currently S.L.385.01) and cannot further address the final result obtained in the examination.

However, the Education Authorities could still take measures to prevent similar disturbances in the future, particularly during MATSEC examinations in May, when most exam centres operate as regular schools.

In an Interim Opinion submitted to the Ministry's Permanent Secretary responsible for education, the Commissioner for Education recommended the establishment of a clear protocol to avoid or minimise similar disturbances in the future. The Department of Examinations adopted this recommendation and created a MATSEC Examination Centre Noise Management Measures document. After consultation and further suggestions from the Ombudsman's Office, the final document is now accessible online.

Commissioner for Education

ANNUAL REPORT 2023



COMMISSIONER FOR EDUCATION

ANNUAL REPORT 2023

The Commissioner for Education handles complaints directed against public providers of further and higher education. The Commissioner is also tasked by the Ombudsman with investigating complaints against the public education authorities, notably the Education Division within the Ministry responsible for education, in respect of complaints intimately connected with the provision or reception of education.

2023 saw a small increase in the number of new complaints received and which were assigned to the Commissioner – 51 new cases – when in 2022 only 45 new cases were received. However, whereas in previous years the bulk of the complaints had been directed towards the Education Division, 2023 saw the bulk being directed against the University of Malta. In fact, 27 new complaints against the UOM were received, when compared with only 13 in 2022. On the other hand, new complaints against the Education Division dropped to 17, compared with the 26 in 2022. In 2023 there were no complaints directed against the Institute for Tourism Studies and one complaint against the Institute for Education (for statistical purposes, the IFE is considered as falling under the Education Division, shown as ‘Education Authorities’).

Table 2.1 - Complaint intake by institution (2022 - 2023)

Institutions	2022	2023
University of Malta	13	27
MCAST	5	7
Institute of Tourism Studies	1	-
Education Authorities	26	17
Outside Jurisdiction	-	-
Total	45	51

Table 2.2 - Complaints by Institution classified by complaint type (2022 - 2023)

	University of Malta		MCAST		Institute of Tourism Studies		Education Authorities		Total	
	2022	2023	2022	2023	2022	2023	2022	2023	2022	2023
Staff	6	12	1	6	-	-	18	8	19	26
Students	7	14	4	-	1	-	7	5	12	19
Others	-	1	-	1	-	-	-	4	-	6
Total complaints by students and staff	13	27	5	7	1	-	25	17	31	51
Own initiative cases	-	-	-	-	-	-	1	-	1	-
TOTAL	13	27	5	7	1	-	26	17	32	51

Table 2.3 - Outcomes of finalised complaints (2022 - 2023)

Outcomes	2022		2023	
Sustained cases	9	18%	8	17%
Cases not sustained	13	25%	16	33%
Resolved by informal action	19	37%	12	25%
Investigation discontinued (not undertaken, given advice/ assistance, withdrawn, etc)	10	20%	11	23%
Outside Jurisdiction	-	-	-	-
Declined (time-barred, trivial, etc.)	-	-	1	2%
other	-	-	-	-
Total	51	100%	48	100%

As in previous years, the bulk of complaints were about unfair treatment at the hands of, and lack of equity displayed by, the respondent institution (49% of new cases). The second most common ground of complaint (23% in 2023, compared with 14% in 2022) centred on alleged unfair selection processes, unfair promotion or unfair grading. Between them, these two categories of complaints cover the bulk of instances of alleged maladministration investigated by the Commissioner for Education, to wit when a complainant alleges that a decision, recommendation, act or omission by the respondent entity is ‘unreasonable, unjust, oppressive or improperly discriminatory, or was in accordance with a law or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory’ (Article 22(1)(b), Ombudsman Act). Where only discrimination is alleged, the complaint is classified under a different category, and in 2023 there were three new complaints under this category, which amounted to only 6% of all complaints.

Table 2.4 - Complaint Grounds (2022 - 2023)

Grounds of Complaints	2022		2023	
	Count	Percentage	Count	Percentage
Contrary to law and policies or rigid application of legislation, regulations and policies	2	4%	2	4%
Improper discrimination	-	-	3	6%
Lack of transparency	-	-	-	-
Failure to provide information or to provide a reply	4	9%	3	6%
Undue delay/failure to act/waiting lists	2	4%	1	2%
Unfair treatment/lack of equity	28	63%	25	49%
Unfair selection process/promotion/grading	6	14%	12	23%
Issues of quality of life/special needs	2	4%	-	-
Improper attitude of staff or management	1	2%	1	2%
Shortage/Inadequate supply of equipment/services	-	-	-	-
Issues of privacy, dignity and confidentiality	-	-	-	-
Personal matters/staff issues/student issues	-	-	2	4%
Review of Commissioners' decision	-	-	-	-
Other	-	-	2	4%
Shortage/Inadequate supply of medicines	-	-	-	-
Continuing care/follow-up issues	-	-	-	-
Total	45	100%	51	100%

Another small percentage of cases – again just 6% of the total of new cases in 2023 (the figure was 9% for 2022) – concern complaints about failure by the education authorities and/or the Ministry responsible for education, to provide information or to reply to queries made by the public. This is a particularly worrying trend which seems to cut across several government departments and entities and which, as far as concerns the education area falling within the remit of the Commissioner for Education, has led to a number of complaints which could have been easily avoided had the department concerned adhered to Directives issued by the Principal Permanent Secretary. A substantial portion of the complaints falling within this category do not figure in the statistics, as the complaint is never ‘formalised’ and no file is opened. This phenomenon led the Ombudsman and the Commissioner for Education to issue a joint statement on 29 August 2023 drawing attention to Directive no. 4-2 on Standards for Service of Excellence offered by the Public Administration to the Public and to Public Employees (issued by the PPS on 3 October 2022) and in particular to Clause 3.2 dealing with Communication by Electronic Mail. The Ombudsman and the Commissioner for Education augured that the conscientious adherence to these directives would see to the elimination of complaints which refer to delays in reply, or absence of a reply, to emails.

Of the 7 new complaints received in 2023 and directed against the Malta College of Arts, Science and Technology (MCAST), 6 were filed by members of staff. This suggests that the Grievance Office of MCAST may be, as far as students are concerned, performing its avowed purpose of sorting complaints in-house. During 2023 the Office's relations with MCAST continued to improve, with the College providing all the information requested for the purpose of investigations in real time, and providing additional explanations when requested. The same can be said of relations with the University of Malta, where the appointment of a new Ombudsman liaison officer within the Rectorate in July 2023 has facilitated and speeded up considerably communication on pending investigations by the Commissioner for Education.

As far as complaints directed against the UOM are concerned, these were almost equally divided between staff (12 new cases in 2023, compared with 6 in 2022) and students (14 new cases in 2023, compared with 7 in 2022). Promotion issues and the extension of appointments beyond the statutory retirement age continued to dominate the staff complaints, while issues of fairness connected with examinations and courses dominated complaints by students. The overall impression from all these complaints is that the University is struggling with numbers, is being parsimonious with explanations given to both staff and students for decisions taken, and that communications in-house both vertically and horizontally need to be improved.

In general, relations with the education authorities continued to improve, with both the Office of the Permanent Secretary and that of the Director General Educational Services providing all the necessary information for an expeditious resolution of complaints. The Ombudsman liaison officer within the Office of the Permanent Secretary again proved crucial for these smooth operations. All this also enabled the Commissioner to deal with some complaints informally without the need to open a formal case. These complaints do not figure in the statistics regarding new or disposed cases.

The one exception where the Office of the Permanent Secretary was conspicuously silent and uncooperative was the case referred to in the Case Notes for 2023 at page 161 of the English version and page 165 of the Maltese version. In this case the Commissioner found that the education authorities had acted in an unjust and oppressive manner towards the Head of a Primary School. Significantly, although the Final Opinion in this case was sent to the Permanent Secretary on 15 September 2023 with a request for information as to what action was intended to be taken to implement the Commissioner's recommendations, it was only in April of 2024 that the Office of the Principal Permanent Secretary within the Office of the Prime Minister informed the Ombudsman's Office that no action was intended to be taken.

Moreover, in 2023 the education authorities continued to oppose the recommendation made, more than once, by the Commissioner to have interviews for government scholarships video recorded to enable proper scrutiny of the behaviour of the members of the interviewing panel and its interaction with the applicant.

As to the disposal of cases (some of which would have been opened before 2023), the Commissioner in 2023 upheld the complaint/s in 8 cases and dismissed the complaint/s in 16 others. 12 cases were resolved by informal action before a final opinion was drawn up, and the investigation in 11 other cases was either not commenced or was discontinued in line with the provisions of Article 17 of the Ombudsman Act. When the Commissioner proceeds in terms of Article 17, the complainant is always advised of the reason for this course of action.

Mention should also be made of some complaints, received in 2023, which were clearly outside the Commissioner's and Ombudsman's remit, as they were directed against private education providers, notably private institutions licenced by the Malta Further and Higher Education Authority (MFHEA). In these cases, the Commissioner informs the complainant accordingly and at the same time alerts the MFHEA for any action it may wish to undertake.

Commissioner for Environment and Planning

ANNUAL REPORT 2023



OMBUDSMAN

COMMISSIONER FOR ENVIRONMENT AND PLANNING

COMMISSIONER FOR ENVIRONMENT AND PLANNING

ANNUAL REPORT 2023

The Commissioner for Environment and Planning handles Planning Authority cases and another few cases involving the Environment and Resources Authority. The Ombudsman also assigns other individual cases to the Commissioner that are technical in nature involving other Government entities including Infrastructure Malta, Transport Malta, the Lands Authority and the Local Councils.

During the year the Commissioner held regular meetings with Ministries and heads/representatives of Government entities and NGOs. The Commissioner also participated during public consultations, particularly those related to the building contractors licensing regime and the suspension of development permissions pending appeals in front of the Tribunal or the Inferior Courts.

The Commissioner did not shy away from participating in programmes on the public media as this is very effective in informing the public on the remit of the Ombudsman Office and on the way complaints can be filed.

CHART 3.1: NEW CASES 2013-2023

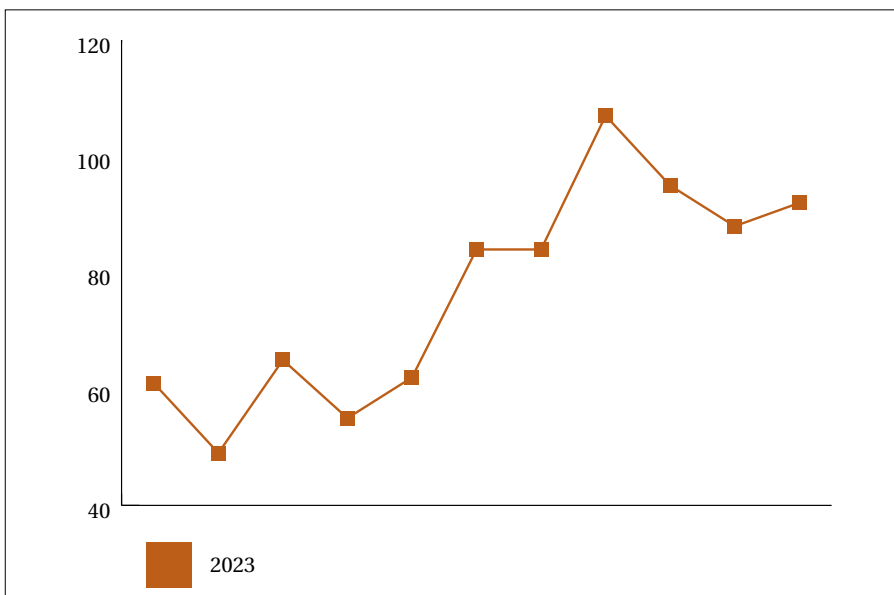


Chart 3.1 shows the number of new cases investigated by the Commissioner for Environment and Planning since the establishment of the Office of the Commissioner. The number of cases settled close to 90 during the last five years, a 50% increase on the previous years.

TABLE 3.2: NUMBER OF CASES

	2023	2022
Pending cases from previous years	30	26
New requests for investigation	92	88
Total	122	114

Pending cases from previous years stand close to 25% of the number of cases under review with the majority of these cases awaiting action by the relevant authorities for technical reasons or other bureaucratic procedures. Although several cases may be closed after compiling a final opinion and eventually referring it to the House of Representatives if necessary, in some cases it is more effective and equitable to afford ample time for the relative Government entity to act on the issue. As a matter of fact, during this year there were three cases where the relative entity acted only after the Commissioner had already referred the case to the House of Representatives. The first case concerned works in a Government-owned property that was damaging third-party property. In the second case, the Government entity tried to resolve an issue related to vehicular access into a garage following changes in the road traffic direction. The recommendation in the third case for the revocation of an irregular permit for a development on the seafront was implemented a full year after the final opinion even though four months later the same development was eventually sanctioned through another planning procedure.

The Commissioner is concerned about this sanctioning procedure since although this has been happening at the same rate for years, any attempts to diminish it - thus showing a positive change in mentality - are non-existent. Whilst one understands that the demolition of irregular sanctionable developments is costly and generates unnecessary waste, instant and effective enforcement action will help to change the 'build now sanction later' mentality. This will improve the way we do things, particularly during works adjoining third-parties or public areas. This will also ease the undue pressure on decision-makers when they are faced with a *fait accompli* when compared to one that is just a proposal on paper. Enforcement action is effective first and foremost through fines that reflect the actual extent of the infringement and that are sufficient to act as a deterrent. Secondly, the irregular works should be immediately stopped and documented so that the fine on the works carried out after the stop notice is at least doubled. Fining irregularities with

a mere 10% or less of the actual cost of the irregular development and allowing works to proceed only serves as an incentive rather than a deterrent.

During this year the Commissioner opened six own-initiative investigations. One related to lack of enforcement action against irregular development after receiving anonymous information and another similar investigation following publication in the press. Another two own-initiative investigations concerned allegations of irregular permits highlighted in anonymous letters. The fifth concerned the irregular occupation of pedestrian footpaths during construction works whereas the sixth involved proper parking spaces on a reconstructed road. In the first two cases enforcement action was taken by the Planning Authority whereas the allegations of permission irregularities were found to be unjustified. In the last two cases Transport Malta acted very efficiently and it also issued definite parameters on the way public footpaths are temporarily occupied.

TABLE 3.3: CLOSED CASES

	2023	2022
Pending cases from previous years	26	21
New requests for investigation	75	62
Total	101	83

82% of the cases received during this year were closed during the same year, similar to 2021 and up from 70% in 2022. A record number of 26 cases from previous years were closed, and only a few cases are brought forward to the following year. Keeping the caseload at an all-time low not only satisfies complainants' expectations in the way their complaints are handled but also allows the Commissioner sufficient time to make a proper and thorough assessment of the pending caseload.

TABLE 3.4: GOVERNMENT ENTITIES SUBJECT TO COMPLAINTS

	2023	2022
Building Construction Authority	4	1
Enemalta	1	2
Environment and Resources Authority	5	2
Environmental Health Directorate	2	1

Health Services	-	1
Housing Authority	-	1
INDIS Malta	-	1
Infrastructure Malta	11	9
Lands Authority	6	4
Local Council	4	10
Local Enforcement Systems Agency	1	-
Malta Enterprise	1	-
Malta Tourism Authority	1	1
Ministry for Active Ageing	1	-
Ministry for Environment, Energy and Enterprise	-	1
Ministry for Gozo	1	-
Ministry for Public Works and Planning	1	1
Ministry for Transport, Infrastructure and Capital Projects	-	1
Occupational Health and Safety Authority	-	1
Periti Warranting Board	1	-
Planning Authority	38	43
Police	4	1
Regulator for Energy and Water Services	1	1
Restoration	-	1
Transport Malta	8	5
Water Services Corporation	1	-
TOTAL	92	88

Complaints against the Planning Authority dropped to 41% of the annual caseload when compared to 49% in 2022 and 43% in 2021. Whilst there was a significant increase in complaints against the Building and Construction Authority, the Environment and Resources Authority, Transport Malta and the Police, the Planning Authority holds top place, particularly following some controversial decisions. Planning procedures have become more transparent, allowing more public participation and remedial opportunities in line with the main principles of the Aarhus Convention. However, failure to fully utilise all these opportunities, particularly the remedies available, might sometimes result in incorrect decisions still holding ground and worse, the same incorrect decisions being used as legal commitments. The Commissioner is limited with recommending the implementation of modification/revocation procedures that are still subject to the decision of the Planning Board whilst other recommendations only apply for future decisions since incorrect decisions can only be overturned by the Tribunal or the Court of Appeal unless the rather extraordinary modification/revocation procedure is fully satisfied. It is true that appeals are costly, but this is the best remedial measure available to address an incorrectly approved permit.

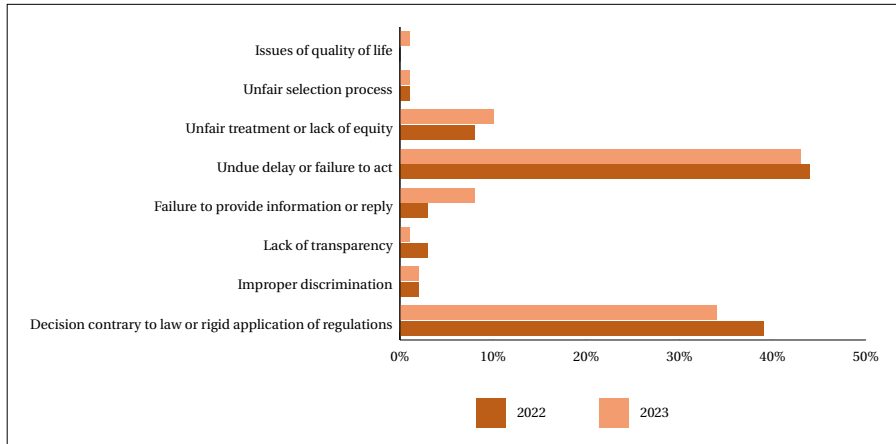
Concerned citizens and NGOs should be awarded when their venture manages to overturn a permit that would have otherwise ruined the environment very much in the same way that environmental benefits are awarded through available grants. This will lead towards a balance between the economic development potential of a site and the environmental health of the surroundings.

At this stage one should also mention that although this list identifies a single Government entity for each investigated case, in certain cases the response of the relative entity would depend on action taken by a separate entity. Examples include road markings by a Local Council or Infrastructure Malta that depend on permits issued by Transport Malta and roadworks by Infrastructure Malta that would have to wait for interventions by service utility providers.

TABLE 3.5: CASELOAD BY NATURE OF COMPLAINT

	2023		2022	
Decision contrary to law or rigid application of regulations	31	34%	34	39%
Improper discrimination	2	2%	2	2%
Lack of transparency	1	1%	3	3%
Failure to provide information or reply	7	8%	3	3%
Undue delay or failure to act	40	43%	38	44%

Unfair treatment or lack of equity	9	10%	7	8%
Unfair selection process	1	1%	1	1%
Issues of quality of life	1	1%	0	0%
Total	92	100%	88	100%



Decision contrary to law or rigid application of regulations and undue delay or failure to act still hold almost 80% of all complaints received. Whilst law, regulations, policies and guidelines move decisions towards a level playing field, it does not necessarily mean that by abiding to them one achieves a good decision. Decision-makers should be able to discern similar decisions and propose corrections to regulations and policies that appear to be abused in one way or another. On the other hand, it is paramount to consider the impact a development has on the built environment and flexibility shall only be afforded when the results are beneficial.

Complainants expect action without delay, particularly when irreparable environmental damage is in the process. Improving enforcement action, particularly in the planning sector as mentioned earlier in this report, will definitely reduce the number of complaints related to this issue whilst at the same time upholding the well-being of our environment.

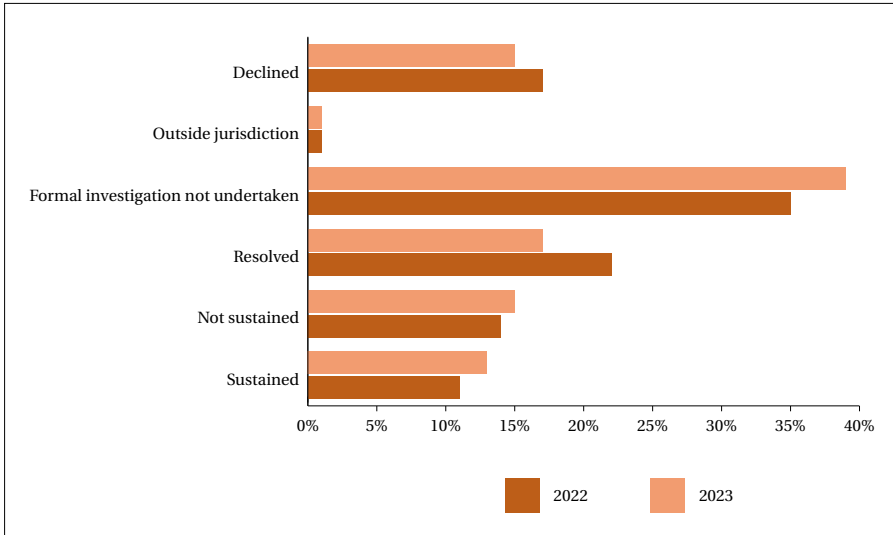


TABLE 3.6: OUTCOME FOLLOWING CLOSURE OF CASES

	2023		2022	
	Count	Percentage	Count	Percentage
Sustained	13	13%	9	11%
Not sustained	15	15%	12	14%
Resolved	17	17%	18	22%
Formal investigation not undertaken	40	39%	29	35%
Outside jurisdiction	1	1%	1	1%
Declined	15	15%	14	17%
Total	101	100%	83	100%

Out of the thirteen sustained cases, six recommendations were successfully implemented, six were not and the other was partly implemented. All the six cases that were not implemented were referred to the Prime Minister and eventually to the House of Representatives. Three cases involved the Planning Authority - two concerning lack of action against irregular outside catering areas and the third relating to the revocation of a permit mentioned earlier in this report

that was eventually approved through another planning procedure. Another recommendation that was not implemented concerned markings demarcating outside catering area concessions by the Lands Authority. The other two cases concern Local Councils, one relating to a pavement built-out that was irregularly constructed at Siggiewi and the other concerning limitations to a vehicular access into a garage following changes in the road traffic direction at Mosta. The latter is the case mentioned earlier in this report where the Council is still trying to solve the issue.

Infrastructure Malta and Transport Malta are proving to be very efficient and successful in solving complaints year on year with many of the cases involving these two entities being resolved without the need for the Commissioner to form a final opinion.

CONCLUSION

This year construction was again in the headlines, unfortunately with various other incidents on construction sites, particularly those involving the collapse of freestanding facades onto the public thoroughfare. The public inquiry also exposed significant deficiencies in the construction business, particularly those related to lack of expertise and knowledge of this rather complex industry. It is very important to stress that authorities should not get carried away on matters that are irrelevant as this might leave them with not enough energy to tackle the actual problem at hand. To give an example, one should rather focus on ways and means to protect neighbouring properties and public thoroughfares from lateral pressures that result from demolition and excavation works and from deficiencies in the construction/shoring materials used rather than directing compliance resources on detailed and costly reports relating to uncontested vertical pressures exerted on the ground by a development.

Development permits, particularly those that were revoked by the Inferior Courts, should serve as an opportunity to implement the legislative amendment that was issued for public consultation within a short period of time. They should also serve as a catalyst for more public participation in the planning process and not least, so that the Planning Authority amends its procedures particularly when deciding uncontested applications for similar developments that were quashed by the Inferior Courts.

On a positive note, the Commissioner welcomes the amendments to the Environment Protection Act that were introduced this year ensuring more transparency in the proceedings of the Environment and Resources Authority through public participation and access to a review procedure very similar to that being adopted by the Planning Authority. This is in line with various recommendations made by the Commissioner for Environment and Planning throughout the years, conforming with the Aarhus Convention and leading to a more level playing field in environmental matters.

Commissioner for Health

ANNUAL REPORT 2023



COMMISSIONER FOR HEALTH

ANNUAL REPORT 2023

Introduction

During 2023 the cases that were investigated by our Office continued to indicate that there is still a very real and tangible need for someone to provide the general public with the fundamental right to good administration and to act as a guardian against maladministration, abuse of power and improper discrimination.

Unfortunately, such occurrences in a sensitive sector such as health still continue to occur. Some of the complaints relating to health issues can have serious repercussions for the complainants or their relatives and it is therefore very important that all complaints are given the importance that they merit. We aim to deal with all complaints, trivial as some may appear, in an appropriate manner.

One common complaint expressed by the complainants is the lack of response that they get from ministries and entities to their queries. Trying to communicate with a government institution without even receiving an acknowledgement could be frustrating to say the least.

As in previous years we have tried to build this communication bridge between the general public and the government entities and in most of these cases a solution was attained. After all, that is the aim of this Office, to try to offer the complainants some sort of solution to their problems. Most of the recommendations made by this Office regarding health issues have been accepted either partially or in full.

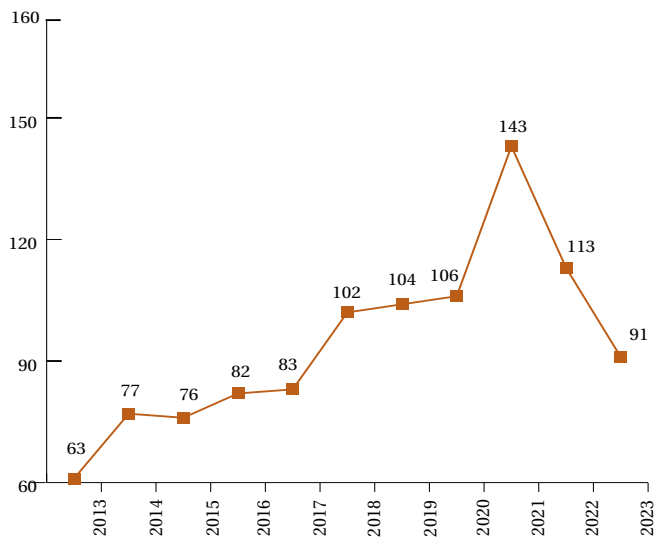
Our strategy should focus on trying to reach out to more people in need. Our procedures should be strengthened and new methodologies should be instituted so that our services become more efficient and public friendly.

New Cases in 2023

In 2023, the Commissioner for Health received 91 complaints. When the data of the last 11 years is analysed, one sees that the number of annual cases has gradually increased over time. There were 63 new cases in 2013 and there are 91 cases in 2023. During 2020, 2021 and 2022 there was a marked increase in the number of new cases (106, 143 and 113 respectively). This was mainly attributable to the Covid-19 pandemic and all the related problems. The number of new cases now seems to be returning to the pre-pandemic years.

As reported last year, 2021 was the year when this Office received most complaints (143). The increase at that time was mostly attributable to the general public. Last year, 2022, the number of complaints was 21% lower than that received in 2021 but it was still 7% higher than that received in 2020. This year the number of cases was 19% lower than last year. It was very similar to the number of cases lodged in 2017 and 2018.

Figure 4.1 - New cases 2013 to 2023.



Source of new cases

The cases lodged with our Office usually can be divided into two broad categories, those that are lodged by the general public and those that are lodged by the healthcare employees. The vast majority of the latter were employees of the Ministry for Health.

Table 4.2 - Number of cases submitted to the Commission for Health 2013 to 2023.

Year	New cases by general public	New cases by Healthcare employees	Own Initiative	Total
2013	35	28		63
2014	40	37		77
2015	41	35		76
2016	45	37		82
2017	45	38		83
2018	70	32		102

2019	71	31		102
2020	56	50		106
2021	104	39		143
2022	71	41	1	113
2023	58	33		91
Mean	54.9	36.0		92.1
Median	57.8	36.5		94.2

The claims lodged by the general public over the last 11 years have increased from 35 in 2013 to 58 in 2023. During the Covid – 19 pandemic there was a surge of cases but in the last year the number of cases seems to have returned back to the pre-pandemic status.

The absolute number of complaints registered by healthcare employees also seems to have stabilised when absolute numbers are analysed with 28 cases registered in 2013 and 33 cases in 2023. It is only when one looks at these numbers as a percentage of all the cases that a downward trend may be noted.

Figure 4.3 - New cases in 2013 to 2023 by type of complainant

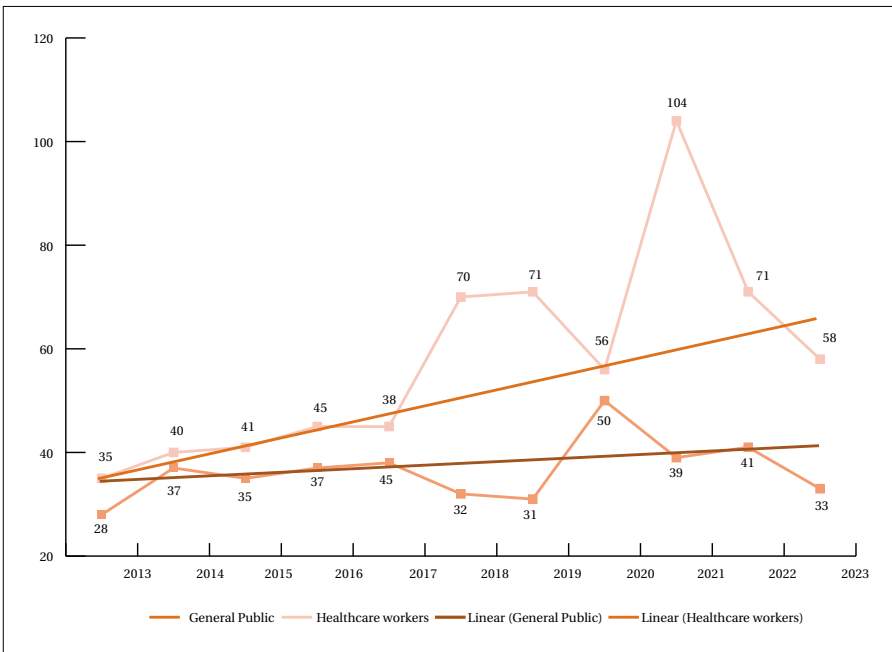
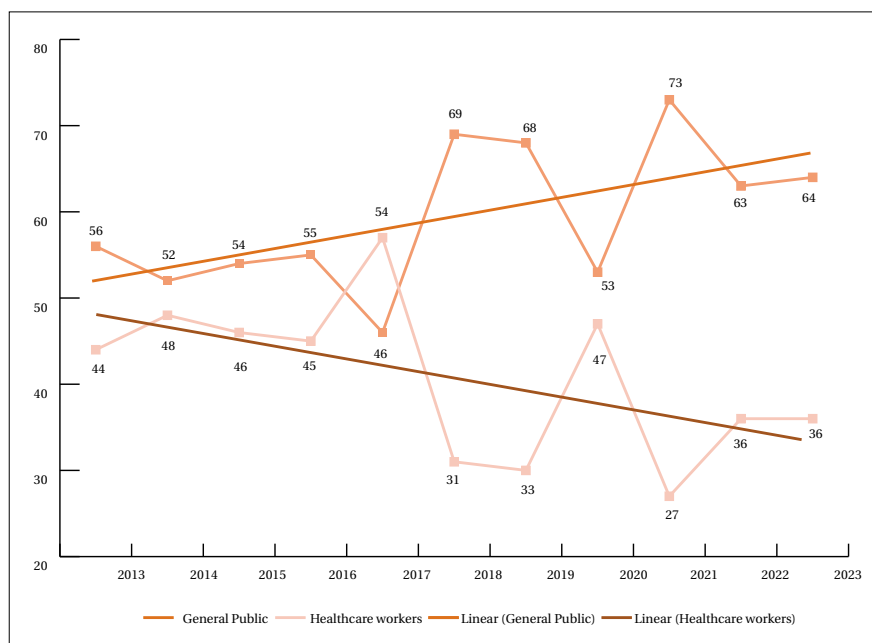


Figure 4.4 - Percentage of new cases in 2013 to 2023 by type of complainant

In fact, the difference between the two major subdivisions, general public and healthcare workers becomes more evident when percentages are considered. The trendlines for the actual number of cases depicted in Figure 2 are both increasing albeit not at the same rate but if the percentage of cases is plotted as shown in Figure 3 then the percentage of cases lodged by the general public is increasing while that of the healthcare workers is decreasing. As in previous years (excluding the Covid – 19 pandemic) the number of complaints lodged by the general public with this Office shows a small but progressive increase both when absolute numbers are used as well as when these are expressed as percentages of all cases.

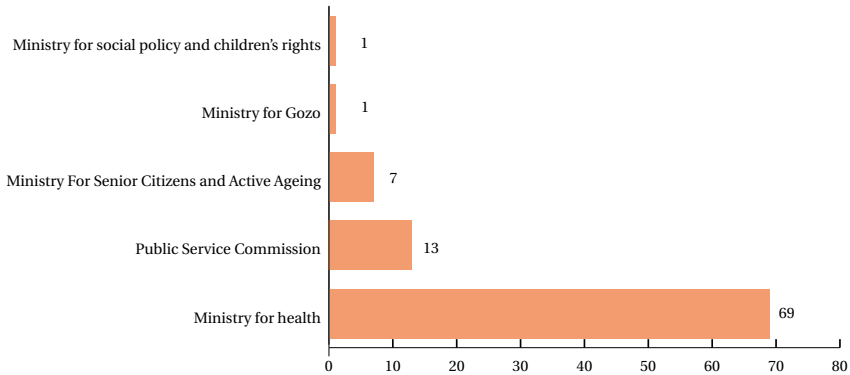
Entities involved

The highest number of complaints lodged with the Commissioner for Health in 2023 involved the Ministry for Health (Table 2 and Figure 4).

Table 4.5 - Entities involved in claims

ENTITY INVOLVED IN CLAIM	No.
<i>Ministry for Health</i>	69
<i>Public Service Commission</i>	13
<i>Ministry for Senior Citizens and Active Ageing</i>	7
<i>Ministry for Gozo</i>	1
<i>Ministry for Social Policy and Children's Rights</i>	1

Figure 4.6 - Number of cases lodged with the Commissioner for Health by entity



Complaints by category

As can be expected the complaints varied in nature with:

- *Unfair treatment/lack of equity* at 38% of all cases was the most common complaint received during 2023.
- The *Shortage of medicines and or equipment/services* standing at 18% of all cases has also been a problem in the past years and remains so. This is a multifactorial complex problem which seems to persist over the years. One of the main problems is the ever-increasing cost of new medicines. Another factor is the impact attributable to Brexit. The UK market has historically been our prime source for the procurement of medicine. The repercussions of Brexit may already be adversely affecting this and the situation may be further complicated in the near future if no remedial action is taken.
- The next issue that generated most complaints was the *Failure to provide information or to provide a reply*. Some 12% of the new cases were due to this lack of proper communication which unfortunately is still a problem with some entities.
- The Covid -19 pandemic has accentuated the *Undue delay/Failure to act/Waitinglists* within the health sector and this was reflected in both the waiting time for medical investigation as well as in the time necessary to be operated upon. This was the basis of a complaint in 10% of all the new cases.

The complaints by category are depicted in Table 3 and graphically in Figure 5

Table 4.7 - New cases lodged with the Commissioner for Health in 2023 by category

Categories	Number of Cases
Unfair treatment/lack of equity	34
Failure to provide information or to provide a reply	11
Undue delay/failure to act/waiting lists	9
Shortage/Inadequate supply of Medicines	8
Shortage/Inadequate supply of equipment/services	8
Unfair selection process/promotion/grading	7
Personal matters/staff issues/student issues	3
Improper attitude of staff or management	2
Continuing care /follow-up issues	2
Contrary to law and policies or rigid application of legislation, regulation and policies	1
Improper discrimination	1
Issues of quality of life/special needs	1
Others	4
Total	91

Figure 4.8 - New cases lodged with the Commissioner for Health in 2023 by category

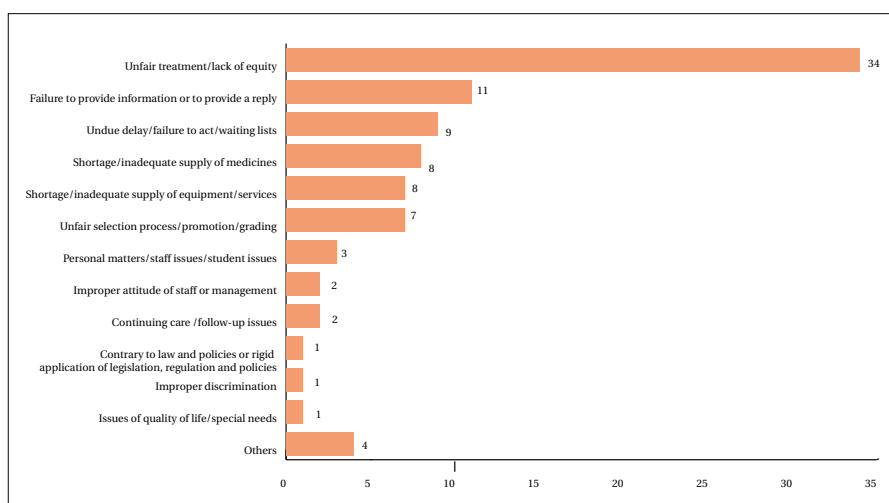
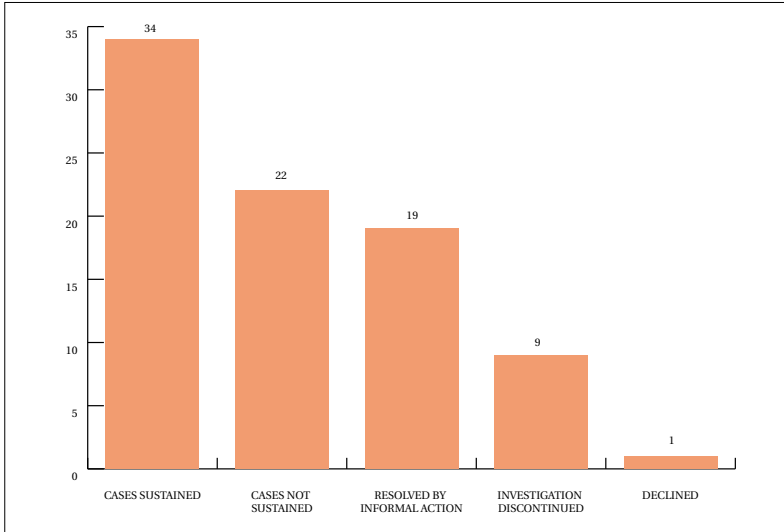


Figure 4.9 - Final outcome of the cases closed by the Commissioner for Health in 2023

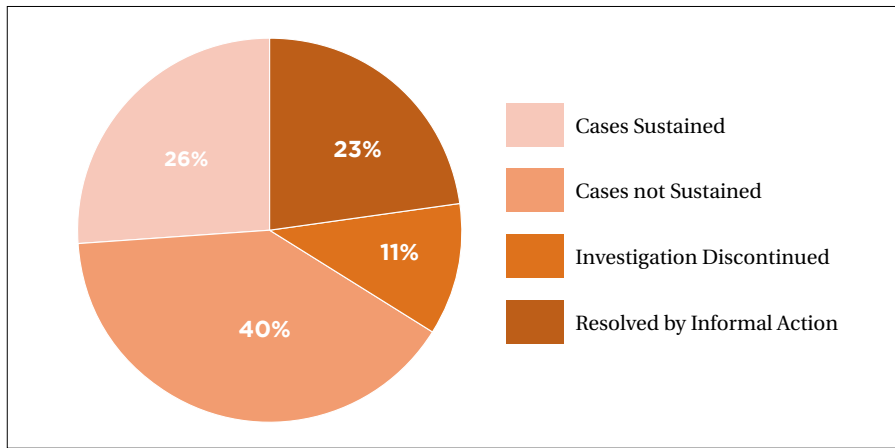


In 2023 there was only 1 (1%) case that this Office declined to investigate. A total of 84 cases were decided upon and of these 34 (41%) were sustained and 22 (26%) were not sustained. Another 19 (23%) were resolved through informal action. In the remaining 9 (11%), the investigation was discontinued. This is shown in Table 4.10

Table 4.10 - Outcome of cases closed by the Commissioner for Health in 2023

Outcome	No.
Cases Sustained	34
Cases not Sustained	22
Resolved by informal action	19
Investigation discontinued	9
Declined	1

Figure 4.11 - Final outcome of the cases closed by the Commissioner for Health in 2023



Conclusion

During 2023 the number of complaints involving issues pertaining to the Covid-19 pandemic had diminished appreciably and the healthcare situation gradually returned to the pre-pandemic status.

As with any life-changing experience, the Covid-19 pandemic had many problems associated with it but it also brought about certain changes that transformed work practices for the better.

One major negative impact was registered in respect of the waiting lists. Since all elective, that is non-emergency, treatments were postponed during the acute phase of the pandemic this had a knock-on effect on the various waiting lists. As a result, waiting lists for investigations and for operations that were considered not to be of an urgent nature increased exponentially. This created a backlog in the service provision and this in turn generated complaints by the public. Some of this disgruntlement filtered as complaints that were registered with our Office.

When patients or their relatives sought more information regarding their appointments from the Health Authorities this was not always readily forthcoming. It should be noted that a good number of complaints could be avoided if proper and effective communication were always maintained. Writing to a government entity or department and not receiving any sort of communication in response can, to say the least, be rather frustrating to people. In the health sector this is more accentuated as some of the communication may concern some health issues which would be worrying the patient or the relatives. Thus, communication between the public entities and the general public was and still remains an issue which although

possibly improving still needs more effort. As Commissioner for Health our main aim is to pursue fairness for our clients but at the same time, we would also like to help in improving the public service especially on how complaints are handled.

The rapid increase in our population is having a very huge impact on the health services and this further compounds the matter. The capacity of our main hospital, Mater Dei Hospital, has reached a critical level. This may have an adverse effect on the patients' stay in hospital. It may not have an effect on the type and level of healthcare being given which till now does not seem to have been compromised but it certainly has had an impact on the hotel services that one expects in such a national establishment. It is good to hear that the Ministry for Health and Active Ageing is working on an Action Plan that addresses these issues on the short, medium and long term. The proposed plan envisages that an extra 600 beds will be added to the ones already present in Mater Dei Hospital. This in itself will necessitate a challenging plan regarding the manpower necessary to cater for such an expansion. Possibly this may be more of a challenge than finding the space for the extra beds. It is definitely a challenge that has to be catered for by the Ministry.

Brexit has also negatively impacted the health service in that our market is traditionally very dependent on the UK market especially as regards pharmaceuticals and following Brexit the procurement of many such products has become problematic. This has resulted in shortages of supplies and at times even lack of supplies until alternative sources are identified. This shortage has a very profound and worrying effect on the patients and their relatives.

During 2023 the visibility of our Office has been enhanced and more information was disseminated to the general public. However, public awareness is never enough and the public has to be continually informed of the service that can be provided by this Office when they have an issue with a public entity.

After all the role of our Office remains one that tries to give a voice to the public that feels disappointed by the system by being ignored.

Annex I





Association of Mediterranean Ombudsmen

The Malta Declaration on the Right to Good Administration Adopted by the Association of Mediterranean Ombudsmen in Malta, on 1 November 2023

The Association of Mediterranean Ombudsmen,

Having met at Malta to discuss the right to good administration;

Having agreed on the pivotal role that the public administration plays in modern societies,

Noting that the decisions of the public administration affect the rights and interests of persons;

Noting that the public administration should, in the performance of its duties, be guided by laws, guidelines, codes of conduct and codes of practice;

Considering that maladministration is a cause of unfair decisions, bad service to the public, and an unwanted cost to government coffers;

Considering that good administration is a tool to uphold effectiveness and efficiency in the governance of a state;

Affirms the desideratum that national laws incorporate the right to good administration;

Recommends that the authorities represented in the Association of Mediterranean Ombudsmen to recognise the right to good administration in their respective legislation and policies and to give full effect thereto.

Annex II

REPORT AND FINANCIAL STATEMENTS



REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2023

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Statement of Responsibilities of the Office of the Ombudsman

The function of the Office of the Ombudsman is to investigate any action taken in the exercise of administrative functions by or on behalf of the Government, or other authority, body or person to whom the Ombudsman Act 1995 applies. The Ombudsman may conduct any such investigation on his initiative or on the written complaint of any person having an interest and who claims to have been aggrieved.

The Office of the Ombudsman is responsible for ensuring that:

- a. proper accounting records are kept of all transactions entered into by the Office, and of its assets and liabilities;
- b. adequate controls and procedures are in place for safeguarding the assets of the Office, and the prevention and detection of fraud and other irregularities.

The Office is responsible to prepare accounts for each financial year which give a true and fair view of the state of affairs as at the end of the financial year and of the income and expenditure for that period.

In preparing the accounts, the Office is responsible to ensure that:

- Appropriate accounting policies are selected and applied consistently;
- Any judgments and estimates made are reasonable and prudent;
- International Financial Reporting Standards are followed;
- The financial statements are prepared on the going concern basis unless this is considered inappropriate.



Paul Borg
Director General



Gordon Fitz
Finance Manager



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Report of the Auditor General

To the Office of the Ombudsman

Opinion

We have audited the accompanying financial statements of the Office of the Ombudsman set out on pages 6 to 17, which comprise the statement of financial position as at 31 December 2023, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Office of the Ombudsman as at 31 December, 2023, its financial performance and its cash flows for the year then ended, in accordance with International Financial Reporting Standards as adopted by the European Union, and comply with the Ombudsman Act, 1995.

Basis for Opinion

We conducted our audit in accordance with International Standards of Supreme Audit Institutions (ISSAIs). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Office of the Ombudsman in accordance with the International Ethics Standards Board of Accountants' Code of Ethics for Professional Accountants (IESBA Code). We have also fulfilled our ethical responsibilities as required by the Accountancy Profession (Code of Ethics for Warrant Holders) Directive issued in terms of the Accountancy Profession Act (Cap. 281) in Malta. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

The Office of the Ombudsman's Responsibility for the Financial Statements

The Office of the Ombudsman is responsible for the preparation of the financial statements that give a true and fair view in accordance with the International Financial Reporting Standards as adopted by the European Union and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Office of the Ombudsman is responsible for assessing its ability to continue as a going concern, disclosing, as applicable, related matters and using the going concern basis of accounting unless it is either intended to cease operations, or there is no realistic alternative but to do so.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISSAIs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISSAIs, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal controls relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the entity.
- Conclude on the appropriateness of the entity's use of going concern basis of accounting and based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.



Auditor General

25/4/24

Statement of Comprehensive Income

	Schedule	2023 €	2022 €
Income			
Government grant		1,549,000	1,420,000
Conference sponsorship		15,000	-
Non-operating income (note 3)		110	108
		1,564,110	1,420,108
Expenditure			
Personal Emoluments (note 4i)		(1,239,500)	(1,181,066)
Administrative and other expenses	1	(330,301)	(232,949)
		(1,569,801)	(1,414,015)
(Deficit) / Surplus for the year		(5,691)	6,093

Statement of Financial Position

	Notes	2023 €	2022 €
Assets			
Non-current assets			
Property, Plant and Equipment	5	365,817	417,122
Current assets			
Receivables	6	40,935	36,479
Cash and cash equivalents	7	575,638	470,355
		616,573	506,834
Total assets		982,390	923,956
Equity and Liabilities			
Accumulated surplus		912,442	918,133
Payables	8	69,948	5,823
Total Equity and Liabilities		982,390	923,956

The financial statements on pages 6 to 16 were approved by the Office of the Ombudsman on 12th February 2024 and were signed on its behalf by:



Paul Borg
Director General



Gordon Fitz
Finance Officer

Statement of Changes in Equity

	Accumulated Fund Total
	€
At 1 January 2022	912,040
<i>Statement of Comprehensive income</i>	
Surplus for the year	6,093
At 31 December 2022	918,133
<i>Statement of Comprehensive income</i>	
(Deficit) for the year	(5,691)
At 31 December 2023	912,442

(page 6)

Statement of Cash flows

	2023	2022
Notes	€	€
Cash flows from Operating activities		
(Deficit) / Surplus for the year	(5,691)	6,093
Depreciation	93,281	92,482
Disposal of tangible fixed assets	21,423	10,863
Non-operating income	(15,110)	(108)
Operating surplus before working capital changes	93,903	109,330
(Increase) in receivables	(4,456)	(2,654)
Increase in payables	64,125	1,253
Net cash generated from operating activities	153,572	107,929
Cash flows from Investing activities		
Payments to acquire tangible fixed assets	(63,399)	(15,198)
Non-operating income	15,110	108
Net cash used in investing activities	(48,289)	(15,090)
Net increase in cash and cash equivalents	105,283	92,839
Cash and cash equivalents at beginning of year	470,355	377,516
Cash and cash equivalents at end of year	575,638	470,355

Notes to the financial statements

1. Legal Status

In 1995, the Maltese Parliament enacted the Ombudsman Act and established the organization and functions of the Office of the Ombudsman. The main objective of the Office of the Ombudsman is to investigate complaints by the public against any action taken in the exercise of administrative functions by or on behalf of the Government or other authority, body or person to whom the Ombudsman Act 1995 applies. The Office of the Ombudsman is situated at 11, St Paul's Street, Valletta.

These financial statements were approved for issue by the Finance Manager and Director General on the 12th February 2024.

2. Summary of significant accounting policies

The principal accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

Basis of preparation

The financial statements have been prepared in accordance with International Financial Reporting Standards (IFRS) and their interpretations adopted by the International Accounting Standards Board (IASB). The financial statements have been prepared under the historical cost convention.

The preparation of financial statements in conformity with IFRS requires the use of certain critical accounting estimates. Estimates and judgements are continually evaluated and based on historic experience and other factors including expectations for future events that are believed to be reasonable under the circumstances.

In the opinion of the Finance Manager and the Director General, the accounting estimates and judgements made in the course of preparing these financial statements are not difficult, subject or complex to a degree which would warrant their description as critical in terms of requirements of IAS 1. The principal accounting policies are set out below:

Materiality and aggregation

Similar transactions, but which are material in nature are separately disclosed. On the other hand, items of dissimilar nature or function are only aggregated and included under the same heading, when these are immaterial.

Property, plant and equipment (PPE)

Property, plant and equipment are stated at historical cost less accumulated depreciation and impairment losses. The cost of an item of property, plant and equipment is recognized as an asset if it is probable that future economic benefits associated with the item will flow to the group and the cost of the item can be measured reliably.

Subsequent costs are included in the asset's carrying amount or recognized as a separate asset, as appropriate, only when it is probable that future economic benefits associated with the item will flow to the group and the cost of the item can be measured reliably. The carrying amount of the replaced part is derecognized. All other repairs and maintenance are charged to the income statement during the financial period in which they are incurred.

Depreciation commences when the depreciable amounts are available for use and is charged to the statement of comprehensive income so as to write off the cost, less any estimated residual value, over their estimated lives, using the straight-line method, on the following bases.

	%
Property improvements	7
Office equipment	20
Computer equipment	25
Computer software	25
Furniture & fittings	10
Motor vehicles	20
Air conditioners	17

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount. The carrying amount of an item of PPE is de-recognised on disposal or when no future economic benefits are expected from its use or disposal. The gain or loss arising from derecognition of an item of PPE are included in the profit and loss account when the item is de-recognised.

Receivables

Receivables are stated at their net realizable values after writing off any known bad debts and providing for any debts considered doubtful.

Cash and Cash equivalents

Cash and cash equivalents are carried in the Statement of Financial Position at face value. For the purposes of the cash flow statement, cash and cash equivalents comprise cash in hand and deposits held at call with banks.

Payables

Payables are carried at cost which is the fair value of the consideration to be paid in the future for goods and services received, whether or not billed to the Office.

Revenue recognition

Revenue from government grants is recognised at fair value upon receipt. Other income consists of bank interest receivable.

Foreign currencies

Items included in the financial statements are measured using the currency of the primary economic environment in which the Office operates. These financial statements are presented in €, which is the Council's functional and presentation currency.

Transactions denominated in foreign currencies are translated into € at the rates of exchange in operation on the dates of transactions. Monetary assets and liabilities expressed in foreign currencies are translated into € at the rates of exchange prevailing at the date of the Statement of Financial Position.

Critical Accounting Estimates and Judgements

Estimates and judgements are continually evaluated and based on historical experience and other factors including expectations of future events that are believed to be reasonable under the circumstances. In the opinion of the Finance Officer, the accounting estimates and judgements made in the preparation of the Financial Statements are not difficult, subjective or complex, to a degree that would warrant their description as critical in terms of the requirements of IAS 1 – ‘Presentation of Financial Statements’.

Capital Management

The Office's capital consists of its net assets, including working capital, represented by its retained funds. The Office's management objectives are to ensure:

- that the Office's ability to continue as a going concern is still valid and
- that the Office maintains a positive working capital ratio.

To achieve the above, the Office carries out a quarterly review of the working capital ratio ('Financial Situation Indicator'). This ratio was positive at the reporting date and has not changed significantly from the previous year. The Office also uses budgets and business plans to set its strategy to optimize its use of available funds and implements its commitments.

Notes to the financial statements (continued)

3	Non-operating income^{aa}	2023	2022
		€	€
	Bank interest receivable	110	108
		<u>110</u>	<u>108</u>
4i	Personal Emoluments	2023	2022
		€	€
	Wages and salaries	1,195,915	1,138,180
	Social security costs	43,585	42,886
		<u>1,239,500</u>	<u>1,181,066</u>
ii	Average No. of Employees	<u>22</u>	<u>23</u>

Notes to the financial statements (continued)

5i. Property, Plant and Equipment

	Improvements to property	Office Equipment	Computer equipment	Computer software	Motor vehicles	Furniture and fittings	Aircondition	Total
	€	€	€	€	€	€	€	€
Cost								
At 1 January 2023	824,580	37,528	46,209	31,728	113,000	123,787	79,347	123,787
Additions	2,056	5,543	2,288	1,140	41,770	10,602	-	63,399
Disposals	(20,000)	(193)	(3,525)	(250)	(53,003)	(1,076)	(1,211)	(79,258)
At 31 December 2023	806,636	43,315	44,972	32,618	101,767	133,787	78,136	1,240,757
Depreciation								
At 1 January 2023	391,449	33,887	34,085	19,890	68,575	99,706	78,530	839,494
Charge for the year	51,711	1,926	6,695	7,737	14,809	8,034	163	93,482
Release on disposals	(10,667)	(193)	(2,916)	(250)	-	(832)	(1,211)	(57,835)
At 31 December 2023	523,854	36,554	37,864	27,377	83,384	106,908	77,482	874,940
Net book value								
At 31 December 2023	282,782	6,761	7,108	5,241	29,616	20,738	654	365,817

5i. Property, Plant and Equipment

	Improvements to property	Office Equipment	Computer equipment	Computer software	Motor vehicles	Furniture and fittings	Aircondition	Total
	€	€	€	€	€	€	€	€
Cost								
At 1 January 2022	844,580	37,528	40,431	2,254	113,000	122,633	80,475	15,198
Additions	-	1,584	8,303	2,254	0	2077	980	15,198
Disposals	(20,000)	(1,147)	(2,525)	(1,164)	-	(923)	(2,108)	(27,867)
At 31 December 2021	844,580	37,965	46,209	31,728	113,000	123,787	79,347	1,256,616
Depreciation								
At 1 January 2022	391,449	33,003	29,795	13,604	68,575	99,706	80,475	764,016
Charge for the year	55,409	1,926	6,815	7,450	14,809	8,034	163	92,482
Release on disposals	(9,333)	(1,042)	(2,525)	(1,164)	-	(832)	(2,108)	(71,004)
At 31 December 2021	482,810	33,887	34,085	19,890	83,384	106,908	78,530	839,494
Net book value								
At 31 December 2021	341,770	4,078	12,124	11,838	29,616	16,879	817	417,122

Notes to the financial statements (continued)

6 Receivables	2023	2022
	€	€
Stocks (stationery)	10,669	11,928
Trade receivables	2,508	3,654
Prepayments	27,758	20,897
	40,935	36,479

7 Cash and Cash Equivalents

Cash and cash equivalents consist of cash in hand and balances in bank. Cash and cash equivalents included in the cash flow statement comprise the following balance sheet amounts:

	2023	2022
	€	€
Cash at bank	574,980	469,534
Cash in hand	658	821
	575,638	470,355

8 Payables	2023	2022
	€	€
Trade payables	962	910
Accruals	68,986	4,913
	69,948	5,823

Financial assets include receivables and cash held at bank and in hand. Financial liabilities include payables.

9 Fair values

At 31 December 2023 the fair values of assets and liabilities were not materially different from their carrying amounts.

Schedule 1

Administrative and other expenses

	2023	2022
	€	€
Utilities	16,634	17,106
Materials and supplies	9,694	8,958
Repair and upkeep expenses	28,852	7,591
Rent	7,403	6,730
International membership	2,100	2,100
Office services	6,213	8,156
Transport costs	15,218	13,591
Traveling costs	22,282	8,874
Information Services	11,574	3,713
Outreach	4,989	4,927
Contractual Services	62,522	56,132
Professional Services	2,074	8,916
Training expenses	6,653	661
Hospitality	1,650	1,733
Conference	62,870	-
Incidental expenses	398	416
Depreciation	93,281	92,482
(Profit) on Disposals	(24,106)	(9137)
	330,301	232,949



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Office opens to the public as follows:

October – May 08:30am – 12:00pm

01:30pm – 03:00pm

June – September 08:30am – 12:30pm

Website: www.ombudsman.org.mt

Facebook: Ombudsman Malta