

ANNUAL REPORT 2024

PARLIAMENTARY OMBUDSMAN MALTA



OMBUDSMAN

FOR THE PERIOD
JANUARY - DECEMBER
2024

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OMBUDSMAN
for the period
JANUARY - DECEMBER 2024

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





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01:30pm – 03:00pm

June – September 08:30am – 12:30pm

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June 2025



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July 2025

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 2024.

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 Joseph Zammit McKeon
Parliamentary Ombudsman

Foreword



In 2024 the Office of the Ombudsman (that includes the Commissioners) continued to pursue its mandate, not only by the investigation of complaints of acts or omissions of the public service and/or the public administration and by making recommendations, but also by proposing how public bodies can provide better services, making really and truly a positive difference in the lives of persons.

Last year the Office insisted on its approach to oversee improvement in public services and on the rejection of unfair treatment of persons. When things go wrong in public services, persons deserve respect and justice, that matters are put right quickly and that there be no recurrence. Public bodies can work in cooperation with the Office to improve the quality of their services and reduce the necessity for people to make complaints to address injustices.

In 2024 the Office has seen an increased awareness by public servants that the Office is not there to create problems for them. A public administration kept under watch by an independent institution should not be viewed as an operational hindrance. Public service providers have an obligation not only to practice the rule of law but also to keep high standards of good governance which need to aim for justice. Falling short of that approach would be a defeat for the public service despite all the effort and investment that is put in order for things to be made better.

In its outreach activities that intensified in 2024, the Office remarked that public bodies have to address an increasing distrust in the institutions. Many feel unheard in their daily problems and that does not help to approach the institutions of the State. The Office asserted that the public service and the public administration in particular must be more empathetic and responsive to people's problems. We have warned of the growing risk of persons rejecting rules because they are ignored or left behind.

Although its benchmark remains the investigation of complaints, the Office persisted in its bridge building efforts because it believes that its work does contribute to improve accountability, fairness, and transparency within public services. In 2024, the Office maintained its insistence on the implementation of recommendations. It is a stark reality that when complaints are ignored or treated with a low priority, confidence is undermined and people can become disillusioned with public services. Public trust improves by means of robust investigations but the public administration should strive to learn meaningfully from complaints. Recommendations are submitted not just to place behaviour under strict exam but to ensure justice and fairness.

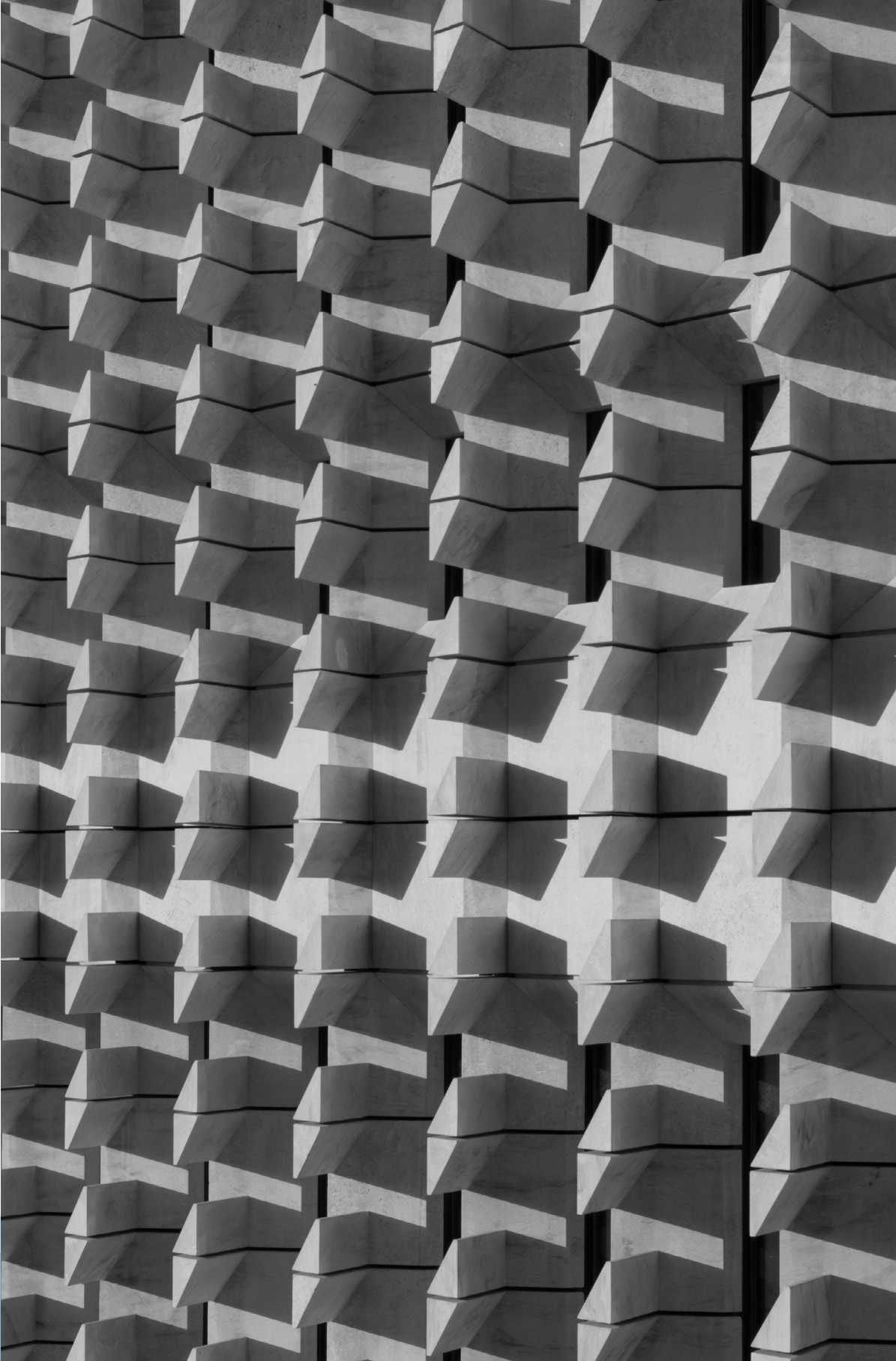
A tangible proactive outreach approach undertaken by the Office was a fresh, brand new, and easily accessible for all website that was launched on the 1 November 2024 fruit of a considerable investment. The project was based upon the principle that any person who requires the services of the Office or who wants to benefit from its services must be enabled to know what the Office does and how to make contact. The website is another medium that ensures that information is easily identifiable and available.

The past year has been another positive year for the Office. However, results would not have been possible without the collective effort, commitment and dedication of all members of staff without distinction.

It is therefore indeed my pleasure to submit this Annual Report for 2024 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 Joseph Zammit McKeon
Parliamentary Ombudsman of Malta





2024 at a glance

Total Incoming Complaints

January – December 2024



2024:
564 +7% ↗

Complaints received

January – December 2024



Ombudsman

331 +13% ↗



Commissioner
for Environment
and Planning

90 -2% ↘



Commissioner
for Health

76 -16% ↘



Commissioner
for Education

67 +31% ↗



Assistance given
to the public



764 +137% ↗

Total Finalised Complaints

January – December 2024



Ombudsman

319 +40% ↗



Commissioner
for Environment
and Planning

86 -15% ↘



Commissioner
for Health

108 +27% ↗

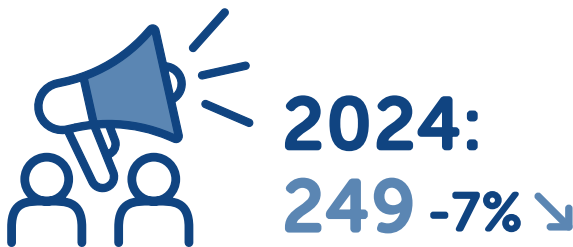


Commissioner
for Education

66 +38% ↗

Total Pending Complaints

January – December 2024



Ombudsman

170 +8% ↗



Commissioner
for Environment
and Planning

21 -30% ↘



Commissioner
for Health

40 -45% ↘



Commissioner
for Education

18 +6% ↗

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Performance Review 2024

CASES HANDLED BY THE
OFFICE OF THE OMBUDSMAN

PERFORMANCE REVIEW 2024

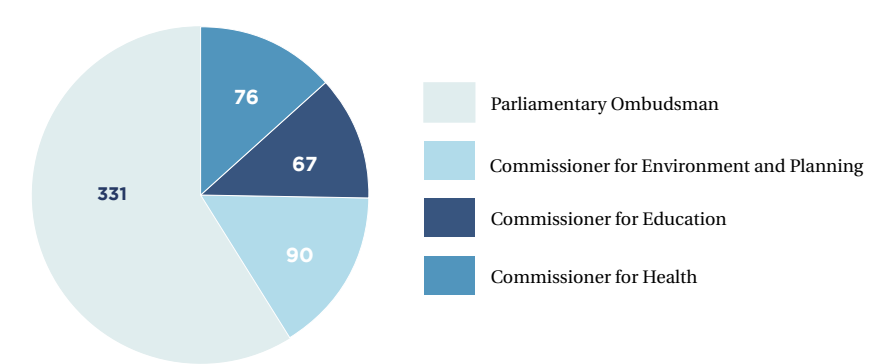
CASES HANDLED BY THE OFFICE OF THE OMBUDSMAN

TABLE 1.1 – CASES HANDLED BY THE OFFICE OF THE OMBUDSMAN
2023 - 2024

	2023	2024
	No of cases	No of cases
Parliamentary Ombudsman	294	331
Commissioner for Environment and Planning	92	90
Commissioner for Education	51	67
Commissioner for Health	91	76
Total	528	564

DIAGRAM 1.2 – CASES HANDLED BY THE OFFICE OF THE OMBUDSMAN
2024

In 2024, the Office of the Ombudsman handled a total of 564 cases, marking a 7% increase compared to the previous year. As shown in Table 1.1 and Diagram 1.2, 331 of these cases were investigated by the Parliamentary Ombudsman - an increase of 13% over 2023. The Commissioner for Health addressed 76 cases, reflecting a 16% decrease, while the Commissioner for Environment and Planning dealt with 90 cases, showing a slight 2% decline. The Commissioner for Education handled 67 cases, representing a significant 31% rise compared to the previous year.



This overall upward trend in complaints is largely attributed to the Office's sustained efforts to improve its visibility and accessibility. Various outreach initiatives undertaken throughout the year have helped bring the Office closer to the public, and these efforts are now yielding tangible results.

TABLE 1.3 – SUSTAINED CASES CLOSED DURING 2024 INCLUDING OUTCOME

	No of cases	Sustained – awaiting outcome	Sustained – no recommendation made	Recommendation implemented	Recommendation not implemented	Recommendation Partly implemented
Parliamentary Ombudsman	19	-	-	11	8	-
Commissioner for Environment and Planning	8	-	-	6	2	-
Commissioner for Education	12	-	2	3	5	2
Commissioner for Health	48	-	18	30	-	-
Total	87	-	20	50	15	2

Table 1.3 outlines the outcomes of sustained cases closed during 2024. Of the 19 cases sustained by the Parliamentary Ombudsman, 11 recommendations (58%) were implemented by the Public Administration, while 8 (42%) were not.

The Commissioner for Environment and Planning sustained 8 cases, with 6 recommendations (75%) implemented and 2 (25%) not implemented.

Out of 12 sustained cases investigated by the Commissioner for Education, 3 recommendations (25%) were implemented, 5 (42%) were not implemented, 2 cases (17%) did not warrant any recommendation, and in 2 cases (17%), the recommendations were only partially implemented.

The Commissioner for Health sustained 48 cases. Of these, 30 recommendations (63%) were implemented, while the remaining 18 cases (38%) did not merit a recommendation.

In total, of the 87 sustained cases closed by the Office of the Ombudsman in 2024, 50 recommendations (57%) were implemented, 15 (17%) were not implemented, 20 cases (23%) did not require a recommendation, and 2 cases (2%) were partially implemented.

TABLE 1.4 – COMPLAINTS AND ENQUIRIES RECEIVED
1996-2024

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
2024	564	331	90	67	76	764

Total Case Load

Table 1.4 and Diagram 1.5 illustrate the cumulative caseload managed by the Office of the Ombudsman since its inception in 1995. In 2024, the Office investigated 564 cases and responded to 764 enquiries - representing a remarkable 137% increase over the 322 enquiries recorded in 2023. This sharp rise reflects the growing public awareness of the Office, largely driven by sustained outreach efforts and increased community engagement.

DIAGRAM 1.5 – OFFICE OF THE OMBUDSMAN – WORKLOAD
1996-2024

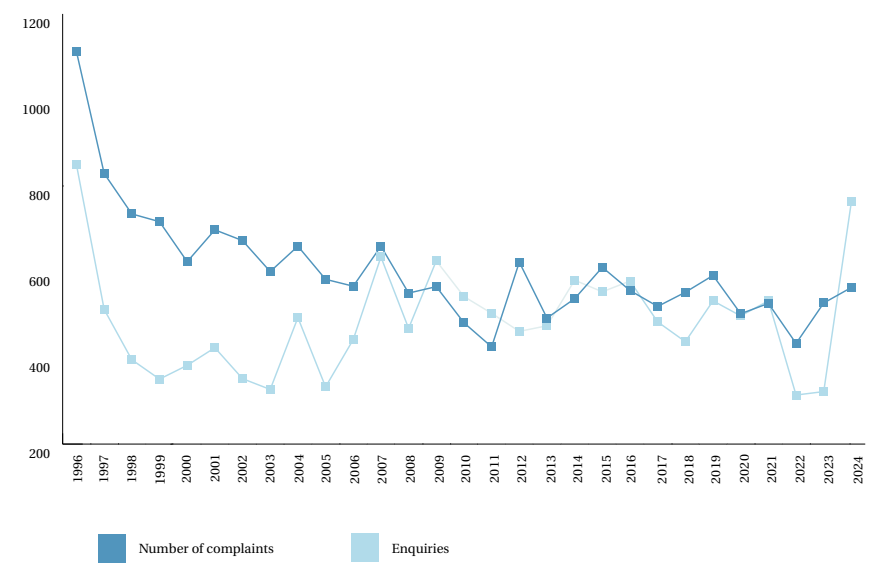


TABLE 1.6 – GENERAL ELECTIONS TREND
1997-2024

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
2024	564

Table 1.6 presents the number of complaints investigated by the Office of the Ombudsman in the years preceding and following a General Election. Historically, the Office has recorded a decline in complaints in the lead-up to a general election, a trend that typically reverses in the following year.

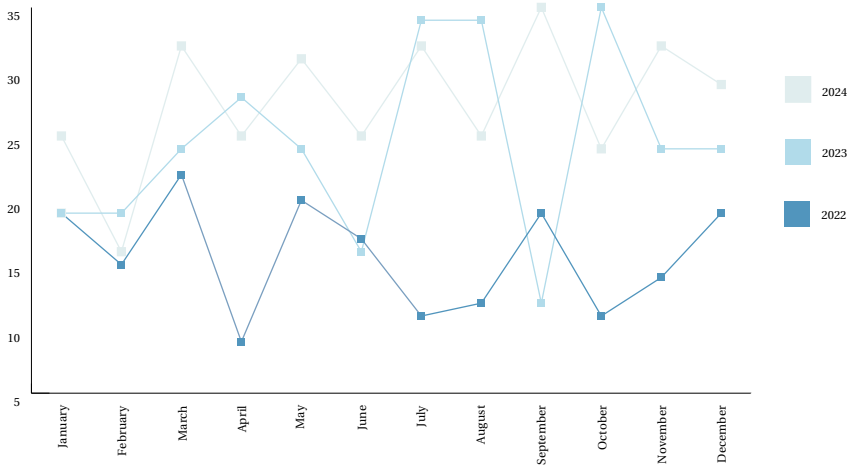
This pattern was once again evident in 2022, when a General Election was held in March. A noticeable drop in complaints occurred during the election year, commonly attributed to pre-election sentiment, during which individuals often pursue direct contact with government representatives to resolve their concerns. In the year immediately following the election, the Office experienced an increase

in its caseload - consistent with past trends. Notably, this upward trend continued into the second year after the election, confirming the long-standing pattern of a post-election rebound in public engagement with the Office.

TABLE 1.7 – COMPLAINTS STATISTICS BY MONTH
2023 – 2024

	2023			2024		
	Incoming	Closures	In hand	Incoming	Closures	In hand
Brought forward from previous year			92			158
January	19	24	87	25	24	159
February	19	28	78	16	40	135
March	24	19	83	32	28	139
April	28	17	94	25	23	141
May	24	8	110	31	16	156
June	16	6	120	25	35	146
July	34	19	135	32	29	149
August	34	18	151	25	18	156
September	13	17	147	35	35	156
October	35	20	162	24	31	149
November	24	33	153	32	32	149
December	24	19	158	29	8	170
Total	294	228		331	319	
Enquiries	322			764		

DIAGRAM 1.8 – COMPLAINTS STATISTICS BY MONTH
2022 – 2024



Between January and December 2024, the number of completed investigations rose significantly - by 40% - from 228 in 2023 to 319 in 2024. By the end of 2024, the number of pending cases had reached 170, representing an 8% increase compared to the previous year.

TABLE 1.9 – COMPLAINTS RECEIVED CLASSIFIED BY MINISTRY AND RESPECTIVE DEPARTMENTS
2024

Office of the Prime Minister (OPM)	
Sector	No of Cases received
Authority for the Responsible Use of Cannabis	1
European Union Protection Agency (EUPA)	4
Malta Competition and Consumer Affairs Authority	1
Office of the Prime Minister	1
People and Standards Division	8
Public Service Commission	13
TOTAL	28
Ministry for Agriculture, Fisheries and Animal Rights (MAFA)	
Sector	No of Cases received
Agriculture, Fisheries and Animal Rights	1
Agriculture and Rural Payments Agency	1
Animal Welfare	1
TOTAL	3
Ministry for the Economy, Enterprise and Strategic Projects (MEEP)	
Sector	No of Cases received
Commerce Department	1
Economy, Enterprise and Strategic Projects	1
INDIS	1
Malta Business Registry	1
Malta Communications Authority	1
Malta Enterprise	1
Malta Gaming Authority	1
TOTAL	7

Ministry for Education, Sport, Youth, Research and Innovation (MEYR)	
Sector	No of Cases received
Education, Sport, Youth, Research and Innovation	11
Examinations	1
University of Malta	1
TOTAL	13

Ministry for the Environment, Energy and Public Cleanliness (MEEC)	
Sector	No of Cases received
Enemalta	1
TOTAL	1

Ministry for the Environment, Energy and Regeneration of the Grand Harbour (MEER)	
Sector	No of Cases received
ARMS Ltd	19
Enemalta plc	7
Enemed Co Ltd	1
Environment, Energy and Regeneration of the Grand Harbour	1
Regulator for Energy and Water Services (REWS)	1
The Energy and Water Agency	1
WasteServ	1
Water Services Corporation	1
TOTAL	32

Ministry for European Funds, Equality, Reforms and Social Dialogue (MEES)	
Sector	No of Cases received
Department for Industrial and Employment Relations (DIER)	1
EU Funds	1
TOTAL	2

Ministry for European Funds, Social Dialogue and Consumer Protection (MESD)

Sector	No of Cases received
Department for Industrial and Employment Relations (DIER)	1
European Funds, Social Dialogue and Consumer Protection	1
Malta Competition and Consumer Affairs Authority	1
TOTAL	3

Ministry for Finance (MFIN)

Sector	No of Cases received
Air Malta	1
Central Bank	2
Finance	2
Malta Development Bank	1
Malta Financial Services Authority	1
Malta Tax and Customs Administration - Capital Transfer Duty	4
Malta Tax and Customs Administration - Customs and Excise	1
Malta Tax and Customs Administration - Inland Revenue	7
Malta Tax and Customs Administration - VAT	1
National Statistics Office	1
TOTAL	21

Ministry for Finance and Employment (MFE)

Sector	No of Cases received
Air Malta	1
Malta Tax and Customs Administration - Customs and Excise	1
Malta Tax and Customs Administration - Inland Revenue	1
Finance and Employment	1
TOTAL	4

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 and Planning (MGP)	
Sector	No of Cases received
Gozo Channel Ltd	1
TOTAL	1

Ministry for Health (MFH)	
Sector	No of Cases received
Health Services	1
TOTAL	1

Ministry for Health and Active Ageing (MHA)	
Sector	No of Cases received
Active Ageing	1
Health and Active Ageing	2
Health Services	4
Mount Carmel Hospital	1
St. Vincent de Paul Residence	1
TOTAL	9

Ministry for Home Affairs, Security and Employment (MHSE)	
Sector	No of Cases received
Armed Forces of Malta	3
Community Malta Agency	1
Correctional Services Agency	5
Detention Services	1
Home Affairs, Security and Employment	2
Identità	25
Immigration	1
International Protection Agency	1
Jobsplus	2
Local Enforcement Services Agency (LESA)	6
Police	15
Victim Support Agency	1
TOTAL	63

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

Sector	No of Cases received
Armed Forces of Malta	1
Community Malta Agency	1
Identità	2
Independent Police Complaints Board	2
International Protection Agency	1
Local Enforcement Systems Agency (LESA)	1
TOTAL	8

Ministry for Inclusion and the Voluntary Sector (MIV)

Sector	No of Cases received
Aġenzija Sapport	3
Commission for the Rights of Persons with Disability	1
Commission for Voluntary Organisations	3
Inclusion and the Voluntary Sector	2
TOTAL	9

Ministry for Justice and Reform of the Construction Sector (MJR)

Sector	No of Cases received
Attorney General's Office	1
Building and Construction Authority	1
Information and Data Protection Commissioner	2
Justice and Reform of the Construction Sector	3
Occupational Health and Safety Authority	1
TOTAL	8

Ministry for Lands and the Implementation of the Electoral Programme (MLI)

Sector	No of Cases received
Joint Office	2
Land Registry	1
Lands Authority	9
TOTAL	12

Ministry for the National Heritage, The Arts and Local Government (MHAL)	
Sector	No of Cases received
Festivals Malta Agency	1
Heritage Malta	1
Local Councils	7
Local Government	2
Manoel Theatre	1
National Heritage, The Arts and Local Government	3
TOTAL	15
Ministry for Social and Affordable Accommodation (MSAA)	
Sector	No of Cases received
Housing Authority	10
Social and Affordable Accommodation	1
TOTAL	11
Ministry for Social Policy and Children's Rights (MSPC)	
Sector	No of Cases received
Department of Social Security	31
Social Policy and Children's Rights	2
TOTAL	33
Ministry for Transport, Infrastructure and Public Works (MTIP)	
Sector	No of Cases received
Transport Malta	28
TOTAL	28
Outside Jurisdiction	18
General	-
TOTAL	331

Complaints by Ministry

Table 1.9 provides a breakdown of complaints received, categorised by departments and public authorities falling under each ministry’s portfolio.

This section focuses on the ministries that received the highest number of complaints. Together, these six ministries accounted for 217 complaints — representing 66% of all grievances lodged in 2024.

Ministry for Home Affairs, Security and Employment (MHSE/MHSR)*

The MHSE received the highest number of complaints, with 71 cases—equivalent to 21% of the Parliamentary Ombudsman’s total caseload. The sectors with the most complaints within this Ministry were Identità (27) and the Malta Police Force (15).

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

The MSPC received the second-highest number of complaints, totalling 33 (10%). Most of these were directed at the Department of Social Security.

Ministry for the Environment, Energy and Regeneration of the Grand Harbour (MEER/MEEC)*

The MEER also ranked second, with 33 complaints (10%). ARMS Ltd was the most frequently mentioned entity under this Ministry, receiving 19 complaints.

Office of the Prime Minister (OPM)

In 2024, the OPM ranked third in terms of complaints, with 28 cases (8%) related to departments or authorities under its remit. The Public Service Commission received the highest number of complaints within this portfolio (13).

Ministry for Transport, Infrastructure and Public Works (MTIP)

The MTIP also received 28 complaints, representing 8% of the Parliamentary Ombudsman’s caseload. This ties it with the OPM as the third most complained-about Ministry.

Ministry for Finance and Employment (MFE/MFIN)*

The MFE ranked fourth, with 25 complaints (8%). Most complaints were directed at the Malta Tax and Customs Administration.

**Ministry renamed following a Cabinet reshuffle*

TABLE 1.10 – COMPLAINT GROUNDS 2023-2024

Grounds of Complaints	2023		2024	
Contrary to law and policies or rigid application of legislation, regulations and policies	28	9%	46	14%
Improper discrimination	31	10%	33	10%
Lack of transparency or accountability	4	1%	2	1%
Failure to provide information or to provide a reply	21	7%	23	7%
Undue delay/failure to act/waiting lists	67	23%	64	19%
Unfair treatment/lack of equity	109	37%	124	37%
Unfair selection process/promotion/grading	10	3%	17	5%
Issues of quality of life/special needs	2	1%	-	-
Improper attitude of staff or management	5	2%	2	1%
Shortage/Inadequate supply of equipment/services	1	1%	-	-
Personal matters/staff issues/student issues	5	2%	1	1%
Review of Commissioner's decision	1	1%	3	1%
Other	10	3%	16	4%
Total	294	100%	331	100%

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

2024

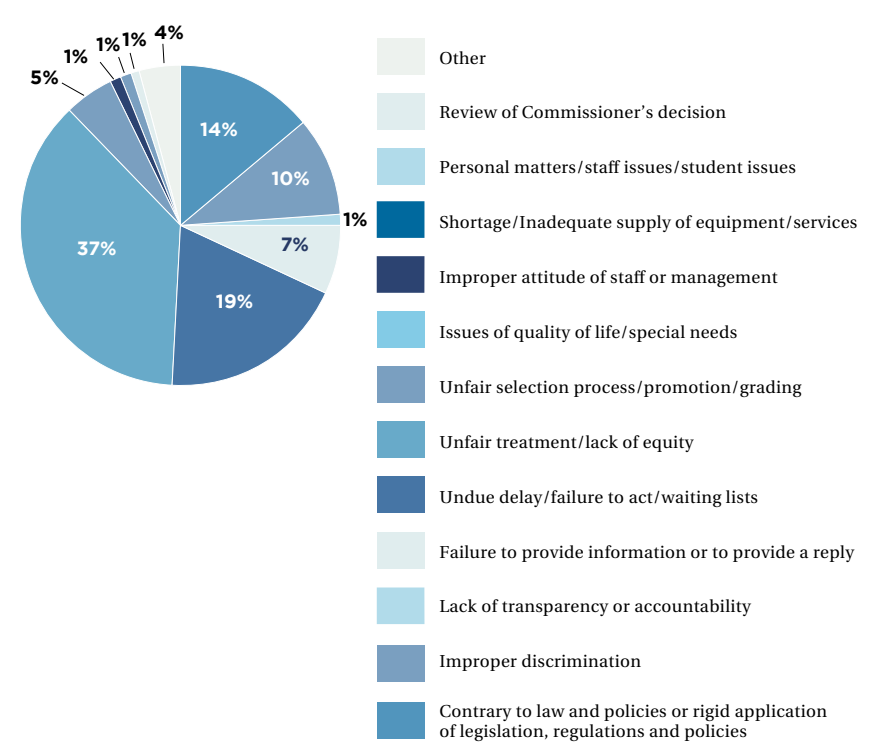


Table 1.10 and Diagram 1.11 offer a detailed breakdown of complaints classified according to the nature of the alleged maladministration.

In 2024, the most frequently raised concern by complainants was unfair treatment or lack of equity, accounting for 124 cases, or 37% of the total case load. This was followed by allegations of undue delay, inaction, or problems related to waiting lists, which represented 64 complaints, or 19% of the overall caseload.

TABLE 1.12 – COMPLAINTS BY LOCALITY
2023-2024

Locality	2023	2024
Attard	6	8
Balzan	2	2
Birgu	-	2
Birkirkara	21	15
Birzebbugia	2	3
Bormla	-	1
Dingli	2	4
Fgura	4	6
Floriana	2	5
Gharghur	2	-
Ghaxaq	2	6
Gudja	1	-
Gzira	6	6
Hamrun	5	6
Iklin	1	1
Kalkara	2	6
Kirkop	3	2
Lija	-	1
Luqa	4	6
Madliena	1	-
Marsa	3	3
Marsaskala	5	8
Marsaxlokk	1	1
Mdina	-	1
Mellieha	6	11
Mgarr	6	-
Mosta	14	11
Mqabba	3	-
Msida	13	4
Mtarfa	8	3
Naxxar	9	13

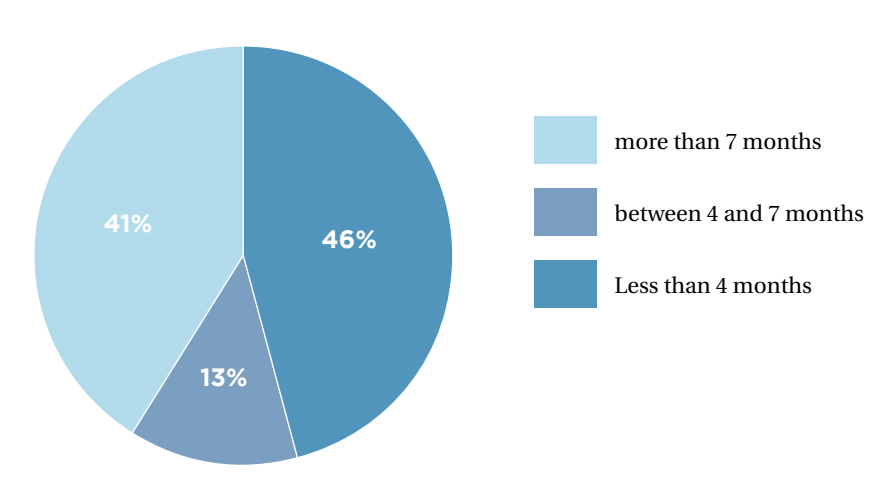
Paola	8	4
Pembroke	2	1
Pietà	3	9
Qormi	5	9
Qrendi	3	1
Rabat	5	3
Safi	-	4
San Ġiljan	5	5
San Ġwann	3	8
San Pawl il-Baħar	11	11
Santa Luċija	1	2
Santa Venera	1	2
Siġġiewi	3	6
Sliema	14	8
Swieqi	6	4
Ta' Xbiex	3	1
Tarxien	1	7
Valletta	7	13
Xgħajra	2	-
Żabbar	3	10
Żebbuġ	6	5
Żejtun	4	6
Żurrieq	4	7
Gozo	28	34
Other	21	21
Overseas	11	15
Total	294	331

TABLE 1.13 – AGE PROFILE OF OPEN CASELOAD AT END 2024

Age	Cases in hand
Less than 2 months	53
Between 2 to 3 months	12
Between 3 to 4 months	14
Between 4 to 5 months	7
Between 5 to 6 months	7
Between 6 to 7 months	8
Between 7 to 8 months	6
Between 8 to 9 months	4
Over 9 months	59
Total Open files	170

Table 1.13 and Diagram 1.14 illustrate the number of ongoing cases and the duration for which they have been under investigation. As at the end of 2024, 41% of the pending caseload had been under investigation for more than seven months, 13% for a period between four and seven months, and 46% for less than four months. In total, 170 cases were still under investigation at year-end.

**DIAGRAM 1.14 – PERCENTAGE OF OPEN COMPLAINTS BY AGE
(AT THE END OF 2024)**



**TABLE 1.15 – OUTCOMES OF FINALISED COMPLAINTS
2023-2024**

Outcomes	2023	2024
Sustained cases	10	19
Cases not sustained	37	71
Resolved by informal action	45	62
Investigation discontinued (not undertaken, given advice/assistance, withdrawn, etc)	91	130
Outside Jurisdiction	10	6
Declined (time-barred, trivial, etc.)	35	31
Total	228	319

DIAGRAM 1.16 – OUTCOMES OF FINALISED COMPLAINTS
2024

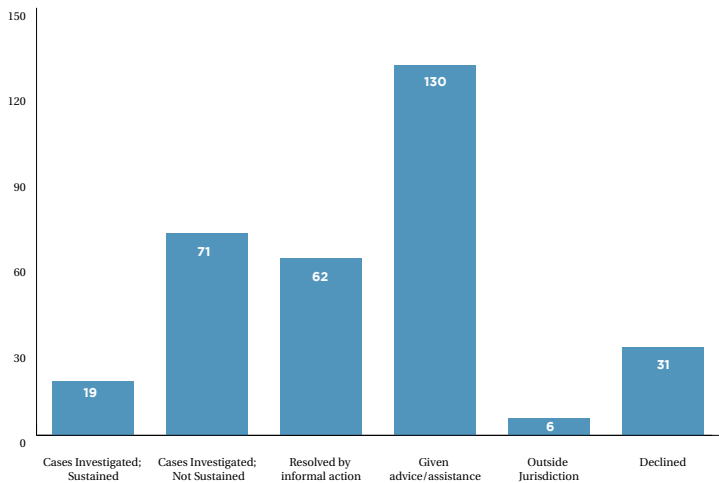


Table 1.15 and Diagram 1.16 illustrate the outcomes of complaints concluded in 2024. Of the finalised cases, 19 (6%) were sustained by the Ombudsman, resulting in a positive resolution for the complainants. A further 130 cases (41%) were concluded by offering advice or assistance, without the need for a formal investigation. Additionally, 62 cases (19%) were resolved through informal means, while 6 cases (2%) were found to fall outside the Ombudsman's jurisdiction. Meanwhile, 71 cases (22%) were not upheld following investigation.

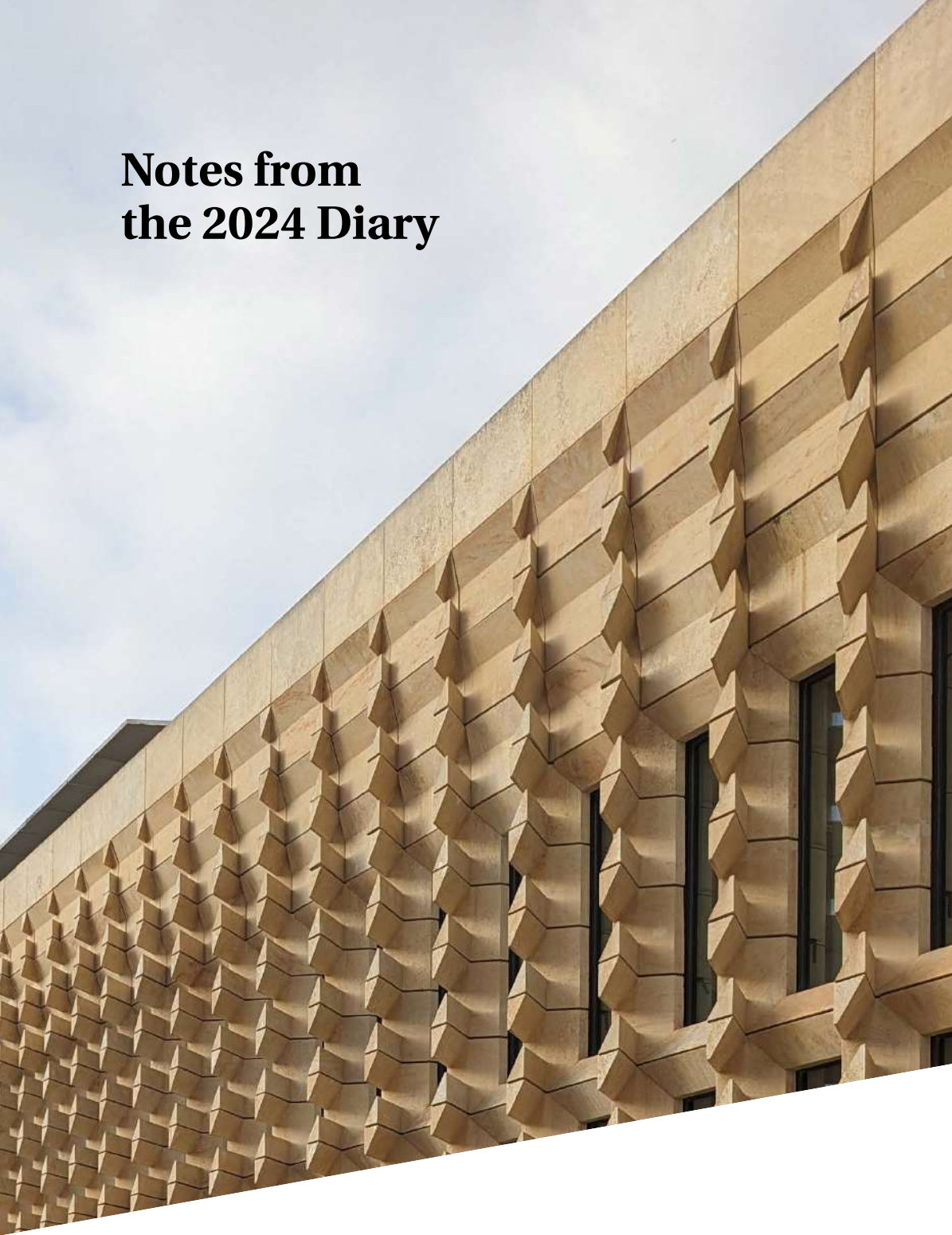
TABLE 1.17 – TYPE OF MALADMINISTRATION IN JUSTIFIED COMPLAINTS
2023-2024

Grounds of Complaints	2023	2024
Contrary to law and policies or rigid application of legislation, regulations and policies	4	12
Improper discrimination	1	11
Lack of transparency	-	-
Failure to provide information or to provide a reply	7	8
Undue delay/failure to act/waiting lists	23	16
Unfair treatment/lack of equity	15	27
Unfair selection process/promotion/grading	3	1
Issues of quality of life/special needs	-	2
Improper attitude of staff or management	-	-
Shortage/Inadequate supply of equipment/services	-	-
Issues of privacy, dignity and confidentiality	-	-
Personal matters/staff issues/student issues	1	-

Review of Commissioners' decision	-	1
Other	1	3
Shortage/Inadequate supply of medicines	-	-
Continuing care/follow-up issues	-	-
Total	55	81

Table 1.17 illustrates the types of maladministration found in justified complaints. Of the 81 justified complaints, 33% related to unfair treatment or lack of equity. The second most common type of complaint involved undue delay, failure to act or issues with waiting lists accounting for 20%.

Notes from the 2024 Diary



NOTES FROM THE OMBUDSMAN'S DIARY

GIVING A VOICE TO THE PEOPLE – TALKING POINT ON THE TIMES OF MALTA January 2, 2024



Talking Point by the Parliamentary Ombudsman, Judge Joseph Zammit McKeon published on the Times of Malta on 1st January 2024

Giving a voice to the people

Public administration needs to be more open when reacting to complaints from the public

The past nine months in office as Parliamentary Ombudsman have given me a profound understanding of the institution's crucial role in our society. The institution is there not only to investigate complaints against the public administration but, many a time, as a mediator, giving a voice to persons who are vulnerable or placed by the wayside of mainstream policy making.

The role and function of the ombudsman extends well beyond resolving complaints and championing individual rights. To sustain its relevance, the institution must be proactive and attentive, maintain continuous social engagement and respond effectively to daily challenges.

An Institution closer to the people

In the past nine months, we have endeavoured to reach out to those persons who, although they require our services, are hesitant to make the move, generally because they are unaware of its autonomous and straightforward approach.

We have utilised our 'own initiative' investigations to address issues highlighted by public outcry, media reports and revelations during complaint investigations. In 2024, we are committed to pursuing these initiatives whenever required, making them more incisive to bring about change for the better.

A more responsive Public Administration

We have generally found tangible cooperation from the various entities that make the public administration, with some more responsive than others. By having regular straight-talking meetings, we have made significant progress. Our target for 2024 is to encourage the public administration to be more open when reacting to complaints, timely when giving written replies and more willing to implement recommendations, significantly improving people's lives.

Over the past nine months as Ombudsman, I have strongly advocated for the juridical recognition of good administration as a right of the person. Having good administration as a principle embodied in our domestic law comes about from the need for the public administration to become better in its approach to the public, more transparent in its deeds, fairer and more accountable when providing its services.

The Right to Good Administration

In October, ombudsmen and defenders of human rights from across the Mediterranean and Europe convened in Malta on the office's initiative to discuss with local academics and experts the benefits of having good administration recognised as a right embodied in domestic law.

The conference's bottom line was positive in the sense that the general feeling was that the right could be a reality if there were the political will to make it so.

Defending Human Rights

In 2024, I intend to strive to see a National Human Rights Institution (NHRI) established in this country. The need for such an institution in Malta is more pressing than ever. Our country is conspicuous across Europe without a dedicated NHRI

in place. The Office of the Ombudsman in Malta has long championed this cause, proposing to become the NHRI, which is the case in many European countries.

The proposal offers several significant advantages. The Ombudsman Act as a legal framework is there and has been tested over time. The act provides a robust foundation for it to operate as an NHRI. The provisions of the act conform with the Paris Principles as far as independence, mandate and authority are concerned.

By not reinventing wheels of any sort, the established operational set-up of the office can be utilised for the purpose of future action as an NHRI, including existing infrastructure, experienced people and procedures for specialised handling of complaints, including human rights breaches.

By designating the Ombudsman institution as the national NHRI, the country could have a practical, resource-efficient and effective way to strengthen its commitment to human rights. The office of the ombudsman has sent a proposal to the government about this important matter and discussions will be set in motion in the coming weeks.

Relationship with Parliament

In 2024, there were a number of cases where the Ombudsman and the Commissioners used their discretion according to law to refer final reports regarding investigations to the House of Representatives in cases when the public administration did not implement recommendations.

Every time a final report was sent to parliament, that report was promptly tabled by the speaker of the House. After this happens, publication takes place on the Office's website and, more often than not, in the media. Unfortunately, the process stops there to date, as neither the House nor its committees formally discuss the reports.

The Ombudsman has long advocated the need for Final Opinions referred to the House of Representatives to be discussed by an appropriate Committee of the House.

The present Speaker of the House supports this approach. In fact, at the October conference, the Speaker proposed that, on the same lines that 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 be enough to foster a spirit of civility and cooperation.

I am eager to see this development in the coming months. In the meantime, I shall continue to engage with both sides in parliament to find ways to strengthen the relationship between the Ombudsman and the House of Representatives.

In conclusion, as we start the New Year, I am committed to doing my very best to reinforce the role of the institution day by day.

Our mission remains steadfast: to ensure that fairness, accountability and good governance are not just ideals but become realities in people's everyday lives.

THE OMBUDSMAN INTERVIEWED ON MEA TV PROGRAMME

January 4, 2024



The Ombudsman, Judge Joseph Zammit McKeon, was interviewed on the MEA TV programme broadcast on TVM News+. In this episode, the Ombudsman delves into his role and functions, clarifies his jurisdiction, and underscores the pivotal role of mediation in enhancing public administration. During the programme, Kevin J. Borg explained how employers can effectively access the Ombudsman's services in cases of public maladministration.

THE PARLIAMENTARY OMBUDSMAN DELIVERED A LECTURE AT THE UNIVERSITY OF MALTA

January 10, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, was invited by the Department of Public Policy within the Faculty of Economics, Management, and Accountancy at the University of Malta to deliver a lecture on the vital role and functions of the Ombudsman institution in Malta.

The lecture attracted a diverse audience, including students from the MA Public Policy Leadership programme and the BA (Hons) Politics and Governance programme. It provided an opportunity for students to engage directly with the Ombudsman and gain valuable insights into the institution's historical development, legislative foundations, and broad range of functions.

The two-hour session proved both stimulating and informative, allowing students to explore the intricacies of the Ombudsman's work. The event was coordinated by Dr George Vital Zammit, Senior Lecturer at the Department of Public Policy, and offered a meaningful academic experience for all those who attended.

**The Parliamentary Ombudsman welcomed the Ambassador
of the Federal Republic of Germany to Malta
January 10, 2024**



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, welcomed H.E. Tanja I. Beyer, Ambassador of the Federal Republic of Germany to Malta, during a courtesy visit that underscored the strong bilateral relationship between the two countries. The meeting provided a valuable opportunity for a constructive exchange on administrative justice and human rights issues.

During the discussion, the Ombudsman outlined key milestones in the development of the institution, including the introduction of specialised Commissioners in 2012 and the elevation of the Office to a Constitutional authority. He remarked that, after nearly thirty years of operation, the time was ripe to consider further enhancements to its role and mandate.

One of the major points raised was the proposal to seek recognition of the Ombudsman's Office as a National Human Rights Institution (NHRI). Judge Zammit McKeon emphasised that the current Ombudsman Act provides a solid legal and institutional foundation aligned with the Paris Principles concerning independence, broad mandate, and effective authority. He noted that the Office's existing infrastructure, experienced staff, and complaint-handling procedures — particularly in the area of human rights — position it well to assume NHRI functions without the need for significant structural changes.

The Ombudsman also addressed the need for stronger parliamentary engagement with the work of his Office. He advocated for the establishment of a dedicated parliamentary committee to examine Final Opinions submitted to the House of Representatives, drawing a parallel with the Public Accounts Committee's review of

the Auditor General's reports. He welcomed the support expressed by the Speaker of the House, Hon. Anglu Farrugia, for such an initiative and noted ongoing discussions with both Government and Opposition representatives to strengthen institutional ties.

On the international front, the Ombudsman highlighted his recent appointment to the Board of Directors of the International Ombudsman Institute, as well as to both its Worldwide and European Regional Boards. These roles underscore Malta's increasing contribution to the global ombudsman community.

Ambassador Beyer shared insights into the German ombudsman landscape, noting that responsibilities are typically handled at the regional level by specialised ombudspersons. She highlighted the comparable function of the Parliamentary Petition Committee in Germany and expressed strong interest in the initiatives undertaken by Malta's Ombudsman Office.

The Ombudsman concluded by reaffirming the Office's commitment to assisting German nationals residing in or visiting Malta, reiterating that its services are accessible to all individuals within its jurisdiction.

Judge Zammit McKeon was accompanied by Mr Paul Borg, Director General, and Mr Jurgen Cassar, Head of Communications and Research. Ambassador Beyer was accompanied by Mr Olaf Rieck, Head of Economic Affairs.

THE COMMISSIONER FOR EDUCATION PROPOSED TALKS ON THE OMBUDSMAN AND GOOD GOVERNANCE TO STUDENTS OF CHURCH SCHOOLS

January 16, 2024



The Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, addressed a meeting of Heads of Church Schools organised by the Secretariat for Catholic Education of the Archdiocese of Malta. He was invited to present a new outreach initiative by the Office of the Ombudsman aimed at strengthening civic education among Maltese students.

As part of this initiative, the Office planned to deliver interactive talks to Year 10, Year 11, and Sixth Form students, with the objective of enhancing their understanding of good governance and civic responsibility. The sessions were intended to provide a clear overview of the Ombudsman's role and functions, highlighting its contribution as a mediator between the public and government institutions, and its mission to promote fairness and justice in public administration.

The talks were also set to explain the services offered by the Ombudsman's Office, including the investigative process and its accountability mechanisms through Parliament.

A central theme of the sessions was Public Administration and the Right to Good Administration. The initiative aimed to raise student awareness of their rights and responsibilities, underline the importance of transparency and accountability in the public sector, and encourage the reinforcement of democratic values and effective governance.

THE PARLIAMENTARY OMBUDSMAN ATTENDED THE LAUNCH OF THE EUROPEAN IOI LEARNING ACADEMY IN MANCHESTER

January 16, 2024



The European Region of the International Ombudsman Institute (IOI) reached a key milestone with the launch of its Learning Academy during a two-day conference held in Manchester. Hosted by the Parliamentary and Health Service Ombudsman of the United Kingdom and supported by the International Ombudsman Institute, the event underscored a strong commitment to strengthening the Ombudsman role across Europe. It brought together IOI European Region members, including newly elected members of the IOI European Regional Board.

The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, participated in this landmark event—his first official engagement since being elected to the IOI Regional Board. He was also scheduled to attend the European Regional Board meeting held in parallel, which convened both the outgoing and incoming board members.

The opening day featured a welcome address by Mr Rob Behrens, CBE, the Parliamentary and Health Service Ombudsman of the United Kingdom, who emphasised the significance of the Learning Academy's establishment. Remarks were also delivered by Chris Field, IOI President and Ombudsman of Western Australia; Dr Andreas Pottakis, President of the European IOI and Greek Ombudsman; and Baroness Neville-Rolfe, Minister of State at the UK Cabinet Office.

A central focus of the conference was a strategic discussion on the development of the Learning Academy. The dialogue explored key considerations including the intended audience, tutor selection, methods of knowledge-sharing, and strategies for encouraging participation. Organisational structure, administration, and potential funding models were also examined.

A particularly impactful contribution came from Mr Dmytro Lubinets, the Ukrainian Parliament Commissioner for Human Rights, who offered firsthand insights into the challenges of safeguarding human rights during the ongoing conflict in Ukraine.

The day concluded with discussions on Peer Review mechanisms and proposals for the establishment of an IOI Senate and a Consultancy structure.

This inaugural conference marked a significant step in enhancing cooperation and knowledge exchange among European Ombudsman institutions and demonstrated the IOI's strong commitment to supporting institutional development across its membership.

MALTA OMBUDSMAN CHAIRED SESSION ON VULNERABLE COMMUNITIES AT IOI CONFERENCE IN MANCHESTER

January 17, 2024



On the second day of the International Ombudsman Institute (IOI) Conference held in Manchester, the Parliamentary Ombudsman of Malta, Judge Joseph Zammit McKeon, chaired a dedicated session on *Vulnerable Communities*. The panel featured prominent speakers, including Ms Rosemary Agnew, the Scottish Public Services Ombudsman, and Ms Margaret Kelly, the Northern Ireland Ombudsman.

In his opening address, Judge Zammit McKeon underscored the vital role of Ombudsman institutions in advocating for society's most vulnerable and marginalised individuals. He described the Ombudsman as a bridge between silent suffering and the justice to which every individual is entitled. He highlighted the reality that many people in vulnerable situations are often unaware of the mechanisms available to support them and stressed the need for Ombudsman institutions to intensify their outreach efforts.

Ms Margaret Kelly outlined her Office's strategic focus on accessibility and inclusive engagement. She emphasised the importance of understanding the specific barriers faced by under-represented socio-economic groups and noted the value of sustained collaboration with third-sector organisations in improving reach and relevance.

Ms Rosemary Agnew discussed her Office's commitment to ensuring access to justice, particularly for marginalised communities. Her strategy centres on identifying and dismantling systemic barriers, implementing trauma-informed

support measures, and developing a robust data framework to guide interventions. She also emphasised the importance of staff training and data-driven insights in shaping more inclusive services.

Both Ombudspersons shared practical examples of initiatives aimed at proactively engaging with vulnerable populations, illustrating the value of strategic planning, data use, and partnerships in increasing institutional impact.

In his concluding remarks, Judge Zammit McKeon reiterated the obligation of Ombudsman institutions to reach those who may be most in need, yet least aware of their rights or avenues for redress. He reaffirmed that giving a voice to the voiceless is not only a professional duty but a moral imperative in delivering just, empathetic, and people-centred public service.

THE PARLIAMENTARY OMBUDSMAN MET THE APOSTOLIC NUNCIO TO MALTA

January 26, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, welcomed H.E. Archbishop Mgr. Savio Hon Tai-Fai, the Apostolic Nuncio to Malta, during a courtesy visit to the Office of the Ombudsman.

During the meeting, Judge Zammit McKeon provided an overview of the Office's mandate and activities. He highlighted that, following years of effective work, the legal foundation of the Office had been formally enshrined in the Constitution of Malta. He emphasised the significance of its role in Maltese society, particularly in investigating complaints — whether submitted by individuals or legal persons

— concerning acts or omissions by the public administration that result in malpractice, injustice, or improper discrimination, regardless of the complainants' nationality, status, or gender.

Archbishop Hon Tai-Fai, while affirming the Church's respect for the clear distinction between Church and State, expressed the Holy See's support for initiatives that promote and protect the observance of human rights.

Judge Zammit McKeon reaffirmed his commitment to advancing the protection of human rights, noting his ongoing initiative to encourage the State to consider extending the Office's remit to function as Malta's National Human Rights Institution (NHRI).

The Apostolic Nuncio expressed his appreciation for the Ombudsman's efforts to give a voice to individuals who are often marginalised or overlooked. He commended the Office's commitment to public awareness and education as vital components of its mission.

The Ombudsman also shared details of a recent outreach initiative targeting students in Church schools. He explained that the programme involved interactive lectures on the role of the Ombudsman, the rule of law, and principles of good governance. The initiative had been warmly welcomed by the Heads of Church Schools in Malta, with several schools already expressing interest and engaging with the Office to participate.

THE OMBUDSMAN PARTICIPATED IN THE 10TH ANNIVERSARY CELEBRATION OF THE HIGH COMMISSIONER FOR RIGHTS AND LIBERTIES OF MONACO

January 27, 2024



The 10th anniversary of the establishment of the High Commissioner for the Protection of Rights, Liberties, and for Mediation of Monaco was commemorated with a formal ceremony attended by leading figures in the fields of human rights, the rule of law, and good governance. The Office was created by Sovereign Ordinance on 30 October 2013 and has since played a pivotal role in the Principality, both in safeguarding fundamental rights and in serving as a key mediator within public administration.

The event was held under the patronage of, and attended by, His Serene Highness Prince Albert II of Monaco. Among the distinguished guests was the Parliamentary Ombudsman of Malta, Judge Joseph Zammit McKeon.

In her opening address, Ms Marina Ceysac, the current High Commissioner of Monaco, outlined her institution's mission to defend rights and liberties, with a strong emphasis on supporting individuals in asserting their rights outside of formal judicial proceedings.

The event also featured remarks by Mr Peter Svetina, Ombudsman of Slovenia and Vice President of the Association of Mediterranean Ombudsmen. He underscored the dual responsibility of Ombudsman institutions to protect human rights and to promote the right to good administration, following the example set by Article 41 of the EU Charter of Fundamental Rights.

Mr Patrice Davost, representing Monaco as a member of the European Commission against Racism and Intolerance (ECRI), addressed the need to combat racism and discrimination. He explained the role of ECRI and highlighted Monaco's contributions to advancing the Commission's objectives.

Ms Stéphanie Mourou-Vikström, the Monegasque Judge at the European Court of Human Rights, delivered a compelling address advocating for Ombudsman institutions to be viewed not solely as investigators of administrative malpractice, but as proactive defenders of fundamental human rights, particularly as an alternative to formal litigation.

His Serene Highness Prince Albert II concluded the ceremony by expressing appreciation to all those in attendance, with acknowledgment of the international Ombudsman representatives, including Malta. He extended his gratitude to Ambassador Claire Eastwood, former High Commissioner and incoming Ambassador of Monaco to Malta and praised Ms Marina Ceysac and her team for their outstanding service in upholding and promoting human rights within the Principality.

THE OMBUDSMAN AND THE COMMISSIONER FOR ENVIRONMENT AND PLANNING CONDUCTED AN INFORMATIVE VISIT TO WASTESERV
January 30, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, together with the Commissioner for Environment and Planning, Perit Alan Saliba, carried out an informative visit to WasteServ as part of the Office's ongoing engagement with public entities under its jurisdiction. The visit aimed to gain a deeper understanding of WasteServ's operations, key projects, and its role in advancing Malta's waste management efforts.

WasteServ, a government-owned limited liability company, is responsible for organising, managing, and operating integrated waste management systems throughout Malta. It falls within the remit of the Office of the Ombudsman.

The delegation was welcomed at the ECOHIVE Complex in Magħtab by Mr Richard Bilocca, CEO of WasteServ. Mr Bilocca led a comprehensive two-hour tour of the facility, offering insights into Malta's waste infrastructure — from waste separation and processing to project planning and long-term development initiatives. He also explained current efforts in waste-to-energy generation.

Mr Bilocca noted that the introduction of mandatory waste separation and the implementation of differentiated gate fees had yielded positive results, with increased waste separation recorded across all streams. He reaffirmed WasteServ's commitment to advancing Malta's transition to a circular economy and reported that progress towards this goal remained steady.

The visit included a detailed tour of the new automated material recovery facility, which processes 100% of grey and green recyclable collection bags from Malta and Gozo. This facility has significantly improved the efficiency of waste processing. The delegation also visited the infrastructure used for power generation from organic waste and toured the landfill facilities within the ECOHIVE complex.

Commissioner Perit Alan Saliba expressed satisfaction with ongoing landfill mining studies being carried out at the Żwejra landfill within the complex. He noted that this initiative would lead to the removal and reuse of deposited materials while freeing up space to extend landfill capacity, thus avoiding the need for additional land take-up.

Judge Zammit McKeon underlined the importance of such visits in providing the Office with first-hand insights into the environmental projects and strategies helping Malta meet its EU waste management targets. He also emphasised the need for increased awareness and collaboration from both the public and private sectors, stressing the shared responsibility in achieving long-term sustainability goals.

UK PARLIAMENTARY OMBUDSMAN VISIT TO MALTA

February 05, 2024



The UK Parliamentary Ombudsman and Health Service Ombudsman for England, Mr Rob Behrens, CBE, visited Malta at the invitation of the Parliamentary Ombudsman, Judge Joseph Zammit McKeon. The visit formed part of a programme of institutional exchange and featured a Thematic Lecture titled *“The Parliamentary Ombudsman Experience: Reflections on the Past and Present. Looking to the Future.”*

Mr Behrens' visit began with a tour of the Office of the Ombudsman, during which he was introduced to all members of staff. The visit reflected the collaborative spirit and mutual respect between Ombudsman institutions. Following the tour, Mr Behrens held meetings with Judge Zammit McKeon and the Commissioners: Perit Alan Saliba, Commissioner for Environment and Planning; Chief Justice Emeritus Vincent De Gaetano, Commissioner for Education; and Professor Ray Galea, Commissioner for Health. The discussions focused on the evolving role of the Ombudsman, the challenges of contemporary public administration, and the importance of maintaining public trust and institutional accountability.

As part of the official visit, the two Ombudsmen also paid a courtesy call on the Speaker of the House of Representatives, the Hon. Anglu Farrugia. During the meeting, they discussed the theme of the upcoming lecture, which was to be held in Parliament and centred on the Ombudsman's contribution to democratic oversight and governmental accountability.

The lecture provided an opportunity for attendees to engage directly with the UK Ombudsman through questions and discussion, further enriching the ongoing dialogue on the role of independent oversight institutions in democratic governance.

MALTA AND UK PARLIAMENTARY OMBUDSMEN ADDRESSED THEMATIC LECTURE IN PARLIAMENT

February 7, 2024



A Thematic Lecture titled *"The Parliamentary Ombudsman Experience: Reflections on the Past and Present. Looking to the Future"* was held on 6 February 2024 in the Plenary Hall of the Parliament of Malta. The event featured Mr Rob Behrens, CBE, UK Parliamentary Ombudsman and Health Service Ombudsman for England, as

the keynote speaker. The lecture was organised by the Office of the Ombudsman in Malta, in collaboration with the Parliament of Malta.

The event was formally opened by the Speaker of the House of Representatives, the Hon. Anglu Farrugia, MP, who delivered the welcome address. The Parliamentary Ombudsman of Malta, Judge Joseph Zammit McKeon, also addressed attendees, reflecting on the evolving role of Ombudsman institutions in modern governance.

Mr Rob Behrens then delivered a comprehensive lecture, drawing on his extensive experience to explore the past, present, and future challenges facing Ombudsman institutions. He emphasised the crucial role Ombudsmen play in strengthening public administration, promoting transparency, and ensuring government accountability.

The lecture was attended by Members of Parliament, senior officials from the public administration, academics, students, and representatives from civil society. The session concluded with an interactive segment during which attendees were invited to pose questions to both Ombudsmen on a variety of topics related to their mandates and the future of the institution.

The full recording of the event, including all speeches and the Q&A session, is available on the Office of the Ombudsman's website.

PARLIAMENTARY OMBUDSMAN PARTICIPATED IN FRA CONFERENCE ON STRONG AND EFFECTIVE NHRIS IN THE EU

February 22, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, participated in a two-day high-level conference entitled *“Enhancing the Implementation of the EU Charter of Fundamental Rights: Strong and Effective NHRIs in the European Union.”* The event was organised by the European Union Agency for Fundamental Rights (FRA) and brought together representatives from National Human Rights Institutions (NHRIs), EU bodies, civil society, government officials, and international organisations.

The conference built upon FRA’s report *“Strong and Effective National Human Rights Institutions – Challenges, Promising Practices, and Opportunities,”* which highlighted the need to strengthen NHRIs across the EU. Malta remains one of the few member states without an accredited NHRI. The Office of the Ombudsman has long advocated for the extension of its remit to include a broader human rights function and to seek ‘A’ status accreditation under international standards.

Judge Zammit McKeon was invited to the conference by FRA in recognition of his continued efforts to promote the establishment of an NHRI in Malta. During the event, he presented a practical proposal for expanding the current Ombudsman mandate, reaffirming the institution’s readiness to assume NHRI responsibilities in line with the Paris Principles.

The first day of the conference focused on the role of NHRIs in promoting the application of the EU Charter of Fundamental Rights, addressing rule of law challenges, and integrating fundamental rights considerations into EU-funded programmes. Speakers from the European Commission, FRA, and the European Network of NHRIs (ENNHRI) stressed the importance of independent institutions in safeguarding rights and democratic values at the national level.

The second day explored two key themes. The first was a forward-looking discussion on building stronger and more effective NHRIs within the EU. In his intervention, Judge Zammit McKeon welcomed the proposed conclusions of the Belgian Presidency of the Council of the EU, which encouraged member states to reinforce institutions like the Ombudsman and formally recognise their role in defending the rule of law and human rights.

The second panel examined the broader landscape of human rights structures in Europe and underscored the need for countries without NHRIs to establish such bodies. It also called on states with existing institutions to reinforce them in line with international best practices and accreditation standards.

The conference concluded with the adoption of a statement recommending, among other things, that member states establish strong and independent NHRIs where they do not yet exist and strengthen current institutions in accordance with

international standards, including guidance from the Global Alliance of National Human Rights Institutions and the European Commission.

THE OFFICE OF THE OMBUDSMAN BECOMES AN ASSOCIATE MEMBER OF ENNHRI

February 23, 2024



From left to right: Ms Sirpa Rautio, ENNHRI Chair and Finnish Human Rights Centre, Judge Joseph Zammit McKeon, Parliamentary Ombudsman of Malta, and Ms Debbie Kohner, Secretary General of ENNHRI

The Office of the Ombudsman in Malta was officially accepted as an Associate Member of the European Network of National Human Rights Institutions (ENNHRI), marking an important milestone in its ongoing efforts to broaden its mandate and strengthen its role in the protection and promotion of human rights.

ENNHRI unites over 40 National Human Rights Institutions (NHRIs) across Europe. It plays a vital role in promoting and safeguarding human rights, offering a collaborative platform that fostered solidarity, knowledge-sharing, and collective action. As a unified voice at the European level, ENNHRI addressed critical human rights issues and supported NHRIs in their institutional development and regional advocacy.

Malta remained one of only four European Union member states — and one of ten Council of Europe members — without an officially accredited NHRI. The decision by the Ombudsman to pursue ENNHRI membership formed part of a broader strategic initiative to develop the Office into a fully-fledged NHRI with 'A' status in line with the UN Paris Principles.

During a productive meeting with ENNHRI's Secretary General, Ms Debbie Kohner, the Parliamentary Ombudsman, Judge Joseph Zammit McKeon, presented the Office's proactive proposal for establishing an NHRI within its current legal and institutional framework. He emphasised the readiness and unique capacity of the institution to fulfil the role of an NHRI in Malta.

Securing Associate Membership strengthened the Office's engagement at the European level and enabled closer collaboration with other NHRIs. Through this membership, the Office began participating in the exchange of knowledge and best practices, contributing to capacity-building activities, and supporting joint responses to current human rights challenges.

Furthermore, ENNHRI played a crucial role in assisting NHRIs to meet international standards, particularly during their establishment and accreditation processes. It also enhanced the visibility of its members, promoted their participation in regional mechanisms, and advocated for their role in shaping legal and policy developments across Europe.

This development reinforced the Office's commitment to human rights and advanced its vision of serving as Malta's national institution for the protection and promotion of fundamental rights and democratic values.

THE OMBUDSMAN INTERVIEWED ON SPOTLIGHT

March 7, 2024



Parliamentary Ombudsman, Judge Joseph Zammit McKeon, engaged in a comprehensive interview with Dr Trevor Degiorgio on the programme 'Spotlight' aired on Net TV. The interview explored various aspects of the Ombudsman's

role and functions. Specifically, attention was drawn to the ways in which the Ombudsman aids individuals, particularly those in vulnerable positions, navigating through bureaucratic processes.

Moreover, the interview delved into the Ombudsman's initiatives to enhance public administration practices and ensure accountability. Additionally, the Ombudsman shared his vision for the future of the Ombudsman's office, emphasising the importance of fostering transparency and trust within governmental institutions.

COMMISSIONER FOR ENVIRONMENT AND PLANNING CONTRIBUTED TO POLICY CONSULTATION ON URBAN BUILDING HEIGHTS

March 8, 2024

The Commissioner for Environment and Planning at the Office of the Ombudsman, Perit Alan Saliba, contributed to the Planning Authority's public consultation on the revision of Policy P35 of the *Development Control Design Policy, Guidance and Standards 2015* (DC15). His input formed part of the Office's ongoing commitment to promoting sustainable development and ensuring that planning policies are balanced, legally sound, and environmentally conscious.

Perit Saliba emphasised the importance of integrating environmental considerations into urban planning, noting that revised policies must safeguard community well-being while addressing development needs. The Office of the Ombudsman has long held that urban growth must align with principles of ecological sustainability, equity, and lawful governance.

Policy P35, which was introduced in 2015 and subsequently reinforced by sanitary regulations in 2016, allowed building heights to be expressed in metric terms rather than by the number of floors as previously established in Local Plans. This change enabled a significant increase in the vertical extent of buildings within urban streetscapes, resulting in developments that exceeded the intended scale set out in the Local Plans. These regulations introduced a minimum internal height of 2.6 metres — lower than the 2.75 metres required by Article 97(1)(d) of the Code of Police Laws — thus creating legal discrepancies that have yet to be reconciled.

Further, the Planning Authority approved permits that surpassed even the metric limits set by P35, particularly in traditional streetscapes with high ceiling levels. These approvals often relied on Article 72(2)(d) of the *Development Planning Act*, which permits the consideration of prevailing commitments in the area.

However, several of these cases were challenged successfully in court. The Court of Appeal affirmed the following principles:

- The building height limitations set in the Local Plans must be strictly observed.
- There is no legal conflict between Local Plans and policy documents like DC15.
- Article 72(2)(d) must be interpreted as a cumulative — not alternative — criterion. Legal commitments in the vicinity may be considered, but must not override the provisions of the Local Plan, DC15, and other applicable legal frameworks.
- The term “commitments” in Article 72(2)(d) is plural by design; a single legal commitment is insufficient to justify a departure from planning policy.

The Local Plans themselves clearly state that the Planning Authority shall not favourably consider applications that breach established height limitations and that such limitations take precedence over supplementary guidelines, including DC15.

In his submission, the Commissioner acknowledged the increasing population density in Malta and the resulting pressure to build vertically. However, he stressed that until a proper review of the Local Plans is completed, the established height limits must be rigorously upheld.

He further noted that while challenges exist — particularly in areas where semi-basements are restricted — Planning Officers and Planning Boards must ensure that only proposals which fully comply with the law are approved. This, he stated, is essential to deliver fair and consistent outcomes for all.

Concluding his remarks, Perit Saliba reminded stakeholders that, while metric height limits exist on paper, the public’s perception of urban character is shaped by visible floor levels. It is therefore crucial to consider both the technical and visual impacts of planning decisions.

OMBUDSMAN APPEALS FOR LONG-TERM SOLUTIONS TO ENFORCE REGULATIONS ON TABLES AND CHAIRS IN VALLETTA’S STREETS

March 11, 2024

Reference is made to the article published on timesofmalta.com, ‘*Meeting paves the way for noise-free Holy Week processions*’.

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, and the Commissioner for Environment and Planning, Perit Alan Saliba, welcome the

stop-gap measure to prevent disruption caused by catering establishments during the Holy Week ceremonies in Valletta following a high-level meeting of all relevant entities to prevent a recurrence of last year's events.

The Office of the Ombudsman has been actively addressing the concerns arising from the operation of these establishments. Recognising the impact of last year's disturbances and other related inconveniences throughout the year, a proactive approach was adopted to ensure such events did not recur. A meeting was sought with the concerned public entities to discuss permanent solutions.

On 10 July 2023, the Ombudsman and the Commissioner requested a meeting with critical entities, including the Planning Authority, Lands Authority, Transport Malta, and the Malta Tourism Authority. However, on 5 July, the Office of the Ombudsman was informed by the CEOs of these entities about ongoing technical meetings aimed at finding a balanced solution that respects both public interest and the needs of the catering businesses. The entities requested to postpone the meeting to allow these discussions to mature into a concrete proposal. As a gesture of goodwill, the Ombudsman agreed to reschedule the meeting for 8 August. Further communication on 28 July 2023 suggested progress, leading to another postponement to the end of September for stakeholder consultations.

By 28 September 2023, the CEOs provided an update on their discussions, which included permit assessments for outdoor dining on Merchant Street, changes to waste collection time, and strategies to regulate noise from catering businesses. They also mentioned upcoming comprehensive plans for Valletta and Marsaxlokk.

In response, the Ombudsman scheduled a follow-up meeting for 14 November 2023, giving the entities sufficient time to finalise their proposal. However, the Principal Permanent Secretary requested more time on 15 November 2023. As of today, the Office of the Ombudsman is still awaiting the draft policy proposal.

The Ombudsman emphasises that procrastination on critical enforcement issues will not achieve a fair and appropriate balance. A lack of enforcement leads to widespread abuse, exceeding the bounds of good order and governance. The Ombudsman and the Commissioner urge the identification of a long-term solution.

COMMISSIONER FOR EDUCATION INITIATED EDUCATIONAL TALKS FOR SECONDARY SCHOOL STUDENTS

March 13, 2024



The Commissioner for Education at the Office of the Ombudsman, Chief Justice Emeritus Vincent De Gaetano, launched a new outreach initiative aimed at strengthening civic education among students attending Church schools. The programme involved a series of interactive talks designed for Year 10, Year 11, and Sixth Form students to enhance their understanding of governance, civic responsibility, and the role of public institutions.

The first session in this series was held at St Monica School in Gżira, where the Commissioner engaged with Year 10 students studying European Studies and Environmental Studies.

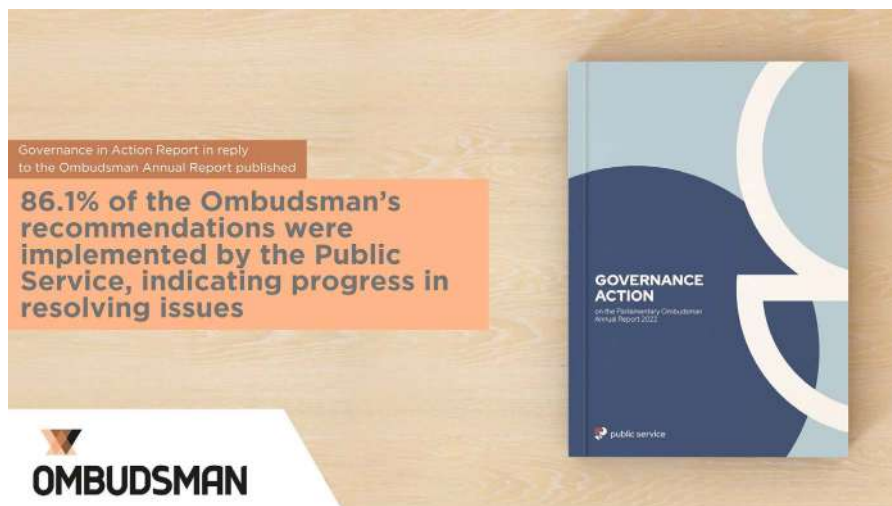
The session provided a comprehensive overview of the functions and responsibilities of the Office of the Ombudsman, with particular focus on its role as an independent mediator between the public and public administration. The Commissioner explained how the Ombudsman contributes to fairness, transparency, and accountability in public service delivery.

The Rule of Law and the Right to Good Administration were central themes throughout the session. Students were introduced to the fundamental principles underpinning democratic governance, including the importance of knowing one's rights and responsibilities, the need for an accountable public sector, and the broader significance of sustaining a just and efficient system of governance.

This initiative forms part of the Office of the Ombudsman's ongoing efforts to foster a well-informed younger generation that is aware of institutional safeguards and the mechanisms available to address administrative injustice.

GOVERNANCE IN ACTION REPORT IN REPLY TO THE OMBUDSMAN ANNUAL REPORT PUBLISHED

March 15, 2024



The Office of the Ombudsman took note of the publication of the “*Governance in Action*” report by the Principal Permanent Secretary, which served as a response to the Ombudsman’s 2022 Annual Report. The document reflected the ongoing efforts within public administration to implement recommendations, improve service quality, and strengthen accountability.

The report outlined several key developments aimed at enhancing governance:

- It acknowledged the *Governance Action* exercise as a central tool in implementing Ombudsman recommendations and in driving improvements in public service quality and accountability.
- A new digital platform was introduced to upgrade the reporting system for Ombudsman cases, significantly improving case management efficiency.
- The report stated that 86.1% of the Ombudsman’s recommendations were implemented in 2022, demonstrating concrete progress in resolving grievances and enhancing service delivery.
- Outreach sessions were launched across various public entities to promote good governance principles, with particular emphasis on service standards and customer care.

- The collaborative approach taken by different sectors of the public administration contributed to the positive outcomes recorded in the report.

The Office of the Ombudsman reaffirmed its continued commitment to the improvement of public services and stated that it would persist in monitoring areas where systemic issues persist, while continuing to propose practical solutions.

The Office also highlighted the importance of regular dialogue with public entities, which has resulted in demonstrable improvements and reflected a growing willingness across the administration to cooperate and effect meaningful change.

In conclusion, the Office encouraged public bodies to adopt a more open attitude towards complaints, to respond promptly and constructively, and to act fairly in addressing the concerns raised by the public. Such openness, it stated, is essential to building trust and delivering good administration.

A YEAR IN OFFICE

March 16, 2024



Article by Judge Joseph Zammit McKeon, Parliamentary Ombudsman

Times of Malta, 16.03.24

The 8th of March, was the anniversary of my first year in office as Parliamentary Ombudsman. As a constitutional body that operates in full autonomy and independence from other institutions of the State, I have made it my mission not only to resolve persons' complaints but also to help improve the public administration's services — fairly and reasonably.



My arrival at the Office resulted from a long and protracted period of anticipation and discussion. Nonetheless, the constitutional requirement for appointing a minimum two-thirds majority parliamentary vote should remain the case to underscore the vital importance of the Office in this country. As was the case of my three predecessors, the vote in the House of Representatives in my regard was unanimous. This democratic endorsement legitimises the function of the Office and gives strength and vigour to its commitment to serve.

The experience

At the Office, we are presented with daily narratives that reflect the challenges people face when interacting with government services. The complaints we receive often reveal dissatisfaction and frustration. We usually resolve these issues through effective communication, like trust-building phone calls and emphasis on empathy, patience, and care. We aim to ensure everyone has fair and just access to our services, balancing the dynamics between individuals and well-resourced public entities.

Taking stock

In order to assess the state of play of the institution, we commissioned two independent surveys targeting the general public and former users of the office. The feedback we received was encouraging and instrumental in helping us shape our direction. The surveys revealed a strong foundation, increased public awareness and recognition of the role of the Office in promoting justice, fairness, and accountability in public services.

Despite these positive indicators, we identified areas that require attention, particularly what the office is there for. While the law is clear that the Ombudsman is there to oversee the performance of the public sector, there remains a common misconception on involvement of the Office in private sector issues.

A better public administration is a must

We have adopted a proactive approach. We monitor areas of repeated examples of bad public administration in order to point out effective remedies. Public entities must do their part and do their very best to mend their ways in the interest of the common good. The public administration has to realise that it is there to reach out through convinced action programmes to an increasingly wider spectrum of recipients of its services. These recipients include the vulnerable, those without a voice, or those who are afraid or sceptical of the services given by the public administration. No one should be taken for granted. When the public administration treats people that way, it should not blame those same people when they are fiercely critical of that approach that is inconsistent with the essence of democracy.

Foreign Missions

Outreach activities by the office have been extended to foreign missions' residents in Malta. The Office firmly believes that it should be of service to all who are present in these Islands, not just to Maltese citizens. The law speaks of persons, not Maltese citizens.

The common good

During the past year, we advocated in favour of several critical issues. We proposed to the Government to broaden our mandate to include human rights protection, aiming to enhance its role in recommending actions against public administration's rights breaches. Inspired by European models, we advocated for establishing a National Human Rights Institution in Malta. Although only recently was the Office granted Associate status in the European Network of National Human Rights Institutions (ENNHRI), our country does merit a Full Member status, which can be achieved if the Ombudsman Act 1995 is adjusted accordingly. In that way, Malta will not remain an exception in the EU and in the Council of Europe without a national NHRI.

In October 2023, the Office organised an international conference on the right to good administration, featuring Mediterranean ombudsmen and human rights advocates. The event, which also included local experts, focused on integrating this right into domestic laws and received a positive reception, with the Office committed to advancing its implementation.

The Office is also pushing for the integration of ECHR's Protocol 12, which Malta ratified for non-discrimination rights, into domestic law. Currently, its absence in local legislation forces individuals to seek redress in Strasbourg, limiting local legal remedies. The aim is to enhance justice accessibility, especially for vulnerable populations, by incorporating this protocol into Maltese law.

Relationship with Parliament

A fruitful working relationship with Parliament is essential in the interest of all. The meetings I had with the Party Whips and with Mr Speaker were very encouraging. The Office advocates for a structured process where unresolved recommendations, once referred to Parliament, should be examined and acted upon by a Select Committee, aiming for mandatory solutions rather than just being tabled by the Speaker. This path would be more consonant with the recommendations made by the Venice Commission for effective parliamentary oversight.

Learning

This year, the Office enhanced its international collaboration, particularly with the Association of Mediterranean Ombudsmen, where I serve as Secretary General and Treasurer. Furthermore, on a wider spectrum, I was elected to serve on the board of directors for the European Region of the International Ombudsman Institute and on the World Board of the same organisation. These engagements reap benefits for us as a country by means of wide-ranging discussions, shared insights, and far-reaching experiences.

Increased workload

In the past year, the Office has experienced a significant uptick in engagement, with an increase in the number of persons seeking our assistance and rise in formal complaints lodged. The Office successfully concluded 473 investigations during this period. This surge in workload reflects the positive impact of our outreach initiatives. Moving forward, our commitment is to remain approachable and responsive, ensuring access to our services when needed.

Conclusion

A civilised society is one which not only upholds democratic principles but also puts them into practice. In essence, democracy is about the control of the exercise of power, ensuring that it really serves persons, especially the vulnerable. The modern State is not limited to the Executive, Legislative and Judicial branches but also extends to the media, civil society, and constitutional bodies like the Office of the Ombudsman.

The Office of the Ombudsman is crucial in the consolidation of democracy. When the Office deals firmly and convincingly, it instils trust. Looking ahead, our commitment is to push for a better public administration for the benefit of all. Our

objective will remain that of ensuring that the Office not only fulfils its present and any future mandate/s but also influences the principles of fairness and justice for the better.

**OFFICE OF THE OMBUDSMAN CONTINUED CIVIC EDUCATION
OUTREACH WITH STUDENTS OF ST JOSEPH SCHOOL, BLATA L-BAJDA
March 18, 2024**



The Office of the Ombudsman continued its student outreach initiative aimed at promoting awareness of civic responsibilities and the right to good administration. The latest session in this series of educational talks took place at St Joseph School in Blata l-Bajda, where over 70 Form IV students participated in an interactive discussion.

During the session, the Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, delivered an engaging presentation on the role of the Ombudsman and the broader principles of good governance and the rule of law. He highlighted the importance of fairness, accountability, and transparency in public administration, while also addressing how these values impact citizens in their daily lives.

The students demonstrated strong interest and engagement, actively participating in the discussion and asking insightful questions about their rights and the institutional mechanisms designed to safeguard them.

This initiative forms part of the Office's ongoing commitment to fostering a well-informed and responsible citizenry. Through these talks, students are encouraged to understand the significance of civic participation and are equipped with the knowledge to contribute positively to society.

PRESIDENT OF MALTA AND THE OMBUDSMAN EXCHANGE APPRECIATION AS PRESIDENTIAL TERM CONCLUDES

Published April 3, 2024

In an exchange of letters, the President of Malta, H.E. George Vella, and the Parliamentary Ombudsman, Judge Joseph Zammit McKeon, expressed mutual gratitude and appreciation on the occasion of the conclusion of President Vella's term on 4 April 2024.

In his letter, President Vella extended his sincere thanks to the Ombudsman for the support provided throughout his presidency. Reflecting on both the challenges and achievements of his term, the President highlighted the strong spirit of collaboration and goodwill demonstrated by the Ombudsman, which he described as a source of encouragement and strength.

President Vella acknowledged the effective cooperation between their respective offices, noting its contribution to the smooth functioning of the Office of the President. He concluded his message by wishing Judge Zammit McKeon continued success in his role.

In response, the Ombudsman expressed heartfelt appreciation on behalf of the Office of the Ombudsman for President Vella's exemplary service to the nation. He acknowledged the extraordinary circumstances that marked the presidency — including the COVID-19 pandemic and key constitutional developments — and praised President Vella for his steadfast integrity, honesty, and moral courage.

Judge Zammit McKeon also thanked the President for his recognition of the Ombudsman's work and for the valued support consistently provided by the Office of the President and its staff.

Reaffirming the commitment of the Office of the Ombudsman to democracy, accountability, and the rule of law, the Ombudsman concluded his letter by extending warm wishes to President Vella, Mrs Vella, and their family for a peaceful and fulfilling retirement.

THE OMBUDSMAN MET THE HIGH COMMISSIONER OF AUSTRALIA

April 9, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, welcomed the High Commissioner of Australia, H.E. Matthew Skelly, during a courtesy visit to the Office of the Ombudsman.

During the meeting, Judge Zammit McKeon outlined the role and functions of the Office, emphasising its accessibility and inclusiveness. He noted that under Maltese law, any person — regardless of nationality — may seek assistance from the Office of the Ombudsman free of charge, if they feel aggrieved by acts or omissions by the public administration in matters of maladministration.

The Ombudsman highlighted the importance of outreach initiatives in increasing public awareness about the services offered by the Office. He stressed that these initiatives have been a central part of his tenure, particularly in reaching communities that may not be familiar with the institution. He reaffirmed that the Office is not limited to serving Maltese citizens but is open to all individuals within the jurisdiction.

High Commissioner Skelly praised the excellent relations between Malta and Australia and commended the Ombudsman's proactive approach. He made particular reference to the article "*A Year in Office*" published by Judge Zammit McKeon in the *Times of Malta* on 16 March 2024. In that piece, the Ombudsman highlighted the value of engaging with diplomatic representatives in Malta to ensure their nationals are aware of and have access to the services of the Office.

The discussion also addressed the protection of human rights. The Ombudsman shared his ongoing efforts to establish a National Human Rights Institution (NHRI) in Malta, in line with the Paris Principles of the United Nations. He underlined the potential of the Ombudsman institution to fulfil this role, given its independence and existing legal and operational framework.

Migration and integration were also key themes of the meeting. High Commissioner Skelly spoke about Australia's longstanding commitment to multiculturalism and how its diverse population positioned it to engage constructively on global matters. He warmly welcomed the inaugural address of H.E. President Myriam Spiteri Debono, particularly her call to move from a model of tolerance toward genuine integration of migrants.

The meeting concluded with both parties acknowledging the enduring and close ties between Malta and Australia. They agreed on the importance of reaffirming this relationship through continued dialogue and collaboration. The High Commissioner also expressed deep appreciation for the significant contributions of the Maltese community in Australia and encouraged further cooperation through international forums such as the United Nations and the Commonwealth, in support of a rules-based international order and shared democratic values.

THE OMBUDSMAN MET THE DIRECTOR OF THE OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS (ODIHR)

April 10, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, held a cordial meeting with Dr Matteo Mecacci, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), during the latter's visit to Malta to participate in a conference on addressing anti-Semitism in the OSCE region.

During the meeting, Dr Mecacci outlined the mandate of ODIHR, which includes the promotion and protection of human rights and fundamental freedoms, adherence to the rule of law, support for democratic principles, and efforts to strengthen democratic institutions and foster tolerance. He expressed his intention to explore avenues for collaboration between ODIHR and the Office of the Ombudsman in Malta on shared priorities.

The Ombudsman raised two areas in particular where international advocacy and support would be welcome:

- 1. National Human Rights Institution (NHRI):** The Ombudsman's Office reiterated its long-standing proposal to expand its mandate to include a broader human rights function, thereby establishing a National Human Rights Institution in Malta. Drawing inspiration from similar institutions across Europe, the Ombudsman noted that the current legal framework under the Ombudsman Act (1995) already provides a solid foundation for such a role. The establishment of an NHRI is particularly urgent given that Malta remains one of the few European Union and Council of Europe member states without such a body, highlighting the need to reinforce Malta's human rights framework.
- 2. Protocol No. 12 of the European Convention on Human Rights (ECHR):** Although Malta ratified Protocol No. 12, which addresses general provisions on equality and non-discrimination, the Ombudsman noted that it has not yet been transposed into domestic law. This lack of integration limits individuals' ability to seek redress for discrimination through national courts, often requiring recourse to the European Court of Human Rights. The Office is advocating for the full incorporation of Protocol No. 12 into Malta's legal system to ensure that these rights are effectively enforceable at national level.

Judge Zammit McKeon was accompanied by Chief Justice Emeritus Vincent De Gaetano, Commissioner for Education; Dr Monica Borg Galea, Head of Investigations; and Mr Jurgen Cassar, Head of Communications and Research. Dr Mecacci was accompanied by Mr Peter Mossop, Advisor to the Director.

DELEGATION FROM THE OMBUDSMAN AND EQUALITY COUNCIL OF MOLDOVA PAID A COURTESY CALL ON THE SPEAKER

April 16, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, together with Mr Ceslav Panico, Ombudsman of the Republic of Moldova; Mr Ian Feldman, President of the Equality Council of Moldova; and Ms Mirela Chiriac, Project Officer at the Council of Europe, paid a courtesy call on the Speaker of the House of Representatives, the Hon. Anglu Farrugia.

The delegation from the People's Advocate and the Equality Council of Moldova was in Malta on a study visit focused on addressing discrimination, hate speech, and hate crimes in the Republic of Moldova. The visit formed part of the joint European Union and Council of Europe programme *Partnership for Good Governance*.

During the meeting, Judge Zammit McKeon emphasised the value of international exchanges between institutions, noting that such visits offer important opportunities to share experiences, learn from each other, and strengthen institutional practices. He thanked the Speaker for hosting the delegation in the Parliament building, highlighting this as a reflection of the Parliament's openness and accessibility to the country's democratic institutions.

Speaker Farrugia provided the delegation with a brief overview of the history and functions of the Maltese Parliament. He also outlined the efforts made to maintain close contact with the public, particularly by engaging children and young people through educational activities and outreach programmes.

MOLDOVAN DELEGATION ENGAGED IN DISCUSSIONS WITH THE OFFICE OF THE OMBUDSMAN IN MALTA

April 16, 2024



A delegation from the People's Advocate and the Equality Council of Moldova, led by Ombudsman Mr Ceslav Panico and Mr Ian Feldman, visited Malta for bilateral discussions with the Office of the Ombudsman and other institutional stakeholders. The visit formed part of a broader study initiative to combat discrimination, hate speech, and hate crimes in the Republic of Moldova, under the joint European Union and Council of Europe programme *Partnership for Good Governance*.

The meeting, hosted at the Parliament of Malta, featured in-depth discussions on several key areas, including the application of European standards in preventing and addressing discrimination, strengthening the institutional capacity of Ombudsman offices, and sharing successful models of cooperation across sectors — ranging from public authorities and NGOs to academia and the private sector. Participants also explored mechanisms to directly involve vulnerable communities in shaping policies and services that affect them, thereby ensuring the relevance and impact of the Ombudsman's work.

In his opening remarks, the Parliamentary Ombudsman, Judge Joseph Zammit McKeon, welcomed the delegation and outlined the core functions of the Office in Malta. He highlighted current efforts to improve standards of public administration while ensuring that marginalised voices are adequately represented in public decision-making.

Mr Panico outlined the objectives of the Moldovan delegation's visit, which included learning from Malta's institutional practices post-EU accession and fostering stronger cooperation with the Maltese Ombudsman. He reaffirmed the commitment of Moldova's People's Advocate to driving public sector reform through a human rights-based approach.

Mr Feldman elaborated on the work of the Equality Council of Moldova, emphasising its independence and the close coordination it maintains with the Office of the Ombudsman. He described the Council's role in preventing discrimination, promoting equality and diversity, and advancing an inclusive society in which all individuals are treated equally regardless of background.

Ms Mirela Chiriac, Project Officer for the *Partnership for Good Governance*, outlined the project's aims — chiefly, to support Moldova in aligning its legal and institutional framework with European human rights standards, with a focus on the protection of ethnic and sexual minorities. She stressed the importance of building institutional capacity and public awareness to counter discrimination and intolerance.

The discussions also addressed the roles of the People's Advocate and the Equality Council of Moldova as A-status National Human Rights Institutions, their respective mandates in human rights protection, and the operational challenges involved in managing complaints and ensuring implementation of recommendations. Participants further discussed the implications of Artificial Intelligence on fundamental rights.

Judge Zammit McKeon provided an update on Malta's ongoing efforts to establish a National Human Rights Institution, stressing the urgency of doing so and reiterating the readiness of the Ombudsman's Office to assume this role.

The meeting fostered a shared understanding of the challenges and opportunities in advancing human rights in both countries and paved the way for continued collaboration between the Maltese and Moldovan institutions.

**PARLIAMENTARY OMBUDSMAN PRESENTED
CASE NOTES 2023 TO THE SPEAKER OF THE HOUSE
April 17, 2024**



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, officially presented *Case Notes 2023* to the Speaker of the House of Representatives, the Hon. Anglu Farrugia. This edition marks the 43rd volume published since the establishment of the Office of the Ombudsman in 1995, and the first under Judge Zammit McKeon's tenure as Parliamentary Ombudsman.

Case Notes 2023 comprises a carefully selected compilation of 36 cases, illustrating the broad spectrum of concerns and grievances brought forward by the public and handled by the Ombudsman and the specialised Commissioners. Each case presents the key issues, the Ombudsman's reasoning in the course of the investigation, and the outcomes or follow-up actions taken in light of the recommendations made.

In his foreword, the Ombudsman expressed his satisfaction with this edition, which continues the Office's long-standing tradition of promoting transparency, accountability, and fairness within Maltese public administration. He stated:

"This publication highlights our commitment to justice and equity and serves as an essential resource to inspire ongoing dialogue and enhancements in governance and public service."

The publication covers a wide range of sectors, including social housing, military promotions, education, health, and environmental and planning matters. The issues addressed range from safety concerns in social housing to the complexities of ensuring fair promotion processes within the Armed Forces of Malta. Of particular

note, the volume underscores the Office's advocacy in defence of patient rights and the quality of healthcare services, reinforcing the vital role of the Ombudsman in the health sector.

The Speaker has tabled *Case Notes 2023* for the attention of Parliament.

**THE PARLIAMENTARY OMBUDSMAN PAID A COURTESY CALL
ON THE PRESIDENT AT THE BEGINNING OF HER MANDATE
April 18, 2024**



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, paid a courtesy call on the President of Malta, H.E. Myriam Spiteri Debono, at the start of her presidential mandate.

During the meeting, Judge Zammit McKeon provided an overview of the recent activities of the Office of the Ombudsman, outlining its efforts to strengthen public administration and enhance its engagement with the public. He emphasised the importance of ensuring the institution remains accessible to all, noting that proximity to the people is key to identifying shortcomings in public service and giving a voice to those who feel let down by administrative systems.

The discussion also touched on the Ombudsman's constitutional relationship with Parliament. Judge Zammit McKeon highlighted the need for greater parliamentary engagement with the Office's work, particularly when reports are tabled in the House. He reiterated the proposal for the establishment of a dedicated parliamentary committee to review and discuss these reports, thereby reinforcing institutional accountability and transparency.

The Ombudsman also briefed the President on the institution's participation in international fora, including his role as a member of the Board of the International Ombudsman Institute and as Secretary General and Treasurer of the Association of Mediterranean Ombudsmen. He announced that Malta will host the upcoming General Assembly of the Association of Mediterranean Ombudsmen in celebration of the 30th anniversary of the establishment of the Office of the Ombudsman in Malta. The event is expected to bring together ombudsmen and human rights defenders from across the Mediterranean region.

During the visit, the Ombudsman presented a copy of *Case Notes 2023* to the President. This annual publication features a curated selection of 36 cases handled by the Ombudsman and the specialised Commissioners, reflecting the wide-ranging concerns brought forward by the public.

Judge Zammit McKeon was accompanied by Mr Paul Borg, Director General, and Mr Jurgen Cassar, Head of Communications and Research.

STUDENTS AND TEACHERS FROM ST JEANNE ANTIDE COLLEGE, IMMACULATE CONCEPTION SECONDARY SCHOOL VISITED THE OFFICE OF THE OMBUDSMAN

April 22, 2024



As part of its ongoing outreach to promote civic awareness among young people, the Office of the Ombudsman welcomed a group of students and teachers from St Jeanne Antide College, Immaculate Conception Secondary School. The visit formed part of a targeted initiative aimed at deepening students' understanding of the Ombudsman's role and the principles of good governance.

The students were given a detailed presentation by the Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, who explained the core functions of the Office and its significance in Malta's constitutional framework. He described the Ombudsman's role as an independent mediator between individuals and public authorities, underlining the institution's contribution to fairness, justice, and accountability in public administration.

A key focus of the session was the Rule of Law. Students learned about their fundamental rights and responsibilities as citizens, the importance of transparency and accountability in government, and the critical role that democratic values play in shaping effective governance.

At the conclusion of the session, the Parliamentary Ombudsman, Judge Joseph Zammit McKeon, addressed the group, highlighting the importance of such educational initiatives. He stressed the need for young people to understand the Ombudsman's role in protecting rights and ensuring good public administration, noting that informed and engaged citizens are essential to a healthy democracy.

The session was interactive, with students and teachers actively participating and posing thoughtful questions. Their engagement reflected a genuine interest in understanding civic responsibility and the workings of democratic institutions.

This visit formed part of a broader series of educational efforts by the Office of the Ombudsman to help prepare Malta's younger generations to become informed and active citizens. These initiatives reflect the Office's dual commitment to oversight of public administration and to public education about its crucial constitutional role.

THE PARLIAMENTARY OMBUDSMAN RECEIVED THE AMBASSADOR OF THE KINGDOM OF THE NETHERLANDS

April 24, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, welcomed the Ambassador of the Kingdom of the Netherlands, H.E. Djoeke Adimi-Koekkoek, during a courtesy visit to the Office of the Ombudsman.

The meeting formed part of the Ombudsman's ongoing efforts to strengthen engagement with Ambassadors and High Commissioners of foreign missions accredited to Malta on matters of shared interest. These diplomatic exchanges contribute to fostering international cooperation in areas relating to human rights, good governance, and institutional independence.

Judge Zammit McKeon highlighted the strong professional relationship between the Office of the Ombudsman of Malta and the National Ombudsman of the Netherlands, Mr Reiner van Zutphen. Both serve as European and Global Directors of the International Ombudsman Institute (IOI), reflecting a shared commitment to advancing the work of ombudsman institutions worldwide.

The Ombudsman also briefed Ambassador Adimi-Koekkoek on the forthcoming 13th World Conference of the International Ombudsman Institute, which will be held in The Hague, Netherlands, in May 2024. The conference will address urgent global issues such as climate change, the improvement of living conditions, and the challenges faced by vulnerable and marginalised communities.

Their discussion further covered the Office's outreach efforts to engage with representatives of migrant and ethnic minority groups in Malta. Both parties explored ways to enhance the effectiveness of these engagements and improve public representation for these communities.

Judge Zammit McKeon reaffirmed his commitment to advocating for the extension of the Office's legal mandate to allow it to serve as Malta's National Human Rights Institution (NHRI). He emphasised the importance of aligning this goal with international human rights standards and Malta's broader commitments to democratic accountability.

The Ombudsman also emphasised his commitment to see the present mandate of the Office of the Ombudsman being extended at law to become also the National Human Rights Institution (NHRI) of Malta

THE OFFICE OF THE OMBUDSMAN AND NATIONAL AUDIT OFFICE SIGNED A MEMORANDUM OF UNDERSTANDING

April 25, 2024



The Office of the Parliamentary Ombudsman and the National Audit Office (NAO) signed a Memorandum of Understanding (MoU) to strengthen cooperation and promote good governance across the public sector. The agreement establishes a formal framework for collaboration between the two constitutional oversight institutions, both of which report directly to Parliament.

The MoU aims to enhance transparency, accountability, and integrity in the functioning of ministries, departments, and public entities. Its scope includes:

- Exchange of non-personal information relevant to the work of both entities, with strict protocols in place to ensure third-party information is shared only with prior written consent.
- Joint projects and initiatives, including research collaborations and educational seminars, to promote the effectiveness and efficiency of public administration.
- Coordination on policy reviews and procedural improvements, with the goal of reinforcing good governance and accountability structures.
- Sharing of relevant decisions and resolutions issued by international bodies of which both institutions are members.

The agreement underscores the importance of maintaining institutional independence and confidentiality, in line with best practices and applicable laws.

Speaking at the signing, Auditor General Mr Charles Deguara highlighted the significance of the agreement:

“This is another important day for our two constitutional offices, both of which report to Parliament and are ultimately committed to enhancing good governance across the public sector, in the best interest of citizens.”

He added that both offices are determined to ensure that this agreement leads to practical and tangible outcomes that reflect the shared objectives of the MoU.

The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, expressed satisfaction with the constructive and collaborative dialogue that preceded the agreement:

“This agreement marks a significant step towards enhancing public administration oversight and accountability mechanisms. It affirms our shared commitment to the principles of good governance.”

Both institutions have committed to implementing the MoU with diligence. Senior officials from each office will be appointed to monitor its implementation and ensure the effectiveness of this collaborative arrangement.

**OMBUDSMAN EDUCATIONAL TALK HELD AT
DE LA SALLE COLLEGE – SENIOR SCHOOL
April 26, 2024**



As part of its ongoing civic education initiative, the Office of the Ombudsman delivered an educational talk at De La Salle College in Vittoriosa, targeting senior school students. The session took place on Tuesday, 23 April.

The Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, was welcomed by Mr Norbert Zahra, Head of the Senior School. The presentation focused on the critical role and functions of the Ombudsman in safeguarding the right to good public administration.

Students and teachers were encouraged to participate actively, asking questions about the Ombudsman's duties, investigative powers, and how the institution assists individuals who feel aggrieved by acts or omissions of the public administration. The session aimed to deepen students' understanding of justice, fairness, and institutional accountability within the framework of democratic governance.

At the conclusion of the talk, students took part in an interactive exercise based on a mock complaint. This hands-on activity was designed to illustrate the process of submitting a complaint and the Ombudsman's role in addressing it, providing students with a practical and engaging insight into the function and value of the institution.

This session formed part of a broader programme of outreach by the Office of the Ombudsman, aimed at preparing students to become informed and active citizens who understand the mechanisms available to protect their rights.

THE PEOPLE'S ADVOCATE OF MOLDOVA EXPRESSED GRATITUDE FOLLOWING A PRODUCTIVE VISIT TO MALTA

April 30, 2024

The Parliamentary Ombudsman of Malta, Judge Joseph Zammit McKeon, received a letter of gratitude from the Ombudsman of Moldova, Mr Ceslav Panico, following the recent official visit of the Moldovan delegation to Malta. The visit formed part of an ongoing international effort to promote cooperation in the fields of human rights and public administration.

During their time in Malta, the Moldovan delegation held a series of discussions with the Office of the Ombudsman, covering a broad range of topics including health, environmental protection, and education. These discussions provided the delegation with a detailed understanding of Malta's institutional practices in defending individual rights and freedoms — an experience that Mr Panico described as both informative and inspiring.

Mr Panico expressed particular appreciation for the warm welcome and well-structured programme coordinated by the Office of the Ombudsman. He noted that the delegation's courtesy call on the Speaker of the House of Representatives, the Hon. Anglu Farrugia, offered further insight into Malta's democratic framework and the role of oversight institutions in building public trust across generations.

In his letter, the Ombudsman of Moldova conveyed sincere thanks for the hospitality extended by the Maltese team and commended the level of organisation that made the visit both enriching and productive. He also expressed optimism about the potential for future collaboration between the two institutions, particularly in areas of mutual interest related to human rights protection and good governance.

**THE PARLIAMENTARY OMBUDSMAN PARTICIPATED IN
THE 13TH IOI WORLD CONFERENCE AND GENERAL ASSEMBLY IN THE HAGUE
May 17, 2024**



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, participated in the 13th World Conference of the International Ombudsman Institute (IOI), held in The Hague from 12 to 17 May 2024. The event, hosted by the National Ombudsman of the Netherlands, was held under the theme “*Act Together for Our Tomorrow*” and brought together 237 delegates from 80 countries, including ombudsmen, mediators, and human rights defenders.

On the first day of the conference, Judge Zammit McKeon attended the inaugural meeting of the newly elected IOI European Regional Board, marking his first participation as a board member following his election in December 2023. The meeting reviewed the work of the outgoing board, including updates on recent peer reviews carried out in the United Kingdom, the establishment of the new Ombudsman Learning Academy in Manchester, and the drafting of a guide on ethical principles for ombudspersons and their staff.

The session also addressed broader geopolitical challenges, including the Russian invasion of Ukraine and the conflict in the Middle East. The transition from the outgoing to the incoming regional board was formalised during this session. Andreas Pottakis, Ombudsman of Greece and outgoing Chair of the European Regional Board, expressed appreciation to departing members and welcomed the incoming board led by Mr Reinier van Zutphen, National Ombudsman of the Netherlands.

Judge Zammit McKeon also took part in the IOI General Assembly, the first to be held in person in eight years following pandemic-related disruptions. The Assembly featured presentations from regional boards and culminated with the unanimous adoption of *The Hague Declaration* — a forward-looking document outlining shared commitments among IOI members.

Key points of *The Hague Declaration* included:

1. Recognising climate change as a global reality with significant impacts on citizens, and affirming the responsibility of ombuds institutions to respond to its challenges.
2. Acknowledging that ombuds institutions operate under national mandates, while also navigating international standards and expectations.
3. Committing to proactively reach citizens who are less aware of the services provided by ombuds institutions.
4. Recognising the advocacy role of ombuds institutions in representing the interests of future generations.
5. Emphasising the importance of considering the long-term impact of institutional actions.
6. Establishing the themes of Climate Change & Living Conditions, Value Dilemmas, Outreach, and Future Generations as recurring priorities in IOI programming.
7. Encouraging institutions to contextualise conference themes within their national frameworks and share findings across the global IOI network.
8. Promoting the use of digital tools, teamwork, international cooperation, and training to disseminate knowledge and strengthen institutional practice.
9. Reinforcing the need to integrate citizens' lived experiences into daily practice to ensure inclusive and responsive ombuds services.

The General Assembly not only addressed pressing institutional matters but also set a strategic vision for tackling emerging global challenges, reaffirming the vital role of ombuds institutions in promoting justice, accountability, and public trust across borders.

Judge Zammit McKeon was accompanied by Mr Paul Borg, Director General, and Mr Jurgen Cassar, Head of Communications and Research.

**THE PARLIAMENTARY OMBUDSMAN OF MALTA JOINED
THE IOI WORLD BOARD OF DIRECTORS**
May 15, 2024



The Parliamentary Ombudsman of Malta, Judge Joseph Zammit McKeon, participated in his inaugural meeting as a member of the World Board of Directors of the International Ombudsman Institute (IOI). Judge Zammit McKeon was elected to represent the European Region, serving alongside four distinguished colleagues: Mr Reinier van Zutphen (Ombudsman of the Netherlands), Mr Peter Svetina (Ombudsman of Slovenia), Mr Marino Fardelli (Ombudsman of the Lazio Region), and Mr Marc Bertrand (Ombudsman of Wallonia-Brussels).



The first meeting of the newly constituted IOI World Board was chaired by Ms Nashieli Ramírez Hernández, the newly elected President of the IOI and current Ombudsman of Mexico. The session reaffirmed the IOI's strategic commitment to strengthening the role, reach, and impact of ombudsman institutions across the globe.

The responsibilities of the IOI World Board of Directors include:

- Authorising expenditures and managing financial decisions to further the IOI's objectives.
- Establishing trust arrangements to create and manage funds for the IOI's benefit.
- Proposing amendments to the IOI By-laws, subject to approval by the General Assembly.
- Adjusting membership classifications and fees to meet the changing needs of its global network.
- Overseeing the effectiveness and coordination of the Executive Committee and regional directors.

During this inaugural session, the board established several working committees and approved regional subsidies. These subsidies are intended to support projects either fully financed by the IOI or co-financed by multiple voting members, with priority given to initiatives of special strategic relevance.

Following the meeting, the IOI announced it would soon invite applications for project subsidies. The aim is to support innovative initiatives that advance the mission of ombudsman institutions in promoting good governance, transparency, and human rights protection worldwide.

13TH IOI WORLD CONFERENCE FOCUSED ON CLIMATE CHANGE, OUTREACH, AND VULNERABLE GROUPS

May 17, 2024

The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, participated in the 13th World Conference of the International Ombudsman Institute (IOI), held in The Hague from 12 to 17 May 2024. Themed “*Act Together for Tomorrow*”, the conference was hosted by the National Ombudsman of the Netherlands and gathered delegates from over 100 countries.

The conference opened with a keynote address by His Majesty King Willem-Alexander of the Netherlands, who warmly welcomed the international delegates. His Majesty emphasised the historical importance of ombuds institutions in strengthening public trust, protecting human rights, and promoting good governance. He underscored the need for enhanced global cooperation to confront shared challenges — especially climate change, technological ethics, and social inclusion.

Reinier van Zutphen, Ombudsman of the Netherlands and Chair of the IOI European Region, formally opened the proceedings and introduced the conference’s four central themes: Climate Change and Living Conditions, Value Dilemmas, Outreach, and Future Generations. He called for governance that is both ethically grounded and future-oriented.

A keynote address by historian and author Ian Buruma, titled “*We Are the People: Citizenship, Identity, and the Nation-State*,” reflected on modern notions of identity and inclusion in an interconnected world.

The theme “*Climate Change and Living Conditions*” was further developed through a keynote by Peter Boshier, Chief Ombudsman of New Zealand, who stressed the importance of ombuds institutions in amplifying the voices of those most affected by climate-related challenges. Breakout sessions explored key topics such as environmental displacement, equitable access to services, national approaches to climate loss and damage, and proactive governance to avert future harm.

On the fourth day of the conference, attention shifted to Value Dilemmas and inclusive outreach to vulnerable and marginalised groups. A keynote address by European Ombudsman Emily O’Reilly, “*The Art of the Ombudsman: Navigating Strategic Choices and Principles*”, addressed the evolving role of ombuds institutions in times of global instability. She urged ombudsmen to act with integrity, strategic focus, and resilience in defending democracy and human rights.

Delegates participated in thematic breakout sessions discussing ombudsman values, the experience of new ombudsmen, and the importance of the institutional mandate as a foundation for impact. A plenary interview with Mr van Zutphen explored data-informed strategies for identifying and engaging vulnerable communities, highlighting the need for deliberate, inclusive outreach.

Judge Zammit McKeon, together with Mr Jurgen Cassar, Head of Communications and Research, contributed to a breakout session on the forthcoming *IOI Best Practice Paper on Outreach to Vulnerable and Marginalised Groups*, to which the Office of the Ombudsman of Malta was a significant contributor. The paper, reflecting experiences and models from IOI members, is set for publication in autumn 2024.

Mr Paul Borg, Director General, represented the Office in a separate session focused on the role of ombuds institutions in advancing peaceful, just, and inclusive societies — a contribution aligning closely with Malta's broader human rights advocacy efforts.

The 13th IOI World Conference provided a unique platform for sharing institutional experiences and best practices, reaffirming the global ombudsman community's commitment to addressing urgent social and environmental issues through cooperation, outreach, and public service accountability.



Left to Right: The European Ombudsman, Emily O'Reilly, Head of Cabinet of the EU Ombudsman, Gundi Gadesmann, the Director General of the Office of the Ombudsman in Ireland, Elaine Cassidy and the Parliamentary Ombudsman of Malta, Judge Emeritus Joseph Zammit McKeon.



Left to right: The Omudsman of South Africa, Kholeka Gcaleka; the Ombudsman of Wallonia and of the Wallonia-Brussels Federation, Marc Bertrand; the Ombudsman of Malta, Judge Emeritus Joseph Zammit McKeon and the Ombudsman of the Brussels Region, Catherine De Bruecker.



The Ombudsman with the Ombudsman of the Brussels Region, Catherine De Bruecker.

EUROPEAN REGIONAL BOARD OF THE IOI HELD INAUGURAL MEETING FOLLOWING ELECTIONS

May 17, 2024



The inaugural meeting of the newly elected European Regional Board of the International Ombudsman Institute (IOI) was held under the presidency of Mr Reinier van Zutphen, Ombudsman of the Netherlands. The meeting brought together the elected members of the regional board, including the Parliamentary Ombudsman of Malta, Judge Joseph Zammit McKeon; the Ombudsman of Slovenia, Mr Peter Svetina; the Ombudsman of Cyprus, Ms Maria Stylianou Lottides; and Mr Marc Bertrand, Ombudsman of Wallonia and of the Wallonia-Brussels Federation.

During the meeting, Mr Marc Bertrand was approved as Vice President of the European Regional Board. It was also agreed that the Office of the Ombudsman of the Kingdom of the Netherlands would assume responsibility for the board's administrative matters.

The board confirmed that Malta and Cyprus would jointly represent the European Region at the upcoming International Ombudsman Conference to be held in Cassino, Italy, in September 2024.

Members also held a preliminary exchange on items to be placed on the agenda of the next regional meeting, with a view to reinforcing collaboration and advancing the strategic priorities of the European Regional Board.

**STUDENTS FROM THE ST CLARE 'S COLLEGE PEMBROKE
SECONDARY SCHOOL VISITED THE OFFICE OF THE OMBUDSMAN
May 20, 2024**



A group of students from St Clare's College Pembroke Secondary School, accompanied by their teachers, visited the Office of the Ombudsman as part of an educational initiative aimed at deepening students' understanding of the Ombudsman's role and the principles of good governance.

The visit featured a comprehensive presentation by the Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, who explained the functions and responsibilities of the Ombudsman. He outlined how the institution upholds the right to good administration within the broader framework of the rule of law. The students were introduced to key concepts such as their rights and responsibilities as citizens, the need for transparent and accountable public institutions, and the importance of democratic values and effective governance.

At the conclusion of the session, the Parliamentary Ombudsman, Judge Joseph Zammit McKeon, addressed the group, highlighting the significance of such initiatives. He emphasised that the protection of rights is essential to a functioning democracy and that an informed and engaged public is fundamental to preserving the balance of power and ensuring accountability in public administration.

The students and teachers engaged actively throughout the session, posing thoughtful questions and showing strong interest in civic responsibility and institutional processes.

Following the event, Chief Justice Emeritus De Gaetano shared a message with the teachers, noting:

“Both the Ombudsman and I, and other officers in attendance, were impressed by the high standard of knowledge of general and public affairs shown by the students and by the exceptionally good and confident way that they expressed themselves, and their positive interaction with the speakers. This is surely a feather not only in their cap but also in that of their teachers and of the school as a whole.”

This visit formed part of the Office of the Ombudsman’s wider outreach programme to promote civic education among young people and encourage active citizenship.

THE OMBUDSMAN MET THE ITALIAN AMBASSADOR TO MALTA

May 20, 2024

The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, received a courtesy call from the Ambassador of Italy to Malta, H.E. Fabrizio Romano.

Judge Zammit McKeon welcomed the Ambassador and emphasised that meetings with members of the Diplomatic Corps reinforce the principle that the services of the Office of the Ombudsman are open to all individuals residing or present in Malta — not only Maltese citizens, but also foreign nationals, including the Italian community — who may feel aggrieved by acts or omissions of the Maltese public administration.

Ambassador Romano expressed his appreciation for the role of the Ombudsman and explained that the Embassy of Italy often acts as an intermediary with public authorities when difficulties arise. He welcomed the additional recourse to the Ombudsman as a valuable avenue for addressing unresolved grievances in a fair and impartial manner.

The Ombudsman also briefed the Ambassador on his recent participation at the 13th World Conference of the International Ombudsman Institute, held in The Hague. He outlined Malta’s role within the IOI, both as a member of the European Regional Board and the World Board, and discussed the efforts undertaken during the conference to foster closer collaboration with counterpart institutions across Europe and beyond.

The meeting concluded with both sides acknowledging the long-standing friendship and excellent bilateral relations between Malta and Italy, and their shared commitment to supporting the rights and wellbeing of all individuals within their respective jurisdictions.

COURTESY CALL FROM THE AMBASSADOR OF GREECE TO MALTA**Published May 23, 2024**

The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, received a courtesy call from the Ambassador of Greece to Malta, H.E. Tasia Athanasiou.

During the meeting, Judge Zammit McKeon highlighted the strong and productive relationship between the Office of the Ombudsman of Malta and the Ombudsman of Greece. He expressed his appreciation for the work of Dr Andreas Pottakis, the Greek Ombudsman, with whom he collaborates closely on the Executive Board of the Association of Mediterranean Ombudsmen (AOM). Dr Pottakis currently serves as President of the AOM, while Judge Zammit McKeon holds the roles of Secretary General and Treasurer. The Ombudsman noted that the Executive Committee of the AOM had met the previous week in The Hague and was scheduled to reconvene in September in Paphos, Cyprus. Both institutions regularly exchange insights and engage in joint efforts on matters of mutual interest across the Mediterranean region.

Ambassador Athanasiou acknowledged the close relationship between the two countries and noted that Greece and Malta face similar challenges — particularly those related to migration and the integration of migrant communities into society. She emphasised the importance of fostering cultural adaptation and inclusivity.

In response, the Ombudsman outlined his Office's continued outreach to Malta's diverse communities, underscoring that the services of the institution are open to all individuals — regardless of nationality — who may feel aggrieved by public administration. He reiterated that the Office provides guidance and redress to anyone residing in Malta who requires assistance in navigating administrative justice.

The discussion also addressed wider European challenges, ongoing regional conflicts, and the critical role played by Ombudsman institutions in protecting individual rights. Judge Zammit McKeon outlined his initiative to establish a National Human Rights Institution (NHRI) in Malta, which would further strengthen the country's human rights framework. He noted that the Ombudsman institution already plays a vital role in promoting fairness, justice, and good governance.

The meeting concluded with a discussion on the Office's public engagement work, including its educational outreach programme, particularly the *Students' Talk* initiative held in secondary schools, which aims to cultivate civic awareness among younger generations.

This meeting formed part of the Ombudsman's broader outreach efforts with the Diplomatic Corps of countries with strong community representation in Malta.

PARTICIPATION IN THE CLEAN ENERGY FOR EU ISLANDS FORUM

May 24, 2024



The Commissioner for Environment and Planning, Perit Alan Saliba, participated in the Clean Energy for EU Islands Forum held in Pantelleria, Italy. The forum was organised by the Clean Energy for EU Islands (CE4EU Islands) Secretariat, a body established by the European Commission and the European Parliament in 2018, with the political support of 14 EU Member States, including Malta.

Now in its third phase, the CE4EU Islands project is supporting 30 islands and island groups from across Europe in their efforts to transition to fully renewable energy systems by 2030. Pantelleria—similar in size to Gozo and home to approximately 7,000 residents—is one of the 30 selected islands. The island currently operates a

hybrid energy system that includes battery storage and a solar farm, with plans for further expansion. Like Malta, Pantelleria's economy is heavily reliant on tourism and shares comparable meteorological and geographical conditions.

Despite the considerable renewable energy potential across Europe's 2,200 inhabited islands—home to 20 million people—many still depend on costly fossil fuels and energy imports. The CE4EU Islands Secretariat aims to assist these islands in developing and implementing comprehensive decarbonisation strategies.

While in Pantelleria, the Commissioner attended a workshop titled Impacts from Onshore and Offshore Wind Energy. The session explored the unique energy challenges faced by EU islands. Malta, in particular, is constrained by high population density and deep surrounding waters, making traditional offshore wind installations technically and financially demanding. The workshop presented new developments in wind energy technologies, highlighting the significantly higher costs of floating offshore wind farms when compared to land-based alternatives. Given these realities, Malta was encouraged to explore the feasibility of onshore wind installations outside its national territory—especially in view of the planned second interconnector linking Malta to the European mainland grid.

The CE4EU Secretariat is expected to launch a new call in September 2024 for additional “follower islands” to join its 2030 initiative, extending technical assistance and knowledge sharing across the EU.

Although achieving carbon neutrality by 2040 remains a highly ambitious goal for Malta and Gozo, the Commissioner noted that supporting an island-based benchmark project could help demonstrate how carbon neutrality may be approached in practical terms. Manoel Island — an island within an island, located in Malta's Grand Harbour and steeped in historical significance — was identified as an ideal case study. Its heritage of sustainable resource use offers a unique opportunity to integrate high-performance energy-efficient buildings, smart mobility solutions, and on-site renewable energy generation.

The Office of the Ombudsman expressed its full support for advancing such a strategy, recognising the importance of developing a replicable model for energy-efficient, low-impact island development that could help increase Malta's share of renewable energy.

FIRST CYCLE OF STUDENT TALKS CONCLUDED WITH DE LA SALLE COLLEGE SIXTH FORM

June 4, 2024



The final session of the first cycle of student talks organised by the Office of the Ombudsman for the current scholastic year was held at De La Salle College, Cottonera, and brought together approximately 80 students from the College's Sixth Form.

The session was led by the Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, and focused on the fundamental role and functions of the Ombudsman, the protection of human rights, and the right to good administration. The discussion was engaging and interactive, reflecting the students' interest in public affairs and their awareness of civic responsibilities.

This session marked the conclusion of a successful outreach programme designed to introduce secondary and sixth-form students across Malta to the values of good governance and the importance of upholding individual rights in a democratic society. The initiative forms part of the Office's wider commitment to fostering a new generation that is informed, engaged, and prepared to contribute actively to the common good.

The Office of the Ombudsman looks forward to resuming and expanding this initiative in the upcoming scholastic year, with plans to extend the talks to government and private (non-Church) schools, further broadening the reach of this educational programme.

THE OMBUDSMAN INTERVIEWED ON MILL-KAMRA

June 11, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, was interviewed by journalist Matthew Vella on *Mill-Kamra*, aired on TVMNews+. The discussion focused on the important role of the Ombudsman in Maltese society.

During the interview, Judge Zammit McKeon emphasised the Ombudsman's role as an alternative dispute resolution mechanism, offering individuals a more accessible and informal means of addressing grievances with public administration. He underlined the personalised and impartial approach adopted by the Office, which he described as fundamental to maintaining public trust and confidence in the institution.

The conversation also addressed the level of respect and recognition the Ombudsman receives from the public administration and Parliament. Judge Zammit McKeon discussed the investigative processes that underpin the Office's decisions and advocated for stronger parliamentary scrutiny of final opinions issued by the Ombudsman. He suggested that these could be more effectively considered through structured debate in Parliament or within one of its standing committees.

HOUSE BUSINESS COMMITTEE APPROVED THE OMBUDSPLAN 2024

June 11, 2024

In a special session chaired by the Speaker of the House of Representatives, the Hon. Anglu Farrugia, the House Business Committee discussed and approved the Ombudsplan 2024. The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, presented the main themes and proposals outlined in the plan.

During his presentation, the Ombudsman reiterated the need for Parliament to debate those cases in which recommendations issued by his Office are not implemented. This proposal echoed the Speaker's recent call made during the Sette Giugno commemoration — for a parliamentary mechanism, possibly a dedicated committee, to address such cases. Judge Zammit McKeon emphasised that the public expects fairness and accountability from government institutions, and he called for strengthened collaboration between the public administration and the Office of the Ombudsman to resolve complaints swiftly and constructively.

He underlined the distinct role of the Ombudsman when compared to the Courts of Justice. While the courts deliver binding judgments, the Ombudsman oversees the actions of public authorities and issues recommendations following thorough and impartial investigations. These recommendations, he noted, are the outcome of rigorous fact-finding and should be taken seriously by the executive.

Judge Zammit McKeon also highlighted the potential of the Ombudsman and Commissioners to serve as agents of change through their influence on policy and legislation. He affirmed the Office's commitment to engaging constructively with both the public and the public administration, noting that a good working relationship already exists, and that efforts will continue to improve it further.

Among the key legal and policy proposals presented in the Ombudsplan 2024 was the transposition of the right to good administration, as enshrined in Article 41 of the EU Charter of Fundamental Rights, into Maltese law — possibly within the Constitution. This would formally guarantee every person the right to be heard before any adverse measure is taken against them.

The Ombudsman also called attention to Protocol No. 12 of the European Convention on Human Rights (ECHR), which Malta ratified but has yet to incorporate into domestic law. He urged the government to take immediate steps to address this omission.

Further recommendations included the suspension of the six-month limitation period for judicial review of administrative actions while a complaint is under investigation by the Ombudsman, and the extension of the Ombudsman's remit to include the protection of human rights. He advocated for the establishment of a National Human Rights Institution (NHRI) in Malta, with the Ombudsman's Office serving as a foundation for this expanded role.

The session concluded with the House Business Committee recommending that the budget for the Office of the Ombudsman be approved in the Plenary Session.

CIVIL COURT FOLLOWED UP ON FINDING BY COMMISSIONER FOR EDUCATION

June 13, 2024

In 2024, the First Hall of the Civil Court ruled that the redeployment of a lecturer from the Malta College of Arts, Science and Technology (MCAST) to a government secondary school was null and void, determining that the decision amounted to an abuse of power. The court's ruling followed a previous decision by the Commissioner for Education within the Office of the Ombudsman, who had concluded that the lecturer's treatment by MCAST "*was oppressive and tantamount to degrading treatment.*"

The case concerned, a Senior Lecturer II at MCAST, who had lodged a complaint with the Ombudsman on 6 October 2020. He claimed that he had not been assigned any teaching duties for that academic year and had been prohibited from contacting students within the institute to which he was assigned.

In a final opinion issued on 12 May 2021, the Commissioner for Education, Chief Justice Emeritus Vincent A. De Gaetano, upheld the complaint. He found that MCAST's actions — namely, the failure to assign teaching duties and the unjustified restriction on student contact — constituted oppressive behaviour and amounted to degrading treatment of an academic staff member.

Following this opinion, the complainant was informed by the Ministry for Education that his detailing at MCAST would be revoked with effect from 11 June 2021, and that he was to report for duty at a government secondary school. In July 2021, the complainant successfully applied for a warrant of prohibitory injunction from the First Hall of the Civil Court to prevent the redeployment, and immediately thereafter filed a request for judicial review of the decision to revoke his detailing.

By a judgment delivered on 30 May 2024, Madam Justice Audrey Demicoli declared the revocation of the detailing null and void, ruling that it was based on irrelevant considerations and therefore constituted an abuse of power. The court ordered that the complainant be reinstated at MCAST in the same salary scale he had occupied prior to the revocation.

COMMISSIONER FOR EDUCATION URGED RESOLUTION OF DIFFERENCES AT MCAST

June 18, 2024

In June 2024, the Office of the Ombudsman, through the Commissioner for Education, expressed grave concern regarding the situation at the Malta College of Arts, Science and Technology (MCAST) in connection with the assessment of students and final examinations. The disruption arose from an ongoing industrial dispute between the College and the Malta Union of Teachers (MUT).

The situation stemmed from directives issued by the recognised union at the College, which included the withholding and processing of assessment marks, a refusal to invigilate examinations, and non-participation in viva voce assessments.

As a result, a large number of students — including those in their final year — were left uncertain about their academic progression and their eligibility for further studies. According to available information, nearly 8,000 students were affected in various ways.

The Office of the Ombudsman recognised the fundamental right of educators to engage in industrial action as a means of expressing legitimate grievances and pursuing a fair resolution. However, it emphasised that such action should be undertaken in a manner that minimised harm to third parties — in this case, students—who were entitled to timely and transparent results from their studies. The Office called on both sides to refrain from using students' academic uncertainty as a means of exerting undue pressure and to avoid adopting intransigent positions.

The Commissioner for Education urged both parties to engage in open and constructive dialogue, stressing that educators and the College shared a core responsibility: to provide a fundamental service to society through the education of young people.

**YOUNG PEOPLE'S ACCESS TO SOCIAL AND ECONOMIC RIGHTS:
ADDRESSING THE IMPACT OF THE COST-OF-LIVING CRISIS
July 01, 2024**



The Office of the Ombudsman was invited to participate in the 14th meeting of the COE-FRA-ENNHRI-EQUINET Collaborative Platform on Social and Economic Rights, held on 1 July 2024 in Vilnius, Lithuania. This pivotal event addressed the pressing issue of young people's access to social and economic rights amidst the ongoing cost-of-living crisis. Particular attention was given to the protection of young people against poverty and social exclusion, housing, access to employment, and youth participation in policy and decision-making related to social and economic rights.

At this meeting, Mr Jurgen Cassar, Head of Communications and Research, represented the Office of the Ombudsman.

The meeting brought together representatives from the Council of Europe, the European Union Agency for Fundamental Rights, National Human Rights Institutions, Equality Bodies, and various civil society organisations working with young people. This diverse gathering aimed to foster collaboration and develop comprehensive strategies to advance the rights and well-being of young people across Europe.

The Platform meeting was held a few days before the High-Level Conference on the European Social Charter, which will take place in Vilnius on 3 and 4 July 2024, under the auspices of the Lithuanian Presidency of the Committee of Ministers of the Council of Europe.

The main objectives of the meeting were:

- To consider the potential of the European Social Charter and other European human rights instruments and standards to protect young people's social and economic rights;
- To discuss strategies to protect young people from poverty and social exclusion in the context of rising living costs, including their access to affordable housing solutions;
- To analyse the specific challenges young people face in accessing employment in the context of the cost-of-living crisis;
- To explore mechanisms to enhance the meaningful participation of young people in policy and decision-making processes in relation to social and economic rights;
- To examine the longer-term impact and lifelong consequences of these early shortfalls on young people's enjoyment of their social and economic rights;
- To discuss the role of human rights defenders in preventing, mitigating, and monitoring the impact of the cost-of-living crisis on young people and their ability to propose possible solutions to mitigate its negative impact on young people's social and economic rights.

The meeting discussed protecting young people from poverty and social exclusion, the impact of the cost-of-living crisis on the social rights of young people under the Charter of Fundamental Rights of the European Union, and access to employment for young people. It also focused on fostering youth participation in policy and decision-making related to social rights.

At the end of the conference, a joint statement from the Council of Europe, the Fundamental Rights Agency, the European National Human Rights Institution Network, and Equinet Economics and Social Rights Platform was released. This statement was addressed to the High-Level Conference on the European Social Charter, organised under the auspices of the Lithuanian Presidency of the Committee of Ministers of the Council of Europe. The Platform called on governments to:

- Recognise the fundamental importance of social rights and the European Social Charter as a human rights treaty of the Council of Europe, upholding human rights and promoting social justice throughout the continent by ratifying the Revised European Social Charter and accepting additional provisions.
- Strengthen the European Social Charter monitoring mechanisms by ratifying the Revised Charter and accepting additional provisions, in particular those

that reinforce the right to housing and the right to protection against poverty and social exclusion, accepting the collective complaints procedure, and strengthening dialogue and cooperation between the Charter organs, States Parties, National Human Rights Institutions, Equality Bodies, and civil society organisations.

- Address social and economic inequalities by adopting comprehensive social policies to combat poverty and social exclusion, inadequate living conditions, and the cost-of-living crisis, emphasising the right to adequate and affordable housing as a fundamental element of human dignity and social cohesion.

THE PARLIAMENTARY OMBUDSMAN MET WITH THE DIRECTOR OF THE EUROPEAN FUNDAMENTAL RIGHTS AGENCY

July 3, 2024



In July 2024, the Parliamentary Ombudsman, Judge Joseph Zammit McKeon, held a meeting with Ms Sirpa Rautio, Director of the European Union Agency for Fundamental Rights (FRA), to discuss the ongoing proposal for the establishment of a National Human Rights Institution (NHRI) in Malta.

For several years, the Office of the Ombudsman had advocated for the creation of an NHRI, proposing that the existing Ombudsman institution could naturally extend its remit to include a broader human rights mandate. This proposal, formally submitted to the Government in November 2023, reflected established models in other European jurisdictions where ombudsman institutions also function as NHRIs. The Ombudsman Act (1995) already empowered the Office to investigate acts or omissions by government bodies and public administration that are unfair, oppressive, or improperly discriminatory — providing a solid legal foundation for such an expansion.

During the meeting, the Ombudsman updated Ms Rautio on the status of two bills tabled in Parliament in 2019 — the Human Rights and Equality Commission Bill and the Equality Bill. Both lapsed with the dissolution of the Thirteenth Legislature in February 2022 and had not been reintroduced by the Government. In light of the lack of legislative progress over the past two years, the Office of the Ombudsman had reiterated its recommendation to integrate the NHRI mandate within its existing structure, as a practical and immediate solution.

The Ombudsman also outlined the Office's successful application for associate membership within the European Network of National Human Rights Institutions (ENNHRI), submitted in January 2024. Following this, the Office formally requested ENNHRI to carry out an expert review of the Ombudsman Act (1995) in light of the UN Paris Principles governing NHRIs. The resulting analysis was under internal review and scheduled for submission to Government at a later stage.

Ms Rautio expressed support for building on existing legal and institutional frameworks, noting that it was preferable to utilise well-established mandates and structures rather than creating parallel bodies. She also observed that human rights mandates should not be placed under the remit of equality bodies alone.

The discussion also touched upon the application of the EU Charter of Fundamental Rights in Malta, jurisdictional issues, and the level of awareness regarding its provisions. Particular reference was made to how these issues impact access to justice in cases involving fundamental rights.

The meeting concluded with an exchange on the need for increased training and capacity-building in NHRI functions, particularly regarding the monitoring of EU funds. An exploratory meeting was proposed to further examine structural models for NHRIs and how these could be made more effective.

Ms Rautio was accompanied by Ms Susan Kennefick, Director of the FRA Office. The Parliamentary Ombudsman was joined by Mr Paul Borg, Director General, and Dr Monica Borg Galea, Head of Investigations.

**A YEAR OF CHANGE: A CREDIBLE AND TRUSTED INSTITUTION CLOSER TO
THE PEOPLE — ANNUAL REPORT 2023 PRESENTED TO PARLIAMENT
July 8, 2024**



On 8 July 2024, the Parliamentary Ombudsman, Judge Joseph Zammit McKeon, presented the *Annual Report 2023* to the Speaker of the House of Representatives, the Hon. Anglu Farrugia.

Throughout 2023, the Office of the Ombudsman focused on strengthening its relationship with the public administration and adopting a more proactive and open-door approach. The Office reached out both to the public and to government entities, seeking to act as a bridge and a catalyst for improvement. In his foreword to the report, the Ombudsman stated:

“I wanted to listen because only by listening could I act promptly and effectively. In 2023, the Office played its part in protecting the rights of people and in promoting governance, accountability, and transparency in public administration.”

Reflecting on the outcomes outlined in the report, Judge Zammit McKeon reaffirmed the Office's mission to address complaints of maladministration as defined by the Ombudsman Act. He remarked that the Ombudsman ensures the public administration acts lawfully, decides reasonably, and treats all persons equitably and fairly.

"I am reasonably certain that this role was adequately fulfilled in 2023," he added.

Beyond resolving complaints, the Ombudsman emphasised the Office's wider role in improving public service delivery through reasoned and evidence-based recommendations.

"I believe there are professional and sensitive officials in the public service who strive to improve the workings of government and the lives of people who seek assistance from the administration — the largest employer in this country," he noted.

The report also documented the Office's commitment to advocating for tangible improvements in government service practices, particularly in the context of internal or external pressures that disproportionately affect vulnerable persons.

Among the key themes highlighted in the *Annual Report 2023* were:

- **The Ombudsman's relationship with Parliament**, and the call for Parliamentary committees to discuss reports in cases where the public administration does not implement recommendations;
- **The Right to Good Administration**, underlining the principles of transparency, fairness, and accountability in public service;
- **The protection and promotion of Human Rights**, with a renewed call for the establishment of a National Human Rights Institution (NHRI) in Malta.

Judge Zammit McKeon reiterated that the Office of the Ombudsman is a credible and trusted defender of human rights:

"I state with conviction that people find comfort in the Office of the Ombudsman. In 2023, I did my utmost to persuade the Government that, in the national interest, Malta should, without further delay, establish a National Human Rights Institution."

He emphasised that the Office had proposed a practical, cost-effective model to integrate the NHRI function into the existing framework and encouraged Government to move beyond the status quo.

The *Annual Report 2023* also included detailed reports by the three specialised Commissioners — for Health, for Education, and for Environment and Planning. The Ombudsman acknowledged their contributions:

“Their dedication was instrumental in achieving the results we are presenting today.”

THE OMBUDSMAN PARTICIPATES IN THE IOI EUROPEAN BOARD MEETING July 11, 2024

The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, participated in the second meeting of the European Regional Board of the International Ombudsman Institute (IOI) for 2024. The meeting followed the first gathering held in May during the IOI World Conference in The Hague and was chaired by the President of the Board, Mr Reinier van Zutphen, Ombudsman of the Netherlands.

One of the main items on the agenda was a letter from the Ombudsman of Kosovo concerning the rejection of his Annual Report by the Kosovo Parliament. In his letter, the Ombudsman of Kosovo requested support from the IOI, stressing that the rejection posed a serious threat to his ability to fulfil his mandate and represented a form of political pressure undermining the independence of the institution. The European Regional Board discussed the matter and agreed to seek further information from the relevant Kosovan authorities.

The President of the Board also reported on his official visit to Poland, during which he met with the Executive Director of Frontex, the Polish Commissioner for Human Rights, and the Minister of Justice. The purpose of the visit was to explore the implications of the EU Migration Pact and how national governments might be required to implement its provisions. The Board agreed to organise a dedicated workshop in Brussels in October to further examine the anticipated impact of the Pact on European ombudsman institutions.

The meeting also reviewed upcoming events hosted by IOI European members. Two international conferences were scheduled for later in the year: one in Ukraine, titled *“Reclaiming Human Rights: Preserving Democracy”*, and another in Slovenia focused on the effectiveness of Ombudsman institutions as National Human Rights Institutions (NHRIs). The Ombudsman of Malta confirmed his intention to participate in the latter event in Slovenia.

Board members also discussed a seminar organised by the Dutch National Ombudsman as part of the IOI Ombuds Academy. The seminar explored patterns of complaint behaviour and provided a forum for institutions to exchange experiences and insights.

**OMBUDSMAN AND COMMISSIONER FOR ENVIRONMENT AND
PLANNING WELCOMED ENFORCEMENT OPERATION IN RABAT,
GOZO AND APPEALED FOR LONG-TERM ACTION**

July 11, 2024

The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, and the Commissioner for Environment and Planning, Perit Alan Saliba, welcomed the enforcement operation conducted in St George's Square, Rabat, Gozo, by officials from the Malta Tourism Authority, the Planning Authority, the Lands Authority, and the Malta Police Force. The operation was carried out to ensure that the outdoor occupation of the square by catering establishments did not exceed the approved limit of 111 square metres under current concessions.

The intervention followed correspondence sent on 13 June 2024 by the Commissioner for Environment and Planning to the Commissioner of Police, urging immediate enforcement action in coordination with the competent regulatory authorities. The request emphasised the need for coordinated measures to address unauthorised occupation of public space by tables and chairs.

The Office of the Ombudsman had actively monitored concerns related to the inadequate enforcement of outdoor dining regulations. Both the Ombudsman and the Commissioner reiterated their call for long-term, sustainable solutions to uphold public order and ensure compliance with planning and land use regulations in public spaces.

They emphasised that effective and consistent enforcement was essential to safeguard the rights of the public and maintain the proper use of communal areas, particularly in high-footfall zones such as historic town squares.

THE OMBUDSMAN INTERVIEWED ON RTK103: REFLECTIONS ON PROGRESS AND FUTURE GOALS

July 15, 2024



On Saturday, 13 July 2024, the Parliamentary Ombudsman, Judge Joseph Zammit McKeon, participated in a live interview on RTK103, hosted by Prof. Andrew Azzopardi. The programme was also streamed on newsbook.com.mt. During the discussion, Judge Zammit McKeon reflected on the key highlights of the *Annual Report 2023* recently presented to Parliament, reviewed the achievements of the Office of the Ombudsman over the previous year, and outlined future objectives.

The Ombudsman explained that during his first year in office, he prioritised strengthening the institution's proximity to the public — particularly those individuals most at risk of being overlooked by the system. He reaffirmed the core message that the Office of the Ombudsman served not as an impediment to public administration, but as a vital instrument for ensuring justice, transparency, and improved public service delivery.

He noted that the Office had adopted a proactive approach, launching own-initiative investigations upon identifying patterns of injustice and increasing outreach to individuals who might not otherwise seek help. This approach had produced measurable results, including a 25% rise in complaints and an 83% increase in direct public assistance compared to the previous twelve months. By the end of June 2024, the Office had processed 302 cases and assisted 393 individuals.

Addressing prospective reforms, the Ombudsman acknowledged that while the current Ombudsman Act provided a solid framework, there remained room for improvement. One of his principal aims was for Parliament to formally debate the Ombudsman's reports — particularly in instances where the public administration

did not accept the Office's recommendations. He confirmed that the Speaker of the House had supported this proposal, and discussions were ongoing with parliamentary whips to establish a dedicated parliamentary committee for this purpose.

The Ombudsman also referred to Article 41 of the Charter of Fundamental Rights of the European Union, which enshrines the Right to Good Administration. He argued that the time was appropriate to incorporate this right into domestic legislation, and potentially into the Constitution of Malta. He recalled that this proposal had been formally raised in October 2023 during an international Ombudsman conference hosted in Malta, which convened Ombudsmen from Europe and the Mediterranean alongside local governance experts.

Judge Zammit McKeon reiterated his strong advocacy for the establishment of a National Human Rights Institution (NHRI) in Malta. As one of the few countries in the European Union and the Council of Europe without an NHRI, Malta remained an outlier. The Ombudsman explained that rather than creating a new body, the Office had proposed an amendment to its own law to integrate human rights functions into its existing mandate. The Office was accepted earlier in the year as an Associate Member of the European Network of National Human Rights Institutions (ENNHRI). This membership supported the Office's ongoing efforts to align the Ombudsman Act with the Paris Principles governing NHRIs.

He concluded by stating that the Office was actively working on the necessary legislative amendments, which would be formally presented to the Government in due course.

COMMISSIONER FOR HEALTH INTERVIEWED ON RTK103

July 29, 2024



On Saturday, 27 July 2024, the Commissioner for Health, Professor Ray Galea, participated in a radio interview with Professor Andrew Azzopardi on the programme *RTK103*. The interview addressed several key topics, including the functions of the Office of the Commissioner for Health, recent findings from the *Annual Report 2023*, proactive initiatives undertaken during the year, ongoing challenges in the healthcare system, common complaints received, and strategies proposed to improve health services for the Maltese population.

Professor Galea outlined the mission of his Office and emphasised the importance of upholding the principles of high-quality, equitable, and accessible healthcare. He also discussed how the Office monitored service standards and supported individuals in navigating the healthcare system when administrative shortcomings occurred.

THE OMBUDSMAN ENGAGED WITH THE PUBLIC ON RADJU MALTA

September 5, 2024

On 5 September 2024, the Parliamentary Ombudsman, Judge Joseph Zammit McKeon, participated in the radio programme *Il-Polz taċ-Ċittadin* on Radju Malta, hosted by Mr Tonio Bonello. The programme offered listeners the opportunity to engage directly with the Ombudsman, ask questions, and voice concerns on matters of public administration and governance.

Judge Zammit McKeon opened the session by outlining the functions of the Office of the Ombudsman, which was established in 1995 to safeguard individuals against maladministration by public authorities. He acknowledged that despite the Office's long-standing presence, more needed to be done to increase public awareness, particularly among younger audiences. He explained that part of his strategy during the year had been to expand outreach through various media channels in order to inform citizens of their rights and the services available to them.

The Ombudsman discussed the Office's impact, noting that approximately 70% of its recommendations had been implemented by public authorities. He added that efforts were ongoing to persuade the administration to adopt all recommendations in the public interest, highlighting that constructive dialogue remained a cornerstone of the Office's engagement strategy.

Additional topics discussed during the programme included the need for Malta to establish a National Human Rights Institution (NHRI), the importance of sustained collaboration with public sector entities, and the continued commitment of the Office to uphold and promote the rights of individuals through impartial and effective oversight.

OMBUDSMAN MET MALTESE UNIVERSITY STUDENTS AHEAD OF THE INTERNATIONAL OMBUDSMAN CONFERENCE IN CASSINO



September 9, 2024

In preparation for the International Ombudsman Conference held in Cassino, Italy, the Parliamentary Ombudsman, Judge Joseph Zammit McKeon, met with a group of Maltese students from the University of Malta who were selected to participate in this international event. The conference, hosted by the *Difensore Civico della Regione Lazio* and *Presidente del Coordinamento Nazionale dei Difensori Civici*, Dott. Marino Fardelli, took place on 12 and 13 September 2024, and focused on the theme “*The Role of the Ombudsman as a Guarantor of Rights.*”

As part of the second Italian edition of the conference, a special session dedicated to university students was organised, offering them a unique platform to contribute meaningfully to the broader dialogue. The host institution invited the Office of the Ombudsman of Malta to nominate six students from the University of Malta to take part.

The Parliamentary Ombudsman accepted the invitation and liaised with the Faculty of Laws and the Department of Public Policy within the Faculty of Economics, Management and Accountancy at the University of Malta. Three students were selected from each academic unit. Representing the Faculty of Laws were Andrew Drago, Caitlin Mifsud, and Martina Cortis, while Rebecca Scerri, Lee Grech Coldman, and Samuel Vella were nominated from the Department of Public Policy.

The student-focused event, titled “*Rights and Active Citizenship: Youth as Protagonists,*” was held on 11 September in collaboration with the University of Cassino. It brought together students from across the globe, including Italy, Colombia, Serbia, Spain, the United States, Cameroon, Moldova, Nepal, Germany,

France, Turkey, Uzbekistan, and Ukraine. The event aimed to foster dialogue on human rights and peace from the perspective of youth engagement. One of the Maltese participants, Andrew Drago, addressed the conference, offering a Maltese viewpoint on the topic of rights and active citizenship.

During the preparatory meeting in Malta, the Ombudsman expressed his appreciation to the students for their willingness to represent their country and faculties at such an important forum. He encouraged them to participate actively and meaningfully in the conference proceedings, underscoring the value of their voices in shaping the future of human rights advocacy and civic responsibility.

THE OMBUDSMAN PRESENTED THE OMBUDSPAN 2025 TO PARLIAMENT **September 10, 2024**



Pursuant to Section 10(4) of the Ombudsman Act, 1995 (Chapter 385 of the Laws of Malta), the Parliamentary Ombudsman, Judge Joseph Zammit McKeon, submitted the *Ombudsplan 2025* to the Speaker of the House of Representatives, the Hon. Anglu Farrugia.

The *Ombudsplan 2025* outlined the planned activities and strategic initiatives that the Office of the Ombudsman intended to implement in the upcoming year. It also provided an update on the concerns and priorities raised in the previous year's Ombudsplan. The primary purpose of this annual submission was to request the necessary funding from Parliament, which, upon approval by the House of Representatives, would be allocated from the Consolidated Fund.

The year 2025 was set to mark a significant milestone for the Office of the Ombudsman, as it would commemorate 30 years since its establishment. In recognition of this anniversary, the Office reaffirmed its ongoing commitment to its core principles: protecting rights, ensuring fairness, standing for justice, and promoting good governance.

The *Ombudsplan 2025* was scheduled to be tabled in Parliament following the summer recess and subsequently made publicly available. It was also expected to be reviewed and discussed during a special session of the House Business Committee.

**PARLIAMENTARY OMBUDSMAN ADDRESSED
THE INTERNATIONAL CONFERENCE OF OMBUDSMAN IN CASSINO
September 12, 2024**



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, delivered an address at the International Ombudsman Conference held in Cassino, Italy, on 12 and 13 September 2024.

The conference brought together Ombudsmen and human rights defenders from across the globe to discuss contemporary challenges related to human rights and public administration. Judge Zammit McKeon participated in the panel titled *“Human Rights in Global Crisis: The Role of the Ombudsman,”* where he reflected on the evolving responsibilities of Ombudsman institutions in times of international instability, social fragmentation, and democratic backsliding.

The full text of his speech is reproduced below:

**SPEECH BY THE PARLIAMENTARY OMBUDSMAN OF MALTA
JUDGE EMERITUS JOSEPH ZAMMIT MCKEON DURING THE INTERNATIONAL
Conference of Ombudsman Cassino, 12th September 2024**

THE OMBUDSMAN & HUMAN RIGHTS

Not all Ombudsmen around the world are also defenders of human rights. This should not remain the case as a matter of principle.

The primary function of an Ombudsman is to investigate acts or omissions of bodies that directly or indirectly form part of Government. The Office makes recommendations when it finds that any acts or omissions of Government are unreasonable, unjust, oppressive, or improperly discriminatory, in substance breaches of a person's fundamental rights.

Historically, the Office of Ombudsman was not intended to be a human rights body. Nonetheless human rights are at the heart of the work of public services Ombuds offices. The Office is a core component of the safeguards that persons should enjoy in a democratic state. By taking a human rights based approach, Ombudsmen can put the rights of persons as a focal point of their work. When things have been done wrong by Government, justice must be done whatever it takes. A human rights based approach ensures that Government policies, processes and actions are shaped to protect human rights.

In essence this is what the rule of law is all about.

As EU Ombudsman Mrs Emily O'Reilly stated in a strong keynote speech delivered in Brussels on the 13 May 2024 although in a different context:

"The rule of law is the operating system of democracy, the engine. When it functions well, it purrs away in the background unobtrusively. We take notice only when it fails."

Today many Ombudsman Offices are also their country's National Human Rights Institutions. To date this is not the case of Malta. When we investigate bad administration by the public service, and come across breaches of human rights, we can only highlight such findings in the report we submit, but we have to stop there. We are not empowered to refer the matter to the Constitutional Court for an appropriate ruling, as is the case in some countries. Maybe this can be an issue worth delving into further when the long awaited Convention is constituted for a Reform of the Constitution of Malta.

When an Ombudsman has within his remit the power to embark on “own initiative investigations”, as is the case of Malta, what more suited can that power be translated into than when there are alleged breaches of a person’s fundamental rights, in many a situation when the person who sustains alleged breaches is hesitant to make a formal complaint ?

These are the situations for which a diligent Ombudsman should keep a careful watch for. Many a time, without his action, breaches would persist, especially in the case of vulnerable persons in the community or others who for a million reasons are without a voice.

When Ombudsmen do the right thing and investigate “tooth and nail” without cutting at corners when the rights of people are in jeopardy, they should find the support from us all in the Ombudsmen community.

Two examples :

The former Ombudsman for Slovakia, Dr Jana Dubovcová, used her own-initiative powers to investigate the decision to place Roma children, without intellectual disabilities, into schools for children with special needs. The Ombudsman concluded that the decision was not taken on educational grounds, but in fact constituted racial discrimination. The Ombudsman sought to lay her report before the National Council of Slovakia. The Council refused to discuss the report. Following this refusal, the IOI intervened with the President of Parliament and ultimately the report was discussed.

Dr Adam Bodnar, Polish Ombudsman between 2015 and 2021, appointed a Deputy to address LGBTQ issues. In response, the Government sought to drastically reduce his budget. He also spoke out about hate speech following the killing of the Mayor of Gdansk. He was sued as an individual by the State TV Company. The IOI sent a delegation to Poland to meet with key players, including NGOs, Government Ministers, the judiciary and international agencies. A formal report was launched at a press conference, which received very considerable media coverage in Poland. The positive result was that the budget was not cut in the manner that had been threatened. Dr Bodnar is now Minister of Justice in the Government led by Prime Minister Donald Tusk.

It is a proven fact that in its operations the classical Ombudsman model compliments the work of the Courts of Justice and can be a safe alternative as it is independent, objective and free of charge. The Office can shield people from acts of injustice and unfairness. The Office can intervene when a court would find no failing. This is one of the important intrinsic advantages of the Ombudsman.

Our staff are already alert to the possibility that the action of a public service provider may have breached a complainant's human rights, even if it would not otherwise have been considered to be maladministration because there was no breach of law or procedure.

And they respond accordingly.

Having independent bodies allows focus on the protection of rights when other voices are suppressed. The remarkable strength of the Ombudsman is his focus on persons and their stories. We draw our views and our strength from our casebooks. That provides the authority for our interventions.

The Office adds vigour and flavour to democracy. The Ombudsman keeps the public administration under check not only to balance any act or omission unjustly perpetrated, but also and, by no means less important, to enable the public administration to change what requires change, to make its people and standards more accountable, to adjust whatever requires adjustment, to avoid wrong decisions and place justice as its prime mover.

One final point :

The Ombudsman has proved to be a hugely successful Office for holding Government to account.

Not only has the Office helped persons achieve redress but has also brought about improvements to public services and the law.

Crucial is the value of trust in the institution.

People will vouch for the institution when through example the institution shows that it will not succumb to any sort of pressure from the public administration, although a respectful non-necessarily confrontational relationship with the public administration does not in any manner whatsoever affect trust.

To be successful, the Office has to continue to be innovative and evolve in the face of the changing challenges and opportunities.

That is our mission.

Thank you.

**PARLIAMENTARY OMBUDSMAN PARTICIPATED IN
THE INTERNATIONAL OMBUDSMAN CONFERENCE IN CASSINO
September 16, 2024**



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, participated in the International Ombudsman Conference held in Cassino, Italy, on 12 and 13 September 2024. The theme of the two-day gathering was *“The Role of the Ombudsman as a Guarantor of Rights”*, and it brought together National and Regional Ombudsmen, specialised human rights defenders, and civic institutions from around the world. The conference was organised by the *Difensore Civico della Regione Lazio* and President of the National Coordination of Civic Defenders, Dr Marino Fardelli.

The event opened with a solemn tribute at the *Pro Pace et Europa Una* monument. The Mayor of Cassino, Enzo Salera, was joined by Dr Fardelli, Judge Zammit McKeon, and the Commissioner for Human Rights of Cyprus, Maria Stylianou Lottides. Malta and Cyprus formally represented the European Regional Board of the International Ombudsman Institute during this ceremony.

Judge Zammit McKeon addressed the first plenary session of the conference, speaking on *“Human Rights in Global Crises: The Role of the Ombudsman.”* In his intervention, he emphasised the vital function of Ombudsman institutions as human rights defenders and the need for their mandates to be broadened in jurisdictions where this authority remained limited. He advocated for a human rights-based approach in the daily operations of Ombudsmen Offices and underscored the importance of empowering such institutions to act independently and with constitutional authority.

He highlighted that in Malta, for instance, the Ombudsman still did not have the legal capacity to refer cases of human rights violations directly to the Constitutional Court. He cited examples from Slovakia and Poland, where Ombudsman institutions had taken bold stances in defending against discrimination and systemic abuse, illustrating the transformative power of Ombudsman action when properly equipped.

The conference programme addressed critical topics such as socio — economic and environmental challenges, digital transformations between freedom and security, and the role of the Ombudsman in combating corruption. These sessions facilitated the exchange of best practices and reinforced international cooperation among delegates.

A special session was also dedicated to youth participation in human rights advocacy. Titled *“Rights and Active Citizenship: Youth as Protagonists”*, and held in collaboration with the University of Cassino, the session featured student representatives from across the globe, including six Maltese university students nominated by the Office of the Ombudsman. Representing the Faculty of Laws and the Department of Public Policy at the University of Malta, the students joined peers from Italy, Serbia, Moldova, the United States, and other nations. Maltese law student Andrew Drago delivered an address focusing on the right to information in democratic societies, underscoring the role of youth in fostering civic engagement and safeguarding democratic values.

The conference concluded with the *Premio Internazionale Cassino Città per la Pace*, an international peace award established in 2019 to honour Cassino’s designation as a “City for Peace” by the United Nations in 1987. The award ceremony underscored the city’s enduring legacy as a symbol of peace, reconciliation, and the protection of human dignity.

The Parliamentary Ombudsman was accompanied by Mr Paul Borg, Director General, and Mr Jurgen Cassar, Head of Communications and Research. The Office also reaffirmed its role within the International Ombudsman Institute’s European Regional Board and reiterated its ongoing commitment to strengthening international collaboration in support of justice, accountability, and the rule of law.

**STUDENTS FROM THE UNIVERSITY OF MALTA PARTICIPATED
IN A DISCUSSION DURING THE INTERNATIONAL OMBUDSMAN CONFERENCE
September 17, 2024**



As part of the International Ombudsman Conference held in Cassino, Italy, a dedicated student event titled *“Rights and Active Citizenship: Youth as Protagonists”* took place in collaboration with the University of Cassino. The session brought together university students from Italy, Colombia, Serbia, Spain, the United States, Cameroon, Moldova, Malta, Nepal, Germany, France, Uzbekistan, Ukraine, and Türkiye.

Held at Piazza Labriola, in the heart of Cassino, the event offered students the opportunity to exchange ideas and engage in meaningful debate on youth activism, human rights protection, and the importance of active citizenship in democratic societies.

The Parliamentary Ombudsman of Malta, Judge Joseph Zammit McKeon, joined the Maltese student delegation from the Faculty of Laws and the Department of Public Policy at the University of Malta for this session. Maltese law student Andrew Drago addressed the gathering, delivering a speech on the importance of the right to be informed, and its relevance to an engaged and democratic citizenry.

The Maltese students who participated in the event were: from the Faculty of Laws – Andrew Drago, Caitlin Mifsud, and Martina Cortis; and from the Department of Public Policy – Rebecca Scerri, Lee Grech Coldman, and Samuel Vella.

The event was officially opened by the *Difensore Civico della Regione Lazio* and President of the National Coordination of Civic Defenders, Dr Marino Fardelli; the Mayor of Cassino, Enzo Salera; and the Rector of the University of Cassino, Marco Dell'Isola.

COMMISSIONER FOR ENVIRONMENT AND PLANNING WAS INTERVIEWED ON RTK103

September 20, 2024



In an interview with Prof. Andrew Azzopardi on RTK103, Perit Alan Saliba, the Commissioner for Environment and Planning, discussed various aspects of his professional journey and his role within the Office of the Ombudsman.

During the interview, Perit Saliba reflected on his career path, outlined his responsibilities as Commissioner, and assessed the current state of the environment in Malta. He also elaborated on the nature of the investigations conducted by his office and discussed both the immediate and long-term changes needed in the sectors of environmental protection and planning.

The interview offered listeners valuable insights into the work of the Commissioner and the importance of strengthening accountability and sustainability in Malta's planning and environmental frameworks.

**THE OFFICE OF THE OMBUDSMAN PARTICIPATED
IN INSTITUTE FOR EDUCATION FRESHERS' DAY
September 23, 2024**



The Office of the Ombudsman participated in the Institute for Education (IfE) Freshers' Day, an event that marked the beginning of the academic year. The main objective of the Office's participation was to raise awareness about the role and function of the Parliamentary Ombudsman, with particular emphasis on the work of the Commissioner for Education, and to inform attendees of how the Office could support both individuals and public education providers.

The Institute for Education, a leading institution for further and higher education, offered Bachelor's and Master's degree programmes for those pursuing careers in education or related fields. In addition, the Institute provided professional learning opportunities through various short courses delivered in a flexible, part-time, blended learning format.

Freshers' Day served as an important event for the Institute, providing new course participants the opportunity to meet their peers in person for the first time — particularly valuable given that many courses were conducted online. The day featured introductory sessions, team-building activities, and social interactions that helped foster a sense of community among students as they began their academic journey.

The Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, attended the event and delivered a brief presentation on the work of the Office of the Ombudsman. He emphasised that the Office was available not only to assist individuals with their complaints but also played a crucial role in supporting institutions — including public educational institutions — in improving their services.

The Office's participation in this event formed part of its wider efforts to engage with educational stakeholders and to increase public awareness about its function in promoting transparency, fairness, and justice within the realm of public administration.

THE ASSOCIATION OF MEDITERRANEAN OMBUDSMAN HOLDS GOVERNING BOARD MEETING IN CYPRUS

September 25, 2024



The Governing Board of the Association of Mediterranean Ombudsman (AOM) convened in Cyprus ahead of the conference *Protecting Human Rights in the Digital Age and on Social Media*, organised by the Commissioner for Administration and the Protection of Human Rights of Cyprus, Maria Stylianou-Lottides.

This meeting marked the first under the leadership of the newly elected President of AOM, Mr Peter Svetina, the Ombudsman of Slovenia. The Parliamentary Ombudsman of Malta, Judge Joseph Zammit McKeon, participated in his capacity as Secretary General and Treasurer of AOM.

Discussions focused on key challenges currently faced in the Mediterranean basin, as well as the activities that AOM will support in the coming year. One of the main points of discussion was the upcoming conference and General Assembly, which will be held in Malta in October 2025. This event will coincide with the 30th anniversary of the establishment of the Office of the Ombudsman in Malta.

The meeting also addressed preparations for the upcoming elections to the AOM Board, ensuring that the organisation continues to promote and protect human rights across the Mediterranean region.

PROTECTING HUMAN RIGHTS IN THE DIGITAL AGE AND ON SOCIAL MEDIA DISCUSSED IN CYPRUS

September 26, 2024



The second day of the conference *Protecting Human Rights in the Digital Age and on Social Media* took place in Cyprus. The event was organised by the Commissioner for Administration and the Protection of Human Rights of Cyprus, in collaboration with the Council of Europe and the Association of Mediterranean Ombudsmen (AOM). Ombudsmen and Human Rights Defenders from across the Mediterranean basin gathered to discuss the evolving challenges of safeguarding human rights in an era of rapid technological advancement.

Key topics addressed during the day included:

- Recent developments in Artificial Intelligence (AI) at the European level.
- Legal, democratic, and ethical reflections on AI governance and human rights.
- The challenges of new technologies in the area of human rights: tackling and combating possible violations.

The Parliamentary Ombudsman of Malta, Judge Joseph Zammit McKeon, addressed the conference during a session focused on legal, democratic, and ethical reflections on AI governance and human rights.

The day's discussions underscored the importance of collaborative efforts among Mediterranean countries to establish legal frameworks that could keep pace with the rapid growth of AI and digital technologies. Participants called for a balanced approach, ensuring that innovation did not come at the expense of fundamental rights, particularly in areas such as privacy, freedom of expression, and non-discrimination.

The conference served as an essential platform for Mediterranean Ombudsmen and human rights defenders to exchange ideas, share experiences, and strengthen cooperation in addressing the challenges posed by the digital age.

The full text of the speech is being reproduced:

“Protecting human rights in the digital age”

Art. 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and Limitations on the Use of Artificial Intelligence (AI)

INTRODUCTION

As a matter of principle, developments in AI should not be allowed to proceed unhindered without due regard to the fundamental rights of the person.

While AI offers significant potential benefits, it also raises ethical, and other concerns : job displacement, privacy and bias. Responsible development and deployment of AI are essential to harness its potential for the betterment of society.

Digital technologies create challenges as far as human rights and fundamental freedoms are concerned, as they can be used for wrong (or at least dubious) purposes, like the creation and spread of fake information.

However they can also be positively instrumental for capacity building, to empower people with skills and knowledge that are required to protect and safeguard what is good in society including the protection of human rights.

This presentation is an attempt to give reasonable answers by dealing with issues relating primarily but not only to the application of Art. 8 of ECHR within the context of AI.

THE LAW

Art. 8

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

This provision, as others in the Convention which Malta has ratified, are part of the laws of Malta (Chapter 319).

We find provisions of similar content and quality in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union which state :

Art. 7

Everyone has the right to respect for his or her private and family life, home and communications.

Art. 8

1. Everyone has the right to the protection of personal data concerning him or her.
2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.
3. Compliance with these rules shall be subject to control by an independent authority.

These as other provisions of the Charter are part of Maltese Law by virtue of the Lisbon Treaty.

CASE-LAW

I shall be limit myself to aspects of the interpretation given to the notion of private life by the Strasbourg Court within the framework of Art. 8(1) of the Convention.

The essential object of Art. 8 is to protect the person against arbitrary action by public authorities. There may also be positive obligations inherent in ensuring effective “respect” for private or family life. These obligations may involve the adoption of measures designed to secure respect for private life even in the sphere of the relations of individuals between themselves. A fair balance has to be struck between the competing interests of the individual and of the community as a whole.

The case-law of the Strasbourg Court can be divided into five categories:

- Freedom from interference with physical integrity.
- Freedom from unwanted access to and collection of information.
- Freedom from serious environmental pollution.
- The right to be free to develop one’s identity.
- The right to live one’s life in the manner one’s choosing.

With regard to AI, one should pay particular attention to the second category.

As declared by the ECHR, Art 8. includes protection of the right to personal identity and to personal development.

The right to personal identity is closely linked to the right to the protection of personal data. In case of data processing, the right touches upon the right to equal treatment, and the right to protection against discrimination, stereotyping and stigmatisation.

The right to protection of personal data is not enshrined as an independent right in the ECHR. However ECHR judgements consider that in general the right to protection of personal data falls within the framework of Art 8.

In order to meet the requirements of accessibility and foreseeability, national law must provide adequate protection against arbitrary behaviour, and define in sufficiently clear terms the discretion (or margin of appreciation) granted to the competent authorities and the manner in which such discretion should be used.

The Strasbourg Court has said that interference by the State must always be dictated by what is necessary in a democratic society. Therefore safeguards must be clearly defined, suitable to prevent abuse, and proportionate to achieve the intended objective.

Any State claiming a pioneering role in the development of new technologies has special responsibility for striking the right balance.

JUDGEMENT**THE HAGUE DISTRICT COURT 05/02/2020****REF. C/09/550982/HA ZA 18/388****FACTS**

A Risk Indication System (SyRI) was devised by the Dutch Government as a statutory instrument to prevent and combat fraud in the field of social security and income-related schemes, tax and social security contributions and labour laws.

SyRI involved technical infrastructure and procedures that allow data to be linked and analysed anonymously in a secure environment so that risk reports can be generated.

It was said that the social security system is only sustainable if citizens in the Netherlands who are not entitled to benefits do not get any of them. Fraud undermines the principle of solidarity of the social security system that is financed with public money. Therefore the fight against fraud is crucial. That was the objective of the SyRI legislation.

The State argued that new technologies, including digital interventions linking files and data analysis using algorithms could offer more possibilities to the public authorities to exchange data to combat fraud.

SyRI carries out different processing operations on personal data, gathers large-scale data and generates risk notification about people likely to commit fraud, which is called “risk report”.

By means of the risk report, a legal or natural person is considered to be worth investigating in relation to possible fraud, unlawful use and non-compliance with legislation. With the deployment of SyRI, files at the disposal of government agencies are linked in a structured manner in order to be able to identify related abuses in specific areas.

In the case in point, a number of addresses in a particular district in a municipality were investigated by the intervention team for benefit fraud or tax fraud. The aim of the project was to contribute to the improvement of the living climate in that district. For this reason, the projects also explicitly had to focus on providing care and support to people who show that they care.

The legitimacy of the legislation sustaining SyRI was contested.

THE JUDGEMENT

The Court ruled that SyRI violated Art. 8 of the ECHR.

The Court considered the lawfulness of the interference within the context of the right to privacy, and found that SyRI legislation did not satisfy the condition of “necessary in a democratic society”. The risk reports have significant consequences on persons’ lives in the sense that they indicate that a specific person is worthy of investigation related to fraud.

The case focused not just on data processing operations in the deployment of the SyRI and its technical safeguards, but also other significant issues including: the mutual exchange of personal data by administrative bodies, the provision of personal data to the Minister, and profiling.

The Court considered that the provisions of Convention have to be interpreted in the light of the general principles of the Charter and the GDPR as these in some respects give further protection.

Regarding the concrete assessment of interference in the light of the EU data protection principles, the Court considered that the risk model, the indicators and the data that were actually processed were neither public nor known to those involved, and had a significant effect on the private life of the person to whom the report was referring.

In the course of the proceedings, the Court availed itself as *amicus curiae* of the services of Professor Philip Aston, United Nations Special Rapporteur who submitted a brief dated 26 September 2019. He was requested to advise whether the emphasis on poor and marginalized groups in Dutch society was justified. Professor Aston concluded that:

“The SyRI system, as well as the use of other digital technologies in the Netherlands and many other countries that are transforming welfare states into ‘digital welfare states’ pose significant potential threats to human rights, in particular for the poorest in society. These systems should be scrutinized accordingly, not just by the courts, but by governments, legislators and the whole of society.

The data which was made subject to processing in SyRI were:

- data with which a work performed by a person can be determined.
- data showing that an administrative fine was imposed on a natural or legal person, or that another administrative measure had been taken.
- information enabling the identification of tax obligations of the person concerned.
- information intended to identify the ownership and use of movable and immovable property.

- information concerning grounds for exclusion from assistance or benefits.
- data making it possible to determine the (actual) place of residence or place of business of a natural or legal person.
- identification data: In the case of a natural person:

name, address, postal address, date of birth, sex and administrative characteristics;

In the case of a legal person:

name, address, postal address, legal form, location and administrative characteristics.

- integration data: data which make it possible to determine whether a person is subject to integration obligations.
- compliance data: data that make it possible to record the compliance history of a natural or legal person with regard to legislation and regulations.
- education data: data with which the financial support for the funding of education can be determined.
- pension data: data regarding pension entitlements to be determined.
- reintegration data: data with which it can be determined whether reintegration obligations have been imposed on a person and whether these obligations are complied with.
- indebtedness data: data making it possible to determine the debts, if any, of a natural or legal person.
- benefits, allowances and grants data: data making it possible to establish the financial support of a natural or legal person.
- permits and exemptions, which are data making it possible to identify the activities for which a natural or legal person has requested or obtained consent.
- health insurance data, i.e. only the data with which it can be determined whether a person is insured under the Health Insurance Act.

THE ROLE OF THE MINISTER

The Minister can determine whether a request for deployment of SyRI satisfies the conditions at law.

Before the start of the SyRI project, a so-called kick-off meeting takes place.

If a natural person or legal entity with an increased risk is not the subject of a risk report, his or her data will be destroyed within four weeks of completion of the analysis.

The Minister will destroy any remaining data not later than two years after the start of the SyRI project. The destruction will be recorded in an official report. The destruction order does not extend to the data in the risk notifications register. A retention period of two years after the registration of the risk report applies.

THE PRIMARY CONSIDERATION

The District Court accepted the principle that new technologies can be used to prevent and combat fraud. There was also acceptance in principle that SyRI legislation is in the interest of economic welfare and therefore serves a legitimate purpose. However, the development of new technologies also means that the right to the protection of personal data becomes increasingly important. The existence of adequate legal protection of privacy in the exchange of personal data by (public) bodies contributes to public confidence in government, as does preventing and combating fraud.

Under Article 8 of the Convention, in the application of new technologies, the State has a particular responsibility to strike the right balance between, on the one hand, the benefits associated with the use of technologies to prevent and combat fraud and, on the other hand, the interference that this may cause in the exercise of the right to respect for private life.

The legislation must provide a sufficiently effective framework for the protection of the right to privacy, which includes the right to the protection of personal data, to enable all interests at stake to be considered in a transparent and verifiable manner. The legislation should also allow any person to have a reasonable expectation that his or her private life will be sufficiently respected in the deployment of SyRI.

The Court found that the SyRI legislation did not meet that requirement.

OTHER FINDINGS

Transparency requires that information should be accessible and comprehensible.

The State did not provide objectively verifiable information to enable the Court to consider the view of the State on SyRI.

SyRI legislation did not cater for an information obligation on data subjects whose data were processed in order that those persons could reasonably be expected to know that their data was the object of processing.

Nor did the legislation in question provide for an obligation to inform data subjects individually, where appropriate, of the fact that a risk notification has been made.

The risk model and the risk indicators were 'secret' including data used in a concrete SyRI project. Nothing is public nor known by the persons concerned.

There is objective difficulty for a person to defend himself against a risk report that concerns him/her.

Likewise, it is difficult to see how a data subject whose data have been processed in SyRI, but who did not result in a risk report, can be aware that his or her data have been processed on correct grounds.

The fact that data did not lead to a risk notification does not detract from the required transparency with regard to that processing. The right to respect for private life also implies that a data subject must be given a reasonable opportunity to follow his or her data.

The District Court found that the SyRI legislation does not provide sufficient safeguards to protect the right to respect for private life in relation to the risk indicators and the risk model that can be used in a concrete SyRI project. Without an understanding of the risk indicators and the risk model, or at least without further legal safeguards to compensate for this lack of understanding, SyRI legislation does not provide sufficient guidance for the conclusion that the use of SyRI always makes interference in private life proportionate and therefore necessary in the light of the abuse and fraud that is intended to be combated, as required by Article 8(2) of the ECHR.

The judgement is *res judicata*.

THE PATH AHEAD

Although the existence of intelligence services with powers of secret surveillance are tolerated under the Convention, the practice of such services must prove necessary to safeguard democratic institutions. Any interference must be proportionate to the aims pursued, and supported by relevant and sufficient reasons. Indiscriminate collection of information by State officials about persons without their consent does interfere with their private life.

Because AI refers to the simulation of human intelligence processes by machines, especially computer systems, it is essential to approach the development and deployment of AI technologies with a human rights perspective. Reaching a reasonable balance requires collaboration between governments, technology developers, civil society organizations, and other stakeholders. We all have to strive strongly in favour of a human rights compliant and respectful AI that supports human development. There is nothing inherently wrong with the tech world owning

technology, but there is something inherently worrying when developments negatively impact on the lives of people.

What solutions can we suggest so that the technology is in the service of human well-being?

1. The invocation of the language of ethics; and
2. The language of human rights Ethics is an inherently subjective issue. But using ethics to tame technology could be a way forward.

Human rights must be put at the centre not to displace ethics but to promote further protection. To protect better human rights standards in practice, we require good law both as far as principles are concerned and in the way that law is written in order to avoid loopholes. The input of technical and legal experts is crucial to obtain a fair definition. Civil society as well has a vital role to play in identifying the negative consequences of AI on human rights.

The need for innovation is good, provided no compromises are accepted to the detriment of human rights. A strongly human rights compliant and respectful AI, that is ultimately targeted to human thriving is going to be the most trustworthy AI. If AI earns trust, AI will ultimately win out.

Thank you.

**THE OFFICE OF THE OMBUDSMAN PARTICIPATED AT
THE ITS FRESHERS' DAY
September 27, 2024**



The Office of the Ombudsman participated in the annual Freshers' Day 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 is part of the ongoing outreach efforts to bring the Office of the Ombudsman closer to the public.

At the beginning of the scholastic year, the Ombudsman and the Commissioner for Education wished the students and academics a productive academic year.

**THE OFFICE OF THE OMBUDSMAN PROMOTED ITS ROLE DURING
FRESHERS' WEEK 2024 AT THE UNIVERSITY OF MALTA
October 1, 2025**



As in previous years, the Office of the Ombudsman participated in KSU Freshers' Week at the University of Malta, which took place from 30 September to 4 October 2024. This annual event provided an important opportunity for the Office to engage directly with students and academic staff and to raise awareness about its role and services.

The Office's presence at Freshers' Week aimed to inform the university community about the functions of the Parliamentary Ombudsman and the Commissioner for Education, and how these roles could support students throughout their academic journey. Informational materials, including brochures and publications, were

distributed to visitors, helping them understand how the Ombudsman could assist in cases of maladministration or unfair treatment in public education.

On 1 October 2024, the Parliamentary Ombudsman, Judge Joseph Zammit McKeon, and the Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, visited the KSU Freshers’ Week and were welcomed by Jan Proschek, Vice President for External Affairs. During their visit, they toured several stands, interacting with representatives from student organisations, public service providers, and university staff. They also held conversations with students, gaining insights into their experiences and needs on campus.

The Ombudsman and Commissioner also visited the Office’s stand, further emphasising the Office’s commitment to outreach and its ongoing efforts to ensure that young people are aware of their rights and of the mechanisms available to safeguard them. This initiative formed part of the Office of the Ombudsman’s broader strategy to foster a culture of accountability, transparency, and fairness within the public sector.

OMBUDSPLAN 2025 TABLED IN PARLIAMENT

Published October 08, 2024



Proposes an Ad Hoc Select Committee of the House of Representatives to examine reports submitted by the Office of the Ombudsman

The Ombudsplan 2025, presented to the House of Representatives by the Parliamentary Ombudsman Judge Joseph Zammit McKeon on 11 September 2025, outlines the Office of the Ombudsman’s activities, priorities, and financial

requirements for the upcoming year while reflecting on the achievements of the previous period. The document was tabled in Parliament, and a special session of the House Business Committee will be held to discuss its contents.

The report addresses several key issues that the Ombudsman believes could improve public administration and enhance the public service culture. These include:

Ad Hoc Select Committee of the House of Representatives

The Ombudsplan 2025 proposes establishing an *ad hoc* Select Committee within Parliament to examine reports submitted by the Office of the Ombudsman. This would create a formal mechanism for parliamentary oversight, ensuring the Ombudsman's recommendations are reviewed and acted upon.

The proposed Select Committee would help address the current challenge of public bodies failing to implement the Ombudsman's recommendations. The Committee would promote accountability and ensure necessary reforms to improve public administration by providing a platform within Parliament for discussion and action.

National Human Rights Institution (NHRI)

One of the key goals of the Ombudsplan 2025 is to establish the Office of the Ombudsman as Malta's National Human Rights Institution (NHRI). In 2024, the Office became an associate member of the European Network of National Human Rights Institutions (ENNHRI), marking a significant step towards full accreditation as an NHRI.

The plan outlines steps to strengthen the Office's human rights mandate, enabling it to address broader human rights issues while continuing its core work of overseeing public administration. Establishing the Office as Malta's NHRI would ensure alignment with international human rights standards and enhance its capacity to safeguard citizens' rights.

The Right to Good Administration

The Office of the Ombudsman continues to champion the right to good administration, a principle rooted in European and international law. The Ombudsplan reaffirms the Office's commitment to ensuring that public bodies act transparently, fairly, and efficiently, and respect individuals' rights in their dealings with public authorities.

Where public administration falls short of these standards, the Ombudsman investigates and provides recommendations to improve governance practices. The report stresses the importance of public bodies taking these recommendations seriously to enhance service quality, and uphold the right to good administration.

Access to Justice

The Office of the Ombudsman provides an alternative and complementary route to the courts, offering a free and accessible way for individuals to seek redress against public authorities. The report highlights the Ombudsman's unique role in addressing administrative injustice, particularly where legal fault may not be evident but procedural or ethical violations occur.

The Ombudsman plays a critical role in ensuring access to justice, especially for vulnerable individuals who may lack the resources to pursue legal action. By investigating and resolving complaints, the Ombudsman helps to ensure that individuals' rights are upheld and that public administration operates within a fair and just framework.

Reiterating Ongoing Issues

The Ombudsplan 2025 revisits issues highlighted in last year's report, on which little or no progress has been made.

Protocol No. 12 of the European Convention on Human Rights and Fundamental Freedoms

The report underscores the relevance of Protocol No. 12 of the European Convention on Human Rights, which enshrines the principle of non-discrimination. The Ombudsman's investigations frequently involve unequal treatment and discrimination within public administration. By aligning its practices with the standards of Protocol No.12, the Office ensures that public bodies respect the fundamental rights of all individuals, regardless of background.

The Ombudsplan 2025 encourages public administration to fully embrace the principles of Protocol No.12, ensuring that policies and practices do not disadvantage any group or individual.

Suspension of prescription

The Ombudsman continues to advocate for the suspension of prescriptions in cases where individuals have filed complaints with the Office. Currently, legal time limits (prescriptions) may continue to run while the Ombudsman investigates, potentially affecting a complainant's ability to seek further legal redress.

The report argues that suspending prescription during the Ombudsman's investigation would safeguard individuals' rights by ensuring their access to justice is not compromised by administrative delays or lengthy investigations.

Commitment to investigating complaints

The Ombudsman reaffirmed his commitment to impartially investigating complaints lodged by individuals against public authorities. In (Jan - Aug) 2024, the Office handled 372 complaints, reflecting a 5% increase from the previous year. This rise is attributed to heightened public awareness and the Office's proactive outreach strategy, which also led to an 84% increase in public assistance.

The Ombudsman's investigation focuses on ensuring fairness and transparency, safeguarding citizens' rights against maladministration. The report notes that the Office has strengthened its internal processes to manage an increased case volume while maintaining effectiveness.

Own-Initiative Investigations and the common good

A significant feature of the Ombudsplan 2025 is the continued emphasis on own-initiative investigations, launched without formal complaints to address systemic issues that affect large portions of society. The Ombudsman uses these investigations to promote the common good, targeting widespread concerns and recommending improvements in public administration.

The report highlights the importance of these investigations, as they go beyond individual cases to uncover deep-rooted issues that may otherwise remain unnoticed. These initiatives often lead to policy changes and reforms that benefit the public and contribute to better governance.

The Office and Public Administration

The relationship between the Office of the Ombudsman and public administration is central to the Ombudsman's role. The Ombudsplan 2025 outlines the Office's ongoing efforts to ensure public bodies uphold fairness, justice, and accountability principles. The Ombudsman acts as a bridge between citizens and public bodies, investigating complaints and offering recommendations to improve governance.

While the Ombudsman's recommendations have led to tangible improvements in several areas, the report stresses the need for stronger cooperation from public bodies. Some recommendations remain unimplemented, limiting the potential for broader systemic improvements.

THE OMBUDSMAN AND COMMISSIONER FOR EDUCATION VISITED MCAST FRESHERS' WEEK October 8, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, and the Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, visited the Malta College of Arts, Science, and Technology (MCAST) during Freshers' Week 2024. They were welcomed by Mr Horace Laudi, President of MCAST, Dr Mario Cardona, Deputy Principal for VPET (Arts and Social Sciences), and Dr Caroline Demarco, Director from the Office of the Principal.

During the visit, the Ombudsman and the Commissioner toured various stands and interacted with representatives from public entities participating in the event. They also engaged directly with students, discussing their academic experience and the support structures available to them.

The visit included a stop at the NGO section, where several non-governmental organisations were showcasing their work and encouraging student involvement in community-based initiatives. The Ombudsman spoke with representatives at the stands, taking interest in their efforts to promote civic engagement among the student population.

The visit concluded at the Office of the Ombudsman's stand, where the Ombudsman and the Commissioner met with students and academic staff. They highlighted the Office's role in promoting fairness, accountability, and the right to good administration in educational institutions.

OMBUDSMAN INTERVIEWED ON TVM NEWS ON THE OMBUDSPLAN FOR 2025

October 21, 2024

The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, was interviewed by Mario Micallef for TVM News to discuss the key proposals from the Ombudsplan 2025. During the interview, he highlighted several important initiatives aimed at improving public administration and safeguarding citizens' rights.

One of the main proposals is the establishment of an ad hoc Select Committee within Parliament. This Committee would review reports submitted by the Ombudsman and ensure that recommendations are acted upon, addressing the ongoing challenge of public bodies failing to implement these recommendations.

The Ombudsman also emphasised the goal of positioning the Office as Malta's National Human Rights Institution (NHRI). Following the Office's acceptance as an associate member of the European Network of National Human Rights Institutions (ENNHRI) in 2024, the Ombudsplan outlines steps towards full accreditation, enhancing the Office's role in promoting human rights.

Lastly, the Ombudsman reiterated his commitment to upholding the right to good administration, ensuring public bodies act transparently, fairly, and efficiently in their dealings with complainants.

THE COMMISSIONER FOR EDUCATION EXPRESSED GRAVE CONCERN AT THE SITUATION AT MCAST RESULTING FROM TRADE UNION DIRECTIVES

October 25, 2024

The Office of the Ombudsman, through the Commissioner for Education, once again expressed grave concern at the situation that developed at the Malta College of Arts, Science and Technology (MCAST) as a result of trade union directives issued to teaching staff, which risked affecting the graduation of students. This followed a previous press release issued by the Office on 18 June 2024.

According to reports received, a number of students who were expected to graduate in the weeks that followed were unable to do so because examiners, in line with the union directives, had not submitted the necessary assessment information to the administration. This prevented the proper assessment and verification processes required prior to graduation.

The Commissioner for Education noted that while applying pressure to conclude a collective agreement is a legitimate tool of trade union activity, such pressure must be exercised reasonably. When it impacts third parties — such as students on the verge of graduation — in a negative, exclusive, or disproportionate way, it amounted to an abuse of the collective bargaining process.

The Commissioner underlined that graduation is a unique milestone, typically shared collectively by an entire student cohort. It was therefore deeply unjust that some students risked exclusion from this event solely due to unresolved industrial action.

The Commissioner for Education urged the parties involved in the dispute to reach a temporary understanding specifically on the submission of assessment data required for graduation purposes. He also reiterated his appeal for the parties to engage in genuine and constructive negotiations to achieve a comprehensive agreement on all outstanding matters, particularly in view of the impact on the rights of students.

**PARLIAMENTARY OMBUDSMAN PARTICIPATED IN ENNHRI
GENERAL ASSEMBLY TO ADVANCE THE PROTECTION OF HUMAN RIGHTS
October 28, 2024**



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, participated in the General Assembly of the European Network of National Human Rights Institutions (ENNHRI), which took place in Brussels on 28 and 29 October 2024. The General Assembly, ENNHRI's highest decision-making body, brought together all member institutions to shape the network's policies, strategic direction, and operational framework.

Meeting bi-annually, the General Assembly set ENNHRI's guiding principles, approved the annual budget, and adopted its strategic and operational plans. Decisions were made by consensus where possible, with voting by 'A' status NHRI members as required. The Office of the Ombudsman in Malta became an Associate Member of ENNHRI in February 2024.

Opening the first session, Louise Holck, Director of the Danish Institute for Human Rights and Chair of ENNHRI, reaffirmed the network's commitment to upholding high standards across National Human Rights Institutions (NHRIs). She outlined ENNHRI's vital role in strengthening, supporting, and connecting NHRIs, particularly those facing institutional challenges or threats.

Following the Chair's introduction, Debbie Kohner, Secretary General of ENNHRI, presented the network's Strategic Plan and its implementation timeline. The core aim of the plan was to promote and protect human rights and the rule of law through a resilient and sustainable network of NHRIs. The strategy provided a structured framework to adapt to shifting regional dynamics while reinforcing ENNHRI's commitment to building the capacity of its members.

ENNHRI also announced its intention to launch a participatory process for future strategic planning. This would allow the network to respond to emerging human rights challenges in Europe and ensure that its priorities and activities remain relevant and effective.

The General Assembly formally reviewed and approved ENNHRI's Strategic Plan, its operational plan, and the accompanying budget required to implement these initiatives. This collective endorsement reflected the shared commitment of member institutions to create a strong and impactful network that enhances human rights protections across Europe.

The Parliamentary Ombudsman's participation reaffirmed Malta's ongoing commitment to advancing human rights and engaging actively within ENNHRI. Through its Associate Membership, the Office of the Ombudsman furthered its efforts to advocate for the establishment of a National Human Rights Institution (NHRI) in Malta. This step was considered integral to preparing the Office for an expanded mandate in line with the Paris Principles.

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

THE PARLIAMENTARY OMBUDSMAN PARTICIPATED IN ENNHRI BOARD INTRODUCTION MEETING AHEAD OF THE GENERAL ASSEMBLY

October 28, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, participated in an introductory meeting with the Board of the European Network of National Human Rights Institutions (ENNHRI) ahead of the ENNHRI General Assembly. The meeting served to introduce newly joined members to the Board, following Malta's application for Associate Membership in January and its acceptance in February 2024.

During the session, the ENNHRI Board provided an overview of the network's operations and the various forms of support it offered to its members, including opportunities for collaboration. Louise Holck, Director of the Danish Institute for Human Rights and Chair of ENNHRI, opened the meeting by explaining how ENNHRI assisted members facing challenges. She highlighted the network's role in facilitating the exchange of experiences, encouraging mutual learning, and contributing to the promotion and protection of human rights across Europe.

Debbie Kohner, ENNHRI's Secretary General, elaborated on the distinct role of National Human Rights Institution (NHRI) heads in their respective countries and outlined ENNHRI's various initiatives designed to support NHRIs. She emphasised the organisation's commitment to guiding members through the accreditation process and helping them achieve 'A' status in accordance with the UN Paris Principles, while also working to strengthen their institutional capacities.

In his introductory remarks, the Parliamentary Ombudsman expressed his appreciation for ENNHRI's support in reviewing the Ombudsman Act and preparing proposed amendments to be submitted to Government. These amendments were intended to align the legislation with the Paris Principles and support Malta in its effort to achieve 'A' status NHRI accreditation. He shared his vision to expand the remit of the Office of the Ombudsman to encompass the promotion and protection of human rights, thereby broadening access to justice in Malta.

This introductory meeting preceded the ENNHRI General Assembly, held in Brussels on 28 and 29 October. ENNHRI brings together over 40 NHRIs across Europe, providing a collaborative platform that fosters solidarity in addressing human rights challenges and delivering a unified voice at the European level.

EDUCATIONAL TALKS ABOUT THE OMBUDSMAN AND GOOD GOVERNANCE EXTENDED TO PUBLIC SECONDARY SCHOOLS

November 5, 2024



The Office of the Ombudsman and the Ministry for Education, Sport, Youth, Research and Innovation agreed to extend the educational talks initiative to public secondary schools. This decision followed a successful pilot programme conducted in Church secondary schools, which received positive feedback and strong engagement from students and educators.

Originally launched in the previous scholastic year, the educational talks aimed to deepen students' understanding of governance, civic responsibilities, and the role of the Ombudsman in Malta. Designed for students in Years 10, 11, and Sixth Form,

the sessions fostered greater awareness of democratic values and good governance among young people.

The talks covered key topics such as the role and functions of the Ombudsman, emphasising how the Ombudsman acted as a mediator between the public and the government to ensure fairness and justice. They featured real-life examples to demonstrate the positive impact of the Ombudsman's interventions on public administration.

Additionally, the sessions explained the free services provided by the Office of the Ombudsman, detailing the investigation process and the Ombudsman's relationship with Parliament. Emphasis was placed on the relevance of these services to all citizens, including students.

A crucial element of the talks was the focus on effective public administration. Discussions explored the importance of transparency, accountability, and efficient governance, and educated students about their rights to good administration and how they could contribute to a transparent and accountable public sector.

The decision to expand the initiative to public secondary schools was reached after discussions between the Office of the Ombudsman and the Ministry for Education, Sports, Youth, Research and Innovation.

Both parties recognised the importance of educating students about civic duties and the institutional mechanisms that support democratic principles in Malta.

The Office of the Ombudsman remained committed to inspiring a new generation equipped with the knowledge and values to contribute positively to society.

THE OMBUDSMAN: TRUSTED, CREDIBLE

November 11, 2024

Opinion Piece published on the Times on 11 November 2024

Unlike what some people state, the constitutional Office of the Ombudsman is definitely not a toothless institution. Such statements are untrue, unfair and far from reality.

When the Office investigates a person's written complaint, and finds that the complaint is well-founded, recommendations not executive orders are submitted to the public administration. Such a rule of law in itself does not make the institution ineffective or toothless.

Past experience has shown that when the public administration is approached in an aggressive manner, such confrontation, although the easiest one can imagine or in which one may engage, is definitely short-lived, ineffectual and inconclusive where remedies are concerned.

Since the 8th March 2023, the Office has insisted with the offices of the public administration that the administrative organs of Government should abide strictly by the rule of law and transpose the fundamental principles of justice and fairness in their day-to-day operations.

At the same time, the Office embarked on a bridge-building strategy with the public administration for the latter to change or mend its ways where change is required. Such a strategy has proved successful.

Had the Office been toothless, the 764 persons who sought its assistance in 2024 – double the number of 2023 – would have been left astray.

Also as at the 31st October 2024, the Office received 492 written complaints, an 8% increase for the same period in 2023 and a 26% increase on 2022 for the same period.

The public has trust in the Office because the Office is independent of Government and delivers. In 2024, the Office successfully closed 511 complaints, an increase of 10% on the previous year.

What still needs to be done is for all the other public offices to do their part.

Although the Office makes recommendations and does not impart executive orders, the extent of the recommendations carries strong moral authority and therefore the fact that they are not executive in nature is definitely not a weakness. Institutional mechanisms that provide remedies in the event of the breach of a right by the public administration may be absent, weak, or not easily accessible for marginalized and disempowered social groups.

Judicial remedies, though generally effective, may well be out of the reach of persons without a voice or the most vulnerable. Consequently, the Ombudsman institution, with its capacity for fast, informal, expense free resolution of complaints assumes an extraordinary importance for disadvantaged persons and social groups. Its investigations disclose systemic weaknesses in both policy and administration and at the same time recommend doable and effective remedial action.

The public administration acknowledges that implementing recommendations reinforces good governance and encourages public confidence. Quite frankly there is no alternative to such a positive attitude because the public administration cannot

afford reputational damage and erosion of trust when it ignores the Ombudsman for many a reason, including fear of moving the status quo.

In 2024, 17% of recommendations were not accepted by the public administration. Because the Office wants to deliver, it is insisting that Parliament should have a clear and unequivocal say on the recommendations that are tabled because they were not put into effect. The Ombudsman can speak in no uncertain terms because it is impartial and independent. These are matters that the public hold high in their priorities first and foremost their peace of mind.

Despite the opinion of some that it is toothless, the Office has a proven credibility, because it strongly believes and promotes a culture of integrity and ethical conduct by all, especially the public administration that owes its very *raison d'être* to the public. The Office intends to and will remain on the front line where justice, fairness and good governance are concerned.

An absence of good governance and/or rule of law endangers the very essence of democracy. The Ombudsman safeguards good governance. By so doing it supports the rest of the social fabric by impeding the maladministration of government offices. The Office assures the public that it is not a toothless institution. Nor is it a burden on the public purse. Within the framework of its mandate, the Office will continue to strive and vouch for full transparent and accountable democratic control of the operations of the State.

THE OFFICE OF THE OMBUDSMAN AND THE BUSINESS COMMUNITY -
ARTICLE BY THE OMBUDSMAN ON 'MOVERS AND SHAKERS 2024'
November 13, 2024



Article published on Movers and Shakers 2024 - An Official publication of the Malta Chamber

The objective of the Office of the Ombudsman (which includes the Commissioners) is not simply to investigate complaints submitted in writing by persons with regard to the exercise of administrative functions by Government or any public authority or public body to which Chapter 385 applies, but also to promote a public service culture based on fairness and accountability by democratic scrutiny and control that counters malpractice and misplaced bureaucracy.

Any physical person of any nationality, and any “legal” person, can submit a written complaint against a public authority to which Chapter 385 applies. This point of law and of fact should encourage the business community to come forward to the Office of the Ombudsman and file written complaints when public authorities fail to give redress. I very much hope that what I shall be stating today will suffice to satisfy the business community that the Office of the Ombudsman is there for them as well when they feel that public authorities have failed them.

First and foremost. The fact that at law the Ombudsman (and the Commissioners) make recommendations and not executive orders does not in any manner whatsoever make the Office a useless or toothless institution as some mistakenly think. Experience has disproved this wrong impression. The majority are the cases where the public administration endorses and implements recommendations. Where in the minority of cases the public administration holds back, the Ombudsman can react by referring the matter ultimately to the House of Representatives. The Commissioners and myself have used this discretion with prudence and attention on numerous instances where it was felt that the matter or the issues involved were of public interest. There have been cases on record where recommendations were applied at that final stage. The Office considers non-implemented recommendations as missed opportunities for the public administration to put its act in order. When the Office recommends against the public administration in individual complaints, the public administration would be wrong to consider the Office as an adversary of some sort. Many a time recommendations push towards changes in “red-tape” methodology that could have been acceptable years back but which are no longer relevant today.

In its investigations, the Office strives to ensure fair treatment, promote transparency, and facilitate resolution in a neutral manner. The Office operates according to principles of secrecy and confidentiality, meaning that persons can share their concerns without fear of reprisal. This unique approach that is required at law fosters trust, as persons feel secure in discussing sensitive issues without the

concern that information could be disclosed to others. Ombudsmen are expected to be impartial and fair in their assessments and interventions.

In my eighteen months in office, I have seen this happen and can therefore convincingly state that complainants and the public administration are treated alike equitably. Accessibility of the Ombudsman is crucial. At the Office we have done our very best to be approachable and available when needed. Knowing that there is a reliable and responsive channel for conflict resolution contributes to a sense of trust in the Office. Another positive fact is that the operations of the Office are clear and understandable because in essence they are open to scrutiny.

The independence of the Office is its benchmark. Because it is a constitutional institution, that is separate and distinct from the other organs of the State, the Office has been decisive in identifying weaknesses, malfunctions, failures and bad practices in the administration of public bodies. The Office has proved itself to be fast, resolute, informal and inexpensive. As an overseer of Government, the Ombudsman has the tangible ability to ensure that the public administration conducts itself lawfully, makes decisions reasonably, and treats all persons equitably and fairly.

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 really and truly the everyday lives of people who knock at the doors of the public administration.

I have done my fair share to convince Government and the public administration to move away from arguments that favour a status quo approach. The Ombudsman has proved to be a successful mechanism for holding the Executive to account because people trust the institution. People will vouch for the Office when it shows that it will not give in to pressure of any sort from the public administration, although a respectful non-necessarily confrontational relationship with the public administration does not affect trust. The Office has to continue to be innovative and adapt to changing challenges and opportunities.

The Office is there for all without any distinction whatsoever to avail oneself of its services. Our commitment is there for all to experience.

**THE COMMISSIONER FOR EDUCATION ADDRESSED
bBrave's ANTI-BULLYING WEEK AWARD CEREMONY
November 18, 2024**



The Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, delivered a compelling address at bBrave's Anti-Bullying Week Award Ceremony, held under the theme *"The Right to a Safe Learning Environment."*

During his speech, the Commissioner highlighted the profound impact of bullying, describing it as an affront to human dignity. He emphasised that bullying, in any form or medium, constituted a violation of fundamental human rights and could not be justified under any circumstances.

The importance of human dignity and the rule of law

The Commissioner explained how human dignity and the rule of law were foundational to all international and national frameworks for fundamental rights and freedoms. Drawing on the teachings of Immanuel Kant, he underscored that every individual possessed an intrinsic dignity that transcended age, status, and physical or intellectual capacity. This dignity, he stressed, remained inviolable, regardless of circumstances.

He noted that the rule of law obliged governments and states to protect and promote human dignity. It ensured that no individual, including those in positions of authority, stood above the law and that legislation was applied fairly, without discrimination, and in the interest of the common good.

Addressing modern bullying

Reflecting on contemporary challenges, the Commissioner discussed how bullying manifested subtly in various contexts, including schools, workplaces, and organisations. He stressed the importance of equipping individuals with the tools to detect and combat bullying, particularly in its early stages.

He also referred to the findings of the *November 2023 Report on the Study on Bullying and Ostracism at the Workplace in Malta*, noting its examples of anti-bullying legislation from foreign jurisdictions.

Key legislative references

The Commissioner highlighted two significant legislative provisions that underscored the protection of human dignity. The first was Germany's Basic Law, specifically Sub-article (1) of Article 1, which stated: *"Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority."* This provision emphasised the dual responsibility of the state to both respect and actively protect human dignity.

The second was Article 1 of the EU Charter of Fundamental Rights, which declared: *"Human dignity is inviolable. It must be respected and protected."* This article served as a foundational principle for EU member states, including Malta, reinforcing their obligation to uphold and safeguard human dignity.

Concluding remarks

The Commissioner thanked bBrave for the invitation to the ceremony and praised the organisation's commitment to promoting a safe learning environment for all. He concluded by emphasising the importance of ongoing dialogue and proactive measures to address bullying in all its forms.

The event served as a powerful reminder of the collective responsibility to uphold human dignity and ensure safe spaces for learning and personal development.

OFFICE OF THE OMBUDSMAN PARTICIPATED IN IPCAN SEMINAR IN PARIS**November 24, 2024**

On 8 November 2024, the Office of the Ombudsman participated in the 8th seminar of the Independent Police Complaints' Authority Network (IPCAN) held in Paris. Represented by Senior Investigator Dr Brian Said, the seminar brought together international bodies overseeing security forces to address critical issues at the intersection of law enforcement and human rights.

Focusing on Law Enforcement and Persons with Disabilities

A significant portion of the seminar was dedicated to the relationship between law enforcement and persons with disabilities. Participants highlighted rights violations occurring across member states, including instances of harassment, discrimination, and excessive use of force — often the result of inadequate training and awareness among police officers. Concerns were also raised about the treatment of individuals with mental health disorders, where misunderstandings frequently led to unnecessary escalation and the unjustified use of force.

Accessibility was flagged as another major issue, with many police services and detention facilities still lacking the necessary accommodations for persons with disabilities. These deficiencies were seen as undermining the dignity of affected individuals and obstructing their access to justice.

In response, IPCAN members issued the Declaration of Paris, which recommended:

- The inclusion of disability-specific provisions in law enforcement codes of ethics and legislation;
- Comprehensive training for law enforcement personnel to identify and respond appropriately to the needs of persons with disabilities;
- Tightened regulation of the use of force, particularly where individuals with mental disorders were concerned, with an emphasis on de-escalation techniques;
- Full accessibility of police services and detention facilities for persons with mobility and sensory impairments;
- The adaptation of complaint procedures to accommodate individuals with hearing impairments and other disabilities.

Addressing the Use of New Technologies

The seminar also addressed the growing use of new technologies in policing, such as body-worn cameras. Discussions focused on striking a balance between the benefits of these tools and concerns related to privacy, data protection, and their evidentiary role. Participants exchanged experiences to identify best practices and prevent potential infringements of rights resulting from technology use.

Céline Roux, Deputy at the Defender of Rights in France, presented key insights on Article 77 of the European Union's Artificial Intelligence Act. This provision empowers national authorities to oversee the deployment of artificial intelligence in law enforcement to ensure the protection of fundamental rights.

Commitment to Upholding Rights and Ethical Practices

At the conclusion of the seminar, IPCAN members reaffirmed their commitment to promoting ethical policing that fully respects fundamental human rights. They pledged to uphold the principle of reasonable accommodation in their institutional structures, daily operations, and interactions with service users in their respective countries.

The Declaration of Paris stood as a strong call to action, urging public authorities across Europe to implement the recommended measures and thereby improve the relationship between law enforcement agencies and persons with disabilities.

OMBUDSMAN ENGAGED WITH FINAL-YEAR MCAST JOURNALISM STUDENTS **November 25, 2024**



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, held an informative session with final-year Bachelor of Arts (Honours) in Journalism students from the Malta College of Arts, Science and Technology (MCAST). This engagement formed part of the students' hands-on learning experience, providing them with deeper insights into the roles and functions of key democratic institutions. Welcoming the students, the Ombudsman emphasised the importance of future journalists understanding the purpose and function of integrity institutions. He underscored the media's role as a key stakeholder in supporting the Ombudsman's mission, particularly in promoting transparency and accountability. He cited examples of investigations that had originated from media reports, resulting in successful resolutions and recommendations for redress.

During the session, the Ombudsman outlined the mission and legal framework of his office, going through the Ombudsman Act step by step and explaining its

provisions through practical examples. He illustrated how the Office assisted individuals seeking redress for acts of maladministration and described the complaint-handling process, the institution's interactions with public authorities, and its wider contribution to good governance and the rule of law.

The Ombudsman stressed that a democracy without the rule of law, good governance, accountability, and transparency was incomplete. He reiterated the importance of integrity institutions — such as the Office of the Ombudsman, the National Audit Office, and the Commissioner for Standards in Public Life — in maintaining the system of checks and balances necessary for a healthy public administration.

The students participated actively, posing a wide range of questions. These included inquiries about the independence of the Ombudsman, the process of own-initiative investigations, the procedures surrounding the Ombudsman's appointment, and the institution's role in defending individuals' rights.

Accompanied by their lecturer, Dr Natalino Fenech, the students expressed appreciation for the opportunity to engage directly with the Ombudsman. Concluding the two-hour session, Judge Zammit McKeon wished them success in their future careers, emphasising their vital role in upholding an informed, just, and accountable society.

THE OMBUDSMAN MET THE AMBASSADOR OF FRANCE TO MALTA

November 27, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, received a courtesy visit from the Ambassador of France to Malta, H.E. Sandrine Lelong-Motta. The meeting formed part of the Ombudsman's ongoing outreach initiative to engage with various sectors of society, including the diplomatic community.

Welcoming the Ambassador, the Ombudsman explained that the Office of the Ombudsman in Malta was committed to serving both Maltese nationals and all individuals who might experience acts of maladministration by the Maltese public administration. This included French nationals residing in or visiting Malta. He emphasised the institution's dedication to ensuring fairness and justice for everyone, regardless of nationality.

Ambassador Lelong-Motta expressed appreciation for the meeting and thanked the Ombudsman for extending his office's services to French nationals. She noted that this opportunity would undoubtedly benefit French citizens in Malta by enhancing their awareness of the support available to them.

During their discussion, the Ombudsman elaborated on his role in international forums, particularly as Secretary General and Treasurer of the Association of Mediterranean Ombudsmen (AOM). He highlighted that the AOM brought together Ombudsmen from across the Mediterranean basin to discuss and address common challenges. As a founding member, France had always played a significant role in the organisation.

The Ambassador acknowledged the importance of such international collaborations in tackling shared issues affecting Mediterranean countries, particularly migration and the effects of climate change. She recognised the AOM as a vital platform for fostering dialogue and developing collective solutions.

The Ombudsman also informed the Ambassador about the forthcoming 30th Anniversary commemorations of the Office of the Ombudsman, which would culminate in an international conference in October 2025. The conference, themed "*Upholding Good Governance in Challenging Times – The Mandate of the Ombudsman*," would gather ombudsmen and governance experts to discuss the evolving role of Ombudsman institutions in promoting transparency and accountability.

He further updated the Ambassador on the institution's efforts to broaden its remit to include the promotion and protection of human rights. The Ombudsman reiterated that his Office had all the necessary credentials to function as Malta's National Human Rights Institution (NHRI).

Concluding the meeting, Ambassador Lelong-Motta remarked on the value of such engagements, especially early in her tenure as Ambassador to Malta. She welcomed the opportunity to become better acquainted with the work of constitutional offices such as the Office of the Ombudsman and recognised their crucial role in upholding good governance and the rule of law.

THE OFFICE OF THE OMBUDSMAN HOSTED AN EDUCATIONAL SESSION FOR MARIA REGINA COLLEGE STUDENTS

November 29, 2024



The Office of the Ombudsman welcomed twenty Year 10 students and three teachers from Maria Regina College, Mosta Secondary School, for the first educational talk of the scholastic year focused on the Ombudsman and good governance for public secondary schools.

The students participated in an interactive session led by the Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano. He explained the Ombudsman's role in promoting good governance and the rule of law, highlighting how the institution acted as a mediator between the public and government to ensure fairness and justice.

The students engaged actively throughout the session, showing keen interest in learning about their rights and the mechanisms that supported transparency and accountability in public administration.

This session formed part of a collaborative initiative between the Office of the Ombudsman and the Ministry for Education, Sport, Youth, Research and Innovation to extend educational talks to public secondary schools. Following the successful pilot programme involving Church schools the previous year, these talks aimed to deepen students' understanding of governance, civic responsibilities, and the importance of democratic values.

Designed for students in Years 10, 11, and Sixth Form, the talks covered topics such as the functions of the Ombudsman's Office, the complaint-handling process, and how citizens could contribute to a transparent and accountable public sector.

Through this initiative, the Office of the Ombudsman reaffirmed its commitment to fostering awareness among young people and inspiring a new generation equipped to contribute positively to society.

THE OMBUDSMAN AND COMMISSIONER FOR EDUCATION MET WITH MCAST PRINCIPAL

December 2, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, and the Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, met with the principal of the Malta College of Arts, Science, and Technology (MCAST), Mr Stephen Vella. This marked the first official meeting between the Office of the Ombudsman and Mr Vella since he assumed his role as principal in September 2024.

The meeting focused on issues of mutual interest and explored ways to strengthen the relationship between MCAST and the Office of the Ombudsman. Discussions

centred on improving collaboration during case investigations and implementing recommendations more effectively. Both parties committed to enhancing communication channels to facilitate smoother processes and better outcomes.

Through its outreach initiatives, the Office of the Ombudsman aimed to provide information about its functions and services to students and academic staff, particularly through its participation in MCAST Freshers' Week. Beginning next year, the Office of the Ombudsman planned to coordinate with Parliament and other integrity institutions — namely, the National Audit Office and the Commissioner for Standards in Public Life — to set up a joint, larger stand to raise awareness about the role of integrity institutions in society.

Also in attendance were Dr Caroline Demarco, director in the Office of the Principal and MCAST liaison officer with the Office of the Ombudsman, and Mr Jurgen Cassar, Head of Communications and Research.

OMBUDSMAN DELIVERED CONCLUDING REMARKS AT POLICY, POLITICS AND GOVERNANCE RESEARCH SYMPOSIUM

December 2, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, delivered the concluding reflections at a research symposium organised by the Department of Policy, Politics and Governance within the Faculty of Economics, Management and Accountancy (FEMA).

The event showcased diverse research projects undertaken by students, addressing critical issues in governance, policy-making, and public administration.

In his welcome address, Professor Mario Thomas Vassallo, head of department, highlighted the department's commitment to fostering interdisciplinary collaboration among undergraduate and postgraduate students, leading to innovative approaches to complex policy challenges.

Professor Vassallo also announced an upcoming collaboration: the launch of an M.A. in Ombudsman Law and Governance. This postgraduate degree programme, developed jointly with the Faculty of Laws and the Office of the Ombudsman, was scheduled to commence in the 2025/26 academic year.

Professor Emanuel Said, dean of the Faculty of Economics, Management and Accountancy and the rector's delegate to the Institute for Public Services, also addressed the symposium. He spoke about "FEMA: A Faculty on the Move," highlighting the faculty's ongoing initiatives to advance education and research. Professor Said emphasised FEMA's commitment to developing leaders out of ordinary people, underscoring the faculty's role in shaping future policymakers and public administrators.

The symposium featured presentations on a wide range of pertinent topics. Lorraine Abela Vassallo examined "*The Budgeting Process within Maltese Government Entities: Autonomy vs Control*," assessing how central government oversight impacts the autonomy of extra budgetary units. Her study revealed that while central control is essential for accountability and transparency, a balance is necessary to ensure operational efficiency.

A discussion panel moderated by Dr Marguerite Camilleri included insights from researchers on public management issues. Lily Abela presented her work on "*Solar Entitlements for Owners of Photovoltaic Systems in Malta*," highlighting the urgent need for a dedicated solar rights policy to advance sustainable energy adoption.

Stephen Bonanno evaluated "*Body-Worn Cameras and Their Impact on Policing*," discussing how this technology enhances accountability but raises privacy concerns that must be carefully managed. Carl Muscat explored "*The Use of AI as an HR Toolkit within the Maltese Public Service*," recommending policy reforms to address security, training, and data management in implementing artificial intelligence.

Further contributions included Gorg Vella's analysis of "*The Rave as a Protest Towards the State*," which explored how Maltese rave communities influence public policy through coalition-building or acts of dissent.

Glen Falzon discussed "*Malta's Low Fertility Rate: The Implications for the Political Economy*," emphasising the need for comprehensive policies that integrate economic, social, and cultural interventions to address demographic challenges.

In his concluding reflections, the Parliamentary Ombudsman commended the students and academics of the Department of Policy, Politics and Governance for their invaluable contributions in promoting transparency and accountability in society. He emphasised that policymakers and public administrators should be guided by the principles of the right to good administration, which are pivotal for a more open and informed society.

The Ombudsman stressed the importance of continuously monitoring public funds, enhancing knowledge and training, strengthening internal controls and audit mechanisms, and fostering good governance and integrity. He highlighted that academic training and specialisation in the public sector were crucial for delivering professional services to the public and for preventing maladministration.

Expressing his satisfaction with the quality of the students' research, the Ombudsman encouraged continued collaboration between academic institutions and public bodies. Such partnerships, he noted, were instrumental in nurturing informed professionals who would contribute positively to Malta's governance and public administration.

**PARLIAMENTARY OMBUDSMAN PARTICIPATED IN HIGH-LEVEL CONFERENCE
ON THE EFFECTIVENESS OF OMBUDSMAN INSTITUTIONS AND NHRIS
December 5 – 6, 2024**



The Parliamentary Ombudsman of Malta, Judge Joseph Zammit McKeon, participated in the high-level Bled Conference on the effectiveness of Ombudsman Institutions and National Human Rights Institutions (NHRIs), hosted by the Human Rights Ombudsman of Slovenia to mark the 30th anniversary of that office. The event brought together institutional leaders, international experts, practitioners,

and policymakers to assess and enhance the roles of Ombudsman Institutions and NHRIs in addressing modern human rights challenges.

The conference aimed to evaluate institutional effectiveness, identify emerging human rights issues — including those related to digital transformation, artificial intelligence, climate change, migration, and ageing — and foster international cooperation and innovation. Peter Svetina, Human Rights Ombudsman of Slovenia, opened the event by underlining the importance of independence and professionalism in Ombudsman Institutions as vital cornerstones of democratic societies and the rule of law.

H.E. Urška Klakočar Zupančič, President of the Slovenian National Assembly, emphasised the need to transform written rights into shared values through awareness, vigilance, and consistent advocacy. In a video message, Prof. Michael O’Flaherty, Commissioner for Human Rights of the Council of Europe, stressed the complementary power of integrating Ombudsman and human rights mandates.

Dr Marko Bošnjak, President of the European Court of Human Rights, addressed the need for institutions to evolve in response to rapid technological and environmental changes. His remarks set the tone for the day’s panel discussions.

The first panel examined the effectiveness of Ombudsman Institutions and NHRIs, with insights from Dr Andreas Pottakis (Greece), Maria Lúcia Amaral (Portugal), Anahit Manasyan (Armenia), and Dr Milan Brglez (Slovenia), moderated by Prof. Jernej Letnar Čerňič. The second panel explored digital-era challenges such as AI, digital inclusion, cybersecurity, and misinformation. Panellists included Reinier van Zutphen (Netherlands), Adv. Kholeka Gcaleka (South Africa), Marina Ceyssac (Monaco), and Prof. Marko Grobelnik, moderated by Erinda Ballanca (Albania).

On the second day, Judge Zammit McKeon contributed to a panel discussion on “*Ombudsman Institutions Addressing Complex Human Rights Challenges — Climate Crisis, Migration, and Ageing Society.*” He joined Maria Stylianou-Lottides (Cyprus), Dr Dijana Možina Zupanc (Slovenia), and Dr Ákos Kozma (Hungary), moderated by Tena Šimonović Einwalter (Croatia). The session examined how these interconnected crises are reshaping the human rights landscape and public administration responses.

The Ombudsman highlighted the need for vigilance in defending human rights, especially when issues are no longer theoretical but present immediate risks. He urged for action-oriented, practical solutions, particularly for climate-displaced persons, ageing populations, and the integration of migrants.

The final panel, featuring Emily O'Reilly (European Ombudsman) and Rafael Ribó (former Catalan Ombudsman), explored innovation, resilience, and digital transformation in the work of Ombudsman Institutions. O'Reilly emphasised that in a shifting global environment, the defence of human dignity must remain steadfast and creative.

Throughout the two-day event, the conference reinforced the critical role of Ombudsman Institutions and NHRIs in ensuring rights-based governance. Discussions emphasised flexibility, collaboration, and the power of “soft law” when paired with moral authority, strategic outreach, and committed leadership.

Judge Zammit McKeon’s participation strengthened Malta’s ongoing commitment to good governance, human rights, and the evolving role of Ombudsman institutions in facing contemporary challenges.

The speech of the Ombudsman is being reproduced in full:



Speech by the Parliamentary Ombudsman of Malta Judge Emeritus

Joseph Zammit McKeon

Friday 6th December 2024, Bled, Slovenia

Introduction

There are Ombuds institutions which have a remit that directly includes investigations on breaches of human rights. There are others (like mine) where the human rights remit is only indirect. Nonetheless, whatever the extent of the remit, watching out for breaches of human rights in the course of investigations is not only reasonable but a must. An Ombuds institution has to keep a proper

and careful lookout to human rights challenges that require prompt attention and concerted action.

Climate crises

Climate change is a global challenge. Many including myself believe that over a relatively short span of time it will become a human rights issue. Dogmatic scholars could consider this statement as being farfetched. With all due respect, I disagree.

Human rights investigations are in continuous evolution and require constant attention because the powerful and the abusers continue to remain powerful while the down-trodden continue to be so if not even more.

We witness an absence of global governance. Because of this, the development of common strategies regarding the protection of the basic human rights of people displaced by climate-induced migration are difficult to devise. After all we are out to achieve clear, fair and achievable plans of action rather than academic documentation.

Institutions like ours are there to show through their daily programmes and activities that human rights dogmatism is a matter of the past. Legal provisions require reflection and adjustment. Existing regional and international human rights standards in the context of climate change do not fit into present human rights categories, and progressive interpretation bears the risk of arbitrary and unjust results as well as overstretching the rules of interpretation.

Should therefore be an autonomous human right to climate protection?

The answer is most certainly not a quick one.

A new human right to climate protection would respond to basic human needs and could allow for establishing clear legal standards that have the potential to strengthen human rights protection and secure pre-existing rights.

One month before COP26, the UN Human Rights Council for the first time recognised a clean, healthy, and sustainable environment as a human right, and created a mandate for a Special Rapporteur on the promotion and protection of human rights in the context of climate change.

In the absence of adequate progress in the international climate change negotiations, persons in some countries have taken national legal action. This is hardly surprising, when one considers that on the international level there has been a general failure to accept that basic human interests and needs are already

affected or threatened by climate change. Regional human rights systems have yet to be decisive on the relationship between human rights and climate change.

Although domestic litigation may inspire future decisions at the regional and international level, they still reflect specific domestic approaches that are founded on national laws. A case in point was the judgement given on the 24 March 2021 by Germany's Federal Constitutional Court where the Court found that the German Climate Change Act 2021 was partly unconstitutional because it did not sufficiently mitigate the burden put on the future exercise of freedom rights by the emissions allowed until 2030. The ruling represents a milestone for climate protection in Germany and also deserves attention beyond Germany's borders. The Constitutional Court set a strong signal for more climate change, making clear that the protection of the climate is a constitutional obligation.

The difficulties lie in the fact that regional and international human rights institutions operate within specific normative framework. Due to its extensive environmental case law ("Guide to the case law of the Court on Environment" – last update 31st August 2023) the European Court of Human Rights (ECtHR) can serve as a sound example in the handling of dogmatic hurdles that arise in the context of climate change. A clear and welcoming direction was given by the Grand Chamber of the ECtHR in its 260 page judgement of the 9 April 2024 in re "Verein Klimaseniorinnen Schweiz and others v. Switzerland" where the Court found that Switzerland had failed to comply with its positive obligations under the Convention concerning climate change, with critical gaps in establishing a relevant domestic regulatory framework, including by means of a carbon budget or national CHG emissions limitations. Furthermore the Court was severely critical of the Swiss authorities's policy failures on climate mitigation targets.

The promotion of a new enforceable human right to climate protection could be a suitable option. It is difficult to imagine a human interest that is not affected by climate change. Since human existence itself is at stake, it is reasonable to look at climate change from a human rights perspective. It would be a relief for marginalised groups, amongst which the aged and migrants. A process of change will necessarily have to evolve within the human rights regime.

Despite that the United Nations Framework Convention on Climate Change speaks of "climate change as a common concern for human kind" there is barely a reference to the negative impact of climate change on persons and their rights. Although the Paris Agreement made specific reference to human rights, there was a lack of a what next approach? Lip service to human rights is not enough. States have to give human rights a legally binding place in the climate debate. States should be held responsible for their failures to mitigate or adapt to the effects of climate change.

The current human rights regime that lists pre-existing rights may not be enough to address and resolve complex questions like the link of causation between climate change and impairment of rights. The emphasis should be laid on the positive rather than the negative obligations of the State. Lack of action on part of the State today may result in future damages when the effects of climate change materialise. It has yet to be seen whether a lower standard of probability would be considered appropriate for climate change cases. In default of the creation of a specific and distinct human rights, one would have to see whether the ECtHR would be inclined to adapt its strict standards.

Jurisdiction is an additional thorny issue where matters relating to the climate crisis are concerned. As rules stand at present, jurisdiction is a necessary prerequisite to hold a State accountable for alleged violations of a person's rights and freedoms. The extraterritorial application of human rights instruments is admitted only in exceptional cases. Within the European context, a new exception of extraterritorial application of the Convention to the adverse effects of climate change would be required. Climate change should stimulate a reappraisal of extraterritorial jurisdiction to avert restrictive interpretations.

To my mind, all the above considerations are in fact challenges which every Ombuds institution whatever the extent of its remit should ponder on, make proposals and if convincingly acceptable insist on their implementation.

Migration

States have a primary obligation to respect, protect, and fulfil the fundamental human rights of all persons under their jurisdiction or effective control without any discrimination whatsoever.

Migrants (and their families) are the perfect examples of displaced people. As Ombuds institutions, if we truly and tangibly believe that migrants - of whatever nature are - also our concern, and therefore merit our attention and support, then we are duty bound to remind the countries to which we all owe allegiance that States have positive obligations to take preventive and remedial actions not only to uphold the rights of these human beings, but also to address and find solutions for violations and abuse that arise at all stages of migration.

To meet their obligations, States should facilitate migration with dignity and find solutions for the specific needs of migrants, including protection against arbitrary or forced migration.

So far so good as far as desiderata are concerned. Unfortunately we all as Ombuds institutions remain without an answer for important questions.

Why do people migrate at the risk of life or limb?

Could migration be caused by climate change or other environmental factors?

Could the reasons be discrimination?

Could the reasons be deprivation of the barest essentials to live?

All could be the reasons in a way or another. However the adverse effects of climate change are most certainly having their significant toll.

Increasing risks of floods, droughts, storms, and other events undermine livelihoods and increase human suffering and risks to the rights of people in impacted areas. Millions of human beings are forced to move each year within and across borders.

Because they are independent and therefore have an obligation to stand to be counted, Ombuds institutions have to avail themselves of every opportunity, including through their investigations, to remind Governments that they have an obligation to take effective measures to deal with negative climate change issues, including but not only, mitigating any risk of forced migration, in particular where child migrants are concerned, where the sole consideration should be their paramount interest – nothing more and nothing less in the most absolute manner.

Actions and decisions of States should transparent and involve the informed participation and consultation of migrants, or their representatives. Furthermore States are to ensure a credible and verifiable access to justice for all.

Ageing Society

Population aging more so in developed nations is a growing global phenomenon. As people age, the risk increases of having their basic human rights threatened or violated. While the shift towards an older population could be irreversible, policy decisions should be taken to shape a reasonable path forward that makes sense.

Even here Ombuds institutions have an important role to play. They have to insist that a clear distinction has to be drawn between “needs” and “rights”. While “needs” may vary depending on multiple factors, “rights” are there to stay as they are fundamental normative rules for all to observe and defend.

Questions arise on how to support rising numbers of older people in the face of health-care and long-term care costs, particularly if equitable and sustainable systems are not in place to distribute resources among age groups.

States should manage the problems of ageing by taking forward-looking measures to innovate their labour markets, and pension and health-care systems to ensure that support for older persons is both adequate and sustainable.

In general, countries with comprehensive social protection systems and universally accessible essential services have been successful at mitigating income inequality and reducing poverty at older ages than those without such systems.

Widespread increased prevalence of precarious forms of work threaten access to adequate pensions and other social protection benefits, putting economic security at risk for large numbers of older persons. Without remedial action, there is a significant risk that standards of living at older ages will become increasingly unequal.

The COVID-19 pandemic exposed existing weaknesses in health care for older persons, especially long-term care, and showed how such weaknesses can aggravate inequalities. Poor quality and underfunded systems of care, insufficient provisions for care at home, low wages and precarious conditions for care workers, and a lack of reliable protocols to prevent COVID-19 transmission within health facilities contributed to a heavy death toll among older persons.

The fact that future generations of older people may be more unequal and economically insecure must be seriously considered. The financial viability of pension systems is an issue of concern, although I have to say that when compared to the enormous cost and waste of arms spending, keeping pension systems going would in comparison seem to be a mere pittance.

While the shift towards older populations is largely irreversible, collective actions and policy decisions shape its path and consequences. Postponing critical measures that allow societies to benefit from and adapt to population ageing would impose high social, economic, fiscal and health-related costs, for both current and future generations.

With appropriate planning, States can manage the challenges and ensure that no one is left behind. After all every person – in every country in the world – should have the right (not just the opportunity) to live a long and healthy life.

OMBUDSMAN MET THE PRESIDENT OF THE REPUBLIC OF SLOVENIA DURING THE 30TH ANNIVERSARY COMMEMORATION OF THE SLOVENIAN HUMAN RIGHTS OMBUDSMAN

December 6, 2024



The closing event of the Bled Conference on the effectiveness of Ombudsman institutions and National Human Rights Institutions (NHRIs) concluded with a meeting at the Presidential Palace in Ljubljana with the President of the Republic of Slovenia, Nataša Pirc Musar.

In her address, President Pirc Musar underscored the pressing need to safeguard and promote human rights, especially in the context of ongoing global conflicts and repeated rights violations. She reaffirmed the essential role of Ombudsman institutions in giving a voice to the vulnerable and ensuring the protection of dignity and justice.

The Parliamentary Ombudsman of Malta, Judge Joseph Zammit McKeon, met with the President and exchanged views on strengthening human rights protections across Europe and the Mediterranean region. He commended the Slovenian Human Rights Ombudsman for its longstanding contributions to international networks, particularly the Association of Mediterranean Ombudsmen (AOM) and the European Regional Board of the International Ombudsman Institute (IOI).

Following the meeting, the commemoration continued with an event marking both International Human Rights Day and the 30th anniversary of the Slovenian Human Rights Ombudsman. In his address, Slovenian Ombudsman Peter Svetina emphasised the critical importance of vigilance, dialogue, and shared responsibility in the protection of human rights.

He stressed that Ombudsman institutions and NHRIs served as essential pillars of democracy and accountability — bridging the gap between the public and the authorities. Their role in addressing individual complaints, identifying systemic shortcomings, and advocating for policy reform remained vital in ensuring that human rights were not abstract ideals but real, enforceable standards contributing to societal well-being.

COMMISSIONER FOR EDUCATION NOTED THE SUCCESSFUL GRADUATION OF ALL ELIGIBLE MCAST STUDENTS

December 09, 2024

With reference to the press release issued by the Office of the Ombudsman on 25 October 2024, the Commissioner for Education within the Office of the Parliamentary Ombudsman noted with satisfaction that all students who had successfully passed their June and September examinations and were eligible for graduation from the Malta College of Arts, Science and Technology (MCAST) had duly graduated.

This outcome was achieved without any compromise to the integrity of the examination process or the value of the resulting qualifications, owing to the hard work and dedication of both the administrative and academic staff of MCAST.

MAJORITY OF OMBUDSMAN RECOMMENDATIONS SUCCESSFULLY IMPLEMENTED BY OCTOBER 2024

December 12, 2024

The Office of the Ombudsman continued to deliver positive outcomes for the public, with a significant majority of its recommendations successfully implemented by public entities. Between January and October 2024, 59% of cases resolved in favour of complainants resulted in tangible remedies.

This outcome underscored the effectiveness of the Ombudsman in advocating for fairness and accountability within public administration. During this period, the Office closed 503 cases — representing a 35% increase compared to the same period in the previous year — with 76 of these cases resulting in decisions in favour of the complainant.

The Ombudsman also recorded a rise in public engagement, receiving 487 complaints — an increase of 10% over 2023 — and assisting 648 individuals, marking a 130% growth in assistance provided.

The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, in an interview with TVM News, highlighted the trust placed in the institution by the public

and emphasised the Office's proactive approach in addressing concerns and ensuring fair outcomes.

**NEW MA COURSE IN OMBUDSMAN LAW AND GOVERNANCE
BY THE UNIVERSITY OF MALTA TO LAUNCH IN OCTOBER 2025
December 16, 2024**



The Office of the Ombudsman, in collaboration with the University of Malta, announced the launch of the Master of Arts (MA) in Ombudsman Law and Governance. The course, which passed through all required academic procedures, was scheduled to commence in October 2025.

The MA course was designed to be accessible both in person and online, catering to a broad range of prospective participants. It aimed to equip students with the knowledge and skills necessary to navigate and contribute effectively in key areas such as human rights legislation, public service evaluation, and governance practices. Participants would explore topics including the prevention of administrative abuse, the principles of governance, leadership development, institutional design, privacy law, and social dialogue. The course also addressed organisational behaviour and its influence on both individual and collective performance.

The programme was developed as a collaborative initiative between the Office of the Ombudsman, the Department of Policy, Politics, and Governance within the Faculty of Economics, Management and Accountancy (FEMA), and the Faculty of Laws. It reflected months of research, consultation, and planning to ensure a curriculum that bridged academic rigour with the practical needs of professionals in public service.

A preparatory meeting held at the University of Malta brought together the Parliamentary Ombudsman, Judge Joseph Zammit McKeon; Professor Emanuel Said, Dean of FEMA; Professor Mario Thomas Vassallo, Head of the Department of Policy, Politics, and Governance; and Mr Jurgen Cassar, Head of Communications and Research. Discussions during the meeting focused on aligning course content with the evolving demands of governance and the professional development of public administrators.

Through this programme, the Office of the Ombudsman reaffirmed its commitment to supporting educational initiatives that contribute to a well-informed, capable, and responsive public service. The MA course formed part of the Office's broader mission to enhance good governance and strengthen public administration in the service of society.

TERESA ANJINHO ELECTED AS EUROPEAN OMBUDSMAN BY THE EUROPEAN PARLIAMENT

December 17, 2024



The European Parliament elected Dr Teresa Anjinho as the new European Ombudsman. The Parliamentary Ombudsman of Malta, Judge Joseph Zammit McKeon, extended his congratulations and best wishes to Dr Anjinho as she assumed this important responsibility. With her extensive background in law, human rights, and public service, Dr Anjinho was well-placed to lead the institution's efforts to promote greater transparency, accountability, and fairness within the institutions and agencies of the European Union.

The Office of the Ombudsman in Malta also expressed its gratitude to the outgoing European Ombudsman, Emily O'Reilly, whose leadership significantly advanced the work of the institution. Under her stewardship, the European Ombudsman's Office strengthened its role in ensuring accountability and good administration, offering a model of professionalism and integrity for Ombudsman institutions across the EU.

The European Ombudsman is an independent office tasked with investigating complaints of maladministration in the activities of EU institutions and bodies. Established in 1995, the Office ensures that citizens, residents, and businesses within the European Union are treated fairly and that decision-making processes remain open and accountable. Through its inquiries, recommendations, and dialogue with EU institutions, the Ombudsman has contributed to building public trust in EU governance.

The Office of the Ombudsman in Malta looked forward to cooperating closely with the new European Ombudsman, particularly within the framework of the European Network of Ombudsmen (ENO). Coordinated by the European Ombudsman, the ENO offers a platform for Ombudsman institutions and similar bodies to exchange information on EU law and policy and to share best practices. Through this collaboration, the Maltese Ombudsman's Office reaffirmed its commitment to strengthening administrative justice and good governance across the European Union.

THE COMMISSIONER FOR HEALTH ATTENDED THE POLITICO HEALTH CARE SUMMIT

December 17, 2024



The Commissioner for Health, Professor Raymond Galea attended the POLITICO Health Care Summit held in Brussels on the 19th and 20th November 2024. This well-attended Health Care Summit offered a two-day event full of very important discussions regarding the future of Healthcare in Europe.

On the first day top stakeholders and experts in Europe discussed the present and future of European Healthcare. Various speakers including Ms Stella Kyriakides, the outgoing Commissioner for Health and Food Safety, gave a very important overview of the present situation regarding healthcare in Europe and where such care is going in the future. Important topics that are crucial in influencing the future of European healthcare, such as accessibility, and introduction of new technologies and new drugs, were discussed during the first day. Present sustainability of healthcare systems were highlighted and their future debated. The importance of prevention of non-communicable diseases was stressed by various speakers. Another important issue that was debated was the European Beating Cancer plan, its strengths and weaknesses. The speakers also mentioned the new pharma legislation highlighting the possible effect on drug shortages and supply. A careful balance between protection, access and innovation must be achieved.

On the second day, the emphasis shifted somewhat to other critical issues, such as the state of European preparedness to face new threats, such as that brought about by the COVID-19 pandemic. The importance of Europe's response to antibiotic resistance and what strategies are currently present and planned to combat infectious diseases were discussed.

The preventive strategies for fighting non-communicable diseases that are currently in place and others that are planned for the future were also debated on the second day.

Likewise, the present and future role of Artificial Intelligence in healthcare access and efficiency together with the recent regulation regarding medical devices were also two topics that were presented during this summit.

This two-day thought-provoking summit focused on very important and current healthcare issues concerning all the EU member states. Most of what was discussed is very important and pertinent to Malta.

From the Ombudsman's Case Load 2024

RECOMMENDATION NOT IMPLEMENTED: REVOCATION OF REGULARISATION PERMIT

January 18, 2024



In accordance with Article 22(4) of the Ombudsman Act, the Ombudsman, and the Commissioner for Environment and Planning have submitted the Final Opinion to the House of Representatives concerning alleging errors in the approval of a regularisation permit for the subdivision of a fully detached villa into ten residential units.

The investigation

Although the complaint addressed five issues related to the extension of the footprint, the presentation of the deeds of transfer, the disturbance to neighbours, missing documents and breach of planning policies, the Commissioner decided that only the first issue merits an investigation.

The Commissioner found that the Case Officer report did not consider the issue relating to the building extensions that were carried out after the year 2016 even though this issue was flagged during the representation period. Neither did the Planning Commission treat this matter in line with the Regularisation of Existing Development Regulations even though it had a material bearing on the final decision.

The existing photos and the approved plans clearly show that there are differences in the footprint, particularly in three areas, and a correct assessment of this application should have first concluded appropriately about this situation.

The Commissioner also found that a Planning Commission hearing date that was set following the non-executable decision notice was irregular since it preceded the established date for further submissions by the representees.

Conclusions and Recommendations

The Commissioner found the complaint to be justified and recommended the cancellation of the mentioned Planning Commission hearing, and the revocation of the regularisation permit by the Planning Board due to an error on the face of the record.

Outcome

The Planning Commission hearing was cancelled and following the recommendation of the Executive Chairperson to revoke this permit for the reasons mentioned in the Commissioner's Final Opinion and also due to the missing deed of transfer of the property, the Planning Board decided to revoke the Regularisation Permit in question.

RECOMMENDATION IMPLEMENTED: THE COMMISSIONER FOR HEALTH WELCOMED THE PROPOSED CONSTITUTION OF AN EXPERT BOARD FOR ADHD MEDICATION REVIEW.

February 16, 2024



The Commissioner for Health in the Office of the Ombudsman, Prof. Raymond Galea, welcomed the government's decision to introduce an expert board to review requests on a case-by-case basis in relation to ADHD medication not provided through the government formulary. The announcement was made by the Minister of Health, the Hon. Jo Etienne Abela.

This decision aligned with a recommendation made by the Commissioner for Health in May 2023 in the Final Opinion of an investigation into a complaint on the matter. The Commissioner had recommended that “*an adequate structure must be created or identified to deal with the individual cases that experience adverse events while on any particular treatment, in this case, methylphenidate. This structure should comprise multiple stakeholders who are well-versed in the matter.*”

RECOMMENDATION IMPLEMENTED: EXTENSION OF ERA PERMIT RULES FOR ASPHALT FACTORIES

February 22, 2024



The Parliamentary Ombudsman, Judge Joseph Zammit McKeon, the Commissioner for Environment and Planning, Perit Alan Saliba, and the Commissioner for Health, Prof Raymond Galea, within the Office of the Ombudsman, welcomed the draft bill extending the Environment and Resources Authority's (ERA) permit rules to asphalt and chemical factories, as well as to cement packing facilities. The draft bill was proposed by the Ministry for Environment, Energy and the Regeneration of the Grand Harbour.

The proposed draft bill aligned with a recommendation that the Commissioners had made on 24 January 2024, following an investigation into a complaint from residents affected by a facility.

The Commissioners had recommended that the Environment and Resources Authority propose specific regulations relating to asphalt plants to the Minister responsible for the Environment within a reasonable timeframe.

RECOMMENDATIONS IMPLEMENTED: SAFETY MEASURES REGARDING VEHICLE IDLING ON GOZO CHANNEL FERRIES

February 29, 2024



In August 2023, a pressing concern was brought to light regarding the health risks associated with vehicle idling on Gozo ferries. This issue, initially highlighted by a concerned passenger, prompted an investigation by the Office of the Ombudsman, leading to a set of recommendations aimed at enhancing passenger safety and ensuring compliance with established regulations.

In response to concerns raised about vehicle idling on Gozo ferries, steps have been taken to enhance safety and ensure adherence to established regulations. Following an investigation and subsequent recommendations by the Office of the Ombudsman, Gozo Channel has implemented a series of measures aimed at mitigating the health risks associated with this issue.

Implementation of Safety Measures:

No access to enclosed decks: In alignment with Gozo Channel's Shipboard Operating Procedures, passengers are now prohibited from accessing enclosed decks while the vessel is in motion. This policy is enforced by the vessel's master or a designated officer, ensuring that all passengers are aware of and comply with this rule.

Crew responsibilities: The crew members are tasked with ensuring that no passengers remain in their vehicles once the vessel is ready to depart. This involves a thorough check of the vehicle deck and directing passengers to the upper decks. Compliance is further ensured through PA system announcements informing passengers of the necessity to vacate the car deck.

Informational monitors at marshalling areas: Monitors are being installed at Cirkewwa and Mgarr to improve communication and awareness. These displays will continuously remind passengers of the policy against remaining in their vehicles and the requirement to turn off car alarms during the crossing.

Public awareness campaign: A press release has been issued to inform the public about the dangers of staying in the vehicle deck during crossings, emphasising the potential risks in emergency situations, such as a vehicle fire.

The Office of the Ombudsman welcomed the implementation of these recommendations, a critical step in ensuring a safer travel environment for all passengers and crew aboard the Gozo ferries.

RECOMMENDATIONS IMPLEMENTED: MEASURES TO ADDRESS CAR ALARM DISTURBANCES ON GOZO CHANNEL OPERATIONS LIMITED

March 1, 2024



Following concerns regarding the disruptive effects of car alarms on patients in ambulances or hospital buses on Gozo Channel ferries, the Office of the Ombudsman launched an investigation to address and mitigate these issues. The problem came to light during a radio programme on One Radio, where a caller detailed the distress experienced by immobile patients due to the loud alarms while en route to Malta for medical care. In light of these concerns, the Ombudsman's Office committed to a thorough examination of the situation, aiming to identify and enforce practical solutions to ensure the well-being of affected patients during ferry crossings.

Investigation and findings

The inquiry involved engaging with Gozo Channel to understand the current practices and explore feasible solutions. The investigation revealed that the challenge lies in the nature of car alarms, which cannot always be easily deactivated and are often triggered during rough sea conditions.

Implemented measures

Public address system announcements: Gozo Channel has committed to making regular announcements reminding passengers to deactivate their car alarms upon leaving their vehicles.

Crew assistance: Ferry staff are available to assist passengers in deactivating their car alarms, ensuring that those unfamiliar with the process receive the necessary help.

Signage: New signs are being installed on the garage decks of ferries, clearly instructing passengers to turn off their car alarms. This visual reminder aims to reinforce the message delivered through announcements.

Informational monitors: Monitors at the Cirkewwa and Mgarr marshalling areas will display continuous messages reminding passengers of the importance of deactivating car alarms, enhancing the awareness of this policy.

Press Release: A press release has been issued to inform the public about this new initiative, emphasising the importance of deactivating car alarms to enhance the comfort of all passengers, especially those in medical transit.

Conclusion

The Office of the Ombudsman acknowledged the steps taken by Gozo Channel in response to its recommendations to address the issue of car alarm disturbances on ferries. These measures aimed to create a more tranquil and comfortable environment for all passengers, focusing on enhancing the travel experience for patients in medical transit. The implementation of these initiatives demonstrates a commitment to passenger welfare and operational improvement, ensuring a positive impact on the ferry service experience.

RECOMMENDATION IMPLEMENTED: REACTIVATION OF PLANNING APPLICATION FOLLOWING WITHDRAWAL

March 20, 2024



The complaint

The Office of the Ombudsman investigated the irregular reactivation of a planning application concerning the development of a hotel. The complaint centred on the fact that the application, originally submitted over a decade ago, had been withdrawn by the Planning Authority but was subsequently reactivated multiple times — without any formal request for reactivation by the applicant and with no justification recorded in the official proceedings.

The investigation

The investigation established that the planning application had been reactivated on three separate occasions despite no corresponding request from the applicant. The Development Planning (Procedure for Applications and their Determination) Regulations, 2016 clearly stipulate that if an applicant fails to respond fully to a call for information, the application is to be deemed tacitly withdrawn. In this case, the call procedure had been correctly followed by the Planning Authority; however, the subsequent reactivation of the application did not comply with the regulatory framework.

Moreover, the Planning Authority failed to inform third parties, including those formally notified of the original withdrawal, that the application had been reactivated — further compounding the procedural irregularity.

The Commissioner expressed concern that any approval issued under these circumstances would create legal and administrative uncertainty, not only for the applicant but also for the integrity of the planning process. The situation risked establishing a troubling precedent where withdrawn applications could be arbitrarily revived, undermining regulatory safeguards and public trust.

Conclusions and recommendations

The Commissioner concluded that the continued processing of the application was procedurally unsound and in breach of the applicable regulations. The recommendation was clear: the Planning Authority should immediately cease any further processing of the application, which should have been considered conclusively withdrawn.

Outcome

The Planning Authority fully implemented the Commissioner's recommendation. The planning application in question was formally withdrawn, bringing the matter to a close in accordance with the regulatory framework and restoring compliance with planning procedures.

RECOMMENDATION NOT IMPLEMENTED: ADDRESSING INCONSISTENCIES IN PRE-RETIREMENT LEAVE FOR DETAILED PUBLIC OFFICERS

March 28, 2024



Pursuant to Article 22(4) of the Ombudsman Act, the Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon submitted two reports to the House of Representatives in relation to two complaints on inconsistencies in pre-retirement leave for detailed Public Officers.

The case

Two public officers detailed with the Lands Authority filed a complaint after their requests for pre-retirement leave were denied. The Lands Authority contended that the provisions for pre-retirement leave applied only within the Public Service, not to employees detailed to other entities like the Lands Authority, unless they revoked their detailing.

The investigation

The Ombudsman's office undertook an investigation, including gathering responses from the Ministry for the Economy, European Funds and Lands, and the People & Standards Division within the Office of the Prime Minister. The Ministry highlighted that service conditions should be assessed as a whole, and detailed officers could not select benefits from the Public Service if their overall package at the Lands Authority were more advantageous. However, the Ombudsman identified that, according to the Lands Authority Act, detailed officers should not be subject to less favourable conditions than those in the Public Service, countering the Ministry's interpretation.

Conclusions and recommendations

The Ombudsman ruled in favour of the public officers' requests for pre-retirement leave, stating that detailed public officers should not encounter less favourable conditions than those in the Public Service. If pre-retirement leave cannot be granted, they should receive monetary compensation equivalent to their leave entitlements. To avoid similar issues in the future, the Ombudsman advised that the People & Standards Division clarify the entitlement of detailed employees to pre-retirement leave in the Public Service Management Code and relevant manuals and ensure this is included in the collective agreements of authorities and public entities.

Outcome

Following two separate Final Opinions issued on the 11th of January 2024, which included recommendations, on the 15th of March, the Office of the Prime Minister informed the Office of the Ombudsman that it was not going to implement the recommendations because they had a wider impact on the public administration. The Ombudsman considered the response to the Final Opinions 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 Opinions and relevant documentation were brought to the attention of the House of Representatives on the 25th March 2024.

RECOMMENDATION NOT IMPLEMENTED:**NO ACTION AGAINST IRREGULARITIES****April 9, 2024****The complaint**

The Office investigated a complaint alleging lack of action by the Planning Authority against irregularities consisting of roof services and tables and chairs at a commercial outlet in front of the Mellieħa sanctuary.

The investigation

The Planning Authority did not reply to a request by the Commissioner whether it considers the outside catering area and the services on the roof to run against the condition of the permit that states that all services shall not extend beyond the height of the approved parapet wall. On noting the recent submission of a development application proposing an outside catering area and a minor amendment application to regularise the roof services, the Commissioner highlighted the fact that the proposed application does not include sanctioning and that any attempt to regularise the services through a minor amendment application does not in any way overrule the relative permit conditions.

Conclusions and recommendations

After the Planning Authority failed again to submit an official reply, on 22 January 2024 the Commissioner recommended the issue of a stop and enforcement notice since no sanctioning application was submitted for the regularisation of the existing illegal developments consisting of an outside catering area and roof services that extend beyond the height of the approved parapet wall.

Outcome

Although the applicant changed the pending application to sanctioning on the same day that the Commissioner issued the recommendations, the Commissioner considers the way the Planning Authority acted in this case as an encouragement for contraveners to do as they please since the Planning Authority will not only take no action but it will also help them in avoiding such action. The use should have immediately been stopped in line with Article 73(1) of the Development Planning Act.

This case was then referred to the Prime Minister and to the House of Representatives in line with the Ombudsman Act.

RECOMMENDATION NOT IMPLEMENTED: REPORT ON POTHOLE INCIDENT IN SAN GWANN SENT TO PARLIAMENT

April 23, 2025



In accordance with Article 22(4) of the Ombudsman Act, the Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, has submitted the Final Opinion to the House of Representatives concerning a person who fell due to a pothole in San Gwann.

The complaint

The complaint was lodged by a person who fell while descending a pavement due to a pothole situated right under the kerb in San Gwann, fracturing his left foot and sustaining other injuries. The complainant incurred expenses for mobility aids and replacement of his spectacles, which he sought to have reimbursed by the San Gwann Local Council. He argued that the Council was responsible for the pavement's maintenance and should compensate him for his injuries and related costs.

The investigation

The Ombudsman's investigation involved gathering detailed information from the complainant, including medical reports, expense receipts, a police report, and statements from the complainant's wife. The Local Council was also consulted and provided feedback on the incident. The investigation found that the Council had initially dismissed the claim, asserting that a minor road surface defect, which they did not consider a pothole, was not proven to cause the fall. The Council also noted that such defects are inevitable due to various public and private entities performing street works in the locality.

Conclusions and recommendations

The report concluded that the San Gwann Local Council had failed to ensure the safety of the pavement and did not adequately address the complainant's request for reimbursement. The defect in the pavement was considered significant enough to pose a hazard, which led to the complainant's injuries.

The Ombudsman upheld the complaint, recommending that the complainant be reimbursed for all documented expenses related to the incident. The report also recommended that the Council take a more proactive approach to monitoring and repairing public roads and pavements to prevent similar incidents in the future. The report emphasised the legal obligation of Local Councils to maintain public spaces safely and efficiently.

Outcome

The San Gwann Local Council refused to implement the Ombudsman's recommendations because it alleged that no causal link between the road defect and the complainant's fall had been established. The Council argued that minor road defects, such as the one cited, are common and challenging to eliminate completely due to the involvement of various contractors. Additionally, the Council emphasised the need for prudent management of public funds, stating that compensation claims must be substantiated with concrete evidence directly linking the defect to the incident.

These were the same arguments submitted by the Council prior to the conclusion of the Final Opinion.

Therefore, since the recommendations were not implemented by the San Gwann Local Council, the Ombudsman, sought the direct intervention of the Prime Minister according to law. However, since the request to the Prime Minister was of no avail, the Ombudsman sent the report to the Speaker of the House, who in turn tabled the report before the House of Representatives.

RECOMMENDATION IMPLEMENTED: IMMEDIATE NOTIFICATION OF REVOCATION REQUESTS

May 10, 2024



Concerned with the situation where applicants are only informed about a pending revocation request against their permit on completion of the case officer report that usually occurs several months following the submission of the relative request, the Commissioner for Environment and Planning opened an own initiative investigation addressing this unfair situation. The Commissioner noted a particular revocation application where notwithstanding that the applicant asked for details on any pending request following reports in the press, the Planning Authority only informed the applicant a year later, only a few weeks before the request hearing date.

The Commissioner highlighted the fact that it is wrong that applicants are kept in the dark about the details of any revocation request when significant investments are usually made following the publication of any development permit.

The Planning Authority accepted the Commissioner's recommendations and implemented the administrative process where applicants are immediately informed about every revocation request relating to the relative permit.

RECOMMENDATIONS IMPLEMENTED: THE POLICY OF REGULARISATION OF POLITICAL PRESENCE DURING SCHOOL HOURS WAS MODIFIED

May 22, 2025



After a complaint lodged with the Office of the Ombudsman in April by a candidate for the forthcoming elections to the European Parliament, an investigation was conducted by the Commissioner for Education into the policy used by the Education Division in relation to visits to schools by prospective candidates. It transpired that a written policy was only formulated and distributed to all Heads of Schools and Heads of College Network five days after the complaint was communicated to the Ministry responsible for education. Possible loopholes were identified by the Commissioner for Education, who also recommended that the policy be made public.

The Commissioner's recommendations – modification of the policy document and publicity on the internet – were accepted by the Ministry in question. The policy document, revised with effect from the 15th May 2024.

The Commissioner emphasises that it is of paramount importance that the policy be applied and implemented in good faith across the board.

RECOMMENDATION NOT IMPLEMENTED: OMBUDSMAN FINDS INJUSTICE IN DENIAL OF LONG AND EFFICIENT SERVICE MEDAL FOR POLICE OFFICER

June 7, 2024



In accordance with Article 22(4) of the Ombudsman Act, the Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, has submitted the Final Opinion to the House of Representatives concerning a Malta Police Corps officer who was not awarded the Long and Efficient Service Medal after a long and diligent service.

The complaint

The complainant, having served almost thirty-three years with the Malta Police Corps, both in a regular and reserve capacity, complained about not being awarded the Long and Efficient Service Medal. He argued that his diligent and dedicated service, including volunteering as a Reserve Police Constable after reaching retirement, warranted the medal and its clasps.

The investigation

The investigation revealed that the medal is awarded for an aggregate of 18 years of efficient service with irreproachable character and conduct, with clasps awarded for additional service. The Ministry for Home Affairs and the Commissioner of Police denied the medal, citing six disciplinary offences committed by the complainant, with the last offence occurring in 1998. They argued that according to their criteria, ten years must pass without further offences to qualify for the medal, and since the complainant retired in 2001, only three years had passed. The Ministry also stated that time served as a Reserve Police Constable does not count towards the medal.

The Ombudsman noted the Ministry's acknowledgement of the significant role and duties performed by Reserve Police Constables, comparable to regular officers. Public statements from both the Ministry and the Commissioner of Police recognised the value and contributions of Reserve Police Constables.

Conclusions and recommendations

The Ombudsman concluded that the complainant's total service, combining regular and reserve periods, amounted to over thirty-two years. Given that more than ten years had passed since his last disciplinary offence by the end of his service in 2022, he met the criteria for the medal. The reluctance to recognise his reserve service was seen as unjust, especially in light of public admissions regarding the importance and equivalence of Reserve Police Constables' duties.

The Ombudsman recommended that the complainant's total service be acknowledged and the Commissioner of Police reassess his eligibility for the Long and Efficient Service Medal and its clasps. The refusal to award the decorations was deemed an injustice, and the complainant's service should be rightfully recognised.

Outcome

The Ministry expressed disagreement with the conclusion that the complainant suffered an injustice. They emphasised that the engagement of Reserve Police Officers (RPCs) differs significantly from that of fully-fledged police officers. RPCs receive a service pension during their tenure, which does not apply to regular officers, and their service is not pensionable. Additionally, RPCs are not considered police officers at all times, and their powers cease at the end of their assigned duties. The Ministry highlighted that RPCs work varying hours based on the needs of the disciplinary force and that their service should not be equated with that of regular officers.

The Ministry also noted that the interpretation and implementation of the Rules for Honours, Awards, and Decorations fall outside the remit of the Malta Police Force and are determined by the President of Malta on the advice of the Prime Minister. Consequently, they regretted that the recommendations could not be implemented. Therefore, since the recommendations were not implemented, the Ombudsman sought the Prime Minister's direct intervention according to the law. However, since the request to the Prime Minister was of no avail, the Ombudsman sent the report to the Speaker of the House, who in turn tabled it before the House of Representatives.

RESOLVED ISSUE: THE COMMISSIONER FOR ENVIRONMENT AND PLANNING ADDRESSES UNAUTHORISED VEHICULAR ACCESS IN MOSTA
June 14, 2024



The Commissioner for Environment and Planning within the Office of the Ombudsman has concluded its investigation into the unauthorised opening of a vehicular access through Triq il-Waqqafa, Mosta. Mosta residents complained about work done by a retail village, leading to new vehicular access despite prior refusals by the Planning Authority (PA) and the Environment and Planning Review Tribunal (EPRT).

Case background

On 25 March 2024, Mosta residents filed a complaint alleging that Infrastructure Malta (IM) initiated temporary roadworks on Pantar Road, resulting in the unauthorised opening of vehicular access through Triq il-Waqqafa. Residents argued that this action bypassed legal channels, lacked transparency, and ignored community welfare and urban planning policies. The PA initially closed the case, citing the works as temporary measures under Class 3 of the Development Notification Order (DNO).

Residents' concerns

Residents were worried about traffic redirection through residential areas without consultation, a potential permanent establishment of vehicular access, and health concerns due to increased pollution.

Investigation findings

The EPRT had previously confirmed the PA's refusal of a planning application for the same vehicular access in June 2021. On 7 March 2024, workers began opening the access, prompting immediate resident complaints. A declaration signed on 13 March 2024 by CEOs of Transport Malta, Infrastructure Malta, and the retail village indicated the temporary access would last until 27 July 2024. The Commissioner confirmed the works were emergency measures related to public safety, involving high-voltage electricity distribution, and did not require a development permit under the Development Planning Act.

Resolution

A meeting was held between the Ombudsman, the Commissioner, and the CEO of Infrastructure Malta, and a schedule of works was established. The temporary road in Triq il-Waqqafa, Mosta, was scheduled to be closed by the end of July 2024. However, at the insistence of the Office of the Ombudsman, the closure was moved forward by two months. The Planning Authority was instructed to ensure the proper closure of the opening, which was restored by the end of May 2024. Residents' further concerns regarding construction methods may be addressed with the Building and Construction Authority.

Conclusion

The vehicular access in question had been closed, and the Commissioner assured that any misconceptions in the PA's initial response had been resolved. The temporary measures were deemed necessary for public safety, and the issue has now been rectified to the residents' satisfaction.

RECOMMENDATION NOT IMPLEMENTED: FINAL OPINION ON SPACE ALLOCATION AT THE UNIVERSITY OF MALTA**July 9, 2024**

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 resident Associate Professor alleging improper discrimination by the University administration due to the denial of office space at the Medical School.

The Case

The complaint was filed with the Office of the Ombudsman by a resident Associate Professor within the Department of Pathology of the Faculty of Medicine and Surgery. The complainant alleged improper discrimination by the University administration due to being denied office space at the Medical School, a location deemed appropriate for her faculty's teaching staff. The complaint also asserted that this denial was in violation of the Space Management Policy of the University of Malta.

The Investigation

The investigation included collecting evidence from various university staff, conducting an on-site inspection at the Medical School, and examining email exchanges between the Faculties of Medicine and Dental Surgery from September to December 2020. The findings revealed the following:

1. The Standard Operating Procedure (SOP) on Space Management and Change of Use, effective from 5th August 2022, was intended to regulate future space requests without disrupting current space usage.
2. The Faculty of Dental Surgery had repurposed rooms as changing rooms for dental staff and students prior to the SOP's approval.
3. There was a significant irrational use of space within the Medical School, with several rooms underutilised or inappropriately designated. For example, an office meant for the Dental Surgery Secretaries was used as the Dean's Office despite the Dean having another office on Campus.

Conclusion and Recommendation

The complaint was primarily based on alleged discrimination. However, the investigation concluded that the discrimination claim was unfounded. The complainant's frustration was understandable, yet the Dean of the Faculty of Medicine and Surgery could not allocate rooms over which he had no jurisdiction; the overall allocation rested with the Rector.

Despite the dismissal of the discrimination claim, the investigation uncovered an element of maladministration in space allocation within the Medical School. It was recommended that the Rector take urgent measures to rectify the irrational use of space currently occupied by the Faculty of Dental Surgery in the interest of the common good.

Outcome

Following the recommendation from the Commissioner for Education, the University has clearly indicated that it does not intend to comply with the recommendations. On 27th June 2024, the Commissioner for Education sent the report to the Prime Minister and as no action was taken, the report was subsequently sent to the Speaker of the House.

**RECOMMENDATIONS NOT IMPLEMENTED:
THIRD-PARTY APPEALS AGAINST REGULARISATIONS
OCTOBER 09, 2024**



The complaint

The Commissioner conducted an investigation into the issue concerning third parties' inability to contest regularisation permits issued by the Planning Authority before the Environment and Planning Review Tribunal.

The investigation

While third parties are allowed to submit representations against regularisation applications under the Development Planning Act, the Tribunal Act does not grant them the right to appeal regularisation decisions. This legal discrepancy was confirmed in a 2022 Court of Appeal ruling. The Commissioner deemed this situation unjust, highlighting that third parties do not have the same rights as applicants when it comes to challenging regularisation decisions. In contrast, for development permissions, both applicants and third parties can submit appeals.

Conclusions and Recommendations

To address this imbalance, the Commissioner recommended amendments to the Tribunal Act, ensuring that third parties can also appeal Planning Authority regularisation decisions, and called for these changes to be reflected in the relevant regulations.

Conclusions and Recommendations

After a prolonged period without action from the responsible authority, the matter was escalated to the Prime Minister and later brought before the House of Representatives, in accordance with the Ombudsman Act.

RECOMMENDATIONS NOT IMPLEMENTED: FINAL OPINION ON CONSTRUCTIVE DISMISSAL OF MCAST PRINCIPAL AND CEO

October 15, 2024



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 case involving the Principal and CEO of the Malta College of Arts, Science, and Technology (MCAST). This case highlights serious concerns regarding constructive dismissal and the circumvention of the Employment and Industrial Relations Act, leading to a situation of maladministration, unfairness and arbitrariness.

The complaint

The complainant, who was the Principal and CEO of MCAST, lodged a complaint with the Office of the Ombudsman on 16th July 2024. He alleged that his impending dismissal, effective from the end of August 2024, was both unlawful and politically motivated. The complainant's contract had been extended in March 2021 until 31st May 2026, and he contended that his dismissal prior to this date breached the terms of his contract.

Facts and findings

The investigation, initiated by the Commissioner for Education, revealed that the complainant's impending dismissal was in breach of the provisions of sub-articles (1) and (2) of Article 22 of the Ombudsman Act in that it would undermine the notion of a definite contract of service under the Employment and Industrial Relations Act, as well as because no cogent reasons were given to the complainant for his dismissal ahead of the stipulated date of the end of the contract of service. The key findings, highlighted both in the Final Opinion and in the subsequent exchange with the Permanent Secretary at the Ministry responsible for Education (and which are being published), were:

- The Board of Governors, responsible for the appointment and extension of the complainant's contract, acted within its legal remit when renewing the contract until 2026.
- No valid reason was provided by the Ministry of Education or its representatives to justify the termination of the complainant's contract before the agreed-upon date.
- The Ministry's claim that after a certain age public officers required the annual approval of the Ministry to remain in office undermined the main law governing employment.
- The education authorities failed to provide cogent reasons for the constructive dismissal of the complainant, relying on vague and irrelevant considerations in breach of Article 22(2) of the Ombudsman Act.

Conclusion and recommendation

The Commissioner concluded that the complainant's forthcoming dismissal would amount to an act of maladministration. The education authorities' failure to respect the decision of the MCAST Board of Governors and to subject the complainant's contract of employment to an arbitrary condition of annual renewal breached the provisions of Article 22 of the Ombudsman Act. The Commissioner, therefore, recommended that the education authorities refrain from proceeding with the dismissal scheduled for 31st August 2024.

Outcome

On 2nd September, the Permanent Secretary of the Ministry for Education, Sport, Youth, Research and Innovation informed the Commissioner for Education that they did not agree with his conclusions and recommendation and would, therefore, proceed with the termination of the complainant's employment. The Ombudsman and the Commissioner brought the case to the attention of the Prime Minister on 9th September 2024 and subsequently forwarded a report to the House of Representatives for its consideration.

Update (23 January 2025)

On 23 January 2025, the Commissioner for Education updated Parliament with further correspondence between himself and the Principal Permanent Secretary (PPS). In his reply to the PPS's letter of 7 January, the Commissioner stated that the government's justification merely confirmed the constructive dismissal of the complainant, "*under the guise or pretext of not renewing his appointment.*" He noted that any law "*may in itself is not oppressive, unjust, or improperly discriminatory, but be so in the way it is applied in a concrete case.*" The Commissioner also highlighted MCAST's admission before the Industrial Tribunal, acknowledging that the complainant's contract was terminated prematurely. Both the PPS's letter and the Commissioner's response have been forwarded to the Speaker of the House of Representatives for Parliament's information.

RECOMMENDATIONS NOT IMPLEMENTED: FINAL OPINION ON DISCRIMINATORY FERRY FARE POLICY TREATMENT REGARDING EU 60+ NATIONALS WHO ARE NON-MALTESE

October 16, 2024



In accordance with Article 22(4) of the Ombudsman Act, the Ombudsman, Judge Emeritus Joseph Zammit McKeon, has forwarded to the House of Representatives the Final Opinion on a case involving Gozo Channel Company Limited's present policy regarding ferry fares for nationals from EU Member States who are aged 60 and over and who are not Maltese nationals.

The case concerns what the Ombudsman found to be the unfair treatment of a 60+ national from an EU country, who was charged a higher fare than Maltese nationals in the same age bracket.

The complaint

The complainant, a Portuguese national over 60 years old, was on holiday in Malta and travelled on a Gozo Channel ferry from Ċirkewwa to Mgarr on 1st June 2024. Despite informing the ticketing staff that he was aged 60+ and was an EU national, he was charged the full passenger fare despite his age. The cashier did not request his identification to verify his age and nationality, asserting that the discounted fare was only available to Maltese nationals aged 60 and over. A witness, a Maltese national acting on behalf of the Portuguese national, filed a complaint with the Ombudsman, requesting that the ferry company change its discriminatory policy.

Facts and findings

Gozo Channel Company Limited did not dispute the facts of the case.

Instead, the company defended its position by referring to the Gozo Passenger and Goods Service (Fares) Regulations (S.L. 499.31), arguing that the discounted fare applied exclusively to holders of the “Karta Anzjan” (Senior Citizen Card), which is issued only to Maltese nationals.

Upon investigation, the Ombudsman found that the company’s interpretation of the regulations was restrictive and incorrect. The relevant legal provisions, while referring to the “Karta Anzjan,” do not exclude other forms of identification, such as valid EU-issued identity cards or passports, which also serve to verify a passenger’s age. Furthermore, the Ombudsman noted that the “Karta Anzjan” requirement had been rendered obsolete by reforms to the Maltese Identity Card system, which now includes age verification for individuals over 60.

The Ombudsman further cited a precedent involving an infringement case against Malta regarding discriminatory bus fares based on nationality. In that instance, the European Commission ruled that such practices violated the EU’s Internal Market Rules. Subsequently, Malta changed the discriminatory regulations.

Conclusions and recommendations

The Ombudsman concluded that the complainant was justified in his grievance. Gozo Channel’s policy of charging different fares to elderly EU nationals based on nationality was found to be contrary to law, unjust, and improperly discriminatory. The company’s argument that extending the subsidised fare to all EU citizens over 60 would have financial implications was deemed irrelevant and unsubstantiated. The Ombudsman recommended that Gozo Channel Company Limited revise its policy to ensure that all EU nationals aged 60 and above be entitled to the same discounted fare as Maltese nationals in the same age bracket. The company was given one month to implement the recommendation.

Outcome

Since no feedback was forthcoming from Gozo Channel Limited, the Ombudsman brought the matter to the attention of the Prime Minister in the hope that it could be resolved through his good offices, thus avoiding the need for further procedures under Section 22(4) of the Ombudsman Act. However, as the Prime Minister did not remedy this injustice, the Ombudsman forwarded the report to the House of Representatives.

RECOMMENDATIONS NOT IMPLEMENTED: FINAL OPINION ON UNPAID REMUNERATION FOR CONTROL COMMITTEE MEMBERS**October 17, 2024**

In accordance with Article 22(4) of the Ombudsman Act, the Ombudsman, Judge Emeritus Joseph Zammit McKeon, has forwarded to the House of Representatives the Final Opinion on a case involving two members of the Control Committee. The case revolves around their claim for unpaid remuneration, which was denied by the Ministry for Lands and the Implementation of the Electoral Manifesto.

The complaint

The complainants, both members of the Control Committee since January 2002, raised concerns regarding their remuneration. They claimed they were entitled to back payments according to updated remuneration rates introduced by the *“Manual for Setting the Categorisation, Classification and Remuneration of Government-Appointed Boards and Committees”* in January 2017. However, while their remuneration was adjusted in May 2022, the arrears dating back to 2017 were not honoured, prompting the complainants to seek the intervention of the Ombudsman.

Facts and findings

The investigation revealed that the complainants had been serving on the Control Committee since 2002. This committee was established under the Ecclesiastical Entities Property Act, following an agreement between the Holy See and the Government of Malta. Initially, their annual remuneration was set at €1,750 (or Lm750 in pre-euro currency).

In 2023, the complainants became aware of the updated remuneration guidelines introduced in 2017, which should have applied to their role. However, when they requested the updated rate along with arrears from January 2017, the Ministry only adjusted their remuneration from May 2022 onwards, without retroactive payment. The Ministry argued that the committee's nature did not warrant an earlier adjustment per its interpretation of the relevant guidelines.

Conclusions and recommendations

The Ombudsman concluded that the complainants' grievance was valid. He found no objective reason to deny the back payment of their remuneration, as the Ministry had accepted the need for adjustment but arbitrarily applied it from 2022 instead of the rightful date in 2017. The Ombudsman recommended that the Ministry pay the outstanding remuneration from January 2017 in accordance with the guidelines set out in the manual.

RECOMMENDATIONS NOT IMPLEMENTED: FINAL OPINION ON UNJUST TOWING OF A VEHICLE

October 18, 2024



In accordance with Article 22(4) of the Ombudsman Act, the Ombudsman, Judge Emeritus Joseph Zammit McKeon, has forwarded to the House of Representatives the Final Opinion on a case involving the towing of a vehicle by the Local Enforcement System Agency (LESA). The case raises concerns about the lack of proper evidence to justify the towing action and the unfairness of the imposed penalty.

The complaint

The complainant, the appointed driver of a vehicle, claimed that on 7th February 2024, he parked his vehicle on Triq it-Tabib Chetcuti in Mosta. At the time, no temporary 'tow zone' notices were displayed. Upon returning to the location the next day, he discovered that LESA officials had towed his vehicle earlier in the day at around 8:47 am. The complainant paid the €200 penalty to retrieve his vehicle but filed an appeal with LESA, contesting the legality of the towing.

In his appeal, he noted that no valid evidence was shown to prove the presence of the required 'tow zone' notices 48 hours before the towing. He also argued that despite his contact number being displayed on the vehicle, no one attempted to contact him before the vehicle was towed. His appeal was rejected, prompting him to lodge a complaint with the Office of the Ombudsman.

Facts and findings

As part of its investigation, the Office of the Ombudsman requested evidence from LESA to show that the 'tow zone' notices were affixed in the area 48 hours before the towing action. LESA provided three photographs:

- A photo of the metadata of a .jpg file dated 5 February 2024. However, this did not show the actual 'tow zone' notice and could refer to any photo taken on that date.
- A photo of a 'tow zone' notice affixed to a cream wall, but with no clear indication of where it was located.
- A higher-resolution version of the second photo, showing the details of the notice, but again lacking context to prove that it was posted in the specific area where the complainant's vehicle was parked.

The Ombudsman also found that while the complainant believed he should have been contacted before the vehicle was towed, LESA is not legally obligated to do so. Simply having a phone number displayed on a vehicle does not create an obligation for enforcement officers to use it.

Conclusions and recommendations

The Ombudsman concluded that the photographic evidence provided by LESA was inadequate. The photos did not confirm that the 'tow zone' notices were posted in a visible location, in the correct area, or 48 hours before the towing occurred. In particular, the use of metadata as evidence was deemed unacceptable.

As a result, the Ombudsman recommended that the complainant be reimbursed the €200 penalty.

Outcome

The Ministry for Home Affairs, Security, and Employment informed the Ombudsman that it did not agree with his conclusions and recommendations and, therefore, would not implement them. In accordance with the Ombudsman Act, the Ombudsman sent the report to the Prime Minister, and since no action was taken, the report was forwarded to Parliament.

RECOMMENDATION NOT IMPLEMENTED: FINAL OPINION ON UNJUST DENIAL OF QUALIFICATION ALLOWANCE TO A GOVERNMENT SCHOOL TEACHER

October 23, 2024



In accordance with Article 22(4) of the Ombudsman Act, the Parliamentary Ombudsman and the Commissioner for Education, have forwarded to the House of Representatives the Final Opinion on a case concerning a government school teacher's entitlement to a qualification allowance. The case raises issues of improper discrimination in the context of the principle of legitimate expectation.

The complaint

The complaint was lodged on 23rd March 2024 by a government school teacher of Maltese, holding a Master's degree in Teaching and Learning. In February 2019, the complainant commenced a course leading to a Certificate in Maltese Proofreading from the University of Malta. The course was successfully completed in February of the following year. He subsequently applied for a qualification allowance, which at the time when he had commenced the course was being granted to other teachers with a similar qualification.

Despite submitting his application, the complainant received no response and was verbally informed in 2021 that his application was on a waiting list. After further enquiries, he was eventually told that his application could not be found, prompting him to resubmit it. On 17th January 2024, the Human Resources Directorate informed him that he was ineligible for the allowance, as his certificate was at MQF Level 5, while his current teaching appointment required an MQF Level 6 qualification.

Facts and findings

The complaint was forwarded to the Permanent Secretary of the Ministry responsible for education on 4th April 2024. In response, the Permanent Secretary referred to the same clause in the PSMC Manual of Allowances to which the complainant had been referred by Human Resources, to wit that teachers holding an MQF Level 5 qualification were ineligible for the allowance if their teaching post required a higher MQF qualification.

However, the Commissioner for Education found that this policy was applied inconsistently. Another similar case decided in April 2023 involved a teacher who was denied the allowance after completing the same proofreading course. The Commissioner had noted in that case that the complainant had started the course at a time when teachers in similar positions and situations were receiving the allowance. In other words, the policy had been changed *after* that the complainant had commenced the course. The same reasoning and considerations applied to the present case, as the complainant commenced the course in 2019 when the policy was different.

Furthermore, it was revealed that over 175 other teachers with MQF Level 5 qualifications still receive the allowance (under the “*old*” policy) despite holding higher qualifications, indicating an outstanding issue of improper discrimination. The policy change, implemented after a 2020 audit by the People and Standards Division, had created an unfair situation for teachers like the complainant, who had a legitimate expectation based on the practice in force at the time of the commencement of the course.

Conclusions and recommendations

The Commissioner for Education concluded that the complainant’s case involved improper discrimination. The blanket decision in 2020 to stop paying MQF Level 5 allowances to teachers whose posts required a higher qualification had been applied inconsistently and unfairly.

The Commissioner recommended that the complainant be paid the MQF Level 5 allowance retroactively from the date when he would have originally received it, based on the practices in place when he commenced the course in 2019.

Outcome

While the Ministry for Education has acknowledged the principle of legitimate expectation outlined in the Final Opinion, it has, for reason delineated in correspondence with the Commissioner and which was also laid on the Table of the House of Representative, not implemented the recommendation. Consequently, the matter was reported to the Prime Minister, and subsequently a report was sent to Parliament.

RECOMMENDATIONS NOT IMPLEMENTED: FINAL OPINION ON PROCEDURAL UNFAIRNESS IN RECRUITMENT AT MCAST

November 6, 2024



Pursuant to Article 22(4) of the Ombudsman Act, the Parliamentary Ombudsman and the Commissioner for Education have forwarded to the House of Representatives the Final Opinion on a case concerning alleged procedural unfairness in a recruitment process at the Malta College of Arts, Science and Technology (MCAST). This case raises issues regarding transparency and impartiality in recruitment for senior administrative roles within the institution.

The complaint

The complaint was submitted on 28th November 2023 by a non-academic staff member at MCAST. The complainant expressed concerns about the outcome of an interview held on 13th September 2023 for the post of Human Resources Director. He alleged that he was unfairly evaluated, resulting in low marks that led to his failing to reach the required pass mark. He considered that this treatment was linked to his history of raising concerns over procedural irregularities within MCAST.

The complainant raised concerns about potential bias, noting that two members of the interviewing panel — the College Principal and the Deputy Principal Administration — had close professional relationships with him, which he felt could affect their impartiality. Moreover, when he appealed the interview outcome, he found that two members of the Appeals Board were also senior members of MCAST's management whose direct line relationship was with the College Principal, creating what he perceived to be a conflict of interest and procedural unfairness.

Facts and findings

The Commissioner for Education conducted a thorough investigation, obtaining all necessary documentation from MCAST. The information included detailed scoring by each panel member across seven applicants for the position. Upon review, the Commissioner found no direct evidence of bias in the allocation of marks, as only three applicants achieved a passing score, with the complainant ranking the highest among those who did not pass.

However, the lack of video recordings of such interviews made it impossible to assess whether all candidates were dealt with fairly and equitably.

Regarding the composition of the interview panel, the Commissioner observed that it is standard practice for senior administrative staff, such as the College Principal and Deputy Principal Administration, to participate in panels for posts that require close collaboration with them. Therefore, their presence on the interview panel was considered justified.

However, the Appeals Board's composition raised serious concerns. The Commissioner noted that it is a fundamental principle of natural justice that any right of appeal must be practical and effective, with members who are independent of the parties involved. In this case, two of the Appeals Board members had a direct line relationship with, and their posts were dependent upon, the College Principal, creating a clear conflict of interest. Although there was no evidence of intentional bias, the lack of independence in the Appeals Board rendered the appeal process procedurally unfair.

Conclusions and recommendations

The investigation revealed that MCAST's recruitment practices lack sufficient transparency and safeguards against procedural unfairness. The Commissioner concluded that, while there was no concrete evidence of bias during the interview, the composition of the Appeals Board compromised the fairness of the entire recruiting process, leading to procedural injustice.

To address these issues, the Commissioner recommended that MCAST implement the following measures to ensure greater transparency and accountability in future recruitment processes:

- **Advance Notification of Panel Composition:** Applicants should be informed of the interview panel's composition ahead of time, allowing them to challenge the participation of any member if necessary.
- **Video Recording of Interviews:** All interviews, including those for teaching and senior administrative positions, should be fully video-recorded with the interviewees' consent. These recordings should be retained for a set period to facilitate any appeals or reviews.

- **Independent Appeals Board:** Any Appeals Board established by MCAST should be genuinely independent of the parties involved in the initial decision, avoiding the dependency on line relationships.

Outcome

MCAST informed the Commissioner for Education of their decisions as to the recommendations. Regarding advance notification of the interview panel composition, MCAST stated that it disagreed with the recommendation and would not disclose in advance the identities of Interviewing Board members to candidates. With regard to the second recommendation on video recording of interviews, MCAST responded that it would not permit any recordings under any circumstances. However, as to the recommendation for an independent Appeals Board, MCAST indicated that it would amend its Appeals Board composition procedure to ensure independence and impartiality.

The Commissioner for Education responded to MCAST, emphasising that the three recommendations were aimed at enhancing transparency and accountability in MCAST's recruitment process. He further noted that adhering to a previous practice, even a practice followed by the Ministry for Education itself, is not a valid reason for rejecting improvements to transparency and accountability. Since two recommendations were not accepted, the Ombudsman and Commissioner wrote to the Prime Minister. When no action was taken, the Parliamentary Ombudsman and the Commissioner forwarded the Final Opinion and related correspondence to Parliament for further consideration.

OWN-INITIATIVE INVESTIGATION: LIFT INSTALLED AND RESOLUTION ACHIEVED IN VALLETTA SOCIAL HOUSING BLOCK

November 7, 2024



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;*” highlighting the challenges faced by four families living in a social housing block on Republic Street, Valletta. The residents had been dealing with an exposed hole and a growing pile of rubble at the foot of their stairwell for over a year following an unsuccessful attempt to install an electric lift. This housing block is home to 11 residents, including young children and elderly individuals in their 70s.

The Housing Authority, which owns and manages the building, informed the residents that the work was part of an upgrade project to install lifts in older social housing units. The newspaper article brought attention to the significant safety concerns and inconvenience experienced by the residents. Citing Article 13 (2) of the Ombudsman Act of 1995, the Ombudsman launched an own-initiative investigation to address the matter.

The investigation

The Office of the Ombudsman began by contacting the Housing Authority to understand the reasons behind the delay in completing the lift installation and associated works, which had allegedly been left unfinished for almost a year. Additionally, the Ombudsman sought to determine what immediate actions the Housing Authority would take to ensure the safety and convenience of the residents. In response, the Housing Authority explained that before they could begin installing the lift, they needed to locate the rock face beneath the building. During excavation, they reached a depth of 2 meters — exceeding the typical depth — without finding the rock face. This delay required a change in approach, including a core test to determine the precise depth of the rock face. The test, ordered as part of the investigation, revealed the rock face at a depth of 5 meters, enabling the procurement process for the lift installation to continue.

Following a site visit, the Office of the Ombudsman recommended that the Housing Authority take immediate steps to remove health and safety risks by clearing the rubble and other hazardous materials until the project could proceed. The Ombudsman further advised that the gaping hole be securely covered to prevent potential safety hazards. In a subsequent meeting, the Housing Authority explained to the Ombudsman the various technical challenges encountered in carrying out such a project.

Outcome

The Housing Authority confirmed that the rubble at the stairwell's base was cleared, the hole was secured, and a safety fence was installed around its perimeter. The Office of the Ombudsman continued to monitor the situation closely, receiving regular updates from the Housing Authority on their efforts to resolve the issue.

Finally, on 24th October 2024, the Housing Authority informed the Office of the Ombudsman that the lift installation was complete, providing the residents with long-awaited improvements in safety and accessibility.

**RECOMMENDATION NOT IMPLEMENTED: FINAL OPINION ON
DISCRIMINATORY PRACTICES AGAINST UNION MEMBERS IN EDUCATION
November 20, 2024**



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 case concerning discriminatory practices against members of the Union of Professional Educators (UPE) employed as Learning Support Educators in state schools.

The complaint

The Union of Professional Educators (UPE), in its own name and on behalf of its members, filed a complaint against the Ministry responsible for education on 23rd February 2024. The union alleged that its members faced discriminatory treatment when following UPE-issued directives. Specifically, some heads of school requested written proof of UPE membership before allowing members to follow the directives. This occurred notably in primary schools in San Ġwann, Had-Dingli, Hal Ghaxaq, and Żejtun A.

The union further claimed that no such requirement was imposed on members of the Malta Union of Teachers (MUT) or any other union. Additionally, an incident at one school allegedly involved harassment of UPE members during a staff meeting, which the union argued was discriminatory and in breach of the right to freedom of trade union association.

Facts and findings

The investigation confirmed that UPE members were being asked to produce a written “*personalised union directive*” when following UPE-issued directives. This practice was not applied to members of other unions, creating an unjust and discriminatory requirement for UPE members.

While the Commissioner took note of an incident involving heated exchanges between a head of school and a UPE member, he found that it did not meet the threshold of harassment or maladministration under the Ombudsman Act. Consequently, this aspect of the complaint was dismissed.

The investigation also reviewed the legal framework regarding union directives and membership. The Commissioner found that:

- The Employment and Industrial Relations Act does not include the term “*collective directives*,” which the Education Authorities cited as justification for their stance.
- Requiring proof of UPE membership infringes on privacy rights and is possibly inconsistent with GDPR requirements.
- The practice is unreasonable, unjust, and undermines, through the “*chilling effect*”, the right to free and unhindered union membership as protected by Article 11 of the European Convention on Human Rights.
- The education authorities’ directive to require personalised proof of UPE membership was in breach of Article 22(1)(2) of the Ombudsman Act.

Conclusions and recommendation

The Commissioner upheld the complaint to the extent that requiring a “*personalised union directive*” for UPE members to follow their union’s directives is discriminatory and contrary to the law.

The Commissioner recommended that the Education Authorities immediately cease requiring a “*personalised union directive*” from UPE members (as outlined in directive/circular DG DES 14/2024).

Outcome

Through its Permanent Secretary, the Ministry responsible for education has indicated that it does not intend to abide by the recommendation to cease and desist from insisting on a “*personalised union directive*” for members of the UPE.

Consequently, after the report was sent to the Prime Minister and no action was taken, the Ombudsman and the Commissioner for Education forwarded the Final Opinion, together with the correspondence between the Office and the Permanent Secretary after the opinion was submitted, to the Speaker for further consideration by the House of Representatives.

**RESOLVED: TOWING FEE REFUNDED FOLLOWING
A LOCAL COUNCIL'S ADMINISTRATIVE ERROR**
November 22, 2024



The complaint

On 22 July 2023, a complainant parked her vehicle in a parking area reserved for department store customers before starting her shift. Notices on site indicated that parking restrictions would begin at 19:00, but her car was towed at 14:30 due to conflicting notices. After her appeal to LESA was rejected, she sought redress from the Office of the Ombudsman, claiming the towing action was unfair.

Facts and findings

The Ombudsman's investigation involved enquiries with the Ministry for Home Affairs, LESA, and the Local Council. It revealed the following:

- **Conflicting Notices on site:** Notices at the parking area indicated the tow zone would commence at 19:00. However, other notices-affixed alongside event flyers — indicated that towing restrictions would start at 14:00.
- **Government Gazette Notice:** The Local Council published a notice in the Government Gazette on 27 June stating that the parking area would be closed from 19:00 on 21 July until midnight on 22 July.

- **Legal Framework:** According to the Traffic Regulation Ordinance, only the Commissioner of Police or Transport Malta can issue temporary traffic orders for specific events. No legal provision extends this authority to Local Councils for public shows or events. The investigation highlighted that Local Councils lack the legal authority to issue such notices with the same enforceable power as the Commissioner of Police or Transport Malta.
- **Administrative failures:** The Local Council admitted to organising the event and affixing tow zone signs 48 hours before. However, conflicting notices at the site created confusion.

LESA enforced the towing based on the revised notices, which were not clearly communicated or legally supported.

The Ombudsman concluded that the complainant was unfairly penalised due to inconsistent notices and administrative oversights by the Local Council. The complainant could not reasonably determine which notice to follow, resulting in an unjust towing action.

Conclusions and recommendations

The Ombudsman concluded that:

1. The Local Council's Government Gazette notice lacked the legal authority to enforce parking restrictions.
2. Administrative errors resulted in conflicting notices, putting the complainant in an untenable position.
3. It was recommended that the towing fine be reimbursed and that Local Councils be instructed not to publish such notices in the Government Gazette without legal authority.

Outcome

The complainant was refunded the €200 towing fee. The Ministry for National Heritage, the Arts and Local Government committed to clarifying Local Councils' roles in publishing notices.

RESOLVED: SUCCESSFUL RESOLUTION TO COMPLAINT CONCERNING UNIVERSITY GRADUATION SCROLLS

December 11, 2024



The complainant, a member of one of the three branches of the legal profession in Malta, is in possession of several degrees from the University of Malta. Three of these degrees were obtained before 2012 and had been issued in her surname as a married person (then using her husband's surname).

By deed of separation authorised by the First Hall of the Civil Court (Family Division) sometime after 2012, the complainant reverted to her maiden surname for all intents and purposes of law, and the graduation scrolls with reference to two further subsequent degrees she obtained were issued by the University in her maiden surname.

When she requested that the graduation scrolls of the first three degrees be reissued in her maiden surname, the request was at first refused on the ground that the persons who had originally signed those scrolls had since moved on and were not available.

Following informal discussions between the Commissioner for Education at the Office of the Parliamentary Ombudsman and the Academic Registrar of the University, the University agreed to reissue those three graduation scrolls in her maiden surname and under the signature of the current Academic Registrar. A formal investigation by the Ombudsman's Office was thus averted.

RESOLVED: ACADEMIC APPOINTED TO POST OF FULL PROFESSOR AFTER OMBUDSMAN AND COURT FIND ORIGINAL DECISION BY UNIVERSITY OF MALTA TO BE ARBITRARY

December 18, 2024



On the 24th October 2022 the complainant, an associate professor at the University of Malta, applied for the post of full professor. The Promotions Board considered his application as premature and that he was not eligible for promotion since he had not yet served for eight years at Senior Lecturer and Associate Professor level. The Board, both in its initial decision and upon a request for reconsideration, refused to consider that part of the Collective Agreement which states that “*the applicant’s direct contribution to the University, society, culture and the economy at large and the international community, will also be taken into consideration, and where extensive evidence may be seen, at the discretion of the promotions Board, to partially compensate for other criteria.*” In effect the University had decided that the only criterion on the basis of which the application for promotion could move forward was that of the time served in the previous post or posts.

By decision of the 24th August 2023 the Commissioner for Education held that the Promotions Board’s refusal to consider the “*compensatory criteria*” was arbitrary and gave rise to unreasonableness, which was compounded by the absence of proper reasons for the decisions taken. The Commissioner recommended that the complainant’s application should be re-examined by a differently constituted Promotions Board and “*that specific consideration should be given to the compensatory criteria being invoked by the applicant (complainant),*” and that “*any decision, whether in favour or against, compensation should contain cogent reasons, which are also to be communicated to the complainant.*”

The University refused to comply with the Commissioner's recommendation, contending that it had acted correctly. The Commissioner's Final Opinion was eventually laid on the table of the House of Representatives.

The associate professor sought judicial review before the Courts of Justice. By judgement of the First Hall of the Civil Court delivered on the 25th March 2024, it was decided that the University of Malta had acted ultra vires by failing to take account of all the applicable criteria for promotion, and held that the University's decision to refuse to consider the application for promotion was null and void.

The University of Malta appealed that decision. However, the appeal was subsequently abandoned.

A differently constituted Promotions Board then considered the application, which was duly processed, and the opinion of two independent peer reviewers appointed by the Association of Commonwealth Universities was also sought, as is the established practice.

On the 22nd November 2024 the complainant was informed that the University Council had ratified the recommendation of the Promotions Board and that he was being promoted to full professor with effect from the 24th October 2022.

RESOLVED: CONSTRUCTION OF NEW ROAD AT MELLIEHA

December 27, 2024



The complaint

The Commissioner conducted an investigation into a complaint regarding prolonged delays in the construction of Triq Tabib Joseph Grech Attard in Mellieħa. The complainant had been raising concerns with the relevant authorities for several years, citing significant safety hazards for pedestrians. These included the road's rough surface, scattered debris, open manholes, and the substantial height disparity between the pavement and the road surface.

The investigation

The investigation revealed that the proximity of this road to a water reservoir delayed road levelling works, as these could not commence until the reservoir connections beneath the finished road level were completed. The Water Services Corporation confirmed that it was actively coordinating with Infrastructure Malta Agency so that once trenching, pipe-laying, reservoir connections, and backfilling works are finalized, the Agency will proceed with road formation and asphaltting.

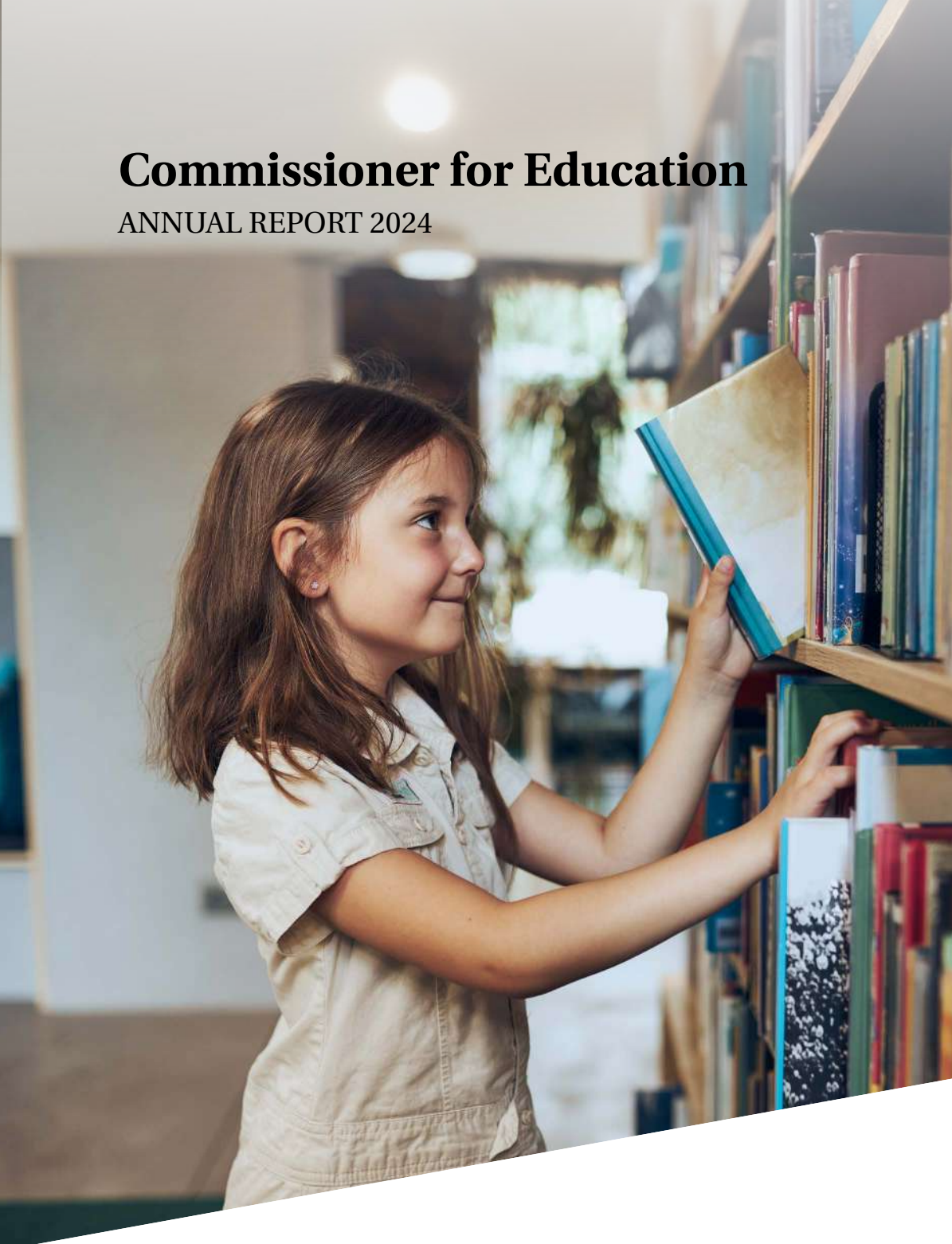
Conclusions and outcome

The Water Services Corporation commenced works within two months of the investigation's initiation and completed them within an additional two months. After finalizing the water works, the Corporation conducted the necessary testing and handed over the site to the Agency for completion.

All works were successfully concluded, and the case has been officially closed.

Commissioner for Education

ANNUAL REPORT 2024



OMBUDSMAN

COMMISSIONER FOR EDUCATION

COMMISSIONER FOR EDUCATION

ANNUAL REPORT 2024

As in previous years, the Commissioner for Education handled not only complaints against public providers of further or higher education (Rule 2(1) of the Commissioners for Administrative Investigations (Functions) Rules 2012 (S.L.385.01)), but, in virtue of the powers of delegation of the Ombudsman under Article 27(1) of the Ombudsman Act (Cap. 385) and Rule 8 of S.L.385.01, also complaints against the public education authorities in general (notably the Education Division within the Ministry responsible for Education) when the complaint in question is intimately connected with the provision and/or reception of education.

The Commissioner for Education was also assigned by the Ombudsman to investigate a complaint (introduced in September 2023 and decided in February 2024) jointly with the Commissioner for Health; and continued working, together with two other Investigating Officers within the Ombudsman's Office, on the Ombudsman's 'Own Initiative' investigation into alleged systemic maladministration within the Corradino Correctional Facility in the months leading to November 2021.¹ Moreover, in February 2024, the Commissioner, after consultation with the Ombudsman, commenced an 'Own Initiative' investigation on the number of students on the LSE waiting list in government schools and on the process of 'statementing'. This investigation is still in progress.

The number of new complaints received and which were assigned to the Commissioner in 2024 continued showing an increase in line with the trend shown in previous years. In fact, a total of 67 new complaints were so assigned, compared to 51 in 2023 and 45 in 2022. The Commissioner attributes this increase to the sustained campaign by the Office of the Ombudsman to advertise and promote the service provided by the Office. Part of this campaign consisted in talks delivered by the Commissioner mainly to children attending both government and Church schools on the role and function of the Office of the Ombudsman, on good governance and on the Rule of Law. The Commissioner and the Ombudsman also participated in activities in connection with Freshers' Week held at the University of Malta, at MCAST, at the Institute for Tourism Studies and at the Institute for Education.

¹ The report of this investigation was concluded and made public on 31 January 2025.

Table 2.1 - Complaint intake by institution (2023 - 2024)

Institutions	2023	2024
University of Malta	27	18
MCAST	7	5
Institute of Tourism Studies	-	-
Education Authorities	17	43
Outside Jurisdiction	-	1
Total	51	67

Table 2.2 - Complaints by Institution classified by complaint type (2023 - 2024)

	University of Malta		MCAST		Institute of Tourism Studies		Education Authorities		Total	
	2023	2024	2023	2024	2023	2024	2023	2024	2023	2024
Staff	12	6	6	2	-	-	8	14	26	22
Students	14	12	-	3	-	-	5	14	19	29
Others	1	-	1	-	-	-	4	14	6	14
Total complaints by students and staff	27	18	7	5	-	-	17	42	51	65
Own initiative cases	-	-	-	-	-	-	-	1	-	1
TOTAL	-	-	-	-	-	-	-	1	-	1
	27	18	7	5	-	-	17	44	51	67

Table 2.3 - Outcomes of finalised complaints (2023 - 2024)

Outcomes	2023		2024	
Sustained cases	8	17%	12	18%
Cases not sustained	16	33%	17	26%
Resolved by informal action	12	25%	17	26%
Investigation discontinued (not undertaken, given advice/ assistance, withdrawn, etc)	11	23%	16	24%
Outside Jurisdiction	-	-	1	1%
Declined (time-barred, trivial, etc.)	1	2%	3	5%
Other	-	-	-	-
Total	48	100%	66	100%

The bulk of new complaints in 2024 – a total of 43 were directed against the Education Authorities, whereas in 2023 the bulk (27) were directed against the University of Malta. It is significant that the number of new complaints directed against MCAST remained relatively small – 5 in 2024 compared to 7 in 2023 – figures which suggest that the internal or ‘in-house’ grievance mechanisms of MCAST work well.

As in previous years, the bulk of new complaints (61%) assigned to the Commissioner in the calendar year under examination concerned alleged unfair treatment at the hands of, or lack of equity displayed by, the respondent institution. The second most common ground of complaint in 2024 (13%) centred on decisions allegedly contrary to law and policies or alleged rigid application of legislation, regulations and policies. The fact that, as already indicated, the bulk of new complaints was directed against the Education Authorities (which includes the Malta Further and Higher Education Authority) suggests that there may be something wrong in the system or method of communication between parents and staff on the one hand and the higher echelons within the Education Division on the other. This appears to be borne out also by the fact that slightly over a fourth of all complaints finalised in 2024 were resolved by informal action, sometimes just a telephone call from the Commissioner to the respondent entity which is then followed by proper and prompt action by the respondent entity to the satisfaction of the complainant. In solving such complaints by informal action and at the same time providing prompt information to the Commissioner, the Human Resources Directorate of the Education Division, the Office of the Academic Registrar of the University of Malta and the Office of the CEO and Principal of MCAST should be singled out for special mention.

As to the number of cases disposed of by the Commissioner in 2024, (some of which would have been opened before 2024) here one finds also a marked increase – 66 cases compared to 48 in 2023. In 12 cases the complaint was upheld (sustained) in whole or in part; in 17 cases the complaint was not upheld. The investigation in 16 other cases was discontinued for various reasons in line with Article 17 of the Ombudsman Act. Only in 3 cases did the Commissioner decline to open a formal investigation (in line with Articles 14 and/or 17 of the Act). When the Commissioner proceeds in terms of Articles 14 or 17, the complainant is always advised in writing of the reason for this course of action. One case disposed of in 2024 was outside of the jurisdiction of the Commissioner, as it was directed against a private education provider. Nevertheless, the Commissioner referred the matter to the Malta Further and Higher Education Authority and was later informed that the issue had been satisfactorily resolved.

Table 2.4 - Complaint Grounds (2023 - 2024)

Grounds of Complaints	2023		2024	
Contrary to law and policies or rigid application of legislation, regulations and policies	2	4%	8	13%
Improper discrimination	3	6%	3	5%
Lack of transparency	-	-	1	1%
Failure to provide information or to provide a reply	3	6%	1	1%
Undue delay/failure to act/waiting lists	1	2%	6	9%
Unfair treatment/lack of equity	25	49%	41	61%
Unfair selection process/promotion/grading	12	23%	1	1%
Issues of quality of life/special needs	-	-	2	3%
Improper attitude of staff or management	1	2%	1	1%
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%	3	5%
Shortage/Inadequate supply of medicines	-	-	-	-
Continuing care/follow-up issues	-	-	-	-
Total	51	100%	67	100%

Of the cases closed in 2024, two deserve special mention. One concerned the work of the MQRIC Appeals Board. For a reason that has remained unclear, this vital appeals mechanism remained not properly constituted for months, to the detriment of many persons who wanted to contest the first determination made by the Malta Qualifications Recognition Information Centre within the MFHEA.

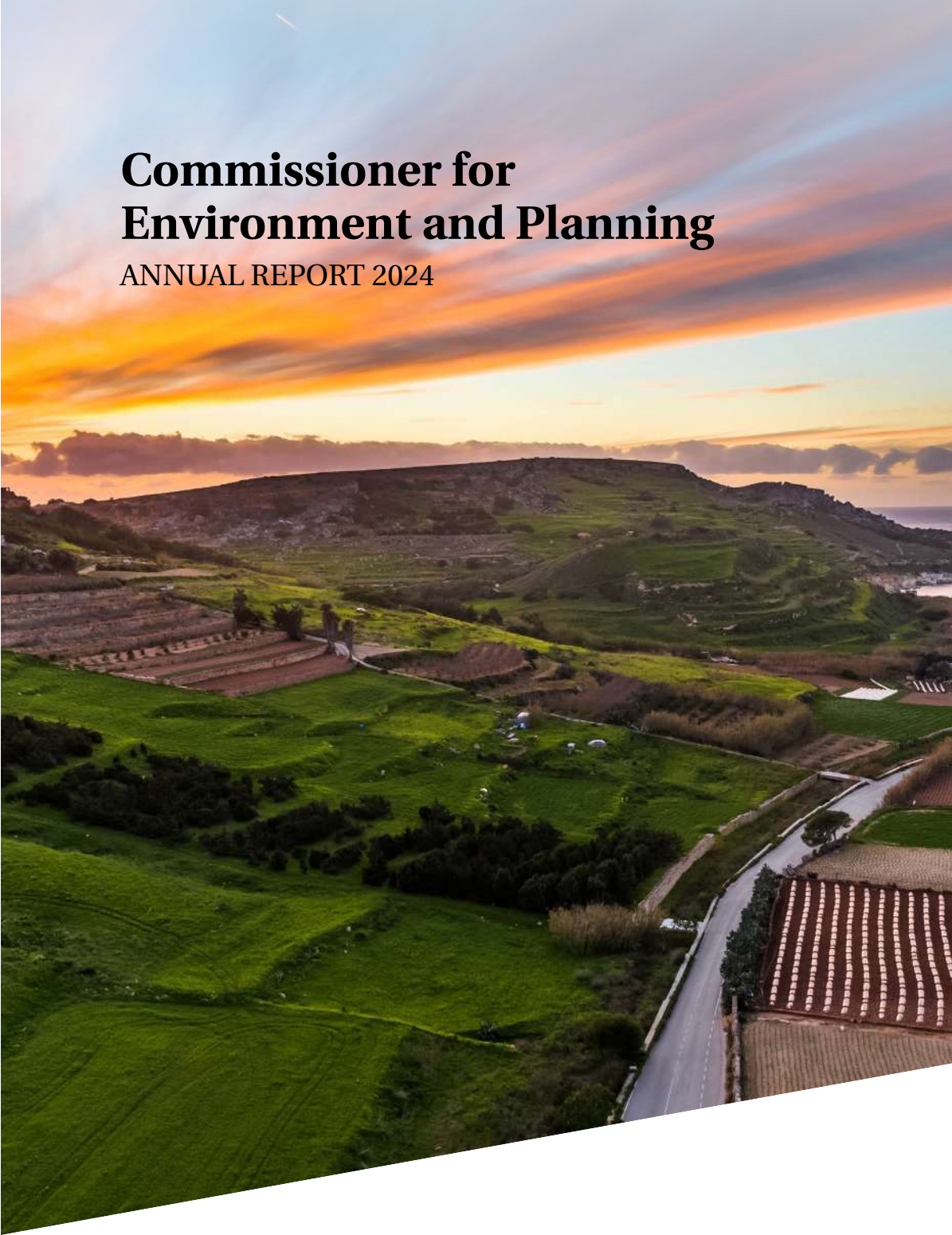
The other case concerned a complaint filed by the Union of Professional Educators. In the Final Opinion delivered on the 4th October 2024 (and subsequently laid on the Table of the House of Representatives in November of that year) the Commissioner found that the requirement of producing a ‘personalised union directive’ when a member of the complainant union follows any of that Union’s directives was in breach of Article 22(1)(2) of the Ombudsman Act in that it had a chilling effect on free and unhindered union membership as recognised by Article 11 of the European Convention on Human Rights. The Education Authorities refused the Commissioner’s recommendation to stop and desist from insisting on this ‘personalised union directive’, thereby reneging on a previous undertaking (in connection with a Final Report of the 18th May 2021) to treat all unions fairly and equally other than in the matter of the right to collective bargaining.

Matters which were the subject of cases concluded in 2024 included the following complaints:

- Alleged maladministration at the Guardian Angel Resource Centre.
- Alleged unfair selection process for the post of Assistant Head of a primary school.
- Alleged unfair treatment by the Examinations Department in the course of a call for applications for the post of Second Secretary with the Ministry responsible for foreign affairs.
- Alleged lack of fairness and equity in the running of the synoptic SEAC exam by MATSEC.
- Alleged unfairness in the last minute 'cancellation' of a course at the School of Music.
- Alleged improper termination of the contract of service of the CEO of MCAST.
- Alleged unfair treatment by the Faculty of Medicine and Surgery of the University of Malta in connection with a practical final year examination.
- Alleged refusal by the University of Malta to issue a graduation scroll in the complainant's maiden surname.

Commissioner for Environment and Planning

ANNUAL REPORT 2024



OMBUDSMAN

COMMISSIONER FOR ENVIRONMENT AND PLANNING

COMMISSIONER FOR ENVIRONMENT AND PLANNING

ANNUAL REPORT 2024

During the year under review, the Commissioner for Environment and Planning conducted investigations into several complaints against the Planning Authority, as well as an equal number of cases involving other public entities, including the Environment and Resources Authority, the Building and Construction Authority, local councils, and others. Additionally, four of these cases were own-initiative investigations launched by the Commissioner.

CHART 3.1: NEW CASES 2013-2024

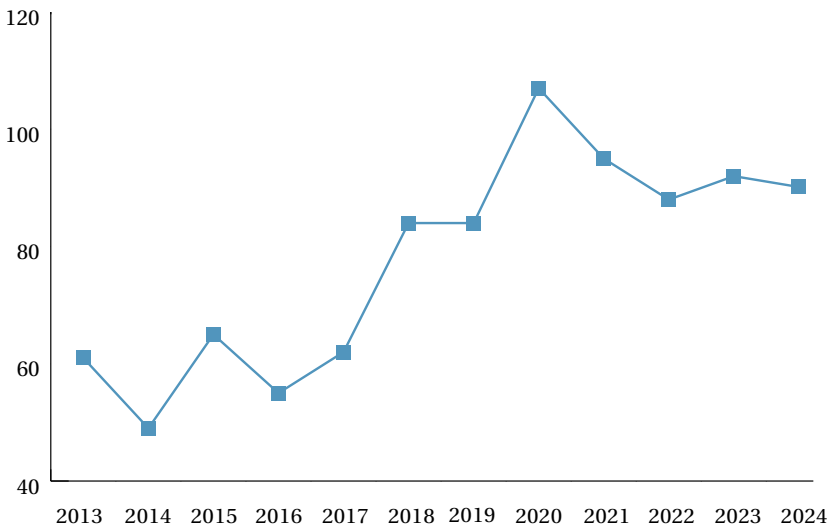


Chart 3.1 illustrates the number of new cases received by the Commissioner for Environment and Planning each year since the establishment of the Office. It is important to note that these figures do not include numerous other inquiries received from the general public or, in some instances, from public entities, which do not result in the initiation of a new case.

TABLE 3.2: NUMBER OF CASES

	2024	2023
Pending cases from previous years	21	30
New requests for investigation	90	92
Total	111	122

Pending cases from previous years were reduced by 30%, now accounting for 19% of the total cases under review. In only a few instances did the relevant government entity respond after the Final Opinion was referred to the Prime Minister. However, in most cases, the Office received full cooperation in requests for information, particularly from the Planning Authority.

The Commissioner’s primary concern centres on delays in implementing necessary amendments to outdated policies and regulations, especially following decisions by the Court of Appeal. We are currently facing a situation where a development permit is revoked after a successful third-party appeal, yet a very similar development may remain permitted simply because the legal procedure does not allow for a third-party appeal. The issue becomes even more problematic when development permits are revoked after construction is completed, or in some cases, even after properties have been sold and occupied by third parties.

Additional concerns have arisen regarding the extension of the validity of development permits, especially given that this involves amending conditions in the respective permits and the reactivation of expired permits through new permit extension regulations.

Several years ago, the Commissioner proposed the introduction of construction time windows in specific areas. This would help mitigate construction-related nuisances for neighbourhoods and provide an opportunity for better consolidation and design efficiency in buildings. Furthermore, it would shift the responsibility for reviewing permit validity to the Building and Construction Authority. A permit would only need to be reviewed if policies for the area change. This proposal could have addressed some of the issues related to revoked development permits and the need for repetitive and often controversial regulations extending permit validity. It is not too late to consider this suggestion seriously.

This brings us to the Government’s proposal to bring the Building and Construction Authority under the remit of the Commissioner for Environment and Planning, following the publication of the public inquiry. While this is a positive step and should also be extended to the newly formed Climate Action Authority, it is

important to emphasize that, while regulations and enforcement are crucial, ongoing education is equally essential. No amount of regulation or enforcement can effectively manage the vast number of operations carried out daily on construction sites across Malta. Continuous education is key to fostering long-term compliance and sustainability.

TABLE 3.3: CLOSED CASES

	2024	2023
Pending cases from previous years	17	26
New requests for investigation	69	75
Total	86	101

Nearly 80% of the cases received this year were resolved within the same year, maintaining a performance level similar to 2023 and an improvement from 70% in 2022. The number of open cases is kept to a minimum, demonstrating efficiency in case management. However, it is important to note that some investigations take longer due to the complexity of the discussions and the need for thorough deliberation. These extended cases are carefully handled to ensure that all aspects are properly addressed and that resolutions are reached in a fair and informed manner.

TABLE 3.4: GOVERNMENT ENTITIES SUBJECT TO COMPLAINTS

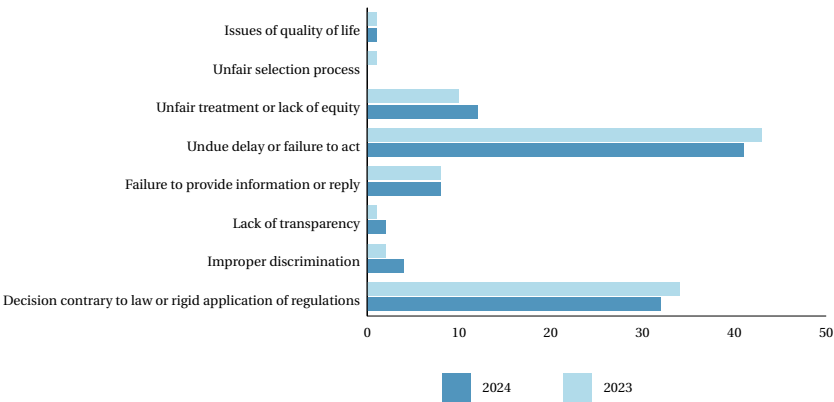
	2024	2023
Building and Construction Authority	4	4
Enemalta	2	1
Environment and Resources Authority	6	5
Environmental Health	1	2
Housing Authority	1	-
Infrastructure Malta	3	11
Lands Authority	3	6
Local Council	8	4
Local Enforcement Systems Agency	-	1
Malta Enterprise	-	1

Malta Tourism Authority	2	1
Ministry for Active Ageing	-	1
Ministry for Gozo	-	1
Ministry for Gozo and Planning	-	1
Ministry for Justice and Reform of the Construction Sector	1	-
Ministry for Public Works and Planning	-	1
Occupational Health and Safety Authority	1	-
Periti Warranting Board	-	1
Planning Authority	45	38
Police	5	4
Public Works	2	-
Regulator for Energy and Water Services	-	1
Superintendence of Cultural Heritage	2	-
Transport Malta	2	8
Water Services Corporation	1	1
TOTAL	90	92

Complaints against the Planning Authority rose to 50% of the annual caseload this year, compared to 41% in 2023 and 49% in 2022. One particular case this year required significant attention from the Commissioner. This investigation focused on the approval of stables by the Planning Authority and involved reviewing a substantial number of permits issued over the past eight years. Although the Final Opinion resulting from this investigation had to be submitted to the Prime Minister and the House of Representatives due to the partial implementation of the Commissioner’s recommendations, the Planning Authority eventually signed a Memorandum of Understanding with the Ministry for Agriculture, Fisheries and Animal Rights, aimed at significantly improving the current situation. This underscores the importance of ensuring that recommended actions are taken seriously to prevent further escalation and to uphold the integrity of the planning process. Moving forward, it is crucial to foster greater cooperation between the relevant authorities and the Commissioner’s Office to address such issues effectively.

TABLE 3.5: CASELOAD BY NATURE OF COMPLAINT

	2024		2023	
Decision contrary to law or rigid application of regulations	29	32%	31	34%
Improper discrimination	3	4%	2	2%
Lack of transparency	2	2%	1	1%
Failure to provide information or reply	7	8%	7	8%
Undue delay or failure to act	37	41%	40	43%
Unfair treatment or lack of equity	11	12%	9	10%
Unfair selection process	0	0%	1	1%
Issues of quality of life	1	1%	1	1%
Total	90	100%	92	100%

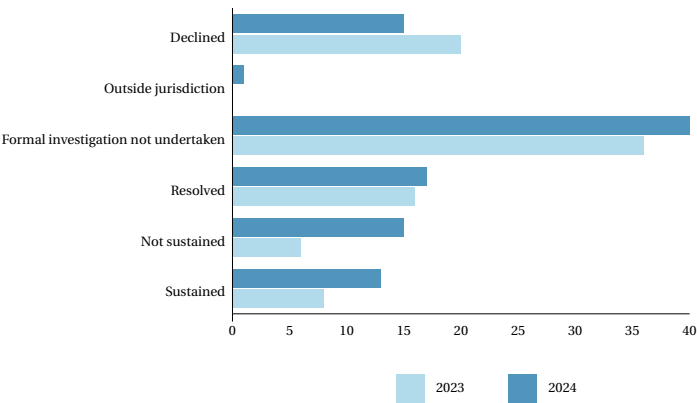


Decisions contrary to the law, rigid application of regulations, and undue delays or failures to act continue to account for nearly 80% of all complaints received. On a positive note, issues related to a lack of transparency and discrimination remain relatively low throughout the years. This reflects progress, but it also highlights areas that require ongoing attention.

A level playing field and timely action are critical in the construction sector. By prioritizing these elements, we can create a more equitable environment where the well-being of residents and the integrity of the built environment are better balanced. Ensuring fair and efficient processes not only contributes to a healthier community but also strengthens trust in the regulatory framework. Moving forward, continued focus on eliminating delays and improving transparency will be essential for maintaining this positive trajectory.

TABLE 3.6: OUTCOME FOLLOWING CLOSURE OF CASES

	2024		2023	
Sustained	8	9%	13	13%
Not sustained	6	7%	15	15%
Resolved	16	19%	17	17%
Formal investigation not undertaken	36	42%	40	39%
Outside jurisdiction	0	0%	1	1%
Declined	20	23%	15	15%
Total	86	100%	101	100%



During this year, the number of sustained cases has decreased significantly, from 13 to 8, while the rate of implementation has risen notably. This positive shift reflects improved efficiency and a stronger commitment to ensuring that recommendations and decisions are effectively carried out. The increase in implementation highlights the progress made in addressing enhanced communication with the relative authorities, which in turn fosters greater trust in the system. It is important to build on this momentum to continue enhancing the impact of decisions and ensuring timely resolutions across all cases.

The downward trend that reached an all-time low in 2022 appears to have been reversed, with the rate of implementation following the Final Opinion now back to the level it was five years ago, at 75%. This means that out of the 8 sustained cases, only 2 were not implemented. These cases involved the irregular outside catering area in front of the Mellieha Sanctuary and the issue regarding the lack of third-

party appeal rights for regularisation development permissions. Both of these cases were referred to the Prime Minister and the House of Representatives. Additionally, there were other cases not implemented within the reporting year, although their Final Opinions were issued in the year under review. These cases were closed in the current year (2025) and, therefore, are not reflected in these statistics. Notable among these are the cases concerning the stables and the Y-plate operator's licence renewal.

There are a significant number of cases that are resolved during the course of the investigation, still with the intervention of the Office of the Ombudsman, without the need for a Final Opinion. These amount to a significant number raising the number of resolved cases (including those that were sustained and implemented) to 92% . This augurs well and one only hopes that this trend is maintained for years to come.

CONCLUSIONS

Throughout the year, the Commissioner maintained regular meetings with Ministries, heads and representatives of Government entities, and NGOs. The Commissioner also attended various local conferences, participated in a visit to the WasteServ complex, as well in a meeting during a visit from a delegation of the Moldovan Ombudsman. Additionally, participation on an international level in the Clean Energy for EU Islands Forum has proven beneficial in promoting specific aid opportunities for island states like Malta.

It is also worth recognizing the positive approach towards creating a 'one-stop shop' by consolidating certain operations conducted by different authorities in the construction sector. This has significantly enhanced both accessibility and efficiency. However, greater attention should be given to improving the pedestrian experience on our roads, particularly regarding the quality and accessibility of pavements and their occupation by outside catering areas.

Year after year, the Office of the Ombudsman has grown in popularity as an independent resource for citizens seeking assistance. Although only 28% of cases were resolved or sustained, and 30% were declined or not sustained by the Commissioner for Environment and Planning, the remaining 42% of complainants who did not have their cases investigated still benefited from the free advice and expertise provided by the Office. This support helped them navigate their concerns and find appropriate solutions. Reaching out for guidance on environmental and planning issues remains a valuable resource, with the added assurance that the identity of the complainant will remain confidential outside the Office.

Commissioner for Health

ANNUAL REPORT 2024



COMMISSIONER FOR HEALTH

ANNUAL REPORT 2024

Introduction

The Commissioner for Health is responsible for addressing complaints related to health matters involving public entities. These complaints typically come from the general public or healthcare employees, particularly those working within the Ministry for Health and Active Ageing.

At the start of 2024, the Commissioner was managing 85 unresolved cases from previous years, all of which were under investigation. Unfortunately, some of these cases had been filed years earlier, and no conclusive resolutions had been reached. Despite thorough investigations, practical solutions were not found, prompting the exploration of alternative avenues to address the complainants' concerns. Throughout the year, an additional 76 new cases were submitted to the Commissioner for Health.

New Cases in 2024

The total number of new cases received by the Commissioner for Health in 2024 showed a decline compared to the previous year, with 76 new cases recorded, down from 91 in 2023. This represents a decrease of 15 cases from 2023.

Figure 1. New cases 2013 to 2024

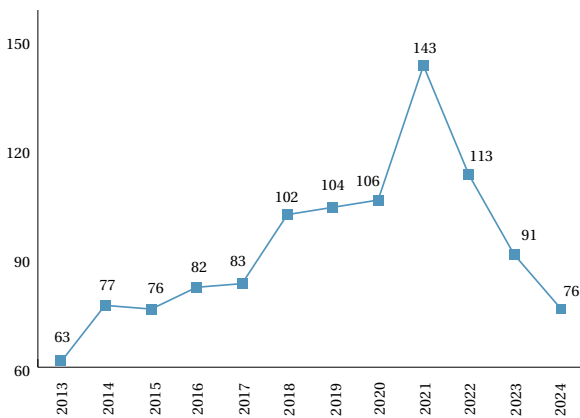
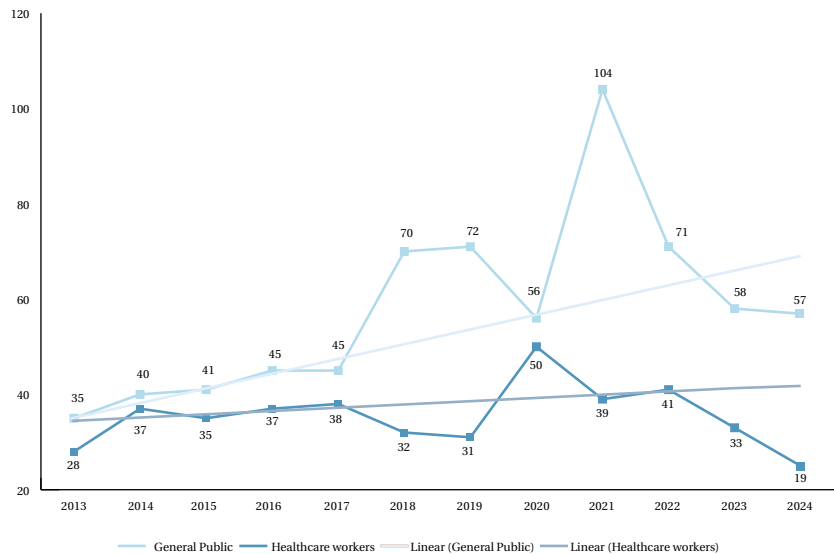


Table 1. - New cases in 2013 to 2024 by type of complainant

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	72	31	1	104
2020	56	50		106
2021	104	39		143
2022	71	41	1	113
2023	58	33		91
2024	57	19		76

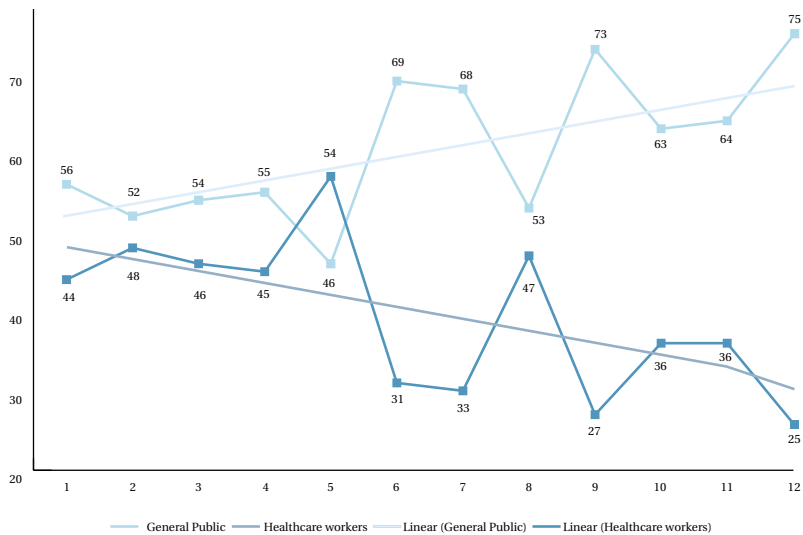
The decline in new cases was primarily driven by a significant reduction in the number of cases filed by employees within the health sector. In contrast, cases filed by the general public remained largely unchanged compared to 2023, with 58 cases in 2023 and 57 in 2024.

Figure 2. - New cases 2013 to 2024 by type of complainant



When the data is presented as a percentage of all new cases, it becomes apparent that the share of cases attributed to the general public has risen from 64% to 75%. This shift can be attributed to a decline in the number of cases reported by healthcare employees.

Figure 3. - Percentage new cases 2013 to 2024 by type of complainant



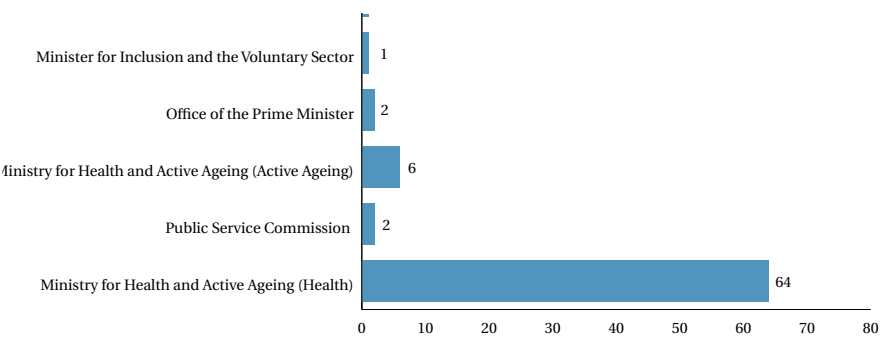
Entities involved

As in previous years, the majority of complaints lodged with the Commissioner for Health during 2024 once again involved the Ministry for Health and Active Ageing.

Table 2. - Entities involved in claims

Entity involved in claim	No.
Ministry for Health and Active Ageing (Health)	64
Public Service Commission	2
Ministry for Health and Active Ageing (Active Ageing)	6
Office of the Prime Minister	2
Minister for Inclusion and the Voluntary Sector	1
Ministry for Social Policy and Children's Rights	1

Figure 4. - Number of cases lodged with Commissioner for Health by entity



Overview of complaints received in 2024
Complaints by category

The complaints received in 2024 covered a broad range of issues:

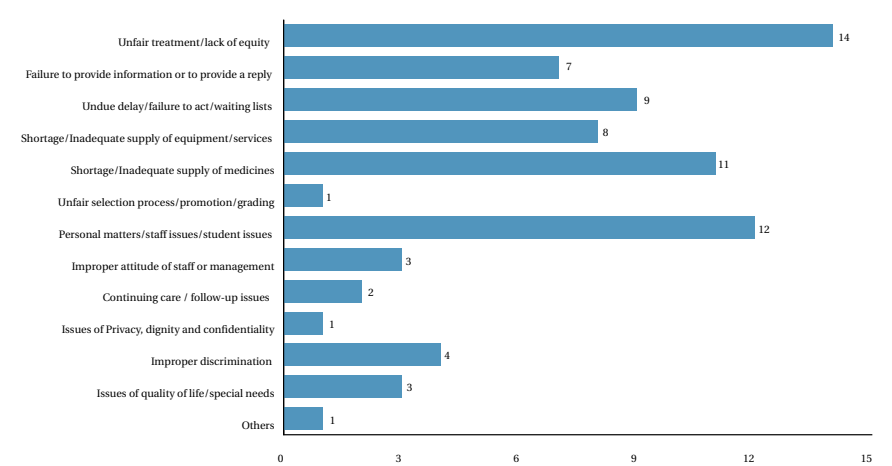
- **Unfair Treatment/Lack of Equity** was the most frequently reported issue, with 14 cases (18% of all complaints). Although this category topped the list, it reflects a decrease compared to the previous year.
- **Shortage or Inadequate Supply of Medicines, Equipment, or Services** accounted for a combined total of 19 cases (25%). Specifically, 11 complaints concerned medicine shortages, while 8 related to equipment and/or service shortages. This ongoing issue has remained persistent over the years.
- **Failure to Provide Information or Respond** was the subject of 7 complaints, representing 9% of the total—a decline from 12% the previous year.
- **Undue Delay/Failure to Act/Waiting Lists** accounted for 9 complaints (12%), most of which were related to surgical waiting lists. Despite the growing concern over wait times in Accident and Emergency departments, no complaints on this matter were lodged with this Office.

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

Table 3. – New cases lodged with the Commissioner for Health in 2024 by category

Categories	Number of Cases
Unfair treatment/lack of equity	14
Failure to provide information or to provide a reply	7
Undue delay/failure to act/waiting lists	9
Shortage/Inadequate supply of equipment/services	8
Shortage/Inadequate supply of medicines	11
Unfair selection process/promotion/grading	1
Personal matters/staff issues/student issues	12
Improper attitude of staff or management	3
Continuing care / follow-up issues	2
Issues of Privacy, dignity and confidentiality	1
Improper discrimination	4
Issues of quality of life/special needs	3
Others	1

Figure 5. – New cases lodged with the Commissioner for Health in 2024 by category



Final outcome of closed cases

In 2024, the Commissioner for Health successfully concluded a total of 109 investigations, 54 of which originated in the same year. The remaining cases were carried over from previous years. A detailed breakdown is provided in Table 4 below.

Table 4. – Closed cases by year when received

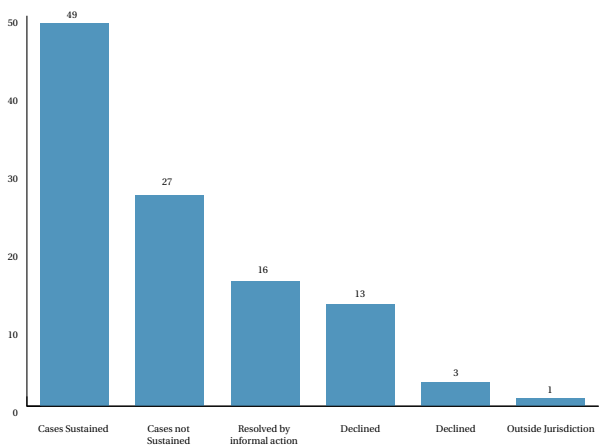
Year complaint was lodged	Number
2024	54
2023	39
2022	7
2021	2
2019	1
2017	5
2015	1

Table 5. – Final outcome of the cases closed by the Commissioner for Health

Outcome of cases closed	No.
Cases Sustained	49
Cases not Sustained	27
Resolved by informal action	16
Investigation discontinued	13
Declined	3
Outside Jurisdiction	1

Of the closed cases, 49 (45%) were sustained, while 27 (25%) were not sustained. The Commissioner acknowledges the attention given by the public entities involved, particularly in response to the sustained complaints. Nonetheless, there remains a need to strive for excellence in the field of health which is such a highly sensitive sector.

Figure 6. - Final outcome of the cases closed by the Commissioner for Health



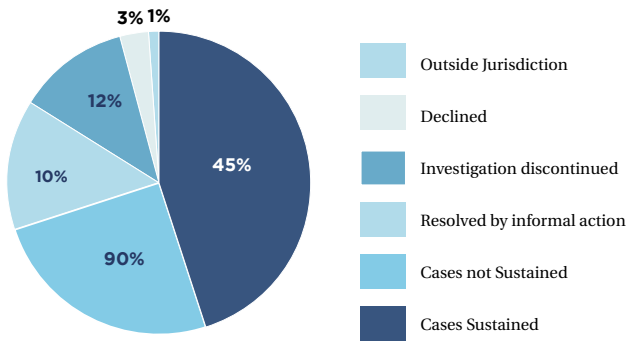
In 16 cases (15%), the issues were resolved through informal action. These cases were typically resolved during the course of the investigation, usually through direct communication with the entity involved. Additionally, there were 13 cases (12%) in which investigations were initiated but later discontinued, with no further action taken. The reasons for discontinuing these 13 investigations are shown in Table 6.

Table 6. – Reason why investigation was discontinued by the Commissioner for Health

Reason why investigation was stopped	Number
Withdrawn by complainant	5
No supporting documentation provided by complainant	4
Taken over by other authorities	3
Complainant passed away	1

In 2024, one case was deemed outside the jurisdiction of this Office, as it involved an allegation of medical malpractice. Three other cases (3%) were declined: one because the claimant lacked direct interest; another due to the matter being time-barred; and the third because the claimant was advised to seek redress from another regulatory body with jurisdiction, which had not yet been consulted.

Figure 7. - Percentage of the final outcome of the cases closed in 2024 by the Commissioner for Health



Conclusion

Operation Waiting Lists

One of the most severely affected areas during the COVID-19 pandemic was the waiting list for elective surgeries — non-emergency medical procedures. These operations were largely postponed to prioritize urgent care and manage healthcare capacity. Meanwhile, the number of patients awaiting surgery continued to rise.

As of 2024, elective surgery waiting lists remain a significant challenge for patients. More than 5,000 individuals have been on these lists for over 18 months, particularly for orthopaedic procedures, general surgery, and ophthalmic operations.

This situation stands in clear contrast to the standards set out in the *Patients' Charter*, launched by the Ministry for Health in November 2016 following extensive public consultation. Under the section titled “Access,” the Charter states:

“In a non-urgent case (elective): Care/intervention must be initiated within 18 months for a condition that is unlikely to deteriorate quickly and that does not have the immediate potential to become an emergency.”

Moreover, the Charter affirms patients' rights:

“To seek preauthorization for healthcare through a local private healthcare provider or in another European country for state or private treatment, in accordance with the Maltese Cross-Border Healthcare Regulations, under the Health Act, if a predetermined maximum acceptable waiting time is not respected.”

Although the Ministry for Health and Active Ageing has launched several initiatives aimed at reducing waiting times, the problem persists. It is evident that more comprehensive and intensified efforts are required to effectively tackle and resolve this ongoing issue.

Availability of Medicines

The availability of medicines remains one of the most significant areas of concern raised by the general public, ranking as the second most common source of complaints. This is a longstanding and complex issue, influenced by both local and international factors.

This concern can be broadly divided into two key aspects:

i. Access to New Medicines

A report published in 2024 by the European Federation of Pharmaceutical Industries and Associations (EFPIA) compared the availability of new medicines across 36 European countries between 2019 and 2022. Out of 167

new medicines approved in Europe during this period, only 14 were made available in Malta — placing the country significantly below the EU average.

This disparity is not unique to Malta. Across the EU, the availability of new medicines varies considerably among member states. The average number of new medicines made available across the EU between 2019 and 2022, was 72. Several factors contribute to this variation, including national regulatory and pricing policies, market size, and health system priorities.

In Malta, limited market size and specific procurement procedures further complicate the issue. Although the relevant authorities are actively working to address these challenges, further action is necessary. The European Parliament is also proposing new legislation aimed at reducing these disparities across member states.

ii. Procurement of Medicines Listed on the Government Formulary

Ensuring the consistent availability of medicines listed on the Government Formulary continues to be a challenge. This issue is part of a wider trend identified by the Heads of Medicines Agencies, who have noted an increasing shortage of critical pharmaceuticals across Europe.

Malta faces additional hurdles due to its historical reliance on the UK market — a situation further complicated by Brexit. In response, several corrective measures have already been introduced to mitigate supply disruptions. However, given the evolving nature of the pharmaceutical supply chain, continued and enhanced efforts are necessary.

Improving Communication

As in previous years, communication between the Health Authorities and patients — as well as their relatives — requires significant improvement. Approximately 10% of all cases we handled involved clients who felt that the Health Authorities failed to communicate effectively with them or their family members. It is essential that the authorities make a greater effort to provide clear, factual, and timely information to the public when such information is requested. While there has been some improvement compared to previous years, much more work remains to be done.

Shortage of Hospital Beds

The acute shortage of beds at Mater Dei Hospital continued to pose a serious challenge throughout 2024. The Health Authorities are fully aware of this ongoing issue and have been exploring various solutions. However, such solutions cannot deliver immediate results. For this reason, an Action Plan has been introduced to address the issue over the short, medium, and long term.

Public Outreach and Visibility

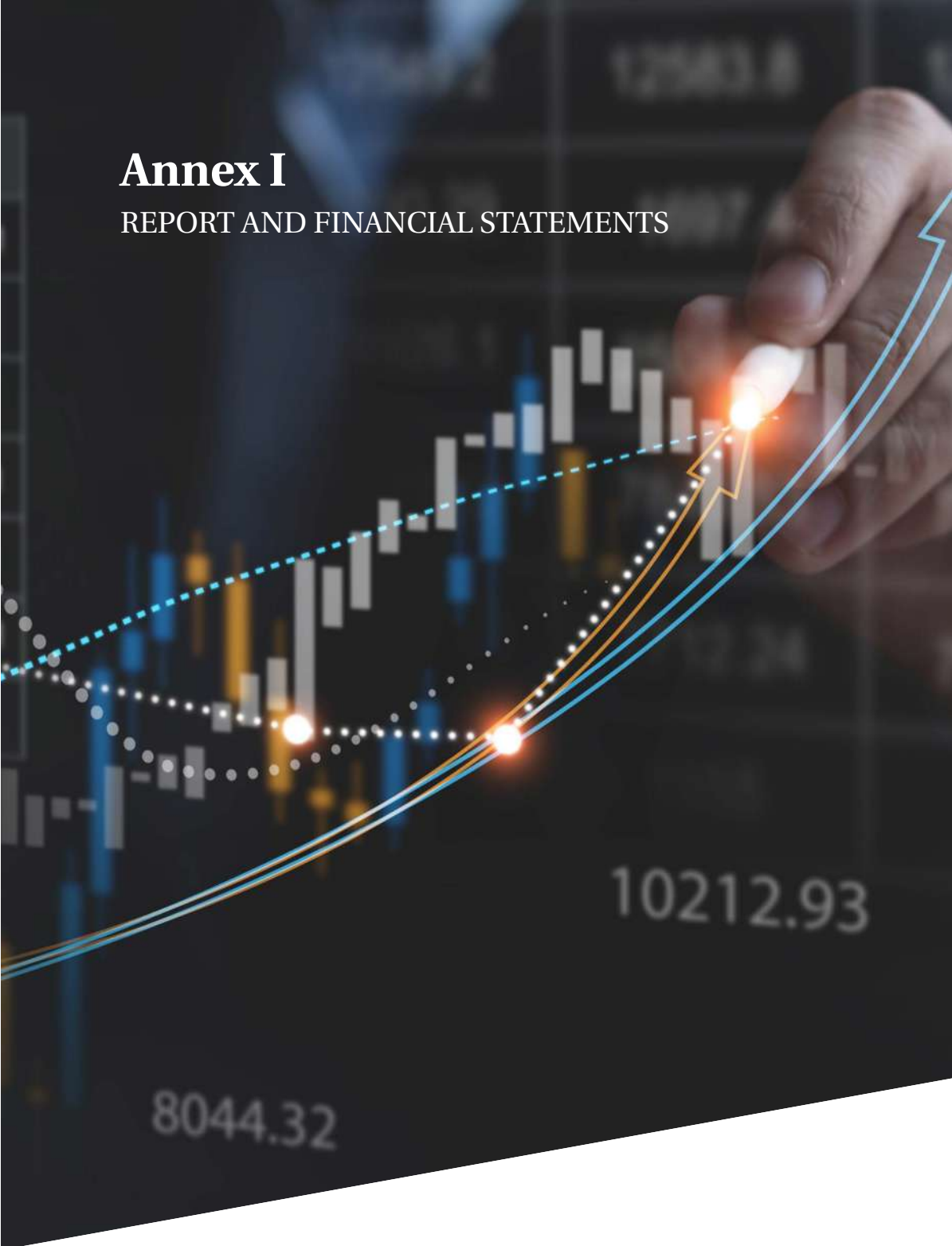
In 2024, the visibility of our Office continued to grow, with increased public awareness of the services we offer when individuals encounter issues with public entities. While this progress is positive, it is not considered sufficient. Additional efforts are planned to further strengthen public outreach in the coming years.

Looking Ahead to 2025

The year 2025 will be a milestone for our Office as it marks the 30th anniversary of the establishment of the Office of the Ombudsman. This anniversary presents a unique opportunity to highlight the critical role our Office plays in offering a voice to members of the public who feel they have been unfairly treated or overlooked by public entities.

Annex I

REPORT AND FINANCIAL STATEMENTS



REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 DECEMBER 2024

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SCHEDULE 1

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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; and
- 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; and
- 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 2024, 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, 2024, 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

28 February 2025

Statement of Comprehensive Income

		2024	2023
	Schedule	€	€
Income			
Government grant		1,486,000	1,549,000
Conference sponsorship		-	15,000
Non-operating income (note 3)		109	110
		<u>1,486,109</u>	<u>1,564,110</u>
Expenditure			
Personal Emoluments (note 4i)		(1,360,428)	(1,239,500)
Administrative and other expenses	1	(282,435)	(330,301)
		<u>(1,642,863)</u>	<u>(1,569,801)</u>
(Deficit) for the year		<u>(156,754)</u>	<u>(5,691)</u>

Statement of Financial Position

		2024	2023
	Notes	€	€
Assets			
Non-current assets			
Property, Plant and Equipment	5	311,785	365,817
Current assets			
Receivables	6	44,265	40,935
Cash and cash equivalents	7	460,163	575,638
		504,428	616,573
Total assets		816,213	982,390
Equity and Liabilities			
Accumulated surplus		755,688	912,442
Payables	8	60,525	69,948
Total Equity and Liabilities		816,213	982,390

The financial statements on pages 6 to 16 were approved by the Office of the Ombudsman on 17th January 2025 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 2023	918,133
<i>Statement of Comprehensive income</i>	
Surplus for the year	(5,691)
At 31 December 2023	912,442
<i>Statement of Comprehensive income</i>	
(Deficit) for the year (page 6)	(156,754)
At 31 December 2024	755,688

Statement of Cash flows

	2024	2023
Notes	€	€
Cash flows from Operating activities		
(Deficit) for the year	(156,754)	(5,691)
Depreciation	95,972	93,281
Disposal of tangible fixed assets	8,001	21,423
Non-operating income	(109)	(15,110)
Operating (deficit) before working capital changes	(52,890)	93,903
(Increase) in receivables	(3,330)	(4,456)
(Decrease) / Increase in payables	(9,424)	64,125
Net cash generated from operating activities	(65,644)	153,572
Cash flows from Investing activities		
Payments to acquire tangible fixed assets	(49,940)	(63,399)
Non-operating income	109	15,110
Net cash used in investing activities	(49,831)	(48,289)
Net decrease/increase in cash & cash equivalent	(115,475)	105,283
Cash and cash equivalents at beginning of year	575,638	470,355
Cash and cash equivalents at end of year	460,163	575,638

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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 17th January 2025.

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}	2024	2023
		€	€
	Bank interest receivable	109	110
		<u>109</u>	<u>110</u>
4i	Personal Emoluments	2024	2023
		€	€
	Wages and salaries	1,314,274	1,195,915
	Social security costs	46,154	43,585
		<u>1,360,428</u>	<u>1,239,500</u>
ii	Average No. of Employees	<u>22</u>	<u>22</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	37,965	46,209	31,728	113,000	123,787	79,347	1,256,616
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	133,313	78,136	1,240,757
Depreciation								
At 1 January 2023	482,810	33,887	34,085	19,890	83,384	106,908	78,530	839,494
Charge for the year	51,711	2,860	6,695	7,737	17,472	6,643	163	93,281
Release on disposals	(10,667)	(193)	(2,916)	(250)	(41,622)	(976)	(1,211)	(57,835)
At 31 December 2023	523,854	36,554	37,864	27,377	59,234	112,575	77,482	874,940
Net book value								
At 31 December 2023	282,782	6,761	7,108	5,241	42,533	20,738	654	365,817

Notes to the financial statements (continued)

5ii. Property, Plant and Equipment

	Improvements to property	Office Equipment	Computer equipment	Computer software	Motor vehicles	Furniture and fittings	Aircondition	Total
Cost	€	€	€	€	€	€	€	€
At 1 January 2024	806,636	43,315	44,972	32,618	101,767	133,313	78,136	1,240,757
Additions	8,024	2,676	2,790	36,450	0	0	0	49,940
Disposals	(20,000)	(1,139)	(1,329)	(169)	-	(155)	0	(22,792)
At 31 December 2024	794,660	44,852	46,433	68,899	101,767	133,158	78,136	1,267,905
Depreciation								
At 1 January 2024	523,854	36,554	37,864	27,377	59,234	112,575	77,482	874,940
Charge for the year	50,920	2,911	4,817	13,222	17,472	6,467	163	95,972
Release on disposals	(11,999)	(1,139)	(1,329)	(169)	0	(155)	0	(14,791)
At 31 December 2024	562,775	38,326	41,352	40,430	76,706	118,887	77,645	956,121
Net book value								
At 31 December 2024	231,885	6,526	5,081	28,469	25,061	14,271	491	311,784

Notes to the financial statements (continued)

6	Receivables	2024	2023
		€	€
	Stocks (stationery)	11,330	10,669
	Trade receivables	4,508	2,508
	Prepayments	28,427	27,758
		<u>44,265</u>	<u>40,935</u>

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:

	2024	2023
	€	€
Cash at bank	458,636	574,980
Cash in hand	1,527	658
	<u>460,163</u>	<u>575,638</u>

8	Payables	2024	2023
		€	€
	Trade payables	14,775	962
	Accruals	45,749	68,986
		<u>60,524</u>	<u>69,948</u>

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

9 Fair values

At 31 December 2024 the fair values of assets and liabilities were not materially different from their carrying amounts.

Schedule 1

Administrative and other expenses

	2024	2023
	€	€
Utilities	16,146	16,634
Materials and supplies	6,895	9,694
Repair and upkeep expenses	9,354	28,852
Rent	7,741	7,403
International membership	5,503	2,100
Office services	4,658	6,213
Transport costs	7,345	15,218
Traveling costs	28,800	22,282
Information Services	6,054	11,574
Outreach	9,891	4,989
Contractual Services	77,262	62,522
Professional Services	4,327	2,074
Training expenses	3,377	6,653
Hospitality	2,107	1,650
Conference	8,555	62,870
Incidental expenses	448	398
Depreciation	95,972	93,281
(Profit) on Disposals	(12,000)	(24,106)
	282,435	330,301



Address: 11/12, St Paul Street, Valletta, VLT1210

Email: office@ombudsman.org.mt

Tel: +356 2248 3200, 2248 3216

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



Address: 11/12, St Paul Street, Valletta, VLT1210

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