



OMBUDSPLAN 2025



Protecting rights
Ensuring fairness
Standing for justice
Fostering good governance



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October – May 08:30am – 12:00pm

01:30pm – 03:00pm

June – September 08:30am – 12:30pm

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A publication of The Office of the Ombudsman
September 2024

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OMBUDSPLAN 2025





The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, pays a courtesy call on the President, H.E. Myriam Spiteri Debono, at the beginning of her mandate - 18 April 2024



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, addressing a thematic lecture by the Parliamentary Ombudsman of the United Kingdom and Health Ombudsman of England, Sir Rob Behrens, CBE, on “The Parliamentary Experience: Reflections on the Past and Present. Looking to the future.” - 6 February 2024

THE LAW

For the purposes of this document, reference is made to Section 10(4) of the Ombudsman Act 1995 (Chapter 385 of the Laws of Malta) which states that the finance required for the Ombudsman’s salary and allowances and for the resources of his Office shall not exceed a maximum amount indicated in an Ombudsplan approved by the House of Representatives and shall be a charge on the Consolidated Fund without any further appropriation, provided that the Ombudsman shall present to the House by the 15th day of September of each year an Ombudsplan which will indicate the ensuing year’s activities. This document and its contents are in accordance with the requirements of this provision.

OBJECTIVE

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.



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, and the Auditor General, Mr Charles Deguara, signing a Memorandum of Understanding to enhance cooperation and promote good public administration governance - 25 April 2024



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, receives a courtesy visit from Dr George Hyzler, member of the European Court of Auditors - 29 November 2023

ACTIVITIES FOR 2025

CONTINUOUS COMMITMENT IN THE INVESTIGATION OF COMPLAINTS

The Office has every interest for its very existence to be credible in the manner how complaints are handled. This approach applies to complainants and the public administration alike. Credibility involves a day by day commitment to do what is good and fair. These values translate into a timely and efficient processing of complaints, and meticulous investigations that respect the right to be heard of complainants, of respondents and of any interested persons that could be effected in any manner by investigations. Furthermore in its recommendations, the Office must be transparent and independent.

OWN INITIATIVE INVESTIGATIONS AND THE COMMON GOOD

Where the public interest and the common good are the overriding considerations, the Office will continue to pursue own initiative investigations. Past experience has shown that whenever the Office embarked on investigations of this nature, results were not only generally positive, but also factually concrete.

THE OFFICE AND THE PUBLIC ADMINISTRATION

In the exercise of their administrative functions, Government, public authorities, public bodies and the public administration in general have a legal and moral obligation to be fair, transparent and accountable. To ensure compliance with this principle of good governance, the Office will continue to oversee the operations of the public administration not

simply to determine the validity or otherwise of complaints but also to assist for the better by means of appropriate recommendations the performance by the public administration of its obligations.

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.

Recommendations by the Office can be far reaching especially when the recommendation includes effective remedies. 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 recommendation push towards changes in “*red-tape*” methodology that could have been acceptable years back but which are no longer relevant today.

Where justice and good order so dictate, the Ombudsman and the Commissioners will continue to act as movers of change in Government policy and practices. The Office will strive towards change for the better in public services for the benefit of all persons who face objective difficulties, who are put back or who are diffident of public services, or who are vulnerable not for any financial reason, but because they have no one to turn to.



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, and the Commissioner for Environment and Planning, Perit Alan Saliba, during an information visit at WasteServ - 30 January 2024



A delegation from the People's Advocate and Equality Council of Moldova, led by Ombudsman Mr Ceslav Panico and Mr Ian Feldman, visited Malta for talks with the Office of the Ombudsman - 16 April 2024

One must acknowledge the fact that the work of the Office has impacted significantly on the mindset of public servants. There is today a better appreciation of the right to fair procedure, the value of learning from complaints and the need for clear communication and explanations for decisions.

AN AD HOC SELECT COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Chapter 385 gives the Ombudsman (and the Commissioners) substantial powers to conduct investigations. Recommendations submitted by the Ombudsman and the Commissioners are not binding. The problem lies when a public body refuses to implement a recommendation, and the Ombudsman reports to Parliament in terms of Sec 22(4) of Chapter 385. Past experience has shown that the mere presentation before Parliament of final reports of the Ombudsman did not tangibly resolve the impasse created by the non-implementation of recommendations by the Executive.

This deadlock is frustrating because the final reports that are sent to Parliament indeed require attention and action on their merits. Many a time on the one hand they effect the lives of people and on the other prompt the taking of remedial measures by the public administration not only for the benefit of the complainant but also as a direction for possible future cases.

In the past the Office advocated in favour of a procedure for debate of final reports that are presented to Parliament. The Office has been consistent in that approach. In fact in the session of the House Business Committee, that was held on the 10 June 2024, which unanimously recommended the approval of the Ombudsplan 2024, which Ombudsplan was then unanimously approved by the House in plenary, the Ombudsman reiterated his request for a procedure that possibly would resolve the present legal stalemate.

Despite that request, the situation is still unresolved to date. Nonetheless the public should rest assured that the Office will continue



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, during a meeting with Sir Rob Behrens, Parliamentary Ombudsman of the United Kingdom and Health Ombudsman of England - 6 February 2024



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, visiting the KSU Freshers' Week at the University of Malta - 5 October 2023



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, during a meeting with the Council of the Malta Chamber - 27 September 2023

to insist on changes for the better. The Office believes that much more than what is being done at present can be done by Parliament to make final reports more effective vis-à-vis the Executive.

The Office firmly believes that final reports that are tabled before the House should be referred to and debated in public by an *ad hoc* Select Committee of the House of Representatives. This would require amendments to the Standing Orders of the House, that are issued by virtue of the Constitution of Malta. The Committee can be appointed on the lines of other Select Committees already in place. A possible name for that Committee could be “*Select Committee of the House on the Public Administration*”. Similar parliamentary set-ups are already existent elsewhere, notably in the UK.

The Office is of the view that such a Select Committee would have the remit to examine, consider and give directions to the Executive with regard to reports that are presented to the House by the Ombudsman, and also to consider the quality and standards of services provided by the public administration, and submit recommendations.

As in many other countries, the work of the Ombudsman will be enhanced where there is a direct reporting relationship with a specific Committee of Parliament that both monitors and supports the work of the Ombudsman. Such a committee could have regular constructive and critical interaction with the Ombudsman.

ACCESS TO JUSTICE

In general, the work of the Ombudsman compliments that of the Courts. In fact it is a proven reality that in its operations the Ombudsman can be a safe alternative to the Courts as it is independent, objective and free of charge. But unlike the Courts, the Ombudsman draws on the experience of dealing with individual complaints to identify and report on systemic problems within the public administration.

No harm will ensue if emphasis is laid on the fact that Ombudsman Offices investigate whether acts of the public administration are compliant with the law and whether due and appropriate processes were followed. They look out to see whether the outcome was fair, and whether it was just. So an Ombudsman Office can and will intervene when a Court would find no failing. This is one of the important intrinsic advantages of the Office.

Staff in the Office of the Ombudsman are alert to the possibility that the action of a public service provider may have breached a complainant’s rights because that action was wrong, even if it would not otherwise have been considered to be maladministration because no breach of law or procedure was determined. Having independent, objective, rights-based accountability bodies allows focus on the protection of rights when other voices are suppressed. A great strength of the Ombudsman’s patient approach is the focus on persons and their stories.



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, and the Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, during one of the students' educational talks organised by the Office of the Ombudsman - 20 May 2024

Because of its independence, the Office of the Ombudsman adds flavour to democracy. When the Office carries out its investigations, the public administration is kept under a vigilant non-intrusive check, first and foremost to balance any administrative act or omission that is found to be 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.

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.

Resorting to the Ombudsman lifts the burden of having to resort to the Courts. This factor is underestimated and should be reinforced by giving the person more comfort when resorting to the Office.

The Office is committed to strive towards greater access of the person to justice where acts or omissions of Government and the public administration are concerned.

The Office does this when in its recommendations, the Office applies the principles of law that are stated in Art 22 of Chapter 385, namely apparent illegality, unfairness, injustice, improper discrimination, mistakes of law, mistakes of fact and wrongness. These are all hallmarks that the Office intends to affirm by promoting



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, delivering a lecture on the invitation of the Department of Public Policy within the Faculty of Economics, Management, and Accountancy at the University of Malta, on the vital role and functions of the Ombudsman institution in Malta - 10 January 2024

with vigour their application in the following areas:-

The Right To Good Administration

Reference was made to this matter in page 19 of the Ombudsplan 2024.

To date the right to good administration that is already law within the context of the relations of the person with the institutions of the European Union (Art 41 of the Charter of Fundamental Rights) has not found application in our law also for domestic law purposes.

The Office reiterates its view that a careful transposition of the principles that make Art 41 as explained would broaden further the rights of the person, and therefore should be considered as an enrichment of our democracy.

Protocol No. 12 of the European Convention of Human Rights and Fundamental Freedoms ("ECHR")

Reference was made to this matter in pages 20-21 of the Ombudsplan 2024.

To date the concern that was expressed by the Office has still not been addressed.

Malta ratified Protocol No 12 of the ECHR on the 8 December 2015. The Protocol establishes freedom from discrimination as an *ad hoc* fundamental freedom and human right protected by the Convention. The Protocol protects persons who are discriminated by a public authority in the exercise of its discretion. This notwithstanding, the Protocol was not incorporated in the European Convention Act 1987 (Chapter 319 of the Laws of Malta).

The Office renews its appeal for an amendment to Chapter 319 that would include Protocol No 12 in the Schedule to the European Convention Act. This would enable all persons (including Maltese citizens) who

claim to have suffered discrimination by a public authority in breach of Protocol No. 12 to seek redress before the Maltese Courts, and not being compelled to petition directly to the Strasbourg Court.



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, during a meeting with the Malta Association of Retired Police Officers (MARPO) - 17 October 2023



The Office of the Ombudsman becomes an associate member of ENNHRI. From left to right: Ms Sirpa Rautio, ENNHRI Chair and Finnish Human Rights Centre, Judge Emeritus Joseph Zammit McKeon, Parliamentary Ombudsman of Malta, and Ms Debbie Kohner, Secretary General of ENNHRI - 23 February 2024



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, met with the Director of the European Fundamental Rights Agency (FRA), Ms Sirpa Rautio, to discuss the establishment of a National Human Rights Institution (NHRI) in Malta - 3 July 2024



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, with the European Ombudsman Emily O'Reilly during the IOI World Conference in The Hague - 16 May 2024



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, opening the international conference organised by the Office of the Ombudsman on the Right to Good Administration - 31 October 2023



Group photo during the international conference on the Right to Good Administration - 31 October 2023



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, discussing with H.S.H. Prince Albert II of Monaco and Ms Marina Ceysac, High Commissioner for the Protection of Rights, Liberties, and for Mediation of Monaco, during the celebration of their 10th anniversary - 27 January 2024



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, during a visit at the Civil Protection Department - 1 November 2023



Suspension of Prescription

Reference was made to this matter in page 23 of the Ombudsplan 2024. To date the proposal has still not been addressed.

The investigations of the Office are separate and distinct from proceedings instituted before any court or tribunal. Investigations can constitute an alternative to the filing of judicial proceedings. The law excludes concurrence of proceedings before judicial bodies and before the Ombudsman and the Commissioners, in the sense that litigation before a judicial body takes precedence. The effect is that any investigation by the Office is suspended until a case referred to litigation on the same subject matter becomes final and conclusive.

By suspending the prescription of actions against Government and public bodies when

an investigation is being carried out by the Office (which is not the case at present) would facilitate and extend even further access to justice.

National Human Rights Institution (“NHRI”)

The possible appointment of the Office of the Ombudsman as the NHRI for Malta would make *explicit* what has always been *implicit* in the work of the Office.

Looking at the public administration through the lens of human rights will encourage a culture of human rights compliance across the public sector.

The “*implicit*” factor stems from the wording of the law itself. In fact Sec 22(1) of Chapter 385 grants to the Ombudsman the right to state after making any investigation that in his



Group photo during the IOI World Conference in The Hague - 16 May 2024

opinion the decision, recommendation, act or omission that was the subject-matter of the investigation (b) *was unreasonable, unjust, oppressive, or improperly discriminatory, or was in accordance with a law or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory.*

Abroad human rights are at the heart of the work of all public services Ombuds Offices. The Ombudsman is a core component of the safeguards that persons should enjoy in a democratic state. By taking a human rights based approach, the Ombudsman can place the rights of persons as a focal point of his work. When things have been done wrong by Government, justice must be done and matters have to be put right. A human rights based approach ensures that policies, processes and actions are shaped to respect and protect human rights.

On the strength of the state of law as it is at present, the Office in Malta has been granted Associate Status in the European Network of National Human Rights Institutions (ENNHRI) and participates in the activities that the Fundamental Rights Agency (FRA) of the European Union frequently organizes.

The Office is a firm believer that, should appropriate amendments be introduced to Chapter 385 at it stands at present, it has all the credentials to fully become the NHRI for Malta. The Office is working pro-actively on a document where it will propose amendments to the Ombudsman Act that reflect that aspiration. ENNHRI has already given the Office technical and legal assistance in the drafting of the document.

International Dimension

The Office will continue to expand the dimension it already has in the international scene.

The Malta Ombudsman is the Secretary and Treasurer of the Association of Ombudsmen of the Mediterranean, an organisation that brings together over thirty (30) institutions that are all committed to the protection and promotion of fundamental rights in the countries of the Mediterranean basin. The organisation encourages the diffusion of experience and initiatives of the different member institutions with the enhancement of co-operation amongst members. A case in point is the International Conference “*Protecting Human Rights in the Digital Age and in Social Media*” which will be held in Paphos, Cyprus, on the 26 September 2024. The Conference is being organised by the Commissioner for the Administration and the Protection of Human Rights of Cyprus, with the co-operation of the Association of Ombudsmen of the Mediterranean, and the Venice Commission of the Council of Europe. The Malta Ombudsman will be one of the keynote speakers at the Conference.

His presentation will be entitled “*Art 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and Limitations in the use of Artificial Intelligence*”.

The Malta Ombudsman is also a Director of the European Regional Board and a Director of the World Board of the International Ombudsman Institute. He actively participates in meetings that are held online or in person by both Boards.

The Malta Ombudsman maintains excellent relations with the EU Ombudsman Office and with the European Network of Ombudsmen.

Relations are also very good with the European Network of National Human Rights Institutions (ENNHRI) in which as was stated earlier the Malta Ombudsman has Associate Status and with the Fundamental Rights Agency (FRA) of the European Union. In particular on the 3 July 2024 the Ombudsman welcomed at the office Ms. Sirpa Rautio, newly appointed Director of FRA, where matters of common interest and concern regarding the protection of human rights were discussed.



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, during his first meeting as a Director on the IOI World Board - 16 May 2024

THIRTIETH (30) ANNIVERSARY OF THE ENACTMENT OF THE OMBUDSMAN ACT 1995

The coming year will mark the 30th anniversary of the constitution of the Office. It was the 25th July 1995 when the Ombudsman Act became law. Some of its provisions came into force on that same date while the rest came into force on the 15th November 1995.

The Office intends to commemorate this event by holding two gatherings. In June 2025, a business breakfast. Then in October 2025, a two-day International Conference in collaboration with the Association of the Ombudsmen of the Mediterranean. Details and logistics of the two activities will be made public in due course.

Also in October 2025, the Malta Ombudsman, as Secretary General and Treasurer, will be hosting in Malta a meeting of the Governing Board of AOM and the General Assembly of AOM.

FUNDING

For the past thirty (30) years, the Office has proved to be a landmark democratic institution of this country to the extent that its status was raised to that of a constitutional office. The other institutions of the State should have an interest to consolidate the good that has already been done by the Office and the initiatives that it intends to project in future.

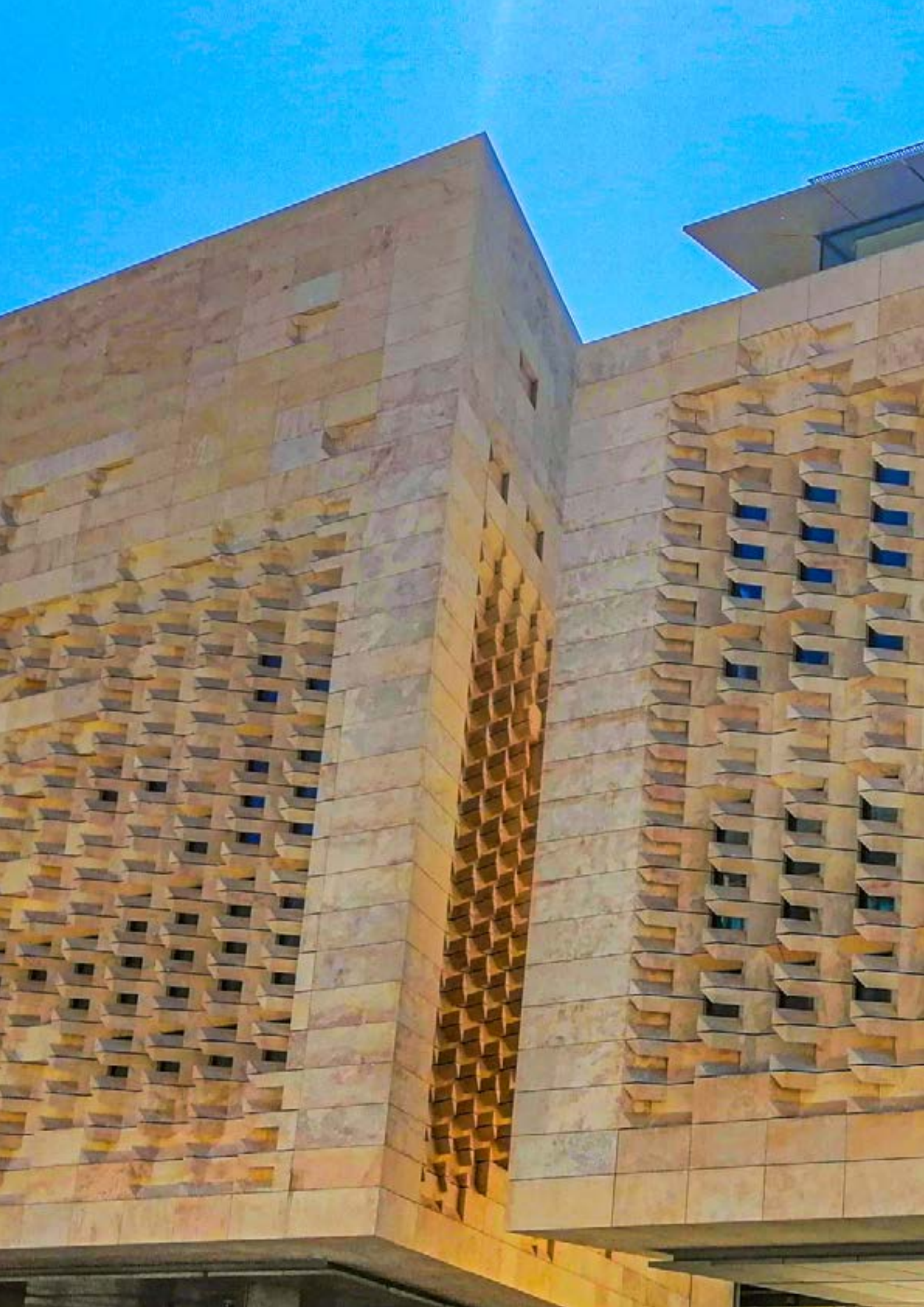
It would be indeed tragic if the Office were to become a hollow shell, by losing the trust of both persons and institutions. What is at stake is the protection of the rights of all persons without distinction whatsoever vis-à-vis the Executive and the public bodies that make the public administration.

A vibrant and credible democracy should tangibly encourage institutions like the Office of the Ombudsman by means of adequate funding as has been requested in the present Ombudsplan.

The Ombudsplan for 2025 merits the approval of the House of Representatives.



Group photo at the end of the thematic lecture “The Parliamentary Experience: Reflections on the Past and Present. Looking to the Future.” - 6 February 2024





PERFORMANCE REVIEW
JANUARY - AUGUST 2024

PERFORMANCE REVIEW

JANUARY - AUGUST 2024

Complaints received by the Office of the Ombudsman

For the period covered by the Ombudsplan, this performance review of the Office of the Ombudsman spans from January to the end of August 2024, compared to the same period in the previous year.

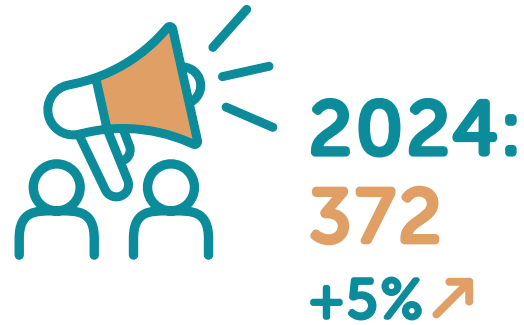
Between January and August this year, the Office of the Ombudsman managed 372 cases, representing a 5% increase compared to the same timeframe last year. During this period, the Office continued to intensify its outreach efforts to raise awareness of the institution among the general public.

The data breakdown reveals how the 372 cases were allocated among the Ombudsman and the specialised Commissioners:

- 211 cases were investigated by the Parliamentary Ombudsman, marking a 7% increase from the previous year.
- The Commissioner for Environment and Planning managed 63 cases, indicating a 3% decrease compared to the same period last year.
- The Commissioner for Health handled 58 cases, reflecting a 2% decrease from the comparable period last year.
- Finally, the Commissioner for Education addressed 40 cases, representing a 25% increase from the previous year.

Total Incoming Complaints

January - August 2024



Complaints received



Ombudsman

211
+7% ↗



Commissioner
for Environment
and Planning

63
-3% ↘



Commissioner
for Health

58
-2% ↘



Commissioner
for Education

40
+25% ↗

Finalised complaints by the Office of the Ombudsman

The adjacent data illustrates the number of complaints finalised by the Office of the Ombudsman between January and August 2024. During this period, the Office concluded 386 investigations, marking a 30% increase compared to the same period in the previous year.

The breakdown of these 386 concluded investigations is as follows:

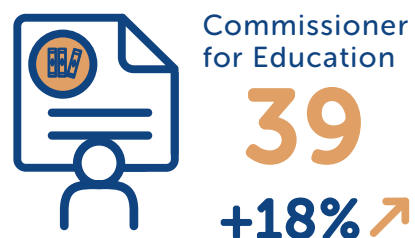
- The Parliamentary Ombudsman completed 213 investigations, representing a noteworthy increase of 53% from the previous year.
- The Commissioner for Environment and Planning finalised 59 investigations, an 11% decrease compared to the corresponding period last year.
- The Commissioner for Health wrapped up 75 investigations, reflecting a significant 25% increase from the comparable period in the previous year.
- Lastly, the Commissioner for Education resolved 39 cases, constituting an 18% increase from the prior year.

Total Finalised Complaints

January - August 2024



Finalised complaints



Pending Case Load from the previous years

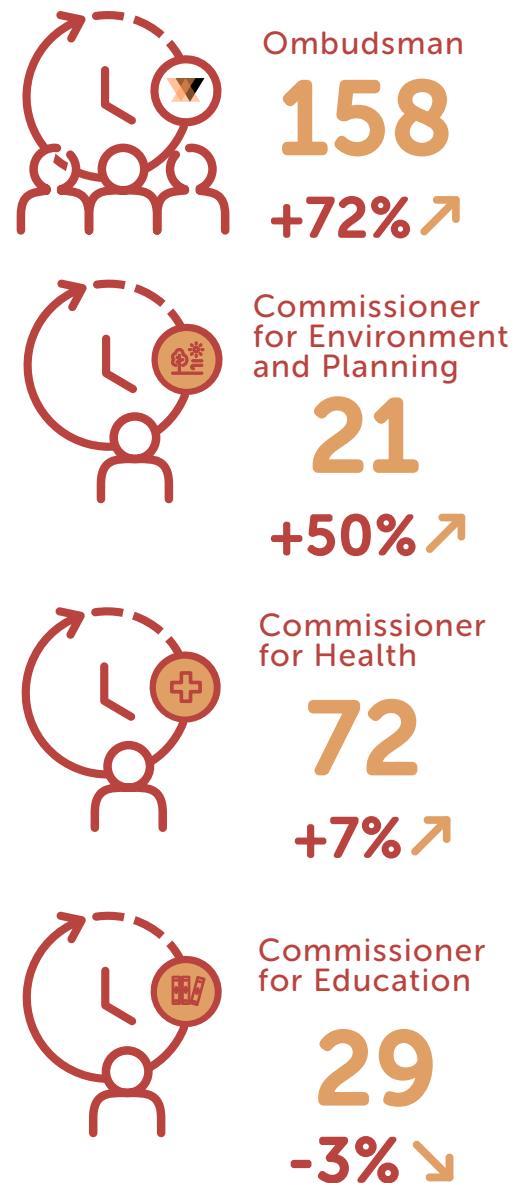
The illustration on the right presents data on the number of pending cases carried over from the previous period. The Office of the Ombudsman has 280 ongoing investigations, representing a 38% decrease compared to the same timeframe last year.

The distribution of these pending cases is as follows:

- The Ombudsman is still investigating 158 cases, a 72% increase from last year.
- 21 cases are currently being investigated by the Commissioner for Environment and Planning, indicating a 50% increase in pending cases compared to last year.
- 72 cases are pending with the Commissioner for Health, reflecting a 7% increase from the corresponding period last year.
- Finally, 29 cases are pending with the Commissioner for Education, constituting a 3% decline in pending cases compared to last year.



Pending by Department



Assistance given to the public

January – August 2024

The Office of the Ombudsman frequently serves as the first point of contact for individuals who may not ultimately file a formal complaint. In many instances, the Office guides these individuals towards alternative entities or refers them to other authorities better suited to address their specific concerns. Between January and August 2024, the Office assisted 485 individuals, reflecting a notable 84% increase compared to the same period last year.

This significant rise is also a result of the enhanced outreach strategy recently adopted by the Office.



Assistance given to the public

2024:
485
+84% ↗



TABLE 1.1 - COMPLAINT GROUNDS
JANUARY – AUGUST 2024

Category	Ombudsman	Commissioner for Health	Commissioner for Environment and Planning	Commissioner for Education	Total
Contrary to law and policies or rigid application of legislation, regulations and policies	33	-	22	5	60
Improper discrimination	19	4	1	3	27
Lack of transparency or accountability	2	-	2	1	5
Failure to provide information or to provide a reply	15	4	5	1	25
Undue delay/failure to act/waiting lists	39	6	26	5	76
Unfair treatment/lack of equity	79	11	6	21	117
Unfair selection process/promotion/grading	13	1	-	-	14
Issues of quality of life/special needs	-	3	1	2	6
Improper attitude of staff or management	2	3	-	1	6
Shortage/Inadequate supply of equipment/services	-	9	-	-	9
Issues of privacy, dignity and confidentiality	-	1	-	-	1
Personal matters/staff/student issues	-	4	-	-	4
Review of Commissioner's decision	3	-	-	-	3
Shortage/Inadequate supply of medicines	-	9	-	-	9
Continuing care/follow-up issues	-	1	-	-	1
Other	6	2	-	1	9
TOTAL	211	58	63	40	372

Table 1.1 and Pie Chart 1.2 provide a detailed analysis of complaints categorised by the type of alleged maladministration. Similar to the previous year, the most common grievance reported during the period under review was related to unfair treatment or lack of equity, comprising 31% of total complaints (117 instances). This was followed by complaints concerning undue delays or failures to act, including issues related to waiting lists, which accounted for 20% of the complaints (76 instances).

PIE CHART 1.2 - COMPLAINT GROUNDS
JANUARY – AUGUST 2024

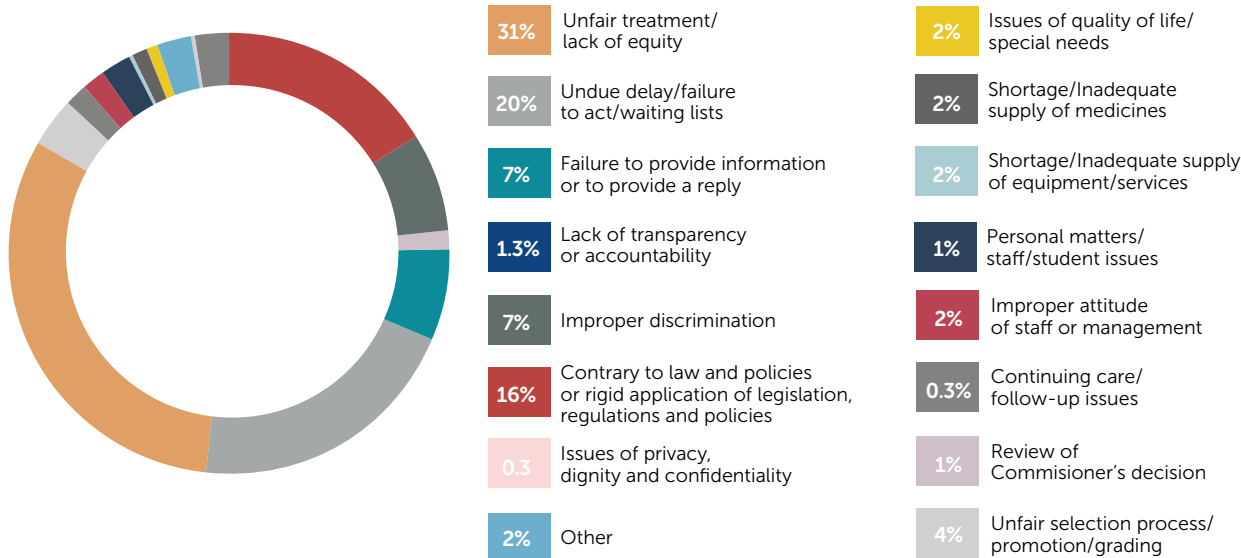


TABLE 1.3 - CLASSIFICATION OF FINALISED COMPLAINTS
JANUARY – AUGUST 2024

Category	Ombudsman	Commissioner for Health	Commissioner for Environment and Planning	Commissioner for Education	Total
Sustained	12	34	4	6	56
Not sustained	52	20	4	12	88
Resolved cases	50	9	11	13	83
Formal investigation not undertaken	79	9	25	5	118
Outside Jurisdiction	6	1	-	1	8
Declined	14	2	15	2	33
TOTAL	213	75	59	39	386

Table 1.3 and Pie Chart 1.4 illustrate the outcomes of cases that were both sustained and closed during 2024. Of the 386 cases investigated by the Office of the Ombudsman, the outcomes were as follows:

- 56 cases were sustained, representing 15% of the total finalised complaints.
- 88 cases were not sustained, accounting for 23% of the finalised complaints.
- 83 cases were resolved by providing advice or assistance, eliminating the need for a formal investigation. These represented 22% of the finalised complaints.
- In 118 cases, no formal investigation was undertaken, comprising 31% of the total finalised complaints.
- 8 cases were outside the jurisdiction of the Office, preventing investigation by either the Ombudsman or the Commissioners. These made up 2% of the total complaints.
- Finally, 33 cases were declined for various reasons specified in the Ombudsman Act, constituting 9% of the finalised complaints.

PIE CHART 1.4 - CLASSIFICATION OF FINALISED COMPLAINTS
JANUARY – AUGUST 2024

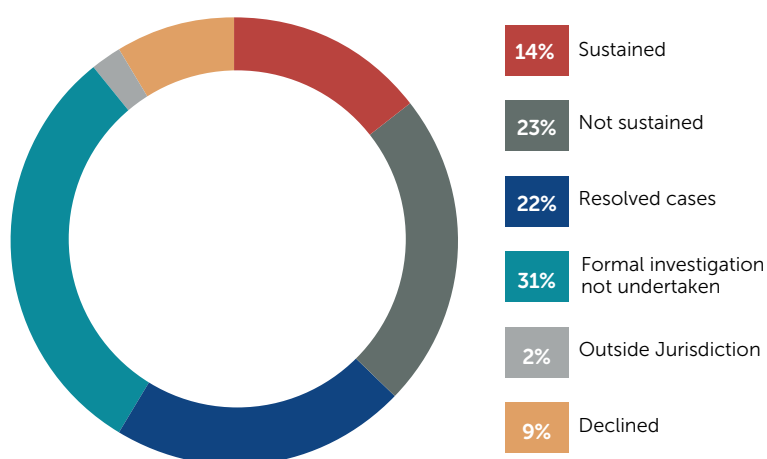


TABLE 1.5 - TYPE OF MALADMINISTRATION OF SUSTAINED AND RESOLVED COMPLAINTS

JANUARY – AUGUST 2023

Category	Ombudsman	Commissioner for Health	Commissioner for Environment and Planning	Commissioner for Education	Total
Contrary to law and policies or rigid application of legislation, regulations and policies	10	1	2	2	15
Improper discrimination	8	1	-	1	10
Lack of transparency or accountability	-	-	-	-	-
Failure to provide information or to provide a reply	5	2	-	-	7
Undue delay/failure to act/waiting lists	13	7	11	4	35
Unfair treatment/lack of equity	20	11	1	10	42
Unfair selection process/promotion/grading	1	-	-	1	2
Issues of quality of life/special needs	2	-	1	1	4
Improper attitude of staff or management	-	1	-	-	1
Shortage/Inadequate supply of equipment/services	-	7	-	-	7
Issues of privacy, dignity and confidentiality	-	-	-	-	-
Personal matters/ staff/student issues	-	6	-	-	6
Review of Commissioner's decision	1	-	-	-	1
Shortage/Inadequate supply of medicines	-	3	-	-	3
Continuing care/ follow-up issues	-	3	-	-	3
Other	2	1	-	-	3
TOTAL	62	43	15	19	139

Table 1.5 outlines the types of maladministration identified in complaints that were either sustained (56 cases) or resolved (83 cases) by the Ombudsman and the Commissioners.

Among these complaints, the most common form of maladministration was unfair treatment or lack of equity, which accounted for 30% of the total sustained and resolved cases. The second most frequent issue involved undue delays, failures to act, or concerns related to waiting lists, comprising 25% of these complaints.

CONCLUSION

The new approach, which began implementation in 2023, is clearly bearing fruit, with more outreach initiatives and a “*building bridges*” strategy with public administration yielding positive results. The performance review of the Office of the Ombudsman for January to August 2024 highlights a significant shift in both operational dynamics and public engagement. With a total of 372 complaints received

during this period, there was a 5% increase in case volume compared to the same timeframe last year. This follows the previous year’s 18% rise from 2022, marking a reversal of the declining trend observed before 2023.

The Office of the Ombudsman also saw a notable improvement in its investigative output, concluding 30% more investigations than last year. Public assistance grew substantially by 84%, a result of the outreach strategy adopted during 2023. This growth is encouraging as it reflects the Office’s broader impact, extending beyond formal complaints to include guidance and advice to the public.

The types of maladministration reported have remained consistent, with unfair treatment or lack of equity being the most frequent complaint. The data offers invaluable insights into areas that require further attention and systemic improvements.

In summary, this performance review underscores the importance of proactive public engagement and efficient case management in upholding the core values of justice, fairness, and accountability.



A low-angle, upward-looking photograph of a modern building's facade. The building features a prominent grid pattern of windows and a mix of light-colored stone or concrete panels. The sky is a clear, pale blue. The text is centered in the upper half of the image.

REACHING OUT
COMMUNICATIONS
AND RESEARCH OFFICE



The Parliamentary Ombudsman visiting the KSU Freshers' Week at the University of Malta - 5 October 2023



The Parliamentary Ombudsman visiting the MCAST Freshers' Week - 10 October 2023

REACHING OUT COMMUNICATIONS AND RESEARCH OFFICE

Over the past twelve months, within the framework of its present remit, the Office of the Ombudsman has implemented a communications and outreach strategy designed to elevate the institution's profile, connect with diverse segments of society, and bridge the gap between the institution and the public, particularly those most in need of its services.

This strategy has continued to prioritise informing, educating, and engaging with stakeholders, the general public, and public administration, thereby bolstering the institution's reputation as a trusted guardian of people's rights. Our outreach initiatives aim to enhance visibility and foster engagement with public administration, civil society organisations, and the general public.

As a result of this strategy, the Office has experienced a significant increase in its workload, with a 84% rise in assistance provided to individuals and a 5% increase in complaints received.

The following initiatives have been undertaken since the last Ombudsplan:

Stronger Media Presence

The Office of the Ombudsman regards the media as a key stakeholder in its operations and prioritises access to the press. The media plays a vital role in disseminating information to the public and raising awareness about the Ombudsman's role and activities.

Over the past year, the Ombudsman and the Commissioners have significantly increased their media presence through interviews on all major TV and radio stations. The Office of the Ombudsman responds promptly to media inquiries, providing all information within legal boundaries. Additionally, the Office comments on issues related to good governance and initiates its own investigations on matters of public interest highlighted by the media.

This proactive approach will continue in the coming months, with the Office of the Ombudsman planning regular media appearances to keep the public informed about ongoing initiatives.

Meetings with Stakeholders

The Office of the Ombudsman organised a series of meetings and visits with stakeholders, including government officials, civil society organisations, and international entities, to promote the role and mandate of the Office and to reach out to segments of society that most need assistance and a voice for their difficulties.

During this period, meetings were held with ambassadors accredited to Malta, representing highly populated communities in the country. These meetings aimed to emphasise that the Ombudsman's services are extended not only to Maltese or EU nationals but also to third-country nationals.

So far, the Parliamentary Ombudsman met with fourteen members of the Diplomatic Corps from the United Kingdom, China, Palestine, Türkiye, Egypt, Spain, Ireland, India, Germany, the Holy See, Australia, the Netherlands, Italy, and Greece.



The Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, visiting the ITS Freshers' Week - 29 September 2023

The primary aim of these meetings was to enhance understanding of the Ombudsman's roles and responsibilities in ensuring a fair and transparent public service. These pivotal meetings will continue to be organised throughout the coming year to maintain and strengthen these important relationships.

Digital Communications

The website of the Office of the Ombudsman, which has served its purpose for 10 years, needed to be renewed. Therefore, a new interactive, user-friendly website with informative content, complaint guides, and frequent updates has been developed over the past months. The new website will provide a wealth of information on the Ombudsman Office's work, mandate, and services. The project is nearing completion and is expected to be finalised towards the final quarter of 2024.

In recent months, the Office of the Ombudsman launched a monthly e-newsletter, offering an overview of the work of the Ombudsman and the Commissioners, highlighting initiatives undertaken, cases investigated, and other relevant information. This newsletter is distributed to a database of over 600 individuals, including Members of Parliament, Local Councils, Senior Management of the public service, the media, and foreign counterpart institutions. The newsletter has an average open rate of 60%.

Additionally, the Office of the Ombudsman utilises social media to disseminate information about its activities and engage with the public. This includes creating and maintaining social media pages with regular content updates to ensure ongoing communication and interaction with the community.



The Parliamentary Ombudsman visiting the CPD Incident Command Unit - 10 October 2023

EVENTS

During the past months, the Office of the Ombudsman organised a series of important events coordinated by the Communications and Research Office with the collaboration of all staff. The following events have been organised since the presentation of the last Ombudsplan:

- i. **International Ombudsman Conference on the Right to Good Administration**
“The Right to Good Administration: Myth, Aspiration, and Reality?” was held from October 31st to November 1st, 2023, in collaboration with the Association of Mediterranean Ombudsmen. Ombudsmen from Mediterranean and European countries participated alongside leading local and foreign academics and representatives of the

Maltese public administration. The conference highlighted the Ombudsman’s crucial role in bridging the divide between individuals and administrative bodies. As a constitutional office, the Ombudsman’s operations are grounded in principles of justice and fairness, ensuring that decisions made by the public administration are transparent and equitable, thus reinforcing public trust in administrative processes.

- ii. **Thematic Lecture on the Parliamentary Ombudsman Experience**
On February 6th, 2024, a thematic lecture on the Parliamentary Ombudsman Experience was held in the House of Representatives plenary hall. Organised by the Office of the Ombudsman in collaboration with the Speaker of the House, the event featured reflections



The Parliamentary Ombudsman, Judge Emeritus Joseph Zammit McKeon, and the Commissioner for Environment and Planning during a meeting with the Congress of Local and Regional Authorities of the Council of Europe - 8 November 2023

on past and present experiences, with a stimulating and challenging presentation by Sir Rob Behrens, OBE, the Parliamentary and Health Service Ombudsman of the United Kingdom.

The lecture included a keynote speech by the Ombudsman, Judge Emeritus Joseph Zammit McKeon and was conducted by the Speaker of the House, the Hon. Anglu Farrugia, and attended by senior public service officials, academics, and students.

iii. Delegation from Moldova – Round Table Discussion

On April 16th, 2024, a delegation from the People’s Advocate and Equality Council of Moldova, led by Ombudsman Mr Ceslav Panico and Mr Ian Feldman, visited Malta for talks with the Office

of the Ombudsman and other Maltese institutions.

This visit was part of a broader study initiative under the European Union and Council of Europe’s “Partnership for Good Governance,” which aims to combat discrimination, hate speech, and hate crimes in Moldova.

Hosted in Parliament, the meeting covered various topics, including adherence to European standards in preventing discrimination, enhancing tools for Ombudsman institutions, and successful cooperation examples between public authorities, NGOs, academia, the private sector, and other stakeholders. Strategies for involving vulnerable communities in the decision-making processes were also



The Parliamentary Ombudsman during a meeting with Dr Matteo Mecacci, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) - 10 April 2024

discussed to ensure relevant and effective policies and services.

iv. Freshers' Week

The Office of the Ombudsman continued to support student council initiatives by participating in Freshers' Week events at the University of Malta, MCAST, and ITS. The presence of the Office on campus aimed to increase visibility among students and academic staff. During Freshers' Week, students had the opportunity to learn more about the role and functions of the Ombudsman and the Commissioner for Education and to inquire about the services offered. Information, publications, and other handouts were distributed to students and staff who visited the stand.

The Ombudsman, Judge Emeritus Joseph Zammit McKeon, and the Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, visited all three events to meet with students and academic staff.

The Office of the Ombudsman will celebrate its 30th anniversary of establishment during the coming year. To commemorate this milestone, the office will organise a series of events, including a business breakfast, an international conference, an official commemoration, and an art exhibition.



The Commissioner for Health, Prof Ray Galea, during a meeting with a delegation from the People's Advocate and Equality Council of Moldova - 16 April 2024



Thematic Lecture organised by the Office of the Ombudsman by the Parliamentary Ombudsman of the United Kingdom and Health Ombudsman of England, Sir Rob Behrens, CBE, on "The Parliamentary Experience: Reflections on the Past and Present. Looking to the Future." - 6 February 2024



The Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, delivering a presentation during the students' educational talks initiative at De La Salle College - Senior School - 26 April 2024



The Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, delivering a presentation during the students' educational talks initiative at St Monica's School in Gzira - 13 March 2024



The Parliamentary Ombudsman interviewed by Matthew Vella on 'Mill-Kamra'



The Parliamentary Ombudsman interviewed by Prof Mario Thomas Vassallo on Agora on Campus FM



The Parliamentary Ombudsman participating in a discussion on the MEA TV programme

EDUCATIONAL TALKS

The Office of the Ombudsman organised a series of educational talks in collaboration with secondary church schools. These interactive sessions, targeted at Year 10, Year 11, and Sixth Form students, aimed to enhance their understanding of governance and civic responsibilities.

The talks, delivered by the Commissioner for Education, Chief Justice Emeritus Vincent De Gaetano, provided an overview of the Ombudsman's role and functions, focusing on the Ombudsman's position as a mediator between the public and public institutions. These sessions were designed to explain the Ombudsman's contribution to promoting fairness and justice in public administration. Additionally, the talks detailed the services

offered by the Ombudsman's Office, offering insights into the investigative process and the Ombudsman's interaction with Parliament.

Public Administration and the Right to Good Administration were crucial focal points in these talks. The sessions aimed to make students aware of their rights and duties, the importance of a transparent and accountable public sector, and the need to reinforce democratic values and efficient governance.

This series of talks was well received, and discussions have commenced with the Ministry for Education, Sports, Youth, Research and Innovation to extend the talks to state secondary schools while continuing this project in church schools.



The Parliamentary Ombudsman interviewed by Trevor DeGiorgio on 'Spotlight'

RESEARCH AND PUBLICATIONS

The Communications and Research Office is responsible for the statutory publications issued by the Office of the Ombudsman and for researching issues requested by the Ombudsman and the Commissioners.

i. The Case Notes

The Case Notes 2023 comprises a carefully selected compilation of 36 cases that reflect the broad spectrum of public concerns and grievances handled by the Ombudsman and the specialised Commissioners. Each case encapsulates the core issues, the reasoning behind the Ombudsman's investigations, and the outcomes or subsequent actions based on these recommendations. The scripting, translation into Maltese, and proofreading were coordinated in-house

by various Office of the Ombudsman departments.

ii. Annual Report

The Annual Report 2023 includes the annual reports of the specialised commissioners, a detailed overview of the initiatives taken by the institution, and statistics to highlight the performance review of the caseload.

iii. Ombudsplan

The Ombudsplan is a document presented to Parliament that outlines issues the Ombudsman considers deserving of particular discussion. The Ombudsplan also includes the request for a budget from the consolidated funds. It is considered and debated in a special session of the House Business Committee.



The Parliamentary Ombudsman during an interview on RTK 103



The Parliamentary Ombudsman participating in the radio programme 'Ma' Simone'



The Commissioner for Environment and Planning, Perit Alan Saliba, interviewed by Prof Andrew Azzopardi

iv. National Human Rights Institution

In recent months, the Office of the Ombudsman has intensified its efforts to advocate for establishing a National Human Rights Institution in Malta. The Communications and Research Office was tasked with researching the proposal made to the government and subsequent efforts, which led to the Office of the Ombudsman being accepted as an Associate Member of the European Network of Human Rights Institutions (ENNHRI).

v. Briefs for the Ombudsman

The Communications and Research Office is also responsible for preparing briefs for the Ombudsman before important meetings with stakeholders, interviews, and official travel.



The Commissioner for Health, Prof Ray Galea, interviewed by Prof Andrew Azzopardi

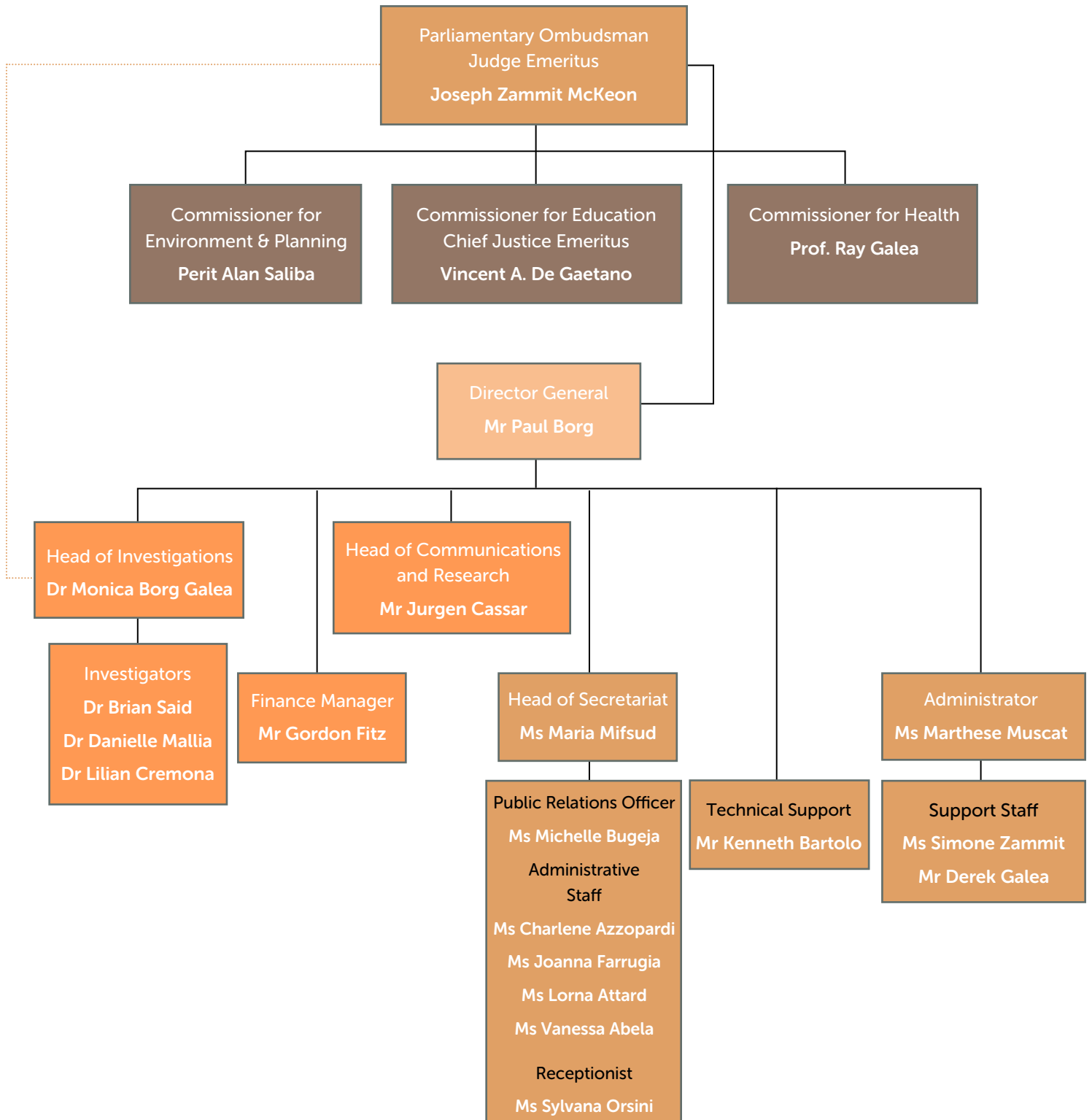
CONCLUSION

The initiatives undertaken in 2024 underscore the Office of the Ombudsman's firm commitment to further connect with the public and the various institutions that interact with the Ombudsman's Office.

By focusing on awareness, education, engagement and transparency the Office aims to bring the institution closer to the citizens, enhance the perception of its effectiveness, and reaffirm its role as an independent guardian of people's rights.

This strategy will intensify in 2025, with a greater focus on how the Ombudsman can benefit both the public and public administration. The planned initiatives, campaigns and collaborations are designed to resonate with different demographics and stakeholders, reinforcing the Ombudsman's commitment to good administration practices and public integrity.

ORGANISATION CHART



FINANCIAL COMMENTARY

2024/2025

FINANCIAL COMMENTARY 2024/2025

Financial Allocation for 2024

The financial allocation for the year 2024 amounted to €1,486,300 (Table 2.1) and was made up of the following heads of expenditure:

- i) Salaries and Personal Emoluments
€ 1,212,600
- ii) Operational and Maintenance Expenses
€ 258,700
- iii) Capital Expenses
€ 15,000

The effective allocation from the Ministry of Finance at the beginning of the year 2024 amounted to €1,486,000 as per the estimates submitted for the year 2024. This allocation was recommended for approval on the 10 June 2024 at the meeting of the House Business Committee and approved by Parliament at the Plenary Session of the 9 July 2024.

CAPITAL COMMITMENTS

New Extension of office block

On the 1 May 2023 the Office acquired the lease of the premises situated next door at 10, St Paul Street, Valletta. These premises will be extensively refurbished and merged into our main office block to increase the much needed office space taking into account the possible

extension in the remit of the office and the consequent activities. The development permit was approved in June 2024 and we anticipate that works will start towards the third quarter of the year after we complete the tendering procedures. It is estimated that the whole project will cost around €100,000 to complete and will be partly financed by the budget allocation for 2024.

New website

The new website project progressed well with key milestones in the design and development phases. The focus remained on creating a user-friendly, accessible and engaging site that meets the needs of the stakeholders. The website was tested in July and officially launched in September 2024. The cost of this project amounted to €30,000 and will be financed from the 2024 budget allocation.

Multi-functional Boardroom

For some time there was the feeling that a multi-functional and multi-use boardroom is essential for the support of the variety of activities that are carried by the Office. These include formal meetings, training sessions, presentations and collaborative projects. The initial estimates to set up such a collaborative working space amounts to around €20,000 but should be seen as a good investment that enhances operational efficiency. The project is in the discussion stage and will be initiated in 2025. Due to the time frames, it will be financed from the 2025 budget allocation.

OTHER FINANCIAL COMMITMENTS 2024/2025

A new collective agreement

On the 11 December 2023 a new collective agreement was successfully signed marking a significant milestone in our commitment to fostering a collaborative and equitable workplace. This agreement covers the three year period 2024 to 2026 and all staff will benefit from better conditions. The key highlights of the agreement include improved working conditions, competitive compensation and enhanced benefits. These provisions are designed to promote a positive and productive atmosphere, reinforcing our organisation’s core values.

On the 10 July 2024 a new judiciary agreement was signed between the Judiciary Association and the Ministry for Justice and Reform of the Construction Sector. The new conditions apply to the positions of the Ombudsman and Commissioners.

INTERNATIONAL RELATIONS

i. ENNHRI Membership

The European Network of National Human Rights Institutions (ENNHRI) Board officially accepted the Office of the Ombudsman of Malta as an Associate Member of the Network. This marks the first stage of the Office of the Ombudsman of Malta to becoming a full member of ENNHRI. The decision to become a member of ENNHRI forms part of the ongoing efforts by the Ombudsman to broaden its mandate to encompass the protection and promotion of Human Rights in Malta and as such aiming at attaining an NHRI “A” status. This initiative will require the sourcing of funds for the investment in the training of the officers involved and the related travelling costs. For 2025 a provision is being made to cover the expense for the eventual set up of the Office of the Human Rights Commissioner.



Group photo of the International Ombudsman Institute World Board – The Hague, 16 May 2024

ii. International Ombudsman Institute (IOI)

In December 2023, Ombudsman Judge Emeritus Dr. Joseph Zammit McKeon was elected to the International Ombudsman Institutions (IOI) World Board of Directors and the European Region Board of Directors. This significant achievement places Malta at the forefront of international spectrum in the promotion of good governance and the upholding of the principles of justice and fairness in public administration. It is also a first for the Office of the Ombudsman of Malta. In view of these commitments a provision for additional travel for 2025 is being made.

iii. Association of Mediterranean Ombudsmen

Ombudsman Zammit McKeon continued to hold the post of Secretary General and Treasurer of the Association of Mediterranean Ombudsmen (AOM). The Office of the Ombudsman of Malta will continue to play a pivotal role within the Association throughout the coming year. It is anticipated that the annual Executive and Governing Board Meeting will be held in Malta to coincide with the holding of the biennial conference and General Assembly scheduled for October 2025. Preliminary planning for these activities has already started and will intensify as we head into the latter part of the year and into next year.

30TH ANNIVERSARY

In 2025, the Office will be celebrating its 30th Anniversary since its inception in 1995. As part of the celebrations, an international conference will be organised. The Association of Mediterranean Ombudsmen will also support and co-sponsor the event. A commemorative publication and other supporting events are being planned as part of the celebrations.

MAINTENANCE PROGRAMME

The maintenance programme on the facade wooden structures, including the maintenance of the four wooden balconies, louvres, and front doors, was completed. These structures are exposed to inclement weather conditions, and only a rigorous maintenance routine can preserve them. In 2024/2025, we plan to carry out the maintenance routines on the wooden structures within the office block, including extensive work on the wooden beams.

TABLE 2.1 - FINANCIAL ALLOCATION REQUEST FOR 2025

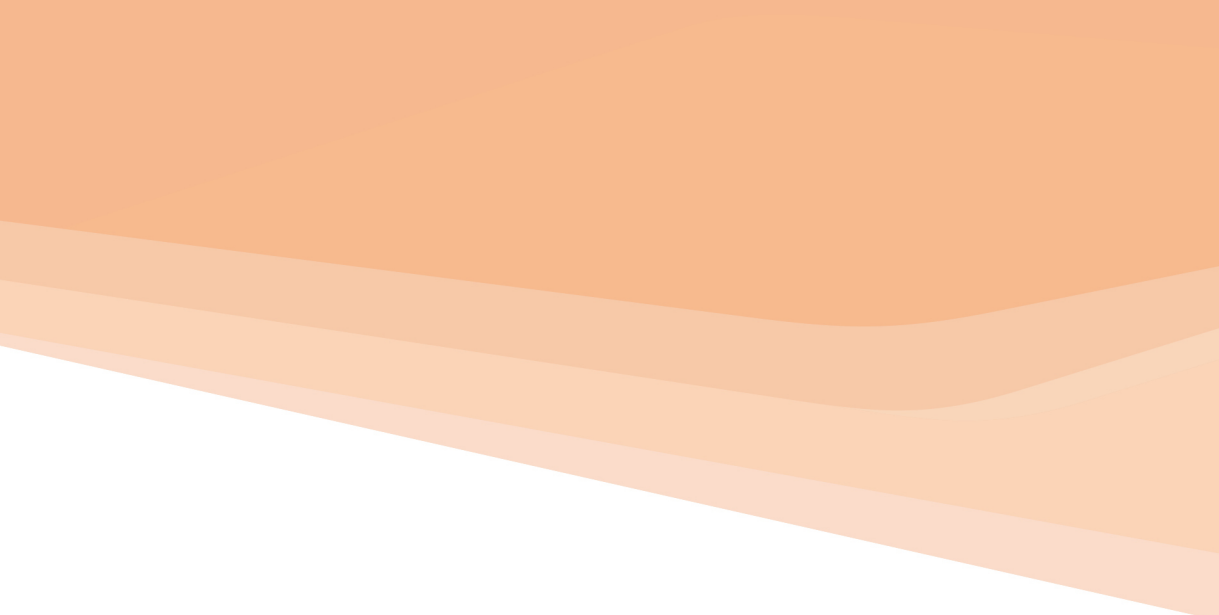
DETAILS	<i>Approved Allocation for 2024</i> €	<i>Requested Allocation for 2025</i> €
Salaries	849,462	1,058,790
Bonuses	6,485	6,214
Income supplements	5,815	5,572
Social security contributions	45,700	50,100
Allowances	305,138	575,734
<i>Total personal emoluments</i>	1,212,600	1,696,410
OPERATIONAL & MAINTENANCE EXPENSES		
Utilities	20,000	20,000
Materials and supplies	10,000	12,000
Repair and upkeep	20,000	16,000
Rent	8,200	8,200
International membership	2,300	5,300
Office services	10,000	10,000
Transport	13,000	13,000
Travel	25,000	35,000
Information services	5,000	5,000
Contractual services	60,000	60,000
Professional services	56,600	20,000
Training	5,000	15,000
Hospitality	3,000	3,000
Outreach Programmes	20,000	25,000
Incidental expenses	600	690
<i>Total operational and maintenance expenses</i>	258,700	248,190
SPECIAL EXPENDITURE		
Conference	0	60,000
Equipment	15,000	50,000
<i>Total special expenditure</i>	15,000	110,000
TOTAL	1,486,300	2,054,600

30 Years
1995-2025

Protecting rights
Ensuring fairness
Standing for justice
Fostering good governance


OMBUDSMAN

www.ombudsman.org.mt



OMBUDSMAN

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Office opens to the public as follows:

October – May 08:30am – 12:00pm

01:30pm – 03:00pm

June – September 08:30am – 12:30pm

Website: www.ombudsman.org.mt

Facebook: Ombudsman Malta