

Independent Reporting Mechanism (IRM): Malta End-of-Term Report 2015–2017

Dr. Neil Falzon, Independent Researcher

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Overview: Malta

Independent Reporting Mechanism (IRM) End-of-Term Report 2015–2017

Malta's second action plan contained five commitments focusing on processes in the public sector including trainings, e-services, and publication of information. Three commitments were not clearly relevant to OGP values and one led to marginal improvements in opening government. The next action plan needs to include more specific, ambitious actions that advance openness and public participation. The government needs to improve the engagement of civil society to strengthen the formulation and monitoring of the action plan.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country. This report summarises the results of the period between July 2016 and June 2017.

Coordination of Malta's OGP activities was originally the responsibility of the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties, and specific commitments were assigned to individual ministries or government departments/agencies. Following national elections in June 2017, OGP coordination was transferred to the Ministry for European Affairs and Equality.

Malta's action plan contains five commitments that aim to increase public integrity and improve public services. Civil society organisations (CSOs), represented through the Malta Council for Economic and Social Development (MCESD), were consulted in the development of the action plan. However, CSOs did not participate in the monitoring and implementation of the commitments.

The government presented its self-assessment report to OGP in January 2017, following a period of public consultation on its contents.

On 28 March 2017 the government published a consultation document of the third national action plan. The document was published online inviting feedback and comments from the

Table 1: At a Glance		
	<i>Midterm</i>	<i>End-of-term</i>
Number of Commitments	5	5
Level of Completion		
Completed	0	0
Substantial	1	2
Limited	3	3
Not Started	1	0
Number of Commitments with...		
Clear Relevance to OGP Values	2	2
Transformative Potential Impact	0	0
Substantial or Complete Implementation	1	2
All Three (⊕)	0	0
Did It Open government?		
Major	0	
Outstanding	0	
Moving Forward		
Number of Commitments Carried Over to Next Action Plan	N/A	

public on OGP challenges in Malta.¹ It also provided information on the OGP process and the results of the second action plan. Two presentations and discussions on this document were held with MCESD. Nonetheless, by December 2017 OGP had not received a third national action plan from Malta.²

¹ The third national action plan consultation, Malta government website, [http://meae.gov.mt/en/Public_Consultations/MSDC/Pages/Consultations/OpenGovernmentPartnership3rdNationalActionPlan\(2017-2019\).aspx](http://meae.gov.mt/en/Public_Consultations/MSDC/Pages/Consultations/OpenGovernmentPartnership3rdNationalActionPlan(2017-2019).aspx),

² Throughout this report, all information provided by the government was given to the IRM researcher by the Office of the Permanent Secretary (Administration) within the Ministry for European Affairs and Equality, through a series of email exchanges between February and April 2018.

Consultation with Civil Society during Implementation

Countries participating in OGP follow a process for consultation during development and implementation of their action plan.

The designated focal point for civil society consultation on OGP matters is the Civil Society Committee¹ within the Malta Council for Economic and Social Development (MCESD), an advisory council that issues opinions and recommendations to the Maltese government on matters of economic and social relevance.²

The Ministry for Social Dialogue, Consumer Affairs and Civil Liberties (MSDC) consulted the committee in the preparation of the second national action plan. The consultation was held through the submission of an online written form in which CSOs could express their views on OGP challenges in Malta. However, there is no publicly available evidence (neither from the government nor from CSOs) that MCESD was consulted in the plan's implementation process.³

The government's self-assessment report was published on 12 December 2016, inviting feedback from the public. However, no evidence was provided regarding CSO comments and participation.⁴

Table 2: Consultation during Implementation

Regular Multistakeholder Forum	Midterm	End-of-Term
1. Did a forum exist?	No	No
2. Did it meet regularly?	No	No

Table 3: Level of Public Influence during Implementation

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.¹ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for "collaborative."

IAP2: Level of Public Influence during Implementation of Action Plan		Midterm	End-of-Term
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.		

¹For more information on the IAP2 Spectrum, see: http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.

Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation	✓	✓

About the Assessment

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.⁵ One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Starred commitments will have “medium” or “high” specificity. A commitment must lay out clearly defined activities and steps to make a judgment about its potential impact.
- The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a "transformative" potential impact if completely implemented.⁶
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of "substantial" or "complete" implementation.

Starred commitments can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation period.

In the midterm report, Malta’s action plan contained no starred commitments. At the end of term, based on the changes in the level of completion, Malta’s action plan contained no starred commitments.

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its reporting process. For the full dataset for Malta, see the OGP Explorer at www.opengovpartnership.org/explorer.

About “Did It Open Government?”

To capture changes in government practice the IRM introduced a new variable “Did It Open Government?” in end-of-term reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment’s implementation.

As written, some OGP commitments are vague and/or not clearly relevant to OGP values but achieve significant policy reforms. In other cases, commitments as written appear relevant and ambitious, but fail to open government as implemented. The “Did It Open Government” variable attempts to captures these subtleties.

The “Did It Open Government?” variable assesses changes in government practice using the following spectrum:

- Worsened: Government openness worsens as a result of the commitment.
- Did not change: No changes in government practice.
- Marginal: Some change, but minor in terms of its effect on level of openness.
- Major: A step forward for government openness in the relevant policy area, but remains limited in scope or scale.
- Outstanding: A reform that has transformed “business as usual” in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes *as implemented* for changes in government openness.

Readers should keep in mind limitations. IRM end-of-term reports are prepared only a few months after the implementation cycle is completed. The variable focuses on outcomes that can be observed in government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the timeframe of the report.

¹ The Civil Society Committee is currently (2016/2018) composed of 12 representative members and 12 substitutes from the following associations: Association for Consumer Rights Malta; Association of Speech-Language Pathologists; National Council of Women; Malta Confederation of Women's Organisations; Malta Federation of Professional Associations; JCI Malta; Touring Club Malta; Malta Youth in Agriculture Foundation; Wirt iż-Żejtun; MSPCA; Malta Federation of Organisations Persons with Disability; Anti-Poverty Forum Malta; Local Councils' Association; St. John Rescue Corps. For more information, <http://www.mcesd.org.mt/content.aspx?id=101764>

² MCESD, <http://www.mcesd.org.mt/home.aspx>.

³ The government did not provide the IRM researcher with any evidence which demonstrates that feedback was received during the implementation of the action plan. Also, the following organisations and associations, which belong to MCESD, did not respond to IRM staff emails and phone calls in which they were asked about their participation in Malta's second national action plan: The Anti-Poverty Forum of Malta; the Malta Federation of Professional Associations; the Malta Confederation of Women's Organisations; the Association for Consumer Rights; the Laboratory of Molecular Genetics; Centre for Bio-medical Cybernetics and the Junior Chamber International.

⁴ Idem 1.

⁵ IRM Procedures Manual, <http://www.opengovpartnership.org/about/about-irm>.

⁶ The International Experts Panel changed this criterion in 2015. For more information, <http://www.opengovpartnership.org/node/5919>.

Commitment Implementation

General Overview of Commitments

As part of OGP, countries are required to make commitments in a two-year action plan. The tables below summarize the completion level at the end of term and progress on the “Did It Open Government?” metric. For commitments that were complete at the midterm, the report will provide a summary of the progress report findings but focus on analysis of the ‘Did It Open Government?’ variable. For further details on these commitments, please see the Malta IRM progress report 2015–2017.

Malta’s action plan contains five commitments, grouped in two themes: improving public services and improving public integrity. Whereas the first theme is largely inward-looking in terms of how it strives to improve the effectiveness and representation of the public service (Commitments 1, 2, 3), the second theme seeks to achieve a higher level of public participation in important government decisions and processes (Commitments 4 and 5).

Table 4: Assessment of Progress by Commitment

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?							
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial		Completed	End-of-Term					
1. Participation of women in the public service		✓			Unclear					✓				✓				Worsened	Did Not Change	Marginal	Major	Outstanding	
2. Training and knowledge sharing amongst public service employees		✓			Unclear					✓			✓		✓				Worsened	Did Not Change	Marginal	Major	Outstanding
3. E-services online		✓			Unclear					✓					✓	✓			Worsened	Did Not Change	Marginal	Major	Outstanding
4. Public access to information		✓			✓					✓				✓					Worsened	Did Not Change	Marginal	Major	Outstanding
5. Social dialogue		✓			✓	✓				✓				✓					Worsened	Did Not Change	Marginal	Major	Outstanding

Theme I: Improving Public Services

Commitment 1. Participation of women in the public service

Commitment Text:

The overall objective is to increase the participation of women in the public service by focusing on more family friendly measures and work life balance initiatives.

Milestones:

Wider availability of family-friendly measures (such as tele-working, reduced hours, job sharing, compressed working week and flexible work schedules).

Set up childcare centre/s in those area/s where there is high concentration of public service and public sector offices thus facilitating access between working mothers and their children example, in Valletta.

Intensify/redesign training in strategic leadership skills to empower women to take up challenging and decision making positions within the public service/public sector but also helps them devise better balance between their work demands and family responsibilities.

Responsible Institution(s): Ministry for the Family and Social Solidarity

Supporting Institution(s): Office of the Prime Minister, Ministry for Education and Employment, Ministry for Social Dialogue, Consumer Affairs and Civil Liberties

Start Date: 1 January 2015
2017

End Date: 31 December

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?							
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial		Completed	End-of-Term					
1. Overall		✓			Unclear					✓				✓				Worsened	Did Not Change	Marginal	Major	Outstanding	
1.1. Family-friendly measures	✓				Unclear				✓				✓										
1.2. Childcare centres		✓			Unclear				✓					✓									
1.3. Strategic leadership skills	✓				Unclear					✓			✓										

Commitment Aim

This commitment targets the low level of female participation in public service by tackling challenges faced by women in balancing their working and family lives. On the basis of this commitment, Malta aimed to introduce measures addressing childcare options and working hours, and also the technical capacity of women to hold senior positions within the public service.

Status

Midterm: Limited

This commitment was limited in completion by the midterm assessment. The IRM researcher was unable to secure information in relation to the introduction of family-friendly measures, and in relation to the organisation of strategic leadership courses specifically targeting women.¹ In the midterm report the researcher noted that the number of childcare centres opened or operational in areas with a high concentration of public entities was limited to two of 108 registered centres.

End of term: Limited

Apart from an online manual² on work-life balance measures for public sector employees in Malta, there is no publicly available evidence that shows that new family-friendly measures were adopted during this action plan cycle. According to the self-assessment report, 108 childcare centres are currently active and registered with the Ministry for Education and Employment. Since the progress report, no new childcare centres were opened, as evidenced in the online registry updated on September 2017.³ Also, according to the information provided by the government point of contact, no strategic leadership courses were specifically designed or implemented for women, apart from the Mentoring Program which was conceived prior to the implementation of this commitment.⁴

Moreover, the Association for Gender Equality expressed, in a newspaper article in March 2018, that family-friendly measures reports, which were issued until 2014, were halted by the government and that “women issues are not a priority for the government”.⁵ The IRM researcher could not verify this information as none of the CSOs contacted answered the queries regarding this commitment.⁶

Did It Open Government?

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

The progress report noted the unclear relevance of this commitment to OGP values as it did not clearly advance access to information, citizen participation or public accountability. The IRM researcher reached out to the Malta Confederation of Women’s Organisations (MCWO), the Anti-Poverty Forum, and the Malta Federation of Professional Associations to inquire about any changes resulting from this commitment, but received no response.

The opening of childcare centres was noted at the midterm, but there is no evidence pointing to changes in government practice towards advancing female participation in public service or government decision making at large.

Carried Forward?

At the time of writing this report, the government of Malta had not published the draft of the third national action plan. The researcher does not recommend carrying this commitment forward as it has unclear relevance to OGP values.

¹ Malta Progress Report 2015-2017, https://www.opengovpartnership.org/sites/default/files/Malta_Progress_2015-2017.pdf.

² The report was updated on December 2017, https://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual_on_Work-Life_Balance_Measures.pdf.

³ Maltese Government website, Free Childcare Scheme, <https://education.gov.mt/en/Pages/Free-Childcare.aspx>

⁴ In 2015, the National Commission for the Promotion of Equality (NCPE) launched a mentoring programme funded by the European Social Fund. This programme is mentioned in the self-assessment government report.

⁵ The Malta Independent, <http://www.independent.com.mt/articles/2018-03-08/local-news/Women-s-issues-are-not-a-priority-for-government-Association-for-Gender-Equality-6736185891>

⁶ The IRM researcher contacted the Malta Confederation of Women's Organisations (MCWO), the Anti-Poverty Forum and the Malta Federation of Professional Associations by email and phone call at the end of April and the beginning of May 2018. In particular, a representative of the MCWO expressed to the IRM staff that although she had received the enquiries via email she could neither answer, nor schedule a call, due to the lack of time and resources of the organisation.

Commitment 2. Training and knowledge sharing amongst public service employees

Commitment Text:

The main objective is to improve public services, strengthen the level of accountability and process of implementing governmental decisions through training and development of public service employees. Specialised training can motivate employees, create a sense of commitment, loyalty and accountability thus ensuring that they are an effective driving force for the government and general public.

Milestones:

Continue to strengthen the role of the Centre for Development Research and Training (CDRT).

Ensuring that a wider range of middle and top managers receive on-going training.

Responsible Institution(s): Office of the Prime Minister – Centre for Development Research and Training

Supporting Institution(s): None specified

Start Date: 1 January 2015
2017

End Date: 31 December

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial		Completed	End-of-Term				
2. Overall		✓			Unclear					✓			✓					Worsened	Did Not Change	Marginal	Major	Outstanding
2.1. Centre for Development Research and Training	✓				Unclear				✓				✓		✓							
2.2. Ongoing training for middle and top managers		✓			Unclear					✓			✓		✓							

Commitment Aim

This commitment’s overall objective is to improve public services through the training and development of public service employees.

Status

Midterm: Not Started

At the time of the midterm assessment, this commitment had not started. There was no publicly available information on the activities carried out to strengthen the role of the Centre for Development Research and Training (CDRT), renamed to the Institute for Public Service (IPS). Furthermore, the Institute did not respond to the researcher's queries relating to training for middle and top managers in public service.

End of term: Substantial

The commitment is substantially implemented. According to the Institute of Public Service they have established the Public Management Toolkit, a virtual training programme targeting aspiring or incumbent managers. The programme offers training in core skills and capacities deemed relevant to public management.¹ The program's modules cover areas such as procurement procedures, policy making, and diversity management. However, it was not possible for the researcher to assess the quality or nature of the content itself as the table of contents and training material of the course was not publicly available.

The Public Management Toolkit is an ongoing course, not a one-off activity. The course is compulsory for incumbent senior managers as well as those intending to apply for such positions. The government point of contact provided the researcher with information regarding participation in the programme, disaggregated by gender. In 2017, 4,048 public officers participated in the Toolkit: 1,857 men and 2,191 women.

Did It Open Government?

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

According to the information provided by the government point of contact, the establishment of the Institute for Public Service, through a reform of the Centre for Development, Research and Training, is intended to ensure an overall raising of academic standards of training as well as providing public service staff with recognised certification. Currently, the IPS has close cooperation with the University of Malta and other higher-education service providers. While the Public Management Toolkit programme is a useful training course for managers in the public sector, this commitment did not result in opening up the government.

Carried Forward?

At the time of writing this report, the next draft action plan was not available. The IRM researcher does not recommend carrying this commitment forward but suggests making commitments that clearly articulate measures that will advance open government in Malta.

¹ Information on the Public Management Toolkit, including course content, <https://publicservice.gov.mt/en/institute/Pages/PublicManagementToolkit/Public-Management-Toolkit.aspx>.

Commitment 3. E-services online

Commitment Text:

MITA and various other Ministries, in charge of eServices, are currently working on the “public Services Online” project. The aim of the project is to research the reasons which are negatively impacting the current take-up of eGovernment services; and to raise awareness with the general public on government’s drive towards simplification of public administration through the availability of eServices, and on the convenience that these eGovernment services provide to citizens. This commitment will enhance the accessibility of such services extending to citizens and businesses from other EU member states and implement initiatives to increase the up-take of online provides and engage citizens and businesses to interact with Government.

Milestones:

Deliver transformational eGovernment services to citizens and businesses through active use of mobile technologies.

Improve the existing online authentication mechanism, re-engineer to reflect industry trends, and adopt a federated approach.

Implement initiatives to increase the up-take of online services and engage citizens and businesses to interact with Government.

Responsible Institution(s): Malta Information Technology Agency (MITA)

Supporting Institution(s): Office of the Prime Minister – Department of Information

Start Date: 1 January 2015
2017

End Date: 31 December

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?							
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial		Completed	End-of-Term					
3. Overall		✓			Unclear					✓					✓			Worsened	Did Not Change	Marginal	Major	Outstanding	
3.1. Mobile technologies		✓			Unclear					✓					✓								
3.2. Online authentication mechanism			✓		Unclear					✓					✓								
3.3. Increase	✓				Unclear					✓			✓										



Commitment Aim

The commitment is directed toward increasing public interaction with public services by providing a more engaging experience through online tools and mobile apps.

Status

Midterm: Substantial

This commitment was substantially completed by the midterm assessment. Having reviewed the Digital Media Performance Report for 2015 and the 2016 Programme of Initiatives, the researcher noted the list of mobile applications that were developed with a view to facilitating the interaction between the public and services provided by public entities. Furthermore, information provided by the Malta Information Technology Agency (MITA) confirmed that the online authentication system was radically overhauled through the eID system, which was successfully completed in 2016. The activities intended to be implemented in relation to the third milestone were insufficiently clear for an assessment on completion levels to be made.

End of term: Substantial

The commitment is substantially complete. Different public services were created since the midterm report and are currently available through the following mobile apps: the generic ‘maltapps’; and the more specific ‘Valletta2018’, ‘MyTaxToolkit’, ‘112mt’, and ‘Planning App Malta’, among others. However, according to the government point of contact, the user statistics of these apps indicates a relatively low uptake level for most apps, with the highest number of downloads being over 14,000 for the generic ‘mother’ app ‘maltapps’.

As noted in the government self-assessment report, MITA has substantially improved the existing online authentication mechanism. Moreover, the point of contact informed the IRM researcher that additional simplification and integration of the eID activation system was performed, achieving positive outcomes in the European Commission’s tests on the Pan-European Proxy Service implementation in Malta.

Did It Open Government?

Access to information: Did not change

Civic participation: Did not change

Public accountability: Did not change

The commitment improves the online authentication mechanism but does not disclose new information to the public or create mechanisms for civic participation. Moreover, no information was provided by CSOs, such as the Association for Consumer Rights Malta,¹ regarding the impact of this commitment. There is no publicly available information pointing to any changes for opening up the government as a result of this commitment.

Carried Forward?

In view of the above findings, the researcher does not recommend carrying this commitment over to the next action plan in the same form. For the next action plan, the researcher recommends a commitment that seeks to increase online or mobile access to government-held information or public decision-making processes; and to implement online or mobile monitoring tools, such as tracking options for public procurement, public employment, and budgetary issues.

¹ IRM staff contacted Grace Attard from the Association for Consumer Rights Malta at the beginning of May via email and website contact form but received no answer.

Theme II: Increasing Public Integrity

Commitment 4. Public access to information

Commitment Text:

The commitment will increase public access to information, by providing the public with up-to-date, comprehensive and meaningful information on Government policies, services and activities as well as on matters of public interest on a constant basis by ensuring government portals are updated periodically.

Milestones:

Information available on websites will be uploaded periodically.

Ensuring more cooperation between different government departments by nominating a contact point from each department.

Creating easier access to information from a central platform.

Responsible Institution(s): Office of the Prime Minister – Centre for Development Research and Training

Supporting Institution(s): None specified

Start Date: 1 January 2015
2017

End Date: 31 December

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?							
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial		Completed	End-of-Term					
4. Overall		✓			✓					✓				✓				Worsened	Did Not Change	Marginal	Major	Outstanding	
4.1. Periodic information updates		✓			✓								✓										
4.2. Department contact points		✓			✓					✓			✓										
4.3. Central access platform		✓			✓								✓										

Commitment Aim

This commitment's main objective is to improve public access to government information by ensuring government websites provide updated and accurate information.

Status

Midterm: Limited

This commitment had limited completion by the time of the midterm report. The IRM researcher analysed the websites of all government ministries, in particular pages presenting news or policy updates, in order to examine whether their content was relevant and of interest to the general public, and also to ascertain update frequency. This research revealed that some of the news updates were available prior to the implementation of this commitment but in a different format, and that information of public interest and links were either inconsistently presented or not working properly. The researcher's queries relating to the 'central platform' and to the appointment of 'contact points' were not answered by the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties.

End of term: Limited

As noted in the progress report, the Ministry websites incorporated substantial amounts of information, including policy documents and activity-related information. The websites' news sections were updated as a result of this commitment, providing information on recent activities undertaken by the different Ministries. However, there are still some problems regarding the accessibility of the information, as locating information on the websites is not 'user-friendly' for the citizen. For example, at the time of writing this report, useful links under the section 'News and Services' on the Ministry of Education and the Ministry of Energy and Water's respective websites could not be accessed by the IRM researcher.¹ Neither the government, nor CSOs provided the IRM researcher with sufficient evidence to assess if department contact points and a central platform were established. The IRM researcher contacted the Malta Council for Economic and Social Development (MCESD) in order to receive comments on this commitment but received no answer by the time of writing this report.²

Did It Open Government?

Access to Information: Did not change

As a result of the research on government websites, the IRM researcher found that the information on news and ministry activities—albeit in a limited manner—was up to date. However, it was not possible to assess whether these changes had happened as a result of the implementation of this commitment and whether there are any changes in government practice as compared to the publishing of information prior to this commitment. The government did not implement a central platform for citizens to access information and did not nominate contact points for each department. Thus, the researcher believes the commitment did not change government practice.

Carried Forward?

The researcher recommends carrying forward this commitment into the next action plan, due to its potential to improve access to government information. Nonetheless, the IRM researcher recommends: a) specifying the nature of the information that will be made publicly available on government websites; b) establishing a uniform publication format that guarantees ease of access for citizens; c) creating an accessible central information platform; and d) establishing a clear schedule of updates and publications.

¹ Maltese government website, <https://energy.gov.mt/en/tenders/Pages/>, and Maltese government website, <https://www.gov.mt/en/Government/Government%20of%20Malta/Ministries%20and%20Entities/Pages/Ministries%202017/MEDE-Portfolio.aspx>

² MCESD representatives were contacted via email and phone in April and May 2018.

Commitment 5. Social dialogue

Commitment Text:

The main objective is to improve current public consultation methods in order to encourage more citizens to engage with the government by providing them with a stronger platform where they can voice their opinions and contribute their ideas and opinions. Furthermore, the commitment aims to improve the relationship between civil society and government by ensuring that MCESD is an effective catalyst between the various social partners and the government.

Milestones:

Organise workshops with civil society organisations across Malta to discuss and develop national issues, and further collaboration with NGOs working in different sectors.

Promoting awareness of government portals which encourage citizens to submit their ideas/opinion.

Responsible Institution(s): Ministry for Social Dialogue, Consumer Affairs and Civil Liberties

Supporting Institution(s): Malta Council for Economic and Social Development (MCESD)

Start Date: 1 January 2015
2017

End Date: 31 December

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?							
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial		Completed	End-of-Term					
5. Overall		✓			✓	✓				✓				✓				Worsened	Did Not Change	✓	Major	Outstanding	
5.1. Workshops and further collaboration		✓			✓	✓				✓				✓									
5.2. Portal awareness raising	✓					✓				✓			✓	✓									

Commitment Aim

This commitment underlines Malta’s attempts at improving access to information, since it relates to a proactive, low-cost and transparent process of information disclosure. The

commitment also seeks to strengthen public participation in decision-making procedures by opening up law and policy formation to interested stakeholders.

Status

Midterm: Limited

This commitment had limited completion in the midterm report. Although the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties confirmed the organisation of three workshops, the researcher was unable to comment on the content, impact or relevance of these workshops due to the impossibility of tracing the seminar reports. Furthermore, the Ministry did not provide any information on the organisation of the awareness-raising activities foreseen in the third milestone.

End of term: Limited

The government provided information on the reform carried out to the Malta Council for Economic and Social Development (MCESD)¹ whereby—according to the government—the possibility of MCESD to consult with civil society organisations (CSOs) was facilitated.² This structure and operational reform intended widening social dialogue with civil society.³ According to the government, the amendments to MCESD’s operations ‘give civil society the opportunity to voice their opinion on a particular subject’. Yet, the researcher was unable to verify the actual impact of the reform on the relationship between civil society and the government, as proposed in the commitment, due to the lack of available information on the reform and the low specificity of the commitment.⁴ In this respect, the researcher notes that the legal amendments and their impact on MCESD operations were discussed by the Civil Society Committee in its meeting of 8 January 2018. Nonetheless, the researcher was not able to establish the relevance of this information to any of the commitment milestones, as meeting notes were not available.

A consultation page for citizens contains a list of all the consultation processes that have been carried out by the government from May 2014 onwards. The list is currently being updated and the IRM researcher could identify consultation processes that occur during the action plan period on different topics and issues of public interest, such as penalty regulations, the protection of the integrity of Maltese sports and energy regulations, among others, listed in www.konsultazzjoni.gov.mt. The portal provides information on the actual feedback received for each consultation and also a consultation outcome report. However, this portal was launched in May 2014 so existed prior to the implementation of this action plan.

Moreover, neither the government nor the CSOs provided information on awareness-raising events, impact, and participation in the workshops, and evaluation of such activities. The IRM staff contacted the Laboratory of Molecular Genetics (Faculty of Medicine) and the Centre for Bio-medical Cybernetics (Faculty of Engineering), both mentioned in the government self-assessment report, but received no answer by the time of writing this report.⁵ In view of these considerations, this commitment is assessed as having a limited level of completion.

Did It Open Government?

Access to Information: Marginal

Civic Participation: Marginal

The commitment’s broad aim is to improve government’s consultation with the public. At the outset of the national action plan, the government’s consultation plan was already established (2014). Therefore, this commitment does not seek to establish the portal as a tool for consultation with the public, but rather to enhance its effectiveness through the organisation of a series of workshops. As stated in the progress report, the IRM researcher could verify only the organisation of three workshops in October 2015: on the role of civil society in economic and social wellbeing; Gozo in Europe and job opportunities; and the role

of volunteering in the Gozo identity. However, the researcher found that the information provided in the consultation portal is currently up to date, with 361 consultations that can be sorted by type of ministry or date. More information on previous consultations has been added since the implementation of this commitment, as well as information documents such as the 'outcome report' and 'feedback received' files, which include a summary of the comments received from the public and the government response to the comments. The researcher considers this commitment to have marginally improved the government practice of disclosing information and advancing citizen participation in decision making.

Carried Forward?

At the time of writing this report, the next draft action plan was not publicly available. Nonetheless, the researcher recommends its inclusion in the next action plan, with the modifications recommended in the progress report, namely:

- Publish a government-wide public consultation policy that harmonises consultation procedures by establishing details such as minimum consultation timelines, criteria regarding publication of stakeholder feedback, consultation formats, and presentation of consultation findings and outcomes;
- Specify the number of workshops to be organised with CSOs, indicating the procedures to establish their themes, participants, discussions, and follow-up procedures;
- Organise awareness-raising activities targeting marginalised or vulnerable communities that might have little or no internet access, regarding consultation processes and how to effectively engage with them.

¹ MCESD is an advisory council that issues opinions and recommendations to the Maltese government on matters of economic and social relevance. It is a body constituted by law, through the Malta Council for Economic and Social Development Act, CAP 431 of the Laws of Malta, 2001, <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8897&l=1>. As noted in the progress report, MCESD is the main forum used by the government for civil society consultation on OGP matters. More information on MCESD can be found on its site, <http://www.mcesd.org.mt/home.aspx>.

² The reform was conducted through the adoption on 31 January 2017 of the Malta Council for Economic and Social Development (Amendment) Act,

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=28266&l=1>

³ TVM news, <https://www.tvm.com.mt/en/news/mcesd-reform-to-widen-social-dialogue-with-civil-society/>

⁴ The researcher sent queries to representatives of three CSOs, two being members of MCESD's Civil Society Committee. One representative commented that he was not present during meetings discussing the legal amendments. Responses from the other two representatives were not received at the time of writing.

⁵ Alex Felice, from the Laboratory of Molecular Genetics (Faculty of Medicine) was contacted at the beginning of May via email and phone call. The Centre for Bio-medical Cybernetics (Faculty of Engineering) was contacted at the beginning of May via email and phone call, and Rachel Cassar, from the Junior Chamber International (JCI) was contacted at the beginning of May via email and via website contact form. None of them had replied at the time of writing this report.

Methodological Note

The end-of-term report is based on desk research and interviews with governmental and nongovernmental stakeholders. The IRM report builds on the findings of the government's self-assessment report; other assessments of progress put out by civil society, the private sector, or international organizations; and the previous IRM progress report.

In order to draft this report, the researcher liaised with Malta's OGP focal point, within the Ministry for European Affairs and Equality, in order to obtain information on activities implemented during the reporting period. The IRM researcher also consulted representatives from the Institute of Public Services but received limited evidence.

Information was also sourced through desk research, primarily involving the verification of information and data provided by the government.

The following representatives from the Civil Society Committee of the Malta Council for Economic and Social Development (MCESD) were contacted:

- Edgard Busuttil and Saviour Grima, Anti-Poverty Forum of Malta
- Grace Attard, Association for Consumer Rights
- Benjamin Rizzo, Malta Federation of Professional Associations
- Lorena Spiteri, Malta Confederation of Women's Organisations (MCWO)
- Centre for Bio-medical Cybernetics (Faculty of Engineering)
- Alex Felice, Laboratory of Molecular Genetics (Faculty of Medicine)
- Mary Mangion, Association for Consumer Rights Malta
- Malta Federation of Professional Associations

Organisations that were contacted by email and phone call have either not responded or stated they did not have time to respond to IRM queries/interviews, due to the lack of staff resources.

Dr. Neil Falzon is a human rights lawyer in Malta and founding Director of the civil society organisation, aditus foundation. He lectures at the University of Malta and is currently the Head of Secretariat of the Platform of Human Rights Organisations in Malta (PHROM).

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, to empower citizens, to fight corruption, and to harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and to improve accountability.

