

Independent Reporting Mechanism (IRM): Malta Design Report 2018–2020

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Executive Summary: Malta

Malta's third action plan includes five commitments, with only two of them being clearly relevant to opening government. The country does not have a multi-stakeholder forum overseeing the development and implementation of the action plan. Future commitments could significantly increase in relevance and ambition through improved communication and collaboration with civil society.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Malta joined OGP in 2011. Since then, Malta has implemented two action plans. This report evaluates the design of Malta's third action plan.

General overview of action plan

The Ministry for European Affairs and Equality (MEAE) oversaw the online consultation process for developing the third action plan. There is no permanent multi-stakeholder forum for OGP. However, MEAE used the Malta Council for Economic and Social Development (MCESD) to hold two meetings in March 2018 with various organizations to discuss the action plan.

The ministry used the online public questionnaire to solicit inputs during the consultation phase. However, there is no publicly available evidence about civil society contributions or influence on the final content of the plan. Therefore, Malta did not reach the "Involve" threshold during the action plan development, and thus the country is acting contrary to OGP process.

Malta's third action plan includes commitments on public service delivery, migrant integration, blockchain technologies, strengthening of local government and the prevention of domestic violence. One commitment is not specific enough to be verified, and three commitments are not clearly relevant to OGP values. Two commitments are relevant to open government: the call for the implementation of the 2017 Migrant Integration Strategy (Commitment 2) and the strengthening of local councils and the Commission for Domestic Violence (Commitment 5).

Table 1. At a glance

Participating since: 2011
Action plan under review: 3
Report type: Design report
Number of commitments: 5

Action plan development

Is there a multi-stakeholder forum: No
Level of public influence: Consult
Acted contrary to OGP process: Yes

Action plan design

Commitments relevant to OGP values	2(40%)
Transformative commitments	0(0%)
Potentially starred:	0(0%)

Action plan implementation

Starred commitments: N/A
Completed commitments: N/A
Commitments with Major DIOG*: N/A
Commitments with Outstanding DIOG*: N/A

*DIOG: Did it Open Government?



Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle
Commitment 2 Implement the Migrant Integration Strategy	The government could establish a multi-stakeholder forum to monitor the implementation of the Migrant Integration Strategy. The government could also publish information on how many people have used the integration services, how many migrants have taken language lessons and how many cultural mediators have been formed.	<i>Note: this will be assessed at the end of action plan cycle.</i>
Commitment 5 Strengthen the Commission for Domestic Violence, and identify the needs of local councils to ensure their sustainability	The government could involve social organisations in monitoring the implementation of this commitment. The government could also develop a unified information system for data on violence against women and reporting systems for gender-based violence.	<i>Note: this will be assessed at the end of action plan cycle.</i>

Recommendations

The IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan.

Table 3. Five KEY IRM Recommendations

Establish a multi-stakeholder forum to ensure co-creation of commitments
Include commitments with measurable outcomes that are relevant to OGP values
Introduce public integrity measures, such as asset disclosure for public officials, anti-money laundering, and conflict of interest regulations
Improve the operating environment for the media, particularly around defamation legislation
Include commitments to foster civic participation and public accountability

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



I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

Malta joined OGP in 2011. This report covers the development and design of Malta's third action plan for 2018-2020.

The Independent Reporting Mechanism staff of OGP has carried out this evaluation. The IRM aims to inform ongoing dialogue around the development and implementation of future commitments. For a full description of the IRM's methodology please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>.

II. Open Government Context in Malta

Malta's third action plan was developed under the background of declining press freedom, as well as allegations of political corruption. The commitments in Malta's third action plan focus on existing government initiatives but do not address the major concerns related to defamation legislation and integrity measures for public officials.

Malta is a parliamentary democracy and has been continuously ranked as a free country with regular competitive elections by Freedom House. Overall, Malta scores well on OGP's eligibility criteria¹ and maintains a free and enabling space for civil society.² Civil liberties are widely respected in the country, although the political system stresses the dominance of two main parties.³ Despite having substantial legal mechanisms in place, Malta has faced numerous corruption scandals in recent years, including during its presidency of the Council of Europe (January-June 2017).

Access to Information and Civic Participation

Access to government information is guaranteed in the 2008 Freedom of Information Act (FOIA).⁴ The FOIA provides the procedure and criteria for requesting information and a Freedom of Information Coordinating Unit (FOICU) is in place to promote the correct implementation of the FOIA and to coordinate freedom of information efforts across public entities.⁵ However, according to a leading Maltese newspaper, the government relies on the FOI's exceptions to deny access to information and specific documents.⁶ Moreover, while Malta's second action plan included a commitment on access to information, it lacked specificity and did not change government practice.⁷

In 2014 the government introduced a system of online public consultations, managed through an online portal by the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties (MSDC).⁸ The Ministry coordinates public consultations launched by all public entities and opens consultations to interested stakeholders, including individuals, the private sector and civil society organisations.

MSDC's consultation portal presents information on theme, draft legislation, relevant timelines, consultation questions (if any) and, often, feedback from stakeholders. The ministry leading the public consultation retains sole discretion on whether to publish feedback based on moderator guidelines prepared and distributed by MSDC. According to the guidelines, the lead Ministry may decide not to publish feedback for reasons including endangerment of personal safety or well-being, discriminatory comments, vulgar language or irrelevancy.⁹

Freedom of expression, association and assembly

Malta's Constitution protects freedom of expression (Section 41), association (Section 42) and assembly (Section 43). Despite the normative framework in place, Malta ranked 77th out of 180 countries in the 2019 World Press Freedom Index, falling 31 positions since 2016.¹⁰ Moreover, during the past two years, Reporters Without Borders has expressed concerns over Malta's defamation legislation, whereby media professionals and organisations regularly face either criminal prosecution or high damage costs.¹¹ Notably, in October 2017, prominent journalist Caruana Galizia was murdered near her home in Bidnija, Malta.¹² Her reporting on governmental corruption and the Panama Papers' revelations led to early elections in the country in June 2017. In June 2019, the Parliamentary Assembly of the Council of Europe (PACE) passed a resolution condemning the rule of law failings in Malta, including the impunity surrounding Caruana Galizia's assassination.¹³

People face no restrictions in the country in forming associations and workers may freely form and belong to trade unions. In recent years, Malta has advanced the rights of LGBTI persons, including the enactment of the 2015 Gender Identity, Gender Expression and Sex Characteristics Act.¹⁴

Finally, although Malta's Constitution protects the right to peaceful assembly, since 2016 there has been a growing concern over allegations of the police's use of excessive force during migrant demonstrations. As reported by CIVICUS Monitor, a protest in March 2016 brought attention to the trend of discrimination, hate speech and physical attacks experienced by migrants in Malta.¹⁵

Transparency and Accountability

Malta has passed anti-corruption and whistleblower-protection legislation and established a Permanent Commission Against Corruption.¹⁶ Malta ranked 51 out of 180 countries in Transparency International's 2018 Corruption Perceptions Index (CPI).¹⁷ However, the Panama Papers scandals

negatively impacted the credibility of Malta's politics and the country dropped five positions compared to the CPI 2017 scores.¹⁸ Moreover, two years ago, members of the opposition presented a no-confidence motion after the incumbent minister was named in the 2016 Panama Papers. The motion was defeated after a lengthy debate.¹⁹

According to the special Eurobarometer on corruption published in December 2017, a large proportion of Maltese respondents consider that bribes, gifts, and favours are not acceptable. However, 79 percent see corruption as widespread in Malta, almost 10 points higher than the EU average (68 percent). Concerning perceived corruption in the police and customs, the proportion of respondents (44 percent) is significantly higher than the EU average (31 percent).²⁰

Patronage and clientelism persists in the country and current public integrity challenges include dealing with procurement irregularities, conflicts of interest and corruption in public contracting schemes. The Council of Europe's Group of States against Corruption (GRECO) evaluation report, published in April 2019, states that Malta "clearly lacks an overall strategy and coherent risk-based approach when it comes to integrity standards for government officials".²¹ The GRECO report also highlighted the lack of visible disciplinary or criminal justice response to several allegations faced by top officials.

Scope of Action Plan in Relation to National Context

Citizens of Malta perceive corruption, money-laundering and the refugee crisis as the country's most important challenges.²² Shortcomings in the rule of law have been also criticised by both the European Parliament and the Venice Commission of the Council of Europe.²³ At the same time, 50 percent of respondents in the Eurobarometer 2018 survey identified immigration as the most important problem faced by Malta. The second most mentioned issue was housing (29 percent of respondents), followed by environment, climate and energy issues (28 percent), crime (19 percent), and rising prices and inflation (19 percent).²⁴

Malta's third national action plan features commitments in the areas of public service delivery; migration integration; blockchain and mobile technologies; strengthening of local government; and the prevention of domestic violence. Commitment 2 addresses what Malta's inhabitants have identified as one of the most pressing issues: migration challenges. Since 2002, about 19,000 people have arrived by boat from Libya, and one third of them have stayed on the island.²⁵ The commitment, which is part of a pre-existing initiative — Malta's National Integration Strategy, approved in 2017— aims to introduce cultural mediators and to develop integration and language courses for migrants. Commitment 5 aims to address the important issue of domestic violence and local government reform.

However, the other commitments do not reflect national priorities, neither do they focus on the major governance concerns in the country. Limited access to government-held information, and the implementation of public integrity and anti-corruption reforms, as well as commitments on housing and the environment, remain challenges.

¹ 2010-2018 OGP Eligibility Database,

https://docs.google.com/spreadsheets/d/1FFYzIU2H37_lP5VTKLBp8q2knAoRKsam2kNnrOPIdX8/edit#gid=455121008

² Civicus, Monitor Tracking Civic Space: Malta-Overview, <https://monitor.civicus.org/newsfeed/2016/11/01/malta-overview/>.

³ Freedom House, Malta, <https://freedomhouse.org/country/malta>

⁴ Freedom of Information Act, Chapter 496 of the Laws of Malta, 2008, <http://bit.ly/ISSK7WM>

⁵ FOI, Government of Malta, <https://secure2.gov.mt/foi/>

⁶ Times of Malta, Government says 'no' to most Times of Malta requests for information, <http://bit.ly/2oUfC9t>

⁷ Malta's second national action plan 2015-2017, End-of-Term Report, <http://bit.ly/2KKhuxE>

⁸ The portal, <http://bit.ly/2oQOmrs>

⁹ Malta's second national action plan 2015-2017, End-of-Term Report, <http://bit.ly/2KKhuxE>

¹⁰ Reporters Without Borders, Impunity persists on journalist's murder, <https://rsf.org/en/malta>

¹¹ Reporters Without Borders, 2019 World Press Freedom Index, <https://rsf.org/en/ranking>

¹² Reporters Without Borders, Malta, <https://rsf.org/en/malta>

¹³ Reporters Without Borders, Three men to be tried in Malta for Daphne Caruana Galizia's murder, <https://rsf.org/en/news/three-men-be-tried-malta-daphne-caruana-galizias-murder>

¹⁴ Civicus, Monitor Tracking Civic Space, Association, <https://monitor.civicus.org/newsfeed/2016/11/01/association-malta/>

¹⁵ Civicus, Monitor Tracking Civic Space, Peaceful Assembly, <https://monitor.civicus.org/newsfeed/2016/11/01/peaceful-assembly-malta/>

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- ¹⁶ Civicus, Monitor Tracking Civic Space, Expression, <https://monitor.civicus.org/newsfeed/2016/11/01/expression-malta/>
- ¹⁷ Transparency International, Malta, <https://www.transparency.org/country/MLT#>
- ¹⁸ Transparency International, Corruption Perceptions Index 2018, <https://www.transparency.org/cpi2018>
- ¹⁹ Freedom House, Freedom in the World 2018, Malta profile, <https://freedomhouse.org/report/freedom-world/2018/malta>
- ²⁰ Special Eurobarometer 470 Report, Corruption, http://www.institutetmnotmutor.se/wp-content/uploads/2018/04/ebs_470_en.pdf
- ²¹ GRECO, Evaluation Report, Malta, <https://rm.coe.int/grecoeval5rep-2018-6-fifth-evaluation-round-preventing-corruption-and-/168093bda3>
- ²² Euractiv, EU Country Briefing: Malta, <https://www.euractiv.com/section/eu-elections-2019/news/eu-country-briefing-malta/>, and Malta Today, European Elections: migration, security, and the future of work key issues, https://www.maltatoday.com.mt/news/europe/92039/european_elections_migration_security_and_the_future_of_work_key_issues#.XVAxXZMzbeQ
- ²³ News, European Parliament, Malta and Slovakia: Serious shortcomings in the rule of law, <http://www.europarl.europa.eu/news/en/press-room/20190218IPR26964/malta-and-slovakia-serious-shortcomings-in-the-rule-of-law>
- ²⁴ Standard Eurobarometer 90, National Report, Public Opinion in the European Union, https://ec.europa.eu/malta/sites/malta/files/eb90_final_en.pdf
- ²⁵ UNHCR, Malta asylum trends, <https://www.unhcr.org/mt/charts/>

III. Leadership and Multi-stakeholder Process

Responsibility for coordinating Malta's OGP efforts remains with the Office of the Permanent Secretary in the Ministry for European Affairs and Equality. However, Malta lacks a permanent multi-stakeholder forum and the consultation process was only carried out through an online portal.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Malta.

The Ministry for European Affairs and Equality (MEAE) is in charge of OGP activities in Malta. MEAE's OGP leadership is acknowledged by other public entities, yet there is no national legal authority or legally binding document spelling out this responsibility. Before 2018, the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties (MSDC) was the leading agency responsible for OGP in Malta. In early 2018, the ministry was renamed and restructured as MEAE.

The OGP process does not currently involve the head of government. The Minister for European Affairs and Equality, Helena Dalli, issued a press release announcing the start of the online consultation process for the third action plan.¹ However, during the 2018–2020 cycle, there has been no high-level government representation, neither during the development of the action plan nor at OGP regional and global events. The third action plan was published online through MEAE's website but there was no official launch or event organised by the government. There is no evidence that a mechanism or space for intragovernmental coordination exists around OGP, and commitments mostly reflect existing initiatives.² Furthermore, the national budget contains no dedicated line for OGP activities beyond MEAE's general operating costs and there are no budgetary allocations in other ministries implementing OGP commitments.³

3.2 Multi-stakeholder process throughout action plan development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. Malta **acted contrary** to OGP process.⁴

Please see Annex I for an overview of Malta's performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Table [3.2]: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) "Spectrum of Participation" to apply to OGP.⁵ 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 to "collaborate".

Level of public influence		During development of action plan
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.	✓
Inform	The government provided the public with information on the action plan.	
No Consultation	No consultation	

Multi-stakeholder forum

Malta does not have a permanent multi-stakeholder forum overseeing the development and implementation of the action plan. According to MEAE, Malta utilised the Malta Council for Economic and Social Development (MCESD)'s structure to serve as a multi-stakeholder forum for consultation during the third action plan period. Furthermore, according to MEAE, the ministry has made efforts to reach out to civil society stakeholders to participate in the OGP process, but until now there has been no adequate engagement from civil society.⁶

Participation and engagement throughout action plan development

The public consultation for the third national action plan was carried out in two phases.⁷ The first phase took place from 28 March to 14 April 2017, and the second phase from 1 February to 1 March 2018. According to an MEAE press release, the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties (MSDC) was in charge of conducting the first public consultation to identify grand challenges.⁸ Although there is no publicly available evidence of where and how this consultation was carried out, according to the press release, the “social partners” identified two primary challenges: “improving public services and increasing public integrity”. However, the press release does not state who participated in the consultation or who the “social partners” were.

The second phase of the consultation was carried out exclusively through an online public consultation portal and lasted for one month (February to March 2018).⁹ An online public questionnaire used during the consultation asked about Malta's grand challenges and any approaches taken up by other governments that the Government of Malta could adapt locally.¹⁰ The questionnaire stated a clear submission deadline and requested succinct answers—at a general level rather than at a specific or sectoral level. However, there is no publicly available documentation providing a summary of stakeholder inputs received throughout the consultation, or how the government decided to prioritise the final commitments in the action plan. The IRM also reached out to relevant stakeholders in Malta but received no response, except from a Professor from the University of Malta who said he was not involved in the consultation process.¹¹

MEAE utilised the fora of the Malta Council for Economic and Social Development (MCESD) to discuss the OGP process and the third National Action Programme and held meetings in the islands of Malta and Gozo. The attendees of the meeting in Malta island held on 5 March 2018 included seven organizations, including three unions, the Malta Chamber of Commerce, the Malta Hotels and Restaurants Association, the Gozo Regional Committee, and the Central Bank of Malta. The second meeting held in Gozo on 23 March 2018 included 11 organisations, the majority of which were Gozo-based associations as well as the Gozo local government.¹² However, MEAE did not clarify if it

received proposals from stakeholders during these meetings or how proposals were discussed and incorporated into the final action plan.

According to the information on the public consultations' website, MEAE drafted the commitments following the consultation process. However, the IRM found no evidence that civil society or other public stakeholders were invited to comment or review the final text of the commitments. The government published its third action plan on MEAE's website in early January 2018, before the start of the second consultation phase. No changes or modifications have been made to the action plan since then and no further updates have been given on the progress of its implementation.

The action plan features five commitments related to inclusion, accessibility, new technologies, and public services. Among others, commitments aim to introduce and improve existing electronic forms and mobile services; to promote the implementation of the 2017 immigration strategy and action plan, and to enhance the customer care programme at the Ministry for Education and Employment. Although these commitments respond to two of the challenges that resulted from the first consultation stage, most of the commitments reflected existing initiatives. It is unclear if any of the commitments originated from the online public consultation or were proposed by civil society.

Overall, the institutional setup and the lack of a multi-stakeholder forum with clear rules and opportunities for civil society participation in the OGP process continues to limit the OGP process in Malta.

Co-creation and participation recommendations throughout development

Malta is currently acting contrary to OGP process as it did not reach the "involve" threshold for the level of public influence during the development of the third action plan (see Table 3.2 above). To meet this threshold and improve the co-creation process for the next action plan, Malta should:

- Establish a multi-stakeholder forum with a clear mandate, composition and governance structure;
- Carry out awareness-raising activities, including in-person consultation meetings and outreach to relevant stakeholders to broaden the knowledge of OGP among civil society in Malta;
- Include high-level government representation during the development and implementation of the action plan;
- Proactively respond to stakeholders and report on decisions, including by developing a repository with historical records to all documents related to the national OGP process;
- Involve the Local Council of Malta to decentralise the implementation of commitments and improve public service delivery on the ground.

¹ MEAE, Public consultation for Malta's third national action plan launched, https://meae.gov.mt/en/Pages/Media/Press_Releases/PR180230.aspx

² Ibid.

³ Ministry of Finance, The Budget 2019, Malta, <https://mfina.gov.mt/en/The-Budget/Pages/The-Budget-2019-G5J3D1.aspx>

⁴ Acting Contrary to Process - Country did not (1) "involve" during the development or "inform" during implementation of the national action plan, or (2) collect, publish and document a repository on the national OGP website/webpage in line with IRM guidance.

⁵ IAP2's Public Participation Spectrum, IAP2, 2014, www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

⁶ The IRM received this information from MEAE during the pre-publication review period for this report.

⁷ MEAE, Public Consultations Online, https://meae.gov.mt/en/Public_Consultations/Pages/Home.aspx

⁸ MEAE, Public consultation for Malta's third national action plan launched, https://meae.gov.mt/en/Pages/Media/Press_Releases/PR180230.aspx

⁹ MEAE, Public Consultations Online, https://meae.gov.mt/en/Public_Consultations/Pages/Home.aspx

¹⁰ Malta's Third OGP National Action Plan, <https://meae.gov.mt/en/Documents/Open%20Government%20Partnership/Consultation%20documents%20in%20preparation%20for%20Third%20National%20Action%20Plan.pdf>

¹¹ During June, July and August 2019, the IRM consultant reached out by email to the following organisations but received no response: Malta's Chamber of Commerce; eSkills Malta Foundation; Malta's Local Councils' Association; MITA Innovation Hub; aditus foundation; Labour Youth Forum; Confederation of Women's Association; Malta Catholic Youth Network; Malta Employers' Association. Professors Andrew Azzopardi and Jamie Bonnici from the University of Malta

replied and expressed they were not involved in the consultation process. On the government side, the IRM consultant reached out to the Integration Advisor of the Human Rights and Integration Directorate; the Ministry for Gozo Principal; the Local Governments' Department of the Commission for Domestic Violence; and the Malta Information Technology Agency.

¹² The IRM received the lists of organizations from MEAE during the pre-publication period for this report.

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programmes.

Commitments should be appropriate to each country's/entity's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹ The indicators and method used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
 - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - **Public Accountability:** Will the government create or improve public-facing opportunities to hold officials answerable for their actions?
 - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the *potential impact* of the commitment if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

What makes a potentially starred commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., 'Misallocation of welfare funds' is more helpful than 'lacking a website.').
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., "26 percent of judicial corruption complaints are not processed currently.")?

3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment's implementation (e.g., "Doubling response rates to information requests" is a stronger goal than "publishing a protocol for response.")?

Based on these criteria, Malta's action plan does not contain any potentially starred commitments.

Starred commitments

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/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment's design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *Implementation IRM report*.

General Overview of the Commitments

Malta's third national action plan features commitments in the areas of inclusion, public service delivery, and mobile and blockchain technologies. Only two out of five commitments are clearly relevant to OGP values.

¹ Open Government Partnership: Articles of Governance, OGP, June 2012 (Updated March 2014 and April 2015), https://www.opengovpartnership.org/sites/default/files/attachments/OGP_Articles-Gov_Apr-21-2015.pdf

² IRM Procedures Manual, OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

I. Bridging the Gap through M-Government

Language of the commitment as it appears in the action plan:

The Commitment focuses on the development of new mobile applications in a manner that renders government services more accessible, easier to understand by the public.

The Commitment will enable societies to connect with government services that they will need to access. This will be provided in an alternative manner and considered the fastest manner to date to access services in general, given that electronic devices have become an integral part of societies.

Milestones:

I.1. Mobile Services: the continuation of the ongoing process of introducing new mobile applications in order that there will be a wider access to services.

Start Date: January 2019

End Date: January 2020

Editorial note: For the full text of this commitment, see Malta's action plan 2018-2020:

https://www.opengovpartnership.org/wp-content/uploads/2019/01/Malta_Action-Plan_2018-2020.pdf

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Overall	✓		Unclear				✓				Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

This commitment aims to develop new mobile applications to make government services more accessible to the public. According to a survey conducted by the National Statistics Office of Malta, 76.4 percent of regular internet users accessed the internet via smartphones throughout 2016.¹ Moreover, a mobile consumer perception survey conducted in 2018 revealed that just 3 percent of respondents reported not having a mobile subscription, with most of these aged over 65.² Considering that the use of electronic devices has increased in Malta, the objective of this commitment is to simplify access to public services through mobile phones, “disclosing information that was traditionally only available at certain governmental offices in the country”.³

This commitment is part of the Digital Malta Strategy 2014-2020, an existing initiative that aims to provide national policy direction on ICT initiatives and addresses topics such as infrastructure, digital business and digital government.⁴ The commitment is not clearly relevant to OGP values as it is not clear if any information will be publicly disclosed, or how these new applications will enhance public accountability or civic participation.

This commitment is too vague to be verified as it does not clearly state what type of mobile applications will be developed, what type of information will be disclosed, nor does it express how it will contribute to the “ongoing process of introducing new mobile applications”. Although the Digital Malta Strategy 2014-2020 is quoted in the commitment text as “additional information”, it is not clear what the added value of this commitment will be, in respect to the overall digital strategy. Pages 42, 43 and 44 of the Digital Malta Strategy refer to “Citizen and Business-Centric Government”, although no specific milestones or activities are listed. The commitment’s low level of specificity makes it difficult to assess its potential impact. The action plan does not define the

intended results and how this commitment would impact the ongoing implementation of the digital strategy. For these reasons, the commitment is considered to have no potential impact. It should be noted that Malta's e-Government services have judged the best in Europe, on the basis of the number of services available online and on mobile phone.⁵

Next steps

During the implementation period, the IRM recommends the following:

- Outline clear activities, and determine which concrete actions will be taken during the implementation phase (e.g. which mobile applications will be developed; which public services will be improved; what will the target audience of the commitment be; what clear implementation timelines will the commitment have, etc.)
- Clearly determine and specify the value added of this commitment in relation to the Digital Malta Strategy (2014-2020)
- Establish a target number and a clear timeline for the development of mobile applications per sector (e.g. education, healthcare, environment, etc.)
- Include the opinion and feedback of the private sector and ultimate beneficiaries of commitments to determine which mobile applications should be developed
- Ensure compliance with international standards while designing mobile applications (safeguarding personal information, complying with open data publication standards, etc.)

¹ Malta Today, 77% of Maltese make regular use of internet,

https://www.maltatoday.com.mt/business/technology/75306/77_of_maltese_make_regular_use_of_internet#.XVApm6dt_OQ

² Malta Communications Authority, MCA Amrket Research, Consumer Perceptions Survey,

https://www.mca.org.mt/sites/default/files/mca_cps_mobiletelephony_website.pdf

³ Commitment template, https://www.opengovpartnership.org/wp-content/uploads/2019/01/Malta_Action-Plan_2018-2020.pdf

⁴ Digital Malta, <https://digitalmalta.org.mt/en/Documents/Digital%20Malta%202014%20-%202020.pdf>

⁵ Times of Malta, "Malta e-government services top EU survey", 22 November 2018,

<https://timesofmalta.com/articles/view/malta-e-government-services-top-eu-survey.694914>.

2. Integration = Belonging

Language of the commitment as it appears in the action plan:

“This Commitment focuses on the implementation of the Migrant integration Strategy. This Strategy creates a framework for understanding and offers a number of initiatives for a successful integration in Malta.

Over the past few years, the Maltese Islands have become increasingly ethnically, culturally and linguistically diverse. In line with this statement, this Commitment introduces initiatives such as the “I Belong” programme, inter-ministerial Committee on Integration, a Forum on Integration Affairs, actions that focus on training and development of migrants, introduction of cultural mediators amongst others. These measures create a framework for understanding and implementing successful integration.

Given that integration of migrants in a country mean helping society, the milestones in this Commitment present an opportunity to truly bridge the gaps and build an open partnership between government, society and migrants in Malta. This Commitment will thus address the concept of “true belonging.” This was a public problem brought to the attention of government during the consultations leading to this Integration Strategy.”

Milestones:

- 2.1. I Belong Programme
- 2.2. Strengthening of the Inter-Ministerial Committee on Integration
- 2.3. Engagement of Officials whose duties focus on immigration.
- 2.4. Delivery of courses for Stage 1 and Stage 2 applicants.
- 2.5. Confidence - building awareness campaigns and ‘befriend a migrant’ Project
- 2.6. Pool of trained cultural mediators to be deployed as required in public services

Start Date: 2019

End Date: 2020

Editorial note: For the full text of this commitment, see Malta’s action plan 2018-2020: https://www.opengovpartnership.org/wp-content/uploads/2019/01/Malta_Action-Plan_2018-2020.pdf

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Overall		✓		✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Due to its geographical proximity to North Africa, Malta has been a major destination for migration. For example, since 2002, about 19,000 people have arrived by boat from Libya, and one-third of them have stayed on the island.¹ In 2015, the Ministry for Social Dialogue, Consumer Affairs and Civil Liberties (MSDC) carried out a public consultation to start drafting Malta’s migrant integration

strategy.² According to the action plan, the commitment focuses on the implementation of the migration strategy in Malta.

The commitment is based on an existing portfolio, the “Integration=Belonging. Migrant Integration Strategy & Action Plan”,³ confirmed in June 2017. The commitment includes different actions to strengthen the Inter-Ministerial Committee on integration; develop integration and language courses for migrants; introduce cultural mediators and conduct awareness-raising campaigns (such as the procedures to apply for permanent residence status or how to enrol in language courses). These measures could ultimately provide integration opportunities for migrants and improve their ability to participate in Maltese society through a better understanding of the country’s Constitution and laws. Therefore, the commitment is relevant to the OGP value of civic participation.

The commitment is verifiable, but the first three milestones (2.1, 2.2 and 2.3) could be more specific. Although pages 9 to 12 from Malta’s Integration Strategy refer to the “I Belong Programme”, the commitment does not mention what specific actions will be taken. Moreover, there is no indication of how the Inter-Ministerial Committee on Integration will be strengthened nor what types of activities will require the engagement of government officials.

Overall, the potential impact of the commitment is minor. Although implementing a migration strategy addresses an important issue for stakeholders in the country,⁴ it is difficult to assess the possible added value of this commitment to the pre-existent strategy and government portfolio. It is not clear if the government commits to fostering better compliance to the strategy or pledges to undertake new activities. Providing more details on the activities planned could have raised the ambition and potential impact of the commitment.

Next steps

This commitment could be carried forward to the next action plan as it addresses a major policy area, namely the integration of migrants. To raise its potential impact, the IRM recommends:

- Clearly establishing the added value of the commitment to Malta's Integration Strategy by, for example, assuring compliance and/or monitoring its implementation;
- Establishing a multi-stakeholder forum to monitor the implementation of the “I Belong Strategy” including migrants as ultimate beneficiaries of the commitment;
- Publishing statistics and information on how many people have used the integration services, how many migrants have taken language lessons, and how many cultural mediators have been formed;
- Delimitating a clear set of responsibilities for public mediators and public officials working on migration integration;
- Defining the target audience and set expectations of the public awareness campaigns.

¹ UNHCR, Malta Asylum Trends, <https://www.unhcr.org/mt/charts/>

² The consultation brought together opinions and proposals from citizens, governmental entities, civil society organisations, academic institutions and international organisations, and its main results can be found in a framework document entitled “Towards a National Migrant Integration Strategy 2015-2020”, which served as a base for the current “Integration=Belonging” migration strategy.

³ MEAE, Integration=Belonging, Migrant Integration Strategy & Action Plan, Vision 2020, <https://meae.gov.mt/en/Documents/migrant%20integration-EN.pdf>

⁴ Andrew Azzopardi and Jamie Bonnici, University of Malta, interview by IRM consultant, 9 June 2019.

3. Investing in Technology

Language of the commitment as it appears in the action plan:

“This commitment aims to address a wide range of current issues in ICT whilst at the same time being proactive in addressing new challenges such as:

- Lack of awareness and support with regards to blockchain technology
- Need for a Gozo Hub and more office spaces in Gozo

This Commitment will address new challenges in the sphere of ICT development such as though the investment in Blockchain Technology and the creation of a lab within MITA that will incorporate as well training of civil servants.

- On another note, this Commitment envisages the creation of a Hub in Gozo aimed at Research and ICT.
- This Commitment will certainly generate more awareness in blockchain technology both in the Maltese Civil Service as well as in society in general. It will also bring up to speed society with this evolving technology.
- This Commitment will also aid the Gozitan business society, as businesses will benefit through the creation of the Gozo Hub that will incorporate an increase in spaces for offices.”

Milestones:

3.1. A Blockchain Lab will be created within MITA, as well as a Blockchain Hub to assist and support startups that are working on this technology. At the same time, a training programme is planned for civil servants so that they can understand the use of this technology. For security reasons, Malta will be making use of this technology with regards to education certificates.

3.2. Gozo Hub: A project involving a Research and ICT Hub in existing ex-MDP buildings will commence, as well as other projects that are aimed at creating more office spaces in the Xewkija Industrial Zone.

Start Date: January 2019

End Date: December 2020

Editorial note: For the full text of this commitment, see Malta’s action plan 2018-2020:

https://www.opengovpartnership.org/wp-content/uploads/2019/01/Malta_Action-Plan_2018-2020.pdf

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
3. Overall		✓	Unclear					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Malta has recently become the first jurisdiction in the world to adopt blockchain regulations.¹ In July 2018, the Maltese Parliament passed three laws that established the regulatory framework for blockchain, cryptocurrency and distributed ledger technology (DLT).² Since then, Malta has become famous for attracting business interest from the largest crypto exchanges in the world (Binance and OKEx, among others).

The main objectives of this commitment are: a) to create a Blockchain Lab and a Blockchain Hub within the Malta Information Technology Agency (MITA) to support startups that work on blockchain technology (particularly in the education sector); b) to train civil servants who work on education certificates; c) to raise awareness of blockchain technology in civil servants and society in general; and d) to create a Gozo Hub, by investing in more office space in the Xewkija Industrial Zone. As written, the commitment is not directly relevant to OGP values as it would not provide opportunities for the public to influence decision making or hold officials accountable for their actions. Moreover, the commitment does not disclose new information to the public.

The commitment is specific enough to be verified. However, more information could have been provided on the expected timelines and activities for each of the milestones, such as the types of startups to be supported, specific actions to be taken place during implementation, and how blockchain technology can help civil servants working on education certificates. This information would provide a better idea of the intended changes in policy or government practice.

Although the investment of technologies could be a positive step for Malta's economy —attracting business and increasing Malta's GDP— it is not clear how blockchain technology could contribute to opening government in the country. Due to the lack of specificity of the milestones, it is difficult to determine if the commitment will strengthen only internal processes of the public administration (such as training civil servants) or if there will be any public-facing elements during implementation. Moreover, it is unclear how the support given to blockchain startups could promote transparency in education. The IRM reached out to the representatives from the MITA Innovation Hub, the University of Malta, the Gozo Hub and the Malta Information Technology Authority but did not receive responses.³ For all these reasons, the IRM considers that, as written, the commitment could have a minor potential impact.

Next steps

The IRM does not recommend carrying this commitment forward to the next action plan unless it is modified to be relevant to advancing OGP values for improving access to information, civic participation or public accountability. Moving forward on this commitment, the following actions could be taken:

- Invite the private sector and relevant CSOs to participate in the implementation of the commitment. In particular, the government could involve relevant stakeholders from the educational field;
- Consider the implementation of ICT to prevent corruption and promote public integrity measures, taking into consideration the potential of blockchain for the protection against fraud and the decentralised and shared control of transactions;

¹ Forbes, Crypto investors flocking to 'Blockchain Island' Malta in droves, <https://www.forbes.com/sites/rogeraitken/2018/10/29/crypto-investors-flocking-to-blockchain-island-malta-in-droves/#5c8aa8cb5ff9>

² The first law, known as the Malta Digital Innovation Authority Act (MDIA Act), establishes the Malta Digital Innovation Authority and certifies DLT platform; the second law, known as the Innovative Technology Arrangement and Services Act (ITAS Act), deals with DLT arrangements and certifications of DLT platforms. This bill is primarily concerned with the setting up of exchanges and other companies operating in the cryptocurrency market. The third law, known as the Virtual Financial Assets Act (VFA Act), establishes the regulatory regime governing ICOs, cryptocurrency exchanges, wallet providers, etc., <https://www.forbes.com/sites/rachelwolfson/2018/07/05/maltese-parliament-passes-laws-that-set-regulatory-framework-for-blockchain-cryptocurrency-and-dlt/#2728fa2249ed>, accessed 10 August 2019.

³ During June, July and August, the IRM consultant reached out by email to the following organisations but received no response: MITA innovation hub; Malta Information Technology Agency; Gozo Hub and the University of Malta.

4. Upgrades in the Department for Industrial and Employment Relations

Language of the commitment as it appears in the action plan:

“The Department for Industrial and Employment Relations was enacted to protect the interests of parties in employment contracts while actively promoting a healthy employment relationship in a spirit of social partnership, and to contribute towards stable industrial relations. This Commitment seeks to address an improvement in the quality of services provided to people who look for the Department’s help or advice in employment relations.

This Commitment will focus to reform the modus operandi of the Department through three pillars being; an improved IT system, refurbishment of the premises and implementation of a Quality Service Charter.

Through this Commitment, quality of customer service will increase given that the efficiency and the effectiveness of the Department will be targeted in this Commitment. This Commitment is addressing quality through being more customer responsive by focusing on customer’s needs.”

Milestones:

- 4.1. Refurbishment of the DIER offices in 108 Melita Street Valletta.
- 4.2. Training of Servizz.Gov Officer for the integration of DIER services with Servizz.Gov.
- 4.3. Implementation of the Quality Service Charter.
- 4.4. Continuance of upgrading the internal IT system (DIERS) used by DIER Officers.

Start Date: January 2019

End Date: December 2020

Editorial note: For the full text of this commitment, see Malta’s action plan 2018-2020: https://www.opengovpartnership.org/wp-content/uploads/2019/01/Malta_Action-Plan_2018-2020.pdf

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Overall		✓	Unclear					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

In 2017, Malta’s economy grew by 6.6 percent, more than double the EU’s average growth (2.4 percent), and unemployment grew by 6 percent.¹ However, according to the OECD, there are few tailored entrepreneurship policies and programmes for groups that are under-represented or disadvantaged (such as unemployed, older people, and people with disabilities).² This commitment aims to strengthen accessibility and service delivery at the Department for Industrial and Employment Relations (DIER) by improving the IT system, implementing the Quality Service Charter and refurbishing DIER’s offices. Although the commitment aims to strengthen accessibility and service delivery, it only targets internal public administration reforms, without including any public-facing elements that could foster access to information, civic participation or public accountability.

The commitment is specific enough to be verified. However, indicators on the number of offices that will be refurbished; the number of officials that will be trained, and the exact time-schedules of the implementation of the Quality Service Charter could all strengthen the specificity of the commitment. Moreover, the actions to upgrade the internal IT system are not clear enough, and the commitment does not state how and to what point this upgrade is continuing previous actions.

If fully implemented, the commitment could have a minor potential impact on the quality of employment services. The commitment would not address one of the main problems in Malta's labour sector, which is the development of tailored programmes to enhance accessibility of employment for the disadvantaged. The commitment presumes that the quality of customer service and accessibility will increase through internal public administration reforms. Although the activities proposed in the commitment could improve the quality of customer service, this impact would only be indirect. This is because all of the proposed activities, including the implementation of the Quality Service Charter, focus on strengthening institutional capacities without directly targeting citizens' accessibility to services or customer needs.

Next steps

If the improvement of services related to employment is prioritised in the next action plan, the commitment activities should be better linked to opening government. This could be done by improving access to information on services, the inclusion of customers' associations and trade unions in the development and implementation of new initiatives and considering the creation of a feedback mechanism for evaluating provided services. Furthermore, the commitment could also specify how the improvement of the IT system will improve citizens' ability to access employment services.

¹ Inclusive Entrepreneurship Policies: Country Assessment Notes, Malta 2018, <http://www.oecd.org/cfe/smes/MALTA-Country-Note-2018.pdf>

² Ibid.

5. Strengthening Local Government and the Commission for Domestic Violence in Malta

Language of the commitment as it appears in the action plan:

“This Commitment will address the Difficulties faced by society in the areas of local government and domestic violence. It will also strengthen important areas in society being; Domestic violence and Local Government’s Accountability through a reform that will bring Local Councils closer to the citizens.

This Commitment consists of several facets. One focuses on empowering and strengthening the role of the Commission for Domestic Violence in Malta. Another facet focuses increasing Local Council’s accountability and operations.

This commitment is aimed at strengthening various important areas of society by the following means:

- Strengthen the Commission for Domestic Violence through dedication of more resources.
- Identify the needs of Local Councils to ensure their sustainable future and more in touch with the citizens. This is being done through the publishing of a white paper that address this reform. This White Paper has been launched for public consultation. This Commitment will address the implementation of this reform with consideration to the feedback received from the public consultation.”

Milestones:

5.1. Strategy to strengthen the role of the Commission for Domestic Violence.

5.2. Accountability of Local Councils is to be ensured if they are to have a Sustainable future. With this in mind, a White Paper aimed at reforming Local Government in different areas is being launched.

Start Date: 2019

End Date: 2020

Editorial note: For the full text of this commitment, see Malta’s action plan 2018-2020: https://www.opengovpartnership.org/wp-content/uploads/2019/01/Malta_Action-Plan_2018-2020.pdf

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Overall	✓			✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The commitment has two distinct and unrelated objectives: a) strengthening the role of Malta’s Commission for Domestic Violence (CDV), and b) bringing local councils closer to citizens. By allocating more resources to the CDV and publishing a white paper to ensure the reform and sustainability of local councils, the commitment aims to “address domestic violence and to improve local councils’ accountability”.

The White Paper for Local Government reform was published prior to the start of the commitment, in October 2018. The paper offers a series of proposals and aspirations “to bring the residents closer to their Local Council”. Over the past 25 years, local councils have gained importance in the lives of the citizens of Malta. Because of this, Silvio Parnis, Parliamentary Secretary for Local Government and Communities, expressed in the foreword to the White Paper that governance reform is “expected to result in increased operational efficiency, as well as more transparent processes, accountability and good governance with due regard to citizen expectations”.¹

As written, this commitment is relevant to the value of civic participation as one of the concrete proposed activities involves launching the White Paper for consultation to consider citizens’ feedback in the implementation of the local councils’ reform. However, this commitment does not specify how feedback will be collected or used.

Overall, this commitment is verifiable. It is possible to determine the completion of the commitment by analysing if more resources were allocated to the CDV, and if the reforming White Paper was published for public consultation. However, the milestones could be more specific, particularly since the White Paper was published prior to the action plan, and there is already a strategy in place to prevent gender-based and domestic violence.² Overall, the commitment text and planned activities are not specific enough to determine if the potential impact will be higher than minor. It could, however, strengthen the role of the CDV and the strategy currently in place, and ensure compliance of the ongoing local councils’ reform.

Next steps

The IRM recommends the following actions during the implementation:

- Clarify milestones during the implementation to ensure proposed activities have not been accomplished and that they can complement ongoing government activities;
- Ensure the participation of social organisations in the development and monitoring of the commitment. In particular, the Local Councils’ Association, the Confederation of Women’s Association and the Malta Catholic Youth Network, could all be invited to help implement the commitment.

Given the importance of the issue of domestic violence, the next action plan could include a commitment that addressed this issue while also relating to OGP values of access to information, civic participation or public accountability. For example, the CDV could disclose information on gender-based and domestic violence at the local level. The development of a unified information system for data on violence against women and reporting systems for gender-based violence, such as the ones established in Brazil, could strengthen the role of the CDV in Malta.³ Moreover, observatories on gender-based violence, such as the ones established in Uruguay, could be helpful.⁴

¹ MEAE, Local Government Reform, White Paper, https://meae.gov.mt/en/Public_Consultations/MJCL/Documents/Riforma%20Booklet%20EN.pdf, page 3.

² The Gender-Based Violence and Domestic Violence Strategy is the first national framework to ensure legislation, policies and services address victims’ needs holistically and as a societal concern. This Strategy is also in line with the policy recommendations included in the Council of Europe Convention on prevention and combatting violence against women and domestic violence (Istanbul Convention) I, which Malta ratified in 2014, https://meae.gov.mt/en/Documents/GBV_DV%20Strategy%20and%20Action%20Plan%20publication.pdf

³ OGP, Open Data about Femicide in Brazil, <https://www.opengovpartnership.org/stories/open-data-about-femicide-in-brazil/>

⁴ OGP, Gender-Based Violence Open Data, <https://www.opengovpartnership.org/members/uruguay/commitments/UY0103/>

V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity and, 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Recommendations

Establish a multi-stakeholder forum to ensure co-creation of commitments

To comply with OGP co-creation standards and make the OGP process more participatory, Malta needs to establish a multi-stakeholder forum. The IRM recommends inviting government representatives from both national and local levels to participate in the multi-stakeholder forum to ensure geographical balance and to make use of reforms in place, such as the regional and local council reforms. Moreover, the IRM recommends that civil society representatives and other relevant actors, such as trade unions and ultimate beneficiaries of commitments be drawn into the forum process on single-issue topics (e.g., employment, housing, migration, domestic violence, etc.). It is also important that the government moves away from organising online-only consultations, to inviting CSOs and relevant stakeholders to in-person meetings. Ensuring proposed commitments are co-created with public agencies in charge of their implementation is key to raising the ambition of the plan. Also, in line with OGP requirements, the government needs to establish a public repository which provides a historical record and access to all documents related to the national OGP process. Finally, the IRM recommends that the government further strengthen its intra-governmental coordination, ensuring clear focal points in each institution.

Include commitments with measurable outcomes, relevant to OGP values

The IRM recommends the government to include commitments that are relevant to OGP values and that specify concrete and measurable outcomes. Out of the five commitments in the action plan, only two are directly relevant OGP values. Moreover, although the commitments could strengthen Malta's public administration in a broader sense, it is important that they contain public-facing elements and the intended results target specific changes in policies and government practices. Almost all the commitments in the action plan are based on pre-existing initiatives, with many of them already completed before the action plan was launched. If commitments were to be based on pre-existing activities or initiatives, it is important that the government specifies to which concrete outcomes the commitment is expecting to contribute.

Introduce public integrity measures and strengthen anti-corruption initiatives

Recent corruption scandals in Malta have highlighted the importance of robust public integrity measures. The OGP process could be used to bring together stakeholders to discuss possible mechanisms and good practices from other European Union and OGP-member countries. In the next action plan, the government could include anti-corruption commitments, particularly on money-laundering, conflict of interest regulations and asset disclosure of public officials. GRECO and the Council of Europe recommend applying stricter rules to integrity standards, establishing a system of sanctions, and enforcing ancillary business and other activities of top officials. Malta could also consider the inclusion of e-procurement commitments.

Ensure adequate implementation of access to information

The next action plan could include commitments that regulate the enforcement of the Freedom of Access to Information Act in Malta, limiting government-held information, and

the abuse of the regime of exemptions, as well as including proactive measures of active transparency and open data.

Improve the operating environment for the media

Malta's next action plan could include commitments to protect freedom of speech and freedom of the press, and prevent the abuse of Malta's Defamation Law to silence investigative reporting. Establishing a participatory forum including journalists and media owners to revisit the role of the Media Registrar and disclosing information on SLAPP (strategic lawsuits against public participation) court decisions could strengthen the media operating environment.

Include commitments to foster civic participation and public accountability

The next action plan should include commitments that are directly relevant to the OGP values of public accountability and civic participation. To this respect, the Local Council reform is a good opportunity to promote these types of commitments at the local level.

Among others, the IRM recommends:

- Promoting citizen audits and fora
- Establishing hotlines and citizen feedback portals
- Creating public tracking systems for public complaint processes
- Opening up decision making in public services by creating user feedback channels

Table 5.1: Five Key Recommendations

1	Establish a multi-stakeholder forum to ensure co-creation of commitments
2	Include commitments with measurable outcomes that are relevant to OGP values
3	Introduce public integrity measures, such as asset disclosure for public officials, anti-money laundering, and conflict of interest regulations
4	Improve the operating environment for the media, particularly around defamation legislation
5	Include commitments to foster civic participation and public accountability

5.2 Response to Previous IRM Key Recommendations

Table 5.2: Previous IRM Report Key Recommendations

Recommendation		Responded to?	Integrated into Current Action Plan?
1	Malta should establish a multi-stakeholder forum that will play a leading role in consultations during the national action plan formulation, implementation and monitoring.	×	×
2	To improve the relevance and ambition of commitments, MSDC could organise government-wide consultations on the new action plan and seek additional diverse input from the public and civil society.	×	×

3	In the next action plan, MSDC could adopt a public consultation policy that revises methodology to ensure public input is sought at the earliest stages of policy development.	×	×
4	To increase public sector transparency and accountability, the next action plan should commit to developing an online platform that provides complete information relating to the recruitment and appointment procedures in the public service.	×	×
5	The Ministry of Finance should commit to increased transparency of public procurement and public asset management by adding simplified, user-friendly components to the current website, and establishing a schedule for regular publication of data.	×	×

The government did not address previous recommendations and did not include any relevant actions to integrate these recommendations into the current action plan.

VI. Methodology and Sources

The IRM reports are written by researchers for each OGP-participating country or entity. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Malta's OGP website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organisations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.¹

Interviews and stakeholder input

This research followed a qualitative approach and was based on the analysis of primary and secondary sources produced by government agencies, international organisations, academic papers and civil society reports.

This was complemented with the analysis of questionnaires sent, by email, to the following stakeholders:

- Andrew Azzopardi, University of Malta (June 2019)
- Jamie Bonnici, University of Malta (June 2019)

During June, July and August, the IRM consultant reached out by email to the following civil society and government representatives but received no response:

- Malta's Chamber of Commerce;
- eSkills Malta Foundation;
- Malta's Local Council's Association;
- MITA Innovation Hub;
- aditus foundation;
- Labour Youth Forum;
- Confederation of Women's Association;
- Malta Catholic Youth Network;
- Malta Employers' Association;
- Integration Advisor of the Human Rights and Integration Directorate;
- Ministry for Gozo Principal;
- Local Governments' Department of the Commission for Domestic Violence;
- Malta Information Technology Agency.

Malta's Point of Contact was contacted three times by email (20 June 2019; 24 June 2019; 1 July 2019) and requested more time to follow up with relevant stakeholders before setting up an interview. He was contacted again one month later (2 August 2019) but has not replied at the time of writing this report.

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Franco
- Brendan Halloran
- Jeff Lovitt
- Fredline M'Cormack-Hale
- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

¹ IRM Procedures Manual, V.3, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

Annex I. Overview of Malta's performance throughout action plan development

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Multi-stakeholder Forum	
1a. Forum established: There is a forum to oversee the OGP process	Red
1b. Regularity: The forum meets at least every quarter, in person or remotely	Red
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership and governance structure	Red
1d. Mandate public: Information on the forum's remit, membership and governance structure is available on the OGP website/page	Red
2a. Multi-stakeholder: The forum includes both governmental and non-government representatives	Red
2b. Parity: The forum includes an even balance of governmental and non-governmental representatives	Red
2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process	Red
2d. High-level government representation: The forum includes high-level representatives with decision-making authority from government	Red
3d. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum	Red
3e. Remote participation: There are opportunities for remote participation in at least some meetings and events	Red
3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities and results to wider government and civil society stakeholders	Red

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Action Plan Development	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Yellow
4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.	Yellow
4c. Awareness-raising: The forum conducts outreach and awareness-raising activities with relevant stakeholders to inform them of the OGP process.	Red
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.	Red
4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.	Red
5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, national action plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g links to databases, evidence of meetings, publications)	Red

Editorial note: If a country “meets” the six standards in bold, the IRM will recognise the country’s process as a Starred Process.