

# Independent Reporting Mechanism

Action Plan Review: Malta  
2023-2025

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Open  
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Independent  
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## Section I: Overview of the Malta 2023-2025 Action Plan

*Malta's fourth action plan addresses the justice sector and youth participation. The adoption of the action plan revitalized Malta's OGP process after prolonged inactivity, though the commitments came from government institutions with limited input from civil society. The Ministry of Justice should maintain civil society engagement in the implementation of the commitments, with a view toward continued cooperation in future action plans.*

Malta's fourth action plan (2023-2025) contains four commitments. Commitment 1 aims to create a forum for government and civil society to discuss justice-related initiatives. Commitment 2 plans to improve access to services for victims of crime, through an awareness campaign and an online toolkit. Commitment 3 will develop an action plan to ensure information about justice and human rights is provided in an accessible and child-friendly format. Lastly, Commitment 4 aims to develop a "youth proofing" legislative framework which evaluates how proposed legislations and policies may affect young people.

After acting contrary to OGP process for three consecutive action plan cycles, the OGP Steering Committee designated Malta as inactive. In April 2023, the Ministry of Justice (MoJ) prepared a timeline for delivering a new action plan by 31 December 2023, the deadline given to Malta by the OGP Steering Committee to avoid being withdrawn from OGP.<sup>1</sup> The MoJ identified five thematic areas through internal consultations with government institutions.<sup>2</sup> The MoJ launched a multi-stakeholder forum (MSF) where civil society organizations (CSOs) discussed the thematic areas on 30 November 2023. The MoJ shared the draft commitments with CSOs after this meeting<sup>3</sup> and delivered the action plan on 27 December 2023, lifting Malta from inactivity status.<sup>4</sup>

The MoJ took several positive steps to restart Malta's OGP process, such as forming an MSF and creating a dedicated OGP webpage.<sup>5</sup> However, civil society felt that the co-creation process did not offer sufficient time or opportunities to influence the commitments.<sup>6</sup> Civil society did not have an opportunity to propose their own topics for discussion at the MSF meeting of November 2023, as the discussions were based on the MoJ's themes. According to the MoJ, to meet the deadline for delivering the action plan, the MoJ could not carry out a longer co-creation process.<sup>7</sup> This will require a willingness on the part of the MoJ and the government to take civil society's priorities seriously and a willingness on the part of civil society to continue working with the government through the OGP process. For future co-creation processes, the IRM recommends involving civil society in identifying the themes for discussion in the MSF meetings.

Overall, the design of the action plan is an improvement compared to Malta's previous OGP action plans, when the IRM assessed many commitments as not relevant to transparency, civic participation, or public accountability.<sup>8</sup> In addition, the commitments foresee ongoing

### AT A GLANCE

**Participating since:** 2011  
**Number of commitments:** 4

**Overview of commitments:**  
Commitments with an open government lens: 4 (100%)  
Commitments with substantial potential for results: 0  
Promising commitments: 0

**Policy areas:**  
Carried over from previous action plans: N/A

Emerging in this action plan:

- Access to justice
- Youth participation in policymaking

**Compliance with OGP minimum requirements for co-creation:** Yes

engagement of CSOs working in relevant policy areas, namely justice and youth policies, during implementation. Commitment 1 (justice forum) has received the most interest from CSOs. The terms of reference for the justice forum will be decided during the implementation period. CSOs proposed this forum to address the implementation of Malta's outstanding domestic and international rule-of-law recommendations. However, the MoJ responded that such recommendations went beyond the anticipated scope of the forum.<sup>9</sup> This has negatively impacted civil society's interest in participating in the forum in the long term.<sup>10</sup>

Moving forward, the MoJ should ensure that Malta meets OGP's Participation and Co-Creation Standards during the implementation of the action plan.<sup>11</sup> This will involve organizing regular MSF meetings (at least once every six months) throughout the implementation period, updating the OGP website at least twice a year with evidence for implementation of the commitments, and holding at least two meetings each year with civil society to present the results on implementation of the action plan and collect comments (i.e., through the regular MSF meetings).

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<sup>1</sup> Resolution of the OGP Steering Committee Regarding the Participation Status of Malta in OGP, amended on 20 April 2023, [https://www.opengovpartnership.org/wp-content/uploads/2023/04/Malta\\_SC-dity-Resolution\\_20220324\\_Approved20230420.pdf](https://www.opengovpartnership.org/wp-content/uploads/2023/04/Malta_SC-dity-Resolution_20220324_Approved20230420.pdf)

<sup>2</sup> The five themes were justice initiatives, victims' rights, online support to victims, access to justice for minors, and youth proofing. During the MSF meeting, the themes of victims' rights and online support to victims were merged.

<sup>3</sup> Open Government Malta, <https://opengov.gov.mt/wp-content/uploads/2024/01/Reasoned-Response.pdf>

<sup>4</sup> Open Government Partnership, [https://www.opengovpartnership.org/wp-content/uploads/2024/05/Malta\\_Status-Letter\\_20240327.pdf](https://www.opengovpartnership.org/wp-content/uploads/2024/05/Malta_Status-Letter_20240327.pdf)

<sup>5</sup> Open Government Malta, Malta's 4<sup>th</sup> National Action Plan, 2024, <https://opengov.gov.mt/>

<sup>6</sup> Repubblika, interview by the IRM, 13 March 2024; Daphne Foundation, interview by the IRM, 28 February 2024.

<sup>7</sup> Ministry of Justice, interview by the IRM, 8 February 2024.

<sup>8</sup> Open Government Partnership, IRM Malta Design Report 2018-2020, [https://www.opengovpartnership.org/wp-content/uploads/2019/11/Malta\\_Design\\_Report\\_2018-2020.pdf](https://www.opengovpartnership.org/wp-content/uploads/2019/11/Malta_Design_Report_2018-2020.pdf); Open Government Partnership, IRM Malta End-of-Term Report 2015-2017, [https://www.opengovpartnership.org/wp-content/uploads/2018/10/Malta\\_End-of-Term\\_IRM-Report\\_2015-2017.pdf](https://www.opengovpartnership.org/wp-content/uploads/2018/10/Malta_End-of-Term_IRM-Report_2015-2017.pdf)

<sup>9</sup> See Open Government Malta, <https://opengov.gov.mt/wp-content/uploads/2024/01/Reasoned-Response.pdf>

<sup>10</sup> Repubblika, interview by the IRM, 13 March 2024; Daphne Foundation, interview by the IRM, 28 February 2024. Aditus Foundation, correspondence with the IRM, 7 March 2024.

<sup>11</sup> 2021 OGP Participation and Co-Creation Standards: <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

## Section II: Promising Commitments in Malta's 2023-2025 Action Plan

The following review looks at the commitments that the IRM identified as having the potential to realize the most promising results. Promising commitments address a policy area that is important to stakeholders or the national context. They must be verifiable, have a relevant open government lens, and have modest or substantial potential for results. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

The IRM determined that all four commitments in Malta's action plan have an open government lens. However, while the commitments aim to implement new initiatives, they lack the clarity and ambition necessary for the IRM to consider them promising. Key aspects of the commitments, such as the terms of reference for the justice forum (Commitment 1) and the qualities of the youth-proofing mechanism (Commitment 4), will be determined during their implementation. This makes it difficult for the IRM to assess the potential for results for most commitments as higher than modest based on their design in the action plan. According to the action plan, the Ministry of Justice (MoJ) left open the possibility of further discussions in Q1 2024 on possible changes in the action plan.<sup>12</sup> Although the MSF met on 20 February 2024, this meeting did not result in official amendments to the commitments.

Under Commitment 1, the MoJ will create a justice forum, bringing together stakeholders from government and civil society to discuss justice-related initiatives in Malta. The milestones entail defining the forum's procedures (including its terms of reference) and piloting and evaluating its operations. According to the MoJ, the minutes of the forum's meetings will be public.<sup>13</sup> In response to the draft commitment, the CSO "Repubblika" proposed that the forum review legislative changes in the justice sector before they are brought to Parliament or adopted by Legal Notice.<sup>14</sup> Repubblika also proposed using the forum to take stock of outstanding international and domestic rule-of-law recommendations for Malta, including those of the Venice Commission, the Daphne Caruana Galizia Public Inquiry,<sup>15</sup> the European Commission Rule of Law Report, the OECD recommendations to the Commissioner for Standards in Public Life, and resolutions of the Parliamentary Assembly of the Council of Europe and the European Parliament. The MoJ responded that the forum "is not the appropriate vehicle" to review legislative changes and that recommendations from international organizations like the Venice Commission and the OECD would "go beyond the scope of the forum which is a consultative forum."<sup>16</sup> However, the MoJ clarified that this item could be revisited when drafting the terms of reference to reach a consensus.

The IRM assesses the potential for results of this commitment as moderate, as no such forum currently exists in other ministries in Malta and any participating entity will be able to propose initiatives for discussion. The MoJ noted that the forum would be used to discuss justice sector initiatives before they are brought for public consultation, such as changes in the functions of family courts.<sup>17</sup> However, civil society representatives noted that the exclusion of major rule-of-law recommendations could dissuade them from engaging in the forum in the long term.<sup>18</sup> As the forum will focus on dialogue, civil society are concerned that their participation could be perceived as "justifying and endorsing inaction" of the government on key justice reforms. According to a representative of Repubblika, the forum could start by focusing on the rule-of-law recommendations under the purview of the MoJ, before eventually addressing rule-of-law

recommendations from other government bodies.<sup>19</sup> When developing the terms of reference, the IRM recommends using the forum as a formal body for discussing legislative proposals in the justice sector with civil society before they are brought before Parliament.

Under Commitment 2, the Victims Support Agency will develop an educational campaign on victims' rights and support services and a repository to access this information. Victims of crimes in Malta must currently consult multiple sources to access information about their rights, which discourages them from trying to obtain the information they need.<sup>20</sup> The repository will be a one-stop shop for information on victims' rights and contact information for NGOs who support victims. According to the MoJ, the Victims Support Agency will continue to manage the repository after the end of the action plan.<sup>21</sup> Commenting on the draft commitment, the CSO "SOS Malta" suggested including a common referral system to help service providers identify whether the victim is already being supported and to connect victims more efficiently with the appropriate support service available. The MoJ responded that a referral system could not be developed over a span of two years and the services fall under the remit of different agencies.<sup>22</sup> Once the repository is in place, the IRM recommends revisiting the proposal to add a common referral system. Moreover, SOS Malta recommends focusing on intercultural training to "frontline" agencies supporting victims of crime to address barriers to accessing information in diverse communities.<sup>23</sup> This training could support the educational campaign.

Under Commitment 3, the MoJ will set up a website with child-friendly justice information and develop a five-year plan for disseminating this information. According to the action plan, young people in Malta often lack understandable information on their rights and the obligations of public officials regarding corruption.<sup>24</sup> During implementation, the MoJ will decide if this commitment will involve proactive outreach to children in situations where their rights may be infringed on.<sup>25</sup> The commitment foresees the engagement of relevant CSOs and stakeholders in the design of information for the website. The IRM recommends connecting this commitment to the educational campaign on victims' rights and services for Commitment 2. For example, the website for child-friendly justice information could be linked to the repository for victims' rights. The educational campaign could focus on teaching children and young people about their rights and how they may use the justice system to their benefit.

Under Commitment 4, the National Youth Agency (Aġenzija Żgħażaġh) will establish a "youth proofing" mechanism, aiming to create policies and legislation that consider the needs and aspirations of young people. According to the National Youth Agency, the youth proofing mechanism will differ from regular impact assessments in that it will involve the target group (young people and youth organizations) in its development.<sup>26</sup> The National Youth Agency noted that the framework of this mechanism is still being determined (as of March 2024), but it will be determined by consulting young people and youth organizations. The National Youth Agency is looking at examples from countries with similar mechanisms (such as France, Austria, and some German states), as well as the European Commission's "Youth Check".<sup>27</sup> When developing the youth proofing mechanism, the IRM recommends clarifying which categories of legislation and government policies will be subject to youth proofing. In addition, government institutions could be required to summarize how consultations with young people and youth organizations on draft legislation and policies influenced the design of the legislation and policies.

<sup>12</sup> Open Government Partnership, Malta's 4<sup>th</sup> National Action Plan on Open Government 2023 – 2025, p 7, [https://www.opengovpartnership.org/wp-content/uploads/2024/01/Malta\\_Action-Plan\\_2023-2025\\_December.pdf](https://www.opengovpartnership.org/wp-content/uploads/2024/01/Malta_Action-Plan_2023-2025_December.pdf)

<sup>13</sup> Ministry of Justice, interview by the IRM, 8 February 2024.

- <sup>14</sup> See Open Government Malta, <https://opengov.gov.mt/wp-content/uploads/2024/01/Reasoned-Response.pdf>
- <sup>15</sup> Global Freedom of Expression, Columbia University, English translation of the public inquiry report into the assassination of Daphne Caruana Galizia, December 2021, <https://globalfreedomofexpression.columbia.edu/publications/english-translation-of-the-public-inquiry-report-into-the-assassination-of-daphne-caruana-galizia/>
- <sup>16</sup> See Open Government Malta, <https://opengov.gov.mt/wp-content/uploads/2024/01/Reasoned-Response.pdf>
- <sup>17</sup> Ministry of Justice, interview by the IRM, 8 February 2024.
- <sup>18</sup> Repubblika, interview by the IRM, 13 March 2024; Daphne Foundation, interview by the IRM, 28 February 2024.
- <sup>19</sup> Repubblika, interview by the IRM, 13 March 2024.
- <sup>20</sup> Ministry of Justice, interview by the IRM, 8 February 2024.
- <sup>21</sup> Ministry of Justice, interview by the IRM, 8 February 2024.
- <sup>22</sup> Open Government Malta, <https://opengov.gov.mt/wp-content/uploads/2024/01/Reasoned-Response.pdf>
- <sup>23</sup> SOS Malta, correspondence with the IRM, 7 March 2024.
- <sup>24</sup> Open Government Partnership, Malta's 4<sup>th</sup> National Action Plan on Open Government 2023 – 2025, p 21, [https://www.opengovpartnership.org/wp-content/uploads/2024/01/Malta\\_Action-Plan\\_2023-2025\\_December.pdf](https://www.opengovpartnership.org/wp-content/uploads/2024/01/Malta_Action-Plan_2023-2025_December.pdf)
- <sup>25</sup> Ministry of Justice, interview by the IRM, 8 February 2024.
- <sup>26</sup> National Youth Agency, interview by the IRM, 15 March 2024.
- <sup>27</sup> European Youth Forum, European Commission commits to a 'Youth Check', January 2024, <https://www.youthforum.org/news/european-commission-commits-to-a-youth-check#:~:text=The%20%22Youth%20Check%22%20is%20an,considered%20across%20various%20policy%20areas.>

## Section III. Methodology and IRM Indicators

The purpose of this review is not an evaluation. It is intended as a quick, independent, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The IRM highlights commitments that have the highest potential for results, a high priority for country stakeholders, a priority in the national open government context, or a combination of these factors.

The three IRM products provided during a national action plan cycle include:

- **Co-Creation Brief:** A concise brief that highlights lessons from previous IRM reports to support a country's OGP process, action plan design, and overall learning.
- **Action Plan Review:** A technical review of the characteristics of the action plan and the strengths and challenges IRM identifies to inform a stronger implementation process.
- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning.

In the Action Plan Review, the IRM follows a filtering and clustering process to identify promising reforms or commitments:

**Step 1:** Determine what is reviewable based on the verifiability of the commitment as written in the action plan.

**Step 2:** Determine if the commitment has an open government lens. Is it relevant to OGP values?

**Step 3:** Review commitments that are verifiable and have an open government lens to identify if certain commitments need to be clustered. Commitments that have a common policy objective or contribute to the same reform or policy issue should be clustered. The potential for results of clustered commitments should be reviewed as a whole. IRM staff follow these steps to cluster commitments:

- a. Determine overarching themes. If the action plan is not already grouped by themes, IRM staff may use OGP's thematic tagging as reference.
- b. Review commitment objectives to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
- c. Organize commitments into clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms.

**Step 4:** Assess the potential for results of the clustered or standalone commitment.

Filtering is an internal process. Data for individual commitments is available in Annex 1. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country stakeholders, an external expert review, and oversight by IRM's International Experts Panel (IEP).

As described earlier, IRM relies on **three key indicators** for this review:

### I. Verifiability



- **Yes, specific enough to review:** As written in the action plan, the stated objectives and proposed actions are sufficiently clear and include objectively verifiable activities to assess implementation.
- **No, not specific enough to review:** As written in the action plan, the stated objectives and proposed actions lack clarity and do not include explicitly verifiable activities to assess implementation.
- Commitments that are not verifiable will be considered not reviewable, and further assessment will not be carried out.

## II. Open government lens

This indicator determines if the commitment relates to the open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration and the OGP Articles of Governance by responding to the following guiding questions. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:

- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The IRM uses the OGP values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:

- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will the government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable legal, policy, or institutional frameworks to foster accountability of public officials?

## III. Potential for results

The IRM adjusted this indicator—formerly known as the “potential impact” indicator—to take into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, the IRM modified this indicator to lay out the expected results and potential that would be verified in the IRM Results Report after implementation. Given the purpose of this Action Plan Review, the assessment of potential for results is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

The scale of the indicator is defined as:

- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** A positive but standalone initiative or change to processes, practices, or policies. The commitment does not generate binding or institutionalized changes across government or institutions that govern a policy area. Examples are tools (e.g., websites) or data release, training, or pilot projects.
- **Substantial:** A possible game changer for practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by IRM staff and was externally expert reviewed by Ernesto Velasco Sánchez. The IRM methodology, quality of IRM products, and review process are overseen by IRM's IEP. For more information, see the IRM Overview section of the OGP website.<sup>28</sup>

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<sup>28</sup> IRM Overview: <https://www.opengovpartnership.org/irm-guidance-overview/>

## Annex 1. Commitment by Commitment Data<sup>29</sup>

### **Commitment 1: Creation of a Justice Forum.**

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

### **Commitment 2: Raising public awareness in support of victims' rights and victim support services.**

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

### **Commitment 3: Access to justice for minors.**

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

### **Commitment 4: Youth proofing mechanism.**

- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

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#### <sup>29</sup> **Editorial notes:**

1. For commitments that are clustered, the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see Malta's action plan: [https://www.opengovpartnership.org/wp-content/uploads/2024/01/Malta\\_Action-Plan\\_2023-2025\\_December.pdf](https://www.opengovpartnership.org/wp-content/uploads/2024/01/Malta_Action-Plan_2023-2025_December.pdf)

## Annex 2: Action Plan Co-Creation

OGP member countries are encouraged to aim for the full ambition of the OGP Participation and Co-Creation Standards that came into force on 1 January 2022.<sup>30</sup> The IRM assesses all countries that submitted action plans from 2022 onward under the updated standards. Table 2 outlines the extent to which the countries' participation and co-creation practices meet the minimum requirements that apply during development of the action plan.

OGP instituted a 24-month grace period to ensure a fair and transparent transition to the updated standards. Action plans co-created and submitted by 31 December 2023 fall within the grace period. The IRM will assess countries' alignment with the standards and their minimum requirements.<sup>31</sup> However, countries will only be found to be acting contrary to process if they do not meet the minimum requirements for action plans co-created in 2024 and onwards.

Please note that, according to the OGP National Handbook, countries implementing four-year action plans must undertake a refresh process at the two-year mark. Countries are expected to meet minimum requirements 3.1 and 4.1 during the refresh process.<sup>32</sup> IRM assessment of the refresh process will be included in the Results Report.

**Table 2. Compliance with minimum requirements**

Minimum requirement	Met during co-creation?	Met during implementation?
<b>1.1 Space for dialogue:</b> The Ministry of Justice (MoJ) issued an invitation in September 2023 for civil society organizations (CSOs) and other stakeholders to join the multi-stakeholder forum (MSF). <sup>33</sup> The MSF met on 30 November 2023 to discuss the five themes that the MoJ selected based on its prior consultations with government institutions. <sup>34</sup> The next meeting took place on 20 February 2024, but the minutes of this meeting are not published. The MSF's terms of reference are available on Malta's OGP webpage. <sup>35</sup> It comprises representatives of the government and of 12 CSOs and is presided over by two co-chairs, representing the government and civil society.	Yes	<i>To be assessed in the Results Report</i>
<b>2.1 OGP website:</b> The MoJ maintains a publicly accessible website that contains Malta's latest action plan and previous action plans. <sup>36</sup>	Yes	<i>To be assessed in the Results Report</i>
<b>2.2 Repository:</b> The MoJ maintains Malta's OGP repository. <sup>37</sup> The MoJ updated the repository more than twice in 2023 with information on the co-creation of the fourth action plan. There is no information on implementation of the fourth action plan, as of April 2024, though it includes IRM reports for past action plans.	Yes	<i>To be assessed in the Results Report</i>
<b>3.1 Advanced notice:</b> The MoJ published a timeline for the co-creation process on the OGP webpage on 20 May 2023. <sup>38</sup> This was followed by internal consultations between the MoJ and government institutions to identify themes for commitments and a call to join the MSF (in September 2023).	Yes	Not applicable
<b>3.2 Outreach:</b> The MoJ posted the call to join the MSF on its Facebook page on 5 September 2023. <sup>39</sup> It also posted the call on its website. <sup>40</sup> Advertisements to participate in the OGP process were posted in print and online media. <sup>41</sup>	Yes	Not applicable

<p><b>3.3 Feedback mechanism:</b> The MoJ organized the first MSF meeting on 30 November 2023, one month before the deadline to submit the action plan to OGP. After the meeting, the MoJ prepared the draft commitments and circulated them to the MSF for commenting. On 20 December 2023, the MoJ circulated the revised commitments to the MSF for further comments until 27 December. CSOs described the period of time for commenting on the draft commitments as too short.<sup>42</sup> The MoJ stated it did not have enough time to post the draft action plan on Malta’s public consultation portal<sup>43</sup> to be able to submit the action plan before the deadline.</p>	<p>Yes</p>	<p>Not applicable</p>
<p><b>4.1 Reasoned response:</b> The MoJ published the feedback from MSF members on the draft commitments with the reasons why each suggestion was accepted or rejected.<sup>44</sup></p>	<p>Yes</p>	<p>Not applicable</p>
<p><b>5.1 Open implementation:</b> The IRM will assess whether meetings were held with civil society stakeholders to present implementation results and enable civil society to provide comments in the Results Report.</p>	<p>Not applicable</p>	<p><i>To be assessed in the Results Report</i></p>

The MoJ took positive steps to restart Malta’s OGP process, such as forming an MSF, creating an OGP webpage, and publishing responses to stakeholders’ feedback on the draft commitments. However, civil society felt that the co-creation process was rushed and did not offer sufficient time or opportunities to influence the action plan. The discussions at the MSF meeting in November 2023 were based on the MoJ’s themes, with one stakeholder organization describing the discussions as a “fait accompli”.<sup>45</sup> While stakeholders could comment on the draft commitments, there were minimal changes made to the final commitments. According to the MoJ, to meet the deadline to submit the action plan, the themes had to be determined prior to the MSF meeting.<sup>46</sup>

The IRM offers the following recommendations to improve the next co-creation process:

- Give civil society the opportunity to propose their own topics for discussion in the MSF and possible inclusion in the action plan as commitments. The list of potential themes for the action plan could be agreed on in the MSF to give civil society’s priorities greater consideration during the co-creation process.
- Involve civil society earlier in the co-creation process by developing within the MSF the co-creation timeline and opportunities for engagement.
- Allocate more time for discussing the commitments in the MSF and continue providing reasoned response to stakeholders on how their feedback is considered.
- Hold a public consultation of the draft action plan on the public consultation portal before the final action plan is submitted to OGP.<sup>47</sup>

The MoJ should also ensure Malta’s compliance with OGP’s Participation and Co-Creation Standards during the implementation of the current action plan. To do so, the MoJ should:

- Ensure that the MSF continues to meet regularly (at least every six months) throughout the implementation period (standard 1.1).
- Update the OGP website at least twice a year with evidence for implementation of the commitments in the action plan (standards 2.1 and 2.2).
- Hold at least two meetings each year with civil society to present the results on implementation of the action plan and collect comments (standard 5.1). These meetings could be part of the regular MSF meetings.

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<sup>30</sup> 2021 OGP Participation and Co-Creation Standards: <https://www.opengovpartnership.org/ogp-participation-co-creation-standards/>

<sup>31</sup> IRM Guidelines for the Assessment of Minimum Requirements: <https://www.opengovpartnership.org/documents/irm-guidelines-for-the-assessment-of-minimum-requirements/>

<sup>32</sup> OGP National Handbook 2022, Section 2.3: <https://www.opengovpartnership.org/documents/ogp-national-handbook-rules-and-guidance-for-participants-2022/>

<sup>33</sup> See Open Government Malta, <https://opengov.gov.mt/multi-stakeholder-forum/>

<sup>34</sup> Multi-Stakeholder Forum Meeting - Development of Malta's 4th National Action Plan on Open Government, November 2023, <https://opengov.gov.mt/wp-content/uploads/2024/01/OGP-Multi-Stakeholder-Forum-Minutes-30.11.2023-.pdf>

<sup>35</sup> See Open Government Malta, <https://opengov.gov.mt/wp-content/uploads/2023/09/Terms-of-Reference-Multi-Stakeholder-Forum.pdf>

<sup>36</sup> See Open Government Malta, <https://opengov.gov.mt/>

<sup>37</sup> See Open Government Malta, <https://opengov.gov.mt/>

<sup>38</sup> The IRM used Wayback Machine to confirm the timeline was available,

<https://web.archive.org/web/20230604145337/https://justice.gov.mt/maltas-national-action-plan/>

<sup>39</sup> Facebook, Open Government Malta, <https://www.facebook.com/photo/?fbid=615408617438050&set=a.163177592661157>

<sup>40</sup> See Open Government Malta, [https://opengov.gov.mt/multi-stakeholder-forum\\_application/](https://opengov.gov.mt/multi-stakeholder-forum_application/)

<sup>41</sup> Files shared with the IRM by the Ministry of Justice. Advertisements were published in Il-Mument, It-Torca, The Malta Independent, The Sunday Times of Malta, Malta Today, and Kullhadd.

<sup>42</sup> Aditus Foundation, correspondence with the IRM, 7 March 2024. Repubblica, interview by the IRM, 13 March 2024.

<sup>43</sup> Malta government services and information, Public consultation,

<https://www.gov.mt/en/publicconsultation/Pages/default.aspx>

<sup>44</sup> See Open Government Malta, <https://opengov.gov.mt/wp-content/uploads/2024/01/Reasoned-Response.pdf>

<sup>45</sup> Aditus Foundation, correspondence with the IRM, 7 March 2024.

<sup>46</sup> Ministry of Justice, interview by the IRM, 8 February 2024.

<sup>47</sup> Malta government services and information, Public consultation,

<https://www.gov.mt/en/publicconsultation/Pages/default.aspx>