

Opening address by
The Speaker of the House of Representatives
Honourable Anglu Farrugia

The Parliamentary Ombudsman Experience:
Reflections on the past and present. Looking to the future.

Mr Rob Behrens

Judge Emeritus, Joseph Zammit McKeon

Honourable Members of Parliament

Esteemed guests

It is my honour and privilege to address you today on a subject that is close to the heart of our democratic principles - the role and evolution of the Parliamentary Ombudsman.

As we reflect on the journey of this vital institution, both in Malta and internationally, we gain insights from our past, understand our present, and look optimistically towards the future.

The concept of the Ombudsman, originating in Sweden in 1809, was both a visionary and a revolutionary idea. It represented the embodiment of fairness and justice, ensuring the voices of the people were heard in the corridors of power. Over the years, this role has evolved, adapting to the unique needs of different societies. We've seen the Ombudsman transition from a mere supervisory figure to a pivotal element in upholding democratic values and human rights.

Malta embraced this concept and established its own Office of the Ombudsman in 1995. This was a pivotal moment in our history, signifying our commitment to transparency, accountability, and the rule of law.

Historically, Ombudsmen faced challenges like limited powers and a lack of public awareness. Yet, they persisted, carving a path towards greater accountability and transparency in governance. From Sweden to South Africa, from Canada to New Zealand (which we used as a model), the Ombudsman

evolved with time, gaining national recognition and acceptance, and adapting to the unique challenges and specific contexts of each nation. Invariably, it stood as a guardian of citizens' rights and an advocate for administrative justice.

The path of the Ombudsman has not been without challenges.

In Malta, our Ombudsman has navigated complex issues ranging from administrative inertia to the protection of individual rights amidst rapidly changing laws and societal norms. The delicate balance between respecting the autonomy of public administration and ensuring justice for the aggrieved citizens has been a continuous journey of learning and adaptation. To this effect both the Constitution of Malta, Ombudsman Act, where on various occasions amended in Parliament to empower more the Ombudsman. The Constitution with regard to the Office of the Ombudsman was last amended in 2020. It included that:

Quote “in the exercise of his functions, the Ombudsman shall not be subject to the direction or control of any other person or authority:

Provided further that if during or after any investigation the Ombudsman is of the opinion that there is evidence of any corrupt practice as defined in the Permanent Commission Against Corruption Act, the Ombudsman may refer his findings directly to the Attorney General.” Unquote

Under the Ombudsman act, he is empowered to appoint Commissioners for the Administrative Investigations.

Just less than 4 years ago, he was also legally empowered that:

Quote “if during or after any investigation the Ombudsman is of the opinion that there is evidence of any corrupt practice as

defined in the Permanent Commission Against Corruption Act, the Ombudsman may refer his findings directly to the Attorney General". Unquote.

The main act was amended to the effect that his annual report of performance of his function under this act states:

Quote "The said report shall, as soon as possible, be discussed during a dedicated parliamentary sitting". Unquote

Globally, Ombudsmen have faced similar challenges. In many countries, issues such as limited resources, political interference, and the increasing complexity of governance have tested the resilience and independence of this institution. Yet, through these challenges, Ombudsmen emerge stronger, more versatile, and more essential. This resiliency did not come without a cost. As lessons were learnt, some moments exposed vulnerabilities, weaknesses, at times discouragement.

In our current landscape, the role of the Ombudsman remains as crucial as ever. They are not just mediators, but guardians of justice, often standing as the last line of defense against administrative injustice. Political pressures, expanding responsibilities, and the ever-increasing complexity of public grievances add layers of difficulty. Yet, amidst intermittent difficulties, there are many success stories.

Take, for instance, Mr. Behrens' commendable work in the UK, which has set benchmarks in impartiality and effectiveness. The ride was never easy, as he can attest, but his achievements are beacons of inspiration, reminding us of the profound impact an Ombudsman can have.

Looking to the future, we stand at the cusp of a digital era. Technology promises to reshape our work, offering new tools for engagement and efficiency. Alongside these opportunities

are, again, several challenges – maintaining privacy, ensuring accessibility, and adapting to a rapidly changing world.

Ombudsmen therefore, need to continue to adapt, innovate, and collaborate globally. No matter how much the world changes, fairness, and justice remain constant.

There is much to be optimistic about.

..And I remember vividly saying amongst other interventions in the HBC in March 2020, where I said:

Quote “ I remember that there was a debate about whether one could consider that when a recommendation of the Ombudsman is put on the Table of the House, there would be an agreement between the Government and the Opposition to have an ad hoc session and discuss it. It is a procedure that we can start! In this way we improve transparency, and even improve the procedure when a problem arises. The vast majority of the recommendations are implemented, and this is something I can confirm due to the fact that a thesis is currently being done by a person who’s carrying a research in Parliament with regard to the same subject.” Unquote

In Malta, our commitment to strengthening the Ombudsman's office continues. We ought to embrace technological aids in increasing accessibility and efficiency, but also continue to raise public awareness and education about the Ombudsman's role. I believe that while public relations are essential, the key to enhancing this office is by unequivocally safeguarding its autonomy and legitimacy.

I am optimistic because I see a future where at the international level, the Ombudsman institution is becoming increasingly interconnected. The sharing of best practices, collaborative learning, and the development of international standards are

shaping a future where the Ombudsman's role is not just national but part of a global framework of justice and accountability.

I could see this in the gathering of the Association of Mediterranean Ombudsman held here in Malta a few weeks ago. Ombudsman Zammit McKeon chose the theme: "The Right to Good Administration - Myth Aspiration or Reality?" In my address *I* had remarked that the Ombudsman had "*created a forum for conversation and dispassionate deliberation about a subject that frequently arouses intense emotions, as well as touching the lives of every person resident in these islands.*" I strongly believe that we need to keep fostering such opportunities to think, criticize, discuss, question, share experiences, and above all, as it is our scope today, reflect.

In conclusion, the journey of the Parliamentary Ombudsman, from its historical roots to its present role, and its aspirations for the future, is a testament to our unwavering commitment to democracy and justice.

As we reflect on this journey, let us renew our dedication to these ideals, both in Malta and as part of the international community. Together, we can ensure that the voice of the Ombudsman remains strong, effective, and resolute in the pursuit of fairness and justice for all.

I take this opportunity to thank the Parliamentary Ombudsman of Malta Judge Emeritus Joseph Zammit McKeon and Mr Rob Behrens, for his insights as Health Services Ombudsman of the United Kingdom. I am sure this will be a fruitful morning from which we will all benefit. This lecture serves not only as a platform for sharing knowledge, but as an opportunity for the creation of new understanding and the forging of collaborative paths forward. We can perhaps discern how diverse

perspectives, when brought together, can shed light on ways that a single viewpoint cannot.

I am sure this lecture will add a unique piece to our collective understanding. We are here to listen, learn, and contribute to conversations that will shape the future of our fields.

Thank you and now let the session begin. I invite Judge Emeritus Zammit McKeon, the Parliamentary Ombudsman of Malta, to deliver his address.