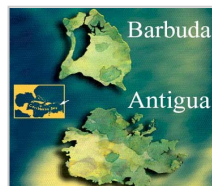
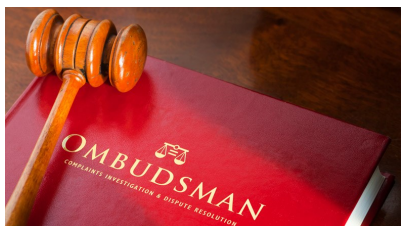


OUR MOTTO

To champion the right of the people and ensure that justice always prevails.



CONTACT US

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FACTS ABOUT THE OFFICE

The Office of the Ombudsman was formerly opened on 25th June, 1995 and from that time on, has sought to fulfill its mandate established in accordance with the Ombudsman Act of 1994.



Questions and Answers about the Ombudsman of Antigua and Barbuda



WHO IS THE OMBUDSMAN?

The Ombudsman (pronounced OM'BOODZ-MAN) is an independent officer of Parliament appointed under Section 66 of the Antigua and Barbuda Constitution:-

“There shall be an officer of Parliament who shall be known as the Ombudsman who shall not hold any other office of emolument either in the public service or otherwise nor engage in any occupation for reward other than duties of his office.”

“The Ombudsman shall, in the exercise of his functions under this Constitution, not be subject to the direction or control of any other person or authority.”

The Ombudsman is a protector of citizens against abuse of power. He is the protector of Human Rights. He operates in complete independence of Government and Parliament except in so far as funds and staff are concerned. It is important to note that the Ombudsman is non-partisan.

WHAT ARE THE FUNCTIONS OF THE OMBUDSMAN?

The main function is established in Section 5 (1) of the Ombudsman Act, No. 5 of 1994:-

It is “to investigate any complaint relating to any decision or recommendation made or any act done or omitted by any officer of the Government or Statutory Body in any case in which a member of the public claims to be aggrieved, or appears to the Ombudsman to have sustained injustice as a result of the exercise of the administrative functions of the officer or body.”

N. B. Statutory Body includes organizations such as A.P.U.A., D.C.A., C.H.A.P.A., Port Authority, St. John's Development Corporation, Central Marketing Corporation, Social Security, Medical Benefits Scheme etc.

The Ombudsman investigates, mediates, advises and reports his findings and recommendations after considering faults such as delays, bias, unfair discrimination, discourtesy, failure to give reasons for action, harassment and so on.

WHO CAN MAKE A COMPLAINT?

- (a) Any aggrieved person or if he is dead or for any reason unable to act for himself, any person duly authorized to represent him.
- (b) Any member of Parliament on behalf of any aggrieved person.
- (c) Detainees or convicts.

HOW TO MAKE A COMPLAINT

A complaint may be made by calling or visiting the Office of the Ombudsman.

However, the complainant must first exhaust all possible recourse in an effort to resolve the issue before the Ombudsman is able to take the complaint. A complaint is then made in writing including the following information:-

- (a) Your name and address;
- (b) The name of the authority you are complaining about;
- (c) All the facts about your complaint, including the date;
- (d) Any facts to show how you will support your complaint.

Any person or group of persons may make a complaint.

WHAT HAPPENS AFTER THE COMPLAINT IS MADE?

In some cases the complaint is settled informally. If not, an impartial investigation is conducted thoroughly to decide if an injustice has taken place.

HOW IS THE INVESTIGATION CONDUCTED?

The investigation is conducted in private. The Ombudsman affords the principal officer of the Government Department or Division or Statutory Body concerned an opportunity to make orally or in writing as the Ombudsman thinks fit,

representations which are relevant to the matter in question. No report or recommendation is made which may adversely affect any person without his having an opportunity to make the representations.

WHAT HAPPENS AFTER THE INVESTIGATION IS OVER?

After the investigation, the Ombudsman may decide whether an official action or decision was fair. If the complaint was found to be justified, the Ombudsman may make recommendations for corrective action to the various levels of government, for example, the Head of Division, Minister, Prime Minister and finally to Parliament. The Ombudsman may also make his recommendations public.

If the complaint is found to be unjustified the Ombudsman may dismiss the case.

WILL THE OMBUDSMAN INVESTIGATE EVERY COMPLAINT?

No. The Ombudsman, for example, by law cannot investigate complaints pertaining to powers conferred on the Governor-General by the Constitution or to any decision or recommendation made or taken by the Director of Public Prosecutions or any decision in respect of the Director of Audit. The Ombudsman may also decide not to investigate if:-

- (a) The subject-matter of the complaint is trivial.
- (b) The complaint is frivolous or vexatious or is not made in good faith.
- (c) The complainant has not a sufficient personal interest in the subject matter of the complaint.

On the other hand, the Ombudsman can sometimes help even if the complaint is not strictly within his jurisdiction by providing information as to who can help.