

Newsletter Office of the Ombudsman Antigua & Barbuda



(Special 10th Anniversary Issue)

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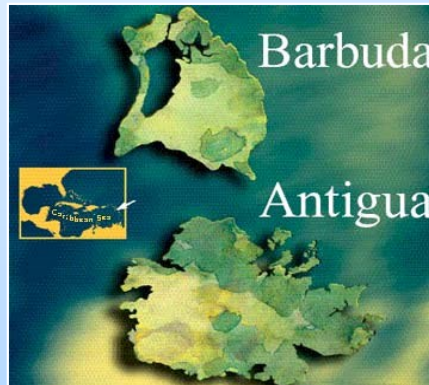
Contents

<i>Foreword</i>	2
<i>Message from Governor-General</i>	2
<i>Remarks from Prime Minister</i>	3
<i>Message from Leader of the Opposition</i>	4
<i>Congrats from CAROA</i>	5
<i>Media Contribution</i>	7
<i>Ombudsman's Reflections</i>	9
<i>Who is an Ombudsman?</i>	11
<i>Reflections of Staff</i>	13
<i>Selected Cases</i>	15
<i>Ombudsman Poem</i>	17
<i>Humour Corner</i>	18
<i>Staff List</i>	19
<i>Acknowledgements</i>	19
<i>Motto</i>	19



Mission Statement

The Office of the Ombudsman pledges with God's guidance to faithfully serve the Nation of Antigua and Barbuda by impartially and efficiently investigating complaints of members of the public against unjust administrative decisions of officers of Government or Statutory Bodies with a view to righting wrongs and so contribute to good governance and the further development of the democratic process in the Country.



Foreword

We are pleased to publish this Special Issue of our Newsletter to mark the tenth anniversary—an important milestone in the life of our institution.

We have worked within the limits of resources in the words of our Motto “To Champion the Rights of the People to ensure that Justice always prevails.” In so doing, we have contributed to the democratic process in the country. Many complaints have been investigated and through our recommendations we have been able to bring relief to several persons who had lost hope in getting their problems solved. It is our hope that in the years ahead even more will be achieved. This opportunity is taken to express our thanks to all who have to date made a contribution. These include the various arms of Government, our hardworking staff, the media and the complainants themselves without whom we would have had no work to do. May the Office of the Ombudsman with God’s help grow from strength to strength in the years that lie ahead.

Dr. Hayden Thomas
Antigua and Barbuda’s
First Ombudsman

Message from His Excellency the Governor-General of Antigua and Barbuda *Sir James B. Carlisle*



The Country of Sweden can claim to have given the Office of the Ombudsman to the World in 1809. It was

not until 1967 that the first Ombudsman was appointed in Britain. Today all democratic countries have Ombudsmen to deal with complaints from persons who feel they have been unfairly dealt with by Government Departments or agencies. In some countries the mandate of the Ombudsman has been broadened to include complaints against

bodies outside of Government. In Britain, for instance, there are Ombudsmen who deal with complaints against financial institutions and estate agents. In the 1960’s United States appointed Ombudsmen to deal with the complaints of students.

The drafters of our constitution recognized the importance of the Ombudsman in modern Society. Section 66 provided for the appointment of an Ombudsman and the Ombudsman Act was passed by Parliament in 1994. A year later Parliament passed a Resolution appointing Dr. Thomas as our first Ombudsman .

Few people would disagree with me when I say that he was an excellent choice. Not only was he highly educated but his calm, polite, manner has enabled him to defuse even the most explosive situations. His attention to detail has been brought from his scientific background and this is reflected in his annual reports and his work generally.

There have been occasions when Dr. Thomas has had to deal with disputes outside the realm of Government even though it was not part of his remit. It is interesting to note that Ombudsmen in other countries have now been appointed to deal with complaints outside of Government. Perhaps the time has come to amend our Ombudsman Act to give legal authority for the Ombudsman to deal with other matters.



Government of Antigua and Barbuda
Office of the Prime Minister

Prime Minister
The Honourable W. Baldwin Spencer

Remarks On the
10th Anniversary of
The Office of the Ombudsman



Since

March 23, 2004 the nation's expectations of the quality of public service are higher than they have ever been. The UPP Administration recognizes that it must play a major role in promoting better delivery and more customer-focused services.

The government's programme of public sector transformation has also brought a range of challenges for providers. The emphasis on putting the needs of the public first has had a major effect on the way government operates.

These new developments, together with government's recently enacted Freedom of Information, Integrity in Public

Life and Anti-Corruption Legislation have also raised the bar on how the public service is measured.

Putting people first, making it the centre of government's service, implies huge changes for public services, increasingly requiring the services of the Office of the Ombudsman in resolving complaints and learning from them.

My government, recognizing the importance the Office of the Ombudsman plays in im-

proving accountability and transparency is committed to forging stronger bonds of cooperation in an effort to develop a more efficient and professional public service.

As the Office of the Ombudsman celebrates its 10th Anniversary my government looks forward to working more closely with your office in sharing our learning experiences and identifying systemic issues aimed at promoting improvement in public services.

The government congratulates you on your tenth anniversary and wishes you every success as you play an important role in ensuring good governance and democracy.

W. Baldwin Spencer
Prime Minister

Message from the Hon. Leader of the Opposition
Hon Robin Yearwood



I take great pleasure in congratulating the Office of the Ombudsman for its contribution to maintaining democracy, fair play and a voice for the ordinary men and women in Antigua and Barbuda as they seek redress and solutions to difficulties encountered in their relations with government.

On this our twenty-fourth anniversary of independence it is critically important for all our citizens to become fully engaged in the operations and functioning of government and act as a force that will guarantee the highest standard of performance by our leaders.

It is in this engagement that the people can count on the Office of the Ombudsman to guarantee that they are individually treated with respect, fairness and with equity in any dealings with government. The role of the Office of the Ombudsman therefore provides a fundamentally important safety valve, an independent arbitration role, capable of amicably settling matters between the government and individual members of society.

As Leader of the Opposition I expect the Office of the Ombudsman to continue to play this important role and continue to educate the people of Antigua and Barbuda to utilize the full services of the Ombudsman in making their lives better.

Happy Independence Anniversary to the Office of the Ombudsman and to the people of Antigua and Barbuda. May democracy long live in our country.

*Congratulations !
From the
Caribbean Ombudsman Association*

The members of the Caribbean Ombudsman Association (CAROA) extend sincere congratulations and best wishes to the Ombudsman and staff of the Office of the Ombudsman of Antigua and Barbuda on the occasion of the tenth anniversary of its establishment.

We salute the Ombudsman Dr. Hayden Thomas, our CAROA President who recently became the first Caribbean Ombudsman to have been elected to the post of Vice-president of the International Ombudsman Institute (IOI).

Ten years ago the Government of Antigua and Barbuda honoured Dr. Hayden Thomas, C.M.G. by appointing him as the first ombudsman of that OECS territory. Charged with the responsibility of establishing an office from the ground up, he discharged his duties with zeal, alacrity and competence, sensitizing the public as to the role and functions of that office with a very innovative and successful media blitz which has become a model for the sub-region and other small ombudsman offic-

es.

In 1998 he hosted a Commonwealth sponsored workshop for Caribbean Ombudsmen on "Strengthening Ombudsman and Human Rights Institutions in the Caribbean" during which a resolution was taken to form a Caribbean Ombudsman Association. Dr. Thomas was elected as the interim President and successfully steered the fledgling Association to its official launching two years later in Saint Lucia when a new constitution was adopted and he was confirmed in post as its first President a position which he still holds.

The membership of CAROA is comprised of the following:- The Ombudsman of Antigua and Barbuda, The Ombudsman of Barbados, The Ombudsman of Belize, The Ombudsman of Bermuda, The Ombudsman of Curaçao, The Ombudsman of Guyana, The Ombudsman of Haiti, The Public Defender of Jamaica, The Ombudsman of Puerto

Rico, The Parliamentary Commissioner of Saint Lucia, The Ombudsman of Trinidad and Tobago. The Association meets biennially and following the meeting in Saint Lucia has met in Trinidad and Jamaica. The next one will be held in Barbados in June 2006.

Under his gentle but firm guidance the Association has held three general conferences, hosted a number of workshops for the ombudsmen of the region, staff of their offices, senior public servants and the media in a number of territories within the Caribbean region. These have also been attended by Ombudsmen and staff from other Regional and International jurisdictions as well as by representatives of organizations which have similar or parallel mandates.

In addition, a meeting was held in St. Kitts to promote Ombudsmanship in those countries that do not yet have an Ombudsman. To date there is much interest shown by St. Kitts and Nevis,

Dominica, the Dominican Republic and Grenada.

The quiet efficiency of Dr. Hayden Thomas as President of CAROA enabled him to win the respect of his peers and to bring honour to the region when he was appointed as Vice-President of the Special Fund for Latin America and the Caribbean and invited to sign memorandum of understanding for closer working collaboration with the Central American Ombudsman Association (COA) and the Ibero-American Ombudsman Association (FIO).

The Special Fund was established for Ombudsman and Human Rights Institutions in Latin America and the Caribbean. To date most of the contributions to the Fund are from some member countries of the European Union and are disbursed to assist in the development of Latin American and Caribbean countries.

The opportunity is taken to express our thanks to the Commonwealth Secretariat and in particular to Professor Victor Ayeni, Director of Governance and International Division, Commonwealth Secretariat for his keen interest and assistance

rendered financially and otherwise in the establishment of the Association.

Regionally he has been tireless in his efforts to ensure the implementation of CAROA's mandate which includes *inter alia* the promotion of the establishment of an ombudsman in those Caribbean countries which have neither fulfilled that particular constitutional mandate nor have made the necessary legislative arrangements to do so. He is also interested in exploring the long term goal of a Caribbean Ombudsman who would address the myriad problems likely to arise as the region moves to closer integration and is of the view that the ombudsman's mandate includes an implicit human rights role when dealing with certain matters of maladministration.

I was privileged to represent the Association at the recent tenth anniversary celebrations and was impressed with the high esteem in which our president Dr. Thomas was held by His Excellency the Governor General, the Prime Minister and his Cabinet, the general

public and his staff some of whom have served with him for ten years. The annual Board of Directors meeting of the International Ombudsman Institute was held as part of these anniversary celebrations and he was unanimously elected to the post of Vice-President to replace Mr. Maine, the Ombudsman of Botswana who was demitting office.

This is a significant honour not only to Dr. Thomas, but also to the Ombudsmen of the Caribbean and is significant of the stature of the man who in such a short space of time has enabled Caribbean Ombudsmen to gain worldwide recognition. He has led the Association by example submitting his annual reports in a timely manner, organized numerous press conferences to highlight not only his work at the national but also the regional level, organized a phone in programme called *Justice*, circulated newsletters and held several open days.

Dr. Thomas' success as an ombudsman may be attributed to a number of factors, some of which include, a) the respect which he commanded both in his native country and the region, b) the duration of his leg-

islative mandate i.e. ten years, c) a loyal and experienced staff, d) a high degree of intellectual ability and knowledge of the establishment, e) strong moral and ethical values, f) the ability to lead and to always look at the wider picture and the consequences for each action and g) the ability to command the respect of both the government and the opposition.

Dr. Thomas has written extensively on the Caribbean experience of the Ombudsman and has co-authored the book entitled *Strengthening Ombudsman and Human Rights Institutions in Commonwealth Small and Island States*. The other authors are Professor Victor Ayeni, Director of the Governance and Institutional Development Division of the Commonwealth Institute, and Professor Linda Reif, Professor of Law at the Law Faculty of the University of Alberta, Canada and Editor of the IOI.

The OECS countries contemplating the appointment of an Ombudsman could do well to reflect on the Antigua experience and on the words of the Vice-president of CAROA Mr. Howard Hamilton QC which

indicated that an Ombudsman need not have a legal background but should possess a strong sense of humanity, knowledge of the administration and be willing to serve.

I am privileged and honoured to have worked with Dr. Thomas in the field of ombudsmanship from 1995 when we were both appointed to posts in our respective countries, he, for a period of ten years and I, initially for three years with a renewed mandate for a further period of two years. I have benefited from his guidance and advice and deeply appreciate the mutual respect he generated as I continue to serve the Association with him as the Honorary Secretary/Treasurer of the Association.

Once again Congratulations.

Lawrence M.P. Laurent
Former Parliamentary Commissioner, Saint Lucia
Honorary Secretary/Treasurer, CAROA



Media Contribution

Antigua Sun, November 03, 2005:

Antigua to host meeting of Ombudsmen

Representatives from more than a dozen countries will be in Antigua next week to attend a meeting of the board of directors of the International Ombudsman Institute (IOI). The meeting, which is held annually in one of the IOI's 123 member countries, will run from 7 -11 Nov., at the Grand Royal Antigua Resort.

Antigua & Barbuda's Ombudsman Dr. Hayden Thomas, is the current president of the Caribbean Ombudsman Association. Dr. Thomas has expressed pleasure in the opportunity to host what is considered to be a prestigious international meeting.

During the four-day session, reports are expected to be presented by IOI officials, including President of the IOI William Angrick from Iowa and the organisation's Treasurer Canada's David Percy and IOI Secretary Alice Tai, Ombudsman of Hong Kong.

Antigua Sun November 08, 2005:

Int'l ombudsmen meet in Antigua

A meeting of the Board of Directors of the International Ombudsman Institute (IOI) commenced yesterday at the Grand Royal Antiguan Resort.

This is the first time that the annual IOI gathering has been held in Antigua. The 22 member board will be meeting throughout this week to deal with routine matters related to the effective functioning of the organisation and to identify priority areas for the IOI in the upcoming year. The organisation has members in 123 countries around the world and caters to the needs of ombudsmen and those holding similar positions of oversight of governmental activities.

According to the IOI, the primary function of an ombudsman is to "protect the people against violation of rights, abuse of powers, error, negligence, unfair decisions and maladministration" by public administrations. The main focus of discussions for the meeting of the board of

directors is expected to be the continuing need to provide education, information and support.

"It is important that we chart our priorities and our future, that we identify the issues and needs of our members and then find a way to implement that in terms of delivery of services, training and assistance in the creation of Ombudsman offices," IOI President William Angrick told the SUN. Angrick said that one of the projects that he would like to see moved to the top of the agenda in the coming year is the proliferation of an IOI training manual as a tool which can be used to facilitate training at ombudsman offices and departments throughout the world.

In an address delivered at the opening ceremony of the Antigua meeting yesterday by Senator Chester Hughes on behalf of Minister of Justice Colin Derrick, the importance of the institution of the Ombudsman was noted.

"A people first administration like ours strongly accepts the role of the Ombudsman since

it provides impartial solutions to problems for ordinary citizens, free of cost." Hughes said. He went on to urge the ombudsmen to be more proactive in making recommendations to governments on ways of improving public administration and in educating the public about their rights.

During the opening ceremony, local Ombudsman Dr. Hayden Thomas was the subject of high accolades as his contributions to the development of the office in Antigua and to the regional association came in for praise.

In addition to serving as Antigua & Barbuda's Ombudsman in the decade since the office was created, Dr. Thomas is also the president of the Caribbean Ombudsman Association.

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My Reflections as the first Ombudsman of Antigua and Barbuda

*By
Dr. Hayden Thomas*



I was appointed as the Government's Chief Chemist and Food Technologist in 1966 and had begun to prepare for my retirement in October, 1995. About June, 1995, however, I was asked to consider taking up an appointment as Ombudsman. I have to confess that at the time I knew very little about the duties of the post.

My first reaction was that I should decline. I decided, however, to pray about it and to read up all the literature on Ombudsmanship on which I could lay my hands, following which I realized that the job was not really beyond my capabilities. I felt that it required a keen, yet open mind and good analytical skills. Much of these I acquired from training and practice as a Chemist and the experience gained over the years as a Head of Department dealing with staff

and members of the public of varying backgrounds would prove to be of immense value.

I considered that the post of Ombudsman would have been one of great challenge and awesome responsibility but I then felt up to the task and, therefore, gave a positive response. My appointment was however dependent on an affirmative resolution by Parliament in keeping with Section 66 of our Constitution and I was pleased that both sides of the House voted unanimously in favour. I was sworn in on 26th June, 1995. I then had a short attachment to the Office of the Ombudsman of Barbados where I observed the actual operation of an Ombudsman's office. This too proved to be of immense value. It should be noted that although many Ombudsmen have a legal background many are from other disciplines e.g. education, medicine, science, political science, public administration. The late Sir Hugh Wooding Chief Justice of Trinidad and Tobago emphasised that it is not absolutely

essential for an Ombudsman to have a legal background since legal advice can always be sought. It is more essential for the Ombudsman to have had wide experience in the public service. He went on to state "The Ombudsman should be a person of known independence, proven integrity and persuasive ability whose reputation will lend prestige to the office in its formative years"

I was acutely aware that as the first Ombudsman for Antigua and Barbuda I had the great responsibility of ensuring that a solid foundation was laid with a view to building an institution that would stand the test of time.

DEFINITION AND ORIGIN

The word "*Ombudsman*" comes from the Swedish Language, Sweden being the first country to appoint an Ombudsman in March 1809, and this later spread to Finland in 1919, Denmark in 1955, New Zealand and Norway in 1962, to Guyana in 1966 and the United Kingdom in 1967. The word means repre-

sentative or agent also a person who examines. It is gender neutral. Other names used in some countries include Ombudsperson, Parliamentary Commissioner, Public Protector, Public Defender, Defender of the People and Mediator.

Generally, an Ombudsman is an officer appointed by Parliament to receive and investigate complaints by members of the public against unjust administrative actions of public officials. The functions of my office according to the Ombudsman Act of 1994, Section 5 (1) are 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 result of the exercise of the administrative functions of that officer or body.” The Ombudsman is therefore a protector of the citizen against abuse of power. He is an intermediary between the people and Government. He operates independently of the Government and Parliament except in so far as funds

and staff are required. He must be non-partisan. He is concerned with equity and deals with maladministration.

Some matters may be dealt with by the Ombudsman which may have been considered for Court, but this is often expensive and may be long drawn out.

OUR BEGINNINGS

When I was appointed I had no office and I had to operate from home and unofficially from my wife’s office. Eventually we were able to rent the present office, appoint staff and purchase some minimum equipment. I can remember that our early correspondence was typed on a portable typewriter which I had acquired while at University to type my thesis. The point here is that we made do until we could do better.

COMPLAINTS

The complaints dealt with over the years have been varied and interesting. These included for example:-

- Dissatisfaction with the long delay in paying

pensions and gratuities.

- Queries in calculation of pensions.
- Difficulties in receiving certificates for lands purchased from Government.
- Slowness of the Antigua Public Utilities Authority (A.P.U.A.) in supplying utilities after they have been paid for.
- Lack of infrastructure after lands have been purchased from Government or even from private entrepreneurs.
- Non-payment of certain allowances previously agreed.
- Corporal punishment meted out to a schoolgirl.
- Nuisance caused by animals.
- Poor or non-performance of a housing developer.
- Dissatisfaction with performance of the legal profession.
- Dissatisfaction with decisions of certain insurance companies.
- Refunds from the Medical Benefits Scheme.
- Problems with some banks.
- Problems in receiving allowance for child maintenance.

(Continued from page 10)

- nance ordered by the Court.
- Complaints from the Prison and Boy's Training School.
- Reports of Police brutality.

I have tried to deal with the various cases as quickly as possible but sometimes lack of timely responses from Government officials during my investigations slowed up the process.

Despite such drawbacks, however, I have been able to solve several problems through my interventions. Some examples are as follows:-

- a. I have been able to get the Central Housing and Planning Authority (CHAPA) and the Ministry of Agriculture to speed up the processing of several land certificates.
- b. Arranged for refunds of deposits to some persons who had invested in a private housing scheme.
- c. Arranged for actions to be taken by the Central Board of Health to alleviate certain nuisance problems.
- d. I have been able to encourage some delinquent fathers to reduce their child maintenance arrears.

e. I have been able to point out errors of calculations, leading to increase in pensions to some complainants.

I am satisfied that our Office has played a significant role in resolving several problems during the past ten years. I must hasten to add, however, that I would have liked even greater successes. I believe that in time with additional staff and other resources and hopefully armed with new legislation widening the scope of the Ombudsman, more will be achieved.

REGIONAL AND INTERNATIONAL ACTIVITIES

It must be emphasized that although our Office is small it has contributed significantly at the regional and international levels through my services rendered as President of the Caribbean Ombudsman Association, Vice-President of the Special Fund for Ombudsman and National Human Rights Institutions in Latin America and the Caribbean, and as a member of the Board of Directors of the International Ombudsman Institute.

May God bless the Office of the Ombudsman of Antigua and Barbuda so that it will continue to

grow from strength to strength.

*** Who is an Ombudsman? by Konata Lee, Investigations Officer**

The word "Ombudsman" is Scandinavian in origin. The concept of the Ombudsman actually flourished in China over 2000 years ago, during the Ts'in Dynasty (221 BC) and in Korea, too, during the Choseon Dynasty. Even the Roman Empire experimented with the notion of such an important and impartial figure, however, it was the example of the second Muslim world, which influenced the Swedish King, Charles XII. In 1713, fresh from self exile in Turkey, Charles XII created the Office of Highest Ombudsman. The Scandinavians subsequently molded the Office into its contemporary form. As a result, in modern times the institution was thought to be unique to the needs of Scandinavians, until the 1960s, when New Zealand introduced its first Ombudsman.

As other nations quickly recognized the resourcefulness and significance of this politically independent figure in the light of new and emerging democracies, New Zealand appointed the

**The Source Book 2000*

common law world's first Ombudsman, Sir Guy Powles. This was later viewed by other countries to be useful in dealing with the powerful engines of authority and the concept quickly spread to the rest of the world.

Today, the Office of the Ombudsman is found in the constitutions of many countries, including that of Antigua and Barbuda (1981). It has also proliferated in larger countries so that there are ad hoc "Ombudsman" offices in various sectors such as banking, health, insurance etc. This would prove very pertinent in our present situation as we continue to grow and diversify economically and socially and as new problems arise new solutions must be found.

What are the key elements that should define the Ombudsman?

- independence of the Ombudsman from the Organizations the Ombudsman has the power to investigate;
- effectiveness;
- fairness; and
- public accountability.

The independence of the Om-

budsman should be distinct and apart from other institutional complaints procedures, meaning that there should be no dependency on other bodies according to the rules that govern how they carry out their investigations. It is possible that those who head the internal complaints procedures of their own organizations, even if described as Ombudsmen, are not wholly independent and so misuse the expression when it is applied to them.

The Ombudsman constitutes an Office which independently receives and investigates allegations of maladministration. It does not compete with the courts, or act as a further body to which those unsuccessful in the courts can appeal. Most do not have jurisdiction to investigate the courts themselves. Some of the primary functions of the Ombudsman are to examine:-

- ⇒ .a decision, process, recommendation, act of omission or commission which is contrary to law, rules or regulations, or is a departure from established practice or procedure, unless it is bona fide and has valid reason; is perverse, arbitrary or unreasonable, unjust, biased, oppressive or

⇒ discriminatory; based on irrelevant grounds; or involves the exercise of powers or the failure or refusal to do so for reasons of corrupt or improper motives such as bribery or favoritism.

⇒ Neglect, inattention, delay, incompetence, inefficiency and ineptitude in the administration or discharge of duties and responsibilities.

The Office of Ombudsman gives the public an opportunity to place complaints about the practices of government before an independent and specialized body. Complaints to the Ombudsman may result in remedial action being taken to resolve maladministration in particular cases while, at the same time helping to restore the confidence and the integrity of the public institutions.

In view of this role vis-à-vis the individual, the law establishing an Ombudsman often deliberately elects to place a single person, the National Ombudsman, as the representative of the institution in the eyes of the outside world

as a counterbalance to an often faceless bureaucracy. In this way the public views the Ombudsman as figure of equity and balance before administrative injustices.

As a high-profile constitutional institution, the Office is potentially better able to resist improper pressure from the Executive, than are others. It can perform an auditing function to stimulate information flows which reveal and contain the limits of corruption in government. The confidentiality of these procedures and practices act as an incentive for public officials to keep their files as well as their conduct in order at all times.

This institution has also been found to be extremely adaptable, and has worked well in parliamentary democracies, societies with radically different ethnic and religious backgrounds as is clearly evident in the diversity of the membership of the International Ombudsman Institute (I.O.I), and in one-party and military states.

In conclusion there should be no doubt as to the inextricable need for such an important institution

as the Ombudsman in contemporary societies. The primacy of accountability, good governance, transparency and justice in executing the functions of the state before its citizenry is paramount and an independent institution empowered to investigate the complaints of the public against government officials and bodies constitutes an indispensable element in the apparatus of democracy.

The institution of the Ombudsman must, therefore prove to be a counter balance between abuse of administrative power, public interest and justice.

REFLECTIONS

“A LOOK BACK”

By staff members

When I started working here on the 12th of October 1995 I knew nothing about the Office. I had never heard the word Ombudsman nor had any idea as to what it meant nor that such an office was here in Antigua. It proved even more difficult to find the office as everyone else was just as lost as I was to this new word.

I took the word Ombudsman

very seriously and soon learned that it basically means someone appointed to investigate and look about the rights and justice of individuals who have been aggrieved by public officials or bodies. In other words, the Office of the Ombudsman represents justice for the nation on a whole.

Though this word seemed pretty big I soon came to find out that it was a man, small in stature that was entrusted with this great task. It was not long before I found out that he was very serious about his job and discipline and was pulled in line about my punctuality.

I think that the office has matured over the years and aligned itself with many such international organizations including the Caribbean Ombudsman Association and the International Ombudsman Institute. I have seen justice being done first hand as many come to seek the assistance of the Ombudsman over the years.

Dealing with the public is not an easy job and it is further compounded by some private matters which the office often hears. It is with the help of

God that he has made it for these ten years and will continue to do even more for the next ten years whether it be here or in another area.

René Patrick

The Ombudsman of Antigua and Barbuda

Dr. Hayden Thomas, short in stature but tall in every other way. A man of integrity, a man of worth, a man of character, a man who does his job without fear or favour and who strives for excellence.

In September 1995 when the office opened we were all excited to be apart of such humble beginnings. All we had at that time were a few desks and a lone portable typewrite that Dr. Thomas brought from his home.

Dr. Thomas would not be deterred in getting the office up and running with all the modern day equipment, such as computers, photocopier, scanner etc. He wanted to ensure that the Office of the Ombudsman was operating at its best. He also meticulously chose his staff who were picked from the brightest of the professional pool. While he didn't say it in exactly these words, we knew that 99.99%

performance was not acceptable. The work had to be carried out at 100% or more (if math permits). We were like a little family. By this I mean, we gathered together for birthdays, Christmas and sometimes just to have lunch together. That goes to show that as much as he was a stickler for hard work he also knew how to play hard too. You could not keep him off the dance floor.

Dr. Thomas you have lived, you have accomplished and you have made us proud. All the best in your future endeavours. You are loved.

Lucette Doram Daly

Reflections for the Past Ten Years by Assistant Investigations Officer, Mrs. Gloria Samuel 1995-Present (Speech delivered at an Awards Ceremony November 8, 2005)

It is indeed a pleasure for me to say something tonight about my time spent at the Office of the Ombudsman being the first person to work officially with Dr. Thomas.

As I recall close to the end of 1994, I was transferred from the Chemistry and Food Technology Division after working with Dr. Thomas for seven years. On one hand I was quite happy to move on because it was a promotion which was long overdue. But on the other hand I was a little saddened because I had to leave a place which I had grown very attached to and most of all a great boss.

I was eventually able to adjust to my new working environment and getting quite comfortable to say the least. I then proceeded to take vacation leave in July of 1995 and while overseas I received numerous telephone calls but one in particular stood out. As strange as it may seem it was a message from my old boss Dr. Hayden Thomas, the newly appointed Ombudsman of Antigua and Barbuda. He had indicated that he was in the process of putting together a team to work in the new office which was being established and wanted to know if I was willing to come on board. I was elated, ecstatic, thrilled and overjoyed at the same

time to know that we could be working together again and gladly accepted. This in my humble opinion was an honor and encouragement during a very trying time in my life. For this reason I will always be very grateful to Dr. Thomas for the opportunity to learn and grow professionally which he has afforded me.

In the beginning, Dr. Thomas did not even have an office. He was actually working from his home and soliciting help from different government offices in order to get the job done. In spite of the office being functional there was no physical structure to house the staff. Dr. Thomas and I subsequently went in search of a building to more permanently accommodate the office. Eventually, we decided to settle with the present premises on the corner of Dickenson Bay Street and Deanery Place. Mrs. Lucette Doram-Daly and Miss Olan Pelle joined Dr. Thomas and me a few days later to make up the team.

The first few weeks/months were very trying. We were fortunate to receive some furniture from Public Works Department but were not as fortunate in car-

rying out normal procedures such as typing as we had no office equipment. Thanks to Dr. Thomas who is very versatile and always well prepared, he had in his possession what seemed then to be one of the earliest portable typewriters in Antigua and Barbuda which he brought out of retirement, but proved to be the most handy and most efficient at the time to carry out our duties. This is just one example of the level of personal commitment that my boss has exhibited during these past ten years.

I must say that it would be difficult for me not to say that the two most outstanding things about Dr. Thomas are his patience and his being a perfectionist. I have never met anyone quite like him. As the Governor General said yesterday in his address he is both a gentle man and a gentleman but what he forgot to mention is that he likes to have things done to the T.

Over the past ten years I must admit that I have benefited so much from working with him not only as it relates to work but also in my personal growth. I am sure other co-workers share the same sentiments.

The office has truly grown from the first year with 10 cases, the first being Mr. Southwell to a well recognized body investigating as many as 148 cases in a given year.

Dr. Hayden Thomas truly deserves any recognition bestowed upon him. Congratulations boss, mentor and friend. Thank you ladies and gentlemen for sharing this wonderful moment of reflection with me.

Selected Cases 2002, 2003, 2004.

CENTRAL BOARD OF HEALTH MINISTRY OF HEALTH

A complainant reported that she lives near a watercourse which backs up during heavy rains causing the water to flow into her premises threatening the security of her house. She said that the problem was reported by her to the Central Board of Health (CBH) on several occasions over the past year but although promises were made to rectify the situation nothing was done. She therefore decided to seek our assistance.

Our Investigations Officer visited the site and observed that among other things there was much debris which needed to be removed. Contact was made with a CBH official and as a result a backhoe was sent to clear the water course and nearby drains. This solved the problem to the satisfaction of the complainant.

INDUSTRIAL DEVELOPMENT BOARD – MINISTRY OF TRADE

Two former employees of the Industrial Development Board reported that they had not received their pensions for two months. When they visited the office to make enquiries they found the building closed but no one had said anything to them. The problem had been causing them financial difficulties and they sought our assistance.

The Chairman of the Board was contacted and fulfilled a promise to look into the matter. The pensioners have since been receiving their pensions uninterrupted from the Ministry of Trade.

The important point to note is that although the pensions were relatively small, they played an

important part in the financial upkeep of the complainants. This should always be recognized by public officials and everything done to prevent problems of the nature reported from happening. At least a notice could have been posted on the office door to advise persons of the situation.

MEDICAL BENEFITS SCHEME / HOLBERTON HOSPITAL

An elderly person who is an out-patient at the Holberton Hospital attends clinics periodically. He said that he has had to purchase certain medical supplies when the Hospital and Medical Benefits pharmacies were out of stock. He complained that he had been having problems in dealing with the bureaucracy at these institutions in getting refunds for the purchases made even though his ailment is one of those approved for medical assistance.

I discussed the matter with the Hospital Administrator and the Superintendent of the Medical Benefits Board of Control who advised of the procedures for obtaining refunds. The information was passed on to the

complainant who said that the situation had since improved.

MINISTRY OF HEALTH

A Medical Practitioner wrote asking for my assistance in getting some vouchers paid for money owing to him since 1992 for work done at the Holberton Hospital. He said “Sustained efforts over the years have resulted in the payment of most of the vouchers, but there remains a number of outstanding payments which I am still trying to get addressed. Some of the vouchers are identified and floating in the system. Others they have now not been able to locate, as they have volleyed between the Treasury and the Hospital for a decade. The Accountant General and the Hospital Administrator agree that if they are not found, they would need to be redone and re-submitted, but little progress is being made in that area....I have found the follow-up and investigation of these problems frustrating, time-consuming and distracting. As each new hurdle materializes my faith in the system diminishes.”

I have to say that this type of complaint had been very familiar and I therefore wrote to the Permanent Secretary, Ministry of Health on the matter and copied my letter to the Hospital Administrator and Accountant General. Both the Permanent Secretary and Hospital Administrator replied positively and a subsequent check with the complainant revealed that he had since received his money.

MINISTRY OF PUBLIC WORKS

A complainant wrote to me concerning problems he had been encountering with the Ministry of Public Works in receiving monthly rentals for a property leased to them in keeping with agreements. In one case, there was “a succession of excuses including lack of funds, incorrectly completed vouchers and inability to find vouchers”. He said he had been going back and forth to the Permanent Secretary Ministry of Public Works, the Accountant General and the Ministry of Finance but that every time he appeared to be getting somewhere, a problem was pulled out of the hat which left him totally frustrated.

I intervened as requested by writing the Permanent Secretary, Ministry of Public Works, The Financial Secretary and Accountant General. I have since been advised by Public Works and the complainant that payments are now being made.

Ombudsman Poem
By
Sharlene Warner-Samuel

The Office of the Ombudsman (Part II)

Just yesterday again my daughter complain
About the Statutory Body that’s driving her insane.

So I make up me mind to execute my plan
We’re going to the office of the Ombudsman.

This thing gets too big. It’s too big for her. So I’m going to talk to the Administrative officer.

You think I’m petty? Well I have me rights, sir. I can talk with the one called “Petty Officer”.

My daughter needs protection from those people over her
And I can get some help from the security officer.

When I make my complaint, they won’t hesitate.
They have a private investigator to investigate.

Wait! Why you laughing so?
You mus’ be a clown
You didn’t know that they have an office in town?

So you never read the report that come out every year?
No wonder you have so much doubt and fear.

You need to read the report of the many cases won
With the help of the little Office of the Ombudsman.

They don’t make a lot of noise, but when the day s done
You’ll be thanking the Office of the Ombudsman.

If A.P.U.A. come and plant one post pan you lan’
Just report it to the Office of the Ombudsman.

And if you can’t get you deed and you don’ pay for your lan’
Just go to the Office of the Ombudsman.

Yes! If there’s a problem at the job you can’t understand

Go! Just go and take it to the Office of the Ombudsman.

If as a Minister you're pressured my Honourable gentleman Appeal to the Office of the Ombudsman.

If after a hard year's work, the financial bonus don't come Run! Run to the Office of the Ombudsman!

And worse yet, if you're fired for attending this evening's function

Don't worry, just drive to the Office of the Ombudsman.



Humour Corner

College Grad's Starting Salary

Reaching the end of a job interview, the Human Resources Person asked a young engineer who was fresh out of MIT, "What starting salary were you thinking about?" The Engineer said, "In the neighborhood of \$125,000 a year, depending on the benefits package." The interviewer said, "Well, what would you say to a package of 5 weeks vacation, 14 paid holidays, full medical and dental,

company matching retirement fund to 50% of salary, and a company car leased every 2 years - say, a red Corvette?" The Engineer sat up straight and said, "Wow! Are you kidding?" The interviewer replied, "Yeah, but you started it."

God Will Provide

A young woman brings home her fiancé to meet her parents. After dinner, her mother tells her father to find out about the young man. The father invites the fiancé to his study for a drink. "So what are your plans?" the father asks the young man. "I am a Torah scholar." he replies. "A Torah scholar. Hmmm," the father says. "admirable, but what will you do to provide a nice house for my daughter to live in, as she's accustomed to?" "I will study," the young man replies, "and God will provide for us." "And how will you buy her a beautiful engagement ring, such as she deserves?" asks the father. "I will concentrate on my studies," the young man replies, "God will provide for us." "And children?" asks the father. "How will you support children?" "Don't worry, sir, God will provide," replies the fiance. The

conversation proceeds like this, and each time the father questions, the young idealist insists that God will provide. Later, the mother asks, "How did it go, Honey?" The father answers, "He has no job and no plans, but the good news is he thinks I'm God."

Learning the

There was a boy **ABCs** who wanted to go out for recess. His teacher asked, "First tell me your ABC's". That night, the kid asks his mother "What're my ABC's?" She says, "Shut up!" He asks his sister the same question. She says, "yeah, yeah". He asks his brother his ABC's. The brother, who was reading comics, said, "Superman!" The boy asks his father his ABC's. The father, who had just lost his job, said, "Crap." The next day, the teacher asked the boy his ABC's. He said "Shut up". She said "Do you want to go to the principal's office?" He said, "yeah, yeah." In the principal's office, the principal demanded, "Who do you think you are?" The boy yelled, "Superman!" The principal said, "What do you think this

school is made out of?" The boy answered, "Crap."

Staff List

1995-Present

*Dr. Hayden Thomas**

*Mrs. Gloria Samuel**

Mrs. Lucette Doram-Daly

*Ms. Olan Pelle**

*Mrs. René Patrick**

Mr. Morrison Thomas

Ms. Cecelia James

*Mr. Emmanuel Gordon**

Ms. Jean Marie Furlong

Mr. Haynesworth Buckley

Ms. Persephone Birkett

Mr. Stanley Knight

Ms. Arlene Gore

Ms. Sherri-Ann Wright

*Ms. Joycelyn Richards**

Ms. Lois Johnson

Mr. Carl Samuel

Mrs. Nadine Anthony

Ms. Tanzeca Lake

Mr. Wordsworth Hamilton

Mr. Clovis Morrison

*Mr. Konata Lee**

Ms. Shawndell Fanfair

*Mr. Jefferson Joseph**

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- 1) The Governor-General, His Excellency Sir James B. Carlisle.
- 2) The various Ministries & Departments that assist us.
- 3) The Business Community for courtesies extended to us throughout these 10 years.
- 4) The Royal Antigua and Barbuda Police Force
- 5) The Antigua and Barbuda Defence Force
- 6) The Clergy
- 7) The Media
- 8) Mrs. Sharlene Warner-Samuel
- 9) The Staff "Office of the Ombudsman"
- 10) Friends & well wishers.

Motto



***To champion the rights of the
people to
ensure that
justice always prevails.***

**Presently in post.*

Word Search

w r t j u e t i n v e s t i g a t i c g k c l
j i k u s l o v e n i a x o u d a f a s l o j
a g l s t a t u t o r y v z i m e h n t d n i
l h s t l u c i a t u e c t d i n y a f e t h
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c g o v e r n m e n t b s t n i a l p m o c y
y l l u f h t i a f y l l a i t r a p m i s q

Ombudsman	Austria	Investigating	Complaints	Righting Wrongs
Guidance	Government	Jamaica	St Lucia	Decisions
Faithfully	Hong Kong	Contribute	Democratic	Korea
Antigua	Mexico	Governance	Administrative	Slovenia
Barbuda	Prevails	Statutory	Venezuela	Finland
Impartially	Champion	CAROA	Canada	Justice

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ombudsman29@hotmail.com*