

ISSN 0229-2181
VOLUME 28: NUMBER 2
JUNE 2006

FROM THE PRESIDENT'S DESK

For me the past several months have been a significant affirmation of the value of a connected ombudsman community and the contributions organizations like the International Ombudsman Institute can make in achieving that interconnectivity.

Americans have a saying about not having to reinvent the wheel. Essentially that colloquialism means we should be open and willing to learn from others. Not only will it save time and effort if we share ideas and accomplishments, but it will increase our skills and performance levels. Communication and sharing are important elements in achieving regional and global communities.

The International Ombudsman Institute contributes to our global community in a number of ways: through our Directory and website, which allow us each to know that offices exist, who is the ombudsman, and how to establish communication with those offices and individuals. Our Institute also publishes this quarterly Newsletter with information and updates. Additionally the I.O.I. hosts a list serve. The Institute also publishes Occasional Papers and a Yearbook. Our members host and participate in regional meetings and we come together at world ombudsman conferences, as we will in June 2009 in Stockholm.

Other ombudsman associations contribute similarly to foster ombudsman community. Often it is from these opportunities that we are able to improve our abilities to perform our responsibilities, learn how to carry out new ones or what to avoid in our management and administration.

This past legislative session in Iowa was a relatively quiet one for my office until the first part of April. Then the last month of the 2006 Iowa General Assembly was blur of activity including proposed extensions of the jurisdiction and responsibilities of the Iowa Citizens' Aide/Ombudsman. These changes in Iowa law and the future operation of the Iowa Ombudsman office were positively impacted by information and relationships developed in the ombudsman community and network.

As legislators contemplated how to best provide the needed whistleblower protection for government workers in Iowa one of the prime considerations was the Iowa Ombudsman Office. Faced with how to craft legislation and administrative practice my office sought to learn from the experiences and schemes for providing whistleblower rights and protections in other ombudsman jurisdictions. Researching the American experiences and obtaining that information was relatively easy. One ombudsman who has a relatively lengthy history in whistleblower protection is in a state that borders mine. I've known that individual since 1978. It was an easy call to make, resulting in positive cooperation. Another American jurisdiction having whistleblower experience was half a continent away. I would not have had knowledge of this office without my participation in the United States Ombudsman Association (USOA). A very important history of ombudsmen providing whistleblower protection can be found in the several of the states of Australia, on the other side of the world from me. I would not have known of those offices and experiences without information and relationships developed in the International Ombudsman Institute. An extra value was added after my initial inquiry because I found out one Australian state ombudsman offices had published a comparative study about the successes and problems of the different ways for delivering those protections. So in less than a week's time I had multiple examples of statutory language, anecdotal information and researched analysis on how my state might best move forward in having the Iowa ombudsman to play a role in the provision of whistleblower protection. This information stemming from an interconnected ombudsman community worked well for my office and the government employees we will now be serving

Developing a conference program can often be a daunting task. What are the issues to be considered? Who has something to say or offer on the subject? In planning the program and panels for the 2006 United States Ombudsman Association annual conference which will be hosted by my office in September 12-15, 2006 in Des Moines, Iowa (Please think about attending, you are all invited! <http://www.usombudsman.org/en/activities_and_services/annual_conference.cfm>) our conference planning committee considered many possibilities. One of the topics selected for the conference is "The Role of Apology in Resolving Complaints". How did we come to learn about this topic and its value to the ombudsman? Initially, for me, that knowledge came from a posting to the USOA list serve about a report and recommendations for legislative changes by the Ombudsman of British Columbia. He in turn learned about it from his communications and interactions with the Ombudsman office in New South Wales, Australia. Without postings to list serves, articles about the work of our offices in our associational newsletters, without the opportunity to meet and learn from one another at conferences and through publications such as the I.O.I.'s Occasional Papers and Yearbook, our world would be less rich and we could be left isolated to reinvent our various wheels.

A vibrant ombudsman community needs contribution, commitment and communication. In short we need active participation on all levels. We do this individually and collectively. The International Ombudsman Institute has the structure, tools and experience to be among your most important resources in developing your ability to meet your responsibilities as an ombudsman. Whether it is the Directory or website which lets you know of the existence of an office, who is the incumbent and how to establish contact or the Newsletter that informs you of a training program or a conference you or your staff might attend these are among the important reasons we join and participate in organization like the International Ombudsman Institute. Please take full advantage

of what the I.O.I. has to offer you, and please take the time to make your own contribution to the Newsletter or as an Occasional Paper or to the Yearbook. Our Institute is strengthened when you do so.

A handwritten signature in black ink, appearing to read 'William Angrick II', written in a cursive style.

William Angrick II
President
June 2006

NEW MEMBERS OF THE I.O.I. BOARD OF DIRECTORS

Andre Marin, Ombudsman of Ontario, Canada, and Mr. Gord Button, Ombudsman of Alberta, Canada, have been elected as members of the I.O.I. Board of Directors for the North America Region. Mr. Howard Kushner, outgoing Ombudsman of British Columbia, has stepped down from his position as a Board member.

After the 2005 I.O.I. Board Meeting, Mr. Mats Melin, Chief Ombudsman of Sweden, was appointed an *ex-officio* member of the Board of Directors given the Board's decision to hold the next I.O.I. International Conference in Stockholm, Sweden in 2009. He replaces Mrs. Pauline Champoux-Lesage.

CAROA BIENNIAL CONFERENCE HELD IN BARBADOS ON MAY 14 TO 19, 2006

The Caribbean Ombudsman Association (CAROA) held its fourth Biennial Conference in St. Michael, Barbados on May 14 to 19, 2006 at the Grand Barbados Beach Resort hosted by the Ombudsman of Barbados, Mr. Cyril Clarke. The Conference was sponsored by the Commonwealth Secretariat, the Government of Barbados and CAROA and addressed the broad theme of "The Role of the Ombudsman in the Changing Environment of the Caribbean—Civil Liberties and Democratic Governance". The Opening Ceremony was held on May 14, which included the feature address and opening of the Conference by Sir Neville Nicholls, Chairman of the Advisory Committee of the University of West Indies, Cave Hill Campus, and Chairman of the Fair Trading Commission of Barbados. Greetings were delivered by Dr. Hayden Thomas, President of

CAROA, and Dr. Deryck Brown, Government and Institutional Development Division, Commonwealth Secretariat.

On May 15, 2006, a one-day Workshop funded by the Commonwealth Secretariat on the topic of "The Application of Human Rights Within the Traditional Mandate of the Ombudsman" was presented by Professor Linda C. Reif, Faculty of Law, University of Alberta and Editor of Publications of the I.O.I. Amongst various sessions, the Workshop examined Caribbean state participation in UN and Inter-American human rights treaties and instruments, methods by which Caribbean Ombudsman offices can apply international and domestic human rights law, and the development of an action plan for increasing the use of international and domestic human rights law by Caribbean Ombudsman offices.

CAROA conference sessions were held on May 16 to 19 on topics including whether there is the need for a regional ombudsman, the delivery of public services in the region with special emphasis on the introduction of executive agencies, poverty alleviation and its implications for the work of the ombudsman, the Caribbean Single Market and Economy and its implications for the work of the ombudsman, migration and unemployment—implications for the work of the ombudsman, sectoral ombudsman offices, and ethics and integrity in the public service. Discussions were also held on further collaboration between CAROA and the Central American Ombudsman Council and between CAROA and the Iberoamerican Federation of Ombudsman.

Current and former Ombudsmen and members of their staff from Barbados, Antigua and Barbuda, Saint Lucia, Trinidad and Tobago, Jamaica, Haiti, Curaçao, Bermuda, Cayman

Islands and Belize attended the Conference as did government representatives from St. Kitts and Nevis, Grenada and Anguilla who are considering the establishment of ombudsman institutions. The human rights ombudsmen of Honduras and Guatemala, the past and new Presidents respectively of the Central American Ombudsman Council, also were in attendance which permitted discussions on cooperation between CAROA and the Central American Ombudsman Association to take place. Ms. Lorena Gonzalez Volio, Program Officer for Ombudsman and Human Rights of the Inter-American Institute of Human Rights, Dr. Deryck Brown of the Commonwealth Secretariat, Dr. Victor Ayeni and Ms. Pat Sinclair McCalla, Permanent Secretary, Office of the Prime Minister of Jamaica were among the other participants.

BULGARIA PASSES CONSTITUTIONAL AMENDMENTS GIVING THE OMBUDSMAN ADDITIONAL POWERS

In March 2006 the Bulgarian Parliament passed a bill which amends the Constitution. Among the amendments are those that give Bulgaria's Ombudsman additional powers to go to the Constitutional Court in cases to argue the constitutionality of laws which infringe on human rights and freedoms.

For further information see: "Bulgarian Parliament Passes Bill on Constitutional Amendments on Second Reading", *FOCUS News Agency* (March 2, 2006) (on-line).

BOSNIA-HERZEGOVINA OMBUDSMAN LAW AMENDED

The Bosnia-Herzegovina (BiH) Parliamentary Assembly passed a law amending the Law on the Ombudsman for Human Rights in Bosnia-

Herzegovina on March 27, 2006. The new Law states that the Ombudsman institution will be composed of three individuals with one of the three acting as Chair with the responsibility for the internal administration of the institution. The Law also specifies that the Ombudsmen will be appointed through a procedure whereby the BiH Parliamentary Assembly will form a special *ad hoc* commission that will advertise for the positions and decide on the list of candidates. The list of candidates is sent to the BiH for the election of three persons by the Assembly for six-year terms, with the possibility of reelection.

The current BiH Ombudsmen will have the status of Ombudsmen and Deputy Ombudsmen in the transitional period which concludes on December 31, 2006 when they will be replaced by the new three-person BiH Ombudsman institution. The head office of the BiH Human Rights Ombudsmen will be in Banja Luka, with other offices in Sarajevo, Mostar and Brcko District.

For further information see: "Parliament: Three Ombudsmen at BiH Level, Ad Hoc Commission Determines Lists of Candidates", *FENA* (March 7, 2006) (on-line); "BiH Parliament: Adopted Amendments of Law on Ombudsman", *FENA* (March 27, 2006) (on-line).

OMBUDSMAN OF BRITISH COLUMBIA REPORT ON APOLOGY LEADS TO BRITISH COLUMBIA GOVERNMENT PROPOSING LEGISLATION

In February 2006, out-going British Columbia Ombudsman Howard Kushner issued a Special Report (No. 27) entitled "The Power

of an Apology: Removing the Legal Barriers” surveying the power of apology, the practice of ombudsman recommendations asking for government officials to apologize for wrong done to complainants, and the groundbreaking 2002 New South Wales *Civil Liability Act* which made public sector officials’ apologies or statements of regret made to try to resolve complaints inadmissible in any civil proceedings. The New South Wales legislation had been proposed by Bruce Barbour, the New South Wales Ombudsman. The other Australian states and territories followed with legislation that provides some protection for those making apologies. Similarly, in his Special Report Howard Kushner asked the British Columbia Attorney General to consider the Australian legislation as a model for legislative debate and urged the Attorney General “to introduce legislation to protect public officials so that they can apologize without fear of litigation on the grounds that an apology is an admission of negligence.” (at page 16).

In late March 2006, in response to the Ombudsman’s Special Report, the British Columbia Attorney General proposed the introduction of legislation that will allow persons, companies and public officials to apologize without the apology being treated as an admission of liability in law.

GOVERNMENT COMPLETES DRAFT LAW FOR OMBUDSMAN BUREAU IN JORDAN

In March 2006, the Jordanian government completed a draft law to establish an Ombudsman Bureau for Jordan. The Bureau is designed to be an independent institution. The Prime Ministry of Jordan created an Ombudsman Bureau in 1999 but it was closed within one year because of problems which

included its lack of independence. The Danish government has made a commitment to partially fund the new Ombudsman Bureau.

For further information see: I. Awadat, “The government has recently finished a draft for the Ombudsman Bureau”, *The Star* (March 9, 2006) (on-line).

APPOINTMENTS/RETIREMENTS/ANNIVERSARIES/AWARDS ETC.

CANADA—BRITISH COLUMBIA

Mr. Howard Kushner completed his term of office as Ombudsman of British Columbia on April 26, 2006. He also has resigned from his position as a member of the Board of Directors of the I.O.I. and Regional Vice-President for the North America Region.

Colonel Kim Carter has been named as the new Ombudsman of British Columbia. Prior to her appointment, Colonel Carter was the chief military judge of the Canadian Forces. She also has served as the first director of military prosecutions for the Canadian Forces and led a Canadian war crimes investigation team which conducted on-site inquiries in the former Yugoslavia for the United Nations Commission of Experts. Colonel Carter was the Director of International Law for the Canadian Forces from 1991 to 1995 and acted as the senior counsel for the Forces during the inquiry into the conduct of specified Canadian forces personnel in Somalia. She received her law degree from Osgoode Hall Law School (1979) and her master’s degree in law from the University of Ottawa (2005).

CANADA—ONTARIO

Mr. Clare Lewis, Q.C., former Ombudsman of Ontario, spent nine days in January in

Amman, Jordan consulting on a project supported by the Danish international development agency to assist with the creation of a National Ombudsman for Jordan.

CANADA—QUEBEC

Mrs. Pauline Champoux-Lesage completed her term of office as *Protectrice du citoyen* of Quebec in early 2006. She had also served on the Board of Directors of the I.O.I.

On April 13, 2006, the Quebec National Assembly unanimously appointed Ms. Raymonde Saint-Germain as the new *Protectrice du citoyen* of Quebec. She previously held the position of Deputy Minister at the Ministry of Governmental Services. Ms. Saint-Germain took office on April 27, 2006 for a five-year mandate. The new *Protectrice* is the first to be appointed since the Health and Social Services Ombudsman was integrated with the *Protecteur du citoyen*.

LATVIA

On June 13, 2005, the second term of Mr. Olafs Bruvers as Director of Latvia's National Human Rights Office ended. Mrs. Diane Smite has been appointed as Acting Director.

MAURITIUS

Mr. Solomon M. Hattea has been reappointed Ombudsman for another four-year term, with effect from February 26, 2006.

MEXICO—YUCATAN

Jorge Victoria Maldonado has been elected President of the Human Rights Commission of the State of Yucatan in Mexico for a four-year term. He replaces Sergio Salazar Vadillo

who will step down from the position on June 30, 2006.

NEW ZEALAND

Judge Anand Satyanand, a former Ombudsman of New Zealand, will succeed Dame Sylvia Cartwright as the next Governor-General of New Zealand. Dame Sylvia will end her term of office on August 4, 2006 and Judge Satyanand will be sworn in subsequently.

After practising as a lawyer, Judge Satyanand became a District Court Judge in 1982, hearing both criminal and civil cases. In 1995, he was appointed one of New Zealand's Ombudsmen and served for two five-year terms until February 2005. Most recently, Judge Satyanand served as Chairman of the Confidential Forum for Former In-Patients of Psychiatric Hospitals and as the Registrar of Pecuniary Interests of Members of Parliament.

PANAMA

Mr. Liborio Garcia Correa was appointed as the new *Defensor del Pueblo* (human rights ombudsman) of Panama on April 15, 2006. He replaces Dr. Juan Tejada Espino.

SPAIN—CASTILE-LEON

Mr. Javier Amoedo Conde was appointed the new Ombudsman of the Autonomous Community of Castile-Leon, Spain on November 2, 2005. He replaced Mr. Manuel García Álvarez who completed two terms of office, the maximum permitted by law. Prior to his appointment, Mr. Amoedo Conde was the Chief Prosecutor of the Provincial Court of Leon.

SPAIN—VALENCIA

Professor Bernardo del Rosal Blasco completed his term as the *Síndic de Greuges* of the Autonomous Community of Valencia, Spain on April 9, 2006. Professor del Rosal Blasco has returned to his chair as Professor of Criminal Law at the University of Alicante.

First Deputy *Síndic* Emilia Caballero has been appointed Acting *Síndic* until a new *Síndic* is elected.

UNITED KINGDOM—LEGAL SERVICES OMBUDSMAN AND LEGAL SERVICES COMPLAINTS COMMISSIONER

Zahida Manzoor CBE has been reappointed as Legal Services Ombudsman (LSO) and Legal Services Complaints Commissioner (LSCC) for a three-year term. Her reappointment took effect on March 6, 2006.

UNITED KINGDOM—SCOTLAND—INTERIM LEGAL SERVICES OMBUDSMAN

Pursuant to the *Legal Profession and Legal Aid (Scotland) Bill* which is currently making its way through the Scottish Parliament, the office of the Scottish Legal Services Ombudsman is being abolished, to be replaced by an independent institution to take complaints against Scottish lawyers. The Scottish Legal Services Ombudsman, Linda Costelloe Baker has resigned from her position in order to take up a new appointment as the United Kingdom's Visas Independent Monitor. Ms. Jane Irvine was appointed as Interim Legal Services Ombudsman, effective April 26, 2006.

U.S.A.—CITY OF FLINT, MICHIGAN

Ms. Brenda Purifoy was elected Ombudsman of the city of Flint, Michigan, U.S.A. by Flint City Council on May 9, 2006 for a seven-year term. Ms. Purifoy is a retired Flint police sergeant.

CENTRAL AMERICAN OMBUDSMAN COUNCIL

Mr. Sergio Morales, *Procurador de Derechos Humanos* (Human Rights Attorney) of Guatemala has been appointed President of the Central American Ombudsman Council (*Consejo Centroamericano de Ombudsman*) for a one-year period.

PAST/UPCOMING CONFERENCES AND COURSES

MAY 14-19, 2006—CARIBBEAN OMBUDSMAN ASSOCIATION (CAROA) BIENNIAL CONFERENCE—ST. MICHAEL, BARBADOS

See article earlier in this *Newsletter* on the CAROA Biennial Conference.

MAY 28-30, 2006—FORUM OF CANADIAN OMBUDSMAN COURSE ON “THE SPECIALIST OMBUDSMAN: WORKING BEHIND PRISON WALLS”—VANCOUVER, BRITISH COLUMBIA, CANADA

The Forum of Canadian Ombudsman will be presenting the 2006 course on “The Specialist Ombudsman: Working Behind Prison Walls” for ombudsman and their staff in the corrections field to be held on May 28 to 30, 2006 at the Hyatt Regency Vancouver Hotel in Vancouver, British Columbia. The course will be of interest to ombudsman and staff

members in ombudsman offices whose jobs involve inmate complaints

For further information please contact Suzanne Belson at (514) 485-2589 or at sm@forces.gc.ca.

JUNE 6-8, 2006—CANADIAN COUNCIL OF PARLIAMENTARY OMBUDSMAN (CCPO) ANNUAL GENERAL MEETING—WHITEHORSE, YUKON TERRITORY, CANADA

The Canadian Council of Parliamentary Ombudsman (CCPO) will be holding its Annual General Meeting in Whitehorse, Yukon Territory, Canada on June 6 to 8, 2006. The CCPO members meet annually in this forum to discuss issues of mutual interest and new challenges being faced in our various jurisdictions. This year for the first time we have invited guests to participate in the CCPO AGM. Linda Lord-Jenkins, Alaska Ombudsman, and Arlene Brock, Bermuda Ombudsman, have accepted invitations to join us and participate in the discussions.

OCTOBER 23-26, 2006—INTERNATIONAL OMBUDSMAN ASSOCIATION COURSES—ARLINGTON, VIRGINIA, U.S.A.

The International Ombudsman Association will be offering a variety of courses for organizational ombudsman personnel between October 23 and 26, 2006 at the Westin Arlington Gateway Hotel in Arlington, Virginia, U.S.A. The courses include “Ombudsman 101”, “Ombudsman 101 Plus”, “The Intermediate Workshop: Skills for the Experienced Ombuds”, and “Drawing From Psychology: Theory and Interventions for Ombuds Practice”.

For further information please contact the International Ombudsman Association at tel: (908) 359-0246 or e-mail: info@ombudsassociation.org.

NEW OFFICE WEB SITES

CAYMAN ISLANDS

The web site for the Complaints Commissioner, Cayman Islands, is: <http://www.occ.gov.ky>

CORRECTIONS TO 2006 I.O.I. DIRECTORY

BELGIUM—FLEMISH OMBUDSMAN

Please correct the telephone and fax numbers and e-mail and web site addresses for the Flemish Ombudsman of Belgium, found at page 10 of the *2006 I.O.I. Directory*, so that they read as follows:

Telephone: 32 2 552 48 48
Fax: 32 2 552 48 00
E-Mail: info@vlaamseombudsdienst.be
Web Site:
<http://www.vlaamseombudsdienst.be>

LATVIA

For the entry for Latvia’s National Human Rights Office found on page 32 of the *2006 I.O.I. Directory*, please add the following e-mail and web site addresses and note the correct street address and name of the Acting Director:

Mrs. Diane Smite, Acting Director
Elizabetes St. 65-12
RIGA LV-1050
Republic of Latvia
E-mail: vcb@vcb.lv

Web Site: <http://www.vcb.lv>

I.O.I. PUBLICATIONS

(2004) VOLUME 8 OF THE INTERNATIONAL OMBUDSMAN YEARBOOK

Work is underway on the compilation of (2004) Volume 8 of *The International Ombudsman Yearbook*. As of this date five articles have been accepted for publication: “The Role of Administrative Courts and Ombudsmen in France and Malta: A Review of Two Contrasting Systems” by Cécile Plaidy and Ivan Mifsud; “The Ombudsman and the Rule of Law” by John McMillan; “Administrative Mediation and Ombudsmen: An Encounter With Normativity” by Marie-José Chidiac; “Good Governance and Development Challenges in the South Pacific: The Promise of Ombudsmanship” by ‘Dejo Olowu; and “A Specialist Ombudsman for Prisoners” by Stephen Shaw. It is anticipated that Volume 8 of the *Yearbook* will be completed and published in late 2006.

OMBUDSMAN BIBLIOGRAPHY PROJECT AND OTHER I.O.I. WEB SITE PROJECTS

Work is progressing on compilation of a Bibliography on the ombudsman containing hundreds of secondary sources in the English language—books, book chapters, academic articles etc.—which will be posted on the I.O.I. web site when it is completed (with any links where available). It is expected that the Bibliography will be published in late summer. The Bibliography will be updated annually. In addition, further investigation will be undertaken in the future to compiling Bibliographies of secondary sources published in other languages, e.g. Spanish, French and

German publications.

A number of recent *Occasional Papers* will be placed on the I.O.I. web site for access by I.O.I. members using a subscriber system. It is expected that this will become operational in the fall of 2006.

NEWS ITEMS, ARTICLES ETC. FOR I.O.I. PUBLICATION

We encourage the submission of news items for publication in the *Newsletter* and the submission of articles, manuscripts and lectures for consideration of their publication either in the *Occasional Paper* series or *The International Ombudsman Yearbook*. In particular, the Editor wishes to receive papers for consideration of their publication in (2004) Volume 8 of *The International Ombudsman Yearbook* and news items for the September 2006 *Newsletter*. We appreciate the regular receipt of information from member offices on changes in appointment, retirements, etc. for inclusion in the *Newsletter*.

Please note that the Editorial Advisory Board is in operation for anonymous review of papers submitted in consideration of their publication in the *Yearbook*.

Please submit all material to:

Professor Linda C. Reif
Editor of Publications
International Ombudsman Institute
Faculty of Law, University of Alberta
Edmonton, Alberta, T6G 2H5, Canada
tel: (780) 492-2800, fax: (780) 492-4924
e-mail: lreif@law.ualberta.ca