

Table of Contents

1. Changing of the Guard.....	3
1.1 Changing of the Guard	
1.2 Appreciation	
2. The New Ombudsman	5
2.1 The New Ombudsman	
3. The Annual Report 2007.....	6
3.1 Acknowledgement	
3.2 The Annual Report	
3.3 Location of the Office	
3.4 Staffing	
4. Activities during 2007.....	9
4.1 Regional Meeting	
4.2 Visitors	
5. Investigative Activities.....	10
5.1 Investigative Activities 2007	
5.2 Loose Operating Standards	
5.3 Complaints from Civil Servants Against Civil Servants	
5.4 Cooperation	
5.5 Non-jurisdictional Issues	
5.6 Public Service Commission Matters	
6. Public Relations	12
6.1 Public Relations	
7. Summaries of Selected Cases.....	13
7.1 Request for compensation Re: Damage to vehicle while in the of Antigua and Barbuda Transport Board	
7.2 Request to resolve issues of retiring Benefits on Medical Grounds for former Machinist (Deceased) at Ministry of Public Works	
7.3 Ownership of Cow – did the Department act fairly?	
7.4 Request for intervention on behalf of Mental Patient	
7.5 Impasse between City Establishment Proprietor and Antigua and Barbuda Public Utilities Authority	
7.6 School Bus Supervisor	
7.7 Failure of Medical Registration Board to reply to application for Registration	
7.7.1 Recommendation	
7.8 Observations on the activities surrounding the absence of Mrs. Y. Graduate Assistant Teacher from duty	

8. Topic of Interest – Sick Leave	37
9. Ombudsman Investigative Issues	40
10. The Complaint Process.....	41
11. Organisational Structure	42
12. Appendices.....	43
12.1 Appendix 1	
12.2 Appendix 2	
13. National Symbols.....	50

1. *Changing of the Guard*

1.1 CHANGING OF THE GUARD



On 1 December 2006, Mrs. Joselyn M. Eusallyn Lewis MBE reported to the Office of the Ombudsman of Antigua and Barbuda having previously taken the oath of the Office of the Ombudsman on 30th November 2006.

Mrs. Lewis would succeed Dr. Hayden Thomas the first appointed Ombudsman of Antigua and Barbuda who had just completed 11 years (1995-2006) in this position and was now required by law, to retire.


1.2. APPRECIATION



Dr. Hayden Thomas was appointed in accordance with Section 66 of the Constitution of Antigua and Barbuda 1981 and the Ombudsman Act 1994 No. 4 of 1994.

Dr. Thomas had the task of establishing and shaping the character of the Antigua and Barbuda Ombudsman Service. He worked assiduously to create an organization which truly reflected the motto of the Office – “To Champion the rights of the people, to ensure that Justice always prevails”. To this end, he has established an office which is easily accessible to every type of complainant and made every effort to encourage public sector entities to be mindful of their primary role as service-providers who should at all times seek to demonstrate the highest levels of efficiency and professionalism in the performance of their daily tasks.

The Office of the Ombudsman wishes through this medium to record its profound gratitude to Dr. Hayden Thomas for his dedication to duty and for so ably representing the Government and people of Antigua and Barbuda as a trailblazer in this area of Public Service. During his tenure as Ombudsman, Dr. Thomas became a charter member of CAROA – The Caribbean Ombudsman Association and served as the 1st president. He also held office as Vice President of the International Ombudsman Institute (IOI).



He has spoken extensively on the Role of the Ombudsman in Small States Jurisdictions and has published articles related to his work. Dr. Thomas retains honorary membership in the CAROA and serves as an advisor to the Association.

We wish Dr. Thomas continued success in his future endeavours.

2. The New Ombudsman

2.1. THE NEW OMBUDSMAN



Mrs. Joselyn M. Eusalyne Lewis MBE has been a career public officer spanning forty (40) years of Public Service in Education, Health, and Public Sector Administration. She served as Secondary School Teacher, Secondary School Principal, Senior Education Officer for Secondary Schools, Deputy Chief Education Officer and Permanent Secretary in the Ministry of Education. She has also served as Permanent Secretary in the Ministry of Health, Chief Establishment Officer and Permanent Secretary for Civil Service Affairs as well as Secretary to the Cabinet of Antigua and Barbuda.

Upon her retirement from the Civil Service, Mrs. Lewis was appointed by resolution of the Parliament of Antigua and Barbuda as the country's first female Ombudsman in 2006.

Mrs. Lewis is a graduate of the University of the West Indies and has pursued post graduate work in Education and Administration at the University of Western Ontario as well as other related professional training in various other institutions.

Mrs. Lewis' intimate knowledge of Government operations and the Public Service makes her an excellent choice of successor to, Dr. Hayden Thomas.

3. The Annual Report

3.1 ACKNOWLEDGEMENT

I would like at the onset of this report to place on record, my profound appreciation to the Government and Parliament of Antigua and Barbuda for the confidence reposed in me through my appointment as Ombudsman; and to Dr. Hayden Thomas for his encouragement and support. In particular, I would like to thank the two staff members, Mrs. Gloria Samuel, Assistant Investigations Officer and Mrs. Renee Patrick, Petty Officer – the only two permanent Officers on staff when I took up the appointment on 1st December 2006. I would have been completely lost without them.

Permanent Secretaries, Heads of Departments and Chief Executive Officers of Statutory Bodies as well as line officers have given varied support. I am however, heartened by the growing relationships and demonstrations of trust that in time will enable the work of the Ombudsman to be effected with greater efficiency and success.

3.2 THE ANNUAL REPORT 2007

The Ombudsman Act 1994 requires that “the Ombudsman shall report annually upon the affairs of his office to the President of the Senate and the Speaker of the House of Representatives who shall respectively cause the reports to be laid before each House of Parliament if it is in session or if not, at the next ensuing session.

This report covers the period 1st December 2006 – 31st December 2007.

3.3. LOCATION OF THE OFFICE

The Office of the Ombudsman is located at Dickenson Bay Street in St. John’s in rented quarters. Its location allows for easy accessibility by clients. Our first challenge came in the form of a notice from the landlord that we surrender the building or agree to a substantial increase of the current rent rate.

3.4. STAFFING

According to the records, the Office of the Ombudsman has a complement of staff as follows:-

Investigations Officer	Mr. Konata Lee – On Secondment to a Government Agency
Asst. Investigations Officer	Mrs. Gloria Samuel - She also performed the duties of Office Manager
Senior Clerk	Miss Joycelyn Richards-Wharton – on Duty Leave
Petty Officer	Mrs. Reneé Patrick
Cleaner	Mrs. Jevanna Mathew
Driver	On loan from the Ministry of Works
Grounds man	Mr. Emmanuel Gordon (part-time)

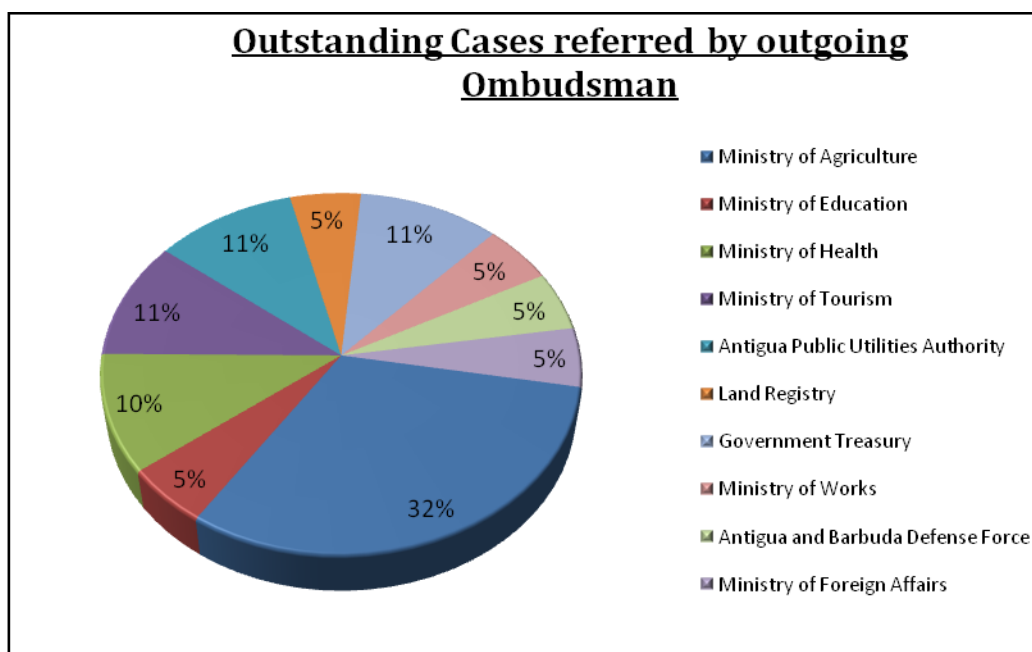
In actuality there were two only officers to handle Complaints brought to the Ombudsman, the Ombudsman herself and the Asst. Investigations Officer. This was indeed a challenging beginning!

However, our immediate concern was to ensure that our responsibilities to clients could be met and so we channeled our energies into the provision of the required services.

During the month of December we reviewed outstanding cases which had been referred by the outgoing Ombudsman. There were 23 cases and these are reflected in the summary below:-

Ministry of Agriculture	6
Ministry of Education	1
Ministry of Health	2
Ministry of Tourism	2

Antigua Public Utilities Authority	2
Land Registry	1
Government Treasury	2
Ministry of Works	1
Antigua and Barbuda Defense Force	1
Ministry of Foreign Affairs	1



Most of these complaints as well as new cases in December 2006 were subsumed in the 2007 calendar and are therefore dealt with as part of the 2007 report.

4. Activities during 2007

4.1. REGIONAL MEETING

The Ombudsman was invited to attend the first regional meeting between CAROA and the (CCPDH) Central American Ombudsman Association in Costa Rica from 29 January – 2 February 2007. Given the staffing situation in the office and my own desire to immerse myself in the new role of the Ombudsman; I had to decline the invitation to attend.

However, Dr. Hayden Thomas, the outgoing Ombudsman, who had served as CAROA's 1st President and was currently on the CAROA Executive Board as the immediate past president was expecting to attend and graciously consented to act as our representative. We thank Dr. Thomas for his assistance. Dr. Thomas' report can be found at Appendix I.

4.2. VISITORS

The Office of the Ombudsman welcomed many visitors in 2007. We record in particular, visits from His Excellency Mr. Terry Knight, British High Commissioner to Antigua and Barbuda; Dr. Clive Ottley of St. Kitts, consultant responsible for the development of the Case Management programme; Mr. Sheldon Mc Donald, consultant engaged by CARICOM to formulate a project which would provide for a CARICOM initiative on the protection of Human Rights in the Caribbean. He was accompanied by his associates Ms. Sandra Barker and Miss Deborah Barrow and a representative of Child Services in Miami, Florida in respect of an outgoing request for the repatriation of specific juvenile nationals to Antigua and Barbuda.

5. Investigative Activities

5.1 INVESTIGATIVE ACTIVITIES 2007

The summary of complaints received in 2007 is presented hereunder. During the period 1st January 2007 – 31st December 2007 we received a total of 78 cases. A statistical breakdown of complaints received by various ministries can be seen in Appendix II.

5.2 Loose Operating Standards

Investigations show a lack of defined policies or operating standards in most of the Ministries targeted. On examination, a significant number of the cases need not have reached the Office of the Ombudsman. These to my mind, reflect the level of subjectivity which permeated and continues to permeate the way government business is conducted.

In some instances, the regulations governing the conduct of a public officer in the resolution of a problem are not referenced. This has occasioned delays in many instances and simple solutions get lost in personal perceptions whether it is in respect of an individual's Right to equitable treatment or in the delivery of timely efficient services to clients. This matter of delays appears to be the constant in many of the complaints which this office receives.

5.3 COMPLAINTS FROM CIVIL SERVANTS AGAINST CIVIL SERVANTS appear to be on the increase and suggest a high level of disconnect in interpersonal communications, and in the sharing of knowledge and trust. It is unclear whether the reluctance to respond to queries by this office for information on complaints received in such matters is as a result of lack of confidence on the part of senior officials in the performance of their duties or their misunderstanding of the function of the Ombudsman in seeking to bring clarity to situations which are brought before this office. Needless to say the office finds itself having to send repeat requests and reminders to the relevant entities for information or reaction in a variety of cases. The records show that some cases lodged as early as 1995 remain unresolved because of the unresponsiveness of some departments and public officers.

5.4 **Cooperation**

For those officers who recognise the importance of the Ombudsman functions, it is important to record that prompt response to queries has invariably contributed to the early resolution of complaints. In such instances, it has been our experience that officers are willing to discuss the existing regulations, the methodologies used, the enforcement procedures, and the oversight responsibilities among other factors that might have contributed to the complaint being brought in the first place. We are indeed grateful for this type of support.

5.5 **NON JURISDICTIONAL ISSUES**

A number of cases has been determined to be non jurisdictional. A complainant may have a private problem with a public officer and brings the complaint to the Ombudsman. While the complainant sees the subject only in his/her official capacity, the circumstance bears no relationship to the subject's performance of his/her duty. Most complainants in this instance see their approach to the Ombudsman as the way to a resolution of the complaint. Handling of such situations calls for much tact and firmness as the Ombudsman can be drawn into an issue where she does not have the mandate to investigate.

5.6. **PUBLIC SERVICE COMMISSION MATTERS**

We have been asked on occasion to adjudicate on matters where the Public Service Commission has taken action.

The Ombudsman Act 1994 Section 5(4) (Schedule 4) very clearly excludes from the jurisdiction of the Ombudsman, interference with the decision of the Public Service Commission. Nothing however precludes the Ombudsman from examining the procedures employed by the public officers in a matter which is brought to the attention of the Public Service Commission. At least one of the examples included in this report will focus on a complaint relating to such procedures.

6. Public Relations

6.1. PUBLIC RELATIONS

While the service continues to be used by the public, the office has to take some responsibility for minimal public awareness.

The Ombudsman was able however to make herself available particularly through interviews with students, youth groups and through presentations at schools, and our newsletter to focus attention on the work of the Ombudsman.

We hope to move more aggressively in 2008 towards heightened public education activities as we have seen for ourselves the benefits that have been afforded to persons who normally do not have a voice.

7. Summaries of Selected Cases

7.1 Request for Compensation Re: Damage to vehicle while in the Custody of the Antigua and Barbuda Transport Board

On 19th January, 2007 Complainant A, reported that a vehicle in which she holds part ownership, was impounded by the Police on 20th November, 2006 as the vehicle was unlicensed and uninsured. The vehicle was placed at the site of the Government Motor Pool.

She reported to the Motor Pool on 12th December, 2006 with the documents necessary to effect the licensing of her vehicle. It was at this point that she discovered that extensive damage had been done to the vehicle. According to her, she was told that the vehicle had been broken into on 28th November, 2006 and several parts including the vehicle stereo set had been stolen. No contact had been made by the Transport Board or its employees at the Motor Pool to apprise the owner of the damage done to the vehicle. It was left to her to find this out when she went to reclaim the vehicle.

She was advised at the Motor Pool to speak to the Supervisor who requested that she provide an estimate to cover the cost of the damage to the vehicle. This she did on 14th December, 2006. Upon returning to the Motor Pool, she was told that the matter would have to be referred to the General Manager of Antigua and Barbuda Transport Board. The Supervisor told her that he would prefer to speak to the General Manager himself before the complainant or her representative met with the General Manager. The complainant agreed.

The complainant returned to the Motor Pool several days later and was asked by the Supervisor whether the General Manager had consulted her on the matter as he had promised to contact her himself. The complainant decided to go to see the General Manager who informed her that he had not, up to that time read the report. This was approximately one week before Christmas. He promised, however, that he would meet with her on 3rd January, 2007 at which time he would pay for the damages for which she had made claim. He would however, not pay for the stereo system since he had no way of proving that the system had in fact been installed in the vehicle. The General Manager also agreed to pay for loss of use in the amount of \$2,700.00. The Transport Board's Accountant was called in and advised of the General Manager's decision.

On 3rd January, 2007 when the claimants returned to the Transport Board, the Accountant apologized for not having the cheque ready. No definitive date was given as to when the payment would be made. On 8th January, 2007 the complainant received a call from a police officer who advised her that her vehicle had been broken into once more and that additional parts had been stolen.

She was asked to journey to Parham Police Station where it was discovered that the Computer Box, Integer Cooler, and Turbo Timer has been removed from the vehicle.

The Police had seized the aforementioned parts as evidence in the case that subsequently followed.

The complainant requested that the parts be restored and that the Transport Board take responsibility to have these parts re-installed. The General Manager agreed to pay to re-install but countered that he would not compensate for loss of use. The claimant and/or her representative made several attempts to bring the matter to closure but were constantly frustrated by the delays emanating from staff at the Transport Board.

It is at this point that the complainant sought the assistance of the Ombudsman as the recurring delays inordinately affected her business thereafter.

The Office of the Ombudsman contacted the General Manager by telephone and he expressed surprise that the matter had been brought to the Ombudsman. He agreed that the damage to the vehicle happened while said vehicle was in the custody of the Transport Board.

The General Manager was however, of the view that the assistance of the Ombudsman need not have been sought since all that had been left to conclude the matter was the Chairman of the Board's concurrence and his signature on the cheque to be paid to the claimant.

The General Manager was reminded of his commitment to the complainant that his organization would have made an agreed sum payable to the complainant by 23rd January, 2007.

I therefore advised her to see the General Manager and to advise me as to the outcome of the matter.

On 29th January, 2007, the complainant returned to the Office of the Ombudsman to report that notwithstanding the assurance given by the General Manager that he would make good the damages to the vehicle in the agreed amount he had informed her that he would only pay \$7,500.00. The claimants found this stance unacceptable. The claimant also stated that the General Manager had informed her that after 31st January, 2007 the Transport Board would no longer take responsibility for the vehicle and that the vehicle should be removed from the premises of the Motor Pool. The claimant did not feel that this demand by the General Manager was appropriate at this time since the situation as found on 12th December, 2006 and exacerbated on 8th January, 2007, had not improved.

The claimant had further requested that the claim be reviewed in light of the unsatisfactory handling of the matter by the Transport Board and the costs to be incurred in the repair of the vehicle following the damages sustained at the Government Motor Pool.

By letter the Ombudsman recommended to the General Manager that the original offer be reviewed and that the matter be settled expeditiously. A copy of the recommendation was sent to the Chairman of the Transport Board who directed that the matter be concluded. The complainant was favourably compensated for the damage to her property.

Inordinate delays on the part of the Transport Board resulted in unanticipated expenditure and represent maladministration.

7.2 Request to Resolve Issue of Retiring Benefits on Medical Grounds for Former Machinist (Deceased) at Ministry of Public Works

The complainant, representing his mother Mrs. A, the legal representative of the aggrieved party sought the assistance of the Office of the Ombudsman in respect of benefits that should have accrued to his brother Mr. B (deceased) former machinist at Ministry of Public Works. Mr. B had been employed at the Ministry of Public Works from 20th February, 1972 and worked until 29th March, 2002 when he was recommended by the Ministry of Public Works to be retired on medical grounds.

According to the records, the Ministry of Public Works made two (2) applications for Mr. B's medical evaluation, one on 10th June, 2002 and the other on 17th March, 2003. In a letter dated 27th March, 2003, the Chief Medical Officer, who also serves as Chairman of the Medical Board wrote to the House Officer at the Mental Hospital seeking information on Mr. B's medical history at that institution. There is however, no evidence that the Chief Medical Officer ever received a response or that the case has been followed up. There is also no evidence that Mr. B was made aware that he needed to submit medical certificates to certify that he remained under medical care.

It appears from the complainant's statement that the family understood that Mr. B had been medically boarded having been sent home by the Ministry of Public Works on medical grounds in 2002. Additionally, the Ministry of Public Works had also supported Mr. B's application for Invalidity Benefits at the Social Security Scheme. It is worth noting that on the strength of the information received, Mr. B was granted Invalidity Pension from 1st May, 2002 – a pension he received up to the time of his death.

It is fair to assume that had the Medical Board diligently pursued the request from the Ministry of Public Works, it might have found in favour of Mr. B and he would have been eligible to be retired on medical grounds in 2002 or in 2003 the dates of the Ministry's requests. It would have meant that Mr. B would more than likely have become the recipient of a reduced pension and gratuity as is normally granted to persons who qualify to be retired on medical grounds.

Mr. B died in 2005 and it appears that the Ministry of Public Works in an effort to bring closure to the situation sought for him to be paid a death gratuity. The Director of Audit very correctly declined to support the request for a death gratuity since not having worked beyond 29th March, 2002, he could not be determined to have died in service and was therefore not eligible for a death gratuity.

His legal representative, Mrs. A, his mother is concerned that after thirty (30) years as an employee of the Government and more specifically having waited for three (3) years after he was sent home on medical grounds, her son never received any benefits.

This office recommended that the case warranted compassionate consideration for the following reasons.

- The Ministry of Health failed to pursue the request of the Ministry of Public Works to have Mr. B evaluated for retirement on the grounds of ill health.
- The Ministry of Public Works demonstrated inadequate care in bringing this matter to its logical conclusion including advising Mr. B to provide the necessary evidence of his continued illness.
- The Ministry of Health is unable at this time to produce any information on Mr. B's medical history although it appears that he had been hospitalized in the Mental Hospital on occasions.
- The situation appears to be fraught with instances of gross negligence on the part of administration thus depriving Mr. B of any benefits that might have accrued to him after March, 2002.
- The instantaneous response of the Social Security Board has placed the integrity of the Medical Board into question.

It is my recommendation that:-

1. Procedures relating to the retirement on medical grounds for non-established workers need to be made more explicit.
2. The benefits that should have accrued to Mr. B had he been retired on medical grounds should be computed.
3. A determination be made as to the value of gratuity and reduced pension up to 3rd January, 2005.
4. The computed amount of the benefits payable be applied to the legal personal representative of Mr. B.

It is incumbent upon Government to fulfill its obligation to its workers. In this regard the Ministry of Public Works in collaboration with the Minister of Labour should seek the assistance of the Cabinet to discharge their obligation in this instance.

Alternately, consideration may be given to the grant of a compassionate gratuity as compensation for the administrative failures surrounding this case which clearly have deprived Mr. B of enjoying in his lifetime, benefits which he would genuinely have earned.

This matter is still pending. However, it highlights instances of gross negligence on the part of Administration and an absence of empathy in correcting administrative errors.

7.3 **Ownership of Cow – did the Department act fairly?**

On 26th March, 2007, Client A lodged a complaint against the Chief Veterinarian and the Veterinary and Livestock Division of the Ministry of Agriculture as well as the local police station.

The client laid ownership to a cow, Belle, whom he pastured with his animals in the open range not far from his home.

Belle gave birth to a female calf which in the course of time became separated from its mother. The client claims to have located the calf in the herd belonging to Neighbour B. However this claim was disputed as Neighbour B insisted that the calf was the offspring of his cow, Primrose. As a result, the Snr. Sergeant at the police station was asked to intervene.



The police recommended that a DNA test be performed to determine the ownership of the calf and both men agreed. Senior Sergeant sought the assistance of the Chief Veterinarian of the Veterinary and Livestock Division, Ministry of Agriculture who prepared the samples and shipped them off to a reputable laboratory in California. Samples were taken from Belle, calf and Primrose. The tests determined that the calf was the offspring of Primrose.

Client A accused the Veterinary and Livestock Division of duplicity and sought remedy from the Office of the Ombudsman. The Ministry of Agriculture rejected Client A's claim but expressed concern that the matter could damage the Division's reputation. The Office of the Ombudsman agreed to look into the matter.

The Office of the Ombudsman consulted with several local veterinarians and determined that a new DNA test be carried out.

Client A was invited to select a private veterinarian and (to select) with some guidance, a DNA laboratory that was prepared to do the testing was selected. Client A was requested to be present when all hair samples were being taken and sealed in individual containers.

The samples were prepared for postage and signed off by the independent Veterinarian, Client A, Neighbour B, a representative from the police station and a representative from the Ombudsman's office. The package was posted out to the Laboratory in Texas, USA selected by Client A.

The results when received confirmed that the calf was the offspring of Primrose. Unfortunately, Client A has refused to accept the findings despite his undertaking that he would be guided by the results produced.

The Ombudsman found that the Veterinary and Livestock Division has acted properly and saw no evidence of duplicity either on the part of the Veterinary and Livestock Division or the Police.

7.4 **Request for Intervention on Behalf of Mental Patient**

Client K sought the intervention of the Office of the Ombudsman. On 12th March, 2007 the Mental Hospital had delivered a sick man to her home. A relative, known to be mentally impaired, had taken up refuge at her home. She had tried to care for him until around the 5th March, 2007 when she had to seek assistance from the Police to have her relative admitted to the Mental Hospital. He was kept under observation for about one (1) week at which time she was advised of the institution's decision to send him home.

Client K objected as she had asked them to allow her some time to find accommodation appropriate for her relative elsewhere. She claims that he had homicidal tendencies; she lived alone and feared his destructive nature. She had also presented several photographs of extensive damage done to her home.

Our team investigated the case. It was determined that the request to delay the return of the relative was valid.

The relative was the recipient of pension funds from the Social Security Scheme and the Central Government and the complainant was at that time in control of the said pension funds. She was prepared to surrender control of the funds if it would allow some permanent arrangement for the relative's accommodation. The Office of the Ombudsman determined that this matter could best be handled by the Citizens Welfare Division in the Ministry of Social Transformation.

Our recommendation:-

1. The Mental Hospital should continue to observe the relative for a few more days.
2. Welfare officers should assist in identifying an appropriate care giving facility for the relative's long term accommodation.
3. Our complainant should make the necessary arrangement to pass over the resources for his care and further that she include her pastor for support while the arrangements were being put in place to transfer authorization to access the pension funds.

Outcomes:-

1. A home for the elderly was identified and approved.
2. The relative was transferred to the facility.
3. A Welfare Officer was assigned as case worker.
4. The proprietor of the home was approved to receive the pensions towards the relative's total maintenance.

Case concluded on 20th April, 2007.

The most important results of this case were the smoothness with which the related activities were carried out and the atmosphere of collaboration between the various entities and personnel for the successful implementation of the initiative.

7.5 Impasse between City Establishment Proprietor and Antigua Public Utilities Authority

Miss Businesswoman appealed to the Ombudsman to intervene in an impasse with the Antigua Public Utilities Authority.

Miss Businesswoman held a lease on a property in St. John's for a period of fourteen (14) years. She also had secured in the lease, the right of the first refusal to purchase the said property. Following the demise of the original owner, the property fell to his daughter who died shortly thereafter. The property passed on to her surviving children who reside outside of Antigua.

These latter decided to divest themselves of the property and the Antigua Public Utilities Authority purchased the said property. Miss Businesswoman was not privy to the sale. According to the General Manager, Antigua Public Utilities Authority was unaware of Miss Businesswoman's interest in the purchase of the property. Meanwhile from Antigua Public Utilities Authority's perspective, the company had embraced the purchase of the property at a time when it had been seeking an appropriate location to expand its operations. Miss Businesswoman's continued occupation of the building has significantly hampered Antigua Public Utilities Authority's plans for expansion of one of its services.

Over the past two (2) years, Antigua Public Utilities Authority and Miss Businesswoman have been seeking to bring the impasse to an amicable conclusion. Miss Businesswoman would need to vacate the premises to enable Antigua Public Utilities Authority to put in train, its projected plans for upgrading. Alternately Miss Businesswoman expected to receive reasonable consideration from Antigua Public Utilities Authority as to her earlier expectations when she entered into a lease with the former owner.

The Ombudsman initially met with Miss Businesswoman on 29th May, 2007 at which time she detailed a range of issues she was encountering with Antigua Public Utilities Authority which she felt were associated in some way with the impasse over the disputed property. She could not vacate the premises without some level of assurance from Antigua Public Utilities Authority. These additional difficulties, she surmised, were intended to frustrate her.

The request for intervention saw the Ombudsman communicating verbally with the General Manager on 11th June, 2007 and in writing on 2nd July, 2007.

The General Manager's reply dated 13th July, 2007 indicated a willingness on the part of Antigua Public Utilities Authority to reopen discussions on the issues, in particular the disputed property as Antigua Public Utilities Authority had already secured a loan towards the enhancement project and the organization was not in a position to continue to delay its operation indefinitely. The General Manager indicated in his letter that in earlier discussions Antigua Public Utilities Authority had made certain concessionary proposals to Miss Businesswoman and the company needed to finalize negotiations at the earliest opportunity.

On 23rd July, 2007 the Ombudsman met with Miss Businesswoman. She conceded that she legally had no claim on the building. She was ready to surrender same to the new owners but sought assurances from Antigua Public Utilities Authority in respect of:-

- Guaranteed space on the ground floor of the proposed building for her use.
- A fourteen (14) year lease on the designated area of the new building similar to that of the first lease undertaken with the previous owner.

- A condition giving her the right of first refusal in the event of the sale of the property.
- Compensation.

These proposals were included directly in a communication sent to the General Manager from the Ombudsman on 23rd July, 2007.

A meeting to work out the details of the proposal was scheduled for 30th July, 2007 but was rearranged and the parties met on 15th August, 2007 to discuss and negotiate the proposals.

The following are the terms agreed on by Miss Businesswoman and The General Manager (Antigua Public Utilities Authority):-

1. Miss Businesswoman will turn over the building by 31st December, 2007 to Antigua Public Utilities Authority.
2. Antigua Public Utilities Authority will make available to Miss Businesswoman accommodation for her business to operate upon completion of the new building.
3. Miss Businesswoman will meet with Antigua Public Utilities Authority to make her input in the design of the ground floor of the new building where it is expected, her business will be located.
4. Antigua Public Utilities Authority will grant to Miss Businesswoman a fourteen (14) year lease on the area in the new building to be occupied by her with the option to renew.
5. Miss Businesswoman will be granted the right of first refusal in the event there is an outright sale of the building.
6. Antigua Public Utilities Authority will provide to Miss Businesswoman, a letter of comfort including the company's commitment to provide space in the new building to accommodate Miss Businesswoman's business and to guarantee tenancy over the lease period.

7. Antigua Public Utilities Authority commits itself to a construction period of twelve months.
8. Antigua Public Utilities Authority will not pay any compensation for loss incurred by the business since the sale/purchase of the property in 2004. It had not sought to collect any rent up to present. This would have accrued significant savings to Miss Businesswoman.
9. Antigua Public Utilities Authority's will give consideration if sought, in respect of assistance to cover some of the losses which may occur over the period of divestment of assets that is between 15th August and 31st December, 2007.

In respect of the other issues which have been reported to Antigua Public Utilities Authority,

- a. Supply of electricity to Property B,
- b. Excessive billings for water and electricity at Property C,

the General Manager gave an undertaking to have these issues thoroughly investigated and rectified.

Once the foregoing was acceptable to both parties as a true representation of the issues and the undertakings agreed upon, it was my recommendation that a memorandum of agreement be signed to conclude this matter.

The memorandum was signed. However, the complainant decided to revisit the issue. The matter has been referred to the Courts.

7.6 **SCHOOL BUS SUPERVISOR**

Supervisor A has been employed by the Ministry of Education for twelve (12) years as a School Bus Driver. He was appointed School Bus Supervisor over the past six (6) years on the recommendation of his immediate predecessor.



This promotion caused friction in the School Bus Drivers' team since others also had aspired to the post.

Supervisor A believes that his selection was based on the following:-

- Outstanding punctuality.
- Almost perfect attendance.
- No record of illness.
- Willingness to volunteer time outside normal duty hours.
- Willingness to assist in problem solving activities as they relate to the systems operations.

His period as Supervisor was trouble free until he was confronted with a problem relating to one of the contenders referred to earlier. Driver B could not account for bus tickets and was instructed to make restitution to cover the cost of the tickets. The Supervisor was physically and verbally attacked. Other drivers, fearing that they too could be made to recover costs for losses, supported the Driver B.

Supervisor A soon realized that he no longer had the confidence of the other drivers and in due course a request was made by his colleagues for his removal from the post.

He claims that he was left to sit in limbo at the Ministry's Headquarters with nothing to do.

Upon investigation it was discovered that the Supervisor was indeed withdrawn from his normal duties and had been assigned no new duties. He had not been apprised of any infractions that he might have committed and this office did not find it acceptable that the action had been taken "for peace's sake".

Our recommendation to the Ministry of Education:-

- Supervisor A should not be left without a job title, a job description and meaningful work if his services as Supervisor have been adjusted.
- If he is being accused of any infraction, he is entitled to know the details of such.
- Supervisor A had indicated his willingness to be otherwise assigned provided there was no loss of benefits – the Ministry may wish to consider this option.

On 2nd March, 2007 Supervisor A reported that the Ministry had apologized for the situation which had developed and had offered him a posting to new duties. He accepted and has found the new duties quite satisfactory.

7.7 Failure of Medical Registration Board to Reply to Applications for Registration

On 15th May, 2007 two (2) graduates in Medicine sought the intervention of the Ombudsman in a matter relating to their application to the Medical Registration Board for registration as Medical Practitioners.

Both doctors are 2006 graduates of the Charles J Finlay Higher Institute of Medical Sciences, Camaguey, Cuba. Both were recipients of Government of Antigua and Barbuda Scholarships under the Cuban Scholarship Programme.

By 31st August, 2006 both doctors had applied to the Medical Registration Board for registration as Medical Practitioners in accordance with the requirements set out in a prepared information sheet captioned "Requirements for Application for Medical Registration – Antigua and Barbuda".

Neither doctor has received a reply from the Medical Registration Board. According to the Chief Medical Officer in a letter to the Ombudsman dated 15th June, 2007, a policy proposal is now being put before the Cabinet and "until this policy is completed and posts at Holberton Hospital created for adequate supervision and training, registration of these physicians shall be deferred".

I must place on record that these two (2) are not the first two (2) Antiguan to have undergone training in Medicine in Cuba. It is common knowledge that the re-entry of the first Cuban Trained Medical Doctor was a challenge to the authorities. My research has indicated that contrary to the suggestion that no policy is in place to effect the re-entry of Antiguan and Barbudans who study Medicine in Cuba there does exist, from as early as 1988 basic policy guidelines which obligate the Government of Antigua and Barbuda and the Ministry of Health in particular to ensure the accommodation of such persons towards the attainment of registration to practise Medicine in Antigua and Barbuda.

In 1988 the Cabinet was advised of the following positions in respect of Cuban Trained Doctors, taken by other Caribbean Community Territories:-

- Jamaica Immediate Registration.
- Barbados Applicants must pass a local examination to be granted registration.
- St. Lucia One (1) year internship rotating in the major areas of Internal Medicine, Pediatrics, Surgery (including Orthopaedics, Obstetrics and Gynaecology.)
- Dominica One (1) year internship rotating in the major areas of Internal Medicine, Pediatrics, Surgery (including Orthopaedics, Obstetrics and Gynaecology.)

The Government of Antigua and Barbuda was assured by the input of the Directorate of Organization of Eastern Caribbean States and the Dean of the Faculty of Medicine, The University of the West Indies and concurred with the then Medical Registration Board of Antigua and Barbuda that for Cuban Trained Antiguan Doctors, Antigua and Barbuda would adopt the guidelines in use by St. Lucia and Dominica.

The pertinent Cabinet Decisions are set out here under. The Minute referred to in #7 of 2nd March, 1988 is reflected in #51 of the 10th April, 1988.

“IN THE CABINET OF ANTIGUA AND BARBUDA”

Wednesday 2nd March 1988.

Antiguan Students Trained in Cuba as Doctors

7. Further to its decision of 24th February, 1988, on the above subject, Cabinet decided to accept the advice of the Chief Medical Officer, as indicated in his Minute dated 19th February, 1988, on the matter of Antiguan students trained in Cuba as doctors.”

"IN THE CABINET OF ANTIGUA AND BARBUDA"

Wednesday 10th April, 1988.

Employment of Cuban Doctors

51. Cabinet noted that the following procedure has been followed by the Government of Dominica and St. Lucia in respect of the employment of Cuban doctors -

- (1) The doctor must produce documentary evidence of his Degree.
- (2) The doctor is required to undergo one (1) year internship under supervision. During the year he will rotate for three (3) months in Surgery, three (3) months in Medicine and six (6) months in Community Medicine.
- (3) On satisfactory completion of the one (1) year internship, the doctor would be eligible for registration.
- (4) During his period of internship, the doctor would be appointed House Officer.

The above procedure was adopted after consultation with the Dean of the Faculty of Medicine University of the West Indies."

Since the return of that first doctor in 1988, 3 others doctors pursued training in Cuba and were interned and registered between 1990 - 1994.

In 1998 the Government of Antigua and Barbuda entered into a memorandum of understanding with the Government of Cuba to accept scholarships in diverse fields of study including Medicine for

nationals of Antigua and Barbuda. By 2005 the number of medical scholarships had increased significantly.

In 2003 two (2) nationals completed their course of study and were registered by the Medical Registration Board. They were assigned to Holberton Hospital.

In 2004 a Cuban Trained Grenadian Doctor was approved for employment at Holberton Hospital.

In 2005 four (4) Cuban Trained Antiguan Doctors were approved for registration and employment at Holberton Hospital.

In 2006 two (2) Cuban Trained Antiguan Doctors were approved for registration and employment at Holberton Hospital.

However when the 2006 medical graduates applied for registration, they were accorded no response from the Medical Registration Board.

The annual estimates show that there are seventeen (17) House Officer positions at Holberton Hospital. These are all filled. Of these nine (9) are filled by Antiguan Doctors.

Of these, seven (7) are Cuban Trained.

In an effort to garner how the matter is treated throughout the Organization of Eastern Caribbean States in particular, the Office of the Ombudsman sought information from the Permanent Secretaries in the Ministries of Health from:-

- St. Lucia Graduates now pursue a six (6) month internship prior to registration.
The period has been reduced by six (6) months.

- Montserrat No response.

- St. Kitts No response. However a 2006 graduate submitted a copy of her registration for our information.

- Grenada Mandatory internship – (no period advised) prior to registration.

- Dominica Graduates pursue a one (1) year internship prior to registration. The procedure to be followed is set out in a special prospectus.

- St. Vincent and the Grenadines A two (2) year internship. St. Vincent and the Grenadines disregards any period of internship undergone in Cuba.

We have since discovered that like Jamaica, Guyana gives immediate institutional registration to the graduates - A copy of the registration certificate of a 2006 graduate was received from Guyana.

The Antigua and Barbuda situation suggests a lack of objectivity in how the matter is being handled. Comments made by the Honorable Minister of Health to the media do not provide a solution but rather place Cuban Trained Doctors in a less than satisfactory light. It should be noted that guest doctors from (Cuba) and the recently appointed House Officers who are Cuban Trained make up the largest number of Doctors in the system.

While there appears to be no formal internship programme at Holberton Hospital, the young doctors who returned to Antigua after training up to 2005 have been absorbed into the Holberton Hospital System and appear to be carrying out their duties with some supervision. What appears to be the problem is the lack of planning to facilitate the growing number of interns on the internship programme. In the absence of available House Officer positions, the problem will escalate. Some twelve (12) new physicians have graduated from Cuban Universities in 2007 and have, like other Cuban Graduates,

signed an undertaking with the Board of Education to return home to work. The Government of Antigua and Barbuda continues to accept medical scholarships to Cuba and must therefore take a proactive stance in dealing with the problem.

7.7.1 **Recommendation**

The Government of Antigua and Barbuda should provide funds specifically for the establishment of a formal internship programme in which all Cuban Trained Graduates must participate.

All new graduates should be made aware of the requirement to intern before they accept training in Cuba. In respect of the issues of supervision by Consultants and senior doctors, the prevailing practice should be reviewed and senior doctors be given an opportunity to be a part of the planning of the internship programme.

The Cabinet of Antigua and Barbuda needs to take this matter seriously and make a definitive decision to support the 1988 policy which the then Cabinet adopted and to make concrete financial provision for one (1) year's further training in an internship programme for **all** Cuban Trained Antigua and Barbuda Nationals. The Ministry of Health should require a formal schedule of the internship programme carried out between 2003 – 2006 and request that the Medical Superintendent in collaboration with the Medical Registration Board undertake an assessment of the programme and make recommendations for any necessary improvement.

There are at least fourteen (14) Cuban Trained Doctors including twelve (12) 2007 Graduates who are depending on the Government of Antigua and Barbuda to provide the facilities to enable them to meet the requirements for registration.

In respect of the Medical Registration Board, we find it untenable that to date, no effort has been made to respond to the applications of the doctor-complainants. The young doctors have been deprived of their right to work at their chosen profession and have been placed at a severe professional disadvantage because of the perception that they have not been satisfactorily trained. We recommend

that the Medical Registration Board communicate directly with the complainants as to any further requirements for Registration.

7.8 **OBSERVATIONS ON THE ACTIVITIES SURROUNDING THE ABSENCE OF MRS. Y, GRADUATE ASSISTANT TEACHER FROM DUTY**

Mrs. Y, a Lecturer left the country to seek medical attention abroad. In the interim she applied to be retired at age 50 from the Civil Service in accordance with existing regulations. The officers application was declined and she was dismissed by the Public Service Commission as having abandoned her job. The matter was referred to the Ombudsman as Mrs. Y was of the view that she was unfairly treated.

The case:

1. By letter dated 6th September, 2004, from Mrs. Y a Lecturer, wrote to the Permanent Secretary, Ministry of Education requesting permission to leave the island to travel overseas on medical grounds.

The following documents were submitted to substantiate the report.

- (a) Certificate from attending local physician Dr Ell dated 6th September, 2004 for sick leave covering the period 6th September, 2004 – 22nd December, 2004.
- (b) A Note from the attending physician Dr. Ell dated 22nd July 2004 advising Mrs. Y to seek an alternative opinion overseas.

The officer Mrs. Y would have needed approval to be absent from the State in accordance with Civil Service Act 1984 Sec. 13 (a)

“A Civil Servant may be summarily dismissed if he is absent from Antigua and Barbuda without permission”. It is not clear that Mrs. Y received permission prior to leaving the State since the Principal only received the application on 7th September, 2004, one day after the officer would have left.

It is pertinent to note that Mrs. Y had taken no action on the note dated 22nd July 2004 which would have given her ample time to obtain approval to leave the state by 6th September 2004.

Of some concern as well is the period of leave granted by Dr Ell who had indicated the need **for the officer to seek an alternative opinion**. Clearly the officer once overseas should have been able to provide to the Ministry of Education evidence of her being under the care of a physician overseas. There is no record that she has supplied her employer with any significant proof of medical attention overseas. Dr Ell's generous leave certificate appears to have placed no compulsion on the officer to provide the proof.

2. The request dated 28th December, 2004 from the Establishment Department properly identifies the need for the officer to supply proof of illness overseas in accordance with Civil Service Regulations of 1993. It is in order for the Establishment Department to obtain proof of the officer's medical state while overseas. The records show that except for the payment stub for a cash visit on 3rd November, 2004 and a statement confirming that she had visited South Common Medical Centre in Mississauga Ontario, on that date, there is no evidence whatsoever that Mrs. Y was ill and under medical care in Canada. It should be borne in mind that her local physician Dr. Ell had recommended that she seek a second opinion two months in advance of the time she chose to seek permission to leave the State.

The officer did not report for duty following the period of certified sick leave; so that she would have been absent during the January – April term 2005.

A further sick certificate issued by Dr Ell in June 2005 in favour of Mrs. Y was challenged:

1. Did Mrs. Y return to Antigua at the end of 2004?
2. Could Dr. Ell issue a medical certificate in favour of a patient whom he may not have seen?
3. If Mrs. Y returned to Antigua, should she not have reported to the Ministry of Education and sought further permission to go abroad. Permission to leave is normally granted on a one time basis per application.

3. I saw nothing in the file suggesting that Mrs. Y had ever received permission to be out of State in September, 2004. What is on record is a notation that the officer had gone to seek medical attention abroad.

In light of the Establishment Department's challenges:

- (a) Seeking medical attention abroad in contravention of the provisions of the existing regulations
- (b) Absenting oneself from the country without prior approval;

the Ministry of Education sought to assist the officer as follows and sought the concurrence of the Establishment Department in the matter.

- (a) Grant of earned vacation leave (long leave) to cover one term and the preceding and ensuing vacation
- (b) Grant of leave without pay for an additional 3 months. This is permissible by Civil Service Regulations

It would seem in the circumstances that the Permanent Secretary chose to invoke Civil Service Regulations Section 103 (2): "when the Permanent Secretary or Head of Department is not satisfied with the medical certificate **that the officer should be given sick leave for the period of the officer's absence,** the days of absence of the officer shall be deducted from any vacation leave due to him".

The records do not show that the officer substantially engaged the Ministry of Education in resolving the issues surrounding her request for medical leave and approval to travel abroad for medical purposes.

4. What compounds the problem is that the officer failed to provide in accordance with Civil Service Regulations Section 99 notification of an address or any change in address where she might be contacted. Civil Service Regulations Section 99: "An officer allowed to spend leave outside Antigua and

Barbuda shall notify the Chief Establishment Officer through his Permanent Secretary, before proceeding on leave, of an address or any changes in the address at which he can be contacted during the leave". The use of the address of one's workplace was not envisioned as the point of contact.

5. Regarding the issuance of the 2nd medical certificate by Dr Ell, Civil Service Regulations Section 103 (4) (a) would normally apply. However if the officer was out of the country (as has been assumed), the medical practitioner referred to in (a) above does not apply.

The Ministry of Education and the Establishment Department would have had to depend on Mrs. Y to produce the necessary medical certificate to cover the period 3rd January, 2005 – 1st April, 2005 while she remained overseas and apply the provision of Civil Service Regulations 103 (4) (b).

In the absence of a response from Mrs. Y and Dr. Ell, it would seem that the Establishment Department was in order to make the challenge.

6. Regarding Mrs. Y's application for voluntary retirement, the Establishment Department on the recommendation of the Ministry of Education processed the application of Mrs. Y to be retired upon the attainment of age 50. Mrs. Y's request was dated 14th September, 2004 to be effective 12th September, 2005; and the Cabinet agreed that the procedures to effect the application should proceed.

Pensions Regulations require that Cabinet having agreed to the officer's request to retire at age 50, **the approval of the Governor General should be sought by the Public Service Commission** before the officer is granted permission to retire.

Cabinet gave its agreement on 29th December, 2004 and notification to the Establishment Department was received on 19th January 2005.

7. It should be noted that the concerns relating to the irregularities surrounding Mrs. Y's absence surfaced as early as 28th December, 2004 and were conveyed to the Ministry of Education. Receipt of

the 2nd medical certificate signed by Dr Ell on 3rd January, 2005 and the Ministry of Education on 17th January, 2005 would appear to have further exacerbated the problem.

The Establishment Department had properly sought to resolve this matter of Mrs. Y's absence from September, 2004 – September, 2005 with no assistance from the officer herself. None of the documents tendered and placed on record provided the answer sought.

The proactive stance, taken by the Ministry of Education to cover the officer up to the 31st December, 2004 with earned vacation leave and unpaid leave from 1st January, 2005 to 31st March, 2005 gave the officer ample time to have the situation clarified. This was not done. In fact the officer did not report for duty after 31st March, 2005 nor did she provide any information in respect of her continued absenteeism. The Ministry of Education was therefore not in a position to account for the officer's absence from duty from 1st April to 1st September, 2005 when she failed to report at the commencement of the 2005-2006 school year. In the circumstance, the Ministry of Education felt compelled to withdraw its recommendation for permission to grant early retirement to Mrs. Y on the attainment of age 50 and to deem that the officer had abandoned her job.

It is significant that to date, the officer has not provided to the Ministry of Education, an address where she might be contacted as is required by the provisions of Civil Service Regulations.

In light of the foregoing the Establishment Department could not proceed, in the officer's unexplained absence, during the period 1st April to 1st September, 2005 to support the officer's application to the Public Service Commission to seek the Governor General's approval to effect her application for voluntary retirement from the Civil Service.

We therefore found no evidence of maladministration by the Establishment Department or the Ministry of Education.

Provision is made for an officer in the Civil Service to appeal an action of the Public Service Commission if (s)he is unhappy with the decision. Mrs. Y did not make use of this process as outlined in the Public Service Board of Appeal Regulations – Statutory Instrument No. 18 of 1999.

8. Topic of Interest – Sick Leave

A note about Sick Leave In respect of sick leave, the officer had several options which could have worked in her favour. She appears to have disregarded them all.

The Civil Service Regulations make provision for the grant of sick leave as follows:-

103. Medical Certificate required for sick leave over two days.

1. An officer who is absent from duty on account of sickness for more than two days **may** be granted sick leave where:
 - (a) He produces and submits to the Permanent Secretary or Head of Division, a medical certificate dated and signed by a Medical Practitioner certifying that the officer was sick for that period.
 - (b) The Permanent Secretary or Head of Division, as the case
may be, is satisfied with the authenticity of the medical certificate and that the officer was sick.

104. Sick leave on full pay

The Chief Establishment Officer may grant sick leave with full salary

- (c) ...up to a maximum period of six months during any period of twelve months provided that in all cases the application is supported by a medical certificate certifying the sickness of the officer and there is reasonable prospect of eventual recovery of the officer.

105. Sick leave on half pay

- (1) An officer other than a contract officer, may be granted sick leave in excess of six months in any period of twelve months, for any period not exceeding twelve months only half pay and on the production of a medical certificate produced in the terms of regulations 104.
- (2) An officer who has been on sick leave with full pay and is not entitled to any additional sick leave with pay, may be granted any vacation leave due to him; provided that all the period of sick leave together with the vacation leave does not exceed a continuous period of twelve months.
- (3) In the calculation of the period of sick leave which is not over a continuous period, a period of sick leave over –
 - (a) six months shall be construed as leave over 183 days;
 - (b) twelve months shall be construed as leave over 356 days; inclusive of Saturdays, Sundays and public holidays occurring during that period.

106. 1. An officer may be granted sick leave in excess of an aggregate of twelve months in any period of four years where the Commission considers that exceptional circumstances exist.

2. The Commission may grant an extension of sick leave in excess of the period referred to in paragraph (1) either on half salary or without salary to an officer.

107. 1. The Commission may at any time require an officer to submit himself for examination by a medical practitioner or medical board designated by the Chief Medical Officer.

2. An Officer who has been on sick leave for a continuous period of three months, shall be required to submit him(her)self for examination by a

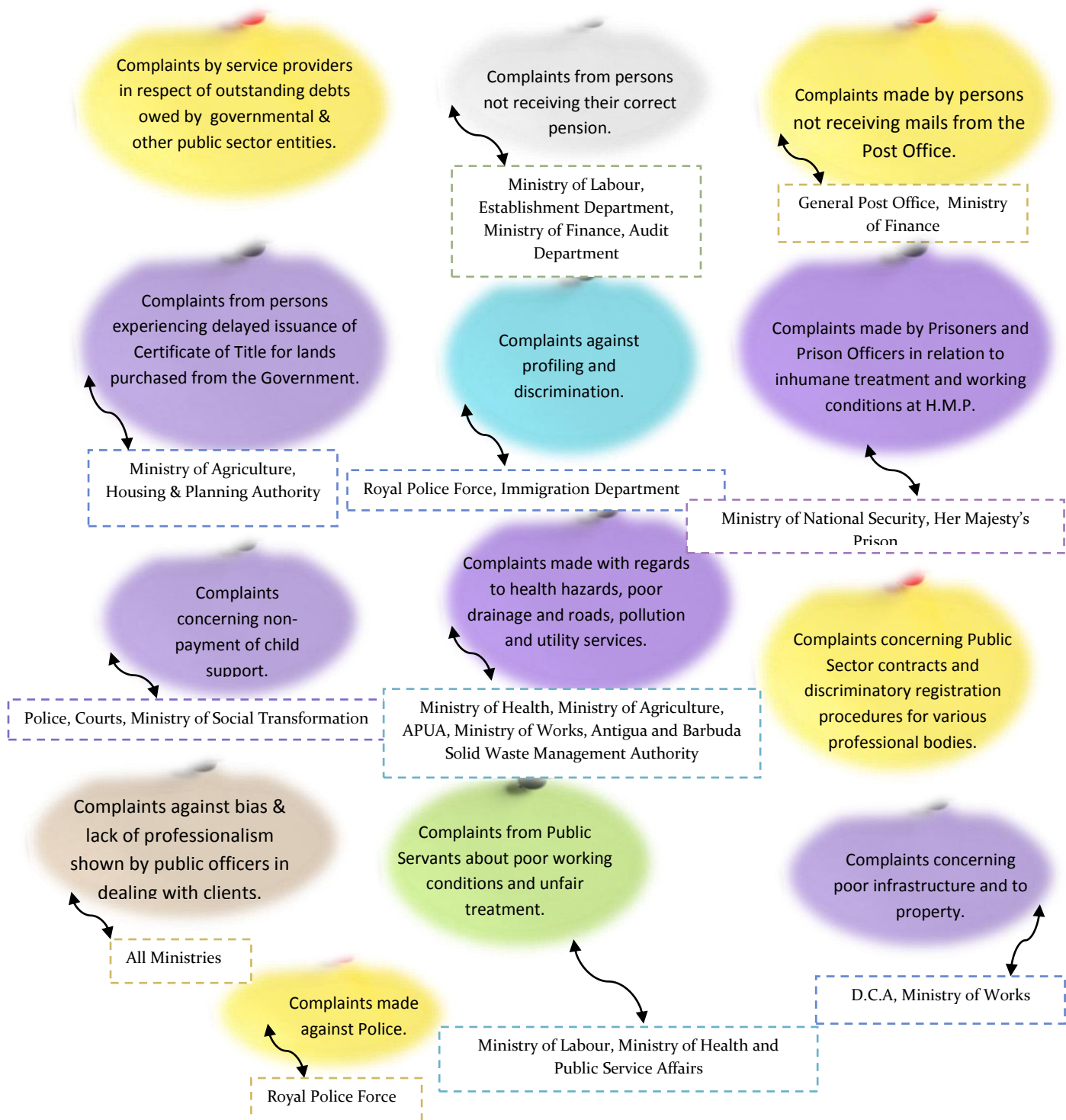
medical board and any subsequent examination may be required after consideration of the first report of the medical board.

108. An officer who has been granted sick leave may on the recommendation of a Government Medical Officer or a medical board be allowed to depart from Antigua and Barbuda either for purposes of recuperation after serious illness or to seek medical or surgical attention not available in Antigua and Barbuda.

In respect of the provisions regarding the grant of sick leave, the officer appears not to have considered these to her advantage and failed to apply the requirements set out in the Regulations.

9. Ombudsman Investigative Issues

Examples of typical complaints investigated by the Ombudsman and the Investigative Team in respect of services extended by Public officers, Statutory Boards and other public entities.



10. The Complaint Process



11. Organisational Structure



Appendix 1

Report on Joint Meeting of the Caribbean Ombudsman Association and Central American Council of Ombudsman

The undersigned was invited by the Inter-American Institute of Human Rights to attend a Joint Meeting of the Caribbean Ombudsman Association (CAROA) and Central American Council of Ombudsman (CCPHD) which took place in San José, Costa Rica January 29-31, 2007. He attended in the capacity of past President of the Caribbean Ombudsman Association.

Others present included the Ombudsman or representative of Barbados, Belize, Bermuda, Curaçao, Grand Cayman, Haiti, Jamaica, Puerto Rico, Saint Lucia, Trinidad and Tobago, Guatemala, El Salvador, Honduras, Costa Rica, Panama and Nicaragua as well as officials from the Inter-American Institute of Human Rights. I conveyed greetings from Mrs. Eusallyn Lewis, Ombudsman of Antigua and Barbuda.

The main purpose of the meeting was to:-

- (a) Continue dialogue between Caribbean Ombudsman Association and the Central American Council of Ombudsman which signed a Memorandum of Understanding at a meeting held in Antigua, Guatemala in February, 2005.
- (b) Analyse the Ombudsman's role in both regions in the promotion and protection of human rights.
- (c) Continue exchange regarding the integration of human rights standards and promotion of human rights in Ombudsman's work.
- (d) Discuss possibilities for and development of joint projects between the Caribbean Ombudsman Association and Central American Council of Ombudsman.
- (e) Discuss mechanisms for more formal cooperation between the two associations.
- (f) Discuss possible funding of the projects developed.
- (g) Analyse the Inter-American System and the participation of the Ombudsman in the Inter-American mechanism for promotion and protection of Human Rights.

(h) Attend a public hearing of the Inter-American Court of Human Rights.

Welcome remarks were given by Messrs. Sergio Morales President Central American Council of Ombudsman and Paul Rodriguez President of the Caribbean Ombudsman Association following which topics pursuant to the above objectives were discussed in detail. This resulted in the adoption of the following resolution:-

RESOLUTION OF THE CENTRAL AMERICAN COUNCIL OF DEFENDERS OF HUMAN RIGHTS AND THE CARIBBEAN OMBUDSMAN ASSOCIATION RESULTING FROM THE FIRST MEETING OF MEMBERS OF BOTH ORGANASATIONS

The heads of the Central American Council of Defenders of Human Rights (CCPDH) and the Caribbean Ombudsman Association (CAROA), participating in the 1st Meeting of members of both organizations held in San José, Costa Rica on January 29 – 31, 2007, conclude that:

WHEREAS

Both the CCPDH and CAROA have expressed their interest to work more closely in order to exchange experiences, undertake joint actions in areas of common interest to their nations, and foster growth and mutual support to undertake activities. First approaches were made within the framework of several regional meetings, including the participation of the President of the CCPDH in the CAROA meeting held in Jamaica in 2004, which focused on the work of the Ombudsmen in the Caribbean in the area of human rights;

That in the framework of the XXIX Meeting of the Central American Council of Defenders of Human Rights, held in Antigua, Guatemala, on February 23, 2005, the Memorandum of Understanding between CCPDH and CAROA was signed to join efforts in favour of the daily efforts of its member institutions. This MOU was ratified by CAROA during the Biennial Conference in May 2006;

That parallel to the XXXII Meeting of the CCPDH held in Belize City on March 8, 9, and 10, 2006, a meeting was held between the Council and the President and Secretary-Treasurer of the Caribbean

Ombudsman Association (CAROA). The agenda of such meeting included, among others, the analysis of joint actions;

That in May 2006 the incoming and the outgoing Presidents of CCPDH, its Technical Secretariat, and the Inter-American Institute of Human Rights participated in the Fourth Biennial Meeting of CAROA in Barbados, which addressed matters of interest to both regions, such as the impact of globalization on cultural heritage, relief and eradication of poverty, crime and terrorism, migration and unemployment, and children's rights;

That the Memorandum of Understanding between CCPDH and CAROA provides that the purposes of formalising and strengthening the mechanisms of cooperation between CAROA and CCPDH are: to foster and strengthen the culture of human rights among their respective members, and coordinate and foster initiatives of mutual interest;

That the Memorandum of Understanding agreed to the establishment of a joint forum that strives to ensure "greater coordination and cooperation" between CCPDH and CAROA.

RESOLVE:

1. To reiterate their interest in strengthening and formalizing mechanisms of cooperation between CCPDH and CAROA.
2. To agree to constitute a forum called "Joint Forum of the members of CCPDH and CAROA" to achieve greater cooperation and coordination to favour the exchange of experiences, to undertake joint actions in areas of interest, and to foster growth and mutual support to undertake activities.
3. The coordination of this Forum shall be exercised *pro tempore* by the Presidents of CCPDH and CAROA or by a member delegated by the respective associations while the corresponding structures are determined. The IIDH is designated to serve as channel of communication and exchange. Both CCPDH and CAROA shall commit to obtain resources.

4. To establish initial priority as follows: a) organize meetings, exchange of officers, training, research and resources of the International Human Rights System of Human Rights; b) good governance; c) environment; d) education; e) health; and f) exchange of best practices.
5. To propose holding the next meeting in Curaçao in 2007.

San José, 31 January 2007.

As part of the meeting, participants attended a hearing of the Inter-American Court of Human Rights in a case involving a member of the Indigenous Community against the Government of Columbia. It proved to be very interesting and educational.

Members also met and held discussions with the President of Costa Rica on arrange of issues of general interest.

The opportunity is taken to thank the Inter-American Institute of Human Rights for their kind invitation and sponsorship.

Table 1.

Statistical Overview for 2007

Description	Numbers
Total number of cases received in 2007	78
Total number of cases Justified /Completed	45
Total Number of cases Pending / under Investigation	33

Graph 1.

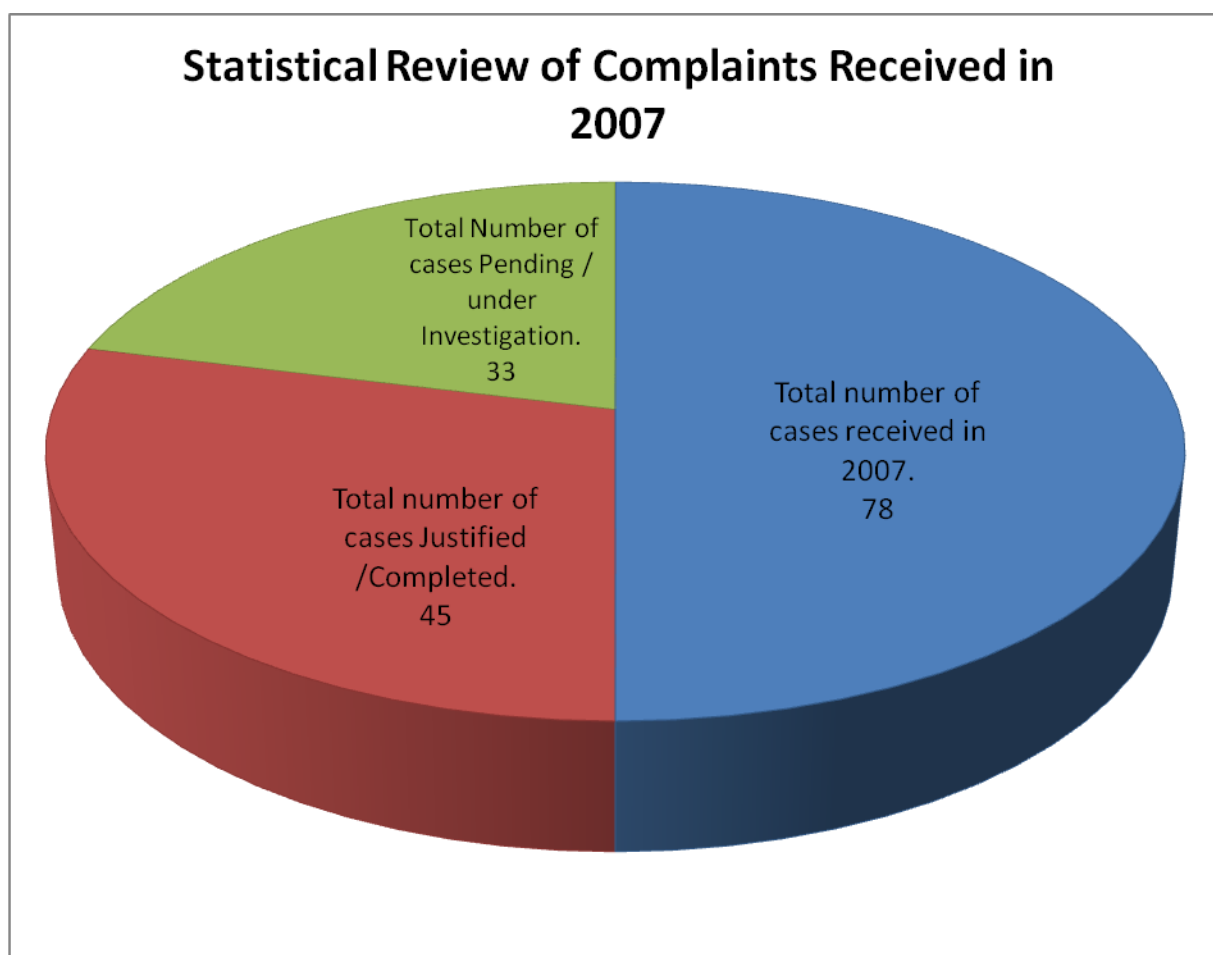
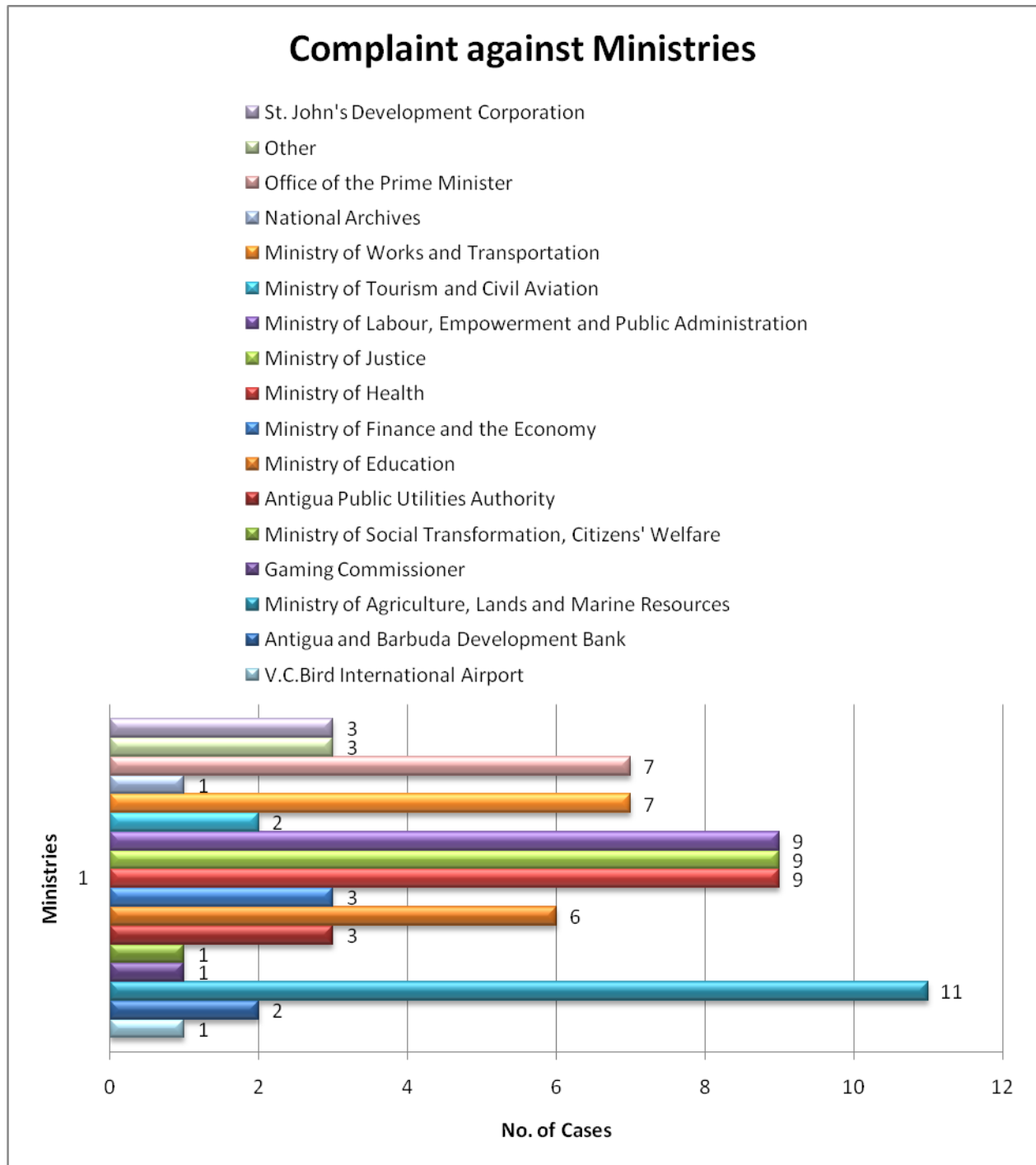


Table 2. **List of cases against Ministries for 2007**

Ministries	No. of Cases
Ministry of Agriculture, Lands and Marine Resources	11
Ministry of Justice	9
Ministry of Health	9
Ministry of Finance and the Economy	3
Citizens Welfare	1
Ministry of Works and Transportation	7
Office of the Prime Minister	7
Ministry of Tourism and Civil Aviation	2
St. John's Development Corporation	3
V.C. Bird International Airport	1
Antigua and Barbuda Development Bank	2
Ministry of Labour	9
Gaming Commissioner	1
Ministry of Education	6
National Archives	1
Antigua Public Utilities Authority	3
Other	3

Graph 2

Complaint against Ministries in 2007



National Symbols



The National Flag



The National Animal
The Fallow Deer



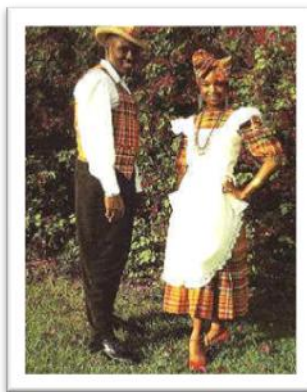
The National Flower
The Agave



The National Fruit
The Black Pineapple



The National Sea Creature
The Hawksbill Turtle



The National Dress



The National Bird
The Frigate Bird