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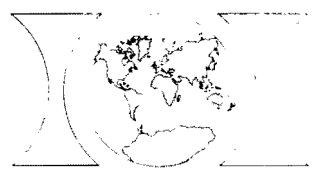
OCCASIONAL PAPER #9

December, 1980



INTERNATIONAL OMBUDSMAN INSTITUTE

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Even in the most democratic of all countries there is a danger that the administrative authorities, in their zeal to achieve the goals set out for their activities, or from other less respectable motives, exceed their jurisdiction and encroach upon the rights and liberties of the citizens. More and more responsibilities are entrusted to the authorities, particularly in the welfare state. Consequently, the administration becomes very large. All administrators are not competent, some are overzealous, unfair or even dishonest. No wonder that it has become a universal problem, "how to control the administration?", "how to oversee that the officials respect the principle of legality" and that they proceed equitably.

Various methods of achieving the end aforementioned have been explored. In many countries there exists, generally or in specific cases, a right of appeal from one level of administrative officials to the next higher level, and so on to the top. Administrative tribunals sometimes serve as administrators on the first level,

sometimes they hear cases only on appeal. When they hear appeals, administrative tribunals can be considered as an external means of controlling the administration.

Almost everywhere the administration is also subject to some form of judicial review. In the Common Law countries this review is exercised by the ordinary Courts of Law, and is mainly restricted to questions of legality. Common Law Courts do not consider the wisdom or merits of discretionary decisions. In other countries, such as France, the Federal Republic of Germany, Sweden and Finland, the review is exercised by special courts for administrative law. These courts usually consider not only questions of law but also questions of fact and expediency.

There is, however, another, totally different system of external control of the administration which has attracted considerable attention in recent decades and has been adopted by a great many countries in various parts of the world. This is the system of the Ombudsman.

The Ombudsman institution has been defined as an office established by constitution or statute, headed by an independent high-level public official, who is responsible to the legislature who receives complaints from aggrieved persons against government agencies, officials and employees, or who acts on his own motion, and has the power to investigate, recommend corrective action and issue reports (Bernard Frank: The Ombudsman and Human Rights -Revisited, in Israel Yearbook on Human Rights, vol. 6/1976).

While there were counterparts to the Ombudsman as far back in

history as under the Han dynasty in China (202 B.C. -A.D. 221), the reign of the second Caliph Omar (A.D. 634 -644) in Arabia and in the kingdom of Aragon in medieval Spain, the institution in its modern form originated in Sweden. The constitution adopted in 1809 in that country contained a provision for the election by Parliament of a "Justitieombudsman" (Ombudsman for Justice). He was to be a man "of known legal ability and outstanding integrity". His duty was to supervise, in his capacity as a representative of Parliament, the observance of laws and statutes by all officials and judges.

The constitution was to be supplemented by an act of instruction to the Ombudsman. Once this was passed, Parliament on March 1, 1810 elected the first Ombudsman, Baron L.A. Mannerheim. He held office until 1823. The Ombudsman supervised all state officials, both civil servants and officers of the armed forces until 1915, when a separate office was created for a Military Ombudsman. In 1957 the Ombudsman's jurisdiction was enlarged to include municipal officials. In 1968 the offices of the Ombudsman and of the Military Ombudsman were merged into one office consisting of three Ombudsmen, all of equal status. Since 1976, the office comprises four Ombudsmen, one of whom has status as Administrative Director of the office or Chief Ombudsman.

Meanwhile, the Ombudsman system had spread. In 1919 Finland, upon gaining its independence from the rule of the Russian Tsar, established an Ombudsman office closely following the Swedish model. The new Danish constitution of 1953 contained provisions for the election of an Ombudsman and in 1955 the first Danish Ombudsman,

Professor Stephan Hurwitz, was elected. He soon began to write and lecture in English about his office and thus stimulated an interest in the concept of the Ombudsman in the English speaking world. At the request of the United Nations Professor Hurwitz wrote a paper about the Ombudsman system for the seminar on Judicial and Other Remedies Against the Illegal Exercise or Abuse of Authority, which was held at Kandy, Ceylon in 1959.

In New Zealand the problem of how best to control the administration had been discussed even before Professor Hurwitz assumed office as Ombudsman in Denmark. Hurwitz's paper for the Kandy seminar was read by prominent New Zealand lawyers and politicians, as some of his previous articles had been. When preparing for the general elections of 1960 the National Party included in their party platform, the establishment of an Ombudsman office. The party won the election, formed the new government and in 1962 New Zealand became the first country outside Scandinavia to introduce the Ombudsman system. The system soon proved its worth in the hands of the skilfull first incumbent, Sir Guy Richardson Powles. When it was found that an Ombudsman could work with success in a Common Law country, the institution rapidly began to spread throughout the world. In 1967, Great Britain adopted the system in a modified form and two of the Canadian provinces appointed Ombudsmen. Australia and other Commonwealth countries soon followed suit. Also countries outside the English speaking world adopted the system, for example, France, Switzerland, Austria and Portugal. Today Ombudsmen are to be found in nearly every part of the world, although as yet not in every country. They work at the national, state, provincial or regional

level. Some great cities also have Ombudsmen of their own.

As the Ombudsmen are many and work under different conditions it is not possible to deal with all of them here. This paper will concentrate mainly on the Scandinavian Ombudsmen, particularly the ones in Sweden and Finland, on one hand, and the Ombudsmen in the British Commonwealth, on the other.

It was previously mentioned that the Swedish Ombudsman was -and still is - authorized to supervise judges of the Courts of Law. The jurisdiction of the Finnish Ombudsman also includes judges. However in both countries, the main emphasis now is the supervision of the administrative authorities.

In Denmark and subsequently, all other countries which have adopted the Ombudsman system, the Courts of Law are exempt from the Ombudsman's jurisdiction. Administrative tribunals are usually, although not everywhere, exempt from the Ombudsman's supervision. Other differences in the various Ombudsman's purview may be mentioned. Some supervise municipal authorities, while military authorities in most countries are excluded from the Ombudsman's supervision. In some countries there is a special Ombudsman for supervision of the armed forces. Other specialized Ombudsmen also exist. In some countries the Ombudsman can initiate an investigation on his own motion. Particularly in Sweden and Finland there have been many self-initiated cases. In most countries, however, the Ombudsman has not or does not exercise such a right to any great extent.

The role of the Ombudsman as a watchdog of legality can be clearly seen in the wording of the present Swedish constitution of

1974 where in Chapter 12, Art. 6, it is said that Parliament shall elect one or more Ombudsmen for the purpose of supervising under instructions determined by Parliament, the application in the public service of laws and other statutes. Similar words are used in the Finnish constitution. The Danish constitution states briefly that the Ombudsman shall supervise the civil and military government administration. In Norway it is said in the relevant statute that the Ombudsman "shall endeavour to ensure that the public administration does not commit any injustice against any citizen and that civil servants and others in the service of the administration do not commit errors or neglect their duties". In the newly enacted rules for the Ombudsman of the Kanton of Zurich in Switzerland, his role is set out in these words: "The Ombudsman oversees that administrative authorities proceed legally and equitably."

In the Anglo-Saxon countries the statutes are differently worded, yet their purport is essentially the same as that of the statutes mentioned above. The New Zealand Ombudsmen Act 1975 (a consolidation and amendment of the first act of 1962, which served as a model for most other Anglo-Saxon Ombudsman acts) says (in section 13, subsection 1):

> it shall be a function of the Ombudsmen to investigate any decision or recommendation made, or any act done or omitted, whether before or after the passing of this Act, relating to a matter of administration and affecting any person or body of persons in his or its personal capacity, in or by any of the Departments or organisations named or specified in Parts I and II of the First Schedule to this

Act, or by any committee (other than a committee of the whole) or subcommittee of any organisation named or specified in Part III of the First Schedule to this Act, or by any officer, employee, or member of any such Department or organisation in his capacity as such officer, employee, or member.

and in section 22, subsections 1 and 2 it is said:

(1) The provisions of this section shall apply in every case where, after making any investigation under this Act, an Ombudsman is of opinion that the decision, recommendation, act, or omission which was the subject-matter of the investigation - - -

(a) Appears to have been contrary to law; or

(b) Was unreasonable, unjust, oppressive, or improperly discriminatory, or was in accordance with a rule of law or a provision of any Act, regulation, or bylaw or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory; or

(c) Was based wholly or partly on a mistake of law or fact; or

(d) Was wrong.

(2) The provisions of this section shall also apply in any case where an Ombudsman is of opinion that in the making of the decision or recommendation, in the doing or omission of the act, a discretionary power has been exercised for an improper purpose or on irrelevant grounds or on the taking into

account of irrelevant considerations, or that, in the case of a decision made in the exercise of any discretionary power, reasons should have been given for the decision.

And finally, in section 22, subsection 3 it is said, inter alia

(3) If in any case to which this section applies an Ombudsman is of opinion - - -

(a) That the matter should be referred to the appropriate authority for further consideration; or

(b) That the omission should be rectified; or

(c) That the decision should be cancelled or varied; or

(d) That any practice on which the decision, recommendation, act, or omission was based should be altered; or

(e) That any law on which the decision, recommendation, act, or omission was based should be reconsidered; or

(f) That reasons should have been given for the decision; or

(g) That any other steps should be taken --- the Ombudsman shall report his opinion, and his reasons therefor, to the appropriate Department or organisation, and make such recommendations as he thinks fit.

The New Zealand Act also contains provisions for the case that the Ombudsman's recommendations are not followed. (The Ombudsman may notify the Prime Minister and Parliament, thus making the recommendation public).

Most Anglo-Saxon countries, states or provinces have provisions which are essentially the same and the differences shall not be commented upon here. It should, however, be mentioned that in the

United Kingdom of Great Britain and Northern Ireland all acts containing provisions for Parliamentary Commissioners, Commissioners for Local Government and for the Northern Ireland Commissioner for Complaints, restrict the Ombudsman's right to intervene to cases where "injustice has been caused to the person aggrieved in consequence of maladministration". The Health Service Commissioners for England and Wales may intervene when the person aggrieved has suffered injustice or hardship in consequence of a failure or in consequence of maladministration. These provisions have been the subject of much controversy. The expression "maladministration" is, however now-a-days given a very wide interpretation and the difference, in this respect, between the Ombudsmen in the United Kingdom and those in New Zealand, Australia and Canada is hardly perceptible.

The Ombudsmen all pursue a more or less identical task, that is to promote legality in the administration. They even go a step further than that by trying to raise the standards of the administration in the interest of fairness and equitableness. The Hon. Mr. Justice Carl Clement in an address to the First International Ombudsman Conference, held in Edmonton, Alberta, Canada in September 1976, rightly pointed out that "there has been now created a new area of jurisprudence, --- guided by principles that go beyond those of the present rule of law in seeking social justice in particular aspects of human activity".

The Ombudsmen, in fulfilling their mandate, are not empowered to quash or modify an administrative decision. Generally, an

Ombudsman can only recommend that the matter be reconsidered, that some kind of remedial action be taken or that existing rules or regulations be amended. An Ombudsman's authority is therefore, primarily a moral one. To what extent he can succeed depends largely upon the respect that he commands.

The Ombudsman of the City of Zurich in Switzerland has in a paper, presented at a meeting of the Legal Affairs Committee of the Council of Europe (Paris, 18-19 April 1974), set out the objectives he seeks to achieve as follows:

> Informatory control: the Ombudsman keeps himself informed of what is going on with the secondary purpose of making the administrative authorities aware that they are being observed;
>
> Corrective control: the Ombudsman seeks to rectify faults on the part of the administrative authorities by recommending the competent bodies to alter the decision;
>
> Directive control: the Ombudsman urges the official concerned not to repeat his error or ineptitude.

While these objectives could be said to be the common objectives of all Ombudsmen, some differences in their priorities and their general approach to the problems can be discerned.

Originally in Sweden the Ombudsman was mainly a prosecutor- a man whose duty it was to prosecute before the competent Court of Law any official who had committed a fault. The constitution of 1809 expressly said that the Ombudsman should supervise the application of laws and other statutes by judges, government officials and other

civil servants and prosecute those who in their official capacity had committed offences or neglected to fulfill their duties. During the 19th century prosecution was the Ombudsman's main weapon against bureaucracy. This system must be seen against the background of the then existing penal rules which made it a criminal offence for a civil servant to neglect his duties. Gradually, however, prosecution was instituted less frequently. An interaction can be discerned between the attitude of the Courts and that of the Ombudsman. In the case of a minor offence the Courts had begun to acquit the offender, saying that while he had behaved or acted wrongly, his behaviour still did not amount to a criminal offence for which he should be punished. The Ombudsman then in similar cases found it not worthwhile to prosecute instead he closed the file with a "reminder" or an "admonishment" to the official, expressing the Ombudsman's criticism. Finally, in 1975, an amendment of the Penal Code was made to become effective from January 1st, 1976. Under the new rules faults such as breach of duty or neglect of duty are punishable only if the fault was intentional or due to gross negligence and committed in the exercise of public authority. Therefore, in many of the cases brought before the Ombudsman, prosecution is no longer possible. Instead of prosecution the Ombudsman can now institute disciplinary proceedings. So far, however, this weapon has not been wielded to any great extent. The main weapon of the Ombudsman is supposed to be his right to criticize the actions or omissions of the administration when he finds that matters have not been handled in the way that they should have been. He can, of course, also recommend that the matter be rectified in one way or another.

Finland's Ombudsman system is copied closely from the Swedish model. The Ombudsman is authorized to institute prosecutions and disciplinary proceedings. So far there have been no amendments of the penal rules reducing the Ombudsman's possibility of resorting to prosecution as there has been in Sweden. Yet the tendency in Finland has been not to prosecute except in cases of very gross misdemeanour. The Ombudsman's main weapon is to criticize any official found at fault.

When the Ombudsman system was transferred to Denmark it was adopted in a slightly different form. As has been mentioned already, the Ombudsman was not given jurisdiction over the Courts of Law, nor was he authorized to act as a prosecutor. However, he can order a prosecution to be entered and he can, furthermore, order the competent authorities to institute disciplinary proceedings. Such orders have, so far, been issued only on a few occasions. He has an unrestricted right to criticize and he frequently uses this right.

In Norway the Ombudsman cannot even order prosecution or the institution of disciplinary proceedings. The only thing he can do in that direction, apart from expressing criticism, is to recommend that prosecution or disciplinary proceedings be instituted. Likewise, in all other countries which have adopted the Ombudsman system, the Ombudsman has not been empowered to act as a prosecutor or to order that prosecution or disciplinary proceedings be instituted. In almost all countries he can, however, make recommendations and such a recommendation could be for the institution of prosecution or disciplinary proceedings. Moreover, in most of the Acts modelled

after the New Zealand pattern there is a provision (here quoted from the Alberta Ombudsman Act) that

> if, during or after an investigation, the Ombudsman is of opinion that there is evidence of any breach of duty or misconduct on the part of any officer or employee of any department or agency, he shall refer the matter to the deputy minister of the department or the administrative head of the Agency, as the case may be.

The purport of such a referral is clearly seen in section 28 of the New South Wales (Australia) Ombudsman Act where it is said that the Ombudsman shall report his opinion when he finds "that a public authority is or may be guilty of misconduct in the course of his functions to such an extent as, in the opinion of the Ombudsman, may warrant dismissal, removal or punishment".

In this context it should be mentioned that the Northern Ireland Commissioner for Complaints Act 1969 contains a unique provision of the following content, when the Ombudsman (Commissioner for Complaints) finds that a complainant has suffered injustice in consequence of maladministration, the complainant can secure redress by going to the County Court which will award him damages on the basis of the Ombudsman's report.

The fact that the Swedish Ombudsman originally was a prosecutor still affects his approach to the cases. With some exaggeration it can be said that the Swedish Ombudsman- as well as his colleagues in Finland, Denmark and Norway - will ask, when confronted with a case

where injustice seems to have been done: who is responsible for that, what action shall I take against him? As has been already said, the Scandinavian Ombudsmen's main weapon is criticism. As this criticism is pronounced in a public document and more often than not printed in the Ombudsman's annual report to Parliament, which is widely read in administrative circles, the impact of the Ombudsman's criticism is considerable. Not only that, the culprit himself is not likely ever to repeat his fault. The criticism also serves as a warning to other officials who may be confronted with similar problems. The main emphasis is thus laid upon judging whether the action or omission complained against was right or wrong. In the latter case, the Ombudsman pronounces criticism. This does not mean, however, that Scandinavian Ombudsmen are indifferent to the sufferings a citizen may have sustained through wrongful actions or inactions of the administration. They occasionally recommend that remedial action be taken. That such recommendations are not more frequent is mainly due to the fact that the administrative authorities usually rectify the matter on their own motion as soon as they become aware of the fault committed and - it should be added - aware that the matter has become the subject of a complaint to the Ombudsman. Moreover, and as will be explained later on in more detail, the Ombudsmen frequently make general recommendations for the furthering of good administration. For instance they may recommend the amendment of existing laws and regulations.

The Scandinavian Ombudsmen's attitude has its background in old traditions and, in Sweden and Finland, in the particular penal

responsibility of civil servants and judges.

Traditions are different in the Anglo-Saxon countries. The theory seems to be that the civil service is anonymous, the Minister is the sole responsible person and has to bear the blame if something goes amiss. The individual civil servant should not be, at least publicly, criticized for an error of judgment. The Ombudsman's interventions are therefore supposed to be directed against the Department or agency concerned, not against an individual. This can be illustrated by the words of the Attorney-General of New Zealand when speaking for the Government at the first reading of the Ombudsman Bill (Aug. 29, 1961):" The first duty of the (Ombudsman) is to investigate decisions and recommendations, and not actions of individuals. He is not a Gestapo. If he finds out something that a public servant has done or should not have done that is not primarily his business. His duty would be to report to the head of the Department concerned, and let him take action. He is not concerned with discipline within the service. He is concerned with decisions in so far as they affect an individual outside." - Under these circumstances it is understandable that Anglo-Saxon Ombudsmen have quite a different approach to the problems. Instead of asking, "who is responsible for the fault committed and what action should be taken against him", they are likely to say," my complainant surely has suffered injustice, what can I do to set the matter right again?" A study of various Anglo-Saxon Ombudsmen's annual reports indicates that they seldom pronounce criticism, particularly not against an individual official but that they frequently recommend remedial action (if such has

not been already taken during the course of the investigation) such as the reconsidering of an application, the payment of a sum of money as a recompensation or merely the sending of a written apology. They also and quite frequently make general recommendations for furthering good administration. The means of recommending punishment of an official found at fault seem seldom to be resorted to.

The effects of the Anglo-Saxon Ombudsmen's interventions in individual cases are, no doubt, highly satisfactory to the persons aggrieved. Very often, redress is obtained at an early stage of the investigation, without any formal recommendations being made by the Ombudsman. Whether such interventions can be said to promote legality and equity in the administration in a wider sense remains to be discussed. The agency which has conceded that it had committed an error that is now being rectified is, of course, not likely to repeat the error. The criticism which, although not openly expressed, underlies the recommendation will normally be brought to the attention of all public servants who are confronted with similar problems. However, the carefully worded criticism contained in a recommendation by an Anglo-Saxon Ombudsman can hardly be expected to have the same indirect and widespread impact as the open criticism pronounced by Scandinavian Ombudsmen.

To enable the Ombudsmen to fulfil their mandate the legislators everywhere have given them certain powers. They generally have the right to see all pertinent files, interrogate all officials concerned, ask for assistance from the competent agencies and enter the premises of any agency which is subject to the investigation. Some Ombudsmen,

for example in Sweden and Finland, have an unrestricted right of access to documents, however secret they may be. Normally however, documents may be withheld from an Ombudsman for reasons of state security or national defence.

Administrative decisions can in many instances be subjected to judicial review by means of appeal or through other avenues. This might, of course, cause conflicts of jurisdiction between the Courts and the Ombudsman. The problem has attracted the attention of legislators in the Anglo-Saxon countries. When the Ombudsman system was introduced in New Zealand there was inserted in the Parliamentary Commissioner (Ombudsman) Act 1962 a provision that the Ombudsman was not authorized to investigate --

> any decision, recommendation, act, or omission in respect of which there is, under the provisions of any enactment, a right of appeal or objection, or a right to apply for a review, on the merits of the case, to any Court, or to any tribunal constituted by or under any enactment, whether or not that right of appeal or objection or application has been exercised in the particular case, and whether or not any time prescribed for the exercise of that right has expired.

When subsequently the Parliamentary Commissioner Act 1967 was passed in Great Britain a similar provision was inserted. However it was added that the Commissioner might conduct an investigation -

> notwithstanding that the person aggrieved has or had

> such a right or remedy if satisfied that in the particular circumstances it is not reasonable to expect him to resort or have resorted to it.

The same or strikingly similar words are used in the Northern Ireland Parliamentary Commissioner and Commissioner for Complaints Acts; in the rules for the Health Service Commissioners for England and Wales; in the Local Governments Acts 1974 for England and Wales and 1975 for Scotland; in the Ombudsman Acts of some Canadian provinces; as well as the act establishing the office of the Commonwealth Ombudsman in Australia and in the Ombudsman Acts of most Australian states. The New Zealand Ombudsman Act has subsequently been amended so as to give the Ombudsman a right to investigate notwithstanding that the complainant has or had a right to appeal if by reason of special circumstances it would be unreasonable to expect him to resort or have resorted to it. It may also be mentioned that in the Australian states of Queensland and Victoria the Ombudsman may conduct an investigation notwithstanding that the aggrieved person had a right of appeal etc. provided that the Ombudsman considers that the matter merits investigation in order to avoid injustice.

In several of the Canadian provinces, Alberta, New Brunswick and Ontario, the Ombudsman is precluded from investigating until after the right of appeal or objection or application for a review of the merits of the case has been exercised in the particular case or until after the time prescribed for the exercise of that right right has expired.

In the Scandinavian countries no similar rules exist. Yet the

Ombudsmen will not normally intervene while there is still a possibility of appeal. Nor will they intervene while a case is pending in Court or, for that matter, while an administrative agency is reviewing the merits of the case. Sometimes, however, the complaint concerns minor issues which are not likely to be dealt with by the authority to whom the appeal may be lodged, and then the Ombudsman will intervene if he feels that he should do so.

Another aspect that should be noted in this context is that, while in the particular case brought before the Ombudsman no Court action is likely to be taken or even is possible, the same problem may come up in another similar case and then be brought before a Court of Law. Most material problems can, at least theoretically, become the subject of litigation. In the Scandinavian countries, particularly in Sweden and Finland, the Ombudsmen have felt that the mere fact that the matter complained of involves a problem which can be brought to Court must not impede their intervention. In most cases it is not probable that the complainant will go to Court if the Ombudsman takes up the case nor is it likely that a similar case will be brought to Court by anybody else. The Ombudsmen have felt free under these circumstances to pronounce an opinion on how the law should be interpreted. Sometimes the answer to the question raised by the complainant is perfectly obvious, there being, for instance, clear precedents from the Supreme Court. But even when the question is a more difficult one the Ombudsmen have on several occasions given a ruling. It has happened that subsequently a similar case has been brought to Court. While a Court is by no means bound by what the

Ombudsman has said, his opinion has usually been upheld. A contributing fact is that all Scandinavian Ombudsmen have legal training; many of them have been high ranking judges prior to their appointment. It may be added that in Sweden it has upon occasion happened that the Ombudsman has been confronted with difficult problems, usually related to the interpretation of tax statutes, which concern a great many people. As many years may pass before a ruling is obtained from the Supreme Court, the Ombudsman, to promote uniformity of decisions, has recommended that the administrative authorities, pending a decision from the Supreme Court, interpret the statutes in the manner suggested by him.

This practice in Scandinavia seems not to have spread to other countries. A study of various Ombudsman reports indicates that the Scandinavian Ombudsmen in their attempts to promote good administration are more apt to pronounce general opinions on how the laws should be interpreted and how administrative authorities should act under given circumstances, while Ombudsmen in other countries concentrate more upon the individual case brought before them and endeavour to have the complainant's grievance redressed.

In all countries, however, the Ombudsmen have been active in recommending amendments of existing laws and statutes in the interest of fairness and equity. Even in the first Swedish Act of Instruction to the Ombudsman, passed in 1810, it was stated that the Ombudsman should report to Parliament on the state of laws and statutes and suggest such amendments as he found necessary. In nearly all statutes subsequently issued to establish Ombudsman offices, the Ombudsman has

been authorized and encouraged to suggest amendments of existing rules when he feels that such amendments would promote a good and fair administration or otherwise be to the benefit of the citizens. The French Ombudsman (Mediateur) particularly has been active in this field. In 1978 the French Parliament passed an enactment containing numerous amendments of various statutes which had all been recommended by the Ombudsman. Maybe it is merely a coincidence but the new Ombudsman (Protecteur du citoyen) in Quebec, Canada, has also shown a great interest in combatting inconsistences in legislation.

Conclusions

The Ombudsmen all supervise the administration. Their main concern is to oversee administrative authorities by ensuring that they proceed legally and equitably.

They cannot, however, quash or modify an administrative decision. Generally they can do nothing more than to recommend that the matter be reconsidered, that some kind of remedial action be taken or that existing rules or regulations be amended. As an Ombudsman's recommendations in individual cases usually, in fact nearly always, are followed, his interventions have a considerable direct impact. The mere fact that the Ombudsman has received a complaint from an aggrieved person often causes the administration to immediately redress the grievance.

The Scandinavian Ombudsmen are more ready to publicly criticize officials found at fault and to express their opinions as to how the law should be interpreted than is the habit of Anglo-Saxon Ombudsmen, who work in a more low profile way. While much can be said in favour

of the latter method, it is a matter of some doubt whether the Anglo-Saxon Ombudsmen's interventions have the same widespread indirect impact as their Scandinavian colleagues'.