



OMBUDSMAN

SINT MAARTEN



2025

YEAR REPORT

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Foreword



The year 2025 stands as a defining chapter in the Bureau Ombudsman's ongoing journey to strengthen democratic governance and protect the rights of every resident of Sint Maarten. This reporting period was marked by meaningful progress on multiple fronts. Institutionally, we reached historic milestones most notably participating in the first-ever gathering of all four Kingdom Ombudsman institutions and signing a formal Protocol of Cooperation with our Kingdom counterparts to address shared (regional) challenges. On the legislative front, we submitted landmark proposals to expand our jurisdiction and, critically, to establish a dedicated Children's Ombudsman, a long-overdue step toward aligning Sint Maarten with its obligations under the United Nations Convention on the Rights of the Child. Adding to these achievements, 2025 also saw the reappointment of the Ombudsman for another seven-year term — a reaffirmation of confidence in the institution's leadership and a strong signal of continuity in the pursuit of good governance and accountability for the people of Sint Maarten.

The statistical data for 2025 reflects an unprecedented level of public engagement, with Information Windows increasing by over thirty percent. This robust activity is a testament to the importance of institutional stability: when citizens trust that their voices will be heard, they speak. However, stability alone does not equate to good governance. Throughout 2025, the Ombudsman continued to observe persistent structural weaknesses across the public administration — particularly within the Ministry of Public Housing, Spatial Planning,

Environment and Infrastructure (VROMI), the broader justice sector and General Affairs, in particular P&O and the Public Service Center.

Recognizing that lasting reform requires open and sustained dialogue, the Ombudsman initiated a series of "Ombudsman Meets" sessions throughout the year, designed to renew lines of communication with the ministries and to reinforce the role of this institution within the broader framework of public administration. Working sessions were held with the Ministries of VSA and VROMI, both involving the respective ministers and their senior management teams. These sessions provided a valuable opportunity to discuss patterns identified in recent investigations and to agree on practical steps for follow-up. It is the Ombudsman's intention to extend this engagement to all remaining ministries in the period ahead, cementing a culture of accountability that is proactive rather than reactive.

Two of this year's most important undertakings were deeply human in nature. The launch of our systemic own-initiative investigation into domestic violence and child abuse, and our sexual harassment training initiative in collaboration with Victim Support Services, reflect our conviction that the Ombudsman's role extends beyond reviewing government conduct. We must also confront the cultural and structural conditions that allow the most vulnerable among us, women, children, and victims of abuse to be failed by the very systems designed to protect them.

As we close this chapter, we also bid heartfelt farewell to our Secretary General, Mr. Randolph Duggins, whose decade of dedicated service was instrumental in building this Bureau into the institution it is today. His appointment to the Kingdom Council of State is a source of immense pride, and a reflection of the caliber of leadership this institution has long upheld.

The road ahead requires courage, persistence, and an unwavering commitment to the people we serve. It is therefore with great pleasure that I present the 2025 Annual Report to Parliament and the people of Sint Maarten.



Gwendolien Mossel, LL.M
Ombudsman

Executive Summary

I. Introduction

This reporting period was defined by notable institutional maturation and a widening of the Bureau Ombudsman's strategic focus. While the institution reached new heights in its oversight capabilities, this progress highlighted a sobering reality: fundamental flaws within the civil service - specifically regarding human resource management, regulatory enforcement, and cohesive inter-ministerial cooperation - continue to endure.

II. Activities

The year 2025 dawned as a period of profound institutional maturity and renewed strategic ambition for the Bureau Ombudsman of Sint Maarten. It was a year that would be defined by historic firsts, a relentless push for legislative reform, and a significant transition in the Bureau's senior leadership. The journey began in January in Oranjestad, Aruba, where a milestone was reached that had been decades in the making: for the first time in history, all four (constituent) countries within the Kingdom of the Netherlands were represented by established and fully operational Ombudsman institutions. This gathering served as more than a professional exchange; it was a powerful symbol of the shared commitment to democratic oversight across the Atlantic.

III. Complaints Handled

In 2025 the Bureau handled a total of 346 cases: 298 Information Window (IW) requests and 48 cases that resulted in formal investigations by the Ombudsman. Among Information Windows the most frequent topics concerned the Police KPSM (29), SZV (25), the Civil Registry (15), Immigration (14), the Tax Office (14), GEBE (11) and Economic Licenses (10). Of the 48 formal investigations, the Ministry of VROMI again accounted for the largest share, with 21 cases, followed by the Ministry of Justice (12), TEATT (4), Finance (3), VSA (3), and ECYS (1). Among ZBOs, SZV accounted for 3 investigations and APS for 1.

IV. Own-Initiative Investigation: Domestic Violence

In response to an uptick in domestic violence cases at the end of 2024 and beginning of 2025—many involving children—the Ombudsman launched an Own Motion (systemic) investigation around International Women's Day 2025. The investigation focuses on structural deficiencies and loopholes in the legal and policy framework, on the role of cultural bias in service delivery, and on the experiences of victims who have sought help from government institutions.

V. Constitutional Court

Pursuant to Article 127, paragraph 3 of the Constitution, the Ombudsman, as the "Guardian of the Constitution," possesses the authority to challenge newly ratified laws that are deemed inconsistent with constitutional provisions. The Constitutional Court operates independently of the regular court system and conducts normative reviews in abstract proceedings prior to the enforcement of laws. In 2025, no laws were submitted by the Ombudsman for review to the Constitutional Court. The Bureau continued to monitor newly ratified legislation for consistency with the Constitution and remains prepared to refer matters to the Court where the constitutional threshold is met.

VI. Tribute to Randolph Duggins

For over a decade, Randy served as the steadfast backbone of the Bureau Ombudsman of Sint Maarten. He was there in the formative years, when the institution was still finding its footing, and he remained a constant, grounding presence through every challenge, every milestone, and every triumph that followed. His contribution to this institution cannot be measured in years served or cases handled, it is measured in the culture of excellence, integrity, and dedication that he helped build and that will endure long after his departure.

VII. Financial Reporting

The 2025 annual budget of the Ombudsman amounted to Cg. 1.525.000,00. Based on the unaudited financial report for the year 2025 a total of Cg. 1.437.476,15, was spent from the allotted budget of the Bureau.

I. Introduction

This reporting period was defined by notable institutional maturation and a widening of the Bureau Ombudsman's strategic focus. While the institution reached new heights in its oversight capabilities, this progress highlighted a sobering reality: fundamental flaws within the civil service - specifically regarding human resource management, regulatory enforcement, and cohesive inter-ministerial cooperation - continue to endure, irrespective of which political administration holds office.

The statistical data for 2025 reflects an unprecedented level of public engagement. The number of "Information Windows" - our primary point of contact for citizens - surged from 228 to 298. This growth of over 30% suggests that the public is more aware of their rights and more confident in the Bureau's ability to intervene. We have observed that when the political landscape is stable, residents are far more inclined to voice their grievances. In contrast, periods of administrative upheaval often led to a "suppression effect," where citizens stay silent out of a sense of futility. The robust activity in 2025 is a testament to the importance of institutional stability.

However, the nature of these grievances remains disturbingly predictable. The Ministries of VROMI and Justice continue to be the primary sources of public dissatisfaction, a trend that has remained static since 2019. Significant concerns were also registered regarding the Ministries of TEATT, Finance, VSA, ECYS and General Affairs. A letter of concern was issued to the Minister of General Affairs regarding the functioning of the Public Service Center (PSC) and P&O. For several years, the Ombudsman has admonished the PSC for its role (or the lack thereof) in ensuring public access to government services. The continued implementation of arbitrary practices that restrict this access remains a significant concern. Among semi-public entities, the Social and Health Insurances (SZV) remains the most frequent subject of complaints.

As we present this report, we must remember that these statistics represent real lives. Behind every entry is a civil servant seeking their rightful pay, a resident caught in a permit deadlock, or a patient struggling to access care. The core of our mission is to ensure that the government never loses sight of its "duty of care" to the people.

This report is structured as follows: chapter II provides a summary of activities; chapter III presents the complaints handled and statistical analysis; chapter IV summarizes the on-going Own Motion investigation into domestic violence; chapter V addresses the Constitutional Court; chapter VI presents a living tribute to the departing Secretary General, Randolph Duggins. The report concludes with the financial reporting in Chapter VII.

II. Activities

The year 2025 dawned as a period of institutional maturity and renewed strategic ambition for the Bureau Ombudsman. It was a year defined by historic firsts, a relentless push for legislative reform, and a significant transition in the Bureau's senior leadership. The journey began in January in Oranjestad, Aruba, where a milestone was reached that had been decades in the making: for the first time in history, all four (constituent) countries of the Kingdom of the Netherlands were represented by established and fully operational Ombudsman institutions. This gathering served as more than a professional exchange; it was a powerful symbol of the shared commitment to democratic oversight across the Atlantic. During this historic session, Sint Maarten's representatives joined their counterparts from Aruba, Curaçao, and the Netherlands to address the unique pressures facing small island states. The dialogue centered on the complexities of migration, the fundamental right to clean water, and the evolving necessity of specialized services for the youth. It was a moment of sober reflection for Sint Maarten, as the meeting highlighted that it remained the only country in the Kingdom without a dedicated legislative provision for a Children's Ombudsman, a gap the Bureau was determined to close.

This determination was manifested clearly in March, a month that saw the Bureau move from dialogue to concrete legislative advocacy. A proposal was submitted to the Department of Legal Affairs and Legislation (JZ&W) through the Prime Minister, Dr. Luc Mercelina. These proposed amendments to the National Ordinance were designed to fundamentally enhance the institution's reach and effectiveness. At the heart of this proposal was the formal introduction of a Children's Ombudsman, a move intended to align Sint Maarten with the United Nations Convention on the Rights of the Child and ensure that the voices of the most vulnerable are heard and protected at the highest levels of governance. Furthermore, the amendments sought to broaden the Ombudsman's jurisdiction to include government-owned companies such as GEBE, TELeM, the Princess Juliana International Airport (PJIAE), and Port St. Maarten. The Bureau argued that because these entities provide essential services of general interest, they must be subject to the same rigorous standards of transparency and accountability as any government department.

While these legislative foundations were being laid, the Bureau also recognized an urgent need to address a disturbing social trend. To coincide with the global theme of International Women's Day in March, the Ombudsman launched a systemic investigation into domestic violence and child abuse. This "Own Motion" inquiry was triggered by a concerning uptick in reported cases at the end of 2024 and the beginning of 2025. The investigation was not merely a reaction to individual incidents but a deep dive into the "why" behind the figures. It aimed to identify structural deficiencies and legal loopholes that allowed victims to fall through the cracks, while also examining whether deeper cultural biases within government institutions impeded the delivery of justice. By initiating stakeholder sessions and encouraging victims to share their first-hand accounts, the Bureau sought to transform these painful experiences into a roadmap for institutional reform. The final report is expected to be published in 2026.

In tandem with this investigation, the Bureau recognized that fostering a fair and respectful work environment required active education and prevention. The Bureau Ombudsman led a groundbreaking sexual harassment training initiative in collaboration with Victim Support Services (VSS) Sint Maarten. Recognizing that workplace harassment is a critical issue that must be addressed culturally, the Ombudsman engaged fellow advisory bodies, including the Council of Advice, the General Audit Chamber, and the Social Economic Council (SER), to join forces in tackling this issue through education and awareness. This initiative marked the first formal collaborative effort between the Bureau and VSS, laying the foundation for future partnerships aimed at addressing systemic social issues.

The momentum of regional collaboration continued into late March and early April, as the Bureau participated in the International Ombudsman Institute (IOI) Regional Board Meeting in Curaçao. Under the theme of strengthening democratic oversight, the Board engaged with various stakeholders in the human rights field, including organizations like the Human Rights Defense Foundation and medical clinics providing essential services to marginalized groups. These interactions reinforced a core tenet of the Bureau's mission: that justice

and access to essential services must be a living promise for all citizens, particularly those on the fringes of society.

This regional influence was further amplified in May, when the Ombudsman, in her capacity as Regional Director for the Caribbean and Latin America, traveled to Rabat, Morocco, for the IOI Board Meeting. This summit resulted in the approval of several "Best Practice Papers" that established global standards for strategic development and community outreach. A significant highlight of the Moroccan meeting was the formal acceptance of Aruba into the IOI, ensuring that the voice of the entire Kingdom was represented in the world's leading global ombudsman organization. It was also during this time that the historic announcement was made that Curaçao would host the IOI board meeting in 2026, marking the first time such a prestigious global gathering would take place on the island.

To ensure the Bureau remained internally prepared for its ongoing investigation into the public service system's response to domestic violence, a dedicated staff training session was held in July. Over two days, the team participated in an intense sensitization workshop facilitated by VSS. The sessions focused on understanding the root causes, patterns, and community impacts of domestic violence. This internal capacity building was essential to ensure the Bureau could respond to stakeholders and victims with the necessary care, empathy, and professional depth required for such a sensitive systemic inquiry.

However, as the institution looked outward toward global standards, it also prepared for a period of major internal change. October 2025 arrived as a milestone of bittersweet pride for the Bureau. It marked the departure of Mr. Randolph Duggins, who had served as the Secretary General for more than ten years. Mr. Duggins' contribution to the Ombudsman institution of Sint Maarten can only be described as extraordinary. Having been part of the institution's foundational journey, his expertise, integrity, and dedication were instrumental in building the Bureau into the respected high council of state it is today. His decade of service reached its professional pinnacle when he was appointed to the Kingdom Council of State in the Netherlands, representing Sint Maarten, effective October 1. While his departure left a significant void in the daily operations of the Bureau, his appointment to one of the Kingdom's most prestigious advisory bodies was seen as a testament to the high caliber of leadership fostered within the Sint Maarten Ombudsman's office.

Even as the Bureau navigated this leadership transition, its international duties remained a priority. In mid-October, the Ombudsman participated in a high-level conference in Malta focused on "Upholding Good Governance in Challenging Times." The forum explored the impact of digitalization and artificial intelligence on public administration, reminding participants that as the world moves toward rapid technological innovation, the role of the Ombudsman as a guardian of human rights and ethical governance becomes even more critical.

The year's collective efforts reached a definitive conclusion on October 20 and 21 in The Hague. During the annual meeting of Kingdom Ombudsmen, which coincided with the tenth anniversary of these formal gatherings, the leaders focused on the escalating waste management crisis plaguing the Caribbean islands. They addressed the environmental and public health threats posed by illegal dumping and the high costs of sustainable waste disposal. To commemorate a decade of successful collaboration and to ensure its longevity, the four Ombudsmen signed an official Protocol of Cooperation. This document formalized their alliance, creating a permanent framework for regional problem-solving and collective advocacy. Through this agreement, the Bureau Ombudsman of Sint Maarten ended 2025 not just as a domestic watchdog, but as a formalized partner in a Kingdom-wide network dedicated to being the true voice and protector of the people.

A visual record of selected meetings, events and activities of the Bureau Ombudsman during 2025.

Institutional moments



Presentation of the 2024 Year Report to Prime Minister Luc Mercelina



Presentation of the 2024 Year Report to President of Parliament Sarah Wescot-Williams



St. Martin Day 2025



Presentation of amendment proposal of the Landsverordening Ombudsman to Prime Minister Luc Mercelina



"Ombudsman meets" session with the Ministry of VSA



Opening of Parliamentary Year 2025/2026



Meeting with Minister of VROMI and team



Introductory meeting Minister of VSA and team



"Ombudsman meets" session with the Ministry of VROMI

Domestic Violence – Systemic Investigation



'Sexual Harassment in the Workplace' workshop with Cassandra Richardson from Victim Support Services (VSS)



Training on Domestic Violence with Cassandra Richardson from VSS



Meeting with the Public Prosecutor regarding the legal framework on (domestic) violence and abuse



'Every Woman's Voice' radio program, with Aishira Cicilia, Ramona Riley, Orlando Simon and Cassandra Richardson

Stakeholder meetings



Mental Health Foundation Network Event



Meeting with School Boards of subsidized schools



Yearly meeting with Raad van de Rechtshandhaving



Meeting with Mauritz de Kort, President of the Joint Court of Justice

International engagement



Ombudsmen of the Kingdom at the Koninkrijksoverleg Aruba



IOI Regional Board meeting in Curaçao



International Ombudsman Conference in Malta



IOI Board Meeting in Rabat, Morocco



Koninkrijksoverleg 2025 in the Netherlands



Opening new opening Ombudsman Curaçao



Workshop Vreemdelingenrecht organized by the Ombudsman of Curaçao

Bureau life



Farewell Party for Secretary General Randolph Duggins



Ceramic Painting for the team retreat



Reading to pupils at the Leonald Conner Primary and Prins Willem Alexander School



Office lunch at the Carnival Village



Legal Advisor Aishira Cicila speaking at the WICSU-PSU and WITU Labor Symposium



Computech Data x AI Tour Conference

III. Complaints Handled

In 2025, a total of 346 general complaints were registered with the Bureau. Of these, 298 were Information Windows (IWs), and 48 were escalated to formal complaint investigations, including an Own Motion investigation, also known as a systemic investigation, initiated by the Ombudsman.

Information Windows

An Information Window contact is a request or complaint that the Bureau can resolve through information provision, referral, or intervention, without opening a formal investigation. The 298 Information Window cases received in 2025 are 31% higher than the 228 received in 2024. As in previous years, the largest numbers of contacts were directed at the KPSM (29), SZV (25), the Civil Registry (15), Immigration (14), and the Tax Office (14).

General Complaint Statistics

Category	2024	2025
Total Information Windows	228	298
Total Formal Complaints (Investigations)	42	48
Total General Complaints	270	346

Fig. 1: Overview of total statistics in 2024 and 2025

The 31% increase in Information Windows compared to 2024 is notable and should be read in context. In 2024, political instability, with two parliamentary elections, suppressed complaint activity, as citizens were less likely to engage with oversight mechanisms during periods of governmental uncertainty. The 2025 figure therefore reflects both a correction toward typical volumes and a genuine increase in public engagement.

Top Information Window Complaint Topics

KPSM (the Police Department) recorded the highest number of Information Windows with 29 cases. These concerned a range of issues including arrest procedures, vehicle towing, access to police reports, complaint handling, and the domestic violence response. The Ombudsman notes that KPSM's complaint-handling capacity remained a concern in 2025, as it had in 2024, particularly with respect to the operationalization of the Complaints Handling Committee and the digital complaint submission system. In total, KPSM accounted for 33 general complaints, 4 of which were formal investigations.

Information Windows involving SZV (25 cases) covered a range of concerns including delays in processing Medical Referrals Abroad (MRA), disagreements over sick leave approvals, insurance status queries, and the transparency of the medical referral procedure. In total, SZV accounted for 28 general complaints, 3 of which were escalated to formal investigations.

The Civil Registry (15 cases) and Customs/Immigration (14 cases combined) continued to feature prominently, with many people experiencing delays in processing applications, difficulty navigating registration requirements, and non-responses to formal requests. The Tax Office was cited in 14 cases, primarily by people seeking interventions in matters pertaining to tax assessments.

Out-of-jurisdiction Information Windows (legal advice, civil disputes, GEBE, private companies, the Cabinet of the Governor) accounted for a substantial portion of all contacts. People were directed accordingly and advised on alternative avenues, including the free legal consultations offered by attorneys through the Department of Community Development, Family and Humanitarian Affairs (CDFHA), the internal complaint procedures of GEBE, and the CBCS supervisory complaint mechanism for banking matters.

The following table presents the most frequently cited topics in the 2025 Information Window register, combining ministry, department, ZBO, and non-governmental categorizations:

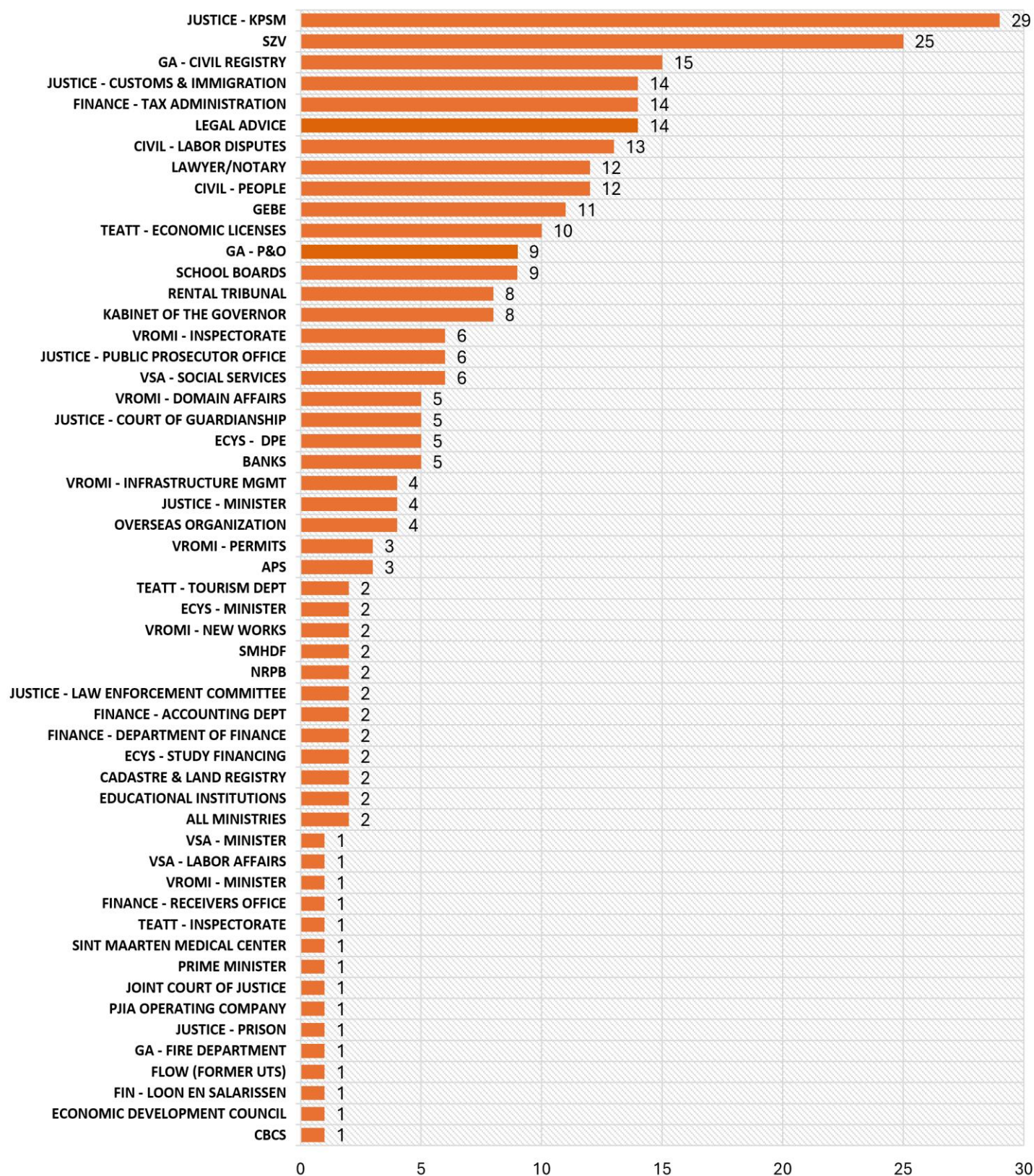


Fig. 2: General complaint topics in 2025

Formal Complaints (Investigations) in 2025

A total of 48 cases were filed as formal complaints for investigation by the Ombudsman in 2025. This represents an increase from 42 in 2024 and reflects both the growing volume of complaints and the persistence of non-responsiveness by certain government bodies.

The following table sets out the distribution of formal complaints by Ministry and ZBO:

Ministry	2024	2025
Public Housing, Spatial Planning, and Infrastructure	9	21
Justice	9	12
Public Health, Social Development and Labor	4	3
Tourism, Economic Affairs, Transport and Telecommunication	4	4
Finance	3	3
Education, Culture, Youth and Sports	4	1
General Affairs	4	0
ZBO	2024	2025
Sociale Ziektekosten Verzekering (SZV)	0	3
Algemeen Pensioenfonds Sint Maarten (APS)	1	1
Sint Maarten Housing Development Foundation (SMHDF)	2	0
NRPB	1	0
Port of Sint Maarten	1	0
TOTAL	42	48

Fig. 3: Formal investigations registered per government entity, 2024 vs 2025

Ministry-by-Ministry Analysis

Ministry of VROMI

The Ministry of VROMI recorded the highest number of investigations in 2025 with 21 cases, more than double its 2024 total of nine. The breakdown by department is as follows: Domain Affairs (7), Permits (7), Inspectorate (4), Infrastructure Management (2), and the Minister (1).

The Domain Affairs complaints predominantly concerned the non-responses or unreasonable delays decisions regarding domain land or water rights (6). The Ombudsman reiterates the call on Parliament to ensure, with urgency, a comprehensive policy framework to address the issuance of domain land in Sint Maarten.

Permits' complaints largely involved people or entities who had submitted building permit applications and received no decision or acknowledgement within a reasonable timeframe.

The operations of the Inspectorate were a significant area of concern during the reporting period. Requests submitted by members of the public for inspections or enforcement to halt potential violations of the building ordinance were not adequately addressed, exposing residents to the risk of ongoing or irreversible harm that timely intervention could have prevented. Complaints were also received regarding the procedures applied by the Inspectorate when arriving at its final decisions, with citizens expressing concern that conclusions were reached without sufficient consideration of all relevant facts and circumstances.

A further concern relates to transparency. Complainants indicated that the inspectorate does not conduct its duties in a sufficiently open manner and that opportunities for meaningful input are limited. Where a public authority exercises functions that directly affect the rights and interests of the public, sound and fair decision-making requires that affected parties be given the opportunity to present information and to understand

how decisions are reached. The Ombudsman urges the Inspectorate to review its processes to ensure inspection requests are handled promptly, procedures are clearly defined and consistently applied, and that appropriate transparency is afforded throughout, all of which are necessary to uphold the principles of good administration and restore public confidence. This can be done by drafting a comprehensive inspection report.

The principle of the duty to enforce (*beginselflicht tot handhaving*) generally requires that requests for enforcement are followed up on. The standards of proper information gathering and fair play require that a thorough investigation be conducted, including contacting the individual who filed the complaint to obtain an accurate understanding of the matter. Upon concluding the investigation, the findings and conclusions should be comprehensively set out in a report, and a copy of that report should be provided to the complainant without requiring the complainant to navigate additional administrative steps to obtain it.

Many of the concerns raised also reflect capacity challenges faced by the various departments during 2025. The Ombudsman continues to urge the Ministry to address existing capacity challenges through innovative and sustainable approaches, including the strategic deployment of resources, investment in staff training and development, and the exploration of technology-driven solutions to improve efficiency and service delivery. It is the view of the Bureau that capacity constraints, while acknowledged, cannot be accepted as a justification for administrative shortfalls that negatively impact the public. Despite the Ministry showing a willingness to address existing complaints, the situation has not improved.

Ministry of Justice

The Ministry of Justice accounted for 12 formal complaints in 2025. KPSM was the most frequently cited (5 complaints), followed by Immigration (3), the Prosecutors Office (2), and the Minister directly (1). There was also one (1) systemic investigation initiated by the Ombudsman regarding domestic violence cases (see chapter IV).

The Ombudsman acknowledges that KPSM has, in several instances, engaged proactively with the Bureau and provided responses within the intervention timeframe. However, structural issues, including the non-operational online complaints system and unclear complaint procedures, remain unresolved and must be addressed.

The Immigration complaints continued to raise concerns, particularly the backlog in residency permit processing, the application of the 'gap-in-continuity' policy, and the processing of objections. While the digital platform process is seen as an improvement for easier process, the Ombudsman emphasizes that online system should not negate standards of proper governance and the public's right to petition government. The digital system does not allow applications it considers incomplete to be submitted, and as a result, persons have often approached the Bureau uncertain whether they have successfully submitted an application. The Ombudsman requests that attention be given to this matter.

While the Prosecutor's Office accounted for only two complaints, it is not the quantity but the quality that is of relevance here. A single complaint illustrated the impact that the lack of prison capacity can have on victims of crimes, their families, and by extension the broader community. While the Ombudsman is aware of the project to build a new prison, in the interim, victims are left with a sense of injustice and helplessness after having gone through the entire justice process, from filing a report to a court case, only to be informed that due to lack of prison capacity a court verdict cannot be executed and the perpetrator remains free. The Ombudsman finds this a serious undermining of the standard of Legal Certainty, which requires that court verdicts be enforced. Putting justice on hold while a project with an uncertain completion date is underway is not conducive to a just and safe society and undermines the legitimacy of the justice system. The Ombudsman looks forward to continued dialogue with the Prosecutor's office and the Minister on this topic.

The Ombudsman further observes the limited recourse available to victims who have been awarded more than 5,000 XCG in compensation by the court. Under Article 1:78 of the Criminal Code, the government may advance up to 5,000 XCG in awarded damages. For damages exceeding that amount, victims, often of violent or sexual crimes, remain dependent on the perpetrator's ability and willingness to pay. The Ombudsman calls on Parliament to take corrective measures so that victims are not left at the mercy of the perpetrator in seeking

justice. The Ombudsman recommends amending the legislation governing the Criminal Fund to include the advance payment of damages to victims above the 5,000 XCG limit or enacting new legislation for this purpose.

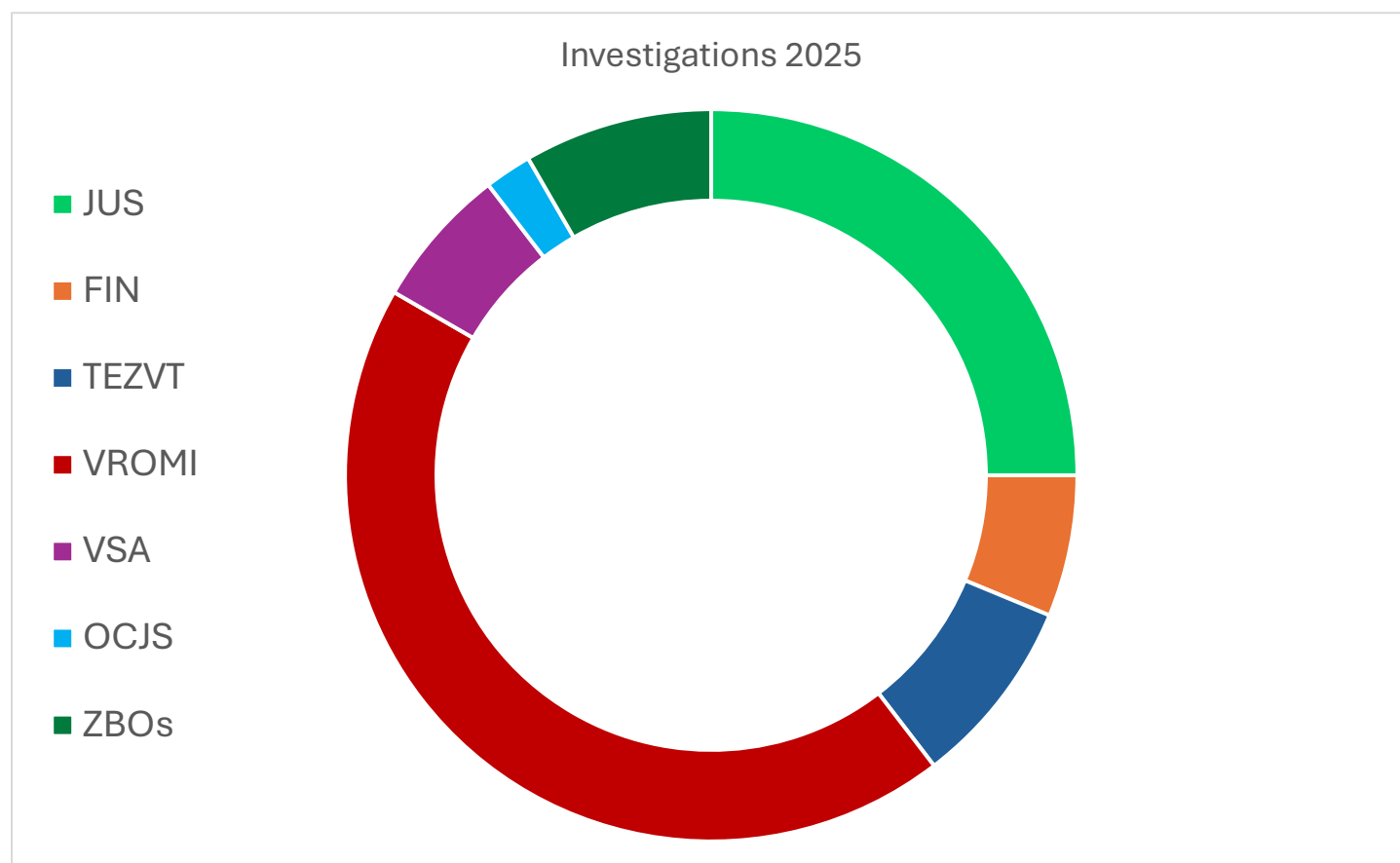


Fig. 4: Investigations per ministry

Ministry of TEATT

The Ministry of TEATT accounted for 4 investigative reports, three relating to the Department of Economic Licenses and one to the Department of Tourism. The complaints against the Department of Economic Licenses involved delayed decision-making regarding taxi license applications. The Ombudsman notes that the pattern of severely delayed substantive responses has become structural in nature and requires targeted management attention. The complaint against the Department of Tourism concerns an HR matter. This complaint process, which according to the Department of Tourism requires the cooperation of the P&O Department, is taking an unreasonable amount of time to resolve, leaving the civil servant concerned in a state of prolonged uncertainty.

Ministry of Finance

The Ministry of Finance accounted for 3 investigations. Two involved the Tax Office and one concerned the Receivers Office. Two complaints were HR-related. The Ombudsman recommends the Ministry review government HR-policy, internal complaint procedures and revisit management best practices.

Ministry of VSA

The Ministry of VSA accounted for 3 complaints, covering the Inspectorate, Labor Affairs, and the Minister. The Ombudsman observed complaints regarding the appointment system at Social Services, which can place already vulnerable persons seeking assistance at financial or medical risk. Individuals who have completed an application form and present themselves to submit it are given appointment times three months later. However,

once an application is approved, the effective date of the decision is recorded as the appointment date rather than the date on which the applicant was ready to submit. This creates a gap that works to the detriment of the applicant. The Ministry recognizes the demand for services, the limitations of available resources, and the extended wait times for appointments, and has indicated that it is actively working on the organizational changes needed to address this, including the legislative trajectory for a new function book and a revised national organizational ordinance. The Ombudsman continues to engage the Ministry in finding solutions to these challenges that best serve the public, and particularly the most vulnerable members of our society.

Ministry of ECYS

The Ministry of ECYS accounted for one complaint filed collectively by several schoolboards which was also filed separately against the Ministers of Justice and VSA. The schoolboards are seeking a sustainable and more efficient process when it comes to processing resident and labor permits and verification of the credentials of educators being hired from abroad. This process should also be flexible enough to accommodate the often-unpredictable resignation of staff. The Ministers have emphasized the need for timely recruitment drives by the schoolboards and the importance of adhering to existing regulations. The Ombudsman has taken a mediation approach and is urging all parties to cooperate transparently and comprehensively in the interest of good governance and, most importantly, the students who stand to benefit greatly from qualified and well-adjusted educators.

Ministry of General Affairs

While the Ministry of General Affairs logged zero complaints for 2025, it does not reflect the full picture of involvement of their Human Resources section (P&O) as it relates to cases filed by civil servants across other ministries, or the overall lack of awareness regarding HR- policy across government. There were 9 Information Windows and 8 formal HR complaints, totaling 17 for the year 2025.

A civil servant experiencing an HR-related issue files that complaint within their respective ministry. P&O functions as an ancillary section in support of all ministries in HR-related matters. In that regard, the Ombudsman has noted significant delays in the handling of HR-related matters and has serious concerns about the functioning of P&O and its ability to cooperate with and serve the ministries as expert facilitators of the HR-process. On 3 July 2025, the Ombudsman issued a Letter of Concern to the Minister regarding the role of P&O in facilitating HR-related matters of the different ministries.

The Ombudsman notes that the role of P&O is to ensure that the legal status of civil servants is both established and safeguarded, enabling them to carry out their responsibilities effectively and make governance possible. Through these cases, a disturbing pattern has emerged in which delays, administrative bottlenecks, and lack of clarity have adversely affected the livelihoods, legal security and morale of civil servants. Such deficiencies undermine the trust in public administration and place civil servants, many of whom have served Sint Maarten with dedication, in unnecessarily vulnerable positions. As is reflected in HR cases across different ministries that remain open, the concerns of the Ombudsman are ongoing. A Letter of Concern is a mechanism used sparingly by the Ombudsman when serious concerns arise about standards of good governance, and ministers must ensure that these concerns are comprehensively addressed.

In the first instance, the roles between P&O and the ministries must be clarified. The Ombudsman found that the lack of a clear understanding of these roles, and in particular which party holds final decision-making authority, has been a cause for serious delay. The handling of a case concerning alleged sexual harassment starkly highlight the serious consequences of the absence of a sexual harassment policy. Combined with the lack of clarity regarding decision-making authority and its scope, a proper determination on the allegations could not be reached. The Ombudsman finds this unacceptable and deeply concerning.

A further issue that came to light in the discussions with P&O and the ministries involved in HR-related cases is the lack of capacity and high turnover within P&O. The Ombudsman therefore questioned the effectiveness of how policies, such as the *aanloopschaal* is currently being applied. The use of *aanloopschaal* appears to have

become the norm rather than the exception, while persons placed in the *aanloopschaal* are not transferred to the correct scale upon completion of the required conditions and are left dependent on P&O and their ministry to complete the process.

P&O is in need of a clear and fair complaint-handling process and a balanced approach that gives due regard to the interests of personnel as much as those of the organization. Civil servants are the backbone of the government apparatus and are often referred to as the fourth pillar of governance. The Ombudsman observes, with concern, a civil service that is seriously demotivated and disenchanted.

Concerns about Public Service Center (PSC) were also addressed in the Letter of Concern and in the meeting with the Minister. Since 2023, the Ombudsman has been reiterating the call for PSC and DIV to cease implementing arbitrary practices, including:

- Sending individuals away to change the date on their letter, despite the existence of a legally binding stamp-date method;
- Refusing to accept letters not signed in blue ink;
- Denying individuals access to the building based on their manner of dress.

Additional Observations

During 2025, a number of incoming cases were placed on hold while the Bureau awaited responses from various ministries. The primary cause of these delays was limited capacity within those ministries. In addition, failures to respond to complaints and to follow through on commitments led to multiple extensions, which further prolonged the investigative process. In some cases, matters were also placed on hold due to the systemic nature of the complaint.

It was also observed that communication with the Ministries of TEZVT, Justice and VROMI in particular came to a standstill at various points throughout the year. One of the main reasons cited was delay in processing decisions and the existence of ongoing backlogs.

ZBOs

Four complaints were filed against ZBOs in 2025. SZV accounted for 3 of these, and APS for 1.

Closed cases

Of the 12 cases closed in 2025, 7 were resolved at the intervention stage, meaning the administrative body provided a comprehensive response within the required timeframe. As a result, the Ombudsman was able to close these cases without conducting a full investigation. Resolution at this stage reflects a degree of proactiveness on the part of the government entity.

The Ombudsman also closed 13 cases from 2024, 2 from 2023, 1 from 2022, and 1 from 2020, for a total of 17 cases carried over from 2020–2024. Combined with the 12 cases closed in 2025, this brings the total number of cases closed in 2025 to 29. At the end of 2025, 46 cases remained open.

	2024	2025
Total complaints	270	346
Total investigative reports	42	48
Investigations closed in the year	48	29
Open Investigations	19	46
Total ministry cases	37	44
Total ZBO cases	5	4

Fig.5: Overview total statistics in 2024 & 2025

Intake Channel Analysis

In-person visits to the Bureau remained the dominant intake channel for 2025, accounting for 56% of cases. Email accounted for 15%, telephone for 7%, and the website and web contact form combined for (5%). The Bureau welcomes the growing use of digital channels and continues to encourage members of the public who are unable to visit in person to submit their queries via the website portal or email.

Intake Channel	%
In person	57%
Email	15%
Telephone	7%
Website / web form	5%
Letter / courier	1%
Other / combined	16%

Fig. 6: IW intake channels in 2025

Violated Standards of Proper Conduct

As in previous years, the Ombudsman's formal investigations assessed government conduct against the standards of proper governance. The standards most frequently found to have been violated in 2025 were, in order of frequency:

- Adequate organization of services (17): the inability of government bodies to serve the public efficiently, including deficiencies in staffing, registration systems, and physical and digital accessibility.
- Active and adequate information provision (10): the failure to proactively communicate relevant information to citizens, including acknowledgements of receipt and interim updates.
- Promptness (8): the failure to provide responses, decisions, or acknowledgements within a legal or reasonable timeframe.

These three standards have featured at the top of the violations list consistently since 2021. The Ombudsman is of the opinion that their persistence reflects structural rather than incidental governance weaknesses, and that targeted interventions, including capacity investment, policy enforcement optimization, digitization, and service standard frameworks, are required.



Fig. 7: Comparison standards of proper conduct violated in 2025 vs 2024

Recommendations

Pursuant to Article 16, paragraph 6 of the National Ordinance on the Ombudsman, recommendations were issued to administrative bodies following investigations concluded in 2025. Government entities are reminded that upon receipt of a recommendation, they are obligated either to implement it or to provide a substantive justification for any decision not to do so, within three months of the date of the final report. There were 67 recommendations issued by the Ombudsman to the government entities in 2025.

The Ombudsman observes with concern that a number of recommendations issued in prior years — including those arising from the 2024 investigation into the Garage Disturbance, for which a status report has not been received — remain unaddressed. The Ombudsman urges all administrative bodies to treat the follow-up to recommendations with the seriousness that the institution of the Ombudsman, and the citizens it serves, are owed.

IV. Own-Initiative Investigation: Domestic Violence

Background

The Ombudsman identified a concerning uptick in domestic violence cases reported at the end of 2024 and the beginning of 2025, many of which involved children. During the initial stages of information gathering, serious questions were raised about the adequacy of services provided by government institutions to individuals affected by such incidents.

Preliminary Findings

Early findings indicated the following systemic concerns:

- Structural deficiencies and loopholes within the current legal and policy frameworks governing domestic violence response.
- Indications that deeper cultural biases may impede the government's ability to uphold standards of proper conduct and good governance in dealing with domestic violence cases.
- Inadequate child protection measures within the existing institutional framework.

Objectives

- Identify gaps in service delivery to victims of domestic violence.
- Recommend necessary improvements to safeguard the rights and well-being of victims.
- Address structural and cultural deficiencies within the legal and policy frameworks.
- Strengthen child protection mechanisms in the context of domestic violence.

Status

As of the date of this report, the investigation is ongoing. The Ombudsman continues to seek full cooperation from all identified stakeholders to facilitate a comprehensive and transparent review of domestic violence case management and service delivery across relevant government institutions.

V. Constitutional Court

Pursuant to Article 127, Paragraph 3 of the Constitution of Sint Maarten, the Ombudsman is empowered to act as the 'Guardian of the Constitution' — with the authority to refer newly enacted legislation to the Constitutional Court for review where such legislation is deemed inconsistent with constitutional provisions. The Constitutional Court operates independently of the regular court system and conducts abstract normative reviews prior to the enforcement of laws.

In 2025, no laws were submitted for review to the Constitutional Court by the Ombudsman. The Ombudsman continued to monitor the legislative agenda and assess enacted legislation for constitutional compliance. The proposed amendments to the National Ordinance on the Ombudsman — which were submitted to the Department of Legal Affairs and Legislation (JZ&W) — will themselves be subject to constitutional review as part of the legislative process.

The Ombudsman notes with appreciation the continued functioning of the Constitutional Court and acknowledges the important legacy of the late Judge Jacob (Bob) Wit, who served as its inaugural President until his passing in January 2024. His contributions to the constitutional architecture of Sint Maarten continue to shape the institution.

Following the passing of the Court's first President, Judge Jacob (Bob) Wit, in January 2024, the institution of the Constitutional Court continued its work under the Vice President (Mr. Ben Vermeulen) and a new member from Sint Maarten (Dr. Nilda Arduin) was appointed in 2025. The Ombudsman acknowledges the continuity of the Court as a vital element of Sint Maarten's constitutional architecture and reaffirms her commitment to constructive cooperation with the institution.

VI. Tribute to Randolph Duggins

A Heartfelt Tribute Mr. Randolph Duggins | Secretary General 2015 – 2025



There are those who simply hold a position, and then there are those who truly embody it. Randolph Duggins (aka Randy) was the latter in every sense of the word.

For over a decade, Randy served as the steadfast backbone of the Bureau Ombudsman of Sint Maarten. He was there in the formative years, when the institution was still finding its footing, and he remained a constant, grounding presence through every challenge, every milestone, and every triumph that followed. His contribution to this institution cannot be measured in years served or cases handled, it is measured in the culture of excellence, integrity, and dedication that he helped build and that will endure long after his departure.

Randy never simply did his job, he lived it. He gave it his all, with passion, with heart, and with an unwavering commitment to the people this institution was created to serve.

To Randy personally — thank you. Thank you for your wisdom, your steadiness, and your generous spirit. Your support through the years has meant more than words can adequately express. You were never just a colleague; you were a pillar. And this institution stands taller today because of you.

As you step into your well-deserved appointment to the Kingdom Council of State in the Netherlands, you carry with you the deep pride, gratitude, and love of everyone at the Bureau Ombudsman. We have no doubt that you will not merely succeed in this new chapter, you will thrive.

And so, as you take your place among the Kingdom's most prestigious advisory bodies, we say this with full hearts and the deepest respect:

We salute you, General.

The Bureau Ombudsman of Sint Maarten

VII. Financial Reporting

The financial statements for the year 2025 are presented in the appendices to this report.

The 2025 annual budget of the Ombudsman amounted to Cg. 1.525.000,00. Based on the unaudited financial report for the year 2025 a total of cg. 1.437.261,15, was spent from the allotted budget of the Bureau.

Expenditures in 2025	Amount	2025 Budget
		1,525,000.00 ¹
		72,000.00 ²
Total Operational Expenses	1.437.476,15	
Not spent		159.523,85

¹ General ledger.

² Capital ledger.

Appendices

INCOME STATEMENT FOR THE YEAR 2025

BUDGET

Budget Allocated

XCG:

1,525,000.00

OTHER OPERATING EXPENSES:

Travel & Accommodation Expense	96,856.80
Gasoline Expense	473.00
Office Supplies Expense	8,717.23
Kitchen Supplies Expense	2,829.02
Computer & Internet Expense	-
Subscription Fees Expense	-
Books & Other literature Expense	666.81
Subsidies Geb & Ter	-
Repairs & Maintenance Expense-Building	-
Repairs & Maintenance Expense-Vehicle	5,087.84
Repairs Hardware Expense	-
Other Repairs & Maintenance Expense	-
Rent Expense	150,441.00
Insurance Expense- Building	2,173.30
Advertisement Expense	9,226.35
Telephone Expense	16,873.76
Postage Expense	350.00
Representation Costs	736.20
Legal & Other Professional Fees Expense	-
Training & Courses Expense	13,205.96
Security Costs	1,336.80
Membership Fees Expense	-
Miscellaneous Expense -Bank Charges	361.11
Interest Expense	-
Exchange Rate Difference	-
Other Goods & Services Expense	160,089.31
Cleaning Supplies Expense	1,646.10
Gain/Loss on Sale	29,877.04

TOTAL EXPENSES:

500,947.63

PERSONNEL COSTS:

Salaries & Wages Expense:	
Gross Salary	690,189.38
Vacation Allowance	65,240.02
Other Remuneration & Allowances	28,757.40
Child Allowance	3,720.00
Bonus	1,500.00
Retroactive Salary	9,365.00
Employer Pension Premium	83,827.08
Employer's AOV.AWW Pemium	43,423.27
Employer AVBZ Premium	3,689.30
Advanced Salaries	-

Total Salaries Expense-Ombudsman & Staff

929,711.45

TOTAL PERSONNEL & OTHER OPERATING EXPENSES

1,430,659.08

SURPLUS, before Depreciation Expense & Incidental Income:

94,340.92

SURPLUS, before Depreciation Expense & Incidental Income: b/f

94,340.92

DEPRECIATION EXPENSE:

Depreciation Expense-See Depreciation Schedule:

6,817.07

NET SURPLUS:

XCG

87,523.85

This report has not been audited.

BALANCE SHEET DECEMBER 31 2025			
CURRENT ASSETS:			
Money Card WIB	24,527.14		
Transfer Budget Cost G.D.	265,872.77		
Petty Cash Account WIB (new)	4,362.32		
Cash on Hand	201.11		
Petty Cash WIB Naf Account (old)	60.00		
TOTAL CURRENT ASSETS:		295,023.34	
OTHER CURRENT ASSETS:			
Prepaid Expense	12,265.61		
Total Other Current Assets		12,265.61	
TOTAL CURRENT & OTHER ASSETS	XCG:		307,288.95
FIXED ASSETS:			
VEHICLES:			
Vehicles	110,551.00		
Acc.Depr'n 31/12/2017	(88,441.00)		
Book-Value:	22,110.00		
OFFICE EQUIPMENT:			
Fotocopier Machine	13,632.00		
Acc.Depr'n 31/12/2017	(8,724.48)		
Book-Value:	4,907.52		
ICT Equipment	87,579.30		
Acc.Depr'n 31/12/2017	(48,703.17)		
Book-Value:	38,876.13		
Projector & Screen	2,034.20		
Acc.Depr'n to 31/12/2017	(2,034.20)		
Book-Value:	-		
Televisions	3,118.80		
Acc.Depr'n 31/12/2017	(2,711.80)		
Book-Value:	407.00		
Office Furniture	79,894.24		
Acc.Depr'n 31/12/2017	(52,728.90)		
Book-Value:	27,165.34		
TOTAL FIXED ASSETS:			93,465.99
LEASEHOLD IMPROVEMENT:			
Archive Room	5,733.00		
Acc.Depr'n 31/12/2017	(3,233.00)		
Book-Value	2,500.00		
Server Room	8,910.00		
Acc.Depr'n 31/12/2017	(7,128.00)		
Book-Value	1,782.00		
Renovation Kitchen	8,736.00		
Afschrijving Renovatie Keuken	(6,736.00)		
Boekv Book-Value:	2,000.00		
TOTAL LEASEHOLD IMPROVEMENTS:			6,282.00
TOTAL ASSETS IN NAF:			407,036.94
LIABILITIES:			
Current Liabilities	15,533.70		
Other Current Liabilities:			
AOV.AWW Pay	55,634.31		
FZOG Payable	14,172.36		
Pension Payab	114,176.06		
Sickness Premi	8,857.75		
Accrued expen	-		
Total Other Cu		192,840.48	
TOTAL LIABILI'			208,374.18
CAPITAL:			
Capital			198,662.76
TOTAL LIABILITIES & CAPITAL NAF:			407,036.94

This report has not been audited.

[illegible]

The core of our mission is to ensure that the government never loses sight of its “duty of care” to the people.



OMBUDSMAN

SINT MAARTEN