FROM THE PRESIDENT’S DESK

Our 2005 annual Board meeting was graciously hosted November 6-10 in St. John’s, Antigua and Barbuda by I.O.I. Director and Caribbean Ombudsman Association (CAROA) President Dr. Hayden Thomas and his able staff. Most of the Board was able to attend including several new members. Additionally invited observers to this meeting included Alejandro Carrillo from Venezuela, Director of the Secretariat of the Special Fund for Ombudsman and Human Rights Institutions in Latin America and the Caribbean; Howard Hamilton, Q.C., Public Defender of Jamaica and Vice-President of CAROA; and Ms. Lawrence Laurent, former Parliamentary Commissioner of St. Lucia and Secretary/Treasurer of CAROA. The meeting was also attended by Ambassador Javier Moctesuma Barragán who will be succeeding Ambassador Salvador Campos as the Executive Secretary of the Mexican National Commission on Human Rights and representative of Dr. José Luis Soberanes Fernández to the Board, and Mr. Michael Mauerer, of the Austrian Ombudsmen Office, and Secretary of the European Region Board members.

In my President’s Report I sought to focus the I.O.I. upon becoming the primary resource center for governments as they establish new ombudsman offices. I also encouraged the enhancement of membership benefits to include further development of a training program and provision of an evaluative protocol as a benchmark to measure adequacy of ombudsman legislation and office performance. Additionally I reminded members that acceptance to serve as a Director implies a willingness to commit time and resources to the work of the I.O.I. Board.

Quebec Protectrice du Citoyen Pauline Champoux-Lesage gave her final report for the 8th Ombudsman World Conference which was hosted by her office and the province of Quebec in September 2004. Pauline’s observations and “lessons” will help future hosts undertake this important responsibility.
One of the more important decisions of the Board during this meeting was to select the host for the 9th Ombudsman World Conference. We had before us two impressive bids from Stockholm, Sweden and Barcelona, Catalonia, Spain. Presented with the once in a lifetime opportunity to celebrate the bicentennial of the Swedish office of Parliamentary Ombudsman, the Board enthusiastically accepted their offer and agreed to hold the next Ombudsman World Conference in 2009 as part of that celebration and recognition. The 2006 annual Board meeting of the I.O.I. will be held in Barcelona.

The issues of consequences for non-payment of membership fees, how to consistently and fairly respond to requests for waiver or reduced membership fees and an analysis of appropriate membership fees were discussed as papers were presented by Secretary Alice Tai and Treasurer Dean David Percy. The issues of non-payment of membership fees and requests for waiver or reduced membership fees were deferred, although members accepted that a policy should be developed, until additional Membership Fee Analysis is completed by a Working Group chaired by the Treasurer and comprised of the Secretary, the administrator, and the Regional Vice-Presidents of Europe, and Latin America and the Caribbean.

As a result of the discussion that ensued from Editor Professor Linda Reif’s report, an effort will be made to increase the Institute’s e-publication, including the compilation of a Bibliography of ombudsman-related publications, while supporting continuation of the printed work such as the Yearbook and Occasional Papers.

Alejandro Carrillo, Director of the Secretariat of the Special Fund for Ombudsman and Human Rights Institutions in Latin America and the Caribbean gave a briefing on the Special Fund – the background of its establishment, its scope, activities and operation. Directors and Observers from Latin America and the Caribbean region also spoke to explain the impact of the Special Fund in their countries.

European Regional Vice-President Peter Kostelka suggested the I.O.I. should review its activities and formulate a strategy for its future direction. I agreed with Peter and, after discussion, the Board set up a Task Force to identify and develop proposals for action. The Task Force will be chaired by me as President with Alice Tai, Peter Kostelka and Bruce Barbour as members.

Alice Tai was reappointed Secretary, Dean David Percy was re-elected Treasurer, Hayden Thomas was elected Vice-President succeeding Lethebe Maine, who completed his term of office at the end of November, and I was re-elected President.

Having completed all of our agenda items, the Board adjourned to the warm climate and friendly hospitality of Antigua and Barbuda. We enjoyed a tour of the island of Antigua including many of its historical sites and a dinner with distinguished guests including Sir James B. Carlisle, Governor-General of Antigua and Barbuda, and were entertained by song, dance and poetry of the islands.
Just this past weekend I returned to Iowa from Hong Kong where I was invited by host Alice Tai to address the Asian Ombudsman Association Annual Conference, held November 27 to December 1, on the topic of Development of Specialty and Industry Ombudsmen and their Relationship with The Ombudsman. Alice also invited members of the Australasian and Pacific Ombudsman Association to participate in this conference as well as guests and presenters from other parts of the world. The presenters were a United Nations of ombudsmanship representing Pakistan, Australia, Thailand, India, Papua New Guinea, China, Indonesia, Macao, Malaysia, New Zealand, Azerbaijan, England and Wales. The result was a synergistic exchange of ideas and experience which enhanced our understanding about the global range of the evolving ombudsman institution. Several active members of the I.O.I. were in attendance and contributed significantly to the Conference. In addition many of the participants were also on the I.O.I. Board of Directors. I was extremely pleased to have had the opportunity to meet and learn from I.O.I. Board Member and A.O.A. President Imatiaz Ahmad Sahibzada, Wafaqi Motahsib of Pakistan. Alice and her staff did a wonderful and efficient job of hosting this conference.

I thank all of our members, staff and officers for the contributions they have made to the Institute this past year and I wish everyone a fruitful and joyous New Year. I ask your continued involvement and commitment as we look forward to carrying out the work of the International Ombudsman Institute in 2006.

Sincerely,

William Angrick II
President
Further to the column by our President discussing the 2005 Board Meeting, the President’s Report, Treasurer’s Report and the Minutes of the Board Meeting are appended at the end of this Newsletter.

SERBIAN LAW ESTABLISHING A CITIZEN’S PROTECTOR PASSES

The Law on the Citizen’s Protector (Ombudsman) was passed by the National Assembly of Serbia on September 14, 2005. The Law permits the Protector to investigate, on receipt of a complaint or on its own initiative, complaints against the government administration concerning maladministration, discrimination and other human rights violations.

The first Serbian Ombudsman should be elected in early 2006.

For further information see: OSCE, Press Release, “OSCE Mission and Council of Europe welcome creation of “Protector of Citizens” in Serbia” (September 16, 2005).

DENMARK TO ASSIST JORDAN IN ESTABLISHING AN OMBUDSMAN OFFICE

An agreement has been reached in which the Government of Denmark will assist Jordan in establishing an Ombudsman Office. The Danish government has agreed to provide technical support and experts to assist in building the institutional capacity of the Ombudsman Office. The government of Jordan will need to pass legislation to establish an Ombudsman institution.

See: “Jordan and Denmark agreed on establishing an ombudsman bureau”, Wanadoo Jordan (October 10, 2005).

NEW PAKISTAN NORTH WEST FRONTIER RELIGIOUS OMBUDSMAN BILL

A revised bill has been introduced to establish a religious ombudsman (Hasba) in Pakistan’s North West Frontier Province in response to a Supreme Court decision that found parts of the earlier bill to be unconstitutional. The ombudsman will have the jurisdiction to monitor the observance of Islamic religious values in public places, although its powers have been weakened.

For further information on the earlier bill and the Supreme Court decision see the article entitled “Pakistan Supreme Court Issues Judgment Finding North West Frontier Province Legislation Creating a Religious Ombudsman Unconstitutional” in the September 2005 issue of this Newsletter.


APPOINTMENTS/RETIREMENTS/ANNIVERSARIES/AWARDS ETC.
BELGIUM

On October 27, 2005, the Belgian House of Representatives elected the new Dutch-speaking federal ombudsman, Mr. Guido Schuermans. The new French-speaking federal ombudsman, Mrs. Catherine De Bruecker, had already been elected on July 14, 2005. The two new federal ombudsmen were sworn into office on November 8, 2005. Mrs. De Bruecker and Mr. Schuermans succeed Messrs. Pierre-Yvette Monette and Herman Wuyts, who were the first federal ombudsman of Belgium. They served from January 3, 1997 to November 8, 2005. Dr. Wuyts was a member of the I.O.I. Board of Directors and I.O.I. European Regional Vice-President in the 2000 to 2004 period.

Prior to her appointment as federal ombudsman, Mrs. De Bruecker was a coordinator at the Office of the federal ombudsmen of Belgium whereas Mr. Schuermans was the first institutional federal Ombudsman for Pensions. They commenced their six-year term of office on November 8, 2005.

BOTSWANA

Mr. Lethebe Maine, the first Ombudsman of Botswana, retired on November 30, 2005 after completing two terms for a total of eight years in office. Mr. Maine also served as a member of the I.O.I. Board of Directors, holding the position of I.O.I. Vice-President from 2004 to 2005.

CAYMAN ISLANDS

Dr. John Epp is the Complaints Commissioner of the Cayman Islands.

COSTA RICA

On August 4, 2005, Dr. Lisbeth Quesada was appointed by the Legislative Assembly as the new Defender of the Inhabitants (Defensora de los Habitantes) of Costa Rica. She replaces Licda. Sandra Piszk Feinziberg.

CURA_AO

Mr. Fred Wiel is the Ombudsman of Cura ao.

FINLAND

Dr. Jukka Lindstedt was nominated as Deputy Parliamentary Ombudsman of Finland on September 22, 2005 by the Parliament of Finland. Dr. Lindstedt commenced his duties in October. He replaces Mr. Ilkka Rautio who has ended his term and will become a Justice of the Supreme Court.

Dr. Lindstedt has been on leave from his position as a senior advisor for legislative affairs, Ministry of Justice, and prior to his appointment he was Director of Research, National Archives.
Mr. Jacob Söderman, past EU Ombudsman and a former Ombudsman of Finland, has been appointed as a member of the Working Group that will look into reform of the European Court of Human Rights. The objective of the reform initiative is to make the operation of the Court more efficient into the future. The Court’s activities have been bogged down by the number of cases brought by persons in the forty-five Council of Europe state members which have ratified the European Convention on Human Rights.

GERMANY

The Petitions Committee of the German Bundestag has a new chairperson, Kersten Naumann. Ms. Naumann replaces Dr. Karlheinz Guttmacher, who did not run in the election for the new Parliamentary term.

GUYANA

The Hon. Mr. Justice Shaikh Y. Mohamed demitted office as Ombudsman of Guyana earlier in 2005. As of this date, a new Ombudsman had not been appointed.

IRELAND—DEFENCE FORCES

Ms. Paulyn Marrinan Quinn has been appointed by the President of Ireland as the country’s first Ombudsman for the Defence Forces. Prior to her appointment, Ms. Marrinan Quinn was a senior lawyer and a former Insurance Ombudsman of Ireland.

The Ombudsman for the Defence Forces is established by the Ombudsman (Defence Forces) Act 2004 which is expected to enter into force in December 2005. The Ombudsman will have the power to take complaints from members and former members of the Defence Forces against members of the Defence Forces or civil servants in the Department of Defence.

IRELAND—LANGUAGE

The Office of Ireland’s new Language Commissioner opened in mid-September 2005. Mr. Sean O’Cuirreain is the first Language Commissioner, appointed by the President of Ireland in 2004.

MALTA

On December 12, 2005, Parliament unanimously approved the appointment of Chief Justice Emeritus Joseph Said Pullicino as the new Ombudsman. He will replace Mr. Joseph Sammut who served as Ombudsman for the past ten years.

MEXICO—NATIONAL HUMAN RIGHTS COMMISSION

Dr. José Luis Soberanes Fernández, President of the National Commission of Human Rights, and Ambassador Salvador Campos Icardo, Executive Secretary of the Commission, have the deep pain of informing the I.O.I. that on October 7, 2005, our dear friend and colleague, Laura Sanabria Miravete passed away. With excellent nature and efficiency, Laura used to handle the inter-institutional relations of the Network of National Institutions for the
Promotion and Protection of Human Rights in the Americas, the Ibero-American Federation of Ombudsman and the International Ombudsman Institute. Laura will always remain in our minds for her human values and the magnificent work she always performed. She is survived by her son Bernard Steel Sanabria.

NETHERLANDS

Mr. A.F.M. (Alex) Breninkmeijer was appointed National Ombudsman of the Netherlands by the lower House of the Dutch Parliament (House of Representatives) on June 28, 2005. Mr. Breninkmeijer took up his duties on October 1, 2005. He replaces Mr. Roel Fernhout who has retired.

NETHERLANDS—GRONINGEN AND LEEK

Ms. W. Kol was appointed Municipal Ombudsman of Groningen and Leek on August 1, 2005 for a six-year term. She replaces Dr. J.M.C. Meulenbroek.

NEW ZEALAND

Ms. Beverley Wakem has been appointed as an Ombudsman of New Zealand after the retirement of Judge Anand Satyanand.

NICARAGUA

In December 2004, Mr. Omar Cabezas Lacayo was appointed as the Attorney of Human Rights (Procurador de los Derechos Humanos) of Nicaragua. He replaced Mr. Isidro Benjamin Perez Fonseca. The Reverend Norman Bent was Acting Procurador in the interim period before Mr. Cabezas was appointed.

PAPUA NEW GUINEA

Mr. John Nero was appointed as an Ombudsman of Papua New Guinea in May 2005.

PERU

Ms. Beatriz Merino was elected Defensora del Pueblo (Human Rights Ombudsman) of Peru on September 30, 2005. Trained as a lawyer, prior to her appointment she worked for the World Bank, and in the past she has served as Cabinet Chief in Alejandro Toledo’s government and has been head of Peru’s tax agency and a Member of Congress.

She replaces Mr. Walter Alban Peralta who has served as Acting Defensor del Pueblo since 2000.

PHILIPPINES

Mr. Simeon Marcelo, Ombudsman of the Philippines since 2002, resigned from office effective November 30, 2005 for health reasons.

On December 1, 2005, Ms. Merceditas Gutierrez was appointed Ombudsman of the Philippines by President Arroyo. Prior to her appointment, Ms. Gutierrez was Chief Presidential Legal Counsel, and before that she served as Acting Secretary of Justice
from December 2003 to August 2004, working for a total of twenty-one years in different capacities in the Department of Justice. She holds a bachelor’s degree in elementary education, a bachelor of laws degree and a Diploma in International Law and Development from the Institute of Social Studies, The Hague.

SERBIA AND MONTENEGRO—AUTONOMOUS PROVINCE OF VOJVODINA

Mr. Petar Teofilovic is the Ombudsman of the Autonomous Province of Vojvodina, Serbia and Montenegro.

SOUTH AFRICA

Advocate Mamiki Shai has been approved for the new position of Deputy Public Protector of South Africa by vote of the National Assembly. She will be appointed by President Thabo Mbeki.

SPAIN

Mr. Enrique Múgica was reelected as Defensor del Pueblo (Defender of the People) of Spain by a large majority of the Cortes Generales (Spanish Parliament) on June 29, 2005 for a second five-year term. It is the first time that a Spanish Ombudsman has been reelected.

SPAIN

Margarita Retuerto Buades, Patient Ombudsman (Defensor) of the Community of Madrid and former Acting Defensor del Pueblo of Spain from 1993 to 1994 passed away on December 2, 2005 in Madrid. Ms. Retuerto also served as a member of the I.O.I. Board of Directors when she was Acting Defensor del Pueblo.

Ms. Retuerto worked as Second Deputy to the Defensor del Pueblo in the Office of the Defensor from its inception in 1983, was later made First Deputy and then Acting Defensor in 1993. From December 1994 to July 1996 she returned to the position of First Deputy. In July 1996 Ms. Retuerto was elected to the General Council of the Judicial Power and served in this position until 2001. In November 2002 she was appointed Patient Ombudsman of the Community of Madrid. Her husband predeceased her, and she leaves three children.

TONGA

Ms. Mele Lupehaamoa Ilaiu has been appointed as the new Commissioner for Public Relations (Ombudsman) of Tonga. She replaces Mr. Sialosi Taimani Aho.

U.S.A.—ALASKA

Former State of Alaska Ombudsman Stuart C. Hall passed away in early November 2005. Mr. Hall was Ombudsman of Alaska from 1994 to 1997. He received a bachelor’s degree from the University of California Berkeley, a master’s degree from Stanford University and a law degree from Harvard University. Mr. Hall worked as Senior Legislative Counsel in the Legislative Legal Services Division in the early 1970s, served
as a Commissioner on the Alaska Public Utilities Commission and as Deputy Director for the California Transportation Commission. He is survived by his brother, nieces and nephews.

U.S.A.—KING COUNTY, WASHINGTON STATE

Ms. Rella Foley, a former Ombudsman (Office of Citizen Complaints) of King County, Washington State, died in Seattle on November 2, 2005 after an extended illness. Ms. Foley was hired as Deputy Ombudsman in 1978 when the Office of Citizen Complaints represented both Seattle and King County. She was appointed Ombudsman in 1982 after the jurisdiction of the Office was limited to King County affairs. Ms. Foley served as Ombudsman until she retired in 1993. She came out of retirement to serve as Interim Ombudsman from 1996 to 1997. She is survived by four children, ten grandchildren and a sister. Her husband predeceased her in 2002.

COUNCIL OF EUROPE COMMISSIONER FOR HUMAN RIGHTS

On October 5, 2005, Mr. Thomas Hammarberg of Sweden was elected Council of Europe Commissioner for Human Rights. He will replace Dr. Alvaro Gil-Robles in the position.

Mr. Hammarberg was Secretary-General of Amnesty International from 1980 to 1986 and has been a UN advisor on human rights and a UN representative to Cambodia.

Other candidates for the position were Mr. Marek Nowicki, Human Rights Ombudsperson of Kosovo and Mr. Marc Verwilghen, past Economics Minister of Belgium.

VISITS TO THE ALBANIAN PEOPLE’S ADVOCATE OFFICE IN 2005

Invited by the Albanian People’s Advocate, Mr. Ermir Dobjani, the Parliamentary Greek Ombudsman, Mr. Yorgos Kaminis, paid a two-day visit to Tirana, on September 14 to 16, 2005. This visit in the framework of the cooperation between both counterpart offices, focused on the attention paid by the Greek Ombudsman to the human rights protection of the Albanian citizens living in Greece.

The two counterparts expressed their willingness for further and intensified cooperation in the future through exchanging experiences with reciprocal visits of legal experts to each office and working for a one-month period of time through joint activities in the context of bilateral and multilateral exchanges and other activities. During the two-day visit the Greek Ombudsman had the opportunity to meet with the Chairwoman of the Albanian Parliament, Mrs. Jozefina Topalli, the Chairman of the Constitutional Court, Mr. Gjergj Sauli and the Chairman of the Supreme Court, Mr. Thimjo Kondi.

Following the bilateral and multilateral cooperation that the Office of the Albanian
People’s Advocate has already established with counterparts institutions and their international forums, the Ombudsman of the Republic of Austria, Regional Vice-President of the I.O.I., Mr. Peter Kostelka, paid a two-day visit in Tirana, on October 16 to 18, 2005. In their meeting in his Office, Mr. Ermir Dobjani, the People’s Advocate, appreciated the experiences exchanged between the two Offices as well as the legal amendments to the Law “On the People’s Advocate” that is expected to be expressed in other laws like the Criminal and Civil Codes of Procedure.

During his visit to Albania, the Austrian Ombudsman, Mr. Peter Kostelka, had the opportunity to meet with the President of the Republic, Mr. Alfred Moisiu, the Chairman of the Constitutional Court, Mr. Gjergj Sauli, the Chairman of the Supreme Court, Mr. Thimjo Kondi and the Minister of Justice, Mr. Aldo Bumci.

Earlier in 2005, the following ombudsmen paid visits to the Albanian People’s Advocate, Mr. Ermir Dobjani: Mr. Hans Gammeltoft- Hansen, Parliamentary Ombudsman of Denmark, on January 17 to 19, 2005; Mr. Petar Teofilovic, Ombudsman of the Autonomous Province of Vojvodina, on April 24 to 28, 2005; and Mr. Ixhet Memeti, People’s Advocate of Macedonia, on June 9 to 12, 2005.

The 2005 visits to the Office of the Albanian People’s Advocate continue a regular schedule of visits by ombudsman counterparts from Slovenia, Denmark, Kosovo, Autonomous Province of Bolzano in Italy, Greece, France, Sweden, Bosnia and Herzegovina, Russian Federation, Croatia, Macedonia, the Netherlands and Poland, plus visits from the Commissioner for Human Rights of the Council of Europe and a European Ombudsman Institute Executive Board member, all carried out since 2000.

PAST/UPCOMING CONFERENCES AND COURSES

NOVEMBER 14-16, 2005—CONFERENCE ON THE ROLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS AND THE OMBUDSMAN IN THE FIGHT AGAINST CORRUPTION—ACCRA, GHANA

A conference on the topic of the “Role of National Human Rights Institutions and the Ombudsman in the Fight Against Corruption” was held in Accra, Ghana on November 14 to 16, 2005. The conference was hosted by Ghana’s Commission on Human Rights and Administrative Justice (CHRAJ) and funded by the Danish government. Over seventy persons attended the conference.

NOVEMBER 14-17, 2005—ANNUAL CONGRESS OF IBERO-AMERICAN FEDERATION OF OMBUDSMEN—ASUNCIÓN, PARAGUAY

The Annual Congress of the Ibero-American Federation of Ombudsmen was held in Asunción, Paraguay on November 14 to 17,
The meeting focussed on the rights of the child in Ibero-American countries.

JANUARY 29-31, 2006—FORUM OF CANADIAN OMBUDSMAN ADVANCED INVESTIGATIONS COURSE—TORONTO, ONTARIO, CANADA

The Forum of Canadian Ombudsman is holding an Advanced Investigations Course on January 29 to 31, 2006 in Toronto, Ontario, Canada. A Registration Form is appended at the end of this Newsletter. For further information contact Suzanne Belson at <Belson.sm@forces.gc.ca> or tel: (514) 485-2589.

NEW WEB SITES AND E-MAIL ADDRESSES

CZECH REPUBLIC OMBUDSMAN

The Office of the Public Defender of Rights (Ombudsman) of the Czech Republic has a new web site, available in Czech and English, as follows:

http://www.ochrance.cz

LITHUANIA SEIMAS OMBUDSMEN

The Lithuanian Seimas Ombudsmen have a new web site, available in Lithuanian and English, as follows:

http://www.lrsiki.lt

U.S.A.—HAWAII OMBUDSMAN

The Legislative Ombudsman, Hawaii has a new e-mail address and web site, as follows:

e-mail: robin.matsunaga@ombudsman.hawaii.gov

http://www.ombudsman.hawaii.gov

I.O.I. PUBLICATIONS

(2004) VOLUME 8 OF THE INTERNATIONAL OMBUDSMAN YEARBOOK

Work is underway on the compilation of (2004) Volume 8 of The International Ombudsman Yearbook. As of this date three articles have been accepted for publication: “The Role of Administrative Courts and Ombudsmen in France and Malta: A Review of Two Contrasting Systems” by Cécile Plaidy and Ivan Mifsud; “The Ombudsman and the Rule of Law” by John McMillan; and “Administrative Mediation and Ombudsmen: An Encounter With Normativity” by Marie-José Chidiac.

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

As mentioned in the “From the President’s Desk” column above, Professor Linda Reif, I.O.I. Editor, has been authorized to begin compilation of a Bibliography containing secondary sources on the ombudsman in the English language—books, book chapters, academic articles etc.—which will be posted on the I.O.I. web site when it is completed.
(with any links where available). Given the number of publications on the theme, it is expected that the research for and compilation of this Bibliography will take a number of months. It is expected that the Bibliography will be published in late summer. The Bibliography will be updated annually. In addition, further investigation will be undertaken in the future into compiling Bibliographies of secondary sources published in other languages, e.g. Spanish, French and German publications.

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

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

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

Please submit all material to:

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As we approach the end of another year, we would like to wish all I.O.I. Members and their families a Happy Holiday Season and a Happy New Year.

Best regards,
Linda and Diane