

Office Location



Office of the Ombudsman

Public Workers Union Building,
Tanteen, St. George's, Grenada





OFFICE OF THE OMBUDSMAN
Public Workers Union Bldg., Tanteen, St. George's, Grenada

4th April, 2014

H.E. Dame Cecile La Grenade GCMG, OBE, PhD
Governor-General
Office of the Governor-General
P.O. Box 369
Point Saline
St. George's

Your Excellency,

I have the honour to submit to you, the Fourth Annual Report of the activities of the Office of the Ombudsman, for the period 1st January, 2013 to 31st December, 2013.

This Report is made pursuant to Section 32(3) of the Ombudsman Act 24 of 2007.

Yours respectfully,

Wilfred J. L. Hercules
OMBUDSMAN (AG.)



OFFICE OF THE OMBUDSMAN
Public Workers Union Bldg., Tanteen, St. George's, Grenada

4th April, 2014

Dr. the Hon. Lawrence Joseph
President
The Senate
St. George

Hon. Michael Pierre
Speaker
House of Representatives
St. George

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Ombudsman's Message



For the past four (4) years, the Office of the Ombudsman has been attempting to bring justice and fairness to citizens of Grenada, Carriacou and Petite Martinique who have suffered from instances of mal-administration or wrongful treatment by public service personnel.

The office wishes to express sincere gratitude to similar offices in the region, concerned organizations, the staff of public institutions, senior public officers and citizens that have supported, offered advice and encouragement to the office so that it could fulfill its Vision and Mission Statement. That is, furthering good governance and providing effective service through complaints-handling procedures that are timely, ensuring always the highest levels of confidentiality and impartiality.

During 2013, more persons used the services of the office than in previous years. The table showing **"Status of Complaints Made"** verifies same. Complaints range from sixty-nine (69) in the first year of operation to one hundred

and twenty-four (124) in the year under review. At the end of 2013, only sixteen (16) or 12.9 % of the cases were ongoing.

Many citizens visited the office seeking advice or assistance on matters that fell outside of the mandate given to the office. These persons were happy to be given a listening ear and lavish the office in praise for assisting or attending to their interest. Other issues were beyond legal jurisdiction of the Office of the Ombudsman.

The office has witnessed significant cooperation and timely response from most public officers, a vast improvement from previous years. In July/August 2013, written and verbal communications were held with the Cabinet Secretary on matters pertaining to professionalism of some senior managers. This bore fruit and the Ombudsman (AG.) takes pleasure in congratulating and applauding efforts of the most senior public servant for holding officers to enhance standards, higher discipline and greater professionalism in conducting affairs of the public. As a result, the Office of the Ombudsman benefited by having more matters closed. However, some arrogance on the part of a few senior managers still exists.

As a stronghold for the rights of the public, the office continues to protect the citizen against administrative and executive errors and abuses of power which impact negatively on delivery of public services. That said, an Ombudsman must continue to act impartially and fairly to advance good governance and protect the rights of citizens of this tri-island state.

Wilfred J. L. Hercules
Ombudsman (AG.)

Explanation of Logo



The Ombudsman's role is to provide protection for all the people and to shield them from injustice and unfairness in their dealings with public authorities.

The colours of the national flag red, green and gold, as are included in the Logo.

The **RED** represents the fervour of the people, their courage and vitality; their burning aspiration to be free.

The **GOLD** speaks to wisdom; also, the sun; islands in the sun; the warmth and friendliness of their people.

The **GREEN** recalls the fertility of the land, the lush vegetation and the island's agriculture.

The **SEVEN STARS** represent the seven parishes of the state of Grenada and emphasize the breadth of the Ombudsman's jurisdiction in dealing with complaints from all corners of the society.

The **SHIELD** is the symbol of protection against abuse and discrimination.

The **CIRCLES**, as seen in such logos far and wide, are representative of the Ombudsman.

The **GREY** of the shield symbolises the neutrality and impartiality of the Ombudsman.

Ombudsman's Staff



Staff: Ms. B. Baptiste, Mr. W. Hercules

As of 31st December, 2013, the staff at the Office of the Ombudsman was Mr. Wilfred Hercules, Ombudsman (AG.) and Ms. Beverley Baptiste, Executive Secretary.

Grenada's first Ombudsman, Mr. Argar Alexander, retired during the month of July 2013 on the grounds of age. Mrs. Janice Lessey, the former Administrative Officer, worked until October 2013.

The Ombudsman (AG.) wishes to record his gratitude for their work with the office.

VISION

Furthering of good governance by protection of the individual from injustice and unfairness.

MISSION STATEMENT

Providing effective service through complaints-handling procedures that are timely, ensuring always the highest levels of confidentiality and impartiality.

CORE VALUES

Independence – The office operates with autonomy and the absence of control from Government, political or other parties.

Confidentiality – The office believes in ensuring that its business is conducted in the most professional and confidential manner and without any possibility of compromise.

Impartiality – The office shall always hold true to the practice of neutrality and objectivity to arrive at the truth and thus not seek to take sides in any investigation being undertaken.

Integrity – The office seeks to ensure that all its activities are carried out in ways that bespeak high levels of professionalism, trust, honesty and in an atmosphere of concern for the rights and feelings of all.

The office values a caring and team-oriented workplace that promotes fair and professional treatment of all its officers.

Thus, in consideration of all of the above the Office of the Ombudsman pledges always to carry out its activities with **accountability** and **transparency**.

ANALYSIS OF COMPLAINTS



Complaints in 2013

TABLE 1: STATUS OF COMPLAINTS MADE AGAINST THE VARIOUS PUBLIC AUTHORITIES IN 2013

STATUS OF COMPLAINTS MADE						
PUBLIC AUTHORITIES	Total	Closed	Ongoing	Discontinued	Advice / Referrals	Beyond Jurisdiction
Min. of Labor & Social Services	16	8	4		4	
Grenada Housing Authority	1	1				
NAWASA	2	1				1
OTHER [Private Entities]	19	2			13	4
Min. of Legal Affairs	2	1				1
Min. of Health	9	5			3	1
Min. of Housing and Lands	2	1	1			
Royal Grenada Police Force	23	15	3		4	1
Min. of Foreign Affairs	1	1				
Supreme Court Registry	1	1				
Min. of Works & Public Utilities	9	4	3		2	
Prime Minister's Ministry	2	2				
Grenada Airports Authority	2	2				
Grenada Information Service	1	1				
Department of Public Administration	2	2				
National Insurance Scheme	1	1				
Grenada Ports Authority	2	2				
Grenada Electricity Services	1	1				
Min. of Social Development	1	1				
Min. of Finance & Planning	2	2				
Grenada Development Bank	1				1	
Min. of Education	9	2	4	1	2	
Child Welfare Authority	2	2				
Min. Of Agriculture	8	3	1	1	3	
Magistracy	4	1				3
Richmond Hill Prison	1	1				
TOTAL	124	63	16	2	32	11



From the data collected for the year 2013, it can be concluded that the highest number of complaints were recorded against the **Royal Grenada Police Force (RGPF)** which amounted to twenty-three (23) or 19% of the one hundred and twenty-four (124) received. Fifteen (15) or 65% of those (complaints) that were received against the RGPF were processed and concluded on culmination of the years activities.

In correlating the year 2012, the RGPF led with respect to the quantity of complaints processed and concluded. Of the total one hundred and twenty-one (121) complaints for the calendar year 2012, twenty (20) or 17% were against the RGPF. Ten (10) or 50% of the total complaints received for the period about this public authority was processed and concluded.

It must be noted that the responses from the present Commissioner to complaints made against his officers is timely, rapid and commendable from previous years. There was a 2% increase in the number of complaints received in 2013 and a 15% increase in the number of cases processed and concluded for that period.

Some of the complaints or problems were rather fundamental and avoidable. It is recommended that the **RGPF** carry out periodic workshops as to remind officers of their role and functions in society; or the methods of recruiting new officers should include detailed character references to aid in determining the professionalism and ethics of the individuals being hired as law enforcement officers. Another factor for concern is the lack or delay in communication within the RGPF and with the general public. The same reflects the lack in efficiency and productivity in the public sector, which contributes to economic degradation.

Other (Private Entities) by definition is the term used to collectively describe any complaints or problems brought to the Office of the Ombudsman, which do not fall within the Ombudsman's Jurisdiction. This can be a complaint against an individual(s) or private entity.

Generally the Ombudsman may not investigate these problems or complaints. In these situations, complainants were informed of the legal constraints in which the Ombudsman is required to operate. The amendments to Act #24/2007 in 2013 further restricted the Office of the Ombudsman. Nevertheless the Ombudsman sought audience with them; giving advice or referral where further professional assistance was necessary.

Examples of cases that the Ombudsman cannot investigate:

1. Matters or problems between private individuals.
2. Any matter or complaint that the complainant knew about, more than eighteen months ago.
3. The commencement or conduct of civil or criminal proceeding in a court of law in Grenada or before any international court or tribunal.

Other, accounts for fifteen percent (19/124) of the total cases processed for the calendar year 2013. Sixty-eight percent (13/19) received advice, twenty-one percent (4/19) were beyond legal jurisdiction and eleven percent (2/19) were closed. In 2012, thirty-three percent (40/121) of the total cases processed were considered to be other. They were previously named NPA1 and NPA2. Sixty percent (24/40) of these received advice and forty percent (16/40) was considered to be beyond legal jurisdiction.

The **Ministry of Labour and Social Services**: accounted for sixteen (16/124) or 13% of the total activities for the year 2013. Eight (8/16) or 50% was closed. Four (4/16) or 25% are ongoing and four (4/16) or 25% received advice or referral. To correlate the year 2012, this Ministry occupied thirteen (13/121) or 11% of the complaints; and of that two (2/13) or 15% of the thirteen (13) complaints were culminated with the year activities. One (1/13) or 8% were discontinued and the remaining ten (10/13) remained unresolved and were treated as rollovers in the year 2013. It can be concluded that the office worked tediously towards the conclusion of complaints brought to its attention, giving rise to the results achieved in 2013.



Ministry of Health, Ministry of Works and Public Utilities and Ministry of Education each contributed seven percent (9/124) of the total complaints or problems entertained throughout the year 2013. However, fifty-six percent (5/9) of the complaints against the **Ministry of Health** were resolved while thirty-three percent (3/9) received an advice or a referral and eleven percent (1/9) was beyond legal jurisdiction.

For the **Ministry of Works and Public Utilities**, forty-four percent (4/9) of these cases resolved while thirty-three percent (3/9) is ongoing and twenty-two percent (2/9) was beyond legal jurisdiction.

In respect to the **Ministry of Education and Human Resource**, twenty-two percent (2/9) of the cases were closed, forty-four percent (4/9) are ongoing, eleven percent (1/9) has been discontinued and twenty-two percent (2/9) of the complaints from this public authority received an advice or a referral.

In comparison to 2012, the Ministry of Health recorded a total of two percent (3/121) of the total complaints received; sixty-seven percent (2/3) of these cases were closed by the culmination of the year's activities and thirty-three percent (1/3) is ongoing.

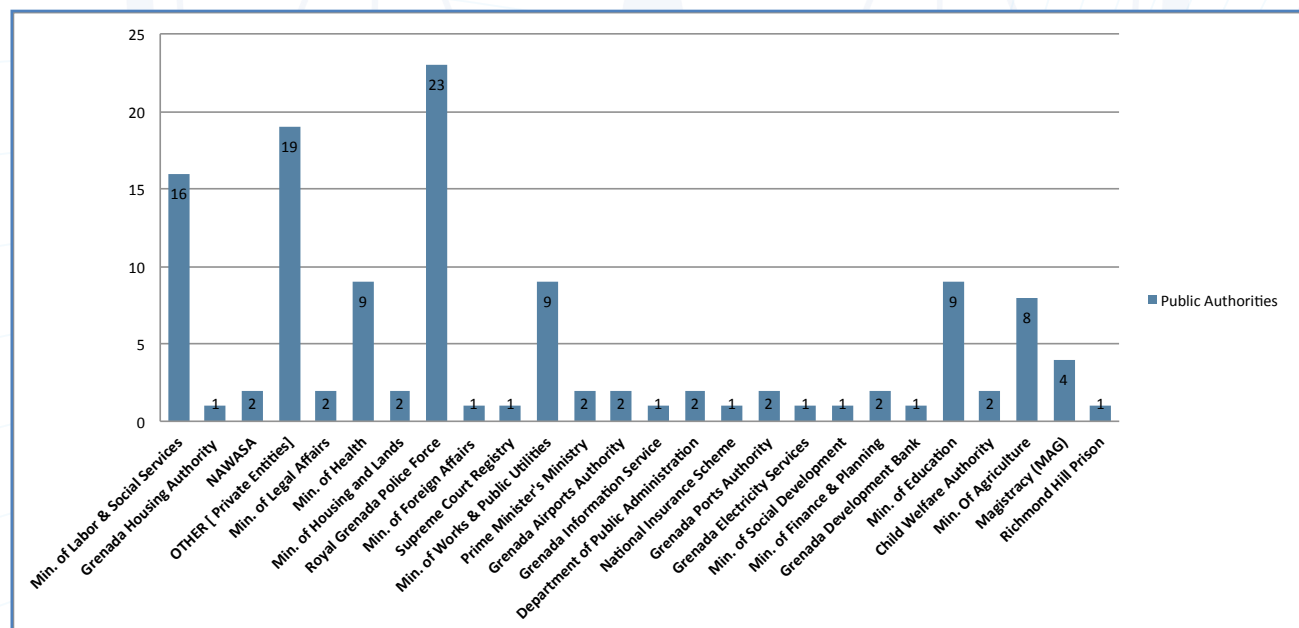
The Ministry of Works and Public Utilities accounted for eleven percent (13/121) of the cases that reached the Office of the Ombudsman. Thirty-eight percent (5/13) of these cases were closed and sixty-two percent (8/13) remained ongoing.

The Ministry of Education and Human Resource recorded six percent (7/121) of the cases for the calendar year 2012. Fifty-seven percent (4/7) of the cases were closed, while the remaining forty-three percent (3/7) remained ongoing.

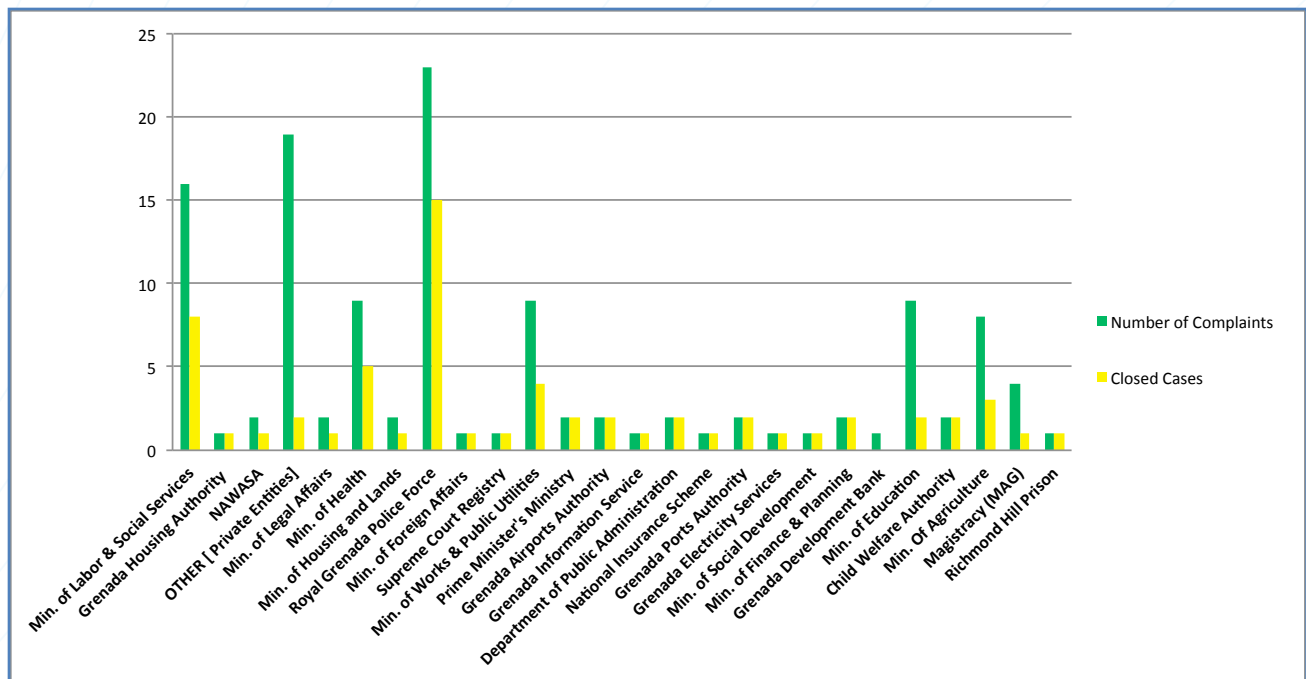
Most of the complaints reported to the Office of the Ombudsman were merely matters requesting administrative efficiency, to which personnel departments should be able to resolve via letter and/or orally within a day or two of notice. Rigid structures must also be put in place to curb the problem of professional misconduct with public authorities.



The graph below is a representation of the complaints in Table 1



Bar graph showing the public authorities, the total number of complainants and the number of cases resolved for the year 2013.



Due to the nature of some of the complaints, they could not have been resolved in the calendar year 2012; and thus had to be rolled-over into 2013. The table below gives an overview of the complaints that had been rolled-over and their current status.

TABLE 2: ROLLOVERS FROM 2012 INTO 2013

STATUS OF COMPLAINTS MADE						
PUBLIC AUTHORITIES	TOTAL	CLOSED	ONGOING	DISCONTINUED	BEYOND JURISDICTION	ADVICE GIVEN
Min. of Labour & Social Services	10	8	2			
Min. of Health	1	1				
Min. of Housing and Lands	4	1	2	1		
Royal Grenada Police Force	7	5	1	1		
Min. of Works & Public Utilities	8	1	5	1	1	
Min. of Social Development	1	1				
Min. of Finance & Planning	1	1				
Min. of Education	3	2	1			
Grenada Board of Tourism	1	1				
T.A.M.C.C	1		1			
Min. Of Agriculture	3	2	1			
TOTAL	40	24	12	3	1	0

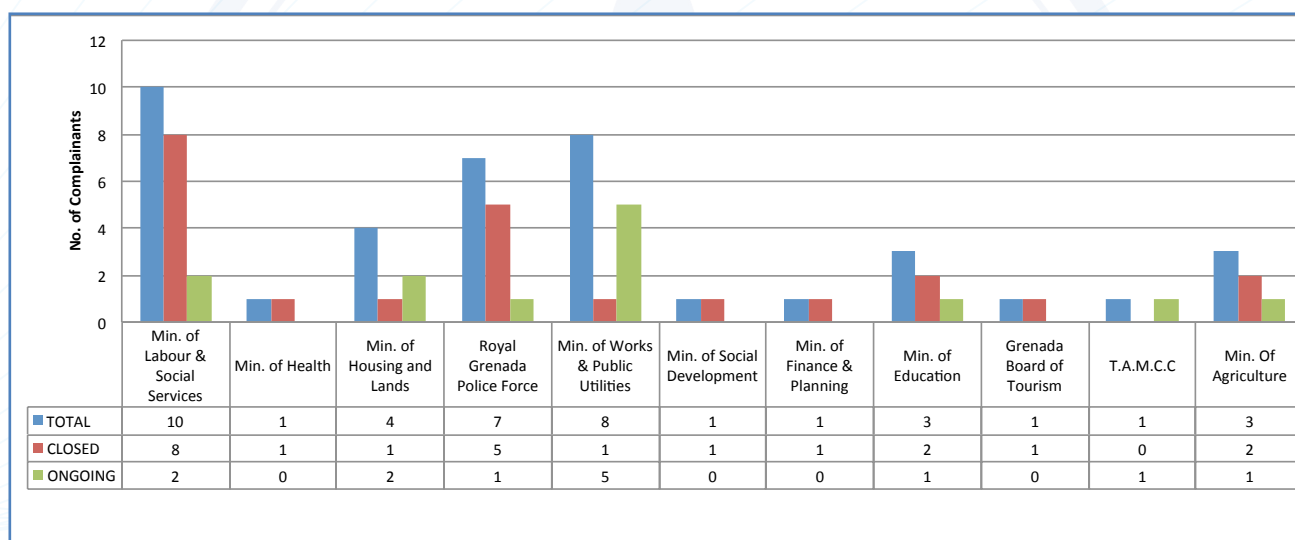
The following public authorities; **Ministry of Labour and Social Services**, **Ministry of Works and Public Utilities** and the **Royal Grenada Police Force** headed the list with 10, 8 and 7 respectively.

In finalizing the activities of 2013, the number of complaints that were resolved for the following public authorities were: **Ministry of Labour and Social Services (8)**, **Royal Grenada Police Force (5)**, two (2) each for the **Ministry of Agriculture** and **Ministry of Education** and one (1) each for the remaining ministries.

It can be concluded that there prevails a grave need to enforce good work ethics in the public workers. Such work ethic is one which reflects a higher level of efficiency and productivity in the workplace. An alternative would be to create a culture in the workforce that would foster the economic growth and future development of our country. It is clear that the time consumed by most of the Ministries to accomplish minimal tasks is lengthy and unwelcoming. However government resources are being used and civil servants are equally compensated to accomplish these objectives.

As it relates to the **RGPF**, it must be noted that the laws of the land are to be enforced without fear or favour. However, there exist many instances of complaints which reflect negligence, a level of partiality or corruption as it relates to the law enforcement authority or bluntly speaking on the part of the officers.

NUMBER OF COMPLAINTS PER PUBLIC AUTHORITY
ROLLED OVER FROM 2012 INTO 2013



NB: Difference reflects either discontinued, advice given or beyond legal jurisdiction.

TABLE 3: COMPARISON OF STATUS OF COMPLAINTS: 2012 VS. 2013

YEAR	Total	Closed	Ongoing	Discontinued	Advice	Beyond Jurisdiction
2013	124	48	22	2	45	7
2012	121	37	40	2	25	17

The table above gives a numerical overview of the current status of complaints that were entertained at the Office of the Ombudsman for the calendar years 2012 and 2013.

From the data represented in the table above it can be observed that the total number of complaints brought to the Office of the Ombudsman in 2013, amounted

to one hundred and twenty-four (124/245) or 51% as opposed to one hundred and twenty-one (121/245) or 49% in 2012. Thus it can be concluded that there was a 2% increase in the number of cases brought to the attention of the Ombudsman in 2013.

Upon further analysis, it can be noted that forty-eight (48) of the one hundred and twenty-four (124) complaints or 39% were closed in 2013 as compared to thirty-seven (37) of the one hundred and twenty-one (121) or 31% in 2012. Analyzing the number of closed cases in 2013, there were forty-eight (48/85) or 56% as opposed to thirty-seven (37/85) or 44% in 2012, an increase of twelve (12) percent in 2013.

Twenty-two (22/62) or 35% of the complaints for 2013 remained ongoing as opposed to the forty (40/62) or 65% in 2012. The number of complaints discontinued remained constant over the two year period. However, the number of complaints which resulted in advice given amounted to forty-five (45/70) or 64% in 2013 as compared to twenty-five (25/70) or 36% in 2012. Those which were considered beyond legal jurisdiction were 29% in 2013 compared to 71% in 2012.

In summary, there has been a tremendous increase in the number of complainants, to which an advice was given. To this effect, the Ombudsman is of the opinion that some of these complainants use the office as an alternative to that of the lawyers primarily due to economic reasons.

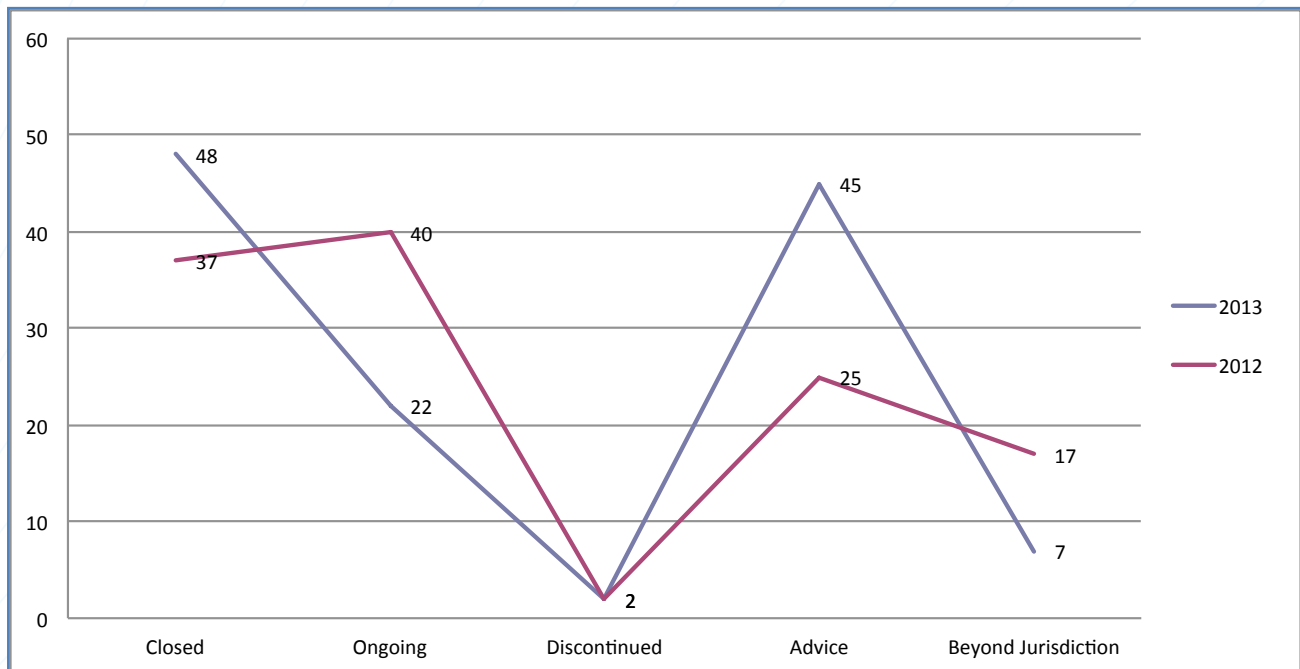
The complaints that were considered beyond legal jurisdiction have decreased severely in 2013. This decrease can be accounted for by the increase in knowledge or awareness of the public of the role of the Office of the Ombudsman. The number of ongoing cases has been reduced by almost half over the two (2) years and this can be accounted for by the proactive or "I can do" attitude of the office and most importantly, the tremendous support of the most senior public servants and other stake-holders.

Furthermore, by frequent visits in the field, investigating the complaints in an attempt to resolve them promptly has generated rapid feedback from senior officers. The office is equipped with a small but dedicated staff that equally assumes their respective roles and works diligently towards the resolution of the complaints at hand.

Office of the Ombudsman > Analysis of Complaints

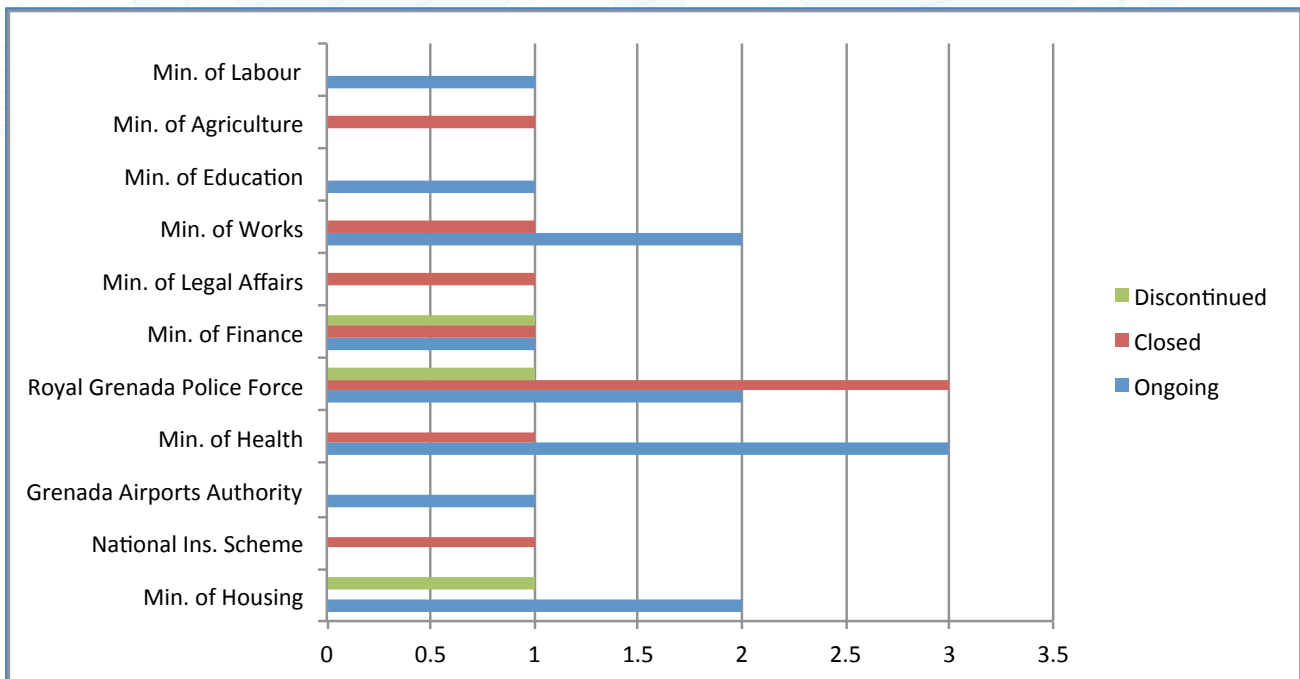
The graph below shows a pictorial comparison between the two years' statistics.

COMPARISON OF COMPLAINTS BY YEAR



Below is a graphical representation of the current status of the rollovers from 2011 into 2013

STATUS OF ROLLOVERS FROM 2011



Complaints from 2011

Unresolved matters in 2011 were fifty-six (56). this was reduced to twenty-five (25) at the end of 2012.

TABLE 4: STATUS OF COMPLAINTS FOR ROLLOVERS FROM 2011 INTO 2013

STATUS OF COMPLAINTS MADE IN 2011 (ROLLOVERS)				
Public Authorities	Total	Ongoing	Closed	Discontinued
Min. of Housing	3	2	0	1
National Ins. Scheme	1	0	1	0
Grenada Airports Authority	1	1	0	0
Min. of Health	4	3	1	0
Royal Grenada Police Force	6	2	3	1
Min. of Finance	3	1	1	1
Min. of Legal Affairs	1	0	1	0
Min. of Works	3	2	1	0
Min. of Education	1	1	0	0
Min. of Agriculture	1	0	1	0
Min. of Labour	1	1	0	0
Total	25	13	9	3

Represented in the above table is the current status of twenty-five complaints which remained unresolved from 2011 to 2013. Nine (9) of these complaints were resolved during the course of 2013 and three (3) were discontinued. From the data represented in the table, it can be concluded that thirteen (13) of the complaints were unresolved and will continue to be processed as rollovers in 2014.

Complaints from 2010

TABLE 5: STATUS OF COMPLAINTS FOR ROLLOVERS FROM 2010 INTO 2013

There were six (6) complaints which remained unsolved from 2010. The table below summarizes the current status of these complaints.

PUBLIC AUTHORITIES	No. of Complaints	Closed	Ongoing	Discontinued
Ministry of Housing	1		1	
Physical Planning Unit	3	3		
Ministry of Legal Affairs	1	1		
Grenada Rural Enterprise Project	1			1
Total	6	4	1	1

Of the six (6) complaints, four (4) were resolved by the end of 2013 activities, one was discontinued and the resolution of one (1) is still being pursued. Three (3) of these matters had to do with the Physical Planning Unit. Two out of three (2/3), were due to the failure or refusal of the aforementioned public authority to resolve the complaints in a timely manner. The single ongoing complaint has acquired this status due to the financial situation of the country. That is, there is a significant delay in the compensation for a parcel of private land acquired by the Government of Grenada in 2006 at Grenville Vale.

Visits to Office in 2013

The following table illustrates the distribution of the visits to the Office of the Ombudsman for the Calendar Year 2013.

TABLE 6: VISITS TO THE OFFICE IN 2013

Months	Number Of Visits
January	21
February	8
March	12
April	10
May	11
June	10
July	14
August	7
September	9
October	8
November	8
December	6
TOTAL	124

From the data represented in the table above and the pie chart below, it can be observed that there was a gradual decrease in the number of visits to the office from the first half to the second half of the year.

In January, twenty-one (21/124) or 17% of the total number of complaints were recorded for the year 2013. This number is a reflection of a series of promotions that were carried out during the later part of October, November and December of 2012. The total number of visits during that period amounted to sixty-nine (69); with November and December of 2012 recording twenty-six (26) and twenty-two (22) complaints respectively and January of 2013 with twenty-one (21) complaints.

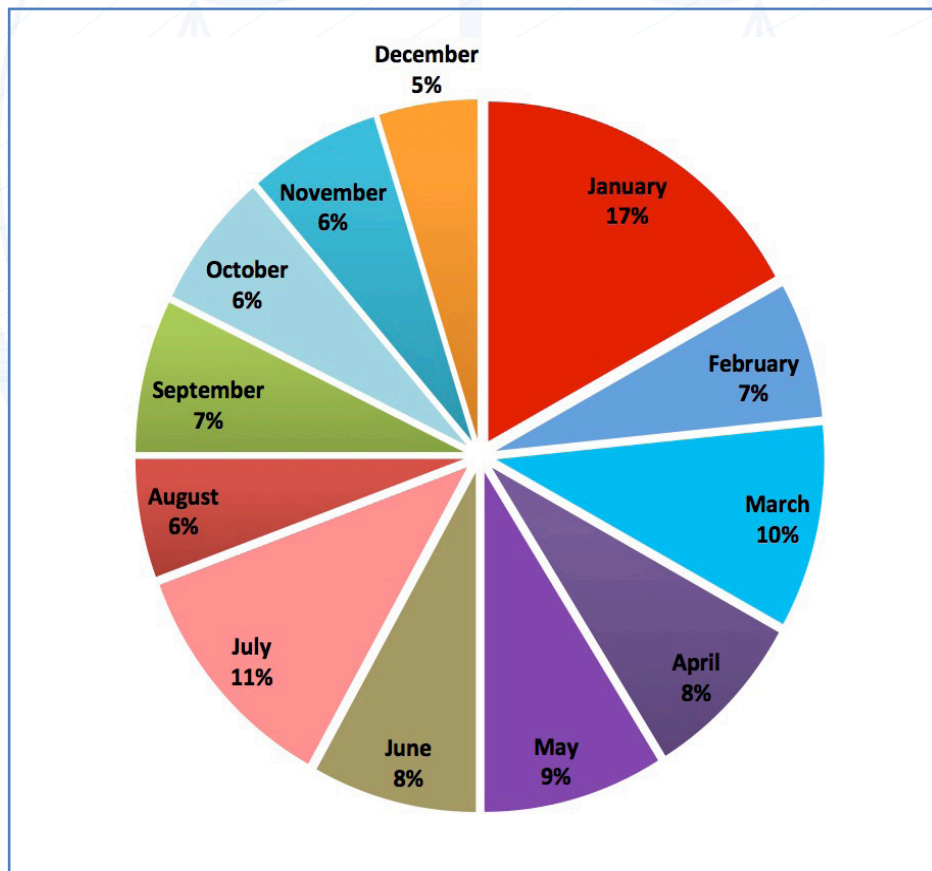
The gradual decrease in complaints throughout the latter part of the year may be due to the aggressive but supportive approach to the office. Upon his assumption to the post in July 2013, a series of letters were written to the Cabinet Secretary and other permanent secretaries in the ministries requesting support in the resolution of complaints.

He expressed dissatisfaction about the nature of complaints presented to the office; which he considered to be as a result of negligence on the part of the staff of various ministries. He requested a revisited approach to solving matters.

To date, the Ombudsman (AG.) is pleased with most of the support received from almost all permanent secretaries and departmental heads to resolve the complaints which come to the office. He firmly believes that there is a slight increase in the level of efficiency and productivity of the staff of the public sector because statistically, the year 2013 recorded the highest number of complaints and the resolution of those complaints. This, in his opinion, is rather commendable and this atmosphere would foster economic growth and future development of the country. Issues especially from the RGPF, Ministry of Works and Ministry of Education are presently timely and responses are rapid.

The pie chart below provides a pictorial representation of the spread of complainants who were in contact with the office during the twelve (12) months of 2013.

Percentage of Visits to the Office of the Ombudsman per month in 2013



Comparison of Visits to office 2013 vs. 2012

The total number of visits for the years 2012 and 2013 were one hundred and twenty-one (121) and one hundred and twenty-four (124) respectively; with 2013 having a 2% increase in the number of visits over 2012.

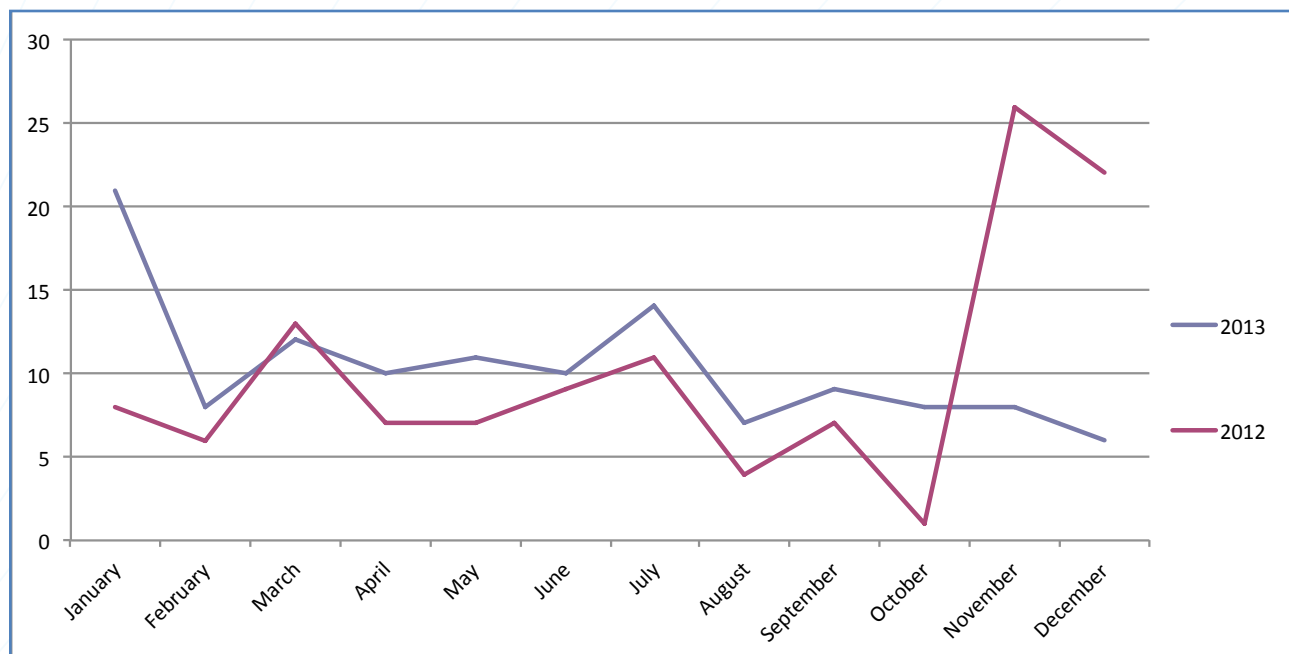
TABLE 7: VISITS TO THE OFFICE IN 2013 VS. 2012

Months	2013	2012
January	21	8
February	8	6
March	12	13
April	10	7
May	11	7
June	10	9
July	14	11
August	7	4
September	9	7
October	8	1
November	8	26
December	6	22
TOTAL	124	121

At the end of the first quarter of the year 2013, forty-one (41/124) or 33% of the complaints were registered, as opposed to its counterpart 2012 which registered twenty-seven (27/121) or 22%. Halfway through the years 2013 and 2012, there were seventy-two (72) and fifty (50) complaints respectively. After three (3) quarters of the year 2013, there were one hundred and two (102) registered complaints and 2012 saw seventy-two (72) complaints.

It can be observed here that there is an even distribution of the complaints throughout 2013. However it must be noted, that there were few promotions (Via Media). towards the end of 2013 due to budgetary constraints and reduced staff.

The graph hereunder provides a pictorial representation of the data as presented in the table above.



The table below shows the distribution of complainants per parish for the year 2013

TABLE 8: DISTRIBUTION OF COMPLAINANTS PER PARISH FOR THE YEAR 2013

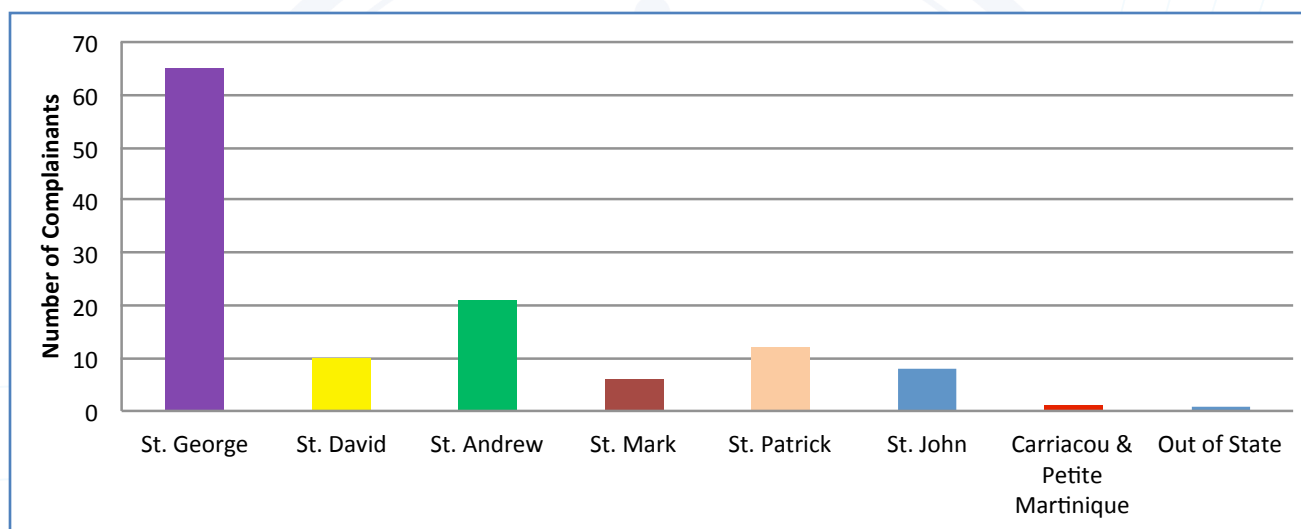
PARISH	NO. OF COMPLAINANTS
St. George	65
St. David	10
St. Andrew	21
St. Mark	6
St. Patrick	12
St. John	8
Carriacou	1
Out of State	1
TOTAL	124

It is clear that sixty-five (65/124) or 52% of the complainants who visited the office resided in St. George, twenty-one (21/124) or 17% in St. Andrew, twelve (12/124) or 10% from St. Patrick, ten (10/124) or 8% in St. John, eight (8/124) or 6% in St Mark and the remaining two (2/124) or 2% were evenly distributed in Carriacou and Out of State.

Most of the complainants resided in St. George's and this could be primarily because of the proximity to the office. The advertisements were via the media; hand-outs and presentations to various institutions.

However there is still a need for Greater publicity of the office to the other parishes of the country especially to the sister isles of Carriacou and Petite Martinique where the distance is a major factor. The office can be contacted via telephone and it's website. Irrespective of the form of contact, every complaint is dealt with in a timely manner, ensuring always the highest level of confidentiality and impartiality.

The graph below shows the residence per parish of the complainants who visited the office during the year 2013.



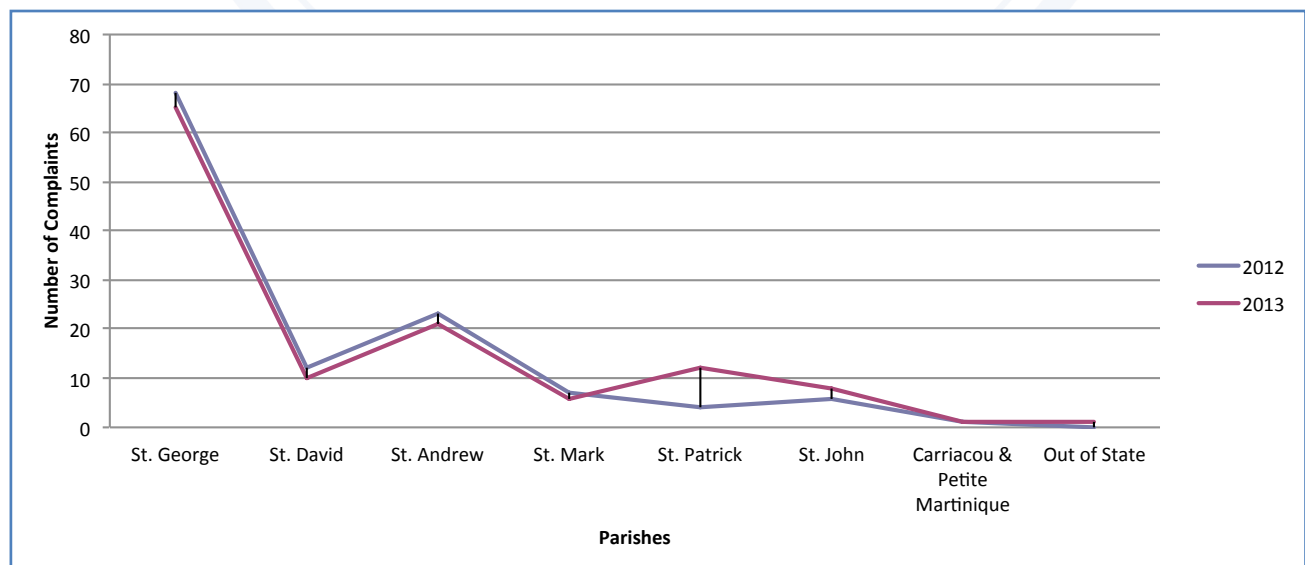
Comparing the residence of complainants for the years 2012 and 2013

The graph below illustrates that, generally the distribution pattern remains fairly constant as it relates to the number of visitors to the office and the parishes in which they reside. However, there is extensive growth in the number of complaints from the residents of St. George; St. Patrick and St. John.

TABLE 9: RESIDENCE OF COMPLAINTS 2013 VS. 2012

PARISH	2012	2013
St. George	68	65
St. David	12	10
St. Andrew	23	21
St. Mark	7	6
St. Patrick	4	12
St. John	6	8
Carriacou & Petite Martinique	1	1
Out of State	0	1
TOTAL	121	124

RESIDENCE OF COMPLAINANTS 2013 VS. 2012



Forms of Initial contact with the Office

The office is readily available to the general public. One can make contact with the office via: Email, Walk-in, Telephone, Appointment and Letter. The table below summarizes the sources through which information was provided to the office.

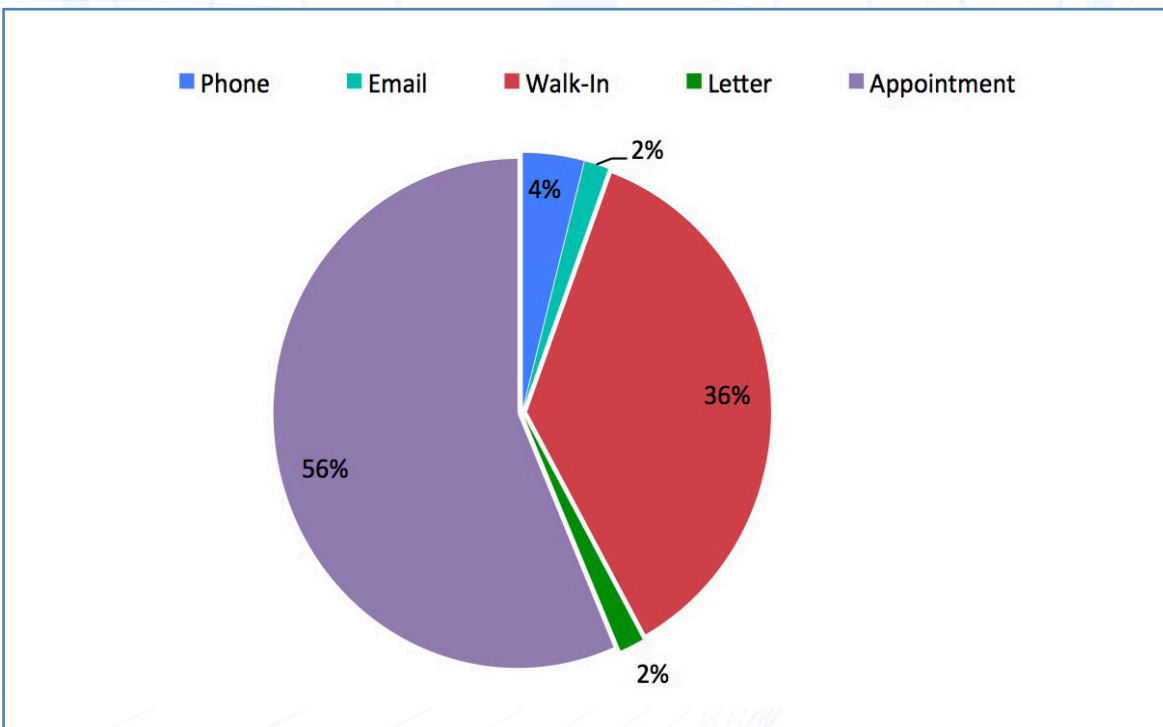
TABLE 10: FORMS OF INITIAL CONTACT WITH THE OFFICE

Phone	Email	Walk-In	Letter	Appointment	TOTAL
5	2	45	2	70	124

Irrespective of the means of initial contact to the office, each complainant is accommodated and provided with the complainants form which he/she must fill out. This subsequently forms part of the official records of the case. Additionally they are provided with a copy of the Complaints Process which informs him/her of the role of the Ombudsman. After this short preparation, each complainant is interviewed by the Ombudsman (AG.)

The graph below illustrates an overview of the forms of initial contact with the Office of the Ombudsman.

FORMS OF INITIAL CONTACT



Sample of Complaints



Case 1

A complainant indicated that his father (deceased) left a parcel of land at River Sallee Lands Settlement. He approached a lawyer in order to gain entitlement to the said land.



Having received his Letters of Administration, he went to the Lands and Survey Department and informed an officer that his father had already completed payment for the land. He was told there was no record of that in the system and there was a balance to be paid. He paid \$164.00 to the Treasury to complete payment. Later, it was discovered that he was due a refund.

The officer then directed him to a surveyor within the Department, since she was unable to see any record of measurement taken of the land.

A survey was conducted of the land. When the job was completed, the complainant asked if he had to pay and, if so, how much. The surveyor indicated that he doesn't do business like that and he (complainant) should know he has to pay him "on the spot." He requested payment of \$600. The complainant told him that this was new to him and he was

unaware that payment had to be made the same time, but promised that the debt would be settled in one month.

He further stated that the surveyor bombarded him day and night with telephone calls demanding payment. Eventually, he went to a certain bank to borrow the money to ensure a paper trail.

To date, he has not received a receipt from the surveyor despite many requests, and would like to be refunded for overpayment of land.

The appropriate public service agency was written to by this office and the Ombudsman (AG.) held a meeting with the head of the department. The salient points raised were whether public officers should conduct private business on Government premises (i.e. the workplace); also, whether Government equipment should be used for private work.

Quite rightly, the matter was referred by the head of the department to the Public Service Commission. At the time of writing, the officer was given a date to appear before the Commission.

Case 2

An employee of a small business was asked to vacate the premises by his employer without adequate compensation. He did.

In his submission, he indicated that he went to the Ministry of Labour on several occasions. Two meetings were held between the Commissioner, his employer and himself. The senior public servant promised at the last meeting to write a report and forward a copy each to the two of them.

Over six months have elapsed since the meeting, and to date he has not received any correspondence from the officer. He made several attempts to reach him but to no avail.

At year end the employee was not compensated for the work/services rendered.

The Ombudsman (AG.) has chosen this case as one of the many matters that occurred during the year under review. The Ombudsman (AG.) wrote letters to the public service agency and held a one-on-one discussion with the senior officer.

It was held that many employers are aware of the limitations of the department. As one employer put it, the department can only persuade him to pay; it cannot "wring his arm if he, the employer, does not want to pay the employee."

It may be necessary to increase the power of the Labour Commissioner via changes to the labor code.

Most complainants confirm to this office that they do not have the necessary financial means to take the employer to court. As a result, these citizens are being taken advantage of. There were many cases of similar nature being reported to the office that the Ombudsman (AG.) feels compelled to highlight them in this forum, so that attention could be paid to those who continue to suffer from this injustice.

Case 3

A caretaker was employed to foster a disabled child for over nine years by the appropriate public service agency. She

was requested to provide documentary evidence on the matter to the Office of the Ombudsman and complied.

She stated the child was sick very often and the medication prescribed appeared to have made matters worse.

The complainant further indicated that with constant care and attention given to the individual, she hardly had time for herself and the rest of her family. As a result, she was forced to give up caring for the child after eight (8) years.

She wrote a letter to the appropriate Government agency on the issue but never received feedback. Thereafter, she attempted to see and discuss the matter with the head of the Public Authority on several occasions without success. The complainant stressed that on one such occasion, she knew the officer was present, but his secretary made excuses claiming he was absent. She requested compensation for holidays for eight (8) years' of service looking after the disabled child on behalf of the relevant agency.

This office, having been informed of the impasse, made representation to the agency and held a meeting with the Chairman and other senior officials. The Board quickly instructed that appropriate arrangements be made to honour the payment by way of a cheque and justice was served to the claimant.

Case 4

The owner of a piece of property in a residential area situated within three (3) miles of St. George's made a complaint to the Office of the Ombudsman. In her submission, she indicated that she had been seeking an investigation into an

alleged unauthorized construction taking place within the vicinity of her property (i.e. less than fifty (50) feet from her property).

She stated that she wrote letters to the public authority officials and they did not even afford her the courtesy of a response to the letters. Furthermore, she made several phone calls to the department head; spoke to the official on two different occasions but the illegal construction of the alleged property continued.

With a sense of growing concern, she expressed her fears as follows:

- The area is residential; and information is needed as to whether it is proper to carry out such an operation, less than fifty (50) feet from her property.
- The alleged building was for wrought iron manufacturing.
- She pledged that wrought iron work creates its own 'garbage' which harbors rodents and a breeding ground for mosquitoes.
- The area does not have three-phase electricity and wondered whether such a project would affect the power supply in her house.
- On this basis, the Office of the Ombudsman wrote the relevant Government department and invited the Ministry to provide it with its comments on the complaint in March of 2013. The authority's response was delayed for several months.

The Ombudsman (AG.) wrote a follow-up letter to the department and made personal visits insisting that the authority provides its mandate to citizens. It is to be

noted that an enforcement notice was secured and the complaint was speedily resolved.

Case 5

A complainant stated that in December 2008, 4,811 square feet of lands were acquired from him by the Government of Grenada for the Rock Fall and Landslip Project, Grand Etang/Constantine Site Works. He received a letter from the project coordinator, as it relates to same.

Nine months later, he received a letter from the head of the public authority indicating that he should furnish them with a copy of his deed, conveyance and original plan so that compensation could be considered. He further stated that he did so on two occasions; and to date has not received feedback on the matter. His grievances are that he would like:

- To be compensated for the 4,811 square feet of lands;
- A copy of the plan indicating lands covered with wire mesh;
- To have the final plan of the lands remaining to him.

Case 6

A retired worker complained against the Ministry of Works, Physical Development and Public Utilities regarding problems she had been experiencing with a squatter at Non Pariel, St. Mark.

She stated that drains (one incomplete) on the sides of her building are presenting environmental problems. The galvanize sheets of a makeshift shack to house animals are over her



property. The constant foul smell and unsatisfactory conditions are at times unbearable.

She complained to the Physical Planning Unit about the situation and the intrusions she has been experiencing on one side of the boundary, with the unpleasant odor from the building close by. The head of Physical Planning Unit promised to visit but has not done so, after repeated request.

Case 7

An individual from an Eastern parish worked at the Revenue Office as a cashier. In paying out the SEED (children's allowance) at the days' end he would reconcile his balances and then report to the officer-in-charge as a routine practice, who would verify and sign-off.

Within the third month of the year, he was told by the officer-in-charge that he was short by \$5.00; then later \$10.00; followed by \$15.00; and finally \$95.00.

He asked his superior about the document showing the children's allowance payments which he handed to him; he replied that he had lost it. Surprisingly, the complainant was being asked to pay back money a week after he had completed the assignment.

The complainant wrote his superior and copied the letter to the Accountant-General's office about the matter. He made mention of the looseness that existed in regard to the handling and securing of government cash in the office.

Approximately one week later, his superior wrote the Accountant-General and gave the complainant a copy of that letter. He further claimed that concerns raised were not addressed. Instead, his supervisor reported that "he was not treasury material and has no place in any department where Government revenue is collected or paid out." He cited a serious concern, insisted that no effort was made by the department to enquire into the matter and felt unjustly treated.

This inability by senior officers to solve matters amicably causes workers sometimes trained by the department with scarce resources to seek alternative employment.

Case 8

A complainant acquired a Class 3 Trinidad and Tobago Driver's Permit while studying in Trinidad and Tobago. Upon completion of his studies, he returned home to Grenada and enquired from the Traffic Department about the requirements to obtain a Grenada Driver's License. He was informed as follows:

- (1) Sit a driving test; or
- (2) Apply for a three-month visitor's license – three applications are required before receiving a permanent one.



The complainant chose the second option and was issued with a permanent license.

He complained that he was unable to find employment, so he ran a private business involving delivery of goods around the country using a delivery van.

One day while making deliveries, a police officer stopped him and asked to see his driver's license. The officer noted that his Class B license does not allow him to drive the vehicle he was using and suggested that he should apply for a Class D. To apply for a change in class, he would have to re-sit the driving test.

He compared his Trinidad and Grenada licences and only then realized that the category of classes differed. According to the Trinidad and Tobago Motor Vehicles and Road Traffic Act, Chap. 48:50, he is permitted to drive "Class 3: Light motor vehicles (including private motor cars, taxis with a tare weight not exceeding 2,270 kilogrammes, maxi-taxis whatever their tare weight and light goods vehicles

not exceeding a maximum gross weight of 2,950 kilogrammes)." The Grenada Class B license allows him to drive only "Private Motor Car (vehicle)".

Contact was made through his lawyer to the Superintendent of the Traffic Department regarding his matter and no feedback was received.

Frustrated, the complainant contacted the Office of the Ombudsman to seek whether the office could mediate in the issue. The Ombudsman (AG.) held dialogue with the Superintendent-in-charge, presented documents and assurances were given that the complainant should come to the Department to conclude the issue.

After several phone calls and visits to the Traffic Department, the matter was still unresolved.

The matter raised here is the inordinate delay by the Department to get things done.

Summary Of Complaints

The public authorities that had the most complaints were:

- Royal Grenada Police Force: **23**
- Other private entities: **19**
- Ministry of Labour: **16**
- Ministry of Education: **9**
- Ministry of Health: **9**
- Ministry of Housing and Lands: **9**

Unlike previous years, there was an increase in complaints against the **magistracy**.

Royal Grenada Police Force

1. A complainant claimed that she was assaulted by another individual. She complained to the Victoria Police Station where a report was taken. She is dissatisfied at the way the police handled her matter which never made it to court.
2. Inordinate delay in handling matters by the Traffic Department.
3. Refusal by law enforcement officers to show-up for court matters on several occasions.
4. Request for compensation due to losses incurred and for the cost of repairs for a building rented to house a police station.
5. Complaint made on a friend of officers. Despite obtaining a signed medical form from a doctor and a statement taken, the matter of the aggrieved person never made it to court.
6. Complaint regarding whether the police interfered with the rights of a citizen.
7. Obtaining an unfair traffic ticket by an officer attached to the Traffic Department. Complaint to the Community Relations Office (CRO) was totally ignored.
8. A complainant stated that her possessions (merchandise and money) were taken by police at the Western Division. Efforts to retrieve same were in vain.
9. Complainant made a comment at a police station to the effect that police were too cozy with citizens, after being dissatisfied with the manner her matter

was handled. Thereafter, she cited a changed demeanour and received no further information. She got the impression her matter was being ignored.

10. Problems in obtaining a statement/report from the RGPF for insurance purposes. Without the report, the complainant is unable to be compensated by the insurance company.
11. An individual was arrested and charged. The person's passport was held at the station on the same day of the arrest. The matter was 'thrown out' by the court. The complainant stated the CRO called and acknowledged that the passport was missing. Efforts to obtain same were unsuccessful.
12. Complaints against husband and wife, both police officers from Grand Anse. The complainant cited abuse of power.
13. A case of beyond legal jurisdiction. A complainant was attacked with mace by a police officer. The court awarded a total of \$29,000 to the person for damages, assault and battery, wrongful arrest, false imprisonment and aggravated damages. The claimant was also awarded cost.

The Ombudsman (AG.) is of the view that abuse of power puts a strain on the financial resources of the country. This money ultimately comes from the consolidated funds. To curb this behaviour it may be necessary to make persons pay a portion from their pocket instead of the public purse.

At the time of writing, the individual had not received payment.

Other Private Entities

Complaints from Private Entities are mandate given outside of the Ombudsman Act. Within the past two (2) years, there were significant complaints against private entities. Some persons blatantly state that they visit the office because they cannot afford legal fees.

The complaints which were received may be categorized thus:

- Complaints against private individuals e.g. neighbours
- A complainant was successful at the High Court of Justice on a matter involving two lawyers. Sums due to him plus legal fees were not received. Repeated efforts to have dialog with his lawyers and report to the Bar Association were all in vain.
- A complainant worked in the USA for almost 37 years. The company owed him termination benefits. He did not hold permanent status in the country and was picked up by the Immigration Department, brought to court and deported.

- Refusal and failure of an attorney-at-law practicing in Grenada to deliver all documentation to a complainant re-sale of land transaction.
- Land dispute among family members.
- The parking of old/derelict vehicles on streets with and without tyres.
- Complaints against private firms over alleged summary dismissal.
- Refusal of tenant to pay landlord monthly rent.
- Refusal of spouse (ex) to pay monthly child support/allowance.

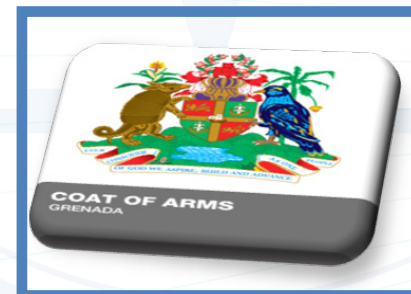
Ministry of Labour

The complaints which were received in 2013 against the Ministry of Labour may be categorized thus:

- Complaints of non-receipt of wages.
- Delay in seeking settlement of underpayment for years which was below the minimum wage.
- Outstanding compensation after complainant was terminated from the job.
- Failure to follow-up on complaints made regarding unfair dismissal at a security firm.
- Failure to organize meetings between complainant and employee as promised.
- Failure to follow-up on a complaint of abrupt and unfair dismissal.

Most of the complaints brought against the Ministry of Labour stemmed from allegations of unfair dismissal, non-payment of termination benefits and blatant refusal of employers to appear at meetings arranged with the Labour Commissioner to discuss matters raised by employees. There is a need to strengthen the Labour Code to address these concerns.

Activities



“ Justice in the life and conduct of the State is possible only as first it resides in the hearts and souls of the citizens. ”
~ Plato

Activities

1. The Ombudsman made two (2) presentations on the functions of the office to Law students of the T.A. Marryshow Community College. (T.A.M.C.C)
2. The office initiated a media promotion through MTV/GIS in October.
3. The Ombudsman attended three (3) local sessions on Human Rights.
4. Presentation was made on the function of the office to the staff and parents at a P.T.A. meeting of the Westerhall Secondary School in September.
5. Presentation was made at the Grenville Secondary School staff day, on the functions of the Office of the Ombudsman.

The Discussion on Human Rights

The Ombudsman (AG.) attended three (3) local seminars on Human Rights. The group discussed the Universal Periodic Review (UPR) Recommendations in International Instruments.

Subject	Recommendations
NHRI <i>This falls within the Ombudsman Office</i>	<ul style="list-style-type: none">• Establish an independent national human rights institution in conformity with the Paris Principles.• Harmonise its national human rights institution so that it is in conformity with the Paris Principles.

International Instruments

- Consider ratifying other human rights core instruments, namely, the Convention against Torture, the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, and the Convention on the Rights of Persons with Disabilities.
- Sign and ratify the following international instruments:
 - (1) The Optional Protocols to the International Covenant on Civil and Political Rights.
 - (2) The International Convention on the Elimination of All Forms of Racial Discrimination.
 - (3) The Convention against Torture and the Optional Protocol thereto.
 - (4) The Optional Protocols of the Convention on the Rights of the Child.
 - (5) The Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto.
 - (6) The International Convention for the Protection of All Persons from Enforced Disappearance.
 - (7) The Protocols to the Convention on the Elimination of all Forms of Discrimination against Women and to the Convention on the Rights of the Child.
 - (8) The Rome Statute accedes to the Convention on refugees and stateless persons.
 - (9) Accomplish the human rights goals set out in Human Rights Council resolution 9 – 12.
 - (10) Adopt, as soon as possible, a de jure moratorium on the death penalty with a view to its definitive abolition, and accede to the Second Optional Protocol to the International Convention on Civil and Political Rights, which prohibits the death penalty in all circumstances.
 - (11) Accession to the Agreement on Privileges and immunities.
 - (12) The two Optional Protocols to the convention on the Rights of the Child.

Rights of the Child

- Enhance the programmes aimed at protecting children from all forms of abuse.
- Strengthen its policy for the full guarantee of the rights of the child, with attention to the implementation of the Guidelines for the Alternative Care of Children, according to resolution 11 – 7 of the Human Rights Council and resolution 64 -142 of the General Assembly.
- Participate fully in the development and implementation of the regional Strategic Plan for Building Abuse-free Childhoods, referenced in the UNICEF report.
- Amend the Criminal Code to ensure equal protection of boys and girls from all forms of sexual exploitation.
- Take steps to implement a juvenile justice system, and introduce training programmes for all personnel involved in working with children in jail.
- Abolish provisions in its domestic legislation that authorize the corporal punishment of children in all places, in particular in detention facilities and in schools.
- Take all measures necessary to bring its domestic law into conformity with the Convention on the Rights of the Childs and to adopt provisions in its Criminal Codes to also protect boys against sexual exploitation.
- Regarding recommendations made by the Human Rights Committee that action be taken to raise the age of criminal responsibility to an acceptable level under international standards, and to reduce domestic violence, take action to address these concerns if they have not been fully addressed
- Address efficiently and effectively the need for provisions for the mandatory reporting of abuse and the removal of a statutory limitation for sexual offences.
- Strengthen the protection framework for children's rights, particularly through measures to prevent child abuse, exploitation and violence against Children.
- Strengthen action to prevent and combat ill treatment and abuse, including the sexual abuse of children, and take into account the recommendations of the Committee on the rights of the Child.

Rights of the Child	<ul style="list-style-type: none"> • Adopt and implement the measures necessary to prevent abuses, namely, the ill treatment and abuse of children, including sexual abuse, as referred to by the Committee on the Rights of the Child, and ensure that such abuses are properly prosecuted within a child-friendly judicial procedure, including appropriate reintegrating and rehabilitation schemes for victims, regardless of their sex. • Establish an independent complaints mechanism for children in alternative care institutions. • Raise the minimum age of criminal responsibility to an acceptable level, in compliance with international standards • Ensure that the rights of all children are equally protected under domestic law, regardless of gender, and consider implementing the recommendations of the Committee on the Rights of the Child. • Adopt a law that prohibits corporal punishment against children in all areas of life. • Amend or regulate existing laws and approve the measures necessary to guarantee to boys, girls and adolescents effective and fair protection, especially from the point of view of gender, against sexual abuse and against exploitation in general.
Public Security	<ul style="list-style-type: none"> • Further strengthen the programmes aimed at preventing crime and ensuring the security of citizens
Death Penalty	<ul style="list-style-type: none"> • Definitely abolish the death penalty in its domestic legislation. • Establish a moratorium on executions with a view to abolishing the death penalty. • Formally abolish the death penalty. • Abolish the death penalty completely and, in the meantime establish a formal moratorium on executions, as urged by the respective General Assembly resolutions.

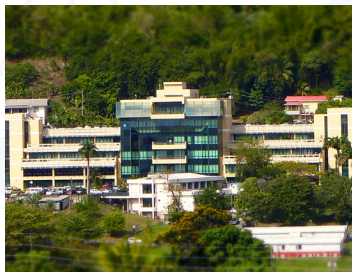
Death Penalty	<ul style="list-style-type: none"> • Amend the relevant legislation with a view to abolishing capital punishment, in line with General Assembly resolutions 62 – 149 and 63 -168 and the Second Optional Protocol to the International Covenant on Civil and Political Rights, and commute existing death sentences to terms of imprisonment. • Abolish death penalty for all crimes, and sign and ratify the Second Optional Protocol to the International Convention on Civil and Political Rights. • In the light of the moratorium on the application of the death penalty, take appropriate measures with a view to its abolition.
Sexual orientation and Gender Identity	<ul style="list-style-type: none"> • Remove legislation which discriminates against individuals on the basis of their sexual orientation or gender identity. • Adopt legislation to eliminate discrimination based on sexual orientation, and decriminalize sexual relations between consenting adults of the same sex. • Decriminalize homosexuality by abrogating the criminal provision prohibiting sexual relations between consenting adults of the same sex, and subscribe to the General Assembly Declaration of December 2008 on human rights and sexual orientation. • Decriminalize sexual activity between consenting adults of the same sex. • Decriminalize sexual relations between consenting adults of the same sex, and carry out legislative and administrative measures prohibiting discrimination based on sexual orientation, especially with regard to access to employment, education and house.
Special procedures	<ul style="list-style-type: none"> • Consider issuing a standing invitation to United Nations human rights special procedures. • Extend an open and standing invitation to the United Nations special procedures mandate holders. • Extend a standing invitation to all special procedures of the Human Rights Council. • Extend an open and standing invitation to all the special procedures.

Trafficking	<ul style="list-style-type: none"> • Adopt legislation to ensure that human trafficking is prohibited under its Criminal Code. • Take the necessary measures to prohibit the sale and trafficking of children for prostitution or labour exploitation, and adopt a policy to confront the issue of trafficking and exploitation.
Detention Conditions	<ul style="list-style-type: none"> • Alleviate overcrowding in prisons by encouraging alternative sentences to incarceration where appropriate. • Review prison regulations to prohibit the reduction of diet as a form of punishment. • Undertake a comprehensive review of prison conditions to ensure that all detainees are treated humanely and in compliance with international standards. • Continue its effort to guarantee the separation of minors from adults in detention facilities. • Ensure that juveniles are detained separately from adults, without exception.
Women's Rights	<ul style="list-style-type: none"> • Continue to adopt measures and programmes to eliminate discrimination against women, especially in the workplace. • Undertake concerted efforts to address the issue of domestic violence, especially with regards to its prevention. • Increase efforts to prevent domestic violence and, inter alia, to strengthen action to assist victims, and take into account the recommendations of the Human Rights Committee.
Rights to Health	<ul style="list-style-type: none"> • Continue the implementation of programmes aimed at achieving a national health-care system that responds adequately to the needs of the population.
Technical Assistance	<ul style="list-style-type: none"> • Seek the assistance of the Office of the United Nations High Commissioner of Human Rights to facilitate Grenada's request for technical assistance so that it may better fulfill its reporting obligations under the respective human rights instruments to which it is a party. • Request cooperation and technical assistance from the relevant international community, including from relevant international bodies, with a view to strengthening national capacities to ratify and implement international conventions to which it is not yet a party, as well as submit pending reports to the human rights treaty bodies.

Disabilities	<ul style="list-style-type: none">• Favourably consider ratification of the Convention on the Rights of Persons with Disabilities as soon as possible.
Justice	<ul style="list-style-type: none">• Review the juvenile justice system in order to raise the age of criminal responsibility, in accordance with international standards.• Take the appropriate measures to implement a separate juvenile justice system, and consider providing separate detention facilities for minor cases in appropriate cases.
UPR process	<ul style="list-style-type: none">• Establish an effective and inclusive process to follow up on universal periodic review recommendations.



Appendices



Excerpts from Act #24/2007

Interpretation

2. (1) in this Act — “

“**administrative action**” means any action taken by or on behalf of an authority in the exercise of its administrative functions and includes—

- (a) a decision or an act;
- (b) a failure to make a decision or do an act, including a failure to provide reasons for a decision;
- (c) a recommendation;
- (d) any action taken because of a recommendation; or
- (e) a failure to make a recommendation;

“**complainant**” means a person who makes a complaint pursuant to Section 20;

“**Court**” means the High Court;

“**Government**” means the Government of Grenada;

“**Investigation**” means an investigation carried out pursuant to the provisions of this Act;

“**mal-administration**” means inefficient, bad or improper administration and, without derogation from the generality of the foregoing, includes—

- (f) unreasonable delay in dealing with the subject matter of an investigation;
- (g) abuse of power, including any discretionary power; or
- (h) administrative action that was—
 - (i) contrary to law;
 - (ii) unfair, oppressive, discriminatory or based on procedures that are unfair, oppressive or discriminatory;
 - (iii) based wholly or partly on a mistake of law or fact or irrelevant grounds;
 - (iv) related to the application of arbitrary or unreasonable procedures; or
 - (v) negligent;

“public authority” means—

- (a) a corporation established by an Act of Parliament for the purpose of providing a public function and subsidiary company thereof registered pursuant to the provisions of the Companies Act;
- (b) a Department or Ministry of the Government;
- (c) anybody, board, commission, committee or other similar body providing a public function;

“public function” means any activity performed a single time or continually, whether or not payment is received for it, and which is carried out by—

- (d) a person for or on behalf of or under the direction of a Ministry, Department of Government, a statutory body, local government authority or a government company;
- (e) a body, whether public or private providing public utilities including the provision of water, electricity or communications;

“public office and public service” shall have the meaning assigned to them respectively pursuant to section 111 of the Constitution;

“Public Service Commission” means the Public Service Commission established pursuant to section 83 of the Constitution;

- (2) **The references in this Act to a Ministry, Department or Agency of Government** shall include references to the Minister, Minister of State, members or officers of that Ministry, Department or Agency or any other person acting on behalf of such person or persons in the exercise or performance of a function conferred on such person or persons pursuant to any law in force in Grenada.

3. (1) This Act shall apply to all public authorities.

20. The functions of the Ombudsman are as follows—

- (1) (a) Subject to subsection (2), to investigate any administrative action of a public authority for the purpose of deciding whether there is evidence of mal-administration on the part of the public authority; or whether any person or body of persons has or may have sustained injustice, injury or abuse as a result of any action taken by public authority or an officer or a member of such public authority;
- (b) Pursuant to an investigation, to make recommendations to the public authority concerning any administrative action that formed the subject of the investigation and, generally, about the ways of improving its administrative practices and procedures; and

- (c) To perform such other functions as may be conferred on him or her pursuant to the provisions of this Act.
- (2) Subject to the provisions of this Act, the Ombudsman may investigate any administrative action taken by or on behalf of a public authority—
 - (a) Where a complaint is made to him or her by a person who claims to have been treated unjustly as a result of mal-administration arising from or in connection with the administrative action taken by the public authority;
 - (b) On his or her own motion, notwithstanding that no complaint has been made to him or her, where he or she is satisfied that there are reasonable grounds to carry out an investigation in the public's interest.
- (3) The Ombudsman shall not investigate any matter or action which arose or took place more than ten years prior to the commencement of this Act.
- (4) The Ombudsman may conduct an investigation notwithstanding a provision in any enactment to the effect that—
 - (a) any decision, recommendation or act of a public authority shall be final;
 - (b) no appeal shall lie in respect thereof; or
 - (c) no proceeding of a public authority shall be challenged, reviewed, quashed or called into question.
- (5) The expression “abuse” as used in subsection (1) above shall include any act of dishonesty or refusal to act and any act motivated by discrimination based on religion, language, race, sex, colour, creed, disability or infirmity
- (6) Subject to the provisions of subsection (7), the Ombudsman shall not investigate—
 - (a) any such action aforesaid in respect of which the complainant has already sought a remedy by way of proceedings in any court or in any tribunal constituted by or under any law;
 - (b) any such action or matters as are described in Schedule II; or
 - (c) The exercise of the powers conferred on the Governor-General pursuant to section 72 of the Constitution which relates to the prerogative of mercy.
- (7) The Ombudsman shall not be precluded from conducting an investigation in respect of any matter by reason only that it is open to the complainant to apply to the court for redress pursuant to section 16 of the Constitution, which relates to redress for contravention of the provisions for the protection of fundamental rights and freedoms.

- (8) If any question arises as to whether the Ombudsman has jurisdiction to investigate any case or class of cases under this Act, he or she may apply to the Court for a declaration determining that question.
- (9) The fact that an action is commenced in any court in connection with a matter under investigation by the Ombudsman shall not, unless the court otherwise directs, Preclude such investigation.

21. An investigation pursuant to section 20 may be undertaken by the Ombudsman on his or her own initiative or on a complaint made to him or her pursuant to section 22.

22. (1) A complaint to the Ombudsman about any administrative action of a public authority—

- (a) shall be made by an aggrieved person, but may be made on his or her behalf by a member of his family or other suitable person to act for himself or herself;
- (b) May be made orally, electronically or in writing; and
- (c) Shall be made within one year after the day the complainant first had notice of the administrative action.

(2) Where the complaint is made to the Ombudsman, he or she shall record—

- (a) The name of the complainant, his or her address and telephone number; and;
- (b) The subject matter of the complaint; and
- (c) The date when the complaint was made.

(3) The provisions of any law now or hereafter in force in Grenada prohibiting or restricting or authorizing or requiring the imposition of prohibitions or restrictions on communication between any person and any other person shall not apply to any communication between any person and the Ombudsman for the purpose of making a complaint under this Act and any person having the right or being under a duty to keep in custody or to detain in any place a person who desires to make a complaint under this Act shall take the necessary steps to facilitate the making of the complaint.

(4) A person who is in custody, including on remand, shall be entitled—

- (a) On making a request to the person in whose custody he or she is detained or to any other person performing duties in connection with his or her detention to—

- (ii) Be provided with facilities for preparing a complaint in writing pursuant to this Act for furnishing to the Ombudsman and after the complaint has been made, any other relevant information and for enclosing the complaint or other information, if any, in a sealed envelope;
 - (iii) Have sent to the Ombudsman, without undue delay, a sealed envelope delivered by him or her to any such person and addressed to the Ombudsman; and
 - (b) To have delivered to him or her, without undue delay, any sealed envelope addressed to him or her and sent by the Ombudsman that comes in the possession or under the control of the person in whose custody he or she is detained or of any other person performing duties in connection with his or her detention.
- (5) Where a sealed envelope addressed to the Ombudsman is delivered by a person detained in custody to a person referred to in subsection (4) for sending to the Ombudsman, or a sealed envelope addressed to a person so detained and sent by the Ombudsman comes into the possession or under the control of a person referred to in that subsection, neither the person in whose custody the first mentioned person is detained nor any other person performing duties in connection with his or her detention shall be entitled to open the envelope or to inspect any document enclosed in the envelope.
- (6) For the purposes of subsections (4) and (5), the Ombudsman may make arrangements with the appropriate public authority for the identification and delivery of sealed envelopes sent by the Ombudsman to persons detained in custody.
- 23.** (1) Where a complaint has been made to the Ombudsman in respect of an action taken by, or on behalf of a public authority the Ombudsman may make inquiries of the public authority for the purposes of determining whether or not he or she is authorized to investigate the action—
- (2) If pursuant to subsection (2) the Ombudsman is authorized to investigate the action, the Ombudsman shall decide
- (a) whether or not if he or she may subject to section 24, decide not to investigate the action; or
 - (b) whether or not he may determine the action without the need for an investigation under this Act; having regard to the nature and seriousness of the complaint.
- (3) An inquiry under subsection (1) is not an investigation for the purposes of section 27.

- 24.** (1) The Ombudsman may refuse to investigate or may cease investigating a complaint if, in the opinion of the Ombudsman, any of the following apply—
- (a) The complainant knew or ought to have known of the decision, recommendation, act or omission to which he or she refers more than a year before the complaint was received by the Ombudsman;
 - (b) the subject matter of the complaint primarily affects a person other than the complainant and the complainant does not have sufficient personal interest in it and is not making the complaint pursuant to section 22 (1) (a);
 - (c) The law or existing administrative procedure provides a remedy adequate in the circumstances for the complainant, and, if the complainant has not availed himself or herself of the remedy, there is no reasonable justification for the failure to do so;
 - (d) The complaint is frivolous, vexatious, not made in good faith or concerns a trivial matter;
 - (e) Having regard to all the circumstances, further investigation is not necessary in order to consider the complaint;
 - (f) If in the circumstances, investigation would not benefit the complainant;
 - (g) The complainant has abandoned the complaint—
 - (i) By failing to advise the Ombudsman of a current address or a telephone number at which the Ombudsman can contact him or her;
 - (ii) By failing to respond after a reasonable number of attempts by the Ombudsman to contact him or her verbally in writing;
 - (h) The complaint is withdrawn by the complainant by notice to the Ombudsman;
 - (i) The complaint is settled pursuant to section 25.
- (2) For the purposes of subsection 1 (a), a complainant shall be deemed to have first had knowledge of the matters alleged in the complaint at the time when he or she might reasonably be expected to have had that knowledge.
- (3) Where the Ombudsman decides not to undertake or continue the investigation of a complaint, he or she shall notify the complainant of his or her decision and give reasons therefore.
- (4) The Ombudsman may indicate with the notification under subsection (3) any other recourse that may be available to the complainant.

- 25.** (1) The Ombudsman may decide to deal with a complaint by mediation under this section if he or she is of the opinion having regard to all the circumstances of the case, that mediation is suitable to such circumstances.
- (2) The Ombudsman may authorize any person appointed pursuant to section 14 (3) to act as a mediator in any mediation.
- (3) Participation in the mediation by the public authority that is the subject of the investigation and the complainant is voluntary, and any party may withdraw at any time.

List of Public Authorities

PUBLIC AUTHORITY	CODE	PUBLIC AUTHORITY	CODE
Ministry of Agriculture, Forestry, and Fisheries	MAF	Child Welfare Authority	CWA
Ministry of Carriacou and Petite Martinique Affairs	MCP	Gravel, Concrete & Emulsion Production Corporation	GCE
Ministry of Education and Human Resource Development	MEH	Grenada Airports Authority	GAA
Ministry of the Environment, Foreign Trade and Export Development	MEF	Grenada Authority for the Regulation of Financial Institutions	ARF
Ministry of Finance, Planning, Economy, Energy and Cooperatives	MFP	Grenada Board of Tourism	GBT
Ministry of Foreign Affairs	MFA	Grenada Bureau of Standards	BOS
Ministry of Health	MHE	Grenada Cocoa Association	GCA
Ministry of Housing, Lands and Community Development	MHL	Grenada Cooperative Nutmeg Association	CNA
Ministry of Labour, Social Security and Ecclesiastical Affairs	MLS	Grenada Cultural Foundation	GCF
Ministry of Legal Affairs	MLA	Grenada Development Bank	GDB
Prime Minister's Ministry (National Security, Public Administration, ICT and Culture)	PMM	Grenada Food and Nutrition Council	FNC

PUBLIC AUTHORITY	CODE	PUBLIC AUTHORITY	CODE
Ministry of Social Development	MSD	Grenada Housing Authority	GHA
Ministry of Tourism and Civil Aviation	MTC	Grenada Industrial Development Corporation	IDC
Ministry of Works, Physical Development and Public Utilities	MWP	Grenada National Lottery Authority	NLA
Ministry of Youth Empowerment and Sports	MYS	Grenada National Museum	GNM
Department of Audit	DOA	Grenada Ports Authority	GPA
Governor General's Office	GGO	Grenada Postal Corporation	GPC
Integrity Commission	ICO	Grenada Solid Waste Management Authority	SWA
Magistracy	MAG	Marketing & National Importing Board	MIB
Office of the Director of Prosecutions	DPP	National Insurance Scheme	NIS
Office of the Houses of Parliament	OHP	National Telecommunication Regulatory Commission	TRC
Parliamentary Electoral Office	PEO	National Water & Sewage Authority	WSA
Public Service Commission	PSC	T. A Marryshow Community College	MCC
Supreme Court Registry	SCR	Royal Grenada Police Force	GPF
Grenada Rural Enterprise Project	REP	Physical Planning Unit	PPU
Department of Public Administration	DPA	Private Entities	OTH

Ombudsman (Amendments) ARRANGMENT OF CLAUSES

1. Short title
2. Interpretation
3. Amendment to section 11
4. Amendment to section 15
5. Amendment to section 19
6. Amendment to section 22
7. Amendment to section 23
8. Amendment to section 27
9. Amendment to section 29
10. Amendment to Schedule II
11. Insertion of Schedule



GRENADA

ACT NO. 20 OF 2013

I assent,

CECILE E. F. LA GRENADE
Governor- General.

17th September, 2013

AN ACT to amend the Ombudsman Act Cap. 218B of the 2010 Continuous Revised Edition of the Laws of Grenada.

[27th September, 2013].

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Grenada, and by the authority of the same as follows:

1. This Act may be cited as the

Short title.

OMBUDSMAN (AMENDMENT) ACT, 2013

2. In this Act –

Interpretation.

“principal Act” means the Ombudsman Act Cap. 218B of the 2010 Continuous Revised Edition of the Laws of Grenada.

Amendment to
Section 11.

- 3.** Section 11 of the principal Act is amended by repealing subsection (1) and substituting the following subsection –

“(1) Subject to subsection (2), the Ombudsman shall receive such emoluments and may be subject to such other terms and conditions of service as may from time to time be prescribed under this Act.”

Amendment to
Section 15.

- 4.** Section 15 of the principal Act is amended by repealing subsection (3) and substituting the following subsection –

“(3) A delegate shall, upon request by a person affected by the exercise of any power delegated to him or her, produce the instrument of delegation, or a copy of the instrument as provided for in the third Schedule, for inspection.”

Amendment to
Section 19.

- 5.** Section 19 of the principal Act is amended-

(i) By repealing subsection (2) and substituting the following subsection-

“(2) The finance required for the salary and allowances of the Ombudsman, and for the resources described in section 14 and subsection (1) of this section, shall not exceed a maximum amount indicated in an Ombudsman plan approved by the House of Representatives and shall be a charge on the Consolidated Fund without any further appropriation under any other enactment, other than under this Act, provided that the Ombudsman shall present to the House of Representatives by the 15th day of September of each year, an Ombudsman Plan, which will indicate the activities for the ensuing year.”

(ii) in subsection (3) by deleting the words “Finance and Audit Act” and substituting with the words “Public Finance Management Act”.

- 6.** Section 22 of the principal Act is amended by repealing subsection (1)(c) and substituting the following subsection- Amendment to
Section 22.

“(c) Shall be made within one year after the day the complaint first had notice of the administrative action, but the Ombudsman may extend this time for a further period of six months, if in his opinion there are special circumstances which justify such extension.”

- 7.** Section 23 of the principal Act is amended in subsection (2) by deleting the words “subsection (2)” and substituting the words “sub-section (1)”. Amendment to
Section 23.

- 8.** Section 27 of the principal Act is amended in subsection (9) – Amendment to
Section 27.

(i). by deleting the word “process” and substituting the word “powers;

(ii). by deleting the word “as” appearing after the word “witnesses” and substituting the word “and”.

- 9.** Section 29 of the principal Act is hereby repealed and substituted with the following section- Amendment to
Section 29.

“29. – (1) Where the Attorney-General certifies that the giving of information or the answering of any question or the production of any document or thing or the allowing of access to any premises;

- a) Might prejudice the security, defence or internal relations of Grenada or the investigation or detection of offences;
- b) Might involve the disclosure of deliberation of the Cabinet; or
- c) Might involve the disclosure or proceedings of the Cabinet or of any committee of the matters of a secret or confidential nature and would be injurious to the public interest,

The Ombudsman shall not require the information or answer to be given or the document or thing to be produced or access to the premises to be allowed.

- (2) Subject to subsection (1), no information, answer, document or thing should be withheld from the Ombudsman on the ground that its disclosure would be contrary to the public interest.”

Amendment to
Schedule II

10. Schedule II of the principal Act is hereby repealed and substituted with the following Schedule -

“SCHEDULE II MATTERS NOT SUBJECT TO INVESTIGATION

- 1. Action taken in matters certified by the Minister responsible for Foreign Affairs or the Minister of the crown to affect relations or dealings between the Government of Grenada and any other Government or any international organization of States or Governments.
- 2. Action taken in any country or territory outside of Grenada, by or on behalf of any officer representing or acting under the authority of Her Majesty in respect of Grenada or any other public officer of the Government of Grenada.
- 3. Action taken by the Attorney-General relating to the extradition of any person under the Extradition Act.
- 4. Action taken by or with the authority of the Attorney-General or any other Minister of the Crown, the Director of Public Prosecutions or Commissioner of Police for the purposes of investigating of crime or protecting of the security of Grenada, including action taken with respect to passports.
- 5. The commencement or conduct of civil or criminal proceedings before any Court of Law in Grenada, or before any international court or tribunal.
- 6. Action taken in connection with the exercise or possible exercise of prerogative of mercy under the Constitution or otherwise.
- 7. Action taken in matters relating to contractual or commercial transaction, being transactions of a department of government or a statutory board not being transactions relating to –
 - (i) The acquisition of land compulsorily or in circumstances in which it could be acquired compulsorily;

- (ii) The disposal of surplus land acquired compulsorily or in circumstances in which it could be acquired compulsorily.
- 8. Any action or advice of a qualified medical practitioner or consultant involving the exercise of professional or critical judgment.
- 9. Any matter relating to any person who is or was a member of the armed or police force of Grenada in so far as the matter relates to-
 - (i) The terms and conditions of service of such member; or
 - (ii) Any order, command, penalty or punishment given to or affecting him on his capacity as such member.
- 10. Any action which by virtue of any provision of the Constitution may not be enquired into by any court.
- 11. The grant of honor or awards
- 12. Matters relating to the grant of liquor licences.
- 13. Matters relating to the regulation of public utilities.
- 14. Any function of the Minister under the Immigration Act or the regulations made thereunder.
- 15. Any judicial function not specifically excluded by paragraphs 1 to 14.
- 11.** The principal Act is amended by inserting after the Second Schedule the following Schedule –

Amendment to
Schedule II

“THIRD SCHEDULE INSTRUMENT OF DELEGATION

I, _____ pursuant to section 15 of the Ombudsman Act Cap 218B, do hereby delegate the following powers, functions and duties; -

(i)

(ii)

(iii)

Upon _____ for the time being.

This delegation does not permit the sub-delegation of the powers in accordance with Section 15 (1) of the Ombudsman Act Cap 218B.”

Approved by:

Passed in the House of Representative this 2nd day of August, 2013.

Copies of the Act may be found on the Government of Grenada's and the Office of the Ombudsman's website.

Government of Grenada's Website:

www.gov.gd

Office of the Ombudsman's Website:

www.ombudsman.gd



