

# News Bulletin

*July ~ December, 2006*

**ASIAN OMBUDSMAN ASSOCIATION**

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## ASIAN OMBUDSMAN ASSOCIATION

Dear Members,

Asalaam Alaukaum,

The first issue of the News Bulletin of the Asian Ombudsman Association (AOA), was published and issued to all members of the Association in August, 2006. The same was also placed on the official website of the AOA.

2. During the 8th Annual Meeting of the Board of Directors of the AOA, discussions were held to review and improve the News Bulletin. It was decided that the publication will carry its present name of News Bulletin for the forthcoming issue of January 2007 and a new title, design, and lay-out options for the July 2007 issue, will be placed before the General Assembly for approval during 10th Conference of the Association, scheduled to be held on 25-28 April, 2007, in Hanoi, Socialist Republic of Vietnam. It was also decided that space for each member country will be available on the electronic version for which they may send material to the AOA secretariat in an abstract form, within a month.

3. It is hoped that the members in future issues of the Bulletin will continue to contribute actively to make it information friendly and useful.

With warmest regard to all Members of the AOA.

**(MOHAMMAD IHTESHAM KHAN)**  
Executive Secretary,  
Asian Ombudsman Association,  
Islamabad.

**COMMISSIONER FOR HUMAN RIGHTS  
REPUBLIC OF AZERBAIJAN**



**Ombudsman held a Conference on Issues  
Regarding Children:-**

A conference on "In Direction of Creation of Safe World for Children" organized by Ombudsman of the Republic of Azerbaijan with support from UNICEF, was held on 22 November, 2006.

Representatives of state and non-governmental organizations and a number of ministries, Republican children's organizations, international structures, mass media, chairmen of commissions attached to executive authorities on under age persons and defense of their rights partook in the event.

Ombudsman, Ms. Elmira Suleymanova, opened the conference and taking floor at the conference included UNICEF Chief representatives to Azerbaijan, H. Singer, representative of MM commissions on social policy, Khadi Rajabli, deputy chairman of the State Committee on family, women and children's issue, Sadagat Gakhramanova, deputy minister of education, Irada Huseinova, chief of administration of international law and agreements of the Ministry of Foreign Affairs, Murad Najafov, chief of the main office of public security of the Ministry of Internal Affairs, Kamal Imamverdiyev.

Underlining that owing to intensive integration of Azerbaijan to the world community, pursuing of successful social and economic policy, poverty levels have reduced and material well-being have improved in the

country resulting in an increase in living standards. Speech makers underlined that all mentioned facts positively affected the improvement of the state of growing generations. It has been specially underlined that our National leader, Mr. Heydar Aliyev, constantly paid attention to the problems faced by the child population, pointing the most efficient way to solve them; he has always partaken in events dedicated to children.

It was also emphasized at the conference that President, Ilham Aliyev, signed programs relating to the social defense of talented children, poverty reduction, demographic security etc. the rapid growth of budget of the Republic over last 3 years, the increase of pensions, the benefits paid for martyrs' families, means allotted for education and health care are referred to as important steps undertaken in the field of protection of the rights of the children.

Speech-makers touched upon crucial problems in the field of protection of the children and commented that Azerbaijan achieved great successes in the field of immunization, how good it is that the government is financing immunization services, and how this process covers 90% of the territory of the Republic. In addition the work carried out in our country in the field of protection of the rights of children, realization of state programs made up in this field and Azerbaijan's joining UN/UNICEF conventions were mentioned.

**Ombudsman office jointly with Ministry of  
Foreign Affairs organized "Round Table" on  
rights of the children:-**

Ombudsman of the Republic of Azerbaijan, Ms. Elmira Suleymanova, informed about work carried out in the country in the field



of protection of the rights of the children. She informed that the government of Azerbaijan presented a report concerning the rights of the children in Azerbaijan to the UN Committee on the Rights of the Child. She stressed that the report was presented to the Committee in January 2006.

Appropriate recommendations were presented to the government. Ms. Elmira Suleymanova emphasized the necessity of the creation of special department on the rights of the child attached to Ombudsman office.

Chairman of State Committee on Problem of Family, Women and Children, Hijran Huseinova and the head of administration of the Ministry of Foreign Affairs, Murad Najafov, informed about work carried out for preparation of plan of joint activity directed to more effective protection of the rights of the child and improvement of their state in this field.

Tasks derived from recommendations of the UN Committee were discussed at this event attended by representatives of state structures and NGOs. Proposals were presented for preparation of Action Plan, and perspectives for further cooperation were defined.

**Visit of the Staff of Azerbaijan Ombudsman Office to Switzerland: -**

Ombudsman Apparatus Officers visited Switzerland by invitation of the Organization for Development and Cooperation of Switzerland and Geneva Institute of International Relations.

Beginning from 2001, the Organization for Development and Cooperation of Switzerland and Geneva Institute of International Relations implements the International relations building-up project.

The main purpose of this project is to bring the South Caucasus public departments in line of international standards, to reinforce and

develop public relations, and also to the improve information receiving process.

Within the framework of the project, the training and courses in the field of human rights, humanitarian rights, economics and negotiation process are held for officers of public organizations of the South Caucasus states. Furthermore, to date Councils of graduates, which members were trained within the framework of the project have been established and are being operated in South Caucasus states each. Already for the past two years these graduates have been awarded the Switzerland Leadership Prize and sent for weekly business visit to Switzerland.

Thus, from 23 to 28 July 2006 three winners of the Switzerland Leadership Prize, among who were also officers of the Apparatus of Ombudsman of the Republic of Azerbaijan Zaur Zamanov and Lala Azimova, left for Switzerland.

At the first day of the visit the representatives of the South Caucasus countries were received at the Institute of International Relations where Professor Daniel Warner, deputy Director of the Institute, congratulated the winners on the Prize and discussed about the Swiss Confederation.

Then a number of international organizations which headquarters are situated in Geneva, including the Office of the UN to Geneva, the UN High Commissariat for Refugees (UNHCR), the Office of the UN High Commissariat for Human Rights (UNHCHR), International Committee of Red Cross and World Trade Organization, engaged in discussions focused on actual issues of international relations, and also problems in the field of human rights, diplomacy and international security .



Moreover, the 'round table' under the direction of Deputy Minister of Foreign Affairs of Switzerland for Political Issues was held in Bern.

The 'round table' said that Switzerland was interested in cooperation with Azerbaijan and intends to develop relations with our country.

At the same time, the officers of the Apparatus of Ombudsman visited the Embassy of Azerbaijan to Switzerland and discussed the human rights related matters.

During the trip to Switzerland, the officers of the Apparatus of Ombudsman informed in detail about our State, legal and social and economic reforms for development of human rights and reinforcement of civil society. Informing of such multilateral work done by the Apparatus of Ombudsman of the Republic of Azerbaijan and the difficulties that faced the Ombudsman.

**Ombudsman Law Amended: -**

Recently the Constitutional law of the Republic of Azerbaijan on "Making amendments and appendices to the Constitutional law of the Republic of Azerbaijan on Ombudsman for Human Rights of the Republic of Azerbaijan" was adopted. The law is approved through a presidential decree. It is appropriate to mention that the draft bill is submitted to the Milli Majlis by the Head of State as a legislative initiative. The draft bill implies such issues as making appropriate amendments and appendices to Article 3 of the Constitutional law, conferring the Ombudsman powers on establishment of regional centers, and determining the status of the center and their funding on public funds. As the draft bill has a Constitutional status, it can be submitted to the voting of the Constitution, particularly twice in six months.

In March 2006, the Milli Majlis, discussed the issue related making amendments and appendices to the Constitutional law of the Republic of Azerbaijan on "Ombudsman for Human Rights of the Republic of Azerbaijan" in first reading and adopted by the majority of votes. In October 2006, the draft bill was submitted to the second reading of the Parliament and was adopted by the majority of votes.

In addition, Ombudsman's regional centers are established in order to simplify people's application to the structure, to speed up the necessary survey at places and to increase people's purposeful legal enlightenment. The regional centers set up in 2003 in Guba, Sheki and Jalilabad are funded by the United Nations Development Programme, contributing to the provision of human rights, broadening of the Ombudsman's activity, and also simplifying the rules of complaints and compliances to the Ombudsman. The centers' activity was highly appraised by the population, the United Nations, the Council of Europe and experts of international organizations.

The majority of complaints addressed to the Ombudsman are from various regions; at the same time the establishment of regional centers and arrangements directed to regional development regulate a number of issues on this occasion. The Ombudsman's regional centers carry out legal enlightenment among people of appropriate regions, in close collaboration with mass media, local public organizations, and municipalities hold different workshops, "round tables", and other arrangements devoted to human rights. The arrangements resulted in solution of the majority of problems, and the regions' population has



gotten comprehensive information about their rights.

The adoption of the law on "Making amendments and appendices to the Constitutional law of the Republic of Azerbaijan on Ombudsman for Human Rights of the Republic of Azerbaijan" is a regular evidence of the attention and concern shown by the President of the Republic of Azerbaijan towards the provision of human rights of people living in various country's regions, and their problems.

Thus, including Nakhchivan and Ganja regional centers, Ombudsman's five regional centers are already operational

**MINISTRY OF SUPERVISION,  
PEOPLE'S REPUBLIC OF CHINA**



**Measures Taken by China's Supervisory  
Organ to Safeguard Public Interests and  
Results Thus Yielded Ministry of  
Supervision, the People's Republic of China:**

Pursuing the political idea of putting the people in the first place and governing the state for the people, and always regarding protection of public interests as an important content for building political civilization of socialism, the Chinese government has established an effective social and political system and a supervisory mechanism to safeguard public interests and adopted powerful steps. As an exclusive body to exercise government supervisory functions, China's supervisory organ has earnestly performed its duty entrusted by the Constitution and laws, and regarded solution to the outstanding problems that harm immediate interests of the public as a priority for building a clean government.

Therefore, it has played an important role in standardizing executive power, promoting governance according to law and safeguarding public interests.

**I. Take Up Citizens' Accusations,  
Complaints and Appeals: -**

Citizens' right of accusation, complaint and appeal is a basic right entrusted to Chinese citizens by the Chinese Constitution. It is clearly stipulated in the Constitution of the People's Republic of China that "Citizens of the People's Republic of China have the right to criticize and make suggestions regarding any State organ or functionary. Citizens have the right to make to relevant State organs complaints or charges against, or exposures of, any State organ or functionary for violation of law or dereliction of duty." China's supervisory organizations regard taking up citizens' accusations, complaints and appeals as ensuring enforcement of the Constitution, safeguarding human rights and building political civilization. In China, reporting centers have been set up by supervisory organizations at the county-level while townships and neighborhood communities have their full-time or part-time staff to handle whistle blowing matters. There are over 3,000 such departments set up in the aforesaid organizations across the country and more than 8,000 working staff to handle whistle blowing matters. In accordance with the relevant stipulations of Law of the People's Republic of China on Administrative Supervision, and Methods Concerning Offence-Reporting Work of Supervisory Organizations drawn up by the Ministry of Supervision, supervisory organizations should handle whistle blowing matters from citizens, legal persons and other organizations, which cover accusations and complaints against government administrative



organizations, their functionaries and other persons appointed by these organizations that have violated China's laws, regulations, decisions, orders and government disciplines; and appeals made by the state's civil servants and other persons appointed by government administrative organizations who defy the decisions made by the administrative organizations to give them administrative punishment and other appeals that should be taken up by supervisory organizations as stipulated in relevant laws and regulations. Regarding acceptance of people's whistle blowing matters as an important measure to safeguard their democratic rights and immediate interests, supervisory organizations have taken up all public complaints that conform to law and handled them in earnest. First is to enlarge the channel for people's complaints. Publicize the complaint number, install complaint mailboxes, establish websites for whistle blowing, and create conditions conducive to public complaints. By means of correspondence, visits, telephone calls, faxes, network, attending relevant meetings, and publicizing their opinions via media and press, citizens can exercise their right of accusation, complaint and appeal. "Touring Work Teams", formed over the recent years by some local supervisory organizations like the one in Shijiazhuang city of Hebei Province, have visited remote rural areas and urban communities to take up complaints from the masses and find timely solutions to the problems presented by them. Second is to standardize relevant procedures. The State Council has promulgated Regulations on Correspondence and visitation, and the Ministry of Supervision has worked out Methods for Offence-Reporting Work of Supervisory Organizations. Supervisory organizations at

different levels have established systems of leading members meeting ordinary people, taking up and responding to complaints bearing accusers' real names, and responsibility system related to handling first letters and visits. The aforesaid work has been brought into the general plan of administrative supervision work, and main responsible members of supervisory organizations at different levels have taken up citizens' accusations, complaints and appeals in person at regular periods, and solved those problems that are true to facts according to relevant laws and disciplines so as to protect the legitimate rights and interests of citizens. Third is to protect citizen's whistle blowing. In February 1996, to safeguard accusers' legitimate rights and interests, the Ministry of Supervision promulgated the Provisions on the Protection of Whistleblowers. It stipulates that neither a unit nor an individual may make any excuse to prevent or suppress accusations and complaints that people make according to law; neither a unit nor an individual may investigate an accuser without authorization; supervisory organizations must keep secret for accusers and the verifying work must be taken under the accusers not being discovered to the public; the accusers and complainers who have made contributions should be rewarded while retaliatory actions against accusers must be strictly punished. Fourth is to integrate the reporting resources. According to the jurisdiction entrusted to them by laws and regulations, supervisory organizations should be responsible for handling offence-reports within the limits of their acceptance whereas they should take the initiative to contact functional departments concerned to handle offence-reports beyond the limits of their acceptance and problems involving many departments to form a reporting



network, featuring smooth channels of communication and united actions from top to bottom.

**II. Correct Administrative Malpractices: -**

As social-economic development has helped administrative practices penetrate increasingly into citizens' economic, political, cultural and social life, administrative practices have a more frequent, extensive and direct connection with the social and public organizations. Slight abuse of power by functionaries of administrative organs will probably lead to their administrative malpractice and harm citizens' interests. As China is now going through a system-transforming, structure-readjusting and society-changing process, various social contradictions have come to the fore. In the course of economic development in some areas, administrative malpractices and other practices harming public interests have cropped up from time to time. A small number of cadres at the grass-roots, who indulge in living off ordinary people, extravagance and waste, bullying people with rudeness, failing to act fair and square, and abusing their power for personal gains, have produced very bad effects. The Chinese government has called for the need for forming and implementing a scientific approach to development, of which one important aspect is to attach great importance to the most immediate and practical issues the masses of people are most concerned about, resolutely correct administrative malpractices that harm the interests of masses, and help the entire Chinese people share the fruits of reform and development. In collaboration with other departments concerned, China's supervisory organizations have earnestly responded to the complaints strongly voiced by the public. First, working together with the departments of Land and Resources, Construction, Labor and Social

Security, and Assets Management Commission, they have corrected administrative malpractices of harming peasants' interests in the course of land-requisitioning, violating laws in the course of urban resettlement, harming employees' interests in the course of their enterprises' readjustment and transformation, docking and holding back rural laborers' pay. Second, working together with the departments of Education, Health, and Agriculture, they have responded resolutely to administrative malpractices of wantonly collecting so-called educational fees, unhealthy social trends prevailing in medicine-purchasing and marketing, as well as medical care service, increasing financial burden on peasants, and arbitrarily collecting fees and fines from peasants by cadres working in the rural basic-level units. Third, working together with the departments of Administration of Industry and Commerce, Labor and Social Security and Assets Management Commission, they have severely dealt with the problems related to corruption and dereliction of duty in the field of safety production. In view of the safety accidents that have frequently occurred in coal mines, as prevention of major and large accidents in coal mines has become the focus of our work, supervision of safety production management is practically strengthened and investigation of responsibility for safety production accidents is improved. Through the efforts made over the recent years, the work related to correcting evil social practices that have harmed the interests of masses has yielded remarkable results. All the aforesaid malpractices have been basically contained. The public-run schools in the phase of national compulsory education have been implementing "unitary tuition system", and malpractices of



illegal enrolment of students and collection of fees have been on the decrease in higher learning institutions. The sums concerning the rebates and money in “red envelopes” returned and handed in by the medical employees and such problems already dealt with in different areas totaled RMB 112 hundred million Yuan. Through implementing the policy to reduce and exempt agricultural tax and addressing the special problem of collecting various fees related to agriculture, the financial burden imposed on peasants has been reduced by RMB 29.686 billion Yuan.

### **III. Investigate and Deal With Corruption Cases That Have Harmed Citizens’ Interests:**

The work of investigating and dealing with corruption cases is one of the main functions of China’s supervisory organizations and an important means to safeguard citizens’ legitimate interests. It is clearly stipulated in China’s Law on Administrative Supervision that supervisory organizations have the right to confiscate, recover or return and compensate the money and property obtained by their objects for supervision violating government disciplines. Supervisory organizations can also put forward to departments concerned suggestions that they should give administrative punishment. Through investigating and dealing with a number of corruption cases violating laws and disciplines for years, China’s supervisory organizations have protected both the state and collective interests, and safeguarded citizens’ legitimate rights and interests. They insist in focusing their investigation not only on the cases concerning how leading cadres have violated laws and disciplines, but also on the cases related to construction projects, sale of the land use right, banking and the materials-

purchasing business. They investigate not only cases concerning huge losses of state assets in the course of enterprise reorganization and system-changing, unlawfully amassing wealth by leading cadres in collaboration with or in support of their relatives and friends, serious corruption and degeneration, but also cases related to judicial personnel’s perversion of justice for bribes, and malpractices for personal gain, and serious negligence of duty. In 2005, discipline inspection and supervisory organizations at different levels put on file 146291 cases for investigation and wound up 144331 cases. Of 47306 cadres who were dealt with government disciplinary measures, 2684 were county cadres (at director level), 185 were department cadres (at director-general level) and 12 were provincial cadres (at minister level); and 1305 cadres who were suspected to have committed crimes were sent to judicial organs. Supervisory organizations have attached more importance to investigating law-breaching and discipline-violating cases closely linked to harming the interests of ordinary masses. Of 115 extremely big accidents already investigated, the Ministry of Supervision has participated directly in investigating and handling 29 accidents, and had 240 leading cadres above director level held to account.

### **IV. Promote Transparent Administration in a Proactive Manner: -**

Transparent administration is an effective way to promote social democracy and build social and political civilization, and also conducive to strengthening supervision on administrative power by the public and protecting the immediate interests of citizens. Taking transparent administration as a basic governing system for governments at various



levels, transparency in government work has been improved. At present, transparent administration has been extensively introduced. Governments at different levels take issues that are generally concerned about by the public and related to public interests as a priority to promoting transparent administration so as to make transparent administrative systems, procedures and findings. Village and township organizations should focus on making public the implementation of the state policy toward rural work and financial affairs, financial revenue and expenditure and various special funds. County and municipal government departments should focus on making public their local development plans, approval and implementation of major projects, government purchase, land requisition and resettlement. Provincial governments should focus on making public relevant policies and general plan concerning economic construction and social development in their provinces and relevant departments, financial budgetary and final account reports, and transactions of title to property. With regard to the work of promoting transparent administration, importance should be attached to putting in practice the public's democratic rights such as right to know what they deserve to, participation and supervisory right, which are closely related to their own immediate interests, so that the public enthusiasm for democratic participation in the work of transparent administration has been further inspired and their various interests better ensured.

**V. Actively Develop Efficiency Supervision: -**

With the development of China's market economy and deepening of reform in administrative system, a newer and higher demand has been raised on governing ways

and means of the government and its departments. It is clearly stipulated in the Law on Administrative Supervision that the supervisory organ should make the government improve its administration and raise its administrative efficacy by means of supervision and examination. Supervision and discipline, nature of the supervisory organ, have decided that this organ must make use of its functional edge to promote the government's efficient administration and diligence in serving the people so as to ensure the interests of the social public. For the recent years, China's supervisory organ has actively developed supervision of administrative efficacy, and supervised relevant government departments to establish such efficient working systems as administrative accountability system, post responsibility system, system of handling and winding up cases within a limited time, service-commitment system, complaint-handling system, examination and appraisal system, corrected and dealt with wrongdoings of administrative organizations and their functionaries in time such as failure to perform their duty in earnest, administrative malpractices, and poor administration, and truly safeguarded the interests of the social public. Up to November 2005, over 4,100 administrative service center and over 5,400 administrative appeal center had been set up across China. Over 90,000 complaints about administrative efficacy were taken up, and over 80,000 complaints were handled and settled. Supervisory organizations at different levels took up 21,010 complaints concerning licensing administrative practices, and had 2,845 persons held to account. By performing its supervision of administrative efficacy, the supervisory organ has promoted continuous improvement of administrative work,



raised the efficiency and service quality of administrative organizations, and therefore safeguarded and ensured the legitimate rights and interests of citizens.

Practice over the years has proved that with regard to safeguarding interests of the social public, China's supervisory organizations have performed an important duty, played a major role and scored remarkable achievements. As China has entered a new phase of development featuring building a well-off society in an all-round way and speeding up socialist modernization, it is a more arduous task to work for safeguarding people's rights and interests in political, economic, cultural and social life. The aforesaid organizations will persist in the scientific approach to development based on the principle of putting people first, bring into full play their functional role, go on exploring effective ways and means to ensure citizens' rights and interests and make their due contributions to building socialism and a harmonious society.

**OFFICE OF THE OMBUDSMAN  
HONG KONG**



**Department Accepts Ombudsman Findings:**

The Social Welfare Department has welcomed the Ombudsman's recommendations on processing disability allowance applications. To improve processing, it will follow up on information dissemination measures.

Of the 71 Higher Disability Allowance cases involving overpayment studied by the Ombudsman, most recipients agreed with the department on a repayment schedule. The

department will work with the remainder on repayment arrangements. It will review individual cases so the concerned recipients can get a fair and equitable arrangement.

As the allowance was paid in advance, overpayment might be unavoidable due to unreported cases or cases of late reporting, particularly those involving hospitalization of severely disabled people who can not report promptly to the department.

Despite these situations, the department has put in place cross-checking mechanisms, periodic case reviews and random checks to detect unreported changes to minimize chances of overpayment. It will keep its services to disability allowance recipients under review.

**Ombudsman Urges Better Attitude: -**

Ms. Alice Tai, Ombudsman, said that Government departments and public organizations should view complaints with an open mind and process them with a firm but fair hand, and a responsive but responsible attitude,

Speaking at the 10th Anniversary of the Ombudsman's Awards, Ms. Alice Tai said all complaints offer a chance for review and improvement. However, yielding to unreasonable demands to avoid argument with complainants is unwise.

"Unthinking surrender may encourage abuse, unfair advantage or worse, even disrespect for authorities," Ms. Alice Tai, said. More than 140 officers from the Government and public organizations were honored with awards.

The Housing Society, Hong Kong Post and the Planning Department won awards this year, achieving excellence in building effective internal administrative systems for quality public



service, professionalism in handling complaints, and commitment to improving services. They also supported the Ombudsman's investigations and contributed to a positive complaint culture.

The Grand Award was presented to the Housing Society in recognition of its outstanding performance.

The Inland Revenue Department received the 10-Year Grand Award for its continuously outstanding performance in complaint handling over the past decade.

## **INDIA**

### **Madhya Pradesh:**



### **Ombudsman files corruption charges against former Minister**

A case of corruption has been filed against BJP legislator and former minister Omprakash Dhurve in Madhya Pradesh by the State's Lok Ayukta, or Ombudsman, for allegedly cheating the State Civil Supplies Corporation.

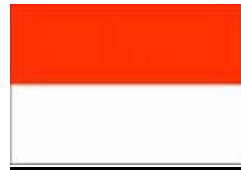
In his capacity as Food and Civil Supplies Minister and Chairman of the State Civil Supplies Corporation in 2003, Dhurve had allegedly gone out of his way to help a contractor Mukesh Goyal, causing financial losses to the Corporation, Lok Ayukta "The Hon'ble Lokayukta passed an order on 03.05.2006. It was found that Shri Dhurve with the ulterior motive of giving undue pecuniary advantage to Shri Mukesh Goyal and causing corresponding loss to the Corporation to the

tune of Rs. 8,02,495/-, abused his position as a public servant which is punishable under the Prevention of Corruption Act, 1988. Hon'ble Lokayukta ordered that this was a fit case for registering a crime case against Shri Dhurve, and directed the Director General, Madhya Pradesh Special Police Establishment to do so.

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**([HTTP://WWW.MPLOKAYUKT.NIC.IN/SOME%20IMPORTANT%20ACTIVITIES.PDF](http://www.mplokayukt.nic.in/some%20important%20activities.pdf))**

## **KOMISI OMBUDSMAN NASIONAL INDONESIA**



### **Prosecutor faces charges over extortion allegation in Kupang Yemris Fointuna.**

Used to putting criminals in jail, a local prosecutor may find himself on the other side of the courtroom after a police complaint was filed against him in Kupang, East Nusa Tenggara, over an alleged extortion attempt.

The National Ombudsman Commission for East and West Nusa Tenggara, the Advocacy Center for People's Rights and several private citizens filed the lawsuit Tuesday. The suit alleges that a lawyer at the East Nusa Tenggara Prosecutor's Office, TS Hasibuan, attempted to extort Rp 15 million (US\$1,700) from a witness in a criminal case.

Accompanying the police report, the Ombudsman commission handed over a videotape of the alleged extortion attempt. The tape, recorded with a hidden camera, allegedly shows Hasibuan demanding money from Kupang resident Adrianus Inosius Madur in a deserted house.



Ombudsman commission head Andreas Agas said the case began in early August when Adrianus filed a report with the police accusing a village head, identified only by the initials YMT, of using a phony school diploma to qualify for his position. Adrianus was seeking to have the village head dismissed from the post.

At the end of August, the police had completed YMT's case file, which they then submitted to the prosecutor's office. YMT is alleged to have then promised Hasibuan Rp 10 million to make his case go away.

"Hasibuan then approached Adrianus and asked for more money to make sure the case was tried in court," Andreas claimed.

Hasibuan has denied the charge, saying he never received any money from Adrianus.

However, Hasibuan did acknowledge arranging a meeting with Adrianus, which he said was simply to go over the case against YMT.

Adrianus says he and Hasibuan met once before the meeting in the deserted house in which he handed over the Rp 15 million.

"During the second meeting on Sept. 6, I handed the Rp 15 million to Hasibuan, who was accompanied by another man. The money was in Rp 100,000, Rp 10,000 and Rp 5,000 notes," he said.

Adrianus later submitted the video he recorded on a hidden camera to the Ombudsman commission.

#### **Police Target of Most Complaints to Ombudsman: -**

The Police is the institution that is most complained about by the general public.

Based on data from the National Ombudsman Commission, between January and October this year, complaints about the police amounted to 31 percent, higher compared to other institutions.

Quite a large number of complains were also addressed to regional governments (24%) and the National Land Agency (6%).

According to the head of the National Ombudsman Commission, Antonius Sujata, the public complained because a lot of reports were ignored by the police.

"The public also filed many reports about the bad behaviors of the police," he said during a press conference at Gran Mahakan Hotel, Jakarta.

Most reports came from Jakarta, Bogor, Tangerang and Bekasi. The former Deputy Attorney General for Special Criminal Acts also said that the services of courts and the prosecutors' office were also complained about by the public.

For example the prosecutors' office is regarded as slow in following up on reports from the public.

"There are also reports of blackmailing and bribery (by prosecutors' office officials)," said Anton. Corrupt acts also occur frequently, for example, levies charged to reporters and extra money demanded when making identity cards.

Teten Masduki, Ombudsman Commission member, explained that members of the general public were not yet used to reporting their complaints direct to the Ombudsman Commission or Ombudsman Clinic. So the Ombudsman Commission received complaints from reporters.



"Indonesian people are still afraid to make reports on their own," said Teten.

**KOREA**



**Citizen Participation Plaza Reduces Complaint Processing Time to 5.2 Days**

A total of 209,838 complaints have been made through the Online Citizen Participation Plaza service since July 2006 when 56 central administrative agencies finished unifying complaint-handling systems. Average response time to complaints is now 5.28 days.

The Ministry of Construction and Transportation has received the heaviest volume of complaints - 35,403, or 16.9 percent of all complaints received - followed by the National Police Agency with 29,807 (14.2 percent) and National Tax Service with 15,135 (7.2 percent).

The consolidation of complaint-handling functions into the single new system has shortened the average processing time for complaints by 3.72 days to 5.28 days as of the end of December 2006, compared to 9.0 days of processing in May and June 2006.

The systems allows for handling of multiple complaints on the same matter or repeated complaints as one complaint, bringing down the number of redundant complaints from 7,191 to 2,808. The processing time for those complaints involving multiple government departments or agencies was 8.1 days, much shorter than 19.7 days previously.

**Military and Police Ombudsmen Now Available on December 21, the Ombudsman of Korea started handling complaints exclusively about the armed forces and police and plans to hire 40 more investigators**

The agency crafted and presented to the cabinet meeting an amendment to the applicable enforcement decree on November 28 and staffed the new service unit with 41 people. It has four teams and one officer position (two teams for military and two teams for police, and a complaint investigation planning officer for military & police) to conduct investigations on complaints made.

With the launch of the service, a sub-committee that considers exclusively military and police matters will look at complaints by the same process used for ordinary complaints in a bid to better respond to the unique situations that may arise in the military and police force.

The military ombudsman will hear complaints related to national defense, conscription, patriots and veterans, and military affairs raised by officers and military servicemen residing in barracks, or civilians against the Ministry of Defense and military troops. The police ombudsman will look at possible violations of rights and interests or distress caused by actions of police agencies (including the Coast Guard) or any irregularities or injustices perpetuated by police officers in the course of conducting their duties.

The agency will take appropriate actions - corrective recommendations, expressions of



opinions, or recommendations for institutional improvement - when it determines that relief is necessary and make a special report to the President and National Assembly on major issues. It will also take measures prescribed by the Ombudsman of Korea Act, including making recommendations on the amendment and annulment of laws and regulations and institutional improvements.

The Ombudsman of Korea seeks to completely fulfill its duties through the newly created military and police ombudsmen as a wide-ranging relief provider safeguarding the rights and interests of the public. The new service will help improve rights relief, which had previously been limited given the unique nature of the armed forces and police organizations, and boost public confidence in the Ombudsman's effectiveness.

**Vietnamese Officials Visit the Ombudsman of Korea Vietnamese civil servants in training show strong interest in the integrated complaint handling system**

On October 17, 2006, the Ombudsman of Korea had a special group of guests: fifteen public servants from Vietnam visiting Korea to take the Administrative Development Course for Vietnamese Public Servants. The program, organized by Korea International Cooperation Agency (KOICA) and commissioned to the Central Officials Training Institute, included a visit to the agency to show an example of a government body that provides excellent public services.

Greeted with welcoming remarks by Secretary General Shin Chul-young, the officials were

briefed by staff members from each team on the services offered, the Online Citizen Participation Plaza, the government complaint call center, the consultation and guidance service, and key achievements to date. After the briefing, the guests were guided to the Consultation and Guidance Center to witness firsthand how the service works.

The agency will continue to welcome the opportunity to share its experience and achievements in building an integrated complaint handling system and innovation in public services with public servants working in foreign government agencies.

**Public Awareness of the Ombudsman Rises to 49.2% .Newsletters made available to vulnerable communities and the socially-marginalized effectively spread the word**

According to a survey conducted in November 2006, the awareness of the Ombudsman of Korea rose to 49.2 percent of all respondents from 44 percent in 2005.

World Research surveyed 1,500 men and women nationwide from November 14 through 16.

The greater awareness is the result of extensive publicity efforts to build strong awareness of the agency, particularly among the elderly and low-income families.

The agency (a) set up a public relations team in October 2005 to craft a better-targeted publicity campaign; (b) actively targeted younger people and the highly-educated through Internet blogs, web sites, and online events; and (c) appealed to the elderly, less-educated, and residents of



smaller cities by television, radio, newspapers, and leaflets.

Its monthly newsletter has been distributed through the branches of Nonghyup (National Agricultural Cooperative Federation) and Kookmin Bank. The agency also publishes a quarterly leaflet on the services and role of the agency to be kept at administrative offices at the municipal (si), county (gun), and borough (gu) levels as well as at eup, myeon, and dong offices.

**Ombudsman of Korea Declares Banks Liable for Costs of Establishing Collateral Security Rights**

The Ombudsman of Korea put the brakes on the banking practice of requiring debtors to pay the entire cost associated with perfecting rights to collateral security when extending a loan backed by property.

In November 2006, the agency issued a recommendation that the Fair Trade Commission make an institutional improvement by revising the standard terms and conditions for loan facilities. The recommendation was made with respect to the provisions obligating borrowers collateralizing their loans with property to bear the costs of perfecting collateral security rights to such property or the practice of applying a certain rate of interest in addition to the agreed rate on loans when the bank covers such costs.

Banks have asserted the legitimacy of the practice, arguing that the standard terms and conditions are based on the principle of free contracting. The agency takes the position that these terms and provisions are against applicable laws and regulations on ancillary costs involved and declared that they are

"provisions unfairly placing customers at a disadvantage."

It also said that lending under such provisions is in violation of Article 17 of the Act on Regulation of Terms and Conditions, which forbids the use of unfair provisions, and such provisions should be revised in accordance with the applicable law on ancillary costs.

An official of the agency said, "We hope this recommendation on institutional improvement prompts banks to break away from wrong practices and move toward a new order in lending."

According to data from the Financial Supervisory Service, consumer borrowing from banks collateralized by properties amounted to 190,187.2 billion won as of 2005.

This means a revision of the Standard Terms and Conditions as recommended by the Ombudsman of Korea would have saved consumer borrowers roughly 1334.2 billion won in ancillary costs in 2005, and the savings would likely reach 3 trillion won when lending to businesses is included.

**Villagers in CCZ to Receive 2.3 Billion Won in Compensation for Lost Farming Income**  
**The Ombudsman of Korea successfully mediates a settlement between opposing parties**

Farmers living in the Civilian Control Zone (CCZ) who have farmed on the military reservation for over three decades and were at a risk of being evicted without any compensation will now be compensated for the loss of farming income.



The Ombudsman of Korea set up a meeting for on-site mediation at the Yeoncheon County Office, Gyeonggi-do, on July 25, presided by the Chief Ombudsman Song Cheol-ho and attended by Yeoncheon-gun Mayor Kim Gyu-bae, Chairman of the Yeoncheon-gun Council Kim Chang-seok, Water Resources Division Head Kim U-gu from the Korea Water Resources Corporation (K-Water), and village representatives. The meeting ended with an excellent outcome on the compensation demand of the villagers of Seongok-ri, Gunnam-myeon, and Gangnae-ri, Wangjing-myeon, within the CCZ.

Seongok-ri and Gangnae-ri are rural villages that were reconstructed in a government effort in the early 1970s to increase food production. Those who settled in these villages have since been engaged in farming on state-owned military reservations with the implied sanction of the military.

This area is now to be affected by the construction of a flood control reservoir in Gunnam as part of the Imjin River flood control system. This created a major conflict between the villagers and K-Water, the owner of the project. The farmers wanted compensation for farming losses and K-Water refused on the grounds that the farmers had been cultivating state-owned land without permission.

The villagers have filed petitions with competent authorities since May of last year. The Yeoncheon-gun Office and its council also petitioned the Ministry of Construction and Transportation, National Assembly, and political parties without success. This prompted them to submit a complaint to the Ombudsman of Korea on June 7.

The Ombudsman believes that the villagers were relocated to the area by the government to satisfy its needs and that it is inappropriate to consider land

that has been cultivated peacefully and openly for over 30 years with the connivance of the competent authority (Ministry of Defense) as "land owned by another person and illegally occupied and cultivated."

As a result of the successful mediation of the agency, about 70 families living off the land and affected by the Gunnam flood control reservoir project will now receive 2.3 billion won in damages for agricultural losses.

### **OMBUDSMAN (AKYIKATCHY)**

#### **KYRGYZ REPUBLIC**



#### **Kyrgyz Ombudsman Tursunbay Bakir uulu spoke about the results of his work in the first half of this year at a news conference in Bishkek.**

According to the Ombudsman, 3,328 people asked for the human rights commissioner's help in the first six months of this year. Nearly half of the complaints were resolved in favour of petitioners.

Having classified the petitions, the human rights commissioner said that over 60 per cent [of complaints] had to do with violations of the civil code. People complain about the violation of their rights in registering inheritance and property. A significant amount of complaints came from Kyrgyz people who are living abroad. They complain about illegal dismissal from work.



Most petitions came from Bishkek, 641 complaints. There were 226 and 105 complaints from the Chuy and Osh regions respectively. Least petitions came from people living in Naryn Region, 67 complaints, followed by Dzhahal-Abad with 65 complaints, Issyk-Kul with 63 complaints and Batken with 55 complaints.

**Ombudsman Suggests Moving Ministries to the South: -**

Ombudsman of Kyrgyzstan offers to transfer defence ministry, frontier service and extreme situations ministry to the south

Ombudsman of Kyrgyzstan Tursunbai Bakir uulu offers to transfer defense ministry, frontier service and ministry of extreme situations of Kyrgyzstan to the southern capital - Osh . T.Bakir uulu told reporters at a press conference at the "Kabar" Agency.

In T.Bakir uulu's words, this question was solved during the time of ex-president Askar Akaev in 2000, and the presidential decree came to light. Six years passed, but the decree was not executed, - said T.Bakir uulu.

The Ombudsman said that if frontier service and defense ministry will be transferred to Osh in time there won't be Batken Events.

All natural cataclysms occur in the south and that's why the emergency situations ministry should be located in Osh, he added.

**Ombudsman, Others Celebrate International Human Rights Day: -**

A ceremonial meeting dedicated to International Human Rights Day has been held at the Toktogul Satylganov State Philharmonic Society [in Bishkek]. It was organized by the Kyrgyz Ombudsman's institution. Prime Minister Feliks Kulov, Ombudsman Tursunbay Bakir uulu, representatives of the public, the media,

diplomatic missions and international organizations accredited to Kyrgyzstan were present in the meeting. Tursunbay Bakir uulu awarded several journalists and members of courts honorary diplomas for their contribution to the observance and protection of human rights. He also presented the winners of a contest in drawing children's pictures on the topic of human rights with honorary diplomas.

[Kulov] I think that it is impossible to speak about any progress without these [as received] fundamental documents and without developing them in reference to our country. In this regard, the setting up of the Ombudsman's institution seemed to me to be a very significant step. I supported in full Tursunbay Bakir uulu's candidacy for this post. I hope that when we say that we want to build a state governed by the rule of law we mean above all the protection of a specific person. I think that when we protect the interests of specific people, it is pointless to say that our Kyrgyzstan can reckon on being a comfortable and convenient place for people to live without this kind of approach to this issue.

**Ombudsman Says Hajj Travelers Surcharged Illegally: -**

Kyrgyz Ombudsman says hajj travelers surcharged illegally Text of report by Kyrgyz news agency 24.kg website

According to the Kyrgyz Ombudsman, Mr. Tursunbay Bakir uulu, every pilgrim is being made to pay 10 dollars to the Kyrgyz Mufti's Office hajj fund and towards the development of the Spiritual Board of the Muslims of Kyrgyzstan. And the same amount of money is charged for "sorting out some other matters". However, the Ombudsman points out that such surcharge are prohibited by Kyrgyz tax law.

Mr. Tursunbay Bakir uulu considers that the 2007 hajj must be organized on a higher

level than the previous ones. In particular, the Ombudsman proposes to include doctors in the groups of pilgrims.

Moreover, according to Mr. Bakir uulu, people who did not get a chance to visit Mecca or Medina in 2006 should be given priority in issuing visas to the Saudi Arabia.

#### **COMMISSIONER AGAINST CORRUPTION MACAO**



#### **Macao Integrity Situation Ranked 6<sup>th</sup> in Asia-Pacific, TI Announced**

The Transparency International released the 2006 Corruption Perception Index (CPI) on 6 November 2006. Macao was for the first time featured in the CPI and ranked 6<sup>th</sup> among the 25 Asia-Pacific countries/regions, following New Zealand, Singapore, Australia, Hong and Japan. Among the 163 countries/regions in the world, Macao ranked 26<sup>th</sup>.

#### **Promotion of Ombudsman ship Published “Selected Cases of Ombudsman”**

In November 2006, the Commission published a book entitled “Selected Cases of Ombudsman” (Chinese version), which consists of 31 Ombudsman cases handled by the Commission in recent years. The book enables citizens to have a better understanding of the operations of public departments, the functions of ombudsman and the ways of handling administrative complaints.

#### **Organized “Noble Character, Righteous Conduct – Experience Sharing Session”**

The Commission organized the “Noble Character, Righteous Conduct – Experience Sharing Session” in October 2006. Over 240 directors and chiefs of different public departments attended the session. The session provided a platform for the government offices to exchange opinions and experiences on the formulation and promotion of their internal codes of conduct. Experts from Mainland China and Hong Kong were invited to speak on the topic, while three directors of Macao government departments also shared experiences on the formulation of their own code of conduct. The participants unanimously were of the opinion that the code of conduct had contributed to the increased awareness of integrity of their staff.

#### **Research Awards on Comparative Studies of Ombudsman Systems in Asia**

The Commission Against Corruption of Macao and the Macao Foundation launched the “Research Awards on Comparative Studies of Ombudsman Systems in Asia”. With the ombudsman system of Macao as the main subject of research, participants are required to conduct in-depth comparative studies between the ombudsman system of Macao and that of one or two Asian countries/regions and to propose on how ombudsman systems can help political systems in relevant countries/regions exert better functions.

Local scholars holding legal identity documents and academic institutions in Macao which are equipped with corresponding research capabilities and conditions in the fields of Law,



Political Systems or Public Administration are eligible to apply for the research awards. The application deadline was 29 December 2006 and a total of nine proposals were received. After assessment, in January 2007 the Jury Panel finally selected three research projects, which will receive grants ranging from MOP\$170,000 to MOP\$180,000 (equivalently, from US\$21,108 to US\$22,350). Titles of the research projects are: 1. Comparative Studies of Ombudsman Systems in Asia – Examinations of the Systems of Macao, Korea and India; 2. Comparative Studies of Ombudsman Systems in Asia (Macao, Taiwan Territory and Japan); 3. Exploration of the Direction of Development of the Ombudsman System in Macao – Comparative Studies of Ombudsman Systems in Asia. The projects are expected to complete in early 2008.

#### **Major Corruption Case Detected**

The Commission detained the ex-Secretary for Transport and Public Works, Ao Man Long on December 6 for allegedly taking bribes. A number of suspects, including several of Ao's relatives and some businessmen, were also arrested on charges of giving bribes, taking bribes and money laundering. Certain suspects were remanded in custody at the central prison in Macao, while the others were released on bail pending trial with coercive measures of restriction to leave Macao and were ordered to report regularly to the Commission. The Commission keeps closely following up on the case.

#### **Contacts and Exchanges with Other Institutions**

##### **Visits to Shanghai and Suzhou, China**

The Deputy Commissioner and Director of the Ombudsman Bureau, Endy Tou, led a delegation to visit Shanghai and Suzhou, China in November 2006. The delegation was well received by Director of the Department of Foreign Affairs of the Ministry of Supervision, Wang Yong-jun, Deputy Secretary of the CPC (Communist Party of China) Shanghai Municipal Committee and Secretary of Discipline Inspection Commission of Shanghai, Luo Shiqian, Director of Shanghai Municipal Supervisory Committee, Li Mei, Deputy Director of the Department of Supervision of Suzhou Province, Hong Huimin, and Director of Bureau of Supervision of Suzhou City, Ji Zhongzheng. The visits provided valuable opportunities for experience sharing and enhancing mutual understanding.

##### **Participation in the 12<sup>th</sup> International Anti-Corruption Conference**

In November 2006, a delegation of the Commission went to Guatemala to attend the 12<sup>th</sup> International Anti-Corruption Conference themed "Towards a fairer world: Why is corruption still blocking the way?" Members of the delegation included the Deputy Commissioner, Afonso Chan, Chief of the Cabinet of the Commissioner, Ho loc San and Legal Advisor, Vu Ka Vai. The Conference, held biannually since



1983, is one of the most important anti-corruption forums.

- **Attendance in the IOI Board of Directors' Meeting**

The Commissioner, Cheong U, led a delegation of 3 members to Barcelona of Spain in October 2006 to attend the IOI Board of Directors' Meeting. Besides exchanging experiences and reporting recent work undertaken, members of the Board also discussed the direction of future development.

**Mr. Cheong U, Commissioner, Welcomed the Inclusion of Macao in the Transparency International (TI).**

The Transparency International (TI), an international non-governmental anti-corruption organization, released the 2006 Corruption Perception Index (CPI) today. Macao was for the first time featured in the CPI and ranked the 6th among the 25 Asia-Pacific countries/regions, following New Zealand, Singapore, Australia, Hong Kong and Japan. Among the 163 countries/regions in the world, Macao ranked the 26th.

The Commissioner, Mr. Cheong U, welcomes the inclusion of Macao in the TI ranking and believes that the ranking reflects the growing international concern for Macao's development. Mr. Cheong considers that the index not only enhance the global understanding of the social development of

Macao, but also promote the creation of a clean society.

Mr. Cheong, regards the ranking as encouraging. The report especially notes that "Macao, being featured in the CPI for the first time, has achieved a ranking of the 26th with a high score of 6.6. It is attributable to the continuing efforts of the anti-corruption agency in the fighting against corruption." Mr. Cheong is pleased with the comments and emphasizes that all members of the Commission will continue the anti-corruption efforts unswervingly under the support and supervision from all sectors of the society.

**PUBLIC COMPLAINTS BUREAU, MALAYSIA**



The role of the Ombudsman can enhance the level of integrity in a country, said a retired professor. Former University Kebangsaan Malaysia anthropology and sociology lecturer Dr. Syed Hussein Alatas said the Ombudsman protects individuals from governmental injustice.

"The office of an Ombudsman does not deal with corruption as some people had misunderstood. The corruption complaints are handled by the Anti-Corruption Agency," said Dr. Syed Hussein during the 3rd National Congress on Integrity: Concept of Integrity from the Islamic and Christian perspectives.

Dr. Syed Hussein: 'When there is much delay in action taken by the government, it affects people's lives.

Someone who has not received her pension for years because an officer had been

transferred and could not sign her documents, for instance, could complain to the Ombudsman and get it sorted out quickly instead of waiting for years, he said.

“When there is much delay in action taken by the government, it affects people's lives,” said Dr. Syed Hussein who had drawn up a memorandum on the need for ombudsmen in 1991.

The role of the Ombudsman also helps the government saves legal costs as things can be settled quickly and amicably, without going to court, he said.

## **PAKISTAN**



### **WAFAQI MOHTASIB (OMBUDSMAN) SECRETARIAT ISLAMABAD.**

#### **Mr. Javed Sadiq Malik, Sworn in as Wafaqi Mohtasib (Ombudsman): -**



Mr. Javed Sadiq Malik was sworn in as Federal Ombudsman (Wafaqi Mohtasib) on 28 October, 2006. President Pervez Musharraf administered the oath to Mr. Javed Sadiq Malik at the Aiwan-e-Sadr, Islamabad, Pakistan.

Mr. Javed Sadiq Malik was sworn in as the ninth Wafaqi Mohtasib (Federal Ombudsman) of Pakistan on 28 October, 2006.

Mr. Malik was born on 8 January 1947. After his schooling at Lawrence College, Murree, he

graduated from Gordon College, Rawalpindi and earned a postgraduate degree in Political Science from the Punjab University. He later studied at the Fletcher School of Law and Diplomacy, Boston, for a Master's Degree in Economic and Political Development, and at the Arthur D. Little School of Management, Boston, for a Master's degree in Management.

Mr. Malik joined the Civil Service of Pakistan in November 1971 and served in various capacities, both in the field and in the secretariat, in the provinces of Balochistan and Punjab as well as in the Federal Government.

His key assignments included that of Assistant Political Agent in the tribal areas of the Balochistan Province; District Magistrate, Divisional Commissioner, Managing Director of the Mineral Development Corporation and Finance Secretary in the Punjab Province; and Director, Civil Services Academy, Secretary, Ministry of Planning and Principal Secretary to the Prime Minister in the Federal Government. He retired from the position of Principal Secretary to the Prime Minister in October 2006 to take up his appointment as the Ombudsman of Pakistan.

#### **Mr. Mohammad Ihtesham Khan, assumes the charge of the Office of the Secretary, Wafaqi Mohtasib (Ombudsman) Secretariat: -**



Mr. Mohammad Ihtesham Khan, took over the charge of the Office of the Secretary, Wafaqi Mohtasib (Ombudsman) Secretariat, on 1 December, 2006.



Mr. Mohammad Ihtesham Khan is a seasoned bureaucrat belonging to the District Management Group (DMG) and has served in various capacities as a Senior Administrator.

Mr. Mohammad Ihtesham Khan has assumed the charge as Federal Secretary to the Government of Pakistan in Wafaqi Mohtasib (Ombudsman)'s Secretariat on 28th November, 2006. He was born on 8th January, 1951. He belongs to 1974 Batch of the District Management Group. He holds the qualifications of M.A Economics (University of Peshawar), Masters in Agriculture Development Economics (Australian National University-Canberra), Masters in Public Administration (American University-Washington D.C) and M.Sc Defence and Strategic Studies (Quaid e Azam University-Islamabad).

He has served as Chief of Section Agriculture, Food and Rural Development in the N.W.F.P. Planning and Development Department, Deputy and Additional Secretary in the N.W.F.P. Finance Department, Director Finance Sarhad Development Authority N.W.F.P., Deputy Commissioner Chitral, Commissioner Kohat, Mardan and Malakand Divisions of N.W.F.P., Chief Economist N.W.F.P, Secretary Local Government and Rural Development N.W.F.P, Secretary Communication and Works N.W.F.P and Secretary Population and Women Development Department N.W.F.P. He also served as the Secretary to the Governor N.W.F.P. At the Federal level he has served as Director Finance Pakistan Tourism Development Corporation, Member National Reconstruction Bureau dealing with restructuring of government institutions, financial management issues (NFC), federalism (CCI and legislative lists), and Additional Secretary

Planning and Development Division (dealing with monitoring and evaluation, capacity building of project directors and Afghan Reconstruction Programme). Prior to the assumption of the charge of Federal Secretary Wafaqi Mohtasib (Ombudsman)'s Secretariat he was Member Finance in Pakistan Agricultural Research Council (PARC).

He has undergone training at the Civil Services Academy Lahore (1974), Pakistan Institute of Management Lahore (1986-PERT/CPM), National Institute of Public Administration Peshawar (1992), Korean Institute of Science and Technology Seoul (1995-Environmental Management), National Defense College Islamabad (1998-99) and Said Business School, Oxford University (2005-Negotiations Skills in Decision Making for Senior Executives).

By virtue of being the Secretary, Wafaqi Mohtasib Secretariat, Mr. Mohammad Ihtesham Khan will also work as the Executive Secretary of the Asian Ombudsman Association (AOA).

**Director General Administration, Additional secretary and Secretary to the Federal Ombudsman Posted in the Wafaqi Mohtasib Secretariat**

**Mohsin S. Haqqani** has joined the Wafaqi Mohtasib Secretariat as Director General Administration, Headquarters in Islamabad on 21.3.2007. He has a B.Sc in aero sciences and avionics from Punjab University and a L.L.B. degree from Karachi University. He belongs to the District Management Group, which he joined on 18.10.1984. He has served as Assistant Commissioner, Deputy Commissioner and in the provincial Secretariat, Sindh Province. He has also served as Deputy



Commissioner and as Staff Officer to Chief Minister and Chief Secretary in Balochistan Province. Prior to joining his present assignment, the Officer was working as Joint Secretary in Establishment Division, G Syed Shabbir Ahmed joined as Additional Secretary/Member in the Wafaqi Mohtasib (Federal Ombudsman)'s Secretariat on 01 March, 2007.

Mr. Ahmed was born on 10 August, 1952. After his schooling at Burn Hall School, Abbottabad, he graduated from Government College Lahore and then did his graduation in Law from the University of Peshawar. He later studied at the University College London from where he got a Master's Degree in Law in Criminology and Criminal Justice.

Mr. Ahmed joined Police Service of Pakistan in January 1975 and has served in various capacities, both in the field and in the Secretariat, in the provinces of North West Frontier Province and Balochistan as well as in the Federal Government.

His key assignments included that of sub-divisional police officer and District Officer, Frontier Constabulary in the province of NWFP and Superintendent of Police, Kalat in Balochistan, Director Economic Crime Wing in Federal Investigation Agency, Deputy Commandant in the National Police Academy and as Joint Secretary in the Prime Minister's Secretariat in the Federal Government.

overnment of Pakistan.

**Mr. Farrukh Bashir Moriani** is a civil servant from Pakistan's District Management Group and has joined the Wafaqi Mohtasib Secretariat recently as Secretary to the Federal

Ombudsman. Mr. Moriani has an MBA degree from the Institute of Business Administration Karachi and a MSc. in Development Management from the London School of Economics, which he completed as a Joint Japan-World Bank Scholar. Although he started his career as an advertising professional with IAL/Saatchi & Saatchi, majority of Mr. Moriani's 17 year experience has revolved around working on governance reforms. In the civil service he has served in various capacities at the local, provincial and Federal level as well as a Director in the central bank of Pakistan. Immediately prior to his current assignment, Mr. Moriani worked for four years with the Asian Development Bank as Team Leader/Governance & Finance Specialist on the \$675m Devolved Social Services Programs. He has also provided strategic input for the promotion of Corporate Social Responsibility in Pakistan as an honorary UN Advisor for the Global Compact.

**Mr. Munawar Opel, relinquished the charge of Secretary, Wafaqi Mohtasib (Ombudsman) Secretariat: -**

Mr. Munawar Opel, Secretary, Wafaqi Mohtasib (Ombudsman) Secretariat, relinquished the charge of the Secretary, Wafaqi Mohtasib (Ombudsman) Secretariat, on 29 September, 2006, on his transfer to Karachi. Mr. Opel belonged to the Secretariat Service of Pakistan.

**The 8th Annual Meeting of the Board of Directors was Hosted by Wafaqi Mohtasib's Secretariat: -**

The 8th Annual Meeting of the Board of Directors of the Asian Ombudsman Association (AOA), was hosted by the Office of Wafaqi Mohtasib (Ombudsman), on 15-16 December, 2006, at Islamabad, Pakistan. The meeting was

chaired by Mr. Javed Sadiq Malik, Wafaqi Mohtasib (Federal Ombudsman)/ President AOA. The delegates from People's Republic of China, Hong Kong, Islamic Republic of Iran, Republic of Korea, Macao and Vietnam, were present in the meeting.

The Board of Directors discussed a number of issues for strengthening the institution of Ombudsman in the member countries specifically and in the Asian region in general. It was decided that efforts must be made to attract more members to the Association and propose measures to enhance the role of the institution in expeditious disposal of public complaints, suggest ways and means to address the issue of maladministration in public sector agencies.

**PROVINCIAL OMBUDSMAN PUNJAB, PAKISTAN**



**Punjab Institute Of Mental Health Issues Certificates On Ombudsman's Orders Staff Report: -**

The Punjab Institute of Mental Health (PIMH) has issued two non-availability certificates to a complainant on the orders from Punjab Ombudsman Abdur Rashid Khan.

A retired officer filed a complaint with the Punjab Ombudsman's Secretariat that the medicines prescribed by the PIMH's doctors for his daughter's treatment were not available at the hospital's pharmacy and the pharmacist refused to issue a non-availability certificate.

The complainant bought the medicines for Rs 3,985 and Rs 2,640 from the market, but

the PIMS's administration refused to accept the bills for want of a non-availability certificate.

In its departmental response, the PIMH's principal medical officer (administration) told the Ombudsman's Secretariat that the complainant got outdoor treatment for his daughter; therefore non-availability certificates were not issued to him as per the government rules.

The Ombudsman observed that the complainant's daughter had been under the treatment of PIMH's Consultant/Psychiatrist since January 12, 2005 and the complainant had no option, but to buy the medicines from the market and directed the PIMH's executive director to countersign two non-availability certificates. The PIMH filed a representation with the Punjab governor, who also upheld the Ombudsman's orders.

In his compliance report, the executive director has informed the secretariat that two non-availability certificates have been issued to the complainant, as per directions by the Ombudsman.

**Firm Paid After Six Years On Ombudsman's Orders: -**

On the orders of Punjab Ombudsman Abdur Rashid Khan, the Lahore Development Authority (LDA) has paid Rs 617,586 to a firm after six years.

M/s Muhammad Siddique Chaudhary and Company (Private) Limited filed a complaint with the Ombudsman, stating that the company had completed a project on June 30, 2000, but the LDA failed to pay Rs. 617,586 which were outstanding against it.

The LDA buildings director told the Ombudsman Secretariat that the Punjab



Education Department had to pay the money, but it could not release it because of the shortage of funds.

The Ombudsman directed the buildings department to arrange the payment of outstanding bills to the complainant within two months. In its compliance report, the LDA has informed the Ombudsman that the money has been paid to the complainant firm.

**Ombudsman Assures To Redress Problems:**

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The Ombudsman Punjab, Mr. Abdur Rashid Khan, has said that once right of representation has been exhausted, recommendations and directions attain finality and the act does not provide any other recourse, except prompt implementation.

Ombudsman Punjab in an interview with APP said that the purpose of Ombudsman's Office is redress of grievances in real terms rather than mere disposal of complaints. He said that implementation of recommendations and directions communicated by this Office is the responsibility of relevant agency and its concerned officer. He said that although response of the agencies in general remained encouraging, yet there is room for accelerating implementation.

During the year 2004, paradigm shift in complaint handling was made by keeping these in process till the recommendations made are implemented by the concerned agency. Out of 1,621 directions which required implementation by the concerned officers of the relevant agencies, 1,022 were got implemented and 599 were still pending, inviting concern of the aggrieved persons whose complaints had been decided, but actual redresses of grievances was awaited from the agencies, he added.

Ombudsman said that it has been found that some of the departments take more time than can be considered reasonable, to implement the recommendations. Recommendations in 77 complaints were sent to different departments/agencies six months or more ago, but implementation was awaited till Dec 31 last. These and some other delayed cases have been brought to the personal notice of administrative secretaries concerned and, in selected cases, meetings were also held with them to expedite implementation. This Office has been assured that all possible measures would be taken to implement the directions without further delay, he added.

Mr. Abdur Rashid Khan said that it is mandatory for all the executive authorities in the province to act in aid of the Ombudsman. Section 11(2) of the Act requires the agencies to whom directions have been issued to inform the Ombudsman about the action taken by them within time specified by him or the reasons for not complying with the same.

Ombudsman said that he has been empowered to take action against any employee of an agency who does not implement or defies recommendations or his directions.

During the year, he had to invoke this power in two specific cases, as a result of the recommendations were implemented. He reiterated that redress of grievances caused by maladministration of departments, agencies or their officers, is a tripartite arrangement, with final action to be taken by the department/agency. "Our recommendations are a precursor for taken identified action which, we expect, would improve governance in the departments resulting in decreasing incidents of maladministration", he said. It is expected that initiatives taken and improvements noticed

would be nurtured and strengthened with the passage of time in the true spirit envisaged in the law under which the Office has been set up, he added.

**Ombudsman Resolves 'War Of The Widows:**

A monthly grant from the Benevolent Fund (BF) - being shared by two widows of a deceased government official - was restored in full to the second widow, after the death of the first, on orders from Punjab Ombudsman Abdur Rashid Khan.

Shameem Begum had filed a complaint with the Ombudsman's Secretariat (OS) saying that her husband had been a clerk at the DG Khan District and Sessions Court and had died on April 2, 1993, leaving behind two widows, herself and Maqsood Begum.

She said that the former DG Khan BF Divisional Board chairman had sanctioned an equally divided monthly grant from the BF for both widows in March, 1984 but this was withheld from her from January, 1990 to January, 1995 by National Bank of Pakistan Main Branch Kutchery Road, DG Khan, saying that she had not submitted the claim in time.

She stated that Maqsood Begum had died on March 5, 1987 but the full amount was still not paid to her despite her request, on the grounds that no law existed that allowed transfer of the deceased widow's share to the other widow.

She demanded that the DG Khan District Coordination Officer be told to pay five-years worth of the grant (from January, 1990 to January, 1995) along with the share earlier sanctioned to the other widow.

In the departmental response, the DCO told the OS that she had been paid the grant. He said that she had applied for restoration of the grant three years after it was cut off and was

therefore restored from January, 1995, (when the board had met) according to BF rules.

In his decision, the Ombudsman told the DCO to pay her the grant from April, 1993 onwards - which was the date she had filed the application - instead of January, 1995, the date the board had met to decide the matter. The Ombudsman observed that the rejection of her request for transfer of the deceased widow's share was unjustified and that it should be transferred to her because she was the surviving widow.

In his compliance report, the DCO informed the OS that the payment of the grant for the specified period, along with the deceased widow's share, had been made.

**PROVINCIAL OMBUDSMAN BALOCHISTAN, PAKISTAN.**



**Chief Justice of Pakistan, Mr. Iftikhar Muhammad Chaudhary, has said that the dispensation of "complete" justice to the people is an important need of the society and a heavy responsibility in this regard rests with the judiciary and judges of the Supreme Court and subordinate courts.**

"The most important duty of the judges of the Supreme Court, the high courts and other subordinate ones is to provide justice to the people without any fear and favour," the CJP said while delivering his keynote address at the closing session of the one-day seminar on "Justice for All" here on Saturday.

Mr. Justice Iftikhar chaired the seminar jointly organized by the Provincial Ombudsman's office and Gender Justice



Through Musalihat Anjuman Project (GJTMAP), Balochistan, in collaboration with the UNDP.

The Chief Justice of Pakistan, who spoke his heart out on the occasion about the judiciary's role and commitment for dispensation of the justice to the people in the country, underlined the need to ensure dispensation of quick justice to the people.

Referring to the theme of the seminar "Justice for All", the CJP said it is possibly only when every one is agreed to provide justice.

This is a collective as well as an individual responsibility. Every authoritative institution and empowered person should do justice in their respective sector."

He said every person who is a lawyer, a doctor, a teacher, a prosecutor and a witness, would have to do justice with their respective jobs. "Let's adopt the way of justice so that every one could get justice, and let's protect the rights of the people", he said.

"The judiciary would have to make it sure to provide justice to the people of the country who want justice under the constitution of the country." Coming to the point of Alternate Dispute Resolution (ADR) mechanism being introduced in the country, Justice Iftikhar said though the formal justice system is time-tested but there is an element of delay in dispensation of justice yet we would have to give importance to the informal way of dispensing justice to the people, in addition to the formal one.

"We are not finding an alternate to the existing judiciary system in the country, rather the objective behind adopting the ADR mechanism is to provide quick justice and decide the cases of the people immediately as well." He said this is also in our religion, Islam. He especially talked about the importance of

mediation and reconciliation with regard to dispensing justice.

He said we should not feel any problem to adopt the informal way of dispensation of justice to the people. He said complete justice is an important need of the society, because it could not progress sans justice. Ombudsman Balochistan Justice (Retd) Fazlur Rehman presented welcome address. He highlighted the activities and the achievements made by the Ombudsman's office Balochistan in attending and solving the complaints/issues of different nature.

Besides solving certain cases of public interest by the Provincial Ombudsman office, Fazl especially mentioned in his speech three references sent to the provincial Ombudsman office from the Supreme Court.

He said regional offices of Ombudsman are being established in different areas. In the first phase, these would be established in Dera Murad Jamali, Loralai and Gwadar. He also announced to hold similar seminars in other districts of the province to provide justice to the people at their doorstep.

Some Provincial Ministers, senior judge of Supreme Court and judges of Balochistan High Court were among the participants who also spoke on the occasion.

#### **Ombudsman For Strict Implement Of Disabled Quota: -**

Provincial Ombudsman Balochistan, Mr. Justice (Retd) Fazal Ur Rahman has directed all the government departments to strictly implement 2 percent quota for disabled persons. It may be recalled here Anjuman Mazooran Khuzdar had submitted an application to Provincial Ombudsman that quota for disabled persons was not being followed according to the policy of the government and orders of High

Court. Taking an immediate action, Ombudsman sought position from Provincial Services and General Administration Department in this connection. The said department submitted a report which said that all the provincial departments have been directed for strict implementation of this policy. Six special persons were appointed in the Secretariat.

**FEDERAL TAX OMBUDSMAN, PAKISTAN**



Federal Tax Ombudsman, Mr. Justice (Retd) Munir A. Sheikh, has asked the Central Board of Revenue (CBR) to make amendments to their computer software to avoid unnecessary harassment to importers and exporters.

The directive was issued on the complaint of a cloth mill against blocking of its imports and exports in the customs department's computer network.

The Ombudsman directed the CBR to issue a notice to importers about 15 to 30 days in advance of the process of blockage of clearance upon default.

**Federal Tax Ombudsman Rules On Proper Forums For Tax Appeals: -**

The Federal Tax Ombudsman, Mr. Justice (Retd) Munir A Sheikh, has ruled that appellate tribunals of the Central Board of Revenue (CBR) are the proper forums to accept or reject an evidence or contradictory laboratory reports in deciding appeals of the tax payers.

The FTO gave this ruling on a complaint of M/s Cherry Enterprises International, Lahore

who had imported a consignment consisting of herbal medicines Acteinetg and Bioborn from France in April 2005, and being medicaments for treatment of poultry diseases, sought clearance thereof claiming classification under PCT Heading 3004-9010, legible to custom duty @ 10 percent.

However, the Customs Laboratory Dry Port, Lahore tested the samples and observed that Acteinet was a mixture of multi vitamins used as a feed supplement for poultry animal feeding and Bioborn was liquid diet nutritious supplement for poultry and cattle consisting of herbs, vitamin -C and other compounds, chargeable to custom duty at 25 percent ad-val under classification H.S.2309.9000.

On complainant's request, the consignment was assessed provisionally under section 81 of the Customs Act, 1969 by securing the differential amount of duty and taxes through indemnity bond and a post dated cheque.

As the complainant was not satisfied with report of the Customs Laboratory, samples were sent to the Nuclear Institute for Agriculture and Biology (NIAB) Faisalabad which reported that the product Acteinet was used for treatment of E.Coli in poultry by lowering the pH and Bioborn was also not a nutritional supplement as it was meant for the treatment of respiratory disease in poultry.

Since the NIAB lab concluded that these products were covered under HS Code 3004,9010. The complainant requested for further inquiry but the Deputy Collector passed an assessment order dated 08.04.06 holding that the goods were classifiable under HS Code 2309.9000 and ordered for encashment of indemnity bond and post dated cheque.

The FTO observed that the complaint revolves around two main arguments namely (I)



the consignment having been provisionally released, the assessment order was not passed within one year as stipulated under sub-section (2) of section 81 of the Customs Act, 1969 and (ii) the Customs officials should have obtained results from an independent lab to resolve the dispute arising out of the conflicting opinions tendered by the two labs to which the samples were sent for test/analysis.

He said that the concerned officer has accepted one set of evidence against the other with reasons, therefore it is not "maladministration" and that it is a case of appraisal of evidence as such to be decided on reappraisal of evidence for which the best forum is Collector (Appeals) where appeal is pending.

The FTO said that the appellate authority is competent to deal with both points of law and fact, for on re-appraisal, it can substitute its findings on merit.

He said that the complaint involves detailed examination of the evidence on the basis which each of the two sides is claiming one classification or other of the products in question and the Collector Appeals can weigh and re-evaluate the relevant evidence before deciding it on its merits.

While disposing of the complaint, the FTO asked the complainant to present his case before the appellate forum.

**Federal Tax Ombudsman Orders Removal Of 10-Year-Old Customs Blockage: -**

Federal Tax Ombudsman, Mr. Justice (Retd) Munir A Sheikh, has ordered Customs officials to remove the 10-year old 'illegal' blockade, clamped without due process of law, on clearance of goods exported/imported by complainant Bholawala Agencies.

Bholawala Agencies, of Talpur Road, Karachi, had filed a complaint against 'constant blocking' of its imports and exports on account of failure of the Department itself to finalize assessment of provisional release of consignments imported in 1996.

The complainant said that it imported consignments of baby products and filed home consumption bills of entry for clearance in 1996, but the Department considered that the declared price was low, and directed it to furnish pay order and post-dated cheques for the differential amount of taxes ascertained by the Collector for provisional release of the goods. Accordingly, it complied with the orders of the department.

It said that provisional assessment in all five cases stood finalized on expiry of one year under Section 81 of Customs Act. There is no mechanism in the Customs Act whereby an importer can force the department to finalize assessment, and since 1996 the complainant has faced the problem of computer blocking of its bills of entry on each import.

In the para-wise comments on the complaint, Customs officials stated that as the importer had accepted assessment at higher value, instead of the declared value, it meant that the declared value was not the normal value under the pre-amended Section 25 of Customs Act and the record of this 10-year-old matter was not available with the department.

They further stated that the particulars of securities, cheques etc were entered in the computer system and, after the expiry date, the system automatically blocked clearance under sub-section (1) of Section 202 of the Customs Act.

After examining submissions made by both sides, the FTO said that it was an extraordinary case whereby customs officials



had, on the one hand, kept the 10 years old cases of provisional release pending and, on the other hand, blocked the release of other consignments on the plea that the complainant had not paid the security amount, although the assessment had not been finalized by the department and, under the provisions of section 81 of the Customs Act, it became final on the basis of the declaration of the importer.

The FTO observed that on the basis of this patent illegality, the Department had blocked the imports of the complainant for more than nine years and had been harassing it for such a long time.

He held the plea of the complainants that the provisional assessment had become final as legally valid and said that there was no justification for the Department to withhold the securities and block the imports of the complainant without the process of law.

He described the action of the Department as arbitrary and an oppressive exercise of administrative power, and ordered the Collector of Customs concerned to (a) remove the blockage, unjustifiably clamped on the clearance of imports/exports of the complainant and (b) return the post-dated cheques and refund the encased amount of Rs 55,812 to the complainant.

**OFFICE OF THE OMBUDSMAN,  
PHILIPPINES**



**Ombudsman Ma. Merceditas N. Gutierrez of the Philippines marked her first year in office with many firsts – programs which brought the Philippine Office of the Ombudsman closer to the Filipino people.**

These include the conduct of a first public hearing in the highly controversial case involving alleged violation of bidding procedures for the procurement of automated counting machines for use during the 2004 elections.

Ombudsman Gutierrez also held the first-ever “Meet with the Ombudsman”, where she herself attends to the requests of the public coming to the Office for assistance. The project also involves the conduct of medical and dental mission throughout the country through the sectoral offices: Luzon and Military and other Law Enforcement (both located at the Office of the Ombudsman Central Office in Quezon City), Visayas (Cebu City), and Mindanao (Davao City).

She also inaugurated the regional offices of the three sectoral offices to “bring the office closer to the people”. Hence, OMB-Luzon’s regional office in Calamba, Laguna was inaugurated on May 26, 2006; OMB-Mindanao’s regional office in Cagayan de Oro on June 18, 2006; and OMB-Visayas’ regional office in Iloilo City on August 17, 2006.

Recognizing that “prevention is always better than cure”, Ombudsman Gutierrez also



launched several seminars, particularly the Seminar for Barangay Officials, where they are taught the basic laws on graft and corruption. Barangay is the basic political unit of the country.

She also ordered the conduct of a “mediation program” to unclog the docket. Under this procedure, both parties are invited to a meeting in an attempt to settle their differences so that there will no longer be a need for any of the party to file a case against the other.

She also formed Task Force Red Plate to run after government officials and employees who violate the law on unauthorized use of government vehicles to ensure that public properties are used only for official purposes, thereby saving on government resources. Criminal and administrative charges have been filed against more than 50 government officials and employees for the said offense.

Ombudsman Gutierrez also signed a Memorandum of Agreement with the Department of Education for a joint effort to ensure that students will be “spared from the claws of graft and corruption”. Thus, SAPAK PARA SA KABATAAN or Sama-samang Pagkilos laban sa katiwalian para sa Kabataan (joint effort to curb corruption for the youth’s benefit) was launched. It later formed Task Force SAPAK which investigates education-related anomalies.

The country’s anti-graft chief also ordered an investigation into complaints regarding alleged abuses committed by towing companies thru its “Operation Illegal Hatak”.

During her first year as Ombudsman, Ombudsman Gutierrez has dismissed from the service a total of 67 erring government officials and employees, and filed a total of 512 counts of criminal cases against ranking government officials before the Sandiganbayan (the country’s anti-graft court).

Ombudsman Gutierrez was appointed as Chief of the country’s Anti-graft body on December 1, 2005.

Prior to this, she served as President Gloria Macapagal Arroyo’s Chief Presidential Legal Counsel.

Ombudsman Gutierrez is the fourth official to occupy the post. The first three were Conrado Vasquez, (1988-1995); Aniano Desierto (1995-2002); and Simeon Marcelo (2002-November 30, 2005).##

**US To Help RP In Anti-Graft Drive With \$21M Aid: -**

The United States has approved a 21-million-dollar aid program to combat corruption in the Philippines, the US embassy here said Saturday.

The two-year initiative would strengthen the Ombudsman, a special prosecutor for criminal cases involving government officials, and the finance department and comes under the Millennium Challenge Corp. (MCC), a US federal agency which hands out development assistance.

The multi-million-dollar financing aims to “reduce opportunities for corruption throughout the government by training Ombudsman employees and establishing information



management and investigation and surveillance capability," the embassy said in a statement.

It would also seek to improve enforcement in three revenue units of the finance department -- the Bureau of Internal Revenue, the Bureau of Customs, and the Revenue Integrity Protection Service.

The US Agency for International Development would run the program, the embassy said. The anti-corruption aid is part of an initiative by US President George W. Bush to help countries tackle the main obstacles to their development.

"The MCC program represents an important opportunity for the United States and the Philippines to deepen our partnership by strengthening government institutions focused on anti-corruption and revenue administration efforts," US ambassador to Manila Kristie Kenney said in the statement.

**Ombudsman Launches Quick-Reaction Scheme: -**

Ombudsman, Madam Merceditas Gutierrez, launched the "Meet the Ombudsman" program, forging an understanding with other government offices that her office will be on guard against not only corrupt officials but also the inefficient ones.

"As everyone knows, our office has always been associated with the investigation, filing and prosecution of graft and corruption cases.

While that is true, we actually are more than that. We also assist people who have had a hard time accessing services from government agencies or instrumentalities," Madam Gutierrez said. Actually, the event was

just the formality of the program, which has been running for more than a year already.

"Everyday, this office is open to anybody who has concerns before any government office. We have been entertaining complaints from people who are encountering problems in receiving their pension from the Philippine Veterans Affairs Office.

"Topping the list were teachers from all over the country, who most often complain of unauthorized salary deductions," said lawyer Marlyn Torres Galvez, Project Manager, and Director of the Public Assistance Bureau.

Heads of offices who have attended the program were Philippine Charity Sweepstakes Office chairman Sergio Valencia and National Labor Relations Commission chairman Ernesto Bitonio.

Among the high-profile cases the Ombudsman is currently handling aside from the plunder case against former President Joseph Ejercito Estrada are the Supreme Court-voided automated counting machine contract between the Commission on Elections and Mega Pacific Consortium, the fertilizer scam, and even the recent nursing test scam.

Last year, the government office that bore the brunt of the complaints was the Department of Education with 970, a big chunk of the 3,134 requests for assistance the Ombudsman has received.

Madam Gutierrez said that any ordinary person could come to the Ombudsman any time during office hours. She said complainants should proceed to the public assistance bureau that will personally handle their concerns.

**President Appoints Casimiro Overall Deputy Ombudsman: -**

President Arroyo has formally appointed Overall Deputy Ombudsman Orlando Casimiro, who assumed the post in an acting capacity last March. Press Secretary and Presidential Spokesman Ignacio Bunye announced that Casimiro has been officially designated by Mrs. Arroyo to the second highest post at the Office of the Ombudsman.

Casimiro assumed the post in an acting capacity shortly after the retirement of Overall Deputy Ombudsman Margarito Gervacio last March.

Casimiro, who was then the Deputy Ombudsman for the Military, was appointed by Ombudsman Mercedes Gutierrez to be the officer-in-charge of the Office of the Overall Deputy Ombudsman.

He will take over from Gervacio, who retired after serving his full seven-year term at the Office of the Ombudsman. Casimiro rose from the ranks, and is reportedly among the few remaining officials of the Office of the Ombudsman who have been working at the anti-graft agency since its creation in 1989.

**OFFICE OF THE OMBUDSMAN THAILAND**



**Most Complaints to Police Concern the Ombudsman: -**

The police force tops the list of state agencies facing complaints of unfair treatment lodged by the people with the Ombudsman throughout the past six years.

Mr. Sa-ngad Patthawi, investigator of the Office of the Ombudsman, said at a seminar on good governance yesterday that the public has complained about the services of police officers the most, followed by the Interior Ministry and the Land Department.

Mr. Sa-ngad said the public mostly complained about officials' misconducts and delays to take action in solving their problems.

He also said that the people sought help from Office of the Ombudsman to settle problems concerning land encroachment the most in the past two years.

**ASIAN OMBUDSMAN ASSOCIATION NEWS**

**The 8th Meeting of the Board of Directors of the AOA on 15 & 16 December, 2006**

The 8th annual meeting of the Board of Directors of the AOA was held on 15 & 16 December, 2006, at Islamabad, Pakistan.



Annual Meeting of the Board of Directors held at Islamabad, Pakistan, on 15-16 December, 2006

Productive discussions were held and decisions were made on different agenda items during the Board's meeting. The following important decisions were made in the meeting:

**Research and study:**

- All members may finalize their research topics and give specific completion dates well before the annual conference.
- Research studies may be of practical orientation and may not be academic in nature.
- Studies may also discuss investigative techniques practiced in member countries and may suggest simplification of procedures for speedy remedies for maladministration
- Studies may consider linkages with civil society organizations for effective redress of complaints.
- Research may also suggest measures for removal of constraints in implementation of Ombudsman's decisions/recommendations.
- Attention may also be paid to suggest corrections in systemic failures that generate complaints of maladministration.
- The research may present comparative analysis of working of the offices of Ombudsman in various countries.

The studies may also examine the current organizational structure in the offices of the Ombudsman in member and non-member countries which has enabled them to successfully perform their functions. This will facilitate the re-organization efforts of the member states.

- The research may also cover the parallel complaint redress systems in various countries.



8th Annual Meeting of the Board of Directors, held at Islamabad, Pakistan.

- The research may also cover the parallel complaint redress systems in various countries.

On the motion of the President of the Board, the issue of future strengthening the capacity of the AOA Secretariat was also taken up in the meeting. Various suggestions were presented by the members. However, they unanimously agreed that the Secretariat needed to work more



Mr. Javed Sadiq Malik, President AOA, addressing the delegates of the Board's Meeting



*July-Dec, 2006*



Board of Directors for the Asian  
Ombudsman Association

proactively for which its capacity building was essential. In this context it was decided that:

- AOA Secretariat may be upgraded as a resource centre for research and dissemination of related information through electronic linkages to members and other countries.
- All members may appoint 'coordinators/focal persons' in the offices of Ombudsman for interaction with the Secretariat and other member offices.
- AOA secretariat may develop a list of topics which may be made available to the members for conducting short studies.



Delegates of the 8th Annual Meeting  
Islamabad, Pakistan.

## **APPOINTMENTS/ RETIREMENTS**

Mr. Javed Sadiq Malik, assumed the charge of the Office of the Wafaqi Mohtasib (Ombudsman) of Pakistan/ President of the AOA on 28 October, 2006.

- Mr. Munawar Opel, relinquished the charge of the Office of the Executive Secretary, AOA, on his transfer on 29 September, 2006.
- Mr. Mohammad Ihtesham Khan, took the charge of the Office of the Executive Secretary, AOA, on 1 December, 2006, as he was posted as Secretary, Wafaqi Mohtasib (Federal Ombudsman) Secretariat.
- Madam Mercedes N. Gutierrez, took the charge as National Ombudsman of the Philippines, as well as Vice President of the AOA, after the retirement of Mr. Simeon Marcelo.
- Mr. Orlando Casimiro assumed the charge of Overall Deputy Ombudsman of the Philippines on August 19, 2006. Mr. Casimiro had served as Acting Deputy Ombudsman since March 2006.
- Mr. Satoshi Kumagai, has taken charge of the Office of Director General, Administrative Evaluation Bureau, Japan, after the retirement of Mr. Ryoji Fukui.
- Dr. Chua Hong Teck, has become Director General, Public Complaints Bureau, Malaysia, after the retirement of Mr. Hj. Khalid Bin Hj. Ibrahim.



**FUTURE EVENTS**

**10th Conference of the Asian Ombudsman Association (AOA)**

The 10th Conference of the Asian Ombudsman Association is scheduled on 25 to 28 April, 2007, in Hanoi, Socialist Republic of Vietnam. The elections of the Board of Directors of the Association will also be held during the session of the General Assembly during the Conference.

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**NEWS ITEMS, RELATED ARTICLES, SUGGESTIONS ETC. FOR PUBLICATION OF THE NEWS BULLETIN**

The Headquarters of the AOA will appreciate receipt of useful and informative news items, important events, related articles, etc. from the member countries for inclusion in the News Bulletin. The information regarding retirements/ new appointments of the institutional Heads and other organizational or functional changes, etc., may also be forwarded for publication. The Material for the News Bulletin can be communicated electronically as well as by post to the Headquarters of the AOA in Islamabad, Pakistan.

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