36th Annual Report | 2013

OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

PARLIAMENTARY COMMISSIONER FOR THE PEOPLE'S RIGHTS

www.ombudsman.gov.tt

OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

PARLIAMENTARY COMMISSIONER
FOR THE PEOPLE'S RIGHTS

July 31st

Honourable Speaker
Office of the Parliament,
Tower D, Levels G-7,
Port of Spain International Waterfront Centre
1A Wrightson Road,
Port of Spain.

Dear Mr. Speaker,

I have the honour to present the ***Thirty-Sixth Annual Report*** of the Ombudsman for the period ***January, 2013 to December, 2013.***

The Report is submitted pursuant to section 96 (5) of the Constitution of the Republic of Trinidad and Tobago

Your faithfully,

Lynette Stephenson, S.C.
OMBUDSMAN
Republic of Trinidad and Tobago

OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO

PARLIAMENTARY COMMISSIONER
FOR THE PEOPLE'S RIGHTS

OUR VISION

Accountable, Fair and Transparent Public Administration for all in Trinidad and Tobago

OUR MISSION

The Office of the Ombudsman of the Republic of Trinidad and Tobago in fulfilling its statutory mandate is in the business of investigating and resolving complaints of administrative injustice in an impartial, ethical and expeditious manner; educating the Public on their rights and responsibilities and; advocating improvements in the quality and standards of service delivery in the Public Sector of Trinidad and Tobago.

OUR VALUES

- Accessibility
- Sensitivity
- Professionalism
- Integrity
- Respect
- Equity
- Excellence

Contact Us

PORT OF SPAIN

Head Office

Address: #132, Henry Street
Port of Spain
Trinidad

Telephone: (868) 624-3121 - 4
Fax: (868) 625-0717
E-mail: feedback@ombudsman.gov.tt

SAN FERNANDO

South Office

Address: 1ST Floor, FinGroup Place
Cor. Hobson & Kelshall St.
San Fernando

Telephone: (868) 652-6786
Fax: (868) 652-0404
E-mail: sandoregion@ombudsman.gov.tt

SCARBOROUGH

Tobago Office

Address: Caribana Building
Bacolet Street
Scarborough
Tobago

Telephone: (868) 639-1302
Fax: (868) 639-1303
E-mail: tgoregion@ombudsman.gov.tt

Table of Contents

Ombudsman's Remarks

"The Ombudsman is parliament's [person], put there for the protection of the individual, and if you protect the individual, you protect the society."

Sir Guy Powles, New Zealand's first Ombudsman, 1962

In the 2012 Annual Report I noted that there was still, much to be achieved, for the Office of the Ombudsman to emerge as the vigorous defender of justice, equality, good administration and democracy that it ought to be.

I made those comments against the backdrop of a society, where natural demographic expansion and growing socio-economic inequality is rendering more people vulnerable to the frailties of the Administrative State and the decisions of its bureaucracies and civil servants. A society where more people are compelled daily to seek government services that are essential to their wellbeing.

Rather than becoming less relevant, the Office of the Ombudsman is now more important than ever and it is this understanding, which has underpinned the focus on critical analysis and strategic planning in 2013. In September, staff retreated to Tobago to develop and concretize a vision for the future that would focus energy, strengthen operations and ensure that all stakeholders were working towards common goals.

Ms. Lynette Stephenson, S.C.

Transformation and reform are already evident in this Report. The Office's logo has been modified and streamlined and the brand signature has been changed from "Protection for Individuals against Bureaucratic Injustice" to "Parliamentary Commissioner for the People's Rights". These changes will help to better align the Office with what the society expects of it. They have been envisaged as part of an overall effort to strengthen and reinforce the Ombudsman concept in the hearts and minds of all stakeholders.

Within the report itself, the "Areas of Concern" section has been augmented significantly. Groups and issues not previously featured have now taken centre stage for example, people with disabilities and those who are incarcerated. Both of these groups are worthy of mention here because of their peculiar challenges.

The former suffers because of widespread indifference to their issues stemming from the fact that society does not fully understand the magnitude of the challenges they face and the simple solutions available to transform their experience of life. The latter suffers because of an obstinate aversion to any kind of advocacy on behalf of those labelled "criminals" and the notion that this label somehow indicates belonging to a group that everyone across political, racial and class boundaries, can feel free to disregard.

This Office is clear about its purpose. It exists to ensure that the powers given to functionaries by the Constitution, or any other law, are exercised within the ambit of reasonableness and justice. The Office must now continue to evolve to provide an effective institutional pillar, particularly, in the context of the most vulnerable and disadvantaged, the poorest and those least likely to have proper access to the full protection of the law.

In closing I want to thank the people of Trinidad and Tobago who trust us with their complaints, the elected representatives who champion the office's mandate and the public servants who work assiduously to deliver good service in these challenging times. Last but not least, I want to applaud my staff who continue to display a strong commitment to the ideals of Ombudsmanship.

Ms. Lynette Stephenson, S.C.
Ombudsman
Republic of Trinidad and Tobago

"The Office must now continue to evolve to provide an effective institutional pillar, particularly, in the context of the most vulnerable and disadvantaged, the poorest and those least likely to have proper access to the full protection of the law."

The Office of the Ombudsman

The Office was established under Section 91 of the Constitution of the Republic of Trinidad and Tobago for the purpose of investigating "...any decision or recommendation made, including advice or recommendations made to a Minister or any act done or omitted by any department of Government or any other authority."

Matters not subject to investigation are discussed in the Appendix.

The Ombudsman is an officer of parliament and does not form part of the machinery of government. The Office exists as an independent oversight body, in accordance with the provisions of the Ombudsman's Act Chap. 2:32 and performs the dual role of:

- Providing a fair and impartial investigation service for members of the public who believe that they have been adversely affected by a decision or action of a public sector agency; and
- Assisting public sector agencies to improve their decision making and administrative practices and procedures.

The Ombudsman and the Freedom of Information Act (FOIA)

The Freedom of Information Act (FOIA), Chap. 22:02 which came into effect in 2001 provides members of the public with a general right of access to official documents in the possession of public sector bodies/ authorities.

Section 15 of the said Act places a statutory obligation upon public authorities to take all reasonable steps to inform an applicant of its decision not later than thirty (30) days after the request for access to official documents was duly made. Section 38 A (1) states "A person aggrieved by the refusal of a public authority to grant access to an official document may, within twenty one (21) days of receiving notice of the refusal under Section 23 (1) complain in writing to the Ombudsman and the Ombudsman shall, after examining the document if it exists, make such recommendations with respect to the granting of access to the document as he thinks fit within thirty days or as soon as practicable thereof."

5 THINGS TO KNOW ABOUT YOUR OMBUDSMAN

WE ADDRESS COMPLAINTS AGAINST PUBLIC ADMINISTRATION

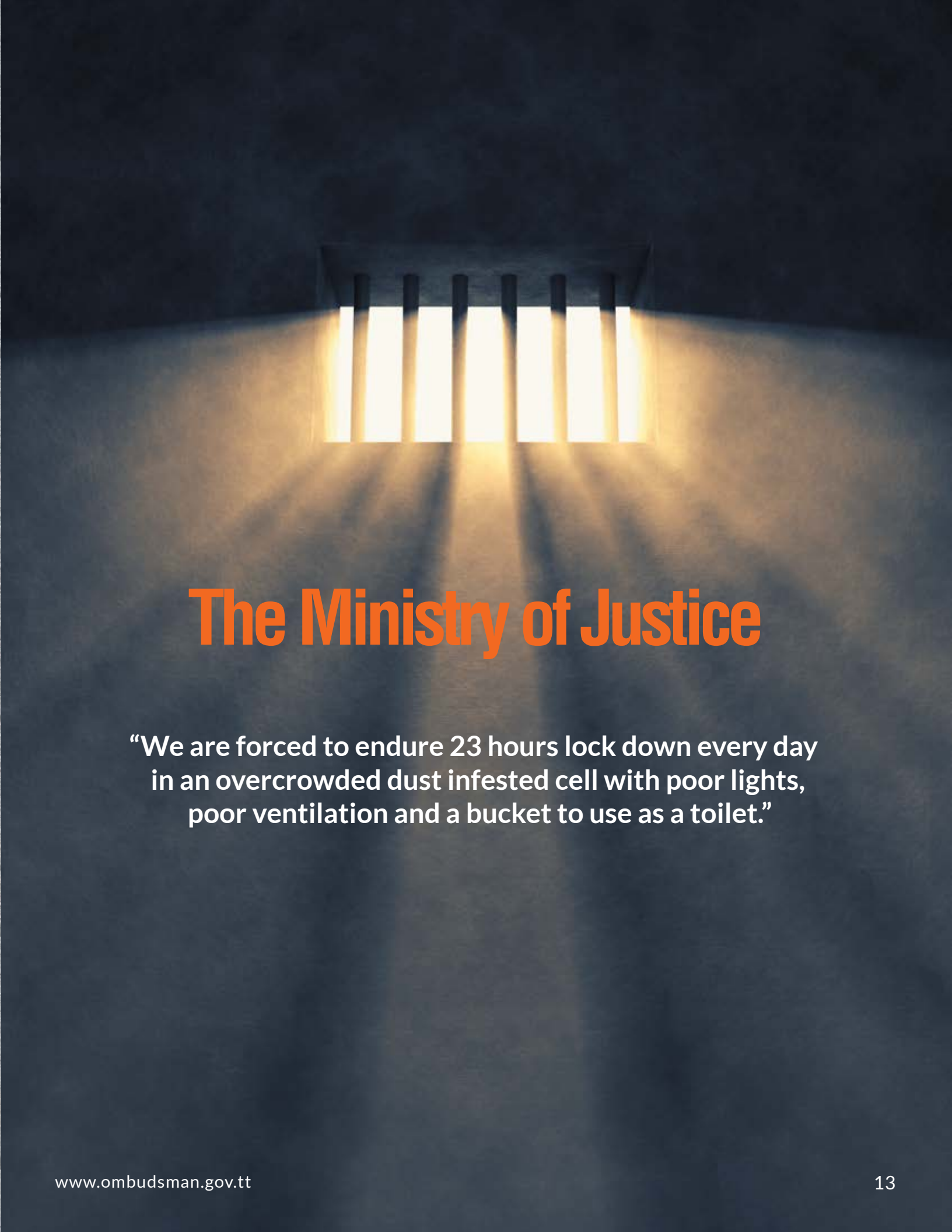
WE ARE INDEPENDENT

WE RESPECT YOUR CONFIDENTIALITY

THE OMBUDSMAN'S SERVICES ARE FREE OF CHARGE

WE ADVOCATE FOR FAIRNESS

AREAS OF CONCERN



The Ministry of Justice

"We are forced to endure 23 hours lock down every day in an overcrowded dust infested cell with poor lights, poor ventilation and a bucket to use as a toilet."

The Ministry of Justice has responsibility for the prison service. The Office of the Ombudsman is aware that this Ministry has made considerable improvements in 2013. Among these efforts are: a Memorandum of Understanding signed with the Government of Canada to strengthen prison facility planning, offender management, juvenile justice, and correctional programmes with a focus on restorative justice and inmate rehabilitation; increased powers for prisons inspectors; improved prison infrastructure and better working conditions for officers.

The Office of the Ombudsman understands that during the year a review and evaluation of all major inmate rehabilitation programmes was conducted throughout the prison service. It is also aware that use was made of alternative sentencing for some nonviolent offenders while the Ministry worked to refine alternative sentencing options, including the Drug Treatment Court.

We are happy to report that prisoners and detainees continued to be able to exercise important rights. They had reasonable access to visitors and could observe their religious practices. They could submit complaints to judicial authorities without censorship and request investigations into allegations of inhumane conditions.

Prisoners and detainees could and did contact the Office of the Ombudsman, which has the authority to investigate complaints related to the functions and duties of the Ministry of Justice and other government departments.

In spite of the improvements made, it is the considered view of this Office that much injustice is still being perpetrated by the State within our nation's prisons. In November, prisoners at the Golden Grove Remand Yard and the Maximum Security Prison claimed prison officers halted educational programmes and slowed food service leaving prisoners hungry. As a result, there were incidents of violence, including prisoners setting small fires inside the prison and altercations among inmates.

Prison officers began the alleged mistreatment of prisoners after the killing of an off-duty prison officer. In response to the disturbances, the Prime Minister convened a special nine-member committee led by criminologist Professor Ramesh Deosaran to investigate and address the problems.

The findings of this Committee, based on what Professor Deosaran has shared publicly, are likely to be consistent with what we have discovered in our own work. Speaking to journalists after one of his prison visits, he described the situation as "a gross injustice" and "a horrible picture for democracy."

Briefly stated below are a number of concerns that this deems priority areas for official consideration and urgent action:

1. **Poor/harsh conditions at the prisons**
2. **Lengthy delays – sometimes up to 13 years – in obtaining a trial date**
3. **Allegations of bias and prolonged detention of undocumented migrants at the Immigration Detention Centre, and**
4. **The calculation of sentences upon conviction.**

1. POOR/HARSH CONDITIONS AT THE PRISONS

"Conditions in some of the prison system's eight facilities continued to be harsh." United States Department of State Country Report on Human Rights Practices (2013)

"Jail Conditions Shock Deosaran" lead headline (Trinidad Express, Nov 21st 2013)

Port of Spain Prison and the Golden Grove Remand Yard are notorious for having particularly poor conditions and severe overcrowding, with as many as 10 prisoners kept in 10 x 10 foot cells.

"We are forced to endure 23 hours lock down every day in an overcrowded dust infested cell with poor lights, poor ventilation and a bucket to use as a toilet. We are giving one hour airing in the yard from Monday to Friday and 200 inmates are expected to wash, use the toilet, exercise, get trim and bathe in the hour with only two barbers, 12 washing sinks, 9 toilets and 12 showers… on public holidays we have to bathe inside with only 5 showers and 5 toilets... Because of the limited room in the cell we are forced to stay on our bed spot at all times… because of the zero mobility our bodies are deteriorating… Because of the dust infestation and poor ventilation many inmates have develop a sinus problem… Because of the poor light to read, write, our eye sight is impaired."
(Testimony of a detainee on remand; a person who as not yet been convicted of a crime.)

In 2013, the Port of Spain prison, designed to hold 250 inmates, housed up to 600 prisoners and the Remand yard, designed to hold 600 inmates, housed up to 1156 prisoners. These two prisons house 50 per cent of the total prison population while other prison facilities remain below capacity. Neither of these facilities has adequate lighting, ventilation, or sanitation facilities.

WOMEN'S PRISON

Although conditions at the Women's Prison are better than those in the Port of Spain and Remand Yard prisons, the women's facility occasionally becomes overcrowded since it holds both women on remand and those serving prison sentences. In a disturbing development, in the absence female youth facilities, authorities placed some young girls who had not committed any offence but who were in state custody in a segregated wing of the Women's Prison.

2. LENGTHY DELAYS IN OBTAINING A TRIAL

We have already highlighted the conditions at our nation's prisons emphasising those at the Port of Spain Prison and the Golden Grove Remand Yard. This is important because it is here that pre-trial/remand detainees will be kept and we know that at this time in Trinidad and Tobago, it is not uncommon for detainees to wait 6 to 10 years – 13 years in one instance – before their case is brought to trial. According to a study produced by the International Centre for Prison Studies in London, 43.3% of the total prison population in Trinidad and Tobago in 2013 could be categorised as pre-trial/remand.

The case of one such complainant underscores the issue.

In December 2005 a complainant was sent to the Remand Yard charged with the murder of a neighbour who was described by community members as "advantageous" and a "bully." The complainant had previously reported the neighbour to the police. Over the next few years, several letters attesting to the complainant's good character were submitted to the court along with a petition from his community asking that he be allowed to return. In the petition, residents described the accused as a peace-loving and respectful person.

None of this made a difference as the accused, a father and husband, had to wait seven years, three months and twenty six days, i.e. a total of 2,672 days for a trial.

At the trial in April 2013 the accused, who had previously requested a restraining order from the police to protect himself from threats by the victim, pleaded guilty to the lesser charge of manslaughter. The magistrate started with a 10-year term and deducted two years for the guilty plea. Even though his time in prison while awaiting trial was discounted, he still had to serve a further eight months.

The following are excerpts from this complainant's letters from prison which convey a prisoners' perspective:

I'm charge with murder, yes murder. I know when you hear murder, at once you think he is a criminal and guilty, but I'm not… Day after day I ask myself who cares about the innocent people in these prisons… In my situation, I did everything to prevent any incident with, (man's name)… several reports to the police, the magistrate and the JP requesting a restraining order. (30 min after [one visit to the police] (man's name) ran into my yard with a cutlass in hand threatening to kill me.

The only power I have in this prison is my pen, and I pray that my letter touch the heart of someone willing to help me. Mam I am not asking no special favor, I'm only asking for my right.

We are entitled to one bath per day; to use the toilet is not an entitlement... We are beaten for the simplest of things by the authorities.

I agreed to give my mother legal custody of my son. At the end, the magistrate told my mother to go to the probation officer and apply for public assistance, which she did and a few months later we started getting public assistance. Someone from the public assistance office look at my mother's bank statement and she saw she had twenty thousand dollars in savings and she stop my son's assistance and decrease my mother's pension by one hundred dollars… My mother's is eighty one years old. Can't she have savings? If my mother takes eight hundred dollars from her savings every month to give to my son, how long will her savings last? (2009)

I'm writing to your office once again to highlight my dissatisfaction in the treatment that we the poorer people in society are facing. You may ask, why am I complaining to your office? Because there are no one else to complain to, there are not human rights bodies in Trinidad and Tobago, and if there are, I am not aware of any so please hear our cry. WE need help! We are kept here to many years before we are given the opportunity to go before a judge or a jury…
I for example was arrested at the age of 39 and left my son 4 years old, now I'm 45 and he is 10 and if I am to tell you the problems he is facing I will need to take two more pages to write on. He is not a bad boy far from it, but he needs his father… I'm here 6 ½ years now merely for defending myself form a bully. But who cares, I'm in a prison so I'm a criminal… Please be our voice, we need a sincere person with love in our lives. We need a voice for the poor, please be our voice. (2012)

I am presently incarcerated at the golden grove prison awaiting a retrial for murder. I have been incarcerated for over 84 month awaiting trial, and over 36 months awaiting a retrial. Mam, is this justice? (2013)

Cry of a Prisoner

We understand the mind
and we forget the heart.
There's a light at the end,
but the tunnel is dark
everyday men go through
some never see the light.
They try too hard to
reach the end,
they stumble in the dark.
To explain this tunnel
will take me a year
and when I'm done
it will leave you in fear
I beg of you my brothers
Please dont come in
It is the most horrible place
But might not be a sin
For years and years I cry,
to reach the ending light
Sometimes I feel that GOD
Gives me the hardest times
But then when I take my
hands
And wipe my tears away
I know that he wont give me
More than I can bear.

The Office of the Ombudsman is aware that several bodies, including the Trinidad and Tobago Chamber of Commerce, have proposed new legislation to ease the backlog of cases and that up to December 2013 no move in that direction was made.

RECOMMENDATION

It is our position that prison reform is necessary. This should perhaps start with a comprehensive review of strategies and policies for remand prisoners to ensure that their treatment and conditions are consistent with their status as persons who have not been convicted, to ensure that their rights and entitlements are brought in line with the best international standards. Individuals deserve no less.

3. ALLEGATIONS OF BIAS AND MORE AT THE IMMIGRATION DETENTION CENTRE

Any discussion on the treatment of undocumented migrants in Trinidad and Tobago must start with the Case of Simiji Alie Marrah, the former child soldier from Sierra Leone who ended up living on the streets of Senegal before finding his way to Trinidad and Tobago before being apprehended by the authorities.

Mr. Marrah's life almost came to a tragic end in August 2001, when he tried to commit suicide, at the Maximum Security Prison where he had been detained for over one year and four months under the most deplorable conditions. He was eighteen years old.

In his case, it took prolonged and sustained intervention from the Emancipation Support Committee, the Living Waters Community and others for his plea for refugee status to be finally referred to the United Nations High Commissioner for Refugees who investigated and confirmed his tragic story of loss of family and displacement by war. Despite this it would take a suicide attempt, the publicity which followed and the intervention of President Arthur N. R. Robinson to finally secure his release.

A further shocking aspect of this case is the fact that prison officers actually handcuffed and beat Mr. Marrah when he tried to commit suicide so brutally in-fact that his body will permanently bear the marks.

Since his release Marrah has lived in such a way as to demonstrate what is possible when people are treated with a degree of humanity, he is now a graduate of the Edna Manley School of the Arts in Jamaica and is pursuing further academic qualifications and a music career.

Mr. Simiji Murrah showing Ombudsman Lynette Stephenson his graduation certificate and calling attention to the plight of undocumented migrants in Trinidad and Tobago

It is Mr. Marrah's experience in prison and the publicity which surrounded it which prompted the government of the day to construct the Immigration Detention Center (IDC). Completed in 2009 the IDC seemed a prudent and appropriate move, recognizing the continuing growth and influx of undocumented migrants and the gross injustice of housing such detainees in the regular prisons.

The then Minister of National Security Martin Joseph noted that he was seeking to "implement corrective measures in considering the basic human rights of the detainees and to provide appropriate facilities as opposed to incarceration and imprisonment."

The IDC was envisioned as functioning in accord with international human rights instruments and treaties, promoting and fostering universal respect for human dignity and fundamental rights and freedoms. Despite these noble objectives questions, now surround both the operations and control of the facility. The center has an intended capacity of 150, with separate facilities for men and women. Though the men's section has at times been overcrowded detainees have access to potable water, medical care, and sanitation facilities, as well as regular airing. (Trinidad and Tobago: Reports on Human Rights Practices for 2013. United States Department of State)

Reports in the Newspapers indicate fluctuations in the conditions of treatment at the IDC with the mere fact of prolonged indefinite detention contributing to protests, hunger strikes, detainee escapes and reports of attempted suicides. In January a woman, a CARICOM national, did in fact commit suicide there. Now a further disturbing development has come to the attention of this Office: allegations of bias against detainees from African countries.

NGOs such as the Emancipation Support Committee and The Living Water Community who were instrumental in Simiji Marrah's release have made these claims while calling for reform of immigration procedures that will affect not just detainees from the African continent but all undocumented/ irregular migrants who find themselves at the mercy of the law.

At the hub of the bias claims according to the submission of the Emancipation Committee are detention records "which clearly show a pattern whereby nationals from African countries are consistently detained for periods longer than detainees from any other part of the world." Even taking into consideration the real difficulties of repatriation outside of the hemisphere, i.e. visas and transit routes, the matter is one which demands attention if this turns out to be accurate.

Correspondence sent to this Office in November 2013 alleges tampering with files of detainees and deception on the part of high officials as part of deliberate attempts to justify unnecessarily lengthy periods of detention. These allegations come with examples of persons who purchased or received their own return tickets and others who indicated that they had the ability to do so but were denied repatriation for extended periods.

Detaining foreign nationals and depriving them of their liberties, especially when they pose no danger to the public or national security, can cause psychological and emotional trauma for them and their families. There is also the high cost to taxpayers for their daily upkeep. There should therefore be strong discretionary considerations of supervised release of detainees particularly if the detainee is not likely to pose a danger to public safety, or constitute a threat to national security as outlined in several sections of the Immigration Act.

RECOMMENDATION

It behoves us to bring applicable national practices and procedures into alignment with the best practices and procedures detailed in the numerous United Nations conventions on the rights of migrants to which Trinidad and Tobago is signatory.

Perhaps a good example of judicial reasoning is found in the case of Sahin vs Canada (1995). In this matter, the Federal Court ruled that persons cannot be held indefinitely under the provisions of the Immigration Act as "indefinite detention for a lengthy period of time can constitute a deprivation of liberty that is not in accordance with the principles of fundamental justice." Today in Canada there must be a stronger case to justify lengthy detention for someone who is not considered a danger to the public.

If the length of future detention cannot be ascertained, the facts would favour release. This case also puts the spotlight on the plethora of effective alternatives to detention such as outright release, bail bonds, periodic reporting, orders of supervision, and the inclusion of third parties in a third-party risk-management programme.

4. ISSUES THAT ADVERSELY AFFECT THE CALCULATION OF SENTENCES

This Office has noted that on a number of occasions, prisoners who have appealed their convictions have queried their sentences on two grounds:

1. **That the time served prior to the conclusion of their appeal had not been taken into consideration in the calculation of their sentences, and**
2. **That time served was not taken into account by the prison authorities in calculating the remission of sentences.**

The computation and commencement of a prisoner's sentence is set out in section 49(1) of the Supreme Court of Judicature Act, Chap. 4:01. This section states, inter alia:

... in the case of an appeal under this Act, any imprisonment under the sentence of the appellant, whether it is the sentence passed by the Court of trial or the sentence passed by the Court of Appeal, shall, subject to any directions which may be given by the Court of Appeal, be deemed to be resumed or to begin to run, as the case requires, if the appellant is in custody, as from the day on which the appeal is determined, and, if he is not in custody, as from the day on which he is received into prison under the sentence.

WHAT DOES THIS MEAN FOR A PRISON INMATE?

An inmate may appeal his conviction on a number of grounds and he may or may not be successful in his appeal.

What is important to note here is that the time that he serves after the determination of his appeal is based on the discretion of the Justices of the Court of Appeal.

What the Section quoted above really means is that unless the Court of Appeal states otherwise, the time that an inmate serves begins to run from the determination of his appeal.

For example, if inmate A was sentenced to 10 years imprisonment in 2000 and his appeal (which was dismissed) was heard in 2005, unless the Court of Appeal explicitly stated that time began to run in 2000, his time would begin to run in 2005. Therefore his sentence of 10 years would be from 2005 to 2015 as opposed to 2000 to 2010.

THIS ALSO HAS AN IMPACT ON THE REMISSION OF SENTENCES.

This Office is aware that this anomaly has been recognised by officers of the criminal justice system. As a result, in 2013 reliance has been placed on precedents from Bahamas and the Caribbean Court of Justice (CCJ) in order to take into account time spent in remand when a prisoner is being sentenced.
However, the relevant section of the Act also has a negative impact when calculating the remission of sentences.

Rule 285 of the Prison Rules provides that prisoners with good conduct may become eligible for discharge when a portion of his term, not exceeding one-third of the whole of imprisonment, has yet to run.

However, in the example given above, time would begin to run in 2005 and therefore remission of sentences could only be calculated from that date.

Having regard to the slow pace of the criminal justice system in Trinidad and Tobago, the law as it stands results in prisoners facing extended prison sentences.

The average time that it takes for an indictment to be filed after a committal is between three and five years. Having regard to the processes involved after the filing of an indictment, it could take another two years for the matter to be tried. If the matter is appealed, approximately another three to five years must be added to the equation. In such a scenario, a prisoner may well spend 10 years in prison even before his sentence begins to run.

RECOMMENDATION

I am of the opinion that having regard to the significant delays in the criminal justice system, steps should be taken to amend section 49(1) of the Supreme Court of Judicature Act, Chap. 4:01 in order to permit the prison Authorities to calculate remission of sentences from the date of sentencing as opposed to the date of determination of a prisoner's appeal. Additionally time spent on remand should be taken into account when a sentence is handed down.

People with Disabilities

Despite various instruments and undertakings at the national level, persons with disabilities continue to face barriers to their participation as equal members of society

Although no local disability census exists, it is estimated that approximately 180,000 people, possess some kind of disability (World Health Organization 2011).
The Office of the Ombudsman is concerned that despite various instruments and undertakings at the national level, persons with disabilities continue to face barriers in their participation as equal members of society and as such, it has decided to highlight the following.

1. **Employment**:
   Persons with disabilities remain amongst the most misunderstood and underserved constituencies in T&T. Remember that the role of the state in providing employment to persons with disabilities is critical.

2. **Physical accessibility issues**:
   Physical infrastructure for people with disabilities in this country is very poor. Except for some recently-constructed sporting facilities, very few T&T buildings have provisions that cater adequately to accessible parking, easy ramp entryways, or wheelchair-friendly bathrooms. The problem is severe in Port-of-Spain, but much worse in rural areas

3. **Access to information**:
   Information is not often accessible to persons with disabilities in formats relevant to them e.g. sign language and braille.

4. **The issue of Paper Money**:
   The blind and visually impaired often find themselves in compromising situations with respect to legal tender in this country. This is brought about by the absence of embedded identifiable features in our paper dollar bills that will enable persons with disabilites to identify different denominations, thus enabling them to conduct financial transactions independently.

THE CASE OF SHARDA RAMLAKHAN

Sharda Ramlakhan is today the president of the Consortium of Disability Organisations (CODO). Diagnosed with a rare form of muscular dystrophy when she was 27 she is very familiar with the challenges of disability.

Muscular dystrophy, is a degenerative condition that weakens muscles over time. There is no cure and people with this disease can lose the ability to walk, speak and ultimately, breathe. After the shock of her initial diagnosis in the UK, where she'd been an active accounting professional Ramlakhan had to endure the emotional pain of having to totally rethink her entire life. From walking with a brace in 2002, she is now confined to a wheelchair as both her legs and arms are very weak.

In an interview with the Trinidad Guardian in 2013 she said, "I was living in the UK when my condition was diagnosed so I was catered for by their built environment. When I came to T&T in 2002, that's when it hit like a ton of bricks".

"Getting a job here was a problem. I remember going to an interview at one of the big five accounting firms, and the interviewer looked at me and thought I was there to beg. I could not have been there to apply for a job, in her mind: there are so many attitudinal barriers we have to change in T&T."

Ramlakhan was eventually employed with the Board of Inland Revenue at the VAT office in Port-of-Spain. She stayed there for eight years before she left in 2011 to pursue disability consulting.

She explains that "Just getting around from place to place is another big problem. When you're in a wheelchair, the entire public transport system is not accessible. So an entire community is ostracized and cannot access whatever opportunities may be available."

THE CASE OF THE ELDAMO MOBILE SERVICE - A STATE INITIATIVE

In 2012 the Government launched the Elderly and Differently Abled Mobile (ELDAMO) service. This enables a fleet of 24 buses to pick up elderly and differently abled persons, and deliver them to their required destination free of charge.

This "Dial-A-Ride" system as it has been described requires the commuter to call the Public Transport Service Corporation (PTSC) at least 24 hours in advance to request one of the busses which are specially fitted with wheelchair lifting platforms and three wheelchair fixing places to cater to the needs of differently-abled persons. In addition ELDAMO drivers are required to have sensitivity training to deal with people with disabilities.

This initiative is well meaning but it turns out to be flawed. Both in the way it was conceptualized and realized.

It is not just that transporting one person in a wheelchair from San Fernando to Port-of-Spain is not a good use of resources, but also that this arrangement cannot cater to the normal daily transport needs of an entire community. Furthermore, some persons with disabilities have pointed out that the buses create further separation between themselves and the rest of society. A person who uses a wheelchair Mr. Singh, stated in the Trinidad Newsday: "Persons with disabilities are not poisonous, they are people too, when you integrate them into regular buses, people get to know them. They feel like they are part of regular society instead of something to be pitied."

It is better that persons with disabilities should be actively involved in the decision-making processes about all important policies and programs, particularly those that directly concern them.

UNITED NATIONS CONVENTION

The United Nations Convention on the Rights of Persons with Disabilities, is a human rights treaty which recognizes the importance of international cooperation for improving the living conditions of persons with disabilities in every country. This 2008 Convention is one which Trinidad and Tobago has signed but not yet ratified. It recognizes the existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities and challenges us to generate greater accessibility for the disabled to their physical, social, economic and cultural environment, to health and education and to information and communication so as to enable persons with disabilities to fully enjoy all their human rights and fundamental freedoms.

It also informs us that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of their full participation in society will not only result in their enhanced sense of belonging but also in significant advances in the human, social and economic development of society in general and the reduction of poverty.

It states, inter alia, that parties to the Convention must ensure access to roads, buildings and information. It recommends the state facilitate the learning of braille, sign language, and alternative formats for communication and learning.

RECOMMENDATION

Our existing national policy on the disabled takes its impetus the 2008 from the United Nations Convention as such it is quite good. The community of people who are hearing impaired, visually impaired, paraplegic, autistic, dyslexic and those who have acquired disabilities due to aging or various diseases such as cancer, heart disease, bipolar disorder, diabetes, Alzheimer's and Parkinson's are still under served as we have highlighted above.This is a call for Parliament to give greater priority to these issues and to promote greater inclusion of persons with disabilities as full and equal members of society.

Communications Specialist Shabaka Kambon discussing the role of the Ombudsman with Sharda Ramlakhan and the Consortium Peoples with Disabilities at UTT

Flooding 2013

In September 2013, Diego Martin and Glencoe in the West, Curepe, St Augustine and Tunapuna in the East, Chaguanas in Central and parts of South Trinidad all witnessed severe flash flooding with considerable damage to property and considerable hardship and inconvenience to residents of these communities.

In September 2013, Diego Martin and Glencoe in the West, Curepe, St Augustine and Tunapuna in the East, Chaguanas in Central and parts of South Trinidad all witnessed severe flash flooding with considerable damage to property and considerable hardship and inconvenience to residents of these communities.

On a positive note the reaction from first responders and emergency crews, including the Office of Disaster Preparedness and Management (ODPM), the Regional Corporations, the Fire Services, the Police and the Army was swift and efficient.

This was no comfort however to the residents of Diego Martin who felt strongly that more could have been done to prevent the disaster. Several of the 105 families affected by the floods in this community took up placards and launched a protest on the Diego Martin main road. In response to their pleas the Ombudsman initiated an "own motion" investigation to seek possible solutions at the level of the Regional Corporation in that community.

Ombudsman Lynette Stephenson meeting with residents of Diego Martin during the clean up after the floods

The Diego Martin Regional Corporation (DMRC) has indicated that it has attempted to augment its response to flooding through the implementation of the Incident Command System (ICS), which it describes as a standardized, on-scene, all-hazards incident management approach:

The DMRC also points to its efforts to educate the public about what citizens can do to mitigate the perennial problem through its Community Emergency Response Team (CERT) which has developed programmes to emphasize the dangers of indiscriminate dumping of garbage into drains and waterways; construction of homes on the riverbanks and forest/bush fires which leave the land barren and devoid of vegetation, increasing surface runoff and therefore vulnerability to flooding.

Despite this the DMRC seems to be facing a number of ongoing challenges in responding to flooding which leaves it **unable to guarantee a safe region come September 2014.** These include, inter alia, "a lack of Inter-agency coordination and… crisis communication plan".

Perhaps more disturbing, simply because of its simplicity is the "Movement and distribution of resources leading to irregular maintenance of our drains due to inadequate manpower and machinery" highlighted by the DMRC.

This seems even more troubling when one considers that the area (Diego Martin) was declared a "disaster area by Prime Minister in 2012 in the wake of even more devastating floods which came with a cost some estimated to have been in the vicinity of $100 million dollars.

RECOMMENDATION

This Office calls for a more proactive approach to this issue in 2014. No Regional Corporation, in what could be described as a disaster hot spot, should have to plead for essential resources and manpower. The DRMC has recommended improvements to the entire drainage network; an increase in the capacity of culverts; reforestation of the surrounding hillsides; the creation of water sheds and water retention ponds. These recommendations must be consider seriously, not just in Diego Martin but in every part of the country affected annually by flooding.


National Insurance Appeals Tribunal
Someone with an unresolved injury claim before 2010 could end up a paraplegic before information from the NIB reached the Tribunal... this is not how we should serve the public."


Housing Development Corporation
The Housing Development Corporation (HDC) generates a considerable number of serious complaints each year and is generally tardy in addressing the issues raised.


Commissioner of State Lands (Land Management Division)
Since its inception in 1976, the Office of the Ombudsman has been bombarded with complaints regarding land use.

National Insurance Appeals Tribunal

The National Insurance Appeals Tribunal (NIAT) hears appeals with persons seeking redress on decisions of the National Insurance Board (NIB) regarding claims for benefits such as retirement and maternity.

In April, the NIAT appeared before a Joint Select Committee (JSC) of Parliament where it was heavily criticized. At the end of the sitting Head of the JSC Independent Senator Corine Baptiste Mc. Knight said "someone with an unresolved injury claim before 2010 could end up a paraplegic before information from the NIB reached the Tribunal," she added "this is not how we should serve the public."

The Office of the Ombudsman agrees. In 2013 the Office received sixty (60) new complaints against this agency. Since 2010, it has received one hundred and sixty nine complaints (169) regarding delays in obtaining hearings for Appeals filed at NIAT. One hundred and fifty six (156) of these cases have yet to be resolved. It should be noted that in many cases, these complaints are filed by the most vulnerable in society such as the elderly and the disabled.

This Office has identified specific reasons which seem to be at the core of these delays which can adversely affect citizens. These include;

- **Administrative deficiencies including a lack of co-ordination between, the NIB and NIAT;**
- **Timelines as specified in the National Insurance Act Chap. 32:01 that guide the operation of NIAT are not met. For example the National Insurance Act states that upon receipt of Appeals NIAT should submit a request to the NIB for the Benefits Unit file which must be made available to the Tribunal within three (3) weeks. This timeline is rarely met by NIB.**

If the NIB does not determine whether the matter raises either questions of law or partly law and partly fact in a timely manner, a prospective appellant will be precluded from appealing to the High Court since the matter will become statute-barred.

- **Inadequate staffing and office facilities at NIAT (there is only one NIAT office to serve the country);**
- **The requirement that makes it imperative for meetings to be scheduled according to the availability of the Chief Medical Officer (CMO) since he/she must be a member of the Tribunal went an appeal involves medical issues.**

RECOMMENDATION

It is important for NIAT to ensure that in its thrust to move forward and to improve its services to the public, greater attention is paid to the implementation of adequate measures to resolve the above highlighted deficiencies.

Therefore, there must be greater communication and co-ordination between NIB and NIAT with respect to their roles and functions.

There should be strict adherence to the timelines outlined under the Act. If the NIB finds it difficult to comply, steps should be taken to amend the Act to allow for more realistic timelines to deal with the situations presented.

Additionally, public education programmes should be introduced to sensitize the public as to the roles and functions of NIAT which would include for example, the procedures to be followed when filing an appeal at the NIAT.

There is also a need to increase the number of meetings held by the NIAT in order to reduce the present backlog of cases.

Housing Development Corporation

The Housing Development Corporation (HDC) continues to generate a considerable number of serious complaints each year. It is also more often than not, quite tardy, in addressing complaints forwarded to it by the Ombudsman. As was stated in the 2012 annual report, "this can lead one to assume that there is a level of insensitivity on the part of HDC officials with regard to matters that deserve immediate attention as well as a lack of will to co-operate with the Office of the Ombudsman."

It generates a great deal of frustration on the part of complainants not only with the HDC but also with the Office of the Ombudsman. In 2013 the office received 54 new complaints against the HDC 28 of which are still to be resolved. At present there are over one hundred outstanding unresolved complaints against the HDC.

Complaints received by this Office against the HDC include:-

- **Delay to repair units;**
- **Housing accommodation still unavailable years after receipt of down payments**
- **Persons invited to attend a "Presentation of Keys" ceremony where there is no provision for them to get accommodation;**
- **Inability to access information regarding the status of housing applications;**
- **Inaccurate calculations of mortgage balances by the HDC;**
- **Inability to obtain deeds for properties upon completion of mortgage payments;**
- **Requests for emergency housing not addressed expeditiously;**
- **Requests for re-location for cogent reasons not promptly addressed.**

In one specific matter a Complainant had been assigned a house which was re-assigned to another person without her knowledge. To date, although the Complainant still has not received the keys to that house, she receives utility bills from it. In another, a Complainant completed the mortgage payments on his HDC property in 2003. Up to the end of 2012, he had not received his lease.

RECOMMENDATION

The facts we have would suggest that the authorities need to examine very carefully the functioning of this organisation.

Commissioner of State Lands (Land Management Division)

Since its inception in 1976, the Office of the Ombudsman has been bombarded with complaints regarding land use. There is an inordinate delay on the part of the Commissioner of State Lands (COSL) not only to pay compensation to land owners for land compulsorily acquired by the State but also to grant leases for State Lands to applicants. Additionally, the issues of encroachment by squatters on State Lands which have been allocated to persons who have not yet received formal leases are not resolved promptly. These areas have been and continue to be of grave concern.

In previous annual reports, my predecessors have highlighted land matters as an area of concern.

In the Second Annual Report, the Honourable Mr. Justice Evan Rees, the first Ombudsman reported that his investigation into the issue of land acquisition revealed that the acquisition machinery was inefficient and unjust with respect to the fact that the claimants, whose lands were acquired, were deprived of their property without the expeditious payment of compensation.

In the Fourteenth Annual Report, the Honourable Mr. Justice George A. Edoo, the second Ombudsman emphasized that, "the payment of compensation should be concurrent with acquisition". His investigations "confirmed that in nearly every case, claimants experienced extreme hardship and inordinate delays in obtaining compensation for land compulsorily acquired."

In the Twentieth Annual Report, the Honourable Mr. Justice George A. Edoo was of the view that the problems which existed were "as a result of the involvement of a number of agencies in which... there has been little effective coordination: the Land and Surveys Department, the Ministry of Planning and Development, the Chief State Solicitor and the Valuations Division of the Ministry of Finance."

He also advised on "other factors," that he thought, "contributed to the delay and the constant injustice suffered by complainants: a shortage of trained and experienced staff, particularly land surveyors; inability of complainants to produce evidence of title and the burden being placed upon the Chief State Solicitor in this regard; unavailability of proper records; a lack of sensitivity on the part of the officers involved in the acquisition process."

The situation today has not changed. This Office continues to receive many complaints regarding long delays in receiving compensation for land acquired by the State for public purposes. In 2013 the office received twelve (12) new cases out of which eleven (11) remain unresolved to add to the other forty two unresolved since 2003.

THE FOLLOWING CASES ARE INSTRUCTIVE:

1. **A Complainant's land at Warner Village had been compulsorily acquired by the State for the construction of the Uriah Butler Highway. In 2002, he was advised by authorities that the issue of compensation had been forwarded to the Commissioner of Valuations for negotiation and settlement.**

2. **With the matter unresolved one year later, the Complainant approached the Office for assistance. Eventually, in March 2004 he was paid compensation for the acquisition of 370.6m^2 of land but Cabinet approval had to be sought for an additional 24.4m^2 which would have to be acquired by Private Treaty. In October 2004, the Commissioner of Valuations indicated that he was awaiting instructions from the Director of Surveys to negotiate and settle the matter in relation to the additional 24.4m^2.**

This Office was advised by the COSL in September 2011 (seven years later) that the matter had been forwarded to the Commissioner of Valuations to engage in negotiations with the Complainant. No further response has yet been received.

Another Complainant informed the Ombudsman about the delay by the COSL to pay compensation to him and his family for land used on Store Bay Local Road, Crown Point, Tobago. The land had been acquired by the State in 1994. He submitted a complaint to this Office in 2010, yet two years later this matter has not been resolved.

The following cases are relevant to the issue of delay in the issuance of leases which is also a serious problem:

1. **A Complainant approached this Office in 2002 after she was told to re-apply for a lease for agricultural land when her application could not be located in the El Reposo section of the relevant Ministry. In 1993, the**

Commissioner of State Lands (Land Management Division)

Complainant's father had requested the Director of Surveys to have the said land transferred over to her. All the relevant documents had been submitted, but when she checked on the status of her application in 2003 she was then told that her file at El Reposo could not be found. It should be noted that in 2004 Cabinet approved the grant of a Standard Agricultural Lease in the Complainant's favour. In 2009, she was asked to submit certain documents to facilitate the transfer. No further information has been forthcoming from the COSL in relation to this matter.

2. **A Complainant who had been living on a parcel of land since 1958 applied for the said parcel in 1982 and to date there has been no response to her application.**

3. **In 2007, a Complainant approached the Office for assistance in obtaining a lease at Fred Circular Road Belle Vue, St James. In 2009, this Office was told that the Division would initiate the process of preparing the lease in the Complainant's favour in respect of the parcel of land he had applied for. In 2010, the COSL advised that he was awaiting Survey Plans to advance the process of the matter. In April 2011, investigations revealed that the Director of Surveys had approved the Survey Plans. This Office was informed verbally in September 2011 that the matter would be referred to Cabinet. However, to date, no further information has been received from the COSL.**

RECOMMENDATION

It is imperative that the human resource and structural framework of the agencies concerned are strengthened. Land matters can take a serious toll on the well-being of individuals and families.

DELAY - ISSUES OF ENCROACHMENT

A Complainant advised that since 1986 he had been approaching the COSL about a person's encroachment on his property. He came to this Office in 2009 and lodged a complaint. However, to date, there has been no response from the COSL to our enquiries regarding the said matter.

Similarly, a Complainant approached this office in 2011 for assistance to get the COSL to address the issue of encroachment on a property which had been leased to his mother. To date, there has been no response from the COSL despite numerous enquiries from this office.

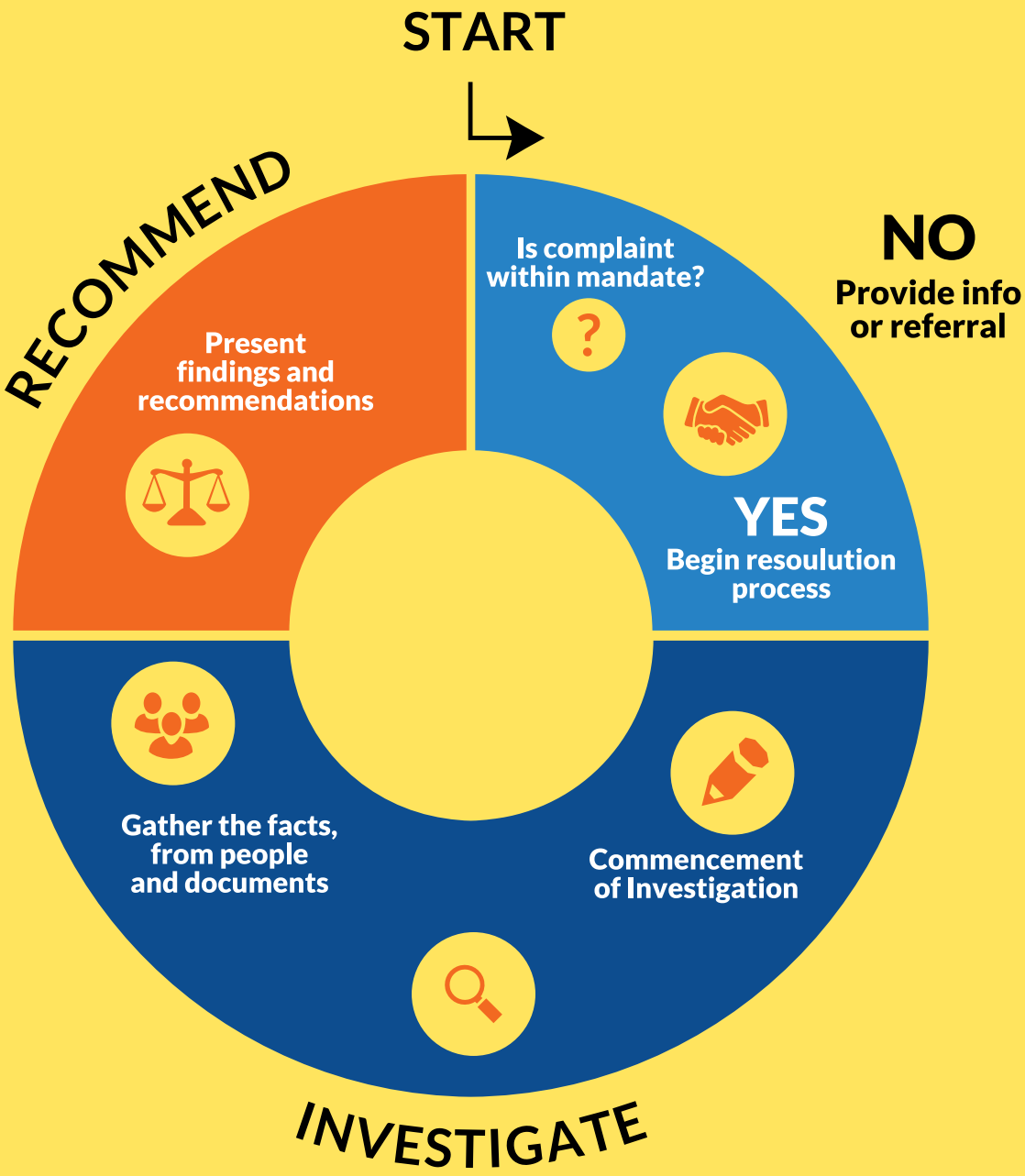
And this is really just a small sample as the Ombudsman is in receipt of numerous complaints from persons regarding the inability by the COSL to take appropriate action to address the issue of encroachment by others on their properties.

It has been noted that in an effort to address the problems affecting land use in Trinidad and Tobago, the Government divided the Land and Surveys Department into two Divisions namely the Surveys and Mapping Division and the Land Management Division which has responsibility for granting agricultural and residential leases. Although the separation of responsibilities was envisaged to reduce the time frame in which leases would be prepared, this has not been the case.

RECOMMENDATION

Due to the fact that this is an issue which causes great suffering to many a Complainant I feel that the onus is upon all in authority to take a very serious approach to this matter. There needs to be further analysis and improvement of this system.

The Complaints Process



People's **Complaints**

Cross section of cases resolved in 2013

You don't have to be a national to go to Ombudsman

Ms. E came to the Ombudmsman in 2011, regarding the delay on the part of the Ministry of National Security (Immigration Division) to process her application for Citizenship. The compliant was immediately forwarded to the Chief Immigration Officer (CIO) for his comments.

Reminders were sent from August 2012 to April 2013 without a response from the Immigration Division. Finally on May 28, 2013, the CIO responded advising that Ms. E had been advised to provide a Deed Poll. The Complainant queried the cost of having a Deed Poll prepared and why she was not asked to provide a Deed Poll four years ago when she had first applied for Citizenship.

The Office raised the complainant's concerns and was advised by the Immigration Division that the Complainant could collect her Certificate.

Even straight forward cases often take longer than they should

Ms. E approached the Ombudsman on April 2011, for assistance concerning the delay by the Social Welfare Division in issuing a Disability Grant cheque for her son for the month of December 2009. The office investigated the matter with the Ministry of the People and Social Development immediately through a series of letters and emails, yet the matter was not resolved until June 2013 when Ms. E confirmed receipt of the outstanding cheque.

The untold cost of Bureaucratic Inefficiency

In January 2009 Mr. J 90 years old sought the assistance of the Ombudsman concerning a frustrating and lengthy delay in obtaining the deed for the property he and his wife had purchased from the Housing Development Corporation (HDC). He had within his possession a letter from November of 2001 indicating that he had completed all his payments.

The complainants although very elderly had been burdened and subjected to runaround from agency to agency for eight years in a vain attempt to obtain their deed. The Office wrote to the Commissioner of State Lands immediately, requesting urgent attention and an early response given the age of the complainants. It was not until 2013, four years later after many letters, visits and calls to the relevant parties that this Office was able to find a just resolution to this case.

The issue of maladministration and even injustice are clearly identifiable here and there is no happy ending in this case. During the period in 2010 the Office learned that Mr. J had died two years later in June 2012 we got news that his wife had been hospitalized. By the time the matter was resolved a year later she had passed as well.

Granny's Resurrection

On May 2009, Granny S sought the assistance of the ombudsman after she was unable to get her Senior Citizen's Pension cheque for the third time within a 16 month period with no explanation forthcoming.

In June 2009 the Office began pursuing the matter through the Director of Social welfare at the Ministry of the People and Social Development. **Six follow up letters, four years later on July 15th 2013 the Social Welfare Division finally responded** indicating that the Complainant had died on a date unknown making the Grant inactive. The Office immediately called the Complainant's contact number concerned to verify the veracity this demise claim.
To the amazement of the investigator assigned to the case Granny S answered the phone. The issue was resolved and by October 2013 she had received all her outstanding cheques

A good day at the Office

Retired public servant Mr. D came to the Ombudsman in April 2013, alleging that there was a discrepancy between his pension payments and the compensation plan under which he retired stating that he had addressed the matter In April 2012 with comptroller of Accounts with no redress.

The Ombudsman investigated and found the gentleman to have a credible case. The matter was brought once again before the Comptroller of Accounts who was then able to review the matter .

On July 2013, outstanding payments were received and the case was closed.

The five most common Ombudsman issues:

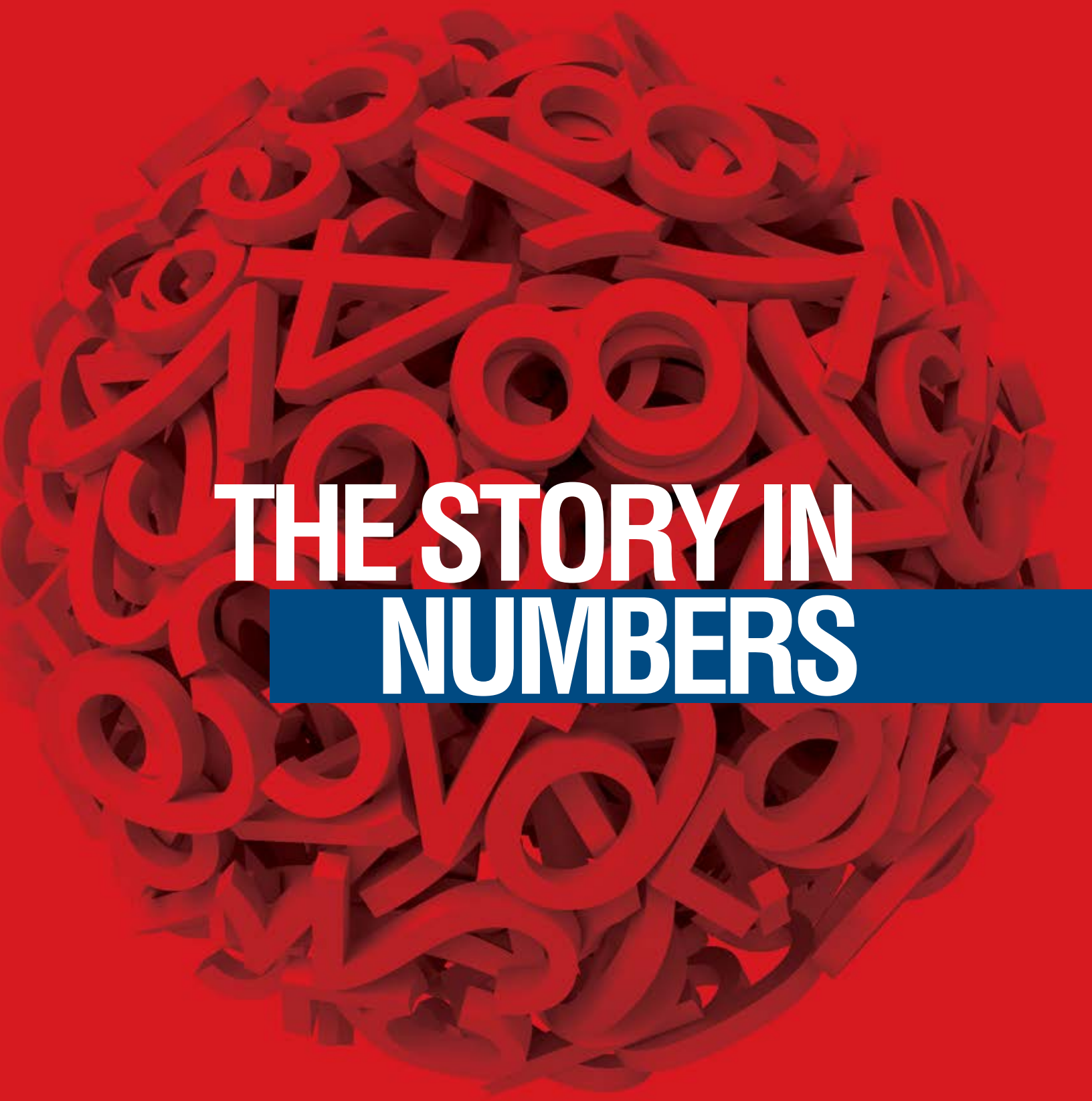
POOR COMMUNICATION:
- Written communications unclear, difficult to understand
- Calls not returned
- Unreasonably long response time
- Information lacking or wrong

POOR SERVICE:
- Inability to reach public servant
- Unfair treatment
- Unfair policies

UNPREDICTABLE ENFORCEMENT:
- Over-enforcement
- Under-enforcement

FAULTY DECISION:
- Wrong
- Unreasonable
- Unfair
- Unexplained

UNREASONABLE DELAY:
- In returning calls or emails
- In processing appeals
- In handling complaints



THE STORY IN NUMBERS

Overview of Investigations Conducted in 2013

During the period January - December 2013, this Office oversaw a caseload of two thousand, nine hundred and ninety-eight (2,998) complaints. This figure comprised of one thousand, six hundred and forty-one (1,641) new complaints and one thousand, three hundred and fifty-seven (1,357) unresolved matters brought forward from previous years. See ***FIGURE I***.
In 2013, the Office dealt with one hundred and thirty four more cases (134) than it handled in 2012, one hundred and thirty (130) of them were brought forward from the previous year.

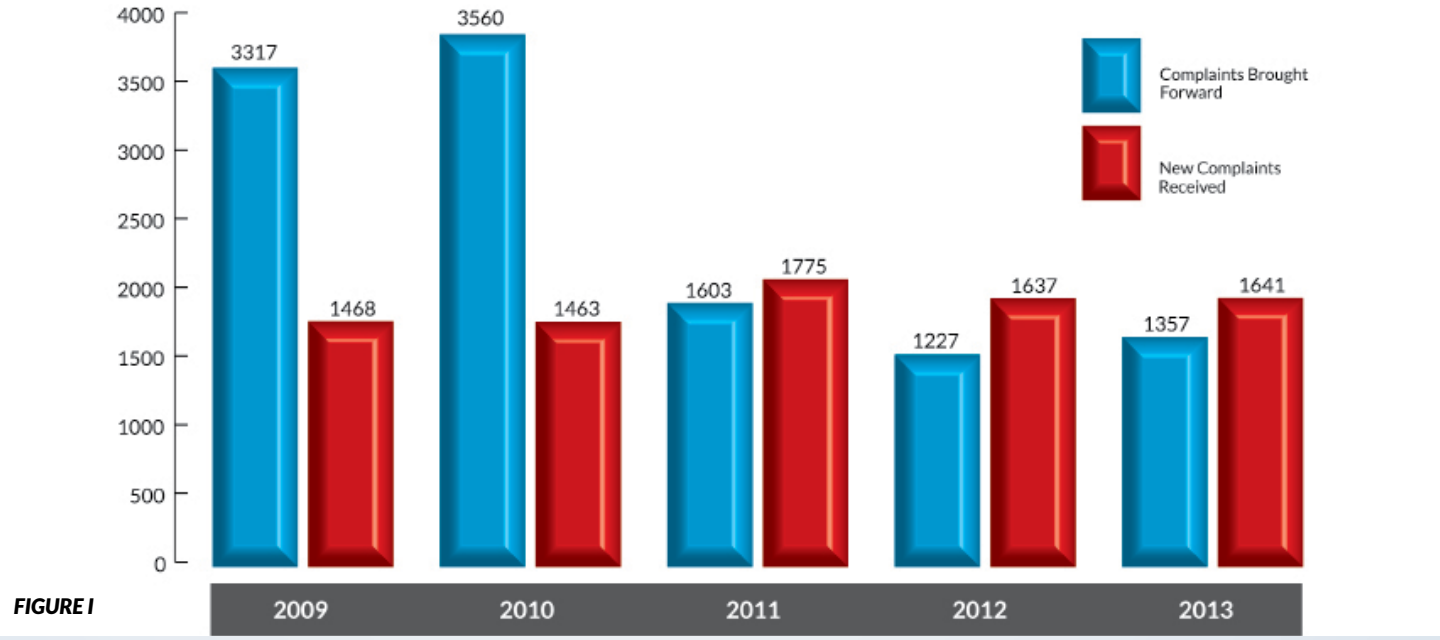


FIGURE I

The above diagram is illustrative of the total number of new complaints received and brought forward from previous years over a five (5) year period (2009-2013) by the Office of the Ombudsman. It can be noted that there has been a reduction in the brought forward cases from 2010 onwards. This has to do with a special audit that was undertaken during the year 2010 which determined that a significant quantity of cases brought forward could be closed.

In 2013, investigations were pursued on one thousand and eighteen new complaints. Twenty-five (25) matters which fell under the Freedom of Information Act (FOIA) are included. By the end of the year, 398 of these cases had been resolved, including 23 of the FOI matters. It can be therefore noted that a total of six hundred and eighteen cases remained unresolved as at December 31, 2013.
See ***TABLE I***

	NUMBER	PERCENTAGE (%)
Total number of complaints received in 2013	**1641**	**100**
Less total number of complaints without jurisdiction (Private)	**(211)**	**12.9**
Less walk-ins/enquiries/referrals	**(412)**	**25.1**
Less total Freedom of Information Act	**(25)**	**1.5**
Total number of complaints pursued	**993**	**60.5**
Total number of complaints concluded	**375**	**37.8**
*Complaints sustained	**180**	**18.2**
*Complaints not sustained	**21**	**2.1**
*Complaints withdrawn/discontinued	**68**	**6.8**
*Complaints advised	**88**	**8.9**
*Complaints with no jurisdiction	**18**	**1.8**
TOTAL NUMBER OF COMPLAINTS UNDER INVESTIGATION AS AT DECEMBER 31, 2013	**618**	**62.2**

TABLE I

TOP 5 OFFENDERS

TOP FIVE (5) MINISTRIES/ DEPARTMENTS/AGENCIES WITH THE HIGHEST NUMBER OF COMPLAINTS

In 2013 The National Insurance Board (NIB) held its ranking as the agency with the highest number of complaints recorded against it. In 2012 the office received a total of one hundred and fifty-four (154) complaints in 2013 that number grew to two hundred and twelve (212). See ***FIGURE II***

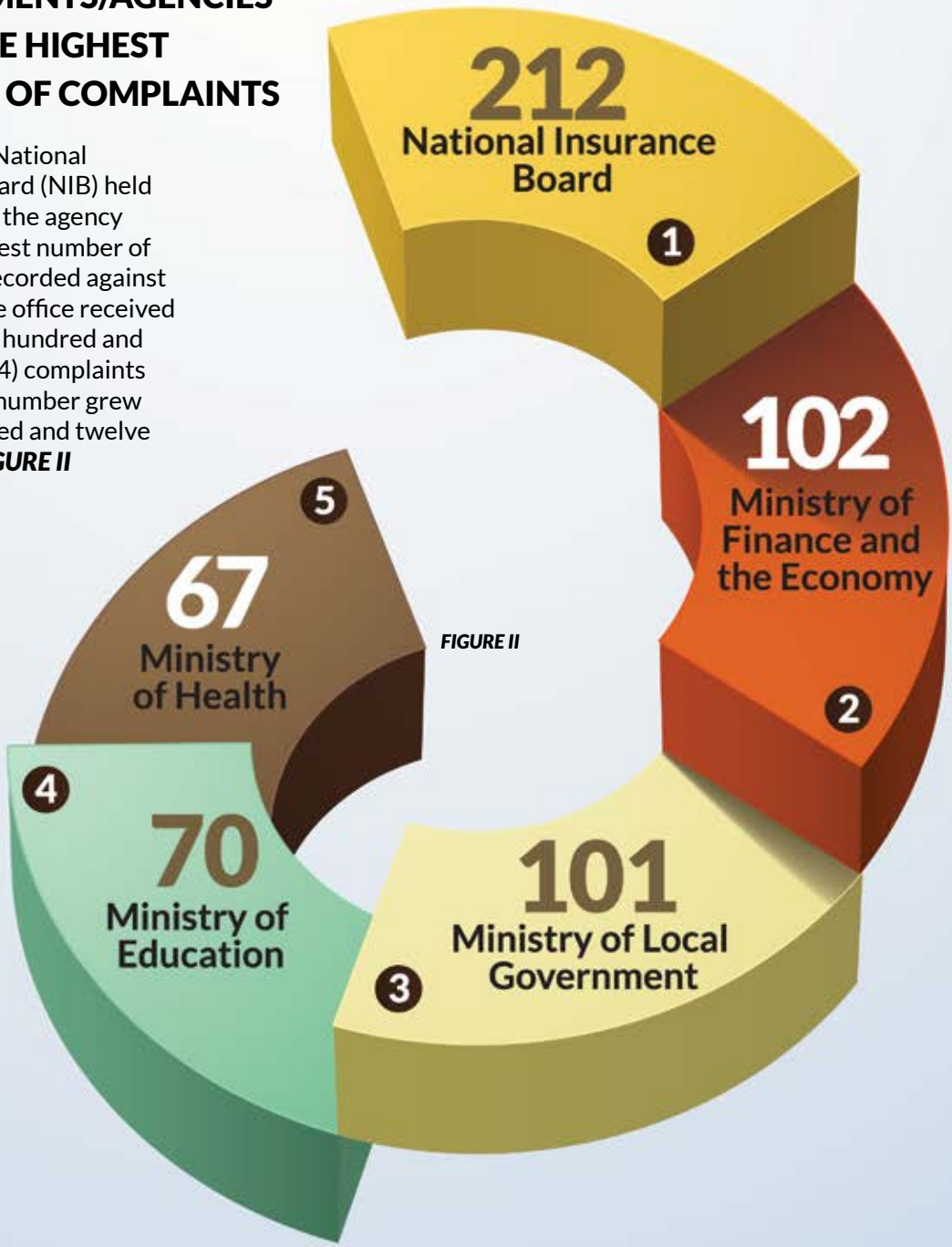


FIGURE II

An explanation of the jargon used in the table below:

- **Advised -** The Office advised the Complainant how he should proceed with his matter.
- **No Jurisdiction -** The complaint does not fall within the ambit of the Office's jurisdiction
- **Not sustained -** Following investigations, the complaint is found to be without merit
- **Sustained -** Investigations demonstrate that the complaint has merit
- **Discontinued -** The Office takes the decision to cease pursuit of the matter for one of a number of reasons

Table II shown below gives a breakdown of new complaints received by the Office of the Ombudsman against Ministries/ Government departments/Agencies for the period 2013. It also illustrates their current status at the end of this period.

MINISTRIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/ DISCONTINUED	GRAND TOTAL
ATTORNEY GENERAL					1	2	3
COMMUNICATIONS			1				1
COMMUNITY DEVELOPMENT				1	4		5
EDUCATION	3			12	52	3	70
ELECTIONS AND BOUNDARIES COMMISSION		1					1
ENERGY AND ENERGY AFFAIRS	1				1		2
ENVIRONMENT & WATER RESOURCES	1				1		2
• Drainage Division					5	1	6
• WASA	3			1		3	7
ENVIRONMENTAL MANAGEMENT AUTHORITY	1				3		4

TABLE II

MINISTRIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/ DISCONTINUED	GRAND TOTAL
FINANCE & THE ECONOMY	1		1	3	62	1	68
• Comptroller of Accounts				6	4	2	12
• Customs and Excise Division					4		5
• Board of Inland Revenue		1		3	11	2	17
FOOD PRODUCTION				1	5		6
• Marine, Fisheries and Aqua Culture					1		1
FOREIGN AFFAIRS	1						1
HEALTH	2	3	2	4	16		27
• Eastern Regional Health Authority	1				1		2
• North Central Regional Health Authority					1		4
• North Western Regional Health Authority	3				11	1	18
• Public Health	1			1	1	6	9
• South Western Regional Health Authority	1				2		6
• Tobago Region Health Authority					1		1
HOUSING & URBAN DEVELOPMENT	1	0	0	0	1	0	2
• Housing Development Corporation	11	1	1	6	30	8	57
• UDECOTT						1	1
JUDICIARY	5	1	2	4	9		21
JUSTICE	2			1	0		3
• Prisons	1			1	18	1	21
LABOUR, SMALL & MICRO ENTERPRISE DEVELOPMENT				2	2		4

MINISTRIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/ DISCONTINUED	GRAND TOTAL
LAND AND MARINE RESOURCES							
• CEPEP	1				1		2
• Commissioner of State Lands					11	1	12
• Land And Surveys Division	1				5	1	7
• Land Management Division					1		1
LEGAL AFFAIRS		2			2	1	5
• Registrar General's Department	0	0	0	0	1	0	1
LEGAL AID & ADVISORY AUTHORITY	2		1		3	1	7
LOCAL GOVERNMENT	1			1	10	1	13
• Borough Corporation				2	9	2	13
• Borough Councils						0	0
• City Corporation	1				3	2	6
• Regional Corporations	8	1	2	10	44	3	68
• National Commission For Self Help					1		1
MAGISTRACY	5	1	2	7	12	2	29
NATIONAL INSURANCE BOARD	9		2	69	128	4	212
NATIONAL SECURITY-ADMINISTRATION				6	6	3	15
• Defence Force					1	1	2
• Fire Services					4		4
• Forensic Science Centre					1	1	2
• Immigration	1			3	4		8
• Police Service	3	1		1	10	2	17
OFFICE OF THE PRIME MINISTER				1			1
Office of the Prime Minister - C.A.S.T	0	0	0	0	1	0	1
PEOPLE AND SOCIAL DEVELOPMENT	1		2	2	13		18
• Social Welfare Division	5		1	10	16	2	34

MINISTRIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/ DISCONTINUED	GRAND TOTAL
• TT CARD	3				2		5
PERSONNEL DEPARTMENT-Office of the Chief Personnel Officer	0	0	0	0	1	0	1
PLANNING AND SUSTAINABLE DEVELOPMENT				1	5		6
PUBLIC ADMINISTRATION		2			2	1	5
PUBLIC UTILITIES							
• T & TEC	1				2		3
• T.S.T.T.			1		1		2
SCIENCE AND TECHNOLOGY				1	1		2
SERVICE COMMISSIONS DEPARTMENT	2	1		2	4	5	14
• Teaching Service Commission					1		1
SPORTS				2	3		5
TERTIARY EDUCATION AND SKILLS TRAINING				1	1	1	3
• YTEPP				1	0		1
TOBAGO HOUSE OF ASSEMBLY							
Divisions:							
• Agriculture, Marine and the Environment	0	0	0	0	4	0	4
• Community Development and Culture	0	0	0	0	4	0	4
• Education, Youth Affairs & Sports	0	0	0	0	1	0	1
• Education, Youth Affairs & Sports - Library	0	0	0	0	5	0	5
• Finance & Planning - Inland Revenue	0	0	0	0	1	0	1
• Health & Social Services	1	1	0	0	9	0	11
• Health & Social Services-TRHA	0	0	0	1	2	0	3

MINISTRIES	ADVISED	NO JURISDICTION	NOT SUSTAINED	SUSTAINED	UNDER INVESTIGATION	WITHDRAWN/ DISCONTINUED	GRAND TOTAL
Infrastructure & Public Utilities	0	1	0	0	8	0	9
Land Management Agency	0	0	0	0	1	0	1
Tourism Division						1	1
Tourism, Transportation, Enterprise Development & Settlements	0	0	0	0	1	0	1
TOURISM				1	1		2
TOWN & COUNTRY PLANNING DIVISION	1			1	3		5
TRADE, INDUSTRY AND INVESTMENT	1		2				3
Consumer Affairs Division					1		1
TRANSPORT	2				3		5
WORKS AND INFRASTRUCTURE				1	12	2	15
• Unemployment Relief • Programme (URP)					3		3
SUB TOTAL	88	18	21	180	618	68	993
FREEDOM OF INFORMATION ACT, 1999 Chap. 22:02							25
WALK-INS/ ENQUIRIES/ REFERRALS							412
PRIVATE MATTERS							211
GRAND TOTAL	88	18	21	180	618	68	1641

Community Outreach

The Office of the Ombudsman engages in outreach activities in the communities across the country to ensure that members of the public everywhere have access to its services. These outreach activities are conducted once a month in the areas of Point Fortin; Rio Claro; Siparia; Couva; Chaguanas and Sangre Grande.

During the period 2013, the Office received a total of two hundred and ninety-one complaints against Ministries/Government departments/Agencies. For the year 2013, a total of fifty-seven (57) complaints were received from Point Fortin; forty-five (45) from Rio Claro; fifty-six (56) from Siparia; forty-one (41) from Couva; forty-two (42) from Chaguanas and fifty from Sangre Grande. A graphical representation of this information is shown in Figure III.

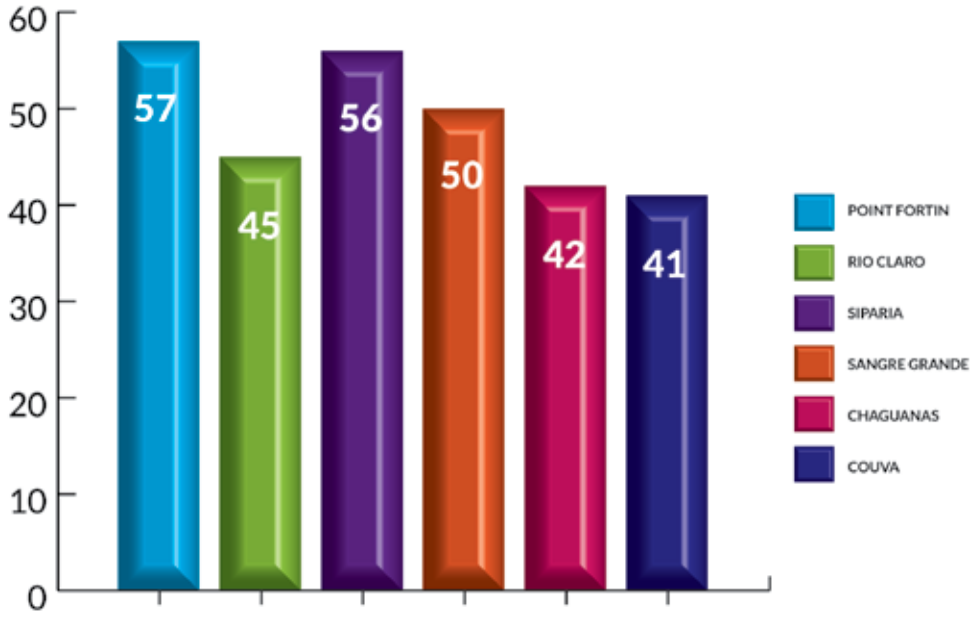
The TABLE III on next page to illustrates this information.

Community Outreach

MONTHS 2013	POINT FORTIN	RIO CLARO	SIPARIA	COUVA	CHAGUANAS	SANGRE GRANDE	TOTAL
JANUARY	4	3	6	2	9	5	29
FEBRUARY	1	4	4	0	3	6	18
MARCH	12	5	5	9	2	4	37
APRIL	10	8	9	2	7	10	46
MAY	4	4	8	1	4	7	28
JUNE	5	6	4	3	7	2	27
JULY	4	2	3	6	5	2	22
AUGUST	5	5	5	7	1	5	28
SEPTEMBER	5	3	5	3	0	0	16
OCTOBER	3	2	4	3	2	4	18
NOVEMBER	4	3	3	5	2	5	22
DECEMBER	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT	NO VISIT	0
GRAND TOTAL	57	45	56	41	42	50	291

TABLE III

NUMBER OF PERSONS WHO VISITED THE REGIONAL OFFICES IN THE YEAR 2013



Staff at work

Strategic Planning Session Magdalena Grand Tobago September 2013

The OTT Three Year Strategic Plan 2014 to 2017 which emerged, is a testament to the collective approach which governed the discussions at that gathering and this strategic plan now forms the basis of a robust reform agenda that is already in its preliminary implementation stages."

Ombudsman Ms. Lynette Stephenson, S.C.

The Office of the Ombudsman salutes

Yvette Hall

42 years exemplary public service

"She has made the most out of what God has given her, a love of people and a desire to serve so as to ensure that life in Trinidad and Tobago is made better."

The Hon. MME Justice C. Pemberton 2013

Sports and Family Day – Pigeon Point Tobago September 2013.

Feedback Response

Good day,

I am writing to inform you that I did receive my letter of upgrade to Teacher 1 - Primary late last year. I would like to take this opportunity to thank you for your response in my matter.

Sincerely,

It is with the greatest humility, and utmost appreciation and genuine gratitude that I want to extend my thanks for your successful intervention on my behalf. Simply put... the appropriate words escape me at this time... I received my disposal letter a few weeks ago, and I apologize that for one reason or another, I did not inform you before this time…I wish you, and the Ombudsman's office God's blessing - and may you continue your good work in bringing relief to countless individuals.

Thank you again

Suzanne Roach Financial Services Ombudsman

One of our greatest challenges was that of accessibility –

Physically reaching the citizenry in the rural communities.

Did we overcome?

We held discussions with Mrs. Lynette Stephenson, S.C. the Ombudsman of Trinidad and Tobago and her staff and identified a number of areas for mutual co-operation. The Ombudsman offered use of her offices in San Fernando and the contact personnel for a number of corporations.

We were successful

We thank the Ombudsman and the respective Borough and Regional Corporations management and staff for providing us with accommodation to service the publics of these areas

OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO
PARLIAMENTARY COMMISSIONER
FOR THE PEOPLE'S RIGHTS

APPENDIX

Schedule of Community Visits

Extracts from the Constitution related to the Office and the Ombudsman

Ombudsman Act, Chap. 2:52

Third Schedule - Matters not subject to an Investigation

Map of the Caribbean

APPENDIX 1

SCHEDULE OF COMMUNITY VISITS

ROXBOROUGH (TOBAGO)

Office of the Justice of Peace
Every three months on the second Tuesday of the month
Time: 9:30 a.m. to 12 noon

POINT FORTIN

Point Fortin Borough Corporation
Guapo Cap-de-Ville Main Road, Point Fortin
2nd Wednesday each month
Time: 9:30 a.m. to 12 noon

CHAGUANAS

Chaguanas Borough Corporation
Cor. Taitt & Cumberbatch Streets, Chaguanas
2nd Friday each month
Time: 9:30 a.m. to 12 noon

SIPARIA

Siparia Regional Corporation
High Street, Siparia
3rd Monday each month
Time: 9:30 a.m. to 12 noon

SANGRE GRANDE

Sangre Grande Regional Corporation
Technical Section, Railway Road, Sangre Grande
Last Tuesday each month
Time: 9:30 a.m. to 12 noon

MAYARO/RIO CLARO

Mayaro/Rio Claro Regional Corporation
De Verteuil Street, Rio Claro
Last Thursday each month
Time: 9:30 a.m. to 12 noon

COUVA

Couva/Tabaquite/Talparo Regional Corporation (main building)
Railway Road, Couva
3rd Wednesday each month
Time: 9:30 a.m. to 12 noon

APPENDIX 2

EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO

ACT NO. 4 OF 1976

PART II - OMBUDSMAN

Appointment and conditions of office.	91.	(1)	There shall be an Ombudsman for Trinidad and Tobago who shall be an officer of Parliament and who shall not hold any other office of emolument whether in the public service or otherwise nor engage in any occupation for reward other than the duties of his office.
		(2)	The Ombudsman shall be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.
		(3)	The Ombudsman shall hold Office for a term not exceeding five years and is eligible for re-appointment.
		(4)	Subject to subsection (3), the Ombudsman shall hold office in accordance with section 136.
First Schedule.		(5)	Before entering upon the duties of his office, the Ombudsman shall take and subscribe the oath of office before the Speaker of the House of Representatives.
Appointment of staff of Ombudsman.	**92.**	(1)	The Ombudsman shall be provided with a staff adequate for the efficient discharge of his functions
		(2)	The staff of the Ombudsman shall be public officers appointed in accordance with section 121(8).
Functions of Ombudsman.	93.	(1)	Subject to this section and to sections 94 and 95, the principal function of the Ombudsman shall be to investigate any decision or recommendation made, including any advice given or recommendation made to a Minister, or any act done or omitted by any department of Government or any other authority to which this section applies, or by officers or members of such a department or authority, being action taken in exercise of the administrative functions of that department or authority.
		(2)	The Ombudsman may investigate any such matter in any of the following circumstances: (a) where a complaint is duly made to the Ombudsman by any person alleging that the complainant has sustained an injustice as a result of a fault in administration; (b) where a member of the House of Representatives requests the Ombudsman to investigate the matter on the ground that a person or body of persons specified in the request has or may have sustained such injustice; (c) in any other circumstances in which the Ombudsman considers that he ought to investigate the matter on the ground that some person or body of persons has or may have sustained such injustice.

APPENDIX 2 - Cont'd

EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO
ACT NO. 4 OF 1976

Functions of Ombudsman. (Cont'd)		(3)	The authorities other than departments of Government to which this section applies are – (a) local authorities or other bodies established for purposes of the public service or of local Government; (b) authorities or bodies the majority of whose members are appointed by the President or by a Minister or whose revenue consist wholly or mainly of moneys provided out of public funds; (c) any authority empowered to determine the person with whom any contract shall be entered into by or on behalf of Government; (d) such other authorities as may be prescribed.
Restrictions on matters for investigation.	**94.**	(1)	In investigating any matter leading to, resulting from or connected with the decision of a Minister, the Ombudsman shall not inquire into or question the policy of the Minister in accordance with which the decision was made.
		(2)	The Ombudsman shall have power to investigate complaints of administrative injustice under section 93 notwithstanding that such complaints raise questions as to the integrity or corruption of the public service or any department or office of the public service, and may investigate any conditions resulting from, or calculated to facilitate or encourage corruption in the public service, but he shall not undertake any investigation into specific charges of corruption against individuals.
		(3)	Where in the course of an investigation it appears to the Ombudsman that there is evidence of any corrupt act by any public officer or by any person in connection with the public service, he shall report the matter to the appropriate authority with his recommendation as to any further investigation he may consider proper.
Third Schedule.		(4)	The Ombudsman shall not investigate- (a) any action in respect of which the Complainant has or had- (i). a remedy by way of proceedings in a court; or (ii). a right of appeal, reference or review to or before an independent and impartial tribunal other than a court; or (b) any such action, or actions taken with respect to any matter, as is described in the Third Schedule
		(5)	Notwithstanding subsection (4) the Ombudsman- (a) may investigate a matter notwithstanding that the Complainant has or had a remedy by way of proceedings in a court if satisfied that in the particular circumstances it is not reasonable to expect him to take or to have taken such proceedings; (b) is not in any case precluded from investigating any matter by reason only that it is open to the Complainant to apply to the High Court for redress under section 14 (which relates to redress for contravention of the provisions for the protection of fundamental rights).

APPENDIX 2 - Cont'd

EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO
ACT NO. 4 OF 1976

Discretion of Ombudsman.	**95.**		In determining whether to initiate, continue or discontinue an investigation, the Ombudsman shall, subject to sections 93 and 94, act in his discretion, the Ombudsman may refuse to initiate or may discontinue an investigation where it appears to him that – (a) a complaint relates to action of which the complainant has knowledge for more than twelve months before the complaint was received by the Ombudsman; (b) the subject matter of the complaint is trivial; (c) the complaint is frivolous or vexatious or is not made in good faith; or (d) the complainant has not a sufficient interest in the subject matter of the complaint.
Report on Investigation.	**96.**	(1)	Where a complaint or request for an investigation is duly made and the Ombudsman decides not to investigate the matter or where he decides to discontinue investigation of the matter, he shall inform the person who made the complaint or request of the reasons for his decision.
		(2)	Upon completion of an investigation the Ombudsman shall inform the department of government or the authority concerned of the results of the investigation and if he is of the opinion that any person has sustained an injustice in consequence of a fault in administration, he shall inform the department of government or the authority of the reasons for his opinion and make such recommendations as he sees fit. The Ombudsman may in his original recommendations, or at any later stage if he thinks fit, specify the time within which the injustice should be remedied.
		(3)	Where the investigation is undertaken as a result of a complaint or request, the Ombudsman shall inform the person who made the complaint or request of his findings.
		(4)	Where the matter is in the opinion of the Ombudsman of sufficient public importance or where the Ombudsman has made a recommendation under subsection (2) and within the time specified by him no sufficient action has been taken to remedy the injustice, then, subject to such provision as may be made by Parliament, the Ombudsman shall lay a special report on the case before Parliament.
		(5)	The Ombudsman shall make annual reports on the performance of his functions to Parliament which shall include statistics in such form and in such detail as may be prescribed of the complaints received by him and the results of his investigation.
Power to obtain evidence.	**97.**	(1)	The Ombudsman shall have the powers of the High Court to summon of the witnesses to appear before him and to compel them to give evidence on oath and to produce documents relevant to the proceedings before him and all persons giving evidence at those proceedings shall have the same duties and liabilities and enjoy the same privileges as in the High Court.
		(2)	The Ombudsman shall have power to enter and inspect the premises of any department of government or any authority to which section 93 applies, to call for, examine and where necessary retain any document kept on such premises and there to carry out any investigation in pursuance of his functions.

APPENDIX 2 - Cont'd

EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO

ACT NO. 4 OF 1976

Prescribed Matters concerning Ombudsman.	98.	(1)	Subject to subsection (2), Parliament may make provision - (a) for regulating the procedure for the making of complaints and requests to the Ombudsman and for the exercise of the functions of the Ombudsman; (b) for conferring such powers on the Ombudsman and imposing such duties on persons concerned as are necessary to facilitate the Ombudsman in the performance of his functions; and (c) generally for giving effect to the provisions of this Part.
		(2)	The Ombudsman may not be empowered to summon a Minister or a Parliamentary Secretary to appear before him or to compel a Minister or a Parliamentary Secretary to answer any questions relating to any matter under investigation by the Ombudsman.
		(3)	The Ombudsman may not be empowered to summon any witness to produce any Cabinet papers or to give any confidential income tax information
		(4)	No Complainant may be required to pay any fee in respect of his complaint or request or for any investigation to be made by the Ombudsman.
		(5)	No proceedings, civil or criminal, may lie against the Ombudsman, or against any person holding an office or appointment under him for anything he may do or report or say in the course of the exercise or intended exercise of the functions of the Ombudsman under this Constitution, unless it is shown that he acted in bad faith.
		(6)	The Ombudsman, and any person holding office or appointment under him may not be called to give evidence in any court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions.
		(7)	Anything said or any information supplied or any document, paper or thing produced by any person in the course of any enquiry by or proceedings before an Ombudsman under this Constitution is privileged in the same manner as if the enquiry or proceedings were proceedings in a Court.
		(8)	No proceedings of the Ombudsman may be held bad for want of form and, except on the ground of lack of jurisdiction, no proceeding or decision of an Ombudsman is liable to be challenged, reviewed, quashed or called in question in any Court.

APPENDIX 3

LAWS OF TRINIDAD AND TOBAGO

CHAPTER 2:52 OMBUDSMAN ACT

An Act to make provision for giving effect to Part 2 of Chapter 6 of the Constitution
(Assented to 24th May, 1977)

ENACTMENT	ENACTED by the Parliament of Trinidad and Tobago as follows:
SHORT TITLE	1. This Act may be cited as the Ombudsman Act.
MODE OF COMPLAINT	2. (1) All complaints to the Ombudsman and requests for investigation by him shall be made in writing. (2) Notwithstanding anything provided by or under any enactment, where any letter written by any person detained on a charge or after conviction of any offence is addressed to the Ombudsman, it shall be immediately forwarded, unopened to the Ombudsman by the person or the time being in charge of the place where the writer is detained.
PROCEDURE IN RESPECT OF INVESTIGATION	3. (1) Where the Ombudsman proposes to conduct and investigation under Section 93 (1) of the Constitution he shall afford to the principal officer of the department or authority concerned, an opportunity to make, orally or in writing as the Ombudsman thinks fit, representations which are relevant to the matter in question and the Ombudsman shall not, as a result of such an investigation, make any report or recommendation which may adversely affect any person without his having had an opportunity to make such representations. (2) Every such investigation shall be conducted in private. (3) It shall not be necessary for the Ombudsman to hold any hearing and, subject as hereinbefore provided, no person shall be entitled as of right to be heard by the Ombudsman. The Ombudsman may obtain information from such persons and in such manner, and make such inquiries as he thinks fit. (4) Where, during or after any investigation, the Ombudsman is of the opinion that there is evidence of any breach of duty, misconduct or criminal offence on the part of any officer or employee of any department or authority to which Section 93 of the Constitution applies, the Ombudsman may refer the matter to the Authority competent to take such disciplinary or other proceedings against him as may be appropriate. (5) Subject to this Act, the Ombudsman may regulate his procedure in such manner as he considers appropriate in the circumstances of the case. (6) Where any person is required under this Act by the Ombudsman to attend before him for the purposes of an investigation, the Ombudsman shall cause to be paid to such person out of money provided by Parliament for the purpose, the fees, allowances and expenses, subject to qualifications and exceptions corresponding to those, that are for the time being prescribed for attendance in the High Court, so, however, that the like functions as are so prescribed and assigned to the Registrar of the Supreme Court of Judicature shall, for the purposes of this sub-section, be exercisable by the Ombudsman and he may, if he thinks fit, disallow, in whole or in part, the payment of any amount under this subsection. (7) For the purposes of Section 93 (2) of the Constitution a complaint may be made by a person aggrieved himself or, if he is dead or for any reason unable to act for himself, by any person duly authorized to represent him. (8) Any question whether a complaint or a request for an investigation is duly made under this Act or under Part 2 of Chapter 6 of the Constitution shall be determined by the Ombudsman.
EVIDENCE	4. (1) The power of the Ombudsman under Section 97 of the Constitution to summon witnesses and to compel them to give evidence on oath and to produce documents shall apply whether or not the person is an officer; employee or member of any department or authority and whether or not such documents are in the custody or under the control of any department or authority. (2) The Ombudsman may summon before him and examine on oath: (a) any person who is an officer or employee or member of any department or authority to which Section 93 of the Constitution applies or any authority referred to in the Schedule to this Act and who in the Ombudsman's opinion is able to give any relevant information; (b) any complainant; or

APPENDIX 3 - Cont'd

LAWS OF TRINIDAD AND TOBAGO

CHAPTER 2:52 OMBUDSMAN ACT

An Act to make provision for giving effect to Part 2 of Chapter 6 of the Constitution
(Assented to 24th May, 1977)

ENACTMENT	ENACTED by the Parliament of Trinidad and Tobago as follows:
EVIDENCE (Cont'd)	(c) any other person who in the Ombudsman's opinion is able to give any relevant information, and for the purpose may administer an oath. Every such examination by the Ombudsman shall be deemed to be a judicial proceeding for the purposes of the Perjury Ordinance. (3) Subject to subsection (4) no person who is bound by the provisions of any enactment, other than the Official Secrets Act, 1911 to 1939 of the United Kingdom In so far as it forms part of the law of Trinidad and Tobago, to maintain secrecy in relation to, or not to disclose, any Matter shall be required to supply any information to or answer any Questions put by the Ombudsman in relation to that matter, or to produce to the Ombudsman any document or paper or thing relating to it, where compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure. (4) With the previous consent in writing of any complainant, any person to whom subsection (3) applies may be required by the Ombudsman to supply any information or answer any question or produce any document or paper or thing relating only to the complainant, and it shall be the duty of the person to comply with that requirement. (5) Except on the trial of any person for an offence under the Perjury Act in respect of his sworn testimony, or for an offence under Section 10, no statement made or answer given by that or any other person in the course of any inquiry or any proceedings before the Ombudsman under the Constitution or this Act shall be admissible in evidence against any person in any court or at any inquiry or in any other proceedings and no evidence in respect of proceedings before the Ombudsman shall be given against any person. (6) No person shall be liable to prosecution for an offence against the Official Secrets Act, 1911 to 1939 of the United Kingdom, or any written law other than this Act by reason of his compliance with any requirement of the Ombudsman under this section. 5. (1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or paper or thing – (a) might prejudice the security, defence or international relations of Trinidad and Tobago (b) including Trinidad and Tobago relations with the Government of any other country or with any international organizations; (c) will involve the disclosure of the deliberations of Cabinet; or (d) will involve the disclosure of proceedings of Cabinet or any Committee of Cabinet, relating to matters of a secret or confidential nature, and could be injurious to the public interest, the Ombudsman shall not require the information or answer to be given or, as the case may be, the document or paper, or thing to be produced. (2) Subject to subsection (1), no rule of law which authorises or requires the withholding of any document or paper, or the refusal to answer any question, on the ground that the disclosure of the document or paper or the answering of the question would be injurious to the public interest shall apply in respect of any investigation by or proceedings before the Ombudsman.
SECRECY OF INFORMATION	6. A person who performs the functions appertaining to the Office of the Ombudsman or any office or employment there under – (a) shall regard as secret and confidential all documents, information and things which have been disclosed to any such person in the execution of any provisions of Sections 93 and 96 of the Constitution, so, however, that no disclosure made by any such person in proceedings for an offence under Section 10, or under the Perjury Ordinance by virtue of Section 4(2) or which the Ombudsman considers it requisite to make in the discharge of any of his functions and for the purpose of executing any of the said provisions of Section 3(4) or Section 9, shall be deemed inconsistent with any duty imposed by this paragraph; and

APPENDIX 3 - Cont'd

LAWS OF TRINIDAD AND TOBAGO

CHAPTER 2:52 OMBUDSMAN ACT

An Act to make provision for giving effect to Part 2 of Chapter 6 of the Constitution
(Assented to 24th May, 1977)

ENACTMENT	ENACTED by the Parliament of Trinidad and Tobago as follows:
SECRECY OF INFORMATION (Cont'd)	(b) shall not be called upon to give evidence in respect of, or produce, any such documents, information or things in any proceedings, other than proceedings mentioned in the exception to paragraph(a)
NOTICE OF ENTRY ON PREMISES	7. Before entering upon any premises pursuant to Section 97(2) of the Constitution the Ombudsman shall notify the principal officer of the department or the authority which the premises are occupied.
DELEGATION OF POWERS	8. (1) With the prior approval in each case of the Prime Minister, functions hereinbefore assigned to the Ombudsman may from time to time, by direction under his hand, be delegated to any person who is appointed to any office or to perform any function referred to in Section 6. (2) No such delegation shall prevent the exercise of any power by the Ombudsman. (3) Any such delegation may be made subject to such restrictions and conditions as the Ombudsman may direct, and may be made either generally or in relation to any particular case or class of cases. (4) Any person purporting to perform any function of the Ombudsman by virtue of a delegation under this section shall, when required to do so, produce evidence of his authority to exercise the power.
REPORTS	9. (1) The Ombudsman may from time to time in the public interest publish reports relating generally to the exercise of his functions or to a particular case or cases investigated by him, whether or not the matters to be dealt with in such reports may have been the subject of a report to Parliament. (2) The form of statistics of complaints received by the Ombudsman and the results of his investigation required by Section 96(5) of the Constitution to be included in the annual report to Parliament by the Ombudsman on the performance of his functions shall be prescribed by regulations made under Section 12. 10. A person is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months who – (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Ombudsman or any other person in the exercise of his powers under this Act; (b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act; (c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his powers under this Act; or (d) in a manner inconsistent with his duty under Section 6 (a), deals with any documents, information or things mentioned in that paragraph.
PRESCRIPTION OF AUTHORITIES SUBJECT TO THE OMBUDSMAN'S JURISDICTION	11.(1) The authorities mentioned in the Schedule are authorities to which Section 93(3) (d) of the Constitution applies. (2) The President may, by Order, amend the Schedule by the addition thereto or deletion there from of any authorities or the substitution therein, for any authorities of other authorities.
REGULATIONS	12. The President may make regulations for the proper carrying into effect of this Act, including in particular, for prescribing anything required or authorised to be prescribed.

APPENDIX 4

THIRD SCHEDULE-MATTERS NOT SUBJECT TO INVESTIGATION

1. Action taken in matters certified by the Attorney General to affect relations or dealings between the Government of Trinidad and Tobago and any other Government or any International Organization.

2. Action taken in any country or territory outside Trinidad and Tobago by or on behalf of any officer representing or acting under the authority of the Government of Trinidad and Tobago.

3. Action taken under any law relating to extradition or fugitive offenders.

4. Action taken for the purposes of investigating crime or of protecting the security of the State.

5. The commencement or conduct of civil or criminal proceedings before any Court in Trinidad and Tobago or before any international Court or tribunal.

6. Any exercise of the power of pardon.

7. Action taken in matters relating to contractual or other commercial transactions, being transactions of a department of government or an authority to which section 93 applies not being transactions for or relating to-
   (a) the acquisition of land compulsorily or in circumstances in which it could be acquired compulsorily;
   (b) the disposal as surplus of land acquired compulsorily or in circumstances in which it could be acquired compulsorily.

8. Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters in relation to service in any office or employment in the public service or under any authority as may be prescribed.

9. Any matter relating to any person who is or was a member of the armed forces of Trinidad and Tobago in so far as the matter relates to-
   (a) the terms and conditions of service as such member; or
   (b) any order, command, penalty or punishment given to or affecting him in his capacity as such member.

10. Any action which by virtue of any provision of this Constitution may not be enquired into by any Court.

APPENDIX 5

THE CARIBBEAN

APPENDIX 5 - Cont'd

TRINIDAD & TOBAGO

OFFICE OF THE
OMBUDSMAN
TRINIDAD AND TOBAGO
PARLIAMENTARY COMMISSIONER
FOR THE PEOPLE'S RIGHTS

A Publication of
THE OFFICE OF THE OMBUDSMAN OF TRINIDAD & TOBAGO
132 Henry Street, Port of Spain
Tel: 1 868 624-3121 Fax: 1 868 625-0717
Website: www.ombudsman.gov.tt
E-mail: feedback@ombudsman.gov.tt

www.ombudsman.gov.tt

Produced by Shabaka Kambon and G4GRAFIKS.com