



منظمة الموفقين والوسطاء والرقابيين الأفارقة  
 African Ombudsman and Mediators Association  
 Association des Ombudsman et Mediateurs Africains  
 Associação dos Ombudsman e Mediadores

# AFRICAN OMBUDSMAN Today

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## Showcasing 'The Africa Difference'

In 1996, the International Ombudsman Institute (IOI) demonstrated its support for the new South Africa by holding its Africa Region meeting in Pretoria – when the office of the Public Protector for South Africa (PPSA) was just one year old. Four years later, in 2000, the IOI held its 7th quadrennial World Conference in Durban – the first IOI World Conference to be held in Africa. It was exhilarating to say the least – addressed by both Presidents Mandela and Mbeki. All participants were inspired and energised by the vision and resolve of our host, the PPSA, and, indeed, of all of the existing and emerging Ombudsman in Africa.

Little did I imagine that 16 years later, I would be back in Durban contributing to building the African Ombudsman Research Centre (AORC). This is a fascinating time to be in South Africa and at AORC. Five years is not long in the life of an institution and AORC has achieved much despite chronic shortages of staff, non-permanent leadership and long distance governance. With daily operations now transplanted to the University of KwaZulu-Natal, AORC is poised to move forward with renewed strength.

In particular, AORC is collaborating with the IOI's comprehensive study of the Ombudsman in Africa. This will be yet another opportunity to showcase 'The Africa



Difference' in the evolution of the ombudsman concept.

We hope that you will find the reports and introductions to new Ombudsman in this Newsletter to be informative and inspiring. Your feedback, suggestions, reports and other input on how to improve the newsletter are always welcome.

**Adv. Arlene Brock**  
**Director of AORC**

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CONGRATULATIONS to Dr Victor O. Ayeni, who has been appointed as Honorary Research Fellow under the Democracy, Governance and Service Delivery (DGSD) Programme of the Human Sciences Research Council of South Africa. <http://www.hsrc.ac.za/en/news/view/prof-ayeni-dgsd>

# Introducing South Africa's New Public Protector, Adv. Busisiwe Mkhwebane



Adv. Mkhwebane said that going to the grassroots meant that her office would remain a place of refuge and, eventually, justice for all people...

and reduced the backlog of cases older than a year by finalising about 159.

"I wish to thank my immediate predecessor, Adv. Madonsela and those who came before her for the solid foundation that they have collectively laid," Adv. Mkhwebane said, adding that she inherited a strong institution, with sound systems and a dedicated, skilled, experienced and hard-working team.

Earlier, following her appointment, Adv. Mkhwebane said she wanted to focus her attention on ensuring that the office services people located at grassroots level while not neglecting maladies such as corruption.

"I'm ready to sacrifice my own freedom to make sure that every South African child (in the most remotest of areas) can enjoy the fruits of democracy," she said.

Adv. Mkhwebane said that going to the grassroots meant that her office would remain a place of refuge and, eventually, justice for all people.

A former Senior Investigator and Acting Provincial Representative of the Public Protector in the country's economic hub, Gauteng, Adv. Mkhwebane said her return to the institution felt like a homecoming.

Adv. Mkhwebane is a seasoned lawyer, who brings with her a wealth of experience, having worked in all areas of law. She has also served as a South African diplomat in China and had a short stint at the State Security Agency.

Adv. Mkhwebane holds B Proc and LLB degrees from the University of the North. She also possesses a Higher Diploma in Tax Law from the Rand Afrikaans University.

She is currently completing her Masters in Business Leadership from the University of South Africa's School of Business Leadership.

South Africa's fourth Public Protector Adv. Busisiwe Mkhwebane has recently completed 100 days in office, a period which she described in a recent press conference as bumpy but productive.

Adv. Mkhwebane, who is also the new Board Chairperson of the African Ombudsman Research Centre, was appointed to the position in October 2016 by President Jacob Zuma following a rigorous selection process led by a Parliamentary ad hoc committee.

She replaced former AORC Board Chairperson Adv. Thuli Madonsela, whose seven-year, non-renewable term of office as Public Protector ended in the same month.

Addressing the conference, Adv. Mkhwebane announced major achievements, including nearly tripling the overall institutional performance for the quarter coinciding with her first 100 days in office when compared with the quarter preceding it.

She also released three investigation reports, issued provisional findings in eight matters for comments by implicated parties, produced 19 draft investigation reports

# Fifth AOMA General Assembly/AORC Training in Durban, South Africa

The 5th AOMA General Assembly was held on 4 November 2016 in Durban, South Africa, jointly hosted by the PPSA and AORC. Dr Victor Ayeni, who has been instrumental in guiding many of the Ombudsman offices as well as AOMA, gave a riveting presentation at the Welcome Dinner on: “Africa’s Ombudsman at 50: Looking Back, Looking Forward”.

Twenty-seven member countries were present, with AOMA General-Secretary Dr Otiende Amollo welcoming H.E. Antonio Fonseca, representative of new member Cape Verde, and H.E. Nasar Hassan of Libya, whose institution was returning after a considerable absence.

The meeting was declared quorate and apologies were received from Dr Paulo Tjipilica of Angola, the Hon. Dora Zatte from the Seychelles, Dr Kassin Issak Osman of Djibouti, Hon. Fatou Jallow from The Gambia, Hon. Gen. Facine Touré of Guinea, Hon. Baba Akhib Haïdara of Mali and Honorary Member, Hon. Jeanne Kombila from Gabon.

The minutes and resolutions of the 4th General Assembly held in November 2014 in Addis Ababa, Ethiopia were noted. AOMA President and Chief Ombudsman of Ethiopia Mme Foziya Amin, AOMA General-Secretary, Dr Otiende Amollo, and the Acting Executive Director of AOMA Mr Leonard Ngaluma (who presented the Financial Report for 2015 and 2016), then presented reports.

Next on the agenda was a presentation of the membership guidelines, which were ratified. These guidelines proposed three tiers of membership – ordinary,



Mme Foziya Amin, President of AOMA, with members and participants at the 5th AOMA GA/AORC Training – November 2016, Durban South Africa.

associate, and honorary, with only ordinary members eligible for voting rights and election. Closing business included the agreement of Rwanda to organise and host the next General Assembly of AOMA, scheduled for 2018.

The day concluded with a special celebration dinner to commemorate the 50th Anniversary of the Ombudsman in Africa, hosted and addressed by the new Public Protector of South Africa, Adv. Busisiwe Mkhwebane. The dinner was also addressed by AOMA General Secretary, Adv. Otiende Amollo and Mme. Foziya Amin, President of AOMA, who presented commendations to prior AOMA members who had served the organisation and Ombudsman cause with distinction. These honorees were: Judge Mohammed Abuzeid Ahmed of Sudan, Dr Tjipilica of Angola, Dr Mohamed Rukara of Burundi, Dr Amollo Otiende of Kenya, Adv. Thulisile Madonsela, recently demitted Public Protector of South Africa, the late Jean Baptiste Kafando of Burkina Faso, and the late Erasto Mong’anya who was the first Ombudsman of Tanzania.

The Hon. T. Bahame Nyanduga presented some reflections on the 51-year history of the Tanzanian Commission on Human Rights and Good Governance. Deputy Vice-Chancellor of the University of KwaZulu-Natal, Professor John Mubangizi greeted attendees and commented on the presence of AORC within the School of Law. An encouraging presentation was made by the guest of honour, representing the Premier of KwaZulu-Natal – Mr Ravigasen R. Pillay, Member of the Provincial Executive Council for Human Settlements and Public Works. Entertainment was provided by a talented jazz ensemble of students and recent graduates of the UKZN.



Fifth GA in full session – 4 November 2016, Durban South Africa.

# Introducing the Ombudsman of Malawi

## Commissioner Mrs Martha Chizuma Mwangonde



**C**ommissioner Mrs Martha Chizuma Mwangonde is a licensed legal practitioner and a member of the Bar Association of Malawi, Women Lawyers Association of Malawi and Women Judges Association of Malawi (founding member and ex-official). She holds a Masters of Laws in International Law and World Economy, (LLM), Bachelor of Laws with Honours (LLB), University of Malawi. She has practiced law for 13 years and previously worked with Limbe Leaf Tobacco Company Limited as legal counsel, as well as held the positions of Deputy Chairperson of Industrial Relations Court (IRC), Assistant Registrar of the High Court and Supreme Court of Appeal and Senior Resident Magistrate. She is currently an Ombudsman of the Republic of Malawi, and a Commissioner of the Human Rights Commission, where she is responsible for the Disability and Elderly Directorate. She is also a Commissioner of the Malawi Police Service Commission and a member of the Inspectorate of Prisons. She is a Board member of Vision Fund Malawi, Baobab Health Trust, and Creative Centre for Community Mobilization (CRECOM) and PSI-Malawi.

**Q:** *As the new Ombudsman of Malawi, you face the daunting task of investigating complaints against government agencies, officials and employees, and of being the 'watchdog' on government spending of public funds. What are the terms of reference of your office and what is your power?*

**A:** As an Ombudsman, I am entrusted under Chapter X of the Constitution of the Republic of Malawi and the Ombudsman Act of 1996 to investigate complaints from members of the general public where it is alleged that a person has suffered an injustice or where there has been abuse of power and unfair treatment of any person by an official in the employ of any organ of the government.

**Q:** *Do your powers of investigation also apply in an 'official versus official' situation and what mechanisms exist for the protection of a complainant against victimisation by other members of his or her own department?*

**A:** My powers in the constitution cover all allegations of injustice brought by 'any person'. The emphasis is on any person. So it does not matter that the complainant is himself or herself also a government official. For the time I have held the position I have not heard serious complaints of retaliation for having lodged a complaint. But in a very few cases that have been brought to my attention, a serious reprimand has been given to the responding official.

**Q:** *Would steps be taken against an official in a position of authority who makes him or herself guilty of victimisation?*

**A:** Again, I have never been confronted with such a situation. But if I ever do, then definitely a proper investigation will be done into the matter and ultimately corrective action will be taken.

**Q:** *What procedure is followed once the Ombudsman has completed an investigation?*

**A:** This depends on the type of investigation called for by the complainant. If it were a once-off complaint, where a single complainant purported the allegation,

the results would be furnished to the complainant and the respondent to the case. On the other hand, if it was a systemic investigation that has a wider scope, the results are not only sent to the relevant parties to the case, but also to the National Assembly, which I report to, and to various media platforms for the publication of the findings.

**Q: How 'public' would the duties and findings of the Ombudsman be?**

My Office thrives on a strong background of accountability and transparency in all its dealings. All the results of an investigation are for public consumption at will. It would be very unethical for a Constitutional body entrusted with powers to check bad administrative conduct in the public service, to work under a veil of secrecy.

**Q: In what way can the Office of the Ombudsman of Malawi be seen as an extension of the process of providing and protecting human rights?**

**A:** Our core mandate as an office is to investigate acts of maladministration. But every case of maladministration results in an infringement of human rights and so every time a remedy is provided for any act of maladministration, we are automatically also protecting human rights. But more specifically, the Malawi Constitution in section 15 (2) charges the Office of the Ombudsman with the responsibility to protect and promote the human rights of the people of Malawi.

**Q: Is the public sufficiently informed about the functions of the Ombudsman, who covers all three tiers of government, and do you perhaps see a communication drive to foster awareness in this regard?**

**A:** In my honest opinion, there is a lot we can do to advance citizen's knowledge about the Office of the Ombudsman. With the current repositioning drive we have lined up a number of activities to carry the information nationwide. These include media briefings, sensitisation workshops, public rallies, ombudsman open days, radio and TV programmes.

**Q: You were involved as a Human Rights Commissioner in Malawi. Has this experience helped you to formulate a specific approach to follow in your new position?**

**A:** By virtue of being an Ombudsman, under section 131

of the Constitution, I automatically become a Commissioner of the Human Rights Commission. My participation in the Commission has exposed me to great knowledge and skills, and as such, it has been quite inevitable that I would have adopted a human rights approach to my work.

**Q: How do you view your new position as the Ombudsman of Malawi?**

**A:** Other than being a big challenge, it is also a humble honour for me to serve in this position and I want to use it for the good of both the people of Malawi and the government itself. For starters, I am hoping that during my time here we will have an Ombudsman Office that is more relevant to the people and the government itself. For the people, it should be a forum where they feel that the injustices they have experienced at the hands of Government have been addressed in an efficient manner. I want the office to be reckoned as Government systems and processes auditor, and that when we say something, Government should listen and act accordingly. Ultimately, I want an Office of the Ombudsman that finds its way into the whole framework of public service reforms and makes a positive impact in the improvement of public service delivery in Malawi. If I can achieve this during my stay here, I will leave a very happy person.

**Q: I know that the Director of AORC spent one morning with you and your investigation team during your investigation training in September 2016. Do you wish to make any comment on that?**

**A:** Yes indeed, my team and I had a one-on-one with Adv. Brock when she came to Malawi to conduct a workshop with my chosen members of staff on Systemic Investigation in September last year. I specifically asked for this closed meeting with Adv. Brock because I wanted her to help us think through and also apply the skills that we had learnt during the training to a complaint that we were investigating at the time of the training. The complaint represented an opportunity for the office to conduct a first ever systemic investigation. As such, there was no room for error or for a substandard job and hence we required help. This meeting proved to be very helpful and resulted in the office releasing a first ever systemic investigation report and got the attention of the country, both within and outside of Government.

# 14th African Ombudsman Board Meeting

The 14th AORC Board meeting was held on 6 July 2016 at Howard College, UKZN in Durban. Present at the meeting were then Board Members Adv. Thulisile Madonsela (Public Protector, South Africa and Chairperson of the Board), Judge Edmond Cowan (Ombudsman Sierra Leone), Dr Paulo Tjipilica (Provedor de Justica – Angola), Mme Alima Traoré (Médiateur du Faso, Burkina Faso), Prof. John Mubangizi (DVC, UKZN) and Prof. Managay Reddi (Dean, School of Law, UKZN). Apologies were received from Mme Fozia Amin (President of AOMA and Chief Ombudsman, Ethiopia).

The Board's agenda focused on the ongoing and upcoming changes at AORC, which are designed to improve efficiency and effectiveness. These include:

- The successful transfer of the funds from the PPSA to the control of UKZN. This ensures that procurement, recruitment and payments flow on a timely basis through the strict UKZN systems and controls. Financial reporting will now also have the benefit of proper record keeping and professionalism through UKZN's various divisions, such as for procurement, human resources and buildings management.
- The recruitment of the new Director of AORC. At the time of the Board meeting, Adv. Brock's South Africa work permit was pending. She joined at the end of July 2016.
- Programmatic success in the first ever training in Arabic in April hosted by the National Council for Human Rights in Egypt (NCHR). The Board thanked and commended the hard work of Acting Director Dr Annie Devenish, and Public Relations/ Communications Officer Mr Franky Lwelela for achieving both day-to-day operations as well as achieving programmes such as the Arabic training and the last newsletter.

The Chair, Prof. J. Mubangizi, Deputy Vice-Chancellor/Head of the College of Law and Management Studies and Prof. M. Reddi, Dean of the School of Law, both expressed great hope and confidence in AORC's vibrant future.

The Board determined a number of matters, including:

- That the secretariats of AOMA and AORC should meet to discuss their relationship management. The outcome should be the decision and delegation framework.
- That the General Secretary of AOMA should be co-opted as a member of the AORC Board, and that a request be sent to AOMA for a constitutional amendment to the AOMA Constitution to increase the representation of AOMA on the AORC Board, and to give the General Secretary of AOMA the power to vote on the AORC Board.
- That an emergency budget should be drafted and approved by the Board while a new strategic plan was being prepared. Expertise should be procured to assist with the Strategic Plan.
- That the accreditation of AOMA and AORC to the UN should be pursued.
- That the GA would be hosted in Durban in November 2016 and that AORC would partly sponsor the Conference and General Assembly.
- That the request for AORC to fund the drafting of the Strategic Plan of AOMA was considered.

Subsequent to the Board meeting, in mid-September, AORC was paid an inspection visit at the UKZN by the ultimate funder of AORC. The South African Department of International Relations and Cooperation funds AORC operations via the Public Protector of South Africa from its African Renaissance Fund. AORC fulfills those goals of this Fund that aim to promote democracy and good governance, the prevention and resolution of conflict and human resource development. The DIRCO representative stressed that AORC must be prudent in allocating its resources principally to the deliverables of training and research. The PPSA is seeking a further grant from DIRCO while working with AOMA and AORC to develop sustainability through alternative sources of funding and income.

The AORC Board held its 15th Board meeting on 14 February 2017. This will be reported in the next newsletter.

# International Burundi Conference

## 27-29 September 2016



L-R: The then Ombudsman of Burundi H.E. Mohamed Rukara, H.E. the Second Vice-President of the Republic of Burundi, Joseph Butore, who represented the President of the Republic, and Dr Otiende Amollo, (the then Ombudsman of Kenya/AOMA General Secretary).

The Constitution of UNESCO states that “wars begin in the minds of men, (and) it is in the minds of men that must be the defences of peace”. This message delivered in a speech by the Second Vice-President of the Republic of Burundi His Excellency Joseph Butore, was at the forefront of the International Conference on ‘The Role of Ombudsman/Mediator and Religious Leaders in Preventing Identity and Religious Conflict’ held recently in Burundi.

Burundi is a singular global example of the statutory mandate to contribute to reconciliation and peacemaking. Law No. 1/04 of 24 January 2013 (amending Law No. 1/03 of 25 January 2010) provides that the President of the Republic may ask the Ombudsman to: participate in acts of reconciliation between the public administration and “social and professional forces” (Article 6, para 3); deal with special missions of settlement and reconciliation on general issues concerning relations between “the political and social forces”; and, undertake specific tasks relating to issues of reconciliation and peace internationally.

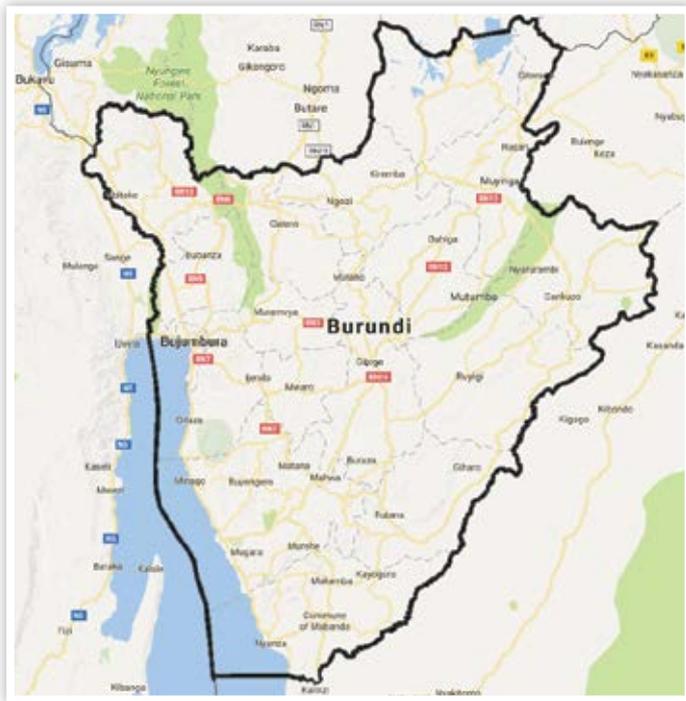
Accordingly, the Ombudsman for Burundi actively convenes periodic inter-religious conferences to promote cooperation in preventing identity and religious conflict. The Ombudsman is widely supported by diverse religious groups, senior government officials, diplomats, civil society



Adv. Kevin Malunga, Deputy Public Protector for South Africa, Adv. Arlene Brock, Director of AORC, and Dr Otiende Amollo, the then Ombudsman for Kenya, AOMA General Secretary.

and the media. At the 30 August 2016 AOMA Board meeting in Namibia, the Chair of the AORC Board agreed on the spot to a request by the Ombudsman for Burundi for AORC’s partnership (R100 000) for a Conference on ‘The Role of Ombudsman/Mediator and Religious Leaders in Preventing Identity and Religious Conflict’.

This conference took place in Bujumbura, Burundi from 27-29 September 2016 under the patronage of the President of the Republic of Burundi, and the Institution of the Ombudsman for Burundi, with additional support from institutions such as the African Ombudsman and Mediators Association (AOMA), the



Economic Community of Central African States (ECCAS); the African Ombudsman Research Centre (AORC) and the International Council for Permanent Conflict Prevention and Mediation (CIPM).

At least 100 leaders from diverse religious institutions from Burundi and other countries, including Egypt and Tanzania, participated. The Ombudsman institution was represented by: Dr Otiende Amollo, Ombudsman for Kenya, AOMA General Secretary who was able to attend for the Opening Ceremony and first day; Adv. Kevin Malunga, Deputy Public Protector for South Africa; Adv. Arlene Brock, and Mr Franky Lwelela of AORC. Adv. Malunga gave a message of support highlighting the special role of the Burundi Ombudsman in preventing conflict. Adv. Brock gave a presentation at the conference, highlighting the work of AORC in supporting peace and stability.

The work of the conference began with the message of peace as the representatives of religious denominations – Catholic, Protestant, Muslim and Orthodox – said

“Wars begin in the minds of men, (and) it is in the minds of men that must be the defences of peace”.

– The Constitution of UNESCO

ecumenical prayers. The common denominator of their messages focused on the need to build a favourable environment for social harmony and lasting peace. Opening speeches were given by H.E. the Second Vice-President of the Republic of Burundi, Joseph Butore, who represented the President of the Republic H.E. the Kenyan Ombudsman, the Ombudsman of Burundi H.E.

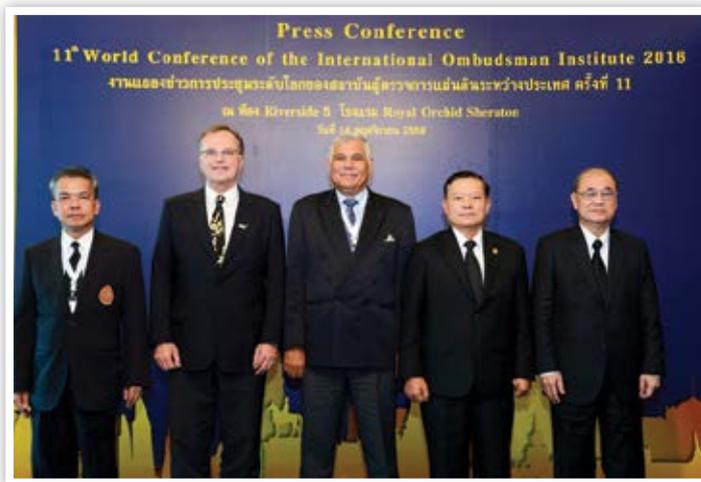
Following a number of dynamic discussions, conference recommendations included:

- For state authorities to seek the assistance of religious leaders to complement national policies that support democratic governance and social harmony.
- For religious leaders to promote the values of diversity, inter-religious tolerance and human rights among their followers, and within their educational programmes; and to encourage inter-religious and community dialogue to facilitate a commitment to the consolidation of peace and the prevention of conflicts and wars.
- For ombudsmen and mediators to organise regular meetings of their colleagues with religious groups, civil society and state institutions to analyse together the challenges of co-existence in communities, and to establish mechanisms for the amicable settlement of disputes to maintain a peaceful social climate.

The South African Ambassador to Burundi H.E., O.E. Monareng and his effervescent wife kindly hosted the delegates from South Africa to dinner.

# International Ombudsman Institute

## 11th Quadrennial World Conference



(L-R): Mr Raksagecha Chaechai, Secretary General of the Office of the Ombudsman; Dr Günther Kräuter, Ombudsman of Austria and IOI's Secretary General; Mr John R. Walters, President of the IOI and Ombudsman of Namibia; Mr Boon Tapanadul, Ombudsman; and Viddhavat Rajatanun, Ombudsman who is acting on behalf of the Chief Ombudsman.

The International Ombudsman Institute (IOI), established in 1978, is the only global organisation for the cooperation of more than 170 public sector Ombudsman institutions from more than 90 countries worldwide. The IOI is organised in six regional chapters (Africa, Asia, Australasia and Pacific, Europe, the Caribbean and Latin America and North America). There are now 27 African members (25 national Ombudsman offices and two sector Ombudsman offices). At its meeting in mid-November, the IOI Board of Directors welcomed the two most recent African members to the IOI family: the Médiateur de la République of Senegal and the Human Rights Commission of Zimbabwe.

The IOI's 11th Quadrennial World Conference was held in Bangkok, Thailand from 13-19 November 2016 (for the very first time in Asia). The theme: 'Evolution of Ombudsmanship' provided an opportunity for ombudsmen from all over the world to meet and share their experience and expertise. Such learning informs and strengthens their daily work in protecting and promoting human rights, fighting maladministration and upholding good governance and the rule of law. Topics canvassed included: the human rights approach to Ombudsman work; specialisation and the challenges of multiple jurisdictions; the role of national preventative mechanisms; ombudsmen under threat; and

public awareness. Adv. John Walters presided over the conference. Public Protector Caroline Sokoni, Adv. Thulisile Madonsela, Adv. Otiende Amollo, Ombudsman Leshele Abel Toadlane of Lesotho, and Adv. Arlene Brock all made presentations.

At the World Conference, Mr Peter Tyndell (Ombudsman for Ireland) succeeded Adv. John Walters (recently demitted Ombudsman for Namibia) as the new President of the IOI. Africa can be very proud of Adv. Walters' service on the IOI Board. He was elected as a Board Member by the African region in 2012. He served ably as the first Vice-President and then as the global President from 2014-2016. Under his leadership, the IOI worked on electoral and membership fee reforms for ratification in Thailand. In July 2016, the IOI also pioneered a new form of support for its members – fact-finding missions. In order to gain a clear understanding of the situation of the Polish Commissioner for Human Rights, whose office has seen budget cuts and potential limitations to its mandate, the IOI made a fact-finding mission to Poland. The lessons learned from this initiative are likely to inform future support for members.

The IOI had published a Europe-wide Ombudsman study and had conducted comparative studies of the Australian/Pacific and Asian regions. The IOI announced in Thailand that the next region to be studied will be Africa. AORC will collaborate by doing the interviews and first drafts of this study. Instead of the more piecemeal Extended Legal and Enforcement Studies limited to 16 countries as originally planned in the 2016-2019 AORC Strategic Plan, AORC will now be able to Interview each Ombudsman office in Africa with a far more comprehensive range of subject matter.

It cannot go unsaid that the Office of the Ombudsman of Thailand was generous beyond measure in hosting the IOI's 11th Quadrennial World Conference, notwithstanding that the country was in deep mourning for the passing of their revered King Bhumibol Aduleyadej. He was the world's longest reigning monarch, having reigned for 70 years. The hospitality and attentiveness of the staff of the Ombudsman for Thailand were quite overwhelming. One of the most memorable features was the creation of postage stamps with each individual participant's photo – legal tender for mail posted in Thailand!

# AORC Training and Research in Cote d'Ivoire

## February – March 2017



Opening of OPCAT training: Mgr. Joseph Spiteri of the Apostolic Church, Mr Kouadio Jeannot Ahoussou Koffi, Minister in charge of Political Dialogue and Relations with Institutions representing the Vice-President of Cote d'Ivoire, and the Ombudsman of Cote d'Ivoire Mr Ngolo Koulibaly.

### a. OPCAT Training

Eighteen countries (of which 11 were represented by Ombudsman and seven by general Secretaries or Heads of Human Rights divisions) participated in a training workshop on the Optional Protocol to the Convention Against Torture in Cote d'Ivoire between 27 February and 1 March. The countries sponsored by AORC to attend were: Benin, Burkina Faso, Burundi, Cape Verde, Tchad, Cote d'Ivoire, Gabon, Gambia, Ghana, Niger, Nigeria, Senegal, South Africa (Military Ombudsman), Sierra Leone, Sudan, Tanzania, Zambia and Zimbabwe.

The training, ably facilitated by Mr Ben Buckland was conducted by the Geneva-based Association for the Prevention of Torture (which is the primary agency that conducts training on national preventative mechanisms (NPMs)). APT was sponsored by the International Ombudsman Institute, which also supported translation and other logistics. Overall satisfaction on a scale of 1-100 ranged from 85 to 95% regarding: technical content on OPCAT; relevance and responses to questions; opportunity to share existing situations and challenges; and consultation on developing strategies going forward.

In summary, the participants committed to four broad, escalating categories of actions (i.e. countries that committed to number 3 would have necessarily also acted on numbers 1 and 2).

In accordance with their capacity and domestic environments, participants committed to various actions against torture of persons in detention:

1. Inform governments, civil society and/or the public through reports, media and targeted outreach;
2. Convene meetings of and/or organise training for stakeholders;
3. Advocate for ratification of the Convention Against Torture and OPCAT as well as the establishment and/or strengthening of NPMs; and
4. Work directly with victims by education and increased systemic inspections of places of detention.

One Ombudsman, already functioning as an NPM, will assess own readiness and next steps to be formally designated.

AORC will monitor and share the progress achieved by the participants.



### b. IOI Africa Region Research

AORC leverages gatherings of Ombudsman for training by simultaneously conducting research for its comprehensive all-Africa collaboration with the IOI. AORC launched the use of the IOI Survey Template in Cote d'Ivoire. Ten countries (Ombudsman and senior staff) participated enthusiastically (most interviews were more than two hours each).

AORC will use the 27-30 March IOI meeting/Strategic Planning training in Zambia to conduct more interviews. The goal is to complete the comprehensive interviews of all 44 Ombudsman throughout the Continent by the end of 2018 and work with the IOI to publish the final study during 2019.

## Profile

### Introducing New Member **Ombudsman of Niger**



Mediateur du Niger (Mr Sirfi Ali)

**B**y decree taken in the Council of Ministers dated 8 July 2016, Mr Sirfi Ali was appointed Médiateur of the Republic of Niger. Mr Ali was born on 1 January 1955 in the region of Tillabéri in Niger. He is a lawyer by profession, is married and the father of five children. Some of his other functions include:

- Vice-President of the National Commission of elections;
- The National Commissioner of Human Rights and Fundamental Freedoms since 2008;
- Rapporteur of the Sub-Commission against Racial, Ethnic and Religious Discrimination;
- Chairman of the Committee for the Organization of the Universal Periodic Review (EPU);

- Responsible for the training of trainers on the uniform acts, the law of sureties, practice dispute of seizures in Ohada law and the defending of general commercial law;
- President of the Jury of the contest of aptitude to the internship of lawyer (2010 and 2011);
- Administrator of ASUSU SA (West African Development Bank); and
- President of the Board of Directors (PCA) of the global Sahel (Société Anonyme of Transport).

Established in 2008 by Law No. 2008-36 of 10 July 2008, the Institution of the Mediator (Ombudsman) is a young institution that has faced uncertainty due to recent political instability. The Mediator was suspended after the military coup of 18 February 2010. Its function was later reinstated by Law No. 2011-18 of 8 August 2011 after being constitutionally enshrined on 25 November 2010.

Adv. Sirfi Ali took office on Tuesday on 12 July 2016. As Ombudsman, his services are freely available to the citizens of his country. Disputes regarding any national or international body with a public service mission, whether administrative, semi-private or private, can be brought to the institution. Claims are made in writing or orally to accommodate the illiterate. Once the Ombudsman has accepted the case, it is investigated. After conducting an investigation, a decision is made as soon as possible. The applicant is required to remain at home while investigations are conducted. This process is referred to as 'quick and free justice'. The Ombudsman's conclusion is not, however, bearing on the authority of 'res judicata' as in court. The Ombudsman seeks a solution by equity or by agreement between the parties. The institution has no conflict with the law, but seeks to complement it.

AOMA and AORC welcome Mr Ali to the African Ombudsman community and look forward to working with the institution to strengthen accountability and good governance in the region.

# Report on **AORC Research Projects and Training**

## a. Research (Extension of the Comparative Analysis Study)

Taking advantage of the pan-African gathering of Ombudsmen with the AORC Training and AOMA General Assembly in November 2016, the AORC research team commenced the second phase of the Extension of Comparative Analysis of Legal Systems Governing Ombudsman Offices Study. Ombudsmen, their deputies, staff and legal assistants were interviewed from Rwanda, Ghana, Madagascar and Libya over the course of this training.

A further interview was also conducted with Zahra Mohamed, Chief of Department, Ombudsman of Djibouti, later in the month at the IOI Quadrennial Conference in Bangkok. To date, AORC has completed interviews with five of the eight additional countries selected for the extension phase of the Study.

The Centre is also pleased to announce that going forward, this Study will be integrated into the IOI's broader African Study, with AORC as the research partner.

## b. Malawi Training

AORC conducted a four-day practical, skills building investigation training for 35 participants (including the Ombudsman) from the Office of the Ombudsman for Malawi from 5-8 September 2016. At no cost to AORC, the Ombudsman for Malawi, with some assistance from the



UNDP, paid for travel for AORC to deliver the training.

The training was a practical programme that worked through the lifecycle of complaints, from principles for intake and triage through to evidence gathering, analysis, conclusions and reports. Although focused on listening, persuasion and several analytical tools, the themes of good governance, good administrative practice and enforcement were also broached. The training, which is highly interactive, scenario-based and flexible, is premised on the idea that the participants can draw lessons from the good work they already do. Participants were fatigued, but participated enthusiastically (even with each night's homework).

On 9 September, Adv. Arlene Brock consulted with the Ombudsman and her senior team of seven persons who were working on a highly sensitive systemic investigation. She then connected them with Dr Victor Ayeni, who was able to provide additional advice on this first major systemic report since the Ombudsman was appointed.

## Malawi Strategic Plan



On 9 May 2016, Adv. Arlene Brock and Mr Franky Lwelela attended the public launch of the Office of the Ombudsman's strategic plan, service charter and website. As the Ombudsman transforms the focus and scope of the kinds of complaints being investigated, these shine a protective light on the office and garner public support. The Ombudsman has engaged in a robust process of networking with agencies, both local and international, that are concerned with accountability and transparency.

### c. Complaints Management Training with Dr Victor Ayeni 2-3 November 2016



Dr Victor Ayeni

In November 2016, with the assistance of the PPSA, AORC planned and hosted a two-day training. The training, which was led by ombudsman international expert and Governance and Management Services International (GMSI) Director, Dr Victor Ayeni, took place in two tracks. Twenty-nine ombudsmen participated in a one-day facilitated discussion regarding critical issues affecting the ombudsmen in Africa, while 34 staff from Ombudsman offices engaged in a two-day Complaints Management Training facilitated by GMSI associate, Dr Susanna Reece. This was the first AORC training conducted simultaneously in all four AOMA languages: English, French, Portuguese and Arabic, providing Ombudsmen and their staff with the opportunity to meet and discuss the future of the institution on the Continent.

### d. Military Ombudsman Training

#### South African Military Ombudsman (SAMO) Training 12-14 December 2016



In December 2016, AORC ran an introductory Ombudsman Investigation Principles and Practice Training for 20 analysts and staff from the South Africa Military Ombudsman (SAMO) in Pretoria. The three-day training covered Ombudsman principles and functions, investigation practice and the resolution process. The training provided a useful foundation for SAMO, established in 2011, which deals with conditions of service for members and former members. Feedback after the training indicated that staff felt that they would be able to use some of the techniques and skills illustrated by the course in their daily work, in particular, the investigation practice techniques dealing with partisan perceptions, processes of inference and lateral thinking. AORC will work with Dr Victor Ayeni of Governance and Management Services International (GSMI) to coordinate follow-up training with SAMO, as required.

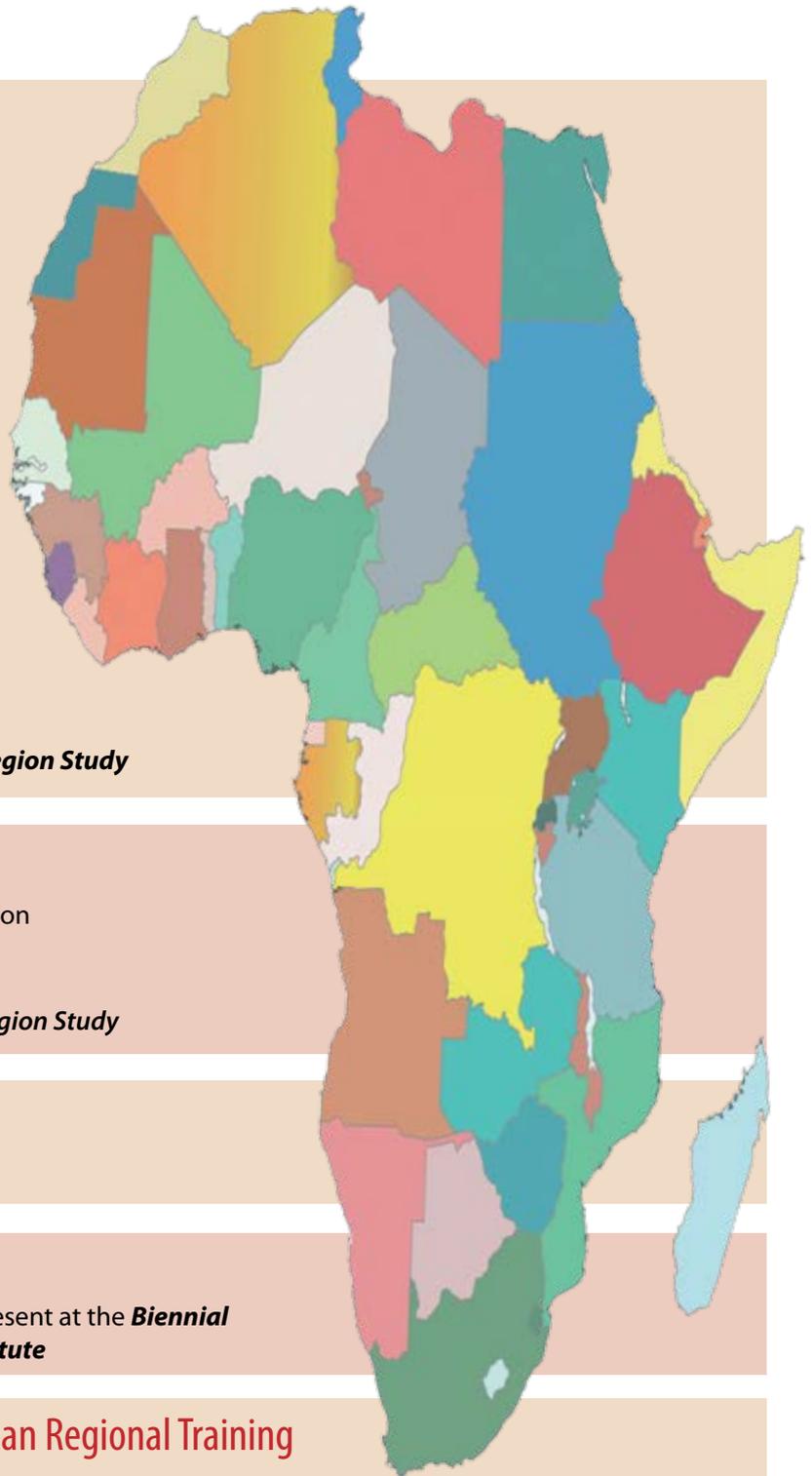
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# Upcoming Events

## a. 27-30 March: Zambia

(five planned deliverables):

- i. **IOI Africa Region Meeting.** This appears to be the first IOI Africa Region Meeting since the August 1996 meeting in Pretoria (which was a preview for the highly acclaimed 2000 IOI Quadrennial World Conference in Durban)
- ii. **Southern Africa Regional Training** (also open to attendees at IOI Region Meeting): 'How to Develop a Strategic Plan' facilitated by Dr Victor Ayeni
- iii. Development of **AOMA's Strategic Plan** (Dr Ayeni and AOMA Exco)
- iv. **Southern Africa AOMA Regional Meeting**
- v. Ongoing Interviews for **AORC/IOI Africa Region Study**



## b. August: Uganda

- i. **Eastern Africa Regional Training** in Mediation
- ii. **Eastern Africa AOMA Regional Meeting**
- iii. Ongoing Interviews for **AORC/IOI Africa Region Study**

## c. Month of May

**Pilot Study Visit**

## d. 12-14 June

AORC Director Adv. Brock has been invited to present at the **Biennial Conference of the Caribbean Ombudsman Institute**

## e. Central, Northern Africa and Indian Ocean Regional Training

**Hosts and dates to be determined**

# Useful Phrases

ENGLISH	FRENCH	SPANISH	PORTUGUESE
Good morning/day	<i>Bonjour</i>	<i>Buenos días/Buen día</i>	<i>Bom dia</i>
Can you help me? (inf)	<i>Tu peux m'aider?</i>	<i>Puedes ayudarme?</i>	<i>Pode me ajudar?</i>
Can you speak more slowly? (inf)	<i>Tu peux parler plus lentement?</i>	<i>Puedes hablar más despacio?</i>	<i>Pode falar mais devagar?</i>
What's happening?	<i>Qu'est-ce qui se passe?</i>	<i>Qué pasa?/Qué tal?</i>	<i>O que aconteceu?</i>
What is it?	<i>Qu'est-ce que c'est que ça?</i>	<i>Qué es esto?</i>	<i>O que é isto?</i>
I have no idea	<i>Je n'ai aucune idée</i>	<i>No tengo ni idea</i>	<i>Não tenho idéia</i>
I'm tired	<i>Je suis fatigué (fatiguée)</i>	<i>Estoy cansado (cansada)</i>	<i>Estou cansado (cansada)</i>
I'm sick	<i>Je suis malade</i>	<i>Estoy enfermo (enferma)</i>	<i>Estou doente</i>
I'm hungry	<i>J'ai faim</i>	<i>Tengo hambre</i>	<i>Estou com fome</i>
I'm thirsty	<i>J'ai soif</i>	<i>Tengo sed</i>	<i>Estou com sede</i>
I'm cold	<i>J'ai froid</i>	<i>Tengo frío</i>	<i>Estou com frio</i>
I'm hot	<i>J'ai chaud</i>	<i>Tengo calor</i>	<i>Estou com calor</i>
I'm bored	<i>Je m'ennuie</i>	<i>Estoy aburrido (aburrída)</i>	<i>Estou chateado (chateada)</i>
I forgot	<i>J'ai oublié</i>	<i>Me olvidé</i>	<i>Me esqueci</i>
I have to go	<i>Je dois y aller</i>	<i>Tengo que irme</i>	<i>Tenho que ir agora</i>
Welcome	<i>Bienvenue</i>	<i>Bienvenidos</i>	<i>Bem-vindo(s)</i>
Let's go	<i>Allons-y</i>	<i>Vamos</i>	<i>Vamos</i>
Good luck	<i>Bonne chance</i>	<i>Buena suerte</i>	<i>Boa sorte</i>
Have fun (plural)	<i>Amusez-vous</i>	<i>Diviértanse/Que se diviertan</i>	<i>Divirta-se</i>
Have fun (inf)	<i>Amuse-toi</i>	<i>Diviértete/Que te diviertas</i>	<i>Diverte-te</i>

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