



PARLIAMENT
Republic of Trinidad and Tobago

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The Port-of-Spain International Waterfront Centre
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Information Brief

THIRTY-SIXTH ANNUAL REPORT OF THE OMBUDSMAN 2013

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Role of the Ombudsman

1. The Ombudsman's Office was established under **Section 91** of the Constitution for the purpose of giving assistance to persons who believe that they suffered injustices at the hands of public officers employed by Government agencies and departments.
2. In short, the Ombudsman can best be described as a '*grievance person*' to whom a citizen can make a complaint with a view to redressing the mistakes, delays, rigidity and carelessness of the government bureaucracy. The role of the Ombudsman is both **investigatory** and **advisory**. In consequence of her investigations, she can make recommendations to Government departments and authorities aimed at the resolution of complaints and improvements in the delivery of public services.
3. On failure to comply with her recommendations, she can report the matter to Parliament. The Office is a non-political, independent and impartial oversight institution.¹
4. The role and functions of the Ombudsman are set out in **Section 93** of the Constitution. **Section 93 (1)** provides that the "*principal function of the Ombudsman shall be to investigate any decision and recommendation made including any advice to a Minister or any act done or omitted by any department of government or any authority.....being action taken in exercise of the administrative functions of that department or authority.*"

Reports of the Ombudsman

5. The Ombudsman is an Officer of Parliament and is only accountable to Parliament. **Section 96(5)** of the Constitution provides that "*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 investigations.*"

¹ [Ombudsman website](#)

6. In addition, **Standing Order 22(8)** states that a report from the Ombudsman shall be presented by the Speaker/Deputy Speaker and shall be considered by the House on motion.
7. The Ombudsman may also make special reports to Parliament on matters of public importance.

Past Reports of the Ombudsman

The 35th Annual Report of the Ombudsman for the year 2012 was laid in Parliament on December 6, 2013. This report, as well as older reports may be accessed [here](#).

36th Annual Report of the Ombudsman for the period January 2013-December 2013

The 36th Report of the Ombudsman identified the following areas of concern:

- ✓ The Ministry of Justice
- ✓ People with Disabilities
- ✓ Flooding
- ✓ National Insurance Appeals Tribunal (NIAT)
- ✓ Housing Development Corporation
- ✓ Commissioner of State Lands (Land Management Division)

The following is a summary of some of the findings and recommendations of the 36th Annual Report of the Ombudsman:

The Ministry of Justice

Findings

- ✓ Poor/harsh conditions at the prisons including overcrowding, poor lighting, lack of ventilation and sanitation facilities.
- ✓ Lengthy delays in obtaining a trial date, with some detainees having to wait 6 to 10 years.
- ✓ Allegations of bias and prolonged detention of undocumented migrants at the Immigration Detention Centre (IDC).
- ✓ The calculation of sentences upon conviction.

Recommendations

- ✓ Prison reform starting with a comprehensive review of strategies and policies for remand prisoners.
- ✓ Persons must not be indefinitely held at the IDC and furthermore, there must be a stronger case to justify lengthy detention for someone who is not considered a danger to the public.
- ✓ 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 the remission of sentences from the date of sentences as opposed to the date of determination of a prisoner's appeal.

People with Disabilities

Findings

- ✓ Persons with disabilities remain among the most misunderstood and underserved constituencies in Trinidad and Tobago.
- ✓ Physical infrastructure for people with disabilities in this country is very poor.
- ✓ Information is not often accessible to persons with disabilities in formats relevant to them e.g. sign language and braille.
- ✓ The blind and visually impaired often find themselves in comprising situations with respect to legal tender in this country. This is brought about by the absence embedded identifiable features in our paper dollar that will enable persons with disabilities to identify different denominations, thus enabling them to conduct financial transactions independently.

Recommendations

- ✓ The Parliament should give greater priority to the issues faced by the hearing impaired, visually impaired, paraplegic, and autistic and at the same time promote greater inclusion of these persons as full and equal members of society.

Flooding 2013

Findings

- ✓ In September 2013, Diego Martin and Glencoe in the West, 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.
- ✓ While the reaction of the first responders was good, the Diego Martin Regional Corporation (DMRC) seems to be facing ongoing challenges in responding to flooding including a lack of Inter-agency coordination and crisis communication plan.

Recommendations

- ✓ A more proactive approach to this issue is required.

- ✓ The DMRC 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 also be considered by other places affected by flooding.

National Insurance Appeals Tribunal (NIAT)

Findings

- ✓ The Tribunal has administrative deficiencies including a lack of co-ordination between the NIB and the 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.

Recommendations

- ✓ NIAT should 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 issues such as greater communication and co-operation between NIB and NIAT with respect to their roles and functions.
- ✓ There should be strict adherence to the timelines outlined under the Act.
- ✓ 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.
- ✓ The number of meetings held by the NIAT should increase in order to reduce the present backlog of cases.

Housing Development Corporation

Findings

- ✓ There is a significant delay in repairing 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.
- ✓ Request for emergency housing not addressed expeditiously.
- ✓ Request for re-location for cogent reasons not promptly addressed.

Recommendations

- ✓ The relevant authorities need to examine very carefully the functioning of the HDC.

Commissioner of State Lands (Land Management Division)

Findings

- ✓ 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.
- ✓ There is an inordinate delay on the part of the Commissioner of State Lands not only to pay compensation to land owners for land compulsory acquired by the State but also to grant leases for State Lands to applicants.
- ✓ 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.

Recommendations

- ✓ It is imperative that the human resource and structural framework of the agencies concerned are strengthened.
- ✓ All in authority should take a very serious approach to this matter and there needs to be further analysis and improvement of this system.



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Kindly note that this information is provided to Members of Parliament in support of their parliamentary duties and is not intended to address the specific circumstances of any particular individual.

Reports referred to in this brief can be found at the Parliament Library, Level 4, Tower D, Port of Spain International Waterfront Centre #1A Wrightson Road, Port of Spain