

FOCUS

OMBUDSMAN

An Instrument of Human Rights

by Gyasuddin A Chowdhury, BB

It has been said that the term Ombudsman was derived from the Germanic language and has its roots from the early days of Germanic tribes. The person who was chosen from a neutral group to collect blood money (Wergild) on behalf of the wrongdoer was called the Ombudsman.

Today, the experienced persons having authority to inquire into and pronounce upon grievances of citizens against public authorities are entitled as Ombudsmen. In Great Britain the Ombudsmen are called Parliamentary Commissioners. Ombudsman was introduced first by Sweden in 1809, to provide the RIKSDAG (Parliament) with a means to supervise the compliance with laws and ordinances by all judges, civil servants and military officers. With that first Ombudsman was elected on March 1, 1810.

Protecting the rights of individuals in their contacts with authorities is fundamental to the process of law in Sweden. The Swedish Ombudsman system is a guarantee against oppressive measures and mis-governance in the judiciary and public administration. The Parliamentary Ombudsman is appointed by parliament (Riksdag) to help maintain public confidence in the activities of law courts and other authorities.

Other Ombudsmen exist in a number of special areas. They are appointed by the Government and subject to Parliamentary Ombudsman's supervision, but have similar duties of surveillance, each in a particular sphere. There is also a Press Ombudsman who, rather than being a public institution, is sponsored by media. During the last three decades, the Swedish Ombudsman system has attracted considerable attention of many regions in the world. Several countries, states, provinces, countries and cities have created similar institutions.

The Parliamentary Ombudsmen

There are four Ombudsmen elected for four-year period. One of them is responsible for the administration of the Office and for determining the main focus of its activities and the rest are responsible for executing the task and in that each of them has a specific area of responsibility. One of them is entitled as Chief Parliamentary Ombudsman. The Office has around 60 staff members, over half of whom are trained lawyers.

The Parliamentary Ombudsmen's supervision covers all central and local government agencies and bodies and their staff, and also all other persons who exercise public authority. The Riksdag (parliament) has laid down that it is the Parliamentary Ombudsmen's job to supervise civilian and military central government authorities (including courts), municipal authorities, officials and others holding posts with these authorities, and those holding posts or performing commissions or contracts that involve the exercise of authority.

The Ombudsmen are not responsible for monitoring, for example the government (i.e. the Cabinet) or individual Ministers. Members of Parliament

The author who is Ambassador of Bangladesh to Sweden discusses the Swedish model of the institution of Ombudsman to suggest that existence of such a system in Bangladesh may well work as a check against oppression and mis-governance. In fact Ombudsman was introduced first by Sweden in 1809 to provide the Riksdag (Parliament) with a means to supervise the compliance with laws and ordinances by all judges, civil servants and military officers.

or members of municipal councils. The individual Parliamentary Ombudsmen have no power to supervise each other.

Companies and foundations are not regarded as authorities, even if they are owned by the state or local government. Newspapers, broadcasters and journalists do not come within the Parliamentary Ombudsmen's jurisdiction. Nor do trade unions, insurance companies, or private doctors or lawyers. The Ombudsmen will not look into private disputes. Many of the complaints come from the people caught on a "bureaucratic merry-go-round."

The Riksdag has empowered the Parliamentary Ombudsmen with full discretion to decide which cases to investigate. They have also been authorised to refer to other agencies or government bodies cases that are more appropriately investigated by the latter. It is the Parliamentary Om-

appointed Ombudsmen in Sweden: a) Equal Opportunities Ombudsman; b) Children's Ombudsman; c) The Press Ombudsman; d) The Office of the Disability Ombudsman; e) The Ombudsman against Ethnic Discrimination.

Three of these being discussed here leaving aside Disability Ombudsman and Ombudsman against Ethnic Discrimination.

The Equal Opportunities Ombudsman

The Office of Equal Opportunities Ombudsman was established in 1980, the same year in which the Act concerning Equality between Men and Women at Work came into force.

The Act concerns conditions in the work market. It consists of two parts: active measures to create gender equality in the workplace and a ban on sex discrimination.

man since 1 July, 1993. On that date a completely new authority, the Office of the Children's Ombudsman, was established with the task of ensuring the best outcome for children and young people in all situations. A law and ordinance contain directives for the Ombudsman for the basis of the Office's work.

The principal function of the Swedish Children's Ombudsman is to watch over juvenile rights and interests. The basis of this work is the United Nations' Convention on the Rights of the Child, which Sweden ratified in 1990. One important task is to ensure that Sweden fulfills its obligations under the Convention. In order for juvenile rights and interests to be given attention, someone must speak on behalf of the youth and look after their interests. Another requirement is for someone to enhance public awareness of young people's rights and to consider social development from their perspective.

The Ombudsman is particularly engaged in issues relating to youngsters in problem situations. These may involve loneliness, divorce, custody disputes or abuse of various kinds. Being in direct contact with the youth and perceiving life with their eyes are pre-conditions for the work of the Children's Ombudsman. As their representative, the Ombudsman must accumulate knowledge of and listen to young people, in order to be able to present the best possible proposals.

The Children's Ombudsman's work is largely a matter of taking part in public debate, moulding opinion on priority issues and influencing society's attitudes towards the conditions of children's and young people's lives. To assist it, the Ombudsman has a council of 12 experts appointed by the Government. The Ombudsman chairs the council and directs its activities. The council has a consultative role, providing advice on various specialist issues and concerning the Ombudsman's work as a whole.

The Consumer Ombudsman

The Consumer Ombudsman took office in 1971, with the

The Marketing Act (in its section regarding misleading advertising) enshrines an important principle, namely the "reverse burden of proof", according to which the person responsible for any marketing practice must be able to prove the correctness of the information, claims and promises contained in his advertisements, packaging, publicity material etc. Firms and others engaged in marketing may be enjoined to provide, in their advertising or through any other form of marketing, information of importance to the consumers e.g. details of the prices of nature of their goods or services. Where there is a particular risk of a commodity and/or service harming a person or property, its sale or hire may be prohibited. Goods or services that are manifestly unfit for their main purpose may also be prohibited.

The Secretariat of the Consumer Ombudsman starts legal proceedings at the Market Court in cases relating to marketing practices, hazardous products or unfair terms. It also deals with prosecution matters.

When — either through notification from outside or in the course of the Board's own scrutiny — an undesirable marketing action or contractual condition comes to the Board's attention, it attempts first, by discussing the matter with those responsible, to have the matter rectified voluntarily. If rectification cannot be agreed upon, the Ombudsman can refer the case to the Market Court, requesting that the entrepreneur be prohibited from continuing to use the undesirable marketing practice or contractual condition. The Market Court usually issues an injunction on penalty of fine, and its decision cannot be appealed against. The Board deals with around 4,000 cases a year, 2000-2,500 of which concern the Marketing Act.

The Press Ombudsman

The self-disciplinary system of the Swedish press is not based on legislation. It is entirely voluntary and wholly financed by the press organisations. These organisations are also responsible for draw-

ing up Sweden's Code of Ethics for the press, television and radio.

The Swedish Press Council founded in 1916, is the oldest tribunal of its kind in the world. It was set up by the National Press Club, the Union of Journalists and the Newspaper Publishers' Association. The Press Council is composed of a judge, who acts as a chairman; one representative from each of the above men-

tioned organisations; and two representatives of the general public who must not have any ties with newspaper publishers or press organisations.

The Office of Press Ombudsman for the General Public was established in 1969. Its holder is appointed by a special committee comprising the Parliamentary Ombudsman and the chairmen of the Swedish Bar Association and the Press Club. Before the Ombudsman was created, complaints regarding violations of good newspaper practice were filed with the Press Council. They now go first to the Ombudsman, which is also empowered to take up matters on its own initiative, provided that the persons or persons concerned are in agreement. Any interested member of the public can protest to the Ombudsman against newspaper items he/she consider to be a violation of sound press ethics. But the person to whom the article

relates must provide consent if the complaint is to result in censure of the newspaper. When a complaint is made to the Ombudsman, its task is to ascertain whether it can be dealt with by a correction or reply in the newspaper concerned. It may contact the newspaper for this purpose. Where the matter cannot be settled in this way, the Ombudsman may — if it finds cause to assume that good newspaper practice has been contravened — undertake an inquiry, first of all by asking the opinion of the newspaper's editor-in-chief. One condition is that the complaints must be filed within three months of the original publication. Once the inquiry is concluded, the Ombudsman has two alternatives, either (1) the matter is not considered to warrant a rebuke of the newspaper, or (2) the evidence obtained is weighty enough to warrant review by the Press Council. Option (1) may be appealed against to the Press Council. There is nothing to prevent the complainant from taking the matter to a regular

court of law after review by the Ombudsman and the Press Council. Filing a complaint with the Ombudsman is free of charge. The Ombudsman also answers queries from the public on matters of press ethics. A newspaper that has been found to contravene good newspaper practice is expected to publish the findings of the Press Council. It may also have to pay an administrative fine.

Ombudsman Institutions in Various Countries

There is an International Ombudsman Institute located in Canada. That is known as International Ombudsman Institute, Room 205-D, Weir Library, Faculty of Law, University of Alberta, Edmonton, Alberta, Canada T6G 2H5.

This Institute has a Board of Directors who are elected from various countries. The present President is Mr. Marten Oosting, national Ombudsman of the Netherlands. Honorary Justice Mrs. Florence Mumba of Zambia is the Vice President and Mr. Eugene Biganovsky, Ombudsman, South Australia is the Executive Secretary. In addition, there are 14 more Directors there in that Board.

This International Ombudsman Institute gives Honorary Awards to a number of eminent persons who have

ronmental quality. The directory of International Ombudsmen which contains national/regional/provincial or local information is exhaustive, and is printed from International Ombudsman Institute.

These Ombudsmen as an effective institution have been well-diversified by various countries, from smaller to bigger establishments, in various ways for public awareness and also to keep a check on the activities of various organisations, individuals from exploiting the citizens. All those countries have found the establishments a very useful institution and every year more countries are adopting the system.

Ombudsman in Bangladesh

In the Article 77 of the Bangladesh Constitution, there is a provision for establishment of the office of Ombudsman. In that it says: (1) Parliament may, by law, provide for the establishment of the office of Ombudsman. (2) The Ombudsman shall exercise such powers and perform such functions as Parliament may, by law, determine, including the power to investigate any action taken by a Ministry, a public officer or a statutory public authority. (3) The Ombudsman shall prepare an annual report concerning the discharge of his functions, and such report shall be laid before Parliament.

The Government during middle of 80s took some initiatives to make this institution an effective one, but for some unknown reason the institution never came into being. Recently one of the donor countries, i.e. Denmark, during the annual consultations on Development Co-operation in Bangladesh, has emphasised for the establishment of Ombudsman's Office. Denmark, through DANIDA, indicated its intentions to contribute and support the establishment of Ombudsmen's office in Bangladesh along with some other issues.

In Bangladesh the High Court and District Court judges are retiring at an early age unlike in Western countries. They have a good reputation of dedication and honesty, who may be effectively used to work at the Ombudsman's office after retirement. Sweden is using over 30 lawyers for this purpose, as the judges could not be used to work under the Ombudsman because their retirement age is around 70 in that country. But in our case, the retired judges could easily be used as readily available assets.

The existence of an Ombudsman institution in a country gives a tremendous credibility to a nation for its guarantee against oppressive measures and mis-governance in the judiciary and public administration.

The writer is Ambassador of Bangladesh in Sweden.

The Swedish Ombudsman system is a guarantee against oppressive measures and mis-governance in the judiciary and public administration.

In the Article 77 of the Bangladesh Constitution, there is a provision for establishment of the office of Ombudsman.

When the Parliamentary Ombudsmen find that an error has been made, but not one of such seriousness as to entail punitive or disciplinary consequences, nor a case of an authority's routines being inadequate or unsuitable, they may issue critical statements of opinion. These — containing more or less serious criticisms — usually feature in some 600 decisions annually in Sweden.

The Parliamentary Ombudsmen's Office enjoys full autonomy from its principal, the Riksdag, which has no right to issue directives. However, the Parliamentary Ombudsmen's official report is examined by one of the standing parliamentary committees. Besides various statistical data on the Office's activities, this annual report contains comments on the most interesting and, in terms of principle, important decisions — usually around 130 annually. It also includes a short summary in English. After examining the contents on a spot-check basis, the committee presents a statement of opinion to the Riksdag.

There are five Government

the purpose of the Act is to promote equal rights and opportunities for men and women with regard to work, terms of engagement and other aspects of employment terms, as well as opportunities for development at work. The aim is, in the first instance, to improve conditions for women in working life.

The Act places responsibility with the employer. It is the duty of the employer to end sexual harassment, wage discrimination on grounds of sex, or any other conditions which openly work against gender equality in the workplace.

The Office of Equal Opportunities Ombudsman works with both parts of the Act. The first obligation of the Ombudsman is to seek to persuade employers to comply with the Act. If the employer refuses, or if it proves to be impossible to come to an agreement, Ombudsman can take the case to the Labour Court.

In case of refusal to comply with the sections of the Act concerning active measures — for example a refusal to draw

The existence of an Ombudsman institution in a country gives a tremendous credibility to a nation for its guarantee against oppressive measures and mis-governance in the judiciary and public administration.

up or revise a gender equality plan — Ombudsman can apply to the Equal Opportunities Commission. The Commission has the right to issue order for fine to be paid if compliance with the rules is not met by a certain date.

The Children's Ombudsman

duty of ensuring that two statutes for the protection of consumers are observed: the Marketing Act and the Unfair Contract Terms Act. Any commercial marketing practice may be prohibited if they are contrary to accepted business practice or considered improper in some other way, for instance, an advertiser promises too much or attracts customers with a price that he later fails to apply.

Countries having Ombudsmen

So far there are 46 countries who have Parliamentary Ombudsmen which include also our neighbouring countries like India, Pakistan and Sri Lanka. In India, they are known as Provincial Ombudsmen. In that they have 11 Ombudsmen, most of them Justices of the High Court. In Pakistan, it has one National Ombudsman, a retired Justice, and a Regional Ombudsman. In Sri Lanka it has one Ombudsman known as Parliamentary Commissioner of Administration.

In Addition there are a total of 80 countries who maintain various categories of Ombudsmen, with or without Parliamentary Ombudsman. Those Ombudsmen are from national level, provincial, regional and institutional level. In USA it has a very large number of Ombudsmen who have specific task to look after the country and these could be from taxpayers' complaints to envi-

CORRIGENDUM
In the article, "Najna, a Blind Girl in Bangladesh," published in this page on April 11, the third sentence of fifth para should read "That meant that both blind and sighted children..." and not "... blind and normal children..." as inadvertently printed.

The Daily Star Entertainment Guide

Monday 22nd April
(All programmes are in local time. We recommend programmes printed in bold. There may be changes in the programmes.)
BTV
3:00 Opening Announcement At-Darun Programme Summary 3:10 Recitation From the Bible 3:15 Cartoon Film - Macron 3:45 Drama series: Reticelast of Selected Dramas 4:00 News in Bangla 4:45 Rungum - Children's Dance Programme 5:00 News in Bangla 5:25 Nazim Songs 5:50 Sports Programme 6:00 News in Bangla 6:20 Tarunaya - Youngmen's Magazine Programme 7:00 The News 7:05 Open University 7:25 Shuk-Duskar Nadi: Magazine Programme Based on River 9:00 News in Bangla 6:40 Package Drama 10:00 News in English 10:30 Shashatatha - Health Programme 10:35 Janamat: Family Planning Programme 10:55 Comedy series: Coach 11:30 News in Bangla 11:35 Tuesday's programme 11:40 Close down

BBC
6:00 BBC World Newsroom inc. World Business Report/Asia Today/24 Hours 9:00 BBC World Headlines 9:05 The Money Programme 10:00 BBC Newsday 1:00pm BBC World News 1:15 The Money Programme 2:00 BBC World News 2:30 Time Out: Top Gear 3:00 BBC World News 3:30 Time Out: Madhur Jeffrey's Far Eastern Cookery 4:00 BBC Newsday 5:00 BBC News 5:05 Correspondent 7:00 BBC World News 7:15 World Business Report 7:30 BBC Newsday Asia & Pacific 8:30 Time Out: One Foot In The Past 9:00 BBC World News 9:15 The Money Programme 10:00 BBC World News include: World Business Report 10:30 Time Out: Tomorrow's World 11:00 The World Today 1:00 BBC World Headlines 1:05 The Money Pro-

CHANNEL V
7:00 Repeat VJ Sophia 8:00 Jump Start VJ Trey 10:00 Frame by Frame 12:00noon The Vibe Down Under 1:00 By Demand VJ Trey 2:00 Repeat VJ Sophia 3:00 Big Bang VJ Alessandra 4:30 By Demand VJ Trey 5:30 The Vibe VJ Luke 5:29 Last-Word 7:30 First Day First Show 8:00 Big Bang VJ Alessandra 8:30 Speak Easy 9:00 BPL Dye 10:00 Big Bang VJ Alessandra 10:30 First Day First Show 11:00 Repeat VJ Sophia 12:00pm Haysab 2:00 By Demand VJ Trey 3:00 Frame by Frame

STAR PLUS
6:30 Transformers 7:00 Teenage Mutant Ninja Turtles 7:30 G.I. Joe 8:00 Jeep 8:30 The Wild In The Willows 9:00 Aerobics Oz

STAR Sports
6:30am Trans World Sports 8:00 New Zealand v West Indies Test

STAR MOVIES
7:30 Romance L'Eclipse 15 (English Subtitles) 9:30 Family Drama 12 (Arabic Subtitles) 11:30 Comedy - Carry On At Your Convenience 12 (Hindi Subtitles) 1:30 Family The New Adventures of Oliver Twist (Hindi Subtitles) 3:30 Oscar Winning Cinematography: The Hustler (Hindi Subtitles) 5:30 Family: Tales Of Beverly Hills (Arabic Subtitles) 7:30 Film Fiction The Count Of Monte Cristo 12 (Hindi Subtitles) 9:00 Deccan Dreams 9:30 Special Event BAFTA Awards (Hindi Subtitles) 11:30 Gold Excessive Force 18 (Arabic Subtitles) 1:30 Film Cub The Lovely Passion Of Judith Hearne 18 (Arabic Subtitles) 3:30 Comedy - Carry On Deck 18 (Arabic Subtitles) 5:30 Action - Police Story 15 (Arabic Subtitles)

PTV
8:00 am Telecast Aur Tarjuma/Hindi/Naat 8:20 Cartoon 8:30 Khatrain 8:45 Abh Pata Chale 9:05 Khat Farnash 9:20 Sargam Sargam 9:45 Naay-Bil-Ghuz Pakistan 10:05 Sha-Droop 10:35 English Film Goal Trophy 10:55 Mili Naghma 11:00 Khabrain 11:10 The Saint (Roger Moor) 12:00 Shama (Drama Serial) 12:55pm Duran-e-Hakeem 1:02 Bismillah 1:15 Anqaar (Drama Serial) 2:00 Shehrad (Drama Serial) 2:50 The Face Of Cultural 3:15 Roushu 3:30 Panamney 4:00 Ghardas 4:35 Biology for 10th/Geography/Chemistry 9:55 avar Lonege/Urdu: 6:25 Ailou Courses 7:00 Tararum (Drama Serial) 7:45 English News 8:00 Potluck 8:20 AS Babu 8:45 Tum Se Kahan The (Serial) 9:00 Break for Headline News 10:00 Khabrain 11:15 Classic Drama Serial Junglee 12:20 Special: TBA 1:00 Khas Khas Khabrain/Close down

ZEE TV
5:30 am Infotainment (TMM) 6:30 Jagran 7:00 ZED Management 7:30 ZED Networking 8:00 ZED: Naya A-Ta 7:30 Hum Hume Kamyab 9:00 Hum Hume 9:30 Gaane Ananya 10:00 Kya Scene Ha 10:30 Zake Ka Safer 11:00 Celeste 11:30 Film Chakkar 12:00 Mono Ya Na Mono 12:30 Film Deewane 1:00 ZED

SONY ET
8:30am Yashwanth K. Bapat 9:00 The Three Stooges 9:30 Dennis The Menace 10:00 Dream 10:30 Raju Raju Aur Joker 11:00 Sunday Ki Sunday (Serial) 11:30 Cine Matinee-Hindi Feature Film 2:30 Siddhi 3:30 Sunday Ki Sunday (Serial) 3:30

DD 7
8:10 Purnam Gaan 8:20 Bironod 8:25 Classical Music 8:30 Dik Darshan (Serial) 9:00 Janani (New Drama Serial) 9:30 Saptahish 10:00 Shastriye Sangeet 10:30 Parikrama 11:00 Ghare Bare 12:30 Ek Sipi Onak Gaan 1:00 Janani (New Drama Serial) 1:30 Bengali Movie Club Film Show: Sati Behula 5:05 Nepali Programme 5:30 News 5:35 Desh Bidesher Khaba 6:00 Palli Katha: TV Report 6:30 Daabaddha 6:55 Troyee 7:30 Bangla Sambad 7:55

ZEE CINEMA
8:30am Songs 9:30 Param Dharan (Mithun, Mandakini) 12:15 Aaj Anadi Kal Kandi 12:45 Manji Manji (Sunny Deol, Dimple Kapadia) 3:30 Hke Pe Hke 4:00 Amar Singh Rathod (Gupata) 7:00 Hit Hi Hi Hi 7:30 Tarana 8:00 Tailors 8:30 Anban 9:00

EL TV
00:30am Amritabh Baichan Special 01:00 Geet Bahar 02:00 Lata Mangeshkar Special 03:00 Hanste Kholte 04:00 Jeetendra Special 05:00 Ajeeb Dastaan 06:00 Kishore Kumar Special 07:00 Hit rows 08:00 Ramesh Khanna Special 09:00 Sur Sar

DD 7
Dinband 8:00 Dik Darshan 9:00 Prachee 9:30 Ghare Bahare 10:00 Bengali Movie Club Film Show: Godhuli Belay (Biswajit, Madhabi)

Mere Message Meri Geet 4:00 Surf Wheel Of Fortune (Game Show) 4:30 The Raza Show 5:00 The World Cup Countdown Cricket 5:30 The Three Stooges 6:00 Dennis The Menace 6:30 I Dream Of Jeannie 7:00 Raju Raju Aur Joker 7:30 Mere Message Meri Geet 8:00 Surf Wheel Of Fortune 8:30 Taak Jhaank 9:00 Dekh Tamasa Dekh 9:30 Yeh Sadi Nahi Ho Sakti 10:00 Zamane Badal Gaye 10:30 Cine Pune-Hindi Feature Film 1:30 Mere Message Meri Geet 2:00 Yeason Ki Baraat

DD 7
8:10 Purnam Gaan 8:20 Bironod 8:25 Classical Music 8:30 Dik Darshan (Serial) 9:00 Janani (New Drama Serial) 9:30 Saptahish 10:00 Shastriye Sangeet 10:30 Parikrama 11:00 Ghare Bare 12:30 Ek Sipi Onak Gaan 1:00 Janani (New Drama Serial) 1:30 Bengali Movie Club Film Show: Sati Behula 5:05 Nepali Programme 5:30 News 5:35 Desh Bidesher Khaba 6:00 Palli Katha: TV Report 6:30 Daabaddha 6:55 Troyee 7:30 Bangla Sambad 7:55

Dinband 8:00 Dik Darshan 9:00 Prachee 9:30 Ghare Bahare 10:00 Bengali Movie Club Film Show: Godhuli Belay (Biswajit, Madhabi)

Nazrana 9:30 Premiere Dil Ka Doctor (Anoopam Kher, Koyal) 12:45 Adalat B/W (Nargish, Pradip Kumar)

gam 10:00 Asha Bhonsle Special 11:00 Pyar Hi Pyar 12:00DD Dharmendra Special 1:00 Jeevan Ke Rung 2:00 Mohammed Rafi Special 3:00 Shatranj 3:30 V3-4:00 Hollywood Badshahs 4:30 Real Countdown 5:00 Teen Do Paanch 5:30 Rekha Special 6:30 Tarane 7:30 Awar Nayi Andaz Wahi 8:00 Song Yatra 8:30 Zandu Balm Dance Mania 9:00 Sordy Meri Lorry 9:30 Karz 10:00 Newsline 11:00 Kuch Pal Aag Ke Saath 12:00 Amritabh Baichan Special

TOM and JERRY



James Bond

