

**OMBUDSMAN'S
ANNUAL REPORT
2022/2023**

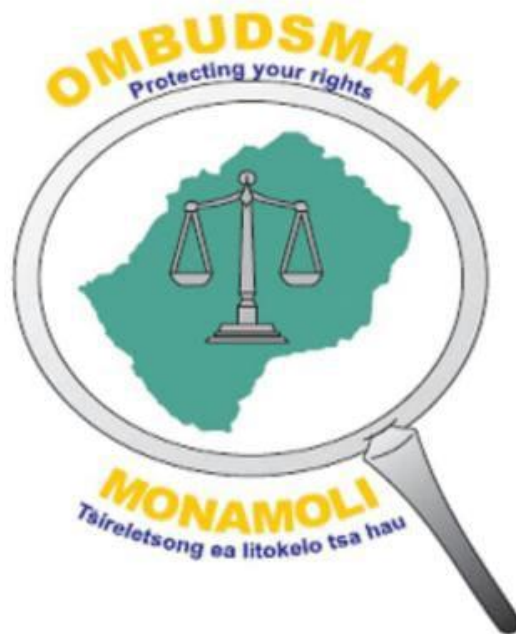


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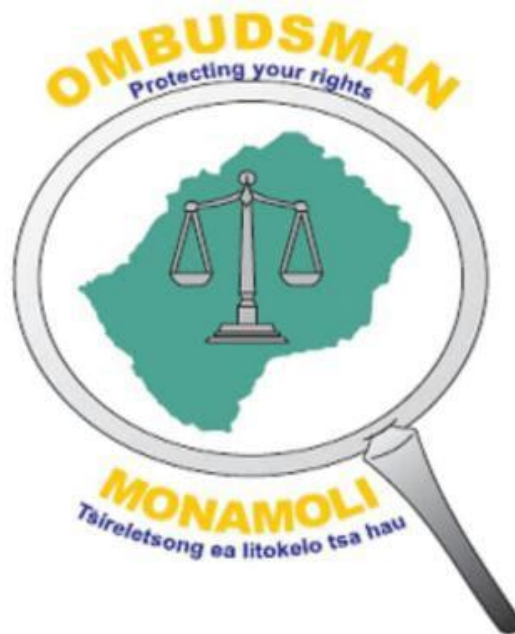
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FOREWORD

I wish to record my sincere gratitude and appreciation to His Majesty, King Letsie III for entrusting me with this key oversight responsibility of promoting and strengthening good governance within government departments and agencies as Ombudsman. The annual report is prepared and submitted pursuant to, and in accordance with section 135 of the Constitution of Lesotho 1993 read together with section 16 of the Ombudsman Act No 9 of 1996 ('the Act').

This is my first year at the helm of the Ombudsman Office, having been appointed Ombudsman in June, 2022. As in previous years, the Ombudsman continued to execute the constitutional mandate as provided under section 135, without fear, favour or prejudice and in accordance with administrative principles of equity, fairness and justness.

The 2022/2023 annual report is a reflection of the Office of the Ombudsman's overall performance on its activities undertaken during the reporting period. The past year has been an extremely busy one. In undertaking its mandate, the office has been grappling with an ever-increasing workload even though our capacity has remained relatively the same. A need has also been identified to strengthen capability skills and develop the investigative team so that they have the necessary tools to deal with complex matters that they may need to investigate further. The Ombudsman received a total of 235 complaints lodged for investigation, which constituted 12 percentage decrease from the prior year. A large number of the complaints received were handled through spot investigations and meetings. In addition, there are cumulatively two (2) court cases handled by the office stemming from respondents against whom decisions were made who had commenced judicial review proceedings in respect of remedial action issued by the Ombudsman. There is an interim court order issued against the Ombudsman precluding her to proceed in mediating over one (1) matter and it remains a concern though, that applicants in the matters have not prosecuted their cases to date.

It has been observed, with dismay, the patent disregard and non-compliance by some government ministries and agencies of remedial action issued, which pose undue and perennial delays in the administration of justice to complainants in general. This has led, in a majority of cases, to special reports being issued to Parliament in terms

of section 17(1)(a) and (3) of the Act. This shortcoming points to the need to ensure that there are regular consultations to increase efficiencies and for an appropriate feedback mechanism to be in place to provide redress and finality on reports to the Ombudsman within reasonable timelines.

Our focus area was also centred around receiving complaints from the public through our quarterly regional complaints intake clinics which failed to realise and yield expected results. This has caused of the Ombudsman to reflect with renewed intensity, strategies that can be employed further so that our outreach and intake clinics gain more traction. The Ombudsman has completed 236 official complaints lodged that could have been the subject of formal investigations, which constitutes 49% of cases carried over and obtained three (3) remedial actions.

There has been renewed calls to ensure that more effort is placed towards messaging and building relationships to educate and train relevant key stakeholders and members of the public around the mandate and service offerings of the Ombudsman and to also ensure that our services become more accessible. There is a need to resource and strengthen these programs more particularly because the office is centrally placed and inaccessible to communities in most cases. We are still of the view that funds permitting, concomitantly, regional offices be established to enable the public to lodge their complaints more easily.

The Ombudsman finalised and published a self-initiated report on the National Manpower Development Secretariat (NMDS)/National University of Lesotho (NUL) students strike of June 2022 which is a systemic investigation and thematic reports pursuant to section 10 of the Act¹, following inspections of correctional facilities, police and military cells together with hospitals nationwide which were visited from January 2023. The objective of the inspections was to establish whether the conditions prevailing at these institutions are conducive to or fit for human habitation. The exercise was also pursued in line with the Office of the Ombudsman's strategic objective aimed at intensifying advocacy for increased adherence by government authorities for the implementation of minimum standards in the promotion and protection of human rights.

¹ Section 10 of the Act provides thus "*In the exercise of his powers and the discharge of his duties under the Constitution and this Act, the Ombudsman or any officer authorised by him, at any reasonable time and upon sufficient notice to the specified authority concerned (b) enter and inspect police, military or prison cells, government hospitals, asylums, or any other places or centres where any person is detained or kept whether for safe custody or in terms of any law.*"

The Ombudsman visited and inspected fifteen (15) facilities where inmates are detained and thirteen (13) hospitals in country. We have made numerous recommendations for improvement and am pleased that at the time of the report to Parliament, some of these have been actioned. In the area of resource mobilization, the office received support from the United Nations Development Programme (UNDP), through the United Nations Resident Coordinator's Office in Maseru which led to the successful inspection visitations undertaken nationwide at correctional facilities. It is also worth highlighting that the European Union (EU) resident coordinator's office, in partnership with the UNDP Lesotho, which is spearheading and supporting oversight justice sector functionaries in strengthening governance is supporting and working closely with the Office of the Ombudsman in ensuring that it delivers better on its mandate.

In order to keep abreast with developments and best practices with other institutions pursuing similar goals, the Ombudsman is a regional member of the African Ombudsman and Mediators Association (AOMA) and globally, the International Ombudsman Association (IOI). These forums provide opportunities for members to collaborate on issues of common interest, exchange information, skills, experiences and enhance professional capacity of institutions. Our work with fellow integrity agencies regionally and internationally continues apace and due to financial restrictions on travel, we continue to collaborate and engage virtually. I am also building capacity, capability and reinforcing relationships with key justice sector stakeholders who have demonstrated support to ease the execution of the Ombudsman mandate.

Finally, I wish to express my deep gratitude to my staff for working together and supporting each other to manage complex issues and a significant workload arising this year. Their unfailing dedication, professionalism, and positive spirit is second to none.



Tlotliso Polaki (Adv)

THE OMBUDSMAN

PART 1

1. STRATEGIC OVERVIEW OF THE OFFICE OF THE OMBUDSMAN

Vision

A Lesotho free of maladministration and corruption

By 2029, the Office of the Ombudsman will be a well-known, effective, responsive and preferred alternative mechanism for speedy and effective resolution of complaints against the public sector and parastatals; a champion in moulding the public service into a transparent and an accountable institution.

Mission

The Office shall strive to build good governance in the public service and parastatal sectors by inculcating a culture of fair and just administrative actions.

Core Values

Confidentiality: the Ombudsman Office holds all information in strict confidence. The same secrecy applies to confidential matters within the Office.

Responsiveness: there should be prompt response to complaints.

Transparency: the Office provides its clients with detailed information showing how the office conducts its business and the outcomes of its actions and decisions.

Independence: The Office conducts its business without any interference or control.

Caring: empathizing with clients.



Quality services: The Office offers high quality services to its clients.

Innovative: services and systems are kept abreast with changes in technology and new discoveries.

Team work: all efforts are directed towards achievement of the same objectives.

Neutrality/impartiality: adherence of fair and just treatment to all without any political, economic, religious and gender bias.

Informality: procedures are flexible.

Fairness: Observe the requirements of the legislation and policies at all times, use no surprise approaches in our work and provide our services equally to all Basotho.

Goal:

Accountable, transparent and fair Public Administration



1.1 OFFICE OF THE OMBUDSMAN THEORY OF CHANGE

The Office of the Ombudsman was established in country in October 1993 following the coming into operation of the Lesotho Constitution 1993 which provides for its establishment. The duties and functions of the Ombudsman as stipulated in the Constitution and the Ombudsman Act No 9 of 1996 are as follows:

- To receive and investigate complaints from aggrieved persons against Government agencies and statutory corporations and /or officials and employees of such agencies and organizations, and to recommend remedial action where a complaint is found to be justified.

- To initiate investigation where it is alleged or it has come to his/her notice that there is an instance or threat of degradation, depletion, destruction or pollution of the natural resources, environment or ecosystem.

The Office has been operating with a strategic plan which was developed in 2009 and came to an end in 2015. The Office now seeks to develop a new 2023/28 long term strategic plan with the help from the European Union programme called 'Support for the Reform and Strengthening of Governance in Lesotho'. The new strategic plan will entail necessary amendments and edits, alignment with the latest NSDP II and more precisely, SDG 16 which relates to national objective directly linked to the work of the Office of Ombudsman. The new strategic plan will direct and enhance the workings of the Office on how to execute its mandate with precision.



PART 2

LEGAL AND INSTITUTIONAL FRAMEWORK

2.1 Appointment of the Ombudsman

The Ombudsman derives its powers from the Constitution of Lesotho 1993 (the Constitution) and the Ombudsman Act No 9 of 1996. The Office is under the leadership of the Ombudsman who is appointed pursuant to section 134(1), by His Majesty the King and on the advice of the Prime Minister. In exercising her powers, functions and duties, the Ombudsman acts independently of any form of interference or directions of any other person or authority and in accordance with section 134(4) of the Constitution. The Office of the Ombudsman is situated in Maseru and does not have a national or regional footprint. It is envisaged that the Office will expand its services and set up additional offices in both the northern and southern part of the country in the medium-long term period.

2.2 Mandate and functions of the Ombudsman

The broad mandate of the Office of the Ombudsman is stipulated under section 135 of the Constitution and section 7 of the Act as follows:

- To receive and investigate complaints from aggrieved persons against Government agencies and statutory corporations and or officials and employees of such agencies and organisations, and to recommend remedial action where a complaint is found to be justified.
- To initiate an investigation where it is alleged or it has come to his or her notice that there is an instance or threat of degradation, depletion, destruction or pollution of the natural resources, environment or ecosystem.

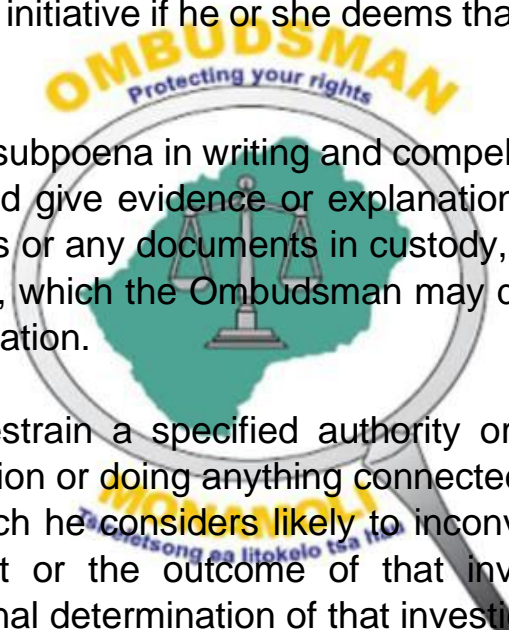
The Ombudsman exists to provide redress to injustices caused by acts of maladministration, corruption, a violation of fundamental human rights and a degradation of the environment. In discharging this broad mandate, the Ombudsman is at liberty to determine the extent of its investigations, and is empowered by law to direct the relevant authority or agency to remedy the situation as well as direct the authority to place measures in

place which will deter future occurrences of the injustices suffered within a specified timeframe and pursuant to section 7(5) of the Constitution.

2.3 Powers of the Ombudsman

The powers of the Ombudsman in the discharge of her duties and functions, the Ombudsman has powers to

- initiate investigations or inquiries upon a complaint or request, or on his or her own initiative if he or she deems that the public interest so requires.
- summon and subpoena in writing and compel any person to appear before him and give evidence or explanation, and to produce any books, records or any documents in custody, possession or control of that person, which the Ombudsman may deem necessary in his or her investigation.
- temporarily restrain a specified authority or officer thereof, from taking any action or doing anything connected with an investigation or inquiry which he considers likely to inconvenience or adversely affect conduct or the outcome of that investigation or inquiry, pending the final determination of that investigation or inquiry.
- hold and conduct formal inquiry, and hear evidence on the matter in question.
- enter and conduct formal inquiry, and hear evidence on the matter in question.
- enter and inspect police, military or prison cells, government hospitals, asylums, or any other places or centres where any person is detained or kept, whether for safe custody or in terms of the law.
- Decline, initiate or proceed with an investigation where it appears to him or her that:



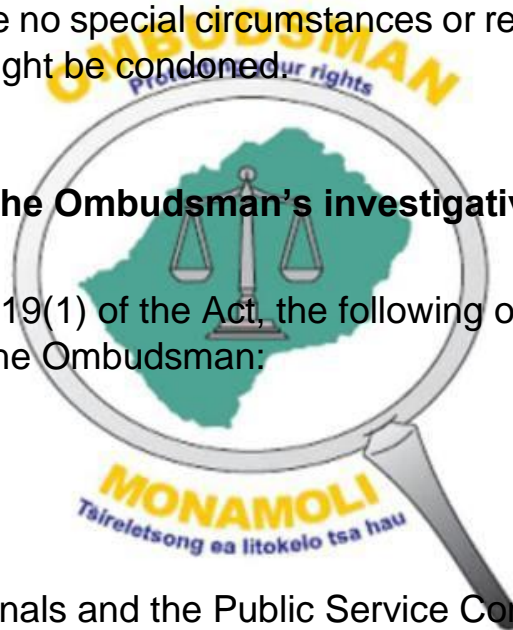
- ✓ The subject matter of a complaint is trivial, frivolous or was not being made in good faith
- ✓ Where the complainant has no sufficient interest in the subject matter of a complaint.
- ✓ Where the complainant has not exhausted all other available mechanisms of dealing with his or her complaint.
- ✓ Where a complaint relates to any action or a decision of which the complainant has had knowledge for more than a year and there are no special circumstances or reasons upon which the delay might be condoned.

2.4 Limitations to the Ombudsman's investigative powers

Pursuant to section 19(1) of the Act, the following offices are not subject to investigation by the Ombudsman:

- The King
- Parliament
- Cabinet
- Courts of law
- Statutory tribunals and the Public Service Commission

The Ombudsman may, however, investigate courts of law, statutory tribunals and the Public Service Commission for their failure to perform, or for unreasonable delays in the performance of their functions.



PART 3

COMPLAINTS HANDLING

3.1 Complaints Handling and Management

Pursuant to section 8 (1) of the Ombudsman Act No 9 of 1996, the procedure for lodging complaints is as follows:

- A complaint should be in writing and must contain the following:
 - ✓ the substance of the allegation
 - ✓ the name of the specified authority against whom the complaint is made
 - ✓ the date on which the action or omission took place; and
 - ✓ the name and address of the complainant
 - ✓ the complainant's signature, or if he or she is unable to sign, his or her name, affix his mark duly witnessed or if unable to act for himself he can authorise an agent to represent him.

Notwithstanding the provision for lodging complaints in writing, nothing shall preclude the Ombudsman from entertaining an oral complaint. The Office has developed and processes and procedure manual for the lodgement of complaints that is intended to ensure uniformity in handling and processing complaints received. The Office does not have a specialised unit tailored at complaints intakes; the screening of complaints is undertaken by investigators in general.

- **Walk-in:** is where a complainant visits the Ombudsman and lodges his or her complaint in person. With walk-in, the complainant on arrival at the Ombudsman's Office reports at the reception and briefly informs the receptionist about his or her complaint and ministry or agency he or she is complaining about. Each investigator is assigned ministries and agencies which they deal with, and there is a list showing the ministries and agencies in general. The receptionist has this list and after briefly interviewing complainants, she quickly refers the complainant to the relevant investigator.

The concerned investigator then interviews the complainant to record his or her personal details using a complainant questionnaire form and to ascertain whether the complaint is sustainable or not. If sustainable, the complainant is requested to make his or her

complaint in writing. The investigator then takes the complainant's letter to the IT operator who registers the complaint both manually and electronically and forwards to the Registry, then then opens a complaint file and gives it to the relevant investigator to deal with.

- **Letter:** letter complaints are dealt with in a similar manner to walk ins except that they start at the registry.

Other means of lodging complaints such as emails and fax are treated the same way as letter complaints.

All complaints are recorded using the standard questionnaire and based on the information received, complaints are examined to determine whether they are legitimate, within the jurisdiction of the Ombudsman or whether available remedies have been exhausted.

If the complaint does not satisfy any of the three conditions, it is not sustained. However, an explanation is provided and advice given to the complainant of the appropriate channels to follow or the authority to which the complaint can be directed.

A total number of 482 complaints were handled in the year under review, of which 235 were newly received, and 247 were carried forward from prior years. Of the 235 received, 36 were referred to other complaints handling institutions, 105 were not upheld or sustained after screening while 124 complaints were admitted and investigations were initiated. The complaints were held through on spot investigations, mediation meetings between the parties, inquiries and other desk investigations. There were 236 of cases that were closed during the period under review.

PERFORMANCE OF THE OFFICE OF THE OMBUDSMAN

The table below depicts the total number of cases opened from each ministry and agencies.

Table 1: Cases opened

MINISTRY/AGENCY	RECEIVED (2022/23)	SUSTAINED (2022/23)	NOT SUSTAINED (2022/23)
Central Bank of Lesotho	2	2	0
MAFS	4	1	2
Prime Minister's Office	5	3	2
WASCO	5	5	0
Energy	3	2	1
Social Development	4	4	0
Gender	5	1	4
Development Planning	2	2	0
Small Business	3	2	1
Public Works	7	2	5
Public Service	6	4	2
Private	16	0	16
Labour	6	0	4
Justice, Law & Parliament	9	1	7
Foreign Affairs	3	3	0
LEC	12	6	6
Defense	11	8	3
Judiciary	14	5	9
Tourism	2	1	0
Education	32	23	9
Mining	1	0	0
Finance	9	6	3
LHDA	4	2	2
Police	11	7	4
Local Government	39	24	15
Water	4	3	1
Trade & Industry	2	0	2
Home Affairs	6	4	2
Health	4	1	3
Communications	3	1	2
Transport	1	1	0
Forestry	0	0	0
Senate	0	0	0
Metolong Mine	0	0	0
Total	235	124	105

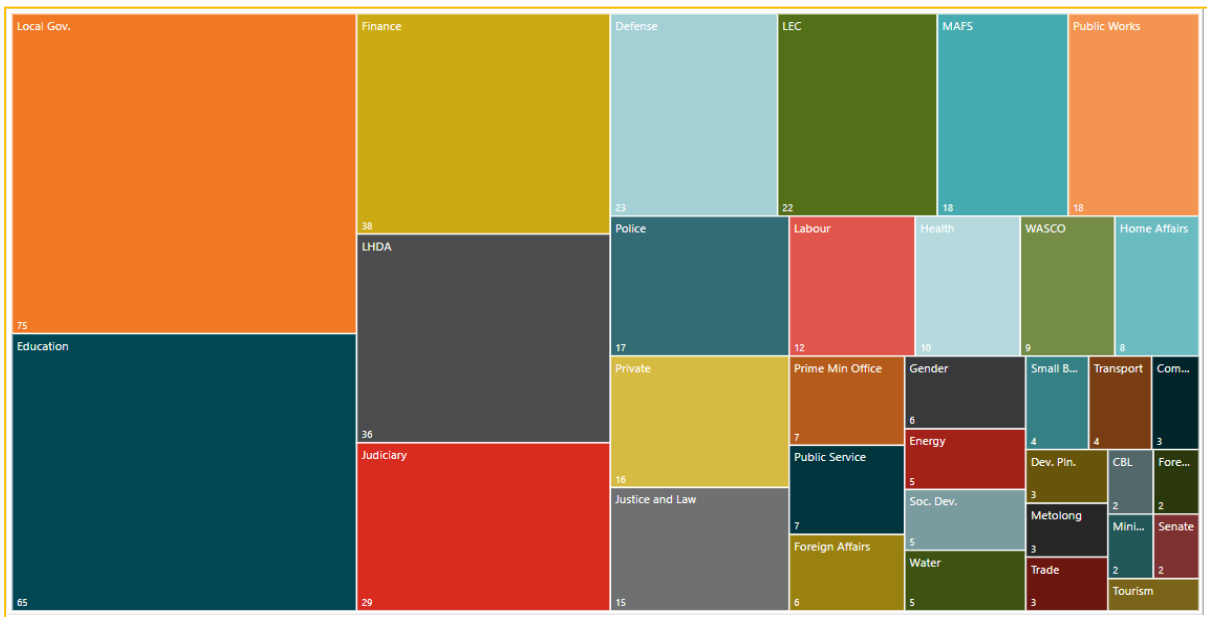
The investigation

In the event that a complaint is sustained, the investigator writes to the ministry concerned bringing the same to its attention and invites its comments thereon. Should a response not be received within reasonable timeframes, a reminder is sent and if there is still no response, the responsible officer is summoned to the Office of the Ombudsman. In the event that the officer referred to above disregards the Ombudsman's summons he or she may be prosecuted. Apart from this, the Ombudsman may proceed to hear the matter and make a determination without hearing the agency's side of the story and if it is in the interests of justice to do so. This, the Ombudsman does after advising the agency that he proposes to so proceed after a given period if the agency persists in its attitude.

If at the conclusion of the investigation the complaint is found to have substance, the Ombudsman makes a recommendation on remedial action and may stipulate the period within which the recommended action is to be taken.

If the Ombudsman's recommendation is not implemented within a stipulated timeframe, then the Ombudsman makes a special report to Parliament in terms of section 17 of the Ombudsman Act 1996. Numerous special reports have been submitted to Parliament and it is only now that Parliament is assisting the Ombudsman's Office through its internal processes to ensure that there is compliance and conformance in this respect.

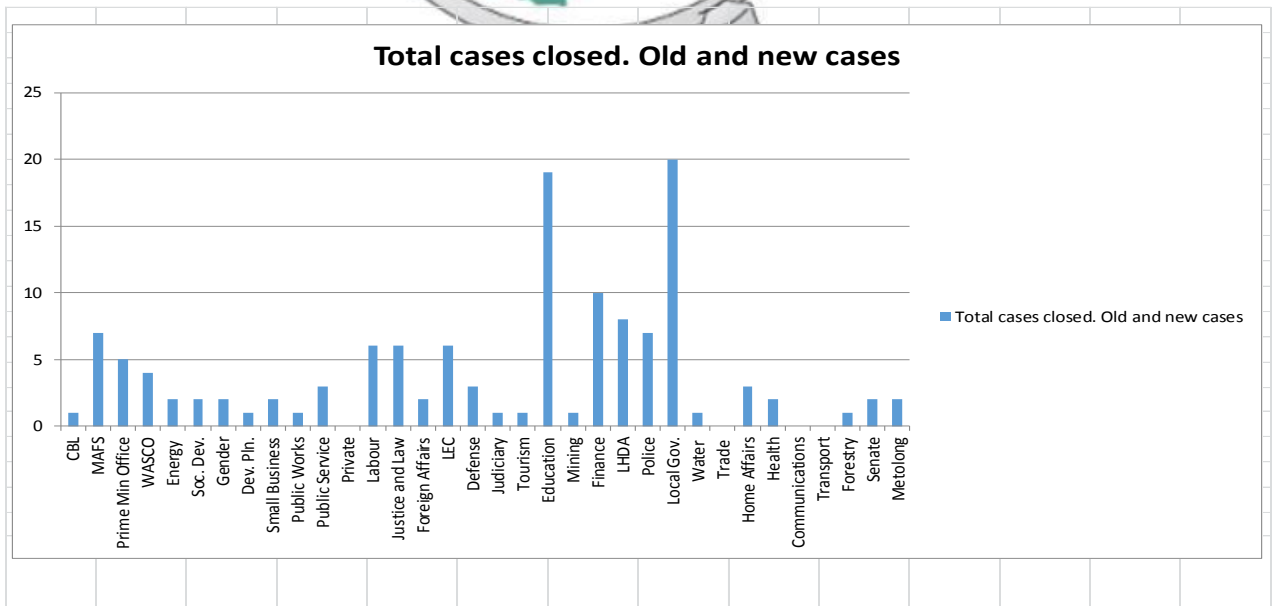
Figure 1: Total portfolio of cases for 2022/23FY by reporting agencies



The figure below shows details of closed cases:



Figure 2 – Closed cases



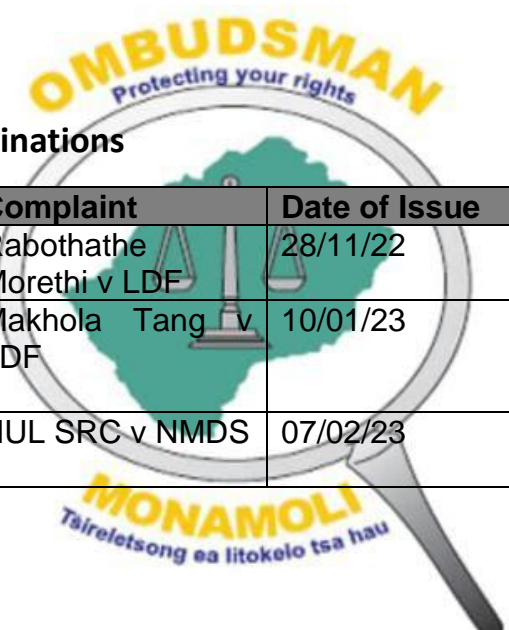
3.2 Determinations

The Ombudsman completed a further 236 official complaints that were lodged and that could have been the subject of a formal investigation.

There were 3 formal determinations delivered during the period under review which showed a decline from those released in 2021/2022.

The decrease in the number of determinations was due in part, to the fact that the Office underwent a change in leadership and undertook an inquiry investigation that required a lot of time together with thematic human rights inspections investigations at all places of detention. One of the determinations worth highlighting is of an investigation relating to the NUL students violent protest action against the NMDS, which was released on 07th February 2023. The table below shows a list of determinations released.

Table 2: List of determinations



Case Number	Complaint	Date of Issue	Status
OMB/2022/23/0010	Rabothathe Morethi v LDF	28/11/22	Closed
OMB/2021/22/0221	Makhola Tang v LDF	10/01/23	Open
OMB/2022/1	NUL SRC v NMDS	07/02/23	Open

3.3 Special Reports

The Ombudsman is enjoined by law to submit special reports to Parliament in circumstances where the offending and non-compliant ministries or agencies fail to comply with remedial action issued. During the period under review, the Ombudsman issued the following reports for Parliament's consideration:

LIST OF SPECIAL REPORT (SR) CASES TO PARLIAMENT

	CASE NUMBER	MINISTRY	COMPLAINT	DATE OF SR
1.	OMB/2021/22/0051 Leboea Leboea	Education	Non-Payment of Tlalane Liau's pension	24/02/2022
2.	OMB/2020/21/0037 Thabiso Mokone	Education	Non-payment of Special Assignment allowance	26/05/2021
3.	OMB/2020/21/0147 Matlou Hlalele	LDF	Non-payment of Salary Arrears	10/11/2021
4.	OMB/2020/21/0020 Ntai Makoetje	Local Government	Non-payment of two leaves days	7/02/22
5.	OMB/2019/20/0112 Ts'eisi Khuele	Local Government	Compensation of M197,000.50	9/08/21
6.	OMB/2018/19/0041 Matilala Fuufu	Education	Non-compliance with Ombudsman recommendations	26/05/2021
7.	OMB/2019/20/0170 Itumeleng Manyehlis	Education	Ministry did not pay the insured part of Pulane Manyehlis's death benefits	18/06/2021
8.	OMB/2020/21/0117 'Mabataung Mabona	Education	Non-payment of past-service liability	21/06/2021
9.	OMB/2020/21/0051 'Malengau Letsie	Education	Non-compliance with Ombudsman recommendations regarding Special Education	6/09/2021
10.	OMB/2018/19/0179 Mamolibeli Thane	Police	Non-payment of per diem	22/12/2020
11.	OMB/2019/20/0191 Samuel Makoro	Foreign Affairs	Non-payment of compensation for a vehicle	6/01/2022
12.	OMB/2019/20/0180 Motlalentoa Kopo	LDF	Wrong calculations of gratuity	20/06/2021
13.	OMB/2015/16/0099 Katiba Khofane	Agric	Payment for ploughing field at Mokhethoaneng	14/06/2021
14	OMB/2015/16/0092 Hloulha Lelosa	Transport	Non-payment of acting allowance	
15	OMB/2019/20/0192 'Mapali Ts'along	Public Works (Transport)	Non-payment of gratuity	

16	OMB/2016/17/0058 Tsekiso Mots'ets'e	Agric	Non-payment of outstanding balance between the amount he was paid	
17	2015/16/0013 Themba Msana	Gender	Non-payment of the services rendered by EST Maloti Media Company	
18	OMB/2017/18/0045 Nonotice Memane	Agric	Non-payment of compensation for a site	
19	OMB/2012/0110 Tokoloho Nkhahle	Agric	Non-payment of compensation as a token of appreciation	

3.3 Determinations under judicial review

During the year under review, the Ombudsman has not handled any matters that have been litigated upon in the courts seeking judicial review of determinations issued by the Ombudsman. In prior years, there are a number of authorities and agencies that commenced judicial review proceedings against the Ombudsman. Sadly, they have not yet prosecuted their cases to the point that the Ombudsman is now in the process of ensuring that these pending cases are withdrawn from the High Court's roll.

The details of the cases are as follows:

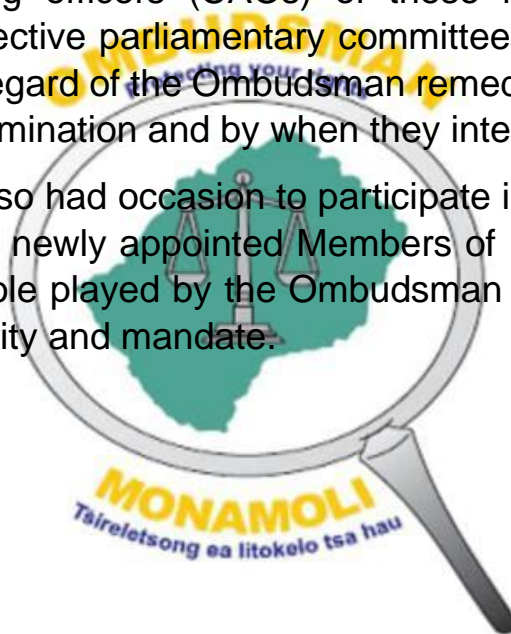
Table 4: Determinations under judicial review

Case Number	Complaint	Date of Issue	Court Case Number
OMB/2015/16/0080	Matee Mohlomi v LHDA	14/02/2018	CIV/APN/287/2018
OMB/2014/15/0143	Mathabang Mokonyane v LHDA	5/09/2017	CIV/APN/286/2018
OMB/2019/20/0138	LMDA v The Ombudsman	10/12/2019	Court interdict CIV/APN/426/2019

3.4 Parliamentary engagement in the year under review

The Ombudsman had a number of interface meetings with Parliament on various topical issues which *inter alia* included the issuance of special reports on account of non-compliance by some authorities and agencies with the Ombudsman's determinations. The non-compliant ministries included the Ministry of Education and Training (MOeT), Ministry of Agriculture, Health together with the ministry of Local Government and Chieftainship. The Ombudsman has not yet been informed as to whether the chief accounting officers (CAOs) of these ministries have been summoned by respective parliamentary committees to address them on reasons for the disregard of the Ombudsman remedial action, steps to be taken on each determination and by when they intent to comply.

The Ombudsman also had occasion to participate in the introduction and induction session of newly appointed Members of Parliament of the 11th Parliament on the role played by the Ombudsman in the exercise of her constitutional authority and mandate.



PART 4

SELECTED SUCCESS STORIES

4.1 PAYMENT OF AN ACTING ALLOWANCE

OMB/2021/22/0100

Mr. T. M. VS Ministry of Local Government and Chieftainship

The complainant approached the Office of the Ombudsman on the 8th October 2021. The gist of his complaint was that the Ministry of Local Government and Chieftainship had not paid him an acting allowance while he had acted in the Office of Human Resource Manager for a period of two (2) years. Upon receiving this complaint, the Ombudsman wrote an inquiry letter to the Ministry on the 20th July 2021 requesting for the Ministry's comments on the matter but the Ministry failed to respond.

On the 8th February 2022 the Ombudsman invited the Ministry to a meeting to discuss the complaint. The representatives of the Ministry explained that the Ministry did not owe the complainant as there was an officer who was a Human Resources Officer (HRO) at that time so there was no way that the complainant could have been allowed to act in that office. The complainant was informed of the response from the Ministry but the complainant requested the meeting with the Ombudsman whereby he informed the Ombudsman that the Ministry had provided the Office with false information regarding this issue of acting appointment. A series of consultations and meetings were held with all concerned parties and the Ombudsman's findings were that the complainant was infact owed an acting allowance by the Ministry and ordered that it should pay the complainant an acting allowance for the period 16th September 2018 to August 2020, the payment of which was to be effected within three (3) months from the date of the delivery of the determination.

Following these findings, the Ombudsman made a follow up on the implementation of the remedial action provided having established the Ministry's reluctance and hesitancy to pay the complainant. The Ministry and complainant subsequently informed the Ombudsman that complainant had been paid and the file was closed.

4.2 UNDUE DELAYS IN PROSECUTION OF LAND COURT CASE

Mr. M MOHALE - OMB/2021/22/00201

On 16th December 2021, Mr. Mohale, residing at Kubake Ha Maphokoane, approached the Office of the Ombudsman alleging that he sought legal services at Legal Aid to represent him in the District Land Court Mohale's Hoek; however, the Legal Aid had not assisted him. On receipt of the complaint, the Ombudsman wrote a letter of inquiry to the Legal Aid which was not replied to and the latter was subsequently invited to meetings until around 08th August 2022 whereby a list of cases that were not prosecuted by the Legal Aid were presented. It was established that some of the files had gone missing and while dummy files had been created, the matters had to be reallocated to a new magistrate and judge. The meeting adjourned with an undertaking on the part of the Legal Aid that an update will be given in November 2022. Later on, in 2023, the Office enquired about non-prosecution of **OMB/2021/22/0201** and **OMB/2021/22/0202** and the Legal Aid promised to ensure that the cases were prosecuted. The Ombudsman was informed that dates of hearing were obtained and that the matters will continue in January 2024 and March 2024 respectively upon which the Ombudsman will close the complaints.

4.3 REFUSAL TO PAY MEMBER SITTING ALLOWANCE

OMB/2022/23/0165 – T MASAO VS MINISTRY OF EDUCATION AND TRAINING

The Office of the Ombudsman received a complaint by Ms T Masao against the Ministry of Education and Training on the 10th of October 2022 wherein she complained that the ministry did not pay her sitting allowance as a member of the Teaching Service Tribunal on allegations of being a civil servant. In support of her claim for membership sitting allowance, the complainant attached a government gazette, Vol. LIII No. 38 dated 2nd June, 2008. She indicated that she was appointed to be a member of the Teaching Service Tribunal on the 21st February 2019 as per Legal Notice No 18 of 2019. Additionally, the complainant specified that the Tribunal commenced on its duties around June 2019 though they did not get paid their allowances due to lack of funding at the time.

On the 18th of November 2022, an investigator in the Office of the Ombudsman sent an inquiry letter to the Principal Secretary (PS) in the Ministry of Education and Training. The Principal Secretary was requested to revert with comments within ten (10) working days of the receipt of the inquiry letter but to no avail. The investigator made a phone call to the complainant on the 20th of March 2023 to find out if she got paid. The complainant advised that she was very thankful as she got paid sometime in January 2023, shortly after the Ombudsman made an inquiry letter to the PS. Therefore, the matter was solved, and the case closed.

4.4 T. LEKOMETSA VS NATIONAL UNIVERSITY OF LESOTHO OMB/2022/23/0200

On the 10th of January 2023, the Ombudsman received a complaint by Tumelo Lekometsa against the National University of Lesotho (NUL). In gist, he alleged that he had been contracted as a Data Capturer in the Department of Central Administration for fifteen (15) days in September 2022 but did not get paid. The complainant had attached his contract with NUL to support his complaint wherein its terms of employment was daily paid. A letter of inquiry from the Ombudsman was sent to the Vice Chancellor on the 16th of February 2023 asking him to give comments on the matter within ten (10) working days from the date of receipt of the same. On the 20th of February 2023, the complainant informed the investigator that he had received his money. The case was closed upon confirmation by the complainant.

4.5 Mr M. vs WASCO OMB/2022/23/0136

On September 20, 2022, the Ombudsman's office received a complaint from Mr M., who was aggrieved that his property was damaged when water from burst pipes belonging to WASCO, filled his residential house. Mr M reported in his grievance that in 2013 the water pipe burst, and the house was filled with water, causing great damage to the furniture in his house. Similar incidences occurred again in 2015 and 2021. Following each of these occurrences, the complainant had been reporting the damage to WASCO, wherein he would always been requested to provide quotations for the damage but nothing materialised until he decided to approach the Ombudsman's Office in 2022.

Upon receipt of the complaint, the Ombudsman's office-initiated investigations by contacting WASCO to get their side of the story regarding Mr M. complaint. After a few attempts to get hold of responsible offices at WASCO, the Ombudsman's office was informed that the assessment had been conducted on the damaged property and that Mr M. had been requested to provide a technical report for his cellphone and other electronic property that he had alleged was damaged by water. The said report as said to be holding the whole assessment process which would then enable the insurer to compensate Mr M. The Office then contacted Mr M. and advised him to provide the technical report as requested so as to enable completion of the assessment process. He indeed provided the said report to the insurance company and was duly compensated for the damage. Mr M. was satisfied with the compensation amount and the case was therefore closed.

4.6 L MOHLALISI VS LEC OMB/22/23/0228

On 09th February 2023, the Ombudsman was approached by the complainant who claimed that an LEC pole fell on her property; roofing, pillar, as well as the boundary wall and solicited the Ombudsman's intervention to mediate in her situation. The complainant mentioned that she had requested for compensation for her damaged property from the LEC following this incident and was told that it was not possible as there was no negligence on the part of LEC. A number of consultations ensued to identify a common date on which a site inspection visitation would be made and it was only held on 27 June 2023 and it transpired that complainant had dug very closely to the LEC electricity poles when building her boundary wall and without consulting the LEC beforehand, and based on the fact that the LEC poles were already in place when complainant first developed her site. Further, that she had violated her building permit terms as it explicitly stated that the complainant, as the holder, had an obligation to provide enough servitude for the LEC infrastructure and that her plot coverage, building lines and setbacks did not pose any problems. The Ombudsman was of the opinion that complainant should have consulted the LEC prior to digging very close to the poles and that this was the cause of the poles collapsing. The complainant was notified that on the basis of all these violations, her case was closed in favour of the LEC.

4.7 SETTLEMENT OF THE LESOTHO HIGHLANDS WATER PROJECT (LHWP) RELATED COMPENSATION CLAIMS

OMB/SO/4 – NON-PAYMENT OF COMPENSATION

Following a public inquiry and recommendations made by the Ombudsman in 2006 and 2010 around the Katse and Mohale communities that had been affected by the Phase I, Project I developments in the area, the Ombudsman realised in 2021 that some of the complaints lodged remained unaddressed and that the LHWP had not paid some affected parties any compensation like others whose rights were also affected. The Ombudsman raised its concerns with the Lesotho Highlands Development Authority (LHDA) around the recommendations, which had always indicated that compensation was ready though it remained unpaid. The Ombudsman then reached out to the Lesotho Highlands Water Commission (LHWC) so that it could ensure that the LHDA deals with the complaints to finality and with the seriousness they deserved. The LHWC directed the LHDA to engage communities with settlement compensation offers, which the Ombudsman had to endorse. The proposal was tabled before the Ombudsman in an effort that the proposed packages would take the inflationary adjustment rate into account considering the fact that the initial claims were lodged some 15 years prior thereto. The Ombudsman recommended that

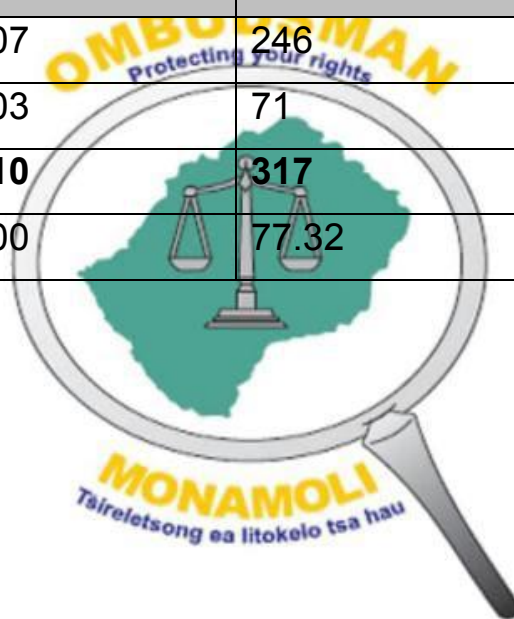
- (a) The settlement adjustments be aligned with the LHWP compensation policy and that consultations be made with affected individuals and communities.
- (b) All claims lodged with the LHDA and the Ombudsman should stand, be settled and compensation should be paid on the basis of new determined rates as approved and should not fall foul of prescription laws.
- (c) The LHDA to employ a more inclusive means of sensitizing and raising awareness to affected communities so that the process could be concluded much quicker.

The LHDA has complied with the Ombudsman's recommendations; however, compensation has been delayed due to the fact that some complainants were absent from initial villages they lodged their complaints at while in other cases, some were in South Africa seeking job

opportunities while some were yet to identify the rightful heirs as the original complainants were now deceased. The LHDA has undertaken to complete this exercise by the end of 2023. The table below is a reflection of all the complaints lodged through the Office of the Ombudsman that are still outstanding and subject to the proposed settlement:

Table 5: LHDA Complaints lodged

LHWP Area	Complaints	Consulted	Not Consulted
Katse	307	246	61
Mohale	103	71	32
Total	410	317	93
Percentage %	100	77.32	22.68



PART 5

CIVIC EDUCATION AND PUBLIC AWARENESS CAMPAIGNS

In order to advance its mandate, the Office of the Ombudsman has to impart knowledge about its service offerings through regular and consistent public awareness campaigns and information sharing via available public dissemination platforms. The Ombudsman has recognised the fact that accessibility to services of the office is restricted in part by the lack of appropriate structures regionally so that people in remote areas are not limited when they require remedies for injustices suffered at the instance of public authorities and agencies alike.

During the period under review, the Office developed a comprehensive public awareness and stakeholder engagement strategy. The intention is to influence and improve communication with the Office's internal and external stakeholders on activities of the Office of the Ombudsman as influenced by public views on amongst others, fighting corruption and maladministration in Lesotho. It also embarked on sensitisation programmes *via* radio, television programmes, print and social media to raise awareness on the operations in general. Programmes were on Radio Lesotho with national coverage, MoAfrika radio, Molisa-a-Molemo radio station, Mafeteng community radio station and other district radio stations with a high volume of listenership.

Due to financial constraints, the office was unable to proceed on sensitisation meetings and public rallies in remote areas where the public can be educated about their constitutional rights to access services at no cost. The intention is still to embark on a more aggressive campaign tailored at reaching out to the masses and distribute information pamphlets on the work of the Office in general. As at the end of the financial year, a lot of people were empowered via social media, print media and radio stations on how they can report on maladministration, violation of fundamental human rights, corruption and how public officers should be held to account.

PART 6

INSPECTION OF PLACES WHERE PERSONS ARE DETAINED FOR SAFE CUSTODY OR IN TERMS OF THE LAW

Pursuant to the Ombudsman Act, the Ombudsman or any officer authorised by him may, at any reasonable time and upon sufficient notice to the specified authority concerned 'enter and inspect police, military or prison cells, government hospitals, asylums or other places or centres where any person is detained or kept, whether for safe custody or in terms of any law.

The Ombudsman embarked on an inspection program from January 2023 of correctional facilities and hospitals nationwide. The objective of the inspections was to establish whether the conditions prevailing at these institutions are conducive to or fit for human habitation. This exercise was also pursued in line with the Office of the Ombudsman's strategic objective aimed at intensifying advocacy for increased adherence by government authorities for the implementation of minimum standards in the promotion and protection of human rights.

The visit afforded the Ombudsman an opportunity to establish whether there were also improvements in the conditions of the correctional facilities and hospital where inmates and patients are kept in response to its recommendations to both the Ministry of Justice, Law and Parliamentary Affairs and the Ministry of Health (MoH) following visitations undertaken in pursuance of this mandate in prior years. The last inspections at public hospitals were conducted in 2015 but subsequent follow up inspections were delayed due to varied reasons including the Covid -19 pandemic. During this period, 14 correctional facilities and 20 hospitals were visited to establish whether their human rights are being upheld.

PART 7

INSPECTION OF THE ENVIRONMENT

The Ombudsman is enjoined by law to initiate investigations where it is alleged or it has come to his or her notice that there is an instance or threat of degradation, depletion, destruction or pollution of the natural resources, environment or ecosystem.

During the period under review, the Ombudsman was not able to undertake this task, primarily because of insufficiency of resources. The Ombudsman has observed a challenge with waste disposal in urban areas and water pollution by mines, which has become a menace to society and hazard. There are many disposal waste dumping sites that are deemed illegal but remain unprotected. Not much seems to have been done around the degradation and pollution of the environment and ecosystem. Funds permitting, this is an area deserving much attention and the Ombudsman intends in part, to embark on an investigation into the devastating effects and impact of pollution from mining operations on water sources in different mining districts so that the responsible and relevant authorities are placed to terms to deal with and address these health hazards.

PART 8

INTERNATIONAL PARTNERSHIPS

During the 2022/2023 financial year, the Ombudsman continued to network and collaborate with regional Ombudspersons and activities, with a focus of ensuring that the office builds a synergistic partnership with key players in the sector, both locally and internationally. As a result, the Office of the Ombudsman has been participating at virtually organised webinars by AOMA, as well as the IOI. These platforms provide an opportunity for members to collaborate on issues of common interest, exchange information, skills and experience and assist with enhancing professional capacity of institutions. The only disjuncture is that Office has outstanding membership fees for both bodies cumulated over a number of years; which in turn precludes Lesotho from voting at general assemblies. This matter needs to be addressed in earnest as it remains the only country that is lagging behind in this regard.

PART 9

CORPORATE SERVICES/ADMINISTRATION

9.1 FINANCE

The Ombudsman Annual Budget

During the period under review, there remained only one funding stream at the Ombudsman's office viz the recurrent budget. The Office received funds from the Government to carry out its mandate; it does not however, receive any funding from development partners through specific projects save for a contribution that was made by the United Nations resident office in the amount of M55 800-00 intended to undertake human rights inspection visitations at correctional facilities nationwide in the last quarter of the financial year.

The recurrent budget allocated to the Ombudsman for the fiscal year 2022/2023 totalled Fifteen Million and Twenty - Six Thousand Eight Hundred and Thirty-Seven Maloti (**M15, 026,837.00**) and the released warrants amounted to **M12 911 586.00**. The funds were intended for the execution of planned activities and to cater for other operational costs. Below is the percentage subhead allocation of the approved budget and the expenditure.

The 2022/23 budget in percentages: Approved and expenditure per subhead

Table 6: Breakdown of revised and released budget vs actual expenditure

SUB-HEAD	REVISED BUDGET	RELEASED BUDGET	ACTUAL EXPEDITURE	VARIANCE	% OF EXPENDITURE
PERSONAL EMOLUMENTS	5, 617, 173.00	5, 249, 975.00	5, 249, 839.57	367, 333.43	93
TRAVEL AND TRANSPORT	856, 839.00	856, 837.96	846, 818.83	10, 020.17	98
OPERATING COSTS	8, 475, 547.42	6, 727, 496.33	3, 874, 015.24	4, 601, 532.18	46

Non-Financial Assets	77,277.00	77,277.00	77,277.00	0.45	100
TOTALS	15,026,836.42	12,911,586.34	10,047,950.199	4,978,886.23	67

The Office has spent 67% of the revised budget. This low actual expenditure is attributed to unspent supplementary budget for rent. It is critical to also highlight that as a consequence of Government's financial crisis and moratorium issued on spending, it was very difficult to implement and execute some of the planned activities of the Office during the year under review as Government suspended expenditure on some of the line items, which, will be carried over to the next financial year for implementation.

9.2 ADMINISTRATION

9.2.1 Office Accommodation

For quite some time, the Office of the Ombudsman has been trying to secure suitable premises where a new development can be constructed to house the Office at a cost-effective price and on a permanent basis. The process has proven unfruitful as the Office has not been able to secure any premises to date.

Outstanding rent for the previous financial year 2021/2022 was eventually paid at the end of the financial year. The accommodation contract expired on 30 March, 2023 and arrangements were made to enter into a new rental sublease agreement for a further period of 5 years.

9.2.2 Communication

The Office utilises various communication platforms in advancing its day-to-day operational duties. Part of the key functions undertaken by the investigations team is to undertake follow ups with relevant ministries and agencies. Due to Government financial challenges experienced during the

reporting period, it became increasingly difficult for the team to undertake its functions as expected in the absence of telephones and for an extended period of time. Nonetheless, they did the best they could even under the circumstances.

9.2.3 Transport

The Office of the Ombudsman has a total of five (5) vehicles, two (2) of which are Government owned while three (3) are Basotho owned. The contracts of the Basotho owned vehicles expired and the Office was allowed by the Ministry of Finance to lease other vehicles on three (3) months contract each. Two Government owned vehicles are a Nissan Hardbody and Polo Vivo while the other three Basotho owned vehicles comprise of two Toyota 4 x 4GD6 type and Toyota Corolla. The polo vivo is still with Nissan to be attended with mechanical problems. All the other vehicles are operational and in good condition.

The Ombudsman uses one of the Basotho owned vehicles as an official car as the office is unable to purchase a legislatively prescribed Lexus vehicle due to budget constraints.

9.3 RECOMMENDATIONS

Cognisant of the issues highlighted above, the Office has the following recommendations that have to be addressed in earnest with a view of enabling it to undertake its mandate effectively and efficiently in the next years:

- Much as funding is never enough, the Office's budget should be improved to enable it to carry out its mandate satisfactorily. The fact that most of the budget is allocated to the payment of salaries and rent alone is particularly telling that the budget allocation for the Office is misplaced and requires review.
- A permanent home with sufficient space and equipment for the Office be made available; to this extent, it is proposed that a new office building complex should be built for the Office.
- At least two regional offices in both the north and the south should be opened to make the services of the Ombudsman more accessible in the districts.

- Affiliate membership fees for regional and international associations be fully paid up to enable the Office to participate in these fora as expected.
- Legislative reforms to allow for the Office to gain full autonomy so that it can be resourced better from both a capacity and capability point of view. Further, to ensure that to give effect to recommendations of the Ombudsman, they be deemed binding, effectual and enforceable in law.

10. HUMAN RESOURCES

10.1 General

In terms of staffing levels as at 31st March 2023, the Office had 33 members of staff, with 7 of those constituting core business staff within the investigations department. This represents 87% staffing level and 13% vacancy rate. There are still 5 vacant positions which have not been filled as at year end as a moratorium was issued by government to halt the appointment of staff during the year.

There has further been a lot of movement of staff from ministries through lateral transfers and these include the following:

- The Finance Officer was transferred to the Office on 01st May 2023.
- The Assistant Finance Manager position was filled through a transfer from the Ministry of Health with effect from 01st April 2022.
- The Principal Investigations Manager, who was the senior most officer in the Investigations Department retired on 23rd April 2022 upon attaining the requisite age. She had served the Ombudsman's office since 2006.
- Senior Investigator was promoted to Manager Investigations with effect from 1st May 2023.
- The Assistant System Support Officer was transferred on promotion to the Ministry of Finance with effect from 1st November 2022.
- The vacant Senior Investigator position was filled with effect from 01 September 2022 with a lawyer from the Ministry of Law and Justice
- The vacant Investigations Officer position was filled with effect from 01 September 2022.

- Assistant procurement officer was recruited and appointed with effect from 01st May 2022.
- Assistant administration officer was transferred from the Ministry of Police to the Office with effect from 01 April 2022.
- There is still a vacant position within the Administration Department for a driver to be recruited into the Office.

A need has been identified to empower the team with the appointment of a Chief Legal Officer (CLO) for the institution and this will require authority to be requested for the recruitment of such personnel. The unavailability of an in-house legal counsel limits the Office's ability to attend to operational legal challenges and requires urgent redress.

The investigations team still requires additional personnel to be recruited in order to have a full complement of investigators and relieve some of the overwhelming workload in the department. There are still four (4) vacant positions available on the structure that need to be filled.

10.2 Training, Workshops, Seminars and Conferences

Local

A need has been identified to have structured capacity building programmes for staff which include refresher courses, study tours to institutions pursuing similar objectives in the region including international exchange programmes.

- The Ombudsman attended and was a panelist at a lawyers' workshop on ensuring access to justice in Lesotho arranged by the International Commission of Jurists (ICJ) in Maseru during the last quarter of the year.
- Principal investigator attended the National training on Treaty body reporting to members of the Lesotho National mechanism for reporting and follow up in Maseru between the 16th and 18th August 2022.

International

- The Ombudsman attended the Southern African National Human Rights Institutions' Convening in Cape Town that was intended to discuss the eradication of conversion practices in Africa in August 2022. The convening was arranged and sponsored by Outright Africa.
- The Ombudsman attended a high-level SADC judges regional meeting on independent prison oversight mechanisms in Johannesburg between 26th and 27th October 2022. The meeting was arranged by the South African Litigation Centre (SALC).
- Ombudsman attended numerous other seminars virtually that are organised by the African Ombudsman Research Centre (AORC) on behalf of African Ombudsman Mediation Association (AOMA), which traversed key topical issues including a webinar on mediation as an alternative dispute resolution mechanism in January 2023.
- Two senior investigators attended a workshop held at the Constitutional Hill, Johannesburg on 26th to 27th January 2023 organised by the South African Human Rights Commission (SAHRC) and the Association for the Prevention of Torture (APT). The workshop was intended to discuss the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and women deprived of their liberty.
- The Principal Investigation Officer attended a Human rights defenders training in Johannesburg, South Africa between the 17th and 19th May 2022.

10.3. AFRICAN PEER REVIEW MECHANISM

The Office of the Ombudsman participated at an interactive meeting with the APRM mission deployed to Lesotho between 24th September to 5th October 2022. The focus of the targeted review was focused on 'The unconstitutional change of government in Africa' as a thematic issue.

11. LEGAL – LAW REFORMS PROCESSES

The year under review was the second year following the Office's submissions relating to the law reforms which would culminate into a process of ensuring that there are amendments to the Ombudsman Act and development of regulations as provided for in the Act. The Office submitted proposed amendments based on consultations it had and envisaged changes to be effected to the Constitution. The delays in the reform processes continues to hinder the work the Office does as, in their absence, the remedial action issued is deemed by many as non-binding and ineffectual.

PART 12

12. CHALLENGES

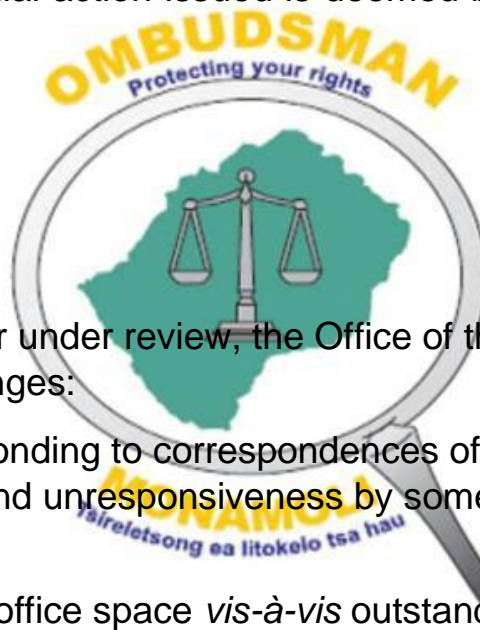
12.1 During the year under review, the Office of the Ombudsman faced the following challenges:

12.2 Delays in responding to correspondences of the Ombudsman and outright disregard and unresponsiveness by some public authorities and agencies.

12.3 Limitations in office space *vis-à-vis* outstanding rentals.

12.4 Information and Communications Technology (ICT) constraints – the Office has experienced host security vulnerabilities and fell victim to website accessibility which negatively impacted on the public's user experience and online presence. The Office is in the process of implementing solutions to mitigate the problems identified.

12.5 Budget constraints - the Office of the Ombudsman administratively falls under the Minister of Justice, Law and Parliamentary Affairs and is subject to normal government controls like any other Ministries/ Departments. The Office continues to suffer from budget cuts and is therefore unable to advance its mandate fully due to insufficiency thereof to cater for all its needs including capacity building and staff training. The limitation in financial resources hinder the Office to benchmark and secure exposure to other sister institutions regionally and internationally, including the attendance of annual conferences and symposiums.



12.5 Uncooperative ministries and agencies

The conduct of some ministries and agencies towards the Office is still of concern. There are recalcitrant chief accounting officers within ministries who do not cooperate with the Ombudsman during the course of the investigations while some are reluctant to comply with her recommendations. This causes delays in the resolution of complaints and amounts to an injustice to complainants. This has further resulted in backlog of unresolved matters on a year-on-year basis which cannot be closed until such time that the offending ministries have complied.

The total backlogged complaints had reduced from 247 to 244. Even though backlog had reduced by 3 units, the reduction is insignificant.

The Ombudsman is concerned that this backlog has proven expensive both in time and resources for the following reasons: the institution has only seven (7) investigators, it is unrealistic that each investigator would comfortably carry forward on an average 61 complaints as revealed by the total number of complaints carried forward from 2021/22 into 2022/23 plus new complaints received in 2022/23. In addition, more often than not, the respondent ministries or agencies become defensive, lack openness and in the process hide information, thereby delaying even simple investigations. Further, the loss of records or reluctance by ministries to locate records is rampant and seems to be a systemic problem across ministries; this could be another form of refusal to divulge information.

Figure 4: Backlogging cases overtime: 2016/17FY to 2022/23FY

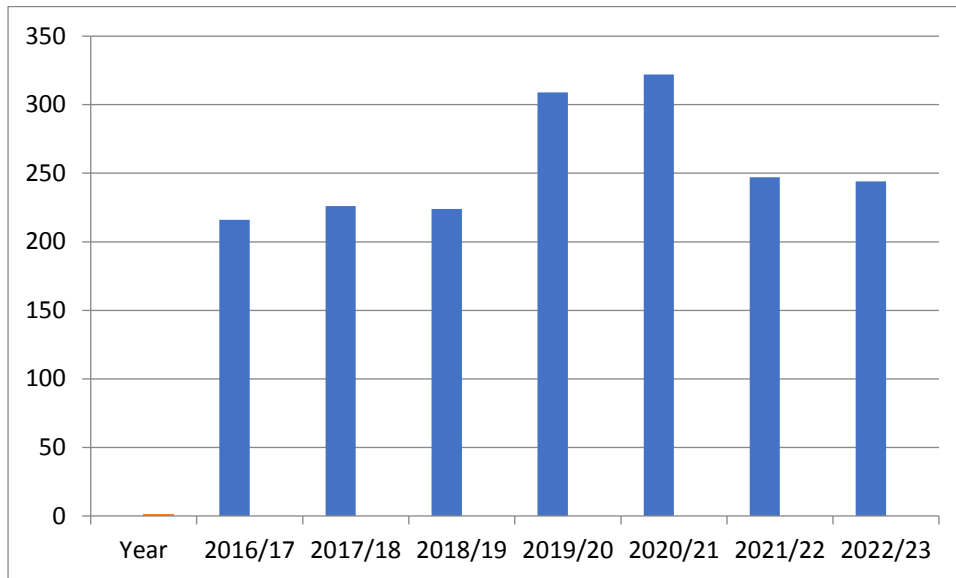


Figure 4 above indicates total number of backlogged cases per year from 2016 to 2023. Secondly, the figure depicts a serious backlog of complaints. Thirdly, the figure shows a steady increase of backlogged cases from 2016/17 to 2020/21 and a decline from 2020/21 to 2022/23. Thus signalling a progress towards resolution of backlogged cases was faster from 2020/21 to 2022/23 financial years.

Figure 5: Distribution of cases (count) on backlog by mandate area (2022/2023)

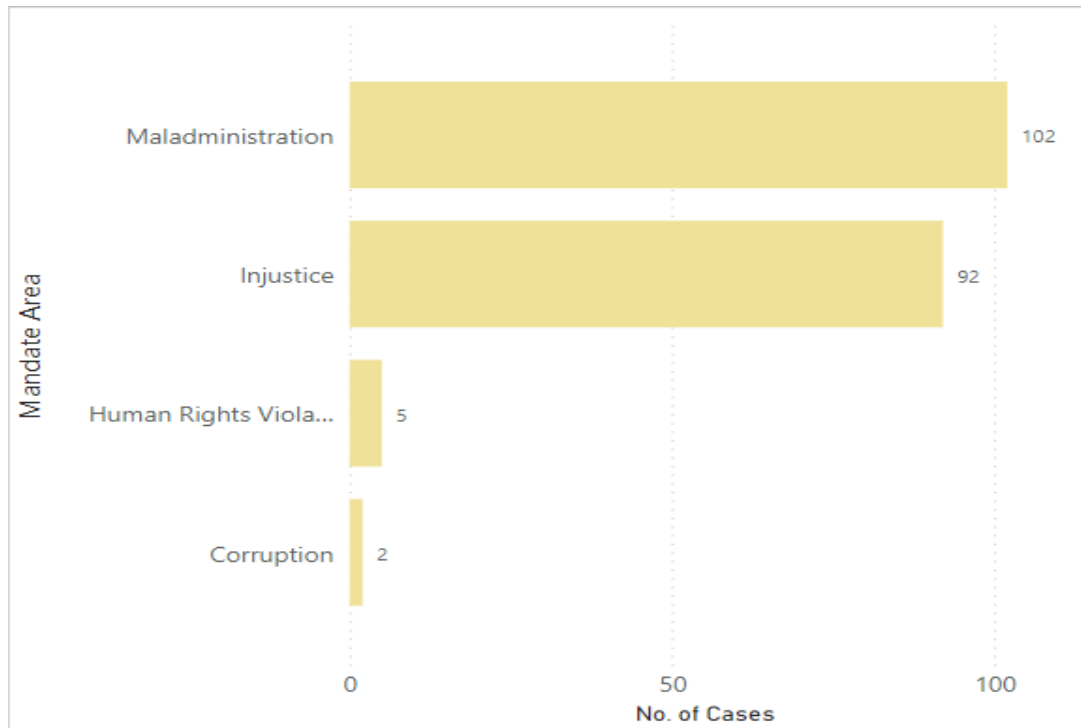
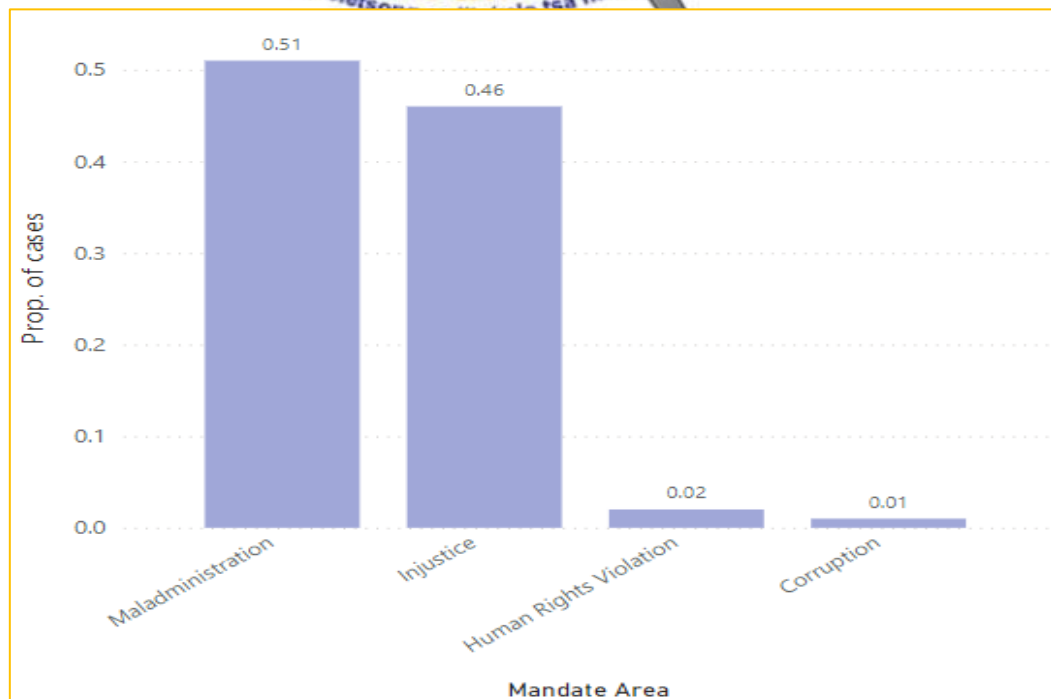


Figure 6: % Share of cases on backlog by mandate area (2022/2023)



12.6 Decentralisation/Accessibility

The Office is still highly centralised, making it difficult for people residing in far places or districts. Even though there were regional complaints intake clinics conducted with the aim of bringing services closer to the citizens, the exercise has failed to attract many complaints from the public and it does not have national coverage. The inadequacy and inconsistency in holding public awareness campaigns as a result of insufficient funds has contributed to the failure of intake clinics during the year.

12.7 Case Management System

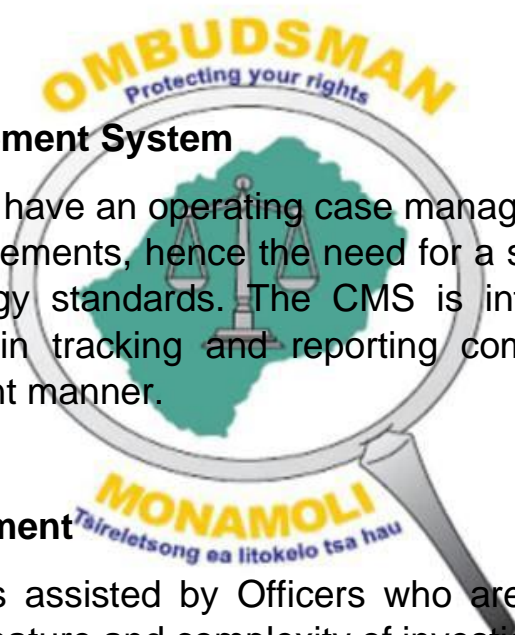
The Office does not have an operating case management system (CMS) that meets its requirements, hence the need for a system that caters for the latest technology standards. The CMS is intended to assist the investigative team in tracking and reporting complaints in the most effective and efficient manner.

12.8 Staff Recruitment

The Ombudsman is assisted by Officers who are recruited within the public service. The nature and complexity of investigations that the Office undertakes in some instances requires specialised skills set and there is therefore a concomitant need to ensure that it operates with a level of agility that allows for it to recruit directly from the market. Staff of the Ombudsman has to therefore be under the direct control of the Ombudsman and should not be recruited purely from the public service. It is anticipated that with the reforms processes underway, the Office will gain full autonomy to enable it to procure such critical skills and human resources directly from the market.

12.9 Office Accommodation

Office accommodation remains one of the biggest challenges at the Office. 30% of the budget allocated to operating costs goes to rent leaving 70% to all other activities of the Office. Important activities such as public awareness campaigns consequently suffer.



PART 13:

STATISTICAL ANALYSIS OF COMPLAINTS DEALT WITH DURING 2022/2023

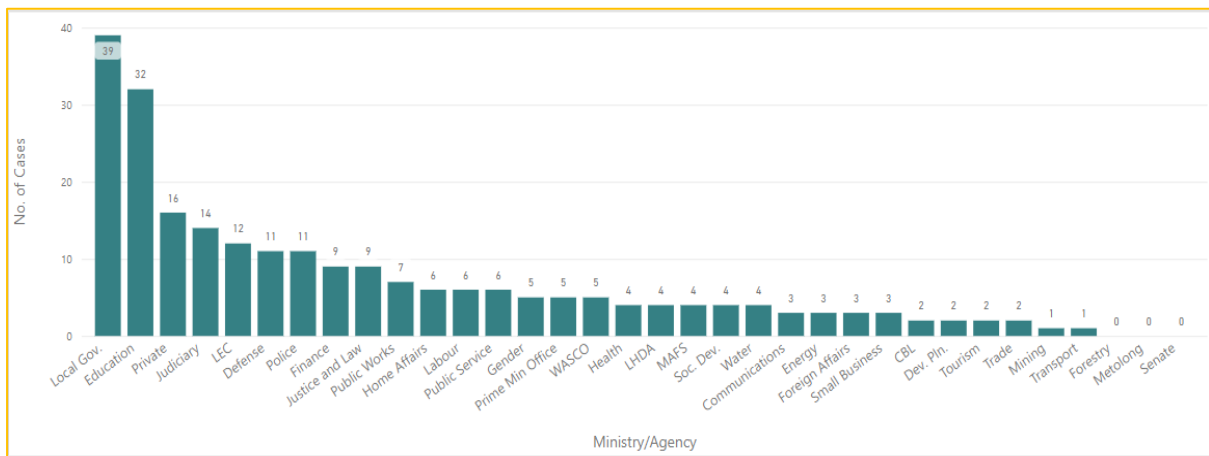
Table 7:

Ministry/Agency	Cases Brought Forward from (2021/22)	Cases from (2021/22) closed in 2022/23	Cases not closed hence Carried Forward (2022/23)	Received (2022/23)	Sustained (2022/23)	Not Sustained (2022/23)	Cases closed (2022/23)	Cases not closed hence Carried Forward (2023/24)	Total cases not closed hence Carried Forward (2023/24)
CBL	0	0	0	2	2	0	1	1	1
MAFS	14	8	6	4	1	2	0	1	7
Prime Min Office	2	0	2	5	3	2	0	3	5
WASCO	4	3	1	5	5	0	2	3	4
Energy	2	2	0	3	2	1	0	2	2
Soc. Dev.	1	1	0	4	4	0	2	2	2
Gender	1	0	1	5	1	4	0	1	2
Dev. Pln.	1	1	0	2	2	0	0	2	2
Small Business	1	1	0	3	2	1	1	1	11
Public Works	11	1	10	7	2	5	0	2	1
Public Service	1	1	0	6	4	2	2	2	2
Private	0	0	0	16	0	16	0	0	0
Labour	6	6	0	6	0	4	0	2	2
Justice and Law	6	6	0	9	1	7	0	1	1
Foreign Affairs	3	2	1	3	3	0	0	3	4
LEC	10	5	5	12	6	6	1	5	10
Defense	12	1	11	11	8	3	2	6	17
Judiciary	15	1	14	14	5	9	0	5	19
Tourism	0	0	0	2	1	0	1	0	0
Education	33	17	16	32	23	9	2	21	37
Mining	1	1	0	1	0	0	0	0	0
Finance	29	8	21	9	6	3	2	4	25
LHDA	32	6	26	4	2	2	2	0	26
Police	6	4	2	11	7	4	3	4	6
Local Gov.	36	10	26	39	24	15	10	14	40
Water	1	1	0	4	3	1	0	3	3
Trade	1	0	1	2	0	2	0	0	1
Home Affairs	2	1	1	6	4	2	2	2	3
Health	6	2	4	4	1	3	0	1	5
Communications	0	0	0	3	1	2	0	1	4
Transport	3	3	0	1	1	0	1	0	0
Forestry	2	1	1	0	0	0	0	0	1
Senate	2	2	0	0	0	0	0	0	0
Metolong	3	2	1	0	0	0	0	0	1
Total	247	97	150	235	124	105	34	92	244

The Office of the Ombudsman saw a decline in the number of new complaints. Whereas in the 2021/22 annual report it was reported that the Office had received a total of 240 new complaints, in the year under review (2022/23) a total of 235 complaints were received. Of these new complaints, 124 were sustained and 105 were not sustained for various reasons ranging from lack of jurisdiction, failure to exhaust internal remedies and/or outright absence of merit in the complaint. By

comparison, new complaints, which were received by the Office this year, were fewer than the previous year by only 5 complaints. Sustained complaints were reduced from 176 in the 2021/22 report to 105 in 2022/23 report. Out of 482 complaints only 236 were closed as compared to 241 complaints closed in the 2021/22 report, showing no increase nor decline in the percentage of closed cases.

Figure 7: Cases received in 2022/23FY by Reporting Agencies



Comparatively, in the prior year:

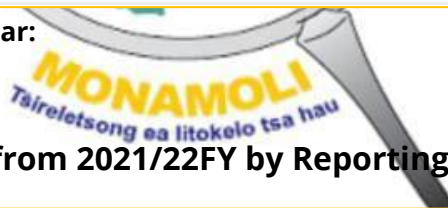


Figure 8: Cases received from 2021/22FY by Reporting Agencies

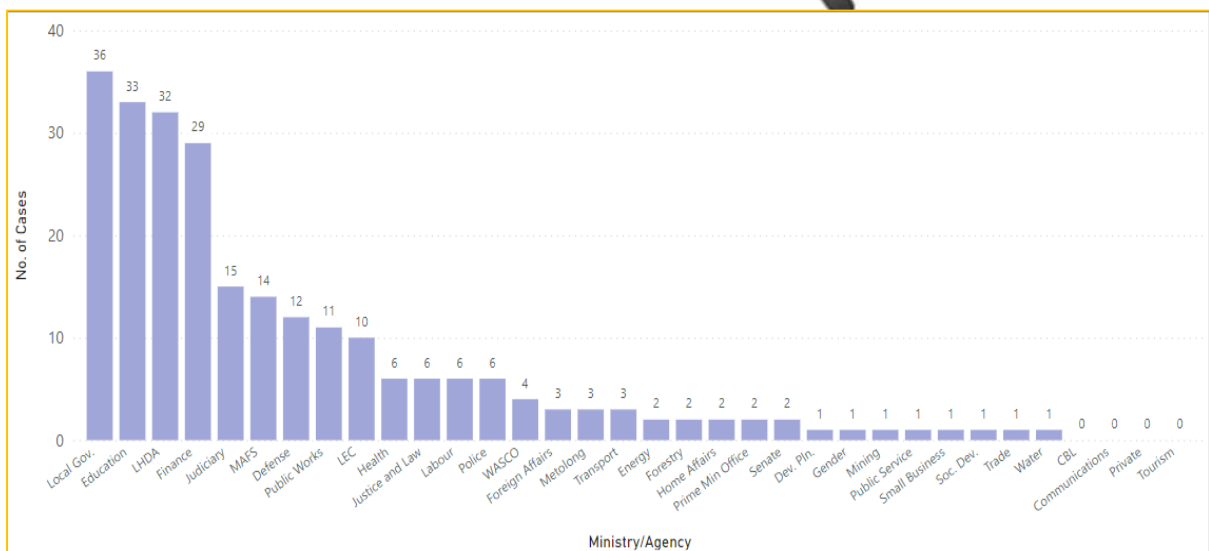
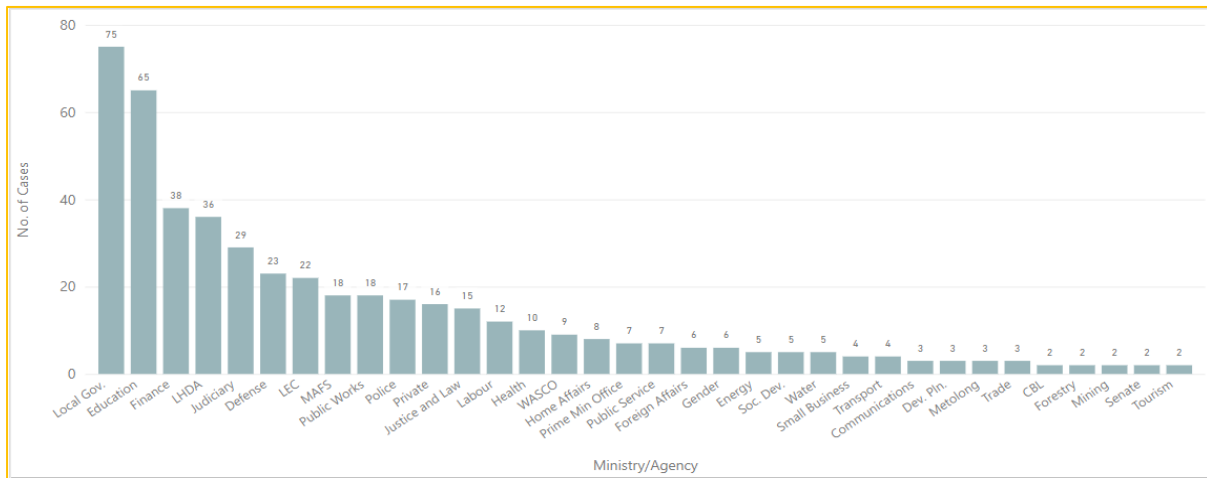


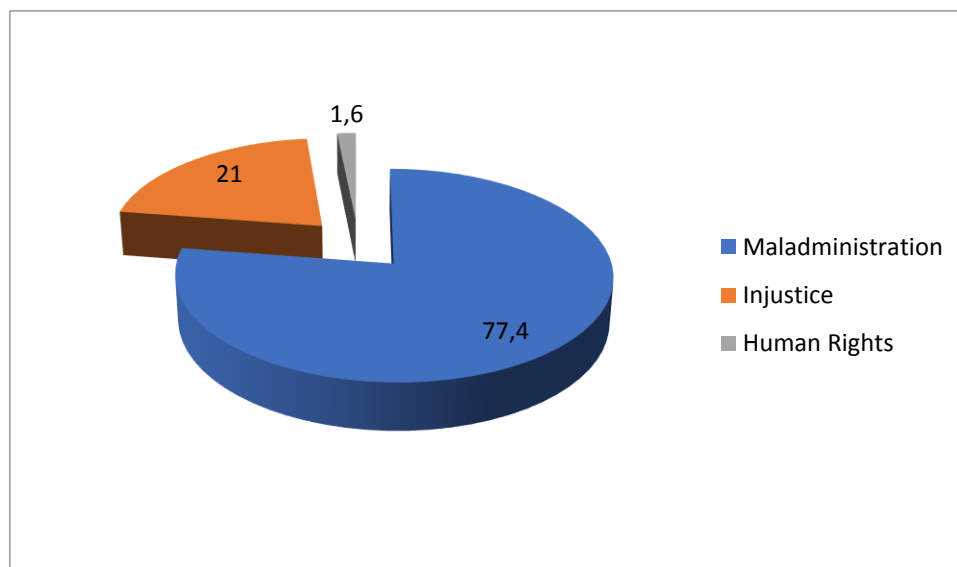
Figure 9: Total Portfolio of cases for 2022/23FY by Reporting Agencies (Cumulative)



Another matter worth noting is the number of complaints investigated under each of the mandate areas of the jurisdiction of the Ombudsman. It will emerge from Figure 10 below, that the Office received the most complaints in the maladministration area with 96 complaints (77%), 26 injustice (21%) followed by human rights violation with only 2 complaints (1.6%) and 0 complaints were received from Environmental degradation and corruption in 2022/23.

Figure 10:

CASES BY MANDATE AREA IN PERCENTAGES



The Ombudsman does not have jurisdiction to receive and initiate investigations into complaints against the private sector and is entrusted with the responsibility of inculcating a culture for the respect of the rule of law together with the promotion and protection of human rights and freedoms; and currently undertakes the work of the human rights commission in its absence. Presently, human rights violations committed within the private sector are addressed through the courts system thus denying the vast majority of complainants an opportunity to benefit from service offerings of the Ombudsman for free.

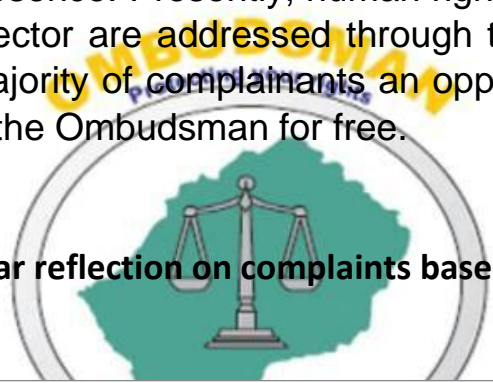


Figure 11: Year on year reflection on complaints based on mandate areas

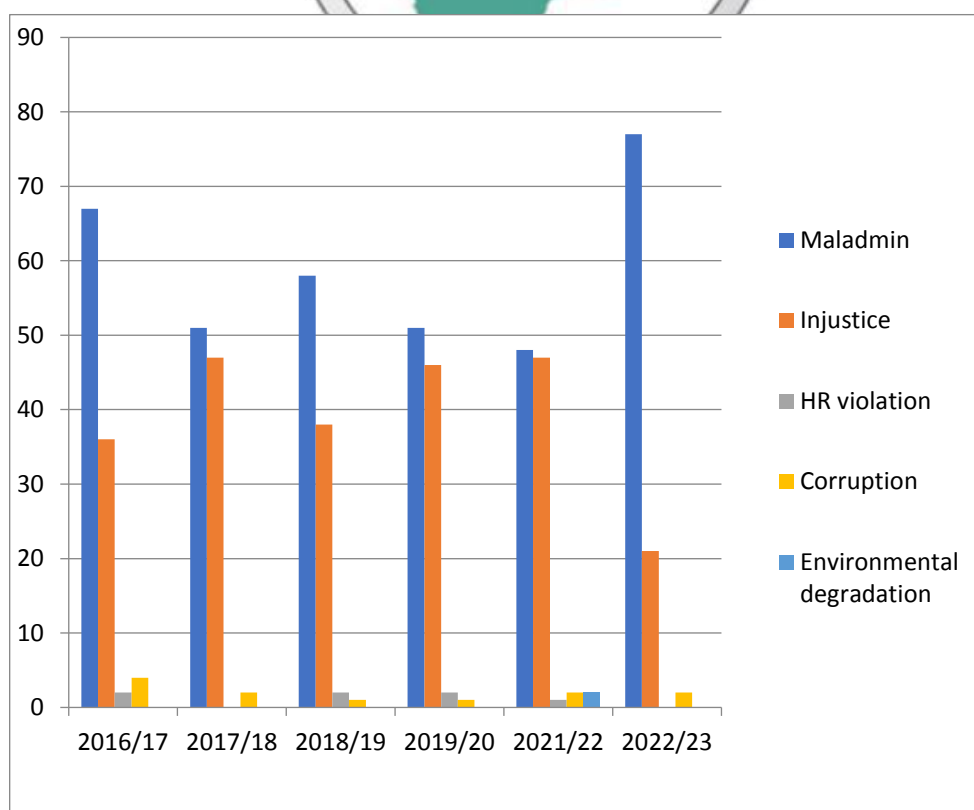


Figure 11 reflects an increase in complaints lodged on allegations of maladministration from 2016 to 2022. There was an increase in

complaints emanating from injustices from 2016, which have significantly decreased in 2022. Notable that an increase in maladministration cases has led to a decrease in the number of injustices complaints suffered. This is due to the fact that there is a very thin line between a maladministration injustice and an injustice itself.

PART 14:

CONCLUSION AND WAYFORWARD

Looking forward to 2023/24, the Ombudsman's key priorities are safeguarding of the office's independence through intensified investigative work and holding of inquiries; consolidating synergistic collaboration with its key stakeholders across the public sector to ensure that there is improved compliance rate with determinations; intensifying civic education activities; increasing accessibility and visibility; strengthening institutional capacity building and intensifying resource mobilization interventions.

Through the 2023-2029 strategic plan, the Office is set to reposition itself by not just leveraging on its past achievements made over the years, but by also entrenching a culture of zero tolerance to maladministration, malpractices and unethical conduct in public services delivery.

The Office remains committed to sustaining a conducive working environment, strengthening our human resources capacities, intensifying resource mobilization and cultivating harmonious partnerships with our stakeholders. The intention is to ensure that we maximise our capacity and capabilities to effectively implement the mandate of the Office through the strategic activities that will be outlined in our strategic plan. The Office remains grateful to all stakeholders, development partners, media and the public for their unwavering support.