PROCLAMATION NO. 211/2000
A PROCLAMATION TO PROVIDE FOR THE ESTABLISHMENT OF THE INSTITUTION OF THE OMBUDSMAN

WHEREAS, the immense sacrifice paid by the people of Ethiopia, in the protracted struggle they waged with a view to securing political power and to realizing the rule of law, calls for taking the due measure of laying the foundation for good governance, by way of setting up an easily accessible means for the prevention or rectification of administrative abuses arbitrarily committed against citizens;

WHEREAS, the interlinkage of the activities, and of the decision-making power, of executive organs of government with the daily lives and the rights of citizens is an ever-increasing and widening circumstance;

WHEREAS, it is necessary to duly rectify or prevent the unjust decisions and orders of executive organs and officials thereof, given under said circumstance;

WHEREAS, in order that citizens, having suffered from maladministration, are not left without redress, their want for an institution before which they may complain and seek remedies with easy access needs to be fulfilled;

WHEREAS, the legislature, as a representative of the people, has the responsibility to ensure that the executive organ carries out its functions in accordance with the law and that its administrative decisions are not rendered in violation of citizens’ rights;

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WHEREAS, with a view to enhancing the principle thereof, it is found necessary to establish, and to determine the powers and duties of, the Office of Ombudsman, as one of the parliamentary institutions instrumental in the control of the occurrence of maladministration;

NOW, THEREFORE, in accordance with of Article 55 (1) and (15) of the Constitution, it is hereby proclaimed as follows:

PART ONE
General Provisions

1. Short Title
This Proclamation may be cited as the "Institution of the Ombudsman Establishment Proclamation No. 211/2000."

2. Definitions
Unless the context requires otherwise, in this Proclamation:

1) "Appointee" means the Chief Ombudsman, the Deputy Chief Ombudsman or an Ombudsman, at the level of a branch office or who follows up the affairs of children and women appointed in accordance with this Proclamation;
2) "Staff" includes department heads, professionals and the support staff of the Institution;
3) "Family Member" means a person of relation by consanguinity or affinity, in accordance with the Civil Code of Ethiopia;
4) "House" means the House of Peoples' representatives of the Federal Democratic Republic of Ethiopia;
5) "Maladministration" includes acts committed, or decisions given, by executive government organs, in contravention of administrative laws, the labour law or other laws relating to administration;
6) "Official" means an elected representative or an appointee or official of an executive government organ;
7) "Person" means any natural or juridical person;
8) "Region" means any of those specified under Article 47(1) of the Constitution of the Federal Democratic Republic of Ethiopia and, for the purposes of this Proclamation, includes the Addis Ababa City Administration and the Dire Dawa Administration;
9) "Government" means the Federal, or a Regional Government;
10) "Public Enterprise" means a production, distribution, service rendering or other enterprise, under the ownership of the Federal or a Regional Government;
11) "Government Office" means a Ministry, a Commission, an Authority, an Agency, an Institute or any other government office;
12) "Investigator" means a staff assigned, by the Chief Ombudsman, to conduct an investigation;
13) "Executive Organ" includes a government office or a public enterprise as well as organs rendering administrative or related services within the judiciary or the legislature;
14) "Law" includes the Constitution of the Federal Democratic Republic of Ethiopia, the Constitution of a Region as well as federal or regional laws and regulations.
Establishment
1) The Institution of the Ombudsman (hereinafter referred to as "the Institution") is hereby established as an autonomous organ of the Federal Government having its own juridical personality.

2) The Institution shall be accountable to the House.

Scope
1) The Provisions of this Proclamation set out in the masculine gender shall also apply to the feminine gender.

2) This Proclamation shall also apply to maladministration committed by the executive organs, and officials thereof, of a Regional Government.

Objective
The objective of the Institution shall be to see to bringing about good governance that is of high quality, efficient and transparent, and are based on the rule of law, by way of ensuring that citizens' rights and benefits provided for by law are respected by organs of the executive.

Powers and Duties
The Institution shall have the powers and duties to:
1) supervise that administrative directives issued, and decisions given, by executive organs and the practices thereof do not contravene the constitutional rights of citizens and the law as well;
2) receive and investigate complaints in respect of maladministration;
3) conduct supervision, with a view to ensuring that the executive carries out its functions in accordance with the law and to preventing maladministration;
4) seek remedies in case where it believes that maladministration has occurred; undertake studies and research on ways and means of curbing maladministration;
5) make recommendations for the revision of existing laws, practices or directives and for the enactment of new laws and formulation of policies, with a view to bringing about better governance;
6) perform such other functions as are related to its objective.

Limitation of Power
The Institution shall have no power to investigate:
1) decisions, given by Councils established by election, in their legislative capacity;
2) cases pending in courts of Law of any level;
3) matters under investigation by the Office of the Auditor-General; or
4) decisions given by Security Forces and units of the Defence Forces, in respect of matters of national security or defence.

Organization of the Institution
The Institution shall have:
1) a Council of the Ombudsman
2) (a) a Chief Ombudsman;
   (b) a Deputy Chief Ombudsman;
   (c) an Ombudsman heading the children and women affairs;
   (d) Ombudsmen heading branch offices; and
   (e) the necessary staff.

Head Office
The Institution shall have its Head Office in Addis Ababa and it may have branch offices in other places to be determined by the House.
10. Appointment

1) The Chief Ombudsman, the Deputy Chief Ombudsman and other Ombudsmen shall be appointed by the House.

2) The appointment of the Chief Ombudsman, the Deputy Chief Ombudsman and other Ombudsmen shall be made as under the following procedure:

(a) the appointees shall be recruited by a Nomination Committee to be formed pursuant to Article 11 hererunder;

(b) the nominees shall have to receive the support of a two-thirds vote of the members of the Committee;

(c) the list of nominees shall be presented to the House, by the Speaker, to be voted upon;

(d) the nominees shall be appointed upon receipt of a two-thirds vote of the House.

11. Composition of the Nomination Committee

The Nomination Committee shall have the following members:

1) the Speaker of the House - Chairperson
2) the Speaker of the House of the Federation - Member(s)
3) five members to be elected by the House from among members
4) two members of the House to be elected by joint agreement of opposition parties having seats in the House
5) the President of the Federal Supreme Court

12. Criteria for Appointment

Any person who:

1) is loyal to the Constitution of the Federal Democratic Republic of Ethiopia;

2) is trained in law, administration or other relevant discipline or has acquired adequate knowledge through experience;

3) is reputed for his diligence, honesty and good conduct;

4) has not been convicted for a criminal offence other than petty offence;

5) is Ethiopian National

6) is of enough good health to assume the post; and

7) is above thirty-five years of age;

may be appointed as an Ombudsman.

13. Accountability

1) The Chief Ombudsman shall be accountable to the House.

2) The Deputy Chief Ombudsman and other Ombudsmen shall be accountable to the Chief Ombudsman.

14. Term of Office

1) The term of office of an appointee shall be five years.

2) Upon expiry of the term of office specified under sub-Article (1) of this Article, an appointee may be re-appointed.

3) An appointee discharged from responsibility or removed from office, as under Article 15(1) hereunder, shall not, unless reappointed, assume a post in legislative, executive and judicial organs for about six months thereafter.
15. **Grounds for Removal of an Appointee**

1) An appointee may be removed from office or discharged from responsibility upon the following circumstances:

(a) upon resignation, subject to a three-month prior written notice;

(b) where it is ascertained that he is incapable of properly discharging his duties due to illness;

(c) where he is found to be corrupt or to have committed other unlawful act;

(d) where it is ascertained that he is of manifest incompetence;

(e) upon termination of his term of office.

2) Within six months of the removal or discharge of an appointee, as under Sub-Article (1) of this Article, another appointee shall be made to replace him.

16. **Procedure for Removal of an Appointee**

1) An appointee shall be removed from office, upon the grounds specified under Article 15 Sub Article (1) (b)-(d) herein, subsequent to investigation of the matter by a Special Inquiry Tribunal to be formed under Article 17 hereof.

2) An appointee shall be removed from office where the House finds that the recommendation submitted to it, as supported by the majority vote of the Special Inquiry Tribunal, is correct and where it upholds same by a two-thirds majority vote.

17. **Composition of the Special Inquiry Tribunal**

The special Inquiry Tribunal shall have the following members:

1) the Deputy Speaker of the House........Chairperson

2) the Deputy speaker of the House of Federation ...........................................Member(s)

3) three members to be elected by the House......

4) a member of the House to be elected by joint agreement of opposition parties having seats in the House........

5) the Vice-President of the Federal Supreme Court.........................................

18. **Prohibition to Engage in Other Employment**

1) An appointee shall not be allowed to engage in other gainful, public or private employment during his term of office.

2) Notwithstanding the provisions of Sub-Article (1) of this Article, the House may allow otherwise in consideration of the particular profession in which the appointee is required to make contribution.

19. **Powers and Duties of the Chief Ombudsman**

1) The Chief Ombudsman shall be the superior head of the Institution and, as such, shall exercise the powers and duties of the Institution provided for under this Proclamation.

2) Without prejudice to the generality stated under Sub-Article (1) of this Article, the Chief Ombudsman shall:

(a) employ and administer the staff, in accordance with the directive to be adopted by the Council of the Ombudsmen.

(b) prepare and directly submit, to the House, the budget of the Institution and implement same upon approval;

(c) transfer a case, where he has sufficient grounds, from one investigation section or investigator to another or to himself, or/and investigate a case of maladministration occurring anywhere;
(d) undertake study of recurrent cases of maladministration and forward together with remedial proposals to the House;
(e) prepare and submit draft administrative legislations, give his opinion on those prepared otherwise;
(f) submit a report, to the House, on matters of maladministration and on the activities of the Institution;
(g) take part in meetings by way of representing the Institution, establish working relations with Federal and Regional government organs as well as with non-governmental organizations;
(h) organize, as well as coordinate, and follow up the activities of branch offices;
(i) undertake such other activities as are assigned to him by the House.

3) The Chief Ombudsman may, to the extent necessary for the efficient performance of the Institution, delegate part of his powers and duties, other than those specified under Sub-Article (2)(b), (e) and (f) of this Article, and Article 35(2), to Ombudsmen or to other officials of the Institution.

20. **Powers and Duties of the Deputy Chief Ombudsman**

Pursuant to directives given from the Chief Ombudsman, the Deputy Chief Ombudsman shall:

1) assist the Chief Ombudsman in planning, organizing, directing and coordinating the activities of the head office of the Institution;
2) undertake the activities of the Chief Ombudsman in the absence of the latter;
3) carry out such other activities as may be assigned to him by the Chief Ombudsman.

21. **Powers and Duties of Ombudsmen of Branch Offices**

In addition to exercising the powers and duties of the Institution specified under Article 6 of this Proclamation within the local jurisdiction of a branch office, an Ombudsman shall, as the superior head of a branch office, have the following powers and duties:

1) to ensure that administrative and other laws, regulations, and directives, are observed;
2) to undertake such other activities as are assigned to him by the Chief Ombudsman.
3) to submit, to the Chief Ombudsman and to the government of the Region wherein it is situate, a detailed report on matters of maladministration;
4) to forward proposals for the revision of laws and practices inconsistent with principles of good governance;
5) to direct the branch office, in accordance with directives given from the Institution;
6) to effect payments in accordance with the budget allocated to the branch office;
7) to establish working relations, as a representative of the branch office, with Regional government organs and non-governmental organizations operating within its local jurisdiction;
8) to perform such other functions as are assigned to him by the Chief Ombudsman.

**PART THREE**

**Rules Of Procedure Of The Institution**

22. **The Right to Lodge Complaints**

1) A complaint may be lodged by a person claiming to have suffered from maladministration or, by his spouse, family member, his representative or by a third party.
### Lodging Complaints

1. A complaint may be lodged with the Institution orally, in writing, or in any other manner.
2. Complaints shall, to the extent possible, be submitted together with supporting evidence.
3. Complaints may be made in Amharic or in the working language of the Region.

### Investigation

1. The Institution may conduct investigation on the basis of complaints submitted to it.
2. The Institution shall have the power to conduct investigation on its own initiation, where it so finds it necessary.

### Ordering the Production of Evidence

In order to undertake necessary examination within a reasonable time, the Institution may order that:

1. Those complained against appear for their defence;
2. Witnesses appear, and give their testimony;
3. Any person in possession of evidence relevant to the case, produce same.

### Remedies

1. The Institution shall make all the effort it can summon to settle, a complaint brought before it amicably.
2. It shall notify, in writing, the findings of its investigation and its opinion thereon, to the superior head of the concerned organ and to the complainant.
3. The remedy proposed by the Institution, pursuant to Sub-Article (3) of this Article, shall expressly state that the act or practice having caused the maladministration be discontinued, or that the directive having caused same be rendered inapplicable, and that the maladministration committed be rectified, or that any other appropriate measure be taken.
4. Complaints submitted to the Institution shall be accorded due response, within a short period of time.

### The Right to Object

1. Any complainant or accused shall have the right to object to the appointee or official next in hierarchy where he is aggrieved by a remedy proposed.
2. Any decision of the Institution may be challenged before the relevant organs.

### Duty to Notify a Fault

Where the Institution, in the process of conducting investigations, believes that a crime or an administrative fault has been committed, it shall have the duty to, forthwith, notify in writing, immediately to the concerned organ or official.
29. Overlap of Jurisdiction
1) Where cases falling both under the jurisdiction of the Institution and of the Ethiopian Human Rights Commission materialize, the question of which of them would investigate shall be determined upon their mutual consultation.
2) Failing determination of the matter as under Sub-Article (1) of this Article, the organ before which the case is lodged shall undertake the investigation.

PART FOUR
The Council of Ombudsmen and Administration of the Staff of the Institution

30. Council of Ombudsmen of the Institution
1) Council of Ombudsmen of the Institution (hereinafter referred to as "the Council") is hereby established.
2) The Council shall have the following members:
   (a) the Chief Ombudsman..............Chairperson
   (b) the Deputy Chief Ombudsman............Deputy
   (c) other Ombudsmen................Members.
3) The Council shall elect its secretary from among its members.
4) The Council may draw up its own rules of procedure.

31. Powers and Duties of the Council
The Council shall have the following powers and duties:
1) to adopt directives and by-laws necessary for the implementation of this Proclamation;
2) to discuss on draft budget of the Institution;
3) to adopt staff regulations in conformity with the basic principles of Federal Civil Service laws;
4) to appoint department heads;
5) to examine and render a final decision, within a short period of time, on cases, petitions or complaints submitted to it within short period of time in relation to staff administration;
6) to hear disciplinary cases relating to department heads.

32. The Right to Appeal
1) Any department head of the Institution aggrieved by administrative decisions rendered by the Council may appeal to the Speaker of the House within one month from the date such decision has been made.
2) Decisions rendered pursuant to Sub-Article (1) of this Article shall be final.

33. Utilization of Outside Professionals
The Institution may utilize, for a specific task and for a definite duration, outside professionals necessary for its functions, subject to making appropriate remunerations.

34. Observation of Secrecy
Unless ordered by a court or otherwise permitted by the Chief Ombudsman, any appointee, or staff, or Professional employed pursuant to Article 33 of this Proclamation shall have the obligation not to disclose, at all times, any secret known to him in connection with his duty.

35. Immunity
NO:
1) appointee, or
2) investigator
of the Institution may be detained or arrested without the permission of the House or the Chief Ombudsman, respectively, except when caught in flagrante delicto, for a serious offence.
### PART FIVE

**Miscellaneous Provisions**

36. **Budget**

1) The budget of the Institution shall be drawn from the following sources:
   -(a) budgetary subsidy to be allocated by the government;
   -(b) assistance, grant and any other source.

2) From the budget allocated to the Institution, an amount equivalent to a quarterly portion of its recurrent budget shall, in advance, be deposited at the National Bank of Ethiopia, or at another bank designated by the Bank, and shall be utilized, in accordance with financial regulations of the government for purposes of implementing the objective of the Institution.

37. **Books of Accounts**

1) The Institution shall keep complete and accurate books of accounts.

2) The accounts of the Institution shall be audited annually, by an organ to be designated by the House.

38. **Duty to Cooperate**

Any person shall provide the necessary assistance, with a view to helping the Institution exercise its powers and duties.

39. **Reporting**

1) The Institution shall issue an official report, as may be necessary.

2) The Institution shall exercise transparency in respect of its mode of operation, including issuance of regular reports.

3) Notwithstanding the provisions of Sub-Article (2) of this Article, the Institution shall have the duty to exercise caution in respect of matters to be kept secret, with a view to not endangering national security and well-being or to protecting individual lives.

40. **Non-Answerability for Defamation**

1) No complaint lodged pursuant to this Proclamation shall entail liability for defamation.

2) No report of the Institution submitted to the House, on the findings of an investigation undertaken, nor any other correspondence of the Institution relating to its activities shall entail liability for defamation.

41. **Penalty**

1) Any person who, having received summons from the Institution, or been called upon by it otherwise, does not appear or respond without good cause, within the time fixed, or is not willing to produce a document or to have same examined shall be punishable with imprisonment from one month to six months or with a fine from two hundred to one thousand Birr or with both.

2) Unless punishable with more severe penalty under the penal law, any person who causes harm to persons who have witnessed before the Institution, or to persons having produced a document before it, or who, without good case, fails to take measures within three months from receipt of reports, recommendations, and suggestions of the Institution, or does not state the reasons for such failure, shall be punishable with imprisonment from three to five years or with a fine from six thousand to ten thousand Birr or with both.

42. **Transitory Provision**

Complaints on maladministration that are under investigation by the House prior to the enactment of this Proclamation shall be investigated by the Institution.
43. Inapplicable Laws
No law or practice, inconsistent with this Proclamation, shall be applicable in respect of matters provided for in this Proclamation.

44. Effective Date
This Proclamation shall enter into force as of the 4th day of July, 2000.

Done at Addis Ababa, this 4th day of July, 2000.

NEGASO GIDADA (DR.)
PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA