



Complaint to the Ombudsman

Regardless of race, sex, ethnicity, status, color, any person who feels that he or she has been unfairly or unjustly treated by a public institution or an official, may complain to the ombudsman or seek advice from him or her.

For easy and effective handling of matters, complaints must be in written form containing the following information:

- ◆ Name
- ◆ Age
- ◆ Nature of Complaint
- ◆ Organ complained against
- ◆ Relevant Documentation

Where to find us

Lilongwe (Head Office)

St Martins House
Private Bag 348,
Lilongwe 3
Tel: (265)01774899/866
Fax:(265)01774958

Lilongwe (Regional Office Central)

St Martins House,
Private Bag 348,
Lilongwe 3

Blantyre (Regional Office South)

Kannabar House
Private Bag 171,
Blantyre
Tel (265)1833317

Mzuzu (Regional Office North)

Mpico House
Private Bag 12,
Mzuzu
Tel./Fax: (265) 1334726

Balaka (Regional Office East)

P.O Box 150,
Balaka.
Tel:(+265)111624912

Ombudsman Services are Free

MALAWI'S OMBUDSMAN



PROTECTING AGAINST
MALADMINISTRATION, INJUSTICE,
PROMOTING RULE OF LAW AND
ADVOCATING GOOD
GOVERNANCE

Ombudsman

The Office of the Ombudsman is a constitutional body established under section 120 of the constitution of the republic of Malawi and it is complemented by the Ombudsman Act no 10 of 1996 to investigate any and all cases where it is alleged that the person has suffered injustice and it does not appear that there is any remedy reasonably available by way of proceedings in a court or there is no other practicable remedy. These may include it is alleged that any decision or recommendation taken or made by or made under the authority of any organ of government or any act or omission of such organ is unreasonable, unjust, or unfair, or is based on any practice which may be deemed as such.

Functions

- ◆ Receiving complaints
- ◆ Investigate cases
- ◆ Recommend and determine remedies
- ◆ Monitor public service delivery

Powers of the ombudsman

In the performance of his or her functions the Ombudsman has full powers to:

- ◆ Determine nature and extent of an investigation
- ◆ Summon any person connected to an investigation
- ◆ Require immediate disclosure of information and production of documents of any kind

- ◆ Question any person connected to an investigation
- ◆ Administer an oath or take an affirmation from any person who appears before him or her

Matters the Ombudsman Investigates

The Ombudsman investigates matters of alleged injustice occasioned by organs of government or public officials in their official capacity. These include delay in discharging duties by public authorities, misapplication or misinterpretation of law, improper use of power and abuse of human rights

Matters the Ombudsman does not Investigate

- ◆ Complaints against private entities or individuals
- ◆ Matters already determined by the court or currently before a court of law
- ◆ Cases with other competent tribunals e.g. Industrial Relations Court
- ◆ Matters which have reasonable and applicable remedies by way of Court proceeding or appeal

Outcomes of an investigation

Depending on the outcome of an investigation, the Ombudsman may decide to :

- ◆ Reverse a decision made by a body or an institution

- ◆ Uphold a decision i.e. dismiss the complaint altogether
- ◆ Determine or recommend a new course of action
- ◆ Advise the complainant or responded a proper course of action
- ◆ Refer the matter to the Director of Public Prosecution or any other relevant and competent tribunal
- ◆ Seek a compromise and agreement between parties involved

Offences

- ◆ The following are offences one can commit before the Ombudsman:
- ◆ Failure to attend public inquiry or hearing
- ◆ Refusal to take an oath or affirmation
- ◆ Obstruct the ombudsman or member of staff of Ombudsman office in the performance of duties
- ◆ Threaten any person who has complained or any other person connected to an investigation being undertaken
- ◆ Interrupt the proceedings by the Ombudsman

Penalties

Any one who commits any of the offences may be either fined K10000 or imprisoned for five years or both to such fine and such imprisonment