

Powers of **THE PUBLIC PROTECTOR**

Among other powers that the office has, the Public Protector has the powers as those of the high court in enforcing decisions issued by it. The Office of the Public Protector shall report to the National Assembly on matters concerning its affairs. Whereas in contrast, the Investigator General was an Executive Ombudsman only answerable to the Republican President, the Public Protector shall be answerable to the National Assembly.

The office of the Investigator General merely made recommendations to the institutions complained against. However, the Public Protector may among other things:

1. Investigate an action or decision taken or omitted to be taken by a State Institution in the performance of an administrative function.
2. Bring an action before a Court.
3. Hear an appeal by a person relating to an action or decision taken or omitted to be taken in respect of that person.
4. Make a decision on an action to be taken against a public Officer or Constitutional Office holder, which decision shall be implemented by an appropriate authority



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OFFICE OF THE PUBLIC PROTECTOR



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WHO IS AN OMBUDSMAN?

An Ombudsman is a person, who is usually but not always, appointed by the Government, to represent the interests of the public by investigating and addressing complaints reported by individual citizens.



Background of **OMBUDSMAN INSTITUTION WORLD WIDE**

The concept of the Institution of Ombudsman dates back to Sweden in 1809, when the Swedish Parliamentary Ombudsman was established in order to safe guard the rights of citizens. The Ombudsman's Office was set up to be a supervisory agency which was independent of the executive branch of government. In the 1960s, the institution spread to Europe and other parts of the world.

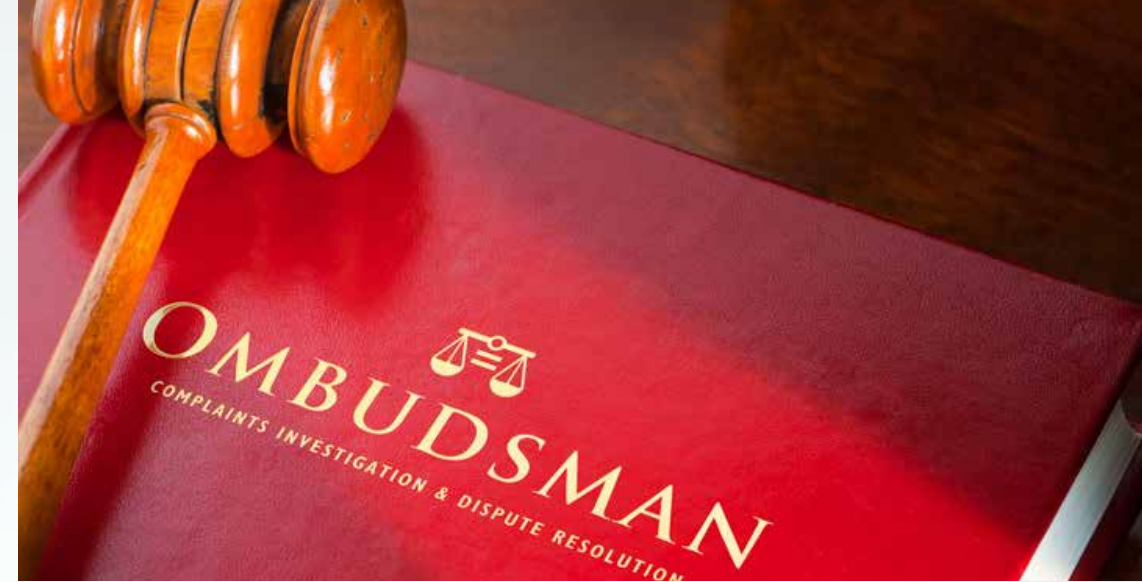
The ombudsman Office has been recognised as an office provided for by the Constitution or by action of the Legislature and is headed by an independent high level official called the Ombudsman. In Zambia the Official is currently known as the Public Protector but was formally designated as the Investigator-General.



Historical background **THE OMBUDSMAN INSTITUTION IN ZAMBIA**

Zambia was the second country in Africa to establish the Office of the Ombudsman in 1973. The idea of adopting an Ombudsman Institution in Zambia was announced by the first Republican President, Dr Kenneth David Kaunda, in 1971, in his address to the 6th General Conference of the then ruling party, the United National Independence Party (UNIP).

The concept of the Ombudsman was thus introduced in our Legislation through the 1973 Constitution. The Office of the Investigator General was created by Article 90 of the Constitution. The office became functional in 1974 under the provisions of an Act of Parliament called the Commission for Investigations Act (chapter 39 of the laws of Zambia) which provided for the mode of operations for the Institution. The recommendation was that there be created the institution to be styled as the Commission for Investigations. It was to be headed by the Investigator- General whose task was to investigate any matters of injustice or maladministration which affected members of the public, individually or collectively.



Who are we today? **THE OFFICE OF THE PUBLIC PROTECTOR**

On 5th January, 2016, His Excellency Mr Edgar C. Lungu, the President of the Republic of Zambia signed the Constitution Bill Number 17 of 2015 which amongst other clauses changed the Office of the Investigator General to the Office of the Public Protector.

As of 5th January, 2016, the functions of the Ombudsman of Zambia that were carried out by the commission of investigation have now been inherited by the Office of the Public Protector.

This constitutional innovation provides the institution of the Public Protector with the necessary protection required of it to properly carry out the functions of the Ombudsman with integrity and independence.

According to Chapter 243 of the amended Constitution, it provides for the appointment of a Public Protector by the President, on the recommendation of the Judicial Service Commission, subject to ratification by the National Assembly.



Break the Chain