



**EXECUTIVE ORDER NO 83
PERTAINING TO THE OFFICE OF OMBUDSMAN**

WHEREAS, Article 90(c) of the 1986 Constitution of Liberia empowers the Legislature to prescribe a Code of Conduct for all public officials and employees, stipulating the acts which constitute conflict of interest or are against public policy, and the penalties for violation thereof;

WHEREAS, consistent with the constitutional provision above, the Legislature on March 6, 2014, passed an Act Prescribing a National Code of Conduct for all Public Officials and Employees of the Government of the Republic of Liberia, which Act was approved on March 31, 2014, and published on June 20, 2014 (hereinafter referred to as the "Code of Conduct");

WHEREAS, Part XII of the Code of Conduct established the Office of Ombudsman as an independent autonomous body with responsibility to enforce, oversee, monitor and evaluate adherence to the Code of Conduct;

WHEREAS, it has been observed that the Code of Conduct did not provide details pertaining to the Office of Ombudsman including the qualification and tenure of the Ombudsman, which amongst other things, have made it difficult to appoint suitable persons to the Office of the Ombudsman and thus begin implementation of certain provisions of the Code of Conduct; and


WHEREAS, in the exercise of the Executive Power vested in the President by the Constitution, the President may issue executive orders in the public interest, either to meet exigencies or address particular situations which cannot await lengthy legislative processes;

NOW THEREFORE, I, Ellen Johnson Sirleaf, President of the Republic of Liberia, by the power vested in me, do hereby establish, by this Executive Order and for the purpose of the foregoing, set out below, with specificity matters pertinent to the Office of the Ombudsman for the enforcement, oversight, monitoring and evaluation of adherence to the Code of Conduct.

SECTION 1: DEFINITION AND INTERPRETATION

All words shall have the same meaning and interpretation as defined in the Code of Conduct.

SECTION 2: OBJECTIVE

The objective of this Executive Order is to meet exigencies and or address particular situations which cannot await lengthy legislative processes. 



SECTION 3: APPLICATION

The application of this Executive Order shall be consistent with Part II, section 2.1 and section 2.2, of the Code of Conduct.

SECTION 4: POWERS OF THE OFFICE OF THE OMBUDSMAN

The Office of the Ombudsman is hereby empowered to investigate, on its own initiative or on complaint by any person, or cause such investigation to be carried out, into the violation of the Code of Conduct.

SECTION 5: COMPOSITION, QUALIFICATION, APPOINTMENT

- a) **Composition.** The President with the consent of the Senate shall appoint three persons to the Office of the Ombudsman, one of whom shall be appointed as Chairperson. The Office shall also comprise of such other staff as the Ombudsman may deem necessary and proper for the function of the office, and subject to annual appropriation in the National Budget. The appointment of the Ombudsman shall be gender sensitive.
- b) **Qualification.** The members of the Office of the Ombudsman shall be Liberian citizens of high moral character; of age not less than forty (40) years; and must have a graduate or professional degree.
- c) **Term of office.** The members shall hold office for a term of one (1) year immediately following appointment by the President. No person shall serve as Ombudsman for more than two consecutive terms.
- d) **Removal from Office.** Members may be removed from office by the President for nonfeasance, misfeasance, malfeasance or other acts incompatible with law or good moral standings.

SECTION 6: ADMINISTRATION OF THE OFFICE

- a) **Role of the Chair.** The Chairperson of the Office of the Ombudsman shall be the principal representative of the Office and shall serve as the Chief Executive Officer with responsibility to execute functions of the Office consistent with the letter and spirit of the Code of Conduct. //



- b) **Delegation of Powers.** The Office of the Ombudsman may assign one or more administrative or other functions, whether created by statute or by executive order, to any staff(s) of this Office consistent with the Code of Conduct.
- c) **Decision Making.** The Office of the Ombudsman, or any staff member(s) designated by the Office, shall have the power to conduct administrative hearings in a quasi-judicial manner and make findings, give reasons, and conclusions in matters filed before the Office of the Ombudsman or raised sua sponte by the Office. Appeal from a decision of the Office of the Ombudsman shall be in accordance with the Rules & Procedures of the Administrative Procedures Act, provided however, that decisions of the Office of the Ombudsman relating to elections matter including but not limited to eligibility and sanctions, shall be immediately appealable to the Supreme Court of Liberia.

The decisions of the Office of the Ombudsman shall be by simple majority in all administrative hearings and shall be in writing.

SECTION 7: MISCELLANEOUS

- a) **Grants.** The Office of the Ombudsman is authorized to receive grants, gifts, donations or endowments and make legitimate disbursements thereof in the performance of the functions of the Office of the Ombudsman, in keeping with this Executive Order and consistent with the Code of Conduct except that all grants, gifts, donations or endowments of whatever kind or nature shall be officially registered and be used exclusively and strictly for Government purposes pursuant to the responsibilities of the Office; and shall be deemed assets of the Office of the Ombudsman.
- b) **Rules and Regulations.** The Office of the Ombudsman shall publish rules and guidelines for the operations of the Office and administration of the Code of Conduct and seek or obtain comments from the public and give feedback on comments received before final promulgation.
- c) **Budget.** Immediately upon effectiveness of this Executive Order the Chairperson of the Office of the Ombudsman shall utilize such resources as shall be available in the National Budget for implementation of the functions of the Office.



- d) **Reports.** The Office of the Ombudsman shall make periodic (quarterly) reports to the President and to the Legislature on progress made in fulfilling its mandate.
- (e) **Amended Act.** The Office of the Ombudsman shall draft an Amended Act consistent with the provisions of this order within 60 days.

SECTION 8: ENTRY INTO FORCE

This Executive Order shall take immediate effect on this 13 day of March, A.D. 2017.

Given under my hand and seal of the Republic of Liberia this 13 day of March A.D. 2017

SIGNED: _____

Ellen Johnson Sirleaf
ELLEN JOHNSON SIRLEAF
PRESIDENT
REPUBLIC OF LIBERIA

