

## ANALYSIS OF THE SEIMAS CONTROLLERS – PARLIAMENTARY OBMUDSMEN INSTITUTION OF THE REPUBLIC OF LITHUANIA

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**Annotation.** The article aims to analyse functions and powers of the Seimas Controllers – Parliamentary ombudsmen institution, to present the changes of legal regulation of the Seimas Controllers and to disclose their role in the Lithuanian human rights protection system. The article consists of three parts. The first part presents legal basis of Lithuanian Controllers institution and development of relevant legal regulation. The second part analyses the functions and powers of Lithuanian Parliamentary ombudsman. The results of the analysis of the Seimas Controllers activity are presented in the third part of the article.

**Keywords:** ombudsman, Parliamentary ombudsman, Seimas Controllers, maladministration, human rights.

### INTRODUCTION

In the legal doctrine the ombudsman institute is known as a human rights institution. The main purpose of the ombudsman's activity is the protection of human rights against the misuse of public administration officials' actions. “The ombudsmen are independent and impartial persons, established by constitution or law, who deal with complaints against public authorities.”<sup>1</sup>

Different countries have different names of their national ombudsmen, for example, in the United Kingdom – the Parliamentary Commissioner for Administration<sup>2</sup>, in Spain – Defensors del Pueblo<sup>3</sup>, in France – Mediateurs de la République<sup>4</sup>, in Lithuania – Seimo Controllers [in this paper terms “Parliamentary ombudsmen”, “Seimas’ ombudsman” and

1 The European Network of Ombudsmen - Statement , [interactive] [accessed 2013 10 20] <http://www.ombudsman.europa.eu/lt/resources/statement.faces/en/3458/html.bookmark>

2 Report by the Parliamentary Commissioner for Administration [interactive] [accessed 2013 10 20] <http://www.ombudsman.org.uk/reports-and-consultations/reports/parliamentary/report-by-the-parliamentary-commissioner-for-administration-the-ombudsman-and-the-local-government-ombudsman-to-ms-a-mp-on-the-results-of-an-investigation-into-a-complaint-made-by-mr-and-mrs-c-and-t>

3 Defensors del Pueblo, [interactive] [accessed 2013 10 20] <http://www.defensordepueblo.es/en/index.html>

4 Le Médiateur de la République, [interactive] [accessed 2013 10 20] <http://www.assemblee-nationale.fr/connaissance/mediateur.asp>

“Seimo Controllers” are used as synonyms]<sup>5</sup>. If to interpret in simple language, ombudsman is called “the protector of the man in the street”<sup>6</sup>.

First ombudsman was established in Sweden. “The office of the Parliamentary ombudsman was created in 1809 as a part of the new constitution that was adopted that year”.<sup>7</sup> Later the idea to establish the institution of ombudsman spread to Scandinavian countries<sup>8</sup> and subsequently to other European countries.<sup>9</sup> Having quite old traditions of activity, the Ombudsman became extremely popular in recent decades, and about half thousand different ombudsmen institutions operate currently in the world. Being a typical European body for a long time, the ombudsman has been successfully adapted in other continents, for e.g., in Australia<sup>10</sup>, the USA<sup>11</sup>, Africa<sup>12</sup>, Asia<sup>13</sup>, and applied to different political and social systems, for e.g., the Treaty of European Union in 1995 has established The European Ombudsman<sup>14</sup>.

Concern for the protection of human rights became an actual national policy priority for democratic states. This issue is a very important for Lithuania as well. Institutions protecting human rights, such as the Seimas Controller’s Office, may contribute to the implementation of the human rights ensuring imperative.

The purpose of this article is to make the analysis of the Seimas Controllers – Parliamentary Obmudsmen Institution, to discuss its functions and powers, to present the

<sup>5</sup> Lietuvos Respublikos Seimo kontrolierių įstaiga [the Seimas Ombudsman Office of the Republic of Lithuania], [interactive] [accessed 2013 10 20] <[www.lrski.lt](http://www.lrski.lt)>

<sup>6</sup> Dahl Borger et alia (ed.). Danish Law in a European Perspective, Copenhagen, 1996, p. 163

<sup>7</sup> S. Vidrinskaitė, Parlamento ombudsmeno institucija Švedijoje, [Parliamentary ombudsman institution in Sweden], Jurisprudencija, 2002, t. 24 (16); p. 116

<sup>8</sup> S. Vidrinskaitė, Europos Sąjungos ombudsmeno institucija, [Institution of the Ombudsman of the European Parliament], Jurisprudencija, 2007, Nr. 3 (93). P. 16

<sup>9</sup> E. Žiobičienė „Ombudsmeno institucija“ in the book Žmogaus teisių apsaugos institucijos [„Institutional Protection of Human Rights“], Vilnius, 2009 P. 61

<sup>10</sup> An office of Commonwealth Ombudsman in Australia was enabled in 1976. The Commonwealth Ombudsman [interactive] [accessed 2013 10 20] <<http://www.ombudsman.gov.au/pages/about-us/our-history/index.php>>

<sup>11</sup> Hawaii established the first public sector office in 1967. Since then a number of states, counties and municipalities have followed suit by establishing offices of general jurisdiction United States ombudsman association [interactive] [accessed 2013 10 20] <[http://usoa.non-profitsites.biz/en/About\\_Us/history.cfm](http://usoa.non-profitsites.biz/en/About_Us/history.cfm)>

<sup>12</sup> The first African country to appoint an Ombudsman was Tanzania in 1968. There are now 27 ombudsmen at a national level of government in Africa. African Ombudsman Association [interactive] [accessed 2013 10 20] <<http://www.aoma.org.za/content/view/3/2/>>

<sup>13</sup> For example, the Ombudsman system in the Malaysian version, which is the Public Complaints Bureau (PCB), was set up in 1971 (Ahmad Faiz Yaakob, Nadhra A. Kadir , Kamaruzaman Jusoff , “Accountability from the Perspective of Malaysian Governance” *Journal of Politics and Law* 2009, Vol. 2, No. 3; Strenghtening Ombudsman Institution in Asia, Public Management, Financial Sector, and Trade / Asian Development Bank, 2011

<sup>14</sup> The European Ombudsman was established by the Treaty of European Union in 1995 [interactive] [accessed 2013 10 20] <<http://www.eurotreaties.com/maastrichtec.pdf>>, 138 e



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changes of legal regulation of the Seimas Controllers – Parliamentary Ombudsmen Institution and to disclose the role in the Lithuanian human rights protection system.

## **LEGAL BASIS OF LITHUANIAN SEIMAS CONTROLLERS – PARLIAMENTARY OMBUDSMEN INSTITUTION**

Every democratic state has a duty to respect human rights and ensure their protection. The Constitution of the Republic of Lithuania states that “Human rights and freedoms are innate”<sup>15</sup>. It also states, that “State institutions shall serve the people”<sup>16</sup>. Consequently, there are institutions, which have constitutional status, and have a duty to protect human rights. Article 73 of the Constitution of the Republic of Lithuania provides that “Seimas controllers shall examine complaints of citizens concerning the abuse of powers by, or bureaucratic intransigence of, State and municipal officials (with the exception of judges)... The powers of the Seimas controllers shall be established by law.”<sup>17</sup> On the 11th of January 1994 the Seimas of the Republic of Lithuania adopted the Law on the Seimas Controllers<sup>18</sup>. The law provided for legal bases of ombudsman’s activity and extent of their authority. The organizational structure of Lithuanian Seimas Controller’s Office was also established. After the approval of the Statute of the Seimas Controller’s Office, in 31<sup>st</sup> of March 1995, the ombudsman office has started its job. The law provided that Seimas Controller’s institution should have 5 independent ombudsmen. Later this provision has changed and there are 2 parliamentary ombudsmen at the moment in Lithuania.

„From the very first days of activity Seimas Ombudsmen's Office of the Republic of Lithuania has become one of the institutions of international ombudsmen system: from 20<sup>th</sup> of March 1995 it became a full member of the European Ombudsman Institute, since 6<sup>th</sup> of August 1996 it became a member of International Ombudsman Institute”<sup>19</sup>.

Public authorities not always do their job properly, especially in less developed countries, which for certain reasons were not able to reach the higher level of the state government. Democracy in the country gives a chance for citizens to protect their rights by

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15 The Constitution of the Republic of Lithuania, Article 18, *Valstybės žinios* 1992 No.33-1014

16 The Constitution of the Republic of Lithuania, Article 5, *Valstybės žinios* 1992 No.33-1014

17 The Constitution of the Republic of Lithuania, *Valstybės žinios* 1992 No.33-1014

18 The Law on the Seimas Controllers, *Valstybės Žinios*, 1994 No: 22 - 34

19 D.Milonienė „Lietuvos Respublikos Seimo kontrolierių įstaiga: istorija, veikla, perspektyvos“[„Lithuanian Seimas Ombudsmen's Office: History, activity, prospects“], in the book „Žmogaus teisės Lietuvoje“ [„Human rights in Lithuania“], Lithuania, Seimas' Committee of Human rights, Vilnius, 2010, P. 71

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implementing the right to appeal to the court, or to use alternative possibility – to complain to the ombudsman.

The law regulating the activity of Seimas Controllers Office of the Republic of Lithuania has been changed 12 times. The changes were related with the changes in the concept of public service; in the laws, regulating pre-trial procedure; in the laws related to State secrets, etc. The most significant change was made in 2004, when the new version of the Law on the Seimas Controllers was adopted. The law clearly defines the purpose of the Seimas‘ Controllers and first time enshrines individuals’ right to a good public administration: Seimas Controller has to protect the human right to good public administration, to monitor whether public authorities carry out their duty to serve the people. The new law also enshrines the principles of Controller’s activity, such as respect for the individual and the state, operational freedom and autonomy, accountability, legitimacy, fairness and justice, proportionality, publicity. The concept of officer, whose activity can be supervised by the Seimas Controllers, was expanded. “Officer - State and municipal authorities or agency employee, as well as any other employee who performs public administration functions of public bodies and non-governmental organizations, which according to the law to provide the public administration of the employee, with administrative powers not subordinate individuals; a person authorized by carrying out statutory State the functions conferred”. However, the activity of the President of the Republic, the members of Seimas, the Prime Minister, the Government (as collegial institutions), the State Controller, and the Constitutional Court and other judges, municipal councils (as collegial body) was left outside the competence of the Seimas Controllers. According the Law, Seimas Controllers also do not investigate the prosecutors, the legality and validity of pre-trial investigation proceedings, though, investigates complaints about prosecutors and investigator’s actions that violate human rights and freedoms.

The world economic crisis has not spared Lithuania; therefore many reforms of public institutions had to be implemented, including reform of the Seimas Ombudsmen's Office. On the 21th of January 2010 the new changes of law was adopted, which reduced number of Controllers from 5 to 2. The new rules provide that Seimas shall appoint one Controller for the investigation of complaints regarding activities of officials of state institutions and agencies and the second Controller for the investigation of activities of officials of municipal institutions and agencies.

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## FUNCTIONS AND POWERS OF LITHUANIAN SEIMAS CONTROLLER – PARLIAMENTARY OMBUDSMAN

Lithuanian Seimas Ombudsmen shall perform the following main functions:

1. Protect the rights of citizens against the abuse of power and bureaucracy,
2. Pursue a parliamentary control,
3. Find out the subjective and objective reasons of maladministration,
4. Provide the guidance on how to improve public administration and
5. Participate in the process of the law-improvement.

The Law on the Seimas Controllers determines the purpose of activities of the Seimas Controller: “to protect a person’s right to good public administration securing human rights and freedoms, to supervise fulfilment by state authorities of their duty to properly serve the people.”<sup>20</sup> In other words, parliamentary ombudsman has to deal with the cases of maladministration. The term “maladministration covers a multitude of administrative sins, sins of commission and omission, corruption, bias, unfair discrimination, harshness, misleading a member of the public as to his rights, failing to notify him properly of his rights or to explain the reasons for a decision, general high – handedness, using powers for a wrong purpose, failing to consider relevant materials, taking irrelevant materials into account, losing or failing to reply to correspondence, delaying unreasonably before making a tax refund or presenting a tax demand or dealing with an application for a grant or license, and so on”<sup>21</sup>. There are more meanings or definitions of “maladministration” and it can appear as an endless list of the activities that would fall under the latter term. The Law on Seimas Controllers in Lithuania has limited its extent of the “maladministration” up to several definitions: the Law defines “bureaucracy” as “actions on the part of official when the latter, instead of dealing with the matter on the merits, observes unnecessary or invented formalities, unreasonably refuses to settle issues within the official’s jurisdiction or delays decision-making or carrying out of official duties or performs other malfeasance or misfeasance in office (refuses to inform a person of his rights, gives a deliberately misleading or improper advice, etc.). It shall be also considered as bureaucracy when the officials’ with their work fail

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20 The Law on the Seimas Controllers, Article 3, Valstybės žinios, 1998, No. 110- 3024; Valstybės Žinios, 2004, No. 170- 6238

21 Stanley de Smith and Brazier Rodney, Constitutional and Administrative Law, 1989, p.649

to implement or to properly implement laws or other legal acts.”<sup>22</sup> “*Abuse of office*” according to Law, means “acts or omission on the part of the official when the powers granted to him are exercised not in accordance with laws and other legal acts but for self-seeking purposes or for other personal considerations (abuse of official position, revenge, envy, careerism, provision of illegal services, etc.) as well as actions of the official whereby he exceeds his authority or his arbitrary actions”<sup>23</sup>. According to the Article 12 of the Law, Seimas Controller shall investigate complainants’ complaints about the abuse of office by and bureaucracy of officials or other violations of human rights and freedoms in the sphere of public administration. So, Seimas Controller has wide discretion to conclude if a certain activity of the public authority can be included in the concept of “maladministration”.

In order to successfully implement the functions assigned to the ombudsman, the Law entitles the Seimas Controllers to request immediate provision of information, material and documents required for the discharge of his functions, be granted access in the manner prescribed by laws to the documents which constitute a State, professional, commercial or bank secret as well as documents which contain information about personal data protected by law. Should it be necessary to execute the right, the assistance of police officials shall be enlisted and an appropriate statement of the seizure of documents shall be drawn up. Having produced the certificate of employment, Seimas Controllers can enter the premises of institutions and agencies (enterprises, services or organisations), and at any time of the day, if persons are kept in the premises for 24 hours or more, and unrestrictedly meet and interview persons present in the premises. The territory and premises of institutions and agencies the activity of which are regulated by a statute shall be entered with the officials of the institutions and agencies accompanying. Ombudsman can request written or oral explanations from the officials whose activities are under investigation; and to question the officials and other persons. The Seimas Ombudsmen’s Requests has binding character.” On the Seimas Ombudsmen’s request the officials must forthwith present information, documents and material required for the performance of their functions. When investigating a complaint, the

22 The Law on the Seimas Controllers, Article 2, Valstybės žinios, 1998, No. 110- 3024; Valstybės Žinios, 2004, No. 170- 6238

23 The Law on the Seimas Controllers, Article 2, Valstybės žinios, 1998, No. 110- 3024; Valstybės Žinios, 2004, No. 170- 6238

Seimas Ombudsman shall have the right to apply to the official whose activities are under examination requesting the latter give an explanation within the set time period.”<sup>24</sup>

Seimas ombudsman can draw up a record of administrative violation of law for failure to comply with the demands of the Seimas Ombudsman or for interfering in any other with the fulfilment by the Seimas Ombudsman of the rights granted to him. If elements of crime are detected ombudsman refers the material to pre-trial investigation body or the prosecutor. If public officials in ombudsman’s opinion are guilty of abuse of office or bureaucracy, ombudsman can apply to the court for their dismissal from the office. Ombudsman can recommend to the collegial body, head of the agency or a superior institution or agency to impose disciplinary penalties on the official at fault.

Ombudsman can apply to the administrative court with a request to investigate conformity of an administrative regulatory enactment (or its part) with the law or Government resolution and propose to the Seimas to apply to the Constitutional Court regarding the conformity of legal acts with the Constitution and laws of the Republic of Lithuania.

Ombudsman may recommend to the collegial body or official to repeal, suspend or amend the decisions which are contrary to the laws and other legal acts, or propose to adopt decisions the adoption of which has been precluded by abuse of office or bureaucracy;

Ombudsman brings to the officials’ attention the facts of negligence in office, non-compliance with laws or other legal acts, violation of professional ethics, abuse of office, bureaucracy or violations of human rights and freedoms and recommend to apply measures to eliminate the violations of laws and other legal acts, their causes and circumstances.

Ombudsman has a right to propose that material and non-material damage sustained by a person due to the violations committed by the official be compensated in the manner prescribed by law.

As ombudsman is closely related to the Parliament, implements supervision of public administration in the name of Parliament, therefore can notify the Seimas, the President of the Republic or the Prime Minister of the violations committed by the ministers or other officials accountable to the Seimas, the President of the Republic or the Government. According to the Law, Seimas Controllers have a right to attend the meetings of the Seimas, the Government, other state and municipal institutions and agencies when the issues under consideration are

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24 The Law on the Seimas Controllers, Article 20, part. 1 and2; Valstybės žinios, 1998, No. 110- 3024; Valstybės Žinios, 2004, No. 170- 6238

related to the activities of the Seimas Ombudsmen or the matter investigated by the Seimas Ombudsman; to inform the Seimas, the Government and other state institutions and agencies or the appropriate municipal council of the gross violations of law or deficiencies, contradictions of or gaps in laws or other legal acts; to recommend to the Seimas, state or municipal institutions and agencies to amend the laws or other statutory acts which restrict human rights and freedoms; etc.

Ombudsman may also recommend to the Chief Official Ethics Commission to evaluate whether or not the official has violated the Law on Adjustment of Public and Private Interests in the Public Service.

If a complaint falls outside the merit of the Seimas ombudsman, he shall refrain from the investigation on the merits and then Ombudsman give proposals or offer commentaries to appropriate institutions and agencies on the improvement of public administration in order to prevent violations of human rights and freedoms.

Having completed the investigation the Seimas Ombudsman shall take a decision: a) to recognise, declare the complaint as justified; b) to dismiss the complaint; c) to discontinue the complaint investigation. The main feature of the institution of ombudsman is that it acts not in adversarial manner, it means, that it's decisions are not binding, as courts decisions. Ombudsman issues recommendations which in most cases are addressed to the public authority. The Law defines that “The institution and agency or official, to whom this proposal (recommendation) is addressed, must investigate the proposal (recommendation) of the Seimas Ombudsman and inform the Seimas Ombudsman about the results of the investigation.”<sup>25</sup>

Summarizing the analysis of the law, it follows that the Seimas Ombudsmen have sufficient powers to implement the functions assigned to them.

## ACTIVITY OF SEIMAS CONTROLLERS

The Seimas ombudsmen are dealing with the failures performed by the administrative public authorities and thereby are trying to lessen the number of acts of maladministration. One of the instances of maladministration is the improper implementation of laws. The main role of the Ombudsman is to protect citizen's rights in making investigation of their

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<sup>25</sup> The Law on the Seimas Controllers, Article 20, part. 3; Valstybės žinios, 1998, No. 110- 3024; Valstybės Žinios, 2004, No. 170- 6238

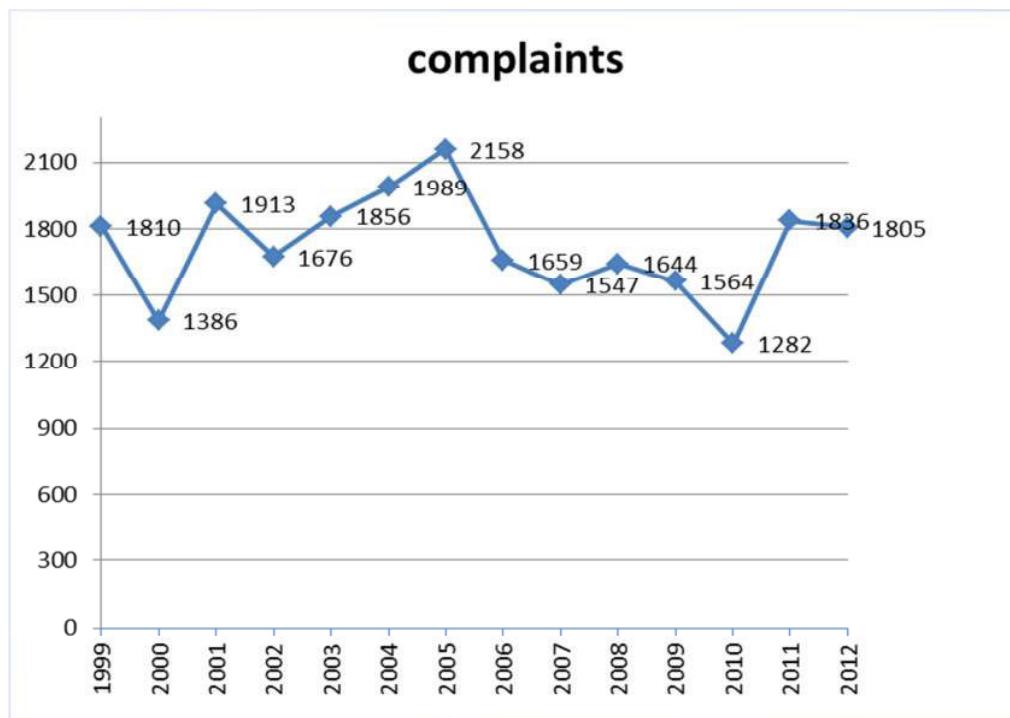
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complaints. The purpose of the Seimas Controller's role is to detect the grounds of maladministration and to make recommendational proposals. The proposals are either made to the public authorities, so that the latter would eliminate reasons of maladministration, or to the other higher public bodies, that could use their power to adopt certain decisions on the matter of one's failure.

Opportunity to appeal to the Ombudsman's office with a complaint is available for every citizen who believes that his rights have been violated by public administration body. There is no need for a person to come to the Ombudsman institution: aggrieved individual can send the complaint by mail. In addition, an opportunity to file a complaint online was introduced in recent years. This possibility makes it easier to fight for individual's rights. Every democratic country seeks to establish a good internal dispute resolution and complaint-handling system, which can be characterized by such features as the *availability* (it means, that it should be clear where citizen can appeal, in addition the procedure of appeal must be straightforward and simple), *promptness* (the complaint must be investigated within a fastest time), *justice and independence* (complaint shall investigate a person who did not participate in making the contested decision), *impartiality* and *confidentiality* (all complaints must be investigated objectively and not made public in order to ensure that the investigation does not harm the citizen), *efficiency* (after finding that the public servant has made a mistake, the means to achieve the restoration of damaged rights should be provided) and *flexibility* (in some cases, legal norms that have to guarantee the stability of the legal system are too stiff, so in order to meet the changing needs some degree of discretion in investigating complaints in order to adapt to the objective changes in the society shall be foreseen). Basically all of the following criteria meet the Ombudsman, who plays and will play an important role in the development and improvement of the state legal system.

As it was mentioned above, Seimas Controllers are closely related to the Seimas. According to the Law, the Seimas Ombudsmen shall submit to the Seimas the annual report for the preceding calendar year by the 15<sup>th</sup> day of March every year . The report shall be considered in the Seimas. The entire report shall be placed on the website of the Seimas Ombudsmen's Office.

After the Seimas Controller's annual reports analysis it was observed that year after year, people are turning to the Seimas Controller's office with the complaints of public administration officials inappropriate actions.

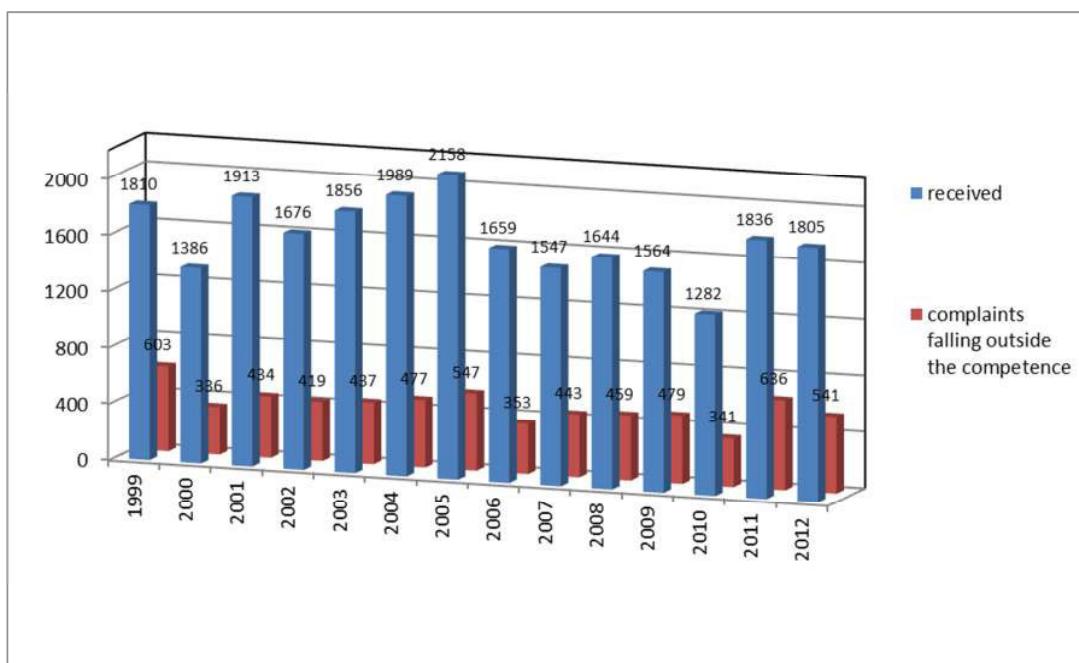


**Picture 1.** Number of complaints received in the Seimas Controllers office

During 14 years of activity, Seimas Controllers received approximately the same amount of complaints each year. The number of complaints decreased for some years, but the previous two years the amount of complaints is almost the same. It shows that people know Ombudsman office and try to defend their rights by using this not judicial trial possibility.

Another fact that was found from the analysis of annual reports: some individuals do not know exactly, whose malpractice they can appeal to Seimas Controllers. So, each year nearly 20 or more percent of complaints are falling outside the competence of the Seimas Ombudsmen. Those complaints are not investigated, in some cases they are forwarded to competent institutions. Some complaints have been examined or are being examined in courts as well as those related to labour law relationships or those concerning the same issue which has been already investigated by the Seimas Controller.

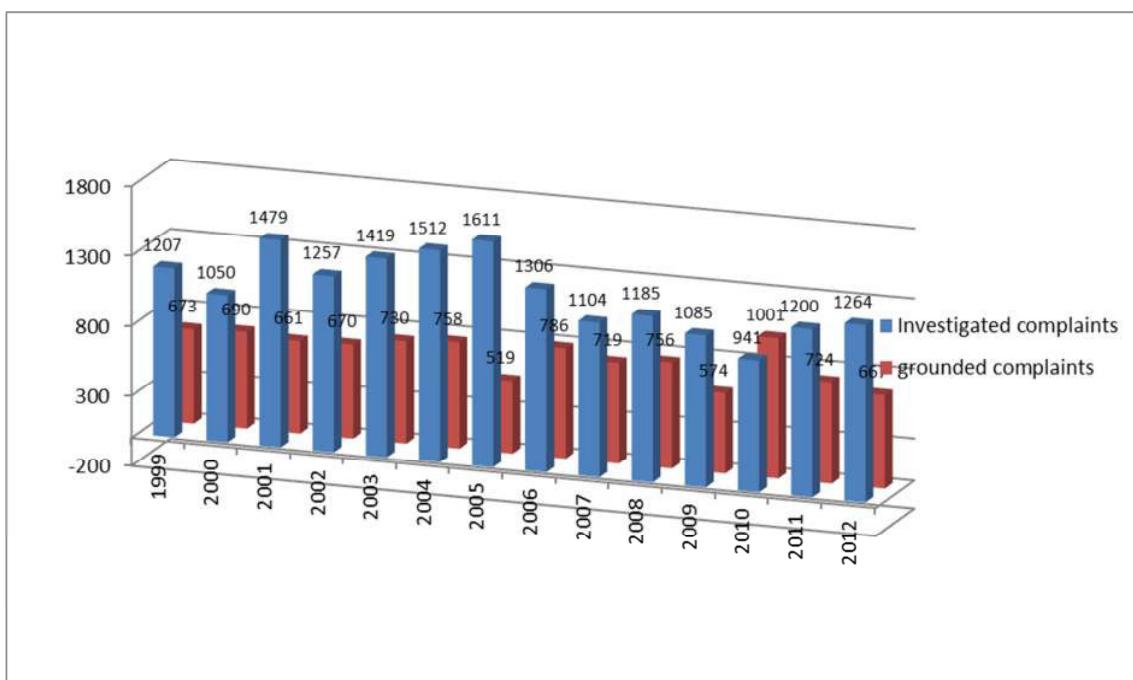
Sometimes people appeal even if they have a case in court, sometimes they appeal the decisions of prosecutors, or other officers, whose activity do not fall within jurisdiction of Seimas Controllers. Such complaints are not examined.



**Picture 2.** Number of complaints that was substantially examined

Sometime individuals make applications which contain no complaints against the actions of officers, but requests to clarify or provide information or documents. The Seimas Controllers examine citizen's applications which contain no complaints against the actions of officers but requests to clarify or provide information or documents. There are also situations, when people appeal without the facts of improper administration. The law gives the Controller the authority to investigate an anonymous complaint or to make investigation on its own initiative on the basis of facts published in the press. Each year some complaints are referred to the Seimas Controllers Office by the members of the Seimas and by the President's reception.

It may be observed, that from year to year the number of grounded complaints is almost the same. Almost half of the complaints falling in the competence of Seimas Controllers were recognized as grounded, it means that facts of abuse of office by officers or their bureaucracy or of improper public administration were established. It can be concluded that the quality of public administration has not improved yet. Therefore the possibility to appeal to the Seimas Controllers is very important for ordinary citizens, who were aggrieved by the public servants.



**Picture 3.** Number of grounded complaints.

Ombudsman institutions activity has its advantages from the point of view of ordinary individual: the simplest complaint procedures, independence, and accountability to the parliament, the right to control proceedings and, if necessary, to make recommendations.

## CONCLUSIONS

The main role of the Lithuanian Seimas Controllers is to protect citizen's rights to good public administration. Seimas Controllers investigate individual's complaints and aims to detect the grounds of maladministration. After the investigation Seimas Controllers make conclusions, whether the complaint is grounded (it means, that facts of abuse of office by officers or their bureaucracy, or of improper public administration are established) or not. And if a complaint is grounded, then Seimas Controllers brings the established violations to the officers' attention and the officers are asked to resolve these issues during the set period under the procedure provided by the law and other legal acts. Ombudsmen make proposals either to the public authorities, so that the latter would eliminate reasons of maladministration, or to the other higher public bodies, that could use their power to adopt certain decisions on the matter of one's failure.

The Law on the Seimas Controllers gives enough powers for the Controllers in order to seek the purpose of their activities - to protect a person's right to good public administration

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securing human rights and freedoms, to supervise fulfilment by state authorities of their duty to properly serve the people. In order to achieve the objective, the controller performs the following functions: protects the rights of citizens against the abuse of power and bureaucracy, exercises a parliamentary control, looks for the subjective and objective reasons of maladministration, provides the guidance on how to improve public administration and participates in the process of the law-improvement.

Seimas Controllers complement the pre-trial administrative litigation system in Lithuania. A good internal dispute resolution and complaint-handling system can be characterized by such features as the availability, promptness, justice and independence, impartiality and confidentiality, efficiency and flexibility. Basically all of the following criteria meet the Seimas Controllers, who play and will play an important role in the development and improvement of the state legal system.

After the recent reforms in Lithuania the number of Seimas controllers has been reduced from 5 to 2. The new rules provide that from 2010 Seimas shall appoint one Controller for the investigation of complaints regarding activities of officials of state institutions and agencies and the second Controller for the investigation of activities of officials of municipal institutions and agencies.

During 14 years of activity, Seimas Controllers received approximately the same amount of complaints each year. It shows that people know Ombudsman office and try to defend their rights by using this not judicial trial possibility. However, some individuals do not know exactly, whose malpractice they can appeal to Seimas Controllers. So, each year nearly 20 or more percent of complaints are falling outside the competence of the Seimas Ombudsmen.

From year to year the number of grounded complaints is almost the same. Nearly half of the complaints falling in the competence of Seimas Controllers were recognized as grounded, it means that facts of abuse of office by officers or their bureaucracy or of improper public administration were established.

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## LIETUVOS RESPUBLIKOS SEIMO KONTROLIERIŲ – PARLAMENTO OMBUDSMENŲ INSTITUCIJOS ANALIZĖ

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### Anotacija

Straipsnyje siekiama išanalizuoti Seimo kontrolierų – parlamento ombudsmeno institucijos funkcijas ir įgaliojimus, pateikti Seimo kontrolierų veiklos teisinio reglamentavimo pokyčius ir atskleisti jų vaidmenį Lietuvos žmogaus teisių apsaugos sistemoje. Straipsnį sudaro trys dalys. Pirmoje dalyje pristatoma Lietuvos Respublikos Seimo Kontrolierių įstaigos teisiniai pagrindai ir teisinio reguliavimo pokyčiai. Antroje dalyje analizuojamos Lietuvos parlamento ombudsmeno funkcijos ir įgaliojimai. Seimo Kontrolierių veiklos analizės rezultatai pateikiami trečioje straipsnio dalyje.

**Pagrindinės sąvokos:** Ombudsmenas, Parlamento ombudsmenas, Seimo kontrolierius, blogas viešasis administravimas, žmogaus teisės

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