

## UN RESOLUTION ON OMBUDSMAN AND MEDIATOR INSTITUTIONS

Contribution by IOI Secretary General Werner Amon

AORC Zoom Webinar – 23 Feb 2021 / 10.00 a.m. (SAST)

Ladies and Gentlemen,

It is a pleasure to talk to you at this webinar today and I would like to thank the African Ombudsman Research Centre for setting up this online event. I would also like to congratulate the previous speakers, IOI President Peter Tyndall and the Ombudsman of Morocco for their very interesting presentations.

On 16<sup>th</sup> December 2020 the UN General Assembly adopted the Resolution on “The Role of Ombudsman and Mediator Institutions in the Promotion and Protection of Human Rights, Good Governance and the Rule of Law”.

I am proud to say, that the International Ombudsman Institute (IOI) played an important role in developing this amended version of the UN resolution.

It was a long – sometimes difficult – but in the end very successful project, on which the IOI embarked in 2018, when we established our UN Working Group. Our aim was:

- To forge closer ties with the UN,
- To raise awareness among UN officials about Ombudsman institutions,
- To make the work Ombudsman contribute to the human rights field more visible, and
- To aspire official recognition of Ombudsman institutions by the UN.

The right entry point to achieve positive change for the way Ombudsman are perceived by the UN, was to seek amendments to the already existing UN resolution.

Before I continue, please allow me to take this opportunity and thank all the members of the IOI Working Group for their active and passionate contributions:

- IOI President Peter Tyndall,
- IOI Vice-Presidents Diane Welborn and Chris Field,
- African Regional President Caroline Sokoni,
- the Belgium Federal OM Catherine De Bruecker, and
- our esteemed colleague from AOMF, Marc Bertrand

Thank you all for your input and the long hours you put into this IOI project.

I would like to express our specific thanks to the Chief Ombudsman of New Zealand, Peter Boshier, and his staff, who did an amazing job in analysing the existing resolution and identifying and drafting first proposals for amendments to improve the perception and recognition of Ombudsman offices through this UN document.

The IOI also cooperated very closely with the Moroccan Ombudsman office in this matter and we are very grateful to Ombudsman Benalilou and his staff for the effective and significant work they did to push this project forward at the UN level.

Why is the adoption of this amended version of the UN Resolution so important?

What does it mean for us? For the future of Ombudsman and Mediator institutions?

The United Nations are committed to maintaining peace and security, and to promoting social and economic progress. When the Universal Declaration of Human Rights came into being in 1948, the protection and promotion of human rights for all people became a key purpose and guiding principle of the UN. Implementing the UN's human rights agenda at the national level and making sure member states obey with international treaties they have signed and ratified, is of utmost importance.

NHRIs and Ombudsman are both state-mandated bodies, independent of government with constitutional or legal mandates to fulfil their mandates, and they both contribute significantly to upholding, protecting and promoting human rights. NHRIs are positioned to make change by:

- monitoring the human rights situation in the country,
- providing advice to government, so that laws and policies reflect international human rights standards, or
- delivering human rights education programs to help change national attitudes.

NHRIs are accredited with an internationally accepted "quality label" on the basis of their compliance with the UN Paris Principles; a set of recognized standards, which inform the establishment of NHRIs.

Ombudsman institutions are established along the key principles of independence, objectivity, transparency, fairness and impartiality.

- They are an essential and necessary element in every democracy.
- They are an important mechanism to ensure good governance and the rule of law;
- They make public administration more transparent and accountable;
- They protect people against discrimination and violation of rights.

Ombudsman operate on national and regional – sometimes even local level – which makes them flexible and enables them to respond rapidly to citizens' complaints about maladministration, lack of fairness, discrimination or abuse of power.

Ombudsman are uniquely positioned: With our complaint handling approach we do the "ground work", if you will. We maintain a very close contact to the citizens, who can access our services easily and free of charge. We are close to the people and we listen to their problems and concerns.

This gives us a unique perspective and enables us to gather information on social and humanitarian issues in our countries. With our complaint handling and investigative work, we act like seismographs for emerging trends or systemic issues that need to be addressed by our governments.

Many Ombudsman offices have a mandate to carry out own motion investigations. These offices often initiate such investigations based on individual complaints.

Last but not least: The protection of human rights is a key feature and the basis of the broad, everyday complaint handling work of Ombudsman institutions. This work very often puts a specific focus on so-called "vulnerable groups", such as children, the elderly or persons with disabilities. Many Ombudsman even have a designated role and mandate in overseeing the implementation of UN conventions such as the Convention on the Rights of the Child (CRC) or the Convention on the Rights of Persons with Disabilities (CRPD). More and more Ombudsman institutions now also fulfil another important mandate: The prevention of ill-treatment of persons deprived of liberty. Within this responsibility, the

Ombudsman takes on the role of the National Preventative Mechanism (NPM) under the UN's Optional Protocol to the Convention Against Torture (OPCAT). Of all States that have designated an NPM, Ombudsman comprise the clear majority.

Protecting and promoting human rights is a broad and important field and I think my previous arguments made quite clear, that this line of work is successfully covered by both: NHRIs and Ombudsman institutions. From our experience we also see more and more cases, in which the national Ombudsman doubles as NHRI; this means the Ombudsman is actually a "hybrid" institution, combining several different mandates; among them also to act as the country's National Human Rights Institution.

With this human rights focus, the operating field of Ombudsman offices aligns perfectly with the UN's human rights agenda. In order to cover the broad range of the "human rights spectrum", it is essential to include Ombudsman and Mediator offices in our considerations.

With the adoption of the amended UN Resolution on Ombudsman, our efforts have been rewarded. Ombudsman and Mediator institutions now have an internationally recognized tool available, which will not only help to promote the Ombudsman concept but – more importantly – strengthen independent and autonomous institutions around the world. This resolution:

- acknowledges the key principles of Ombudsman institutions (that is: independence, transparency, fairness and impartiality);
- it secures worldwide recognition of the important work Ombudsman do in advancing good administration, good governance and the rule of law; and
- it endorses the Venice Principles as internationally recognized standards for the establishment of Ombudsman offices around the world.

Compared to the previous document, the newly adopted resolution now also addresses the issue of Ombudsman under threat, which is Ombudsman who face difficulties, whether regarding their independence, budgets or the safety of the office holders.

With this resolution, the UN now also calls upon member states:

*"To take the appropriate steps to ensure that adequate protection exists for Ombudsman [...] against reprisals, intimidation or threat, including from other authorities." (Article 2e; UN resolution adopted in Dec 2020)*

We have come a long way and we are pleased to see such substantial progress! As an organization for Ombudsman around the world, the IOI will continue to advocate the importance of independent and effective oversight bodies such as Ombudsman and Mediator institutions. And we will continue to help strengthen Ombudsman offices in all parts of the world.

How does the IOI do that?

We promote **exchange** and shared learning among our members by organizing conferences, seminars and workshops on Ombudsman-related topics. Like this webinar today, or the IOI's World Conference, which is held every four years and which will take place from 26<sup>th</sup> to 27<sup>th</sup> May this year.

We develop, organize and offer **training** initiatives to our members to help them build their capacities. Our training offer covers a very broad range of different topics, from more “general” trainings such as complaint handling practices to specific areas such as torture prevention and how to deal with challenging complainants or – just recently – how to deal with the media.

We fund research and **regional projects** on Ombudsman -related matters. This enables Ombudsman offices to address important issues in their respective countries or regions and it makes them more visible and raises awareness about their existence and services.

The IOI also fosters and implements **scientific research and publications** that provide a good basis for an intensified exchange. We introduced a series of comparative studies on Ombudsman institutions in the IOI regions, with the study on Ombudsman in the African Region currently being finalized. We also introduced a “Best Practice Paper” series with a view to provide guidance material and to address key issues and Ombudsman -related topics.

We foster an on-going **dialogue with international organizations** and regional partner associations such as the Global Alliance for NHRIs, or the African Ombudsman and Mediators Association (among others).

Last but not least: We support **Ombudsman under threat** or colleagues who operate under difficult circumstances. With the Venice Principles & the newly adopted UN Resolution, we now have two very important tools at our hands to refer to when supporting colleagues under threat.

With all the services listed above, the IOI substantially contributes to the UN’s Agenda 2030, in particular to the fulfilment of the Sustainable Development Goal Nr. 16, which calls for: *“The promotion of peaceful and inclusive societies and access to justice for all, by building effective, accountable and inclusive institutions at all levels.”*

The IOI strives to increase its presence, to further developing its influence and to strengthen its authority as the only global organization for Ombudsman and the voice of Ombudsman colleagues at an international level.

We will continue to support our colleagues and to advocate for strong, independent and autonomous Ombudsman institutions around the world.

With the Venice Principles and the UN Resolution on Ombudsman and Mediator institutions, our mission and vision and our most important priorities will be easier to implement.

This is a very positive and encouraging feeling!

Thank you.