

ENO seminar - the Role of Ombudsman Institutions in Open Government

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Thank you very much for coming here today for this special seminar on the role of ombudsman institutions in open government. I am delighted to see so many of you from the European Network of Ombudsmen offices and I am also particularly glad to welcome the OECD colleagues who put such hard work into the open government survey.

I hope you are not having too much difficulty adjusting to September's back-to-school mode although this year the normal summer downtime did not really happen when it came to political and other events.

The latest developments in US politics and the Brexit debate seemed to pierce through what are normally - at least in the EU - relatively quiet August weeks. I was also struck by the dominance and seriousness of the discussions and debate on the impact of new technologies on all aspects of our lives including on how politics is conducted and mediated. We are living in a time of change of course but the speed and intensity and even novelty of that change is dramatic. As technologies reshape our world and colonise large areas of the private and public sphere, trust in government is low; and traditional, centrist political parties are having trouble connecting with their political bases as those bases themselves splinter into smaller and more divided units.

More extreme parties are waiting in the wings to fill the power vacuum or to drag the centre closer to their ideologies. Politics seems shriller, shallower even cruel at times with social media allowing for few filters that allow for more respectful and humane engagement. And we are fed a steady stream of it - in real time via our smartphones.

Yet despite the constant stream of data, it is getting more difficult to identify the actual facts. When counter-"truths" can be conjured up by anyone with an iPhone - or simply by the person who speaks loudest - people risk tuning out completely. A general assumption can take hold that governments and their administrations are not worth listening to; that it no longer matters what the truth is.

Against this backdrop, it is doubly important for ombudsman offices to regularly evaluate what our role is in contributing to greater citizen trust and confidence in public administrations. We cannot change the overall direction of societies but we can try to make sure that those in charge are acting with citizens best interests at heart. The survey the OECD carried out last year -



which my office gladly supported and which Alessandro will talk you through in greater detail in a little while - is therefore very timely. It shows how much Ombudsmen offices already do to promote open governance and where we could do more.

I will mention a few of the survey points that stood out for me. As a whole Members of the European Network of Ombudsmen do quite well in implementing some open government practices such as publishing their decisions; being present on social media and promoting their work and office - this last point is often underrated; an ombudsman only has a chance to be effective if people know that they can turn to her or him.

Ombudsman offices are also contributing to public governance reforms in their countries, chiefly through improving the transparency and delivery of the public sector - although as the survey itself notes, ombudsman offices tend not to frame these reforms as open governance. I think one point well made in the report is the need to promote Open Government literacy, i.e. that we know what it is and recognise and name it when we do because well are doing it to a lesser or greater degree.

The survey also shows us that a lack of political will to involve the ombudsman is seen as the biggest obstacle to participation in the national open government agenda (where there is one). Interestingly, the survey also notes that this might only be a perception. In other words, while it could be that the local executive is not willing to involve the Ombudsman, it might also just be that we ourselves have not fully recognised the role we can play in promoting open government.

I see open government as something that should be tackled on several fronts - within our own offices by promoting internal best practices; implicitly by letting the principles of open government inform how we approach complaints and explicitly by calling on governments to practice open government. At the EU level my office has encouraged the European Commission to play a leading role in the Open Government Partnership.

The survey suggests that concern about the independence of Ombudsmen offices might be contributing to reticence about getting involved in this area. We should be able to overcome these concerns by setting out in advance clear objectives and how we want to achieve them. A stronger role promoting and monitoring open government in the national context - and at the EU level for my office - would further strengthen public perception of our offices as proactive proponents of citizen-friendly public administrations.

The survey contains draft principles on the role of ombudsman institutions in open government. They show how we could collectively strengthen our role in open government, both internally and as part of national - and European - conversations about citizen-friendly public administrations. They will be a useful basis for future discussions and work on this issue.

For many of you, this conference will also include exchanges on how we can increase cooperation among our offices be it by conducting more parallel inquiries together, organising workshops or exchanging best practices. While many inquiries and lines of our work are unique to our particular national or European context, there are several areas where we could - and



should - combine our collective strength to increase the likelihood of effecting positive change. We have cooperated on many issues in recent years, a key one being the parallel inquiry into how the EU border agency, Frontex, and Member State authorities handle returning migrants to their home countries. This cooperation resulted in a complaints mechanism for those who feel their fundamental rights have been breached by Frontex during these return actions.

I am very much looking forward to hearing the ideas you have discussed. My office recently conducted an inquiry into transparency in the Council of Ministers, where Member States shape legislative proposals. We found that it is very difficult for experts - let alone ordinary citizens - to know how a draft piece of legislation evolves to its final state. We have asked that Member State positions be recorded and that the Council curb its practice of marking documents as not for circulation. Citizens have a democratic right to follow a legislative process and, particularly, to know what position their own Member State took on a given law.

Without wanting to pre-empt your discussions, it seems to me there is room for common initiatives in this area - perhaps with national ombudsmen looking into how national parliaments do or do not scrutinise EU laws, or maybe also looking at how transparent the national legislative process is. My inquiry into the transparency of the legislative process at EU level is now with the European Parliament, which hopes to draft a resolution on it in the coming months, to be completed well ahead of the EU elections in May.

I wish you a very fruitful seminar and I will now hand you over to Alessandro for a closer look at the survey on open government.

Thank you.