

IOI Annual Conference 2021 - Speech by the European Ombudsman

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Good afternoon Peter, good afternoon friends and colleagues and thank you for the invitation to address you on the theme of Justice for All, a theme obviously relevant to Ombudsmen but even more relevant now as we continue to experience the fallout from the pandemic.

Reflecting on this theme in the run up to this event, I remembered how some months ago, while out for a walk, I had come upon a dried up river bed. At some point the river must have looked beautiful but the disappearance of the water now revealed what lay beneath, discarded household objects, bicycle frames, waste of every description, all now considered worthless, stripped of value, lying there unseen until the waters had receded.

All of us at this conference have, I am sure, struggled to frame our understanding of the pandemic in a way that makes sense to us both as private individuals and as Ombudsmen. At this point in its trajectory it reminds me of that river bed. The pandemic not just stripped away lives and livelihoods but also revealed much of what actually lies beneath the social surface of our lives. With brutal honesty it showed us what and who is valued and who and what is discarded.

In good times, when the rivers were full, much was opaque. The reality of inequalities across race, gender, health and income status was there and often in plain sight, but that reality could still be blurred at its edges through denial, through political spin, through the simple distraction of our busy pre-pandemic lives.

And then the world stopped. And in the panic that followed the waters retreated and the discarding of the forgotten and the marginalised intensified.

Older people were left without the necessary protection, often dying in nursing homes as a result, prisoners often pushed to the back of the compassion queue. Migrants continued to be housed in accommodation that magnified the lethal power of the virus. Poorer children fell behind in virtual schools, while poorer workers were left exposed in workplaces that supported those who could safely retreat to their homes.



The figures and reports that highlight this intensification of inequality are stark.

In the EU, 74% of the highest paid employees are able to work at home, compared with just 3 percent of the lowest paid workers.

COVID-19 mortality in the most deprived 10% of areas in England is twice that of the least deprived 10%. Similar trends have been reported in France, Brazil, Nepal, Spain and India.

Black and Asian people in the UK and the US were found to be much more susceptible to the virus a phenomenon which cast a sharp light on the issue of health injustice where people become sick through systems that enable social factors to influence health outcomes.

In Europe, Roma communities lack safe homes, making quarantine impossible and putting them at risk of infection. Thirty per cent of Roma people lack access to tap water and 80 percent live in dense neighborhoods and overcrowded housing.

Intimate violence, the abuse mainly of women by their partners accelerated at such a rate that the WHO felt compelled to report on it within just a few months of the start of the pandemic.

The miraculous arrival of vaccines, barely a year after the start of the pandemic, revealed more of that dried out river bed. As I write this in early May, ten of the richest countries in the world have received 75% of the vaccines. Current trends would, reportedly, see poor nations achieving mass vaccination only by 2024.

The world is grateful for the unprecedented level of scientific collaboration and of private, public, and philanthropic funding that has produced these vaccines.

We cannot forget however that the three main poverty related diseases of Tuberculosis, Malaria and HIV/AIDS have yet to find the magic bullet that might also potentially eradicate them.

In recent weeks, the scenes from India in particular have been unbearable in their horror and in their sadness. While rich countries consider the relative merits of excellent vaccines, our poorer neighbours beg and barter for oxygen and can barely bury their dead.

In the last few weeks also the US and the EU have argued over the merits of suspending intellectual property rights for vaccines. The pros and cons are complex, the interests involved hard to disentangle but even as the debate rolls on the flow of vaccines continues unimpeded into both the EU and the US, with the EU recently ordering 2 billion doses of the Pfizer vaccine to deal with the need for booster shots for its citizens.

All of you have borne witness to the politics of the pandemic and I say politics because much of the trajectory of the pandemic has been informed precisely by politics.



In the EU, as in the rest of the world, we have seen good political instincts and actions compete with the not so good. There were

brave actions when it came to agreeing to high levels of funding to support member states to recover from the effects of the pandemic and to curb the instincts of some member states to go it alone when it came to vaccine procurement. In addition, the EU EXPORTS vaccines, while to date, the US the UK have hardly exported any.

There is justifiable moral pressure now on the EU to do even more to distribute vaccines around the world and to encourage its richest allies to do the same.

The Union at times struggles to give life to the values embedded in its treaties and in the Charter of Fundamental Rights, but the pandemic provides an opportunity for it to show global, moral leadership, to assert its soft power beyond its own borders.

All of you within your respective mandates have tried not just to shine a light on inequalities thrown into sharp relief by the pandemic but to encourage your administrations to act to overcome them. As we do our work, as we attempt to play our role in mitigating the worst effects of the pandemic, we have become even more aware of the way in which politics and culture have played such an enormous role in the trajectory of this crisis. Poverty and exclusion yes drive the disease but they are not its only determinants.

Writing in the Financial Times in February of this year, the science writer and philosopher Yuri Noah Hariri said,

“ Epidemics are no longer uncontrollable forces of nature. Science has turned them into a manageable challenge. Why then has there been so much death and suffering? Because of bad political decisions. ”

In some countries the virus became not a health problem to be solved, but rather an additional, life-denying, toxic ingredient in the so-called culture wars. In the United States, the wearing of a mask –

the simplest of basic health measures – became an emblem of political allegiance.

Some leaders chose to dismiss the dangers posed by the virus in order to assert a warped masculinity or to display authoritarian power.

Similarly, lockdowns, quarantining, testing, border closures, each and every one of those issues had first to pass through the particular political and cultural prism of a country before decisions were made as to whether to impose them or not.



Following the science, it turned, out was not the neutral act we naively imagined it to be.

But questions also need to be asked of public health authorities. Why, for example, did it take so long even for the WHO to recognize that COVID-19 is spread through tiny aerosols when its rapid spread clearly suggested that it must be?

Why was there such a reluctance among leading disease control centres including the European Centre for Disease Prevention and Control to recommend the use of face masks?

This pandemic has raised our awareness of the human factors that inform even science. It has also exposed the multiple and complex factors that go into the creation of inequalities precisely by observing how those inequalities are magnified and play out during a pandemic.

The virus may be the killer but political and administrative decisions have, as I noted above, influenced the path it has taken.

I do not envy anyone charged with making those decisions, with the balancing of multiple needs, multiple pressures, multiple interests

but when the dust has settled, when this pandemic recedes to a point where we can all restart a reasonably normal life, it is important that that decision making is scrutinised and I believe that this Ombudsmen community could play a vital role in that scrutiny.

The pandemic has provided laboratory conditions for the detailed examination of administrative actions and that obviously plays to our strengths and to our fundamental obligations as Ombudsmen.

Not every Ombudsman has the power of own initiative but I would suggest that the straightforward compiling and analysing of Covid related complaints could effect a similar result.

As European Ombudsman, I conducted a major investigation into the European Centre for Disease Prevention and Control, drawing conclusions on the gaps in its capacity to be the effective agency that its name implies it should be, and making suggestions to the EU legislators as to what needs to be done to make it a robust agency.

I have also promoted and encouraged transparency in EU decision making throughout the pandemic. Citizen trust, I have argued, is not an abstract entity, rather it is a concrete and vital tool in the armoury of any administration trying to fight the virus.

Colleagues, this has been, and continues to be, a challenging time for all of us, for our families, for our communities and for the people we try to serve. But it is a time that also provides us with the opportunity to demonstrate and to prove the worth of our unique institution by helping to



lead the way to a more positive and more humane post pandemic aftermath.

As the Indian writer Arundhati Roy has written;

“ Historically, pandemics have forced humans to break with the past and imagine their world anew. This one is no different. It is a portal, a gateway between one world and the next ”.

I hope that individually and collectively we all can help to reimagine our world anew, to step through that portal to a place that protects and does not discard, to a place that is just as beautiful below the surface as it is above.

To conclude, I would like to thank and to congratulate Peter Tyndall and all of the IOI Board members and their teams on the important work they have done throughout this period and particularly in arranging this global conference. I look forward to this afternoon's discussion and I thank you for your attention.