

## **Speech of the European Ombudsman: Seminar on Ombudsmanship: Prospects and challenges for the 21st Century, Nicosia, Cyprus 12 -16 September 2001**

### Speech

The ombudsman institution is both old and new. Its roots go back to the early 19th Century. After a hundred and fifty years of near solitude, the ombudsman rapidly conquered the world. This was not just a matter of fashion, but a response to a real need in modern societies: the need for a true institution promoting the rule of law and respect for human rights in a democratic society.

There is no guarantee that ombudsmen will meet this need successfully in the 21st Century. To do so, we must confront new challenges to the rule of law and to human rights. We must also modernise our own procedures in order to fulfil citizens' rising expectations of prompt, effective and responsive service.

This will be a big challenge. Here are some of the key action points:

1. The ombudsman's mandate must adapt to changes in society. It cannot remain confined to traditional public administration, because the private sector is increasingly involved in delivery of public services. Furthermore, fundamental human rights such as non-discrimination and respect for children's rights cannot be effectively guaranteed if the ombudsman is bound only to the public sector. The flourishing of different kinds of quasi-ombudsman offices for special purposes partly reflects the failure of traditional ombudsmen to develop in accordance with the citizens' needs.
2. The ombudsman should also play an educative and preventive role in society. He should run an on-going information campaign to improve knowledge of the rights of the citizens and promote open, accountable and service-minded public services. To achieve this, the ombudsman should be an advocate for rules of good administrative behaviour and give speeches, take initiatives and present reports to stamp out injustice and remove obstacles to the fair treatment of citizens. The ongoing information campaign must include a good internet website where information can easily be found and an e-mail address for citizens to communicate with the ombudsman.
3. Fraud and corruption are not just crimes; they are real threats to democracy and the rule of law. Therefore the ombudsman should consistently work for a high quality staff in the public



sector, with proper ethical training and advice. The ombudsman should also understand that an open administration with transparent procedures is the best protection against fraud and corruption. He or she must also ensure that there are effective institutions to fight corruption and should supervise their operations, when needed, to help them be both successful and fair.

4. Ombudsman offices should inform citizens of how to complain and provide an easily accessible complaint form. The form should also be available on the website. The normal complaint procedure should be clearly established, transparent and known to all parties. It should include necessary procedural safeguards, such as the right to be heard on all the arguments and facts presented in the case. The possibility to propose friendly solutions should also be considered.

5. Slow handling of complaints is one of the greatest dangers to the credibility of ombudsmen all over the world. The aim should be to undo possible instance of maladministration to the benefit of citizens as soon as possible. As a rule, cases should be closed within one year. Complaints outside the mandate should be handled within one month. If there is another body competent to deal with the complaint, it should be transferred with the consent of the complainant, or the complainant should be duly informed about this possibility. A fast-track procedure should be established for urgent complaints, including telephone or e-mail consultations and the possibility of *ad hoc* inspections.

6. The task of helping citizens who have problems with the administration should be carried out as close to the citizens as possible. In-house complaints procedures should be established in regions, bigger municipalities and complex institutions like hospitals, prisons and police forces. Such internal complaints procedures can help citizens quickly and avoid overloading the national ombudsman office. In large countries without regional ombudsmen, the national ombudsman office should consider organising regional offices to inform citizens, receive complaints and, when possible, deal with grievances on the spot.

In all cases, ombudsmen should do whatever is in their competence to ensure that complaints are handled in a prompt, effective and fair way and with the sole intention of putting wrong things right.

7. The ombudsman office should produce its Annual Report in a form that is accessible to the general public and easily understood. The Annual Report and all decisions with reasons should be put on the website, so that both public servants and citizens can inform themselves and learn for the future. It is also important to produce a summary of the Annual Report and the most important decisions in at least one of the major world languages and also that ombudsmen should be ready to receive complaints in many languages.

8. From time to time, the Ombudsman should produce special reports to the Parliament or Government. Special reports put the spotlight on more general problems in the society that are within the ombudsman's mandate. They should include proposals to remedy the situation, thereby stimulating an open debate on important issues for the benefit of the citizens and helping identify effective and prompt solutions.



9. Ombudsman offices will have more and more international conventions and rules to follow, so the co-operation between them must become more effective and useful. Here also the possibilities provided by the internet and e-mail should be used fully to exchange information and possible solutions to different cases.

It would be helpful if there were more international seminars for ombudsmen to deal with important and topical issues or problems that all offices face, instead of increasingly large conferences with general items. An ombudsman should always learn something new and useful during an international event, so as to be able to work for the citizens with more dedication, knowledge and skill.

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