

INTERNATIONAL OMBUDSMAN INSTITUTE (IOI)

VIENNA DECLARATION

Adopted unanimously by all those present at the meeting of the IOI Board of Directors held in Vienna, Austria from 26 to 28 April 2017 upon request of the Caribbean and Latin American Directors of said Board and in relation to the appointment of a National Ombudsman and a National Ombudsman for Children and Adolescents of the Republic of Argentina, which lies in the exclusive competence of the National Congress of Argentina.

WHEREAS the institution of the Ombudsman/*Defensor del Pueblo de la Nación*, established under National Law 24.284, is a monitoring body essential for the rule of law, protecting and guaranteeing the rights and freedoms of citizens is among its various mandate, and it offers independent and objective consideration of complaints aimed at correcting injustices caused to an individual as a result of maladministration; the position nevertheless remains vacant for more than seven years;

WHEREAS National Law 26.061 on the Comprehensive Protection of the Rights of the Child, adopted in 2005, provides for the appointment of an Ombudsman for Children and Adolescents invested with specific powers, including the possibility to initiate joint activities in the support of this traditionally vulnerable group and the monitoring of public institutions that provide services to them. However, an Ombudsman was never appointed by Congress despite providing for its creation;

WHEREAS a further important objective of Ombudsman institutions is to promote citizens' rights with a view to strengthening and renewing the democratic forces of the State;

WHEREAS from its early beginnings in Scandinavia, the Ombudsman concept has been adopted and extended across the world and includes the promotion and protection of human rights of all people on a daily basis;

WHEREAS the Ombudsman concept has proved extraordinarily adaptable and innovative, while remaining true to its original core principles of independence, objectivity and fairness; and

WHEREAS on motion duly made and unanimously carried, the International Ombudsman Institute (IOI) has already acknowledged that Ombudsman institutions at national, regional and local level exist in approximately 140 countries (increasing in number each year) and emphasizes that these institutions form an integral part of constitutional reality and make an important contribution to the rule of law, transparency, democracy and human rights.

Considering the above and on the basis of the request brought forward by the Caribbean and Latin American Directors of the IOI Board in relation to the vacancies indicated above, the IOI Board of Directors,

RESOLVES TO:

- 1.- *Call upon* the National Congress of Argentina to accelerate the appointment process of the National Ombudsman for Children and Adolescents (pursuant to Article 49 of National Law 26.061) and the National Ombudsman (pursuant to National Law 24.284 and amendment 24.379) by the relevant bicameral commissions.
- 2.- *Insist* that access to an Ombudsman institution is inherent in the right to access to justice of every individual so that they can turn to an institution for redress in case of injustices caused as a result of maladministration.
- 3.- *Reiterate* that the work of Ombudsman institutions constitutes an essential and necessary element to develop and preserve a transparent and accountable democracy.
- 4.- *Emphasize* the fact that governments and parliamentary majorities allowing for criticism by independent Ombudsman institutions is proof of democratic maturity and the rule of law.
- 5.- *Urgently promote* with the present declaration that all relevant constitutional mechanisms accelerate the process of appointing candidates for the two national Ombudsman institutions referred to in this document and inform the competent authorities about the Vienna Declaration, **adopted on 28 April 2017.**