

MAJOR ACHIEVEMENTS IN OMBUDSMAN WORKS

Success Stories from Around the World





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Major Achievements in Ombudsman Works: Success Stories from Around the World

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PREFACE

The book "Major Achievements in Ombudsman Works: Success Stories from Around the World" has been compiled to commemorate this milestone by bringing together 23 congratulatory messages from esteemed ombudsmen worldwide and 16 insightful articles. These contributions reflect the success of ombudsman institutions across various domains from an international perspective. This exchange of knowledge serves as a valuable resource to further strengthen and solidify the role of the Thai Ombudsman, ensuring it remains a true pillar of support for the people.

Overcoming challenges and reaching this significant 25-year milestone has been made possible through the collective efforts of all stakeholders, including ombudsmen, the Office of the Ombudsman, and supporting agencies that have contributed to every step of our journey. The documentation of the ombudsman's achievements worldwide through this publication would not have been possible without the collaboration of distinguished Ombudsman colleagues for their contributions to the congratulatory messages and articles, together with the hard work of the editorial team. On behalf of the Thai Ombudsman, we extend our sincere gratitude to the International Ombudsman Institute (IOI) for its financial support in the production of this book.

The Thai Ombudsman sincerely hopes that in the future, we will continue to advance and build upon these perspectives and experiences to foster sustainable justice in both Thai and global societies.

Mr. Somsak Suwansujarit IOI Regional President (Asia)and Chief Ombudsman, Thailand

S. Suwansujari

Mr. Songsak Saicheua Chair of the IOI UN Working Group and Ombudsman, Thailand

EDITORIAL

For a quarter of a century, the Ombudsman of Thailand has stood as a vital pillar of our democratic society in upholding fairness and resolving grievances arising from non-compliance with the law or actions beyond the scope of legal duties and powers by the state or state officials. This commemorative book has been prepared on the occasion of the 25th anniversary of the Thai Ombudsman to document our journey and to celebrate our unwavering commitment to upholding the principles of fairness, transparency, and accountability. This book is made possible with the generous support of the International Ombudsman Institute (IOI), for which we express our sincere gratitude.

This book is more than just a historical record; it is a vibrant tapestry woven from the experiences and insights of the global ombudsman community. The inclusion of congratulatory notes from 23 ombudsman institutions worldwide underscores the international recognition of the Thai Ombudsman's contributions and its active engagement within the global network dedicated to promoting administrative justice. These messages of support and solidarity highlight the shared values and common challenges faced by ombudsman institutions across borders.

Furthermore, the special articles penned by members of the Thai Ombudsman offer a unique and invaluable perspective on the organization's evolution, its achievements, and the challenges that lie ahead. These reflections provide a deeper understanding of the institution's internal workings, its strategic vision, and its commitment to continuous improvement. They offer a glimpse into the dedication and expertise of the individuals who have tirelessly served the public through this vital office.

The heart of this commemorative volume lies in the insightful articles contributed by 16 ombudsman institutions from around the world, focusing on the theme of "Major Achievements in Ombudsman Works: Success Stories from Around the World." These narratives of impactful interventions, successful resolutions, and systemic reforms provide a rich source of inspiration and best practices. They showcase the power of ombudsman institutions to effect real change in people's lives and to contribute to the strengthening of democratic institutions globally. By sharing these success stories, we hope to foster a greater understanding of the crucial role ombudsmen play in promoting good governance and protecting citizens' rights worldwide. We are confident that this book will serve as a valuable resource for ombudsman institutions, policymakers, and anyone interested in promoting administrative justice and good governance.

Mr. Keirov Kritteeranon Secretary-General

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Office of the Ombudsman of Thailand

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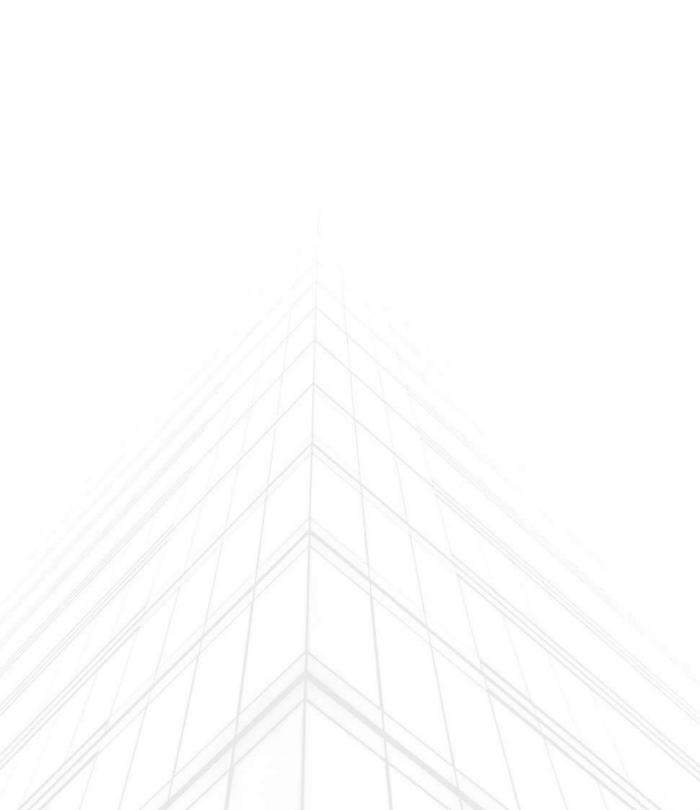
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MESSAGE OF MEMORY AND CONGRATULATIONS



Ms. Gaby Schwarz

IOI Secretary General and Austrian Ombudswoman

The members of the Austrian Ombudsman Board congratulate the Office of the Ombudsman of Thailand on 25 years of excellence and dedication and its unwavering commitment to good governance and the rule of law.

The traditionally good relations between the Austrian Ombudsman Board (AOB) and the Ombudsman of Thailand were further strengthened when the AOB took on the responsibility of hosting the General Secretariat of the International Ombudsman Institute (IOI) 15 years ago. Since then, the Office of the Ombudsman of Thailand has been a dedicated partner, whose active contributions have been truly commendable and pivotal to moving forward the IOI's objectives and goals.

Your journey of success and growth has been nothing short of inspirational. We are convinced that the impact of your work will remain profound as ever and that the Office of the Ombudsman of Thailand will continue to stand by those in need of support, address systemic issues, and ensure that public administration will be held accountable.

GABY SCHWARZ

Austrian Ombudswoman and IOI Secretary General

Ms. Sabina Aliyeva

AOA Vice President and Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan



I would like to extend my sincere congratulations to you on the 25th anniversary of the Thailand Ombudsman Institution.

Ombudsman institutions are among the key actors in protection and promotion of human rights. You are fulfilling an honorable yet very responsible mission, as your institution is at the helm of upholding the Rule of Law and fairness in your country.

In order to enhance the abovementioned activity, international cooperation and benefiting from the best practices of foreign colleagues assume high importance. It is worth mentioning that during long years there has been effective cooperation between our institutions on a bilateral basis. Staff members of both institutions have reciprocally joined international and regional events organized. At the same time, this cooperation has been continued under different international platforms, such as the International Ombudsman Institute and the Asian Ombudsman Association which made significant contributions to the exchange of knowledge and practice for the promotion and protection of human rights.

I hope that the coming years will strengthen the partnership between the Ombudsman Institutions of Azerbaijan and Thailand in addressing modern challenges in human rights protection and promotion, also in defending rights of various groups of population. I am confident that your team will achieve new milestones in this direction.

I once again congratulate you and your team on the anniversary, and wish you great success in future.

Best wishes.

SABINA ALIYEVA

AOA Vice President and Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan



Mr. Kevin Brezinski

Alberta Ombudsman / Public Interest Commissioner

I want to extend my heartfelt congratulations to your office on reaching the milestone of 25 years of exceptional service! This achievement is a testament to your hard work and reflects the dedication and compassion from you and your team.

I am grateful for the opportunity to collaborate with your office, sharing valuable ideas and best practices through the International Ombudsman Institute. It is encouraging to see how our joint efforts can drive meaningful change and improvements. The role of Ombuds globally is crucial, and the relationships we build together enhance our collective impact as we strive to achieve our shared goal of fairness for all.

Here's to celebrating this incredible milestone and to the many successes yet to come!

Warmest Wishes,

KEVIN BREZINSKI

Alberta Ombudsman /
Public Interest Commissioner

Message from

Mr. Jay Chalke

Ombudsperson Province of British Columbia



I write to wish you and your team hearty congratulations on the occasion of the 25th anniversary of the Office of the Ombudsman of Thailand.

Your office has made important contributions to improvements in public administration in Thailand, thereby benefitting both past and future users of public services in your country.

In addition, the Ombudsman of Thailand has been an active participant on the global ombuds stage. That participation culminated when, in 2016, your office hosted the 11th World Conference of International Ombudsman Institute in Bangkok.

More recently, I was honoured to be invited to deliver a training presentation to your staff in February 2023 and was impressed with the attentiveness and professionalism of all concerned.

Again, congratulations on the 25th anniversary of the Office of the Ombudsman of Thailand.

Yours sincerely,

JAY CHALKE

Ombudsperson Province of British Columbia



Mr. Paul Dubé

IOI Regional President (North America) and Ombudsman of Ontario

The Office of the Ontario Ombudsman extends its sincerest congratulations and best wishes to the Ombudsman of Thailand on the 25th anniversary of its founding. Independent oversight of government administration is integral to the protection of democracy and citizens' rights, and we are honoured to join you in celebrating your achievements. It is essential for every ombudsman institution to demonstrate value by raising awareness, highlighting its successes in every way possible, and show that it is not just valuable, but indispensable to society. We applaud the Ombudsman of Thailand's essential role in serving the public. As a fellow oversight office, appreciate our collaborative relationship and look forward to continuing on the ombudsman journey together.

PAUL DUBÉ

IOI Regional President (North America) and Ombudsman of Ontario

Mr. Chan Jick-chi Jack

Ombudsman, Office of the Ombudsman of Hong Kong, China



On behalf of the Office of The Ombudsman, Hong Kong, China, I extend our heartfelt congratulations to the Thailand Ombudsman on the momentous occasion of your 25th anniversary. This significant milestone reflects your steadfast commitment to justice, accountability, and exemplary public service.

Throughout the past quarter-century, the Thailand Ombudsman has accomplished remarkable feats. Your proactive approach to systemic issues, such as public health challenges during the COVID-19 pandemic, the water supply system installation and land management concerns, highlights your dedication to addressing the grievances that affect the wider community.

Besides, your collaboration with international partners, including the establishment of the South East Asian Ombudsman Forum, exemplifies your commitment to knowledge sharing and best practices in governance. The fruitful partnership between our offices has further strengthened our mutual vision of ensuring accountability and transparency in our regions. I look forward to deepening our relationship through mutual exchanges and visits.

As you celebrate this significant 25th anniversary, may your continued efforts inspire trust and integrity in public administration. Here's to many more years of impactful service and collaboration for the betterment of society!

Warmest regards,

CHAN JICK-CHI JACK

The Ombudsman, Hong Kong, China



Mr. Mokhammad Najih

Chairman, Ombudsman of the Republic of Indonesia

On behalf of the Ombudsman of the Republic of Indonesia, I am pleased to extend my congratulation of the 25th anniversary of the Ombudsman of Thailand.

25 years of Ombudsman Thailand is a relatively young age for an institution, especially when compared to the age of the Ombudsman in Sweden. Despite its relatively young age, the Ombudsman of Thailand has already taken part in the global arena. The Ombudsman of Thailand is part of the great vision of Ombudsmen around the world to create good governance, rule of law, and uphold human rights, through the role and strategic position of the Ombudsman of Thailand in the International Ombudsman Institute (IOI).

In the Asian region, Ombudsman Thailand also has a major contribution through SEAOF to transfer knowledge as well as share best practices and success stories in order to increase the capacity of Ombudsman personnel when conducting preventive work and resolving public reports.

Ombudsman of the Republic of Indonesia is honoured to have been given the opportunity to partner closely and intensely with the Ombudsman of Thailand. Much joint work has been produced, especially in the Southeast Asian region with the formation of the Southeast Asian Ombudsman Forum (SEAOF) since 2020.

In carrying out Ombudsman duties as a public service oversight institution, consistency in maintaining independence is a challenge in itself. The Ombudsman must not take sides with the public as the reporter and also not side with the government as the reported agency. That is where the Ombudsman is tested as an independent institution to bridge the relationship between the government and the community.

Therefore, entering its 25th year, hopefully Ombudsman Thailand will remain consistent and persistent in becoming a mouthpiece for the people of Thailand, Asia, and the world in eradicating all forms of maladministration in public services.

MOKHAMMAD NAJIH

Chairman, Ombudsman of the Republic of Indonesia

Mr. Sugawara Nozomu

Director-General, Administrative Evaluation Bureau

Ministry of Internal Affairs and Communications,

Government of Japan



Many congratulations to the Office of the Ombudsman of Thailand on the occasion of its 25th Anniversary.

Message from

For many years, the Office of the Ombudsman of Thailand has played a leading role in Asia through the International Ombudsman Institute (IOI) and the Asian Ombudsman Association (AOA) and has contributed greatly to the Asian ombudsman community by hosting international conferences and training courses. In particular, it organised the IOI World Conference for the first time in Asia in 2016, bringing together ombudsmen from around the world. As Regional President of IOI Asia, the Chief Ombudsman of Thailand, Mr. Somsak Suwansujarit, hosted the IOI Asia Regional Meeting online in 2021, amid the COVID-19 pandemic that caused considerable damage around the world, to lead the revision of the IOI Asian Regional Membership Rules. Furthermore, in 2023, he hosted the same Regional Meeting along with an International Seminar titled "Asian Ombudsman as a Mechanism for Promoting Fair Administration, Good Governance and the Rule of Law," providing a valuable opportunity for discussion about ombudsmen's mandates and celebrating the reunion of Asian ombudsmen.

Much like the long history of good relations between the Kingdom of Thailand and Japan, the Office of the Ombudsman of Thailand and the MIC have a cordial and friendly relationship. We have sent delegations to each other, and thus in November 2018, we brought our joint efforts to fruition by signing a Memorandum of Cooperation.

I once again congratulate Chief Ombudsman Mr. Somsak Suwansujarit and all those working at the Office of the Ombudsman of Thailand on its 25th Anniversary and look forward to maintaining our warm relations and continuing close cooperation in the years to come.

SUGAWARA NOZOMU

Director-General, Administrative Evaluation Bureau Ministry of Internal Affairs and Communications, Government of Japan



Mr. Ryu Chul Whan

Chairperson, Anti-Corruption and Civil Rights Commission Republic of Korea

I would like to congratulate the Office of the Ombudsman of Thailand on its 25th anniversary on behalf of the Anti-Corruption and Civil Rights Commission (ACRC) of the Republic of Korea.

The Office of the Ombudsman has made tremendous efforts to enhance justice, fairness, and transparency over the last 25 years. Continuous commitment of the office has significantly elevated the quality of life for the people of Thailand.

Since signing the MoU in 2011, we have maintained close cooperation. The ACRC hopes our relationship can be further strengthened for a fairer and more transparent future for both countries.

Once again, I congratulate the Office of the Ombudsman of Thailand on this meaningful anniversary, and I hope this book serves as an important milestone for the future of the ombudsman.

Sincerely,

RYU CHUL WHAN

Chairperson Anti-Corruption and Civil Rights Commission Republic of Korea

Message from

Mr. Yong Hak Joo

Chairman, Seoul Metropolitan Government Citizens' Ombudsman Commission Republic of Korea



On behalf of the Seoul Metropolitan Citizens' Ombudsman Commission, I extend my heartfelt congratulations to the Office of the Ombudsman of Thailand on its 25th anniversary. This significant milestone reflects your esteemed office's enduring dedication to upholding justice, fairness, and accountable governance in Thailand.

Your office has played a vital role in strengthening transparency and ensuring that the voices of citizens are respected. This work has been a great inspiration to the Seoul Metropolitan Citizens' Ombudsman Commission and Ombudsman institutions worldwide.

As institutions committed to protecting citizen rights and promoting transparency and accountability, I firmly believe that our continued collaboration through the International Ombudsman Institute will enhance our collective capacity to serve citizens.

Once again, I extend my warmest congratulations on this remarkable achievement. I wish the Ombudsman of Thailand continued success in setting exemplary standards for public service. I also look forward to continued growth and cooperation between our two institutions.

With warm regards,

YONGHAK, JOO

Chairman Seoul Metropolitan Citizens' Ombudsman Commission Republic of Korea



Mr. Chan Tsz King

Commissioner against Corruption of the Macau Special Administrative Region

On behalf of the Macao SAR Commission against Corruption (CCAC) I would like to express my most sincere congratulations on the 25th anniversary of the establishment of the Office of the Ombudsman, Thailand.

The CCAC of Macao has long regarded the Office of the Ombudsman, Thailand, as a privileged partner, a reference and an example for all the Ombudsman institutions in the Asia Region. The constant availability and effort for the joint growth of an Ombudsman concept in the Asia region by the Office of the Ombudsman, Thailand, is commendable and widely recognized by all those who have had the privilege to interact with it during the past 25 years.

It has therefore been a privilege, as the Commissioner against Corruption of the Macao SAR, to have the Office of the Ombudsman, Thailand, as a privileged partner in the development of an Asian spirit of Ombudsman, to which the Office of the Ombudsman, Thailand, through its leaders and staff has contributed greatly, namely under the direction of His Excellency Mr. Somsak Suwansujarit, whose leadership has led to an increase in personal and institutional relations between the various Ombudsman entities in Asia, as well as between these and the rest of the Ombudsman's world.

I express once again my sincere congratulations in the certainty that the work developed to date by the Office of the Ombudsman, Thailand, will continue in the future and, with the commitment of all of us, the concept of Ombudsman in the Asia region will be increasingly solidified and recognized as essential in the promotion of the protection of the rights, freedoms, safeguards and legitimate interests of the citizens we represent.

Congratulations!

CHAN TSZ KING

Commissioner against Corruption of the Macau Special Administrative Region

Datuk Akbar Samon

Director General, Public Complaints Bureau of Malaysia Prime Minister's Department



On behalf of The Public Complaints Bureau of Malaysia, I have the honour to extend my heartiest congratulations on the auspicious occasion of the 25th anniversary of Ombudsman Thailand. This milestone bears testament to the great work of Ombudsman Thailand in serving the public, over the years.

I wish to also commend the significant contribution of Ombudsman Thailand at the regional and international levels, including South East Asia Ombudsman Forum (SEAOF), Asian Ombudsman Association (AOA), and International Ombudsman Institute (IOI), in advocating the main principles of the Ombudsman Institution, fairness, transparency, justice and enhancing good governance.

The Organic Act on the Ombudsmen B.E. 2560, 2017 was a result of hard work and determination of Ombudsman Thailand. The leadership role as SEAOF Chairman 2022-23 and presently the Asian Regional President of IOI, are remarkable achievements of Ombudsman Thailand.

Last but not least, I wish Ombudsman Thailand every success and look forward to close collaboration between our institutions.

DATUK AKBAR SAMON

Director General
Public Complaints Bureau of Malaysia
Prime Minister's Department



Ms. Nashieli Ramírez Hernández

IOI President and President of the Human Rights Commission of Mexico City

As President of the Human Rights Commission of Mexico City and as President of the International Ombudsman Institute, I would like to express my sincere congratulations on the commemoration of the 25th Anniversary of the Office of the Ombudsperson of Thailand.

It has been a great achievement for the people of Thailand to be able to celebrate this anniversary, as the struggle for the establishment of the Ombudsperson has been no small feat.

I recognize the long journey you have made for this figure to be promoted to carry an adequate monitoring of the authorities to ensure human rights and equity, which has led to the transformation of the Parliamentary Ombudsman, to the today-called Ombudsman and, finally, the enactment of its Organic Law, in 2009.

The defense of human rights requires great commitment, will, and resilience in the face of injustice and inequality and, without a doubt, the Office of the Ombudsperson of Thailand is an example of this. Today we celebrate its invaluable work and also thank the entire team that has been part of this Institution for 25 years.

It is also an invitation to continue building more effective and quality institutional structures that allow us to protect better the rights of all the people to whom we owe our existence.

From the International Ombudsman Institute, we have a firm commitment to strengthen the figure of the Ombudsperson, and, be assured that we will continue to work for it. Likewise, in the Human Rights Commission of Mexico City, you will find an ally to exchange good practices and, above all, for mutual support.

Congratulations to the entire team that has made 25 years of struggle for human rights possible. May the successes continue!

NASHIELI RAMÍREZ HERNÁNDEZ

President of the International Ombudsman Institute and President of the Human Rights Commission of Mexico City

Mr. Peter Boshier

IOI Second Vice-President and New Zealand Ombudsman



It gives me great pleasure to extend my best wishes and congratulations to you, to the Ombudsmen, to the Office's executives, and staff on the occasion of the 25th Anniversary of the establishment of the Ombudsman Thailand. Our offices share similar goals of ensuring fairness which has allowed us to develop a warm and productive relationship.

In this relatively short time, it is evident that your office has been able to establish itself effectively, and provide a service to the citizens of Thailand ensuring their grievances are heard.

More widely, you have successfully chaired the Southeast Asian Ombudsman Forum (SEAOF) and remain an important institution internationally as your Chief Ombudsman holds the position of regional president for the Asia Region of the International Ombudsman Institute.

My office has had the privilege of engaging with the Thailand Ombudsman regularly over the past few years. We have witnessed first-hand the professionalism and dedication that your staff afford to their work. Our relationship has grown stronger and warmer and allowed us to achieve many learning activities and initiatives together. Our Memorandum of Understanding is not just a piece of paper but an active, continuous, demonstration of our offices' commitment to continue to learn from each other and collaborate on areas of mutual interest.

Once again, I would like to congratulate you on your 25th Anniversary, and take this opportunity to express my desire for the Thailand Ombudsman to continue to grow and deliver for Thai citizens. I hope that our offices can continue our close bilateral collaboration. May this year bring you great success in promoting good governance and fairness for all.

Best wishes.

PETER BOSHIER

New Zealand Ombudsman



Mr. Ejaz Ahmad Qureshi

AOA President and Wafaqi Mohtasib (Ombudsman) of Pakistan

It gives me great pleasure to congratulate you on the occasion of the 25th Anniversary of the establishment of your esteemed institution. I am deeply impressed and inspired by the institution's eventful journey of the last quarter of a century, upholding the core values of ombudsmanship. It is heartening to note that its pursuits have been rooted in fairness, impartiality, transparency alongside unwavering commitment to safeguarding the rights of the citizens against encroachment by the state agencies.

Your steadfast adherence to the highest standards of professionalism, propriety, fair play and justice while discharging responsibilities is indeed a great contribution to the cause of ombudsmanship. The institution of Wafaqi Mohtasib (Ombudsman) in Pakistan espouses identical values and upholds the cause of the common man. It offers a strong reason for our institutions to forge closer relations and to learn from each other's experiences. The Asian Ombudsman Association (AOA) would be the most appropriate platform to further strengthen this relationship.

I would also like to commend the most valuable services rendered by your goodself not only as the head of your prestigious organization in Thailand but also as President of the Asian Region of the International Ombudsman Institute (IOI). I am convinced that we shall continue to benefit from your expertise and wise counsel in IOI and AOA for realizing our shared goals and aspirations.

Warm regards and best wishes.

EJAZ AHMAD QURESHI

AOA President and Wafaqi Mohtasib (Ombudsman) of Pakistan

Mr. Samual R. Matires

Ombudsman of the Republic of the Philippines



On behalf of the Office of the Ombudsman of the Republic of the Philippines, it is with great pleasure that I congratulate the Office of the Ombudsman of the Kingdom of Thailand (OMT) for entering into a momentous phase in its institutional journey. A twenty-five-year presence befits a celebration but more so, it befits a recognition of the work of an institution that strive to improve efficiency, transparency, and accountability of Thai government agencies.

On a regional scale, the Ombudsman Philippines is fortunate to have witnessed OMT's excellent leadership of regional associations, particularly of the Southeast Asian Ombudsman Forum (SEAOF) and the International Ombudsman Institute (IOI) Asia, which have been steered towards becoming greater platforms for good governance initiatives in the Asia Region. This proves that OMT is able to put into use the wisdom and expertise it has built over a quarter of a century to not only improve its own but also its fellow ombudsman institutions.

In the same vein, the Ombudsman Philippines congratulates OMT for coming up with a commemorative publication which compiles ombudsman success stories across the globe - a true testament to OMT's dedication to create avenues for a sharing of international best practices in delivering an ombudsman work.

As partners for half a decade now, the Ombudsman Philippines looks forward to many more years of meaningful and fruitful engagement with the OMT.

May OMT's dedication to countering maladministration and improving governance continue to flourish and bring profound and lasting impact to the Kingdom of Thailand, and beyond.

SAMUAL R. MATIRES

Ombudsman of the Republic of the Philippines



Adv. Kholeka Gcaleka

IOI Regional President (Africa) and Public Protector South Africa

Congratulations on the celebration of your 25th anniversary as a strong and independent Ombudsman of Thailand.

In the face of global uncertainties and multifaceted challenges, the role of public and private sector oversight bodies and institutions supporting governance and constitutional democracy becomes ever more critical. These entities are pivotal in ensuring good governance, transparency, accountability, and the protection of democratic values.

Given the volatile and often unpredictable nature of contemporary political, economic, and social landscapes, it is essential to reflect on and bolster the mechanisms that underpin a capable and resilient state.

Public oversight not only enhances the credibility of governance systems but also encourages civic engagement. By promoting an inclusive environment where citizens can contribute to decision-making, public oversight supports the alignment of policies with the needs of diverse communities, ultimately advancing sustainable development goals.

We wish you all best the best in celebrating your silver jubilee.

Separately, please note that the Public Protector South Africa will be celebrating its 30th anniversary next year, which will culminate in us hosting a two-day international conference in October. Further details will be shared with you in due course.

Sincerely,

ADV. KHOLEKA GCALEKA

Public Protector South Africa

Ms. Sariya Saburskaya

Commissioner for Human Rights in the Republic of Tatarstan



Congratulations, dear Mr. Somsak Suwansujarit and the Office of the Ombudsman of Thailand, on the 25th anniversary of the establishment of the Ombudsman of Thailand!

The history of the Ombudsman of Thailand is many years old and characterized by outstanding work in the protection of human rights. Our experience of work with your institution has demonstrated the high level of professionalism of the Ombudsman of Thailand and the Office of the Ombudsman of Thailand.

It gives us confidence that the implementation of the law and the protection of the rights of the people of Thailand are under your attentive and sensitive control.

I wish the Institute prosperity, new achievements and successful practices in protecting the rights and interests of your citizens!

We hope for further fruitful cooperation in the field of human rights protection!

With deep respects,

SARIYA SABURSKAYA

Commissioner for Human Rights in the Republic of Tatarstan



Mr. Virgílio da Silva Guterres 'Lamukan'

Chief Ombudsman for Human Rights and Justice of Timor-Leste

On behalf of the Office of the Ombudsman for Human Rights and Justice of Timor-Leste, I extend our heartfelt congratulations to the Ombudsman of Thailand on the occasion of your 25th anniversary. This milestone reflects your unwavering commitment to human rights, justice, and good governance.

For 25 years, your office has played a crucial role in safeguarding the rights of the Thai people. By investigating public complaints and addressing both systemic and individual issues of administrative fairness, you have contributed to significant improvements in public services. Your office's focus on peaceful remedial actions and fostering trust between the government and the public serves as an inspiring example to many, including our own office.

At the Office of the Ombudsman for Human Rights and Justice of Timor-Leste, we highly regard the work your institution has done to promote transparency, accountability, and justice. Your success in advocating for good governance and ensuring access to justice has been a model for us as we continue to serve the people of Timor-Leste.

As we celebrate your achievements, we are eager to strengthen the cooperation between our offices. We believe that by learning from each other's experiences and sharing best practices, we can better serve our communities. We look forward to continued collaboration in the years ahead, with the goal of making even greater strides in promoting good governance.

Once again, congratulations on this significant milestone. May your office continue to thrive and inspire future generations to uphold justice and human dignity.

With warm regards,

VIRGÍLIO DA SILVA GUTERRES 'LAMUKAN'

Chief Ombudsman for Human Rights and Justice of Timor-Leste

Message from

Mr. Şeref Malkoç

Chief Ombudsman of the Republic of Türkiye



As a protector of human rights and freedoms, the Office of the Ombudsman of Thailand has contributed to the improvement of the legislation on human rights throughout its 25 years of institutionalization. Thanks to the devoted work and contributions of the Chief Ombudsman of Thailand, Mr. Somsak Suwansujarit and his valuable team, the Office of the Ombudsman of Thailand has become an institution open to sharing information and experience in the field of human rights, while protecting the rights and interests of the citizens of Thailand with the power it derives from the Constitution, and by increasing international cooperation.

The fact that the Office of the Ombudsman of Thailand has reached its 25th anniversary also reflects its important goals to establish stability and peace and to improve the framework of approaches towards human rights.

In this regard, I congratulate the 25th Anniversary of the Office of the Ombudsman of Thailand, and hope its success will continue to increase by contributing to the implementation of the rule of law and by protecting and promoting human rights and freedoms.

Sincerely,

ŞEREF MALKOÇ

Chief Ombudsman of the Republic of Türkiye



Ms. Eshmatova Feruza Farkhodovna

Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman)

It is with great honor and heartfelt joy that we extend our warmest congratulations on the 25th anniversary of your esteemed institution's establishment.

Over the past quarter-century, your organization has stood as a pillar of justice, integrity, and dedication to protecting the rights of citizens. Through your tireless efforts, countless individuals have found a voice, fairness has been restored, and the fundamental principles of equity and accountability have been upheld.

Your work plays a vital role in fostering the rule of law and strengthening public trust in state institutions. The professionalism, commitment, and humanity demonstrated by your team serve as a beacon of hope and inspiration, both in Thailand and beyond.

On this momentous occasion, we express our deepest gratitude to the entire team of the Office of the Ombudsman for their unwavering dedication, wise guidance, and commitment to the highest ideals. Your achievements are a testament to the transformative power of justice and the importance of compassionate.

Once again, we would like to congratulate Office of the Ombudsman of Thailand on its 25th anniversary and take this opportunity to wish the Ombudsman and colleagues all success, growth, and a future filled with even greater achievements.

Sincerely,

ESHMATOVA FERUZA FARKHODOVNA

Authorized Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman)

Mr. Doan Hong Phong

Government Inspector General, Government Inspectorate The Socialist Republic of Viet Nam



First of all, on behalf of the leadership and all inspectors and employees of the Government Inspectorate of Viet Nam, I would like to convey to Mr. Somsak Suwansujarit and distinguished colleagues of the Office of the Ombudsman of Thailand our best compliments and warmest congratulations on the occasion of the 25th anniversary of the establishment of the Ombudsman of Thailand!

Over the past two decades, the Ombudsman of Thailand has domestically made tireless efforts and achieved the remarkable achievements in settling public complaints and making recommendations on legal framework improvement, ensuring fairness and integrity of state agencies as well as the legitimate rights and interests of Thai people. As for international cooperation, the regional and international community have also witnessed the active role of the Thai Ombudsman in promoting cooperation on complaint settlement in Southeast Asia (SEAOF), Asia (AOA) and worldwide (IOI). Your contributions have contributed to further affirming and promoting worldwide commitments to a transparent, accountable, integrity, effective and efficient public governance.

I strongly believe that, in the coming time, the Ombudsman of Thailand will, in furtherance of the office's tradition of dynamism and professionalism, strengthen the work of settling public complaints, contributing significantly to strengthening the people's trust in the Thai State agency system. I look forward to working more closely with you to further promote the cooperative relationship between our two agencies, thereby contributing to deepening the good neighborhood, strategic partnership and comprehensive cooperation between Vietnam and Thailand.

Wishing you and your distinguished colleagues good health, success and happiness!

Sincerely Yours,

DOAN HONG PHONG

Government Inspector General Government Inspectorate The Socialist Republic of Viet Nam



Mrs. Caroline C.Z. Sokoni

101 Treasurer and Public Protector Zambia

We join the world in celebrating with the office of the Ombudsman of Thailand, upon the attainment of twenty-five years of Ombudsmanship. As the office of the Public Protector of Zambia, we are proud of our association with your esteemed office. We have observed over the years how you have helped to shape and promote Ombudsman standards. You have not been afraid to take up the mantle and lead, such as when you so bravely hosted the International Ombudsman institute General Assembly at a time when your country was in mourning on the passing of the late His Royal Highness the former King. The leadership of Thailand was exemplary firstly as Treasurer of the IOI, and later as First Vice President of the IOI.

Esteemed Ombudsman of Thailand, we stand shoulder to shoulder with you in your effort to gain recognition for the office of the Ombudsman to be the main conveyor belt and oversight mechanism par excellence, for the policing of the citizen's right to claim, access, enjoy and own their right to the social, economic and cultural rights which are embodied in the Sustainable Development Goals. We agree with you that it is the Ombudsman's core mandate to ensure the attainment of social justice and access to social services and social amenities for all.

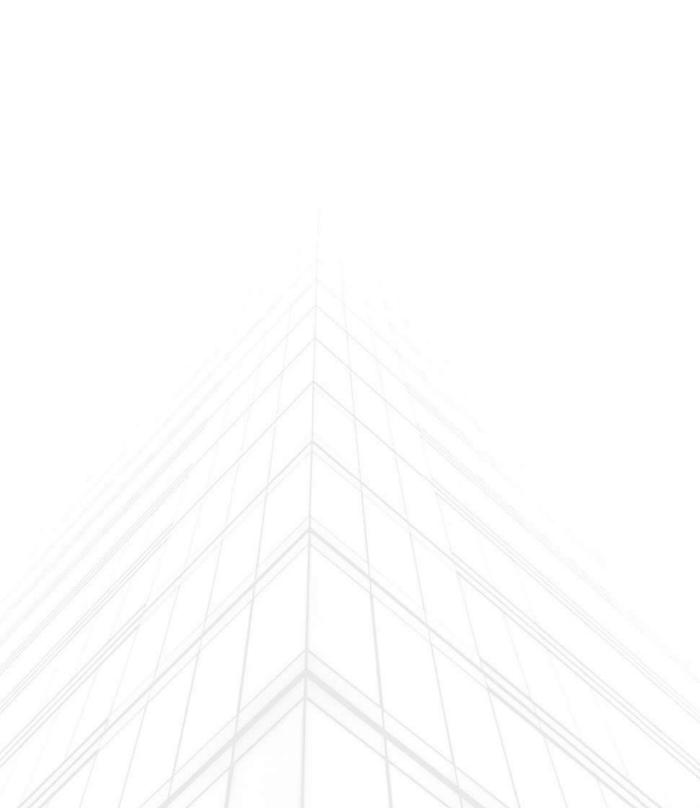
Therefore, it is with a sense of deep conviction and joy that we as the office of the Public Protector Zambia join you in celebrating the 25th Anniversary of the existence of the office of the Ombudsman in Thailand. We urge you not to tire. nor to lose faith in the face of adversity. The world of Ombudsmanship has more to gain from your visionary leadership and insight. Indeed, Thailand in particular, and the world in general, has become a much better place because you have spoken out loud and boldly, about the need for the place of the Ombudsman to be recognised as the leader in the fight for social and administrative justice. Never faint. Never fear.

Accept Your Excellency Ombudsman of Thailand, the Assurances of our Highest Regards.

CAROLINE C.Z. SOKONI

Public Protector Zambia

MAJOR ACHIEVEMENTS IN OMBUDSMAN WORKS: Success Stories from Around the World



SPECIAL ARTICLES FROM THAI OMBUDSMEN

The Ombudsman's role in the Protection and Promotion of Youth Rights: the Vocational Skills Enhancement Project for Youth Who Do Not Pursue **Further Studies After Compulsory Education** (Grade 9)

Mr. Somsak Suwansujarit IOI Regional President (Asia) and Chief Ombudsman, Thailand

The Ombudsman of Thailand is an independent constitutional organ being a mechanism to monitor the exercise of state power and protect the rights of the people. In terms of rights protection, the Ombudsman of Thailand places great importance on safeguarding the rights of youth, as they represent the future and the driving force of the nation. Recognizing the need to equip young people with the knowledge and skills necessary to live a quality life and contribute to the achievement of the 20-Year National Strategy (2018-2037), the Ombudsman of Thailand prioritizes support for those most in need, especially youth who lack access to educational opportunities, such as those from disadvantaged families.

This vulnerable group of young people is among the first to be affected by limited opportunities and is at high risk of entering adulthood without the education and skills required by the labor market. A key solution is to provide them with vocational training and prepare them to enter the workforce as "skilled workers." In response to this challenge, the Ombudsman of Thailand initiated the Vocational Skills Enhancement Project for Youth Who Do Not Pursue Further Studies After Compulsory Education (Grade 9).

The experiences of the Ombudsman of Thailand in implementing this project are shared as follows:

BACKGROUND

In Thailand, children aged seven and above must receive nine years of compulsory education at schools, which consists of six years of primary school (Grade 1-6) and three years of lower secondary school (Grade 7-9). However, after completing compulsory education, many youths from disadvantaged families do not pursue further or higher education or higher education. Due to their economic constraints, they need to enter the workforce immediately to support their families.

According to statistics from the Information Technology and Communication Centre, Office of the Permanent Secretary, Ministry of Education, it was found that between the academic years 2008 and 2016, 780,537 youths did not continue their education beyond the compulsory level. Consequently, they entered the workforce as "unskilled workers" earning the minimum wage of 300 baht (approximately 10 U.S. dollar) per day. If they had been given the opportunity to participate in a vocational skills enhancement training program (lasting 4-6 months) immediately after completing compulsory education, they could have developed into "skilled workers", such as mechanics or assistant mechanics. This would have provided them with greater career opportunities, enabling them to earn 400-500 baht (approximately 13-16 U.S. dollar) per day, a significant increase from the minimum wage. Such an initiative would not only improve the quality of life but also help reduce family and social problems.

According to the Constitution of the Kingdom of Thailand, B.E. 2560 (2017), the Ombudsmen have the duties and power to submit to the Council of Ministers for acknowledgement that a State agency has not yet correctly and completely complied with Chapter V Duties of the State as prescribed in Section 54 that "the State shall ensure that every child receives quality education and promote lifelong learning..." This mandate aligns with the 20-Year National Strategy (2018-2037) and the government policy aimed at reducing social inequality. To address this systemic issue, the Ombudsman of Thailand initiated a project to provide vocational skills training for disadvantaged youth, in collaboration with all relevant sectors, ensuring that this group of young people receive the appropriate training before entering the workforce, thereby maximizing their potential.

FRAMEWORK OF THE PROJECT IMPLEMMENTATION

The project is executed through an integrated collaboration among relevant agencies at two following levels;

1. Central Government Agencies Level

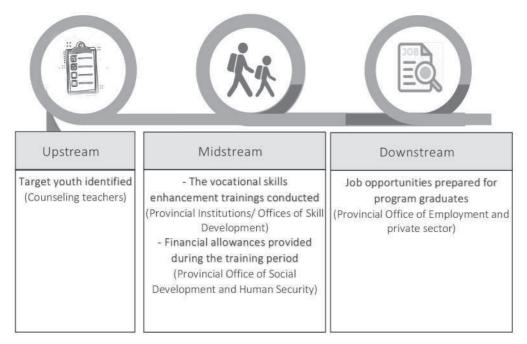
At the national level, 13 central government agencies collaborate to promote and support the project while coordinating with their affiliated agencies to implement it in every province. These agencies include:

- (1) Ministry of Interior
- (2) Ministry of Education
- (3) Ministry of Social Development and Human Security
- (4) Office of the Basic Education Commission
- (5) Department of Local Administration
- (6) Department of Learning Encouragement
- (7) Department of Skill Development
- (8) Department of Employment
- (9) Department of Labour Protection and Welfare
- (10) The Government Public Relations Department
- (11) The Budget Bureau
- (12) Equitable Education Fund, and
- (13) Office of the Ombudsman

2. Provincial agencies level

At the provincial level, the project is implemented through a coordinated effort led by provincial governors, who serve as the chairperson of provincial committee overseeing this initiative. These committees consist of representatives from relevant public agencies, educational institutions, local administration organizations, private organizations and the Provincial Children and Youth Councils. They work together to develop guidelines and provide support the effective implementation of the project in their respective provinces.

The project is implemented in 3 stages as follows;



Stage 1: Upstream: Guidance teachers at secondary schools conduct surveys to identify target youth eligible for the project.

Stage 2: Midstream: At this stage, vocational skills enhancement training is conducted by the Provincial Office of Skill Development, while financial allowances are provided to trainees and their families by the Provincial Office of Social Development and Human Security to support them during the training period.

Stage 3: Downstream: The Provincial Employment Office, in collaboration with and the private sector (e.g. Provincial Chambers of Commerce and the Provincial Industrial Council) conjointly prepares job opportunities for graduates who have successfully completed vocational skills training.

To ensure the program's effectiveness, Office of Ombudsman has developed a handbook guiding 12 operational steps for program implementation:

12-Step Program Implementation Framework

- 1. Annual Notification Official announcement of the program's commencement.
- 2. Appointment of Provincial Program-Driven Committee Formation of committees at the provincial level.
- **3. Committee Meetings** Regular meeting of the Provincial Program-Driven Committee
- 4. Meeting with School Principals and Academic Counselors informing the program's objectives, procedures and action calendars of the vocational skills enhancement project for the youth who does not pursue further studies after compulsory education
- 5. Surveying and Identifying Targeted Students Assessing and selecting students eligible for training program.
- **6. Providing Financial Assistance** Allocating subsidies for targeted students with low-income families, funding from the Child Protection Fund, and other financial support.
- 7. Field Visits and Training Enrollment Escorting the targeted students on a field site visit and on a training application process at the Institute for Skill Development
 - **8. Vocational Skills Training** Conducting skill-based training programs.
- 9. Job Opportunity Preparation Arranging employment opportunities for program graduates.
 - 10. Program Monitoring and Evaluation -
- **10.1 Ongoing Monitoring** Tracking progress throughout program implementation
 - 10.2 Post-Completion Evaluation
 - 11. Reporting to the Department of Skill Development
 - 12. Reporting to the Central Government Agencies

RESULTS OF THE PROJECT IMPLEMENTATION

In fiscal year 2019, the Ombudsman piloted the project in Mae Hong Son Province as a model. In the following fiscal year, due to its success, the program was expanded to other provinces across the country. The project has been successful which can be seen that most of youth attending and completing vocational skill enhancement training have been employed in an area of mechanic as trained. The statistics below highlights the number of trained youths over 5 years (2020-2024) across 76 provinces nationwide:

Fiscal Year	Number of Trained Youth
2019 (Pilot in Mae Hong Son Province)	28
2020 (Nationwide)	402
2021 (Nationwide)	1,163
2022 (Nationwide)	1,046
2023 (Nationwide)	1,581
2024 (Nationwide)	1,391
Total:	5,583

PROJECT ACCOMPLISHMENT

1. Enhancing Vocational Skills

Program graduates (Youths) acquire necessary knowledge and vocational-skills required for employment as "skilled labor".

2. Increasing Job Opportunities

Trained youth have greater employment prospects, as the Provincial Employment Offices working with the Provincial Industry Councils, the Provincial Chamber of Commerce and establishments within their networks to facilitate the job placements.

3. Raising Wages

All trained youth will earn higher daily wages than the minimum wage due to their specialized skills.

4. Improving Workmanship and Career Growth

All trained youth will have opportunities for skill enhancement through additional training and the National Skill Standard Test to qualify for higher professional skill levels.

5. Reducing Social Problems

By securing stable job employment, trained youth can contribute to their families' income, leading to a positive effect on society by reducing social problems, such as crime, drug use, and gambling.

EXPANDING THE PROJECT IN COLLABORATION WITH UNICEF

Building on the continued implementation of the Vocational Skills Enhancement Project for Youth Who Do Not Pursue Further Studies After Compulsory Education (Grade 9), the Ombudsman of Thailand has worked in collaboration with relevant government and private sector agencies to equip the target youth group with vocational skills that enable them to enter the workforce as "skilled workers". This Ombudsman's initiative coincides with the mission of the United Nations Children's Fund (UNICEF), which dedicated to promoting children's rights, ensuring that every child can live safely, receive protection, access development opportunities, and actively participate in society in accordance with the Convention on the Rights of the Child and other international agreements. In addition, UNICEF places significant emphasis on addressing the problems faced by youth aged 15-24 who are Not in Education, Employment or Training (NEETs). This shared focus has served as the foundation for collaborative efforts between the Ombudsman of Thailand and UNICEF aimed at improving well-being, protecting the rights of children and youth, which will contribute to achieving the Sustainable Development Goals in Thailand effectively.

To ensure the sustainable cooperation, the Ombudsman of Thailand has thereby signed a Memorandum of Understanding (MOU) with UNICEF Thailand. Apart from promoting and supporting in-depth research, importantly, the project extension aims to create opportunities for youth to secure stable jobs, a good quality of life, and promote and protect children's rights - especially for the most vulnerable and marginalized children and youth - through joint cooperation in 4 following areas:

1. Project evaluation techniques:

Providing technical cooperation to evaluate the vocational skills enhancement project initiated by the Ombudsman. This will strengthen the program increase youth participation, and expand its reach to other youth groups, including NEETs (Not in Education, Employment or Training).

2. Media Production for Project Publicity:

Utilizing past program results to design effective communication strategies through various media tools and channels to enhance participation among children, families, communities and networks and to increase public awareness of the Ombudsman's initiative. Furthermore, it will support parents and communities in gaining knowledge and clearer understanding of the project's benefits.

3. Promotion and Protection of Children's Rights:

Raising awareness through public promotion campaigns, organized activities and seminars aimed at empowering and developing the potential for children and youth

4. Exchange of Knowledge and Practices on Children's Rights:

Facilitating interactions between the Office of the Ombudsman, UNICEF, and other development agencies at national and sub-sector levels in Thailand. This will enable the exchange of knowledge and good practices on children's rights and development, fostering further improvements.

The signing of the MOU between the Office of the Ombudsman and UNICEF represents a collaboration focused on benefiting Thai youth by expanding their educational and career opportunities. This initiative aims to sustainably enhance their quality of life, and nurture them into responsible, skilled citizens who contribute meaningfully to national development.

Finally, the Thai Ombudsman's expertise and experience in implementing this project will provide valuable insights to relevant agencies, helping them extract lesson learned. The initiative will assist groups of youth who have not yet accessed formal education by providing vocational training, enabling them to enter the workforce with dignity as "skilled workers", high job security and an improved quality life. Furthermore, it fosters greater opportunities and promotes equality in employment for the future.

The Roles of the Ombudsman in **Addressing Grievances and Unfairness** for Local Residents Residing in Thap Lan National



Mr. Somsak Suwansujarit IOI Regional President (Asia) and Chief Ombudsman, Thailand

Overlapping public land borderlines have been a vital issue of Thailand in terms of land and natural resources. These were rooted in the multiple laws governing land boundaries in the country, which referenced different ratios in the annexed maps. The state of the problem became more than just a source of conflicts among State agencies; the unclear and overlapping public land borderlines also played a significant role in escalating land claims disputes between the public and the private sectors. As a consequence, the residents residing in the overlapping areas had been encountering grievances and unfairness. They might lose or be subject to restrictions on land ownership, be arrested and prosecuted, and be brought before the court. In numerous cases, the affected person filed similar complaints with the Ombudsman seeking relief for their grievances and unfairness.

The aforementioned conflict arose from the overlapping land borderlines in "Thap Lan National Park". The incidents impacted the rights and livelihoods of long-time residents. The UNESCO designated Thap Lan National Park as a natural world heritage site as part of Dong Phayayen-Khao Yai Forest Complex on 14 July 2005. In addition, it won the gold level (excellence) Green National Parks award in 2020. The national park covered the areas of Pak Thong Chai district, Soeng Sang district, Khon Buri district, Wang Nam Khiao district of Nakhon Ratchasima province; and Na Di district of Prachin Buri province.

However, amongst the beauty and perfection, a long-standing problem affecting the residents residing in the area was found. In 2018, local residents in 5 districts from 2 provinces, namely Pak Thong Chai district, Soeng Sang district, Khon Buri district and Wang Nam Khiao district of Nakhon Ratchasima province and Na Dee district of Prachin Buri province filed a complaint with the Ombudsman. The complaints detailed the grievances and unfairness caused by the Department of National Parks, Wildlife and Plant Conservation's Declaration of the "Thap Lan National Park borderlines" that overlapped with the residential areas, leading to arrests and prosecutions against the long-time residents. This primary source of the issue had occurred since 1981, when the Royal Forest Department designated such improper-condition land plots as the national park areas. The erroneous and inaccurate borderlines were a result of failure to conduct a cadastral survey in the National Park prior to the issuance of the Royal Decree on the Delineation of Thap Lan National Park Borderlines.

BACKGROUND OF THE ISSUE

- 1. In 1981, without conducting any cadastral survey in the National Park, the Royal Forest Department (the responsible authority at the time) delineated improper-condition land plots as National Park areas, i.e., residential areas (villages established in accordance with the Local Administration Act, B.E. 2457 (1914)), and deteriorated areas resulted from the granting of concessions for the extraction of protected timber to private entities. Afterwards, the areas were declared "Thap Lan National Park" which lied across two provinces, namely Nakhon Ratchasima province and Prachin Buri province. Since parts of the national park were overlapped with the communal areas, the residents were arrested by forestry officers for cultivating their own agricultural lands – causing grievances among the locals.
- 2. The public sector admitted such errors and constantly offered a revision and a redelineation of the national park's borderlines as a solution. Sequences of the procedure were as follows:
- In 1990, the Internal Security Operations Command Region 2, as security authority, made a recommendation to the Royal Forest Department (the responsible authority at the moment) to revise and re-delineate the borderlines of Thap Lan National Park.
- In 1991, the Royal Forest Department admitted the mistakes and ordered a revision and re-delineation of Thap Lan National Park borderlines.
- In 1997 (22 April 1997), the Cabinet's resolution reiterated the National Park's re-delineation as a solution. Through the procedure, for the first time, the public sector, communities and local residents jointly conducted the cadastral survey, created a map, planted the boundary marks of Thap Lan National Park. By revoking and expanding several forest areas in the national park (273,310 rai and 110,172 rai, respectively), it resulted in the "Thap Lan National Park's borderlines as of 2000" that were accurate, in conformity with the actual conditions, widely acknowledged, and well-accepted across all sectors.
- In 2002, due to the public reform which consequently led to the establishment of the "Department of National Parks, Wildlife and Plant Conservation" under the Ministry of Natural Resources and Environment, the issuance and enforcement of the Royal Decree on Redelineation of Thap Lan National Park Borderlines was postponed. Thus, the State was required to adhere to the questionable Thap Lan National Park borderlines as of 1981. Still, the local residents who trespassed in the National Park were arrested, becoming a cause of their grievances.
- In 2005, the Department of National Parks, Wildlife and Plant Conservation pursued the continuation of the review and re-delineation procedure. It issued a letter of intent to the United Nations for Educational, Scientific and Cultural Organization (UNESCO) as a supporting document to its registration for Dong Phaya Yen-Khao Yai Forest as one of the natural world heritage sites with the commitment to review and re-delineate the borderlines of Thap Lan National Park. It also committed to exclude the residential and deteriorated areas from the national park, while the pristine forest areas would be annexed to the national park with the borderlines consistent with the 2000 version. It was apparent that the borderlines of Thap Lan National Park in 2000 were the outcome of the collaborated field inspections. They were

comprehensively accurate, based the appropriate legal steps and bureaucratic orders. However, they had not been legally enforced due to the suspension of implementing the Government policy and the lack of solemnity to tackle the problems.

3. In 2011 and 2018, the local residents in 5 districts of 2 provinces (i.e., Pak Thong Chai district, Soeng Sang district, Khon Buri district and Wang Nam Khiao district of Nakhon Ratchasima province; and Na Dee district of Prachin Buri province) lodged complaints with the Ombudsman. It was described that they encountered grievances and unfairness due to the Declaration of Thap Lan National Park Borderlines issued by the Department of National Parks, Wildlife and Plant Conservation (the current responsible authority), which designated overlapping boundaries with the local residents who had been settling and making a living in the areas.

RESOLUTION BY THE OMBUDSMAN AND THE RELATED STATE AGENCIES

- 1. The Ombudsman established a working group tasked with conducting a fact-finding investigation, setting up meetings with related agencies, forming an overview of the overlapping maps between the national park and the citizens' agricultural lands and livelihoods, as well as the overlapping boundaries with the areas under other agencies' schemes. The Ombudsman performed the duty by taking into account the nature of the citizens' grievances; the beliefs and trust that the local residents had towards the State's policies and actions in various incidents; the challenges of operating under the duties and jurisdictions that the Ministry of Natural Resources and Environment, the Department of National Parks, Wildlife and Plant Conservation, and the Agricultural Land Reform Office encountered; the benefits and effects that might occur; and the concerns among each sector over the re-delineation.
- 2. In 2019, following consultations with related State agencies, the Ombudsman issued a deliberation and recommendation to the Cabinet dated 6 August 2019, requesting that the Cabinet pass a resolution ordering the Ministry of Natural Resources and Environment to revise the Thap Lan National Park's borderlines in accordance with the re-delineated Thap Lan National Park borderlines as of 2000. When the public land borderlines were solid, it was recommended that the Royal Forest Department transfer the revoked areas to the Agricultural Land Reform Office (ALRO) in order to allocate the land plots to eligible local residents for living and agricultural purposes accordingly.
- 3. In 2021 (2 February 2021) and 2023 (14 March 2023), the Cabinet approved guidelines for settling the issue of overlapping public land borderlines and the grievances of the local residents who had been settling and making a living in Thap Lan National Park as follows:
- The guidelines on the implementation of the borderlines as of 2000 were approved in accordance with the Ombudsman's recommendation on the integrated redelineation of the public land borderlines under One Map project (scale ratio 1:4000) in Thap Lan National Park in Nakhon Ratchasima province and Prachin Buri province. It was further approved that the Department of National Parks, Wildlife and Plant Conservation and the ALRO in Nakhon Ratchasima province and Prachin Buri province would collaborate to verify the questionable borderlines within three months. The aforementioned agencies would also accelerate the exploration for creating noticeable buffer zones to preserve the world heritage areas and the forest conditions.

- Operations in the areas excluded from the Thap Lan National Park were approved, and the Department of National Parks, Wildlife and Plant Conservation would transfer such areas to the ALRO to allocate land plots to the residents for residing and making a living. For the forest areas that had been annexed for 110,000 rai, the Ministry of Natural Resources and Environment would proceed with further actions as deemed appropriate.
- 4. At present, the enactment of the Royal Decree on Re-delineation of Thap Lan National Park Borderlines is being enacted in compliance with the National Parks Act, B.E. 2562 (2019). It is aimed at addressing grievances or unfairness for the local residents.

DRAFTING OF THE DECISION

Traditionally, the Thai society has several bonds with national resources, especially 'forests. One of the valuable bonds is the bond between humans and forests. However, the challenge occurred is the balance sought between national resource preservation (forests) and housing and land rights of citizens or communities. While we strive to preserve forests and wildlife for the rich environments and natural resources, the local residents need to reside and make a living in those areas.

The drafting of the Ombudsman's decision adheres to the rule of law and upholds the principle of equality for the benefit of all citizens. The re-delineation of Thap Lan National borderlines did not cause any direct impact to the national resource, environment, or ecosystem in those areas, as the revoked areas had originally never been in the condition of pristine forests. As part of this re-delineation, a total of 110,172.95 rai of pristine forests were to be annexed as portions of Thap Lan National Park, while 273,310.22 rai of non-forest areas (i.e., residential areas, agricultural lands, government offices, and deteriorated forests) were to be revoked. Furthermore, this can help the responsible State agencies better define the boundaries of public lands, improve the effectiveness of law enforcement in managing and protecting the natural world heritage and reserve forest, and prevent State officials from engaging in corruption and misconduct due to the unclear borderlines. The Ministry of Natural Resources and Environment shall be able to allocate sufficient and appropriate human resources and budgets for the preservation of forest areas that are conformed to the actual conditions through hands-on cooperation extended from the local public sector, local administrative organizations, communities, and local residents.

In accordance with the abovementioned facts and nature of the issue, it was apparent that this complaint was the case of grievances and unfairness suffered by the local residents. The Ombudsman, therefore, issued a decision and recommendation to the responsible authorities to re-delineate Thap Lan National Park borderlines according to the actual condition by referencing the revised borderlines as of 2000. It was further recommended to revoke deforested lands, namely residential areas, agricultural lands, government offices, and deteriorated forests in order to allocate the land plots to the local residents for making a living. Nevertheless, in line with the Ombudsman's recommendation, the Cabinet decided to adopt the National Land Policy Board's (NLPB) opinion and recommendation to implement the borderlines as of 2000 for the integrated re-delineation of the public land borderlines under the One Map project (scale ratio 1:4000) in Thap Lan National Park. The responsible authorities would take the recommendation to proceed into a tangible outcome by accelerating the related agencies to correctly and carefully operate under their duties and powers.

CONCLUSION

The Ombudsman's fact-finding and decision and recommendation to support the re-delineation of Thap Lan National Park borderlines as a resolution to the local land ownership issues are the operation that is resilient to the actual state of problems and context of the particular areas. It is a significant demonstration that pinpoints the roles and duties in redressing grievances and unfairness for the local residents. It was conducted in accordance with section 230 (1) of the Constitution of the Kingdom of Thailand B.E. 2560 (2017), as well as section 22 (1), section 32, and section 33 of the Organic Act on Ombudsmen B.E. 2560 (2017), by adhering to the rule of law and respecting individuals' rights and freedom through all-round scrutiny of related facts and laws. This recommendation is a result of careful and comprehensive discussions on advantages, disadvantages, problems, and obstacles, inclusive of concerns in each aspect. In addition, the Ombudsman proceeded with this case with the goal of striking a balance between "preservation of natural resources and pristine forest areas" and "protection of lawful housing and land rights for citizens" to benefit all citizens and the nation. This is another concrete achievement of the Ombudsman in addressing grievances or unfairness encountered by the citizens.

Ombudsman Best Practice in Promoting Good Governance



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HISTORICAL BACKGROUND AND ESTABLISHMENT

Ombudsman institutions worldwide play a pivotal role in promoting good governance by serving as independent oversight bodies that enhance transparency, accountability, and fairness in public administration. Through their unique position and authority, ombudsmen contribute significantly to strengthening democratic institutions and protecting citizens' rights.

The concept of an Ombudsman in Thailand emerged from the country's democratization efforts in the 1990s. The institution was first established under the 1997 Constitution, often referred to as the "People's Constitution," marking a significant milestone in Thailand's administrative reform. This constitution introduced various independent organizations aimed at strengthening democratic governance and protecting citizens' rights.

The Thai Ombudsman was initially designed as a three-member body appointed by the King with the Senate's advice. The 1997 Constitution empowered the Ombudsman to investigate complaints about public officials' misconduct, abuse of power, or actions that caused grievances to the public. The 2007 Constitution further expanded the Ombudsman's role, adding new responsibilities including monitoring ethical standards of political position holders. Throughout its development, the Thai Ombudsman's mandate has evolved significantly.

INSTITUTIONAL DEVELOPMENT AND MANDATE

Early Phase (1997-2007)

During this period, as a classical ombudsman, the institution focused primarily on investigating complaints against public officials and government agencies. The Ombudsman worked to establish its legitimacy and build public trust, developing internal procedures and investigation mechanisms.

Expansion Phase (2007-2017)

The 2007 Constitution broadened the Ombudsman's powers to include:

- Monitoring ethical violations by political officials
- Evaluating constitutional violations
- Proposing legal amendments to Parliament
- Following up on state agencies' implementation of constitutional obligations

Contemporary Period (2017-Present)

Under the 2017 Constitution, the Ombudsman's role was streamlined to focus more effectively on its core functions on investigation both with complaint and own motion, with extraordinary duty to report to the Cabinet on the recommendation to conduct in compliance with Chapter V of the Constitution on Duties the State. The organic law on Ombudsman 2017 mandated the Ombudsman to advice, promote and support the government agencies to effectively and efficiently perform their functions to reduce inequality, fairly provide service to the people, reduce unnecessary excessive burden and eliminate or reduce the people grievances. Thus, there are two major pillars of the Ombudsman. On the one hand, the Ombudsman is mandated to address the grievances of the people. On the other hand, the Ombudsman aims at improving organizational efficiency and decision-making processes to promote good governance and good administration.

The Thai Ombudsman operates through several key mechanisms:

- 1. Complaint Investigation: Processing and investigating public complaints against government agencies and officials
- 2. Own-Motion Investigations: Initiating investigations into systemic issues without waiting for formal complaints
- 3. Advisory Role: Providing recommendations to cabinet and government agencies for improving public administration
- 4. Reporting: Submitting annual reports to Parliament and publishing special reports on significant issues

Achievements and Impact

The Thai Ombudsman has made significant contributions to social well-being, administrative justice, and good governance as follows:

- 1. Administrative Reform: Influencing improvements in public service delivery and administrative procedures
- 2. Rights Protection: Successfully resolving numerous cases involving citizens' rights violations
 - 3. Systemic Changes: Contributing to policy reforms and legislative amendments
- 4. Public Awareness: Raising awareness about citizens' rights and administrative accountability
- 5. Social and economic improvement: Effective complaints management remedying people's hardship, bettering environment, and service infra structure

FOUNDATION OF GOOD GOVERNANCE

The ombudsman's office fundamentally supports good governance by providing an accessible mechanism for addressing grievances and promoting administrative justice. This institution serves as a bridge between citizens and government, ensuring that public services are delivered effectively and fairly. By investigating complaints and recommending improvements, ombudsman helps maintain the integrity of public institutions and strengthen public trust, as follows:

A. Promoting Accountability

Ombudsman promotes accountability through various mechanisms. They conduct thorough investigations into complaints, examine administrative decisions, and ensure compliance with laws and regulations. By scrutinizing public authorities' actions, they help prevent abuse of power and maladministration. Their recommendations often lead to improved procedures and practices within government agencies.

The oversight function extends beyond individual cases. Ombudsman identify patterns of poor administration and systemic issues that require broader reforms; and proposes changes to legislation, policies, and procedures to prevent recurring problems. This systemic approach contributes to continuous improvement in public administration. An ombudsman promotes accountability through several key mechanisms and functions:

- 1. Independent Investigation The ombudsman conducts impartial investigations into complaints about public agencies, officials, or organizations. They have powers to access relevant documents, interview staff, and gather evidence without interference. This independent oversight helps uncover misconduct, maladministration, or systemic issues.
- 2. Recommendations and Reports After investigating, the ombudsman makes formal recommendations for improvements or corrective actions. They detailed reports highlighting findings and suggested reforms. These reports create public pressure for organizations to address identified problems.
- 3. Mediating Disputes Ombudsman serves as neutral mediators between citizens and public institutions. They help resolve complaints through dialogue and negotiation before they escalate to legal proceedings. This process encourages organizations to be more responsive to legitimate grievances
- 4. Systemic Improvements Beyond individual cases, ombudsman identify patterns of problems and systemic failures. They recommend broader policy changes and administrative reforms. This helps prevent future issues and improves overall governance
- 5. Accessibility for Citizens Ombudsman provides a free and relatively informal way for citizens to raise concerns. They help level the playing field between ordinary people and powerful institutions. This accessibility makes it harder for organizations to ignore or dismiss valid complaints and reliefs the social tensions.

- 6. Preventive Effect The mere existence of ombudsman oversight encourages better behavior and decision-making. Organizations are more likely to follow proper procedures knowing they may be investigated. This creates ongoing pressure for maintaining high standards
- 7. Public Education Ombudsman helps educate the public about their rights and available remedies. They publish guidelines on good administrative practice and information on complaint channel. This empowers citizens to recognize and challenge poor governance.
- 8. Annual Reporting Every year, the ombudsman tables the annual report to the parliament to acknowledge the recommendations which were submitted to state agencies and cabinet. Regular public reporting on activities and outcomes ensures transparency. Statistics on complaints and resolutions help track performance over time. This creates accountability for the ombudsman office itself.
- 9. Parliament/Legislative Connection Ombudsman can report directly to parliament or legislature. This provides democratic oversight and can lead to legislative reforms. It helps ensure recommendations are taken seriously by government agencies

B. Enhancing Transparency

Transparency is enhanced through the ombudsman's work in several ways. They publish reports on their investigations, making findings and recommendations public. This transparency helps citizens understand how government decisions affect them and how administrative processes can be improved. It also creates pressure for public authorities to implement recommended changes.

Regular reporting on activities and outcomes serves as a valuable source of information for policymakers and the public. These reports highlight areas requiring attention and demonstrate the impact of oversight mechanisms on improving governance. They also provide insights into emerging trends and challenges in public administration.

C. Growing Fairness

Fairness is crucial to ombudsman practices for several fundamental reasons:

- 1. Legitimacy and Trust:
 - Fair processes build trust in the ombudsman's role and authority
- Stakeholders are more likely to accept outcomes when they perceive the process as fair
 - Builds credibility that encourages future use of ombudsman services
 - Demonstrates the value of the institution to both leadership and constituents
 - 2. Equal Treatment:
 - Ensures all complaints receive appropriate attention regardless of source
 - Prevents discrimination based on status, position, or relationships

- Creates consistent standards for handling similar cases
- Protects vulnerable individuals who may lack other avenues for redress

3. Procedural Justice:

- Gives all parties concerned adequate opportunity to present their case
- Ensures transparent decision-making processes
- Provides clear explanations for decisions and recommendations
- Maintains balanced communication with all stakeholders
- Offers appeal mechanisms when appropriate

4. Evidence-Based Decision Making:

- Relies on verified facts rather than assumptions
- Gathers information from all relevant sources
- Uses consistent criteria for evaluating evidence
- Documents reasoning behind conclusions
- Maintains clear standards of proof

5. Natural Justice Principles:

- Right to be heard
- Freedom from bias
- Access to evidence and allegations
- Opportunity to respond to adverse findings
- Right to representation when appropriate

6. Integrity of Process:

- Ensures investigations are thorough and unbiased
- Maintains credibility of the ombudsman's role
- Protects the validity of findings and recommendations
- Creates a reliable record for potential review or appeal
- Supports public confidence in the institution

7. Investigative Quality:

- Promotes comprehensive evidence gathering

- Reduces risk of overlooking crucial information
- Ensures balanced consideration of all perspectives
- Strengthens the reliability of conclusions
- Supports defensible recommendations

8. Rights Protection:

- Safeguards due process rights of all parties
- Prevents prejudgment of outcomes
- Protects confidentiality appropriately
- Ensures proportional responses to issues
- Maintains procedural safeguards

9. Organizational Impact:

- Builds trust in complaint handling processes
- Encourages reporting of legitimate concerns
- Supports systemic improvements
- Reduces risk of retaliation or bias
- Promotes accountability at all levels

10. Long-term Benefits:

- Creates precedents for handling similar cases
- Improves organizational learning
- Strengthens dispute resolution mechanisms
- Enhances institutional reputation
- Reduces likelihood of repeated issues

D. Protecting Citizens' Rights

A fundamental aspect of the ombudsman's role is protecting citizens' rights in their interactions with government. They ensure fair treatment, proper application of rules and procedures, and respect for human rights. This protection is particularly important for vulnerable groups who may face barriers in accessing justice through traditional channels.

Ombudsman also plays an educational role by raising awareness about citizens' rights and responsibilities. They help people understand administrative processes and available remedies when things go wrong. This empowerment of citizens contributes to more effective participation in governance. Ombudsman protects citizens' rights through the following mechanism:

1. Complaint Investigation

- Investigates individual complaints about unfair treatment by government agencies
- Reviews cases where citizens' rights may have been violated
- Ensures due process and fair procedures were followed

2. Free and Accessible Service

- Provides services at no cost to citizens
- Offers multiple ways to file complaints (online, phone, mail, in-person)
- Helps overcome language and accessibility barriers

3. Direct Assistance

- Guides citizens through complex bureaucratic processes
- Helps obtain information or documents citizens are entitled to
- Advocates for fair treatment when dealing with authorities

4. Protection Against Discrimination

- Investigates claims of discriminatory treatment
- Ensures equal access to public services
- Monitors compliance with anti-discrimination laws

5. Privacy Protection

- Safeguards personal information during investigations
- Monitors data protection practices in public agencies
- Investigates privacy breaches

6. Administrative Justice

- Reviews decisions affecting citizens' rights
- Recommends corrective action when mistakes are found
- Ensures fair and reasonable decision-making

7. Vulnerable Groups

- Pays special attention to protecting vulnerable populations
- Addresses systemic barriers facing disadvantaged groups
- Promotes inclusive policies and practices

8. Public Education

- Informs citizens about their rights and entitlements
- Provides guidance on complaint procedures
- Raises awareness about available remedies

E. Supporting Administrative Reform and Good Administration

Through the investigations and recommendations, ombudsman contributes to administrative reform. They identify opportunities for improving service delivery, streamlining procedures, and enhancing efficiency. Their recommendations often lead to practical changes that benefit both citizens and public administrators.

The ombudsman's office also promotes learning and improvement within public institutions. By providing feedback on administrative practices, they help organizations identify weaknesses and implement better processes. This continuous improvement cycle strengthens institutional capacity and effectiveness.

F. Building Trust in Government

Perhaps most importantly, ombudsmen help build trust between citizens and government. By providing an independent mechanism for addressing grievances, they demonstrate that government is accountable and responsive to citizens' concerns. This trust is essential for effective governance and democratic stability.

G. Status of Independence and neutrality

The independence of the ombudsman is crucial for effective governance. Operating without political interference, ombudsman can objectively evaluate administrative actions and decisions. This independence enables them to challenge improper practices, investigate systemic issues, and recommend reforms that enhance government effectiveness and responsiveness to citizens' needs. In theory, independence and neutrality, as foundational principles for any ombudsman's effectiveness are:

1. Structural Independence:

- The ombudsman should report directly to the highest level (e.g., parliament or senate)

- Maintain a separate budget that can't be reduced in retaliation
- Have their own staff without outside interference
- Control their own office location, ideally in a neutral space away from

management

- Have unfiltered access to information and records needed for investigations

2. Operational Independence:

- Freedom to initiate investigations without approval from government agencies
- Authority to determine which cases to pursue
- Ability to issue reports and recommendations without outsiders' prior review
- Control over office procedures and case handling methods
- Power to consult external experts when needed

3. Neutrality Safeguards:

- No other roles or responsibilities within the organization
- No financial interests in outcomes
- No personal relationships with key stakeholders
- Regular disclosure of potential conflicts
- Recusal protocols for cases involving conflicts

4. Decision-Making Independence:

- Use established criteria for evaluating cases
- Base recommendations solely on evidence and merit
- Resist pressure from any stakeholder group
- Document reasoning for decisions
- Maintain consistent standards across similar cases

5. Terms of Office:

- Fixed term appointment and non-renewable (typically 3-5-7 years; 7 years in the case of Thailand)
 - Clear criteria for removal (only for cause)
 - Competitive compensation to prevent financial pressure
 - Protected pension and benefits
 - Clear succession planning

The mere existence of an effective ombudsman institution can improve administrative behavior. Public officials are more likely to act fairly and follow proper procedures when they know their actions may be subject to independent review. This preventive effect helps maintain high standards in public administration.

EMERGING BEST PRACTICES TRENDS

The complexity of the modern world causes global Interconnectedness, cross-border dispute resolution, international and multicultural conflicts, misunderstanding difference cultural communication. Therefore, the ombudsman requires more sophisticated conflict resolution techniques, advanced mediation strategies, comprehensive understanding of organizational dynamics, technology-enabled investigation methods, comprehensive diversity and inclusion training and strategic organizational learning approaches.

These challenges demonstrate the evolving and complex nature of modern ombudsman practices. The role requires continuous adaptation, advanced skills, and a comprehensive understanding of organizational dynamics.

THE BEST PRACTICES FOR OMBUDSMAN

As a consequence, ombudsman as an independent, impartial official who investigates complaints, mediates disputes, and helps resolve conflicts between individuals and organizations, deems the necessity to develop the best practice to handle with all trends and challenges. The followings are some of the key best practices:

- 1. Independence and Impartiality
- The ombudsman must maintain complete neutrality and independence from the organization they serve
 - They should have no direct stake in the outcomes of investigations
- Their reporting structure should ensure they can operate without undue influence from leadership
 - Make impartial decisions based on facts and merit
 - Have direct access to senior state officials when needed

2. Confidentiality

- Protect the privacy of all parties involved in a complaint
- Maintain strict confidentiality of communications and investigation details
- Only disclose information with explicit consent or when legally required and share information on a need-to-know basis only
 - Establish clear protocols for handling sensitive information

3. Accessibility

- Ensure the complaint process is easy to understand and access
- Provide multiple channels for receiving complaints (in-person, online, phone, written)

- Make the ombudsman's role and process transparent to all stakeholders
- Offer services free of charge
- Be easily accessible to all stakeholders
- Maintain regular office hours
- Accommodate different languages and communication needs

4. Procedural Fairness

- Follow consistent, well-defined procedures for investigating complaints
- Give all parties a fair opportunity to present their perspective
- Ensure transparent and objective assessment of each case
- Provide clear reasoning for decisions and recommendations
- Gather evidence systematically
- Make recommendations based on objective criteria

5. Informal Problem-Solving

- Prioritize informal resolution mechanisms
- Mediate conflicts before they escalate to formal proceedings
- Use communication and negotiation skills to find mutually acceptable solutions
- Aim to restore relationships and improve organizational processes

6. Timeliness

- Respond promptly to inquiries and complaints
- Set and communicate realistic timeframes
- Keep parties informed of progress
- Balance thoroughness with efficiency

7. Systemic Improvement

- Look beyond individual complaints to identify broader organizational issues
- Provide recommendations for systemic changes to prevent recurring problems
- Create periodic reports highlighting trends and improvement opportunities
- Serve as a constructive feedback mechanism for organizational learning

8. Ethical Standards

- Obey strict ethical guidelines

- Maintain professional integrity and credibility
- Avoid conflicts of interest
- Continuously update professional knowledge and skills

9. Documentation and Reporting Accountability

- Produce regular, transparent reports about complaint trends
- Protect whistleblowers and those who raise concerns
- Maintain detailed, accurate records of investigations, cases and outcomes
- Be accountable for the quality and fairness of investigations
- Produce regular reports on activities and trends
- Track patterns of issues for systemic improvements
- Document recommendations and follow-up actions

10. Cultural Sensitivity

- Understand and respect diverse cultural perspectives
- Provide services that are inclusive and culturally appropriate
- Be aware of potential biases and work to mitigate them
- Adapt communication styles to different cultural contexts

11. Continuous Improvement

- Regularly review and update investigation processes
- Seek feedback from users of the ombudsman service
- Stay current with best practices in conflict resolution
- Engage in professional development and training

12. Professional Development

- Stay current with relevant laws and regulations
- Participate in ongoing training
- Network with other ombudsmen
- Maintain professional certifications

These best practices ensure that ombudsman can effectively serve as neutral, trusted intermediaries who help resolve conflicts, promote fairness, and contribute to organizational improvement.

FUTURE CHALLENGES OF THAILAND OMBUDSMAN

An ombudsman plays a critical role in dispute resolution and organizational accountability. As governance becomes more complex, ombudsman too faces new challenges. Digital transformation, increasing citizen expectations, and evolving forms of public service delivery require adaptation of traditional oversight mechanisms. Ombudsman must continue to evolve while maintaining their fundamental principles of independence, fairness, and effectiveness. Some of the crucial and unavoidable challenges and dealing mechanisms are

Political and Institutional Challenges

Political Independence	- Maintaining institutional independence - Protecting the institution from potential political interference or attempts to limit its authority - Maintaining public trust under any political circumstances
Constitutional Changes	- Adapting to potential future constitutional amendments that might affect the institution's mandate - Ensuring institutional stability during political reforms - Maintaining effectiveness despite possible structural changes - Advocating for preservation of essential powers and functions

Operational and Administrative Challenges

Resource Management	
Financial Constraints	- Managing increasing workloads with limited budgetary resources - Securing adequate funding for technological upgrades and modernization - Balancing resource allocation between different functions and priorities
	- Supporting ongoing training and capacity building initiatives
Human Resource Development	 Attracting and retaining qualified personnel Developing specialized expertise in emerging areas Maintaining competitive compensation packages Ensuring continuous professional development

Technological Adaptation	
Digital Transformation	 Implementing and maintaining modern case management systems Developing secure digital platforms for complaint submission and tracking Ensuring cybersecurity and data protection Bridging the digital divide to maintain accessibility for all citizens
Data Management	- Handling increasing volumes of digital information - Ensuring data privacy and security - Implementing effective document management systems - Utilizing data analytics for better decision-making

Emerging Social and Economic Challenges

Complex Grievances	 Handling increasingly complex and technical complaints Addressing new types of administrative issues arising from technological advancement Managing cross-jurisdictional cases Dealing with emerging forms of maladministration
Social Changes	,
Demographic Shifts	- Adapting services for an aging population - Meeting the needs of increasingly diverse communities - Addressing language and cultural barriers - Ensuring accessibility for vulnerable groups
Public Expectations	- Meeting rising citizen expectations for service quality - Providing faster response times - Maintaining transparency in operations - Demonstrating relevance in changing social contexts

Enforcement and Implementation Challenges

Limited Authority	- Working within the constraints of recommendation-
	based powers
	- Improving compliance rates from government agencies
	- Strengthening follow-up mechanisms
	-

Building cooperative relationships with agencies while maintaining oversight	
Implementation Effectiveness	 Ensuring recommendations are properly implemented Monitoring long-term impacts of interventions Developing better enforcement mechanisms Strengthening coordination with other oversight bodies
Public Engagement and Awareness	
Communication Challenges	 Improving public understanding of the Ombudsman's role Maintaining effective communication across different social groups Developing targeted outreach strategies Utilizing social media and new communication channels effectively
Access to Services	 Ensuring equal access across geographical areas Reducing barriers to filing complaints Providing services in multiple languages Maintaining physical accessibility while expanding digital services

Systemic and Strategic Challenges

Institutional Evolution	- Adapting to changing governance structures - Maintaining relevance in evolving administrative systems
	- Developing innovative approaches to oversight
	- Balancing traditional roles with emerging needs
International Standards	- Meeting evolving international best practices - Maintaining effective international cooperation - Implementing global standards while respecting local context
	- Contributing to regional and international Ombudsman networks

Preparation Plan for the Future Challenges

1. Short-term Measures

- 1. Strengthen digital infrastructure and online services
- 2. Enhance staff training and development programs
- 3. Improve public communication strategies
- 4. Develop more efficient case management processes

2. Medium-term Strategies

- 1. Build stronger partnerships with civil society organizations
- 2. Develop specialized expertise in emerging areas
- 3. Implement comprehensive data management systems
- 4. Enhance research and policy analysis capabilities

3. Long-term Solutions

- 1. Advocate for stronger legislative framework
- 2. Develop sustainable funding mechanisms
- 3. Build robust institutional capacity
- 4. Establish comprehensive performance measurement systems

CONCLUSION

The development of Thailand's Ombudsman institution represents a significant advancement in the country's democratic governance and administrative justice system. While facing various challenges, the institution has established best practice as an important mechanism for protecting citizens' rights and promoting good governance. Its continued evolution and adaptation to changing circumstances will be crucial for maintaining its effectiveness and relevance in Thai society.

The Thailand Ombudsman faces significant challenges that require proactive planning and adaptive strategies. Success in addressing these challenges will depend on the institution's ability to:

- Maintain independence while building effective partnerships
- Modernize operations while ensuring accessibility
- Strengthen capacity while managing resources efficiently
- Adapt to change while preserving core functions and values

The institution's ability to navigate these challenges will be crucial for its continued effectiveness and relevance in Thailand's evolving administrative justice system.

The ombudsman's practice remains essential for promoting good governance in modern democracies. Through their work in ensuring accountability, transparency, and fairness, ombudsman contributes significantly to better public administration and stronger democratic institutions. Their role in protecting citizens' rights and promoting administrative reform helps build more responsive and effective government systems. As societies continue to evolve, the ombudsman's role in promoting good governance will remain crucial for maintaining public trust and ensuring effective public service delivery.

Effective Outreach Strategies for Raising Public Awareness of the Ombudsman's Role and Functions



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INTRODUCTION

The Ombudsman serves as a crucial intermediary between citizens and public institutions, ensuring administrative fairness by investigating complaints and addressing systemic issues. However, a significant number of citizens remain unaware of the Ombudsman's role and the assistance it can provide.

This article explores comprehensive strategies to enhance public awareness and understanding of the Ombudsman's role in promoting good governance. It also examines approaches to engaging underrepresented communities, ensuring inclusivity, and protecting citizens' rights through public outreach programs. Additionally, successful public engagement campaigns will be analyzed to highlight best practices and lessons learned.

PURPOSE OF THE OMBUDSMAN'S OUTREACH PROGRAM

An effective outreach program by the Ombudsman serves several essential functions:

Awareness and Accessibility

- Informing the public about the Ombudsman's services and how to access them.
- Ensuring that vulnerable or marginalized groups are aware of their rights to file complaints.
- Removing barriers that might prevent people from seeking help.

Education

- Informing the people about their rights and entitlements.
- Explaining complaint procedures and processes.
- · Providing information about service standards that citizens should expect from government institutions.

Prevention

- Identifying systemic issues before they escalate.
- Sharing best practices with public institutions to prevent complaints.
- Promoting good administrative practices across government agencies.

Building Trust

• Establishing strong relationships with communities.

- Demonstrating the Ombudsman's independence and impartiality.
- Encouraging confidence in the complaint-handling process.

Feedback Collection

- Gathering input from different stakeholder groups.
- Understanding emerging issues and concerns.
- Identifying service gaps in public administration.

OUTREACH AND PUBLIC RELATIONS PROGRAMS

Nearly 25 years since its establishment, the Thailand Ombudsman has implemented various outreach and public relations programs tailored to Thailand's geographic and demographic profile, including:

1. TRADITIONAL MEDIA ENGAGEMENT

1.1 Print and Broadcast Media

Traditional media channels remain essential for reaching a wide range of demographics. Thailand Ombudsman is currently engaged in a collaborative initiative with the Thai Public Broadcasting Service (TPBS), a public broadcaster, to create social content that will assist individuals in expressing their grievances and concerns to the Ombudsman. The ombudsman's function can be effectively communicated through regular press releases that focus on successful case resolutions, newspaper columns that address common grievances, and radio interviews. Feature stories showcasing real-life examples of how the ombudsman has helped citizens can enhance the institution's accessibility and relatability. However, the broadcast program is not frequently launched due to the limited budget of the office, as the production and transmission of the program require a significant amount of money.

2. DIGITAL OUTREACH INITIATIVES

2.1 Social Media Presence

Active engagement on social media platforms such as Facebook, YouTube, and TikTok allows the Ombudsman's office to:

- Share success stories and case studies.
- Provide real-time updates on services.
- Answer frequently asked questions.
- Engage directly with citizens through Q&A sessions.
- Share infographics explaining complaint procedures.

2.2 Website Optimization

The Ombudsman's official website (www.ombudsman.go.th) serves as a user-friendly digital hub featuring:

• Clear explanations of duties, functions, and services in Thai and English.

- A streamlined complaint submission process.
- Interactive guides and flowcharts on the complaints handling process.
- Annual reports and key documents for public access.

3. COMMUNITY-BASED OUTREACH

3.1 Mobile Ombudsman Units

Organizing mobile units to remote areas to enhance accessibility by:

- Providing face-to-face consultations.
- Collecting complaints from underserved communities.
- Conducting awareness workshops.
- Distributing informational materials.
- Building trust through direct engagement.

To date, the Ombudsman's Mobile Unit has visited 75 out of Thailand's 76 provinces, with only Bueng Kan remaining.

3.2 Partnership with Civil Society

Collaboration with NGOs, community organizations, and advocacy groups extends the Ombudsman's reach to vulnerable populations. For instance, partnerships with the Ministry of Labor's graduate volunteers in Thailand's deep south and the Thai volunteer community in the Netherlands improve outreach efforts.

Collaborating with NGOs, community organizations, and advocacy groups can:

- Increase the reach to vulnerable populations, remote areas, and specialized groups, such as the Thai volunteer community in the Netherlands, the Ministry of Labor's graduate volunteers in the three provinces in the deep south of Thailand, and so forth.
- Leverage existing community networks.
- Provide training to community leaders.
- Establish two-way communication channels

4. TARGETED OUTREACH PROGRAMS

4.1 Vulnerable Populations

To ensure inclusivity, the Ombudsman's office develops specific strategies for reaching vulnerable groups by:

- Providing multilingual materials and services, including the annual report in braille and audiobooks, to help visually and hearing-impaired individuals.
- Ensuring that vulnerable or marginalized groups are aware that they have the ability to file complaints
- Conducting a critical own-motion systemic investigation in order to provide cabinet and government agencies with recommendations to address their difficulties.

Recent initiatives include:

- In 2024, the Ombudsman initiated a systemic investigation into "The Promotion of Access to Healthcare Services for Vulnerable Populations: The Elderly, People with Disabilities, and Bedridden Patients in Bangkok", a recommendation will be submitted to the relevant authorities in the near future.
- In 2025, the Ombudsman plans to conduct another own-motion systemic investigation on "The Poor Nutrition Situation of Babies in Narathiwat Province." This investigation will examine the responsibilities of public agencies in addressing child malnutrition.

4.2 Business Community

Thailand has nearly 100,000 business communities, both officially and unofficially registered with the Department of Agricultural Extension, engaging in local entrepreneurial activities. Collaborating with these business groups will help:

- Raising awareness among members about the Ombudsman's services and how to access them.
- · Ensuring inclusivity by informing vulnerable or marginalized groups of their right to file complaints.
- Facilitating industry-specific support by coordinating with responsible agencies to provide workshops on accounting, taxation, marketing, consultation forums, specialized guidance materials, and professional association partnerships.

5. EDUCATIONAL SYSTEM INTEGRATION (FUTURE PROGRAM)

5.1 School Programs

Information about the ombudsman will be integrated into civic education curricula to facilitate the following objectives:

- Foster early awareness among young citizens.
- Develop understanding of administrative rights.
- Establish a culture of accountability.
- Encourage active citizenship

5.2 University Partnerships

Collaborative projects with higher education institutions will:

- Facilitate research on administrative justice.
- Offer internship opportunities to students.
- Develop case studies for educational purposes.
- Create specialized training programs tailored to academic and professional needs.

SUCCESSFUL PUBLIC ENGAGEMENT CAMPAIGNS FOR UNDERREPRESENTED **COMMUNITIES AND INCLUSIVE SOCIETY**

Thailand's vulnerable populations—including the elderly, people with disabilities, and bedridden patients—face a higher risk of health-related issues and barriers to well-being compared to the general population. These challenges extend to access to public health services, social status, social capital, and human capital. Therefore, it is essential to study and analyze the obstacles preventing these groups from receiving adequate public healthcare.

In response, the Ombudsman initiated own-motion investigation focusing on vulnerable groups, specifically the elderly, people with disabilities, and bedridden patients in Bangkok. This study examines the legal framework, relevant agencies, existing mechanisms, and underlying challenges affecting their access to healthcare services.

The key objectives of this investigation are to:

- Enable health-related state agencies to coordinate with other relevant bodies in developing and driving policies that enhance access to healthcare rights.
- Promote awareness and utilization of public health services within the universal health coverage system when needed.
- Strengthen state agencies' ability to identify vulnerable individuals who have yet to receive healthcare benefits.
- Ensure comprehensive protection under the National Health Security Act of 2002 for those in need.

This initiative aims to drive systemic improvements, ensuring that Thailand's most vulnerable populations receive equitable healthcare access and protection.

Agencies and Counterparts

Collaboration with the following institutions strengthens the outreach initiative:

- Ministry of Labor
- Ministry of Public Health
- Ministry of Social Development and Human Security
- Bangkok Metropolitan Administration (BMA)
- National Health Security Office
- Thai Health Promotion Foundation
- Hospitals and Public Health Volunteers

Initial Recommendations

Key recommendations for improving healthcare access include:

- 1. Establish a clear and mutually agreed-upon definition of the term "vulnerable populations" to ensure a shared understanding among all stakeholders.
- 2. Develop a proactive mechanism to identify vulnerable populations, including a referral process to enhance accessibility and timely intervention.
- 3. Enhance healthcare services and medical treatment for vulnerable populations through the following measures:
 - o Implementing specific strategies for different vulnerable groups.
 - o Enhancing medical service facilitation.
 - o Creating joint public-private service units for primary healthcare.
 - o Increasing budget allocations, financial support, and staffing resources.

These recommendations will be submitted to the Cabinet and the Bangkok Metropolitan **Administration (BMA)** for further consideration and appropriate action.

CONCLUSION

Effective outreach requires a multi-faceted approach that integrates both traditional and modern communication channels with targeted community engagement. Success depends on consistent messaging, accessibility, and adaptation to diverse audience needs. Regular evaluation and strategy adjustments ensure continuous improvement in public awareness and utilization of Ombudsman services.

The ultimate goal is to ensure that every citizen knows their right to seek the Ombudsman's assistance and understands how to access these vital services. Through comprehensive outreach efforts, the Ombudsman can fulfill its role in promoting good governance and protecting citizens' rights.

ARTICLES FROM OMBUDSMAN AROUND THE WORLD



Austrian Ombudsman Board Major Achievements and Successes



Ms. Gaby Schwarz **IOI Secretary General and Austrian Ombudswoman**

HISTORY OF THE AUSTRIAN OMBUDSMAN BOARD

Following the end of the Second World War, voices became loud in Austria demanding the establishment of an Ombudsman institution following the existing role models of - mainly -Scandinavian countries.

Plans to introduce such an oversight mechanism were announced in 1970 and one year later, a draft amendment to the Federal Constitution envisaged the creation of an advocate for matters regarding the federal public administration. The interest from the public was so great that 13,000 copies of this draft amendment had to be printed and were made available to the citizens free of charge. Unfortunately, the subsequent government bill never entered into force, because the political parties were unable to agree on the exact number of Ombudspersons for such an institution.

In 1975, another attempt was made to adopt a law establishing an Ombudsman institution in Austria and at the beginning of 1977, all the members of the Austrian Parliament finally agreed on the Federal Law on the Austrian Ombudsman Board (AOB), which now consisted of three Ombudspersons, to be appointed for a six-year term with an option to be re-appointed once. The three Ombudspersons work together in a collegial way and hold the chair of the institution for one year on a rotational basis. The first three Austrian Ombudspersons took office on 1 July 1977.

It was assumed that the AOB would handle a maximum of 1,500 complaints each year and the new law introduced a time limit of six years to verify if the institution would be able to meet the requirements in place and if it would prove to be important for the citizens. Already after the first four years of successfully executing its mandate, it became clear that the AOB had gained the citizens' trust and respect. In 1981, the provisions establishing the AOB were thus enshrined in the Austrian Constitution.

Established as a "classic" Ombudsman institution, the AOB was originally entrusted with the task of investigating cases of alleged maladministration regarding public administration at the federal, regional, or local level. It initiates investigative proceedings based on individual complaints or on its own initiative, and once it identifies a case of maladministration, the AOB can issue recommendations to the highest administrative authorities. Within a deadline of eight weeks, the authority concerned must either conform to these recommendations, or explain in writing why the recommendations have not been complied with. The AOB does not only enjoy

the trust of the public. It is also highly recognized by the public authorities, which contributes to a good implementation level of AOB recommendations by the public administration.

In its annual reports, the AOB informs the National Council and the Federal Council about its investigative work and the resulting recommendations. These reports are discussed in the plenary session of the National Council and deliberated in more detail in a separate parliamentary committee that has been specifically established for the AOB. The efforts of this committee to discuss the most pressing issues in the AOB's reports once more in the plenary illustrates the great interest, cooperation, and trust that Parliament puts into the AOB and its work. This also increases the AOB's capacity to enforce the rule of law.

While the quickly earned positive reputation of the AOB led to a permanent constitutional mandate, the strong trust from the public underpins the position of the AOB. The AOB is easy to reach and complaints can be brought forward in a non-bureaucratic way and free of charge. The Ombudspersons also tour the country and reach out to all citizens on so-called "consultation days" in the various regions. During such consultation meetings, the complainants have an opportunity to present their concerns directly to the Ombudspersons.

A national survey conducted in 2024, revealed that the AOB is among the most highly regarded public institutions in Austria, with 62% of respondents expressing their trust in the AOB's work. In 2023 alone, 23,124 individuals contacted the AOB, trusting that the AOB will address their concerns and be able to deliver high-quality services by drafting recommendations that will resolve cases of maladministration.

WIDER MANDATE AND NEW RESPOSIBILITIES

The acceptance of the AOB can be seen in the fact that the AOB's mandate was significantly expanded in July 2012, when the AOB received an explicit constitutional mandate to protect and promote human rights as National Preventive Mechanism (NPM) under the UN Optional Protocol of the Convention against Torture (OPCAT).

The protection of fundamental rights has always been a central priority in the AOB's investigative activities and the violation of human rights considered the most serious form of maladministration. With the Act on the Implementation of OPCAT, the AOB's competence und constitutional law has undergone its greatest expansion since its establishment, thus significantly increasing its opportunities to protect and promote human rights.

Right from the beginning, the Austrian NPM had a very broad mandate. It did not only monitor correctional institutions or prisons, but also included so-called "less traditional places of detention", such as retirement and nursing homes, psychiatric institutions, or child and youth welfare facilities, in its monitoring activities.

The AOB's mandate to protect and promote human rights also includes monitoring institutions and programmes for persons with disabilities in accordance with Article 16.3 of the

UN Convention on the Rights of Persons with Disabilities 2006 (CRPD), with a view to preventing any conceivable form of exploitation, violence and abuse. In this way, the AOB implements regulations of the UN CRPD in Austria.

Furthermore – and quite unique compared to other NPMs around the world – the mandate provides that the AOB can monitor the conduct of executive bodies and officers authorized to carry out acts of direct administrative power or coercive measures. This involves monitoring police operations during large-scale raids, at major events, gatherings and demonstrations, as well as during forced returns.

The knowledge of human rights protection by prison and police officers plays an important role in preventive monitoring. For this reason, the AOB has been involved in training the police and prison officers for years now. As the trainees may also come into contact with the NPM later in their careers, the NPM and its work are presented in these teaching modules.

In addition, to a lecture on the protection and promotion of human rights, the implementation is further illustrated by practical situations and case studies. In 2023, 57 classes of basic police training were taught throughout Austria, and 16 units of basic training for prison officers – which are a compulsory part of their training – were held at the Correctional Services Academy.

The NPM mandate includes the preventive monitoring and control of around 4,000 public and private institutions and facilities where persons are or can be deprived of their liberty. In order to be able to fulfil its tasks in this area, the AOB has set up one federal and six regional commissions, which carry out the NPM visits in the different facilities. Each commission consists of a chairperson and members who are appointed by the AOB and who come from different disciplines (medical experts, social workers, legal experts etc.).

These expert commissions conduct around 500 visits in institutions and facilities each year, mostly unannounced. They have unrestricted access to all institutions and receive all the information and documents required. They can hold private conversations with people in detention, people with disabilities, and staff if they wish to do so. Each commission reports the findings of its visits directly to the AOB. They carry out assessments of human rights infringements and make recommendations on how to prevent them.

In July 2017, the AOB took on the additional responsibility of the so-called Pension Commission. This independent commission was set up to handle applications for pensions from persons who suffered violence in a public children's home, a children's home of the catholic or protestant church, in foster families, hospitals, psychiatric institutions, or sanatoriums as a child between 1945 and 1999 and who have not yet been designated as victims. The same applies to persons who were victims of violence in private facilities in Austria, if they had been referred to these private facilities by a child and youth welfare authority.

The Pension Commission is chaired by one of the Ombudspersons and consists of twelve experts from different fields. It assesses whether the prerequisites for granting a pension are met and whether the applicants' descriptions of events are credible. The Pension Commission then submits a proposal to the AOB requesting a decision. Based on the proposals from the Pension Commission, the AOB issues a founded, written recommendation to the competent decisionmaker that a respective applicant should be granted a pension to compensate the violence suffered as a child.

TV SHOW HELPS RESOLVE DIFFICLUT CASES

A reason for the high level of awareness among the public is the AOB's comprehensive online presence, but also a long running television show called "Bürgeranwalt" (i.e. "Advocate of the People").

This TV show appears on a channel of the Austrian Public Broadcasting Corporation every Saturday at 6 pm. The AOB presents one of its pending cases and the Ombudsperson – usually accompanied by the complainant – finds an opportunity to discuss the matter in the studio with representatives from the authority in question and to explain the concern and troubles faced by the complainants in the specific case.

The show regularly uncovers maladministration or misconduct by authorities. Due to the public scrutiny on public television, the concerned authorities often give in and the presented cases can be resolved immediately after the show. If this is not the case, a special "follow-up section" of the show keeps track of former, still pending cases. This is to make sure that the matter stays in the mind of the public; an approach which in the end also often helps to resolve the concerns at hand or to at least bring about a certain form of redress for the complainants.

After more than 20 years, the "Bürgeranwalt" TV show has become a permanent fixture on Austrian television. The show significantly increased the AOB's visibility and trustworthiness. With a viewership of nearly half a million per episode (i.e. a market share of around 26%), the show became a success story and a best practice example to many Ombudsman colleagues around the world.

INTERNATIONAL OMBUDSMAN INSTITUTE

Most countries around the world have established parliamentary control bodies, which form an integral part of constitutional reality. The role of Ombudsman institutions is to protect the people against violation of rights, abuse of powers, unfair decisions and maladministration. They are increasingly important factors to improve public administration and make government's actions more open and its administration more accountable. They are key players in the protection and promotion of human rights and the implementation of the rule of law and good governance.

The Ombudsman concept has proven to be extraordinarily adaptable and innovative, and although the specific mandates of the institution may vary, the holder of the office is legitimized by parliament and the institution itself driven by the core principles of independence, impartiality and fairness. Ombudsman institutions are guided by internationally recognized standards, such as the UN Resolution on Ombudsman or the Venice Principles.

The International Ombudsman Institute (IOI) was established in Canada in 1978 and it is the only global organisation for the cooperation of more than 200 independent Ombudsman institutions

from more than 100 countries worldwide. Since 2009, the IOI headquarters are located at the premises of the AOB in Vienna.

This was possible due to the full support from the Austrian Government and Parliament, which ensured that the AOB receives the necessary funds involved to operate the IOI General Secretariat, i.e. the infrastructure and the staff costs for five full-time employees.

According to the IOI By-laws, one of the Austrian Ombudspersons is to be appointed as the Secretary General of the IOI. Peter Kostelka was the first IOI Secretary General to be appointed following the transition of the IOI from Canada to Vienna in 2009. He was followed by Günther Kräuter (2013-2019), and Werner Amon (2019-2022). Since 2022, Ombudsperson Gaby Schwarz is the Secretary General of the IOI and the first woman to take on this important role.

When the IOI moved its headquarters to Vienna, the financial support from the Austrian Government made possible that money generated from the payment of membership fees could be used to fund a variety of ways by which the IOI fulfils its main commitment, i.e. to promote the Ombudsman concept.

The IOI raises awareness and encourages the creation of Ombudsman institutions where they do not exist and it lends its support to colleagues who come under threat or operate under difficult circumstances. In its ongoing cooperation with international partner organizations, the IOI considers policy areas that are of importance to its members. With its annual program of Regional Subsidies, the IOI funds research and projects implemented by its members in the different world regions. Furthermore, the IOI promotes information exchange through regular meetings, seminars and conferences and it helps members build capacity by way of shared learning and offering training on different areas of interest.

Ombudsman Ontario. Ontario, Canada **Major achievements**



Mr. Paul Dubé

IOI Regional President (North America) and Ombudsman of Ontario

EXPANSION OF OVERSIGHT

Since 1975, the Office of the Ontario Ombudsman has helped ensure Ontarians are treated fairly and their rights are respected when accessing public services. Our scope of oversight has continued to grow since we first opened our doors five decades ago - a testament to our capabilities and expertise enhancing fairness in government and promoting respect for rights.

In addition to assisting nearly a million individual Ontarians obtain public services and access to justice through our complaint handling over 50 years, the hundreds of systemic recommendations made by the Office of the Ontario Ombudsman and implemented by government and public sector agencies have led to widespread reforms and benefitted millions more Ontarians. These include expanded screening of newborn babies for metabolic diseases, a more fair and secure lottery system, protections for the rights of inmates in segregation, administrative improvements at tribunals, better pandemic preparedness in long-term care homes, enhanced de-escalation training for police, more supports and services for adults with developmental disabilities, improved provision of services in French, and respect for the rights of children and youth.

In the beginning, the Office of the Ontario Ombudsman had oversight of roughly 500 provincial government ministries, programs, agencies, boards and commissions.

Then, in 2016, the mandate was expanded to include Ontario's 400-plus municipalities, 25 publicly funded universities, and 82 school boards and school authorities. Our scope of oversight was effectively doubled to include more than 1,000 public sector bodies, allowing us to help with a wider array of issues than ever before.

In 2019, our mandate grew again when we assumed jurisdiction of the provision of French language services and services provided in the child protection sector – two areas affecting the rights of vulnerable Ontarians. During these periods of growth, and despite challenges like the COVID-19 pandemic, we have remained an accessible and impactful agent of positive change.

BUILDING PRODUCTIVE AND APPROPRIATE RELATIONSHIPS

With each new expansion came enormous opportunities. More Ontarians than ever now had access to their Ombudsman for help in areas that were previously beyond our scrutiny. However, many of these citizens and jurisdictional bodies were unfamiliar with our role and, as a result, didn't always know to turn to us for help. Our team has worked tirelessly to engage with and educate the public about who we are and how we work. Outreach and engagement are essential functions of the ombudsman institution.

We see firsthand the value of building collaborative relationships with stakeholders in our daily work, because they enable us to be more effective. These experiences have also underlined the importance of ensuring that who we are and what we do is clear to all Ontarians. It is crucial to highlight the value we can add by fostering productive and appropriate relationships with all.

The COVID-19 pandemic also presented new challenges to our day-to-day operations, and we adapted quickly to continue serving Ontarians at a time when they would need our help more than ever. We ensured complaints were received and responded to, with the most urgent ones - such as those from children and youth in care or inmates in provincial jails - triaged for quick response.

Many of the complaints we received in the early days of the pandemic were from people who were worried about the effect of the state of emergency on public services, or who could not reach government officials and staff. Thanks to our long track record of working collaboratively and proactively with public sector bodies, we were well-positioned to provide helpful information, or to connect people with the right individuals in government.

SUCCESS STORIES

Individual complaints and systemic investigations

In fiscal year 2023-2024, we fielded a record number of complaints and inquiries - more than 27,000 from across Ontario, the vast majority of which were resolved without the need for formal investigation, and more than half of which were resolved in two weeks or less.

Our Office is known in Canada and worldwide for its ability to work effectively with public sector officials behind the scenes to resolve cases quickly and efficiently. Our proactive ombudsmanship and emphasis on early resolution constitutes an effective form of mediation. In fact, it is our early resolution officers who embody what ombudsman work is all about – brokering human solutions to human problems. They are the ones who demonstrate daily the value of our oversight.

For example:

- After contacting us for help, a woman was issued a new birth certificate within a week so she could renew her passport and travel overseas to visit a dying relative.
- A family that had been improperly evicted from their rental unit was able to return home after we raised the case urgently with the Landlord and Tenant Board (the provincial tribunal which resolves disputes between landlords and tenants). The Board ordered the landlord to keep the unit as-is pending an emergency hearing.
- · After we intervened, the Family Responsibility Office (the government agency that enforces court-ordered child and spousal support payments) began collecting unpaid spousal support of more than CAD\$40,000 owed to a woman by her former spouse who lived in the U.S.

- We helped a student broker a solution with his college to complete a practical assessment in lieu of repeating a course, so that he could graduate in time to start the full-time job he had already lined up.
- An Indigenous man contacted our Office because he was struggling to care for the newborn child of his relatives who were suffering from addiction. We helped him finalize the correct paperwork to secure support for the baby.
- The single mother of a child with special needs had been waiting nearly five years to get approval for funding from the Ontario Student Assistance Program, which offers financial aid to college and university students. After we raised her case with the right officials, she was able to secure a grant of CAD\$11,000 to help fund her studies.
- A municipal housing provider promised to install security cameras after a tenant complained to our Office that her building's main doors were being left open.

At the same time, our systemic investigations continue to prompt constructive change in government policies and procedures thanks to well-crafted, practical recommendations and the effective use of moral suasion.

In the past 10 years alone, our Office, led by current Ombudsman Paul Dubé, has undertaken systemic investigations into a vast range of issues in Ontario's public sector.

For example:

- The adequacy of services for adults with development disabilities in crisis
- The Ministry of Long-Term Care's oversight of long-term care homes through inspection and enforcement during the COVID-19 pandemic
- The tracking of provincial inmates in solitary confinement
- The closure of youth custody and detention programs in northern Ontario
- The provincial child welfare system
- Backlogs in Ontario's landlord-tenant dispute resolution tribunal
- Issues related to government compliance with the French Language Services Act

The hundreds of recommendations stemming from these, and our investigations from the decades prior, have overwhelmingly been accepted and brought significant and lasting benefits to the public.

RELATIONSHIPS WITH OTHER OVERSIGHT OFFICES

The co-operation we achieve with public administration has helped Ontario develop a strong national and international reputation for effective oversight. The Office of the Ontario Ombudsman is known around the world for the calibre and impact of its work. One of the factors that enhances our ability to serve Ontario effectively is the contact we have with other ombudsman offices across the country and around the globe.

The exchange of information, best practices, and strategies for enhancing governance through organizations like the Forum of Canadian Ombudsman and the International Ombudsman Institute (IOI), as well as our national counterparts like the Ombudsman of Thailand, make us more effective in driving changes that benefit citizens.

PROMOTING INTERNATIONAL STANDARDS TO SUPPORT AND PROTECT **OMBUDSMAN INSTITUTIONS**

Beyond promoting optimal public services and government administration, ombudsman offices around the world have a crucial function as democratic institutions. Offices like ours must be visible and vigilant, and come together regularly to share expertise and discuss common issues. We need to support strong, independent ombudsman institutions, and respond to the threats that they face with solidarity and strategy.

With input from the IOI, the Venice Commission of the Council of Europe created the Venice Principles in 2019. These standards define, promote, and protect the role of ombudsmen in strengthening democracy and promoting fundamental rights and can apply to all parliamentary or government services ombudsmen, whether at the national or sub-national level.

Similarly, the United Nations General Assembly has recognized the importance of oversight offices with the Resolution on the Role of the Ombudsman and mediator institutions (A/RES/75/186). An amended draft of the resolution is expected to go before the General Assembly in the coming months. Ontario Ombudsman Paul Dubé was part of the IOI working group that proposed changes to Article 5 of the resolution, which focuses on providing stable and predictable financial support for ombudsman and mediator institutions to carry out their work independently and effectively.

LOOKING TO THE FUTURE

In 2025, our Office will celebrate its 50th anniversary. We are looking to the future. In particular, we have made it a priority to assess the relationship between provincial institutions and Ontario's Indigenous peoples, determine what role the Ombudsman can play in reconciliation and the improvement of services, and provide training for our team that allows us to approach these issues in an informed and culturally sensitive manner.

We are already seeing the benefits of this training, as we put what we have learned into practice in our outreach discussions and assessment of complaints from First Nations, Métis and Inuit individuals and communities. We are committed to continuing this journey of learning and relationship-building.

In addition, our strategic plan, which will guide our work in the coming years, prioritizes service excellence and value for all Ontarians, with the aim – as always – of improving public services through our work.

The Swedish word "ombudsman" is translated different ways in different contexts around the world - sometimes as "citizen's representative," but also "people's defender," or "citizen's protector." For us at the Office of the Ontario Ombudsman, the most fitting description is that the Ombudsman achieves results that are outside of the scope of elected officials and the courts. This definition illustrates the breadth of a role that deals with everything from complex procedural questions to urgent human rights matters, and even to simple referrals when complainants just don't know where to turn. As we tell them, "We are here to help."

With each expansion in our oversight, our staff have risen to the challenge. They continue to personify what it means to be an effective agent of positive change for the people of Ontario by promoting respect for rights and helping to enhance fairness, accountability and transparency in government and the public sector.

Strengthening Public Trust: the Hong Kong Ombudsman as a Pillar of Accountability in Hong Kong's Public **Administration**



Mr. Chan Jick-chi Jack Ombudsman Office of the Ombudsman of Hong Kong, China



The Office of The Ombudsman, Hong Kong, China, proudly embraces Hong Kong's rule of law, the "One Country, Two Systems" principle and the Basic Law. Established in 1989 under The Ombudsman Ordinance (Cap 397, Laws of Hong Kong), this independent statutory body serves as a pillar of accountability, ensuring that all government departments and major public organisations deliver fair and high-quality public services to the community.

Our mission is to conduct independent, objective, and impartial investigations into complaints of maladministration, and self-initiated inquiries into issues of significant public interest. With a vision deeply rooted in accountability, transparency, and excellence in public service, we are committed to fostering a culture of fairness, responsiveness and integrity.

We actively encourage government departments and public organisations to engage proactively with complainants and address public concerns. By promoting a positive and collaborative approach, we aim to elevate the quality of public administration. Through collaboration and cooperation, we can create a more efficient, open, and accountable Government that ultimately benefits the entire community.

In the year 2023/24, the Office successfully completed 4,397 cases, fulfilling all performance pledges related to all inquiries, complaints, and reviews. We conducted in-depth investigations into 95 complex cases and completed 10 direct investigation operations. These efforts resulted in 186 recommendations, over 90% of which have been accepted by the relevant government bureaux and departments.

This remarkable achievement again highlights the strength of Hong Kong's rule of law under the "One Country, Two Systems" principle and the Basic Law and our unwavering commitment to continuous improvement in public administration. Together, we are dedicated to building a brighter future for all, ensuring that every citizen's voice is heard and valued.

THE HONG KONG OMBUDSMAN'S COMMITMENT TO MEDIATION, INTER-DEPARTMENTAL COLLABORATION, AND POSITIVE COMPLAINT CULTURE

Our Ombudsman passionately champions three dynamic strategic focuses: proactive use of mediation to effectively resolve public complaints, fostering inter-departmental collaboration for seamless service delivery, and cultivating a positive complaint culture within society. These initiatives are designed to significantly elevate the quality of public administration, delivering a remarkable sense of well-being to the community. Together, we are building a more responsive, harmonious, and progressive society for all.

Mediation stands as a powerful tool for uniting complainants with government departments and public organisations in the pursuit of mutually satisfactory solutions. This proactive approach not only ensures swift resolution of disputes but also alleviates societal tensions and fosters social cohesion. By placing mediation at the forefront, our Office is dedicated to nurturing harmonious relationships and facilitating agreements that benefit all parties involved. Cases involving minor or no maladministration are ideally suited for resolution through our mediation services.

Our skilled mediators serve as essential intermediaries, guiding discussions that are open, friendly, and focused on finding solutions. This collaborative process allows parties to clarify misunderstandings and explore a range of settlement options. Unlike traditional inquiries or investigations that may take months to complete, mediation typically resolves complaints in just a few days—sometimes even within a single day. The effectiveness of our mediation efforts is reflected in the impressive resolution of 343 cases during the first eight months of 2024/25, setting a new record.

In addition to mediation, our Office is committed to promoting inter-departmental collaboration. We have implemented proactive measures to tackle cases that require cooperative efforts across various departments and public organisations. This collaborative spirit enhances administrative arrangements and improves public services, ultimately elevating the sense of happiness and fulfilment among community members. In the first eight months of 2024/25, we successfully completed 107 cases involving inter-departmental collaboration.

Furthermore, we are vigorously promoting a positive complaint culture, especially among the younger generation. Our goal is to instil the importance of constructive expression of views and feedback regarding public administration. By encouraging government departments and organisations to listen to and understand public concerns prior to responding, we are laying the groundwork for improved interactions and services. Through these initiatives, our Office is not just addressing complaints; it is actively shaping a more responsive and engaged community.

CONNECTING INTERNATIONAL OMBUDSMEN: HONG KONG'S ROLE AS A PREMIER HUB FOR OMBUDSMEN EXCELLENCE



To celebrate the 35th anniversary of the establishment of the Office of The Ombudsman, Hong Kong, China, we successfully organised the first International Ombudsman Summit 2024 ("Summit") and the Hong Kong Ombudsman 35th Anniversary Reception ("Reception") from 2 to 4 December 2024.

The Summit, themed "Ombudsman in a Changing World: Learning from the Past; Preparing for the Future," marked a historic milestone as it brought together around 140 esteemed speakers and participants from 40 countries across six continents for the first time in Hong Kong. This prestigious gathering featured over 20 distinguished speakers from international institutions, including the International Ombudsman Institute and the Asian Ombudsman Association, and also senior leaders from the National Commission of Supervision and the National Public Complaints and Proposals Administration from Beijing. Their insights and expertise inspired reflection on past experiences while preparing for future challenges in an ever-evolving world.



The Summit coincided with the Office's 35th anniversary, celebrated with a delightful Anniversary Reception. The Reception garnered overwhelming interest, welcoming approximately 230 esteemed guests, including members of the Executive Council and the Legislative Council, senior government officials, chairpersons of chambers of commerce, and local professionals and academics, alongside the 140 international and Mainland participants who also joined the Summit.



In a commitment to enhancing public administration, the Office signed and exchanged Bilateral Cooperation Memorandums of Understanding (MOUs) with representatives from eight countries and regions across five continents, including Ontario, Canada, and Hawaii, the US, in North America; Curação in South America; Slovakia in Europe; Indonesia, Korea and Macao in Asia; and Zambia in Africa. The First Vice President of the International Ombudsman Institute, Mr Mohamed Benalilou, and the President of the Asian Ombudsman Association, Mr Ejaz Ahmad Qureshi, were also present to witness this important moment and the exchange of MOUs was witnessed by the Chief Executive of the Hong Kong Special Administrative Region. Signing the MOUs can foster professional knowledge and information exchange, build long-term partnerships, and demonstrate Hong Kong's distinctive advantage of having strong support from its motherland and close connection with the world and our important role as a 'super connector' and 'super value-adder'.

Following the Summit and the Reception, on 4 December 2024, overseas guests participated in an array of engaging social and cultural programs, including visits to the Legislative Council and the City Gallery, a tour to the Hong Kong Geopark, a city walk in Central and Mid-Levels, a Wing Chun wellness workshop, and evening horse racing entertainment. These activities showcased the exceptional charm, vitality, and vibrancy of Hong Kong as a dynamic city, and provided unforgettable experiences for all participants.

Apart from hosting the Summit and the Reception, we have reinforced our international footprints by joining international conferences and meetings of ombudsman institutes. Staff members of the Office shared Hong Kong's experience in international conferences held in Melbourne, Kazan and Yogyakarta last year. Also, our Ombudsman was re-elected as Secretary of the Asian Ombudsman Association at its last General Assembly. We will no doubt continue to stay connected closely with international partners and cherish every opportunity for fruitful exchange.

As we celebrate 35 years of dedicated service, our Office reaffirms its commitment to upholding the principles of fairness, efficiency, and accountability in public administration. With unwavering resolve, we will navigate future challenges and advance our strategic focuses with vigour. Our Office will also continue to connect with ombudsmen worldwide, fostering collaboration and sharing best practices. The future is bright, and our Office is prepared to embrace it with renewed energy and purpose.

Improving the Indonesian Ombudsman's **Role in Implementing and Achieving** the SDGs



Mr. Mokhammad Najih Chairman Ombudsman of the Republic of Indonesia



INTRODUCTION

The Ombudsman of the Republic of Indonesia has consistently upheld its mission to protect public rights and improve the delivery of public services. By resolving citizens' complaints and fostering systemic reforms, the Ombudsman contributes to building a just, democratic, and prosperous society. Its efforts align closely with the Sustainable Development Goals (SDGs), especially Goal 16: "Peace, Justice and Strong Institutions".

As a nation, Indonesia faces unique challenges in achieving the SDGs, given its vast geographical spread, socio-economic disparities, and diverse cultural landscape. Challenges such as poverty alleviation, inequality, access to quality education, healthcare, and environmental sustainability are amplified by the complexities of a decentralized governance structure. Despite these hurdles, Indonesia has made significant strides toward the SDGs, including poverty reduction, educational improvements, and infrastructure development. However, governance, corruption, and equitable service delivery persist, underscoring the importance of institutions like the Ombudsman in promoting transparency and accountability.

This article highlights the main achievements of the Indonesian Ombudsman through six case studies that present six papers documenting the systematic efforts of the Indonesian Ombudsman to realize SDG 16, along with other goals such as SDG Goals 3, 7, 9, 11, and 14.

PURPOSE OF WRITING

This article features the Indonesian Ombudsman's innovative approach to addressing systemic challenges, promoting transparency, and increasing public trust through impactful interventions. In line with this role, it is fitting for the Ombudsman to support the achievement of the Sustainable Development Goals (SDGs), which have been implemented over the past decade. The SDGs will be ended by 2030, and the Ombudsman and other institutions have the opportunity to actively contribute to realizing its 17 global goals.

CASE STUDIES

Integration of Administrative Data for Citizenship Status



"The Ombudsman of the Republic of Indonesia, via ongoing study and oversight, encourages the establishment of a complete and sustainable data integration system to ensure the practical safeguarding of the administrative rights of the Indonesian populace."

Administrative inefficiencies in Indonesia arose from the lack of data integration across key government agencies, including the Directorate General of Immigration, the Directorate General of General Legal Administration, and the Directorate General of Population and Civil Registration. This disconnection resulted in prolonged delays in processing citizenship status changes, legal ambiguities, and administrative errors that often-impacted vulnerable individuals.

The Ombudsman intervened by conducting systemic reviews and consultations with stakeholders. It recommended developing an integrated digital data system that connects these agencies, enabling real-time validation and updating of demographic information. The initiative has streamlined administrative processes, reduced errors, and ensured legal clarity for citizens

and foreign residents. These reforms highlight the Ombudsman's commitment to fostering efficient and accountable governance.

What the Ombudsman Does this case:

- Conducts Systemic Reviews, analyzes inefficiencies in administrative processes and identifies root causes of delays and errors.
- Engages in Stakeholder Consultations, collaborates with relevant government agencies (Immigration, Legal Administration, and Civil Registration) to understand challenges and
- Recommends System Integration, Proposes developing a unified digital data system to connect key agencies for real-time data validation and updates.
- Streamlines Administrative Processes, Advocates for processes that reduce errors, expedite services and ensure accuracy.
- Ensures Legal Clarity, it aims to eliminate ambiguities in citizenship documentation, safeguarding the rights of citizens and foreign residents.
- Promotes Accountability, Encourages efficient and transparent governance through better coordination and system upgrades.

Reforming Evidence Management in the Criminal Justice System



"Ombudsman of the Republic of Indonesia, through ongoing research and oversight, promotes enhancements in evidence management to establish a reliable and highintegrity legal framework in Indonesia".

Evidence management is a crucial aspect of Indonesia's criminal justice system, ensuring the integrity and security of confiscated items. Law Number 8 of 1981 mandates evidence storage at the State Confiscated Goods Storage House (Rupbasan), but irregularities and overlapping power among authorities create the potential for misuse. The complexities of evidence management include various types of confiscated items, and financial constraints hinder proper care and maintenance. Different rules between the Police, Prosecutor's Office, and Rupbasan add to legal uncertainty and need for more consistency. The Ombudsman of the Republic of Indonesia sees this as a significant challenge and calls for reforms to establish consistency, accountability, and compliance with legal mandates. The Ombudsman proposes policy solutions to improve the evidence management system.

The Ombudsman of the Republic of Indonesia has identified several issues in the management of evidence, including human resources and budget limitations, lack of an integrated system among the Police, Prosecutor's Office, and Rupbasan, inadequate facilities and infrastructure, and lack of coordination between agencies. The monitoring process found an uneven recording system, inconsistencies in regulations, and potential misuse of evidence. The lack of oversight also allows irresponsible individuals to misuse evidence, thereby deteriorating public trust in law enforcement institutions. The Ombudsman's findings highlight the need for a cohesive system and improved facilities and infrastructure to ensure effective evidence management.

The Ombudsman of Indonesia proposes several policy recommendations to improve evidence governance.

- Establishing an integrated digital evidence management system connecting all relevant agencies.
- Implementing standardized guidelines for evidence storage and handling.
- Providing training for officers to improve competency in evidence management.

The recommendations also emphasize the role of Rupbasan in evidence management and the need for better information on evidence status from the Police and Prosecutor's Office.

Oversight of Quota-Based Fishing Policies



"Through various studies and research, the Ombudsman of the Republic of Indonesia continues to encourage the implementation of this policy fairly and transparently to bring sustainable benefits to coastal communities and marine ecosystems in Indonesia".

Indonesia, a country with a vast sea area, is home to a significant marine biodiversity and crucial economic support for coastal communities. However, the welfare of Indonesian fishermen remains a considerable challenge. In 2019, 90% of the country's 16.2 million fishermen were below the poverty line, making their economic and social well-being vulnerable to fluctuations in fish catches and prices. Overfishing practices have also threatened the sustainability of Indonesia's marine resources. The Indonesian government has initiated a quota and zone-based Measured Fishing (PIT) policy to control fishing activities and increase non-tax state revenue (PNBP) from fisheries. However, the PIT policy must balance the benefits and cons of the policy with concerns about exacerbated livelihood difficulties and the potential benefits to large business actors. The Ombudsman of the Republic of Indonesia conducted an in-depth study on implementing PIT policies, highlighting the challenges faced by stakeholders and the lack of socialization regarding the technical implementation of PIT. The Measured Fishing policy is expected to prioritize the sustainability of the marine ecosystem and the welfare of fishermen, aiming to strengthen equitable fisheries governance through inclusive regulations and transparent implementation.

The Measured Fishing (PIT) policy has been analyzed, and recommendations have been made to improve its effectiveness and reduce negative impacts on smallholder fishers. These recommendations include strengthening regulatory aspects, increasing the capacity and number of fisheries supervisors, procuring port surveillance support facilities, improving fishing port infrastructure, improving education and socialization, and strengthening infrastructure and technology.

The e-PIT application must be refined to overcome technical obstacles and provide support services for fishermen. An integrated licensing system should be developed to reduce overlap in the licensing process and simplify the administrative process. The government should review the subsidized fuel distribution mechanism and build an online monitoring system to ensure fair distribution across all fishing ports. Economic and social support for fishermen should be determined by setting fair reference prices based on quality, providing assistance programs for smallholder fishermen, and establishing social conflict resolution mechanisms. Simplifying licensing fees for small fishermen can encourage compliance with regulations and improve the effectiveness of PIT policies. A transparent quota monitoring system should be developed to allow real-time access to quotas and prevent monopoly and abuse. Periodic evaluations of PIT

policy implementation should involve academics, NGOs, and fisherman representatives to ensure they run effectively.

Reforming Primary Healthcare Services



"Maladministration constitutes a significant obstacle that impedes individuals' access to equitable and high-quality services. This program promotes establishing a health service system focused on upholding public rights, ensuring that every individual receives services with integrity, devoid of administrative irregularities, and

grounded in the principles of transparency and accountability".

First-level healthcare facilities (FKTP) are essential for equitable healthcare access in Indonesia. The public dissatisfaction with the health services provided by FKTP is escalating the strain on the national health system. Decentralization in 2001 has increased local governments' autonomy in managing health services, but it poses challenges in ensuring equitable services across different regions. The COVID-19 pandemic has highlighted the need for strengthening FKTP as a primary defense against public health issues. The effectiveness of FKTP is influenced by policy endorsement, budget allocation, and stakeholder collaboration. A comprehensive approach is needed to address contemporary health concerns, including building improvements, increased healthcare personnel capacity, and technology implementation. Changes in FKTP are expected to mitigate existing disparities in health services, especially in remote regions and borders. To cultivate a healthier, more autonomous, and wealthier society, FKTP's role in enhancing community access to healthcare must be reinforced through innovation, suitable legislation, and sufficient budgetary support.

FKTP, the community's primary provider of health services, faces several challenges that impact its efficacy and quality. These include financial and structural constraints, disparities in healthcare personnel allocation, inconsistent quality and service standards, suboptimal collaboration and coordination among institutions, restricted technology utilization, barriers to health education and promotion, and policy support requirements.

FKTP faces financial constraints in many rural and border areas, affecting service quality and capacity. Insufficient infrastructure and inadequate facilities in rural areas result in suboptimal health care. The need for healthcare professionals in remote regions also affects their motivation and service quality.

Service standards vary across regions, leading to patient unhappiness and diminished public faith in FKTP. Collaboration among institutions is crucial for efficient referral protocols and case management. Technology utilization could be improved, particularly in rural areas, resulting in suboptimal health data management and ineffective monitoring of public health problems.

To address these challenges, immediate and enduring policy support is needed, including clarification on emergency case management, referral protocols, and the mandate to provide essential amenities.

Through its recommendations, the Ombudsman:

 Advocated for equitable resource allocation and incentives for healthcare workers in remote areas.

- Promoted the integration of digital health technology to streamline service delivery.
- Encouraged the standardization of service procedures to ensure consistent quality nationwide.

These efforts have strengthened the foundation of Indonesia's healthcare system, making it more inclusive and responsive to community needs.

Oversight of Hajj Services



"This study seeks to identify impediments and offer solutions for enhancement by prioritizing justice as its foundational principle and using transparent and inclusive public service norms. The Ombudsman of the Republic of Indonesia persistently engages in research to enhance a hajj service system that effectively addresses

community requirements".

The 2023 Hajj pilgrimage in Indonesia faces challenges due to the COVID-19 pandemic and the increasing number of elderly travelers. The Indonesian government is working to provide optimal services for pilgrims, including registration, preparation, departure, and return. The 2023 Hajj features the theme "Elderly-Friendly Hajj," with around 66,943 registered travelers. The Ombudsman of the Republic of Indonesia has conducted a comprehensive analysis of the service provided to pilgrims, identifying potential maladministration and offering recommendations for improvement. The Director General of Hajj and Umrah Implementation Number 185 of 2023 aims to streamline the pilgrims' preparation and departure processes, but technical and coordination challenges persist. The Ombudsman's report highlights critical areas for improvement within the Hajj system, focusing on improving the quality of services for older people.

The Ombudsman's study identifies several issues with the Hajj pilgrimage process, including registration procedures, health services, and the Hajj Manasik Guidance Service. The study found technical difficulties, such as network outages and discrepancies in customer contact information, and that some health facilities may approve pilgrims despite failing to meet health standards. The Hajj Manasik Guidance Service's weekday implementation limits participation, and the lack of specialized programs for older pilgrims further complicates the process. The study also found inconsistencies in service across different accommodations, transportation issues, and complaint management.

The Indonesian government is committed to enhancing inclusive services for older pilgrims during the Hajj pilgrimage, particularly those with special needs. The government's "Elderly-Friendly Hajj" theme aims to address backlogs caused by the epidemic and improve services for older pilgrims. However, the Ombudsman of the Republic of Indonesia has identified several areas for improvement. These include addressing technical issues, ensuring compliance with health services, and improving the hajj manasik guiding service. Implementing Elderly-Friendly Hajj laws and prohibiting familial help for older people has exacerbated the burden on group and squad commanders. The execution of One-Stop Services in Hajj accommodations needs consistency across the region and improvements in terrestrial and aerial transportation systems. The government is also urged to improve intersectoral cooperation, implement standardized

service protocols, and increase outreach to pilgrims about their rights and grievance mechanisms. These reforms aim to ensure all pilgrims a more comfortable, safe, and inclusive worship experience.

Improving Driver's License Issuance in Yogyakarta



"The Ombudsman of the Republic of Indonesia, through a series of investigations and studies, is committed to identifying obstacles and improving the quality of these services. Through solid policy recommendations, the Ombudsman continues to encourage the application of the principles of justice, transparency, and accountability

in issuing driver's licenses so that the public can access better public services and be free from maladministration".

A driver's license (SIM) is a mandatory legal document in Indonesia that demonstrates a driver's legal status and meets essential traffic competencies. However, the issuance process, particularly in the Special Region of Yogyakarta (DIY), faces numerous challenges, including the complexity of practical examinations, infrastructural constraints, and signs of mismanagement or fraudulent activities. Many SIM applicants complain about convoluted management, lack of transparency, and variability of standards across different examination sites, leading to inequities and challenges in administering licenses.

The complexity of the practice examination, the prevalence of brokerage, and the inconsistency of examination standards at the Satpas contribute to the issue. The monopoly on health and psychological services also poses a significant concern, as prerequisites for obtaining a health and psychology certificate in DIY are often available solely from a provider associated with Satpas. The variability of norms executing practical examinations between different Satpas further exacerbates the issue.

The Ombudsman of the Republic of Indonesia oversees and evaluates the quality of governmental services, including issuing a SIM in the Special Region of Yogyakarta. The Ombudsman has provided recommendations to enhance the quality and transparency of SIM issuance services, including modifying the practice exam to align with actual traffic situations, improving oversight of fraudulent practices, standardizing exam administration across all DIY Security Forces, and collaborating in health services and psychology.

The issuance of Driver's licenses in Yogyakarta requires significant revisions to ensure equitable, transparent, responsible, and efficient services. Current challenges include ineffective practical examinations, fraudulent activities, monopolization of healthcare and psychological services, inconsistencies across various Satpas, and a need for more education on driving safety. The Ombudsman of the Republic of Indonesia has identified core issues in Yogyakarta's license issuance process, revealing maladministration, inconsistent standards, and service monopolies. The Ombudsman's recommendations include revising practice exam materials, standardizing examination implementation for all security guards, promoting external oversight, diversifying health and psychological services, and enhancing education and community engagement. These recommendations are expected to strengthen the granting of licenses in Yogyakarta, reduce brokerage practices, and establish a public service system aligned with values of justice and accountability.

CONCLUSION

These six case studies underscore the Indonesian Ombudsman's role as a catalyst for meaningful change, driving reforms that resonate far beyond the immediate context. The Ombudsman exemplifies how independent institutions can create a more just, equitable, and accountable society by addressing systemic challenges with innovative solutions and a collaborative spirit. These efforts improve public services within Indonesia and serve as a model for ombudsman institutions worldwide, inspiring best practices and shared learning across borders.

Administrative Counseling Activities and Natural Disasters in Japan



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1. INTRODUCTION – JAPAN'S ADMINISTRATIVE COUNSELING SYSTEM

Japan's Administrative Counseling System was established in 1955 based on the Act for Establishment of the Ministry of Internal Affairs and Communications (MIC) and the Administrative Counselors Act as a mechanism for receiving a broad range of administrative complaints, opinions, requests, and inquiries from citizens regardless of the administrative domain and providing mediation or notification to relevant authorities (i.e., central administrative organs, incorporated administrative agencies, and local governments¹) to resolve complaints and improve administrative systems and operations.

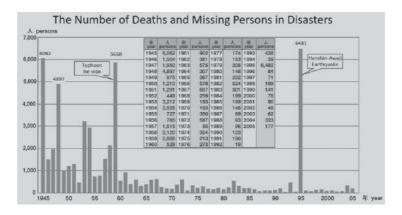
The system consists of the Administrative Evaluation Bureau (AEB) of the MIC, the Administrative Grievance Resolution Promotion Council (AGRPC), and some 5,000 Administrative Counselors commissioned by the Minister for Internal Affairs and Communications. This unique system provides functions equivalent to those exercised by ombudsman institutions in other countries.

As an outline of the Administrative Counseling System was already introduced in this journal several years ago, I will not go into it here. In this article, I would like to discuss how Japan's ombudsman institution, the Administrative Counseling System, has responded to the public on the occasions of major-scale natural disasters, such as large-scale earthquakes, typhoons, and torrential rains, which have been increasing in recent years.

2. NATURAL DISASTERS AND DISASTER MANAGEMENT ADMINISTRATION IN JAPAN

Japan is located in the Circum-Pacific belt or "Ring of Fire," where seismic and volcanic activity occurs constantly. Although the country constitutes only 0.25% of the land area on the planet, the number of earthquakes and distribution of active volcanoes is quite high. Also, because of geographical, topographical, and meteorological conditions, the country is subject to frequent natural disasters such as typhoons, torrential rains, and heavy snow.

Up until the 1950s, numerous large-scale typhoons and earthquakes caused extensive damage and thousands of casualties. However, with progress in society's capabilities to address disasters and the mitigation of vulnerabilities to disasters by developing disaster management systems, promoting national land conservation, improving weather forecasting technologies, and upgrading disaster information communication systems, disaster damage has shown a declining tendency.



In spite of such efforts, in 1995, more than 4,500 people died due to the Great Hanshin-Awaji Earthquake, and in 2011, more than 16,000 people died due to the Great East Japan Earthquake and Tsunami, which caused damage throughout the nation. Every year there are great losses of human lives and property in Japan due to natural disasters. It has been pointed out with a great sense of urgency that Japan may be struck by large-scale earthquakes within the next few decades. As such, natural disasters remain a menacing threat to the safety and security of the country.

In Japan, the disaster management system has been expanded and strengthened following the bitter experiences of large-scale natural disasters and accidents.

The Isewan Typhoon in 1959 revealed the deficiencies of the existing disaster management system, and in 1961, the Disaster Countermeasures Basic Act was enacted to develop a comprehensive and systematic disaster management system. The following year, with the enactment of the Act on Special Financial Support to Deal with Disasters of Extreme Severity, measures were taken to provide financial assistance to disaster victims. Years passed, and in 1996, the Act on Support for Reconstructing Livelihoods of Disaster Victims was enacted and established measures to rebuild the lives of disaster victims. After the Great East Japan Earthquake in 2011, the Disaster Countermeasures Basic Act was revised, and in 2013, the Large-Scale Disaster Reconstruction Act was enacted to prepare for reconstruction.

In recent years, damage from typhoons and torrential rains has increased, and it is said that a major earthquake could occur at any time. Preventing natural disasters such as typhoons and earthquakes is beyond the capabilities of humans. This is why the challenge for humanity is how to reduce the damage caused when natural disasters occur.

3. SPECIAL ADMINISTRATIVE COUNSELING SERVICES IN THE EVENT OF A MAJOR **DISASTER**

What activities does Japan's ombudsman institution, the Administrative Counseling System, undertake in the event of a natural disaster?

It mainly carries out the two activities described below in order to provide support to help disaster victims rebuild their lives as quickly as possible and thereby protect their human rights. The various services provided by the AEB and Administrative Counselors in the event of a major disaster are referred to as "Special Administrative Counseling Services."

The first activity is the opening of a Special Administrative Counseling desk/center, within the AEB's local office and/or in other venues, which provides consultation to disaster victims in response to their complaints, opinions, and inquiries and assists in damage relief and reconstruction. Initially, only central government agencies participated in these Special Administrative Counseling Services, but now, in addition to them, local governments, special administrative corporations, lawyers, architects, administrative scriveners, and other professional and expert groups work together to provide one-stop consultation.

The second activity is the provision of information through the creation and distribution of guidebooks for disaster victims. When a disaster strikes, not only local and central governments but also NPOs and other organizations provide a range of support measures to help people return to their daily lives as quickly and efficiently as possible. However, information on support for disaster victims is scattered and frequently updated, which can cause confusion among those in need of assistance. For this reason, the AEB has created and distributed a comprehensive guidebook that includes available government support measures, such as the issuance of disaster damage certificates and subsidies for home maintenance costs.

Needless to say, integral to these two activities are the activities of Administrative Counselors, indispensable allies in Japan's ombudsman system that have attracted the most attention from ombudsmen overseas.

The AEB also conducts investigations based on the initiative of the ombudsman. It conducts detailed investigations into eight to ten themes per year, making recommendations to the relevant ministries and agencies and encouraging improvements based on the results of the investigations. In particular, in recent years, it has conducted many investigations into the theme of natural disaster prevention or mitigation.

This article describes two activities that Japanese ombudsmen actively undertake in response to large-scale natural disasters.

4. ACTIVITIES FOR DISASTER VICTIMS THROUGH SPECIAL ADMINISTRATIVE **COUNSELING WINDOW**

After a disaster occurs, the AEB opens a "Special Administrative Counseling" window to provide consultations to and respond to inquiries from disaster victims and to provide relief from damage and help with reconstruction. These windows are provided in a variety of formats, either in evacuation shelters, community centers, or existing AEB offices, either collaboratively with multiple agencies or by the AEB alone.

Here, I will introduce two earthquakes that triggered changes in administrative counseling activities in the event of disasters in Japan.

The first Special Administrative Counseling window for disaster victims was established in response to the Hokkaido Southwest Earthquake that occurred in 1993 with multiple agencies, so it is called a counseling center.

(1) Opening of a Special Administrative Counseling Center after the Hokkaido Southwest Earthquake

At 22:17 on July 12, 1993, a magnitude 7.8 earthquake occurred southwest of Hokkaido, the northernmost prefecture of Japan.

Okushiri Island, the closest island to the epicenter, is an island in the Sea of Japan with an area of 142.97 square kilometers and a population that was approximately 4,700 at the time of the earthquake. Five to ten minutes after the earthquake, a huge tsunami measuring up to 29 meters in height struck the entire island. In addition, fires were triggered by the earthquake and tsunami. The damage from the earthquake, tsunami, and fires included 229 dead or missing, and over 1,000 houses were completely or partially destroyed.

On July 27, about two weeks after the earthquake, the Hakodate AEB office, which has jurisdiction over the island, phoned Okushiri Town Hall to request their cooperation in opening a one-day Special Administrative Counseling center that would bring together central administrative agencies. However, the town hall, pressed with disaster recovery work, responded that they were unable to determine whether they could cooperate with the AEB on a date or arrange a venue where this would be possible.

The Hakodate AEB office then asked the Administrative Counselor in charge of Okushiri Town for cooperation. The Counselor repeatedly urged the deputy mayor of the town, "We need to arrange an opportunity to receive opinions and requests from disaster-affected residents regarding central administrative agencies and use the results to help the islanders rebuild their lives." The deputy mayor was convinced, and the Special Administrative Counseling center was opened on August 24.

Seventeen agencies from the central government and the AEB, participated in this counseling center from outside the island, and 63 cases were filed. The Administrative Counselor, who had persuaded the deputy mayor and coordinated the venue and date, distributed flyers about the one-day counseling center around the island and conducted PR activities ahead of the center's opening. At the time of the earthquake, this Administrative Counselor was highly respected in the local community, having served as an Administrative Counselor for 33 years, and was involved in activities rooted in the local community. It can be said that the opinions and requests of people on the island were conveyed to the central government through the dedicated work of this Administrative Counselor, who explained the significance of opening the Special Administrative Counseling center and persuaded the town government.

(2) Opening of Special Administrative Counseling centers after the Great Hanshin-Awaji **Earthquake**

Two years after the opening of the Special Administrative Counseling center on Okushiri Island, in the early morning of January 17, 1995, the Great Hanshin-Awaji Earthquake occurred in the Kansai region. This earthquake was a so-called direct-hit earthquake that occurred inland, with a magnitude of 7.3. As it occurred in a densely populated area, it caused great damage, with 6,437 dead or missing, 105,000 buildings completely destroyed, and 144,000 buildings partially destroyed. In addition, lifelines such as highways and embankments were severely damaged, with the damage amounting to 90 billion yen.

In response to this major disaster, the Cabinet made a decision on January 19, 1995, to "implement Special Administrative Counseling Services responding to victims' inquiries and consultations regarding central government administration" through the government's emergency headquarters.

Hence, the AEB office in Hyogo Prefecture, which was the hardest-hit area, opened a Special Administrative Counseling center on January 23, and the AEB offices in Osaka and Kagawa also opened counseling centers for disaster victims.

After that, a total of 23 "Special Joint Administrative Counseling Centers" were opened in the cities of Kobe, Nishinomiya, and Ashiya in Hyogo Prefecture. A total of 291 organizations, including central government agencies, administrative agencies, special corporations, and local governments, participated in these counseling centers, responding to complaints, requests, and inquiries from the many disaster victims.

(3) Special Administrative Counseling windows

The following table shows the implementation status of Special Administrative Counseling windows provided by the AEB.

Special Administrative Counseling windows in the event of a natural disaster (Jul 1993 ~ Aug 2021)

		Special Administrative Counseling window		
Date	Disaster	Total No. of Counseling centre/desk	Participated	Local AEB Office in charge
12 Jul 1993	Hokkaido Southwest Earthquake	1	17	Hakodate
01 Aug 1993	Kagoshima flooding	1 (*2)	1	Kagoshima
17 Jan 1995	The Great Hanshin Earthquake	23 (*3)	291	Osaka (Kinki) Hyogo/ Kagawa (Shikoku)
13 Jul 1996	Niigata torrential rain & mud flow disaster on 13 Jul 1996	1	10	Niigata
13 May 1997	Kagoshima Satsuma Earthquake (M6.4) (*4)	12		Kagoshima
26-31 Aug 1998	Shizuoka, Tochigi, Fukushima torrential rain	3	38	Shizuoka/Tochigi / Fukushima

		Special Administrative Counseling window		
Date	Disaster	Total No. of Counseling centre/desk	Total No. of Participated Organization (*1)	Local AEB Office in charge
31 Mar 2000	Mt. Usu Eruption	2	20	Hokkaido
01 Jul 2000	Nijima & Kozushima Is. Earthquake	4	7	Tokyo
02 Sep 2000	Miyake Is. Volcanic Activity	2	15	Tokyo
11 Sep 2000	Tokai Region torrential rain	2	28	Aichi (Chubu)
26 Jul 2003	Northern Miyagi Earthquake (M7.1)	5	60	Miyagi (Tohoku)
9-10 Sep 2003	Typhoon Maemi (2003 Ty14) (*5)	2	22	Okinawa
13 Jul 2004	Niigata torrential rain	3	42	Niigata
17-18 Jul 2004	Fukui torrential rain	4	54	Fukui
30 Aug 2004	Typhoon Chaba (2004 Ty16))	2	23	Shikoku
21 Oct 2004	Typhoon Tokage (2004 Ty23)	7	106	Kyoto/Hyogo/ Kagawa
23 Oct 2004	The 2004 Chuetsu Earthquake (M6.8)	6, TT5 (*6)	71	Niigata
20 Mar 2005	The West-off Fukuoka Earthquake in 2005 (M7.0)	(*7), TT3		Fukuoka (Kyushu)
06 Sep 2005	Typhoon Nabi	1	11	Miyazaki
June 2006	Landslides caused by rain in Okinawa	(*8)		Okinawa
15-24 Jul 2006	Torrential Rain in Jul 2007	3, TT1 (*9)	35	Nagano/ Kagoshima
15 Sep 2006	Typhoon Shanshan (2006 Ty13)	(*10)		Okinawa
07 Nov 2006	Tornade in Saroma-machi, Hokkaido	1		Hokkaido (administrative counselor)
25 Mar 2007	Noto Peninsula Earthquake (M6.9)	4, TT2	38	Ishikawa
09 Jul 2007	Typhoon Man-yi (2007 Ty4)	TT0.5		Okinawa
16 Jul 2007	The Niigataken Chuetsu-oki Earthquake in 2007 (M6.8)	3, TT3	27	Niigata
14 Jun 2008	The Iwate–Miyagi Nairiku Earthquake in 2008 (M7.2)	4, TT2.5	28	lwate/ Miyagi
19-26 Jul 2009	The Torrential Rainfall in Chugoku and Northern Kyushu Area in July 2009	(*11)		Fukuoka/ Yamaguchi
09 Aug 2009	Tropical Storm Etau (2009 Ty9)	2, TT1, (*12)	28	Hyogo

		Special Administrative Counseling window		
Date	Disaster	Total No. of Counseling centre/desk	Total No. of Participated Organization (*1)	Local AEB Office in charge
10-15 Jul 2010	Torrential Rain in Jul 2010	(*13)		Hiroshima (Chugoku)/ Kagawa/ Yamaguchi
18-21 Oct 2010	Torrential Rain in Amami Area in Oct 2010	4, TT2	25	Kagoshima
11 Mar 2011	The Great East Japan Earthquake (M9.0) & Tsunami	298, TT23 (*14)	2,015	17 administrative counseling centers across Japan
27-30 Jul 2011	Niigata Fukushima Torrential Rain in 2011	1	10	Niigata
30 Aug 2011	Typhoon Talas (2011 Ty12) and Roke (2011 Ty15)	19, TT2.5	89	Nara/Wakayama / Mie
25-26 Sep 2011	Torrential Rain in Amami Area in 2011	1, TT3	6	Kagoshima
11-14 Sep 2012	The Northern Kyushu Torrential Rain in Jul 2012	6, TT1.5~2.5	101	Oita/Fukuoka/ Kumamoto
15-29 Sep & 28-29 Sep 2012	Typhoon Sanba (2012 Ty16) and Jelawat (2012 Ty17)	2, ⊤⊤1	15	Kagoshima
13 Apr 2013	Awaji Is. Earthquake (M6.3)	2	6	Hyogo
28-29 Jul 2013	Torrential Rain on 28 Jul 2025	3	9	Shimane
13-16 Sep 2013	Typhoon Man-yi (2013 Ty18)	4	49	Kyoto
15-19 Aug 2014	Torrential Rain from 15 Aug 2014	3	39	Kyoto/Hyogo
19-20 Aug 2014	Torrential Rain from Aug 19 2014	1	19	Hiroshima/ Kagawa
29 May 2015	Kuchinoerabu-jma Is. Eruption	2	4	Kagoshima
9-11 Sep 2015	Typhoon Etsu (2015 Ty18) & Kanto & NorthenTohoku Torrencial Rain in Sep 2015	6, TT1	21	Ibaragi/Tochigi
27 Sep 2015	Typhoon Dujuan(2015 Ty21)	1	8	Okinawa
14,16 Apr 2016	The 2016 Kumamoto Earthquakes (M7.3)	8, TT11	74	Fukuoka/ Kumamoto
30-31 Aug 2016	Typhoon Lionrock (2016 Ty10)	7	39	Asahikawa/ Kushiro/

		Special Administrative Counseling window		
Date	Disaster	Total No. of Counseling centre/desk	Total No. of Participated Organization (*1)	Local AEB Office in charge
				Iwate
21 Oct 2016	Central Tottori Earthquake (M6.6)	3	22	Tottori
30 Jun-10 Jul 2017	Torrential Rain by the Rainy Season Front from 30 June & Typhoo Nanmadol (2017 Ty 3) (Northen Kyushu Torrential Rain 2017)	10	69	Fukuoka/ Oita
22-26 Jul 2017	Torrential Rain by the Rainy Season Front from 22 July	9	27	Akita
18 Jun 2018	The Northern Osaka Earthquake in 2018 (M6.1)	2	4	Osaka
28 Jun - 8 Jul 2018	The Torrential Rain in Jul 2018	74, TT8.5		Gifu/ Hiroshima/ Okayama/Ehime/ Aichi
6 Sep 2018	The Hokkaido Eastern Iburi Earthquake (M6.7)	3	42	Hokkaido
18 Jun 2019	2019 Yamagata-ken-oki earthquake (M6.7)	1, TT0.5	2	Niigata
6 Oct 2019	Typhoon Hagibis(2019 Ty19)	27, TT2	158	Tohoku/ Iwate/ Fukushima/ Saitama (Kanto)/ Ibaragi/ Tochigi/ Gunma/ Niigata/ Nagano
3 Jul 2020	Torrential Rain in Jul 2020	13, TT5.5	54	Fukuoka/ Saga/ Kumamoto/ Oita/ Kagoshima
1-12 Jul & 11- 22 Aug 2021	Torrential Rain in Jul and Aug 2021	4, (*15)		Shizuoka/ Shimane

^{*1:} Total number of the participated organization/agency excluding the AEB.

^{*2 :} Additionally, the AEB participated in a counseling center organized by the Kagoshima city and administrative counsellor opened some counseling session by themselves.

^{*3:} Additionally, Hyogo AEB, Kinki Regional AEB and Shikoku AEB opened counseling desks in their office.

^{*4:} M represent 'Magnitude'.

- *5: Ty represent 'Typhoon'.
- *6 TT represent Toll-free Telephone counseling service provided by the AEB local offices in charge. The number after TT indicates the duration of service. (e.g. TF5 is 5 months)
- *7: Kyushu Regional AEB held counseling desk in the evacuation center from 22 Mar. to 26 Apr. 2005.
- *8: Okinawa AEB held counseling desk in their office from 20 Jun to 31 Jul.
- *9: Additionally, Nagano AEB held counseling desk from 26 Jul to 31 Aug and Kagoshima AEB from 24 Jul to 31 Aug.
- *10: Okinawa AEB held counseling desk in their office from 21 Sep to 27 Oct.
- *11: Kyusyu and Yamaguchi AEBs held counseling desk in their offices from 29 Jul to 31 Aug and from 31 Jul to 30 Sep, respectively.
- *12: Additionally, Okayama AEB held counseling desk in their office from 11 Aug to 15 Nov.
- *13: Chugoku and Yamaguchi AEB held counseling desk in their office from 16 Jul to 30 Sep and from 20 Jul o 30 Sep, respectively.
- *14: Toll-free Telephone service was provided by Miyagi, Aomori, Iwate and Fukushima AEB duration from 24 March 2011 to end of March 2025 (only in Aomori until the end of August 2011),
- *15: Additionally, Shimane AEB held counseling desk in their office from 13 Jul to 1 Sep.

After the Great East Japan Earthquake in 2011, roads and railways were cut off by the tsunami, making trains and other public transportation unusable, and cars were swept away, so even when Special Administrative Counseling centers were opened, victims were often unable to reach the venues. Therefore, in some cases, AEB local offices rented buses to transport people to the counseling venues.

5. COMPREHENSIVE GUIDEBOOKS FOR DISASTER VICTIMS THAT SUMMARIZE INFORMATION ON LIVELIHOOD SUPPORT

Here, I will introduce the provision of information through the creation and distribution of guidebooks for disaster victims.

(1) Information provision after the Great East Japan Earthquake (March 11, 2011)

The Great East Japan Earthquake with a magnitude of 9.0 that occurred at 14:56 on March 11, 2011, and the subsequent massive tsunami resulted in more than 220,000 deaths and missing persons.

At that time, the AEB office in Miyagi Prefecture, which was closest to the epicenter, created a nine-page pamphlet containing information on various support measures with contact references for disaster victims. The pamphlet was first distributed and posted on the walls of evacuation centers in the affected area on March 24. In the area, it was not easy to connect to the internet, and newspapers were not delivered until April, so the AEB's pamphlet and wall newspapers posted in evacuation centers were very useful for disaster victims to obtain information on government support measures. The pamphlet was updated to its thirteenth edition two years later in February 2013 and now contained thirty pages of information. It was distributed to evacuation shelters, local municipalities, supermarkets, DIY centers, etc.

This devastating earthquake was followed by a massive tsunami that swept from Aomori Prefecture in the north to Chiba Prefecture in the south, flooding an area of 561 square kilometers in total. The number of evacuees reached a maximum of 470,000, and they fled all over Japan to evacuation centers and temporary housing provided by the government, as well as to the homes of relatives and acquaintances.

As a result, local offices of the AEB across the country compiled a list of support information including contact references and consultation desks for evacuated victims and distributed it to the disaster countermeasure offices of local governments, evacuation centers, Administrative Counselors, etc.

The Guidelines for Special Administrative Counseling Activities for Disaster Victims (established in 2007), which will be described later, clearly state that the duty of the AEB local office is to list information so that they can respond appropriately to inquiries and consultations from disaster victims. As a result, activities were carried out to compile various support information after the Great East Japan Earthquake, and each regional office also created a list of information for evacuees scattered throughout the country. In other words, this initiative led to AEB activities that allowed each prefecture to create a "guidebook for disaster victims" and publish it immediately after later disasters occurred.

(2) Publication of a guidebook after the Kumamoto Earthquakes (April 14 and 16, 2016)

Two major earthquakes struck Kumamoto Prefecture in April 2016: a magnitude 6.5 earthquake (later determined to be a preliminary tremor) at 21:26 on April 14 and a magnitude 7.3 main shock at 1:25 on April 16. The damage was extensive, with 273 dead or missing, 2,809 injured, 8,667 buildings completely destroyed, and 34,719 buildings partially destroyed.

The Kumamoto AEB office, which was closest to the epicenter, published the first edition of a comprehensive guidebook for disaster victims on April 20 and updated it to the fortieth edition on October 6 of the same year. The fact that the guidebook was published just four days after the disaster was the result of preparations in normal times based on the aforementioned guidelines. An Administrative Counselor in Otsu Town, where the damage was most extensive, reported the following about his experience:

From April 22 to 28, I volunteered at the town gymnasium, distributing food to evacuees and organizing relief supplies. I was particularly concerned about the elderly people who were alone during the day and talked to them. The elderly told me about

the damage situation, their worries about the future, how to get a disaster certificate, and how to clean up their houses. I realized that information from the government was not being conveyed well, especially to people who were sleeping in their cars around the evacuation centers. So, I copied the guidebook published by the Kumamoto AEB office on A3-sized paper and brought it to the thirteen evacuation centers in the town. I asked the managers of the centers to post it on the wall and inform the evacuees.

I feel that the most important thing in such an extreme situation is to convey the necessary information reliably, think about those who are vulnerable to disasters, and help each other.

Thus, the Administrative Counselor, who was in close proximity to residents, was keenly aware of the importance of information and proactively brought guidebooks to evacuation centers.

(3) Publication of a guidebook after the Noto Earthquake (January 1, 2024)

The most recent major disaster was the Noto Peninsula earthquake that occurred at 16:10 on January 1, 2024.

The Ishikawa AEB office, which was closest to the epicenter, published the first edition of a comprehensive guidebook for disaster victims on January 10 and updated it to the 22nd edition by the end of November, with a total of approximately 18,000 copies distributed. The guidebook posted on the website has also been downloaded 70,000 times.

The guidebook was distributed at 140 evacuation centers and Special Administrative Counseling centers throughout Ishikawa Prefecture and was also delivered to 324 post offices in the prefecture.

It summarizes information on various support measures implemented by the central government, local governments, and 57 related organizations, as well as contact information. The guidebook was revised once every two to three days in January, immediately after the disaster; once a week in February; twice a month from March to June; and once a month in July and August.

It covers all the information that disaster victims need most, such as how to apply for a disaster damage certificate, which is necessary to receive various subsidies and benefits; housing support measures; the provision and loan of daily necessities; donation allocation and support funds; referrals to medical institutions; educational support measures; and how to request disaster volunteers to help with cleaning up a house, etc. The guidebook was, at its peak, as long as 50 to 60 pages, but feedback was received from disaster victims asking for the information to be organized in a more easily understandable manner, so the latest version has been condensed to 33 pages.

This initiative was highly praised at the fifth session of the Disaster Response Study Working Group in Light of the Noto Peninsula Earthquake, hosted by the Cabinet Office in September

2024, seven months after the earthquake, for rapidly providing information to disaster victims through a guidebook.

6. PREPARATION OF SPECIAL ADMINISTRATIVE COUNSELING SERVICES IN THE **EVENT OF A LARGE-SCALE DISASTER**

(1) Agreement on the System of Administrative Counseling Services in the Event of a Large-**Scale Disaster**

Before the Great Hanshin-Awaji Earthquake in 1995, Special Administrative Counseling centers were held twice: one for the Okushiri Island earthquake and one for the torrential rains that occurred in Kagoshima Prefecture in August 1993. In those counseling centers, multiple central government agencies came together to respond to residents' inquiries. For victims who were forced to undergo hardships in their daily lives and were extremely busy with recovery efforts, it was very meaningful to have such opportunities for consultation provided in the disaster area and to be able to receive one-stop support without having to go around to multiple government ministries and agencies.

After the Great Hanshin-Awaji Earthquake, there was a need to create a cooperative system in normal times to respond to disasters expected to occur in the future.

Based on a Cabinet decision made in 1965, each ministry and agency set up its own "consultation" service." At the same time, the Inter-Ministerial/Agency Administrative Complaint and Administrative Counseling Liaison Council was established to facilitate communication and coordination among these services, with the MIC (AEB) acting as its secretariat.

On December 25, 1995, the Liaison Council reached an agreement to set up and operate, as necessary, comprehensive counseling services to quickly and appropriately respond to various inquiries and consultations from disaster victims.

The agreement was drawn up based on the spirit of the Basic Disaster Management Plan of 1995 and stipulates that (1) each ministry and agency should respond promptly and appropriately to inquiries and consultations from disaster victims via existing counseling services and strive to expand those services as necessary, and (2) the MIC (AEB) will work with the Emergency Disaster Management Headquarters and in cooperation with relevant ministries and agencies to collect information on various special measures, etc. and set up and operate comprehensive counseling services in disaster-stricken areas as necessary to respond to various inquiries and consultations from disaster victims, and relevant ministries and agencies will cooperate in this.

A similar agreement was also developed by the Administrative Complaint and Administrative Counseling Liaison Council for Special Corporations, and both agreements have been revised repeatedly to the present date.

Based on the spirit of this agreement, the AEB local offices in each prefecture, in conjunction with the Administrative Complaint and Administrative Counseling Liaison Council of Government Agencies set up in each prefecture, negotiated an Agreement on the System of Administrative Counseling Services in the Event of a Large-Scale Disaster by October 25, 1996. Each agreement was drafted taking into consideration the actual characteristics and situation of the respective region.

(2) Guidelines for Special Administrative Counseling Activities for Disaster Victims

The creation of a framework for providing Special Administrative Counseling Services was also considered in normal times before disaster occurs.

After the Niigata Chuetsu earthquake in 2004, the AEB established the Guidelines for Special Administrative Counseling Activities for Disaster Victims on September 28, 2007. These guidelines called for each AEB local office to create a Disaster Response Manual for the provision of Special Administrative Counseling Services and to collect regional information to provide counseling services in the event of a disaster.

The Disaster Response Manual was required to include the following matters:

- 1) As the initial response to a major disaster, establish methods for confirming the safety of Administrative Counselors and AEB's staff depending on the scale and type of disaster and for an emergency staff convening plan if the disaster occurs outside working hours;
- 2) Develop a plan for the provision of Special Administrative Counseling Services, such as special counseling window at the AEB local office or other venues, toll-free consultation telephone line, counseling center either as the AEB's solo activities or in cooperation with other organizations. And to build cooperative ties with those organizations in normal times for this purpose;
- 3) When planning to open the Special Administrative Counseling center, the AEB local office should fully respect the situation of the disaster-stricken local government, which is extremely busy with responding to victims, and a Joint Administrative Counseling Center would be opened approximately one month after the disaster occurs.
- 4) Provision of those Special Administrative Counseling Services should take into comprehensive consideration the type, scale, and regional scope of the disaster.
- 5) In order to be able to respond appropriately to inquiries from disaster victims, information on various support measures and contact points within the local government, etc. should be collected and listed in advance.
- 6) When Special Administrative Counseling Services are provided, a record of the activities should be created and shared with other AEB local offices in preparation for future disasters.

Based on these guidelines, AEB local offices across the country create manuals, revise them as necessary, and thoroughly familiarize staff with them in order to respond in the event of a disaster.

The guidelines clearly state that the role of AEB local offices is to organize information so as to respond to inquiries from victims appropriately, making it possible to publish the aforementioned "comprehensive guidebooks for disaster victims" quickly after a disaster occurs.

7. CONCLUSION

The Administrative Counseling System began in 1955 when the Administrative Management Agency's Administrative Inspection Bureau, the predecessor to the AEB within the MIC, set up a counseling service to respond to complaints, requests, and inquiries from the public. The Administrative Counselor System was then established in 1961, and the Administrative Grievance Resolution Promotion Council was established in 1983. Necessary laws and other provisions were later established for each system, resulting in the current Administrative Counseling System, which is Japan's ombudsman institution.

On the other hand, natural disasters striking Japan have become increasingly large in scale in recent years and have caused damage far beyond expectations in various areas. When a disaster occurs, it is fire departments, police, and military that play the role of saving people's lives. However, after lives are saved, it takes a long time for people to rebuild their livelihoods. The role of the ombudsman system is extremely important in resolving the various difficulties that arise and protecting the rights of citizens.

The AEB has compiled and developed guidelines for activities in the event of a disaster, and when the Noto Peninsula earthquake occurred in January this year (2024), the AEB was active in further advancing those guidelines.

The AEB's publication and distribution of a comprehensive guidebook for disaster victims is an important tool for providing information on various information on livelihood support measures by government to disaster victims. The AEB also listens to the genuine voices and concerns of disaster victims and local government officials working hard to rebuild from the disaster and takes action that will lead to solutions by, if necessary or appropriate, and depending on the content, connecting them to relevant organizations.

Nonetheless, in creating the guidebook, steps are taken to confirm the content with each organization after a disaster occurs, so there is a risk that this will burden affected municipalities and related organizations that are busy providing relief to disaster victims in the wake of a disaster. Therefore, there are challenges such as building relationships of information provision in normal times and creating a framework for reducing burdens on municipalities by using the guidebook after a disaster occurs. There is a need to further develop a structure based on past disaster response results, including in the case of the Noto Peninsula earthquake.

In order for the ombudsman system to interact with various stakeholders and remain indispensable to the lives of the people, it must not only maintain its conventional activities but also develop new initiatives adapted to the various changes of the times.

Major Achievements of ACRC as Anti-Corruption & Civil Rights Commission the National Ombudsman of the Republic of Korea

Mr. Ryu Chul Whan Chairperson Anti-Corruption and Civil Rights Commission Republic of Korea

The Anti-Corruption and Civil Rights Commission (ACRC) of the Republic of Korea has made various efforts to establish fair and transparent administration system that puts people at the center. Below are the main works and achievements of the ACRC.

HANDLE CIVIL PETITIONS FOR GRIEVANCES

Handling civil petitions for grievances that infringe upon the rights or interests of citizens due to unreasonable administrative actions is one of the key functions of the ACRC. For this work, the ACRC investigates petitions, mediates the conflicts or recommends corrections, as well as proposes institutional improvements to prevent recurrence.

With the new government launched in May 2022, the ACRC focused on addressing grievances of vulnerable social groups.

From May 2022 to October 2024, the ACRC resolved 668 collective complaints through mediation and agreement and addressed grievances for about 260 thousand people, proactively preventing the expansion of social conflict. Major achievements include developing the multipurpose dam and tourist attraction as well as roadway which were the long-awaited projects of 33 thousand people, reaching an agreement to relocate an emergency landing strip near the nuclear facility to enable the construction of a new nuclear facility, and resolving collective complaints about a military shooting range where the US Forces in Korea had to halt helicopter shooting drills for three years due to resident objections.

At the same time, the ACRC held 266 times of On-Site Outreach Programs for residents of rural areas and marginalized groups to listen to and address difficulties of socially, economically vulnerable people on site, and held 29 times of On-Site Business Grievance Meeting for small business owners and small and medium sized enterprises. The ACRC, in particular, has sought ways to enhance the rights and interests of marginalized groups, such as improving the residential environment of people suffering from leprosy, social prejudice and discrimination, and supporting the adaptation of North Korean defectors.

PEOPLE-CENTERED COMMUNICATION SYSTEM

Transparent and effective communication is another key function of the ACRC. Under this goal, the e-People platform and the Integrated Government Call Center (#110) serve as key catalysts to facilitate communication between citizens and administrative agencies.

More than 62 million people reached out to e-People, and the ACRC identified systemic issues by analyzing big data from e-People and provided practical solutions to the relevant agencies. For instance, the ACRC analyzed complaints data from e-People, gathered various opinions on drill process of the reserve forces including muster notice system, long-distance drill spots, and meal quality and decided to promote institutional improvements for more reasonable mobilization and drill process.

The 110-government call center received more than 2.26 million calls in 2024, significantly improving satisfaction rates with specialized counseling services and systematic follow-up measures.

CIVIL PARTICIPATION FOR INSTITUTIONAL IMPROVEMENT

People's Idea Box is an important supporting platform for citizens to directly participate in policy development. The number of ideas surpassed 500 thousand in 2024, and many of these ideas were reflected in government policy.

A representative case of institutional improvement is lowering the income threshold for sub fertile couples. The ACRC gathered public opinion regarding the government support system for sub fertile couples through People's Idea Box. Based on this information, the ACRC improved the system to allow married individuals to freeze their eggs or sperms without the consent of their partners and provide grant for medical treatment without submitting marriage documents, ensuring that people's ideas were reflected in policy and enabling people to contribute to governance.

INSTITUTIONAL IMPROVEMENT

The ACRC also focused on institutional improvements to address corruption-prone areas and repetitive complaints. "Low birth rate," "youth," and "fairness" were the main areas of institutional improvement, as they are key issues in contemporary Korean society.

Regarding the low birth rate, as Korea faces the crisis of a historic low birth rate of 0.72 in 2023, the ACRC implemented active improvement measures, such as providing incentives for public officials who take childcare leave, recognizing the entire childcare leave period (up to three years) as career of service (previously only one year was recognized), raising childcare leave allowances to the level of basic salaries, and appointing public official couples to the same workplace to address previous personnel disadvantages in promotion and evaluation practices for those returning to the office after childcare leave.

The ACRC also worked on various institutional improvements for the younger generation. The benefit of exempting certain subjects of the national-authorized professional qualification tests for public officials were abolished, and the validity period of authorized language tests was extended from two years to five years to reduce the burden. The ACRC also improved university dormitory arrangements, from multi-person rooms to private space with public living spaces, reflecting the preferences of the younger generation.

There have also been institutional improvements for a fairer society. To eradicate illegal ticket resale by brokers for popular concerts or sports events at inflated prices, the ACRC has completely prohibited adding premiums to tickets and introduced regulations on confiscation and additional collection for profits from such illegal activities, to prevent further market disruption.

Moreover, to ensure the fair society and fair execution of the taxpayer money, the ACRC has thoroughly improved institutions to prevent unfair leakage of government budgets, including reducing or limiting political finance when a local council member is disciplined (such as suspension from attendance) and preparing plans to utilize public frequent flyer miles set to expire to support helping vulnerable social groups.

COMPREHENSIVE EVALUATION ON SERVICE HANDLING AND TRAINING INITIATIVES

For quality public service, the ACRC emphasizes regular evaluations and capacity-building programs. Annual comprehensive evaluations of civil petition handling service assess the overall capacity of resolving complaints and the relevant performance, supporting troubleshooting in more practical ways.

Training programs for local ombudsmen and public administrators play a crucial role in building the capacity to handle complex civil complaints in a more effective manner. These efforts contributed to establish more responsive, professional public service.

Aforementioned recent activities of the ACRC clearly demonstrate its commitment to enhancing transparency, fairness, and citizen participation. By resolving complaints, streamlining administrative procedures, and fostering public participation, the ACRC has established the standard for comprehensive governance. These efforts have not only addressed current issues, but also laid the foundation for a fairer and more effective administrative environment in Korea. The ACRC will continue to strive toward achieving the goal of responsible governance for the benefit of all Korean citizens.

Major Achievements in Ombudsman Works: Success Stories from SMGCOC



Mr. Yong Hak Joo Chairman

Seoul Metropolitan Government Citizens' Ombudsman Commission, Republic of Korea

The Seoul Metropolitan Government Citizens' Ombudsman Commission (hereinafter referred to as SMGCOC) conducts audits, investigations, and oversight on behalf of the citizens' perspective on administrative actions by the Seoul Metropolitan Government and its 25 districts. This process aims to address and rectify inconveniences or injustices experienced by citizens, so that protecting their rights and interests.

We would like to introduce best practices of audit, investigation, and oversight activities conducted by SMGCOC. These cases highlight efforts to audit citizen-initiated requests, monitor and evaluate public project processes to eliminate and address irregularities, and protect the rights and interests of citizens facing challenges due to unlawful or unfair administrative actions.

[CASE 1]

RESIDENT AUDIT REQUEST FOR "BAEKRYEON NEIGHBORHOOD PARK GOLF COURSE PROJECT"

Resident Audit

SMGCOC processes 'Resident Audits' based on Article 21 of the Local Autonomy Act and Article 15 of the Ordinance on the Operation of the Ombudsman Commission and Resident Audit Requests. Such audits can be requested by residents when administrative activities under the jurisdiction of local government heads are deemed to violate laws or significantly harm public interests. After deliberation by the audit request review committee, audits are conducted accordingly.

Introduced in 2000, the Resident Audit system has expanded direct resident participation in local governance, providing a platform to address public grievances efficiently and transparently. Amendments to the law further improved access: as of January 13, 2022, the minimum age for filing resident audits was lowered from 19 to 18, and the maximum number of signatures required for filing audits against municipal administrative offices was reduced from 200 to 150. Additionally, starting in July 2023, an online system for submitting resident audits has been implemented, making the process more accessible and encouraging active participation.

Reviewing the Case

In 2023, the project to establish a park golf course in Baekryeon Neighborhood Park in Seodaemun-gu, Seoul, became a focal point of controversy among local residents. The residents

claimed that the project violated the Urban Parks Act and other related regulations, and there were procedural issues. As a result, they submitted a resident audit request to SMGCOC. This case drew attention as an example of residents actively participating in public policy processes, exercising their legal rights, and raising their voices on significant community issues.

Background of the Case

During the implementation of the park golf course project within Baekryeon Neighborhood Park by Seodaemun-gu, some residents expressed opposition. They argued that there had not been sufficient discussions, such as gathering resident opinions about the use of the park site, and that the district office was pushing ahead with the construction of park facilities that exceeded legal standards. Furthermore, they questioned the appropriateness of proceeding with the park golf course project despite the Seoul Metropolitan Government's existing park improvement plans since 2022.

Particularly, Baekryeon Neighborhood Park is a key natural space for local residents, raising concerns that the installation of the park golf course could undermine the park's original purpose. Thus, the residents initiated the audit request to verify the project's legitimacy and procedural validity.

The resident representative who filed the resident audit obtained 101 valid signatures and submitted the petition to SMGCOC. Following a review of the request's eligibility by the Citizen Audit Request Review Council, the SMGCOC decided to accept the request on June 5, 2023. Subsequently, a four-member audit team, including the Citizens' Ombudsman, a team leader, and investigators, was formed, with support from three external experts, such as professors and lawyers. Over a period of two months, including on-site investigations, the residents' claims were thoroughly reviewed.

Main Audit Findings

SMGCOC investigated the main issues raised by residents, focusing on potential legal violations and the appropriateness of administrative procedures.

1) Violation of Laws

The audit focused on whether Seodaemun-gu's project violated the Urban Parks and Green Spaces Act and its enforcement rules. Under the law, specific park facilities cannot exceed 20% of the park's total area. However, Seodaemun-gu sought to construct the park golf course despite already reaching the area limit. This was deemed a clear violation.

SMGCOC found that the district's actions also breached the Local Finance Act. The district had failed to conduct feasibility studies or adequately gather resident opinions before allocating the budget for the project, thus lacking legal justification.

2) Resident Engagement and Procedural Adequacy

A significant issue was whether Seodaemun-gu adequately incorporated resident feedback. The project had a substantial impact on the local environment, yet the district's opinion-gathering

efforts were superficial. Although some consultations were held, such as resident briefings and meetings with the mayor, these fell short of broader requirements for public hearings or consultations outlined in the "2023 Blue City Leisure Operations Manual" by the Seoul Metropolitan Government.

SMGCOC concluded that the district had failed to ensure meaningful resident participation, representing a critical procedural flaw.

3) Coordination with the Seoul Metropolitan Government

The project also faced scrutiny over its lack of coordination with Seoul's broader plans for Baekryeon Neighborhood Park. Although Seodaemun-gu had discussed the golf course with Seoul officials, the city had not approved specific budget allocations or design details. Additionally, the district's decision to change the project site to Yaksoogol without consulting the Seoul Metropolitan Government further highlighted procedural inadequacies.

SMGCOC determined that Seodaemun-gu had violated the Local Autonomy Act and administrative collaboration requirements. However, given that both the city's and district's plans remain in preliminary stages, it was recommended that the two entities align their efforts to avoid conflicts in the future.

Results and Implications

SMGCOC concluded that Seodaemun-gu violated relevant laws and failed to properly engage residents. As a result, SMGCOC recommended that the project be halted immediately and that future projects strictly adhere to legal and procedural requirements.

This case highlights the effective use of the resident audit system, demonstrating how local communities can hold governments accountable and shape public projects to reflect their needs. It underscores the importance of legal compliance and procedural transparency in public administration.

Conclusion

The Baekryeon Neighborhood Park golf course case provides valuable lessons on reinforcing legal and procedural legitimacy in local governance. Residents effectively exercised their rights, contributing to more transparent and equitable public administration. This case serves as a critical reference for addressing similar conflicts in other regions.

[CASE 2]

RECOMMENDATION FOR PREEMPTIVE MEASURES FOR UNDERGROUND FACILITIES AGAINST HEAVY RAINFALL

Monitoring and Evaluation of Public Projects

SMGCOC monitors the entire process of public projects commissioned by the Seoul Metropolitan Government, including its main office, agencies, and affiliated institutions, based on Chapter 6

of the Ordinance on the Operation of the Ombudsman Commission and Resident Audit Requests. Since the 2008 integration of the Clean Contract Ombudsman and Citizen Auditors into the Citizen Participation Ombudsman, SMGCOC has continued its oversight and evaluation activities for public projects. Oversight focuses on policy initiatives and projects closely related to daily life, with audits initiated when issues are identified during contract execution.

Main Findings and Results

In anticipation of potential damage to underground facilities caused by heavy or localized rainfall, safety management and preventive measures for underground exhibition spaces, such as galleries, archives, and storage areas, are essential. However, it was found that the Seoul Urban Architecture Exhibition Hall, located on a slope, lacked adequate flood prevention measures, such as barriers to prevent rainwater inflow at its entrances. Additionally, there was no defined responsibility for flood management despite its unique three-story structure.

SMGCOC recommended that the relevant department review and improve facilities at the Seoul Urban Architecture Exhibition Hall to comply with the "Flood Prevention Standards for Underground Spaces" (Administrative Notice No. 2022-85) and implement measures to prevent disasters during the rainy season.

In response, the department conducted internal inspections (July 24, 2023) and expert reviews (August 2, 2023) and subsequently developed a disaster response manual for flood management at the exhibition hall in accordance with the flood prevention standards. Responsibilities for flood-related management tasks were also assigned.

Conclusion

This case highlights the importance of preemptive inspections and preventive measures in public projects. Neglecting vulnerabilities in urban facilities can lead to significant damage during disasters, underscoring the need for meticulous oversight and management. Clear task assignments enable swift and effective responses during emergencies. SMGCOC proactive monitoring effectively identified potential issues and promoted improvements based on legal standards. Moreover, the prompt actions taken by the department in response to the recommendations serve as a model for responsible public administration.

[CASE 3]

"IMPROVEMENT THROUGH OPEN COMPETITION FOR SELECTING WASTE DISPOSAL CONTRACTORS" – CASE STUDY ON CITIZEN GRIEVANCE INVESTIGATION

Citizen Grievances

Citizen grievances are classified as complaints involving violations, unfair actions, passive measures (including acts and omissions), or unreasonable administrative systems by government agencies that infringe upon citizens' rights or cause inconvenience or burden. The Seoul Metropolitan Government Citizens' Ombudsman Commission directly investigates and resolves such grievances. When recommendations or corrective actions are required, SMGCOC notifies the relevant department, monitors the process, and verifies the results.

Background

One case of grievance involved the selection of municipal solid waste disposal contractors. While these contractors must be selected through open competition under local contract laws, some district offices had chosen contractors via direct contracts, leading to a formal investigation request. With the cooperation of the Citizens' Ombudsman, the Grievance Investigation Team conducted an investigation over one month, from May 3, 2022, to June 3, 2022. The investigation covered all 25 districts to determine compliance with relevant laws and guidelines and to examine the rationale behind districts that entered into direct contracts.

Main Investigation Findings

While some districts argued that direct contracts for waste disposal contractors were permissible under the Guidelines for Licensing Waste Management Operators, the Waste Management Act (Article 2) defines "disposal" as including collection, transport, storage, recycling, and final disposal. Therefore, it is impossible to separate collection and transport contractors from disposal contractors. Furthermore, the Ministry of Government Legislation clarified that direct contracts are not permissible for waste disposal services, encompassing collection, transport, recycling, and disposal. Thus, the districts' claims lacked validity.

Even if direct contracts were theoretically permissible, the lack of reasonable and objective grounds to justify inefficiency in an open competition process violated the Local Contract Act. Denying third parties the opportunity to participate freely without adequate justification constituted unlawful and improper conduct.

Investigation Results

The Seoul Metropolitan Government Citizens' Ombudsman Commission issued a corrective recommendation to eight districts that had selected contractors through direct contracts. It advised that, moving forward, they select municipal solid waste disposal contractors through open competition in compliance with the Local Contract Act.

Conclusion

This case underscores the necessity for administrative agencies to rigorously comply with laws and operate processes based on fairness and transparency. It highlights the importance of independent oversight bodies, such as the Citizens' Ombudsman Commission, in achieving both efficiency and fairness in public administration. This approach serves to protect citizens' rights and enhance public trust in government operations.

CLOSING

Listening to the voices of citizens, protecting their rights and interests, and enhancing transparency and fairness in administration are essential to driving the sustainable development of Seoul

SMGCOC will continue to stand with Seoul's citizens, fostering fair and transparent administration to build a city government that earns the trust of its people.

Major Achievements in Ombudsman Works: Success Stories from Macau SAR



Mr. Chan Tsz King

Commissioner, Commission Against Corruption of the Macau Special Administrative Region

The Commission against Corruption of the Macao Special Administrative Region — The Ombudsman Office context

INTRODUCTION

The People's Republic of China, Macao Special Administrative Region (MSAR), located on the southeast coast of China, west of the Pearl River, adjacent to Guangdong Province, was established on December 20th of 2000 and it currently has about 33,3 square kilometers¹, a resident population of 687.000², and a total of about 30 to 40 million³ visitors per year.

Being a Special Administrative Region of People's Republic of China, it has its own government composed of secretariats, directorates of services, departments and divisions, and the main office holders are the secretaries, the commissioners (against corruption and audit), and the heads of the police and customs services.

It is in this geographic, demographic and institutional framework that, also in December 20th of 2000, pursuant to Article 59 of the Basic Law of Macao, the Commission against Corruption was established. A public and independent body with the mission to promote actions for the prevention and investigation of crimes of corruption and related fraud crimes, namely economic and financial crimes, committed in an organized manner, or of an international or transregional dimension, within the activities of the public sector and of the private sector, as well as to perform ombudsman actions, to defend and promote the rights, freedoms, safeguards and legitimate interests of individuals.

Since its inception, the CCAC has carried out a wide range of work in the field of anti-corruption and ombudsman, always supported by prevention and community proximity strategies in order to contribute to an upright and honest society, developing its work with special care, in particular with regard to the younger generation's education. In fact, since the year of its establishment, the CCAC has had as its motto the exercise of its powers in strict compliance with the law, paving the way to the prosperity, stability and development of the Macao society, and in particular to a

¹ Government of Macao Special Administrative Region Statistics and Census Service — data for the year 2023 (https://www.dsec.gov.mo/ptPT/SearchEngine?c=&t=1 &ct=&k=%C3%A1rea%20total&p=l).

² Government of Macao Special Administrative Region Statistics and Census Service — data until 2nd Trimester 2024 (https://www.dsec.gov.mo/ts/#!/step2/KeyIndicator/pt-PT/240)

³ Government of Macao Special Administrative Region Statistics and Census Service — Tourism Statistics (https://www.dsec.gov.mo/pt-PT/Statistic?id=401)

healthy and transparent economy, that can only truly develop in an environment created by unpolluted governance and healthy commercial environment.

Although the CCAC, in the area of ombudsman, does not have the power to materialize its findings and conclusions in a binding manner, it nevertheless has at its disposal some instruments that have proved throughout the years effective in terms of how the various departments of the Macao SAR public administration receive and implement the conclusions and suggestions set out therein.

The Ombudsman Bureau of the CCAC, one of its sub-units, is responsible for analyzing and handling complaints against administrative illegality and for making recommendations and suggestions to public departments, as well as to study and analyze measures to help prevent and limit the commission of acts of administrative illegality, corruption and fraud by public officials. The aim is to always contribute to improve the functioning of public services and institutions, increase the transparency of administrative procedures and ensure fairness, legality and efficiency of the public administration actions.

Complaints received are handled flexibly by the Ombudsman Bureau, using the various means at its disposal provided for by law, according with the specific situation of each case. In addition to receiving complaints from citizens, the CCAC also has the legal power to initiate investigations, including in the ombudsman's area, on its own initiative⁴.

PROCESS INSTRUCTION

After receiving a complaint, the CCAC conducts a preliminary analysis and investigation of the matter involved and the facts presented. Upon verification of the existence of founded suspicions of administrative illegality or irregularity, the process is instructed^{5.}

In the cases where the complaints showed signs of administrative illegality the case is referred to the Ombudsman Bureau where a preliminary investigation is conducted under the stipulations of the Law of the CCAC and of the Code of Administrative Procedure. The principle of defense is imperatively observed, which means that both the complainant and the complained side always have the chance of pleading.

After the preliminary analysis by the Ombudsman Bureau, three different situations can follow:

a) If the procedure at stake has not been completed or the relevant act has not yet entered into effect, the Ombudsman Bureau will guide the relevant departments or entities, throughout an "informal intervention", in a way so that they will make prompt correction;

 $^{^4}$ Law n. 10/2000, as amended by Law n. 4/2012 and Law n. 17/2024 "Commission against Corruption of the Macao Special Administrative Region"; Article 9 — Initiative — The Commission against Corruption acts on its own initiative with regard to facts that come to its knowledge by any means.

⁵ After the preliminary analysis, one of three situations can happen: I) the complaint is considered unqualified for commencing investigation and the case is filed; 2) the complaint shows signs of corruption and is referred to the Anti-Corruption Bureau for preliminary analysis; 3) the complaint shows signs of administrative illegality and is referred to the Ombudsman Bureau.

- b) In some cases, since the relevant administrative departments are the competent departments that possess related information (information provided by the complainants may not be enough), the Ombudsman Bureau, with the complainant's consent, will refer the case for the relevant departments to handle the case according to statutory procedures and the Ombudsman Bureau will follow up their progress;
- c) When the initial analysis shows the severity of the case and the scope involved, the Ombudsman Bureau will commence a formal investigation, which includes the collection of evidence and the hearing of those involved.

When an illegality or irregularity is spotted and confirmed, a recommendation⁶ is addressed to the competent administrative department for the purpose of rectifying illegal or unfair administrative acts or procedures.

In case of non-acceptance of a CCAC's recommendation, the competent department or entity shall give its reasoned reply within 15 working days.

If the CCAC recommendation is accepted, what happens in the clear majority of the cases, the case is closed, and the complainant is duly informed. However, since the year 2020, a "look back system" was implemented in CCAC, allowing the CCAC, in what concerns some selected cases, to subsequently supervise the implementation of its suggestions and recommendations.

A CASE THAT ILLUSTRATES THE PERFORMANCE OF CCAC UNDER ITS OMBUDSMAN FRAMEWORK⁸

⁶ In addition to issuing recommendations, there are other forms of intervention by the CCAC. It is the case with informal intervention (including communication by telephone and holding informal meetings), asking the department concerned to deal with the complaint directly and appropriately, or, at the investigation stage of the case, the CCAC informs the department concerned of the illegal or irregular points, so that they can be corrected by the department itself as soon as possible. If the corrections correspond to the position of the CCAC, the case is closed.

⁷ The "look back" system in the area of ombudsman: the follow-on supervision system, implemented since 2020 is one of the ways in which the CCAC exercises the supervisory function and one of the indispensable tasks in the area of ombudsman in the scope of the ombudsman's supervision work. Some "closed" cases are included every year in the so called "look back list", whereas such cases are subject to further supervisory actions in order to ascertain whether or not the CCAC's recommendations and advice in certain cases were in fact implemented and had as a consequence the intended effect in terms of optimizing the performance of the public administration in a specific situation, this way effectively responding to the needs and demands of the society. Only after confirmation of the implementation of the CCAC's recommendations and suggestions, are these cases removed from the referred "look back list".

⁸ Case was selected to be included in this article in view of its local media coverage and its relevance for the Macao community.

"Comprehensive investigation on serious wall tile falling at common areas of two economic house buildings" 9

The CCAC received a considerable amount of complaints and views from households of two economic housing projects, as well as from some related associations, who reflected that since the two economic house buildings at stake were established between 2012 and 2013 and were granted a use license, the phenomena of large slabs of tiles falling off walls at many common areas of the two buildings were common. The complainants doubted if the supervision of the Housing Bureau (IH) on the construction of the building was effective and if there were deficiencies, and design defects, or use of improper materials, among other doubts.

Therefore, the CCAC reopened an inquiry file concerning one of the buildings and incorporated it into the case that was then under investigation. A comprehensive investigation file was therefore opened so that an in-depth investigation could be carried out. More documents that had not yet been fully submitted by relevant departments until that date were collected and the statements of a large number of personnel were taken.

Upon a comprehensive analysis of the evidence provided by witnesses and the proof obtained, it was not possible to ascertain that there was corrupt behavior in the works tender, vetting and approval or inspection procedures of both economic house buildings.

Regarding the administrative procedures, the CCAC ascertained that the sizes of the wall tiles used at the lift lobbies and public corridors of one of the economic house buildings did not conform to the requirements established by the Public Administration. During the inspection and acceptance phase, at the random checks conducted on the walls at the public corridors of that building, the hollow tile situation was detected at over 95% of the total number of checks. Nevertheless, a provisional acceptance note was signed. During the building maintenance, tiles fell off at public corridors many times. The IH therefore requested, through the former Infrastructure Development Office (GDI), the contractor to carry out repairs. However, neither did it conduct in-depth checks and make records of the wall tiles of all floors of all the blocks nor did it provide improvement solutions to prevent similar situations from happening again. Instead, a repair was only carried out "to replace a fallen tile when there was one".

At least before the release of the comprehensive investigation report by the CCAC in May 2022, there had been tiles falling at different floors of the building from time to time. Regarding the other building at stake, it was ascertained that during the phases of construction as well as inspection and acceptance, there were not any responsible entities having requested for a pull-off test of tiles at the public corridors of the building. Upon signing the provisional acceptance note, tiles successively fell off the walls at the common areas of the building during the warranty period. The former GDI and the IH only urged the contractors to follow up the repair works instead of finding out the causes in a timely manner and seriously pursuing whether the problems arose from the design or construction phase of from both phases.

⁹ Full Report published on 2022/05/20 https://www.ccac.org.mo/pt/news details/article/131e5261.html (only Chinese and Portuguese versions). English version available on the CCAC Annual Report of 2022.

After the warranty period for the building construction had expired, the tile falling incidents at the common areas of one of the buildings still occurred. The IH requested all condominium unit owners of the building to bear the responsibility of repair works and handle the tile falling issue by resolution at the general meetings of all condominium unit owners. The issue of tile falling at the common areas was discussed on the agendas of the general meetings of all condominium unit owners from eight blocks of the building, where the IH opted to vote to abstain and there was not any proposal of repair plans having successfully passed in the general meetings.

The tile falling problem involving large areas of the two major economic housing projects concerned was undoubtedly relevant to various factors, such as designs of wall finishes of common areas of the buildings by the design units, material selection and size of the tiles, quality of tile laying workmanship of the construction workers of the contractors, abrupt changes of ambient temperature, stringency of oversight as well as inspection and acceptance, adequacy of the subsequent repairs and follow-up work, etc. However, there existed unsatisfactory negligence or imprudence in the phases of design, construction, oversight, supervision and coordination. As such, all units and departments could not distance themselves from this matter.

The former GDI did not actively cooperate with the IH when the latter inquired about or requested for information in relation to the two economic housing projects concerned in the case. When the IH requested for the inspection records concerning the units of one of the buildings carried out by the oversight company of the construction works of the building, the former GDI even refused to provide such information by taking the reasons that the responsibilities of construction and maintenance did not relate to the IH. Thus, when the tile falling incidents subsequently occurred, such act directly hindered the IH to carry out the functions of supervision and coordination according to the law due to limited participation and grasp of information during the construction process of the building construction. The relevant act of the former GDI indeed involved administrative irregularity.

Upon obtaining the news from the management companies of the two economic house buildings that a large number of tiles falling off the walls at the common areas, the IH, which just all along performed the role of a messenger and solely transferred the problems to the former GDI or accompanied it for follow up work, failed to actively carry out the functions of supervision and coordination bestowed by the New Economic Housing Law. Moreover, when the former GDI failed to investigate the causes of the tile falling and the accountable parties accurately and in a timely manner, the IH did not request it to strictly implement the regulations provided for in the Legal Regime of Public Works Contracts. Such act also allegedly involved omission, and irregularity of an administrative act.

The problems concerning prevention of the falling in the two economic houses buildings and the maintenance of the tiles have accentuated the serious lack of coordination and cooperation between the former GDI and the IH. The two departments lacked coordination with each other and it seems that they did not try to have more communication and coordination with each other regarding inter-departmental works, resulting in resident's negative impression government departments that they pass the buck and it is impossible to pursue liability. The indifferent attitude of the relevant departments towards the large number of hollow tile walls discovered at the public corridors during random checks has reflected the poor supervision of the administrative bodies, the oversight unit and the inspection unit on the construction works.

During the warranty periods and the successive tile falling situations at a larger stage, the relevant oversight companies seemed to rarely participate and provide constructive responses. In particular, they did not provide a detailed analysis report on the causes of or solutions to tile falling.

The CCAC then considered that in the beginning, there was no professional opinion on the tile falling incidents given by third parties other than the works award contracts, including the oversight companies and the quality control unit, thus having significant negative impact on the search for the fundamental cause of the unusual tile falling and the accountable parties. Therefore, it was one of the main reasons why the tile falling problem remains unsolved. Regarding the vetting and approval process, the selection of the materials and sizes of the tiles on the walls of the common areas of the economic housing buildings involved did not strictly accord with the requirements originally imposed by the IH. Although the oversight units also knew that there were a lot of hollow tiles found during the inspection and acceptance phase, the relevant oversight companies and quality control unit did nothing and the opinions they raised were not concrete. An oversight company should not only point out the contractor's problems in the completion stage of the construction. It is also the company's responsibility to discover and solve the problems in a timely manner when the construction is still in progress. In other words, the contractor, indeed, is not the only one accountable for the flaws of the works found during the provisional acceptance process. The oversight company and the quality control unit that supervise the quality of the works also bear unshirkable responsibilities.

Judging from the future design and selection of wall tiles at the public corridors of the economic housing buildings at zone A of the New Urban Zones, it was obvious that the authorities had learnt the lesson and made efforts to optimize the design and construction quality of economic housing buildings. The design and material selection of the wall finishes of common areas as well as the laying method were planned by the current-term IH and the former GDI based on their mutual agreement, consensus and adjustment. As regards issues concerning construction of economic housing buildings, it can be seen that the IH is gradually strengthening and implementing its role as economic housing coordinator and the cooperation among relevant departments has apparently improved.

After completing the comprehensive investigation and producing the report, the CCAC notified the Chief Executive on the result of investigation according to law. The CCAC suggested to the authorities, from the legislative or technical perspective, that they should consider carrying out a study on the need to quantify the works and standards through regulations and thinking about the possibility of setting an upper limit or ratio concerning the number of flaws found during the provisional acceptance process of the construction works, which will not only reflect the construction quality of the contractor, but also monitor the work quality of the oversight company and the quality control unit which serve as the supervision units.

Moreover, the CCAC also suggested that the fact that households of economic housing are with limited financial means should be taken into consideration. Despite the warranty periods for the two economic housing buildings already expired, it does not prevent the authorities from, if permitted by law and under the principle of good faith as well as the people-based governance philosophy, adopting appropriate and effective governance measures so as to improve the sense of well-being of residents. Authorities may consider giving financial and non-financial support proactively responding to the needs of the residents and seeking an ultimate solution with the households, so as to solve the tile falling problem once and for all and avoid the danger of tile falling in the future, namely by carrying out comprehensive and appropriate repairs, promoting and encouraging discussion and resolution on solutions at general meetings of all condominium unit owners of different blocks, among other possible solutions.

After the CCAC investigation report was publicly released, the relevant departments publicly expressed that they accepted the opinions of the CCAC. The GDI requested the relevant contractors to provide the repair work proposal concerning the tile falling at the common areas of the two buildings according to the newly revised Guidelines for the Design and Construction of Public Housing. The IH negotiated with various management bodies in order to reach a consensus to carry out the repair works as soon as possible. Regarding inter-departmental collaboration, the two bureaus expressed that they would improve the communication mechanism and strictly comply with the principle of attaching importance to both quality and quantity. They would also step up efforts to regularize the responsibilities of the oversight and quality control units concerning the supervision of works with a view to promoting the construction of public housing.

By the end of 2022, some of the condominium unit owners from different blocks did not yet reach a consensus while some of them even struggled at the design. It is worth mentioning that regarding the safety problems arising from the structures of economic house buildings or the architecture itself, the SAR Government definitely has an undeniable responsibility — nothing more, nothing less. It is widely known that economic house buildings are different from private buildings as they serve to assist Macao residents who have certain income level and properties to solve their housing problems. Public money should not be spent irrationally or in a way that falls outside the scope of statutory need and consideration. The CCAC always believes that proposals for solving problems should be practical while personal safety should be the ultimate and only goal sought to be achieved by all involved parties.

CONCLUSION

The CCAC always seeks to consolidate its foundation, and to carry out its duties in full compliance with the law. Simultaneously it also strives to do its best, to take forward the integrity promotion work within the scope of its responsibilities and to contribute to a healthy and transparent society. The work in the area of the ombudsman is an essential part of the work carried out to achieve these goals.

The CCAC also strictly follows the broad policy directions of the country and of the Macao SAR. It also always reinforces the construction of a culture of probity in this new era, persisting in the development of the rule of law and valuing the development of youth.

The recently created "retrospective review mechanism", which allows to monitor situations in respect of governance improvement made by competent departments or other public entities has been obtaining significant results with regard to increasing the transparency of public work and encouraging self-confidence of the public administration. In addition to being responsible for monitoring and correcting errors, the CCAC duly recognized and encouraged the relevant departments for their legal and reasonable practices.

A reference to the fact that by publicising the handling status and the reasoning of the work carried out, the CCAC is able to let the general public have better understanding of its work, thus creating a bond of trust between the CCAC and the Macao citizens. This is considered essential to carry out the goals of the CCAC, knowing that by achieving its goals, the CCAC will contribute decisively to the overall improvement of the relation between the citizens and the Macao SAR public administration.

The Humanitarian Bridge of Mexico City: a Best Practice in Assisting People in **Contexts of Human Mobility**



Ms. Nashieli Ramírez Hernández IOI President and President of the Human Rights Commission of Mexico City

Human mobility has become one of the main topics on the international agenda, as well as a priority for Ombudsperson offices worldwide. In Latin America and the Caribbean, poverty and economic inequality, political conflicts, violence resulting from organized crime, and the consequences of natural disasters and climate change have pushed an increasing number of people to leave their places of origin to save their lives or seek a better future for themselves and their families.

People in the context of human mobility face multiple risks, including abuse by authorities, racial and ethnic discrimination, and xenophobia from citizens of the countries they transit through; sexual violence; enforced disappearance, extortion, and kidnappings; forced recruitment by organized crime groups; human trafficking and smuggling; accidents on trains, at sea, and on the road; extreme weather conditions that lead to illness; and other acts of violence that affect their physical, mental, and emotional health.

To mitigate these risks, migrant populations have found new ways of organizing their migration processes, the so-called "caravans," large groups of people who travel on foot along the country's roads.

In this context, in October 2018 and the first months of 2019, three caravans arrived in Mexico, composed mainly of people from Honduras, El Salvador, and Guatemala. The groups included not only men of working age, but also women, girls, boys, and adolescents (both accompanied and unaccompanied); people with disabilities; older adults; and people from the gender and sexual diversity community.

This group of people was called the "Migrant Exodus," due to the number of participants, approximately 9,000 people.

Upon their arrival, the Human Rights Commission of Mexico City (CDHCM, by its initials in Spanish) organized a meeting with local government authorities to define the actions needed to guarantee the full exercise of human rights for the population arriving in the city. This occurred during a transition period for both the local and federal governments.

This is how the "Humanitarian Bridge" initiative was established, an inter-institutional coordination mechanism and a humanitarian support strategy created specifically to assist the people of the Migrant Exodus. This mechanism, formalized by the signing of an Interinstitutional Collaboration Agreement, coordinated the work of various governmental, public, private, national, and international, and civil society organizations for the defense and protection of human rights, under the general coordination of the CDHCM.



José Ramón Amieva, Head of Government of Mexico City; Nashieli Ramírez Hernández, President of the CDHCM; and Claudia Sheinbaum, Elected Head of Government, during the signing of the Agreement that gave rise to the Humanitarian Bridge of Mexico City.

Photo from the CDHCM archives, 2018.

From the start of this initiative, as a first action and with the aim of monitoring the number of people in the Exodus, the possible arrival routes, and the urgent needs of the population, multidisciplinary brigades were formed. These brigades, composed of personnel from various departments of the Mexico City government, were accompanied by CDHCM staff.

The brigades were trained by national and international civil society organizations on topics such as psychosocial care for mobile populations, humanitarian assistance, migration regularization processes, and support for vulnerable groups, particularly children and adolescents.

These brigades traveled to the state of Oaxaca, where they accompanied the migrant population, providing medical and psychological services and guidance of human rights. This allowed the Mexico City authorities to prepare for the arrival of the groups and establish shelters to accommodate the thousands of people who were part of them.



Shelter set up at the Jesús "Palillo" Martínez Stadium, Iztacalco. Photo from the CDHCM archive, 2019

With the support of international and national organizations, as well as civil society, open-door shelters were set up to assist the migrant population from November 2018 to March 2019. In these shelters, people were able to sleep safely and access essential services, considering their specific needs during their stay. During the period the shelters were operational, approximately 15,000 were received in total.

The CDHCM was in charge of the general coordination, maintaining 24-hour shifts, and monitoring the provision of services by the government and the ones provided by civil society organizations that helped meet the population's needs. It's important to note that over 2,000 individuals, including members of civil society organizations, media, and independent volunteers, contributed to various tasks throughout the process.



Dining service at the shelter set up at the Jesús "Palillo" Martínez Stadium. Photo from the CDHCM archive, 2018.

Regarding healthcare, the shelters for the Exodus had medical staff on-site 24/7, providing over 13,000 consultations and preventive measures, such as administering influenza and tetanus vaccines, distributing oral rehydration salts and condoms, detecting diseases through somatometry, performing hypertension, diabetes, pregnancy, and HIV tests, and treating minor injuries, or referring people to second-level medical services when necessary.

The CDHCM also coordinated educational and recreational activities for children and installed specific spaces for them.



Educational and recreational activities for children, organized by CDHCM staff during the Humanitarian Bridge of Mexico City. Photo from the CDHCM archive, 2018.

Furthermore, to guarantee the mobility of the migrants, the CDMCM coordinated with the Collective Transportation System (STC) Metro to offer free services, which was the means used to transport people continuing their journey to the northern border.



Migrants from the Exodus traveling on the STC metro for free. Photo from the CDHCM archive, 2018.

Finally, the CDHCM coordinated the search for shelters for vulnerable people waiting for a resolution to their immigration cases in Mexico City, ensuring they stayed in civil society shelters suited to their needs.

Through the installation of the Humanitarian Bridge, Mexico City demonstrated a best practice in assisting people in human mobility contexts. In addition to achieving inter-institutional and intersectoral coordination, the city practically took on its responsibility to protect rights, closing all operations with a "zero incident" record.

This is also an example of how Ombudspersons, as human rights defenders, play a fundamental role in the complex and dynamic global migration agenda. Our work has become increasingly important in a context marked by rising migration flows, the diverse realities of migrants, and the challenges they face during their journeys.

This is why the experience of the Humanitarian Bridge led to several lessons learned, which the Human Rights Commission of Mexico City applied in the creation of the Protocol for Humanitarian Aid in the Context of Emergency Situations for Migrants and/or Persons Subject to International Protection in Mexico City. Temporary Camps or Shelters¹⁰.

The Protocol captures the lessons learned by the CDHCM and the local Government, as well as the experience of collaborating entities. Its goal is to be a useful tool for local governments and other agencies assisting with humanitarian support to large groups of people who have been forcibly displaced from their communities or last places of residence, ensuring their rights to life, personal integrity, food and nutrition, health, water, sanitation, and the right to seek asylum. Since 2018, the Protocol has guided the Mexico City Government in setting up first-response shelters when receiving migrant groups.

The protocol is divided into four sections:

- 1. Measures to be implemented to receive persons from the Exodus and the local government's responsibility for inter-institutional coordination, including the establishment of shared responsibility mechanisms with the federal government. It lists the basic steps for setting up a shelter and its operational mechanisms.
- 2. Key aspects to consider during or after to ensure the protection of the population's human rights.
- 3. A glossary with commonly used terms regarding the care of people in mobility contexts.
- 4. An annex section includes regulations for the population, public servants, and the media; suggested formats for records and logs; proposals for training teams involved in care; proposed locations for spaces; and a directory of organizations, shelters, and consulates.

Without a doubt, this experience showcased the challenges the human mobility agenda presents worldwide, as well as an opportunity to highlight the role Ombudspersons play, particularly those working at the local level, in identifying, building, and implementing solutions with a human rights approach.

It is an example of the Ombudspersons' ability to provide local responses to global problems through

¹⁰ Protocol for Humanitarian Aid in the Context of Emergency Situations for Migrants and/or Persons Subject to International Protection in Mexico City. Temporary Camps or Shelters. Available at: https://piensadh.cdhcm.org.mx/index.php/oficial/2019-migrantes (Spanish) and https://piensadh.cdhcm.org.mx/index.php/oficial/2020-migrants (English).

their capacity for dialogue, coordination, mediation, advocacy, and training with government, civil society, international organizations, and the population in mobility contexts.

The experience of Humanitarian Bridge became the seed of a permanent inter-institutional and intersectoral coordination in Mexico City, which has allowed further development of coordinated actions with the local government, federal government, civil society organizations, international organizations, academia, and the private sector in emergency responses and advancement in long-term policies for assisting and including of people in mobility contexts who continue to transit through our city, especially those who choose to settle in Mexico City.

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Fairness for all – the New Zealand Story



Mr. Peter Boshier

IOI Second Vice-President and New Zealand Ombudsman

INTRODUCTION

In 1962, New Zealand became the first country outside of Scandinavia to appoint an Ombudsman. The Ombudsman's powers and jurisdiction have expanded but the core purpose remains the same: to ensure fairness for all.

As an institution with a rich history to draw from, I have chosen a few success stories to share that epitomise the importance and impact an Ombudsman can have on ensuring fairness for all.

In this article, I explore the expanding jurisdiction of the New Zealand Ombudsman role, including monitoring the treatment of people in places of detention. I share how the New Zealand Ombudsman strives to remain relevant and accessible to all New Zealanders and the successful initiatives undertaken to ensure this, including the establishment of advisory panels. I also reflect on the pressing issues New Zealanders face today, and how my office used the lessons from past crises to inform its current work on responding to extreme events.

EXPANDING JURISDICTION

The role and function of an Ombudsman is, at its heart, to receive and investigate individual complaints about potential maladministration by government agencies, and to report any findings to Parliament.

The inherent flexibility of the Ombudsman model, and its extensive experience in overseeing public administration and decision-making, has meant that, over time, the remit of the New Zealand Ombudsman has expanded organically to include oversight of other important rights and interests. This includes the protection of constitutional rights and freedoms and fundamental human rights, which are expected in a healthy democracy.

When the first New Zealand Ombudsman was appointed over 60 years ago, the Ombudsman's powers – their jurisdiction – were limited to investigating complaints about central government departments and organisations. Since then, the Ombudsman's jurisdiction has expanded to include:

- Reviewing decisions by central and local government agencies on requests for information under the Official Information Act 1982 and the Local Government Official Information and Meetings Act 1987.
- Providing guidance to whistleblowers and organisations under the Protected Disclosures (Protection of Whistleblowers) Act 2022, about reporting serious

wrongdoing in the workplace, as well as receiving and investigating protected disclosures.

- Monitoring the rights of disabled people, and working as part of an Independent Monitoring Mechanism, to ensure that New Zealand's obligations under the United Nations Convention on the Rights of Persons with Disabilities 2006 are being realised.
- Examining the conditions and treatment of people in places of detention under the Crimes of Torture Act 1989 and the Optional Protocol to the Convention Against Torture (OPCAT), including prisons, intellectual disability and mental health facilities, aged care facilities¹¹, court cells¹², and immigration detention centres.
- Enhanced complaints and oversight role over New Zealand's Ministry for Children, Oranga Tamariki, including care and custody providers under the Oversight of Oranga Tamariki System Act 2022
- Commenting to the Ministry of Transport on applications for authorised access to personal information on the motor vehicle register under Land Transport Act 1998
- Providing consultation to the Chief Executive of the New Zealand Customs Service when entering into an agreement to regularly disclose official information to a private sector organisation under Customs and Excise Act 2018

The expansion of the New Zealand Ombudsman's jurisdiction is a success story in its own right; it is emblematic of the trust and confidence afforded to the Ombudsman in New Zealand, and presents increased opportunities to continue supporting New Zealanders in realising their fundamental rights.

MONITORING THE TREATMENT OF PEOPLE IN DETENTION

New Zealand has obligations under the United Nations Optional Protocol to the Convention Against Torture (OPCAT) to prevent torture and other cruel, inhuman or degrading treatment and punishment. In New Zealand, the Ombudsman is designated as one of the five National Preventive Mechanisms (NPM) that examine the conditions of detention and treatment of detainees, and make recommendations for improvement.

The NPM role has a preventive objective, with a focus on identifying and recommending where change should occur to prevent torture and other cruel, inhuman or degrading treatment or punishment. The role seeks to improve the conditions of detention and treatment of detainees.

EXTENT OF OPCAT DESIGNATION

The Ombudsman has OPCAT designation for facilities where people are not able to leave at will, including:

¹¹ Including secure aged care facilities in the private sector (which receive public funding).

¹² The designation for court cells is shared with the Independent Police Conduct Authority.

- in prisons and otherwise in the custody of the Department of Corrections;
- on premises approved or agreed under the Immigration Act 2009;
- in health and disability places of detention, including mental health units, substance addiction (compulsory assessment and treatment) units, intellectual disability facilities, secure aged care facilities (including those run privately), and isolation and quarantine facilities;
- in residences established under section 114 of the Public Safety (Public Protection Orders) Act 2014; and
- in court facilities¹³.

An important own motion investigation report on systemic issues in places of detention, *A question of restraint – Care and management for prisoners considered to be at risk of suicide and self-harm*, ¹⁴ was published in 2017. This report highlighted observations from OPCAT inspections of five prison sites between July 2015 and June 2016. My report focused on the conditions and treatment of prisoners considered at risk of suicide and self-harm located in the prisons' At-Risk Units. I identified significant issues, including:

- incidences of prisoners being restrained on tie-down beds by their legs, arms and chest for prolonged periods of time;
- incidences of prisoners being restrained in waist restraints with their hands cuffed behind their backs:
- incidences of tie-down beds and possibly waist restraints being used for behaviour modification purposes at some sites;
- prisons not following their own procedures in respect of the application of mechanical restraints; and
- constant monitoring of prisoners by live camera-feeds, including when using unscreened toilets.

I formed the opinion that the use of a tie-down bed and/or waist restraints in the circumstances of five prisoners amounted to cruel, inhuman or degrading treatment or punishment under the Convention against Torture. I also formed the opinion that the ability of prison staff to access footage of prisoners undertaking their ablutions constituted degrading treatment or punishment under the Convention.

¹³ The designation for court cells is shared with the Independent Police Conduct Authority.

¹⁴ Chief Ombudsman Peter Boshier, A question of restraint - Care and management for prisoners considered to be at risk of suicide and self-harm, 1 March 2017, available at: https://www.ombudsman.parliament.nz/resources/question-restraint-care-and-management-prisonersconsidered-be-risk-suicide-and-self-harm.

I consider this example to be a success story because, following the publication of my report; tiedown beds were phased out and are no longer used in prisons in New Zealand. The Department also reviewed its use of mechanical restraints, and a long-term project is underway to use better methods to protect the privacy of prisoners undertaking their ablutions.

Not only did the Ombudsman's role in this case have a tangible impact on the experiences of people in prison, but it also provided important learnings about the efficacy of publishing individual reports for prisons, a practice which my office continues today.

ACCESSING EXTERNAL EXPERIENCE AND KNOWLEDGE

In line with the New Zealand Ombudsman's vision 'Tuia kia ōrite – Fairness for All,' I work to reach a wide range of people, including those who have not had much engagement with the Ombudsman before. I value and seek the lived and learned experiences and voices of the communities I serve to help inform my practice.

In order to achieve 'fairness for all' I believe you have to understand what 'fairness' means to different people from different environments. In addition to my community engagement activities, I have two external panels that provide me with specialist expertise and insights:

- Pūhara Mana Tangata is comprised of senior Māori leaders and rangatahi (youth), and provides me with advice on engagement and communication on matters that impact Māori; and
- Te Rōpū Kaiārahi Hauātanga is comprised of people living with disabilities, and supports me to ensure the voices of disabled people are reflected in my work.

Pūhara Mana Tangata

Pūhara Mana Tangata was established in late 2019 to advise me in my work with, or relating to, Māori. It exists to ensure I am aware of and more responsive to concerns held by tangata whenua (people of the land), and to better integrate te ao Māori (Māori world view) into my practices.

To understand the needs and aspirations of Māori as New Zealand citizens and Treaty of Waitangi/Te Tiriti o Waitangi (Te Tiriti) partners within the context of public service delivery and investigation into complaints, my staff and I are required to understand the unique place Māori have in New Zealand.

Since the panel of experts was formed, many of our discussions have focused on Te Tiriti, the impact of colonisation on Māori, and the disconnect between those setting and implementing policy for Māori and those who understand the lived real-life experiences of Māori. In looking for solutions to ensure Māori world views and values are recognised and responded to in my work, the panel focused their efforts on two key areas. The first was raising awareness among Māori about the work of the Ombudsman, including supporting me to engage directly with a diverse range of Māori groups and collectives. The second was supporting internal capability-building to ensure my office's effective and on-going engagement with Māori.

The creation of the panel has successfully enabled my staff and I to better engage with Māori communities, and consider Māori values, systems and culture in our work. The panel has also been able to advise on specific cases affecting Māori New Zealanders and help us to ensure that our work is culturally appropriate and effective for all those that live in New Zealand.

Te Ropū Kaiārahi Hauātanga

My Disability Advisory Panel, Te Rōpū Kaiārahi Hauātanga, was formed in 2021. It informs my disability rights work ensuring I have access to timely and high-quality expert advice from New Zealanders with lived experience of disability, reflecting the mantra of the disability rights movement: 'nothing about us, without us'.

The panel helps me to identify, confront and deconstruct barriers that prevent disabled people from participating fully in society. The panel provides critical perspectives, including from Māori, Pasifika, and youth members, to show the intersections of these barriers with other social issues. The panel successfully ensures my office has the confidence and competence to engage effectively with diverse communities.

LEARNING FROM PAST CRISES

During my time in office, New Zealand experienced earthquakes, cyclones, acts of terrorism and the global pandemic – all events leaving in their wake large numbers of vulnerable and distressed people searching for support and decisions from the Government and seeking help from the Ombudsman.

My office had to adjust and change how we were used to doing things in order to meet the needs of New Zealanders at these times. I am pleased that we have been able to successfully learn from these crises, enabling us to deliver more proactive, empathetic and effective responses to New Zealanders' concerns.

COVID-19

It is vital for a democracy that the Ombudsman exists to provide a check on power, particularly in times of crisis when the Executive branch of power can become more coercive.

The New Zealand Government acted swiftly to the outbreak of the global Covid-19 pandemic and put in place a raft of extraordinary measures and restrictions to minimise the virus' spread. These measures had a significant effect on New Zealanders, as they included:

- closing our borders;
- imposing national and regional lockdown restrictions;
- creating a managed isolation and quarantine system for people arriving from overseas; and
- mandating vaccinations and mask wearing.

At the time, the Government was also assessing policies, rules, laws, and expectations, to determine if any were 'more crucial' than others in case resources needed to be prioritised. In such extraordinary circumstances, it could be tempting to dismiss responding to requests for official information as a low-priority, compliance activity, that could be set aside to free up resources if required.

On the contrary, I considered that the effective administration of the Official Information and Meetings Act 1987 (and its counterpart, the Local Government Official Information and Meetings Act 1987), as well as a strong focus on the proactive release of information, is more important than ever in an extreme situation. The pandemic response highlighted the need for more, not less, information, accountability and transparency during periods of uncertainty.

I knew from past crises previous New Zealand Ombudsmen had faced that that we would likely see a surge of maladministration complaints. Their experience also taught me that people contacting my staff would be frustrated and anxious for decisions, and their behavior would sometimes become unreasonable.

This knowledge helped us to prepare successfully for the anticipated increase of complaints. I increased my office's investigation capacity by proactively seeking additional funding from Parliament and ensured our staff had the capability and support to respond to unreasonable complainant conduct, when it was encountered.

In the first year after the pandemic started, the number Ombudsmen Act and official information complaints received by my office set a new record. But we were ready. We had learned from previous crises, and were able to continue to deliver a high quality of service to all New Zealanders, despite the unprecedented complaint numbers.

EXTREME WEATHER

New Zealand faced severe weather events in early 2023, including the aftermath of Cyclone Gabrielle. The extreme weather events affected more than a third of New Zealand's land mass, and left death and severe destruction in their wake.

The pandemic and other crises, meant I now had a 'blueprint' for pivoting my resources and services to help affected New Zealanders through this latest crisis. Again, I requested and received additional funding from Parliament to prepare my office for the inevitable surge in complaints.

I combined these lessons with that learned from my community engagement in recent years; the importance of meeting face-to-face, and listening to, people who have been impacted by government agencies' policies and decisions. I visited the affected communities as soon as I could to witness the devastation and destruction, and understand the issues they were facing.

I talked to local Māori, local councils and authorities, Citizens Advice Bureaux, community law groups, disability groups, and multicultural groups. I heard first-hand the issues and concerns of those affected to gain an understanding of what kinds of complaints we were likely to receive. I ensured that these communities knew of the Ombudsman and the services available, and I continued to successfully build the trusted reputation of my office.

CONCLUSION

The New Zealand Ombudsman has faced a number of challenges in its history. It has had to adapt, expand, and respond to unprecedented events and crises. I feel it has done so successfully, always putting fairness and service to all New Zealanders at the heart of our work.

Ombudsmen have invested in developing an understanding of different communities and groups to ensure they remain relevant, empathetic and effective for all New Zealanders. I believe this office has successfully learnt from its experiences and continues to implement improvements to ensure all people in New Zealand are treated fairly.

I conclude with the Māori whakatauki (proverb) that continues to drive the work of the New Zealand Ombudsman:

He aha te mea nui o te Ao? He tangata, he tangata, he tangata.

What is the most important thing in the world? It is people, it is people, it is people.

Redressing Grievances to Promote Good Governance



Mr. Ejaz Ahmad Qureshi AOA President and Wafaqi Mohtasib (Ombudsman) of Pakistan

A. OMBUDSMANSHIP IN PAKISTAN

Established on 24 January, 1983 vide the President's Order No.1 of 1983, the Office of Wafaqi Mohtasib (Ombudsman) Pakistan has witnessed 41 momentous years of growth and progress. It was established with the explicit objectives to:

- diagnose, investigate, redress and rectify any injustice done to a person through maladministration.
- undertake any investigation into any allegation of maladministration on the part of any agency or any of its officers or employees.
- provide speedy and expeditious relief to citizens by redressing their grievances to promote good governance.
- may arrange for studies to be made or research to be conducted to ascertain the root causes of corrupt practices and injustices and recommend appropriate steps for their eradication.

The mandate of this institution flows from Article 37 (d) of the Principles of Policy as enshrined in chapter 2 of the Constitution of the Islamic Republic of Pakistan. This article specifically entrusts the State with the responsibility to ensure provision of inexpensive and expeditious justice to the people of Pakistan.

The ombudsmanship has taken firm roots in Pakistan. Following the success of the Wafaqi Mohtasib's institution, being the first one in the country, in providing free and expeditious administrative justice to the general public, the concept has been replicated in other essential areas impacting the lives of a common man. These includes Banking, Taxation, Insurance and Protection against Harassment of Women at the Workplace. Collectively, 14 Ombudsman institutions are working together in the country at the federal and provincial levels as part of the Forum of Pakistan Ombudsman (FPO) and contributing in improving service delivery of the government agencies in their respective areas of competence.

The Wafaqi Mohtasib (Ombudsman)'s institution has over the years perfected its complaint handling mechanism comprising registration, investigation, appraisal, review and implementation of its decision/Findings. It is now fully capable of (i) resolving complaints of maladministration in large number; (ii) reaching out to the complainants and holding open courts at remote places for redressal of grievances at their doorsteps; (iii) informal resolution of disputes; (iv) inspection of various federal government agencies to improve service delivery; and

(v) undertaking studies/research to ascertain the root causes of corrupt practices and recommending appropriate steps for their eradication. The means adopted to reach the goals referred to above are briefly discussed in the succeeding sections.

B. ENHANCING OUTREACH AND ACCESSIBILITY

This Office made a modest beginning in the year 1983. However, during its long journey of the last forty-one years, the institution has witnessed massive qualitative and quantitative growth in its strength and capacity. Apart from the Head Office at Islamabad, it had initially only four regional offices, one each in the provincial capitals, whereas today its regional offices are functioning in eighteen cities all over the country. Four Complaint Collection Centers have also been opened at the remote and far off places like Wana (South Waziristan) and Sadda (Kurram Agency), to facilitate the public. The increased geographical prevalence was complemented with a user-friendly website, a Mobile App and an introduction of cutting-edge IT tools to make the process of lodging of complaints more portable and citizen friendly.

C. FACILITATION THROUGH IT TOOLS

Greater use of IT tools has remarkably increased the institution's outreach. The online presence of the institution has also been strengthened through its website and launching of a mobile application to increase its accessibility to the people. The Complaint Management Information System (CMIS) makes the processing of complaints even more efficient and speedy and enables the Wafaqi Mohtasib (Ombudsman) and the administration to monitor the performance of Investigating/Appraising and Implementation Officers. It also helps in ensuring that complaints are disposed of within the stipulated period of 60 days. Another important feature added lately to the CMIS is the development of interface with 183 federal government agencies, whereby the complaints that are not resolved within 30 days at the agency level are automatically transferred to the interface of the Wafaqi Mohtasib Secretariat (WMS) for further processing and disposal within the statutory time limit of 60 days. A dedicated helpline 1055 is available to the general public for seeking update about their complaints.

In the year 2023, a total of 88,981 complaints were submitted online by the general public. Among these, 22,321 were registered through the Mobile App, and 48,190 through the website, marking a notable 21% and 47% increase respectively, from the previous year's online complaints.

D. UNPRECEDENTED RECEIPTS AND DISPOSAL OF COMPLAINTS

The Wafaqi Mohtasib Secretariat (WMS) has been experiencing rising trends in both receipts and disposal of public complaints. In 2023, it received a record-breaking number of 194,106 public complaints of maladministration, demonstrating a significant increase from the previous year's

164,173 complaints. Equally impressive was the disposal rate, with 193,030 complaints effectively addressed, compared to the previous year's 157,803. Barring a few cases that required additional information for a meaningful decision-making, all complaints were resolved within the statutory timeline of 60 days. The above-mentioned statistics testify to the meticulous handling and thorough scrutiny of the complaints as well as their satisfactory final disposal. During the first eleven months (Jan - November) of the current year alone, 206,586 complaints were received and 198,247 were disposed of.

E. ALIGNING WITH INTERNATIONAL INSTRUMENTS AND PRINCIPLES

The institution possesses some unique qualities and almost all essential characteristics as outlined in the internationally acclaimed instruments notably the Paris Principles (1993) and the Venice Principles (2019), which have been duly endorsed by the UN General Assembly. The Wafaqi Mohtasib (Ombudsman) enjoys the necessary constitutional cover and no Court or Authority has jurisdiction to question the validity of any action taken under President's Order No.1 of 1983 or grant an injunction or stay in relation to any pending proceedings before the Ombudsman. He has the authority to stay operation of the impugned order or decision for a period not exceeding 60 days. An Ombudsman holds Office for a non-renewable term of four years. He is required to submit an Annual Report to the President relating to his functions. Such reports are also required to be released for publication. All executive authorities throughout Pakistan act in aid of the Federal Ombudsman. The Ombudsman's Office enjoys administrative and financial autonomy as prescribed by the federal government and exercises its powers independently of the executive. The Federal Ombudsman's institution meets all the given standards and the stipulations of the relevant international instruments.

F. RESOLVING PUBLIC COMPLAINTS THROUGH OCR AND KHULI KATCHERIES (OPEN COURTS)

The Outreach Complaint Resolution (OCR) Project, initiated nearly eight years ago in January 2016, has been greatly instrumental in facilitating the resolution of public complaints at the grassroots level. Investigating Officers from the Ombudsman's Office conduct visits to various tehsils/district headquarters to address complaints closer to the complainants' doorsteps. A total number of 6,623 cases have been resolved under this system in the last two years. Furthermore, the OCR visits by Investigating Officers served a dual purpose of reaching out to the complainants as well as fostering increased engagement with the media. During these occasions, Investigating Officers also organized Khuli Katcheries (Open Courts), providing an additional platform for open and transparent communication. So far 105 Khuli Katcharies have been held across the country in 2024. This multi-faceted approach not only expedites complaint resolution but also contributes to a more informed and empowered citizenry.

G. QUALITY CONTROL THROUGH APPRAISAL OF FINDINGS

In maintaining the quality and soundness of its decisions, a meticulous quality control system is in place through appraisal of Findings. A team of highly experienced retired civil servants, judges and seasoned professionals with extensive public service background serve as Appraisers. They thoroughly scrutinize all Findings before submission of the same for final approval by the Federal Ombudsman. For Findings related to complicated issues, different Advisors conduct a re-vetting process to ensure uniformity, soundness, and correctness from all perspectives in the recommendations, decisions, and orders. The efficacy of the Appraisal Team is evident from the fact that reviews filed with the Federal Ombudsman or representations made by aggrieved parties before the President are less than 1% of cases. Noteworthy is the fact that the Hon'ble President upheld the decisions of the Federal Ombudsman in 1012 out of 1084 cases, highlighting the consistency and trustworthiness of the appraisal process.

H. IMPLEMENTATION OF FINDINGS

Ensuring the implementation of decisions, orders, recommendations, and Findings remains the primary focus for the Wafaqi Mohtasib (Federal Ombudsman) Secretariat to uphold public trust in the institution's effectiveness. The Implementation Wing, led by an Advisor and supported by a team of experienced officers, actively monitors the implementation of all Findings. Recommendations are provided to the concerned agencies, and compliance is diligently pursued through the dedicated interface in the CMIS of the Ombudsman's Secretariat. Implementation Officers conduct regular hearings to ensure the timely execution of Findings. The Federal Ombudsman personally chairs periodic meetings of the Implementation Wing at the Head Office and visits Regional Offices, reviewing the performance of Implementation Officers and upholding the commitment to effective implementation. A system of strict monitoring, follow up and implementation of each and every decision has culminated in achieving an impressive implementation rate of 85.4% in the year 2023.

I. LOW PERCENTAGE OF REVIEW PETITIONS AND REPRESENTATIONS

The governing statutes of the Federal Ombudsman's Office allow for the review of any Findings, recommendations, order, or decision by an aggrieved party within 30 days, to be decided by the Federal Ombudsman within 45 days. The purpose of the review is limited to rectifying apparent errors or resulting injustices from the Mohtasib's decision. The consistent trend over the years reveals that the number of review petitions filed by aggrieved parties remains below 1% of the total complaints. In the year 2023, a total of 1226 review petitions were filed, out of them 496 by the agencies and 730 by the complainants. Of these, 1291 (including the backlog) were decided, with the remaining at various stages of processing. Encouragingly, the total number of review petitions filed constituted only 0.64% of the overall complaints decided in 2023, reflecting the soundness of the Mohtasib's decisions. The consistently low percentage of representations to the President underscores the accuracy and trustworthiness of the Federal Ombudsman's Findings.

J. INITIATING ACTION ON HIS OWN MOTION

The Federal Ombudsman, according to Article 9 of the President Order No.1 of 1983 is empowered to initiate action on his own motion and undertake any investigation into any allegation of maladministration on the part of any agency or any of its officers or employees. Exercising these powers, the Federal Ombudsman initiated actions on various issues including non-availability of Anti-Rabies Vaccine in government hospitals, late delivery of Passports to the citizens, Anti-Dengue spray in the city and alike. These interventions proved to be very useful and brought about considerable improvement in the state of affairs.

K. INSPECTION VISITS

Article 17 of the President's Order No.1 of 1983 provides for such visits in order to bring about further improvement in service delivery of various organizations. Pursuant to the above provision, the Wafaqi Mohtasib (Ombudsman)'s inspection teams carry out inspections of the agencies against whom frequent complaints are received, to identify problems and suggest remedial measures. In this regard, the Federal Ombudsman Secretariat has developed detailed SOPs for undertaking inspection visits of the agencies. These visits have proved to be an effective measure to reach out to the general public and to improve service delivery of these organizations. During the current year, 79 such visits were under taken at the Head Office and the Regional Offices. It is worth mentioning that such inspections have resulted in marked improvement in the service delivery of various organizations, thereby, contributing to the protection and promotion of the citizen's rights.

L. STUDIES/RESEARCH

The mandate of this institution is not limited to redressal of grievances alone but also provides for ascertaining the root causes of corrupt practices and injustice by arranging studies/research and recommending appropriate steps for their eradication. Thirty (30) studies have been conducted so far on systemic issues including National Savings, Women and Children in Prisons, Environmental Protection and alike.

Findings/Decisions of the Federal Ombudsman's Office invariably contain recommendations and practical solutions to the issues without impinging upon the operational and policy making domains of the agencies.

M. PRISON REFORMS

The Apex Court of the country entrusted the Office of the Federal Ombudsman back in 2018 to carry out a study of the country's Criminal Justice System and to suggest reforms with a view to providing a better deal to the prisoners particularly the women and children in the jails. In pursuance of the directions given by the Hon'ble Court, a Committee was constituted which

painstakingly visited 06 prisons in the country and suggested a number of measures to improve the lot of prisoners. These steps included online meetings through zoom facility for the prisoners and their families, provision of better facilities for their health and hygiene besides tangible steps for their educational and skill development. It may also be mentioned that 18 reports have already been submitted to the Supreme Court of Pakistan giving details of the status of implementation of these reforms.

N. PENSION REFORMS

Delay in processing of pension cases and late payment of the pensionary dues to the retiring government officers and officials has been a persistent complaint in the country. Taking cognizance of the growing number of such complaints, the Federal Ombudsman constituted a Committee to comprehensively conduct a study of the Federal Government pension system and to suggest reforms in order to make it more efficient, effective and transparent. Based on the recommendations of the Committee, a number of measures have been taken to streamline the system of pension of the Federal Government employees. These included establishment of pension cells in all federal government departments, appointment of focal persons in all federal government departments to deal with such cases and initiation of pension cases of the retiring officers/officials 15 months prior to their retirement. These measures helped a great deal in improving the situation with regard to payment of pension.

O. INFORMAL RESOLUTION OF DISPUTES (IRD)

Under Article 33 of the President's Order No.1 of 1983, the Federal Ombudsman and his staff are authorized to informally conciliate, amicably resolve, stipulate, or settle grievances without the need for a written memorandum or the formal docketing of complaints or official notices. Accordingly, a project was launched in April 2022, which has proven to be highly successful, resulting in the resolution of 9,369 cases during the last two years. The resolved cases encompass a wide array of matters, including pension disbursement to widows, settlement of service dues, payments to contractors and labourers, addressing grievances of students against their schools/universities, and encashment of cheques for private individuals from their bank accounts and alike. It draws its strength from the Alternative Dispute Resolution (ADR), which has existed and evolved alongwith the formal judicial system in most parts of the world. It lays emphasis on resolution of the disputes of the citizens through mediation and conciliation without the necessity of following the rigorous official procedures. Hence it constitutes a win-win situation for all.

P. FACILITATING OVERSEAS PAKISTANIS

Presently, there are more than 10 million Overseas Pakistanis and they constitute the 6th largest diaspora in the world. They contribute substantially towards the country's foreign exchange

earnings. However, they also face a variety of issues and problems, particularly during their visits to the country and also during their stay abroad. With a view to providing expeditious resolution of their respective grievances, the Federal Ombudsman appointed a full-fledged Grievance Commissioner for Overseas Pakistanis in 2015 under Section 7 of the Federal Ombudsmen Institutional Reforms Act 2013. All Overseas Pakistanis can lodge their complaints with the Grievance Commissioner against mal-administration of the Federal Government ministries, departments, organizations/agencies through e-mail, WhatsApp, on line or also by post. It may be informed that the complaints received in the office of Grievance Commissioner are handled promptly on daily basis and taken up with the relevant agencies for report/redressal within 15 days. Meanwhile, the complainants are also kept informed about the progress of their respective cases. The systemic issues and general problems are also taken up with the relevant agencies by the Grievance Commissioner. Additionally, One Window Facilitation Desks (OWFDs) have also been established at 08 international airports of the country to facilitate the Overseas Pakistanis. The Embassies abroad have been asked to remain in touch with the Pakistani diaspora in their respective countries. In 2024, the Grievance Commissioner addressed 107,080 complaints in total, out of which 81,099 complainants were facilitated at OWFDs, 25,288 complaints were received by Pakistan Mission abroad and 1483 complaints were received in the Grievance Commissioner's Office.

Q. PROMOTION AND PROTECTION OF CHILD RIGHTS

The Office of National Commission for Children was set up in 2009, which is working as Grievance Commissioner for Children by undertaking steps to raise the profile of child rights and devise a mechanism for redressal of their complaints. This Office provides the children with a forum to raise their voice in matters relating to them. In the current year, 504 complaints were received in this Office. A dedicated help line 1056 is available for the purpose. The Office has to its credit various initiatives like the Zainab Alert Response and Recovery Act 2020 and a bill on the Prevention and Control of Cybercrimes Against Children/Criminal Law Amendment Act. Various studies on child issues were undertaken which include a recent study on the plight of street children in the ICT area. Action is in-hand on some of its recommendations while beginning has been made with the enrolment of 18,000 street children by the Federal Directorate of Education and establishment of six technical labs for them by the National Vocational Training Authority.

R. OBJECTIVE/ASSESSMENT OF THE WORKING OF THE INSTITUTION

The Wafaqi Mohtasib's Office periodically undertakes evaluation of the institution's performance to determine what more is required to maintain the trust and confidence of the general public. Lately, an in-house study titled "Objective Assessment of the Working of Wafaqi Mohtasib" was conducted. Feedback from 200,000 complaints, 12000 general public members, 777 employees and 550 agencies representatives were taken. Key findings indicate the following:

- 81% of the general public is aware of Mohtasib's services.
- 96% of complainants are satisfied with the ease of the complaint process.
- 67% of the complaints expressed satisfaction with the services provided by Mohtasib.

S. RAISING PUBLIC AWARENESS

The public awareness is an essential feature for any successful ombuds system. The ultimate goals of ombudsmanship i.e. good governance, the rule of law and the protection of fundamental rights cannot be achieved if masses are not aware of their rights and obligations. Likewise, knowledge about the availability of an institution for quick and inexpensive redressal of their grievances against maladministration and administrative excesses by the governmental agencies is of critical importance. The Wafaqi Mohtasib institution has an elaborate strategy for building public awareness by using all necessary tools in the media kit. During the first eleven months of the current year, 334 Articles have appeared in the newspapers, 134 radio programmes were aired and about 1196 short T.V clips were prepared along with cumulative press clippings which stood at 7,787.

T. STRENGTHENING INTERNATIONAL LINKAGES

Pakistan has also played a pivotal role in promoting ombudsmanship in Asia and the Muslim world. Encouraged by its experience and interaction with International Ombudsman Institute (IOI) in different capacities, Pakistan hosted the first Asian Ombudsman Conference at Islamabad establishing the Asian Ombudsman Association (AOA) in April 1996. The Asian Ombudsman Association is a major non-political, independent, democratic and professional body of international character representing more than two thirds of the world population. Wafaqi Mohtasib is the current President of the AOA and its Secretariat is housed in the Wafaqi Mohtasib Secretariat. The ombudsman fraternity witnessed another important development when Pakistan took the initiative of promoting ombudsmanship in the Muslim World from the platform of the Organization of Islamic Cooperation (OIC). The OIC Ombudsman Association (OICOA) was formed in 2014. It is headed by the Chief Ombudsman of Turkiye while the Federal Tax Ombudsman of Pakistan is the Secretary General of the Association.

The UN Resolution 77/224 of December, 2022 which sets out an elaborate agenda for advancing ombudsmanship through working together at bilateral, regional and global levels. It is encouraging to note that the above-mentioned Resolution recognizes the Asian Ombudsman Association (AOA), which Pakistan currently heads, amongst the active regional Ombudsman bodies.

U. PROMOTING GOOD GOVERNANCE AND THE RULE OF LAW

The Federal Ombudsmen Institutional Reforms Act, 2013 sets out that the redressal of public grievances is the means to an end, i.e. to promote good governance. The Federal Ombudsman Office in Pakistan possesses all essential characteristics of an ombudsman institution. The Office was legally established, is functionally autonomous and external to the administration. It is non-partisan, operationally independent of both the legislature and the executive. It is freely accessible and visible, client oriented but not anti-administration. The Ombudsman institution enjoys full support of the citizenry and the government in Pakistan. It is playing due role in dispensation of quick administrative justice, thereby, acting in support of the superior judiciary. The Office of Wafaqi Mohtasib (Ombudsman), therefore, is not merely a Complaint Resolution Office but serves as an architect of good governance.

Major Achievements in Ombudsman Works: Success Stories from the Public Protector South Africa



Adv. Kholeka Gcaleka
IOI Regional President (Africa) and Public Protector South Africa

1. BRIEF INTRODUCTION OF THE PUBLIC PROTECTOR SOUTH AFRICA

The Public Protector South Africa is part of a global family of what is traditionally referred to as "Public Service Ombudsmen". Chapter 9 of the South African Constitution of 1996 provided for the establishment of the Public Protector as one of the institutions that strengthens the constitutional democracy of the Republic and came into existence in October 1995.

In terms of Section 182(1) of the South African Constitution of 1996, the Public Protector is vested with the powers to investigate the conduct of government, government departments, government agencies, government officials and bodies performing public functions that is alleged or suspected to be improper or to result in any impropriety or prejudice; to report on that conduct; and to take appropriate remedial. The Public Protector may not investigate decisions of a Court of Law and must be accessible to all persons and communities.

In addition to conducting investigations and resolving complaints in terms of the Public Protector Act, the Public Protector's responsibility also includes enforcing the Executive Members Ethics Act and playing a role in the enforcing of the anti-corruption legislation and a few other laws that regulate the conduct of public authorities.

The Public Protector is a sentinel guarding against the abuse of power and supporting the public's interest, mandated to investigate improper conduct in state affairs. Community engagement is essential for reinforcing South Africa's constitutional democracy, with the Public Protector's office being a key component.

The Public Protector acts as a guardian against power abuse and supports public interests. Beyond oversight, it provides an accessible avenue for citizens to voice concerns about public services, promoting transparency and responsiveness.

As a horizontal accountability institution, the Public Protector allows citizens to articulate grievances with the expectation of resolution by an apolitical entity, promoting administrative fairness and good governance. The office intervenes between bureaucracy and citizens, particularly in cases of perceived maladministration, ensuring every citizen's voice is heard, a role the legislature often cannot fulfill.

The Public Protector primarily serves the citizens, focusing on their engagement with public administration at national, provincial, and local levels.

The societal challenges at these levels, such as service delivery failures, inequalities in infrastructure access, and delays in providing basic services like water, health, and education, directly affect the Public Protector's operational environment. These issues are exacerbated by perceptions of high maladministration and corruption, especially in public procurement.

Consequently, the Public Protector's mandate includes responding to conduct failures in state affairs and protecting witnesses and whistleblowers.

2. IMPORTANCE OF PUBLIC OVERSIGHT IN PROMOTING ACCOUNTABILITY AND TRANSPARENCY IN GOVERNANCE AND PURSUING SUSTAINABLE DEVELOPMENTAL GOALS

Public oversight is crucial for enhancing accountability and transparency in governance, which are essential for achieving sustainable development goals (SDGs). This process involves monitoring and evaluating government actions to ensure that they align with public interests and uphold ethical standards. By doing so, public oversight helps prevent corruption and mismanagement, fostering trust between citizens and government institutions. This transparency is vital for informed citizen participation and helps to hold officials responsible. It also ensures that resources are allocated efficiently and equitably, supporting the effective implementation of SDGs.

Public oversight not only enhances the credibility of governance systems but also encourages civic engagement. By promoting an inclusive environment where citizens can contribute to decision-making, public oversight supports the alignment of policies with the needs of diverse communities, ultimately advancing sustainable development goals.

Globally, public oversight mechanisms such as audits, reviews, and evaluations play a crucial role in enhancing accountability by holding government officials and institutions responsible for their actions. This ensures that public resources are utilised effectively and ethically, promoting responsible governance. Oversight fosters transparency by making government processes and decisions open to scrutiny, thereby building trust between the government and its citizens. It prevents corruption by deterring corrupt practices, as officials are less likely to engage in such activities when they know they are being monitored.

Additionally, oversight improves policy implementation by identifying inefficiencies or failures, enabling timely interventions and improvements to ensure policies achieve their intended outcomes. It empowers citizens by involving civil society in oversight processes, allowing them to participate in governance and leading to more responsive and inclusive policies. Furthermore, oversight facilitates legislative reforms by highlighting areas where existing laws and regulations are inadequate, thus paving the way for strengthened governance frameworks.

In the context of South Africa, public oversight plays a vital role in addressing historical inequalities and ensuring that governance structures are equitable and effective.

3. GLOBAL BEST PRACTICES IN PUBLIC OVERSIGHT

3.1 Overview of International Approaches:

Effective public oversight practices globally include several key strategies. Transparency and Open Data involve making data freely available to ensure transparency and public participation. Citizen Engagement and Participation are achieved through methods such as public consultations, participatory budgeting, and community forums, allowing citizens to be actively involved in decision-making processes. Whistleblower Protections are crucial as they establish strong legal frameworks to protect individuals reporting misconduct or corruption, thus encouraging more disclosures.

Independent Oversight Bodies like ombudsman offices and Public Protectors or anti- corruption commissions are formed to monitor government actions and hold officials accountable. Regular Audits and Reports ensure accountability by requiring frequent audits and regular reporting of public institutions. Access to Information Laws guarantee public rights to government information, enhancing transparency and accountability.

Collaborative Governance fosters partnerships among government, civil society, and the private sector to address oversight issues collectively. Finally, Capacity Building and Education are essential, providing training and resources to citizens and public officials to improve their understanding and implementation of oversight practices. These strategies collectively enhance governance by promoting transparency, accountability, and public involvement.

The role of independent press and media is crucial in public oversight. These institutions serve as watchdogs, holding governments and other powerful entities accountable by providing transparency and information to the public. They investigate and report on issues affecting society, often uncovering corruption, inefficiencies, and injustices that might otherwise go unnoticed.

By informing citizens, the media empowers them to make informed decisions and engage effectively in civic activities. The press also acts as a platform for diverse voices and opinions, contributing to a more robust and participatory democratic process.

Overall, a free and independent press is a cornerstone of effective public oversight, supporting accountability, transparency, and democratic governance. It contributes significantly to public oversight by investigating and reporting on issues that may otherwise remain hidden, informing the public, and fostering informed civic engagement.

Challenges faced by the independent press include censorship, legal and financial pressures, threats to journalists' safety, and the spread of disinformation. These challenges can undermine the press's ability to function effectively and compromise public oversight.

To safeguard and promote media freedom as part of effective governance and public oversight, several strategies can be implemented. Legal protections involve establishing and enforcing laws that ensure freedom of expression and the press, while preventing the misuse of defamation laws that could hinder journalism. Financial support includes providing financial mechanisms or incentives to assist independent media outlets, particularly in economically challenged regions.

Safety measures entail creating protocols and support systems to boost the safety and security of journalists, including rapid response mechanisms for addressing threats or attacks. Combating disinformation involves promoting media literacy to help the public discern credible journalism from disinformation, along with backing fact-checking initiatives. International collaboration is crucial for upholding media freedom standards and creating platforms for press freedom advocacy. By integrating these measures, discussions at the forum can explore ways to reinforce the independent press as a fundamental pillar of civil society and a critical component of public oversight.

3.2 South Africa is part of several international collaborations and networks, including:

BRICS: A group of emerging economies consisting of Brazil, Russia, India, China, and South Africa, focusing on economic cooperation and development.

African Union (AU): A continental union consisting of 55 African countries, aimed at promoting unity and cooperation among African states.

Southern African Development Community (SADC): A regional organization aimed at fostering economic cooperation and integration among Southern African countries.

United Nations (UN): South Africa is a member state of the UN and participates in various UN bodies and programs.

World Trade Organization (WTO): South Africa is a member of the WTO, engaging in global trade negotiations and agreements.

Commonwealth of Nations: An organization of countries, most of which are former territories of the British Empire, working together on various initiatives related to governance, economic development, and cultural exchange.

G20: An international forum for governments and central bank governors from 19 countries and the European Union, focusing on global economic issues.

Non-Aligned Movement (NAM): A group of states that are not formally aligned with or against any major power bloc, promoting mutual interests and cooperation.

These collaborations enable South Africa to engage in international diplomacy, trade, and development initiatives.

3.3 Case Studies:

Allow me to share a few specific examples from South Africa where public oversight has led to significant positive outcomes. reflecting the country's commitment to accountability and transparency:

a) State Capture Inquiry (Zondo Commission): This was a major public inquiry into allegations of state capture, corruption, and fraud in the public sector, including organs of state, during the presidency of Jacob Zuma. The commission's findings have led to increased public awareness, legal reforms, and several high-profile arrests and prosecutions.

- b) Public Protector's Report on Nkandla: The Public Protector's investigation into the misuse of state funds for upgrades to former President Jacob Zuma's private residence in Nkandla led to a significant ruling by the Constitutional Court. The court held that the Public Protector's findings were binding, leading to strengthening the role of the Public Protector and former Pres Zuma reimbursing the state.
- c) Auditor-General's Enhanced Powers: The amendments to the Public Audit Act have empowered the Auditor-General of South Africa to take remedial actions and recover losses in cases of financial misconduct. This has improved accountability in public finances by enabling decisive action against irregularities.
- d) Corruption Watch Initiatives: The NGO Corruption Watch has played a vital role in raising public awareness and reporting corruption. Their efforts have led to increased transparency and accountability in both government and corporate sectors, encouraging citizen engagement in oversight processes.
- e) Media Investigations: Investigative journalism in South Africa has been instrumental in exposing corruption and maladministration. Notable examples include the Guptaleaks, which revealed extensive corruption involving the Gupta family and state officials, leading to public outcry and policy changes.

3.4 Lessons learnt

Several lessons can be drawn that have broader global applicability, particularly in the realm of public oversight and civil society engagement. By exploring these lessons, countries can enhance their public oversight mechanisms, fostering environments of greater accountability and transparency that contribute to more democratic and responsive governance.

Importance of Public Oversight: The emphasis on public oversight as a mechanism to promote accountability, transparency, and responsible governance is a key lesson. Globally, this underscores the need for robust frameworks that enable citizens to hold governments and institutions accountable.

Global Best Practices: Our hosts have already touched on best practices such as transparency initiatives, citizen engagement, whistleblower protections, and the role of independent media. These elements can be adapted and implemented in different countries to strengthen their public oversight mechanisms.

International Collaboration: South Africa's involvement in international collaborations like BRICS and the African Union is a testament to the value of cross-border cooperation. Other countries can learn from this by engaging in international partnerships to share knowledge, resources, and strategies for enhancing governance.

Legislative Optimisation: The proposal to discuss optimizing legislation for better oversight effectiveness is pertinent globally. Countries can benefit from reviewing and updating their legal frameworks to ensure they support effective oversight and accountability.

Case Studies and Knowledge Sharing: Sharing case studies from different countries, as suggested for South Africa, allows for the exchange of experiences and solutions. This can inspire innovative approaches and adapt successful strategies to different contexts.

Flexibility in Participation: Offering options for online participation in forums and discussions is a valuable lesson in inclusivity and accessibility. This approach can be applied globally to ensure wider participation and engagement, regardless of geographical constraints.

Strengthening Civil Society Institutions: The hope for strengthened cooperation between civil society institutions highlights the importance of building strong, independent organizations that can advocate for public interests. Globally, this calls for support and empowerment of civil society actors.

4. STRATEGIES FOR IMPROVING EFFECTIVENESS

4.1 Capacity Building and Training

Enhancing the skills and knowledge of oversight bodies is crucial for promoting accountability, transparency, and responsible governance. Here are several initiatives that can be implemented:

- a) Training and Development Programs: Establishing comprehensive training programs tailored to the specific needs of oversight bodies can enhance their capabilities. These programs can cover topics such as investigative techniques, legal frameworks, ethical standards, and the use of technology in oversight.
- b) Workshops and Seminars: Organizing workshops and seminars focused on best practices in oversight allows for the exchange of ideas and experiences. These events can feature experts from various fields, providing insights into successful oversight strategies and the latest developments.
- c) Online Learning Platforms: Utilizing online platforms to provide courses and resources can make training more accessible. These platforms can offer modules on relevant topics, enabling continuous learning and skill development.
- d) Mentorship Programs: Pairing less experienced members of oversight bodies with seasoned mentors can provide guidance and support. Mentors can share their knowledge and experience, helping to develop the skills of their mentees.
- e) Technological Integration: Leveraging technology, such as data analytics and digital surveillance tools, can improve the efficiency and effectiveness of oversight activities. Training oversight bodies to use these technologies can be instrumental in enhancing their capabilities.

4.2 International collaboration and exchanges

Engaging in international collaborations, such as those facilitated by organizations like BRICS or the African Union, can offer oversight bodies access to a broader range of experiences and practices. Exchange programs can enable members to observe and learn from the approaches used in different countries.

4.3 Research and case studies

Encouraging oversight bodies to conduct research and analyse case studies can foster a deeper understanding of effective oversight practices. Sharing findings with other institutions can contribute to broader knowledge dissemination.

4.4 Public Engagement and Feedback Mechanisms

Involving the public in oversight processes through open forums, surveys, and feedback mechanisms can provide valuable insights and help oversight bodies understand public concerns. This engagement can also enhance transparency and accountability.

Civil society plays a crucial role in enhancing oversight effectiveness by promoting accountability, transparency, and responsible governance. Here are some key ways in which civil society contributes to this process:

- a) Advocacy and Awareness: Civil society organizations (CSOs) raise awareness about governance issues and advocate for reforms. By educating the public and policymakers about the importance of oversight, they can drive demand for more transparent and accountable governance.
- b) Citizen Engagement: CSOs facilitate citizen participation in governance processes. By organizing forums, workshops, and public consultations, they ensure that citizens have a voice in decision-making and can hold authorities accountable.
- c) Monitoring and Reporting: Civil society groups often monitor government activities and report on their findings. This can include tracking public spending, assessing policy implementation, and identifying corruption or inefficiencies.
- d) Whistleblower Protection: Many CSOs support whistleblowers who expose misconduct or corruption. By providing legal and practical support, they help ensure that whistleblowers can safely reveal information without fear of retaliation.
- e) Independent Media: Civil society supports independent media outlets that investigate and report on issues of public interest. A free and independent press is vital for uncovering corruption and holding those in power accountable.
- f) Policy Development: CSOs often contribute to the development of policies and legislation. By providing expertise and evidence-based recommendations, they help create frameworks that enhance oversight and accountability.
- g) International Collaboration: Civil society engages in international networks and collaborations, sharing best practices and learning from global experiences. This cross-border cooperation can lead to the adoption of successful oversight strategies from other contexts.

5. OPTIMISATION OF LEGISLATION GOVERNING PUBLIC OVERSIGHT

5.1 Current South African Legislative Framework

South Africa's legal framework for public oversight is robust and is designed to ensure accountability, transparency, and responsible governance. Key components include:

5.2 The Constitution of South Africa (1996)

It establishes the foundation for public oversight, emphasizing principles of accountability and transparency. Chapter 9 of the Constitution creates independent institutions, such as the Public Protector, to support constitutional democracy.

The South African Parliament's oversight function is also rooted in constitutional provisions that mandate accountability and transparency within the government.

Section 55(2) of the constitution requires the National Assembly to establish mechanisms to ensure that all executive organs of state are accountable and to oversee national executive authority. Section 56 grants the National Assembly or its committees the power to summon individuals, demand reports, and enforce compliance with summons or requirements. Section 92(2) holds Cabinet members collectively and individually accountable to Parliament for their powers and functions, while Section 92(3) mandates regular reporting to Parliament by the Cabinet on matters under their control.

Parliament and Provincial Legislature are required by the constitution to "scrutinise and oversee executive action": the key function of the system of separation of powers built into our democracy. The importance of parliamentary oversight cannot be overstated.

As public officers, MPs and MPLs have a fiduciary relationship with the citizens on whose behalf they act and they are entrusted with responsibility to protect and uphold the common interests of the citizens. In other words, they must put the public interest above all others in ensuring that the government operates within the bounds of the constitution and adheres to ethical standards.

5.3 The Public Protector

It is well established that the rule of law is one of the critical pillars of the South African Constitution. Good governance is also a subtext of our foundational values that include public accountability, transparency and integrity. The pillars of public accountability include institutions established under Chapter 9 of the Constitution. One of these is my office, the Public Protector, established with other Constitutional Institutions Supporting Democracy (ISDs) to oversee the government's adherence to the law, further cementing the country's commitment to upholding the rule of law and protecting citizens' rights and freedoms.

The Public Protector and other ISD's were created to strengthen democracy and accountability. In this regard the Constitutional Court has clarified our mandate in no uncertain terms:

"Our constitutional democracy can only be truly strengthened when: there is zero- tolerance for the culture of impunity; the prospects of good governance are duly enhanced by enforced accountability; the observance of the rule of law; and respect for every aspect of our Constitution as the supreme law of the Republic are real."

The Chapter 9 Institutions such as the Public Protector were established as credible and visibly independent institutions, to

- a) play an active role in giving effect to the principles on which the Constitution is built and the principles that the Constitution establishes to guide the operation of state institutions; and
- b) contribute to the transformation of South Africa into a country in which freedom, dignity and equality prevail.

The basic tenets of democracy and the role of Chapter 9 Institutions are intended to address the increasing trust deficit between government and people and unmet expectations likely to contribute to sections of society increasingly opting-out of mechanisms that underpin democracy, from talking to ward councilors and MPLs, complaining to and engaging ISDs or seeking change through the political (electoral) processes.

The relationship between the Public Protector and Parliament is pivotal for the functioning of democracy at all levels of government. The Public Protector has the authority to investigate conduct in any sphere of government, which includes the provincial level, as alleged or suspected improper conduct can occur within provincial administrations. Parliament on the other hand, has Constitutional the obligation by virtue of the provisions of section 181(3) as well Section 42(3) and section 55(2) of the Constitution read with section 8(2)(b)(iii) of the Public Protector Act to ensure that the Public Protector's findings are taken seriously and that remedial actions are implemented.

5.4 Promotion of Access to Information Act (PAIA) (2000)

This act allows citizens to access information held by the state, promoting transparency and enabling public oversight.

5.5 Promotion of Administrative Justice Act (PAJA) (2000)

It ensures that administrative actions are lawful, reasonable, and procedurally fair, providing individuals with the right to request reasons for administrative actions and to seek redress.

5.6 Protected Disclosures Act (2000)

Commonly known as the "Whistleblower Act," it provides protections for employees who disclose information about unlawful or irregular conduct in the workplace.

5.7 Auditor-General of South Africa

This independent body audits and reports on the accounts, financial statements, and financial management of all government departments and entities, ensuring financial accountability.

5.8 Media and civil society

Independent media and active civil society organizations play a vital role in public oversight by holding the government accountable and informing citizens.

6. POTENTIAL INTERNATIONAL FOCUS AREAS FOR THE OPTIMISATION OF LEGISLATION GOVERNING PUBLIC OVERSIGHT

These challenges suggest areas where legislative reforms could be considered to strengthen public oversight mechanisms and enhance governance.

Insufficient Legal Frameworks: There may be gaps in the legislation that do not adequately define the powers and responsibilities of oversight bodies like the Public Protector. This can hinder their ability to effectively investigate and address misconduct.

Lack of Enforcement Mechanisms: Even when oversight bodies identify issues, there may be insufficient mechanisms to enforce recommendations or sanctions, leading to a lack of accountability.

Limited Resources and Funding: Oversight bodies often face challenges related to inadequate funding and resources, which can limit their capacity to perform comprehensive investigations and audits.

Access to Information: Legislation may not sufficiently ensure that oversight bodies have access to necessary information, which can impede their investigations and ability to hold parties accountable.

Independence and Political Pressure: Ensuring the independence of oversight bodies can be challenging, especially if there are legislative gaps that allow for political influence or pressure.

Public Engagement and Awareness: There may be insufficient provisions for engaging the public in oversight processes, which limits citizen participation and transparency.

Protection for Whistleblowers: Weak legal protections for whistleblowers can discourage individuals from reporting misconduct, thus limiting the effectiveness of oversight bodies.

Coordination among agencies: Lack of clear frameworks for coordination between different oversight agencies can lead to overlap, inefficiencies, or gaps in addressing issues.

7. STRENGTHENING LEGAL STRUCTURES

To strengthen legal structures, several potential reforms could be considered:

7.1 Enhancing transparency and accountability:

Consider the implementation of comprehensive transparency laws that require public officials to disclose assets and potential conflicts of interest. Establish independent bodies to audit government actions and expenditures regularly.

7.2 Strengthening public oversight mechanisms

Develop robust public oversight frameworks that include citizen engagement, participatory governance, and open data initiatives. Encourage the use of technology to facilitate public access to information and streamline the reporting of misconduct.

7.3 Judicial reforms

Ensure the independence of the judiciary by safeguarding it from political interference and providing adequate resources and training to judges and court staff. Implement measures to reduce case backlogs and improve the efficiency of the legal system.

7.4 Protecting whistleblowers and independent media

Enact strong whistleblower protection laws to safeguard individuals who report corruption and misconduct. Promote freedom of the press by ensuring that independent media outlets can operate without undue influence or intimidation.

7.5 Strengthening anti-corruption agencies

Empower anti-corruption agencies with the authority and resources necessary to investigate and prosecute corruption cases effectively. Encourage international cooperation to tackle cross-border corruption and money laundering.

8. PROMOTING THE ROLE OF THE OMBUDSMAN, MEDIATOR, AND OTHER NATIONAL HUMAN RIGHTS INSTITUTIONS

The value and importance of the Ombudsman as a democratic institution have been accorded significant recognition by the UN to promote and safeguard democratic governance and human rights around the world. The UN Resolution on the role and mandate of Ombudsman and mediator institutions in the promotion and protection of human rights, good administration and the rule of law (A/RES/72/186) was adopted by consensus on November 19, 2020. This important resolution secures worldwide recognition for the Ombudsman Institution and establishes the Venice Principles as the global standard.

The resolution reaffirms the commitment to the principles of the Charter of the United Nations and the Universal Declaration of Human Rights, recognizing the significant role these institutions play in supporting complaint resolution, promoting good governance, and ensuring respect for justice and equality.

Together, the Venice Principles and the UN Resolution A/RES/72/186 establish a robust international framework for ombudsman institutions to operate effectively and independently, contributing to the global effort to uphold human rights and the rule of law, especially in developing countries seeking to enhance governance through effective oversight.

solve together» and social networks. These are the sources from which citizens' appeals come and have a significant influence on the formation of the system for the protection of human rights in the Republic of Tatarstan. Only through the SIS information system of «Public Control» in Tatarstan for 10 years received 565,533 reports from citizens, 90% of whom received a positive decision, and in 11 years the number of notifications has grown by 25 times.

The most convenient and accessible way to disseminate information in the modern world are social networks. The Commissioner for Human Rights in the Republic of Tatarstan actively maintains pages on social networks:

«VKontakte»: https://vk.com/sariyasaburskaya, https://vk.com/club193048141;

«Classmates»: https://ok.ru/u.popravamchelovekavrt, https://ok.ru/group/60702086135920,

as well as his channel Telegram: https:/t.me/tat ombudsman.

Only on the platforms of three social networks, as well as on the official website of the Commissioner for human rights in the Republic of Tatarstan has published more than 300 posts.

Since 2014, the Republic of Tatarstan has implemented a very important document - the Strategy for Human Rights in the Republic of Tatarstan.

The Strategy is a unique legal document that defines the main areas of activity of state and local authorities, public organizations in the field of human rights. For many years this document hadn't analogues in the Russian Federation. It is implemented by both federal and republican executive authorities, local self-government bodies, the Chamber of Lawyers, the Spiritual Office of Muslims, the House of Friendship of the Peoples of Tatarstan, socially oriented non-profit organizations and others. This document brought together all authorities, directing their efforts to the protection of citizens' rights, which includes joint receptions, holding «hotlines», legal education events, round tables, conferences and various other activities, and of course, the processing of citizens' petitions.

Strategy on human rights in the Republic of Tatarstan for 2022 - 2028 is a new stage in the development of human and citizen rights protection. Only the union of efforts of all state, public, non-profit and human rights organizations provides an opportunity to further develop the democratization of our society.

The Office of the Ombudsman has developed and implemented a programme for the rehabilitation of prisoners suffering from drug dependence and psychoactive substances in Tatarstan, in cooperation with the FPS of the Russian Federation in the Republic of Tatarstan. This programme for the rehabilitation based on Prison-19 and Prison-2. During the entire period of work, in order to form a desire among convicted

Prison-2 and Prison-19, outside rehabilitation units, to undergo a course of rehabilitation, more than 2400 motivated-information consultation.

During the implementation of the program, more than 3 648 small psychotherapeutic groups, 1 243 lectures, 458 trainings and 6 840 individual consultations were conducted in rehabilitation units.

New project - Legal aid days for foreign students, which started only in 2024. Foreign youth face many difficulties, from applying for education and communicating with Russian-speaking students and teachers. In total, 6 meetings were held at various universities of the city of Kazan, within which lectures and consultations were given to more than 800 foreign students. Within the framework of these Legal Aid Days, we also developed a leaflet for foreign students in the Republic of Tatarstan, containing all the necessary information on entry and exit to the Russian Federation, migration policy, details of registration, medical assistance, temporary residence permits in Russia for educational purposes, etc.

The office has also become a place where students can take a training program, internship, within the framework of legal, political and sociological educational programs. Every year, we have about 100 students from different universities of Kazan and after the internship they come back to our office again. In cooperation with active youth, we established the Youth Council under the Commissioner for Human Rights in the Republic of Tatarstan, where young people who have an active life position can put forward their ideas and proposals, assist in the activities of the Commissioner and participate in preliminary questionnaire projects.

The work of our institute is multifaceted and extensive, but one goal is the protection of human rights.

Sample Practices of the **Ombudsman Institution of Türkive**



Mr. Şeref Malkoç Chief Ombudsman of the Republic of Türkive

Since 2012, the Chief Ombudsman of Türkiye, together with five Ombudsmen, has been carrying out his duties under the roof of the Ombudsman Institution. The Ombudsman Institution is a constitutional institution established in accordance with Article 74 of the Constitution of the Republic of Türkiye. Article 74 of the Constitution states that: "The Institution of the Ombudsperson established under the Grand National Assembly of Türkiye examines complaints on the functioning of the administration."

In accordance with Article 5 of Law No. 6328, the Ombudsman Institution of Türkiye is tasked with "examining, investigating, and submitting recommendations to the Administration with regard to all sorts of acts and actions as well as attitudes and behaviors of the Administration upon complaint on the functioning of the Administration within the framework of an understanding of human rights-based justice and in the aspect of legality and conformity with principles of fairness..."

In accordance with law, with its independence and impartiality guaranteed, as well as its own expert staff, separate building, and separate allocated budget, the Ombudsman Institution of Türkiye holds the same status as the highest administrator in Türkiye. This robust structure enables the Ombudsman Institution to effectively carry out its duties, both in society and with regard to the administration.

Furthermore, taking Turkish and Islamic administrative traditions as a basis, the Ombudsman Institution of Türkiye has taken the belief that "The most blessed of mankind is the one who is the most beneficial to mankind" and the principle "Let people live so that the state lives" as its guiding values.

The Ombudsman Institution of Türkiye aims primarily to improve the service quality of the administration, ensure the establishment of good administration principles, to promote human rights, justice and fairness, bring the state and the citizens closer to each other, and to promote people-centered administration approaches globally.

For the past 12 years, it has been working intensively in accordance with these laws, principles and objectives. A significant part of this work involves thoroughly examining complaint applications and resolving issues within the legal framework, as done by Ombudsmen and human rights institutions worldwide. In addition to addressing people's problems based on complaint applications received, the Ombudsman Institution of Türkiye also places great importance on preventative efforts in the field of human rights.

Within this framework, it would be useful to summarize here the various activities of the Ombudsman Institution of Türkiye that may contribute to global practices. First, these activities can be categorized into two main headings: those focused on everyone living in the country and the administrators, and those conducted in collaboration with other Ombudsmen and human rights representatives around the world.

VARIOUS SAMPLE PRACTICES CONDUCTED DOMESTICALLY

The Ombudsman Institution of Türkiye carries out effective practices in various areas domestically, regarding both citizens and administrators. Examples of these domestic practices are outlined below:

1. The Compliance Rate of the Administrations with the recommendations of the Ombudsman Institution has increased significantly

In the early years of its establishment, the compliance rate of the administrations to the recommendations issued by the Ombudsman Institution was only around 20%. However, after more than 10 years of dedicated efforts and improvements in the quality of recommendations issued, this rate has reached approximately 80% by 2024. This compliance rate exceeds the European Union average. The various initiatives conducted by the Institution, which will be detailed below, have played a significant role in increasing the administration's reliance on the Ombudsman Institution's recommendations and proposed solutions.

2. Reconciliation Model through "Amicable Settlement Decision"

The Ombudsman Institution resolves the complaint applications, by issuing decisions such as "Recommendation Decision", "Refusal Decision" or "Partial Recommendation and Partial Refusal Decision". However, reconciliation and compromise hold a significant place in the Turkish tradition of justice. In fact, we have a saying that summarizes this: "peace is the lord of decrees." This saying is hung on the door of the Ombudsman Institution of Türkiye. Therefore, during the investigation and examination process of complaint applications received, the Ombudsman Institution seeks ways to reach an amicable agreement on matters between the applicant and the administration. When the administration resolves the complainant's grievance, peace and reconciliation is achieved between the applicant citizen and the administration. The complaint is resolved in accordance with this agreement, and a decision is issued amicably, with the consent of both parties. This decision, which is issued with the consent of the parties, is called the "Amicable Settlement Decision". Once an Amicable Settlement Decision is issued, the Ombudsman Institution monitors whether the parties adhere to their agreement regarding the resolution of the issue. If the administration fails to comply with the terms of the amicable settlement, the citizen's complaint application may be re-examined. To date, the Ombudsman Institution has resolved over twenty thousand cases through reconciliation by issuing Amicable Settlement Decisions.

3. Inviting the Administrators to Testify Before the Joint Committee of the Grand National Assembly (Parliament) of Türkiye (GNAT)

The Chief Ombudsman of Türkiye is elected by the General Assembly of the Grand National Assembly (Parliament) of Türkiye. The Ombudsmen, who are accepted as the deputies of the

Chief Ombudsman, are elected by the Joint Committee, which consists of the members of the Petition Committee and the Human Rights Inquiry Committee of the GNAT.

In addition, the annual activity reports of the Ombudsman Institution are discussed in this joint committee every year and presented to the General Assembly of the GNAT.

Benefiting this link between Joint Committee of the GNAT and the Ombudsman Institution, during the discussion of activity reports each year, a new practice has been introduced.

During the meetings, a new practice has been added to the Ombudsman Institution's process to inform the Commission and receive its evaluations. Deputy ministers and administrators at the general director level from the administrations that failed to implement the decisions issued during the year under discussion are summoned before the commission and a detailed explanation is requested from them for their non-compliance. Administrators who cannot offer a reasonable justification for not implementing the decisions find themselves in a difficult situation before the Commission. Thanks to this practice, administrators are careful to implement decisions to avoid having to testify without any significant justification. Additionally, the administrators who are responsive to the decisions issued by the Ombudsman Institution and successful in implementing the decisions during the year are called before the Commission and congratulated. This practice forces administrators to be diligent in implementing the decisions of the Ombudsman Institution. That prevents arbitrary resistance from administrators.

As is known, in Türkiye, as in the rest of the world, Ombudsman decisions are not like judicial decisions, and there are no sanctions if they are not implemented.

The Ombudsman Institution found a solution to the lack of sanctions for ignoring its decisions with a different model, utilizing the power of GNAT. Considering the dramatic change in compliance rates, it seems that this model has been very effective.

4. Organizing Workshops Regarding Particular Cases

The Ombudsman Institution of Türkiye prioritizes certain complaints over others. If a complaint application concerns significant segments of society and involves a long-standing issue that may require legislative changes to resolve, a comprehensive workshop is organized on the issue before a decision is issued. In that workshop, the views of all parties on the issue are taken and the decision is issued according to these outcomes and suggestions.

Furthermore, depending on the magnitude and complexity of the problem, a "Special Report" can be prepared based on a complaint.

In these workshops and special reports, rather than simply addressing an individual complaint, recommendations are presented to the administration and the government for a permanent solution to the issue in all its aspects.

5. Providing Information and Guidance to Citizens

In Türkiye, as in the rest of the world, people often do not know the most appropriate procedure or legal remedy when faced with a problem. Therefore, it is crucial to inform and guide people about their rights and available legal remedies. This represents a proactive, preventive approach.

The Ombudsman Institution has established an information bureau to provide people with information regarding their rights and legal remedies. This office, on the one hand, ensures that complainants receive information, and on the other hand, guides people in seeking legal remedies in the face of a problem they are experiencing. Each year, approximately one hundred thousand people are provided information and guidance through phone, email, or in-person.

This practice, on the one hand, upholds the principle of "informing and guiding people on how to lodge an application", which is one of the principles of good administration, and on the other hand, it lightens the burden of the judiciary by reducing the complaint applications that would otherwise be recklessly taken to the court.

6. Inclusion of the Ombudsman Institution in the Curriculum

To ensure that children learn about the Ombudsman Institution from an early age and understand how to lodge an application to the Institution, the Institution's duties and the application process are included in primary and secondary school textbooks in Türkiye. In collaboration with the Ministry of Education, complaint applications received by the Ombudsman Institution from children have been collected, and resolved through amicable settlement decisions. Thus, on the one hand, children are introduced with a culture of petitioning and seeking legal remedies, while on the other hand, they are given the taste of reconciliation and making peace.

Furthermore, in Türkiye, according to the law, children have the legal right to submit a complaint application directly to the Ombudsman Institution, without requiring the signature of their parents. This important right granted to children is explained to them in detail and in practice through the curriculum.

7. Establishment of Ombudsman and Legal Remedies Clubs in Universities

The Ombudsman Institution has pioneered the establishment of student clubs focused on Ombudsman and legal remedies in 50 out of 210 universities in Türkiye. The rectorates of universities have been contacted, and students have been supported in establishing these clubs. Documents introducing the Institution have been provided to these clubs. Club members have been informed about the Institution and received training. Using a "train-the-trainer" model, university students who have been provided information about the Institution have been empowered to share this knowledge with their peers. Thus, these clubs have been empowered to promote the Institution within their campuses, cities, and communities.

At least once a year, nationwide meetings with large participation are held with youth active in the clubs and their advisors. In these meetings, youth receive training on human rights, justice, equity and the culture of seeking legal remedies.

Furthermore, these clubs organized conferences at their universities, with the Ombudsman Institution attending most of them in person. Conferences promoting the Institution have been held at 180 universities. Books documenting the meetings of the Ombudsman Institution of Türkiye with youth and university students have been published.

Thanks to this model, youth are given the opportunity to learn about and become familiar with the Ombudsman Institution, one of the most important mechanisms for seeking legal remedies in Türkiye and to understand how to seek legal remedies.

8. Organizing Public Meetings and Open Platform Meetings

Ombudsman Institution of Türkiye has held public meetings, in 50 provinces out of Türkiye's 81 provinces, particularly in the densely populated provinces. At least 500 people come together at each meeting. Not only citizens but also the administrators of that province, including the governor and mayor, participate in these meetings.

Public participation includes elected neighborhood representatives of that province, representatives of civil society organizations, tradesmen, farmers, youth, and various professional groups. The meeting is announced in advance in the province, and everyone who hears about the meeting is free to attend.

In the meeting hall, the Ombudsman Institution assumes a referee-like role and brings together the administrators and the individuals experiencing problems in the province. A free platform is established at the meeting, and in the presence of the Ombudsman Institution and local administrators, citizens express their problems.

Issues that can be resolved are recorded, and administrators take action to address them promptly. Problems that may require more time or further investigation to be resolved are referred to the Institution's experts as formal complaint applications.

Through this method, citizens and the government are brought together and united in the same hall. Additionally, these meetings allow administrators to identify problems they may not have noticed before and respond more sensitively in resolving people's problems.

On the other hand, these meetings also lead to an increase in the number of complaint applications lodged to the Ombudsman Institution.

9. Using Media Effectively

The Ombudsman Institution considers the media as the most important stakeholder in promoting its activities, increasing its recognition, promoting citizens' awareness of seeking legal remedies, and encouraging them in this regard.

When the Ombudsman Institution of Türkiye deems it beneficial for the public to hear, it always announces the complaints it receives, its decisions, solution proposals and special reports through press conferences, press releases, or interviews with the media, and shares their views on human rights issues on television.

Ombudsman Institution meets with media representatives in Türkiye at the beginning and end of each year as planned. During these press conferences, the work of the Institution and human rights issues experienced in Türkiye and around the world are discussed.

In 2024, the Ombudsman Institution was featured in the media a total of 11,453 times: 1,303 times in the press, 833 times on television, and 9,317 times on online news sites. Interviews were given to agencies, newspapers and magazines, and the Ombudsman Institution participated in live television and radio broadcasts.

10. Maintaining Close and Continuous Communication with Administrators

After the Ombudsman Institution examines and evaluates the complaint applications and concludes with a recommendation or an amicable settlement, the most important stage is the implementation of this decision by the administration to the satisfaction of the applicant. Therefore, a close relationship and cooperation between the administration and the Ombudsman Institution is essential for ensuring a high rate of compliance with the decisions and for promoting equitable practices.

The Ombudsman Institution attaches great importance to maintaining close cooperation with administration and administrators. To maintain continuous communication, the following activities have been carried out.

First of all, the Ombudsman Institution of Türkiye met and congratulated all newly appointed ministers and deputy ministers in person, providing them with information about the Institution.

In each ministry, a deputy minister is assigned to follow up on the letters and decisions of the Ombudsman Institution.

Introductory dinner meetings are held periodically with deputy ministers responsible for relations with the Ombudsman Institution.

In addition, introductory dinner meetings are held periodically with the administration officials and general managers, who are responsible for implementing the decisions in the ministries. During each provincial visit, meetings are held with the governors and mayors of the province, and local administrators are provided with information about the duties and decisions of the Ombudsman Institution.

Thanks to this close cooperation with the administration, the rate of implementation of decisions has increased significantly.

DIFFERENT/SAMPLE APPLICATIONS FOR GLOBAL PURPOSES

Although its mandate is limited to Türkiye, the Ombudsman Institution attaches special importance to universal principles of justice and equity, such as human rights, human dignity, humanity's conscience, and the achievements of humanity to date. The Ombudsman Institution operates on the belief that human rights, justice and human values should be defended through a shared language, free from discrimination based on race, culture, belief, politics and nationality, and that ombudsmen have a critical duty and responsibility in monitoring the

implementation of the Universal Declaration of Human Rights. Guided by this universal perspective, the Ombudsman Institution of Türkiye strives to maintain a highly sensitive approach to all human rights violations occurring worldwide.

Within this framework, the following sample applications have been carried out:

11. The Establishment of the Human Rights Center

The Ombudsman Institution serves as a monitoring center for human rights violations, not only in Türkiye but also globally. For this purpose, a Human Rights Center has been established within the Institution and experts have been assigned to this center to monitor human rights violations.

In addition, this center prepares bulletins and reports on human rights, provides training as part of international cooperation, and participates in various training programs.

12. Cooperating with Ombudsmen around the world on Human Rights Issues

The Ombudsman Institution Human Rights Center monitors human rights violations around the world and works to promote a united stance among ombudsmen around the world against these violations. For this purpose, letters have been addressed to ombudsmen around the world in response to crimes against humanity, genocide, or human rights violations occurring anywhere around the world, and urging them to take a collective position against such violations. Joint declarations have been prepared and shared with the world in collaboration with the countries that respond to these calls.

In addition, mutual memorandums of understanding are signed with various countries to promote a universal language and shared stance among ombudsmen worldwide on human rights, justice, and humanitarian values, free from discrimination of race, religion, belief, skin color, political opinion, or gender.

The Ombudsman Institution does not remain indifferent to human rights violations occurring internationally. The Institution investigates these violations on-site and prepares reports that identify them. In this way, violations that have amounted to crimes against humanity in the conflicts between Ukraine and Russia, Azerbaijan and Armenia, and most recently in Gaza have been documented in reports and shared with the world.

Likewise, the challenges experienced by refugees who took refuge in various countries due to conflicts around the world have been reported, such as the "Report on Syrians in Türkiye" and the "Report on Pushback Cases at the Türkiye-Greece Border".

13. Providing Information to Citizens Abroad How to Seek Legal Remedies

The Ombudsman Institution of Türkiye provides information to millions of Turkish citizens living and working in various countries around on how to seek legal remedies in the countries where they reside.

Particularly during visits to countries such as Germany, France, Belgium and the Netherlands, meetings are held with the representatives of non-governmental organizations of the citizens

residing there. Citizens are provided information about how to seek legal remedies in the countries where they reside. Instructional brochures have been prepared to help them solve the problems they encounter and to guide them on the available resources and institutions where they can seek legal remedies.

Furthermore, meetings are held with the ombudsmen of these countries, and through cooperation support is received to jointly address the problems experienced by the citizens of these countries.

The Ombudsman Institution specifically monitors such requests from other ombudsmen and seeks help from the ombudsmen of those countries on behalf of citizens.

14. The Establishment of New Ombudsman Networks

The Ombudsman Institution of Türkiye takes an active role in the existing ombudsman networks around the world and takes special care to participate in all their organizations. Additionally, The Ombudsman Institution has pioneered the establishment of two ombudsman networks: the Organization of Islamic Cooperation Ombudsman Association (OICOA), of which he currently serves as the President and the Association of Ombudsmen and National Human Rights Institutions of Turkic States (TURKOMB).

The Ombudsman Institution also actively participates as an observer in the Eurasian Ombudsman Alliance (EOA) and is currently an active member of nine different ombudsman networks.

15. Participating as an Independent Observer in National Elections

Ombudsmen, who represent justice and equity around the world, must play their part when called upon for arbitration, due to their reputation for reliability and fairness.

With this understanding, the Ombudsman Institution of Türkiye was invited to participate as an observer in the elections in Uzbekistan and Venezuela. The Ombudsman Institution accepted the invitation and participated as an observer in the presidential and parliamentary elections of these countries.

The fact that countries make such requests and that ombudsmen participate as arbitrators is a development that strengthens the influence and significance of ombudsmen worldwide.

16. Intermediation in the Russia-Ukraine Conflict Regarding Prisoner Exchange

The Ombudsman Institution of Türkiye is closely following the Ukraine-Russia conflict with a focus on human rights and to ensure the protection of women, children, and civilians. Although the nature of such conflicts is political, it is often women, children, and civilians who are hurt. Therefore, it is crucial to monitor these conflicts to prevent human rights violations and take timely action when necessary.

The Ombudsman Institution has held multiple meetings with the ombudsmen of the two conflicting countries, Russia and Ukraine. During these meetings, the mutual exchange of children and women caught in the middle of the conflict or taken captive were discussed.

Additionally, the protection of civilians held captive was ensured by the ombudsmen of the two conflicting countries under the supervision of the Ombudsman Institution of Türkiye.

In fact, this humanitarian initiative of the Ombudsman Institution of Türkiye has contributed to the exchange of prisoners and to keeping the humanitarian grain corridor open between Russia and Ukraine, which was established at the presidential level. At least it has enabled the authorities of both countries to establish a humanitarian dialogue channel. This humanitarian intermediation process and effort has been ongoing since the beginning of the conflict.

17. Establishing Close Communication with Ambassadors of Countries

In Türkiye, in addition to the right of children to directly apply to the Ombudsman Institution, anyone residing in Türkiye as a tourist, refugee, worker, or student also has the right to lodge a complaint.

On the other hand, millions of Turkish citizens live abroad for various reasons. In this regard, the Ombudsman must establish close relations with embassies and consulates while examining the complaint applications of these people and solving their problems.

The Ombudsman Institution do not utilize these relations with Ambassadors solely for individual problems or files, but carries them out in a planned manner within the scope of an institutional communication strategy.

With this regard, all embassies in Türkiye have been visited and communication channels have been established with them. Participation in the national days and celebrations of various countries was ensured. In turn, embassies responded positively to this warm outreach, and dozens of Ambassadors visited the Ombudsman Institution.

Moreover, all ambassadors are invited to all international events organized by the Institution and the majority of the Ambassadors attended these events.

Additionally, the Ombudsman Institution of Türkiye visits the Ambassadors of Türkiye during their trips abroad and receives information on the work being carried out. In particular, meetings are hold with Turkish citizens living in those countries and their fundamental problems are listened face to face. This enables Ambassadors and consulates to follow the local problems of citizens more closely.

Thanks to this close communication, the complaints of both foreign nationals living in Türkiye and Turkish citizens living abroad can be addressed more efficiently.

Uzbekistan's Experience with Fighting Incidence of Torture as a Part of Human Rights Protection



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Torture is considered as one of the most concerning issues globally, and despite a numerous dedicated international legal documents on human rights, this domain remains within the scope of focus of the world community.

Article 5 of the UN's Universal Declaration of H uman Rights expressly states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

According to the report by the "Amnesty International" released in April 2024, issues related to human rights violation, including torture and various forms of cruel treatment of people, were observed in 155 countries around the world in 2023.

Freedom from torture is among the fundamental human rights that must be protected in any circumstances. Thus, Uzbekistan stands uncompromising on its path of fight against torture.

The amended Constitution of the Republic of Uzbekistan clearly stipulates that the honor and dignity of human person are inviolable and no circumstance whatever may be invoked as a basis for denigration, no one shall be subjected to torture, violence, other cruel, inhuman or degrading treatment or punishment.

Also, with more advanced norms on torture prevention introduced to the Constitution, it has been amended accordingly. As a document of supreme legal authority, the Constitution firmly establishes that a person cannot be found guilty or punished in case if their confession is the only evidence against them. This became an important step towards eradication of torture-causing factors.

Moreover, pursuant to the Constitution, no person may be arrested, imprisoned or kept in custody except upon the court order, and no person shall be kept in detention for beyond 48 hours without a committal order.

By now, Uzbekistan has entered into more than 80 international legal documents in human rights domain, including 7 core UN treaties and 4 optional protocols.

Uzbekistan gained its specific experience and track record in fulfilling its international obligations, including the fight against torture.

Noteworthy, Article 235 of the Criminal Code of the Republic of Uzbekistan sets out criminal liability for torture and other cruel, inhuman or degrading treatment and punishment, providing greater punitive measures against the persons who commit torture as well.

Also, the Law "On introducing supplements to the Civil Code of the Republic of Uzbekistan aimed at improving the procedure of compensation for damages caused to the victims of torture" envisages compensation payout for physical and mental health injury, material damage or lost profits, moral damage caused to the victims of torture as well as expenses borne by them for legal aid, drugs and medical services, psychological and social services.

At this point, the major reforms implemented in the field of human rights, particularly, those targeting eradication of torture, deserve to be mentioned. In 2019, within the Action Strategy for 2017-2021 a national preventive mechanism for the prevention of torture and other cruel, inhuman or degrading treatment and punishment was launched under the Ombudsman. It enabled regular access of the Ombudsman and civil society representatives to the custodial facilities with restrictions on the movement in order to study the conditions persons detained are kept in and ensured communication with them.

It is no secret that many international organizations kept mentioning "Jaslyq", located in the Republic of Karakalpakstan, as the worst prison in Central Asia in terms of harsh conditions and mistreatment of inmates for a long time. This penal facility undermined Uzbekistan's reputation internationally for years. The UN Committee against Torture recommended closing of "Jaslyg" prison. In accordance with the Resolution of the President of the Republic of Uzbekistan dated August 2nd, 2024 Special Penitentiary Colony No.19 based in Jaslyq settlement (Republic of Karakalpakstan) was closed. International community has acknowledged this resolution of the leader of our country as a positive development in ensuring human rights in Uzbekistan.

Noteworthy, the work in this domain was not limited to the above. This was one of the first steps taken by Uzbekistan towards the prevention of torture.

Considering that the protection of human rights is a continuous process, the improvement of the mechanisms of fight against torture is ongoing in our country. In particular, Presidential Decree dated June 26th, 2021 "On additional measures to improve the system of detection and prevention of torture" is focused not only on early identification and eradication of this evil, but also aims to render comprehensive assistance to the victims of torture and to compensate for the injuries/damage caused to them. Moreover, the Resolution improved the National Preventive Mechanism (MPM) under the Ombudsman, establishing on the basis of the expert groups dedicated civil society groups under Ombudsman to detect and prevent torture. They are in charge of identifying torture and submitting claims to the respective authorities for their prompt eradication, as well as participating in the review of complaints on incidents of torture.

According to the data, 177 monitoring visits were conducted in 2021, the number that doubled to 381 in 2022, and in 2023 this figure increased to 603. As a result, parliamentary and public oversight was established over torture prevention. Analytical data and information, conclusions and presentations as well as claims on eradication of shortcomings identified during monitoring visits are prepared and submitted for consideration to the respective ministries and agencies.

Moreover, the results of this monitoring are reflected in Ombudsman's annual report submitted to Oliy Majlis (Parliament).

Also, as stipulated, the Children's Ombudsman, the Business Ombudsman and the National Center for Human Rights shall have unimpeded access to custodial facilities with restrictions on the movement.

Based on the studies conducted by the Ombudsman in cooperation with civil society representatives, in 2023 an alternative report produced by the Ombudsman was included in the report of the Government of Uzbekistan on implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment to the respective UN Committee in 2023. This report was developed together with representatives of a number of NGOs.

As a result of monitoring visits led by the Ombudsman with a purpose to identify and eradicate torture incidents the conditions and treatment of convicts and prisoners in custodial facilities with restrictions on the movement are being upgraded according to the international standards. The opportunity to appeal to the Ombudsman was created for convicts and prisoners using the "Ombudsman's boxes" installed in these penitentiary facilities. Observing confidentiality, these appeals are delivered to the Ombudsperson without any hindrance and nuisance, and actions are taken to resolve them. The convicts's right to appeal to the Ombudsman by means of the "Ombudsman's Box" is stipulated in the Criminal Procedure Code of the Republic of Uzbekistan.

Presidential resolutions above set forth comprehensive measures to fight and prevent torture. Introduction of a single e-register of the persons kept in custodial facilities with restrictions on the movement is among these steps.

Under this mechanism the staff members of the concerned authorities and institutions shall be liable to promptly reflect in the e-register the data on inmates kept in custodial facilities with restrictions on the movement, such as date and reason of imprisonment, medical condition and other relevant facts. This serves to prevent adverse incidents such as detention with no legal grounds, hiding information, and attempts to obtain testimony by use of physical force.

Online access to this e-registry, granted to the Ombudsman court and prosecution authorities, promotes transparency along with further strengthening accountability and oversight.

Thus, as established by the procedure, information on persons detained on suspicion of committing a criminal offence, being held under administrative detention, with no fixed abode, under preventive detention, sentenced to deprivation of personal liberty, undergoing compulsory treatment in psychiatric hospitals or drug abuse facilities within the scope of coercive medical measures shall be a subject to mandatory entry into the e-register.

In accordance with the new procedure, failure to enter the data on persons placed in custodial facilities with restrictions on the movement into the Single E-Register within the specified period, it shall be equated to unlawful detention of these persons and give rise to the liability established by law.

Aiming at timely detection of violence, torture, and unlawful acts against person being kept in prisons in timely manner, a number of measures have been taken to introduce digital technologies, including intelligent smart cameras, video recorders, X-ray scanners, e-shops as well as online meeting service into the operations of the penal system. Definitely, dgitalization of the processes within this system will facilitate the work of the staff members working in the penal institutions along with increasing their responsibility. Ultimately, torture incidents prevention shall pave the way for human rights protection.

The scope of this article is limited to the major steps taken on the path of the fight against torture. We refrained from mentioning efficient reforms emphasizing protection of legal rights and freedoms as well as social support rendered to the persons kept in custodial facilities with restrictions on the movement. Generally, comparing current conditions in custodial facilities with restrictions on the movement with the environment observed 7-8 years ago, we can clearly see significant changes. Obviously, these improvements stem from the system-wide reforms and the establishment of public oversight.

Outcomes of Uzbekistan's efforts to protect human rights can be traced in international rankings. Uzbekistan ranks 78th among 140 countries in the Rule of Law Index released in 2024 by the "World Justice Project" international civil society organization, surpassing Serbia, Albania, China, Belarus, Kyrgyzstan, Russia, Turkey and some other countries. The ranking demonstrates improvement in all 8 indicators achieved by Uzbekistan.

Moreover, UN Secretary General António Guterres at the meeting with the President of Uzbekistan as a part of his visit highly appreciated large scaled work carried out within a short time in Uzbekistan with the reference to his first trip to our country 20 years ago, and the second visit took place right after being appointed to his current post. He stressed that Uzbekistan has embarked and is fully committed to protection of the rights and legal interests of its citizens.

In conclusion, Uzbekistan sees the fight against torture is an important priority in human rights protection domain. It can be stated with a confidence that Uzbekistan has its specific advanced experience in human rights protection. International community recognizes legal reforms conducted in Uzbekistan, establishing public oversight and the country's commitment to international obligations as important components of protecting human dignity. Principally, people of the country experience the impact of these changes in their daily life. We do believe that these efforts will be continued further, and human honor and dignity will be respected in a greater extent.

On February 22, 2021 the President of the Republic of Uzbekistan Shavkat Mirziyoev stated at the 46th session of the UN Human Rights Council that "as a part of introducing the national preventive mechanism for torture prevention, we absolutely prohibit any form of inhuman and degrading torture and a punishment for such offences is inevitable regardless of how long ago they were committed." These words are another evidence of Uzbekistan's strong will to protect human rights and respect human dignity.

The Zambian Ombudsman Experience



Mrs. Caroline C.Z. Sokoni
IOI Treasurer and Public Protector Zambia

1. BACKGROUND

The Office of the Public Protector in Zambia was established as a key institutional mechanism by Article 243 of the 2016 amended Zambian Constitution, and by virtue of the 2016 enacted Public Protector Act. The establishment of the Office of the Public Protector reflects a commitment to enhancing accountability and oversight within the public sector. The functions of the Office of the Public Protector are both comprehensive and multifaceted, encompassing two primary dimensions.

Firstly, the Office engages in an enforcement function, investigating complaints, identifying instances of maladministration, and ensuring that necessary corrective actions are implemented. This enforcement activity is critical for holding public officials accountable and promoting compliance with established administrative standards.

Secondly, the Office performs a rigorous oversight function that is equally significant. It systematically monitors the performance of public service delivery systems, evaluating their effectiveness in adhering to ethical and operational benchmarks. Through these assessments, the Office ensures that governmental entities implement ethical administrative mechanisms, which enhances service delivery to the public and promotes principles of good governance.

The office of the Public Protector in Zambia has been instrumental in ensuring that fairness and justice prevails first of all beginning from within the institution itself. It is a source of pride to the institution that there has been zero tolerance to maladministration emanating from within the institution. Care has been taken to ensure that the principals of natural justice are first upheld and respected within the institution, by the employees of the institution themselves, before enforcing them on others.

2. SUCCESS STORIES

The journey of the office of the Zambian institution of the Ombudsman to transition from being an Executive Ombudsman to a Parliamentary Ombudsman, has been long and arduous. These experiences shared are considered to be some of the major achievements by the office of the Public Protector Zambia. The office of the Ombudsman in Zambia was first established in 1974 as an office that was accountable to the State President. It took all of forty-two years for the office to be made accountable to parliament. It can be extremely challenging for an Ombudsman to perform optimally when there is lack of administrative autonomy, or when the office of the Ombudsman is accountable to the offices it investigates. We hope the cases illustrated shall provide valuable insights into the evolution of the office of the Ombudsman in Zambia.

2.1. Decentralisation of the Office

Since its establishment in 19973, the Ombudsman Office has operated solely from a single physical location in Lusaka, the capital city. This situation has resulted in limited accessibility for citizens residing in the other provinces and districts of the country, thereby posing significant challenges for those seeking to utilize the office's services. In 2023, in accordance with constitutional requirements, the Office of the Public Protector undertook a decentralization initiative, establishing six provincial offices. This strategic development aims to enhance the accessibility of the Ombudsman's services, thereby facilitating the reporting of cases of maladministration by the public. By addressing these matters promptly, the initiative seeks to mitigate the risk of such issues escalating into more severe instances of corruption.

2.2 Transition from an Executive to a Parliamentary Ombudsman System

The Ombudsman Office in Zambia was established in 1973, when multi party politics had been outlawed and there was no opposition in parliament. Enforcement of the recommendations of the Ombudsman was carried out by referring reports to the State President for purposes of enforcement of the decisions. In 2016, with the amendment of the constitution, the Office of the Office of the Ombudsman transitioned to the office of the Public Protector of Zambia, and it was made accountable solely to Parliament. One significant outcome of this change is that the institution was bestowed with the power to issue binding decisions.

3. LANDMARK CASES

Under landmark cases, we give examples of cases which might never have been resolved, but for the transition from being an Executive to a Parliamentary Ombudsman. The office of the Public Protector was able to complement its binding decision-making powers, which are equivalent to those of a High Court, with the skills of mediation and soft diplomacy of an Ombudsman, in order to ensure compliance to the implementation of its decisions. Binding powers do not necessarily make an Ombudsman more effective, but marrying the power to impose a decision, with the ability and skills to ensure permanent change through adopting a human rights approach, and working with the stakeholders towards voluntary, consensus-based change of the mindsets and institutional culture of an organization, is what may best inspire real, long-term change. The following cases exemplify this approach.

3.1 Women retirees

From 1968 to the early 1980s, married women working in the civil service were not allowed to contribute to or be members of the civil service pension scheme. When the law was eventually repealed to make it possible for women to be eligible to become members of the pension scheme, those who attempted to submit their contributions, later discovered that their money had been diverted. Further investigations revealed that their funds had not been remitted by the Ministry of Finance to their new pension scheme. At the time of retirement, the female retirees were being informed at the last minute when it was too late for them to do anything about it, that they were not members of the Government Pension Scheme because they were deemed not to have contributed to the scheme at the right time, even though the law had been changed

in their favour. The Respondents argued that the previous pension laws could not be applied to the female civil servant retirees retrospectively. When this issue was reported to the Office of the Public Protector, the office investigated the matter and the Office of the Public Protector was able to effect a policy change on the basis that the previous pension laws had been discriminatory and unjust in only allowing men to benefit from the pension scheme, and that the women could be allowed to benefit from the pension laws so long as they had fulfilled all the criteria of having been in full time employment, and with all contributions being fully accounted for.

3.2 Mufulira Teacher Training College Lecturers.

Lecturers faced severe retaliation from both the college principal and the Ministry of Education, who responded to their courageous whistle-blowing with indiscriminate transfers to remote rural areas of the country. This punitive action was a direct consequence of their efforts to expose the principal's corrupt activities. In response to this injustice, the situation was brought to the attention of the Anti-Corruption Commission, which recognized the urgency of the matter and escalated it to the Public Protector

A full-fledged investigation was commenced and the office of the Public Protector left no stone unturned in its efforts to ensure that the top-level officials who were causing so much misery and despair in the Ministry of Education were properly dealt with. The levels of impunity were extensive and included other Education colleges where lecturers and teachers were being promoted or demoted arbitrarily, on the basis of cronyism, favouritism, tribalism, or plain meanness. The Public Protector successfully intervened on behalf of the affected lecturers, ultimately ensuring the reinstatement of the lecturers to their original positions, after an arduous two-year separation from their careers. Ministry officially were also severely warned and Government eventually took charge with disciplinary proceedings following, leading to a total regime change at the Ministry. The importance of ensuring that the rights and employment contracts of the employees were being fully respected, especially by the government which makes and enforces the law, was the main reason why the investigation of this matter was especially important to the office of the Public Protector.

3.3 Chanda Castle Road

The councillors (Civic Leaders at community level) connived with officials at the Ministry of Local Government, to re-plan the area. This resulted in the sale of a gazetted public road to certain investors. The community arose against the civic leaders and reported the matter to the Public Protector, who after investigations, had the title deed cancelled and the road was restored to public ownership. The road has since been upgraded to bituminous standard under the Lusaka 400 road project. The road has become a well utilised and busy road which is adding to the economic development of the area. Much soul searching was needed, and eventually consensus was arrived which saved the heart and soul of a community.

3.4 Inclusive Decision Making

At the end of the investigation, the Respondent institution must be held accountable, the Respondent institution must take responsibility, and the Complainant must be restored to a

position he would have been in, but for the maladministration occasioned by the Respondent Institution. Except in exceptional circumstances where the complainant has misinterpreted the proper application of the law or regulations as maladministration, a respondent institution must always be prepared to be held accountable.

However, in order for a Respondent Institution to appreciate the error of their ways and in order for them to accept to be held accountable and to take responsibility for their actions, consensus is required. No amount of force can help if the people have not bought into the concept of integrity, or if they are not sufficiently invested enough in the area of change required for progress to occur. This has been the way that long term progress has been attained by the Ombudsman institution.

At the expense of shedding off all trappings of authority or power, the Ombudsman institution must immerse itself in the subject matter of the investigation, the laws, the rules, the regulations, the practical challenges and problems of both implementation by the respondent, and deciphering and understanding the implications on the complainant's situation. Walking like one of them. Walking with them, yet always making sure you raise the bar of integrity gently but firmly before them. Making sure that all parties never lose sight of the fact that maintaining the highest levels of integrity possible is at the core of the work of the Ombudsman. Always encouraging them that they can do this. Integrity is possible. Integrity is the way you would want to be treated at all times, more especially at your most vulnerable. To teach them that integrity is non-negotiable. That without integrity, the greatest civilizations have died without any trace.

4. CONCLUSION

In conclusion, the Office of the Public Protector serves as a fundamental pillar of Zambia's dedication to good governance, accountability, and public service excellence. Its efforts have yielded substantial benefits, firstly for the citizens, who now receive enhanced and better quality of services, where the Ombudsman has been able to render a service in a particular sector, and secondly for the government, by improving operational effectiveness, and by providing guidance to lay down a lasting foundation for a more responsive, transparent and user-friendly public service delivery system.

The use of consensus building has served as a conduit for the office of the Public Protector to establish specialised desks which link into the oversight of the government's implementation of the sustainable development goals. The realisation that the mandate of the Ombudsman is mainly related to the ensuring that those basic social services and amenities that are supposed to be enjoyed by all persons in Zambia as of right, are what the core mandate of an Ombudsman consist of, has helped to give impetus to the need to have a functional and independent Ombudsman office in place. The specialised desks recognise the various categories of vulnerable people in society in much the same way as they are spelt out under the sustainable development goals.

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