

**Topic : Strengthening Democracy and the Provision of Service to Citizens:  
Who are the partners for the Ombudsman?**

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Collaborations between Ombudsman Offices and non-governmental organizations (NGOs) in civil society have the power to promote the ultimate goal of Ombudsman Offices, which is to ensure the fair treatment of citizens by their government. In my presentation, I will illustrate how the purposes and goals of Ombudsmen in North America are achieved and magnified through collaboration with the organizations and institutions of civil society. I will argue that the Ombudsman can provide individuals and groups with increasing possibilities for recognition of their fundamental human rights, thus deepening commitment to democracy.

#### Collaboration with Legal Assistance Organizations

One of the most natural alliances for Ombudsmen Offices are collaborations with organizations which provide legal representation to under-served persons in our societies. Ombudsmen are busy daily advocating for individuals who are experiencing unfair treatment from government agencies. The subject of our complaints may be public benefits, government-funded housing programs, the provision of education or care of children, the provision of care to the elderly, and the list can go much further. Collaboration with legal aid organizations allows for an efficient use of resources, in that Ombudsmen may bring the attention of the government to the plight of a large number of persons who are experiencing the detrimental effects of a government policy, while legal assistance agencies may be moving the same issues through the court system. With respect to many issues, Ombudsmen and legal aid associations share the same goals; we are each working within our own capacities and in accordance with our respective mandates to bring fairness to citizens who may lack the economic resources to access the courts of law.

One example of an intentional partnership which enables citizen access to the courts is a collaboration between my Ombudsman Office, Legal Assistance of Ohio, and Social Service Centers serving victims of domestic violence. Each of these offices fulfills its proper role with respect to the victim and her family: Legal Aid of Ohio provides the legal representation necessary to obtain a Civil Protection Order so that the victim will be safe, and then represents the victim in divorce proceedings; the Ombudsman Office assists the victim with obtaining Victim of Crime Assistance from the government to address the family's financial needs, and further assists the victim in surmounting any barriers to the establishment of a normal life presented by governmental entities such as the police, schools, housing and other social benefits programs. The Social Service Centers serve the victims by providing strategies for family safety and therapeutic counseling for the victim and her children. In this partnership, the objective is to create a holistic approach to victims' healing by bringing the all the resources and functions of our offices together.

The work of my office on behalf of the elderly citizens of Ohio drew our attention to a disturbing trend which called for a strategic response in collaboration with appropriate partners in civil society. My office has responsibility for safeguarding the rights of residents of skilled care beds and our populations living in facilities where assistance in daily living is provided. The cost of care in these facilities is well beyond the ability of most Americans to pay. Our health care program called Medicaid is the payor when the individual's financial resources have been exhausted. Over recent years, my office has encountered many cases where the Medicaid application process revealed that loved ones, primarily adult children, had used their parents' financial resources in ways that were not appropriate, and sometimes fraudulent. When elderly applicants for Medicaid were denied access to this program, they approached the Ombudsman Office for assistance. The agencies providing direct care also observed this problem, as did legal aid services.

Thus, we created a partnership between my Ombudsman Office, the NGOs providing the care services, and legal services to conduct a large-scale education project to inform persons of their legal responsibilities when serving as a Power of Attorney and assisting their aging parents with their finances. Shortly after we launched our education project, the State Legislature of Ohio adopted new legislation governing the Power of Attorney process which will impact all persons who seek to serve in that capacity in the future.

#### **Collaboration with Health Care Professions:**

The issue of the expansion of health care benefits to all citizens has been a major concern in the United States for several years. President Obama made health care a central piece of his Presidency, and the Republican Party has made restriction of health care coverage their major target of opposition. For a period of time, access to health care was the most frequent complaint received by my office. NGOs delivering care shared an interest in making access to health care more widespread and easily available. The Ombudsman was able to identify the barriers to access on the basis of the complaints brought to my office. Armed with this information, the health care deliverers were able to direct more resources to the access points to increase the number of individuals and families who could access health care. When the Ombudsmen forged an alliance with health care deliverers toward a common purpose, the opportunities to improve care, to advocate for the rights of persons receiving care, and the ability to improve services were greatly expanded. The voice of the Ombudsman was strengthened and amplified through such strategic collaborations.

#### **Promoting Ethical Decision-Making:**

As Ombudsman, I participate in a quarterly forum which serves to promote ethical decision-making in safe-guarding the rights of citizens, especially the elderly. Other participants in the forum represent the clergy, academia, law, business, physicians, nurses, children's advocates, and advocates for seniors and the disabled. Each quarter three or four real-life situations embodying challenging decisions are brought to the forum for discussion. Deliberations take place among the participants about how and what services should be provided, what actions various agencies should take, and what is the preferred course of action to uphold the rights and dignity of the person or family in question, as well as the NGO struggling with the decision. The following quarter the participants are informed as to the real-life outcome. Through participation in this ethics forum, the Ombudsman may advocate for the rights of citizens, the self-determination of the persons involved, and the fairest course of action.

#### **Resolving Institutional and Governmental Conflict:**

In illustration of the role of Ombudsman in resolving conflicts between government and the institutions of civil society, I offer the following incident in the area of public education. Recently, I was approached by a jurisdiction whose leading citizens and elected officials felt that they were not being treated fairly in the expansion project of a publically-funded library. The library had placed a bond issue on the ballot for voters, and the city had whole-heartedly supported and campaigned for the passage of the bond issue. Yet, when the plans for site selection and construction of the new libraries were released from the Board of Directors, the city in question saw itself placed in the second-tier of priorities for library construction. The response of the Ombudsman in this situation was to assist in a negotiation between the parties to achieve a resolution whereby the involvement of the city in the site selection process was increased so that it attained the meaningful role for its citizens that citizens and officials desired.

#### **Ombudsman Outreach to the Public and to the organizations of Civil Society:**

I maintain a schedule of regular outreach to the public and various institutions of civil society.

A weekly newspaper column provides an example of a case resolved each week, and serves to remind the public of the Ombudsman services. Each week, my office receives responses from citizens to the column, if they are experiencing a problem similar to that addressed in the Ombudsman newspaper column.

My office is active on Facebook, with the purpose of reaching out to inform people through short vignettes about cases resolved and to highlight which agencies citizens may turn to for resolution of their problems.

A monthly television program, during which viewers can call-in with questions, features both government agencies and NGOs. In many cases the public does not routinely have opportunity to see, let alone question, the directors of agencies who are charged with providing services to citizens.

I regularly attend the Naturalization Ceremonies at our Federal Court in order to inform new citizens of the United States about their rights and the availability of the services of the Ombudsman Office.

NGOs frequently request our presence at their public events, festivals, and fairs. On these occasions, we always receive one or more complaints from persons who are in need of our help.

An "Ombudsman Weekly Update" is sent to over 500 elected officials in Ohio and to as many directors of government agencies and NGOs providing a summary of who is contacting the Ombudsman that week and what they are calling about.

The Rotary International Club of Dayton has turned to the Ombudsman for leadership with Rotary International projects in Kenya, Guatemala, Nigeria and hopefully forthcoming in Bosnia-Herzegovina.

And yes, I continue to publish Annual Reports for the legislators, and place a high priority on responding to the annual reports of the government agencies and NGOs in Ohio.

### **Conclusion:**

The interaction of the Ombudsman Office in Ohio with the various institutions of civil society strengthens the principle that individuals and groups have a normative expectation of recognition of their rights within democratic societies. The Ombudsman serves to make this expectation more visible to society and its members by highlighting places where it is denied, and by emphasizing legitimate claims for redress. The Ombudsman's role in such collaborations is to make audible the voices that are not heard.

As important as it is for the Ombudsman to work with the institutions of civil society toward recognition of the rights of persons and groups, work for recognition is not enough. Structural wrongs and injustices are endemic to societies, even the most democratic. Thus, within and through the institutions of civil society, the Ombudsman must make present and visible the persons and groups which do not fully "count" in our societies (for example, Indigenous Peoples in North America), and must denounce their exclusion.

Collaborations with civil society are imperative for the work of the Ombudsman in the 21<sup>st</sup> century. Through collaborations we may advance the causes which benefit citizens and augment our advocacy for the underserved population for which we work. Through collaborations with civil society, Ombudsmen may influence public opinion, support democracy and citizen involvement and continually strive for the most ethical practices which can be attained. Ombudsmen must operate both strategically and intelligently in the choice of NGOs with which to collaborate, and the purposes or objectives of the collaboration. Our roles are to improve government services, advocate for those who do not have a voice or whose voices are not being heard, in order to advance the rights of the public. Collaborations with civil society can be our ally in this quest.