



INTERNATIONAL
OMBUDSMAN
INSTITUTE

IOI GUIDELINES ON THE SUPPORT TO
OMBUDSMAN UNDER THREAT

2016

1. PURPOSE

The purpose of these guidelines is to establish principles and courses of action to coordinate IOI support for Ombudsman coming under threat, facing reprisals or operating under difficult circumstances. From IOI we are aware that those threats are arising also in the middle of growing challenges and threats for human rights in many countries. This is another reason to answer and help consolidate democratic control institutions as the Ombudsmen are. Especially when democracy is weakened, undermined or comes under threat, the IOI sees the need to support democratic oversight bodies such as the Ombudsman in order to protect the citizens concerned. The guidelines provide an overview of the options for support available and clarify the procedures to be followed should such case present itself.

2. UNDERLYING PRINCIPLES

The IOI acknowledges the general need to support member institutions under threat as one of its core tasks. The IOI further recognises the importance of raising awareness among its members and encouraging them to contact the IOI whenever they have concern about a possible threat to their institution or to a fellow Ombudsman institution.

The particular nature of the matter calls for **immediate** or **timely** action. An accelerated procedure for drafting, approving and disseminating statements or taking actions is essential.

Coordination and **communication** of any actions and at all stages of the process is of utmost importance; especially with the Ombudsman institution in question.

When supporting a member in need, the IOI will respect its values and principles and apply a 'do-no-harm' principle. In doing so, the IOI will take the existing **national context** into account and consider other contextual elements. Certain flexibility may be required and discretion will be exercised whenever necessary.

Those institutions (Voting or non-voting members) that could be under threat and need IOI help should be independent and fulfilling the IOI By-laws requirements, irrespective of their membership category.

3. DEFINITION

Threats to Ombudsman institutions come in a variety of forms but have a common denominator: they come as a direct response to the complaint handling work of Ombudsmen and their efforts to protect human rights and fight corruption.

For the purpose of these guidelines ‘threats’ should be defined as: Any action that is directed towards an Ombudsman institution or an incumbent directly or indirectly and that potentially puts the independent operation and exercise of the Ombudsman’s duties at risk.

A more detailed, non-exhaustive list of how Ombudsmen can come under pressure or be hindered in the independent and objective exercise of their mandate can be found in Annex I.

4. PROCEDURES AND COURSES OF ACTION

1) Identifying the problem

The necessity for IOI support for a member in need may be identified and brought to the attention of the IOI General Secretariat by:

- the member institution itself
- the respective Regional President
- a fellow Ombudsman institution from the region
- a member of the IOI Executive Committee
- a member of the IOI Board of Directors
- news / media coverage

2) Evaluating the situation

In order to strengthen its position and to have substantive arguments at hand, the IOI will gather as much background information from as many different sources as possible. In doing so, the IOI will take into account that – depending on the case – accelerated procedures will be necessary. Different sources to develop a well-informed opinion are:

- the member institution in question
- impartial contact points (e.g. embassies based in the respective country)
- fellow Ombudsman from the region
- civil society

3) Selecting an appropriate course of action

After having consulted the respective Regional President, the IOI General Secretariat will present the facts of the case to the IOI Executive Committee to decide upon the appropriate course of action. The decision is taken in close cooperation with and upon agreement of the member in need of support. When selecting the appropriate action due attention is paid to the following:

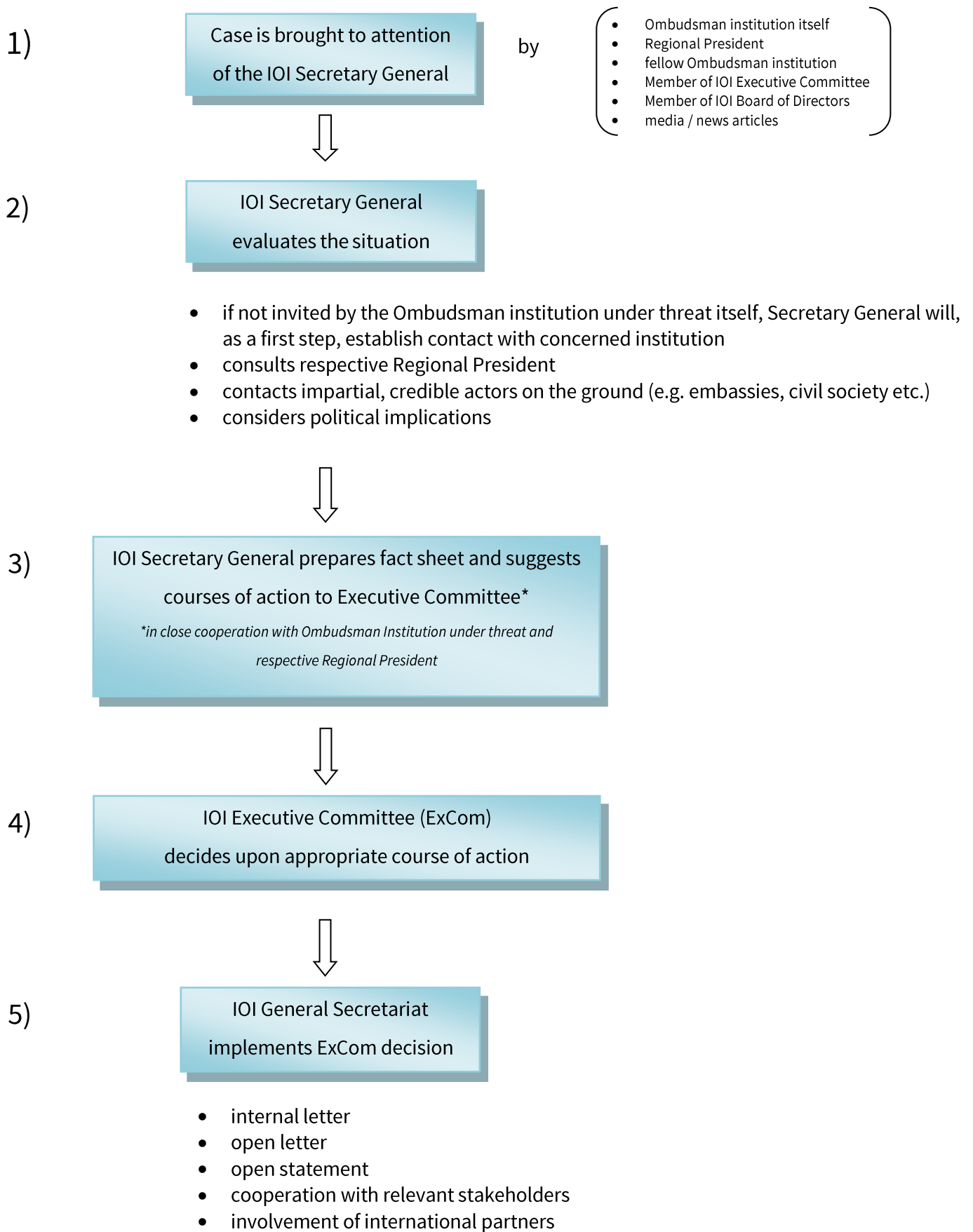
- take into account the best interest of the member in question
- ensure necessary sensitivity to each case
- evaluate the existing national context
- identify other contextual elements (e.g. bilateral political developments)
- consider possible unintended consequences
- be flexible and exercise required discretion when necessary

4) Take action to support the member institution

Official letters and statements issued by the IOI will be signed by the IOI President and the IOI Secretary General. If requested and/or considered helpful the signature of the respective Regional President and/or a regional organization will be included as well.

- internal letter from IOI to government / parliament etc.
(to ensure accelerated and more discreet action)
- open letter addressing the matter to the body in question
- open statement to express IOI concern
(for attention of broader public, e.g. publication on website etc.)
- cooperation and coordination of action with relevant national or regional stakeholders
(e.g. regional Ombudsman associations and networks)
- involvement of international partners (e.g. UN, OHCHR, World Bank etc.)
- establish a Commission of Enquiry to take evidence, in the country concerned if necessary, and report to the Executive Committee

- sending an IOI delegation to study the problem on the field
- delivering a press release
- preparing and publishing a report on the situation with IOI recommendations



ANNEX I – Possible threats to Ombudsman institutions ¹

- restrictions of budget or staff
- unlawful removal of incumbent(s)
- failure to appoint/elect new incumbent
- political pressure on incumbent(s)
- incorrect charges on incumbent(s) resulting in arrest
- organizational changes (e.g. inappropriate mergers)
- changes of mandate or statute, legislative initiatives that could impact on the office
- reduction of formal independence
- instable political environments
- defamation of incumbent(s) and/or staff (e.g. in media campaigns)
- administrative or judicial harassment
- attacks on incumbent(s) and/or staff (verbal, written or physical)
- ill-treatment of incumbent(s) and/or staff
- death-threats to incumbent(s) and/or staff
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ANNEX II – List of potential stakeholders and international partners¹

- regional Ombudsman associations
- UN / OHCHR
- GANHRI (and its relevant regional networks)
- Council of Europe
- European Union / European Commission / European Parliament
- ODIHR / OSCE
- World Bank
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¹ This is a non-exhaustive list that will be added to as needed