



Summary IOI World Conference 2024

Act together for our tomorrow

Introduction

Dear Colleagues,

It is with great pleasure that I present to you the summary of the IOI World Conference 2024, held in The Hague. It was truly a privilege to reconnect with so many of you after such a long time, and to engage in meaningful conversations around our shared theme: Working Together for Our Tomorrow.

Your active participation and thoughtful contributions made the conference a vibrant exchange of knowledge and experience—something especially valuable in the often solitary context of our roles as ombudsmen.

Together, we explored four key themes that remain highly relevant to our work today: Climate Change, Future Generations, Value Dilemmas, and Outreach. These themes, selected collaboratively in our preparatory online sessions, reflected the priorities we share and the importance of staying connected across borders.

What emerged over the course of our three days together—through formal sessions as well as informal interactions—is, in my view, a rich and meaningful document. I hope this summary not only brings back fond memories of our time in The Hague but also serves as inspiration, reminding us that by working together, we can help shape a better future.

Warm regards,

Reinier van Zutphen



Table of contents

| | |
|--|-----------|
| Introduction | 2 |
| Speech by King Willem-Alexander at the opening of the International Ombudsman Institute World Conference, The Hague | 4 |
| The Hague Declaration | 6 |
| Conference theme 1 | 7 |
| Climate Change and Living Conditions | 7 |
| Session 15.0 | 7 |
| Breakout session 15.1 | 8 |
| Breakout session 15.2 | 9 |
| Breakout session 15.3 | 10 |
| Breakout session 15.4 | 11 |
| Breakout session 15.5 | 12 |
| Breakout session 15.6 | 13 |
| Conference theme 2 | 15 |
| Value Dilemmas | 15 |
| Session 16.0 | 15 |
| Breakout session 16.1 | 16 |
| Breakout session 16.2 | 16 |
| Breakout session 16.3 | 18 |
| Conference theme 3 | 20 |
| Inclusiveness and Outreach to Vulnerable and Marginalised Groups | 20 |
| Session 16 | 20 |
| Breakout session 16.4 | 21 |
| Breakout session 16.5 | 22 |
| Breakout session 16.6 | 23 |
| DCAF side event 16.7 | 24 |
| Breakout session 16.8 | 25 |
| Breakout session 16.9 | 26 |
| Breakout session 16.10 | 28 |
| Conference theme 4 | 30 |
| Future Generations | 30 |
| Session 17.0 | 30 |
| Breakout session 17.1 | 32 |
| Breakout session 17.2 | 34 |
| Breakout session 17.3 | 35 |

Speech by King Willem-Alexander at the opening of the International Ombudsman Institute World Conference, The Hague

Speech | 15-05-2024

Ms Ramírez Hernández, ladies and gentlemen,

A very warm welcome to The Hague! I feel privileged to be speaking to you today, here in the international city of peace and justice.

You represent ombuds institutions from over 100 countries. And although there may be big differences between your organisations, your mission is the same. The focus of your work is on protecting human rights and promoting good governance.

You help people who run up against problems when dealing with the government. And you help public authorities improve their services.

We have Sweden to thank for the word 'Ombudsman'. A marvellous term that has conquered the world since it first began to spread in the 1960s. It's one of Sweden's most successful export products ever. Possibly as well-known as IKEA and Abba.

In the Netherlands, we have had a National Ombudsman since 1982. This role is enshrined in our Constitution.

I believe it's important to be aware of key developments in the work of this institution. And so I meet with the National Ombudsman on a fairly regular basis. Perhaps as part of a working visit, or an informal background discussion. Or in the context of an international activity, like a state visit.

About eighteen months ago, the Queen and I met with the Greek and Dutch Ombudsmen in Athens. I still remember it well. They have worked together for many years to safeguard the fundamental rights of citizens and migrants.

It was a very insightful discussion. And I saw how important it is for Ombuds institutions to share their knowledge at international level. Of course, that is a key aim of this conference, and that alone makes it highly worthwhile.

You are doing your work in turbulent times.

Wherever in the world we live, we are wrestling with questions that deeply affect our lives.

How should we respond to climate change? What role should we entrust to artificial intelligence when it comes to human interaction?

How can we prevent groups of people from retreating into their own bubbles? How can we build greater trust between citizens and government, as fake news and conspiracy theories run rampant?

And how do we ensure that everyone – regardless of their background or income – can participate in an ever-more complex society?

Public authorities are working constantly to develop rules and legislation that offer certainty and guidance in this respect.

The great thing about your work is that you see how those laws impact the lives of citizens in practice. You are allies to people who encounter problems caused by the actions of government.

People who are drowning in red tape. Who've been sent from pillar to post. Ignored.

Shortchanged. Treated unfairly.

And this means you are not simply supporters of citizens in need. You help governments too. Because they can learn from your findings. They can discover their blind spots and then improve their working methods.

You foster a process of continual improvement in our public services. And that's good for everyone – especially vulnerable people who struggle to make their voices heard.

Of course, you must be able to work independently to do this. And so it's good to see this principle being consistently reaffirmed within the Council of Europe and the United Nations.

I firmly believe that ombuds institutions can play a key role in boosting public trust in government. No government is infallible. There will always be mistakes and shortcomings. But your work helps ensure that problems come to light, and errors are rectified.

We can learn from things that go wrong. And by being open about them, we can all move forward together.

So you can be proud of the crucial work you perform in the general public interest.

This conference, with its theme 'The Value of the Future' is a perfect opportunity to learn about the experiences of your counterparts, whether they're based nearby or far away.

Together, you are working to foster sustainable and inclusive societies. I hope that you will find fresh inspiration to take home with you, and I wish you a fantastic conference.

Thank you.



The Hague Declaration

International Ombudsman Institute (IOI)

Having gathered in person for the first time in eight years, the members of the International Ombudsman Institute have shared their experience on the question on how we can work together for our tomorrow;

Taking note of the fact that if we as ombuds institutions do not contribute and act in the addressing of the different crises the world is facing now, the outlook for all people, living and yet to be born, will be bleak;

Having expanded the topic of the conference to four themes that are at the forefront of the work of the Ombudsman when looking toward the future, the members of the IOI aim to develop their expertise and knowledge;

Having consulted each IOI region online on the themes that were selected for this conference, the members have shaped the content of the agenda on Climate Change & Living Conditions, Value Dilemma's, Outreach and Future Generations;

Acknowledging the duty and obligation that ombuds institutions have all over the world to improve the relation between citizens and governments and be the voice of the ones who cannot speak for themselves, the General Assembly 2024 of the IOI:

1. **Takes note** of the fact that climate change is real and has a profound impact on the lives of all citizens around the world, and that ombuds institutions have a duty to alleviate the challenges citizens face in their daily lives.
2. **Takes note** that ombuds institutions are bound by their national mandates and are also governed by ambitious international instruments and guidelines which can lead to a dilemma when helping citizens.
3. **Takes note** that not everyone is able to find the Ombudsman and that there is an inherent obligation for ombuds institutions to identify these groups and proactively reach out to these citizens.
4. **Takes note** of the fact that future generations cannot speak out on their own behalf and that therefore the ombuds institutions should be their voice.
5. **Agrees** that ombuds institutions should take into account the possible long-term effects of their work and ensure that they provide a positive contribution to resolving the challenges people will face in the future.
6. **Underlines** that ombuds institutions should draft strategic agendas on Climate Change & Living Conditions, Value Dilemmas, Outreach and Future Generations and these topics should form a returning point of discussion in future IOI activities.
7. **Encourages** ombuds institutions to discuss with their peers how the themes of the conference work out in their countries and to share this not only within the regions, but also throughout the membership.
8. **Calls upon** ombuds institutions to make use of all available means, be it digital or analogue, be it team work within an office, international cooperation or trainings in any work form that can be beneficial for the dissemination of knowledge and expertise.
9. **Concludes** that ombuds institutions should actively consult and involve the experience of citizens in their work to inspire them to take the citizens' perspective into their daily practice.

The Hague, 14 May 2024

Conference theme 1

Climate Change and Living Conditions

Session 15.0

Plenary meeting

The conference sessions opened with a plenary meeting featuring keynote speaker **Peter Boshier**, Chief Ombudsman of New Zealand, introducing the first day's theme: "Climate Change and Living Conditions".

Mr Boshier discussed the challenges for an Ombudsman faced by severe weather events associated with climate change. How far can he go to exert influence in those circumstances?

After two cyclones caused destruction on New Zealand's North Island, he left his office, put on old clothes and went out to the affected areas to show people that he cared. He made sure that he talked to people and listened to their concerns, so that he could hold the government to account for its response. He found that people really wanted to talk about their experiences and saw him as Ombudsman as an important channel through which they could feel heard. They felt isolated, access to food was not guaranteed and there was a sense that government did not care. Official decisions took a long time to be made.

Maori culture is important in New Zealand, so the Ombudsman made a particular effort to talk with Maori people. He learnt that they were being asked to shelter a lot of people because that is part of their culture. That, he realised, only highlighted the lack of official readiness for climate-related events. Often, the authorities are too reactive.

He also met mayors and other officials to talk about their challenges. It is better to speak with them, too, he says, than to write letters.

Mr Boshier's conclusion was that New Zealand's response must improve because events like this are going to recur. That response needs to be more proactive: we must be ready when it happens again. Rather than conducting a formal investigation, writing a report and delivering formal recommendations, he decided to announce his findings straight from the heart, without being political. That, he felt, was the best way to make use of the trust he had built up with his relations.



In monitoring the adoption of his recommendations, the Ombudsman sees himself as an activist doing the right thing for people and standing by them when others are letting them down. That means giving them a voice, responding quickly to complaints and not being afraid to ask the government to do better – with or without a mandate. And whilst being careful not to overdo it, not pretending to be a film star, not being too quiet, either.

As for the climate, his mindset is: we are stewards of this planet. We do not own it. And we are vulnerable to climate change, but it is not being taken seriously enough.

Breakout session 15.1

Dealing with Environmental Refugees

Deterioration of the living environment due to climate change and other factors is forcing countless people to leave their homes. Their movement has a profound impact on the areas they pass through and arrive in. This session explored whether the Ombudsman has a role to play here and, if so, what is that role?

Maria Stylianou Lottides, Commissioner for the Administration and Protection of Human Rights in Cyprus, noted that the millions of people being displaced due to climate change and related disasters fall into a legal void. The 1951 Refugee Convention is based upon the concept of persecution, but climate change is not recognised as a form of persecution. Moreover, it is going to be extremely difficult to extend the convention to include climate refugees. Meanwhile, their displacement also places stress on the host countries.

In this context, the Ombudsman surely does have a specific role to play advocating the rights of environmental refugees, to ensure that they enjoy the same protections as other refugees. Not to mention raising awareness of their situation, monitoring government actions, investigating complaints concerning mismanagement, discrimination or neglect and making recommendations on ways to improve the protection of this group.

Iain Anderson explained that immigration is one of his many responsibilities as Australia's Commonwealth Ombudsman, and that includes holding governments to account to assist those internally displaced by natural disasters and climate change. In all, 88,000 people have sought protection in Australia, but only 8,000 have been granted a visa. Some 30,000 are still awaiting a decision. His role as ombudsmen is to humanise those refugees and to emphasise their right to access public services like education and healthcare.

The subsequent discussion turned to **Israel's** experience with internal displacement as a result of attacks by Hamas and Hezbollah. This has given rise to three insights from the Ombudsman's perspective: be agile and act quickly; serve as the intermediary between the public and the authorities; and be sensitive to members of your own staff who also need help.

A question about cultural language rights elicited the response that we should not just respond to complaints in a traditional Ombudsman way, but also actively reach out. For example, by monitoring programmes for accessibility. Certainly in the Australian context, preserving indigenous languages is challenging.

Finally, is there a role for the Ombudsman in pushing for policy to address climate change? The answer to this was an emphatic "Yes!". We must hold the government accountable, but also investigate complaints from any person. If we fail now, the future will be worse. So governments need to respond to climate change with preventive measures.

Breakout session 15.2

National Approaches to Loss and Damage

Climate change impacts lives, often requiring financial or other assistance to help those affected. An Ombudsman can play a role here as part of a government initiative to deal with loss and damage, or in evaluating the measures taken. This session looked at what lessons can be learnt from an Ombudsman perspective?

Jay Chalke, the Ombudsperson of British Columbia, Canada, presented a case study on the impact of displacement following extreme weather-related events (wildfires, floods, etc.). This investigation was undertaken on his own initiative, not due to individual complaints, but is important because the weather is becoming more extreme.

One key finding was that the one-size-fits-all method applied by Emergency Support Services (ESS, designed to deliver initial support in the first 72 hours after a disaster) creates unfair barriers to access. Especially for indigenous people, the disabled and the elderly. For them, the initial experience is not positive.

ESS is financed by local governments and conducted largely by volunteers. Current capacity is insufficient for the complexity of ESS and the longevity needed after large-scale events. Better accessibility, inclusion and cultural awareness are needed when ESS is activated following disasters. Local ESS needs to be supported and more attention needs to be paid to people who are displaced long-term.

Meanwhile, the Disaster Financial Assistance (DFA) programme which is initiated after disasters experiences unreasonable delays and its communications are inadequate. Moreover, there is not enough consideration for the disproportionate impacts of a disaster.

Better communication about the programme is therefore needed, and there has to be greater capacity to process applications as well as more attention paid to disproportionate impacts. The government also needs to look at the role of private insurance companies and what they charge individuals to insure against damage after disasters.

The government has accepted all the recommendations. Now they have to be implemented.

In answer to a question from the moderator, **Gwendolien Mossel** (Sint Maarten), Mr Chalke acknowledged that such measures are always going to be expensive. So the real solution lies in government investment in disaster prevention. Like good building codes, for example. In the long run, that is what will avoid high costs in the wake of disasters.

Another questioner asked about long-term measures by government and public trust. The answer was that people look to the government to take action. Whether and how it does so can affect its relations with the public. The Ombudsman can tell people's stories on their behalf, but ultimately it is up to the government to act.

Portugal's Provedora, **Maria Lucia Amaral**, then told a personal story. Hers is a vulnerable country when it comes to disasters like wildfires, especially in rural areas. In June and October 2017, wildfires in northern Portugal destroyed huge areas of countryside and hundreds of people died.

After the disaster, the state was sued because nobody had been able to prevent the disasters or provide proper assistance. The state accepted liability and said it was willing to compensate for the damage and losses people had suffered. A special counsel was appointed to organise this compensation project. They were given one month to create a general framework for the procedure.

The Ombudsman was asked to implement and oversee the procedure, because the special counsel thought that only she could do this in an independent manner. She therefore had to publicise the procedure, carry it out and talk with the people who had experienced losses and damage.

The procedure involved analysing applications for compensation (309 received, of which 300 were honoured), determining the amount to be offered and instructing the government to pay this sum if the applicant accepted the offer. Within two months, the procedure had been completed and everyone had received their money.

The procedure itself passed off smoothly, but the most difficult part was the pain people experienced and the mistrust they had in the government. Because of that, at first many did not want to participate. The Ombudsman really had to reach out to them.

In conclusion, one lesson learnt from this experience was that the Ombudsman's team did not have enough capacity, time or resources to analyse all the requests in the manner they really would have liked. But another was that using the Ombudsman for this procedure proved a way to restore public faith in the government. Nevertheless, given the risks involved – potential rejection of the Ombudsman's procedure and offer – Ms Amaral is not sure that she would do the same again if there were a next time.

Breakout session 15.3

Ensuring Universal Access to Basic Services

Climate change often endangers access to the basic necessities of life, such as housing, water supply and electricity. This discussion of the Ombudsman's role in such situations opened with a presentation by **Josué Manuel Gutiérrez Córdor**, Defensor del Pueblo in Peru, on work there to provide better services, and in particular to improve the availability of and access to drinking water, and its quality. The aim is to cut water pollution significantly by 2030 and to supply everyone with high-quality water by 2040, despite the visible and negative effects of climate change on supplies.

The Ombudsman's role in this effort is to ensure compliance with international laws and treaties that guarantee access to basic services. That, after all, is a fundamental human right.

According to Mr Córdor, people very much value the support provided by the Ombudsman. It is important to be proactive, to proffer solutions and not to denigrate anyone. For him, the art of persuasion is important: he makes it a specific characteristic of his reports. So whilst they all have a legal component, they are also based on social legitimacy. The authorities value what the Ombudsman does, even though they are not always very comfortable with him being "right behind them". But in the end they appreciate his contribution.

It is also important, he says, for the Ombudsman to seek out difficult-to-reach groups. In Peru, for example, the government tends to overlook certain groups, such as the children of prisoners. So he provides them with a list of people to pay attention to. If you go to any jail, you hear many distressing stories. You have to talk to the children of people in prison.

In her presentation, Croatian ombudswoman **Tena Šimonovic Einwalter** also highlighted the role played by climate change in depriving people of the basic necessities of life – housing and shelter, water, electricity and so on.

Broadly speaking, Croatia faces two types of issue. First, there are ongoing everyday challenges such as maintaining water supplies to rural areas and islands, energy poverty, forced evictions of Roma people and homelessness. Then there are major catastrophic events like devastating floods in 2014 and wildfires in 2017.

In both cases the ombudswoman has to stay one step ahead of the government in order to do her job properly. It helps here that she has a broad mandate, allowing her to actively monitor and promote the constitutional right to a healthy life and a healthy environment. As well as conducting complaint-based investigations, she is therefore able to initiate her own (as in the case of the floods and wildfires). She also undertakes field visits, interviews stakeholders and affected citizens, collects data, analyses regulations and news coverage and contributes to the work of parliamentary bodies.

Another aspect of her work is researching the impact of climate change on equity of different groups. In this regard, she finds that it does not affect everyone equally. And it exacerbates existing problems.

To explore these issues, outreach is vital. You have to leave the office, otherwise you never hear from the most disadvantaged people. Those who do not trust institutions and do not have access to the internet. So a local presence and collaboration with civil society are crucial. As is a media presence, because people need to know who you are and what you stand for. It is also important to motivate the civil servants working for you.

To make sure that recommendations are adopted, a constructive approach is essential. Help the relevant authorities implement your recommendations. Keep engaging and conversing with them. And if there is opposition, consider collaborating with the media. They are a powerful means to make issues important for politicians because they make them important for the people.

In conclusion, the contributors agreed that the IOI has a part to play in ensuring universal access to basic services. International co-operation helps everyone. For Mr Córdor, the ideal would be that all ombudsmen have similar mandates so that they can all work together. And all back each other up.

Breakout session 15.4

Cross-Border Co-operation between Ombuds Institutions

The effects of climate change do not stop at national borders. This session looked at how ombuds institutions can work together to deal with its impact. It opened with **Gabriel Savino**, Defensor del Pueblo in Santa Fe, Argentina, introducing a good example of cross-border co-operation from his continent: Early Alert 001/2024, launched by the Ibero-American Federation of Ombudspersons (FIO) in the city of Leticia in the Amazonian Three Frontiers region and led by the Colombian Ombudsman's Office in partnership with its counterparts in Bolivia, Ecuador, Peru and Brazil, with the support of almost all other federation members.

Behind this initiative lies the realisation that everyone in the region is dealing with the same problems, most notably natural disasters and criminality. The Amazon is the biggest tropical rain forest in the world, and vitally important to the whole planet. But its environment is low on governments' lists of priorities. Deforestation, road building, mining and intensive farming, both authorised and illegal, are devastating the region.

Recognising the environmental damage caused by these activities, the early warning system seeks to advocate the conservation, protection and restoration of the Amazon biome in accordance with the principle of prevention. It is also challenging the related criminal economies and the lack of state intervention. The participating ombuds institutions have decided to act positively to prevent ecological damage and to ensure that governments take measures to improve the lives of all their citizens per the UN sustainable development goals (climate, justice, peace, strong institutions, clean water).

Another, related issue is threats to and the disappearance of human rights defenders in a number of Latin American countries. More than a hundred people who have spoken out against abuses have been killed. Yet governments look the other way. Not just those in the region, but also in Europe where the results of criminal activities in South America (drugs) are not being tackled hard enough.

Ombuds institutions should address this problem and urge governments to act by taking on the illegal economy and the crimes that come with it. We must not be afraid, but speak out. And we should not require a formal mandate before doing so.

In his contribution, **Vit Alexander Schorm**, the Deputy Public Defender of Rights in the Czech Republic, acknowledged that the situation in his country is different from that in South America. His office is still exploring the possibilities and boundaries of the Ombudsman's mandate.

Opportunities for cross-border co-operation in the Czech Republic focus more on issues like social insurance, where discrepancies between different countries' systems sometimes cause problems.

Climate change and environmental protection are an increasingly important part of the job, too. After all, they are causing more human rights violations. Although the Ombudsman does not have a lot of experience with them, topics like forest management, air pollution, water management and waste management do have a cross-border component, because none of them stop at national frontiers.

For example, the Czech Republic is considered the "roof" of Europe because a lot of water flows from there to other parts of the continent. This requires co-operation with neighbouring countries. Then there was the case of air pollution in the Silesia region. Much of that originated in Poland, which has different rules, but following recommendations from the Czech Ombudsman the two nations were able to reach an agreement based on their common membership of the European Union. There is now also a regional ombuds network for the exchange of know-how and collaboration on smaller-scale or specific tasks with countries like Hungary and Slovakia.

The Czech Ombudsman would like to expand his mandate in this field. At the moment he can only focus on the legal aspects of climate change, not its scientific side. That has the potential to limit opportunities for co-operation with other countries where the mandate is broader.

In that respect, and despite some audience trepidation, he found Mr Savino's call for unmandated action "inspirational". Climate change is a real threat, after all, and action is necessary. We cannot wait too long. The sooner we act the better.

The session ended with **Wen-Cheng Lin** (Taiwan) pointing out that cross-border co-operation is more difficult for him. He suggested circulating a newsletter so all ombuds institutions can learn from each other. Working together on climate change and holding governments accountable would be a good thing, and very important. It will not be easy, because every country faces its own problems, but it is not impossible. We should at least make a start.

Breakout session 15.5

Broader Implications of General Comment 26 (Children's Rights)

This session was convened to consider whether General Comment 26 on children's rights and the environment could also be used to protect the rights of adults.

It began with a critical comment from the moderator, **Esther Giménez-Salinas i Colomer**, regarding the Convention on the Rights of the Child, under which parents make decisions.

There should be more room for children. Adults alone should not decide about the environment when it is the future generation which will be most affected.

The first speaker was **Manuel Lezertua**, Ombudsman for the Basque Country. He declared that climate change is an existential crisis for humanity. That gives the Ombudsman a special obligation to promote the right to a clean and healthy environment as a stand-alone human right for everyone. Their role here is to ensure access to information, participation, effective remedies and (child-friendly) access to justice.

Is this soft law? No, it has a real impact. It has put the issue back on the international agenda, with the adoption of a protocol stating that a healthy environment is a stand-alone right.

Procedural recommendations concerning environmental rights include public participation in considering the impact of human activities in the environment and the use of restorative justice systems.

In the Basque Country, the Ombudsman has played a role by organising youth participation in the environmental rights debate, in the form of a Children's Council which presented its findings to parliament. Reflections on the climate crisis have been gathered from an intergenerational perspective. And Bilbao has implemented the region's first emission-free zone.

Next was **Maulaivao Pepe Seiuli**, Acting Ombudsman of Samoa. He stated that children constitute a vulnerable group in society, so governments must protect their needs and human rights. In particular, General Comment 26 should be treated as a human right. We need to educate children as to what their rights are, but on top of that a shift in mindset is required to include children in the discussion and decision-making when it comes to climate change. This means a shift of priorities. After all, children are already suffering the effects.

What can the Ombudsman do? Collaborate with NGOs to ensure that states' obligations are upheld, organise high-level dialogues about including children and ask children themselves for their input regarding climate change and the link to their human rights.

From the floor, **Rosemary Agnew** (Scotland) said that her office is designing a child-friendly complaints handling process.

Also highlighted in the subsequent discussion were the particular challenges facing small islands. These largely come down to insufficient resources: good education regarding climate change and children's rights requires funds, capacity and proper data, and all are in short supply.

Elsewhere, such as in the Netherlands, the necessary funding is available but the will is lacking. Much the same applies in Spain, too.

More broadly, the climate issue is undeniably linked to money. So the question is how to make sure that children's voices are heard in international economic discussions as well. As one contributor put, it, "They are not all Greta Thunbergs."

Breakout session 15.6

Acting Proactively to Prevent Future Harm

The purpose of this session was to consider whether ombuds institutions should operate more proactively and what options they have in this regard. For instance, should they even investigate policies harmful to citizens' living environment?

David Baele, Federal Ombudsman of Belgium, admitted that his office has to work in a reactive manner: it has no right of initiative. However, it can submit policy proposals to the government – to prevent future harm, for example.

So in one case following an incident at a Belgian diplomatic post in a third country, the Ombudsman proposed that all Belgian citizens be provided with consular counsel at those posts.

Anyone can experience a breach of their human rights, but in reality it is the poor who are mostly affected. Like asylum seekers whose cases are processed too slowly. Or the Belgian man who found himself with 8000 separate convictions for various offences.

In 2023 the Ombudsman received a tsunami of complaints from people entitled to energy subsidies who had never received them. He published a report about the many problems they encountered, such as the inability to submit applications.

The Greek Ombudsman, **Andreas Pottakis**, focused on the causes and effects of climate change. In 2023 alone, the country experienced wildfires on the island of Rhodes and on the mainland, as well as the impact of Storm Daniel. In all, several dozen people were killed and many thousands – including entire villages – had to be evacuated. As far as he is concerned, climate change is happening. We are not acting, but only reacting – and rather late at that. As Ombudsman, all he can do is to try to mitigate the effects.

Tourism is a huge industry in Greece, accounting for 30 per cent of GDP and providing about 2 million people with an income, but overtourism is a driver of climate change. On an annual basis, visitors outnumber the local population by three to one. The island of Santorini, with just 15,000 inhabitants, receives 6 million visitors a year. As in other European countries, cheap city breaks are overwhelming local housing markets so that locals can no longer afford to live in their own home towns.

The Ombudsman is empowered to publish special reports about systemic problems, so on his own initiative he has been investigating the effects of overtourism in Greece. Due out early this summer, his report will make recommendations concerning planning matters, the protection of public spaces (café terraces, etc.), waste management, the protection of water supplies, improvements to infrastructure such as public transport, better inspection regimes and the safeguarding of Greece's culture and heritage.

From the floor, **Emily O'Reilly** (European Union) raised the political aspect of the Ombudsman function. So many things are political now – for instance, the AIDS crisis. To what extent can an Ombudsman say, "This is not political, it's simply in the public interest?" On that particular point, Mr Pottakis recalled his success in lifting long-standing restrictions on blood donations by gay men.

Citing the case of the Swiss Senior Women for Climate Protection, moderator **Pierre Heusser** addressed the dividing line between the political and the legal. He had been surprised by the European court ruling that the group had the right to file a complaint. After its own High Court then ruled that there is a direct link between climate change and human rights, Switzerland acquired a legal duty to protect its citizens from the effects of climate change.

Two conclusions can be drawn from this case. First, taking appropriate measures is a human rights issue and not just a political one. And second, the ECHR seems to prefer collective complaints over individual ones.

As for the practical implications, Zürich is now planning to plant many more trees on Bürkliplatz, home to the city's main vegetable and flower market (the target is 25 per cent tree cover). The aim is to cool down the city. As the local Ombudsman, Mr Heusser supports that.

Conference theme 2

Value Dilemmas

Session 16.0

Plenary meeting

At the plenary meeting to introduce the second theme of the conference, “Value Dilemmas”, European Ombudsman **Emily O'Reilly** delivered a keynote address centring on priorities and focus in Ombudsman investigations. Should we first concentrate on resolving individual problems, or look instead at structural issues? And what principles do we apply in doing so?

Ms O'Reilly began by mentioning a number of crises facing the world faces and highlighting their impact on the role of the Ombudsman. She has come to realise that elements of those crises were caused precisely because of a failure to deal with certain problems when they were still small, allowing them to build to a point where they became overwhelming. Climate change being one example.

When we talk about Ombudsman values, independence, fairness, impartiality and trust are all important. As an Ombudsman, she sees her role as fundamentally being about preventing the abuse of power. As one that protects the administration from itself.'

The European Ombudsman has three criteria for launching investigations on her own initiative. The matter in hand must be of significant public interest, the exercise should not be replicating someone else's work and there must be achievable results.

Her role, she emphasised, is not that of a mediator seeking a negotiated, consensual outcome. Rather, she is in the business of arbitration, of judgement – but judgement grounded in a visceral sense of justice. On the other hand, the Ombudsman is not a court. Nevertheless, the court of public opinion is a very good test of her reasoning and her values.

But not all problems resolve themselves through clear vision, good judgement and careful management. Very often the biggest challenge lies in changing a culture or a mindset – even within the Ombudsman's own offices. Sometimes a quiet approach is more effective than a shaming tweet or press release. Sometimes it is the other way around. The Ombudsman can choose between making noise, a whisper or silence, just as a conductor might choose between a drum, a piccolo or silence.

The key values for an Ombudsman are trust, transparency, accountability and integrity – the same values on which we hold public institutions to account. We must be above suspicion, imposing the highest standards on ourselves before they are demanded of us if we fail.

In conclusion, she turned to the role of networks like the global IOI and the European Network of Ombudsmen. They help us to reflect on all of this. We learn from each other, we support each other. But most importantly, we try to give each other the moral courage to carry on, come what may.

Breakout session 16.1

How to Define Ombuds Values

The key question for this session was: what values does an Ombudsman apply? Are these universal, or does Ombudsman work justify its own set of values? Are they the same everywhere, or country or region-specific? How do you determine what values apply, and how do you formulate them?

Marc Bertrand, Médiateur in Wallonia, Belgium, reviewed the guideline for role of the Ombudsman compiled by the IOI with help from the European Ombudsman and other colleagues. What to do, how to act. But, he stressed, not a code of conduct. Not formulated as strict rules on how to do the job, but in broader terms like “act independently”. Including examples to explain what is meant by such precepts.

A guideline of this kind needs to be formulated in a positive manner. It aligns with the Venice Principles, but whether its own principles can be applied by all ombuds institutions around the world is something the IOI still has to look into. The most important thing is that an Ombudsman be particularly careful not to act in a way that allows their impartiality and integrity to be called into question by government or by citizens. Moreover, no code is a bible: it should be tested from time to time, and it can also change over time.

For **Ron Crocker**, Ombudsman Representative in Nova Scotia, Canada, the principles themselves are quite clear. The challenge is how to implement them in such a way that everybody works in line with them.

“We are open, honest and listening.” That quote sums up the core of the work of ombuds institutions. Or at least it should. Codes can be good, but they can also be window dressing. Just as important is the spirit behind the guidelines, meaning that they should not merely be interpreted strictly and literally. Also a code of conduct and a code of ethics are two different things. The former applies to decision-making, the latter to behaviour.

Another thing is that it is not always clear who enforces the code. If that is not properly defined, a code cannot really ensure that ombuds institutions operate according to principles enshrined in it.

Our adage should be, “We are here to keep the good guys good!”

Breakout session 16.2

Challenges for the New Ombudsman

When you enter office as a new Ombudsman, both the outside world and your own staff expect you to be the person making choices and pointing out routes to follow. This session was organised to explore how you prepare for that challenge – if preparation is even possible. What do you encounter when you take office, what can you do within the organisation, how do you approach the outside world and how do pave the way for your successor?

Kholeka Gcaleka, South Africa’s Public Protector, came to that role in challenging and turbulent times, with limited resources and an eroding institution. Her office was in crisis after her predecessor had been impeached. With its staff under stress, she had to lift morale at the same time as ensuring that the institution starting evolving in the right direction. In the past the Public Protector had not been a learning institution. She now initiated exchanges with other ombuds institutions.

In her experience, when preparing for such an appointment it is important to have a clear vision for the institution and the impact you want to make. For her that meant developing an ethical position in line with Venice Principles. And on a more practical level, ensuring her own personal

readiness and understanding of the organisation. It is also crucial to have public confidence and to manage expectations.

The key lessons she has drawn from this experience are the need for a clear guiding vision and purpose, for courage, for an awareness of the importance of systems and processes, for a focus on integrity and transparency, for team empowerment and collegiality and for inclusivity and diversity.

Ms Gcaleka expressed her thanks to the international colleagues who helped her out during this process. The IOI definitely has a role to play in supporting new incumbents, in accordance with the Venice Principles, although it is also crucial that the individual institution retain its independence. As well as issuing guidelines, the IOI could also publish papers about problematic situations.

In answer to a question from **Angola**, Ms Gcaleka declared that what keeps her “falling forward” in her work is a determination to ensure that democracy thrives. Democracies in Africa have been hard earned. We as Ombudsman have to protect them with all our strength, even if that comes at a cost to ourselves. Contributors from **East Timor** and **Finland** expressed their solidarity with and support for her efforts.

When **Rob Behrens** became Parliamentary and Health Service Ombudsman in the UK seven years ago, he inherited a difficult situation. That taught him that an Ombudsman should use lived experiences in performing their task. And from his experience working in South Africa (as director of the South African Development Unit in the 1990s), he had learnt the importance of going out into the community to talk and listen to the people you represent. So that when you are representing them, you know what you are talking about: what they want, not your own vision. Adopt an evidence-based approach, using surveys, reviews and so on to find out what people’s real needs are. Listen to people and define what your values are. Also, you can get things wrong and then change your mind. Do not have a rigid plan. Be prepared to change plans.

From the Polish Commissioner for Human Rights, who had come under attack from his own government, he learnt that being an Ombudsman can be an isolating, difficult business. You have to realise that. You cannot be someone who tells people how to behave and not behave yourself.

Another important aspect of the job is professional development. An Ombudsman academy has now opened in the UK, providing a ten-month training programme.

Transparency is crucial, of course. So publish your investigations and reports. But beyond that: reach out to show that you are listening. For example, by organising road shows and making podcasts. Have a media policy and take media training. Likewise, go out and support fellow ombudsmen colleagues in difficulties. And help government bodies fulfil their responsibility to handle complaints successfully themselves.

On the other side of the coin, reach *in* as well. In other words, listen to – and support – your own staff. Create an atmosphere where people can say “You’ve got this wrong” or bring issues to you as a leader. But also let them know when you think things are not being done well enough.

Finally, remember that relations with politicians can be difficult. They are not interested in you and do not want to respond to your findings. Just being polite is not good enough. Be determined, even if you know your recommendations are not going to be adopted. History will decide, not tomorrow’s newspaper.

From the floor, a representative from **Guatemala** noted the sensitivity of the Ombudsman’s position. He or she always has to strike a delicate balance. Nobody teaches you or has a protocol on how to be the best Ombudsman. We learn on the job, and become stronger and wiser. In Latin America, not all governments take human rights into consideration. Conferences like this one strengthen our position, helping us to learn from each other and be better at the job.

Breakout session 16.3

Mandate as a Framework or Starting Point?

Taking the Venice Principles into account, the Ombudsman mandate should be very broad. This session discussed whether ombuds institutions take advantage of this opportunity in the absence of legal implementation.

Peter Tyndall, who has been both Ombudsman and Information Commissioner for the Republic of Ireland and previously Public Services Ombudsman for Wales, noted that different Ombudsman institutions have different powers and mandates. And those differences are important. One essential characteristic all should share is a sense of rule of law, and the Venice Principles require that all public offices be within the mandate.

In Wales, Mr Tyndall had a broad mandate over the maladministration of public services but no remit concerning private services like electricity and water. This is not uncommon, although internationally the Ombudsman for Catalonia is an exception to the rule: their mandate also covers privatised services. Mr Tyndall prepared a report for the Welsh Assembly on deficiencies in his mandate, which his successor, Nick Bennett, used successfully to expand to include private healthcare.

Even when a complaint falls outside an Ombudsman's mandate, it can cover issues that deserve to be addressed. Mr Tyndall's approach was to write to the accountable organisation about his concerns, in a way extending his mandate. That sometimes works, but there can be setbacks. Politicians like to say, "Ombudsman, stay in your lane."

Nursing homes in Wales are case in point. There was pressure on government to create a specific complaints mechanism for this sector, but the Ombudsman lobbied successfully to add them to his mandate. He was able to recruit extra staff and compile a proper complaints policy for the homes. An Ombudsman should never waste a good crisis.

Some groups, like refugees who do not speak the language, will not find their way to the Ombudsman's office. So you have to reach out to them and help them deal with their problems.

One risk facing ombuds institutions is government deliberately trying to damage their reputation by assigning them impossible tasks without additional funding. These measures are designed to make them fail.

Finally, his advice to an incoming Ombudsman is: evaluate your mandate against the Venice principles. They are a good basis for assessment, although achieving full compliance is a process. But perhaps any shortcomings can be used as leverage to claim the necessary resources from the relevant authorities.

Erinda Ballanca is the People's Advocate in Albania, a new position created with outside help from countries including Denmark. Hers is both an ombuds institution and a human rights body, so it has a broad mandate. She is seeking to a bridge between the people and the administration. For that she has to be critical, so that people trust her.

Holding a strong mandate comes with issues. The title People's Advocate makes people think that she should help everybody, that she has to reach out to everybody. But her team cannot constantly monitor the entire internet to see if someone wants them to do something.

For her it is important to participate in public debate, even with those critical of the Ombudsman. Parliamentarians can have issues understanding the mandate. Her worst day was when she had to explain to a member of parliament how an Ombudsman is appointed.

They did not understand that it is not a political appointment. They could not accept her telling them what to do.

Ms Ballanca said that her position is strong because she is able to rely on international law. The NHRI mandate gives her flexibility as Ombudsman to address human rights violations. In practice, the office of the People's Advocate is expected to be a strong body with soft powers. That requires a lot of work. The Vienna accreditation process helps you gain a better view of your own organisation, although full compliance is still a work in progress.

Nevertheless, her institution is now viewed a benchmark for the interpretation and implementation of international human rights standards in Albania: when all the nation's public institutions were subjected to a national integrity system assessment, it was ranked the highest – higher even than the judiciary and the public prosecution service.

In conclusion, Ms Ballanca declared that an Ombudsman should be an activist and work from their heart. This prompted **Niels Fenger** (Denmark) to remind the gathering that the Danish Institute for Human Rights was almost closed down for being too activist – that is, political. So there is a balance to be struck.



Conference theme 3

Inclusiveness and Outreach to Vulnerable and Marginalised Groups

Session 16

Plenary meeting

Introducing the conference theme “Inclusiveness and Outreach to Vulnerable and Marginalised Groups”, **Reinier van Zutphen**, National Ombudsman of the Netherlands, declared that outreach is important because it provides us with signals that allow us to be proactive and to prevent harm being done. In a way, he said, we are looking for the Higgs particle for us as ombudsmen: we know that there is something there, it is just that we have yet to find it.

You need other people, professionals, to know where you are most needed and what questions you should ask. Do not try and do it alone. We give a voice to the voiceless. It is not our task to voice our own opinions or to come up with what we think must be the opinions of particular groups of people.

The real work is not done behind a desk, but in the outside world. Perhaps outreach is not always the correct term for what we do. Maybe sometimes it is outreach, at other times it is engagement.

The underlying question is how to make the big jump to being there before a problem arises. We cannot prevent issues, of course, but we can avoid being too late. At one time his office had an ombudsbus. People could literally come into the bus and file a complaint, but that did not work because it took too much time. What happens now during outreach events is that staff note someone’s name and phone number, then they are called back the following week. The problem is that this is still a reactive way of working, rather than proactive.

You also have to stay in contact with the authorities and civil servants, to know what is really going on. In the Netherlands there is an online community through which the Ombudsman is in touch with intermediaries on a daily basis. They provide important information.

From the floor, **Rosemary Agnew** (Scotland) pointed out the importance of strategy. For that, her office has appointed an insight officer who handles data analysis and strategy matters. One of her findings, for example, was that women prisoners hardly ever contact the Ombudsman. That, it was realised, was because it depends on who the Ombudsman talks to. That is not always the actual people who suffer the most; it can also be an organisation close to the group concerned. So it is important to recognise the identity of a vulnerable group.

Her office also has an engagement strategy. They do not just reach out, they also invite in. Not just communicate, but build relationships. And not just back and forth, but on a continuous basis.

Nashieli Ramirez Hernández (Mexico City) observed that she uses the term “priority groups” rather than minorities. Through a kind of focus-group exercise involving a variety of organisations, 15 such groups have been identified. All are very vulnerable and subject to discrimination, meaning that they should be considered a priority and so are referred to as such. This perspective makes it very clear, to government organisations as well, that they need to take precedence. Her goal is to make government do something about the situation of these groups. They should be a priority and this is a way to ensure that the government focuses on them.

In conclusion, she returned to Mr van Zutphen and his search for the ombuds Higgs particle: the proactive element of our work. In her view, this should not be just our standard. Rather, it should be the way public officials work as well. Because that is what helps people have a better life.

Breakout session 16.4

Best Practice Paper: Outreach to Vulnerable and Marginalised Groups (I)

This was the first of two sessions in which participants were invited to join in discussion on the first draft of the best practice paper on outreach. It began with **Ayeh Zarrinkhameh**, a senior researcher with the National Ombudsman of the Netherlands, introducing that theme.

Amongst other things, she explained, outreach is about creating awareness of fundamental rights and the existence of the Ombudsman, about making services visible and about bridging gaps, such as those between the Ombudsman and the public or between governments and their citizens. When implementing outreach, you need to ask yourself who you want to reach out to. The public in general, specific priority or vulnerable groups, intermediaries or the government?

After briefly presenting the initial findings of the best practice paper, Ms Zarrinkhameh opened the discussion by asking what participants would find helpful in the paper.

For **Romania** that would be examples inspire and enlighten rather than too much theory. This prompted several contributors to provide examples of best practice from their own experience. In **Belgium**, for instance, people who once lived in poverty or were socially excluded are now employed by governments to reach people still in those situations. **Canada** called for strategies to bring people who have experienced problems themselves into the organisation

Rotterdam cited a site visit by the Ombudsman following numerous complaints about the city's waste collection facilities, demonstrating the need for the Ombudsman to be present – and seen to be present – for citizens and for the government organisation. Examples of this kind would keep the paper “alive”. But they need to be updated on regular basis. A broader resource pack, also updated regularly, would help as well.

Turning to social media, **Ireland** enquired about successful examples of the use of channels like TikTok and Facebook. How do you use them seriously, and what types of content are suitable?

Rotterdam uses a lot of social media. It has two young people on its team who know how to do that well: they speak the “right” digital language. For the **United Kingdom**, reaching out on social media is vital, but at the same time we should not expect too much. Also, there are people who do not respond well, who use it to attack the ombuds institute or even individual employees. So it has to be carefully managed. **Romania** pointed out that members of vulnerable and marginalised groups may not have good access to social media, so they are perhaps best approached through intermediaries. **British Columbia** agreed that can be good for outreach to specific groups, but not for everybody. And we are there for everybody. That is a dilemma we need to learn how to handle.

For **Ireland** the possible answer is very basic: just ask people how they want to be reached. They were told by adults that children really needed an app to facilitate contact with the Ombudsman, but when they ask children themselves, they said, “Please don’t give us an app, but a real person!”

In **Wallonia** social workers are a key channel for outreach because they are in direct contact with vulnerable groups. Also, governments and administrative service providers are required by law to include information about the Ombudsman in all their communications. That increases awareness.

In conclusion, **Rotterdam** summarised four reasons why outreach is so important. Firstly, it gives us a true insight into the number of nature of complaints about government and public services, beyond the “official” figure found in the annual report. Secondly, getting out of the office can help us to identify potential malpractice in advance or in its early stages and to respond

proactively – there are always people on the ground who can see what is going on. Thirdly, it bolsters public trust. We can help clarify false information about the government that causes people not to make use of public services because they do not trust them, even though they need those services to solve their problem. And finally it allows us to communicate our success stories: why contacting the Ombudsman helped and how we resolved the issue in question.

Breakout session 16.5

Outreach to Indigenous Peoples, Tribes and Minorities

This session was convened for ombuds institutions in countries with indigenous peoples, minorities and tribes to share their experiences.

Before dealing with a number of cases dealt with by his office, **Wen-Cheng Lin** of the Control Yuan of Taiwan described the position of indigenous peoples on the island. Taiwan has 16 officially recognised nationalities, representing about 2.5 per cent of the total population. They fall into two main groups: lowland and highland indigenous people. Some 400,000-500,000 lowland indigenous people are still awaiting recognition, even though their non-recognition has been ruled unconstitutional

Although the government has announced policy measures to improve their position, including the reservation of six seats in parliament for their elected representatives, generally speaking these people have a low socio-economic status. Their average income is only about 60 per cent of that of non-indigenous people. Other problems and challenges they face include poor healthcare, education and advancement issues and language endangerment. Mountain dwellers also have issues with transportation and accessing services.

The Control Yuan, which has a broad mandate to investigate and correct maladministration, including powers of impeachment and censure, has handled a number of cases concerning indigenous peoples. For example, a community outreach exercise to gather complaints found that one common grievance was a lack of health clinics. In response to the Ombudsman's request for improvements, the government developed a community service scheme for medical students – they are now expected to spend a period working in indigenous communities.

Another case addressed indigenous underrepresentation in the military and post-military employment assistance programmes. Although they account for a relatively high proportion of voluntary military personnel, they tend to be overlooked for promotion and so are significantly less-well represented at officer level. The Control Yuan's recommendations in this case have improved their representation in the officer corps.

The Ombudsman also recommended improvements after finding that there was no proper review of applications by city and county governments for Council of Indigenous Peoples (CIP) subsidies to develop demonstration sites for its "Tribal Hearts" project.

Finally, i-Tribe is project to establish free public wi-fi services in indigenous communities. The CIP evaluated its network quality based on a nationwide average, but the Control Yuan found that this was an insufficiently effective method because of regional differences.

According to **Florence Kajuju**, Chairperson of the Commission on Administrative Justice in Kenya, Article 56 of her country's progressive 2010 constitution provides for affirmative action to promote and protect the rights of indigenous peoples. For example, an equalisation fund to bring basic services closer to their communities. Nevertheless, until recently several indigenous communities lacked official recognition and so did not have passports or identity cards.

Ms Kajuju then homed in on one example of her commission's work: its collaboration with the Ogiek Peoples' Development Programme. After the Kenyan government failed to implement a ruling of the African Court on Human and Peoples' Rights that the Ogiek people had a right to return to their ancestral lands in the Mau forest, they turned to the Ombudsman for assistance. After visiting the Ogiek to learn more about their way of life and grievances, the Ombudsman developed a customised grievance settlement mechanism, convened ministerial representatives to press them to develop a roadmap for implementation of the court's judgment and, invoking the Ombudsman's access to information mandate, urged the government to disclose information that was being unlawfully withheld to the detriment of the Ogiek and their rights.

In the light of such experiences, Ms Kajuju has concluded that tailored engagement is essential. Ombuds institutions need to engage proactively with indigenous peoples to promote their rights and representation, fairness and equality. For instance, through a community outreach programme where the Ombudsman visits local markets to hear from people there.

Moderator **Maija Sakslin**, Finland's Deputy Parliamentary Ombudsman, also shared her own experiences involving the indigenous Sámi people of the Nordic countries (Finland, Sweden and Norway). In Finland they have a recognised Homeland, but no formal land rights. Moreover, Finland has never ratified the Indigenous and Tribal Peoples Convention (ILO 169). The Ombudsman reaches out to the Sámi, visiting them to see, for example, how participation works in their communities.

Breakout session 16.6

Making Use of Volunteers in Outreach

This session was organised for ombuds institutions that actively use volunteers in their complaint-handling process and as ambassadors to share their experiences.

Indonesia is one country that uses volunteers to reach its citizens, said **Bobby Hamzar Rafinus**, the Vice-Chairman of its Ombudsman service. They are important because Indonesia has a lot of ethnic groups who also speak different languages and relatively wide differences in socio-economic development. Many areas are classified as "left behind", but the Ombudsman receives few complaints from citizens there.

This was why they started working with volunteers, known as "Sahabat Ombudsman", who act as ambassadors for the service to reach people all over the country. Most are female students who work together with the Ombudsman as a group. They monitor public services, raise awareness of public participation and strengthen the Ombudsman role. For example, they go out into the streets with mobile phones to document any problems they see. They are trained to identify such issues.

About 30 per cent of the complaints filed with the Ombudsman in 2023 were channelled through the volunteer ambassadors.

According to **Kiyotsugu Harashima**, Deputy Director-General of the Administrative Evaluation Bureau (AEB), part of Japan's Ministry of Internal Affairs and Communications, his office employs 5000 citizen volunteers nationwide. Known as administrative counsellors, they are the heart of the Japanese Ombudsman service. Their goal is to extend the AEB's reach, thereby bridging the gap between citizens and the government.

Administrative counsellors serve a two-year term and their average age is 69. They are accessible for and listen to citizens. They also give advice and help solve complaints, carry out PR activities and submit useful suggestions to the government. All in close co-operation with AEB.

DCAF side event 16.7

How Can You Contribute to Peaceful, Just and Inclusive Societies?

At this side event, DCAF – the Geneva Centre for Security Sector Governance, presented the findings of two recent publications: ***Leaving No One Behind, Leaving No One Unaccountable: Ombuds Institutions, Good (Security Sector) Governance and Sustainable Development Goal 16*** (Panel 1) and ***The Contribution of Ombuds Institutions to Sustainable Development Goal 16 through Security Sector Governance and Reform: A Compilation of Case Studies*** (Panel 2). Both offer valuable insights into the vital role of ombuds institutions in advancing peaceful, just and inclusive societies through effective complaint handling and proactive engagement with government.

Panel 1: Leaving No One Behind, Leaving No One Unaccountable – moderator Richard Steyne

Panellists **Maaïke de Langen**, a senior fellow at New York University, and **Luka Glusac**, a research fellow at the Institute for Philosophy and Social Theory, University of Belgrade, emphasised the importance of linking Ombudsman work to the Sustainable Development Goals. They can also enhance our resilience as ombuds institutions, since they provide a good, widely adopted and non-political framework within which to voice our message.

Panel 2: The Contribution of Ombuds Institutions to SDG 16 – moderator Alice Alluni

The second panel consisted of three speakers whose testimonies are also included in the compilation of case studies: **Halimatou Dibba**, a member of Gambia's National Human Rights Commission; **Meri Kochlamazashvili**, senior adviser to the Public Defender of Georgia; and **Mercy Wambua**, Secretary/CEO of the Commission for Administrative Justice of Kenya.

Ms Dibba's organisation provides access to justice for women in rural areas through mobile legal aid clinics – an example of outreach to vulnerable groups who rarely file complaints of their own accord. As part of Gambia's transition, it is also improving the treatment of prisoners. Staff make announced and unannounced visits to prisons, where they accept complaints from inmates. These include complaints about access to justice.

Dr Kochlamazashvili has been addressing the living conditions of internally displaced persons (IDPs) in Georgia, monitoring their human rights and possible violations, such as forced evictions, and advising on legislation to protect those rights. The Ombudsman also monitors human rights near the administrative boundary line and even works in territories outside the control of Georgian authorities, where ethnic Georgians are detained by occupying Russian forces. These prisons are not internationally recognised, which makes it difficult for the Ombudsman to help Georgians held in custody detained in the occupied regions.

Ms Wambua's commission is seeking to improve prison conditions in Kenya by handling complaints and initiating its own investigations. At the moment, these facilities are way too crowded. The Ombudsman's efforts have already helped to reduce violence and other problems. Another priority is promoting transparency, accountability and inclusiveness in police recruitment, with a particular focus on equal treatment for women and other vulnerable groups. Again, the situation is now improving.

Breakout session 16.8

Best Practice Paper: Outreach to Vulnerable and Marginalised Groups (II)

This was the second of two sessions in which participants were invited to actively join in the discussion on the first draft of the best practice paper on outreach. **Ayeh Zarrinkhameh** first repeated her introduction to the theme (see 16.4), then invited contributions from the floor.

BasiliusDyakhuga (Namibia) opened the discussion with a description of outreach to the San people, who “do not like to complain”. To overcome their reticence, the Ombudsman’s office has employed a field worker, themselves of San origin, dedicated to helping this group. More generally, traditional intermediaries (community leaders) are used as indigenous areas do not have newspapers, radio and so on. Echoing this approach, **Paul Dubé** (Ontario) plans to hire an indigenous liaison officer, and for him it is also important to have people present in remote indigenous communities who can act as ambassadors in contacts with the Ombudsman.

Mr Dubé also pointed out that outreach is needed to prevent the status of the Ombudsman being undermined by populist opposition: it creates a network of allies and avatars who stress the importance of the Ombudsman’s role against allegations that it is expensive, adds limited value and so on. In that respect, both he and **Ron Crocker** (Nova Scotia) observed that priority groups – a better label than “vulnerable groups”, which has a somewhat negative connotation – are helped indirectly by outreach to government stakeholders (parliamentarians, etc.) in order to secure more resources.

The conversation then turned to possible negatives. The Basque Country, which has a dedicated complaint-handling team specialising in outreach to priority groups, wanted to know if there were any issues with people’s expectations resulting from this work, and if the paper also mentioned risks.

Moderator **Ira van Keulen** noted that complaints and suggestions received through digital channels need to be handled well, otherwise you create your own enemies. She also mentioned that Rotterdam had been very successful in outreach, but that that had also increased the number of complaints received. For Mr Crocker that was a “happy problem”; in his experience outreach was a constant need because he is still sometimes asked, “Who are you guys?”

In Ontario, Mr Dubé still has to cope with expectations created by previous advocacy services that that were shut down for not being impartial. But after some initial struggles when taking over their tasks, his office is now on the right track. And in the field of child welfare he has had to lobby for more concerted efforts to increase awareness of the Ombudsman.

In **Malawi**, the challenge lies in government perceptions with regard to impartiality. Officials tend to think that it is up to scientists to give them impartial advice, not the Ombudsman.

In conclusion, **Flanders** stated that we have to be ambitious, but also realistic. If even social workers active in a community for years have difficulty gaining people’s trust, then the challenge is even greater for the Ombudsman.

Breakout session 16.9

Reaching Out to People with a Trauma

The purpose of this session was to share experiences from ombuds institutions that actively reach out to people with a trauma.

Rosemary Agnew and **Margaret Kelly**, the public services ombudsmen of Scotland and Northern Ireland respectively, set the scene by explaining why and how trauma can impact the work of ombudsmen. The nature of the job makes it important to be aware of personal situations and experiences. When discussing their cases, complainants may have to recall upsetting situations – possibly over and over again. Or they can find that past traumas are triggered.

These traumas can be many different things, from the impact of recent events to childhood experiences, and they can be complex or derive from a combination of chronic situations. Moreover, trauma affects people in different ways.

All of this is reason enough to look into trauma through a complaint-handling lens. From that perspective, the importance of a trauma-informed approach and good staff training become apparent. The key is finding a way to handle complaints with compassion, without adding to the complainant's trauma.

Traumatised people are often vulnerable people. And some are more vulnerable, more disadvantaged, than others. So we need to look at that aspect, too, including the backgrounds of people who contact to us. Are we receiving complaints from people with compounded vulnerabilities? If not – and analysis shows that most complaints in fact come from the “less vulnerable”, such as people with higher education – then engagement strategies need to be devised. We have to prioritise outreach. And in staff training, practical measures like writing complaints for illiterate people. If people are unable to communicate well, you have to take that into account.

Our actions matter, so consider how we speak to people and how we listen to them. On the other hand, we are not psychologists or psychiatrists, so there is a balance to be struck in our dealings with people with trauma.

A case study from Scotland illustrated how outreach to the traumatised and vulnerable can work in practice. After a change to government policy there, entire refugee families were being housed in small hotel rooms and, for example, only allowed to eat the food served at preset times at the hotel.

It was actually the local community which first approached the Ombudsman about this situation, not the refugees themselves. They were unfamiliar with the system. So the Ombudsman reached out to them to hear their stories. Her team found the refugees were living in permanent fear, which only compounded their existing trauma and vulnerability. Simply to say to them that they should complain through the “official” channels, directly to government bodies, felt inadequate. That was too daunting; one barrier too many.

Ms Agnew saw a link here with the main theme of this conference: it is very important that we, ombudsmen and academics alike, act together on the issue of refugees and asylum seekers. So that hopefully we can jointly develop a plan of action. And perhaps the IOI should issue a statement recommending that every Ombudsman be allowed to conduct investigations *ex officio*. After all, it is generally unrealistic to expect people with trauma to approach an Ombudsman of their own accord.

In her contribution, **Nashieli Ramirez Hernández**, President of the Human Rights Commission of Mexico City, addressed psychosocial assistance as an ethical approach focusing on victims of human rights violations.

Underlying the psychosocial approach is a context of vulnerability and conflict. With this in mind, how do we understand behaviour in a social context? We cannot understand each other as human beings unless we understand context.

Human rights violations can be traumatic and overwhelming. They threaten essential aspects of people's existence, impacting their quality of life, well-being and basic sense of security and confidence. Ms Hernández emphasised the relationship between the individual and society with regard to lived experience. Trauma is never an isolated event. For the victims of human rights violations, access to justice is important.

The psychosocial approach to trauma is different from the clinical approach, which focuses on "curing" the condition. It is more about access to justice and truth – in other words, about reparation. And it needs to be multidisciplinary, strengthening people in their demands and claims for redress. A companion, as it were, in the process of seeking justice. With a wider perspective.

Mexico City opened its Psychosocial Assistance Office in 2012, with a mandate encompassing psychology, social work, education and legal support. Its work rests on four pillars: a human rights perspective; a gender perspective; a do-no-harm approach to prevent further damage; and a differential and specialised approach, meaning that it identifies risks and vulnerabilities on an individual basis and develops specific strategies accordingly.

As well as providing direct psychosocial attention and support through representation at interviews and official proceedings, the office's key tasks are documenting psychosocial impacts and their links to specific events, conducting specialist technical analyses to generate reports and opinions and undertaking promotional and educational work in the form of courses and workshops. It also reviews human rights standards from a psychosocial perspective – for example, general comments by the Committee on the Rights of the Child or the Convention on the Rights of Persons with Disabilities.

In the discussion following these presentations, a representative from **Israel** asked how the speakers prepare staff to speak to people with trauma and how they deal with members of their staff who are traumatised themselves. Ms Hernández replied that her office uses various methodologies, such as groups sessions, but does not have enough staff to cope with large numbers of traumatised people after, say, an earthquake. It has to transfer responsibility for what it is unable to do itself. She is also aware of the impact dealing with trauma has on her own workforce. That is something we have to be very careful about. In Mexico City, she has introduced self-care tools for her staff.

Ms Kelly added that it is very difficult to deal with trauma in times of conflict. In Northern Ireland she is still seeing the impact of conflict-related trauma in this post-conflict era, and in response has done work on trauma-informed practice.

For Ms Agnew it is a challenge translating big ideas into ways to help people do their everyday jobs. All her complaint-handling staff have had training to take a trauma-informed approach and are equipped with practical tools to identify vulnerability. She added that the pandemic made her consider how to give staff extra support. As a result, they now have access to counselling and all the organisation's managers have been trained as mental health first-aiders, meaning that they are able to recognise signs of distress or trauma.

The session concluded with the moderator, **Renate Weber**, calling on the IOI to honour its motto of working together by investing at the institute level to develop best practices to help us all deal with trauma-related issues of trauma.

Breakout session 16.10

The Digitised Public Sector and the Challenges in the Work of the Ombudsman

This session provided an opportunity to share perspectives on the increasing digitalisation of the public sector and its effect on the work of the Ombudsman.

Julia Dahlvik, a researcher and lecturer in Public Management at the University of Applied Sciences Vienna, addressed the difficulties in achieving equal access for all. Is the digital transformation having negative effects for certain groups? It is certainly not making life easier for everyone.

A survey of IOI members has found that there are negative effects, but many respondents on the whole consider digitalisation to be a positive thing for ordinary citizens.

Ms Dahlvik is currently conducting case studies on the digitalisation of public services in various countries, trying to understand the common struggles in their different situations. Five aspects require particular consideration: disadvantage and discrimination; unsupported digitalisation; digitalisation for its own sake; dehumanisation (including loss of dignity); and digital literacy and language.

In the quest to achieve digitalisation for all, specific groups come up against different barriers. Systems are usually developed first and foremost for standard users, but in reality most people are not standard users. The elderly are often cited as experiencing particular problems, but they are not the only ones: other specific groups also encounter their own specific difficulties. We have to be aware of that. Another issue is inconsistency – for example, you can make an appointment online but then have to download and print a form to take with you.

Anne Meuwese, Professor of Public Law at Leiden University, pointed out that data itself causes inequality. And digitalisation can be a double-edged sword: on the one hand it seems to provide easy access to information and institutions, but on the other people often have to be very resourceful in order to actually gain access to them.

Nevertheless, ombuds institutions might want to look at more data-driven solutions. Data is not just about numbers. For example, analysis of open-source data about complaints could be used to uncover patterns and so flag problems. In fact, systemic malfunctioning can be hard to grasp without data analysis. And is that not part of the Ombudsman's role as a challenger of public authorities? To detect patterns, you need a data-driven support cycle. This consists of ombuds institutions analysing their own data, then analysing data from public authorities and then engaging in citizen-friendly communication.

In response to a question from the floor about the possible need for a separate cyber Ombudsman to deal with complaints about algorithms rather than people or institutions, Ms Meuwese argued that such a role is unnecessary. Existing ombuds institutes should incorporate digitalisation into their work, and with it the "cyber" mandate.

The moderator, **Evelien Bekaert**, then wanted to know if special training is available to deal with maladministration due to the use of AI. Ms Meuwese replied that learning by doing is a good option, perhaps with the help of pilot projects. And institutes can try to recruit people experienced in that field.

Matanyahu Englman (Israel) pointed out that the greater use of data is also increasing privacy and cybersecurity issues. But digitalisation does present opportunities as well, such as the chance to reach out to younger people. His office organised a hackathon, for instance, which resulted in a plan to allow members of the public to contact the Ombudsman by voice message rather than in writing. Israel also analyses social media messages to look for faults in public services.

Marc Bertrand (Wallonia) commented that people like the fact that they can reach a real person on the phone rather than an automated menu. His office is trying to maintain that human dimension, but it is becoming increasingly difficult. The question is whether that will still be possible in ten years' time. Belgium's ombudsmen have jointly lobbied politicians help people with digital matters and to maintain human contact as far as possible.

Given that governments are having difficulty doing so, Mr Bertrand also wondered whether ombudsmen themselves will be able to keep up with digital innovations and all the cases they spawn? To which Ms Meuwese replied that if we are not already in a position to understand AI, for instance, that in itself is a reason to call the government to account.



Conference theme 4

Future Generations

Session 17.0

Plenary meeting

The conference theme “Future Generations” was introduced by Caroline Vrijens, Children’s Rights Commissioner of Flanders, Belgium, and President of ENOC, with a keynote presentation emphasising the importance of specific attention for children’s rights.

A number of developments in wider society are particularly influencing children’s development and affecting their rights: life in a digital world, the pandemic and its aftermath, climate change and pressure on mental well-being.

In Flanders, one in every five children faces mental health problems. This should be a wake-up call, Ms Vrijens declared. Children themselves are aware of this issue and are asking for it to be addressed. For them, it is a priority topic.

Many young people are experiencing climate anxiety, too, which makes the climate crisis a children’s rights crisis. It puts all their rights under pressure. And children from low income countries are hit the hardest, even though those countries contribute the least to climate change. The decisions are being made by adults, not by children. Coming under that kind of pressure only causes further mental health issues

Why is it important to monitor and defend the rights of children? Because the world is evolving and every issue has an impact, but also because some groups are more vulnerable than others because of problems like migration and homelessness.

As Children’s Rights Commissioner for Flanders, Ms Vrijens is responsible for the rights of 1.3 million minors. In practice, this means that she has two main tasks: operating a complaints hotline and advisory work. In addition, she sits on a monitoring committee for secure youth care institutions. The advisory work is especially important because dealing with individual cases does not solve structural problems – things like the housing crisis.

In her view, participation by children and young people is essential to her work. She seeks to achieve this through surveys, interviews and focus groups, as well as visits to schools, youth centres and so on. She also forges partnership with other organisations.

As one example, during the pandemic her office conducted a survey of 44,000 children and young people which resulted in the crisis in youth care finding a place on the political agenda. The Ombudsman has also succeeded in changing laws and practices so that children are listened to more during divorce proceedings.

Independence is fundamental to her work. And that means not just institutional independence from government, but also financial independence and autonomy in agenda setting.

Ms Vrijens then turned her attention to ENOC, the network of 44 independent children’s rights institutions across Europe (in 34 countries), of which she is president. They want to share information with each other and with other organisations, including the IOI. As part of that effort, ENOC has reviewed its current strategies, approaches and challenges to the independence of those institutions.

Children's rights commissioners come in different forms, based on different models. Some are separate organisations, some part of a broader Ombudsman's office or human rights institution. But all have to meet certain key international standards, such as being autonomous and independent, being legislatively mandated and reporting directly to parliament.

Children are vulnerable in other ways than adults, and they are in full development as people. Their well-being depends largely on the adults around them. And sometimes their interests are not the same as those adults. As a result they are more likely to have their rights violated, for example by being denied access to psychological help without permission from their parents. Likewise, they may have limited access to complaints procedures and so in many cases their voices are not heard. In short, they are in a weak legal position despite being amongst the biggest users of public services. If their rights are not respected, that impacts their development and future. So they are more affected by poverty, the lack of solutions to complex problems and so on.

For future generations, what we need is a society that is sensitive to what children need. They have the right to be heard, no matter how young they are. Even if they cannot yet express themselves in words. That is possible: we just have to see things from their perspective.

All children must be enabled to use their rights, and given space to use their voice and their perspective. What can we do? In our work, we should try to bring children's perspectives to the fore. And pay specific attention to them, because their interests can be different from those of adults.

In conclusion, Ms Vrijens invited comments from the floor. **Gabriel Savino** (Santa Fe, Argentina) pointed out that the situation is different in every continent. In his region there are many children who do not have parents, and very serious issues such as organ trafficking. A lot of children are living in prisons because their parents are imprisoned. These issues deserve greater visibility and greater commitment on our part. It is not only the future which is worrying: there are real worries now as well!

A contributor from **Guatemala** concurred. It is important that we put everything in context and present it to the world, so that policy is put in place that focuses on children. Governments have to be held accountable. We should make this a priority. Because the general public has very little idea of the problems so many children face, states are not going to be held accountable by their own people. Only by international institutions like the IOI, ENOC and the UN.



Breakout session 17.1

Dealing with an Increasingly Younger Generation

When a country has an increasingly younger population, specific challenges need to be addressed. In this session, speakers from two such nations shared their experiences with those challenges and with best practices when dealing with a growing younger generation.

The main message that **Caroline Sokoni**, Zambia's Public Protector, wanted to impress upon her audience was the need to take action now for children. Today is the day that we have to make things better for tomorrow.

Specific issues that she faces include international collaboration, because problems like war and climate change are global. Working on our own no longer makes sense. What specifically do we need to do? One thing is to persuade every country to have an Ombudsman. At present there is no international pressure on those which do not. It should be made impossible for countries to choose not to have an Ombudsman.

The IOI should bring the importance of children and children's rights to the attention of the UN, the African Union, the European Union and other international bodies.

We depend on young people, she continued, but how much are we investing in them? What are we doing for them? They face great challenges. In Africa, some countries even have child soldiers. In many places they are being exploited in the agricultural sector. And then there are such issues as street children and human trafficking. Whatever the problem, children are often the hardest hit: think of family breakdown, poverty, climate change and discrimination, to name but a few. At the same time, children are the group we invest the least in.

An Ombudsman's office cannot work on its own in these areas because a comprehensive approach is necessary. Ms Sokoni cited the example of a child marriage where her team saved the young victim and enabled her to go to school, but still she went back to the man she had married. This illustrates how institutions fail. Only through co-operation can they be strengthened.

Interventions by the Ombudsman are crucial here because their neutrality, independence and legal basis make them a catalyst for change. Also, know where to find children in need and reach out to them. In Zambia they have set up a youth desk and visit hospitals, clinics and universities. A communication strategy is very important, too. Every Ombudsman can do something for children!

Keursly Concincion, Defensor di Pueblo for Curaçao, reminded the gathering that the world population as a whole is young, with a global median age of 30.5 years. On his own Caribbean island it is not much higher, at 36.2 years. But Africa has the world's youngest population on average, with a median age of just 19 years.

Younger people have always faced a lot of challenges. On Curaçao they include mental health issues, economic malaise, violence, social media, inadequate education, debt and unemployment. Data shows that many young people have been diagnosed with mental health problems, in particular, but they remain a taboo subject on the island. It is high time that we normalise this topic.

Social media use can impact mental well-being. It reduces the number of face-to-face interactions, which can lead to loneliness. A lot of young people are addicted to online activity. Curaçao has responded by banning smartphones in schools.

Since the unemployment rate is high, many young adults move back in with their parents after having lived on their own for a while. And student loans may add to the financial problems they

face. All this can cause tensions at home. In fact, most of the violence faced by young people on Curaçao is within the family. They are not seen as people in their own right, but as the property of their parents.

This complex situation throws up a range of challenges, from modernising the education system to finding a better balance in familial relations. Not to mention raising awareness of the issues, at both local and national levels.

As the island's Ombudsman, the Defensor di Pueblo tries to exert influence in policy matters. One of the issues he has raised is the lack of a children's Ombudsman on Curaçao. His office has even drafted a bill to establish the position, even though that is not part of its official task. In the meantime, Mr Concincion is endeavouring to improve the lot of the younger generation through a strong team, a proactive attitude, stakeholder engagement, visibility and use of the legal framework. To do so effectively, he concluded, it is important to build relationships with other institutions whilst at the same respecting each other's expertise.

This discussion of the younger generation prompted a final comment from **Peter Boshier** (New Zealand), who pointed out that "Ombudsman" is a difficult term for many youngsters to grasp. So in New Zealand they just call him "the Big Guy".



Breakout session 17.2

Organising the Participation of Children and Young People in Society

When talking about future generations, it is important to think also about participation by children and young people. Through effective participation, their voices can be taken into account. This session was organised to consider various topics around this issue, such how we can encourage young people from all backgrounds to engage actively in our societies. And what possible challenges we face in engaging these groups. In particular, it asked how we as ombudsmen include the opinions of children and young people in our work?

Margrite Kalverboer, the Netherlands' Ombudsperson for Children, had one key message for her audience: realise that in all the cases you deal with as an Ombudsman, there may be children behind the adults whose interests you should also consider.

Just two weeks previously, for example, she had delivered a lecture to an audience from different backgrounds. Afterwards, a lady had come up to her. She explained that she was a judge specialising in financial cases, but was now ashamed because she had never before realised that those cases also involve children.

Ms Kalverboer's goal when taking up her position was to elicit as many complaints as possible from children. She focuses her work based on conversations with more than 200 children at 30 different locations. Past experience has proven the value of this approach, as it has highlighted issues that later turned out to be important in her work. Things like stress at school, mental health problems and lack of parental support, for instance.

We are all, she asserted, able to talk to children and to listen them. Sometimes giving them a hearing, even when you cannot help them, is very valuable to them. When handling complaints, even those made by parents, her team always talks separately to the child or children involved so that they know what is going on and can have their say. They need to be aware of their own rights. And in whatever you do, always consider the best interests of the children involved. Is your decision the best one from the children's rights perspective?

Next to address this session were two UNICEF representatives: **Erika Turunen**, a senior adviser on child-friendly governance in Finland, and **Esther Vreeburg**, programme manager of the Child-Friendly Cities Initiative (CFCI) and a senior specialist on children's rights in the Netherlands.

CFCI supports local governments in promoting children's rights, although it should be seen as "part of a journey", not a tool to fix everything. Children's own views and opinions are essential input, helping to generate better policies and better legislation for everyone – not just children. Each participating city defines five goals in its action plan, one of them chosen directly by children. One city in Finland even asked youngsters to write an entire chapter of its strategy. Examples of children's contributions include improving playgrounds – with children's involvement – to make them climate-change proof and, to help alleviate child poverty, asking the children of poor parents what they need to be able to participate more in the community both as individuals and as a group.

The subsequent discussion focused on CFCI's usefulness as a tool to engage young people with the Ombudsman organisation and increase their rate of input. **Caroline Vrijens** (Flanders, Belgium) did not see a direct link; she instead is trying to strengthen her office's relationships with professionals in the youth domain.

Breakout session 17.3

The Protection of Children in an Increasingly Online World

As the digital landscape continues to evolve, so do the challenges surrounding the safety and well-being of our youngest citizens. They might, for instance, come across age-inappropriate content, be exposed to fake news, experience cyberbullying or become victims of grooming. Such aspects of the internet have consequences for both children's personal well-being and society as a whole. The purpose of this session was to share experiences and discuss the implications of modern online reality for ombuds institutions

Gwendolien Mossel, Ombudsman of Sint Maarten, homed in on cyberbullying in her contribution. With its often malicious intent, this is now a major health concern for children. It can cause loss of self-esteem, school absenteeism, emotional distress and even suicide. Whilst permanent, persistent and public, it can be hard for outsiders like teachers to spot.

From the Ombudsman's point of view, cyberbullying violates numerous children's rights: the rights to development, to privacy and to health, to name but a few. Regional human rights courts have found that failure by governments to address bullying breaches human rights laws.

The Ombudsman therefore has a responsibility to hold government to account for the implementation and enforcement of laws to counter cyberbullying whilst at the same time ensuring that these measures do not infringe upon children's rights. They also have a role to play raising public awareness and creating a framework for responsibility on the part of the technology sector. At the practical level, they could – for example – provide schools with preventive tools. In short, we as ombudsmen should set a good example.

Gabriel Savino, Defensor del Pueblo in Santa Fe, Argentina, noted that digital possibilities are accelerating but are also disruptive. Our institutions should be at the cutting edge, but in reality we are lagging behind. We have to adapt continuously, but that also leaves us with a lot of questions. These shortcomings will impact future generations as well.

And growing up has totally changed. Children now spend a lot of their time on devices. Even the very young, thanks to so-called "digital nurseries". The online world offers the young a lot of opportunities, but it also has no restraints. There are no boundaries online, and no private data. Everything is public. What impact is all this having on young people? We know that overuse of digital devices can cause mental health issues and cognitive learning disorders, and lead to gambling, addictions and suicide.

Governments face challenges in this domain, too. They have a responsibility to defend children's rights on social media, but are failing to do so. We therefore have to act fast. We can see rights being violated, but sometimes with no individual, no human being, to blame. Just bots and the like. In this context, what is being done about ethics? Who is in control? Who understands?

Ombudsmen have to intervene individually and together. We need to let tech companies know that we are here and that we are committed to protecting human rights. Our institutes have to adapt to the problems in digital world and to the promotion of digital rights.

Speaking from the floor, a representative from **Ireland** – home to a lot of online tech companies – reiterated some of the problems young people face online, including racism and other forms of inappropriate content. People frequently complain about these, but there is no response. So what we need is a public body that can hold tech companies to account. Children's ombudsmen could take on that role. This is something the IOI should act on.

Nationale ombudsman
PO Box 93122
2509 AC | The Hague
Telephone: 070 356 35 63
[nationaleombudsman.nl](https://www.nationaleombudsman.nl)

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