

IOI-EUROPE CONFERENCE THE OMBUDSMAN IN AN OPEN AND PARTICIPATORY SOCIETY

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**Opening remarks by
Peter Tyndall, IOI President**

Promoting access to justice across the globe

Firstly, I would like to thank the Belgian Federal Ombudsman Office for hosting the 40th Anniversary Celebration of the IOI in Brussels in conjunction with the European General Assembly and Conference.

This is also the occasion of the 20th anniversary of the Belgian Federal Ombudsman, and I would like to extend congratulations to them on behalf of the IOI. Their work has been inspirational and their contribution to the international ombudsman community has been of great significance. Thank you.

We are marking the 40th anniversary of the IOI by publishing a book, "A Mission for Justice - The International Ombudsman Institute 1978-2018". This describes the history of the IOI in an accessible and readable fashion. One of the Ombudsman's strongest tools is the use of stories, the human reality which gives authority to our reports. This book does this very well, and brings the past to life through its excellent descriptions of the people and events that led us to where we are today.

Marking anniversaries is important. It allows us to take stock, to celebrate success and to look forward to further milestones. The Ombudsman concept is more than 200 years old, but it really began to become a worldwide phenomenon when it spread beyond its native Scandinavia in the late 1960s.

From the outset, it was clear that as an accountability body, the Ombudsman must have independence as a core value. This creates a natural and appropriate distance from other organisations within the state, so placing a particular value on us coming together - to show solidarity, to support colleagues under threat, to share best practice, to develop joint training and to set and maintain standards.

As the concept of the Ombudsman has spread, the contexts in which it operated changed. Increasingly, the Ombudsman came to be seen as a bulwark against authoritarianism, not just a means of solving problems for citizens but a vital part of the governance of emerging

and re-emerging democracies in Central and Eastern Europe, in South and Central America and in Africa.

The challenges faced by these new Offices were often different to those in longer established democracies. Good administration was not something to be taken for granted. Democracy had been hard to obtain, and often needed to be vigorously defended. In countries where discrimination had been endemic, promoting equality of opportunity and respect for the rule of law created new challenges for Ombudsman Offices, which required courage and persistence to address.

The IOI has reflected these changes as it has grown and evolved over the last 40 years. With members now across the globe, it is a far more inclusive and diverse organisation than it could have been at the outset. This is reflected in our strong regional network, and here at the IOI Europe General Assembly, we can see that network in action. I am also pleased to welcome distinguished guests from our other regions, including IOI 2nd Vice President Chris Field.

The developing role of the Ombudsman, has itself led to greater diversity. Ombudsman Offices now deal with a wide range of mandates. Some are National Human Rights Institutions, some have a role in anti-corruption, some deal with freedom of information while some scrutinise and propose legislation.

The IOI's first headquarters and secretariat were provided by the University of Alberta, and thanks are due to them for their many years of loyal support. More recently, the task has been admirably undertaken by the Austrian Ombudsman's Office in Vienna, and I will take this opportunity to thank Secretary General Günther Kräuter, Executive Director Ulrike Grieshofer and all of the staff of the secretariat for their commitment and professionalism. Having their support has two benefits. Firstly, we have been able to be far more active and effective as an organisation in representing our members, delivering training across the globe, forging alliances with other international bodies, promoting the development of new Offices, providing news and information, producing publications including the new range of Best Practice papers and supporting our members under threat. Secondly, the support of the Austrian Government has ensured that the income from membership fees can be devoted to providing services to our members.

Ombudsman Offices are a vital accountability mechanism in a modern democratic state. The IOI has sought to ensure, throughout its 40 years that they should be accessible across the world. In the current climate, with democratic values seen to be under threat and human rights being eroded, and with evidence also of a lack of respect for the rule of law, strong national Ombudsman Offices are more necessary than ever.

The IOI, from its beginnings, has seen the Ombudsman as a human rights mechanism. Even in those countries where the Ombudsman Office is not the NHRI, the work of the Office

inevitably focuses on human rights. The Ombudsman necessarily looks at the rule of law. In considering complaints, the question must be asked, did the government or public body behave lawfully? Was the complainant treated in accordance with the law? Did they receive the service which the law entitles them too?

But the Ombudsman doesn't stop there. They also ask, was the treatment fair? Was it just? And in answering that, it is important to ask a further question - are the person's human rights engaged? No one does this more explicitly than the Northern Ireland Ombudsman, who prepared a manual and training program in conjunction with the NI Human Rights Commissioner with support from the IOI. In essence, even for the Ombudsman whose task is to consider whether or not there has been maladministration, a consideration of whether the complainant's human rights have been respected is essential and integral.

For many people around the world, access to justice through the courts is expensive and difficult. Access to justice free of charge through the Ombudsman is a necessary counterbalance to this. For others, access may be even more difficult because of disability, by being a member of a minority ethnic group, because of language, because of being a refugee or asylum seeker, or being in jail or because of ill health, to name but a few. Our duty is to ensure that we reach all of these groups through our outreach and through use of our own initiative powers. It is often they who are most dependent on the State, who are most at risk of having their human rights ignored.

To celebrate 40 years of the IOI it is very appropriate that we should be holding this lecture on the occasion of the European General Assembly. Our distinguished speaker, Mr Alex Brenninkmeijer is well known to many of us in his former capacity as Ombudsman of the Netherlands, but as well as being a member of the European Court of Auditors, Alex is a Professor specialising in the Rule of Law. His topic, "The Role of the Ombudsman in the Rule of Law and the Protection of Human Rights" could not be more timely or appropriate.