

INTERNATIONAL OMBUDSMAN INSTITUTE

Board of Directors Meeting

8 - 10 May 2023 (Vienna, Austria)

Summary of Board Decisions

Present were:

Executive Committee

<i>President:</i>	Mr. Chris Field PSM (Australia)
<i>First Vice-President:</i>	Ms. Diane Welborn (USA)
<i>Second Vice-President:</i>	Mr. Peter Boshier (New Zealand)
<i>Treasurer:</i>	Ms. Caroline Sokoni (Zambia)
<i>Secretary General (SG):</i>	Ms. Gaby Schwarz (Austria)
<i>RP¹ Asia:</i>	Mr. Somsak Suwansujarit (Thailand)
<i>RP Caribbean & Latin America:</i>	Ms. Nashieli Ramírez Hernández (Mexico)
<i>RP Europe:</i>	Mr. Andreas Pottakis (Greece)

Regional Presidents & Directors

<i>RP Africa:</i>	Ms. Florence Kajuju (Kenya)
<i>RP Australasia & Pacific:</i>	Ms. Deborah Glass OBE (Australia)
<i>RP North America:</i>	Mr. Paul Dubé (Canada)
<i>Africa:</i>	Ms. Antonia Florbela de Jesus Rocha Araújo (Angola)
<i>Asia:</i>	Ms. Hyun-Heui Jeon (South Korea)
	Mr. Ajaz Ali Khan (Pakistan)
<i>Caribbean & Latin America:</i>	Mr. Keursly Concincion (Curaçao)
	Ms. Gwendolien Mossel (Sint Maarten)
	Mr. Gabriel Savino (Argentina)
<i>Europe:</i>	Ms. Maria Lucía Amaral (Portugal)
	Mr. Marc Bertrand (Belgium)
	Mr. Rob Behrens CBE (UK)
	Mr. Reinier Van Zutphen (The Netherlands)
<i>North America:</i>	Ms. Nadine Mailloux (Canada)

¹ RP = Regional President

Non-attendance / Apologies:

Europe: Mr. Peter Svetina (Slovenia)

Asia: Mr. Shahnawaz Tariq (Pakistan)

IOI General Secretariat

Mr. Michael Maurerer, Chief of Cabinet of the Secretary General

Ms. Hannah Suntinger, IOI Executive Director, Head of General Secretariat

Ms. Ulrike Grieshofer, Consultant to the Secretary General

Ms. Ursula Bachler, Project Management, IOI General Secretariat

Ms. Karin Wagenbauer, Project Management, IOI General Secretariat

Ms. Sanja Jimenez-Matic, Secretariat and Administration

Ms. Julia Kern, Trainee

Ms. Madeleine Müller, Trainee

Observing Ombudsman

Ms. Kholeka Gcaleka, Acting Public Protector (South Africa)

Accompanying Staff

Ms. Ju Yeon Ahn (Anti-Corruption & Civil Rights Commission, South Korea)

Mr. Ioannis Boutselis (Office of the Greek Ombudsman, Greece)

Ms. Claudia Da Costa (Office of the Ombudsman, Angola)

Mr. David Dannevoeye (Office of the Ombudsman of Wallonia and the Wallonie-Brussels Federation, Belgium)

Ms. Jordana Dawson Hayes (Office of the Ombudsman of New Zealand)

Mr. Randolph Duggins (Office of the Ombudsman of Sint Maarten)

Ms. Eva Gaspar (Office of the Ombudsman, Portugal)

Ms. Faye Glover (Office of the Parliamentary and Health Services Ombudsman, UK)

Ms. Flora Gonçalves (Office of the Ombudsman, Angola)

Ms. Ella Italiano-Schmidt (Office of the Western Australia Ombudsman, Australia)

Ms. Danbi Jang (Anti-Corruption & Civil Rights Commission, South Korea)

Mr. Paulo Junior (Office of the Ombudsman, Angola)

Mr. Chishala Kawesha (Office of the Public Protector, Zambia)

Mr. José Makaya (Office of the Ombudsman, Angola)

Mr. Raymond Mathilda (Office of the Ombudsman, Curaçao)

Ms. Kitiyabhorn Onchulee (Office of the Ombudsman, Thailand)

Mr. Jung-goo Park (Anti-Corruption & Civil Rights Commission, South Korea)

Ms. Nancy Pérez Garcia (Human Rights Commission of Mexico City)

- Ms. Rebecca Poole (Office of the Western Australia Ombudsman)
- Ms. Wendy Ray (Office of the Ontario Ombudsman, Canada)
- Mr. Alex Schröder (Office of the Ombudsman, New Zealand)
- Mr. Stephan Sjouke (Office of the National Ombudsman, The Netherlands)
- Ms. Nalinpun Waisuebkao (Office of the Ombudsman, Thailand)
- Mr. Young Jae Won (Anti-Corruption & Civil Rights Commission, South Korea)
- Ms. Kanokkwan Wongdontri (Office of the Ombudsman, Thailand)
- Mr. Mariano Yakimavicius (Office of the Ombudsman of the Province of Santa Fe, Argentina)
- Ms. Benita Young (Office of the Public Protector, South Africa)

During the annual meeting of the IOI Board of Directors, held in Vienna (Austria) from 8 – 10 May 2023, the Board took decisions as outlined in this document.

OPENING OF THE MEETING

Board Decision: President Field formally opened the meeting. He welcomed all Board members present and thanked Secretary General Schwarz for making the premises of the Austrian Ombudsman Board available.

Board Decision: The Board unanimously approved the agenda for the meeting and that the meeting will be recorded. The Board further approved the list of participants and noted the excused absence of two Directors (Mr. Shahnawaz Tariq, Pakistan and Mr. Peter Svetina, Slovenia).

Board Decision: The Board approved the Summary of Decisions of the meeting of the Board held in New York, USA in 2022. Pursuant to Article 4 para 3 of the IOI By-laws, the Board further approved English as the working language for the Vienna meeting, acknowledging that interpretation was made available for Spanish speaking Directors throughout the meeting.

REPORTS

Board Decision: The Board acknowledged the President’s report, in which he outlined his main activities and achievements in serving the Board of Directors and all members of the IOI. Since the last Board meeting in New York in 2022, the President undertook official visits to eight countries, which he detailed in his written report.

Board Decision: The Board acknowledged a brief report by the Secretary General on the most important achievements, projects and activities of the IOI for the period from 1 July 2022 to the date of the Board meeting. The Secretary General’s overview was based on the more detailed written report, which was circulated prior to the meeting and which will – as usual – form the basis of the IOI’s Annual Report for the membership year 2022/2023.

MEMBERSHIP APPLICATIONS

Board Decision: The Board followed a recommendation from the Executive Committee and unanimously agreed to give **Voting Membership** to the *Defensoria Pública da União* (Federal Public Defenders’ Office, Brazil) – Caribbean & Latin American Region. Even though the incumbent’s term of office is only 2 years, the institution meets all other criteria set out in the IOI By-laws.

Board Decision: The Board followed a recommendation from the Executive Committee and unanimously agreed to grant **Voting Membership** to the *Ombudsperson Prince Edward Islands* (Canada) – North American Region – as the institution fully meets the criteria set out in the IOI By-laws.

Board Decision: The Board followed a recommendation from the Executive Committee and unanimously agreed to grant **Voting Membership** to the *Yukon Ombudsman and Commissioner* (Canada) – North American Region – as the institution fully meets the criteria set out in the IOI By-laws.

Board Decision: The Board agreed to grant (non-voting) **membership** to the *Procuradoria Federal dos Direitos do Cidadão* (Federal Attorney for citizen’s Rights, Brazil) – Caribbean & Latin American Region. The Board by majority agreed to grant (non-voting) membership to the institution, after additional clarification and discussion in more detail. The Board further endorsed the proposal to encourage the institution to work towards fulfilling the IOI requirements in Article 2 (2) and to offer IOI support if requested.

Board Decision: The Board followed a recommendation from the Executive Committee and unanimously agreed to grant (non-voting) **membership** to the *Office of the Ombudsperson for Financial Services* (Mauritius) – African Region – as the institution fulfils the necessary requirements and supports the purposes and principles expressed in Art. 2 of the IOI By-laws.

Board Decision: The Board unanimously followed a recommendation from the Executive Committee and decided **not** to **give membership** to the *Controladoria-Geral da União* (Office of the Comptroller General, Brazil) – Caribbean & Latin American Region – since the

institution does not fulfil the most essential criteria of Article 2 of the IOI By-laws, specifically the ones on independence and the ability to make formal investigations.

IOI FINANCES

Board Decision: The Board acknowledged a report from the IOI Treasurer, who presented the organisation's cash flow report on the financial developments during the past years as well as the IOI's budget overview 2022/23 and 2023/24. The Board further endorsed the Treasurer's conclusion that the financial position of the IOI remains sound and healthy.

Board Decision: The Board agreed that the Secretariat will analyse the situation regarding outstanding fees after the end of this financial year. The possibility of fee waivers should be explicitly mentioned on the bills sent out to members when asked to pay their annual fees.

Board Decision: The Board approved a proposal of the Secretary General that it should not be required to seek approval from the Executive Committee or the Board for expenses in relation to interpretation and/or translation services under the following specific conditions:

- a) the interpretation/translation services are required for IOI Board decision-based projects or approved cooperation initiatives (exception: IOI regional subsidy projects which are approved separately);
- b) the interpretation/translation is essential for the functioning of an IOI working group;
- c) the translation refers to an IOI standard document, which should be available in all three IOI working languages.
- d) the maximum cost of each interpretation does not exceed 1,000.00 EUR, nor the IOI's total annual interpretation/translation as outlined in the budget.

Board Decision: The Board approved to commission Mazars Austria Ltd. to carry out the IOI's annual audit for 2023/2024 based on the quote of 3,960.00 EUR.

REGIONAL SUBSIDIES

Board Decision: The Board decided that a total amount of 42,000.00 EUR should once again be made available for the IOI's Regional Subsidy program in 2023/2024 and that the money will be distributed equally among the regions (i.e. a total of 7,000,00 EUR per region).

Board Decision: The Board endorsed the guidelines for the IOI Crisis Fund, as developed by the Office of the President and circulated prior to the meeting.

GUEST SPEAKER COMMISSIONER LUBINETS (UKRAINE)

Board Decision: The Board invited the Ukrainian Parliament Commissioner for Human Rights, Mr. Dmytro Lubinets, to address the Board during its Vienna meeting. The Board acknowledged the presentation made by Commissioner Lubinets and reiterated the IOI's solidarity with the Office of the Parliament Commissioner for Human Rights. Commissioner Lubinets announced his plan to hold an international conference on the international human rights day, 10 December 2023, in Kyiv, Ukraine.

TRAINING

Board Decision: The Board acknowledged a progress report by the Secretary General regarding a possible cooperation with the **UN Institute for Training and Research (UNITAR)**. The Board entrusted the Secretary General to negotiate the development of training provided by UNITAR in close cooperation with the President and the UN Working Group. This first training initiative within this cooperation should have a specific focus on the United Nations' Sustainable Development Goals (SDGs) and be tailored to the needs of IOI members in all regions.

Board Decision: The Board acknowledged a progress report by the Secretary General regarding training for **Latin American National Preventive Mechanisms (NPMs)**. The training will be facilitated by the Association for the Prevention of Torture (APT) and held in Spanish. It will be held in Mexico City from 24 – 25 May 2023 and hosted by the National Human Rights Commission of Mexico. The training was opened to non-member institutions as well, to showcase the IOI's services and to attract potential new members in the region. The Board thanked Regional President Ramírez Hernández, who will attend the training on the first day and welcome the participants on behalf of the IOI.

Board Decision: The Board discussed a training proposal from the Estonian Chancellor of Justice, which deals with **Artificial Intelligence (AI)** and aims at increasing awareness about AI and automatic administrative decisions and processes, and to sensitize Ombudsman and their staff to this new oversight role. A first on-site training for the European Region will form the basis to develop e-learning training, which can be made available to the wider IOI membership later on. The Board agreed to earmark a max. amount of 35,000.00 EUR for the Estonian training project.

UN WORKING GROUP

Board Decision: The Board acknowledged a report from the President on the **UN Resolution** on the role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law, which was adopted by the UN General Assembly with further amendments in December 2022. The Board welcomed the amendments to the resolution, especially the recognition of the IOI as the body representing Ombudsman around the world.

Board Decision: The Board acknowledged a progress report from the President on the work done to achieve a **Permanent Observer Status** in the UN General Assembly. Many members contributed actively to this project by advocating the IOI's application within their respective governments. The Board acknowledged these efforts made by members. As the Austrian Permanent Mission reported, outreach among Permanent Missions to the UN in New York has shown that an application from the IOI will not be successful in the Sixth Committee, which decides by consensus. This is due to the fact that the IOI does not fulfil the formal criterion of an intergovernmental organization. Furthermore, an IOI application might face strong vetoes from the People's Republic of China and the Russian Federation.

Board Decision: An application for observer status is becoming more unlikely to succeed after it has been declined in the Sixth Committee once. The Board therefore endorsed a proposal from IOI President and UN Working Group Chair Chris Field, and agreed not to submit an application for observer status in the UN General Assembly in 2023, as previously planned. The Board underlined that an observer status would be important and that the IOI should consider resuming the project at a later stage, when the overall situation has improved. In the meantime, the IOI will continue strengthening its relations with the UN through other cooperation projects and channels, such as training initiatives with UNITAR, or a meeting that the Secretary General has already scheduled with the UN High Commissioner for Human Rights in June 2023.

BY-LAWS REFORM

Board Decision: The Board acknowledged a report from 2nd Vice President Peter Boshier, who also chairs the By-laws Review Sub-Committee. The Vienna meeting of the Committee brought along additional thoughts on the reform of Article 7 (membership application process), Article 10 (loss of membership), and Article 17 (decision-making without meetings), which were tabled in a memo and explained in more detail by the Chair in the Vienna meeting. The new matters brought to the Board's attention were:

- Suspension as a new remedy when discussing loss of membership and the process following the suspension, and how a suspended member can regain membership;
- The matter of outstanding fees and the possibility to include suspension in such cases;
- The process of appeal if the Board does not approve a membership application and possible options for appeal bodies to avoid long waiting periods for the handling of appeals;
- The approach when making decisions without meetings and in how far the voting process should be secret or open (considering that Art. 17 applies to the Executive Committee, the Board and meetings of Voting members).

Board Decision: The Board endorsed the proposal from 2nd Vice President and Committee Chair Peter Boshier to liaise with him and his office directly to provide any comments and thoughts on the discussed matters, who will then be further discussed in the Committee. The Committee will bring a revised proposal for the amendments of Article 7, Article 10 and Article 17 to the Board's attention well before the 2024 General Assembly for the Board's discussion and approval.

IOI WORLD CONFERENCE & GENERAL ASSEMBLY 2024

Board Decision: The Board acknowledged a **progress report** from the National Ombudsman of the Netherlands on the preparations of the 13th IOI World Conference and General Assembly. The event will be held in The Hague from 13 – 17 May 2024 and conference fees will follow the three-tier-system of the IOI membership fees. The official World Conference website will be launched mid-May 2023 and online registrations will open in August 2023. The Board endorsed a proposal from the host institution to reach out to the Regional Presidents and Directors and to seek their input and opinions on the conference themes, to mirror the different realities and issues in the regions and to invite speakers from all IOI regions.

Board Decision: The Board discussed a request from the World Conference host for IOI **funding for interpretation costs**. Due to inflation, the costs for interpretation services (English, French, and Spanish) have seen a substantive increase since the project proposal was submitted by the Ombudsman's office in 2021. The IOI World Conference and General Assembly is a 4-year event and inclusive participation of IOI members in all three IOI languages is important. The Board therefore approved an amount of a maximum of 100,000.00 EUR to fund the interpretation services provided at this event.

Board Decision: The Board discussed the possibility of **funding the participation of members** at the World Conference and General Assembly and agreed in principle that there is a need to support member institutions with limited financial resources. Such funding should primarily be used to cover the travel and/or accommodation expenses or registration fees. The Board agreed to allocate a separate budget line and earmark a maximum amount of 50,000.00 EUR for this purpose. The Secretariat will start a call in due time before the event and collect applications for travel support from member institutions. These will be considered in their merit by the Executive Committee in close collaboration with the Regional Presidents to ensure a fair distribution across all IOI regions.

Board Decision: The COVID-19 pandemic broke the usual four-year election cycle between General Assemblies for the **election of regional Directors and IOI Officers**. The Board agreed to return to the original cycle, even though this would shorten the term of office of the current incumbents, as the next General Assembly will only take place three years after the last one.

OMBUDSMAN UNDER THREAT

Board Decision: The Board agreed to issue a statement on the situation in **Haiti** in support of the Office for the Protection of the Citizen of the Republic of Haiti. The Board endorsed the proposal to include a specific reference to neighbouring Ombudsman institutions affected by the humanitarian crisis in Haiti and to upload the statement on the IOI website.

Board Decision: The Board acknowledged an update report on the **Public Protector South Africa** provided by the Regional President of the IOI's African Region, Ms Florence Kajuju, as well as a statement by the Acting Public Protector South Africa, Ms Kholeka Gcaleka, on this issue.

COOPERATION – PROJECTS

Board Decision: The Board acknowledged the proposal from the European region to establish a volunteer **consultancy group** to spread best practice among IOI members and to undertake peer reviewed projects. Mr. Rob Behrens (UK) will in due course take nominations for a panel of volunteers who will be available as consultants for small projects. He also extended an invitation to all Board members to a seminar entitled “From Manchester to Athens towards The Hague” to be held in Manchester and online from 16 to 17 January 2024. He proposed the establishment of an **Ombudsman Academy** for all IOI members and to use the IOI website to disseminate more information on these matters.

Board Decision: The Board approved to undertake a **cooperative research project with the OECD** on “*The role of Ombudsman institutions in building a culture of open government for stronger and more resilient democracies*”. The Board further agreed to contribute a lump sum of EUR 50,000.00 EUR to this project and to also include the North American region as one of the regions of particular focus of the report.

COOPERATION – MOUS

Board Decision: The Board agreed to renew the Memorandum of Understanding (MoU) with the Geneva-based Association for the Prevention of Torture (**APT**) and entrusted the General Secretariat with the negotiations about the amended text and the signing of this new MoU.

Board Decision: The Board approved the amended version of the MoU with the Federation of Ibero-American Ombudsman (**FIO**) and entrusted the General Secretariat with the organization of a signing event for this MoU.

Board Decision: The Board agreed that all MoUs of the IOI are of a non-binding nature. Despite this, they should lead to concrete projects/co-operations with the partners in question. In light of this, the MoU with **ICIC** should be adapted accordingly. In the course of the discussion about the MoU with ICIC, the Board also agreed that a special chapter with a reminder on all MoUs should be added to the SG’s Annual report with an overview about any progress made within the past 12 months as well as on any outstanding tasks/projects related to the MoUs.

PUBLICATIONS & COMMUNICATION

Board Decision: The Board agreed that the Secretariat will contact Prof. Ayeni again, to fulfil his contract and deliver the manuscript of the **African Comparative Study**. The General Secretariat will report back to the Board in the next couple of months.

Board Decision: The Board embraced the proposal by the Office of the Ombudsman and State Comptroller of Israel to write a **Best Practice Paper (BBP)** on “Handling complaints and providing services to older persons” and agreed on the need for an ongoing review and updating of previous BBPs to ensure they are up to date. The Board also agreed that in the future, each BBP will have an expiry date of 4 years. It is then the responsibility of the Ombudsman office that was the author of the paper to review and update it, whereby this update can already be done within the 4-year period in case of substantial changes in the area of practice/research.

REPORTS FROM THE REGIONS

Board Decision: The Board acknowledged the short oral reports from the Regional Presidents based on their written reports submitted prior to the meeting.

DATE AND VENUE OF NEXT BOARD MEETING(S)

Board Decision: The Board approved to hold its next annual meeting in The Hague (The Netherlands) in May 2024 in the course of the IOI World Conference. This will include a meeting of the outgoing Board prior to the General Assembly and the inaugural meeting of the incoming Board right after the General Assembly.

ANNEX: Financial Summary

PROJECTS	approved amount in EUR
Audit 2023/2024 by Mazars Austria Ltd.	3,960.00
Regional subsidies 2023/2024	42,000.00
Estonian Workshop on Artificial Intelligence (AI)	35,000.00
Funding for interpretation services during the 13 th IOI World Conference and General Assembly 2024	100,000.00
Travel funds for IOI member participation at 2024 World Conference and General Assembly	50,000.00
Cooperative research project with the OECD	50,000.00
TOTAL (if max. amounts apply)	280,960.00