

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

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Closing remarks by Catherine De Bruecker, federal Ombudswoman

Dear colleagues and friends,

We had two days of intense debates and I hope we all go back to our offices with useful information, new ideas and a lot of inspiration to fulfil our mandates the best way we can.

I will not bother you with long conclusions or remarks.

I will just try to share with you some of the key ideas I have noted:

1. Access to information is vital for ombudsman to fulfill their mandate and there should be no restrictions to this right of access. However, there are no rights without obligations and caution and training are key words to deal with sensitive or protected information.
2. The development of new technologies and automated systems confronts us with new challenges in access to information. We need to have the necessary skills in our offices to understand the systems that are increasingly complex in order to find the relevant information but also to identify the decision-making mechanisms.
3. As far as transparency is concerned, one of the key words was "leading by example". Ombudsmen should be as transparent as possible, but bearing in mind that some of us have legal obligations which prevent them of disclosing certain types of information. The main challenge being to make our decisions available to public without disclosing elements that are not necessary.
4. The participatory turn is having a big impact on ombudsman institutions. Ombudsmen need to keep up with participatory evolutions, if they do not want to lose their relevance as links between citizens and administrations.
5. Until now most offices hold a rather passive view of participation. Still, our panel of colleagues gave us a broad overview of creative ways and initiatives to reach out to citizens, especially to those we don't reach usually. Clear message is a key factor for access to justice.

6. Citizens are experts of their daily life and, provided they receive the necessary information and the proper environment for deliberation, they can give very valuable input. But participation needs to be properly done. Do it only if you have the necessary time and resources. And be clear about what the expectations can be.

7. As already mentioned, digitalization and artificial intelligence challenge our capacity to protect citizen rights. Ombudsmen need to keep up with technological evolutions, if they do not want to lose their relevance as guarantors of democratic rights.

8. We need to have the trust of all parties and be perceived as impartial and politically neutral.

9. Our recommendations or advices are not always accepted by the parliamentary majorities which have their own political agenda but our reports create the possibility to have a public debate based on objective findings and legal arguments. This role is of fundamental importance in times of populist discourse and fake news.

10. Beside the intervention in judicial proceedings before the courts, there are also various other very relevant mechanism in which the ombudsman can intervene, like the collective complaint procedure before the European Committee on social rights. There is a need to share these experiences among our members.

11. Concerning the third intervention by ombudsmen before the ECHR, several advantages were underlined:

- Reports of ombudsman are considered as a trusted source of information by the court; they can show the wider context and highlight the structural reasons for dysfunctions.
- They can contribute to consensus developing in the interpretation of the convention
- Ombudsmen represent the public interest
- Third intervention offers the ombudsman an opportunity to arise the attention on a specific issue and to remind that he is acting as a watch dog

12. Protocol No. 16 to the ECHR has entered into force and we should all recommend his ratification by our member states

13. We need to show the daily relevance of human rights for every citizen

14. There is space for improvement of the way we share case law between ombudsman institutions to support our respective actions and work. This could be a task for the IOI.

Finally, I would like to express some thanks on behalf of Guido and I.

First of all, dear fellow ombudsmen, thanks to all of you for having come - for some of you from far away - to share these two days of debate and to have enriched them with your reflections and questions.

The quality of our discussions would not have been possible without the excellent preparatory work done by Professors David Renders (UCL) and Didier Calluwaerts (VUB) who helped us to prepare this conference and brilliantly summarized the issues raised by the three topics we have discussed. Thank you to them and their assistants. We will make their reports available on the intranet of IOI.

Our thanks also go to the chairs, Peter, Chris and Geraldine, who wonderfully run the debates, to the experts who brought us their external views and sometimes challenged our habits, to our ombudsmen colleagues who shared with us their experience in the three panels.

Please allow me now to go on in French.

La réussite d'une conférence tient aussi souvent à l'enceinte qui l'accueille et à une multitude de petites attentions qui assurent le confort de chacun pendant les travaux et les moments de détente.

Je remercie donc la Présidente du Sénat de nous avoir reçus dans ce merveilleux Palais de la Nation et les services du Sénat d'avoir assuré le parfait déroulement de ces deux journées.

Je remercie la Chancellerie du Premier Ministre et les Affaires étrangères pour leur soutien qui, je l'espère vous permettra de repartir avec une image 'phénoménale' de la Belgique et de son sens de l'accueil.

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Nos remerciements vont également à l'Institut international de l'Ombudsman qui nous a fait confiance pour accueillir cette conférence et au Secrétariat Général pour sa contribution qui a permis d'assurer la traduction en quatre langues. Faciliter la participation de tous au débat participe de l'esprit d'inclusivité voulu par l'IOI.

Last but certainly not least, Guido et moi vous demandons de remercier avec nous tout notre staff et en particulier l'équipe Congrès qui a livré un travail incroyable sous la direction de Donald afin de rendre cette conférence possible. C'était une première pour notre institution et un véritable défi pour une petite équipe comme la nôtre d'accueillir 50 délégations étrangères pour un tel évènement. Ils l'ont relevé avec brio. Donald, Pierre, Litte, Cathy, Rudy, Els, Véro, Salim, l'autre Guido et tous ceux qui ont travaillé dans l'ombre, un immense merci !

And finally of course, also a big applause to the interpreters for their great job during these days.

The conference itself is over but we do not leave each other yet because as you know, we will meet at 4.30 pm to celebrate together the 20 years of our Belgian institution.

And before that, this afternoon, you are all invited to attend the official presentation of the report from the Citizens Forum 'Make My Administration'.

Bon appétit!