



APPLICATION FOR INTERNATIONAL OMBUDSMAN INSTITUTE (IOI) MEMBERSHIP

PART I

Category of membership for which applicant is applying:

Name of the applicant institution:

Country:

IOI Region that the applicant institution seeks to belong to:

Official working language(s) of the applicant institution:

Language of Communication with the IOI:

Address:

Phone:

Fax:

Email address:

Website:

Present incumbent:

Date of first appointment of current incumbent:

Expiry date of current term of appointment:

Legal Foundations (please attach in one of the official IOI languages):

PART II

- 1. Establishment of the applicant institution:**

- 2. Independence of the applicant institution**
 - 2.1. Please describe the mechanisms that guarantee the independence of the institution.**
 - 2.1.1. Is the applicant institution accountable to Parliament, a ministry or an office of the government or the head of state?**
 - 2.1.2. Can the government or any other authority issue instructions to the applicant institution? If so, please elaborate and clarify.**
 - 2.2. Please explain whether the applicant institution can operate in a climate of confidentiality and impartiality, clearly stating references to primary sources (e.g. constitution, law).**
 - 2.3. Please explain whether the applicant institution has budgetary independence, clearly stating references to primary sources (e.g. constitution, law).**
 - 2.3.1. Does the applicant institution have control over the expenditure of its entire budget?**
 - 2.3.2. What authority audits the applicant institution's budget to determine whether it is being appropriately spent?**
 - 2.3.3. What is the expenditure process for funds? Other than the head of the applicant institution or its staff, who else must approve expenditure before the budget can actually be committed?**
 - 2.3.4. What safeguards are there to ensure that the applicant institution is financially independent of government?**
 - 2.3.5. Is the applicant institution's budget partially donor funded (i.e. not solely funded by the government)? If so, what percentage of the budget is from donor funds? And please identify and specify who these donors are.**
 - 2.3.6. Indicate whether the applicant institution has sufficient resources to meet the cost of the IOI annual membership (750 Euro for Voting members).**
 - 2.4. Please indicate whether the applicant institution's staff fosters its independence clearly stating references to primary sources (e.g. constitution, law).**

- 2.4.1. How are staff of the applicant institution recruited (e.g. by secondment, public advertisement, internal trawl)?**
- 2.4.2. Are there any limitations (e.g. financial ceiling) on the applicant institution's authority to recruit staff other than financial?**
- 2.4.3. What percentage of staff (including senior positions) is seconded from government or other authorities? Can the applicant institution reject individuals assigned by government or other authorities?**
- 2.4.4. Please provide an organisational chart of the applicant institution.**

ORGANIZATIONAL STRUCTURE:

3. Mandate and powers of the applicant institution

- 3.1. Does the applicant institution have the powers to receive and investigate complaints from individuals against the administrative practices of public authorities or public undertakings (by any person or body of persons on act done or omitted, or any decision or recommendation made by any public authority within its jurisdiction)?**
- 3.2. Over what authorities does the applicant institution have jurisdiction?**
- 3.3. Over what matters does the applicant institution have jurisdiction?**
- 3.4. What matters or authorities are excluded from the applicant institution's control?**
- 3.5. Does the applicant institution have authority to deal with complaints about non-state legal entities? If so, please elaborate and discuss what this authority is.**
- 3.6. Please state briefly how the applicant institution exercises its mandate in practice.**
- 3.7. Can the applicant institution act on its own initiative to investigate matters under its competence?**
- 3.8. Does the applicant institution have specific powers to protect persons against maladministration, violation of rights, unfairness, abuse, corruption or any injustice caused by a public authority?**
- 3.9. Does the applicant institution have specific powers such as the power to file a complaint before the Constitutional Court to seek intervention through other Courts?**

3.10. Can the applicant institution be challenged by the Courts? If yes, in what circumstances?

3.11. Does the applicant institution have powers to take disciplinary action against public officials it holds responsible for wrong-doing?

3.12. Does the applicant institution have the power to make recommendations and, where appropriate, to propose administrative or legislative reforms for better governance?

3.13. Does the applicant institution follow up with authorities on the implementation of its recommendations?

3.14. Are government departments, public bodies etc. obliged to respond formally to the recommendations of the applicant institution?

3.15. What action can the applicant institution take if a government department or public body refuses to accept its recommendation?

3.16. On average, what percentage of the applicant institution's recommendations are implemented or accepted for implementation in a year?

4. Reporting of the applicant institution

4.1. Is the applicant institution obliged by law to report on its activities to (a) specific public office; or (b) the community at large?

4.2. How is this being done in practice?

4.3. Apart from annual reports, does the applicant institution have the right to submit special reports and if so, to whom?

4.4. How are annual and thematic reports submitted (e.g. publicity, distribution, appearance before legislative body or one of its committees), and to whom?

4.5. Are the government, public bodies, etc. obliged to formally respond to or take any action in respect of the reports of the applicant institution?

4.6. Does the applicant institution have the power to initiate own initiative investigations without receiving a complaint?

5. Organisation: appointment, tenure and removal of the incumbent

5.1. What is the legal basis for the appointment of the Ombudsman or head of the applicant institution?

5.2. Is there an established procedure for selection and appointment? If so, please explain how this is done in practice?

5.3. What is the term of appointment? Can the head of the applicant institution be reappointed and if so, for how many times?

5.4. Is the head of the applicant institution a full-time or part-time position?

5.5. Who fixes the remuneration package for the head of the applicant institution?

5.6. What are the grounds and procedure for dismissal and/or resignation of the head of the applicant institution?

5.7. Are there legal provisions for removal from office? If so, what are they?

5.8. Is there a due process for removal from office, and what office and/or authorities (e.g. Parliament) are involved? Please explain.

5.9. Are there legal restrictions on incompatibility (e.g. prohibition against involvement in political activities, receiving remuneration from sources other than the salary etc.)?

5.10. Does the head of the applicant institution and staff enjoy any immunity (e.g. from civil proceedings) in respect of the office holder's function?

PART III

6. External relations of the applicant institution

6.1. Relationship with other bodies

6.1.1. Which bodies does the applicant institution regularly cooperate with (i.e. governmental agencies, the justice system, the Parliament, the court of auditor, national human rights institutions (NHRIs))?

6.1.2. How frequent and what type of interaction does the applicant institution have with such bodies (e.g. training, consultations, joint investigations, complaint handling)?

6.2. Cooperation with international organisations

6.2.1. With which international organisations does the applicant institution have regular interaction (e.g. United Nations (UN), Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Development Programme (UNDP), World Bank)? Please explain the nature of the relationships.

6.2.2. With what international regional organisations does the applicant institution have regular interaction (e.g. Association of Southeast Asian Nations (ASEAN), Council of Europe, Organization for Security and Co-operation in Europe (OSCE) etc)?

6.2.3. Is there any cooperation agreement or understanding the applicant has with these bodies (e.g. a formal agreement to sharing information, undertaking joint activities, acting as an implementing partner in projects, receiving training and/or technical support etc)?

6.2.4. Does the applicant institution have any special status (e.g. observer status) with any international organisation (e.g. International Coordinating Committee (ICC), Council of Europe)?

6.2.5. Is the applicant institution a Voting Member of any other ombudsman-type organisations (e.g. Asian Ombudsman Association, Association of Ombudsmen & Mediators of the Francophonie (AOMF), European Ombudsman Institute (EOI), United States Ombudsman Association (USOA) etc.)? Please provide the name(s) of the organisation(s) concerned.

6.2.6. Is the applicant institution a non-Voting Member of any other ombudsman-type organisations not listed above? Please provide the name(s) of the organisations(s) concerned.

6.3. Optional Protocol to the Convention against Torture (OPCAT)

6.3.1. Has the applicant institution's country signed the UN Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment?

6.3.2. If so, is the applicant institution hosting the national prevention mechanism provided for in this UN Protocol?

6.4. Relationship with civil society

6.4.1. Is the applicant institution an NHRI?

6.4.2. Does the applicant institution discharge its functions entirely on its own? Do some or all of its functions require it to engage with civil society?

6.4.3. If so, which civil society groups does the applicant institution engage with (i.e. NGOs, trade unions, professional organisations)?

6.4.4. How frequent and what type of interaction does the NHRI have with NGOs (e.g. training, consultations, joint investigations, complaint handling)?

Signature (Applicant)

Title (Designation of office)