

The IOI, sharing best practice and supporting global standards during COVID-19

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I would like firstly to congratulate the Ombudsman of Israel on this important jubilee. His Office is unique in my experience in combining the role of Ombudsman with that of State Comptroller and this provides a unique oversight of public services from the two differing perspectives. I'm sure that the combination of roles is particularly helpful in identifying and tackling systemic problems.

The Ombudsman is also highly active in the international Ombudsman community. Most recently, the Ombudsman has hosted a series of webinars in conjunction with the International Ombudsman Institute (IOI) during the COVID pandemic.

I write as the President of the IOI until May 2021. The IOI is the only global Ombudsman organisation with more than 200 members in more than 100 countries worldwide.

The purpose of the IOI, whose activities are of a non-profit making nature, is to contribute to

- respect for human rights and fundamental freedoms,
- adherence to the rule of law,
- effective democracy,
- administrative justice and procedural fairness in public organizations,
- improving public services,
- open and accountable government, and
- access to justice for all

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by promoting the concept and institution of ombudsman and encouraging its development throughout the world.¹

The fundamental principles which underpin the Ombudsman concept include independence, fairness, objectivity and cost-free access. The necessity of independence is to ensure that users of the service can be confident that the office-holder is objective in their consideration of complaints. The Ombudsman must therefore retain a suitable distance from the public services within their jurisdiction. This creates one of the key reasons for international co-operation among Ombudsman Offices.

Ombudsman offices operate in highly diverse national and administrative contexts. Nonetheless, the core functions remain remarkably consistent, and the principles underpinning the work are common to all. Ombudsman offices are also very innovative in the way that they develop their services and take advantage of the opportunities and challenges which we face.

The adaptability of the Ombudsman concept is noteworthy. The environment in which we operate has changed substantially, not least in the context of the ever-evolving online world. Social media are but one of the factors which have obliged us to adapt. The growing use of artificial intelligence will pose new challenges as well as providing opportunities. It would be impossible in this piece not to also note the particular challenges created by the COVID19 pandemic.

Against this enormously complex environment, Ombudsman offices work together through a variety of networks to share experiences, promote best practice, offer solidarity in what can be an isolated post, anticipate future developments, drive up standards and support colleagues facing threats. Networks exist at a national level, where there are multiple Ombudsman offices, as in Canada and Belgium for example, at a regional level such as in the Nordic countries, the Mediterranean region, and in Britain and Ireland, for specific languages such as French and Spanish, for specialist offices, such as Children's' Ombudsman offices and at a continental level including Asia and Africa.

There is only one global organisation, the IOI, which works closely with the other networks to promote inter-connectivity for the benefit of all. The IOI Secretariat is provided by the Austrian Ombudsman Board and is based in Vienna. All of the income from membership fees is thus available to fund initiatives for the benefit of members.

In the IOI context, the sharing of best practice and the promotion of improvement takes a variety of forms. Training is regularly supported or provided both in basic investigation techniques but also in specialist areas such as media training and carrying out the role of National Preventative Mechanism under the UN Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

1 [IOI Bylaws 2021](#)

Themed conferences are also held such as one on the likely impact of Artificial Intelligence on our work. The Israeli Ombudsman hosted a webinar in conjunction with the IOI on the responses to COVID19 which allowed for learning on a topic of relevance to all. Incidentally, it seems likely that the role of webinars will continue after the pandemic as it has proved an effective way of reaching an international audience without the time and costs associated with travel. That said, the learning in the informal contexts around conference sessions is not so readily accommodated through webinars, and some blended conferences utilising elements of both seem to be the way forward.

The IOI has also seen value in capturing best practice in a series of papers covering some key topics. What distinguishes these papers is that they draw on practice from a multiplicity of offices and thus there are diverse examples to consider. The series includes papers on Developing and Reforming Ombudsman Institutions, Securing Effective Change, Own Initiative Investigations, Guidance on Peer Reviews, Giving Voice to Mental Health patients and Dealing with Challenging Behaviour. These are living papers and will be updated as and when there is new practice or new opportunities to take into account.² They are available on the IOI website.

One of the key approaches to improvement is the development and promotion of aspirational international standards against which Ombudsman offices can measure themselves. The best known international example in a related field for many years were the Paris Principles³ which relate to National Human Rights Institutions. These have been adopted by the United Nations⁴ and are used by the Global Alliance of National Human Rights Institutions⁵ (GANHRI) to measure the compliance and rate of their members. Until 2019, no such global standards existed for Ombudsman institutions. The Nelson Mandela Rules⁶ were used in Africa, and membership organisations, including the IOI, used their Bylaws to allow only compliant offices to be full, voting members.

The IOI had identified the need for such a set of standards, and the European Region had worked with the Venice Commission⁷, (the Council of Europe's Commission for Democracy through Law), to encourage them to develop one. The Commission provides legal advice to its members, which include all Council of Europe⁸ member states, but also further countries who have chosen to join the Commission. The members of the Commission are leading law practitioners from member states.

The Principles on the Protection and Promotion of the Ombudsman Institution, ("The Venice Principles") were adopted on Friday, 15th March 2019 at a meeting of the Commission. The meeting was addressed by the IOI as well as other European and language based networks.

2 [IOI Best Practice Papers](#)

3 [The Paris Principles](#)

4 [The United Nations](#)

5 [GANHRI](#)

6 [Nelson Mandela Rules](#)

7 [Venice Commission](#)

8 [COE](#)

The version as adopted reflects the benefits of an extended consultation in which the IOI was highly engaged, as well as the other representative bodies.

The Venice Principles can play a key role in protecting existing Ombudsman Offices who are facing threats, providing guidelines for the improvement of current Ombudsman Offices and setting a template for new Offices where none are present. The "Venice Principles" can be found at [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)005-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)005-e)

Following the adoption of the Principles, The IOI was anxious to ensure that they would be widely utilised and worked initially with the Council of Europe who were developing a motion on Ombudsman Institutions. I was pleased to be invited to act as an expert advisor in developing this motion. It was adopted in 2019.

The Council of Europe recommendation provides that:

- Ombudsman institutions should be in place in all member States
- Member States should provide a firm legal basis for ombudsman institutions, preferably at the constitutional level
- The process of selection and appointment of the head of an Ombudsman institution should promote its independence
- Member States should ensure that ombudsman institutions are allowed to carry out their mandate independently of any provider of public services over which they hold jurisdiction.

The full recommendation is available on the Council of Europe's website: www.coe.int. It endorses the "Venice Principles" as the standard which should be used in developing and reforming Ombudsman institutions.

Links to the UN

The next objective in securing global recognition for the Ombudsman concept was to further develop links with the United Nations, and the IOI formed a working group charged with this task.

The IOI was originally established in 1978. In 2018 we celebrated our 40th anniversary and published a book on the IOI's history, "A Mission to Justice – The International Ombudsman Institute 1978–2018"⁹, to portray IOI developments in the wider historical context of ombudsmanship.

⁹ [IOI's history](#)

The publication was officially launched at the United Nations in New York in April 2018. The launch event provided an excellent opportunity to advocate and highlight the work that Ombudsman institutions do in promoting and protecting human rights and the important role we all play in the implementation of the UN's human rights agenda.

This was a very successful event, with full support from regional Ombudsman associations and representatives from the Association of Ombudsmen and Mediateurs of the Francophonie, the Federation of Ibero-American Ombudsman, the Institute of Latin American Ombudsmen, the Caribbean Ombudsman Association and the African Ombudsman and Mediators Association.

Meetings held with UN officials at the same time unfortunately showed that there was still a lack of understanding about the Ombudsman concept and the work we do in the human rights field. The UN was still putting a strong focus on National Human Rights Institutions (NHRIs) as their main, national partners. This dates back 30 years, to when the Paris Principles were adopted by the UN General Assembly as a set of internationally recognised standards, which inform the establishment of NHRIs and which encourage UN member states to set up strong, independent NHRIs with a mandate to promote and protect human rights at the national level

Member states are free to decide the best type of NHRI for their national context. From our experience, in many cases the national Ombudsman is a "hybrid" institution, combining several different mandates which can often include the NHRI mandate.

We believe that the IOI and its membership are therefore a natural working partner for the UN, especially taking into account that many of our members are also NHRIs. However, at the point at which our work started, the UN had only developed a formal relationship with (GANHRI), the representative network for NHRIs.

While GANHRI includes Ombudsman institutions, which are also GANHRI accredited NHRIs, it excludes other offices with no NHRI mandate. This doesn't take into account that human rights issues are the basis of the broad, everyday complaint handling work of Ombudsman institutions, with or without an NHRI mandate.

A stronger alliance with the UN appeared to be a realistic and suitable goal for the IOI to step up our efforts and to make the work of Ombudsman institutions more visible at the UN level.

The UN Working Group consists of representatives from each IOI Region with experience in dealing with the UN and/or having close working relations with UN bodies. The task of the Working Group was to discuss and develop strategies on:

- how to raise awareness about the important work Ombudsman offices do in the human rights field;
- how to approach UN bodies to make the Ombudsman concept more visible;
- how to aspire to official recognition of Ombudsman institutions by the UN;

- how to push/ensure that there were principles for Ombudsman institutions adopted at a global level.

The Working Group set itself five key objectives. The first related to a General Assembly motion. There was a pre-existing motion which was tabled every two years by Morocco. The group agreed that the existing UN Resolution was one of the main entry points to achieve positive change in the perception of Ombudsman institutions at the UN level. The group analysed the resolution, to see if Ombudsman institutions were given sufficient recognition and to identify and develop possible amendments to improve and increase visibility of Ombudsman offices.

The group established contact with the Office of the Ombudsman of Morocco, who was very supportive. These efforts paid off when the revised resolution was adopted by UN General Assembly on 16 December 2020 with most of the IOI's proposed amendments included¹⁰.

The second objective was to work with Permanent Missions at the UN in Geneva and New York to make Permanent Representatives aware of the IOI's efforts to seek amendments to the UN resolution and to solicit support when the resolution was tabled before the General Assembly. We also consider them important allies "on the spot" to help advocate the important role Ombudsman institutions play in the promotion and protection of human rights. The IOI provided a draft letter to all its members, requesting them to contact their respective Permanent Missions and ask for their support.

Many of our members did get in touch with their Permanent Missions and this definitely helped in our efforts to amend the UN resolution and will hopefully continue to raise awareness about Ombudsman work in the human rights field at the UN.

Our third objective was to strengthen links with GANHRI as the worldwide network of UN-accredited NHRIs. Some 30% of these NHRIs are Ombudsman institutions; many of them are members of the IOI. The IOI had already initiated closer cooperation with GANHRI when we signed a Memorandum of Understanding in 2015¹¹. We hope to sign a revised, amended version soon and strengthen relations in the near future.

The fourth objective concerned the adoption of the "Venice Principles" as the global standard. This was achieved by ensuring that the UN resolution includes reference to these recently established, international standards, which it does in the main text and by including them as an appendix.

The fifth objective is a more long-term project to identify ways to seek observer status at UN bodies and mechanisms, such as the UN General Assembly (UNGA), the Human Rights Council (HRC), or ECOSOC consultative status. This would enable the IOI to establish a more formal cooperation with the UN. At the moment the group considers observer status at UNGA the most suitable option, as

¹⁰ [Resolution](#)

¹¹ [MOU](#)

Permanent Missions could again support this objective and help initiate a process of seeking such observer status. This objective is still a “work in progress”.

Our efforts to make Ombudsman institutions more visible at the UN level have paid off. The new resolution removed all references to NHRIs, thus putting a specific focus on Ombudsman and Mediator institutions making it a much stronger document to strengthen Ombudsman offices. The resolution strongly acknowledges the Ombudsman’s role in promoting good administration, human rights, good governance and the rule of law. We now need to ensure that the resolution has impact and to translate the provisions of the resolution into concrete action including by promoting initiatives and activities to strengthen our recognized role at the UN level.

The IOI Working Group will continue its work and identify ways to do that. Some possible initiatives include encouraging the active participation of the Office of the High Commissioner for Human Rights (OHCHR)¹² in IOI events. In this context, it was good that High Commissioner Bachelet agreed to contribute to the IOI Conference.

The preamble and Article 9 of the UN Resolution¹³ ask the OHCHR to produce stand-alone reports on implementation of the Resolution. The IOI will seek to provide input to this OHCHR report from its point of view as the only global network for Ombudsman institutions. We did so for the first time last year and will continue to do so in the future.

Article 2(g)¹⁴ of the resolution calls for developing and carrying out, “outreach activities at the national level, in collaboration with all relevant stakeholders, in order to raise awareness of the important role of Ombudsman and mediator institutions”. The IOI could seek to become more involved and e.g. facilitate awareness raising activities at the regional level, in close cooperation with regional partner organizations.

It is also important that we should strengthen our collaboration with GANHRI pursuant to the MoU, e.g. by joining forces when it comes to supporting members and helping them to build capacity. We should also seek closer cooperation with OHCHR in the field of support for Ombudsman under threat and also do so via GANHRI and GANHRI’s regional networks.

Independent, transparent and impartial Ombudsman offices are a core element of democracy. They are mindful of citizens’ problems and concerns and gather information on emerging trends and best practice, which could be of value to the UN as it monitors policy developments or develops its activities and initiatives.

12 [OHCHR](#)

13 [UN Resolution](#)

14 [UN Resolution](#)

The IOI substantially contributes to the UN's Agenda 2030¹⁵. It is self-evident that all of the roles of the Ombudsman (i.e. securing human rights, promoting good and transparent public administration, fighting corruption, creating access to justice, upholding the rule of law) give them a unique position in ensuring the success of Agenda 2030, especially in the context of the Sustainable Development Goal (SDG) 16¹⁶, as our offices can and do, "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels."

The Ombudsman in times of pandemic

COVID-19 is a theme which dominated the work of Ombudsman offices worldwide in 2020 and now in 2021. The emergence of the global pandemic posed two distinct challenges. The first is the requirement to continue to operate our services in the new circumstances in which we find ourselves. The second is that of ensuring that those at most risk of exclusion, discrimination and poor services in our communities have their rights protected. In this latter context, our work is more important than ever.

The Ombudsman community is a very well connected one. We knew of this because of the highly effective networks described above which we have developed to share best practice, drive up standards, and support colleagues facing threats. The IOI has played a central and developing role in this work.

As it transpired, we also turned out to be pretty well connected digitally. The speed with which colleagues worldwide adapted to the new situation and got their services back up and running was inspirational. With many having to operate in varying degrees of lockdown, we nonetheless managed to allow members of the public to continue to bring their complaints to us and acted upon them. Many also used own-initiative powers to tackle emerging issues. We proved ourselves to be ready for the new challenges and nimble and effective in responding to them.

I should at this point also pay tribute to the public services across the world who are working so hard to tackle the impact of COVID-19. The health and care workers in the frontline have had to deal with large increases in demand for their services, and deal with the needs of people with the disease in often very challenging circumstances. The huge mortality is a sobering reminder of how fragile our communities can be in the face of such a threat. Health and care workers themselves

¹⁵ [UN Agenda 2030](#)

¹⁶ [SDG 16](#)

were also at great personal risk, and I would like to pay tribute here to those who have sadly lost their lives in caring for others.

Other public servants have also had to step up to the mark in introducing measures to sustain the economy, to provide income for those who have lost their jobs, to provide access to services online and in many other ways. They have earned our gratitude.

Our Governments have responded in many different ways across the globe, some with notably more success than others. In the end, they will have to answer to their electorates for how they did.

However, for the Ombudsman community, we have a great need to be vigilant on behalf of those at most risk. This virus has not respected equality of opportunity. It has disproportionately affected older people and disabled people, especially those in care homes. It has affected those in institutional settings such as prisons, and in accommodation for asylum seekers and refugees. It has impacted on poor people, on homeless people and people from minority ethnic backgrounds. It has exposed the divisions and inequalities in our societies. Many of those disproportionately affected find it harder to speak up, and it is incumbent on us to ensure that their voices are heard.

Every four years the IOI brings the global Ombudsman community together for its General Assembly and World Conference. In 2020, this was due to be held in Dublin, and I had looked forward to welcoming colleagues to Ireland and having an opportunity to share experiences and explore best practices.

Inevitably, like many other events, our General Assembly and World Conference had to be postponed, and instead was held as an online event in May 2021. The theme of the Conference was, "Giving Voice to the Voiceless". The theme was more important than ever in the context of COVID-19. The plenary sessions and workshops were targeted on exploring the issues around people who have less opportunity to access services, and who greatly rely on them.

I am well aware of the work of the Ombudsman community in reaching out to people in institutional care. My own office was already working on a major report into the circumstances of disabled people under 65 who were in nursing homes for older people because of the lack of community support to enable them to live in their communities. The report was launched before the conference and featured in one of the workshops. Sadly, four of the people we interviewed died during the pandemic. We used the launch of the report to literally engage with the conference theme by preparing a video on which some of our interviewees spoke powerfully about their experiences. It is by allowing the voices of our complainants to be heard, and their stories to be told, that an Ombudsman steps beyond being a regulator and makes the most powerful case for change. Tackling the power gap between the providers of public services and their users, "speaking truth to power" is one of the great strengths of the Ombudsman model which has seen it improve services and protect human rights across the globe.

The number of older people in care homes who have died during the pandemic is one of the international consequences that has been of huge concern. The same applies to other people such

as those with intellectual disabilities who are in institutional settings. Making sure that we do all we can to both limit further deaths and learn the lessons for the future will preoccupy many of us.

In addition, there have been other issues which have arisen in the course of the pandemic which have generated complaints. New benefits for people who have lost their jobs have certainly been the subject of complaints for many. The cancellation of school exams and their replacement with grades given through an assessment process have also been controversial.

The way in which Ombudsman Offices have taken these challenges in their stride is highly impressive. We will face more challenges about access to treatment and to vaccines as the situation develops. The issue of vaccine inequality was highlighted by the IOI in the Dublin Declaration, adopted at the General Assembly.

The UK Parliamentary Ombudsman, Rob Behrens, conducted a survey of IOI members during the pandemic. His concentration on leadership is well reflected in his initial findings which he published to coincide with Ombuds Day and the full final version can be found on the [IOI website](#).

Our role in providing leadership in our societies is now more important than ever. We are often the first to know what is going wrong in our public services. Our casework gives us a huge evidence base from which to drive improvement and highlight shortcomings. Our communities are facing unprecedented challenges. We must ensure that the resources at our disposal are fully and effectively focused on protecting the rights of those most at risk and learning the lessons for the future.

Peer review and continuous improvement

The advent of global principles provides a firm basis against which all Ombudsman offices can evaluate their legislation and their practice. Making the case to our legislatures for changes to address any deficiencies in powers, jurisdiction, resources or independence is greatly facilitated by doing so in the context of internationally recognized benchmarks.

Peer review provides a mechanism to allow us to identify any necessary changes. The IOI Best Practice paper on Peer Review sets out the case for using this mechanism. It says "Learning from best practice in other offices is a very effective driver of change. Comparing our structure, legal basis, methods and effectiveness with others can be potentially transformational. It can create a driver for strategic improvement, or provide validation that programmes of change have succeeded in placing your office at the forefront of practice and performance."¹⁷

¹⁷ [Peer Review](#)

Combined with the availability of legal advice from the Venice Commission on the compliance of legislation, it offers key tools to develop proposals for improvement and validation.

I would urge all Ombudsman Offices worldwide to evaluate themselves using these processes to demonstrate their commitment to continuous improvement.

Our job is to keep public services under review to ensure that their users benefit from good administration and the protection of their rights. It is incumbent on us to keep our own services under review to ensure that we meet the standards we properly set for others.