



## **INTERNATIONAL CONFERENCE OF OMBUDSMAN**

**SEPTEMBER 21, 2023**

**ROME, ITALY**

### **THE ROLE OF OMBUDSMAN IN THE WORLD: BETWEEN REALITY AND POSSIBILITY**

**Session 1: The Ombudsman – A bridge between citizens and local authorities (Constitution and the Ombudsman; Civil defense as a guarantee instrument)**

**Paul Dubé – Ontario Ombudsman**

I know that I am preaching to the choir when I say that the Ombudsman is a vital democratic institution that benefits society greatly by enhancing public sector governance and administration, as well as promoting transparency, accountability, and administrative fairness. Yet in North America, awareness and understanding of the Ombudsman institution is low, and during my 15-year Ombudsman career in Canada at both the national and provincial levels, I have been in constant outreach mode to inform and educate the people and agencies we serve about my roles.

The Ombudsman's role was eloquently explained by Justice Brian Dickson of the Supreme Court of Canada in 1984. He said:

*The traditional controls over the implementation and administration of governmental policies and programs—namely, the legislature, the executive, and the courts—are neither completely suited nor entirely capable of providing the supervision a burgeoning bureaucracy demands. The inadequacy of legislative response to complaints arising from the day-to-day operation of government is not seriously disputed.*

*The demands on members of legislative bodies is such that they are naturally unable to give careful attention to the workings of the entire bureaucracy. Moreover, they often lack the investigative resources necessary to follow up properly any matter they do elect to pursue... The Ombudsman represents society's response to these problems of potential abuse and of supervision. His unique characteristics render him capable of addressing many of the concerns left untouched by the traditional bureaucratic control devices...*

*Most importantly, his powers of investigation can bring to light cases of bureaucratic maladministration that would otherwise pass unnoticed. The Ombudsman “can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds”... On the other hand, he may find the complaint groundless, not a rare occurrence, in which event his impartial and independent report, absolving the public authority, may well serve to enhance the morale and restore the self-confidence of the public employees impugned.*

Of course, the work that ombudsman offices do as democratic institutions is not solely to promote optimal public services and government administration.

We know that the *Venice Principles* also emphasise that the Ombudsman is an important element in protecting the rule of law and respect for human rights and fundamental freedoms. And of course, the Ombudsman’s role in “the promotion and protection of human rights, good governance and the rule of law” was also recognized by the United Nations in its 2020 *Resolution on the Role of Ombudsman and Mediator Institutions*.

However, several organizations that measure and track the quality of democracy have noted a marked deterioration over the past decade, as more democracies are declining, and even sliding into autocracy. Canada’s current Chief Justice commented recently that the global rise in misinformation threatens national institutions and processes that underpin democracy.

Across the globe, we have seen that actions to abolish oversight, to undermine freedom of the press, weaken courts, and concentrate power in the hands of the executive can undermine liberal democracy from within. While legislatures oversee a range of government functions, and courts uphold the rule of law, liberal democracy relies on the independent oversight exercised by institutions like the Ombudsman.

Unfortunately, there are forces that seek to undermine democracy by attacking its processes and debilitating vital institutions like the Ombudsman. We are seeing the Ombudsman institution face threats in many contexts and in many ways: from drastic reductions in funding, to legislative constraints on independence, and the abolition of offices.

That is why we need to demonstrate our value and broadcast our successes in every way possible and at every opportunity; so that we position ourselves as not just valuable, but indispensable to society and democracy. We must strive to make ourselves indispensable to the citizens we serve and whose rights we protect.

Furthermore, Ombudsman must also remain vigilant and come together regularly to share expertise, discuss common issues, and support strong, independent ombudsman institutions. We need to prepare for - and respond to - the threats we face with solidarity and strategy. That is why I am so grateful to be a member of organizations like the IOI, the Canadian Council of Parliamentary Ombudsman, and the Forum of Canadian Ombudsman.

As Regional President of the IOI's North American Region, I am emphasizing the need to promote the Venice Principles and the UN Resolution as the necessary and appropriate standards for Ombudsman offices. However, I am also urging the development of strategies to leverage collaborative and supportive relationships with credible and influential organizations like the United Nations, the Council of Europe, and the OECD, as well as other influential voices like NGOs, scholars, journalists, think tanks like Canada's Institute for Research on Public Policy. We urgently need to enlist allies who can help defend the Ombudsman institution by countering misinformation and disinformation, and emphasizing its value to liberal democracy.

Again, we must strive to position ourselves as not just valuable, but indispensable.

I want to thank Marino Fardelli and his office for inviting me to participate in this inspiring conference, and I look forward to many productive discussions with you on these vital topics throughout the event.

*Grazie mille!*

*Cette présentation est aussi disponible en français*