

Topic : Ombudsman in Times of Crises or under Threat: The IOI's policy and role in supporting colleagues in times of crises – latest achievements

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1. Introduction

- 1.1 ".....it is inconceivable for an Ombudsman to exist, and perform his task properly, within any system other than a democracy governed by the rule of law". Marten Oosting
- 1.2 "Ultimately, every Ombudsman has some room to maneuver and as cannot entirely blame its weaknesses and shortcomings on a lack of insufficient cooperation from the government in power" Victor O Ayeni
- 1.3 Before we can discuss the role of the I.O.I in supporting colleagues in times of crises, we must first examine the question:"who is to protect the protectors?" Who or what constitutes the first and second line of protectors?

2. Who is to Protect the Protectors?

- 2.1 If the Ombudsman presupposes a political and administrative system that is and wants to be a democracy, governed by the rule of law, with all the appropriate mechanisms of external accountability this entails, then the Ombudsman can safely rely on the protection afforded by the democratic institutions created by the political and administrative system. For me, they are the first line of protectors of the Ombudsman.
- 2.2 First Line of Protectors:
 1. the Constitution of the country which created and guarantees the independence of the Ombudsman and non interference.
 2. the government with all its structures:
 - Executives
 - Legislature
 - Judiciary
 3. the Ombudsman - self - protection
 4. institutions supporting a constitutional democracy:
 - civil society organizations and ngo's
 - legal fraternity
 - sister bodies, like human rights commission, Children's Ombudsman, Commission for Gender Equality, to mention but a few.
- 2.3 Second line of Protectors
 - United Nations and its treaty body system
 - Regional Associations of Ombudsman and human rights commissions.

3. The Role of the I.O.I in supporting Colleagues in times of crises

- 3.1 The I.O.I may be perceived as the last line of protectors. From past experiences, it knows that the threats to Ombudsman are real and have come to the support of a number of colleagues during the past years.
- 3.2 Having realized that it cannot operate without a policy guiding it modus operandi, the I.O.I developed the "I.O.I Guidelines on the Support to Colleagues Under Threat"
- 3.3 The purpose of these Guidelines is to establish principles and courses of action to coordinate I.O.I support for Ombudsman coming under threat, facing reprisals or operating under difficult circumstances.
- 3.4 The I.O.I is accountable to its members and members have the right to hold the I.O.I accountable for its failure to intervene when the integrity of the Ombudsman institution is at stake.
- 3.5 To prevent unjustified perceptions of external interference with domestic affairs, the I.O.I will publish and disseminate the Guidelines as widely as possible.