

Rt Hon Helen Clark

Address to the

10th World Conference of the International Ombudsman Institute

“Challenges and Opportunities for Strengthening Integrity

of Institutions and the Relationship with the work of the

Ombudsmen”

Michael Fowler Centre

Wellington, New Zealand

9:15am, Wednesday 14 November 2012

Introduction

It is a pleasure to be addressing the Tenth World Conference of the International Ombudsman Institute (IOI), here in Wellington.

I congratulate the New Zealand hosts on convening this major meeting, noting that the Institute represents 150 national, regional, and local institutions from some 85 countries.

At the outset, let me acknowledge the very important contribution

of Ombudsmen, and related integrity and human rights institutions, to promoting good governance in public administration, improved delivery of public services, and respect for justice and equality.

New Zealand was the first country outside Scandinavia to establish an ombudsman system. Since 1962 it has developed to become a venerable and highly respected institution, giving citizens access to redress and having broader powers, including through inquiries, to hold government to account.

The principles which guide the work of the International Ombudsman Institute are also core values and principles of the United Nations.

The UN General Assembly itself has pronounced on the roles of Ombudsmen, mediators, and other national human rights institutions as recently as last year.

- **It has called on all member states either to consider creating such institutions or to strengthen those they have.**
- **It has emphasized the role these institutions have in the promotion and protection of human rights and freedoms, and in support of domestic complaint resolution.**
- **It has underlined the importance of the autonomy and independence of these institutions, and their role in promoting good governance, the delivery of public services, the rule of law, and principles of justice and equality.**

Just two months ago, the UN General Assembly held a High-Level Meeting on the Rule of Law at the National and International Levels, bringing together Heads of State and Government and senior Ministers. Speaking there on behalf of the UN Development Programme, I noted that the firm establishment of the rule of law enables citizens to invest in their own futures and exercise their rights. It also enables governments to govern better, and thereby respond better to emerging challenges and be more

effective in advancing human development. Ombudsmen, and related integrity institutions, make a vital contribution to upholding citizens' rights and improving the quality of governance.

The Declaration from the High Level Meeting noted the strong relationship between the rule of law and development. It stated that *“the rule of law at the national and international levels is essential for sustained and inclusive economic growth, sustainable development, the eradication of poverty and hunger, and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law.”* For this reason, member states agreed, *“we are convinced that this interrelationship should be considered in the post-2015 international development agenda.”*

This declaration provides a renewed and strong basis for the work of the United Nations Development Programme on the rule of law,

which is so central to our democratic governance mandate. Our work around the world aims to strengthen the national institutions and processes needed to build trust between governments and citizens. This is about improving the responsiveness, accountability, and integrity of governments, and enhancing the rights of citizens to participate. The work of Ombudsmen is highly relevant to achieving these ends.

In my comments today, I will discuss first in a little more detail why the quality and responsiveness of governance matters for human development, and then address the role of Ombudsmen and sister institutions in a fast changing landscape for accountability – which now includes much more direct citizen empowerment.

1. *Why the quality and responsiveness of governance matters for human development.*

UNDP is dedicated to advancing human development. This is about far more than the level of income people enjoy – vital as that is for eradicating poverty. Human development encompasses the right to human dignity and concepts of empowerment. Freedom of choice and the right to have a say in decisions affecting one’s life are inherent in the human development paradigm.

The quality of governance matters a lot to the advancement of human development. So does tackling economic and political exclusion, and indeed exclusion and inequity of any kind.

The development of a solid body of human rights conventions has expanded thinking around the rights of citizens and sovereignty¹.

Now broader access to ICTs and social media platforms is giving

¹ Kofi Annan was the keynote speaker at the 2009 International Ombudsman Institute meeting and spoke on “Sovereignty – The State and the Individual” where he argued that in the era of globalization and interdependence “we now recognize our common humanity and shared responsibility: That the state should be seen as the servant of the people rather than their master.”

voice to citizens who wish to express their aspirations and/or air their grievances, and enabling them to reach larger audiences than ever before.

Where there are inclusive systems of governance, expressing new ideas and airing grievances to large audiences do not shake states to their very foundations. Where, however, governance systems are exclusive of many, and where that exclusion extends to widespread economic impoverishment and lack of hope, such systems have been rocked to their foundations as citizens seek redress.

Powerful demonstrations of that have been seen in the Arab States region over almost two years, as people took to the streets to demand reform of political, economic, and social systems, and used social media platforms to mobilize and to communicate their efforts widely.

They called for justice, and dignity, jobs and opportunities, the right to have input into the decisions which impact on their lives, and for their human rights to be upheld. They demanded from governments honesty, responsiveness, accountability, and decent public services.

The transformations which follow conflict and upheaval provide new opportunities to build legitimate and resilient institutions. In societies emerging from conflict and/or long periods of authoritarian rule, trust in the authorities and social cohesion tend to be low. New institutions with integrity provide the foundation for inclusive governance, economies, and societies, and for addressing past crimes and abuses.

Inclusion, integrity, responsiveness, and accountability in governance are important characteristics for all societies dedicated to the rule of law and to justice and equality. This matters for both developed and developing countries.

2015 is the target date for achieving many of the benchmarks set in the Millennium Development Goals. There has been a lot of progress on achieving many of the MDGs – but it is uneven within regions and within countries. At the national level, some of this unevenness can be explained by disparities in the quality of services received based on a wide range of factors – including the socio-economic, gender, ethnicity, indigeneity, disability, sexual orientation, and location. Investigating such disparities in public service access and delivery may lie within the mandates of Ombudsmen and related institutions.

There is a pressing need to tackle the bottlenecks which constrain development progress, including those related to governance. The global commitment to accelerate progress on the MDGs is an opportunity to bring the integrity of institutions and principles of justice and equity firmly into the spotlight. Ombudsmen and related institutions definitely have a role to play in this.

A lack of integrity, transparency, and accountability, beyond being a waste of resources, is corrosive of societies and contributes to a well justified lack of trust and confidence in governance.

Such mistrust is perceived to have had a negative impact on initiatives ranging from effective vaccination campaigns for children to attempts to expand school attendance for girls.

Mistrust of governance, therefore, makes achieving the MDGs even more challenging².

At its worst, poor governance and lack of accountability and transparency manifest themselves in corruption. Corruption is a blight on development wherever it occurs, and contributes to the perpetuation of social and economic inequities.

² These examples clearly link to MDG 3 & 4. There is plenty of evidence on vaccination & mistrust in public health literature (ex. “What led to the Nigerian Boycott of the Polio Vaccination Campaign?” (PLOS Medicine, 2007). The evidence on girls’ education is less strong, but USAID and UNICEF talk about it. For example of Roma communities lead to out of school children (both boys and girls) in Europe. And similarly for the 2011 AMR, Senegal’s National Voluntary presentation talked about mistrust vis-à-vis the “modern” school as a barrier to girls’ education in certain regions of the country.

As the poor are more reliant on public services, they are disproportionately harmed by a lack of accountability and integrity around those services. The 2008 Global Corruption Report found that corruption around the governance and delivery of water services raises the average price a household pays for water by as much as thirty per cent. Women, and poor women in particular, are the worst hit by corruption and unequal access to services.

Last year, UNDP brought together high-level representatives from twenty countries in the Asia Pacific region to exchange experiences on how to prevent corruption and improve integrity through the use of new technologies. Partly as a result of this meeting, India's "ipaidabribe.com" anti-corruption initiative is now likely to be replicated in Bangladesh, Sri Lanka, and Thailand. The initiative enables citizens to report bribery attempts anonymously online, empowering those working against corruption.

The expansion of social media and other ICT platforms offers new opportunities to strengthen accountability mechanisms and institutional integrity. The establishment of online government portals for services such as lodging petitions and submissions on policy are an example of how new technologies can increase citizen interaction with decision-makers.

As I have emphasized, building inclusive and responsive governance is not only a concern for developing countries.

Mass protests on the streets of developed countries in the wake of the economic and financial crisis suggest that persistent inequities are undermining social cohesion there.

They also demonstrated that there are global networks of citizens, willing to advocate for accountability and responsiveness. Indeed, with the global expansion of democratic governance there has been a concurrent increase in the number and range of civil

society organisations, organizing and mobilizing for economic, social, and political change.

In the next section of my speech, I will address how direct accountability, through social auditing and other informal mechanisms, is changing the landscape of accountability, and how Ombudsman institutions and other formal or horizontal accountability mechanisms can work in concert with informal or vertical mechanisms.

2. *The role of Ombudsman institutions in the evolving landscape of the 21st century, and building synergies between formal and informal mechanisms of accountability and redress.*

As the membership of the International Ombudsman Institute is well aware, there is no one-size-fits-all template for Ombudsman institutions. Academic literature on the diversity of the offices offers classifications of them, such as “traditional,” “classical,”

“legislative,” “executive,” and “hybrid”. A quick survey of those represented at this conference would confirm that each office has unique characteristics which have developed in response to national conditions and histories.

The UN General Assembly resolutions referring to Ombudsmen group them with mediation and national human rights institutions.³ These institutions, while evolving from different traditions, often have broadly similar objectives around:

- monitoring, advising, and questioning governments and agencies on behalf of citizens;**
- acting as a bridge between citizens and state, helping to build trust and responsiveness;**
- handling complaints and providing redress; and**
- carrying out independent inquiries or investigations, including into human rights abuses, and offering**

³ See for example A/RES/65/207 and the related SG’s report entitled “The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights”

recommendations for reform.

For all such institutions, and also others working specifically on corruption and transparency, autonomy from government and adequate funding, are essential for their effective functioning.

Last year UNDP produced a capacity assessment of anti-corruption agencies, which reports that their establishment is a core component of governance reforms in many countries. While these institutions are often established with great optimism, however, their effectiveness varies greatly from country to country.

Capable anti-corruption agencies are those which are well-resourced, headed by strong leaders with visible integrity and commitment, and situated amongst a network of state and non-state actors who work together on anti-corruption interventions.

The weaker anti-corruption agencies are those undermined by inadequate political will, and with limited resources, staff capacity, and independence.

I applaud the work of the International Ombudsman Institute to foster the regional and international exchange of knowledge about and best practice for the work of Ombudsmen, and to encourage professional development and research. Your efforts are an important complement to what national governments can do to strengthen your institutions.

UNDP has worked directly with Ombudsmen, and also with National Human Rights Institutions, in many countries:

- **In Rwanda, UNDP provided technical support to strengthen the capacity of the Office of the Ombudsman to promote state accountability, responsiveness, and transparency. That design included an induction program for new staff, conducting surveys on the extent of corruption, designing**

public awareness campaigns, and facilitating South-South exchanges with South Africa, Botswana and Ethiopia.

- **In Timor Leste, UNDP supported the Ombudsman office (Provedoria for Human Rights and Justice (PDHJ)) to strengthen its capacity, by helping to introduce new legal and operational management policies, train staff, draft relevant policies and legislation, and design methodology and tools for strategic planning.**
- **In Croatia, UNDP supported the establishment of the Croatian People’s Ombudsman (CPO) as the main institution providing a redress mechanism for citizens. UNDP helped to clarify the institution’s mandate and responsibilities, improve its internal and external co-ordination, and increase its visibility and accessibility to it as it worked to uphold new anti-discrimination legislation.**

In recent years, around one hundred UNDP Country Offices have worked with National Human Rights Institutions (NHRIs). Just

one of many examples: UNDP worked to support the Human Rights Commission of Sierra Leone to hold its first public hearing in 2011. It invoked its quasi-judicial powers for the first time, and rendered a decision in favour of 235 ex-soldiers who had been discharged and denied end-of-service benefits. In this decision, the Commission upheld the constitutional provisions providing a right to privacy and protection against discrimination.

In many cases, UNDP's work occurs in partnership with the Office of the UN High Commissioner for Human Rights (OHCHR) and the International Co-ordinating Committee of NHRIs (ICC), through a tri-partite agreement. In the Asia-Pacific region, for example, UNDP and OHCHR, in partnership with the Asia Pacific Forum on National Human Rights Institutions, developed a methodology for capacity assessments of NHRIs, and undertook assessments in Afghanistan, Sri Lanka, the Maldives, and Malaysia which helped identify areas for targeted support.

The broader work of UNDP on democratic governance, which supports strengthening the voice and capacity of citizens and local communities to demand greater accountability and integrity, is also highly relevant to Ombudsman institutions.

The changing landscape for Ombudsmen in the 21st century includes a proliferation of ‘sister’ institutions - from national human rights institutions to monitoring and regulatory agencies on non-discrimination, and of other formal accountability mechanisms, such as external auditors, anticorruption agencies, and other institutions with regulatory and oversight authority.

As well, citizens have become more actively and directly involved in the monitoring and oversight of public authorities, and in demanding better policies and services. For example, a recent study commissioned by UNDP, on grassroots women’s strategies to fight corruption, highlighted the powerful effect which

organized women have on enhancing accountability and demanding integrity from government institutions⁴.

UNDP and other development partners, including the World Bank and the European Union, are supporting social auditing activities in a range of countries. These empower citizens and communities to hold local governments and service providers to account.⁵

There appears to be a positive and global trend towards greater and more direct accountability, assisted by the expansion of information and communication technologies. Ombudsman institutions will need to engage more and more with informal mechanisms, so that their work reinforces citizens' efforts, while also maintaining vital institutional avenues for accountability and redress.

⁴ UNDP, 2012. "Seeing Beyond the State: Grassroots Women's Perspectives on Corruption"

⁵ UNDP, 2011. "A practical Guide to Social Audit as a Participatory Tool to Strengthen Democratic Governance, Transparency, and Accountability."

Innovative models for strengthening integrity and accountability are looking at both the demand and the supply sides of governance. On the demand side, the meaningful engagement and participation of citizens in shaping decisions and directly demanding greater accountability from public officials and service providers is a complement to strengthening the supply side of the independent formal institutions which hold government to account. Free and independent media, vibrant civil society, and effective parliaments also open up democratic space and help ensure that states do become more responsive and accountable.

Conclusion

Let me end by reiterating my three key messages, which I hope will encourage further discussion and debate, and which underpin UNDP's work in this area:

- 1) The quality of governance matters to the advancement of**

human development. Integrity, accountability, and responsiveness in governance are the foundations for sustainable and inclusive societies.

- 2) Strengthening integrity and accountability requires a whole-of-government and a whole-of-society approach. Recognizing that there are multiple actors, as well as multiple pressures on institutions to be more accountable and transparent, Ombudsmen institutions should work in synergy with other horizontal and vertical mechanisms to ensure that efforts are mutually reinforcing.**
- 3) The evolving landscape of the 21st century, including the spread of new technologies, requires innovative and flexible institutions and systems which are responsive to citizens. The exchange of lessons learned and best practices, through the International Ombudsman Institute and other networks, is valuable. In UNDP we believe that South-South Cooperation has a big role to play in such exchanges.**

Embargoed Until Wednesday 14 November, 9:15am New Zealand time

**UNDP, the Office of the High Commissioner for Human Rights,
and other UN system partners salute and affirm the work done by
the world's Ombudsmen to promote more responsive
governments and accountability and to provide redress to citizens.**