

Wednesday 28th November 2018

The 30th Australasian and Pacific Ombudsman Region Conference: Opening Remarks

Firstly, it's a great privilege and pleasure to be here in New Zealand. I attended the IOI conference in Wellington in 2012 and I was already familiar with the work of the New Zealand Ombudsman before then.

Ireland, like New Zealand, has been commemorating the events of the First World War, most recently on November 11th by remembering the Armistice which marked the end of the conflict. The role of Irish soldiers in the First World War has been something of a hidden history, because of our previous difficult relations with the UK. In recent years, the history has been rediscovered and I want particularly to mention the role of Irish soldiers in Gallipoli where many fought and died alongside ANZAC troops. There are many other links between Ireland and New Zealand and they help to demonstrate the global environment in which we live. The intensification of globalisation in recent years demonstrates more than ever, the importance of Ombudsman Offices working together to address the shared issues which we face.

I am very pleased to have the opportunity to attend the APOR conference. This region is a vibrant one where Ombudsman activities are concerned, and I want particularly to pay tribute to the work of Connie Lau, your Regional President. Connie is a towering figure in the Ombudsman community. The work of her Office is admired around the globe and her contribution to the IOI and the international Ombudsman community has been immense. I have been very grateful for her support in my role as IOI President in particular. I know she plans to move on in the near future, and she will be sadly missed both as a colleague and as a friend.

Speaking of distinguished colleagues, I am also very grateful to Peter Boshier and his Office for the splendid work on this conference and again, a very significant contribution to the Ombudsman community both locally and more widely. It is pleasing also to see that Dame Beverley Wakem, Peter's distinguished predecessor is with us today. Beverley is a former President of the IOI and another major figure in the Ombudsman community. As President, Beverley started a major programme of reform which I am glad to have been able to continue. I have worked with colleagues on the World Board to build an IOI which is more diverse, more democratic and more inclusive. If we are to have credibility in holding Governments to account, we must be seen to live by the values we espouse. I am pleased to say that Chris Field, IOI 2nd Vice president, is also making a key contribution to future reform by chairing the Committee that is developing proposals for the reform of our by-laws.

The importance of the New Zealand Ombudsman in the worldwide spread of the concept should not be underestimated. From its original emergence in Sweden more than 200 years ago, the institution of the Ombudsman expanded slowly, initially, within the Nordic countries. The Danish Parliamentary Ombudsman, established in 1955, is often seen as the forerunner of the modern Ombudsman Office. However, that Office is very much concerned with the legality of the actions of the state, whereas the New Zealand Office, established in 1962 and which deals with maladministration in a way most of us would recognise, created a template that spread through the English-speaking world and beyond.

The development of the UK Parliamentary Ombudsman was specifically based on the New Zealand example and next year will see the 50th anniversary of the Northern Ireland Ombudsman, an Office which was established in 1969 in response to the manifest injustice which gave birth to the civil rights movement there. My own Office, in Ireland, is a mere youngster at 35! I will speak a little about how Ombudsman Offices have developed to take on different roles, but it is interesting to note that I act as the appeal body for freedom of information in Ireland, as does the New Zealand Ombudsman here.

The spread of Ombudsman Offices around the globe also highlighted the need for our Offices to work together. The necessary independence, which is at the heart of our capacity to provide redress to users of public services, means that we must avoid unduly close relationships with the bodies in our jurisdiction. Forty years ago, this led to the foundation of the IOI in Canada, and today we have grown to include more than 190 members in 100 countries worldwide.

The move of the secretariat to Vienna in 2009, marked a step change in our capacity to support our members. Having a full time professional secretariat provided by the Austrian Ombudsman Office and funded by the Austrian Government has broadened and deepened our capacity. Our work includes sharing best practice, providing effective training, supporting colleagues under threat and promoting the adoption and development of the Ombudsman concept worldwide.

We provide extensive training in all aspects of Ombudsman work. We take active steps to support our members who are under threat. We produce papers to promote the adoption of best practice throughout our membership. Our Secretary General, Dr Günther Kräuter, will speak more about this work shortly.

We have stringent membership criteria, because although we want to be inclusive, we recognise the need to maintain standards, especially around independence and objectivity. We believe these can form the basis of an internationally recognised and UN endorsed set of criteria for recognising Ombudsman Offices equivalent to the Paris Principles for National Human Rights Institutions.

In many parts of the world we have witnessed the rise of populism, a legitimisation of xenophobia, a reduction in respect for the rule of law, endemic corruption and an erosion of human rights. The Ombudsman has a vital role to play in ensuring that people can access the services they need and are treated fairly by their Governments. While many Ombudsman offices have an explicit human rights jurisdiction, those of us with a more traditional mandate still have a key role to play in vindicating people's rights and need to take a human rights based approach to our work.

Having the Ombudsman recognised as a fundamental component of democratic accountability, something every state should have, is an important aspiration of the IOI. We have therefore been developing links with other international bodies to ensure that the work of Ombudsman Offices is understood, valued and protected.

In Europe, the Commission for Democracy through Law, the Venice Commission, has been working on a set of principles for Ombudsman Offices. The IOI has been working closely with them to ensure that the standards are exacting and aspirational. Anything short of this might lead to Governments hostile to their Ombudsman Office using them as a pretext for reducing

powers or jurisdiction. In emerging or re-emerging democracies, respect for the rule of law and democratic values is often not deeply embedded, and protecting Ombudsman Offices who are under threat because they are doing their jobs properly, has become an unfortunately growing part of our work.

We believe that the Venice Principles have the potential to form the basis of the wider international standard we aspire to with a global reach. Because of this, we have been involving all regions of the IOI in shaping our engagement with the Commission.

Last year, the IOI spoke at the United Nations headquarters in New York. This is part of our mission to ensure that the work of the Ombudsman has visibility and support at the UN. This was a useful first step in encouraging the UN itself to adopt a global standard for Ombudsman Offices, but we need to build on it, and have set up a new grouping of Ombudsman members to drive this work forward. I am pleased to say that Peter Boshier, and Deborah Glass, the Victoria Ombudsman, will be representing your region on this group. I know also that individual regions are taking steps to strengthen links with UN representatives and organisations in their areas. The APOR region has been particularly active in this regard. It is important that we take steps to widen and deepen the relationships and regional engagement as well as country engagement are very welcome developments. Working through our respective diplomatic services is also highly valuable and I would urge all of you to engage with your representatives at the UN, where these are in place, to raise the profile of the role of the Ombudsman and to emphasise its importance in securing good governance, excellent administration, fighting corruption, promoting respect for human rights and protecting basic rights and freedoms.

Because of the nature of our work, we as a community have a unique perspective on the issues facing our planet. By sharing the learning from our cases, we seek to bring about change in our own countries. Systemic investigations, often conducted using own-initiative powers, cast a light on the fundamental problems we face. The conference here highlights the issue of climate change, which has a potentially devastating impact in the region. We have seen Ombudsman Offices tackle the issues of asylum seekers and mass migration. We have seen them highlight the plight of minority communities, of prisoners and people detained in the mental health system, of people with disabilities, and many more. We have also seen them highlight corruption and seek to hold those responsible to account.

At a local level, we work with NGOs and others to ensure that the needs of the people we help through our work are properly addressed. At an international level, we can and should do the same.

Ombudsman Offices cannot become involved in politics, but it is our job to highlight injustice and propose remedies. Our strength and our authority comes from our casework. Where the issues we are addressing have an international dimension, then we can legitimately seek international solutions through working together and having meaningful engagement with international bodies. Besides the UN, we are also working with IACA, the International Anti-Corruption Agency, GANHRI, the Global Alliance of National Human Rights Institutions and the Association for the Prevention of Torture, to name but a few. Individual regions are also engaging with regional bodies, such as the Council of Europe.

Some of the problems we will consider in this conference are not capable of being resolved at a national level. Our engagement in regional and global networks is essential if we are to

play a part in resolving them. Seeking justice for our complainants and addressing the causes of any injustices they are suffering cannot be achieved within our countries alone. By working together at a regional and a global level, we can make real and significant changes for the people who come to us with their complaints, and that, colleagues, is what we're here for.

Peter Tyndall

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