



International Ombudsman Institute  
Institut International de l'Ombudsman  
Instituto Internacional del Ombudsman

**THE INTERNATIONAL  
OMBUDSMAN INSTITUTE**

**INFORMATION  
BOOKLET**

This brochure is available in French and Spanish

## THE OMBUDSMAN CONCEPT

### 1. The Ombudsman—Variations on the Ombudsman Concept

In many countries around the world there is an ombudsman who deals with complaints from the public regarding decisions, actions or omissions of public administration. The holder of this office is elected by parliament or appointed by the head of state or government by or after consultation with parliament. The role of the ombudsman is to protect the people against violation of rights, abuse of powers, error, negligence, unfair decisions and maladministration in order to improve public administration and make the government's actions more open and the government and its servants more accountable to members of the public. The office of ombudsman may be enshrined in the country's constitution and supported by legislation, or created by an act of the legislature.

The ombudsman usually has powers to make an objective investigation into complaints from the public about the administration of government. Often the ombudsman also has the power to initiate an investigation even if a complaint has not been registered. To protect people's rights, the ombudsman has various powers, namely to:

- 1) investigate whether the administration of government is being performed contrary to law or unfairly;
- 2) if an objective investigation uncovers improper administration, make recommendations to eliminate the improper administrative conduct; and
- 3) report on his activities in specific cases to the government and the complainant and, if the recommendations made in a specific case have not been accepted by the government, to the legislature. Most ombudsmen also make an annual report on their work to the legislature and the public in general.

The ombudsman usually does not have the power to make decisions that are binding on the government. Rather, the ombudsman makes recommendations for change, as supported by a thorough investigation of the complaint. A crucial foundation stone of the ombudsman office is the independence of the office from the executive/administrative branch of government. In order that the ombudsman's investigations and recommendations will be credible to both public and government, the ombudsman maintains and protects the impartiality and integrity of his office.

Generally, the public sector ombudsman has a general jurisdiction over a broad range of governmental organizations. For some, the range may extend to include the judiciary, police and military, while in other countries, one or more of these are specifically excluded. A number of countries have also created ombudsmen who deal only with one specific aspect of government such as access to information, corrections, police services, the armed forces, health services or ethical conduct of

officials. In other situations, the ombudsmen have specific mandates to protect the environment, deal with cultural or linguistic rights, or to investigate corruption in government. In recent years, many countries around the world have been making the transition to democratic forms of government. As part of the democratization of government, they have often created ombudsman offices to improve government administration. Some of these new offices have been given the explicit duty to investigate complaints from members of the public that their human rights have been infringed by the government. In conjunction, these offices are sometimes given additional powers, such as the ability to bring court actions to protect human rights guarantees in the constitution or the mission to promote human rights education.

A number of countries have established human rights commissions which use the ombudsman concept as the means of improving the protection of human rights. In these countries, human rights commissions act as ombudsmen in investigating complaints from the public as well as carrying on active educational programs to create a "human rights culture".

The ombudsman model has also been adapted for use by the private sector as a form of internal dispute resolution or to handle complaints made against the private entity by its clientele. Thus, there may be "ombudsman" schemes for universities, private health care facilities, corporations and banks. However, the International Ombudsman Institute (I.O.I.) Institutional Membership and mandate focuses on the public sector ombudsman office: the ombudsman who deals with public administration.

### 2. The History and Development of the Public Sector Ombudsman Office

By 2004, the ombudsman office, at the national level of government, exists in approximately 120 countries around the world (see Appendix I for countries and territories with ombudsmen at the national and/or sub-national level of government). Some countries have ombudsman offices at the national and subnational levels, such as Australia, Argentina, Mexico and Spain, while other nations have ombudsman offices only at the subnational government level, as in Canada, India and Italy. Public sector ombudsman offices are located in countries in Europe, North America, Latin America, the Caribbean, Africa, the Australasia and Pacific region and Asia.

The word "ombudsman" is of Swedish origin, and means "representative". Many other names are used to represent the ombudsman office in the different countries that have adopted the office. For example, *Defensor del Pueblo* is the title of the ombudsman office in a number of Spanish-speaking countries (such as in Spain, Argentina, Peru and Colombia). *Parliamentary Commissioner for Administration* (Sri Lanka, United Kingdom), *Médiateur de la République* (e.g. France, Gabon, Mauritania, Senegal), *Public Protector* (South Africa), *Protecteur du Citoyen* (Québec), *Volksanwaltschaft* (Austria), *Public Complaints Commission* (Nigeria), *Provedor de Justiça* (Portugal), *Difensore Civico* (Italy), *Investigator-General* (Zambia), *Citizen's Aide* (Iowa), *Wafaqi Mohtasib* (Pakistan), and *Lok Ayukta* (India) are the titles of some other ombudsman offices around the world.

Also, in a number of countries, the protection of human rights is one of the major purposes of the ombudsman office, and this is often reflected in the name of the office. For example, there is Guatemala's *Procurador de los Derechos Humanos* (Counsel of Human Rights), the *Procurador Para la Defensa de los Derechos Humanos* (Counsel for the Defence of Human Rights) of El Salvador, Mexico's *Comisión Nacional de Derechos Humanos* (National Commission of Human Rights) and the state-level offices with a similar name, the Commission on Human Rights and Administrative Justice of Ghana, the Civil Rights Protector of Poland, the Human Rights Ombudsman of Slovenia and the Parliamentary Commissioner for Human Rights in Hungary. In other countries, although it is not apparent from the title of the office, the framework laws of the office give it an additional human rights function, such as *Defensores del Pueblo* (e.g. in Spain, Argentina and Peru) and the Ombudsman of Finland.

The roots of the modern ombudsman can be traced back to the *Justitieombudsman* (ombudsman for justice) of Sweden which was established in 1809. The office did not spread to other countries until the twentieth century, when it was adopted in other Scandinavian countries, in Finland (1919), Denmark (1955) and Norway (1962). The popularity of the ombudsman office increased starting in the early 1960s, as various Commonwealth and other, mainly European, countries established the office: for example, New Zealand (1962), United Kingdom (1967), most Canadian provinces (starting in 1967), Tanzania (1968), Israel (1971), Puerto Rico (1977), Australia (1977 at the federal level, 1972-1979 at the state level), France (1973), Portugal (1975), Austria (1977), Spain (1981) and the Netherlands (1981).

By mid-1983, there were only about twenty-one countries with ombudsman offices at the national level and about six other countries with ombudsman offices at the provincial/state or regional levels. However, the transition of many countries to democracy and democratic structures of governance over the past two decades has led to the establishment of many more ombudsman offices during this most recent period. This transition to democracy accompanied by the reform of government—including the establishment of the classical ombudsman, human rights ombudsman or other hybrid ombudsman—has been evident particularly in Latin America, Central and East Europe, as well as in parts of Africa and the Asia-Pacific. Countries that have established national offices during this period include Argentina, Costa Rica, Colombia, Guatemala, Peru, Namibia, South Africa, Poland, some francophone African countries, Hungary, Lithuania, Slovenia, the Czech Republic, Thailand and the Philippines.

By 2004, the number of ombudsman offices had more than quintupled to encompass offices both in states with well-established democratic systems and in countries that are younger democracies. Furthermore, the European Union has created a European Ombudsman under the Maastricht Treaty. The first European Ombudsman was appointed in 1995.

## INTERNATIONAL OMBUDSMAN INSTITUTE

### 1. Organization

The International Ombudsman Institute (I.O.I.), established in 1978, is a worldwide organization of ombudsman offices. It is incorporated as a non-profit organization under the *Canada Corporations Act* and, as such, has the status of a natural person at law. Institutional Members are public sector, independent ombudsman offices located around the world. Specialized ombudsman offices and public human rights organizations can become Institutional Members if they meet the criteria contained in Article 6 of the I.O.I. By-Laws.

The University of Alberta, Edmonton, Canada and its Faculty of Law provides office space, a library and administrative support for the I.O.I. Secretariat. The International Ombudsman Institute funds its regular activities purely on the subscription revenue obtained from its members. Special projects are funded by grants from governmental official development assistance agencies and private foundations.

The I.O.I. has six Regional Constituencies: 1) Africa, 2) Asia, 3) Australasia and Pacific, 4) Europe, 5) Caribbean and Latin America, and 6) North America. Most regions have a structure for regular meetings and communication between their ombudsman offices.

### 2. Purposes

The By-Laws of the International Ombudsman Institute set out the purposes of the I.O.I. They are as follows:

- (a) To promote the concept and institution of Ombudsman and to encourage its development throughout the world;
- (b) To promote regional participation in the activities of the Institute and to develop regional constituencies with a view to decentralising the activities of the Institute;
- (c) To develop and operate programs enabling an exchange of information and experience between Ombudsmen throughout the world and to encourage the professional development of members through co-operation;
- (d) To support the autonomy and independence of members and encourage mutual understanding and assistance by and between members;
- (e) To develop and operate educational programs for Ombudsmen, their staff, and other interested people;
- (f) To encourage and support research and study into the institution of Ombudsman;
- (g) To collect, store and disseminate information and research data about the institution of Ombudsman;

(h) To provide scholarships, fellowships, grants and other types of financial support to individuals throughout the world to encourage the development of the Ombudsman concept and to encourage study and research into the institution of Ombudsman;

(i) To plan, arrange and supervise International Ombudsman Conferences;

(j) To conclude agreements with other international organisations which work in related or similar fields where this would not compromise the Institute's purposes or autonomy; and

k) To undertake such other matters as are necessary to further the purposes of the Institute.

In pursuing the purposes set out above the Institute and its members recognise and support the following concepts and principles:

- Respect for human rights and fundamental freedoms
- Adherence to the rule of law
- Effective democracy and open and accountable government
- Access to justice for all

### 3. Official Languages

Adopted in October 1996, the official languages of the I.O.I. are English, French and Spanish. Since 1997, the three languages are being progressively used in official I.O.I. activities and publications.

### 4. Members

There are five categories of members of the International Ombudsman Institute.

- *Institutional Members*

Institutional Members consist of ombudsman offices (which may have a variety of titles). Institutional Members are entitled to vote at meetings of the I.O.I. membership.

- *Associate Members*

This class of members includes those persons or agencies interested or involved in ombudsman-like activities, but who do not qualify as Institutional Members.

- *Honorary Life Members*

Honorary Life Members are appointed by the International Ombudsman Institute Board of Directors. They are selected persons who have made outstanding contributions to the ombudsman ethos or function.

- *Individual Members*

This class of members includes persons who do not qualify as Institutional Members, staff of an ombudsman office who are interested in ombudsman activities, scholars and libraries.

- *Library Members*

In addition, there are a number of libraries around the world which are subscribers to the I.O.I. publications and are categorized as Library Members.

### 5. Board of Directors—Regional Representation

The International Ombudsman Institute is managed by a Board of Directors composed of representatives of Institutional Members from around the world. The members of the Board represent the six Regional Constituencies as mentioned above. Members of the Board of Directors are elected by the Institutional Members of their particular Region. The number of Board members per Region (three or four persons) is dependent on the number of I.O.I. Institutional Members in each Region.

The executive members of the Board (elected by the Board), are the President, Vice-President and Treasurer. The Board also has a Secretary. The directors of each region elect their Regional Vice-President.

### 6. Activities

#### a. Conferences

International Ombudsman Conferences are organized and held every four years. The I.O.I. has held the following seven conferences: 1) Edmonton, Canada (1978); 2) Jerusalem, Israel (1980); 3) Stockholm, Sweden (1984); 4) Canberra, Australia (1988); 5) Vienna, Austria (1992); 6) Buenos Aires, Argentina (1996) and 7) Durban, South Africa (2000). The VIIIth International Conference will be held in Québec City, Québec, Canada, in 2004.

#### b. Workshops, Advice and Support

From time to time, the I.O.I. organizes workshops and conferences for particular ombudsman audiences. In the past few years, the prime focus has been placed on assisting the promotion of the ombudsman office in countries that are young democracies and which are reforming their internal governance. The various Regions of the I.O.I. hold their own regional conferences, workshops and meetings to promote the idea and practice of ombudsman as defined in the objectives of the I.O.I.

On a regular basis, members of the I.O.I. Board of Directors provide advice and support to new ombudsman offices around the world and to countries that are interested in establishing an office. For example, in the past few years, advice and

support has been provided to new offices in Central and East Europe and to countries in Latin America and Africa which are considering or have established the institution.

Increasingly, the I.O.I. has been called upon to help develop ombudsman institutions for the protection of human rights. The United Nations has been active in promoting the development of national institutions such as ombudsman, human rights ombudsman and human rights commissions which act as ombudsman offices.

The I.O.I. is presently strengthening its mission and efficiency in order to meet the ongoing needs resulting from the important development of institutions around the world and from decentralization and democratization of the I.O.I.

### **c. Publications**

The International Ombudsman Institute undertakes a variety of publishing activities. Based on the I.O.I. official languages, work is underway to translate the publications into trilingual texts. There are a full range of publications: *The International Ombudsman Yearbook* (published by Martinus Nijhoff Publishers and the I.O.I., and formerly called *The Ombudsman Journal*), an *Occasional Paper Series*, the quarterly International Ombudsman Institute *Newsletter*, books containing articles based on conference papers and the *Directory of Ombudsman Offices*. The I.O.I. maintains a library and resource centre of monographs, articles, legislation and annual reports located at the I.O.I. Secretariat at the Weir Law Library, Faculty of Law, University of Alberta, Edmonton, Canada.

Submissions of articles and papers for consideration of their publication in either *The International Ombudsman Yearbook* or the *Occasional Paper Series* may be made to the Editor, International Ombudsman Institute, Faculty of Law, University of Alberta, Edmonton, Alberta, T6G 2H5, Canada. A complete list of I.O.I. publications can be obtained from the I.O.I. Secretariat office or online at [www.law.ualberta.ca](http://www.law.ualberta.ca) (click on "Centres and Institutes").

### **7. Secretariat**

The supervision of the Secretariat is the responsibility of the Secretary. The Administrator manages the Secretariat and the Editor relies on the advice of the Editorial Advisory Board for the *Yearbook*.

### **8. Membership Fees**

Each member must pay an annual fee which varies according to the member category. In special circumstances and when the office applying has insurmountable financial difficulties, the Executive Committee may decide to allow a reduction in the fee. Those offices applying for a reduction are advised to contact their Regional Vice-President or the I.O.I. Secretary. Institutional Members and Associate Members receive all publications.

### **9. Applications for I.O.I. Membership**

Applications for I.O.I. Membership shall be sent to the I.O.I. Secretariat. If an ombudsman office is applying, please enclose constitutional documents which authorize the establishment of the ombudsman office and set out the functions and powers of the ombudsman. These inclusions make it possible for the Membership Committee to assess whether the application meets the criteria set out in the By-Laws. All correspondence and documentation must be provided in one of the three official languages of the I.O.I. See Appendix II for a membership application, membership categories and fee structure.

## APPENDIX I: OMBUDSMAN OFFICES—WORLDWIDE

(Countries and territories with ombudsman offices at national and sub-national levels)

<b>AFRICA</b>	Fiji	Czech Republic
Botswana	New Zealand	Denmark
Burkina Faso	Papua New Guinea	Estonia
Djibouti	Samoa	European Union
Gabon	Solomon Islands	Finland
Gambia	Tonga	France
Ghana	Vanuatu	Georgia
Lesotho		Germany
Madagascar	<b>CARIBBEAN &amp;</b>	Gibraltar
Malawi	<b>LATIN AMERICA</b>	Greece
Mali	Antigua/Barbuda	Greenland
Mauritania	Argentina	Hungary
Mauritius	Barbados	Iceland
Morocco	Belize	Ireland
Namibia	Bolivia	Israel
Nigeria	Brazil	Italy
Rwanda	Colombia	Kazakhstan
Senegal	Costa Rica	Kosovo
Seychelles	Ecuador	Kyrgyzstan
Sierra Leone	El Salvador	Latvia
South Africa	Guatemala	Liechtenstein
Sudan	Guyana	Lithuania
Tanzania	Haiti	Luxembourg
Tunisia	Honduras	Macedonia
Uganda	Jamaica	Malta
Zambia	Mexico	Moldova
Zimbabwe	Nicaragua	Netherlands
	Panama	Norway
<b>ASIA</b>	Paraguay	Poland
Hong Kong	Peru	Portugal
India	Saint Lucia	Romania
Indonesia	Trinidad & Tobago	Russian Federation
Japan	Venezuela	Serbia and Montenegro
Macao, China		Slovenia
Pakistan	<b>EUROPE</b>	Spain
Philippines	Albania	Sweden
South Korea	Andorra	Switzerland
Sri Lanka	Armenia	Turkey
Taiwan	Austria	Ukraine
Thailand	Azerbaijan	United Kingdom
	Belgium	Uzbekistan
<b>AUSTRALASIAN &amp;</b>	Bosnia and Herzegovina	
<b>PACIFIC</b>	Bulgaria	<b>NORTH AMERICA</b>
Australia	Croatia	Canada
Cook Islands	Cyprus	United States of America

## APPENDIX II - I.O.I. MEMBERSHIP APPLICATION

Type of Membership applied for :  Voting Member  Associate Member  
 Individual Member  Library Member

1. **Office** or **Person** Applying : \_\_\_\_\_

2. Details of Office : \_\_\_\_\_

3. Address : \_\_\_\_\_

4. Telephone : \_\_\_\_\_ Fax : \_\_\_\_\_

Email Address : \_\_\_\_\_

5. Other information that may be of assistance with communication : \_\_\_\_\_

I \_\_\_\_\_ affirm as follows :

- (i) I have read and am cognisant of the requirements of the By-laws of the International Ombudsman Institute insofar as they apply to matters of membership, duties and rights as reproduced in this application form and the relevant sections on the reverse.
- (ii) Institutional Member  
The attached information shows that the office applying for membership meets the requirements for "Institutional Membership" listed under section 6 (b)(i) to (ix) of the By-laws.
- (iii) Associate Member  
The attached information shows that the applicant meets the requirements for "Associate Membership" listed under section 6 (d) of the By-laws.
- (iv) Individual Member  
The applicant meets the requirements for "Individual Membership" listed under section 6 (e) of the By-laws.
- (v) Library Member  
The applicant meets the requirements for "Library Membership" listed under section 6 (g) of the By-laws.

Annual fees :	US \$ 750.00	Institutional Member
	US \$ 500.00	Associate Member
	US \$ 100.00	Library Member
	US \$ 75.00	Individual Member

An office applying for an Institutional membership or an Associate membership must supply the Secretariat with constitutional documents which support the establishment of the office applying.

Signature (Applicant) \_\_\_\_\_

Title (Designation of office) \_\_\_\_\_

### APPENDIX III: MEMBERSHIP BY-LAWS

#### 6. MEMBERSHIP

(a) The Institute shall have five classes of members known respectively as: Institutional member, Associate member, Individual member, Honorary Life member and Library member.

#### b) Institutional member

A public institution whether titled Ombudsman, Mediator, Parliamentary Commissioner, People's Defender, Human Rights Commission, Public Complaints Commission, Inspector General of Government, Public Protector or like designation, shall be eligible to become an Institutional member provided it exercises fully the following functions and meets the following criteria:

- i) it is created by enactment of a legislative body whether or not it is also provided for in a Constitution;
- ii) its role is to protect any person or body of persons against maladministration, violation of rights, unfairness, abuse, corruption, or any injustice caused by a public authority;
- iii) it does not receive any direction from any public authority which would compromise its independence and performs its functions independently of any public authority over which jurisdiction is held;
- iv) it has the necessary powers to investigate complaints by any person or body of persons who considers that an act done or omitted, or any decision, advice or recommendation made by any public authority within its jurisdiction has resulted in actions of the kind specified in subparagraph ii) above;
- v) it has the power to make recommendations in order to remedy or to prevent any of the conduct described in subparagraph ii), and, where appropriate, to propose administrative or legislative reforms for better governance;
- vi) it is held accountable by reporting publicly to the Legislature or other appropriate authority;
- vii) its jurisdiction is national, regional or local;
- viii) its jurisdiction applies to public authorities generally or is limited to one or several public authorities, or to one or several public sectors; and

ix) its incumbent or incumbents are appointed or elected, according to the relevant legislative enactment, for a defined period and can only be dismissed, for cause, by the legitimate and competent authorities.

#### c) Institutional member by discretion of the Board of Directors

A public institution which has jurisdiction over both public authorities and private bodies or which comes under the jurisdiction of an Institutional member shall be eligible to become an Institutional member at the discretion of the Board, provided that the institution meets the requirements of paragraph b) with any necessary modifications associated with jurisdiction over private bodies.

#### d) Associate member

A public institution which is not eligible to become an Institutional member under paragraph b) or paragraph c) shall be eligible to become an Associate member provided it shares common or compatible interests with the Institute regarding the purposes and principles set out in Article 5 or performs functions of the kind set out in paragraph b).

#### e) Individual member

A staff member of an Institutional or Associate member or any other person or any institution which is not eligible for Institutional or Associate membership shall be eligible to become an individual member provided he/she/it shares common or compatible interests with the Institute regarding the purposes and principles set out in Article 5 or performs functions of the kind set out in paragraph b).

#### f) Honorary Life member

An individual who has made an exceptional contribution in respect of the purposes of the Institute or who has rendered outstanding services to the Institute may be appointed as an Honorary Life member by the Board, as long as this individual maintains common or compatible interests with the Institute regarding the purposes and principles set out in Article 5.

#### g) Library member

A library interested in the publications of the Institute and the publications of its Institutional members shall be eligible to become a Library member.



INTERNATIONAL OMBUDSMAN INSTITUTE

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