

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 327 (2011)¹ The office of Ombudsperson and local and regional authorities

1. The institution of Ombudsperson is an essential element of good governance. It is a valuable safeguard for protecting the individual against administrative abuses and an important instrument for supervising public authorities and fostering public confidence in local and regional administrations.

2. Since the Congress of Local and Regional Authorities of the Council of Europe produced its first report on local and regional ombudspersons in 1999 and adopted its Resolution 80 (1999) on the role of local and regional mediators/ombudsmen in defending citizens rights, the institution has rapidly gained ground, and is becoming widely accepted as an essential element of local and regional public life.

3. In the current difficult economic climate, which is putting increasing pressure on local and regional public services, ombuds services are needed more than ever before. The Congress recalls its 1999 “Principles governing the institution of the Ombudsman/ Ombudsperson at local and regional level”, which remain a valid and useful summary of the value and purpose of the institution.

4. The 2009 Congress survey, described in the explanatory memorandum to this resolution, shows that, in a short space of time, the ombudsperson has become a respected and established institution in most member states. It also identifies areas where further improvements can be made, such as where ombuds services require greater control of their budgets and more freedom to select their own staff.

5. The primary aim, for the purposes of local and regional democracy, is to provide efficient and effective ombuds services which can handle complaints not only against local and regional authorities, but against all authorities which provide public services at the local and regional level.

6. It is recognised that there is no single blueprint for the structure of the ombuds services in a member state. Each country should adopt the most appropriate structure according to its particular situation. In some countries this will result in the creation of specific local and regional ombuds services; in other countries complaints concerning local and regional services can be more effectively handled centrally.

7. The survey shows that certain principles deserve to be highlighted and further developed. Ombuds services should be properly staffed and resourced, to enable them to function effectively and with complete independence, which should directly benefit the quality of local and regional services.

8. Now that ombuds services that handle complaints concerning local and regional public services exist in most member states, the challenge is to raise their public profile and to

make them more widely known, valued and used by the general public. For this purpose they would benefit from being promoted in the media, local and regional press, television and the Internet.

9. For ombuds services to maintain public confidence, their recommendations to public authorities need to be systematically addressed, in a transparent manner and within an acceptable time frame.

10. The Congress therefore calls on local and regional authorities to:

a. encourage the development of ombuds services that handle complaints concerning local and regional public services, drawing attention to the Congress “Principles governing the institution of the Ombudsman/Ombudsperson at local and regional level”;

b. support and facilitate the work of such ombuds services, and ensure that they have a clear mandate which defines their field of competence, which areas of activity they can intervene in and the time limits for dealing with complaints;

c. ensure that ombudsperson positions are always filled with people with independence, impartiality and competence, who have a good standing in the community;

d. recognise and promote the principle that ombuds services should be available to all people, regardless of citizenship or nationality;

e. ensure that access to ombuds services is as easy and as transparent as possible;

f. assist ombuds services in developing comprehensive communication policies, with tools such as websites, social networks, press coverage, public relations and publications, to publicise and promote their activities;

g. ensure that they give appropriate follow-up to ombudspersons’ recommendations concerning local and regional services, in a transparent manner and acceptable time frame, either by giving written confirmation of their implementation or a written defence of why this is not possible;

h. encourage networking and exchange of experience among ombuds services that handle complaints concerning local and regional public services.

11. The Congress calls on associations of local and regional authorities to:

a. promote the development of ombuds services that handle complaints concerning local and regional public services, recognising the beneficial effects that they can have on the quality of such services;

b. urge national authorities, where there are gaps in ombuds provision and legislative frameworks, to ensure that a nationwide system of ombuds protection is put in place in every member state, giving proper protection to all people against maladministration at the local and regional level, and ensuring that all people have easy access to ombuds services.

1. Debated and adopted by the Congress on 18 October 2011, 1st Sitting (see Document CG(21)6, explanatory memorandum), rapporteurs: H. Pihlajasaari, Finland (R, SOC) and H. Skard, Norway (L, SOC).