

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

Recommendation 61 (1999)¹ on the role of local and regional mediators/ombudsmen in defending citizens' rights

*(Extract from the Official Gazette of the Council of Europe
– June 1999)*

The Congress,

1. Recalling the principal texts adopted by the Committee of Ministers, in particular:
2. Recommendation No. R (85) 13 on the institution of the ombudsman;
3. Resolution (85) 8 on co-operation between the ombudsmen of member states and between them and the Council of Europe;
4. Recommendation No. R (97) 14 on the establishment of independent national institutions for the promotion and protection of human rights;
5. Resolution (97) 11 on co-operation between member states' national institutions for the promotion and protection of human rights, and between them and the Council of Europe;
6. Bearing in mind Main Recommendation no. 23 and paragraph 72 of the Committee of Wise Persons' Final Report;
7. Noting the Council of Europe's various activities in connection with the "Round Tables with European Ombudsmen" in Florence (7-8 November 1991), Lisbon (16-17 June 1994), Limassol (8-10 May 1996) and Malta (October 1998);
8. Having regard to the results of the conference in Messina (Italy, 13-15 November 1997) on "Making the protection of rights more accessible to citizens: the ombudsman at local and regional level";
9. Considers that relations between citizens and the public authorities are becoming complicated and difficult and can therefore give rise to increasing conflict while at the same time citizens find themselves in a position of weakness in relation to the public authorities;
10. Notes that the increasing complexity of administrative systems, the obstacles which cause such poor relations between the citizens and officials and the difficulties

encountered by citizens in bringing matters before the administrative courts are becoming a major concern to public authorities, in particular local and regional authorities;

11. Points out there is an increasing trend among European citizens to lose interest in the administration of public affairs and distance themselves from public authorities and services;
12. Believes that most European citizens would like the public authorities to operate more efficiently and to have easier and more reliable access to administrative procedures and adequate means of redress;
13. Draws attention to the fact that, in a number of states, judicial institutions are frequently overburdened, meaning that they are unable to verify cases of bad management properly and impose effective penalties where necessary;
14. Contends that the institution of ombudsman (at European, national, regional, provincial and municipal level) helps both to consolidate systems to protect human rights and to improve relations between public authorities and citizens;
15. States its desire to support and promote all activities aimed at improving the protection of citizens and the functioning of public authorities;
16. Notes that several Council of Europe member states have set up ombudsmen's offices and that a number of European municipalities and regions have also appointed ombudsmen;
17. Believes that, in the light of the experience acquired in these countries, the activities of ombudsmen, particularly at local and regional level, may help considerably:
 - to avoid the use of long and costly judicial proceedings, hence reducing their number and narrowing the gap between citizens and public authorities;
 - to promote fairness, respect for the rule of law, respect for minorities' rights and readiness to listen to citizens' needs;
 - to improve the transparency and efficiency of administration and the quality of services, in other words, to promote sound management;
18. Regrets that, in most Council of Europe member states, the citizens are not sufficiently well informed of the existence of such an institution or, otherwise, the possibility of setting one up;
19. In accordance with the wishes of participants in the Messina Conference, especially those whose countries do not yet have this means of protecting citizens and who called for the institution of the ombudsman to be established in their countries, in particular at local and regional level;
20. And having regard to the principles governing the institution of the ombudsman adopted in its Resolution No. 80 (1999);

1. Debated by the Congress and adopted on 17 June 1999, 3rd sitting (see doc. CG (6) 9, draft Recommendation, presented by Mr M. Haas, Rapporteur).

Recommendation 61

Recommends :

I. That the governments of member states which do not yet have an institution of this kind :

21. Support the setting up of ombudsmen's offices at national level as well as at municipal and regional level, and ensure that local and regional authorities are able to help increase protection for citizens and for minorities and respect for the rule of law and improve the running of

public affairs and the functioning of the authorities, by means of appropriate legal and financial instruments ;

II. That the governments of member states which already have this institution at national level :

22. Promote measures to set it up at local and regional level as well and inform citizens properly about the nature of the institution and the possibilities it offers.