

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 309 (2011)¹ The office of Ombudsperson and local and regional authorities

1. Safeguarding the health of a democracy requires a complex system of checks and balances, of which the institution of Ombudsperson is a vital component. The Ombudsperson is a valuable safeguard against administrative abuses at local and regional level, which serves to build trust in public authorities and improve service provision.

2. In recent years Ombuds services have been established in most Council of Europe member states where they were previously lacking. However, ombuds services with the responsibility of dealing with complaints concerning local and regional public services in some countries remain incomplete, while in others the Ombuds institutions are weak and inadequately resourced.

3. The Congress of Local and Regional Authorities of the Council of Europe recognises that ensuring proper access to an ombuds service in order to lodge a complaint of maladministration regarding local or regional public services does not require the establishment of a separate ombuds office in each local or regional authority. However, each member state needs to adapt and develop its ombuds institutions to ensure that such complaints can be promptly and effectively handled.

4. While some regions have succeeded in establishing strong ombuds structures, in other cases the treatment of complaints suffers from a lack of a proper national structure with a corresponding institution to supervise national administrations.

5. The network of ombuds institutions in a member state should aim to provide a service which ensures that all people have easy and transparent access to the ombudsperson. A complainant should not need to travel outside of a region in order to lodge a complaint concerning a public authority within that region.

6. The Congress encourages co-operation and networking among ombuds offices, in particular in co-operation with the Council of Europe Commissioner for Human Rights, the European Network of Ombudsmen and the International Ombudsman Association. It also encourages co-operation among local and regional ombudspersons in each member state and recognises the positive role that national co-ordinating committees can play in developing ombuds services.

7. The Congress therefore, refers to:

a. its “Principles governing the institution of the Ombudsman/Ombudsperson at local and regional level” (1999);

b. its Recommendation 61 (1999) on the role of local and regional mediators/ombudsmen in defending citizens’ rights;

c. its Recommendation 159 (2004) on regional ombudspersons: an institution in the service of citizens’ rights.

8. It recommends that the Committee of Ministers invite member states to ensure that, with regard to ombudspersons who handle complaints of maladministration concerning local and regional public services:

a. all persons, regardless of their status and nationality, have easy and transparent access to such ombuds services;

b. any legal obstacles to providing an effective and comprehensive ombuds service be removed;

c. ombudspersons have the mandate to act *ex officio* to open enquiries into cases of possible maladministration;

d. ombuds offices are staffed by people with independence, impartiality and competence, receiving salaries commensurate with their responsibilities, with knowledge of the administrations for which they handle complaints;

e. ombuds offices are financially independent and adequately resourced in order to be able to conduct the enquiries necessary to follow up complaints;

f. Ombudspersons’ recommendations are publicised and given appropriate follow-up by local and regional authorities, with periodic reports being issued which identify recurring issues and measures taken to address them;

g. there is good co-operation and networking between ombudspersons working at the local, regional, national and European levels, with the establishment of national co-ordinating committees where appropriate, to ensure that complaints are referred to the appropriate ombuds office and that duplication is avoided;

h. there is good co-operation between Ombudspersons and courts and related institutions.

9. The Congress recognises the valuable work of the Council of Europe Commissioner for Human Rights to facilitate the development of ombuds services that handle complaints about local and regional services, and encourages him, in co-operation with the Congress and international associations of ombudspersons, to continue to facilitate networking and exchange of good practice among these ombuds services, and to assist the development of existing national ombuds networks.

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