

## **THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES**

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### **Recommendation 159 (2004)<sup>1</sup> on regional ombudspersons: an institution in the service of citizens' rights**

The Congress, bearing in mind the proposal of the Chamber of Regions,

1. Recalling the main texts adopted by the Committee of Ministers, particularly Recommendation No. R (85) 13 on the institution of the ombudsman, Resolution No. R (85) 8 on co-operation between the ombudspersons of member states and between them and the Council of Europe, Recommendation No. R (97) 14 on the establishment of independent national institutions for the promotion and protection of human rights, and Resolution No. R (97) 11 on co-operation between national human rights institutions of member states and between them and the Council of Europe;
2. Taking account of Parliamentary Assembly Recommendation 1460 (2000) on the setting up of a European ombudsman for children and Recommendation 1615 (2003) on the institution of ombudsman;
3. Having learned of the various activities carried out by the Council of Europe in the context of the "Round Tables with European Ombudsmen", held in Florence (7-8 November 1991), Lisbon (16-17 June 1994), Limassol (8-10 May 1996), Malta (7-9 October 1998), Zürich (21-24 November 2001 and Oslo (3-5 November 2003);
4. Bearing in mind the results of the conference with regional and local ombudspersons from Council of Europe member states in Messina (13-15 November 1997) on "Making the protection of rights more accessible to citizens: the ombudsman at local and regional level";
5. Recalling Congress Recommendation 61 (1999) on the role of local and regional mediators/ombudsmen in defending citizens' rights;
6. Welcoming the progress made subsequently by Council of Europe member states in supporting the introduction of regional ombudspersons, particularly in the Russian Federation;
7. Welcoming the expression of interest by the Commissioner for Human Rights in encouraging the introduction of regional ombudspersons in Europe;
8. Embracing the conclusions of the Round Table of European Regional Ombudsmen, held in Barcelona on 2 and 3 July 2004 by the Commissioner for Human Rights of the Council of Europe and the Congress, in co-operation with the Ombudsman of Catalonia;

9. Bearing in mind the principles of good administration as laid down in the Committee of Ministers Recommendation No. R (80) 2 and Resolution (77) 31 as well as in the European Code of Good Administrative Behaviour, accepted by the European Parliament on proposal of the European Ombudsman on 6 June 2001;

10. Considering that citizens, who often experience difficulties in ascertaining their rights and in enjoying these in the face of cumbersome and opaque public authorities, need efficient and accessible assistance;

11. Noting that regional authorities are taking on numerous responsibilities in fields such as social security, education, housing, health and the environment, and that these obligations entail a legal and administrative complexity which makes it difficult for citizens to ascertain and gain access to their civic and social rights;

12. Concerned about the close links between administrative malfunctioning and human rights violations, bearing in mind the administrative and financial unwieldiness of legal settlement procedures, which makes access to justice particularly difficult for the most disadvantaged citizens;

13. Emphasising that citizens' control over public authorities and offices is a condition for the continuation of democracy and a guarantee of social cohesion;

14. Drawing on the experience of many Council of Europe member states where national, regional and local ombudspersons help to strengthen both citizens' control over public authorities and the system for the protection of human rights, including minorities' and social rights;

15. Believing that their proximity to citizens and regional authorities enables regional ombudspersons to help effectively to guarantee access to rights and to facilitate dialogue between authorities and their citizens;

16. Convinced that knowledge of not only the effects, but also the causes, of administrative malfunctioning enables regional ombudspersons to take action to improve authorities' structures, procedures and conduct;

17. Considering that the need for regional ombudspersons is growing even stronger in the context of devolution processes which are increasing the autonomy of regional and local authorities. Similarly, the tendency for social services to be privatised, one of the effects of which is to distance users more from the authorities which supervise these services, is giving a new dimension to the ombudsman's role;

18. Emphasising that regional ombudspersons should benefit from clear instructions, specifying their relations with public authorities and with any national and/or local mediation institutions, and that regional ombudspersons may coexist with national ombudspersons or carry out the functions of a national ombudsman within their region where none exists;

19. Declares its support for any action to improve the protection of citizens' rights and to make public authorities more efficient and more transparent;

20. Notes with interest innovative initiatives to ensure that use may be made of a mediation institution, that access is available to citizens' rights and that new administrative and legal entities are properly managed, especially in the transfrontier field;

21. Shares the opinion expressed by the participants in the Barcelona Round Table that, in order to meet the needs of citizens and democracy, the institution of ombudsman needs to be consolidated in every region of Europe;

22. Reiterating the validity of the "Principles governing the institution of the mediator" set down by the Congress in the appendix to Resolution 80 (1999);

23. Calls on Council of Europe member states to continue and/or strengthen, as applicable, the devolution and regionalisation process which is helping to create democracy and to guarantee at the closest level to them citizens' effective access to social rights, so as to enable regions to set up the institution of regional ombudsman, where it does not yet exist;

24. Calls on the Council of Europe:

*a.* to facilitate the setting up and support of national and European networks of regional ombudspersons with a view to facilitating the exchange of experience and the sharing of information and good practice;

*b.* to consider continuing its mediation initiatives and, in this context, give consideration to starting a network of Europe's regional ombudspersons and to co-operate with existing networks of ombudspersons in Europe;

*c.* to consider continuing the organisation of round tables for ombudspersons of all levels, with special focus on human rights issues.

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1. Debated and approved by the Chamber of Regions on 4 November 2004 and adopted by the Standing Committee of the Congress on 5 November 2004 (see Document CPR (11) 7, draft recommendation presented by Y. Midon (Turkey, R, EPP/CD) on behalf of D. Ansari (United Kingdom, R, ILDG) and H. M. Tschudi (Switzerland, R, ILDG), rapporteurs)