

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 191 (2004)¹ 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 texts on mediation adopted by the Committee of Ministers of the Council of Europe and the conclusions of the round tables of European ombudspersons organised by the Council of Europe;
2. Recalling Congress Recommendation 61 (1999) on the role of local and regional mediators/ombudsmen in defending citizens' rights;
3. 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 Ombudsperson of Catalonia;
4. Considering that modern local and regional authorities, who bear increasingly important responsibilities in respect of social protection and the management of public services, are not always in a position to listen to the views of individuals, and are sometimes inappropriate to the needs of disadvantaged categories of citizens such as minorities, immigrants and persons with disabilities;
5. Concerned that administrative malfunctioning, in certain cases, gives rise to violations of human and social rights;
6. Noting that the setting up of ombudspersons' offices, as experience has shown in many European states, constitutes an efficient and relatively inexpensive means of defending these rights, reducing the use made of judicial procedures which impose a heavy burden on households' and authorities' budgets;
7. Emphasising that the positive effects of ombudspersons' activities on relations between authorities and their citizens are all the more perceptible for the fact that the ombudspersons operate at a level close to citizens;
8. Considering that access to regional [and local] ombudspersons, as well as to available administrative or legal remedies, needs to be easy so that they become citizens' preferred advisers, and so that there is a guarantee that citizens can effectively exercise their rights;
9. Emphasising that regional [and local] ombudspersons' proximity to the authorities concerned often ensures better awareness of their functioning, which leads to the drafting of general recommendations relating to the structure,

procedures and activities of administrative services in order to remedy and forestall common problems;

10. Believing that regional ombudspersons' powers are exercised in a manner comparable with national ombudspersons', where the powers devolved to the regions are concerned, and that the principles which govern the activity of the regional ombudsperson, the guarantees of his or her independence, and his or her powers and means of action must be comparable with those of the national ombudsman;

11. Reiterating the validity of the "Principles governing the institution of the mediator" set down by the Congress in the appendix to Resolution No. 80 (1999);

12. Taking into account the practice followed in states such as Germany, Austria, Belgium, Bosnia and Herzegovina, Spain, the Russian Federation, the United Kingdom, Serbia and Montenegro and Switzerland, where regional ombudspersons are not in a hierarchical relationship with national ombudspersons, but have clearly defined jurisdiction and powers;

13. Convinced that the setting up of mediation institutions at regional [and/or local] level in those countries which lack them would strengthen respect for the rule of law, democracy and proper administration;

14. Certain that regional [and local] ombudspersons enjoying wide-ranging powers and adequate means of inquiry and action would help to:

a. reduce not only the numbers of violations of the law, but also other instances of malfunctioning by authorities, such as unfair treatment, excessive waiting time, and lack of transparency and integrity;

b. make authorities more open and sensitive to citizens' needs and improve the quality of social and public services;

c. restore citizens' confidence in public authorities by reducing the distance which separates them;

15. Declares that the existence of the office of regional [and local] ombudspersons facilitates the implementation of the principles of the European Convention on Human Rights, the Revised European Social Charter and the European Charter of Local Self-Government;

16. Encourages the European regions:

a. where such an office does not exist, to plan to set up the office of regional ombudsperson, in accordance with the principles adopted by the Congress in 1999, which helps to strengthen both citizens' control over the authorities and the system for protecting human rights, including minorities' and social rights;

b. to develop and strengthen, if applicable, the regional ombudsperson's powers and means of action in order to consolidate citizens' rights and democracy;

c. to promote the exchange of information and good practice between European regions;

d. to make provision for possible use of a mediation institution to guarantee access to citizens' rights, and to ensure the proper administration of new administrative and legal entities, particularly in the transfrontier field;

17. Calls on non-governmental organisations which actively promote citizens' effective access to social and

human rights to use the regional ombudsperson to ensure the genuine exercise of citizens' social and human rights.

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).