

Plenary Session 3

Sub Theme

Improvement in the Advocacy and Outreach Strategy in Protecting the Vulnerable Segments of the Society

Ms. Youngran Kim	117
Chairperson, Anti-Corruption & Civil Rights Commission, KOREA	
Ms. Conchita Carpio Morales	133
Ombudsman, PHILIPPINES	
Mr. Lankanatha Ashanka Tissa Ekanayake	142
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Efforts and Achievements of the ACRC Korea in Protecting Vulnerable Classes of the Society



Ms. Youngran Kim
Chairperson
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KOREA

I .Introduction

1. Launch of the ACRC

About 600 years ago, the Ancient Joseon Dynasty had a system for ordinary people to file their complaints by beating a big drum, called “Shin-mun-go” located in front of the palace so that their king could listen to the sound, and help solve their problems. This system is the origin of the Korean government’s system to address people’s problem.

Before 2008, the functions to protect people’s rights had been divided into several agencies, making people feel confusions and inconvenience to use the services. In this regard, to provide “one-stop service” for people who suffer from “unfair and painful problems,” three different agencies, “Ombudsman of Korea,” “Korea Independent Commission against Corruption,” and “Administrative Appeals Commission” were integrated into one single agency, based on the “Act on Anti-Corruption and the Establishment and the Operation of the Anti-Corruption & Civil Rights Commission” which was enacted in February 29, 2008.

During the process of integration, some people insisted that it was impossible to combine them into one agency as the natures of the three agencies were totally different. After three years have passed, however, we do not see any side effects of the integration that concerned them at that time. Even if the workload has significantly increased, the ACRC has handled more works, making the organization more effective.

Table1: The number of cases before (2007) and after (2010) the integration:

Civil petitions and administrative appeals

	Civil Petitions (rate of increase)	Administrative Appeals (rate of increase)
2007 (before)	22,412	23,178
2010 (after)	27,043(20.7%)	30,478(31.5%)

2. Organization and functions

The ACRC consists of 15 commissioners including Chairperson. The ACRC has three Vice Chairmen and standing commissioners respectively, and 8 non-standing commissioners. It also has a Secretariat to deal with office work of the ACRC, and the Secretary General is appointed by Chairperson among Vice Chairmen.

The ACRC has established its one-stop service system, combining three functions: ombudsman, anti-corruption, and administrative appeals. The main functions of the ACRC are (1) to protect people’s rights by addressing civil complaints and improving institutions and securing legitimacy of administration, (2) to establish a clean public-service society by preventing and controlling corruption, and (3) helping people whose rights or interests are violated by illegal or undue administrative measures.

II. Major Programs to protect vulnerable classes

1. Ombudsman Outreach Program

To actively communicate with people, the ACRC is carrying out “Ombudsman Outreach Program” to visit those who live in isolated rural areas and listen to their problems and opinions, reflecting them into policies, since it is difficult for them to visit the ACRC even if they have difficulties and problems.

With the “Ombudsman Outreach Program,” the ACRC visits the people who suffer from undue administrative measures taken by central government agencies or other public agencies, receives their complaints and investigates the cases. If there is any undue measure or false institution that caused the problems, the ACRC recommends the concerned agency to correct the measures or to revise the institution. By doing so, the ACRC actively engages in mediation to deal with the civil complaint in a neutral position.

From October 2003 to 2011, the “Ombudsman Outreach Program” has received 6,178 civil complaints in 181 regions. Among them, 1,219 cases were received as civil complaints and addressed, while 861

cases reached a settlement on the spot. Particularly in 2010, total of 290 cases reached a settlement between petitioners and concerned agencies on the spot.

Table2: Ombudsman Outreach Program by Year

(Unit: number of cases)

		Total	2003	2004	2005	2006	2007	2008	2009	2010	2011. 11
Number of region		181	4	8	8	17	18	20	28	33	45
Ombudsman Outreach Program	Received as civil complaint	1,219	12	57	75	255	142	86	272	199	121
	Settlement	861	-	-	-	-	-	96	244	290	231
	Counseling	4,098	65	98	112	385	342	381	1,004	1,000	711
	total	6,178	77	155	187	640	484	563	1,520	1,489	1,063

Also, if a collective petition is received, which has a significant influence on society, the Chairperson firsthand counsels petitioners with the concerned agency in attendance, and solves the problem, providing one-stop service. In this way, 29 collective petitions have been resolved, for example, installing soundproofing walls near railroads or highways that the residents have desired for a long time.

2. On-site mediation

The ACRC actively utilizes its mediation system to promptly and impartially solve civil petitions or complaints that have a significant influence on many people or are involved in multiple interests.

The mediation system is the most appropriate tool for the ACRC, working as an ombudsman that values impartiality, independence, and professionalism. According to the Article 45 of the Anti-Corruption Act, mediation is presided by the Chairperson and the commissioners, and once the mediation is completed, it has the same effect as a settlement under the Civil Act.

The ACRC always puts its priority on the “on-site oriented” policies dealing with civil complaints. It means that the ACRC makes its efforts to firsthand visit the site of a complaint, and listen to the voices of stakeholders enough, to find out the solutions from the point of view of the complaint.

Particularly, the ACRC has visited the sites of complaints and found out solutions through persuasion and mediation when solving a protracted complaint. Especially, to solve protracted collective complaints, the ACRC considers the possibility of mediation even when receiving the complaints, and

the professional investigators and senior officials visit the sites firsthand to undertake closer investigations so that they can find out the ways to solve problems. As a result of such efforts, 18 long-term protracted collective complaints have been resolved through on-site mediation in 2010.

3. Bilateral MOUs to protect the rights of nationals abroad

The ACRC and the Indonesian Ombudsman concluded an MOU to solve difficulties and problems of people (including businesses) who reside in the partner countries in February 2010. This is the first attempt to protect the people's rights and promote the business activities in the partner countries through cooperation between ombudsmen.

Under the MOU, both agencies have visited the partner countries to visit the sites of complaints and help to solve the difficulties of their compatriots. The activity results are shared in January and July every year.

In accordance with the MOU, the ACRC officials visited the Ansan Migrant Community Service Center in November, 2010 and August, 2011, as the largest Indonesian populations live in the Ansan city in Korea. The ACRC officials have counseled 82 cases in total, and received 16 complaints. The major complaints of Indonesians living in Korea were related with the delay of severance pay, and inconvenience of receiving national pension. As of 2011, 60% of the complaints have been resolved and 40% are now in progress.

The ACRC expanded the bilateral cooperation activities and concluded an MOU with Kyrgyzstan Ombudsman in October 2011. It is also expected to sign MOUs with the Thailand Ombudsman and the Uzbekistan Ombudsmen.

4. Systemic investigation to enhance rights of vulnerable classes

The ACRC carries out systemic investigations to enhance preventive functions not to make people feel unfair and injustice, taking a step forward from solving individual complaints.

The systemic investigation of the ACRC is a new model to expand the people's rights by approaching social and national issues in a more fundamental and in-depth way, moving from the existing way that just focused on addressing individual complaints. Also, it is a proactive research activity to find out comprehensive and fundamental solutions such as improving institutions, suggesting alternative policies, as well as addressing civil complaints of the year. The systemic investigations focus on the vulnerable areas in protecting people's rights, the areas that need special care of the nation, and the issues that require in-depth researches and consideration of experts.

Particularly, the systemic investigation is used as a useful tool to support the vulnerable classes that relatively cannot respond to the financial crisis, focusing on addressing the difficulties of socially and financially vulnerable people in a timely way.

For example, the ACRC has recognized that financial support for the low-income bracket is needed as the fuel prices have gone up, due to financial crises and increasing price of the crude oil. Accordingly, the ACRC carried out the systemic investigation through conducting studies on documents, monitoring media, and collecting various opinions of experts and concerned agencies. In addition, it conducted researches on actual conditions of urban and rural areas and interviewed energy suppliers and concerned civil groups so that it could recommend the concerned agencies to reduce utility fees such as city gas costs or electricity costs.

Also, based on the results of the systemic investigation, the ACRC extended the tax due dates and expanded the range of applicants for working scholarships for the disabled and those who are entitled to the government's livelihood subsidy.

III. Future directions to protect vulnerable classes

1. Prompt & faithful complaint solutions

To solve difficulties and problems of vulnerable classes, we need to share the best techniques to address civil complaints and build a research capacity, by making standards, developing IT technology, and providing continuous education and trainings. Based on such efforts, we can deal with civil complaints in a prompt and faithful way through our policies that can satisfy and touch our people.

The ACRC introduced an internal review system to prevent trial and errors and increase the possibility to solve problems by analyzing the characteristics and reasons of the civil complaints filed by vulnerable classes so that it can easily find out the solutions. Also, the ACRC has accumulated related materials and information to make it easier to review the latest laws and judicial precedents by sector when addressing civil complaints. It also has established cooperative systems with the other public agencies in order to inform the concerned agencies of the examples of civil complaints so that they can revise and supplement their laws and regulations.

2. Stressing on-site complaint solutions

We need to stress "on-site investigation and mediation" from the people's point of view to address the issues involving the multiple interests at stake.

The ACRC considers regional situations such as frequency of civil complaints and operates “Ombudsman outreach program” by region across the nation. The ACRC is planning to introduce customized Ombudsman outreach programs for minority social groups that need special care, including migrant workers, multicultural families, and those who live in vulnerable residential situations and industrial complexes.

Particularly, in order to solve the complaints that can have significant influence on multiple stakeholders or protracted collective complaints for long time, the ACRC will carry out its duties in an independent and impartial way so that it can reach an optimal agreement to satisfy all the concerned parties.

3. Enhancing preventive measures

The ACRC is planning to transfer its experience and techniques dealing with civil complaints to the administrative agencies that often cause civil complaints, supporting them to prevent civil complaints in advance, to build their capacity to address civil complaints, and to strengthen a cooperative system.

Furthermore, to vitalize local ombudsmen, the ACRC will create and distribute a standard ordinance to expand local ombudsmen. Also, it will support them to build their capacity by establishing “Local Ombudsman Councils,” holding workshops and trainings, providing consulting services, and carrying out joint researches.

IV. Conclusion

There are still many people who don’t know what kinds of rights they have or who to speak when their rights are violated. Also, there are people who just endure their difficulties because they believe that it is hard to talk to the government. Therefore, the ombudsmen should do their utmost to enhance the accessibility of vulnerable classes and listen to their voice carefully.

The ACRC is making its efforts to visit people firsthand to solve their difficulties and problems by operating on-site counseling and mediation services and conducting systemic investigations. Despite such efforts, however, there are still many people who cannot enjoy such benefits. Therefore, we need to provide vulnerable classes with more and various ways to reach the ACRC.

The ACRC will also make its efforts to solve difficulties of foreign residents who live in Korea but also Korean compatriots who live in other countries by expanding bilateral Ombudsman MOUs with the concerned countries. To this end, active supports and cooperation are needed among the ombudsmen who gather together here at this occasion. Thank you very much.

Efforts and Achievements of ACRC Korea in Protecting the Vulnerable in Society



ACRC
Anti-Corruption &
Civil Rights Commission

Presented by Youngran KIM

ACRC Korea



- Tradition to hear grievances dates back 600 years
- Ombudsman of Korea, KICAC & AAC run separately until 2008
- Their merger created today's ACRC Korea

Now → "integrated services"
for civil petitions,
anti-corruption initiatives,
administrative appeals





Programs to Protect the Rights of the Socially Vulnerable

- Ombudsman Outreach Program
- MOUs with Foreign Ombudsman Agencies
- Systemic Investigation

Overview



- Better protection of the people's rights by:
 - Assisting those who cannot submit petitions easily for geographical, linguistic and age reasons
 - *e.g.: Residents in rural areas, migrant workers and elderly people
 - Expanding services to overseas Koreans
 - *e.g.: MOUs with foreign ombudsman agencies
 - Improving responsiveness to immigrants' complaints
 - *e.g.: foreign language service in e-People, On-site counseling

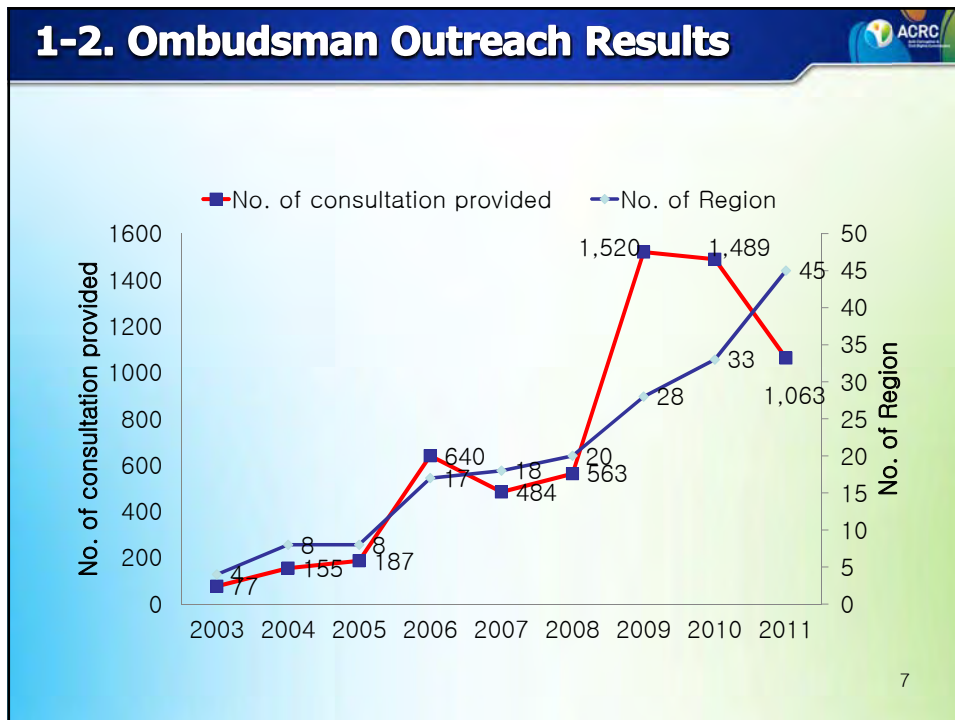
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1-1. Onsite Outreach Program



- Have received complaints and helped resolve issues onsite since 2003
- Focus on multicultural families, migrant workers and the homeless
- Recommend corrective action when undue administrative measures or problematic government systems are discovered

6

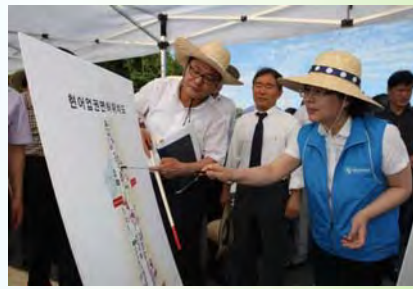


- ### 1-3. Resolution of Regional Conflict
- Ombudsman outreach also addresses regional conflicts.
 - Enhanced ability to solve collective actions with major social implications
 - ACRC Chairperson personally mediates between the government and aggrieved to reach an agreement
 - In 2010, some 18 regional conflict cases were resolved, including a 60-year old issue over livestock wastewater in Iksan
- 8

1-4. Onsite Mediation



- Mediate issues with significant social impact, involving multiple parties
- Mediated agreement works like a settlement under the Civil Act.



9

1-5. Onsite Mediation Process & Results



- Priority on onsite resolution of complaints and civil petitions
- Onsite mediation of petitions involving multiple parties
- Chairperson to mediate socially significant issues
 - Upon complaint receipt, look for mediatory resolution
 - Have expert investigators and senior officials go onsite to learn the facts and conflict cause
 - Use findings to draw up mediation proposal
 - Complete the process with a signed agreement
 - 20 prolonged collective actions resolved in 2011

10

2. Cooperation with Foreign Ombudsman

- MOU with Indonesian Ombudsman
 - Help expats & businesses solve problems with support of local ombudsman
 - Jointly visit expat community to receive and solve complaints
 - Share information on compliant handling twice a year
- Expanded cooperation with foreign agencies
 - MOUs signed with Kyrgyzstan (Oct. 2011) and Thai (Dec. 2011) Ombudsmen
 - MOU with Uzbekistan Ombudsmen set for 2012

11

3-1. Systemic Investigation for Socially Disadvantaged

- Systemic Investigation address most common complaints
- Investigation subjects include:
 - Neglected areas needing immediate attention, of national concern
 - Complex conflict of interest issues needing in-depth research and professional study
- Extensive investigations and research to devise comprehensive solutions
- Recommendations for systemic enhancement or alternative policy proposals
- Acceptance of recommendations likely, given sufficient pre-consultation

12

3-2. Examples of Systemic Investigation

- Investigation to improve plight of the homeless
 - Interview people without a place to stay
 - Identify necessities lacked, obstacles to finding shelter, and ways to self-sufficiency
 - Offer concerned agencies proposals for improvement; most accepted
- Devise measures to provide homes for 13,000 homeless in 27 locations nationwide

13

**Future Policy Directions
in Solving Civil Complaints**

1. Prompt & Sure Resolution of Complaints



- Relevant agencies share best practices and strengthen investigative capabilities
 - Continue to provide assistance until satisfaction reached
- Prompt & sure resolution of complaints
 - Analyze nature and causes; set investigation direction early
 - Accumulate recently-changed laws, regulations, & rulings relevant for addressing civil complaints
 - Transfer complaint cases to concerned agencies to complement relevant rules and regulations

15

2. Expansion of Onsite Resolution



- Run more Ombudsman outreach programs nationwide
- Develop customized outreach programs for migrant workers and multicultural families
- Expand mediation role for conflicts with significant social influence

16

3. Preventive Measure Enhancement



- Improve front-line agencies' abilities to prevent and settle complaints
 - Disseminate complaint-handling experience and techniques
 - Expand consultation efforts to address complaints
- Facilitate activities of local ombudsmen
 - Set standard ordinances and expand local ombudsmen
 - Support local ombudsmen to strengthen their capabilities to handle complaints
 - Form cooperative councils, and hold workshops and joint surveys

17

Conclusion



- Continue to improve access by socially vulnerable to rights protection measures
- Expand ongoing programs to provide the socially vulnerable with more opportunities to protect their interests and rights
- Further cooperation with foreign ombudsmen to protect the rights of Koreans living abroad

18



Protecting the Vulnerable - A Philippine Experience



Ms. Justice Conchita Carpio Morales
Ombudsman
PHILIPPINES



- investigate and prosecute any act or omission by a public officer/employee that appears to be illegal, unjust, improper, or inefficient

- direct any officer or employee of the Government, or of any subdivision, agency or instrumentality thereof, or any government-owned or controlled corporation, to perform and expedite any act or duty required by law


- stop, prevent, and correct any abuse or impropriety in the performance of public duties

- determine causes of inefficiency, red tape, mismanagement, fraud, and corruption

- recover ill-gotten and unexplained wealth and prosecute parties involved



FIVE FUNCTIONS	ACTIVITIES
1. Public Assistance	<ul style="list-style-type: none"> ▪ Request for assistance ▪ Mediation ▪ Regional offices ▪ Multi-media ▪ Anti-Red Tape ▪ Resident ombudsman network
2. Graft Prevention	
3. Investigation	
4. Administrative Adjudication	
5. Prosecution	

Office of the Ombudsman 

Request for assistance

Mediation



Regional offices


Multi-media

Anti-Red Tape

Resident Ombudsman Network

- facilitate access to government services
- retirement pensions, non-payment of salaries and other benefits, health and medical services, money claims, and deductions from or stoppage/refund of the monthly salary of teachers
- 53, 016 requests received from 2006-2010
- 95.44% (50, 599) disposed

Office of the Ombudsman 

Request for assistance

Mediation

Regional offices

Multi-media

Anti-Red Tape

Resident Ombudsman Network

Success Story:

- US\$60,000 award for permanent disability enforced
- assistant waiter on cruise ship
- cracking sound and snapping sensation on knees
- only 1 day of rest and anti-inflammatory shot
- certified unfit for sea duty
- employer failed to act on permanent disability claim
- US\$60,000.00 judgment award unimplemented
- full satisfaction post assistance from OMB

Office of the Ombudsman

Request for assistance

Mediation

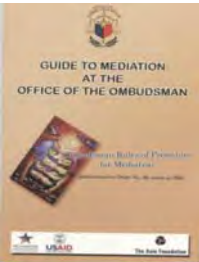
Regional offices


Multi-media

Anti-Red Tape

Resident Ombudsman Network

- alternative form of dispute resolution
- voluntary and inexpensive process
- minor and non-graft cases : non-payment of debts, threats, simple dishonesty, misconduct, and failure to provide financial support
- 72% of 909 cases successfully mediated





Office of the Ombudsman

- 135 -

Request for assistance

Mediation

Regional offices


Multi-media

Anti-Red Tape


Resident Ombudsman Network

Success Story: family support

- military personnel
- abandoned wife and three children
- financial support
- authorization of allotment



Office of the Ombudsman



Request for assistance


Mediation

Regional offices


Multi-media

Anti-Red Tape

Resident Ombudsman Network



Office of the Ombudsman



Request for assistance


Mediation

Regional offices


Multi-media

Anti-Red Tape

Resident Ombudsman Network



Office of the Ombudsman



Request for assistance

Mediation


Regional offices

Multi-media


Anti-Red Tape

Resident Ombudsman Network

- weekly radio program
- “Report to the Ombudsman”
- weekly TV program
- “Ombudsman: Your Partner Against Corruption”



Office of the Ombudsman



Request for assistance

Mediation



Regional offices

Multi-media


Anti-Red Tape

Resident Ombudsman Network

- hotlines and text messaging
- e-mail



Office of the Ombudsman



Request for assistance

Mediation

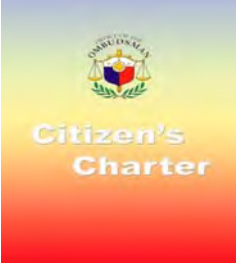
Regional offices

Multi-media


Anti-Red Tape

Resident Ombudsman Network

- Anti-Red Tape Act of 2007
- citizen's charter:
 - frontline services
 - step-by-step procedures
 - responsible employee
 - fees
 - documentary requirements
 - complaint procedure
- trainings



Office of the Ombudsman



Request for assistance

Mediation


Regional offices

Multi-media

Anti-Red Tape

Resident Ombudsman Network

- duties and responsibilities:
 - public assistance
 - public information and education
 - monitoring
 - systems review
- 12 resident ombudsmen organic to the OMB
- 568 resident ombudsman coordinators



Office of the Ombudsman

Request for assistance

Mediation

Regional offices

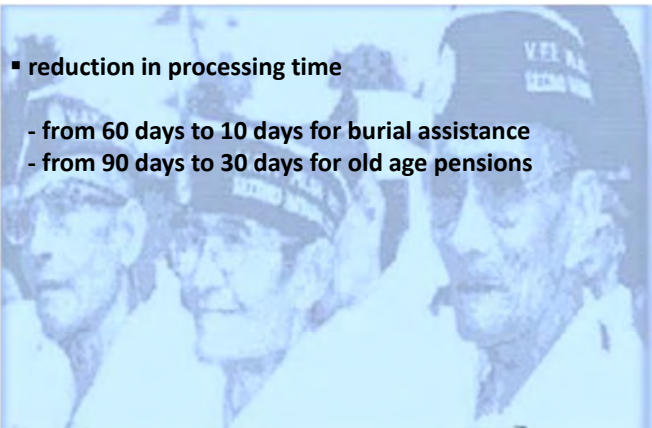
Multi-media

Anti-Red Tape

Resident Ombudsman Network

Success Story: Philippine Veterans Affairs Office

- reduction in processing time
 - from 60 days to 10 days for burial assistance
 - from 90 days to 30 days for old age pensions



Office of the Ombudsman

The Way Forward

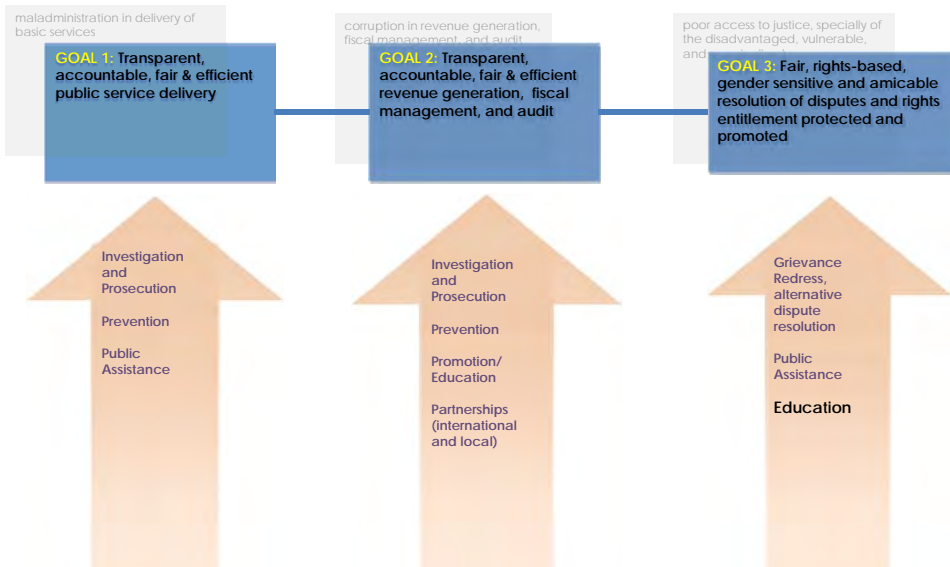
- Human Rights-Based Approach to Development
- P.A.N.T.H.E.R. Principles
 - Participation
 - Accountability
 - Nondiscrimination
 - Transparency
 - Human Dignity
 - Empowerment
 - Rule of Law



Office of the Ombudsman



2010-2016 OMB STRATEGY FRAMEWORK



Office of the Ombudsman



Barangay Good Governance Workshops

- smallest and basic political unit
- basic services and facilities
 - agricultural support services
 - health and social welfare services
 - “katarungang pambarangay”
 - maintenance of barangay roads, bridges, water supply systems
 - information and reading center
- accountability awareness
- integrity building



Office of the Ombudsman



Thank You!

Office of the Ombudsman



The role of enhanced advocacy and outreach strategies in protecting the vulnerable groups in society



Mr. Lankanatha Ashanka Tissa Ekanayake
Parliamentary Commissioner for Administration
SRI LANKA

Any institution established for the purpose of protecting and promoting of human rights generally and fundamental rights in particular must be one which is known to the people particularly to the vulnerable groups in society, because they are the ones who seek recourse to these institutions due to their inability to resort to legal action for the protection of their rights, due to the high expenses involved in litigation.

It is a basic requirement that if there are institutions for the protection of people's rights, the people should be aware of the fact that such institutions exist. Secondly they must have easy access to such institutions.

The office of the Parliamentary Commissioner or the Ombudsman is an independent authority established for the purpose of providing redress to aggrieved persons in cases of maladministration, where the existing constitutional machinery had been insufficient or ineffective. Complaints had often been made that proper standards of conduct were not observed by public officers. The complaints include those of negligence, inefficiency, bias, unfair discrimination, oppressive behavior, delay and failure to reply to a communication addressed to administrative authorities.

As the Report of 'Justice', the British Section of the International Commission of Jurists (ICJ) has pointed out with reference to Britain, a developed country, such complaints (I quote) "give rise to feelings of frustration and resentment because of the inadequacy of the existing means of seeking redress."¹ It is submitted that in the mixed and heterogeneous polities of the Asian region these complaints of the people assume a more serious character than the countries where the population is homogeneous in nature.

¹ The Citizen and Administration, the Redress of Grievances (UK 1961) p. 61. See also J. A. L. Cooray, Constitutional Government and Human Rights (1969), Chapter 3 'An Ombudsman for Ceylon.

It had been found in practice that in the expanding sphere of state activity and administrative power the traditional, constitutional, legal and administrative remedies had been inadequate and inappropriate to deal with various types of maladministration.

If I may cite an example, in order to institute a regular legal action in a court of law, the grievance should amount to a cause of action recognized by law. Even in cases where an express right of appeal to the courts against administrative decisions is conferred by statutes on specific grounds, the scope of the appeal is strictly confined to the grounds of appeal.

Similarly where a complainant invokes the supervisory jurisdiction of the appropriate court, it will grant relief only when the administrative agency had exceeded its powers and acted in breach of certain principles recognized by law. The court limits its control strictly to 'legal' acts with the result that the citizen is left without any legal remedy in cases of maladministration which stops short of illegality.

It is always the marginalized or otherwise vulnerable groups who are at the receiving end of such acts or omissions committed or omitted by various organs of the administration. It may sometimes be a case of not receiving a reply to a letter written by a citizen in his own language or receiving a reply in a language that he does not understand whilst he is legally entitled to receive a reply in his own language. In my country Sri Lanka, this had been one of the root causes for the armed conflict that engulfed the island nation for many years.

Even in cases where judicial review is available for redress of grievances the parties in Sri Lanka and other developing or (under-developed countries) are either too poor to pursue such remedies or the subject matter of dispute is too small for such remedies to be pursued in courts having regard to the delays and high cost of litigation.

It is a *sene qua non* for any institution dealing with rights of people especially relevant to marginalized and vulnerable groups in society, to make it transparent, and accessible without any hindrance of costs, proximity, formalities and discrimination on whatever grounds. The office of the ombudsman is such an institution. For example the Swedish Ombudsman has great freedom in deciding the direction of his supervisory activity. Every citizen has a right to complain to him. Neither the government nor parliament can stop the investigation of a complaint by the Ombudsman.

The Ombudsman of Denmark can receive complaints from anyone. He can even take up matters on his own initiative. Any person deprived of his liberty is entitled to address written communications in a sealed envelope to the Commissioner. In the process the Commissioner could inspect prisons and other penal institutions and the prisoners are informed that they will have an opportunity of talking to the

Commissioner without the presence of any official from the prison.²

The experience of the Ombudsman of Guyana would be of much importance to those of developing countries with societies that are heterogeneous. The Guyanese Ombudsman investigates complaints of injustices in consequence of a 'fault of administration.' Such fault of administration includes discrimination on grounds of race, place of origin, political opinion, colour or creed.³

The Ombudsmen in heterogeneous societies must appraise themselves of the best approaches which ensure protection of vulnerable groups of their societies. The well known **Paris Principles on national human rights protection institutions** promulgated under the auspices of the United Nations would provide a sound beginning.⁴ Principles C (1-7) of the Paris Principle sets out inter alia, (I quote) 'freely considering any question falling within their competence, hearing any person and obtaining any information necessary for assessing situations, addressing public opinion directly through the press-particularly to publicise their opinions and recommendations, maintaining consultations with other bodies responsible for the protection and promotion of human rights and developing relations with NGOs devoted to protecting and promotion of human rights in related fields.'(Unquote)

I propose that national ombudsmen in our region must draw strategic plans based on the above principles to convey their mission to the target groups. Both advocacy and outreach could be used as vehicles in pursuit of this mission.

Sri Lanka is a tri-lingual state where there are two official languages (Sinhala and Tamil) and a link language which is English. It is imperative that due to this heterogeneity my office must reach the marginalized segments through one of the two official languages in that the vulnerable groups only speak the vernacular languages. Otherwise they will never come to know about the jurisdiction of the Ombudsman in Sri Lanka. Although there is a separate Official Languages Commission in Sri Lanka the language problem has not been resolved. This also gives rise to a duty on the part of the Ombudsman to reach out to the said Commission for joint action although the Ombudsman has no specific powers in implementing policies.

Originally the Sri Lankan Ombudsman had the authority only to inquire into complaints filtered through the Public Petitions Committee of Parliament. The first Ombudsman of Sri Lanka in his Annual Report for 1984 voiced that,(I quote) ' Sri Lanka is the only country in the world which filters

² Public law (1958), p. 240. The experience of the Guyanese Ombudsman would be of much importance to those of developing countries with societies that are heterogeneous. The Guyanese ombudsman investigates complaints of injustice in consequence of a fault in administration.' Such faults includes discrimination on grounds of race, place of origin, political opinion, colour, or creed.

³ Constitution of Guyana, Article 56.

⁴ Paris Principles on National Human Rights Institutions.

such petitions through so many levels.’ (unquote)⁵ He stated further in his report that, (I quote) “the Indian experience of (epistolary jurisdiction of the Supreme Court could be a major breakthrough in bringing justice to the large mass of people. In parts of Canada a mere telephone call to the office of the ombudsman could be the basis of an investigation. In some countries the ombudsman could commence inquiries on his own (sic) initiative.” (unquote).

His criticism did not fall on deaf ears. In 1994 the new government which came into power amended the 1981 Act which established the office of the Ombudsman enabling the public to submit petitions directly to the Ombudsman.⁶ Although no provisions were introduced empowering the Ombudsman to receive complaints by telephone he was empowered to act on his/ her own initiative. This was an instance how an Ombudsman could use his outreach to make his office more effective and meaningful by taking an initiative within his powers to bring his office very much closer to the ordinary people.

The impact of this procedural change made in 1994 is amply demonstrated by the comparison of the number of matters referred to before 1994 and after. The number of 32 complaints received by the Ombudsman in 1984⁷ increased to a massive 5221 in 1995 in addition to the 41 referred by the Public Petitions Committee of Parliament.⁸ This upsurge could be attributed to the liberalising of the petition procedure and the wide publicity given to the amendment made in 1994 to the 1981 Act.

Historically the Ombudsman’s office has been a relatively closed institution, with no stakeholder interaction and only peripheral attention paid towards improving advocacy and outreach of its service. Responding and recognizing the need to keep pace with public expectations and as part of a process of representing itself as a more client oriented institution, the Ombudsman should identify steps leading to its transformation into a more open institution becoming more inclusive in its policy making and purposefully engaging with different stake holders to enable third party perspectives to be imbibed in its work.

It must be emphasized that with the opening of direct access to the Ombudsman steps have to be taken to create a greater awareness among the public, the majority of whom belong to vulnerable groups. Consistent and effective communications with stakeholders is a critical aspect of the functioning of any institution whose clients are broad based.

The envisaged communication flow comprises two aspects. Firstly, building awareness amongst the different audiences on the mandate, the plan and the programs of the Ombudsman. Secondly, impetus,

⁵ Mr. Sam Wijesinghe, in Parliamentary Series No. 76, Report of the Parliamentary Commissioner (Ombudsman) for the Year 1984 (9 July 1984).

⁶ Section 10(2)and (3) of Act No. 17 of 1981.as amended by Act No. 26 of 1994.

⁷ Supra, n, p. 34.

⁸ Parliamentary Series No. 15, Report of the Parliamentary Commissioner for Administration (Ombudsman) for the year 1995 (21st August 1996). p. 59.

building and sustenance of momentum with respect to interaction, culminating in the success of the Ombudsman's strategic plan.

In furtherance of these objectives the ombudsman must formulate a process involving,

- (1) The Identification and segmentation of target groups,
- (2) Developing an effective system of communication instruments and media. A number of Instruments and a variety of media would be used to communicate with the different stake holders.

I would list some of them as follows,

- (1) **Annual or other Periodic Reports or Thematic Reports:** These Reports that comply with legal provisions in the law or the statute that established the Ombudsman himself would form the principal instrument for public disclosure of the agencies working on the social sector. The Ombudsman should place them on his official web site and publish them in the newspapers in all official and national languages of a given country. He also could propose through his reports to the government to amend the Constitution or the statute which established his office to decentralize the powers of the office of the Ombudsman. Decentralization of the functions of the office of the Ombudsman would further bring his office closer to all citizens in general and the marginalized segments in particular. This was amply demonstrated in Sri Lanka by the immense response shown by the aggrieved people living in the provinces after the National Human Rights Commission (NHRC) opened regional offices. Those offices began to receive hundreds of applications in respect of violations of fundamental rights by executive and administrative organs of the government. Those applications would never have been submitted had not those regional offices been opened by the Commission which was earlier functioning only in the capital city, Colombo.
- (2) **Ombudsman's News Letter:** A news letter which portrays and builds on the existing image of the Ombudsman's office on a responsive and responsible manner published in all official and national languages as the case may be will be a very effective tool in propagating the jurisdiction and the working of the Ombudsman's office.
- (3) **Participation and Sponsorship of community events:** Awareness programs and competitions to mobilize communities at various levels to various stakeholders and awareness of issues in administrative justice. The competitions could take the form of posters, essay and other innovative projects in relation to access to justice, freedom of information, public grievance redress and making the Ombudsman's mission more effective and efficient.
- (4) **Media Briefings and Press Releases:** Media briefings are very useful to keep the media abreast of the Ombudsman's efforts in public grievance redress and to provide insight and information to specific activities undertaken by the Ombudsman. Establishment of a public cum media relations unit in the office of the Ombudsman will facilitate the abovementioned activities with efficiency and continuity.
- (5) **Ombudsman's Web Site and Blog:** A web site and a blog are a sine qua non for the Office of

the Ombudsman in this technologically advanced age to act as a channel for public disclosure on programs, activities and a web based information centre with a continuing update of all administrative justice services that the Ombudsman provides.

(6)**Radio and TV Programs:** Like many organizations, human rights based institutions both public and private utilize these programs to disseminate their message and programs to the general public at large because of its great effectiveness the expansive reach. Both these media reach the remotest hamlets in any country in minutes if not seconds with great impact.

(7)**Workshops and Seminars:** Workshops and seminars are useful means to reach stakeholders on specific policy issues and also to receive feedbacks from them.

(8)**Print and Electronic Media Advertising:** This is another very effective activity to ensure a wide outreach of the message of the Ombudsman, declaring what public grievance redress mechanisms are and how the Ombudsman is hoping to redress the grievances or how his office can help in resolving them and what the role of the stakeholders should be, which may also include a report of the progress achieved so far and the next steps proposed to be taken in the future in that regard.

Let me conclude quoting Stieber: "Common threads run through the conceptual fabric of every ombudsman's office - all aim to humanize administration, to support fairness, accountability, and equity. All ombudsmen can be approached in confidence. No ombudsman has enforcement or disciplinary powers. All depend on the power of persuasion, as well as the credibility of the office, which leads individuals to trust it. Although the process in achieving objectives of fairness may differ, the product is the same: a chance for ordinary people, those without power or prestige, to be heard and to get fair treatment."⁹

Thank You.

⁹ Stieber, 57, Varieties, para.3 pp. 56-567, cited in The Functions of an Ombudsman: Nathalie Des Rosiers, Annotated Bibliography, Forum of Canadian Ombudsman, First Annual Conference 2003