

WORLD JUSTICE FORUM 2022: Ombuds Institutions' Role in Contributing to Access to Justice and SDG 16

Working Session Report

About this Event

The 2022 World Justice Forum brought together rule of law actors from around the world in the Hague and online to discuss pressing issues related to justice. DCAF - the Geneva Centre for Security Sector Governance, together with the Dutch Ombudsman, held a working session to explore the contribution of Ombuds Institutions to improving access to justice and advancing Sustainable Development Goal 16 on peace, justice, and strong institutions (SDG 16). The session highlighted the important role of Ombuds Institutions in bridging the justice gap and, by extension, contributing to the realization of SDG 16.3 on promoting the rule of law and equal access to justice. It noted that while Ombuds Institutions are present in more than 100 countries, they are often overlooked in broader discussions on access to justice. As such, the session provided an important platform to both raise awareness on the important role of Ombuds Institutions in achieving the 2030 Agenda, as well to facilitate knowledge-sharing between Ombuds Institutions on the means and strategies to do so.

About DCAF's Project on SDG 16

The event was delivered under DCAF's SDG 16 project, which seeks to position Security Sector Governance/Reform (SSG/R) as a key policy tool for the realization of SDG 16. The project focuses on three oversight actors, namely parliaments, civil society, and Ombuds Institutions. It develops SDG 16-specific guidance that supports SSG/R in the context of the 2030 Agenda and is funded by the Ministry of Foreign Affairs of the Netherlands. More information can be found at www.dcaf.ch/SDG16.

Roundtable Experts

- **Maaïke de Langen**, Program Lead on Justice for All, at Pathfinders for Peaceful, Just and Inclusive Societies
- **Catalina Crespo Sancho**, Head of the National Human Rights Institution of Costa Rica
- **Hon. Florence Kajuku**, Chairperson of the Commission on Administrative Justice of Kenya and President of the International Ombudsman Institute (IOI) African Chapter
- **Dr. Stephan Sjouke**, Head of International Affairs at the Dutch Ombudsman Office

Moderator

- **William McDermott**, Principal Programme Manager, DCAF - Geneva Centre for Security Sector Governance

Date & Time

The event took place in the Hague on Wednesday, 1 June 2022, on the margins of the 2022 World Justice Forum at the premises of the Dutch Ombudsman.

Main Takeaways

Addressing the Justice Gap

Roundtable experts began by noting that studies¹ estimate that around two-thirds of the world's population (5.1 billion people) do not enjoy meaningful access to justice, meaning that they are unable to seek and obtain remedy for grievances. This session discussed how Ombuds Institutions provide some solutions to promote access to justice and help close this gap. Ombuds Institutions refer to institutions that oversee and address complaints and concerns relating to the government's delivery of services.

"...we have a duty, as the ombudsman in Kenya, to ensure that public officers deliver their duties and serve the people as they should" – Hon. Florence Kajuju, Chairperson of the Commission on Administrative Justice of Kenya

Though Ombuds Institutions generally share a broad mandate to address citizens' complaints and report on country-specific issues, they may have different functions and structures as well as employ different mechanisms and tools to deal with citizens' complaints. For instance, while noting that the primary duty of the Kenyan Ombuds Office is to prevent maladministration and ensure effective public service delivery, Hon. Florence Kajuju also noted that her office performs an alternative dispute resolution function in which a favorable compromise between the parties (citizen and government) is sought. Furthermore, she highlighted that, compared to many other government institutions, the Ombuds Office is more accessible since it maintains an open-door policy for citizens to reach out and submit complaints. In addition, to promote better access to justice, she noted that the Kenyan Ombuds Office now features a service where citizens can launch their complaints digitally, as opposed to physically traveling to the office, which was noted as a key factor in preventing citizens from filling complaints.

Ms. Catalina Crespo Sancho, Head of the National Human Rights Institution of Costa Rica, described her office as "the public's watchdog" and emphasized how independence from government forms an integral part of its work. Ms. Crespo pointed out that her office performs three main functions: 1) to oversee the public sector to ensure effective public service delivery; 2) to promote respect for human rights among state institutions; and 3) to provide capacity building for citizens and state institutions. Notably, she mentioned how Ombuds Institutions can play an important role in evaluating a country's provision of services in order to identify grievances that, if left unaddressed, may lead to conflict. In such a way, she noted that the role of Ombuds Institutions in addressing complaints related to access to public services constitutes a key conflict prevention tool.

Mr. Stephan Sjouke, Head of International Affairs at the Dutch Ombudsman Office, showcased how it is a challenge, but nonetheless an obligation for the Ombudsman to reach those who are most marginalized and who may not be aware of the services offered by the Dutch Ombudsman. He pointed out that to expand their reach and improve access to their services, his office undertook an investigation to identify which groups might benefit most from the Ombuds' services, but which, for whatever reason, rarely launched complaints. The investigation found that groups such as migrants, the self-employed, young families, and caretakers often required assistance but were either unaware of the existence of the Ombudsman, or how to access its services. To address this, the Dutch Ombudsman created a strategy to enhance engagement with these groups by identifying intermediaries (such as Civil Society Organizations ((CSOs)) working with those specific groups) and by establishing a digital platform where the Ombudsman and CSOs could share knowledge and good practices on how to engage with certain groups. According to him, this constitutes an indirect means through which to bridge the justice gap.

Ms. Maaïke de Langen, Program Lead on Justice for All at Pathfinders for Peaceful, Just and Inclusive Societies, noted that Ombuds Institutions play a key role in promoting "people-centered justice". She also noted that in order to expand access to justice, Ombuds Institutions must provide services free-of-charge. Reflecting on the

¹ Task Force on Justice, Justice for All – Final Report.
Available at <https://www.justice.sdg16.plus/>

previous comments of Ms. Crespo, Ms. de Langen mentioned that there is a connection between individuals' complaints and structural issues present in a country, noting that Ombuds Institutions are important in so far as they are able to predict and identify wider structural inequalities through their complaints' mechanism.

Advancing Sustainable Development Goal 16

The second part of the working session focused on Ombuds Institution's contributions to the 2030 Agenda. Hon. Kajuju, Ms. Crespo, and Mr. Sjouke mentioned how their work contributes to realizing many of the goals contained in the 2030 Agenda. For example, Ms. Crespo noted that her Office has sought to connect their work with other SDGs, including by aligning their annual report with the SDGs. Accordingly, she noted that her Office's work directly advances progress towards at least 15 of the 17 SDGs. Mr. Sjouke also noted that the work of the Dutch Ombudsman directly contributes to several SDGs. For example, he mentioned how the office is implementing a project on the transparency and accountability of complaint mechanisms, directly related to SDG 16.6 on developing effective, accountable, and transparent institutions. Furthermore, Hon. Kajuju emphasized that all Ombuds Institutions play a part in promoting SDG 16 because they work across all indicators.

Though measuring the contributions of Ombuds Institutions to the SDGs may be challenging, speakers pointed out how Ombuds Institutions play a crucial role in preventing conflict and, as a result, in sustaining peace. Ms. Crespo characterized her office as a societal , acting to detect grievances and provide redress in an efficient and non-bureaucratic manner, thus setting it aside from other state institutions. As Ms. de Langen pointed out, despite there being differences in the mandates of Ombuds Institutions, they all share a commitment to address grievances, with the aim being to prevent such grievances from escalating into civil unrest or violent conflict. She also highlighted that court procedures can potentially drive conflict instead of resolving it. As independent institutions, Ombuds Institutions can promote a less combative approach to resolving disputes, often by paying more attention to the particular context, situation, and concerns of the individual(s) in question.

Further, Hon. Kajuju reiterated the idea of Ombuds Institutions as enablers of SDG 16, in particular by ensuring that 'no one is left behind' in the pursuit of justice. For instance, she spoke about how in Kenya, the Ombuds Office works to protect the rights of inmates by ensuring that the staff of penitentiary institutions perform their duties in a human rights-compliant manner and that prisoners are able to attend court hearings. Guaranteeing that inmates can attend hearings is fundamental to promoting the rule of law and ensuring equal access to justice. In addition, the mandate of Ombuds Institutions is directly related to SDG indicator 16.3.3, concerned with the proportion of the population who have experienced a dispute in the past two years and who accessed a formal or informal dispute resolution mechanism.

"Ombuds Institutions are usually a thermometer of what is going on in the country before the government actually knows what is going on" – Catalina Crespo Sancho, Head of the National Human Rights Institution of Costa Rica

Finally, speakers also reflected on how the Covid-19 pandemic has influenced the work of Ombuds Institutions. They noted that the pandemic, and associated limits on the freedom of movement, challenged the ability of citizens to access their services. In response to this, many focused on expanding their services through digitalization. Speakers also noted an increase in complaints relating to government's provision of health and educational services during the pandemic, emphasizing the importance of Ombuds Institutions during public health emergencies.

Further Resources

- DCAF (2021). *Sustainable Development Goal 16: The importance of good security sector governance for the achievement of the 2030 Agenda. SSR Backgrounder Series. Geneva: DCAF – Geneva Centre for Security Sector Governance.*
- Maaïke de Langen. "Eight Ways Ombuds Institutes Can Contribute to the SDGs." Available at: <https://sdg.iisd.org/commentary/guest-articles/eight-ways-ombuds-institutes-can-contribute-to-the-sdgs/>.
- *La Defensoria de los Habitantes (2022). Informe Annual de Labores 2021-2022. Available at: if_2020_2021.pdf (dhr.go.cr)*