Ombuds Institutions, SDG 16, and Security Sector Governance: Towards Peaceful, Just, and Inclusive Societies in Sub-Saharan Africa

Oslo, 5-6 October 2022

Workshop Report

About this Workshop

Within the framework of the SDG 16 project, DCAF hosted the workshop "Ombuds Institutions, SDG 16, and Security Sector Governance: Towards Peaceful, Just, and Inclusive Societies in Sub-Saharan Africa" on 5-6 October 2022, in Oslo, Norway. The workshop gathered National Human Rights Institutions (NHRIs), Ombuds Institutions (OIs), Parliamentary Commissioners and Human Rights Defenders from The Gambia, Kenya, Niger, Senegal, and Togo to discuss how to align their work with SDG 16 and contribute to achieving the 2030 Agenda. The workshop was held in Oslo as it followed the annual International Conference of Ombuds Institutions for the Armed Forces (ICOAF). DCAF is grateful to Maaike de Langen, Fellow at NYU's Center on International Cooperation and one of the workshop facilitators, for her article on the workshop, 'African Ombuds Institutes Working for Peace, Security, and Development', published on the SDG Knowledge Hub and on which this report partially relies.

About DCAF's Project on SDG 16

This event took place as part of DCAF's SDG 16 project, which aims to position Security Sector Governance/Reform (SSG/R) as a policy tool at the national and international levels for the realization of SDG 16 on peaceful, just, and inclusive societies. The project focuses on three oversight actors, namely parliaments, civil society actors and ombuds institutions. It develops SDG 16-specific guidance that supports states in the implementation of the work of SSG/R in the context of the 2030 Agenda. This project is funded by the Ministry of Foreign Affairs of the Netherlands. More information can be found at: www.dcaf.ch/SDG16.

Workshop Overview

Within the framework of the project 'Linking Good Security Sector Governance and SDG 16', DCAF hosted in Oslo, Norway, on 5-6 October 2022, the workshop 'Ombuds Institutions, SDG 16, and Security Sector Governance: Towards Peaceful, Just, and Inclusive societies in Sub-Saharan Africa'. With representatives from independent oversight actors — including National Human Rights Institutions (NHRIs), Ombuds Institutions (OIs), Parliamentary Commissioners and Human Rights Defenders — from The Gambia, Kenya, Niger, Senegal, and Togo in attendance, the workshop examined how SDG 16 can provide a framework to oversee the security sector and ensure that security actors operate in accordance with the rule of law and with respect for human rights.

For the purposes of this report ombuds institutions are understood as any statutory institution mandated to oversee public administration and/or protect human rights. These independent oversight actors are legally mandated to receive individual complaints and investigate matters pertaining to human rights abuses and maladministration by government institutions, including security sector actors. By holding security sector actors accountable, they contribute to ensuring that they operate in accordance with the rule of law and with respect for human rights — important conditions for preventing, managing and resolving conflict and by extension, for fostering an environment conducive to sustainable development. As such, ombuds institutions can be understood as a key component of the institutional architecture necessary to achieve peaceful, just and inclusive societies as envisioned by SDG 16 and the 2030 Agenda.

The workshop had three main objectives:

▪ to provide ombuds institutions with a better understanding of the links between security sector governance/reform, the activities of ombuds institutions, and SDG 16;
▪ to provide ombuds institutions with guidance on the strategies and approaches that they can use to contribute towards achieving SDG16; and
▪ to support ombuds institutions to map entry points to align their work with the 2030 Agenda, and SDG16 in particular.

DCAF staff together with Maaike de Langen, Fellow at NYU's Center on International Cooperation, Dr. Luka Glušac, Assistant Director and Research Fellow at the Institute for Philosophy and Social Theory,

University of Belgrade, and Florence Kajuju, Chairperson of the Kenyan Commission on Administrative Justice and Secretary General of the African Ombudsman and Mediators Association (AOMA), facilitated the workshop.

Overall, the workshop underscored that ombuds institutions in Sub-Saharan Africa can play a key role in addressing the transnational threats to peace and stability that the region currently faces. By providing access to justice through investigations, mediating between the state and society, and monitoring human rights abuses, ombuds institutions act as societal "thermometers" through detecting and addressing grievances before they escalate into conflict. In the words of the President of the 72nd session of the UN General Assembly, H.E. Miroslav Lajčák, given the ability of security actors to "bring societies back from the brink of conflict – or push them over the edge", it is crucial that ombuds institutions apply their oversight functions to the security sector. In the view of DCAF, only when security actors respect human rights, the rule of law, and gender equality, can the conditions for sustainable development be realized. It is for these reasons that the continuation of support for ombuds institutions across Sub-Saharan Africa is crucial for achieving the aspirations of SDG 16.

Methodology

To implement the workshop, DCAF staff designed a methodology that integrated research into practice; used an interactive approach and learn-by-doing exercises to assist participants to apply the SDG framework to their policy work; and monitored and evaluated the workshop to identify entry points for future programming at the policy level, as well as to ensure effective knowledge transfer.

Following the principle of participative knowledge generation — meaning that knowledge generation was framed as a collective effort, anchored in local realities, experiences and perspectives — the two-day workshop sensitized participants to SDG16, the strategies they could use to contribute to its realization and supported the identification of concrete entry-points for future programming. Overall, the workshop aimed to achieve these objectives by striking a balance between conceptual presentations and interactive exercises and exchanges.

SDG 16 Targets

TARGET 16·1	TARGET 16·2	TARGET 16·3	TARGET 16·4	TARGET 16·5	TARGET 16·6
REDUCE VIOLENCE EVERYWHERE	PROTECT CHILDREN FROM ABUSE, EXPLOITATION, TRAFFICKING AND VIOLENCE	PROMOTE THE RULE OF LAW AND ENSURE EQUAL ACCESS TO JUSTICE	COMBAT ORGANIZED CRIME AND ILLICIT FINANCIAL AND ARMS FLOWS	SUBSTANTIALLY REDUCE CORRUPTION AND BRIBERY	DEVELOP EFFECTIVE, ACCOUNTABLE AND TRANSPARENT INSTITUTIONS

TARGET 16·7	TARGET 16·8	TARGET 16·9	TARGET 16·10	TARGET 16·A	TARGET 16·B
ENSURE RESPONSIVE, INCLUSIVE AND REPRESENTATIVE DECISION-MAKING	STRENGHTEN THE PARTICIPATION IN GLOBAL GOVERNANCE	PROVIDE UNIVERSAL LEGAL IDENTITY	ENSURE PUBLIC ACCESS TO INFORMATION AND PROTECT FUNDAMENTAL FREEDOMS	STRENGTHEN NATIONAL INSTITUTIONS TO PREVENT VIOLENCE AND COMBAT TERRORISM AND CRIME	PROMOTE AND ENFORCE NON-DISCRIMINATORY LAWS AND POLICIES

SDG 16 Good Practices in Sub-Saharan Africa

This section captures good practices presented by participating ombuds institutions during the workshop. These practices fall within the scope of SDG 16, and directly concern efforts to improve security sector governance.

Depending on the mandate of ombuds institutions, they may perform one or more of the following functions: investigation, monitoring and advising, and mediation. Through these functions, ombuds institutions offer a bridge between society and the state as well as a means to ensure social inclusion. In doing so, they act as a catalyst for SDG 16 through providing access to justice and holding security actors accountable. Given their unique role and position – sometimes referred to as the 'fourth branch of government' – ombuds institutions can also act as an 'early warning system' by identifying societal tensions concerning maladministration or socio-economic grievances, for example. Thus, they are also a key mechanism to help prevent conflict, to stabilise situations in post-conflict settings and to create an environment conducive to sustainable development. Most ombuds institutions already perform these functions and thus work across the scope of SDG 16. However, many gaps still exist, as do corresponding opportunities to widen the

breadth and reach of their work in pursuit of a fairer, safer, and more just world for all.

Investigation: Complaints handling and own-motion investigation

The first function concerns the authority of ombuds institutions to receive and handle individual complaints and investigate through own-motion investigations all matters pertaining to human rights abuses and maladministration by government institutions, including security sector actors.

The *Médiateur de la République* in **Niger** has a general mandate to handle complaints on maladministration within the public sector, including the security sector. Through this function, the *Médiateur* has worked to prevent abuses by security sector actors which include insults, bullying, threats, extortion, sexual abuse, harassment, or physical assault. The ombudsman published a guide on complaints mechanisms and remedies that lays out in detail who can complain, where, and how, concerning alleged cases of abuses or misconduct at the hands of the police, gendarmery, national guard, or the armed forces. The guide, developed with support from DCAF, is a concrete

step to increase access to justice (SDG target 16.3) and contribute to the development of effective and accountable institutions (SDG target 16.6). By addressing and preventing instances of mistreatment, the Médiateur also plays a crucial role in the fight against violent extremism (SDG target 16.1 and 16.A), since research shows that complaints against state security actors are often a tipping point for joining violent extremist groups. In addition, in order to respond to and prevent further complaints, the office of the *Médiateur* conducted awareness raising campaigns on public access to information (SDG target 16.10) and gender-based violence (SDG target 16.1) while working to enhance its presence both online through a website and in remote areas through the deployment of regional delegations. These initiatives go some way to realizing the aspirations of SDG target 16.3 on "leaving no one behind" in the pursuit of access to justice.

In **Kenya**, the **Commission on Administrative Justice (CAJ)** has a general mandate to tackle maladministration in the public sector and oversee and enforce the implementation of the Access to Information Act (2016). Through an own-motion investigation, it unveiled the plight of Kenyan migrant domestic workers in Saudi Arabia who experienced physical and sexual abuses or died in unexplained circumstances and who, despite protections afforded by international and regional human rights treaties and the Kenyan constitution and national laws, were unable to receive redress and remedy. CAJ published a report on the issue and recommended better coordination among the many actors involved, as well as practical measures, such as increasing capacity for the labour attachés in Saudi Arabia and the establishment of safe houses for Kenyans in order to promote decent work and safe and secure working environments, including for migrant workers, which falls under the scope of SDG 8. Preventing physical and sexual abuse directly contributes to the reduction of all forms of violence everywhere (SDG target 16.1) and, depending on the gender, to SDG target 5.2 on ending all violence against and exploitation of women and girls. In addition, CAJ strengthened its complaints handling function through digital platform and toll-free phone numbers as well as by establishing local committees and contact persons or ombuds officers within regional governments to build the capacity of the ombuds institution to respond at the local level. Finally, CAJ improved its ability to respond to the needs of the most vulnerable by setting up thematic committees within the institution to focus on target groups such as people with disabilities, women, refugees and IDPs.

The *Médiateur de la République* in **Senegal** has a general mandate to handle complaints on maladministration within the public sector and to oversee the security sector. Reforming public administration based on the equity principle is the core mission of the *Médiateur*; in so doing contributing to closing the global justice gap. To do so, the institution has enhanced its ability to handle complaints across the country and particularly in remote areas.

The **National Human Rights Commission (NHRC)** in **The Gambia** is a national human rights institution with a general mandate to protect human rights and handle complaints over maladministration within the public sector, included the security sector. The Commission deploys a team around the country to listen to people's concerns and render advice in Mobile Legal Aid Clinics; in so doing widening access to justice and thus directly contributing to SDG target 16.3. The problems people bring forward generally relate to access to education and healthcare facilities, especially for pregnant and breastfeeding mothers; to farmlands and clean drinking water, as well as issues relating to police bail and cattle theft and problems obtaining identity documents. Supporting persons to resolve such problems directly contributes to SDG target 16.9 on legal identity and SDG target 16.3 on providing access to justice for all. In addition, by allowing persons to submit complaints online and at walk in-sessions, they help increase trust in the institution and make it more effective, thereby contributing to SDG target 16.6.

The *Médiateur de la Republique* in **Togo** has a general mandate to handle complaints on maladministration within the public sector, although this does not extend to the security sector. In 2018, a presidential initiative led to the creation of *Maisons de Justice*, or houses of justice, meant to provide people with simple, fast, and free justice services; in so doing "localising" the institution of the *Médiateur*. With 17 houses of justice operational throughout the country, the everyday justice problems they deal with include: tensions between neighbours, unpaid rent or debts, financial disputes within local communities, and issues related to civil registry, divorce and inheritance. The Togolese ombuds institution, by receiving the annual reports of all houses of justice, brings together valuable information about the most common justice problems facing citizens, recurring issues of maladministration, and bottlenecks in the country's legislative and regulatory systems.

Learning from individual cases that occur throughout the country, the ombuds institution provides recommendations on structural improvements with a view to increasing access to justice (SDG target 16.3) and helping to develop effective and accountable institutions (SDG target 16.6).

Monitoring and advising

The second function of ombuds institutions concerns the monitoring of human rights and compliance of existing laws or draft laws with international standards. Ombuds institutions may, for example, recommend amendments and conduct education and awareness-raising activities under this function.

For instance, the *Médiateur de la République* in **Togo** makes recommendations to the Ministry of Justice for structural improvements of laws related to land property rights. The institution also contributes to the Universal Periodic Reviews, the process through which all UN Member States may review their human rights records.

The **NHRC** in **The Gambia** developed Guidelines on Policing Public Assemblies to prevent violence at the hands of law enforcement during demonstrations and protests. This code of conduct for law enforcement helps ensure respect for human rights, protect public order, peace, and security, and enhance law enforcement practices in line with international standards. This helps protect civic space and improves security sector governance, thereby contributing to SDG target 16.1 on the reduction of all forms of violence everywhere, and SDG target 16.10 on protection of fundamental freedoms. The NHRC also conducted a study on sexual harassment in the workplace, the outcome of which directly contributes to eliminating violence everywhere (SDG target 16.1). This study, the first of its kind in the country, focused on the forms, prevalence, effects, and factors driving sexual harassment in both public and private workplaces, including in NGO settings. It presented key findings and recommendations on how to effectively address and eliminate the phenomenon. Subsequently, a Sexual Harassment in the Workplace Policy was developed to provide an additional instrument for reducing sexual harassment in the workplace. Awareness raising workshops have been conducted following the study, and institutions have committed to adopting the Sexual Harassment in the Workplace Policy. For example, the Bankers Association of The

Gambia intends to adopt the policy in 2022, while two other Banks are reviewing the policy with a view to adopting it. In addition, the NHRC in the Gambia has worked extensively on oversight of detention centres and residential homes for children, including through unannounced visits, in order to monitor the state of facilities as well as the respect of inmates' and children's rights.

Mediation

The last function relates to the role of ombuds institutions as mediating bodies between individuals, communities and the state and society. This function takes on renewed importance in fragile contexts, where addressing local grievances is key to preventing the onset or reoccurrence of conflict.

The *Médiateur de la République* in **Niger** performs this function with the aim of addressing socio-economic tensions, as well as those between security forces and local communities, through dialogue platforms; thereby directly contributing to multiple targets under SDG 16 (e.g. 16.1, 16.3, 16.7 and 16.A). The *Médiateur de la République* in **Senegal** has also worked on inter-community dialogue through platforms that bring together civil society, traditional mediators and other actors working on conflict prevention at the local level; and, in doing so, contribute to SDG target 16.1, 16.3, 16.7 and 16.A. In **Togo,** the *Médiateur* performs mediation across the region by virtue of its membership in the Association of the Mediators of Country Members of the West African Economic and Monetary Union.

Conclusion

The workshop underscored that threats to peace and stability in Sub-Saharan Africa are often of a transnational nature – from transitional terrorist networks, to organized crime, to the food crisis stemming from a breakdown in global supply chains. Development assistance must take this reality into account. Together, these threats continue to challenge the global order, and risk compromising the aspirations of the 2030 Agenda for a fair, more peaceful and just world for all.

Within this context, ombuds institutions have a key role to play in monitoring human rights abuses, mediating between the state and society and within local communities, and in providing access to justice through complaints handling. Through fulfilling these functions, ombuds institutions can be characterised as societal "thermometers", able to detect and address grievances – whether

through the provision of legal aid or through recommendations for corrective policy action – and thus prevent the onset or reoccurrence of conflict. It is crucial that ombuds institutions apply their oversight functions to the security sector. In doing so, they can ensure that security is provided and managed in accordance with the rule of law, gender equality and with respect for human rights. Only when security actors behave in such a manner can the conditions for sustainable development be created. It is for these reasons that the continuation of support for ombuds institutions across Sub-Saharan Africa is, in the view of DCAF, crucial for achieving the aspirations of SDG 16.

Further resources

DCAF (Forthcoming). Geneva Peace Week 2022. National Human Rights Institutions in Conflict-Affected and Fragile Settings: Examining Their Contribution to SDG 16 and the Sustaining Peace Agenda. Event Report.

DCAF (2022). World Justice Forum 2022: Ombuds Institutions' Role in Contributing to Access to Justice and SDG 16. Event Report. Geneva: DCAF – Geneva Centre for Security Sector Governance. Available at: https://www.dcaf.ch/sites/default/files/publications/documents/2022WJF_EventReport_Sept2022.pdf.

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. Available at: https://www.dcaf.ch/sustainable-development-goal-16.

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