

EXPERIENCES OF NATIONS

A JOURNAL OF THE WORLD ANTI-CORRUPTION INITIATIVES AND INNOVATION

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The Fourth General Assembly of the OICOA
A Step Towards a New Strategy for Achieving Comprehensive Accountability
Just Governance and Islamic Ummah Convergence



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IN THE NAME OF GOD EXPERIENCES OF NATIONS

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- Editor-in-Chief: Dr. Mohammad Amin Keykhai Farzaneh
- Assistant Editor-in-Chief: Dr. Arash Farhoodi
- Contributors to this issue: Dr. Mohammad Reza Mohammadi Kashkouli, Dr. Farshad Bashirzadegan, Dr. Ali Seyfzadeh, Dr. Arash Farhoodi, Mr. Mahmoud Mahdavi Far, Dr. Sajede Moqaddami, Dr. Fatemeh Zahra Seyed Bahri, Dr. Saeed Barkhordari, Mr. Alireza Keshavarz zadeh, Dr. Reza Mohammadpour, Mr. Mohammad Taqi Avand
- Cover Design and Layout: Mr. Ali Sarbannezhad

Publication Office Contact Information:

- Address: Taleqani Street, at the intersection with Shahid qarani Street, General Inspection Organization of I.R.Iran, Integrity and Anti-Corruption Training and Research Center, Tehran, Iran
- Email: bazrasi.research@136.ir

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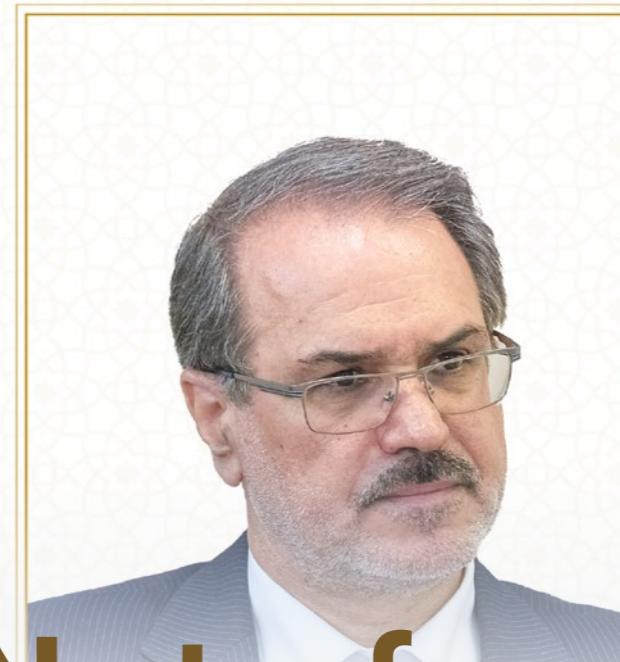
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Note from Dr. Khodaeian

Honorable Chairman of the Fourth General Assembly of the Organization of Islamic Cooperation Ombudsman Association

In nowadays world, just and effective governance requires informed, scientific, and at the same time institutionalized and structured cooperation among policymakers, academic institutions, and the intellectual elite of society. This is a key feature that can create a strong bond between academic bodies and policy-making institutions.

The Ombudsman is an institution established to facilitate citizens' access to administrative justice and to reduce the gap between the government and the people. Therefore, the distinguished characteristic of its scientific achievements should be the emphasis on and presentation of best practices and innovations in handling complaints through informal and flexible methods. Drawing upon international experiences-while taking into account specific geographic and subject-matter jurisdictions-and sharing scholarly outputs alongside ombudsman activities and duties can serve as a complementary and supportive tool.

On the one hand, the growing advancement and expanding jurisdiction of Om-

budsman institutions necessitate the presentation of research findings, scientific studies, and the sharing of ideas and experiences. On the other hand, the Ombudsman's role in promoting social peace, strengthening interactions among governments and societies, and addressing the diversity and complexity of misconduct and complaints handling underscores the need for academic and research collaboration in this field. The theme of this conference, "Ombudsman: Comprehensive Accountability, Just Governance, Convergence of Islamic Ummah," -can be realized through this very approach.

It is hoped that the outcomes and achievements of the Fourth General Assembly of the Ombudsman Institutions of OIC Member States, hosted by the General Inspection Organization of the Islamic Republic of Iran, will be of benefit to policymakers, researchers, and ombudsman administrators, and will lay the groundwork for enhanced efficiency and the exchange of experiences among these institutions in Islamic societies.



Editor's Note

❖ The Fourth Conference of the Organization of Islamic Ombudsman Association will be held on May 13 and 14, 2025 (Ordibehesht 23 and 24, 1404). This important meeting, hosted in Tehran, provides an opportunity for consultation among supervisory and ombudsman institutions of the Islamic world toward the realization of "Comprehensive Accountability, Just Governance; Convergence of the Islamic Ummah." The official Theme of Assembly reflects the aspiration to enhance comprehensive accountability and justice in governance along with unity and solidarity among the Islamic Ummah. The importance of this year's conference is amplified in light of recent developments; on one hand, the United Nations General Assembly unanimously adopted a resolution last December supporting the role of ombudsman and mediator institutions in promoting human rights,

good governance, and the rule of law. This historic resolution emphasizes the vital role of ombudsmen in achieving the United Nations Sustainable Development Goals (especially Goal 16; building effective, accountable, and inclusive institutions) and recognizes their significant contribution to the promotion of human rights and the rule of law. On the other hand, the Islamic world continues to face clear instances of human rights violations; the crimes of the Zionist regime in Gaza and its aggressions against Lebanon - which have resulted in the mass killing of civilians - are prominent examples that have sparked widespread global and Islamic condemnation. In such a context, the upcoming conference can take a practical step toward achieving comprehensive accountability and justice in governance by leveraging international support and intra-Ummah convergence.

The Role of Ombudsmen in Just Governance

Ombudsmen, as independent supervisory institutions, play a key role in ensuring rule-based governance and protecting citizens' rights. The main duty of an ombudsman is to address people's complaints regarding unfair and unlawful decisions or actions by governmental and public institutions. In this way, the ombudsman conveys the voice of the aggrieved to the authorities and, through mediation mechanisms, facilitates the elimination of injustice and the correction of flawed procedures. This mission is not foreign to Islamic culture; the institution of "Hisbah" and the position of "Muhtasib" in the history of Islamic governance are early examples of this kind of public oversight over rulers for the promotion of good and prevention of wrongdoing. The Organization of Islamic Cooperation Ombudsman Association (OICOA) has also been established based on this valuable heritage, with a mission to safeguard human rights and human dignity, promote good governance, and strengthen public trust across the Islamic world. As stated in the declarations of previous conferences, enhancing cooperation among member institutions to collectively confront human rights violations and phenomena such as Islamophobia is one of the priorities of this organization. In this regard, Islamic ombudsmen seek to exchange experiences and specialized knowledge in order to establish effective complaint-handling mechanisms in their countries, identify systemic issues, and thereby contribute to improving the management of public affairs. The active participation of many Islamic countries in the 2023 Ankara International Ombudsman Conference under the title "The Future of Human Rights in the 21st

Century" demonstrated that these institutions have a serious commitment to constructive engagement in the global human rights arena. In light of such efforts, ombudsmen embody "comprehensive accountability" because they include all segments of society and provide open access to grievance mechanisms, thereby enabling public participation in overseeing governance. They also reinforce the foundations of just governance by emphasizing impartial enforcement of the law for all-regardless of status or power.

Challenges Ahead and the Necessity of Islamic Convergence

Despite the valuable achievements of ombudsmen, numerous challenges lie ahead for these institutions in Islamic countries. First, ensuring the independence and impartiality of ombudsmen from political interference and reinforcing their legal standing within governance structures is an ongoing necessity. In some countries, the lack of sufficient legal support or limited jurisdiction hinders the effective performance of ombudsmen. The recent UN General Assembly resolution also expressed concern over the pressures and threats that ombudsmen face-particularly in situations of internal conflict and war, systemic discrimination, or even global crises such as climate change-and called on governments to avoid weakening or dissolving these institutions so that people's right to access justice and accountable administration remains intact. Second, the existing gaps in performance standards and institutional capacity of ombudsmen across Islamic countries must be bridged through closer cooperation. The synergy of the Islamic Ummah, through mechanisms

such as the Organization of Islamic Cooperation Ombudsman Association, requires members to engage in continuous experience sharing, joint training, and professional development so that all countries can benefit from effective oversight institutions. Moreover, it is essential to establish coordinated mechanisms for following up on the implementation of ombudsmen's recommendations and decisions at the national level in order to increase their impact; because merely addressing complaints and issuing advisories is not sufficient-practical enforcement guarantees must be strengthened.

Among the other significant challenges is the critical state of human rights in regions affected by war and occupation. Today, oppressed Palestine is witnessing gross human rights violations by the occupying Zionist forces, and the atrocities in Gaza have shaken the conscience of the world. In Lebanon as well, the repeated aggressions of the Zionist regime threaten regional peace and stability. These cases present a serious test for institutions defending human rights, including the ombudsmen of Islamic countries, to use international platforms to be the powerful voice of the Islamic Ummah in demanding justice and accountability. Fortunately, there have been notable responses in this regard; for example, the Turkish Ombudsman took a remarkable initiative by preparing and publishing a documented report on war crimes and acts of genocide committed in Gaza, in an effort to pursue legal action in international forums. Solidarity and support from other Islamic ombudsmen for such initiatives could be an effective step toward achieving justice for the oppressed nations of Palestine and Lebanon.

In addition, the insidious phenomenon of Islamophobia continues on an international scale, and many Muslims around the world face discrimination and hate speech. Ombudsmen can monitor cases of violations against Muslims and provide documented reports, thereby pressuring relevant governments and global institutions to be held ac-

countable. In this way, convergence within the Islamic Ummah, in the form of a united front of oversight and human rights institutions, can become a powerful force in defending the dignity and rights of Muslims worldwide.

"Comprehensive accountability, just governance; convergence of the Islamic Ummah" is not merely a slogan, but a roadmap toward a brighter future in Islamic societies. Realizing this lofty goal requires that ombudsman institutions, as guarantors of justice, be further strengthened and supported. The Fourth Conference of the Organization of Islamic Cooperation Ombudsman Association is a valuable opportunity not only to review past achievements but also to adopt practical commitments to face the challenges ahead. While joint deliberations and declarations are important, they are not sufficient; a mechanism must be established to follow up on the implementation of the decisions and recommendations of these conferences in each member country, and close cooperation must be established with international organizations such as the United Nations and global ombudsman associations.

The unity and convergence of the Islamic Ummah in the field of ombudsmanship sends the message that Muslim nations stand united in their commitment to justice and human dignity. It is hoped that the outcomes of the fourth conference will be a practical step toward creating a coherent system of oversight institutions in the Islamic world-one that, based on Islamic principles and international standards, lays the groundwork for just and democratic governance across all Islamic countries. Without a doubt, strengthening the culture of accountability and transparency within the Islamic Ummah not only enhances social capital and public trust, but also amplifies the voice of the Islamic world in defending human rights on the international stage.

Dr. Mohammad Amin Keykhai Farzaneh
Editor-in-Chief of Nations' Experiences Journal



Ombudsman Institutions, Accountability, and Good Governance: Challenges Ahead

*Dr. Mohammadreza Mohammadi Kashkouli

Deputy for Legal Affairs, Public Oversight, and Parliamentary Affairs, General Inspection Organization of Iran & Faculty Member of University

*Dr. Farshad Bashirzadegan

Researcher of Deputy for Legal Affairs, Public Oversight, and Parliamentary Affairs, General Inspection Organization of Iran

Introduction

In today's era, the paradigm of good governance has gained widespread attention as a strategic model for achieving efficient and accountable management in various societies. In this regard, ombudsman institutions, by safeguarding citizens' rights against state power and addressing improper practices and potential misconduct within administrative structures, are seen as fundamental pillars for establishing this type of governance. These institutions, structurally independent, impartial, and apolitical, play a central role in ensuring transparency, ac-

countability, and the promotion of integrity within administrative systems through the investigation of complaints and grievances from the public against government organizations, officials, and public institutions.

The root of the word "ombudsman" goes back to the Swedish language, where its literal meaning is "representative" or "agent." The concept was first established in 1809 in Sweden and was subsequently adopted by other countries as an effective mechanism to oversee government performance and protect citizens' fundamental rights. Furthermore, the foundational principles of good governance-such as transparency, accountability, stakeholder participation, and the rule of law-have created a conducive environment for the activities of ombudsmen. These institutions, by focusing on analyzing citizen complaints and continuous oversight of executive agencies, help strengthen administrative accountability, increase public trust, and improve governance processes. Through analytical reports and expert recommendations, they also play a significant role in identifying and correcting problematic areas.

Despite their unparalleled role in achieving good governance, ombudsman institutions in practice face numerous challenges, such as limited scope of authority, lack of financial resources and specialized human capital, and resistance from bureaucratic structures to independent oversight. Therefore, ensuring the full independence and impartiality of these institutions is of particular importance so that they can effectively carry out their sensitive duties. Overall, ombudsmen, as independent and impartial institutions, are considered a fundamental pillar for establishing accountable and transparent governance systems and, if able to overcome existing barriers, can play a more central role in improving governance and enhancing social capital.

Theoretical Foundations and Conceptual Framework

In contemporary governance systems, the concept of good governance is considered a fundamental pillar that, based on the principles of justice, transparency, citizen participation, and the rule of law, plays a key role in improving government performance and enhancing the quality of public services. Theoretically, new public management approaches and participatory models provide frameworks in which creating an environment of accountability and information transparency is of particular importance.

Accountability in this context refers to the obligation of organizations, officials, and public sector managers to explain and justify their performance and decisions to the public and oversight bodies. This process, which includes publishing transparent reports, responding to criticisms and public feedback, and continuously reforming manage-

ment practices, plays an important role in reducing administrative corruption and increasing the efficiency of the state system.

Among oversight mechanisms, independent institutions such as ombudsmen are recognized as strategic tools for ensuring accountability and enhancing transparency. These institutions, with organizational and legal independence, act as a bridge between the government and society.



Accountability means the obligation of organizations, officials, and public sector managers to explain and justify their performance and decisions to society and oversight bodies.

ty by receiving, investigating, and resolving citizens' complaints and grievances. Organizational theories and modern oversight models emphasize the importance of an efficient structure, appropriate legal powers, and coordinated interaction with other branches of government factors that play a decisive role in analyzing the performance of ombudsmen.

From an analytical perspective, the tripartite model of good governance defines three main pillars:

Executive branch: responsible for implementing government policies and programs; Oversight institutions (including ombudsmen): which help ensure accountability by establishing control and transparency mechanisms;

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Civil society: which plays a key role as a driving force in demanding accountability and monitoring government performance.

Analytical models show that the independent and specialized performance of institutions like ombudsmen can contribute to improving the accountability system through two direct and indirect paths. In the direct path, the provision of reasoned oversight reports and evidence-based policy recommendations; and in the indirect path, raising public awareness of civil rights and strengthening a culture of participation-these institutions have a significant impact.

Ombudsmen and Accountability: Role and Importance

In contemporary governance systems, the concept of good governance is considered a fundamental pillar that, based on the principles of justice, transparency, citizen participation, and the rule of law, plays a key role in improving government performance and enhancing the quality of public services. From a theoretical perspective, modern approaches to public management and participatory models provide frameworks in which creating an environment of accountability and information transparency is of particular importance.

Accountability means the obligation of organizations, officials, and public sector managers to explain and justify their performance and decisions to society and oversight bodies. This process, which includes publishing transparent reports, responding to public criticism and feedback, and continuously reforming management procedures, plays

a significant role in reducing administrative corruption and increasing the efficiency of the governmental system.

Among oversight mechanisms, independent institutions such as ombudsmen are recognized as strategic tools for ensuring accountability and enhancing transparency. These institutions, benefiting from organizational and legal independence, operate as a bridge between the government and society by receiving, examining, and investigating citizens' complaints and grievances. Organizational theories and modern oversight models emphasize the importance of efficient structure, appropriate legal authority, and coordinated interaction with other branches of government factors that play a decisive role in analyzing ombudsman performance.

From an analytical point of view, the tripartite model of good governance defines three main pillars:

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Civil society: which acts as a driving force in demanding accountability and monitoring government performance.

Analytical models show that the independent and professional performance of institutions like ombudsmen can contribute to improving the accountability system through two pathways:

Directly, by presenting reasoned oversight reports and evidence-based policy recommendations; Indirectly, by raising public awareness of civil rights and strengthening a culture of participation, these institutions have a significant impact.

The Role of Ombudsmen in Enhancing Good Governance

In contemporary democracies, achieving good governance has become an unavoidable necessity. In this context, the ombudsman institution is considered one of the most important tools for ensuring transparency, accountability, and a justice-oriented

approach within government organizations. These institutions, through independent oversight and facilitating communication between the government and citizens, employ two types of direct and indirect impact mechanisms aimed at improving the administrative system's performance and reducing structural corruption.

Accountability in the administrative system means requiring the government and public sector managers to provide clear and reasoned explanations about their performance, decisions, and actions to civil society and oversight bodies. Modern governance theories emphasize that accountability requires independent and impartial oversight institutions. These institutions contribute to enhancing transparency and justice in public management by receiving citizen complaints, providing corrective feedback, and publishing analytical reports.

From the perspective of institutional theory, the current structures and processes within governmental institutions play a pivotal role in enhancing accountability. In this context, the independence of ombudsman institutions from the three branches of government, the formulation of comprehensive legal frameworks, and the development of executive and professional capacities are considered essential prerequisites for effective performance.

Ombudsmen act as intermediaries between the government and citizens, investigating public complaints and offering reform recommendations. Their analytical reports provide the basis for reforming administrative procedures, and as a result, they help improve transparency, increase accountability, and reduce administrative corruption. Ombudsmen also identify structural and procedural problems within governmental organizations, enabling timely compensation for damages and increasing public trust in the administrative system.

Oversight and Reform Mechanisms of Ombudsman

One of the most important tools of ombudsman is the public release of analytical reports that identify and expose cases of administrative and financial corruption. This increases public pressure and strengthens the political will for structural reforms. The expert recommendations of these institutions, based on credible evidence and data, can lead to the reform of policies and administrative procedures and pave the way for improved government performance.

Ombudsman institutions also prevent corruption and mismanagement by promoting an organizational culture based on transparency and accountability. Awareness among managers and employees of ongoing oversight by these institutions serves as a deterrent to administrative corruption. In addition, the public information activities of ombudsmen increase citizens' awareness of their rights and responsibilities and encourage active participation in monitoring government performance.

Cooperation between ombudsmen and other oversight bodies, including judicial authorities and human rights organizations, can increase collective pressure for the implementation of structural reforms. Furthermore, the recommendations of these institutions can serve as the basis for drafting new laws or amending existing legislation related to accountability and transparency. Establishing coordination between ombudsmen and other oversight organizations also helps develop a

“ Ultimately, developing transparency and accountability in the administrative system increases public trust in the government and creates opportunities for citizens to actively participate in decision-making and oversight processes. ”



cohesive network to enhance oversight effectiveness.

Moreover, sufficient financial resources, the recruitment of specialized human resources, and the development of operational capacity are essential for the optimal performance of ombudsman institutions. These institutions' activities in exposing administrative mismanagement and providing reform solutions enhance transparency and increase public trust in the government. Additionally, their ongoing reform recommendations help reduce structural corruption and improve the performance of government organizations.

Ultimately, developing transparency and accountability in the administrative system increases public trust in the government and creates opportunities for citizens to actively participate in decision-making and oversight processes. The awareness-raising actions of ombudsmen engage citizens in government oversight processes and help implement structural reforms in the administrative system.

Conclusion

Ombudsman institutions play an essential role in achieving good governance through both direct and indirect mechanisms. Direct mechanisms include systematic handling of citizen complaints, transparent reporting, and offering reform recommendations, while indirect mechanisms focus on promoting an organizational culture of accountability, raising public awareness of civil rights, and expanding oversight networks. These actions contribute

to the continuous improvement and enhancement of the quantitative and qualitative performance of public institutions and agencies.

Despite structural and functional challenges in legal, organizational, and resource-related dimensions, strengthening legal and institutional frameworks, improving executive and professional capacities, and establishing effective coordination among the country's oversight bodies can pave the way for achieving a desirable level of effective governance. Formulating and implementing comprehensive support strategies and targeted investment to empower ombudsman institutions is of strategic importance.

Future research can provide practical and evidence-based solutions for optimizing oversight and accountability systems in governance structures by examining these mechanisms in more detail. This comprehensive review of the ombudsman institutions' mechanisms of influence, while outlining theoretical and practical dimensions, can help identify the challenges and opportunities ahead and serve as a basis for drafting and implementing effective reform strategies to strengthen good governance and increase trust and social capital in society.

Ombudsman institutions, as key tools for institutionalizing and enhancing accountability and achieving good governance, play an unmatched role in safeguarding citizens' rights and dignity, promoting administrative transparency, and effectively monitoring the performance of government branches

and agencies. These institutions, relying on systematic complaint handling, expert mediation in administrative disputes, offering reform recommendations, and efforts to improve administrative efficiency, contribute to enhancing the overall effectiveness of the governance system.

However, in many countries, ombudsman institutions face challenges such as limited operational independence, weak enforceability of recommendations, lack of financial resources and specialized human capital, cultural obstacles and structural resistance, and non-cooperation from some executive bodies. Therefore, to strengthen the position and effectiveness of these institutions in the governance system, it is essential to adopt a problem-oriented approach and comprehensive reform strategies in various dimensions.

In summary, the pivotal role of ombudsman institutions in achieving good governance is evident; however, realizing their full effectiveness requires fundamental structural reforms, strengthening resources, and systematic inter-institutional collaboration with other oversight bodies. With the proper implementation of the proposed recommendations, the oversight capacity of ombudsman institutions can be enhanced, turning them into key players in promoting administrative transparency, advancing justice, and deepening accountability in governance systems.

Strategic Recommendations to Strengthen the Role and Position of Ombudsman Institutions

1. Strengthening Institutional Independence and Enhancing Enforceability of Decisions

Ensuring structural and operational inde-



pendence: Through the drafting and enactment of explicit and comprehensive laws, the full independence of ombudsman institutions from the influence and interference of the three branches—especially the executive—should be ensured so that these institutions can act freely and independently in handling complaints and offering expert recommendations.

Enhancing enforceability of recommendations: Clear legal obligations should be established for executive bodies and public institutions to fully comply with the recommendations and guidance of ombudsman institutions. Furthermore, effective deterrent and punitive mechanisms should be applied against obstruction and non-cooperation by responsible officials.

Institutionalizing parliamentary and judicial oversight: Effective oversight mechanisms should be established by parliament or powerful judicial bodies to continuously assess the performance of ombudsman institutions and ensure timely implementation of their recommendations.

2. Allocation and Enhancement of Financial Resources and Human Capital

Securing stable and sufficient financial resources: Adequate, sustainable, and independent budgets proportionate to the duties of ombudsman institutions should be allocated to enable independent research, recruitment of specialized human capital, and the implementation of oversight and training programs.

Enhancing professional and skill-based capacities of staff: Specialized and practical training programs should be designed and conducted to enhance the legal, managerial, communication, and IT skills of ombudsman staff, thereby improving their performance.

Utilizing modern information technologies: Smart use of new information and communication technologies should be pursued to optimize



strengthening legal and institutional frameworks, improving executive and professional capacities, and establishing effective coordination among the country's oversight bodies can pave the way for achieving a desirable level of effective governance.

complaint management processes, data analysis, and citizen engagement.

3. Expanding Engagement at National and International Levels

Engagement with civil institutions and media: Communication mechanisms should be strengthened with NGOs active in the field of civil rights, mass media, and human rights advocacy groups to increase public awareness and deepen civil society's oversight over government performance.

Expanding international cooperation: By joining global ombudsman networks and exchanging experiences with other countries, national ombudsman institutions can benefit from international standards and successful global models to improve their performance.

Improving transparency and public information: Periodic and annual reports should be regularly and transparently published for the general public to honestly explain complaint-handling processes, the effectiveness of recommendations, and existing challenges.

4. Promoting an Organizational Culture of Accountability and Good Governance

Implementing a comprehensive public education and awareness plan: National-level educational and awareness-raising programs should be designed and executed for citizens and government officials to increase public understanding of legal rights and responsibilities and to institutionalize a culture of accountability and commitment to the principles of good governance.

Reforming the administrative system and reducing bureaucratic obstacles: Evidence-based reform proposals for structural and procedural changes in administrative laws and regulations should be presented to facilitate complaint handling and improve the efficiency of

the accountability system.

Strengthening performance evaluation systems for public institutions: Precise quantitative and qualitative indicators should be developed and applied to periodically assess the performance of public agencies in terms of alignment with good governance principles, and corrective feedback should be provided to relevant bodies.

By implementing these strategies, ombudsman institutions can play a more effective role in enhancing accountability and improving governance.

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Introduction to the Public Supervision and Citizens' Complaints Handling Center of the General Inspection Organization of Iran

1. Legal and Regulatory Foundations for Complaints Handling

The legal basis for handling public complaints in the Public Supervision Center is grounded in Paragraph (a) of Article 11 of the Law Establishing the General Inspection Organization (GIO) of Iran, Articles 11, 12, 13, 14, 54, and 55 of its Executive Bylaw, and Note 1 of Article 25 of the Law on Promoting Administrative Health and Combating Corruption.

2. Organizational Structure

According to the latest organizational chart proposed to the Administrative and Recruitment Affairs Organization, the Public Supervision and Citizens' Complaints Handling Center, based on its duties, obligations, programs, strategies, and new missions, includes 3 deputy positions, 5 department head positions, and a total of 28 organizational posts.

Currently, the center operates with two deputies and three departments (Handling Citizens' Complaints, Citizens' Rights, and NGOs), comprising a total of 19 organizational posts.

3. Mechanisms for Receiving Public Complaints (Channels of Communication)

Channels for the public to submit complaints and corruption reports include: the online platform (136.IR), the 136 hotline (Hatef System), in-person visits, postal mail, email, fax, public meetings, and occasionally via instructions from the Head of the Organization or other competent authorities, as well as reports from inspectors and auditors under Article 12 of the law establishing the organization. All are processed through the 136 system.

4. Complaint Handling Procedures in the Organization (Processes, etc.)

Handling of complaints and corruption reports is conducted daily and continuously through the Complaint and Whistleblower System in four specialized areas: economic, cultural and social, political and judicial, and production and development.

Walk-in complainants are referred to relevant departments based on the subject and agency involved. After a preliminary assessment, the complaints are registered in the system, processed according to predefined procedures, and results are communicated to complainants.

Additionally, complainants and whistleblowers who do not visit in person can register and track their complaints via the designated online systems. A significant number of complaints and reports are also received and reviewed via mail. The 136 system is dedicated to individuals who present their issues via phone and have them recorded.

5. System 136

Pursuant to Articles 11, 14, and 55 of the Regulations for the Implementation of the the Establishing Law of General Inspection Organization of Iran, the electronic Complaint and Corruption Report Handling System (136.IR) was launched online to receive and process complaints. According to Article 2 of the law, this system allows access by users in organizations under the supervision of the GIO. All processes of complaint registration, tracking, and response are carried out electronically through predefined workflows in the system.

6. Interaction with Executive Agencies during the Complaint Handling Process

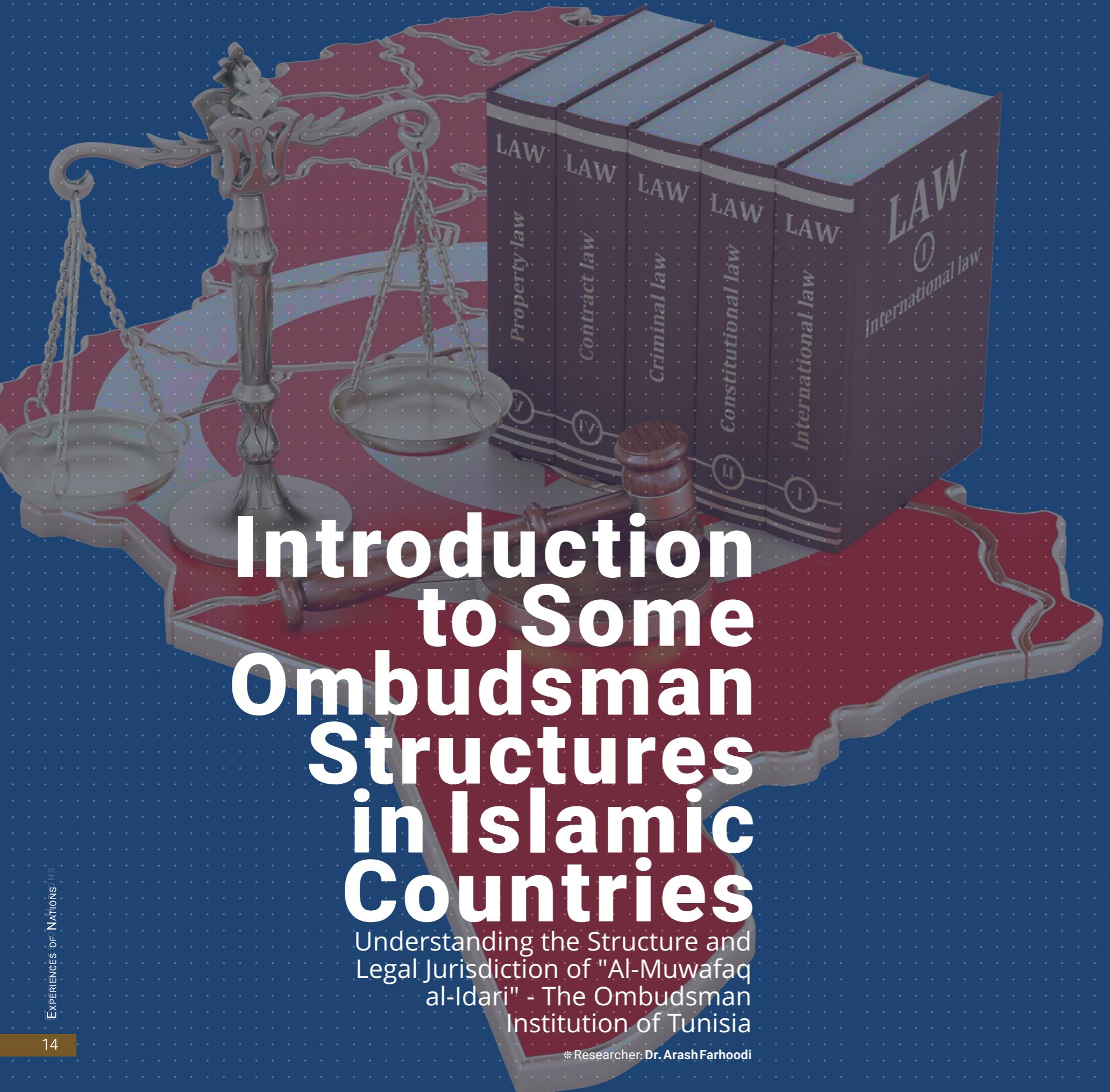
The center interacts with executive agencies under complaint through the following methods:

6.1. System-based Execution - System 136: After expert review, complaints are electronically forwarded to the relevant executive agencies via System 136 and are followed up continuously.

6.2. Phone Communication: Center experts maintain regular phone contact with officials in the executive agencies to follow up on complaints and expedite outcomes.

6.3. Training Courses: The Public Supervision Center conducts training sessions for executive agency personnel as needed to improve the quality of complaint handling system.

6.4. Warning Letters: Warning letters are sent by the center to encourage timely responses to referred complaints within the stipulated deadlines.



Introduction to Some Ombudsman Structures in Islamic Countries

Understanding the Structure and
Legal Jurisdiction of "Al-Muwafaq
al-Idari" - The Ombudsman
Institution of Tunisia

*Researcher: Dr. Arash Farhoodi

❖ "Al-Muwafaq al-Idari," or the "Conciliation Institution," is a governmental body in Tunisia that addresses disputes between citizens and government organizations without requiring referral to the judiciary. This institution acts as a mediator between citizens and administrative bodies to resolve problems or conflicts that arise in their interactions with the state. Its international equivalent is known as the "Administrative Ombudsman."

Accordingly, this institution functions as an observatory for administrative integrity, evaluating the conduct of organizations and assessing the quality and effectiveness of their services through citizen complaints. The structure of "Tawfiq" seeks to establish traditions of civilized interaction between citizens and administration, while also serving as a support mechanism for citizens.

Historical Background

Throughout history, citizen complaints against government departments have been a significant concern for states, which have sought to develop mechanisms and arbitration bodies to prevent the tyranny of officials.

The Islamic society developed various methods for this purpose, the most well-known of which was later referred to as the "Diwan al-Mazalim." The Qadi al-Mazalim (Judge of Grievances) was responsible for handling public complaints against injustices by rulers and executive officials, and special sessions were held to examine such cases. At the time, complaints were submitted in writing, and the Qadi al-Mazalim would investigate abuses by officials, confiscation of property, staff salary shortages, and payment delays.

In the modern world, a similar institution known as the "Ombudsman"

or "People's Defender" was established in Sweden in 1713. Initially, it was called the "King's Ombudsman." Some believe that after the Swedish King Charles XII was hosted by the Ottoman Empire in 1805, Sweden adopted elements of the Ottoman Mazalim system. In 1809, Sweden formally established the "Ombudsman of Justice," tasked with monitoring the implementation of laws and protecting the rights of citizens.

The ombudsman experience was transferred to Northern European countries in the early 20th century and expanded during the 1960s to allied nations, Central and Eastern Europe, Latin America, Francophone Africa, Asia, and the Pacific. These developments took place within the broader framework of administrative reforms, good governance, and the establishment of rule-based and institutionalized states.

Initially, Tawfiq institutions were created at the central level for the public sector, but later, in many countries, they expanded to local and regional levels, and even into the private sector and specific areas such as children's rights, gender equality, the rights of persons with special needs, prisoners' rights, and more.

The main responsibility of the Tawfiq institution is to receive citizen complaints regarding problems and violations of laws in public services. When complaints are found to be factual and legally valid, the "Muwafaq" provides a recommendation to both parties to restore fairness and rectify the situation.

Moreover, the ombudsman is obliged to submit an annual report on their activities to the president, the parliament, or both, and to publish it. To fulfill this duty, the ombudsman must have complete independence and impartiality in carrying out their responsibilities, which requires the formal legal establishment of

the institution in many countries around the world.

In some countries, the mission of the Tawfiq institution specifically focuses on protecting individual rights, as reflected in the names of such institutions like the "National Committee for Individual Rights,"



the ombudsman institution in Tunisia not only plays a role in administrative reform but also serves as a mechanism for protecting human rights and ensuring justice in government. This institution is tasked with addressing citizen complaints in administrative matters related to government agencies, municipalities, public institutions, and other structures responsible for public services.

"Ombudsman for Justice," or "Defender of Civil Rights."

Tunisia has not been an exception to this trend. It established its oversight system through the creation of the "Al-Tawfiq al-Idari" institution in the form of an ombudsman body on December 10, 1992 (Azar 19, 1371), coinciding with the global celebration of Human Rights Day. Subsequently, on May 3, 1993 (Ordibehesht 13, 1372), Law No. 51 was enacted, placing the establishment of this institution within a broader program for administrative modernization and reform. The institution was designed to serve as an ombudsman between administrations and citizens in order to resolve issues that could not be settled through standard administrative procedures.

As a result, the ombudsman institution in Tunisia not only plays a role in administrative reform but also serves as a mechanism for protecting human rights and ensuring justice in government. This institution is tasked with addressing citizen complaints in administrative matters related to government agencies, municipalities, public institutions, and other structures responsible for public services.

To carry out its duties, the Administrative Ombudsman is granted extensive powers and obligates officials and ministers to facilitate its functions. Recommendations necessary for resolving disputes are submitted to the relevant administrative authorities, and if there is no response, the Ombudsman sends a report with proposals to the President.

The complaint process handled by the Ombudsman is simple and free of charge. Citizens can submit their complaints directly by visiting or corresponding with the Tawfiq Institution and remain in contact with it throughout the resolution process.

The Tawfiq Institution is not a newly created body emerging from

modern state systems; rather, it is rooted deeply in history. It is not surprising that many institutions in Islamic governments were formed to uphold justice and eliminate oppression. The "Diwan al-Mazalim" was one such institution, where the "Qadi al-Mazalim" held sessions to review the abuses of rulers against the people, confiscation of property, lack of employee funding, delayed payments, and similar issues.

In Tunisia, however, this institution was formally established under the title "Administrative Ombudsman" by Decree No. 2143 dated December 10, 1992, which defined its goals, responsibilities, and operational methods. The purpose of this institution is to mediate between citizens and administrative bodies to find solutions for unresolved issues through regular administrative means.

It is a public institution with administrative status, legal personality, and financial independence. The institution operates independently and does not follow any directives from public authorities in the execution of its responsibilities. To facilitate its functions, the Ombudsman has been granted broad authority to act on behalf of citizens with government departments, public institutions, and all entities managing public resources.

Services of the Administrative Ombudsman can be requested directly without any formalities or intermediaries, either by visiting its offices or contacting it via mail, fax, or email. The request must be submitted by a natural person with a direct interest, either personally or on behalf of a legal entity. It must clearly identify the parties involved, include supporting documentation, and demonstrate that initial administrative remedies have been exhausted.

The Administrative Ombudsman helps address the consequences of disruptions in the functioning of



Services of the Administrative Ombudsman can be requested directly without any formalities or intermediaries, either by visiting its offices or contacting it via mail, fax, or email.

public services-whether due to improper application of legal texts, administrative silence, or delays in responding to citizens' requests.

The following types of complaints are not handled by the Ombudsman:

- Disputes between private individuals.
- Professional disputes between public administrative bodies and their staff. This exception is lifted only if the individual has been dismissed or if a court ruling has been issued in their favor.
- Cases currently under judicial review, where the Administrative Ombudsman cannot intervene or re-examine issued rulings.

However, the Ombudsman Inspector may still submit recommendations to the relevant administrative authorities. If the implementation of a ruling proves impossible, the Ombudsman raises the matter with the relevant body and proposes all feasible solutions to remove the obstacles to execution.

The Administrative Ombudsman also intervenes in matters of equity. The law grants the Ombudsman the authority to express opinions on the consequences of applying legal texts and, if those consequences are found to contradict principles of fairness, recommend their revision, particularly in cases that lead to injustice during implementation. The Administrative Ombuds-

man remains committed to neutrality between disputing parties and never neglects the human dimension of their efforts.

To enable the Inspector to intervene effectively, the law mandates ministers and all administrative authorities to facilitate the Ombudsman's duties and appoint a coordinator from among senior officials under their supervision to handle complaints. This includes authorizing subordinates to respond to inquiries and summonses from the Ombudsman, and allowing oversight bodies within their jurisdictions to carry out investigations and reviews upon request.

The Administrative Ombudsman provides all necessary recommendations for resolving disputes to the relevant party. If a satisfactory resolution is not reached, they may submit special reports to the President of the Republic of Tunisia, accompanied by proposed solutions.

The Ombudsman must also present an annual report to the President of Tunisia detailing the results of their activities, recommended actions for improving administrative operations, and suggested legal and regulatory reforms where deemed necessary.

Al-Muwafiqun and the Ombudsman

Al-Muwafiqun refers to individuals who work in the field of ombudsman-ship and conflict resolution. These individuals act as administrative conciliators or as part of the Tawfiq Institution, with the responsibility of mediating various issues between citizens and government agencies or among citizens themselves.

In the administrative and judicial systems of many countries around the world, al-Muwafiqun play an important role in offering recommendations and mediation solutions to resolve disputes, aiming to ensure justice and fairness in the enforcement of laws and regulations. In many nations, these institutions function as independent and impartial bodies that assist citizens in safeguarding their rights against public and private entities.

Thus, al-Muwafiqun are individuals appointed by governments to car-





The independence and impartiality of the Tawfiq Institution are guarantees of its credibility in the eyes of those who interact with it and serve as safeguards for protecting citizens' rights.

ry out these specific duties and ombudsman-related functions within various institutions, acting in support of administrative, social, and legal reforms.

In general, al-Muwaqqiun and ombudsmen share similar roles and are often used interchangeably. Both serve as mediators or defenders of citizens' rights in their dealings with government agencies, especially in resolving disputes between citizens and public or private sectors.

As a result, although al-Muwaqqiun and ombudsmen often have similar meanings and pursue the same goal-resolving public grievances with government agencies-there may be slight differences in their legal structure and functioning across different countries.

Citizens

The ombudsman is considered a key institution in Tunisia's system for protecting human and civil rights.



The distribution of duties and the plurality of oversight mechanisms allow the ombudsman to play an active role in supporting and defending human rights.

Strengthening Ombudsman Independence

To strengthen the independence of this institution, Law No. 21 of 2002, dated February 14, 2002 (Bahman

25, 1380), formally recognized the impartiality and independence of the ombudsman in carrying out their duties. The law sets a five-year term for the mandate, which can be renewed, and emphasizes that the ombudsman must not receive directives from any public authority while performing their duties.

The independence and impartiality of the Tawfiq Institution are guarantees of its credibility in the eyes of those who interact with it and serve

as safeguards for protecting citizens' rights.

The Ombudsman as a Guardian of the Principle of Fairness

It can be said that the ombudsman institution is a vital and positive instrument within the administrative structure, playing a role in resolving individual complaints submitted by citizens.

The ombudsman helps citizens resist potential violations by authorities and, at the same time, serves public agencies and officials by acting as an additional source of insight into citizens' reactions to administrative decisions and practices.

The ombudsman upholds the principle of fairness and, when necessary, may recommend that laws be revised if it becomes evident that they no longer align with citizens' needs or that their application leads

to outcomes inconsistent with fairness and justice, resulting in individual cases of injustice.

Given that in certain specific cases, the enforcement of laws can be unjust or produce severe consequences, the ombudsman may suggest that public authorities consider principles of fairness, which represent natural and moral justice.

While the ombudsman insists on upholding the rule of law and prioritizing it when addressing submitted complaints-ensuring protection of individuals' rights across social, economic, and cultural dimensions-the literal enforcement of legal texts, applied uniformly and impartially, may in some instances cause harm. These harms can only be remedied by adhering to principles of fairness-principles that, when necessary, delay legal obligations and instead prioritize a right that cannot be overlooked.

Access to Information

In support of fostering a culture of accountability, audit, and open governance-principles that strengthen and establish transparency as guaranteed by the Constitution of Tunisia-the right to access information in the Ombudsman's services is defined under Article 22 of the Constitution, enacted on March 24, 2016 (Farvardin 5, 1395).

This law guarantees the right of every natural or legal person to access information related to the activities of public institutions affiliated with the government. These institutions are obligated to publish such information on their official websites or provide access upon request, even if the data is unpublished-regardless of the date, format, or source-as long as it was produced or acquired by public entities in the course of their duties.

Upon receiving a request, the information is made available. A designated officer for information access is responsible for receiving requests, reviewing them, forwarding them to the relevant institution, monitoring the process, and ensuring a timely response. This officer also serves as the liaison between the relevant institution and the Access to Information Committee.

Relevant Legal Provisions Related to the Tunisian Ombudsman:

- Article 22 of the Constitution (March 24, 2016 / Farvardin 5, 1395): Right of access to information
- Circular No. 19, dated May 18, 2018 (Ordibehesht 28, 1397): On the right to access information

Laws Related to the Administrative Ombudsman:

- Law No. 51, enacted May 3, 1993 (Ordibehesht 13, 1372): Regarding the establishment of the Administrative Ombudsman
- Law No. 16, enacted February 7, 2000 (Bahman 18, 1378): Amendment to Law No. 51
- Law No. 21, enacted February 14, 2002 (Bahman 25, 1380): Further amendment to Law No. 51

Legal Foundations for the Establishment, Structure, and Financial Organization of the Ombudsman:

- Decree No. 2143, dated December 10, 1992 (Azar 19, 1371): Concerning the establishment of the Administrative Ombudsman

- **Decree No. 1126**, dated June 15, 1996 (Khordad 26, 1375): Regarding the duties and structure of the Administrative Ombudsman and its financial and organizational regulations
- **Decree No. 1166**, dated June 9, 1997 (Khordad 19, 1376): Amendment to Decree No. 2143 of 1992
- **Decree No. 884**, dated April 27, 2000 (Ordibehesht 8, 1379): Regulating the powers, working methods, and financial and administrative structure of regional ombudsman offices
- **Decree No. 3221**, dated December 12, 2005 (Azar 21, 1384): Determining the jurisdiction of regional ombudsman representatives
- **Presidential Decree No. 29**, dated March 6, 2012 (Esfand 16, 1390): Concerning the appointment of the Administrative Ombudsman

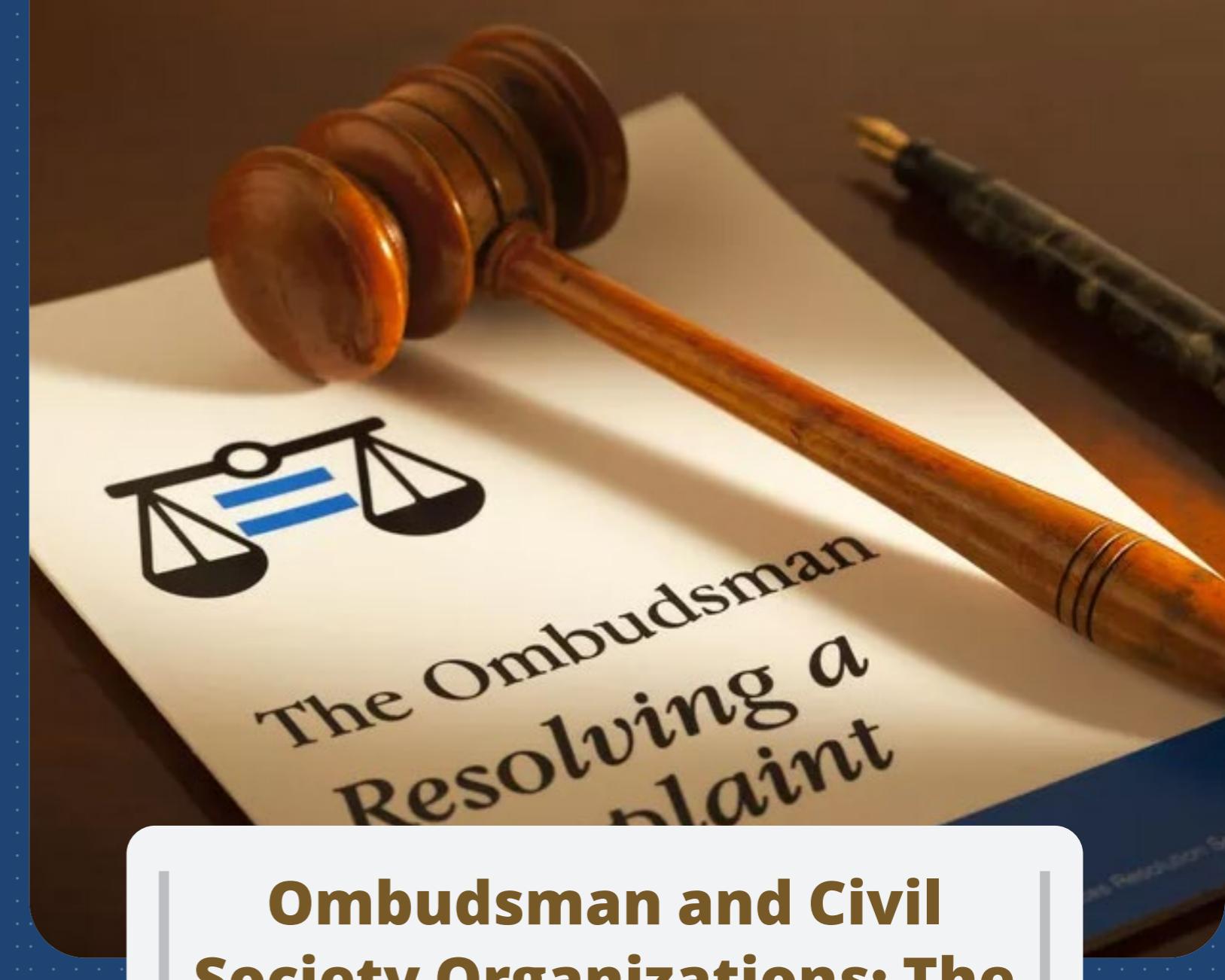
Frequently Asked Questions

- What is the Administrative Ombudsman?
 - The Administrative Ombudsman is a public institution with administrative status, possessing legal personality and financial independence. The ombudsman is appointed for a five-year term, with the possibility of renewal. During their tenure, the ombudsman may not receive instructions from any governmental authority (as amended under Law No. 51 of 1993).
- What is the role of the Administrative Ombudsman?

- The Administrative Ombudsman is tasked with reviewing individual complaints submitted by natural or legal persons regarding administrative matters within the scope of state interests, local public entities, and public institutions. The ombudsman contributes to improving the relationship between citizens and the administration in a fair and balanced manner.
- Who can file a complaint with the Administrative Ombudsman?
 - Any natural person with a direct interest, either in a personal capacity or as a representative of a legal entity, may contact the ombudsman.
- What requests fall outside the jurisdiction of the Administrative Ombudsman?
 - Disputes between private individuals
 - Employment-related disputes between public administrative structures and their employees. (This exception is waived if the employee has been dismissed or if a court ruling in their favor has not been implemented.)
- Cases pending before the courts, in which the ombudsman cannot intervene or re-evaluate the rulings issued.

***Resource:**

- This content has been adapted from the website available at:
- <https://www.mediateur.tn/>



Ombudsman and Civil Society Organizations: The Necessity of Collaboration

* Researcher: Mahmoud Mahdavifar

Introduction

To achieve a justice-oriented society, collaboration between the Ombudsman institution and civil society organizations (CSOs) is essential. This cooperation ensures the protection of citizens' rights and that their voices are heard. By working together, these institutions can address bureaucratic issues, promote transparency, and hold government officials accountable. The importance of this collaboration lies in its potential to enhance the effectiveness of both parties, ultimately leading to a more responsive and fair governance system.

The Ombudsman operates as an independent institution that addresses public complaints against government organizations and officials. Its main role is to ensure the observance of individuals'

rights and the fair and efficient functioning of public administration. Ombudsmen serve as mediators, offering a channel for addressing complaints without the need for legal proceedings.

On the other hand, civil society organizations represent the interests of various societal groups. These organizations work to defend social justice, human rights, and public accountability. They operate at the grassroots level, collecting information on issues affecting citizens and raising awareness of systemic problems. Civil society groups often act as watchdogs, monitoring government actions and advocating for reform.

By combining the investigative powers of the Ombudsman with the grassroots advocacy and local knowledge of civil society organizations, a power-

ful alliance is formed. This partnership enhances the capacity to address complex issues, ensures that marginalized voices are heard, and strengthens a more transparent and accountable system of governance.

The Need for Collaboration

Focusing on common Goals: Transparency and Accountability

The need for collaboration between Ombudsman institutions and civil society organizations stems from their mutual commitment to accountability and transparency. Both entities strive to build a fair and equitable society where civil rights are respected, and government officials are held accountable for their actions.

Ombudsmen investigate and address complaints to ensure public bodies operate fairly and effectively. In parallel, CSOs represent community interests and advocate for social justice and human rights. By working together, they can pool resources and expertise to tackle complex issues, identify systemic problems, and promote good governance.

Effective cooperation allows Ombudsmen and civil society organizations to amplify their impact and ensure that public voices are heard and concerns addressed. This partnership fosters a culture of accountability and transparency, ultimately strengthening public trust in governmental institutions.

Benefits of Collaboration for the Public Interest

Collaboration between the Ombudsman institution and civil society organizations offers multiple advantages for the public interest:

1. **Enhanced Effectiveness:** By combining the investigative

powers of Ombudsmen with the grassroots knowledge and advocacy skills of civil society organizations, the partnership can address issues more comprehensively and effectively. This synergy leads to better outcomes for citizens and stronger protection of their rights.

2. **Increased Awareness:** Civil society organizations can raise public awareness about the work of the Ombudsman and encourage citizens to file complaints. This increased visibility helps ensure



The Parliamentary and Health Service Ombudsman (PHSO) works with civil society organizations to address healthcare complaints.

broader access to the services provided by the Ombudsman.

3. **Better Policy Recommendations:** Collaboration allows both parties to collect and analyze data more effectively, resulting in more informed policy recommendations. These suggestions can help address systemic issues and improve public administration.

4. **Empowerment of Marginalized Communities:** Civil society organizations often work closely with marginalized and vulnerable populations. By partnering with Ombudsmen, they can ensure that the voices of these

communities are heard and their rights protected.

5. **Strengthening Democratic Governance:** Partnerships between Ombudsmen and civil society organizations contribute to a transparent, accountable, and participatory system of governance. This collaboration supports the development of a stronger democracy in which civil rights are upheld and government officials are held accountable.

In conclusion, the need for collaboration between Ombudsman institutions and civil society organizations is clear. Together, they can achieve their shared goals of accountability and transparency, ultimately benefiting the public and strengthening democratic governance.

Examples of Successful Collaborations Around the World

1. **United Kingdom:** The Parliamentary and Health Service Ombudsman (PHSO) works with civil society organizations to address healthcare complaints. Through this collaboration, they have been able to collect comprehensive data on patient experiences, identify systemic issues, and advocate for policy changes to improve the quality of healthcare services.

2. **Kenya:** In Kenya, the Office of the Ombudsman—also known as the Commission on Administrative Justice—collaborates with civil society organizations to promote transparency and accountability in public administration. This partnership has led to successful investigations into corruption and mismanagement, resulting in improved public trust and more efficient government services.

3. **Australia:** The Commonwealth Ombudsman of Australia has

closely worked with various civil society organizations to address immigration-related issues. By leveraging the expertise and insights of these organizations, the Ombudsman has conducted thorough investigations, advocated for detainees' rights, and recommended policy changes to improve conditions in detention facilities.

Lessons Learned from Joint Collaboration

1. Building Trust and Effective Cooperation

Establishing effective collaboration requires mutual trust and open communication between Ombudsman institutions and civil society organizations. Regular dialogue, information sharing, and a shared commitment to common goals can strengthen partnerships and enhance their overall impact.

2. Leveraging Complementary Strengths

Ombudsmen and civil society organizations each bring unique strengths to the table. Ombudsmen possess the authority to investigate and recommend solutions, while civil society groups have grassroots knowledge and advocacy skills. By leveraging these complementary capabilities, the partnership can address issues more holistically.

3. Adapting to Local Contexts

Successful collaborations are often tailored to the specific cultural, legal, and political contexts of the countries involved. Adapting strategies and approaches to fit local realities can improve the effectiveness of joint initiatives and ensure alignment with the communities they aim to serve.

4. Public Participation is Key

Public engagement is essential to the success of joint efforts. Raising awareness about the roles of Ombudsman institutions and civil society organizations, encouraging citizens to file complaints, and involving them in problem-solving processes can enhance the impact of the partnership and reinforce a culture of accountability.

5. Measuring Impact and Outcomes

Measuring the impact and results of collaborative initiatives is crucial for their success and sustainability. Collecting data, analyzing outcomes, and learning from both achievements and challenges can help refine strategies and strengthen future collaborations.

Challenges and Obstacles

Legal and Institutional Barriers

One of the main challenges in strengthening collaboration between the Ombudsman institution and civil society organizations (CSOs) lies in overcoming legal and institutional obstacles. These barriers can vary significantly from one country to another depending on the legal framework, political environment, and administrative structures.

- **Legal Restrictions:** In some jurisdictions, strict regulations may govern the activities of Ombudsman institutions and civil society organizations. These legal constraints can limit their ability to cooperate effectively, share information, or carry out joint actions. Overcoming these challenges requires support for legal reforms that facilitate collaboration and enhance the independence of both entities.

- **Institutional Resistance:** Public institutions may sometimes resist external oversight and collaboration with civil society. This resistance may stem from fear of criticism, lack of understanding about the benefits of cooperation, or deeply entrenched bureaucratic practices. Building a culture of openness and encouraging institutional buy-in are essential to overcoming this resistance.

- **Resource Constraints:** Both Ombudsmen and CSOs often face limited resources, including budget, staffing, and infrastructure. These limitations can hinder their capacity to engage in meaningful collaboration. Identifying and securing funding opportunities, as well as making more efficient use of existing resources, can help mitigate this challenge.

- **Jurisdictional Overlaps:** In some cases, overlaps in the mandates and jurisdictions of Ombudsman institutions and various civil society organizations can lead to confusion, duplication of efforts, or even conflict. Clearly defining roles and responsibilities, along with establishing coordination mechanisms, can help address these issues.

Building Trust and Effective Communication

Trust and effective communication between the Ombudsman and civil society organizations are critical for successful collaboration. These elements form the foundation of a strong partnership and enable both sides to work more efficiently together.

- **Open Dialogue:** Regular and open communication is essential for building trust. Establishing both formal and informal communication channels—such as regular meetings, joint workshops, and shared information platforms—can facilitate dialogue and cooperation.

- **Mutual Understanding:** Both Ombudsmen and CSOs should develop a mutual understanding of each other's roles, responsibilities, and working methods. This understanding can be strengthened through joint training sessions, exchange programs, and collaborative projects.

- **Transparency and Accountability:** Demonstrating transparency and accountability in actions helps Ombudsman institutions and CSOs



Utilizing technology can strengthen collaboration between Ombudsman Institutes and civil society organizations. Online platforms, mobile apps, and data analytics tools can facilitate information sharing, streamline complaint handling, and improve communication.

build trust with each other and with the public. Clear reporting mechanisms, transparent decision-making processes, and regular updates on joint efforts enhance credibility and trust.

• Shared Goals and Objectives: Identifying and working toward common goals and objectives strengthens partnerships between Ombudsmen and CSOs. Collaborative efforts aligned with mutual interests are more likely to succeed and have a meaningful impact.

• Conflict Resolution Mechanisms: Conflicts and disagreements are inevitable in any partnership. Establishing clear conflict resolution mechanisms—such as mediation or arbitration—can help resolve disputes and maintain a positive working relationship. By overcoming legal and institutional obstacles and building trust and communication, Ombudsman institutions and civil society organizations can forge stronger, more effective partnerships. Such collaboration ultimately benefits the public and contributes to a fairer, more transparent system of governance.

Strategies for Joint Collaboration

A. Best Practices for Partnership

1. Define Clear Objectives

Setting clear and achievable goals is essential for effective collaboration. Both Ombudsman institutions and civil society organizations (CSOs) must identify shared objectives and develop a unified vision for their partnership. This alignment ensures that both sides work toward common

outcomes.

2. Formalize Agreements

Creating formal agreements—such as Memoranda of Understanding (MoUs) or partnership contracts—can help outline roles, responsibilities, and expectations for each party. These documents provide a framework for collaboration and help prevent misunderstandings.

3. Maintain Regular Communication

Consistent communication is key to a successful partnership. Holding regular meetings, organizing joint workshops, and establishing communication channels can facilitate information sharing and keep both parties informed and engaged.

4. Capacity Building

Investing in the capacity building of both Ombudsman institutions and CSOs can enhance their ability to collaborate effectively. Joint training sessions, skill-building workshops, and exchange programs can help develop the necessary competencies for successful cooperation.

5. Joint Monitoring and Evaluation

Implementing shared monitoring and evaluation mechanisms helps assess the progress and impact of collaborative efforts. Regular data reviews, feedback collection, and adjustments based on findings can enhance the effectiveness of the partnership.

B. Innovative Approaches and Tools

1. Technology-Based Solutions

Utilizing technology can strengthen collaboration be-

tween Ombudsman Institutes and civil society organizations. Online platforms, mobile apps, and data analytics tools can facilitate information sharing, streamline complaint handling, and improve communication.

2. Collaborative Platforms

Creating joint platforms—such as forums or online databases—enables both parties to share information, resources, and best practices. These platforms can also serve as hubs for joint initiatives and projects.

3. Community Engagement

Engaging the public through outreach programs, public forums, and awareness campaigns can reinforce collaboration between Ombudsmen and CSOs. Community participation ensures that citizens' voices are heard and their needs are addressed.

4. Innovative Advocacy Campaigns

Developing creative advocacy campaigns can raise awareness of the work of Ombudsmen and CSOs. Using social media, storytelling, and multimedia tools can amplify their message and engage a broader audience.

5. Data-Driven Decision Making

Adopting data-driven approaches can improve the effectiveness of joint efforts. Collecting and analyzing data on complaints, systemic issues, and public feedback supports informed decision-making and helps identify areas for improvement.

By adopting these strategies—both practical and innovative—Ombudsman institutions and civil society organizations can form more effective, sustainable, and impactful collaborations that advance justice, accountability, and public trust.

Conclusion

A Reflection on the Importance of Partnership and Collaboration

Collaboration between Ombudsman institutions and civil society organizations

(CSOs) is essential for strengthening a transparent, accountable, and just society. By working together, these entities can effectively address systemic issues, safeguard citizens' rights, and ensure that public institutions operate fairly and efficiently. The partnership between Ombudsmen and CSOs enhances their collective impact, empowering them to confront complex challenges and advocate for meaningful reforms.

Reflecting on the importance of this cooperation, it becomes clear that only through collective action and collaboration can we move toward a more just and responsive system of governance.

We must invest in capacity building, strengthen open communication, and develop shared strategies to achieve common goals. Embracing innovative approaches and leveraging technology can further increase the effectiveness of these partnerships. Public participation is also critical—we must engage citizens in our efforts and ensure their voices are heard and their needs are addressed.

Through enhanced joint efforts, we can build a society grounded in transparency, accountability, and justice.

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Specialized Ombudsman Institutions

* Researcher: Dr. Sajedeh Moqaddami

❖ Since its establishment in Sweden in 1809, the ombudsman institution has undergone significant transformations. While its core function remains the investigation and resolution of citizens' complaints against government agencies, its scope of activity has expanded in the 21st century, becoming an integral part of governance structures in over 90 countries worldwide. This global expansion reflects modern societies' growing demand for justice and alternative dispute resolution mechanisms. Today, ombudsmen in many countries not only address complaints but also play a crucial role in monitoring government performance, ensuring transparency and accountability, and even executing certain human rights-related duties.

cial role in monitoring government performance, ensuring transparency and accountability, and even executing certain human rights-related duties.

Over the past two centuries, the spread of the ombudsman model can be seen as a response to the increasing complexity of governments and the need for independent oversight of bureaucratic operations. In recent decades, despite policies of privatization and reduced government intervention, the scale and scope of public sector activities have continued to grow. According to Robert French, Chief Justice of the High Court of Australia, the "unrestrained growth of regulations," including unwritten rules and executive directives, has necessitated stronger independent oversight of government actions. Accordingly, ombudsmen have expanded their roles beyond traditional functions to include oversight in areas such as telecommunications, surveillance, enforcement of anti-terrorism laws,

monitoring criminal organizations' misconduct, and regulation of breaches in penal codes.

Alongside their functional role in government, the private sector has also embraced the ombudsman model, leading to the emergence of the "industrial ombudsman" to handle consumer complaints. For example, in Australia, certain ombudsman institutions act as arbitration bodies in sectors like energy and water. This flexibility has blurred the lines between the traditional and modern roles of ombudsmen, allowing them to firmly establish themselves as independent and efficient institutions within both the public and private spheres.

One of the most important emerging areas in which ombudsmen have become active is the field of human rights. Ombudsman institutions are now tasked with roles such as examining the impact of criminal laws on vulnerable communities like Indigenous peoples and racial minorities, investigating deaths resulting from

domestic violence, and implementing international protocols such as the United Nations Optional Protocol to the Convention Against Torture (OPCAT). In Australia, the Ombudsman of Western Australia has the mandate to assess the impact of certain criminal offenses on Indigenous communities and, when necessary, propose legal reforms to reduce unnecessary detentions. This office also examines patterns of death related to domestic violence and provides policy recommendations to prevent the recurrence of such events.

Another key development in modern ombudsmanship is the ability to initiate investigations without a formal complaint from citizens. This feature, known as "own-initiative investigations," allows ombudsmen to conduct broad and in-depth reviews of systemic issues, similar to special commissions, and present their findings to parliament. Such reviews reveal structural problems within government and can pave

the ombudsman has become an inseparable part of modern governance systems. This institution plays a fundamental role in promoting accountability, ensuring fairness in state-citizen relations, overseeing the implementation of human rights, and preventing administrative abuses.



the way for legislative and policy reforms.

The ombudsman's connection to the rule of law has also strengthened in recent decades. The principle of the rule of law requires that all government actions be based on clear, publicly declared laws, allowing citizens to plan their actions accordingly. In this regard, the prominent economist Friedrich von Hayek states, "The rule of law means that government should operate according to pre-established and publicly announced rules so that individuals can plan with a degree of certainty." Although ombudsmen do not possess binding authority like courts, they play a critical role in ensuring adherence to the rule of law and preventing abuse of power.

Overall, the ombudsman has become an inseparable part of modern governance systems. This institution plays a fundamental role in promoting accountability, ensuring fairness in state-citizen relations, overseeing the implementation of human rights, and preventing administrative abuses. As governments continue to expand their executive reach, the presence of an independent ombudsman is essential to maintain the balance of power and protect citizens' rights. The ongoing evolution and expansion of ombudsmen into new fields not only helps reduce bureaucracy and increase public trust but also enhances the quality of governance and preserves human dignity (Field, 2016: 118-123).

Given the necessity and importance of addressing the ombudsman institution, this article aims to review the various types of organizational ombudsmen—a field that, despite its significance, has received limited attention in domestic research literature.



Organizational Ombudsmen

An organizational ombudsman serves as a neutral, independent, and confidential resource for handling complaints, resolving conflicts, and ensuring organizational accountability. The role of the ombudsman has evolved over time and is now utilized across diverse sectors such as government, education, healthcare, corporate environments, and international organizations. Professional ombudsmen play a vital and undeniable role in various social, governmental, corporate, and international contexts. Research shows that ombudsmen significantly contribute to alternative dispute resolution, reduce workplace tensions, improve corporate governance, and enhance organizational trust. As institutions and governments continue to seek effective approaches to conflict resolution, the demand for professional ombuds services continues to grow.

Organizational ombudsmen operate based on internationally recognized principles developed by organizations such as the International Ombudsman Association (IOA) and the United Nations. These core principles include:

- Independence:** The ombudsman operates independently and is not influenced by external forces.
- Confidentiality:** Conversations and complaints remain strictly confidential unless disclosure is necessary.
- Neutrality and Fairness:** The ombudsman does not take sides and focuses on fair outcomes.
- Informality:** The ombudsman provides an alternative to formal legal processes and acts as a mediator for dispute resolution.

Roles and Responsibilities of the Organizational Ombudsman

An organizational ombudsman collaborates with individuals and groups within an organization to:

- Provide a safe environment to voice concerns and problems.
- Explore and suggest various options for resolving conflicts.
- Report systemic issues and concerns to the organization to encourage institutional solutions.

Organizational ombudsmen work in various institutions including government agencies, universities, private companies, hospitals and healthcare providers, non-profit organizations, foundations, and associations. These professionals adhere to specific codes of ethics and standards of practice that guide their conduct and responsibilities.

Types of Organizational Ombudsmen: A Brief Overview

Academic Ombudsmen

Many universities have ombuds offices that assist students and faculty in resolving academic disputes. For example, the Ombuds Office at the University of Calgary helps individuals address issues related to grades, student misconduct, or violations of academic rights.

Government Ombudsmen

Public or governmental ombuds-



men oversee the delivery of public services and protect citizens' rights against unfair bureaucracy. For instance, the Ombudsman of the U.S. Department of Education supports students facing issues with student loans. Reports indicate that government ombudsmen help reduce court caseloads by effectively man-



nalistic ethics by investigating complaints related to bias, misinformation, and reporting errors. For instance, the CBC Ombudsman in Canada reviews complaints about inaccuracy in news content and, when necessary, issues corrections to ensure media accountability.



An organizational ombudsman serves as a neutral, independent, and confidential resource for handling complaints, resolving conflicts, and ensuring organizational accountability.

aging administrative complaints.

Corporate Ombudsmen

Large multinational organizations often maintain internal ombuds offices that allow employees to voice concerns without fear of retaliation. For example, Microsoft's ombuds team provides staff with a confidential platform to report harassment, discrimination, and ethical misconduct. Studies show that companies with internal ombuds programs experience fewer organizational violations and greater employee satisfaction.

Media Ombudsman

Media ombudsmen uphold jour-

Healthcare ombudsmen advocate for patient rights and resolve disputes between patients and healthcare providers. For example, the Patient Relations unit at Johns Hopkins Hospital assists patients in addressing concerns related to medical errors or unexpected hospital charges.

Long-Term Care Ombudsman Advocates

These ombuds representatives help resolve issues affecting residents in long-term care facilities, including daily care, health, safety, and personal preferences. Such concerns may include (but are not limited to):

- Violations of residents' rights or dignity
- Physical, verbal, psychological, or financial abuse
- Poor quality of care
- Dietary issues
- Problems with medical treatment or rehabilitation
- Disputes over Medicare or Medi-Cal benefits
- Inappropriate transfers or discharges
- Misuse of chemical (e.g., sedatives) or physical restraints

These advocates protect residents' rights and work to improve their living conditions.



California Nursing Home Ombudsman: Elder Care Oversight

The California Long-Term Care Ombudsman safeguards the rights of the elderly in nursing homes and care centers. This ombuds office investigates complaints, evaluates abuse, neglect, and substandard services, and recommends corrective actions when violations occur. Such oversight raises care standards, improves service quality for the elderly, and prevents the exploitation of vulnerable seniors. The office also enforces regulations that defend elder rights and ensures compliance with state standards by care facilities.

International Organizations: The World Bank Ombudsman

The World Bank Ombudsman is an independent office within the organization tasked with resolving workplace disputes among staff, consultants, and managers. Operating confidentially, impartially, and independently, the ombudsman mediates, negotiates, and investigates internal issues. It plays a key role in promoting transparency, fairness in the workplace, and preventing organizational discrimination. Providing a safe environment for filing complaints is one of its core missions, helping to prevent the loss of human capital and reduce the legal costs of disputes—ultimately enhancing the efficiency of the organizations it oversees.

Office of the Compliance Advisor Ombudsman (CAO)

The Office of the Compliance Advisor Ombudsman (CAO) operates as an independent grievance mechanism for the International Finance Corporation (IFC) and the Multilateral Investment Guarantee Agency (MIGA), both of which are part of the World Bank Group.

This body carries out its mission through three key functions. First is dispute resolution, which addresses complaints from local communities about the environmental and social impacts of IFC and MIGA projects. This process follows a neutral, collaborative approach, in which affected communities, project companies, and other stakeholders work



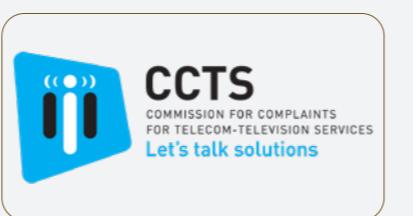
together to find sustainable and constructive solutions.

The second key function is compliance oversight, where the CAO evaluates whether environmental and social standards have been upheld and assesses damages resulting from non-compliance. When violations are found, the CAO proposes corrective and remedial actions to ensure that projects align with World Bank policies and mitigate negative effects.

The third function is advisory, through which the CAO provides technical and policy recommendations to the boards of IFC and MIGA to improve the environmental and social performance of their systems. This also includes identifying potential issues and proposing risk reduction strategies.

The CAO's importance is evident in several areas. It ensures transparency, accountability, and social justice in the implementation of World

Bank projects, while protecting local communities from potential harm caused by financial investments. As a neutral and independent body, the CAO plays a critical role in dispute resolution, mediation, and monitoring compliance-enhancing public trust in the World Bank's global operations.



Telecommunications Sector: Canada's CCTS Ombudsman

The Commission for Complaints for Telecom-television Services (CCTS) in Canada is an independent body that handles consumer and small business complaints regarding unfair billing, poor service, and contractual issues with telecom providers. It ensures that telecom companies respect consumer rights and fulfill their obligations. By addressing complaints and resolving them efficiently, CCTS prevents unnecessary legal costs and saves time for both consumers and service providers.

Children's Rights Ombudsman in Norway

The Children's Rights Ombudsman in Norway is an independent institution responsible for investigating and following up on issues related to children's rights in areas such as education, guardianship, healthcare, and social welfare. This body ensures that all government policies and actions are designed and implemented in the best interests of children, protecting them from violence, discrimination, and neglect.

The Children's Ombudsman also advises the government by issuing

legal and policy recommendations to ensure the effective enforcement of children's rights laws. It advocates for children and youth to ensure their voices are heard and their rights respected by adults. Norway's Children's Ombudsman was the first of its kind globally and has since inspired similar institutions in many other countries.

This office is officially appointed by the King and serves a six-year term. It plays a vital role in raising awareness and holding authorities



The World Bank Ombudsman is an independent office within the organization tasked with resolving workplace disputes among staff, consultants, and managers. Operating confidentially, impartially, and independently,

accountable for upholding the Convention on the Rights of the Child, which is part of Norwegian law. As an independent organization, it prioritizes key focus areas and concentrates on specific child-related issues.

To influence policymakers, the Children's Ombudsman uses var-

ious strategies, including public speaking, organizing seminars for professionals working with children, sending official letters in cases where children's rights are violated, issuing legal statements during legislative processes, engaging with media, using social networks, and holding meetings with ministers and members of parliament. It also provides consultations and information through internet, email, and phone, actively contributing to public awareness.

Despite its critical role, the Children's Ombudsman does face certain limitations. It does not have the authority to overturn decisions made by competent authorities such as welfare agencies, immigration offices, schools, or courts. Additionally, it cannot intervene in private family matters like custody disputes or conflicts between parents and children.

Nevertheless, this institution remains one of the most effective mechanisms for protecting children's rights in Norway and consistently strives, through collaboration with the government, civil society, and the general public, to create a safer and more supportive environment for children.

Federal Ombudsman Secretariat for Protection Against Harassment

The Federal Ombudsman Secretariat for Protection Against Harassment was established in 2010, coinciding with the enactment of the Protection Against Harassment of Women at the Workplace Act in Pakistan. It was created in response to rising social concerns about sexual harassment in the workplace, with the primary aim of providing an effective mechanism for addressing complaints and delivering justice in the shortest time possible. This Secretariat functions as a special



ized ombudsman and operates as an independent legal and regulatory institution focused on creating safe and discrimination-free work environments.

In societies where individual and gender rights may be less emphasized, this institution plays a critical role in supporting vulnerable populations. In Pakistan, it is recognized as one of the principal organizations advocating for victims of workplace harassment and plays a key role in enhancing transparency and accountability within professional environments.

The Federal Ombudsman Secretariat investigates and addresses incidents of sexual or behavioral harassment in public and workplace settings, offering both legal and psychological support to victims. Additionally, through widespread awareness campaigns and specialized training, it sensitizes work environments to employee rights and proper responses to harassment. Its neutral and independent oversight ensures fairness in the handling of complaints.

Victims of workplace harassment can file complaints directly or online. Upon receipt, the Secretariat initiates a review and investigation process and, if necessary, recommends corrective actions or appropriate penalties. These efforts have led to the resolution of hundreds of workplace harassment complaints and contributed to reducing misconduct through continuous education and increased monitoring across organizations. As a result, justice has been served to victims and public trust in legal institutions has been strengthened.



However, the execution of these duties still faces challenges. One major barrier is the prevailing social mindset, which causes some victims to fear reporting harassment. Geographic limitations and lack of access to services in remote areas also complicate the resolution of some cases. Moreover, financial and human resource constraints significantly impact the organization's broader operational capacity.

Despite these challenges, the Federal Ombudsman Secretariat continues to strive toward safer and more equitable workplaces through the enforcement of supportive policies, broad-based training, improved accessibility of services, and strict legal action against workplace harassers.

Public Transport Ombudsman

The Public Transport Ombudsman was established in 2004 to provide the people of Victoria, Australia, with a neutral body for addressing complaints related to public transport systems. Operating independently from the government and transport companies, this institution has, over the years, continuously improved its methods for receiving, reviewing, and resolving complaints in accordance with best practices in dispute resolution.



Significant changes have occurred in the structure of public transportation and the composition of the organization, largely due to major infrastructure projects within Victoria's transit system. The Public Transport Ombudsman remains committed to the continuous improvement of services and adapting to the evolving needs of users and all individuals affected by public transport systems.

Public Transport Ombudsman: Governance and Performance Standards

The Public Transport Ombudsman operates under a framework of laws, guidelines, and performance indicators to ensure its activities are independent, fair, and efficient. The scope of authority, duties, and methods for executing the organization's mission are outlined in the Ombudsman Charter, which was last revised in June 2013. In addition, the Ombudsman adheres to standardized dispute resolution benchmarks within the public transport sector—originally developed by the federal government in 1997 and revised in 2015. These benchmarks are designed to uphold best practices for dispute resolution within independent bodies like the Public Transport Ombudsman and play a key role in both daily operations and long-term strategic planning.

Six core principles guide the performance of the Public Transport Ombudsman: accessibility, independence, fairness, accountability, efficiency, and effectiveness. These principles are implemented alongside industry-based customer dispute resolution practices, which provide practical guidelines for applying the core standards.

According to the organization's constitution, the performance of the Public Transport Ombudsman must be independently reviewed every five years. These reviews are conducted to provide an impartial assessment of the Ombudsman's operations for its board, stakeholders, and the broader community. The evaluations are based on the Ombudsman Charter, established performance indicators, and the institution's primary obligations.

The assessment process involves consultations with organizational members,

consideration of input from the Department of Transport and Planning, feedback from community groups and public transport user advocacy organizations, analysis of user experiences, and reviews of the Ombudsman's policies and procedures. These independent evaluations not only support continuous improvement and professional standard compliance but also enhance transparency and the effectiveness of oversight.

The Public Transport Ombudsman is consistently committed to promoting best practices in independent dispute resolution, social justice, and public transport oversight—ensuring that the rights and welfare of passengers and users of the system are protected to the highest standards.

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- University of Calgary Ombuds Office: <https://www.ucalgary.ca/student-services/ombuds>
- U.S. Department of Education Ombudsman: <https://studentaid.gov/feedback-ombudsman>
- Microsoft Ombuds Office: <https://www.microsoft.com/en-us/ombudsman>
- CBC Ombudsman (Canadian Broadcasting Corporation Ombudsman): <https://cbc.radio-canada.ca/en/ombudsperson>
- Johns Hopkins Ombuds Office: <https://hr.jhu.edu/ombuds>
- World Bank Ombudsman: <https://www.worldbank.org/en/about/unit/ombudsman>
- CCTS Ombudsman (Commission for Complaints for Telecom-Television Services, Canada): <https://www.ccts-cprst.ca>
- California Ombudsman for Elderly Care: https://aging.ca.gov/Programs_and_Services/Long-Term_Care_Ombudsman
- Norwegian Children's Ombudsman (Barneombudet): <https://www.barneombudet.no>
- FOSPAH - Federal Ombudsman Secretariat for Protection Against Harassment (Pakistan): <https://www.fospah.gov.pk>
- The Public Transport Ombudsman (PTO): <https://www.ptovic.com.au/about-us/who-we-are>
- (CAO - Compliance Advisor Ombudsman): www.cao-ombudsman.org
- Long-Term Care Ombudsman: <https://ltombudsman.org>



Six core principles guide the performance of the Public Transport Ombudsman: accessibility, independence, fairness, accountability, efficiency, and effectiveness.



Overview of the Structure and Jurisdiction of the Ombudsman of the Republic of Indonesia

* Researcher: Dr. Arash Farhoodi

The establishment of the Ombudsman in Indonesia emerged as part of the reform era's demand for a clean, transparent government free from corruption and collusion. At the time, the government implemented a series of reforms in response to public demands, one of which was the creation of the National Ombudsman Commission. This commission was formally established by Presidential Decree No. 44 of 2000, dated March 10, 2000.

The status of the Indonesian Ombudsman was strengthened with the enactment of Law No. 37 of 2008 concerning the Ombudsman of the Republic of Indonesia. With this legislation, the National Ombudsman Commission was renamed the Ombudsman of the Republic of Indonesia. Subsequently, Law No. 25 of 2009 on Public Services was also passed, aimed at ensuring justice, transparency, public order, and the realization of clean and good governance.

The Ombudsman of the Republic of Indonesia is a government institution with the authority to oversee the implementation of public services. These services may be provided by state and government institutions, including state-owned enterprises, regional government companies, state legal entities, or private entities and individuals tasked with delivering specific public services, whose funding is partially or fully provided by the national or regional government (Article 1 of Law No. 37 of 2008).

Significantly, the Indonesian Ombudsman is an independent institution with no organizational ties to other government bodies or authorities. It operates independently and without interference in carrying out its duties and powers (Article 2 of Law No. 37 of 2008).

According to Article 3 of the same law, the Ombudsman carries out its duties based on the following principles:

- Proportionality

- Justice
- Non-discrimination
- Neutrality
- Accountability
- Balance
- Transparency
- Confidentiality

Duties and Functions of the Ombudsman

The Indonesian Ombudsman is responsible for:

1. Receiving complaints related to alleged maladministration in public service delivery
2. Conducting thorough reviews of these complaints
3. Following up on reports within its jurisdiction
4. Initiating investigations into potential maladministration without needing a formal complaint
5. Coordinating and cooperating with other government institutions and agencies, civil society organizations, and individuals
6. Building networks
7. Taking preventive measures against maladministration in public service delivery
8. Performing additional duties as mandated by law

Function

The Ombudsman oversees the implementation of public services carried out by government institutions at both national and regional levels. This includes supervision over services provided by state-owned companies, private entities, or individuals assigned with specific public service responsibilities.

Vision

A supervisory institution that is effective, trustworthy, and fair in ensuring the delivery of quality public services.

Mission

1. To achieve professionalism in

- the supervision of public service administration
- 2. To ensure compliance in service delivery based on Ombudsman findings
- 3. To provide inclusive public services for all Indonesian citizens

Powers of the Ombudsman



Significantly, the Indonesian Ombudsman is an independent institution with no organizational ties to other government bodies or authorities. It operates independently and without interference in carrying out its duties and powers.

- Summon related parties to provide explanations or clarifications
- Conduct mediation and reconciliation at the request of the parties involved
- Provide recommendations for resolving complaints, including recommending compensation or restitution to affected parties

- Publicly disclose the results of investigations, conclusions, and recommendations
- Advise the President, regional leaders, or heads of government agencies on improving public service structures and procedures
- Offer legislative suggestions to the House of Representatives or regional leaders to reform laws and prevent maladministration. This institutional framework reflects Indonesia's commitment to establishing a responsive and accountable public administration, capable of protecting citizen rights and ensuring transparency in governance.

How to Submit Complaints or Reports Regarding Public Services

Cases that can be reported to the Ombudsman of Indonesia

According to Indonesian law, complaints may be submitted regarding maladministration in the delivery of public services provided by government institutions, regional government bodies, state-owned enterprises, regional-owned companies, and private companies entrusted with delivering specific public services.

Requirements for Filing a Report with the Ombudsman

Formal Requirements

A copy or scanned image of an ID card for Indonesian citizens, or a valid permanent residence card (KITAP) or temporary stay permit card (KITAS) for non-citizens.

- A clear description of the time of the incident or action being re-



OMBUDSMAN REPUBLIK INDONESIA

ported (date, month, year), the related institution, and expectations from submitting the complaint to the Ombudsman.

- The reported incident must have been submitted to the relevant organization first, but no response was received.
- The incident must not have occurred more than two years ago.
- A reachable phone number or email address (if available).
- An official letter of authorization if the complaint is submitted on behalf of another person or an institution (e.g., company, foundation).
- Supporting legal documents confirming the authority of the representative to act on behalf of the institution (e.g., founding documents or amendments).

Substantive Requirements

The subject of the complaint must not be currently under court examination.

- The case must not be actively handled by the service-providing institution if the Ombudsman has already provided a reasonable time frame for resolution.
- The complainant must have already contacted the responsible institution and received no response.
- The case must fall within the jurisdiction of the Ombudsman.
- The case must not have been previously submitted to or handled by the Ombudsman.

Reasons a Complaint May Be Rejected by the Ombudsman RI

1. The subject matter is outside the Ombudsman's jurisdiction.
2. The issue is currently under judicial review.
3. The case is already being processed by the relevant institution within a reasonable time frame.
4. The case has previously been submitted to or followed up by the Ombudsman.

How to Submit a Complaint

- Call the hotline: 137
- Send an email to: pengaduan@ombudsman.go.id
- Visit or send a letter to the central Ombudsman office or one of its 34

regional offices

- Send a message via WhatsApp to: 0821 3737 3737
- Fill out the online complaint form at: ombudsman.go.id/pengaduan

Matters Outside the Ombudsman's Jurisdiction

- Criminal cases (e.g., corruption, violence, theft)
- Judicial decisions or behavior of judges
- Civil lawsuits
- Disputes over election results
- Cases that clearly violate existing laws and regulations

These guidelines ensure that complaints submitted to the Ombudsman of the Republic of Indonesia are relevant, structured, and can be followed up effectively within the institution's legal framework.

Organizational Structure of the Ombudsman of the Republic of Indonesia

The central office of the Ombudsman of the Republic of Indonesia employs 364 staff members, including:

- Chairperson, Vice Chairperson, and Members: 9
- Assistants: 100
- Service staff: 22
- Drivers: 21
- Civil servants: 191
- Security personnel: 21

In addition, the 34 regional representative offices employ a total of 643 staff members, consisting of:

- Heads of Regional Offices: 34
- Assistants: 342
- Service staff: 66
- Drivers: 22
- Civil servants: 107
- Security personnel: 72

Leadership and Organizational Divisions

The leadership team of the Ombudsman includes the Chairperson, Vice Chairperson, and 3 to 9 Members. The organizational structure is composed of several divisions:

- **Complaint Handling Division:** Responsible for receiving, advising on, and ver-

ifying complaints, and assigning assistant staff.

- **Maladministration Prevention Division:** Handles detection, follow-up on recommendations, prevention efforts, and coordination of assistants.

- **Quality Management Division:** Divided into Regions 1, 2, and 3, managing the activities of assistants in each area.

- **Dispute Resolution and Oversight Division:** Oversees final reports, conflict resolution, and provides recommendations and monitoring.

- **Specialized Divisions (1 to 7):** Each division handles complaint reviews, prevention of maladministration, and assistant coordination.

- **Representative Offices (1 to 34):** Handle receiving and verifying complaints, reviewing regional reports, and implementing preventive measures at the local level.

General Secretariat Structure

The General Secretariat comprises the following departments:

- **Inspection Department:** Manages administrative matters related to internal audits and inspections.

- **Planning and Finance Department:** Includes the financial planning unit.

- **Legal, Cooperation, and Organization Department:** Covers legal affairs and institutional cooperation.

- **Public Service Oversight Department:** Includes administration of public service monitoring.

- **Public Relations and IT Department:** Handles communications and information technology.

- **Human Resources and General Affairs Department:** Responsible for HR management and protocol services.

Summary of Staff Allocation

- 1. **Central Office Staff:** 364

(1995-2005)

- Vice President of the East Java Legal Council (2001-2010)
- Member of the East Java Advisory Board (2010-2015)
- Chair of the Malang City Legal Council (2015-2021)
- Head of Postgraduate Programs at Muhammadiyah University of Malang
- Vice Chair of the Legal Council of the Muhammadiyah Regional Organization

He has also been honored with numerous awards, particularly in education and public service, demonstrating his dedication to social progress. In 2006, he was awarded the Satyalancana Karya Satya (10 years) by the President of Indonesia, and in 2008, named Outstanding Lecturer at Muhammadiyah University of Malang. In 2015, he was recognized for 25 years of service as a lecturer, and in 2016 received the Satyalancana Karya Satya (20 years).

Mohammad Najih continues to champion justice and public service, leaving a lasting legacy in Indonesia's legal and educational landscape.

Frequently Asked Questions (FAQs)

1. What is an Ombudsman?

An ombudsman is a government



institution responsible for supervising the delivery of public services. This oversight includes services provided by government officials and institutions, such as state-owned enterprises (BUMN), regional government-owned companies (BUMD), state-owned legal entities (BHMN), and private institutions or individuals responsible for delivering public services.

2. How can I file a complaint with the Ombudsman?

According to Article 24(1) of Law No. 37 of 2008 on the Ombudsman of the Republic of Indonesia, you must first attempt to resolve your issue by reporting it to the relevant authority. If you do not receive a response or the issue is not properly resolved, you may then submit your complaint to the Ombudsman.

Please include the following information:

- Your national ID card (KTP), home address, and phone number
- A detailed description of the incident (with date/month)
- Documents showing previous efforts to report the issue to the relevant authority
- Supporting documents (if any)

Complaints may be submitted:

- In person
- By mail
- By email
- By filling out the online form at: <https://ombudsman.go.id/pen-gaduan/form>

3. Will my identity remain confidential?

Yes. According to Article 24(2) of Law No. 37 of 2008, under specific conditions, the identity of the complainant may be kept confidential. Therefore, the Ombudsman will not disclose the identity of the complainant to the party being reported.

4. I have submitted my complaint. What happens next?

Your complaint will first go through a verification process. This includes:

- **Formal verification:** checking the completeness of the submitted documents

- **Substantive verification:** review by the board to determine if the complaint falls within the Ombudsman's jurisdiction. If accepted, it will be forwarded to the appropriate investigation team.

5. Why was my complaint referred to a regional office?

According to Ombudsman Regulation No. 26 of 2017 on the Proce-

dures for Receiving, Reviewing, and Resolving Complaints, complaints can be followed up by either the central Ombudsman (Jakarta) or a regional office. Referral is based on the complainant's location or the location of the institution being reported. The decision to refer a case is confirmed by the Ombudsman board.

6. What if I am dissatisfied with the Ombudsman's handling of my complaint?

If you are not satisfied with the way your complaint was handled by either the central or regional office of the Ombudsman of the Republic of Indonesia, you may file a complaint about the Ombudsman's service itself (including case resolution processes).

You can do so by submitting your concerns to the following address: <http://wbs.ombudsman.go.id>

Resource:

- This content has been adapted from the website available at: <https://ombudsman.go.id/?lang=en>



Legal Dimensions of the Ombudsman Institution

* Researcher: Dr. Saeed Barkhordari

With the transformation of the role and functions of the state in the twentieth century and the expansion of public administration, the issue of monitoring state activities and ensuring the rule of law, justice, and fairness in the relationship between government institutions and citizens has gained increasing attention. One of the most important supervisory institutions in this regard is the ombudsman, which, as a non-judicial authority, investigates shortcomings and administrative misconduct either on its own initiative or after receiving complaints-without the need for formal judicial procedures. It addresses administrative failures and compensates the complainant through informal and mostly non-binding mechanisms.

The first example of a modern legal ombudsman similar to contemporary models dates back to the

1809 constitutional reforms in Sweden, which introduced this institution as a supervisory mechanism to control state power and protect citizens' rights. Today, the idea of soft, swift, and independent oversight of administrative and governmental bodies through ombudsmen is closely linked to the principles of democracy and the rule of law. The ombudsman plays a crucial role in advancing democracy, protecting human rights, and realizing the rule of law.

Various reasons have been cited for the global spread of the ombudsman institution across different legal systems. These include: the rise of democratic movements and the transmission of the institution from countries with strong democratic and welfare-state traditions to developing nations; increased government involvement in societal affairs

due to the decline of minimal-state thinking and the rise of interventionist welfare states providing social services; the resulting growth of bureaucratic institutions and the necessity to monitor them; and the simplicity and flexibility of the ombudsman model, which allows it to adapt to different legal systems. Additionally, judicial review is often complex, costly, and time-consuming.

The ombudsman institution has various facets and can be examined from different angles. The present text briefly addresses some of its legal dimensions.

1. Establishment of the Ombudsman by Law

The first and most important issue in establishing the ombudsman institution is the requirement that it be founded by law. Ideally, it should be provided for in the constitution. If there is no such provision, the institution must be established through legislation passed by parliament—not by executive decree or administrative regulation. The rationale behind this requirement lies in maintaining the ombudsman's independent and credible status in the legal system.

Given its supervisory role over administrative and governmental agencies, and the necessity of cooperation from these agencies for effective performance, the ombudsman needs a high level of independence and recognition. This can only be achieved through establishment by constitutional or statutory law. Although in many countries the ombudsman may be organizationally linked to the legislature (e.g., in terms of appointment by parliament), most legal frameworks emphasize the institution's operational independence from all three branches of government and recognize it as

a national and independent entity.

2. Jurisdictions of the Ombudsman

The scope of an ombudsman's authority is the basis for dividing this institution into two models: the classic and the hybrid.

a. **Classic Ombudsman:** The jurisdiction of a classic ombudsman is limited to oversight of governmental departments and executive



Given the ombudsman's supervisory role, maintaining the independence of this institution is vital and one of the most important principles regarding its formation and operation.

agencies in terms of maladministration and injustice, or to ensure proper administrative conduct. In this model, only administrative acts and decisions are monitored and inspected to prevent violations of the law, mismanagement, unfairness, and administrative errors. The concept of maladministration refers to negative attributes such as discrimination, corruption, negligence and disregard, delay, incompetence, inefficiency, deviation, autocracy, irrationality, abuse of power, etc. This

concept encompasses issues that may not legally obligate the administration or constitute a legal violation but harm individuals' rights and citizens based on norms of fairness and administrative justice if not implemented.

b. **Hybrid Ombudsman:** The hybrid model extends the ombudsman's jurisdiction to include oversight of human rights compliance in addition to traditional oversight responsibilities. In this model, the ombudsman monitors and ensures the observance of human rights standards—even if no unlawful action has occurred. While some countries have established specialized human rights ombudsmen, many have adopted the hybrid model due to reasons such as limited financial and human resources to establish multiple supervisory bodies, the overlap between human rights violations and maladministration, and the belief that centralizing oversight within a single institution strengthens its public legitimacy and independence. In human rights or hybrid ombudsman models, oversight may also include monitoring court decisions and prison conditions.

It is also worth noting that some studies refer to other types of ombudsmen such as executive or organizational ombudsmen, which essentially serve as complaint-handling bodies within public or private institutions. Executive or organizational ombudsmen are sometimes established by the same institutions they oversee, and their heads are appointed by those institutions. This arrangement has been criticized for lacking the essential independence that defines a true ombudsman. Thus, such bodies are often referred to as "quasi-ombudsmen."

3. Independence of the Ombudsman

Given the ombudsman's supervisory role, maintaining the independence

of this institution is vital and one of the most important principles regarding its formation and operation. The first element of independence concerns the appointment of its leadership. In most countries, the ombudsman is elected by parliament, while in some, the executive has a nominating role. The selection process usually requires a qualified majority in parliament to ensure the appointed individual is broadly supported across political factions. Dismissal should only occur for misconduct or criminal offenses, not for political reasons, and should require a supermajority vote to minimize undue political influence.

The second element is financial independence. The ombudsman must have sufficient and stable funding and not be subject to political or economic pressures from other bodies. Financial independence enables the ombudsman to address complaints from all citizens, especially vulnerable and low-income groups, and to conduct comprehensive investigations.

The third element is functional independence. The less the appointing authority interferes in the ombudsman's affairs and inspection procedures, the greater the ombudsman's operational independence. In most legal systems, the ombudsman is required to submit annual or periodic reports to parliament, but parliament cannot issue binding orders to it.

The fourth element is immunity. Ombudsman officials must be protected from judicial prosecution, political pressure, or retaliatory actions while performing their official duties. This immunity enables them to investigate complaints and possible violations without fear of personal consequences. In some countries, ombudsmen enjoy parliamentary-like immunity.

4. The Ombudsman

and the Challenge of Privatization

The ombudsman is generally an institution for overseeing public sector activities, not the private sector. Accordingly, when a public service is privatized, its providers typically fall outside the ombudsman's jurisdiction, depriving citizens of a channel to address related complaints. One solution has been the creation of "organizational or corporate ombudsmen" and "broad ombudsmen" in the private sector.

Organizational or corporate ombudsmen, previously discussed as quasi-ombudsmen, suffer from a lack of independence. In contrast, broad ombudsmen-industrial, commercial, or professional (also called association-based ombudsmen)-are established as independent authorities overseeing entire sectors or professions, such as banking, law, energy providers, etc.

These ombudsmen fulfill the critical requirement of independence from the entities they oversee. However, even these bodies face challenges, especially because their funding often comes from the industries or professions they supervise, raising concerns about true financial independence.

A critical view holds that all public service delivery, whether by public or private sectors, should be subject to independent oversight. Therefore, some proposals for ensuring independent complaint handling in privatized services include:

- Providing public funding for association-based ombudsmen to guarantee their financial independence from the industries they oversee, along with their organizational independence.
- Reforming laws and expanding ombudsman jurisdiction to include oversight of private entities providing public services. Nonetheless, expanding public

ombudsman jurisdiction to the private sector introduces its own set of challenges and complexities. Privatization can lead to more complex and less transparent service structures, making it harder for ombudsmen to access necessary documents and information. The increase in the number of service providers complicates oversight and complaint resolution since each company may follow its own regulations and procedures. In cases where services are provided by multiple companies, determining responsibility for issues or complaints becomes more difficult, making the complaint resolution process longer and more complex.

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Oversight by the Specialized Ombudsman Over Cultural Institutions Regarding Conflict of Interest and Other Corruption-Prone Areas

*Dr. Fatemeh Zahra Seyed Bahri

Inspector, Ministry of Culture and Islamic Guidance and its Affiliated Units

Introduction

Conflict of interest is one of the key challenges in various fields of governance, administration, and public service. This phenomenon occurs when personal or institutional interests conflict with the official responsibilities and duties of individuals or organizations, potentially leading to unfair decisions or abuse of power. The Organization for Economic Co-operation and Development (OECD) defines a conflict of interest as a situation where a person or institution is in a position where their personal interests influence their official responsibilities.

In this context, oversight institutions such as the ombudsman function as mechanisms for controlling and reducing conflicts of interest and enhancing transparency and accountability in administrative and governmental systems. This article examines the relationship between conflicts of interest in the cultural sector and the role of the ombudsman in managing and mitigating such conflicts. It highlights the importance of this institution in promoting good governance and maintaining public trust.

Given the cultural nature of independent cultural institu-

tions, it is preferable to address issues, complaints, and corruption through non-judicial mechanisms. Therefore, alternative dispute resolution (ADR) methods can effectively contribute to identifying corruption-prone areas such as conflicts of interest, as well as conducting non-judicial monitoring and assessments of organizations.

A. Situations of Conflict of Interest

The types of situations in which conflicts of interest are likely to arise include:

1. **External Employment (Concurrent Jobs):** This refers to a situation where a manager or public sector employee simultaneously holds a position in the private sector, particularly in a similar field. Concurrent employment in two private companies can also result in a conflict of interest and is considered a form of external employment.
2. **Post-Employment Connections (Revolving Door Issue):** This form of conflict occurs in two scenarios:
 - The first arises when an individual, after leaving a pub-

lic-sector position (due to retirement, resignation, etc.), immediately takes a role in the private sector in the same field. During their public service, such individuals may act favorably towards external organizations in anticipation of future employment. They may also use their insider knowledge and connections from the public sector to benefit the private organization.

- The second scenario is the reverse, where a person moves from the private sector into a high-ranking government position.

3. Self-Supervision Conflict (Union of Supervisor and Supervised):

This situation occurs when an individual or organization is responsible for supervising their own behavior or that of a subordinate entity they themselves have appointed.

4. Rule-Making for Self (Union of Regulator and Executor):

This refers to instances where a person or organization has the authority to set rules or policies for themselves—such as determining their own salaries or benefits.

5. Conflict Between Revenue and Duty:

This arises when a specific financial structure incentivizes employees to generate income—either for themselves or their organization—at the expense of fulfilling their official duties, thereby creating a conflict between revenue generation and professional obligations.

6. Conflict of Duties:

This occurs when the various responsibilities of an individual or organization are in conflict, making it difficult to fulfill all duties effectively and fairly.

7. Conflict Due to Affiliation with Social Groups (Ethnic, Religious, Political, or Professional):

An individual's membership in or loyalty to various social groups

may create conflicts of interest, as they might prioritize the interests of these groups over their official duties.

8. Conflict Arising from Family, Relational, or Friendly Connections:

Any form of personal relationship—such as employment, shareholding, or financial ties—with rel-



One of the key issues for ombudsman institutions is the supervision of administrative processes to prevent the emergence of conflicts of interest and other violations, thereby avoiding corruption, disputes, or complaints against the respective institutions or organizations.

atives or friends in a work-related context can lead to a conflict of interest.

9. Conflict of Interest derived from Receiving Gifts

Accepting gifts is one of the most frequently cited and broad exam-

ples of conflict of interest in global literature. Accepting any form of gift may lead to a conflict of interest, as it can divert an individual from fulfilling their professional responsibilities and push them toward pursuing personal gain.

10. Conflict of Interest from Access to Insider Information

If public sector employees use internal organizational information to pursue personal interests, they are considered to be in a position of conflict of interest.

Conflict of Interest in Culture and Media

Conflict of interest in cultural affairs refers to situations where individuals or institutions active in this field make decisions influenced by personal, financial, political, or organizational interests, which may conflict with public goals or ethical standards. These conflicts can arise in both public and private legal contexts. Examples include policy-making in cultural sectors, budget allocation, content production, and the management of cultural institutions. Specific forms may involve unfair contracts, accepting gifts or privileges, holding multiple positions, abusing job authority, and issuing licenses for publishing or producing artistic works.

A Case in Setting Governance Indicators: Bertelsmann Stiftung Foundation

Given the above, the necessity of oversight and the prevention of corruption—which is often a byproduct of conflict of interest as one of the main gateways to corruption—becomes increasingly clear. This is especially relevant in the realm of culture and media, an area that has

received little attention and remains largely overlooked.

Addressing this issue first requires the development of specific indicators to identify corruption-prone areas. Once these are established, analysis and follow-up on identified corruption can begin through a specialized ombudsman. It seems feasible for both of these tasks to be undertaken within the framework of a highly specialized ombudsman institution.

One example of an international organization engaged in preventive governance is the Bertelsmann Stiftung Foundation.

Founded in 1977 as a private institution, the foundation functions as a think tank focused on improving education, establishing fair and efficient systems, implementing preventive healthcare, fostering a vibrant civil society, and promoting international understanding.

The Sustainable Governance Indicators (SGI) assess governance and policy-making in all OECD and EU member countries, evaluating both the need for and the capacity to implement reforms in each country. These indicators are calculated using quantitative data from international organizations and supplemented by qualitative assessments from recognized national experts.

Experts are asked to evaluate the extent to which public officials are prevented from abusing their positions for private gain. This includes examining mechanisms put in place by governments and civil society to ensure administrative integrity, such as preventing bribery among civil servants and politicians.

Key areas assessed in the SGI include:

- Auditing government expenditures
- Regulating political party financing
- Citizens' and media access to information
- Public officials' asset declarations
- Conflict of interest laws
- Codes of conduct (Farhoodi, 2023, p. 29)

By drawing inspiration from the Bertelsmann Stiftung's approach, it seems possible to localize such efforts and establish highly specialized ombudsman units within each sector—especially in areas related to culture and media. These departments could first focus on identifying and docu-

menting challenges that bypass existing conflict of interest regulations, updating those challenges in accordance with changing circumstances. Then, in a second phase, they could fulfill their traditional ombudsman responsibilities accordingly.

B. The Role of the Ombudsman in Managing Conflicts of Interest

Any negligence in implementing the law or actions contrary to it that result in harm or damage to the complainant or the general public.

One of the key issues for ombudsman institutions is the supervision of administrative processes to prevent the emergence of conflicts of interest and other violations, thereby avoiding corruption, disputes, or complaints against the respective institutions or organizations. On the other hand, the broad scope of issues covered by alternative dispute resolution (ADR) methods—which include even disagreements and inconsistencies, not just legal matters—encompasses a larger audience and plays a vital role in meeting public demands.

It is evident that this aligns with the inherent nature of non-judicial dispute resolution mechanisms such as ADR. Today, the use of these methods, which are widely adopted internationally, contributes significantly to strengthening and structuring ombudsman institutions, especially those focused on culture. This is particularly important as the nature of complaints in the realm of independent cultural institutions requires avoiding litigation and judicial approaches.

"Public access to the ombudsman differentiates it from the judiciary, which involves significant costs in terms of money, time, and energy. Over time, this idea has spread vertically from national to regional and local levels, and horizontally across both the public and private sectors. ... A local ombudsman can act as a whistleblower and apply moral pressure. At higher levels, the ombudsman engages in dispute resolution, which requires greater independence."

It is also important to note that corruption levels tend to decline as democracy increases. Transparency International's Corruption Perceptions Index shows that democratic countries typically have the lowest levels of corruption. However, it is also observed that when a country transitions from authoritarianism toward more freedom, it may not achieve significant anti-corruption results until it becomes a fully inclusive democracy. When power is legitimate, corruption is minimal. Legitimacy depends more on the quality of services provided and the ability to meet the public's demands than on the form of governance. (Dihim et al., Vol. 1, n.d., p. 337)

C. Conclusion and Recommendations

Fighting corruption in all its forms is a major objective for nations, and identifying and understanding critical vulnerability points is a prerequisite for this endeavor. Corruption has deep-rooted causes and pathways that lead to further branches. Over time, ignoring these branches may cause them to become major sources of corruption themselves.

One such major pathway is conflict of interest. This article focuses on conflicts of interest within the cultural field and among independent cultural institutions. It is evident that to address this issue within the cultural context, we need solutions that are mostly non-judicial in na-

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This specialized ombudsman would not only handle complaints and disputes specific to the cultural sector but also act as a watchdog to ensure legal compliance and prevent major corruption risks such as conflicts of interest.

ture and which take into account the character and sensitivity of cultural affairs.

One key recommendation is the establishment of a highly specialized ombudsman for culture and media composed of two main sections. The first section would identify and examine the causes and types of corruption related to independent cultural institutions, with conflicts of interest forming a large part of that focus. The second section would address these issues using non-judicial methods such as ADR (alternative dispute resolution), a practice that has recently gained traction in Iran and is already widespread globally.

Iran could potentially become a pioneer in this field internationally. With its rich cultural heritage, identifying corruption within independent cultural institutions could lead to a major breakthrough. It is recommended that this initiative be launched within the General Inspection Organization of Iran (GIO), under the supervision of the Cultural and Media Affairs Inspection Unit, by establishing a specialized ombudsman for culture and media.

This specialized ombudsman would not only handle complaints and disputes specific to the cultural sector but also act as a watchdog to ensure legal compliance and prevent major corruption risks such as conflicts of interest. One of the most effective strategies against such corruption is to publicly identify the

“danger zones”-scenarios or behaviors where managers and officials are most at risk of falling into corruption.

After these areas are flagged, legislators must intervene and enforce these points with clear legal backing. Highlighting and acting upon these vulnerabilities will reduce the likelihood of exploitation, and such outcomes are best achieved under the supervision of a specialized ombudsman.

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The Necessity of Independence and Impartiality of the Ombudsman Institution in Light of the Venice Principles

* Researcher: Mahmoud Mahdavi Far

❖ The ombudsman institution plays a fundamental role in supporting good governance, protecting human rights, and ensuring accountability in public administration. To effectively fulfill these responsibilities, the ombudsman must operate independently and impartially. The importance of these principles can be summarized as follows:

1. Independence: The Pillar of the Ombudsman’s Credibility

Independence ensures that the ombudsman can act without undue influence from political bodies, government agencies, or other external pressures. This independence is essential for the following reasons:

— **Impartial decision-making:** Independence allows the ombudsman to investigate complaints and make rec-

ommendations solely based on facts and fairness.

— **Public trust:** Citizens are more likely to approach a legal advocate who is free from external control.

— **Effective oversight:** An independent ombudsman can hold powerful institutions accountable without fear of retaliation.

2. Impartiality: Guaranteeing Fairness

Impartiality complements independence by ensuring that the ombudsman treats all parties equally, regardless of status or influence. This principle is crucial for the following reasons:

— **Fair decisions:** Impartiality ensures that outcomes are based on merit rather than favoritism.

- Maintaining integrity:** A neutral ombudsman supports the institution's reputation for justice.
- Conflict resolution:** By remaining unbiased, the ombudsman can mediate disputes effectively and foster trust between conflicting parties.

3. International Standards and Best Practices

Global organizations such as the United Nations and the Council of Europe emphasize the importance of the ombudsman's independence and impartiality. For example:

United Nations Resolution

The UN resolution on the ombudsman institution marks a significant milestone in the global promotion of human rights and good governance. Adopted by the UN General Assembly, this resolution underscores the importance of independence and autonomy of ombudsman institutions. These principles are vital to ensure that ombudsman bodies can function free from external interference, enabling them to effectively protect human rights and promote good governance practices.

This resolution aligns with the Venice Principles, which serve as a global standard for supporting and enhancing human rights institutions. By endorsing these principles, the resolution highlights the critical role of the ombudsman in promoting transparency, fairness, and accountability in public administration. It also stresses the need for international cooperation to strengthen these institutions and raise awareness about their essential mandates.

This resolution is a testament to

the global recognition of the ombudsman's role in protecting citizens' rights and promoting ethical governance. It serves as a call to action for countries to support and empower these institutions to operate independently and impartially.



The UN resolution on the ombudsman institution marks a significant milestone in the global promotion of human rights and good governance. Adopted by the UN General Assembly, this resolution underscores the importance of independence and autonomy of ombudsman institutions.

The Venice Principles

The Venice Principles are a set of 25 guidelines developed by the Venice Commission to support and promote the ombudsman institution. These principles serve as a comprehensive framework to ensure the independ-

ence, impartiality, and effectiveness of ombudsman institutions around the world. Below is a closer look at their key elements:

Key Highlights of the Venice Principles

- Independence:** The ombudsman must operate independently from any government or external influence to maintain its credibility and effectiveness.
- Impartiality:** The ombudsman must treat all parties equally and ensure fairness in investigations and decisions.
- Legal Basis:** The ombudsman institution must be established by legal or constitutional provisions to uphold its independence.
- Accessibility:** Citizens must be able to access the ombudsman easily, without financial or procedural barriers.
- Adequate Resources:** The institution must have sufficient financial and human resources to effectively fulfill its mandate.
- Accountability:** While being independent, the ombudsman must remain accountable to the public by providing regular reports on its activities.

Purpose and Impact

The Venice Principles emphasize the role of the ombudsman in protecting human rights, promoting good governance, and addressing maladministration. By adhering to these principles, countries can strengthen the rule of law and ensure citizens have a reliable mechanism for seeking justice.

Examples of Implementation in Different Countries

The Venice Principles have been implemented in various ways across different countries, showcasing

their adaptability and effectiveness. Some examples include:

1. Independence in Practice:

- In **Sweden**, the Parliamentary Ombudsman operates with full independence from the government, allowing it to investigate complaints against officials without external interference.

2. Impartiality in Investigations:

- In **New Zealand**, the ombudsman ensures impartiality by handling complaints from both individuals and organizations. This neutrality has helped build trust between citizens and public institutions.

3. Legal Foundation:

- In **South Africa**, the Public Protector (a form of ombudsman) is enshrined in the Constitution, providing a strong legal foundation for its operations. This ensures its independence and shields it from political pressure.

4. Accessibility:

- In **Canada**, provincial ombudsman offices have implemented user-friendly online complaint systems, making their services easily accessible to the public.

5. Adequate Resources:

- In **Norway**, the ombudsman institution receives sufficient budget and staffing, enabling it to handle a high volume of cases efficiently while maintaining operational independence.

These examples demonstrate how the Venice Principles can be tailored to fit diverse legal and cultural contexts while preserving their core values.

Evaluations and Criticisms of the Venice Principles

While the Venice Principles are widely regarded as a robust frame-

work for ombudsman institutions, they have also faced some criticism:

1. Conceptual Ambiguity:

- Critics argue that adapting the principles to various legal and political systems may lead to conceptual ambiguity, making uniform implementation challenging.

2. Implementation Challenges:

- In countries with weak democratic institutions or authoritarian tendencies, the principles may not be effectively enforced. Critics warn that without strong political will, the principles risk remaining symbolic rather than practical.

3. Resource Constraints:

- Ensuring adequate resources for ombudsman institutions is a core principle, yet critics note that this is often neglected in practice. Financial and staffing limitations can undermine the ombudsman's ability to function independently.

4. Overreliance on Legal Frameworks:

- While the principles emphasize a strong legal basis, some argue that they may overlook cultural or societal factors that also affect the ombudsman's effectiveness.

These criticisms highlight areas where the Venice Principles could be improved or supplemented with additional measures to ensure their impact and implementation.

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The Venice Principles are a set of 25 guidelines developed by the Venice Commission to support and promote the ombudsman institution. These principles serve as a comprehensive framework to ensure the independence, impartiality, and effectiveness of ombudsman institutions around the world.



Overview of the Structure and Legal Jurisdiction of the Ombudsman of Bahrain

* Researcher: Dr. Ali Seyfzadeh

Introduction:

The overarching philosophy behind the establishment of an independent Ombudsman Office in the Kingdom of Bahrain, which began its operations in July 2013, is rooted in a national commitment to human dignity, respect for individual rights, and the strengthening of freedoms. This philosophy reflects a wise national vision aimed at continuously improving institutional structures that promote human rights, accountability, access to justice, and fairness in the criminal justice system—particularly within law enforcement agencies.

The establishment of the independent Ombudsman Office was part of a broader legal, administra-

tive, and executive reform initiative under Bahrain's comprehensive development plan. This step marked a significant qualitative leap that elevated the level of respect for human rights values and principles in public affairs and achieved compliance with many international standards.

From its inception, the Office aimed to structure its operations in alignment with international best practices from similar ombudsman institutions around the world. To this end, it launched a systematic program to learn directly from leading international institutions with relevant expertise.

The Office of the Ombudsman holds particular

importance as the first of its kind tasked with handling complaints and requests for assistance specifically related to personnel of the Ministry of Interior. Notably, its establishment was completed in a relatively short period, with the founding decree issued in February 2012. Compared to similar institutions worldwide, this timeline was considered a significant achievement.

The mandate of the Ombudsman Office includes overseeing compliance with all relevant national laws and adhering to international standards governing the oversight of law enforcement agencies, correctional institutions, rehabilitation centers, and pretrial detention facilities.

It should be noted that the role of the independent Ombudsman Office is part of a series of legal reforms initiated in May 2013, which enhanced its functional capacity and granted it effective legal authority. This made the Ombudsman the first independent executive entity authorized to visit correctional facilities and pretrial detention centers. Its first such visit occurred in September 2013, just two months after the Office's launch, and a detailed report was issued. That same month, the Office also released its first official manual outlining the principles, standards, and criteria for visits to correctional, rehabilitation, and detention centers, in line with United Nations guidelines and other international norms.

According to official statements, the Ombudsman Office is regarded as a leading autonomous institution on human rights in Bahrain. Its mission goes beyond handling complaints and requests for assistance—it also plays a key role in visiting correctional and detention facilities and working with relevant authorities to develop recommendations aimed at promoting human rights.

Head of the Ombudsman Office:



Ms. Ghada Hameed Habib
Board Member of the Organization of Islamic Cooperation Ombudsman Association
Chief Ombudsman and Chairperson of the Commission on the Rights of Prisoners and Detainees

Complaint Handling Process of the Bahrain Ombudsman:

A. Filing a Complaint:

All complaints against Ministry of Interior personnel must be officially recorded within the ministry's records to initiate formal proceedings.

B. Investigation of Complaints:

1. By the Internal Investigation Directorate:

The Internal Investigation Directorate (IID) of the Ministry of Interior receives and investigates complaints

involving public security personnel. An IID representative conducts the investigation at the relevant security office and promptly notifies the complainant and accused of the complaint's status, including actions taken and outcomes, through an official statement.

2. By the Ombudsman:

The IID refers complaints to the Ombudsman under the following circumstances:

- In cases involving death, physical injury, or serious misconduct during or as a result of official duties by Ministry personnel.

- In any incident of misconduct that negatively affects public trust in the Ministry of Interior.

In such cases, the Ombudsman informs both the complainant and the accused of the steps taken and the outcome via an official statement.

C. Decision-Making:

Once a decision is made by either the IID or the Ombudsman regarding the complaint, both the complainant and the accused are notified with sufficient details through an official statement.

Frequently Asked Questions:

1. What is the Ombudsman?

The Ombudsman is a financially and administratively independent office established within the Ministry of Interior to ensure that police personnel comply with professional standards and administrative regulations. It operates within the broader framework of promoting human rights, justice, rule of law, and public trust, in accordance with Recommendations 1717 and 1722 (Section D) of the Bahrain Independent Commission of Inquiry (BICI) report.

The Ombudsman investigates complaints against any Ministry of Interior personnel accused of crimes committed during or as a result of their official duties. It also notifies the Ministry for potential disciplinary action and refers criminal matters to the Public Prosecutor when applicable. Complainants and accused parties are kept informed of the investigation process and outcomes.

2. Who may file a complaint with the Ombudsman?



Any citizen, foreign resident, or visitor may file a complaint if:

- They have personally been subjected to misconduct by Ministry of Interior staff.
- They have been negatively affected by such misconduct, resulting in harm, injury, or risk (media observation alone does not qualify).
- They were direct eyewitnesses to the incident.
- Complaints may also be submitted by a representative or civil society organization on behalf of affected individuals, with written consent. The Ombudsman provides necessary support for persons with special needs or those who require translation services.

3. What types of complaints are accepted?

Complaints involving:

- Death, injury, or serious misconduct during or after actions by Ministry personnel in the line of duty.
- Any misconduct undermining public trust in the Ministry of Interior.

4. What types of complaints are not accepted?

The Ombudsman does not handle complaints involving:

- Individuals who are not Ministry personnel.
- Decisions, orders, or instructions issued by the Minister or Chief of Public Security.

- Examples include:

- Visa or residency rejections.
- Denial of employment or promotion.
- Failed driving test results issued by the General Directorate of Traffic.

5. How can complaints be submitted?

- Through IID representatives at five provincial security offices.
- Online via: www.ombudsman.bh
- In person at the Ombudsman Office.
- By post to P.O. Box 23452, Kingdom of Bahrain.

6. What if the investigation outcome is unsatisfactory?

Any complainant or accused may appeal the Internal Investigation Directorate's decision within 60 days. However, Ombudsman decisions or recommendations are not subject to appeal and may only be contested in a competent court.

7. What is the Ombudsman's role in reconciliation cases?

The Ombudsman and the IID may provide non-binding opinions in legal settlement or reconciliation efforts.

8. Is confidentiality guaranteed during investigations?

Yes. Full confidentiality is maintained, and disclosure of investigative details is prohibited by law.

9. Can embassies or diplomatic missions file complaints on behalf of citizens?

Yes. They may file complaints on behalf of community members with written consent, without infringing on the right of individuals to file independently.

10. What is the Ombudsman's role in monitoring detention facilities?

The Ombudsman is authorized to visit prisons, juvenile centers, and detention facilities to ensure legal compliance and that detainees are not subjected to torture or inhumane treatment. The Office is immediately notified of any death in custody to ensure prompt action. All activities are conducted in accordance with national and international standards.

International Memberships of the Bahrain Ombudsman:

International Ombudsman Institute (IOI):

The Ombudsman Office gained IOI membership in September 2013 after a review confirming compliance with international standards.

Organization of Islamic Cooperation Ombudsman Association (OICOA):

The Office participated in the founding conference of the OICOA in April 2014 in Pakistan and was among its founding members.

Chaillot Prize:

On December 9, 2014, the European Union Delegation in Riyadh awarded the 2014 Chaillot Prize jointly to the Bahrain Ombudsman Office and the National Institution for Human Rights for promoting human rights in the Gulf region. The prize is named after the Palais de Chaillot in Paris, where the Universal Declaration of Human Rights was adopted in 1948.

*Resource:

• This content has been adapted from the website available at: <https://www.ombudsman.bh>



Overview of the Structure and Mandate of the Banking Ombudsman of Pakistan

* Researcher: Dr. Arash Farhoodi

Background of the Ombudsman Institution

In the modern world, the first ombudsman was established in Sweden in 1809. The word "ombudsman" has Swedish roots and means "representative or agent" of the people.

In 1919, more than a century after Sweden appointed an ombudsman, another Scandinavian country, Finland, adopted the Swedish model to handle public complaints against government bodies. Denmark followed in 1955.

In 1974, the International Bar Association adopted the following definition for an ombudsman:

"An ombudsman is an office or institution established by constitutional provision or legislative action, under the supervision of a high-ranking independent public official accountable to the legislature or parliament. This institution receives complaints from individuals, officials, and dissatisfied employees, or initiates action on its own, with the power to investigate, recommend, take corrective measures, and publish reports."

New Zealand was the first country outside of Europe to establish such an institution in 1962, generating significant global interest and encouraging many other coun-

tries pursuing good governance to implement similar systems. Today, more than 100 countries have adopted this structure. Subsequently, in 1995, the European Union, under the Maastricht Treaty, established its first European Ombudsman.

Pakistan is recognized as one of the pioneering countries in Asia and the Islamic world in the establishment of the ombudsman institution. Currently, there are five federal ombudsman offices in Pakistan: Federal Ombudsman (Wafaqi Mohtasib), Federal Tax Ombudsman, Federal Insurance Ombudsman, Federal Ombudsman for Women, Banking Ombudsman.

Evolution of the Ombudsman System

The modern ombudsman is the result of various factors. In addition to the emphasis on good governance at the governmental level, the search for human rights, increased public awareness and education, participatory governance, bureaucratic expansion, the emergence of new democracies with inexperienced civil servants, and rising mismanagement have all contributed to the growth of the ombudsman system.

ing popularity of the ombudsman model.

Until three and a half decades ago, the ombudsman's role was mainly limited to addressing complaints against government agencies. However, new realities such as the shift from state to private sectors, the unprecedented global growth of the service sector, and the increasing number of consumers have highlighted the need for such mechanisms in both public and private sectors.

While courts are always available, the high costs and lengthy processes involved in judicial proceedings have led to the development of alternative mechanisms, allowing individuals and small businesses to find quicker and more cost-effective solutions.

The first industry to adopt this concept was the banking sector. In 1986, the British Bankers' Association established a banking ombudsman office. In 1999, a statutory banking ombudsman was created in the UK, consolidating the functions of eight private sector ombudsman offices. Today, similar banking ombudsman schemes exist in over 25 countries, in both public and private sectors.

India implemented its scheme in 1995, while countries such as Trinidad and Spain appointed a banking ombudsman through their central banks.

There has also been a significant rise in complaints in other sectors such as insurance, airlines, healthcare, media, public service officials, legal services, and more. Overall, such schemes exist in over 25 sectors globally, with ombudsmen playing an active role.

The jurisdiction of ombudsman offices varies from country to country. Most serve individuals and small businesses. For example, the banking ombudsman in Greece operates within the private sector and only accepts individual complaints.



Banking Ombudsman Pakistan

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Globally, ombudsman schemes have proven effective not only in resolving disputes but also in improving service quality and increasing institutional efficiency. Unlike courts that issue judgments based solely on facts presented, ombudsman offices also identify systemic weaknesses and provide recommendations for improvement.

Globally, ombudsman schemes have proven effective not only in resolving disputes but also in improving service quality and increasing institutional efficiency. Unlike courts that issue judgments based solely on facts presented, ombudsman offices also identify systemic weaknesses and provide recommendations for improvement.

Another reason for the success of ombudsman systems is their low cost. Evidence shows that savings from avoiding lengthy litigation far exceed the costs of implementing these schemes. Moreover, compared to the complex and time-consuming judicial process, the ombudsman procedure is informal, flexible, and swift. Importantly, complainants do not lose any rights and may still seek legal redress later.

Banking Ombudsman of Pakistan (Mohtasib Banki)

In Pakistan, the first step was taken with the appointment of the Federal

Ombudsman in 1983. The main objective of this institution was to identify, investigate, address, and rectify injustices experienced by citizens in dealing with federal government departments. The success of this initiative led to the establishment of provincial ombudsmen in Sindh, Punjab, Balochistan, Khyber Pakhtunkhwa, and Azad Jammu and Kashmir.

Following the notification issued by Pakistan's Ministry of Law and Justice dated July 4, 2023, Mr. Sirajuddin Aziz assumed the role of Banking Ombudsman on July 18, 2023, for a four-year term under Section 3 of the Federal Ombudsman Institutional Reforms Act of 2013.

Mr. Sirajuddin Aziz has extensive experience and is considered a seasoned professional in the banking sector. Over the years, he has worked with numerous organizations in Pakistan, China, Hong Kong, the United Kingdom, Nigeria, and the United Arab Emirates.

He served as President and CEO of HabibMetro Bank. Previously, he was CEO of Bank Alfalah from



2006 to 2011. As President/CEO, he has been actively involved in managing these institutions for over fifteen years and chaired various oversight committees. His last administrative role was as CEO (Global Financial Institutions) at Habib Bank AG Zurich in Switzerland.

Mr. Aziz is a member of the Institute of Bankers Pakistan (IBP), and for over a decade, he served as editor of the IBP's journal. He is also a member of the Institute of International Affairs of Pakistan and the Pakistan English Language Association. He serves on the boards of various educational institutions and social organizations and is a regular speaker at universities and professional forums, where he hosts sessions on diverse topics.

He regularly contributes articles to national and international newspapers, magazines, and publications. His published works include "In Search of the Mirage," "Bitter and Sweet - Life and Times of My Father," "The Essence of Islam," "Emerging Dynamics of Management," and "The Handbook of Effective Management."

Objectives of the Banking Ombudsman

To resolve all disputes amicably through an informal and friendly reconciliation process, rather than through a for-

mal and adversarial procedure. The ombudsman cannot take sides.

Mission

As an independent statutory body established to resolve disputes between consumers and banks, the mission of the Banking Ombudsman is to provide free and swift resolutions for all referred disputes in a manner that is impartial, fair, and just to all parties involved.

Core Values

The Banking Ombudsman of Pakistan functions as a cohesive team that accepts collective responsibility for individual decisions. With full adherence to its core values, the organization believes that by upholding these principles in both professional and personal life, it can make a meaningful difference.

Accountability

The Banking Ombudsman of Pakistan receives numerous complaints daily. With a practical and logical approach, it seeks fair and amicable solutions in an informal and efficient manner.

Empathy

Even minor disputes can cause unnecessary discomfort and stress. Each case is analyzed with an open mind, and, when necessary, the parties are listened to with patience and empathy to find a practical and fair solution.

Flexibility

The Ombudsman believes that most disputes can be resolved amicably. It avoids rigidity that might prolong or complicate dispute resolution and instead fosters an environment that encourages all parties to be reasonable and conciliatory.

Transparency

Impartiality and transparency form the foundation of the Banking Ombudsman of Pakistan's functions. Its services are free of charge. Confidentiality is maintained in all cases, and the process is designed to be acceptable to both parties. Decisions are consistent, transparent, and balanced, ensuring that any rational person can understand them.

Structure of Financial and Insurance Ombudsman Offices in Pakistan

Federal Tax Ombudsman

With the rise in complaints related to corporate sectors, particularly concerning unfair enforcement of tax laws, and the government's desire to promote a fair business environment, the Federal Tax Ombudsman was established in 2000. Over the past 11 years, this office has provided considerable facilitation to businesses. Entrepreneurs can now make confident investment decisions in a setting where justice and fairness are expected.

Federal Insurance Ombudsman

In line with the implementation of the Insurance Ordinance of 2000, the Federal Insurance Ombudsman Office was established on May 2, 2006. This office was designed to investigate and correct injustices resulting from mismanagement by private insurance companies. Its key role is to provide swift and free resolutions to public complaints regarding potential mismanagement by insurance firms. It handles matters related to life and general insurance under the relevant regulations.

Banking Ombudsman (Mohtasib Banki)

More than 25 countries have established banking ombudsman institutions or similar schemes, all of which have played a vital role in improving banking efficiency. These schemes have significantly impacted the banking sector, making banks more aware of their responsibilities and the need to respond to customers professionally and efficiently.

With the rapid expansion of products and services, particularly in consumer credit, the number of complaints from the public has increased accordingly.

Banking Ombudsman of Pakistan

The move toward privatization and liberalization in Pakistan led banks to rapidly expand their products and services in recent years, resulting in a dramatic increase in the banked population.

However, the rising volume of complaints submitted to the State Bank of Pakistan and the government's determination to provide an independent complaint resolution mechanism that is free, impartial, and efficient led to the appointment of the Banking Ombudsman in 2005.

The Banking Ombudsman is not a regulator of the banking industry. Pakistan's financial system has undergone major reforms and liberalization. Banks have successfully adapted to the new open environment, enhancing service delivery and offering a wide range of innovative products. As digital banking products increase, so have the number of consumer complaints.

In this dynamic environment, disputes between banks and consumers are inevitable. The Ombudsman's role is essentially to mediate between the two sides to find an amicable and acceptable solution.

When resolution is not possible, the matter is analyzed and findings with recommendations are provided to the concerned bank to identify the best way forward. In most cases, banks accept the recommendations and the matter is resolved. However, when a dispute remains unresolved, a formal hearing may be conducted under Section 82D of the Banking Companies Ordinance, 1962, followed by an official order.

Advantages of the Ombudsman

- Proven success globally
- Free services
- Cost-effective for complainants and banks
- Hearings are held near the complainant's residence
- Legal representation is not mandatory or restrictive
- Accessible, friendly, informal, and flexible system
- Complainants retain the right to approach a court if dissatisfied

Banking Ombudsman Office Locations in Pakistan



Central Secretariat: Karachi
Regional Offices: Lahore, Multan, Peshawar, Quetta, Rawalpindi

Complaint Procedure

By law, only the Banking Ombudsman has the authority to deal with banking complaints. Thus, the complaint process is centralized in the Karachi secretariat.

Two ways to file a complaint:

1. Using the Complaint Form

- Step 1: Submit a written complaint to the bank first. If the bank does not resolve the issue within 45 days, the complainant can file a complaint to the Banking Ombudsman.

— Step 2: Submit the completed complaint form signed and verified by a commissioner, along with a cover letter, a copy of CNIC, and relevant documents to:

Banking Ombudsman of Pakistan
Shaheen Complex, 5th Floor
M. R. Kiyani Road, Karachi

2. Online Complaint Form

Complaints can also be submitted online through the designated form.

Types of Complaints the Ombudsman Can Handle

- Complaints against scheduled banks operating in Pakistan
- Complaints rejected by banks, provided records have not been destroyed per the bank's document retention policy
- Cases of banking law violations, excessive delays, inefficiency, poor service, or discriminatory actions

Note: The Ombudsman does not handle policy-related matters such as fee schedules, loan issuance or forgiveness, or interest rates.

What Happens After a Complaint Is Filed?

Once procedural requirements are confirmed, further information may be requested. Banks may be asked for relevant records and procedures.

Possible outcomes:

- If the complaint is unfounded, it is dismissed.
- If it has merit, mediation is attempted. If mediation fails, a formal hearing may be held, and an appropriate directive issued.

Timeframe: The Ombudsman aims to resolve complaints within two months, though complex cases may take longer.

Frequently Asked Questions

1. Why was the Banking Ombudsman established?

To ensure that public complaints against banks are handled fairly and efficiently by an independent body.

2. Are there institutions the Ombudsman cannot investigate?

Yes. These include the State Bank of Pakistan, microfinance banks, investment companies, insurance firms, etc.

3. Is the Banking Ombudsman independent?

Yes, it is an independent statutory institution.

4. What types of complaints are handled?

Violations of banking laws, discrimination, inefficiency, operational issues, and harassment during loan collection.

5. What is outside the Ombudsman's jurisdiction?

Issuing loans, changing interest rates, resolving non-banking contractual matters, and cases already in court.

6. Can the Ombudsman issue a stay order?

No.

7. Who can file a complaint?

Any individual or company with a dispute against a bank.

8. Is there a limit on the compensation requested?

No cap, but only actual damages are awarded.

9. Can a complaint be filed directly?

No. First, the bank must be given a chance to respond within 45 days.

10. Is there a time limit to file a complaint?

Yes. Delayed complaints may not

be accepted.

11. Is there a fee to file a complaint?

No. The service is free.

12. Is a lawyer needed?

No, but one may be hired if desired.

13. Can complaints be filed at any office?

Yes, but the Karachi office handles all investigations.

14. Can someone else file the complaint?

Only with a legal power of attorney.

15. Is visiting the head office required?

No. Hearings can be arranged at the nearest regional office.

16. How long does it take to resolve a complaint?

Usually within two months, but may vary.

17. Are hearings formal?

Usually informal, but formal sessions may be held when needed.

18. Are decisions binding on banks?

Yes. Banks have 30 days to appeal; otherwise, the decision is final.

19. Where can appeals be filed?

To the President of Pakistan within 30 days.

20. Does filing with the Ombudsman waive court rights?

No. Complainants retain the right to approach the courts.

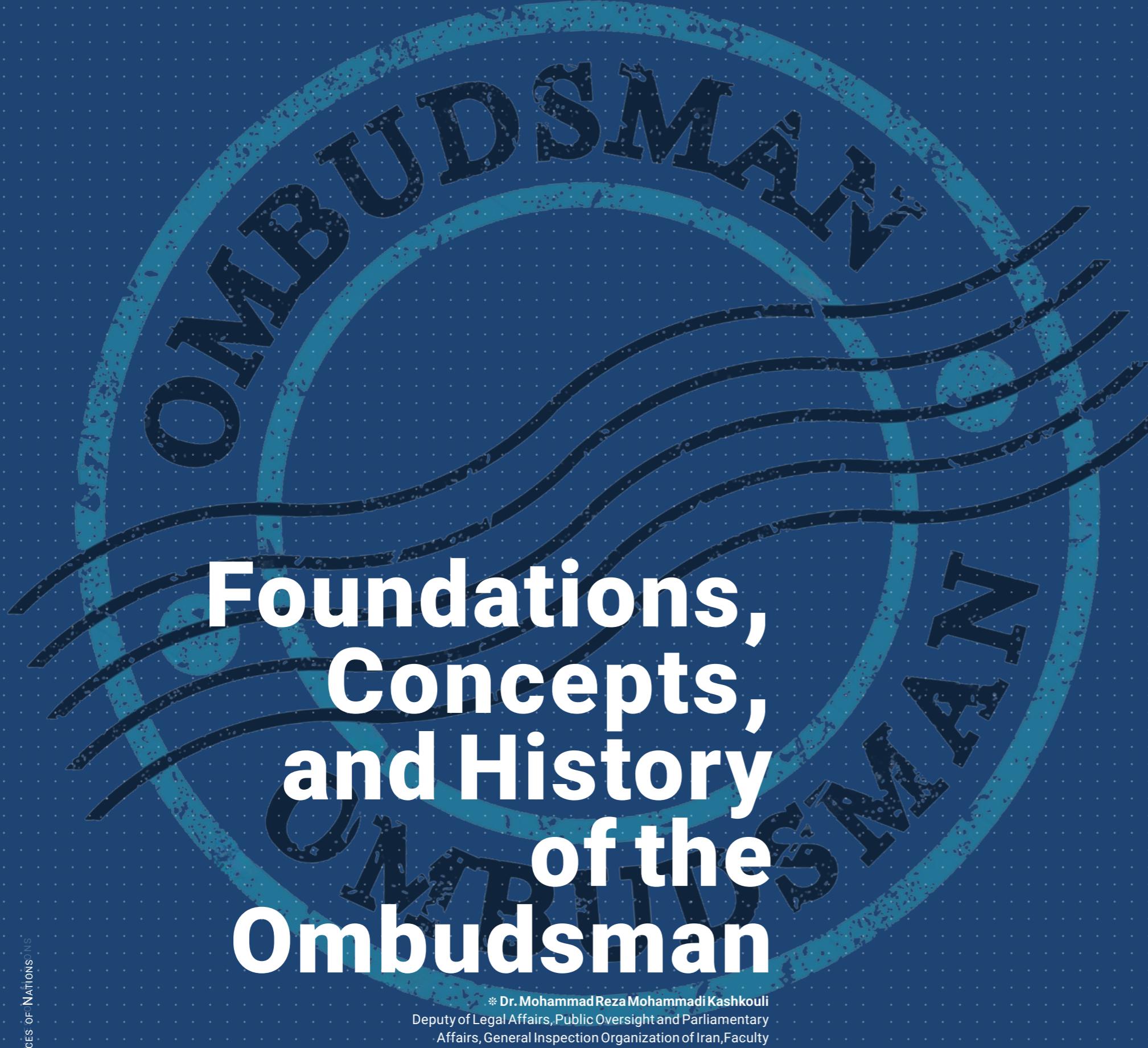
21. How long do banks have to comply?

Banks must comply within 40 days unless an appeal is submitted within 30 days.

*Source:

• This content has been adapted from the website available at:

• <https://www.bankingmohtasib.gov.pk/>



Foundations, Concepts, and History of the Ombudsman

*Dr. Mohammad Reza Mohammadi Kashkouli
Deputy of Legal Affairs, Public Oversight and Parliamentary Affairs, General Inspection Organization of Iran, Faculty Member, University Professor

*Dr. Farshad Bashirzadegan
Researcher of Deputy of Legal Affairs, Public Oversight and Parliamentary Affairs, General Inspection Organization of Iran

Introduction

Today, the Ombudsman institution is recognized as an independent and impartial mechanism for handling citizens' complaints against executive and administrative bodies, holding a significant place in modern governance systems. By enhancing accountability, increasing transparency, and promoting administrative justice, the Ombudsman plays a fundamental role in protecting civil rights. In recent decades, as administrative structures have become more complex and the need for effective oversight over government performance has grown, the importance of this institution has become more apparent.

This article aims to examine the foundations, concepts, and historical evolution of the Ombudsman, while analyzing its legal and theoretical standing and its impact on improving governance and upholding civil rights.

Definition and History of the Ombudsman

The word "Ombudsman" originates from Swedish and means "representative" or "agent." It refers to the protection of citizens' rights against administrative misconduct or injustice. The first official Ombudsman institution was established in Sweden in 1809 under the title "Parliamentary Ombudsman." The goal was to oversee government performance and prevent the abuse of power.

Since then, the Ombudsman has been accepted as a non-judicial oversight mechanism in many countries and is currently present in over 100 nations worldwide, particularly across Europe, the Americas, Asia, and Africa. It serves as an effective tool for ensuring human rights and enhancing governmental transpar-

ency by reviewing public complaints and offering solutions, thus holding public institutions accountable and safeguarding citizens' rights.

To expand and coordinate Ombudsman activities internationally, the International Ombudsman Institute (IOI) was established in 1978 in Vienna, Austria. This organization, bringing together the experiences of over 150 active Ombudsman offices worldwide, has created a platform for knowledge exchange and improving professional standards. Today, the Ombudsman functions as an independent and neutral body, playing a key role in good governance, public oversight, and protection of civil rights.

Foundations and Principles of the Ombudsman

The Ombudsman institution is founded on key principles that guarantee its independence, impartiality, and effectiveness in handling citizens' complaints. The most important of these principles include:

1. Independence and impartiality: The Ombudsman must be independent from executive and political institutions to ensure unbiased and fair investigation of complaints. Functional and financial independence is essential to protect the institution from political, administrative, or economic pressure. This independence, ensured both legally (through constitutional provisions or specific laws) and structurally, provides a basis for implementing administrative justice. The Ombudsman is required to act without prejudice or bias and must protect the rights of all citizens equally.

2. Legal framework and jurisdiction: The operations of the Ombudsman are defined by the laws of each country, and its supervi-

sory and executive powers vary depending on the legal system. For example, in Iran, the General Inspection Organization-considered equivalent to the Ombudsman-was established under Article 174 of the Constitution and is responsible for reviewing complaints, offering corrective recommendations, and reporting to relevant authorities. In countries like Sweden and the United Kingdom, Ombudsman institutions operate directly under parliamentary supervision and play a vital role in monitoring government conduct.

3. Transparency and accountability: The Ombudsman's procedures must be transparent and traceable, allowing citizens to stay informed about the status of their cases. Additionally, executive bodies are obligated to cooperate with the Ombudsman and implement its recommendations. This accountability fosters public trust and enhances governance quality.

Types of Ombudsman and Their Areas of Activity

Based on the scope of oversight and specialized fields, Ombudsmen can be categorized into several types:

1. National Ombudsman: These operate at the national level and are responsible for addressing citizens' complaints against all public, executive, and oversight institutions within the country. Their duties include examining complaints, making reform recommendations, and monitoring public institutions to ensure transparency, administrative justice, and protection of civil rights.

2. Regional Ombudsman: These function at the provincial or regional level and focus on complaints within their defined geographic areas. Their main goal is to respond to local grievances and provide solutions to improve service delivery and governance at the regional level.

3. Specialized Ombudsman: These Ombudsmen work in specific sectors such as health, education, environment, and other technical fields. Using domain-specific expertise, they investigate complaints in their area of focus and offer recommendations to enhance services. Specialized Ombudsmen play a significant role in ensuring the quality and ethical standards of services in their respective fields.

This classification helps policymakers and researchers analyze various oversight mechanisms at different levels and assess their effectiveness in protecting citizens' rights.

Duties and Powers of the Ombudsman

The Ombudsman institution, as a non-judicial oversight body, is considered one of the most important supervisory tools in administrative and executive fields. Its duties and powers can generally be categorized and explained under several main axes:

1. Receiving and Examining Complaints: The Ombudsman serves as the first point of contact for receiving citizens' complaints against administrative and executive bodies. These complaints can be submitted in writing, by phone, or electronically.

2. Preliminary Analysis: After receiving a complaint, the Ombudsman examines it from a legal and administrative perspective to determine whether the issue falls within the institution's jurisdiction and responsibilities.

3. In-depth Investigations and Examinations: Conducting Investigations: Utilizing its legal authority, the Ombudsman is responsible for conducting thorough and well-documented investigations into received complaints. These investigations include collecting evidence, interviewing involved parties, and reviewing related documents.

4. Performance Evaluation: The purpose of these investigations is to identify weaknesses and deficiencies in the performance of administrative and executive bodies, detect misconduct, lack of transparency, or unfair practices.

5. Providing Solutions and Reform Recommendations:

6. Offering Proposals: Based on the investigation results, the Ombudsman offers proposals to reform administrative procedures and improve the performance of the examined institutions. These recommendations may include changes in executive procedures, improvement of laws and regulations, or administrative restructuring.

7. Encouraging Reform: Although Ombudsman recommendations are not legally binding, the institution plays a significant role as an independent and neutral body in motivating officials to improve conditions and enhance public services.

8. Reporting and Information Dissemination: Preparing Periodic Reports: The Ombudsman is required to regularly (typically annually or periodically) prepare reports on the performance of administrative and executive bodies. These reports include comprehensive analyses of complaint handling, strengths and weaknesses, and reform suggestions.

9. Reporting to Authorities and the Public: Ombudsman reports are submitted to

relevant oversight bodies (such as Parliament or a supervisory council) and also shared with the general public to enhance government transparency and accountability.

10. Maintaining Independence and Ensuring Neutrality: Operational Independence: A fundamental principle of the Ombudsman's duties is maintaining independence from political and administrative influence. The institution must act impartially based on legal principles and justice.

11. Protecting Confidentiality: In the complaint handling process, the Ombudsman is obligated to keep complainants' identities and case information confidential to protect individuals from retaliation or harm.

12. Proposing Legislation: Legislative Reform Proposals: By identifying problems and deficiencies in administrative and executive procedures, the Ombudsman can propose legislative and regulatory reforms. These proposals may serve as a basis for structural and legal changes at the national level.

13. Enhancing Transparency and Accountability: Through detailed reports and reform recommendations, the Ombudsman assists legislative institutions in improving legal and regulatory frameworks and increasing transparency in governmental operations.

In summary, the Ombudsman's responsibilities go beyond merely receiving and reviewing complaints; they include thoroughly examining government institutions' performance, issuing reform recommendations to improve administrative systems, and participating in the legislative process to ensure citizens' rights and increase govern-

mental transparency. Although Ombudsman powers are not binding, the influence of its reports and recommendations plays a significant role in developing and consolidating democratic principles and establishing an efficient and accountable oversight system.

The Importance of the Ombudsman in Governance and Civil Rights

The Ombudsman, as an independent and impartial oversight body, plays a fundamental role in advancing civil rights and improving the quality of governance in public systems. By providing a mechanism for swift and transparent accountability, it increases public trust in administrative and executive institutions and acts as a bridge between citizens and authorities, facilitating conflict resolution and systemic reform.

Moreover, by receiving and investigating public complaints regarding administrative misconduct, the Ombudsman can identify deficiencies and corruption, compile comprehensive performance reports, and submit reform recommendations to relevant authorities. Although these recommendations are not legally binding, they serve as effective tools for improving administrative processes, refining legislation, and reducing corruption. Ultimately, this fosters a democratic participatory environment and raises public awareness of legal rights.

Comparative studies show that drawing on the experiences of developed countries in non-judicial oversight can significantly enhance the performance of the Ombudsman in developing nations. In other words, an effective Ombudsman not only leads to better regulation and improved public service delivery



The Ombudsman, as an independent and impartial oversight body, plays a fundamental role in advancing civil rights and improving the quality of governance in public systems. By providing a mechanism for swift and transparent accountability, it increases public trust in administrative and executive institutions and acts as a bridge between citizens and authorities, facilitating conflict resolution and systemic reform.

but also enables citizens to actively monitor government performance through the submission of complaints, thereby supporting civil society development and the realization of human rights.

In summary, by performing oversight duties and offering corrective strategies, the Ombudsman serves as a key mechanism in strengthening the rule of law, increasing administrative transparency, and improving civil rights—an essential factor for the advancement of democratic systems.

The Role of the Ombudsman in Improving Governance Systems

An independent and impartial oversight body such as the Ombudsman is recognized as one of the core pillars of modern governance. It contributes to enhancing the performance of public institutions and ensuring the rule of law in several ways:

• Enhancing Transparency and Accountability
By receiving complaints from citizens and monitoring the performance of administrative and executive agencies, the Ombudsman prepares comprehensive periodic reports. These reports highlight weaknesses, deficiencies, and instances of corruption and are submitted to competent authorities. This promotes transparency in government operations and enforces greater accountability from officials, thereby building public trust in governance systems.

• Protection of Civil Rights
One of the key duties of the Ombudsman is to protect individuals from administrative violations and abuse of authority. Through investigating complaints and offering reform recommendations, the Ombudsman ensures that public

sector activities comply with legal frameworks and justice principles, thereby safeguarding fundamental freedoms and civil rights.

• Encouraging Structural Reforms
Complaints often arise from sys-



By receiving complaints from citizens and monitoring the performance of administrative and executive agencies, the Ombudsman prepares comprehensive periodic reports. These reports highlight weaknesses, deficiencies, and instances of corruption and are submitted to competent authorities.

temic flaws and operational inefficiencies. By conducting thorough investigations and making policy suggestions, the Ombudsman helps identify and resolve these issues. This can result in improved laws, revised administrative procedures, and restructured management systems, making governance more ef-

fective.

• Promoting Public Participation and Civil Society Development

As a communication channel between citizens and government, the Ombudsman allows individuals to directly voice their concerns and criticisms. This active engagement fosters a culture of oversight and accountability, strengthens civil society, and supports the development of a healthy democratic system.

• Reducing Corruption and Abuse of Power

Through its independent oversight function, the Ombudsman has been effective in reducing administrative corruption and misconduct. By exposing irregularities and offering corrective guidance, it exerts pressure on officials to enhance their performance and adopt preventive measures, thereby maintaining the rule of law.

• Improving the Quality of Public Services

The reform proposals developed by the Ombudsman—based on thorough investigations—pave the way for better public services. With improved procedures and increased institutional efficiency, the services delivered to citizens improve, and existing problems are mitigated.

Applications of the Ombudsman in Various Legal and Administrative Systems

The Ombudsman, as a non-judicial oversight mechanism, is widely used in many legal and administrative systems worldwide to promote transparency, accountability, and the protection of civil rights. Its applications span several important areas:

1. Investigation of Administrative Misconduct

The Ombudsman acts as a link

between citizens and public authorities by addressing complaints related to government performance. Its main function is to investigate administrative failures, abuses of power, and corruption. Through field investigations and documentation, it identifies violations and provides detailed reports to oversight bodies, paving the way for procedural and administrative reforms.

2. Improving Transparency and Accountability in Government

One of the Ombudsman's primary goals is to establish a framework for government accountability. By publishing regular reports and reform recommendations, the Ombudsman ensures that public sector performance is trackable and measurable. This increases openness in public administration and compels officials to provide justifications for their decisions and actions.

3. Protection of Human and Civil Rights

The Ombudsman serves as a legal advocate for citizens, overseeing administrative and executive practices. When individual rights are violated or legal boundaries are overstepped by public agencies, the Ombudsman intervenes with investigations and proposals for redress. This function is particularly valuable in contexts where access to judicial remedies is expensive or time-consuming.

4. Encouraging Structural Reform and Governmental Efficiency

Ombudsman complaints and reports often reflect sys-

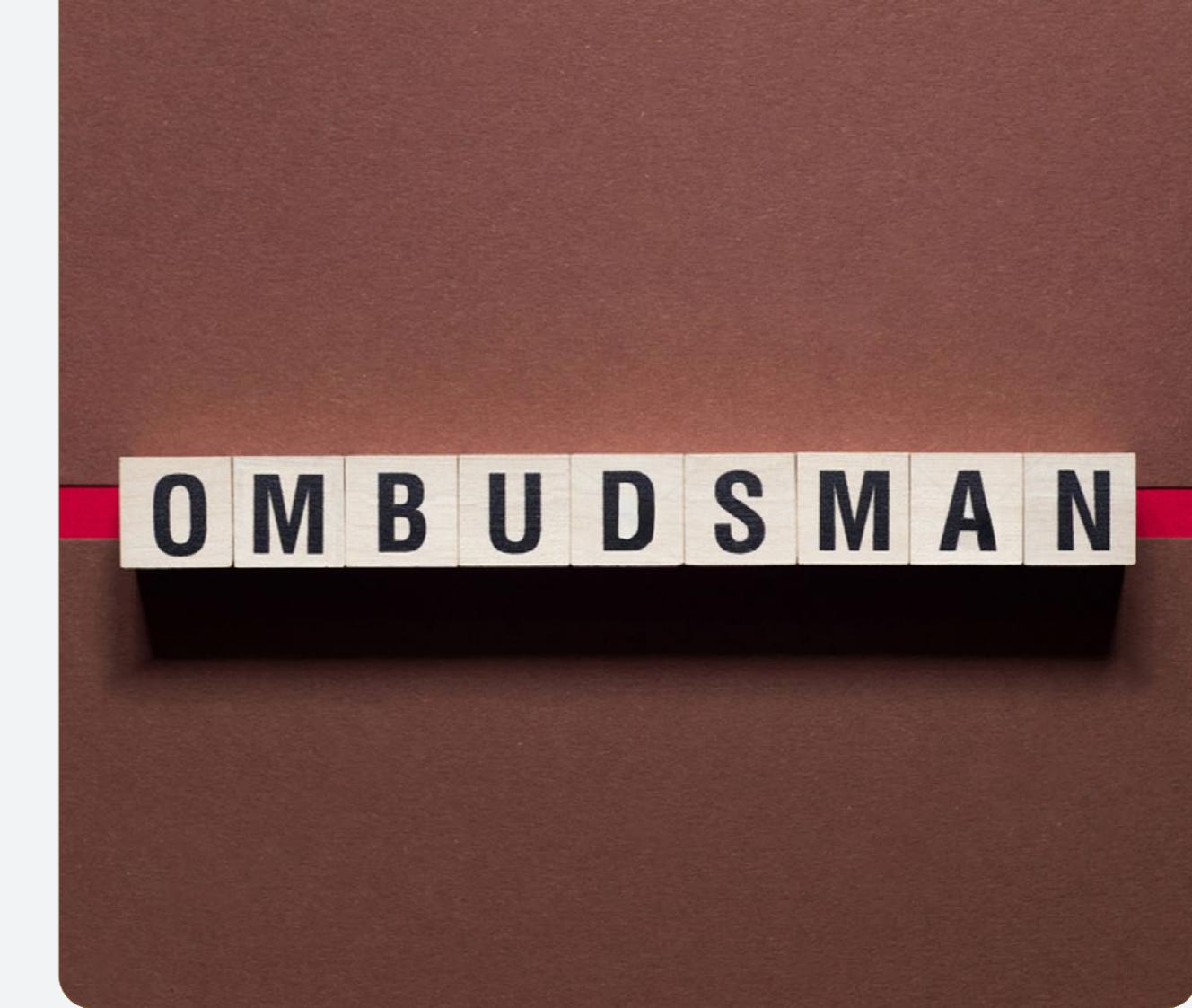
temic issues in public administration. Through detailed analysis, the institution recommends legal reforms, procedural changes, and structural improvements. The ability to learn from international experiences—via organizations such as the International Ombudsman Institute—enables developing countries to improve the effectiveness of their governance systems.

5. Application in Specialized and Regional Fields

In addition to general government oversight, Ombudsman models are also applied in specialized sectors (e.g., health, education, environment) and at regional or local levels. In these contexts, complaints relevant to specific topics and geographical areas are reviewed, and customized solutions are provided. This segmentation allows for more targeted investigations and better responsiveness to local needs.

6. International Cooperation and Standardization of Practices

International Ombudsman associations such as the International Ombudsman Institute (IOI) play an essential role in knowledge-sharing, standardizing procedures, and enhancing institutional performance worldwide. These collaborations facilitate benchmarking, identify best practices, and implement effective oversight solutions globally. Such exchanges enable countries to learn from each other and improve their governance systems.



Conclusion

In an era of rapid change and administrative complexity, the Ombudsman has emerged as one of the most important non-judicial oversight tools, playing a crucial role in protecting citizens' rights, improving transparency, and enhancing government performance. By providing a platform for filing complaints, investigating administrative violations, and offering reform recommendations, the Ombudsman supports good governance and encourages civic engagement.

Comparative studies demonstrate that strengthening the independence of the Ombudsman and aligning its work with other oversight bodies can lead to broad administrative reforms and reduce corruption. In environments where misconduct exists, the Ombudsman can investigate and expose illegal practices and contribute to their rectification.

Overall, the Ombudsman, as a bridge between the government and society, facilitates better law enforcement, improved public service delivery, and the consolidation of democratic principles, thereby fostering the sustainable development of civil society.

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Ombudsman and the Presentation of an Ideal Oversight Model (with Emphasis on Iranian Law)

* **Dr. Mohammad Reza Mohammadi Kashkouli**
Deputy of Legal Affairs, Public Oversight and Parliamentary Affairs, General Inspection Organization of Iran, Faculty Member, University Professor

* **Alireza Keshavarzadeh**
Master's Student in Criminal Law and Criminology, Faculty of Law, Shahid Beheshti University

Abstract

The third millennium marks the age of the flourishing of civilizations. It is a time when states no longer hold absolute power, and the right of citizens to monitor governments has significantly reduced the authoritarian tendencies of rulers, compelling them to be more cautious in their actions, which often bear numerous consequences. Historically, kings and rulers, wielding despotism and absolute power, perpetrated financial corruption without being held

accountable by any person or institution. However, the passage of time and the establishment of international organizations-along with the ratification of various global, regional, and national legal instruments-have created mechanisms for states to regulate various affairs within the framework of the rule of law.

The Ombudsman, though a relatively new institution, is among such regulatory and oversight mechanisms that have gained special attention from criminal policy makers in Iran and are currently being utilized. Nonetheless, presenting a suitable and effective oversight model remains an essential issue to be addressed in the Iranian context.

Introduction

Since the adoption of international legal instruments-especially the Universal Declaration of Human Rights in 1948 and the two International Cov-



domestic institutions-drawing from comparative legal studies-have also focused on combating corruption and overseeing state entities. One such development is the establishment of the Ombudsman institution. The term "Ombudsman" is of Swedish origin and refers to a public institution founded in the aftermath of the political collapse of Sweden's governing system in 1809.

To ensure stability, oversight over the powers of governance, and control over state institutions, a structure was formed headed by a high-ranking official affiliated with the advisory council. This senior official was tasked with receiving citizens' complaints about the performance of various governmental bodies and public officials and investigating such complaints. According to comparative legal findings, the term "Ombudsman" was officially used for the first time in Sweden's 1809 Constitution. In Swedish, the word translates as "spokesperson" or "representative."

In essence, the Ombudsman denotes a non-judicial mechanism for legally and administratively monitoring the performance of executive agencies while simultane-

ously protecting individual rights and freedoms. It serves as a safeguard for the lawful implementation of regulations and a defender of citizens' rights against administrative misconduct.

Iranian law, too, has not remained detached from this trajectory. In alignment with the emerging global legal order, the Iranian legal system has sought to adapt itself accordingly. The Constitution of the Islamic Republic of Iran, as a supra-legal charter, along with ordinary laws, reflects policy-making in this field, aiming to enhance civil rights and present an ideal model for governance. Hence, it is necessary to first examine the legal status of the Ombudsman institution in Iranian law (Section A) and then propose a suitable oversight model (Section B).

A. The Status of the Ombudsman in Iran's Legal System

The Constitution of the Islamic Republic of Iran, as the national covenant and the primary legal document for aligning other laws, explicitly refers to the establishment of the Ombudsman-like institution in Article 174, which states:

"Pursuant to the judiciary's right of supervision over the proper implementation of affairs and enforcement of laws in administrative bodies, an organization named the 'General Inspection Organization' shall be established under the supervision of the Head of the Judiciary. The scope of powers and responsibilities of this organization shall be determined by law."

Before the Constitution's express reference to the General Inspection Organization, Article 156, Clause 3, had already emphasized the judiciary's duty to oversee the proper execution of laws. Based on this, the judiciary has a natural and inherent responsibility to fulfill its oversight role, which is formally assigned to the General Inspection Organization as a specialized and exclusive body.

It is worth noting that the Islamic Consultative Assembly (Parliament) also enjoys the authority-under Article 76 of the Constitution-to investigate all affairs of the country. However, the allocation of a distinct constitutional article exclusively for the oversight function of the General Inspection Organization, along with its specific legislative framework and a dedicated executive bylaw, makes this institution a clear example of the Ombudsman model in Iran.

The general scope of Article 174 is considered to have precedence over other constitutional articles, and its wording suggests its unique significance in the oversight structure.

Alongside the Constitution and the General Inspection Organization Act of 2014 (1393 SH) and its bylaw, the Iranian legal system has also expanded its anti-corruption framework through comparative legal reforms-such as

the enactment of the *Whistleblower Protection Act* (ratified on December 5, 2023 / 14 Azar 1402 SH). Article 1, Paragraph 3 of this law identifies the following bodies as official corruption-reporting recipients:

"Prosecutor's offices, the Judiciary's Protection and Intelligence Center, the General Inspection Organization, the Ministry of Intelligence, the IRGC Intelligence Organization, and the Law Enforcement Command of the Islamic Republic of Iran, within the scope of their legal authority."

It is important to note that, among these, aside from the Prosecutor's Office and the General Inspection Organization, the rest may be considered judicial enforcement agents. The evidentiary value of reports from such agents is evaluated similarly to that of expert testimony, which is recognized as credible within the criminal justice system.

In contrast, prosecutors-as public accusers-and the General Inspection Organization-as an institution inherently tasked with safeguarding public rights and combatting corruption-possess the legal authority to directly intervene in the criminal process.

B. A Desirable Ombudsman-Based Oversight Model

An examination of the Constitution and domestic laws of the Islamic Republic of Iran reveals the existence of multiple supervisory, security, and reporting bodies in matters related to corruption. According to Article 29 of the 2014 Code of Criminal Procedure, most of the institutions listed in Paragraph 3 of Article 1 of the *Whistleblower Protection Act* are classified as judicial officers. However, the General Inspection Organization (GIO) remains the only specialized authority legally empowered to inspect and oversee all

aspects of administrative governance.

The multiplicity of oversight bodies and their overlapping responsibilities have always raised concerns regarding mutual distrust between institutions or the pursuit of power by each based on their own mandates. This gives rise to a major question: when inspection and oversight become necessary in response to corruption within an executive agency, which authority has the right to intervene, and whose assessment holds greater legal weight? This legal ambiguity, stemming from conflicting and scattered regulations, poses persistent challenges to the criminal justice system.

To illustrate, if multiple oversight bodies, including those listed in Paragraph 3 of Article 1, simultaneously intervene in Ministry "X" and submit separate reports to the judicial authorities, how should the assessing judge evaluate their legitimacy? Which report is to be given precedence, and which may be disregarded? More importantly, if a specialized entity such as the GIO also submits a report, should the judicial authority prioritize it over the others? Do these overlapping efforts not burden the justice system with inefficiencies and additional costs?

Therefore, the most crucial criterion for establishing a unified model within the ombudsman framework in Iran is the designation of a single specialized body for inspections and oversight. Other institutions involved in criminal policy processes should operate under the supervision and within the strategic framework of that body. Just as criminal law systems require legal unity and coherence, so too should the oversight and accountability mechanisms targeting governmental entities be governed by a single law and a unified structure to avoid redundancies and inefficiencies. Hence, the most effective and optimal model for an ombudsman system in Iran must be based on a unified oversight approach, with all other institutions acting under the direction and management of that core entity.

Conclusion

Supervision over governmental institutions and officials necessitates a specific and well-defined mechanism. Given the inherent authority and expansive powers of state officials, there has always been a risk of power abuse. International institutions and comparative legal studies have emphasized the importance of limiting such powers and holding public officials accountable to prevent misuse and ensure proper governance.

In Iran, there is currently no singular, cohesive approach to combating corruption. The presence of conflicting and inconsistent legal frameworks further complicates the issue. If we base our analysis solely on the specialized domain of corruption reporting, the institutions listed in Paragraph 3 of Article 1 of the *Whistleblower Protection Act* have jurisdictional authority to receive reports, while other entities, such as intelligence departments of various ministries, may act in a supportive role.

Moreover, under the *Whistleblower Protection Act*, the designated institutions are only authorized to receive corruption-related reports and not to intervene directly. However, the General Inspection Organization, as a constitutional institution, holds both the authority to receive reports and the legal power to intervene and conduct inspections. Its role is constitutionally recognized and further reinforced by the *Law on the Formation of the General Inspection Organization*.

Accordingly, the most suitable and effective ombudsman model



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for combating corruption is one in which all relevant bodies operate under the supervision and coordination of the General Inspection Organization. These bodies should collaborate with the GIO by submitting their reports and data, except in cases of *flagrante delicto* (obvious crime in progress), as specified in the 2014 Code of Criminal Procedure, in which case only the judicial officers listed in Article 29 of that law may intervene directly. For non-obvious corruption offenses, other entities should refrain from intervention.

Thus, adopting a *single-authority model* in the fight against corruption is a desirable approach. Not only does it prevent overlapping responsibilities and conflicting interventions among institutions, but it also designates a clear and accountable authority-ensuring transparency, efficiency, and consistency in the oversight process.

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The Role of the Ombudsman in Strengthening Good Governance and National Integrity System

* Researcher: Dr. Asghar Mobarak

Abstract

This study explores *"The Role of the Ombudsman in Strengthening Good Governance and National Integrity System."* The aim of the research is to explain the concepts of good governance and national integrity based on the indicators and standards set by the World Bank, and to outline the role of the ombudsman in achieving them. Good governance is one of the theoretical frameworks related to sustainable development. Unlike earlier theories that linked development to the extent of state intervention in public affairs, this theory emphasizes the quality of government intervention.

One institution that can play a significant role in this regard is the ombudsman. As a legal oversight body operating through a non-judicial approach to monitor the performance of administrative institutions, the ombudsman contributes significantly to the rule of law, curbing corruption, promoting accountability, and regulatory refinement. If the legal powers of this institution are properly defined and it performs effectively, it can pave the way for the realization of good governance.

After examining the concepts of good governance, national integrity, and the ombudsman, this study assesses

the role of the ombudsman in achieving these objectives. The findings emphasize that the ombudsman, as a modern oversight institution, plays a key role in the realization of good governance in society. Good governance seeks to empower the state and improve the quality of its engagement in economic matters, aiming to meet public expectations and safeguard public interests. By purifying administrative processes and aligning them with legal frameworks, the ombudsman lays the groundwork for a capable and development-oriented state.

1. Introduction

Good governance is not merely an internal organizational matter, but a complex, outward-facing activity that plays a crucial role in the socio-political landscape. It involves managing complex networks comprising diverse stakeholders at national, provincial, and local levels-including social and political groups, pressure groups and stakeholders, social institutions, and private sector organizations. Good governance strengthens civil society institutions by empowering the state and enhancing the quality of its interventions in public affairs. In essence, good gov-



Capacity is a prerequisite for integrity and for the ombudsman's role in promoting integrity across the system. Thus, ombudsman institutions must possess certain capacities structural, human, and financial.

ernance encompasses a set of perspectives, mechanisms, policies, and processes that contribute to the realization of democracy and human rights. As such, it can be seen as an effective tool for achieving the ideals of democracy, human rights, and the rule of law (Mattei, P., 2017).

The World Bank, one of the most financially powerful institutions globally, defines six core indicators and standards for good governance. Among them, *accountability and the right to express opinions* are highlighted as crucial factors. Achieving good governance relies heavily on the standardization of performance among governance actors-particularly public institutions-so that the government's actions can be described as effective, accountable, lawful, and free of administrative corruption, ultimately leading to political stability (Ifejika, S. I., 2023).

One of the institutions capable of significantly contributing to such standardization is the ombudsman. As a complement to the judiciary, the ombudsman is tasked with overseeing public institutions. By continuously and impartially identifying misconduct and utilizing its legal powers to correct it, the ombudsman plays a vital role in upholding administrative integrity (Schillemans, T. & Busuioc, M., 2014).

2. Conditions for Ombudsman Effectiveness in Promoting Good Governance

Through its oversight of government performance, the ombudsman facilitates the realization of the

rule of law, refinement of excessive regulations, and enhancement of governmental accountability-thereby indirectly contributing to political stability and the effectiveness of government actions. However, this level of influence is only achievable if the oversight institution in question possesses the necessary attributes. These can be broadly classified into two categories: independence and adequate powers.

A. Independence of the Ombudsman as a Prerequisite for Effective Oversight

As a supervisory institution, the ombudsman-like all oversight bodies-requires sufficient independence to function effectively. It is generally agreed that the ombudsman needs independence in four essential dimensions.

First Dimension: Institutional Independence

This refers to the independence of the ombudsman from the moment of its establishment. Given that oversight is conducted by an independent authority, it is necessary that the founding document of the ombudsman be approved by the legislature (whether a constituent or ordinary parliament). This means that the ombudsman must be established and supported through a legal act so that it is not affected by changes in ruling political parties and does not need to align itself with any political group for survival. Accordingly, the ombudsman can be founded either through the constitution or by ordinary legislative acts.

Second Dimension: Organizational Independence

One of the key issues concerning the ombudsman is the process for appointment and removal of its members. These powers must be structured in a way that does not compromise the neutrality of the institution or harm its objectives. Therefore, members should not be appointed by entities under the ombudsman's scrutiny, as this would create a power imbalance in favor of the appointing organization (Remac, M. & Langbroek, 2015). Another important factor is the duration of service. Longer terms are preferable as they offer protection from political shifts. Ideally, the ombudsman should have the authority to appoint, dismiss, and promote its staff and possess strong financial capabilities to attract and retain qualified personnel.

Third Dimension: Financial Independence

No organization can claim full independence without financial autonomy. Thus, the ombudsman must have budgetary independence that shields it from improper external influence. Various countries implement different models to ensure this financial independence. One common approach is to allocate the budget directly and independently through the president or parliament (Chisesa, E., 2015).

Fourth Dimension: Immunity

To perform its duties of handling complaints and representation effectively, the ombudsman and its staff must enjoy peace of mind and security. Legal immunity for ombudsman members helps ensure this. Many national constitutions include provisions that guarantee such immunity, especially in relation to freedom of speech and expression during official duties. This immunity serves to protect the representative's functions and ensure their effectiveness (Creswell, J. W. & Zhang, W., 2019).

B. Sufficient Powers for Effective Oversight

Once a complaint is referred, the ombuds-

man conducts an investigation using specific procedures that are generally informal and separate from judicial proceedings. The extent of the ombudsman's intervention is defined by its legal powers, which typically include:

- Access to documents and records
- Summoning government officials for explanations
- Direct visits for inspecting the subject of complaints (Romzek, B. S., 2020)
- Effective oversight requires that the ombudsman be granted sufficient authority in each of these areas.

3. The Ombudsman and Indexes of National Integrity System and Good Governance

The ombudsman is a governmental institution, typically established by the legislature to oversee the administrative conduct of the executive branch. It receives and reviews public complaints regarding government administration in an impartial manner. The general objective of the ombudsman can be described as *"improving public administration and strengthening government accountability to the people."*

The Supreme Court of Canada has stated regarding the ombudsman's powers:

"The powers granted to the ombudsman authorize them to address administrative issues that courts, parliament, and the executive cannot effectively resolve" (Friedmann, 2016).

The ombudsman institution has flourished mostly in democratic countries. In such systems, alongside the oversight mechanisms of parliament, courts, and other public sector bodies, the ombudsman acts as a check on executive and administrative power. Apart from its complementary role to courts and administrative tribunals, the ombudsman provides other benefits such as informal, swift, and accessible dispute resolution. Accessibility is further enhanced by the fact that the ombudsman services are free of charge.

As a mechanism that promotes transparency in governance and democratic accountability, the ombudsman plays a key role in establishing good governance in a country (Kettani, D., & Moulin, B., 2018).

1.3 Capacity Dimension

Capacity is a prerequisite for integrity and for the ombudsman's role in promoting integrity across the system. Thus, ombudsman institutions must possess certain capacities structural, human, and financial, measured by two key indicators:

A. Resource Index

This assesses whether ombudsman institutions have adequate human resources, trained professionals, financial support, and other re-

sources to operate effectively and uphold integrity. Adequate resources are critical for the ombudsman to function free from corruption and ethical violations. The quality of the ombudsman's work depends heavily on the availability of resources. Sufficient budgeting is essential for fulfilling duties. Competitive salaries help attract skilled individuals and reduce the motivation for misconduct.

B. Independence Index

This evaluates whether the ombudsman operates independently from external actors in its activities and decision-making. Maintaining a clear boundary from external interference is crucial for independent performance and institutional integrity. Those working within any integrity pillar, such as the ombudsman, should serve public or organizational interests—not personal or political interests. If external interests penetrate the ombudsman, it risks compromising its autonomy and effectiveness (Ejere, E. S. I., 2013).

2.3 Governance Dimension

Each pillar, including the ombudsman, must be governed by rules and measures to prevent and deter corruption. Governance is assessed by the following indicators:

A. Transparency Index

This measures whether the ombudsman has adequate policies and procedures for public access to information. If the ombudsman operates transparently, it becomes easier for stakeholders to monitor its fairness and impartiality. For example, procedures around the publication of appointments and declarations allow scrutiny of how funds are used and ensure no undue influence on its operations.

The degree to which the ombudsman is legally required to disclose information serves as a strong indication of its integrity. This indicator is scored based on the existence of formal legal conditions and the practical availability of access to relevant information by the public.

B. Accountability Index

This indicator evaluates the level of accountability of ombudsman institutions in relation to their actions, as well as how accountable they are to the public and other pillars. It is a critical element of integrity because it requires those working within the ombudsman's office to be responsible for their conduct, especially in cases involving breaches of integrity. This indicator is assessed based on the existence of suitable legal conditions and regulations that guarantee accountability and reporting by the ombudsman and its staff.

C. Integrity Index

This indicator examines the appropriateness of conditions and regulations regarding honesty and integrity, and how effectively they are implemented. General indicators of integrity include access to resources, independence, transparency, and accountability. These factors indirectly ensure the preservation and promotion of integrity within the ombudsman institution. A fifth component of the integrity indicator relates to the existence of explicit regulations and frameworks specifically designed to safeguard honesty and ethical conduct (Remac, M. & Langbroek, P. M., 2015).

3.3. Role Dimension

This dimension measures the ombudsman's commitment to fulfilling

its responsibilities, particularly in strengthening the overall integrity and health of national institutions. The relevant indicators are specific to each integrity pillar and depend on the unique functions that each pillar performs in promoting systemic integrity. For ombudsman institutions, the indicators include the number of investigations conducted, the simplicity of complaint-handling procedures, the number of cases reviewed, public perception of the ombudsman's work, and so on.

How Do Ombudsman Institutions Decide on Corruption Cases?

Ombudsman institutions receive numerous complaints but are not able to address them all. Various laws restrict their jurisdiction. The following criteria may guide whether a complaint related to corruption should be accepted or dismissed:

- Is the complaint within the legal authority of the ombudsman?
- Does the complainant have a personal interest in the matter?
- Is the issue still in the pre-trial phase?

To effectively perform their oversight role and improve public administration, ombudsman institutions must build a relationship of trust with the entities they monitor (Pope, 2018, p. 88). This helps them carry out their functions without fear or bias. In some countries, the ombudsman, with access to government records, is considered better equipped to combat corruption than traditional law enforcement agencies.

Key actions by ombudsmen in addressing corruption cases include:

1. Financial Oversight: In countries like Taiwan and Papua New Guinea, the ombudsman has a special role in reviewing and overseeing financial disclosures made by public officials. Their independence and public trust make them effective in this regard.

2. Access to Information: The ability to access government information is crucial for effective anti-corruption efforts. Although not all ombudsmen have full access, there is a growing trend toward expanding their rights. Additionally, ombudsmen can provide lawmakers with valuable insights into legal loopholes and systemic failures.

3. Feedback on Government Services: Ombudsmen can improve the quality of public services by offering feedback on how services are delivered. Public complaints serve as an important source of information about government performance, helping enhance public service delivery based on principles of citizen-centric governance (Ejere, E. S. I., 2016).

3. The Ombudsman Appointment Process

Among all components of checks and balances, the appointment process of the ombudsman is crucial for public trust. If an institution is staffed by improperly selected individuals, its chances of success diminish significantly.

In some countries, the parliament directly appoints the head of the ombudsman; in others, the appointment is made by the head of state in consultation with opposition leaders (TI, 2011, pp. 83-90). In some cases, the executive branch is solely responsible for the appointment. Regardless of the mechanism, the ombudsman must be seen as an independent, just, and competent institution that serves the people—not as a bureaucratic tool for political purposes.

Tenure: The individual appointed as ombudsman should have a fixed and protected term to safeguard their independence. During this period, they should not hold any other job to avoid conflicts of interest or bias in their oversight duties (Stiglitz, J. E., 2003).

Dismissal: If the ombudsman's term is short or insecure, it may lead to decisions that harm public interest. Ideally, the ombudsman should enjoy the same protections as senior judges, with dismissal only possible through clear legal proce-

dures. Successful models indicate that dismissal has typically occurred only due to physical or mental incapacity. An ombudsman who has completed their term should be legally protected to complete their tasks.

Resources: A common criticism is the insufficient budget allocated to ombudsmen. Without adequate resources, the institution must rely solely on the dedication of its members. In national integrity systems,



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sufficient funding must be allocated to ombudsman offices. Any deficiency in equipping them may lead to significant costs from undetected corruption and mismanagement. The ombudsman must manage its own independent budget. The expertise of staff is also vital; investigation skills and relevant training are essential for success (Harlow, C., 2012).

Accessibility: One of the strengths of ombudsmen is direct accessi-

bility by citizens. The complaints process should be simple, with minimal bureaucracy. Ombudsman institutions should not passively wait for complaints but actively reach out to communities, including rural and underserved areas. This may increase complaints but also improves accountability.

In large countries, decentralization of ombudsman administration is necessary. Public campaigns, websites, newspapers, and radio programs are among the methods used to enhance accessibility. Ombudsmen must also earn the trust of civil servants, who are both complainants and key sources of information. Public education is another essential part of the ombudsman's mission, as many people are unaware of their rights.

Effectiveness: Gaining public trust is one of the ombudsman's most critical missions. Effectiveness depends on sufficient resources, political support, public awareness, and institutional transparency. Success also requires cooperation with executive officials and senior managers who play a key role in implementing ombudsman recommendations (Harlow, C., 2012).

Conclusion

In recent years, various concepts have emerged regarding national integrity systems and good governance. The overarching goal of Transparency International's national integrity model is to promote integrity in governance. This model is built on foundations such as public awareness and societal values. Strong awareness and values help strengthen the pillars upon which the system stands.

The national integrity approach operates through a range of institutions and essential sectors, known as pillars. These include an active parliament, independent ombudsman institutions, oversight bodies,

a functioning judiciary, and more. These systems are most effective when the risks to integrity are minimized when officials act honestly and avoid corruption.

Actors within a national integrity system operate on two levels. The first level includes traditional bureaucratic or political-administrative actors like the legislative and executive branches. The second level involves oversight actors such as the judiciary, media, civil society, ombudsman institutions, and watchdog organizations that function in a horizontal accountability network.

The ultimate goal of a national integrity system is to make corruption a "high-risk, low-reward" activity. Such systems are designed to prevent corruption before it occurs, rather than relying solely on punitive measures after the fact.

The main responsibility of the ombudsman is to ensure that government conduct complies with applicable laws. This role supports the rule of law in administrative behavior. One area of focus is the review of governmental regulations such as directives and circulars. If any of these contradict statutory or constitutional law, the ombudsman can request their annulment. This contributes to streamlining excessive regulations.

In any case, the ombudsman's oversight—whether of enacted policies or administrative conduct—enhances institutional accountability. Since ombudsmen often respond to public complaints, their role also ensures that government institutions are answerable to the people.

Hence, the ombudsman can play a critical role in realizing the principles of good governance. However, the following two points should be kept in mind: First The ombudsman's mandate typically covers only public sector institu-

tions, and not all state entities fall under its scope. and the second The ombudsman's influence in achieving good governance depends on meeting two essential conditions: institutional independence and adequate legal powers.

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Achievements of the OICOA and the Future Prospects

* Researcher: Dr. Arash Farhoodi

❖ The Ombudsman Association of the Member States of the Organization of Islamic Cooperation was formed as a collective cooperation institution among the ombudsman offices of the member countries of the Organization of Islamic Cooperation. The initial groundwork for the establishment of this association goes back to the resolutions of the Organization of Islamic Cooperation. In the thirty-ninth session of the Council of Foreign Ministers of the OIC member states (2012 in Djibouti), a resolution was adopted emphasizing the necessity of networking among ombudsman offices in Islamic countries. Based on this resolution, the creation of a cooperative mechanism for the exchange of experiences and the improvement of handling public complaints in Islamic countries was determined as a fundamental goal. Following this decision, at the Networking Conference of the Ombudsmen of the Member States of the Organization of Islamic Cooperation held in April 2014 hosted by Islamabad,

Pakistan, the representatives of Islamic countries, while emphasizing the importance of promoting the concept of oversight and accountability based on Islamic values, unanimously agreed to form an association titled the Ombudsman Association of Islamic Countries. It was also decided that the secretariat of this association would be based in Islamabad to undertake coordination affairs.

After this initial agreement, practical steps were taken to draft the structure and constitution of the association. The presidency of the steering committee for drafting the constitution was assigned to the Ombudsman of Pakistan, and the first meeting of this committee was held in April 2015 in Islamabad. In these meetings, the initial goals of the association and its organizational structure were determined. The most important goals emphasized in the proposed constitution included: strengthening mutual cooperation among ombudsman institutions of Islamic countries, sharing knowledge and

best practices in handling public complaints and oversight of government agencies' performance, capacity building and training to improve the efficiency of ombudsman offices in the Islamic world, and also supporting the rights of citizens in member countries through synergy of resources and experiences. These initial goals were based on the belief that the ombudsman, as a non-judicial guarantor of administrative justice, can play a key role in improving good governance and government accountability. For this reason, Islamic countries tried to, on one hand, revive and represent their historical experiences in oversight such as the Islamic tradition of hisbah, and on the other hand, move in line with modern global standards in the field of civil rights and transparent governance.

Finally, after several years of preliminary activity and drafting of regulations, in November 2019 and on the sidelines of the second International Ombudsman Conference in Istanbul, the constitution of the association was officially approved and the Ombudsman Association of Islamic Countries formally entered its executive and operational phase. In the first general assembly of the association held on the same date in Istanbul, the members of the board of directors and main officials of the association were elected. According to the approved constitution, the Chief Ombudsman of the Republic of Turkey was elected as the first President of the association. The Head of the General Inspection Organization of the Islamic Republic of Iran was elected as Vice President, and the Federal Tax Ombudsman of Pakistan was elected as the Secretary General of the association. Thus, Turkey, Iran, and Pakistan assumed key roles in the leadership of the newly formed structure. This composition indicates the active participation of influential regional countries in leading this new initiative. At the time of official establishment, the Ombudsman Association of Islamic Countries consisted of 33 member countries, all of which had ombudsman institutions (or similar public

complaint-handling institutions), and membership of other Islamic countries lacking such institutions was foreseen upon the establishment of an ombudsman office in their respective country.

After the formalization of the association in the late 2010s, the process of expanding activities and developing international interactions accelerated. One of the first actions was the establishment of an active secretariat for coordination among members and event planning. The association's secretariat, based in Islamabad, plays a facilitative role in communications through close cooperation with the Foreign and European Affairs Unit of the Turkish Ombudsman Institution. In the early years, the steering committee of the association held regular meetings to develop short-term and long-term cooperation programs among members. Reports show that during and after 2019, several meetings of the board of directors (steering committee) were held in person or virtually, among which the fourth steering committee meeting in November 2019 (Istanbul) can be mentioned. The decisions made in these sessions laid the groundwork for implementing joint training projects and experience exchange among members.

One of the main axes of expanding cooperation has been the organization of training courses and virtual workshops among members. For example, in 2020-2021, several online training programs were held under the supervision of the Association. In January 2021, the second online training course of the Association was hosted by the Federal Tax Ombudsman of Pakistan, during which experts from member countries exchanged knowledge on optimizing complaint handling processes and case management. Following that, in February 2021, the third online workshop was held by the Human Rights Commissioner of the Republic of Azerbaijan (Ombudsman of Azerbaijan), which discussed topics such as the role of the Ombudsman in preventing torture and inhuman treatment, and the experiences of that institution during armed conflicts and the preparation of special reports. These educational programs, held with the active participation of experts from various countries, demonstrate the Association's determination to enhance

the technical capacity of member institutions and to standardize their level of professional knowledge.

In addition to training, the exchange of experiences and information among members has also been pursued through the signing of bilateral and multilateral memorandums of understanding. Many Islamic countries' ombudsman offices have recently signed MoUs with their counterparts for closer cooperation. For example, by 2021, the Turkish Ombudsman Institution had signed memorandums with more than ten countries including Azerbaijan, Kazakhstan, Kyrgyzstan, Russia, Bosnia and Herzegovina, Iran, and Djibouti, contributing to the strengthening of the Association's communication network at both regional and international levels. As a result, the Islamic Countries Ombudsman Association has effectively become a bridge for continuous connection among members and also between members and other global ombudsman networks. The active participation of this Association's members in international



In January 2021, the second online training course of the Association was hosted by the Federal Tax Ombudsman of Pakistan, during which experts from member countries exchanged knowledge on optimizing complaint handling processes and case management.



Fortunately, there have been instances of positive international convergence; for example, the Association's efforts to expose war crimes against civilians have been welcomed by some global institutions. Proposals such as the formation of an independent fact-finding mission at the United Nations to investigate the crimes of a Zionist occupying regime have also been raised. Although the implementation of such proposals requires political will within the UN, their articulation by the Association reflects growing boldness and advocacy within the institution.

ombudsman forums such as the International Ombudsman Institute (IOI) and the Asian Ombudsman Association (AOA) is also notable. For instance, the Turkish Ombudsman Office, which is one of the founding members of the Islamic Association, became a member of the AOA Board in 2019 and, through this position, reinforced the link between the Islamic and Asian associations. Many member countries of the Islamic Association are also members of the IOI and other regional networks, and this institutional overlap has allowed the Islamic Countries Ombudsman Association to stay updated with current developments in civil rights and governance and benefit from cooperation with transregional bodies.

From the perspective of engagement with major international organizations and actors, the newly established Association has succeeded in a short time in solidifying its position as the unified voice of ombudsmen in the Islamic world. This Association is officially supported by the Organization of Islamic Cooperation and functions as its specialized arm in the field of oversight and civil rights. Close contact with the OIC Secretariat and reporting its activities to the relevant summits are part of the Association's ongoing engagements. In addition, the Association has established communications and dialogues with entities related to human rights and administrative justice at the United Nations. For example, the Secretary-General of the Association (the Ombudsman of Pakistan) has emphasized in several meetings the importance of strategic engagement with UN offices and has even held meetings with UN officials to collaborate on empowerment and sustainable development projects. The Association has also used official statements and positions to voice the concerns of Islam-

ic countries to international institutions. For instance, in recent years the Association has responded to issues such as the violation of Muslims' rights in Palestine, the rise of Islamophobia globally, and humanitarian challenges in crisis-stricken Islamic countries. These positions have sometimes been coordinated with the OIC and at other times initiated by the Association itself and later echoed in international media. Thus, the Association's interaction with international actors has gone beyond institutional relations and has taken on an active role, raising major issues of the Islamic world in international public opinion.

From the perspective of geographical expansion, the Association has successfully increased its membership over the past decade. By 2023, the number of member countries had reached 35, and the process of admitting new members (conditional upon the establishment of an ombudsman institution in those countries) continues. The composition of members is diverse and includes Asian, African, and Arab countries. Among the active founding countries are Turkey, Pakistan, Iran, Azerbaijan, Morocco, Indonesia, and Bahrain, which also have representatives on the Association's board. This geographical diversity has necessitated the creation of a common understanding and harmonization among differing administrative and legal systems. Fortunately, the Association's internal mechanisms (such as the General Assembly and the Board) have provided a space for open dialogue and exchange of views among members, resulting in strengthened mutual trust and collective will for cooperation. Regular General Assembly meetings held every few years provide opportunities for adopting strategic plans and electing new board members. Three such sessions have been held so far (2019 in Istanbul, 2021 online, and

2023 again in Istanbul), and their resolutions have played a strategic role in advancing cooperation.

Challenges and Achievements

The Ombudsman Association of the OIC Member States (OICOA), in its evolution, has faced numerous achievements and challenges that have shaped its contemporary record. Among the most important recent achievements is the establishment of its position as an influential institution in the field of human rights and administrative justice in the Islamic world. The Association has managed, in a short time, to move from its founding phase to the stage of practical action and deliverables. A prime example is the adoption of collective positions on sensitive international issues. For instance, regarding the violation of the rights of the Palestinian people, the Association issued statements and recommendations to global bodies, reflecting the unified voice of Islamic countries' ombudsmen. Member ombudsmen of the Association explicitly condemned war crimes and humanitarian law violations in Palestine and called for effective intervention by the international community. This active approach has turned the Association into an international human rights actor that takes a stand against injustices. Similarly, in cases of Islamophobia in Western societies, the President of the Association (the Turkish Ombudsman) and other members have expressed concern in speeches and international meetings over phenomena such as insults to Islamic sanctities or discrimination against Muslims. These actions have led to the voice of protest against double standards in dealing with the rights of Muslim nations being heard in various forums. In some cases, positive international movements have also been supported by the Association;

for example, the President of the Association praised South Africa's move to refer Israel's war crimes to the International Court of Justice, indicating the strategic alignment of this Association with developments in the international system.

In addition to political and human rights advocacy, the Association has had tangible achievements in the technical and professional field of ombudsman. Organizing inter-country training courses, creating platforms for information exchange via online systems, and drafting a collection of best practices for handling complaints are among these successes. Many member ombudsman offices have used this cooperation network to improve their internal structures and operational methods. For instance, experience-sharing in the use of information technology in complaint management or methods of public engagement has helped weaker offices make effective reforms in their systems by learning from more advanced counterparts. Emerging regional collaborations have also formed; for example, some member countries with cultural or regional commonalities (such as the Gulf countries, Central Asia, or North Africa) have formed specialized working groups within the Association to focus more specifically on their issues (such as minority rights, migrants, or combating administrative corruption).

The creation of such sub-networks shows the flexibility of the Association in responding to members' diverse needs and has increased its effectiveness. Another challenge is the non-binding nature of the Association's recommendations and resolutions. Clearly, the Association is a consultative transnational body, and its decisions do not have direct enforcement authority over member states. This can limit the Association's effectiveness in compelling governments to reform procedures. However, since the heads and officials of member ombudsman institutions are mostly appointed by their respective governments, the Association's recommendations may be implemented at the national level through persuasion and soft interaction. In fact, the Association's influence is more ethical and professional than legal; meaning that its decisions, if supported by domestic public opinion and pressure from international peers, can encourage governments to comply.

Another challenge in the realm of international engagement is the reaction of the global environment and international actors. Although the Association has sought to represent a unified voice of Islamic countries on justice and human rights, the reality of double standards from certain powers and international forums remains undeniable. As stated by a board member (the Ombudsman of Azerbaijan), discriminatory policies and double standards in international relations persist, and the Islamic world's efforts for justice are often

met with silence or indifference from major powers. This indicates that the Association must seek alliances beyond the Islamic world and connect with like-minded institutions in other global regions. Accordingly, engaging with national human rights institutions in non-Muslim countries or partnering with international NGOs that defend human rights could serve as a strategy to enhance the Association's impact.

Fortunately, there have been instances of positive international convergence; for example, the Association's efforts to expose war crimes against civilians have been welcomed by some global institutions. Proposals such as the formation of an independent fact-finding mission at the United Nations to investigate the crimes of a Zionist occupying regime have also been raised. Although the implementation of such proposals requires political will within the UN, their articulation by the Association reflects growing boldness and advocacy within the institution.

Another contemporary challenge is synchronizing all members with new technologies and modern administrative trends. The digital divide and disparity in electronic infrastructure among member countries make full utilization of tools such as integrated complaint systems or shared information platforms difficult. To address this gap, the Association has proposed the creation of a data center and a joint information database, in addition to training programs. If implemented, such a project would allow all members to use shared resources for benchmarking and evaluating their performance. Although operationalizing such a project requires significant financial and technical resources, it can, in the long term, help overcome the development gap among members.

In terms of financial resources, the Association also faces limitations. Its budget largely depends on voluntary contributions from members or support from the Organization of Islamic Cooperation. Ensuring sustained financial support requires demonstrating the Association's effectiveness and impact. Therefore, many of the Association's activities so far have proceeded with cost-saving measures and reliance on host countries'

facilities, with members trying to minimize the expenses of meetings and training programs.

Despite these challenges, the Association's achievements over the past decade have been notable. Today, there is no doubt among officials of member countries about the necessity of such an institution, and even initial critics have acknowledged its importance. The Association has successfully presented a model of South-South cooperation, where developing Islamic countries, instead of relying on assistance from advanced nations, have built an efficient network based on their own resources and knowledge. It has also promoted the discourse of oversight and accountability within the Islamic world and kept issues such as civil rights, anti-corruption, and transparency on the agenda of member governments. In short, the Islamic Countries Ombudsman Association is now recognized as an integral part of the international institutional framework of the Islamic world, and despite its relatively short existence, it plays an active role on the international stage.

Future Prospects in International Cooperation

Looking at the path traveled and the current situation, bright prospects can be envisioned for the future of the Islamic Countries Ombudsman Association. The first prospect is the geographical expansion of the Association and the membership of all eligible Islamic countries. Currently, some OIC member states that have not yet established ombudsman offices or are in the early stages of doing so are outside the Association's circle. It is expected that in the coming years, with encouragement to establish national complaint-handling institutions and join the Association, the number of members will increase. A long-term goal of the Association could be to cover all 57 OIC member states to form a more unified voice on the international stage.

The planned Fourth General Assembly of the Association, scheduled for 2025 in Tehran, will be an opportunity to invite potential new members and showcase existing

unity among the members. This session is set to be attended by representatives from the current 35 member countries, and the host (the General Inspection Organization of Iran) has announced its readiness to facilitate the participation of other interested countries. Therefore, one of the future outlooks is the quantitative consolidation and increase in membership, which in itself will lead to greater credibility in global interactions.

Another important issue is deepening the Association's cooperation with international institutions, especially the United Nations and regional organizations such as the African Union and the European Union. Although the Association is rooted in the Organization of Islamic Cooperation, many of its goals align with the UN's objectives regarding human rights and development. Thus, in the future, the Association may seek to obtain official consultative status at the UN or at least establish more structured working relationships with relevant offices, such as the Office of the High Commissioner for Human Rights or the UN Development Programme.

This could take the form of memoranda of understanding with UN agencies, participation in international anti-corruption and transparency initiatives, or observer status at Human Rights Council sessions. Similarly, establishing communication channels with international judicial bodies such as the International Court of Justice (ICJ) and the International Criminal Court (ICC) could be placed on the agenda so that the Association can follow up or support transnational issues and complaints related to Muslim rights.

For example, issues such as war crimes against Muslims (in Palestine, Myanmar, or other occupied areas) could be referred to international judicial bodies through the Association's legal advocacy. Initial steps in this direction have already been taken; the Association welcomed the recent legal initiative to investigate crimes in Palestine and announced its readiness to provide documentation and expert cooperation. It is expected that in the near future, this legal

role will become more prominent, and the Association will transform into an influential actor in transitional justice and the pursuit of victims' rights.

In terms of enhancing internal functions, the future outlook includes drafting common standards and professional guidelines for members. The Association intends to form specialized committees to prepare manuals in various areas of administrative oversight and the protection of citizens' rights. These guidelines may address topics such as the professional ethics of ombudsmen, methods for documenting complaints, field inspection procedures, whistleblower protection, and more. Developing such standards and encouraging members to implement them will, in the long term, lead to greater operational convergence among the ombudsman offices of Islamic countries and improve the quality of complaint handling across all member states.

Furthermore, in the future, a mechanism may be introduced for periodic evaluation of members' performance by the Association; for instance, each member country could voluntarily submit an annual report on the activities of its ombudsman institution, and a committee within the Association would review these reports and provide corrective recommendations. This process, similar to the Universal Periodic Review (UPR) mechanism of the UN Human Rights Council, could promote self-regulation and continuous improvement among members. Of course, the success of such initiatives depends on mutual trust and members' acceptance, but current trends suggest that many countries are ready to learn from each other and assess their own performance.

Another significant point is the expansion of the thematic scope of the Association's activities. Initially, the Association focused mainly on traditional ombudsman issues such as administrative complaints and citizens' rights. However, over time, emerging issues have been placed on the agenda. One of these areas is environmental rights and climate change. Given the major impact

of climate change on the lives and fundamental rights of people (including the rights to life, health, and shelter), it is expected that the Association will begin addressing environmental issues—for example, by examining the role of ombudsmen in monitoring governments' environmental commitments or protecting vulnerable communities from natural disasters.

Likewise, the rights of specific groups such as women, children, persons with disabilities, and minorities could become central themes of the Association's programs in the coming decade. Some members, including Indonesia and Malaysia, have had successful experiences in establishing specialized units within their ombudsman institutions to support child rights or combat gender discrimination. The Association can help by disseminating these experiences and developing action plans for other countries, thereby contributing to the expansion of the scope and effectiveness of ombudsman offices.

Structurally, the Association may also strengthen its organizational foundations in the future. One of the proposed ideas is to institutionalize the Secretariat of the Association by employing full-time staff and securing an independent budget. Although the Secretariat has so far operated under the host government (Pakistan), for long-term sustainability, it should achieve relative administrative and financial independence. This could be realized by setting mandatory budget quotas for members or obtaining financial support from the Organization of Islamic Cooperation (OIC) and the Islamic Development Bank. With stronger funding, the Association would be able to expand its research and publication projects.

Potential initiatives could include the publication of annual reports or

comprehensive surveys on public complaints in the Islamic world, the development of a legal database of ombudsman-related laws and regulations in member states, and the launch of a multilingual academic journal focused on administrative law and oversight. These efforts would not only enhance the academic credibility of the Association but also transform it into an intellectual and research hub in its field.

The latest international initiative of the Association is the organization of the Fourth General Assembly of the Ombudsman Association of OIC Member States, scheduled for May 13-14, 2025 (Ordibehesht 23-24, 1404 SH). This important meeting, hosted by the General Inspection Organization of the Islamic Republic of Iran, offers a platform for reflection among the Islamic world's oversight and ombudsman institutions to achieve "Inclusive Accountability, Just Governance; Convergence of the Islamic Ummah." This official theme of the summit reflects the aspiration for comprehensive accountability and justice in governance alongside unity and solidarity within the Islamic community.

The long-term vision of the Islamic Countries Ombudsman Association aligns with the goal of elevating Islamic societies in justice, transparency, and human dignity. In the future, the Association's mission will likely go beyond experience-sharing or issuing statements and will lead to a tangible role in improving the lives of ordinary people in Islamic countries. The more empowered the ombudsman institutions become as a result of the Association's collaborative efforts, the better the citizens of these countries will access justice and government accountability.

Furthermore, on the international stage, the strong, unified voice of the Association can act as a global ad-

vocate for Islamic and human values and, as the motto of the OIC states, become "the collective voice of the Islamic world" in the realm of rights advocacy. Realizing this vision requires continuous efforts, strengthened solidarity, and adaptation to global developments. However, the past decade's experience shows that the Islamic Countries Ombudsman Association has the potential and determination to serve as both the inheritor of Islamic traditions of justice and a dynamic player in the modern world shaping a promising and influential future.

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Innovations and Outstanding Experiences of Ombudsmen: Evidence from Selected Member Countries of the Organization of Islamic Cooperation

* Reza Mohammadpour (Ph.D)
Customs and Free Zones Inspector
General Inspection Organization of West Azerbaijan Province

❖ In the digital age and amidst rapid social transformations, ombudsman institutions, as a bridge between citizens and the state, must innovate and continuously adapt to the changing conditions of society. The successful experiences of OIC member countries in this field can serve as valuable models for strengthening and developing these institutions in other countries.

In recent years, some OIC member states have taken effective steps toward modernizing and enhancing the efficiency of ombudsman institutions. Malaysia, as one of the pioneers in this area, launched an integrated online complaint handling system in 2022, facilitating the submission and tracking of complaints by citizens. This system, utilizing artificial intelligence, is capable of automatically categorizing complaints and referring them to the relevant units, resulting in a 40% reduction in complaint processing time.

Another successful experience comes from Turkey, which has implemented the "Mobile Ombuds-

man" project since 2021, extending oversight and support services to remote and underserved areas. This project, by deploying temporary offices and specialized teams in various regions, ensures equitable access to ombudsman services. Evaluation results show that this initiative has led to a 60% increase in rural citizens' participation in oversight processes.

Morocco, too, has established a new model of collaboration between oversight institutions at different levels by founding the "Local Ombudsmen Network" in 2023. This network facilitates direct communication between local and national ombudsmen, enabling the exchange of experiences and synergy in problem-solving. Additionally, the use of online learning platforms for empowering staff and raising citizens' awareness is among the country's other successful innovations.

These successful experiences demonstrate that combining modern technologies with participatory approaches can significantly increase the effectiveness of ombudsman institutions. To continue on this path, it is recommended that OIC member countries, while strengthening regional cooperation, focus on developing digital infrastructure and building human resource capacity.

The Role of Ombudsmen in Promoting Citizenship Rights and Social Capital

* Researcher: Dr. Asghar Mobarak

Abstract

Today, achieving comprehensive growth and development, increasing the effectiveness of activities, and paving the way for progress requires strong emphasis on good governance and social capital. Social capital, along with indicators of good governance, is a modern concept widely discussed in socio-economic analyses of contemporary societies and is considered a bridge to development. Therefore, building and expanding social capital, accompanied by the strengthening of citizenship rights and proper governance, is of great importance for the economic, legal, and cultural development of countries and societies.

Accordingly, this study examines the role of ombudsmen in economic development and the expansion of citizenship rights under good governance and the presence of social capital. It shows that ombudsmen, through their functional roles, contribute to increasing public trust in government along with greater transparency and accountability. As a result, they help develop social capital and promote citizenship rights at the societal level. Ultimately, the general goal of the ombudsman can be defined as "improving public administration and enhancing government accountability toward the public."

1. Introduction

The foundation of justice and its equal implementation in society has existed for a very long time in all codified laws, directives, and political documents of governments and

societies. In fact, upholding justice and individual rights has always been a human aspiration, deeply rooted in moral values and forming an inseparable part of the social culture of communities and nations.

Today, the scope of authority and competence of public administrations has vastly expanded, and the role of the state in providing services and taking on new responsibilities, especially concerning public interests, has grown. Therefore, due to the expansion of the administrative system, individuals have become heavily dependent on government agencies (Kucsko, 2019, 6). Consequently, it is quite natural that with the increase in interactions between individuals and government institutions, the potential for disputes between them also rises. As a result, the need for institutions to resolve these disputes has become evident, and legal systems have developed mechanisms to address this need.

Among such institutions operating in the parliaments of various countries and performing similar roles to the Article 90 Commission in the Islamic Republic of Iran are parliamentary ombudsmen, whose structures and activities have been studied across different nations. Some of these ombudsman offices have a long-standing history, while others have introduced innovations in their operations.

Today, in order to achieve comprehensive growth and development and to increase the effectiveness of various activities, there is significant emphasis on social capital.

Social capital is a novel concept currently discussed in socio-economic studies of modern societies and is viewed as a bridge toward development. The frequent inclusion of this concept in many discussions and sectors reflects its importance. Thus, creating and enhancing social capital in countries and communities is vital for achieving economic, political, and cultural development, and for sustaining its use and preventing its erosion.

The concept of social capital has, in recent years, become prominent in various fields such as social sciences, economics, and more recently political science. Social capital refers to relationships and social networks that can foster a sense of cooperation and trust among members of a society. It has now been firmly established that one of the crucial dimensions of any development is tied to social capital and is considered one of the most important indicators of growth and development in any society.

Managing societies with all their complexities is one of the main challenges of today's world. The progress of civilizations and the evolution of cultural norms, along with the emergence of modern human rights and citizenship rights, reflects an increasing attention to the true owners of sovereignty - the people. One of the fundamental principles in the realm of governance development is the concept of good governance, which has a close relationship with citizenship rights.

The International Ombudsman Institute has identified four characteristics that distinguish the ombudsman institution from other organizations:

1. Structural and functional independence
2. Impartiality and non-partisanship
3. Confidentiality (of complaints)
4. Informality (non-judicial nature of investigations)

One of the common features of countries that have an ombudsman is that their system and method of governance is somehow based on democracy. In other words, the ombudsman institution is in fact an indication of the existence of democracy. Every democratic system provides a natural framework for the exercise of individual rights. (Georges Louis, 1996, p. 3) In fact, one of the achievements of the teachings of the divine prophets has been public awareness of fundamental and innate human rights, and that human dignity and nature not only must be explained and recognized, but must also be effectively guaranteed. The concept of the ombudsman was introduced into the legal framework of countries in a short time because from the very beginning, the implementation of democracy required an organization to control basic rights and guarantee people's rights as an essential necessity. The ombudsman is a link between the people and the government and acts as an arbitrator who reconciles the interests of the people and the state, and protects against the powerful.

2. Ombudsman and the promotion of citizenship rights and social capital:

The ombudsman is a governmental institution that is preferably formed by the legislature in order to supervise the administrative actions of the executive branch. The ombudsman impartially receives and investigates public complaints regarding the performance of government

management. The general goal of the ombudsman can be considered as "the improvement of public administration practices and the strengthening of government accountability to the general public." The Supreme Court of Canada has declared regarding the powers of the ombudsman: "The powers granted to the ombudsman authorize him to address those administrative problems that the courts, parliament, and the executive branch cannot effectively resolve." (Friedmann, 2020: 206)

The ombudsman institution has mostly emerged in countries with democratic governments. In such systems, in addition to the oversight exercised by parliament, courts, and other public sector institutions, the ombudsman acts as a controlling agent over executive or administrative power. Apart from the complementary and supplementary role that the ombudsman plays for courts and administrative tribunals, other advantages of the performance of ombudsman as mechanisms for peaceful resolution of disputes in other public sectors can be considered to be their informality, speed, and accessibility. One component of accessibility is the use of this institution without having to pay a fee to submit complaints. The ombudsman is a mechanism that strengthens transparency in government and democratic accountability, and consequently contributes to the establishment of good governance in a country.

In the present study, while explaining social capital and citizenship rights as well as defining the ombudsman, we will examine the role of ombudsmen in social capital and citizenship rights.

1.2. Social capital

Economic and social changes in countries depend on the creation, expansion, and role-playing of three types of capital, which are: visible (tangible) capital, financial capital, and invisible (intangible) capital.

2.2. Social capital

Social capital in its modern concept was mainly presented by James Coleman in the 1980s, Robert Putnam in the 1990s, and Francis Fukuyama more in the first half of the 2000s.

James Coleman, by combining two important elements of social capital - consisting of the social structure including rules, norms, and obligations, and the economic principle of rational individual action - created a model in which social action for members of a social network or social group is facilitated with minimal cost. (IOI, 2023)

3.2. Types of social capital

Social capital is mainly divided into two types: bonding (in-group) and bridging (out-group). Bonding social capital creates personal trust among individuals with intimate relationships; such as family members who, due to mutual trust, conduct economic transactions easily and usually without guarantees or contracts, and in case of disputes, resolve issues amicably without referring to the court.

Any factor that increases individuals' trust and encourages them to participate socially is a source of production and enhancement of social capital, which is mainly explained in five main factors as follows:

1. Integrity and honesty: Keeping promises, especially adherence to contracts - particularly by the government and executive bodies - promotes trust, while lying and unfulfilled promises - especially by officials - destroy trust and reduce or even eliminate social capital in society.
2. Promotion of justice: Institutions that act fairly generalize and deepen trust in society. An example of justice in the social realm is the equality of individuals before the law and in political participation; in the economic sphere, it is the equality of opportunities in access to life resources. On the other hand, the greater the inequality in wealth, the harder it becomes to establish communication, participation, and mutual honesty. (Tomić, 2023)
3. Identity foundations: These include sources that form an individual's set of beliefs, values, and criteria, in whose creation the person has no sole involvement; such as ideology, religion, and culture. The richer the sources of identity production and the stronger the identity in the face of other identities, the more it helps to enhance social capital.
4. Knowledge resources: These include all knowledge, techniques, and information and their free dissemination and distribution, which lead to the individual's inner value perception and in which he or she is involved in creating and receiving them. The more science, technology, and information are produced and freely distributed in a society, the greater the social capital.
5. Livelihood status: People's assets have a positive effect on social capital, and poverty has a negative effect. Studies show a positive correlation between individuals' wealth and collective effort and social participation; for example, a study in Chicago found that communities with high homeownership levels display higher levels of collective cooperation. (Bowles, 2006)

3. Citizenship rights

The ombudsman institution in many countries around the world is recognized as one of the main actors in the protection of human and citizenship rights.

In European countries, ombudsman institutions play an important role in examining citizens' complaints regarding violations of fundamental rights. For example, the Human Rights Ombudsman in France, as an independent authority, deals with complaints related to violations of civil liberties, discrimination, and unlawful conduct by government institutions. In Canada,

provincial ombudsmen actively monitor the observance of the rights of minorities, asylum seekers, and other vulnerable groups. In South Africa, the ombudsman institution is widely responsible for the protection of human rights and evaluates government performance in this field in cooperation with international organizations.

The term "human and citizenship rights" was first used in the Declaration of 26 August 1789 in France (Ibn Torab, 2006, p.117). With the adoption of the Universal Declaration of Human Rights in 1948 and the emphasis on the inherent dignity of human beings and the prohibition on governments from ignoring the basic and fundamental rights of individuals in society, new developments in the protection and observance of citizenship rights began. For this reason, governments took serious steps by adopting national, regional, and international regulations to support the rights of their citizens. (Hertogh & Kirkham, 2022)

According to a classification that has received more attention, citizenship rights are generally divided into two categories:

1- Material rights such as the right to life, the right to security, the right to movement, the right to housing, the right to confidentiality of correspondence, conversations and communications, the right to defense, the right to nationality, the right to choose one's job, the right to social security, the right to personal property, and so on.

2- Moral rights such as the right to freedom of thought, the right to freedom of expression, the right to freedom of belief, the right to freedom of information, the right to political freedom, the right to education, the right to equality and non-discrimination, the right to a fair trial, and so on. (Reif, 2022)

The role of ombudsmen in the development of social capital and citi-



In fact, the existence of ombudsman institutions guarantees that managers and employees act according to the applicable regulations in relation to citizens, and during their service, they fulfill their obligations in all areas and meet citizens' expectations in accordance with laws and regulations. This increases citizens' trust in such a way that, seeing a body constantly monitoring the actions of offices, they feel more secure and comfortable in their interactions with government bodies.

zenship rights

The role of human rights ombudsmen in monitoring the implementation of international conventions is also important. For example, ombudsmen in EU member states are obligated to monitor the implementation of the European Convention on Human Rights and provide independent reports in case of violations. Additionally, some of these institutions participate in international judicial processes and act as advisory bodies in human rights courts.

A review of international cases shows that human rights ombudsmen in many countries have played a decisive role in identifying and correcting human rights violations. These institutions, using their authority, have investigated citizens' complaints and issued independent reports on human rights violations, encouraging or even compelling governments to undertake necessary reforms.

Achieving development and progress requires the use and exploitation of various types of capital. Until a few decades ago, economic growth and development in a country were attributed to natural resources, and afterward, over the last half-century and with the emergence of neo-classical theorists, the formation of human capital was also considered. However, less attention was given to social interactions and the role of values, culture, and generally formal and informal institutions in the economy. With the advent of the new institutionalist school, greater attention was paid to the role of institutions and particularly social capital in economic growth and development (Reif, 2022).

Public trust, which is one of the forms of social capital, creates and maintains unity in social systems and nurtures democratic values. Public trust, as one of the pillars of governance in any political system

and the foundation of its legitimacy, reinforces the mutual reliance between the state and the nation, while it is the responsibility of the government to manage this public trust properly and increase its level.

Administrative corruption has caused many disruptions in human societies. Recurrent wars, violence, uprisings against ruling civilizations, the collapse of organizations, and the disintegration of societies have all stemmed from corruption. The above discussions show that an increase in administrative corruption, by creating distrust, leads to a decline in social capital in society.

Ombudsmen, through their functions, increase people's trust in executive agencies and offices, and as a result, develop and expand social capital within society. Ombudsmen, based on their duty to monitor the implementation of laws, maximize integrity and loyalty-key sources for building social capital-among staff and executive institutions, and by addressing violations and offering corrective recommendations, they enhance law enforcement (Kirkham & O'Brien, 2021).

In fact, the existence of ombudsman institutions guarantees that managers and employees act according to the applicable regulations in relation to citizens, and during their service, they fulfill their obligations in all areas and meet citizens' expectations in accordance with laws and regulations. This increases citizens' trust in such a way that, seeing a body constantly monitoring the actions of offices, they feel more secure and comfortable in their interactions with government bodies.

The supervisory domain of ombudsmen institutions in any society is based on the principle that citizens should feel comprehensive oversight, and since ombudsman institutions are supervisory bodies in charge of monitoring the exact implementation of regulations by

executive bodies, they play a decisive role in developing social capital.

Moreover, ombudsman supervision activities can strengthen the foundations of social trust, cohesion, and citizen participation in administrative activities and services. Also, the supervisory role of ombudsmen significantly contributes to citizens' interaction with organizations, and this area, through citizens' engagement with ombudsman institutions, can enhance trust and its radius.

In Germany, the ombudsman institution is mostly advisory and operates under the supervision of the parliament. If the government fails to act on the ombudsman's recommendations, this is reflected in the parliament's annual reports, which may lead to direct intervention by members of parliament. In France, the Defender of Rights can refer cases to the Administrative Court in instances where executive bodies refuse to implement its recommendations. These mechanisms show the diversity of approaches to implementing ombudsman recommendations.

In the United States, ombudsmen mainly operate at the state level and monitor the proper implementation of administrative laws. These institutions resolve problems in law enforcement through mediation and interaction with executive agencies. Although state ombudsmen usually lack direct enforcement power, they enhance their impact through public pressure and cooperation with local institutions (Creutz, 2021).

In Islamic countries, ombudsman oversight over the implementation of laws is also important. For example, in Turkey, the Court of Grievances monitors the observance of legal principles in executive processes. In Malaysia, the ombudsman institution oversees the implementation of human rights and administrative laws in addition to addressing citizens' complaints. The experience of these countries shows that the ombudsman institution can, as an independent authority, oversee the enforcement of laws and help improve the rule of law by offering reform recommendations.

In developing countries like South Africa, the ombudsman has more executive power and can take legal action if government

officials do not comply with its recommendations. In South Africa, this institution not only handles administrative complaints but also works in the field of human rights and has stronger enforcement guarantees than in many other countries. In Brazil, ombudsmen cooperate with special courts to facilitate the implementation of their recommendations. These models show that in developing countries, the presence of an ombudsman institution with executive authority can help reduce administrative corruption and increase transparency.

Perhaps the most important dimension of quality in the public sector is fair and appropriate behavior toward clients. One of the issues that leads to the erosion of social capital is unjust treatment of people by government organizations. To create social capital, public sector agents must overcome this issue and establish fair behavior with clients.

It is evident that if citizens lose trust in government organizations, in an atmosphere of distrust (i.e., the impoverishment of society in terms of social capital), both organizations and citizens will suffer and incur losses. In fact, ombudsmen prevent injustice in executive agencies and by addressing received complaints and supervising the implementation of the client respect plan, increase justice and thereby raise social capital in society (Gellhorn, 2020).

4. The role of the Ombudsman in promoting citizenship rights and social capital in Iran

The Ombudsman, given its functions in reforming processes, preventing mismanagement and maladministration in administrative organizations, and acting as a mediator by receiving public complaints and resolving disputes between them and executive bodies, can lead to increased public satisfaction and trust in governmental authorities as well as greater public participation, which in turn paves the way for the development of social capital.

In Iran, there is no independent institution specifically titled the Human Rights Ombudsman. Nevertheless, some governmental bodies such as the Islamic Human Rights Commission, the Administrative Court of Justice, and the General Inspection Organization are active in the field of protecting citizenship rights and monitoring administrative and executive violations. The General Inspection Organization of Iran, as the ombudsman institution of the country, has duties related to investigating complaints about violations of citizens' rights by executive agencies. However, the absence of a specific and comprehensive framework for addressing human rights complaints remains a fundamental challenge in Iran's legal system.

Supervision over the proper conduct of affairs in courts lies with the Supreme Court, but regarding the right of oversight over non-judicial institutions, Article 174 of the Constitution of the Islamic Republic of Iran stipulates:

"Based on the Judiciary's right to oversee the proper conduct of affairs and the correct implementation of laws in administrative organizations, an organization named the General Inspection Organization of the country shall be formed under the supervision of the head of the Judiciary. The limits of the authority and duties of this organization are determined by law."

In other words, the General Inspection Organization acts as Iran's ombudsman institution.

Upon closer examination, it is observed that the General Inspection Organization holds a unique position in the field of administrative oversight and, with access to all governmental bodies, can play a very important role in establishing a transparent and accountable administrative system. In other words, it is considered a national supervisory institution whose main duty is to handle individuals' complaints against the flow of affairs and regulations in government departments.

Ultimately, one of the most significant challenges facing ombudsman institutions worldwide is the effectiveness and enforceability of their recommendations. In some countries, ombudsmen possess binding authority, and their decisions are enforceable, while in others, their recommendations are advisory, and implementation depends on the extent of government cooperation. This demonstrates that the success of the ombudsman in monitoring the implementation of laws depends not only on its legal powers but also on the culture of accountability, public support, and cooperation of executive institutions. In countries where the ombudsman is fully independent and has strong enforcement guarantees, it has become recognized as an effective institution in reducing administrative corruption and increasing transparency. Conversely, in countries where the ombudsman is dependent on the government or judicial bodies, structural constraints and institutional dependency may reduce its effectiveness. Therefore, designing an ombudsman model that can balance independence, accountability, and enforcement power is essential.

5. Conclusion and Recommendations

Ombudsman institutions, through their functions such as strengthening and protecting citizenship rights, legality and rule of law, accountability and responsibility, and efficiency, increase public trust in executive bodies and offices, thereby contributing to the development of social capital in society. Based on their supervisory duties and oversight of law implementation, ombudsmen maximize integrity and loyalty-key sources of social capital-among staff and executive bodies, address violations, and through their corrective recom-

mendations, optimize law enforcement.

On the other hand, due to the breadth of governmental responsibilities and the complexity of governance structures, the ombudsman can, in addition to realizing citizenship rights, help combat administrative corruption and government inefficiency. As a non-judicial institution, it plays an important role in facilitating citizens' access to administrative justice and reducing the gap between the government and the people.

A distinguishing feature of this institution is its informal and flexible methods for handling complaints, which set it apart from formal judicial systems. While courts have lengthy and complex procedures, the ombudsman, using mediation, dialogue, and corrective recommendations, offers quicker and lower-cost solutions to disputes. Furthermore, as a supervisory institution, the ombudsman plays a significant role in realizing administrative justice and ensuring the rule of law.

Additionally, ombudsmen, based on their supervisory role, prevent injustice in government institutions and promote justice within executive bodies. In fact, they help prevent injustice in the executive branch and, by addressing received complaints and monitoring the implementation of the "Respect for Clients" plan, increase justice and consequently enhance social capital in society.

To strengthen the ombudsman's role in supporting human rights and citizenship in Iran, reforms can include: establishing

an independent Human Rights Ombudsman institution, enhancing transparency and access to information, increasing engagement with international organizations, ensuring the independence of oversight institutions, and raising public awareness about human rights.

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Ombudsman Institution and the Protection of Human Rights in the United States of America, Oversight Mechanisms Challenges, and Solutions

*Dr. Mohammadreza Mohammadi Kashkouli

Deputy for Legal Affairs, Public Oversight, and Parliamentary Affairs, General Inspection Organization of Iran, Faculty Member, University Professor

Abstract

The Ombudsman institution is considered one of the most important tools for monitoring the performance of governments and is defined with varying structures and jurisdictions across different countries. This institution plays a key role in protecting human rights, ensuring administrative transparency, and strengthening the rule of law. In the United States, unlike many European countries that have an independent national ombudsman, a multilayered system of oversight institutions exists that monitors government performance and the protection of citizens' rights in a decentralized manner. This article first explains the position of the ombudsman institution and similar oversight

structures in the United States and then examines the performance of these institutions in the field of human rights protection. In later sections, the structural and executive challenges of this decentralized system are analyzed, and finally, suggestions for improving the effectiveness of these oversight institutions are presented. The findings of this study show that institutional fragmentation, political pressures, and the absence of a centralized, independent ombudsman are among the most significant obstacles to the efficiency of this oversight system. Strengthening the enforceability of oversight reports, increasing the independence of these institutions, and creating a national coordinator for oversight activities could enhance the system's effectiveness and provide greater support for human rights in the United States.

Introduction

The rule of law, administrative transparency, and accountability of government institutions are considered funda-

mental pillars of any democratic system. Among these, oversight institutions such as the ombudsman play a crucial role in ensuring administrative justice, combating corruption, and protecting citizens' rights. These institutions, through reviewing government performance, receiving public complaints, and issuing independent reports, contribute to reforming flawed structures and increasing public trust in government. Therefore, in many countries, the presence of an independent ombudsman institution is recognized as one of the indicators of effective good governance systems. However, the United States, unlike many European countries that have a centralized and independent national ombudsman, uses a decentralized model for overseeing government performance. This model relies on a combination of Offices of Inspectors General, Civil Rights Commissions, Government Accountability Offices, and some independent agencies, each operating at various federal and state levels.

Although this multilayered structure allows for multiple and specialized oversight mechanisms, it also brings challenges such as institutional fragmentation, overlapping duties, and sometimes conflicts in jurisdiction. From a human rights protection perspective, this fragmentation and the lack of effective coordination among oversight institutions can reduce the effectiveness of accountability systems. In some cases, oversight bodies, due to legal restrictions, lack of resources, or political pressure, are unable to fully carry out their missions. Furthermore, the absence of a central, independent ombudsman who can address human rights violations at the national level has led to situations where citizens face complex pathways in filing complaints and securing their rights.

Given the importance of this issue,

the present article aims to examine the structure of oversight institutions in the United States, analyze the legal and operational challenges of this decentralized system, and offer solutions to enhance its efficiency. Accordingly, the article first defines the concept of the ombudsman and its role in supporting human rights and then examines the status of oversight institutions in the U.S. Finally, in light of the identified challenges, it presents recommendations for reform and improvement of the country's oversight system in order to ensure more effective supervision, greater transparency, and broader protection of citizens' rights.

A. Legal Position and Structure of Ombudsman-Like Institutions in the United States of America

A.1: The Concept and Position of the Ombudsman in the U.S. Legal System

The ombudsman institution, as an independent oversight authority in many legal systems around the world, plays a central role in protecting citizens' rights and monitoring the performance of government institutions. This institution, which originates from the legal systems of Scandinavian countries, was established to combat administrative abuse, corruption, and human rights violations, and is recognized as an effective tool for ensuring transparency, accountability, and governmental responsibility.

However, in the United States of America, due to its federal structure and the multilayered nature of its legal system, there is no single, centralized national ombudsman institution. Instead, oversight of executive bodies and investigation

of administrative and human rights violations is carried out through a range of independent and semi-independent organizations that operate in specific areas. The most important ombudsman-like institutions in the U.S. include:

- **Inspector General Offices:** These offices operate at both federal and state levels and are tasked with investigating administrative violations, financial abuse, government corruption, and executive inefficiencies. They hold the government accountable to the citizens through the publication of independent reports.

- **U.S. Commission on Civil Rights:** This institution is responsible for monitoring compliance with civil rights, combating racial, gender-based, and social discrimination, and offering corrective recommendations to legislative and executive bodies.

- **Government Accountability Office (GAO):** This office, which operates under congressional oversight, is responsible for evaluating the financial and operational performance of government institutions, providing oversight reports on mismanagement of public resources, and offering policy recommendations to improve the efficiency of governance.

A.2: Differences Between U.S. Oversight Institutions and the Classical Ombudsman Model

Unlike the classical ombudsman model observed in many European countries, the oversight structure in the United States is decentralized and based on the separation of oversight domains. In the European model, a national, independent ombudsman institution operates with broad powers to investigate public complaints and address government misconduct. In contrast, in

the U.S., this responsibility is divided among several separate institutions. This structural difference has created challenges in the effectiveness of oversight, including:

- **Institutional fragmentation and overlapping jurisdictions:** The absence of a unified central body has led some oversight institutions to have overlapping responsibilities, which can result in resource waste, operational conflicts, and a lack of clarity in responsibility allocation.

- **Lack of full independence of some oversight institutions:** Unlike national ombudsmen who usually enjoy high levels of independence, some U.S. oversight bodies are dependent on Congress or the executive, which increases the possibility of political influence.

- **Administrative challenges in pursuing violations:** Since each oversight body operates in a specific domain, citizens may face complex and bureaucratic processes when filing complaints and seeking to assert their rights.

B: The Role of Ombudsman-Like Institutions in Protecting Human Rights in the United States

Protecting human rights in any democratic system requires effective oversight and enforcement mechanisms to confront violations, administrative abuses, and infringements of citizens' fundamental rights. In the United States, despite the absence of a national independent ombudsman institution, a range of oversight bodies with different responsibilities operate in this field. These institutions—defined as inspector general offices, the U.S. Commission on Civil Rights, the Government Accountability Office,

and similar structures—monitor the performance of government bodies and take steps to safeguard citizens' rights in various ways.

Nevertheless, the performance of these institutions in the area of human rights faces challenges, primarily due to fragmented responsibilities, legal limitations, and political pressures. The key functions of these institutions in human rights



The oversight system of the United States, despite encompassing multiple institutions that function similarly to an ombudsman, continues to face significant structural, operational, and legal challenges.

protection are examined below:

B.1: Investigating Citizen Complaints Against Government Bodies and Evaluating Human Rights Violations

One of the most important responsibilities of oversight institutions in the U.S. is investigating citizen complaints regarding government performance, administrative abuse, and violations of their fundamental

rights. In many countries, national ombudsmen act as the primary authority for receiving and investigating public complaints and, through independent and binding reports, expose administrative misconduct. In contrast, in the U.S., this responsibility is divided among various institutions, each tasked with examining specific types of complaints and monitoring related areas.

For example, inspector general offices operating at the federal and state levels investigate complaints related to administrative corruption, financial violations, and abuse of power. They play a central role in monitoring the performance of executive agencies, but their limited authority to issue binding and enforceable rulings has, in some cases, reduced the impact of their oversight.

On the other hand, the U.S. Commission on Civil Rights is responsible for investigating complaints related to racial, gender-based, and other forms of discrimination in both public and private sectors. This body plays an important role in protecting vulnerable minorities through data collection, evaluating government policies, and offering corrective recommendations. However, one fundamental challenge in the functioning of this commission is the lack of executive authority and its dependency on political decision-making, which has sometimes prevented the implementation of its recommendations.

Overall, the complaints review system in the U.S. suffers from structural complexity due to the multitude of oversight institutions and the lack of a comprehensive and unified authority. This issue has led to administrative and bureaucratic difficulties for citizens in pursuing their rights and, in some cases, has resulted in their complaints being left unaddressed.

B.2: Protection of Vulnerable Groups and Addressing Structural Discrimination:

One of the most important aspects of human rights protection is the guarantee of the rights of vulnerable groups, including racial minorities, women, immigrants, and people with disabilities. In the United States, multiple institutions are directly or indirectly active in this field, but their effectiveness depends on their level of independence, financial resources, and executive powers.

The U.S. Commission on Civil Rights, as one of the key institutions in this area, is responsible for assessing government policies related to the implementation of equality and non-discrimination principles. This commission helps improve the condition of vulnerable groups through publishing research reports, reviewing discriminatory trends in the labor market, the judicial system, and the education sector, and offering policy recommendations. However, its reports are mostly advisory and lack binding force to enact fundamental changes in government policies.

Additionally, other oversight offices also play roles in supporting minorities. For example, the Civil Rights Division of the U.S. Department of Justice is responsible for investigating structural discrimination cases nationwide and enforcing legal provisions related to equal rights. This body has the authority to initiate legal proceedings against violators, but in many instances, political considerations have prevented it from taking decisive actions.

B.3: Promoting Government Transparency and Accountability:

Effective oversight of government performance requires institutional transparency and accountability. In this regard, the Government Accountability Office (GAO) and Offices of Inspectors General play important roles in increasing the transparency of public institutions by evaluating executive policies, examining budget allocations, and exposing financial abuses.

The publication of independent reports by these institutions not only raises public

awareness about administrative violations and human rights abuses but also acts as a tool to pressure the government to implement reforms. Nevertheless, one of the main issues in this area is the lack of enforcement mechanisms to follow up on the findings of these reports. In some cases, the reports prepared by these institutions remain without corrective actions due to political opposition or economic pressures.

C: Challenges Facing Oversight Institutions in the United States:

Oversight institutions, as key tools in safeguarding human rights, ensuring transparency, and combating administrative abuses, have always faced numerous structural and institutional challenges. In the United States, these challenges are not only rooted in the federal governance model but are also influenced by political, legal, and bureaucratic barriers. The absence of a national independent ombudsman, institutional fragmentation, political pressure on oversight bodies, limited enforcement capacity for pursuing violations, and dependence of oversight institutions on government financial and political structures are among the key challenges that have seriously undermined the efficiency of this system. This section will examine in detail the most significant challenges facing oversight institutions in the United States.

C.1: Absence of a National Ombudsman and Its Impact on Oversight Coherence and Effectiveness:

In many democratic countries, a national ombudsman serves as an independent authority with a central role in investigating citizen complaints and overseeing the performance of public institutions. These bodies generally have broad legal powers, enabling them to directly investigate violations, issue binding recommendations, and even, in some cases, initiate legal proceedings against offending officials. However, in the United States, government oversight is not centralized in a single institution but is instead distributed among multiple oversight bodies, each with limited and sometimes overlapping jurisdictions. This lack of cohesion and unified structure has led to several consequences:

- The absence of a central authority to handle citizen complaints: In the absence of a national ombudsman institution, citizens are forced to refer to various bodies to pursue their complaints, which makes the complaint-handling process complex and time-consuming. In many cases, people refrain from pursuing their rights due to the lack of a transparent and clear mechanism for filing complaints.
- Coordination challenges among oversight institutions: The multiplicity of oversight bodies has made coordination among them highly difficult. In some instances, different institutions have conflicting oversight jurisdictions, which leads to delays in investigating oversight cases and reduces the overall efficiency of the system.
- Reduced transparency and accountability: The lack of a centralized oversight authority has resulted in many cases where government agencies avoid effective accountability in response to oversight reports. Although institutions like the Offices of Inspectors General and the Government Accountability Office publish reports on administrative violations, in the absence of a binding and central authority, many

of these reports remain without executive action.

- Weak implementation of oversight recommendations: One of the main functions of ombudsman institutions in various legal systems is to compel governments to implement reforms based on oversight reports. However, in the United States, due to the absence of a single institution with adequate executive authority, many oversight recommendations remain at the report level and practical reform actions are delayed.

C.2: Political Pressure and Its Impact on the Independence of Oversight Institutions

Oversight institutions can function effectively only when they enjoy sufficient independence. However, in the United States, many of these institutions are structurally and financially dependent on the government and are exposed to political pressures. This dependency has created wide-ranging consequences for the performance of these bodies:

- Government interference in oversight processes: In some cases, government officials, by exerting political influence, attempt to prevent the publication of sensitive reports or alter their content. For example, some reports by Inspectors General on human rights violations in immigrant detention centers have been delayed or partially redacted under political pressure.
- Financial dependence of oversight institutions on the government: The budgets of many oversight institutions are provided by Congress or the federal government. This has led to instances where political authorities, by reducing budgets or imposing financial restrictions, have weakened the performance of these institutions. Budget cuts to the Government Accountability Office in recent years are an example of this challenge, resulting in a reduced scope of financial oversight over government performance.
- Election of oversight institution heads based on political affiliations: In many cases, the appointment of leaders of oversight institutions is subject to political considerations, and governments appoint individuals to these positions who align closely with their executive policies. This issue has diminished the independence and effectiveness of oversight institutions in fulfilling their duties.

C.3: Weak enforcement mechanisms for oversight reports and lack of follow-up on reforms

Another major challenge in the U.S. oversight structure is the weakness of enforcement mechanisms for reports of violations. Many of the reports issued by Inspectors General, the Government Accountability Office, and the U.S. Commission on Civil Rights are merely advisory in nature and lack the necessary guarantees to ensure reforms are implemented.

- Lack of legal obligation to implement oversight recommendations: Unlike many countries where ombudsman institutions' reports are considered binding documents, in the United States, decisions on whether to implement these recommendations are left to the discre-

tion of executive bodies. As a result, many critical recommendations remain unaddressed without any corrective action.

- Lack of judicial follow-up against offenders: In numerous cases involving human rights violations, financial misconduct, and administrative corruption, oversight reports merely expose the violations without initiating specific judicial actions against those responsible. The absence of strong enforcement guarantees has allowed many public officials to continue their misconduct without fear of legal consequences.
- Weakness in implementing structural reforms based on oversight reports: One of the most important functions of oversight institutions is to provide reform proposals to improve government performance. However, in the United States, due to the lack of a defined mechanism to monitor the implementation of these reforms, many of the recommendations outlined in oversight reports are never put into practice.

This collection of challenges shows that the U.S. oversight system, despite having numerous institutions, suffers from serious shortcomings in terms of coherence, independence, and enforcement capacity. The absence of a national ombudsman, political pressures, financial constraints, and weak implementation of oversight recommendations are among the most significant obstacles to achieving effective oversight in the country. Reforming this system requires the establishment of a national coordination body for oversight activities, strengthening the enforceability of oversight reports, and enhancing the institutional independence of these structures in order to play a more effective role in protecting human rights.

Conclusion

The oversight system of the United States, despite encompassing multiple institutions that function similarly to an ombudsman, continues to face significant structural, operational, and legal challenges. In contrast to many European countries that have established an independent national ombuds-

man with broad authority as a core component of oversight over government institutions, the U.S. oversight framework is based on a decentralized and fragmented model. While this decentralized structure offers certain advantages in preventing the concentration of power and promoting oversight diversity, it has, in practice, resulted in oversight gaps, weak coordination among institutions, and consequently reduced the overall effectiveness and efficiency of the system.

One of the most critical deficiencies of this structure is the lack of effective enforcement mechanisms for the reports and recommendations issued by oversight bodies. Unlike many advanced countries where ombudsman reports carry strong legal and administrative enforcement guarantees, in the U.S. legal system, such recommendations are generally advisory and carry no legal obligation for implementation. This situation has led to a failure in translating many oversight recommendations into tangible policy or procedural reforms. Furthermore, political pressures and partisan considerations, which play a major role in the appointment and dismissal of oversight officials, have diminished the independence and impact of these institutions.

In light of these challenges, this article presented a set of reform proposals aimed at enhancing the U.S. oversight system. The most important of these include the establishment of an independent national ombudsman with broad authority, strengthening the independence of Inspectors General and other oversight bodies, legally obligating the government to implement oversight recommendations, expanding international cooperation with human rights organizations, and creating a central body to coordinate existing

oversight structures.

Implementing these reforms requires fundamental changes in oversight laws, greater transparency and accountability from government institutions, and a reduction in political interference in oversight processes. From a comparative legal perspective, the experience of various countries shows that the most effective oversight models are those that combine institutional independence and strong enforcement powers with transparent and coordinated mechanisms.

In this regard, the oversight models of countries such as Sweden, Canada, and Germany - where ombudsman institutions enjoy broad powers, financial and operational independence, and legal enforceability of their reports - can serve as examples for reforming the U.S. oversight structure.

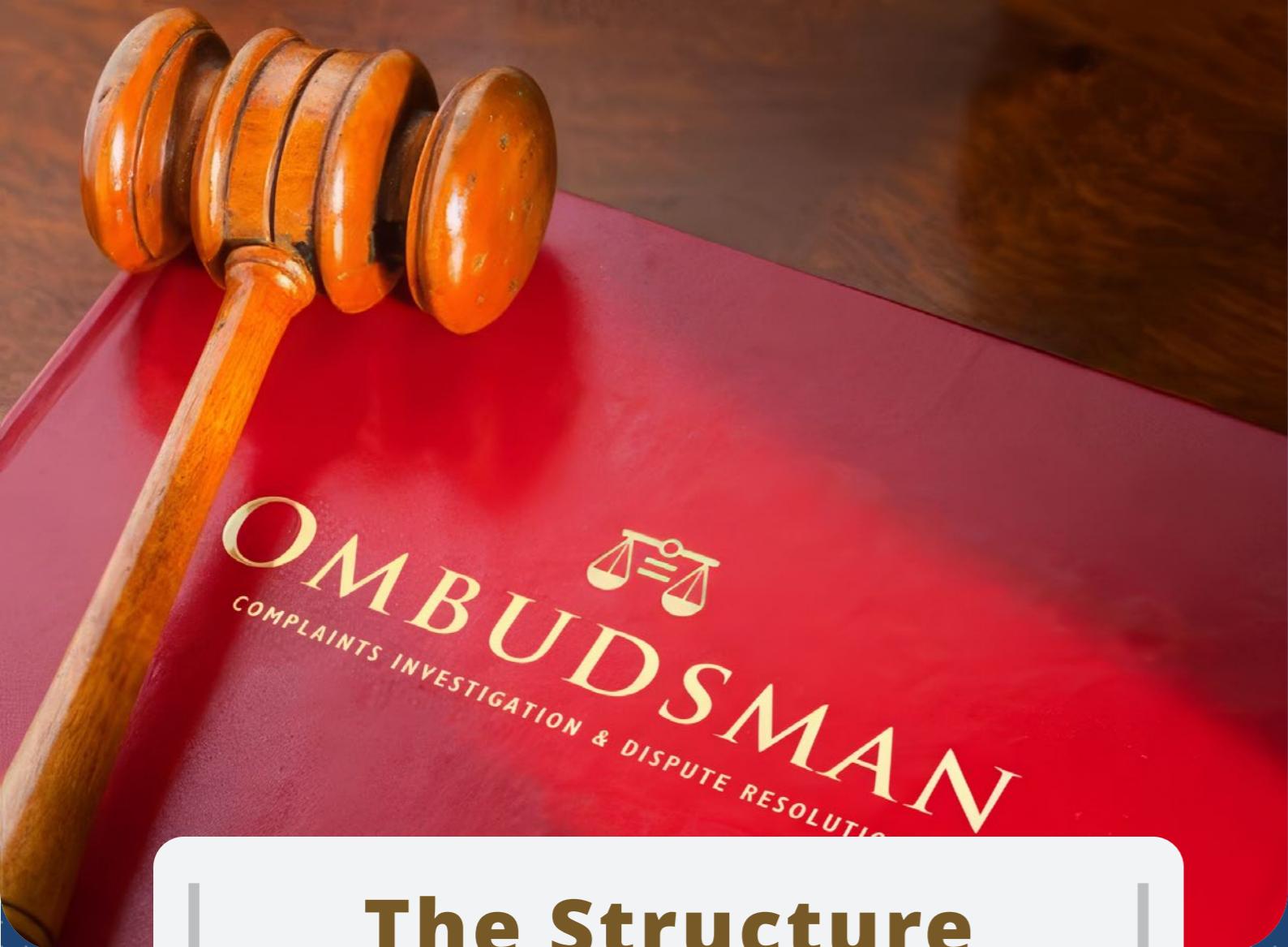
In addition, expanding the interaction of U.S. oversight institutions with international human rights organizations, particularly the UN High Commissioner for Human Rights (OHCHR), the International Criminal Court (ICC), and non-governmental human rights bodies, can play a significant role in enhancing the impact of human rights oversight in the country. These interactions may include the joint publication of reports, monitoring the implementation of the U.S.'s international human rights obligations, and increasing transparency in governmental oversight efforts.

Ultimately, establishing an effective and independent oversight structure is essential for achieving good governance and upholding the fundamental principles of human rights in any legal system. Without effective oversight, democratic mechanisms are undermined, and citizens' fundamental rights become vulnerable to infringement.

Therefore, reforming the U.S. oversight system is not only vital for strengthening the rule of law and advancing human rights within the country, but it can also serve as a model for other countries facing similar challenges in the realm of governmental accountability and oversight.

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The Structure and Evolution of the Ombudsman Institution

*Mohammad Taghi Avand

Inspector of Natural Resources and Agricultural Lands Group

Abstract

The roots of the Ombudsman institution date back to 1809 in Sweden, where the term means "representative." In that year, the ombudsman was a uniquely Swedish institution globally. Until the twentieth century, the institution did not expand beyond Sweden's borders but was later adopted by other Scandinavian countries—Finland in 1919, Denmark in 1952, and Norway in 1962. The Ombudsman gained its greatest popularity in the 1960s, when it was established on a large scale by Commonwealth countries and other primarily European nations. Today, 216

years after its founding, the concept has become entrenched worldwide and operates in most European and Asian countries. It is a defining feature of governments committed to democracy and the rule of law. In different countries, representatives who protect people's rights are known by various titles. Many countries have regional, county, and provincial inspectors, and some maintain ombudsmen at national, regional, and sub-national levels. The primary reasons for the establishment of such institutions in many modern legal systems include avoiding the inefficiencies and complexities of the judiciary system, the informal and low-cost nature of complaints, and the provision of a relatively more accessible path for citizens to defend their rights compared to formal court procedures.

Introduction

It is essential to first note that the historical and political background of the establishment of the Swedish Ombudsman in 1809 was truly unprecedented in Europe at that time. The years between 1719 and 1772 are referred to as the Age of Liberty, marked by a retreat from absolutist regimes and the emergence of a very modern parliamentary system. Almost all other European countries (with the exception of England) were far removed from such conditions. Sweden had a written constitution, human rights, freedom of the press guarantees, and a Riksdag (parliament) comprised of powerful estate representatives. Politically, this enabled the Riksdag to gain the right to appoint a "Minister of Justice" for a brief period in 1666. Thus, royal administrative control shifted to parliament. Today, Europe commemorates the pioneers of the parliamentary ombudsman concept, whose intellectual foundation was laid in the eighteenth century. The concept was formalized in 1809 when Sweden's constitution was revised and implemented based on the principle of separation of powers (Eklundh, 1965).

The Ombudsman concept, or General Inspector, has even found significance in the private sector as a citizen-centered, trustworthy independent oversight body aimed at protecting people's rights in institutions such as banks and insurance companies. However, the Ombudsman institution itself is modeled after the oversight systems of Islamic governments (e.g., the Ottoman Empire), which were transferred to Sweden and renamed. Although Swedish in origin, the Ombudsman refers to the legal and governmental supervision of executive agencies and protection of individual rights against administrative misconduct (Khebreh, 2005). Oversight through

the Ombudsman (as an independent monitoring official) is a form of non-judicial supervision that gained attention after the 1950s for ensuring proper implementation of law in government agencies and protecting rights and freedoms (Tabatabaei Motameni, 2003). In some countries, protecting human rights is among the major duties of ombudsman institutions. These bodies receive, investigate, and assess complaints and provide appropriate guidance to responsible authorities based on their own regulations. In some countries, the ombudsman is part of the executive branch, while in others, it operates under the legislature (Khebreh, 2005). Today, the Ombudsman is a well-established concept worldwide and an essential component in democratic governments committed to the rule of law.

According to Professor Wade, the Ombudsman derives its primary power initially from its ability to harness public opinion and exert pressure on the government—not from legal authority. In other words, the legal powers granted to the Ombudsman are secondary and include investigation, inspection, collection of evidence, and similar functions. One of the Ombudsman's powers is to address mistakes made by administrative officials that result in violations of individuals' rights, especially when no legal recourse is available.

The background of the Ombudsman in the Constitution

To understand the development and expansion of the special inspector theory, the constitutional background of the Swedish Ombudsman must be taken into consideration. Due to certain specific features in the Swedish Constitution, the Ombudsman plays an important role in the legal system. The most impor-

tant characteristic of the Swedish Constitution is that the administration of the government is not carried out by ministers but by representatives who are guided by public officials. These officials do not need training by ministers to carry out governmental duties. Therefore, ministers are not responsible to the parliament for the performance of these representatives. It is the special inspector who compensates for the deficiencies of political and legal control of administrative and executive institutions (Larsson, 1966; Mirzadeh et al., 2013).

Ideological foundation of the Ombudsman

To understand and clarify the ideological foundation of the Ombudsman institution, it is necessary to examine the history of the Swedish Ombudsman. The basis of this theory is founded on the Swedish enlightenment ideas and the perception of that era regarding human freedom, which considered the individual as responsible within society. In Sweden, in relation to this individualistic idea, a model of a free and democratic government was realized very early. However, this idea, in our perception of the term special inspection (justice officer) that gains the trust of parliament and the people also trust it, is such that it controls the governmental administration and in order to guarantee citizens' rights, examines individual complaints case by case and gives them a sense of protection, security, and freedom. This stereotypical concept related to the constitution still forms the central core of the entire Ombudsman institution. Therefore, this concept can be called the theory of the special inspector or Ombudsman (Mirzadeh et al., 2013).

Due to the shared history that Sweden had with Finland, the idea of the



Today, Ombudsmen exist in various forms in different countries and have different names, but in fact, their essence is the same. According to the statute of the International Ombudsman Institute, there are criteria for membership in this institution which define certain characteristics regarding an Ombudsman.

Ombudsman started from Finland. The Ombudsman theory was included in Finland's Constitution in 1919. Finland separated from Sweden in 1809 and was under the dominance of the Russian Empire (Tsar) for over 100 years. When in 1919 this country became a republic, many of the powers that had been under monarchy were handed to the presidency, thus the balance between the executive and legislative powers remained important. The Finnish Parliamentary Ombudsman, like Sweden's, had to be a known person knowledgeable in law. This development, because although constitutional reforms after World War II gave much importance to reasonable parliamentary oversight systems and judicial review, new problems emerged that apparently could only be solved by returning to the Swedish Ombudsman. For this reason, it was resumed after three decades but 90 years had passed. Many of these problems were important for this development and many industrialized European countries were involved with it (Modeent, 1975).

Concept and function of the Ombudsman

Ombudsman means "the party who investigates complaints" or "the complainant's representative" or something like a "trustee" which gradually became known as an "impartial referee in government actions" and spread to other countries. This word is originally a Swedish word (mather Umboth) whose components mean human (mather) and commission (Umboth), and its literal meaning is representative, which in legal terms is referred to as "one who defends others."

The International Ombudsman Institute has defined this institution as follows: "A person or institution that investigates citizens' complaints regarding decisions, actions, or

omissions of public administration and whose role and position is to protect the people against violation of rights, abuse of power, mistakes, negligence, discrimination, unfair decisions and mismanagement in order to improve public administration and make government actions transparent and to hold the government and public officials accountable to members of society" (WWW. IOI.org).

Also, the Ombudsman Committee in the International Bar Association (IBA) has defined the Ombudsman as follows: "An institution established based on the Constitution or by a law passed by parliament, headed by a high-ranking independent public official who is accountable to the legislature or parliament and receives complaints from the public about governmental organizations, officials, and employees or acts on its own initiative and has the authority to conduct investigations, make recommendations, take corrective action and report on issues."

In clearer terms, it can be said that the Ombudsman means legal and governmental oversight and control over the performance of the country's executive and administrative bodies and the protection of individuals' rights against administrative misconduct with the goal of establishing justice in these bodies (Barati and Abbasi, 2021).

To create an efficient Ombudsman institution, a series of fundamental elements must exist; these fundamental elements can be defined in three ways:

First, essential features, those characteristics that are closely related to the effective function of the Ombudsman. This institution needs the elements mentioned below and without them, it cannot function efficiently;

Second, the necessary minimums, meaning those characteristics and features that, in their absence, an in-

stitution cannot be called an Ombudsman or cannot function effectively;

Third, proper and consistent definition of the elements that constitute the components of an Ombudsman.

Today, Ombudsmen exist in various forms in different countries and have different names, but in fact, their essence is the same. According to the statute of the International Ombudsman Institute, there are criteria for membership in this institution which define certain characteristics regarding an Ombudsman, which are: 1- These institutions are established by law; 2- They are protected by public authorities in relation to their legal duties; 3- They act independently from public authorities, especially those who supervise them; 4- They have the authority to investigate complaints and make recommendations; 5- They are accountable to competent authorities using public reports, and their officials are appointed by the legislative institution and can only be dismissed by this body (Barati and Abbasi, 2021).

Characteristics of an Effective Ombudsman

There are minimum standards for an effective Ombudsman based on criteria set by the International Ombudsman Institute, which are: 1- Independence; 2- Impartiality and fairness; 3- Informality in proceedings; and 4- Confidentiality.

1-Independence of the Ombudsman

Independence means that authorities cannot interfere in the Ombudsman's affairs or impose and dictate their opinions to it (Amid Zanjani and Mousazadeh, 2010). In other words, the independence of the Ombudsman is one of the essential elements in its definition. The Ombudsman is an organization run by independent authorities and accountable to the legislature. Therefore, the Ombudsman is a neutral and independent person from the government, appointed by the parliament and on behalf of the parliament investigates complaints about administrative misconduct presented to this institution (Reif, 2004).

Accordingly, the Ombudsman or inspection institution should not, in principle, be chosen by the authority or organization it is supposed to

oversee, as this would allow interference in the Ombudsman's affairs (Gorji Azandarani et al., 2012). Organizationally, this institution was originally affiliated with the parliament and operates independently of the executive branch. For example, in Spain, one of its supervisory institutions is the parliamentary inspector, who is selected by parliament as the defender of people's rights. Also in Sweden's legal system, the parliamentary inspector is considered one of the main components of the parliament. This is also true in the United Kingdom, where the main Ombudsman is the parliamentary Ombudsman (Behnia and Sadeghi, 2020; Gergory and Hutchesson, 1976).

2- Impartiality and Fairness

One of the desirable features of an Ombudsman is impartiality in resolving disputes. The Ombudsman is not able to make decisions or create or change mandatory policies or actions. The Ombudsman examines each situation objectively and treats everyone equally. Impartiality is ensured when the individual appointed to this position is selected through consensus of all political parties in parliament. After the appointment, the Ombudsman must defend their credibility by ensuring impartiality. To prevent damage to the credibility of Ombudsman inspectors, they should avoid involvement in any political activity. Supporting a specific party harms the Ombudsman's credibility (Reif, 2000). One of the standards for an effective Ombudsman, according to the standards prepared by the International Ombudsman Institute, is impartiality and non-bias. Clause 1 of Article 2 explicitly states that the Ombudsman should act impartially and without bias.

3-Informality in Proceedings

The Ombudsman is first a listener and problem-solver institution. The informality of the Ombudsman requires that this institution, while receiving information from individuals, helps them identify and reframe their issues. There are various ways for the Ombudsman to speak with individuals, and with their permission, a third party can be involved (Ziegenfuss and Rourke, 2014). The reason why the Ombudsman must operate informally is that it can investigate broader and more systemic organizational issues, but it cannot make binding decisions or enforce policies. Also, the Ombudsman cannot formally issue a ruling regarding the complaint. Thus, the Ombudsman cannot perform a judicial function in the individual complaint process (IOA, 2009).

Ombudsmen are not authorized to issue binding orders. Some Ombudsmen have strong executive powers, such as decision-making authority, prosecution, and referring cases to courts or other competent judicial bodies; for example, national human rights institutions (Reif, 2008). Also, many Ombudsmen have the authority to request special protective measures from constitutional courts or other courts or request clarification of cases related to human or constitutional rights. Human rights Ombudsmen with similar functions should have stronger executive powers appropriate to their additional responsibilities (Reif, 2004).

4- Confidentiality

Individuals who seek justice from the Ombudsman or some government officials and employees involved in the investigation process may be subject to retaliation or harassment. Therefore, the Ombudsman must keep all its communications in the file confidential and preserve their secrecy (Gottehler, 2009). According to Clause 3 of the Ombuds-

man standard defined by the International Ombudsman Institute: "The Ombudsman keeps all communications with individuals who seek assistance completely confidential and takes all reasonable steps to maintain confidentiality in matters such as: 1- Protecting the identity of individuals who contact the organization and not being required to disclose them; 2- Not disclosing confidential information, as it may reveal the identity of those in contact with the Ombudsman, except in cases where the concerned person gives permission" (IOA, 2009). One of the factors that encourage individuals to refer to and seek help from the Ombudsman to obtain their rights is the confidentiality of personal information and identity.

Jurisdictional and Geographical Classification

National Ombudsmen typically have provincial and local branches across the country. These local branches, established to facilitate direct contact and communication with citizens, not only make it easier for people to submit complaints but also lead to swift and non-bureaucratic resolution of issues. In the public sector and in non-national jurisdictions, there are genuine non-national Ombudsmen with general jurisdiction whose geographical scope is limited to provincial, regional, local, and municipal levels. A "public" or "general-purpose" Ombudsman handles complaints about government actions and activities at any level. In contrast, there are also national or non-national Ombudsmen whose authority is limited to a specific subject or a few specific organizations, referred to as "specialized," "sectoral," or "single-purpose" Ombudsmen. A specialized Ombudsman monitors the actions and conduct of officials and organizations active in specific fields such as children, prisoners, the elderly, etc. This Ombudsman advocates for complainants' interests, examines certain administrative activities of government bodies, and oversees specific organizations or issues such as police, prisons and detention centers, armed forces, unfair discrimination, child and minority protection, healthcare services, freedom of information, privacy, consumer protection, etc.

Some specialized Ombudsmen lack investigative authority, while others possess such authority, and a few can even issue binding decisions or impose sanctions.

If in a particular subject area or geographical region a specialized Ombudsman operates alongside a general Ombudsman, the general Ombudsman may oversee its performance. A single-purpose Ombudsman, due to its focus on a specific issue, may only deal with one or a few government departments. Therefore, because of the close relationship with specific complainants and particular organizations, it must always be cautious not to fall under their influence. Sometimes, based on a decision of the national Ombudsman or by law, departments are formed, each responsible for addressing complaints related to a specific area. The national Ombudsman can also establish local offices or branches at the province, county, or state level; thus, they differ from specialized Ombudsmen. The specialized Ombudsman has its own specific powers and enjoys a distinct independence.

Each of these types of Ombudsmen has its supporters and critics. Supporters argue, first, that the establishment of a sectoral Ombuds-

man indicates the government's seriousness in strengthening protection for individuals within that sector. Second, it reflects the special importance of the sector to the government. In contrast, critics argue, first, that the concurrent existence of a specialized and a general Ombudsman weakens the authority of the general Ombudsman and creates jurisdictional overlap and confusion for the public. Second, considering limited financial resources—especially during periods of crisis and economic downturn—allocating existing resources to the national Ombudsman is more rational. If necessary, the national Ombudsman can appoint representatives to handle special issues (Reif, 2004).

The Ombudsman or inspector institution, while enjoying broad oversight authority in modern legal systems, typically focuses its jurisdiction on three areas: maladministration, human rights issues, and oversight of major or minor matters. The most important reason for the institution's engagement is maladministration. According to Professor Wade, the concept of maladministration relies more on the exercise of discretionary power, where the decision, while not illegal or ultra vires, is poorly made; whereas the function of the Ombudsman generally revolves around wrongly made or poorly considered decisions (Wade, 1972).

Human rights are also a foundation for government oversight, and one of the main goals of the Ombudsman is to ensure that governments respect citizens' rights and prevent infringement of public rights while exercising authority. Therefore, as stated in the definition of the Ombudsman, the protection and safeguarding of the rights and freedoms of individuals is one of the main concerns of the Ombudsman. In some countries like France, these institutions are called defenders of citizens' rights; in Spain, they are known as defenders of the people's rights. These institutions can investigate complaints related to abnormal conduct of administrative staff or other public service activities that result in violations of fundamental rights and freedoms.

For example, in the United Kingdom, when a legal action by a public official leads to a substantive problem that infringes on indi-

vidual rights and is unfair, the Ombudsman considers itself competent to investigate (Gorji Azandarani et al., 2012).

In addition to the above, the Ombudsman also reviews both general and minor issues, referring them—depending on the topic—either to the House of Representatives, a parliamentary inspector, or other competent bodies. Since in the UK the Parliamentary Ombudsman is considered an assistant to the Parliament in oversight, it has jurisdiction over major issues and intervenes only in limited areas such as foreign affairs, criminal investigations, etc. (Zarei, 2010).

Performance Evaluation of Ombudsmen

Evaluating the performance of Ombudsmen in various legal systems shows that the Ombudsman institution has two main functions when dealing with injustices: investigative and corrective. If the Ombudsman, during its investigation, encounters deficiencies caused by crimes or violations by an administration or its staff in carrying out legal duties, since such matters are judicially and administratively prosecutable, the violators are referred to courts or competent disciplinary bodies. However, in most cases, these injustices are not prosecutable through judicial or administrative means.

For example, if a complaint is made to the Ombudsman stating that an officer's actions comply with the law but that they failed to adhere to managerial principles and necessary administrative standards, no court is competent to hear the case. In such cases—stemming from mismanagement or inefficiency in laws and regulations—the Ombudsman proposes appropriate solutions to improve the agency's performance or suggest reforms in the law or, more broadly, foundational reforms of administrative disorder to the competent authorities (Hood, 1987). In this case, the Ombudsman's function is corrective. In its corrective role, the Ombudsman evaluates an agency's performance in managerial and technical dimensions using standards beyond minimum legal requirements and suggests what it believes to be the root causes of inefficiency to the relevant authorities.

The Ombudsman, in response to a public complaint, has sufficient authority to conduct investigations into a governmental act that may be unlawful or unfair. In many cases, the Ombudsman can also act on its own initiative and without the existence of a formal complaint. If the investigation reveals mismanagement or injustice, the Ombudsman issues a recommendation to the relevant department to correct the violation or deficiency.

There are several important points regarding the recommendations and guidance of Ombudsmen:

First, the Ombudsman's recommendations cannot contradict the law because the Ombudsman is bound by the principles of the rule of law and fairness. The Ombudsman's goal is to provide a middle-ground solution within the framework of existing laws where the rigid enforcement of regulations leads to unfair outcomes (Amirarjmand, 2008).

Second, unlike judicial court rulings, Ombudsman decisions and recommendations are not binding and carry no directive power. Ombudsmen cannot annul or invalidate contested decisions or actions; they can only issue recommendations or publish reports on the violation or deficiency. This is the most important distinction between Ombudsmen and judicial courts (Buijze & Langbroek, 2010).

Another point is that the Ombudsman's remedial power is mostly based on mediation and conciliation processes. Therefore, the Ombudsman's first responsibility is to seek a friendly resolution between the parties involved.

Given that Ombudsman decisions are non-binding, if the agency or institution in question rejects and does not implement the Ombudsman's recommendations, the Ombudsman, in practice and officially, can do nothing beyond issuing a special report to parliament or publicly criticizing the relevant officials through the media. However, this lack of coercive legal power and enforceability of recommendations should not lead to the assumption that the Ombudsman's investigations and efforts to address grievances are futile.

In fact, the Ombudsman's actions yield results on both micro and macro levels:

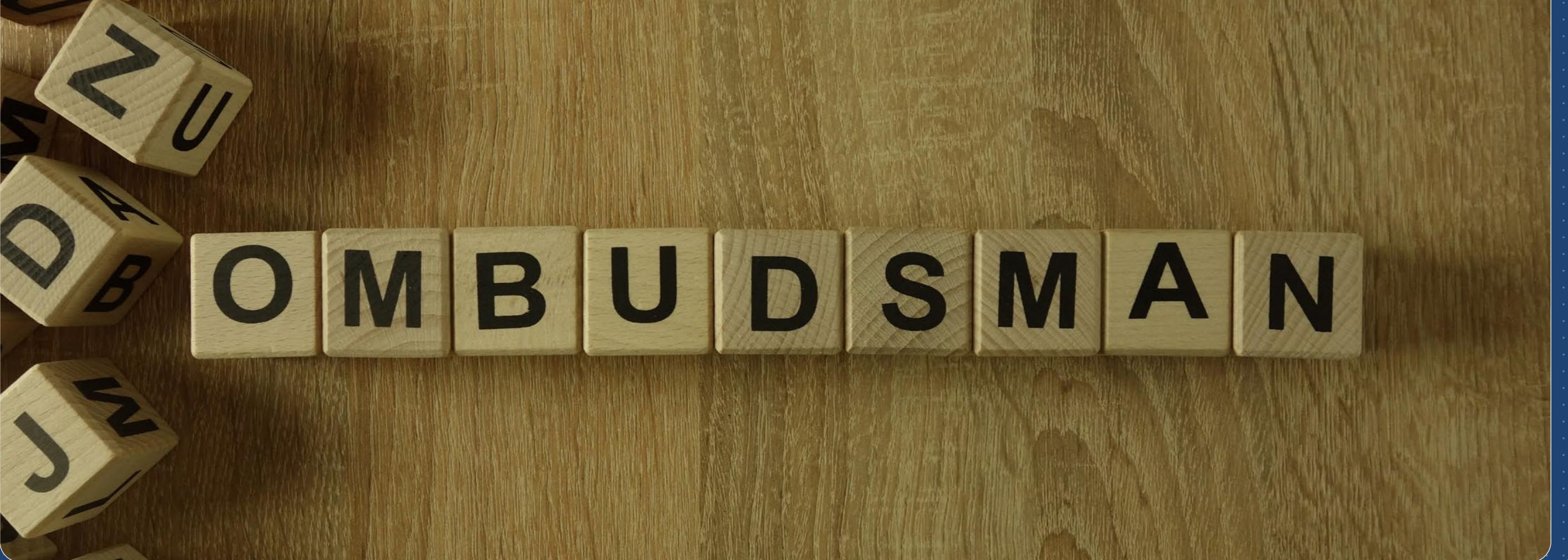
At the micro level, addressing specific complaints leads to the correction of individual mistakes. At the macro level, its inquiries and follow-ups lead to changes in parliamentary procedures and governance practices.

Furthermore, Ombudsman recommendations and reports are highly influential in establishing the responsibility of public authorities or officials in courts (Craig, 2010).

Additionally, this institution has demonstrated effectiveness—particularly over the past thirty years—in resolving administrative failures and mismanagement, and in securing citizens' rights in such a way that it has successfully earned public trust as an organization that defends their rights.

Reasons for the Establishment of the Ombudsman as an Institution in Europe

After 1945 and during the economic reconstruction of European countries, the scope of government administration expanded significantly. Governments paid increased attention to citizens and evolved into



service providers, particularly in areas related to public interests and legal order. As the system became increasingly vast, complex, and ambiguous due to extensive bureaucracy, individuals grew highly dependent on the government. The expansion of bureaucratic "red tape" led to a vague sense of unease and discomfort toward government administration (Hansen, 1985).

In the newly emerging democracies of Central and Eastern Europe after the collapse of the Eastern Bloc, the Soviet Union, and Yugoslavia, the objective of establishing Ombudsman institutions remained consistent: rapidly building democratic structures and the rule of law, combating corruption, and fostering civil society. In recent years, 25 countries adopted Ombudsman institutions, including Hungary (1987), Croatia (1996), Romania (1997), Russia (1988), the Czech Republic (2000), Slovakia (2002), Bulgaria (2005), Azerbaijan (2002), Armenia (2004), Kazakhstan and Kyrgyzstan (2002), and others. Many of these institu-

tions are also recognized as human rights organizations.

During this period, development continued in Western Europe as well, with the establishment of new Ombudsman institutions—for example, in the Netherlands (1982), Ireland (1984), Cyprus (1991), Belgium (1995), and Luxembourg (2004). Today, 54 countries within the geographic area of the Organization for Security and Cooperation in Europe (OSCE)—47 at the national level—host numerous regional Ombudsman offices, such as in Spain, Italy, Switzerland, the United Kingdom, Germany, Austria, Belgium, Denmark, and Serbia.

There are also Ombudsmen tasked with responsibilities in areas such as combating discrimination, protecting the rights of children and minorities, academic freedom, law enforcement, pensions, the armed forces, banking, and more.

Although many countries granted citizens the right to judicial review of administrative actions, access to courts remained difficult for most

due to social, financial, and physical barriers. The lack of genuine legal protection in cases where the government used private law mechanisms to enforce its obligations was also criticized. These challenges led to the establishment of administrative courts intended to monitor public administration. However, these courts were only authorized to assess the legality—not the fairness or appropriateness—of administrative decisions. The principles of "good administration," despite being embedded in legal texts, were not enforceable by these courts.

Thus, even in governments with advanced constitutions and broad legal protections, access to effective justice was often inadequate. As a solution, policymakers proposed the Swedish Ombudsman model as a practical tool. This model involved a supervisory institution composed of trusted and independent public figures who were democratically selected and freely accessible to citizens. A distinctive feature of this institution was its ability to monitor

not only legal procedures (like courts) but also administrative practices more broadly.

The model addressed challenges such as the complex structure of public administration and the need for stronger citizen protection by offering innovative and preventive solutions. Ombudsmen had the authority to monitor various forms of mismanagement. However, since the Ombudsman could only investigate and present recommendations to parliament, the Swedish model had inherent limitations (Mirzadeh et al., 2013).

The judiciary was also outside the Ombudsman's jurisdiction. Nevertheless, the Ombudsman was viewed as a tool for democratic oversight. To legally safeguard this concept, Denmark established an Ombudsman institution in 1954, followed by Norway in 1962. The model then spread to Anglo-American legal systems such as the United Kingdom (1962) and New Zealand (1982). Similar institutions were later created in Austria (1966) and France (1973).

In 1974, the International Bar Association (IBA), inspired by the Danish model, established an Ombudsman institution with broad political influence and motivations. This Ombudsman had the authority only to conduct investigations, provide recommendations, and report to parliament.

In 1975, the European Parliament's Council proposed to the Committee of Ministers that member states be encouraged to appoint Ombudsmen. The Committee of Ministers subsequently issued several recommenda-

tions. Ultimately, the Ombudsman or "special inspector" theory gained new international influence, establishing a strong link between the Ombudsman concept and European human rights (Hutchesson, 1975).

Conclusion

Oversight of governmental power is essential. Initially, judicial oversight was proposed as a mechanism for this purpose, with the judiciary serving as the tool for implementing it. Over time, non-judicial oversight emerged due to the growing emphasis on citizens' rights and the shortcomings of judicial supervision. The implementation of non-judicial oversight required an independent institution with authority, credibility, and a focus on safeguarding citizens' rights. The Ombudsman arose from this necessity and, with adaptations from its original model, became a significant international actor.

Ombudsmen in different countries have developed in line with each nation's needs and structure, leading to some variations from the international Ombudsman model. Within the realm of non-judicial oversight, or Ombudsman-based supervision, countries have adopted various measures and innovations—some successful, others not. Drawing from international experiences has become a common strategy to enhance the effectiveness of Ombudsman institutions.

The Ombudsman typically addresses complaints through recommendations (binding or non-binding) or by mediating between parties. They are usually appointed by

the government or parliament (often with a notable degree of independence). Their goal also includes identifying systemic issues that result in poor service or violations of citizens' rights. At the national level, most Ombudsmen have broad mandates to address the entire public sector and, in some cases, certain private entities.

In some countries, a chief inspector, citizens' advocate, or other officials may have responsibilities similar to those of a national Ombudsman and may also be appointed by the legislature. An Ombudsman may be appointed at subnational levels-by state, local, or municipal governments. Informal ombudsmen may be appointed by companies or even work within them-such as service providers, newspapers, NGOs, or professional regulatory bodies. In some jurisdictions, Ombudsmen responsible for addressing concerns related to the national government are formally referred to as "parliamentary commissioners" (e.g., the UK Parliamentary Ombudsman and the Western Australia State Ombudsman). In many countries where Ombudsmen are charged with human rights protection, they are recognized as National Human Rights Institutions.

By the end of the 20th century, most governments and some intergovernmental organizations (e.g., the European Union) had established Ombudsman offices. As of 2005, there were a total of 129 Ombudsman offices worldwide, including national and subnational levels.

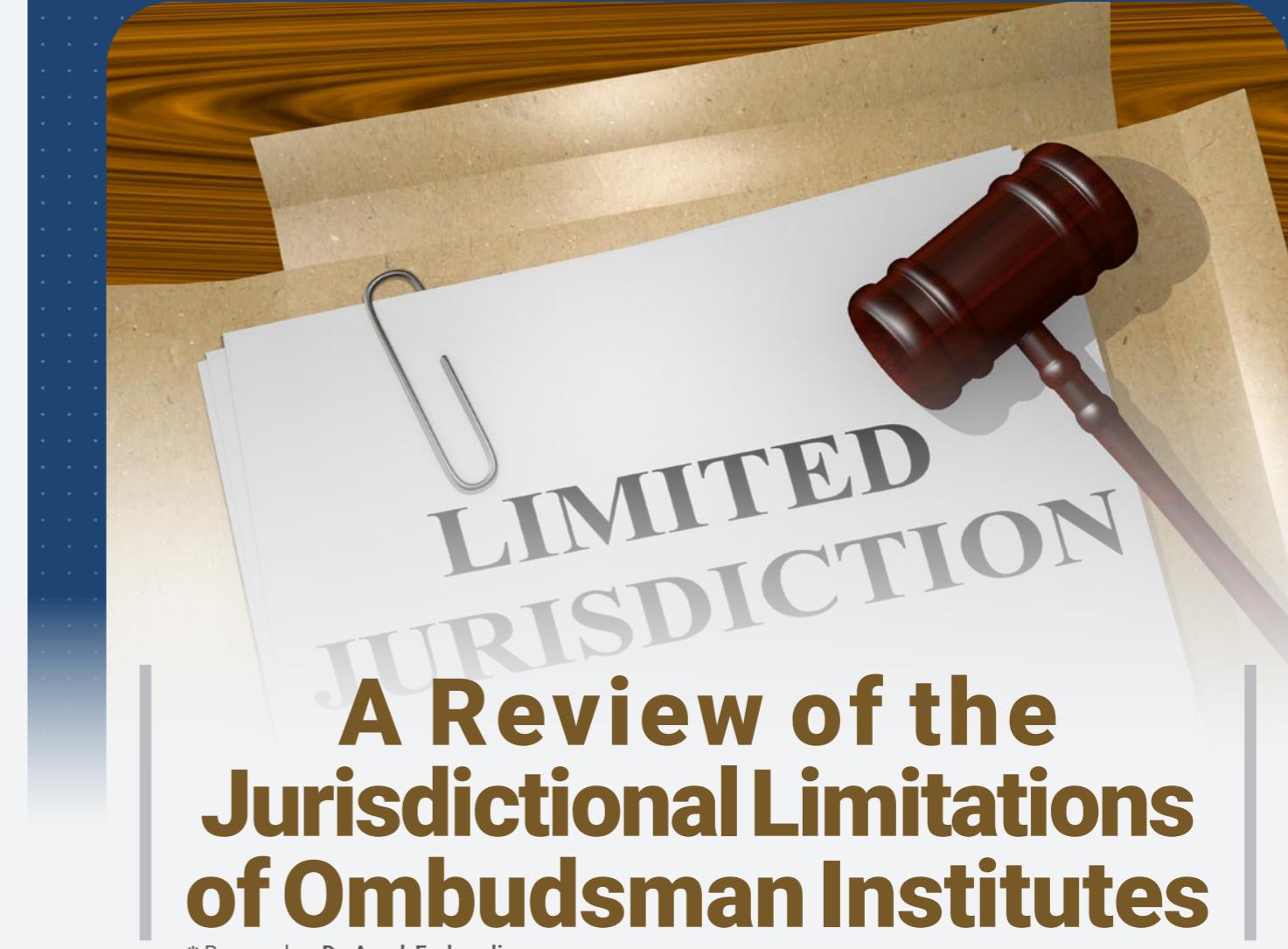
The effectiveness of Ombudsman activities can be assessed based on annual Ombudsman reports from 2009 to 2017, which indicate that Ombudsmen were most involved in transparency-related issues, including access to documents (20-30%). The second most common area was their role

as "guardians of treaties" (9-21%), which raised questions about the reasonableness of their implementation. An additional 15-20% of their activities fell into a broad administrative behavior category, while 13-19% related to financial or contractual matters, such as delays in payments to suppliers.

The Commission's preventive role should also be emphasized, highlighting how Ombudsmen can use "political" leverage by bringing attention to specific issues. In recent years, there has been an increase in the strategic use of self-initiated investigations related to the promotion of democratic governance and institutional ethics-such as accountability, integrity, and transparency (Kotanidis, 2018).

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A Review of the Jurisdictional Limitations of Ombudsman Institutes

* Researcher: Dr. Arash Farhoodi

Introduction

The Ombudsman institution was established to oversee the proper enforcement of laws and protect citizens' rights against administrative violations. However, for several reasons, Ombudsmen lack jurisdiction in certain areas. These limitations primarily stem from the legal, structural, and functional nature of Ombudsman offices.

Part I: Key Factors Behind the Jurisdictional Limitations of Ombudsmen

A. Non-Judicial Nature of Ombudsmen

Ombudsmen are designed as supervisory and non-judicial entities, and their role is largely advisory rather than executive or judicial. This characteristic means that they cannot issue binding rulings. As such, they do not intervene in cases requiring judicial enforcement and are limited to reviewing administrative misconduct and making corrective recommendations.

Consequently, Ombudsmen lack jurisdiction over civil lawsuits, criminal matters, or financial disputes between individuals.

B. Preservation of the Separation of Powers

One of the core principles of modern governance is the separation of powers. Under this principle, the judiciary is responsible for adjudication and legal rulings, the legislature for lawmaking, and the executive for implementing laws.

As an independent institution, the Ombudsman must not interfere with the functions of other branches. Therefore, it is typically restricted from engaging in matters involving judicial decisions, legislative actions, or high-level policymaking.

C. Limitations in Resources and Expertise

Ombudsmen need human resources, budget, and expertise to handle complaints effectively-but these resources are often limited. Their jurisdiction is thus focused on specific areas; complaints that require deep

technical or medical knowledge usually fall outside their mandate. Their primary focus remains on supervising government departments and protecting citizens from administrative misconduct.

D. Lack of Enforcement Power

Unlike judicial courts, Ombudsmen do not have the authority to enforce their decisions. They can only offer recommendations to improve administrative procedures, prepare reports on mismanagement or corruption, and urge public institutions to resolve the identified issues.

Therefore, in matters requiring binding rulings or the enforcement of legal judgments, Ombudsmen have no authority.

E. Legal and Statutory Limitations

The jurisdiction of Ombudsman Institute is typically defined by constitutional provisions or specific national legislation. While some countries may grant broader powers to Ombudsmen, in many jurisdictions, their authority is clearly limited. Among these legal constraints are:

- Lack of jurisdiction over military and national security matters due to their sensitive nature;
- Inability to interfere with parliamentary or governmental decisions in major policy areas;
- Limited capacity to address complaints against private sector entities-except in specific, defined cases (e.g., when services are outsourced by the state or regulated under public mandates).

F. The Need to Prevent Overlap with Other Oversight Institutions

In many countries, various institutions exist to monitor the performance of the government and executive bodies. To avoid duplication and inefficiency, Ombudsman mandates are often designed to be distinct from those of other bodies, such as:

- State audit institutions, which are responsible for overseeing public budgets and expenditures;

- Anti-corruption commissions, which focus specifically on investigating financial misconduct and corruption;



Unlike judicial courts, Ombudsmen do not have the authority to enforce their decisions. They can only offer recommendations to improve administrative procedures, prepare reports on mismanagement or corruption, and urge public institutions to resolve the identified issues.

- Administrative courts, which adjudicate complaints related to the unlawful actions of public officials.

Each of these entities has a specialized role, and the Ombudsman's function is carefully delineated to complement-not duplicate-their responsibilities.

Part II: Areas Outside the Jurisdiction of Ombudsman

Institutions in Some Islamic Countries



Ombudsman of Turkey

Introduction

The Ombudsman of Turkey, officially known as the *Kamu Denetçiliği Kurumu* (Public Monitoring Institution), was established in 2012 and operates in accordance with Article 74 of the Turkish Constitution and Law No. 6328 passed by the Grand National Assembly of Turkey. This institution, which functions under the supervision of the Turkish Parliament, addresses citizens' complaints (including those of Turkish nationals and even foreign nationals) regarding the performance of public administrations and provides recommendations to promote administrative justice and uphold citizens' rights. The Turkish Ombudsman operates independently from the executive branch and reports directly to Parliament.

Jurisdictional Limitations

According to the law establishing the Ombudsman, despite its broad mandate to oversee the proper conduct of public administration, the following areas are explicitly excluded from its scope of jurisdiction:

• Executive actions at the highest level:

Although the 2018 reforms expanded the Turkish Ombudsman's jurisdiction to include administrative actions by the President, the President's special powers and decisions or orders issued with his personal signature (or by another authorized official) remain outside the Ombudsman's authority.

- **Legislative acts and decisions:**

All actions related to the legislative branch and the lawmaking process are excluded from the Ombudsman's oversight. Therefore, the Ombudsman is not authorized to examine laws passed by Parliament or the actions of its members.

• Judicial rulings and matters:

Actions pertaining to the judiciary and judicial authority are not subject to Ombudsman review. The Turkish Ombudsman cannot address complaints regarding court rulings or the performance of judges and generally does not intervene in judicial matters.

• Strictly military matters:

Actions by the Turkish Armed Forces that are strictly military in nature fall entirely outside the Ombudsman's jurisdiction. For instance, operational and purely military command decisions within the army are not subject to Ombudsman review (although administrative actions by the armed forces may still fall within its remit).



Ombudsman of the Republic of Indonesia

Introduction

The Ombudsman institution in Indonesia is known as the *Ombudsman Republik Indonesia*. It was initially established in 2000 and later revised under Law No. 37 of 2008 to play an active role in monitoring public service delivery. The Indonesian Ombudsman is an independent state institution whose primary responsibility is to oversee the proper implementation of public services by government agencies (at both national and local levels) as well as by state-owned and private companies that provide public services.

Jurisdictional Limitations

The jurisdiction of the Indonesian Ombudsman is explicitly limited to matters related to public service. As such, many complaints that fall outside this scope cannot be processed. The main areas of non-jurisdiction are as follows:

- Non-administrative issues and private disputes
- Cases already under judicial review
- Matters unrelated to public service delivery



Ombudsman of Bahrain

Introduction

Since 2012, the Kingdom of Bahrain has established an institution called the Ministry of Interior Ombudsman, based on Royal Decree No. 27 of 2012. The Bahraini Ombudsman, considered the first of its kind among the Arab Gulf countries, operates specifically under the supervision of the Ministry of Interior (MOI).

Jurisdictional Limitations

- Complaints outside the scope of the Ministry of Interior
- Judicial and military matters unrelated to the Ministry of Interior
- Dispute resolution outside the formal complaint process



Selected Ombudsmen of Pakistan

Federal Ombudsman

This institution is responsible for handling public complaints against the administrative agencies of the federal government.

The areas outside the jurisdiction of the Federal Ombudsman of Pakistan include:

- Judicial matters
- Complaints under the review of judicial authorities
- Foreign affairs and treaties
- Defense and military matters
- Employment disputes involving government staff

Tax Ombudsman of Pakistan

The jurisdictional limitations of the Tax Ombudsman of Pakistan are as follows:

- Tax policies and legislation
- Cases under judicial or quasi-judicial review
- Complaints unrelated to taxation

Banking Ombudsman of Pakistan

The jurisdictional limitations of the Banking Ombudsman of Pakistan are as follows:

- Banks not covered under its mandate
- Granting of credit facilities
- Contractual matters unrelated to banking services
- Personnel issues within banks



Ombudsman of Morocco

Introduction

Morocco has established its Ombudsman institution under the name "Wassit Al-Mamlaka" (Mediator of the Kingdom). This institution is a structural continuation of the *Diwan Al-Madhalim* (Court of Grievances) and operates directly under the supervision of the King of Morocco.

Jurisdictional Limitations of the Ombudsman Include:

- Judicial claims and cases under court review

- Disputes between private individuals
- Disputes between government employees and their own agencies
- Sensitive security and defense matters

Part III: General Principles, Similarities, and Differences in the Jurisdiction of Islamic Ombudsman Institutions

Many Islamic countries have established mechanisms similar to the Ombudsman model, and in most of them, similar jurisdictional limitations can be observed. In general, the following principles apply to Ombudsman institutions in Islamic countries:

- Non-interference in the judiciary and legislature
- Focus on administrative and executive misconduct
- Possession of advisory and non-binding authority
- Differences in jurisdictional scope
- Historical roots in the *Diwan Al-Madhalim* (Grievance Council)

Similarities:

- Non-interference in judicial and legislative affairs
- Focus on handling public complaints against government departments
- Lack of jurisdiction over private disputes between individuals
- Having a supervisory and advisory role

Differences:

- Differences in jurisdictional scope (national, sectoral, or specialized)
- Varying degrees of independence from the government and parliament
- Structural differences (e.g., Pakistan's multi-Ombudsman model vs. Morocco's single-institution model)
- Variations in the enforceability and legal weight of recommendations

General Reasons for the Lack of Jurisdiction of Ombudsmen and Areas Outside Their Scope

As a supervisory institution, the Ombudsman operates with relative independence and generally reviews citizens' complaints and grievances about the performance of public institutions. Nevertheless, this institution has limitations in its jurisdiction due to various reasons. The most important of these limitations are as follows:

1. Principle of Separation of Powers: The Ombudsman cannot interfere in matters related to the judiciary or the legislature, as doing so would violate the principle of separation of powers and the independence of these branches.

2. Existence of Other Specialized Authorities: Some issues require specific expertise that the Ombudsman typically does not possess, such as matters related to banking, taxation, and medicine, which have their own specialized bodies.

3. Avoiding Conflict with the Judiciary: The Ombudsman does not have the right to intervene in disputes or complaints that fall exclusively under the jurisdiction of the courts. This is to prevent duplication of efforts and jurisdictional conflicts.

4. National Security and Confidentiality Considerations: Issues related

to national security, foreign relations, and state secrets fall outside the Ombudsman's jurisdiction.

5. Private Disputes Between Individuals: Ombudsmen primarily handle complaints by individuals against public institutions and do not have the authority to intervene in private disputes between natural persons or private companies.

6. Statute of Limitations: Complaints submitted long after the event in question-beyond the legal time limit-are generally not admissible by the Ombudsman.

Part IV: Comparative Review of Ombudsman Jurisdictional Limits in Selected European Countries

1. Sweden

Sweden was the first country to establish the Ombudsman institution in 1809. The Ombudsman in Sweden is barred from reviewing the following:

- Judicial matters, especially court rulings
- Complaints against members of parliament
- Private disputes between individuals
- National security and state secrets

2. France

The Ombudsman in France (*Défenseur des droits*) faces the following restrictions:

- Cannot investigate ongoing court cases
- No authority to review laws or parliamentary resolutions
- No jurisdiction over private disputes
- No jurisdiction over sensitive military and security matters

3. Germany

In Germany, the Federal Ombudsman (*Petitionsausschuss*) has the following limitations:

- Cannot interfere in decisions of the judiciary
- Does not intervene in the powers or legislation of parliament
- Has no jurisdiction over national security or foreign policy
- Does not review private disputes or personal complaints unrelated to public institutions

4. United Kingdom

The Ombudsman in the UK (*Parliamentary and Health Service Ombudsman*) has the following limitations:

- Cannot interfere in judicial decisions
- No jurisdiction over private disputes
- Cannot address national security or classified information
- Cannot handle complaints filed more than 12 months after the event, unless under exceptional circumstances

5. Netherlands

The National Ombudsman of the Netherlands (*Nationale Ombudsman*) has limited jurisdiction as follows:

- No interference in judicial matters or ongoing court cases
- Cannot review decisions made by parliament or the government in legislative matters
- Does not handle private disputes or complaints against private companies
- Cannot address issues related to national or international security

6. Norway

The Norwegian Ombudsman (*Sivilombudet*) has the following jurisdictional limitations:

- Cannot interfere in court rulings or final judicial decisions
- No authority in state secrets or national security affairs
- Lacks jurisdiction over private disputes between citizens
- Does not intervene in parliamentary or legislative matters

7. Denmark

The Danish Ombudsman (*Folketingets Ombudsmand*) is limited as follows:

- Cannot interfere in judicial decisions
- Prohibited from entering political matters and parliamentary decisions
- No authority over national security and foreign policy issues
- Cannot intervene in private disputes or personal legal affairs

Summary and Comparative Analysis

The above comparative review shows that despite many similarities among the Ombudsman institutions of European countries, each nation defines specific jurisdictional boundaries for its Ombudsman based on its legal and political structure. Nevertheless, commonalities such as the prohibition from interfering in judicial matters, lack of jurisdiction over private disputes, and exclusion from sensitive political and security issues are widely observed across most of these countries.

The differences mainly stem from variations in political systems, administrative and legal traditions, and the scope of authority granted to Ombudsmen by each country's legislature. For example, in Sweden and Denmark-countries with a long historical background in Ombudsman activity-jurisdictional boundaries are more precisely defined. In France and Germany, Ombudsmen are barred from direct involvement in legislative and judicial affairs, whereas in the United Kingdom, special attention is given to the timeliness of complaint submissions.

Conclusion

The reason for the jurisdictional limitations of Ombudsmen lies in the need to preserve the independence of governing institutions and avoid interference in the affairs of other official bodies. Such limitations not only do not hinder the functioning of the Ombudsman but also enhance the institution's focus and efficiency within its defined areas of competence. In fact, by acknowledging its limitations, the Ombudsman maintains its status as an independent and credible institution within the administrative system and avoids overlap with the responsibilities of other authorities.

Resources:

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- <https://english.ombudsman.gov.tr>
- <https://german-ombudsman-association.de/en/startpage/>
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- <https://www.ombudsman.bh>
- <https://www.mediateur.tn>

Local Government Ombudsmen: A Look at the Experience of the United Kingdom and Italy

*Researcher: Mahmoud Mahdavi Far



Introduction

With the growing institutionalization of the Ombudsman concept, various types of Ombudsmen have emerged worldwide based on their operational scope and area of specialization. Some of the most prominent types include:

- Parliamentary Ombudsman
- Human Rights Ombudsman
- Military Ombudsman
- University Ombudsman
- Consumer Ombudsman
- Press Ombudsman
- Local Government Ombudsman

Among these, Local Government Ombudsmen were

created in response to the rise in local services and the increasing workload of classical (national) Ombudsmen, with the aim of combating local government mismanagement. A Local Government Ombudsman is a body that addresses issues caused by mismanagement within a specific region or city. It shares all the characteristics of a central Ombudsman and thus protects citizens' rights within local governments and provides recommendations to improve local governance.

In this context, the Local Government Ombudsman acts as a preventive institution with local responsibility. It addresses issues that arise between citizens and local governments and works to uphold the fundamental



principles of *freedom, participation, accountability, and efficiency*. In practice, Local Government Ombudsmen share important information, documents, and reports with both the government and the public, helping local authorities become more transparent and open in their evaluations. Among countries with such institutions, the UK and Italy offer significant examples.

Local Government Ombudsman in the United Kingdom

In the UK, the national Ombudsman was established through the *Parliamentary Commissioner Act of 1967*. In England, the Ombudsman investigates citizen complaints submitted through Members of Parliament about the actions, conduct, and mismanagement of governmental bodies, and offers recommendations to the relevant departments for resolution. Initially, the Ombudsman's powers were limited but were later expanded.

Specifically, with reforms in 1974, the oversight of local governments became possible. Local Government Ombudsmen were established for England and Wales in 1974, and for Scotland and Northern Ireland in 1975. The country is divided into three regions based on population, and each region has its own Local Government Ombudsman.

According to the *Local Government Act 1974*, the Ombudsman has two primary goals:

- 1 Investigating complaints against local government units and bodies.
- 2 Providing them with recommendations on good governance practices.

A Local Government Commission, composed of the Local Govern-

ment Ombudsmen, exists in the UK, with the Parliamentary Ombudsman also serving as a member. This Commission was established as an independent body to support the operations and activities of the Local Government Ombudsmen.

The Local Government Ombudsman investigates citizen complaints of mismanagement to determine whether the allegation stems from failures of local authorities. The following bodies fall under its jurisdiction:

- Local governments
- Local government associations
- Urban development departments
- Police authorities not under the Ministry of the Interior

The head of the Local Government Ombudsman is appointed by the Queen, and their term can last until the age of 65.

In the UK, complaints can be submitted directly to the Local Government Ombudsman in writing. However, complainants must first exhaust all legally available remedies before filing with the Ombudsman.

The Ombudsman does not accept every complaint and conducts a preliminary assessment of cases. If the Ombudsman

deems a complaint worthy of review, an official is appointed to investigate, and a copy of the complaint is sent to the relevant department to obtain their response. The Ombudsman may also request all related information and documentation from the public authorities. If, during the investigation, the Ombudsman identifies administrative misconduct, they inform the department, prepare reports, and offer recommendations. If the department fails to act on the Ombudsman's decisions, those findings are included in the annual report submitted to relevant authorities.

The Local Government Ombudsman submits an annual report to the Local Government Commission. This Commission forms committees, compiles a general report of activities, and submits it to the House of Commons. The decisions and penalties issued by the Ombudsman are advisory in nature.

Local Government Ombudsman in Italy

Italy does not have a national Ombudsman, but it does have city and municipal Ombudsmen at the regional level. These institutions began to form in 1974 under the title *Citizen Rights Defender*. Local and regional Ombudsmen operate across 20 regions, 94 provinces, and more than 8,000 municipalities.

These local Ombudsmen, established through local government reforms in 1970, aim to mediate and resolve conflicts between government authorities and citizens. Their primary role is to assist citizens in confronting the conduct of public officials.

In Italy, each region and autonomous province has its own Ombudsman, and each region assigns varying responsibilities to the institution based on local law.

According to the Italian Constitution, "The Republic is one and indivisible, but it recognizes and promotes local autonomy." Article 123 of the Constitution is key to establishing the Ombudsman system, stating that: "Each region shall have its own statute (defining its structure and legal framework), discussed and approved by the regional assembly and ratified by the Republic." This statute provides local governments in Italy with organizational independence.

In Italy, regional assemblies appoint Local Ombudsmen, who act independently and impartially. Generally, the appointment is based on specific principles, such as in Tuscany, where the Ombudsman is appointed for a five-year term by the head of the regional committee after selection by the regional assembly. In Piedmont, the Ombudsman is appointed by the regional executive at the request of the assembly, also for five years.

Local Ombudsmen in Italy accept complaints directly from citizens and can act either on complaints or on their own initiative. They may submit reports to the regional assembly and other authorities regard-

ing inappropriate or unfair conduct by public officials.

In Tuscany, for instance, citizens must first file complaints with the relevant government body before turning to the Ombudsman within 20 days. Once a complaint is accepted, the Ombudsman notifies the parties involved and can obtain any necessary documentation from the responsible authorities. The Ombudsman may take disciplinary action against departments that delay or ignore implementation of its decisions.

Each year, local Ombudsmen in Italy submit an annual report to the regional assembly summarizing their activities. They may also offer recommendations to the national parliament on various issues. As in the UK, their decisions and sanctions are advisory.

Conclusion

The main difference between a national Ombudsman and a Local Government Ombudsman lies in their scope of activity and jurisdiction:

1. Scope and Jurisdiction

- **National Ombudsman:** Typically handles complaints against national government agencies, central public institutions, and seeks to ensure fairness and procedural integrity at the national level.
- **Local Government Ombudsman:** Focuses on complaints against local councils, authorities, and some social service providers-targeting mismanagement and service failures in local government.

2. Work Focus

- **National Ombudsman:** May deal with broader national issues such as public policy implementation, taxation, immigration services, or pensions.
- **Local Government Ombudsman:** Focuses on local services like housing, education, social care,

public infrastructure, and local planning decisions.

3. Oversight

- **National Ombudsman:** Oversees centralized or federal-level institutions.
- **Local Government Ombudsman:** Specializes in monitoring services delivered by city or regional governments.

In essence, both serve to uphold fairness and address complaints, but operate at different levels of government and strive to ensure accountability and proper conduct in their respective domains.

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The Vienna Principles: A Global Framework for Measuring Corruption

From August 31 to September 1, 2023, participants from around the world gathered in Vienna, Austria, to attend the Global Conference on the Use of Data to Improve the Measurement of Corruption. The event was organized by the United Nations Office on Drugs and Crime (UNODC), the United Nations Development Programme (UNDP), the Organisation for Economic Co-operation and Development (OECD), and the International Anti-Corruption Academy (IACA). The objective was to facilitate dialogue and lay the groundwork for future initiatives in corruption measurement. Over the course of two days of scientific discussions, the conference identified a set of universal principles focused on the measurement of corruption.

Principles for Developing Methodological Frameworks for Measuring Corruption

1. Inclusiveness of all stakeholders
2. Comprehensiveness
3. Semantic relevance and usefulness
4. Transparency and accountability
5. Alignment and consistency with international standards
6. Prioritization of resources

Principles for Data Collection, Processing, and Use

7. Confidentiality, respect for privacy, and the principle of doing no harm
8. International and national coordination
9. Commitment to data quality and openness

Additional Principles for Measuring Corruption

10. Reliability and credibility of data sources
11. Scientific review of administrative data and other new sources
12. Adoption of best practices in corruption surveys
13. Focus on effectiveness in assessing anti-corruption efforts
14. Fairness and impartiality in expert judgment
15. Ethical use of technology, data analysis, and artificial intelligence

Reference

General Inspection Organization
Integrity and Anti-corruption Training
and Research Center
Tehran, Islamic Republic of Iran
Email:bazrasi.research@136.ir

