



## **Key Principles Towards Ensuring Effective Parliamentary Ombudsman Institutions in Canada**

### **What is a Parliamentary Ombudsman?**

Over the last 60 years, Canadian provinces and territories have established independent offices, reporting directly to their Legislative Assembly or Provincial Parliament, that are responsible for receiving and investigating complaints from the public about government services and the rights of their citizens.<sup>1</sup> Though the people appointed to these important roles may have different names,<sup>2</sup> they are commonly referred to as Parliamentary Ombudsman.

### **Why do Parliamentary Ombudsman matter?**

An Ombudsman's job is to make sure that government organizations follow their own rules, treat people fairly, and respect their rights. They are experts in resolving conflicts, but mostly they try to help find practical solutions to the problems that have put a complainant and a public organization at odds. To do their jobs well, they have to be objective and free from any type of outside influence or bias.

An Ombudsman is there to help everyone, including the government organizations it is investigating. By bringing issues to light that may otherwise go unnoticed, an Ombudsman can help prevent something becoming a bigger, and more costly, problem to fix down the road. That is why an Ombudsman plays an important role in looking after the public interest, helping government organizations do better, and contribute to reinforcing the public's confidence in their democratic institutions.

### **An Institution Protected by International Conventions**

Parliamentary Ombudsman exist not only in Canada, but in many other countries on almost every continent. In fact, ombudsman institutions (as they are called internationally) are recognized as playing such a fundamental role in society, that international state organizations like the United Nations General Assembly and the European Commission for Democracy Through Law (an advisory group to the Council of Europe of which Canada is a member) have adopted principles and resolutions to

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<sup>1</sup> Year provinces or territories created their ombudsman office, in chronological order: Alberta (1967), New Brunswick (1967), Quebec (1968), Manitoba (1970), Nova Scotia (1971), Saskatchewan (1973), Ontario (1975), British Columbia (1979), Yukon (1996), Newfoundland and Labrador (2002), Northwest Territories (2019), Prince Edwards Island (2022). Only Nunavut does not have a Parliamentary Ombudsman.

<sup>2</sup> In Canada, an ombudsman may also be called ombud or ombuds, ombudsperson, citizen representative, or "protecteur du citoyen" (protector of citizens).

protect ombudsman institutions around the world. While some ombudsman institutions may have been assigned multiple roles<sup>3</sup>, these principles were developed for ombudsman work.

### *The Venice Principles*

In 2019, the European Commission adopted “Principles on the Protection and Promotion of the Ombudsman Institution.” This document set a global standard to define, promote, and protect the role of ombudsman institutions in strengthening democracy and promoting fundamental rights.

### *The United Nations Resolution*

The United Nations General Assembly first adopted a “Resolution on the Role of the Ombudsman and Mediator Institutions in the Promotion and Protection of Human Rights, Good Governance, and the Rule of Law” in 2019, with a most recent version having been adopted in 2024. The UN Resolution endorses the Venice Principles by recognizing independence, objectivity, transparency, fairness and impartiality as key elements for effective ombudsman institutions.

## **Key Principles to Ensure Effective Ombudsman Institutions in Canada**

The Canadian Council of Parliamentary Ombudsman (CCPO) endorses the internationally recognized principles that are fundamental to create and maintain effective Ombudsman institutions. The CCPO is committed to promoting and upholding these principles within our own jurisdictions.

The key principles to ensure effective ombudsman institutions in Canada are summarized as follows:

### **1. Independence and Autonomy**

- Ombudsman offices must be independent and protected by law. They must report to the legislature, not to a minister or department.
- Ombudsman must not take part in political or administrative activities that could affect their impartiality.
- Governments must respect the Ombudsman’s independence and not interfere with their work.

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<sup>3</sup> In Canada, some ombudsman are also responsible for public interest disclosures, information and privacy oversight or other responsibilities assigned by their respective legislatures. Internationally, some ombudsman serve as their state’s human rights commissions.

- Ombudsman offices must not be shut down or weakened by government actions.
- Ombudsman staff must be free from outside influence and allowed to make their own decisions about how to do their work.
- Their work must be guided by their legal mandate and responsible use of public funds.
- The office should have enough staff and flexibility to do its job well.
- The Ombudsman must be able to hire their own staff and bring in experts when needed.
- Ombudsman investigations are confidential and legally protected. Staff cannot be forced to testify about what they learn during investigations.
- The Ombudsman and staff must be protected from lawsuits for actions taken in their official role, even after they leave the office.
- Ombudsman budgets must be stable and adequate, so they can do their work independently and effectively.
- Budget cuts should only happen if all government institutions are being cut, and the Ombudsman must be involved in budget planning.
- Financial audits should only review whether the money was spent legally—not how the Ombudsman chose to carry out their mandate.

## **2. Appointment and Security of Tenure**

- The Ombudsman must be chosen through a public and fair process based on merit.
- The person selected should have strong ethics, integrity, and the right professional experience.
- They should hold a high-level position and be paid fairly for their responsibilities.
- The Ombudsman should be appointed for at least five years, with the support of the legislature.
- They can only be removed from office for serious reasons, through a transparent and legal process, and with a large majority vote.

### 3. Mandate

- The Ombudsman's role includes preventing and correcting poor administration, promoting fairness, and protecting people's rights.
- The office must be open and accessible to everyone, including organizations, and must be free to use.
- "Maladministration" should be understood broadly to cover unfairness or problems in any public office or service using public money.
- The Ombudsman should be able to choose which complaints to investigate and be able to start investigations on their own initiative.
- They must work in a way that is fair, confidential, and respectful.
- Investigations must be impartial and free of conflicts of interest.
- The Ombudsman should raise public awareness about their work, especially among vulnerable or marginalized people.
- They should collaborate with other Ombudsman organizations in Canada and around the world to learn and improve.

### 4. Powers of Investigation

- The Ombudsman must be able to require help from anyone who may have information for an investigation.
- They must have legal access to any documents, data, or materials—even those that are usually confidential.
- They should be able to visit government buildings and speak to people directly, including people in custody.
- Officials must respond to Ombudsman recommendations within a reasonable time.
- The Ombudsman can make recommendations to any public body under their jurisdiction.

## 5. Transparency

- The Ombudsman must report to the legislature at least once a year.
- If officials don't follow recommendations, the Ombudsman should report this to the legislature.
- The Ombudsman can also report on any issues they consider important.
- Investigation reports should be made public unless keeping them private is necessary for fairness.
- Government authorities should consider and respond to Ombudsman reports.

## 6. Accountability

- Even though the Ombudsman is independent, they must still follow the financial rules and transparency standards of their province or territory.

## 7. Interpretation

- These principles are meant to support and strengthen Ombudsman offices and ensure they can continue to protect the public and improve public services.

Statement endorsed by the members of the  
Canadian Council of Parliamentary Ombudsman,  
gathered at Charlottetown, Prince Edward Island  
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