Conclusion with Recommendations

The 2030 Agenda has given the most ambitious promise – to end poverty, foster peace, safeguard the rights and dignity of all people, and protect the planet. After initial well-deserved euphoria, the reality has struck quickly and hard. Already after a couple of years, the progress of achieving most of the goals was out of the projected rhythm and trajectory.

The current picture is gloomy. Pleas for global peace are growing louder as the world witnesses the highest number of violent conflicts since 1945, with approximately 2 billion people living in conflict-affected countries by the end of 2020, with over 82 million people forcibly displaced worldwide, according to official UN data (UN 2022: para. 148). Those numbers do not even include internally displaced people and refugees from Ukraine. The costs of war and conflict are high, affecting the poorest and most vulnerable the most, and leading to global impact and escalating humanitarian needs (UN 2022: para. 148).

Those poor, disadvantaged, and marginalized communities remain left behind, with the least say in the decisions that affect them, and are least likely to be included in the data and evidence governments use to allocate resources and shape policies. At the same time, the space for civic action, fundamental freedoms, and meaningful participation is shrinking drastically in countries around the world (Freedom House 2022).

In times of conflict, societies rarely (if ever) become more democratic. However, many inherently democratic institutions have, historically, originated from the conflict, or because of the conflict. Ombuds institutions are one of these. The world's first-ever (proto)ombuds institution emerged in response to armed conflict. In 1709, after his defeat by Russian Emperor Peter the Great in the Battle of Poltava, Swedish King Charles XII took refuge near Bender, in present-day Moldova, at the invitation of Ottoman rulers who also viewed the Russian Emperor as an enemy. During the almost decade-long exile of Charles, Sweden was in crisis, suffering from poverty, plagues, depleted resources, the dangers of the ongoing war, and widespread corruption. Charles was aware that Sweden was in dire straits and, guided by a coterie of advisors, initiated a

series of policy and administrative reforms that, among other things, resulted in the creation of a new institution – the King's Ombudsman. A hundred years later, in 1809, Sweden adopted the new constitution, inaugurating the world's first Parliamentary Ombudsman. Though that first (proto)ombuds institution may never have emerged were it not for war, neither its 1809 successor nor its contemporary offshoots were or are meant to be war actors. Ombuds institutions are built for peace. However, they have learned to survive in hostile environments.

Today, ombuds institutions continue operating in diverse environments, from (a decreasing number of) mature democracies to hybrid regimes to fully fledged autocratic regimes. In the latter context, the ombuds institution should be 'an institutional opposition to the authoritarian government, given that the reasons for its establishment go directly against the nature of the authoritarian government' (Glušac 2019b: 503). Ombuds institutions have to fight strongly and persistently to avoid the destiny of other critical voices of dissent against authoritarian manifestations with less formal and social power, such as human rights defenders. The latter are being silenced, detained, and ostracized, worldwide.

Many people remain oppressed and/or invisible to their governments, which reinforces and perpetuates the disadvantages certain groups and people face. As argued by UNDP, this 'erodes the social contract between the state and the people and makes it harder for governments to identify challenges, enact solutions and build the trust, legitimacy and mutual understanding that are among the basic building blocks of effective, equitable and inclusive governance' (UNDP 2018: 14).

The 2030 Agenda has formulated global goals meant to be implemented primarily by national authorities to the ultimate benefit of the people on the local level. Being well-trained to apply international standards to the national (local) context, ombuds institutions could serve as a social fiber of SSR and SDG efforts. In the right environment, they could help build trust between international and national actors, liaising between them when frictions occur, and making sure that all social forces are included in the process, and their needs and interests are duly considered.

This study demonstrated that not many ombuds institutions worldwide have formally integrated the 2030 Agenda into their work. Yet, this does not mean they do not understand their role in contributing to achieving SDGs, they just do not brand their activities, findings, and results as such. This book showed that existing (academic and policy) literature has mostly described the role of ombuds institutions/NHRIs in achieving the SDGs in terms of enablers, bridges, and data providers. Although correct, these characterizations fail to capture their full potential in the realization of SDG 16. Hence, the main goal of this study was to try to go beyond such generic descriptions and dive more deeply to see how these institutions could contribute to each of the 12 SDG 16 targets. The central assumption was that ombuds institutions can indeed contribute to achieving all SDG 16 targets, although their impact naturally varies from one target to another.

In line with that, this study divided the potential contribution of ombuds institutions to the realization of SDG 16 into two analytical categories entitled 'leaving no one behind' and 'leaving no one unaccountable.' The former focused on all those who endure disadvantages or deprivations that limit their choices and opportunities relative to others in society. It thus concentrated on the targets to which ombuds institutions actively and directly contribute. These primarily relate to human rights, anti-discrimination, access to justice, reducing violence, and similar. The latter referred to those targets to whose realization ombuds institutions can contribute indirectly, by working with, pressuring, and making public administration accountable, in cases when the administration as the primary duty-bearer fails to protect the rights of citizens and when their actions fall short of the standards needed to achieve the SDGs. What follows is the summary of the main findings in the form of recommendations.

Given the focus of this research, all recommendations relate to ombuds institutions, either directly or indirectly. The summary starts with broader recommendations aimed at the legislature and the executive which should provide for a proper legal and factual environment for both the

security sector and ombuds institutions. The next set of recommendations targets stakeholders, such as CSOs, media, and international organizations. The conclusion then moves on to present recommendations aiming at the nexus between ombuds institutions and security providers, and what the latter should do to contribute more actively to realizing SDG 16, before closing with specific recommendations to ombuds institutions. All recommendations are associated with specific SDG 16 targets, to the greatest degree possible.

Recommendations to the legislature and executive

Listen and amplify; it's your inner voice talking (16.6 and 16.7)

Parliaments are sometimes regarded as the institutional parent of ombuds institutions (Glušac 2019a: 534). This is a useful parallel, given that the parliaments are responsible for providing ombuds institutions with essential preconditions for their establishment and institutional development, including a strong mandate, sufficient capacity, funding, and independence, so they can be capable of investigating and seeking redress for human rights violations, and ensuring government institutions are accountable. Besides being there to enable ombuds institutions' unhindered operations, parliaments should actively benefit from their work by seeking expert advice.

As demonstrated in this study, ombuds institutions are, by rule, appointed and supervised by the parliament to which they report. In fact, in a number of countries, the designation 'parliamentary' is even explicitly included in the official title of the ombuds institution to make this strong institutional connection as clear as possible. This is the reason why ombuds institutions are also called parliament's 'extended arm.'

Parliaments should thus not just listen to but also amplify and put into action the findings of ombuds institutions. They should use the occasions of debating their annual and special reports to put special emphasis on the SDG-connected issues, push governments to implement ombuds' recommendations, and make the best use of their findings.

Frictions between governments and ombuds institutions occur regularly. In such circumstances, parliaments should protect ombuds institutions since the legislative branch of government is institutionally positioned as their key supporter and partner. Yet, given the usual dominance of the executive over the legislature, it is not rare that the parliaments join campaigns against ombuds institutions (as in Poland most recently), labeling them as outlaws and adversaries (Glušac 2020: 2). When they do so, they sever their own arm.

Don't shoot the messenger; change the reality (16.6 and 16.7)

Uniquely positioned in between three branches of government, with their fact-based and objective scrutiny of public administration, ombuds institutions constantly remind the executive of its legal obligations. Ombuds institutions and governments should be natural partners, not competitors or adversaries. Ombuds institutions exist to oversee, not to serve as applauding committees. Oversight usually comes with critical tones. In democracies, the government sees institutional critics of the ombuds institution as an instrument to enhance its work, while autocracy-prone governments often neglect or label such critics as political opposition, avoiding responding to it with arguments (Glušac 2018c: 322).

Ombuds institutions are often bearers of bad news. However, they only *bring* bad news and rarely *create* bad news. They reveal human rights violations and improper administrative behavior, and identify inefficient laws and administrative procedures, etc. Governments should concentrate on eliminating the reasons behind bad news rather than shooting the messenger. After all, the problem will almost certainly not go away by ignoring it, and the bad news will continue to reappear.

Recommendations to stakeholders

To OHCHR and GANHRI: protect the integrity
of the accreditation process (16.8 and 16.A)

The SDG Agenda has set a goal that all UN Member States have an A-status NHRI by 2030. This study explained why this is impossible to achieve. It may be even dangerous to try to achieve it. A potential flood of applications for accreditations coupled with the pressure of reaching the SDG indicator could have a detrimental effect on the legitimacy and integrity of the accreditation process conducted by GANHRI's SCA.

However, so far, the trend of new applications has looked more like a drought than a flood, with a very limited number of new applications. The Office of the UN High Commissioner of Human Rights, as the guarantor of the accreditation process, and GANHRI, as an implementor, should monitor the developments closely to assure that the highest and equal standards are applied in each and every case. The peer-review nature of NHRI accreditation is a rather unique feature in the global structures. It should be preserved. So too its integrity.

To civil society organizations: confront ill-performing
ombuds institutions (16.6 and 16.10)

Most ombuds institutions are human rights champions. Many of them operate in extreme environments. Yet, they have proven to be resilient and perform well. Some have, however, sided with the oppressive regimes or just gone silent. Strong ombudspersons have to invest immense efforts to create strong institutions. Weak ombudspersons can, however, destroy strong ombuds institutions much more easily. In those cases, civil society should raise concerns about the performance of the ombuds institution. They should insist on debating ombuds institutions' reports in parliament, comparing them to findings from other human rights actors. CSOs may use those opportunities to challenge ombuds institutions' findings. They can do the same by preparing their own reports, aimed either at the domestic public or at international human rights bodies, such as the UN treaty bodies or regional human rights mechanisms (Glušac 2020: 2). Submitting shadow reports to the GANHRI's SCA may be a very effective way of pressing ombuds institutions to perform better. CSOs may submit shadow reports on the performance of ombuds institutions under review, which have an opportunity to respond to such reports during the accreditation process, and questions to ombuds institutions can also be based on information received from CSOs (Glušac 2020: 2).

To the media: act as a megaphone (16.1, 16.3, and 16.10)

Media associations should work with ombuds institutions to organize trainings for journalists on how to report on human rights issues, particularly on gender and family violence and when children are involved.

Ombuds institutions should use the media as their megaphones and as a pressuring channel. Often the public officials react to ombuds' requests and recommendations only after being pressured by media reports. Cooperation with media outlets (traditional and electronic) is essential for ombuds institutions' ability to conduct large-scale advocacy, awareness-raising, and educational campaigns.

In return, ombuds institutions should pay particular attention to protecting the rights of the media workers (journalists, editors, etc.), as they are often subject to threats and attacks coming from various sources, including government officials and the criminal milieu. This includes monitoring all places of detention to make sure that no arbitrary detention and torture occur.

Recommendations to security providers and ombuds institutions

Build trust and professional ethos; embrace the oversight (16.3 and 16.6)

Though it may seem that an intrinsic interest of security actors is to avoid oversight and accountability, ombuds institutions and other oversight actors should invest their efforts in explaining that they are actually good partners of a good security institution (Glušac 2018b: 66). The security apparatus should embrace the oversight, because when the ombuds institution determines, for instance, that a security service has applied special investigative measures fully in accordance with the law, such a confirmation can only raise their credibility and trust among citizens. National security is thus a reason for inclusion, not exclusion, of ombuds institutions (Glušac 2018b: 62). The ultimate goal of oversight of the security sector, particularly in countries with an authoritarian history, is to build a professional *ethos* of security sector personnel that would value oversight as a means of advancing their work (Glušac 2018b: 66). This is a two-way street. With their objective and professional conduct, ombuds institutions can instill confidence, proving to security services that they are valuable and necessary partners and not *a priori* a nemesis (Glušac 2018b: 66).

Abandon the false freedom-security dilemma (16.3 and 16.6)

The security sector and ombuds institutions should work together on promoting a view that a relationship between security and liberty (human rights) is symbiotic rather than conflicting (Glušac 2018b: 66). Democratic institutions serve to bring both freedom and security to their constituencies. Democratic institutions should thus be understood and pursued as a value, not a policy goal.

Embrace diversity (16.7 and 16.B)

This research demonstrated the importance of positive action measures, such as parliamentary gender quotas and special employment programs for minorities, for the overall fight against discrimination and inequalities.

Security providers should embrace such diversity because it helps them to better understand the society they serve to protect. Security institutions should ideally mirror the structure of society.

Ombuds institutions should oversee the implementation of those positive action measures. They can also work together with security sector institutions in making sure that inclusiveness and diversity are properly understood and implemented in the specific environment of the security sector.

Watch for the early signals of conflict (16.1)

Being present at the local level and engaging with local communities and stakeholders is also a prerequisite to recognizing early signs of conflict, particularly in multiethnic and multireligious societies.

Local police and military chiefs should be chosen among those officers most respected in local communities. Mediation and offering good services are two rewarding avenues for working with local community leaders and national actors to resolve conflicts in the early stages of conflict or post-conflict settings, especially when security forces (military and/or armed police) are deployed on the ground. Being independent and impartial, ombuds institutions should work on building stronger ties and confidence with local communities, to be able to bring different social forces to the table and foster dialogue.

Help remove the cloak of invisibility (16.9)

Whilst they are out there, many people do not formally exist. They are not registered, nor do they have personal documents. As demonstrated in the case of Serbia, ombuds institutions are well-placed to actively contribute to protecting the right to legal identity, particularly in contexts where the procedure of providing proof of legal identity is not legally or procedurally fully regulated. They can, hence, help create legal and procedural preconditions for eradicating the problem of legally invisible people.

Security providers also play a critical role in this endeavor. In many cases those newly registered citizens have to go through a vetting procedure. The police and security service should make sure that those procedures are well-regulated, efficient, and transparent (to the greatest degree possible), guaranteeing procedural fairness. These identification and registration systems should be introduced with the purpose of inclusion, not exclusion, of stateless people or those with no personal documents.

Recommendations to ombuds institutions specifically

Do not take on the role of the executive, but do provide data (16.3 and 16.7)

Being independent, ombuds institutions may choose on their own how they implement SDGs in their own work and if and how they are to be involved in the government actions. In situations when governments do little or nothing to implement the SDGs, ombuds institutions may be tempted to step in and lead the process. This study advocated for a different approach, meaning that that ombuds institutions' main role should be to support and contribute, not to lead. Ombuds institutions should be there to advise their governments, correct their actions, and advance both legislation and practice. They should be hesitant to take on the tasks of the executive. It is the job of the executive to take the lead in implementing the SDGs at the national level, including by creating the national implementation and reporting structures.

Ombuds institutions could, however, join forces with the national SDG coordination body and/or competent authorities, such as national statistical offices, to discuss and design new datasets needed for the SDG implementation and the VNR reporting. They should use this opportunity to advocate for the inclusion of more human rights-based indicators in the national SDG strategies. Annual and other reports of ombuds institutions could serve as indicators or the means of verification at the national level.

Ombuds institutions should use this process to reevaluate and strengthen their own capacity to collect, analyze, and present data. This may reveal the need to acquire new equipment and/or develop new tools, which may be expensive. It is expected that the donor community would be interested to support such projects, given their intended contribution to the national SDG efforts, wider positive implications, and sustainability.

Go viral, go local (16.6 and 16.10)

The COVID-19 pandemic only reiterated the importance of internet access, as many public services were forced to cancel in-person access to their offices. Ombuds institutions should double their efforts to become more accessible through online services, including by being more present on social media channels and testing instant messaging applications as ways of communicating with citizens. Such channels could be used even for lodging complaints as long as they are not submitted merely in the form of a text (chat), but by uploading a filled-in complaint form, available on the ombuds institutions' website. Insisting (whenever possible) on filling in a complaint

form is beneficial for both complainant and the ombuds institutions. This encourages potential complainants to think more thoroughly about the problem they have faced and what action they have already taken, and instructs them to provide supporting documents, which all immensely help the ombuds institution to decide on the case more expeditiously. Still, ombuds institutions should not make filling in detailed forms obligatory, to avoid discouraging persons with difficulties in expressing themselves.

Making themselves more visible and accessible online should not be at the expense of ombuds institutions' presence on the ground. Ombuds institutions must be present on the local level to be able to identify the most common problems the citizens face and to be at their disposal as a remedial and complaint mechanism. Decentralizing their work should be a high priority of ombuds institutions, to avoid the perception of an ivory tower institution stuck in the country's capital.

Give children and youth a voice (16.2)

Ombuds institutions should explore ways of including children and youth directly in their work. Creating a Young Advisors Panel or similar structure has proven to be a promising initiative for championing the principle of participation. The main role of such panels is to convey to ombuds institutions the topics that are important to children and young people, point out the problems they face, present their views, and raise issues that are important in improving the position of children and youth in a given country.

Furthermore, ombuds institutions should invest efforts in conducting in-depth inquiries on the topics of particular importance for the well-being of children, such as child trafficking and child beggary, both highly relevant for the realization of the SDGs.

Protect the whistleblowers (16.5)

Ombuds institutions could explore the possibility to advocate for being designated as external whistleblowing protection authorities, as in Croatia.

In jurisdictions where ombuds institutions are designated as the authorities for external whistleblowing, they should invest particular efforts in bettering the legal and actual position of the security sector whistleblowers, both in individual cases and more systemically, through advocating for more inclusive legislation, protecting those brave enough to disclose severe irregularities in the security sector institutions.

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It is hoped that this research will prove to be valuable to ombuds institutions and their partners, in their efforts to fulfil their mandate and contribute to the 2030 Agenda, as a global set of goals. This study was not only about ombuds institutions, but also about their environment, both legal and institutional. Throughout this research, the nexus between ombuds institutions and other actors was explored, including parliaments, governments, other independent oversight bodies, civil society organizations, and international actors, such as the United Nations or GANHRI. This needs to be stressed, because ombuds institutions can be neither a panacea for all human rights-related problems, nor a replacement for other mechanisms of protection, control, and oversight. Their raison d'être can only be fulfilled in synergy with other functional stakeholders. In other words, ombuds institutions can help rectify systemic and individual deficiencies in the work of public authorities, by increasing the effectiveness of their work and strengthening human rights guarantees, but only in a state where democratic order and a system of checks and balances has been established (Glušac 2017: 67). To achieve this, establishing close partnerships is necessary.

The same applies to achieving the 2030 Agenda. It requires partnership; it requires joining forces. There is no other way to realize this set of ambitious, far-reaching, and comprehensive goals. It was actually the lack of partnership and of common effort that brought the world to this point. The mere existence of the 2030 Agenda is evidence of failure. If the world community had managed to fulfil the Millennium Development Goals, there would not have been the need to come up with the SDGs. Yet, the SDGs are also proof of a devotion to persist and to change, and a commitment to make this planet a better place.

Is the world on good track to achieve the 2030 Agenda? No. States have already underperformed in the first five years of implementation. With the COVID-19 pandemic, slow progress was only replaced with a steady regress. And then the Russian aggression on Ukraine happened. It is very unlikely that the SDGs will be achieved by 2030. However, they are indeed a set of universal goals the world should strive for. Beyond 2030. The SDGs provide a destination, and it is up to the states and other actors to find the best route to it.