



**O PROVIDOR DE JUSTIÇA**  
Na defesa do Cidadão: perceber para prover.

**Closing session of the international workshop:** *Human Rights challenges now: the Ombudsman facing threats*

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Senhora Defensora del Pueblo de Espanha,

Senhor Síndic da Catalunha and President of the European Chapter of the International Ombudsman Institute,

Mister President of the International Ombudsman Institute,

Dear Colleagues,

Ladies and gentlemen,

Allow me to start by expressing my sincere gratitude for the honourable invitation to participate in the closing session of this international workshop and to address this noble audience of men and women that share the most respectable mission of promoting and protecting human rights.

In the last two days we had the opportunity to exchange expertise, experiences and profound reflections regarding striking issues, challenges and threats that illustrate the hyper-complexity of the present time. It is undoubtedly true that the cultural and democratic pluralism in which we are submerged – expressed in different values, perceptions and visions of the society – enriches us and, at the same time, the communities in which we live in. But still, that same pluralism carries with it new challenges, and, with those, new responsibilities for which we must be prepared to address without hesitations or doubts. This is one of the paradoxes of our time: never in the history of humankind have been recognized so many human rights, and, at the same time, the perception of their violation is more acutely sensed by the people and by the community. We can say that this is a sign of the creation of a new culture anchored in the intolerance towards actions or omissions that disrespect human rights. But, on the other hand, it is also a sign that



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the mission we vowed to undertake – to promote and to protect human rights – is far from being finished. More. It will never be finished.

This is why the debate enabled under the auspices of the International Ombudsman Institute is an excellent moment to expand our knowledge over some of the pressing subjects that distress so many members of our community, and for this reason, all of us joined in this room. The freedom and security dilemma; the suffering experienced by thousands and thousands of migrants and refugees; the enjoyment of social rights in times of financial, economic and social crisis; the new competences of the twenty first century Ombudsman; and the threats faced by the Ombudsman institution around the globe, require that we understand the true complexity of the issues unveiled before us, and, simultaneously, that we take action in order to prevent its occurrence or to mitigate its effects.

In a very brief overview of the topics outlined, starting by the freedom and security dilemma, it should be mentioned that the threats – namely terrorism and organized crime, faced by so many countries, so many regions, in all the corners of the world without distinction – put in serious danger people’s security and the core values of an open and free society, established under democracy and the rule of law. To tackle these threats we are often confronted by the adoption of measures that, in many ways, obliterate individual freedoms and rights. Of course, in order to answer such violent threats it is necessary to make some concessions – we must not be naive or irresponsible – however, those concessions must not affect the undisputed human dignity and the fundamental values of democracy and humanism. It is urgent to promote a culture based on human rights that support the involvement of all social actors – political, judiciary, human rights institutions and civil society – to allow a joint construction of balanced and equitable policies.

In the subject of migration and refugees, and to put this issue into perspective, according to the United Nations, we live in a time with the largest displacement of people since World War II. All over the world, more than fifty million people had to leave their homes or their countries of origin due to war,



famine, disease or other circumstances that put in danger their security and wellbeing. The magnitude of this tragedy reaches such an extent that no one can remain unmoved and deeply troubled by the information and images that, in a daily bases, we come in contact with. From the shorelines of the Mediterranean, to the heart of Africa, Asia – Pacific, and the American continent, there is not a single place in the world where the vivid drama felt by so many people is not sensed as an humanitarian crisis underlined by the loss of lives. The answers have been feeble and the problem remains. Any response has to be designed bearing in mind four essential objectives: preservation of life, respect for the human rights, security and sustainability.

Regarding the financial, economic and social crisis and the new competences of the Ombudsman, it is clear that in times of recession those who lack more resources and social support are exposed to increased risks of exclusion and, therefore, more vulnerable and defenceless. In this context the actions of the Ombudsman institution assumes a particular relevance as it constitutes a factor of trust, which is fundamental in any democratic society. The Ombudsman has to be vigilant. The Ombudsman has to be able to understand the signs sent by the community of the moment where the sacrifices start to be unbearable and put at risk the respect for economic, social, political and cultural rights. Without entering the partisan political game, the Ombudsman has to accept its role as a political actor, in the sense that its influence and decisions can guide the legal framework and the adoption of policies which respect human and fundamental rights. The increasingly broader scope of intervention trusted by the State to the Ombudsman institution in such different areas as alternative dispute resolution, National Preventive Mechanism or in the domain of administrative transparency, reveals, not only the acknowledgment of the work developed to achieve common good, but also the extraordinary capacity of this institution to renew itself and to adapt to the new realities in which we live in. Nevertheless, we must always be prepared to strongly uphold fundamental principles that supported the Ombudsman institution since its



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inception. I am mentioning, with particular intensity, the autonomy and independence that powerfully imprints our institutional structure. Despite not being a problem that touches every institutions, and greatly dependant of the particular political circumstances lived in each country or region, we all came in contact with situations where Ombudsman institutions are being depleted of resources or, in a much more serious manner, their independence and autonomy is being called into question. To this we must intensely say that the respect for the constitutional and legal framework which provides the essential authority to the Ombudsman's actions is indispensable and has to be guaranteed all the time.

Ladies and gentlemen,

The challenges briefly outlined in this closing statement are vast and complex. The realities in which we live in and act upon are intricate and require, more than ever, the congregation of efforts by those who have the primordial mission of promoting and protecting human rights. To tackle these pressing problems we must intensively strengthen the ties that unite our institutions, either bilaterally, regionally or globally.

As the President of the Ibero-American Federation of Ombudsman I have the true honour to share with my fellow colleagues' experiences and knowledge and together we have been able to develop projects that have beneficial impacts in people's lives. The relationship built throughout the years between has been very fruitful, both in bilateral terms, but also in the regional dimension. Nevertheless, as citizens of the world we must keep on growing the networks established. The new paths of collaboration with the International Ombudsman Institute envisioned for the near future, makes us strongly believe that, with each other, we will be capable to bring a new light, a new hope, to the men and women that hold the meaning our existence, which is to promote and protect their human rights and fundamental freedoms.