



Red Europea de Defensores del Pueblo  
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European Network of Ombudsmen  
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# Report

## European Network of Ombudsmen Annual Conference – 26 October 2020

### The impact of COVID-19 on members of the European Network of Ombudsmen

European Ombudsman **Emily O'Reilly** opened the session by describing the context of the COVID-19 crisis. There were common themes, which were evident in many EU countries: the challenges and problems of protecting the health of the elderly and those in care homes; difficulties setting up social security support for those who lost jobs or were furloughed, while those who continued working in 'frontline' jobs were often at higher risk of infection; democratic questions about some of the restrictions and other measures put in place, and differing social acceptance. However, governments appeared to take the interest of ordinary citizens better into account than during the response to the financial crisis, notably by trying to ensure that those affected still received some income.

European Commissioner for Jobs and Social Rights **Nicolas Schmit** delivered the keynote speech to the ENO conference. He stated that the Commission had tried to put citizens' interests first in the response to the crisis response. The Commission also prioritised transparency: solving problems in the open helps build public trust in those measures.

While protecting public health was clearly the top focus, EU member states also did a better job of limiting the impact on the workforce. The Commission sought to support member states in helping vulnerable people and maintaining employment, to limit the social impact of the crisis. This included making [EU Social Funds](#) more flexible, so member states could use them to support health and social systems. The [SURE instrument](#) benefitted 40 million EU workers, helping to finance unemployment schemes through short time work. The Commission also actively promoted health and safety in the context of the return to work, including procurement of protective equipment, as well as pushing to coordinate border closures.

Early on, the Commission highlighted the need to tackle the immediate public health and social emergency, as well as planning the plan recovery at the same time. The [EU recovery package](#) aims to address this, and is the result of the EU acting collectively and focusing on solidarity. Looking to the future, the Commission wants to develop proposals for a fair minimum wage. It is also planning an initiative so that children at risk of poverty can access basic services.



Addressing youth unemployment is crucial, in order to avoid another lost generation. To this end, the Commission is looking to invest in green and digital skills.

In reply to a question by Emily O'Reilly, Nicolas Schmit stated that there is a greater awareness that the response to the health, social, and economic crisis must be collective, with common solutions that also prioritise a social recovery. [The Recovery and Resilience Facility](#) is the first EU-level response, but how effective it will be will be down to how member states implement it. The health of our democracy depends on rebuilding our economies and social systems in a fairer and more balanced way.

[Belgian Federal Ombudsman David Baele](#) gave an overview of the impact of the COVID-19 crisis on his office. The office saw a 25% increase in complaints. While remote working was successful, there were some particular challenges, such as how to help vulnerable groups with low or no access to digital services. The office also introduced more flexible complaint-handling procedures and more flexible approaches to deadlines within which the administration has to respond.

[Swedish Parliamentary Ombudsman Elisabeth Rynning](#) also described some of the similar challenges facing her office in terms of maintaining a service for citizens. They tried to maintain an office presence precisely for vulnerable groups for whom digital services are difficult to access. They introduced new inspection methods, like video inspections and online questionnaires. There were increased complaints, in particular, related to care homes and prisons.

[French Ombudsman Claire Hédon](#) described how her office set up special helplines for those in prisons, and for helping vulnerable groups, notably children and the elderly, for whom the restrictions had a particular impact. Her office looked into concerns about restrictions and the lack of transparency around decisions. Another specific difficulty faced by vulnerable groups was that many shops stopped accepting cash.

[Andalusian Ombudsman Jesús Maeztu Gregorio de Tejada](#) also spoke about the difficulties faced by vulnerable groups under the lockdown, for example accessing basic health services or a sufficient income. This particularly affected vulnerable groups like the elderly and migrant workers with children. The Andalusian ombudsman's office also saw a big spike in complaints related to COVID-19.

[Albanian Ombudsman Erinda Ballanca](#) stated that remote working made it difficult for her office to maintain the same level of service. Among the issues dealt with in the crisis was the government's decision to ban protests, which the ombudsman recommended to allow. The office also dealt with difficulties faced by repatriating citizens, who were not allowed to enter Albania. Access to tests for SARS-CoV-2 was limited, which made it difficult for people to get treatment for COVID-19, as well as access other health services.



[UK Parliamentary and Health Ombudsman Rob Behrens](#) said that the crisis is an opportunity for ombudsmen to ‘reimagine’ themselves; to look at what they can improve and what the common challenges are. The main problems facing society still exist and, in some cases, have been made more difficult by COVID-19. It is difficult for citizens to engage with ombudsmen, and the crisis exacerbated this. There will be an increase in complaints about public health and social issues, yet ombudsmen fear they will have fewer resources. Ombudsmen need to maintain trust despite limited resources - this will mean innovating to overcome difficulty of direct contact. Ombudsmen with own initiative powers have a much more effective way of keeping government(s) informed about the major systemic issues facing society.

**Klavs Kinnerup Hede**, Director of International Relations of the [Danish Ombudsman’s office](#), stated that there was an overall increase in complaints, notably on access to information, including on the introduction of restrictions, with complainants questioning whether they were necessary or proportionate. The Danish Ombudsman tried to monitor the situation in prisons but it was difficult to get information during the lockdown. Those in prisons need to get the same access to treatment as the rest of society.

[Emily O’Reilly](#) wrapped up the session, noting that the crisis again emphasised that public trust in member state administrations is under pressure. The fact that people were questioning the restrictions highlights the need for proactive transparency to help ensure public trust. People want to feel included and involved in decision making. Ombudsmen can act as a bridge. This was a motivation for the European Ombudsman’s set of [strategic inquiries into the COVID-19 response](#) of the EU administration.



## Future working methods of the ENO and possible future parallel work

European Ombudsman **Emily O'Reilly** gave a brief outline of some of the ideas for developing the ENO over the coming term, taking into account the results of the survey completed by ENO members in advance of the conference. She mentioned the [successful parallel inquiry conducted together with ENO members on Frontex and forced returns of migrants](#), which should be a model to emulate. As highlighted in the survey, one of the ideas is to organise more targeted workshops on specific issues for experts in the offices of ENO members.

**Rosita Hickey**, Director of Inquiries at the European Ombudsman, gave more details on the reasoning behind the survey and presented the results and what they mean for future ENO work. EU law and policy is implemented in EU member states by national and regional administrations. To properly scrutinise and ensure accountability of EU decisions and policies, we therefore need to work at these different levels, which ENO parallel work enables us to do.

She too mentioned the former Frontex parallel inquiry as an example of the importance of cooperation between the European Ombudsman and the ENO. 19 offices participated in the investigation, which resulted in 10 suggestions to Frontex on aspects of its work that it should improve. Building on this, the European Ombudsman is looking to relaunch parallel work on Frontex, looking notably at how it handles complaints from migrants. The involvement of ENO members will be crucial if this is to be successful. The European Ombudsman cannot be 'on the ground' where these issues take place. In addition, some national ombudsmen already deal with complaints related to the involvement of national authorities in Frontex operations. This will be one parallel work theme for the coming term.

The survey indicated that there was greatest support for carrying out parallel work into the COVID-19 crisis. The European Ombudsman is working to develop this; some concrete areas could be the impact on vulnerable groups (elderly, care homes, persons with disabilities). The debate has also shown a need for transparency, otherwise the public will not accept measures. This, too, could be a focus for parallel work. When rights are curbed, people deserve explanations. The European Ombudsman has already launched an inquiry into the [transparency of Council's decision-making around COVID-19](#) (so what the governments were deciding), as well as into other aspects of the EU administration's role in the crisis response.

Another possible topic for parallel work, where the survey demonstrated interest, concerns technological change: the growth of e-government and the increasing use of artificial intelligence by national administrations. For example, how the EU and national administrations use AI and algorithms for public service.



The European Ombudsman wants to give national offices more ownership of the process in parallel work, and this idea received support in the survey. The aim is to involve ENO members from the outset in conceiving and developing parallel work (including the scope, timelines, and terminology), so that parallel work is really in the interest of as many ENO members as possible.

**Marian Wendt**, chair of the [Petitions Committee in the German Bundestag](#) noted that the focus of moves to e-government must be to improve public administration. However, it must go hand-in-hand with improving the connectivity of and access to digitalisation by society. He also noted concerns, for example data protection, with the new technologies. The right balance needs to be struck.

[Finnish Chancellor of Justice Tuomas Pöysti](#) stated that the biggest challenge posed by e-government is the need to ensure that values of transparency and ethical service provision are maintained. There is also a need to counteract the risk that artificial intelligence could make an administration automated and more distant from citizens. The 'digital divide' must be taken into account: many people cannot use digital tools at all, and some have accessibility problems. These people must not be left behind. Ombudsmen must help people who face difficulties, but also need to work on systemic level issues, so that the principles of good administration are built into digital systems. While these systems have great potential, they must be 'citizen-centric'.

**Klavs Kinnerup Hede** from the Danish Ombudsman's Office noted that not all offices might be able to participate in the Frontex inquiry if this is not covered by their mandate or they have not received related complaints. He welcomed the idea to organise workshops between experts.

In response, Rosita Hickey stated that one of the reasons the European Ombudsman is proposing to look into the Frontex complaints mechanism is precisely because there are so few complaints, despite there being obvious problems for people affected by these operations. It also concerns the mechanics of how these complaints are being processed and dealt with.

On artificial intelligence, Rosita Hickey noted that the European Commission is mooting the possibility of creating an oversight body. However, she stated that existing ombudsman and data protection offices may be able to carry out this role.